Maurice O'Regan, [illegible]
Dermod MacMurrough, King of Leinster. The Story of King Richard II. being in Ireland. King James I. Plan for the Division and Plantation of Ulster among Scotch and British Undertakers. The Orders and Conditions to be observed by the Undertakers. Pynnar's Survey of the Six Escheated Counties after the Settlement of said Plantation; with several other rare and curious Tracts relating to Ireland, 8vo, *calf*, 12s. 6d. *Dublin*, 1770

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Pali II. No. 1.25)

HIBERNICA:

Or, some Antient PIECES relating to

IRELAND.

PART I.

CONTAINING,

I. The History of *Ireland* by *Maurice Regan*, Servant and Interpreter to *Dermod Mac-Murrough*, King of *Leinster*, translated from the *Irish* into *French*, and from thence into *English* by Sir *George Carew*, Lord President of *Munster*. To which are added, Notes to illustrate some dark Passages therein.

II. The Story of King *Richard* II. his last being in *Ireland*, written by a *French* Gentleman, who accompanied the King in that Voyage, to his leaving *Ireland* in 1399; and translated into *English* by the said Sir *George Carew*.

III. The Voyage of Sir *Richard Edgecombe*, sent by King *Henry* VII. into *Ireland* in 1488 to take new Oaths of Allegiance from the Nobility and others, who had declared for (the then Pretender) *Lambert Simnell*.

IV. A Breviate of the getting of *Ireland*, and of the Decaie of the same. Written by *Patrick Finglass*, first Chief Baron, and afterwards Chief Justice of *Ireland* in the Reign of King *Henry* VIII.

V. A Project of King *James* I. for the Division and Plantation of the six escheated Counties of *Ulster* with *British* and *Scottish* Undertakers, Servitors and Natives.

VI. Orders and Conditions to be observed by the Undertakers, &c. of the said Plantation.

VII. A Commission of Inquiry in Order to the Establishment of the said Plantation.

VIII. Instructions to the said Commissioners.

IX. A Survey of the said six escheated Counties after the Settlement of the said Plantation, by *Nicholas Pynnar*, Esq.

X. A Letter from Sir *Thomas Philips* to King *Charles* I. concerning the Defects of the *Londoners* in their Plantation.

To which is added

XI. An Essay on the Defects in the Histories of *Ireland*, and Remedies proposed for the Improvement thereof. In a Letter to the Right Honourable the Lord *Newport*, Lord Chancellor of *Ireland*, and President of the *Physico-Historical* Society established in *Dublin*.

Antiquam exquirite matrem. Virg.

Ita sunt Omnes nostri cives, si quid benefacias, levior pluma gratia est; si quid peccatum est, plumbeas iras gerunt. Plaut.

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M, DCC, LXX.

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PREFACE.

THE Editor of these Tracts hopes they will meet with a favourable Reception, as they tend to fill up a few void Spaces in the *Irish* History, and may be a Spur to others to send into the World such antient Pieces in their Custody as are of the like Complexion; if they are not welcome, he has only the Apology of Example to offer, and that too of some considerable Men, namely, of Doctor *Gale*, *Selden*, *Wharton*, Sir *Henry Saville*, Sir *Roger Twisden* and others, to whom *England* is indebted for their curious Editions of some valuable Works of others. Nor ought the Labours of the late Mr. *Thomas Hearne* in this way be passed over in Silence. For our own Country, the great Archbishop *Usher* did not think his time mispent in forwarding into Life *a Collection of antient* Irish *Epistles*, as Sir *James Ware* did not only the Works fathered on St. *Patrick*, but also the Historical Pieces written by *Spencer*, *Campion*, *Hanmer*, and *Marleborough*. If therefore the Authority and Example of those learned Men do not give Countenance to the Collection now offered, the Editor must be content to submit to Censure, and to defend himself only with the Integrity of his Intentions.

It will be necessary nevertheless to give a general Account of the Writings here published, and the Authors of them, that the Reader himself may judge of their Weight. It will not be denied but that Contemporary Writers must carry the highest Estimation in point of Evidence, as being Eye Witnesses of the Events they relate, especially if they were Men of Rank, and employed in the publick Affairs of Princes, such being the best Judges of the springs and motives of Actions.

PREFACE.

I. The Author of the first of the ensuing Pieces, *Maurice Regan*, was a Person of especial Rank in his Country, and descended from Ancestors, who once were Chieftanes of a considerable Territory, called after their Name, *Hy-Regan*, or *O-Regan*, now the Barony of *Tenebinch*, in the Queen's County, since possessed by the *O-Duns*. It is probable that the *O-Regans* or *O-Riegans* (for their Names are written both ways) were driven out of this Territory by some of their incroaching Neighbours; or else we should scarce have found our Author seeking Preferment in the Service of the King of *Leinster*, who (as it appears) placed a great Trust in him. We find him commissioned by that Prince as Embassador into *Wales* to sollicit Aids for the Recovery of his Kingdom, of the greatest part whereof he was dispossessed by the Monarch of *Ireland*: and after Earl *Strongbow* was about laying Siege to *Dublin*, he was employed to summon *Asculph Mc. Turkill*, then the Danish King of it, to surrender. We must not therefore entertain too mean an Idea of the Word *Interpreter*, which he modestly assumes in the following Treatise, valuing himself more upon his Learning and Knowledge of Languages, than upon the high Station he bore in the Court of King *Dermod*, which probably was that of *Secretary*. He is called *Latinner* by the *French* Translator, which in the old *Norman* Dialect signifies literally, an *Interpreter*, or, more properly, one who understood the *Roman* Language, a Word that has been corrupted by Sir *Edward Coke** into *Latimer*. This hath given Occasion to the *English* Translator to retain the Word *Interpreter*; but without Violence it may be understood to mean, *Secretary*, who antiently was called *Regi a Mandatis*, and *Regi a Commentariis*, the first of which Senses is satisfied by his being employed as the King's Embassador, and the other by this Treatise, wherein he gives a succinct Commentary or Registry of King *Dermod's* Actions.

He carries on his Account no further than the Siege of *Limerick*, which comprehends the Space of about three Years from the first Invasion; he relates the Actions of that Period with Simplicity and Candour, and omits many Circumstances told by *Giraldus Cambrensis*, which would give

* 2 Inst. p. 515.

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one room to judge, that he writes nothing but things of which he was an Eye Witness. Whoever writes the History of *Ireland* during the *English* Period must make this Piece the main Basis of his Account; and the Defects of our Author must be supplied from *Cambrensis*, who, though he was not in *Ireland* during the first Actions of the Conquest, yet came soon enough after to be informed of the Truth, arriving there in the quality of Secretary to *John*, Earl of *Moreton* in the Year 1185.

II. The second Tract, though of a short Compass, yet discovers important Matters, in a manner wholly passed over by the *English* Historians, and but slightly handled by our own. It contains the History of the last Journey of King *Richard* II. into *Ireland*, and his Actions there, which he was determined to have prosecuted to the compleat Reduction of the Kingdom to the *English* Laws, had he not been impeded by the Invasion of his *English* Dominions under the Conduct of *Henry*, Duke of *Lancaster*, by whom he was deposed. This Treatise was written in Metre by a *French* Gentleman, who accompanied the King in the Voyage, and with the foregoing, was translated into *English* Prose by Sir *George Carew*, lineally descended from *Robert Fitz-Stephen*, one of the first Invaders of *Ireland* in the Reign of King *Henry* II. which Sir *George* was constituted Lord President of *Munster* by Queen *Elizabeth*, and for his faithful Services against the Rebels in *Ireland* was by King *James* I. created Baron *Carew* of *Clopton*, and afterwards by King *Charles* I. Earl of *Totness* in *Devonshire*, and made Master of the Ordnance in *England*. Mr. *Camden* * mentions this noble Man with high respect, "on Account of his great "love for Antiquities, and for the light he gave him into "some of the Affairs of *Ireland*." But we must acknowledge ourselves infinitely indebted to him, not only for the Preservation of these two Treatises, and the Memoirs, out of which the accurate History called *Pacata Hibernia* was composed, but for 42 Volumes of Collections relating to the Affairs of *Ireland* in the Settlement thereof after the Rebellion in Q. *Elizabeth*'s Time, in which the whole Country is mapped, and their Towns and Counties excellently described and set out; as we are told in a Letter from *Arthur*

* Brit. p. 606. 1340. Edit. 1722.

A FRAGMENT of the

HISTORY

OF

IRELAND,

BY

MAURICE REGAN.

Preface of Sir GEORGE CAREW.

IT apperith that this History followeing was written by one called *Maurice Regan* (some tymes mentioned in this Discourse) who was Servaunt and Interpreter unto *Dermott Mac Murrogh*, Kyng of *Leinster*, and put in French Meetre by one of his familiar Acquaintaunce: For thus he writith in the begynnyng of the Poem,

Parson

Parsoen demande Latinner
L'mei conta de sim Historie
Dunt far ici la Memorie,
Morice Regan *iret celui*
Buche a buche par la alui
Ri cest gest endite
Lestorie de lui me mostra
Jeil Morice *iret Latinner*
Al rei re Murcher,
Ici lirrai del Bacheller
Del rei Dermod, *vous veil conter.*

At his own desire the Interpreter
To me related his History,
Which I here commit to Memory.
Maurice Regan was the Man,
Who Face to Face indited to me
These Actions of the King,
And of himself shewed me this History.
This *Maurice* was Interpreter
To the King, King *Murcher.*
These Things this Batchellor
Of King *Dermod* read to me;
This is his Story.

It endith abruptly at the winning of *Limerick*, which was not full three Yeres after *Robert Fitz-Stephen* his first arrivall in *Irland.*

A. D. 1167. DERMOND, (A) Kyng of *Leinster*, was a powerful Prince; he invaded *O'Neal*, and the Kyng of *Meath*, compelled theme to gyve Hostages, and constrained

(A) The Power and military Prowess of K. *Dermod* are here justly applauded by his Minister; who out of Respect to his Master conceals the Errors of his Civil Government, which must have been very great and oppressive, to have caused a total Defection of his Nobility and People, which never would have been brought about meerly from the Motive of his Gallantry with the Wife of another Prince. *Cambrensis (a)* therefore seems to have set the Cause of this Revolution in a juster Light: For he says, that *Dermod* from the beginning of his Government was a great Oppressor of his People, and a cruel Tyrant over his Nobility, which (as it always will happen under the like Circumstances) made them ready to embrace the first Opportunity of changing their Master.

(a) *Vaticinalis Hist. Hib. Lib.* 1. *Cap.* 1.

O'Kerrall

O'Kerrall to send hym his Son for a Pledge into *Leinster*. At that Tyme *O'Rory*, Kyng of *Lethcoin*, (B) whose Country was woody, and full of Boggs, had to Wyfe the Daughter of *Melaghlin Mac Colman*, Kyng of *Meath*, a fair and lovely Lady, entirely beloved of *Dermond*, Kyng of *Leinster*, who also hated *O'Rory* for an Affront, which his Men had received at *Lethnuth* (C) in his Country.

DERMOND by Letres and Messingers pursued her Love with suche Fervency, as in the End shee sent him Word, that shee was ready to Obey, and yeld to his Will, appointed hym a Tyme and Place, where he shuld find her, and prayeing him to come soe strongly, as that he mought by Force take her away with him.

DERMOND presently assembled his Forces, and marched into the Countrey of *Lethcoin*; at *Tirmbruin* (D) he found this Lady, tooke her awaye with him, spoiled the Countrey, and returned with Victory and Content unto *Fernes*.

O'RORY, full of Greife and Rage, addressed hymself unto the Kyng of *Connaght*, complaining of the Wrong and Scorne done unto hym by the Kyng of *Leinster*, and intreating his Aid in the Revenge of so grete an Outrage.

O'CONNER, Kyng of *Connaght*, moved with Honour and Compassion, promised him Succour, and presently he dispatched Messingers to the King of *Ossory*, unto *Melaghlin* King of *Meath*, to *Hesculph Mac Turkil*, (E) Lord of *Dublin*,

(B) This must certainly be an Error in Transcribers, (*Lethcoin* being mistaken for *Leitrim*) for *Regan* could not be ignorant that *O'Rory* (more truly *O'Roirk*) was King of *Breifne*, a Territory now comprehending the County of *Leitrim*, and not of *Lethcoin*, which was the half of *Ireland*, being all that lay North of the Mouth of the River *Boyne* in a strait line to *Galloway*. The Reader may consult for this the Antiquities of *Ireland* Chap. 4. *Cambrensis* is no less in an Error, when he makes *O'Roirk* Prince of *Meath*, which more truly was the Territory of his Wife's Father.

(C) This Place is so corrupted that nothing can be made of it. What the Affront here mentioned was, or what Place *Lethnuth* was, are not mentioned in any other *Irish* History, nor does *Cambrensis* take notice of the Fact, which must therefore be left still in the Dark.

(D) *Trim Bruin* here mentioned as the Residence of *O'Roirk* helps to correct the Error before taken notice of under Note (B): For *Trimbruin Breifne*, often called *Hy bruin Breifne* (which signifies the same Thing) was a small District that lay in *O'Roirk*'s Country, in the County of *Leitrim*.

(E) *Hesculph Mac Turkil* was at this Time the *Danish* Petty King of *Dublin*, and *Fingall*, which he held of King *Dermod* by Tribute: But now he, as well as the King of *Ossory*, who was also Subjects to *Dermod*, took up

Dublin, and *Morrough O'Birne*, wyth whome he so much prevailed, as they turned Heads upon their Lord King *Dermond*.

The Kyng of *Leinster*, seeing hymself forsaken of his Kinsmen, Friends, Servants, and principal Followers, having sume more Confidence in *Morrough O'Birne* than in the rest, tooke Horse and rode to speak with hym.

KING *Dermond*, being returned to *Fernes*, and lodged in the Abby of *Fernes*, dedicated to the Blessed Virgin *Mary*, commanded the Abbot to write a Letre, whiche he subscribed, and to deliver it to one of his Monks to carry it to *Morrough O'Birne*, hoping thereby to perswade him to a meeting. The Monke being dispatched, dischargid the Trust imposed upon him soe well, as that he deliverid the Letre to *O'Birne*. The King followid the Monke, and at a Wood Side saw *Morrough O'Birne*, who beholdinge the King menanced hym presently to depart, or else he would repent it.

THE distressed Kyng, almost destracted with Greife and Anger, returned to *Fernes*, and fearing to be betrayed there, and delivered by hys People unto the King of *Connaught*, resolved to abandon his Countriy, and instantly without Delay he went to *Horkeran*, where he imbarqued hymself for *England*, having in his Company no other Man of Marke then *Awliffe O'Kinade*, and about sixty Persons.

WITH a prosperous Gale he arrived at *Bristoll*, and was lodged with all his Companie, in the House of *Robert Harding*, at St. *Augustins*, wher aftir some staie, he addressed his Journey towards *France* to speake with Kyng *Henry*, who then had Warr in that Kingdom with the *French* Kyng.

A. D. 1168. WHEN he came to the Presence of Kyng *Henry*, he related at large unto hym the cause of his comyng, telling hym, that his Vassals had forsakin him; that he was forced to runne into Exile, and beseechinge hym to gyve him Aide, whereby he mought be restorid to his Inheritaunce; which yf it shuld plese him in his Goodness to graunt, he would

up Arms against him to recover their Liberties, which he had invaded. The same thing did the *O'Birnes*, two powerful Septs seated in the now County of *Wicklow*. *Dermed*'s case upon this Occasion seems to carry a near Parallel with the late Revolution, in every thing but the Success.

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acknowledge hym to be his Lorde, and serve him faithfully during his Life (F).

THIS petifull Relation of the distressed Kyng so much movid Kyng *Henry* to Compassion, as that he promised him Aid, and willed hym to return to *Bristoll*, ther to Remayne untill he herd furthir from hym; and with all he wrot to *Robert Harding*, requireing hym to receve Kyng *Dermod* and his Followers into his House, and to intreat them with all the Courtesie and Humanitie he could; wherof *Robert* failed in Nothing.

AFTIR that Kyng *Dermond* had remained more than a Moneth in *Bristoll*, and seeing no hope of Aide from Kyng *Henry*, weary of delaye, and Comfortless, he went to the Erle *Richard*, (G) intreating Succours from hym, and promising, that, if by his Means he mought be re-established in his Kyngdome, that he would gyve hym his Daughter to Wife, and with her the whole Kyngdom of *Leinster* for his Inheritaunce. The Erle tickled with so fair an Offer, made Answeare, that if he culd obteyne leave of the Kyng his Mastir, he would not fail to Assiste him in his Person, and bringe sufficiaunt Aid; but for the present he desired to be excused; for unless the Kyng wuld give his Assent ther unto, he durst not entertaine a Busines of that Importance.

THIS faire and discreet Answear so well contentid the exiled Kyng, as he solemnly Sware, that whensoever the Erle did bringe Aide unto hym, he wuld gyve him his Daughter in Marriage, and after his Death the Kyngdome of *Leinster*. These Conditions being agreed on either Party, *Dermond* departid, and went to St. *David*'s, where he staid untill Shipping was provided to Transport hym into *Irland*.

IN the meane tyme while the banished Kynge's Shipping was in prepareing, he was Advisid to goe and Visite a King in *Wales*, called *Rice*, to Desyre hym to Enlardge out of his Prison a Gentilman callid *Robert Fitz-Stephen*; but how

(F) *Cambrensis* asserts, that King *Dermod* swore Allegiance to King *Henry*, and to be his Vassal and Subject; whereupon King *Henry* took him into his Protection, and gave him Letters Patents directed to all his Subjects to aid and help him.

(G) This Earl *Richard* was *Richard* Earl of *Strigul*, commonly called *Strongbow*; who, not contented with the general Licence given by the King of *England*, was willing to engage in King *Dermod*'s Cause, if he could procure a special Licence for that purpose from the King.

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the sayd *Robert* was taken, or for what Offence Imprisoned I doe not undirstand; but that he was Enlargid by King *Rice*, at the request of the Kyng of *Leinster*, I am well Assured (H).

HAVING obteyned his Request, he returned to St. *David*'s, carrying no more *Englishmen* with him than one Gentilman called *Richard Fitz-Godobert*, who had many good Parts in him, but so slenderly attendid, as they were of small Use for King *Dermond*, when he came into *Irland*; wherfore he licenced them to depart home.

THE Kyng of *Leinster* findinge it to be an Impossibility for hym to recovir his Kyngdome, and to prevaile in hys Designs, without Aid out of *England*, Dispatched his Trusty Servaunt and Interpreter, *Maurice Regan*, with Letres into *Wales*, and with Auctority in hys Name to promise all souche as wuld come to serve hym in his Wars in *Irland* large Recompence in Landes of Inheritaunce to souche as wuld staye in the Country, and to those that wuld returne, he wuld gyve them good Intertainment eyther in Money or in Cattle. As soone as these Promisses were divulged, Men of all Sortes, and from divers Places, preparid themselves to goe into *Irland*, first, especially *Robert Fitz-Stephen*, a Man of good Esteeme in *Wales*, (who had lately been enlargid out of Prison by the Mediation of *Dermond*) undirtooke the Imployment, and with hym some nine or ten Knights of good account, (I) namely.

(H) The Account given by *Cambrensis* clears the point of the Imprisonment of *Robert Fitz-Stephen*; for he says, that he was Governor of *Cardigan* under *Rice* or *Rhees ap Griffen*, who governed the Principality of *South-Wales*, as a feudatory Prince to King *Henry*, against whom *Rees* was often in Rebellion; but he insinuates, that *Fitz-Stephen* refusing to assist *Rees* against the King, he found means by the Treachery of his Guards to have him apprehended, and kept him in Prison three Years. He now obtained his Liberty, on Condition he should take up Arms against King *Henry*: But he desired rather to seek his Fortune abroad; and by the Mediation of the Bishop of St. *David*'s and *Maurice Fitz-Gerrald*, who were his half Brothers by the Mother, he had the Agreement changed into an Assistance to be afforded to King *Dermod*, on Condition that he should give to *Fitz-Stephen* and *Maurice Fitz-Gerald* the Town of *Wexford*, and two Cantreds of Land about it.

(I) Thirty Knights (says *Cambrensis*) of his own Kindred, threescore others in *Jacks*, and about three hundred Archers and Footmen, all of the best chosen and picked Men in *Wales*; a small Number for so great an Undertaking!

Meiler

Meiler Fitz-Henry.
Meyler Fitz-David, Son to the Bushoppe of St. *David's*.
Maurice de Prindergast.
Henry de Momerecey, and othirs, whose Names I do not know, being in all neere aboute the Number of three Hundreth Horsemen and Foote.

THIS little Army Transported in three Ships Landed at a place called *Bann*, not far from the Town of *Weixford*; from whence they immediately dispatched Messingers unto Kynge *Dermond* to give him Notice of their Arrivall; who without Delay repaired unto them, and Imbrasing theme with much Joy, and rendring theme thankes for their Travile they had taken, that Night they encamped by the Sea side. The next Daye *Dermond* and the *English* marched directly to *Weixford*, and instantly gave an Assault unto the Towne, in the whiche eighteen *Englishe* were slain, and of the Defendaunts only three. Nevertheless the Townsmen perceavinge themselves to be unable to make any long Defence, demanded Parle, which being graunted, they offered Hostages to the Kyng, and to sware from thence forward to be evermore his loyal Vassalls. By the Advice of the *English* the Conditions were accepted, and the Town of *Weixford* renderd ytself unto *Dermond*. Which done, he went to *Fernes* as well to cure his Hurt Men, as to feast the *English*, where they rested thre Weeks. A. D. 1169.

Then *Dermond* callid to hym *Robert Fitz-Stephen*, and *Maurice de Prindirgast*, tellinge theme, howe mouche they and their Nation were feared by the *Irish*; wherefore he had a Purpose to invade the King of *Ossery*, his mortal Enemy, and to chastice hym; but furste he required their Advise and Consent; who answerid, that they came to that Lond to no othir End than to serve him in his Warrs, and that they wuld not forsake him in any Interprize whatsoever he wuld undertake.

DERMOND Assemblid with grete Expedition all his Forces to the Number of thre thousande, besides the thre hundreth *English*, and marchid towards *Ossery*. When he was entred into the Countrey, they found that *Donald*, Kyng of *Ossery*, (K) plashed a Pace, made large and deep Trenches in the

(K) This *Donald* was surnamed *Macgilla-phadruick*, or *Fitz-Patrick*, and was the Head of a powerful Sept in *Ossery*, from whence the Barons of *Upper-Ossery*, a title now Extinct, were descended, as also the Lord *Gowran*, now living.

the same, wythe Hedges upon them, and manned with five thousande Men; through which Pace his Enemies of necessitie must Passe. *Dermond*'s Troops gave upon the Trenches; the Fight Indured from Morninge untill Night; but at last by the Valour of the *English* the Trenches were forced, the Enemie discomfitted, but with much slaughter on eyther side. Then *Dermond*'s light Men harissed and burnt all the Country, and returnid with a Huge Prey.

DERMOND knowning the strength of the Countrie, and the danger they shulde meete with all upon ther Retreit, called unto hym *Robert Fitz-Stephen*, *Maurice de Prindergast*, *Henry de Momoreey*, and all the *English* of Qualitye, prayeinge theme to be well upon their gard; for in their Retreit they were to pass a dangerouse pace.

ACCORDINGE to his Direction, the *English* prepared themselves to Fight; the Kynge for his safetye put hymselfe into their Battallion, his Son *Donnell Kevannagh* (L) he commanded with forty three *Kinsellagh*'s Men (M) to be in the forlorne hope; the rest of his Forces, which were seventeen hundreth, mingled not with the *English*; for they mistrusted suche as could Runn like the Winde.

DONNELL *Kevannagh* was no sooner entred the Pace, but the Enemye Assayled hym, and he was Enforced to shelter himself undir the *English*. After the Fight had continued three Hours, Prince *Donald*'s Men began to Faint, gave Ground, and roone awaye; nevertheless in an instant they Rallied againe, and made a newe Head. In the interim the

living. The great Enmity between King *Dermod* and the Prince of *Ossory* was occasioned (as *Cambrensis* relates it) from this Action. *Donald* had the eldest Son of King *Dermod* in his Custody, and being jealous of a criminal Amour between the young Prince and his Wife, he shut him up a close Prisoner, and thrust out both his Eyes; of which (some say) he died.

(L) *Donald Kevanagh* is said by *Cambrensis* (*b*) to be the base Son of King *Dermod*, which *Regan* conceals. And indeed the Assertion of the first mentioned Writer carries a shew of Probability with it; since otherwise *Dermod* could not well settle the Succession of his Kingdom upon his Daughter, if he had any Issue Male by a Wife living.

(M) *Kinsellagh*, or *Hy-Kinsellagh*, was a Territory extended about *Wexford* on the River *Slainy*, which took its Name from *Enmius Kinsellagh*, who was King of *Leinster* about the Year of *Christ* 358. Many of the Name of *O'Kinsellagh* yet remain, though none of any considerable Note. King *Dermod* for his safety put himself into the *English* Battalion; because he was Jealous of the Fidelity of the *Wexford* Men, and of the *Kinsellagh*, who had but lately returned to their Allegiance.

(*b*) *Lib.* 1. *c.* 3.

English

English Horse and Foote were gotten into a Lowe Moorish Ground, wherein *Donald* assured himselfe to have a faire Day upon theme. *Maurice de Prindergast*, apprehending the danger they were in, with a lowde Voice callid upon his Companions; "let us, sayd he, withstand our Enemies, "and free ourselves out of this Bottome; we are well Arm-"ed, and they are naked, if we may recover hard Ground "we shall be freed from Perrill, and there is no doubt but "they be ours, or at the least we shall Die with Honour." Then he called upon one Named *Robert Smith*; "take "(said he) fifty Soldiers, and lye in Ambush in yonder "Thickett, and move not untill the *Irishe* be Past; if they "will charge youe, we will come to your succour;" which Direction was immediately Obeyed. *Donald* and his Men, whiche were about two thousande, conceaveinge that the *English* began to Faint, came boldly on, passed the Ambush (who being soe fewe dirst not stir) and gave a Furious charge. *Dermond* then fearing, that all was Lost, prayed *Maurice* to have a care to Succor those whiche were left in Ambush. Be not dismaid, said *Maurice*, when it shall be needful, I will have care to relieve theme. The *Irish* with grete Eagerness continued the Skirmish, continually chardged them upon their Retreit, untill they had recoverid hard Ground. Then *Maurice Prindergast*, *Robert Fitz-Stephen*, *Meyler Fitz-Henry*, *Miles Fitz-David*, *Hervey Momerecey*, with other *English* Knights, turned upon the Men of *Ossery*, and in a Moment they were discomfected. All of them did admireablye well; but *Miler Fitz-Henry* deserved the most honnor. When the *Irishe*, that were with *Dermond*, who all the time of the Fight for Feare had hydden themselves in the Wood, sawe the Enemy broken, they followed the Chase, and fell to the Executione of *Donald*'s Men; two hundreth and twenty were slaine, whose Heads were presented to *Dermond*. And manye also afterwards Died of their Hurts(N).

A. D. 1169.

(N) *Cambrensis* (*c*) tells a very barbarous Story of K. *Dermod* upon occasion of this Victory, which if true, *Regan* has concealed it in honour of his Master. He says, that they brought three hundred of the Heads of the Slain to *Dermod*, who examining them found one among the rest, to whom he bore a Mortal hatred, and that taking the Head up by the Hair and ears, he bit away the Nose and Lips.

(*c*) Ibid. cap. 4.

A. D. 1169. AFTER this Victory, *Robert Fitz-Stephen* advised *Dermond* to Encamp upon the same place; for their Men were wearie, and he doubted that the Enemye wuld pursue them on their March. But the Kyng wuld not be persuaded to make anye stay untill they came to *Lechlin*, where his hurte men moughte be better Relieved, than in the Field; and soe that Nyght they lodged at *Lechlin*. And the next Daye (carrying their hurt men with theme) they marched to *Fernes*; where *Dermond* provided Physicians and Surgions for the sick and hurt, and the Soldiers were cessed upon their Hosts.

THE Men of *Leinster*, that had rebelled agenst *Dermond*, now seeinge him from the Estate of a Fugitive, by the help of the *English* to become Victorious, from all partes they repayred unto hym, submissively craveing Pardon for their Transgressions, and deliverid him Hostages for their future Loyaltye. Nevertheless *Donald*, King of *Ossery*, and *Mac Kelan* (O) King of *Offellan* neyther wuld nor durst come to him.

KING *Dermond*, seeinge ther Obstinacy, proposed to invade theme; and furste he resolvid to begynn with *Mac Kelan*; and presently gave order to Assemble all his Forces togither, not forgetting to advise with *Robert Fitz-Stephen*, *Maurice de Prindergast*, and *Henry de Momerecy*, and to pray them to prepare for the Journey; for in ther Handes the safetie of his Person consisted. Ther forces being assembled, *Dermond* commaunded *Donnel Kevanagh* to March in the Vant-Guard. They entred into *Offellan*, preyed the Countrye, and loaden withe Spoile returned home to *Fernes*, where the King with the ten *English* Knights remained eighte Dayes.

AFTER this smale rest, *Dermond* wyth hys *Englishe* and *Irishe* Troopes, marched towards *Glindelagh* to chastise *O'Tohill*, (P) for refusesing to come unto hym. When he came ynto the Countrye he found no Resistaunce; so as the

(O) *Mac-Kelan*'s Territory lay about *Naas*; which is explained hereafter in the Disposition made by Earl *Strongbow* to several of the Adventurers, wherein he gives to *Maurice Fitz-Gerald Naas-OPhelan*, which had been possessed by *Mac-Kelan*.

(P) *O Toole*'s Country was called *Imayle*; and lay in the Heart of the County of *Wicklow*.

same

ſame was burnt and preyed withoute ſtroke Stricking; whych done he returned to *Fernes*. A. D. 1169.

THE Army beinge well refreſhed, *Dermond* commaunded all his People of *Leinſter* to repaire unto hym, and particularly the Men of *Weixford*. When they were aſſembled, the King ſent for *Robert Fitz-Steven*, *Maurice de Prindergaſt*, *Henry de Momerecy*, *Myler Fitz-Henry*, and the other *Engliſhe*, unto whome he Diſcovered his intent to Invade *Oſſery*, and utterly to diſtroy K. *Donald*. All neceſſaryes beinge provided for his Jorney, and the tyme of his departure being come (as at othir tymes, ſo likewiſe now) he committed the Leading of the Van-Gard with five hundreth Men to *Donell Kevanagh*, in the Battle the Men of *Weixford* marched, and the Kyng put himſelf in the Reare with the *Engliſh*. That Night they paſſid the Water, and came to *Fethard*, (Q) and the Kynge, with his whole Army, except the Men of *Weixford*, lodged upon *Mac Burtin*: He wuld not Permit the *Weixford* Men to quarter in his Campe, as well for the hatred whych he bore theme, as feareinge ther Treaſon. The ſame Night ther appered a ſtrange Apparacione, furſte diſcoverid by *Randulph Fitz-Ralph*, Captene of the Watch; whych was (as he conceaved) an Armye

(Q) The March of the Army from *Ferns* to *Fethard* the firſt Night muſt certainly be a miſtake of Tranſcribers: for, firſt, the Journey was too great to be performed in an Evening, being near five and tweaty *Iriſh* Miles, and next, it was turning their Backs to the intended Expedition. This Point therefore muſt ſtill remain in the Dark; as muſt other Names of Places here mentioned, which Time has devoured, as *Langport*, *Hatchdrit*, and the like. *Burtin* in the following Paragraph was poſſibly the Land of *Mac-Burtin*, where the *Wexford* Men camped, and it may be offered as a Conjecture, and no otherwiſe, that the Village and Town Land of *Burtin*, near *Mullaghmaſt*, in the County of *Kildare*, took its Name from this Family of the *Mac-Burtins*: and if that be admitted, we are on the right Track for the Journal of this March, the Village lying in the direct Way from *Ferns* to *Oſſory*. The next Day's March is from *Burtin* to *Athlethar*, ſeated on a great River, *i. e.* the River *Barrow*; and here there can be but little Scruple, that *Athlethar* and *Athy* were the ſame Place, the latter ſtill retaining ſome Footſteps of the Name of the other: nor is it uncommon to meet with greater changes in the Names of Places. Melt the Word into *Ath-le-ſar*, and it will ſignifie, the Ford towards the Weſt, which correſponds with its Situation from *Ferns*, the Capital of the King of *Leinſter*. *Athy* was ſoon after the Birth of *Chriſt* called *Athdrodain*; and it is no Wonder if in a thouſand Years it ſhould receive another Alteration. *Hatchdritt* then, where *Donald* intrenched, muſt be ſought for ſome where South of *Mountrath*, a Country much incumbred with Woods and Boggs, and proper to oppoſe an Enemy in: through which the March of Sir *Charles Coote* to the relief of *Bir* in 1642 was looked upon as hazardous an Adventure as any in the whole Courſe of that Rebellion.

A. D. 1169. of Men, well armed, and bothe he and othirs conceaved it had bene the Enemie, concluding in their Hartes, that the Men of *Weixford* had betrayed them. *Randulph*, to give the Allarme, ranne towards the Campe, and the Centinall seeinge him comeing from that parte, where this conceived Armye stood, and taking him to be an Enemye, incountered him, giveing him with his Sworde such a founde Blowe upon the Murrion, as that he was enforced to touch the Ground with his Knee; and not long aftir the Apparicion Vanished. To the Men of *Weixford*, who quartered at *Langporte* the same Phantasme appearid, and they thought it had been King *Dermond* with his Armye that came to Assayle them.

PRINCE *Donald*, by his Espialls, haveinge Intelligence of the comeing of this grete Armie to Invade hym, assembled all the Force he could make for his necessary Defence, and knowing that hys Enemies must march through the pace at *Hatchdritt*, he there cast a deepe and large Trench, and upon it a stronge Hedge of Wood was erected, and lastly he manned it wyth the choice Men of his Troops. The next Morninge after this Apparicion, King *Dermond* with his Armey marched from *Burtin* to *Athlethar*, seated on a grete River, and that Nyght lodged there; the next Morneing the Army passed the River, and all that Day they sawe noe Enemie, untill they came to the pace, where the Men of *Offery* attended their comeing. Unto the Men of *Weixford* the Point was given; with much Courage they assayled the Enemie, but the Resistaunce was so good, as it provid vain; three Days togither the *Weixford* Men were repulsed, and then the *English* took the Enterprize in hand; they prevailed, won the Trenche, and put the Enemie to Flight, never looking behynd them, compassinge the Land of *Wenenath* (R) untill they came to *Hy-tiberath* and from thense to *Alberton*. *Donald* being thus Beaten, and harassed, Kyng *Dermond*, and the *English* returned with Glory unto *Fernes*.

(R) This Word is also vitiated by Transcribers. It should be *Vibh Nenah*; for *Vibh* bears the same Signification as *Hy* or *O*, and often is used to signifie a Territory possessed by the Head of a Sept; as *Vibh Liathan*, *Vibh Fatach*, and the like. So here *Vibh Nenath*, signifies the Territory about *Nenagh*, in the Barony of lower *Ormond* and County of *Tipperary*. The same Place has by antient Writers been called *O'Enath*, which still comes nearer to *Wenenath*. *Donald* still fled further out of the reach of the Enemy as far as *Hy-Tiberath i. e. Tipperary*, called by *Cambrensis Tibrach*, and from thence to *Alberton*, a Name either corrupted or lost.

DERMOND

DERMOND, beinge growne proude with his Victories, gave Discontentment to the *English*; insoemuch as *Maurice de Prindergast*, with two hundreth Soldiers went to *Weixford*, with a Resolution ther to Imbarque, and pass into *Wales* (S); wherof, when *Dermond* had Knowledge, he sent to *Weixford*, requiring the Townsmen to give Impediment. *Maurice*, seeing his Passage stopped, and offended with *Dermond*, by the advice of the *Weixford* Men, who hated the Kyng, he sent to *Donald* Kyng of *Offery*, promising to serve him agenst *Dermond*; who joyfully accepted of the Profer, and promised him great Entertainment. *Maurice* in his March towards *Tech-Moylin* was forlaid and incountred by *Donnell Kevanagh*, King *Dermond*'s Sonn, wyth five hundreth Foot; but *Maurice* forced hys Waye, and came safely to *Techmoylin*, where he remained three Days, and there the Kyng of *Offery* came to him, well and strongly attended. The Conditions on either Parte being agreed upon, and *Donald* and *Maurice* Sworne each to the other for the true performing of them, they marched unto *Offery*, from whence by the Aid of *Maurice*, *Donald* made Incursions upon *Dermond*, and spoiled his Countrie. This Departur of *Maurice de Prindergast* did not work the like effect in the rest; for *Robert Fitz-Stephen*, *Henry de Momerecy*, and other English Knights remained with the King of *Leinster*. A. D. 1169.

AT this Tyme, *Maurice Fitz-Gerald* (T), with Supplies out of *Wales*, arrived at *Weixford*; upon notice whereof *Dermond* went presently unto theme, and from thence rode into *Fernes*.

DONALD, Prince of *Offery*, having a Quarrel with *O'More*, and puttynge Confidence in *Maurice de Prindergast*, and hys Men, invaded the Country of *Leix* (U),

(S) *Cambrensis* takes no Notice of this Defection of *Maurice de Prindirgast*, who was a Soldier of a high Spirit; and as he was a Voluntier in the War, he cannot be blamed to seek to return Home upon receiving Affronts; nor can his after Action of joining with the Prince of *Offory* be condemned; since he was not suffered to serve with Honour under King *Dermod*, nor to leave his Service. A Family of considerable Rank, descended from this Officer, remains still in *Ireland*.

(T) From this *Maurice* (besides other Families of rank) were descended the three great Branches of *Kildare* and *Kerry*, (yet subsisting) and of *Desmond*, extinct by Rebellion in the Reign of *Q. Elizabeth*.

(U) *Leix* was a considerable Territory comprehending a great part of the *Queens County*, the Shire Town of which, now called *Maryburgh*, in honour of Q. *Mary*, was antiently called *Fort-Leix*. *Abby-Leix* also, a *Cistertian* Monastery, still retains the Name of the Territory in which it was founded in the 12th Century, by *O'More*, the Lord of the Soil.

A. D. 1169. whereof *O'More* was Lorde. Four Days togither they destroyed the Countrie, and *O'More*, to be quit of such ill Guests, submitted himself, and gave Hostages; but to be revenged, befor they were gonne, sent to *Dermond* prayinge hym to revenge the Wrongs he had receaved.

The Kyng of *Leinster*, impartinge the Desire of *O'More* to *Robert Fitz-Stephen*, *Maurice Fitz-Gerald*, and the other *English* Knights, by their advice marched into *Leix*. *Maurice de Prindergast*, understandinge that *O'More* had plotted Treason, (Notwithstandinge his Hostages) against *Donald*, perswaded hym to depart out of *Leix*; for *Dermond*, by the Assistance of the *English*, was too strong for theme; whyche Advice *Donald* followid, and retreted into *Ossery*. *Dermond*, seeinge his Enemie gone, takinge Hostages of *O'More*, returned with his Army to *Fernes*.

THE Men of *Ossery*, findinge themeselves to be muche indebted to *Maurice de Prindergast* and hys Companie for their Wages, to paye the Debt with ease, they contrived a Treason agenst hym; purposeinge to cut ther Throats, and to have ther Spoile; but *Donald* would by no means assent unto that.

MAURICE *de Prindergast*, wearie of the Service he was in (wherin nothing was to be done, nowe that *Dermond* was retreited) desired *Donald*'s leave for to Departe; wherunto a deaf Eare was given, and *Donald* vehementlie desired his staye. *Maurice*, on the other side, Obstinatelie persevered in his Resolution, which was to Imbarque himself and hys Men for *Wales*, and takinge his leave of the Prince that Night he marched to *Kilkenny*, and *Donald*, sorry for his Departure, went to *Fertnegeragh* (W). The Men of *Ossery* perseveringe in their malicious Treason against *Prindergast*, assembled two thousande Men together, plashed a Pace, through whyche he was to pass; whereof by good Fortune, *Maurice* havinge Intelligence, acquainted his Companie with the Danger. After mature Deliberacione, it was resolved, that no Knowledge shuld be takin of the intended Treason, and to make staie in *Kilkenny* for a few Days, and in the mean while to send Messengers to *Donald*'s Seneschall, to

(W) *Fertnegerah*, an obscure, though antient Place in the County of *Kilkenny*, remarkable for nothing but a House of regular Canons dedicated to St. *Kiaran*.

lett

lett hym knowe, that they were contented to serve the Kyng of *Ossery*, if it pleased hym, half a Year, or a quarter longer; which offer *Donald* gladlie accepted. The *Ossorians* hearinge that *Maurice* had made a new Agreement with the Kyng, abandoned the Pace where they lodged. *Maurice*, heareinge that they wer dislodged, about Midnight rose out of *Kilkenny*, and continued upon a swift March, until he came to *Waterford*; where they found means to Imbarque themeselves for *Wales*, but not without some Difficultie; for one of the *English* had Slaine a Cittizen, whyche enraged the People; but *Maurice Prindergast* by his Wisedome appeased the Tumult. A. D. 1169.

KING *Dermond*, in respect of the good Service done unto hym by *Robert Fitz-Stephens*, gave him the Towne of *Weixford*; and the *Carrig*, adjoyning unto it, he bestowed upon *Maurice Fitz-Gerald* (X).

AT this Tyme *Richard* Erle of *Pembrooke* sent *Reymond Le Gross* (Y) into *Irland* with nine or ten Knights and some Foot. They landed at *Downdonnell*, where *Reymond* remained, intrenchinge hymselfe with a slight Fortification.

As soone as the landinge of these few *English* was bruted, then the Men of *Waterford* and *Ossery* assemblid togither, and marched towards them; and so did *Mac Kelan* of *Offelan*, and *O' Rian* of *Odrone*, with three or four thousand Men (Z).

(X) The grants made by King *Dermod* upon this occasion are somewhat differently related by *Cambrensis*, who says, that he gave to *Robert Fitz-Stephens*, and *Maurice Fitz-Gerald*, the Town of *Wexford*, and the Territories adjoining, and to *Herwy* of *Mount-morice* he gave two Cantreds lying on the Sea between *Wexford* and *Waterford*. It was here, in the Barony of *Forth*, that the first Settlements were made by the *British*, whose Posterity continue there to this Day.

(Y) *Cambrensis* places the Arrival of *Reymond le Gross* after *Roderick O'Connor*, King of *Connaght*, had levied an Army to oppose the Invasion; and he is very particular as to the Numbers brought over by *Reymond*; for he says that there came with him ten Knights, and threescore and ten Archers well appointed. Both writers agree in the Place of landing, except that what *Regan* calls *Downdonnell*, *Cambrensis* has named *Dundonolf*. *Hooker*, who writ a Comment on *Cambrensis*, calls the Place of *Reymond*'s landing *Dondorough*; but then he gives it an impossible Situation, by calling it a Rock in the County of *Waterford*, eight Miles E. of *Waterford*, and twelve S. of *Wexford*.

(Z) The Partners in this Confederacy, according to *Cambrensis*, were only the Citizens of *Waterford*, and *O'Molaghlin* of *O'Felin*, and the Numbers Slain in the Action he reckons to be five hundred, and not a thousand, as *Regan*

A. D. 1169. The Companie wyth *Reymond* did not exceed one hundreth *English*; but before the Enemie's comeinge he had gotten into his Hands all the Cowes of the Countrie nere unto hym. Beinge besieged, by a general Consent it was advised rather to sally and die Manfully, then endure a lingering Siege. *Reymond* then commands the Gates to be opened, the Cattle was driven foorth, and followed with Shouts and Cryes, to affryght theme, who brake in upon the *Irish*, put them into suche Confusion, as that the *English* obteyned an easie Victory. Of the *Irish* a thousande were Slaine, and seventy taken Prisoners, whome *Reymond* in his Fury (for the loss of his dear Friend named *De Bevin*) commandid to be beheaded; and the *Irish* after the Defeat returnid to their Countries, *Reymond* remainiinge still at *Dondonnill*. *Hervy de Monmercy*, *Walter Bluett*, and others, steyed with him.

A. D. 1170. WHILE *Reymond* contynued in his aboade there, the Erle *Richard* arrived at *Waterford* with fifteen or sixteen hundreth Soldiers (A), and loseinge no Tyme he presently attempted the winning of the City, which was governed by two Cheif Magistrates, the one called *Reginald*, the other *Smarth*. The Success was good; for upon St. *Bartholomew*'s Eve the Town was takin by Force, with grete Slaughter of the Citizens; which done, they sent to Kyng *Dermond*, prayeing him with his *English* to come unto hym; who without delaye went to *Waterford*, and, accordinge to his Promiss made in *England*, he marryed his Daughter unto the Erle, and with her he gave aftir his Death the Kyngdome of *Leinster*. From *Dondonnell Reymond* came to the

Regan computes them at. They differ also in the Deaths of the seventy Prisoners; for *Regan* imputes that cruel Action to the Fury of *Reymond*, and that he ordered them to be beheaded in cold Blood, for the loss of his Friend; much like the Fury of *Achilles* for the loss of *Patroclus*. On the other Hand *Cambrensis* alledges, that they were cast over the Rock into the Sea, and that it was done by the Incitement of *Hervy* of *Mount-maurice*, and he puts long Speeches in both their Mouths before a Council of War for their respective Opinions. *Regan* seems more Worthy of Credit than *Cambrensis*, in relating Facts, which happened, in a manner before his Eyes, whereas the other must take them up upon report and hearsay.

(A) *Cambrensis* says two hundred Knights and a thousand others. It is from *Regan* alone we learn, that *Waterford* was under the joint Administration of two Petty Princes of the *Danes*, *Reginald* and *Smarth*; for neither *Cambrensis*, nor any other Writer, mention this Circumstance.

Erle

Erle (B); and when the Marriage was solemnized; by the general Consent the King, the Erle, *Reymond*, *Maurice de Prindergast* (who with his Companie returned with the Erle) *Meyler Fitz-Henry*, and the rest, agreed to March to *Dublin*. *Dermond* with the Erle and the *English* went to *Fernes* there to remaine untill their Preparations were fully made. In the meane while the Erle was not unmindful to leave a sufficient Garrison for the Defence of *Waterford*. A. D. 1170.

IN this Tyme the *English* Invasion had bred Feare and Terror in all the *Irish* throughout all the Land; to prevent insueinge Dangers, (which were in a Manner Invisible) the King of *Conaught* amassed an Army of thirty thousande Horse and Foote to impeach the intended Interprize against *Dublin*; and the better to performe the same, he plashed and trenched all the Paces through whiche the *English* and *Dermond* must have passed; and the King of *Connaught* himself incamped at *Clondolkan*. King *Dermond*, being advertised therof, imparted the same unto the Erle, layeing befor his Judgment the Difficulties whiche they shuld find in their Passage to *Dublin*, and prayeing him to advise upon the same. Aftir Consultation held, it was agreed by the Chiefs of the Army, that the Enterprize shuld be attempted. The Daye of their puttinge into the field beinge come, *Miles de Cogan*, a Gentilman of grete Worth and Valour, was ordained to March in the Vanguard, with a Regiment of seven hundreth Stronge, and with *Donell Kevannagh* with his *Irish*; next unto him *Reymond le Gross* (of whose Praise and Worthynesse enough cannot be said) led the Battle, with his Regiment of eight hundreth *English*, and with hym the King of *Leinster*, with a thousand of his Followers; the Rear, with three thousand *English* was commanded by the Erle, and in the Rear of him a Regiment of *Irish* Men. When they came nere the Enemy, their orderly March (wherewith they

(B) It would seem by our Author, as if *Reymond* had no share in the taking of *Waterford*, but came to the Earl after the Action was over. *Cambrensis* on the contrary, placing the Action a Day later, gives the Direction of the Assault to *Reymond*, and that the taking of the Town was owing to his Sagacity and Valour; for the Assailants being twice repulsed, he espied a little Cage work House, built upon Posts, half without the Wall, and the Remainder resting upon it. Having hewed down these Posts the House fell, and made a Breach, by which the *English* entred.

had

A. D. 1170. had not been accustomed) appaled them so muche as they gave Way; so as the Army passed by the Waye of the Mountaine, without any Fight, till they came to *Dublin*; And the Kynge of *Connaght*, by the Advyce of his Councell, dissolved his Armie, and returned to his own Country.

HESCULPH *Mac Turkill*, to withstande his Enemies, drew all the Forces he culd make or Procure into the City of *Dublin*, whereof he was Lord. The Erle and *Dermond* quartered a pritty distance from the Towne; but *Myles de Cogan* Lodged close to the Walls. From the Erle and *Dermond*, *Maurice Regan* was sent to summon the Cittie to yeld, and for ther better assuraunce to demand thirty Pledges; *Mac Turkill*, fearinge the issue of the Siege, promised to render both Towne and Pledges; but the Citizens disagreeinge in the choice of their Hostages, the tyme assigned was spent; whereof *Myles de Cogan*, takeinge advantage, without anye direction from *Dermond*, or the Earl, gave an assault, entred the Towne, and, not without grete Slaughter of the Cittyzens, made hymself master therof. (C) *Hesculph Mac Turkill*, and most of the Townesmen, saved themeselves by the Strond of the Sea; the Soldiers got good spoile; for the Cittizens were Rich. The same Daye, which was the Daye of St. *Mathew* the Apostle, *Dermond* and the Erle made their Entry, and found in the Town great Abundance of Victuals.

AFTIR a few Days stay in *Dublin*, *Dermond* returned to *Fernes*; and immediately after *Michellmas* the Erle *Richard* (leaving the Citty of *Dublin* in the Guard of *Myles de Cogan*, tooke his Jornay for *Waterford*, and in the same Winter, *Dermond* King of *Leinster*, Died at *Fernes*; after whose Death, none of the *Irish* (except *Donald Kavannagh*, King *Dermond*'s Sone, *Mac Gely* of *Tirbrun*, (D) and *Awliffe*

(C) The motive for undertaking the Siege of *Dublin* is imputed by *Cambrensis* to a Mortal hatred which King *Dermod* bore to the Citizens, besides their Rebellion For his Father, being on a Tyme at *Dublin*, and sitting at the Door of an antient Man of the City, they not only murdered him, but in contempt buried him with a Dog. He also imputes the treaty for a Submission to the Mediation of *Laurence O'Tool*, then archbishop of *Dublin*.

(D) Rather *Tir-Bryn*, or the Lands or Territories of the *O'Birns*; of which *Mac-Gely* was the Chieftains. Their Countries, lying between the New Conquests in *Wexford* and *Dublin*, now in the Possession of the *English*, was a strong Curb upon the Fidelity of that People.

O'Carvy)

O'Carvy) came to the *Erle*; and *Moriertagh*, with the *Kinselaghs*, made Warr upon the *English*. A. D. 1170.

O'CONNOR, the Monarque of *Irland*, Levied a great Army, with an intent to beseidge *Dublin*. At a Daye assigned all his Forces (to the number of sixty thousand) assemblid at *Castle Knock*. *Mac Dunleve*, Kyng of *Ulster*, quartered at *Clontarffe*; *O'Bryan*, Kyng of *Munster*, at *Killmainham*, and *Moriertagh O'Kinselagh* with his Troops, lodged at *Dalkie*. (E) At that present the Erle was in the City of *Dublin*, preparing all necessaries for his Defence; from every place which was Garrisoned he sent for Men; and among the rest he sent for *Robert Fitz-Stephens*, who was then at *Weixford*, Commaunding him to send as manye Men unto hym as he could possibly spare. Whereupon *Fitz-Stephens* sent him thirtie-six Soldiers. The Men of *Weixford* (who evermore hated *Dermond* and the *English*) finding it to be now, as they conceaved, a fit opportunitye to serve their turns, assailed *Robert Fitz-Stevens*, slew his Men, and tooke him with five other Gentilmen Prisoners; whom they sent to *Beckerin*, which is a Castle seated upon the River of *Slaine*. *Donald Kevannagh*, with some of the *O'Kinselagh's*, *Mac Gely*, and *Awliffe O'Carvy*, were the messingers that brought unto the Erle *Fitz-Steven's* Disastor; which, although it exceedingly troubled him, yet he seemed to make slight of it, willing them not to be dismayed or discouraged at the ill Fortune.

DUBLIN (as is sayd) being invironed with a Puissant Army, and the Defendaunts within neyther in nomber nor Munition soe well provided as necessarye, and besides but weakly stored with Victuals: The Erle out of these consi-

(E) This Attempt upon *Dublin* is imputed by *Cambrensis* to the Zeal, and Activity of Archbishop *Laurence*, who out of Love to his Country took infinite pains to cement an Union among the Princes of *Ireland*. They also drew into the Alliance *Gothred* King of the Isle of *Man*, and other Princes of the Islands; so that the City was begirt not only closely by Land, but by Sea, and strong Parties were posted in several Quarters near the City, as at *Castle-Knock* three Miles to the W. at *Dalkie*, about Six Miles to the S. E. on the Mouth of the Harbour, to prevent Supplies by Water, which also was done by the Shipping of the Foreigners; at *Clontarffe*, about three Miles from the City on the N. Side of the Harbour, and at *Kilmainham*, within less than a Mile of the *Walls*. Add to this a scarcity of Provisions within the Town, and it is wonderful how it should escape falling into the Hands of the Besiegers.

derations

A. D. 1170. derations called unto hym hys principall Councellors to advise upon the imminent Dangers which threatned their Ruin: At the whiche Councell ther were present

Robert de Quiney
Walter de Ridlefford
Maurice de Prindergast
Myles de Cogan
Myler Fitz-Henry
Myles Fitz-David
Richard de Maroine
Walter Bluett.

AND divers othirs to the nomber of twenty, unto whome the Erle addressed his speech to this Effect. "You see, "said he, with what grete Forces our Enemies do besiege "us, we have not Victuals to suffice us longer than fifteen "Days, a measure of Wheat is now Sold for a marke, of "Barley for half a mark: wherfor I thinke yt best that we "doe presently send to the King of *Connaght*, to tell him, "that yf he will rise and departe from the Seidge, I will "Submitt my selfe unto him, and be his Man, and hold "*Leinster* of him; and I am of Opinion, that *Lawrence*, "the Arch-Bushope of *Dublin* is the meetest Man to Ne-"gotiat this Business". The Erl's Council was approved, and the Arch-Bushoppe *Laurence* was sent unto the Kyng; unto whom when he had made relacione of his message, the proud King for Answeare willed him to tell the beseieged, that unless the Erle would surrender up into his Hands the Citys of *Dublin*, and *Waterford*, and the Towne of *Weixford*, togither with all his Fortes, and Castles, and immediately at a Daye assigned Abandone the Lond, and retorn into *Englande* with all his *English* Forces, he would without further delaye gyve an Assault upon the City, making no doubt but to carry yt by force. The Arch-Busshoppe being returned with this sad answeare (whych wyth an audible Voice he deliverid unto the Erle in presence of his Councell) they were amazed at the Proud and Exorbitant Demands of the *Irish* Monarque, and grewe to be Pensive. Then *Myles de Cogan* (rousing up his Spirits) brake silence; "we are "here (said he) a good nomber of good Men; our best re-"medie is to make a Sallie, whiche is least doubted by the "Enemy; and I hope in the goodness of God, that we "shall

"shall have the Victorye, or at least Dye with honour: A. D.
"And my desire is that I maye be the furste Man appointed 1170.
"to give upon ther quarter" (F). Wyth generall applause *Cogan*'s Councell was approvid, and the Captains commaunded to draw forth their Companies; the Vanguard was designed to *Myles de Cogan*, consisting of two hundreth; *Reymond le Grosse* with othir two hundreth commaunded the Battle, and the Erle with two hundreth marched in the Reare. In this interprize, full of Perill, they used not the Aid of their *Irish* Soldiers; for neyther in ther fidelity, nor in their Valour reposed they Confidence, saving onely of the Persons of *Donald Kavannagh*, and *Mac Gely*, and *Awliff O'Carvie*, of whom they wer assured. Unto *Finglass* they directed their March; when they approached the Enemies Campe, who wer careless and secure, not mistrustinge any suche attempt, *Myles de Cogan*, to encourage his Souldiers. "In the name of God (said he) let us this Day "try our Valour upon these Savages, or Dye like Men", and therwithall broke furiously into the Camp: and made such slaughter, as all Fled befor hym; *Reymond*, callinge upon St. *David*, furiously rushed in amongst his Enemies, and performed Wonders; and so did the Erle *Richard*; but especially *Meylen Fitz-Henry*'s Valour was admired at bye all Men. In *Boynhull* of the Enemies were slain more than one hundreth and fifty; Of the *English* there was only one Footman hurt. This overthrow, so discouraged the *Irish*, as the Siege was meerly abandoned; and in the Enemies Campe store of Baggage was gotten, and such quantities of Corn, Meale, and Pork, as was sufficiaunt to Victuall the Citty for one whole Yere.

DUBLIN beinge thus delyverid from the danger it was in, the Erle, leavinge the commaund therof to *Myles de Cogan*, departid towardes *Weixford*, with purpose to delyver *Robert*

(F) *Cambrensis* imputes this Advise to *Maurice Fitz-Gerald* and *Reymond le Gross*, and puts long Speeches into their Mouths to persuade the Adventure; and he makes the disposition of the Sally quite different from what *Regan* does, who probably was present, and best qualified to give an Account of it. But it may be observed of *Cambrensis*, that through his whole History he takes all Occasions to advance the glory of his Relations, the *Fitz Geralds*, to the prejudice of others, who were equally deserving. It looks from what followed, that *Cogan* had the Merit of the Advice, since the Earl immediately left him Governour of the City in his Absence.

Fitz-

A. D. 1170. *Fitz-Stephen* and his Companions, whoe were ſtill detained Priſoners in the Caſtle of *Beckerin*. In this March thitherward in a pace in the Country of *Odrone* he was Fought withall by *O-Ryan*, King of the ſame (G). This ſkirmiſh did not contynue long. Among othirs that did well, the worthy Knight *Meyler Fitz-Henry* deſervid the moſt Honour; and yet that day he was overthrown by the force of a Stone, which was caſt at him; but *Nichol* the Monke was moſt fortunate: for with the Shott of an Arrow he ſlew *O'Ryan* Lord of *Odrone*; at whoſe Fall the *Iriſh* brake, leavying the Field to the *Engliſh*.

(G) *Odrone*, or rather *Hy-drone*, is a Barony in the County of *Carlow*, which (as appears here) was at the Time of the Conqueſt a Territory belonging to the *O'Ryans*, and held by Fealty and Service under the King of *Leinſter*. By the Marriage of Earl *Strongbow* with the Daughter of that Prince, and his Death, the Services devolved on the Earl, to whom by *O'Ryan*'s non-ſubmiſſion and Reſiſtance, it became forfeited. Upon the failure of the Iſſue Male of *Strongbow* the whole Kingdom of *Leinſter* was divided between his five Daughters, and the County of *Carlow* became the Property of *Margaret* Counteſs of *Norfolk*, who granted *Odrone* by certain Services in fee to the Family of the *Carews*. Sir *John Carew* died ſeized of this Barony Anno. 36. *Edward* III. and Sir *Leonard Carew* died ſeized of it in the 43d Year of that King. All this appears by an Inquiſition taken Anno 18. *Richard* II. though enrolled in the 11th of *Elizabeth*; by which alſo it is found, that upon the Death of Sir *Leonard Carew*, *Mac-Morough*, alias *Cavenagh*, Chieftain of his Name, poſſeſſed himſelf of the ſaid Barony, and (as the Inquiſition ſpeaks) held it *Manu forti*, by a ſtrong Hand. In the 11th Year of Queen *Elizabeth* Sir *Peter Carew*, lineal Deſcendant of the above mentioned *Carew*'s, exhibited a Bill before the Lord Deputy and Council for the Recovery of the ſaid Barony againſt five of the *Cavenagh*'s, who were then in Poſſeſſion of it, and pretended a right thereunto derived from their Anceſtors both before and ſince the Conqueſt. But upon a full hearing before the Lord Chancellor *Weſton*, the three Chief Judges, and ſeveral others of the Council, a Decree paſſed for Sir *Peter Carew*, not only upon the evidence of the Inquiſition before mention, but upon divers other records, by which it appeared that the *Carews* anſwered in the Court of Exchequer for the rents and Royal ſervices due for the ſaid Barony, till they were diſſeiſed in time of common Rebellion by the *Mac Morroughs*, who pretended a title thereto by deſcent from *Dermod ny Gall Mac Morrough*, the laſt King of *Leinſter*, which they offered no proof of: And the decree takes notice; that ſuch pretended Title could not be true; becauſe that K. *Dermod* had but one Daughter and Heir, who was married to Earl *Strongbow*, from whom the ſaid *Mac Murroughs* were not deſcended.

Mr Brand's Manuſcript

The

The Pace where this fight was is called the *Earls Pace* from him] (H). A. D. 1170.

FROM thense the Erle marched to *Weixford*; the Inhabitants whereof before his coming abandoned the Town, and burnt it to the Ground; and for safety fled to *Beckerin* (I), which the Erle would fain have Attempted; but at this time culd not; for it was incompassed with the Sea; wherfore he gave over that Enterprize, and went to *Waterford*.

THE Erle was no sooner come to the City, but a Messenger from *O'Brien*, King of *Limerick*, repaired unto him from his Master, praying hym with all his Forces to March into *Ossery* against *Donald*, that common Enemie. The cause of Friendship between the Erle and *O-Brien* was, that *O-Brien* had Married one of the Daughters of *Dermond*, Kyng of *Leinster*, and half Sister to the Erle's Wife. Unto the message the Erle made answeare, that he wuld satisfie *O-Brien's* request, and they met at *Ydough* (K); and being joined, their Forces were two thousande strong. *Donald*, fearinge the approach of his Enemies, sent to the Erle, to desire hym that he mought have a safe guard to come unto him, and then he doubted not but to gyve him satisfaction. The request was graunted, and *Maurice de Prindergast* was sent for hym; but he, for the more Securitie obtained the Words of the Erle and *O-Brien*, and the Othes of all the Chieftains of the Army, that the Kyng of *Ossery* shuld come and returne in safetie; which done, he went to *Donald*, and within fewe Hours he brought hym to the Campe in the presence of all the Army. The Erle and *O-Brien* chardged him with divers Treasons and Practices, which he had attempted against his Lord, the Kyng of *Leinster* deceased; and *O-Brien*, and all the Captens disallowinge of his Ex-

(H) What lies within the Crotchets seems to have been an Addition made to our Author by some Transcriber. For Names of Places are not usually taken up immediately upon the event; but gain a Reputation by time.

(I) *Beckerin*, rather *Beg-Eri*, i. e. little *Ireland*, an Island lying off the Port of *Wexford*, famous for a School and Monastery, erected there by St. *Ibar* before the Arrival of St. *Patrick*. See the Antiquitys of *Ireland* Chap. vi. under the word *Edri*; and Chap. 30 p. 198.

(K) *Ydough*, a Territory in the County of *Kilkenny*, comprehending the Barony of *Fassaghdining*, anciently the Country of the *O'Brenans*, and now a good part of it the Estate of *Wandesford*, Lord *Castle-Comer*, famous for its Collierys.

cuses,

A. D. 1170. cuſes, councelled the Erle to hang him, and *O-Brien*, without delay, commaunded his Men to harraſſe and ſpoile *Donald*'s Countrie, which willingly they performed. *Maurice de Prindergaſt*, miſliking thef Proceedings, and ſeeinge the danger the King of *Oſſery* was in, preſently mounted on his Horſe, commaunded his Companie to do the like; and ſaid "my Lords, what do you meane to do," and turning to the Captens, he tould them "that they diſhonoured themſelves, and that they had falſified ther faitths unto hym." Aud ſware by the Croſs of his Sword, that no Man there that Day ſhoulde dare lay Handes on the Kyng of *Oſſery* (L); wherupon the Erle, having ſenſe of his Honour, calling to mynde how far it was ingaged, delivered *Donald* unto *Maurice*, commaunding him to ſee him ſafely conveyed unto his Men. Upon the way in their retorn they Encountered *O-Brien*'s Men laden with the ſpoiles of *Oſſery*; *Prindergaſt* chardged them, ſlaying nine or ten of thoſe free Booters. And havyng brought *Donald* to his Men lodged with him that Night in the Woods, and the next Morning retorned to the Erle.

THE Expedition of *Oſſery* being determined, *O'Brien* returned to *Limerick*, and the Erle to *Fernes*, wher he remained eight Days; in which Time *Morrough O'Byrne* (who evermore had been a Traitor unto King *Dermond*) was brought Priſoner unto hym, immediately beheaded, and his Body caſt to the Dogs; and with him a Son of *Daniel Kevanagh* (M) was executed. The Erle not being unmindful

(L) This behaviour of *Maurice de Prindergaſt* muſt be grounded meerly upon a Senſe of Honour: For it is ſeen before how treacherouſly the King of *Oſſery* dealt with him, which would have incited a meaner Soul to have laid hold of ſuch an opportunity of revenging himſelf, eſpecially when he was ſupported by the chief Powers of the Army.

