

L O .  
950

National University of Ireland  
St. Patrick's College,  
Maynooth.

A 17th century "real estate company":  
The 1649 officers and the Irish land settlements,  
1641-1681.

by

Kevin Mc Kenny

Research project presented to the  
Department of Modern History,  
St. Patrick's College,  
Maynooth.

In fulfilment of the requirements for the Degree of M.A.

August 1989

To Mary Catherine Flannery U.S.A., whose love is now lost  
to me due to the pressures imposed by this study.

If you love somebody set them free.  
If they come back they are yours.  
If they don't, they never were.

Kevin Mc Kenny

August 1989

## CONTENTS

LIST OF MAPS AND FIGURES.	P I
LIST OF TABLES.	P II
LIST OF ILLUSTRATIONS.	P II
LIST OF ABBREVIATIONS.	P III
PREFACE.	P IV
CHAPTER ONE, PRELUDE TO CROMWELL: IRELAND 1641-1649.	P 1
CHAPTER TWO, TO HELL OR CONNAUGHT: CROMWELLIAN IRELAND 1649-1659.	P 53
CHAPTER THREE, PRELUDE TO A SETTLEMENT: IRELAND 1659-1662.	P 92
CHAPTER FOUR, THE ESTABLISHMENT OF A SEVENTEENTH CENTURY ROYALIST REAL ESTATE COMPANY: IRELAND 1663-1665	P 122
CHAPTER FIVE, ANATOMY OF A ROYALIST SETTLEMENT: IRELAND 1665-1681.	P 157
CONCLUSION	P 189
APPENDIX A, AN ALPHABETICAL COMPILATION OF THE PERSONS INVOLVED IN THE '49 LOTS THAT WERE DISTRIBUTED IN 1666.	P 203
APPENDIX B, A COMPILATION OF THE '49 LOTS SHOWING THE NUMBERS INVOLVED IN EACH LOT, THE TOTAL AMOUNT OF ARREARS STATED IN EACH LOT, THE NUMBER OF TRUSTEES INVOLVED IN EACH LOT AND THE AMOUNT OF QUIT RENT RESERVED TO THE KING PER LOT.	P 233
APPENDIX C, THE '49 LOTS SHOWING THE COUNTIES, TOWNS AND CITIES THAT COMPRISE EACH LOT, THE NUMBER OF PIECES OF REAL ESTATE WITHIN EACH LOT AND THE AMOUNT OF PROFITABLE AND UNPROFITABLE ACRES IN EACH.	P 239
APPENDIX D, INSTRUCTIONS EMBODIED IN THE ACT OF SETTLEMENT CONCERNING THE '49 SECURITY.	P 248
APPENDIX E, CLAUSES IN THE ACT OF EXPLANATION CONCERNING THE '49 SECURITY.	P 276
APPENDIX F, A LEGAL OPINION AS TO WHETHER SUCH COMMISSIONED OFFICERS AS SUBMITTED NOT ON HAVING SUBMITTED TO THE CESSATION AND AFTERWARDS FELL OFF, ARE TO BE SATISFIED ANY ARREARS OUT OF THE '49 SECURITY FOR THE TIME THEY DID NOT SUBMIT TO THE CESSATION.	P 295
APPENDIX G, TRANSCRIPT OF THE FIRST DECREE OF THE DECREES OF INNOCENCE.	P 301

APPENDIX H, FIRST ADJUCATION OF THE '49 LOTS

P 305

BIBLIOGRAPHY

P 311

**LIST OF MAPS AND FIGURES.**

1 AREAS HELD BY THE CATHOLIC CONFEDERATES, SEPTEMBER 1643.	P 19A
2 AREAS HELD BY ROYALIST FORCES, FEBRUARY 1647.	P 30A
3 AREAS UNDER PARLIAMENTARY CONTROL, JULY 1647.	P 34A
4 AREAS HELD BY THE PARLIAMENT AND ROYALIST FORCES, JULY 1649.	P 44A
5 BARONIES DRAWN BY THE ADVENTURERS AND SOLDIERS, 24 JANUARY 1654.	P 77A
6 THE CROMWELLIAN SETTLEMENT OF IRELAND.	P 81A

**FIGURE ONE**

GRAPHIC DEPICTION OF THE SEVEN EPOCHS INTO WHICH THE 1641-52 WAR CAN BE DIVIDED, SHOWING THE VARIOUS FACTIONS.	P 48A
--	-------

## LIST OF TABLES

1 NUMBERS OF TROOPS EMBARRKED FOR ENGLAND FROM IRELAND, OCTOBER 1643 TO JUNE 1644	P 20
2 ADJUSTED RATES AT WHICH THE SOLDIERS WERE TO BE SATISFIED.	P 76
3 THE ALLOCATION OF THE ADVENTURERS DEBT.	P 78
4 RETURNS OF THE GROSS SURVEY FOR THE TEN COUNTIES.	P 78

## LIST OF ILLUSTRATIONS

1 JAMES BUTLER, DUKE OF ORMONDE.	P 32A
2 OWEN ROE O'NEILL.	P 13A
3 GEORGE MONCK, DUKE OF ALBERMARLE.	P 37A
4 OLIVER CROMWELL.	P 47A
5 FRONTSPIECE OF THE ACT FOR THE ATTAINDER OF THE REBELS IN IRELAND.	P 69A
6 COPY OF A LAND DEBENTURE.	P 83A
7 COPY OF A CERTIFICATE ISSUED TO THE SOLDIERS WHEN THEY DELIVERED UP THEIR DEBENTURES.	P 84A

## LIST OF ABBREVIATIONS

Cal. S.P. Ire.	Calendar State Papers Ireland
Cal. S. P. Dom.	Calendar State Papers Domestic
Carte MSS	Carte manuscripts, which comprise 270 volumes in the Bodleian Library, Oxford. There is an incomplete set in the Public Record Office Ireland and they can be found on microfilm in the National Library of Ireland.
Commons jn. Ire.	Commons Journal Ireland
E.H.R.	English Historical Review
H.M.C.	Historical Manuscript Commission
I.H.S.	Irish Historical Studies
J.C.H.A.S.	Journal of the Cork Historical and Archaeological Society
J.G.A.H.S.	Journal of the Galway Archaeological and Historical Society
J.R.S.A.I.	
L.A.J.	County Louth Archaeological and Historical Journal
Lords jn. Ire.	Lords Journal Ireland
N.H.I.	New History of Ireland
N.L.I.	National Library of Ireland
N.M.A.J.	North Munster Antiquarian Journal
P.R.O.I.	Public Record Office Ireland
Q.U.B.	Queens University Belfast
T.C.D.	Trinity College Dublin
U.C.D.	University College Dublin
U.J.A.	Ulster Journal of Archaeology
W.S.E.I.A.J.	Waterford and South East of Ireland Archaeological Journal.

## PREFACE

This study is going to trace the fortune of one clearly identifiable group through that cauldron of Irish history known as the Cromwellian and Restoration land settlements. The group in question are the 1649 officers who, as will be seen in Chapters four and five, were especially provided for by the acts of settlement and explanation.

This particular study is the first of its kind in that, not only is it going to correctly identify these 1649 officers, but it will also trace the exact methods by which they received satisfaction for the arrears of army pay they had incurred fighting for the royalist cause during the 1641-52 war.

There is a definite need for such an identification because to date many historians have incorrectly ascribed the title of 1649 (or '49) officer to all those officers who served in Ireland, on either the king's or parliamentarian side, prior to 5 June 1649. As this study will shortly show, this rather loose ascription of the '49 officer title to all those who served in Ireland before 5 June 1649 is factually incorrect because such a title can only be claimed by those Protestant officers who served the royalist cause particularly during the years 1648-50.

The need for outlining the method by which this group were settled is quite obvious in that it has never before been attempted. Other studies of the period concentrate on the Restoration land settlement only in so far as it affected particular localised areas. This particular study will differ



from such local studies in that it will trace the fortune of one entire group that was involved in the Restoration land settlement. Referring to a specific group ensures that an enormous amount of data will be involved along with having to cover a rather large portion of Ireland. This study, therefore, can only infer structural type conclusions in respect to the group and the settlement on the whole. Such inferences, however, as will soon become apparent, are of paramount importance in understanding the Restoration land settlement.

Because of the large amount of statistics involved, a data base computer programme was utilised to assist in the compilation and analysis of such statistics. The use of a computer based programme to assist in the managing of large amounts of historical statistics was pioneered by Dr. Karl Bottigheimer in his English money and Irish land: the adventurers in the Cromwellian settlement of Ireland.

Because this study is dealing with a previously unexplored group associated with the Restoration land settlement, it was initially impossible to formulate a definition of a '49 officer. Because of that it was necessary to outline in general the events as they occurred in Ireland during the 1641-52 war (Chapter one); the events of the Cromwellian decade (Chapter two); and the events leading up to the Restoration (Chapter three). It was only in Chapter three that this study began to transform from the general to the particular in that it ceased to outline general events and concentrated instead on particular events as they affected the '49 officers only. It thus became possible in Chapter four to formulate an exact definition of a '49 officer. That particular

chapter along with Chapter five, shows how the '49 officers were eventually satisfied and these particular chapters are especially useful when used in conjunction with appendices A, B and C where the Restoration land settlement in so far as it affected the '49 officers is tabulated and analysed.

Chapter six which acts as the conclusion shows the necessity for the first three chapters of this study. Bearing in mind the definition that was formulated in Chapter four, the conclusion among other things, traces the '49 officers as a group through the initial war and subsequent Cromwellian decade.

Apart from dealing specifically with the '49 officers, this study also ranged rather widely particularly in the first three chapters and some of these incursions were originally unintended. During such unintended incursions, however, it became necessary to examine the views of previous writers and ask if their conclusions were justified. Only as research progressed was their ideas challenged, altered or disproved.

There were many debts contracted during the course of this research. Invidious though it may seem I must make particular reference to a number of people for the assistance they willingly offered me. Firstly, Dr. Colm Lennon, without whose particular encouragement and supervision this thesis might have remained unfinished. Harold Christopher O'Sullivan M.A., whose help in the acquisition of valuable sources that might have remained obscure to me, was particularly valuable. It was an initial conversation with Harold during the course of my undergraduate research, that the question arose as to who exactly were the '49 officers? It

was that particular conversation that led to the commencement of this research with a view to answering the uncertainties that were apparent from the conversation. Finally, I would like to extend my gratitude and thanks to Professor Vincent Commerford, Dr. Jacqueline Hill and Mary Cullen M.A., from the Department of Modern History at St. Patrick's College, Maynooth, whose assistance and able teaching over the past four years ensured that I acquired the knowledge and capability to not only attempt but to complete this present study. To their names must also be added the recently retired Monsignor Patrick J. Corish whose particular guidance and spirit, as head of the Department throughout my years at Maynooth will remain forever cherished.

CHAPTER ONE  
PRELUDE TO CROMWELL: IRELAND 1641 TO 1649

As the title suggests, this chapter is, in a sense, a military history of the period from 1641 to Cromwell's arrival in 1649. One might well ask why another military history is required given the amount of literature on the topic that already exists. Without a doubt, there are in existence many excellent sources on the period, but the present author is of the opinion that none of these explain or emphasise enough the amount of side-changing that occurred, and indeed the implications and consequences this side-changing were to have when the confiscated lands were being given out during the Cromwellian and Restoration periods. In seeking to supply this deficiency this chapter will act as an introduction to this study and will identify and clarify the number of factions involved in the various coalitions that formed and split during the period. It will also examine the implications of the forming and splintering of these coalitions.

At the outset it must be stressed that the situation, at all times, was extremely complex. While the various sides can be broken down into two basic groups, Protestants and Catholics, it must be remembered that within these two groups there existed further factions which manifested themselves at various times during the period under review. On the Catholic side we can clearly identify a division into Old Irish and Old English Catholics. While they were both to come together in a confederation, the division always remained, surfacing from time to time which created many difficulties for the confederacy. On the Protestant side we will shall see a total of four groups

coming together at one stage. The main division within the Protestant group will be along the lines of those who supported the king (Royalists), and those that supported the Parliament (Parliamentarians). And it is the former of these groups, that are the '49 officers and thus the subject of this study.

If one were to seek a reason for this very complex state of affairs, one need look no further than the fact that the events in Ireland became hopelessly entangled in the issues which arose in England as a consequence of the civil war which erupted there between the king and parliament in 1642. Both these sides, as we shall see, were to use the events in Ireland for their own ends.

In order to identify the various factions and to trace their allegiance, the period under review has been divided into seven clearly definable epochs. Each epoch can be identified by either the forming or dividing of one coalition or another. The seven identifiable epochs are:

- (1) October 1641 to January 1642;
- (2) January 1642 to September 1643;
- (3) September 1643 to August 1646;
- (4) August 1646 to July 1647;
- (5) July 1647 to April 1648;
- (6) April 1648 to January 1649;
- (7) January 1649 to September 1652;

The reasons for so dividing the period will become apparent as the chapter progresses. In explaining the reasons for so dividing the period, I will construct this chapter by systematically going through each of these time periods, paying

specific attention to the coalescence or the splintering of the various sides. When that is completed I will analyse briefly the character and conduct of the war, again paying specific attention to the identification of the various coalitions, without however, detailing individual campaigns and battles.

About six o' clock in the evening, on Saturday, 23 October 1641, Bishop Leslie of Down, then in his house at Lisburn, received the alarming intelligence that the Irish had broken into sudden insurrection and seized Charlemont and Dungannon, the two key points of central Ulster. Four hours later the news was even worse. The insurrection had spread to county Down, the rebels had taken Newry, and might be expected in Lisburn before morning.<sup>1</sup>

As can be seen from these words, the outbreak of rebellion in Ulster was very unexpected. Two days later, on 24 October, Sir Phelim O' Neill, the rebel leader, issued a proclamation from Dungannon, saying that they were not in arms against the king, but only in defence of their liberties and that

they intended no injury to the king's subjects, that any injury done would be remedied, and that every person should make speedy repair unto their own houses under pain of death, and that no further hurt be done anyone under the like pain.<sup>2</sup>

Historians agree to disagree as to the exact cause or causes of this rebellion<sup>3</sup>. These causes, however, are not of concern to this study but one can summarize the situation in Ulster on the eve of the rebellion by saying that the natives of Ulster were taught in the early Stuart period that to be peaceful and law-abiding availed them nothing, and that, being Irish and Catholic, they were considered aliens and outcasts in their native land. They saw their fields given over to English and Scotch, newcomers and this while they were unaware of having committed any crime.

---

1 J.C. Beckett, The making of modern Ireland. 1603-1923. (London, 1981), p. 82

2 A. Clarke, The Old English in Ireland. 1625-42. (London, 1986), p. 162; P.J. Corish, "The rising of 1641 and the catholic confederacy, 1641-45", N.H.L. (Oxford, 1976), iii, p. 291.

They saw the religion to which they clung, and on which they placed their hopes of eternal salvation, proscribed and persecuted, their churches in ruins, or used by ministers of an alien creed, while their own bishops and priests were declared to be public enemies. They saw most of the lands which pious ancestors had given to the monasteries now handed over to a church, zealous only to wean them from the faith in which they were born.<sup>4</sup> These Ulster leaders had begun the insurrection in the belief that Dublin Castle had already fallen to their allies and that they would have the immediate support of the Old English lords and gentry of the Pale. As it transpired, they were wrong on both counts. The attempt on Dublin Castle failed because, in the words of Bellings, Owen Connelly, servant to John Clotworthy, who met Colonel Hugh Oge Mac Mahon, one of the conspirators in Dublin

revealed the conspiracy, but in so confused a manner, as Sir William Parsons, to whom he applied himself, gave at first very little credit to so improbable and broken a relation, delivered by an unknown, mean man, well advanced in his drink, for Mac Mahon had given him his welcome to town very liberally, and with it a relation of the intended plot. . . . Connelly was brought to Sir John Borlases' house where, being in better temper, he found more belief for his then less distracted story, whereof the substance was, that the Lord Mac

---

3 For an interesting debate on this topic see Corish, "Rising of 1641", pp 289-316; Clarke, Old English; R. Gillespie, "Ulster and the outbreak of the 1641 rising", C. Brady, R. Gillespie, eds., Natives and Newcomers. (Dublin, 1986). Both Dr Corish and Clarke see the rule of Strafford as been of central importance in the cause of this rebellion. Gillespie, on the other hand, notes social and economic reasons. As it is not the intention of this study to elucidate on the causes one could adopt a neytral stance in this debate by examining the "Remonstrance of the Irish of Ulster", J. T. Gilbert, ed., A contemporary history of affairs in Ireland. (Dublin, 1879), i, pp 450-480. From that particular source one can see the "Heads of the causes which moved the Northern Irish, and Catholics of Ireland, to take arms, Anno 1641", and "To the King's most Excellent Majesty. the humble Remonstrance of the Northern Catholics of Ireland, now in arms".

4 E. A. Dalton, History of Ireland from the earliest times to the present day. (London, 1906), ii, pp 235-37.

Guire, Colonel Hugh Mac Mahon, Colonel Hugh Byrne, Roger Moore, and several others, had resolved to surprise the castle of Dublin the next day, and that they intended, by breaking down some chimneys in town with the ordnance planted in the towers, to force the city to be of a party with them, and in case they were obstinate to break down their houses, and to cut off all the Protestants that would not join with them, and that Hugh Mac Mahon had likewise told him (Connelly), that the Irish had prepared men in all parts of the kingdom to destroy all the English inhabitants the next morning by ten of the clock, and that in the sea ports and other towns in the kingdom all Protestants should be killed that night.<sup>5</sup>

Because of this betrayal the insurgent leaders in Dublin were arrested, thus foiling the attempt on the castle. The lords justices at once issued the following proclamation:

These are to make known and publish to all his majesty's good subjects in this Kingdom of Ireland, that there is a discovery made by us, the Lords-Justices and Council, of a most disloyal and detestable Conspiracy, intending by some evil-affected Irish Papists, against the lives of us the Lords-Justices and Council, and many others of his Majesty's faithful subjects, universally throughout this Kingdom, and for the seizing not only of his Majesty's Castle of Dublin, his Majesty's principle fort here; but also of the other fortifications in the Kingdom and, seeing by the great goodness and abundant mercy of Almighty God to his Majesty and this State and Kingdom, those wicked conspiracies are brought to light, and some of the conspirators committed to the Castle of Dublin, by us, by his Majesty's authority, so as those wicked and damnable plots are now disappointed in the chief parts thereof, we therefore have thought fit hereby not only to make it publicly known, for the comfort of his Majesty's good and loyal subjects in all parts of the Kingdom, but also hereby to require them, that they do, with all confidence and cheerfulness, betake themselves to their own defence, and stand upon their guard, so to render the more safety to themselves, and all the Kingdom besides, and they may advertise us, with all possible speed, of all occurrences, which may concern the peace and safety of the Kingdom, and now to show fully that Faith and Loyalty, which they have always shown for the public services of the Crown and Kingdom, which we will value to his Majesty accordingly; and a special memory thereof will be retained for their advantage in due time. And we require that great care be taken that no levies of men be

---

<sup>5</sup> J.T. Gilbert, ed., History of the Irish Confederation and the War in Ireland. (Dublin, 1882), ii, pp 8-11. This is Belling's narrative, the original of which is at (T.C.D. MS 747(2).)



made for foreign service, nor any men suffered to march upon any such pretence.<sup>6</sup>

Even though this proclamation made no distinction between the Old Irish, who had risen in rebellion, and the Old English, who had not, the latter rather than joining with the rebels hastened to Dublin to acquire arms from the lord justices to assist in the putting down of the rebellion. This then was quite a setback to the rebels. Both their intending plans failed miserably, the castle remaining in Protestant hands and initial hostility shown them by the actions of the Old English. Their position now seemed rather precarious and might have remained so had not a series of events occurred which made the Old English think again as to where best to place their allegiance, with the Protestant government which was becoming increasingly hostile towards them, or the native Irish.

This is an important issue and to bear it out one must examine the actual reasons why the Old English joined with the rebels. To look at these reasons I will refer specifically to the situation in County Louth for two reasons. Firstly, because this was the first county within the Pale that the Ulster rebels entered after the outbreak of the rebellion and secondly, because it was at Tullyesker Hill, that the Old English first decided to join with the rebels and not at Knockcrofty as is often assumed by other historians.

As stated already, the Old English of the Pale hastened to Dublin to offer their assistance in putting down the rebellion. Among

---

<sup>6</sup> "Proclamation of the Lords Justices and Council, Dublin Castle, 23 October 1641", J. Temple, The Irish Rebellion: or an history of the attempts of the Irish Papists to extirpate the Protestants in the Kingdom of Ireland", (London, 1812), pp 29-30;

those hastening to Dublin were many of the Old English lords and gentry from the county of Louth. However, the Catholics among them soon found themselves regarded as enemies and the arms given them were demanded back and they were ordered, on pain of death, to leave Dublin within twenty-four hours. The lords justices, however, did initially give arms to some of the Catholic Palesmen. A commission was even given to Lord Viscount Gormanston to levy and command troops in the county of Meath. Through time, however, they began to demand these weapons back, and revoked any commissions to levy troops that they had already given to any Catholic Palesman. The Catholic Palesmen resented this but there was little they could do. Massacres of Catholics in Wicklow, and at Finglas, Clontarf and Santry in Dublin, soon showed them that it was the intention to drive all Catholics loyal and disloyal into rebellion. The Catholic Palesmen of Louth became convinced that what was aimed at was the destruction of their religion, the confiscation of their properties, and the sacrifice of their lives. The same fate was in store for all the Catholics of the Pale. On every side they were menaced by danger. Those in power in England and in Scotland seemed leagued together for their overthrow. The question was how to avert the threatened destruction, and slowly and with conviction was forced on the Old English in Louth and elsewhere that no weapon was left to them but force. On top of this was another important consideration for the Catholics of Louth in particular. There they could no longer, with safety, continue to defy the rebels as Louth was now in flames, Ardee was occupied by the rebels without resistance in early November 1641, and Sir Phelim O' Neill made it his headquarters. From here Sir Phelim advanced to Mellifont and laid siege to Drogheda, and Rory O' More occupied the centre of the

county between Ardee and Dundalk with an army of 2,000 men.<sup>7</sup> In this extremity nothing was left to the Louth Catholics but to make terms with the Ulster rebels.

These terms were agreed upon when the Louth Palesmen met the rebels at Tullyesker hill in early November, 1641. This was a very important meeting as it was the first of its kind between the Palesmen and the other rebels. Rather surprisingly other historians do not mention this particular meeting. They instead refer to later meetings at "Knockcrofty and Tara between the Ulster leaders and representatives of the gentry of the Pale".<sup>8</sup> That the original meeting took place at Tullyesker is beyond doubt because it is fortunate, at least from the point of view of the historian, that there exist three first-hand accounts of this historic event.<sup>9</sup> It was here that the Norman Catholic gentry of the Pale made those fateful decisions which were to result in depriving themselves and their descendants of their ancestral homes. These first-hand accounts are contained in the depositions made by Christopher Barnewall and one William Moore, in 1642. Barnewall who had had some military experience in a continental army was lieutenant colonel of the Louth forces during the siege of Drogheda. During the retreat after the siege was lifted, he fell into the hands of the Protestant forces led by Tichburne. Barnewall made two depositions and in them he detailed the negotiations prior to the rebellion, involving nearly all of the Louth gentry in the plot. Moore's deposition is almost as complete as Barnewalls. According to Moore, the chief instigator of the rebellion in county Louth was John Bellew of

---

<sup>7</sup> W.F.T. Butler, "Some Episodes of the Civil War of 1641-53 in Louth", L.A.J. (1920), iv, p.277;

Willistown, who, on his return from the Dublin parliament in November 1641, "began to bestir himself and to raise forces to join likewise in the said rebellion".<sup>10</sup> Among the more famous of the Louth families mentioned in the depositions are those of Barnewall, Bellew, Clinton, Cappock, Taaffe, Plunkett, Dowdall, Stanley and Verdon. These were some who met with the representatives of the rebels namely, Colonel Mac Mahon, Rory O' More, Colonel Hugh Byrne and Turlogh O'Neill of the Fews. The rebels explained the objects of the campaign and after some discussion, the Palesmen agreed to join with them. The lord of Louth, who wasn't present, was appointed colonel of all the forces to be raised in Louth. If he refused, Sir Christopher Bellew, was offered the post and, upon his refusal, Christopher Barnewall of Rathescar, who accepted the post. The Louth Catholics, and later on the whole of the Catholic Pale, were to be inextricably involved in the rebellion and, as will become apparent later, it was unfortunate for them and their children that the written testimony of the depositions were on record when the court of claims held its sittings more than twenty years later.

---

<sup>8</sup> See for instance Corish, "Rising of 1641", pp 289-316; .C. Beckett, Making of modern Ireland, pp 82-104.

<sup>9</sup> These first hand accounts are contained in the depositions of 1641. The originals of these are in (T.C.D., MSS 809-841). Those relating to County Louth, (MS 835), were extracted from these MSS by the late T Fitzpatrick and they were subsequently edited and printed by T Gogarty, "The County Louth Depositions of 1641", L.A.J. (1912), iii, pp 68-79, 167-177. There is still much debate over the truthfulness and, or exaggerations of these depositions. See for instance, R Dunlop, "The Depositions relating to the Irish massacre of 1641", E.H.R. (1887), ii, pp 338-40; J.B. Williams, "The Depositions about the Rebellion of 1641", Irish Ecclesiastical Record (1920), xv, pp 15-23; M. Hickson, "The depositions relating to the Irish Massacres of 1641", E.H.R. (1887), ii, pp 133-7; M. Hickson, Ireland in the seventeenth century, (London, 1884); M.P. Maxwell, "The Ulster rising of 1641 and the depositions", I.H.S. (1976), xxi, pp 144-167.

We can see then, from these occurrences in the county of Louth, that the lord justices' intended by their actions to drive all the Catholics into rebellion. An examination of the situation in the county of Louth can also help to lay to rest that other long-standing debate as to the number killed, and the usefulness of the depositions made by the Protestants. Before and after the meeting at Tullyesker, and if one can believe some of the statements made in some of the other depositions<sup>11</sup> the undisciplined forces that raged through Louth under Mac Mahon's leadership not merely requisitioned the provisions and stock of the Protestant settlers, but they also pillaged the houses, and even, according to some of the more exaggerated statements, killed non-combatants as well. It can safely be said, however, that even the obviously exaggerated Louth depositions fail to provide the slightest evidence for an indiscriminate massacre of the Protestants there. In fact, what they do supply is a welcome contrast to the disgusting accounts of the wholesale slaughter perpetrated by the Protestant forces after the Irish troops had withdrawn from Louth when the siege of Drogheda had been lifted. Even if one was to admit that everything stated in the depositions were true - which is very far from reality - there is little that any Catholic soldier in arms, in County Louth might have felt ashamed of.

It should of course be remembered that the county was in a state

---

10 That is according to Barnewall's deposition, Gogarty, "County Louth Depositions", p.79.

11 Many Ardee Protestants made depositions. An examination of them would lead to a conclusion that a more apt name for them would be "malicious injury claims", in which the claimants plainly do not underestimate their losses.

of war. An Irish army from the north, away from their base of operations, had marched through the heart of Louth, and from November 1641 to March 1642 were engaged in besieging Drogheda. They needed provisions for themselves and their horses. The Catholic families of Louth willingly emptied their haggards and fields in order to support them. Surely then, it was not to be expected that the barns and fields of the Protestants in Louth should remain untouched. These acts might be seen as been disgraceful enough, but are not remarkable in a county where the fiercest animosities were aroused, where anarchy reigned, and where an undisciplined army was practically uncontrollable. Shortly afterwards the rebels were forced to abandon the siege of Drogheda. On their retreat northwards they were pursued relentlessly by Sir Henry Tichburne and Lord Moore from Drogheda. Ardee was retaken on 24 March, 1642, Dundalk a few days later. Soon after no rebel army remained in Louth. The county was now "completely at the mercy of the English forces [and] was given up to destruction".<sup>12</sup> Not only were all rebels to be destroyed but "in all places where the rebels had been harboured all males capable of bearing arms were to be put to the sword".<sup>13</sup> This was carried out with the greatest efficiency by the Protestant forces. A story is told

that one of the commanders told off for his work asked the Lord Justice Parsons, whether woman and children were to be slain. Parsons was standing beside a table and, indicating its height said that all higher than the table were to be killed.<sup>14</sup>

One can make a summary conclusion to this section by stating that it was the very savagery of the initial warfare in Louth and the

---

<sup>12</sup> Butler, "Episodes of Civil War", p.279.

<sup>13</sup> *ibid* p.280. These in fact were the instructions given to Ormonde, 23 February 1642.

<sup>14</sup> Gilbert, History of Confederation, i, p.110

surrounding counties, and the eventual extermination that was in store for the Catholics, that ensured that most, if not all of them, were ready and willing to join a confederation with the Ulster rebels. This is exactly what occurred to the Old English in joining with the old Irish in what, according to Dr. Corish

they believed to be an essentially moderate and, for the times constitutional movement, at the same time this momentous union of Irish Catholics had been achieved less by common interests than by Protestant pressure.<sup>15</sup>

This defection of the Pale greatly increased the extent of the rebellion, the same object being promoted by the continued cruelties of the lords justices. At the beginning of 1642 the insurrection was widespread. By February of that year, only a few scattered areas remained in Protestant hands. The lords justices exercised a precarious authority in the immediate neighbourhood of Dublin and Drogheda, although Drogheda at this time was still being besieged. The Scots army in Ulster, having arrived in May 1642, remained in control of a considerable area in North Down and south Antrim including the towns of Belfast and Carrickfergus. Parts of Donegal, Coleraine, Londonderry, and Enniskillen also held out. In Munster St. Leger remained in control of Cork county only.

As time went on the Protestant government was able to regain much of the lost ground and the rebels began to suffer their first major setbacks. With the raising of the siege of Drogheda the tide turned against the rebels. In Dublin and Munster troops began arriving from England to help the Protestant government. The Irish suffered their worst defeats in Ulster and the Scotch army of north-east Ulster was able to link up with the newly-

---

<sup>15</sup> Corish, "Rising of 1641", p.293.

raised Lagan Forces in the west of the Province.

The Ulster [Irish] leaders fearing that all was lost, at a meeting in mid-July had already decided that they should flee the country, each man shifting for himself, when a messenger arrived bearing a letter from Owen Roe O' Neill with the news that he had landed with arms and men at Doe Castle in Donegal, in July, and that further help was on its way from Flanders to Wexford.<sup>16</sup>

Around this time knowledge was spreading of a proclamation signed by Charles which called on all those in arms in Ireland to surrender. Some of the Old English did in fact make their way to Dublin where they were promptly imprisoned and even tortured.<sup>17</sup> The "gage for battle" was now definitely flung down but it was not bound to result in a combat to the death between English and Irish, that is until the English Parliament, "passing the Adventurers Act on the 19 March, 1642 deliberately cut off all retreat for the Irish".<sup>18</sup>

This Act also made it very clear that the real enemy of the Irish was the emerging parliamentary faction. Amongst other things, this Adventurers Act stipulated:

The Lords and Commons, taking into their serious considerations, as well as the necessity of a speedy reducing of the rebels in Ireland to their due obedience, as also the great sums of money that the Commons of England have of late paid for the public and necessary affairs of the kingdom, whereof the Lords and Commons are very sensible and desirous to embrace all good and honorable ways tending to his majesties greatness and profit, the settling of that realm and the ease of his majesties subjects of England; And whereas divers worthy and well-affected persons perceiving that many millions of acres of the rebels

---

<sup>16</sup> Ibid p.293. For the background to O'Neill's return to Ireland see J. Casway, "Owen Roe O'Neill's return to Ireland in 1642: the diplomatic background", Studia Hibernica. (1989), ix, pp 48-63; J. Casway, Owen Roe O'Neill and the struggle for Catholic Ireland. (Philadelphia, 1984)

<sup>17</sup> Corish, "Rising of 1641", p. 295.

<sup>18</sup> L. Burghclere, The life of James first Duke of Ormonde. 1610-1688. (London, 1912), i, p.180.



From a portrait by a Dutch painter

OMEN ROE O'HEILL



lands of that kingdom, which go under the name of profitable lands, will be confiscated and to be disposed of, and that in case two millions and a half of these acres, to be equally taken out of the four provinces of that kingdom, may be allotted for the satisfaction of such persons as shall disburse sums of money for the reducing of the rebels....<sup>19</sup>

It was now blatantly obvious to the Old English and native Irish alike that it was now a battle to retain their ancestral estates. Both these factions realised that some kind of reorganisation was required. Dr. Corish writes on the matter:

it was perhaps natural that the initiative should be taken by the Catholic clergy, partly because the interests of religion were so deeply involved, but also because the church had a nation-wide organisation already in existence.<sup>20</sup>

On 22 March the ecclesiastics of the province of Armagh met at Kells and

declared that the war was a just one waged against the Puritans who have always, but especially in recent years, plotted the destruction of the Catholics, the destruction of the Irish, and the abolition of the king's prerogatives. Catholics who supported the Puritans, that is the government of Dublin, and in effect Catholics who did not join the war were declared excommunicated. All ecclesiastics were ordered to contribute towards the needs of the army, and all lay Catholics in arms were assured that they would not be disturbed in the possession of any ecclesiastical property they held.<sup>21</sup>

These momentous decisions only had binding force in Ulster but they had served a useful purpose in that others were about to follow this example. In the meantime what claimed to be a new legislature was being gradually formed:

On May 10, 11, 13, and 14, a congregation of the Roman Catholic hierarchy sat at Kilkenny. There were present three archbishops, six bishops and the procurators of four more, with several abbots and other dignitaries, and the plan of the proposed confederation was sketched out. The prelates declared that the war had been justly undertaken for religion and for the king, against sectaries and especially against Puritans. Any

---

<sup>19</sup> Gilbert, *History of Confederation*, i, p.259.

<sup>20</sup> Corish, "Rising of 1641", p.297.

<sup>21</sup> Ibid., p. 297.

province, county, or city making separate terms with the enemy was to be held excommunicate.<sup>22</sup>

Dr. Corish concludes on these events by stating that a number of decisions, more explicit and far-reaching than those taken at Kells, attempted to remedy the disorders in the country. They stressed especially that there should be no distinction whatsoever between Old Irish and Old English. These ecclesiastics were soon joined by the leading nobility and gentry of the Pale. They immediately set up a provisional government under a "Supreme Council" and arranged for the election of a General Assembly representing the parliamentary constituencies. When this assembly met at Kilkenny in October, 1642, it brought into being what has come to be known as the Confederation of Kilkenny. This body at once assumed the powers though not the name or form of a parliament and established a government on a regular basis.

A special oath of association was drawn up and all confederates had to take it. Historians of the Confederation hold that this oath of association was a bond of union without which would have made it impossible to expect the Catholics of the Pale to "cordially coalesce with the old Irish", and in fact, as the sequel will prove, the oath of association was the "only essential bond" between the two parties.<sup>23</sup> This oath had such an important bearing on the situation that I append it here in full.

#### THE PREAMBLE TO THE OATH OF ASSOCIATION

Whereas the Roman Catholics of this kingdom, have been

---

<sup>22</sup> R. Bagwell, Ireland under the Stuarts and during the interregnum. (London, 1909), ii, p.19

<sup>23</sup> C.P. Meehan, The Confederation of Kilkenny. (Dublin, 1882), p.21. This particular source is quite informative but it is quite obviously biased in favour of the clergy and more especially the papal nuncio, Rinnicinni. See also D.F. Cregan, "The confederation of Kilkenny: its organisation, personnel and history", (Ph.D. thesis, U.C.D., 1947).

enforced to take arms for the necessary defence and preservation, as well of their religion, plotted and by many foul practices endeavored to be quite suppressed by the Puritan faction, as likewise of their lives, liberties and estates, and also for the defence and safeguard of His Majesties regal power, just prerogatives, honour, state and rights, invaded upon: and for that it is requisite, that there should be an unanimous consent and real union between all the Catholics of the realm, to maintain the premisses and strengthen them against their adversaries: It is thought fit by them, that they and whoever shall adhere unto their party, as a Confederate, should, for the better assurance of their adhering, fidelity, and constancy to the public cause, take the ensuing oath:

#### THE OATH OF ASSOCIATION.

I., A. B., do profess, swear, and protest before God, and His Saints, And Holy Angels, that I will, during life, bear true faith and allegiance to my sovereign Lord Charles, by the grace of God King of Great Britain, France, and Ireland, and to his heirs, and lawful successors; and that I will to my power, during my life defend, uphold, and maintain all his and their just prerogatives, estates, and rights, the power and privilege of the Parliament of this Realm, the fundamental laws of Ireland, the free exercise of the Roman Catholic Faith and Religion throughout all this land, and the lives, just liberties, possessions, estates and rights of all those, that have taken shall take this oath, and perform the contents thereof. And that I will obey and ratify all the orders and decrees made, and to be made by the Supreme Council of the Confederate Catholics of this kingdom concerning the said Public cause. And that I will not seek, directly or indirectly, any pardon or protection for any act done, or to be done, touching the general cause, without the consent of the major part of the said Council. And that I will not, directly or indirectly, do any act, or acts, that shall prejudice the said cause, but will, to the hazzard of my life and estate, assist, prosecute, and maintain the same. So help me God, and his Holy Gospels.<sup>24</sup>

As can be seen each confederate had to bear "true faith" to King Charles and his lawful successors, defend his "prerogatives" and "privileges", defend the "free exercise" of the Roman Catholic religion, the "lives and liberties" of the other confederates, obey all orders of the Supreme Council, should not seek pardon for acts done or to be committed, and finally, should prosecute

---

<sup>24</sup> Gilbert, History of Confederation, iii, pp 212-214; Meehan, Confederation of Kilkenny, pp 21-22.

for all these things to the utmost.

Before this great gathering took place at Kilkenny, an event occurred in England which was to have lasting consequences in Ireland. That event was the eruption of a civil war between the king of England and his parliament on 22 August 1642. This was to affect Ireland in that the situation there was strategically regarded by both king and parliament. Even though both Charles and the parliament were to hold the events in Ireland to be of secondary importance they were, however, fully aware of the resources that might be tapped from there to settle the issue in England.<sup>25</sup> What is implied here is that Charles's strategy was to seek a truce and then peace with the confederates so that he could obtain men and supplies from them, or at the very least, that the signing of such a truce would free his royalist troops for service in England. On the other hand, parliament, in keeping with its strategy adopted the position of encouraging its supporters in Ireland to keep up relentless pressure by not accepting or adhering to any of the King's truces. What they had very much in mind was keeping the royalist troops occupied in Ireland so that they could not come to the aid of the king in England.

With the king's strategy in mind, Ormonde, on 3 February 1643 established contact with the confederate Catholics and invited them to send representatives to a meeting to be held in Drogheda on 23 February. For this meeting Ormonde requested that the representatives were not to be more than thirty in number, and

---

<sup>25</sup> J. Lowe, "Some Aspects of the war in Ireland 1641-49", Irish Sword, (1959), iv, p. 82.

were to be exclusively laymen. One perhaps wonders why the stipulation for laymen only was laid down by Ormonde. According to Dr. Corish

it was clear that Ormonde and his group were drawing a distinction between the Old English, who might be negotiated with, and the clergy and the Old Irish, who might not.<sup>26</sup>

The confederates objected to Drogheda being the venue for the meeting and after further correspondence with Ormonde it was agreed to hold the meeting at Trim in County Meath. This meeting went ahead as scheduled on 17 March 1643. The Irish delegation, at once, presented a remonstrance to the representatives of the king, who were Clanricarde, Moore, Roscommon, and Sir Maurice Eustace.<sup>27</sup> This remonstrance objected to the penal laws, which were seen by the Catholics as driving all adherents to Catholicism from the service of the state, employing in their stead upstarts whose great aim was to enrich themselves. The attacks upon property which Strafford had begun were continued after he had gone and Sir William Parsons in particular had incurred the gravest odium by using his position to oust the old proprietors from their estates. The remonstrance also demanded a free parliament which, in effect, would have given the Catholics a clear majority.<sup>28</sup> The immediate result of this meeting was that Parsons was dismissed and Sir Henry Tichburne appointed Lord Justice in his stead. A few days after this meeting Charles, "authorised and commanded Ormonde to conclude a truce for one year with the confederates, and when that was done to carry the Irish army over to Chester".<sup>29</sup>

---

26 Corish, "Rising of 1641", p.305

27 Gilbert, History of Confederation, ii, pp 50, 129, 139, 243.

28 Bagwell, Stuarts, p. 47.

29 Ibid; Gilbert, History of Confederation, ii, pp 248, 265

On 15 September, 1643 the Confederate Catholics of Ireland signed a truce with James Marquess of Ormonde. The truce was a "simple armistice for one year, and no more. No points of substance were decided, but the Catholics could now hope that, by this cessation negotiations could now begin.<sup>30</sup> In summary the articles of this cessation agreed that the Roman Catholics then in arms at any time during the cessation, might send to his majesty such agents as they should think fit, and that the said agents should have a free conduct from the chief governors of the kingdom. In Connaught the town of Galway, the counties of Roscommon, Mayo, Sligo and Leitrim were to be retained by the Confederates. In Leinster, the counties of Dublin, Louth, and the town of Drogheda were to remain under Ormonde's control. Counties Tipperary, Limerick, Kerry, Waterford and Clare were to remain in the possession of the Confederates, that is, excepting the fortresses of Knockmore, Ardmore, Pilltown, Cappoquin, Stroncally, Lismore and Lisfinny, which were to remain with the Protestants. In other words

such counties, baronies, tenements, hereditaments as are now possessed by the Protestants, as well as all places protected by any commanders deriving authority from the king, shall remain in their possession.<sup>31</sup>

The remaining articles dealt with intercourse between Ireland and England, rules to be observed on the exchange of prisoners, and the flow of traffic between areas of occupation. One can deduce from these articles that the Catholic confederates had in their possession, or at least under their control, quite a substantial part of Ireland. (See map one) The confederates for their part were to give the king 30,000 pounds, half in cash and half in cattle, payable by instalments extending over six months.<sup>32</sup>

---

<sup>30</sup> Corish, "Rising of 1641", p.309.

<sup>31</sup> Meehan, Confederation of Kilkenny, pp 85-88

AREAS HELD BY CATHOLIC CONFEDERATES, SEPTEMBER 1643





Immediately after the cessation was signed, Ormonde lost no time in obeying the king's order regarding the sending of troops to his aid in England. In fact there was little problem persuading the English soldiers fighting under Ormonde to leave Ireland. Ormonde was also quite willing to part with them because by his own admission, "he had more soldiers than he could properly maintain and was anxious to ship them to England as quickly as possible".<sup>33</sup>

Between late October 1643 and the end of June 1644 quite a substantial number of Royalist, and later Confederate, troops were shipped to England to fight for the king. The major shipping dates and the numbers involved are shown in the following table.<sup>34</sup>

**TABLE ONE**

**NUMBERS OF TROOPS EMBARKED FOR ENGLAND FROM IRELAND, OCTOBER  
1643 JUNE 1644**

Before Cessation	1,000
Oct.-Nov. 1643, sent to Mostyn, Flint and Bristol	4,000
Dec. 1643, sent to Weymouth	1,750
Jan. 1644, sent to Weymouth, Cheshire and Bristol	3,500
Feb. 1644, sent to Cheshire and Bristol	2,400
This was the last of the English Army.	
April 1644 sent to Carlisle	2,000
May 1644 (These were intercepted)	1,500

---

<sup>32</sup> Gilbert, History of Confederation, ii, pp 364-84; Bagwell, Stuarts, ii, p. 51

<sup>33</sup> T Carte, Life of James, first duke of Ormonde, (Oxford, 1851), vi, pp 10-11.

<sup>34</sup> These figures have been compiled from various sources by J.E. Malcolm, "Impact of the crown's Irish soldiers on the English Civil War", L.H.S. (1979), xxii, pp 251-252.

June 1644,	sent to Scotland	1,600
	Total	17,740

As can be deduced from this table, Charles was obtaining exactly what he required from Ireland, troops. As can be seen, about 12,640 royalist troops, originally stationed in Ireland, were sent to England. Most of these were English soldiers who had come to Ireland because of the rebellion and they were only too glad to return to their homeland. When this source had dried up Confederate troops were next to take shipping for England. Parliament, for its part, and in keeping with its strategy, totally opposed the cessation. Their reason for so doing was simply that, they wanted to keep the King's army occupied in Ireland. As it subsequently transpired this policy failed as the king was able to receive quite a substantial levy of troops from Ireland.<sup>35</sup> Parliament attempted to stem this flow of royalist troops into England when, on October 24, 1644, they issued a decree to the effect that no quarter should be given to any Irish people found in arms against the Parliament in England. This order was in fact carried out with frightful exactness, great numbers of Irish soldiers being massacred in cold blood.

Another major event that was to have enormous repercussions for the royalist faction in Ireland was the defection of Lord Inchiquin to the Parliament. The Scots, for their part,

---

<sup>35</sup> J.E. Malcolm, "The King in search of soldiers: Charles I in 1642", Historical Journal, (1978), xxi, pp 257-88; M.D.G. Wankly, "A King in search of soldiers: a rejoinder", Historical Journal, (1981), xxiv, pp 147-54; K. Lindley, "The impact of the 1641 Rebellion upon England and Wales", I.H.S., (1972), xviii, pp 143-76.

adhered to the Solemn League and Covenant which had been concluded between them and the parliament a mere few days before the cessation. Munro was appointed to command all the Protestant forces in the north of Ireland and prepared to continue the war. Coote did likewise in Connaught while in Munster the defection of Inchiquin was a severe blow to the royalists. Initially, as a supporter of Ormonde he adhered to the cessation because, to use his own words, he hoped to

preserve the garrisons till further means might offer for the prosecution of the war; without a cessation Munster would definitely be lost.<sup>36</sup>

As I have already stated, the cessation, in Munster, confirmed the status quo as regards possession of territories and garrisons. Inchiquin retained Cork, Youghal, Bandon and Kinsale as well as the county of Cork. The Irish retained the remainder. Dr. Corish sees the reason for Inchiquin's defection as being the fact that he was passed over for the presidency of Munster in favour of the absentee Lord Portland and also because of the king's intention to negotiate a truce with the Confederate Catholics.<sup>37</sup> On 17 July 1644, the chief officers in Munster, Inchiquin, Broghill, Searle, Fenton and others drafted a letter to Charles. Even though this letter contained no formal adherence to the parliamentary cause it must be regarded as their withdrawing their allegiance from the royalist cause.<sup>38</sup> The letter also contained an affirmation that any peace Charles might make with the Irish would bring them more disadvantage than profit. They also stated their resolve to "die a thousand deaths rather than condescend to any peace with the perfidious rebels".<sup>39</sup> Two weeks later these same officers addressed a letter to the parliament expressing their hopes for a speedy settlement

---

<sup>36</sup> Carte, Ormonde, iii, pp 19-20.

of the quarrel between the parliament and the king so that parliament could wholly adopt the important object of crushing the Irish rebellion and all who supported it.<sup>40</sup>

If seeking the exact motives which incited Inchiquin to change sides when he did, one must take a number of factors into consideration. Among these motives was Charles's intention to conclude a peace with the Catholic rebels. Another reason which might be cited is that the king passed over Inchiquin for the presidency of Munster. This, however, is less a motive because to hold this as the major reason is to oversimplify things and to overlook a time lag of several months. Inchiquin had other often overlooked motives. A clue to one of these motives can be found in a letter Inchiquin wrote to Sir John Powlett:

There is no doubt if God makes us vanquishers but deserving men will have estates conferred on them in the end of this, as it was on the end of the last wars (I mean Tyrone's war) of Ireland.<sup>41</sup>

Whatever his motives, it did have the effect of creating a situation in Ireland whereby two coalitions were fighting one another with a third group (the royalists), remaining neutral. The first of these coalitions was made up of the Old English and Old Irish. On the other side we find a coalition of Parliamentarians, Scots and Inchiquin's Munster forces. And, as was already stated, Ormonde and the royalists adopted a neutral stance, being in cessation with the Confederation and not yet

---

37 Corish, "Rising of 1641", p. 308.

38 For more on this point see A. Murphy, "The Expulsion of the Irish from Cork in 1644", J.C.A.H.S. (1964), lxii, pp 123-31.

39 Carte Mss xi, pp 292-293.

40 J. Rushworth, Historical Collections. (London, 1692), v, p.919; Murphy, "Expulsion of Irish from Cork", p.125.

41 "Inchiquin to Sir John Powlett", Carte, Ormonde, vi, p.172.

openly against the Parliamentarians. The avowed reason or purpose of the initial cessation was to provide an opportunity for negotiating a final settlement. With this end in mind the Confederation sent delegates to the king at Oxford on 28 March 1644. Those who went for the Confederation were Lord Muskerry, Alexander Mac Donnell, (Lord Antrim's brother), Sir Robert Talbot, Nicholas Plunkett, Geoffrey Browne and Dermot O' Brien.<sup>42</sup> The Protestants in Ireland, not wanting to be left out of these negotiations, also sent delegates to argue their case. As might have been anticipated, the Confederates demanded what amounted to complete freedom for the Roman Catholic religion and control of the Irish parliament. Opposed to this were the Irish Protestant delegates who wanted the recusancy laws more rigorously enforced and a much firmer establishment of their own political supremacy in Ireland. "A comparison of the two sets of demands shows the impossibility of arriving at any settlement that would satisfy both parties".<sup>43</sup>

The result of this stalemate was that the king declared that he would issue a new commission to Ormonde to continue the negotiations in Ireland. The promised commission was given to Ormonde on 24 June 1644. Accordingly, Confederate commissioners met with Ormonde on September, of the same year. The cessation of arms was at once prolonged to 1 December and the Oxford propositions were practically, to a word, repeated; repeal of the penal laws, the suspension of Poyning's Act and the power of a free parliament. These were again rejected. Bagwell writes of the next ensuing year as follows:

---

<sup>42</sup> Bagwell, Stuarts, ii, pp 64-65.

<sup>43</sup> Beckett, Making of modern Ireland, p.94,

The negotiations dragged along slowly and intermittently throughout 1644 and 1645, but peace, as between Ormonde and the Confederates, was preserved by frequent renewals of the cessation.<sup>44</sup>

On 14 June 1645, the battle of Naseby was fought in England. This had disastrous results for the royal cause as the king was now left without an army to continue the war. Probably in anticipation of such an occurrence, the king had recently mandated the Earl of Glamorgan, (January, 1645), to treat with the Confederates for peace with a view to obtaining a supply of men and arms from them.<sup>45</sup>

Glamorgan was now extremely anxious to have an Irish army for the king's service, and the calamity that had overtaken the royalist forces at Naseby gave him every inducement to interpret his mandate as widely as possible.<sup>46</sup>

In the meantime, on 31 December 1644 the Confederates had sent Richard Bellings to the continental powers to seek aid of sorts.<sup>47</sup> On reaching Rome, Bellings found that a papal nuncio to Ireland, Rinuccini, had already been appointed and that the pope also intended to send monetary and military supplies to Ireland with the nuncio. Bellings travelled to other continental countries but without the success of Rome:

Spain could do nothing, and in France Mazarin's government was suspicious of the new pope, who was believed, in contrast to his predecessor to favour the Spainards. Mazarin told Bellings that the confederates could expect no help from France unless they repudiated all dependence on Spain.<sup>48</sup>

Bellings and John Baptist Rinuccini returned to Ireland, landing

---

44 Bagwell, Stuarts, ii, p. 176.

45 See for instance J Lowe, "The Glamorgan mission to Ireland 1645-46", Studia Hibernica, (1964), iv, pp 155-194; J Lowe, "Charles I and the confederation of Kilkenny", L.H.S., (1964), xiv, pp 1-19.

46 Corish, "Rising of 1641", p. 316.

47 Bellings took with him credentials addressed to Louis XIV, Anne of Austria, Henrietta Maria, Mazarin, Innocent X, the Grand Duke of Tuscany, Cardinals Grimaldi and Bentwoglio, and the governments of Venice, Geneva and Belgium.

48 Corish, "Rising of 1641", pp 313-14.

at Kenmare on 12 October 1645.

As will shortly be seen, events were about to change dramatically as a direct result of the nuncio's arrival in Ireland with direct instructions from the pope. On his arrival the nuncio immediately addressed the assembly at Kilkenny. He declared

that the object of his mission was to sustain the king, then so seriously circumstanced, but, above all, to rescue from pains and penalties the people of Ireland, and to assist them in securing the free and public exercise of their religion, and the restoration of the churches and church property, of which fraud and violence had so long deprived their rightful inheritors. He implored those who heard him to dismiss from their minds the insinuations of some who were artfully endeavouring to misrepresent the motives of the pope in accrediting him to the confederacy, and concluded by solemnly asseverating, on the word of a prince, that far from wishing to do injury to King Charles, it was his earnest anxiety to uphold his majesty's tottering throne.<sup>49</sup>

Glamorgan at once had an audience with the envoy and on 20 December they concluded an agreement which ensured that the Roman Catholic church in Ireland would enjoy complete freedom and possession of all ecclesiastical property not actually in the hands of Protestants at the time. In return the Confederates were to send an army of 10,000 men to the king's aid in England. Both parties agreed not to make the treaty public at least until the king had secured the expected 10,000 recruits. This secrecy did not last too long and when it was revealed it was to discredit the king among his supporters in England. A copy of the treaty was found on the person of Archbishop O'Queely of Tuam who had recently been killed in a military skirmish near Sligo town. This was sent with the utmost haste to London whereupon the parliament there caused it to be published and circulated

---

<sup>49</sup> Meehan, Confederation of Kilkenny, pp 140-141.

immediately.

This disclosure aroused a violent storm of indignation against the monarch, who, on his part, did not even possess the courage to acknowledge his participation in the transaction. On the contrary, he declared upon his word as a Christian and a king, that he had never empowered Glamorgan to agree to this or any similar treaty.<sup>50</sup>

As a consequence Ormonde arrested Glamorgan on 26 December 1645 and charged him with treason. The Confederates on the instigation of Rinuccini at once convened a General Assembly, threatened to resume all hostilities, and prepared to march at once on Dublin if Glamorgan was not henceforth released. Glamorgan was released on 22 January 1646 and at once returned to Kilkenny. This Glamorgan incident still attracts much debate as to whether or not he was actually empowered by the king to carry out such a treaty. As it is far beyond the scope of this study to become involved in that debate one could perhaps conclude on the matter by stating that perhaps the Protestants in both England and Ireland were firmly convinced of the king's share in the business, while the Irish Confederacy felt themselves repelled and insulted by the king's cowardly refusal to admit his part in it. Dr. Corish concludes on the matter:

Private letters written shortly afterwards by the king to Glamorgan confirm that he had in fact given him very wide powers in his mission, but the circumstances in which its results had become known made it politically impossible for the king to do anything except disown him. He might conceivably have gambled on the August agreement if he had had an army of 10,000 Irish troops in England but not without them.<sup>51</sup>

Whatever reason the king had for disowning Glamorgan's actions it can be stated that in the long run, Glamorgan's mission was not in vain because on the 28 March 1646, an agreement of peace

---

<sup>50</sup> R. Hassencamp, The History of Ireland from the Reformation to the Union, (London, 1888), p. 89.

<sup>51</sup> P. J. Corish, "Ormonde, Rinuccini, and the Confederates, 1641-9", N.H.L. iii, pp 319-20.



was concluded between Ormonde and the Confederates. In summary, the articles of the treaty included the abolishment of the court of wards, the replacement of the oath of supremacy by a new oath of allegiance to the king, the admission of Roman Catholics of Ireland to all civil and military offices. Dr. Corish writes of this peace as been, "satisfactory, especially to the Old English, for it safeguarded their right to a place in public life and reversed Strafford's confiscations".<sup>52</sup>

On 30 July 1646 Ormonde published the peace in Dublin and on 3 August it was published by the Supreme Council of the Confederation in Kilkenny. Three days later, at a national synod of the clergy held at Waterford and presided over by Rinuccini, the peace was rejected. It was also declared that

all who supported it must be judged to have broken the Oath of Association they had taken on joining the confederacy, and that if any of those who had negotiated it were to go to Dublin to assist Ormonde in its implementation they were thereby excommunicated.<sup>53</sup>

The confederation now begun to split into two sides. On the one side were the Old English who might also be termed the Ormondist party, and on the other side was the nuncio supported by the Old Irish. Just as the other faction can be termed Ormondists, this faction, for their part, can be termed the nuncioist party. Froude bears this out when he states that

two Catholic parties were formed, following the lines of division which had existed from the first. The native Irish went with the legate and the priests and had their own army under Owen Roe O' Neill. The council of Kilkenny had another army composed of the Pale lords and their retainers, still at issue with the legate, but staggering under threats of excommunication.<sup>54</sup>

---

52 Ibid., p. 320.

53 Ibid., p. 321.

54 J.A. Froude, The English in Ireland in the eighteenth century, London, 1872), i, p. 117.

O' Neill, fresh from his victory at Benburb, marched to Kilkenny in support of the nuncio. On arrival there he promptly deposed and imprisoned the Supreme Council and appointed a new one in its place with Rinuccini at its head. One by one the Old English confederates who had initially supported the peace went over to the nuncio's side. The peace was now at an end and the Confederates, under the new pro-nuncio's leadership, prepared to resume hostilities. Their first object of attack was the city of Dublin which Ormonde was frantically putting in a state of defence. Dublin was virtually at the mercy of the Confederates had they not again, begun to split along the old lines, due to a long-standing dispute between Generals Preston and O' Neill. Rinuccini himself, is the best person to describe the nature and extent of the animosity between these two leaders.

I must begin a little way back and inform your Eminence that, when the congregation of the clergy had determined upon turning their arms against Dublin, and had given the necessary orders to General O' Neill who was then on his march from Ulster, a controversy directly arose whether General Preston then occupied in Connaught should be called to assist in the enterprise. It was represented by many that, to the misfortune of the kingdom, the two captains never come together without something untoward occurring, and this was more to be feared now than ever when their former jealousy would be exasperated by the mutual hatred of the people of their respective provinces, who never can agree. The opinion however prevailed of those who deemed it impolite to introduce another General into Preston's province without giving him a share in the enterprise, at the risk of inducing him to unite with the factious and dissatisfied member of government, and thus divide the strength of the kingdom....Preston was consequently summoned by the Council, but in many ways showed how graviously mistaken were those who supported him. During the summer to my great displeasure, he had consigned all the castles taken by him to the Marquess of Clanricarde, a neutral, whether at the command of the former Council is not yet known....Preston had it [the peace], proclaimed in his camp with every appearance of satisfaction, and although he soon excused himself to the clergy for this act, saying that he had not been aware of the determination of the ecclesiastics, still it transpired afterwards that he and his friends also thought the peace was good for the cause of religion,

that he had agreed with the Marquess of Clanricarde to promote it as far as he could in honour, and (although bound to serve the ecclesiastical party) to contrive either that Dublin should not be taken or at least to give no office to the Marquess of Ormonde.<sup>55</sup>

This so called campaign against Dublin turned out to be a hopeless failure. It was to have enormous implications because it not only exacerbated the divisions among the confederates, but it also identified O' Neill as the nuncio's champion and finally, the threat of this invasion of Dublin left Ormonde with no choice but to eventually surrender Dublin to the parliamentarians. Map Two shows the areas held by the royalists on the eve of this surrender.

A new Assembly met on 10 January, 1647 after the release of the imprisoned members of the previous Council. Four new articles were produced by the clergy for incorporation into a new Oath of Association. Briefly, but adequately summarized these were that

in future agreement there should be provision for the free and public exercise of the catholic religion as in the time of Henry VII; that the catholic clergy should have their jurisdiction, privileges, and immunities as they had then enjoyed them; that all penal laws since 20 Henry VII should be repealed; and that the catholic clergy should have their churches on the same terms as the protestants had held them on 1 October, 1641.<sup>56</sup>

Ormonde, by now, was convinced that peace on any terms that he could accept would be blocked by the nuncioists at Kilkenny. As he could not hold Dublin indefinitely he was faced with the choice of surrendering it to the Confederates or to the English parliament. At this time also, the Confederates, from a military point of view, had a simple choice. They could either combine

---

55 "Report of the proceedings of the Catholic armies against Dublin, Kilkenny 29 September 1646", A. Hutton, The Embassy in Ireland of Monsignor G. E. Rinuccini, Archbishop of Fermo, in the years 1645-49. (Dublin, 1873), pp 224-231.

56 Corish, "Ormonde, Rinuccini, and Confederates", p. 322.

MAP TWO

AREAS HELD BY THE ROYALISTS, FEBRUARY 1647



forces with Ormonde's royalists with the object of defeating and expelling both the Scottish and parliamentary forces from Ireland whereby they could then proceed to the King's relief in England, or they could capture Dublin, destroying Ormonde's royalists in the process, and make ready from what would then be a strong position to defeat the Scots and parliamentarians:

In the event, they neither gave the king the full-scale aid he required nor persuaded Ormonde to combine forces with them, nor crushed the Royalists. In the end Ormonde paid them for their indecision by surrendering to parliament.<sup>57</sup>

At this time in Ireland there was operating four different forces. Ormonde and his Royalists who garrisoned Dublin and other towns, constituted one of these forces. Inchiquin who remained in control of part of Munster and most of the towns, was another. A third was made up of the Scots and Laggan force, under Munroe, who controlled a large part of the province of Ulster. The fourth and last of these forces was the Catholic Confederacy, who controlled quite a substantial slice of the centre of the country. And now we find that: "To these four parties and their various forces, whom the miserable country was compelled to support a fifth was now to be added".<sup>58</sup>

This fifth force that was to take the field in Ireland comprised the parliamentary forces commanded by Colonel Michael Jones, who arrived in Dublin in June 1647, with over 2,000 men. Colonel George Monck was also dispatched to take command of the British and Scottish forces in Ulster. That was with the exception of the "Laggan force" which was brought under the command of Sir Charles Coote.<sup>59</sup>

---

57 J. Lowe, "Aspects of the war in Ireland", p. 87.

58 Froude, English in Ireland, i, p. 117.

59 Jones was immediately made governor of Dublin. See a short account of his life in A. Brooke-Tyrell, "Michael Jones: Governor of Dublin", Dublin Historical Record, (1970), xxiv, pp

Before Ormonde left Dublin he had told all his loyalist garrisons to admit parliamentary troops and to adhere to that cause in the future. The royalist cause had now collapsed in Ireland leaving two sides opposed to each other. On the one side we find a coalition of the Old Irish and Old English, known collectively as the Confederacy and united once again after their recent split. . On the other side we find the parliamentary force which now consisted of a coalition of the original parliamentarians, Inchiquin and his army, the Scotch and the former royalists. These combined forces lost no time in going on the offensive and soon they were achieving resounding victories over the Confederacy. Hazlett sees the arrival of Jones as, precipitating "the most active set of operations conducted from Dublin since the beginning of the war"<sup>60</sup>. For his part Jones took and controlled much of the area surrounding Dublin, heavily defeating Preston's Confederates at Dungans Hill in the process. These parliamentary offensives soon began to slow down however. In a letter written to William Lenthall on 26 February 1648, Jones described his current situation:

---

159-71. Jones's Tabular pedigree is in (N.L.I. MS 9052) For a biography of Monck see M. Ashley, General Monck, (London, 1977). Great complexities surround the different armies in Ulster, see for instance, D. Stevenson, Scottish covenantors and Irish confederates, (Belfast, 1981); E. Hogan, The history of the war of Ireland from 1641 to 1653 by a British Officer of the regiment of Sir John Clotworthy, (Dublin, 1873).

60 H. Hazlett, "History of the military forces operating in Ireland 1641-49", (unpublished Ph.D thesis, Queens University Belfast, 1938). This is an excellent study of the military forces in Ireland and I am grateful to the Librarian of Q.U.B. for allowing me access to it. See also, H. Hazlett, "The recruitment and organisation of the Scottish Army in Ulster 1642-9", H.A. Cronne, T.W. Moody, D.B. Quinn, eds., Essays in British and Irish History in honour of James Eadie Todd, (London, 1948); H. Hazlett, "The financing of the British armies in Ireland 1641-9", I.H.S. (1938), i, pp 21-41.



JAMES BUTLER, DUKE OF ORMONDE

Portrait after Sir Peter Joly

After one month's refreshing of these men since my coming out of the county of Wicklow and destroying the enemies quarters in Westmeath, on the third of this instant I marched into the county of Kildare with about 1,500 foot and 800 horse, where I have taken in sixteen castles garrisoned by the rebels, whereby I have in a manner shut up the enemies strongholds of Ballesonan and the island of Arran, and much more might have been done had not our naked men been so weatherbeaten through the unseasonableness of the time, whereby I was enforced back, having first placed 800 foot and two troops in that county [Kildare]. I have not been wanting in improving my time and all advantages for gaining upon the enemy, wherein I have now more than I am able to make good, through the weakness of your army here, wanting men to hold what we have, much less appear in the field with any competent number of strength, should occasion require, so as I am now almost at a stand, until I shall be thence supplied and enabled for further service, therefore make bold your desire your answer to my former letters, [which were for urgent supplies], for without speedy supplies it is not possible for this army to subsist.<sup>61</sup>

Meanwhile Inchiquin had become a formidable entity, taking all before him in Munster, but his seemingly invincible onslaught also began to run out of steam for the exact same reasons as Jones, lack of men and supplies. He too found cause to write to Lenthall:

We find the divisions among the rebels dissable them to fight with us, so as we might probably carry any city we should attempt, if we had provisions to subsist before it, but having only so much bread as will enable the soldier with the help of some beeves reserved for them to spend twelve days in making incursions to gain what further help can be had in the rebels quarters towards our relief. I am enforced to employ the army altogether for that end, and indeed I might not conveniently do otherwise yet, though I had provisions, for I have not any men to spare from the field. But if it shall please the state to send a competent number to garrison them I doubt not we shall gain such towns before Michaelmas as will ease them of that charge they are now at, and cause great plenty of corn and cell provisions in all our quarters. I therefore beg the Commissioners to send what relief is ready.<sup>62</sup>

The parliamentarians weren't the only ones finding supplies hard to come by. The confederate fortune was also going rapidly

---

<sup>61</sup> "Colonel Michael Jones to William Lenthall 26 February 1648", H.M.C. Report 13, Append. i, Portland MSS (1891), p. 455.

<sup>62</sup> Ibid., pp 424-25.



downhill:

The appearance of unity among the Confederates, temporarily restored by the general assembly of January 1647, could not survive the military disasters that they suffered. Preston making a rash advance against Dublin had his forces cut to pieces at Dungan's Hill by the parliamentary commander, Michael Jones. Inchiquin raged through Munster almost unchecked.....By the end of the year, [1648], the whole province, except for a few garrison towns was at his mercy.<sup>63</sup>

Even though the parliamentary forces were poorly supplied they were still closing in on the Confederates from all sides. (See map three) The Confederates might have been all but annihilated at this juncture had not a most strange and unexpected event occurred on 3 April 1648. On this date Inchiquin assembled his army and declared once again for the king. Not all his officers went with him, and we will see who they were in chapter two of this work. Inchiquin's defection was to have enormous consequences for both the parliamentary side which he left, and the Confederate side which he was about to become allied to. By this action alone the royalist cause in Ireland was rekindled and this time the battle was to be to the death. Inchiquin at once began to negotiate with the confederacy for a cessation of hostilities between them. This was concluded in May and by November 1648, the confederacy was once again under the control of the Old English faction. Initially the nuncio and the council, probably been so alarmed at Inchiquin's menacing proximity to Kilkenny had

contemplated applying to him for a cessation, but when Rinuccini heard that Inchiquin's offer was merely a preliminary to Ormonde's return as Chief Governor, he veered around and denounced the proposed treaty in unmeasured language.<sup>64</sup>

The nuncio at once left Kilkenny and launched an interdict and excommunication against all places and persons adhering to this

---


<sup>63</sup> Beckett, Making of modern Ireland, pp 99-100.

<sup>64</sup> Burghclere, Life of Ormonde, i, p. 342.

MAP THREE

AREAS UNDER PARLIAMENTARY CONTROL. JULY 1647



 AREAS HELD BY PARLIAMENT

cessation with Inchiquin, but this obvious abuse of spiritual censures had cheapened these once formidable weapons.<sup>65</sup> This particular excommunication, "produced no such decisive result as 1646. Instead it caused a division, which proved permanent in the ranks of the Irish Catholics".<sup>66</sup>

The confederacy at once began to crumble beyond repair, along on what seemed to be the inevitable lines of division. The Old Irish led by Owen Roe supported Rinuccini while the Old English, with varying degrees of hesitation, came to support the truce. The confederacy was now in a state of civil war. O' Neill advanced towards Kilkenny but soon withdrew again. The Confederates, for their part, declared him a rebel. The nuncio retired to Galway where soon after he left Ireland for good. His final verdict on the Old English was that, "these people are Catholics only in name; the ideas they hold are almost the same as those of Henry VIII and Elizabeth".<sup>67</sup>

Inchiquin's exact reasons for changing sides remain very obscure and are not of concern to this study. This single defection however, issued in a period of high intrigues involving nearly all of the leading officers of the various factions within Ireland at the time. On the parliamentary side one shall see it splitting almost to extinction as one after the other, officers, then garrisons and later regiments were to adhere once more to the

---

<sup>65</sup> Carte, Ormonde, iii, pp 372-78.

<sup>66</sup> P.J. Corish, "Rinuccini's Censure of 27 May 1648", Irish Theological Quarterly, (1951), xviii, p. 322; see also be the same author, "The Nuncio and the Supreme Council: Conclusions", Irish Theological Quarterly, (1955), xxii, pp 231-57; "Bishop Nicholas French and the second Ormonde Peace, 1648-9", I.H.S. (1948), vi, pp 83-100.

<sup>67</sup> Corish, "Ormonde, Rinuccini and Confederates", p. 330.

royalist cause. This is perhaps the most important juncture for this study in regard to the '49 officers because those that now returned to the royalist ranks, no matter what their previous allegiance, could now be termed as '49 officers.

On the confederate side, a split into the usual two factions occurred: the Old English who supported the king, and the Old Irish, who incidently, for a time, supported the parliament. Before all this splitting of sides occurred there was required one final actor to enter the scene. He arrived on 30 September 1648. His name was James Marquess of Ormonde, and on his arrival he once again raised the royal standard and set about rallying support to the now revived royalist cause. Immediately after his arrival in Cork, Ormonde published a proclamation in order to reassure Inchiquin's Protestant army of Munster. He undertook to use his utmost endeavors to protect the reformed religion declaring that no distrust from former difficulties in judgement, should be allowed to qualify "his Majesty's gratitude towards those who now rallied to his services".<sup>68</sup> Having thus assured himself of Inchiquin's loyal support Ormonde turned to the Confederates and opened negotiations with them. The Confederates' demands can be classed into two different entities; civil and religious matters. In civil matters, the Confederates would be happy with the agreement made with Ormonde in 1646. In religious matters however, their demands far exceeded anything Ormonde was willing to grant. What they in fact wanted and what Ormonde refused was

that there be free and public exercise of the Catholic religion; that their traditional jurisdiction,

---

<sup>68</sup> Carte, Ormonde, ii, pp 390-91; H.M.C. Ormonde MSS (1899), ii, pp 81-83.

privileges, and immunities be restored to the Catholic clergy, that the penal laws be repealed, and that the Catholics retain the churches in the territories they held.<sup>69</sup>

Negotiations were broken off at this point because, on 21 November, Ormonde was recalled to Cork where Inchiquin found himself once again threatened by an army mutiny. After quelling, or at least containing, such a mutiny, Ormonde at once returned to his negotiations with the Confederates. On 19 December he proposed that

the Catholics would be free to practice their religion; but he had no authority to settle the question of ecclesiastical jurisdiction. In regard to churches and livings, he could assure them that they would not be disturbed in the possession of those they held until the king should declare his pleasure after hearing their views expressed in a free parliament.<sup>70</sup>

These negotiations again broke down as the Confederates refused Ormonde's proposal on the grounds that they wished not to be disturbed in the church livings and jurisdictions they held until the king's pleasure was known. Ormonde had no power to accept and so all seemed at a stalemate. Such a stalemate remained until the news arrived from England of the Remonstrance of the Army, which demanded that the king be put on trial for his life. "This clear knowledge that the king's life was in immediate and deadly peril had a sobering effect and forced on all the importance of reaching agreement as soon as possible".<sup>71</sup>

The Assembly shortly afterwards sent the following letter to Ormonde:

May it please your excellency.....I am commanded by the general assembly of the Confederate Catholics to inform your lordship that in pursuance of their letters of the 26 of this instance, upon consideration of his

---

69 Corish, "Ormonde, Rinuccini and Confederates", p.332.

70 Ibid., p. 333

71 Corish, "Bishop Nicholas French", p.98.

[37A]

Dupe of Alhambra, from studies  
of Sir Peter Paul

GEORGE HONCK



majesty's present condition, and their own hearty desires to expend their lives and fortunes in maintaining his rights and interests, they have upon full debate unanimously agreed to accept of and rest satisfied with your excellency's answers to their first four propositions, with the clause of further reference to his majesty's gracious favours and further concessions, all other matters upon this treaty being first agreed on; and therefore they desire your excellency will be well pleased to send unto them according their former desire, full answers to the rest of their propositions, and your lordship's resolution upon the exception taken by the committee unto your lordship's other answers already given in.<sup>72</sup>

Agreement had now been reached, at least on paper. The treaty was formally signed on 17 January 1649.<sup>73</sup> By the terms of this treaty, the Catholics in Ireland were to be free to practice their religion, without prejudice to their persons or estates. They were no longer required to take the oath of supremacy. A new oath of allegiance to the king was installed in its place. All the acts and ordinances passed in parliament since August 1641 dishonouring the Catholic faith were to be virtually annulled. On top of this the Catholics were assured that they would not be molested in the possession of their churches and church livings which they then held, until such time as the king, in a free parliament to be held in Ireland, should declare his pleasure. This treaty while being a very important achievement, particularly because it gave to Ormonde the support of the Old English from the confederacy, was only the first stage of his eventual design. His next and most important task was to work subversion in the ranks of the parliamentarians and Scots in Ulster, with a view to winning them over to the royalist cause in Ireland. It is now beyond doubt that Ormonde had a genius for organisation and a large capacity for intrigue as these are the exact two attributes that he utilised to achieve his aims. He had contacts everywhere,

---

<sup>72</sup> "Sir Richard Blake to Ormonde", Gilbert, History of Confederation, vii, p. 171.

especially in the garrisons of Ulster and Louth. These contacts acted as his informants, keeping him posted as to the possible chances of winning over certain garrisons to his cause, and indeed the best ways to go about it. A crucial event that Ormonde was to exploit to the full in his subsequent dealings with the garrisons of the parliamentarians was the execution of Charles I on 30 January 1649.

After the lapse of more than two and a half centuries, that catastrophic event still holds a solemnity and significance which no other episode in our history retains. To the men of that generation it was as if the solid earth had failed beneath their feet.<sup>74</sup>

A wave of loyalty such as never was seen before, swept over the countryside. Parliamentary garrisons went over en masse to Ormonde's cause including army officers serving under Colonel Michael Jones in Dublin. One such officer was Lord Grandison. The following letter of his, sent to Henry Jones Bishop of Clogher, and dated 18 March 1649, gives us a clue to the prevailing sentiments of the period:

It were much ingratitude (which I would unwillingly be guilty of) not to excuse myself to your lordship [Bishop Jones] for quitting the quarters without your knowledge, since you do faithfully and friendly strive to free me from those fears where juster, [sic] than to be palliated by any assurance of interest in a place where I was ever doubted. Thus my lord you know a truth, and your lordship knows moreover that if the General, your brother [Colonel Michael Jones], could have the best inclinations to oblige me to durst not to do it because he knew that I was loyal. A pretty quarrel he has to manage when the fear of displeasing the barbarous murderers of the best of Kings and men is the compass by which he steers.....Put before your eyes, the innocent streams of blood that issued from his martyred body, that was our lawful king and governor.... What concerns my account next is this, which is brief. I shall deliver, it is not my fear of any danger in the quarters in the present Government that made me quit them...but these are the clauses. My lord I am a christian and have a conscience, a subject and have loyalty, besides I am a soldier that values true honour

---

73 See the original articles, (N.L.I. MS 9051)

74 Burgclere, Life of Ormonde, i, pp 351-52.



and would not live amongst people where I might be engaged in a quarrel that might beget a story which could mention me [as] the spurious rebellious offspring of a noble family.<sup>75</sup>

The sentiments expressed in this letter were typical of many of the officers in Ireland at the time, and it could be said that this precipitated the decision of many of them to go over to the royalist cause. Jones himself was asked to adhere to the king. In July 1648, Inchiquin wrote him the following letter:

I have received yours by Captain Parsons to whom I have communicated the grounds of our proceedings wherewith we hope you will rest so well satisfied as that you will with us contribute to establish his Majesty in his just rights, settle his authority over this kingdom, where probably we may suddenly restore the Protestant religion to its former lustre and the laws to their force, and afford some assistance according to our oaths and profession towards the restoration of His Highness and the parliament of England to their just rights, privileges and genuine freedom. My Lord of Ormonde is hourly expected here with great supplies of money, arms and ammunititon, and this army like to be paid constantly at a high rate whereof I hope yours will make themselves capable to partake.<sup>76</sup>

Even though this letter was written before Ormonde had returned to Ireland, Jones never once swerved from his allegiance to the parliament. When Ormonde did arrive he attempted to win over to his cause, not only Jones, but also Sir Charles Coote. Jones, for his part, once again rejected these overtures stating that, "he found himself bound in honour to obey those who had entrusted him with the important office which he held".<sup>77</sup>

On the other hand, Coote frequently professed, that if at any time he should discover the least purpose in the parliament of England to change the government or to wrong the king either in

---

<sup>75</sup> "Lord Grandison to Henry Jones bishop of Clogher 18 March 1649", H.M.C. Ormonde MSS (1899), ii, pp 89-90.

<sup>76</sup> "Inchiquin to Michael Jones 15 July 1648", H.M.C. Pepys MSS (1911), pp 486-87.

<sup>77</sup> D. Murphy, Cromwell in Ireland: A history of Cromwell's Irish campaign. (Dublin, 1883), p.8.

his person or posterity, he would sooner beg his bread than be a minister of their proceedings. He went on to state that

as soon as the King, or his fleet, or any person lawfully authorised by him, should lay the command on him and showed a probable appearance of power and success to make him hope for security nobody should more freely and fully evidence the sincerity of his affection to the king's service than himself.<sup>78</sup>

Denis Murphy correctly interprets these protestations as being disguised only to gain time until help was sent to Coote from England. This point is substantiated in light of the fact that Coote quickly imprisoned some of his officers who had been in correspondence with Ormonde. This imprisonment had a negative effect on the ordinary soldiers who, on seeing their commanding officers imprisoned, mutinied and took possession of Enniskillen. Encouraged by this act, the old Scotch regiments in the north, along with the Laggan force, sent assurances to Ormonde of their readiness to serve the king. Everything now seemed poised for royalist supremacy in Ireland. Everywhere officers and men were going over to Ormonde's ranks and those Protestants that did can be termed '49 officers. A new royalist coalition gradually evolved consisting of the Old English of the now defunct confederacy, the Scotch and Laggan forces from Ulster, Inchiquin's Munster army, and Ormonde's royalists, some of whom originally adhered to parliament only on the orders of Ormonde when he had surrendered the sword of state to that faction in 1647. There remained one more person or faction to win over to the royalist cause and that was Owen Roe and his Old Irish army. As shall soon be seen this was to prove a difficult task. Because O'Neill had broken with the confederates over their peace with Inchiquin, Ormonde found it necessary to send Daniel

---

78 Ibid., p. 14.

O'Neill<sup>79</sup> to Owen Roe, to inquire as to his allegiance.

Being returned into this kingdom with authority to compose the differences in it and to settle it in a way of obedience to his Majesty, and having to that end begun already with the general Confederate Roman Catholics, I observe that you with the army under your command and others your adherents have separated yourselves from the said Confederates. I have therefore employed this gentleman, Mr. Daniel O'Neill, one of the grooms of his Majesties bed-chamber unto you to know whether you and your army and others that adhere to you will submit to such conclusion as shall be made of this treaty [the treaty signed with the confederates], and if not to know your reasons to the contrary, as also what your desires are, to the end that if they be such as consist with his Majesties honour and interest, I may endeavour to give you satisfaction.<sup>80</sup>

To this letter Owen Roe replied:

May it please your Excellency.....However my adversaries may deliver me to you, I can with much confidence say that in Ireland there is none gladder of your excellence coming into it so authorised as I understand you are, for I was ever confident it was your want of power, and not inclinations, did keep you from giving satisfaction to the nation they expected. The distance your Excellency finds me at with the rest of the confederates, is occasioned by my obligation to defend his holiness his nuncio, and the rest of the clergy that adhered to him, and myself too, from the violence and indiscretion of some of the Council that were at Kilkenny, as the agents which now I send to the Assembly will clearly make appear. As for the treaty which your Excellency has begun with the Assembly, if it end with the satisfaction of the clergy in point of religion, and of the rest of the Assembly in what concerns the common interest of the nation and the safety and advantage of the poor provinces which intrusted me with their arms, I shall with much joy and gladness to the conclusion of it, [the peace] for these are the ends which made me quit the good condition I was in abroad, and with a great deal of trouble to myself, and expense of my fortune stay here.....I must confess, though I never doubted of your performing whatever your Excellency once promised, I have notwithstanding feared the interest and power of some of your friends that are my declared enemies, [probably Inchiquin or Preston], but these jealousies my nephew, Mr. Daniel O'Neill hath removed from me by the many

---

79 This man appears to have been a master agent. He risked his life on countless occasions, passing back and forth between the various sides. For a good account of his more important missions, see D. Cregan, "Daniel O, Neill a royalist agent in Ireland, 1644-50", L.H.S. (1941), ii, pp 394-414.

80 "Ormonde to Owen O'Neill 21 November 1648", Gilbert, History of Affairs, i, pp 753-4.

assurances he gives me of your Excellencies noble and generous resolution as to my own particular and my friends fortune.....<sup>81</sup>

This letter tells us a lot of the thoughts and fears going through the mind of Owen Roe. While recognizing that Ormonde and his newly-forming coalition under the royalist ensigns was for the better, he could not bring himself to adhere to it unless the treaty gave satisfaction to the clergy or, to be more precise, to Rinuccini. O'Neill also wanted the treaty to be for the betterment of the nation. While the second stipulation might have already been achieved to his satisfaction, the former was not to the satisfaction of Rinuccini. Rinuccini rejected the peace out of hand and so accordingly, Owen Roe could not bring himself to be a part of it. One could perhaps excuse him for still adhering to the nuncio but his acts over the next few months, when he actually supported the parliamentary faction, are quite inexplicable. Had O'Neill joined with Ormonde at this juncture, the combined forces under the royal ensign would have carried the day. As it transpired this was not to be the case.

At this crucial stage, Ormonde had two major concerns. Firstly he had to mobilize the forces of the now dissolved confederacy into an effective fighting machine. To do this meant constantly consolidating the settlement already made with the confederacy through the newly formed Commissioners of Trust. Secondly, he had to continue intriguing with the various parliamentarians to win them over to the king's cause. By mid-year 1649 he was so successful that all that remained in Ireland opposed to him was the parliamentary forces under Jones in Dublin, Monck in East

---

<sup>81</sup> "Owen O'Neill to Ormonde 6 December 1648", Gilbert, History of Affairs, i, pp 754-58.

Ulster and North Louth, and Coote in West Ulster particularly around Londonderry. None of these forces were strong enough to take the field against Ormonde and for the most part they remained shut up in their garrisons, Jones in Dublin, Monck in Dundalk and Coote in Londonderry. (See map four). On 1 June 1649 Ormonde assembled quite a formidable force and marched on Dublin. On 19 of the month he struck camp at Finglas. Inchiquin was immediately dispatched to take in the surrounding garrisons, particularly the one in Drogheda. Meanwhile Ormonde wrote from his camp in Finglas to Jones:

I presume you cannot be ignorant of the cause that brings me forth with an army, that is to reduce whatever lies in my way within this kingdom under his Majesty's obedience.....You have had experience of my desires to preserve the lives and fortunes of the Protestants of this kingdom, and you now shall have, if you please, evident proof to your advantage and the advantage of all that are with you with what willingness I shall be constrained to see the destruction of any English, even of those that have been misled to abet the most impious cause that ever was maintained by Christians on which if you neglect to lay hold you are to take this letter for a summons to deliver that garrison [Dublin], to such as I shall appoint to receive it to his Majesties use, and if that be refused you are to expect no other conditions than such as you shall be able to gain by the strength of the place.....<sup>82</sup>

Jones replied by word of mouth to the effect that the Marquess of Ormonde, upon his transaction with the Parliament had delivered Trim and himself [Jones] to their hands and "where he left him he would find him, for I would never betray my trust".<sup>83</sup>

Drogheda fell to Inchiquin on 11 July. One of the articles granted to the garrison there was that they could march unmolested to Dublin with their commanding officer, Foulkes.

---

<sup>82</sup> "Ormonde to Michael Jones, 19 June 1649", *H.M.C. Ormonde*, ii, pp 97-8.

<sup>83</sup> *Ibid.*, p. 98.

AREAS HELD BY ROYALIST AND PARLIAMENTARY FORCES  
JULY 1649



But of about 700 foot and 255 horse, he [Foulkes], was attending into that city [Dublin], with no more than thirty-five horse, and about 100 foot, the rest taking service in his Majesty's Army.<sup>84</sup>

Inchiquin next arrived before Dundalk, then commanded by Monck who at once called upon the assistance of Owen Roe O'Neill in accordance with the agreement they had made. O'Neill obliged by moving his army to within a few miles north west of Dundalk but requested arms and supplies from Monck. O'Neill sent 1,200 of his best foot and 200 horse, under the command of Lieutenant-General Ferral, to Dundalk for these supplies. Inchiquin became aware of this and sent six troops of horse under Colonel Trevor, newly won over to the king's cause, to intercept Ferral. This he managed to do and not only captured the arms and supplies but also routed the much larger force. From some of the prisoners taken at this engagement, Inchiquin was informed of the weak condition of Dundalk. He invested the town at once and when he came within sight of it the garrison there immediately forced Monck to surrender. Most if not all the garrison went over to Inchiquin. The

faithfull soldiers ran over the trenches to Inchiquin, swearing deep oaths that they would not engage with Monck, who had entered into a confederacy with Owen Roe, the head of the native Irish.<sup>85</sup>

Such was the amount of defections to the royalist cause that the Parliament in England declared

that all persons who have served the Parliament of England in Ireland, and have betrayed their trust, and have or shall adhere to or aid or assist Charles Stuart, son to the late king, are traitors and rebels, and their lands shall be confiscated, and their persons proceeded against.<sup>86</sup>

---

<sup>84</sup> Carte, *Ormonde*, i, p. 422.

<sup>85</sup> B. Whitelock, *Memorials of the English affairs from the beginning of the reign of Charles the first to the happy restoration of Charles the second.* (Oxford, MDCCCLIII), ii, p. 77; Carte, *Ormonde*, ii, p. 73.

All the garrisons in counties Louth, Meath and north Kildare were now under royalist control. This in effect meant that Dublin was now completely cut off on the landward side, and it was here that Ormonde had his large heterogeneous army. Ormonde's grand aim was to, "get hold of Dublin. The possession of the capital, he supposed, would not only secure the King's interest in Ireland, but also cause an extensive rising in his favour throughout England".<sup>87</sup>

Dublin was virtually at Ormonde's mercy, that was until an unexpected event occurred. This event was the arrival from England of Colonel Venables on 22 July, bringing with him a strong body of foot. On 25 July, Colonel Reynolds arrived with a regiment of horse. The next day, 26 July, Colonel Huncks arrived with an even larger body of both horse and foot. All in all these reinforcements amounted to over 1,600 horse and 600 foot. The following detailed account of the events that followed was sent by Ormonde to the King:

Some two or three days before the defeat of Rathmines, we had it from many good hands out of England and from Dublin that Cromwell was at the sea-side, ready to embark for this kingdom with a great army, and that his design was for Munster, where we were sure he had intelligence, and which, if lost, not only the best ports of the kingdom would fall into his hands, but his Majesty's fleet riding in them, blocked up with a mastering number of the rebels ships, would doubtless be lost. So that if we had taken Dublin, which was very doubtful, and lost those parts, which it was very evident we should if he landed there, as they were then guarded, it was but an ill exchange, but if these places were lost and Dublin not gained, our army must inevitably have come to nothing, and the kingdom fallen to the rebels without resistance. These considerations at a council of war produced these results; first, that the Lord Inchiquin, with two regiments of horse, should then immediately march to secure the province of

---

<sup>86</sup> Murphy, Cromwell in Ireland, p. 19; Cal. S.P. Dom., 1649-50, p. 289.

<sup>87</sup> Murphy, Cromwell in Ireland, p. 23



We can see from Ormonde's letter that he had received the false intelligence that Cromwell was due to land in Munster. Fearing that the royal fleet, then at anchor in Kinsale, was in danger, Ormonde's Council of War decided to send Inchiquin to Munster to secure the province. Inchiquin's departure at such a moment was a very severe loss. Once Inchiquin had departed, Ormonde attempted the difficult manoeuvre of cutting off the harbour at Ringsend. It was while this manoeuvre was in progress, that Jones decided to sally out from Dublin. This wasn't intended to be the decisive battle it turned out to be, but Jones, catching the Ormondists by surprise, pressed home his advantage and ended up routing the royalist forces. This defeat

did not prove that the troops were deficient in courage or the commander in ability. It showed only how little reliance can be placed on a mob, no matter how eager to fight, when opposed to a well-disciplined army.<sup>89</sup>

This battle, in effect, was the close of Ormonde's military career. His power was so broken that he never again ventured to meet the parliamentarians in the many battles that were to follow. Cromwell himself landed in Dublin on 15 August 1649 with quite a formidable army the like of which was never before seen in Ireland. Immediately upon his arrival he declared to the assembled crowd

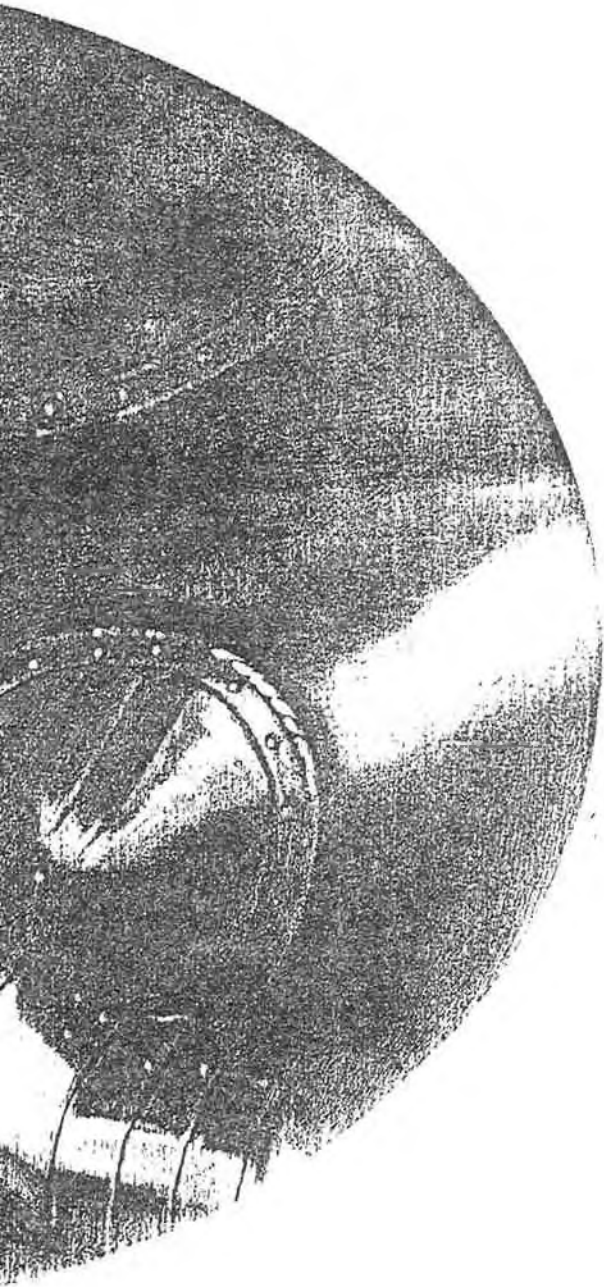
that as God had brought him thither in safety, so he would be able by divine Providence to restore them all to their just liberties and properties. All those persons whose heart's affections were real for the carrying of the great work against the barbarous and blood-thirsty Irish and all their adherents and confederates for the propagating of the Gospel of Christ, the establishing of truth and peace, and restoring of this bleeding nation of Ireland to its former happiness and tranquility, should find favour

---

<sup>88</sup> Ibid., pp 27-8; See also H. O Brunskill, "The Battle of Rathmines", Dublin Historical Record, (1939), ii, pp 18-29.

<sup>89</sup> Murphy, Cromwell in Ireland, p.33.





OLIVER CROMWELL.

From the painting by Robert Kneller.

[47A]

and protection from the parliament of England and from himself, and withal receive such rewards and gratuities as should be anserable to their merits.<sup>90</sup>

This declaration was received with great applause by the assembled crowd who cried out, "We will live with you and we will die with you". True to these words many of these soldiers did live with Cromwell. Many more died for him in the ensuing battles between then and September 1652, when the last remnants of the Irish forces under Generals O'Ferrall and O'Reilly, capitulated under articles which brought to an end almost twelve years of warfare in Ireland. The Cromwellians emerged the victors and so they prepared to divide the spoils of war.

As can now be seen, the situation in Ireland was very complex during the period under review. Figure One depicts graphically, the division of the period into seven epochs. It began in October 1641, when the native Irish in Ulster rose up in rebellion. Initially, they did not have the support of the Old English, and so in period one, (October 1641 to January 1642) it was simply a conflict between the native Irish and the Protestant government. As yet there was no splitting within the Protestant ranks because the civil war, between king and parliament, had yet to break out in England.

In the second epoch, (January 1642 to September 1643), the Old English had been forced into uniting with the Old Irish because of the lords justices' policy towards them. For the lords justices, all Catholics were hatched from the same "bad egg". In other words being a Catholic also constituted being a rebel, that

---

<sup>90</sup> T. Carlyle, Oliver Cromwell's letters and speeches. (London, 1871), iii, p. 121.

1641-52 WAR CAN BE DIVIDED, SHOWING THE VARIOUS  
FACTIONS

(1) OCTOBER 1641 TO JANUARY 1642

REBELLION BEGUN BY NATIVE IRISH WITHOUT THE SUPPORT OF THE OLD ENGLISH

NATIVE IRISH V PROTESTANT GOVERNMENT

(2) JANUARY 1642 TO SEPTEMBER 1643

OLD ENGLISH JOIN WITH NATIVE IRISH IN CONFEDERATION.

NATIVE IRISH ROYALISTS  
CONFEDERATION V PROTESTANT GOVERNMENT  
OLD ENGLISH PARLIAMENT  
SCOTS ARMY ALSO IN THE NORTH OF IRELAND.

(3) SEPTEMBER 1643 TO AUGUST 1646

ORMONDE SIGNS TRUCE WITH CONFEDERATES ON SEPTEMBER 15 1643  
THIS WAS OBSERVED NEITHER BY THE SCOTS OR PARLIAMENT

CONFEDERATES V PARLIAMENT + INCHIQVIN + SCOTS  
ORMONDE'S ROYALISTS REMAIN NEUTRAL  
DIFFICULT NOW TO DEFINE SIDES

(4) AUGUST 1646 TO JULY 1647

FIRST ORMONDE PEACE SIGNED JULY 31 1646  
THIS LEADS TO RUPTURE BETWEEN NATIVE IRISH AND OLD ENGLISH

ROYALISTS }  
OLD ENGLISH } V < OLD IRISH → V PARLIAMENT, SCOTS + INCHIQVIN  
ROYALISTS AND PARLIAMENT REMAIN AT AN UNEASY TRUCE

(5) JULY 1647 TO APRIL 1648

ORMONDE LEAVES IRELAND IN JULY 1647 AND ROYALIST CAUSE COLLAPSES  
HE TRANSFERS HIS ROYALIST GARRISONS TO THE PARLIAMENT.

NATIVE IRISH CONFEDERATION V PARLIAMENTARIANS + ROYALISTS  
OLD ENGLISH

(6) APRIL 1648 TO JANUARY 1649

INCHIQVIN DECLARES FOR THE KING AND OFFERS TRUCE TO CONFEDERATES  
THIS REOPENS THE ROYALIST CAUSE IN IRELAND AND SO ORMONDE RETURNS  
TRUCE NOT RECOGNISED BY THE NATIVE IRISH

OLD ENGLISH  
+ INCHIQVIN V NATIVE IRISH V PARLIAMENTARIANS

(7) JANUARY 17 1649 TO END OF WAR IN 1652

CONFEDERATION COMES TO AN END WITH THE SIGNING OF ORMONDE PEACE

OLD ENGLISH, SCOTS  
INCHIQVIN + ROYALISTS V PARLIAMENTARIANS

was in the eyes of the lords justices. In this epoch therefore, the Old English united with the Old Irish in what came to be termed as the Confederation of Kilkenny. On the Protestant side the entry of a Scottish army into the conflict in Ulster. From the start the Scots did very much their own thing, taking opportunities as they presented themselves. In the rest of Ireland, and due mainly to the outbreak of the civil war in England, the Protestant forces had now to choose whether they would support the king and thus be termed royalists, or indeed whether they would support the parliamentary faction in opposition to the king. This epoch is thus characterised by the coming together of one coalition (Catholics) and the other side, while obtaining one addition (Scots), began to split into royalist and parliamentarians.

In epoch three, (September 1643 to August 1646), another addition is added to the parliamentary side. The Lord Inchiquin and his Munster army left the allegiance of the king and began to adhere to the parliament. There now is a situation where two coalitions are facing one another. The confederation on one side, consisting of the Old English and the Old Irish, and the parliamentarians on the other, consisting of three groups, the original parliamentarians, the Scots in Ulster and Inchiquin's Munster army. The Ormondists, or royalists, remained at a neutral stance as they had recently concluded a truce with the Confederation and the quarrel ensuing in England between the king and his parliament had not as yet spread to Ireland. Ormonde's reason for concluding such a cessation with the confederates was in keeping with Charles's policy for Ireland: From the beginning, as was seen, Charles I treated with the confederates only because he

wanted to make strategic use of Ireland and its resources. The resources mentioned here refer to the supply of men and arms.

In epoch four, (August 1646 to July 1647), the parliamentarians retain their coalition without change. However, on the confederate side, the Old Irish have split with the Old English due to the fact that the latter group had recently concluded a peace with Ormonde and his royalists. On this side there is also a situation where the Old English have allied themselves to the royalists against the Old Irish. To complicate matters even further, both these groups were still in opposition to the parliamentarians.

In epoch five, (July 1647 to April 1648), the parliamentarians gain yet another addition to their ranks. This addition was the royalists who joined with them when Ormonde surrendered the sword of state to the parliament while at the same time ordering his royalists to adhere to the parliamentarians. This juncture thus sees the disappearance of the royalist group from the conflict. On the other side, however, the Old Irish and Old English are once again united in their confederation.

Epoch six, (April 1648 to January 1649), ushers in a period of extensive side-changing. Inchiquin initiates this when he leaves the parliamentarians and declares once again for the king. This act rekindled the royalist cause in Ireland. Inchiquin also signed a truce with the confederation which at once split along the old lines of division, the Old English who allied themselves with Inchiquin, and the Old Irish, who opposed them both. The parliamentarian group also begins to crumble as many of the ex-

royalists within its ranks begins to go over to the newly-rekindled royalist cause as Ormonde returned to Ireland and raised the king's Standard with the object of uniting all the parties in obedience to the king..

Epoch seven, (January 1647 to 1652), finally sees the confederation come to an end when the Old English group within it signed a peace with Ormonde, against the wishes of the nuncio. The Old English were faced with a choice of either continuing to support the nuncio who was an Italian bishop, or else they could support the king. In the end they supported their king.

In this the last of the epochs there is to be found on one side, the Old English, Inchiquin, the Scots, and royalists united in a newly-formed royalist coalition against the parliamentarians who now stood alone. Ormonde was responsible for unifying this formidable royalist coalition. His success was due to the fact that he effectively became all things to all men. The Old Irish remained in opposition to the royalist coalition despite being asked to join it by Ormonde. Had the Old Irish joined the coalition at this juncture, it would perhaps have had the effect of making it an invincible force in Ireland. The nuncio was responsible for keeping the Old Irish away because Owen Roe O'Neill, the leader of this group was effectively being used by Rinuccini as little more than a military arm of the papacy.

This was the basic situation that remained until the end of the conflict in 1652. As will become apparent later on in this study, the Ormonde Peace of 1648-9 was a crucial watershed in these eleven years of warfare. This was the date and event that was to



determine who was to qualify for inclusion into a group that goes under the heading of the '49 officers, identified as such by Charles II on his restoration to the throne of England. This group was to receive special favour from the new king. Whether or not the Protestant officers in Ireland adhered to this peace by siding with Ormonde against the parliament, determined if they were to receive the lands especially set aside for the '49 officers for their arrears of pay in the restoration period. Many, as will be seen, did adhere to Ormonde at this crucial period and they will be individually introduced in Appendix A.

## CHAPTER TWO

### "TO HELL OR CONNAUGHT", CROMWELLIAN IRELAND 1649-59

As the title suggests, this chapter will be dealing with Cromwellian Ireland from the arrival of Oliver Cromwell in 1649 to the eve of the Restoration in 1659. To begin with I will look at the actual confiscation and the subsequent transplantation of the Irish proprietors. Secondly I will look at the settlement of the new land grantees which immediately preceded the confiscation. Before dealing with these events, however, it is necessary to set the context by detailing the period immediately after Cromwell's arrival in 1649.

With the arrival of Cromwell and his New Model Army, the military balance had shifted very definitely against the Ormondists to such a degree that they were forced to consider new military strategies. A royalist council of war was held at Drogheda where the ill-fated decision was taken to defend the town against the expected attack by the Cromwellian forces.<sup>1</sup> A large force consisting of eight troops of horse and four regiments of foot, in all about 2,540 men, and commanded by the one-legged Sir Arthur Aston, was to defend the town. Cromwell appeared before the town on 10 September and at once he called on the town to surrender to the parliament, "to the end that effusion of blood may be prevented". Aston refused to surrender and Cromwell retaliated by ordering his artillery to fire upon the town. This cannonade soon breached the walls which were then stormed by the Cromwellians and the massacre that followed has led to many subsequent debates.<sup>2</sup> This single event has become one of the most disputed points in Irish history. While the evidence for the charge that Cromwell did in fact massacre the

Drogheda garrison after they had surrendered on quarter is quite impressive, I can give but one or two facts that are certain and are not disputed.

Firstly, we have from Cromwell himself the fact confirmed by all contemporary accounts, that of the 2,540 strong garrison, hardly a man escaped. Secondly, it is quite certain that since the start of the war in 1641, Drogheda had never been in the hands of the Irish rebels. Cromwell himself writes of the massacre:

I am persuaded that this is a righteous judgement of god upon these barbarous wretches, who have imbued their hands in so much innocent blood, and that it will tend to prevent the effusion of blood for the future, which are satisfactory grounds to such actions, which otherwise cannot but work remorse and regret.<sup>3</sup>

While this speech implies that the people Cromwell had just massacred were Irish rebels, we at least know now that this was in fact quite untrue. The reason for asserting thus is simply because, from the start of the rebellion in 1641 until 1647 Drogheda had been held by a Protestant royalist garrison belonging to Ormonde's party. From 1647 to 28 June 1649 it had been held by Foulke for the parliamentary forces then under Colonel Michael Jones. On that date, June 28, it was surrendered to the protestant Inchiquin who now represented the royalist

---

1 Their motives for making a stand at Drogheda had the intention of deflecting Cromwell from a southwards march so that the royalists in the south would have time to reorganise. Gilbert, History of Affairs, ii, p.230.

2 Ibid. See also J.G. Simms, "Cromwell at Drogheda 1648", Irish Sword, (1973) xi, pp 212-21, and Dean Barnards contemporary discription, (N.L.I. Pamphlet Ir. 94108, b.2).

3 W.C. Abbot, ed., The Writings and Speeches of Oliver Cromwell, (Cambridge, Mass., 1937), ii, p.127.

faction and who once again placed a royalist garrison within its walls, the officers of such garrison would very definitely belong to the '49 officers. From that date onwards controversy arises as to the "nationality" or indeed religion of the garrison holding Drogheda.

That is a debate that is of little concern to this study, but what does matter is that the royalist plan of action virtually collapsed as Cromwell had taken Drogheda quite unexpectedly within a very short time and was now free to divert his attentions elsewhere.<sup>4</sup> He at once despatched a force under Colonel Venables northwards with the intention of penetrating Ulster while he himself turned southwards.<sup>5</sup> Such was the success of Venable's force that by the beginning of December 1649 Carrickfergus was almost the only coastal town in royalist hands. On 16 December 1649 Colonel Monck wrote to his friend, Major George Rawdon, congratulating him on his success against the royalists:

I am glad to hear of the good successes you had had against your neighbours the blue caps [royalists]. I hope now you have once gotten the mastery of them you will make them your servants and not your masters again. Have a care that my Lord Cline-brassell [Clambrassel], my Lord of Ards [Ards], Sir James Montgonmory [Montgomery] Colonel Trevor and Captain Hans Hambleton, [all can be identified as royalist '49 officers] enjoy not their estates again.....<sup>6</sup>

The events at Drogheda and indeed Rathmines had a totally demoralising effect on the royalist forces. On the positive

---

<sup>4</sup> For a muster of this ill-fated garrison see, Gilbert, History of Affairs, ii, pp 496-501.

<sup>5</sup> "A relation of several services at which I was present in the wars of Ireland from 1649 until 1653, Major Meredith", (T.C.D. MS 844, (f.3.18.)).

<sup>6</sup> "Colonel George Monck to Major George Rawdon 16 December 1649", H.M.C. Hastings MSS, (1930), ii, p.361

side, however, it perhaps gave Owen Roe that extra piece of motivation that he needed to join the Ormondist forces. Immediately after Drogheda Ormonde had sent emissaries to O'Neill to confer with him. Eventually, and perhaps realizing that his only hope lay with joining the royalists, O'Neill assembled his officers and addressed them as follows:

Gentlemen, to demonstrate to the world that I value the service of my king, and the welfare of my nation as I always did, I now forget and forgive the Supreme Council and my enemies their ill practices and all the wrongs they did me from time to time and will now embrace that peace [Ormonde peace] which I formally denied out of good intention.<sup>7</sup>

Owen 'Neill had at last agreed to join with Ormonde and at once moved his army southwards. However, on the march south O'Neill's health began to decline rather rapidly. At Ballyhays in county Cavan, O'Neill, by now very close to death, met Colonel Mark Trevor and the two kissed hands. Trevor congratulated O'Neill on the "late good understanding with Ormonde".<sup>8</sup> Owen Roe, realizing that his end was near, commanded his major general Hugh O'Neill to march with the army with all haste to link up with Ormonde. Shortly afterwards O'Neill was moved to Cloughoughter where he died on 6 November 1649. The royalist union long sought after by Ormonde was now complete although without the person who perhaps would have been its greatest general, but as subsequent events were to show this union came too late to save either the royalist cause or the cause of the Irish Catholics.

---

7 "Colonel Henry O'Neill's relation of transactions of General Owen Neil and his party 1641 to 1650", Gilbert, History of Affairs, iii, p.212.

8 Ibid. See also J. Casway, "Unpublished letters and papers of Owen Roe O'Neill", Analecta Hibernica, (1980), xxix. This was an ironic meeting as it was this Colonel Mark Trevor that had routed the escort that O'Neill had sent to Dundalk to get the supplies of Monck.

While these events were occurring in the north of the country, Cromwell was carrying all before him in the south. However, it was by now very late in the campaigning season and Cromwell, having failed to take Waterford which would have provided winter quarters, was still dependent on a distant Dublin as his main base of operations. His situation was growing steadily more precarious. His army was mutinous, hungry and diseased with no hope of sustenance or shelter. This remained the situation until an amazing event occurred that saved Cromwell's forces from utter ruin and perhaps destruction. This event was the revolt of the Munster garrisons who cast off their allegiance from the king and opened their gates to Cromwell, giving his ravished army a haven in which to recover.<sup>9</sup> What this rather opportune revolt achieved was to enable Cromwell to establish himself in a new base where he was able to rest and replenish his famished and plague-stricken army. More importantly, however, was the fact that he could now refit and refurbish his army directly from England through the Munster ports. Murphy hints at the reasons that induced the Munster garrisons to go over to Cromwell at this crucial stage:

They could not endure the thought of joining with the Irish against their own countrymen; they declared that the quarrel was no longer between the king and the parliament, but rather a national one between the English and the Irish,....<sup>10</sup>

By early January 1650, Cromwell and his forces were ready to begin once again what seemed to many to be an invincible march. Their objective this time was Kilkenny which they came before on 22 March. Kilkenny surrendered six days later on 28 March, the

---

<sup>9</sup> Murphy holds that the defection of these garrisons was due largely to the contrivance of Lord Broghill, Cromwell in Ireland, pp 192-217, 398-405.

<sup>10</sup> *Ibid.*, p.198

garrison being allowed to march away under articles.

It was at this stage that many of the Irish Protestants began once again to relinquish their allegiance to the king. Others refrained from such an action until they received an adequate answer from Cromwell to the proposals they had sent him as to their future position. This was a very important decision facing Cromwell. If he granted the Irish Protestants articles that would not prejudice themselves or their property he stood every chance of winning the majority of them away from the royalist cause. The articles, which were brought out on 26 April 1650 did at first seem favourable towards the Protestants. The draft of the articles began as follows:

Upon the addresses and overtures to me made by Sir Robert Sterling, Knight, Mr Michael Boyle, Dean of Cloyne, and Colonel John Daniel, in the name and behalf of the Protestant party in Ireland, now under the command or obedience of the Lord Marquesse of Ormonde, I do hereby declare and promise as followeth. That all such officers and soldiers, and gentlemen or clergymen (being English, Scottish or Protestants), as desire to come off from the Irish Popish party, and shall come with, or under the conduct of Colonel John Daniel, shall, and may freely, without any violence, injury, or molestation from any under my command, pass and repair to Doneraile in the county of Cork, where, (upon a true list sent unto me of their names and qualities, with the places they desire to go unto), they engaging themselves not to do anything to the prejudice of the parliament or Commonwealth of England, their armies or garrisons, during their continuance in our quarters or under our protection, shall have liberty and passes from me, or from the chief commanders under me in the respective provinces, to go to the several places they desire, within our quarter in the dominion of Ireland.....<sup>11</sup>

The articles continued to lay down various stipulations as to what the Protestants could or could not do. It also stated that the commissioners for respective precincts would further determine whether, or indeed if, the Protestants could return to

---

<sup>11</sup> "Cromwell's articles for the Protestant party in Ireland", Gilbert, History of Affairs, ii, pp 393-96.

their own land holdings. These articles have important implications to this study as many of the Protestants who adhered to these articles belonged to the group which are the topic of this study, namely the '49 Officers. Suffice to say for the present that many did adhere to what seemed favourable articles and consequently many withdrew from the royalist ranks.

While these particular negotiations were in progress, Cromwell had in fact left Ireland on 26 May. He had departed before the work of conquest had been completed but almost certainly the back of the royalist resistance had now been broken. To date Cromwell's victories had been made that much easier by numerous divisions within the royalist ranks, that was, "divisions between English and Irish, between Catholic and Protestant, and internal divisions between Catholics".<sup>12</sup> These divisions which inevitably led to a breakdown of authority among the royalists, were perhaps the reason the war was prolonged for another two years after Cromwell had departed. The simple reason was, that there was nobody in the royalist camp who could negotiate a settlement on their behalf because Ormonde had departed on 11 December 1650 after a dispute with the catholic bishops over the conduct of the war. Before his departure Ormonde had appointed Clanricarde as his deputy but he too was opposed by the bishops because, even though Clanricarde was a Catholic, he had never taken the confederate Oath of Association. All these dissensions within the royalist ranks were taking their toll as an overall Cromwellian victory was increasingly imminent. Perhaps as a last resort, the Catholics of Ireland attempted to seek aid from Charles IV, duke of Lorraine, going so far as to offer him the



protectorship of Ireland. These Lorraine negotiations continued until February 1652 without any success. Many waited in vain for the expected help without bothering to prosecute any coherent campaign against the Cromwellians. While the majority of the Irish were in the state of awaiting help that never came, Hugh O'Neill was defending the city of Limerick. He held out for many months until the city was betrayed to the Cromwellians on 22 October 1651.<sup>13</sup> Galway was the last city to remain in Irish hands but its capture was imminent as Sir Charles Coote was investing it from all sides. This city surrendered under articles in April 1652. Shortly after the end arrived for the Irish with the surrender of the last remnants of the Leinster forces under generals O'Ferrall and O'Reilly in September 1652, and their subsequent transportation to Spain via the port of Drogheda. It was perhaps significant that these articles were signed between these Irish generals and the parliamentarians at Cloughoughter where a mere three years earlier the only person who might have been capable of defeating the Cromwellians, Owen Roe O'Neill, had died and was interred.

The conquest was now complete and the country lay at the mercy of its conquerors. Dr. Corish metaphorically likened the country at this stage to "almost a blank sheet on which the English commonwealth could write what it wished".<sup>14</sup> Comparing the country to a "blank sheet" at this juncture is to paint a false picture of the situation because it overlooks the fact that the

---

<sup>12</sup> P.J. Corish, "The Cromwellian conquest, 1649-53", N.H.I. iii, p 343.

<sup>13</sup> For this epic defence see, J.G. Simms, "Hugh O'Neill's defence of Limerick 1650-51", Irish Sword, (1957), iii, pp 115-23. For a contemporary account see, "A diary of the siege of Limerick by Ireton 1651", (T.C.D. MS 868(3)).

commonwealth was faced with many problems before they could "write what they wished". In order to get a more correct picture one must carry Dr. Corish's methaphor a step further by likening the state of Ireland to a sheet of paper, but a sheet of paper that has many "ink stains" (Irish landholders) upon it. These stains must be removed before the commonwealth could write what it wished upon the sheet. It is to the removal of these "stains" that I turn now as the subject of the removal of the Irish landholders from their holdings and their subsequent transplantation to Connaught is discussed.

After Cromwell had returned to England, he had

urged the desirableness, in order that Ireton might be able to devote himself entirely to military affairs, of making some provision for the civil government of the country.<sup>15</sup>

The result of this "desirableness" was the setting up of the commissioners of the Parliament for the affairs of Ireland. This body consisted of Edmund Ludlow, Miles Corbett, John Jones and John Weaver. One of their first acts was to divide the country into six administrative districts, or precincts, each with its own commissioner to take specific care of them.<sup>16</sup> Once the war had finally ended in 1652 these precincts were used to effect the orders of the Act for the Settling of Ireland which passed the parliament on 12 August 1652.<sup>17</sup> The entire substance of the Cromwellian confiscations were based on this act. In its preamble the act addressed it self:

---

14 Corish, "The Cromwellian regime, 1650-60", N.H.L. iii, p. 357.

15 R. Dunlop, ed., Ireland under the Commonwealth. (Manchester, 1913), p.cxxvii.

16 The precincts were gradually increased to fifteen but finally fixed at 12. See Dunlop, Commonwealth. i, p.cxxvii.

17 Acts and Ordinances. ii, pp 598-603; Gilbert, History of

To the end therefore that the people of that nation may know that it is not the intention of the parliament to extirpate that whole nation, but that mercy and pardon, both as to life and estate, may be extended to the husbandmen, plowmen, labourers, artificers, and others of the inferior sort, in manner as is hereafter declared, they submitting themselves to the Parliament of the Commonwealth of England, and living peacefully and obediently under their government.....<sup>18</sup>

The act went on to declare five categories of Irish as being exempt from pardon for life and estate viz.: all who before the first general assembly at Kilkenny had abetted the "rebellion, murders or massacres"; the second category included all priests, particularly Jesuits, who had been involved in any way in the rebellion; the third category consisted of one hundred and five named magnates; the fourth category consisted of all who had been guilty of the murder of civilians; the last category included those who had refused to lay down their arms within twenty-eight days of the proclamation of the act in question. For these five classes was reserved the punishment of loss of both life and estate. As can be imagined, this cast a very wide net around almost all of the Irish landed gentry of the period. These were the large catches but there remained the "minnows" to catch and for these were designed the remaining clauses in the act. These last few clauses very definitely had the specific intention of catching the smaller landed Irish who had somehow managed to evade the original five clauses. In these clauses we find that all who had held command in the armies against the parliament and who were not comprehended in any of the former qualifications were to be banished from Ireland but their wives and children were to be assigned one-third of their forfeited estate wherever parliament might determine. The next clause

---

Affairs. iii, pp 341-46.

18 Acts and Ordinances. ii, p.598.

stipulated that those who had fought against the parliament also were to forfeit their estates in return for the same one-third compensation wherever the parliament might determine. The remaining clauses, (VIII, IX, X) dealt with papists who had not shown a "constant good affection" to the parliament. These were to receive two-thirds of their estate, again, in a place yet to be determined by the parliament. The last category dealt with those who could not show "good affection" to the parliament. These were to remain in possession of what they held less one-fifth of their estates. Included in this category were the Irish Protestants whose numbers were made up exclusively of 49 officers, and who had supported the king against the parliament. By this clause they too were to forfeit part of their estates but they were eventually allowed to compound, paying a stipulated price to be allowed to retain their estates. Dunlop concludes of this act:

Seldom in the history of any country has the hand of the conqueror been felt with greater severity than it was by the Irish at this time.<sup>19</sup>

By taking the wording of this act literally, especially the first five clauses, one can see that many thousand of the Irish, who came under these clauses were under a sentence of death. Gardiner for his part carefully considers the terms and implications of the act and calculates that around 80,000 persons were by it handed over to death.<sup>20</sup> This was perhaps very much true but whether or not it was the initial intention of the parliament to carry out such a sentence remains to be seen. At least with hindsight we can now adduce that such a sentence was never carried out, at least to the degree that the act allowed for. What this act very definitely achieved was the

---

<sup>19</sup> Dunlop, Commonwealth, i, p.cxxxiii.

confiscation of almost all the lands of the Irish without distinguishing between Catholics or Protestants. It can be stated, with reasonable certainty, that the only persons who had nothing to fear from this act were those who had nothing to lose and the only people who had nothing to lose at this time were those who had no "much coveted" lands. It was these people who were catered for in the preamble to the act when it was stated that "it was not the intention to extirpate the entire nation". One could perhaps dare to invert the preamble to induce it to mean that it was the intention of the parliament to extirpate only those who had land, which was the resource very much in demand by the Commonwealth. Without a doubt, the act carefully distinguished between those who had land and those who had not.

Dr. Bottigheimer agrees with such sentiments when he states:

The very distinction in the act of 1652 between the "inferior sort" and "others....of the higher rank and quality", with more specific promise of clemency for the former, suggests that the act was "land-minded", and that it was more concerned to establish the guilt of those who had something to confiscate than those who had not.<sup>21</sup>

The groundwork for confiscation was thus laid by the Commonwealth. Their act was virtually "an almost universal confiscation of land held by catholics".<sup>22</sup> What the Commonwealth had to do next was to get the Irish off their lands and either deposit them on foreign shores or in some safe place in Ireland in order to clear the way for the great settlement of the adventurers and soldiers that they envisaged. With this end in mind, instructions were forwarded to the

---

20 S.R. Gardiner, "The transplantation to Connaught", E.H.R. (1899), xiv, pp 700-34.

21 K.S. Bottigheimer, English money and Irish land: the adventurers in the Cromwellian settlement of Ireland. (Oxford, 1971), p.128. W.F.T. Butler sees it as the most extraordinary document ever produced by any body of legislation. Butler, Confiscations. p.121.

commissioners in Ireland on 2 July 1653.

You are authorised and required, either by proclamation or otherwise as you shall think fit, to publish and declare that, (for the better security of all those parts of Ireland which are now intended to be planted with English and Protestants, and to the end that all Persons in Ireland who have right to Articles or to any favour and mercy held forth by any of the Qualifications in the Act of Parliament, entitled, "An Act for Settling Ireland", may enjoy the benefits intended unto them and every of them respectively by the said Act), it is thought fit and resolved that all and every persons aforesaid shall before the first day of May, which shall be in the year 1654, remove and transplant themselves into the Province of Connaught and the County of Clare, or one of them, there to inhabit and abide, and shall have set forth unto them and every of them respectively, such proportions of land, and for such estates or terms, and under such conditions, reservations, and covenants as shall be answerable in value unto so much of his and their estates as by such articles of qualifications respectively he or they were to enjoy, in such place and manner as you, or such as should be authorised by you shall appoint and direct; and that whatsoever person or persons aforesaid shall, after the said first day of May 1654, be found inhabiting or remaining in any part of the provinces of Leinster, Munster, or Ulster (except in the said county of Clare), or, without a pass from you or any of you, or under the hand of such person or persons as shall be authorised by you to that purpose, travelling in any of the said provinces (except the said county of Clare) he and they shall be reputed as spies and enemies, and shall for the same offence suffer death....<sup>23</sup>

Bearing in mind that these instructions were published in July of 1653, we may note that it left the Irish who had right to articles a mere ten months in which to extricate their roots from their homes and transplant themselves with their family and stock to Connaught. If these handicaps were not enough, they were still required to complete this task through the winter months.

---

<sup>22</sup> Corish, "Cromwellian regime", p.381. To mention Catholics exclusively at this juncture is to overlook the fact that this act also provided for the confiscation of the Protestant royalist estates.

<sup>23</sup> "Additional instructions to Charles Fleetwood, Edmund Ludlow, Miles Corbett and John Jones 2 July 1653", Dunlop, Commonwealth, i. pp 355-59.

The reason Connaught was chosen as the place where the Irish were to be settled was not, as is commonly assumed, because Connaught was the poorest province. Ulster, in the seventeenth century very definitely held that distinction. This fact was recognised by the Parliament as early as 1642 when they had devised the original Adventurers Act. In that year and by virtue of that act, it was declared by parliament that they would give one acre of land in Connaught for every six shillings advanced. In Ulster they were giving one acre of land for only four shillings.<sup>24</sup> So why then was Connaught chosen as the place to settle the Irish? Prendergast answers this by pointing out that

Connaught was selected for the habitation of the Irish nation by reason of its being surrounded by the sea and the Shannon, all but ten miles, and the whole easily made into one line by a few forts.<sup>25</sup>

To facilitate the transplantation, commissioners were appointed to the town of Loughrea in county Galway. They received their instructions as to their procedure on 6 January 1654.<sup>26</sup> According to these instructions their main purpose was the setting out and distribution of land to persons removing into Connaught and Clare. However, before the transplanners appeared in Loughrea they had first to go through what amounted to a court set up especially to enquire as to the transplanners', past political behaviour in their own area. This court, in effect, determined the "qualification" of the would be transplanter, that is according to the act of settlement. Once the qualification was determined the Revenue Commissioners in

---

<sup>24</sup> See "Proceedings in England for confiscation of lands in Ireland 1641-42", Gilbert, History of Confederation, i, pp 258-65. The rates for the other two provinces were one acre of land in Leinster for every 12s. adventured and one acre of land in Munster for every 8s adventured.

<sup>25</sup> J.P. Prendergast, The Cromwellian settlement of Ireland, 3rd edition, (London, 1870), p.101.

the respective precincts would issue what amounted to a passport to the individual, which gave particulars of the persons themselves, any person that would be accompanying them to Connaught, and full details of the stock they were taking with them.<sup>27</sup> Once the transplinters were in possession of this "passport" they could then make the sometimes long journey to appear before a second court in Loughrea where they were at once required to produce the original passport. They were then allotted land somewhere in Connaught or Clare. This initial allotment of land was not as yet a final settlement, it was simply an allotment de bene esse in order to facilitate the transplanter and his stock until such times as they were to receive their final settlement.<sup>28</sup> A transplanter who had somehow managed to get this far had still another and perhaps more formidable obstacle to surmount before they could acquire the sought after final settlement. This obstacle was yet another court which had the distinct and forbidding title of a court of claims and qualifications. This was situated in Athlone and so the transplanter had once again to travel from their de bene esse holdings in Connaught or Clare to Athlone. They were soon to find out that if they had anything to hide that this court above all the others was well equipped to ascertain the transplinters' "hidden secrets". Dr. Corish tells us that this particular court was

provided with the Civil Survey and what were officially known as the 'books of discrimination' but were soon

---

<sup>26</sup> Dunlop, Commonwealth, ii, pp 387-8.

<sup>27</sup> R.C. Simmington, ed., The Transplantation to Connaught 1654-58, (I.M.C., Dublin, 1970), p.ix. An example of these certificates or "passports" is printed in Prendergast, Cromwellian settlement, pp 363-68.

<sup>28</sup> Prendergast, Cromwellian settlement, pp 105-6.



popularly called the 'black books of Athlone', notably the depositions compiled in 1642 and the records of the Kilkenny confederates.<sup>29</sup>

Furnished with these records, the Athlone court was able to enquire into the background of almost all the individuals that appeared before them. If the individuals had ever been associated with the confederates then the court would be aware of this from the Kilkenny confederate records that they had ever ready to consult and condemn as required.

These then were the obstacles a transplanter had to get over safely before they were able to acquire their final settlement. Their journey began in front of a court in their own precinct. If they managed to obtain the initial "passport" required they travelled to Loughrea where they appeared before another court which after further examination issued an allotment of land *de bene esse*. The stock safely put out to grass, the transplanters then set out on the last leg of their journey to Athlone. In effect what was most definitely occurring at this time was that the political conduct of the Irish was being investigated by no less than three different sources, the local precinct court, the Loughrea Commissioners, and finally the more formidable and well furnished Athlone Court of Claims and Qualifications.<sup>30</sup> If the transplanter somehow managed to adequately and suitably account for their political conduct over the previous decade, and if none of the courts, especially the last mentioned, could prove anything to the contrary, to judge by their supply of background information, then the transplanter would at last receive their final settlement which would allow them to take up their new land holdings somewhere in Connaught or Clare.

---

<sup>29</sup> Corish, "Cromwellian regime", p.366.

However, and perhaps quite surprisingly is that not all the Irish had to appear before the Athlone court. An exception was made for the ancient inhabitants of the Munster towns, especially Cork, Kinsale and Youghal. These instead of appearing at Athlone had to appear at a special court set up in Mallow. The reason these particular people got special treatment was their loyalty to the English interest in Munster. Even though they were all Catholics, they had, however, supported parliament's garrisons in the Munster towns. One might perhaps expect that this loyalty to the parliament would be amply rewarded but this was not to be. The Mallow court found that these particular people could not show the required "constant good affection" to the parliament.<sup>31</sup> This verdict was very surprising given the loyalty this group showed towards the parliament. As Prendergast points out, however, these people were, "guilty of another crime (like the bear, who is often killed, not for what he has done, but for his skin)".<sup>32</sup> In other words these Irish had houses and estates that were coveted by the Commonwealth and so they were ordered to transplant to Connaught. They at once refused to transplant saying that "they would rather go to the Barbadoes than into Connaught amongst the rebels".<sup>33</sup> This refusal caused Cromwell to enact a special Ordinance whereby they were exempted from transplantation to Connaught but they had to remove themselves instead to the two baronies of Barrymore and Muskerry in county Cork.

---

30 See the commission and the instructions or procedure of this court in Dunlop, Commonwealth, ii, p.270.

31 For the full proceedings of the Mallow court see Prendergast, Cromwellian settlement, pp 164-76.

32 *Ibid.*, 177.

33 *Ibid.*, 174.

AN ACT  
FOR THE  
ATTAINDER  
OF THE  
REBELS  
IN  
IRELAND.

At the Parliament begun at *Westminster* the 17<sup>th</sup> Day  
of *September*, *Anno Domini* 1656.



LONDON:  
Printed by *Henry Hills* and *John Field*, Printers to  
His Highness the Lord Protector. 1657.

Regarding the transplanting in general, it is quite clearly emerging, that due to what amounts to a mountain of "red tape", the system was quite unworkable and it is little wonder that there were a flood of petitions from people seeking a dispensation from transplanting. The government, in an attempt to enforce the working of the system attempted to induce and coerce the people to transplant by adopting very harse measures. Simmington describes the situation thus:

Transplantable persons, however, were proving so dilatory in removing themselves to Connaught and Clare that disciplinary measures were authorized on 19 March 1655. Courts martial were to be appointed in the various precincts to hear and determine the several offences of persons transplantable, and to proceed to their trial, condemnation and execution according to the laws of war in case of spies.<sup>34</sup>

It was these particular measures and a further act of 17 September 1656 that collectively became known as the "To Hell or Connaught" Act. By this latter act especially, each and every transplantable Irish person refusing to transplant, or caught east of the Shannon, was to be executed on the spot. In other words they had the choice of going to "Hell" if caught east of the Shannon, or they could go to Connaught.

As we can now quite clearly see, some categories of natives of Ireland were coming under increasing pressure. They were required to overcome many enforced obstacles in order to even obtain a proportion of their original estates in either Clare or

---

<sup>34</sup> Simmington, Transplantation, p.xii. The instructions can be seen in Dunlop, Commonwealth, ii, pp 488-90. Private instructions were also issued to the effect that the sentence of death could be mitigated to transportation to the West Indies, pp 490-91.

Connaught. Those who did manage to obtain Final Settlements were still in danger of being uprooted once again particularly when the government were forced to consider confiscations in Connaught lands. It became obvious that the lands east of the Shannon were grossly insufficient to meet the demands imposed on them by the Adventurers, the government "favourites" and of course, the many thousands of Cromwellian soldiers who were being disbanded at this time. The Commission for setting out lands in Connaught terminated on 30 September 1657 after having operated for almost four years. This date in effect marks the end of the transplantation so far as it was carried out and I will reserve the last word on it for the closing stages of this chapter.

Before I proceed any further this is an opportune moment to refer back once again to Dr. Corish's original metaphor of a "blank sheet". At that stage I had somewhat amended that metaphor by likening the state of Ireland to a blank sheet of paper, but which was "stained" in places by many "ink spots". As far as possible these "ink spots" (Irish landedholders) have been erased from the sheet, at least in theory if not in practice, so it is now that the Commonwealth can write its wishes upon the "paper" and it is to these wishes that I now turn.

As we have seen already, the Commonwealth by passing the Act of Settlement on 12 August 1652, effectively confiscated most if not all of the land of Ireland. The Commonwealth had its reason for the severity of the act. As Dr. Bottigheimer puts it:

The severity of the acts of settlement would determine how much land was available for redistribution and would create new classes of persons able to lay claim to it.<sup>35</sup>

One could therefore adduce that the act of settlement appeared as severe as it did in order to confiscate enough lands to satisfy the Adventurers according to the Adventurers Act of 1642, and the soldiers according to an Ordinance passed on 14 July 1643.<sup>35</sup> This new Ordinance, as well as allowing the Adventurers to subscribe more money at double the original rates, also wrote the army into the eventual settlement by permitting officers to subscribe their pay arrears for Irish lands at the same rate as the Adventurers, viz: every adventure of two hundred pounds would get one thousand acres in Ulster; every adventure of three hundred pounds would get one thousand acres in Connaught. Every adventure of four hundred and fifty pounds would get one thousand acres in Munster while an adventure of six hundred pounds would get one thousand acres in Leinster. In other words one acre in Ulster would cost four shillings. One acre in Connaught, six shillings. One acre in Munster would cost eight shillings while one acre in Leinster would cost twelve shillings. Initially it was only the officers who subscribed to this ordinance but through time the Commonwealth began to

convert what began in 1643 as the right of a soldier fighting in Ireland to receive his pay in Irish lands, into an obligation to do so.<sup>37</sup>

In factual terms then, this practice was soon to add at least another 35,000 people to the estimated 1,360 Adventurers who had already adventured money.<sup>38</sup>

By 1652 the scene was set for a dialogue to begin between the

---

35 Bottigheimer, English money, p. 117.

36 Acts and Ordinances, i, pp 192-97.

37 Bottigheimer, English money, p.119.

38 The computation of the number of Adventurers is quite complex. Dr. Bottigheimer has addressed this problem, English money pp 54-75.

parliament, the soldiers and the Adventurers over the exact form the intended settlement was to take. The Commonwealth Commissioners<sup>39</sup> initially proposed that sixteen Irish counties be divided into four allotments. The first allotment was to consist of the counties of Kerry and Limerick in Munster, and Clare and Galway in Connaught. The second allotment was to consist of the counties of Kilkenny, Wicklow, Wexford and Carlow in Leinster. The third was to consist of counties Westmeath and Longford in Leinster and Cavan and Monaghan in Ulster. The fourth and final allotment was to consist of the four counties of Fermanagh and Donegal in Ulster and Leitrim and Sligo in Connaught. The idea here was that the Adventurers would cast lots among themselves in order to see which of the four allotments each person was to receive their satisfaction. The proposal also envisaged the setting up of a new pale by securing all the passes upon the rivers Barrow and Boyne. This area would thus include most of the counties of Meath, Dublin, Kildare, Wicklow, Carlow and Wexford. The proposal did not make clear who was to reside in this "new pale". It then went on to loosely refer to how the soldiers were to be satisfied. The soldiers were to be

fixed to their respective garrisons and quarters, and have lands assigned to them as well for their pay arrears, as in lieu (at least of part) of their present pay, to the end they may be encouraged to follow husbandry, and to maintain their own interest, as well as that of the Commonwealth, provided only such of them as marry Irishwomen shall lose their commands, forfeit their arrears, and be made incapable to inherit lands in Ireland.<sup>40</sup>

As might be expected both the adventurers and the army were totally dissatisfied with such a scheme.<sup>41</sup> Their reasons for refusing to subscribe to it can perhaps be seen in that the

---

<sup>39</sup> Edmund Ludlow, John Jones, Miles Corbett and John Weaver.

<sup>40</sup> Dunlop, Commonwealth. i, p.121.

adventurers were getting some of the poorest counties of Ireland while the army did not know what they were getting due to the sketchy nature of the proposal. After more lengthy debate the parliament had, by October 1652, drawn up a draft act of satisfaction for adventurers and soldiers. At the heart of this draft was a "ten county scheme", three in Munster, three in Ulster and four in Leinster. These ten counties were to be equally divided between the soldiers and the adventurers.<sup>42</sup> Dr. Bottigheimer correctly points out that the "virtue of the ten-county scheme was that it permitted, at least in theory, simultaneous settlement of the adventurers and soldiers".<sup>43</sup> While this scheme was being examined by all the concerned parties, events in England saw the forceful dissolution of the parliament by Oliver Cromwell. Shortly afterwards, in July 1653, a new assembly was summoned<sup>44</sup> which at once saw fit to allow the scheme to go ahead with only very slight changes. One could perhaps adduce that this new "Nominated", or "Barebones" parliament, as it became known, had little choice in the matter given the fact that a council of state had already begun to implement the terms of the original scheme. On 22 June 1653 this council of state had issued orders for the taking of three surveys; "a survey by inquisition from juries, a survey by measurement and mapping and a gross survey".<sup>45</sup> The last of these three surveys was to be taken first and as the title suggests, the survey was based wholly on guesswork. This survey was to firstly complete the ten counties which were to be allotted to the adventurers and soldiers before going on to other areas.

---

41 See the "Humble petition of the Committee of Adventurers 6 April 1652", H.M.C. Portland MSS. (1691), i, p.639.

42 Armagh, Down, Antrim, Queens, Kings, Eastmeath, Westmeath, Limerick, Tipperary and Waterford.



On 26 September 1653 this "ten county scheme" became law when Cromwell's "Barebones" parliament passed an "Act for the speedy and effectual satisfaction of the adventurers for lands in Ireland, and of the arrears due to soldiery there, and of other public debts, and for the encouragement of Protestants to plant and inhabit Ireland". The clauses in this act very definitely favoured the adventurers because the soldiers' intended settlement seemed to be very cramped given the large number of soldiers that were ready to be disbanded. It was thus not surprising that this group feared that there was insufficient land to answer their arrears.<sup>46</sup> Because of these manifest fears, accompanied by increasing pressure from the commissioners, a general council of officers agreed in November 1653 to raise the rates applicable to the army in order to initiate a distribution which would not threaten to exhaust the limited land supply.<sup>47</sup> The following table (Table two), shows the adjusted rates at which the army were to be satisfied.<sup>48</sup> On the left column I have shown the names of the counties while in the middle column I have shown the corresponding act rate figures. The last column contains the new rates as laid out by the army. For example, the county of Kildare was valued at 600 pounds per thousand acres according to the original act rates while the new army rates valued it at 1300 pounds per thousand acres.

---

43 Bottigheimer, English money, p.131.

44 This new assembly is referred to as the "Barebones" parliament because it consisted of 140 men selected by the army leaders from nominees of the Independant and Baptist congregations.

45 Corish, "Cromwellian regime", p. 361.

46 They expressed these fears in a letter to the council of state, Dunlop, Commonwealth, ii, pp 380-83.

TABLE TWO  
ADJUSTED RATES AT WHICH THE SOLDIERS WERE TO BE SATISFIED

	county	act rate per 1,000 acres	act rate per 1,000 acres
01	WICKLOW	600	600
02	LONGFORD	600	600
03	KINGS COUNTY*	600	600
04	WEXFORD	600	900
05	CARLOW	600	1100
06	KILDARE	600	1300
07	KILKENNY*	600	1100
08	QUEENS COUNTY*	600	900
09	WESTMEATH*	600	900
10	MEATH*	600	1300
11	DUBLIN	600	1500
12	ARDEE BARONY**	600	1200
13	CORK	450	800
14	WATERFORD*	450	800
15	TIPPERARY*	450	1000
16	LIMERICK	450	1100
17	KERRY	450	450
18	ANTRIM*	200	520
19	ARMAGH*	200	460
20	TYRONE	200	400
21	FERMANAGH	200	420
22	DONEGAL	200	400
23	LONDONDERRY	200	450
24	CAVAN	200	400
25	MONAGHAN	200	420
26	DOWN*	200	520

\* indicates the counties of the original scheme.  
\*\* remainder of county Louth was set aside as additional security for the adventurers.

It is rather surprising that the majority of the army initially agreed to these new rates which, at a glance, inform us that they were very unfavourable to the soldiers especially when compared to the adventurers rates. Dr. Bottigheimer concludes on these new rates:

---

47 Bottigheimer, English money, p.136; Dunlop, Commonwealth, i, p.cxxxvii.

48 The table is based on Prendergast, Cromwellian Ireland, pp 213-14. That author states that his source was the "Particular of the rates of the several counties in the Provinces of Leinster, Munster, and Ulster, as they were agreed by the general council of officers". In constructing the table I included the act rates for comparison.

In some counties the army council had more than doubled the rates, with the result that a soldier with 100 pounds due to him in arrears would receive less than half the amount of land than an adventurer holding the same amount of debt would receive.<sup>49</sup>

For instance, an adventurer in county Meath with 300 pounds would obtain five hundred acres of land while a soldier with the same amount would receive only two hundred and twenty-five acres.

This then was the scheme by which Ireland was to be divided between the people who had adventured money and the soldiers who had fought on Irish soil. A lottery was held on 24 January 1654 to determine which baronies in each of the ten counties was to constitute the soldiers half and which the adventurers. The following map (Map Five), shows the result of this draw, the soldiers baronies are depicted in red while the adventurers baronies are in green.

The adventurers for their part, held a further lottery between themselves in order to firstly determine in which of the provinces their share would fall.<sup>50</sup> They then drew again to determine in which of the counties, they were to be satisfied in, then in which barony and finally in which part of the respective baronies their lot was to fall in. The following table (Table Three), shows the amount of profitable lands necessary at the act rates to satisfy the sums appointed for the satisfaction of the adventurers in each of the ten counties.<sup>51</sup> We can see that the adventurers had altogether adventured 360,000 pounds and accordingly this total was charged upon the adventurers moieties as depicted in the middle column of the table. The table clearly shows the debt allocated to each adventurers moiety in each of

---

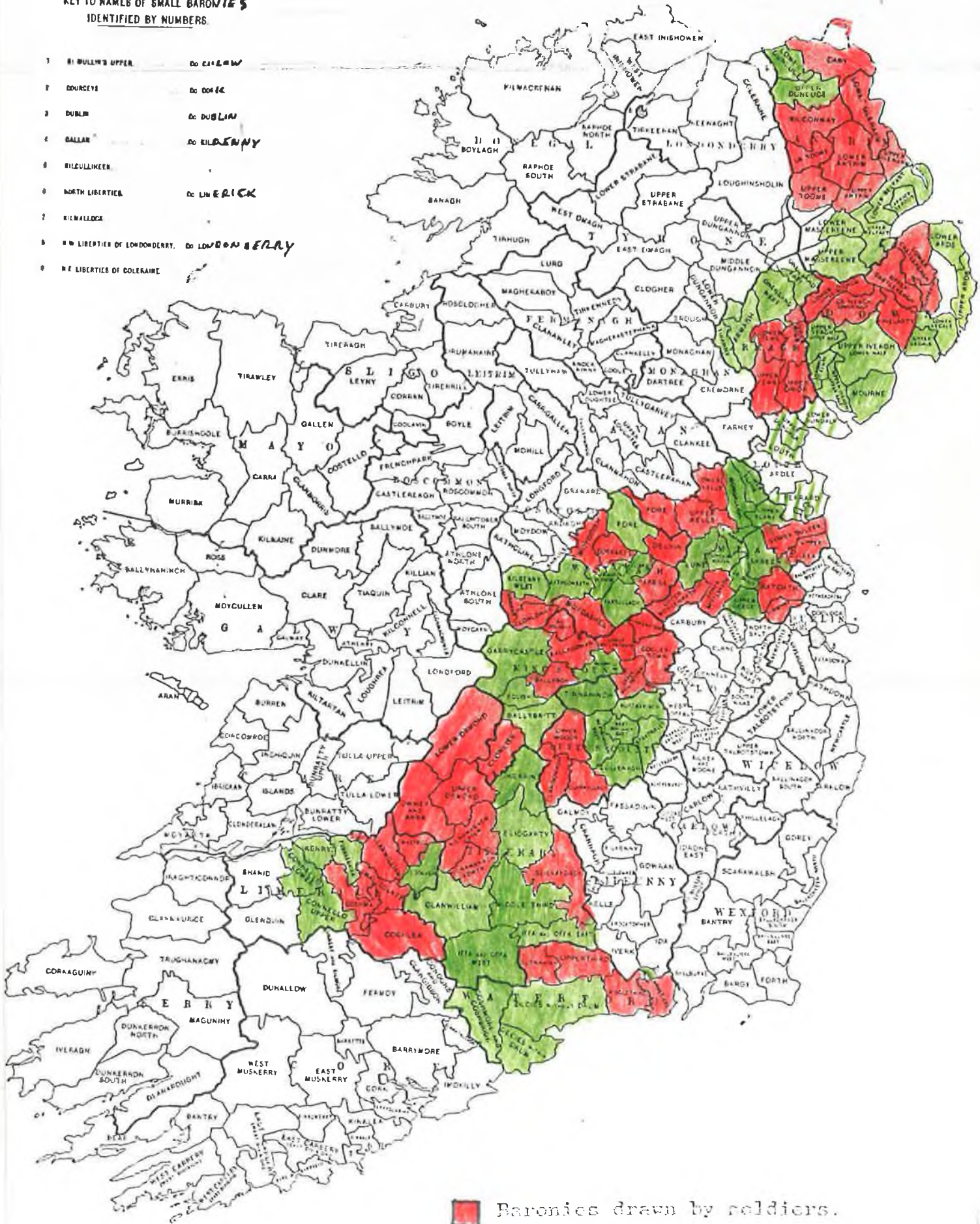
<sup>49</sup> Bottigheimer, English money, p.137.

MAP FIVE

BARONIES DRAWN BY THE ADVENTURERS AND SOLDIERS  
24 JULY 1654

KEY TO NAMES OF SMALL BARONIES  
IDENTIFIED BY NUMBERS

- 1 BULLING'S UPPER Do *CAF&M*
- 2 DOURCY Do *DOIC*
- 3 DUBLIN Do *DUBLIN*
- 4 DALLAN Do *KILDENNY*
- 5 BILCULLIKER
- 6 NORTH LIBERTIES Do *LINERICK*
- 7 KILMALLOCK
- 8 N LIBERTIES OF LONDONDERRY Do *LONDONBERRY*
- 9 N LIBERTIES OF COLERAINE



- Baronies drawn by soldiers.
- Baronies drawn by adventurers.
- Additional security for adventurers.

the ten counties that was drawn by the adventurers. The middle column shows in pounds the amount charged on each moiety per county. The column on the right shows the number of profitable Irish acres necessary according to the Act rates to satisfy the debt charged upon it. One can thus see that 360,000 pounds was the total debt allocated while 811,106 profitable Irish acres was required to satisfy this amount.

**TABLE THREE**  
**THE ALLOCATION OF THE ADVENTURER'S DEBT**

county	debt allocated	acres necessary
WATERFORD	20,000	44,444
LIMERICK	30,000	66,666
TIPPERARY	60,000	133,332
MEATH	55,000	91,666
WESTMEATH	70,000	116,666
KINGS COUNTY	40,000	66,666
QUEENS COUNTY	40,000	66,666
ANTRIM	15,000	75,000
DOWN	15,000	75,000
ARMAGH	15,000	75,000
	360,000	811,106

As the only survey that had so far been completed was the Gross Survey, the following table (Table Four), shows the total returned by this survey for each of the ten counties.

**TABLE FOUR**  
**RETURNS OF THE GROSS SURVEY FOR THE TEN COUNTIES**

county	in whole county	in adventurer's baronies	acres necessary
WATERFORD	153,100	*	44,444
LIMERICK	224,744	121,894	66,666

---

50 Ibid., p.142. At the time each barony was subdivided into quarters.

51 After Bottigheimer, English money, p.144. The figures are taken from the act of 26 September 1653, Acts and Ordinances, ii, p.739. Conversion to acres simply requires an application of the act rates appropriate to the various counties.

52 The two left columns have been abstracted from various tables in Bottigheimer, English money, p.145. The right column has been added from the previous table.

TIPPERARY	516,566	258,233	133,332
MEATH	185,917	92,983	91,666
WESTMEATH	130,386	65,136	116,666
KINGS COUNTY	138,080	71,039	66,666
QUEENS COUNTY	153,654	76,424	66,666
ANTRIM	244,559	121,026	75,000
DOWN	230,230	101,543	75,000
ARMAGH	87,978	*	75,000

2,065,224

\* acreage not shown for adventurer's barony.

It would seem then that according to the Gross Survey there was ample acreage available to satisfy the adventurers claim of 360,000 pounds. They accordingly sat down on their lands between 1653 and 1658 and most of them were in possession before the later and more accurate Down Survey was completed (1658-9). This new survey revealed that the Gross Survey, which the adventurers had used to settle, was rather erratic and that it tended on the whole to overestimate the amount of confiscable land in the adventurers baronies. One can conclude then, "that in the gross survey the adventurers had but a dim light to guide them in their plantation of a darkly labyrinthine Ireland".<sup>53</sup> It would thus appear that the adventurers had an easy passage to set down in their lands. This was not to be the case for the soldiers whose setting down was much more complicated. These complexities arose because there were much more soldiers to be planted than there had been adventurers. A second and more complicated feature of the soldiers settlement was that they were looked upon as constituting at least four different classes or groups, each looking for satisfaction before the other. In defining these groups we shall see that 5 June 1649 becomes a very important date indeed. This in fact was the date that the Council of State gave orders for Flemish ships to transport the horse into Ireland, and for the regiments to march to Chester and other

ports to embark for Ireland. In other words this was the date that Cromwell and his army began its march for the reduction of Ireland. These regiments were to constitute the first group and it was these that were to share the ten counties with the adventurers, and any remaining deficiencies were to be satisfied out of the remainder of Ireland that was specifically set aside for that purpose.