(M) It does not appear any where what the offence of *Daniel Kavenagh*'s Son was, that the Loyalty and good Services of the Father could not atone for him. As the Earl puniſhed the Son, he at the ſame Time ſhewed his Juſtice in conferring ample rewards on ſo meriting a Perſon as *Daniel Kevanagh*, by beſtowing on him the Plains of *Leinſter*: but why they were ſo called or where they lay does not clearly appear. Sir *James Ware* takes no notice in the Diſtribution of the Lands made by Earl *Strongbow* of thoſe Donations made

ful to rewarde those who had deserved well, gave to *Moriertagh* the Country of *Kinselagh*, and unto *Daniel Kevanagh* the Plains of *Leinster*. A. D. 1170.

Liquens, li ad tunc grante	To him (*i. e. Moriertach*)
De O'Kincelagh, *la Regne*	he then made a grant of
De Leinster *le pleis Vallant*	*O'Kinsellagh*; the Plains of
A Donald Kevanagh, *le fils*	*Leinster* he gave to *Donald*
Dermot.	*Kevanagh*, the Son of *Dermod*.

OF which Countries they wer by the *Irish* presently called Kyngs; the manner of *Irland* beinge to call every Lord of a Countrie King of the same; wheras in Truth there are but six Kings, namely of *Meath*, *Leinster*, *Desmond*, *Munster*, *Connaught*, and *Ulster*.

THE Kingdome of *Leinster* beinge nowe well quieted, the Erle received an Expresse Commaundment from *Henry*, King of *England*, upon his Dutie, all Excuses set appart, presently to repaire unto him. He preferring Obedience befor Sacrifice, leaving *Miles de Cogan* to govern *Dublin*, otherwise called *Athcliath*, and the Cittie of *Waterford* (in *Irish Portlargie*) to be commaunded by *Gilbert de Borard*, embarqued, arrived at *Wales*, and found the King at *Pembrook*; whoe seemed to be glad to see him, and gave him a gracious Welcome; yet his Hart was full of Rankor; bred by the ill Information of suche as maligned his Prosperity (N). A. D. 1171.

IN the meane Tyme, while *Hesculph Mac-Turkill*, (who had beene Lord of *Dublin*, and chased thence by the *English*) desireous to recovir his lost Citty, and to re-establish himself

made to *Moriertach O'Kinsellagh*, and *Daniel Kevanagh*, though they were the first grants he made in *Ireland*, but confines himself to those made to the *English* Adventurers, all which he takes from *Regan*. The *Kevanaghs* now remaining in *Ireland*, some of whom are well estated Men, are probably descended from this *Daniel Kevanagh*; for as King *Dermod* had no legitimate issue Male, their claim from him cannot well subsist.

(N) *Cambrensis* says, that the Earl met the King at *Newham*, near *Gloucester*, and that after many Altercations the King and he were reconciled by the Mediation of *Herwy de Monte Marisco*, the Person who had brought the King's Commands to the Earl, and now returned with him. The King was infinitely jealous of the success of the Earl, and thought himself robbed of the glory of so great a Conquest. But upon the Earl's submission, and his offering to give up what he had acquired either by Arms or Marriage, the King's Anger was assuaged.

A. D. 1171. in his former Greatness, arrived in the Harborough of *Dublin* with ten thousand Soldiers, levyed in *Man*, and *Agx* (O), and from *Norway*; there came to his Aide *John le Dene*, a Man of grete Estimatione, and followed by *Norwigians*, whereof this Army most consisted. In landinge of ther Men no Tyme was lost; for ther Design was to Besiege the Citty. The Governour, *Miles de Cogan*, to prevent the Dangers at hande, was not Negligent to prepare and provide for his necessarie Defence. Not far from *Dublin* ther lived an *Irish* King named *Gillemoholmogh* (P), whose Hostages were with *Cogan*, and was at Peace, and a good Neighbour to the *English*. As soone as he had news that *Hesculph Mac Turkill* was landid with his Army, he came to advise with *Miles* what he shulde doe; wherunto he answeared; if you perform what I shall require at your Hands, I will render your Hostages unto you safe, and free; but surste I must require on Othe from you for Performaunce of the Conditions; which is, that when the Enemie and we shall Fight, you and your Men will stand in some convenient Place, where you may behold our Actions, as Newtralls; and if you find that they Fainte and Flie before us, that your Men and you will help us to Kill them; and if we, like Cowards, will turn our Backs, and be pursued, that you will Kill as many of us as you can, that we maye not Die by ther Swords. *Gillmeholmoch*, havinge sworne to the Conditions, presently departid out of the Citty to a place, from whense he might (in safety) behold the success of the Encounter expected. *John le Dene*, the *Nor-*

(O) Whether *Agx* be miswritten by Transcribers, or be any Island among the *Ebudæ*, or *Orcades* of *Scotland*, or whether it be any Place on the Coast of *Norway*, must be left to farther inquiry. *Cambrensis* says that *Hesculph* had obtained Aids in *Norway*, and from the northern Islands. *Aggarbus* is a maritime Province of *Norway*; but it would be too hardy to affirm, that that is the *Agx* here mentioned; yet as most of *Hesculph*'s Aids came from *Norway*, and *John le Dene*, (called by *Cambrensis John Wood* or *John Mad*) was of that Country, it would tempt one to seek no farther than there for *Agx*.

(P) This petty King, or some of his Name it is probable inhabited within the Walls of *Dublin*: For the Lane now called *Michael*'s Lane, is described in the black Book of *Christ* Church by the Name of *Gillemoholmoch*'s Lane.

weigian,

weigian, marched with a Troope to St. Mary's Port (Q) on the East parte of the Citty, to give an Assault upon it. Miles de Cogan, fearinge that at one Instaunt they wuld Attempt some othir parte of the Town, commaunded his Brother Richard Cogan with three hundreth Horsemen to Issue out of the South Gate, with Direction, that as soon as Mary Port shuld be assaulted (where himself wuld make Defence) that he shuld Charge them with his Horse. John le Dene at the East Gate gave a furious Assault; the Kerne were mounted upon the Wall, and repulsed with the Loss of more than five hundreth Men, besides hurt Men; which argueth that Miles de Cogan and his English made admireable Defence. In the meane Tyme Richard Cogan, with his Horse Troope, valiauntly chardged theme in the Rear, wyth suche Courage, as they were confused; which Miles perceaving opened the Gate, and with three hundreth Horse and Foote made a Sallie, where with they were instauntly routed. John le Dene, seeinge the Daye to be lost, made all the haste he mought to Succour these, that were yet unbroken; but Myles and his Brother in a shorte Tyme obteyned a full Victorie; and though everie Man did performe as muche as might be expected, yet Richard Cogan wann Honour above the rest, as well for his Valour as for hys Direction and Execution. The Irish King, Gillmeholmoch, not unmindfull of his Promise (having exhorted his Men to follow his Example) as soone as the Norweigians were broken, pursued the Chase with muche Eagernes, and Slewe as manie as their Swords culd reach; the dead Bodies of the Enemy in this Campe was nombred to be about two thousande. John le Dene shewed himself to be a Man of muche Valour, and grete Strength; for at one Blowe wyth his Axe he cut off the Thigh of a Horse-man in sunder, that the Legg fell to the Ground; but presently he was Slaine by Myles de Cogan, and Mac Turkill was by Richard Cogan

A. D. 1171.

(Q) St. Mary's Port, on the E. side of the City, has, since Ragan's Time, been called Dame's Gate; and sometimes the Gate of St. Mary les Dames, from the Church of St. Mary les Dames which stood contiguous to it within the Walls of the City, upon the rising Ground of Cork-Hill. Till the Reformation an Image of the Virgin Mary stood in a Niche of Stone-work over the Gate, the Pedestal and other Footsteps whereof remained in our Memory, till the Gate itself was demolished; and from this Gate Dame-Street derives its Name, and not from a Mill Drain without the Walls, as some have vainly conjectured.

A. D. 1171. taken Prisoner; whome *Myles*, in the sight of his Men that were a board the Shipps, caused to be beheaded. In this grete Defeate ther was not above nine or ten *English* Men slaine, and muche Spoile gained; those which saved themselves by the Flight culd not get to their Ships, but fled dispersedly into the Country, where they were slaine in grete Nombers; soe as of this great Army two thousande did not escape, and most of their Shipps afterwards, being homeward Bound, peryshed by Tempest.

WHILES K. *Henry* II. lay at *Pembrocke*, divers of the Traytors of *Weixford* (that held *Robert Fitz-Stephen* Prisoner) passed the Sea into *Wales*, and procured meanes to present themselves unto the Kinge; which they did in grete Humility, beseechinge God to preserve him, and to accept of theme as hys humble Servaunts; sayeinge, that they purposly came unto hym, to lett hym knowe, that they had in their Prison *Robert Fitz-Stephens*, whoe had evermore beene a Traitor unto him, and in former Tymes had rebelliouslie moved Warr against hym bothe in *Wales* and *England*; that they would delyver him into his Handes to doo his Pleasur with him. Alsoe they complained, that he had wrongfully with Forces entred into *Irland*, slaine many of their People, burnt their Townes, and destroyed their Countrey. The King bad theme wellcome, thankeing theme for their good Serviee done unto him in takeing suche a notorious Traitor; and they shuld see, that he wuld, as soon as he came into *Irland* punish *Fitz-Stephens* accordinge to his Demeritt; and so he dissmissed them to their Contentment. The Reason which movid the Kinge to seeme to be so highlie offended with *Fitz-Stephens* proceeded out of his Feare, that yf he had not given theme a pleasinge Answeare, as he did, in their Malice and Furie they wuld have murdered him in Prison.

As soone as the Winde served, Kyng *Henry*, attended by Erle *Richard*, *William Fitz-Aldelme*, *Humfrie de Bohun*, *Hugh de Lacy*, *Robert Fitz-Bernard*, with divers others Lordes, Erles and Barons, besides four Hundreth Knights and four Thousande Soldiers, imbarqued for *Irland*, and landid nere unto *Waterford*; which City the Erle *Richard* deliverid unto hym, and did Homage for the Kyngdome of *Leinster*, the Inheritaunce wherof was graunted unto hym; the Government of *Waterford* was bestowed upon

upon *Robert Fitz-Bernard*; but before the Kyng's departur the Men of *Weixford*, as they promisfed, brought *Robert Fitz-Stephen*, and delivered him to the Kynge, where in the Presence of all that were present he sharply reproved *Fitz-Stephen* for his past Misdemeanours. He made his humble Excuse, and all the Lordes, as well *English*, *Normans*, and *Flemings*, became Suretie for his future Behaviour. A. D. 1171.

THE Kyng, makeing but little Staie at *Waterford*, marched into *Dublin*, whych City the Earle deliverid unto him; who committed the keepeinge thereof to *Hugh de Lacy*. A. D. 1172.

AFTIR some small abode at *Dublyn*, the Kynge tooke his Jornay into *Mounster*, where the Archbusshop of *Cashell* came unto hym; at *Lismore* he gave Direction for the building of a Castle; from whence he returned into *Leinster*.

THE Kynge made his aboade at *Dublin*, and the Earle *Richard* at *Kildare*; and in thys Tyme of the Kyng's beinge in *Irland* all sorts of Victualles were at excessive Rates.

WHILE the Kynge remained at *Dublin*, by Messingers and Intelligence out of *England* he was certified, that his Son, the yonge King *Henry* had rebelled against him, and that *Normandie* was in Danger to revolt unto hym.

THIS ill Newes troubled the Kynge beyond all Measure; and inforced hym to hasten his return out of *Irland*. The Cittie of *Waterford* he left in the Custodie of *Robert Fitz-Bernard*, and *Dublyn* unto *Hugh de Lacy*. *Robert Fitz-Stephen*, *Meyler Fitz-Henry*, and *Myles Fitz-David* were in a sort restrained, and to remain at *Dublyn* with *Lacy*. Befor his Departur from *Dublyn* he gave unto *Hugh de Lacy* the Inheritaunce of all *Meath*, to hold of hym at fifty Knights Fees, and unto *John de Courcey* he gave all *Ulster*, if he culd conquer it.

WHEN the Kynge had taken provisionall Order for the Affaires of *Irland*, he went to *Weixford*, where he imbarqued, and arrived at *Portfinan* in *Wales*, halfe a League from St. *David's*, and in his Companie *Miles de Cogan*, whom he carryed with hym out of *Irland*; and from thense with all possible Expedition he passed through *England*, and so into *Normandie*. A. D. 1173.

THE Kyng being departid, the Earl *Richard* returned unto *Fernes*, and ther he gave his Daughter in Marriage to *Robert de Quiney*, and with her the Inheritaunce of the

A. D. 1173. *Duffrey* (R), and the Constablesship of *Leinster*, with the Banner and Ensigne of the same (S): the Wordes of the Author are these,

Sa fille i' ad Marie	His Daughter he married
A Robert de Quiney, lad donc	To *Robert de Quiney*;
Iloc esteit le Mariage	And when the Marriage was
Vecent fut le barnage,	solemnized,
A Robert la Donat de Quiney	He gave to *Robert de Quiney*,
Et fut le Duffer altressi	Not only the *Duffereyn*,
Le Constable de Leynestre	But the Constablesship of *Leinster*,
Et l' Ensigne et le Bannere.	And the Ensign and Banner thereof.

From thence he went to *Kildare*, makeing manie Incursions unto *Ophalie* (T) upon *O'Dempsie*, Lorde of that Countrey, who refused to come unto hym, and to deliver Hostages. The Erle to subdue him made a Jornay in Person upon hym; *Ophalye* was burnt and harrassed, the whole Preye of the Countrey taken, and the Armie retired towards *Kildare*. In the Retreit the Erle with a thousand Men marched in the Vangard, and the Reare was commaunded by *Robert de Quiney*: (U) in the Pace, when the Vangard was past, *O-Dempsey* gave upon the Reare; at which Chardge *Robert de Quiney*, with many othirs, were slaine, and the Banner of *Leinster* lost; for whose Death, as well by the Erle, as by the whole Army grete Lamentation was made. This *Robert* by the Erle's Daughter had Issue one onely Daughter

(R) The *Duffrys* in the County of *Wexford*, a Tract of coarse Country in the Barony of *Scarewalsh*, extended along the County of *Carlow*, and separated from it by a Ridge of Hills called *Mountleinster*. A great part of it, if not all, is now the Estate of the *Colcloughs*.

(S) By the Banner and Ensign of *Leiester* is meant the military Government of it; as the Constablesship was the civil Authority thereof.

(T) *Ophaly* is now a Barony in the County of *Kildare*; but was formerly of larger extent, and comprehended part of the *King's-County* and part of the *Queen's County*. The *O-Dempsys* were Lords of part of it called *Glenmalughea*, or *Clenmalyre*, which lay on the East side of the River *Barrow*, and held the same by Services from *O-Connor Failge*, or *O-Connor* of *O-Phaly*, who was Lord of the whole Territory.

(U) *Robert de Quiney*, as is seen before, had the charge of the Banner and Ensign committed to him; and he who had that Office, always marched in the Van-guard going to meet the Enemy, and in the Rear returning back, as the Station of the greatest Honour and Danger.

and

and Heir, afterwards married to a worthy Gentilman named *Philip de Prindergast*, Sonne to *Maurice de Prindergast*, so often mentioned, and they lived in *O-Kynsellagh*. A. D. 1173.

ROBERT de Quiney beinge dead, *Reymond de Grosse* prayed the Erle to gyve hym his Sister in Marriage, and withe her the Constableshipp and Banner of *Leinster*, during the Minoritie of *Quiney* his Daughter, and untill she wer disposed in Marriage unto one that were sufficient to discharge that Office. Unto this Suite the Erle gave a deafe Eare, saying, he would advise upon it; for as then he was not disposed to graunt his Request: Whereupon *Reymond*, full of Discontent, takeing his Followers with hym, tooke his Leave of the Erle, and passed the Sea into *Wales* to live retired to *Karrew*; wherof the Author writeth thus,

En Gales puis enfin passont	At length passing into *Wales*,
Pour le ire que il ont	For the Anger which he conceived
Del cunt qui lui escondist	At the Answer made to his Request;
De la request que luy request.	
Isst en tele manere	
Departi Reymund de la terre	*Reymond* departed out of the Land,
Vers Gales passa la mer	
A Karrew al asciorner.	And passed the Sea to *Wales*, To sojourn at *Karrew*.

KYNG *Henry* beinge in his Warres in *Normandie* against his Sonne, the younge *Henry*, wrote a mandatorie Letter to Erle *Richard*, commaunding hym upon the sight therof to make his present repaire unto hym, with such Forces as he culd make, to assist hym in his Warres against his Sonne. The Erle passed the Seas; his comeing to *Normandie* so well pleased the Kyng, as he gave him the Custodie of the Towne of *Gisors*; and while he remained in these Parts K. *Henry* received such Contentment in his Service, that at his departur for *Irland* he wrote Letters unto the Guardians of *Dublin*, *Waterford*, and *Weixford*, to deliver the seyd Townes unto the Erle; which accordingly was afterwards at his arrivall in *Irland* with a prosperous Wind and he landed at *Dublyn*, and the Citie was by *Lacy* rendred unto hym. From all Partes the *English* resorted thither; there he signified the King's Pleasur, which was, that *Robert Fitz-Barnard*, with the Garrison that he had in *Waterford*, shuld

A. D. 1173. presently embarque themſelves for *Normandie* in the Kyng's aide, and that in their Rooms the Erle, at his Diſcretion, ſhuld ſend thither a competent Nomber of Soldiers for the Defence of that Cittie. The like Commaundment he layed upon *Robert Fitz Stephen*, and *Maurice de Prindergaſt*, who aftirwards had the Countrey of *Kinſellagh*,

HUGH de Lacy, haveing deliverid the Citty of *Dublyn*, as he was commaunded, to the Erle, he retired hymſelfe, with all his Followers, into *Meath*, to inhabite the ſame.

IN Obedience to thè King's Commaund, *Robert Fitz-Barnard*, *Robert Fitz-Stephen*, and *Maurice de Prindergaſt* made all poſſible Expedition to imbarque themeſelves; and being ſafely arrived, they rode to *London*, at which tyme the Kingdom of *England* was all in Armes by Reaſon of an Invaſion made by the Kyng of *Scotts*, and by the Defection of the Erle of *Leyceſter*, who joyned with him, haveing drawen unto hym manie Companies of *Flemings*. The Knights of *Ireland* put themſelves as Voluntaries into the Kyng's Army, and by their Aide the *Scottiſh* Kyng and the Erle of *Leiceſter* were in Battle defeated, and taken Priſoners; which done they paſſed into *Normandie*, bringing unto the Kyng news of the Victory, who rendred unto theme many Thanks for their good Service and entertained theme with Grace and Favour.

IN the mean Tyme the Erle *Richard* was buſied with his Affaires in *Irland*, and miſſinge the Service of *Reymond* (whych he much deſired) ſent a Meſſengir unto him, to pray hym to returne againe into *Irland*, and then he wuld give hym his Siſter in marriage. *Reymond* full of Joye preſently furniſhed three Ships, and accompanyed with manie Friends and Followers, paſt the Seas, and arrived at *Weixford*; from whence he diſpatched a Meſſinger unto the Erle, who was then at *Waterford*, to advertiſe hyme of his arrivall. The Erle rejoyced muche to heare of his returne, and ſent him Worde, that he ſhuld repaire unto hym at a Place aſſigned; whereof *Reymond* failed not to perfourme as he was directed.

From the place of ther meeting they marched immediately to *Weixford*, where, in the preſence of a great Aſſembly, he gave his Siſter unto *Reymond*, and with Solempnitie the Marriage was perfourmed; and, as he had promiſed, he gave unto *Reymond* the Conſtableſhipp of *Leinſter*, with the

Enſign

Enſign and Banner, to hold the ſame untill the Daughter of *Robert de Quiney* ſhould be out of her Minority; who afterwards (as it is ſayd) was married to *Philip de Prindergaſt*. The Earle alſo gave in Marriage with his Siſter *Fetherd*, (X) *Odrone*, and *Glaſcarigg* upon the Sea, unto him and his Heires for ever: The Author's Wordes are theſe. A. D. 1173.

Fetherd li donat li Cuntur	The Earle gave to him *Fethard*
A marriag od ſa ſorur	In marriage with his Siſter;
Puis li ad ſaches done	Then he gave him *Odrone*
Odrone tut enherits,	In full Inheritance,
Et Glaskarrig enſement	And *Glaſcarrig* likewiſe
Sur la mer vers le Orient.	Upon the Sea towards the Eaſt.

Alſoe he was bountifull unto othirs. For unto *Henry de Momorecy* he gave *O-Barthie*, unto *Maurice de Prindergaſt* he gave (in performance of his Promiſſe made unto hym, when he brought him into *Irland*) *Fernegenall*, for the Service of ten Knights, which was aftirwards conferred upon *Robert Fitz-Godobert*, but by what Meanes he obteyned it I know not.

UNTO *Meyler Fitz-Henry* he gave *Carbrie*, unto *Maurice Fitz-Gerrald*, the *Naas Offelan* (which had been poſſeſſed by *Mc. Kelan*) and *Wicklow*, which lyeth betweene *Bree*, and *Arckloe*; and this was the Land of *Killmantan*, between *Adcleth* and *Loghgarman* (Y). Unto *Walter de Ridleford* he gave the Lands of *O-Moretheie*.

UNTO *John de Clahul*, (Z) he gave the Marſhallſhipp of all *Leinſter*, and the Land between *Aghbow* [*Aghevoe*] and *Leighlin*.

(X) Rather *Fothart*, as it is in the Copy of *Regan* uſed by Sir *James Ware*; which *Fothart* lay on the Eaſt ſide of the River *Liffey*, near its riſe in the County of *Wicklow*, and comprehended a good Part of the antient Territory of *Cualan*; and is not the Town of *Fetherd*, which lies in the South of the County of *Wexford*.

(Y) *Carbrie* and *Naas* are Places too well known to need Explanation, the former being a Barony, and the other a Town in the County of *Kildare*. *Wicklow* was antiently called *Kilmantan*, as *Wexford* was *Loughgarman*. *Offaly* is alſo a Barony in the County of *Kildare*. What were the Tracts called *O-Barthie* and *Omorithie*, *Arde* and *O-Felmeth* muſt be ſubmitted to a further Enquiry.

(Z) *Clahad* in the College Manuſcripts.

UNTO

A. D. 1173.

UNTO *Robert de Bermingham*, *Offaly*.

UNTO *Adame de Hereford*, he gave large Possessions (A).

UNTO *Myles Fitz-David*, whoe was one of his cheif Favourites, he gave *Overke* in *Osserie*.

UNTO *Thomas le Fleming*, *Arde*.

UNTO *Robert de Berard*, *O-Felmeth*.

UNTO a Knight called *Reymond* (B) he gave fifteen Knights Fees adjoyning to the Sea.

UNTO one named *Robert* (who was afterwards slaine in *Connaght*) he gave the *Norraghe*.

HOWE the Erle disposed of his Landes sufficientlie is sayd; it rests nowe to declare what Partition *Hugh de Lacy* made of his Landes in *Meath*.

UNTO his intrinsicke Friend, *Hugh Tyrrell*, he gave *Castleknocke* (C).

UNTO *William Petit*, *Castlebreek*.

UNTO the valiaunt *Meyler Fitz-Henry* he gave *Magheneran*, the Lands of *Rathkeninn*, and the Cantred of *Hadnorkur* (D).

UNTO *Gilbert de Nangle* all *Makerigalin*.

UNTO *Josselin*, the Sonne of *Gilbert de Nangle*, the *Navan*, and the Lands of *Ardbreckan* (E).

UNTO *Richard Tuite* he gave faire Possessions.

UNTO *Robert de Lacy*, *Rathwer*.

UNTO *Richard de la Chappell* he gave much Land.

UNTO *Gefferie de Constantine* *Kilbixie* and *Rathmarthie* (F).

(A) These were the Tenement *de Salto Salmonis*, Salmon Leap (from whence the Barony of *Salt* in the County of *Kildare* has its Name) *Clon-Curry*, *Kille*, *Houterard*, and the Tenement of *Donning*, with all their Appurtenances. The *Norragh* given to *Robert* [*Fitz-Richard*] is a Barony in the County of *Kildare*.

(B) *Reynand* in *Ware*, and in the College Manuscripts.

(C) It seems the Territory of *Meath* extended much closer upon *Dublin* than the County of *Meath* now does.

(D) *Athinoker* in *Ware*'s Copy, now *Arduorker* in *West-Meath*.

(E) These are now the demeine Lands of the Bishops of *Meath*.

(F) This Grant to *Constantine* is more fully expressed in a Charter made to him by *Walter Lacy* the Son of *Hugh*, namely, five Knights Fees in the Theof of *Kilbixi*, with a Castle and fifteen Knights Fees in the Lands of *Conemake* [*i. e. Connlacne de Moierin*, in the County of *Longford*, which was a Part of the antient *Meath*] next adjoining to the said Castle beyond the River of *Ethne*, *i. e.* the *Inny*, by the Service of four Knights.

UNTO

A. D. 1173.

UNTO { *Adame de Feipo* (G), *Gilbert de Nugent*, *William de Misett*, *Hugh de Hose*, } He gave large Inheritances.

UNTO *Adam Dullard* he gave the Lands of *Dullewarthy*.

UNTO one *Thomas* he gave *Cramly*, *Tym-Lathbagan*, North-East from *Kenlis*, *Lachraehalim*, and *Sandevonath*.

UNTO *Richard de Flemings* he gave *Crandan*, at twentye Knights Fees.

Haveing thus bestowed his Landes, he endeavoured by all possible Means to strengthen hymself with Men and Armes, as well to defend himself, as to annoye his Enemies.

To impeach their Plantation, *O-Kurrell* (H), King of *Uriel*, *Mc Donlewe*, Kyng of *Ulster*, the Kyng *O-Roirke*, and *Melachlin*, with twenty Thousande *Irish*, invaded *Meath*; they burnt and spoiled all the Countrey, and destroyed many of ther new built Forts and Castles; but yet not without grete Slaughter of the Invaders.

THE Erle *Richard* haveing (as is thought) pacified *Leinster*, the *Irish*, notwithstandinge ther Pledges were in his Handes, conspired agenst him (I,) Namely,

(G) The grant to *Feipo* was of the Lands of *Skring*, and one Knights Fee about *Dublin*, namely, *Clontorbt* and *Santreff*, *i. e. Clontarffe*, and *Santry*; so that on this Side the Territory of *Meath* bounded very near upon *Dublin*. The Lands granted to *Gilbert de Nugent* were *Dalvin*, now a Barony in the County of West *Meath*, antiently the Territory of the *O'Finellans*, with all the Appurtenances and Villages lying within the said Lands, (except one Town belonging to the Abbot of *Foure*, called *Torrechsh*) by the Service of five Knights. To *Misset* he gave the Lands of *Luin*, now the Barony of *Lune* in the County of *Meath*, and to *Hose* or *Hussey*, all the Lands of *Dier* (*i. e.* the Barony of *Deece* in the County of *Meath*), which *Scachlin*, *i. e. Melsechlin* of *Meath* held.

(H) *Uriel*, called also *Orgiel* and *Oriel*, was a large Territory, governed by its proper Kings, comprehending the Counties of *Louth*, *Monaghan*, and *Armagh*.

(I) Neither *Cambrensis* nor *Regan* have given us the Reasons of the Defection of those, who had so lately sworn Allegiance to the K. of *England*. *Donell Kevenagh*, and *Gillemoholmock*, had been hitherto faithful; and therefore it must be some great Provocation that could so soon shake their Loyalty. Perhaps Jealousies entertained thereof, Wrongs in their Properties, or the Cruelties of a Government, as yet for the most Part founded upon military Principles, might have caused this Revolt; and the Opportunity was inviting, as the King had full Employment in *France*, and was attended by considerable Forces out of *Ireland*.

Donnell

A. D. 1173. *Donnell Kevanagh, Moriertagh Mc. Donchad, Mc. Dalvy, O-More, O-Dempsie, O-Donoghan, O-Byrn* of the *Duffren, Gillmeholmock, Mc. Kelan, O-Lockan* of *Obarthie*, with many othirs, rose in Armes agenst him.

HUGH de Lacy had built a strong Castle at *Trym*, invironed with a deep and lardge Ditch, which being furnished, and competently garnished, he departed for *England*, leaveing the same in the Custodie of *Hugh Tyrrell*. The Kyng of *Connaught* to destroye it assemblid all the Forces he culd make. The Principalls of his Army, who were Commaunders and Chieftaines were,

O-Flahertee, Mc. Dermond, Mc. Cherathie, O-Kelly, Kyng of *O-Many, O-Harthiee, O-Himathie, O-Carbry, O-Flanegan, O-Manethan, O-Dude, O-Shafnes* of *Poltileban*, the Kyng *O-Melachlin*, the Kyng *O-Rory, O-Neil* of *Kinell, O-Malory, Mc. Donleve*, Kyng of *Ulster*, the Kyng of *O-Karvill, Mc. Tawene, Mc Skilling, Mc. Cartan, Mc. Garraga, Mc. Kelan, O-Neale*, Kyng of *Kinelogin*, and many others, whose Names are omitted, that put themeselves into *O-Connor*'s Army, with purpose to destroye the Castle of *Trym*.

HUGH Tyrrell, beinge advertized of their comeing, dispatched Messingers unto the Erle, beseechinge hym to come to his Aid; the Erle presently assemblid his Forces, and marched towards *Trym*. But *Hugh Tyrrell* seeinge the Enemy at hand, and findinge himselfe too weake to make Resistaunce agenst their Multitudes, abandoned the Castle and burned it. The *Irish* Kyngs perceaveing that done to their Handes, which they intended to have done by Force, retorned towards their own Countries. The Erle upon his Waye meeting with Intelligence, that *Trym* was burned, marched on; and when he came thither he neyther found Castle nor House to Lodge in; wherfore he made no staie, but pursued the Enemie, and fell upon their Reare, of whome one hundreth and fifty were Slaine; which done he retorned to *Dublin*, and *Hugh Tyrrell* to the ruined Castle of *Trym*, to re-edifie the same, before *Hugh de' Lacy* his retorn out of *Englond*.

THE Erle *Richard*, by the Advice of his Councell, assembled all his Forces to make War upon *Donell O'Brien*, King of *Limericke*. With the good likeinge of all the Chieftaines, *Reymond le Grosse*, the Constable of *Leinster*, whoe

whoe was a Man Discreete and Valiaunt, and by his Parents of good livelyhood, was designed to be General of the Army; their Randevouze for the assembling of their Troopes was *Ossery*. The Kyng of *Ossery* joined with them, and undertooke to guide the Army upon *O'Brian*. Nevertheless *Reymond* mistrusted his Faith, whyche the Kyng of *Ossery* perceaving, protested his Integritie with suche Fervency, as it gave full Satisfaction, that he wuld be faithfull unto hym; which *Donald* performid with Sinceritie, in guiding the Army untill it came to the Cittie of *Limericke*, whych was invironed with a Foule and deepe Ditch, with running Water, not to be passid ovir without Boats, but at one Foord onely. At the first Approach the Soldiers were discourraged, and mutined to returne, supposeing the Cittie, by reason of the Water, was Impregnable. But that valiaunt Knight, *Meyler Fitz-Henry*, haveinge founde the Foord, wyth a loude Voice cryed, St. *David*, Companions, let us Couragiouslie pass this Foord. He led the Waye, and was followid but by four Horsemen, who, when they were gotten ovir, were assailed by the Enemie. A. D. 1173.

HERE abruptly ends the Fragment, being but the Storie of scarce full three Years after the first arrival of the *English* in *Irland*.

APPENDIX.

See also list in Book of Howth (Camden Soc. VI. 77).

APPENDIX.

CONTAINING

An Alphabetical list of such *English* and *Welsh* Adventurers, as assisted in the Reduction of *Ireland* during the first sixteen Years from the Invasion, collected partly from the foregoing Fragment, partly from *Giraldus Cambrensis*, two contemporary Writers, and partly from Records.

Almane, Walter, *nephew* to William Fitz-Aldelm.
Barry, Robert
Barry, Robert, Junr.
Barry, Philip, *Nephew to* Robert Fitz-Stephen.
Barry, Walter
Barry, Girald, *commonly called* Cambrensis, *another Nephew to* Fitz-Stephen.
Basilia, *Sister to Earl* Strongbow
Bendeger, William
Bermingham, Robert de
Bevin, de, *by some*, Beuin.
Bigaret, Robert
Bluett, Walter
Bohun, Humphry de
Borard, Gilbert de
Borard, Robert de
Braos, William de
Braos, or Bruse Philip de
Camerarius *or* Chamberlain, Adam
Caunteton *or* Kantune, Reymond
Chappel, Richard de la
Clahul, John de
Clavill, John
Cogan, Miles de
Cogan, Richard de
Comin, John *Archbishop of* Dublin.
Coustantin, Geoffry de
Courcey, John de
Cressy, Hugh de
Cursun, Vivian de
Curtenay, Reginald de
Dullard, Adam
Feipo, Adam de
Ferrand, William
Fitz-Aldelm, William
Fitz-Bernard, Robert
Fitz-David, Milo

Fitz-

Fitz-Gerald, Maurice
Fitz-Godobert, Richard
Fitz-Godobert, Robert
Fitz-Henry, Meiler
Fitz-Henry, Robert
Fitz-Hugh, Reymond
Fitz-Martin, Robert
Fitz-Maurice, Alexander
Fitz-Maurice, Girald
Fitz-Philip, Henry
Fitz-Philip, Maurice
Fitz-Ralph, Randulph
Fitz-Richard, Robert
Fitz-Stephen, Amere *or* Meredith, *Son to*
Fitz-Stephen, Robert
Fitz-Stephen, Ralph
Fitz-Walter, Theobald
Fleming, Richard le
Fleming, Thomas le
Fuceport, Adam
Geoffry.
Gernemie, Adam de
Glanvill, Reginald de
Gros, Reymond le
Griffith, *Nephew to* Robert Fitz-Stephen.
Guido.
Gundevil, Hugh de
Hay, Geoffery de
Hastings, Philip de
Henry II. *King of* England.
Hereford, Adam de
Hereford, John de
Hereford, Osbert de
Hereford, Richard de
Hose, Hugh de
John, Constable *of* Cheshire
Lacy, Hugh de
Lacy, John de, *Constable of* Cheshire.
Lacy, Robert de
Loundres, Richard de
Mareyne, Richard de
Monte Marisco, Hervy de
Moreton, John *Earl of*
Misset, William de
Nangle, *or* de Angulo, Gilbert
Nangle, Josselin Fitz-Gilbert
Nesta, *Daughter of* Maurice Fitz-Gerald.
Nicholl, *a Monk.*
Nicholas, *the King's Chaplain.*
Nott, William
Nugent, Gilbert de
Pavilly, Reginald de
Peche, Richard de
Petit, Richard
Petit, William
Poer, Robert le
Poer, Roger le
Poer, William le
Prindergast, Maurice de
Prindergast, Philip de
Purcell.
Quiney, Robert de
Ralph, *Abbot of* Bildewas.
Ralph, *Archdeacon of* Landaffe
Reinand.
Ridelsford, John de
Ridelsford, Walter de
Robert.
Rupe, Adam de
Salisbury, Robert de
Smith, Robert
Strigul, (Richard *Earl of*) *or* Strongbow.

Sancto

Sancto Laurentio, (Almarick de)
Sancto Laurentio, Nicholas de, *Son to the former.*
Thomas.
Tirril, Hugh
Tuit, Richard
Valoinges, Humphry de
Verdon, Bertram de
Wallingford, Nicholas, *Abbot of* Malmſbury.
Welſh, Philip
Worceſter, (Philip de)

THE

THE STORY OF King *Richard* the Secund.

His last being in *IRLAND*.

Translated from the *French* by GEORGE Earl of *Totness*.

A GENTILMAN of *Fraunce*, my dear Friend, perswadid me to go with hym into *England*; whereunto I assented, and presently departyng from *Paris*, wee made no stay, untill we came to *Ldon*, which was upon a *Wedinsdaye* about Dinner time, where we found many Knights and Gentilmen ready to depart from thense to follow King *Richard*, who was then upon his Way towards *Irland*, to correct the Disorders in that Realm, committed by the *Irish*, who had murdred divers of his A. D. 1399.

 good

A. D. 1399. good Subgets, and especially to chastise *Mc. Morogh*, who callid himself King of *Irland* (A).

Att the Port of *Milford* wee overtook the King attended with his Army; for the Transportatione wherof there was assemblid a great Fleet of Ships, wherefore a fair Wind he had stayed ten Dayes.

UPON the 9th of *May* the Soldiers were embarked, all the Victuals, Arms, Munition and Baggage being Shipped formerly.

THE 11th of the same Moneth the King with a fair gale of Wind in great Joy and Magnificence set sayl, and two Days after wee arryved in grete Safety at the Haven of *Waterford*, wher the People are base and sluttish, livying in poor Houses. To unland our Baggage they waded up to the Waste in Ooze. By the Merchaunts and mooft of the City the Kyng was joyfully receaved.

AFTER six Dayes staye in *Waterford* the Kyng departid from thense, and marched to *Kilkenny*, where he remained fourteen Dayes to attend the cominge of the Erle of *Rutland* with his Troops, who in all his ways held unadvised and strange Courses.

UPON St. *John*'s Baptist's Eve the King departid from *Kilkenny*, victualling his Army as well as he mought, and marched towards *Mc. Morough*, who stiled himself Kyng of *Irland* by right, and who professed to mayntain the Warr, and to defend the Londe untoo his Death, saying, that the Conquest therof was wrongful.

HE remayned in his House, the Woods, guarded with three Thousande stoute Men, suche, as it seemed to me, the *Englishmen* marvelled to behold.

AT the Entry of the Wood the King's Army was ranged into Order, expecting to have bene fought withall. But the *Irishmen* did not then appear: Wherupon the King commandid the Houses in the Woods to be burned, which was immediately done, and many Villages fired.

THE Kyng's Standard, wherein he had three Leopards, was advaunced, undir the which he Knighted the Duke

(A) This must be a mistake of the *French* Author; for the *Mac Moroughs* never pretended to more than the Kingdom of *Leinster*, though *Dermond Mac Morough* had Ambition enough to seek to dethrone *O-Connor*, King of *Ireland*.

of

of *Lancaster*'s Son (B) who was a fair and puny Batchelor, and to honour him the more, he made at the same time eight or ten othir Knights; but what their Names were I know not, nether was I very curious to undirstande. The King with his Army being lodged at the entring into the Woods as aforesaid, commaunded two Thouesand five Hundred of the Country People to cut down the Wood, that his Waye mought be made passable, and which was then overgrown with Trees, and guarded with the Enemy, and besides, so Boggy, that in divers Places, as the Soldiers marched, they sunk up to the Reins in Mire, wherby they cold not overtake the *Irish* in their retreat. An open Pace being made, the *Irish* in our Passage thro' it made such Crys and Clamours as it mought have bene heard a good League off; but still avoyding us for fear of our Archers; yet they assayled us oftin, both in the Van and Rear, casting their Darts with such might, as no Habergeon, or Coat of Mail, were of sufficient proof to resist their Force, their Darts piersing them through both sides. Our Foragers, that strayed from their Fellows, were often murdered by the *Irish*; for they were so nimble and swift of Fote, that like unto Staggs they run over Mountains and Valleys, whereby we received grete Anoyance and Damage. Nevertheless the King's Army, that was courageous and harty, became so fearful unto them, as *Mc. Morough*'s Uncle, accompanied with divers othirs, bare legged and unshod, with Halters about their Necks, humbly submitted themselves to the Kyng, falling prostrate at his Feet, craving Mercy; whom the King freely pardoned, conditionally that he and his Companions shulde receive an Othe from that time forward to continue his true and loyal Subjects. This being done, the King sent to *Mc. Morough* to submit with a Halter about his Neck, as his Uncle had done, and he would not only graunt him the lyke Mercy, but in these Places he wuld bestow upon him Castles, Towns, and ample Territories. Unto the Kings Messages *Mc. Morough* made no other Answer but this: "That for all the Goold in the

A. D. 1399.

(B) This was the Son of him who soon after dethroned K. *Richard*, and assumed the Title of K. *Henry* IV. and this puny young Batchelor, now Knighted, was afterwards the victorious K. *Henry* V.

A. D. 1399. "World he wuld not submit himself, but he wuld continue to Warr and endamage the King in all that he mought," which bold Answer proceded from the Knowledge he had, that the Kyng's Army wanted Victuals, and that for Money there it could not be supplied, the present Necessity whereof was suche, that for the space of eleven Days the Soldiers had lived only apon what they culd find in the Country, formerly wasted, which was very little. Their Horses also were feint and almost starved, as well for want of Food, as by standing uncovered in the Rain and Wind. Of this Famine many of the King's Army perished. A Biscuit in one Day between five Men was thought good Allowance, and some in five Days together had not a bit of Bread. Knights, Esquires and Gentilmen likewise felt this Misery; and for mine own Parte I wished myself without one Penny in my Purse at *Paris*. Our Camp was full of heavinefs, Pastime and Mirth were banished, and the Army murmured with Desire to dislodge. In this mean Time three Ships loaden with Victuals came from *Dublyn*. The hungry Soldiers, greedy of Food, waded into the Sea above the Reins to come to the Ships, wher in Disorder, not abiding the orderly disposing of the Victuals, they rifled the same and spoiled them, and in the Confusion many a Blow was given and recevid amongst themselves.

Herupon the nexte Daye the King dislodgid, and marched towards *Dublin*. The Enemy attended us with fierce and fearful outcries, and Skirmished often with us. Aftir the King's departur, *Mc. Morough*, contemplating his Power, and his own Weaknes, being diffident of the Success of this Warr, sent after the Kyng, beseeching him to permit him to come in Safety unto him, being desirous, as he said, to submit himself unto his Mercy, or, if he wuld not be so pleasid, to send some of his Lordes unto hym to intreate of Peace and Accord. This News brought much Joy into the *English* Camp, every Man being weary of Toile, and desirous of Rest. The King, by advice of his Councill, sent the Erle of *Gloucester* unto *Mc. Morough*, to charge him with his Crymes, and with the Damages which he had done unto the King's Liege People, and to treat farther with him as he was instructed. The Erle, with a part of the rere Guard of the Army (which he commandid)

commandid) departid from the King, attended with a Guard of two Hundreth Lances, and a Thousande good Archers. Among othir Gentilmen I was one that went with him to see *Mc. Morough*, his Behaviour, Estate and Forces, and to what issue the Treaty would grow unto. Between two Woodes, not far from the Sea, *Mc. Morough*, (attendid by Multitudes of the *Irish*) descended from a Mountain, mounted upon a Horse without a Saddle, which cost him (as it was reported) four Hundrith Cows. For in that Country they barter by Exchange, Horses for Beasts, and one Commodity for anothir, and not for reddy Money. His Horse was fair, and in his descent from the Hill to us, he ran as swift as any Stagg, Hare, or the swiftest Beast that I have seen. In his right Hand he bear a great long Dart, which he cast from him with much dexterity. At a Wood's side his Men stayed behynd him, and he met the Erle at a little Ford. He was tall of Stature, well composed, strong and active. His Countenance fierce and cruel. Much Speech passid between the Erle and him, of the breach of his Faith to the King, of the murdering of the Erle of *March*, and othir the Kyngs Subjects. To be short, this Parly produced little effect. *Mc. Morough* departid to his Men, and the Erle of *Gloucester* to King *Richard*, unto whom he recounted all the Passages betwene them, the Sum whereof was, that oonly he would submit himself without further Conditions, and that othir Composition he wuld not make during Lyfe. The Kyng at this Report was much enraged, swearing by St. *Edward* that he wuld nevir depart out of *Irland*, untill he had *Mc. Morough* in his Hands living or dead. But the good Kyng did not dream of the Misfortune, which shortly after fell upon hym. A. D. 1399.

Immediately upon the Erle's return of the Answer aforesaid, the Kyng dislodged and marched the next way to the City of *Dublyn*; which is a good Town, the best in that Realme, seated upon the Sea, and rich in Merchandise, wher wee found such plenty of Victuals to relieve our Army, Horse and Foot, consisting of thirty Thousande or therabouts, that the Prices of the same did not much increase.

The Kyng culd not forget *Mc. Morough* to prosecute hym. He divided his Army into three Parts, commaund-

A. D. 1399. ing theme to hunt him in his Woods, and promised to give him that culd take him alive or dead an hundrith Marks in Gold. But, in my Opynion it was impossible to be effected while the Leaves were upon the Trees; but after that time, when the Trees were bare, then to burn the Woods would be the best Means to doo Service upon him, and not otherwise. At this tyme the Earle of *Rutland*, Duke of *Aumarle*, and high Constable of *England*, with a hundrith Sails of Ships of Warr arrived at *Dublyn*, who was more belovid of the Kyng than any of his Blood, and by his Advice he was mooſt directed. Of his coming the Kyng was exceedinge glad, and Joy appeared in his Face when he saw him, accusing him of his long Absence; which the Duke humbly excused to the King's Contentment.

During the space of six Weeks we remained in *Dublyn*, where we lived in Joy and Delight; but in all that tyme, by Reason of foul Weather, and contrary Winds, wee nevir heard out of *England*; which undoubtedly, in my Opinion, was a Presage that God was displeasid with the King.

At last, a small Barque (the Messinger of ill News) arrived in the Port of *Dublyn*; wherein Advertisement was brought to the Kyng, that *Henry*, Duke of *Lancaster*, was arrived in *England*; that he had a strong Army in the Field, that he had beheaded the Lord *Thresorer*, that at his arrival the Archbushópp of *Canterbury* preached to the People to persuade them to assist the Duke, telling them, how King *Richard* had wrongfully banished *Henry*, whom the Pope, our holy Father, hath now confirmed Kyng of the Realme; and with all shewed them a Bull, which he said himself had procured for a plenary Remission of all Sins whatsoever committed in their whole Lives, that wuld ayd and assist the Duke, and aftir this Life to have Paradise for their Reward.

This Sermon of the Archbushopp did so work in the Hearts of the giddy People, as, Sir, said the Messinger to the King, without respect of right or wrong, they follow *Henry*, with purpose to take your Goods, Castles and Towns, conquir your Land, and to depose you. All Men, old, poor, young and rich submit themselves to him. They spoil and harrass the faithful Subjects, and therefore

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it is more than time, that you were returnid unto your Realm of *England*. At this sorrowful News the King was pensive, and that present Day, being *Saturday*, he assemblid his Councill to advise what Course to take; the most part wherof advised, that it were good for him to expedite (without any further stay) his return into *Englond*. The Duke of *Aumarle* (who possessed the Kyng's Heart) withstood this Councill (wherof many Suspicions of his Faith to the Kyng arose) Sir, said he, make no suche haste; for your Departur wee must first provide you Shipping to transport your Army. Here we have not above a hundrith sail of all sorts, which will not suffice; you shall doe much bettir to send the Erle of *Salisbury* before you to make heade agenst the Duke of *Lancaster*; for the *Welsh-men* are nor yet at his Obedience; they will assist the Erle. Your self shall do well to march to *Waterford*, unto which Port we will assemble Shipping sufficient to transport youre whole Army, and then there is no doubt but your Presence will be able to break and dissolve the Duke. The Kyng, who believed in *Aumarle*'s Faith and Judgment, concludid his Councill upon his Opinion; wherat the wisir Sort murmured; but all was in vain, they culd not be heard, which was no small Affliction to them. A. D. 1399.

The Kyng sent to the Erle of *Salisbury*, saying unto him, Fair Cousin, you must presently embarque yourself for *Englond*, land in *Wales*, gathir unto you such Forces, as you can raise to resist *Lancaster* in his foolish Enterprise. The Erle protested upon his Faith, that he wuld either effect his Commaunds, or die in the Performaunce of them. The King on his Parte assured *Salisbury*, that he woud loose no time in secunding him with all his Forces, swearing by great Othes, that if *Lancaster* did fall into his Hands, he woud cause hym to dye such a Death, as the Fame therof shoud sound as far as *Turky*.

The Erle of *Salisbury* having embarqued his small Train and Baggage, took his leave of the King, besecking him to hasten aftir him as suddainly as he mought. The King to assure him, vowed, that within six Days after his Departur, whatever shuld happen, he woud put out to Sea.

With this brave Erle, my self and my Companion shipped ourselves, and we landid at *Conway*, which, upon my Credit, is a fair and strong Town.

A. D. 1399. At our arrival there, wee heard News of the Duke's Actions; that he had conquerid the greatest part of *Englond*, taken moost of the Castles and good Towns in it, that he had displaced moost of the great Officers, instituted new Orders for the Government, and put to Death without Mercy suche as he bare Displeasur unto.

When the Erle heard these ill News, it was no Marvail although he were somewhat dismayed; for moost Part of the Nobility of *Englond* were with the Duke, and his Army was sixty Thouesande strong.

Salisbury immediately in the Kyng's Name sent forth his Warrants throuout all *Wales*, and to the City of *Chester*, commaunding all upon Pain of Death with Horse and Arms to make ther present Repair unto him, in the aid of Kyng *Richard*, assuring theme, that in Person he wuld be at *Conway* very shortly.

I dare well say, that upon this Summons (for the *Welshmen* much affected *Richard*) that within four Days forty Thouesande able Men came to the Earle, desirous to fight with the Kyng's Enemies.

The Earle understandinge thereof, with muche Alacrity repaired unto them, protesting seriously, by our Saviour, that within three Days he wuld put into the Field to encounter *Lancaster*, who spoiled the Countreys where he went, and being in the Head of his Army now assemblid, he spake to them a few Words to this effect.

" In the absens of our Soverain Lord and King, Com-
" panions and Friends, let us employ all our Courages
" and Endevours in his Defence. For my own Part I will
" nether forbear nether travail nor hazard of my Life to
" assure and advaunce the same: And I make no Doubt
" but you will be as forward as my self to encounter his
" Enemies. Let us assayl them with Courage, seeke
" them out where they are, confidently hoping in God,
" that he will aid and assist us. By his Law we are bound
" to defend our Kyng, and to dye in his just Quarrell."

The *Welshmen*, who believed that the Kyng by this time had been arrived, finding their Hopes deceaved, began to murmur, apprehending Fear, persuading themeselves, that the Kyng was dead of Grefe, and also fearing, if it shuld be soo, the Severity and Rigour of the Duke of *Lancaster* and his Associats. These Immaginations were

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so suddainly and firmly fixed in their Minds, as they plainly told the Earle, as it were with one Voice. "Since the "Kyng is not here, we will not march, nether will we "incur the Indignation of the Duke, who is powerfull, "bearing all befor him, not knowing for whom it is wee "shuld fight. For the Kyng is dead. If he be living, why "is he not now at *Conway*? Were he present, in right "or wrong, wee wuld take his Parte; but with you we "will not go a Foot." A. D. 1369.

When the Erle hearde their absolute Refusal, you may well judge he was dismayed, and with Tears falling from his Eyes (which bred Compassion in the Multitude) "What an unnatural and dishonourable Employment (said "he) am I embarked in? Why do I live? Death were to "me Advantage. For what other Judgment can the King "make of me, but that I am a Traitor unto hym." Aftir these Speeches, which were not heard by many, turning to the People, with a loud Voice he sayd thus, "Frends, "Companions, and Soldiers, I beseeche you to believe "me, within four Days King *Richard* will come unto us. "For at my departur from him in *Ireland*, he sware by "his Life, that he would not stay a Week aftir me. I "was sent befor him to assemble you togither. His Con-"fidence is in your Loyalty. Wherefor let me intreat "you to resolve to abide his coming."

This Perswasion moved the greater Parte to remain; but such as were oppressed with Feare fled to the Duke to make their accord with hym.

The mooſt with fair Wordes the Erle kept in a Body togither, for the space of fourteen Days, attending King *Richard*'s arrival. In private Discourses, the disconsolate Erle would often complain unto his Frends his Misfortune, and lament the King's over long stay in *Irland*, Prophetically forspeaking, that it wuld be the loss of his Life and Kingdom, concluding withall, that undoubtedly he was betrayed, and to add Grefe to his Grefe, he contemplated the impossibility for him to hold his Troops from breaking; which, when fourteen Days were expired, proved manifestly true. For some took ther way to the Duke, and others to ther own Homes; so that of fourty Thousande

A. D. 1399. fande *Welsh* and *Cheshiremen* which came to his Ayd, ther did not of all Sorts above seven Hundrith remain with hym.

The Duke of *Lancaster*, understanding what a great Body of Men the Erle of *Salisbury* had assemblid in *Wales*, marched towards him, being desirous to fight with such as were Partizans with King *Richard*. Being advaunced somewhat towards *Conway*, he understood that the Erle's Army was dissolvid; whereat he much rejoiced.

The Erle having Knowledge of the Duke's approach, and of his own disability to withstand his Forces, by Mediation of Frends capitulated and rendred himself to *Henry*.

In this mean while, Kyng *Richard* in *Irland*, was not unmindful to pass into *England*, and the 18th Day aftir the Erle of *Salisbury*'s departur from him, he landed at *Milford*, having spent two Days in his passage at Sea.

Here Ends so much as the *French* Author mentioneth of *Irland*: The rest of his Story he continued to the deposing of King *Richard* the Secund, and the Crowning of King *Henry* the Fourth.

THE

THE

VOYAGE

OF

Sir *Richard Edgecomb.*

Into *IRELAND*, in the Year 1488.

Collated with a M. S. of Dr. *Sterne*, late Bishop of *Clogher*, in the College Library.

Here Articulately ensueth as well the Begynnyng of the Voyage of Sir *Richard Edgecombe*, Kt. send by the King's Grace into *Irlaund*, and of souche Communications, and Conclusions, as the seyd Sir *Richard* haith made and takin there; as also of his retorn agen into *Englaund*.

Imprimis, June 23*d*, 1488. *Anno Tertio Henry* VII.

THE seyde Sir *Richard* took Shipping at *Mountsbay* in *Cornwall*, in a Skipp callid the *Anne* of *Fowey*; and ther were three othir Skips (A) of *Fowey* aforsaid, with five Hundryth Men in theym all attending upon him, *i. e.* the Rebel of *Dene*, a Skip of *Robert Strete*, a Barque of Sir *John Tressy*, Kt. and a Barque of *William Brewert*; and that Daye he sailed to the Land's End, and there rod at Anchor that Night, because the Wind was contrary. A. D. 1488.

(A) In another M. S. of this Journal it is said there were four other Ships; but it means four in all.

24. *Item*,

A. D. 1488. 24. *Item*, The seyd Sir *Richard*, hearing that *Harletson*, and other Rovers, were befor the Isle of *Silly*, made sail, and erly in the Morning came to the said Isle; from which Isle the said *Harletson* departyd two Days befor; and ther lay at Anchor all that Daye, the Wind being still contrary as aforsaid.

25. *Item*, The seyd Sir *Richard* hearing, that a great *Fleming* Ship of Warr lay in the *Severne*, daily taking and spoiling the King's Subgets, made Sail, and with all the seyd Ships came into the *Severne*, to th' intent to have mett wyth the said *Fleming* and other Rovers with hym; whych *Fleming* and Rovers wer warnid by divers of the King's Subgets of the comyng of the said Sir *Richard* to the Sea, and absented them, and fled theme thence.

26, 27. *Item*, The Wind being alway contraryous, the seyd Sir *Richard*, for the hasty Spede of his Jornay, with all the said Ships made travers in the Sea toward the Coast of *Irlaund*, and with gret Labour and Pain the said 27th Day arrived in the Port of *Kinsale* in *Irlaund*, and ther made search for *Con Eop* (B) a Rover upon the Sea, which had done, and daily doth, gret Harm and Nuisance to the King's Subgets and Frends upon the Coasts of *Irlaund*; which *Eop*, as the said Sir *Richard* was there enformed, was departid more Eastward; whom the seyd Sir *Richard* hoped to speak wyth in his way towards *Dublyn*. And he so being at *Kinsale* took Othes, Ligeance and Fealty of the Lorde *Thomas* of *Barry*.

28. *Item*, At th' especialle Desire and Request of the Lord *Courcey*, and of the Portreffe and Comminalty of *Kinsale*, the said Sir *Richard* went to Lond, and upon his comyng to Lond the seyd Lord *Courcey*, Portreffe, and Comminalty met him, and ther deliverid unto hym in the Kyng's Name the Keys of the Town, and he in the Kyng's Name deliverid the same agen unto theme, and incontinent they went altoogethir to the chef Church of the Town, and ther in the Chauncell of the same took as well the Ooth of Ligeance of the seyd Lord *Courcey*, as his fealty for his Barony of *Kinsale*, and that done, the said Portreffe and all the Substance of the seyd Town were solempnly sworn untoo the Kyng; and for the good con-

(B) *Con Hop* in another Manuscript.

tinuance

tinuaunce of their seyd Ooths as well of the seyd Lord *Courcey*, as of the Portreffe and Comminalty of the seyd Town; they bound themselves in pain of a Thousande Pounds both undir the Seal of Arms of the seyd Lorde, and undir the common Seal of the seyd Town; and therupon the said Sir *Richard* gave untoo the seyd Portreffe and Comminalty, by Virtue of his Commissyon, the Kyng's Pardon for all Offences done untoo his Highness hertofor. The Names of the Portreffe and Comminalty of the seyd Town soe sworn, as aforsaid, be expressed hereafter in this Boke; and the same Day and Night the seyd Sir *Richard* made sayl and travers in the Sea towards *Dublyn*, and in likewise the 29th Day of the same Moneth traversed in the Sea, the Wind alway being right contrarious. A. D. 1488.

30. *Item*, the seyd Sir *Richard* arrived in the Port of *Waterford* about nine of the Clock in the Mornyng; and the same Day at Afternoon, two Boats came from the Citty of *Waterford*, and brought the seyd Sir *Richard* to the Citty, and ther the Mayor and Worshipful Men of the same honourably receaved hym, and the Mayor lodgid the seyd Sir *Richard* in his own House, and made him right herty cheer.

July 1. *Item*, The Mayor had the seyd Sir *Richard* about the Citty, and shewid unto hym the Walls and Reparations of the same; and, that done, brought hym into the *Guild-Hall* of the seyd Citty, and the Councill of the same ther assemblid, the Mayor shewid unto the seyd Sir *Richard* the state of the seyd Citty, and the Disposition of divers gret Men, and of the common People of the Londs; among whych he shewid, that they understood that the seyd Sir *Richard* had brought wyth hym the King's Pardon for the Erle of *Kildare*, whych haith always bene, and is, an utter Enemy to the seyd Citty, and especially for their approved Loyalty towards the Kyng's Grace, as they say; and that when he were Sworn, and become the Kyng's Subget, tho' he were not made Deputy of that Lond, yet for the atchieving of his purposed Malice agenst the seyd Citty, they knew well, that he wuld make such means, that he shuld be made Justice of that Lond, and therby he shulde have souch Authority, that he wuld find the means by him and his Frends utterly to undoe the

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A. D. 1488. ſeyd Citty, and deſired eſpecially the ſeyd Sir *Richard*, that he wuld be means to the Kyngs Grace to be their good and gracious Lord therin, and that they mought be exempt from the Juriſdiction, as well of the ſaid Erle, if it fortuned him to have any Rule ther herafter, as of all othir *Iriſh* Lordes, that ſhuld bear any Rule in that Lond for evirmore, and to hold immediatly of the Kyng and his Heirs, and of ſuch Lordes of *Englound*, as ſhall Fortune herafter to have the Rule of *Irelaund*, and of none othirs. To the whych, the ſeyd Sir *Richard* anſwerid and ſaid, That the Kyng's Grace had gyven to him in eſpeciale Commaundment to doo and ſee eſpecially for the ſeyd Citty of *Waterford*, and therfore, and for their approved Troughthes he wuld labour unto the Kyng's Grace in this behaulf, as mouch as was in him; and undertooke, that if it fortuned the ſeyd Erle herafter to bear any Rule in the ſeyd Lond, as he knew not that ever he ſhuld, he wuld ſoe Labour and ſhew the ways unto the Kyng's Grace, that the Citty ſhulde be exempt from the Power and Juriſdiction of the Erle. And that done, the ſeyd Sir *Richard* broke his Faſt with the ſeyd Mayor, and went agen to Skip, and the ſame Day at Night went out of the ſame Haven, and traverſed in the Sea all that Night, and ſo likewiſe he did the ſecounde Day of *July* towards *Dublyn*, the Wind being right contraryous.

3. *Item*, In likewiſe the ſeyd Sir *Richard* traverſed in the Sea, and a gret contraryous Wind and Tempeſt fell upon hym, and that Day wyth gret pain and peril fetched one Iſland called, *Lambay*, upon the Coaſt of *Dublyn*, and ther came to Anchor, and ſent a Man untoo the Lond to go to *Dublyn* to inquire for the Buſhopp of *Clocornon* (C), or *Thomas Dartas*, or *Richard* the Kyng's Porter, to th' intent that they or one of them ſhuld ſhew the comyng of the ſeyd Sir *Richard*, and to have Knowledge from theme of the Diſpoſition of the Country, and of his ſure coming to Lond.

4. *Item*, *Thomas Dartas* came to the ſeyd Sir *Richard*, lying at Anchor befor the ſeyd Iſland, and ſhewid, that

(C) *i. e. Clogher*, of which the Biſhop, *Edmund Courcey*, was firmly attached to the King's Intereſt both againſt the Attempts of *Simnell* and *Warbeck*, and therefore was confided in by Sir *Richard*, and much in favour with the King.

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the Erle of *Kildare* was gone on Pilgrimage; and that it wuld be four or fife Days aftir, e're then he mought come agen to *Dublyn*, and desired hym to come to *Dublyn* in the mean Season, and take his ease. A. D. 1488.

5. *Item*, The seyd Sir *Richard* landid at *Malahide*, and ther a Gentilwoman callid *Talbot* receaved, and made hym right good cheer,; and the same Day at Aftirnoon, the Bushopp of *Meath*, (D) *John Streete*, and othirs came to *Malahide* aforsaid, well accompanied, and fetched the said Sir *Richard* to *Dublyn*, and at his comyng thither the Mayor and Substance of the Citty receaved him at the Black Fryers Gate; at whych Black Fryers the seyd Sir *Richard* was lodgid (E).

6. *Item*, The seyd Sir *Richard* lay still in the seyd Black Fryers, abydyng the coming of the Erle of *Kildare*, and othir Lordes of *Irlaund*.

7. 8. *Item*, Likewyse the seyd Sir *Richard* lay still in the said Fryers, preparing his Matters that he had to declare to the Lordes there; and the said eighth Day the Archbushopp of *Dublyn* (F) came to the seyd Sir *Richard* to his lodging.

9. *Item*, The seyd Sir *Richard* lay still in the Black Fryers, abyding the comyng of the seyd Erle of *Kildare*; and that Day the Busshopp of *Clocornen* and the *Threasorer* of *Irlaund* (G) came and spake with the seyd Sir *Richard* in his lodgings.

10. *Item*, The seyd Sir *Richard* in likewise lay still within the seyd Black Fryers abyding the comying of the seyd Erle of *Kildare*.

11. *Item*, The seyd Sir *Richard* in likewise lay still in the seyd Fryers, abyding the comyng of the seyd Erle, to the gret costs and chargis of the same Sir *Richard*.

(D) *John Paine*, Bishop of *Meath*, was a Prelate, who went all lengths with *Kildare* in endeavouring to advance *Simnell* to the Throne; but he turned with the Tide, and unpreached what he had preached before in favour of the Mock Prince.

(E) This was the Dominican Abby, near the old Bridge, which now is the King's Inn's, where the Rolls Office is kept.

(F) This was *Walter Fitz-Simons*, Archbishop of *Dublin*, who had joined with the Earl of *Kildare* in all the unwarrantable Measures in behalf of *Simnell*.

(G) *Roland Fitz-Eustace*, Lord *Portlester*, then Treasurer.

12. *Item*,

A. D. 1488. 12. *Item*, The Erle of *Kildare* came to a Place of Canons without the Walls of *Dublyn* called St. *Thomas* Court, with the Nomber of two hundrid Horses, and incontinent upon hys comyng he sent the Busshopp of *Meath*, the Baron of *Slane*, with dyvers othirs in ther Company to the seyd Sir *Richard Edgecomb*, and from his Lodging conveyed hym wher the seyd Erle lay, and in a gret Chamber the seyd Erle receaved and welcomed the seyd Sir *Richard*. Howbeit the same Sir *Richard* made not Reverence and courtesy to hym, nor to the Lordes ther assemblid, and ther openly deliverid to the seyd Erle the Kyng's Letters, the which by hym read and seen, both the seyd Erle, and the seyd Sir *Richard*, with all the Lordes went into a privy Chambir, and ther the seyd Sir *Richard* opened and declarid unto theme his Message that he had unto theme from the Kyng's Grace, and the cause of his comying. And because that dyverse Lordes of the Councill of the Lond were not ther present, nor come nigh to these Parts, they took respite for five Days to give answer therunto; and that Night the seyd Erle departid to a Place of his called *Maynoth*, ten Miles from *Dublyn*, and the seyd Sir *Richard* went to his Lodgings.

13. *Item*, *Sonday* the seyd Sir *Richard* went to the high Church of *Dublyn*, callid *Christ's Church*, and causid the Busshopp of *Meath* ther to declare as well the Pope's Bull of accursing, and the Absolution for the same, as the Grace whych the Kyng had sent by hym to Pardon every Man, that wuld do his Duty unto the King's Hyghness. And that Day the Archbusshopp of *Dublyn*, the Busshopp of *Meath*, and dyverse other gret Men dined with the seyd Sir *Richard* in his Lodging.