The second group were those soldiers who had arrears for service in England before the June 5 deadline. To distinguish this particular group from the others, they can be given the title of the "English Arrears" group, and no doubt there were included in their ranks soldiers from the first group and the third group.

The third group comprised those soldiers who had arrears for service in Ireland before 5 June 1649. These are commonly referred to as the "'49 Arrears". Many of these had seen over eight years service in Ireland before 5 June. It was in fact this group who had held out for the parliament under Colonel Michael Jones in Dublin, Sir Charles Coote in Derry, and Colonel Monck in east Ulster when Ormonde had returned to Ireland in 1649 to reopen the royalist cause. One must not confuse this group with the '49 Officers who are the central subject of this study. The '49 officers differ from this group in that they gave their allegiance to Ormonde's royalist standards in the crucial period immediately after the execution of Charles I. The '49 Officers would have been fighting against the three groups already mentioned resulting in the fact that they did not receive any satisfaction for their arrears from the Commonwealth government.

The fourth and final army group was the Protestant army of Munster. This group, while also having served in Ireland before 1649, differed from the '49 Arrears in that they had at certain stages of the campaign, given their allegiance to the king. They served under Inchiquin since 1642. They revolted with him from the king's service to Parliament in 1644 and back again to the king in 1648. However, when Cromwell arrived in 1649 they revolted once again back to the parliament. Their initial revolt from the parliament would technically mean that they could not claim the "good affection" that was required of all Irish Protestants to prevent their transplantation or the sequestration of their estates. Cromwell, however, rewarded them for their very timely revolt to him in 1649 by having an "Indemnity to the English Protestants of the Province of Munster", passed on 27 June 1654.<sup>54</sup> This entitled them to receive equal satisfaction with the other '49 arrears. These were the four groups of the army that were to be set down in confiscated lands in Ireland. The following map (Map Six), shows by barony, where each of these four groups were to set down. This setting down was effected in three disbandings and subsequent assignments of land to the soldiers. The first disbandment took place in September 1655 while the second and third took place in July and September of 1656. The first of these groups to be disbanded were those who had served in the regiments of Colonels Michael Jones, Sir Charles Coote and George Monck, all of which belonged to the "'49 Arrears" group. The reason they were chosen to be first disbanded is adequately outlined by Prendergast:

These men it was conceived, were fittest to be first

---

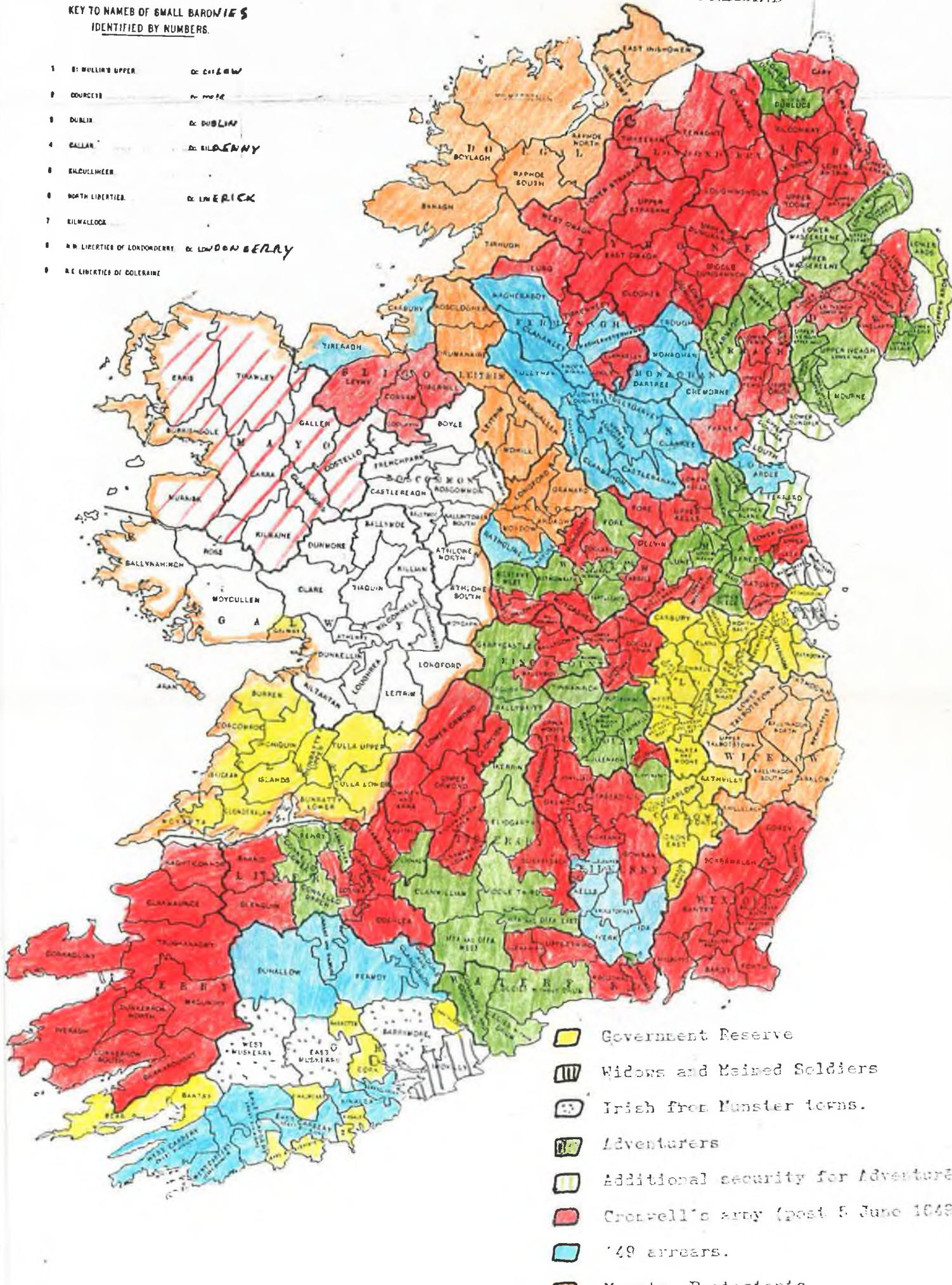
<sup>54</sup> Acts and Ordinances, ii, p.933.



THE CROMWELLIAN SETTLEMENT OF IRELAND

KEY TO NAMES OF SMALL BARONIES IDENTIFIED BY NUMBERS.

- 1 B: MULLIN'S UPPER      DC CATHLAM
- 2 DOURCEIL              DC MATH
- 3 DUBLIN                 DC DUBLIN
- 4 GALLAR                 DC BILDENNY
- 5 KILCULLINEER
- 6 NORTH LIBERTIES      DC LIMERICK
- 7 KILMALLOCK
- 8 N.W. LIBERTIES OF LONDONDERRY DC LONDONDERRY
- 9 S.E. LIBERTIES OF COLERAINE



- Government Reserve
- Widows and Maimed Soldiers
- Irish from Munster towns.
- Adventurers
- Additional security for Adventurers
- Cromwell's army (post 5 June 1649)
- 149 arrears.
- Munster Protestants
- British arrears.

disbanded and set down as being longest in the Parliament's service, having most interest in Ireland, and most conceivable arrears due before 5 June 1649. Besides it would be a succour and encouragement to English to come over and plant, to have those that had seen service in arms to plant amongst them.<sup>55</sup>

The next group to be disbanded were those that had arrived in Ireland with Cromwell in 1649. The third group to be disbanded were those having "English Arrears" to be satisfied. The final group to be satisfied were the Protestant Munster army. Commissions were accordingly given out to facilitate the disbandments. An example of such a commission was the one given to Colonel John Foulke and others, to set out the lands in the barony of Ardee (county Louth), to members of the "'49 Arrears" group.

A Commission authorising Colonel John Foulke, Major William Cadogan, Patrick Carey, Cadwallader Wynne, Lieutenant Nixon, Doctor Jonathan Edwards, and Thomas Fugill Esquires, or any three of them, to set out by lot the number of 19,318 acres, 1 rood and 13 perches, part of the lands belonging to the Commonwealth within the barony of Ardee in satisfaction of 23,182 pounds arrears, due to the disbanded officers and soldiers and other persons in a schedule to the said Commission annexed [wanting] mentioned, which Commission is the same in terms and instructions (*mutatis mutandis*) with that Commission issued unto the county of Cork, for the setting out lands to the disbanded forces there, except these clauses following viz. an addition to the first instruction in the said Commission and in the latter end thereof, in these words following--"And the said lots being prepared as aforesaid, they are to divide the said barony into several allotments by parishes or otherwise, so as the number of acres in each of the said allotments (in the dispose of the Commonwealth) according to the said survey, may be certainly known (not regarding the equality of one allotment with another), to the end that lots may be drawn for every respective allotment as hereafter is herein expressed....<sup>56</sup>

The second and third groups sat down with similar Commissions for their respective areas. The fourth group viz. the Protestant Munster army, although they were allotted the areas depicted in

---

<sup>55</sup> Prendergast, Cromwellian Ireland, pp 190-91.

<sup>56</sup> Dunlop, Commonwealth, ii, pp 394-95.

map six, did not in fact set down before the Restoration, "owing to the late period of taking their examinations, and the delay in stating their accounts".<sup>57</sup> It was unfortunate for this group that the Restoration overtook their forthcoming disbandment because Charles II, remembering their revolt to Cromwell, refused to include them in the Restoration settlement.

Before each soldier could set down, they had to receive a debenture which stated their arrears and the amount of land due to them. A special board was set up in Dublin, consisting of eight persons, whose specific job was to hear the claims of each officer and soldier and to issue debentures according to the claim, provided of course that the claim was in harmony with the evidence supplied by the army Muster Rolls that this board had in front of them. The debentures were made in duplicate. One copy was retained by the board while the second was given to the officer or soldier (or their attornies), who were to give them up when satisfied in land. The following is a copy of a debenture issued to the relict of Captain Thomas Hunt. For his stated service he was to receive 714 pounds, 17 shillings and sixpence.<sup>58</sup>

Just as the adventurers drew lots to ascertain where their lands would fall, so the soldiers had to go through a similar process before they knew where their eventual allotment was to fall. To begin with the regiments in each provincial lot cast lots to ascertain in what county and baronies each of the regiments was to be satisfied.

---

57 Prendergast, Cromwellian Ireland, pp 194-95.

58 From facsimile in Prendergast, Cromwellian Ireland.

By the Commissions appointed for Statving the  
Arrears of the Boudiory (Cm of Publique faith  
Debts in Ireland)

**U**Pon Composition and Agreement made  
with Mrs Ester Hunt Administratrix to her late  
Husband Capt Thomas Hunt Deceased in behalfe  
of her selfe And for the use of Henry Thomas Benjamin  
Anne Gordon and Sarah Hunt Children of the  
said Deceased

for all the said Deceased Arrears for  
Service in Ireland from the last Day of

1646 to the 5th Day of June 1649 As  
Capt of a Troop of Horse in Col. Ludlow  
Foot Regiment

There remains due from the Common-wealth  
to the said Ester Hunt and said Children of the Deceased their  
Executors, Administrators, or Assigns, the Sum of  
Seven hundred and fower score Seven pound  
Shillings and Six pence - which is to be satis-  
fied to the said Ester Hunt and said Children of the Deceased their  
Executors, Administrators, or Assigns, out of the Re-  
bels Lands, Houses, Tenements and Hereditaments  
in Ireland; or other Lands, Houses, Tenements and  
Hereditaments there, in the dispose of the Common-  
wealth of ENGLAND. Signed and Sealed at DUBLIN  
the Six and twentieth day of May 1658

Examined and entered

Tho Herbert  
sen<sup>r</sup> Register

Edw Roberts  
Robert Gorges  
Robt Geoffrey

A lot or ticket was then made for every troop or company, containing the names of the several offices and soldiers of the troop or company, the arrears due to each, and the number of acres due to the entire troop or company. The lots or tickets were prepared on papers of equal size, and sealed with waxed wafers or glue, so as one might not be distinguished from the other without opening them. They were then to be put in a box, out of which they were to be drawn as lots, to distinguish in which of the baronies their proportion of land due to each company was to fall.<sup>59</sup>

Once all this had been completed the respective regiments proceeded to a specified place at a specified date, where the final draw was to take place. Here, in the presence of the officers and soldiers they drew lots for the barony as described in the Commission for Ardee. As soon as the lot was drawn, all the soldiers into whose shares the barony fell were to deliver up their debentures so that they could be cancelled. Each man was then to receive in exchange for his debenture, a certificate stating that the debenture had been given up and declaring the amount of arrears due and the number of acres to be set out in the barony as satisfaction.<sup>60</sup>

This last process, while being very important, is rather strangely ignored by historians of the period. To ignore these latter certificates, and to concentrate instead on the debentures, will paint a totally misleading picture of the situation because it is these certificates, and not the debentures, that were in effect, the title to the lands that were drawn. According to Prendergast, "no such Certificates or letters of possession were issued".<sup>61</sup> This is entirely untrue as the following is an example of just such a Certificate that was

---

<sup>59</sup> Prendergast, Cromwellian Ireland, pp 207-8.

<sup>60</sup> The entire list of rules for the drawing of these army lots can be seen in "a commission for the setting out lands in the County of Cork to the disbanded forces in lieu of their arrears, 10 January 1654", Dunlop, Commonwealth, ii, pp 389-94.

BY vertue of a Commission to us and others, directed from the Commissioners of the Common-wealth, bearing date the Tenth day of January last, for the setting out of the Officers and Souldiers in the said Commission in satisfaction of their Arrears: We do hereby certify

late *James Gaston* being *of a Company* of *Shooke* in the Regiment of *Col Knoll*

*Lieut* hath this day delivered unto us *two* Debentures bearing date the *twenty second* day of *October* last past, And being for all his Service in England and Ireland, amounting in the whole to the Sum of *two hundred thirty seven pounds five shillings*

in satisfaction of which Sum there is due unto him *one hundred thirty seven pounds two shillings two thirds of a penny* of Land, within the Allotment of the Barony of *Ards* in the County of *Down*

In which Allotment the Lands due to the Officers and Souldiers of *the said Col Knolls Regiment* in satisfaction of their Arrears is fallen by Lot. In witness whereof we have hereunto set our Hands and Seals, at *Tridath* the *Eight* day of *April* 1654

Although the words (for all his service in England and Ireland) be inserted in this writt, yet it is not thereby meant that the land given and mentioned in this writt is for any other service then in *Ireland*

*Wm. Cadogan* *Callwynne*

*John W...*



issued to Captain James Garstin who was to be satisfied in the barony of Ardee.<sup>62</sup> Garstin, who delivered up two debentures, was to receive one hundred and ninety seven acres and two roods for his arrears which amounted to two hundred and thirty seven pounds, and four shillings. The signatures attached to the Certificate are those of Major William Cadogan, Cadwallader Wynne and Colonel John Foulke, who were three of the officers who received the Commission to set out lands in the barony of Ardee as outlined above. These three officers were, according to that Commission, the required number to set out the lands so one can take this as conclusive authenticity for the Certificate they issued to Captain James Garstin.

This was how the adventurers and soldiers were to be satisfied their adventure and arrears respectively. It was intended that 1,533 adventurers and over 35,000 soldiers were to be planted in Ireland but whether this in fact occurred must now be examined, in the conclusion to this chapter.

As we have seen, the war in Ireland effectively ended in 1652 when the division of the spoils was about to commence. As Petty puts it:

As for the blood shed in those contests, God best knows who did occasion it; but upon the playing of the game or match the English won, and had amongst other pretences a gamesters right at least to their estates.<sup>63</sup>

This is exactly what the Cromwellians thought they had a right to, the estates of the Irish people whom they had recently

---

61 Prendergast, Cromwellian Ireland, p.189.

62 Garstin family papers, (N.L.I. unsorted and not numbered)

63 W. Petty, "The political anatomy of Ireland", C.H. Hull, ed., The economic writings of Sir William Petty, (Cambridge, 1899), i, p.317.

defeated. With this in mind they passed the Act for the Settling of Ireland in August 1652. As has already been pointed out this act was very definitely "land minded" as it had the specific intention of confiscating all the lands of the Irish which were needed to pay off the parliamentary debts. The severity of this act was necessary because of the large numbers of people who had to be satisfied, 35,000 soldiers and 1,533 Adventurers. This then was the act by which the Irish land was deemed to be forfeited to the commonwealth. The commonwealth then began to issue instructions as to how the Irish were to be got off their lands. They accordingly devised a tripartite approach to this problem. The first of these approaches was the transporting of over 30,000 Irish soldiers abroad to serve in foreign armies. These soldiers went

chiefly to Spain where the English wished the whole Irish nation had gone. But some also served in France and Austria and Venice, and everywhere they went they covered their country with glory, exhibiting a patience, a fidelity, a courage, a reckless disregard of danger and death in battle, which, if exhibited at home under capable leadership might have saved their country from subjugation and ruin.<sup>64</sup>

The second method used by the Cromwellians was the transporting of many Irishwomen and children to the West Indies where they were forced to work as slaves or at best, as indentured servants. The third method was to transplant the Irish west of the Shannon where they were allotted lands according to the articles they were entitled to. This particular fate also awaited the Protestants who had supported the king but they were eventually allowed to remain on their lands by the paying of composition fines to the commonwealth.

---

64 Prendergast, Cromwellian Ireland, p. 87.



The people in the first two groups had little choice in the matter, they were simply put on board a ship never to see their homeland again. The third group, however, probably because of the hardships involved, were very slow to leave their lands. Many applied for dispensations from transplanting and the indications are that many were in fact dispensed with, initially for a short period but eventually they were allowed to stay permanently. It was the granting of such dispensations which perhaps caused the eventual failure of the transplantation process as the people who were initially dispensed with eventually remained in their areas as tenants to the new settlers.<sup>65</sup> Whether it was intended or not, these new settlers actually aided the Irish in their request to dispense with transplanting. The Irish were needed by these new settlers to farm and tend their lands. Indeed, as Barnard puts it;

Estates tenanted and worked exclusively by English Protestants might be theoretically desirable, but there was no imminent prospect of their being established. If the Old Protestants lands were to be cultivated profitably, the retention of Irish tenants and labourers was essential.<sup>66</sup>

This was exactly the situation faced by not only the Old Protestants but also the Cromwellian grantees as well. In this respect the Irish were quick to realize that their services were needed and some even dared to seek promises from the new owners that they would not be transplanted. The following letter to Sir John Percivall supports this particular assertion:

I should have written to you before, but was credibly informed that you were coming here.....Some of your tenants of the country were once resolved not to plough or sow a ridge of ground till I fed them with sure

---

<sup>65</sup> "A List of those dispensed from transplantation in the district of Trim", (T.C.D. MS F3.17. ff 160-70). Of those that applied for dispensation in this district only 7 were refused.

<sup>66</sup> T.C. Barnard, "Planters and policies in Cromwellian Ireland", Past and Present, no. 61, (1973), p.41.

promises they should not be transplanted. I have assured them you have a toleration to keep all your own tenants, in which assurance they partly confide and so go on.....<sup>67</sup>

It would seem then that Percivall's tenants refused to carry out their duties until they got a specific assurance that they would not be transplanted and there is no evidence to suggest that this was not the case elsewhere.

Of those that went to Connaught, many found the added hardship of their newly allotted Connaught lands being taken off them. Once it became evident to the Cromwellians that there was insufficient lands to satisfy their needs east of the Shannon, they turned towards the Connaught lands as additional security to make up the deficiencies. We can see from map six that due to this gradual withdrawal of Connaught lands, the Irish were eventually left with only a small portion of what was originally intended for them. This was the first half of the Cromwellian Settlement, the second half was to entail the setting down of the adventurers and army on the newly-confiscated land. Here they were faced with many difficulties. Dr. Bottigheimer indicates perhaps the greatest difficulty:

The settlement conceived in the act for adventurers of 1642 never reached a conclusion. It grew great and complex, but like some gorged beast proved unable to digest what it had swallowed.<sup>68</sup>

This was exactly what led to the eventual failure of the Settlement. The commissioners were faced with an enormous and very complex problem in that they had not only to get the original people off their land but they had also to plant new people in their place. This impossible feat was attempted by the

---

<sup>67</sup> "Lieutenant Richard Beare to John Perceival, 23 January 1654", H.M.C. Egmont MSS (1905), i, p.534.

<sup>68</sup> Bottigheimer. English money, p.142.

use of two particular acts, the act for settling and the act for satisfaction. The second depended on the first in order to succeed, but the first never had a chance to succeed because the transplanting process was constantly been compromised, by discretionary powers been to local commissioners and commanders, who, in exercising their discretion, allowed many of the Irish to stay east of the Shannon. The failure of the first half of the settlement thus precipitated the failure of the second. However, this was not the only reason that the second failed because contained within the second was also the seeds of its own destruction. The further it continued the greater danger there was of its collapse. Without a doubt, it was the Commonwealth policy to confiscate the land and settle it with large numbers of English adventurers and soldiers as small land-holders. If this had occurred as planned then the Settlement would probably have been a success. However, this in fact did not occur. What did occur was that the confiscated land was taken over by small numbers of Adventurers and soldiers with large land-holdings. This occurred very definitely because the ordinary soldier holding a debenture for a small amount, did not consider it worth his while to cash it in for Irish land. They were more interested in turning it into ready cash so they inevitably sold their debentures to their officers or indeed to any speculator that was willing to buy from them. One officer might purchase many debentures which would, in effect, buy the right to large acres of Irish land.

Map six lays out the areas set aside for all the groups that claimed an interest in the Cromwellian Settlement. I have been able to construct this map by going through all the various

acts, ordinances and orders. By so doing I was able to arrive at the conclusion shown in the map. For instance, the blue areas indicate the places set aside for the group claiming the '49 Arrears. Other maps indicate that this group only received certain baronies in the counties of Louth, Fermanagh and Cork. These were indeed the areas given them by the act for satisfaction. However, by subsequent orders they were given the other areas as depicted in my map. Because other historians' maps do not generally recognise these areas as been allotted to this particular group they thus paint an erroneous picture of the entire Cromwellian Settlement. The same also applies to certain other groups, some of which, like the widows, receive no mention whatsoever, but as my map clearly shows they were in fact allotted a total of three baronies altogether. What map six particularly shows is the Cromwellian Settlement as it was intended to be worked. Research is needed to ascertain whether the groups depicted ever actually sat down on their allotted areas. The base for such research, however, has already been laid by the construction of map six but it remains for others to build upon this before we will ever know the full implications of the Cromwellian Settlement.

In conclusion the Cromwellian confiscation was very definitely a failure in that the intended policy of removing the Irish west of the Shannon was defeated by the discretionary powers exercised by the local commanders and commissioners, who allowed many Irish to remain. The Cromwellian settlement also failed because the intended aim of settling the land with large numbers of small holders was never achieved. What did occur was that a small amount of large landholders emerged. They needed tenants for the

land and so they looked to the Irish who were only too happy to oblige because it meant that they did not have to transplant. For many of these Irish, particularly the landless, it was merely a change of landowners. "It is difficult", Larcom wrote about Petty,

to imagine a work more full of perplexity and uncertainty than to locate 32,000 officers, soldiers and followers, with adventurers, settlers, and creditors of every kind and class, having different and uncertain claims, on lands of different and uncertain values in detached parcels sprinkled over two-thirds of the surface of Ireland.<sup>69</sup>

The settlements days were numbered when certain army officers in both Ireland and England began once again to look for the guidance that only a monarch could give. Their eyes quickly turned towards the continent where the son of their last king was in unhappy exile. All that was required was for somebody to emerge from the ranks to guide them towards a restoration. These leaders were found in Colonel Monck in England and Sir Charles Coote and Lord Broghill in Ireland who between them paved the way for the restoration of Charles II to his father's throne in 1660.

---

<sup>69</sup> T.A. Larcom, ed., The history of the survey of Ireland commonly called the Down Survey by Doctor William Petty A.D. 1655-6. (Dublin, 1851), p.358.

## CHAPTER THREE

### PRELUDE TO A SETTLEMENT: IRELAND 1659-1662

As was seen in the previous chapter, the Cromwellian settlement effectively failed because of the reasons already outlined. Map six clearly showed what was to have been the intended settlement, but again, for the reasons already shown, this was never carried out, at least to its intended limits. Without any doubt it can be asserted that the Restoration had the initial effect of interrupting the setting down of some of the groups, particularly the Protestant Munster army. Ormonde likened the Restoration to the resurrection

when God, beyond our hope took us all from banishment, dispersion, and out of the lowest and most comfortless degree of despair, and restored us to our country, to our fortune and to our friends.<sup>1</sup>

Contained within this statement is that great question that still awaits an historian: who in fact was Ormonde referring to when he mentions a restoration "to our country, to our fortune and to our friends?" While it is far beyond the scope of this study to ascertain the exact answer to that question, it will be seen how one particular group fared when Charles II was restored to his throne. That group is the Protestant royalist officers who served in Ireland under Ormonde before 5 June 1649. They will receive their full introduction below, but first it is necessary to address briefly the two questions as to why the Restoration occurred in Ireland when it did, and who were the chief instigators of it? Events in England, however, must also be taken into consideration and it is to there that I now turn.

---

<sup>1</sup> "Ormonde to the Countess of Clancarty 5 August 1655", Carte, *Ormonde*, iii, p.122.

The English events can be summarized by mentioning that February 1649 had seen the Rump parliament abolish the institution of the monarchy as being "unnecessary, burdensome, and dangerous to the liberty, safety and public interests of the people".<sup>2</sup> For the next eleven years the successor of that monarch Charles II, had been in unhappy exile on the continent of Europe. He spent those eleven years intriguing with both the Scotch and the Irish with the intention of overturning the newly-created Commonwealth. This intriguing saw the royalist cause assemble under Ormonde in 1649 for the last time in Ireland. As we have seen this cause was eventually defeated by the much superior and better organised New Model Army, ably commanded by Oliver Cromwell. Without any doubt it was Oliver Cromwell who kept the machinery of the commonwealth state functioning in England for most of that eleven year period, a period that has since been styled the Interregnum. However, on Cromwell's death, this machinery began to decline rapidly as there emerged many different factions. Cromwell did not help things by failing to nominate a successor so the Council of State gave the protectorship to his son Richard. This turned out to be a major mistake as it soon transpired that Richard was totally inept as a leader. His ineptness led to a bloodless revolt by the army instigated by its high ranking officers.

Had Oliver Cromwell lived, he almost certainly would have protracted the fall of the Protectorate and defeated the malcontents. Richard, on the other hand, was not of the same mould as his father and while he wielded the bow of Ulysses he was quite plainly unable to bend it. The bloodless revolt saw the dissolving of the sitting parliament and the recall of the Rump

---

<sup>2</sup> J.P. Kenyon, The Stuarts, (Great Britain, 1970), p.100

of 1653. The newly established Rump at once purged the army of its officer class while cutting the pay of the rest. This was a dangerous step given the mood of the period and the army retaliated by once again dissolving the Rump in October 1659. In the meantime, Colonel Monck, who had found favour with the Rump, began to mobilise the army under his command in Scotland which led to the restoration once again of the Rump parliament in December 1659. On 1 January 1660, Monck invaded England with his army. Marching steadily southwards, he reached and occupied London on 3 February 1660. Through Monck's able promptings, a new parliament assembled on 25 April 1660, with the significant addition of the House of Lords, which had been absent since the beginning of the Interregnum period. This parliament was presented with a letter from Charles II at Breda which contained a declaration which offered four basic concessions, "a free and generous pardon, arrears of pay for the armed forces, confirmation of titles to land, and a limited freedom of conscience".<sup>3</sup> This was at once accepted without any reservation and Charles was at once proclaimed King Charles II and urgently summoned to "return to his sorrowing and repentent people".<sup>4</sup>

This is a brief summation of the events as they occurred in England immediately prior to the Restoration. Such events are nearly always taken in their own context with little attention been paid to the events that were taking place simultaneously in Ireland. Because of this the causes of the Restoration of Charles II are nearly always taken as belonging to the realm of English history. If that were so, then such events would be of no

---

<sup>3</sup> Kenyon, *Stuarts*, p.179.

<sup>4</sup> *Ibid.*



concern to this study. As will be pointed out shortly however, it was the army officers in Ireland, and not England, who led the way in both initiating and calling for the Restoration of the monarch.

As early as December 1659, certain Irish officers had staged a coup d'état which gave them effective control over the army. Chief amongst the instigators of this action were Sir Theophilus Jones, Sir Charles Coote and Lord Broghill. The first had in fact seized Dublin castle while the latter two secured the garrisons in Connaught and Munster respectively. Sir Hardress Waller, being both a republican and an regicide, rather surprisingly assisted Jones in the taking of the castle at Dublin. However, when he realized that his fellow conspirators had not at all being concerned with the preservation of the Commonwealth, but with the restoration of the monarchy, he at once seized back Dublin castle from the conspirators. By this stage, the garrison of the castle was probably tired of all these backroom revolts and they accordingly laid hold of Waller and handed him over to the better-liked Jones.

A contemporary account, contained in a letter from Sir Arthur Forbes to Domville, is worth quoting in full as the events described are extremely complex:

May it please your Grace, being well acquainted with what hath been done by the late Earl of Mountrath, and those that joined with him for the King's service, I presume to give your Grace this short account of it.....When Richard [Cromwell] the Protector was deposed, he [Coote] very earnestly advised Harry Cromwell to make use of the interest he had in Ireland for the King's advantage. Before Sir George Booth's business, when Ludlow commanded here, my Lord of Mountrath prepared the officers under his command that they might be ready upon any sudden occasion, and sent to have a meeting with Sir Francis Hamilton and

me, to know the temper of the northern people, at which time he assured Sir Francis and me he would epouze the King's interest, and that whatsoever he did should tend that way. Soon after, when Sir George Booth was in arms in England, Ludlow began to be jealous of him, and commanded him not to depart from Dublin without leave. I being then prisoner in Athlone, his son (the now Earl of Mountrath) came to me by his father's command (as he said), to bring me out of prison, and assured me that at that time his father was ready to declare something in order to the King's restoration, and that he was resolved to make escape from Dublin, and had prepared his forces, then lying in the field under the command of Sir Francis Gore, to be in a readiness to receive him. But Sir George Booth being soon after defeated, that party became more secure, so he got opportunity to withdraw himself to Connaught, where he continued until he declared, and had frequent meetings and consultations with those of his friends in Connaught that he could trust in order to the promoting of the King's service, as those that I know he acquainted with his whole design, and made use of to prompt and prepare others for it, were his son, the now Earl of Mountrath, my Lord of Coloony, Sir Oliver St George, Sir Francis Gore, Sir James Cuffe, and Sir George St George, with whom he constantly advised, and kept correspondence with my Lord Bishop of Meath, Sir Theophilus Jones, Colonel Chidley Coote, and Doctor King in Dublin, to the same effect. In December 1659, he [Coote] published his first declaration at Galway, and made sure of that province; and at the same time his correspondents at Dublin declared there also; and he sent Sir James Cuffe into Scotland to General Monck, to acquaint him what was done, and to be resident with him whither [sic] soever he went, that by a good correspondence there he might be the better able to carry on his design for the King. Soon after he sent for me, and assured me that he intended nothing but the King's service...he said he had an account from Sir James Cuff, of the inclinations of the people of England for the King, appearing by the many addresses which were made to General Monck in his way to London for bringing in the secluded members or a free parliament; but, because of the discontenance that was given to those addresses, he had little encouragement from thence, and therefore says he was resolved to begin the work in Ireland, and to secure all those who were averse to the King's interest, and to invite the King into this kingdom; this resolution had then been put in execution, but that it was thought necessary first to acquaint the King with it, and to expect his commands; and after some debate, who should be sent to the King, I was fixed upon and obliged upon my honour to import the business to none but the king and your Grace, whom I was to acquaint with his resolutions, and to assure His Majesty that he was resolved to venture all for his service; and that, if His Majesty would think fit to come into Ireland....I took my journey through England into Flanders.....and having informed myself from Sir James Cuff....how things were in England, I desired him to signify to my Lord of Mountrath that I was gone, and to hasten his declaration for a free parliament

and the securing those persons that had a hand in the murder of the King; upon which he [Coote] immediatly declared, and secured Waller and Cooke, and several others of that party; and did this so speedily that his declaration was with the King before I came out of Flanders....His Majesty soon dispatched me back to the Earl of Mountrath with two blank commissions for making him Lord Deputy single, or joining others with him in the government as he should think fit....After I brought this return from His Majesty, my Lord of Mountrath for some time made no use of these blank commissions, because he would not give a disgust to those that probably might design the King's service in England; but afterwards finding by letters from eminent persons in England that the King's restoration was retarded, and conditions likely to be put on his Majesty, he [Coote] filled up one of the commissions, and ordered me to take charge of Ulster, and to put the people there in a posture for the King, resolving immediatly to declare for His Majesty, and to secure some eminent persons here whom he found inclined to put conditions on the King; but the most packet [?] from England bringing better hopes of the King's affairs there, he suppressed it again...This is a true account of my knowledge and observations in this matter, and is humbly presented to your Grace by your Grace's most obedient and most humble servant.<sup>5</sup>

I have thought it necessary to include this particular piece of correspondence almost in its entirety because it not only sheds some light on an otherwise darkened corner of Irish history, but it also clearly hints to a conclusion that the Restoration of Charles II was, in the main, instigated by events in Ireland. Even taking into consideration that Monck was making moves for the same course of action in England, nevertheless it seems that it was Ireland that led the action, as Sir John Clotworthy explains:

I hear for certain that Monck is marched into England with a great body of men and is near if not at Newcastle. Sir Charles Coote has declared in conjunction with those at Dublin, for a free parliament...<sup>6</sup>

---

5 Sir Arthur Forbes to the Duke of Ormonde, G.A. Hastings, Memoirs of the Earls of Granard, (London, 1888), pp 202-3. There is no date given in the letter but as it refers to Ormonde as Duke, and refers to Coote (who was by now deceased), as Mountrath, one can adduce that the letter was written in early 1663.

6 Clotworthy to Major George Rawdon 19 Decemeber 1659, H.M.C. Hastings MSS. (1930), ii, p.362.

As we can thus see, Monck had only begun his march into England when Ireland had already been secured and had declared. This again would seem to suggest that Monck began his march because he not only watched closely the events in Ireland, but was also in constant contact with the chief instigators of the action there. It is far beyond the purpose of this study to attempt to analyse clearly where or indeed why the Restoration was effected. However, what is most definitely clear is that this particular period of Irish history still awaits an historian before we may truly know all the answers concerning the influence Ireland had in the initiation of the Restoration.

It would be quite reasonable at this stage to suggest that the soldiers in Ireland had once again to make a momentous decision as to whether or not they should support the move for a free parliament and the subsequent restoration of the monarchy. The alternative was to support the minority movement that was opposing such moves. They were given the opportunity to make their choice when a council of army officers summoned a convention to meet at Dublin. This convention had two designs: "to raise funds to pay the army, and also [to] prepare the way for the restoration of the monarchy".<sup>7</sup> After lengthy debate the convention published a document which had been signed by a great many of the principal army officers in Ireland. It simply requested of Charles that he return at once, begged his forgiveness, and asked for a general indemnity and the payment of the army arrears.<sup>8</sup>

---

7 J.G. Simms, "The Restoration, 1660-85", *N.H.L.L.* iii, p.420.

8 "The humble desires of the commissioners of the general convention of Ireland delivered to the king in 1660", (T.C.D., MS 808(23)).

The passage of this particular document was far from being a foregone conclusion and it was only after much debate that it was eventually issued. The reason for this was that there were quite clearly two factions within the Convention:

The convention was composed generally of members that wished well to the King's Restoration; and all the measures they took were adapted to that end. In the manner of its being brought about they differed, one party being for making terms with his majesty for the confirmation of the estates of Adventurers and soldiers, the other being for restoring him without any previous condition, and this at last prevailed.<sup>9</sup>

Sir Charles Coote and Lord Broghill very definitely belonged to the latter group and to aid this process both sent an emissary to Charles offering their services and with an invitation to come to Ireland which was, by then they said, on a definite footing for his restoration. Coote sent Sir Arthur Forbes, the author of the above letter, to Brussels to give the king an account of the situation. Both Charles and Ormonde were so satisfied with the account of the readiness of Ireland to declare for a restoration, that they immediately brought the issue to debate within the king's council, "whether he [Charles] should not go directly to Ireland".<sup>10</sup> After much debate, the council advised Charles against such a manœuvre as they instead, requested Charles to await events in England which from recent reports seemed to be quite favourable towards a restoration there.

Lord Broghill, for his part, sent his brother Lord Shannon to the king offering him similar proposals to come to Ireland and, assuring him [Charles] that he should there be received;

---

<sup>9</sup> Carte, Ormonde, ii, p.202. For a full account of the proceedings of this convention see, "Proceedings of the commissioners from the army convention in 1660, (T.C.D. MS 587).

<sup>10</sup> Carte, Ormonde, ii, p.203.

and that he [Broghill] had got all the army of the south, as Sir Charles Coote had that of the north in readiness to declare for his majesty.<sup>11</sup>

From Carte we can see that at this stage the king sought the advice of his council as to whether he should accept Ireland's offer. The council advised him to await events in England before deciding such a course of action. However, Morrice, going one step further, leads us to believe that

His Majesty was just taking horse, to come to Calais, in a disguise, in order to his going to Ireland; but in that moment letters came from England, with such prosperous accounts, as put a full stop to his journey to Calais.<sup>12</sup>

It remains to be seen whichever of these accounts is the more accurate remains to be seen. However, if one were to ignore the dramatics of Morrice's account, there emerges a pattern of evidence which suggests that the king, on receiving the offers to go to Ireland was quite prepared to do so, and probably might have but for the timely arrival of favourable reports from England. Such a course of action would seem quite logical especially because the king was assured of Ireland's loyalty as the majority of the officers there had already declared for his restoration. However, he was still awaiting England's declaration and to accept Ireland's offer would have endangered the prospect of England's declaring for him. Carte elucidates this point:

The king's friends in England likewise had a good deal of trouble to honour the Presbyterian party, a strong and a peevish body of men, who might have taken offence, if Ireland had declared first, so that it was thought advisable to repress the ardour of Sir Charles Coote and his adherents, and to keep that kingdom in reserve, to give a check to rigorous proceedings in England, in case the perverseness there ran so high, as to impose unreasonable and dishonourable terms on his majesty.<sup>13</sup>

---

11 T. Morrice, A collection of the state letters of the right honourable Roger Boyle, (Dublin, 1743), p. 31.

12 *Ibid.*, p. 31.

This might well have been the case, but if we remember that Ireland had in fact declared for the king, then it is understandable that the king effectively refused to go to Ireland because he did not want to be restored in Ireland before he had been restored in England. As it transpired, England did eventually declare for a restoration and after returning to his country Charles was quickly proclaimed King. He was also proclaimed king in Dublin on 14 May 1660 and this restoration seemed to promise to many, including the Irish, the restoration of their lands because out of the three kingdoms of England, Scotland and Ireland, the latter had shown itself to be the most loyal to the royal cause. Because of such expectation the king's Restoration was thus welcomed by both the Irish as well as the English. In Dublin there was great celebrations. Henry Wright writing to Major George Rawden describes the elation in Dublin:

This day hath been a joyful day to all honest hearts. The day providing [sic] so rainy that the show was the less, the lords justices and the council went to Christchurch with the bishops and the rest of the nobility in state and gentry. The lord primate preached after 31 great guns went off three times, . . . .bells ringing, guns roaring, trumpets sounding, and all for God bless king Charles the Second (whom God preserve), great bonfires, much fireworks, I am not able to express to you our joy. . . .<sup>14</sup>

Indeed these celebrations went on all over the country for many weeks but once they began to die down there evolved a massive scramble for Irish land that has come to be termed as the 'Restoration Land Settlement', which was to remain a major issue in Irish affairs for many decades to come.

The genesis of this settlement was in England where representatives of all interested parties had assembled to plead

---

<sup>13</sup> Carte, *Ormonde*, ii, pp 203-4.

<sup>14</sup> Henry Wright to Major George Rawdon 23 April 1661, *H.M.C. Hastings MSS.*, ii, p.363.

their case. One can thus imagine the Catholics and Protestants assembled at Whitehall, the former pleading for their confiscated land back, and the latter pleading to retain what they had been granted during the Commonwealth. However, the Protestant party had a definite advantage in that the Protestants in Ireland on the eve of the Restoration had adopted a policy of imprisoning many prominent Catholics with a view to preventing them from presenting an adequate case if at all. The author of the "Case of the Roman Catholics of Ireland" sheds some light on the disadvantages faced by the Catholics:

Thus active were the Cromwellians in Ireland and their agents in England, while the Irish nobility and gentry were gaping after liberty and endeavoring to get out of the filthy dungeons they had been thrown into. As soon as they were released, they appointed agents to pursue the interest of the nation at court, but these were so ill provided and so poorly supplied that they had not their own very charges borne. This indigency of the Irish agents left no fervour in their negotiation, and it opened a way for as many of the nation about court as were anything active to take upon themselves that quality without any other call or Commission. These poor pick garlicks were not able to stand their ground in any antechamber of the Court before the purse-proud conventionists, who were continually feasting and washing white both themselves and their interest with the best of liquers, while the others were striving to give a sweet relish to their cause by the long train of their local [loyal] services and sufferings.<sup>15</sup>

If one ignores the fiery rhetoric there still emerges a picture of the 'poor' Irish at the court with little or no money to buy either food or favours. In total contrast to this the conventionist agents were readily supplied with money which, no doubt, was used to good effect to ensure that they were to have a good say in the settlement that was being thrashed out.

The agents of the convention had received special instructions on

---

<sup>15</sup> C. Mc Neill, "Case of the Roman Catholics of Ireland", *Analecta Hibernica*. (1930) i, pp 130-31.



their departure from Dublin.<sup>16</sup> Their main aim was to ensure the immediate passage of an act that would confirm all the estates in the possession of the Adventurers and soldiers as they had stood on 7 May 1659. Those were the estates that had been granted according to respective Acts or Ordinances.

It seemed that the king faced many difficulties in settling Ireland. He, of course, wanted to honour the peace that had been signed between Ormonde and the Irish in 1648-9 for these were his loyal subjects and had proven as much when they flocked to the royal banner in 1649. As well as the Irish there was

another set of men also to be provided for, so unexceptionable in all respects, that every party proposed a recompense for them; and these were those Protestant Officers, who had always continued loyal, and had served in his Majesty's army and under his authority, from the beginning of the War to 1649, whose arrears had never been paid, on account of their loyalty, when Cromwell assigned lands to satisfy the rest of the Army.<sup>17</sup>

While perhaps the preservation of the status quo in regard to the Adventurers and soldiers was the main aim of the agents of the convention, they were, however, very favourably disposed towards these Protestant officers who will henceforth be referred to as the '49 Officers. To satisfy this group, the conventionists proposed that they should receive

the remainder of the forfeited land which had not yet been disposed of in the counties of Dublin, Kildare, Wicklow, Carlow, Longford, Leitrim, part of Cork and Kerry, with the great towns of the kingdom and the houses therein.<sup>18</sup>

While this appeared to be a very generous offer, for the king there still remained the problem of finding enough land to reprise the loyal Irish. The conventionists Orrery, Clotworthy,

---

<sup>16</sup> Articles of instruction to agents sent to England by the convention, (T.C.D., MS 808(23)).

<sup>17</sup> Carte, Ormonde, ii, p.215.

<sup>18</sup> *Ibid.*, p.213.

and Mervyn came to the "rescue" when they provided the king with an estimate of lands and remainders which would serve, they implied, all such Irish as his majesty wished to restore once the Adventurers and soldiers were confirmed.

Firstly they contended that a review of the disposition of Connaught and Clare lands would enable the following interests to be struck off: those who had lands on pretence of services done; those who had unduly obtained decrees for possession of lands; those who were of the Nuncio's party; those that forfeited their articles and those that had intent decrees. All this, they held, would amount to about one-third of the lands in Connaught and Clare which would then be at the king's disposal. Elsewhere in Ireland they calculated that lands to the value of 80,000 pounds per year could be found as follows; estates of persons excepted by the act of indemnity which would raise 14,000 pounds per annum; 9,000 pounds could be raised from the gifts and gratitudes which Cromwell had given to non serving persons; if English debenturers were struck off a further 10,000 pounds per annum would be raised; undisposed lands in counties Dublin, Cork and Kerry would raise 15,000, 25,000 and 7,000 pounds per annum respectively.<sup>19</sup>

As one might expect, these calculations became quite popular among contemporaries. The reason for this popularity was that such calculations seemed to remove all the difficulties that had hitherto obstructed the settlement of Ireland. The king, perhaps more than anybody else was delighted that he could now satisfy the interests of all his loyal subjects without infringing on the

---

<sup>19</sup> Ibid., pp 214-15.

Adventurers or soldiers grants. However, as can be shown these figures and estimations were far from being correct. They thus held out little hope of satisfying all the interests as it was supposed it would. One could thus conclude that the forthcoming declaration for the settling of Ireland was based on the belief that there was truly enough land to satisfy all the interests and it is with this in mind that the king formulated and published his Declaration for the Settlement of Ireland in November 1660.

The declaration provided that the soldiers and adventurers were to be confirmed in their possessions that they held on 7 May 1659, with the exception of the following: any lands that they had got illegally; church lands which were to be restored immediately; lands of any adventurer or soldier excepted from the act of indemnity; and finally, lands of Irish papists who could prove that they had been loyal to the king and had only been deprived of their lands on account of their religion. What this meant was that the adventurers and soldiers were to keep what they had got, with the above exceptions, while the Irish were to be restored if they had adhered to the Ormonde peace of 1648/9, had their lands confiscated only on account of their religion, or had served under the royal ensigns abroad.<sup>20</sup>

As well as these two groups the king also made provision for another. These were the Protestant royalist officers who had served in Ireland under Ormonde, prior to 5 June 1649. While there was no specific mention of religion in the Declaration

---

<sup>20</sup> Irish Statutes revised, pp 85 ff.; See also "The scope and substance of the declaration for settling Ireland in 1660", (T.C.D. MS 806(1)).

regarding this group, the "Instructions" embodied in the Act of Settlement specified that "Protestant Officers" were meant. This is the group that are the central topic of this study and as such, will receive their full introduction in a later chapter specifically set aside to define and identify this group. To place them in context of the groups in Ireland, however, a preliminary outline of them is required, a task well executed by Carte:

They were many of them ancient inhabitants of the Kingdom, and of the most considerable and best interested persons therein, and had lost great estates and fortunes by the Irish Rebellion. They were the first that gave a check to the fury of the Rebels, and had been, under God, the chief preservers of the Protestant interest in that land from utter extirpation. They had fought in the first heat and fury of the war, when the sword was sharpest and the enemy in their greatest strength. They had been signally constant in their loyalty to the king and zeal for his service, for which they had undergone the most rigorous and severe oppressions that the late tyrannical power could possibly inflict upon them and had lain under heavy sufferings and pinching wants for many years.<sup>21</sup>

This seems to be an adequate summary of why this particular group had found favour with the king. As was seen in Chapter One, and as will be seen again below, these officers were the first to give check to the rebellion. More importantly, they had adhered to the king's standard when the "late usurper" had sent Charles I to the block. They were provided for in the king's Declaration as follows:

IX. Being sensible, that several officers who were engaged in our service in Ireland, and eminently acted and suffered therein, have by the partiality and injustice of the powers then in being received no satisfaction for the same, we are therefore further pleased graciously to declare, that all commissioned officers, their heirs or assigns, who were in regiments, troops or companies raised in Ireland or transported out of England, and served our royal father or ourself in the wars of Ireland, at any time before the fifth of June, 1649, other than those who

---

<sup>21</sup> Carte, Ormonde, ii, pp 215-18.

have received lands or money for their pay due unto them since the fifth of June, 1649, shall be satisfied their respective personal arrears out of the particulars following, viz. Out of the forfeited lands, tenements, and hereditaments undisposed of to adventurers or soldiers, in the counties of Wicklow, Longford, Leitrim, and Donegal; out of all the forfeited lands, tenements and hereditaments, undisposed of in the province of Connaught and county of Clare, lying within one mile of the river Shannon (or of the sea) commonly called the Mile Line; out of all the houses and tenements forfeited in Ireland, in the several walled towns and corporations, and lands thereunto belonging, not already set out to the adventurers or soldiers in satisfaction of adventurers and arrears, satisfaction being first made to such Protestants, who on leases, or contracts for leases, have built or repaired houses, or planted orchards or gardens; except the houses, tenements and hereditaments, in the town of Wexford, already set out unto Martin Noell, and John Arthur, and now in their possession, which shall be confirmed to them, their heirs and assigns; out of the benefit arising from the redemption of Mortgages, statutes-staples, and judgements, where the lands are not already disposed of to adventurers or soldiers: excepting always hereout such mortgages, statutes, judgements, as any forfeiting persons of Ireland have, or had on the estate of James, lord marquess of Ormonde, lord steward of our household, or the lady marchioness his wife; out of one year's rent and profits of the lands set out to the officers and soldiers for their arrears in the year 1653; and likewise of the army now in being, according as those respective estates yielded in the year 1659; as also out of one year and a half's rent, and profits arising out of the lands for the arrears of those officers and soldiers, who were ordered or received satisfaction for their said arrears in the years 1655, 1656, and 1657, according as the estates yielded in the year 1659.<sup>22</sup>

This clause of the declaration clearly outlines what areas and properties were to be set aside in Ireland for the '49 Officers: the four counties of Donegal, Wicklow, Longford and Leitrim, the undisposed land contained within the mile-line in the province of Connaught and county of Clare, the forfeited houses and tenements in Ireland within any of the corporate or walled towns, the right to the redemption of mortgages, statutes staples and judgements. To conclude their award, they were also to receive a monetary payment from the adventurers and soldiers who had already been planted in Ireland in the Cromwellian era.

---

<sup>22</sup> Irish Statutes, p.94.

The sum total of these awards was styled the '49 security and from henceforth that is the name I will use when mentioning their awards. The second and last clause that deals with the '49 officers is clause X which is as follows:

And it is further declared that all commissioned officers before 1649, who have had no satisfaction in lands or otherwise, set out to them for services, since 1649, shall be immediately, out of the whole security that is above assigned for satisfaction of arrears before 1649, satisfied twelve shillings six pence in the pound of what is due to them; and then the remaining part of all the said respective securities to be equally divided amongst all and every the said commissioned officers, who have any arrears due for services in Ireland before 1649; all which rents abovesaid and profits shall be paid in such way and manner as shall be by us appointed; and also the said houses, lands and tenements, distributed and set out in such way and manner as we shall appoint for the ends and uses aforesaid, the said year's rent to be paid in the space of two years, by even and equal proportions half yearly; and the said year and a half's rent in three years, by even and equal proportions half yearly; for which service, as also for stating the arrears of the commissioned officers aforesaid, not yet stated, fit persons shall be speedily by us authorised. All which said arrears, so to be stated, shall be stated before the 29 September, 1661: and the several particulars for the above-security for officers, serving before 1649 shall be immediately be put out of charge in our court of Exchequer, whereof our chief baron, and other our ministers of the said court, are hereby required to take notice, and put the same in execution accordingly. And the said securities are hereby committed and intrusted into the hands of such persons for the uses aforesaid, as the duke of Albermarle, general of all our armies, and the lord marquess of Ormond, lord steward of our household, by us hereby thereunto authorised shall appoint, to be by them let and set for the best advantage, and to the ends aforesaid: and they are also to assign fit and convenient salaries for such persons as shall be employed therein, the said salaries to be assigned unto them out of the profits of the said securities.<sup>23</sup>

This clause identifies which of the '49 Officers were to receive satisfaction first viz., those who had had no satisfaction for services since 1649. These were immediately to be satisfied 12s and 6 d in the pound of what was due to them and only then was the remainder of the group to be admitted to the security. The

---

<sup>23</sup> *ibid.*, pp 94-95.

rest of the clause deals with the way in which the adventurers and soldiers were to pay their respective profits to the security.

These are the only two clauses that dealt with the 49 Officers in the king's Gracious Declaration. Commissioners were subsequently appointed to carry out the tenets of the declaration but it soon transpired that the "declaration, being merely an act of state, was not a warrantable rule to follow in the disposing of men's estates".<sup>24</sup> Because of this, it became obvious that an act of parliament was required to give legality to the declaration. Accordingly, writs were issued for the election of an Irish Parliament which, when it met, had as its main task, the enactment and implementation of the Restoration land settlement.<sup>25</sup>

This parliament had a momentous task in front of it as indicated by the lord chancellor's inaugural speech to it on its opening;

We, the Lords Justices, are very pleased to see, after all the turmults which have prevailed for so many years in Ireland, this assembly met together, in this orderly and beautiful manner, the Fathers of the Church restored to their rights and stations, the Judges and Counsellors as at the beginning. Two years ago we should not have believed one who told us that so much would come to pass. You are now called to advise with King Charles on the urgent affairs of the kingdom. The National Convention did good work, but a parliament was needed to complete it. The Commissioners from the convention themselves asked the king that they should be done, and thus this phoenix was

---

<sup>24</sup> Rec. Comm. Ire. rep., (1821-25), p.32.

<sup>25</sup> For the background to this parliament and the subsequent procedures within it, see F. M. O'Donoghue, "Parliament in Ireland under Charles II", (Unpublished M.A. thesis, U.C.D., 1970). For the list of names of those elected to this parliament see Common's in. Ire., i, pp 378-83 and (T.C.D. MS 843(20)). See also the "Instructions sent to the sheriffs for choosing members to serve in parliament met at Dublin 8 May 1660", (T.C.D. MS 843(19)).

contented to be consumed with the ardent affection which it bore to its country that, out of the ashes thereof, another more excellent than itself might spring as at this day.

The first object in calling this parliament is to settle what is every man's meum and tuum. The state of the affairs in Ireland is such that hardly any man can say 'this land is my own'. Mens minds are seldom quiet until their estates are settled. The law says that the freehold can never be in abeyance. It is, however, often so at present in Ireland, and being disturbed by the law must be settled by the law.

The first men to be assured in their just possessions are the adventurers. I say just, because just treatment of these must be the basis of the settlement. For when there was no visible means for the relief or recovery of almost lost Ireland, when the northern rebels were rampant in the field, and like a land-flood carried all before them, when the town of Tredagh [Drogheda], which was the only bulwark between us and them, was besieged with 20,000 of them; when Dublin, the metropolitian city of this kingdom, was threatened with a siege and the whole land as it were in a flame round about us, when we could hear nothing but the rattling of drums, the sound of trumpets, the neighing and trampling of horses, and the noise of cannons, when a common destruction threatened every Englishman in this kingdom, where we could here in every place the word of command given Kill, kill, and no difference made of age or sex, then these noble adventurers opened their purses and sent us relief. They must therefore be justly treated.

The next class, to be settled is the soldiers who adventurerd their lives in our service and especially those worthies called the '49 men [meaning '49 Officers], who stood in the breach until they were seconded out of England by the forces which came from thence. Special regard must be had of them, as they underwent the brunt and fury of the rebels. The next class of people to be remembered are the old Protestants and innocent Papists. Their rights are to be inquired into, for rights, as the law says, cannot die.

If Naboth's vineyard should fall into any man's lot, it had been better for him to be without it. You must not rob Peter to pay Paul, as the common saying is. Your duty is sum ungue tribuere. The King has shown how this is to be done by his Declaration, but the Declaration must, as a rough-hewn stone, be polished and fitted.....<sup>26</sup>

This is exactly the task faced by this new parliament. They were required to polish and fit the 'rough-hewn stone' of the Declaration into the fabric of Irish society. As it transpired

---

<sup>26</sup> Cal. S.P. Ire., 1660-63, pp 328-29.



this was to be a momentous task, but the parliament had, at least, set themselves an order of precedence in that they firstly intended looking after the interests of the adventurers, followed by the soldiers, '49 officers, and finally the old Protestants and innocent Papists.

In accordance with the required conformity with Poynings Law, the Act of Settlement was to be dealt with initially by the privy council in London, and it is thence that members of all interested groups flocked in order to plead both their case and cause.

Petitions poured in to both the Irish parliament and the English privy council seeking amendments or provisoes inserted in their interest, while other petitions sought to bar any such proviso from being inserted. One such petition was that made directly to the king by the trustees of the '49 security. Among other things they requested that the cities be included in their security. The king responded by writing directly to the Irish Lords Justices:

Colonel Hamilton, in the name of the Trustees appointed to manage the security for the payment of arrears for service before 5 June, 1649, petitions asking that the security allowed for the 12s. 6d. in the pound may include not only the corporate towns but the cities. The Trustees also wish that, as provided, the costs and charges of the Commissioners for executing the declaration should be paid out of the mean profit of the security. The adventurers and officers and soldiers already in possession 'have more than an equal benefit' by the present arrangement, and we are asked that all the officers should be assessed at an equal rate. We are also asked that certain officers who, though well deserving, are not included in their security, may not be comprehended therein until the petitioners receive 12s. 6d. in the pound of their arrears, notwithstanding our Royal letters of 1 March last on behalf of several officers in the said letters mentioned, or on behalf of any other officers who have received arrears for service in Ireland since 1649. We declare that cities shall be included in 'walled towns and corporations' as security for officers who served before

1649. You shall settle the question of costs by apportioning them equally among all the Adventurers, soldiers and officers. In regard to the question of whether the officers who served both before and after 1649 are entitled to arrears for both services, you shall see that our Declaration is strictly carried out.<sup>27</sup>

In this case the petition was almost wholly successful, the petitioners getting what they requested. The Irish house of commons responded to the letter on 11 June 1661, by having it read in parliament. They concluded that

the undernamed persons, or any three or more of them, be appointed a Committee, to wait upon the Right Honourable the Lord Justices of this kingdom and, in the name of this House humbly to desire their Lordships to permit his Majesty's Letter, of the 22 May 1661, and in the thirteenth year of his reign, about the officers before 1649, to be entered amongst the Acts, Ordinances, and Orders of this House.<sup>28</sup>

Such were the complexities, concerning the '49 officers, in both defending their security against encroachment by others, and indeed their attempts to enlarge it, that I have reserved a separate chapter, entitled, "The establishment of a seventeenth century royalist "real estate company", to deal with it. For the present, however, it will suffice to say that there were basically two opposing groups in conflict with each other over the intended settlement. These can be identified according to their religion, the Catholic Irish making up one polarity, while contained within the other polarity were the adventurers, soldiers and '49 officers. Sir William Domville, writing to Secretary Nicholas, outlines the position that must be adopted to satisfy both these polarities.

There are two important matters at which the whole frame of the Declaration, now made into a law, points. The one is the restoration of the old proprietor to his just

---

<sup>27</sup> "The king to the lords justices for the '49 officers", Cal. S.P. Ire., 1660-63, p.339.

<sup>28</sup> Common's in. Ire., i. p.409. The undernamed people were, Colonel Randall Clayton, Sir Robert Forth, Sir William Flower, Dr. Loftus, Sir Henry Tichburne and Colonel Arthur Hill.

rights; [Catholic side] the other the satisfying of the just demands of adventurers and soldiers. [Protestant side]. The chief thing here is to get the innocency of the one and the just claims of the other established in a trustworthy manner.<sup>29</sup>

This is exactly what caused the polarity between the two groups. The Protestant interest was attempting to retain what they had acquired, in the case of the adventurers and soldiers, and their security, in the case of the '49 officers. The other side, the Catholics, were attempting to get back what they had lost. As one could not be satisfied without the other losing out.

It soon became plain that one or the other interest must be sacrificed, the question was who? The Catholics pleaded solemn treaties, the plighted word of two kings, their eminent services and sufferings. The Protestants were armed; they held all the garrisons, and all the administrative posts. They threatened an appeal to the sword.<sup>30</sup>

The eventual result was the passing, in May 1662, of the "Act for the better execution of his Majesties gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers and other his subjects there".<sup>31</sup> The full title of this act, as outlined, tells that its exact purpose was the better execution of his Majesty's Declaration. Without a doubt the victory of the Protestant interest is quite apparent in the preamble to the Act because, to borrow from Prendergast, this Act

meets the reader with a preamble magnifying the Rebellion and Massacre, and glorifying the victory of the King's English Protestant subjects as a victory and conquest over Irish rebels and enemies so that their liberties and lands were wholly at his majesties disposal.<sup>32</sup>

---

29 Sir William Domville to Secretary Nicholas 12 September 1661, Cal. S.P. Ire., 1660-63, pp 419-20.

30 W.F.T. Butler, Confiscations in Irish history. (Dublin, 1917), p.171. See also L.J. Arnold, "The Restoration land settlement in counties Dublin and Wicklow", (unpublished Ph.D. thesis, T.C.D., 1967).

31 Irish Statutes, pp 85 ff.

32 J.P. Prendergast, From Restoration to revolution 1660-90.

It most definitely would seem from the preamble that the Irish, or at least the greater part of them, were to emerge the vanquished. After careful analysis of the preamble, and of course remembering the events portrayed in the initial two chapters of this work, it seems that the preamble was no less than a miracle of ingenuity. Charles's father and indeed Ormonde were the persons whose defeat at the hands of Cromwell had made it possible for the wholesale confiscation which was now to be legalised. While Cromwell himself and the regicides were to be disowned with execration, yet their work was now to be defended and the fruits of it were effectively to be secured. The adventurers and soldiers, it was true, had adventured money and fought against Charles' father and himself respectively. It could therefore be assumed that Charles had no particular love for these people. However, they were without doubt a very formidable body, with powerful friends in both Ireland and England. Such a body would be extremely dangerous if provoked so one can assume that it was much easier for Charles to remember that these people had welcomed him back to his throne. This was perhaps the motivation Charles needed to sign the Act of Settlement into law on 27 September 1662. How it affected the fortune of the adventurers, soldiers and indeed Irish Catholics will no longer be of concern to this study except where their claims might infringe on the '49 security. It is the people involved in this '49 security, the '49 officers who are the major concern of this study and from here on I must transfer from the general to the particular in order to ascertain how this group alone fared during the Restoration period.

The Act of Settlement had instructions embodied within it as to how the commissioners of settlement were to proceed. There were many clauses dealing with the '49 officers and such was their importance that the instructions concerning these officers are appended in full to this study (Appendix D). These instructions, however, can be condensed into manageable form under the following headings:

- (1) Instructions as to how to prepare and state the accounts of the '49 officers.
- (2) Instructions as to the valuing and selling the assets of the security.
- (3) Instructions regarding the redemption of mortgages and statutes staples.
- (4) Instructions concerning the year and the year and a half's rent due to be paid by the adventurers and soldiers already settled.
- (5) Instructions as to what is to happen to the rent collected from the assets of the '49 security.
- (6) Cost allowed and procedure expected respectively, from the commissioners involved in the execution of their duty.
- (7) Instructions as to what is implied by certain terminology contained within the declaration, act, or instructions.
- (8) Instructions as to specified persons who are to be included in the security as '49 officers.
- (9) Instructions as to who was to be excluded from the security.
- (10) Instructions regarding conflict with other interests, except the church.
- (11) Instructions regarding the procedure in the event of the '49 security coming into conflict with church property.

(12) Instructions as to specific procedure to deal with certain officers claiming arrears within the '49 security.

(1) Instructions as to how to prepare and state the accounts of the '49 officers.

A total of seven clauses can be seen to come into this category. The Commissioners are to state the accounts of the officers up to 5 June 1649. Evidence must be produced of officer status in certain specified ways. May 1 1663 was the time limit for the stating of such arrears and once stated the officer in question was to receive a debenture.<sup>33</sup> If any officer knowingly attempted to mislead or defraud the commissioners they were to forfeit everything. An order of preference was specified in that the first to be satisfied were those holding arrears prior to 1649 who had received no satisfaction for either before or after that date. They were initially to be satisfied 12s. 6d. in the pound. Once that was completed the rest of the officers were to be admitted to the security.

(2) Instructions as to the valuing and selling the assets of the security.

There are a total of five clauses which come under this heading. The commissioners had firstly to prepare a particular of everything contained within the security. They then had to place a value on each piece of land and house respectively. Once that was completed they had to prepare an estimate of the whole security and compare it with the charge placed upon it by the

---

<sup>33</sup> Debenture (from debeo) was formerly written debentur. This term is used in several acts of parliament to denote a bond or bill by which the government was charged to pay a creditor, or his assignee, the money due when his account was duly audited. These debentures were the means adopted by the government of the commonwealth to acknowledge its indebtedness for arrears of pay to the officers and soldiers who had been engaged in putting down the Irish rebellion.

amount of arrears claimed. All the houses and land within the security were then to be let or exposed to sale. Any '49 officer wishing to purchase any house or parce of land was to be allowed first refusal. For every 20s. so raised, 18d. was to be reserved yearly to the king.

**(3) Instructions regarding the redemption of mortgages and statutes staples.<sup>34</sup>**

There are only two clauses dealing with the redemption of the two items mentioned. The commissioners were instructed to examine the records of any court they wished in order to discover what lands are incumbered, or such mortgages and or statutes staples placed on any land. An estimate must then be made as to the worth of the land lying under such incumbrances. Such lands can then be settled, either to the person entitled to the incumbrance, that is if they are prepared to pay what the land is valued at above the monies payable in discharge of the incumbrance. If any such person refuses to pay then any '49 officer can purchase the same with his debenture.

**(4) Instructions concerning the year and the year and a half's rent due to be paid by the adventurers and soldiers already settled.**

Only one clause comes under this heading. By it, the commissioners are instructed to set up a central fund, into which all this money is to be placed before being distributed to

---

<sup>34</sup> The word staple, from the old French estape, denotes, in its original sense, the mart or market established by law for the sale of the principle products of the country. A statute staple is a bond of record, acknowledged before the mayor of the staple or town, in the presence of one or more constables of the same staple, by virtue of which the creditor forthwith had execution of the body, lands and goods of the debtor on non-payment, and was thus tenant until the debt was paid. It is called statute staple because it is founded on the stat. 27 Edward III, chap. 9, which sets forth the manner of entering into it, and of its execution.

the officers concerned. Any adventure or soldier failing to pay the same was to lose their possessions which were then to be included in the '49 security.

(5) Instructions as to what is to happen to the rent collected from the assests of the '49 security.

All such rents, due either before or after 1649, were to be paid in to the same central fund as the monies collected from the adventurers and soldiers.

(6) Cost allowed and proceedure expected respectively, from the commissioners involved in the execution of their duty.

Under this heading, the commissioners were instructed to deduct for themselves, 1d. for every acre of land admeasured, assigned, or set out by them. They were also to deduct 10s. for every estate set worth twenty pounds per year. For every certificate issued for lands to be possessed, they were also to receive 10s. 1d. in the pound was also to be deducted for every debenture issued. On top of this they were to receive any other contingent charge that might be incurred in the execution of their duty. As regards the procedure expected, the commissioners for their part were forbidden to purchase or use any of the lands, houses or tenements involved in the security until all their work had been completed.

(7) Instructions as to what is implied by certain terminology contained within the declaration, act, or instructions.

There is only one clause that comes under this heading. It simply explains certain of the terminologies involved.

(8) Instructions as to specified persons who are to be included in the security as '49 officers.

There are altogether a total of eight clauses that come under such a heading. It was thus instructed that, Charles earl of



Mountrath, Ormonde, Inchiquin, captain John Bartlett, Robert earl of Leicester, John lord Kingston, Richard baron of Coloony, Sir Oliver St. George, Sir John Cole, Sir Theophilus Jones, Chidley Coote and the heirs of Sir Philip Perceival, Sir Francis Willoughby and captain Thomas Bartlett were to be admitted to the security and have their arrears stated as if they were '49 officers. Along with these, all those people who had lent money or given provisions to the king's army in Ireland before 5 June 1649 were also to be satisfied from the security. To conclude, any '40 officer who could claim arrears prior to 5 June 1649, and had incurred arrears in the royalists army between the said 5 June 1649 and 10 December 1650, were to have the latter arrears stated as '49 arrears also.

**(9) Instructions as to who was to be excluded from the security.**

There were only two clauses dealing with exclusions from the security. By them, no person who had served against the rebels in Ulster who was not of the "British Army" (Laggan army), was to be admitted as an '49 officer. Also excluded was those of the Munster Protestant army who had revolted to Cromwell in that crucial period in 1649.

**(10) Instructions regarding conflict with other interests, except the church.**

There are a total of three clauses involved here. These instructions laid down the procedure in the event of the '49 security coming into conflict with either the adventurers and soldiers or Irish. In the case of the latter, the Irish were to receive any lands they were restored to within the '49 security once the '49 officers involved had been reprized elsewhere. Regarding the latter, if any adventurer or soldier had had lands set out to them within a borough or corporation, not as borough

or corporation land even though that was the case then the same was to be surrendered to the '49 interest.

**(11) Instructions regarding the procedure in the event of the '49 security coming into conflict with church property.**

There are no less than four clauses coming under this heading. Any unexpired leases originally set by the church falling within the '49 security, was to revert to the same security after the officers involved had paid reversioners to the church. All forfeited leases exceeding 60 years, belonging to any chantry, lying within the '49 security was to revert to the security on the payment of a specified rent to the church. If any Protestant ecclesiastic's house lying within any walled town or corporation was found to be in ruins, then such ecclesiastics were to receive another house of their choice within the same walled town or corporation.

**(12) Instructions as to specific procedure to deal with certain officers claiming arrears within the '49 security.**

There are only two officers that had the distinction of having special instruction inserted in their favour. The first of these is colonel Carey Dillon. He had already had had land set out to him within the mile-line by virtue of a clause in the kings Declaration. The instructions, while recognising this, laid down that he was still to be admitted to the '49 security as if the original grant had never occurred. The second person dealt with is Wentworth, the earl of Kildare. The instructions allowed him to claim all the lands of his father along with having the entitlement of having his '49 arrears satisfied in areas contiguous to his father's estates.

This then, is a breakdown of all the instructions that deal with  
[120]

the settling of the '49 interest. Contained within the instruction are many hints as to what is to come. If one were expecting a simple transfer of land from one owner to another, then a disappointment is in store because what is clearly emerging here is that the '49 security could in fact be likened to the setting up of a rather large "real estate company". This "company", as we shall shortly see, was to have a hierarchy of departments each working in unision to ensure that they were running the security in a way that was to raise profits which were to be used to pay the few thousand shareholders ('49 officers) who were in possession of certificates. Chapters Four and Five are where it shall be shown how efficient they were at raising a profit from their security.

CHAPTER FOUR.  
THE ESTABLISHMENT OF A SEVENTEENTH CENTURY ROYALIST  
"REAL ESTATE COMPANY".

In this chapter it shall be shown how the '49 officers began to set up, maintain and defend their interest as provided for in the king's declaration and the subsequent Act of Settlement. While the loss of many valuable records has made this task difficult it has not by any means made it impossible. A lot more detective work has been required and what follows is a quite adequate picture of the restoration land settlement in regard to the '49 officers, which has been gleaned from a synthesis of very many fragmentary sources.

By privy signet, dated at Whitehall, 19 February 1660, commissioners were named for putting the king's declaration into practice.<sup>1</sup> These commissioners sat at Dublin and immediately ordered that all claims be entered with them before 1 May 1661.<sup>2</sup> It soon became evident, however, due to a legal decision made in the courts, that the declaration, being merely an act of state, was not a safe way to walk in the disposal of men's estates. Accordingly, a parliament was to be convened to turn this act of state into an act of law.

---

1 They were Richard earl of Cork, Edward Lord Viscount Conway and Kilulta, John Lord Viscount Massarrene, Francis Lord Aungier, John Lord Kingston, Richard lord baron of Collooney, Sir James Barry, James Donnellan, John Bysse, Sir Henry Tichburne, Sir Robert Forth, Sir James Ware, Thomas Piggot, Colonel Arthur Hill, Colonel Marcus Trevor, Sir Francis Hamilton, Sir Arthur Forbes, Sir Oliver St George, Sir John Cole, Sir Richard Lane, Sir John Stephens, Sir William Domville, Sir Allen Broderick, Sir Audley Mervyn, John Temple, Colonel John Ponsonby, Henry Warren, Dudley Cooley, Sergeant Major George Rawdon, William Petty, James Cuffe and Thomas Browne: Rec. Comm. Ire. rep., (1821-25), p.21.

2 "Proclamation by the Commissioners for executing the King's Declaration for the settlement of Ireland", Cal. S.P. Ire., 1660-62, pp 403-405.

While writs were been issued for this parliament, the "Grand Trustees", the dukes of Ormonde and Albermarle, gave effect to the original declaration's provisions regarding the '49 officers, and appointed thirty-two persons to become the commissioners or trustees for the '49 officers. Many of them were the grandees of the restoration period and their names are as follows; Henry, Viscount Moore, Arthur, Viscount Valentia, John, Viscount Massarene, Francis, Lord Aungier, John, Lord Kingston, Richard, Lord Coloony, Sir James Ware, Sir Theophilus Jones, Colonel Arthur Hill, Colonel Marcus Trevor, Captain Robert Fitzgerald, Sir Robert Newcomen, Sir Arthur Forbes, Sir Richard Lane, Sir Patrick Wemys. Sir George Lane, Sir John Stevens [sometimes spelt Stephens], Sir Audley Mervyn, Sir William Flower, Colonel C. Coote, Colonel Francis Fowkes, Sergeant-Major Thomas Harmon, seargeant-major George Rawdon, captain Hans Hamilton, captain Robert Warde, Captain Richard Gething, Brian Jones, Dr. William Petty, Richard Stevens [or Stephens], James Cuffe, Samuel Bathurst and Alderman Daniel Bellingham.<sup>3</sup>

It was these notables of the Irish society of the era who were charged with looking after the interest of the '49 officers in that massive scramble for Irish land that was characteristic of the Restoration era. An examination of the background of these people shows that they belong, in the main, to the Protestant British settler class which came to Ireland in the sixteenth and seventeenth centuries.

The first major threat that they had to contend with regarding

---

<sup>3</sup> Rec. Comm. Ire. Rep., (1821-25), pp 32-33.

the '49 security was the rather large number of petitions that had been written to the king from people, both Catholic and Protestant, who sought personal satisfaction on the basis of an earlier grant and which infringed on the '49 security. Some of these petitions had also been granted to individual '49 officers who had actually received letters patents from the king granting them lands within the '49 security. Because of this practice the '49 trustees found it necessary to petition the king about it. They stated that

several of their number have petitioned the king by separate petitions to have the land set out to them [for arrears for service done] before 1649 in the country, city or town which they desire. If these petitions are granted the result will be that the present petitioners ['49 trustees] as a whole will suffer. Petitioners do not think that the king intended such a result to follow from his declaration and instructions for the distribution of the security given to them as a whole.

They pray that no preference be granted to particular persons and that the warrants issued for granting them to be recalled.<sup>4</sup>

This was a dangerous precedent that had to be thwarted at the outset. Although the '49 arrears had not as yet been stated, and the '49 security had not as yet been measured, here we find that the king was already giving out grants of lands from within the security to persons claiming to be '49 officers. The trustees were obviously correct in petitioning the king to put a stop to this practice. In this petition they were at least partly successful because the king accepted their petition and instructed the lords justices to invalidate the letters patents already given out to '49 claimants. There were exceptions, as the king did allow some of the letters patents to stand.<sup>5</sup>

---

<sup>4</sup> "Petition to the King of the Commissioned Officers who served King Charles I in Ireland before 5 June 1649", Cal. S. P. Ire. 1660-62, p. 172.

<sup>5</sup> The exceptions were, viscount Moore of Drogheda, Colonel  
[124]

The next step the '49 trustees took was the preservation of the security with regard to the corporations of Ireland. With this end in mind they enlisted the help of the Irish house of commons who accordingly ordered

Upon question, that the under-named persons, or any six or more of them, be, and are hereby, appointed a committee, to confer with the commissioners, appointed to set the houses and tenements of the several corporations in Ireland, and with them to consider, how the same may be set for the best advantage to those gentlemen, who are thereout to receive satisfaction for their arrears before 1649,....and in the mean time, the commissioners are hereby desired to forbear further setting of any of the houses or tenements within the said corporations.....<sup>6</sup>

Here it seems that the Irish house of commons was favorably inclined towards the '49 officers. This fact is not surprising given that 25 of the 38 member committee appointed within the Commons were involved in the '49 security either as '49 officers or trustees appointed to act on their behalf. This is an important point that bears further scrutiny as it might provide an answer to a question that has been raised by a number of historians, concerning the actual makeup of the Irish parliament and the interest group, (involved in the settlement), to which they belonged or which they supported.

Historians like Carte and later Lecky (who obviously followed Carte in his assessment), were of the opinion that within the Irish parliament of Charles II that, "the adventurers and soldiers being kept in possession of their lands and tenements, most of the members elected for the lower house were of that party".<sup>7</sup>

---

Marcus Trevor, Sir Arthur Forbes and Patrick Wemys. "The King to the Lords Justices for the Officers who served in Ireland before 5 June 1649, 14 March 1661", Cal. S. P. Ire., 1660-62, p. 282.

<sup>6</sup> Commons in Ire., 20 March 1663, i, p. 394

Fergus M O'Donoghue analysed to a certain extent the membership of this parliament.<sup>8</sup> While realizing the obvious mistake of Carte and Lecky, he does himself, however, fail to recognize or identify that a large proportion of that parliament's sitting members were indeed those who were actual '49 officers or who were involved in the running of the '49 security. The variables that O'Donoghue was attempting to locate and place in context was those of the "new" and "old" English. The former can be identified as those that came over with Cromwell while the latter can be identified as those that were in Ireland before Cromwell's arrival. (This group can also be termed as the old or ancient Protestants, some of whom were the new English of Strafford's time, and must not be confused with the Old English of the Pale who were Catholic, while the group in question were exclusively Protestant.)

While this is a useful distinction to make and to identify, it does, however, fail to take into consideration that included within the old Protestant group, (now termed Old English), were the '49 officers who almost definitely would have used their ample representation in both the houses of parliament to further their interest in regard to the restoration settlement.

Dr. Bottigheimer, while remaining inconclusive on the point, does recognize the division within this group. He cites a letter Orrery wrote to Clarendon:

---

7 Carte, Ormonde, iv, p.42.; W.E.H. Lecky, History of Ireland in the eighteenth century, (London, 1913), i, p.107 ff.

8 F. M. O'Donoghue, "Parliament in Ireland under Charles II", unpublished M.A. thesis, U.C.D., 1970)



The house of commons here [Ireland] consists of 254 members in all, about a fourth part of them are New English (by which I mean such as came over since 1649). The rest are of the Old English.....The Old English who made up, three-quarters of the commons, were [1] such as actually have lands for their arrears; and [2] such as only have an expectancy of arrears, by virtue of H. M.'s gracious declaration of the 30 November last, as officers who served here before 1649.<sup>9</sup>

Dr. Bottigheimer's is inconclusiveness on the point arises because, while recognizing the existence of the '49 officers, he casts doubts on the matter by citing further from Orrery's letter:

The New English and the '49 men equally court the Old English that have already their arrears (for whatever way they go they carry the house of commons). The '49 men tell them they are one with them in religion [i.e. Anglican]. The New English tell them they are one with them in interest [i.e. both were already in possession]. Both are powerful persuasions.<sup>10</sup>

Dr. Bottigheimer's source material leads him to conclude that the '49 men and New English courted the "Ancient" Protestants (by now termed as Old English) for their support in parliament. This is quite obviously based on the assumption that the '49 men and Ancient Protestants were two separate classes. This is almost entirely untrue because, as it will later become apparent, the '49 officers, or at least the greater part of them, were in fact the Ancient Protestants of Ireland.

The Ancient Protestants themselves can indeed be divided into two ideological groups; the '49 officers who were, in the main royalists, and the remainder, namely those like Coote, Broghill and company who supported the parliament against the royalists. Both of these groups however did in fact merge to ensure that the

---

<sup>9</sup> K. S. Bottigheimer, "The restoration land settlement in Ireland: a structural view", I.H.S. (1972), xviii, pp.7-8. Bottigheimer cites from Bodl., MS. Clarendon 74, ff 408-409.

<sup>10</sup> Ibid., citing from the same source

restoration occurred when it did. Many of the latter became trustees to the '49 officers and together they held the majority in both houses of parliament. Thus it would seem that the '49 officers and the Old English were in fact one and the same and not two separate groups as has too often been proposed. It is perhaps understandable that historians have failed to identify the '49 officers correctly as a completely separate group, given the fact that studies to date have not focused exclusively upon the members. Regarding the composition of the parliament, one can conclude that it did indeed contain a majority of "Ancient Protestants", but this majority in itself was made up entirely or almost entirely of '49 officers.

The major point being made here is that the '49 trustees relied on both houses of parliament in these early stages to assist them in the preservation of their security when it came under attack from the other groups involved in the Restoration settlement.

The next occasion when the parliament assisted the '49 officers was when the intended act of settlement threatened the '49 security. Here the Irish house of lords totally outshone the house of commons in their efforts to support the '49 security. Carte writes of the Lords:

It was a generous part in that noble body to take the loyal, meriting and suffering Officers, who had served before 1649 (whose cause being the best, was the most neglected of any), under their protection. Thus their agents were instructed to move his Majesty, that the whole security assigned in the Declaration for the satisfaction of their arrears, might be preserved entirely for that use, so as no part thereof should be otherwise disposed of, or restored subsequent to the said Declaration...and that no forfeited charters might be renewed or restored, till the security of those officers was thoroughly settled.<sup>11</sup>

And examination of the journals of the house of lords for the period bears this out. On 24 July 1661 the Lords ordered a committee to

consider of the king's gracious concessions to the Old Protestants and Forty-nine men, and to frame what is in favour of the said Protestants into instructions to be commended unto his majesty.<sup>12</sup>

There are many more examples of the house of commons, or indeed the lords, acting accordingly to preserve the '49 security. Another notable case is that of the forfeited charters and the trouble they would have caused the '49 interest if renewed, the king himself, having been petitioned by the Irish house of lords on 14 September 1661, wrote directly to the trustees for the '49 security:

In answer to the appeal of the house of lords in Ireland, the king directs that no charter to any corporation be renewed till the arrears due to commissioned officers for service in Ireland before June 1649 have been settled.<sup>13</sup>

The trustees up to now had acted merely as a powerful lobbying group. With the proposed bill of settlement imminent, however, it became obvious to them that they had to organize themselves in a better way in order to conduct the rest of the business associated with the '49 security, namely the settling of the arrears charged upon it. The existing constitution of their group did not allow such scope, particularly as it was expected that they would be charged with carrying out the instructions for settlement which had been embodied in the original declaration and which were expected to emerge without any major change with the act of settlement.

---

11 Carte, Ormonde, ii, pp 230-231.

12 Lords in Ire. i, p.269. See also pp 270-271 for the instructions, and pp pp 287-288 for the king's favourable answer to them. For a synopsis of these whole proceedings see, "The Commissioners of the Irish House of Commons to John Bramhall, Archbishop of Armagh", H.M.C. Hastings MSS. (1947), iv, p.109

13 "King to the Trustees of the '49 security", Cal. S.P. Ire.

It was perhaps with this in mind that they formed themselves into something rather resembling a "real-estate" company. This transformation occurred around March 1662 one day after the original commission for the 49 Trustees was re-appointed.<sup>14</sup>

The setting up of such a company might seem to have been a very innovative endeavour in the circumstances of the time. As will soon become apparent, however, this was exactly what occurred regarding the settlement of the '49 officers.

In the National Library of Ireland there is a manuscript entitled "Entry of Warrants from ye Commissioners of the Court of Claims and Assignments upon the earl of Orrery and the Lord visct. Massareen and Mr. Bere".<sup>15</sup> While the title appears at first rather innocuous, it was possible to construct from this source the actual nature, type and running of this "real estate" company. One of the first warrants issued outlines, among other things, the reason for the existence of this manuscript.

The commissioners for putting in execution the act of settlement of Ireland according to the power given to them by the said act having directed four warrants unto me bearing date the 5 December last for the payment of the several sums mentioned in the inclosed abstract into the respective persons therein named amounting in the whole to 5,710 pounds which they judge a contingent charge necessary for the carrying on the work concerning the 49 security desiring me to make payment thereof

---

1660-1662, p.432

14 "Appointment by Ormonde in conjunction with George Monk, duke of Albermarle of Trustees for arrears of pay due to the commisssiioned officers who served the king or his father in the Wars of Ireland before 5 June 1649". H.M.C. Ormonde Mss. (1895), i, p.239

15 (N.L.I., MS, 818.) This manuscript was very useful to this study because by it, it was possible to construct a quite adequate picture of the way this "real estate" company worked. This MS is hereafter referred to as "Warrant Book".

accordingly the said warrants being grounded upon several instruments under the hands and seals of the Dukes of Albermarle and Ormonde dated 3 September 1662. I do hereby desire your lords out of the issues and profits arising out of the said security to pay unto the respective persons mentioned in the said abstract the several sums to their names affixed.<sup>16</sup>

It seems that the trustees for the '49 security had to apply to the Commissioners appointed for the execution of the act for any contingent sums to cover expenses incurred in the management and running of the '49 security. If the commissioners judged that the charges applied for were in fact contingent and necessary they instructed Arthur, earl of Anglesey, to issue the money which had already been collected from the issues and profits of the '49 security, after, of course, obtaining the final approval from the "Grand Trustees", Ormonde and Albermarle. All such warrants were entered in this manuscript.

In this case the contingent charges were for the wages of those who found themselves lucky enough to be included in the hierarchy of this newly established "real estate" company. At the apex of this hierarchy were those styled as councillors viz. Sir William Domville, Thomas Longhill, John Temple, William Davies, William Knight, Samuel Clarke, Lowry Whitfield, John Keating, Oliver Jones, Adam Cusack, Myles Cooke, and Goodwin Swift. This committee has as its main task the overseeing of the entire operation. Included in their ranks were both the attorney and solicitor generals for Ireland (the first two named respectively). Each of these was to receive an annual wage of 200 pounds, with the exception of Domville, being the attorney general, who was to receive 500 pounds per year.<sup>17</sup>

---

16 "Warrant Book", f. 9

17 Ibid., ff 9-15

Next came a standing committee, the members of which were each to receive 250 pounds. These were Sir William Flower, Sir Thomas Armstrong, Sir John Stephens, Sir Hans Hamilton, Colonel Randall Clayton, Colonel Alexander Piggot, Major Robert Warde and Captain Robert Gethin. This group acted as the signatories on any petitions or letters that were sent out on behalf of the '49 officers. They were thus, in effect, the trustees or "general managers" of the "real estate" company.

Just as all companies require legal representatives so this company employed two solicitors, William Hamilton and Owen Dylor who were to receive 250 pounds each. To look after all the paperwork and the registration of the '49 officers a registrar was required and this job was given to Randall Clayton who was allotted a total of 370 pounds. Three hundred of this was for his wages while 30 pounds was to be set aside for a house in Dublin which was to act as an office. The remaining 40 pounds was allotted to Clayton to employ a doorkeeper who was also to act as a messenger.

A further 140 pounds was set aside for the hiring of two clerks. These positions went to Thomas Burtridge who was to act as the senior clerk and was to receive 100 pounds, and the junior clerk, John Staughton who was to receive 40 pounds.<sup>18</sup>

I have styled this organisation as a seventeenth century "real estate" company because it was constituted along the lines of a company more characteristic of the present century. As stated

---

<sup>18</sup> Ibid.

previously, it was the task of this company to manage the '49 security to the best of its ability in order to satisfy eventually the many shareholders ('49 officers) that held stakes in the company.

As was already seen, this company, which can probably be styled the '49 company, had as its centre of operations, a house in Dublin where, on entering one would find Randall Clayton busy stating the arrears of the '49 officers while the two clerks would be equally busy with the massive amount of paperwork that was obviously involved.

One of the first acts of this body was to prepare a particular of the entire security granted to them. With this in mind they hired Sir Allen Broderick, his majesty's surveyor general, at a cost of 200 pounds. Broderick was employed by the '49 "real estate" company to measure and prepare a rent roll of all the real estate contained within the security. Sir James Ware, his majesty's auditor general, was also employed to audit such lands as were recorded by Broderick.<sup>19</sup> Ware was also to receive 200 pounds for his work.

Accordingly a rent roll or rent rolls were produced, one of which at least has managed to survive. This rent roll is entitled "A rentrole of the forfeited houses, lands and tenements assigned towards satisfaction of the arrears of the commissioned officers who served in Ireland before the 5 June 1649, set for one year determining the 25 March 1662, reserved thereon".<sup>20</sup>

---

<sup>19</sup> "Warrant Book", f.20

<sup>20</sup> The original of this rentroll is in the (BoSl. Library, Rawl. B. 508). There is a copy of it on microfilm in (N.L.I. pos.,

An abstract of the entire roll states the rents as 3102 pounds 1s 4d. from lands and 6886 pounds 10s 2d. from houses. It also states that the houses in Dublin were not as yet set, the rents of which amounted to 3438 pounds 4s 4d. The total rent of the roll thus came to 13,426 pounds 15s 10d. This might seem a rather small amount, however, a memoranda was attached to the roll stating that

there are many other particulars within the security of the commissioned officers aforesaid which we have no return made unto us as yet, but shall be an additional rent-roll give an account thereof.<sup>21</sup>

Added to this also was the fact that the roll mentioned many corporate towns which had just been discovered as being corporate towns and thus liable for inclusion in the '49 security, and thus would not have been included, as they were not as yet set out.

Quite noticeable within this rent roll was the number of those corporate towns that had been discovered yet had not as yet been set by the '49 Trustees. The main reason for this is that the '49 trustees were finding it very hard, in some instances, to be put in possession of some of these properties within these corporations.

One such corporate town was that of Ardee in the county of Louth. Ardee had originally been granted in 1653 to commonwealth soldiers belonging in the main to the foot regiment of Colonel Anthony Hungerford. When it became evident that Ardee had been discovered by the '49 officers as an corporate town and thus liable to be included in their security, the settlers of Ardee

---

3039).

<sup>21</sup> "Rentroll", (N.L.I. pos., 3093, f.53)



resorted to petitioning the king in 1664:

A petition of the Protestants of Ardee, stating that the town was granted to them in 1563 [sic. 1663 is meant] for services, and much improved by them but now they are in danger of being dispossessed in favour of the '49 men [officers], and praying for a redress.<sup>22</sup>

There are no extant sources to indicate that this petition was granted but later on in the same year the Ardee settlers again resorted to petitioning, this time to have a proviso inserted in their favour in the act of explanation.

Petition of Willliam Armitage, Jonathan Ball, Henry Rogers.....[and 27 others].....soldiers whose lots fell in Ardee town, stating that they had laid out much money in improving the town, and that afterwards it was taken from them by a clause in the act of settlement, and praying for a proviso to be restored.<sup>23</sup>

While no such proviso was inserted in the act of explanation, it appears very conclusively that their request was granted as no '49 officers had any involvement or were in receipt of any rents from the Ardee corporation.<sup>24</sup>

While the corporate town of Ardee had been originally set to Protestant soldiers, who as was seen kept the town, the '49 trustees were also having trouble from individual Catholics. The trustees expressed the following fears in a letter addressed to Sir Francis Butler in October 1662.

We are not a little sensible of the great endeavors that have been and are daily used by the Irish of being returned to their houses in this city [Dublin]. There are many of them who of late have obtained orders from the court of exchequer (upon the attorney-generals confession, we being never summoned nor made parties to their bills) to strike the rents reserved upon their

---

22 Rec. Comm. Ire. rep. (1821-1825), p.656.

23 Ibid., p.659

24 This fact had been deduced from an examination of "Ardee Corporation Minutes". These are known locally as the "Ruxton Transcripts" and date from 1861. The originals of the same are in the County Reference Library, Dundalk, County Louth and a copy of the same is in the P.R.O. Northern Ireland.

houses out of charge, and if there not be great care and diligence used in preventing them they will get a clause inserted in the bill [Explanation] for their enjoying their respective estates so striken out of charge as aforesaid.....<sup>25</sup>

What is implied here, by the tone of this letter, is that the Old English Catholics were steadily regaining possession of their houses in the city of Dublin. It would also seem that they were doing so with the connivance or assistance of the court of Exchequer. The '49 trustees correctly thought this practice a dangerous precedent because if it were allowed to proceed, not only would they lose a large slice of their real estate, but also that such Catholics as had regained their houses might be allowed to retain them by the shortly expected explanatory act. The act of settlement so lately enacted, was passed only on the condition that a further bill of explanation would follow. If such Irish were in possession of their houses in Dublin, the '49 trustees feared that the forthcoming explanatory act would sanction, or at best overlook the situation which was, in effect, depriving the '49 officers of quite valuable real estate.

Another more serious problem regarding the acquisition of houses and properties lying within the '49 security was the role of the various local sheriffs. According to the act of settlement, the provisions regarding the '49 security were to be executed by the administrative action of the government through the commissioners appointed for the task. These commissioners in turn acted through the agency of the '49 Trustees which entailed that any orders for the acquisition or disposal of properties lying within the '49

---

<sup>25</sup> "Randall Clayton, Richard Lane, Richard Gethin, Seafoule Gibson, Edward Billingsley and Alexander Piggot to Sir Francis Butler and Mathew Lock, Green Chamber, Dublin, 12 October 1662", H.M.C. Egmont MSS. (1909), ii, pp 1-2.

security would be given effect locally by the sheriffs of the respective areas. This practice worked well until, in May 1663, Elias Best and Christopher Bennet, sheriffs for the city of Dublin, refused to put the '49 trustees nominee, Mr Sandford, in possession of a house in the city. Their refusal was based on the grounds that putting the '49 trustees into such possession would be a breach of common law. Such is the importance of their case that it was thought a necessity to include here the entire text of their letter. They stated their case to Ormonde as follows:

The said sheriffs humbly answering say that Mr. Sandford in the said petition named, did produce an order from the said trustees and required them pursuant to the said order to deliver the possession of one house in Bridge St., to the said Sandford for the use of the said '49 Officers and that the said sheriffs in all humble obedience to the said order immediately repaired to Sir George Gilbert and required the said Sir George to deliver the possession of the said house as in the order so directed, which the said Sir George refused to do, pretending an interest therein from Sir Theophilus Jones on a great and valuable consideration. Whereupon the said sheriffs forbore to do any more therein 'till the[y] considered and advised with their council whether they were sufficiently empowered to force the said possession from the said Sir George and the said sheriffs now in all humble manner offer it to your Grace's consideration that the employment which the[y] execute as sheriffs is undergone by them rather out of duty to the Government than any desires they have to serve therein.

That they humbly conceive that by virtue of the oath taken by them as sheriffs they ought not to turn any person (though wrongly in possession) out of the said possession, but by writ under the king's seal, or according to the due course of the common law.

That hence it is (though much contrary to their nature) that they have forborne to give possession on several decrees obtained by innocent persons for houses etc., within their balliwick and yet the said sheriffs were informed by their Council that they seem by the said act to be indemnified for the delivery of any such possession, provided that the said decrees shall be pursuant to the said act. But notwithstanding the said sheriffs have forborne as aforesaid, not having understanding sufficient to judge whether the said decrees be pursuant to the said Act or not.

They likewise humbly offer to your Grace's consideration that as by no part of the said act of settlement, the

Sheriffs are required or authorised to deliver possession to innocent persons as aforesaid, so neither are they promised in the present case of the trustees so much as an indemnity by the said Act (as they humbly conceive) should they under colour of the said order of the Trustees prea [sic] the said possession from the said Sir George and therefore the said sheriffs much fear that they may be liable to such accusations in such cases as may tend to the utter ruin of them and theirs. As also, the reversion being in the said Sir Theophilus Jones, they further fear that the said Sir Theo. Jones a member of the parliament as this case is may attach the said sheriffs to appear before the house of commons for the disturbing of the possession of his tenant. The consequences whereof would be very penal to the said sheriffs, which they are humbly assured was never intended by your Grace. And the said sheriffs do humbly affirm unto your Grace, that they are daily threatened with accusations by the present possessors if they should turn the present possessors out of possession by any other ways than according to the due course of the common law.

Lastly the said sheriffs do in the most humble manner submit to your Grace's further consideration that his Grace the duke of Albermarle lays claim to the said house of which the possession is now required by the trustees as aforesaid and the said sheriffs have good reason to believe that the duke of Albermarle's agent will prosecute the said sheriffs with very great violence, should they deliver the possession of the said house, as by the said order is required, for these any many other reasons with which the said Sheriffs presume not to trouble your Grace, the said Sheriffs do humbly hope that they do not appear in the least contempt to your Grace's orders. And therefore they humbly pray that they may be dismissed from any further attendance in regard that they are upon his majesty's special service at this present.<sup>26</sup>

This letter clearly shows the legal uncertainties expressed by the sheriffs regarding their role and also, it illustrates the difficulties faced by the government in this settlement relating to property rights. The sheriffs sought and obtained legal opinion as to what their position was or ought to be regarding the eviction of people. The answer to their query, as they themselves have stated, was that they "ought not to turn any person (though wrongly in possession) out of the said possession but by writ under the king's seal". This was a dangerous precedent to be setting, not only for the '49 officers but for

the settlement on a whole. If the king's writ was required for each individual case and if people were allowed to retain possession of properties until due process of common law had been adhered to, then it would appear that the settlement would very definitely have been totally impossible to enact to any great degree.

The '49 "real estate" company, however, as was already seen, was set up in such way as to ensure they could deal with situations like this one. If it required a legal battle to gain possession then they had recourse to the solicitor and attorney generals, both of who were members of their ranks. They also retained two solicitors at an annual cost of five hundred pounds. These legal persons, as will shortly be seen, were in fact required, particularly to represent the '49 interest in the court of claims that was to be set up to hear the claims of innocents. In this particular instance, however, the '49 trustees depended on the influence of the grandees within their ranks who quite obviously used their position in society and government respectively to overrule and perhaps overawe the local sheriffs such as Bennet and Best into ignoring or at least suspending the common law at this juncture so that the '49 security could be put in possession of properties that were within their security. This practice was also quite evident in both the houses of parliament.

On 19 February 1663, Sir Hans Hamilton, himself a '49 officer:

---

26 "The humble answer of Christopher Bennet and Elias Best Sheriffs of the city of Dublin, to the petition of the Honourable the Trustees appointed for managing the securities of the Commissioned officers who served his Majesty in Ireland before 5 June 1649". (Kings Inns Dublin, Prendrgast Papers, viii, pp 818-821.; Carte, MSS. cx, f. 178.

An MP of this House [commons], complaining against Manus Lenan, Stephen Follan and Christopher Dillon, for disturbing his possession of the lands called Moyvunan, for which he is tenant to the '49 Officers, within the mile-line in the county of Roscommon, and drawing away distresses from the petitioners tenants, contrary to the privilege of Parliament. It is ordered upon question, that a letter be written to the Sheriff of the said county of Roscommon, and signed by the speaker in the name of this House, authorizing and requiring him forthwith to quiet the possession of the said lands of the said Sir H. Hamilton, his tenants or assignes, wherein he hath been disturbed as aforesaid, and to restore the distresses taken of the said lands into the petitioners and tenants, and that the said Dillon, Follan and Lenan be summoned to this House to answer the contents of the said petition.<sup>27</sup>

This is but another example of the support the '49 officers had from the parliament. Here is found the original owners attempting to retrieve their lands by force. Hamilton who was a '49 officer and who had leased the lands from the '49 security, used his position as a member of parliament to ensure that he was left in possession. The parliament for its part sent a letter to the local sheriff to ensure that Hamilton retained the lands in question. In circumstances like this the Sheriff would have no choice but to obey such a letter and place the property in Hamilton's possession.

Another sheriff in county Cork found himself in trouble with the parliament for attempting to charge the '49 officers five pounds for putting them in possession of land, when the actual charge for such a practice was ten shillings. This was brought to the notice of the lords when the '49 trustees petitioned them

complaining that one Perry, sub-sheriff of the county of Cork hath extorted and taken five pounds, for putting them into possession of a house, whereas, in truth, he ought to take but ten shillings.<sup>28</sup>

---

<sup>27</sup> Common's in. Ire., i, p. 633. See also Lords in. Ire., i, pp 303, 307, 335, for more examples of the Irish parliament's patronage to the '49 officers.

In this case the offending sheriff was sent for to answer the charge, as an example to other sheriffs who might attempt such fraudulent practices.

What is quite clearly emerging is that the '49 "real estate" company endeavoured to acquire each and every piece of real estate they were entitled to by virtue of the act. As has already been shown, they were finding this task a little difficult to execute. In large measure thanks to the grandees from within their ranks, who ensured parliamentary support, they began to gain possession of what they were entitled to. Once they had gained possession they immediately, in accordance with the instructions embodied in the act, let or set the property to under-tenants. All the rents received were paid into a central fund controlled by the trustees under the auspices of the commissioners appointed to execute the act of settlement. And it was out of this fund that all the contingent charges were paid.

By far the biggest threat to the '49 security was the first court of claims which opened at the King's Inns, Dublin, on 13 January 1663.<sup>29</sup> Historians when writing about this court, have tended to concentrate on the proceedings of Catholics who appeared before it seeking decrees of innocence. To limit the investigation like that is to unwittingly ignore the plight of the other interest groups, such as the '49 officers who found that they were requested to appear before the court as defendants, while the Irish appearing before it did so as plaintiffs.

---

<sup>29</sup> Lords in. Ire. i, p.335.

Before this court closed its doors on 21 August 1663, the commissioners had awarded a total of 829 decrees of which, 714 of these were "innocent" decrees. It was these 714 that were thus allowed at least in theory to be restored to their estates.<sup>30</sup>

Before the court commenced its hearings, it ordered

that such claimant, or their respective attorneys, who desire to have their claims set down for hearing, do from time to time give a note in writing of such their claims, with the day by them desired for the hearing unto our chief clerk; whereupon we intend to affix the same publickly on the outward door of this Court, with Intent, that the attorneys for the defendants and the persons concerned may take notice thereof; that, if no cause be showed within two days ensuing the public affixing the said Claims, then this court will proceed to the setting down of the said cause, and the hearing thereof at a day certain.<sup>31</sup>

It is fairly certain that the '49 trustees would have carefully perused such notices as very definitely many of the forthcoming cases to be heard would have named the '49 security as the defendants.

The 714 ordered to be restored would have had enormous implications for bodies such as the '49 officers. Because of this, the '49 trustees, who, as always, had the preservation of the '49 security at heart, established and retained a legal

---

<sup>29</sup> Cal. S.P. Ire., 1663-65, p.107. See also L. J. Arnold, "The Restoration land settlement in counties Dublin and Wicklow", (unpublished Ph.D. thesis, T.C.D., 1967), especially chapter three entitled, "Claims and counter Claims", which details the workings of this court of claims; L. J. Arnold, "The Irish court of claims of 1663", I.H.S., (1985), xxiv, pp 417-439

<sup>30</sup> Arnold, "Court of Claims", p.419. The number 829 is arrived at by a tabulation of P.R.I. rep. D.K. 19, app. v, p.41. Arnold systematically perused this list and concluded that the total of 829 is misleading in that many of the decrees contained separate judgements awarded to various members of the same family.

<sup>31</sup> "The Order of the Court of Claims by His Majesty's Commissioners appointed to execute the Act of Settlement of Ireland", Common's in. Ire., i, p.636.



council to represent their interest at the court of claims. On some occasions Sir William Domville, the attorney general, who of course as has been seen, was paid 500 pounds annually by the '49 trustees, took it upon himself to appear in person to represent the '49 officers.

One such occasion was on 28 January 1663 when he appeared as defendant to answer the "charges" of Edmund Meara, a doctor of physic, who was the plaintiff on this occasion:

The matter of Meara's petition for restoration to lands therein mentioned was today opened and council for the defendant were heard. The court decided that the plaintiff had not made due proof of his title to the lands and ordered the claim to be dismissed.<sup>32</sup>

On this occasion the '49 security was maintained in respect that Meara was declared nocent or guilty. This would have ensured that Meara could not have the return of his lands which were situated within the '49 security. On other occasions the attorney general, representing the '49 officers, was unable to maintain the '49 security in that the claims of the plaintiffs were upheld and thus were ordered to be restored to their estates. One such case was that of Richard Brice of the city of Dublin and this particular decree of innocency is appended in full to this study.

It would be far beyond the scope of this work to establish conclusively the effect the court of claims had on the '49 security. In order to effect such conclusiveness, it would be necessary to go through systematically the records of the court of claims.<sup>33</sup>

---

<sup>32</sup> Cal. S.P. Ire., 1663-1665. p.15.

<sup>33</sup> To arrive at such an answer would require a detailed study of the "Submissions and evidence, court of claims, 1663". (Armagh Public Library, Armagh MSS, f. 18.) The late J. G. Simms was undertaking the transcription of these manuscripts for

At a later date, when the '49 trustees were putting forward a total of sixteen reasons as to why they should not lose any part of their security, reason number fourteen stated that

their losses from adjudications of the court of claims have been greater than those of the adventurers, being much above 1/3 of their security.<sup>34</sup>

It is almost certain that the representatives of the '49 officers' in the parliament would have wholly supported Sir Audley Mervyn when he put forward the following proposals in the name of the house of commons, regarding the court of claims.

(1) That all those declared to have been in rebellion before the cessation of 1643 be barred.

(2) That no member of parliament who since 1641 was declared to be "rotten" meaning all Catholics who had been expelled wereto get any lands.

(3) That all innocency be barred on the basis of residence within the rebel quarters.

(4) That any witnesses called to prove the innocence of a claimant must have resided constantly in the English quarters.<sup>35</sup>

Such proposals if accepted would have effectively barred almost all those who did in fact obtain the sought-after decrees. However, and not surprisingly, the king entirely rejected them.<sup>36</sup> Undaunted the commons continued its attack upon the court of claims. Sir William Morrice in a letter to the earl of Winchelsea states that

---

publication by the Irish Manuscript Commission. Unfortunately his untimely demise ensured that this task remained unfinished. It has, however, been brought to my attention that Geraldine Tallon has undertaken to complete this project, which when finished, will be a valuable contribution to the historiography of seventeenth century Irish land settlements.

34 Reasons by the '49 officers against loosing any part of

there hath been not only some unbrage but some checks between the commons house of parliament in Ireland, and the court of claims there, wherein the English conceive the Irish to have too much favour and the restitution of so many of them to their estates to be destructive to the English interest, and what may be the result thereof we are not without some fears, though we have good hopes.<sup>37</sup>

What did occur, probably as a result of the commons getting an unfavorable response from the King, was that "famous" armed conspiracy against the government of Ireland, or at least that part of it that was seen to support the work of the court of claims. This conspiracy came to be know as the "Phanatic" or Blood Plot. Here again is a darkened corner of Irish history that awaits an historian to shed some light upon it. As no '49 officer was among the insurrectionists however, this particular episode requires no further elaboration within these pages.

While decrees of innocence caused some loss to the '49 security, one would not expect that a decree of nocent would effect the same security. That is exactly what occurred however, in the case of Oliver, Earl of Tyrconnel in regard to his Wicklow estates. Tyrconnel had fought under Ormonde in that crucial period. He even repaired to France to serve with the exiled king. He returned to England in the early 1650s and somehow managed to ingratiate himself with Oliver Cromwell. This is quite surprising given that not only was Tyrconnel a royalist but he was also a "Papist". For reasons known only to Cromwell, Tyrconnel was allowed to live quietly on his Wicklow estate during the

---

their security", Rec. Comm. Ire. rep., (1821-25), pp 651-52.

35 Common's in. Ire. i, pp 617-31; Arnold, "Restoration settlement", p.151.

36 Cal. S.P. Ire., 1663-85. p.29.

37 "Sir William Morrice to the Earl of Winchelsea, 21 April 1663", H.M.C., Finch MSS. (1913), pp.255-56)

Interregnum period. When he submitted to the court of claims as he was required to do, somebody, probably a legal representative of the '49 officers, produced a letter to the effect that Tyrconnel had written to a Jesuit in Ireland.<sup>38</sup> This effectively ensured that a decree of nocent would be returned because, under clause XI of the instructions, anybody who had held correspondence with those in opposition to the crown was to be declared nocent.

Tyrconnel, for his part, was not without influential friends. Ormonde wrote to the king and argued that Tyrconnel's royalist service might "outweigh the oversights in that letter which was the cause of his being declared nocent".<sup>39</sup> The king replied by writing directly to the '49 trustees:

We have heard that the earl of Tyrconnel has been adjudged nocent by the commissioners of settlement upon his claim exhibited before them for his ancient estate, whereof he was in quiet possession and might have remained so if he had sought no further establishment... We desire you, who are the chief of and trustee for those [49] officers, to quit and release to the earl and his heirs all titles which you may have to the estate by virtue of the late act or decree. As we have since our Restoration taken good care of the interests of the '49 officers and made plentiful provision for the payment of their arrears, we doubt not you will consent to make the release which is so little of so much we have given you. So that you may no ways apprehend the weakening of that security by this precedent, we do assure you that as we shall very well accept your submission herein, so this shall be the only desire we shall make of you of this nature, your ready observance whereof, of which we require a speedy account, shall not be forgotten by us.<sup>40</sup>

The tone of this letter might suggest that the '49 trustees had no option but to obey the king's word. Their reply however, came on 16 July 1663:

---

<sup>38</sup> Arnold, "Restoration settlement", p.140.

<sup>39</sup> Cal. S.P. Ire., 1663-65, p.41. See also "Albermarle to Ormonde", Carte, MSS., xxxii, f. 327. Here Albermarle pleaded with Ormonde to ensure that the '49 officers released the estate.

We, as trustees appointed...for managing the securities allotted for the satisfaction of the ['49] officers ...find ourselves in difficulty between the due performance of your Majesty's wishes and the trust reposed on us for those who are our fellow-soldiers and sufferers.....<sup>41</sup>.

The letter goes on to state that they would like to release the estate as ordered, but such an action they argued, would be a breach of trust for their position as the '49 trustees. The letter concludes, "we should readily obey the King's orders were we not under an incapacity in reference to our trust".<sup>42</sup>

The king, while accepting the position the '49 trustees were in, continued to press for the release of the estate and many more letters changed sides before the king effectively gave over the estate to Tyrconnel.<sup>43</sup>

It would appear then, that the '49 security suffered alike, or by the '49 trustees own admission, worse than the adventurers and soldiers by the many decrees of innocency established at the Court of Claims. The '49 trustees as always ensured the protection of their security by retaining a legal council at the court. To establish the effectiveness of this council, however, would require a study in itself.

While the '49 security was been protected through the court of claims, Randall Clayton, the chief registrar was busy with the task of identifying and stating the arrears of those who came under the category of '49 officer. It was originally intended

---

40 "The King to the Trustees of the '49 officers for the earl of Tyrconnel, March 1663", Cal. S.P. Ire., 1669-70, p. 450.

41 "Memorandum by certain Trustees to the King", Cal. S.P. Ire., 1663-65, pp 177-78.

42 Ibid.

that all these arrears were to be stated before 29 September 1661. They were firstly enlarged by the act of settlement to 1 May 1663. The time limit was eventually and finally extended by the lord lieutenant and council to 1 November 1663.<sup>44</sup>

By this date Clayton would have had to have had all the officers identified and the arrears due to them stated. All the indications are that this was achieved. While there are no extant sources that might show how many '49 officers were originally involved. Appendix A shows us that 1,030 were eventually stated as having claims to arrears. While the actual number of '49 claimants is unavailable, contemporary sources do however show that they originally claimed 1,800,000 pounds.<sup>45</sup> Appendices A and b, however, only show their claim as amounting to a total of 1,148,167 pounmnds 16s. 7d.

Clayton had difficulty in the stating of the arrears particularly regarding the periods that arrears could be stated for. This doubt arose probably because, as has been shown in Chapter One, there was a great amount of changing of sides and Clayton did not know how to proceed in the event that certain officers might have claimed for the period they were not in support of the Royalist cause. He sought and obtained guidance from the court of claims which took the form of rules setting

---

43 "King to the Lord Lieutenant for the Earl of Tyrconnel, 4 August 1663", Cal. S.P. Ire., 1663-65. pp 198-99.; "Draft of the King to the Commissioners of Settlement for Oliver, Earl of Tyrconnel, March 1664", Cal. S.P. Ire., 1669-70. pp 491-92.; See also Cal. S.P. Ire., 1663-65. p.53.

44 "Proclamation by the Lord Lieutenant and Council, 27 May 1663, Cal. S.P. Ire., 1663-65. pp 106-108. The difficulties Clayton faced can be gleaned from his personal correspondence, "Letters re claims of the '49 officers, (N.L.I., pos. 29).

45 Rec. Comm. Ire. rep., (1821-5), p. 30.

out specific periods of service within which the arrears could be stated and admitted for.

(1) The Leinster army to state their arrears between 23 October 1641 and 10 December 1650.

(2) Those who did not serve under the duke of Ormonde and did not continue faithful, not to be admitted, except until 28 July 1647.

(3) Ulster officers to state their accounts to 28 March 1645.

These rules had one intention and one intention only, to ensure that only those Protestant officers who did not at any time support the parliamentarians at strategic times throughout the war were to be classified as '49 officers and subsequently have their arrears charged on the '49 security.<sup>46</sup>

As might be expected, given the enormous complexities involved in the changing of allegiances during the war, it was going to be an enormous task to ascertain the loyalties and past allegiances of those claiming in the category of '49 officers. It was perhaps due to these complexities that Ormonde sought and obtained a very detailed legal opinion in connection with the interpretation of the rules submitted to the court of claims.<sup>47</sup>

As this is a valuable document and quite central to this study. it is included in full in the appendix. From this legal opinion one can formulate a definition as to who a '49 officer was. That is of course, by also taking into consideration the definition

---

<sup>46</sup> "Papers relating to the '49 officers", (P.R.O. Ireland, MSS., 2458-60) There is a mine of information concerning the '49 officers contained in this particular source. However, there is no page numbering, it merely consists of a large amount of loose, unsorted documents. It is hereafter referred to as the '49 Officers' Papers.

as implied by the act of settlement. The legal opinion addressed itself to the question

whether such commissioned officers as submitted, not on having submitted to the cessation and afterwards fell off, are to be satisfied any arrears out of the '49 security for the time they did not submit to the said cessation having received no satisfaction in lands or money since 1649.<sup>48</sup>

As can be adduced from this document, it gives a very detailed analysis of the implications of the act of settlement with regard to the '49 officers. Bearing in mind the implications of the act and the legal overtones of the document, a '49 officer can be defined as any

Protestant who had held a commission in any regiment, troop or company raised in Ireland or transported out of England and who had served Charles II or his father, under Ormonde or under the command of a provincial commander in support of Ormonde between the 23 October 1641 and the 10 December 1650; who did not support the parliament between the years 1649 and 1650; and who had not yet received satisfaction for the pay arrears due to him for this service.

So it is these people who were to be satisfied the 12s. 6d. in the pound as provided for in the act of settlement. However, since that act was passed in 1662, it seems to have been the intention of the '49 trustees, aided by their "real estate" company, to collect together as much of the assets as they could before they would actually begin to settle the arrears of the officers. It is almost certain that no actual settlement of the arrears was intended until after an act of explanation was enacted, as had being promised when the act of settlement was passed in 1662.

As 1664 drew to a close it became apparent that the long awaited

---

47 '49 officers Papers.

48 Ibid.



explanatory act was not very far away. The '49 trustees, while keeping themselves very active petitioning for and against various provisos to be inserted in, and excluded from the act now thought it a good time to send agents to England where the intending act was been debated. Accordingly they petitioned the king as follows:

In discharge of the trust committed to them by their Graces the Dukes of Albermarle and Ormonde and for the better securing and preserving the said commissioned officers the several securities appointed by your majesty for satisfaction of these offices arrears, have been constrained to appoint divers persons as agents and counsel to solicit their concernment in the Bill now under your Majesty's consideration, and to promise divers salaries and exhibitions to them so employed. In regard the Commissioners appointed for the execution of the Act of Settlement, who have power by the said act to issue their warrants to the Vice Treasurer of Ireland for supply of the petitioners occasions and meeting their charges, are not at the present residing in Ireland.

They pray for a royal mandate to Vice Treasurer Anglesey. to give assignments to the petitioners or the earl of Orrery and Viscount Massareene of 3,200 pounds out of the issues and profits of the said security....<sup>49</sup>.

It is obvious from this petition that the '49 trustees were ensuring that their agents going to court in England to plead their case were to have a very sizable amount of money with them, Normally the commissioners for executing the settlement would have the power to issue the necessary warrants but, as they themselves were now at the court at Whitehall, the '49 trustees had to petition the king directly to have the money, which of course was to be taken from the profits accumulated by the letting of the real estate within the '49 security. This request, it would seem, was eventually granted.<sup>50</sup>

---

<sup>49</sup> "Petition to the King of the Trustees appointed for managing the security of the commissioned officers who served your Majesty in the wars of Ireland before 5 June 1649", Cal. S.P. Ire., 1669-70. p.514,

<sup>50</sup> "King to Anglesey, 28 January 1665", Warrant Book, f. 21.

It seems that the '49 trustees feared that a number of intended provisos to be included in the bill of explanation would have infringed on the '49 security had they been allowed to go through. The last letter the '49 trustees wrote to Ormonde before the passing of the act conveys this fear:

We have had your Graces constant assurance as well as of our experience of your case for the '49 interest, and do therefore judge it our duty at this time to address ourselves to your Grace humbly beseeching your Grace to continue your wanted favors and protection to that interest. And because we find that they are many overtures and variety of proposals in relation to the settlement of Ireland, some from the Irish others from the adventurers and soldiers wherein, if we mistake it not, much of our original security is thereby designed to be invaded.....And have sent over Sir Hans Hamilton and Col. Randall Clayton to join with his Lord [Inchiquin] and Mr Keating in the managing and prosecuting of it, and we humbly beseech your Grace that they may from time to time have a favorable access which our agent doth assure us he hath constantly had hitherto, and for which we return your Grace our most humble and most hearty thanks.

We presume to remind your Grace of what you were pleased favourably to say at your departure from this place, that as we could not reasonably expect an addition to our security so we need not doubt we should have anything taken away from us, that was given us by the declaration and act of settlement which we humbly conceive no person would have confidence to attempt, but upon a pretended presumption that our security will more than answer the debt. The variety of which mistake we have instructed our agents rightly to inform your Grace with.....And we cannot doubt but our faithful services will, in his Majesty's esteem deserve us well such a proportion of compensation as other interests who have already received and long enjoyed aa more liberal one.<sup>51</sup>

It would thus seem that this letter to Ormonde was but another attempt to enlist his support to ensure that the '49 security passed safely through the forthcoming bill of explanation.

As can be adduced from the foregoing, the '49 trustees had a massive task in front of them to establish, maintain and to put

---

<sup>51</sup> "Trustees of the '49 officers to Ormonde, 22 August 1665", Carte, MSS., f.317.

the '49 security to the uses as provided for it by the act of settlement. The most striking feature is the way in which the trustees established themselves into what closely resembles a "real estate" company. Like all such companies, personnel were employed for various purposes according to their capabilities and position in Irish society.

One wonders how or why these particular people were chosen for the jobs for which they were employed. It is beyond any doubt however that these positions commanded very large salaries. These salaries together with the other expenses incurred in the running of the company amounted to around 17,780 pounds between 26 August 1661, the date the first warrant was issued, and the end of 1663. This total of course does not include the 6d. in the pound that Anglesey, who issued the warrants, was to deduct for each warrant issued. This would add another 444 pounds to the total.<sup>52</sup> Also it does not include the ten shillings it cost to be put in possession of the many pieces of real estate that the '49 security acquired.

All in all, it can be concluded that the running costs of this "real estate" company were quite enormous given the fact that the period in question was seventeenth century Ireland. The reason it cost such a large amount had perhaps something to do with the large salaries paid to many individuals involved in the security. Other contingent charges were necessary and arose from time to

---

<sup>52</sup> The first total has been calculated by the adding of all the expenditure as are contained within the warrants for the period. The second total of 444 pounds, was calculated in that Anglesey reserved 6d in the pound for every warrant he issued. This works out at 2.5% and to get the total it was merely a matter of getting this percentage of the first total and then adding the two together.

time, charges such as the 500 pounds paid to the surveyor and auditor generals. This was money well spent as their professional services were required to carry out very important tasks. Bearing this in mind, one wonders why the counsellors, who appear to have been of little use, other than to represent the '49 security's interests at the highest levels, were each paid 200 pounds annually. That is of course with the exception of the attorney general whose position was well worth the expenditure.

It was early in 1664 that a yearly allowance was established by Ormonde as follows; 300 pounds for the registrar; 30 pounds for his office; 40 pounds for his doorkeeper; the standing committee, consisting of eight persons were each to receive 300 pounds, except three of them who were to receive an extra 100 pounds simply because they did not live in Dublin and only came there to assist in the management the affairs of the '49 security; 140 pounds was set aside for two clerks; 500 pounds for two solicitors; 500 pounds for the attorney general; and, 1,000 pounds for retaining a legal council at the court of claims.<sup>53</sup> This amounted in total to an annual charge of 5,210 pounds. Again, this is only what can be termed the "wages bill", and would not take into consideration other contingent charges that might arise from time to time.

The total amount of running costs of the '49 security would be in the region of 18,224 pounds without taking into consideration the 10s per property possession charge which can only be calculated exactly at 2,983 pounds for the pieces of real estate plus another 650 pounds for the individual land holdings. That would

---

53 "Warrant Book", ff 39-40.

give a grand total of 21,857 pounds for the period.<sup>54</sup>

While it was not the intention of the trustees at this juncture to actually distribute the security, they did, however, in certain cases provide money from the fund to assist certain widows who found themselves in dire straits and in immediate need of relief. One such case was that of the Widow Smith. She applied to the '49 trustees for relief for herself and her distressed children. After examining the case, the '49 trustees found that there was due to her husband Sir Percy Smith, 6,946 pounds, 15s. 8d. arrears. Because Smith had died in the kings service, thus failing to provide for his wife and nine children ,the '49 trustees

upon consideration of all which, we having herein the consent of divers honorable and worthy persons concerned in the arrears due to the '49 officers, do hereby order...to pay to the said lady Smith or her assignees 300 pounds English for and towards the relief of her and her children out of the satisfaction given for the said arrears due to the said Percy Smith....<sup>55</sup>

It would seem then that the '49 trustees and their "real estate" company managed to acquire and maintain quite a sizable security. It was faced by many threats from many different angles, but most of these were surmounted with varying degrees of success. The next threat to emerge was the forthcoming act of explanation. Chapter five of this study has been set aside to see how the '49 security fared through the passage of this act. That chapter

---

<sup>54</sup> This particular total was a little harder to calculate. Given that there was a total of 5,967 individual pieces of real estate as shown in appendix C, then it was merely a matter of multiplying this number by the 10 shilling charge per piece of real estate. The individual land holdings could only be computed approximately. To arrive at this figure, £850 I worked out the average number of these land holdings per lot, and multiplied it by the number of lots that contained land holdings. Then it was a matter of multiplying this answer by the 10 shilling charge which gives us an approximate answer only.

will also show the actual distribution of the '49 security among those entitled to receive it.

Before leaving this particular chapter one cannot but bring to light one particular incident that shows the entrepreneurial attempts of one particular Irishman to win back his estate. Sir Richard Talbot had been granted an estate in Mayo during the Cromwellian period. His original estate had been in County Wicklow and which was now occupied by the '49 officers. Because of the estate given him in Mayo, he had no chance of a hearing never mind an "innocency" decree in the Court of Claims. Because of this he submitted a proposal to the '49 trustees stating that he would offer an exchange of his estate in Mayo in return for his old estate in Wicklow.<sup>56</sup> The offer was of course rejected but one cannot but admire this particular attempt of one dispossessed Irishman to retrieve his ancestral estate.

---

<sup>55</sup> "Warrant Book", f. 19. This appears to be a one off occasion as it is the only warrant of its kind that was issued.

<sup>56</sup> Carte, MSS., f. 413.

## CHAPTER FIVE

### ANATOMY OF A ROYALIST SETTLEMENT: IRELAND 1665-1681

As was the case prior to the act of settlement, agents of all the interest groups congregated at the court at Whitehall to plead their causes. As for the '49 officers, their agents Clayton and Hamilton's mandate was quite clear, the preservation of the original security that had been granted to them. The major threat to the security at this juncture was the many provisos that were intended to be inserted in the forthcoming explanatory act.

As early as 18 August 1664, Ormonde had been ordered to call together the Irish privy council<sup>1</sup> along with the commissioners appointed to execute the act of settlement. These groups were to be aided and advised by the solicitor general, Sir Heneage Finch, and their task was to "peruse and review the Irish situation and propose the best way to settle it".<sup>2</sup>

Accordingly they called for and received proposals from each of the interest groups. The Roman Catholics for their part proposed; (1) the repeal of the English acts of 17 and 18 Car; (2) the repeal of all attainders since October 23 1641; (3) the establishment of the Downe admeasurements; (4) the confirmation of all the decrees of the court of claims; (5) satisfaction to possessors of land for improvements; (6) all lands to be vested in his majesty; (7) the king to assign 1,600,000 acres to the adventurers and soldiers; (8) to the '49 officers their security, if it did not exceed the demand; (9) to innocents

---

<sup>1</sup> Earls of Anglesey, Orrery and Arran, Lords Berkerly and Kingston, Sir Arthur Forbes, Sir T. Charges and Sir E. Massey.

<sup>2</sup> Carte, Ormonde, ii, p.302

adjudged by the court of claims to get their lands; (10) remaining land to provide for nominees not already restored and for the paying of public debts; (11) finally, the king should then reserve 20,000 acres, which should be divided into two moieties. The first of these moieties should go to the Protestants and the second to the Catholics who were to be named by Ormonde. The moieties themselves were to be taken out of the lands assigned to the Irish and English respectively by the act of settlement, each party supplying what was to be distributed to the sufferers of their own denominations.<sup>3</sup>

These proposals, in effect, represented little more than stringent demands upon the lands that were held by the Adventurers and soldiers. Rather surprisingly, however, the Irish were quite prepared to see the '49 officers continued in the security originally allotted to them by the act of settlement. This was perhaps a feeble attempt on the part of the Irish to enlist the support of the '49 officers for the remainder of their proposals. Such a coalition does not seem that far fetched given firstly the fact that most of the threats upon the '49 security at this stage emanated from the Adventurers and soldiers, and secondly that both the Irish and the '49 officers had fought together under the royalist ensigns from 1648 to 1650.

It is clear, however, that is that the '49 officers would have no part in such a proposed scheme, that is if it ever existed. The '49 security had already been greatly reduced by the demands imposed on it as the following letter from Orrery to Ormonde

---

<sup>3</sup> Ibid., pp 302-303.



quite clearly shows:

in obedience to your command, I here inclosed humbly present you with the enclosed. It had been writ[ten] in a more legible hand, but that I had tired my servants with transcribings, and I must have sent it in my ill hand ...Extracted out of the returns made by the sub-commissioners,...all the lands assigned for the satisfaction of the '49 officers in the four counties of Wicklow, Longford, Leitrim and Donegal, amounts unto 0191168 plantation acres. Of which there was decreed from them before the 3 July 0013879 acres;  
And since the said 3 July 0013207  
They are to be reprized for 0027086  
Remains in their possession 0162082.<sup>4</sup>

While the actual acreage figures might be factually incorrect, one can, however, figure out that the rough percentage of land within the four mentioned counties was reduced by around 15 percent.

The soldiers for their part proposed that; (1), the Downe admeasurement to be compared and adjusted accordingly with other surveys so as a standard authentic form could be reached; (2), all the lands belonging to Roman Catholics in 1641, being vested in the king, 2/5 of these lands might be restored to the Irish.

The adventurers complained that they had lost 200,000 acres by the decrees of the court of claims. They accordingly proposed only that their remaining allotment might be continued to them.<sup>5</sup> An immoveable stalemate was quickly reached when the Irish objected to the adventurers' and soldiers' proposals and the Adventurers and soldiers in turn objected to the Irish proposals. There are no extant sources to suggest the attitude as taken by the '49 officers in these proceedings. One can,

---

4 "Orrery to Ormonde 30 May 1664", T. Morrice, A collection of the State Letters of the Earl of Orrery, (Dublin, 1743), pp 95-97.

5 Carte, Ormonde, ii, p. 303.

however, assume that the '49 officers representatives were interested only in maintaining their own security. Consequently they would have stood opposed to either of the sides who appeared to be infringing the '49 security.

To reach a solution the adventurers and soldiers further proposed by way of compromise that

all the decrees and settlements, already made to the Irish should be confirmed to them, as fully as they were decreed unless the Irish desired a review, and 400,000 acres more to be set apart for nominees, but all the rest of the lands vested in the king to be continued and distributed among the several English interests.<sup>6</sup>

Once again the Irish objected and the final proposal that emerged and was in turn accepted by each of the interest groups was that the adventurers and soldiers would part with 1/3 of their original grant as held by them on 7 May 1659.

In this way was the settlement of Ireland at last effected by the common consent of the agents of all the several interests concerned; and in consequence thereof the council, on 18 May 1665 ordered

that the adventurers and soldiers should have 2/3 of the lands whereof they stood possessed on May 7 1659; that the Connaught purchasers should have 2/3 of what was in their possession in September 1663; that what any person wanted of his 2/3, should be supplied, and whatever he had more, should be taken from him; that the adventurers and soldiers should make their election where the over-plus should be retrenched, and the forty-nine men should be entirely established in their present possessions.<sup>7</sup>

This might suggest that the '49 security emerged unscathed from the explanatory proceedings. However, this was not the case as there was certain provisos inserted in the act of explanation that infringed quite a bit on the security. And this coupled

---

<sup>6</sup> Ibid., p. 303

with the fact, that as we have already seen, due to the individual grants by the king, the proceedings in the first court of claims, and in certain cases, the inability of the '49 trustees to gain possession of certain real estate, all these together, ensured that the '49 security emerged through the act of explanation with a greatly reduced area than was originally provided for by the king's declaration of 1660.

The preamble to the act of explanation carries the reasons why such an act was required:

Whereas in carrying on that service which was appointed by a former act, intituled, An Act for the better execution of his majesty's gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers and other his subjects there, several doubts and difficulties have arisen, partly from the uncertain and ambiguous penning of divers clauses in the said act, and partly from other accidents, which could not then be foreseen, to the great obstruction and hindrance of the public ends and aims intended by that act to be promoted, and the very great disappointment of several persons and interests which were thereby intended to be secured, inasmuch that the full and final settlement of this your majesty's kingdom can hardly be attained by any further proceedings upon the said act, as is already manifest by the experience which hath been had in the execution thereof...<sup>8</sup>

As was the case with the act of settlement, and the instructions embodied within it, the act of explanation also contained many clauses that dealt with the management and disposal of the '49 security. All these clauses are appended in full to this study but as before they can be classified under the following headings:

- (1) Privilege of choice bestowed upon named individuals.
- (2) Additional individuals to be included in the security.
- (3) Explanation of terminology.

---

<sup>7</sup> Ibid., p.304.

<sup>8</sup> Irish Statutes Revised, (1885), p. 184.

(4) Money payment due to the '49 security.

(5) Distribution of the '49 security.

(6) An order regarding the letting of houses within corporations.

**(1) Privilege of choice bestowed upon named individuals.**

What is implied here is that certain named individuals could get satisfaction from any part of the '49 security they so wished. For instance, the lords of Orrery and Roscommon were to have their satisfaction out of the forfeited houses in Limerick. John Stephens had the choice of lands which lay within the security in Cork. Richard earl of Burlington and Cork, were to have preference of any real estate belonging to the '49 security in Youghal, while the earl of Anglesey had the same preference in the Wexford town of Ross. Finally, Richard Stephens "the younger", was to have as much of the town of Kells in county Meath as his arrears would allow.

**(2) Additional individuals to be included in the security.**

Under this heading were incorporated many individuals who for different reasons had been so far excluded from the security. Now, however, they were, for various reasons, to be provided for as any other '49 officer out of the same security. John Paine was to be admitted as a '49 officer even though he had accepted 100 pounds from the Cromwellians. The acceptance of such a recompense would have automatically disqualified a person from being admitted to the '49 security but here we find the king's intervention on Paine's behalf, because it appears that he had only accepted the money from the Cromwellians to maintain his distressed wife and children.

Accordingly they, or their heirs (as most of those named above were deceased), were allowed to have their arrears stated and consequently to enter upon the '49 security.

Finally, the earl of Mountrath was to receive a saving of 6,000 pounds due for his pre June 1649 service, and Edward Lord Viscount Conway, was to be admitted as a '49 officer for his services and accordingly was to have his arrears stated.

### **(3) Explanation of terminology.**

Clause XXXII explains what was meant by the redemption of mortgages, statutes staples and judgments. By this clarification it entails that these terms extended to include all such benefits not otherwise disposed which belonged to any Irish Papist who had not already been declared innocent.

### **(4) Money payment due to the '49 security.**

Under this heading can be found clause XLIV. By this particular clause, Anglesey, the vice treasurer, was to pay 100,000 pounds into the '49 security. That was once the king had firstly received the sum of 50,000 pounds. This money was that which was due to be paid from the year, and the year and a half's rent, collected from the soldiers and adventurers respectively. By the original act all this money was to be paid to the '49 security but here is found that the figure has been commuted to a stipulated 100,000 pounds.

### **(5) Distribution of the '49 security.**

The '49 trustees were required to distribute the security at

---

9 Clause XCIII, Irish Statutes, p.230.

their earliest convenience to all those involved in the security. It was to be divided equally and without any preference shown to any persons over others. The officers who had as yet received no payment for their arrears were to be admitted first to the security and to be satisfied 12s. 6d. in the pound. Once that was completed the rest could be admitted to the security. Finally, once the distribution occurred the '49 security was to be taken out of charge.

**(6) Orders regarding the letting of houses within corporations.**

Under this heading comes the order that any '49 officer who purchased any houses within a corporation could grant leases to people at a rent proportionable to any improvements that were already made.

This is a brief synopsis of what the act of explanation entailed regarding the '49 security. Very noticeable is the contradictory nature of some of the clauses. By one clause the '49 security was to be divided equally and distributed without any preference to any particular persons. Yet under the first heading above, can be found very great preference been shown by individual grants made to named individuals. By far the biggest abuse of this privilege was the preference allowed to the earls of Orrery and Roscommon. Under clause XXXVIII these earls were to have their choice of the houses within the city and liberties of Limerick.<sup>10</sup>

It appears that these two earls, Orrery and Roscommon wanted to retain this privilege to the exclusion of everybody else.

---

<sup>10</sup> Irish Statutes, pp 205-6.

Inchiquin met some strong opposition when he attempted to share this privilege by wanting the settlement of his '49 arrears in Limerick also. Orrery would have nothing to do with this, however:

....This last post brought me an assurance from some friends at Dublin, that several of the '49 officers consider the times for stating arrears as expired, and that they ought therefore to divide the security; as also that the earl of Inchiquin has declared, he will put in to be satisfied his arrears in the city and liberties of Limerick, I have his sacred Majesty's word, that my lord Roscommon and I should be satisfied there. I do not love to make comparisons, but I think I may safely say, my lord of Roscommon does deserve favour, and in this business he claims but justice; since he seeks for nothing more but the benefit of his Majesty's orders; and I claim purely on that account, and no other. I may truly say to your grace, I believe the Lord Inchiquin makes this design to cross me, as an effect of his old hatred to me. And though to many dangers he endeavoured to do me behind my back, I have been silent, yet if he perseveres I shall be necessitated to produce that, which your grace knows.

Jack Berry sent you a copy of in the year 1650, which I think, will make him little capable of such a favour, if of any arrears at all.....<sup>11</sup>

One wonders what is this "secret" that Orrery can produce about Inchiquin to prejudice his claims for arrears. These two people, Inchiquin and Orrery, had been mortal enemies throughout the military campaigns of the 1640s. They never got on and Inchiquin twice changed sides leaving Broghill in very precarious positions. Quietly but blatantly this was an attempt by Orrery to maintain his and Roscommon's exclusive rights to the houses in Limerick. Such exclusiveness was eventually maintained, at least as far as Inchiquin was concerned.

With Inchiquin thus excluded, it appears that Orrery and Roscommon attempted to further abuse this privilege by claiming houses at a better rate than other '49 officers were entitled

---

<sup>11</sup> "Orrery to Ormonde, 12 February 1663", Morrice, Orrery, pp 84-85.

to. The '49 trustees realized this and wrote to Orrery about it:

....your lordship knows very well what that clause in the act of explanation which concerns my lord of Roscommon and yourself does direct, and therefore we hope your lordship cannot think it reasonable to expect any other allowance for your debenturers than as others are satisfied; and because the delay of this business any longer may prove very prejudicial to our interest we have thought fit to solicit your Lordship for the positive answer concerning this matter, which we desire may be sent by the next return of the post, otherwise we shall be compelled to make our address to the commissioners to settle the rates of that town [Limerick] by a new valuation and thereby lose very much of the satisfaction which every one of us did by our compliance with your lordship's former proposals hope we had gained.<sup>12</sup>

It would appear that this dispute was resolved when the earls of Orrery and Roscommon paid the sum of 16,000 pounds into the '49 security.<sup>13</sup>

New commissioners were appointed after the act of explanation was passed. These were styled the "commissioners of settlement and explanation" and they accordingly published, "Rules, Orders and Directions", to be observed by all persons concerned.<sup>14</sup>

Rules thirteen and fourteen deal specifically with the '49 Security.

....(13) The trustees appointed for the officers who served King Charles or the present King before 5 June 1649, shall forthwith deliver to the commissioners a written list of the officers whom they think should be postponed; and also of those whose arrears are to be retrenched by virtue of an order made by the lord lieutenant and council, dated 12 January 1663[4] reducing such officers under the titles and qualifications mentioned in the order, so that notice may be given to all

---

12 "Trustees of the '49 officers to Orrery, 13 July 1666", E. MacLysaght, ed., Calander of Orrery papers. (I.M.C., Dublin, 1941), pp 45-46.

13 "Shaen to Orrery 29 February 1668", MacLysaght, Orrery Papers, pp 53-54.

14 Cal. S.P. Ire., 1666-69, pp 186-87.



persons mentioned therein, to show cause (if they can) why their respective arrears should not be retrenched accordingly.

(14) The said trustees shall also within thirty days deliver to the said commissioners in writing a true account of the valuation of their security, as the same has been returned to them, within the several counties, cities and towns and within the mile line; and also of all such encumbrances and rights of redemption as they have yet discovered which are by the said Acts part of the security of the said officers.<sup>15</sup>

On 25 June 1666 the commissioners also appointed Thursday 24 July 1666 as the date whereby

.....all persons who claim any interest in the said lands, houses & c., [<sup>16</sup>49 security] to attend the court on the appointed day and make their demands without expecting any further or particular summons.<sup>16</sup>

These rules, especially number thirteen, were to have enormous implications for the '49 officers, or at least for some of them, namely those who were, for whatever reason, to be postponed. Such a list cannot now be traced but would almost certainly have included those who had already been provided for by virtue of the king's letters and those of the Munster regiments whose loyalty during that crucial period, 1648-50, remained in doubt. Regarding the latter, Orrery wrote a rather long letter to Ormonde on behalf of those that had been postponed. Orrery stated that

several commissioned officers, who had the honor to serve his majesty before the 5 June 1649, in this province [Munster] have made their application to me, and desired my humble intercession to your grace in their behalf, being otherwise but to likely to be postponed (that is, cut off) in point of satisfaction for those arrears, which they earned with their blood and frequent hazard of their lives.....

...They are such commissioned officers, as only received money for some few months, while they served in the usurpers army, or such as received lands and money also. I am of the opinion, that the former sort of them, by an

---

15 Cal. S.P. Ire., 1666-69, p.37.

16 "Order by the Commissioners of Settlement 25 JUNE 1666", Cal. S.P. Ire., 1666-69, pp 186-87.

equitable or benign interpretation, [of the acts] have some good ground to be satisfied.....<sup>17</sup>

So far Orrery himself appears to be making a distinction between the officers in question viz, those who had and hadn't received land in satisfaction for their supporting of the Cromwellians. The letter goes on to argue that these officers should not be postponed because they differ from the other Munster officers in that although they had monies due from the "usurper" it was quite evident that they "did not receive that money in satisfaction of their service but had a right unto, and an expectation of further satisfaction".<sup>18</sup>

Another point the letter goes on to make is that it appears that the '49 trustees have offered these officers 5,000 pounds total between them, in full and final settlement thus excluding them from the security. Orrery concluded by asking that at least a further 5,000 pounds should be given them in the event that they are not returned to the '49 security.

The commissioners for settlement and explanation, in order it seems, to ensure that such postponed officers had a fair hearing, noted that they had received the requested postponed list and accordingly

ordered [the] same to be transcribed and set up upon [the] court any persons named so that they could appear in the court to answer as to why they should not be postponed.<sup>19</sup>

February 6, 1666 was the day appointed by the court of claims to hear those cases and thirty one such cases are listed as having

---

<sup>17</sup> "Orrery to Ormonde", Morrice, Orrery. p.113.

<sup>18</sup> Ibid., p.112.

<sup>19</sup> (N.L.I., MS. 31), "Order Book" is written on the spine of this MS. However, it appears from the text that the MS is actually a daily account of the cases heard and judgements given in the second court of claims.

being heard at this time, the majority of which were ordered not to be postponed. This is quite an ironic situation particularly as has already been seen, the '49 trustees had set aside 1,000 pounds per year to retain legal counsel at the first court of claims. In that instance they appeared as defendants pleading their case in defence of the '49 security against the many Irish who were attempting to obtain decrees of innocency. Now, at the second Court of Claims, the '49 trustees, while still retaining their legal counsel, were this time appearing as the plaintiffs with the intention of ensuring that some of their original number were effectively denied being satisfied their arrears from within the '49 security.

One such case was against the Widow Payne. This woman's late husband had had his arrears postponed by the '49 trustees. She appeared in court to show cause why her late husband's arrears should not be postponed. While the evidence produced in the court is not contained within the manuscript of these proceedings, it does, however give the court's verdict, and that was that they declared that her late husband's arrears be not postponed.<sup>20</sup>

Another such case was that of William Hartwell who appeared to show cause why his 52 pounds 15. and 6d. arrears should not be postponed. Here again the court's verdict was in his favour<sup>21</sup> and accordingly he was admitted once again to the '49 security and was to receive his arrears out of the twenty third security as shown in the appendix to this study.

---

20 (N.L.I., MS 31, f.30)

21 Ibid., f.30.

This second court of claims also saw the '49 interest coming into conflict with the church and its lands. As was seen in Chapter three, all church lands which had been leased and subsequently forfeited and thus vested in the king, were to be restored to the church with the exception of the lands that lay within the '49 security. When such an event occurred, the '49 security kept the lands but they were required to pay such rents or duties as were due on the unexpired portion of the leases to the respective sees.<sup>22</sup>

The archbishop of Dublin and lord chancellor of Ireland, Michael Boyle, claimed an interest in lands in the Dublin area that were held by the '49 officers. On this occasion Boyle appeared as the plaintiff and the '49 trustees appeared as the defendants. The court accepted that Boyle could prove an interest in the said lands and accordingly they ordered the '49 officers to pay the said archbishop 2s. in the pound per year.<sup>23</sup>

Following the conclusions of the court of claims in respect of the '49 security, they proceeded to draw up and develop a scheme for the allocation of the '49 security amongst the '49 officers. What they intended was a quite elaborate scheme. All of the '49 security that remained was to be equally divided into 100 lots. All the '49 officers were also to be divided into 100 groups. It was intended that each group's total arrears should amount to 12,115 pounds 17s. and 4d. Each group was to have a trustee or a number of trustees who were required to participate

---

<sup>22</sup> Clauses CIII-CIV, Act of Settlement.

<sup>23</sup> (Armagh MSS ix, f.311). See also Boyle v's '49 interest, (N.L.I., MS 10,993).

in a lottery, to be held on 26 September 1666, to ascertain which lot they were to receive. The trustee or trustees were then to have the lot passed to them by letters patents to hold for themselves and the other officers mentioned in the patent. Only 97 from the original 100 lots can presently be identified.

The process used to make this identification is adequately explained in the appendix to this study, where each of these 97 lots can be seen along with the number of people admitted to each lot and the amount of arrears imposed on each lot. A contemporary description of one such lot is as follows:

To the (1649) officers, upon distributing the security set apart for satisfaction of the arrears of the commissioned officers who served in Ireland before 5 June 1649, by lots equally and indifferently drawn in open court before the commissioners on 26 September 1666, the arrears were by order of the said commissioners, divided into 100 equal lots, and the following arrears, amounting to 12,115 pounds 17s and 4d., were contained in and made up the 56th lot, and the said security then to be distributed being likewise divided into 100 lots, the premises granted by the patent to Barnes made up the 45th lot of the said security, which was drawn for satisfaction of the said 56th lot of arrears, and granted to Barnes in trust for himself, and for the following persons, concerned in the said 56th lot of the arrears together with 1,000 pounds part of the 100,000 which by the Act of Explanation, was to be raised for the use of and distributed among said officers; and 160 pounds part of 16,000 pounds to be paid by the earl of Roscommon and Orrery, for the use of the said officers out of the houses and lands granted to them in Limerick; the said Barnes to hold the said premises and money in trust for himself for such share and proportion thereof as the sums of 2,619.11s.6d.; for John Morris for 672.11s.2d.; Arthur Weldon 761.0s.53/4d.; Hans Graham 1,224.19s.9d.; James Clarke 159.1s.1d.; Thomas Plant 1,767.15s.7d.; Sir John Ponsonby 3,430.5s.1d.; Richard Basset 159.6s.0d.; Captain Francis Stradling 224.0s.5d.; William Bradston 223.12s.111/2d.; John Slaughter 752.17s.21/4d.; Thomas Bedborough 86.5s.93/4d.; William Johnston 4,12s.4d.<sup>24</sup>

---

24 "An account of the particular savings contained in the Patents under the acts of settlement and explanation", Rep.  
[172]

As one might expect the division of these '49 lots into equal areas, and the division of the '49 officers into likewise equal groups whose arrears per lot amounted to around 12,115 pounds 17s. 6d., was quite an enormous task to attempt, let alone to complete to the degree of finality that was eventually achieved by the commissioners for that purpose.

An interesting event occurred virtually on the eve of the distribution that sheds light on a number of important issues. The commissioners, it seems, had everything completed and ready for the great distribution, when on 6 September 1666 Ormonde wrote the following to the commissioners of the court of claims regarding Sir James Shaen and his '49 arrears:

...we pray and desire you to take affectionable care that all the houses, lands, tenements and hereditaments in the baronies of Newcastle and Arklow in the county of Wicklow aforesaid be kept out of the first distribution of the '49 officers, and that the same be reserved undisposed of until the second distribution unless we in the meantime upon hearing of the parties concerned shall otherwise order the same...<sup>25</sup>

Such a request if granted, would have proven disastrous for both the commissioners of claims and the '49 officers. The commissioners had spent many months preparing for this distribution and had all the lands and money involved calculated to a very "fine edge". Consequently they replied to Ormonde in a tone perhaps unexpected:

Yesterday being the 10th instant we received your Grace's letter of the 6th signifying your Grace's pleasure, that all the forfeited houses and lands in the baronies of Newcastle and Arklow should be left out of the lots of the '49 officers ...we do in all humility represent to your Graces consideration,  
(1) That your Grace and the right Honourable the Lords

---

Comm. Ire. Rep. (1821-25), p.288.

<sup>25</sup> "Ormonde to the Commissioners of the Court of Claims 6 September 1666", Carte, MSS xxxv, f. 49.

of his Majesties privy council in this kingdom having by your order bearing date the 30 of July last, directed us to distribute all the houses, lands and tenements belonging to the said security by way of lot, as being the most equal, speedy and effectual way for the settlement of the said interest, we have preceeded therein accordingly and have made and published several orders preparatory therein which will be very much disordered and the preparations thereunto made useless and the ends thereof in a great measure frustrated, if the most considerable and valuable parts of the said security shall now be disposed by way of election and preference.