14. *Item*, *Monday* Sir *Richard Edgecomb*, at the especiale intreaty of the Erle of *Kildare* came to *Maynoth*, where the said Erle lay, and there had right good Cheer. At whych Place the seyd Erle made promise, that he wuld conform him in all things to the Kyng's Pleasur, in such wise, that the Mynd of the said Sir *Richard* shuld be contentid; and that was the especiale cause, that the seyd Sir *Richard* went thither.

15. *Item*, *Tuesday* the seyd Sir *Richard* lay still at *Maynoth*, and had gret Cheer of the Erle; and that Day came thither the chef Lords, and othirs of the Councill of that Lond,

Lond, and had gret Communications amongst themeselves. Howbeit that Day Nothing was done, that the seyd Sir *Richard* came for; but took respite unto the Morrow for the Accomplyshment of the comyng thither of the seyd Sir *Richard*. A. D. 1488.

16. *Item, Wednesday*, The seyd Sir *Richard* always looking that the seyd Erle wuld have done as was agreed over Night, yet notwithstanding the same Erle and his councill made and fayned unreasonable delays, so that Nothing that the seyd Sir *Richard* came for was done; wherwith the seyd Sir *Richard* was gretly displeasid, and told theme righte plainly and sharply of their unfitting demeaning. And that Day both the Erle, and the Lordes of the Councill, and the seyd Sir *Richard* came agen to *Dublyn*.

17. *Item*, The Erle of *Kildare* and othir Lordes of *Irlaund* kept gret Councill at St. *Thomas Court* without the Citty of *Dublyn*; at whych Councill the said Erle and Lordes agreed well to become the Kyng's true Subgets, as they seyd, and for their good abearing herafter offered to be bound, and make as good Suretys as culd be devised by the Kyng's Laws: But in no wise they wuld agree or assent to the bond of *Misi* (H); and for this bond certen of the seyd Councill came three or four Tymes that Day to the seyd Sir *Richard Edgecomb* in his Lodging, and requyred hym to leave off calling for the seyd Bond, whych he wuld in no wise do, but gave short Answears, with right fell and angry Words; and that Day no Conclusion was takin. Also the same Day the Lord of *Gormanstown* dined with the seyd Sir *Richard* in his Lodging.

18. *Item*, The seyd Erle and Councill assemblid again at the seyd Place; and that Day at Afternoon gave unto the said Sir *Richard* plain Answear, that they wuld in no wise be bound in the seyd bond of *Misi*, and rather than they wuld do it, they wuld become *Irish* every of them. The seyd Sir *Richard* hearing, that the common Voice was in the Citty of *Dublyn*, and all the Country ther abouts, that the Kyng of *Scots* was Dead, and therby callid

(H) This is called the bond of *Nisi* in some Copies, and perhaps means, that they bound themselves to a forfeiture of their Estates, *Nisi*, unless they continued faithful to the King. What other meaning it may have must be left uncertain.

A. D. 1488. to his Mynd many gret perils that might fall to leave theme in such erronious Opinions, as they have continued in a long Time hertofore, with gret difficulty at the last condescended, that the Erle of *Kildare*, and all the Lordes of *Irlaund* shuld be Sworn on the Sacrament for their assurauncе unto the Kyng's Grace, in such form as shuld be devised by the seyd Sir *Richard*; and that Night the seyd Sir *Richard* devised as sure an Ooth, as he culd, and that Day no other conclusion was taken.

19. *Item*, The seyd Sir *Richard* sent to the seyd Erle and Councill the Ooth by him devised; wherupon the seyd Erle and Councill made many grete Questions and Doubtes, and at Aftirnoon the seyd Sir *Richard* went in Person to the seyd Erle and Council, and had Communication with theme upon the same, and that Day souche grete delays wer made by the seyd Erle and his Councill, that they wer not fully at a Point of Conclusion upon the said Ooth, and such Bonds as shuld be made in that behaulf.

20. *Item*, *Sunday*, the seyd Erle and Council agreed to be Sworne upon the holy Sacrament to be the King's true liege Men from thence forth, after the Tenour of souch Ooth as was agreed betwene the seyd Sir *Richard* and the seyd Erle and Lordes; whych Ooth the same Erle and Lordes graunted to certifie unto the King's Grace under ther Seals, and offerid then to have be Sworn that Day at Aftirnoon; wherunto the seyd Sir *Richard* wuld in no wise agree for many causes, but wuld have theme to be Sworn on the Forenoon; and that a Chaplain of his own shuld Consecrate the same Host, on whych the seyd Erle and Lordes shuld be Sworn; and so diferred the taking of their Ooths unto the next Daye; and this Day at Night the Threasorer of *Irlaund*, and the Lord of *Germanstown* supped with Sir *Richard Edgecomb*.

21. *Item*, The seyd Sir *Richard* at the Desire of the seyd Erle went to the Monastry of St. *Thomas* the Martyr, where the Lords and Councill were assemblid, and ther in a great Chambir callid the King's Chambir, the seyd Sir *Richard* took Homage, first of the seyd Erle, and aftir that of othir Lordes, whose Names be written herafter in the Boke; and this done, the seyd Erle went into a Chambir, wher the seyd Sir *Richard*'s Chaplain was at Masse; and in the Masse Time the said Erle was Shriven

and

and assoiled from the Curse that he stood in by the Virtue of the Pope's Bull, and befor the Agnus of the seyd Masse, the Host devided into thre Partes, the Priest turned him from the Altar, holding the seyd thre Parts of the Host upon the Patten, and ther in the presense of many Persons, the seyd Erle holding his right Hand ovir the holy Host, made his solemn Ooth of Ligeance unto our Soverain Lord Kyng *Henry* the 7th, in souch form as was afor Devised; and in likewise the Bushopps and Lordes, as appearith herafter, made like Ooth; and that done, and the Masse endid, the seyd Erle, with the seyd Sir *Richard*, Bishops and Lordes, went into the Church of the said Monastry, and in the Choir therof the Archbushop of *Dublyn* began, *Te Deum*, and the Choir with the Organs sung it up solempnly; and at that tyme all the Bells in the Church rung. This done, the Erle, and mooste part of the seyd Lordes went home wyth the seyd Sir *Richard* into his Lodging, and dined with hym, and had right gret Cheer; and the seyd Sir *Richard* at the makyng of the seyd Erle's Homage, put a Collar of the King's Livery about the seyd Erle's Neek, whych he wore throughout the seyd Citty of *Dublyn*, both outward and homeward. A. D. 1488.

22. *Item*, The seyd Sir *Richard* went about nine of the Bell in the Morning to the Guild Hall within the City of *Dublyn*, wher the Mayor, Baylifs, and Comminalty of the same were assemblid; and ther the seyd Sir *Richard* made them to be Sworn unto the Kyngs Grace upon the holy Evangelist, according to souche form as they have certified unto the Kyngs seyd Grace, undir ther common Seal.

23. *Item*, The seyd Sir *Richard* about eight of the Bell went to the Erle of *Kildare* to a Place of Canons callid *All-Hallows* without *Dublyn*, and ther had long Communication with him and his Councill; and that Day at aftir Dinner, the seyd Sir *Richard* Rode to *Droghedah* twenty-four Miles thense.

24. *Item*, The seyd Sir *Richard* took fealty of the Mayor, and all the Town of *Droghedah* in the Guild Hall of the same, and tooke of theme sureties for their good abearing towards the Kyngs Grace and his Heirs; and that done he deliverid to theme the Kings Lettres of

A. D. 1488. Pardon undir his gret Seal, and lay all that Day within the Town, and had right good Cheer.

25. *Item*, The seyd Sir *Richard* Rode to *Trim* to Dinner, and ther at aftir Noon tooke fealty of the Portrefe, Burgesses, and comminalty of the seyd Town, and alsoo did take that same Day both Homage and fealty of divers, as appearith heraftir in this Boke.

26. *Item*, The seyd Sir *Richard* came agen to *Dublyn* to his lodging in the *Black Fryers*.

27. *Item*, *Sunday* the seyd Sir *Richard* Dined with the Recorder of *Dublyn*, and had a gret Dinner, with gret Cheer, and there Dined also the Arch Bushopp of *Dublyn*.

28. *Item*, The seyd Sir *Richard* lay still at *Dublyn*, abiding the coming of the Erle of *Kildare*, and of the Lordes, to have their Lettres and report unto the King's Grace, and also to receave of the said Erle his Certificate unto the King's Grace upon his Ooth, and the Obligation of him and his sureties; for the said Sir *Richard* wuld in no Wise deliver to the Erle his Pardon, untill the time he had deliverid the forsaid Certificate and Obligation.

29. *Item*, The seyd Erle of *Kildare*, and the Lordes Spiritual and Temporal came to a Priory without *Dublyn*, callid *All-Hallows*; to whom the seyd Sir *Richard* came, and had with theme long Communication; and the seyd Sir *Richard* understandyng, that certen Persons, which were Noted to be the chief Causes of the gret Rebellion late committed in *Irlaund*, because the Kings Grace had sent thither ther Pardons, sett little by their heinous offences, and therfor the seyd Sir *Richard* hitherto refused for that Cause to take either Homage or fealty of Justice *Plunket*, and of the Prior of *Kilmainham*, who were specially noted amongst all others chef causes of the seyd Rebellion; and gret instaunce was made by the seyd Erle and Lordes, that the seyd Sir *Richard* shuld accept theme unto the Kings Grace, whych in no wise he wuld graunt unto; and that Day both the Erle and the seyd Sir *Richard*, with many othir Lordes and Gentilmen Dined with *Walter Yvers*, and had a gret Dinner; and the seyd Day at Aftirnoon, both the seyd Erle, and the seyd Sir *Richard*, with Dyvers Lordes Spiritual, and Temporal, met togither at St. *Mary*'s Abby without *Dublyn*; and ther the seyd Sir *Richard* took fealty and Homage for the

Kyng

Kyng of diverse Gentilmen; and this Day the Archbushopp of *Ardmacan* came to *Dublyn*, and came to the seyd Sir *Richard* into his Lodging, and made both his fealty and Homage. A. D. 1488.

30. *Item*, Both the Erle and the seyd Sir *Richard*, and the Lordes Spiritual and Temporal met at a Church callid our Lady of the Dames in *Dublyn*; and ther great instaunce was made agen to the seyd Sir *Richard* to accept and take the said Justice *Plunket*, and the said Prior of *Kilmainham* to the Kings Grace, and that they mought have their Pardons in likewise as othir had, forasmooch as the Kyng had grantid Pardon generally to every Man. The said Sir *Richard* answerid unto theme with right sharp words, and said, that he knew better what the Kings Grace had commaunded him to do, and what his instructions were, than any of theme did; and gave with a Manfull Spirit unto the seyd Justice *Plunket*, and Prior, fearful and Terrible words, insoemuch that both the seyd Erle and Lordes wuld give no answear therunto, but kept their Peace; and aftir the great Ire passid, the Erle and Lordes laboured with souch fair means, and made such profers, that the seyd Sir *Richard* was agreed to take the seyd Justice *Plunket* to the Kyngs Grace; and soe he did, and took his Homage and fealty upon the Sacrament; but in no wise he wuld axcept or take the seyd Prior of *Kilmainham* to the Kyng's Grace, and ere that he departid unto his Lodging, he took with hym divers Judges and othir Noblemen, and went into the Castle of *Dublyn*, and there put in Possession *Richard Archiboll*, the King's Servaunt, into the Office of the Constable of the seyd Castle, which the Kings Grace had given unto him by his Lettres Patent; from the which Office the said Prior of *Kilmainham* had wrongfully kept the said *Richard* by the space of two Yeres and more, and ere then he departid out of the seyd Church of *Dames*, the seyd Erle of *Kildare* deliverid to the seyd Sir *Richard* both his Certificate upon his Ooth undir the Seal of his Arms, as the Obligation of his sureties; and ther the seyd Sir *Richard* in the presense of all the Lordes deliverid unto him the Kings Pardon under his Gret Seal in the presence of all the Lordes, and ther tooke his leave of the seyd Erle and Lordes Spiritual and Temporall; and that Day after Dinner the

A. D. 1488. ſeyd Sir *Richard* departid out of *Dublyn* to a Place called *Dalcay*, ſix Miles from *Dublyn*, where his Ships lay; and the Archbuſhopp of *Dublyn*, Juſtice *Bermingham*, and the Recorder of *Dub'yn*, with many othir Nobles, brought him thither; and that Night he took his ſkip, and ther lay at Road all Night; becauſe the Wind was contrarye to him; and the ſkips lay in ſuch a Road, that he culd not get them out without Perill.

31. *Item*, The ſkips were gotten out of the ſeyd Road, and becauſe the Wind was contraryous he culd make no Sail, and that Night he lay beſide a place called *Houth*.

Aug. 1. *Item*, The Wind being ſtill contraryous the ſeyd Sir *Richard* cauſid the Maſter and Mariners to take Sayle, and traverſed in the Sea till it was about four of the Clock in the Aftirnoon, and the Wind began to riſe, being ſtill contraryous; ſo that he was fayne to retorn agen to a Road callid *Lambay*, about an Iſland ten Miles from *Dublyn*, and there lay all Night.

2. *Item*, Such an huge and gret Tempeſt roſe that Day no Sayle might be made the Wind being ſtill contraryous.

3. *Item*, The aforſaid Tempeſt dured ſtill, and at aftirnoon that Day the Wind began to come large; but it Blew ſo much, and the Coaſts were ſo Jeopardous of Sands and Rocks, that that Night the Mariners durſt not Jeoparde to take the Sea, but lay ſtill at Anchor about the ſeyd Iſle, and ther he and his company vowed gret Pilgrimages that God wuld ceaſe the Tempeſt, and ſend a fair and large wind.

5. *Item*, *Tueſday* the ſeyd Sir *Richard* made Sail, and ſailed a *Kennyng* (H) more into the Sea, and the Wind began to come ſo contraryous, and ſo many gret dangers were on every ſide, that he was fayne to go agen to the ſeyd Iſle of *Lambay*; and that Day at Aftirnoon the Wind began to come large, and incontinent the ſeyd Sir *Richard* cauſed Sail to be made, and all that aftirnoon ſailed in his way, and at Night the Wind calmed, and came agen contraryous, therfore came to an Anchor in the open Sea, and there lay all Night.

(H) *Kennyng* ſignifies as far as a Man can ſee, from the *Saxon Kenn*, or *Cann* to perceive.

6. *Item*

6. *Item*, The Wind being contrary ous, Sir *Richard* caufid the Mafter and Marriners to Traverfe in the Sea Homeward; and with gret Pain that Day came againft a Rock called *Tulskerd*, and ther lay at Anchor all that Night in the open Sea, and the Wind Blew right fore, and was right troublous Weather. A. D. 1488.

7. *Item*, The Wind came reafonably large; and that Day the feyd Sir *Richard* fayled till he came open uppon St. *Ives* in *Cornwall*; and becaufe the Wind fell open, the Mafter and Marriners durft not adventure to paf; by the gret and perrillous Jopardies at the Lands end; and therfore all that Night they traverfed in the Sea, and that Night many fudden fhowers and Winds fell.

8. *Item*, The Wind and the Sea being troublous, Sir *Richard* and his Skips came into the haven of *Fowey*, and there he Landid, and went on Pilgrimage to a Chappell of St. *Saviour*; and that Night all his company Landid.

Here enfueth the Manner of an Ooth that fome Perfons in Irlaund *have made; and alfoo the Names of all fouch Perfons as have made their Ooths of Allegiance unto the Kyng our Soveraigne Lord* Henry VII. *before Sir* Richard Edgecombe *Knight, fent efpecially by the King's Highnefs into his Lond of* Irlaund.

I *Thomas*, Lord of *Barre*, befide the Town of *Kenfale*, promit and bind me by thefe prefents, that from henfeforwards I fhall be true and faithfull Liegeman and Subget, and true Faith fhall bere untoo the moft Mighty Chriftian Prince *Henry* VII. by the Grace of God, Kyng of *England*, and of *France*, and Lord of *Irlaund*, my natural liege Lord, and to the Heirs of his Body coming. And I fhall nether affent nor favour privily ne apertly any Thing that may be contrary to the wele of my Soveraigne Lord, nor give Aid or Affiftaunce to any Perfon or Perfons being Enemies to my faid Soveraign Lord, or ftanding out of his Grace and Favour; but I fhall to the uttermoft of my Power let and endeavour to Subdue theme. Alfo if it fhall Fortune herafter me to know any Thing that might be contrary to the Wele and Honour of my feyd Soveraigne Lord, or his feyd Heirs, I fhall to the uttermoft of my Power indeavour me to lett it, or fhall

A. D. 1488. without delay shew it to my seyd Soveraigne Lord, or his Heirs, or touch of his or ther Councill as I know well will shew it to theme. And furthermore I shall utterlie take the party of my seyd Soveraigne Lord and his seyd Heirs, and live and die in his and their Quarrells against all theme that will Attempt the contrary; so help me God, and his Saints, and these holy Evangelie's. In Witness wherof to this my solemn Ooth I have subscribed my Name with my own Hand at the Town of *Kensale* in *Irlaund* twenty seventh Day of *June* the third Yere of the Reign of my Soveraigne Lord befor rehearsed.

THOMAS BARRE.

Item, The 28. of the seyd Month *June James* Lord *Coursy* in the Church of St. *Meltoke* in *Kensale* made as well his Ooth of Homage, as his Ligeance and Fealty for his Baronage of *Kensale*, and subscribed his Name.

JAMES LORD COURSY.

Jeffrye Gallwaye
Edmond Roche
Patrick Gallwaye
Davy Martell
Henry Power
Richard Roche
Edmund Martell
Thomas Martell
Thomas Boteler
Richard Ronan
John Roche
John Barry Moriche
John Yong
Moeth Dowle
Morys O-Kine
Thomas Coppner
William Roche
Robert Martell
Richard Coppner
Richard Dewenys
Thomas Galwan
John Bleyd
Davy Seyne
Edmund Martell
Richard Apower
Philip Gernon
Thomas Gayne

Memorandum, the aforsaid 28th of *June* all these persons above written made their Ooths of Ligeance.

Moris Power
Richard Power
Denis Redyggan
Maurice Tobbyn
Andrew Roche
Richard Roche

Laurence

Laurence Tobbyn	Patrick Kerne	A. D.
John Dale	John Croude	1488.
Jordan Caton	William Walshe	

All these Persons be of *Kensale*.

Item. The same Day *German Sullivan*, Son in Law to *Ederscole*, and all his Men, were Sworn at *Kensale*.

Memorandum, The twenty-first Day of *July* the third Yere of our soveraign Lord King *Henry* VII. *Gerald*, Erle of *Kildare*, made as well his homage as his Fealty and Ooth of Ligeance before Sir *Richard Edgecombe*, Knight, sufficiently authorized therunto by our said sovereign Lord, in a Chambir called the Kings Chambir, within the Monastery of St. *Thomas* the Martyr beside *Dublyn*. Jur.

Item, The same Day, and at the same Place, *Walter* the Archbushopp of *Dublyn* super Sacramentum made his Homage and fealty.—Jur.

Item, The same Day and place *John* Bishop of *Meath* super sacramentum, Jur.

Item, The same Day and place *Edmond* Bishop of *Kildare* super Sacramentum, Jur.

Item, *Roland Eustace*, Threasorer of *Irlaund*, and Lord of *Portlester*, Homage.

Item, *Robert Preston*, Vicunt *Germanstown*, Super Sacramentum, *Jur*.

Item, *John* Abbot of the Monastery of St. *Thomas* Martyr, Super Sacramentum, *Jur*.

Item, *Walter* Abbot of *St. Maries* beside *Dublin*, Super Sacramentum, *Jur*.

Item, *James*, Prior of *Holm-Patrick*, Homage.

Item, *James Fleming*, Baron of *Slane*, Super Sacramentum, *Jur*.

Item, *Nicholas*, Lord *Houth*, *super Sacramentum*, *Jur*.

Item, *Christoper Barnewell*, Lord of *Trimleston*, *super Sacramentum*, *Jur*.

Item, Sir *John Plunket*, Lord of *Dunsane*, *super Sacramentum*, *Jur*.

Item, *Philip Bermingham* Squire, chefe Justice, Homage.

Item, *Christopher Bellew*, of *Bellew's-Town*, Squire, Homage, and fealty, *super Sacramentum*, *Jur*.

Item,

A. D. 1488. *Item, Patrick Bermingham* of *Baldungan*, Homage.

Item, John Archbusshopp, late Archbushopp of *Dublyn*, (1) Homage.

July, 28.

John Nangle, Baron of *Navan*, made booth Homage and Fealty within the Black Fryers of *Dublyn*.

July, 29.

Octavianus, Archbushopp of *Armagh*, and Primate of all *Irlaund*, within the Black Fryers at *Divelin* made booth his Homage and Fealty.

Item, The same Day *John Gernen* of *Killinarally* Squyre made booth his Homage and Fealty.

Item, Philip Bermingham Chefe Justice made his Fealty.

Item, Thomas Cusack, Recorder of *Divelin*, at the said Black Fryers made his Homage and Fealty.

Item, Peter Talbot Knight, Lord of *Malahide*, at the Monastery of our *Lady St. Mary* beside *Divelin* made booth his Homage and Fealty.

Item, The same Day and Place, Mr. *Darcy* of *Platen*, *fecit fidelitatem & Homagium*.

Item, The same Day, *William St. Laurence fecit fidelitatem*.

July 30*th*.

Item, Thomas Dowdall, Mastir of the Rolls at *Divelin*, made his Fidelity and Ooth of Homage.

Item, Barnaby Barnwell made his Fealty and Ooth of Homage.

Item, The same Day *Thomas Plunkett*, Chief Justice of the Common Pleas, at the *Black-Fryers*, made booth Homage and Fealty, sworn on the Holy Sacrament.

Here followith the Ooth that in Conclusion the Erle of Kildare, *and all the Lordes Spiritual and Temporal, with the Mayors, and other Gouernours of* Irlaund, *made untoo the King's Grace.*

I *Gerald*, Erle of *Kildare*, promit and oblige me, that from hensefourth I shall be true faithfull and obeysaunt Liegeman and Subget untoo the mooft high and

(1) This Archbishop was *John Walton*, who being blind resigned the See of *Dublin* in 1484, yet retained the Title.

mooft

mooſt mighty Chriſtian Prynce, my natural and right wiſe Soveraine Lord, Kyng *Henry* VIIth, and by the Grace of God, Kyng of *Englaund* and of *Fraunce*, and Lord of *Irlaund*, and to his Heirs of his Body comyng, Kyngs of *Englaund*. A. D. 1488.

Item, I ſhall nevir ayd, aſſiſt, or favour any of my ſeyd Soveraign Lord's Rebells or Traytors, or any that I may know of his Subgets doing contrary to their Allegiaunce, touching the King's Perſon or his Crown; nor ſhall I nevir aſſiſt ne Favour Privily ne apertly any thyng that may be contrary to the Weal, Honour, or Surety of my ſeyd Soverain Lord, or hys Heirs, Kyngs of *Englaund*, in things concernyng the Conſervation of his mooſt noble Perſon, and Eſtate Royall. But yf it ſhall Fortune me at any tyme to know any thyng that may be to the Hurt, Diſhonour, or Diſpleaſur of his Highnes, or any of his ſeyd Heirs, Kyngs of *Englaund* contrary to mine Allegiaunce, I ſhall to the beſt and uttermooſt of my Power reſiſt and let it. And ovir that, I ſhall, as ſoon as I can or may ſhew, or doe the ſame to be ſhewed untoo his ſeyd Highneſs or his Heirs Kyngs of *Englaund*, or his or their Counſells.

Item, I ſhall ſerve my ſeyd Sovereign Lord, and all his ſeyd Heirs, Kyngs of *Englaund*, in all their Titles to the Crown of *Englaund* and *Fraunce*, and Lordſhip of *Irlaund*, and in all his and their Titles and Quarrells concerning the Crown, live and die with hym and theme agenſt all Earthly Creatures, and his and their lawful Commaundments truly and faithfully obey obſerve and accompliſh, to the utmooſt of my Power.

Item, If any Meſſingers or other Perſons of what Eſtate, Degree or Condition they be, be ſent from the Dutcheſſe of *Bourgon*, or from any oother with Letters or Meſſages to me, or to any othir that I may have Knowledge of to pervert me or theme from mine or their Allegiaunce, and Obeyſaunce, or cauſe Commotion or Rebellion amoongſt the King's Subgets to be renovelled, or if any Perſon inhabiting within *Irlaund* being the Kyng's Subget or Stranger reſorting to the ſeyd Lond, uſe ſeditious or unfitting Language concerning the Kyng's Perſon or Honor, I ſhall, aſſoon as it ſhall come to my Knowledge, put me in full *Dever* to take, or do to be takin, that Perſon or Perſons

ſo,

A. D. 1488. so, as is abovesaid, bringing Letters or Messages exciting new Commotion or Rebellion, or sowing seditious or unfitting Language, and as mouch as in me is, doe them to be punyshed afür ther Demerits, accordyng to the Law, or else send him or theme with their Letters or Words untoo the Kyng's Grace.

Item, I shall not let, ne cause to be letted, from this Day forwards the Execution and Declaration of the great Censures of Holy Church to be done agenst any Person of what Estate, Degree, or Condition he be, by any Archbushopp, Bushopp, Prior, Parson, Vicar, or any othir Curate or Priest, in any open Place or Church within the King's Londe of *Irlaund*, gyven by the Authority of our Holy Father Pope *Innocent* the VIIIth, that now is, agenst all theme of the King's Subgets, that letten or trouble our seyd Sovereign Lord King *Henry* VIIth, in hys Title to the Crown of *Englaund*, and Lordshipp of *Irlaund*, or cause any Commotion or Rebellion agenst the same, or in any wise supported or comforted any Traytors or Rebells that intendid the Destruction of his mooft noble Person, or Subversion of his seyd Realme of *Englaund*, and Lordshipp of *Irlaund*, but the same Execution and Declaration of the said Censures by my Power shall ayd and assist, and cause to be done, as mouch as in me is, as often as I shall be on the behaulf of our seyd Sovereign Lord required; or otherwise I shall or may have sufficient Matter or Cause lawful. The same Execution to be done without Fraud or Mal-engine: So help me this holy Sacrament of God's Body, in form of Bread here present, to my Salvation or Damnation.

Ista Clausula pro Spiritualibus personis.

Item, I shall from this Day fourth, as oft as I shall be lawfully required on the behaulf of our sey'd Sovereign Lord to execute the Censures of the Church, by the Authority of our Holy Fathir the Pope *Innocent* the VIIIth, that now is, and by his Bull given undir Lead, agenst all those of his Subgets, of what Dignity, Degree, State or Condition he be of, that letteth or troubleth our seyd Sovereigne Lord, or his Title of the Crown of *Englaund*, and Lordship of *Irlaund*, or causith Commotion or Rebellion agenst the same, or aydeth, supporteth or comforteth any of hys Traytors or Rebels, that intendeth the Destruction

struction of his moost noble Person, or Subversion of his seyd Realm of *Englaund*, or Lordship of *Irlaund*, the same Sentence with all Solempnity therunto belonging within any Church of my Jurisdiction openly solempnly execute and declare the same Censures upon and agenst all transgressors of the same Bull, or cause to be executed and declarid; so that the Cause why be untoo me notarie, or othirwise lawfully in the behaulf of our seyd Sovereigne, or his Heirs, Kings of *Englaund* shewid and provid, not letting or sparing soe for to doo for Love, nor Dread, Hatred, Envy, or Enmity of Lordship, ne for any othir Cause. So help me this Holy Sacrament of God's Body in form of Bread here present to my Salvation or Damnation. *Salvo ordine Episcopali.* A. D. 1485.

A BREVIAT

A

BREVIAT

Of the GETTING of

IRLAND,

And of the DECAIE of the same.

Made by *Patrick Finglas* Squire, Chief Baron of the Exchequer in K. *Henry* the VIIIth's Time. cc. 4 Hen. VIII p. 102 -

THE Londe of *Irland* of ould Tyme had five Kyngs, which divided all the Londe into five Porcions, that is to sey, *Leinster*, conteyning five Counties, that is to sey, the Countyes of *Dublyn*, *Kyldare*, *Katherlough*, *Weixford*, and *Kilkenny*. *Item*, Two Porcions in *Mounster*, one by Sowth the Ryver of *Shenyne*, from *Waterfort* unto *Lymerick*, conteyning five Countyes, that

that is to seye, the Countys of *Waterfort*, *Cork*, *Kerry*, *Tipperary* and *Lymerick* (A).

Item, Th'other Porcion of *Mounster* is by the West the River of *Shenyne*, called *O-Bryen*'s Country.

Item, Anothir Porcion, *Connaught*, conteyning divers Countys.

Item, Anothir Porcion, *Ulster*, conteyning divers Countys.

Item, The chiefe of the five Kyngs, called *Monarcha*, kept the County of *Meyth* with himself *ad mensam*.

Item, The mooft Parte of *Leinster*, *South-Mounster*, *Connaught*, *Meyth*, and *Ulster*, was conquered by Kyng *Henry Fitz-Empresse*, and by souch Lords and Gentilmen that came unto *Irland* by his Licence and Commaundment.

Item, The cheife of the gettyng and conqueryng of *Leinster* under King *Henry Fitz-Empresse*, was *Richard*, Erle of *Strongbowe*, whoe marryed *Mc. Morough*'s Daughter, with whome, as well by the seyd *Mc. Morough*'s Gifft, as by Conquest, he had all *Leinster*, and reduced it to good Order and Obedience of the Kyng's Lawes, and enjoyed

(A) A superficial Reader may, at first sight, think this a very scanty Account of the Counties of this Country. But *Ireland* has received great alterations in that particular since Baron *Finglas* wrote. Indeed, he omits to enumerate *Louth* among the Counties of *Leinster*, which was within the *English* Pale, and erected by King *John*. Yet this is not to be imputed to him as an Error in Understanding; since then, and even by some now, all the Country that lay North of the River *Boyn* was reckoned within the Province of *Ulster*. Why he leaves out *Meath* (comprehending both *East* and *West-Meath*) which was one of King *John*'s old erection, is not so easy to be accounted for; unless, as he sets out with a discourse on old *Ireland*, he treats of *Meath*, as a Province by itself *West-Meath* was not separated from *Meath*, and made a distinct County by itself till the 34th of *Henry* VIIIth. *Longford* was made a County in 1565, the *King*'s and *Queen*'s Counties in the Reign of *Philip* and *Mary*, and *Wicklow* in the Reign of King *James* I. All these changes happening since our Author's Death, he could not take Notice of them. The same may be said of the County of *Clare*, which he has omitted in his Distribution of *Munster*; because it was made a County long after his Death, namely in 1565, by Sir *Henry Sidney*; and though it was antiently a Part of *Munster*, and called *Tuadmuin*, *Thomond*, or *North-Munster*, yet, upon distributing *Conaught* into Shires, it was appropriated to that Province, though afterwards re-annexed to *Munster* in 1602. Our Author calls it *O-Bryen*'s County, as it really was, and he would have chosen to have called it the County of *Clare*, had it been such in his time. He says, that *Connaught* and *Ulster* contain divers Counties, but he names none of them. It is certain there were several antient Counties in these two Provinces different from those now known; for which see the *Antiquities of Ireland*, Chap. V.

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it eight Yeres dureing the seyd *Mc. Morough*'s Life, and six Yeres aftir dureing hys owne Life (B).

Item, The seyd Erle died fourteen Yeres aftir the Conquest, and had Issue one Daughter, whome Kyng *Henry Fitz-Empresse* tooke unto *England*, and marryed hir unto *William* Erle *Marshall*; which Erle *Marshall* came unto *Irland*, and enjoyed all *Leinster* in Peace syxty Yeres (C) after the Conquest, and left all the same obedient to the Kyng's Lawes at his Death, except certen of the Blood and Name of *Mc. Moroughees*, which by Sufferaunce of the seyd Erle, for Allyance of ther Wives, were dwelling under tribute in the County of *Katherlough*, as it were a Barony, in a Place called *Idrone* (D).

Item, The seyd Erle *Marshall* had Issue by the Erle *Strongbowe*'s Daughter five Sonnes and five Daughters, and died.

Item, The seyd Sonnes were Erles and Lordes of *Leinster*, every of theme aftir othir, and ruled all *Leinster* in Peace and Prosperitie, obedient to the Kyng's Lawes, dureing all their Lives, which continued to Kyng *Edward* the First, his Days (E), and dyed all without Issue Males of their Bodys Lawfully begottin.

Item, All the aforseyd five Daughters dureing the Life of ther Father and Brethren were all marryed in *England* to Lordes, whoe aftir the Death of their Brethren made Partition betwixt theme of all *Leinster* in Fourme followinge: the eldest had the County of *Katherlogh*, the secund the County of *Weixford*, the third the County of *Kilkenny*, and the fourth the County of *Kildare*; the fifth had the Manor of *Donnemause* in *Leix*, with othir certene Londes in the County of *Kildare*.

(B) This is a gross Mistake in the Baron. For *Mc. Morough* enjoyed *Leinster* during his own Life, and died in the *Winter* of 1171 (as we learn from his Secretary, *Maurice Regan*) the Year after the Earl's Marriage with his Daughter. Nor did the Earl survive *Mc. Murrough* more than five or six Years; and he was so far from living fourteen Years after the Conquest in 1172, that he died four Years after in 1176, or at most in 1177.

(C) He means *William* Earl *Marshall* the younger, who died in 1231; for his Father, the elder Earl *Marshall*, died in 1219. The *Mc. Murroughs* here mentioned must be descendants by the illegitimate Line from *Daniel Kevenagh*. See before p. 30. Note G.

(D) *Yepin* in the College Copy, but erroneously.

(E) *Anselm*, the youngest of the Sons of *William* Earl *Marshall* the elder, died without Issue (all his Brothers being before dead without Issue) in 1245 *Anno* 30th *Hen.* III.

Item, The aforseyd Lordes, Husbands to the seyd Ladys, haveing grete Possessions in *England* of their owne, regarded little the defence of ther Londs in *Irland*; but took the Profitts of the same for a while, as they culd, and some of theme never saw *Irland*; and when ther Revenues of the same begann to decay, then he that had *Donnamause* in *Leix* retained an *Irishman*, one of the *Moores* to be his Captaine of Warr in *Leix*, in defence agenst *Irishmen* upon that Borders.

Item, The othir twoo Lordes that had *Katherlough* and *Weixford*, reteyned oone of the *Kevennaghes*, that remained in *Idrone*, to be Captaine of Warr for ther defence, and took no Regaurd to dwell themeselves; so that within twenty Yeres aftir or therabouts, in the beginning of Kyng *Edward* the IId hys reign, the seyd *Moore*, that was Captain of *Leix*, kept that Portion as his own, and called himself *O-Moore*, and the seyd Captaine of the *Kavenaghes* kept a grete Porcion of the County of *Katherlough* and *Weixford*, wherin he was Captaine, as his own, and callid hymself *Mc. Morough*. And soe within a little space aftir he the seyd *Mc. Moroughe* grewe in strength, raised up the *Byrnes* and *Tohills* in his aide; soe that hitherto they have keped all the Countrey betwixt *Katherlough* and the East Seas, as their owne; which is thirty Miles and more; and soo began the decaie of *Leinster*.

Item, The Successours of the seyd *Mc. Morough*, being in grete strength in the latter end of Kyng *Edward* the IIIt. his Dayes, the Kyng gave him Wages eighty Marks Yerely out of the Exchequer.

Item, Yt is to be considered, and true yt is, that in everie of the seyd five Porcions, that was conquerid by Kyng *Henry Fitz-Empresse*, and souche Lordes and Gentilmen as came wyth hym into *Irlaund*, and by his Licence and Commaundment, left undir Tribut certen *Irishmen* of the principall Blood of *Irish* Nacion, that wer befor the Conquest Inhabitaunts within everie of the seyd Porcions; as in *Leinster*, the *Kavennaghs*, of the Blood of *Mc. Morough*, some time Kyng of the same; in South *Mounster*, the *Mc. Cartyes*, of the Blood of the *Cartyes*, some tyme Kyngs of *Corke*; in th' other Porcion of *Mounster*, by West the River of *Shenyne*, where *O-Brien* is, which (as I read) was never conquerid in obedience to the Kyng's Laws, *O-Brien*,

Brien, and his Blood, have contynued there still; which *O'Briten* gave Tribut to Kyng *Henry Fitz-Empresse*, and to his Heirs, by the space of one Hundreth Yeres; and the Lorde *Gilbert de Clare*, Erle of *Glowcester* had one of the best Mannors in the seyd *O-Brien*'s Countie, and dwellid in the same; and *Connaght* was left undir Tribut certen of the Blood of *O-Connor*, some tyme Kynge of the same, certen of the *Kellys*, and othirs.

Item, In *Ulster* were left undir Tribut certen of the *Neals*, of the Blood of the *O-Neals*, some tyme Kyng of the same, and othirs.

Item, In *Myeth*, were left certen of the Blood of *O-Malaghlin*, some tyme Kynge of the same, and divers othirs of *Irish* Nacions.

Item, All the seyd *Irishmen* have ever sithence the Conquest had an Inclinatione to *Irish* rule, and order; waiting eyer when *Englishmen* woold rebell, and digress from Obedience of Lawes; whych, more harm is, have fallen to ther purpose, as is hereafter more plainely declarid.

Item, All the Sowth Porcione of *Mounster*, betwixt *Waterfort* and *Lymericke*, which conteyneth five Counties, that is to sey, the Counties of *Waterfort*, *Cork*, *Kierry*, *Tipperary*, and *Lymericke*, were conquerid by Kyng *Henry Fitz-Empress*, and souche noble Knights as inhabited the same, by his Grace's Licence and Commaundement, as the *Geraldines*, *Butlers*, *Barryes*, *Roches*, *Cogani*, with many othir Noblemen; whiche Countrie was *English* and obedient to the Kyng's Lawes, by the space of one Hundreth and sixty Yeres, as it appearith by the Kyng's Ketords.

Item, In Kyng *Edward* III. his Dayes, *Lionell* Duke of *Clarence*, beinge the Kyng's Lieutenant of *Irlaund*, perceaving not oonly the Lordes and Gentilmen of *Mounster*, but alsoo in outher Countries begyning to incline to *Irish* Rule and Order, at a Parliament holdyn at *Kilkenny* made certen Statuts for the Comon-wealth, for the Preservacion of *English* Order; whych, if they had bene kept, this Lond had bene obedient to the Kyng's Lawes hitherto.

Item, These wer callid the Statuts of *Kilkenny*; wherof the first was, that noo Man shuld take *Coyne* ne *Livery* upon the Kyng's Subgets, which wuld destroy Hell, if that were usid in the same.

Item, Anothir was, that noo *English* Subgets shuld make any Alliaunce by *Alterage* or *Fostering*, wyth any of *Irish* Nacion.

Item, Anothir was, that noo Man of the Kyng's *English* Subgets possessed of Lands or Tenements shuld marry any Woman of *Irish* Nacion, nor noo Woman to marry a Man of *Irish* Nacion, upon Paine of forfeiture of all ther Landes and Tenements, with divers othir beneficiall Statuts for continuaunce of *English* Nacion.

Item, As longe as the aforsaid Statuts were keped the Londe was in good Prosperitie, and obeyed the Kyng's Lawes; but soon aftir the departur of the seyd Duke into *England*, the grete Lordes, as well of *Mounster* as of *Leinster*, then beinge in grete Wealth, and groweing intoo grete Name and Authoritie, as *John Fitz-Thomas*, then created Erle of *Kildare*, *James Butler*, then created Erle of *Ormonde*, and *Maurice Fitz-Thomas*, then created Erle of *Desmonde*, haveing Division amoonge themeselves, begann to make *alterage* with *Irishmen* for ther strength to resist othir; and disdainid to take Punishment of Knights, beinge the Kyng's Justices, or Deputys for the tyme; by reason of whyche Divisione the Erles of *Ormonde* and of *Desmond* by strengthes of *Irishmen* on boothe sides fought togither in Battayle in Kyng *Henry* the VIth's Days; in whyche Battayle all the good Men of the Towne of *Kilkenny*, with many othirs, wer slaine.

Item, Nevir sithence did the *Gerraldines* of *Mounster*, the *Butlers*, ne *Geraldines* of *Leinster* obediently obey the Kyng's Lawes in *Irlaund*; but continually allied themeselves with *Irishmen*, useing continually *Coyne* and *Livery*, wherby all the Londe is now of *Irish* Rule, except the little *English* Pale, within the Counties of *Dublyn* and *Myeth*, and *Uriell*, which passe not thirty or fourty Miles in compass.

Item, In the forsaid Mannere for the lacke of Punishment of the grete Lordes of *Mounster* by Ministracione of Justice, they by ther extortione of *Coyne* and *Livery*, and othir Abusions, have expelled all the *English* Freeholders and Inhabitaunts out of *Mounster*; so that in fiftie Yeres passid was none there obedient to the Kyng's Lawes, except the Citties, and walled Townes; and soo this haith bene the Decaie of *Mounster*.

Item,

Item, The Countrie of *Myeth* was gyven by Kyng *Henry Fitz-Empresse* to Sir *Hugh de Lacy*, to hould of the Kyng by Knights Fees, whyche Sir *Hugh de Lacy* conquerid the same, and gave mouch of it to the Lordes and Gentilmen to hould of hym: And as the seyd Sir *Hugh* was buildinge the Castle of *Dervath* (F), he was traiterously slaine by a Mason of his owne; and it is written in the Cronicles of *Irlaund*, *Quod ibi cessavit Conquestus.*

Item, The seyd Sir *Hugh* had Issue twoo Sons, Sir *Walter* and Sir *Hugh*; whych Sir *Hugh* was aftirwardes Erle of *Ulster*, as shall be declarid hereafter.

Item, the seyd Sir *Walter* (G), had Issue twoe Daughters, and dyed; the elder was marryed to Sir *Theobald de Verdon*, th' other to *Geffry Geneville*, whyche made Pertition of all *Myeth* betwixt themselves; so as the Mannor of *Trym* was allotted to Sir *Geffry* of *Genevile*'s Porcion, to whome our Soveraigne, the Kynges Highness, is rightfull Heir.

Item, The Manor of *Loghseudy*, in the County of *Westmyeth*, was allotted to Sir *Theobald Verdon*'s Porcion, who had noe Heirs, but Daughters, whych were marryed in *England* to the Lord *Furnival*, and othirs; who dwelled still in *England*, and tooke souche profits as they culd gett for a while, and send smale Defence for ther Londs in *Irlaund*; so as wythin few Yeres aftir, all their Porcions wer lost, except certen Mannors wythin the *English* Pale, whyche *Thomas*, Baron of *Slane*, and Sir *Robert Hollywood*, and Sir *John Cruse*, and Sir *John Bedlowe* purchased in Kyng *Richard* the Second's time. And this haithe bene the Decaie of half of *Myeth*, which did not obey the Kyng's Lawes this hundreth Yeats and more.

Item, As concernyng the Porcion of *Connaught*, *Gilbert de Clare*, Erle of *Glowcester*, whyche marryed the secunde Daughter of *William* Erle *Marshall*, Sir *William de Burke*, and Sir *William Bermingham Amery* undir Kyng *Henry Fitz-Empresse* wer the principall Conquerors of *Connaght*; who wyth ther Complices did inhabitt the same, and made it *English*, and obey the Kyng's Lawes, from *O-Brien* Country to *Sligoe*, in length above sixty Miles and more;

(F) *i. e. Durrogh*, antiently a Monastery in the County of *Westmeath*, now in the *King's-County*. See *Usher*'s Primord. p. 690, 691.

(G) *Hugh* in another Manuscript.

whych continued soe in Prosperity fourty Yeres to King *Edward* IIId his Dayes; the decaie wherof shall appere in the next Treatise of *Ulster*.

Item, Sir *John Coursey* under Kyng *Hmry Fitz-Empresse* was the cheife Conqueror of *Ulster*; who about the gettinge of the same had seven Battlayles with *Irishmen*; wherof he wonne five, and lost two; nevertheleese he gate it, and reduced it to *English* Rule and Order; and continued soo about twenty Yeres, unto souche Tyme as Kyng *John*, having hym in Displeasur for certen evil reports (H) he shuld have made by the seyd Kyng *John*, wrote into *Irlaund* to Sir *Walter de Lacy*, and to his Brother Sir *Hugh*, to have the seyd Sir *John* takin, and sent into *England* to Execution; wherfore the seyd Sir *Hugh de Lacy* went with an Host intoo *Ulster* and had Battayle wyth the seyd Sir *John* at *Downe*; in whych Battayle was many Slaine on booth Sides, and the seyd Sir *John* prevailed at that Tyme.

Item, The seyd Sir *Hugh* had made practise with certen of the seyd Sir *John Coursey*'s Men, soe as they promysed to betray their Mastir for Money; wherupon the good *Frydaye* next ensuing, the seyd Sir *Hugh* took the seyd Sir *John*, going in Pennance aboute the Church Yard of *Down*; and that doone, the seyd Sir *Hugh* paid the seyd Sir *John* his Men such somes of Money as he promissed theme, and incontinently did Hang theme all for ther falshood for betreying of ther Mastir, &c. (I).

Item, For the forseyd Act, Kyng *John* gave unto the forseyd Sir *Hugh* the Erledome of *Ulster*, whoe enjoyed the same duryng hys Life, and had Issue one Daughter, and dyed.

Item, The seyd Sir *Hugh de Lacy*'s Daughter was marryed to Sir *Walter de Bourke*, Lorde of *Connaght*; which *Walter* was Erle of *Ulster*, and Lorde of *Connaght*, and had

(H) The reasons of the King's Displeasure against Earl *Courcey* were the bold, though generous speeches, which he cast out against King *John*, in relation to the Murder of his Nephew *Arthur*, the right Heir to the Crown, which Earl *Courcey* suggested, was effected by the King's Command.

(I) *Hanmer* (p. 183) tells this Story differently, and Alledges, that *Lacy* gave the Traitors a Passport to go into *England*, to seek for a Reward for their Service; but detesting their Treason, he provided them a Bark without Pilots or Seamen, that they were driven into the River of *Cork*, where they were apprehended, and sent to *Lacy*, who forthwith hanged them.

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theme booth, then being Obedient to the King his Lawes dureing his Life; and had a Son Sir *William de Bourke*, who enjoyed the seyd Erledome of *Ulster* and Lordship of *Connaght* in Prosperitie duryng his Life, and had Issue Sir *Richard de Bourke*, who was Erle of *Ulster* and Lorde of *Connaght*, and mought dispend yerely by the same ten thousande pounds Sterling, and above; which *Richard* had Issue *William*, which *William*, had Issue but one Daughter, and was traiterously Slaine by his owne Men.

Item, The seyd *William* Erle of *Ulster*'s Daughter and heire was marryed to *Lionell* Duke of *Clarence*, secund sonne to Kyng *Edward* the third; who came into *Irlaund*, as it is aforseyd, and was the Kyng's Lieutenant of the same, and had all *Ulster* and *Connaght* in rest and peace, Obedient to the Kyng his Lawes, as long as he tarryed in *Irlaund*, which was not very long.

Item, Aftir the Departur of the Duke of *Clarence* into *England*, he leaving behind him small Defence for his Londes in *Ulster*, and less Defence for his Londes in *Connaght*, then in Kyng *Richard* the secund his Dayes certen Knights of the *Bourkes*, Bretheren and Kinsmen of the aforseyd *William*, late Erle of *Ulster*, who dureing their Lordes Life had the Rule of *Connaght*, in their Lorde's absence, consideryng themeselves far from Punishment of the King's Lawes, and ther natural Lorde out of the Londe, usurped that Countrey to themeselves, making dayly Alliaunce and Friendshipp with *Irishmen*, and fell to *Irish* Order, soe that from the Death of the seyd Duke of *Clarence*, his heir nevir aftir had any Revenues out of *Connaght* befor Kyng *Edward* the fourth his Dayes, who was very Heir to the forseyd Erle of *Ulster*, booth it and *Connaght* was all lost; soe as at this Daye owr Souveraigne Lorde the King haith in effect no more Profitt out of all *Ulster*, but the Mannor of *Carlingford*. And in this forseyd Manner for faults of good Defence was the decaie of all *Connaght*, as of *Ulster*.

Item, Considering that in the premisses the Mannir of getting and decaie of this Londe is somewhat shewid, wee must beseech Allmightie GOD, that some Causes may be shewid to our Souveraigne Lorde the Kyng for *Reformacione* of the same.

Item, Some Men have the Opynion, that this Londe is harder to be reformid nowe, than it was to be conquerid at the furste Conqueſt; conſideringe that *Iriſhmen* have more Hardineſs and Pollicie in Warr, and more Armes and Artillery than they had at the Conqueſt.

Item, This Opynion may be ſhortly anſwerid; for ſurely *Irishmen* have not ſouche Wiſdome ne Pollicie in Warr, but *Englishmen*, when they ſett themeſelves therunto, exceed theme far; and touchinge Harneyes and Artillery exceed theme too far; and as for hardineſs, I have ſeene the Experience, that in all my Days I never herd that a hundreth ſotemen ne Horſemen of *Iriſhmen* wuld abide to Fight with ſoe many *Englishmen*; which I report me to the Duke of *Norfolk*, and othir grete Captains, that have bene here, and knoweth the Experience of the ſame this Tyme.

Item, Beſides all this, *Englishmen* have grete advantage to get this Londe now, whyche they had not at the Conqueſt; for at that Tyme, ther was not in all *Irlaund* out of City's five Caſtles, ne Piles, and nowe ther be five hundreth Caſtles and Piles.

Item, The four Saints, that is to ſey, St. *Patrick*, St. *Colombe*, St. *Braghane*, and St. *Moling*, which many hundreth Yeres agone made Prophecy, that *Englishmen* ſhuld have conquerid *Irlaund*; and ſaid, that the ſeyd *Englishmen* ſhuld keep the Londe in Proſperitie, as long as they ſhuld keep ther own Lawes, and as ſoon as they ſhuld leave, and fall to *Irish* Order, then they ſhuld decay; the experience wherof is provid true; therfore, whenſoever our Souveraigne Lord ſhall extend the Reformacione of *Irlaund*, he muſt Reduce the Lordes and Gentilmen of this Londe, whych be of *English* Nacion, to due Obedience of his Grace's Lawe's, which is very harde to doe, unleſs the Kyng with an Army repreſſe *Irishmen* upon the Borders, to contribute in a good conforming.

Item, Furſte, our Souveraigne Lorde the Kyng ſhuld extend his gracious Power, for the Reformacione of *Leinſter* which is the Key and highwaye for Reformacione of the Remanent; and it is ſituated in an Angle betwixt *Waterfort* and *Dublyn*, wherin no more *Irishmen* dwell, but the *Kavenaghs*, of whom *Mac Morrogh* is Capitaine, whych cannot make Horſemen paſs two hundreth, and the *Byrnes*, and *Tobills*, which cannot make one hundreth Horſemen, beſides

besides the *Irish* Inhabitaunts of ther Country, which be but naked Men, as *Kerne*, which wer not in this hundreth Yeres more feeble to be conquerid, than they are nowe.

Item, To Healpe herunto, the King haith on the one side of theyme the County of *Weixford*, wherin Dwell many good *Englishmen* Gentilmen, which wuld be very glad to aid therunto.

Item, Upon the othir side the Countys of *Kildare* and *Dublyn*.

Item, At the West end of ther Country is the County of *Kilkenny*, and at the East end the Seas.

Item, They can have no Succor of *Irish* Nacion, except it be through the Counties of *Kildare* and *Kilkenny*, which is lightly Stopped.

Item, To Alleviate the Kyng his Chardges to this reformacione of *Leinster*, ther be divers abbeyes adjoyning to these *Irishmen*, which doe gyve more Aid and supportacione to these *Irishmen*, than to the Kyng or his Subgets, parte agenst ther Wills, as the Abby of *Donbrothie*, in the County of *Weixford*, the Abby of *Tynterne* in the same, the Abby of *Dowske* in the County of *Cathirlough*, (K) the Abby of *Grane* in the County of *Kildare*, the Abby of *Baltinglass* in the same, which maye be suppressed, and gyven by our Souveraigne Lorde the Kyng to young Lordes, Knights, and Gentilmen out of *England*, which shall dwell upon the same, besides othir divers Mannors, Piles, and Castles upon the Borders, as herafter following. Furste, the King's Grace to give to one good *English* Captaine the afforsaid Abby of *Downbrothie*, with certen Londes Adjoyning to the same.

Item, To anothir the Abby of *Tynterne*, with a Barony adjoyning to the same.

Item, To anothir *Old Ross*, wyth the *Fassagh* (L) of Beantry, whych is a Living for a Lorde.

Item, To anothir the Castle of *Leaghlin* with the Londes adjoyning.

(K) In the County of *Kilkenny* not *Catherlogh*.

(L) *i. e.* The Wild and Desolate Grounds of the Barony of *Bantry*; for so the Word *Fassagh* in *Irish* imports.

Item,

Item, To anothir the Castle of *Catherlough*, with a Barony adjoyninge.

Item, To anothir the Mannors of *Rathville* and *Clonemore*, with a Barony to the same.

Item, To anothir the Lordship of *Weixford*.

Item, To anothir the Castle of *Fernes*, with a Barony adjoyning to the same.

Item, To anothir the Abby of *Dowske* by the River of *Barrowe*, with a Barony adjoyning to the same.

Item, To anothir the Abby of *Baltinglass*, which is a Living for a Lorde.

Item, To anothir the Abby of *Grane*, with a Barony.

Item, To anothir the Castle of *Keaving*, with a Barony adjoyning to the same.

Item, To anothir the Mannor of *Rathdowne* and *Powerscourt*, with a Barony.

Item, To anothir the Castle of *Wicklowe*, with a Barony.

Item, To anothir the Castle of *Arcklowe*, with a Barony.

(1) Thinke best to give their Advice and Councell of the Warr and Peace of that Yere, the Nomber of two out of every Shire and alsoe for Provision of all othir good Ordinance, and this Election to be committed Yerely, and that all Men have fourteen Dayes warning by Writt to go to any such Hostings, except it be for a grete neede.

Item, In all Matiers, which shuld drive the four shires, or any of theme, to any Chardge, that then, furste, the same matter to be concluded by the Kings Counsaile, and to send Persons of every Shire so Chosen, or by the moost parte of theme, and duringe the tyme of the seyd conclusion in the Premisses, that the Deputy be not present with theme in concluding the same.

Item, Wheras the grete custome called the *Poundage* was graunted to find a Guard of Bowes to attend upon the King's Deputy; wherfor from hence forward that the said Custome be bestowid upon tall Yoemen to attend Yerely upon the Deputy, according to the seyd Graunt, and as it is before Specified.

(1) This Paragraph is imperfect; but in all the Manuscripts I have seen it is as here.

Item,

Item, That noo Man of the foure Shires doe make Warr, eyther make a Prey upon any *Irishman*, but by advice and assent of the Deputy and Kyng's Counsaille.

Item, That noo *Englishman* of the Londe weare overslipp *Irish* Coate and hood on payne of an hundreth Shillings toties quoties.

Item, If the Deputy send for any *Irishman* to come speak with him, or if any of theime come without sending for, that then none of them have any Coyne or Livery, but that they be still on ther proper Costs, or the Deputies Costs, till they retorne.

Item, That Lordes and Gentilmen and Widows of the foure Shires shall send an able Man well appointed for Warr for everie twenty Pounds that he may dispend yerely, to goe wythe the Deputy to an hosting, with Jacks and Salletts, Bowes and Arrowes; and whoe cannot dispend twenty Pounds, togither to be cessed aftir that rate.

Item, That every Gentilman dwelling in any Marches shall send an Horseman well appointed to goe with the Deputie to any Hostings for every ten Marcks that he may dispend a Yere.

Item, If any that goeth to the Field be not an hable Man appointed as he ought to be, and this to be examined by the Deputie, or the grete Captain, that then his Mastir to forfact all Amercement competent, as if the seyd Man had not appearid at the said Hoasting.

Item, That the Cittie of *Dublyn* and the Towne of *Drogheda*, and the Towne of *Dundalk*, doo goe wyth the Kyng's Deputy, when they are required, to Hostings; in Consideracione that their Customes and Poundages is forgiven them yerely.

Item, That no *Englishmen* dwellinge within *Maghregron* doe take no Spear with him to the Field, except he haith a Bowe or Pavice (K), upon paine of forfeiting six Shillings and eight Pence, and loosing of his Spear, Toties Quoties.

Item, That as soone as the Hosting is concludid, that then the Gentles of the Shires of *Myeth* and *Dublyn* shall

(K) *Pavice* is a piece of Defensive Armour worn by the Antients, being the lagest sort of Bucklers, whose Sides bent inwards, and formed a light portable *Testudo*; in which sense it differed from the Target.

go togither and Elect them a Captin, to be Captin, and their Baron at that Hosting; and if it shuld Fortune him to be taken in the Field, then his Ransome to be cessed upon every twenty Pound Lond, according to the Chardge of the Yeoman of his Shire.

Item, That no Lorde ne Gentilman be chardgid to goe to the Field in their proper Persons, but souche as will go for the Deputie's Pleasur.

Item, That no Yeoman ride to the Field; but every six Yeomen to take an Hackney, a Lad to bear their Jackes, Skulls, Bowes and Arrows; and all Bowe Men to goe on Foote, except the grete Captin.

Item, That the Mayors of *Dublyn* and *Drogheda* be not chargid to go in ther proper Persons to the Field; except it be within the four Shires; but one of the Sheriffs of *Drogheda* to go with twenty four Bow's, with a Banner of Fotemen; and all the Bowes of the County of *Lowth* to goe still with the Banner, and the Banner to goe still with the Banner of *Myeth*.

Item, That ther be newe Captins elected agenst every Hostinge.

Item, That the Gentills chardged with the Spears of the three Shires shall goe, as soone as the writts of the Hostings come forth, to Elect a Captin for the Spears of ther Shire; and that the seyd Captin have a Banner; and that all the Spears of the Shire wait on that Captin and Banner; and that the Ordering of the Captins and Banners of the County of *Kildare* be ordered by the Deputie; soo that ther be fourty Men on Horseback at the least attending on.

Item, That the Gentills of the Marches of *Myeth* shall cess on their March-Londs six *Kearn* of their own *Kearn*, to be indifferently cessed to every Hosting, and a Captin to be Elected for theime, and that Captin to have a little Banner, and all the *Kearne* to follow the same of that Shire, and to be always ready togither.

Item, The Shire of *Uriell* (L) to cess fourty *Kearne*, the Countys of *Kildare*, and *Katherlough* sixscore *Kearne*, and

(L) *i. e. Louth.*

their

their Captins to be elected, and every Captin to have their little Guidon (M).

Item, That the Hooſt goe not a Day paſt fifteen Miles. And that it be lawfull to the King's Subgets next adjoining to the *Iriſhmen*, upon whom any Prey ſhuld be made, to doe the beaſt that they can to reſcue and lett the ſeyd Prey, and to ſee it reſtorid to the owners.

Item, If the Deputy drawe any *Iriſhman* to goe with hym to any Hoſting or othir Jornay, that they have Livery (N) the Night going, and another coming: And that none dwelling within the four Shires have any *Livery* going ne comminge.

Item, That at any ſouche *Coyn* and *Livery* every Chief Horſe to have twelve Sheaves of Oats, and every Hackeny, or othir bearing Horſe, eight Sheaves, and that ther be but oone Boy for an Horſe.

Item, That all ſouche ſoo livered ſhall take ſouche Meat and Drink as the Huſbandman haith, unto whome he is livered, ſo that that be competent Meat and Drinke; and if they woll not receive ſouche Meat and Drinke as they find, then every Horſeman to have a Meal but two Pence, every Galloglaſs Kearn and Boy oone Penny; and if it be Fleſh Daye to have but oone Manner of Fleſh ſodden without anie roſt, and but Bread and Butter, and alſoo Boys and Footemen, except *Sondayes*.

Item, If any ſoo livered take Pledges of theime othirwiſe than is above ſeyd, that for every Daye that the Huſbandman or his Servaunts doe followe ſouche as have the Pledges, that the Pledge-taker to pay twenty Pence a Daye to the ſaid Huſbandman or his Servaunt, and to reſtore the ſame Pledge, and alſoo to forfeit to the Deputy twenty Shillings, *toties quoties*.

Item, Whenſoevir the Deputy with his Gard or othir Retinue come within any of the four Shires, then the Livered in the Country, and in the Burrows Towns by the Kyng's Herbinger ſhall be payed for every Yeoman, Horſe and Kearn's Meal, two Pence, and for every Boy a Penny, a Meal, and for every ſix Sheaves of Oats a Penny,

(M) *i. e.* an Enſign or Standard.

(N) *Livery* is an Allowance of Horſe Meat *delivered* out Nightly for the Maintenance of the Horſe, when in Service, in Oppoſition to *Coigne*, which was paid in Money.

every

every Peck of Oats six Pence, a Gallon two Pence; and that they shall have souche Meat and Drinke as the Husbandman haith, on whom he is livered, and to take one manner of Flesh sodden without roaste, neyther to drive him to buy none, or outher Victuals; and that they playe no Riott ne evil Order in pain of their Lives.

Item, That ther be none Herbinger within the four Shires, but oonly the Kyng's own Herbinger; and that he send noe Bill but such as shall be Sealed with the Sign of the Horse Head; and that every Bill do conteyn the best Man's Name whych shall goe with the same Bill, and that the Herbinger doe register the seyd Bills and Names in his Boke, and the Day, upon Paine of Forfeiture of six Shillings and eight Pence, *Totiès quoties*.

And that ther be noe Town in any Parish free from Livery by the King's Bill, but souche as haith been always free from the Conquest, or souche as is made free by the Kyng's Deputy for some good Consideracione.

Item, If the Herbinger take Reward or othir Bribe in Execucion of his Office, to forfeit to the King for every Grote so taken six Shillings and eight Pence; and if he be found in thre Defaults, souche to be then put out of his Office.

Item, When the Kyng's Deputy shall fortune to parle or Intercomen with any *Irishman* adjoyning to anie of the four Shires, at souche tyme the Sherriff of that Shire to have notice a Sevenyght before for to warne the Gentills next adjoining to tend upon the said Deputye on Payne of Amercement, as well as though it were by the King's Writt to them, which make default.

Item, That none doe put *Coyne* ne *Livery* on any Man's Lands, except it be on his own in the Marches, upon payne conteyned in the Statute, to the restraint made of the same, and ovir this to forfect ten Pounds *toties quoties*, and forfecture of their Horses and Harneys, the oone haulfe to the Kyng, and the oothir haulfe to him on whose Lands the same *Livery* is made; and that it be lawfull to any Man so greved with *Coyne* or *Livery* to sue in any Court, which the Kyng haith, for the oone haulf of the seyd Ten Pounds.

Item, That the Deputy, and the Cittye of *Dublin*, and the Towne of *Drogheda*, shall have ther Charges born to

Hostings

Hoſtings on the Kyng's Londs, and alſoo ſouche Londs as be in the Kyng's Hands, and in all othir Londes, which the owner be not bound to go to Hoſtings.

Item, That the Deputie doe put by Promiſs and Bonds upon every *Iriſhman*, adjoyning his Power, to come with hym to all Hoſtings with certen ſomme of Horſemen and Kearne on ther proper Coſts.

Item, That no Banner ne Guidon be rered ne diſplaid in the Field, but ſouche as ſhall be appointed by the Deputy; and that the ſeyd Deputie ſuffer but few Banners ne Guidons to be rered with him in the Field.

Item, From the tyme that the Deputy approche with his Hoſt to his Enemie's Countrie, then he, or his Marſhall, ſhall appoint a Forward and Middleward, and a Rereward; and, yf they be of Power, to appoint two Midlewards; and that noo Man departe from his Ward ne Banner, till they be clear come out of ther Enemie's Countrie, upon pain of Forfecture of Horſe and Harneyes.

Item, That the Hooſt be reddy everie Day at Sun riſeing, and the ſeyd Wards to go forward, as they ſhall be appointed, and that noone of the ſaid Wardes goe far from outher, ſoo that ther be noone avoidance betwixt them; and yf they come to any danger of Faſtneſs or Paſs, that then as ſoone as the Foreward is departid out of their Faſtneſs, they to tarry with the Middleward, and ſoo they likewiſe to tarry with the Rearward, and, if nede be, they all to abide and tarry.

Item, That oone of the Deputie's Marſhalls ſhall take and appointe a Ground for the Hoſt, and to lodge by ſix of the Clock Aftirnoone; and in that Ground ſhall appointe the Deputie's Lodging, and after that all othirs to take ther Lodging place, as nigh as they can aboute that Lodging; ſo that the oone Lodging joyne with th' othir, and ſoo to lodge throughout all the Hoſt, ſoo as all the Hoſte lodge as nigh togither as they can poſſibly.

Item, That none goe to make Forrey (O), but they that ſhall be appointed by the Deputie or his Marſhall, upon pain of Forfeiture of his Horſe and Harnies; and that ther ſhall be certen Guidons of Horſemen, and Ban-

(O) *i. e.* To go out to Forrage.

ners

ners of Fotemen appointed Nightly upon the Forraghs, to wait so as they shall take noo hurt.