(2) The commands of his Majesty expressed in several parts of the said Acts, the earnest and inopportune designes of the persons concerned in the said security, and indeed the pressing necessities of many of them have moved us to speed up the distribution of the said security as much as possibly we could, I have by great labour and dilgence prepared it so far, so that Saturday next being the 15th instant is appointed for the distribution and many persons are already come from all parts of the Kingdom to attend it, with just hopes then to receive the reward of their services, and the benefit of his Majesties gracious declaration which they have now near 6 years constantly pursued, and expected, and this present preference of Sir James Shaen is totally inconsistent with the present distribution of the said security. Since the same going to be divided into one hundred equal parts or lots, if so considerable a part as this must be disabled, and excepted out of the same, every part and lot must of necessity be reduced and retrenched proportionably and thereby require much labour and time to ready.....<sup>26</sup>

These are some harse words from some rather angry commissioners. One wonders if they are refusing Ormonde's request on the grounds of wanting to ensure equality to all the '49 officers who were gathering from all parts of Ireland for the distribution. Another motive in refusing such a request might have something to do with the amount of labour they had already put in to prepare for the distribution, and the amount of extra work that would have been required if they were to give in to Ormonde's request.

The salient point, however, is that they did refuse to grant

---

<sup>26</sup> "Commissioners of the Court of Claims to Ormonde 11 September 1666", Carte MSS xxxv, f. 141.

Ormonde's request. The letter continues by citing many clauses in both the acts that had given the commissioners the power of refusing such a request. As if that were not enough, the commissioners then accused Shaen of not having the '49 arrears he claimed, as there was a clear case for having them postponed. The letter concludes:

.....Lastly, we do not conceive yet our proceeding by lot can be any considerable prejudice unto Sir James Shaen, who may put in his debentures (if any he have) into the general lots and receive equal satisfaction with any others though it will probably fall in some other place, well [sic] yet be of equal profit...<sup>27</sup>

It would seem that here is an example of a person, (Shaen), appealing to an authority like Ormonde to ensure he gets preferential treatment by receiving the lands he wants rather than having to go into the lottery with the rest of the '49 officers. While one might expect somebody in Ormonde's position to be powerful enough to ensure the granting of his requests, on this occasion however, he was frustrated as the above letter quite clearly shows.

Not wanting to accept this obvious questioning of his authority, Ormonde attempted to overrule the commissioners by writing to the '49 trustees themselves and asking them if they would assent to his request.<sup>28</sup> The trustees however, also refused on much the same grounds as the commissioners, and Shaen was thus required to take part in the lottery and in fact his group drew lands in Longford, which is lot number 86 in the appendix.

This was how the Protestant royalist officers were to receive

---

<sup>27</sup> Ibid.

<sup>28</sup> "Ormonde to the Trustees of the '49 officers", Carte M&B xxxv, f.47.



the satisfaction for their arrears of pay. They had waited six years since the restoration before they were even allotted an area where they might receive their arrears from. In that six years the trustees, through the structures of the "real estate" company had acquired and maintained the security so that it was in as ready a condition as it was on the day of distribution. The preceding chapter has shown that during the period covered therein an estimated 21,857 pounds was spent in the maintenance of the security. To that total can be added a further 18,473 pounds contingent charges, and 461 pounds, being the 6d. in the pound allowed to Anglesey for the issuing of the necessary warrants concerning the security. In all, this made an estimated grand total of 40,791 pounds which was the running cost of this "real estate" company.

This period, as the last, is also characterized by high salaries being paid to the people involved in the running of the security. However, there are indications that the "real estate" company had expanded and had begun to give employment to many tradesmen for various reasons. For instance, 50 pounds was set aside to pay two woodrangers, one for the county of Wicklow who was to receive 30 pounds, and the other for the county of Leitrim who was to be paid 20 pounds.<sup>29</sup> The employment of such tradesmen probably suggests that the '49 "real estate" company was expanding into the wood trade as there was probably some profit to be had from the rather large woods in the two named areas lying within the '49 security.<sup>30</sup>

---

<sup>29</sup> Warrant Book, (N.L.I., MSS 816, f. 31).

<sup>30</sup> *Ibid.*, f. 27.

Such an expansion did not necessarily mean that they neglected their other properties as they also employed masons, artificers and other guilds to maintain the assets of the security. No doubt these people were used to rebuild many of the ruined houses that the '49 security acquired with a view to increasing their worth on the real estate market.

Another interesting expense was the 227 pounds set aside for the printing of "Debentures and House Rent Books". The latter is especially interesting as it supports what will be part of the conclusion, and that is that the '49 security was all about the letting of properties for profit. The collected rent, initially was passed into a central fund, which was then used for the running and maintenance costs of the security. Now that the lottery had taken place, the rent was to be paid to the trustee or trustees in charge of each lot who in turn was to distribute it to the '49 officers involved in the respective lots.

It is very certain that the "real estate" company ceased to exist after the distribution of the lots. There now emerges a situation whereby the '49 security passed from the general to the particular in that the large "real estate" company no longer exists. In its place are the individual trustee or trustees who had received the individual lots by letters patents to hold in trust for themselves and the '49 officers named in the patent. These people most likely resided in, or at least had their offices in Dublin. My reason for adducing this is the fact that with few exceptions, at least one house in Dublin was included in each of the 97 lots. It was possible that the trustee or trustees for each of the lots used these houses for the

[177]

management of their respective lot as they were required to collect the rents and profits from the lot and pass the same on to the other officers involved in the lots.

Along with the respective rents which could be collected within each of these lots, each lot was also to receive 160 pounds, being part of the 16,000 pounds that the earls of Orrery and Roscommon were required to pay for the houses they had obtained by special grant, and 1,000 pounds being a 1/100 share of the 100,000 pounds that was to be given to the '49 security from the year and the year and a half's rent that was to be collected from the estates of the soldiers and adventurers respectively. The payment of the former amount of 16,000 pounds, was ensured by having a saving included in the patent passed to the two earls:

To the commissioned officers, a hundred provisos for the payment of 160 pounds to the officers contained in the 100 lots of the security lately divided amongst them with interest at 8 per cent. from 29 September 1667 until 25 March 1668.<sup>31</sup>

The 1,000 pounds per lot was very much harder to collect. Many letters and petitions regarding it passed to and fro between many people. As always the '49 officers sought and obtained the assistance of Ormonde.

The weighty importance of this address will be of unto us, we hope will much extenuate the presumption of it, and the title of your Grace.....not long before your recess out of this Kingdom, your Grace was pleased to declare to some persons of our number (then attending your Grace to that purpose) a free and generous consideration that the several officers who served his Majesty.....before 5 June 1649 and those claiming under them should receive their equal proportions of the 100,000 pounds granted them by his Majesty according to their respective lots at the same time.....whereby the aforesaid officers are implicitly postponed in that

---

<sup>31</sup> "Particular savings contained in the Patents", Rec. Comm. Ire. rep. (1821-25), p. 301.

affair and are reduced to a very great hazard of being disappointed if his Majesties grace and bounty consigned to them by the Act.

Prevention of which we presume to become suitors to your grace that you will assist us .....said officers had not received 2s. in the pound out of what hath been already distributed to them...<sup>32</sup>.

Here there emerges a situation whereby it seems that the '49 officers were in danger of losing this monetary payment. The letter is also quite useful in that it points to the fact that they had up to the date of the letter, (1669), received only around 2s. in the pound. This is quite serious given that they were supposed to receive 12s. and 6d. in the pound. Yet, some three years after the distribution had occurred they had received less than one sixth of that figure. In the event that the 1,000 pounds per lot were to be paid, it most certainly would have greatly alleviated this situation.

Shortly after that appeal to Ormonde it seems that an attempt was made to induce the '49 officers concerned in the individual lots to accept a ready payment of 500 pounds per lot in full and final settlement. Sir George Rawdon, one of the trustees for an individual lot, writes of this to Viscount Conway,

....Here is a design on foot to compound with the '49 men [officers] for 500 pounds for the 1,000 pounds due to each of the 100 lots, to which many have subscribed; .....those who will not submit are to get their 1,000 pounds when they can....<sup>33</sup>.

It thus appears that the attempt to "buy off" the officers with the promise of an immediate payment of 500 pounds was accepted by "many of them". As there is no extant source regarding the payment of this 500 pounds, one will have to believe Rawdon that

---

<sup>32</sup> "49 officers to Ormonde 15 June 1669", Carte MSS xxxvii, f. 44.

<sup>33</sup> "Sir George Rawden to Viscount Conway 12 Novemebr 1669", Cal. S.P. Ire., 1669-70, pp 301-302.

it did in fact occur and that many officers accepted it. Of course the officers of course, who might have accepted it would have been the trustees for the individual lots and would have been under an obligation to distribute it to the rest of the officers involved in the lot.

It appears very definitely that there were some who refused to accept and who by 1674 still hadn't received the money. Who could blame them for thus petitioning the then lord lieutenant, Arthur, earl of Essex:

...That upon the distribution of the said security by his Majesties commissioners, for executing the acts of settlement and explanation, it so fell out by reason of the scantness of the said security, in reference to the debt due to the said officers; and partly by reason that very many houses, and other parts of the said security were concealed and withheld by divers persons, who pretended title to the same; and no sufficient time given, or reward propounded, to such as should discover what was so concealed and withheld.

That the said officers, to whom a satisfaction of 12s. 6d. per pound, at least was appointed by the said acts, received after many years attendance, and great expense in attending and prosecuting the same, no more than 5 shillings in the pound of their debentures whereof 3s. 1d. in the pound was on houses or land, 3d. in the pound in Limerick, and 1s. 8d. per pound, in the 1,000 pounds appointed to be paid to each of the hundred lots, for which 1,000 pounds which was undoubtedly the best and clearest part of the said satisfaction, the said 49 officers, upon pretence of a voluntary consent, said to be given by the said officers, were drawn to accept of a composition of 382 pounds, odd money for each of the respective 1,000 whereof their was no such composition made, till the said officers had reason to believe, that no part of the said money should be paid, till such a composition were first commented and agreed unto...<sup>34</sup>

It appears by this petition that the officers had now received

---

34 "Humble petition of the Trustees appointed to manage the securities of the 49 officers", Letters written by his excellency Arthur Capel Earl of Essex. (London, m<sup>o</sup>cclxx), pp 302-306; See also Carte MSS xxxviii, f. 194, for the same letter with an addition to the title "Patentees on the behalf of themselves and the rest of the said commissioned officers of the 100 lots".

(by 1675), 5s. in the pound of the 12s. 6d. that was due to them. This still represents less than half of what they were originally entitled to. Nine years had elapsed since the security was distributed so one cannot but conclude that at the current rate at which the officers were satisfied, they might have to wait at least another decade or two before they were satisfied even the 12s. 6d. in the pound.

It can also be adduced from the petition that the 1,000 pounds due to each lot had still not been paid, at least not in its entirety. A third issue that this petition raises is that of concealed land. On this point, the petition goes on to state:

....your petitioners are given to understand, that Colonel Cary Dillon, who can have no pretence to better, or other satisfaction than your petitioners and the generality of the '49 officers, hath obtained letters or warrants from his Majesty, thereby granting unto him a liberty and preference, to place '49 arrears belonging to him, or any other from whom he shall acquire the same, on any part of the said security yet concealed or undisposed of, which are to be accepted of in the purchase of what shall be so discovered, at the rate of 7s. 6d. in the pound, for the said arrears, to make up a full and complete satisfaction of 12s. 6d. in the pound for the said arrears; wherein all others have received only 5s. in the pound, whereby the generality of the officers are endeavored to be excluded from receiving equal proportion of what remains undisposed of the said security..<sup>35</sup>

If Colonel Cary Dillon was allowed to proceed to such discoveries, a situation would almost certainly develop whereby Dillon, who was named as a trustee for two separate lots, (32 and 33 in the appendix), could retain any concealed lands he discovered within any of the other 95 lots. The trustees were out to ensure that Dillon was not to be allowed to exercise such privilege. After all, to use their own words

the said Colonel Cary Dillon, who endeavours to obtain

---

<sup>35</sup> Ibid.

the whole advantage of what remains undisposed yet of the said security, can pretend no greater merit in his Majesties service than others of the '49 officers...<sup>36</sup>

The petition concludes by asking Essex to make a true representation to the king on their behalf, to the end

that one person so little concerned in the said security may not carry away and appropriate to himself the remaining part of that security, which the said officers have purchased with their own, and the blood of their ancestors, and is by two acts of parliament to be equally divided among them...<sup>37</sup>

Essex at once put a stop to this grant to Dillon. His reasons for doing so are contained in the following letter which he wrote to the earl of Arlington:

Some months since I read a letter from his Majesty dated 1 September 1673 in behalf of Colonel Cary Dillon. The purpose of the letter is to grant to the said Colonel Dillon a liberty and preference to place deficiency upon the remaining part of the 49 security which is yet indisposed [sic] of and having so placed his deficiency to pass patents in his name for such lands as he shall discover this letter [manuscript faded]..in my hands before anybody solicited it being now present to give them an answer I think myself obliged by the duty of my place to return to your lords the true state of the matter which stands thus.

The acts of settlement and explanation do appropriate several lands, houses and sums of money to the satisfaction of the arrears due to such commissioned officers as served his majesty in this kingdom before the 5 June 1649.....

The arrears of these officers were stated by commissioners and appeared to amount to above a million in money. All the lands et., that could at the time be found out were also valued which two sums being compared it was evident that the security in houses and lands then discovered would hold out but to satisfy 3s. 1d. in the Pound which was divided into a hundred lots (besides the satisfaction in money which came to about one shilling or more.

At the time when the security was set out, it was known that all the security belonging to these commissioned officers was not comprised within these hundred lots but part of it remained undiscovered and some other part of it was subject to questions and disputes. It was

---

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

therefore thought reasonable to make that division at the present and declare an intention of making a further division so soon as such lands could be ascertained; and to evidence this their intention a clause was inserted in every of their letters patents that such certificates and letters patents should be no hindrance to the respective officers therein concerned in receiving such further satisfaction for their arrears as upon the distribution of the remaining part of the security should appear to be due unto them. The king has since by his letters bearing date the 4 June 1672 declared his pleasure that all monies that shall be recovered in the Exchequer for any debt relating to the '49 security before the division thereof shall be paid to Abel Ram in trust for the said officers to be equally divided between them. All houses and lands belonging to the said security not comprised in the said one hundred lots are now in his majesty's hands and ought as I humbly conceive to be applied to the uses intended in the act.

.....I do assure you that it is some uneasiness to me to be so often put to appear in opposition of grants of this kind where I am certain I cannot but now and then raise the ill will of several particular persons to me yet however I reckon it so principal a part of a man's business in the nation where I am fully to inform himself and truly to represent matters of this nature that I confess very much of my time hath being taken up in it.....<sup>38</sup>

These concealments became a very important issue and at least the '49 officers had the support of Essex, the lord lieutenant. Shortly afterwards, the king referred the matter of concealments to a committee of council for the affairs of Ireland. Their conclusions led to the king to order that

you are to cause the grant intended by us to Colonel Cary Dillon in pursuance of our letters...to be stopped for the many inconveniences that appear in the same...<sup>39</sup>

Steps were also taken to reactivate the '49 trustees, perhaps with the intention of sorting out any concealed land that might be discovered within the security. The committee for the affairs of Ireland met at Whitehall and considered that:<sup>40</sup>

---

<sup>38</sup> "Essex to Arlington 5 September 1674", ('49 officers papers, P.R.O.Ire., MS 2458)

<sup>39</sup> "King to '49 officers 19 Ruly 1675", (P.R.O.Ire., MS 2458).

<sup>40</sup> These were the Lord Keeper, Lord Privy Seal, Duke of Ormonde, Earl of Bridgwater, Earl of Craven, Lord Berkerly,



Whereas his Grace the Duke of Ormonde did represent to this committee (who are appointed by his Majesty to meet touching the concern of the '49 officers in Ireland) that the trustees of the said officers had desired him to renew the commission by which they formerly acted..<sup>41</sup>

Their opinion on the matter was that the '49 trusteeship should be reactivated and on 2 July 1681, Colonel Cary Dillon, Captain Richard Coote, Major Rupert Billingsley, Captain Thomas Flower, Deny Muschamp, and William Ellis were appointed commissioners or trustees for the security of the '49 officers, and the reactivating of this commission brings to a close the period covered by this study.

It can thus be seen that what began as little more than a very large "real estate" company eventually splintered into around 100 smaller scale companies. Before the distribution took place in 1666, the '49 security was acquired, managed and maintained by a group of people who set themselves up with the intention of making as large a profit as possible from the properties within the '49 security in order to pay the dividends that was due to the many shareholders ('49 officers), involved in the security. A rather striking fact is the large amount of money that it cost to run this company and one cannot but conclude that the management imposed far too large a financial burden on the security (40,791 pounds) which effectively swallowed all the profits gathered from the letting and selling of the real estate within the '49 security, in that period (1660-66)

Once the distribution took place, the principle of practice

---

Secretary Coventry and Secretart Williamson. (P.R.O.Ire., MSS 2459).

<sup>41</sup> "Committee for Affairs of Ireland, Whitehall 14 June 1675", (P.R.O.Ire., MSS 2460).

remained much the same in that a trustee or trustees were appointed to manage effectively each of the lots. It was the responsibility of these trustees to ensure that all the rents were collected and paid to them. Once that was completed the trustees were required to pass on the money to the officers involved in the respective lots. No doubt these trustees would have had to deduct any expenses they might have incurred in the collection of such rents before they passed on the same to the others.

It would be quite impossible for this present study to conclude definitely that the bulk of the profits taken by each individual lot never reached the other officers and that the same was retained, or at least the greater part of it was, by the trustees involved. Such conclusiveness could only be attained by an individual study of each lot, as each of them have had a separate history.

However, G Howard in his Treatise of the Exchequer and Revenue of Ireland,<sup>42</sup> states quite clearly,

that this [1749] security was afterwards made up into lots and passed in certificate and patents to certain trustees, in trust for the several persons concerned in the lots, according to their respective debentures, their proportions being mentioned in the patent of every lot; and every person concerned had a right in equity to compel the said trustee or patentees to convey unto him his proportion of the lot, being estimated according to the proportion of his debt. But many of the inferior officers have been to this day [1776] without satisfaction and the whole has been swallowed up by the trustees, who generally were the principal persons concerned.<sup>43</sup>

Remembering that Howard had access to all the records of the

---

42 (Dublin, MDCCLXXVI).

43 Howard, Treatise of Exchequer, i, p. 199.

day, records that have long since perished, one can only tend to accept his version that the trustees involved in the individual lots probably in the main retained most of the profits that were due to be passed to the other officers. However, and has already been stated, to establish such conclusiveness would require a study of the fortunes of each individual lot through the decades immediately succeeding the 1680s.

Perhaps given that it did occur, it was no fault of the trustees that they could not pass on the profits as perhaps they might have had difficulty in collecting the rents that were due. There is evidence to suggest that some corporations began to withhold rents, or at best were a little slow in passing them on to the trustees involved. One such corporation was that of Waterford, where many of the houses within it had been set by the '49 officers. In 1679 the corporation elders stated

that the account with Sir Richard Gethin was produced and Major Rickards promised that if Sir Richard go to law with the corporation he the said Major and Lieut. Col. Mallow will defend the suit at their own charge and shall not cost the corporation anything for any matter relating to the respective shares of the rent charge payable by the corporation to the 49 officers.<sup>44</sup>

This is but one instance where rent due to the '49 officers was withheld and one can be sure that there were many other such instances. However, by 1683 the Waterford corporation seemed to have patched up their differences with Gethin who was the trustee for lot 42, (see the appendix) which included among other places, the city of Waterford. In that year the Waterford corporation ordered

---

44 S. Pender, ed., Council Books of the Corporation of Waterford 1662-1700, (I.M.C., 1964), p.164.

that the sheriff receiver shall pay out of the city revenue 11 pounds sterling to the agent of Sir Richard Gethin for his half years rent charge ended the first day of May last.<sup>45</sup>

Another reason why the officers might not have received their due allowance was the possible mismanagement of the the lots by the trustees. On the other hand, however, there is evidence to suggest that some of the trustees were quite aptly and adequately managing their lots as contained within some of the original patents are many examples of real estate within the lots being sold for vast amounts of money.

One such case was that of Arthur, earl of Donegal, who was the trustee for lot 34. One piece of real estate in his lot was,

A timber house, slated, and a backside, in Corne Market, Dublin...which house he sold for 110 pounds to John Dutton of Dublin merchant, 8 October 1669.<sup>46</sup>

If all the trustees were as apt at selling real estate as the earl of Donegal then perhaps they might have received their just satisfaction. That is of course to assume that the earl of Donegal passed on the profits from such a sale.

As can be seen then it perhaps depended on the management policies of each of the trustees, whether the officers involved in the lots received their satisfaction.

A final point to note regarding the lots was the fact that the real estate in some of the lots might have been situated in better area than other lots, thus offering greater real estate worth and rent potential. For example the property involved in the distribution of the lot belonging to Barnes and company,

---

<sup>45</sup> Ibid., p. 234.

<sup>46</sup> "Abstracts of grants of lands and other hereditaments under the Acts of Settlement and Explanation, A. D. 1666-1684", Rec. Comm. Ire. rep. (1821-25), p.300.

(as outlined above) with the exception of a house in Dublin, was all situated in county Leitrim. If one were to compare this with those lots that fell in the cities of Dublin, Cork, Galway, and the county of Wicklow, one cannot but conclude that the real estate contained in the latter four places would be of a far greater value than the Leitrim lands of Barnes and company.

All that can thus be concluded with certainty is that the '49 officers, by their own admission, had by 1675 received approximately only 5s. in the pound of the 12s. 6d. that they were supposed to receive.

When the second court of claims finally rose around midnight on 3 January 1669, the work of the settling of the legal title to lands under the acts of settlement and explanation had been largely completed. However litigation concerning some lands, including '49 lands continued for many decades to come. The reactivating of the '49 trusteeship in 1681 could be seen as an attempt to overcome such litigation in regard to discoveries of concealed lands within the security. Such litigation is outside the period under review, so now it is time to turn to the conclusion of this study which among other things will statistically analyse the 97 lots that have been identified, and the more than one thousand '49 officers who were concerned with these lots.

## THE CONCLUSION

As has been seen, the previous five chapters have covered forty years of what was perhaps Ireland's most turbulent period. The study in question traced the fortunes of one identifiable group through the period, namely the Protestant royalist officers who had served either of the two kings, not only against the Irish rebels but also against the king's parliamentary enemies when that conflict was carried to these shores. Such was the faithfulness of these officers that the Irish house of lords remembers them as

the first that gave check to that bloody inundation that broke out in this Kingdom, and under God, the chief preservers of the English interest in this land from utter extirpation: That they fought in the first and Heat of the war, when the sword was sharpest, and the enemy in their greatest strength; that many of them were ancient inhabitants of this kingdom, and of the most considerable and best-interested persons therein; and lost great estates and fortunes by the Irish rebellion: That they have been signally constant in their loyalty to the king, and zeal to his service, for which they have undergone the most rigorous and severe oppressions, that the late tyrannical power could possibly inflict upon them; under which sufferings and pinching wants, they have lain for many years.<sup>1</sup>

Indeed, a more truthful or fitting eulogium would be very hard to find. The '49 officers, as has been seen in this study, were those Protestant royalist officers who served either King Charles I or his son, Charles II, against the Irish rebels initially but later on against the forces of the parliament. The term "roylist" used here is quite important because to date historians have incorrectly identified the '49 officers as all those (both royalist and parliamentary), who served in Ireland prior to 5 June 1649.

One such historian of note is Robert Dunlop, author of Ireland

---

<sup>1</sup> Lord's in. Ire. i, p.294.

under the Commonwealth. In that quite valuable collection of Commonwealth documents, Dunlop uses extensive footnotes to describe many of the officers that are mentioned in the text. It is quite obvious that Dunlop's source material for his footnotes was John P Prendergast's Cromwellian Ireland, and, also the Dictionary of National Biography.

As an example of the incorrect labelling and identification of a '49 officer, in Dunlop's work, the case of Lieutenant Colonel John Brett is apposite:

a '49 officer, noted, according to Ludlow, for his zeal for Cromwell, was joined (Dec. 1659) with Colonel Redman in command of the Irish Brigade in England. He afterwards returned to Ireland and obtained a command in Sir John Clotworthy's regiment of foot....<sup>2</sup>

To begin with, anybody noted "for his zeal for Cromwell" could never be termed a '49 officer. The reason for this assertion is that a true '49 officer would have held a royalist ideology which would have been totally opposite to that of Cromwell.

This erroneous identification, made here by Dunlop, has had enormous implications for the many historians who have followed his lead. It appears that Dunlop is very definitely classifying any officer who served in Ireland before 5 June 1649 as a '49 officer. Here a very definite distinction must be made. The English parliament did indeed send regiments to Ireland before the 5 June 1649 date. These almost without exception, remained loyal to the parliament and in fact would have served against the '49 officers, who of course were on the king's side, after Ormonde's return to Ireland in 1648.

---

<sup>2</sup> Dunlop, Commonwealth, ii, p.396.

During the Cromwellian settlement of Ireland, as was explained in Chapter two, these parliamentary regiments were provided for separately from the ones that had arrived in Ireland with Cromwell. They were referred to in contemporary sources as "'49 men" or those with "'49 arrears", simply to distinguish them from the the regiments that arrived with Cromwell. Because of this contemporary labelling, it appears to be the case, with Dunlop and others, that the officers belonging to these regiments could be termed the '49 officers. Here is where the mistake in labelling has been made, because being termed a '49 man does not necessary imply that the same was a '49 officer. The latter term did not arise until after the restoration of Charles II who, on realizing that those officers who had followed both himself and his father faithfully had received no satisfaction for their great suffering and sacrifice, gave orders for the publication of the declaration in 1660. By this declaration in which the term '49 officer came into being, the royalist officers who had served under either of the two kings, Charles I or Charles II, were specially provided for as was indicated in Chapter four. The likes of Lieutenant Colonel Brett, mentioned by Dunlop as being a '49 officer, would have had no place in their ranks because of the fact that the same Brett never supported the royalist cause, and in fact had fought against it. Hence it is incorrect for Dunlop and those who followed his lead to label all those officers who served in Ireland before 5 June 1649 as '49 officers.

Another way to distinguish between the '49 officers and the others who served in Ireland before 5 June 1649 would be to use the case of Drogheda when Inchiquin laid siege to it with the



royalist forces early in July 1649. Drogheda at that time was garrisoned by the foot regiment of Colonel Anthony Hungerford which landed in Ireland on 30 April 1647.<sup>3</sup>

This regiment had been mustered in Drogheda shortly before Inchiquin arrived, and it was found to number 783 men.<sup>4</sup> When Inchiquin arrived the garrison was commanded by Lieutenant Colonel John Foulkes. Inchiquin offered the garrison articles and it duly surrendered. One of these articles was that those from the garrison who wished to march to Dublin could do so unmolested. Only 100 soldiers took advantage of this article and marched to Dublin with their commander Foulkes, the remainder going over to the royalist ranks.<sup>5</sup> The officers who did not go to Dublin but instead joined the royalists automatically became '49 officers while those that marched to Dublin did not. It is this latter sort which Dunlop mistakenly deemed to be '49 officers. He calls them such simply because they served in Ireland before 5 June 1649 but as is now clear that they did not belong to the '49 officer ranks.

This regiment can also be used to determine the distinction between the '49 officers and those holding '49 arrears. The officers and men who chose to go to Dublin with Foulkes at this juncture did in fact have claims to '49 arrears. The same were satisfied in 1654 when they were disbanded and allotted lands in the barony of Ardee, which rather ironically was a mere twelve

---

<sup>3</sup> Cal. S.P. Dom. 1645-47. p.528; Cal. S.P. Ire. 1633-47. pp 610-11.

<sup>4</sup> H.M.C. 8th rep. p.582. See the muster of this regiment in Bishop Jones' Papers, (T.C.D. MSS 844-7).

<sup>5</sup> Carte, Ormonde. i, p.422.

miles from Drogheda.<sup>6</sup>

Reverting once again to Chapter one, it would now be possible to trace the '49 officers as a group through each of the seven epochs which were identified to better understand the period. Tracing these officers as a group should further distinguish them from the parliamentarians who served in Ireland before June 1649.

In epoch one (October 1641 to January 1642), it was the '49 officers alone who stood against the rebels. The English parliament, as yet, did not send any regiments to Ireland, hence all those fighting against the rebels could be classified as '49 officers.

In epoch two (January 1642 to September 1643), the rift between the king and his parliament evolved into a civil war in England. In Ireland the Protestant forces began to factionate into those who supported the parliament, and those who remained faithful to the king. The former sort, those that supported the parliament, could not at a later stage, be classified as '49 officers. (Some of these would be those who were described as having '49 arrears, because they were now in the pay of the parliament.) It is only the latter sort that could later claim the distinction of being '49 officers.

The third epoch was characterized by the truce Ormonde signed with the Confederate Catholics. This truce resulted in the departure from the '49 officer ranks of those in the Munster army

---

<sup>6</sup> I have adduced this fact from my undergraduate research into "The Cromwellian and Restoration land settlements in the barony of Ardee, County Louth".

who, under Inchiquin, went over to the parliamentary side. Thus these people could no longer be termed '49 officers as they were now in the pay of the parliament. Again, however, they can be referred to as having '49 arrears.

During most of this epoch the '49 officers, being those that stayed in the king's service, retained a neutral stance as they had concluded the truce with the Irish confederates, and the quarrel between the parliament and the king in England had not as yet spread to Ireland. Therefore, those Irish that supported the parliament had not as yet any quarrel with their fellow Irish Protestants who remained in the ranks of the '49 officers in service to the king.

Epoch four (August 1646 to July 1647) sees the '49 officers allied to the Old English against the Old Irish. Such a situation came about due to the first Ormonde peace that had been signed with the Old English side of the confederation on 31 July 1646.

In the fifth epoch (July 1647 to April 1649), Ormonde surrendered the sword of state to the parliamentarians, and ordered the '49 officers to support the parliament and to turn the garrisons they held over to that cause. Because of this, there then developed a situation whereby the '49 officers as a body became effectively non-existent. This is due to the fact that they were now serving for the parliament as the royalist cause in Ireland had been suspended when Ormonde had left in 1647.

The sixth epoch (April 1648 to January 1649), ushered in a critical period for the '49 officers. Inchiquin returned once  
[194]

more to the royalist folds and effectively reawakened the royalist cause in Ireland. Inchiquin's defection back to royalism, effectively means that he can once more be termed a '49 officer as can all those Protestant officers that sided with him. It was probably Inchiquin's defection from the parliament that caused the return to Ireland of Ormonde who again raised the royal ensigns and began to intrigue with many people with a view to rallying the '49 officers once again under the ensigns.

According to whether the former '49 officers returned to their former allegiance, or not the division was made in the 1660s as to their qualifying for inclusion among those to be satisfied by the '49 security. This is a crucial point in identifying the real '49 officers. Those who refused to return to the royalist standards could no longer be termed '49 officers. Officers like Lieutenant Colonel Brett as mentioned by Dunlop did not return, nor was he ever a member of the '49 officers' ranks.

From Ormonde's return in 1649 until the end of the war, the '49 officers were allied with the Old English initially, and later on with the Old English and Old Irish jointly. Their common enemy were the parliamentary forces whose ranks would have contained those who were satisfied their '49 arrears in the Cromwellian period. These forces were commanded initially by Colonel Michael Jones, until the "usurper" himself, Oliver Cromwell arrived, in 1649.

By now the distinction between the '49 officers and those parliamentarians claiming '49 arrears should be quite clear. The latter sort were to receive satisfaction for their arrears in the

Cromwellian confiscations and subsequent settlements that were to follow. This was not the case for the '49 officers who were now to be punished for their allegiance to the king.

Early in 1650 it became obvious, at least to the '49 officers, that the royalist cause was doomed to defeat. This defeat was very definitely aided and assisted by the Munster garrisons, which comprised in the main '49 officers but who ceased to be such when they deflected over to Cromwell in that critical period when Cromwell's army was all but defeated by the combined forces of "Colonel Hunger" and "Major Thirst".

At this juncture many of the more famous '49 officers, such as Ormonde and Inchiquin, left Ireland while those remaining laid down their arms under favourable articles that were issued by Cromwell himself. This effectively ended the military campaigns of the '49 officers, the remaining two years of the war being characterized by a struggle between the Irish Catholics and the parliamentarians.

When the '49 officers laid down their arms in 1650, it was initially intended that they, being royalists, were to lose their estates in the same manner as the Catholics. However, on 2 September 1654, this threat of confiscation was replaced by yet another threat which took the form of "An Ordinance for admitting Protestants in Ireland to Compound".<sup>7</sup> By this particular ordinance it was

ordained by His Highness the Lord Protector, by and with

---

<sup>7</sup> Acts and Ordinances, ii, pp 933-7.

the consent of his council, that the lord deputy of Ireland, and the council there for the time being, be authorized and impowered by themselves or such person or persons as they shall appoint, to compound with all and every person and persons being Protestants in Ireland...who having being delinquents there, have not been excepted from pardon, and to set such fines for the composition of all and every such person and persons, for his and their estates both real and personal, as shall be fit....<sup>8</sup>

In other words, what is being provided for here is that the '49 officers, in order that they be allowed to retain their estates, were required to pay a composition fine to the Cromwellians. While the fines themselves were not exceptionally high, it must be remembered that the Old Protestants in general and the '49 officers in particular, were a very straitened group.<sup>9</sup>

As it transpired, partly due to the sympathy of Henry Cromwell, the payment of these fines was never enforced and Barnard notes that

eventually and (as far as we know) without official authorization from England, Henry Cromwell dropped the composition policy.<sup>10</sup>

From then until the Restoration, it appears that the '49 officers were allowed to retain and live peacefully on their estates, and it is not surprising that on the eve of the Restoration, the '49 officers, who comprised the majority of the Old Protestants, managed to influence and eventually all but control the Cromwellian land policy in regard to the Irish.<sup>11</sup>

---

<sup>8</sup> Ibid., p.1015.

<sup>9</sup> Just how straitened they were is discussed in H.J. Habbakuk, "Landowners and the Civil War", Economic History Rev. 2nd ser., (1965), xviii. See also T.C. Barnard, "Planters and policies in Cromwellian Ireland", Past and Present, no. 61, (1973), pp 31-69. This source will show that in the main these composition fines were never paid.

<sup>10</sup> Barnard, "Planters and Policies", p.38.

<sup>11</sup> One such policy they helped to control was the moderation adopted towards the native Irish. See Barnard, "Planters and Policies", especially pp 43-45.

The events leading up to the Restoration have been fully documented in Chapter three, but it can now be said with much certainty that the '49 officers more than any of the others welcomed the return of Charles II. Even though they had been allowed to retain their estates, they still as yet had received no satisfaction for the loyal service they had given to both Charles I and Charles II. The latter king in remembrance of this loyalty and service, provided for them as has already been shown.

Regarding the settlement itself in respect of the '49 officers, appendices A,B and C, present the provisions statistically and show how further analysis could be carried out by the extraction of a variety of tables and figures.

From the outset, it was a very adventurous attempt at satisfying this group. Chapters four and five have shown that what bears remarkable resemblance to a modern day real estate company was set up. The reason is that such a set up was required to preserve and develop the assets of the '49 security in order to make ready for the eventual payout to the 1,030 people who held shares in the company.

It was not apparent in those chapters that the security had expanded to include areas in counties other than the ones that were originally provided for their satisfaction. The appendices show quite clearly that such an expansion netted 15,754 acres to add to the existing security of 158,035 acres.

When the security was divided and distributed in 1666, the

emphasis passed from the general to the particular. Instead of one large "real estate company", there now emerged about 100 smaller "real estate companies", 97 of which have been identified and are clearly laid out in the appendices A,B and C.

Appendix C shows the number of different counties, towns and cities which might comprise one lot. For example, lot 8 was made up of a total of 9 pieces of real estate including properties in Dublin city, the towns of Drogheda (Co. Meath), and Kilmallock (co Limerick), and a total of 3,142 profitable and 134 unprofitable acres spread between the counties of Down, Longford, Wicklow, Cork and Tipperary.

The trustees of this particular lot, Sir Robert Booth and Sir Audley Mervyn, were required to manage the lot for the others named in the patent. Because of the enormous diversity in the areas comprising this particular lot, one cannot but imagine how complicated and time-consuming it must have been to collect the rents or to sell off the assets contained in the lot.

As has already been stated in Chapter five, the accusation has been levelled at the trustees that they in fact retained most if not all of the profits and that the people of lesser rank suffered as a consequence. As has already been pointed out, however, it would entail an individual study of each of these lots to ascertain whether such accusations are based on fact. Pending such detailed studies it must be remembered that the accuser, G Howard, had access to all the records of the period, some of which records have not survived.<sup>12</sup>

---

<sup>12</sup> Howard, Treatise of the Exchequer, i, p.199.



There was a total of 199 trustee positions filled by 168 people. It is thus obvious that some people were trustee to more than one lot. Richard Gethin (I.D. number 0390), for example, was a trustee for five different lots while Colonel Randall Clayton (I.D. number 0205), was a trustee for thirteen different lots. As there are no extant records that might have shown how these trustees were rewarded, one cannot be conclude that they were in these positions for financial gain so perhaps the accusation of Howard is not without foundation. On the other hand, however, these trustees could claim that the money they withheld covered expenses incurred in the gathering of the rents from the lots.

As stated in the preface, this particular study, was intended only to construct an overall view of the '49 officers' settlement. It is hoped that this has been achieved. As with most historical studies it has marked out many unanswered questions, the most important of which is perhaps in proving or disproving Howard's thesis that the trustees in the main retained most of the profits gathered from the lots. Another important question that arises is why a total of 19 supporters of the parliament were admitted to the '49 security as '49 officers.

In the definition formed in Chapter four a '49 officer was

any Protestant who had held a commission in any regiment, troop or company raised in Ireland or transported out of England and who had served Charles II or his father, under Ormonde or under the command of a provincial commander in support of Ormonde between 23 October 1641 and 10 December 1650; who did not support the parliament between the years 1648 and 1650; and who did not receive satisfaction for the pay arrears due to him for his service.

The nineteen who did not come under this definition were Charles  
[200]

earl of Mountrath, Richard, baron of Collooney, Sir Oliver St George, John Bysse, Sir Theophilus Jones, Colonel Chidley Coote, William Moore, Major Arthur Gore, Daniel Bellingham, Colonel Arthur Hill, Sir John Cole, John baron of Kingston, Roger, earl of Orrery, Richard earl of Cork, Francis, Lord Shannon, Wentworth, earl of Kildare, Colonel Cary Dillon, Sir James Shaen and Sir Boyle Maynard.<sup>13</sup>

None of these named supported the king in that crucial period 1648 to 1650 so one wonders why they were included in the '49 security as '49 officers who they had openly fought against since Ormonde's return in 1648. The answer to this perhaps lies in the fact that most of those named were the principle supporters of the Restoration in Ireland and it seems that they now were been repaid for that loyalty by been numbered among those who did remain loyal to the king throughout the 1641-52 war.

Of those that do come within the definition, the Irish house of lords states that they were

the first that gave check to that bloody inundation that broke out in this Kingdom, and under God, the chief preservers of the English interest in this land from utter extirpation: That they fought in the first and Heat of the war, when the sword was sharpest, and the enemy in their greatest strength; that many of them were ancient inhabitants of this kingdom, and of the most considerable and best-interested persons therein; and lost great estates and fortunes by the Irish rebellion: That they have been signally constant in their loyalty to the king, and zeal to his service, for which they have undergone the most rigorous and severe oppressions, that the late tyrannical power could possibly inflict upon them; under which sufferings and pinching wants, they

---

<sup>13</sup> These names appear in the muster rolls of the parliamentary forces which can be found in Bishop Jones Papers, (T.C.D. MSS 844-7). They also appear as receiving a pardon from Charles II, Cal. S.P. Ire., 1660-63. pp 198, 316-19. There may be more that can be added to this list but to find them out with require a study in itself concentrating on the muster rolls of the period.

have lain for many years.<sup>14</sup>

These people were indeed the first to give check to the rebellion in 1641. Later on their support was required to assist the king against the "rebel" parliament when that conflict spread to Ireland. As a consequence of this loyalty they received no satisfaction for their arrears during the Cromwellian period. Once Charles II was restored to the throne, however, he at once provided for these '49 officers who were "signally constant in their loyalty to the king". They had waited nearly sixteen years for this satisfaction and one cannot but conclude but that this particular group did indeed merit the small reward that was eventually set aside for their loyalty, a reward that was long awaited since they had lain down the weapons they had wielded in the king's name.

---

<sup>14</sup> Lord's in. Ire., i, p.294.

## APPENDIX A

### AN ALPHABETICAL COMPILATION OF THE PERSONS INVOLVED IN THE '49 LOTS THAT WERE DISTRIBUTED IN 1666, FOR THE SATISFACTION OF ARREARS INCURRED BY THE NAMED PERSONS FOR THEIR SERVICE IN IRELAND BEFORE 5 JUNE 1649

This compilation was drawn from three separate sources. The "Abstracts of Grants of Lands and other Hereditaments under the Acts of Settlement and Explanation, A D 1666-1684", Irish Record Commission Report, (1821-25) pp 281-328; "An Account of the Particular Savings contained in the Patents under the Acts of Settlement and Explanation", Irish Record Commission Report, (1821-25), pp 45-280;; The Books of Survey and Distribution for each of the areas mentioned.

In compiling this appendix, along with appendices B and C, a Data Base computer programme was used. The use of such a programme ensured that all the data, once inserted in the programme, could be analysed and arranged in many different forms. The following three appendices were chosen as being the best forms for laying out and explaining the complexities and personalities involved in the '49 security. The use of such a programme involved the setting up of what is termed as "fields" in computer language. Broadly speaking each of the fields chosen correspond to the headings or use of each of the columns involved in the respective appendices. The creation of these "fields" has no limits, and it is obvious that the fields chosen here are but a minute portion of what can be achieved by the use of computer analysis in order to manage the enormous data involved in the Cromwellian and Restoration land settlements. These fields are adequate, however, for the purposes outlined above.

Appendix A shows the 1,030 people that were to receive satisfaction for their arrears within the '49 security. All these arrears amounted in total to 1,148,167 pounds 7s. 8d.

In Column one there appears an identification number that is unique to each of these people. In Column two appears the surname of the people involved. Column three contains the Christian names of these people. Here it was necessary to develop a code instead of an initial, in order to distinguish between two Christian names that might commence with the same letter (see codes for appendix A)

In Column four there appears the rank of the people involved. As not all the ranks of these people could be ascertained from the sources used in the compilation, there will thus appear a blank space instead of the codification developed for this reason. Included in this column is the code HR which is the codification used when the named person was the relict, widow or heir to the person who had the original claim on the '49 security but who had obviously died at some stage. In these instances the heirs of this person were admitted to the '49 security.

In Columns five, six and seven, there appears the amount of the arrears due to the respective persons. The arrears are set out in pounds (Column 5), shillings, (Column 6), and old pennies which amount to 240 per pound, (Column 7).

Column eight indicates whether the named person was a trustee for the individual lots as described in Chapter five.

Column nine shows the number of the lot that the person was involved in. Such numbers were not the originals as drawn in 1666, as there are no extant sources that might indicate this. Instead they were arrived at as they appeared in the sources mentioned for the compilation. Thus lot number one does not imply that it was the first lot drawn out in 1666.

In certain instances the same person appears a number of times in the compilation. When that occurs there will be found their identification number followed by a blank in Column one every time that the same person appears. There was obviously some difficulty in identifying the same person in all instances. The criteria used was that the person must have, from the relevant sources, the same surname, Christian name and rank. Only when all three were compatible has the person been identified as being one in the same.

CODES FOR APPENDIX A

(a) CHRISTIAN NAMES (column 3)

AA	Ann, Anne, Anna, Amy	AC	Alice, Albert
AD	Adam	AF	Alfred
AG	Abigail	AI	Adrian
AL	Audley, Archibald	AM	Abraham
AN	Alan	AO	Arnold
AR	Arthur	AT	Augustine
AW	Andrew	AX	Alexander
AY	Anthony		
BB	Brent	BE	Bernard
BG	Bridget	EJ	Benjamin
BM	Beatrix	EN	Brian, Bryan
BO	Boyle	ET	Bethel
BV	Beverly	EW	Bartholomew
CA	Cary	CD	Caldwell
CE	Catherine	CH	Charles
CL	Clement	CN	Chichester
CO	Carol	CR	Christopher
CS	Constantine	CW	Collestines
CY	Chidley		
DA	Daniel	DB	Darby
DD	David	DK	Duncan
DT	Dalton	DU	Dudley
DY	Denny		
ED	Edward	EE	Ezekiel
EI	Elias	EL	Ellis, Ellen
EM	Edmund, Edmond	ER	Ellenor
EV	Evan	EZ	Elizabeth
FL	Farrell	FO	Ferdinando
FR	Frances, Francis	FU	Fulke, Foulke
GA	Geoffrey, Jeffrey	GE	George
GF	Griffith	GG	Gregory
GI	Giles, Gyles	GL	Gilbert
GO	Goddard	GR	Gerard
GU	Guy	GY	Godfrey
GZ	Gwenthian		
HB	Hubert	HE	Henry
HG	Hugh	HH	Hans
HI	Hastings	HK	Heyward
HM	Harmot	HN	Helen
HS	Hercules	HT	Herbert
HU	Humphrey		
IB	Isabella, Isabel		
JA	James, Jane	JI	Jeremy

JM	Jerome	JN	Jonah, Jonathan
JO	John, Joan	JR	Josias
JS	Joseph	JU	Joshua
KT	Katherine, Catherine		
LA	Laughan	LC	Lancelot, Lucy
LK	Luke	LL	Lionel
LN	Leonard	LS	Lewis
LT	Lambert	LU	Laurence, Lawrence
LY	Lucy		
MA	Martin, Manus	MC	Maurice
ME	Moses	MG	Morgan
MH	Meredith	MI	Michael
MK	Mark	MM	Malcomsen
MO	Morris	MS	Martha
MT	Margaret	MV	Mathias
MW	Mathew	MY	Mary
NA	Nathan	NI	Nicholas
NL	Nathaniel	NO	Nobblet
OL	Oliver	OW	Owen
PA	Patrick	PI	Pierce
PE	Peter	PE	Peregrine
PH	Philip	PA	Paul
PR	Percivaal, Percy		
RA	Ralph	RE	Radcliffe
RF	Randall	RG	Roger
RI	Richard	RO	Robert
SA	Samuel	SB	Sebastian
SE	Seafoule	SI	Simon, Symon
SM	Solomon	SN	Susan
SP	Strongman	SR	Sarah
ST	Stephen	SY	Sankey
TB	Tobias	TE	Teige
TH	Thomas	TS	Theophilus
TV	Trevor	TY	Timothy
UK	Ulick	UN	Una
VC	Vincent	VE	Vere
VL	Valintine		
WA	Walter	WM	William
WN	Winifred	WR	Warham
WT	Wentworth		
ZY	Zachary		



(b) CODES FOR ARMY RANK (column 4)

AG	Adjutant General	BP	Bishop
CL	Chaplain	CN	Colonel
CP	Captain	CT	Cornet
DT	Doctor	EL	Earl
ES	Ensign	HR	Heir of Officer
LC	Lieutenant Colonel	LD	Lord
LT	Lieutenant	MH	Marshall
MJ	Major	QM	Quarter-Master
SN	Surgeon.		

N.B. In some instances there might appear one of these codes, an /, and HR on the same line. Such occurrences indicate that the person named, although holding rank, is receiving the arrears as an heir.

### KEY TO COLUMN HEADINGS

C1 Identification number of the people being satisfied in the lot. In certian instances, the same person appears a number of times. When that occurs I have included each of the times the person appears but I have only given them one serial number.

C2 Surname of the person being satisfied in the lot.

C3 Christian name of the person being satisfied in the lot.

C4 Rank of the person being satisfied in the lot. In some instances the heir of an '49 Officer is named to receive the arrears. When that occurs I have inserted the code HR, indicating that the person is an heir of an officer.

C5, C6 and C7. Amount in pounds, shillings and pence due for satisfaction to the respective persons. In the instances where the same person appears a number of times, I have totalled their arrears, which appears in dark print.

C8 Indicates if the person was a Trustee for any of the lots. This is indicated by the inclusion of a T in this column.

C9 Gives the number of the lot where the person is to be satisfied.

APPENDIX A

AN ALPHABETICAL COMPILATION OF THE PERSONS INVOLVED IN THE  
 '49 LOTS THAT WERE DISTRIBUTED IN 1666, FOR THE  
 SATISFACTION OF ARREARS INCURRED BY THE NAMED PERSONS  
 FOR THEIR SERVICE IN IRELAND BEFORE 5 JUNE 1649

C1	C2	C3	C4	C5	C6	C7	C8	C9
0001	ADAIR	AX	MJ	215	01	04	-	69
0002	ADAIRE	AW	CP	199	12	11	-	48
0003	ADAIRE	AX		161	02	08	-	50
0004	ADAM	RO		222	00	07	-	90
0005	ADAMS	TH		003	05	10	-	38
0006	ADDERLY	TH		885	02	05	-	58
0007	ADDIS	JO		093	19	07	-	20
0008	AKINSON	JN		488	15	04	-	54
0009	ALBERMARLE	--	DK	1,525	18	05	-	81
0010	ALDWORTH	RI	LC	1,533	06	01	-	44
0011	ALDWORTH	RI	SR	-	-	-	T	44
0012	ALLEN	RO		005	01	04	-	09
0013	ALLEN	RO	CP	001	04	11	-	38
	ALLEN	RO	CP	401	15	06	-	65
				<b>403</b>	<b>00</b>	<b>05</b>		
0014	ANDREWS	JO	LT	900	13	07	T	80
0015	ANDREWS	RI	LT	142	05	04	-	42
0016	ANNESLEY	JO		707	16	07	-	83
0017	AP-HUGES	FR	LT	387	00	04	-	37
0018	APFLEYARD	MW	SR	2,886	12	07	T	01
	APFLEYARD	MW	SR	837	10	01	T	64
				<b>3,724</b>	<b>02</b>	<b>08</b>		
0019	ARCHIBOLD	JS	ES	035	12	03	-	06
0020	ARMSTRONG	JO		054	03	06	-	53
0021	ARMSTRONG	RO		108	05	06	-	53
0022	ARMSTRONG	TH	CP	11,521	18	03	T	02
0023	ARRAN	--	EL	-	-	-	T	76
0024	ASHE	AA		169	04	08	-	17
0025	ASHWELL	JO		609	08	00	-	15
0026	ASTON	ED		285	06	08	-	09
0027	ATKINS	JO	CP	247	03	11	-	12
0028	ATKINSON	WM	CN	3,840	06	01	-	53
0029	AUGISTINE	JO	CP	708	01	10	-	24
0030	AUGUSTINE	GE	CP	339	18	00	-	24
0031	BAGGALY	HU		-	-	-	T	03
	BAGGALY	HU		-	-	-	T	04
				no arrears stated				
0032	BAGNALL	GE		185	15	07	-	12
0033	BALDWIN	JO		685	17	00	-	20
0034	BALFORD	WM	ES	142	07	02	-	57
0035	BALL	RI		188	00	10	-	36
0036	BALLARD	NO		122	09	04	-	17
0037	BANNISTER	HE	CP	594	13	09	-	23
0038	BANNISTER	HE	ES	079	19	06	-	23
0039	BANNISTER	JO	LT	351	14	01	-	44
0040	BANNISTER	PG	CN	1,102	13	01	-	22
0041	BARNARD	JO	CP	203	13	01	-	12
0042	BARNARD	JO	LT	405	18	00	-	12
0043	BARNES	TB		2,619	11	06	T	05

0044	BARNESTABLE	CH		370	18	02	-	18
0045	BARNETT	JO		156	04	09	-	09
0046	BARNEWALL	JO		511	15	02	-	35
0047	BARRETT	--	HR	107	19	08	-	77
0048	BARRETT	JO		015	04	07	-	36
0049	BARRY	GL	ES	106	10	04	-	48
0050	BARRY	JA		948	12	06	-	56
0051	BARRY	RI		-	-	-	T	11
	BARRY	RI		4,419	15	01	T	06
				<b>4,419</b>	<b>15</b>	<b>01</b>		
0052	BARTON	JA		062	03	00	-	48
0053	BASHFORD	RI		260	11	03	-	34
0054	BASSET	RI		159	06	00	-	05
0055	BATHURST	JA	HR	4,288	02	09	T	64
0056	BAYLY	JO	CP	108	01	07	-	82
	BAYLY	JO	CP	3,336	18	07	T	24
				<b>3,445</b>	<b>00</b>	<b>02</b>		
0057	BAZILL	WM		134	00	00	-	83
0058	BEAGHAN	PE		-	-	-	T	91
	BEAGHAN	PE		803	09	04	-	75
	BEAGHAN	PE		987	12	00	T	06
				<b>1,719</b>	<b>01</b>	<b>04</b>		
0059	BEARD	RI		121	02	09	-	66
0060	BEARD	TH		223	04	05	-	23
0061	BEARE	RI	LT	676	02	08	-	16
0062	BEARE	TH		152	07	06	-	58
0063	BEDBOROUGH	TH		086	05	09	-	05
	BEDBOROUGH	TH		131	06	01	-	90
				<b>217</b>	<b>11</b>	<b>10</b>		
0064	BEECHER	LL		069	09	08	-	31
0065	BELL	WM		740	05	03	-	38
0066	BELLAY	JO		918	19	06	-	15
0067	BELLES	SA		278	10	11	-	11
0068	BENNET	MY	HR	114	03	09	-	17
0069	BENNET	TH	CP	1,099	14	06	-	20
0070	BENT	RI		836	04	07	-	77
0071	BERKELEY	JO	LD	6,037	01	09	-	91
0072	BERNARD	--	QM	116	09	08	-	09
0073	BERNARD	JO	LT	248	12	00	-	09
0074	BERNARD	PH	AG	093	14	07	-	09
0075	BERNARD	PH	CT	186	09	00	-	09
0076	BETTSWORTH	RI		179	18	10	-	23
0077	BETTSWORTH*	AR	CP	2,014	01	01	-	16
0078	BILLINGSLEY	ED	LT	2,060	15	02	T	37
	BILLINGSLEY	ED	LT	125	11	08	-	41
				<b>2,185</b>	<b>06</b>	<b>10</b>		
0079	BILLINGSLEY	HE	ES	080	17	00	-	37
0080	BILLINGSLEY	JO	LT	106	17	08	-	37
0081	BILLINGSLEY	RO	LT	556	12	00	-	41
0082	BILLINGSLEY	WM	CP	351	14	10	-	37
0083	BINGHAM	CW		080	03	08	-	63
0084	BINGLY	--	MJ	547	17	10	-	52
0085	BIRD	JO		531	06	00	-	20
0086	BIRNE	JO		026	16	01	-	37
0087	BIRNE	MI		1,745	11	07	-	58
0088	BLACKER	FO		024	12	05	-	15
0089	BLACKER	GE		137	18	05	-	15
0090	BLANNERHASET	AR	CP	864	06	09	-	18
0091	BLANNERHASETT	PH		294	11	05	-	25

0092	BLIGH*	RO	MJ	547	04	06	-	07
0093	BLUNT	GE	MJ	354	12	03	-	37
0094	BLUNT	VL	HR	1,924	14	10	-	21
0095	BOLES	RI		007	17	05	-	74
0096	BOLTON	CO	MJ	2,089	18	09	-	34
0097	BOLTON	RI		071	10	00	-	34
0098	BOOKER	JO	CN	2,346	12	05	-	44
0099	BOOKER	TH	CF	235	16	10	-	44
0100	BOOTH	RO	SR	-	-	-	T	08
	BOOTH	RO	SR	2,104	12	05	T	07
				<b>2,104</b>	<b>12</b>	<b>05</b>		
0101	BOSTOCK	GE	ES	061	15	05	-	42
0102	BOUGHTON	DA	LT	308	02	02	-	85
0103	BOURKE	WA	ES	101	04	00	-	43
0104	BOURNE	JO		178	08	06	-	90
0105	BOWEN	MW	LT	194	04	10	-	17
0106	BOWNER	JO		488	08	00	-	15
0107	BOYCE	JO	SR	406	16	01	-	79
0108	BOYD	AD	QM	066	18	04	-	82
	BOYD	AD	QM	087	15	04	-	48
				<b>154</b>	<b>13</b>	<b>08</b>		
0109	BOYDE	TH		035	06	07	-	63
0110	BOYES	JO	SR	209	06	01	-	80
0111	BOYLE	MI		084	03	00	-	82
0112	BOYLE	UN		326	12	05	-	17
0113	BOYSE	JO	SR	086	19	06	-	54
0114	BRADON	AW	MJ	217	16	00	-	53
0115	BRADSTONE	TH		551	10	02	-	93
0116	BRADSTONE	WM		223	12	11	-	05
0117	BRADY	NI	LT	230	05	04	-	77
0118	BRALY	JO		170	02	11	-	58
0119	BRALY	ZY		150	13	00	-	58
0120	BRASHIER	FL		399	11	07	T	09
0121	BRAYNE	RI	QM	236	10	00	-	22
0122	BRELSFORD	JO		193	12	00	-	31
0123	BRERETON	RO		108	10	04	-	60
	BRERETON	RO		140	11	09	-	60
				<b>249</b>	<b>02</b>	<b>01</b>		
0124	BRERETON	SA	DT	294	08	11	-	83
0125	BRETT	WM		270	19	11	T	81
0126	BRICE	RO		5,154	16	08	T	71
0127	BRIDGEMAN	HE		103	08	00	-	63
0128	BRIDGES	EZ	HR	412	10	00	-	17
0129	BRIDGES	SI		004	12	04	-	66
	BRIDGES	SI		004	12	04	-	76
	BRIDGES	SI		075	18	09	-	23
	BRIDGES	SI		104	11	10	-	67
	BRIDGES	SI		143	02	07	-	01
	BRIDGES	SI		596	11	05	-	44
				<b>929</b>	<b>08</b>	<b>05</b>		
0130	BRIDGET	SI		052	18	09	-	43
0131	BROCCAS	RI		129	16	00	-	14
0132	BROCKET	EM	LT	245	10	07	-	20
0133	BROMLEY	NI	CF	1,415	14	00	T	18
	BROMLEY	NI	CF	2,006	19	03	T	19
				<b>3,422</b>	<b>13</b>	<b>03</b>		
0134	BROOKES	FR		541	01	06	-	81
0135	BROUGHTON	ED	CF	407	06	02	-	37
0136	BROUGHTON	RO	CN	840	10	06	-	37

0137	BROWNE	GA		251	14	03	-	47
0138	BROWNE	JO	LT	077	05	00	-	54
	BROWNE	JO	LT	095	05	00	-	79
	BROWNE	JO	LT	303	02	02	-	86
				<b>475</b>	<b>12</b>	<b>02</b>		
0139	BROWNE	JO	SR	788	14	08	-	37
0140	BROWNE	RO		1,717	17	04	-	66
0141	BROWNE	SA	LT	348	14	00	-	20
0142	BROWNE	TH	CP	016	06	01	-	36
0143	BROWNE	WM		065	01	08	-	10
0144	BRUME	HE	CP	2,266	01	09	T	82
0145	BRYAN	JO		178	17	09	-	40
0146	BRYAN	RO	SR	2,938	18	08	T	12
0147	BRYEN	HE	CN	1,259	00	00	-	41
0148	BUCKANON	WM		353	11	02	-	69
0149	BUCKNOR	JO		252	13	02	-	20
0150	BUCKNOR	JO	LT	218	18	00	-	22
0151	BUCKRIDGE	TH		9,829	15	06	T	10
0152	BUCKWORTH	RI	MJ	1,458	11	05	-	67
0153	BULL	JO		168	08	09	-	11
0154	BURGESSE	GE	CP	1,887	12	00	-	18
0155	BURGH	RO		009	01	00	-	82
0156	BURLEIGH	WM	LC	1,647	14	01	-	61
0157	BURNISTON	JO		2,129	04	06	T	11
0158	BURROWES	FR		2,126	19	06	-	35
0159	BURY	JO		826	07	03	-	11
	BURY	JO		1,790	19	09	-	28
				<b>2,617</b>	<b>07</b>	<b>00</b>		
0160	BUTLER	EM	CP	821	15	10	-	82
0161	BUTLER	FR	SR	1,767	11	07	-	37
0162	BUTLER	JO	CN	4,396	11	10	-	01
0163	BUTLER	RI		382	05	00	-	66
0164	BUTLER	TH	CP	2,481	11	10	T	90
0165	BYRON	RO	SR	-	-	-	T	13
0166	BYSSE	JO		811	16	04	-	75
	BYSSE	JO		1,143	12	09	T	14
				<b>1,955</b>	<b>09</b>	<b>01</b>		
0167	CADE	WM	LT	061	01	00	-	80
0168	CALHOLME	WA	LT	767	16	00	-	23
0169	CAMPBELL	AX		401	13	08	-	40
0170	CAMPBELL	HG		5,413	19	06	T	72
0171	CAMPBELL	JO	ES	068	01	03	-	17
0172	CAPPOCKE	EZ	HR	334	19	08	-	77
0173	CAREY	AA	HR	644	15	02	-	23
0174	CAREY	GE	MJ	913	08	04	T	15
0175	CARPENTER	PH	CP	-	-	-	T	67
0176	CARPENTER	TH	LT	131	15	05	-	67
0177	CARR	JO		1,014	12	03	-	57
0178	CARRAN	PA		051	05	03	-	53
0179	CARRER	WM	DT	968	03	00	-	41
0180	CARRICK	TH		1,265	10	05	-	41
0181	CARTER	AR	LT	240	15	03	-	18
0182	CARTER	JO	ES	074	16	00	-	06
0183	CARTHY	TE		112	15	00	T	64
0184	CARY	TS	LT	691	15	03	-	77
0185	CASBONE	TH	CP	118	05	00	-	80
0186	CATHCART	AD	CP	1,279	14	06	-	53
0187	CATHCART	AX	LT	073	03	00	-	53
0188	CATHCART	GB	LT	351	02	08	-	53

0189	CATHER	DD	LT	033	19	06	-	57
0190	CATHERLAGH	--	LD	854	04	06	-	42
0191	CAUSABON	TH		1,986	17	07	-	66
0192	CAUSABON	TH	CP	868	13	01	-	42
0193	CAVAN	RI	EL	548	04	05	-	54
	CAVAN	RI	EL	2,199	13	00	-	57
				<b>2,747</b>	<b>17</b>	<b>05</b>		
0194	CHAATTER	HE	CP	240	15	10	-	09
0195	CHARLEMONT	WM	LD	1,171	19	09	-	58
0196	CHETTWOOD	TH		057	12	11	-	10
0197	CHICHESTER	ED	MJ	1,406	13	09	-	41
0198	CHIDLEY	TH		117	14	02	-	89
0199	CHILD	WM		384	11	03	-	07
0200	CHUDLEY	JA	CP	359	07	00	-	89
0201	CLAMBRASIL	HE	EL	9,728	19	04	-	49
0202	CLAPMAN	TH		305	03	01	-	83
0203	CLARKE	JO		204	01	04	-	52
0204	CLAYTON	JA		548	14	01	-	66
0205	CLAYTON	RF	CN				T	16
	CLAYTON	RF	CN	-	-	-	T	66
	CLAYTON	RF	CN	-	-	-	T	18
	CLAYTON	RF	CN	-	-	-	T	19
	CLAYTON	RF	CN	-	-	-	T	20
	CLAYTON	RF	CN	-	-	-	T	21
	CLAYTON	RF	CN	-	-	-	T	22
	CLAYTON	RF	CN	-	-	-	T	23
	CLAYTON	RF	CN	-	-	-	T	64
	CLAYTON	RF	CN	-	-	-	T	73
	CLAYTON	RF	CN	-	-	-	T	77
	CLAYTON	RF	CN	-	-	-	T	80
	CLAYTON	RF	CN	285	07	10	-	88
	CLAYTON	RF	CN	371	16	07	T	17
				<b>657</b>	<b>13</b>	<b>02</b>		
0206	CLERK	JA		159	01	01	-	05
0207	CLOSSE	WM		140	08	00	-	81
0208	COGHRAN	HG	LC	1,928	05	03	-	49
	COGHRAN	HG	LC	2,754	07	11	T	24
				<b>4,682</b>	<b>13</b>	<b>02</b>		
0209	COLE	JO	SR	9,165	15	00	T	25
0210	COLE	WM		293	07	04	-	10
0211	COLLEY	FR		-	-	-	T	03
	COLLEY	FR		4,173	11	11	T	04
				<b>4,173</b>	<b>11</b>	<b>11</b>		
0212	COLLIS	WM		346	17	04	-	30
0213	COLOONY	RI	LD	4,819	14	05	T	26
0214	COLPOYS	JO		946	11	00	T	22
0215	COLTHORPE	AS		092	02	06	-	09
0216	COLVILL	AX		445	04	00	-	81
0217	COLVILL	RO	CP	823	05	00	-	81
0218	COMBE	NI		154	17	06	-	34
0219	COMIN	JO	CP	101	06	04	T	19
0220	COMIN	PH	MJ	1,052	05	09	-	19
0221	CONGREEVE	CR	LT	091	12	05	-	37
0222	CONGREEVE	FR	CP	237	16	00	-	37
0223	CONINGSBY	HU		211	18	01	-	01
0224	CONNOCKE	JO		488	15	04	-	10
0225	CONSIDENT	MW		2,501	06	02	-	63
0226	CONSTABLE	WM	CP	1,108	18	06	-	67
0227	CONWAY	ED	LD	4,527	00	02	T	27

0228	CONWAY	JA		241	03	06	-	18
0229	COOKE	ED	DT	1,838	08	09	-	85
0230	COOKE	GE		100	04	09	-	48
0231	COOLEY	DU		264	15	00	-	79
0232	COOPER	--	HR	363	18	04	-	77
0233	COOPER	GE	LT	447	10	04	-	40
0234	COOPER	JA	CT	120	09	00	-	40
0235	COOTE	CY	CN	2,177	09	11	T	28
0236	COOTE	RI	HR	5,118	06	04	-	28
0237	COPE	AY		487	07	06	-	95
0238	COPE	WA	CP	823	01	02	-	17
0239	COFLESTON	GE		617	08	05	-	40
0240	CORK	RI	EL	008	17	08	-	18
0241	COROTHERS	GE		550	09	11	-	48
0142	COSBY	WM		414	11	03	-	58
0143	COSSLETT	JO		091	02	04	-	81
0244	COTHERINGTON	--	HR	092	10	07	-	23
0245	COTHERINGTON	NI	CP	327	03	02	-	44
0246	COTTIN	WA		095	03	00	-	82
0247	COTTS	HM		103	16	03	-	77
0248	COUCH	JO		120	18	02	-	12
0249	COVEN	JA		084	03	00	-	82
0250	COX	JA		159	07	03	-	74
0251	COX	RI	HR	1,176	07	10	-	20
0152	CRAVEN	JO	LT	381	13	03	-	13
0253	CRAWLEY	CH	CP	328	01	06	-	42
0254	CRAWFORD	AG		228	11	01	-	48
0255	CRAWFORD	EZ	HR	088	17	01	-	48
0256	CRAWFORD	LU		034	10	11	-	91
	CRAWFORD	LU		916	10	05	-	68
				951	01	04		
0257	CREAMER	TB		2,839	10	10	-	78
0258	CREIGHTON	JO	DT	1,487	14	05	T	78
0259	CROCKER	JO		3,159	10	05	T	22
0260	CROFTS	BJ		366	11	00	-	22
0261	CROFTS	HE		071	09	10	-	60
0262	CROFTS	TH	LT	521	08	00	-	41
0263	CROKER	JO		311	13	02	-	26
0264	CROKER	WA		1,244	04	06	T	66
0265	CROMWELL	VE	CN	7,009	18	10	T	29
0266	CROSBY	DD	CN	1,731	02	08	-	95
0267	CROSBY	WM	MJ	1,029	17	03	-	31
0268	CROSSE	TH		140	19	09	-	58
0269	CULICE	GE	LT	523	12	08	-	18
0270	CUNNINGHAM	AC	CP	099	18	10	-	23
0271	CUNNINGHAM	AW	LT	218	03	04	-	70
0272	CUNNINGHAM	JO		269	10	00	-	09
	CUNNINGHAM	JO		281	15	08	-	47
				551	05	08		
0273	CUNNIGHAM	RO		291	14	04	-	49
0274	CURRALL	WM		169	02	06	-	10
0275	CURBER	JA	QM	159	07	03	-	06
0276	DALLYWELL	TH	CN	252	14	06	-	51
0277	DANIEL	JO	CN	2,981	15	03	-	44
0278	DAUNT	MY	HR	158	10	09	T	64
0279	DAVIDSON	WM	CT	190	08	09	-	40
0280	DAVIES	FA		493	17	07	-	06
0281	DAVYS	WM	SR	906	19	04	-	06
0282	DEANE	AX	CT	371	18	09	-	80



0283	DEANE	GL		332	19	00	-	36
0284	DELLYWELL	TH		149	05	02	-	52
0285	DENNY	AR	SR/HR	205	12	06	-	17
0286	DERING	ED		220	18	04	-	11
0287	DETHICKE	WM		012	04	04	-	80
	DETHICKE	WM		023	13	05	-	77
				<b>035</b>	<b>17</b>	<b>09</b>		
0288	DEVILLEER	JO	SR	1,211	07	06	T	30
0289	DILLON	--	LD	3,000	00	00	-	63
0290	DILLON	AR	CP	-	-	-	T	31
0291	DILLON	CA	CN	-	-	-	T	33
	DILLON	CA	CN	8,411	14	11	T	32
				<b>8,411</b>	<b>14</b>	<b>11</b>		
0292	DIXON	AX		053	15	03	-	53
0293	DOARE	RI	CN.	604	07	09	-	01
0294	DOBBIN	JA		187	14	08	-	95
0295	DOLLARD	RO		027	04	09	-	49
0296	DONEGAL	AR	EL	8,273	19	10	T	34
0297	DONNELAN	SR	HR	984	07	07	-	54
0298	DONNELLAN	NH	CP	1,389	09	08	-	12
0299	DONNELLAN	SR	HR	041	15	04	-	79
0300	DONOVAN	JI		446	03	05	-	88
0301	DOWDALL	AY		454	00	10	-	78
0302	DOWDALL	HE		005	02	00	-	78
0303	DOWDALL	WM		528	08	08	-	26
0304	DOWLEY	RG		147	04	04	-	74
0305	DOWLING	JO		001	09	10	-	54
0306	DOWLY	RG		027	12	09	-	82
0307	DOWNES	JC	CP	952	09	00	-	20
0308	DOWNES	LS		493	15	03	-	67
0309	DOWNING	JO		001	07	06	-	48
0310	DOWNING	JO	LT	080	00	08	-	22
0311	DOYNES	RI	CP	046	11	04	-	81
0312	DROGHEDA	HE	EL	6,692	10	02	T	35
0313	DROMOND	WM	LC	441	17	07	-	51
0314	DUDDLESTOWN	ED		133	16	00	-	75
0315	DUNDAS	JA		051	05	09	-	53
0316	DUNKAN	AA	HR	245	06	02	-	20
0317	DUNNON	WM		162	18	09	-	17
0318	DUNSCOME	NO		1,389	14	07	-	61
0319	DUTTON	WM	CP	148	06	04	-	42
0320	DYER	ED		055	03	01	-	10
0321	EARNELEY	MI	SR	1,243	01	10	-	13
0322	EATON	SI		026	09	06	-	66
0323	EDEN	DA		000	07	01	-	60
0324	EDEN	DA	CP	135	14	01	-	91
0325	EDGEWORTH	JO		235	08	07	-	57
0326	EDGEWORTH	RO	MJ	1,506	04	04	T	86
0327	ELLIS	EM	MJ	1,498	11	04	-	53
0328	ELLIS	FU		044	11	01	-	36
	ELLIS	FU		097	14	08	-	06
	ELLIS	FU		263	16	00	-	11
				<b>406</b>	<b>01</b>	<b>09</b>		
0329	ELLIS	JO		1,273	11	05	-	07
0330	ELPHIN	JO	BP	541	19	00	-	21
0331	ERWIN	GR	CP	1,910	10	04	-	79
0332	ERWIN	GR	LC	-	-	-	T	79
0333	EVANS	GE		3,005	19	06	T	24
0334	EXHAM	JO		1,482	02	04	-	75

0335	FAIRELY	TH	QM	318	12	10	-	16
0336	FARLEY	MA		-	-	-	T	89
0337	FARLOW	JR		1,000	00	00	-	89
0338	FARLOW	MA		350	19	08	T	64
0339	FARRER	JO	MJ	1,261	13	03	-	83
0340	FENNOR	--	CL	214	06	01	-	17
0341	FENTON	WM		009	07	00	-	06
	FENTON	WM		130	04	11	-	68
				<b>139</b>	<b>11</b>	<b>11</b>		
0342	FENTON*	WM	SR	039	02	00	-	16
0343	FERGUSHIL	JO		150	18	01	-	09
0344	FERGUSON	JA	ES	113	00	06	-	42
0345	FINCH	HE		061	18	09	-	49
0346	FINCH	JA	CN	2,156	14	03	-	80
0347	FINCH	WM		7,640	14	03	T	36
0348	FINGALL	LK	EL	800	00	00	-	35
0349	FISHER	JO		116	00	07	-	28
0350	FITZ-MORRIS	UK	CP	106	14	08	-	89
	FITZ-MORRIS	UK	CP	1,000	00	00	-	77
				<b>1,106</b>	<b>14</b>	<b>08</b>		
0351	FITZGERALD	--	HR	1,382	02	06	-	77
0352	FITZGERALD	MI		058	08	09	-	10
0353	FITZGERALD	NI	LT	643	12	07	-	22
0354	FITZGERALD	RO		-	-	-	T	61
0355	FITZMAURICE	UK		715	00	00	-	01
0356	FITZSYMONDS	CE		172	08	06	-	17
0357	FLETCHER	RO		612	18	00	-	78
0358	FLOOD	HE	CT	380	02	04	-	42
0359	FLOWER	TH	LT	071	06	04	-	37
0360	FLOWER	WM	SR	-	-	-	T	51
	FLOWER	WM	SR	3,958	16	10	T	37
				<b>3,958</b>	<b>16</b>	<b>10</b>		
0361	FOARD	NI		517	13	06	-	15
0362	FOLLIOTT	TH	LD	707	06	05	-	25
0363	FORBES	AR	SR	-	-	-	T	38
	FORBES	AR	SR	-	-	-	T	47
	FORBES	AR	SR	1,765	10	00	-	92
	FORBES	AR	SR	8,142	19	06	T	39
				<b>9,908</b>	<b>09</b>	<b>06</b>		
0364	FORBES	RO	SR	11,562	00	10	-	47
0365	FORRESTER	WM		253	12	01	-	12
0366	FORSTER	WM		048	00	11	-	36
0367	FORTESCUE	CN		618	07	08	-	81
0368	FORTESCUE	EG		027	09	09	-	42
	FORTESCUE	EG		033	00	02	-	44
				<b>060</b>	<b>09</b>	<b>11</b>		
0369	FORTESCUE	TH	SR	556	16	07	T	43
0370	FOULKES	FI	LT	103	15	04	-	44
0371	FOUNTAIN	JA	SN	1,754	09	04	-	41
0372	FOWLES	ED		106	14	00	-	63
0373	FOXCROFT	SA	LT	100	05	08	-	67
0374	FREAKE	AR	CP	1,341	05	04	-	31
0375	FREAKE	JO		576	16	00	-	80
0376	FRENCH	HE	CP	757	00	11	T	38
0377	FULERTON	RO		509	02	11	-	56
0378	FULLER	WM	CT	589	01	00	T	64
0379	FULLWOOD	CH	LT	538	11	09	-	42
0380	+ GALBRAITH	JA		8,041	06	02	T	40
0381	GALLAGHER	JO	ES	104	04	06	-	23

0382	GAMBWELL	AY		166	00	08	-	23
0383	GAMES	TH	CP	323	17	06	-	42
0384	GARNER	JA		162	01	04	-	10
0385	GAWER	JO	CP	173	16	00	-	01
0386	GAY	JO		-	-	-	T	11
0387	GAYNE	WM		027	06	00	-	19
0388	GEEGAN	PA		218	14	04	-	81
0389	GERWIN	DD		350	00	00	-	19
0390	GETHIN	RI		-	-	-	T	01
	GETHIN	RI	SR	-	-	-	T	41
	GETHIN	RI	SR	-	-	-	T	42
	GETHIN	RI	SR	006	17	00	T	44
	GETHIN	RI	SR	008	17	00	T	43
				015	14	00		
0391	GIBBONS	CH		147	18	02	-	58
0392	GIBBS	JO		212	17	00	-	10
0393	GIBSON	SE	CN	4,436	06	01	T	12
0394	GIBSON*	RI	CN	1,294	12	06	-	04
0395	GIFFARD	MS	HR	2,877	00	01	-	88
0396	GILBERT	WM	LT	357	02	04	-	42
0397	GILBERT	WM	SR	1,271	03	09	-	42
0398	GILBORNE	WM	LT	439	05	04	-	16
0399	GILLBORNE	TH	LT	267	06	00	-	19
0400	GLEDSTON	JA	ES	058	11	06	-	92
0401	GLEDSTON	JO	CP	428	10	10	-	92
0402	GODFELLOW	JA	CT	198	00	00	-	53
0403	GOODWIN	WM	CP	222	04	00	-	38
0404	GOODWINE	PL		257	18	04	-	77
0405	GORE	AR	SR	864	11	08	-	76
0406	GORE	TH		267	17	00	-	78
0407	GOSCOYNE	EL		2,148	01	05	-	75
0408	GOWER	TH		129	12	04	-	10
0409	GRADY	DB	LT	001	13	10	-	67
	GRADY	DB	LT	082	12	10	-	54
				084	06	08		
0410	GRAHAM	AR	MJ	2,455	07	03	T	79
0411	GRAHAM	DD	LT	205	06	08	-	53
0412	GRAHAM	FR	CP	1,916	05	10	-	92
0413	GRAHAM	FR	HR	3,106	08	00	-	79
0414	GRAHAM	GE	CP	789	10	02	-	16
0415	GRAHAM	HH		1,224	19	09	-	05
0416	GRAHAM	RO	LT	053	15	03	-	53
0417	GRAHAM*	TH	CP	1,663	01	11	-	16
0418	GRANDISON	JO	LD	3,194	00	04	-	11
0419	GREENE	CL	LT	148	06	04	-	44
0420	GREENE	GY	CP	304	12	04	-	44
0421	GREENE	JO	ES	034	12	03	-	44
0422	GREGORY	RG	CP	310	14	10	-	12
0423	GRENVILLE	RI	SR	797	18	06	-	32
0424	GREY	HE	CP	514	06	09	-	23
0425	GRIFFETH	ED		433	00	08	-	11
0426	GRIFFIN	MO		244	16	04	-	81
0427	GRIFFITH	JO	MJ	1,869	02	11	T	93
0428	GRIMLEY	ED		160	10	11	-	83
0429	GRIMSTONE	BB		225	16	05	-	23
0430	GROSVENER	SA	LT	1,122	14	08	-	77
0431	GROVE	JO	CT	612	12	07	-	16
0432	GROVE	JO	MJ	245	01	11	-	16
0433	HACHER	EL		448	19	08	-	95

0434	HACKETT	TH		305	01	08	-	01
0435	HAIRE	JA	CP	243	02	10	-	57
0436	HALL	RO	QM	314	07	05	-	78
0437	HAMBLIN	--	CP	298	06	02	-	28
0438	HAMELL	MW	LT	330	13	09	-	62
0439	HAMILTON	BM	HR	1,015	13	04	-	57
0440	HAMILTON	FR	SR	-	-	-	T	47
	HAMILTON	FR	SR	11,272	16	03	T	45
	HAMILTON	FR	SR	11,999	00	09	T	46
				<b>23,271</b>	<b>17</b>	<b>00</b>		
0441	HAMILTON	HG	ES	199	18	06	-	48
0442	HAMILTON	HH	SR	-	-	-	T	55
	HAMILTON	HH	SR	-	-	-	T	48
	HAMILTON	HH	SR	-	-	-	T	49
	HAMILTON	HH	SR	-	-	-	T	50
	HAMILTON	HH	SR	2,070	02	03	T	53
	HAMILTON	HH	SR	2,206	10	03	T	51
	HAMILTON	HH	SR	2,337	19	06	-	54
	HAMILTON	HH	SR	9,390	05	10	T	52
	HAMILTON	HH	SR	12,111	11	04	T	54
				<b>28,116</b>	<b>08</b>	<b>04</b>		
0443	HAMILTON	JA	CP	2,250	01	03	-	51
	HAMILTON	JA	CP	3,543	10	05	-	51
				<b>5,793</b>	<b>11</b>	<b>08</b>		
0444	HAMILTON	JO		071	14	06	-	28
0445	HAMILTON	JO	QM	330	02	00	T	48
0446	HAMILTON	RO		111	02	00	-	48
0447	HAMILTON	RO	CP	1,398	09	08	-	57
0448	HAMILTON	RO	LT	086	14	02	-	91
	HAMILTON	RO	LT	844	08	09	-	56
				<b>976</b>	<b>17</b>	<b>04</b>		
0449	HAMILTON	RO	QM	074	18	09	-	48
0450	HAMILTON	RO	LT	045	14	05	-	56
0451	HAMILTON	WM		5,425	15	11	T	48
	HAMILTON	WM		5,516	17	09	T	56
				<b>10,942</b>	<b>13</b>	<b>08</b>		
0452	HAMILTON	WM	CP	3,152	14	04	T	57
0453	HAMILTON	WM	LC	8,226	12	02	T	14
0454	HAMLIN	JO		335	14	01	-	77
0455	HAMMOND	ED	CN	2,285	03	02	-	94
0456	HARDING	WM	MJ	1,566	02	02	-	73
0457	HARMON	RO	CP	162	05	00	-	82
0458	HARRINGTON	LC	HR	630	17	00	-	22
0459	HARRIS	ED	LT	180	00	08	-	80
0460	HART	HE		2,012	16	04	-	09
0461	HARTE	RI		618	06	02	-	22
0462	HARTWELL	RI	CP	160	00	00	-	22
0463	HARTWELL	WM		052	15	03	-	23
	HARTWELL	WM		147	17	00	-	68
				<b>200</b>	<b>12</b>	<b>03</b>		
0464	HASTINGS	JO	CT	349	08	08	-	57
0465	HASTINGS	JO	LT	071	17	04	-	57
0466	HATT	ME	HR	223	13	08	-	92
0467	HAWKES	EI		508	04	00	-	82
0468	HAWKINS	JA	LT	118	01	04	-	41
0469	HAWKINS	JO		104	12	03	-	85
0470	HAWKLSWORTH	JO	ES	168	06	00	-	67
0471	HAWKSHEAD*	RI		073	15	05	-	91
0472	HAWLEY	CE	CP	086	13	05	-	06

0473	HENLEY	HE	ES	086	15	03	-	80
0474	HENLEY	JA	QM	571	17	07	-	75
0475	HENRY	HE		-	-	-	-	36*
0476	HERCOURT	JO		500	02	10	-	58
0477	HETHERINGTON	AR	ES	042	04	03	-	37
0478	HEY	TH	HR	147	05	03	-	28
0479	HICKMAN	GG		061	12	00	-	22
0480	HICKMAN	WA		315	03	08	-	22
	HICKMAN	WA		317	06	01	-	22
				<b>632</b>	<b>09</b>	<b>09</b>		
0481	HILL	ED	CF	524	02	09	-	23
0482	HILL	ME		687	00	10	-	75
0483	HINTON	JO	CT	673	04	00	-	43
0484	HIPPEN	HE	ES	284	19	09	-	32
0485	HODGES	JA		094	03	09	-	10
0486	HODGKINS	HG		960	15	06	-	04
0487	HOEY	WM		1,563	18	18	T	86
0488	HOLCOMBE	ER	HR	769	05	07	-	20
0489	HOLMES	WM	ES	044	02	09	-	16
0490	HOLT	JS		017	02	07	-	36
0491	HORSEMAN	AY		600	01	00	-	95
0492	HOUGHTON	JO		071	12	06	-	58
0493	HOVENDEN	--	LC	1,982	15	00	-	73
0494	HOVENDEN	NI		528	06	10	-	58
0495	HOWARD	FR		303	03	02	-	63
	HOWARD	FR		610	16	06	-	93
				<b>913</b>	<b>19</b>	<b>08</b>		
0496	HOWARD	GF		201	05	10	-	02
0497	HOWARD	WM		041	14	00	-	08
0498	HOWESTON	RO		622	03	09	-	57
0499	HUBBARD	JO		047	13	04	-	90
0500	HUGHES	JO		5,897	13	07	-	15
0501	HUGHES	RO		2,007	18	04	-	83
0502	HULL	GE		2,172	03	09	-	29
0503	HUMES	FA		-	-	-	-	53
0504	HUNCKS	FR		021	09	00	-	81
0505	HUNT*	VE	CF	1,302	08	08	-	16
0506	HUTTON	PH		199	09	08	-	54
0507	HYDE	AR		-	-	-	T	42
0508	HYDE	WM	CF	306	02	09	-	42
0509	INGOLSBY	GE	MJ	1,201	11	11	T	13
0510	IVY	WM	LT	154	07	04	-	52
0511	JACKSON	JA	HR	476	03	00	-	66
0512	JACKSON	RG		125	16	03	-	81
0513	JAMES	CR	QM	141	07	04	-	19
0514	JAQUES	GE		166	15	09	-	17
0515	JEFFRYES	JA		165	09	02	-	63
0516	JEPHSON	JO	HR	2,352	15	02	T	16
0517	JERMINE	DD		004	12	04	-	73
0518	JERVIS	HU		476	02	04	-	95
0519	JOHNSTON	AL	CT	205	03	00	-	53
0520	JOHNSTON	AX		109	09	11	-	56
0521	JOHNSON	TH		295	09	07	-	30
0522	JOHNSTON	DD	ES	267	17	00	-	53
0523	JOHNSTON	JO	CN	1,076	18	00	-	80
0524	JOHNSTON	JO	CT	008	05	00	-	79
0525	JOHNSTON	JO	LT	106	08	05	-	79
	JOHNSTON	JO	LT	189	16	11	-	68
				<b>295</b>	<b>05</b>	<b>04</b>		

0526	JOHNSTON	MY	HR	230	05	04	-	17
0527	JOHNSTON	RO		1,000	00	00	-	13
0528	JOHNSTON	TH		137	16	10	-	56
0529	JOHNSTON	WM		002	17	04	-	38
	JOHNSTON	WM		004	12	04	-	42
	JOHNSTON	WM		004	01	02	-	27
	JOHNSTON	WM		004	06	07	-	62
	JOHNSTON	WM		004	12	04	-	01
	JOHNSTON	WM		004	12	04	-	18
	JOHNSTON	WM		004	12	04	-	19
	JOHNSTON	WM		004	12	04	-	37
	JOHNSTON	WM		004	12	04	-	39
	JOHNSTON	WM		004	12	04	-	43
	JOHNSTON	WM		004	12	04	-	49
	JOHNSTON	WM		004	12	04	-	05
	JOHNSTON	WM		004	12	04	-	59
	JOHNSTON	WM		004	12	04	-	63
	JOHNSTON	WM		004	12	04	-	69
	JOHNSTON	WM		004	12	04	-	07
	JOHNSTON	WM		004	12	04	-	70
	JOHNSTON	WM		004	12	04	-	82
	JOHNSTON	WM		004	12	04	-	83
	JOHNSTON	WM		004	12	04	-	85
	JOHNSTON	WM		004	12	04	-	89
	JOHNSTON	WM		004	12	04	-	90
	JOHNSTON	WM		004	12	04	-	93
	JOHNSTON	WM		004	12	04	-	94
	JOHNSTON	WM		004	13	02	-	47
	JOHNSTON	WM		004	13	04	-	12
	JOHNSTON	WM		005	03	10	-	24
	JOHNSTON	WM		009	04	08	-	15
	JOHNSTON	WM		009	04	08	-	25
	JOHNSTON	WM		009	04	08	-	28
	JOHNSTON	WM		028	12	03	-	75
				<b>186</b>	<b>00</b>	<b>08</b>		
0530	JONES	BN		976	02	03	T	06
0531	JONES	RG		143	16	01	-	13
	JONES	RG		1,286	08	09	T	21
	JONES	RG		3,326	15	02	T	30
				<b>4,757</b>	<b>00</b>	<b>00</b>		
0532	JONES	RO		183	14	08	-	77
0533	JONES	TH		083	19	04	-	38
0534	JONES	TS	SR	3,001	18	06	T	58
0535	JONES	WA		1,741	13	11	-	06
0536	KEARNES	JO		159	03	11	-	57
0537	KEITH	JO	CP	1,370	16	03	-	71
0538	KENNEADY	AY	CP	784	07	10	-	40
0539	KENNEADY	RI		284	09	01	-	93
0540	KENNEADY	WM		909	04	00	-	60
0541	KENNEDY	DD	CP	1,482	01	04	T	13
0542	KERRY	JO	LD	1,018	07	00	-	1
0543	KINASTON	RI		279	08	07	-	11
0544	KING	RA	LT	134	18	08	-	1
0545	KINGSHAW	WM		193	12	00	-	81
0546	KINGSMILL	WM	CN	4,018	11	02	-	43
0547	KITCHMAN	GZ	HR	395	02	08	-	77
0548	KNIGHT	WM		1,440	19	09	T	59
0549	KNIVETON	HE	QM	333	16	04	-	42
0550	KNOX	AW	CF	387	17	02	-	40

0551	LACY	TH	LT	282	10	04	-	48
0552	LAMBERT	GE		588	04	05	-	95
0553	LAMBERT	OL		7,494	10	11	T	60
0554	LANE	RI	SR	420	08	11	-	52
0555	LANGDON	WA	LT	328	05	02	-	19
0556	LANGFORD	HS	CP	3,854	14	07	-	26
	LANGFORD	HS	CP	6,539	00	00	T	61
				<b>10,393</b>	<b>14</b>	<b>07</b>		
0557	LANGHORNE	JO	LT	776	19	04	T	41
0558	LAURENCE	FR		140	14	07	-	58
0559	LAW	AW		123	16	00	-	10
0560	LAWRENCE	FR		004	09	04	-	49
0561	LEATHES	RO	CP	343	00	11	-	34
0562	LEE	HE		092	02	06	-	17
0563	LEICESTER	RO	EL	2,781	15	05	-	11
	LEICESTER	RO	EL	12,115	17	04	T	97
				<b>14,896</b>	<b>12</b>	<b>09</b>		
0564	LEIGH	RI		060	11	02	-	26
0565	LEIGH	TH		1,712	06	02	T	35
0566	LENAN	MA	ES	191	16	03	-	63
0567	LENANE	RO		001	13	06	-	92
	LENANE	RO		081	08	01	-	13
				<b>083</b>	<b>01</b>	<b>07</b>		
0568	LENDSEY	AW		1,899	01	00	T	23
0569	LESLIE	JO	LT	163	05	09	-	48
0570	LESSLY	LN	CP	066	00	05	-	54
0571	LESTRANGE	TH		091	17	00	-	75
0572	LIDCOTT	LN		061	08	03	-	04
0573	LILLES	JA		479	11	05	-	19
0574	LIMERICK	ED	BP	1,742	15	00	-	43
0575	LIMERICK	WM	BP	654	03	04	-	71
0576	LINE	LA		438	03	04	-	06
0577	LLOYD	TV	CP	750	00	00	T	15
0578	LLOYD	WM		350	01	10	-	15
0579	LOCKE	WM		010	12	01	-	58
0580	LOFTUS	DU		061	17	00	-	85
0581	LOFTUS	ED		016	13	10	-	07
	LOFTUS	ED		303	19	02	-	63
				<b>320</b>	<b>13</b>	<b>00</b>		
0582	LOGGY	AW		004	12	04	-	46
	LOGGY	AW		005	07	07	-	45
				<b>009</b>	<b>19</b>	<b>11</b>		
0583	LOGHAN	JO		048	06	00	-	08
	LOGHAN	JO		294	01	06	-	54
				<b>342</b>	<b>07</b>	<b>06</b>		
0584	LOGIES	AW		004	12	04	-	36
0585	LOGYES	AW		003	19	11	-	74
0586	LONG	PA		173	12	04	-	63
0587	LOVE	HI	LT	379	17	04	-	81
0588	LOVE	JO	MJ	2,188	07	10	-	42
0589	LOVETT	WM		363	18	04	-	23
0590	LOWNES	JO	MH	330	06	08	-	19
0591	LOWRY	JO		021	05	04	-	48
0592	LUCAS	--	SR	6,582	04	09	-	13
0593	LUCAS	FR	CT	806	12	00	-	78
0594	LYDON	JO	HR	5,485	12	01	T	59
0595	LYNE	NI	MJ	996	02	03	-	44
0596	LYNNE	DD	ES	083	02	10	-	48
0597	MADDOX	MI		137	11	10	-	32

0598	MAGILL	HG	CP	4,813	09	11	T	62
0599	MAGILL	JA	CP	6,700	00	00	-	62
0600	MANSELL	TH		351	12	11	-	01
0601	MANSFIELD	RI		289	14	03	-	02
0602	MANSON	JA	CP	233	18	08	-	53
	MANSON	JA	CP	329	10	11	-	61
	MANSON	JA	CP	4,180	13	10	T	54
				<b>4,744</b>	<b>03</b>	<b>05</b>		
0603	MANSORGH	JA		232	07	06	-	75
0604	MANWOOD	JM		1,872	19	03	-	89
0605	MARCH	RI	LT	152	14	04	-	44
0606	MARSHALL	TH	LC	3,922	07	05	T	59
0607	MARTIN	ED		005	06	01	-	06
0608	MARTIN	LC		666	08	04	T	63
0609	MARTON	ED		246	13	04	-	76
0610	MARWOOD	HE	QM	1,023	19	03	-	67
0611	MASON	ER	HR	147	11	10	-	17
0612	MASON	TH		013	13	11	-	73
	MASON	TH		276	12	00	-	22
				<b>290</b>	<b>05</b>	<b>11</b>		
0613	MASSEREENE	JO	LD	11,019	17	10	T	74
	MASSEREENE	JO	LD	-	-	-	T	64
				<b>11,019</b>	<b>17</b>	<b>10</b>		
0614	MATHEWS	GE		333	08	02	-	15
	MATHEWS	GE		11,714	02	03	T	65
				<b>12,047</b>	<b>10</b>	<b>05</b>		
0615	MAXWELL	AX	MJ	082	05	10	-	54
0616	MAXWELL	JO		046	15	00	-	56
0617	MAXWELL	RO	SR	102	19	00	-	02
	MAXWELL	RO	SR	524	04	05	-	83
	MAXWELL	RO	SR	1,880	15	07	-	09
				<b>2,507</b>	<b>19</b>	<b>00</b>		
0618	MAYART	JO	CN	2,839	12	05	-	29
0619	MAYNARD	BO	SR	1,184	11	07	T	66
0620	MC CONNELL	PA	LT	379	16	05	-	70
0621	MC CORMACK	JO		071	14	05	-	11
0622	MC GILL	JA		1,392	01	11	T	71
0623	MC GILL	RO		505	03	00	-	26
0624	MC MATH	CH	ES	095	08	06	-	57
0625	MC NEILE	DA		1,503	06	08	T	95
0626	MEAD	JO	CP	628	08	10	-	41
0627	MEADE	TH		873	03	05	-	78
0628	MEADE	WA	LC	702	06	05	T	64
0629	MEATH	ED	EL	5,970	10	10	T	68
0630	MEDCALFE	HE	CT	-	-	-	T	03
	MEDCALFE	HE	CT	205	14	00	T	04
				<b>205</b>	<b>14</b>	<b>00</b>		
0631	MENTRAY	JO	ES	116	03	09	-	92
0632	MEREDITH	TH	SR	1,847	12	00	T	67
0633	MERVYN	AL	SR	7,540	01	09	-	07
0634	MICHELL	JO	MJ	2,209	17	09	-	61
0635	MICHELL	SN	HR	887	05	09	-	60
0636	MIDDLETON	MY	HR	492	05	00	-	75
0637	MILDMAY	WM		594	06	02	-	14
0638	MILLER	RA		000	02	11	-	10
	MILLER	RA		029	18	11	-	67
				<b>030</b>	<b>01</b>	<b>10</b>		
0639	MILLS	JA		159	03	02	-	23
0640	MILLS	TH	CP	3,248	14	10	-	36



0641	MILLS	WM		1,589	19	07	-	78
0642	MIMNE	AW		029	03	00	-	56
0643	MITCHELL	--	HR	070	00	00	-	50
0644	MOLESWORTH	GU	CP	003	01	06	-	21
0645	MONCK	TH		086	00	07	-	67
0646	MONROE	AX	LC	190	07	10	-	57
0647	MONROE	DD	CP	088	07	07	-	48
0648	MONROE	DD	LC	250	01	04	-	53
0649	MONROE	WM	ES	2,309	13	00	-	48
0650	MONTAGUE	RI	ES	056	18	06	-	41
0651	MONTGOMERY	AX		262	03	04	-	23
0652	MONTGOMERY	AX	CP	1,764	11	08	-	23
0653	MONTGOMERY	HG		1,382	02	11	-	56
	MONTGOMERY	HG		3,543	19	00	T	71
	MONTGOMERY	HG		4,122	08	00	T	70
				<b>9,047</b>	<b>09</b>	<b>11</b>		
0654	MONTGOMERY	HG	CP	386	13	01	-	24
	MONTGOMERY	HG	CP	841	03	10	-	25
	MONTGOMERY	HG	CP	2,123	04	00	T	92
	MONTGOMERY	HG	CP	4,653	15	11	T	70
	MONTGOMERY	HG	CP	4,843	08	09	T	72
				<b>12,848</b>	<b>05</b>	<b>07</b>		
0655	MONTGOMERY	HG	LC	1,060	02	10	-	69
0656	MONTGOMERY	HG	MJ	867	01	01	-	30
0657	MONTGOMERY	NI	ES	267	02	04	-	62
0658	MONTGOMERY	RO	LT	503	08	08	-	69
0659	MONTGOMERY	WM		9,942	00	07	T	69
0660	MOORE	AL		160	15	08	-	40
	MOORE	AL		282	14	00	-	12
				<b>443</b>	<b>09</b>	<b>08</b>		
0661	MOORE	AX		000	07	09	-	66
0662	MOORE	BB	CP	2,627	13	05	T	67
0663	MOORE	JO	LT	229	15	03	-	42
0664	MOORE	TH		208	15	05	-	31
0665	MOORE	WM	CP	6,772	01	06	T	88
0666	MOORE	WM	MJ	974	00	00	-	86
0667	MORGAN	HE	QM	064	10	08	-	36
0668	MORGAN	JO		019	04	03	-	45
	MORGAN	JO		020	01	07	-	06
				<b>039</b>	<b>05</b>	<b>10</b>		
0669	MORLEY	TH		267	04	07	-	77
0670	MORRES	SA	CP	302	17	01	T	18
0671	MORRIS	JO		672	11	02	-	05
0672	MORRIS	SA	CP	108	01	06	-	17
0673	MORROGH	JA		155	07	06	-	82
0674	MORTIMER	JO	LT	309	17	03	-	23
0675	MOSELEY	--		467	06	04	-	66
0676	MOSLEY	HE		070	10	09	-	81
0677	MOTTLEY	WA		257	05	10	-	23
0678	MOUNTFORD	JO		595	19	10	T	64
0679	MOULDSWORTH	GU		222	06	04	-	35
	MOULDSWORTH	GU		079	06	11	-	06
				<b>301</b>	<b>13</b>	<b>03</b>		
0680	MOUNTALEXANDER	HG	EL	308	17	03	-	91
	MOUNTALEXANDER	HG	EL	1,853	16	08	-	72
				<b>2,156</b>	<b>13</b>	<b>11</b>		
0681	MULEGAN	ED		163	09	09	-	09
0682	MUSCHAMP	--	LC	4,625	04	05	-	73
0683	MUSCHAMP	DY		-	-	-	T	73

0684	MUSKERRY	MT	HR	11,000	00	00	-	76
0685	NAPPER	JA	LC	373	17	03	-	81
0686	NAYLER	ER	HR	356	09	02	-	31
0687	NEALE	JO	CP	101	10	00	-	01
0688	NECOMEN	RO	SR	280	05	06	-	54
0689	NELSON	JO		449	13	07	-	60
0690	NEVE	HE	CP	150	11	03	-	41
0691	NEVETT	RI		444	04	00	-	14
0692	NEWCOMEN	RO	SR	021	04	09	-	79
0693	NEWCOMEN	TH	LT	706	18	06	-	92
0694	NICHOLAS	--	CP	159	02	06	-	06
0695	NICHOLLS	AL	LT	356	10	09	-	23
0696	NICHOLLS	HE		4,247	00	02	T	68
0697	NICHOLSON	GL	LT	333	04	02	-	21
0698	NISBET	JO	CP	1,652	06	03	-	23
0699	NOELL	MA		942	08	02	-	75
0700	NUBURGH	TH	CP	1,136	02	06	-	83
0701	NUCE	EM	LT	240	14	04	-	20
0702	O'REYLY	FL		336	01	00	-	63
0703	OGLE	JO	SR	1,380	17	11	-	43
0704	OLDISH	JO		498	06	00	-	77
0705	ORRERY <sup>1</sup>	RG	EL	*			T	84
0706	OSBORNE	JO		139	04	06	T	75
0707	OSBORNE	JO	CP	127	12	11	-	01
0708	OSBORNE	NI		1,089	03	01	-	21
0709	OSBORNE	TH		165	08	03	-	21
0710	OSSORY	TH	EL	-	-	-	T	76
	OSSORY	TH	EL	2,082	08	05	-	70
				2,080	08	05		
0711	OWEN	JO		107	05	00	-	15
0712	OWEN	LS	CP	2,215	03	05	-	32
0713	OXENDEN	RI	CP	206	07	09	-	42
0714	PACKINGTON	--		343	08	00	-	77
0715	PAGE	SP	QM	240	12	06	-	80
0716	PAGE	TH		319	05	01	-	56
	PAGE	TH		379	17	04	-	17
				699	02	05		
0717	PAINE	RO		1,503	00	07	-	81
0718	PALMER	GI	LT.	130	11	07	-	01
0719	PALMER	JO		073	05	07	-	01
0720	PARKER	AX		1,392	13	10	T	89
0721	PARKER	PH	CP	245	19	09	T	77
0722	FARNALL	TH		060	08	11	-	74
0723	PARRY	JO	DT	716	17	07	-	21
0724	PARSONS	--	HR	007	04	07	T	64
0725	PARSONS	LU	HE	1,112	10	07	-	28
0726	FATE	TH		000	12	04	-	74
	FATE	TH		000	13	00	-	48
				001	05	04		
0727	PATTIN	HE		137	17	03	-	82
0728	PAULETT	JO		106	06	08	-	09
0729	FAYNE	JO	CP	3,772	06	00	T	83
0730	FAYNE	RO		1,137	03	07	T	85
0731	PEATE	TH		004	02	03	-	29
0732	PERRE	BJ	CP	417	03	02	-	41
0733	PEIRCE	ER	HR	1,199	11	10	-	77
0734	PEIRCE	GT	CP	1,061	13	08	-	67
0735	PEIRCE	RO		208	11	09	-	52
0736	PEISLY	FR	SR	1,175	08	08	-	86

0737	PEMBERTON	GO	CP	275	05	02	-	37
0738	PEPPER	GL	CT	390	09	08	-	17
0739	PERCEIVAL	CE	HR	4,328	13	08	-	21
0740	PERCEIVALL	GE		256	06	11	-	20
0741	PERCEIVALL	JO		195	17	10	-	10
0742	PERROT	HU	MJ	1,186	04	02	-	75
0743	PETTERLEY	TH		220	03	08	-	68
0744	PHILLIPOT	NL		1,988	13	03	T	78
0745	PHILLIPS	GE		237	00	00	-	36
0746	PIERCESEY	JA	MJ	1,214	03	08	-	42
0747	PIGGOT	WM	CP	307	19	01	-	21
0748	PIGGOTT	AX	CN	456	02	11	T	58
0749	PILKINGTON	TH	CT	848	13	00	-	22
0750	PILSWORTH	WM		074	05	01	-	67
0751	PLANT	TH		1,767	15	07	-	05
0752	PLUNKETT	NI	SR	408	19	11	-	48
0753	PLUNKETT	WA	SR	425	14	00	T	79
0754	POINTS	TB	SR	1,155	19	11	-	59
0755	POLDEN	HG		003	11	06	-	68
0756	POLLDEN	HU		002	16	02	-	54
0757	PONSONBY	JO	SR	3,430	03	01	-	05
0758	POOLE	JO		093	19	07	-	20
0759	POOLE	PD		729	17	04	-	81
0760	POOLEY	TH		477	18	11	-	22
0761	POORE	EM		078	04	06	-	68
0762	POORE	RG	MJ	031	04	00	-	08
	POORE	RG	MJ	045	11	10	-	01
				<b>076</b>	<b>15</b>	<b>10</b>		
0763	PORTER	JO	QM	048	07	01	-	48
0764	POWELL	ED	CP	358	00	08	-	44
0765	POWELL	GI		2,143	15	00	T	66
0766	POWER	EM		112	04	00	-	46
0767	POWER	RO	MJ	306	01	00	-	80
0768	POWLETT	JO	SR	1,494	07	00	-	42
0769	PRESTON	JO		405	09	06	-	74
0770	PRICE	BW	SR	482	07	11	-	44
0771	PRICE	JA	HR	440	14	08	-	20
0772	PRICE	RI		1,215	18	11	-	56
0773	PRIEST	EE		012	06	04	T	64
0774	PURDON	GE	CP	600	19	10	-	21
0775	PYNCHBACKE	JO	CP	427	00	03	-	44
0776	PYNE	NI	MJ	228	08	09	T	80
0777	RANELAGH	AR	LD	1,018	12	05	T	64
0778	RANELAGH	RG	LD	2,483	03	09	T	64
0779	RAWDON	GE	SR	7,579	12	06	T	27
	RAWDON	GE	SR	-	-	-	T	81
	RAWDON	GE	SR	167	15	00	T	64
				<b>7,747</b>	<b>07</b>	<b>06</b>		
0780	RAWLINS	JO	QM	392	04	04	-	67
0781	RAWLISTON	WM		306	02	09	-	81
0782	RAWSON	GL	CP	5,391	05	01	T	82
0783	REDWORTH	--		521	17	03	-	91
0784	REDWORTH	NI		186	00	11	-	34
0785	REEVES	CH		1,302	14	02	T	83
0786	REEVES	JO	LC	258	11	10	-	43
0787	REILY	JA		095	14	00	-	34
0788	REYLY	WM		147	00	08	-	68
0789	REYNOLD	JO		221	02	00	-	24
0790	REYNOLDS	JA		666	03	09	-	24

0791	RICE	TH		052	03	10	-	68
0792	RICE	TH		136	17	05	-	54
0793	RICHARDSON	JO	LT	220	11	00	-	17
0794	RICHARDSON	SI	ES	110	19	08	-	36
0795	RICHARDSON	TH		1,577	06	03	-	14
0796	RICHARDSON	WM	LT	289	08	09	-	92
0797	RICKARDS	AW		291	04	00	-	25
0798	RIGWAY	WM		678	04	04	-	42
0799	ROCKLEY	TH	ES	098	10	10	-	67
0800	ROGERS	HU	ES	156	01	03	-	41
0801	ROLPH	JO		305	07	06	-	15
0802	ROOKEY	FU		281	09	03	-	83
0803	ROPER	CR		725	02	08	-	90
0804	ROSCOMMON	WT	EL	50,000	00	00	T	84
0805	ROSSINGTON	HE	LT	220	03	08	-	80
0806	ROTHERHAM	AC	HR	395	13	00	-	60
0807	ROTHERHAM	TH		804	04	11	-	60
0808	RUMBALL	WM		195	18	09	-	15
0809	SALFIELD	HE		355	01	11	-	17
0810	SALMON	JA		1,051	15	04	-	20
0811	SALTER	TH		373	00	06	-	58
0812	SAMBACH	JO		012	12	10	-	68
0813	SAMPLE	JA		254	17	07	-	41
0814	SAMPSON	AN		087	13	03	-	48
0815	SANDELAND	JO		001	00	06	-	72
0816	SANDES	WM		1,118	04	06	-	11
0817	SANDFORD	TH		6,176	12	06	T	85
0818	SANDILANDS	JO		000	04	09	-	62
0819	SANDILONS	JO		400	18	07	-	56
0820	SANDYS	RO	CN	310	14	09	-	63
0821	SAUNDERS	TH		152	07	00	T	64
0822	SAVAGE	JA		122	10	03	-	95
0823	SAVILL	RI	QM	462	13	09	-	77
0824	SCOTT	RG	ES	172	00	03	-	80
0825	SCOTT	WA	QM	064	10	00	-	48
0826	SCRIMSHER	CH		377	14	11	-	93
0827	SCUDAMORE	MY	HR	171	16	11	-	77
0828	SEARLE	JA	HR	4,826	06	10	-	19
0829	SEARLE	MI		1,054	05	02	-	89
0830	SEATON	CR		221	03	02	-	48
0831	SEAWAD	WM		742	03	17	-	75
0832	SEFTON	RF	CP	702	06	01	-	44
0833	SELBY	JO		1,052	07	11	-	73
0834	SELLER	HG	QM	162	18	09	-	48
0835	SEWARD	RI	CT	333	17	00	-	80
0836	SHAEN	JA	SR	6,593	03	03	T	86
0837	SHAFTUS	DT	ES	190	08	09	-	37
0838	SHAMBACHE	JO		091	13	05	-	54
0839	SHANNON	FR	LD	120	04	05	-	21
0840	SHARPE	JO		316	13	11	-	77
0841	SHAW	WM		1,006	14	00	-	92
0842	SHAW	WM	CP	654	12	11	-	70
0843	SHEDDOW	RO		091	02	11	-	79
0844	SHEDDOW	WM		678	13	04	-	79
0845	SHERLOCK	JO	SR	002	11	10	-	48
	SHERLOCK	JO	SR	028	13	06	-	23
	SHERLOCK	JO	SR	072	09	10	-	54
	SHERLOCK	JO	SR	697	03	02	-	21
	SHERLOCK	JO	SR	116	14	03	-	78

				B	917	12	07		
0846	SHERMAN	JO		202	09	04	-	41	
0847	SHIPMAN	AM	SR	585	06	09	-	52	
0848	SHIPMAN	RO		407	11	00	-	12	
0849	SHIRLEY	JA		898	08	06	-	18	
0850	SHORTLEFFE	AY	CP	774	18	09	-	16	
0851	SHUELL	MY	HR	2,014	19	09	-	18	
0852	SHUTE	RO		423	13	00	-	20	
0853	SILVER	OW		-	-	-	T	10	
0854	SILYARD	SY		621	02	10	-	79	
0855	SKIPWICK	HE	MJ	903	00	04	-	41	
0856	SLAUGHTER	JO		752	17	02	-	05	
0857	SLAUGHTER	JO	EN	070	19	00	-	37	
0858	SLEGG	SN	HR	809	11	08	-	06	
0859	SMITH	--	HR	156	15	00	T	64	
0960	SMITH	AM	LT	037	00	05	-	69	
0861	SMITH	JO		004	12	04	-	17	
	SMITH	JO		004	12	04	-	20	
	SMITH	JO		004	12	04	-	34	
	SMITH	JO		004	12	04	-	04	
	SMITH	JO		004	12	04	-	77	
	SMITH	JO		004	12	04	T	64	
	SMITH	JO		004	12	05	-	16	
	SMITH	JO		009	04	08	-	91	
	SMITH	JO		014	12	04	-	32	
				<b>056</b>	<b>03</b>	<b>05</b>			
0862	SMITH	JO	CP	236	05	04	T	31	
0863	SMITH	JU		000	13	00	-	80	
0864	SMITH	RA	LT	1,408	01	03	-	81	
0865	SMITH	TH		419	05	08	-	56	
0866	SMITHERS	WM	QM	414	04	05	-	80	
0867	SMYTH	IB	HR	4,610	08	05	-	31	
0868	SMYTH	JO		004	12	04	-	31	
	SMYTH	JO		004	12	04	-	60	
	SMYTH	JO		005	03	06	-	27	
	SMYTH	JO		009	04	08	-	11	
				<b>023</b>	<b>12</b>	<b>10</b>			
0869	SMYTH	MY	HR	350	08	06	-	60	
0870	SMYTH	RA		051	00	07	-	10	
0871	SMYTH	RI	CP	1,185	18	09	-	31	
0872	SMYTH	TH		165	04	06	-	12	
0873	SMYTH	WM		047	17	00	-	31	
0874	SMYTHE	WM	CP	645	08	10	-	22	
0875	SOUTHCOTT	TH	CP	752	04	04	-	12	
0876	SOUTHWARD	GG		102	00	06	-	89	
0877	SOUTHWELL	JO		085	16	00	-	78	
0878	SOUTHWELL	RO		-	-	-	T	21	
	SOUTHWELL	RO		1,692	14	04	-	09	
				<b>1,692</b>	<b>14</b>	<b>04</b>			
0879	SPENCER	HE		1,557	07	05	-	95	
0880	SPRING	MT	HR	266	07	05	-	18	
0881	ST GEORGE	OL	SR	1,735	04	03	T	88	
0882	ST LEGER	HK	CN	4,274	15	08	T	89	
0883	ST LEGER	JO	CP	689	15	10	-	43	
0884	ST LEGER	WR	LC	786	08	02	-	43	
0885	ST. LEGER	JO		1,830	01	08	T	43	
0886	STAMMERS	GE	HR	541	00	04	-	28	
0887	STANLEY	CH		030	12	01	-	82	
0888	STAPLES	AX		1,346	14	09	T	95	

0889	STAUGHTON	AY	LC	1,830	13	09	-	89
0890	STEERE	JO	LT	1,355	15	00	-	73
0891	STEERE	WM	LT	-	-	-	T	18
0892	STEPHENS	JO	SR	455	00	08	-	19
	STEPHENS	JO	SR	-	-	-	T	87
				<b>455</b>	<b>00</b>	<b>00</b>		
0893	STEPHENS	RI		007	07	07	-	67
0894	STEPHENSON	TH		256	17	04	-	53
0895	STEPNEY	JO		4,539	14	00	T	30
	STEPNEY	JO		4,711	00	10	T	90
	STEPNEY	JO		015	13	05	-	47
	STEPNEY	JO		655	12	02	-	58
				<b>9,922</b>	<b>00</b>	<b>00</b>		
0896	STERLING	HG	CP	135	19	09	-	09
0897	STERLING	JA	HR	5,449	02	10	T	17
0898	STERLING	LU	ES	014	14	00	-	08
0899	STERLING	WE	CP	114	06	02	-	17
0900	STERLING	WM		255	15	00	-	56
0901	STERLING	WM	LT	231	02	09	-	17
0902	STEWART	AX	CP	477	11	10	-	57
0903	STEWART	GE	LC/HR	9,618	01	00	T	38
0904	STEWART	JA	CP	685	18	07	-	38
0905	STEWART	JO	ES	097	03	04	-	57
0906	STEWART	TH	CP	3,474	10	08	T	92
	STEWART	TH	CP	3,968	05	05	T	39
				<b>7,442</b>	<b>16</b>	<b>01</b>		
0907	STEWART	WA	CP	494	00	06	-	57
0908	STIBBINS	LS	QM	072	17	06	-	23
0909	STOCKTON	TH		3,716	18	06	T	91
0910	STOPFORD	JA	CP	733	06	08	-	50
	STOPFORD	JA	CP	-	-	-	T	32
	STOPFORD	JA	CP	-	-	-	T	33
	STOPFORD	JA	CP	1,891	04	08	-	26
				<b>2,624</b>	<b>11</b>	<b>04</b>		
0911	STRADLING	FR	CP	224	00	05	-	05
0912	STRAFFORD	WM	EL	5,415	12	09	-	04
0913	STUCKLEY	JA		302	11	00	-	40
0914	SUGAR	--		163	13	01	T	64
0915	SUMMERELL	MM	LT	215	01	00	-	53
0916	SWANTON	JA		817	14	00	-	45
0917	SWEETE	JO	CP	809	16	00	T	20
0918	SWINGFIELD	AR		160	03	00	-	07
0919	SWORDS	GE		317	00	00	-	52
0920	SYDENHAM	--	CP	138	12	04	-	52
0921	SYM	JA	CT	122	07	04	-	57
0922	SYMPSON	MW		215	12	00	-	74
0923	SYMPSON	TH		095	17	08	-	74
0924	TADLOW	HE		691	10	02	-	01
0925	TAYLOR	RO		1,678	13	08	T	90
0926	TAYLOR	TH		276	17	00	-	83
0927	TEMPLE	EM	CN	106	05	09	-	59
0928	TEMPLE	HE		-	-	-	T	26
0929	TEMPLE	JO	SR	-	-	-	T	88
0930	THEAKER	TH		636	01	10	-	34
0931	THICKPENNY	LN		086	14	02	-	85
0932	THOMAS	AA	HR	408	16	08	T	64
0933	THOMLINS	JA	QM	228	04	06	-	20
0934	THURLAND	RI		374	09	02	-	63
0935	TICHBURNE	HE		-	-	-	T	93

0936	TICHBURNE	RI		7,807	18	02	T	93
0937	TILLIER	HE	CN	940	11	10	-	81
0938	TILSON	TH		599	06	02	-	60
0939	TIPPING	WM		036	00	00	-	81
0940	TOMLINS	JA		059	02	05	-	17
0941	TONY	JO		092	04	09	-	80
0942	TOUQUES	GL		142	16	11	-	58
0943	TOWNELY	CH		1,652	01	00	-	63
0944	TOXTEETH	--		1,048	19	01	-	81
0945	TOXTETH	WM		609	13	02	-	93
0946	TRANT	AA	HR	381	04	06	-	18
0947	TRAVERS	RO	SR	1,050	09	01	-	80
0948	TRENCHARD	JO	CN	2,694	07	09	-	18
0949	TRESWELL	DA	SR	9,489	14	00	T	94
0950	TROY	AY	LT	273	11	07	-	67
0951	TRYNYMAN	CR	QM	430	15	09	-	80
0952	TUCKER	WM	CP	460	01	08	-	77
0953	TUDOR	AX		000	15	02	-	45
	TUDOR	AX		004	12	04	-	06
				007	07	06		
0954	TYNTE	WM	CP	223	16	06	-	22
0955	UNDERWOOD	MT	HR	531	04	02	-	75
0956	USHER	BV	LC	2,688	19	04	T	31
0957	USHER	MT	HR	809	04	00	-	17
0958	VARAKER	JO		142	07	04	-	31
0959	VAUGHAN	BT	CP	030	00	00	-	08
0960	VAUGHAN	CH	DT	2,889	10	01	-	09
0961	VAUGHAN	HE	CP	989	08	09	-	09
0962	VAUGHAN	JO		-	-	-	T	09
0963	VAUGHAN	TH		294	19	05	-	15
0964	VERNON	EM	CN	1,154	01	08	-	58
0965	VERREAKER	JO		049	15	09	-	77
0966	VERREY	RA	SR	502	03	04	-	90
0967	VINCENT	WM		196	07	00	-	58
0968	WADDEN	WM		222	07	08	-	66
0969	WRIGHT	RC		194	09	08	-	77
0970	WAKEFIELD	JO		370	13	09	-	79
0971	WALDRON	JO		038	03	02	-	06
0972	WALL	NI		1,944	11	05	-	82
0973	WALLACE	TH		347	12	00	-	53
0974	WALLIS	RA		-	-	-	T	75
0975	WALLIS	TH	LT	256	08	09	-	80
0976	WALLIS	WM	CT	271	14	00	-	48
0977	WALSH	RO	ES	253	16	05	-	32
0978	WARD	RI		081	13	09	-	06
0979	WARD	RO	MJ	366	06	02	T	95
0980	WARDE	JO		025	02	00	-	67
0981	WARE	FE		370	15	09	-	80
0982	WAREING	AD		643	16	00	-	23
0983	WASHER	HE		341	11	00	-	11
0984	WATKINS	JO		2,164	17	03	T	20
0985	WATSON	GE	ES	053	15	03	-	53
0986	WATTS	AY		002	13	01	-	66
	WATTS	AY		336	17	10	-	94
				339	10	11		
0987	WAY	TH	CP	1,128	04	01	-	73
0988	WEAMES	MC		2,756	11	06	-	96
0989	WEBB	JA		673	08	03	-	78
0990	WEERE	JO		127	02	08	-	48

0991	WELDON	AR		761	00	05	-	05
0992	WELDON	WM		138	12	04	-	82
0993	WHARTON	TH	SR	3,421	03	04	-	51
0994	WHEELER	JN		806	11	10	-	25
0995	WHEELER	MY	HR	284	09	06	-	77
0996	WHEELER	OL	LC	2,149	15	10	T	54
0997	WHITBY	TH	LT	183	09	05	-	80
0998	WHITE	CH		1,191	06	00	-	91
0999	WHITE	JA		136	04	02	-	50
1000	WHITE	TH		490	05	07	-	06
1001	WHITECROFT	AY		136	10	04	-	36
1002	WHITECROFT	AY	HR	136	15	04	-	66
1003	WHITECROFT	HE		1,063	09	01	-	66
1004	WHITFIELD	WM		013	08	05	-	10
1005	WIGGIN	GT	ES	370	17	08	-	53
1006	WILBRAHAM	WM	CP	583	15	07	-	22
1007	WILKEN	JO	LT	071	13	08	-	53
1008	WILLIAMS	CH	LT	723	08	03	-	19
1009	WILLIAMS	GA		191	07	01	-	75
1010	WILLIAMS	HU		1,528	12	08	-	30
1011	WILLIAMS	JA	CP	1,022	05	04	-	19
1012	WILLIAMS	RO		229	04	03	-	77
1013	WILLIAMSON	JO		144	07	06	-	26
1014	WILLIAMSON	RI	MJ	839	09	01	-	16
1015	WILLOUGHBY	AY	CP	524	07	06	-	90
1016	WILLOUGHBY	FR	CN	9,359	05	09	T	96
	WILLOUGHBY	FR	CN/HR	748	03	01	T	28
				<b>10,107</b>	<b>08</b>	<b>10</b>		
1017	WIND	TH		004	12	03	-	92
1018	WIND	TH	CP	402	16	08	-	41
1018	WINDE	TH		004	12	04	-	58
1019	WINTER	RI		049	16	10	-	07
1020	WOOD	JO		014	03	02	-	49
1021	WOODLEY	AW	MJ	386	09	04	-	66
1022	WOODS	JA		201	16	09	-	22
1023	WOOLL	JO	CP	619	09	04	-	24
1024	WRIGHT	JU		115	10	00	-	10
1025	WYNDE	RO	LT	173	06	06	-	41
1026	WYNDE	TH		003	11	09	-	72
	WYNDE	TH		045	05	11	-	42
				<b>048</b>	<b>16</b>	<b>08</b>		
1027	WYNN	HG		138	17	01	-	15
1028	WYNNE	ED		122	13	00	-	15
1029	YARNER	AM	DT	1,798	12	02	T	63
1030	YOUNGE	JO		532	01	07	-	40
		TOTAL ARREARS		1,148,167	16	07		

\* Indicates that the named person was deceased and the satisfaction was to go to an heir.

1 Orrery was to share 50,000 pounds arrears with the earl of Roscommon. This amount is included after Roscommon's name.

2 WM Johnston, identification number 0529, appears 31 times claiming a total of 186 pounds and 8d. The average claim per lot was 4 pounds 12s. 4d. It thus appears that this name was either invented with a view to defrauding the claims or else to make up a deficiency in money, in the lots tin which this name is mentioned.



This table can be broken down into the following useful variables

HIGHEST CLAIMANT

0442 HAMILTON HH SR 28,116 08 04

LOWEST CLAIMANT

0818 SANDILANDS JO 000 04 06

TOP TWELVE CLAIMANTS<sup>1</sup>

01	0442	HAMILTON	HH	SR	28,116	08	04
02	0440	HAMILTON	FR	SR	23,271	17	00
03	0563	LEICESTER	RO	EL	14,896	12	09
04	0654	MONTGOMERY	HG	CP	12,848	05	07
05	0614	MATHEWS	GE		12,047	10	05
06	0364	FORBES	RO	SR	11,562	00	10
07	0022	ARMSTRONG	TH	CP	11,521	18	03
08	0613	MASSEREENE	JO	LD	11,019	17	10
09	0684	MUSKERRY	MT	HR	11,000	00	00
10	0451	HAMILTON	WM		10,942	13	08
11	0556	LANGFORD	HS	CP	10,393	14	07
12	1016	WILLOUGHBY	FR	CN/HR	10,107	08	10

NUMBERS IN POUNDS AND PERCENTAGES OF THE WHOLE PER CATEGORY

POUNDS	NUMBER	%*
NO ARREARS	001	
FROM 0 TO 10	029	03
FROM 11 TO 101	119	12
FROM 102 TO 1,000	602	58
FROM 1,001 TO 4,999	230	22
FROM 5000 TO 10,000	035	03
OVER 10,000	012	01
ROSCOMMON AND ORRERY	002	
	1,030	100

<sup>1</sup> That is excluding the 50,000 pounds claimed jointly by the earls of Orrery and Roscommon.

\* To the nearest percentage

## APPENDIX B

A COMPILATION OF THE 149 LOTS SHOWING THE NUMBERS INVOLVED IN EACH LOT; THE TOTAL AMOUNT OF ARREARS STATED IN EACH LOT; THE NUMBER OF TRUSTEES INVOLVED IN EACH LOT AND THE AMOUNT OF QUIT RENT RESERVED TO THE KING PER LOT.

This compilation was compiled from the same sources as Appendix A. In Column one there appears the number of the lot. Contemporary sources indicate that there was originally 100 of these lots but due to the many accidents of history, only 97 from these original 100 lots can be presently identified.

Column two shows the number of people involved in each of the 97 lots.

Column three shows the number of people that actually have arrears stated in each of the 97 lots. The numbers in this column might sometimes be less than the number indicated by column two, which shows the number involved in the lot. The reason for this is that not every trustee, who would be included in the numbers in column two, would have arrears stated in the lot or lots they are appointed to manage.

Column four indicates the number of trustees involved in each of the lots. There is no specific number as each of the lots differ in the amount of trustees that has been appointed to manage it.

Columns five, six and seven indicates, in pounds, (column 5), shillings, (column 6) and old pennies, (column 7), the total amount of arrears charged on each of the lots.

Columns eight and nine show the amount of quit rent, in pounds, (column 8), and shillings, (column 9), that was reserved for the king. This is quite useful information because from these quit rents it might be possible to get the approximate worth of each of the lots. That is given that the king reserved 18d. in the pound. The percentage of 18d. from the old pound, which was 240d., would mean that the quit rent reserved was approximately 7.5% of the total worth of the lot.

The total amount of stated arrears was 1,148,167 pounds 7s. 6d. The total quit rent reserved to the king was 3,072 pounds. It would be pointless to total the numbers in the other columns because many of the names that appeared in the lots were repeated as has already been shown in appendix A.

Unlike appendix A, there is no need to further break this particular table down into useful variables as the same may be adduced quite adequately from the appendix itself.

#### KEY TO COLUMN HEADINGS

- C1 Number of the lots belonging to the '49 security.
- C2 Number of people involved in the lot.
- C3 Number of people who have arrears stated in the lot.
- C4 number of trustees appointed to manage each of the lots
- C5 Amount of pounds owed by virtue of the stated arrears.
- C6 Amount of shillings owed by virtue of the stated arrears.
- C7 Amount of pennies owed by virtue of the stated arrears.
- N.B. columns 5,6,7, would amount to the total arrears stated in pounds shillings and old pennies. (240 pennies to the pound)
- C8 Quit rent (pounds) due to the king from the lot.
- C9 quit rent (shillings) due to the king from the lot.

A COMPILATION OF THE '49 LOTS SHOWING THE NUMBERS INVOLVED IN EACH LOT; THE TOTAL AMOUNT OF ARREARS STATED IN EACH LOT; THE NUMBER OF TRUSTEES INVOLVED IN EACH LOT AND THE AMOUNT OF QUIT RENT RESERVED TO THE KING PER LOT.

C1	C2	C3	C4	C5	C6	C7	C8	C9
1	19	18	2	12,116	03	06	17	10
2	04	04	1	12,114	17	04	17	10
3 <sup>1</sup>	03	03	3	-	-	-	10	10
4	07	07	3	12,116	07	03	16	06
5	13	13	1	12,085	17	02	32	07
6	22	22	3	12,115	17	06	51	18
7	09	09	1	12,081	07	04	80	03
8	06	05	1	165	18	00	54	16
9	21	20	2	12,115	19	03	15	19
10	19	19	2	12,115	17	03	58	05
11	16	14	3	12,116	05	03	17	10
12	15	15	2	12,105	17	03	17	10
13	09	08	3	12,115	17	03	18	00
14	06	06	2	12,115	17	04	16	10
15	18	18	2	12,115	17	02	11	01
16	16	15	2	12,115	19	04	26	14
17	29	29	2	12,115	16	08	23	02
18	17	15	4	12,115	17	04	47	18
19	16	15	3	12,116	07	04	32	13
20	22	21	3	12,115	17	04	17	10
21	16	13	3	12,115	17	04	47	09
22	22	21	3	12,115	17	03	17	10
23	28	27	2	12,116	06	09	63	08
24	10	10	3	12,043	13	10	24	16
25	07	07	1	12,115	17	02	19	08
26	09	08	2	12,115	17	02	23	10
27	04	04	2	12,115	17	04	64	19
28	11	11	2	12,131	01	02	17	10
29	04	04	1	12,115	17	03	17	18
30	07	07	3	12,115	17	04	21	02
31	14	13	3	12,115	17	04	16	00
32	08	07	2	12,115	17	02	04	05
33 <sup>2</sup>	02	02	2	-	-	-	17	10
34	10	10	1	12,116	07	04	17	10
35	06	06	2	12,065	17	04	17	10
36	14	14	2	12,105	07	02	16	15
37	20	20	2	12,115	10	04	17	10
38	10	09	3	12,114	17	02	44	14
39	03	03	2	12,115	17	03	16	07
40	12	12	1	12,165	17	04	44	17
41	21	20	2	12,116	02	01	17	10
42	25	23	2	12,115	17	10	17	00
43	13	12	3	12,115	17	03	17	10
44	20	18	2	12,116	01	02	27	01
45	05	05	1	12,115	17	03	90	14
46	03	03	1	12,115	17	01	-	-
47	07	05	2	12,116	07	04	69	03
48	31	30	2	11,911	17	07	21	06
49	09	08	1	12,061	04	03	26	11
50	05	04	1	01,100	13	06	18	13

51	07	06	2	12,115	17	04	18	00
52	10	10	1	12,115	17	03	52	08
53	26	25	1	12,343	09	09	23	06
54	20	20	3	24,275	14	09	18	13
55 <sup>3</sup>	01	01	1	-	-	-	-	-
56	15	15	1	12,181	07	03	56	17
57	19	19	1	12,115	13	08	16	13
58	22	22	2	12,215	07	02	16	00
59	06	06	3	12,115	17	03	16	03
60	13	13	1	12,215	18	02	17	10
61	06	05	2	12,108	17	04	17	10
62	06	06	1	12,115	17	04	59	16
63	18	18	2	12,107	17	03	17	10
64	20	18	3	12,215	11	08	26	06
65	02	02	1	12,115	17	09	61	18
66	19	18	4	12,116	01	03	34	12
67	21	20	3	12,115	17	02	20	19
68	12	12	2	12,115	17	10	17	10
69	07	07	1	12,115	17	04	20	00
70	07	07	2	12,115	17	04	21	16
71	05	05	3	12,115	18	00	50	09
72	05	05	2	12,115	17	02	65	14
73	10	08	2	11,728	14	10	19	15
74	10	10	1	12,116	07	02	21	14
75	18	17	2	11,215	16	03	35	06
76	06	04	2	12,097	17	04	54	16
77	30	29	2	12,098	17	04	43	10
78	14	14	2	12,115	17	03	77	02
79	16	15	3	10,586	02	00	27	19
80	26	25	3	10,050	17	00	20	06
81	25	24	2	12,104	03	03	09	12
82	18	18	2	12,036	07	03	23	01
83	14	14	2	12,169	16	09	17	10
84	02	02	2	50,000	00	00	175	18
85	08	08	2	09,804	02	09	17	10
86	06	06	3	12,115	17	04	30	19
87 <sup>4</sup>	01	-	1	-	-	-	59	12
88	06	05	3	12,115	17	01	45	06
89	12	11	3	12,115	16	04	56	02
90	11	11	3	11,205	00	08	82	10
91	11	10	2	12,116	00	00	71	06
92	13	13	2	12,125	17	03	23	13
93	09	09	3	12,115	17	03	17	00
94	04	04	1	12,116	17	04	17	10
95	12	12	3	09,415	17	07	21	00
96	02	02	1	12,115	17	03	17	00
97	01	01	1	12,115	17	04	15	09
				1,148,167	07	08	3,072	00

1 There were no arrears stated in lot three. Instead it appears that it was set aside to satisfy any deficiency in other lots.

2 Lot 33 was combined with lot 32 to satisfy those involved in that lot which included Sir Hans Hamilton who, as was seen had the largest amount of stated arrears.

3 Lot number 55, while mentioned in the "Abstracts of Grants of Lands and other Hereditaments" does not appear in the "Savings contained in the Patents". As this latter source shows the stated

arrears it is thus impossible to find the arrears imposed on this particular lot.

4 The same applies to this lot.

## APPENDIX C

THE '49 LOTS, SHOWING THE COUNTIES TOWNS AND CITIES THAT COMPRISED EACH LOT, THE NUMBER OF PIECES OF REAL ESTATE WITHIN EACH OF THE LOTS AND THE NUMBER OF PROFITABLE AND UNPROFITABLE ACRES IN EACH OF THE LOTS.

This particular compilation was drawn from the "Books of Survey and Distribution", for the respective areas and the, "Abstracts of Grants of Lands and other Hereditaments under the Actsof Settlement and Explanation", Irish Record Commission Report, (1821-5)

This appendix becomes quite useful in that it shows the places that comprised each of the 97 lots; the amount of real estate and the number of acres in each.

Column one, is the number of the lot.

Column two defines the type of the lot. The lots have been divided into three seperate categories. The first of these is those lots that contain more than ten pieces of real estate. Pieces of real estate can broadly be defined as a house, a cabbin, a shed, a mill, a kill-house, a stable, a malt house, a backside to a house, a garden, an orchard, a plot of land less than five acres, a weir, a shop, a warehouse, a back-building, a courtledge, a court, a yard, a castle, walls of a house, or a tenement. Each of these are are the names used within the patents issued for the lots, and every single one has been counted with a view to supplying the knowledge of how many was situated within each of the 97 lots.

The second category of a lot are those that contain less than ten



pieces of real estate and more than 10 acres. In this category the lots contain mostly acreage. The third category of lots are those that also contain mostly acreage but also they contain more than ten pieces of real estate.

Columns three to eleven identify the areas that comprise the 97 lots. Some of the lots could be comprised from as much as eight different places (number 8). These areas can be either a county, a town or a city and the same have been identified from the sources listed above.

Column twelve sums the number of pieces of real estate contained within each of the lots.

Column thirteen contains the number of profitable acres that make up the lots.

Column fourteen contains the number of unprofitable acres that make up the lots.

Column fifteen sums the total of acres, both profitable and unprofitable, that make up the lots. This figure was arrived at by totaling horizontally columns thirteen and fourteen.

As was the case with appendix A, this appendix will require a division into useful variables and this will be done at the end of the table.

CODES FOR APPENDIX C

(a) TYPE OF LOT (column 2)

H Is for those lots containing ten or more pieces of real estate.

A Is for those lots that contain mostly acres but may also contain less than ten items of real estate.

B Is for those lots that contain acres and more than ten pieces of real estate.

(b) COUNTY, CITY AND TOWN CODE (columns 3-11)

AB	Athboy, County Meath	AY	Athenry, County Mayo
BW	Bannow, County Wexford	CA	Cashell, County Tipperary
CK	Cork City and County <sup>1</sup>	CL	Clare County
CV	Cavan Town	DC	Dublin City
DG	Donegal County	DH	Drogheda, County Meath
DK	Duleek, County Meath	DN	Dungarvan, County Waterford
DW	Down County	FD	Fethard, County Tipperary
GW	Galway City and County	KC	Kings County
KD	Kildare County	KK	Kilkenny County
KM	Kilmallock, County Limerick	KS	Kinsale, County Cork
LD	Longford County	LK <sup>2</sup>	Limerick City and County
LM	Leitrim County	MB	Maryborough, Queens County
MH	Meath County	MY	Mayo County
NS	Naas, County Kildare	NV	Navan, County Meath
PN	Philipstown, Kings County	QC	Queens County
RS	Roscommon	TH	Thomastown, County Kilkenny
TP	Tipperary County	TR	Trim, county Meath
TY	Tyrone County	WD	Waterford City
WK	Wicklow County	WM	Westmeath County
WX	Wexford City.		

---

1 This excludes any other town in the county of Cork.

2 This excludes any other town in the county of Limerick, which will be mentioned by name if they comprise any of the lots.

KEY TO COLUMN HEADINGS, APPENDIX C

- C1 Number of the lot.
- C2 Type of lot. i.e. mostly real estate, mostly acres, or both.
- C3-C11 Is the counties, towns and cities that the lot contains.
- C12 Number of real estate items contained in the lot.
- C13 Number of profitable acres contained in the lot.
- C14 Number of unprofitable acres contained in the lot.
- C15 Total number of acres prof. and unprof. in the lot.

THE '49 LOTS, SHOWING THE COUNTIES TOWNS AND CITIES THAT  
 COMPRISED EACH LOT, THE NUMBER OF PIECES OF REAL ESTATE WITHIN  
 EACH OF THE LOTS AND THE NUMBER OF PROFITABLE AND UNPROFITABLE  
 ACRES IN EACH OF THE LOTS.

C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	C11	C12	C13	C14	C15
01	H	DC	WD	--	--	--	--	--	--	--	055	0000	0000	0000
02	H	DC	WD	--	--	--	--	--	--	--	042	0000	0000	0000
03	A	KD	QC	CK	CL	--	--	--	--	--	000	1280	0000	1280
04	H	DC	WD	TH	--	--	--	--	--	--	064	0000	0000	0000
05	A	DC	<u>LM</u>	--	--	--	--	--	--	--	001	3136	1258	4394
06	A	DC	<u>LM</u>	--	--	--	--	--	--	--	006	4945	1581	6526
07	A	DC	<u>LD</u>	--	--	--	--	--	--	--	002	4714	0402	5116
08	A	DC	DW	LD	WK	DH	CK	KM	TP	--	009	3142	0134	3276
09	H	DC	CK	KS	--	--	--	--	--	--	121	0000	0000	0000
10	A	DC	<u>LM</u>	--	--	--	--	--	--	--	001	5665	0747	6412
11	H	DC	GW	--	--	--	--	--	--	--	042	0000	0000	0000
12	H	DC	CK	--	--	--	--	--	--	--	052	0000	0000	0000
13	H	DC	WD	--	--	--	--	--	--	--	043	0000	0000	0000
14	H	DC	MH	DH	NS	PN	--	--	--	--	161	0000	0000	0000
15	B	DC	CA	DN	--	--	--	--	--	--	117	0396	0000	0396
16	A	DC	WK	--	--	--	--	--	--	--	002	1169	0000	1169
17	H	DC	KM	--	--	--	--	--	--	--	180	0000	0000	0000
18	A	DC	WK	--	--	--	--	--	--	--	003	2113	0000	2133
19	A	DC	<u>LD</u>	--	--	--	--	--	--	--	001	1457	0000	1457
20	H	DC	GW	--	--	--	--	--	--	--	054	0000	0000	0000
21	A	DC	<u>LM</u>	--	--	--	--	--	--	--	002	4658	1793	6397
22	H	DC	GW	--	--	--	--	--	--	--	045	0000	0000	0000
23	A	DC	<u>LM</u>	--	--	--	--	--	--	--	006	6190	1065	7255
24	A	DC	CK	--	--	--	--	--	--	--	002	1514	0000	1514
25	H	DC	WD	--	--	--	--	--	--	--	049	0000	0000	0000
26	B	DC	CK	KS	KM	--	--	--	--	--	147	0762	0000	0762
27	A	DC	WK	--	--	--	--	--	--	--	005	3206	0433	3693
28	H	DC	CK	--	--	--	--	--	--	--	051	0000	0000	0000
29	H	DC	GW	--	--	--	--	--	--	--	055	0000	0000	0000
30	A	DC	CK	--	--	--	--	--	--	--	001	1317	0000	1317
31	B	DC	CK	--	--	--	--	--	--	--	095	0070	0000	0070
32	A	DC	LD	LK	WD	<u>LM</u>	--	--	--	--	007	0265	0000	0265
33	H	DC	KS	--	--	--	--	--	--	--	114	0000	0000	0000
34	H	DC	WD	--	--	--	--	--	--	--	055	0000	0000	0000
35	H	DC	CK	--	--	--	--	--	--	--	058	0000	0000	0000
36	A	DC	CK	LD	DH	--	--	--	--	--	028	1991	0425	2416
37	H	DC	CK	--	--	--	--	--	--	--	048	0000	0000	0000
38	A	DH	WK	LD	--	--	--	--	--	--	003	2171	0405	2576
39	B	DC	DN	LD	CK	--	--	--	--	--	107	0141	0000	0141
40	A	DC	<u>LM</u>	--	--	--	--	--	--	--	007	4326	0000	4326
41	H	DC	CK	--	--	--	--	--	--	--	063	0000	0000	0000
42	H	DC	WD	--	--	--	--	--	--	--	076	0000	0000	0000
43	H	DC	GW	--	--	--	--	--	--	--	028	0000	0000	0000
44	B	DC	WX	CK	--	--	--	--	--	--	153	0465	0000	0465
45	1-	--	--	--	--	--	--	--	--	--	--	--	--	--
46	A	DC	<u>LM</u>	LD	WK	CV	--	--	--	--	004	5745	0662	6407
47	A	DC	WK	--	--	--	--	--	--	--	004	3282	0000	3282
48	A	DC	CK	--	--	--	--	--	--	--	003	1227	0000	1227
49	A	DC	CK	CW	LD	--	--	--	--	--	002	1431	0210	1641
50	A	WK	CK	<u>LM</u>	RS	FD	TY	--	--	--	006	1298	0000	1298
51	H	DC	CK	--	--	--	--	--	--	--	058	0000	0000	0000

52	A	DC	WK	--	--	--	--	--	--	001	2576	0000	2576
53	B	DC	WX	WK	--	--	--	--	--	078	0638	0000	0638
54	A	DC	CV	LM	DG	DH	--	--	--	056	2948	0428	3376
55	A	DC	CK	--	--	--	--	--	--	001	1079	0000	0079
56	B	DC	GW	CL	--	--	--	--	--	016	3266	1894	5160
57	B	DC	KS	--	--	--	--	--	--	133	0093	0000	0093
58	H	DC	KS	--	--	--	--	--	--	119	0000	0000	0000
59	H	GW	--	--	--	--	--	--	--	038	0016	0000	0016
60	H	DC	GW	--	--	--	--	--	--	056	0000	0000	0000
61	H	DC	CK	--	--	--	--	--	--	072	0000	0000	0000
62	A	DC	WK	LD	--	--	--	--	--	005	2798	1279	4077
63	H	DC	GW	--	--	--	--	--	--	060	0000	0000	0000
64	A	DC	WK	--	--	--	--	--	--	003	1191	0000	1191
65	A	DC	LM	--	--	--	--	--	--	001	6062	0541	6603
66	A	LD	RS	GW	--	--	--	--	--	000	3178	0172	3350
67	A	DC	GW	MY	AY	--	--	--	--	043	1886	20228	22114
68	H	DC	GW	--	--	--	--	--	--	049	0000	0000	0000
69	B	DC	FO	LD	TR	NU	DH	--	--	144	0591	0000	0591
70	B	DC	GW	RS	CM	--	--	--	--	291	1134	1124	2258
71	A	DC	WK	--	--	--	--	--	--	001	2399	0178	2577
72	A	LM	LD	--	--	--	--	--	--	000	6405	2389	8797
73	H	DC	WD	CK	--	--	--	--	--	155	0000	0000	0000
74	H	DC	TH	CA	--	--	--	--	--	261	0000	0000	0000
75	A	DC	LD	--	--	--	--	--	--	002	1708	0553	2261
76	B	DC	FD	CL	KM	--	--	--	--	046	3169	1797	4966
77	A	DC	WK	--	--	--	--	--	--	001	2131	0000	2131
78	A	DC	LD	--	--	--	--	--	--	002	3766	0764	4530
79	A	WK	--	--	--	--	--	--	--	000	1380	0240	1620
80	H	DC	WD	BW	--	--	--	--	--	150	0000	0000	0000
81	B	DC	DH	TR	AB	DK	--	--	--	172	0180	0000	0180
82	H	DC	CA	--	--	--	--	--	--	193	0000	0000	0000
83	H	DC	WD	--	--	--	--	--	--	040	0000	0000	0000
84	H	LK	--	--	--	--	--	--	--	775	0000	0000	0000
85	H	DC	GW	--	--	--	--	--	--	055	0000	0000	0000
86	A	DC	LD	--	--	--	--	--	--	001	1497	0000	1497
87	B	DC	LD	DG	--	--	--	--	--	012	4058	0873	4931
88	A	DC	WK	--	--	--	--	--	--	003	2030	0000	2030
89	A	DC	WK	CK	--	--	--	--	--	002	2919	0000	2919
90	A	DC	WK	CK	QC	MB	--	--	--	006	3890	0707	4597
91	A	DC	WK	--	--	--	--	--	--	001	3504	0305	3809
92	B	DC	DH	LD	--	--	--	--	--	094	0391	0000	0391
93	H	DC	CK	--	--	--	--	--	--	226	0000	0000	0000
94	H	DC	GW	--	--	--	--	--	--	048	0000	0000	0000
95	A	DC	CK	--	--	--	--	--	--	003	0993	0000	0993
96	H	DC	CK	CL	--	--	--	--	--	088	0000	0000	0000
97	H	DC	CK	--	--	--	--	--	--	226	0000	0000	0000

TOTAL	C14 (pieces of real estate)	5,967
TOTAL	C13 (profitable acres)	→ 130,651
TOTAL	C14 (unprofitable acres)	43,138
TOTAL ACRES	C15	173,789

1 Lot 45 was combined with lot 46 and was situated in the same areas as that lot.  
This appendix can be broken down into the following smaller tables,

PROFITABLE AND UNPROFITABLE ACREAGE BY COUNTY

TOWN OR COUNTY	ACRES PROFITABLE	ACRES UNPROFITABLE	TOTAL ACRES
01 CAVAN	319	000	319
02 CLARE	7,058	3,691	10,749
03 CORK	12,828	000	12,828
04 DONEGAL	5,057	1,301	6,358
05 DOWN	116	029	145
06 GALWAY	1,648	19,903	21,551
07 KILDARE	024	000	024
08 LEITRIM	41,708	10,027	51,735
09 LONGFORD	20,584	3,236	23,820
10 LIMERICK	200	000	200
11 MEATH	180	000	180
12 MAYO	378	325	703
13 QUEENS COUNTY	555	707	1,262
14 ROSCOMMON	708	1,079	1,787
15 TIPPERARY	656	000	656
16 TYRONE	140	000	140
17 WICKLOW	38,492	2,840	41,332
TOTAL	130,651	43,138	173,789

As is quite clear from this table the 97 lots distributed among the '49 officers contained a total of 173,789 acres, which was distributed between a total of seventeen different counties. This is quite surprising given that the original '49 security was only supposed to comprise of the four counties of Donegal, Longford, Leitrim and Wicklow. Allowing for the four mile line counties of Galway, Clare, Mayo and Roscommon, that leaves a total of nine other counties in which the '49 officers managed to obtain land. That is of course, land other than that contained within corporations which will be shown in the following table.