Item, He that maye be found lodgeinge loose out of the Host to forfect twenty Shillings *toties quoties*, the oone half therof to the Deputy, and the oothir half to the finder.

Item, That the Watch every Night be appointed by the Deputy or his Marshall, and they so appointed to watch about the Host all Night, and the Watch to goe by course nightly about all the Host duringe ther beinge in the Field.

Item, Whosoever make Afraye in the Host, or maintain or take party with the same, to forfect his Life, or a grievous Fine, at the Deputies Discrecione.

Item, Whosoever may be found with Thefte provid on hym in the Host, to be hanged, or who may be found with receite of Thefte in the Host to be hanged.

Item, Who takith any Victuals comeing to be sould in the Host, either to any Mann in Gyft, and interrupt the bringers, to forfect a grievous Fine, *toties quoties*.

Item, That every Shire, with their Standards, lodge roundly togethir by themeselves in one quarter of the Field; and that the Standards of *Dublyn*, the County of *Dublyn*, and the County of *Kildare*, goe togithir, and the Standards of *Drogheda*, *Myeth* and *Uriell* doe goe togither.

Item, That the takinge of Hostages of *Irishmen* be done by noo Man but the Deputie, by advise of the Kyng's Councell, and the Persons befor named of every Shire, or by the moost part of theme.

Item, If the Deputy be driven, that he must have a Battayle or Battayles of *Galloglass*'s goeing to any Hosting or Jornay, that they be Liveryed by the King's Herbinger by Bills after the form as is afor in the Livery of *Irishmen*, that shall come to Hostings or Jornays.

Item, That the Justices of the Peace shall be made in every Shire, and they to make Wardens of the Peace in every Barony, and Constables in every Parish; and that they kepe Musters in every Barony once every quarter of the Yere.

Item, Every Man having four Pounds of free Goods, and so upwards unto ten Pounds, is worthy to have Bowe, some Arrows, or a Bill; and from ten Pounds is worthy

to

to have his *Jack, Salet* (P), Bow, Arrows, and a Bill, upon pain of six Shillings and eight Pence, as often as he be found without the same.

Item, That shooting be used in every Parish within the *English* Pale every Holyday, so that the Weather be fair, upon pain of three Shillings and four Pence.

Item, That every Husbandman having a Plow within the *English* Pale shall sett by the Year twelve Ashes in the Ditches and closes of his Farm, on pain of two Shillings.

Item, Whensoever any Cry be reared in any Place, that all those that are adjoyning to the same Place, wher touch Cryes be made, shall answear to the same Cry, in ther mooft defensible array, upon pain of three Shillings and four Pence, that make default, *toties quaties*.

Item, That noo Man take Pledges within the *English* Pale, except it be for his Rent, upon pain conteyned in the seyd Statutes (Q) therupon made, and forfeit of five Pound, *toties quoties*, the one Moyety to the Kyng, and the other Moyety therof to hym upon whome the seyd Pledges be made; and that it be lawful to him to sue in any Court that the King haith for the same Moiety.

Item, Yf the Lond be in debate by severall Titles, then the Distress to be put in the Head Kine (R) of the Barony, where the said Lond is, and ther to be kept in Pound overt untill they be replevinede upon pain of an hundreth Shillings.

Item, That there be noo Horsemen ne Kearne dwelling within the *English* Pale, upon pain conteyned in the Statutes (S) therupon made, and ovir that to forfeit all ther Goods; and alsoo that none within the *English* Pale have Horseboy of *Irish* Nacion upon pain of Forfeit of ten Pounds, *toties quoties*.

Item, That all Men shall answer the Offences of ther Servaunts and Boys, except for Treason, Murder and Manslaughter.

Item, If ther be any Warr with *Irishmen* made upon any of the four Shires, that then the Lordes and Gentilmen

(P) *i. e.* A Cap or light Armour for the Head, the same as the Scull.

(Q) The Statute of 15th *Edward* IV. makes it Felony to take Pledges contrary to the common Law.

(R) *i. e* The Head Borough.

(S) Statute 18, *Henry* VI. Chap. 3.

shall dwell on their Londes next adjoining to the seyd Warrs, and there to contynue during the continuaunce of the said Warrs, so that ther be a Castle upon the seyd Lond.

Item, If any Man be slain in the King's Service with the Deputy in the Field, he holdyng his Londs of the King, or any othir by Knights Service, then they, of whome the Londs be holdin, to take no advantage of ther Tenure, as to have the Ward of the Londs, and Marriage of the Bodies, during the nonage of the Heire, but that ther next Friends of theme so killed shall keep ther Londs and Profits of the same as Gardians in Soccage.

Item, That noo *Irish* Ministralls, Rymers, Shannaghs (T) ne Bards, be Messingers to desire any Goods of any Man dwelling wythin the *English* Pale, upon Pain of Forfeitur of all ther Goods, and ther Bodys to be imprisoned at the King's Will.

Item, Whosoever gyve untoo his Lord or Mastir any Nights Lodgeing or a *Cudye*, that he shall find during that Season with himself, or on his proper Tenaunts, all Horses, Boys, and Men, upon pain of ten Pounds, *toties quoties*.

Item, That noo *Irishman* compell any Man to his *alterage* upon pain of ten Pounds, *toties quoties*, and the Penalty of the Statut thereupon made.

Item, If any Nacion *Irish* or *English* dwelleth within any of the four Shires by alterage of any Man, that then he that buyeth, or he of whome it is bought, shall rear no Poundage of the said Buyers Nacion, without they then give it with their own free Will, without any Distress or Pledge therefore taken, upon pain of five Pounds, *toties quoties*.

Item, That ther be no Coine in this Lond, but such as shall be current in *Englaund*, and the *English* Grote to goe for five Pence, and Gold after the same Rate.

Item, That the Coin stroken in this Lond be uttered and exchaunged out of this Lond within a Twelve-month aftir the Proclamation therupon.

Item, That no Man having a Plow of his own buy any Corn upon Pain of Forfeit twelve Pence against every Peck that he so buy, untill his own Corn be all spent.

(T) *i. e.* Genealogists.

Item,

Item, That noo Man lade Corn out of this Lond (U), if the Peck of Wheat be above the value of twelve Pence, and Mault above the value of eight Pence, upon pain of Forfeitur of the ſame; and that no Lycence be given to any Man for ſouch lading.

Item, That noo Merchaunt buy no Corn in Sheaf upon pain of Forfeiture of the ſame.

Item, That noo Merchaunts Wife uſe any Tavern of Ale upon pain of twenty Shillings, *toties quoties*, as oftin any of theme do the contrary; but lett theme be occupied in making of Woolen Cloath and Linnen.

Item, That noo Ale be ſould above two Pence the Gallon, upon pain of eight Pence, *toties quoties*.

Item, That the Statutes of the *Spaniſh* Wines be put in Execution; that is, that no Hides be gyven for any manner of Wares, except it be for Wheat, Salt, Iron, or ſmall Wines, upon pain of Forfeitur of the ſame, or the value; and all Men ſending any Hides out of this Lond ſhall find Sureties to the Cuſtomers, that the retorn of the Hides ſhall come in ſuch Wares as is aforſaid.

Item, That the ſaid Statutes be put in Execution in all Towns and Creeks from *Dounegarvan* unto the Watter of the *Bann*.

Item, That noo Man buy any Hide above the value of ſixteen Pence, upon pain of Forfeitur of the ſame Hide, or the value of the ſame.

Item, That noo Merchaunt doe ſend any manner of Wares among *Iriſhmen* to be ſould upon pain of Forfeitur of the ſame, or the Value.

Item, That noo Merchaunt, neither his Servaunt, ſhall goe out of the Cittys and Towns wherin they dwell, to the intent to buy or ſell any manner of Wares; and that they which dwell in *Dublin* and *Drogheda* ſhall bargain Wares with theme which dwell in the Borrough Towns in the Country.

Item, That the fourth Part of all the Hides that ſhall be bought ſhall be tanned ere they goe out of this Lond, on pain of Forfeitur of the ſame or the Value.

(U) By Stat. 12. *Edw.* IV. Chap. 3. All Perſons were prohibited to lade any ſort of Grain out of *Ireland*, if the Peck of Grain exceeded the Price of ten Pence, upon pain of forfeiting the Grain, or the Value thereof and the Ship, half to the King and half to the Seizer.

Item, That noo Lord, Gentilman, Freeholder, or Husbandman shall salt any Hides upon pain of Forfeitur of the same, or the Value.

Item, That noo Shipp ne Pickard break bulk from the head of *Wicklow* to the *Leistown*, except only in *Dublin*, *Drogheda*, and a part in *Dundalk*, at the Discretion of *Drogheda*, upon pain of Forfeitur of all ther Goods.

Item, That all Merchaunts, except Freemen, bringing any Wares to be sould within any of the said four Ports, if the seyd Wares be not bought of these, to be bought within forty Days after ther coming, that then they take ther Wares freely out of the said port with them.

Item, The fourth Part of Salmon, Hearing, and dry Fish made within theme of this Country, be kept and sold within the same Lond, upon pain of Forfeitur of the same, or the Value of it.

Item, That noo Man take any Horse or Hawke out of this Lond to be sold upon Pain contained in the Statutes therupon made.

Item, That all Burrow Towns have good Lodging to lodge the King's Subjects therin; and that the Kings Officers of the same Towns see that the People be well lodged, and that they shall have Victuals plentifull for their Money, and good cheap, and that they shall have six Sheaves of Oats for a Penny, and a Peck of Oats for six Pence.

Item, That the Burrow Towns be made sure and fast, and the Customs Yerely be well bestowed upon the Walls and Ditches of the said Towns on their proper Costs, six Days in the Month of *March* every Yere from henseforward, to repaire and make fast their Walls and Ditches.

Item, That noone buy Caples (W) or Kine of any suspected Persons in the Markett, upon pain of Forfeitur of the same, or the value.

Item, That ther be noo Wheat Meal made in this Lond upon pain of Forfeture of the same, or the Value thereof.

Item, That ther be but one maker of *Aquavitæ* in every Burrough Town, upon pain of six Shillings and eight Pence, *toties quoties*, at many as doo the contrary.

(W) *Caple* in *Irish* signifies a Horse in *Munster*, and a Mare in other Parts. I take *Caples* to be used here in one of these Senses.

Item,

Item, That noo Wheaten Malt goe to any *Irishman*'s Country, upon pain of Forfeiture of the same, or the value, except only, Bread, Ale, and *Aquavitæ*.

Item, The Deputy to have Pledges continually of the Captins of *Irishmen* next adjoining the *English* Pale for Peace.

Item, That no black Rent be given ne paid to any *Irishmen*, upon any of the four Shires from henceforward; and any black Rent, which they had afore this time, that it be paid unto them for evir.

Item, That the Lords of the Councell shall be bound to their Diligence that the Premises shall be put in Execution.

Item, That the Judges of the King's Courts, and the Justices of the Peace in every Shire shall have Authority to enquire for the Transgressors, and Offendors of the Premisses, and punish such as shall be culpable in any Article.

Item, That the Lords and the King's Councell add, correct, and amend all that is conteyned in this Boke after their Discrecion.

Item, That the King's Revenues be not graunted to none, nor parcell of his Revenues in *Ireland*.

Item, That the Deputy receive the Fee Farm and Customs of the City of *Waterfort* and haulf the Fee Farm of *Cork*, *Youghill*, *Limerick*, and *Galloway* and the othir haulf to the Reparacions of ther Walls, and to ther defence.

Item, It is a gret Abusion and Reproach, that the Laws and Statuts made in this Lond are not observed ne kept after the making of theme eight Days; which matter is oone of the Distructions of *Englishmen* of this Lond; and divers *Irishmen* doth observe and kepe souche Laws and Statuts which they make upon Hills in ther Country firm and stable, without breaking them for any Favour or Reward.

Item, If the Deputy for the tyme being Livery at his Pleasure Lords and Gentilmen's Londs, lett the seyd Lords ne Gentilmen call that Lond theirs at length, but call it the Deputies Londs, and take Ensample therof in *Mounster*.

Item, That the Deputy shall cause all the King's Subgets next adjoining to *Irishmen*, of all his Londs to find Sureties, and to be bound by great Bonds of Recognizance to observe the King's Laws, and to pay their Allegiaunce

truely, and to be fourth coming to answeare to all such Mattirs as shall be laid to their Chargis, as by the Lord Deputy shall be thought proper.

Item, That the Deputy be eight Days in every *Summer* cutting Passes of the Woods next adjoining to the King's Subgets, which shall be thought most nedefull.

The PASSES *Names here ensueth.*

Downe, *Callibre* the Newe Ditch, the Passes to *Powerscourt*, *Glankry*, *Ballamore* in *Foderth* goinge to *Kearnes*, *Le Roge*, *Strenanioragh*, *Poelemounty*, *Branwallehangry*, *Mortersion*, two Passes in *Feemore*, in *O-Moryes* Country, the Passes of *Ferneynobegane*, *Killemark*, *Kelly*, *Ballenower*, *Taghernefine*, two Passes in *Reymalegh*, the Passes going to *Moill*, two Passes in *Kairy*, the Passes of *Brahon Juryne*, *Kilkorky*, the *Lagha*, and *Ballatra*, *Carryconnell* and *Killaghmore*, three Passes in *Oriore*, one by *Donegall*, another by *Faghert*, and the third by *Omere*, *Bellaghkine* and *Ballaghner*.

Item, *James*, Erle of *Desmond*, Grandfather to the Erle that now is, and it is a little above fifty one *Winters* sithence he died, and he was the first Man that evir put *Coyne* and *Livery* on the King's Subgets. There is the Countys of *Waterfort*, *Cork*, *Kerry*, and *Limerick*, wherin dwelled divers Lordes, Knights, Esquires, and Gentilmen; and wore the *English* Habitt, and kept good *Englesh* Order, and Rule; and the King's Laws there well obeyed; and they had in the said four Shires then above two hundreth marks a Yere of Londs, Rents and Customs; and the aforsaid Erle had but oone Part of oone of the four Shires, and before he dyed he put by the seyd extortion of *Coyne* and *Livery* the seyd four Shires undir him and his Heirs, so as now the King's Laws be not used, the King ne his Deputy not obeyed, the King hath lost his Rents and Revenues, the Lords and Gentilmen of the same be in no better Case than the wild *Irish*; for they use *Irish* Habitt, and *Irish* Tongue, and where the said Erle had not of Yerely Rents then past five hundreth Pounds; now his Heirs, as they receive every thing accounted, may dispend ten thousand Pounds a Yere.

Item,

Item, The Countys of *Kilkenny* and *Tipperary* wore *English* Habit, and kept the *English* Order and Rule, and the King's Laws were obeyed there within this fifty one Yeres, and there dwelled divers Knights, Esquires and Gentilmen who wore the *English* Habitt, and kept good Order; and the *Butlers* dwelling in the said two Shires; and they seeing the late Demeanors of the aforsaid Erle of *Desmond*'s, and of his Conquest, they began the said *Coyne* and *Livery*, and used it sithence; soo as by the same they have put these two Shires clearly undir their Rule, and the King's Laws not obeyed, and all the King's Subjects be in no better Case than the wild *Irish*.

Item, The Erle of *Ulster* might dispend a Yere in that Lond above thirty thousand Marks, and had five Shires, besides Lordships and Mannors, as the Writer herof can shew and declare. These be the five Shires, the Countys of *Tyrone*, *Antrim*. *Carrigfergus*, *Newtown*, and *Lekahill* (X), and the last Earl called *William* had but oone Daughter, married to *Leenell*, Duke of *Clarence*; and they had but oone Daughter, who was marryed to the Erle of *March*, and soforth; to the House of *York*; and these forsaid great Estates had so much Londs in the Realm of *Englaund*, and in time vexed and troubled, that they took no hold to the forsaid Erldome, ne put keeping on the same; so as by that means *Irishmen* near had conquered the said five Shires.

(X) *Newtown*, *Lecale*, and *Ardes*, in the County of *Down*, were antiently three distinct Counties in themselves; as was also *Carrickfergus*. See the Antiquities of *Ireland*, Chap. V. p. 36, 37.

By the King,

A

PROJECT

FOR

The Division and Plantation of the Escheated Lands in six several Counties of *Ulster*, Namely, *Tyrone*, *Coleraine*, *Donnegall*, *Fermanagh*, *Ardmagh*, and *Cavan*.

IN this PROJECT we have first conceived four general Points to be observed in every County, viz.

I. That the Proportion of Land to be distributed to Undertakers may be of three different quantities. The first and least may consist of so many parcells of Land as will make a thousand *English* Acres, or thereabouts. The second or middle proportion of so many parcells as will make 1500 *English* Acres, or thereabouts. The third and greatest of so many parcells as will make two thousand *English* Acres, or thereabouts.

II. That all the Lands Escheated in every County may be divided into four Parts; whereof two Parts may be divided into Proportions consisting of a thousand Acres a Piece, a third part into proportions of fifteen hundred Acres, and the fourth part into proportions of two thousand Acres.

III. That

III. That every proportion be made a Parish, and a Parish Church erected thereon; and the Incumbents be endowed with Glebes of several quantities, viz. An Incumbent of a Parish of a thousand Acres to have sixty Acres, an Incumbent of a Parish of fifteen hundred Acres to have ninety Acres, and an Incumbent of a Parish of two thousand Acres to have one hundred and twenty Acres; and that the whole Tythes, and the Duties of every Parish be allotted to every Incumbent, besides the Glebes aforesaid.

IV. That the Undertakers of these Lands be of several sorts. 1. *English* and *Scottish*, who are to Plant their proportions with *English* and *Scottish* Tenants. 2d. Servitors in *Ireland*, who may take *English* or *Irish* Tenants at their choice. 3d. Natives of those Counties, who are to be Free-holders.

The County of *TYRONE*.

THE County of *Tyrone* is divided into certain parcells of Land called *Ballyboes*, a *Ballyboe* being a quantity of Land containing sixty Acres *English*, or thereabouts.

The whole County, including both the Temporal and Ecclesiastical Lands, by the Book of Survey containeth 1571 *Ballyboes*, or 98187 Acres, after the rate of a thousand Acres *English* to sixteen *Ballyboes*, and so proportionably; where of the one Moiety, or two parts, being 785 *Ballyboes* and a half, or 49093 Acres and a half, will make of the least Proportion, consisting of sixteen *Ballyboes*, or a thousand Acres, or thereabouts, forty nine proportions, and ninety three Acres and a half to spare.

The half of the other Moiety, or third part, being 392 Ballyboes, and three fourths, or 24547 Acres, will make of the middle quantities, consisting of twenty four Ballyboes, or fifteen hundred Acres, or thereabouts, sixteen proportions, and eight Ballyboes, and three fourths, or 547 Acres over.

The other half of this Moiety, or the fourth part, containing likewise 392 Ballyboes, and three fourths, or 24547 Acres, will make of the greatest quantitie of 32 Ballyboes,

or

or 2000 Acres, or thereabouts, twelve Proportions, and eight Ballyboes and three fourths or 547 Acres over.

So as the whole County being thus divided will make up seventy seven Proportions of all kinds, and the odd Fractions do make one small Proportion more, which in all make seventy eight Proportions, and three Ballyboes, or 188 Acres over to be added to the next Parish.

And to avoid confusion, and his Majesty's further charge in measuring the whole County, every Ballyboe is to have the same bounds and quantity, as were known, set out, and used at the time of the departur of the late Traitor *Tyrone*.

The whole County being thus divided into several quantities, or proportions, before there be any distribution made to Undertakers, we think convenient first to make a deduction out of the whole for the Church, or state of the Clergy in that County, which may be done in this manner.

The Portion of the Church.

The *Termon Lands*, claimed partly by the Primate of *Armagh*, and partly by the Bishop of *Clogher* and *Derry*, as the demesnes of their Bishopricks (whereas they are now found by inquisition to be Escheated unto his Majesty,) and that the Bishops had only certain Pensions, and some other Duties issuing out of the same do contain the number of three hundred and four Ballyboes, or nineteen thousand Acres, which his Majesty may be pleased to bestow upon the said Archbishoprick, and Bishopricks, for the better Maintenance of the Archbishops, Bishops, and their Dignitaries, and in lieu of their *Tertio Episcopalis*, or third part of the Tythes of the County.

Out of the Residue his Majesty may be likewise pleased, out of his Princely Bounty, to grant to every Personage a new Endowment of certain Lands for the Glebe thereof, according to the third general Point before set down; which in this County will extend to ninety eight Ballyboes, or six thousand one hundred and twenty five Acres.

The Monastery Lands do contain only twenty one Ballyboes, or 1312 Acres; whereof four Ballyboes, or 250 Acres, are in Lease for twenty one Years, and so many more

more granted in Fee-farme; the other thirteen Ballyboes, or eight hundred and thirteen Acres in Possession, and the reversion of the four Ballyboes, which are in Lease, may be disposed to the College of *Dublin*, to fill up part of their Book granted by Queen *Elizabeth*, for which they shall pay only half as much as the *English* and *Scottish* Undertakers are to pay by the Articles in the Printed Conditions.

The Undertakers Portion.

The Church being thus provided for, there will remain the number of eleven hundred and forty eight Ballyboes, or 71750 Acres to be distributed among the Undertakers, who shall yield Rents and other Services to his Majesty.

Out of which there will rise thirty five Proportions of the least Quantity of sixteen Ballyboes or a thousand Acres a Piece, twelve Proportions of the middle sort and twenty four Ballyboes, or two thousand five hundred Acres a Piece, and nine of the greatest of thirty two Ballyboes, or two thousand Acres a Piece, and twelve Ballyboes, or seven hundred and fifty Acres over the whole Number of Proportions, being fifty six. We think it fit, that two of the small Proportions be assigned to the uses hereafter specified, and fifty four to be left for Undertakers, which may be thus disposed, *viz.*

Thirty five may be allotted to the *English* and *Scottish* Undertakers, who are to Plant with *English* and *Scottish* Tenants; eleven to the Servitors, which may receive *Irish* Tenants; and eight to the Natives, who are to be made Free-holders.

Again, to the *English* and *Scottish* Undertakers, who are to make a Plantation with *English*, or Inland *Scottish* Tenants, may be allotted six of the greatest Proportions, eight of the middle Sort, and twenty of the least.

To the Servitors, who may take *Irish* Tenants, two of the greatest, two of the middle, and seven of the least.

To the Natives, who are to be made Free-holders, one of the greatest, two of the middle, and five of the least Proportions.

The Church and Undertakers being thus provided for, we hold it Convenient, that there be five corporate Towns, or

or Borrowes erected in that County, with Markets and Fairs, and other reasonable Liberties, and with Power to send Burgesses to the Parliament, *videlicet*, First, at *Dungannon*, Second, at *Clogher*, Third, at *Omagh*, Fourth, at *Loughensolin*, and Fifth, at *Mountjoy*: And that there be a Levie or Prest of Tradesmen and Artificers out of *England* to People those Towns. *And whereas* the odd Ballyboes or Acres abovementioned, with the two small Proportions abated from the Undertakers, do amount to the Number of forty four Ballyboes or two thousand seven hundred and fifty Acres, there may be thirty two Ballyboes, or two thousand Acres, allotted to the same Towns, *videlicet*, eight Ballyboes, or five hundred Acres to *Dunganon*, and six Ballyboes, or three hundred and seventy five Acres a Piece to the other Towns, which they are to hold in Fee-Farme, and pay such Rent as the *English* or *Scottish* Undertakers.

The other twelve Ballyboes, or seven hundred and fifty Acres, may be assigned to the Maintenance of a Free School to be erected at *Mountjoy*.

Touching the disposing of the Natives, some may be planted upon the two thousand three hundred and twenty three Acres of Land, and the Glebes of the Parsons, others upon the Lands of Sir *Art. O'Neall*'s Sons, and Sir *Henry Oge-O'Neall*'s Sons, and of such other *Irish* as shall be thought fit to have any Freeholds there. Some others may be placed upon the Portions of such Servitors as are not able to inhabit their Lands with *English* or *Scottish* Tenants, especially of such as know best how to rule and order the *Irish*.

But the Sword Men are to be transported into such other Parts of the Kingdom, as by Reason of the waste Lands therein, are fittest to receive them, namely, into *Conaght*, and some Parts of *Munster*, where they are to be dispersed, and not planted together in one Place; and such Sword Men as have not Followers, or Cattle of their own, to be disposed of in his Majestie's Service.

The

The County of *COLERAIN.*

THE County of *Colerain*, otherwise called *O'Cahan*'s County, is divided, as *Tyrone*, by Ballyboes, and doth contain, as it appeareth by the Survey, five hundred forty seven Ballyboes, or thirty four thousand one hundred and eighty seven Acres, every Ballyboe containing sixty Acres, or thereabouts, as in *Tyrone*.

Out of which do arise twenty four Proportions, and three Ballyboes, or one hundred and eighty seven Acres over, to be added to the next Parish, *viz.* of the one Moiety there doe arise seventeen of the least Proportions, and of the one half of the other Moiety, six of the middle, Sort, and of the other half of this Moiety four of the greatest, every of which Proportions is to be made a Parish, and every Incumbent to have his Tithes, Glebe, and other Duties, as is before set down.

For the Portion of the Church.

1st. The *Termon* Lands claimed by the Bishop of *Derry* do contain one hundred and one Ballyboes and a half, or six thousand three hundred and forty three Acres, and three fourths, and may be assigned, if it so please his Majesty, to the Bishoprick of *Derry*, for the better Maintenance of the Bishop and Dignitaries, and in lieu of the *Tertia Episcopalis*, &c.

2d. The Dean of *Derry*'s Land, containing six Ballyboes, or three hundred seventy five Acres, to remain to himself.

3d. Out of the residue, thirty four Ballyboes, or two thousand one hundred and twenty five Acres, may be assigned to the Glebes of the Incumbents.

4th. Out of the Monastery Lands, eighteen Ballyboes, or eleven hundred and twenty five Acres, may be passed to the College in *Dublin*, and the other six Ballyboes, or three hundred and seventy five Acres to be allotted towards the Maintenance of a Free School to be erected at *Lymepaddy*.

The

The Portion of the Undertakers.

All which being deducted, there remain three hundred eighty two Ballyboes, or twenty three thousand eight hundred and seventy five Acres, to be divided amongst the Undertakers, which will make, according to the form of Division made of the Lands in *Tyrone*, eighteen Proportions, *viz.* of the least eleven, of the middle, four, and of the greatest, three, and fourteen Ballyboes, or eight hundred seventy five Acres over; whereof may be allotted, to the *English* and *Scottish* Undertakers twelve Proportions, *viz.* eight of the least, two of the middle, and two of the greatest. To the Servitors, one of the middle Sort, and to the Natives five Proportions, *viz.* three of the least, one of the middle, and one of the great.

The odd fourteen Ballyboes, or eight hundred and seventy five Acres, may be equally allotted to two corporate Towns or Burrowes to be erected, one at *Limevaddy*, and the other at *Dungevin*, which are to have reasonable Liberties, to send Burgesses to Parliament, and to hold their Lands in Fee-Farm as aforesaid.

The Natives to be placed or planted as in *Tyrone*.

There are in this County divers fishings, touching the Disposition whereof his Majesty's Pleasure is to be known.

The Moiety of the fishing of the *Ban*, unto which Moiety, as likewise unto the other Moiety, the Assignees of Sir *William Godolphin* make claim by a Lease for twenty one Years made the forty second of *Elizabeth*, which Lease hath been in Question, and allowed by the State in *Ireland*, and the Assignees of *John Wakeman* do claim the Fee Simple thereof by Letters Patents dated the third *Jacobi*.

And the Lord Bishop of *Derry* claimeth one Days fishing, *viz.* the second *Monday* after Midsummer Day in the River of the *Ban*, and likewise the fishing of the Wear of *Ballinasse*, which notwithstanding was granted by Letters Patent to *Thomas Ireland*, and by him assigned to *Thomas Philips*, who is now in Possession thereof.

A small Salmon fishing in the River of *Roe*, which is in his Majesty's Possession.

A small

A small Salmon fishing in the Creek of *Foughan*, falling into *Loughfoile*, in his Majesty's Possession.

Certain small Pools for fishing in the South side of *Loughfoile* in the King's Possession. But the Lord Bishop of *Derry* doth claim a Pool called *Clonyt*.

The County of *DONEGALL*.

THE County of *Donegall*, called *Tyreconnell*, is divided by certain Parcells of Land called *Quarters*; which Quarters, because they are not equal in Quantity, some containing a greater Number of Acres, and some less, we are to make our Division by Acres.

The whole County doth contain one hundred and ten thousand and seven hundred Acres; which will produce, according to the former Division, eighty seven Proportions, *viz.* fifty five of the least of one thousand Acres a Piece, and thirteen of the middle Sort of fifteen hundred Acres a Piece, and fourteen of the greatest Proportion of two thousand Acres a Piece, and seven hundred Acres over to be added to some Parish; every of which Proportions is to make a Parish as aforesaid, wherein the several Incumbents are to have several Glebes, and all the Tithes and Duties as aforesaid.

The Church's Portion.

1st. *Termon* Lands do contain nine thousand one hundred and sixty eight Acres, which may be assigned to the Bishoprick as before.

2d. The Bishop's mensall Lands or Demeasnes are three thousand six hundred and eighty Acres.

3d. The Incumbents of eighty seven Parishes, according to the former Division, may have six thousand six hundred Acres.

4th. The Monastery Lands are nine thousand two hundred and twenty four Acres, which are almost all either granted in Fee-Farm, or claimed by such as pretend Title thereunto; but whatsoever shall remain to his Majesty the same

ſame to be allotted to the College of *Dublin*, to be paſſed in their Book, as aforeſaid.

There are beſides three other Parcells of Land ſurveyed, which cannot be diſtributed to Undertakers; one of them of three hundred Acres allotted to the Fort of *Culmore*, another of one thouſand twenty four Acres called *the Inche*, paſſed in Fee-Farm to Sir *Ralph Bingley*, and one thouſand Acres allotted to *Ballyshanon*.

The Undertakers Portions.

So as there remaineth to be allotted to Undertakers ſeventy nine thouſand ſeven hundred and four Acres, which being divided into the aforeſaid Proportions, will make ſixty two of all kinds, *viz.* forty of the leaſt, thirteen of the middle Proportions, and nine of the greateſt, which may be thus diſtributed.

Thirty eight Proportions may be diſpoſed to *Engliſh* and *Scottiſh*, *viz.* twenty five of the leaſt, eight of the middle Sort, and five of the greateſt.

Nine to Servitors, *viz.* five of the leaſt, two of the middle, and two of the greateſt.

Fifteen to Natives, *viz.* ten of the ſmalleſt, three of the middle, and two of the greateſt.

There reſteth two Thouſand two Hundred and four Acres, which may be thus diſpoſed to Corporate Towns, which are to have reaſonable Liberties, and ſend Burgeſſes to Parliament, and to hold their Lands as aforeſaid; *viz.* to *Derry*, eight hundred Acres, to *Calbeg* two hundred Acres, to *Donegall* two hundred Acres, to *Rath*—— two hundred Acres, to the *Liffer* are already aſſigned five hundred Acres, and to *Ballyſhanon* a Thouſand.

The reſidue, being ſix hundred and four Acres, to be equally allotted towards the maintenance of two Free Schools, the one at *Derry*, the other at *Donegall*, and that the Scite of the Monaſtery there be allotted to the Biſhop of *Raphoe* for his Habitation, reſerving convenient Rooms for the School and School-Maſter.

The Natives to be diſpoſed as in *Tyrone*.

Fishings in this County in the King's Possession, touching the Disposition thereof his Majesty's Pleasure is to be signified.

In the Barony of *Enishowen* Fishings of Salmon, Herring and Ling.

1. Near. *Culmore.*
2. Near *Rinnecarrenkill.*
3. In the Bay of *Cooledagh.*
4. In the Bay of *Thebeggigh.*
5. In the Bay of *Boneranagh.*
6. In *Lough Swilley.*
7. In the Creek of *Newcastle.*

} To these the Bishop of *Derry* maketh Claim.

In the Barony of *Kilmacrenan.*

Fishing of Salmon, Herring, Ling, and other Sea Fish.

1. In the Creek of *Sullaghmore.*
2. In the Creek of *Lennan.*
3. In the Creek of *Mayrey.*
4. In the Creek of *Counagh-gerragh*, alias *Shepton.*
5. In the Creek of *Cawnekillibight.*
6. In Lough *Swillie*, near *Ramullen.*
7. In the Bay of *Dunsmaghie.*
8. In the Bay of *Cloydagh.*

In the Barony of *Boyle* and *Bannogh.* Fishing of Salmon and other Sea Fish.

1. In the Bay of *Owybarragh.*
2. In the Bay of *Owen I Owy.*
3. In the Bay of *Portynynichem.*
4. In the Bay of *Inver.*
5. In the Haven of *Callbegg.*
6. In the Bay of *Tullen.*
7. In the Isles of *Arran.*

} To these the Bishop of *Derry* maketh Clayme for a Moiety.

In the Barony of *Tyrebugh.* Fishing of Salmon.

1. In the River of *Ballyshanon.*
2. In *Bondroyse.*

} In Lease to Sir *Henry Foliot.*

In

In the Barony of *Raphoe*.

Salmon Pooles between *Liffer* and the *Derry*, on the West-side of *Lough-Foyle*, claimed by *James Hamilton* and others; but the Bishop of *Derry* claimeth the Pooles of *Clonbrey*.

The County of *FERMANAGH*.

THE County of *Fermanagh*, commonly called, *Mac-Gwyer*'s Country, is divided into small Precincts of Lands, called *Tathes*, every *Tathe* containing by Estimation thirty Acres or thereabouts, as it is found by the Survey, and doth contain one thousand and seventy *Tathes*, or thirty three thousand four hundred and thirty seven Acres and an half, besides forty six Islands, some of greater, and some of lesser Quantitie. But what number of *Tathes* or Acres the said Islands do contain is not set down in the Survey, because the Countrey did not present the same.

The said thousand and seventy *Tathes*, or thirty three thousand four hundred thirty seven Acres and an half, do make twenty six Proportions of all sorts, *viz.* of the least sixteen, of the middle six, and of the greatest Proportions four; and fourteen *Tathes*, or four hundred thirty seven Acres and an half over, to be added to some Parish: In every of which Proportions there may be a Parish and several Incumbents, with Glebes and other Duties, as is before set down.

For the Proportion of the Church.

1. The *Termon* Lands, to be deducted out of the said Number of one thousand and seventy *Tathes*, do contain one hundred *Tathes*, and three fourths, or three thousand one hundred and forty seven Acres and an half, which may be granted, if it so please his Majesty, to the Bishoprick.

2. The Bishop's Mensall or Demeasne Land containeth sixty Acres.

3. Further, the Incumbents are to have sixty six *Tathes*, or two thousand sixty Acres for their Glebes.

4. The Monastery Lands contain forty four *Tathes*, or thirteen hundred seventy five Acres, passed already in Fee-Farm.

For the Undertakers.

So there remain to be past to the Undertakers eight hundred fifty eight *Tathes*, or twenty seven thousand seven hundred ninety five Acres, which make twenty Proportions of all sorts, *viz.* of the least thirteen, of the middle four, and of the greatest three.

The odd *Tathes* are eighty nine, or two thousand seven hundred and ninety Acres; whereof thirty *Tathes*, or nine hundred and thirty seven Acres and an half, may be equally allotted to three corporate Towns to be erected, one at *Lisgool*, another at *Castleskagh*, and the third in the middle way between *Lisgool* and *Ballyshanon*, the Place or Seat of the Town to be chosen by the Commissioners. The Towns are to hold their Lands, and to have such Liberties as these formerly mentioned. Thirty nine *Tathes*, or twelve hundred twenty eight Acres to the College of *Dublin* as aforesaid, and twenty *Tathes*, or six hundred twenty five Acres, for the Maintenance of a Free-School to be erected at *Lisgoole*.

The Proportions in this County are to be distributed in this manner.

Connor Roe Mac-Guire hath his Majesty's Word for the whole Barony of *Magheri-Stephana*, the whole Barony of *Clancallie*, the half Barony of *Tyrecannada*, and the half Barony of *Knockniny*, which contain three hundred and ninety *Tathes*, or twelve thousand two hundred and eighty seven Acres and an half, and do take up five of the least Proportions, two of the middle, and two of the greatest, and are to be passed unto him according to his Majesty's Royal Word.

Howbeit we think it convenient, that he do keep in his Possession only one great Proportion of two thousand Acres, and do make Estates of Freehold in the rest in such manner as shall be prescribed unto him by the Commissioners, and

and that he do yield unto his Majesty such Rent, risings out, and other Services, ratable for the three Baronies, as he should have done by his former Letters Patent granted unto him of the whole Country; which Letters Patent he hath promised to surrender.

The Proportions remaining to be distributed are in Number eleven, *viz.* eight of the least, two of the middle, and one of the greatest, which may be allotted in this Manner, *viz.*

To *Britains* none.

To Servitors four, *viz.* three of the least, and one of the middle.

To the Natives seven, *viz.* five of the least, one of the middle, and one of the greatest.

Touching the Natives, who are not to be Freeholders, the Commissioners are to take such Order for the placing or transplanting of them, as for the Natives in *Tyrone*.

The County of *CAVAN.*

THE County of *Cavan*, commonly called *O-Reylie*'s Country, is divided into small Precincts of Land, called *Polls*, every *Poll* containing twenty four Acres, by the Survey; whereof there are found in this County sixteen hundred and twenty, which doth make forty thousand five hundred Acres. These *Polls*, after the Division formerly used, will make thirty two Proportions, *viz.* of the least twenty, of the middle seven, and of the greatest Proportion five; and every of these Proportions may be a Parish, with Glebes and Tythes to the Incumbent, as in *Tyrone*.

For the Portion of the Church.

1. The *Termon* Lands are one hundred and forty *Polls*, or three thousand five hundred Acres, which his Majesty may dispose to the Bishoprick.

2. For the Incumbents Glebes, one hundred *Polls*, or two thousand five hundred Acres.

3. The Monastery Land contain twenty *Polls*, or five hundred Acres.

For the Undertakers.

So there remain to be distributed to Undertakers thirteen hundred and sixty *Polls*, or thirty four thousand Acres, which being divided, as before, make twenty six Proportions of all sorts, *viz.* of the least seventeen, of the middle five, and of the greatest four, which may be divided among the Undertakers in this manner.

To *English* and *Scottish* six Proportions, viz. three of the least, two of the middle, and one of the greatest,

To Servitors six Proportions, three of the least, two of the middle, and one of the greatest.

To Natives fourteen, *viz.* eleven of the least, one of the middle, and two of the greatest.

There remain sixty *Polls*, or fifteen hundred Acres, of which thirty *Polls*, or seven hundred and fifty Acres, may be allotted to three Corporate Towns, or Burroughs, which are to be endowed with reasonable Liberties, and to send Bargesses to the Parliament, and to hold their Lands as aforesaid, *viz.* ten *Polls*, or two hundred and fifty Acres to the Town of the *Cavan*; so much more to *Belturbet*, and so much more to a third Town to be erected in or near the Midway between *Krlls* and the *Cavan*, the Place or Seat thereof to be chosen by the Commissioners. Ten other *Polls*, or two hundred and fifty Acres may be laid to the Castle of *Cavan*, six other *Polls* may be allotted to the Castle of *Cloughouttor*, and the other fourteen *Polls*, or three hundred and forty six Acres to the Maintenance of a Free-School to be erected in the *Cavan*.

Touching the Natives, who are not to be made Freeholders, they are to be placed within the County, or removed by Order of the Commissioners, as they be in *Tyrone*.

The County of *ARDMAGH*.

THE County of *Ardmagh* is divided by *Ballyboes*; but because the *Ballyboes* are not found to be of equal quantity, or number of Acres, the Distribution of this County is to be made by Acres.

The

The whole County doth contain seventy seven thousand eight hundred Acres, which will make sixty one Proportions, *viz.* of the least thirty eight, of the middle sort thirteen, and of the greatest Proportion ten, and thirty Acres over to be added to some Parish. In every of which Proportions there is to be a Parish and an Incumbent, with Glebes and Tythes, *ut supra*.

For the Church.

1. Out of these are to be deducted, first, the Primate's Share, which do contain two thousand four hundred Acres.

2. For the Incumbent's Glebes, four thousand six hundred and fifty Acres.

3. The Monastery Lands already granted four hundred and thirty Acres.

4. The Lands of the *Fughes* already passed to Sir *Tirlaugh Mc. Henry*, containing nine thousand nine hundred Acres.

5. The Lands granted to Sir *Henry Oge* contain four thousand nine hundred Acres.

The Undertakers Portions.

So as after these Deductions made there remain for Undertakers fifty five thousand six hundred and twenty Acres, which make in all forty two Proportions, *viz.* of the least twenty seven, of the middle sort nine, and of the greatest six, which may be thus distributed, *viz.*

To the *English* and *Scotish* Undertakers twenty eight, *viz.* of the least eighteen, of the middle sort six, and of the greatest four.

To Servitors six, *viz.* of the least four, of the middle sort one, and one of the greatest.

To the Natives eight, *viz.* five of the least, two of the middle sort, and one of the greatest.

The odd Acres remaining are in Number three thousand one hundred and twenty, which may be thus divided, *viz.*

Twelve hundred Acres to four Corporate Towns or Burrows, which are to have like Liberties, and hold their Lands, as before is expressed, *viz.* to *Ardmagh* three hundred Acres, to *Mount-Norris* three hundred Acres, to *Charlemount* three hundred Acres, and to a Corporate Town to be erected at *Tanrygee*, in *O-Hanlon*'s Country, three hundred Acres: Of the rest, twelve hundred Acres may be granted to the College in *Dublin*, and the residue, being seven hundred and twenty, to be allotted to the Maintenance of a Free-School to be erected at *Ardmagh*.

Touching the Natives, who shall not be Freeholders, they are to be placed or removed by Order of the Commissioners, as in *Tyrone*.

The Escheated Lands in every of the said Counties being thus divided and distributed, the several Undertakers are to have such Estates, and to yield such Rents and Services, and to observe such other Articles, as are lately published in Print (A) by his Majesty's Command.

Lastly, for the Encouragement and Advancement of the Scholars of the College of *Dublin*, and to furnish the Churches of *Ulster* with sufficient Incumbents, we think it convenient, if it so please his Majesty, that there be six Advowsons in every County given to the College, *viz.* three of the best, and three of the second Value.

(A) These Articles (though not at first proposed to be printed in this Collection) are thought proper to be hereunto annexed, for the better understanding the Nature of the Plantation.

OBSERVATIONS

OBSERVATIONS

UPON THE

Foregoing PROJECT.

1. IT is manifest that this Project was drawn up by the Privy Council of *Ireland*, to be laid before the King and Council in *England*, as a Guide for the Plantation.

2. Whoever compares the Project with the Orders and Conditions annexed, and with Captain *Pynnarr*'s Survey hereafter following, will evidently see, that the Project was varied from in several Particulars, and in many others pursued.

3. Where in the Project a County is said to contain a determinate Number of Acres, *Tyrone* for Example, 98187 *English* Acres, it must not be understood, that the County of *Tyrone* has no more *English* Acres in it (and so of others.) For it is well known, that the County of *Tyrone* contains 387175 *Irish* Plantation Acres, which make 626959 *English* Acres. But the meaning is, that the County contained so many Acres of escheated profitable Land, exclusive of unforfeited, and Church Lands, and also of Boggs, Mountains, Lakes, Woods, and other unprofitable Scopes.

4. In the Project Provision was made for erecting several Corporate Towns; many of which through the escheated Counties were omitted to be done.

5. The

5. The Transplantation of the *Irish* Swordmen, or Soldiers, into *Conaught* was not observed.

6. By the Project, *Connor Roe Maguire* is mentioned to be intitled by the King's Promise to the two Baronies of *Magherestephana* and *Clancallie*, and to the two half Baronies of *Tirrecanada* and *Knockininy*, in the County of *Fermanagh*, containing 390 *Taths*, or 12287 Acres; yet there is no allottment to him appearing in Captain *Pynnarr*'s Survey; which is supplied by Patents granted to him, as appears in the Rolls Office; and therefore are not within the Intention of the Plantation and Survey.

7. The like may be said of *Tirlagh Mc-Henry O-Neill*, to whom the Lands of the *Fughes* in the County of *Armagh*, containing 9900 Acres, were passed in Patent before the Project was framed; and yet it appears by the said Survey that 5500 Acres of the Precinct of the *Fughes* were granted to *Scottish* Undertakers.

8. The Division of the County of *Donegall* is not adjusted right in the foregoing Project; the distributive Proportions not amounting to the Numbers mentioned in the general Division: But the Editor could not be justified in departing from his Copy. The same will appear in a more minute Manner through some other Counties.

9. The *Termon* Lands, which frequently occur in the Project are explained in the Antiquities of *Ireland* lately published, Chap. 35. p. 233.

ORDERS

ORDERS

AND

CONDITIONS

TO BE

Obſerved by the Undertakers upon the Diſtribution and Plantation of the Eſcheated Lands in *Ulſter*.

From a Copy printed in the Year 1608.

WHereas the greateſt Part of ſix Counties in the Province of *Ulſter* within the Realm of *Ireland*, namely, *Ardmagh*, *Tyrone*, *Colrane*, *Donegall*, *Fermanagh* and *Cavan*, being eſcheated, and come to the Crown, hath lately been ſurveyed, and the Survey thereof tranſmitted and preſented to his Majeſty: Upon View whereof, his Majeſty of his Princely Bounty, not reſpecting his own Profit, but the publick Peace and Welfare of that Kingdom, by the civil Plantation of thoſe unreformed and waſte Countries, is graciouſly pleaſed to diſtribute the ſaid Lands to ſuch of his Subjects, as well of *Great Britain* as of *Ireland*, as being of Merit and Ability ſhall ſeek the ſame, with a Mind not only to benefit themſelves, but to do Service to the Crown and the Commonwealth.

And

And forasmuch as many Persons, being ignorant of the Conditions whereupon his Majesty is pleased to grant the said Lands, are importunate Suitors for greater *Portions* than they are able to plant, intending their private Profit only, and not the Advancement of the publick Service; it is thought convenient to declare and publish to all his Majesty's Subjects the *several Quantities of the Proportions, which shall be distributed, the several sorts of Undertakers,* the *manner of Allotment,* the *Estates,* the *Rents,* the *Tenures,* with other Articles to be observed as well on his Majesty's behalf, as on the behalf of the Undertakers, in Manner and Form following.

First, The Proportions of Land to be distributed to Undertakers shall be of three different Quantities, consisting of sundry parcels or precincts of Land, called by certain *Irish* Names, used and known in the said several Counties, *viz. Ballibetaghs, Quarters, Balliboes, Tathes,* and *Polls*; the first or least *Proportion* to contain such or so many of the said Parcels, as shall make up *a thousand English* Acres at the least; and the second or middle *Proportion* to contain such or so many of the Parcels, as shall make up *fifteen hundred English* Acres at the least; and the last or greatest *Proportion* to contain such or so many of the said Parcels, as shall make up *two thousand English* Acres at the least; to every of which *Proportions* shall be allowed such quantity of Bog and Wood, as the Country shall conveniently afford.

Secondly, The Persons of the Undertakers of the several *Proportions* shall be of three Sorts, *viz.*

1. *English* or *Scottish,* as well Servitors as others, who are to plant their *Portions* with *English,* or inland *Scottish* Inhabitants.

2. Servitors in the Kingdom of *Ireland,* who may take meer *Irish, English,* or inland *Scottish* Tenants at their choice.

3. Natives of *Ireland,* who are to be made Freeholders.

Thirdly, His Majesty will reserve unto himself the appointment in what County every Undertaker shall have his *Portion.* But to avoid Emulation and Controversy, which would arise among them, if every Man should chuse his Place where he would be planted; his Majesty's Pleasure is, that the Scites or Places of their *Portions* in every County shall be distributed by *Lot.*

Lastly,

Lastly, The several Articles ensuing are to be observed, as well on the behalf of his Majesty, as of the several Undertakers respectively.

ARTICLES *concerning the* English *and* Scottish *Undertakers, who are to Plant their* Portions *with* English *and* Inland Scottish *Tenants.*

1. His Majesty is pleased to grant Estates in Fee-Farm to them and their Heirs.

2. They shall Yearly yield unto his Majesty for every *Proportion* of *a thousand* Acres, five Pounds six Shillings and eight Pence *English*, and so ratably for the greater *Proportions*, which is after the rate of six Shillings and eight Pence for every three Score *English* Acres. But none of the said Undertakers shall pay any Rent, until the expiration of the first two Years, except the Natives of *Ireland*, who are not subject to the Charge of Transportation.

3. Every Undertaker of so much Land as shall amount to the greatest *Proportion* of two thousand Acres, or thereabouts, shall hold the same by Knight's Service *in Capite*; and every Undertaker of so much Land as shall amount to the middle Proportion of fifteen hundred Acres, or thereabouts, shall hold the same by Knight's Service, as of the Castle of *Dublin*. And every Undertaker of so much Land as shall amount to the least *Proportion* of a thousand Acres, or thereabouts, shall hold the same in common Soccage: And there shall be no Wardship upon the two first discents of that Land.

4. Every Undertaker of the greatest *Proportion* of two thousand Acres shall, within two Years after the Date of his Letters Patents, build thereupon a Castle, with a strong Court or Bawne about it. And every Undertaker of the second or middle *Proportion* of fifteen hundred Acres shall, within the same time, build a Stone or Brick House thereupon, with a strong Court or Bawne about it. And every Undertaker of the least *Proportion* of a thousand Acres shall, within the same time make thereupon a strong Court or Bawne at least. And all the said Undertakers shall draw their Tenants to build Houses for themselves, and their Families, near the principal Castle, House, or Bawne, for

for their mutual Defence or Strength. And they shall have sufficient Timber, by the Assignation of such Officers as the Lord Deputy and Council of *Ireland* shall appoint, out of his Majesty's Woods in that Province, for the same Buildings, without paying any thing for the same, during the said two Years: And to that end, there shall be a present Inhibition to restrain the Falling or Destruction of the said Woods in the mean time, for what Cause soever.

5. The said Undertakers, their Heirs and Assignes, shall have ready in their Houses at all times a convenient Store of Arms, wherewith they may furnish a competent number of able Men for their Defence, which may be viewed and mustered every half Year, according to the manner of *England*.

6. Every of the said Undertakers *English* or *Scottish*, before the ensealing of his Letters Patents, shall take the *Oath* of *Supremacy*, either in the Chancery of *England* or *Ireland*, or before the Commissioners to be appointed for establishing of the Plantation, and shall also conform themselves in Religion according to his Majesty's Laws.

7. The said Undertakers, their Heirs and Assignes, shall not alien or demise their Portions, or any part thereof to the meer *Irish*, or to such Persons as will not take the Oath, which the said Undertakers are bound to take by the former Article. And to that end a *Proviso* shall be inserted in their Letters Patents.

8. Every Undertaker shall within two Years after the Date of his Letters Patents, plant or place a competent number of *English* or inland *Scottish* Tenants upon his *Portion*, in such manner as by the Commissioners to be appointed for the establishing of this Plantation shall be prescribed.

9. Every of the said Undertakers for the space of five Years next after the Date of his Letters Patents shall be resident in Person himself upon his *Portion*, or place some such other Person thereupon, as shall be allowed by the State of *England* or *Ireland*, who shall be likewise resident there during the said five Years, unless by reason of Sickness or other important Cause he be Licensed by the Lord Deputy and Council of *Ireland* to absent himself for a time.

10. The

10. The said Undertakers shall not alien their *Portions* during five Years next after the Date of their Letters Patents, but in this manner, *viz.* one third Part in Fee-Farm, another third Part for forty Years or under, reserving to themselves the other third Part without Alienation, during the said five Years. But after the said five Years they shall be at liberty to alien to all Persons, except the meer *Irish*, and such Persons as will not take the Oath, which the said Undertakers are to take as aforesaid.

11. The said Undertakers shall have power to erect Mannors, to hold *Courts Baron* twice every Year, to create Tenures to hold of themselves upon Alienation of any part of their said *Portions*, so as the same do not exceed the Moiety thereof.

12. The said Undertakers shall not demise any part of their Lands at will only, but shall make certain Estates for Years, for Life, in Taile, or in Fee-Simple.

13. No uncertain Rent shall be reserved by the said Undertakers, but the same shall be expresly set down without reference to the Custom of the Country, and a *Proviso* shall be inserted in their Letters Patents against *Cuttings*, *Cosheries* (A), and other *Irish* Exactions upon their Tenants.

14. The said Undertakers, their Heirs and Assigns, during the space of seven Years next ensuing, shall have power to transport all Commodities growing upon their own Lands, which they shall hold by those Letters Patents, without paying any Custom or Imposition for the same.

15. It shall be Lawful for the said Undertakers, for the space of five Years next ensuing, to send for, and bring into *Ireland*, out of *Great Britain*, Victuals, and Utensils for their Housholds, Materials and Tools for Building, and Husbandry, and Cattle to stock and manure the Lands aforesaid, without paying any Custom for the same, which shall not extend to any Commodities by way of Merchandize.

(A) For Cuttings, and Cosheries, Exactions so called, See the Antiquities of *Ireland*, Chap. 12. p. 75, 76.

ARTICLES

ARTICLES *concerning ſuch* Servitors *in* Ireland, *as ſhall be Undertakers in this Plantation, and ſhall have power to inhabit their* Portions *with meer* Iriſh *Tenants.*

1. They ſhall have Eſtates in Fee-Farm.

2. They ſhall yield a Yearly Rent to his Majeſty of eight Pounds *Engliſh* for every *Proportion* of a thouſand Acres, and ſo ratably for the greater *Proportions*, which is after the rate of ten Shillings for ſixty *Engliſh* Acres, or thereabouts, which they ſhall inhabit with meer *Iriſh* Tenants; but they ſhall pay only five Pounds Six Shillings and eight Pence for every *Proportion* of a thouſand Acres, which they ſhall inhabit with *Engliſh* or *Scottiſh* Tenants as aforeſaid, and ſo ratably for the other *Proportions*. And they ſhall pay no Rent for the firſt two Years.

3. They ſhall hold their ſeveral *Portions* by the ſame Tenures as the former Undertakers reſpectively.

4. They ſhall build their Caſtles, Houſes, and Bawnes, and inhabit their Lands within two Years, and have a competent ſtore of Arms in readineſs, as the former Undertakers.

5. They ſhall have Power to create Mannors and Tenures, as the former Undertakers.

6. They ſhall make certain Eſtates to their Tenants, and reſerve certain Rents, and forbear *Iriſh* Exactions, as the former Undertakers.

7. They ſhall be reſident for five Years, as the former Undertakers, and be reſtrained from Alienation within the ſame time, as the former Undertakers.

8. They ſhall take the Oath of Supremacy, and be conformable in Religion, as the former Undertakers.

9. They ſhall not alien their *Portions*, or any part thereof, to the meer *Iriſh*, or to any ſuch Perſon or Perſons as will not take the like Oath as the ſaid Undertakers are to take, as aforeſaid; and to that end a *Proviſo* ſhall be inſerted in their Letters Patents.

10. They ſhall have power or liberty to tranſport, or bring in Commodities, as the former Undertakers.

ARTICLES

ARTICLES *concerning the* Irish *Natives, who shall be admitted to be Freeholders.*

1. They shall have Estates in Fee-Farm.

2. They shall pay the Yearly Rent of ten Pounds thirteen Shillings and four Pence for every *Portion* of a thousand Acres, and so ratably for the greater *Proportions*, which is after the rate of thirteen Shillings and four Pence for every sixty Acres or thereabouts; and they shall pay no Rent for the first Year.

3. For their Tenures they shall hold as the other Undertakers respectively, according to their *Portions*, with a *Proviso* of forfeiture of their Estates, if they enter into actual Rebellion.

4. They shall inhabit their Lands, and build their Castles, Houses, and Bawnes, within two Years, as the former Undertakers.

5. They shall make certain Estates for Years, or for Lives, to their under Tenants, and they shall take no *Irish* Exactions.

6. They shall use Tillage and Husbandry after the manner of the *English* Pale.

Certain general Propositions to be notified to the Undertakers of all sorts.

1. That there shall be Commissioners appointed for the setting forth of the several *Proportions*, and for the ordering and settling of the Plantation, according to such Instructions as shall be given unto them by his Majesty in that behalf.

2. That all the said Undertakers shall by themselves, or by such, as the States of *England* or *Ireland* shall allow of, attend the said Commissioners in *Ireland*, at or before *Midsummer* next, to receive such Directions touching their Plantations, as shall be thought fit.

3. That every Undertaker, before the ensealing of his Letters Patents, shall enter into Bond, or Recognizance, with good Sureties, to his Majesty's Use, in the Office of his Majesty's Chief Remembrancer in *England* or *Ireland*, or in his Majesty's Exchequer or Chancery in *Scotland*, or

else before two of the Commissioners to be appointed for the Plantation, to perform the foresaid Articles, according to their several Distinctions, of *Building*, *Planting*, *Residence*, *Alienation within five Years*, and *making of certain Estates to their Tenants*, in this manner, *viz.* The Undertaker of the greatest Proportion to become bound in four hundred Pounds, of the middle Proportion in three hundred Pounds, and of the least Proportion in two hundred Pounds.

4. That in every of the said Counties there shall be a convenient Number of *Market Towns* and *Corporations* erected for the Habitation and settling of Tradesmen and Artificers; and that there shall be one *Free-School* at least appointed in every County for the Education of Youth in Learning and Religion.

5. That there shall be a convenient number of Parishes and Parish Churches with sufficient Incumbents in every County; and that the Parishioners shall pay all their Tithes in kind to the Incumbents of the said Parish Churches.

A COM-

A

COMMISSION to inquire into the KING's Title to the ſeveral eſcheated and forfeited Lands in *Ulſter*, in the ſeveral Countys of *Armagh*, *Tyrone*, *Colerain*, *Donegall*, *Fermanagh*, and *Cavan*, in Order to the Plantation there; with Articles and Inſtructions annexed.

Out of the Rolls Office in Dublin: *Anno. 7. Jac. 1. inrolled. 16. Jac. 1. pars. 2. dorſ.*

JAMES, &c. to our right Truſty and well beloved Sir *Arthur Chicheſter* Knight, our Deputy of our Realm of *Ireland*, *Thomas*, Archbuſhopp of *Dublin*, our Chancellor in our ſaid Realm, *Henry* Archbuſhopp of *Ardmagh*, Primate of all *Ireland*, *George*, Buſhopp of *Derry*, *Clogher*, and *Raphoe*, *Robert*, Buſhopp of *Kilmore* and *Ardagh*, Sir *Thomas Ridgeway* Knight, our Vice Treaſurer, and Treaſurer at Warrs in our ſaid Realm, Sir *Richard Wingfield* Knight, our Marſhal of our Army there, Sir *Humphry Winche* Knight, Chief Juſtice of our Chief Place in our ſaid Realm, Sir *John Denham* Knight, Chief Baron of our Exchequer in our ſaid Realm, the Maſter of our Rolls in our Chancery of the ſaid Realm for the Time being, Sir *Oliver St. John* Knight, Maſter of our Ordnance in our ſaid Realm, Sir *Oliver Lambert* Knight, one of our Privy Councel in our ſaid Realm, Sir *Henry Power* Knight, one other of our Privy Councell in our ſaid Realm, Sir *Gerald Moore* Knight, one other of our ſaid Privy Councell, Sir *Adam Loftus* Knight, one other of our Privy Councell in our ſaid Realm, Sir *Richard Cooke* Knight, our

Principal Secretary in our said Realm, Sir *John Davis* Knight, our Attorney General in our said Realm, *William Parsons* Esq. Surveyor General of our Possessions in our said Realm, and *George Sexten* Esq. our Escheator within our Province of *Ulster*, greeting.

Whereas great scopes and extent of Land in the several Counties of *Armagh*, *Tirone*, *Coleraine*, *Donegall*, *Fermanagh*, and *Cavan*, within our Province of *Ulster*, are escheated and come to our Hands by the attainder of sundry Traitors and Rebells, and by other just and lawfull Titles, whereof we have caused heretofore several Inquisitions to be taken, and Surveys to be made, which being transmitted and presented unto us, we considered with our Privy Councell attending our Person, how much it would advance the Welfare of that Kingdom, if the said Land were planted with Colonies of civil Men, and well affected in Religion; whereupon there was a Project conceived for the Division of the said Lands into Proportions, and for the Distribution of the same unto Undertakers, together with certain Articles of Instruction for such as should be appointed Commissioners for the said Plantation; which Project and Articles signed with our own Hand we have lately transmitted unto you our Deputy. And whereas we are informed that in the Inquisitions and Surveys formerly taken there have been some Omissions, as well of the Ecclesiastical Lands claimed by the several Bishops, within whose Dioceses the said escheated Lands do ly, as of the Lands merely Temporal, which might the more easily happen, by reason that the Quantity and Measures of Lands in those Countries, which were not in former Times governed by the *English* Laws, were unknown to our Officers and Ministers there; as also because the said Service of enquiry and Survey was mixed with other Services, namely, with Goal Deliveries and other Execution of the Publick Justice, and with the Prosecution of such as were in open Action of Rebellion, KNOW YE, that we reposing special Trust and Confidence in your Wisdoms, Diligence, and Sincerity, have by the advice and Consent of you, our right trusty and well-beloved Councellor Sir *Arthur Chichester* Knight, our Deputy General of our said Realm of *Ireland*, made, constituted, ordained and appointed, and by these presents do make, constitute, ordain,

dain, and appoint, you, or any five or more of you (whereof you our said Deputy shall be always one) to be our Commissioners, and we do hereby give unto you, or any five or more of you, as aforesaid, full Power and Authority to enquire as well by the Oaths of good and lawfull Men, as by all such other good Ways and Means, as to you shall seem fit and convenient, what Castles, Mannors, Lordships, Lands, Tenements, Rents, Services, Customs, Duties, Fishings, Advowsons, or other Hereditaments whatsoever, Situate, lying and being in the several Counties of *Armagh*, *Colerain*, *Tyrone*, *Donegall*, *Fermanagh*, or *Cavan*, or either of them, or in the confines of them or either of them, are escheated and come, or ought to be escheated and come to our Hands and Possession, or to the Hands and Possession of any of our Progenitors or Predecessors, Kings or Queens of *England*, by Virtue of any Act or Acts of Parliament, by attainder of any Person or Persons, by breach of any Condition or Conditions contained in any Letters Patent, by escheat, Forfeiture, or by any other Ways or Means whatsoever; and to make an exact Survey of the said Lands, Tenements and Hereditaments, and of every Part thereof, by the Numbers of Ballybetaghs, Ballyboes, Polles, Tathes, Acres, or other Measures, and Quantities of Land used and known in the said several Counties; and after Inquisition and Survey thereof taken as aforesaid, to plot and divide the said Lands into several Parishes, Precincts, and Proportions, and to distinguish the same by particular Names, Mears and Bounds, according to the tenor and intent of the said Project and Articles of Instruction hereunto annexed; and further to perform and execute all and every Act and Acts, thing and things whatsoever contained and prescribed in and by the said Project and Articles.

And we do further, by and with the Consent aforesaid, give unto you, or any five or more of you as aforesaid, full Power and Authority to hear and Determine all Titles, Controversies and Matters whatsoever, which shall arise, and be moved or pretended as well between us and our Subjects, as between Party and Party, concerning the said Lands, Tenements, and Hereditaments, or any Part thereof (the Church Lands only excepted) which nevertheless you shall also have Power to Order and Decree as a-

foresaid, so as it be done with the Consent of you our Deputy, and of you the Archbushopp of *Dublin*, our Chancellor, and of you *Henry*, Archbushopp of *Armagh*, Primate of all *Ireland*, and of you *George*, Bushopp of *Derry*, *Clogher*, and *Raphoe*.

And lastly, we do hereby give you, or any five or more of you, as aforesaid, full Power and Authority to do and execute all and every other Act or Acts, thing or things whatsoever, which you, or any five or more of you, as aforesaid, shall in your Discretion think Pertinent and Convenient for and towards the Perpetration, Furtherance, or finishing of the said Plantation, willing and commanding you and every of you to give diligent Attendance, and to use your best endeavour in the execution of the Premisses, as becometh; and what you, or any five or more of you, as aforesaid, shall do herein, the same to certify us in our High Court of Chancery in our said Realm of *Ireland* before Hallow Mass next ensuing the date hereof. In Witness, &c. Witness our said Deputy General of our said Realm of *Ireland* at *Dublin* the one and twentieth Day of *July*, in the seventh Year of our Reign of *England*, *France*, and *Ireland*, and of *Scotland* the two and fortieth.

ARTICLES *For Instructions to such as shall be appointed Commissioners for the Plantation of* Ulster.

JAMES Rex.

1st. That a general care be taken, that such Orders, Conditions, and Articles, as have been lately published in Print, or are to be printed or transmitted, touching the Plantation, be observed, and put in Execution, as well by the Commissioners, as by the Undertakers.

2d. That the said Commissioners be ready to begin their Journey into our Province of *Ulster* for the Execution of their Commission before the end of *July* next, or sooner if it may be.

3d. The Omissions and Defects in the former Survey of the escheated Lands in *Ulster*, either for us or the Church, are to be supplied and amended by new Inquisitions, and the Ecclesiastical Lands to be distinguished from the Lands belonging to the Crown.

4th.

4th. The Countys being divided into several Proportions, every Proportion is to be bounded out by the known Metts and Names, with the particular Mention both of the Number and Name of every Ballyboe, Tath, Polle, Quarter, or the like *Irish* precinct of Land, that is contained in every Portion, and to give each Portion a proper Name to be known by, and in the Proportions lying near to the High Ways, choice is to be made of the most fit Seat for Undertakers to Build upon, in such Sort as may best serve for the safety and Succour of Passengers; and also to allot and set out by Meares and Bounds unto every Proportion so much Bogg and Wood over and above his Number of Acres, as the Place where the Proportion shall ly may conveniently afford, having respect to the Adjacent Proportions.

5th. Because the Article of casting Lotts discourageth many that are sufficient, and would be glad to dwell together, that therefore every County be divided into greater Precincts, every Precinct containing eight ten or twelve thousand Acres, according to the greatness of the County, and those Precincts to contain several Proportions lying together, to the end that so many Consorts of Undertakers may here be appointed as there are several Precincts; which being done, then these Consorts may cast Lotts for the Precincts, and afterwards divide every Precinct amongst the particular Undertakers of that Consort, either by Agreement or by Lott; and this form not to be concluded but upon Consideration taken thereof by the Commissioners there, who having reported back their Opinions, some such course may be resolved, as to us shall be thought most convenient.

6th. To cause Plots to be made of every County, and in the said Plot to prick out the several Precincts, and in the Precincts the several Proportions by their Names.

7th. Such great Woods, as the Commissioners shall make choice of to be preserved for our Use, are to be excepted out of the Proportions, and to be reserved for the Undertakers buildings, and for such other purposes as to us shall be thought fit.

8th. That in the Surveys Observation be made what Proportions by Name are fittest to be allotted to the *Brittains*, what to the Servitors, and what to the Natives;

wherein this respect is to be had, that the *Brittains* be put in Places of best safety, the Natives to be dispersed, and the Servitors planted in those Places, which are of greatest Importance to serve the rest.

9th. The Commissioners are to limit and bound out the Precincts of the several Parishes, according to their Discretions, notwithstanding the Limitation of the Precinct; wherein they may observe the antient limits of the old Parishes, so as the same Breed not a greater inconvenience to the Plantation, and to Assign to the Incumbent of each Parish a Glebe after the rate of threescore Acres for every thousand Acres within the Parishes in the most convenient Places, or nearest to the Churches; and for the more certainty to give each Glebe a certain Name, whereby it may be known; and to take Order, that there be a Proviso in the Letters Patent for passing the Gleabes to restrain the Alienations thereof, saving during Incumbencies.

10th. It is fit, that certain Portions be allotted and laid out for Towns in the Places mentioned in the Project, or in more convenient Places, as shall seem best to the Commissioners, having regard, that the Land be laid as near to the Towns as may be.

11th. The Parcells of Land, which shall be allotted to the College in *Dublin*, and to the Free Schools in the several Counties, are to be set out and distinguished by Mears and Bounds, to the end the same may be accordingly passed by several grants from us. The Commissioners likewise are to set out the Quantity of three great Proportions lying together in the County of *Armagh* to be allotted to the said College of *Dublin*, and six thousand Acres to be taken out of the Lands omitted in the last Survey (if so much shall be found) these to be only of our Land, and not of the Church Land.

12th. That there be set out and reserved twelve thousand Acres, either out of the Proportions, or otherwise out of the Lands omitted in the Survey, in such Counties and Places, as to our Deputy and Commissioners shall be thought meet, the same to be disposed by us for the Endowment of an Hospital to be erected for maimed and diseased Soldiers, in such Place and Manner, as we shall hereafter appoint.

13th. The Commissioners shall by the Authority given them

them hear and determine all Titles and Controversies by finall Order and Decree, that shall be brought before them, concerning any Lands and Possessions (the Church Lands only excepted) which nevertheless they shall have also Power to Order and Decree (as aforesaid) so it be done with the Consent of the Lord Deputy, the Archbushopp of *Dublin*, and the now Bushopp of *Derry*. They shall also compound for Titles between us and our Subjects, and between Party and Party.

14th. And whereas Complaint is made, that the scites of some Cathedral Churches, the Places of the Residence of the Bushopps, Deans, Chapters, Dignitaries, and Prebends in *Ulster*, be passed away to Divers in Fee-Farm by Letters Patent under pretence of Monastery Lands, to the great Detriment of those Churches, the Commissioners shall have Authority to examine the same, and finding the Information true, to consider of some course to be taken for Restitution to be made to the Churches from whence they were formerly taken, with such Consideration to those that now hold them, as standeth with equity, according to the Circumstances considerable. And further we are pleased, that the escheated Lands, out of which the Bushopps have had heretofore rent, certainty of Refections, or Pensions, should be esteemed Ecclesiastical, and be annexed to the several Sees whereunto they did pay the same, whereof the Commissioners are to take particular notice, and to see the same effected accordingly.

15th. You our Deputy shall cause our Judges and learned Counsel to set down our Titles to the several Lands lately escheated in *Ulster*, to see the Records to be perfitted, and to take care that they may be safely preserved and kept Secret, and to transmit the Cases hither under the Hands of our Judges and learned Counsel.

16th. All Acts Orders and Decrees resolved there to be recorded into two Books, the one to remain there in some Court of Record, and the other to be transmitted to our Counsel here.

17th. It is also to be considered what Portions are fit to be allotted to the Mother of the late Earl of *Tyrconnel*, the Mother of *Mac-Gwir*, *Katherine Butler*, the late Widow of *Mulmorie O-Rely*, and such others as claim Jointures; and that the Commissioners do (if they have cause) allow the

the same unto them during their Lives, and the Reversion to the Natives, with Condition that they observe the Articles of the Plantation, as other Undertakers do, or otherwise to assign them Recompence in some other Place.

18th. The River Fishings in Loughs and Rivers are to be allotted unto the Proportions next adjoining unto the Loughs and Rivers, wherein the said Fishings are, the one Moiety to the Proportion lying on the one Side of the River or Lough, and the other Moiety to the Proportion lying on the other Side, unless by necessity or inconveniency it shall be found fitting to be allotted to the one Side; for which Fishing some increase of Rent is to be reserved unto us, as to the Commissioners shall be thought fit.

19th. That return be made of their proceedings and doings by Virtue of this Commission and Instructions before *Hallow-mass* next, that we may have convenient Time to resolve thereupon this Winter, and to signify our Pleasure against the next Spring.

N. B. By virtue of the aforesaid Commission, Inquisitions were duly held concerning the several escheated Lands in the Counties therein mentioned, which were returned into the Rolls Office, where they remain. And Anno. 11. Jac. 1. a Commission concerning the escheated Mountains in the said Counties issued, upon which Inquisitions were also held, and the returns thereof remain among the Rolls so far as relates to the Counties of *Cavan*, *Fermanagh*, *Donegall*, and *Tyrone*.

PYNNAR's

PYNNAR'S SURVEY OF ULSTER.

A BRIEF View and Survey made at ſeveral times, and in ſeveral Places, in the ſeveral Counties within named, between the firſt Day of *December* 1618, and the 28th Day of *March* 1619, by me *Nicholas Pynnar* Eſq; and others, by Virtue of his Majeſty's Commiſſion under the great Seal of *Ireland* to me and others directed, dated the 28th Day of *November* 1618: Wherein are ſet forth the Names of the ſeveral *Brittiſh* Undertakers, Servitors, and principal Natives, with their Proportions, and the Undertakers of Towns, in the ſeveral Countys of *Ardmagh*, *Tyrone*, *Donegall*, *Cavan*, and *Fermanagh*, and how they have performed their Buildings, and Plantations of Inhabitants, and other particular Matters anſwerable to certain Articles to the ſaid Commiſſion annexed; together with the Works and Plantation performed by the City of *London* in the City and County of *London-Derry:* All which I do certify as upon my own View and Examination; the Particulars whereof do hereafter follow.

County

County of CAVAN.

The Precinct of *Clanchie*, allotted to *Scottish* Undertakers.

¶. The Lord *Aubignie* was the First Patentee.

3000 Acers. Sir *James Hamilton* Kt. holdeth these Lands by the Names called *Keneth* 2000 acres, and *Casbell* alias *Castle Aubignie* 1000 acres.

Upon this Proportion there is built a very large strong Castle of Lyme and Stone, called *Castle Aubignie*, with the King's Arms cut in Free-Stone over the Gate. This Castle is five Stories high, with four round Towers for Flankers, the body of the Castle fifty Feet long, and twenty eight Feet broad, the Roof is set up, and ready to be Slated. There is adjoining to the one End of the Castle a Bawne of Lyme and Stone eighty Feet square, with two Flankers fifteen Feet high. This is very strongly built, and surely wrought. In this Castle himself dwelleth, and keepeth House with his Lady and Family. This Castle standeth upon a meeting of five beaten ways, which keeps all that Part of the Country.

I find planted and estated upon this Land of *Brittish* Birth and Descent.

Free-Holders 8, *viz.*

1 having 480 acres
2 having 144 acres le piece.
2 having 192 acres jointly.
1 having 108 acres.
2 having 120 acres le piece.

Lease-holders for 3 Lives, 3, *viz.*

1 having 120 acres.
1 having 96 acres.
1 having 48 acres

Lease-

Lease-holders for Years 5, *viz.*

1 having 102 acres.
2 having 96 acres le piece.
1 having 168 acres.
1 having 100 acres.

Cottagers, 25.

Each Man a Tenement, a small quantity of Land, and Commons for certain numbers of Cattle.

Total 41 Families, which do consist of 80 Men at Arms.

Thirty six of the Heads of these Families have now taken the Oath of Supremacy.

I find upon these Lands good Tillage and Husbandry according to the *English* manner.

H. 1000 acres.

John Hamilton Esq; hath 1000 acres called *Kiltloghan.*

Upon this Proportion there is built a Bawne of Lime and Stone eighty Feet Square, and thirteen Feet high, with two round Towers for Flankers, being twelve Feet le Piece in the diameter: There is also begun a Stone House, which is now one Storie high, and is intended to be four Stories high, being forty eight Feet long, and twenty four Feet broad, besides two Towers, which be vaulted and do flank the House. There is also another Bawne near adjoining to the former Bawne, which is built of Stone and Clay, being one hundred Feet square, and twelve feet high; and in that Bawne there are begun two Houses of Clay and Stone, the one to be eighty Feet long, and the other sixty ,and each to be twenty Feet in breadth. There is also a Village, consisting of eight Houses joining to the Bawne, being all inhabited with *Brittish* Tenants. Also a Water-Mill and five Houses adjoyning to it.

I find planted and estated upon this Land of *Brittish* birth and descent.

Free-

Free-Holders 2, *viz.* 2 having 120 acres le piece. Lessees for Years, 6, *viz.* 6 having 48 acres le piece. Cottagers 7. Each of these have a House and Garden Plott, and Commons for four Cows.	In total 15 in Family, which consist of forty Men armed. These 15 principal Tenants. have all taken the Oath of Supremacy. Here is good Tillage and Husbandry after the manner of the *English*.

III. 1000 Acres.

William Hamilton Esq; holdeth 1000 acres called *Dromuck*.

Upon this Proportion there is a Bawn of Lyme and Stone being eighty Feet square, with two round Towers for Flankers, and two Stories high vaulted, the Wall itself being thirteen Feet high. Within the Bawn there is a House of Lime and Stone thirty six Feet long, twenty Feet broad, and near to this Bawne there is a Village consisting of five Houses, being all *Brittish* Families.

I find planted and estated upon this Land of *Brittish* Birth and Descent.

Free-Holders, 2, *viz.* 2 having 120 acres le piece. Lessees for 3 Lives 2, *viz.* 1 having 42 acres. 1 having 54 acres. Lesses for Years 4, *viz.* 1 having 128 acres. 1 having 84 acres. 1 having 48 acres. 1 having 36 acres. Cottagers that hold for Years 6, *viz.* 1 having 30 acres. 1 having 20 acres. 1 having 15 acres. 1 having 12 acres. 1 having 11 acres. 1 having 10 acres.	Total 14 Families, consisting of thirty able Men to serve the King. There are twelve of the Heads of these Families have taken the Oath of Supremacy. I find upon these Lands Tillage and Husbandry according to the *English* manner.

IV. 1000

IV. 1000 Acres.

William Bealie Esq; holdeth 1000 acres called *Tonregie*.

Upon this Proportion there is a Bawne of Lyme and Stone ninety Feet square, with two Flankers, and in one of the Flankers there is a Castle in building which is above the first Storie; and the length of it is thirty Feet, the breadth 22 Feet, being vaulted; there is another House at one of the Corners, and is twenty Feet square, and vaulted, being but one Storie high. In this himself with his Wife and Family are now dwelling.

I find planted and estated upon this Land of *Brittish* Birth and Descent.

Freeholders, 2, *viz.* 1 having 144 acres. 1 having 48 acres. Leaseholders for Years, 4, *viz.* 2 having 96 acres le piece. 2 having 48 acres le piece. Cottagers for Years, 4, *viz.* 2 having 20 acres jointly. 1 having 5 acres. 1 having 4 acres.	Total ten Families, consisting of twenty eight Men armed. These ten Families have now taken the Oath of Supremacy. I find here good Tillage after the *English* Manner.

The Precinct of *Castlerahin*, allotted to Servitors and Natives.

V. 1000 acres.

Sir *William Taafe* was the 1st Patentee.

Sir *Thomas Ash* Kt. holdeth 1000 Acres called *Mullagh*.

Upon this Proportion there is an old Castle new mended; but all the Land is now inhabited with *Irish*.

VI. 1000

VI. 1000 acres.

Sir *Edmond Phettilace* was the first Patentee.

Sir *Thomas Ash* holdeth this Proportion called *Carvyn*.

Upon this there is built a very good Bawne of Lyme and Stone, being seventy Feet square, with two Flankers, and is twelve Feet high; but all the Land is inhabited with *Irish*.

VII. 500 acres.

Lieutenant *Garth* was the first Patentee.

Sir *Thomas Ash* Kt. holdeth five hundred acres, called *Murmode*.

Upon this Proportion there is a Bawne of Sodds; but all the Land is inhabited with *Irish*.

VIII. 1000 acres.

Captain *Ridgewaie* was the first Patentee.

Captain *Culme* holdeth 1000 acres, called *Logh-rammar*, alias the Manner of *Chichester*.

Upon this Proportion there is a Bawne of Lime and Stone, one hundred and eighty Feet square, with two Flankers, and fourteen Feet high, and a House in it of Lime and Stone, which is building, being now about the second Storie, the Roof ready to be set on. He hath four *English* Families, and this Bawne standeth upon a Passage, which is able to do good Service.

Captain *Culme* is to build a Town called *Virginia*; for which he is allowed two hundred and fifty acres. Upon this he hath built eight Timber Houses, and put into them *English* Tenants; of which Town there is a Minister, which keepeth School, and is a very good Preacher.

IX. 400 acres.

Sir *John Elliot* Kt. holdeth four hundred acres called *Muckon*.

Upon this Proportion there is a Bawne of Lyme and Stone sixty Feet square, and a small House, all the Land being inhabited with *Irish*.

X. 900

X. 900 acres.

Shane Mc. Phillip O-Rellie hath nine hundred acres.

Upon this Proportion is a ſmall Bawne of Sodds, and an *Iriſh* Houſe, wherein he dwelleth.

The Precinct of *Tullaghgarvy*, allotted to Servitors.

XI. 1500 acres.

Captain *Hugh Culme*, and *Archibald Moore* Eſq; hold 1500 acres, called *Tullavin*.

Upon this Proportion the Bawne and Towers are thoroughly finiſhed, and now the Roof of the Houſe is framed, ready to be ſet up. It ſtandeth in a Place of great ſtrength, the ſaid *Archibald Moore*, with his Wife and Family, dwelling in it. He hath four *Engliſh* Families about him; the reſt of the Land is inhabited with *Iriſh*.

XII. 750 acres.

Sir *Thomas Aſh*, and *John Aſh* have 750 acres, called *Drumſheel*.

Upon this Proportion there is a Bawne of Clay and Stone, and another of Sodds, 120 Feet ſquare; but all inhabited with *Iriſh*.

XIII. 1000 acres.

Mullmoric Mc. Phillip O-Reyley hath a thouſand acres, called *Itterry-Outra*.

Upon this Proportion there is a very ſtrong Bawne of Sodds, with four Flankers, and a deep Moate, a good *Iriſh* Houſe within it; in which himſelf and Family dwelleth. He hath made no Eſtates.

XIV. 1000 acres.

Captain Reley hath a thouſand Acres, called *Liſcannor*.

Free-holders 5, *viz.* 2 having 96 acres le piece. 1 having 192 acres. 2 having 48 acres le piece. Lessees for Years 17. *viz.* 3 having 96 acres le piece. 2 having 48 acres le piece. 1 having 72 acres 9 having 24 acres le piece. 2 having 33 acres le piece. Cottagers, 31. Each having a House and two Acres of Land, and Commons for twelve Cattle a Peece.	Total 53 Families, consisting of 82 Men very well armed.

XX. 2000 acres.

John Fish, Esq; hath two thousand Acres called *Dromany*. Upon this Proportion the Bawn and Castle is long since finished, being very Strong, and himself with his Wife and Family dwelling therein. He hath also built two Villages, consisting of ten Houses the Piece, which are built of Lime and Stone, and two good Inn-holders; for they stand upon a Road Way.

I find planted and estated on this Land of *Brittish* Families.

Free-holders 4, *viz.* 2 having 192 acres le piece. 1 having 144 acres. 1 having 130 acres. Lessees for three lives 4, *viz.* 2 having 150 acres le piece. 1 having 120 acres. 1 having 144 acres.	

Lessees

Lessees for Years 14.
4 having 92 acres le piece.
4 having 48 acres le piece.
2 having 24 acres le piece.
1 having 30 acres.
2 having 40 acres le peece.
1 having 20 acres.

Cottagers 14, *viz.*
Each of these have a House and Garden, and a Plott and Commons for four Heads of Cattle.

Total twenty two Families, besides Cottagers, which are able to make sixty Men well armed.

XXI. 1500 acres.

This is now in the Hands of Mr. *Adwick.*

Sir *Hugh Wirral* Knight holdeth one thousand five hundred Acres, called *Monaghan.* Upon this Proportion there is no Bawne, but he is building a House of Lime and Stone, which is but two Stories high, and so it hath been this two Years; and now he hath made it away to Mr. *Adwick,* who is in Possession.

I find planted and estated upon this Land of *Brittish* Families.

Free-holders, 3. *viz.*
2 having 96 acres le piece.
1 having 48 acres.

Lessees five, *viz.*
2 having 48 acres le piece.
1 having 72 acres.
2 having 24 acres le piece.

Cottagers I saw not any nor any Counterpan to make it appear; but they said, they have eight, whose Names they gave me.

These eight Families with the eight Cottagers are able to make twenty six Men; but for Arms I saw not any, neither is there any place to keep them in.

XXII. 2000 acres.

Sir *Stephen Butler* Kt. holdeth two thousand acres, called *Clonosa.*

The Castle and Bawne is finished, being of great strength. He hath built two Corn Mills, and one fulling Mill. He is also able to arm two hundred Men with very good Arms, which are within his Castle, besides others, which are dispersed to his Tenants for their Safe-guard.

I find planted and estated upon this Land of *Brittish* Families.

Free-holders fifteen, *viz.* 1 having 144 acres. 2 having 96 acres. 6 having 48 acres le piece. 6 having 24 acres le piece. Lessees for three Lives, eleven, *viz.* 1 having 264 acres. 1 having 144 acres. 9 having 40 acres le piece. Lessees for Years fifteen. 1 having 144 acres. 5 having 48 acres le piece. 6 having 24 acres le piece. 3 having 12 acres le piece.	Total 41 Families, besides under Tenants, which are able to make 139 Men armed.

XXIII. 384 acres.

Sir *Steven Butler*, and the Undertakers of the Precinct, are to plant a Town at *Belturbet*, and for that there is allowed 384 acres of Land, and to build a Church.

In this Town there are Houses built of Cage-Work, all inhabited with *Brittish* Tenants, and most of these are Tradesmen; each of these having a House and Garden Plott, with four acres of Land, and Commons for certain numbers of Cows and Garrons.

XXIV.

Reinald Horne was the First Patentee.

Sir *George Manneringe* Kt. hath two thousand acres, called *Lisreagh*.

Upon

Upon this there is built a Bawn of Lime and Stone forty four Feet long, twelve Feet high, with two Flankers; also a Brick House of the same length, and twenty Feet high, all of very good work and strong. There is also a small Village consisting of seven Houses, all which are inhabited with *English* Families.

I find planted and estated with *Brittish* Families upon the Land.

Free-holders, 3, *viz.* 1 having 144 acres. 2 having 192 acres. Lessees for Years 21, *viz.* 4 having 48 acres le piece. 1 having 51½ acres. 8 having 24 acres le piece. 4 having 48 acres le piece. 3 having 20 acres le piece. 1 having 30 acres.	Total 24 Families, besides Undertenants, being able to make 48 Men, as they said, but I did not see them.

XXV. 1500 acres.

William Snow was the first Patentee.

Peter Ameas, Esq; hath 1500 acres, called *Tonagh*.

Upon this Proportion there is a good Bawne of Lyme and Stone 75 Feet square, 12 feet high, with two Flankers, a Stone House within it sixty Feet long, and three Stories high, strongly built, and a small Village not far from it, consisting of seven Houses.

There is planted and estated upon this Proportion of *Brittish* Families.

Free-holders 4, *viz.* 3 having 480 acres jointly. 1 having 48 acres. Lessees for Years 7, *viz.* 3 having 96 acres le piece. 1 having 96 acres. 1 having 68 acres. 2 having 96 acres le piece.	Total eleven Families, besides divers Under-tenants, which are able to make thirty Men.

The Precinct of *Clonemahown*, allotted to Servitors and Natives.

XXVI. 2000 acres.

The Lord *Lambert* hath 2000 acres called the *Carig*.

Upon this there is a large strong Bawne, and a Stone House, which is finished long since, being inhabited with an *English* Gentleman, who is there resident with his Family.

XXVII. 1000 acres.

Captain *Lyons* and *Joseph Jones* were 1st. Patentees.

The Lord *Lambert* hath a thousand acres called *Tullacullen*.

Here is built a Bawne of Lime and Stone two hundred Feet square, fourteen Feet high, and a deep Moate about it, hath two Flankers. There is also a small House, in which there dwells an *English* Gentleman with his Family, having three other *English* Families about the Bawne, which hold Land for twenty one Years a piece.

XXVIII. 1000 acres.

Lieutenant *Atkinson* and Lieut. *Russel* were first Patentees.

Archibald Moore hath 1000 acres.

Upon this there is a strong Bawne of Sodds, with two Flankers, in which there is an *Irish* House, and one dwelling in it.

XXIX. 500 acres.

Captain *Fleming* hath 500 acres.

Upon this he hath built a small Bawne, and a House, all of Lime and Stone, very strong.

NATIVES.

NATIVES.

XXX. 2000 acres.

Mullmory Mc. Hugh O-Reley hath 2000 acres called *Commet.*

Here is a strong House of Lime and Stone, forty Feet long, twenty Feet broad, and three Stories high, and a Bawne about it of Sodds. He hath made no Estates.

XXXI. 300 acres.

Phillip Mc. Tirlagh hath 300 acres, called *Wateragh.*

Here is a Bawne of Sodds, and an *Irish* House within it, in which he is now dwelling.

The Precinct of *Tullaghconche.*

XXXII. 2000 acres.

Sir *Alexander Hamilton*, the first Patentee.

Jane Hamilton, late Wife to *Claude Hamilton* deceased, hath 2000 acres, called *Carotobber* and *Clonkine.*

Upon this Proportion there is a strong Castle and a Bawne of Lime and Stone throughly finished, her self with her Family dwelling therein.

I find planted and estated upon this Land of *Brittish* Families.

Freeholders six; *viz.* 1 having 288 acres. 1 having 144 acres. 1 having 96 acres. 3 having 48 acres le piece. Lessees twenty five, *viz.* 2 having 144 acres le piece. 3 having 96 acres. 14 having 48 acres le piece. 4 having 96 acres le piece. 2 having 24 acres le piece.	Total, these thirty one Families with divers under-Tenants will make fifty two Men. Fourteen of the Heads of these Families have now taken the Oath of Supremacy.

XXXIII.

XXXIII. 1000 acres.

Sir *Claude Hamilton* was first Patentee.

The said *Jane Hamilton* hath 1000 acres, called *Clomny*.

Here is no Castle built; but there is a Town consisting of twenty two Houses; but the Inhabitants have no Estates as yet; for she alledgeth, she cannot make them any, her Son being under Age; but hereafter they shall; and in the mean time there is ten of the principal of these have taken the Oath of Supremacy.

Each of these have a House and Garden Plot, with four acres of Land and Commons for some Cows.

XXXIV. 2000 acres.

Alexander and *John Aghmootie*, were the first Patentees.

Sir *James Craigg* Knight hath two thousand Acres called *Drumbeda* and *Kilagh*.

Upon this Proportion there is built a strong Bawn of Lime and Stone, seventy five Feet square, sixteen Feet high, with four round Towers to flank the Walls. He hath also a strong and large Castle of the length of the Bawne, twenty Feet broad within the Walls, and five Stories high. There is another House in building within the Bawne, which is now built to the top of the Wall, and shall be a Plat-Form for two small Pieces.

I find planted and estated upon this Land of *Brittish* Tenants, which are resident,

Free-Holders five, *viz.* 1 having 96 acres. 3 having 48 acres le piece. 1 having 24 acres. Lessees seven, *viz.* 1 having 168 acres 3 having 48 acres le piece. 3 having 24 acres le piece.	Total these thirty three Families are resident upon the Land, and are able to make one hundred Men.

Cottagers

Cottages 21, *viz.*
Each of these have a House and Backside, with Commons for greasing of Cows.

XXXV. 1000 acres.

John Browne, was the first Patentee.

Archibald Atchesson Esq; hath a thousand acres called *Carrowdownan.*

Upon this Proportion there is a Bawne of Stone and Clay, being one hundred Feet square, with four Flankers, and nine Feet high, standing on a Mountain. Here is planted upon this Land both *English* and *Scottish*; but they have not taken out their Leases, which I saw drawn and signed, and so many Tenants were named.

Freeholders, two, *viz.*
1 having 144 acres.
1 having 120 acres.

Lessees for Years 19, *viz.*
4 having 50 acres le piece.
2 having 48 acres jointly.
5 having 30 acres le piece.
3 having 36 acres le piece.
2 having 48 acres jointly.
3 having 48 acres le piece.

Total twenty one Families, consisting of twenty-eight Men.
Eight of these Tenants have taken the Oath of Supremacy. The rest refused, till they have taken out their Leases.

The Precinct of *Tullagha.*

XXXVI. 1500 acres.

Captain *Culme* and *Walter Talbot* have 1500 acres called *Balleconnel.*

Upon this Proportion there is built a strong Bawne one hundred Feet square, twelve Feet high, with two Flankers, and within the Bawne a strong Castle of Lyme and Stone three Stories high: This standeth in a very good and

and convenient place for the ſtrength and ſervice of the Countrey.

XXXVII. 2000 acres.

Sir *Richard* and Sir *George Grimes* have two thouſand acres.

Upon this there is built a Bawne of Stone and Lime ſixty Feet ſquare, and ten Feet high, with a little Houſe in it.

XXXVIII. 1000 acres.

William Parſons, Eſq; hath 1000 acres, called *Larga*.

It is between divers Men; for it was granted for Concealments, and they were not bound to build at all.

XXXIX. 1000 acres.

Magauran, a Native, hath 1000 acres.

And upon this he hath built a ſtrong and good Houſe of Lime and Stone, with a Ditch cut up about it.

County

County of FERMANAGH.

The Precinct of *Knockniny*, allotted to *Scottish* Undertakers.

XL. 3000 acres.

The Lord *Burleigh* was first Patentee.

Sir *James Belford* Knight hath a thousand acres called *Carowshee*, alias *Belford*, and two thousand acres in a remote place, and out of all good way: He hath begun his building at *Castle-Sheagh*, and hath laid the Foundation of a Bawne of Lime and Stone seventy Feet square, of which the two sides are raised fifteen Feet high. There is also a Castle of the same length, of the which the one half is built two Stories high, and is to be three Stories and an half high. There are great numbers of Men at Work, which are bound to finish it speedily; and all Materials I saw in the place. This is both strong and beautiful.

There is also a Plot laid out for a Church, which must be seventy five Feet long, and twenty four Feet broad, all which is now in Hand, and promised to be finished this *Summer*.

There is also a School, which is now sixty four Feet long, twenty Feet broad, and two Stories high. This is of good Stone and Lime strongly built, the Roof is ready framed, and shall presently be set up.

Near this Castle there is a House, in which Sir *James* and his Family are now dwelling; and adjoining to this there is a Town, consisting of forty Houses of Timber Work, and Mud-wall. All these are inhabited with *British* Tenants, and is the only Thorough-fare into the Country.

I find

I find planted in these two Proportions eighty two Men armed, which I saw; but not any of these have any Estates as yet, as they told me, or at leastwise they did not shew me any.

XLI. 1000 Acres.

The Lady *Kinkell* was the first Patentee.

Mr. *Adwick* hath 1000 acres called *Aghalane*.

Upon this there is a Bawne of Clay and Stone rough cast over with Lyme, fifty Feet square, and twelve Feet high, with two Flankers. It hath a poor thatched House within.

I find planted upon this Proportion of *Brittish* Tenants ten, but I saw no Estates more than by Promise, which are here named.

Freeholders, six, *viz.* 1 having 180 acres. 1 having 60 acres. 4 having 120 acres jointly. Lessees four, *viz.* 2 having 60 acres le piece. 1 having 30 acres. 1 having 40 acres.	These ten Families are all that I can hear of; the rest are *Irish*.

XLII. 1000 acres.

James Traile was the first Patentee.

Mr. *Adwick* hath a thousand acres, called *Dristernan*.

Upon this Proportion there is a Bawne begun of Stone being sixty Feet square, with two Flankers, but is not as yet above five Feet from the Ground. He hath no *English* Tenants, but all the Land is inhabited with *Irish*.

XLIII. 1500 acres.

The Lord *Mountwhany* the first Patentee.

Sir *Steven Butler* hath fifteen hundred acres, called *Kilspenan*.

Upon

Upon this Proportion there is a Bawn of Lyme and Stone, being sixty Feet square, twelve Feet high, with two Flankers. Within the Bawne there is a House of Lyme and Stone.

I find planted and estated upon this Land of *Brittish* Tenants.

Lessees for Years 12, *viz.* 1 having 180 acres. 3 having 120 acres le piece. 1 having 140 acres. 1 having 90 acres. 6 having 60 acres le piece.	Total these twelve Families, consisting of fifteen Men, do dwell dispersedly here; not one Freeholder, but many *Irish*.

XLIV. 1500 acres.

Sir *John Whisber* was the first Patentee.

Sir *Steven Butler* Kt. hath one thousand five hundred acres, called *Leytrim*.

Upon this Proportion there is a Bawne of Lyme and Stone, seventy Feet square, twelve Feet high, with two Flankers, which are three Stories high; there is also a good Stone House in building, which is but as yet above the first Storie.

Upon this Land I find planted and estated of *Brittish* Nation.

Lessees for Years, seventeen *viz.* 3 having 240 acres le piece. 3 having 120 acres le piece. 1 having 90 acres. 6 having 60 acres le piece. 1 having 30 acres le piece. 1 having 10 acres.	Each of these have a House and 10 acres, and dwell most of them in a Town joining to the Bawne. Eight of these have taken the Oath of Supremacy. These are able to make 66 Men with Arms.

XLV. 1000 acres.

George Smelhome was the first Patentee.

Sir *Steven Butler* hath a thousand acres, called *Derryanye*.

Upon

Upon this Proportion there is a small Bawne of Clay and Stone sixty Feet square, with two Flankers, and a little House within it of the same Materials.

I find planted and estated upon this Land of *Brittish* Nation.

Lessees for Years 3, *viz.* 1 having 500 acres. 1 having 250 acres. 1 having 60 acres.	Total 3 Families, besides under Tenants, being able to make 15 Men. Here are many *Irish* on this Land.

The Precinct of *Clancally*, appointed for *English* Undertakers.

XLVII. 1000 acres.

John Sedborrow hath a thousand acres called *Lutgar*.

Upon this Proportion there is a most poor Bawne of Sodds, being of a round form, and much of it is fallen down. There is no body dwelling in it. I saw it a Pound for Cattle.

I find planted and estated upon this Land of *Brittish* Birth.

1 having 420 acres. 1 having 240 acres. 1 having 240 acres. 3 having 60 acres le piece.	There are twelve others whose Estates I saw not, and therefore can say nothing of them. For many of these do dwell in another Country. Of these 18 Families there is but one that took the Oath of Supremacy; they are able to make 24 Men.

XLVII. 1000 acres.

Thomas Flowerdew hath 1000 acres called *Lisrisk*.

Upon this Proportion there is a large round Bawne of Lyme and Stone, and a little House of Stone within it. There is a small Village joining to the Bawne, containing six Houses, inhabited with *English*, all of Cage-Work.

I fin

I find planted and estated upon this Land of *Brittish* Families.

Freeholders two, *viz.*
1 having 180 acres.
1 having 60 acres.

Lessees for Years, 14, *viz.*
1 having 90 acres.
3 having 60 acres le piece.
2 having 60 acres jointly.
2 having 40 acres jointly.
5 having 30 acres le piece.
1 having 20 acres.

Total, these 16 Families are now resident on the land; and nine of these have taken the Oath of Supremacy, and are able to make, with their under Tenants, 40 Men.

XLVIII. 1000 acres.

Robert Boges was the first Patentee.

Edward Hatton hath 1000 acres called *Clancarne*.

Upon this Proportion there is an excellent strong House and Bawne all of Lyme and Stone, and well seated for the King's Service, and strength of the County. He hath a Water-Mill for Corn by his House, and within half a Mile he hath built four very good Timber Houses, and six more are in building. This Town standeth on the common Road in the Country. Himself is a Minister, and a good Teacher of the Word of God.

I find planted and estated on this Land of *Brittish* Birth.

Freeholders 2, *viz.*
1 having 120 acres.
1 having 130 acres.

Lessees 5, *viz.*
1 having 240 acres.
4 having 60 acres.

Cottagers, 8, *viz.*
Each of these have a House and Garden Plat, and four acres of Land.

There are but two of these that have taken the Oath of Supremacy.

I find not above twenty Men in all, and these are well armed.

XLIX. 1000 acres.

Thomas Plomstead was the first Patentee.

Sir *Hugh Wirrall*, Kt. hath a thousand acres, called *Ardmagh*.

Upon this Proportion there is a Bawn of Lyme and Stone sixty six feet square, with two Flankers, and a little Stone House or Tower within it standing waste. He hath no Freeholder nor Leaseholder, and but three poor Men on the Land, which have no Estates; for all the Land at this time is inhabited with *Irish*.

L. 1000 acres.

Robert Calvert was first Patentee.

George Ridgewaie hath a thousand acres, called *Gutgoonan*.

Upon this there is nowe a Bawne of Lyme and Stone in Building, which is sixty feet square, and not above eight feet high. His Tenants do dwell dispersedly.

I find planted and estated on this Land of *Brittish* Tenants.

Free-holders, 1, *viz.* 1 having 100 acres.	Total eight Families, which are able to make twelve Men with Arms. Here are many *Irish*.
Lessees for Years, 7, *viz.* 1 having 480 acres. 3 having 240 acres jointly. 1 having 160 acres. 1 having 120 acres. 1 having 60 acres.	

The Precinct of *Clinawly* allotted to Servitors and Natives.

LI. 1500 acres.

Sir *John Davis* Knight, hath one thousand five hundred Acres, called *Lisgoweley*.

Upon

Upon the Abby Lands there is built a fair Stone House, but no Bawne, and on this Proportion there is not any thing Built.

LII. 500 acres.

Mrs. *Harrison*, late Wife to Captain *Harrison* deceased, upon her five hundred Acres called *Gurtin* hath built nothing at all.

LIII. 300 acres.

Pierce Mostion hath three hundred Acres called *Moycrane*. Here also is nothing built, and himself dwelleth in *Connaught*.

The Precinct of *Lurge* and *Coolemackernan* appointed to *English* Undertakers.

LIV. 1000 acres.

Thomas Barton was 1st. patentee.

Sir *Gerard Lowther* Knight, hath two small Proportions, the one called *Drumynshin*, and the other *Necarn*.

Upon *Drumynshin* there is a good Bawne of Clay and Stone, rough cast over with Lime, sixty Feet Square, with two Flankers, but no House in it.

I find planted and estated on this Land of *Brittish* Birth and Descent.

Free-holders, 5, *viz.* 1 having 120 acres. 1 having 200 acres. 3 having 46 acres le piece. Lease-holders, 1. 1 having 60 acres.	Three of these have taken the Oath of Supremacy.

LV. 1000 acres.

Harrington Sutton first Patentee.

Sir *Gerard Lowther* hath upon *Necarn* a strong Bawne of Lime and Stone, and a House in it, and near unto the

Bawne there is a Village consisting of ten Houses, and a Market House, also a Water Mill.

I find planted and estated upon the Land of *Brittish* Families.

Free-holders, 2, *viz.* 1 having 120 acres. 1 having 90 acres. Lessees for Years, 12, *viz.* 1 having 73 acres. 2 having 40 acres jointly. 1 having 60 acres. 6 having 20 acres le peece. 1 having 18 acres. 1 having 4 acres.	In both these Proportions there are sixteen *Brittish* Families, besides Undertenants, the which are able to make twenty eight Men with Arms. Nine of these have taken the Oath of Supremacy.

LVI. 1000 acres.

John Archdale Esq; hath one thousand acres called *Tullana*.

Upon this Proportion there is a Bawne of Lime and Stone, with three Flankers fifteen feet high; in each Corner there is a good Lodging slated, with a House in the Bawne of eighty Feet long, and three Stories high, with a Battlement about it; himself with his Family are there Resident. He hath also a Water Mill, and in two several Places of his Land he hath made two Villages, consisting of eight Houses a piece.

I find planted and estated upon this Land of *Brittish* Families.

Free-holders 6, *viz.* 1 having 200 acres. 1 having 120 acres. 2 having 40 acres le peece. 2 having 30 acres le peece.

Lessees

Lessees for Years 10, *viz.*
4 having 240 acres jointly.
2 having 30 acres le peece.
1 having 60 acres.
1 having 20 acres.
1 having 40 acres.
1 having 15 acres.

Cottagers 4, *viz.*
These having each of them a House, and one Acre of Land.

And these twenty are able to make forty two Men, and seven of these have taken the Oath of Supremacy.

LVII. 1000 acres.

Thomas Flowerdew hath one thousand Acres called *Rosseguire.*

Upon this Proportion there is nothing at all Built. He hath two Gentlemen that he hath placed, as he thought, upon his Land; but it proveth to be Gleabe Land, and this is the Reason he hath not any *English*; but all the rest of the Land is inhabited with *Irish*, which is a great Number.

LVIII. 1000 acres.

Henry Hunings the first Patentee.

Edward Sibthorp and *Henry Flower*, Esqrs; have one thousand acres called *Dowrosse.*

Upon this Proportion there is built a Bawne of Lime and Stone, sixty Feet Square, with two Flankers; there is no House in it; but it standeth Waste, and is now a Pound for Cattle. Near to this Bawne there is built a Village, in which there are fourteen Houses inhabited with *English* Families; but I saw not their Estates; for the Undertakers were out of the Country, and none to bring them together. All that I could see was

1 having 60 acres.
1 having 60 acres.

LIX. 1500 acres.

Thomas Blenerhasset hath one thousand five hundred Acres called *Edernagh*.

Upon this Proportion there is a Bawne of Lime and Stone, the length is seventy five Feet, and the breadth is forty seven Feet, and twelve Feet high, having four Flankers. Within this Bawne there is a House of the length thereof, and twenty Feet broad, two Stories and a half high, his Wife and his Family dwelling therein. He hath begun a Church. He hath also a small Village consisting of six Houses built of Cagework, inhabited with *English*.

I find planted and estated upon this Land of *Brittish* Families.

Freeholders 4, *viz.* 2 having 80 acres. 1 having 46 acres. 1 having 22 acres. 1 having 60 acres. Lessees for Years 3, *viz.* 1 having 16 acres. 1 having 26 acres. 1 having 8 acres.	Total seven Families, who with their Undertenants can make, as I am informed, twenty six Men; but I saw them not; for the Undertakers, and many of the Tenants, were Absent.

LX. 1000 acres.

This was *John Thurstons* at the first.

Sir *Edward Blenerhasset*, and *Thomas Blenerhasset* have one thousand Acres called *Talmackein*.

Upon this Proportion there is nothing at all built, and all the Land inhabited with *Irish*.

LXI. 1500 acres.

Francis Blenerhasset, Son to Sir *Edward Blenerhasset*, hath one thousand five hundred Acres called *Bannaghmore*.

Upon this Proportion there is a strong Bawne of Lime and Stone, being eighty Feet long, and sixty Feet broad, and a Stone House three Stories high, all finished, himself and Family dwelling in it. He hath also built a Village near

near unto the Bawne, consisting of nine Houses of good Cage Work.

I find planted and estated upon this Land of *Brittish* Families.

Freeholders 4, *viz.*

1 having 120 acres and a Tenement.
1 having 120 acres.
1 having 60 acres.
1 having 50 acres.

There are divers other Leasholders which I saw not; for the Undertaker was in *England*, and I came suddenly upon them. But by a jury I found the Land to have twenty two *Brittish* Families upon it, which with their Undertenants were able to make forty Men, and Store of Armes in his House, and I saw not one *Irish* Family upon all the Land.

The Precinct of *Coole* and *Tircanada* allotted to Servitors and Natives.

LXII. 1000 Acres.

Sir *William Cole* hath one thousand Acres called *Cornegrade*.

Upon this Proportion there is a Bawne of Lime and Stone, sixty eight Feet long, fifty six broad, and twelve Feet high, with two Flankers.

I find planted and estated on this Land.

Lessees for three lives 7, *viz.*

3 having 60 acres le piece.
4 having 30 acres le piece.

These have all taken the Oath of Supremacy, and are able to make eighteen Men armed; and he hath a good Water Mill.

LXIII. 1500 acres.

Sir *Henry Folliot* Knight hath one thousand five hundred Acres called *Newporton*.

Upon this Proportion there is a ſtrong Bawne of Lime and Stone, one hundred and fifty Feet long, one hundred and twenty Feet wide, and twelve Feet high, with three Flankers; within the Bawne there is a ſtrong Houſe of Lime and Stone three Stories high, himſelf with his Lady and Family dwelling in it. Near unto this Bawne he hath made a Town conſiſting of eleven Houſes, all inhabited with *Scottiſh* and *Engliſh* Families. He hath alſo a Water Mill for Corn.

LXIV. 1000 acres.

Captain *Paul Gore* hath one thouſand Acres, called *Carick*.

Upon this Proportion there is a Bawne of Lime and Stone, with a Houſe in it inhabited by an *Engliſh* Gentleman. He hath on this Land eight *Engliſh* Families.

LXV. 1000 acres.

Captain *Roger Atkinſon* hath one thouſand Acres called *Coole*.

Upon this Proportion there is a ſtrong Bawne of Lime and Stone ſixty Feet Square, with three Flankers. He hath a ſtrong Stone Houſe, in which his Wife, with his Family dwelleth. He hath two Freeholders all reſident on the Land. Here are two Water-mills, one for Corn, and another a Tucking-Mill.

LXVI. 1500 acres.

Con Mac-Shane O-Neale hath fifteen hundred Acres, called *Clabby*.

Upon this Proportion he hath made a little Bawne of Sods, and a Houſe within it of Lime and Stone, very ſtrongly built. He hath made three Leaſe-holders, which have each of them ſixty Acres for twenty one Years; but all his Tenants do Plough after the *Iriſh* Manner.

LXVII.

LXVII. 2000 acres.

Brian Maguire hath two thousand Acres called *Tempodessell*; and five hundred Acres, which were his Brother's lately deceased.

Upon this Proportion there is a large Bawne of Sodds, and a good House of Lime and Stone. He hath made five Lease-holders, which have each of them sixty Acres for twenty one Years, and all his Tenants do Plough after the *Irish* Manner.

The Precinct of *Magheriboy*, allotted to *Scottish* Undertakers.

LXVIII. 1000 acres.

Jeremy Lynsey was 1st. Patentee.

Sir *William Cole* Knight hath one thousand Acres called *Dromskeagh*.

Upon this Proportion there is a Bawne of Lime and Stone sixty eight Feet Square, thirteen Feet high, with four Flankers, and a Stone House or Castle three Stories high, strongly wrought. He hath also an excellent Wind Mill.

I find planted and estated upon this Land of *Brittish* Families.

Free-holders 2, *viz.* 2 having 120 acres le piece. Lessees for years 11, *viz.* 1 having 120 acres. 2 having 90 acres jointly. 7 having 60 acres le piece. 1 having a Tenement at will.	These thirteen Families have all taken the Oath of Supremacy, and have eleven Tenants under them, being able to make thirty four Men.

LXIX.

LXIX. 1500 acres.

Sir *Robert Hamilton* was the 1st. Patentee.

Malcolme Hamilton hath one thousand five hundred Acres called *Derrinefogher*.

Upon this Proportion there is a strong Castle of Lime and Stone, being fifty four Feet long, and twenty Feet broad; but hath no Bawne unto it, nor any other Defence for the succouring or relieving his Tenants.

I find planted and estated upon this Land of *Brittish* Birth and Descent.

Free-Holders 3, *viz.*
1 having 384 acres.
1 having 120 acres.
1 having 60 acres.

Lessees 11, *viz.*
3 having 180 acres jointly.
3 having 120 acres le piece.
2 having 40 acres le piece.
2 having 80 acres le piece.
1 having 20 acres.

Of all these fourteen Tenants there are seven of them have taken the Oath of Supremacy; and these have divers Undertenants under them, all which are able to make seventy seven Men with reasonable Arms. There is good Store of Tillage, and not an *Irish* Family on all the Land.

LXX. 1000 acres.

James Gill was the first Patentee.

John Archdale Esq; hath one thousand acres, called *Drumragh*.

Upon this Proportion there is a Bawne of Lime and Stone sixty Feet Square, twelve Feet high, with two Flankers, and a House now in building, it being about the first Story.

I find planted and estated upon this Land of *Brittish* Families.

Free-

Free-Holders 6, *viz.*
1 having 140 acres.
1 having 120 acres.
1 having 100 acres.
2 having 40 acres le piece.
1 having 4 acres and a Tenement.

Lessees for Years 5, *viz.*
1 having 120 acres.
1 having 140 acres.
1 having 80 acres.
1 having 20 acres.
1 having 40 acres.

Cottagers 3, *viz.*
Each of these have a Tenement and four Acres a Piece, for Commons for Cows.

Total fourteen Families, all resident on the Land, who have taken the Oath of Supremacy, being able to make twenty six Men armed. Here is some Tillage.

LXXI. 1000 acres.

Alexander Humes was the first Patentee.

George Humes hath one thousand Acres, called *Dromcose*. Upon this there is a Bawne of eighty Feet Square of Lime and Stone, twelve Feet high. There is no House in it. I found but very few to appear before me; for the Undertaker was out of the Country; but the Land was well planted with *Brittish* Families, and good store of Tillage, and not any *Irish* Family that I could learn of. But I saw

Lessees for Life three, *viz.*
1 having 300 acres.
2 having 60 acres jointly.

These have taken the Oath of Supremacy, and as I am informed, the rest of the Tenants have no Estates but Promises.

LXXII. 1500 acres.

William Fuller was 1st Patentee.

Sir *John Humes* hath 1500 acres, called *Moyglasse*. Upon this Proportion there is nothing built.

I find

I find planted on this Land of *Brittish* Families a good Number of Men; but they have no Estates but by Promise from one Year to another, *viz.*

Freeholders three *viz.* 3 having been nominated for Freeholders, but not resident. Lessees twelve, *viz.* 2 having 120 acres le piece. 1 having 90 acres. 9 having 60 acres le piece.	These 15 have Tenants under them, and are said to be able to make 30 Men. There is good store of Tillage, and no *Irish* Families thereon, as I am informed.

LXXIII. 1000 acres.

John Dunbarr Esq; hath 1000 acres called *Drumcro.*

Upon this Proportion there is a Bawne of Lyme and Stone eighty feet long, 45 feet broad, and fourteen feet high; and two Water Mills; himself with his Wife and Family remaining on the Land.

I find planted upon this Land of *Brittish* Birth.

Freeholders 2, *viz.* 2 having 120 acres le piece. Lessees 7, *viz.* 1 having 180 acres. 3 having 120 acres. 3 having 160 acres le piece.	These nine Families have divers under Tenants; but all these nine, save one, are estated but by Promise; and are able to make sixty Men with Arms. Here I saw Ploughs going. I saw not one *Irish* Family on this Land.

LXXIV. 2000 acres.

Sir *John Humes* hath 2000 acres called *Carrynroe.*

Upon this Proportion there is a Bawne of Lyme and Stone an hundred Feet square fourteen Feet high, having four Flankers for the Defence. There is also a fair strong Castle fifty feet long, and twenty one feet broad. He hath made a Village near unto the Bawne, in which is dwelling twenty four families.

I find

I find planted and estated on this Land of *Brittish* Natives.

Free-holders 4, *viz.* 2 having 120 acres le piece. 2 having 100 acres le piece. Lessees for Years 9, *viz.* 1 having 240 acres. 1 having 120 acres. 6 having 60 acres le piece. 1 having 40 acres. Cottagers, 11. 1 having 30 acres. 2 having 6 acres le piece. 1 having 5 acres. 2 having 4 acres le piece. 1 having 3 acres. 4 having 2 acres le piece.	Total twenty four Families, are all resident on the Land, and most of them have taken the Oath of Supremacy, being able to make thirty Men with Arms.

County

County of DONAGALL.

The Precinct of *Boilagh* and *Banagh*, allotted to *Scottish* Undertakers.

LXXV. 10000 acres.

John Murrey Esq; hath all *Boilagh*, and *Banagh* being ten thousand acres, planted as followeth.

LXXVI. 2000 acres.

The Lady *Brombe* was the 1st Patentee.

Captain *Thomas Dutton* hath 2000 acres, called the *Rosses*. He but newly came unto it, and hath not his Assurance from Mr. *Murrey*.

Upon this Proportion there is a Bawne and a small Castle built long since, being of Lyme and Stone, himself with Wife and Family dwelling in it; he hath six *English* Families, but they do but little as yet, till they have Estates.

LXXVII. 1000 acres.

Sir *Patrick Mc. Ke* was first Patentee.

John Murrey Esq; hath 1000 acres called *Cargie*.

Upon this Proportion there is a Bawne of Clay and Stone rough cast with Lyme, being sixty Feet square, and twelve Feet high, and built upon a Rock.

I find divers planted on this Land; but there is not one Freeholder, and they who are upon the Land have no Estates, but Mynnets, being in number twenty three Families, and are able to make forty Men, all of *Brittish* Birth; but these do dwell dispersedly in the Country.

LXXVIII.

LXXVIII. 1000 acres.

Patrick Vaus was the first Patentee.

John Murrie hath 1000 acres called *Boilagh-outra.*

This is sett to *William Hamilton* Gentleman, and some others.

Upon this Proportion there is a Bawne of Lyme and Stone, being seventy Feet square, twelve Feet high, with two Flankers; it hath in it a Castle very strong; there are not any Freeholders; there are twenty eight Families of *Brittish* Nation, as I am informed by some of the Country, that are able to make fifty Men with Arms; but these hold their Land but by Promise; I saw but very few of them; for they dwelt far asunder, and had no time to come unto me.

LXXIX. 1500 acres.

William Stewart the first Patentee.

John Murrey Esq; hath 1500 acres, called *Dunconally.*

James Toodie and others have taken this for certain Years.

There is on this Land a Bawne of Lyme and Stone, and a Castle which is now inhabited.

I find planted upon this Land of *Brittish* Families

Lessees eleven, *viz,*	I am informed by the Country, that there are 30 Families upon this Land, being able to make forty Men with Arms; but I saw but ten that had any Estates.
1 having 200 acres.	
2 having 100 acres jointly.	
5 having 200 acres jointly.	
3 having 120 acres le piece.	

LXXX. 1000 acres.

Alexander Dunbar 1st Patentee.

John Murrey Esq; hath 1000 acres called *Kilkeran,* the which are set to *Rowland Cogwell* and others for fifteen Years.

Upon this there is a Bawne and a Castle of Lime and Stone, being inhabited with a *Scottish* Gentleman. There is not one Freeholder, and but two Leaseholders that could

could shew any Assurance; the one hath a Lease for fifteen Years, and the other for five, and these have under them ten *Brittish* Famillies. There are many *Irish*.

LXXXI. 1000 acres.

The Lady *Broughton* first Patentee.

John Murrey Esq; hath a thousand acres called *Ballagh-eightra*.

Upon this Proportion there is nothing at all built, and all the Land is inhabited with *Irish*.

LXXXII. 1000 acres.

Alexander Cunningham holdeth a thousand acres, called *Moynagan*, from the aforesaid *John Murrey* Esq;

Upon this there is a good strong Bawne of Lime and Stone, with two Flankers. It hath very few *Brittish* Tenants, but a great many of the *Irish*, which dwell upon the Land.

LXXXIII. 1000 acres.

James Mc. Cullogh holdeth a thousand acres called *Mullaghvegh*.

Upon this there is neither Bawne nor Castle and very few *Brittish* on the Land; for the most thereof is inhabited with *Irish*.

The Precinct of *Portlough*, appointed to *Scottish* Undertakers.

LXXXIV. 1000 acres.

John Cunningham Gentleman hath a thousand acres called *Donboy*.

Upon this there is a Bawne of Lyme and Stone seventy Feet square, fourteen Feet high, with two Flankers, which be three Stories high; and in them good Lodgings, and a good House in the Bawne, in which himself, with his Wife, dwelleth. Near adjoining to the Bawne he hath built

built a Town consisting of twenty six Houses, and a good Water-Mill, all which is inhabited with *Brittish* Tenants.

I find planted and estated upon this land of *Brittish Families*.

Freeholders two, *viz.* 1 having 120 acres. 1 having 100 acres. Lessees for years 12, *viz.* 2 having 130 acres le piece. 4 having 90 acres le piece. 1 having 48 acres. 2 having 50 acres le piece. 3 having 100 acres le piece.	Of these fourteen Families most have taken the Oath of Supremacy; and they are able to make with their under Tenants fifty armed Men. Here is great store of Tillage, and not one *Irish* Family on all the Land.

LXXXV. 1000 acres.

James Cunningham hath a thousand acres, called *Moyegh*. Upon this there is a Bawne of Lime and Stone sixty Feet square, with two Flankers: The Walls are fourteen Feet high. Within the Bawne there is a good Stone House three Stories high, himself and his Family dwelling therein.

I find planted and estated upon this Land of *Brittish* Families.

Freeholders 2, *viz.* 1 having 200 acres. 1 having 66 acres. Lessee for years 6, *viz.* 2 having 100 acres le piece. 2 having 200 acres le piece. 2 having 240 acres jointly. Cottagers fifteen, *viz.* Each of these have a House and Garden Plott, and 6 acres, besides Commons for Cows.	Total twenty three Families, who with their under Tenants are able to make forty two men armed. He hath good store of Tillage, and I saw not one *Irish* Family on all the Land.

LXXXVI. 2000 acres.

Sir *James Cunningham* hath 2000 acres, called *Decastrose* and *Portlogh*.

Upon this Proportion there is no more built than there was three Years past; which was a little Bawne of Lyme and Stone, and a small House in it, in which the Lady and her Daughters do now dwell; but near to the Bawne there is a small Village consisting of twelve Houses, inhabited with *Brittish* Tenants. There is good store of Tillage, and no *Irish* that I saw, and as I am informed forty able Men.

LXXXVII. 1000 acres.

Sir *James Cunningham* must answer for this.

Cuthbert Cunningham hath a thousand acres called *Dromagh* alias *Coole Mc. Treene*.

Upon this Proportion there is nothing built by him; but the Tenants do build after their manner, and it is peopled sufficiently; the said Sir *James* must build and answer for both the Proportions, and therefore I have put them both together; for otherwise they cannot be distinguished.

I find planted and estated upon both these Proportions of *Brittish* Birth and Descent.

Freeholders six, *viz.* 3 having 200 acres le piece. 1 having 140 acres. 1 having 120 acres. 1 having 100 acres. Lessees for Years nine, *viz.* 2 having 200 acres le piece. 2 having 200 acres jointly. 3 having 100 acres le piece. 2 having 360 acres jointly. Cottagers fifteen, *viz.* Each have a Tenement, with a Backside, with some Commons for Cattle.	Total 30 Families, who, with their under Tenants are able to make eighty Men, whereof five have taken the Oath of Supremacy.

LXXXVIII.

LXXXVIII. 1000 acres.

William Stewart, Laird of *Dunduff*, hath one thousand acres, called *Coolelaghie*.

Upon this Proportion there is a Bawne of Clay and Stone, seventy Feet square, with two Flankers, being three Stories high, with necessary Lodgings in them; but they are not as yet finished; also there is a good House in it, in which himself, with his Wife, dwelleth.

I find planted and estated upon this Land of *Brittish* Birth.

Free-holders 2, *viz.* 1 having 200 acres. 1 having 60 acres. Lessees for years 8, *viz.* 2 having 200 acres le piece. 2 having 100 acres le piece. 3 having 200 acres jointly. 1 having 66 acres.	These ten Families, with their Undertenants, are able to make forty Men with Arms; and these, for the most part, have taken the Oath of Supremacy.

LXXXIX. 1000 acres.

Alexander Mc. Awley, alias *Stewart*, hath one thousand Acres, called *Ballyneagh*.

Upon this there is built a Bawne of Lime and Stone, seventy Feet square, with four Flankers, and a Stone House in it.

I find planted and estated upon this Land of *Brittish* Birth.

Free-holders 2, *viz.* 1 having 200 acres. 1 having 60 acres. Lessees for years 9, *viz.* 3 having 200 acres le piece. 2 having 180 acres. 1 having 120 acres. 2 having 60 acres le piece. 1 having 40 acres.	Total eleven Families, who, with their Undertenants, are able to make thirty Men armed; these have taken the Oath of Supremacy. Here is good Store of Tillage, and I saw not one *Irish* Family on the Land.

XC. 1000 acres.

The Laird of *Lusse* hath one thousand Acres, called *Corgagh*.

Upon this Proportion there is a Bawne of Clay and Stone sixty Feet square, ten Feet high, with two Flankers, and a poor House within it, which is thatched.

I find planted and estated upon this Land of *Brittish* Families.

Free-Holders, 2, *viz.* 1 having 300 acres. 1 having 100 acres. Lessees for Years 3, *viz.* 1 having 330 acres. 1 having 300 acres. 1 having 195 acres. Cottagers, 5, *viz.* Each of these have a House and Garden Plott.	Total ten Families, who, with their Undertenants, are able to make twenty six Men; whereof five of the best have taken the Oath of Supremacy. Here is good Store of Tillage.

XCI. 3000 acres.

Sir *John Stewart* Knight hath three thousand Acres, called *Cashell*, *Ketin*, and *Littergull*.

Upon this Proportion there is built at *Magevelin* a very strong Castle of Lime and Stone, with a Flanker at each Corner; but as yet there is no Bawne nor Free-holders made; and for want of them he saith the Duke of *Lenox* shall answer the King. But I saw the Land well inhabited, and full of People; but what Estates they have I know not, neither would he call the Tenants together; but shewed me a Counterpaine of one Lease, and said, that each of the Tenants had the like.

XCII. 1000 acres.

Sir *John Stewart* aforesaid hath one thousand Acres called *Lissmolmoghan*.

Upon

Upon this there is neither Castle nor Bawne; but the Land well inhabited with *Brittish* Tenants.

The Precinct of *Liffer*, allotted to *English* Undertakers.

XCIII. 1500 acres.

Peter Benson hath one thousand five hundred Acres, called *Shragbmiclar*.

Upon this there is a Bawne of Lime and Stone, one hundred Feet square, thirteen Feet high, with four Flankers; there is in it a good House of Lime and Stone, in which himself, with his Wife and Family, are dwelling; he hath also a Water Mill.

I find planted and estated upon this Land of *Brittish* Families.

Free-holders 5, *viz.* 5 having 120 acres le piece. Lessees for Years 19, *viz.* 1 having 200 acres. 1 having 120 acres. 4 having 40 acres le piece. 3 having 25 acres le piece. 1 having 150 acres. 4 having 11 acres le piece. 5 having 160 acres jointly.	These twenty four Families, with their Undertenants, are able to make sixty eight Men with Arms, and have taken the Oath of Supremacy. He hath made a Village consisting of ten Houses, and not one *Irish* Family on the Lands.

XCIV. 2000 acres.

William Wilson Esq; hath two thousand Acres, called *Agbagalla*.

Upon this Proportion there is a large Bawne, and a Castle standing on a high Mount; all which is thoroughly finished, himself with his Wife and Family dwelling therein. He hath made a Village consisting of ten Houses well built.

I find planted and eſtated upon this Land of the *Brittish* Nation.

Free-holders 6, *viz.* 6 having 120 acres le piece. Leſſees for three Lives 14, *viz.* 4 having 200 acres jointly. 4 having 56 acres le piece. 2 having 200 acres jointly. 3 having 200 acres jointly. 1 having 66 acres jointly.	Theſe twenty Families have fifty Families under them which do dwell many of them together, and are able to make one hundred and ſix Men. Here is great Store of Tillage, and not an *Irish* Family.

XCV. 2000 acres.

Sir *Thomas Cornwall* was firſt Patentee.

Thomas Davis, holdeth from his Brother, *Robert Davis*, two thouſand Acres, called *Corlackin*.

Upon this Proportion there is a Bawne of Stone and Clay, rough-caſt with Lime, having two Flankers, and a Stone Houſe in it.

He hath planted and eſtated upon this Land of *English* and other *Brittish* Tenants.

Free-holders 4, *viz.* 1 having 220 acres. 1 having 120 acres. 2 having 160 acres le piece. Leſſees for years 28, *viz.* 5 having 100 acres le piece. 6 having 75 acres le piece. 2 having 40 acres le piece. 4 having 30 acres le piece. 4 having 20 acres le piece. 1 having 25 acres. 2 having 16 acres le piece. 4 having 11 acres le piece.	Theſe 32 Families are dwelling on the Land, and have taken the Oath of Supremacy. They have divers Undertakers under them, all which are able to make 54 Men armed, and dwell together in Villages, ſome conſiſting of twelve Houſes, others leſs.

XCVI.

XCVI. 1000 acres.

Captain *Mansfield* hath one thousand Acres called *Killeneguirdon*.

Upon this Proportion the Bawne is finished, and a good Stone House three Stories high is ready to be slated, himself with his Family there dwelling; and near to this place he hath made a Village consisting of nine Houses, and standing on a Passage very commodious for the King's Service, and the good of the Country.

I find planted and estated upon this Land of *Brittish* Families.

Free-holders 2. *viz.* 1 having 260 acres. 1 having 200 acres. Lessees for Years 16, *viz.* 3 having 140 acres jointly. 1 having 220 acres. 1 having 120 acres. 1 having 124 acres. 2 having 60 acres le piece. 3 having 62 acres le piece. 2 having 40 acres le piece. 1 having 6 acres. 2 having 10 acres le piece.	In Toto 18 Families, dwelling on the Land, being able to make, with their Undertenants, 46 Men with Arms; and 9 of the principall of these have taken the Oath of Supremacy.

XCVII. 1500 acres.

Captain *Russell* was first patentee.

Sir *John Kingsmill* Knight hath one thousand five hundred Acres, called *Acarine*.

Upon this Proportion there is a Bawne of Lime and Stone one hundred Feet Square, with two Flankers, the which are two Stories high, with good Lodgings in them, and a very strong Stone House three Stories high; himself with his Wife and Family dwelling therein. Near to the Bawne there is built a Village consisting of thirty Houses, being all inhabited with *English* Families.

I find planted and eſtated upon this Land of *Brittish* Birth.

Free-holders 5, *viz.* 1 having 200 acres. 1 having 120 acres. 1 having 110 acres. 2 having 100 acres le piece. Leſſees for three lives 5, *viz.* 1 having 400 acres. 4 having 120 acres le piece. Leſſees for Years 3, *viz.* 2 having 40 acres le piece. 1 having 10 acres.	In Toto 13 Families, who have divers Undertenants, and do make the Number of 36 Men armed, being all reſident on the Land.

XCVIII. 2000 acres.

Sir *Robert Remington* the firſt Patentee.

Sir *Ralph Bingley* Knight hath two thouſand Acres, called *Tonafocies*.

Upon this Proportion there is built a ſtrong Caſtle, with four large Towers; it is now three Stories high, the Roof is framed, but all ſtandeth at a Staie through the controverſy that is between him and Sir *Robert Remington*'s heirs; Yet I found planted and eſtated upon this Land of *British* Families.