Within the four mile line counties, the '49 officers received a total of 34,790 acres. In their four other counties, given to them by the kings declaration, they received, 123,245 acres. That would leave the '49 officers receiving 15,754 acres in counties other than those set apart for their satisfaction.

## NUMBERS OF REAL ESTATE BY TOWN AND CITY

01	ATHBOY (Co Meath)	083
02	ATHENRY (Co Mayo)	019
03	BANNOW (Co Wexford)	102
04	DROGHEDA (Co Meath)	149
05	DUBLIN CITY	217
06	CASHELL (Co Tipperary)	365
07	CAVAN TOWN	052
08	CORK CITY	1,258
09	DULEEK (Co Meath)	065
10	DUNGARVAN (Co Waterford)	148
11	FETHARD (Co Tipperary)	041
12	FOARE (Co Westmeath)	037
13	GALWAY CITY	833
14	KILMALOCK (Co Limerick)	124
15	KINSALE (Co Cork)	331
16	LIMERICK CITY	855
17	MARYBOROUGH (Queens County)	005
18	NAAS (Co Kildare)	073
19	NAVAN (Co Meath)	057
20	PHILIPSTOWN (Kings County)	055
21	THOMASTOWN (Co Kilkenny)	325
22	TRIM (Co Meath)	060
23	WATERFORD CITY	491
24	WEXFORD CITY	222
	TOTAL	5,967

From this table it can be adduced that the 149 officers received around 5,967 individual pieces of real estate from 24 cities or towns. A striking fact here is that they only managed to obtain these properties in only 24 corporate towns or cities. This 24 would have added up to a very small proportion of the actual number of corporate towns that was in existence at the time.

This then concludes the computer analysis of the 149 officers and the lands and properties set out to them in 1666. It is now quite obvious that the large data involved in the restoration, which normally insures the absence of scholars can now be controlled managed and analysed by the use of such computer programmes as the one that has been used here. It would now perhaps be correct to state that the merger of computer technology with historical

scholarship would create a very advantageous position with which to answer the many questions that still await an answer concerning the land settlements in seventeenth century Ireland.



APPENDIX D  
THE INSTRUCTIONS EMBODIED IN THE ACT OF SETTLEMENT  
CONCERNING THE '49 SECURITY.

There are a total of forty clauses that deal with the '49 security. They are set out here as they appear in the "Act for the better execution of his majesty's gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers and other his subjects there". Irish Statutes Revised. (London,, 1885) For clarity the reference number has been included after each clause.

XX Whereas we have been graciously pleased to make provision for the satisfaction of the personal arrears of such Protestant officers who served in our kingdom of Ireland at any time before 23 October 1641, as by the partiality of the times have received no satisfaction for their service before 5 June 1649, and for the stating the arrears of such of them as have not had their arrears stated, as in our declaration of 30 November 1660 is provided for; you, or any five or more of you as aforesaid, are therefore to observe and follow therein these instructions following viz.

XXI You shall state the accounts or arrears of such commissioned officers, or their assignes, as are not stated, for their own personal service in Ireland, during the time of their service, every such commissioned officer whose accounts you shall so state, shall evidence his been an officer, and his quality, either by his commission or commissions, or by muster-rolls, or by the certificates of two or more commissioned officers, whereof one to be a field-officer, and certificate to be under the hands and seals of such officers.

XXII Every such officer whose accounts you should state shall exhibit unto you, under his own hand and seal, the state of his own account, therein expressing the time of his service, the money or pay received in the regiment, troop, company or garrison, or service in which he served, and what he demands as due to him for his said service.

XXIII If any officer knowingly shall produce a false or counterfeit certificate, thereby attempting to misguide you in the stating his arrears, such person producing such false certificate, and also the person giving the same, shall forfeit their respective arrears, and all lands, tenements and hereditements to be set out to such officer for his arrears.

XXIV. You shall allow the accounts of such officers but according to their commissions, and establishments of pay allowed by our royal father, or by both houses of the parliament at Westminster, begun in the sixteenth year of our late royal father's reign, for which accounts or arrears so stated, you are to give unto every such officer, or his assigns, one or more debentures under your hands and seals for the respective sums that shall be due to him or them, to be satisfied out of the securities appointed by our said declaration for such officers aforesaid that served in Ireland within the time aforesaid.

XXV. If any obstruction or difficulty shall happen in stating the accounts of the said officers, not hereby provided against, you are from time to time, in all such cases, to certify the said to our chief governor or governors for the time being, and our privy council in Ireland; who are hereby authorised to set down, and in writing give unto you such further rules and directions therein, as to them shall seem meet, the which you are hereby required to observe. (pp 113-114)

XXX. You are also to prepare a particular of all the forfeited houses, lands, tenements and hereditaments within the counties of Wicklow, Longford, Leitrim, and Donegal; as also of the forfeited lands, tenements and hereditaments not already disposed of in the province of Connaught and county of Clare, lying within one mile of the river of Shannon, or of the sea, commonly called the mile-line, and within any corporation in Ireland (except as in our said declaration is excepted) and by inquest, or other lawful means, put a reasonable and just value on all and every the said houses, lands, tenements and hereditaments; first deducting what shall be made appear to have been laid out by any person on leases, or contracts for leases in any corporation, in building or improving houses; or in planting orchards, or gardens; all which said improvements shall be ascertained in a moderate way, either by the surveys formerly taken of them, or that shall hereafter be taken, where you shall see cause to appoint the same.

XXXI. That you do with all possible speed prepare an account of the personal arrears of such officers or their assigns, serving before the said fifth day of June, 1649, and who have not received any lands or money in satisfaction before or since the said fifth day of June, 1649; as also an estimate of the respective securities appointed by our said declaration for satisfying the said arrears: in order whereunto, you are to value the houses, lands, tenements and hereditaments at eight years purchase, deducting the value of such improvements as shall appear as aforesaid to have been made on houses, orchards or gardens: and if by the said

estimate you shall find that the said security will not extend to satisfy 12s and 6d in the pound of the said arrears, you are to proportion the said satisfaction according to the said security with equality and indifference. You shall then expose all such houses, lands, tenements and hereditaments to sale, first giving public notice of the time and place of such sale, to the end that all persons concerned may give their attendance; in which sale you are to make special provision that such officer or officers, or their assigns, who shall so purchase any of the said houses, lands, tenements or hereditaments within any corporation, do enter security before you grant to him or them any certificate, as is hereafter directed, to satisfy such as by virtue of any lease, or contract for lease, have built or improved any house, or planted any orchard or garden either in money, or else by granting unto such person or persons a lease or leases of the premises, at a rent proportionable to the said improvements; and that if any controversy shall happen therein, the same shall be determined by you, or such as the chief governor or governors of that our kingdom for the time being and our council there shall appoint upon the place to hear and determine the same.

XXXII. You are to sell all the said houses, lands, tenements and hereditaments publicly, and at the time and place appointed, to such person or persons who will give most for the same; which being sold, you shall forthwith enter such sales in books for that purpose to be prepared and provided: nevertheless, that no such sale shall be good or allowed,

where the purchase shall not amount unto eight years purchase, or upwards, according to the rates set by you on such houses, lands tenements, and hereditaments, deductions or allowance being made for the improvements as aforesaid.

XXXIII. Provided always, that there be for every twenty shillings that such house, orchard or garden-plot is worth to be let, eighteen pence yearly reserved to us, our heirs and successors for ever; and you are to return duplicates of our said books to our vice-treasurer and receiver-general: you are to take care that all such officers who shall purchase any of the said houses, lands, tenements or hereditaments, do within fourteen days after the contract or bargain for the same deliver up unto you so many debentures as such purchase doth amount to, which debentures you shall cancel; and if anything remain above the purchase-money, give unto them others for the remaining part not satisfied; the which debentures so delivered upon the said purchase shall at the making of the contract be fairly entered in books for that purpose to be kept; and if any such purchaser or purchasers shall fail so to deliver up debentures according to his purchase as aforesaid, such sale or purchase shall not be good or allowed unto such purchaser or purchasers, nor such officers' debentures admitted in any other purchase.

XXXIV. Provided always, that where any purchaser shall purchase with money, he shall pay down one fifth part of the money at the making the said contract, and the remaining part within 28 days, and failing of the said payment within

28 days, he shall forfeit the said fifth part paid, and the purchase shall be void; and the money as paid in purchase shall be towards satisfaction of the arrears of the said officers. The said purchase being fully perfected in manner as aforesaid, you are to give unto such purchaser or purchasers, a certificate of the particulars thereof, which certificate such persons shall forthwith record in our surveyor general's office, whereupon our court of exchequer shall forthwith grant an order for the quiet possession of the premises. For your more full information, as well of the particulars aforesaid, as in the value, worth, quantity, quality, situation of such houses, lands, tenements and hereditaments so to be sold, you are to have recourse to the surveys taken of them; and where you shall suspect such surveys faulty, you are to appoint fit persons to re-survey and certify the same unto you. (pp 115-117)

XXXVI. And whereas we have by our said declaration assigned the benefit arising from the redemption of mortgages, statute staples, and judgements, where the lands are not already disposed of to adventurers or soldiers, for and towards the satisfaction of such officers who received no satisfaction for their arrears before 5 June 1649, you are therein to observe these following directions.

XXXVII. You are to have recourse to the records of the late court of claims and our court of exchequer, or other courts, the better to ascertain your knowledge what lands were so incumbered; as also, if you shall see cause, you are to make inquiry in all places within our kingdom of Ireland, for the

discovery of such mortgages, statutes staples, judgements and other incumbrances; and after such particular knowledge of the premises obtained on the remaining term, you are to make a just estimate according to the rates current of what the fee-simple of such lands, tenements and hereditaments lying under the said incumbrances are worth, always, deducting the monies to be paid in order to discharge the said incumbrance, and the same particularly and distinctly to enter unto one or more books fitted for that purpose; and if the person entitled to the incumbrance will pay what the lands amount to in value above the monies payable in discharge of the said incumbrance, then such person is to have the absolute estate of the said lands legally settled to him and his heirs; but if such person shall refuse to pay the said over-plus, then if any officer interested in the said security will purchase any part thereof, he shall, after discharge of the incumbrance out of the common stock of the said security, enjoy the same as far as his debenture or so much thereof as he shall place thereupon shall reach: and for such part of the benefit arising out of such incumbered lands, which shall not be purchased by any officer as aforesaid, it shall be put to sale, and the monies by such sales shall be for the satisfaction, as is in our declaration expressed.(p.17)

XXXVIII. And whereas we have assigned a year's rent, and a year and a half's rent payable by the soldiery in Ireland towards the satisfaction of such as in our declaration are expressed; you are therefore to take care that the said monies and rents be paid unto such persons as we shall



particularly appoint to receive the same; who are hereby authorised and empowered from time to time, by proclamation or otherwise, to cause public notice to be given to the respective adventurers, soldiers and others, who are to pay the said monies, of the manner and place for payment thereof; and if any adventurer, soldier or other person shall refuse or neglect to pay his or their monies in way or manner, and at the place so to be appointed; the land, tenements and hereditaments, of such persons so failing shall be seized unto our hands, and so continue for security and satisfaction of the said several rents. And the said soldiers are to pay the said monies unto such persons as we shall appoint to collect and receive the same, who are to pay over the same unto our right trusty and well beloved cousin and councillor Arthur, Lord Viscount Valentia, our vice-treasurer of that our kingdom, who is hereby required to issue forth the same according to such warrants or orders as he shall from time to time receive from any five or more of you as aforesaid for and towards the satisfaction of the aforesaid arrears: and to the end our said vice-treasurer may know what sums of money he is to receive, all acquittances given by those appointed to collect and receive as aforesaid, are to be entered and signed by the several officers of the exchequer in the accustomed manner for acquisition. (pp 117-118)

XL. Before you admit any debenture of any officer who hath arrears satisfied since 5 June 1649, you shall satisfy such whose arrears are stated, and have not received satisfaction for their service before or since June 1649, twelve

shillings and six pence in every pound of their said arrears, and then out of the remaining security, as far as it will extend, you are to satisfy the remaining part of the arrears of such as hereby are to receive 12s and 6d in the pound, as also the arrears due before 1649, of such who have received satisfaction for their arrears due since since 1649; and this to be done without any priority or distinction in an equal proportion; after that you have first made up the deficiency of those who have been satisfied in part since 1649, but have not yet lands set out to them to the full of that proportion which they were to have had at the time when the rest of the lands were set out unto them and others as aforesaid: we having by our said declaration assigned the forfeited houses, lands, tenements and hereditaments, not already disposed of within any corporation in Ireland, or in the counties of Wicklow, Longford, Leitrim and Donegal, and within a mile of the river Shannon, commonly called or known by the name of mile-line, for satisfaction of such officers who served our royal father, or our self in Ireland, before 5 June 1649, as in our declaration is directed: In order thereunto our court of exchequer in Ireland is hereby authorised and required to put the premises out of charge from the three and twentieth of October last past, without fee or other charge for the same.

XLI. And towards the carrying on the work hereby appointed, and all the contingent charges thereof, the monies received by Major William Cadogan and others, for the rents of the counties of Wicklow, Leitrim, Longford and Donegal, and for

the lands in Connaught and Clare, commonly known or called by the name of mile-line, for several years last past, shall be paid into the hands of such persons as we shall, as aforesaid, appoint to receive the monies payable by the adventurers or soldiers, and the accounts thereof forthwith delivered unto you; the which accounts you are hereby required to audit and examine.

XLIII. All the rents and profits of the houses, lands, tenements and hereditaments, by our said declaration appointed for satisfaction of the said officers before 5 June 1649, until the same be sold as is before directed, shall be paid into the hands of such persons as we shall appoint as aforesaid, to collect and receive the same, for the ends and uses above mentioned, as also towards the satisfaction of such persons as are to receive satisfaction for their improvements in building or repairing houses, planting orchards or gardens; all of which said monies shall be paid by warrant from you, or any five or more of you as aforesaid, directed to our said vice-treasurer, for the ends and uses aforesaid. (pp 118-119)

LVIII. For your pains and labour herein, and for the pains and labour of such sub-commissioners as you shall employ as aforesaid, we do hereby authorize you to ask, demand and receive from every adventurer, soldier or other persons, his or their heirs or assigns, now in possession, or to be put in possession, of any houses, lands, tenements or hereditaments, one penny for every acre of land, as admeasured, assigned, or set out to him or them, for

ascertaining their respective possessions; and likewise for everyone to be reprized an estate worth twenty pounds per annum, the sum of ten shillings, and after the same rate for greater or smaller reprizes; and for every certificate for lands to be possessed, the sum of ten shillings; and one penny in the pound for every debenture that shall be satisfied by you; and for the clerks and officers to be employed by you, and the contingent charges relating thereunto, that the same be paid out of the monies that shall be received of the rents due and payable out of the securities appointed for the officers before 1649. (pp 122-123)

LXII. And for the more due and impartial execution of our said declaration and these instructions, it is our will and pleasure that no commissioner or other person employed, acting in this service, shall, till the work be finished, purchase by themselves or others on their behalf, or to their use, or in trust for them or any of them, any of the lands, tenements and hereditaments, that are to be settled, confirmed, reprized, or restored by virtue of our said declaration, but shall, before they enter upon the trust, respectively give in lists under their hands of such lands, tenements and hereditaments, as they are intitled to, or possessed of, to the lord lieutenant, or other chief governor or governors, and council for the time being, who are to take care for the observing this instruction. (p.123)

LXXXI. And whereas all commissioned officers before 1649, whose arrears were not stated on 30 November 1660, are by  
[259]

the said declaration to have their arrears stated before the 29 September 1661; be it enacted, and it is hereby enacted, that that time be enlarged to 1 May 1663.

LXXXVI. And whereas in the respective securities herein and hereby designed and allotted unto the several officers serving before 5 June 1649, who have received no satisfaction for their said services, there is allotted to them satisfaction out of all the forfeited lands, tenements and hereditaments, in the counties of Wicklow, Longford, Leitrim, and Donegal, and out of the lands forfeited and undisposed of in the province of Connaught and county of Clare, lying within one mile of the river Shannon, or of the sea, commonly called the mile-line; and out of the houses and tenements forfeited in Ireland in the several walled towns and corporations, and lands thereunto belonging, not already set out to adventurers and soldiers; and out of the benefit accruing out of the redemption of mortgages, statute staples, and judgements where lands are not so given out to adventurers and soldiers; and out of one year's rent and profit of the lands set out to the officers and soldiers for their arrears in the year 1653, and likewise of the army then, (viz.) on 30 November 1660, in being, according as those respective said estates yielded in the year 1659; as also out of one year and a halves rent and profits arising out of the lands for the arrears of those officers and soldiers who were ordered or received satisfaction for their said arrears in the year 1656, and 1657, according as the estates yielded in 1659; whereupon some doubt have been made concerning the words (forfeited and undisposed) and

concerning the words (several walled towns and corporations) and concerning the words (mortgages, statutes staples, and judgements;) and some doubts have also risen concerning the limitation of time from whence the said year, and the said year and a half shall commence. It is therefore hereby declared and enacted, that the said word [forfeited] shall be deemed and taking not only of such lands, tenements and hereditaments, as are already forfeited by judgement, confession, verdict or outlawry, but such as by reason of any act or acts of the said rebellion already committed by the several and respective proprietors hereof shall or may be forfeitable: and that the word (undisposed) shall be intended and taken for undisposed by this act; and that the several words (walled towns and corporations) shall be construed to extend to all cities and corporate towns within the kingdom of Ireland; and that the words [lands thereunto belonging] shall be construed to extend to all lands forfeited, or reputed to be forfeited in a manner as aforesaid, lying and being within the said cities, walled towns or corporations, or within the suburbs and liberties thereof, and not set out to adventurers or soldiers, or other Protestants mentioned to be preserved in the said declaration; and that the words (mortgages, statutes staples and judgements,) shall be construed to extend to statutes merchants, recognizances, elegits, and all conditional and defeazable estates, and to all incumbrances whatsoever within the kingdom of Ireland not otherwise disposed of, according to the said declaration.

to grant restitution to such of the innocent papists, who have been dispossessed for public security of houses and lands within any of the said corporations: and whereas also other innocent papists are by his majesty's said declaration restorable to their estates, part of whose estates may fall within the said securities: and whereas likewise his majesty in the said declaration has appointed certain persons by name to be restored to their ancient estates, part of whose estates may likewise happen to fall within the said securities of the said officers, whereupon some doubt has arisen concerning the reprisals which in cases for restitution are to be given to the said officers; be it therefore enacted by the authority aforesaid, that in case any such person or persons shall be restored, whose estate or estates, or any part thereof, lies within the said securities, that the like courses shall to all intents and purposes whatsoever be taken for the reprizals of the said officers, as in the said declaration is prescribed for the reprizal of the said adventurers and soldiers. (pp 128-130)

LXXXIX. And be it further enacted, and it is hereby enacted by the authority aforesaid, that Charles earl of Mountrath, who hath so eminently merited in the late transactions in this kingdom, shall be paid his arrears due for service in Ireland before 5 June 1649, equally with the said officers before 1649, out of the security aforesaid, so as the said arrears exceed not the sum of six thousand pounds; anything in this act to the contrary notwithstanding. (p.130)

XC. And whereas his majesty is graciously pleased to

declare, that the forfeited lands and houses already set out for satisfaction of money lent, or public debts incurred for provisions, clothes, arms, ammunition, and all other necessaries for the support of the army in Ireland, shall remain disposable for satisfaction allotted to them out of the remaining lands and houses set out for satisfaction of the arrears of the commissioned officers due before 1649, in the counties of Wicklow, Longford, Donegal, Leitrim, the Mile-Line, in Connaught and Clare, and the houses in the cities, walled towns, and corporations in Ireland. It is enacted, and be it enacted, that all such persons, and all and every the heirs, executors, administrators and assigns of such persons who have lent money, or furnished any provisions, clothes, arms, or ammunition, for the support of the army in Ireland before the 16 September 1643, shall be satisfied their just debts of the aforeaid securities.(p.130)

XCV. And whereas Sir Francis Willoughby knight, lately deceased, by the tyranny and oppression of the late usurpers was in his life time cast out of all commands in this kingdom, and enforced to give up all his debentures and warrants of full pay for his service in Ireland before 1649, they assigned him only 2,000 acres in the county of Clare for 2,000 pounds in full satisfaction of his whole arrears: be it hereby further provided and enacted by this present parliament, and by the authority of the same, that no less prejudice or damage whatsoever shall arise to or befall Dame Elizabeth Willoughby, the relict and sole executor of the said Sir Francis Willoughby, for or by reason or in respect  
[263]



of her said husband's necessitated accepting of the said lands in the county of Clare, in satisfaction of all his said debentures or warrants of full pay in manner as aforesaid, other than the abating out of his whole arrears the aforesaid sum of 2,000 pounds, and the issues and profits of the said lands and tenements, since the time of the said abatement and acceptance had been received. But as to the residue of the said arrears due unto Sir Francis Willoughby before 5 June 1649, for his service in Ireland, the said dame Elizabeth Willoughby and her assigns, according to your majesty's gracious intentions declared by your letters of the 30 March, 1661 in her behalf, shall be admitted and accepted to have, ask, demand, and receive as full and ample satisfaction for the same, out of the securities by this act set apart for satisfying the arrears of the commissioned officers, before 5 June 1649, to all intents and purposes as if she were to that end named, provided for and saved in your majesty's declaration of the 30 November 1660, and as any commissioned officer or officers whatsoever who served in Ireland before 1649, and hath hitherto received no part of satisfaction for such his service, shall, may or ought to receive: any clause, article or matter, or thing whatsoever in this present act mentioned or contained to the contrary thereof notwithstanding. (pp 131-132)

CIII. And be it further enacted by the authority aforesaid, that all and every lease and leases set or demised for any certain term of years yet unexpired by any archbishop, bishop, dean, dean and chapter, or other ecclesiastical

person or persons, or their successors in the politic capacity, or any lands tenements or hereditaments, so unto them belonging or appertaining, and that are by this present act forfeited or vested in his majesty, that all and every such land so forfeited, and the remainder of the term of years yet to come and unexpired of such lease or leases, shall be and are hereby given, assigned, assured and confirmed unto the respective sees or bodies politic to whom the reversion after such lease or leases do or shall of right belong; except and always reserved out of this act the remainder of the term of years yet in being, upon any such forfeited lease or leases of any of the lands before mentioned or intended, which lie within such parts of the counties of Wicklow, Longford, Leitrim and Donegal, and the mile-line, as are by this present act assigned unto such that served before 5 June 1649, they and their respective executors, administrators and assigns, paying such rents and performing such covenants to the said respective sees reversioners, as the several leases in such respective leases paid, or ought to have been paid in the year 1641 during their respective terms unexpired; excepting also all forfeited leases that exceeded the term of 60 years of any chantry lands or houses, lying within the security of the said officers who served his late majesty before the 5 June 1649, and were not surrendered nor sentenced to be surrendered to the church in, or before the years 1640, or 1641; the remainder of which term unexpired, is to be esteemed as part of the security of the said officers; they paying and performing during the respective terms yet unexpired, all such rents and duties unto the respective

sees or churches from which those leases were held, as were paid or performed, or ought to be paid and performed in the year 1641, or 2s in the pound at the improved value (to be ascertained as aforesaid) at the election of the bishop of the diocess. (pp 135-136)

CXI. And be it further enacted by the authority aforesaid, that out of all forfeited chantries, and all lands, tenements and hereditaments belonging unto the said chantries, and vested in his majesty, his heirs and successors, by this act, that are by this present act set out, assigned, or intended to be set out or assigned to any commissioned officers, their heirs or assigns, who served his majesty or his royal father of ever-blessed memory in the late wars of Ireland, at any time before 5 June 1649, and received no satisfaction for the same, and which paid any rent to the church in the years 1640 and 1641, there shall be paid forever, by such officer or person, his heirs or assigns, so enjoying the said chantries, or the lands, tenements or hereditaments to them belonging, the rents and all other duties formerly upon or out of them paid or received unto the church, or in lieu or satisfaction thereof 2s for every pound of improved value, at the election of the bishop of the diocess; which rents are to be ascertained with all convenient speed by the chief governor or governors of Ireland for the time being, and six of the council, or whom they shall appoint; and the rent so payable by such officer or person, his heirs or assigns, to the church, shall be paid to such rectory or vicarage that either is or shall be of the church wherein such chantry was erected, or

[266]

otherwise to such ministers of the said diocess, as the bishop thereof shall judge most convenient; and such rents payable as aforesaid are to be in lieu of all crown rent and other challenges and acknowledgements whatsoever, payable by the said officers out of such chantries or lands belonging to them. (pp 137-138)

CXII. And be it enacted by the authority aforesaid that out of all and every the lands, tenements and hereditaments set in fee-farm by the bishop of the diocess wherein such lands, tenements and hereditaments are, upon which any rent was paid unto the church in the years 1640 and 1641, and which are forfeited and vested by this act in his majesty, his heirs and successors, and that are by this present act set out, assigned or intended to be set out and assigned unto any commissioned officer or officers, that served his late majesty before the 5 June 1649, as aforesaid, his or their heirs or assigns, there shall be paid forever by such commissioned officer or officers, his or their heirs or assigns, in lieu of all crown-rents, and all other acknowledgements whatsoever, due or payable out of the said lands, the sum of 2s in the pound, at the improved value to be ascertained as aforesaid, of such lands and tenements so possessed and enjoyed by him or them, his or their heirs or assigns, of which they were or shall be respectively holden. (p.138)

CXIII. And be it further enacted by the authority aforesaid, that out of the several houses forfeited and vested in his majesty by this act being in several walled  
[267]

towns, cities and corporations and boroughs in this Kingdom, and by this act are set out, assigned and allotted for the satisfaction of the commissioned officers, their heirs and assigns, as aforesaid, that all and every archbishop and bishop, and minister, whose houses in any of their respective sees or church-livings, within the said town or suburbs, are wasted or not habitable, shall have set out unto them an handsome convenient house rent free, other than the rent payable to his majesty,.....(pp 138-139)

CXV. And be it further enacted by the authority aforesaid, that the recompense or satisfaction to be made or given by any of the Protestant officers who served in the Irish wars before 5 June 1649, for or in respect of any buildings of reparations of any messuages or tenements herein before appointed as a security for the respective arrears, shall not exceed a fifth part of that sum which is the true and real value of such messuages and tenements, in case the inheritance thereof were to be sold, (messuages new built from the ground only excepted) nor shall any recompense or satisfaction be made or given for or in respect of any buildings or reparations which have been begun since the 30 November 1660. (p.139)

CXVI. And it is hereby further enacted, that where choice or particular lands or houses, within the said security, are or shall be appointed for satisfying arrears of any officers, the same may be set out to them in all other things according to the valuation and rules given by your majesty for setting the rest of the security, not otherwise;  
[268]

excepting the house and houses granted to Sir George Lane knight. (p.139)

CXVII. And whereas there have been several baronies reserved to reprice such inhabitants and natives of cities and walled towns in Ireland as were excluded from their properties in the said towns or cities, some of whom may perhaps be restorable by this act to their ancient properties: be it therefore enacted by the authority aforesaid, that if any such shall be restored to their ancient properties, that then so much of the lands reserved in those baronies of equal value worth and purchase to the lands and houses so to be restored to the said inhabitants and natives, be and shall be reprized to the said officers serving before 5 June 1649, for and in lieu of what lands and houses shall be restored back to the said former proprietors. (pp 139-140)

CXVIII. And be it further enacted by the authority aforesaid, that where any boroughs, corporations or towns being and continuing actually incorporated in the year 1641, and were allotted and set out to adventurers or soldiers, not as boroughs, corporations or towns corporate, but measured as part of the land assigned them, the said boroughs, corporations and towns corporate respectively, are hereby assigned towards the satisfying the arrears of the said officers before 5 June 1649. (p.140)

CXIX. And be it hereby further declared and enacted by the authority aforesaid, that James duke of Ormonde, the earl of Inchiquin, the executors of Sir Philip Perceival knight  
[269]

deceased, late commissary of the victuals in Ireland, who are to be satisfied for what disbursements were made to the other commissaries and officers in the establishment belonging to the said employment, by the said Sir Philip Perceival and others, who were general officers, staff-officers, officers of the train, colonels and majors of dragoons and lieutenant-colonels of horse, be and are hereby intended, according to the several commissions for satisfaction of their said respective arrears for service as aforesaid, before the 5 June 1649, among the rest of the said officers out of the aforesaid security, and are equally to enjoy all benefits and advantages in all particulars whatsoever, with any other commissioned officers serving before 5 June 1649, mentioned in this act according to their respective establishments. (p.140)

CXX. And be it further enacted by the authority aforesaid, that in the stating of the said arrears no officers be allowed for service in Ulster, but such as were of the army called the British Army, and within the establishment of the said army, and that no company or troop be allowed but those that were regimented or mustered by the commissary of the musters, as a non-regimented company or troop, and actively served during the whole time they pretended unto and received pay and quarters with the rest of the army. (p.140)

CXXI. And be it hereby further enacted, that James duke of Ormonde, the earl of Inchiquin, and such Protestant officers who served faithfully under his majesty's lord lieutenant at any time before the 5 June 1649, and the 10 December, 1650,

and never served in any army since but under his majesty's authority, may have their arrears stated for that time also, and may be allowed satisfaction for the same as for the rest of their respective arrears, and that the debentures to them respectively for those arrears be for the whole time without distinction. (p.140)

CLIII. And forasmuch as Captain John Bartlett and Captain Thomas Bartlett have been eminently servicable [sic] in and upon the coast of Ireland to your majesty and your royal father of blessed memory; be it further enacted by the authority aforesaid, that the said John Bartlett, and the heir of the said Thomas Bartlett, their heirs and assigns, be equally satisfied and paid whatsoever is due unto them, or their heirs or assigns for their or either of their debursements in the said service before 5 June 1649, according to such accounts and stating thereof as shall be allowed by the lord lieutenant and council of Ireland, out of the lands, houses, and other the security appointed or set apart for satisfaction of the commissioned officers that served in our kingdom of Ireland before the said 5 June 1649, and in such manner as they or any of them are appointed to be satisfied and paid in or by his majesty's gracious declaration of the 30 November, 1660, or any act or acts made pursuant thereunto; any thing herein before mentioned to the contrary notwithstanding. (p.150)

CLXV. And whereas some doubt may arise upon the words of that clause relating to the satisfaction of such commissioned officers, their heirs or assigns, who were in  
[271]



regiments, troops or companies raised in Ireland or transported out of England, and served his late royal majesty of glorious memory or his now majesty in the wars of Ireland, at any time before 5 June 1649, whether provision be thereby made for satisfaction of the arrears due to James duke of Ormonde, Robert earl of Leicester, according to their several commands they bore in the said kingdom of Ireland: be it therefore enacted by the authority aforesaid, that all and several arrears due to James duke of Ormonde and Robert earl of Leicester, or either of them, by or upon all or any their entertainments or allowances, according to their commands aforesaid, be and shall be satisfied out of the lands, tenements and hereditaments, and other securities, by this present act laid out and ascertained for the satisfaction of such officers unto the said duke and earl, their heirs or assigns, according to the same rate, and in the same manner as such arrears by this present act are to be satisfied; any clause or thing in this act to the contrary notwithstanding. (p.154)

CLXVIII. And whereas there was set out and assigned unto Colonel Carey Dillon certain lands, tenements and hereditaments within the mile-line of Connaught and Clare, in satisfaction of a small part of his arrears due unto him for service in Ireland before 5 June 1649, and by the declaration confirmed unto him; be it therefore hereby further provided and enacted by the authority aforesaid, that the said Carey Dillon, his heirs, executors, administrators and assigns, shall and may receive for the remainder of his arrears unsatisfied for service in Ireland,

before 5 June 1649, further and equal satisfaction, with other the commissioned officers that shall or are to receive satisfaction for their respective arrears, due before 5 June 1649, by virtue of this act; anything in this act contained to the contrary in any wise notwithstanding.

(p.155)

CLXXIV. Provided always, and be it further enacted by the authority aforesaid, that Wentworth earl of Kildare, his heirs or assigns, shall and may have the preemption, and be preferred unto the purchase of, and enjoy the forfeited interests and estates in and of all such lands, tenements and hereditaments by this present act vested in his majesty, his heirs and successors, and not restored to the former proprietors as were or are held of or from George, late earl of Kildare, or the said Wentworth, earl of Kildare, or either of them, or of their or any of their manors, or whereout chief rent, service or duty, was or is reserved unto the said George earl of Kildare, Wentworth earl of Kildare or either of them, as also of any other lands, tenements or hereditaments surrounded by, or intermixt with the said earl of Kildares estate, which he the said earl shall desire by placing thereon such adventures, arrears, decrees, incumbrances, or other public debts or interests as are confirmed and allowed by this present act, and according to the tenor thereof are satisfiable thereupon; and that the personal arrears of George, late earl of Kildare for service in Ireland before 5 June 1649, be satisfied out of such forfeited houses, lands, tenements or hereditaments, and other security liable to the satisfaction of such arrears in

the county of Kildare, and elsewhere in the kingdom of Ireland lying most conveniently unto the estate of the said earl of Kildare, which he the said Wentworth earl of Kildare shall make choice of; all which said satisfactions are to be made at the same rates and proportions, and according to the same rules as are directed by this act in cases of the like nature; anything in this present act, or any clause therein contained to the contrary in any wise notwithstanding. (p.159)

CXCIX. Provided also, and be it enacted, that all and every sum and sums of money due unto John Lord Kingston, Richard, baron of Coloony, Sir Theophilus Jones, Sir Oliver St. George, Sir John Cole, and Chidley Coote, esq., for their respective arrears for service in Ireland before 5 June 1649, shall be stated and satisfied unto them, their executors or assigns respectively, out of the security in this act appointed for satisfying arrears before 1649, in the same manner and by the same rules and rates, as before in this act is provided for such as have arrears due to them before 1649, and received no satisfaction for any arrears since that time, although the said persons or any of them have received lands for arrears since the said 5 June 1649; anything in this act contained to the contrary notwithstanding. (p.166)

CCI. Whereas several officers in Munster who engaged themselves in his majesty's army in the kingdom of Ireland, under the command of his excellency, the lord duke of Ormonde, in the year 1648, were afterwards instrumental in  
[274]

the betraying of several considerable towns and garrisons into the usurpers hands or his forces; be it therefore enacted by the authority aforesaid, that all such betrayers and their actual assistants, the heirs, executors, administrators or assigns of them or any of them, shall be wholly excluded from any benefit from this act of parliament, as to their enjoyment of any lands for their arrears, before June 1649, or any part of them, other than such who within twenty four months after the date of this act shall make it appear to the lord lieutenant of that kingdom, or the chief governor or governors thereof, with six of the council, that they made some repair for their former faults, by their timely and seasonable appearance for our restitution in the year 1660. (p.167)

## APPENDIX E

### THE CLAUSES IN THE ACT OF EXPLANATION THAT DEAL WITH THE '49 SECURITY

There are a total of eighteen clauses that concern the '49 security. They are set out here as they appear in the "Act for the explaining of some doubts arising upon an act intituled, an act for the better execution of his majesty's gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers and other his subjects there, and for making some alterations of and additions unto the said act for the more speedy and effectual settlement of the said kingdom", Irish Statutes Revised. (London, 1885)

VI And in case any adventurer or soldier, commissioned officer who served before the 5 June, 1649, Protestant purchaser in Connaught or Clare, before the 1 September 1663, his or their heirs, executors or assigns, shall be found to be in possession of any messuages, lands, tenements or hereditaments, which by virtue of any clause herein after following ought to be restored and delivered up to any person or persons herein after named, the commissioners for execution of this act, shall in the first place, and before any such restitution made, cause so much other forfeited or vested land to be set out as in quantity of acres will amount to full two thirds part of the land so as aforesaid to be restored, and that the persons so to be removed be duly possessed of and settled in his said two third parts according to the rules of this act; and the commissioners for execution of this act are hereby required and enjoined to take care that the estates and interests of his majesty's Protestant subjects in Ireland be settled with all convenient speed, and that such parts of this act, as have a tendency thereunto, be put in execution in the first place, and before any other parts of this or the former act which relate to other matters. (p.189)

XXXI. And be it further enacted by the authority aforesaid, that the Protestant commissioned officers who were in regiments, troops or companies raised in Ireland or transported out of England, and served his majesty or his royal father before 5 June 1649, and are not excluded by the

said former act, and all others mentioned and intended by the said former act to be satisfied equally and together with the said commissioned officers out of the same security, who received no lands or money for their pay due unto them for their said service, their heirs, executors, assignee or assignees, and also John Bartlett, and the heirs of Thomas Bartlett, their heirs and assigns, shall hold and enjoy, and be continued, and confirmed in all and singular the messuages, manors, land, tenements and hereditaments, not already decreed away by the commissioners for execution of the said former act, and in the benefit arising from the redemption of mortgages, statutes and judgements, and in all other the benefits and advantages whatsoever arising or accruing unto them by any clause in the said former act contained, other than the year's rent and the year and a half's rent therein mentioned, which rents are herein after otherwise satisfied and discharged. (pp 201-202)

XXXII. And it is hereby explained, declared and enacted, that these words, 'the benefits arising from the redemption of mortgages, statutes staples and judgements, where the lands are not already disposed of to adventurers and soldiers shall be understood and expounded, and so are hereby adjudged to be meant and intended of all benefits of that nature, which on the two and twentieth of October 1641, or at any time since, were belonging to any Irish papist or Roman catholic, not already declared innocent by the commissioners for execution of the said former act, although the lands were not already sequestered (saving and reserving as herein after is saved and reserved) and that the commissioners for execution of this

act shall cause all and every their securities for satisfaction of such arrears arising by the said former act, or this present act, to be equally divided and distributed amongst all and every the said commissioned officers and other the persons aforesaid, and the heirs, executors, assignee or assignees of such commissioned officers, and other the persons aforesaid, according to the proportion of their arrears stated or appointed to be stated by this act; and therein care is principally to be taken, that such officers who served before 5 June 1649, and have yet had no satisfaction for their service in land or money, their heirs, executors, assignee or assignees may be satisfied in the first place after the rate of twelve shillings and sixpence in the pound, if the same will so far extend; and if there shall be found any surplus, then the same shall be equally distributed amongst all the officers who served before 5 June 1649, and have any arrears due to them, as well those who have formally had satisfaction in part, as those who have yet had no satisfaction, and amongst the respective heirs, executors and assigns of such officers; and that all and every the respective securities herein before mentioned shall be forthwith put out of charge without any fees to be therefore paid in order to the distribution aforesaid, and until such distribution made shall be managed for the benefit of the persons herein concerned, by such persons as in the said former act is directed; and in case any the lands or houses within any of the securities aforesaid shall by any particular clause in this act be disposed unto, or settled upon, any person or persons not being a commissioned officer as aforesaid, not having the same in satisfaction of arrears



due for service before 5 June 1649, or by way of confirmation of some clause in the former act, the commissioners for execution of this act shall set apart so much other forfeited land as may be sufficient to reprice the said commissioned officers for such loss and damage as they shall sustain by such clause, that so the said securities may remain and continue to and for the benefit of all persons therein concerned, as full and ample as the same would have been by virtue of this act, if such particular clauses or dispositions had never been made; and the commissioners shall cause the distribution of lands and houses within the security of the said offices to be fairly entered in books, as is before directed in the settlement of adventurers and soldiers, to the end that such persons, who shall be settled in any of the respective securities, may be enabled to demand letters patents of the houses, lands and tenements, rights of redemption, sums of money, and other the premises which shall be allotted to them for their proportion, which is hereby enacted shall be granted accordingly, and shall be good and effectual in law, according to the tenor and purport of the same, but subject to the quit rents of eighteen pence per annum to be paid to his majesty, his heirs and successors of every twenty shillings, which any house, orchard or garden-plot within the security aforesaid is worth to be let according to the said former act, or this present act, to be charged with; saving nevertheless to all and every the archbishops, bishops, and other the ministers of the church, such right, benefit and advantage of, in and to the forfeited houses in cities, walled towns and corporations, as in and by the said former act is given, the said houses to be set out

by the commissioners for execution of this act. (pp 202-203)

XXXIV. And be it further enacted by the authority aforesaid, that the benefit and advantage of all forfeitures by false certificates shall be in the first place applied to, and for the satisfaction of, the persons aforesaid, who ought to be satisfied 12s and 6d in the pound, until 12s and 6d in the pound be fully satisfied, in case the securities aforesaid shall not be sufficient for that purpose, and after 12s and 6d in the pound fully satisfied to the persons aforesaid, then the whole benefit of the said forfeitures shall be and remain, and should be applied, unto such uses, intents and purposes as in and by the said former act was appointed, so as the said false certificates be found out and discovered within three months after the passing of this act. (p. 203)

XXXV. And whereas by the said former act such officers or their assignes, who shall purchase any houses, lands, tenements or hereditaments within any corporation, are enjoyned to give security to satisfy such as by virtue of any lease or contract for lease have built or improved any houses or gardens, either in money or else by granting to such person or persons a lease at a rent proportionable to the said improvement, so as the said proportion exceed not a fifth part of the value the same are worth to be sold, messages built from the ground onely excepted: be it enacted and explained by the authority aforesaid, that no person or persons shall be admitted to have any satisfaction or security for his or their improvements, who upon the leases or contracts for leases, made before his majesty's happy  
[281]

restoration, were bound to make such improvements, and have actually enjoyed the said houses, lands and tenements during the full time and term of years for which they did contract and agree as aforesaid; anything in this or the said former act to the contrary notwithstanding. (pp 203-204)

XXXVII. And whereas the lord lieutenant and council of this your majesty's kingdom have, at the humble suit of several of the said officers conceived an order bearing date at the council board of Dublin 12 January 1663, wherein they have set down several rules and directions for the stating the arrears of the several armies, which were employed in the service of your sacred majesty, or your royal father of blessed memory in your wars in Ireland, before 5 June 1649; which order, by reason of the shortness of time limited for stating the said arrears, and issuing debentures unto the said officers, would not be punctually observed by your majesty's commissioners appointed for execution of the said act: be it therefore enacted by the authority aforesaid, that the said order, bearing date as aforesaid, shall be and is hereby enacted in as full and ample manner as if the same were particular set down and recited in this act: and the commissioners appointed or to be appointed for the execution of this act, are hereby authorized and required, before they proceed to the giving out of any satisfaction for any arrears of pay due unto any of the said officers or their assignes, to take care that all the accounts of the said officers be made comfortable unto the rules and directions of the said order, notwithstanding the debentures issued as aforesaid; and that all deductions, by the said order appointed to be

[282]

made, be made accordingly; which being done the said commissioners are to proceed to the setting out of satisfaction to the said officers or their assignes, pursuant to the rules of this act and the said order, and not otherwise, saving to Charles, late earl of Mountrath, his executors and assignes, the benefit of six thousand pounds due for service before 5 June 1649, which is hereby declared shall be satisfied and paid out of the securities aforesaid equally and in like proportion to and with any other persons who are to be satisfied their arrears, and have yet received no satisfaction for the same; anything in the said order of the 12 January or herein before contained to the contrary notwithstanding; saving also unto Edward Lord Viscount Conway and Kilulta, the satisfaction of such arrears as are due to him for his own service, or for his father's service in Ireland, before 5 June 1649, in such manner and form as the same ought to have been satisfied, if no such order had being made by the lord lieutenant and council upon the 12 January 1663; anything in the said order or in this act to the contrary notwithstanding. (pp 204-205)

XXXVIII. And whereas your majesty, taking into your princely consideration of how great importance it is to the security, peace and good settlement of this kingdom of Ireland, that the maritime towns and other places of strength should be put into such hands as are capable to carry on the plantation and settlement of those places, whereby the further ruin of the houses in those towns will be prevented, and commerce and trade recovered, to the great increase of your majesty's revenue, was graciously pleased by one or more letters under

your royal signature to direct and appoint that Wentworth earl of Roscommon and Roger earl of Orrery, should have the privilege of preemption, and be first satisfied out of the forfeited houses of your majesty's city of Limerick; be it therefore enacted by the authority aforesaid, the Wentworth earl of Roscommon and Roger earl of Orrery, their heirs and assignes, in the distribution and setting forth of the security appointed for the satisfaction of the arrears of the commissioned officers who served your majesty and your royal father in Ireland, before 5 June 1649, shall have the preference and primer satisfaction of fifty thousand pounds of their own personal arrears purchased by them out of the forfeited houses, lands, tenements and hereditaments in the city, suburbs and liberties of Limerick, which are part of the said securities, at the rate of eight years purchase, as they are or should be found to be really and bona fide worth; and if any doubt or difficulty should arise concerning the value of the said houses or lands, so as the trustees for the said officers shall not be satisfied with the return already made of the value of the same, that in such case, upon the desire and request of the said trustees, there shall be a new survey and valuation of the said town and liberties, by such persons as shall be appointed by your majesty's commissioners for the execution of this act, by and with the consent of the said trustees; according to which return the said houses, lands, tenements and hereditaments are to be sold, and not otherwise; and in case the said earls their heirs and assignes, or any of them shall offer unto your majesty's said commissioners for the execution of this act any debentures of officers, who served as aforesaid, before 5 June 1649, for or

in part of payment for all, or so much of the said houses and premises as shall be valued by the worth fifty thousand pounds as aforesaid. the same shall be allowed and the said commissioners are hereby authorized and required to accept and receive the same for all or in part of the said fifty thousand pounds, so as the said debentures are capable of prior satisfaction, and there has been such deductions and defalcations made as are directed by this act and the said former act, and shall not be accepted to satisfy more in the pound than the whole security will hold out to satisfy the debentures of the rest of the said officers; and the said commissioners are also required and authorized to give such certificate as is necessary for the passing of patents thereof, according to the rules in this act. (pp 205-206)

XLIV.....and Arthur earl of Anglsej, vice-treasurer of Ireland, or the vice-treasurer for the time being, is hereby required and enjoyned to pay or cause to be paid out of the monies to be received as aforesaid unto the king's majesty the sum of fifty thousand pounds, and also unto and amongst such commissioned officers who served before 5 June 1649, and have not yet received any satisfaction in lands or money, and amongst the heirs, executors and assignes of such commissioned officers, and other persons entitled to be satisfied within their security, such sums of money as the commissioners for execution of this act, having respect to the arrears already stated, shall by any warrant under their hands and seals, or the hands and seals of the major part of them, direct and appoint, until the whole sum of one hundred thousand pounds shall be wholly satisfied and paid; and the

warrant or warrants under the hands and seals of the said commissioners or the major part of them, together with the acquittance or acquittances of the party or parties who shall receive any money thereupon, shall be unto the said vice-treasurer a sufficient discharge for so much as the said acquittances extend unto; which said hundred thousand pounds, so as aforesaid appointed to be paid, is hereby declared to be in lieu and recompence of and in full satisfaction for the years rent payable out of the lands of those soldiers, who had lands set out for their arrears in the year 1653, and the year and half's rent payable by those other soldiers, who had lands set out for their arrears in the years 1655, 1656, 1657, 1658 and 1659; the payment of which said rents shall from henceforth cease and determine, and the persons and estates, therewith charged or chargeable by the said former act, shall be and are hereby thereof for ever acquitted and discharged. (pp 208-210)

XCI. Provided always and it is hereby declared and enacted, that Sir Richard Ingoldsby knight of the Bath, and Sir Henry Ingolsby baronet, shall hold and enjoy to them and their heirs, all and singular the lands within and contiguous to the mile-line in the County of Clare, which were set out to them, or either of them, in satisfaction of fifteen hundred and fifteen pounds eleven shillings and two pence, with their houses and gardens in Limerick, and also all and every their lands of which they or either of them were possessed by themselves or their tenents 7 May 1659, such part of the premises only excepted, as have being decreed away by the commissioners for execution of the said former act; anything

in this or the said former act contained to the contrary notwithstanding. (p. 229)

XCII. And whereas Captain Henry Finch, late of Londonderry, deceased, in pursuance of a commission from Sir Wiilliam Parsons, and Sir John Borlace, sometimes lord justices of Ireland, did in the month of November 1641, levy and arm a company of foot, consisting of one hundred men besides officers, in the county of the city of Londonderry, and maintained the said company for three years at his own charge, and continued in command of the said company against the rebels from the month of November 1641, until the month of October 1648, and was then disbanded without receiving any the least satisfaction, and yet nevertheless the arrears due to the said Henry Finch, for his service before 5 June 1649, have not being cast up, nor stated by the commissioners for execution of the said former act, partly by reason of some doubt conceived that the said company was not upon the establishment of the Ulster army, whereas in truth the said company was received into the said establishment, through the order whereby the same should be made appear could not then be produced, and partly by reasons of other accidents: be it therefore enacted by the authority aforesaid, that the commissioners for execution of this act shall forthwith and before any distribution made of those lands, tenements, hereditaments or sums of money herein before appointed for the security and satisfaction of such commissioned officers as served before 5 June 1649, cast up and state the arrears, which were due to the said Henry Finch deceased, for the service aforesaid, and that after the arrears so stated,



William Finch and Henry Finch, sons and administrators of the said Henry Finch deceased, shall be satisfied and paid, and are hereby enabled to demand, and receive satisfaction equally and proportionably, having respect to the arrears stated, and in like manner as any other commissioned officer who served before 5 June 1649, and whose arrears are stated and allowed by the commissioners for execution of the said former act, may or ought to be satisfied, and as fully and amply as if the arrears which were due to the said Henry Finch deceased, had being stated and allowed within the time limited by the said former act; anything in the said former act, or this present act contained to the contrary notwithstanding. (p. 229)

XCIII.....That the commissioners appointed for execution of this act, shall forthwith and before any distribution made of the securities set apart for the satisfaction of the commissioned officers who served before 5 June 1649, cast up and state the respective arrears which were due to David late earl of Barrimore, James Barry, Agmondisham Muschamp, and Lieutent Colonel George Keith, and Captain Johm Annesly, Major John Symmes, Colonel Robert Broughton, and Joseph Cooper, and Sir Michael Woodhouse, for service as aforesaid; and after the arrear so stated, the said Alice countess of Barrymore, Deny Muschamp. and Sir Alexander Keith, Captain John Annesly, Margery Symmes, Colonel Robert Broughton, and Widow Cooper, and Horitio Woodhouse, respectively shall be satisfied and paid for all and every the respective arrears, to which they are mentioned to be intitled as aforesaid, as fully, amply and in like proportion and manner as any other

commissioned officer, who served before 5 June 1649, ought to be, and as if the said respective arrears had been stated and allowed within the time limited by the said former act; anything in this of the said former act to the contrary notwithstanding. (pp 230-231)

CIII. Provided always, and be it enacted by the authority aforesaid, that Sir John Stephens, knight, governor of his majesty's Castle of Dublin, shall and may have, hold and enjoy to him, his executors and assigns, all and every the lands, tenements and hereditaments in the county of Cork, which at any time were reputed to belong to Sir Brice Coghran, by colour of any grants or gifts of the late usurped powers, and which are or have been possessed by the late Sir John Stephens, by virtue of letters patents under the great seal or otherwise, for and during such time and term of years, and under such rents onely as in the said letters patents are expressed, and no other, so as he the said Sir John Stephens do place or cause to be placed upon so much of the premises as shall be found to be within the securities set apart fpr satisfaction of the commissioned officers who served before 5 June 1649, so much of the stated arrears due to such officers which are satisfiable, and for which no satisfaction hath yet being given, as the value of the premises may amount unto; anything in this or the said former act to the contrary notwithstanding. (p. 235)

XC Provided also, that nothing in this act or the letters patents granted to the said Lord Kingston, shall enable him the said Lord Kingston, his heirs or assigns, to hold or

enjoy any manors, lands or tenements, lying or being within the securities set apart for satisfaction of the commissioned officers who served before the 5 June 1649, unless he the said Lord Kingston, his heirs or assignes, shall cause so many debentures for arrears due to the said commissioned officers as are satisfiable by the rules of this act, and have not being satisfied in part, to be placed thereupon as after the rate of eight years purchase may be sufficient to purchase the premises; anything herein before contained to the contrary notwithstanding. (p.238)

CXV. And be it further enacted by the authority aforesaid that the sum of four thousand five hundred pounds due for service done in Ireland, before 5 June 1649, unto Arthur Lord Viscount Ranelagh, by debentures already stated and allowed by the commissioners for execution of the said former act, shall be paid and satisfied out of the securities thereunto liable by this present act unto Richard earl of Burlington and Cork, lord high-treasurer of Ireland, Arthur, earl of Anglesey, Roger, earl of Orrery, and Sir John Skeffington baronet, and the survivors and survivor of them, and that they and the survivors and survivor of them, and the heirs of the survivor, shall have, hold, receive and enjoy to his and their heirs, all and singular the manors, lands, tenements and hereditaments, and all other the satisfaction whatsoever, or of what nature or kind soever, which shall or may be hereafter appointed, allotted, or otherways set out and assigned for the satisfaction of the said four thousand five hundred pounds; nevertheless in trust to and for the only use, benefit and advantage of Frances Jones and Elizabeth

Jones, daughters of the said Arthur Lord Viscount Ranelagh, their executors and assignes, and to and for no other use, intent or purpose whatsoever; anything in this or the said former act contained to the contrary notwithstanding. (pp 239-240)

CLXIV. And be it further provided and enacted by this present parliament, and by authority of the same, that no prejudice or damage whatsoever shall arise to or befall John Paine esq; for or by reason or in respect of his being necessitated to accept of a hundred pounds or thereabouts, in the time of the late usurpers, for the present subsistence of himself and family then residing in Dublin, but that as to his full arrears, due before 5 June 1649 for service in Ireland, the said John Paine, his heirs and assignes, shall be admitted to have, ask, demand and receive as full and ample satisfaction for the same, out of the security by this act set apart for the commissioned officers before 5 June 1649, to all intents and purposes as if he were to that end named and provided for, and saved in his majesty's declaration of 30 November 1660, and as any commissioned officer or officers whatsoever, who served in Ireland before the year 1649, and hitherto received no part of satisfaction for such his service, shall, may, or ought to receive; any clause, article, matter or thing whatsoever in this present act, or any other act mentioned or contained to the contrary thereof notwithstanding. (p. 260)

CLXXXVI. His majesty having taken to his princely consideration the many faithful and acceptable services of  
[291]

Sir George Hamilton, knight, performed as well to his late majesty of glorious memory, as to himself in the wars of Ireland, and that in several qualities, as captain of horse, colonel and captain of foot, governor of the castle of Nenach, and other capacities, for which there were arrears to great value accrued to the said Sir George Hamilton before and after the 5 June 1649, which, though not stated, are, by agreement and consent between him and other the commissioned officers and trustees serving in Ireland before that time, reduced to five thousand pounds sterling: be it therefore enacted by the authority aforesaid, that the said Sir George Hamilton shall in full satisfaction of all personal arrears due unto him for his services in Ireland, in the several employments he had there before and after 5 June 1649, be satisfied the sum of five thousand pounds sterling, out of the security set apart and designed by this, and the said former act, for satisfaction of the arrears of such commissioned officers as served his majesty or his royal father in the wars of Ireland at any time before 5 June 1649, in such manner as by the said agreement is directed; this act, or any other act. or matter to the contrary notwithstanding. (pp 270-271)

CXCVIII. And be it further enacted by the authority aforesaid that Richard Earl of Burlington and Cork, lord high-treasurer of Ireland, his heirs and assignes, in the distribution and setting forth of the security appointed for the satisfaction of the arrears of the commissioned officers, who served before 5 June 1649, shall have the preference and preemption of all the forfeited houses, lands, tenements and  
[292]

hereditaments, in the town of Youghal or the liberties thereof, belonging unto and which are part of the said securities, at the rate of eight years purchase, as they are or shall be found to be really and bona fide worth; and that Arthur, earl of Anglesey, vice-treasurer of Ireland, his heirs and assignes, shall have preference and preemption of all the forfeited houses, lands, tenements and hereditaments, in the town of Rosse in the county of Wexford, or the liberties thereof, belonging unto and which are part of the said securities, at the rate of eight years purchase, as they are or shall be found to be really and bone fide worth; .....and in case the said earls, their heirs and assignes, or any of them, shall offer unto the said commissioners for the execution of this act any debentures of officers. who served as aforesaid before 5 June 1649, for or in part payment for all, or so much of the said houses and premises in the said several towns as shall be by them respectively contracted and agreed for, that the same shall be allowed, and the said commissioners are hereby authorized and required to accept and receive the same for all or in part of the purchase money, so as the said debentures are capable of prior satisfaction, and there had been such deductions and defalcations made as are directed by this act, and the said former act, and shall not be accepted to satisfy more in the pound than the whole securities will hold out to satisfy the debentures of the rest of the said officers; and the said commissioners are also required and authorized to give such certificates as are necessary for the passing of patents thereof, according to the rules of this act. (pp 276-277)

CCXXIII. Provided always, and it is hereby enacted, that it shall and may be lawful to and for Richard Stephens the younger to hold and enjoy to him and his heirs, all and singular the messuages and lands, tenements, and other the hereditaments, situate, lying and being in and about the town and corporation of Kells in the county of Westmeath, whereof he the said Richard Stephens the younger, by himself or his under-tenants, was seized or possessed upon 7 May 1659, and which lie within the securities set apart for satisfaction of the commissioned officers who served before 5 June 1649, he, the said Richard Stephens, placing thereupon so many debentures for arrears due for service done before the said 5 June 1649, for which no satisfaction had yet been given, and which are satisfiable by the rules of this or the said former act, as do amount unto the full sum of three hundred pounds: anything in this or the said former act to the contrary notwithstanding. (pp 285-286)

APPENDIX F

A LEGAL OPINION AS TO WHETHER SUCH COMMISSIONED OFFICERS AS  
SUBMITTED NOT ON HAVING SUBMITTED TO THE CESSATION AND  
AFTERWARDS FELL OFF, ARE TO BE SATISFIED ANY ARREARS OUT OF  
THE '49 SECURITY FOR THE TIME THEY DID NOT SUBMIT TO THE SAID  
CESSATION HAVING RECEIVED NO SATISFACTION IN LANDS OR MONEY  
SINCE 1649.

This original document was found among the '49 officers  
papers, (P.R.O.I., MS 2458). It is included here in its  
original form as a matter of interest.



... as a result of the ...  
... of the ...  
... of the ...

... of the ...  
... of the ...  
... of the ...

... of the ...  
... of the ...  
... of the ...

... of the ...  
... of the ...  
... of the ...

... of the ...  
... of the ...  
... of the ...

... of the ...  
... of the ...  
... of the ...

... of the ...  
... of the ...  
... of the ...

... of the ...  
... of the ...  
... of the ...

... of the ...  
... of the ...  
... of the ...

... of the ...  
... of the ...  
... of the ...

comprehend these the other & that the subsequent words seem to confirm to have been  
to or our Royall father

notice

And how it is humbly desired it may be taken notice off that the King taking into  
his Consideration y<sup>e</sup> sufferings of his own Officer & their faithful service & the  
due to them (as the preamble does recount) must not be thought in this at in other parts of the Statute  
these same Officers who indeed are sworn not that further to him w<sup>ch</sup> was sworn nor to call that  
Arrears due w<sup>ch</sup> is not due but he must be thought to speak in propriety of speech w<sup>ch</sup> if granted  
no arrears upon a Com<sup>rs</sup> Officer but he is by his Majesty's Com<sup>rs</sup> now that service  
not done by that Com<sup>rs</sup> nor that an Arrears due w<sup>ch</sup> is not for that service.

(At any time) These words in construction of Law and as much as to say for time to time  
at or after or during the time according to w<sup>ch</sup> construction the Officer can expect payment but for  
time to time which is for the or at or after at he served or during the time he served & if that  
is the clear intention of the words as in pay: At whatever the Com<sup>rs</sup> and so states the Statute of  
such Com<sup>rs</sup> Officer during the time of their service w<sup>ch</sup> limits the information pay 14 & 15  
do not vary clearly interpret the words especially if you compare them w<sup>th</sup> the Statute in pay 28 where the  
words (at any time) must be taken during the time they served or otherwise those who  
served at any time between the 1<sup>st</sup> of June 1549 & the 1<sup>st</sup> of November above though they served  
but 3 months shall be entitled to arrears for all y<sup>e</sup> time If these words (at any time)  
should introduce a right by a few months service to a reward for many years  
y<sup>e</sup> Grant may be pleaded to confound how far this interpretation should be for the King's interest  
in the Statute & he may now where to be warranted in this Statute was humbly conceived.

It shall be satisfied their respective personal Arrears) the word respective  
may respect the person the time the service & the Arrears due for y<sup>e</sup> service

And the word (Arrears) must of necessity receive the construction of such arrears  
as are justly due.

None will deny y<sup>t</sup> by the Common Law of the Land no arrears can be due to any person  
that serves ag<sup>t</sup> the King at least during the time he served ag<sup>t</sup> him

An Act of Parliament afterwards says he shall be paid all his Arrears it is a clear case  
that these general words of the Act shall not extend to take away the force of the Common Law,  
and thereby to give him more Arrears than is justly due If the Act had said in express words that  
for his service ag<sup>t</sup> the King he shall be paid all his Arrears during that time the Act had been  
bound as it is by the Law & Common Right in w<sup>ch</sup> case the Statute doth not extend & beyond  
such Act as it is frequently required

If the Act then by these express words could not give such Arrears much less can it be  
intended or construed to pass by implication for it is a rule in Law if nothing shall be  
taken by equity upon a Statute w<sup>ch</sup> contradicts or bridges the Common Law.

But if the Act had been w<sup>th</sup> notice of such a man's service ag<sup>t</sup> the King & yett for that  
he hath done other acceptable service to the King should allow him Arrears for that y<sup>e</sup>  
he served ag<sup>t</sup> the King, if may be good & yett when in that case. It is affirmed that it cannot  
lawfully be made an Arrears of pay, but rather a gift of quality proceeding from the  
mercy & bounty of the King.

But there is one just clause to be found in the Act of Statute whereby the King expresseth  
that any Officers for their justly due service should wipe off the guilt of their former  
unlawful

authority in the petition & be obliged to observe during that time & by implication as aforesaid  
it cannot pass if no express clause can be shown, as said before, nor lawfully convert. R. 117

**Objections**

The King has confirmed the estate given out for arrears for service under the petition  
which sought out the arrears with his best grace. It is true to those arrears <sup>which some have said</sup> <sup>of the whole</sup> <sup>of the</sup>  
with the said many nor so generous

By a Capitulation or of law arrears not due before may become due, public faith is a bit  
it is true that this is the case of the petition, though the King be obliged to stand on the  
Declaration & his Majesty's Declaration for service, but not implication, where there  
is no public faith, will make it a debt not due.

The King's express in his Declaration the reasons of granting of confirming the new  
Judgments in the said estates & possessions, to be, not for if they should hurt him, whether that they  
should hurt the King, but for the service & recovery in what is to be done as in duty they were  
bound all of it in them say for the recovery & that is for their recovery in it, his Majesty's  
and that the confirmation to those who manifestly any objection to his satisfaction, but the warrant

pay 15<sup>th</sup> It is further declared that all Com. Officers before 29 whoe have  
had noe Satisfaction in Lands &c It would seeme by that Paragraph if there is some  
condition or salary intended to it of pag 19<sup>th</sup> in that it begins in those words It is  
further declared as also the qualification of serving us or our Royall father  
is left out as it is in several other parts of the Act pag 40: 41: 42: 60: 61: 64: 877.

It is not the intention of that Paragraph to disqualify the persons for whom provision is  
made in that being done before pag 19<sup>th</sup> but to declare the manner & order of their Satisfaction  
& to distinguish between the prior & posterior Satisfaction

It is true that the 29 Officers in the said Act are not always called by one and the  
same appellation & it would seeme tedious & unnecessary to set out large Paragraphs in pag 19<sup>th</sup>  
in all places where there is mention of the qualification of them or their servants, if it is at that time  
in several places of the Act that qualification of serving us or our Royall father is intended as  
pag 40: 41: 42: 43: by which it is very evident that the intention of that qualification is not  
intended a total exclusion of it out of the Act for then in the subsequent parts of the Act it  
would not have been againe intended. If the meaning of those words is to be served us or our  
Royall father in the parts of the Act shall speak an intention in the Law not to containe them  
a qualification by the same style of reason the rest of the Qualifications implied in the  
will are black in every place for instance: that is, that an Officer not in a Regiment, Troop  
or Company raised in Ireland or transported out of England should have right to share the arrears  
due then also if he is or Assignee of a 29 Officer whoe are volun. my. of the Act mentioned  
but pag 19<sup>th</sup> and to have no Satisfaction with it absurd

In pag 41 the words of the 29 Officers are shall as stated But according to the  
terms of establishment of pay allowed by our Royall father or the two houses  
of Parliament &c by which it should seeme that the Parliament is established and  
approved of & therefore that fortitude a right to be satisfied.

They graunt rather make out them than for them for there is no question shall  
account shall be allowed but according to their own 10<sup>th</sup> 11<sup>th</sup> 12<sup>th</sup> authority that is  
as also to the establishment of pay allowed by the late King & both houses of Parliament  
they make of it. And they are our Officers whoe are not paid by the two houses  
give us our money with it indeed did they in this Kingdom but all after the fashion

gave Com<sup>rs</sup> to some that opposed the petition for the giving Com<sup>rs</sup> at the request of the King & ~  
injoyable for his Ordinance. Ther. for. the words here set to allout the circumst<sup>s</sup> of such Office.  
But according to their Com<sup>rs</sup> it is as much as to make a difference between a Lawfull & an unlawful  
- full Com<sup>rs</sup>. & between a Com<sup>rs</sup> for the King & a Com<sup>rs</sup> for the Parliament. & the word allowed  
w<sup>ch</sup> some after as is humbly conceived must necessarily be understood to have relation only  
to the establish<sup>mt</sup> of pay followers in the Capitul<sup>ty</sup>. Tho' after y<sup>e</sup> word Com<sup>rs</sup> yett it might be con-  
- sidered a distinct sentence (as in many other cases) that is the Com<sup>rs</sup> for the King only & the  
establish<sup>mt</sup> by him or by both houses allowed

If that word allowed should be interpreted to have relation to the word Com<sup>rs</sup> as well  
as establish<sup>mt</sup>. it would followe if we suppose though Com<sup>rs</sup> by the King should have  
his arrears stated but he should not have the allowance of that Com<sup>rs</sup>. by both houses of  
Parliament. whereas by the Kings principal<sup>s</sup> may no intention in making a Provision for those  
if he should be wholly discharged

4 Ob: In paragraph Provision is made a justice for the satisfying of 12<sup>o</sup> 6<sup>o</sup> in the pound of arrears  
already stated & for w<sup>ch</sup> Debentures have been given out, & of those that shall be  
stated. If they have not satisfaction before the 1<sup>st</sup> of June as many of those  
Debentures already stated, are for certain debts in opposition to the petition. & since  
the L<sup>d</sup> L<sup>t</sup> & Council were an application made to them by the Com<sup>rs</sup> of  
the Court of Exchequer & ultimately that divers officers who had their Accounts stated  
did not think fit to abide by them but were the same &c. & by Act of Council  
dated the 1<sup>st</sup> of May, is ordered & directed that arrears stated are not to be  
new stated but y<sup>e</sup> Debentures to given by the Com<sup>rs</sup> according to the arrears stated &c.  
by all w<sup>ch</sup> it seems to be implied y<sup>e</sup> arrears stated though for service not by  
the Maj<sup>ty</sup> Com<sup>rs</sup> are to be satisfied

To the first pt of y<sup>e</sup> Objection we say that the arrears w<sup>ch</sup> the Com<sup>rs</sup>  
shall state & the arrears already stated are to be understood in one & the same  
sense. that is to say, to be such as are to be satisfied by the Judgment of paragraph 1<sup>st</sup>  
but if by what has been already sayd the arrears to be stated are to be  
understood only for such service as was performed to the King then as for the satisfaction  
of the arrears stated shall be intended only for such pt of them as is due  
due in the Kings service. And if any pt of those arrears already stated hath  
been for service w<sup>ch</sup> out the Kings Com<sup>rs</sup> it is humbly conceived it is not intended  
the King in the latter end of y<sup>e</sup> Paragraph (par 18) seeming to anticipate  
that objection by declaring or rather remembering for whom he intended satisfaction in a  
relation as well to stated as unstated arrears viz) to such y<sup>e</sup> as is set  
to or our Royall father Besides what has already been sayd concerning the  
impropriety of naming y<sup>e</sup> an arrears w<sup>ch</sup> out of y<sup>e</sup> Kings Com<sup>rs</sup> & naming that service to  
now may be referred to this place.

To the second pt of the Objection we sayd confest y<sup>e</sup> by the order of his Grace  
the L<sup>d</sup> L<sup>t</sup> & Council dated the 1<sup>st</sup> of May, arrears stated are not to be  
new stated

new statute (the same being declared not warranted by the Act) & the Com<sup>rs</sup> are to give  
 Debentures according to the State of the respective arrears then made but their meaning  
 desire the following Qualification may be observed (viz) that those arrears stated shall  
 not be satisfied but equally with the arrears not yett stated w<sup>ch</sup> are by the Act to be  
 stated so if the arrears to be stated or to be satisfied but according to  
 the Qualifications in the 1<sup>st</sup> pay (viz) for service done for his Majesty or his Royall  
 father neither shall the satisfaction of the arrears stated be for any other  
 that service then if it should be otherwise provided (viz) that those satisfactions should  
 be awarded in preference to those Debentures then the not allowing them to be stated  
 w<sup>ch</sup> is was intended in favor of them or that those Com<sup>rs</sup> by it would not have  
 desired to wait the same) shall put them into a better condition than if they had not  
 stated under the 1<sup>st</sup> pay for if they had never stated under the 1<sup>st</sup> pay they  
 would be admitted now to state perhaps but for two years (if they served his Majesty  
 longer) where as perhaps Debentures already stated is for 2<sup>o</sup> above years (5 years which  
 may have been the service without his Majesty's pay) & so if w<sup>ch</sup> by the Act seems to be  
 intended & intended as a restriction (viz) the not allowing them to now state) shall by  
 that interpretation take away if restriction is made them if advantage w<sup>ch</sup> is not  
 reasonable to imagine (as it humbly conceived) was intended them

1<sup>st</sup> B:

The King makes provision for satisfaction of arrears to the 5<sup>th</sup> of June  
 1699 if the arrears are wholly satisfiable w<sup>ch</sup> were by the King Com<sup>rs</sup> why was  
 not the limitation of time to June 1<sup>st</sup> 1699 when his Grace left the sword rather than  
 the 5<sup>th</sup> of June 1699

1<sup>st</sup> Ans:

That the period of time to which the 1<sup>st</sup> of June should be stated intended was  
 to distinguish between the time of stating the 1<sup>st</sup> pay arrears & the 5<sup>th</sup> of June  
 concerning where the other being before it cannot be truly asserted that there is  
 not arrears to be stated between the years leaving the Government & the 1<sup>st</sup> of June  
 1699 for first the Muster Army was actually in his Majesty's pay for the arrears of  
 the 1<sup>st</sup> of June 1699 to the 5<sup>th</sup> of June 1699 besides many other in several parts  
 of the Kingdom & so it is not to be said that he Majesty's Designes w<sup>ch</sup> may be truly said  
 that for the 1<sup>st</sup> of June 1699 the Muster Army returned to their Obedience to his  
 Majesty's service (as we humbly conceive) to be satisfied for of arrears by all w<sup>ch</sup> it  
 appears it was necessary for to limit of time because otherwise those  
 who served under his Majesty's Designes for the time of the 1<sup>st</sup> of June 1699 to the  
 5<sup>th</sup> of June 1699 would be excluded for satisfaction

Upon the whole matter is humbly offered to consideration if none are to receive  
 satisfaction out of the 1<sup>st</sup> pay but those who served his Majesty or his Royall  
 father in the Wars of Ireland before the 1<sup>st</sup> of June 1699 & who fall under the  
 said Qualifications in pay 1<sup>st</sup> of the Act or that owing during the respective  
 times they served at sea. All w<sup>ch</sup> is humbly submitted unto your Honors  
 better judgment.

APPENDIX G

TRANSCRIPT OF THE FIRST DECREE ON ROLL NUMBER ONE OF THE  
DECREES OF INNOCENCE.

This is a photostat from the Rec. Comm. Ire. rep., (1821-25)  
It concerns a decree of innocency obtained against the '49  
security as was discussed in Chapter four.,

## TRANSCRIPT

OF THE

FIRST DECREE ON Roll N<sup>o</sup> 1. of the DECREES of INNOCENTS.

## PRESENT;

HENRY COVENTRY, Esq<sup>r</sup>.  
 Sir EDWARD DERING, Bar<sup>t</sup>.  
 Sir RICHARD RAINSFORD, Kn<sup>t</sup>.  
 Sir THOMAS BEVERLEY, Kn<sup>t</sup>.

S<sup>r</sup> EDWARD SMYTH, Kn<sup>t</sup>.  
 EDW<sup>d</sup> COOKE, Esq<sup>r</sup>.  
 and  
 ORMSTON CHURCHILL, Esq.

*Richard Brice, Merchant, Plt.*  
*John Cerrington, Tenant to*  
*Sir Robert Newcomen,* } The Trustees for the forty-nyne Officers.  
*Samuel Saltonstall,*  
*Sir Rich<sup>d</sup> Domvile, his Ma<sup>ty</sup> Attorney General,*  
 And severall other Defend<sup>r</sup>.

BY HIS MAJESTIES Commissioners appointed to execute the Act intituled An Act for the better execution of his Majesties gracious Declaracion for the settlement of his kingdome of Ireland, and satisfacion of the severall interests of Adventurers, Soldiers, and other his subjects there.

WHEREAS in pursuance of the said Act, Richard Brice of the cittie of Dublin, merchant, soune heire and administrator of the goods and chattells of John Brice late of Dublin aforesaid, merchant, his late father deceased, did exhibite his claime before us on the fourth day of November in the fourteenth yeare of the raigne of our soveraigne Lord Charles the Second by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. Thereby setting forth, That the said John Brice his father was on the twoe and twentieth day of October one thousand six hundred forty and one lawfully seized and possessed in his demesne as of fee of and in severall messuages, houses, gardens, lands, tenements and hereditaments mentioned in a Schedule annexed to and part of the said claime and petition (that is to say) Sixtie acres of arrable land called Jeffords Grove, sixtie acres of arrable land called Floods Freehold, twelve acres of land called Fitz-Symons or Bealings Land, twoe acres of land called the Backey, eight acres neere the Camadge called the Newparke, thirtie acres of arrable land and twoe acres of pasture parcell of the late Hospitall of S<sup>t</sup> John of Jerusalem, seaven acres of land called Sloes Land, one acre called Clinchers Parke, twelves acres of land inclosed with quickset next Gifford's Grove, with divers messuages, orchards and gardens with their appurtenances, in Cromlin in the parish of Cromlin in the barony of Newcastle and county of Dublin; forty acres of arrable land and pasture with twoe messuages and gardens and their appurteñces, in Dunboyne in the parish and barony of Dunboyne in the countie of Meath; twoe houses in S<sup>t</sup> James Streete and one house in S<sup>t</sup> Thomas Streete with the appurteñces, in the parish of S<sup>t</sup> Katherine's and county of the cittie aforesaid; twoe gardens with the appurteñces, scituate in Killmainham in the parish of S<sup>t</sup> Katherines and county of Dublin; twoe houses and gardens with the appurteñces, scituate in New Streete in the county of Dublin aforesaid: And the said John Brice being soe seized and possessed died on or about the twoe and twentieth day of July one thousand six hundred and fifty, by and after whose decease the finisses descended and came to the claymant: And further setting forth, That the claymants said father was on the twoe and twentieth day of October one thousand six hundred forty and one possessed of one house in the said cittie of Dublin, with the appurtenances, knowne by the name of the signe of the Angell, by a lease, for many yeares not yet expired, made to the claymants great grandfather John Brice, which from him came by lawfull waies and meanes to the claymants father the said John Brice, the reversion whercof was afterwards purchased in fee simple by his said grandfather in his owne name or in the names of some trustees for his use, and came to the claym<sup>t</sup> said father by discent as sonne and heire to the claymants said grandfather: And further setting forth, That the claymants said father was on the said twoe and twentieth day of October one thousand six hundred forty and one possessed of the townes and lands of Ballinvollagh, Drumin, Cornekolyaly, Ballin [ ] both the Ballydonells, Ballygillerow, Whitestowne, Knockfobell, Knockandoragh, Coolenetoony, Killpeder, Knockenrye, Balleharris, Cooleballebugh, Knockandeaoc, Aghevemoe, Bavagroe, Newtownemore, Newtownebegge, Ballynbeale, halfe the towne of Blackeditch next Balleharran and the three parts of Teagronin in the baronie of Arklow, and [ ] county of Wicklowe, by virtue of a certaine deed of mortgage unto him made by Gerald Teige and James Birne, bearing date in

Transcript of the  
 first Decree on  
 Roll No. 1, &c.

Transcript of the  
first Decree on  
Roll No. 1., &c.

the year of our Lord one thousand six hundred thirty-nyne, redeemable upon payment of a certaine sume of money in the said deed of mortgage mençoned and expressed: And further setting forth, That the claymants said father was on the said twoe and twentieth day of October one thousand six hundred scerty-one possessed of recognizances for certaine sumes of money on the townes and lands of Cappoge, Dromgoldstowne, Ballileage, Dromcarr and Dowdstowne, and all the rest of the estates of John Hadsar, Thomas [ ] Dromgold, and likewise Thomas Tallant and Peter Clinton in the countys of Lowth and Monaghan; and also of a recognizance of a certain sume of money upon the estates of Collo M'Brian M'Mahon of the Leeke, and James [ ] of Derrinishalge, in the county of Monaghan, esq.; and also a mortgage upon the whole estates of Clinton of Dromcashell, Clinton of Irishtowne, and Garlon of Stebannon in the county of Lowth, esqs.; and also of several other mortgadges, leases and recognizances in the said cittie of Dublin, counties of Dublin, Wicklow, Lowth, Meath and Cavan aforesaid: And further setting forth, That the said John Brice the claym<sup>r</sup> father was seized and possed of the pmisses untill the time of his death, which happened in the yeare one thousand six hundred and fiftie, after whose death the premisses discended to the claym<sup>r</sup> as sonne and heire to his said father, who entred therein and enjoyed the same untill he was expulsed by the late usurped powers; and that the said John Brice the claymants father, and the claymant, were innocent persons, and inhabitants and proprietors of the cittie of Dublin: To which said claime and petiçon Sir William Domville knt. his Majesties attourney general, in the behalfe of his Majestie and other the defendants, did appeare and answeare respectively: Upon the which pleadings the said claime and petiçon proceeded to a final hearing, and was heard by this Court this p<sup>s</sup>ent day (that is to say) Tuesday the thirteenth day of January in the said foureteenth yeare of the raigne of our said soveraigne lord the King that now is, in open court att the place comonly called The Kings Inns Dublin, in the p<sup>s</sup>ence aswell of the claym<sup>r</sup> counsell as of his Majesties said attourney generall and of others of counsell with the said defend<sup>r</sup>: And forasmuch as upon hearing of the said cause upon the testimonies proofes and evidences produced before us, it appeared unto this court that the claym<sup>r</sup> great grandfather John Brice aforesaid died before the twoe and twentieth of October one thousand six hundred forty and one, and that the said claym<sup>r</sup> father John Brice in his life time was an innocent Papist, and the said claym<sup>r</sup> himselfe was and is an innocent Protestant according to the intençon of the said Act; and that his said father in his lifetime and untill the time of his death was an inhabitant and proprietor in the said cittie of Dublin; and that the said John Brice, the claym<sup>r</sup> father, the three and twentieth of October one thousand six hundred forty one, was seized in his demesne as of fee and possessed by himselfe and his tennants of and in the said sixtie acres of arrable land called Floods Freehold, twelve acres of land called Fitzsymons or Bealingsland, twoe acres of land called the Backey, eight acres neere the Camadge called the New Parke, thirty acres of arrable land and twoe acres of pasture parcell of the late Hospitall of St. John of Jerusalem, seaven acres of land called Sloesland, one acre called Clinchers Parke, twelve acres of land inclosed with quicksett, with divers messuages and gardens with their appurteñces, in Cromlin in the parish of Cromlin in the barony of Newcastle and county of Dublin aforesaid; and of fortie acres of arrable land and pasture with twoe messuages and their appurteñces, in Dunboyne in the parish and barony of Dunboyne in the said county of Meath; also of and in twoe houses in St. James Streete and one house in St. Thomas Streete, with the appurteñces, in the parish of St. Katherines and county of the said cittie of Dublin; twoe gardens with the appurteñces, scituate in Kilmainham in the parish of St. Katherine and county of Dublin aforesaid; and twoe houses and gardens w<sup>th</sup> the appurtenances scituate in the New Streete in the said county of Dublin, parcell of the lands in the said claime and schedule thereunto annexed mençoned; and that he died thereof soe seized in the moneth of July in the yeare of our Lord one thousand six hundred and fiftie; and that by and after his decease the same discended and came unto the claym<sup>r</sup> as his sonne and heire, who entred thereinto and was thereof seized in his demesne as of fee untill he was expulsed and putt out of the same by the late usurped powers: And forasmuch as upon hearing of the said cause it also appeared unto this Court by such proofes testimonies and evidences aforesaid, that the said John Brice, the claym<sup>r</sup> said great grandfather, by vertue of a lease to him made by William Bath of Athcarr, Richard Sedgrave of Killeglan, and John Cheevers of Maston, esqs., feoffees of trust to the use of the said William, by indenture bearing date the twentieth day of Aprill one thousand five hundred ninety and foure, in the six and thirtieth yeare of the raigne of Queene Elizabeth, was possessed of and in the said house in Cornemarket joyning to the Highstreete in the said cittie of Dublin, for the tearme of eighty one yeares comencing from Easter one thousand five hundred nynyty and foure, under the yearely rent of tenne pounds tenne shillings and foure pence currant money of Ireland; and that the said claym<sup>r</sup> by vertue of one other lease made of the pmisses by Walter Golding of Piercetowne Landy and Patrick Dowdall of Drogheda gentl unto John Brice the claym<sup>r</sup> said father, and to Jane and Bridget Brice, bearing date the third day of June in the yeare of our Lord God one thousand six hundred and eightene, for and dureing the terme time and space of threescore and one yeares from the end and expiraçon of the said former lease, and under the yearely rent of eight pounds current money of and in England, payable at the feasts of Easter and St. Michell the Archangell by equall porçons, as survivor to the said Bridgett and Jane is interested in the said remainder of sixty-one yeares in reversion as aforesaid; and that the claymant did take forth letters of administraçon of the goods and chattells of the said John Brice the claym<sup>r</sup> great grandfather aforesaid, dated the tenth day of January in the yeare of our Lord one thousand six hundred sixtie twoe aforesaid, whereby he is lawfully intituled unto the remainder of the said terme of eighty one yeares mençoned in the said first recited indenture, and yet to come and unexpired, of and in the demised premisses aforesaid: And it further appeared that the said John Brice the claymants said father was accordingly possessed of the pmisses aforesaid

the



the twoe and twentieth day of October in the yeare one thousand six hundred forty one aforesaid, and died thereof soe possessed: It is therefore thereof considered ordered adjudged and decreed by this Court, That the said claymant Richard Brice is an innocent Protestant, and that the said John Brice his father, in his life tyme and untill the tyme of his death, was an innocent Papist, within and according to the intent and true meaning of the said Act; and that the said claym' Richard Brice be forthwith restored unto, and that he his heires and assignes shall and may hold and enjoy, such estate and noe other as his said father was soe seized of the twoe and twentieth day of October in the aforesaid yeare of our Lord one thousand six hundred forty and one, and which by and after his said fathers decease did or of right ought to discend and come unto him as soone and heire of his said father of and in the said lands tenements and hereditaments called or knowne by the names or denominations of Floods freehold, Fitzsymons or Bealings land, the Backey, the Newparke neare the Camadge, the land pasture parcell of the late Hospitall of St. Johns of Jerusalem, Sloesland, Clinchers Parke, the twelve acres in Cromlin, lying and being in the county of Dublin; the arrable land and pasture and twoe messuages, in Dunboyne in the county of Meath; twoe houses in St. James Streete and one house in St. Thomas Streete in the parish of St. Katherines in the said cittie of Dublin; twoe gardens in Kilmainham in the said county of Dublin; and twoe houses and gardens in Newstreete, with their and every of their appurtenances; and to such measne profitts of all and singuler the pmisses as are due to the said claymant by vertue of the said Act of Settlement, and that in such plight and condition and in such manner and forme, and subject to such lawfull or equitable rights titles charges and incumbrances as the same or any part thereof is or are lyable unto, and under such cheifries tenures and reseruations rents and services unto the Kings Majestie or any other cheife lord or lords of the ffee or fees of the pmisses as are due or of right accustomed of or for the same or any part thereof: And it is further considered ordered adjudged and decreed by this Court, That the said claymant be forthwith restored unto, and that he his executors administrators and assignes shall and may also hold and enjoy such estate and interest (and noe other) for and dureing the residue and remainder of the said respective termes of eighty one yeares and threescore and one yeares which is yet to come and unexpired of and in the said messuage or tenement called by the name of the Angell aforesaid, with their and every of their appurtenances, subject nevertheles unto the said yearly rent of eight pounds sterling reserved upon the said leases to be paid unto such person or persons to whom the same doth or shall rightfully belong, and in such plight and condition and subject also to such lawfull or equitable rights titles charges or incumbrances as the same or any part thereof is or are or ought to be lyable unto; and as to all other the pmisses whereunto the claym' hath made noe sufficient prooffe to this Court of his tittle thereunto, the claym' is left to take such due remedy for recovery thereof either in law or equity as he shall think fitting, saveing to his Majestie his heires and successors all such right tittle interest estate challenge clayme and demanda in and to the pmisses and every part thereof as his said Ma<sup>ty</sup> his heires and successors have or may have therein or thereunto, other then and except such right tittle interest challenge clayme and demanda as shall or may in any sort take away hinder or impeach the innocency of the said claym' Richard Brice or of the said John Brice his father, or the adjudicacon of the same by this p<sup>re</sup>sent order and decree, or any profit benefit or advantage which the said claym' his heires executors administrators or assignes ought to have or enjoy by reason thereof, or by the intent and true meaning of the said Act of Settlement: And it is further considered ordered adjudged and decreed by this Court, That all and singular the pmisses shall be ymmediately putt out of charge in his Majesties court of Exchequer, and that the respective sheriffes of the counties where the premisses to which the claym' is soe restored as aforesaid and doe respectively lye, be and are hereby required forthwith to give the possession of all and singuler the premisses unto the said Richard Brice his heires executors agents or assignes, and to quiett him and them in the same from tyme to tyme as occasion shall require, and that the injunccon of this Court doe issue from tyme to tyme for his and their quiett enjoym' of the pmisses according to the intent and true meaning of this our Order and Decree. And this our Order and Decree wee doe hereby certifie to the right hono<sup>ble</sup> the Lord Chancellor of Ireland, and to the Lord Cheife Baron and other the barons of his Ma<sup>ty</sup> court of Exchequer there, and to all other persons whom these p<sup>re</sup>sents doe or may concerne.

Transcript of the  
first Decree on  
Roll, N<sup>o</sup> 1., &c.

*Ri. Raynsford. Edward Dering. Tho. Beverley. Edwarde Smyth.*  
*Edward Cooke. W. Churchill.*

APPENDIX H

FIRST ADJUDICATION ON ROLL NO. I OF THE FORTY-NINE LOTS

This is a photostat from the Rec. Comm. Ire. rep., (1821-5). It shows the letter patent that was granted to Robert, earl of Leicester for his arrears of pay as an '49 officer.

## TRANSCRIPT

OF THE

First ADJUDICATION on Roll No. 1. of the FORTY-NINE LOTS.

## PRESENT:

Sir EDWARD SMITH, Kn' Lord Cheefe Justice of  
his Majesties Court of Comon Pleas.

Sir EDWARD DERING, Baronett.

Sir ALLEN BRODERICK, Knight.

Sir WINSTON CHURCHILL, Knight.

EDWARD COOKE, Esq.

BY HIS MAJESTIES Commissioners appointed for putting in execucon an Act of Parliament, intituled, An Act for the explaining of some dowbts arrising upon an Act intituled, An Act for the better execucon of his Majesties gracious Declaracon for the settlement of his kingdom of Ireland, and satisfaction of the severall interests of Adven<sup>n</sup> Sould<sup>n</sup>, and other his subjects there, and for making some alteracons of and additions unto the said Act for the more speedy and effectull settlement of the said kingdome; and of soemuch as is still in force & remains to be executed of another Act, intituled An Act for the better execucon of his Majesties gracious Declaracon for the settlement of his kingdome of Ireland, and satisfaction of the severall interests of Advent<sup>n</sup>, Souldiers, and other his subjects there.

1st Debt.

**W**HEREAS upon stating of the arreares of the Commissioned Officers who served his Majestie or his royal Father of blessed memorie in the warrs of Ireland before the fifth day of June one thousand six hundred forty nyne, It appeared unto this Court that there was due to the R' Hon<sup>ble</sup> Robert Earle of Leicester, for service done by him to his Majestie or his royall Father, as captain of horse, colonell and cap<sup>n</sup> of foote and generall of the army, in the late warrs of Ireland, before the fifth day of June one thousand six hundred forty nyne aforesaid, the sume of Twelve thowsand one hundred and fiteene poudes seaventeene shillings fower pence: And it further appeared, upon distributing the securitie by the said Acts sett apart for satisfaction of the said arreares amongst the said commissioned officers by lotts equally & indifferently drawne in open court the six & twentieth day of September in the eighteenth yeare of his Majesties raigne that now is, that the arreares of the said commissioned officers who served before the said fifth day of June one thousand six hundred forty-nyne, then to be satisfyed, being by order of this Court devided into one hundred equall lotts, the arreares above menconed were containd in & did make up the first lott of the said arreares; and that the said securitie to be then distributed amongst the said officers, being also by like order of court devided into one hundred equall lotts, the lands tenements & hereditam<sup>ts</sup> hereafter mentioned were containd in and did make up the nynety fourth lott of the said securitie, and the said nynety fourth lott of the said securitie was drawn for & towards the satisfaction of the said first lott of said arreares: And it further appeared unto this Court that the severall lands tenements and hereditaments hereafter menconed were seised sequestered disposed distributed sett out or sett apart by reason of or upon accompt of the late horrid rebellion or warr which began or broke out in this kingdome of Ireland upon the three and twentieth day of October one thousand six hundred forty one, and thereby are forfeited to and vested in his Majestie according to the true intent and meaning of the said Acts, and unto the uses therein limited mentioned and appointed (that is to say) To the use of the said commissioned officers who served his Majestie or his royall father in the warrs of Ireland before the fifth day of June one thousand six hundred forty nyne: It is therefore thereupon ordered adjudged and decreed by the said Court, That the said Robert Earle of Leicester is by the said Acts lawfully and rightfully intituled unto, and that hee his heires and assignes shall and may have hold and enjoy the lands tenements & hereditam<sup>ts</sup> hereafter mentioned (that is to say) A tymber house, slated, on the Wood Key of the citty of Dublin, now or late in the possession of Nicholas Hansham, and returned, taken to have been formerly the proprietie of Sir Luke Fitz-Gerrald, the yearly quitt rent whereof is one pound thirteene shillings; and also part of a front howse, backhowse & backsyde east side of Bridge streete in the citty of Corke, now or late in the possession of Thomas Croke, and soe returned, the proprietie of David Meskell, the yearly quitt rent whereof is fiteene shift eight pence, which said part of a front howse, backhowse and backsyde are valued in the distribucon thereof at eighty three pounds twelve shillings; a front howse and backsyde in the same streete,

(122.)

Transcript of first  
Adjudication on  
Roll No. 1., &c.

now

Transcript of first  
Adjudication on  
Roll No. 1., &c.

now or late in the possession of George Hobson, and soe returned, the proprietie of John Kent, the yearly quitt rent whereof is seaven shillings six pence; a cabbिन and backsyde in the same streete, now or late in the possession of John Laddon, and soe returned, the proprietie of Henry Goold, the yearly quitt rent whereof is three shill; three front cabbिन and a backsyde west syde of y<sup>e</sup> same streete, now or late in the possession of John Baily vintner, and soe returned, the proprietie of Robert Verdon, the yearly quitt rent whereof is five shillings seaven pence halfpenny; a tyled shedd, a peece of ground and small garden in the same streete, now or late in the possession of John Baily clothier, and soe returned, the proprietie of the said Robert Verdon, the yearly quitt rent whereof is three shill nyne pence; a front slated howse, a backhowse, stable and two backsydes in the same streete, now or late in the possession of John Baily & Ellin Gaynes, and soe returned, the proprietie of James Goold Fitz Henry, the yearly quitt rent whereof is one pounce seaventeene shill six pence; a front howse, a backhowse, two shedd, a backsyde, two other front howses and a garden by the river syde in the said city of Corke, now or late in the possession of John Collett, Thomas Withers, and John Baily clothier, and soe returned, the proprietie of Francis Murrough, the yearly quitt rent whereof is one pounce fowerteene shill six pence; a front howse slated, a backsyde and garden, and a ruined howse by the river syde, now or late in the possession of Christopher Fagan, and soe returned, the proprietie of Dominick Roche alderman, the yearly quitt rent whereof is elleaven shillings three pence; a large front howse, backhowse, backsyde and garden neere the river, now or late in the possession of William Field vintner, and soe returned, the proprietie of James Goold Fitz-Pierse, the yearly quitt rent whereof is five shillings seaven pence half penny; two thatcht howses and a garden in the same streete, now or late in the possession of John Senhowse, John Loneham and Ellinor Gerrald, and soe returned, the proprietie of Edmond Sarsfield and James Goold, the yearly quitt rent whereof is two shill three pence; a front thatcht howse, a backhowse, a large backsyde and garden, two small cabins and garden in the same streete, now or late in the possession of William Probane and Robert Phillips, & soe returned, the proprietie of Philip Coleman, the yearly quitt rent whereof is six shillings; two thatcht howses before the fort gate, and a garden west syde of the same streete, now or late in the possession of John Collins, and soe returned, the proprietie of Robert Martell and William Mountgomery, the yearly quitt rent whereof is three shill nyne pence; two large thatcht howses, a cabbिन, a large backsyde, two gardens, old walls, a cabbिन and two gardens more east syde the said streete, now or late in the possession of William French, and soe returned, the proprietie of David Coleman and John Archdeacon, the yearly quitt rent whereof is seaven shillings six pence; a front thatcht howse and a garden in the same streete, now or late in the possession of William Cooke, and soe returned, the proprietie of Philip Conway, the yearly quitt rent whereof is three shill; one other front thatcht howse and garden in Forte streete, now or late in the possession of Henry Kelly, and soe returned, the proprietie of Robert Verdon, the yearly quitt rent whereof is two shill three pence; one other front thatcht howse, a thatcht howse, three gardens and wast howse plott in the same streete, now or late in the possession of George Foiffe, and soe returned, the proprietie of William Hoare and Patrick Hoare Fitz James, the yearly quitt rent whereof is seaven shill six pence; one other front thatcht howse and garden in the same streete, now or late in the possession of Margaret Seagrave als Lego, and soe returned, the proprietie of Robert Martell, the yearly quitt rent whereof is three shill; a thatcht howse, garden & backsyde in the same streete, now or late in the possession of George Sturgeon, and soe returned, the proprietie of the said Robert Martell, the yearly quitt rent whereof is one shill six pence; two thatcht howses and two gardens in the same streete, now or late in the possession of John Collett, and soe returned, the proprietie of the said Robert Martell, the yearly quitt rent whereof is five shillings three pence; a front slated howse, a backhowse, a stable, a yard, two gardens, and a howse in one of them, in the said streete, now or late in the possession of Edward Bennett, and soe returned, the proprietie of William Verdon or Thomas Goold, the yearly quitt rent whereof is nyne shillings fower pence half penny; a front thatcht howse, a backsyde and garden in the same streete, now or late in y<sup>e</sup> possession of John Martin, and soe returned, the proprietie of Dominick Murrough, the yearly quitt rent whereof is three shill nyne pence; a front thatcht howse, a backsyde and two gardens in the same streete, now or late in the possession of Christopher Cottrell, and soe returned, the proprietie of James Goold, the yearly quitt rent whereof is five shill three pence; back old walls, formerly a free schoole, two cabbिन & two gardens in the same streete, now or late in the possession of George Gamboll or Connor Meagh, and soe returned, the proprietie of John Goold, the yearly quitt rent whereof is one shill six pence; a large thatcht howse, backhowse, a yard and garden in the same streete, now or late in the possession of George Bennett, and so returned, the proprietie of Edward Macky, the yearly quitt rent whereof is two shillings three pence; a front thatcht howse, garden and backsyde in the same streete, now or late in the possession of George Bennett, and soe returned, the proprietie of James Fitz Henry, the yearly quitt rent whereof is three shillings; a large thatcht howse, another dwelling howse, a backsyde and two gardens in the same streete, now or late in the possession of John Cranklin, and so returned, the proprietie of Robert Martell, the yearly quitt rent whereof is fower shill six pence; a thatcht howse and garden in the same streete, now or late in the possession of Edward Bennett, and soe returned, the proprietie of Patrick Goold, the yearly quitt rent whereof is fower shill six pence; a front howse, a garden backward, with a close backward called Lumbards Parke in Gallowes Lane, east syde in the said city of Corke, now or late in the possession of William Whaler and John Frayle, and soe returned, the proprietie of Dominick Roche Fitz William, the yearly quitt rent of the same being one shilling six pence; a thatched howse, a garden west of the said lane, two cabbिन and two gardens, now or late in the possession of John Hayle or William Wrene, and soe returned, the proprietie of Philip Martell and Patrick Goold, the yearly quitt rent whereof is two shill three pence; a front howse, back cabbिन & backsyde and garden east syde the said streete, now or late in the

the possession of George Greene, & soe returned, the proprietie of Adam Goold, the yearely quitt rent whereof is fower shillings six pence; a large front howse, a stable, and backsyde, wherein is a thatcht howse, in Forte streete, now or late in the possession of Anthony Wharton, and soe returned, the proprietie of Edward Martell, the yearely quitt rent whereof is six shillings nyne pence; a front howse, another dwelling howse, a backhowse and two backsydes in the same streete, now or late in the possession of John Synnhowse, and soe returned, the proprietie of the said Edward Martell, the yearely quitt rent whereof is twelve shillings fower pence halfe penny; a front thatcht howse, a small backsyde, in the same streete, now or late in the possession of the said John Sennhowse, and soe returned, the proprietie of Dominick Roche, the yearely quitt rent whereof is two shill three pence; a slated howse, a stable, and backsyde, in the same streete, now or late in the possession of Benjamin Jenkins, and soe returned, the proprietie of Edward Sarsfield Fitz Thomas, the yearely quitt rent whereof is three shillings nyne pence; a small corner howse, a thatcht howse in the same streete, now or late in the possession of Edward Wilder and Nathaniell Cox, soe returned, the proprietie of Thomas or Edmund Sarsfield, the yearely quitt rent whereof is one shilling tenn pence halfepenny; a front slated howse, a stable, and garden, in Spittle streete, west syde, now or late in the possession of Edward Godwyn, and so returned, the proprietie of Edmund Sarsfield Fitz Thomas, the yearely quitt rent whereof is three shillings nyne pence; six cabbins and a garden in comon to them, called Garrynegran, east syde of the same streete, now or late in the possession of Edward Goble, and soe returned, the proprietie of John Coppinger Fitz Edmund, the yearly quitt rent whereof is seven shill six pence; a front, with five sevall waste plotts, in the same streete, now or late in the possession of Edmund Porter, and soe returned, the proprietie of Edward Galway, the yearly quitt rent whereof is two shill three pence; a front thatcht cabbin, a peece of ground, and backsyde, west syde of the said streete, now or late in the possession of Sarjant James Fyfe and Luke Galway, and so returned, the proprietie of Robert Verdon, the yearely quitt rent whereof is one shilling six pence; two thatcht cabbins in the same streete, now or late in the possession of Christopher Austan, & so returned, the proprietie of Robert Verdon, the yearely quitt rent whereof is one shilling six pence; a cabbin in the same streete, now or late in the possession of Christopher Cappuck, and soe returned, the proprietie of the said Robert Verdon, the yearely quitt rent whereof is one shilling six pence; two cabins and a wast plott of ground in the same streete, now or late in the possession of John Baily clothier, and soe returned, the proprietie of the said Robert Verdon, the yearely quitt rent whereof is two shillings three pence; a cabin and large garden in the same streete, now or late in the possession of the said John Baily, and so returned, the proprietie of William Verdon, the yearly quitt rent whereof is three shillings; two cabbins, two wast plotts and a garden, a front thatcht cabbin, and a thatcht cabbin backwards, now a smith's forge, in the same streete, now or late in the possession of Nathaniel Cox and Pheby Rowland, and soe returned, the proprietie of Edmund Sarsfield, the yearely quitt rent whereof fower pence halfe penny; a front howse slated, and a garden in the same streete, now or late in the possession of Cap<sup>t</sup> Phillip Parker, and soe returned, the proprietie of Sir Robert Coppinger, the yearely quitt rent whereof is fower shill six pence; a howse, a howse backward, a thatcht cabbin and backsyde, a court and three gardens, west syde of Spittle streete, now or late in the possession of Thomas Crooke, and soe returned, the proprietie of John Galway Fitz Walter, the yearely quitt rent whereof is nyne shillings; a thatcht howse, a backsyde, and a garden, in the lane neere Redd Abby, in the said city of Corke, now or late in the possession of Cap<sup>t</sup> Phillip Parker, and soe returned, the proprietie of Henry Goold, the yearely quitt rent whereof is three shill; six cabbins, and a garden in comon to them all, in the same lane, now or late in the possession of Phillip Parker, John Russell, Margarett Marcus, William Gold, Morris Fitzgerald, and David Lynch, and soe returned, the proprietie of John Meade and Morris Roche Fitz John, the yearely quitt rent whereof is six shill; a thatcht cabbin and garden in Bowernamontan, east syde, now or late in the possession of Phillip Parker, and soe returned, the proprietie of Daniell Minechan, the yearely quitt rent whereof is two shill three pence; two thatcht howses, five thatcht cabbins, and two gardens, in the same streete, now or late in the possession of Thomas Hayes, and so returned, the proprietie of George Goold, the yearely quitt rent whereof three shillings; a cabbin and garden in the same streete, now or late in the possession of the said John Smith, and soe returned, the proprietie of the said Phillip Coleman, the yearely quitt rent is one shill six pence; three cabbins and a garden in the same streete, now or late in the possession of Thomas Mills, and so returned, the proprietie of George Kiddy, the yearely quitt rent whereof is three shill; a slated corner howse and backsyde, another slated howse, a backsyde and garden, a thatcht howse, a long shedd, and a tann yard, in S' Nicholas Lowe streete, now or late in the possession of Thomas Mills, and so returned, the proprietie of Edward Gallway or Edward Sarsfield, the yearely quitt rent whereof is seven shill six pence; three thatcht cabbins and garden, and a yard, in the same streete, now or late in the possession of Thomas Kelly, and soe returned, the proprietie of Dominick Tirry Fitz Edmond, the yearely quitt rent whereof is two shill three pence; part of a front slated howse, a mault howse, and garden, in the same streete, now or late in the possession of Phillip Parker, and soe returned, the proprietie of Edward Sarsfield, which part of the said front slated howse, mault howse, and garden is valued in the distribuon thereof at forty five pounds tenn shill, the yearely quitt rent whereof is eight shill six pence farthing; two thatcht cabbins in Spittle streete, now or late in the possession of John Webb, and two other thatcht cabbins in the same streete, now or late in the possession of Nathaniel Cox, and soe returned, the proprietie of Edmund Sarsfield; All which last mentioned premisses are scituatt lying and being in the city of Corke and liberties thereof; the totall of quitt rent thereout due and payable to his Majestie, his heirs & successors, being Fifteene poundes nyneteene shillings five pence farthing ster: And that all and singular the

Transcript of first  
Adjudication on  
Roll No. 1., &c.

premisses, with all advantadges profitts and comodities whatsoever to the same belonging or in any wise appertayning, and all arreares of rents and other profitts growne due thereout since the five and twentieth of March one thousand six hundred sixty six, may, and by the tenor and intent of the said acts of Parliament of right ought to be held and enjoyed by the said Robert Earle of Leicester. his heires and assignes, to the use of him the said Robert Earle of Leicester, his heires and assignes; the premisses to be held of his Majestie, his heires and successors, in free and comon soccage, as of his Majesties castle of Dublin, under the yearely rents herein before mençoned, and noe other; the said seveal yearely rents and payments to be made and payed at the receipt of his Majesties Excheq' in Dublin, at the two most usuall feastes or tearmes of the yeare, that is to say, att the feast of S' Michaell the Archangell and the Annunciaçon of the blessed Virgin S' Mary, by even & equall porçons: And it is further ordered adjudged and decreed by this Court, That the said Robert Earle of Leicester is also by the said Acts lawfully and rightfully intituled unto, and shall and may receive and enjoye to him, his executors administrators and assignes, the sume of One thousand poundes, part of the sume of One hundred thousand poundes, which by the said Act of Explanaçon is to be raysed for the use of and to be distributed amongst the said commissioned officers who served his Majestie or his royall Father in the warrs of Ireland, before the fifth day of June one thousand six hundred forty nyne; and also the sume of One hundred and sixty poundes, part of the sume of sixteene thowsand poundes which is to be payed by the R' honno<sup>re</sup> Wentworth Earle of Roscomon & Roger Earle of Orrery, their heires or assignes, for the use of the said commissioned officers, out of the seveal forfeited howses & lands graunted or intended to be graunted unto them in the city of Limike; and that the acquittance of the said Robert Earle of Leicester, or of his executors administrators or assignes, or his or their attorney lawfully authorized, shalbe a sufficient dischardge unto his Majesties Vice Threasurer of Ireland for the tyme being for the said sume of One thousand poundes, and to the said Wentworth Earle of Roscomon and Roger Earle of Orrery, their heires and assignes, for the said sume of One hundred and sixty poundes, or such part thereof as shalbe payed unto him or them: Provided alwaies, that the lands tenem<sup>ts</sup> and hereditaments hereby adjudged and decreed towards satisfaction of the aforesaid arreares, shalbe noe hynderance to the said Robert Earle of Leicester, his heires executors administrators and assignes, in receaving such further satisfaction for the said arreares as upon the distribuçon of the remayning part of the said securitie shalbe due to them: Saving and hereby reserving a lease of the aforesaid timber howse, slated, on the Wood Key Dublin for the residue of a tearme of forty one yeares commencing in the yeare of our Lord One thowsand six hundred thirty nyne, at the yearely rent of twenty poundes, to such as have right thereunto: Saving alsoe and hereby reserving unto Richard Scudamore esq. his right to a lease of the aforesaid front howse, two shedds and backsyde in the said city of Corke, now or late in the possession of the said John Collet and Thomas Withers, at the yearely rent of eight poundes: Saving alsoe a lease for One hundred and one yeares, dated in the yeare one thowsand six hundred and two, at five poundes three shift p annū, of the said front howse, slated, a backsyde and garden, and a ruined howse by the river syde in the said city of Corke, now or late in the possession of the said Christopher Fagan, to such as have right thereunto: Saving also a lease, dated the twentieth of June one thowsand six hundred thirty seven, for sixty one yeares, at thirteene shift fower pence p annū, of part of a large front howse, backhowse, backsyde, and garden, neere the river, now or late in the possession of the said William Field vintner, to such as have right thereunto: Saving also a lease, dated the fifteenth of May One thowsand six hundred twenty one, for fifty one yeares, at twenty shillings p annū, of two thatcht howses before the forte gate west syde Bridge streete in the said city of Corke, now or late in the possession of the said John Collins, to such as have right thereunto: Saving also a lease from Easter One thowsand six hundred thirty three, for sixty one yeares, at the rent of fower poundes p annū, of the said front slated howse, backhowse, a stable, a yard, two gardens and a howse in one of them, in Bridge streete aforesaid, now or late in the possession of the said Edward Bennett, to such as have right thereunto: Saving also a lease, dated the one and thirtieth of August One thousand six hundred thirty eight, for sixty one yeares, at two poundes p annū, of the said large front howse, a stable, and backsyde wherein is a thatcht howse, in the fort streete in the said city of Corke, now or late in the possession of the said Anthony Wharton, to such as have right thereunto: Saving also a lease, dated the sixteenth of October One thowsand six hundred thirty one, for sixty one yeares, at fower poundes p annū, of the said front howse, another dwelling howse, a backhowse, and two backsydes, in the same streete, now or late in the possession of the said John Synnowse, to such as have right thereunto: Saving also a lease, dated the tenth of January One thowsand six hundred twenty six, for forty eight yeares, at tenn shift p annū, of the said front thatcht howse and small backsyde in the same streete, now or late in the possession of the said John Synnowse, to such as have right thereunto: Saving alsoe a lease and decree of the aforesaid slated howse, a stable, and backsyde, in the same streete, now or late in the possession of Benjamin Jenkins, to such as have right thereunto: Saving also to James Meagh the benefit of his decree to the aforesaid small corner howse and thatcht howse in the same streete, now or late in the possession of the said Edward Wilder and Nathaniell Cox, and also to a front thatcht cabbin, a thatcht cabbin backwards, now a smith's forge, in the same streete, now or late in the possession of Pheby Rowland: Saving also a lease, dated in September one thowsand six hundred thirty nyne, for sixty one yeares, at the rent of one pounce p annū, and two henns or a shilling, of the aforesaid front slated howse, a stable, and garden, in Spittle streete, west syde, now or late in the possession of the said Edward Goddwyn, to such as have right thereunto: Saving also to Maurice Roche Fitz John all such right and title as hee hath to two cabbins of the aforesaid six cabbins, and a garden in comon to them, in the said lane neere the red Abyly: Saving also a lease, dated

the one and thirtieth of November One thousand six hundred thirty sower, for sixty one yeares, at twenty shill p annū, of part of the said slated corner howse and backsyde, another slated howse and backsyde, a garden, a thatcht howse, a long shedd, & a tannyard in St. Nicholas low streete in the said citty of Corke, now or late in the possession of Thomas Mills, to such as have right thereunto : Saving also a lease, dated the first of May One thousand six hundred thirty eight, for fifty one yeares, at tenn shillings p annū, and a henn or six pence, of the aforesaid three thatcht cabbins, a garden, and a yard, in the same streete, now or late in the possession of Thomas Kelly, to such as have right thereunto : Saving also a lease to Richard Parker of the said part of a front slated howse, a mault howse, and garden, in the same streete, at forty shillings p annū, now or late in the possession of Phillip Parker : And saving unto Andrew Murrough and his heires the full benefitt of a decree of his Majesties late Com<sup>rs</sup> for executing the said Act of Settlement, bearing date the thirtieth day of July in the fifteenth yeare of his said Majesties raigne that now is. And this our Judgment and Decree, Wee doe hereby certifiye unto his Grace James Duke of Ormond, Lord L<sup>d</sup> Gen<sup>l</sup> and Gen<sup>l</sup> Governor of Ireland, and to his Grace Michael Lord Archbishop of Dublin, Lord Chancellor of Ireland, and to his Majesties court of Exchequer there ; to the end that effectuall letters pattents under his Ma<sup>ties</sup> greate seale of Ireland may be forthwith graunted unto the aforesaid Robert Earle of Leicester for the finall settlement and confirmacion of all the premisses and everie part thereof, unto the said Robert Earle of Leicester, his heires executors adm<sup>rs</sup> and assignes, pursueant to this our Judgement, Decree, and Certificatt, according to the true intent and meaning of the said Act of Settlement and of the said Explanatory Act. Given under our hands and seales the two and twentieth day of March in the nyneteenth yeare of the raigne of our Sovereigne Lord Charles the Second, by the grace of God King of England, Scotland, France, and Ireland, Defender of the Faith, &c. Annoq. Dñi 1666.

Transcript of first  
Adjudication on  
Roll No. 1, &c.

*Edw. Smythe.    Edw. Dering.    N. Churchill.    Edw. Cooke.*

Ex<sup>t</sup>.



## BIBLIOGRAPHY SYNOPSIS

For reasons of clarity this bibliography has been classified under three separate headings; Military history, Cromwellian Ireland and Restoration Ireland. Each of these sections have been subdivided into the categories of manuscript or primary sources, source compilations and secondary sources. The manuscript or primary section is further divided according to the places where the manuscripts repose.

If a particular source was useful in more than one area, i.e. Carte's Ormonde which was a useful source for all three categories then the source will be repeated under all three headings. The reason for this is to allow each category to stand out in its own right.



## 1 MILITARY HISTORY

### PRIMARY SOURCES

#### National Library of Ireland

- "Army Muster Rolls", (Ormonde MS 2559).
- "Account of war in Ireland since 1641", (MS 345).
- "Account of Prince Rupert being in Ireland in 1649", (MS 17851).
- "Articles of agreement between committee and Colonel Bunch for a regiment of foot to serve in Ireland", (pos., 1439).
- "Articles of peace concluded between Ormonde and the Confederate Catholics", (pos., 758).
- "Articles of surrender of the cities and towns to Cromwell's forces copied from the originals", (pos., 1357).
- "A list of the field officers for the Irish expedition of 1642", (MS 510).
- "Barnard's true and perfect narration of the siege of Drogheda", (Pamphlet, JP. 2060).
- "Barnard's whole proceedings of the siege of Drogheda", (Pamphlet, Ir 94106, B.2.)
- "Clanricard papers", (MS 3111).
- "Copies of the letters of the lord justices and privy council of Ireland to the king and other official persons in England relative to the progress of the rebellion in Ireland 1641-44", (Ormonde, MS 2542).
- "Copies of letters relating to the rebellion", (pos., 2883).
- "Contemporary account on the defence of Dublin", (MS 4617).
- "Documents relating to Cromwell at Drogheda and Wexford in 1649", (MS 9696).
- "Letter from Monck to Moore at Drogheda", (pos., 1043).
- "Letters to and from Clanricarde re rise and progress of 1641 rising in Connaught", (MS 2658-59).
- "List of persons indicted for high treason 1641-2", (pos., 11).
- "Miscellaneous military papers re stores of armaments in Irish forts", (MS 2274)
- "Orders of parliament relative to the payment of troops in Munster and Connaught", (pos., 522).

"Registers of army orders", (pos., 5452-3).

"Rise and progress of Irish rebellion 1641", (pos., 5437).

"Tabular pedigree of Colonel Michael Jones", (MS 9052).

#### **Trinity College Dublin**

"Arrears of the officers and others upon the military list for the new army in Ireland, June 1640", (MS 808 f.2.1.).

"A journal of several marches of the English army 1648-52", (MS 866 f.4.16).

Articles of Kilkenny with their explanations in 1652", (MS 844(23)).

"Articles concluded between Lord Muskerry and the parliamentary forces in 1652", (MS 806(6)).

"Conditions for the surrender of Limerick 27 October 1651", (MS 844(20)).

"Duke Ormonde's declaration October 1648", (MS 844(4)).

"Examinations taken by virtue of commissions issued under the great seal for inquiring into the losses chiefly of the British subjects, and the cruelties committed by the Irish rebels", (MSS 809-41)

"Letters between Cromwell and Jones relating to passages of the army in Leinster", (MS 844 f.3.18).

"List of the army and its quarters in County Louth 1648", (MS 844 f.3.18).

"Papers relating to the rebellion of 1641", (MS 747).

"Proceedings concerning the cessation with Inchiquin", (MS 844(14)).

#### **Public Record Office Ireland**

"Papers relating to Ireland 1641-1680", (G.D.24).

#### **Public Record Office Northern Ireland**

"Muster Rolls of 1642", (T 563).

"Notes on military records and statistics of 17th century", (T 808)

#### **SOURCE COMPILATIONS**

Birch, T., ed., A collection of the state papers of John Thurloe. (London, 1742).

Calender State Papers Domestic 1641-43.

Calender State Papers Domestic 1644.

Calender State Papers Domestic 1644-45.  
Calender State Papers Domestic 1645-47.  
Calender State Papers Domestic 1648-49.

Calender State Papers Ireland 1633-49.  
Calender State Papers Ireland 1647-60.

Calender State Papers Venetian 1642-43.  
Calender State Papers Venetian 1643-47.  
Calender State Papers Venetian 1647-52.

Dunlop, R., Ireland under the Commonwealth. (2 vols.,  
Manchester, 1913)

Gilbert, J.T., ed., A contemporary history of affairs in  
Ireland. (3 vols in 6 parts, Dublin, 1879-80)

Gilbert, J.T. ed., History of the Irish confederation and the  
war in Ireland. (7 vols., Dublin, 1882, 91)

H.M.C. 2nd Report Rosse MSS (1871).  
H.M.C. 5th Report Cholmondeley MSS (1876).  
H.M.C. 6th Report House of Lords MSS (1877).  
H.M.C. 6th Report Graham MSS (1877).  
H.M.C. 7th Report Verney MSS (1879).  
H.M.C. 12th Report Cowper MSS (1888).  
H.M.C. 13th Report Portland MSS (1891).  
H.M.C. 14th Report Portland MSS (1894).  
H.M.C. Report Hastings MSS ii, (1930).  
H.M.C. Report Pepys MSS (1911).  
H.M.C. Leyborne-Poppan MSS (1899).  
H.M.C. Hamilton MSS (1932).  
H.M.C. Egmont MSS i, (1905).

Hogan, J., Letters and papers relating to the Irish rebellion  
between 1642-46. (I.M.C., Dublin, 1936).

Lowe, J., The letterbook of the earl of Clanricarde 1643-46.  
(I.M.C., Dublin, 1983).

O'Ferrall B., O'Connell, D., Commentarius Rinuccinanus.  
(Dublin, 1949).

Rushworth, J., Historical Collections. (London, 1692).

Townshend, D., The life and letters of the great earl of Cork.  
(London, 1904).

#### SECONDARY SOURCES

Adair, P., A true narrative of the rise and progress of the  
Presbyterian Church of Ireland 1623-70. ed., W.D. Kileen,  
(Belfast, 1866).

Ashley, M., General Monck. (London, 1977).

Bagwell, R., Ireland under the Stuarts and during the Interregnum  
1642-1660. (3 vols., London, 1909).

- Ball, F.E., "The Battle of Rathmines", J.R.S.A.I., xxxii, (1902), pp 246-55.
- Beckett, J.C., "The confederation of Kilkenny reviewed", Historical Studies ii, (1959), pp 29-41.
- Beckett, J.C., The making of modern Ireland 1603-1923, (London,1981).
- Borlase, E., The history of the execrable Irish rebellion, (London,1680).
- Brooke-Tyrell, A., "Michael Jones governor of Dublin", Dublin Historical Review,U xxiv, (1970), pp 159-71.
- Brunskill, H.O., "The battle of Rathmines", Dublin Historical Record, ii (1939), pp 18-29.
- Bryan, D., "Colonel Richard Grace", Irish Sword, iv, (1959), pp 43-51.
- Buckley, J., "The battle of Liscarrol", J.C.H.A.S., iv, (1898), pp 83-100.
- Buckley, J., "The seige of Cork 1642", J.C.H.A.S., xxii, (1899), pp 7-20.
- Burghclere, L., The life of James first duke of Ormonde 1610-88, (2 vols., London,1912).
- Butler, W.F.T., "Some episodes of the Civil War of 1641-53 in Louth", L.A.J., iv, (1920).
- Carlin, N., "The Levellers and the conquest of Ireland 1649", Historical Journal, xxx, (1987), pp 269-88.
- Carte, T., The life of James first duke of Ormonde, (3 vols., London,1735).
- Carte, T. The life of James first duke of Ormonde, (6 vols., Oxford,1851).
- Castlehaven, J.T., The earl of Castlehaven's memoirs; or, his review of the civil wars in Ireland; with his own engagement and conduct therein, (Dublin,1815).
- Casway, J.I., Owen Roe O'Neill and the struggle for Catholic Ireland, (Philadelphia,1984).
- Casway, J.I., "Owen Roe O'Neill's return to Ireland in 1642: the diplomatic background", Studia Hibernica, ix, (1969), pp 48-63.
- Casway, J.I., "George Monck and the controversial Catholic truce of 1649", Studia Hibernica, xvi, (1976), pp 54-72.
- Casway, J.I. "Unpublished letters of Owen Roe O'Neill", Analecta Hibernica, xxix, (1980), pp 222-48.
- Clarke, A., "The breakdown of authority 1640-41", N.H.I.

(Oxford,1976), iii, pp 270-88.

Clarke, A., The Old English in Ireland 1625-42, (London,1966).

Coonan, T.L., The Irish Catholic confederacy and the Puritan revolution. (Dublin,1954).

Corish, P.J., "The rising of 1641 and the Catholic Confederacy, 1641-3", N.H.I. (Oxford,1976), iii, pp 289-316.

Corish, P.J., "Ormonde, Rinuccinni and the Confederates 1645-9", N.H.I. (Oxford,1976), iii, pp 317-35.

Corish, P.J., "Bishop Nicholas French and the second Ormonde peace, 1648-9", I.H.S., vi, (1948), pp 83-100.

Corish, P.J., "Two contemporary historians of the confederation of Kilkenny: John Lynch and Richard O'Ferrall", I.H.S. viii, (1952), pp 217-36.

Corish, P.J., "The crisis in Ireland in 1648: The nuncio and the Supreme Council: conclusions", Irish Theological Quarterly, xxii, (1955), pp 231-57.

Corish, P.J., "Rinuccinni's censure of 27 May 1648", Irish Theological Quarterly, xviii, (1951), pp 322-37.

Cregan, D.F., "The confederation of Kilkenny: its organisation, personnel and history", (unpublished Ph.D. thesis, U.C.D.,1947).

Cregan, D.F., "The confederation of Kilkenny", B. Farrell, ed., The Irish parliamentary tradition, (Dublin,1973), pp 102-15.

Cregan, D.F., "An Irish Cavalier Daniel O'Neill in the civil wars 1642-51", Studia Hibernica, iii, (1963), pp 60-100; iv, (1964), pp 104-33; v, (1965), pp 42-77.

Cregan, D.F., "Daniel O'Neill, a royalist agent in Ireland, 1644-50", I.H.S., ii (1941), pp 399-414.

Dalton, E.A., History of Ireland from the earliest times to the present day, (2 vols., London,1906).

Davies, G., "The formation of the New Model Army", E.H.R., lvi, (1941), pp 103-5.

Davies, G., "The parliamentary army under the earl of Essex 1642-5", E.H.R., il, (1934), pp 32-54.

De Blacam, A., "The curse of Cromwell: the story of the campaign 1649-50", Capuchin Annual, (1950), pp 287-300.

Duffy, E.P., "The siege and surrender of Galway 1651-2", J.G.A.H.S., xxxviii, (1983), pp 115-142.

Duggan, L., "The Irish brigade with Montrose", Irish Ecclesiastical Record, ix, (1958), pp 171-84.

Dunlop, R., "The depositions relating to the Irish massacres of  
[316]

1641", E.H.R., ii, (1887), pp 338-40.

Fitzpaatrick, T., The bloody bridge and other papers relating to the insurrection of 1641. (Dunblin,1903).

Fitzpatrick, B., Seventeen-century Ireland: The war of religions. (Dublin,1988).

Fraser, A., Cromwell our chief of men. (London,1973).

Froude, J.A., The English in Ireland in the eighteenth century. (3 vols., London,1872).

Gardiner, S.R., Oliver Cromwell. (London, 1901).

Gardiner, S.R., History of the great civil war. (3 vols., London,1893).

Gardiner, S.R., "Charles I and the earl of Glamorgan", E.H.R., ii, (1887).

Gillespie, R., "Ulster and the outbreak of the 1641 rising", C. Brady, R. Gillespie, eds., Natives and Newcomers: essays on the making of Irish colonial society 1534-1641. (Dublin,1986).

Gillman, H.W., "The rise and progress in Munster of the Rebellion 1642", J.C.H.A.S., i, (1895), pp 529-42, ii, (1896), pp 11-29; 63-79.

Gogarty, T., "The County Louth depositions of 1641", L.A.J., iii, (1912), pp 68-79; 167-77.

Gogarty, T., "The suppression of London newsbooks 1649", Irish Ecclesiastical Record. xxx, (1911), pp 590-94.

Harding, W.H., "On circumstances attending the outbreak of the civil war in Ireland 23 October 1641", Transactions Royal Irish Academy Antiquities. xxiv, (1854).

Hazlett, H., "The financing of the British armies in Ireland 1641-49", I.H.S., i, (1938) pp 21-41.

Hazlett, H., "History of the military forces operating in Ireland 1641-9", (unpublished Ph.D. thesis, Q.U.B.,1938).

Hazlett, H., "The recruitment and organisation of the Scottish army in Ulster 1642-9", H.A. Cronne, T.W. Moody, D.B. Quinn, eds., Essays in British and Irish history in honour of James Eadie Todd. (London,1949).

Hickson, M., Ireland in the seventeenth century. (London,1884).

Hickson, M., "The depositions relating to the Irish massacres of 1641", E.H.R., ii, (1887), pp 133-7.

Hogan, E., The history of the war of Ireland from 1641-53 by a British officer of the regiment of Sir John Clotworthy. (Dublin,1873).

- Hutton, A., The Embassy in Ireland of Monsignor G.E. Rinuccinni, archbishop of Fermoy in the years 1645-49. (Dublin, 1873).
- Latimer, W.J., "The battle of Benburb", J.R.S.A.I. xxvi, (1896).
- Leckey, W.E.H., A history of Ireland in the eighteenth century. (London, 1913).
- Lindley, K., "The impact of the 1641 rebellion upon England and Wales", I.H.S., xviii, (1972), pp 143-76.
- Lowe, J., "Charles I and the confederation of Kilkenny", I.H.S., xiv, (1964), pp 1-19.
- Lowe, J., "Some aspects of the war in Ireland 1641-49", Irish Sword, iv, (1960), pp 81-87.
- Lowe, J., "The Glamorgan Mission to Ireland 1645-6", Studia Hibernica, iv, (1964).
- Mac Cormack, .R., "The Irish adventurers and the English civil war", I.H.S., x, (1956), pp 21-58.
- Malcolm, J.E., "All the king's men: the impact of the crown's Irish soldiers on the English civil war", I.H.S., xxi, (1979), pp 239-264.
- Meehan, C.P., The confederation of Kilkenny. (Dublin, 1882).
- Mc Carthy, W.P., "The Royalist collapse in Munster, 1650-52", Irish Sword, vi, (1964), pp 171-9.
- Murphy, D., Cromwell in Ireland: A history of Cromwell's Irish campaigns. (Dublin, 1883).
- Murphy, J.A., "The politics of the Munster Protestants, 1641-49", J.C.H.A.S., lxxvi, (1971), pp 1-20.
- Murphy, J.A., "The expulsion of the Irish from Cork 1644", J.C.H.A.S., lxix, (1964), pp 123-31.
- Murphy, J.A., "Inchiquin's change of religion", J.C.H.A.S., lxxii, (1967), pp 58-68.
- O'Meagher, J.C., "Diary of Dr. Jones scout-master general to the army of the commonwealth, from 13 March 1650 to July 1650", J.R.S.A.I., xxiii, (1893), pp 44-55.
- O'Riordan, S., "Rinuccinni in Galway 1647-49", J.G.A.H.S., xxiii, (1948), pp 19-51.
- Peacock, E., ed., Army lists of Cavaliers and Roundheads. (London, 1870).
- Pender, S., "Cromwellian Waterford", J.C.H.A.S., xliv, (1939), pp 75-88.
- Perceival-Maxwell, M., "The Ulster rising of 1641 and the depositions", I.H.S., xxi, (1978), pp 144-67.

- Perry, N., "The infantry of the confederate Leinster army", Irish Sword, xv, (1983), pp 233-41.
- Prendergast, J.P., The Cromwellian settlement of Ireland. (London, 1870).
- Prendergast, J.P., "Missing records of the Kilkenny Assembly A.D. 1642-50", J.R.S.A.I., i, (1851), pp 420-32.
- Rogers H.B.C., Battles and generals of the civil war. (London, 1968).
- Simms, J.G., "Cromwell's siege of Waterford 1649", Irish Sword, iv, (1959), pp 171-9.
- Simms, J.G., "Cromwell at Drogheda", Irish Sword, xi, (1974), pp 212-21.
- Simms, J.G., "Hugh O'Neill's defence of Limerick 1650-51", Irish Sword, 111, (1957), pp 115-22.
- Stevenson, D., Scottish covenanters and Irish confederates. (Belfast, 1981)
- Wankley, M.D.G., "A king in search of soldiers: A rejoinder", Historical Journal, xxiv, (1981), pp 147-54.
- Warner, F., The history of the rebellion and civil war in Ireland. (2nd edition, London, 1768).
- Wedgewood, C.V., The King's war 1641-47. (Great Britian, 1958).
- Wedgewood, C.V., The trial of Charles I. (London, 1964).
- Williams, J.B., "The Regicides in Ireland" Irish Ecclesiastical Record, ii, (1913), pp 503-14.
- Williams, J.B., "The depositions about the rebellion of 1641", Irish Ecclesiastical Record, xv, (1920), pp 15-23.
- Williams, J.B., Dr. Barnard's narrative of the storm of Drogheda in 1649", Irish Ecclesiastical Record, xv, (1920), pp 370-9.
- Young, R. M., "A diary of the proceedings of the Leinster army under governor Jones: From 2 October 1647, to 20 of same", U.J.A., iii, (1897), pp 152-61.

## 2 CROMWELLAIN IRELAND

### PRIMARY SOURCES

#### National Library of Ireland

"Abstracts of Cromwellian grants of lands in Ireland 1653-59", (MS 5897).

"Certificate from Colonel John Jones of the names of the commissioned officers elected by the regiments in Ireland to be



members of the general council of officers of the army and navy 10 December 1659", (pos., 1458).

"Committee of the army for notice of disbandments", (pos., 758).

"Draft of the act on the qualifications of pardon for Ireland and the names of the Irish to be excepted from pardon", (pos 34).

"Documents dealing with the arrears of the army in Ireland", (Ms 2559).

"List of troops now in England, Scotland and Ireland 1654", (pos., 1487).

"List of Irish families and individuals transplanted to Connaught 1655-57 and the total acreage involved", (Ormonde MS 2515).

"Original day-book of the trustees appointed, 14 May 1656, for satisfying of the armies arrears due for service in Ireland since 6 June 1649 as also English arrears", (pos., 774).

"Orders of the parliamentary commissioners for the affairs of Ireland, made on petitions of individuals", (pos., 576).

"Proceedings of the council of Ireland 1655", (MS 839).

"Transcripts from Commonwealth records", (MSS 11,959-61).

#### **Trinity College Dublin**

"Proceedings of the high court of Justice held at Dublin and Cork 1652, 1653 and 1654", (MS 866 f.4.16).

#### **Public Record Office Ireland**

"Extracts from Commonwealth records", (MS 4974).

"List of forfeiting proprietors copied from Commonwealth council books 1656-57", (MS 752).

"List of those dispensed from transplanting in the district of Trim", (MS f3.17)

"Proclamation prohibiting further sales of Commonwealth debentures 1653", (MS 3149).

"Proclamations relating to the Cromwellian transplantation to Connaught", (MSS 3155-9).

"Warrants of lords justices and council", (Mss 2450-51).

#### **Kings Inns Dublin**

(3 vols., Prendergast Papers.)

### **SOURCE COMPILATIONS**

Abbot, W.C., ed., Writings and speeches of Oliver Cromwell. (4 vols., Cambridge, Mass, 1937-47).

Birch, T., ed., A collection of the state papers of John Thurloe. (London, 1742).

Calender State Papers Commonwealth 1649-50.

Calender State Papers Commonwealth 1650.

Calender State Papers Commonwealth 1651.

Calender State Papers Commonwealth 1651-52.

Calender State Papers Ireland 1647-60.

Dunlop, R., Ireland under the Commonwealth. (2 vols., Manchester, 1913).

Firth, C.H., Rait, R.S., eds., Acts and ordinances of the Interregnum. (3 vols., London, 1911).

Gilbert, J.T., ed., A contemporary history of affairs in Ireland. (3 vols in 6 parts, Dublin, 1879-80).

Gilbert, J.T. ed., History of the Irish confederation and the war in Ireland. (7 vols., Dublin, 1882, 91).

Grossart, A.B., ed., The Lismore Papers. (10 vols., London, 1886-8). Gardiner, S.R., Documents of the Puritan revolution, (Oxford, 1986).

H.M.C. 2nd Report Rosse MSS (1871).  
H.M.C. 5th Report Cholmondelev MSS (1876).  
H.M.C. 6th Report House of Lords MSS (1877).  
H.M.C. 6th Report Graham MSS (1877).  
H.M.C. 7th Report Verney MSS (1879).  
H.M.C. 12th Report Cowper MSS (1888).  
H.M.C. 13th Report Portland MSS (1891).  
H.M.C. 14th Report Portland MSS (1894).  
H.M.C. Report Hastings MSS ii, (1930).  
H.M.C. Report Pepys MSS (1911).  
H.M.C. Levborne-Pophan MSS (1899).  
H.M.C. Hamilton MSS (1932).  
H.M.C. Egmont MSS i, (1905).

Mac Caffrey, J., ed., "Commonwealth records", Archivicum Hibernicum, v, (1917), pp 175-202; vii, (1918), pp 20-66.

Rushworth, J., Historical Collections. (London, 1692).

Simmington, R.C., Civil Survey. (10 vols., I.M.C., Dublin, 1931-61).

Simmington, R.C., ed., The transplantation to Connaught 1654-58. (I.M.C., Dublin, 1971).

#### SECONDARY SOURCES

Bagwell, R., Ireland under the Stuarts and during the

Interregnum 1642-1660. (3 vols., London, 1909).

Barnard, T.C., "Planters and policies in Cromwellian Ireland", Past and present. lxi, (1960), pp 31-69.

Barnard, T.C., "Lord Broghill, Vincent Gookin and the Cork elections of 1659", E.H.R. lxxxviii, (1973), pp 356-8.

Barnard, T.C., Cromwellian Ireland: English government and reform in Ireland. (Oxford, 1975).

Beckett, J.C., The making of modern Ireland 1603-1923. (London, 1981).

Beresford-Ellis, P., Hell or Connaught. (London, 1975).

Blake, J.W., "Transplantation from Ireland to America 1653-60", I.H.S. iii, (1943), pp 267-81.

Bottigheimer, K.S., English money and Irish land: the adventurers in the cromwellian settlement of Ireland. (Oxford, 1971).

Butler, W.F.T., Confiscations in Irish history. (Dublin, 1917).

Carte, T., The life of James first duke of Ormonde. (3 vols., London, 1735).

Carte, T. The life of James first duke of Ormonde. (6 vols., Oxford, 1851).

Corish, P., "The Cromwellian Conquest 1649-53", N.H.I. (Oxford, 1976), iii, pp 336-352.

Corish, P.J., "The Cromwellian Regime, 1650-60", N.H.I. (Oxford, 1976), iii, pp 353-86).

Firth, C.H., "Royalists under the protectorate", E.H.R. lii, (1937), pp 634-48.

Firth, C.H., "Cromwell and the Crown", E.H.R. xviii, (1902), pp 429-42; xix, (1903), pp 52-80.

Firth, C.H. "Account of money spent in the Cromwellian reconquest of Ireland 1649-56", E.H.R. ix, (1899).

Firth, C.H., Last years of the protectorate. (2 vols., London, 1909).

Fitzmaurice, E., The life of William Petty. (London, 1895).

Gardiner, S.R., "The transplantation to Connaught", E.H.R. xiv, (1899), pp 700-34.

Gardiner, S.R., History of the Commonwealth and Protectorate. (4 vols., London, 1903).

Gleason, D.F., "An unpublished Cromwellian document", N.M.A.J. i, (1936), pp 78-81.

- Gookin, V., The great case of transplantation in Ireland discussed. (London, 1655).
- Gookin, V., The author and case of transplanting the Irish into Connaught vindicated from the uniuist aspersion of Colonel Richard Laurence. (London, 1655).
- Gwynn, A., "Cromwell's policy of transportation", Studies, xix, (1930), pp 607-23.
- Gwynn, A., "Documents relating to the Irish in the West Indies", Analecta Hibernica, iv, (1932), pp 139-286.
- Hill, C., "Seventeen-century English radicals and Ireland", Historical Studies, xv, (1985), pp 39-49.
- Hill, C., God's Englishman. (London, 1970).
- Larcom, T.A., ed., The history of the survey of Ireland commonly called the Down Survey, by Doctor William Petty A.D. 1655-6. (Dublin, 1851).
- Laurence, R., England's great interest in the well planting of Ireland with English people discussed. (Dublin, 1656).
- Laurence, R., The interest of England in the Irish transplantation stated. (London, 1655).
- May, T., The history of the Long Parliament. (Oxford, 1854).
- Mac Grath, K., "Irish priests transported under the Commonwealth", Archivicum Hibernicum, xiv, (1949), pp 92-95.
- O'Domhnaill, S., "The maps of the Down Survey", I.H.S., iii, (1643), pp 381-92.
- O'Sullivan, H.C., "The Cromwellian and Restoration settlements in the civil parish of Dundalk, 1649-73", L.A.J., xix, (1977)
- Pender, S., A census of Ireland c 1659. (I.M.C., Dublin, 1939).
- Petty, W., The political anatomy of Ireland. (London, 1691).
- Prendergast, J.P., The Cromwellian settlement of Ireland. (Dublin, 1875).
- Ramsey, R.W., Henry Cromwell, (London, 1933).
- Scott, W.R., "Members for Ireland in the parliaments of the Protectorate", J.R.S.A.I., xxii, (1892), pp 73-77.
- Seymour, J.D., The Puritans in Ireland 1647-61. (Oxford, 1921).
- Underdown, D., "Cromwell and the officers February 1658", E.H.R., lxxxiii, (1968), pp 101-07.
- Warden, B., "Bill for a new representative: the dissolution of the Long Parliament 1653", E.H.R., lxxxviii, (1971), pp 473-96.

Woolrych, A., "The calling of the Barebones Parliament", E.H.R., lxxx, (1965), pp 492-513.

### 3 RESTORATION IRELAND

#### PRIMARY SOURCES

##### National Library of Ireland

"Abstracts of the decrees of the court of claims for the trial of innocents respecting the settlement of lands in Ireland", (pos 1360).

"Calender of the petitions presented to Ormonde as lord lieutenant", (MS 2511).

"Claims of innocents at first court of claims copied from the Armagh MSS", (pos., 6073).

"Commissions, warrants and orders concerning the army in Ireland 1661-66", (MS 2540).

"Copies of letters patents, revenue accounts, petitions and official letters relating to Ireland 1660-89", (Pos., 547-8).

"Copies of the Carte MSS" (pos., 640-70)

"Documents relating to the acts of settlement and explanation", (MS 8099).

"Entry of Warrants from the commissioners of the court of claims and agreements upon the earl of Orrery and others relating to governmental administration in Ireland", (MS 816).

"Extracts from Ormonde correspondence relating to his administration of Ireland and the acts of settlement and explanation", (Ormonde MSS 2324-2326).

"Historical account of the acts of settlement and explanation compiled by Sir William Betham", (MS Joly 6).

"Letter of Lord Broghill to Sir R. Onslow on his efforts for the Restoration in Ireland 30 March 1660", (Pos., 1298).

"Letters of Colonel Randall Clayton on the claims of the '49 officers", (pos., 29).

"Michael Boyle archbishop of Dublin v '49 interest", (MS 10,993).

"Narrative of the travels of Charles II from 1641 until 1660", (pos., 506-8).

"Proceedings of the commissioners appointed for putting in execution the acts of settlement and explanation", (MS 31).

"Queries relating to the act of settlement", (MS 8543).

"Rent roll of the forfeited houses in a number of towns assigned towards arrears of the '49 officers", (pos., 3073).

"Transcript of notes taken by the registrar of the court of claims", (MS 8033).

#### Trinity College Dublin

"Aphorismal discovery of treasonable faction by P.S.", (MS 846).

"Articles exhibited by Sir Charles Coote against Colonel John Jones, Myles Corbett and General Ludlow", (MS 844 (41)).

"Collection of all the proceedings of the commissioners from the convention in Ireland", (MS 587 e.3.24).

"Commissioners answers to the objections made by the Irish papists to the bill of settlement". (MS 808 (25)).

"Copies of the books appended to the report of the parliamentary commission on forfeitures 1699", (MS 744).

"Grants of land made by Charles II 1662-85", (pos., 6413).

"Humble desires of the commissioners of the general convention of Ireland delivered to the king in 1660", (MS 808 (22)).

"Instructions to the commissioners of the general convention", (MS 808 (23)).

"Instructions sent to the sheriffs for choosing members to serve in parliament met at Dublin 8 May 1661", (843 (19)).

"Names of the people returned to serve in the parliament met at Dublin 8 May 1661", (843 (20)).

"Observations on the act of oblivion and acts of settlement", (MS 844 (45)).

"Petitions of Orrery as lord lieutenant of Munster 1660-72", (pos., 7074).

"Proceedings of the commissioners from the convention in 1660, and from the lord lieutenant and council in 1661 relating to the settlement of Ireland", (MS 587).

"Report of the forfeiture commission 1699", MSS ni.3).

"Rules of lord lieutenant and council for the regulating the corporations in Ireland 1672", (MS 646).

"Scope and substance of the declaration for settling Ireland in 1660", (MS 806 (1)).

#### Public Record Office Ireland

"Abstracts of grants under the acts of settlement and explanation", (Lodge MSS vol., xi-xiii).

Books of Survey and Distribution.

Carte MSS (Transcripts incomplete set)

"Papers relating to the '49 officers", (MS 2458-60).

"Proposals for a king's letter for the restoration of the ancient natives of Kinsale", (MS 2458).

Public Record Office Northern Ireland

"Commissioners certificate in favour of Lieutenant Richard Doyne a '49 officer dated 1663", (D.377)

"Grant of lands in Arcklow and Wicklow to Tichburne to pay arrears of the '49 officers", (T.791).

Kings Inns Dublin

(Prendergast Papers 3 vols.)

Armagh Public Library

"Records of submissions and evidence of the court of claims for the hearing of innocents".

#### SOURCE COMPILATIONS

Dictionary of National Biography, L. Slepten, S. Lee, eds., (66 vols., London, 1885-90).

Calender State Papers Ireland 1660-62.

Calender State Papers Ireland 1663-65.

Calender State Papers Ireland 1666-69.

Calender State Papers Ireland 1669-70.

Caulfield, R., Council Book of Cork, (Guildford, 1876).

Caulfield, R., Council Book of Kinsale, (Guildford, 1879).

Caulfield, R., Council Book of Youghal, (Guildford, 1878).

Carte MSS

Commons Journal Ireland, vol., 1

Gogarty, T., Council book of the corporation of Drogheda from the year 1649 to 1734, (Drogheda, 1915, republished 1988).

H.M.C. 2nd Report Rosse MSS (1871).

H.M.C. Granard MSS (1874).

H.M.C. Leconfield MSS (1877).

H.M.C. 12th Report Cowper MSS (1888).

H.M.C. 13th Report Portland MSS (1891).

H.M.C. 14th Report Portland MSS (1894).

H.M.C. Heatcote MSS (1899).  
H.M.C. Report Hastings MSS ii, (1930).  
H.M.C. Hamilton MSS (1932).  
H.M.C. Egmont MSS i, (1905).  
H.M.C. Egmont MSS ii. (1909)  
H.M.C. Finch Mss (1913)  
H.M.C. Ormonde i,  
H.M.C. Ormonde n.s. i,ii,

Irish Statutes Revised. (London,1885)

Letters written by his excellency Arthur Capel earl of Essex lord lieutenant of Ireland 1675. (London,1770).

Lords Journal Ireland. vol., i.

Mac Lysaght, E., Cal. of Orrery papers. (I.M.C., Dublin, 1941).

Mc Neill, C., The Tanner letters: original documents and notices of Irish affairs. (I.M.C., Dublin,1943).

Morrice, T., A collection of the state letters of the earl of Orrery. (Dublin,1743)

Pender, S., Council book of the corporation of Waterford 1662-1700. (I.M.C., Dublin,1964)

Record Commission Ireland report (1821-25)

Simmington, R.C., ed., Books of Survey and Distribution. (4 vols., I.M.C., Dublin,1944-67).

#### SECONDARY SOURCES

Account of the chief occurrences in Ireland from Monday 12 March to Monday 16 March. (Dublin,1660).

Arnold, L.J., "The Restoration land settlement in counties Dublin and Wicklow, (unpublished Ph.D. thesis, T.C.D., 1967).

Arnold, L.J., "The Irish court of claims of 1663", I.H.S., xxiv, (1985), pp 417-30).

Bottigheimer, K.S., "The restoration land settlement in Ireland: a structural view", I.H.S., xviii, (1972), pp 1-21.

Bosher, R.S., Making of the Restoration settlement. (London,1951).

Beckett, M., Sir George Rawdon. (Belfast,1935).

Butler, W.F.T., Confiscations in Irish history. (Dublin,1917).

Carte, T., The life of James first duke of Ormonde. (3 vols., London,1735).

Carte, T. The life of James first duke of Ormonde. (6 vols., Oxford,1851).



"Case of the Roman Catholics of Ireland", C. Mac Neill, ed., Analecta Hibernica, i, (1930), pp 12-178.

Clarendon, E., The life of Edward, earl of Clarendon, (new edition, 3 vols., Oxford, 1827).

Declaration of the army in Ireland. (Dublin, 1660).

Declaration of the army in Ireland with a letter concerning the present transactions. (Dublin, 1659).

Davies, G., The Restoration of Charles II. (Oxford, 1955).

Farrell, J.P., History of County Longford. (Dublin, 1891).

Guisot, M., History of Richard Cromwell and the Restoration of Charles II. (2 vols., London, 1727).

Hastings, G.A., ed., Memoirs of the earls of Granard by admiral the honourable John Forbes. (London, 1868).

Horrid conspiracy of such impentinent traitors as intended a new rebellion in the kingdom of Ireland. (London, 1663)

Howard, G. A treatise of the exchequer and revenue of Ireland. (2 vols., Dublin, 1776).

Hurst, D., "Concord and discord in Richard Cromwell's house of commons", E.H.R., ciii, (1988).

Hill, G., ed., The Montgomery manuscripts. (Belfast, 1869)

Ireland's declaration: being a remonstrance of the generality of the good people of Ireland. (Dublin, 1660).

Kenyon, J.P., The Stuarts. (Great Britian, 1970).

Lowry, T.K., ed., The Hamilton manuscripts. (Belfast, 1867)

Mac Lysaght, E., Irish life after Cromwell. (Dublin, 1950).

O'Donoghue, F.M., "Parliament in Ireland under Charles II", (unpublished M.A. thesis U.C.D., 1970).

O'Sullivan, H.C., "The Trevors of Rostrevor: A British colonial family in 17th century Ireland", (unpublished M.A. thesis T.C.D., 1985).

Perfect narrative of reasons moving some officers in Ireland to the securing of Dublin castle for the parliament. (London, 1660)

Prendergast, J.P., Ireland from the Restoration to the revolution 1660-1690. (London, 1887)

Simms, J.G., Jacobite Ireland 1685-91. (London, 1969).

Simms, J.G., The Williamite confiscations in Ireland 1690-1703. (London, 1956)

Simms, J. G., "The Restoration, 1660-85", N.H.L. iii, pp 420-77.

Simms, J.G., "Land owned by Catholics in 1688", I.H.S. vii, (1951), pp 180-90.

Simmington, R.C., "The office of general registrar to the court of claims, A.D. 1661-69", Analecta Hibernica. xvi, (1946), pp 375-383.