Freeholders 4, *viz.* 2 having 200 acres le piece. 1 having 120 acres. 1 having 67 acres. Leſſees for 3 lives, 6, *viz.* 1 having 300 acres. 1 having 200 acres. 4 having 120 acres le piece. Leſſees for Years 11, *viz.* 3 having 360 acres jointly. 4 having 100 acres le piece. 2 having 200 acres jointly. 2 having 200 acres jointly.	In Toto twenty one Families, who with divers other Undertenants are able to make ſixty Men with Arms, and many of them do dwell together, and have taken the Oath of Supremacy. The Caſtle is ſeated upon the River of *Finn*, where is a Ford, and the only Paſſage into the Country, and in a moſt principall Place for the King's Service.

XCIX.

XCIX. 2000 acres.

Sir *Maurice Bartley* was the first Patentee.

Sir *Ralph Bingley* Knight hath two thousand Acres called *Drummore* and *Lurgagh*.

Upon this Proportion the Bawne, being of Brick, and the House of Stone, are now thoroughly finished, and himself and Family dwelling therein. It is well seated for Service, and within a Mile of the Place he hath made a Village in which there are six Houses, and a Mill already Built, and there is more in building, in a Place which is a continual Passage.

I find planted and estated on this Land of *Brittish* Families, which have taken the Oath of Supremacy.

Free-holders seven, *viz.* 4 having 120 acres le piece. 1 having 67 acres. 1 having 60 acres. 1 having 200 acres. Lessees for Years 12, *viz.* 2 having 120 acres le piece. 4 having 67 acres le piece. 3 having 100 acres le piece. 3 having 40 acres le piece. Cottagers ten, *viz.* Each of these have a House and six acres, and Commons for the greasing of a few Cows.	In Toto 29 Families, which, with their Undertenants, are able to make 64 Men with Arms.

C. 1500 acres.

Sir *Thomas Coach* Knight hath one thousand five hundred Acres called *Lismongan*.

Upon this Proportion he hath a Trench cast up with a hedge upon it, invironed with a small Brook, in which there is a house of Cage Work, wherein himself with his Lady

Lady and Family are dwelling. There is Brick and Lime, with all other Materials, ready for the building of a Bawne and a House. The Place is very convenient for the King's Service, and the good of the Country. He hath six good Houses near unto him inhabited with *English* Families; and this had long since been done, but that he was grievously troubled with Sickness.

But here I find planted and estated of *Brittish* Families, which took the Oath of Supremacy.

Free-holders 4, *viz.* 2 having 200 acres le piece. 1 having 200 acres. 1 having 70 acres. Lessees for Years 9, *viz.* 5 having 120 acres le piece. 1 having 70 acres. 3 having 66 acres le piece. Cottagers 6, *viz.* Each of these have a Tenement and a Garden Plott, with four Acres, and Commons for some Cattle.	In Toto 19 Families, able to make 56 Men with Arms.

CI. 1500 acres.

Sir *William Barns* was first Patentee.

Sir *John Kingsmill* Knight, and Mr. *Wilson*, have one thousand five hundred Acres called *Monester*,

Upon this Proportion the Bawne and House are strongly finished, divers other Houses built near unto the Bawne, inhabited with *English* Families.

I find planted and estated upon this Land of *Brittish* Nation.

Free-

Free-holders 6, *viz.*
2 having 120 acres le piece.
3 having 100 acres le piece.
1 having 96 acres.

Lessees for Years six, *viz.*
1 having 144 acres.
2 having 120 acres le piece.
1 having 200 acres.
2 having 40 acres le piece.

Cottagers 5, *viz.*
Each having a House and Garden Plott, with Commons for four Cows and other Cattle.

In Toto 17 Families, who with their Undertenants are able to make 46 Men with Arms; and 11 of these have taken the Oath of Supremacy.

The Precinct of *Killmacrenan*, allotted to Servitors and Natives.

CII. 1000 acres.

Captain *Craiford* was the 1st Patentee.

Sir *George Marburie* hath a thousand acres called *Litterkenny*.

Upon this there is built a Bawne of Lyme and Stone sixty Feet square, with two Flankers twelve Feet high, and standeth waste. Near adjoining to this Bawne there is built a Township, wherein there is forty Houses, wherein he dwelleth; and all these Houses are inhabited with *Brittish* Tenants, being able to make fifty Men. It is a great Market Town, and standeth very well for the King's Service.

CIII. 1000 acres.

Sir *John Kingsmill* Kt. hath a thousand acres, called *Balamally*.

Here is a Bawne built of Stone and Clay, and standeth waste, and not one *English* Man on the Land.

CIV.

CIV. 1000 acres.

Sir *William Stewart* Kt. hath a thousand acres, called *Gortavaghie*.

Here is a Bawne of Stone and Clay, rough-cast over with Lyme, eighty Feet long, seventy Feet broad, and fourteen Feet high; a good Stone House within it, which is inhabited with a *Scottish* Gentleman and his Family. He hath eight *Brittish* Families upon the Land, which do use Tillage and Husbandry, being able to make twenty Men with arms.

CV. 1000 acres.

Sir *Basill Brooke* Kt. hath a thousand acres, called *Edonecarne*.

Upon this there is a Bawne of Lyme and Stone, and in it a House in building, in the which there dwelleth an *English* Man.

CVI. 1000 acres.

Sir *Thomas Chichester* Kt. hath a thousand acres called *Radonnel*.

Upon this there was a Bawne built of Clay and Straw, with some Stone among it; but now it is fallen down, and lyeth waste.

CVII. 1000 acres.

Sir *John Vaughan* was 1st Patentee.

John Wray, Esq; hath a thousand acres called *Carnegille*.

Upon this there is a good strong Bawne of Lyme and Stone, forty Feet long, fifteen Feet high, with four Flankers, in which are good Lodgings, being two Stories high; also a Stone House of the length of the Bawne, being two Stories high: This is inhabited with an *English* Gentleman and his Family, who hath some *English* Tenants under him, and this standeth in a good Place for the King's Service.

CVIII.

CVIII. 1000 acres.

Arthur Terrie hath a thousand acres called *Moyris.*

Upon this there is a good Bawne of Lyme and Stone, with two Flankers, and a good House in it, being inhabited with an *English* Gentleman, his Wife and Family. He hath six *English* Families besides, the which in all are able to make ten Men armed.

CIX. 1000 acres.

Captain *Henry Harte* hath a thousand acres called *Ballenas*, and two hundred and fifty six of Concealments.

Upon this there is a strong Fort and House in it, all of Lyme and Stone, in which there is an *English* Family.

CX. 1000 acres.

Sir *Richard Hansard* was the 1st Patentee.

Sir *William Stewart* Kt. hath a thousand acres called *Ramalton.*

Upon this there is built a large and strong Bawne eighty Feet square, sixteen Feet high, with four Flankers, and a fair strong Castle of the same Materials, being three Stories and a half high. He hath made a large Town consisting of forty five Houses, in which there are fifty seven Families all *Brittish*, some of which have Estates for Years. He hath also begun a Church of Lyme and Stone, which is built to the setting on of the Roofe. There is also a Water-Mill for Corn: This is a Market Town, and standeth very well for the good of the Country, and the King's Service.

CXI. 1000 acres.

Sir *John Vaughan* Kt. hath a thousand acres.

Upon this there is built a Bawne of Lyme and Stone, sixty Feet square, twelve Feet high, with four Flankers; within the same there is a Stone House inhabited with an *English* Gentleman and his Family.

CXII.

CXII. 1000 acres.

Captain *Paul Gore* hath 1000 acres.

Upon this Proportion there is a Bawne of Lyme and Stone sixty feet square, with two Flankers twelve feet high, and a Timber House of Cage-work within it, which is inhabited with an *English* Gentleman and his Family.

CXIII. 172 acres.

Lieutenant *Perkins* hath but 172 acres called, *Facker*. He never had any more; therefore is not bound to build.

CXIV. 400 acres.

Lieut. *Ellis* was first Patentee.

Nathaniel Rowley hath 400 acres called *Loughnemuck*; but upon this there is nothing built.

CXV. 528 acres.

Lieut. *Browne*.

Nathaniel Rowley hath 528 acres, called *Cranrasse*, and upon this there is nothing built.

CXVI. 108 acres.

Lieut. *Gale*.

William Lynn hath 108 acres, called *Caroreagh*, and 240 acres called *Largaurack*, but upon both these there is nothing built.

CXVII. 500 acres.

Sir *Richard Bingley* was the 1st Patentee.

Captain *Sanford* hath 500 acres, called *Castledoe*.

Upon this there is a Bawne of Lyme and Stone, forty feet square, sixteen feet high, and a Castle within it that is very strong; himself with his Wife and Family dwelling therein, with four other *English* Families on the Land.

CXVIII. 2000 acres.

Sir *Mulmorie Mc. Swyne* hath two thousand acres, called *Moyntmellon*.

And

And he hath built a Bawne of Lyme and Stone, and a good Stone House, in which he dwelleth with his Family; he hath made no Estates to any of his Tenants, and doth plough after the *Irish* manner.

CXIX. 2000 acres.

Mc. Swyne Banagh hath two thousand acres, called *Leanagh*, and *Corragh*.

And he also hath built a Bawne of Lyme and Stone, with a House in it, wherein he with his Family dwelleth. He hath made no Estates; for his Tenants will have no longer time but from Year to Year.

CXX. 2000 acres.

Tirlagh Roe O-Boyle hath two thousand acres, called *Caroghbleagh* and *Clomas*.

He hath built a good Bawne, and a House of Lyme and Stone, in which he with his Family dwelleth. He hath made no Estates, and all his Tenants do plough after the *Irish* manner.

CXXI. 2000 acres.

Donnell Mc. Swyne Farne hath two thousand acres called *Roindoberg* and *Caroocomony*.

He hath built a good Bawne, and a House all of Lyme and Stone, in which he with his Family dwelleth. His Tenants have no Estates, but from three Years to three Years, and these do plough after the *Irish* manner.

CXXII. 896 acres.

Walter Mc. Laughlin Mc Swyne hath eight hundred and ninety six acres, called *Bellycany*, and *Ragh*.

He hath built a fair Bawne, and a good strong House, all of Lyme and Stone, himself dwelling in it with his Family, being a Justice of the Peace in the County, and conformable to his Majesty's Laws, serving the King and Country upon all Occasions, and one that hath ever been a true Subject since the first taking in of *Loughfoyle*.

County

County of TYRONE.

The Precinct of *Strabane*, allotted to *Scottish* Undertakers.

CXXIII. 1000 acres.

The Earl of *Abercorne* holdeth a thousand acres, called *Strabane*.

Upon this there is built a very strong and fair Castle, but no Bawne, and a School-House of Lyme and Stone. There is also a Church in building, the Walls whereof are about five feet high, but hath been at a stay ever since the late Earl dyed. There is also about this Castle a Town built consisting of eighty Houses, whereof a great many of them are of Lyme and Stone very well and strongly built; there are many other good Timber Houses; in these Houses there are an hundred and twenty Families, which are able to make two hundred Men, every one having arms for his defence; also there are three Water-Mills for Corn on this Proportion.

I find planted and estated on this Land of *Brittish* Tenants.

Free-

Free-Holders, six, *viz.* 1 having 120 acres. 5 having 60 acres le piece. Lessees for lives 6, *viz* 1 having 120 acres. 2 having 60 acres le piece. 3 having 40 acres le piece. Townsmen 53, *viz.* Each of these have a House and Garden Plott, with some small quantities of Land,	These are most Merchants and Tradesmen, and some Cottagers, in toto sixty five Families, consisting of an hundred and eighty Men.

CXXIV. 2000 acres

The Earl of *Abercorne* hath two thousand acres, called *Donnalonge*.

Here is neither Castle nor Bawne; but upon some Places of the Land there is three or four good Houses built of Lyme and Stone by the Tenants.

I find planted and estated here these Tenants being *Brittish*.

Free-Holders, 6, *viz.* 1 having 260 acres. 1 having 120 acres. 4 having 60 acres le piece. Lessees for years 14, *viz.* 2 having 120 acres le piece. 6 having 180 acres jointly. 1 having 120 acres. 2 having 60 acres le piece. 3 having 60 acres jointly.	In toto twenty Families, who, with their under Tenants, are able to make an hundred and six Men with arms.

CXXV. 1500 acres.

Sir *Thomas Boide* was the first Patentee.

The Earl of *Abercorne* hath 1500 acres, called *Shean.*

Upon this there is a large Bawne of Lyme and Stone, eighty feet square, with four Flankers; but as yet is not thoroughly finished. There is also a large strong Castle begun, and they tell me it shall be finished this *Summer.*

I find planted and estated upon this Land of *Brittish* Tenants.

Freeholders, three, *viz.* 3 having 120 acres le piece. Lessees for Years 10, *viz.* 2 having 240 acres. 2 having 120 acres le piece. 4 having 60 acres le piece. 2 having 30 acres le piece.	In toto thirteen Families, who with their under Tenants are able to make an hundred Men armed.

CXXVI. 1500 acres.

Sir *George Hamilton* Kt. hath one thousand five hundred acres, called *Largie,* alias *Clogbogenall.*

Upon this there is no more done upon the Bawne and House, than was done when Sir *Josias modely* did last Survey it; bnt he hath made a Village, in which he hath built of *Irish* coupled Houses thirty; and this standeth in a Road way, and in a convenient place.

I find planted and estated on this Land of *Brittish* Birth and Descent.

Free-Holders, four, *viz.* 1 having 102 acres. 3 having 60 acres le piece. Lessees for Years 11, *viz.* 1 having 120 acres. 10 having 60 acres le piece. Townsmen, twelve. Each of these have a House and Garden Plott, with some small quantities of Land to feed their Cows.	These 27 Tenants are able to make 50 Men armed.

CXXVII.

CXXVII. 1000 acres.

Sir *George Hamilton* Kt. hath a thousand acres, called *Derrie-woone*.

Upon this Proportion there is built a Bawne of Lyme and Stone, sixty feet square, fourteen feet high, with four Flankers, whereof two of them have very good Lodgings in them; and near unto the Bawne there is a Village, wherein are ten Houses inhabited with *Brittains*.

I find planted and estated on this Land of *Brittish* Tenants.

Freeholders 2, *viz.* 2 having 120 acres le piece. Lessees for years fourteen, *viz.* 4 having 60 acres le piece. 5 having 40 acres le piece. 1 having 30 acres. 4 having 15 acres le piece.	Total 16 Families, who, with their under Tenants, are able to make 43 Men with Arms.

CXXVIII. 2000 acres.

Sir *Claude Hamilton* Kt. deceased, left this Land in Charge with Sir *George Hamilton*.

Upon this there are two thousand acres, called *Eden* and *Killiny*, and there is built a Bawne of Lyme and Stone seventy feet square, fourteen feet high, and a good Castle in it, both strong and beautiful. There is built near unto the Bawne six small Houses, and divers others on the Land, all which be inhabited with *Brittish* Families.

I find planted and estated by Promise upon this Land of *Brittish* Tenants.

Free-holders 6, *viz.* 4 having 120 acres le piece. 2 having 60 acres le piece. Lessees for Years, 14 *viz.* 5 having 60 acres le piece. 9 having 30 acres le piece.	These twenty Families, with their under Tenants, are able to make fifty Men. Yet these have no Estates; for that the Children are under age.

CXXIX.

CXXIX. 1500 acres.

James Haige was first Patentee.

Sir *George Hamilton*, and Sir *William Stewart* Kts. have jointly 1500 acres, called *Terremurrearteth*, alias *Mounterlony*.

Upon this there is nothing all built; but the Lord *Abercorne* and Sir *George Hamilton* are bound in a Bond of a thousand Pounds to Sir *William Stewart* to perform the building this *Summer*; I saw no *Brittish* Tenants on this Land; but I am told there are eight *Brittish* Families, and all the rest of the Land is inhabited with *Irish* Natives.

CXXX. 2000 Acres.

James Chapman was the first Patentee.

Sir *Robert Newcomen* Kt. hath 2000 acres, called *Newtowne* and *Lisslap*.

He is but newly come unto it, and he hath rebuilt the Castle, which is now four Stories high, ready to have the Roof set up, and two sides of the Wall of the Bawne is finished, being sixteen Feet high, the other two sides are going up a pace. There is a good Town in building before the Castle, wherein is already fourteen Houses, all inhabited with *English* and *Scottish* Tenants.

I find planted and estated upon this Land of *Brittish* Families.

Freeholders four, *viz.* 3 having 120 acres le piece. 1 having 60 acres. Lessees for Years, nine, *viz.* 2 having 180 acres le piece. 2 having 120 acres le piece. 4 having 60 acres le piece. 1 having 21 acres. Cottagers twelve, *viz.* Each of these have a House and Garden Plott and some Commons for greasing of Cows.	Total twenty five Families, able to make forty eight Men with Arms.

CXXXI.

CXXXI. 1000 acres.

Sir *John Drommond* Kt. hath a thousand acres, called *Ballymagnegh*.

Upon this there is a Bawne of Lyme and Stone, an hundred feet square, with four Flankers, and in it a Timber House of Cage work, himself and Family dwelling therein. He hath made a small Village a quarter of a Mile off, wherein are ten Houses, and a Water-Mill for Corn; there are many Tenants on the Land, but they have no Estates at all: Insomuch that they knowing I was in the Country, they came and complained unto me, and said that for these many Years they could never get any thing from him but Promises; and therefore the most Part of them are leaving the Land. I desired the Lady to shew me their Counterpains; but her answer was, that her Knight was in *Scotland*, and that she could not come unto them: But upon Examination I found there were thirty Men of *Brittans* on the Land.

The Precinct of the *Omy*, appointed to *English* Undertakers.

CXXXII. 3000 acres.

This is the Countess her Jointure.

The Earl of *Castlehaven* hath 3000 acres, called *Faugh* and *Rarone*.

Upon this there is no building at all, either of Bawne or Castle, neither Freeholders.

I find planted upon this Land some few *English* Families, but they have no Estates: for since the old Earl died the Tenants (as they tell me) cannot have their Leases made good unto them, unless they will give treble the Rent which they paid; and yet they must but have half the Land which they enjoyed in the late Earl's time.

Lessees for Years 8, *viz.*
1 having 120 acres.
6 having 60 acres le piece.
1 having 30 acres.

Cottagers, three.
Each of these have a small piece of Land to keep their Cows.

All these Tenants do dwell dispersedly upon their own Land, and cannot dwell together in a Village; because they are bound every one to dwell upon his own Land, which if they do not the Lease is void. These eleven Tenants can make no more Men, and all the rest of the Land is inhabited with *Irish*.

CXXXIII. 2000 acres.

The Earl hath more 2000 acres, called *Brede*. Upon this there is nothing built.

CXXXIV. 2000 acres.

The Earl hath more 2000 acres, called *Fentonagh*. Upon this likewise there is nothing built.

CXXXV. 2000 acres.

The Earle hath more 2000 acres, called *Edergoole*, and *Carneurackan*.

Upon this there was a large House begun, but now it is pulled down, and made but half so great; being three Stories high, and finished. The Agent for the Earl shewed me the Rent Roll of all the Tenants that are on these three Proportions; but their Estates are so weak and uncertain, that they are all leaving the Land. These were in Number sixty four; and each of these hold sixty acres, which they term a Town Land: The rest of the Land is let to 20 *Irish* Gentleman, as appeareth by the Rent Roll, which is contrary to the Articles of Plantation; and these *Irish* Gentlemen have under them, as I was informed by the Tenants and Gentlemen in the Country, about three thousand Souls of all sorts.

CXXXVI.

CXXXVI. 2000 acres.

Sir *John Davis* Kt. hath 2000 acres, called *Gavelagh* and *Clonaghmore*, alias *Castle Dirge*, and *Castle Curlews*.

Upon this Proportion there is built two strong and fair Castles of Lyme and Stone, but no Bawne to them.

Here I find planted and estated of *Brittish* Nation, *viz.*

Free-holders, four, *viz.* 1 having 120 acres. 3 having 60 acres le piece. Lessees for Years 12, *viz.* 3 having 60 acres le piece. 2 having 60 acres jointly. 2 having 60 acres jointly. 3 having 30 acres le piece. 2 having 60 acres jointly.	These sixteen Families are resident upon the Land, with some Tenants under them, which in all are able to make thirty Men. The rest of the land is inhabited with *Irish*, which are in a great Number.

The Precinct of *Clogher*, allotted to *English* Undertakers.

CXXXVII. 2000 acres.

The Lord *Ridgwaie* hath 2000 acres, called *Portclare* and *Ballykillgirie*.

Upon this Proportion there is a Bawne of Lyme and Stone fourteen feet square, with four Flankers, a Castle three Stories high, and an House besides; all, with the Bawn, being of Lyme and Stone.

I find planted and estated upon this Land of *Brittish* Families.

Free-Holders 2, *viz.* 1 having 120 acres. 1 having 60 acres Lessees for Lives 9, *viz.* 1 having 200 acres. 1 having 180 acres. 2 having 120 acres le piece. 4 having 60 acres le piece. 1 having 40 acres. Lessees for Years, 9, *viz.* 2 having 86 acres le piece. 7 having 60 acres le piece.	These twenty Families, with their under Tenants, are able to make fifty six Men with Arms.

The said Lord *Ridgwaie* hath three hundred and fifteen acres at the *Agher*, for the which he is to build a Town, and hath performed, *viz.*

There are made fifteen Houses, whereof two of them are of Lyme and Stone, the rest are all Cage Work and Couples.

Each of these have to their House that be principal Burgesses, two acres, and to them that are single Burgesses one acre, besides Commons for Cattle, the whole number of Burgesses must be twenty.

CXXXVIII. 1000 acres.

George Ridgwaie Gentleman hath a thousand acres, called *Thomas Court*.

Here is a Bawn of Lyme and Stone eighty feet square, having four Flankers, but no House in it.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-holder 1, *viz.* 1 having 120 acres. Lessees for 3 lives 6, *viz.* 5 having 120 acres le piece. 1 having 60 acres. Lessees for Years 4, *viz.* 1 having 60 acres. 1 having 120 acres. 1 having 40 acres. 1 having 30 acres.	In toto eleven Families, able to make twenty six Men with Arms.

CXXXIX.

CXXXIX. 1000 acres.

William Turvin was the first Patentee.

Sir *Gerrard Lowther*, Kt. hath 1000 acres, called *Moyenner* and *Ballegalin*.

Upon this there is a Bawne of Clay and Stone, with two Flankers, being eight Feet high.

This is let to one Mr. *Pringle*, who is dwelling on the Land in a poor Cabbin; but what Tenants he hath, I know not; for he refused to shew them unto me; but he brought after me a List of just twenty Tenants; but I know not whether they have any Estates; for the List doth not make any Mention what they hold. As I passed over the Land I saw divers ploughing; and this is all I can say of him.

CXL. 1500 acres.

Captain *Edney* was the first Patentee.

The Lord *Burleigh* hath 1500 acres, called *Loghmaguise*.

Upon this there is a Bawne of an hundred and forty Feet long, and sixty three Feet wide, with three Flankers, fourteen Feet high. There is a House within the Bawne, and a Castle begun; all which is of Lyme and Stone, being built to the second Storie. This is inhabited with a *Scottish* Gentleman.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-holders 5, *viz.* 1 having 120 acres. 2 having 200 acres le piece. 1 having 67 acres. 1 having 50 acres. Lease-holders for Years ten, *viz.* 2 having 60 acres le piece. 3 having 200 acres jointly. 1 having 100 acres. 4 having 66 acres le piece.	Total nineteen Families, who with their under Tenants are able to make 60 Men with arms.

Cottagers

Cottagers in Fee, four.
Each of these have a House and Garden Plott, and greasing on the Commons for Cows and Garrons.

CXLI. 2000 acres.

Sir *Francis Willoughby*, the first Patentee.

John Leigh, Esq; hath 2000 acres, called *Fentonagh*.

Upon this there is a Bawne of Lyme and Stone, with two Flankers, and a good large Stone House within it, in which he dwelleth. Near unto this Bawne there is a small Village consisting of eight Houses.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-holders 8, *viz.*
3 having 120 acres le piece.
2 having 60 acres le piece.
2 having 45 acres le piece.
1 having 66 acres.

Lessees for Years 12, *viz.*
4 having 100 acres le piece.
2 having 66 acres le piece.
1 having 120 acres.
3 having 66 acres le piece.
2 having 40 acres le piece.

Cottagers, twenty one.
Each of these have a House and Garden Plott, and most of them two acres, besides Commons for Cattle.

Total forty one Families, able to make forty eight Men, which have taken the Oath of Supremacy.

CXLII. 2000 acres.

Edward Kingsmill, the first Patentee.

Sir *William Stewart*, Kt. hath 2000 acres called *Ballenecoole* and *Balleranally*.

Upon

Upon this Proportion there is a large strong Castle in building, all of Lyme and Stone, which is now three Stories high, and when it is finished will be the fairest Castle in the whole Precinct. He is making a Bawne two hundred and forty Feet in length, and an hundred and twenty Feet in breadth, with four Flankers, being of Clay and Stone. He hath made a Village, where are now nine Houses, and more are in building: There is good store of Tillage, and all the *Irish* put from the Land.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-holders 5, *viz.* 1 having 180 acres. 2 having 120 acres le piece. 2 having 130 acres le piece. Lessees for Years, nine. 1 having 160 acres. 2 having 60 acres le piece. 4 having 60 acres le piece. 1 having 20 acres. 1 having 40 acres. Cottagers eight, *viz.* Each of these have a House and Garden Plott, with Commons for their Cattle.	Total 22 Families, who with their under Tenants, are able to make 64 Men armed.

CXLIII. 2000 acres.

Sir *Anthony Cope* was the first Patentee.

Sir *William Cope*, Kt. hath 2000 acres, called *Derribard*.

Upon this there is a Bawne of Clay and Stone pointed with Lyme, being eighty Feet square, with two Flankers, and a little House within it uncovered, all lying waste, and not any one *English* Man at all dwelling on the Land, but all inhabited with *Irish*.

CXLIV.

CXLIV. 1000 acres.

William Parsons Esq; hath 1000 acres, called *Balleneclagh*. Upon this there is a Bawne of Lyme and Stone, being sixty feet square, and thirteen Feet high, with two Flankers. There is in it a large Stone House, two Stories and a half high, in which his Brother, with his Wife and Family dwelleth.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-holders 2, *viz.*
2 having 120 acres le piece.

Lessee for 3 lives 1, *viz.*
1 having 180 acres.

Lessees for Years 8, *viz.*
2 having 180 acres le piece.
2 having 120 acres le piece.
4 having 60 acres le piece.

Cottagers, four, *viz.*
Each of these have a House and Garden Plott, with Commons for greasing their cattle.

In total 15 families, who with their under Tenants are able to make thirty eight Men armed, having taken the Oath of Supremacy, and most of them dwelling in a Village consisting of nine Houses.

The Precinct of *Mountjoy*, allotted to *Scottish* Undertakers.

CXLV. 1800 acres.

Sir *Robert Heyborne* Knight, hath one thousand eight hundred Acres, called *O'Carragan*.

Upon this Proportion there is a Bawne of Clay and Stone rough cast with Lime, the Walls not above seven Feet high, and a small House within it, being of Lime and Stone; also near adjoining to the Bawn there are ten little Houses standing together, inhabited with *Brittish* Families.

I find

I find planted and estated upon this Land of *Brittish* Tenants.

Free-holders, six, *viz.* 1 having 660 acres. 2 having 240 acres le piece. 3 having 180 acres le piece. Lessees for Years 3, *viz.* 1 having 180 acres. 1 having 60 acres. 1 having 30 acres.	Total 9 Tenants, who, with their Undertenants are able to make 26 Men with Arms.

CXLVI. 3500 acres.

The Lord *Ucbiltree* hath three thousand five hundred Acres called *Revelin-outra* and *Eighira*.

There is no more done now than was at the last Survey; the Castle is thatched, and the Lord absent. Near unto the Castle there are a great many poor *Irish* Houses inhabited with *Brittish* Families.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-Holders 7, *viz.* 2 having 180 acres le piece. 5 having 120 acres le piece. Lessees for Years 12, *viz.* 5 having 120 acres le piece. 7 having 60 acres le piece.	Total 19 Tenants, who, with their Undertenants, are able to make 80 Men with Arms.

CXLVII. 1500 acres.

Captain *Sanderson* Esq; hath one thousand Acres called *Tullylegan*.

Upon this there is a good Bawne of Clay and Stone, rough cast with Lime, having two Flankers, and a very good House of Lime and Stone, himself, with his Wife and Family, now dwelling there; and about him some Number of Houses inhabited with *Brittish* Families.

I find

I find planted and eſtated upon this Land of *Brittish* Families.

Freeholders 5, *viz.* 2 having 120 acres le piece. 3 having 60 acres le piece. Leſſees for three lives 4, *viz.* 2 having 120 acres le piece. 2 having 60 acres le piece. Cottagers ſeven, *viz.* Theſe ſeven do hold 120 acres among them for twenty one Years.	In Total 16 Families, able to make 36 Men with Arms.

CXLVIII. 1000 acres.

Mrs. *Lindſey*, late Wife to *Robert Lindſey*, hath one thouſand Acres called *Tullagboge*.

Upon this there is a good ſtrong Bawne of Earth, with a Quick-ſet Hedge upon it, and a Ditch about it. There is a Timber Houſe within it, in which ſhe and her Family dwell.

I find planted and eſtated upon this Land of *Brittish* Birth and Deſcent.

Free-holders 2, *viz.* 2 having 120 acres le piece. Leſſees, 8, *viz.* 1 having 120 acres. 1 having 60 acres. 6 having 120 acres. Cottagers, 12. *viz.* Theſe hold among them 120 acres.	Total twenty two Tenants, able to make thirty Men with Arms.

CXLIX. 1000 acres.

Bernard Lindſey was the firſt Patentee.

Alexander Richardſon hath one thouſand Acres called *Creighballe*.

Upon

Upon this there is built a Bawne of Clay and Stone, being rough caſt with Lime, ninety Feet ſquare, with four Flankers, and a Timber Houſe in it, in which he, with his Family, is now dwelling.

I find planted and eſtated upon this Land of *Brittiſh* Tenants.

Free-holders, 2, *viz.* 2 having 120 acres. Leſſees for years 4, *viz.* 1 having 120 acres. 2 having 120 acres jointly. 1 having 60 acres. Cottagers, eleven, *viz.* Each of theſe have a Tenement and Garden Plot, and Commons for their Cattle.	In total 17 Tenants, able to make 39 Men armed.

CL. 1000 acres.

Robert Stewart was the firſt Patentee.

Andrew Stewart, Son of the Lord *Uchiltree*, hath one thouſand Acres called *Ballenekeuan*.

Upon this there is now in building a ſmall Caſtle twenty Feet ſquare; it is two Stories high, the Bawne is laid out to be ſixty Feet ſquare, and of that there is but one of the Sides begun, being eight Feet high; but the Workmen are hard at Work, and have promiſed to make haſte.

I find planted and eſtated upon this Land of *Brittiſh* Tenants.

Free-Holders, 2, *viz.* 1 having 240 acres. 1 having 120 acres. Leſſees for Years, 8, *viz.* 2 having 240 acres le piece. 3 having 120 acres le piece. 1 having 60 acres. 2 having 120 acres jointly.	Total ten Families, who, with their Undertenants, are able to make 32 Men with Arms.

CLI.

CLI. 1000 acres.

David Kenedaie hath one thousand acres called *Gortevill.* Upon this there is a good Bawne of Lime and Stone eighty Feet square, with three Flankers, and a House of Timber within it, in which he dwelleth. There are about the Bawne twelve Houses inhabited by *Brittish* Tenants.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-holders, 2, *viz.* 2 having 120 acres le piece. Lessees for Years, 5, *viz.* 1 having 180 acres. 2 having 120 acres le piece. 2 having 60 acres le piece. Cottagers 9, *viz.* Each of these have a House and a Garden Plot, and Commons for their Cattle.	Totall 16 Families, who, with their Undertenants, can make 36 Men armed.

The Precinct of *Dunganon*, allotted to Servitors and Natives.

CLII. 1140 acres.

The Lord *Chichester* hath one thousand one hundred and forty Acres called *Dungannon.*

Upon this there is built a Fort of Lime and Stone, one hundred and twenty Feet square, with four half Bulwarks, and a deep Ditch about it, twenty Feet broad, and Counterscarped. There is a Castle to be built by Captain *Sandford*, who hath contracted for the finishing of it this Summer. Upon the Land without the Town there are three *English* Houses, being inhabited with *English* Men.

CLIII.

CLIII. 500 acres.

His Lordship is to Build a Town in *Dungannon*, for which there is laid out five hundred Acres.

Upon this there is now built nine fair Stone Houses, whereof one of them hath a Stone Wall about it, and there are five more which are now ready to have the Roof set up. Also six strong Timber Houses built of good Cage Work, and six more of the same, which are framed and ready to be set up, and are contracting for the finishing. There are *Brittish* Tenants that are for these Houses when they be built, that dwell in the Town in small Cabbins.

There is also a large Church with a Steeple, all of Lime and Stone, now ready to be covered. Besides these *Brittish* Tenants within the Town, (which are thirty *English* Families,) there are thirty six *Irish*, which come to the Church, and have taken the Oath of Supremacy.

CLIV. 2000 acres.

The Lord *Ridgwaie* hath two thousand Acres called *Large*.

Upon this there is built a Bawne of Lime and Stone one hundred and sixty Feet square, fourteen Feet high, with four Flankers, and a House in it of Timber. There are dwelling three *English* Families upon the Land near to the Bawne.

CLV. 1000 acres.

Sir *Toby Caufield* hath one thousand Acres called *Ballidonnell*, whereunto is added, beside what was certified by Sir *Josias Bodley*, a fair House or Castle, the Front whereof is eighty Feet in length, and twenty eight Feet in breadth from out side to out side, two Cross ends fifty Feet in length, and twenty eight Feet in breadth: The Walls are five Feet thick in the Bottom, and four at the Top, very good Cellars under Ground, and all the Windows of hewn Stone. Between the two Cross Ends there goeth a Wall, which is eighteen Feet high, and maketh a small Court within the building. This Work at this Time is but thir-

teen Feet high, and a Number of Men at Work for the ſudden finiſhing of it.

There is alſo a ſtrong Bridge over the River, which is of Lime and Stone, with ſtrong Butteriſes for the ſupporting of it.

And to this is joined a good Water Mill for Corn, all built of Lime and Stone. This is at this Time the faireſt building that I have ſeen. Near unto this Bawne there is built a Town, in which there are fifteen *English* Families, who are able to make twenty Men with Arms.

CLVI. 1000 acres.

Sir *Francis Roe* Kt. hath one thouſand acres, called *Mannor Roe*.

Upon this there is a good Bawne of Earth, eighty feet long, and ſixty feet broad, with a Quickſet ſet upon it, and a good deep Ditch about it. There is within it a very good ſmall Houſe of Brick and Stone, inhabited by an *English* Gentleman, and his Family. There are alſo about the Bawne ſeventeen Houſes, which are inhabited with *Brittiſh* Tenants, who have Eſtates for Years, and have taken the Oath of Supremacy.

CLVII. 1000 acres.

William Parſons Eſq; hath a thouſand acres called *Alte-deſert*.

Upon this there is a Bawne of Stone and Lyme ſeventy feet ſquare, with two Flankers, with a Houſe within it, wherein is dwelling an *English* Man and his Family. The reſt of the Land is inhabited with *Iriſh*; for he hath it as a Servitor, and is leaſed for a certain number of Years and certain Rents.

CLVIII. 480 acres.

Sir *Francis Anſley* Kt. hath four hundred and eighty acres called *Clanaghrie*.

Upon this there are a Bawne of Sodd intrenched about.

CLIX.

CLIX. 2000 acres.

The Lord *Wingfield* hath two thousand acres called *Benburb.*

Upon this there is built a Bawne of Lyme and Stone an hundred and twenty feet square; fourteen feet high, with two Flankers, in which there is built in each a good House, three Stories high, and is inhabited with an *English* Gentleman, with his Wife and Family. There is also a Church in building seventy feet long, and twenty four feet broad, with eight large Windows, and is now ready to have the Roof set up. There are also twenty *English* Families dwelling on the Lands, which are able to make thirty Men with Arms.

CLX. 4000 acres.

Tirlagh O-Neale hath four thousand acres.

Upon this he hath made a piece of a Bawne, which is five feet high, and hath been so a long time. He hath made no Estates to his Tenants, and all of them do plough after the *Irish* manner.

County of ARDMAGH.

The Precinct of *Oneilan*, allotted to *English* Undertakers.

CLXI. 2500 acres.

William Bromlow Esq; hath two Proportions, *viz. Dowcoran* being 1500 acres, and *Ballenemony* 1000 acres.

Upon the Proportion of *Ballenemony* there is a strong Stone House within a good Island; and at *Dowcoran* there is a very fair House of Stone and Brick, with good Lyme, and hath a strong Bawne of Timber and Earth, with a Pallazado about it. There is now laid in readiness both Lyme and Stone to make a Bawne thereof, the which is promised to be done this *Summer*. He hath made a very fair Town consisting of forty two Houses, all which are inhabited with *English* Families, and the Streets all paved clean through; also two Water Mills, and a Wind Mill, all for Corn, and he hath store of Arms in his House.

I find planted and estated on this Land of *Brittish* Families.

Lessees for years 52, *viz.*
1 having 420 acres.
1 having 300 acres.
1 having 240 acres.
3 having 200 acres le piece.
1 having 120 acres.
13 having 60 acres le piece.
8 having 50 acres le piece.
6 having 40 acres le piece.
6 having 30 acres le piece.
9 having 26 acres le piece.
1 having 100 acres.
1 having 11 acres.
1 having 5 acres.

Freeholders 5, *viz.*
5 having 120 acres le piece.

Total 57 Families, who have divers under them; and all these have taken the Oath of Supremacy, and are able to make an hundred Men with Arms. There is also good store of Tillage, and not one *Irish* Family upon all the Land.

CLXII.

CLXII. 1000 acres.

Sir *Oliver St. John* Kt. hath a thousand acres, called *Kernan*.

Upon this there are two Bawnes of Timber, and moated about, and made very strong. There is in each of these an *English* House of Cage work, and two *English* Families dwelling in them; there is near to one of these Bawnes five Houses, being inhabited with *English* Families; the rest are dispersedly upon the Land three or four Families together.

I find planted and estated on this Land of *Brittish* Tenants.

Freeholders, 5, *viz.* 5 having 120 acres le piece. Lessees for Years eight, *viz.* 2 having 120 acres le piece. 3 having 100 acres le piece. 2 having 60 acres le piece. 1 having 40 acres. Cottagers four, *viz.* Each of these have a Tenement and a Garden Plott, with Commons for their Cattle.	Total 17 Families, who, with their under Tenants are able to make thirty Men with arms; and thirteen of these have taken the Oath of Supremacy.

CLXIII. 2000 acres.

William Powell was first Patentee.

Mr. *Obbyns* hath 2000 acres, called *Ballnevoran*.

Upon this there is built a Bawne of Sodds, with a Palazado upon it of Boards, ditched about. Within this there is a good fair House of Brick and Lyme, himself dwelling thereon; near to this he hath built four Houses inhabited with *English* Families.

I find planted and estated on this Land of *Brittish* Tenants.

Free-holders five, *viz.* 3 having 120 acres le piece. 2 having 100 acres le piece. Leſſees for Years 15, *viz.* 4 having 100 acres le piece. 2 having 60 acres le piece. 3 having 66 acres le piece. 2 having 40 acres le piece. 1 having 30 acres. 3 having 100 acres jointly.	These twenty Tenants with their under Tenants are able to make forty ſix Men with Arms.

CLXIV. 3000 acres.

The Lord *Say* was the firſt Patentee.

Mr. *Cope* hath 3000 acres, called *Derrycravy* and *Dromully*.

Upon this there is a Bawne of Lyme and Stone an hundred and eighty feet ſquare, fourteen feet high, with four Flankers, and in three of them he hath built very good Lodgings, which are three Stories high. There are alſo two Water Mills and one Wind Mill; and near to the Bawne he hath built fourteen Houſes of Timber, which are inhabited with *Engliſh* Families.

I find planted and eſtated upon this Land of *Brittiſh* Tenants.

Free-holders 6, *viz.* 1 having 200 acres. 3 having 120 acres le piece. 2 having 60 acres le piece. Leſſees for Years 34, *viz.* 3 having 120 acres le piece. 4 having 100 acres le piece. 2 having 80 acres le piece. 3 having 60 acres le piece. 1 having 55 acres. 2 having 50 acres le piece. 2 having 40 acres le piece.	These 47 Families, with their under Tenants, are able to make 80 Men with Arms. There are 18 of theſe have taken the Oath of Supremacy.

7 having

7 having 30 acres le piece.
2 having 25 acres le piece.
2 having 23 acres le piece.
1 having 44 acres.
3 having 20 acres le piece.
2 having 10 acres le piece.

Cottagers 7, *viz.*

3 having 3 acres le piece.
2 having 2 acres.
2 having 1 acre le piece, with Commons for their Cattle.

CLXV. 1000 acres.

Richard Roulstone hath a thousand acres, called *Semore.*

Upon this there is a Bawne of Sodds, with a Pallazado, and moated about, and a little House in it, inhabited with an *English* Family; and near to the Bawne he hath made nine Houses, which are inhabited with *English* Tenants.

I find planted and estated upon this Land of *Brittish* Tenants.

Free-Holders, 2, *viz.*

2 having 120 acres le piece.

Lessees for Years 8, *viz.*

6 having 120 acres le piece.
1 having 20 acres.
1 having 12 acres.

Total 10 Families, who with their under Tenants are able to make 24 Men with Arms.

CLXVI. 2000 acres.

John Heron hath two thousand acres, called *Aghivillan* and *Brochus.*

Upon this he hath built two small Bawnes of Earth, with a Pallazado upon them, and a Ditch about them; and near unto each of these Bawnes he hath built Houses, which are inhabited with *English* Families.

I find planted and eſtated upon this Land of *Brittiſh* Families.

Free-holder 1, *viz.* 1 having 180 acres. Leſſees for Years 12, *viz.* 1 having 120 acres. 2 having 30 acres le piece. 3 having 20 acres le piece. 2 having 15 acres le piece. 3 having 10 acres le piece. 1 having 60 acres.	Total 13 Families, which, with their under Tenants, are able to make 26 Men with Arms.

CLXVII. 1500 acres.

William Stanhowe hath 1500 acres, called *Kannagoolan.*

Here is nothing at all built, himſelf is in *England*, and hath been there theſe ſeven Years. There are not above three or four poor *Engliſh* Men upon the Land. All the Land is inhabited with *Iriſh*.

CLXVIII. 2000 acres.

Francis Sacheverill Eſq; hath two thouſand acres, called *Mullalleliſh* and *Leggacorry*.

I find planted and eſtated upon this Land of *Brittiſh* Tenants.

Freeholders 3, *viz.* 1 having 150 acres. 1 having 120 acres. 1 having 100 acres. Leſſees for Years 18, *viz.* 1 having 220 acres. 5 having 100 acres le piece. 1 having 95 acres. 1 having 80 acres. 1 having 74 acres. 4 having 60 acres. 2 having 40 acres le piece. 1 having 12 acres. 1 having 15 acres. 1 having 30 acres.	Total 21 Families, who, with their under Tenants, are able to make 50 Men with Arms.

CLXIX.

CLXIX. 1500 acres.

John Dillon Esq; hath one thousand five hundred acres, called *Mullabane*.

Upon this Proportion there is a House begun some three Years since, but is not half finished, being of Brick and Lyme, and a very fair Building. There is no Bawne. He hath great store of Tenants, the which have made two Villages, and dwell together.

I find planted and estated upon this Land of *Brittish* Families

Free-holders 3, *viz.* 3 having 120 acres le piece. his Sons. Lessees for lives 18, *viz.* 3 having 100 acres jointly. 4 having 100 acres jointly. 2 having 100 acres le piece. 2 having 80 acres le piece. 1 having 70 acres. 5 having 60 acres le piece. 1 having 50 acres. Lessees for Years 8, *viz.* 1 having 47 acres. 2 having 30 acres le piece. 1 having 40 acres. 1 having 30 acres. 1 having 23 acres. 1 having 20 acres. 1 having 10 acres.	Total 29 Families, who, with their under Tenants, are able to make 40 Men with Arms.

The

The Precinct of the *Fewes*, allotted to *Scottish* Undertakers.

CLXX. 1000 acres.

Henry Atcheson Esq; hath a thousand acres called *Coolemalish*.

There is upon this a Bawne of Clay and Stone, being an hundred and twenty feet long, and eighty feet broad, with four Flankers. In this Bawne there is a House, the one half is Stone and Lyme, and the upper Part is Timber. I find a great number of Tenants on this Land, but not any that have any Estates, but by Promise, and yet they have been many Years upon the Land. There are nominated to me two Freeholders, and seventeen Leaseholders, all which were with me, and took the Oath of Supremacy, and petitioned unto me, that they might have their Leases; the which Mr. *Atcheson* seemed to be willing to perform it unto them presently. These are able to make thirty Men with Arms. Here is great store of Tillage.

CLXXI. 1000 acres.

James Craig was the first Patentee.

John Hamilton Esq; hath a thousand acres called *Magharientrim*.

Upon this there is a Bawne of Stone and Clay, being sixty feet square, twelve feet high, with two Flankers.

I find planted and estated upon this Land of *Brittish* Families.

Freeholders

Freeholders two, *viz.* 1 having 200 acres. 1 having 100 acres. Leſſees for Years 6, *viz.* 1 having 120 acres. 2 having 60 acres le piece. 1 having 96 acres. 1 having 60 acres. 1 having 50 acres. Cottagers twelve, *viz.* Each of theſe have a Tenement and a Garden Plott, with Commons for their Cows.	Total 20 Families, able to make 30 Men with Arms. And theſe have all taken the Oath of Supremacy.

CLXXII. 1000 acres.

William Lawders was the firſt Patentee.

John Hamilton Eſq; hath a thouſand acres called *Kilruddan.*

Upon this there is a Bawne of Stone and Clay ſixty feet ſquare, twelve feet high, with two Flankers, and a Houſe in it. Near to the Bawne there are ſeven Houſes, being inhabited with *Brittiſh* Tenants.

I find planted and eſtated upon this Land of *Brittiſh* Tenants.

Freeholders two, *viz.* 2 having 120 acres le piece. Leſſees for Years 5, *viz.* 2 having 120 acres le piece. 1 having 60 acres. 2 having 66 acres le piece. Cottagers ten, *viz.* Each of theſe have a Tenement and Garden Plott, with Commons for their Cattle.	Total ſeventeen, able to make thirty Men armed; and all theſe have taken the Oath of Supremacy.

CLXXIII.

CLXXIII. 500 acres.

John Hamilton Esq; hath 500 acres called *Edenagh*. The other five hundred acres were gotten from him by the Dean of *Ardmagh*. Upon this there is a Bawne of Stone and Clay, pointed with Lyme: There are near the Bawne six Houses inhabited with *Brittish* Tenants.

I find planted and estated upon this Land of *Brittons*.

Freeholder one, *viz.* 1 having 120 acres. Lessees for Years 4, *viz.* 1 having 120 acres. 1 having 100 acres. 1 having 80 acres. 1 having 30 acres. Cottagers five. Each of these have a Tenement and a Garden Plott, with Commons for their Cattle.	Total ten Families, who with their under Tenants are able to make twenty two Men with Arms; and all these have taken the Oath of Supremacy.

CLXXIV. 2000 acres.

Sir *James Douglas* was the first Patentee.

Archibald Atcheson Esq; hath 2000 acres called *Clancarny*.

Upon this there is a Bawne of Stone and Lyme, being an hundred feet long, eighty feet broad, and ten feet high, with four Flankers two Stories high, and thirteen feet wide, within the Walls, which serve for good Lodgings. There is also a Castle begun, which is eighty feet in length, twenty two feet wide, and is now two Stories high. There are near to the Bawne seven Houses inhabited with *British* Tenants. He hath in the Bawne great store of Arms, which will arm 129 Men.

I find

I find planted and estated upon this Land of *Brittish* Families.

Freeholders four, *viz.* 1 having 200 acres. 3 having 100 acres le piece. Lessees for Years 20, *viz.* 1 having 200 acres. 2 having 180 acres le piece. 1 having 120 acres. 4 having 60 acres le piece. 6 having 60 acres jointly. 2 having 60 acres jointly. 4 having 60 acres jointly. Cottagers, five, *viz.* Each of these have a House and Garden Plott, with Commons for their Cattle.	Total 29 Families, who, with their under Tenants are able to make an hundred and forty four Men with Arms. Besides he hath built a Town called *Clancarny*, where he hath 29 *Brittish* Tenants dwelling; each of them having some small parcels of Land; so that in the whole number he can make 173 men armed.

The Precinct of *Orior*, allotted to Servitors and Natives.

CLXXV. 500 acres.

Sir *John Davies* Knight hath five hundred acres, called *Cornechino*.

Upon this there is nothing at all built, nor so much as an *English* Tenant on the Land.

CLXXVI. 1500 acres.

Sir *Oliver St. John* Knight hath fifteen hundred Acres, called *Ballemoore*.

For building there cannot be more spoken than what hath been formerly by Sir *Josias Bodly*, only the Town is increased in Buildings, being all inhabited with *English* Tenants. There are nine *Irish* Families in the Town, which

which come to Church, and have taken the Oath of Supremacy.

CLXXVII. 1000 acres.

The Lord *Moore* hath one thousand Acres, called *Ballemoneban.*

Upon this there is a Bawne of Lime and Stone, very near one hundred Feet square, with two Flankers; in one of them there is a small House built, being inhabited by an *Irishman.*

CLXXVIII. 2000 acres.

Henry Bowcher Esq; hath two thousand Acres, called *Claire.*

Upon this Proportion there is a Bawne of Lyme and Stone, being one hundred Feet in length, and eighty Feet in Breadth, and fourteen Feet high, with two Flankers. There is now in building a good strong Stone House which is fully two Stories high, and a number of Workmen labouring for the speedy finishing thereof.

CLXXIX. 1000 acres.

Captain *Anthony Smith* hath one thousand Acres.

Upon this there is a Bawne of Stone and Clay, which was formerly begun by Sir *Thomas Williams.* The said Captain hath begun another Bawne of Stone and Lyme, being in a more convenient Place, the which shall be eighty Feet square, with two Flankers, and a good Stone House thirty Feet long, and twenty Feet broad. This is undertaken to be finished by *July*; for there are a great Number of Men at work.

CLXXX. 200 acres.

Lieutenant *Poyns* hath two hundred Acres, called *Curriator.*

Upon this there is a Bawne of eighty Feet square, the lower part whereof is of Stone and Clay, with a House in it; but he not liking of the Seat hath begun a Bawn of one hundred Feet square, with three Flankers, and a large House,

House, all which shall be of Brick and Lime, which is there now in the Place, with Workmen labouring very hard, and is undertaken to be finished by *August*.

CLXXXI. 1000 acres.

Henry Mc-Shane O-Neal hath one thousand Acres, called *Camlogh*; but he, being lately dead, it is in the Hands of Sir *Toby Caulfield*, who intendeth to do something upon it; for as yet there is nothing built.

LONDON-DERRY, City and County.

CLXXXII.

The City of *London-Derry* is now compassed about with a very strong Wall, excellently made, and neatly wrought; being all of good Lime and Stone; the Circuit whereof is two hundred and eighty four Perches and $\frac{2}{3}$ at eighteen Feet to the Perch; besides the four Gates which contain eighty four Feet; and in every Place of the Wall it is twenty four Feet high, and six Feet thick. The Gates are all Battlemented, but to two of them there is no going up, so that they serve to no great Use, neither have they made any Leaves for their Gates; but make two Draw-Bridges serve for two of them, and two Portcullices for the other two. The Bullwarks are very large, and good, being in Number nine; besides two half Bullwarks; and for four of them there may be four Cannons, or other great Pieces; the rest are not all out so large, but wanteth very little. The Rampart within the City is twelve Feet thick of Earth; all things are very well and Substantially done, saving there wanteth a House for the Soldiers to Watch in, and a Centinell House for the Soldiers to stand in in the Night to Defend them from the Weather; which is most Extream in these Parts. Since the last Survey there is built a School, which is sixty seven Feet in length, and twenty five Feet in breadth, with two other

other ſmall Houſes. Other building there is not any within the City. The whole Number of Houſes within the City are ninety two, and in them there are one hundred and two Families, which are far too few a Number for the Defence of ſuch a Circuit; they being ſcarce able to Man one of the Bullwarks; neither is there Room enough to ſet up one hundred Houſes more, unleſs they will make them as little as the firſt, and Name each Room for a Houſe.

CULMOORE FORT.

CLXXXIII.

This Fort or Block-Houſe of *Culmoore* is now in the Hands of Captain *John Baker*; the Walls are now finiſhed, and the Caſtle Built; all which is ſtrong and neatly Wrought, with Platforms for their Artillery; and this is the only Key and Strength of the River that goeth to the *Derry*.

COLERANE.

CLXXXIV.

The Town of *Colerane* is at the ſame State it was at the laſt Survey; there are but three Houſes added more to the Building, which are done by other Men; only the City hath allowed them twenty Pounds a Piece towards their Building.

That Part of the Town, which unbuilt, is ſo extream Dirty, that no Man is able to go in it, and eſpecially that which ſhould and is accounted to be the Market Place.

The Walls and Ramparts, built of Sodds, and filled with Earth, do begin to Decay very much, and to Moulder away; for the Ramparts are ſo Narrow, that it is impoſſible they ſhould ſtand, and the Bullwarks are ſo exceeding little, that there cannot be placed any piece of Artillery, if Occaſion were. There are two ſmall Ports which

which are made of Timber and Boards, and they serve for Houses for the Soldiers to Watch in.

This Town is so poorly inhabited, that there are not Men enough to Man the sixth Part of the Wall.

GOULD-SMITHS-HALL.

CLXXXV. 3210 acres.

John Freeman Esq; hath this Proportion, containing by Estimation three thousand two hundred and ten Acres.

Upon this Proportion there is a Bawn of Lime and Stone, one hundred Feet square, sixteen Feet high, with four Flankers. Also there is a large Castle or Stone House in building within the Wall, which was two Stories high, and the Workmen earnestly at Work to finish it with all haste. There are also six Houses of Stone, and six of Timber, very Strong and well built, and seated in a very good and convenient Place for the King's Service.

I find planted and estated upon this Land of *British* Tenants.

Freeholders 6, *viz.* 1 having 180 acres. 5 having 60 acres le piece. Lessees for Years 24, *viz.* 2 having 300 acres le piece. 2 having 120 acres le piece. 1 having 100 acres. 10 having 60 acres le piece. 1 having 50 acres. 4 having 40 acres le piece. 2 having 30 acres le piece. 1 having 46 acres. 1 having 20 acres.	Totall 30 Families, who, with their Undertenants, are able to make 90 Men armed, and have taken the Oath of Supremacy.

GROCERS-HALL alias *Muffe.*

CLXXXVI. 3210 acres.

Edward Rone had this Proportion; but he being dead there is no body to aver for the Buildings.

Upon this Proportion there is a Bawne in building, being one hundred Feet ſquare, with four Flankers, the Walls are now five Feet high. By this Bawne there are built four good ſtrong Houſes of Lime and Stone, and well ſlated. There are four more that are built in other Places, ſomewhat further off. There are other Houſes of Lime and Stone, that are upon the Land diſperſed; but they are built by the Tenants themſelves; and yet they have no Eſtates, and likely, as they tell me, to be removed, ſome of them having ſpent upon their building one hundred Pounds; and this is through the Slackneſs of the Company that have not made Eſtates to the Undertakers. All this Land for the moſt Part is inhabited with *Iriſh.*

FISHMONGERS-HALL, alias *Ballykelle.*

CLXXXVII. 3210 acres.

This Proportion is in the Hands of *James Higgins*, a Merchant of *London*, whoſe Agent is here reſident.

Upon this there is built a ſtrong Bawne of Stone and Lime, one hundred and twenty five Feet ſquare, twelve Feet high, with four Flankers, and a good Houſe within it, being fifty Feet ſquare, all finiſhed and inhabited by the Agent, and furniſhed with good Store of Arms.

There are near to the Caſtle fifteen Houſes, whereof three are of Stone and Lime; the reſt are of Timber, and are rough caſt with Lime and ſlated. Theſe ſtand in a convenient Place for Service. There is alſo a Church near

near built, which is forty three Feet long, twenty six wide, neatly made up, and a good Preacher to teach the People.

I find planted and estated upon this Land of *British* Tenants.

Freeholders 6, *viz.* 5 having 160 acres le piece. 1 having 120 acres. Lessees for Years, 28, *viz.* 1 having 240 acres. 2 having 280 acres le piece. 4 having 120 acres le piece. 8 having 60 acres le piece. 1 having 90 acres. 6 having 20 acres le piece. 3 having 60 acres le piece. 3 having 30 acres le piece.	Totall 34 Families, which, with their Undertenants, are able to make 40 Men with Arms.

IRON-MONGERS-HALL.

CLXXXVIII. 3210 acres.

George Cammynge, Agent for the Company, is here resident; but he hath no Order to make any Estates to any Tenants, that are come thither to dwell; notwithstanding there are divers that have disbursed a great deal of Money, and built good Houses. All that these Men can get are Articles of Agreement for thirty one Years; but they fear that this may be altered by others that may come after: Notwithstanding they pay for every Town Land, which they Account to be but sixty Acres, five Pounds, ten Shillings, or five Pounds per Annum. The Uncertainty of this is a great hindrance of the Plantation. The Castle, which was formerly begun, is thoroughly finished, being a very good and strong Castle; and there is a Bawne of Brick and Lime, whereof there are but three Sides done, withort Flankers, which maketh the Place of

no Strength. There are also eight dwelling Houses of Cage Work, some are slated, and some shingled; but they stand so far asunder that they can have but little Succour one of another. Besides here is an Infinite Number of *Irish* upon the Land, which give such great Rents, that the *English* cannot get any Land.

MERCER'S-HALL, alias *Mavanaway*.

CLXXXIX. 3210 acres.

This is not set to any Man as yet; but is held by one *Vernon*, Agent for the Company.

Upon this Proportion the Castle, which was formerly begun, is now thoroughly finished, being not Inferior to any that is Built; for it is a good strong Work, and well Built, and a very large Bawn of one hundred and twenty Feet square, with four Flankers, all of good Stone and Lime. Not far from the Bawne there are six Houses of Cage-Work, some covered with Shingles, and some thatched, and inhabited by such poor Men as they could find in the Country; and these pay such dear Rates for the Land, that they are forced to take *Irish* Tenants under them to pay the Rent. There are divers other Houses of slight building, but they are far off, and dwell dispersedly in the Wood, where they are forced of meer necessity to relieve such Wood; Kearn as go up and down the Country; and, as I am informed by Divers in the Country, there are in forty six Town Lands of this Proportion, that are set to the *Irish* of the Sept of *Clandonells*; which are the wickedest Men in all the Country.

MERCHANT-TAILORS-HALL, alias *Macoskin*.

CXC. 3210 acres.

This is in the Hands of *Valentine Hartopp* Esq; who is newly come to dwell there, having taken this Proportion of the Company for sixty one Years. This Castle is finished,

nished, being fifty Feet long, and thirty four Feet wide; the Castle is battlemented, and built very Strong. There is no Bawne begun as yet; but the Gentleman is causing Stone and Lime to be laid in readiness, that they may go roundly away with it. Here, near unto the Castle, are built seven good Houses of Stone and Lime, well slated and inhabited with *English*, standing altogether in a well chosen Place. There is a fair large Church well finished, being eighty six Feet long, and thirty two Feet broad, the Roof set up and ready to be slated.

I find planted and estated on this Land of *British* Tenants.

Free-holders six, *viz.* 6 having 60 acres le piece. Lessees for Years 18, *viz.* 1 having 210 acres. 1 having 180 acres. 3 having 120 acres le piece. 5 having 60 acres le piece. 2 having 60 acres jointly. 6 having 36 acres le piece. Cottagers, 5, *viz.* Each of these have a House and a Garden Plot, with three acres of Land.	Totall 29 Families, able to make 40 Men with good Arms; for here is great Store.

HABBERDASHERS-HALL, alias *Ballycastle*.

CXCI. 3210 acres.

Sir *Robert Mac Lelian* hath taken this of the Company for sixty one Years; and upon this the Castle is strongly finished, being very Strong and well Wrought, himself with his Lady and Family dwelling in it. There is no Bawn nor Sign of any, nor any other kind of Building, more than slight Houses after the *Irish* manner, which are dis-

perſed all over the Land. The Church lyeth ſtill as at the firſt, and nothing at all doing unto it. There were nominated unto me ſix Free-holders, which were in *Scotland*, and theſe were ſet down but for ſmall Quantities; and twenty one Leaſe-holders, but not any one of theſe could ſhew me any thing in writing for their Eſtates; neither could the Landlord ſhew me any Counterpains. It is true I ſaw the Land planted with *Brittish* Tenants to the Number of eighty Men, and in the Caſtle Arms for them.

CLOTHWORKER'S-HALL.

CXCII. 3210 acres.

The ſaid Sir *Robert* hath taken this Proportion of the Company for ſixty one Years; and upon this there is a Caſtle of Lime and Stone, fifty four Feet long, thirty four Feet wide, and twenty eight Feet in height; but this is not as yet covered, neither no Plantation with any *Brittiſh* Tenants, but only one Free-holder, which is the Parſon of the Pariſh. For all this Land is inhabited with *Iriſh*.

SKINNER'S HALL, alias *Dungeven.*

CXCIII. 3210 acres.

The Lady *Dodington*, late Wife to Sir *Edward Dodington* deceaſed, is in Poſſeſſion of this, ſhe having a Grant of it from the Company for ſixty one Years. Here is built a ſtrong Caſtle, being two Stories high and a half, with a large Bawn of Lyme and Stone, well fortified. In this the Lady is now dwelling, with twenty four in her Family. There is alſo in another place of this Land, called *Croſſalt*, a ſtrong Caſtle of Lyme and Stone built by Sir *Edward*, being eighty Feet long, and thirty four feet broad, with two Turrets to flank it; alſo a Bawn of Lyme and Stone, an hundred Feet ſquare, fourteen Feet, and four Flankers; ſo that on this Proportion there are two Bawnes and two Caſtles, with two Villages, containing twelve Houſes

Houses a piece. At each Castle also there is a Church adjoining to the Castle, and a good Teacher to instruct the People. There is plenty of Arms in these Castles.

I find planted and estated on this Land of *Brittish* Tenants.

Freeholders, seven, *viz.* 1 having 200 acres. 6 having 120 acres le piece. Lessees for Years, eight, *viz.* 1 having 300 acres. 4 having 160 acres le piece. 3 having 100 acres le piece. Cottagers twelve, *viz.* Each of these have a House and Garden Plott and some of them three acres of Land, and some two acres.	In Total 27 Families resident on the Land, and are able to make with their under Tenants 80 Men.

VINTNER's HALL.

CXCIV. 3210 acres.

This is in the Hands of *Baptist Jones* Esq; who hath built a Bawn of Brick and Lyme, an hundred Feet square, with two round Flankers, and a good Rampart, which is more than any of the rest have done. There are also within the Bawn two good Houses, one opposite to the other, the one is seventy Feet long and twenty five Feet wide; the other is nothing inferior unto it. Near unto the Bawn he hath built ten good *English* Houses of Cage-Work, that be very strong and covered with Tiles, the Street very wide, and is to be commanded by the Bawn. All these are inhabited with *English* Families, and himself with his Wife and Family be resident therein. There are divers other good Houses built upon the Land, which are further off; and these do use Tillage plentifully after the *English* manner. He hath made his full number of Freeholders and Lease-holders; but he being gone into *Eng-*

land, and his Tenants at the Assizes, I saw them not. There was good store of Arms in his House, and upon the Land seventy six Men as I was informed.

DRAPER's HALL, alias *Moneymore*.

CXCV. 3210 acres.

This Proportion is not set to any Man, but is held by the Agent Mr. *Russel*. Upon this there is a strong Bawn of Stone and Lyme an hundred Feet square, fifteen Feet high, with two Flankers. There is a Castle within the Bawne of the same widenes, being Battlemented, the which hath also two Flankers, and near finished. Right before the Castle there are built twelve Houses, whereof six are of Lime and Stone very good, and six of Timber, inhabited with *English* Families; and this the best Work that I have seen for building; a Water-Mill and a Mault-House also. A quarter of a Mile from the Town there is made a Conduit Head, which bringeth Water to all Places in the Bawn and Town in Pipes: But these Tenants have not any Estates; for the Agent can make none, neither will they, till such time as their Land can be improved to the utmost. Within this Castle there is good store of Arms.

SALTER's HALL.

CXCVI. 3210 acres.

Hugh Sayer is upon this Proportion, and upon this they have built in two several places at *Marifelt*. There is a Bawn of eighty Feet square of Lyme and Stone, with two Flankers, and the Castle is now in building, being sixty Feet long, and twenty Feet wide. This is now three Stories high, and the Roof ready to be set up. The Walls of the Bawn are not as yet above ten feet high. Near unto the Bawne there are seven Houses of slight Cage-Work, whereof five are inhabited with poor Men, the other two

stand

ſtand waſte. The other place called *Salters Town* hath a Bawne of Stone and Lyme ſeventy feet ſquare, twelve feet high, with two Flankers, and a poor Houſe within it of Cage-Work, in which the Farmer, with his Wife and Family, dwelleth. Here are alſo nine Houſes of Cage-Work ſtanding by the Bawn, being inhabited with *Brittiſh* families, alſo a Sawing Mill for Timber; but the Glaſs Houſes are gone to decay, and utterly undone; there are not any upon this Land that have any Eſtates.

A BRIEF

A Brief of the general State of the Plantation for Persons Planted in the several Counties contained in this Book.

County of Cavan.

Freeholders	—	—	—	68
Lessees for Lives	—	—	—	20
Lessees for Years	—	—	—	168
Cottagers	—	—	—	130
		Families	—	386
		Bodies of Men	—	711

County of Fermanagh.

Freeholders	—	—	—	59
Lessees for Lives	—	—	—	10
Lessees for Years	—	—	—	117
Cottagers	—	—	—	75
		Families	—	321
		Bodies of Men	—	645

County of Donagall.

Freeholders	—	—	—	59
Lessees for Lives	—	—	—	25
Lessees for Years	—	—	—	217
Cottagers	—	—	—	46
Families that have no Estates		—	—	70
		Families in all	—	417
		Bodies of Men	—	1106

County

County of TYRONE.

Freeholders — — —	84
Lessees for Lives — — —	26
Lessees for Years — — —	183
Cottagers — — —	154
Families —	447
Bodies of Men —	2469

County of ARDMAGH.

Freeholders — — —	39
Lessees for Lives — — —	18
Lessees for Years — — —	190
Cottagers — — —	43
Families —	290
Bodies of Men —	642

County of LONDON-DERRY.

Freeholders — — —	25
Lessees for Years — — —	78
Cottagers — — —	16
Families —	119
Bodies of Men —	642

The whole Content of the Six Counties.

Freeholders —	334
Lessees for Lives —	99
Lessees for Years —	1013
Families —	1974
Bodies —	6215 with Arms.

May

May it please your Lordships,

I Have in the Book before written set down all the Particulars I find of the State of the Plantation of his Majesty's escheated Lands in *Ulster* now to stand.

And, *First*, it appears by the Particulars, that in the *Brittish* Families within mentioned, there are 6215 Bodies of Men; but I may presume further to certify partly by observing the Habitation of these Lands, and partly by conferring with some of Knowledge among them, that upon Occasion, there may be found in those Lands at least 8000 Men of *Brittish* Birth and Discent, to do his Majesty Service for defence thereof, though the fourth Part of the Land is not fully inhabited.

Secondly, It appears by the Particulars, that there are now built within the Counties of *Ardmagh*, *Tyrone*, *Donagall*, *Fermanagh*, *Cavan*, and *London-Derry*, 107 Castles with Bawnes, 19 Castles without Bawnes, 42 Bawnes without Castles or Houses, 1897 Dwelling Houses of Stone and Timber, after the *English* manner in Townreeds, besides very many such Houses in several parts which I saw not; and yet there is great want of Buildings upon these Lands, both for Townreeds and otherwise: And I may say, that the abode and continuance of those Inhabitants upon the Lands is not yet made certain, although I have seen the Deeds made unto them. My Reason is, that many of the *English* Tenants do not yet plough upon the Lands, neither use Husbandrie; because, I conceive they are fearful to stock themselves with Cattle or Servants for those Labours. Neither do the *Irish* use Tillage; for that they are also uncertain of their stay upon the Lands; so that, by this means, the *Irish* ploughing nothing, do use greasing, the *English* very little, and were it not for the *Scottish* Tenants, which do plough in many places of the Country, those Parts may starve; by Reason whereof the *Brittish*, who are forced to take their Lands at great Rates, do lie at the greater Rents, paid unto them by the *Irish* Tenants, who do grease their Land; and if the *Irish* be put away with their Cattle, the *Brittish* must either forsake

forsake their Dwellings, or endure great Distress on the suddain. Yet the Combination of the *Irish* is dangerous to them, by robbing them, and otherwise. I observe the greatest number of *Irish* do dwell upon the Lands granted to the City of *London*; which happeneth, as I take it, two ways, *First*, There are five of the Proportions assigned to the several Companies, which are not yet estated to any Man, but are in the Hands of Agents; who finding the *Irish* more profitable than the *Brittish* Tenants, are unwilling to draw on the *Brittish*, perswading the Company, that the Lands are Mountainous and unprofitable, not regarding the future Security of the whole: *Secondly*, The other seven of the Proportions are leased to several Persons for 61 Years, and the Lessees do affirm, that they are not bound to plant *English*, but may plant with what People they please: neither is the City of *London* bound to do it by their Patents from his Majesty, as they say; and by these two Actions, the *Brittish* that now are there, who have many of them built Houses at their own Charges, have no Estates made unto them, which is such Discouragement unto them, as they are minded to depart the Land; and without better Settlement will seek elsewhere, wherein it is very fit, the City have Direction to take a present Course, that they may receive their assurances; and this being the Inconveniency, which in this Survey I have observed, further than what was set down formerly by Sir *Josias Bodley*'s last Survey, I have thought good to make the same known to your Lordships, submitting the further Consideration thereof to your Lordships deep Judgment.

NICHOLAS PYNNAR.

Mr.

Mr. *Pynnar*'s TABLE or INDEX for the ready finding any of the Undertakers, and Patentees, named in the Book.

ABercorn, *Earl of*, 192, 193, *ib.*
Adwick, *Mr.* 149, 158, *ibid.*
Aghmotie, Alexandr *and* John, 154.
Ameas, Peter, 151.
Annesley, *Sir* Francis, 210.
Archdale, John, 164, 170.
Ash, *Sir* Thomas, 144, *ibid.* 145, *ib.*
Ash, John, 145.
Atchefon, Archibald, 155, 200.
Atchefon, Henry, 200.
Atkinfon, Roger, 168.
Atkinfon, *Lieutenant*, 152,
Aubigney, *Lord*, 140.
Awley, Mc. Alexander, *alias* Stewart, 179.
Baker, *Captain* John, 224.
Barns, *Sir* William, 186.
Bartley, *Sir* Maurice, 185.
Barton, Thomas, 163.
Bealey, William, 143.
Bellford, *Sir* James, 157.
Benfon, Peter, 181.
Bingley, *Sir* Ralph, 184, *ib.* *Sir* Rich. 190.
Blenerhaffett, *Sir* Edward, 166.
Blenerhaffett, Francis, 166.
Blenerhaffett, Thomas, 166. *ibid.*
Boide, *Sir* Thomas, 194.
Boges, Robert, 161.
Boucher, Henry, 223.
Brombe, *Lady*, 174.
Bromlow, William, 212.
Brooke, *Sir* Bafill, 188.
Broughton, *Lady*, 176.
Browne, John, 155.
Browne, *Lieutenant*, 190.
Burley, *Lord*, 157, 201.
Butler, *Sir* Stephen, 149, 150, 159.
Calvert, Robert, 162.
Cammynge, George, 227.
Caftlehaven, *Earl of*, 197, 198, *ib. ib.*
Caufield, *Sir* Toby, 209.
Chichefter, *Lord*, 208.
Chichefter, *Sir* Thomas, 188.
Clapham, James, 196.
Clothworker's-Hall, 230.
Coach, *Sir* Thomas, 185.
Cole, *Sir* William, 166, 169.
Cope, *Mr.* 214.
Cope, *Sir* Anthony, 203.
Cope, *Sir* William, 203.
Coleraine Town, 224.
Cornwall, *Sir* Thomas, 182.

Craiford,

Craiford, *Captain*, 187.
Craige. *Sir* James, 154, 218.
Culme, *Captain*, 144, *ibid.* 145, 155.
Culmoore *Fort*, 224.
Cunningham, *Sir* James, 178.
Cunningham, John. 176.
Cunningham, James, 177. 178.
Cunningham, Alexander, 176.
Cunningham, Cuthbert, 178.
X Davis, *Sir* John, 162, 199, 221.
Davis, Thomas, 182.
Davis, Robert, 182.
Derry City, 223.
Dillon, John, 217.
Dodington, *Lady*, 230.
Douglas, *Sir* James, 220.
Draper's-Hall, 232.
Dromond, *Sir* John, 197.
Dunbar, Alexander, 175.
Dunbar, John, 172.
Dun-Duffe, *Laird of*, *alias* William Stewart, 179, 188, 189, 196, 202.
Dutton, *Captain* Thomas, 174.
Edney, *Captain*, 201.
Ellis, *Lieutenant*, 190.
Elliott, *Sir* John, 144.
Fish, John, 148.
Fishmonger's-Hall, 226.
Fleming, *Captain*, 152.
Flower, Henry, 165.
Flowerdew, Thomas, 160, 165.
Folliot, *Sir* Henry, 167.
Freeman, John, 225.
Fuller, William, 171.
Gale, *Lieutenant*, 190.
Garth, *Lieutenant*, 144.
Gill, James, 170.
Goldsmith's-Hall, 225.
Gore, *Captain* Paul, 168, 190.
Grocer's-Hall, 226.
Grymes, *Sir* George, 156.
Grymes, *Sir* Richard, 156.
Haige, James, 196.
Haberdasher's-Hall, 229.
Hamilton, *Sir* Alexander, 153.
Hamilton, *Sir* Claude, 154, *ibid.* 195.
Hamilton, Jane, 153, 154.
Hamilton, *Sir* James, 140.
Hamilton, *Sir* George, 194, 195, 196.
Hamilton, John, 141, 219, 220.
Hamilton, Malcolme, 170.
Hamilton, *Sir* Robert, 170.
Hamilton, William, 142, 175.
Hansard, *Sir* Richard, 189.
Hartopp, Valentine, 228.
Harrison, *Mrs.* 163.
Hart, *Captain* Henry, 189.
Hatton, Edward, 161.
Heron, John, 215.
Heyborne, *Sir* Robert, 204.
Higgins, James, 226.
Horne, Reinald, 150.
Humes, Alexander, 171.
Humes, George, 171.
Humes, *Sir* John, 171, 172.
Hunings, Henry, 165.
Jones, Baptist, 231.
Jones, Joseph, 152.
Ironmonger's-Hall, 227.
Kennedaie, David, 208.
Kinkell, *Lady*, 158.
Kingsmill, Edward, 202.

Kingsmill,

X Banished in 1689 &c.
Patent to James T. Ref. III No. 5.
Foliot Calendar - p. 345 -

Kingſmill, *Sir* John, 183, 186, 187.
Lambert, *Lord*, 152, *ibid.*
Lauders, William, 219.
Leigh, John, 201.
London-Derry, 223.
Lowther, *Sir* Gerrard, 163, *ibid.* 201.
Luſſe, *Laird of*, 180.
Lyndſey, Jeremy, 169.
Lindſey, Robert, 206.
Lyndſey, *Mrs.* 206.
Lyndſey, Bernard, 206.
Lyons, *Captain*, 152.
Lynne, William, 190.
Macullogh, James, 176.
Mac-Ke, *Sir* Patrick, 174.
Mc. Lelan, *Sir* Robert, 229, 230.
Magauran, 156.
Maguire, Brian, 169.
Mannering, *Sir* George, 150.
Mansfield, *Captain*, 183.
Marbury, *Sir* George, 187.
Mercer's-Hall, 228.
Merchant-Tailor's-Hall, 228
Moore, *Lord*, 222.
Moore, Archibald, 145, 152.
Mountwhaney, *Laird of*, 158.
Moſtion, Pierce, 163.
Muſſe, *or* Grocer's-Hall, 226.
Murrey, John, 172, 175.
Newcomen, *Sir* Robert, 196.
O-Boyle, Tirlagh-roe, 191.
Obbins, *Mr.* 213.
O-Neale, Con Mc. Shane, 168.
O-Neale, Henry Mc. Shane, 223.
O-Neale, Tirlagh, 211.
O-Reley, Shane Mc. Philip, 145.
O-Reley, Mulmory Mc. Philip, 145.
O-Reley, Mulmory Oge, 146.
O-Reley, Mulmory, Mc. Hugh, 153.
O-Rely, *Captain*, 145.
Parſons, William, 156, 203, 210.
Perkins, *Lieutenant*, 190.
Phettiplace, *Sir* Edmond, 144.
Plomſtead, Thomas, 141.
Powell, William, 213.
Poyns, *Lieutenant*, 222.
Remington, *Sir* Robert, 184.
Ridgwaie, *Lord*, 199, 200, 209.
Ridgway, *Captain*, 144, 162.
Ridgwaie, George, 162, 200.
Richardſon, Alexander, 206.
Rone, Edward, 226.
Roe, *Sir* Francis, 210.
Roulſtone, Richard, 215.
Rowley, Nathaniel, 190.
Ruſſell, *Lieutenant*, 152.
Ruſſell, *Captain*, 183.
Ruſſell, *Mr.* 232.
Sacheverell, Francis, 216.
Salter's-Hall, 232.
Sandford, *Captain*, 190.
Sayer, Hugh, 232.
Sanderſon, *Captain*, 205.
Say, *Lord*, 214.
Sedborough, John, 160.
Sibthorp, Edward, 165.
Skinner's-Hall, 230.
Smelhome, George, 159.
Smith, *Captain* Anthony, 222.
Snow, William, 151.
St. John, *Sir* Oliver, 213. 221.
Stanhowe, William, 216.
Stewart, *Sir* John, 180, *ibid.*

Stewart,

Stewart, *Sir* William, *Laird of* Dunduffe, 179, 188, 189, 202.
Stewart, Andrew, 207.
Stewart, Robert, 207.
Stewart, William, 175.
Stewart, Alexander, *alias* Mc. Awley, 179.
Sutton, Harrington, 163.
Swyne, Mac. *Sir* Mullmorie, 190.
Swine, Mc. Banagh, 191.
Swine, Mc. Donnell Farne, 191.
Swyne, Mc. Walter, Mc. Laghlin, 191.
Taaffe, Sir William, 143.
Talbott, Walter, 155.
Taylor, John, 146.
Terrie, Arthur, 189.
Telligh, Mc. Maurice, 146.
Thurston, John, 166.
Tirrill, *Captain* Richard, 146.
Tirrill, William, 146.
Tirlagh, Mc. Philip, 153.
Toodie, James, 175.
Traile, James, 158.
Turvin, William, 201.
Vaughan, *Sir* John, 188.
Vaus, Patrick, 175.
Uchiltre, *Lord*, 205.
Vintner's-Hall, 231.
Vernon, ——, 228.
Waldron, Thomas, 147.
Wisher, *Sir* John, 158.
Wiloughby, *Sir* Francis, 201.
Wilson, William, 181, 186.
Wingfield, *Lord*, 211.
Wirrall, *Sir* Hugh, 149, 161.
Wray, John, 188.

A

LETTER

FROM

Sir THOMAS PHILIPS,

TO

King *CHARLES* I.

Concerning the Plantations of the *Londoners*.

To my Sacred Sovereign King *CHARLES*.

May it pleaſe your moſt Excellent Majeſty,

MY continual Zeal to your Majeſty's Service ſollicites me not to be idle at any time in the Work committed to my Charge, and being no Orator, I have made bold (according to my Breeding) to diſcover myſelf and the Truth in Writing. Wherefore, in this Book I have collected the whole Proceeding of the *London* Plantation in the *North* of *Ireland*, with every particular, ſince the firſt Undertaking therein, and have made bold to preſent the ſame to your Majeſty's moſt gracious View, to the End, their Abuſes appearing unreaſonable, I may not

not only clear myſelf of their unjuſt Aſperſions, reporting my zealous Pains in your Majeſty's Service to be a wrongful and cauſeleſs Proſecution of mine own; but likewiſe evidently ſhew your great Loſſes ſuſtained in the preſent Danger of that your Kingdom incurred by their avaritious Miſcarrage in this their Undertaking, converting the pious Care of his late Majeſty (of bleſſed Memory) and his Truſt repoſed in their Promiſes for the publick Good, to their peculiar and private Commodity.

That wiſe and gracious King, taking into his Care and princely Conſideration the reſtoring and future Settlement of that defaced Kingdom, lately torn in Pieces with a long and miſerable War, to the Effuſion of much *Engliſh* Blood, and waſting of an unſpeakable Maſs of Treaſure, and taking timely Occaſion to perform the Work of that Care by the Advantage given him in the fugacy of the Rebells *Tirone* and *Tyrconnell*, he reſolved upon the preſent Plantation of *Ulſter* with *Brittiſh*; that Country having heretofore been the Nurſery of all Rebellion in that Kingdom: And conceiving that the Ability of particular and private Undertakers would not be ſufficient to anſwer and fortify ſo great a Work, he was pleaſed to invite the City of *London* to undertake a principal Part thereof.

Neither was this Undertaking preſſed upon them (as they unjuſtly alledge) but fairly moved, as a Matter tending to their preſent Honour, and future Commodity; nor did they haſtily aſſent, but after long and deliberate Councel amongſt themſelves, four Agents were by them employed with me, to diſcover whether the Profits would anſwer the Report or no; who returning gave them Aſſurance, that all things were better than were propounded, or promiſed. Whereupon they undertook the Service with great Alacrity and Contentment.

Nevertheleſs, to the defrauding of that good King's Expectation, and the Hazard of that Kingdom, it is manifeſt, they have willfully failed in every particular; which his Majeſty finding out in the Year 1613, commanded a Survey to be made, upon return whereof, the Committees for the City were convented before him, and ſharply rebuked for their Miſcarrage; and upon their Allegation, that they had diſburſed 25,000*l.* which his Majeſty (by the Survey) found falſe, there having not half ſo much been

ſpent in the Work, his Majeſty publickly proteſted, that though they would be deceived, he would not; and therefore expected a preſent Amendment, and to encourage them the better he intimated thus much in a long and learned Speech then made unto them. " That when his " Enemies ſhould hear, that the famous City of *London* " had a Footing therein, they would be terrified from " looking into *Ireland* (as his Majeſty expreſſed it) the " Back-door to *England* and *Scotland*, where by reaſon " of the many good Harbours unfortifyed and unguarded " an Enemy might make an eaſy Entrance, and in a few " Hours over-run a great Part of his Dominions.

Thus they neglected for their private Profit ſake the planting of Religion and Civility (the Seeds of Peace and Plenty) which his Majeſty eſpecially ſought to ſow for God's Service, and the Safety of the Country, ſo as what his Majeſty intended ſhould have been a Terror to his Enemies for looking into that Kingdom, is now become a Bait to invite them thither, where the chief Tenants and Inhabitants, being *Iriſh*, are prepared to entertain them.

This Abuſe, by not planting with *Brittiſh* they would have avoided by a falſe Allegation, that they declared in Writing, they did abſolutely refuſe to undertake, unleſs they might be freed from the ſame; and thereupon (as they ſaid) other Articles were drawn between the Lords, on his Majeſty's behalf, and themſelves, which never were, nor can be produced, nor was there any Treaty tending thereunto. For it is moſt unlikely, that his Majeſty would give the City of *London* the Country, and part with ſo great a Revenue for their Profit only, and leave his own careful Ends for the Safety of that Kingdom unperformed; but ſo ſhameleſs are they, as to ſuggeſt any Untruths to colour or excuſe their Miſdeeds.

The great and extraordinary Care of his Majeſty is to be ſeen in the Poſtſcript of his Letter written with his own Hand to the Lord Deputy of *Ireland*, here in this Book inſerted, whereof the Words are theſe, " My Lord, in " this Service I expect that Zeal and Uprightneſs from " you, that you will ſpare no Fleſh, *Engliſh* nor *Scotch*: " for no private Man's Worth is able to counterballance " the perpetual Safety of a Kingdom, which, this Plan-

" tation

"tation being well effected, will procure." Which Words, as they expreſs his Majeſty's Purpoſe plainly, ſo do they as plainly diſprove their falſe Allegations. Some are likewiſe not aſhamed to ſay, that it is unlikely that the *Spaniard*, who is the moſt powerful and only to be feared Enemy in this particular, will ever be engaged ſo far Northward. In anſwer whereof, I crave leave to relate to your Majeſty a Speech of *Tirone*'s, uttered to me and many others after his return from Rebellion. "That "if the War had continued, and his Submiſſion not been "accepted, he had contracted with the *Spaniard* to forti- "fy two or three Places in the North, which are not "only ſtrong by Nature, but where his Allies and Friends "of the *Scottiſh* Iſlands ſhould and might with eaſe re- "lieve and ſupply them at all times, and from whence "they might make their acceſs into *Scotland* and fortify "there alſo."

If this had been done by the *Spaniard*, I refer to all that are judicious, how difficult it had been to have expelled them again; how far differeth the Caſe of Danger now by our Plantation in the North, when in all the ſix eſcheated Counties, there are not many above ſix Thouſand *Brittiſh* Bodies, and moſt of them unarmed, untrained, and unapt for Service: And the Natives, who dayly watch for the return of their young Lords (as they term them) *Tirone* and *Tyrconnell*, and the reſt now in the *Spaniſh* Army, promiſing themſelves a Re-poſſeſſion of their Country, are at leaſt four times ſo many.

The lamentable Caſe of *Munſter*, yet freſh in our Memory, after the *Black Water* overthrow, when as the *Engliſh* Plantation, almoſt as good as this, was in a Moment deſtroyed by a handful of Rebells, gives Cauſe to fear the like in *Ulſter*; ſo ready are the *Iriſh* to attempt, having either a ſtrong Party amongſt themſelves, or hopes of a foreign Succour, their preſent Diſcontentment being no leſs than at any time heretofore, if not greater.

This Danger his Sacred Majeſty hoped to prevent by bringing this potent City to be partaker in the Hazard, which, as all Men had Reaſon to believe, both by the greatneſs of their Purſe, and in a Caſe ſo much tending to their Honour, would have fully anſwered his Expectation.

But when it appeared unto me (then Governour of the County, and trusted by his Majesty to observe their Proceedings) that they intended nothing less than the Performance of what his Majesty expected and they promised, I could do no less in mine own Duty, and discharge of my Prince's Trust, than inform their Abuses, which continued for many Years, and for seven Years past I have done nothing but solicited the redress: But how far my painful Endeavours in so long time, wasting my Estate therein, and grown decriped thereby, hath prevailed, the small Success doth manifest. Albeit his late Majesty, and your Royal self, have by many special Directions ordered as much as was necessary; but so great is their averseness to the Service (I will not say supported by the greatness of their Purses) as I yet labour in vain, tho' their Servants and Tenants have bragged, that their Masters will spend an hundred thousand Pounds before I shall have my Will, which they must needs know is the only good of your Majesty's Service in the safety and defence of that Kingdom; and to grace their own Cause, and disgrace me, they give out themselves here, that they let me run on to try me. This scornful Demeanour, indeed unmannerly, since it relates to your Majesty's Service, appeared fully at the Execution of your Majesty's last Commission, by their singing Songs, and preparing a Play to deride it, which they called *Much adoe about Nothing*. These Scorns (howsoever they may pretend) were aimed only at me, yet cannot chuse but reflect on your Majesty's Will and Authority, to which I am and ever will be an humble and diligent Servant, only aiming at your Majesty's Good, and no ways busie (as they term me) beyond your Majesty's Will; and it appears, that for these spacious goodly Territories, rich Customs and Fishings, for all which they pay to your Majesty but 205*l.* 17*s.* *per Annum* granted by his late Majesty, that much was expected from them; and it likewise manifestly appeareth, that at the time they took it, they intended to abuse him, and the Service; otherwise they would not have omitted the principal Point thereof, which concerned the Safety of the Country, the fundamental Ground being the avoiding of Natives, and planting wholly with *Brittish*: But they finding the Natives willing to over-give, rather than remove, and

and that they could not reap half the Profit by the *Brittish* which they do by the *Irish*, whom they use at their Pleasure, never looking into the Reasons which induced the Natives to give more than indeed they could well raise, their assured hope, that time might by Rebellion relieve them of their heavy Landlords, whom in the mean time they were contented to suffer under, though to their utter impoverishing and undoing, rather than not have a Footing to entertain their expected Lords, as is already noted.

So as the Covetousness of the *Londoners*, meeting with the rebellious Hopes of the *Irish*, has bred the Danger, which his prudent Majesty sought to avoid; nor can the *Londoners* alledge want of *Brittish*, for many came thither at their own Charge, and were by them (for the Reasons expressed) refused.

After they had settled to themselves this so dangerous Profit, they grew weary of me, their Superintendent, because I would not run their irregular Courses, altho' formerly they had been humble Suitors to the Lords of your Majesty's Privy Council of *England* for my continuance; which their Lordships accordingly specially recommended to the Lord Deputy of *Ireland*: But when the Lord Deputy required me to have a special Care of that my Government, and expected, that through my Experience I would so advise, that the Mischief might be prevented, which this untoward Plantation did presage, and that I thought to perform such his Lordship's Directions; then they began to oppose, not only me, but the Deputy, as by many particulars shall be proved, insisting (as it seems) upon the greatness of the City, and by their sinister and headstrong Courses, resisting all necessary things, which I, with those Knights, Captains, and Gentlemen there residing, sought for the Country's Good to establish, notwithstanding the now Lord's Deputy's Approbation of such Rules and Orders, as I had conceived for the better Government of that Country, and confirmed by the likeing of the Justices of the Peace, and chief Inhabitants there, sought to blemish and detract from their Worth and Sufficiencie, derogating from their Profit which they much prefer before the Common-Wealth.

And whereas they pretend, that the Charge of this Plantation could not have been borne, nor undertaken, but by them; it appeareth, that for the freedom of Rents, benefit of Fishings, Customs, and other Profits and Revenues, remitted by his late Majesty for the space of the first seven Years, the *Brittish* would have performed all the Plantation with a marvellous great Advantage and Revenue to your Majesty after that time for ever.

I should be too tedious to your Majesty, if I should here set down half the Shifts and Devices this refractory People have used to advance their Profit, and abuse your Service, only their latter Actions I have made bold to mention.

It may appear by the 23 Articles set down by the Lords Committees, and confirmed by your Royal Father for the Security of the Kingdom, to be presently put in Execution, what should have been forwarded, for defraying of which Charge, the Lords of your Majesty's Privy Council gave Order the 2d of *September* 1625 for the Sequestration of their Rents: But through the disobedience of their Agents and Farmers they could not be received for supply of the Service, but they received it all themselves, save ten Pounds; and, not therewith content, proceded after by way of Petitions, and false Suggestions, which had no colour of Truth, in such Sort, as the 31st of *July* 1627 they got the said Sequestration quite dissolved.

After, such was your Majesty's Princely Care, as to give Orders the 3d of *May* 1628 for a new Sequestration, to be disposed as formerly; but they secretly and underhand, drew a number of People, some their Tenants, some Youths, and other vagrant Persons, as if they had been all Tenants, to Petition in a scandalous manner against me, making a false Shew of much Loss and Inconveniency sustained by their gotng thither, and planting there; when indeed, such as were their Servants, are by that means, from poor and broken Persons, become Masters of good and plentiful Estates, nevertheless, these counterfeited Clamours procured such Commiseration here, as the Sequestration was again dissolved, which they not a little triumph at, and your Majesty's Service feels in a high measure, whereby the Defects remain as they did, and no Reformation had.

To

To discourage such as might inform the Truth of their Abuses, it was given out at publick Assizes, that your Majesty had remitted all their Trespasses, and revoked your Commission; so as those, that were before most desirous of Reformation, now stand terrified from delivering their Knowledge, lest the *Londoners* hereafter should prosecute Revenge against them, as they now do against all such as I have employed in your Majesty's Service, imprisoning some, and forcing others to come over hither to seek Relief, whom if your Majesty will not be graciously pleased to protect, they will be undone, and forced to forsake the Country.

The *Londoners* (amongst other Slanders they cast upon me) do report I am an Impediment to the building of the Church at *Derry*, a thing principally appointed by his Majesty, which I have been so far from, as for nineteen Years together, I could not draw them to do any therein, till about two Years last past, the Earl of *Totnes* pressing them thereunto, they have now unwillingly began to build it, it being not likely, that they who intended to Merchandise the County only, would ever be willing to build Churches; and they appear more sensible of that Charge, than of all others, affirming that four Years Revenues will not build it, whereas one Year's Revenue of that which comes to the Chamber of *London* will perform it, without taking any thing from the twelve Companies, who receive from their Farmers as good as 2190*l. per Ann.* and moreover they unjustly charge me, that had it not been for me, as was delivered in your Majesty's Presence, they had disbursed 1600*l.* more than they have done; which how likely it is your Majesty may conceive, by that which I formerly related, and how I have been dealt with for my Endeavours herein in your absence, when in your Presence I have not escaped blame.

They who were never willing to pay the Workmen whom they employed, whom they kept forty Weeks together without means, in which time, the poor Men were ready to starve, and many of them were forced to run away, who otherwise would have staid and planted there, to the Comfort of the *English*, will not be forward to build Churches, or other Works of Charity, as appears in their performing the Bridge of *Coleraine*, where, for want of

of a Bridge, People are continually drowned; and now of late, twenty two Persons at one time. And altho' the two thousand Acres enjoyed by them only in lieu of that Work is worth 400*l. per Annum*, yet in regard of the great Profit arising by the Ferry, they are intent to enjoy both Land and Ferry, and neglect the building of the Bridge so much desired by the whole Country, and of no less Importance to your Majesty's Service both in the ready Passage of all Affairs, and the Preservation of your poor Subjects; which unchristian like neglects I wonder they do not likewise lay upon me as well as the building *Derry* Church, which (as is mentioned) they would never have gone about, but thro' the Earl of *Totnes*, now deceased, his earnest pressing, whose Death, I must needs say, proves no small hindrance to your Majesty's Service; for whilst he lived, he took it highly to Heart, and (as he professed) strengthened me to his uttermost, finding me to bear the same Resolution to your Majesty's Service, that the noble Marshal *D'Aumont* (under whom I served in the Wars of *France*) did to his Master, King *Henry* IV. when his Friends mistaking his excessive Bounty to such as well deserved in the Wars under his Command, and persuading him to a more sparing Course to his Posterity, his Answer was, *I care not, so I serve my Master well, whilst I live:* And he manifested no less at his Death, when there was not so much found, as would defray his funeral Charges.

By this Earl of *Totnes* I was well encouraged, yet by others I was as much discountenanced, and some there be, who have told me to my Face, the Business I undertook was not seizable: But in as great Difficulties (I thank God) I have made through, though with the hazard of my Life, which I will never spare in your Majesty's Service.

After all the Devices the *Londoners* have used hitherto to keep your Majesty from the true Knowledge of their Abuses, I am now credibly informed, that to gain longer time, in hope to weary me out by Death, they have a purpose to procure from your Majesty, a new Commission in their behalf, to examine what is already examined, and done more in their Favour than was requisite, as Sir *John Bingley*, being a Commissioner, can testify, who having looked throughly into the whole state of the Business can

certify

certify your Majesty of the Truth of my Relations, and had not he in your Majesty's behalf held the rest to the due Proceedings, the return had been worse; yet there is sufficient to discover how grosly you are deceived, and how subject they now are to your Majesty's Will and Pleasure.

The *Londoners* are not ashamed to give out they have disbursed 140,000*l.* in the Charge of this Plantation, when as a near Estimate of Disbursements and Receipts is collected, and appears as follows.

The Sum of their Receipts	—	98665*l.*
Their Disbursements —	—	68730*l.*
So that it appears their Receipts are more than their Disbursements	—	29935*l.*
More they levied in the City	—	60000*l*,
All which amounts to the Sum of	—	89935*l.*

Which they have received more than they disbursed.

And your Majesty has been at the Charge of very near 30,000*l.* for maintaining of three Companies ever since 1611, of which the Plantation should have freed his late Majesty, and your Majesty, as appears by the fourth Article.

But your Majesty's greatest loss consists in the filling of the Country with *Irish*, at whose Mercy the few *English* lie; for they may at their Pleasure surprize their Houses, cut their Throats, and possess their Arms, and had so done, had I not happily discovered a Combination of the ablest and most dangerous Gentlemen of the North, to have burnt and destroyed their whole Plantation, Towns and Country: And thereupon the 9th of *April* 1615 they were apprehended, and I sent them to the Lord Deputy, whom his Lordship after Examination sent to receive their Tryal at *Derry* Assizes, where six of them were executed, being *Tirone*'s near Kinsmen. The same Plot was then discovered by Mr. *Trumball*, his Majesty's Agent in *Brussels*, and certified into *England*.

Three Commissioners from your Royal Father, for the redress of their Abuses, have been prosecuted at the great charge of his Majesty, but all have returned without success, and the Service nothing at all advanced by them; and this last Commission, which at my humble suit, it pleased your Majesty to grant me, hath been executed at

my

my own Charge. Whereiu for the better and more effectual Execution thereof, I likewise offered to bear the Commissioners Charges, and is now returned, which will sufficiently discover the Defects of the Plantation, and the *Londoners* defaults, and I am confident that, with your Majesty's gracious Favour, it will bring forth Fruits worthy your Majesty's royal Acceptation, much to the Contentment of my poor self, in being the Author and Solicitor of so great a Service to your Majesty.

But lest I should be too tedious, I omit much I could declare of the *Londoner*'s abuses in this particular, of which (among many other Points) the Preamble to their Charter will more fully and palpably convince them; and I must needs say that many worthy Citizens have for the Honour of the City and advancement of this Plantation, wished an upright Carriage of this Design; but these Men, having little or no Hand in the managing of the same, could do no more than wish well, for the whole Trust is laid upon Men over much inclined to their Agents; who for piecing up their own particular Profits, care not how they subvert both King and Country's Good.

And I that have freely spent my Time, Strength and Estate, in the Prosecution of this Service, as formerly my Blood in recovering of the Country, have thereby gained the hatred both of the *Londoners* and Natives, which, in regard of my Duty, and the discharge of the Trust reposed in me, I weigh little, as humbly hoping and relying on your Majesty's gracious Protection from them and their Malice.

And yet not to be found ungrateful, I ingenuously confess, that Sir *Richard Weston*, then Chancellor of the Exchequer, and now Lord Treasurer (well knowing my great and long Expences, and also how much my careful and faithful Endeavours conduced to the Prosperity of your Majesty's Service) very nobly, in the time of the last great Visitation, supported and relieved me out of his own Purse.

I have in another place humbly made bold to present to your Majesty certain Plots of Fortifications, which, if it may stand with your Majesty's royal Approbation and Pleasure, I think are fit to be erected for the safety of those Parts without your Majesty's Charge, and so become the Safeguard of your Kingdom and Revenue; for Forts built

built and held in convenient places not only give Impediment to an Enemy's Progreſſion in an Invaſion, but ſometimes proves the recovery almoſt loſt, as in my own Knowledge fell out in the Civil Wars of *France*, by fortifying the Caſtle of *Aungiers*, formerly ruined and abandoned, done by the Advice of Monſier *De Piſy*, a private follower of the Duke *De Joieuſe*, which after by the ſtrength thereof ſecured both Town and Province to King *Henry* III. and King *Henry* IV. No leſs good Hope did the City of *Tours* afford to King *Henry* III. when being chaſed by the Duke *De Mayne*, he ſecured himſelf by the ſtrength thereof, till he was reſcued by the King of *Navarre*, otherwiſe he had been left in the Hands of the League, being abandoned by his own Party. Many more Examples I could produce, but I fear that I have been too tedious.

May your Majeſty be therefore graciouſly pleaſed to caſt your Princely Eye upon the important and material things contained in this Book, which I make no doubt but the worth and ſafety of ſo excellent a Kingdom will invite you to. That therein, ſeeing your own apparent Wrongs, you will pleaſe to be no longer deluded by the coveteouſneſs and deceit of your *London* Plantations, but conſequently reſolve to proceed to a Reformation thereof. If plainneſs incident to my Breeding, or my Zeal to your Majeſty's Service in this my rude Preface hath begot any blame worthy Error, I humbly crave Pardon thereof of your gracious Majeſty, deſiring, as I have ſpent my time, ſo to end my Days in your Majeſty's Service, wherein many may appear more worthy, but none more Faithful than,

Your Majeſty's moſt Loyal Subject,

THOMAS PHILIPS.

AN

ESSAY

On the DEFECTS in the

HISTORIES

OF

IRELAND.

AND,

REMEDIES propoſed for the Amendment and Reformation thereof: In a LETTER to the Right Honourable *ROBERT*, LORD Baron NEWPORT of NEWPORT, Lord CHANCELLOR of *Ireland*, and Preſident of the *Phyſico-Hiſtorical* Society eſtabliſhed in *Dublin*.

———*Donec quid grandius ætas*
Poſtera, ſorſque feret melior.——— BURTON's Melancholy.

DUBLIN:

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AN ESSAY

On the DEFECTS in the HISTORIES OF *IRELAND, &c.*

My Lord,

THE great Condescension you shewed in submitting to your Election of being a Member and President of a Society, intended for the advancement of the honour and welfare of this Kingdom, emboldens me to put the foregoing Collections, and this Essay under your Protection and Patronage; well knowing that your Countenance will Screen them from unreasonable Insults, (the common practise of the less intelligent part of Mankind) and thereby Occasion, that what-ever light Errors may be found in them will be passed over with as light Censures. But this, my LORD, is not the only Motive to the present Address. Your love of a Country, into which

Providence has cast your Lott, evidenced by your daily care in collecting (at no small expence) many scattered remains of the History and Antiquities of it, which otherwise would run the hazard of sinking into Oblivion, must endear you to all true Lovers of it, and to one in particular, who dedicates his few mites of Knowledge to the Publick Service.

It is not, my LORD, for your Information that I commit these few hints to the view of the World, your Knowledge in the Circle of antient and modern Learning being too extensive to stand in need of such helps; but it is through you, and by your Countenance, that I hope to excite others to consider a Subject, which hitherto has been little attended to, and which stands in need of much Reformation.

When we read among the Antients, *(a)* " that *Ireland* " is a Nation of Savages, and scarce habitable for Cold; " that *(b)* the People of it live upon human Flesh, of " which they Devour vast Quantities, and look upon it " as honourable and lawful to eat up the Bodies of their " dead Parents, and to Use an undisguised and promiscuous Copulation, not only with other Women, but " with their Mothers and Sisters." What Native is there of this Country, who can think otherwise than with Abhorrence of their Progenitors? But when we find most of these Fables gravely handed down to the present Times, with many Additions to the heap; when we see in modern Writers, *(c)* " that the Peoole of *Ireland* are at this " Day uncivilized, Rude, and Barbarous, that they delight in Butter tempered with Oat-meal, and sometimes " eat Flesh without Bread; but which they eat Raw, " having first pressed the Blood out of it, and pour down " large Draughts of Usquebaugh for Digestion, reserving " their little Corn for their Horses—That their Dress and " Habit is no less Barbarous,—that Cows and Cattle are " their chief Wealth—that they count it no Infamy to " commit Robberies, and that Violence and Murder is, " in their Opinion, no way displeasing to GOD.—That " they are much given to Incest, and nothing is so com-

(a) Strabo, Lib. 2. p. 115. a Edit. Casaub. (b) Ibid. Lib. 4. p. 201.
(c) Present State of *Ireland*, Edit. 1738.

" mon

"mon among them as Divorces under pretence of Con-
"science.—That they pray to the Wolves, left they
"should Devour them.—Are overgrown with Woods,
"and Subject to voracious Animals.—And *(d)* that Wolves
"still abound too much in this Country;" When such an odious Picture is Drawn of us, who, my LORD, can refrain from a just Indignation? What Foreigner would be so hardy to put his Foot into an Island thus described? The Riches of a Country consist in the Numbers of its Inhabitants; which such Characteristicks can by no means tend to Increase. For a Stranger would as soon settle at the *Cape* of *Good Hope* among the *Hottentots*, before the *European Colonies* got footing there, as in a Country branded with such Infamy. But you know, my LORD, that these are groundless Aspersions, and the result of Ignorance or Malice. The Nobility and Gentry of this Kingdom are as Polite, well-bred, and Humane, as those of other Nations; the Merchants and Traders as just and honest in their Dealings; and the bulk of the People not inferior to the Populace elsewhere. Doubtless Exceptions may be pointed out to these general Allegations; and what Country is free from such Exceptions?

Many intelligent Men have thought, that the adjusting the History of *Ireland* to a good Frame, the shewing the antient and modern State of it in true and proper Colours, together with the several Revolutions in Property, Religion, and Government, would tend not only to the honour, but to the real Emolument of the Kingdom. For when Foreigners are thoroughly informed of the Ornaments and natural Advantages of this Country, the fertility of the Soil, healthiness of the Air, its navigable Rivers stored with Fish, large and safe Harbours, the neighbourhood of the Sea for the Benefit of exercising Traffick, and all things necessary for the support of Life, but above all, the security of property by mild and equitable Laws, and a just and equal Distribution thereof, it would tempt many of them to fly from the several Arbitrary Governments under which they Groan (where they can call nothing properly their own, but what their Prince pleases) to this Land of Liberty, between which, and their own country

(d) Camb. Brit. Edit. 1722. p. 1311.

the contrast could not but be wonderfully pleasing. This, my LORD, would add real Strength and Riches to a Country not yet fully recovered from the Destruction and Desolation of Rebellions and civil Wars; and more especially, if the Terms for naturalizing foreign Protestants were made more easy than our present Constitution admits of. The *English* are indebted to Foreigners both for their Woollen and Silken Manufactures; the former in the Persons of the *Walloons*, who fled from the cruel Persecutions of the Duke *D'Alva*, and were hospitably, as well as politickly, received by the Wisdom of Queen *Elizabeth*, and her Ministry; the latter by the Revocation of the Edict of *Nants:* when *Lewis* the XIV set his Dragoons loose on his Protestant Subjects, and drove Multitudes of them into *England*, where they met with such a charitable Reception as is scarce to be paralleled in History. They both amply rewarded their Benefactors by speading and diffusing those beneficial Branches of Trade through the Nation, which they now enjoy even to Envy.

The Physico-Historical Society was erected with a view of removing those gross Misrepresentations, which have been handed down from early Ages concerning this Country, and are yet continued. They have, in Proportion to their narrow Fund, made some advances towards the general end designed in the Institution, by publishing Descriptions of two Counties, which have been well received. It cannot indeed be properly said, that the first of these County Descriptions was the result of the Labours of the Society; because it came abroad some short time before the Society had an actual existence. But then, it was compiled and set out by some Gentlemen, who were the first Members of the Society, and with a view to its Institution, which in a few Days after took Effect, and has since been laudably carried on. The large extended County of *Cork*, being near the eighth part of the Kingdom, according to Sir *William Petty*'s *(e)* Opinion, but in truth about the eleventh is now under Survey by the same Gentleman, who obliged the Publick with the Description of the County of *Waterford*, an immense Task, which yet will probably be finished against next Winter.

(e) Polit. Anatom. of *Ireland*, p. 115.

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The antient and present State of the City of *Dublin*, Ecclesiastical and Civil, as also of the County of *Dublin*, are under the Care of two Gentlemen, who hope to put the last Hand to it before the end of the ensuing Year; and the same may be said of the natural History of the County of *Dublin*, which is undertaken by another Member of the Society, whose abilities in natural Knowledge is well known. Two correct Maps of the Counties of *Down* and *Waterford* have been also published, a third of the County of *Dublin* is prepared for engraving, and Expectations of one for the County of *Cork*. When these attempts are fully finished it may then be affirmed, that near the sixth part of the whole Kingdom will be described, and that from a Fund surprizingly small. If their means had been greater, a speedier Progress might have been expected.

As Auxiliary to the views of the Society, and in order to point out the Defects under which the general History of *Ireland* at present Labours, as well as to propose Remedies for the Improvement thereof, one of the meanest of their Members takes the Liberty of presenting this Essay to your Lordship, hoping for a candid Reception, not only from you, my LORD, but from all the Body over whom you preside. His Intentions are sincerely good, and if the Execution were equal to them, he promises himself, that some Advantages would result from thence not only to this private Society, but to Society in general.

SECT. I. The Histories of all Nations, who can boast of any share of Antiquity, are, as to their Originals, obscure, incertain, and fabulous. Should we go up to the *Romans*, this Truth will be manifest, when even their own Writers do not agree in the Original of the City of *Rome*. *Sallust* ascribes it to the *Trojans*; yet acknowledges, that he founds his Opinion upon a doubtful Tradition, *Sicut ego accepi, as I have been informed*; while *Virgil* gives the honour to *Evander*, *Tum Rex Evandrus Romanæ conditor arcis*. If therefore the certain Original of so great a People should remain unfixed, it can be no matter of surprise if doubts should arise concerning the beginnings of more obscure Nations. Historians therefore, who talk variously on such Subjects, are not justly to be taxed with

Ignorance or Folly; since it is Antiquity, and the Unfaithfulness of oral Tradition, that have created the Error, and left nothing clear for Posterity to depend upon. *Titus Livius (f)* makes some sort of an Apology for all such writings, and imputes them "to the Embellishments of "Poetical Fables, and not to the incorrupted Monuments "of affairs, from whence History ought to be drawn," and therefore he adds, "that it was not his Intention ei-"ther to affirm or disprove such things; for that Indul-"gence was due to Antiquity, which by mixing divine "and human things together, sought to render the Ori-"ginal of Citys more August and Venerable." Whatever weight this Apology might have, most Nations have fallen into the humour of obtruding mock Princes on the World, from whence they have drawn their Originals. Thus *(g)* the *Danes* have their *Danus*, the *Brabanders* their *Brabo*, the *Goths* their *Gothus*, and the *Saxons* their *Saxo*, as the Founders of their several Nations. So *Hunebald*, a Monk, and a trifling Writer of the dark Ages forged *Francus*, a *Trojan*, the Son of *Priam*, as the Founder of the *French* Name and Nation; and in Imitation of him, *Geoffry*, Archdeacon of *Monmouth*, in the twelfth Century gratified the *Britains* with their Founder, *Brutus*, whom he makes a *Trojan* by descent, the Son of *Silvius*, Grandchild to *Ascanius*, and great Grandchild to *Æneas*, a Prince of *Troy*, whose Mather was *Venus*, and consequently himself descended from *Jove*. This Nation also, my LORD, has its *Geoffery*, surnamed *Keating*, who really shoots in a longer Bow than his name sake, the Archdeacon of *Monmouth*. *Ireland* was colonized at various Times, not to Mention the Adventurers who came hither before the Flood. As other Historians had exhausted the vanquished *Trojans* in seeking for Authors of their respective Nations, our *Geoffery* shifts the Scene, and brings his Heroes from the Conquerors, and the midst of *Greece*. I must be understood, my LORD, to mean those Colonies, who first settled kingly Government in this Island, namely,

(f) Quæ ante conditam, condendamque Urbem, poeticis magis decora fabulis, quam incorruptis rerum gestarum monumentis traduntur, ea nec affirmare, nec refellere, in animo est. Datur hæc venia Antiquitati, ut miscendo humana divinis, primordia urbium augustiora faciat. *Livii* Præfat. ad Hist. Roman. *(g)* Camb. Brit. p. ix.

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the *Belgians*, and *Danonians*, commonly called *Firbolgs* and *Tuathdedanans*; though indeed he brings the more early Colonies under *Partholan* and *Nemeid* from the same Country, but all of them in a period antecedent to the Destruction of *Troy*. This very remote Antiquity, boasted of by the *Irish* Historians, though justly called in question by others, hath occasioned Mr. *Camden (h)*, with a modest doubt, usual with that great Man, to call *Ireland* the *Ogygia* of *Plutarch*, the Word signifying very Antient; for says he, "they begin their Histories from the highest Antiquity; so that other Nations are but modern, and as it were in their Infancy, in comparison of theirs." Others *(i)* have propagated the same Notion; and Mr. *Roderick O' Flaherty* from hence takes Occasion to intitle his Chronological Treatise of *Ireland*, *Ogygia*.

The last Colony that settled in *Ireland* before the *English* Invasion was that of the *Milesians*, who arrived there (according to the *Irish* Historians) in the Year of the World 2934, one thousand and fifteen Years before our Blessed Saviour appeared in the Flesh. This Colony had their first Settlements in *Scythia*, as Mr. *Keating (k)* alledges, from whence that Author conducts them into *Egypt*, from *Egypt* through various Countries into *Spain*, and from thence after a long series of Time into *Ireland*. Whoever reads the very particular Account he gives of the Travels and Voyages of these Adventurers, cannot judge otherwise, than that he served them for a Pilot. He Marries also *Niul*, the Head of the *Scythian* Wanderers, to *Scota* Daughter to *Pharaoh* King of *Egypt*, to whom he has given the surname of *Cingeris*, from which *Scota Ireland* in after Times took the Name of *Scotia*. and the People of it were denominated *Scots*. But he is not over confident of this, and therefore, to make things sure, he marries *Milesius*, who was the eighteenth or nineteenth in Descent from *Niul*, to another Lady *Scota*, Daughter to *Pharaoh*, King of *Egypt*, whom he Surnames *Nectonabus*, and from her deduces the Names of *Scotia* and *Scots*.

This quick sighted Age, my Lord, hath grown ashamed of such Impostures; and since the *French* have rejected their *Francus*, as a Counterfeit, and that the force of

(h) Brit. p. 1314. *(i)* Shytor's Palai Albion. *(k)* Hist. p. 34.

Truth hath at length prevailed against *Brutus*, *Danus*, *Brabo*, and all the rest of those mock Princes, let us, in the name of Goodness, give up our *Scota*, and be content with more probable Reasons why our Country was called *Scotia* and the People of it *Scots*, of which some Account may be seen in the Antiquities of *Ireland (l)*.

To be involuntarily bewildered, my Lord, in a strange Country, surrounded with impervious Fogs, and without any friendly Guide to direct ones Steps, is not very unaccountable; but it is unaccountable that any Man in his Senses should venture to explore such hidden Paths, such unpassable Regions of Darkness. Should we inquire into the Cause of such a Conduct, it is to be feared it would in some Measure center in Vanity and self Love, a Pleasure of having advanced something new, that no body before ever thought of, which must end nevertheless in Confusion and Shame to the Authors; insomuch that one may venture to apply the saying of *Boethius (l)*, *Pudebit aucti nominis*, as a prophetick Warning to those *Nugivendulos*, those broachers of Froth and Romance.

It would be something excusable, my Lord, to have the very remote Origin of Nations in such a manner treated; because the infinite distance renders the Object imperceptible; but to continue the Folly downwards into Ages of more Light and Learning can bear no Apology; and yet this has been done by Mr. *Keating*, and others, who have written the antient History of *Ireland* down to the *English* Period. It is easier to guess at, than to ascertain the Reasons of such a Conduct; and yet I fancy (besides the Vanity before hinted) one other Cause may be assigned, which I shall submit to your Lordship's clearer Judgment, and it seems to me to be this.

The chief Pillars, upon which the antient History of *Ireland* is founded, are the Sonnets or Ballads, of the Bards or Poets, called in *Irish*, *Fileh*, as much as to say, *Philosophers*, the Word being applicable to both Senses; and the Poets were called *Fileh*, or *Philosophers*, on the score of their great Learning, and experience in the Liberal Arts. *Maximus Tyrius (m)*, the *Platonick* Philosopher, who flourished in the Reign of *Marcus Aurelius*, has

(l) Chap. 1. (m) Dissert. XXIX.

made

made this Distinction above fifteen hundred Years ago. "These People (says he, talking of the antient Poets) "in reality Philosophers, though nominally Poets, have "reduced their Practises to such a degree of Skill and "Art, as wonderfully to tickle and allure the People. "For so (proceeds he a little after) Physicians mingle "their wholsom Medicines with some pleasant Vehicle, "that the Patient should not be nauseated by the bitter-"ness of the Taste. In the same manner are we to think "of these antient Philosophers, who by cloathing their "Sentences in the Dress of Fiction, and the magnificent "Decorations and Ornaments of Poetry, as it were with "a Garment, first found the way of captivating and al-"luring the Minds of the Antients, and by disguising the "irksomness of methodical Discipline, subdued and civi-"lized their Minds to Learning and Instruction. Nor is "there any room to doubt, whether the Philosophers or "Poets have with better Success treated on divine Sub-"jects. Rather let us say, that they have united their "Forces in a joint League to the same end; insomuch "that we may in truth affirm, that their Endeavours "have not been different, but rather the same. For when "you mention a Philosopher, you understand a Poet, "and when you say a Poet you mean by the Word a "Philosopher." Almost to the same Purpose speaks *Natalis Comes* (n), a Mythologist of the sixteenth Century. "The wise Man (says he, that is the Philosopher) was "altogether the same as the antient kind of Poets, not "like those of our times, who think, that all the Art and "Conduct of Poetry consists in the measure of Words, "and the adjustment of Feet; nor were they such as "blabbed out what ever came uppermost, to flatter "Princes for the sake of a Present: But the Composition-"ons of the antient Poets were looked upon as the most "sacred Laws; and often when Cities or Communities "had Quarrels or Contentions among themselves, they "had recourse to the Verses of some Poet, as if it were "to the Sentence of some grave Judge."

These, my Lord, are the Sentiments of the *Platonists* and *Mythologists* concerning the antient Poets; and we

(n) *Mytholog.* in *Orpheo*, lib. VII. Chap. 13.

should

should find upon a strict Review, that our Historians did not differ from the cited Authorities in their Opinions of these particulars. Wonderful things are told of *Orpheus*, *Linus*, *Stesichorus*, and other famed Names of Antiquity in remote Parts; and no less celebrated is our *Hiarbnell-Faidhe*, *i. e.* the Prophet (a Poet and Prophet signifying the same thing) who arrived here with the *Nemedian* Colony in the Year of the World 2029; to whom may be added *Amergin*, Brother to *Heber* and *Heremon*, the Heads and Conductors of the *Milesian* Adventurers in the Year of the World 2934, who is represented by the Historians (*o*) of *Ireland* in a very amiable light, as a Judge, a Prophet, a Poet, a Philosopher, and in short, a Man excellently accomplished in all branches of Science. There are no incontestible Accounts remaining, whether these antient Poets, Foreign or Domestick, left any thing in Writing behind them; and it is probable they did not. But let us attend, my Lord, to what a very knowing and judicious Writer, Sir *William Temple* (*p*), has advanced upon this Subject. " Poetry (says he) is generally agreed " to have been the first sort of Writing in the World, " and, in several Nations, to have preceded the Inven- " tion or usage of Letters. This last is certain in *Ame-* " *rica*, where the first *Spaniards* met with many strains " of Poetry, and left several of them translated into their " Language, which seemed to have flowed from a true " poetick Vein, before any Letters were known in these " Regions. The same is probable of the *Scythians*, the " *Grecians*, and the *Germans*. *Aristotle* says, the *Aga-* " *thyrsi* had their Laws all in Verse, and *Tacitus*, that " the *Germans* had no Annals nor Records but what were " so; and for the *Grecian* Oracles delivered in them, we " have no certain Account when they began, but rather " reason to believe, it was before the Introduction of " Letters from *Phœnicia* among them. *Pliny* tells it as a " thing known, that *Pherecides* was the first who writ " Prose in the *Greek* Tongue, and that he lived about " the time of *Cyrus*; whereas *Homer* and *Hesiod* lived " some hundred of Years before that Age; and *Orpheus*, " *Linus* and *Musæus*, some hundreds before them: And

(*o*) *Ogyg.* p. 183. (*p*) Essay on Poetry.

" of

"of the *Sybils*, several were before any of those, and in "Times as well as Places, whereof we have no clear Re-"cords now remaining. What *Solon* and *Pythagoras* writ "is said to have been in Verse, who were something "older than *Cyrus*, and before them were *Archilochus*, "*Simonides*, *Tyrtæus*, *Sappho*, *Stesichorus*, and several o-"ther Poets famous in their times. The same thing is "reported of *Chaldæa*, *Syria*, and *China*. Among the "antient *Western Goths* (our Ancestors) the *Runick* Poetry "seems to have been as old as their Letters; and their "Laws, their Precepts of Wisdom, as well as their Re-"cords, their Religious Rites, as well as their Charms "and Incantations, to have been all in Verse." The same things may with equal Probability be affirmed of the antient *Irish*; and we are taught by Mr. *O-Flaberty* (*q*), that from the time of *Amergin* before mentioned to the Reign of *Conquovar Mac-Nessan*, who mounted the Throne of *Ulster* in the Year of the World 3937, comprehending a Period of upwards of a thousand Years, the Poets had the sole Power of delivering Laws to the People, and pronounced their Judgments in Verse, Laws being not yet committed to Writing. These Poetical Decrees were called *Judicia Cœlestia*; Heavenly Decrees; because they were supposed by the Antients to have been written by Inspiration from *Apollo*, or the Sun, esteemed among them the God of Learning in general, but more particularly of Musick and Poetry; the Mythology of which Fable seems to mean no more than this, namely (*r*), "that a certain "noble and vital heat of temper, but especially of the "Brain, is the true spring of Poetry. This was that "*Cœlestial* Fire, which gave such a pleasing motion and "Agitation to the Minds of those Men, that have been "so much admired in the World, that raises such infinite "Images of things so agreeable and delightful to man-"kind. By the influence of this *Sun* are produced those "golden and inexhausted Mines of Invention, which have "furnished the World with Treasures so highly esteem-"ed, and so universally known and used in all the Re-"gions that have yet been discovered. From this arises "that Elevation of Genius, which can never be produced

(*q*) *Ogyg.* p. 216. (*r*) *Temple* as before.

"by

" by any Art or Study, by Pains or by Industry, which
" cannot be taught by Precepts or Examples; and there-
" fore is agreed by all to be the pure and free gift of
" Heaven or of Nature, and to be a Fire kindled out of
" some hidden Spark of the very first Conception."

These *Judicia Cœlestia*, or divine Decrees, are compared *(f)* to the *Dicta Sapientum* of the *Grecians*. Poetry is known to be a wonderful Help to Memory, not only by the pleasure of Measures and of Sounds, which make a deep Impression on it, but by the methodical arrangement of Feet, which affords a great facility of tracing one Word after another, by observing what sort of Foot or Quantity must necessarily have preceded or followed the Words we retain and desire to make out. From these helps to Memory, it is no wonder, my Lord, that several pieces of the antient *Irish* Poetry have been preserved to after Ages, which many have employed themselves in collecting from time to time.

The strains, the colouring, and metaphorical Parables and flights of Poetical Compositions are known to every Body; and these, my Lord, I presume to think have been the Cause of introducing so much Fable into the antient *Irish* History, I may say, into the antient History of all Nations, which *Livy*, in the Passage before cited, barely hints at. Our antient History is drawn from the poetical Decorations of the Bards, the chief Possessors and Propagators of traditional Knowledge in the early Ages. Injudicious Historians have taken the Raptures and Flights of those Poets for genuine Truths, who intended nothing more thereby than Embellishment and Decoration; whereas, if such Flights were Mythologically considered, it is presumed an obvious moral Sense may be drawn from most of them. I have considered the antient *Irish* History in this Light, and I will give your Lordship two Instances, among a Thousand, to confirm what I advance, which I submit to your greater Penetration.

Siorlamh, *i. e.* the *long Handed*, mounted the Throne of *Ireland* in the Year of the World 3492, and is said to have had such long Hands, that standing upright he could touch his Feet, in this particular exceeding *Artaxerxes*

(f) Ogyg. p. 217.

Longimanus,

Longimanus, contemporary with our King, who in the same Situation could only touch his Knees. Are not these, my Lord, Pictures of the power of Kings extended against offending Subjects to a very great distance? According to the saying of some Poet, whose Name I have forgot,

Nescis quam longas Regibus esse Manus.

So in the Year 95 of *Christ*, *Feradach Fathuach*, or the Just, being advanced to the Throne by a popular Election, made *Moran* his Prime Minister, and administrator of Justice to the People, and presented him with a wonderful Collar, called after him, *Jadh-Moran*, *i. e.* the inclosure of *Moran*, which was to serve as a Test of the Integrity of a Judge or Witness, and had this Property, that when a wicked Judge, who intended to pronounce an unjust Sentence, or a Witness, who was about giving a false Testimony, had this Collar put about his Neck, that it would contract it self and stop his Breath; but where the Judge or Witness were resolved to act with Justice, it would dilate it self and hang loose. *Moran* wore this Collar with great Ease to himself, and Satisfaction to the People, during his whole Administration, which ended with his Life. This Fable, my Lord, was undoubtedly taken from some allegorical Expressions used by the *Irish* Poets, which Historians were idle enough to take in a literal Sense. For the moral of the Story means no more, than that King *Feredach* was a severe executor of Justice, and Punished with Death such Judges and Witnesses, who acted insincerely, as *Alfred*, King of the *Saxons* in *England*, long after actually did. This manner of explaining the allegorical Expressions to be met with in the *Irish* Poetry would probably have purged the History of *Ireland* from great numbers of Fables, with which it now abounds.

Besides the Fables founded upon the Allegories of the Poets, there are others to be met with frequently in the Histories of *Ireland*, which seem to be the Fruits of fertile Invention alone, and intended to fill up Chasms, to amuse ignorant or credulous Readers, to delight and tickle the Ear, and relieve the tediousness of dry and insipid Annals. These, my Lord, are the Works of the dark Ages, succeeding

ceeding that Barbarism and Ignorance introduced among us by the Devastations of the *Danes*, who in a manner put an End to all the Learning, which flourished so highly here in the preceding Centuries. All that a Writer of the History of *Ireland* can at this distant Period do is to separate the sound Corn from the Chaff, and retain only what carries the appearance of Probability and Truth, these only being able to satisfy a reasonable Mind. Such a Conduct, my Lord, intermixed with short and pertinent Reflections, adorned with the decency of a plain narrative Stile, and a due adjustment of Chronology, would set the antient History of *Ireland* upon an equal Foot with that of any other Country, and, in my Opinion, would be useful as well as entertaining.

Having mentioned Chronology, your Lordship will indulge me in making a few Remarks upon the Periods observed by the Writers of the *Irish* History.

Chronology, like History, consists only in the ranging of particular Facts, and remarkable Events under certain Periods of Time, and is principally supported by the Evidence of Authority, which it would be often dangerous to reject, though it is unable to demonstrate it self; but when Authority happens to be united to Astronomical Proof then the Evidence is uncontrolable. The Observations of the *Fasti* among the *Romans*, and of *Holydays* since Christianity, serve much to settle a great number of Facts, in which Historians are not fully agreed. There are also arbitrary *Epochs*, which cannot with safety be opposed. The Observation of all these have been of great use in the *Irish* History, of which numerous Instances might be given, if an Essay of this Nature would suffer one to enter minutely into Chronological Discussions. Of all the Treatises of this sort that of Mr. *Roderick O-Flaherty* seems to me to be built upon the most solid Foundations, and most exact Rules of Art; and therefore, whoever undertakes to handle the antient Affairs of *Ireland* would do well to study that Writer exactly in all his Parts, but more especially his preliminary Address to Arch-deacon *Lynch*, and his Preface to the Reader; wherein he weighs the Arguments he advances against other Writers in an even Ballance, and gives satisfactory Reasons for his differing from them. I mention this Writer, my Lord, in Relation

on to his chronological Labours only; for he cannot be always excused from the vanity of lending too willing an Ear to the Fables propagated from Antiquity.

I once, my Lord, intended to have written an antient History of *Ireland* upon the Plan before laid down, as far as to the Acquisitions of the *English* in it, and had actually proceeded to the Year 919, when I stopped short, my Resolutions being superseded by an Advertisement published to the same End by a Gentleman *(t)*, of whose Abilities that way I have a much better Opinion than of my own: But if I find that he declines the Undertaking, I shall, God willing, resume my Intentions at some proper Season, and prefix such an antient History to a general History of the Kingdom, during the *English* Period,

Thus much, my Lord, I thought proper to say upon the antient History of *Ireland*, which is naturally divided into three Periods, namely, I. the Fabulous, II. the Obscure, III. the Enlightned or more clear. The former comprehends a space from the earliest accounts of time to the arrival of the *Milesians* in the Year of the World 2934, through the several Colonies of *Partholan*, *Nemeid*, the *Firbolgs* or *Belgians*, who first exercised Regal Government in *Ireland*, and the *Danonians*, usually called *Tuath-de-Danons*, who were dispossessed by the *Milesians*. The second Period begins with the *Milesians* in the Year of the World 2934, and extends to the arrival of St. *Patrick* in the Year of *Christ* 432, containing the space of 1447 Years. This is called the Obscure Period, as it was enlightned but with little Learning, and the History of it must consequently be drawn from the traditional Sonnets of the Bards. The third Period may be reckoned from the arrival of St. *Patrick* to the Submissions made by the *Irish* Potentates to King *Henry* II. in 1172, containing the space of 740 Years. That Religious Missionary introduced the Knowledge of the *Roman* Literature among the People, taught them *(u)* the *Latin* Alphabet, and enabled his new Converts to make a considerable progress in Learning: Insomuch that the Ages following him to the Confusions and Devastations introduced by the barbarous *Danes* in the ninth Century, were considered as the Ages of Light and

(t) Mr. *Brook*. *(u)* Antiq. Chap. 3.

Learning,

Learning, and many flocked to *Ireland*, as to the great Mart of Education both from among the *Saxons* and *Gauls* for the sake of Study, as the venerable *Bede (w)*, a Writer of that Period, informs us. "Nor is there any Reason, my Lord, to wonder, that *Ireland* should in those "Ages abound with Persons of Piety and Abilities, when "Learning was little heeded in any other Part of Christendom; since the Wisdom of Providence sows the Seeds "of Religion and Learning, now in one Nation, and then "in another, as in so many Beds, to the End that by "every Transplantation a new growth may shoot up and "flourish, to his Glory, and the good of Mankind." But it is time to spin off this Thread, which is already drawn to too immoderate a length.

SECT. II. We are come now, my Lord, to tread upon surer Ground, when to Historical Accounts may be united the indisputable Evidence of Records. Perhaps no Nation in the World can boast of so noble a Collection of publick acts and Monuments as that begun for *England* by Mr. *Rymer*, Historiographer Royal, and continued down by others to the present times, printed in twenty Volumes in large Folio, under the Title of *Fœdera, Conventiones, Literæ*, &c. This Work was first set on Foot in the Year 1693 by the Command of Queen *Mary*, while his Majesty, King *William*, (of glorious Memory) was abroad in *Flanders* reducing the exorbitant Power of the common Enemy of Mankind. By Privy Seal dated the 16th of *August* that Year her Majesty ordered him free access to search and transcribe such Records as were for the Purpose in the Tower of *London*, the Rolls, the Augmentation Office, the Exchequer, the Journals of both Houses of Parliament, and all other Places where Records were kept, as also to the Library at St. *James's*, add the Paper-Office. The next Year King *William* enlarged this Favour by ordering the Lord Keeper of the Great Seal to direct a Writ to the Lords Commissioners of the Treasury, and to the Chamberlains of the Exchequer, commanding them to deliver to Mr. *Rymer* all such Records relating to his Subject as he should desire. The Compass of this Undertak-

(w) Hist. Eccl. lib. 3. c. 7, 27. (x) *Camd.* vol. 2. p. 1318.

ing

ing was so extensive, that though Mr. *Rymer* had taken in Mr. *Sanderson* as an Assistant, yet it proceeded by slow steps, and the first Volume did not appear till the Year 1704, which was followed by a second in 1705, and by a third and fourth in 1706. These four first Volumes gave such a general Satisfaction to the Publick, that in the Year 1707, her Majesty Q. *Anne* by Privy Seal repeated the Commands of King *William* and Q. *Mary*, and during her Reign fifteen Volumes came abroad, the other five being since added. This was an Undertaking worthy the generosity of a great Queen, and an able Ministry, who in the midst of an expensive War did not think much of the Charge in promoting an attempt which brought so great an Honour to their Country. This valuable Collection hath given rise to one of the best general Histories that ever was wrote of any Country, especially as far down as the Reign of King *James* I. The Name of Mr. *Rapin Thoyras* is too well known to need being mentioned upon this Occasion. By this Collection he was enabled to ascertain Dates in an infinite number of Places, to discover the Mistakes of other Writers, rectify the Contradictions among them, and fill up many considerable Chasms, which before were blanks in History; and all these established on authentic Acts, that are too stubborn to admit of a Dispute. Some industrious and honest Historian might one time or other arise, who would do the like Honour for *Ireland* under equal advantages of Collections: But in that Point lies the Difficulty. To set about making such a body of Collections is a Task only fit for a Drudge, which a Man of Fortune will not, and a Man of small Fortune cannot undertake; so that we must remain as we are, unless some Method could be planned out for removing the Difficulty, which would be a Design worthy of a great Mind, and becoming a Man in power.

Were we, my Lord, to take a View of the wretched Condition, in which the History of *Ireland* stands, it would not be a matter of astonishment, that we should be considered as a People, in a manner, unknown to the World, except what little Knowledge of us is communicated by Merchants, Seafaring Men, and a few Travellers; while all other Nations of *Europe* have their Histories to inform their own People, as well as Foreigners, what they were

and what they are. Mr. *Languet de Fresnoy* (y) hath furnished the World with a large Catalogue of Historians of every Nation in *Europe*, nay in *Asia*, *Africa*, and *America*. Among these how few does he mention of *Ireland*, even as to particular Periods? But in relation to general Historians he takes notice only of two, namely Mr. *Flaherty*'s *Ogygia* for the times preceding the Conquest (of which before in the last Section) and Sir *Richard Cox* for those since that Period. It is to be feared he is not far from the Mark.

—— Pudet hæc opprobria nobis,
Et dici potuisse, et non potuisse refelli.

How far Sir *Richard Cox* deserves the Character of a general Historian must be submitted to those who have taken the Pains of perusing him: Though Mr. *Fresnoy*, or his Translator (who hath interpolated the Work with various undistinguished additions of his own) tells us drily, that the Book is esteemed; yet judicious Writers have looked on Sir *Richard* only in the light of an Annalist, who at a particular critical Time pushed the Work (z) a little too forward, and in too loose a Dress into the World. Indeed it must be confessed we have not in him what may be called a General History of *Ireland*, nor what can give perfect Satisfaction to a Reader. There are vast Chasms in several of the Reigns he has undertaken, which might have been well filled up from the Offices of Record in this Kingdom: But he had not the Opportunity of consulting them, as he compiled his History in another Nation, at a time when this was in a Combustion. Nevertheless he has furnished the World with some good Materials out of the *Lambeth Library*.

We have two other Pieces, called Histories of *Ireland*, namely, *Edmond Champion*, who gives a very slight Account both of the antient History thereof, and of the *English* Period as far as the end of Sir *Henry Sidney*'s Government in 1571, and *Meredith Hanmer*, who likewise couples the antient and more modern Periods, which last he carries down no lower than the Year 1284; but they are further

(y) New Method of studying History, translated by Dr. *Raulinson*, Vol. 2.
(z) *Nicholson*'s *Irish* Hist. lib. p. 52.

continued

continued by a very poor Chronicle of *Henry Marlburrough* to the Year 1421. These two Pieces, together with *Spencer*'s View of *Ireland*, in which are many excellent Materials, were published in a small Folio in the Year 1633 by Sir *James Ware*, and put under the Patronage of the Lord Deputy *Wentworth*, with the same Intention that I now offer these Collections to your Lordship's Protection, in hopes to excite others to make the Publick acquainted with those scattered remains of the History of this Country, which will help to fill up several Chasms in it. We are told by the same worthy Knight *(a)* "that Sir *James* "*Ley*, Lord Chief Justice of *Ireland* (afterwards Lord "Treasurer of *England*, and Earl of *Marleburgh)* had "caused to be transcribed and fitted for the Press the An- "nals of Fryar *Clynne*, those of the Priory of St. *John* "the Evangelist of *Kilkenny*, as well as the Annals of *Mul-* "*tifernan*, *Rosse*, and *Clonmell*, &c. but that his other "weighty Occasions diverted his Purpose." He adds, "that the Copies were at that time preserved, and that "he hoped ere long, that they, with other Annals and "Fragments of the same Nature, would be divulged;" a hint perhaps, that he himself intended to undertake the Task, which probably was prevented by the multiplicity of the Business of his Office of Auditor General, and the Rebellion, which broke out a few Years after. The Annals printed at the end of *Camden* were preserved and communicated by the Lord *Howard* of *Naworth*. We may venture, my Lord, to take the judicious Publisher's Word for it; "that there is nothing extant more perfect in the "kind, that those Annals, since *Giraldus Cambrensis*; and "that the Contents of them give great light into the *Irish* "History;" and he invites the Reader to communicate to him any thing he had more perfect. Thus, my Lord, we see Gentlemen of great Rank and Reputation in *England* preserving our Monuments, and forwarding them into light, while we ourselves, whom it more immediately concerns, are supine and careless in that particular. The last mentioned Annals, published by *Camden*, are ascribed *(b)* to *Philip Flatsbury*, who flourished in the Year 1517;

(*a*) Pref. to *Campion*. (*b*) *Stanihurst*'s Descript. Hib. Chap. 7.

but they were originally written (c) by *Christopher Pembride*, and only transcribed by *Flatsbury*, at the request of the Earl of *Kildare*. A Copy of these Annals are in Manuscript in the Library of the College of *Dublin* (d), in many particulars differing from the Copy used by *Camden*, which I thought proper to hint to the industrious Historian.

The fullest Annals we have of *Ireland*, (though incompleat enough) next to those before mentioned, may be found in the *English* Edition of Sir *James Ware*'s Works published in the Year 1705; and though they are generally ascribed to the last mentioned Knight, yet it is manifest from the Texture thereof, that the part of them only from the *English* Invasion to the end of the Year 1201 bears his stamp; instead of giving Satisfaction, the only shew the Design of the Author to collect Adversaria towards an History of *Ireland*, which probably he had meditated, but which his Publick Employments would not afford him Leisure to execute. From the Year 1201, to the Death of *Henry* V. in 1221, they are meer Transcrips from the printed Chronicles of *Hanmer* and *Marleburg* before mentioned. The Remainder to the Death of *Richard* III. are collected from the various M. S. Annals of *Ireland*.

But the Annals of the highest Estimation we have relating to *Ireland* are those of *Henry* VII. *Henry* VIII. *Edward* VI. and Queen *Mary*, written in Latin by Sir *James Ware*. The Annals of *Henry* VII. were first published in the Year 1658, and annexed to his Antiquities; Those of *Henry* VIII. came abroad in a small thin Edition in Octavo in the Year 1661. He afterwards in 1664 revised these two Pieces, and published them, together with the Annals of *Edward* VI. and Queen *Mary* in a thin Folio Volume. It is manifest he intended to have continued his Labours to the end of the Reign of Queen *Elizabeth*, and had collected Materials to serve for that Period; but he was prevented by Death the Year following. They were afterwards revised and methodized by his Son *Robert Ware*, Esq; and may be seen in the *English* Edition before mentioned. How they are deficient in the politure and ex-

(c) Writers of *Ireland*, p. 83, 92. (d) E. 3, 32.

actness

actness of Sir *James*'s Pen may be easily perceived. The defects in the Reign of Queen *Elizabeth* are in some Measure supplied by the Life of Sir *John Perrot*, Lord Deputy of *Ireland*, and by the *Pacata Hibernia* ascribed to Sir *George Carew*, Lord President of *Munster*; but these are only for short Periods. I shall only barely mention the Historical Collections made by *Raphael Hollingshed*, and published in his second Volume, this Essay being not intended as an Historical Library, which has been already excellently well written by Doctor *Nicholson*, late Bishop of *Derry*, to whom this Country is infinitely obliged for his pains in delineating the out-lines which an Historian of *Ireland* ought diligently to attend unto. I trust, my LORD, that the Pieces here now first published will be of some use to the Historians of this Country in several Periods, but especially those relating to the Settlement of the six escheated Counties in the Reign of King *James* I. which is the Foundation of our present Happiness. If the Patentees and Undertakers of those Lands had strictly adhered to the Projects and Conditions laid down by that Monarch (which in these Collections may be seen) it would have been impracticable for the *Irish* to have fomented and carried on the Rebellion of 1641 with such dire immanity, as is described by our Historians; and it is pretty plain, that to root out these Plantations (which they knew must end in the Establishment of an *English* Interest through the Kingdom, and consequently in the Diminution of their fond hopes of being restored to their antient Power) was none of the meanest Causes of their infamous attempts.

I have annexed, my Lord, to *Pynnar*'s Survey a Letter written by Sir *Thomas Philips* of *Limyvady* to King Charles I. without Date, from whence appears the miserable manner in which the *Londoners* performed their Undertaking, in planting the County of *Londonderry*. This Letter is in the front of a Folio Volume written in Manuscript by the said Sir *Thomas*, upon the whole progress of that Plantation; wherein he sets forth the Frauds and avaritious Dealings of the Undertakers, and in a manner foretells the Ruin of the *North* by some after Rebellion, as actually came to pass in 1641. This Volume, (which may serve as a just Commentary on the aforesaid Survey, as to the County of *Londonderry*,) was communicated to me by the

Reverend Doctor *John Wynne*, a Person always ready to forward any Undertaking relating to the welfare of his Country. The whole Book is worthy the perusal of an *Irish* Historian.

I have, my LORD, of my own property several other Papers of Plantations made from time to time in this Kingdom, namely, those of Queen *Mary* in the King's and Queen's Counties, of Queen *Elizabeth* through the whole Province of *Munster*, and of King *James* I. in the County of *Wicklow*, which I have Fondness enough to think would be of some use; as would also the invaluable Collections in your Lordship's Possession of the several proceedings previous to and at the time of the Restoration. I have also many other Collections made at considerable expences relating to the affairs of this Kingdom. These, I mean such as are my own property, I would Select and Publish in a second Part of the *Hibernica*, if I find that the present Collection meets with a favourable Reception. I fancy that your Lordship, from the love you bear to this Country, would not think much of depreciating the value of your Manuscript, by suffering it to go abroad. But of this your Lordship is the best Judge, and must be the Director. A Copy of the same Collections with your Lordship's is in the Hands of the Right Reverend the present Lord Bishop of *Clogher*, who professes he is not fond of considering as a private Treasure what may serve to fill up the *Penus Historicus* tending to the Embellishment of any single Period of *Irish* Affairs. But I would not without your mutual Consents do any thing to detract from the value of either of your Properties.

What I have hitherto hinted, my LORD, relates chiefly to the helps to be had in Print; and even there I have been defective, especially in the times preceding the Rebellion of 1641, and during the Progress of it, which latter Period is rendered amazingly Intricate by the writings of Historians of different Parties and Interests, some making it a most hideous Rebellion, and palliating it into a necessary civil Resistance. I shall not in this Place take upon me to decide the Question; but shall only point out such Writers who have handled the Subject. Previous to the Rebellion are the two published Volumes of Letters

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to and from the Lord *Wentworth*, afterwards Earl of *Strafford*, chief Governour of *Ireland*. Also some part of Mr. *Carte*'s Life of the Duke of *Ormond* will be a help to those times, as the whole will be to the Course of the Rebellion, and afterwards through the intire Reign of King *Charles* II. This Writer, it must be confessed, has met with the hard Fate of pleasing neither Party; while the Papists think he has bore too severe upon them, and the Protestants are of Opinion he has favoured the Popish Cause too much. Perhaps both Censures may be true considered in the different parts of his Work. I would venture indeed to advise the Reader to turn his Sheets over with some degree of Caution, and not implicitely to believe without due Examination. The great Collection of Letters written to and by the Marquiss of *Clanrickard*, an active Minister in those times, which are in your Lordships Hands yet unpublished, may possibly contribute to unravell the difficulties of this Period; and as he was in his Religious Profession a Roman Catholick, the Party on that Side the Question cannot well refuse his Evidence: But of this I can say nothing with certainty, having never had the Pleasure of perusing that Collection. I shall only barely mention the Names of the Writers who have treated on the Affairs of those dismal Times. On the Popish Side were *Philip O'Sullevan*, *Peter Walsh*, Mr. *Beling*, Friar *Paul King*, the Earl of *Castlehaven*, the Earl of *Clanrickard*, *John Ponce*; *Nicholas French*, *Redmond Caron*, and others, and those, it must be confessed, are very far from agreeing among themselves. On the Protestant Party are Sir *John Temple*, the Earl of *Clarendon*, Doctor *Edmund Borlase*, the Earl of *Anglesey*'s Observations on *Castlehaven*'s Memoirs, and others. What Pieces those several Historians writ may be seen in the Writers of *Ireland* lately published.

But above all things I would recommend to our Historians to consult the Libraries of the College, and of Archbishop *Marsh* at St. *Sepulchres*, *Dublin*, in both which may be seen Manuscripts of good Value relating to several Periods; and by no means let him omit to look carefully into thirty two Volumes in Folio, and an Index Volume to the whole, in the first of these Repositories, in which he will find the Original Depositions taken upon Oath, as

well by virtue of Commissions, as by the Privy Council, and by the ordinary Magistracy, of the several Massacres, Plunderings, and Violences, committed by the *Irish* on the Protestants during the Rebellion, which will help to clear up the impudent Assertions of the Popish Writers upon that Event, and particularly of the Prefacer to the Lord *Clanriccard*'s Memoirs. For the Preservation of these Collections the World is indebted to Doctor *Sterne*, late Lord Bishop of *Clogher*, who deposited them in the College for perpetual safety. I was once in hopes of seeing the most flagrant instances of those inhuman Barbarities selected and made Publick by the venerable Body to whom they belong; what hath hindered the same from being done, I cannot say, but thus far, my LORD, I may venture to affirm, that it is full time such Depositions were published, since the *Irish* Papists have in many tracts sent abroad in Foreign Countries maintained, that the *English* were the Aggressors in the War, and one R. S. in a Collection of Murders upon the Occasion p. 1. affirms, that the Murder of three thousand *Irish* in the Island of *Magee* was the first Massacre committed in *Ireland* on either Side. But the falsity of this pretence is notorious to Mankind; for the Slaughter at that place did not happen till the end of *November* 1641 in revenge for many Murders committed by the *Irish* on the *Scots* in the North, whom they spared for the first ten Days, while in the mean time they murdered the *English* from the beginning of the Rebellion, which broke out on the 23d of *October* before, many innocent Souls having fallen by their bloody Hands on that Day, and every Day after for a long time. It is therefore necessary, my Lord, for an Historian to be well acquainted with these Depositions, in which he will find many Historical Facts not taken notice of by any Writer, and the rather, for that the Existence of such Depositions is called in Question by the Writer of a Scurrilous Pamphlet called the *Impartial Examiner*, published during the late Rebellion in *Scotland*, with what view is visible enough. Neither ought the Journals of the two Houses of Parliament be passed over unregarded, nor a private Library founded and endowed by Sir *Jerom Alexander* be omitted

mitted to be visited, in which the Historian will find several Collections in Manuscript worthy of his Notice.

After the Restoration few Guides occur during the Reign of King *Charles* II. except some small Pamphlets and Pieces concerning the Act of Settlement, and other events of that Reign, too numerous, and of too little Importance to be named, and except Mr. *Carte* before taken notice of. The subsequent Reign, as it was an open Invasion on the Liberties, Religion, and Properties of the Protestants of *Ireland*, has been amply and truly set forth by Archbishop *King*, and the Military Parts thereof by Doctor *George Story*. Several have written the Life of our glorious Deliverer, King *William*; but all of them have touched very sparingly on the Affairs of *Ireland* during his Reign, except a late Life of that Monarch published last Year; and even that too hath been maimed and castrated in numerous Particulars from the Copy furnished by the Writer of it, in order to bring it within a certain Compass necessary for the Bookseller's view, who published it at his own Charges. I speak this with confidence, my LORD, because I was the Author of it, which Circumstance I in vain endeavoured to conceal, the Bookseller having blabbed it to his Acquaintance, who communicated it to others; and so I became as well known for the Author, as if I had put my Name to it, which he also took care to do, without consulting me, in an Edition published of it in *London*. Being thus abused, and my Piece defamed by castrations and otherwise, I am laid under a Necessity for my own Vindication, of publishing *A new Life of King WILLIAM*, to which I am also importuned by great Numbers of Gentlemen of Rank and Distinction. This Life, my Lord, written upon a different model from the former, shall be much fuller of *Irish* Affairs than the castrated Edition, even though it had been published intire; and I intend to add to it not only Notes of Reference, and Plans of the several Sieges and Battles that happened during the active Period of the Wars in this Kingdom, but also an Appendix of Original Papers in proof of several material Passages advanced in it, many of which have never yet been published; and this I intend to set out in Folio or Quarto, as Occasion shall require, in a Letter, and upon a Paper, worthy of such a

Subject,

Subject; or at least upon the best printing Paper that can be purchased, none of the beautiful *Genoa* being now to be had in the Kingdom; and this, my LORD, I hope will help to fill up a very busy as well as useful Period. Though the World has just Reason to be tired of subscribing to Books from the many failures that have happened by the Frauds of designing Proposers, who have taken Gentlemen's Money, and never proceeded further, or have, after Publication, sold their Books at a Price under their Proposals; yet I trust, my LORD, this vile Practice can never be objected to me, and I challenge Mankind to point out where I failed in any Proposal, or any one Instance wherein I did not sell at an advanced Price to non-Subscribers, except to one single Person, which under some delicate Circumstances he extorted from me. I intend therefore to publish this mentioned Life by Subscription, and shall soon issue Proposals for that end: For in truth, my LORD, a Gentleman cannot venture to send abroad any thing, how valuable soever, upon other Terms, without risquing a share of his Fortune. The Booksellers are the professed Enemies of all Gentlemen, who deal in this Way, and think them Interlopers in the profits of their Trade, unless they are content to take the Fame, and give all the Advantages to them. By a significant shrug, and a grin and a Sneer peculiar to them, they condemn all Works that do not pass into the World under their Hands: From them the Poison diffuseth into Coffee-Houses, and other Places of Publick resort, and an Author, who means well, is torn to Pieces behind his Back, even without having his Book read. I know them well both Inside and Outside, *intus et in Cute*; but I am astonished that Gentlemen should propagate the Opinions of such wholesale Criticks, who have just Learning enough to read what is written on the Labels of their Books. I make my protest therefore against all such Censurers: though at the same time I must, in justice to his Character, except out of this Charge Mr. *Faulkner*, who is more open in his Dealing, and, perhaps, a very few others, whom I know little of, further than by Reputation.

This, my Lord, is no mean Discouragement to a Person who would attempt to set the History of his Country in a due Frame; but it is not the only one. There are to be found

found Gentlemen of Figure in the World, who, out of a vain Ambition of being thought Men of Importance in the Commonwealth of Letters, how little qualified soever, will depreciate every thing that comes abroad, even without understanding the Subject, or perhaps reading the Book. If they are challenged to point out the Defects or Errors, they will either involve themselves in general Allegations, from which no certain Conclusion can be drawn, or pitch upon some frivolous Topick, which is of no Consequence whether right or wrong. An Instance of this, my Lord, hath happened within the current Year, which can be compared to nothing better than to the Practice of an *Irish* Judge in the unreformed times, who used to pass Sentence without attending to, and sometimes without hearing the Evidence. But I shall leave those Calumniators to the Conviction of their own Minds, and desire them only to read over the ninth Article of the Decalogue, and to consider, whether their Practice comes within the Prohibition thereof. If the Cap fits any body, he is welcome to wear it. I shall now resume something more material than the Consideration of such Triflers.

I have reserved, my LORD, for the last point the main Matters that must help the defects in the *Irish* History to full purpose; and yet in these we shall find some few Chasms that are now only to be lamented. It is obvious to Mankind, that the Records of Nations must be the main Basis and Foundation upon which the History of those Nations ought to be Built; yet few have considered the Importance of the Records of this Kingdom to the same end. I speak it, my LORD, from experience, that infinite are the Historical helps to be met with in the Roll Office, that of the Auditor General, *Bermingham* Tower, and other Repositories of Records in this City. The *Irish* before the *English* Conquest had no regular System of Laws or Government, nor the benefit of Offices of Record for the Custody of the Material Transactions of State; and that possibly may be one good Reason why the History of those unsettled Times are so dark and wretched. Have we greatly mended the matter by all the benefits that they wanted? I think not; unless we may except the Collections concerning *Irish* Affairs from the Tower of *London* intermixed in the several Volumes of

Rymer,

Rymer, *Pryn*, and a few others. To attempt an History of *Ireland* to any advantage a Writer must be at the Pains of consulting the Records of it; otherwise he must risque his Reputation by building on the Performance of others, and cannot properly be called an Historian, but a Copyist or Transcriber, with some advantage, perhaps, of Language and Method. What the Labours of Mr. *Rymer* have produced in an Historical way hath been hinted before; and from the like fund of Materials some Historian hereafter may arise to do credit to *Ireland*.

I have long since begun to make Collections out of the Records of this Kingdom to serve the purposes of History; but, alas, my Lord, it is a task too severe for any single Hand, though the most Industrious, and more especially for one far advanced in Life. Such a Person should have the help of some experienced Clerks to assist his Labours and Transcribe under his Direction, which would bring the Matter to a point in a very few Years. Such Encouragement was thought worth the while in the neighbouring Kingdom; whither it would be so in this must be submitted to the Consideration of those in Power. My Plan, my Lord, was, first, to Transcribe and Methodize in a Chronological Series all Records relating to *Ireland*, which are to be found in the twenty Volumes of Mr. *Rymer*, in the several laborious Collections of Mr. *Pryn*, (Books which are hardly to be purchased with Money) in Doctor *Wilkins*, *Spelman*, *Reily*, the Decretal Epistles of Pope *Innocent* the third, and some others. These, my LORD, I have compleatly ransacked and digested, and have added to them many hundreds of Historical Records from the Rolls Office, and *Birmingham* Tower. I intend to proceed in the like Labours as far as my other necessary Avocations will permit; but as I cannot hope singly to finish my projected Design during the remains of a far spent Life, I promise your Lordship I will leave my Collections in such Hands as they may be of use to the Publick, and help to shorten the Journey of some future Historian. This is all the way I have to testify my love to a Country, which hath given me Birth.

It is to be lamented, my Lord, that we have not a perfect Chain of Records existing through all the several Periods of the *English* Government, occasioned partly by the decays

decays of time, partly by the negligence of Officers, and the bad Condition of Repositories in antient Days, and partly by the Casualties from Fire. Of Accidents of this last kind there is to be seen an antient Memorandum in *Latin* enrolled in the Chancery Office *Anno* 2. *Edw.* II. to this effect. "Memorandum, that all the Rolls of the "Chancery of *Ireland*, were in the time of Master *Tho-* "*mas Cantock*, Chancellor of *Ireland*, to the 28th Year "of King *Edward*, Son to King *Henry* the III. destroyed "by an accidental Fire in the Abbey of the Blessed Vir- "gin *Mary* near *Dublin*, at the time when that Abbey "was burnt down; except two Rolls of the same Year, "which were delivered to Master *Walter de Thornbury* by "the King's Writ." The two Rolls here mentioned to be preserved are, I think, yet remaining, and endorsed, *Antiquissimæ literæ Patentes*, containing many useful matters. This Loss, my Lord, is a Maim to the History of *Ireland* during the early Times of the *English* Government, namely, from the Year 1172, to the Year 1300 comprehending the space of 128 Years. Yet this Loss is in some measure supplied (I will not say perfectly) partly by *Maurice Regan*, whose Fragment is here published, partly by *Giraldus Cambrensis*, and the Abbot *Benedict*, three Writers cotemporary with the Actions they relate, and by some Manuscript Annals in being; but more amply by the Collections made out of the Tower of *London* by *Pryn* and *Rymer*, and by *Baluzius*'s Edition of the decretal Epistles of Pope *Innocent* the III. To which may be added, some Pieces in the Manuscripts intitled, *Crede mihi*, *Alan*'s *Registry*, and the black Book of *Christ-Church*.

Another Chasm in the Chancery Office is in the times of King *Henry* VIII. during the first twenty Years of whose Reign there is but one Roll of the sixth remaining, and that of no great consequence. How this should happen is to me inconceivable. But his Reign is pretty accurately written by Sir *James Ware*, and some Pieces relating to it may be found in *Rymer*. For this, and all other Periods of the *English* History of *Ireland*, the accurate Historian must by all means consult the *Lambeth* Library, where he will find infinite matter in Indentures of Peace between the Chief Governors of *Ireland*, and many of the *Irish* Potentates in divers Ages, as also in Letters, Petitions, Orders,

ders, Instructions, Journals, Acts of Council, Submissions, Inquisitions, and infinite numbers of other Particulars down to the Reign of King *James* the First, the Catalogue of which alone would take up a Volume. Neither must he omit to visit the *Bodleian* and *Cotton* Libraries, in both which he will find plentiful Materials. That of the Duke of *Chandois* is dispersed (God knows) into how many Hands; but we rejoice that your Lordship hath some part of the Treasures formerly contained in it.

The burning down of the Council Office in the present Century hath also been a Maim to the *Irish* History; yet some Books and Papers have escaped that general Wreck, which ought to be consulted.

Many private Gentlemen have in their Custody Collections relating to *Irish* Affairs of good Value; and it would be a meritorious Action to deposite them where they may be turned to a general Emolument, or at least to communicate Notices of them to the Publick, that curious Men may, upon Occasion, know where to resort to them. The saying of *Nero* in relation to Musick, as reported by a *Roman* Historian *(f)*, may with equal Justice be applied to Knowledge in general, *occultæ Musicæ nullum esse respectum,—that no Regard is to be had to concealed Knowledge*; because the World is not the better for it; to which may be added the saying also of a *Roman* Poet *(g)*.

Scire tuum nihil est, nisi te scire hoc sciat alter.

That Knowledge is of no manner of use, except it be communicated to the World. If Gentlemen possessed of any valuable Manuscripts relating to this Kingdom think proper to hand them over to me, I will, by the Advice of my Brethren of the *Physico-Historical Society*, send them abroad in a second Part of the *Hibernica* among other Pieces of my own, which I intend to make publick in due Season. By these Methods, my Lord, the History of *Ireland* may gradually receive Improvements, and may Facts be brought to light, which hitherto have lain in the Shade; and this may help not only general, but all mixt History, and Inquiries into the County Descriptions of the Kingdom.

(f) Sueton. in vita Neronis. Chap. 2. (g) Persius. Sat. 1.

Your

Your Lordſhip is the beſt Judge whether what I have offered in this tedious Eſſay may be of any uſe to the Improvement of the Hiſtory of *Ireland*, or to the Benefit of it, in any ſhape: If it be not, let it be conſidered only as a Bolt ſhot at random by one, who would rather expoſe his Folly, than be deficient in any Service, how mean ſoever, to his Country. But let it have what Fate it may, at leaſt it gives me an Opportunity of teſtifying how much I am,

My LORD,

Your Lordſhips

Moſt obedient, and moſt

Humble Servant,

WALTER HARRIS.

FINIS.

HIBERNICA:

PART II.

OR,

TWO TREATISES

RELATING TO

IRELAND.

CONTAINING,

I. A Declaration ſetting forth how, and by what Means, the Laws and Statutes of *England*, from Time to Time, came to be of force in *Ireland*; ſaid to be written by Sir *Richard Bolton*, Lord Chancellor of *Ireland*.

II. The Anſwer of Sir *Samuel Mayart*, Serjeant at Law, and ſecond Judge of the *Common-Pleas* in *Ireland*, to a Book intitled, a Declaration ſetting forth how, and by what Means, the Laws and Statutes of *England*, from Time to Time, came to be of force in *Ireland*.

Now firſt publiſhed from two Manuſcripts formerly in the Poſſeſſion of the late WALTER HARRIS, Eſq;

To which is prefixed, a Preface, ſhewing the Occaſion of writing the ſaid Treatiſes, and the Proceedings of the two Houſes of Parliament thereupon.

Tres mihi Convivæ prope diſſentire videntur,
Poſcentes vario multum diverſa palato.
Quid dem? Quid non dem? renuis tu quod jubet alter;
Quod petis, id ſane eſt inviſum acidumque duobus. — HOR. EPIST.

Mihi iſthic nec ſeritur nec metitur. — PLAUT.

——— *Laudatur ab his, Culpatur ab illis.* — HOR. SAT.

Cedo quemvis Arbitrum. — TER.

DUBLIN:
Printed for JOHN MILLIKEN, (at No. 10) in *Skinner-Row*.
M, DCC, LXX.

PREFACE.

WHEN I committed the two Manuſcripts, now printed, to the care of the Editor, I intended to have no more trouble with them, than merely to conduct them through the Preſs as free from Errors as poſſible, and alſo to give a literal tranſlation of the Records, that they might be of uſe to the *Engliſh* Reader. But now, from his importunity, ſupported by the Bookſeller's reaſons, I find I muſt have the trouble of writing a Preface,—an arduous taſk, and which would ſavour too much of vanity, perhaps of folly, if he intended by his requeſt, that I ſhould ſet myſelf up as an Arbitrator between two Gentlemen of ſuch learning, name, and abilities, as the Authors, or ſuppoſed Authors of theſe Treatiſes were. Sir *Samuel Mayart*, though ſtiled in the Manuſcript only Serjeant at Law, was, at the time of writing the ſecond Treatiſe, and long before, ſecond Juſtice of the Court of Common Pleas, and was indiſputably the Author of it, his name being to all the Copies of it I have ſeen; and he appears by the Journals of the Houſe of Lords to have been the tranſacting Perſon in all the meſſages and proceedings had between the two Houſes on occaſion of the Declaration; and he inſinuates *p.* 24. "that he writ it "to give ſome preparations to the conſiderations then in-"tended to be had between the two houſes on that occa-"ſion."

There is no certain evidence, that Sir *Richard Bolton*, who was Chief Baron of the Exchequer, and at the time of this controverſy, Lord Chancellor of *Ireland*, was the Author of the Treatiſe aſcribed to him; which I have done only on the authority of one Manuſcript, to which his name appears. But I am inclined rather to give the honour of the performance to *Patrick Darcy*, Eſq; an eminent Lawyer, and an active Member of the Houſe of Commons in the Parliament aſſembled at *Dublin* in 1640, when the Papiſts had a ſhare in the Legiſlature, as well as the Proteſtants. There is extant in print an argument * of his delivered by expreſs order of the Houſe of Commons on the 9th

* Printed at *Waterford* by *Thomas Bourke*, Printer to the *Confederate Catholicks* of *Ireland*, 1643, Quarto.

of *June* 1641, made at a conference of the Commons with a Committee of the Lords, upon certain questions propounded to the Judges of *Ireland* in full Parliament, and their answers, in which conference he was Prolocutor. In this argument he alledges much of the substance of what is to be seen in the Declaration now published, and therein particularly insists, *p* 67, "That the general statutes of *England*, "were received in *Ireland*, some at one time, some at a-"nother, but all general statutes by *Poining*'s Act of the "10th of *Hen.* 7. and, *that no other statute, or new in-"troductive law is of force in* Ireland, until the same be "first received and enacted in the Parliament of that king-"dom; which, proceeds he, may appear by two declara-"tive statutes, the one of the 10th of *Hen.* 4. and the o-"ther of the 29th of *Hen.* 6." The Declaration of the House of Commons upon occasion of this conference was, among other things, "that the subjects of *Ireland* were a "free People, and to be governed only according to the "Common Law of *England*, and statutes established by the "Parliament of *Ireland*, and according to the lawful cus-"toms used therein." The conformity between what is alledged in the Declaration, and in *Darcy*'s argument, inclines me to think him the Author of that paper.

This was the first beginning of the controversy; but what gave a more immediate rise to it was the Act of *Adventurers* passed in the Parliament of *England* 17th Car 1. for suppressing the rebellion of *Ireland*, of which the *Irish* Rebels, in their Remonstrance from *Trim*, delivered to his Majesty's Commissioners there on the 17th of *March*, 1642, loudly complain, and alledge, that it was declared in print by the order of the Lords Justices, *that* Ireland, *if named, was bound by an* English *statute, which* (they say) *was against law and custom for* 400 *years past: and that from the reign of King* Hen. 2. *there is no precedent that a statute made in* England *had any force in* Ireland, *until enacted there. That now, by false suggestions, an Act of Adventurers* 17 Car. *had passed in* England, *whereby the* Irish, *unsummoned and unheard, were declared Rebels, and two millions and a half of acres of their land disposed of: which Act, though forced on his Majesty, and in itself unjust and void, yet continues of evil consequence, and extreme prejudice to his Majesty,* and *totally destructive of the* Irish *Nation; which therefore they protest*

proteſt againſt, as an Act without precedent, againſt the King's prerogative, and the fundamental laws of the kingdom, praying, amongſt other things, that Poining's *Act may be ſuſpended* pro hac vice, *and either continued or repealed, as ſhall be thought fit.*

This Act of *Adventurers*, how neceſſary ſoever to ſuppreſs the Rebellion, and the poſition raiſed from thence in relation to *Engliſh* Acts binding in *Ireland*, was then deemed by many equally to affect the Proteſtants and Papiſts in that kingdom. This the Lords Juſtices declare in their anſwer to the *Iriſh* Remonſtrance, and further alledge, "that "whether the Parliament of *Ireland* have equal power and "priviledges with the Parliament of *England*, and whether "an *Engliſh* ſtatute can bind *Ireland*, is a matter fitter "to be diſputed by arguments than arms; but that it is "falſe, that the Act of *Adventurers* in *England*, was ground-"ed or occaſioned by any miſinformation from *Ireland*, "which was ſubſequent to the Rebellion, and ſo could not "be a cauſe of it."

This remonſtrance and anſwer raiſed Parties among the Proteſtants, ſome holding the affirmative, and others the negative ſide of the queſtion. Many copies of the *Declaration* in writing, now printed, went abroad, and at length a complaint was made of it in the Houſe of Lords. What paſſed upon that occaſion will be beſt ſet forth in the words of the Journals of that Houſe, &c.

April 10. 1644. It is this day ordered by the Lords, &c. that Mr. Juſtice *Mayart*, and Mr. Baron *Hilton*, do repair to the Houſe of Commons to morrow morning, with the book intitled, *A Declaration how, and by what means the Laws and Statutes of* England *came to be of force in* Ireland, and deſire that Houſe to take the ſaid book into conſideration, and to appoint a Committee to meet a Committee of this Houſe, to have a Conference touching the ſaid book.

April 12th, 1644. Mr. Juſtice *Mayart* reports, that they delivered the Meſſage of this Houſe yeſterday to the Houſe of Commons, together with the book, and that they ſay, they will take it into conſideration, and return an anſwer by Meſſengers of their own.

April 16th, 1644. The Earl of *Roſcommon* moves, that there be a meſſage ſent to the Commons to let them know, that they have expected them here theſe three days, and to

know what they have done with the book then sent them, and what they should expect therein.

April 17th, 1644. A message from the Commons. Mr. *Recorder* acquaints the Lords, that the House of Commons appointed *this Morning* at 6 o'Clock to treat of the book sent down by this House to the Commons; and the said House being full, the said book was read through, and after debating it was resolved, that those of the Long Robe of that House should take it into consideration by the next Session, and that to that end they laid a command upon their Clerk to get Copies made of it; and desire, that the Judges, who attend this House, may likewise take the same into consideration, whereby it may be better discussed by next Session.

April 18th 1644. The Lord Chancellor propounds, that there be an answer sent to the Commons in Answer to Mr. Recorder's message yesterday, *viz.* that this House thinks fit, according to their desire, that the Judges here do join with those of the long Robe of that House *privately* to take into consideration the book intitled, *A Declaration*, &c. by the next Session. Mr. Justice *Mayart* reports, that they delivered the message of this House to the Commons, and saith, that they do well allow of the course propounded by this House touching the joining those of the long Robe of this House, with those of that House, to consider *privately* of the book intitled, *A Declaration*, &c.

It does not appear by the Journals what proceedings were further had upon this occasion, nor what resolutions the two Houses came to upon the conference. The Parliament was prorogued to the 6th of *May*, from thence to the 4th of *June*, and then to the 11th of *July*; and the 15th Session, which was that appointed to meet on the 11th of *July* is wanting in the Journals; and it visibly appears, that a leaf was torn out in the place, where the proceedings of the said Session were entered, and the same of the 25th Session. And the Journals of the Commons of 1644 are all wanting. So that if any resolutions upon this subject were entered in either of the said Places, we are left in the dark what they were.

All I can add is, that if the arguments advanced in either of these treatises shall contribute any thing to settle the minds of his Majesty's good Subjects in relation to the controverted

troverted points, the end of publiſhing them will be abundantly anſwered. I was in hopes they would have appeared in the world ſomething earlier; but the unaccountable delay of the preſs prevented theſe Intentions. Not that it is yet too late; for the billows ſtill ſwell, though the ſtorm is abated. It is in the option of the Readers which ſide of the controverſy they will embrace. Truth is adorned with ſuch amiable and convincing Characters, that it ſurely will in the end prevail, though a *Plato* or a *Socrates* ſhould undertake to baffle it; and whoever of theſe Authors bears that character (which is nakedly ſubmitted to the judicious Reader) his arguments will carry off the prize.

The Manuſcripts now publiſhed were, among a great variety of others, lent to me by the Right Reverend Doctor *John Sterne*, late Lord Biſhop of *Clogher*, who was pleaſed to give me licence to copy as many of them as I pleaſed, which I made uſe of to my full ſatisfaction; after which he made an ineſtimable preſent of them to the Gentlemen of *Trinity-College*, *Dublin*, in whoſe library they now remain.

Dublin, Jan. 16th,
1749.

WALTER HARRIS.

A

DECLARATION

SETTING FORTH,

How, and by what Means,

THE

LAWS and STATUTES of *England*,

From TIME to TIME,

Came to be of *Force* in *Ireland*.

By Sir RICHARD BOLTON.

Mem. prefixed by Patrick Darcy p 4 Supra

KING HENRY the second, in the 18th year of his reign, conquered the Kingdom of *Ireland* from the *Irish*, and placed there many of the *British*, and granted the City of *Dublin* to the Men of *Bristol* to inhabit, and returned into *England*; and afterwards in the 23d year of his reign by Parliament constituted his Son *John*, who afterwards was King of *England*, to be King of *Ireland*, and granted to him and his heirs the whole Kingdom; and

and in the 26th. year of his reign sent him into *Ireland*, with a great train of young Gallants, he being then but 12 years of age, who used the *Irish* with such disdain and derision, that the *Irish* took occasion thereat to revolt from him and his Government; so as shortly after he returned back again into *England* without doing any remarkable thing; But notwithstanding his creation to be King, yet during the life of King *Hen.* 3d. and *Rich.* 1st. he was stiled in his several charters by the name of *Dominus Hiberniæ*,—Lord of *Ireland*,—and not King, until after the death of King *Rich.* 1st. as appears by several charters by him granted to the City of *Dublin*, in the first whereof, being without date, he is stiled, Johannes, filius Domini Regis Angliæ, et Dominus Hiberniæ.——i. e. John, son of our Lord the King of *England*, and Lord of *Ireland*. And in the second, bearing date at *London* the 15th of *May* Anno. 3d. *Rich.* the 1st. he is stiled. Johannes, Dominus Hiberniæ, Comes Mortoniæ.—i. e. John, Lord of *Ireland*, and Earl of *Morton*. And in a third charter granted to the City of *Dublin*, bearing date at *Upton* the 7th. day of *February*, in the 2d. year of his reign, he is stiled,

"Johannis, Dei Gratia, Rex Angliæ, Dominus Hiberniæ, "Dux Normandiæ, et Aquitaniæ, et Comes Andegaviæ.—i. e. John, by the Grace of God, King of *England*, Lord of *Ireland*, Duke of *Normandy* and Aquitain, and Earl of Anjou.

And afterwards in the 12th year of his reign he came again into *Ireland*, and brought with him many learned persons in the Law, and other Officers, and Ministers of all sorts, and established the form of Civil Government to be according to the Laws of *England*, as appears in the first book of Institutes of the Lord *Cooke*, fol. 141; and in the Lord *Cooke*'s 7th Report, fol. 22. in *Calvin*'s Case, extracted out of the Patent Roll of 11th *Hen.* 3d. Membrane, 3. the words are these,

"Rex

" Rex, &c. baronibus, militibus, et omnibus libere tenentibus, Salutem. Satis, ut credimus, vestra audivit discretio, quod, quando, bonæ memoriæ, Johannes, quondam Rex Angliæ, pater noster, venit in Hiberniam, ipse duxit secum viros discretos, et in lege peritos, quorum communi Consilio, et ad instantiam *Hibernensium*, statuit et præcepit leges *Anglicanas* in *Hibernia*, ita quod leges easdem, in Scripturas redactas reliquit sub Sigillo suo ad Scaccarium *Dublin*."

The King, &c. To the Barons, Knights, and all his Freeholders, greeting. Your Wisdoms, as we believe, have sufficiently been informed, that when *John*, formerly King of *England*, our Father, of happy memory, came into *Ireland*, he brought with him discreet Men, skilled in the Laws, by whose concurrent advice, at the request of the *Irish*, he ordained and commanded the Laws of *England* to be observed in *Ireland*, and left the said Laws, reduced into writing, under his Seal in the Exchequer at *Dublin*.

And in another record in 13. *Edw.* cited by the Lord *Cooke* in the first book of his Institutes, fol. 141, it followeth in these words, *viz.*

" Una et eadem Lex esse debet, tam in Regno *Angliæ*, " quam *Hibernia*."——One and the same Law ought to be observed both in *England* and *Ireland*.

And in 2d. of *Rich.* 3d. fol. 12:

Terra *Hiberniæ* habet Parliamentum, prout in *Anglia*, et per idem Parliamentum facit leges, et mutat leges, et illi de eadem terra non obligantur per Statutum in *Anglia*, quia hii non habent milites Parliamenti.

The land of *Ireland* has a Parliament, as in *England*, and by the same Parliament makes laws, and changes laws; and the People of that land are not bound by a Statute made in *England*, because they have not therein Knights of Parliament.

And likewise in Rot. patent, 30. *Hen.* 3. it is recorded,

" Rex, &c. quia pro Communi " utilitate terræ *Hiberniæ*, et " pro unitate terrarum, provisum

The King, &c. Because for the common interest of the land of *Ireland*, and for the unity of both

" ſum eſt, quod omnes leges " et Conſuetudines, quæ in " Regno *Angliæ* tenentur, in " *Hiberniâ* teneantur, et eadem " terra iiſdem legibus ſubja- " ceat, et per eaſdem rega- " tur, ſicut *Johannes* Rex, " cum illic eſſet, Statuit, et " firmiter Mandavit; ideo vo- " lumus, quod omnia brevia de " communi jure, quæ *currunt* " in *Angliâ*, ſimiliter *currant* in " *Hiberniâ*, ſub novo Sigillo " Regis. In cujus &c. teſte " me ipſo apud *Woodſtocke*."

both Countries, it is provided, that all laws and cuſtoms, which are obſerved in the Kingdom of *England*, ſhould be obſerved in *Ireland*, and that the ſaid land ſhould be ſubject to, and be governed by the ſame laws, as K. *John*, when he was there, ordained, and firmly commanded; therefore we will, that all writs at common Law which run in *England*, ſhould in like manner run in *Ireland* under the King's new ſeal. In teſtimony whereof &c. Witneſs my ſelf at *Woodſtock*.

So as now the common Laws of *England* became the proper Laws of *Ireland*; and becauſe they have Parliaments holden there, whereat they have made divers particular Laws concerning that Dominion, as it appears in 2d. *Hen.* 6. fol. 8. and 20 *Eliz.* Dier fol. 360, and by the reſolution of *Calvin's* caſe, *Cooke*, li. 7. fol. 23. it appears, that *Ireland* is governed by laws and cuſtoms ſeparate and divers from the laws of *England*; which proveth, that it is a diſtinct Dominion, ſeparate from the Kingdom of *England*; and although the ordinance of King *John* for the eſtabliſhment of the laws of *England* in the Kingdom of *Ireland*, be ſeveral, yet it is manifeſt, that the common Law of *England* was only put in execution in thoſe parts of *Ireland*, which were reduced and divided into Counties, and not in the *Iriſh* Countries or Territories, which were not reduced into Counties or Shire Grounds until the time of Queen *Mary*, and Queen *Elizabeth*. For King *John* made but 12 Counties, all which were in *Leinſter* and *Munſter*, viz. in *Leinſter*, the Counties of *Dublin*, *Meath*, *Uriel*, now called *Lowth*, *Kildare*, *Katherlagh*, *Kilkenny*, and *Wexford*, which contain all the Province of *Leinſter*, except theſe Territories following, viz. upper *Oſſory*, which was inhabited by the *Fitzpatricks*, *Leix*, which was inhabited by the *Moores*, *Offaly*, which was inhabited by the *O-Connors*, *Ely O-Carroll*, which was inhabited by the *O-Carolls*, and ſome other Territories, which

which were inhabited by other Irish Septs; and in *Munster*, the Counties of *Waterford*, *Kork*, *Kerry*, *Limerick*, and *Tipperary*; which last mentioned 5 Counties do contain the whole Province of *Munster*. The Territories of *Leix*, *Offaly*, and *Ely O-Carroll*, and some others, were reduced into Counties in the time of Queen *Mary*; and then the same were divided into two Counties, the one called the *Queen's County*, the other the *King's County*. So likewise the Province of *Connaught*, and *Ulster*, after the 11th. year of Queen *Elizabeth*, were divided into several Counties, according to a Statute made to that purpose in 11th. *Eliz.* Chap. 9. that is to say, *Connaught* was divided into 7 Counties, (viz) the County of *Galway*, the County of *Clare*, the County of *Roscommon*, the County of *Mayo*, the County of *Sligoe*, the County of *Longford*, and the County of *Leitrim*. And in the like manner, the Province of *Ulster* was divided into nine Counties; namely, the County of *Downe*, the County of *Antrim*, the County of *Tyrone*, the County of *Ardmagh*, the County of *Monaghan*, the County of *Cavan*, the County of *Fermanagh*, the County of *Donegal*, and the County of *Londonderry*; so as now, all impediments being so removed, that the laws of *England*, and the King's Writ may have free passage through all the parts of *Ireland*, it is to be considered in the first place, upon how many parts the laws of *England* do consist, and how from time to time by several degrees they have been made of force in the Kingdom of *Ireland*.

These laws of *England* consist of three parts, first, of the general customs of the kingdom of *England*, which have been used beyond the memory of man, and accepted and approved by Prince and People, and are those, which are called the common laws of *England*. The second sort are particular and local customs, used in some particular Manors, Territories, Cities, and Baronies, and Towns, grounded upon some reasonable causes, and used in times beyond the memory of Man; and of these Mr. *Littleton* saith that,

Consuetudo ex certâ et rationabili causâ usitata privat communem legem.	Custom, grounded upon certain and reasonable causes, takes away the common law.

The

The third ſort are Statute Laws, made in Parliament by the King, the Lords ſpiritual and temporal, and the Commons, which are the repreſentative body of the Commonwealth: And of this ſort, ſome are general laws, extending to all parts of the kingdom, and ſome are particular, extending only to particular places or perſons. And of the general laws, ſome are introductory and poſitive, and ſome are declaratory, declaring the common law in ſome doubtful and ambiguous point, and ſome are mutatory, to alter and repeal ſome former laws in part or in the whole. But the Common Laws are general cuſtoms, and the particular cuſtoms were only of force in *England* in the time of King *John*; for all the ſtatute laws now of force in *England* have been made ſince that time, *viz.* in the reign of *Hen.* 3, and in the reigns of other ſucceeding Kings. So as the laws eſtabliſhed by King *John* in *Ireland*, in the twelfth year of his reign, were only theſe general cuſtoms, which are now called the Common Laws. And the particular and local cuſtoms, which are limited to perſons or places, which could not be transferred or applied by any general words to the Kingdom of *Ireland*, where the perſons or places, whereunto theſe particular cuſtoms were limited and confined, are not to be found, and concerning the Statute Laws, which have been made ſince the time of King *John*, ſo many of them as concern particular perſons, and particular places in *England*, cannot by any general confirmation or approbation become to be laws of Force in *Ireland*; where no ſuch places or perſons are to be found; but all ſuch ſtatutes as have been made ſince the time that King *John* eſtabliſhed the laws of *England* in the kingdom of *Ireland*, which are only declaratory of the Common Laws, are of force in *Ireland*, without any other confirmation or approbation, but only the firſt eſtabliſhment. And of this Sort are the ſtatutes of *Magna Charta*, made in the 9th, year of *Hen.* 3. the ſtatute made in 14th. of *Hen.* 3. called *Statutum Hiberniæ*, and the ſtatute of 25th. of *Edw.* 3. called the *Statute de Proditionibus*, and many other ſtatutes of the like kind. But ſuch ſtatutes as have been made in *England* ſince the 11th of King *John*, and are introductory and poſitive, making new laws, or any ways altering, adding unto, or diminiſhing the ancient Common Laws, have not been

been binding, or any ways of force in *Ireland*, until such time as they have been enacted, allowed, and approved of, by act of Parliament in *Ireland*; as may appear by the judgments of nine Parliaments holden there, (*viz.*) in 13th. of *Edw.* 2. in a Parliament in *Ireland*, the Statutes of *Merton* and *Marlebridge*, made in the time of *Hen.* 3. and the statutes of *Westminster* 1st, and of *Westminster* 2d, and the Statute of *Gloucester*, made in the time of *Edw.* 1. were confirmed and approved to be of force in *Ireland*, and all other statutes, which were of force in *England*, were then referred to be examined in the next Parliament, and so many of them, as should be then allowed, and published, to be accepted for laws in *Ireland*. And afterwards, in a Parliament holden in *Ireland* in 19th. of *Edw.* 2. it was enacted, that the statutes made in *England* should not be of force in the kingdom of *Ireland*, unless they were allowed and published in that kingdom by Parliament; and the like statute was made again in 29th. of *Hen.* 6. But these statutes are not to be found in these parliament rolls, nor any parliament rolls at that time, but the same are exemplified under the great Seal, and the exemplifications were remaining in the Treasury of the city of *Waterford*: And it is most certain, that not only these parliament rolls, but also many other rolls and records miscarried in those troublesome and distempered times, which have been in *Ireland*: For in all the times of *Edw.* 3. *Rich.* 2. *Hen* 4. and *Hen.* 5. which is almost an hundred years, there is not any parliament roll to be found; and yet it is most certain, that divers Parliaments were holden in those times. Moreover in 28th of *Edw.* 1. 5th of *Edw.* 3. 14th of *Edw.* 3. 25th of *Edw.* 3. 34th. of *Edw.* 3. and 7th of *Rich.* 2. divers good laws were made in *England* by several Acts of Parliament against the extortions and oppressions of Purveyors; which laws were never received, nor put in execution in *Ireland*, until the 18th of *Hen.* 6. *Chap.* 1. that it was enacted, agreed, and established by Parliament in *Ireland*, that all statutes made against Purveyors within the realm of *England* should be holden and kept in all points, and put in execution in *Ireland*.

It also appeareth in the year book of 20th *Hen.* 6. *fol.* 8. that one *John Pilkington* brought a Scire facias against one

A. to

A. to shew cause why Letters Patents, whereby the King had granted an Office in *Ireland* to the said *A.* should not be repealed, whereas the said *John Pilkington* had the same Office granted him by former Letters Patents granted by the same King, to occupy by himself or his deputy. Whereupon the said *A.* was warned and appeared, and said, 'That 'the land of *Ireland*, time beyond the memory of man, 'hath been a land separated, and severed from the realm 'of *England*, and ruled and governed by the customs and 'laws of the same land of *Ireland*. And that the Lords 'of the same land, which are of the King's Council, have 'used from time to time in the absence of the King to elect 'a Justice, which Justice so elected hath power to pardon 'and punish all Felonies, Trespasses, *&c.* and to assemble 'a Parliament; and by the advice of the Lords and Com-'monalty to make statutes; *and he alledgeth further*, that 'a Parliament was assembled, and that it was ordained by 'the said Parliament, that every Man who had any Office 'within the said land, before a certain day, *and he puts the 'day in certain*, shall occupy the said Office by himself, or 'otherwise that he shall forfeit his Office. *And sheweth 'further*, how the said *John Pilkington* occupied the said 'Office by a deputy, and that, insomuch as he came not in 'proper person to reside upon his Office before the day, 'that his Office was void, and that the King by his Letters 'Patents granted the said Office so become void to the said '*A.* and prayed, that the said Letters Patents should be 'effectual, and not repealed.' And upon the plea the said *John Pilkington* demurred in Law. In the argument of which case, it was debated by the Judges, *Yelverton*, *Fortescue*, *Portington*, *Markham*, and *Ascough* whether the said prescription were good, or void in law; *Yelverton* and *Portington* held the prescription void; but *Fortescue*, *Markham*, and *Ascough* held the prescription good, and that the Letters Patents made to *A.* were good and effectual, and ought not to be repealed: and in the argument of this case, it was agreed by *Fortescue* and *Portington*, that if a tenth or fifteenth be granted by Parliament in *England*, that shall not bind them in *Ireland*; although the King send the same statute into *Ireland* under his great Seal: except they in *Ireland* will in their Parliament approve it; but if they will approve it, then it shall bind in *Ireland*. And *Portington* said,

said, that if a tenth be granted in the Parliament of *England*, that shall not bind in *Ireland*, because they have not any commandment by writ to come to our Parliament; and this was not denied by *Markham*, *Yelverton*, or *Ascough*. Upon this case these points following are to be observed, First, that the Lords of the Council of *Ireland* had then power, in the absence of the King, and vacancy of a Lieutenant or Deputy, to elect a Justice, and that is plainly proved by the preamble of the statutes of 33d. of *Hen.* 8. *Chap.* 2. in *Ireland*. The words are these; 'For as much as continually sithens the conquest of this realm of *Ireland*, it hath 'been used in this same realm of *Ireland*, that at every such 'time, as it hath chaunced the same realm to be destitute of 'a Lieutenant, Deputy, Justice, or other head Governour, 'by death, surrender, or departure out of the said realm, or 'otherwise, the Council of this realm of *Ireland*, for the 'time being, have used by the laws and usages of the same, 'to assemble themselves together to choose and elect a Justice, to be Ruler and Governour of this realm, till the 'King's Highness had deputed and ordained a Lieutenant, 'Deputy, or other Governour for the same realm; which 'Justice, so being elected, was and hath been always by 'the ancient laws and customs of this said realm of *Ireland* 'authorised to do and exercise the said roume of Deputy 'there, for the good rule and governance, and leading of 'the King's subjects within the said realm of *Ireland*, and 'in ministration of Justice, with divers other authorities, 'preheminences, and jurisdictions there; which usage, 'election, and authority of the said Justice hath been many 'times ratified and confirmed by divers statutes in this Realm 'provided and made. But this order of election of a Justice 'is now by the said statute of 33d. of *Hen.* 8. altered; as 'by the said statute more at large may appear.'

The second point to be observed upon this said Case is, that the Lord Justice, for the time being, had power to summon a Parliament, and therein to enact laws, and statutes, without any commission from the King.

The third point to be observed upon the said Case is, that the statutes made in *England* do not bind in *Ireland*, unless the same be approved and allowed of in the Parliament of *Ireland*. But afterwards in the time of *Edw.* 4. a doubt was conceived, whether the statute made in *England* in 6

Rich. 2. *Chap.* 6. concerning Rape, ought to be of force in *Ireland*, without a confirmation thereof by Parliament: for the clearing of which ambiguity and doubt in 8 *Edw.* 4. *Chap.* 1. in *Ireland*, it was enacted by authority of Parliament, that the said statute of 6 *Rich.* 2. be adjudged and approved in force and strength; and that the statute may be of force in this land of *Ireland* from the 6th day of *March* then last past, and from thenceforth the said act, and all other statutes and acts made by the authority of Parliament within the realm of *England* be ratified and confirmed, and adjudged by the authority of the said Parliament, in their force and strength from the said 6th day of *March*. The cause of which doubt and ambiguity is not expressed in the said statute; but it may be collected, that the said statute was by some men conceived to be but a declaration and explanation of the true meaning of the statute of *Westminster* 2. *Chap.* 34. concerning Rape, which was formerly confirmed and approved by Act of Parliament in 13 *Edw.* 2. The words of the statute are these as followeth, *viz.* If any man from henceforth ravish any woman, married lady, damsel, or other, with force, where she did not consent, neither before nor after, he shall have judgment of life and member. And likewise, where a man ravished a woman, married lady, damsel, or other with force, although she consent afterwards, he shall have judgment as aforesaid, if he be not attainted, and if no man will sue, the King shall have the suit; and for women carried away with the goods of their husbands the King shall have the suit for the goods taken away: and in case the wife wilfully forsake her husband, and go away, and continue with the adulterer, she shall be barred for ever of Action to demand her dower, that she ought to have of her husband's estate, if she be convicted thereupon. But the truth is, that the said statute of *Rich.* 2. is not only a declaration of the said statute of *Westminster* 2. *Chap.* 34. but an addition, that is, the wife shall by the statute of *Westminster* 2. lose her dower by consenting to the ravisher, and living with him in adultery; so the single woman by the statute of 6 *Rich.* 2. shall forfeit her inheritance, if she consent to the ravisher; so as until the said statute of 8 *Edw.* 4. the said statute of 6 *Rich.* 2. was not wholly of force in *Ireland*; and that may appear by the words of the said statute of 8 *Edw.* 4. For by the words

words thereof the said statute of 6 *Rich.* 2. was to be of force from the 6th of *March* then last past, whereas, if the said statute of 6 *Rich.* 2. had been but a declaration or explanation of the statute of *Westminster* 2. *Chap.* 34. it would have been of force at all times since the making of the statute of *Westminster* 2d. which was in 13 *Edw.* 1. And although the statute of 8 *Edw.* 4. be general, that all other statutes and acts made by the authority of Parliament within the realm of *England* should be of force in *Ireland*, there be many statutes made in *England*, which concern particular Cities, and particular Persons, which are not of force in *Ireland* by the general words of that statute of 8 *Edw.* 4. For it were absurd to make such construction, that a statute made in *England* concerning the City of *London* should be in force in *Ireland* by any general words for it; so it must either be of force throughout the whole kingdom, or not at all; for it cannot be applied to any one particular city in *Ireland*, more than to another. But the true construction of the said statute is, to make all such statutes of force in *Ireland*, as are general laws throughout the kingdom of *England*, and not such as are limited or restrained to particular places, or particular uses and purposes, which may not aptly or fitly be applied to *Ireland*.

Likewise in the year book of 2 *Rich.* 3. fol. 11. divers merchants of the City of *Waterford*, in *Ireland*, shipped divers merchandizes of the Staple, intending to carry them to *Sluice* in *Flanders*, and not to *Calais*, contrary to a statute made in *England* in 2 *Hen.* 6. *Chap* 4. whereby it is enacted, that the whole repair of wools, wool-fells, leather, whole tin, and shotten tin, and all other merchandizes belonging to the Staple, passing out of the realm of *England*, and the countries of *Wales* and *Ireland*, to be at *Calais* in *France*, upon pain of forfeiture of the very value of the merchandize, which shall be carried elsewhere, and that no licence from thenceforth be granted to the contrary, except for wool-fells and leather of *Northumberland*, and the Bishoprick of *Durham*; and he that espieth the same, and thereof giveth knowledge to the Treasurer of *England*, shall have a fourth part of the forfeiture so by him espied: and the said ship, against the will of the said merchants arrived at *Calais*, and there Sir *Thomas Thwaites* Knight seized upon the said ship, and after the said merchants petitioned to the

King and his council at *Westminster* by Bill to have restitution; and the said *Thwaites* alledged the said statute, and further shewed, that the said merchants made an indenture with the master of the ship to transport the said merchandize into *Flanders*, and not to *Calais*; and the merchants shewed a licence of *Edw.* 3. and a confirmation of *Edw.* 4. and another confirmation of *Rich.* 3. made to the commonalty and merchants of the said City, by the name of their Corporation, and to their heirs and successors, to carry and transport out of the land of *Ireland* merchandizes of the Staple whither soever they pleased: and upon that matter two questions were moved. First, if towns corporated in *Ireland*, and other inhabitants in *Ireland*, shall be bound by statutes made in *England*. And the second question was, if the King may give licence contrary to the statute, especially where it is ordained by the statute, that the finder shall have part of the forfeiture, and the King shall have the residue. And for the solution of these questions, all the Justices were assembled in the Exchequer Chamber. And as to the first question, it was said, that the land of *Ireland* in itself had a Parliament, and all other Courts as in *England*, and by the same Parliament doth make laws and change laws, and are not bound by the statutes of *England*, because they have not therein Knights of Parliament. But this is understood of lands and things in that land only to be affected; but the persons are the King's subjects, and as subjects are bound to any thing to be done out of *Ireland* against the statute, as the inhabitants of *Calais*, *Gascoigne*, *Guisnes*, were while they were subjects, and likewise shall be obedient to the Admiral of *England* of things done upon the sea; and likewise a Writ of Error of a judgment given in *Ireland* doth lie in the King's Bench in *England*. And for the second question, the King may give a licence, with a clause of *non obstante*. But in 1 *Hen.* 7. all the Justices being in the Exchequer Chamber, the said question was moved again between them of the City of *Waterford*, and Sir *Thomas Thwaites*, Treasurer of *Calais*, and then *Hussey*, Chief Justice, said, that the statutes made in *England* did bind them of *Ireland*. But afterwards 10 *Hen.* 7. *Chap.* 22. it was enacted in a Parliament in *Ireland*, that all statutes then lately made within the said realm of *England*, concerning or belonging to the common or publick weale of the same, from thenceforth should

ſhould be deemed good and effectual in the law, and over that accepted, uſed, and executed within the land of *Ireland* at all times requiſite, according to the tenor and effect of the ſame; and over that by the authority aforeſaid, that they, and every of them, be authorized, proved, and confirmed in the ſaid land of *Ireland*.

By all which ſtatutes made from time to time in *Ireland* it plainly appeareth, that all ſtatutes made in *England* before 10 *Hen.* 7. concerning or belonging to the publick and Commonwealth of *England*, are made to be of force, and to become laws in *Ireland*. And likewiſe at the ſame Parliament, *Chap.* 4. it was ordained, enacted, and eſtabliſhed, that no Parliament ſhould after that time be holden in *Ireland*, but at ſuch ſeaſon, as the King's Lieutenant and Council there do firſt certify the King under the great Seal of that land the cauſes and conſiderations, and all ſuch acts, as to them ſeemed ſhould paſs in the ſaid Parliament, and ſuch cauſes, conſiderations, and acts, affirmed by the King and his Council, to be good and expedient for that land, and his licence thereupon, as well in affirmation of the ſaid cauſes and acts, as to ſummon the ſaid Parliament under his great Seal of *England* had and obtained; that done a Parliament to be had and holden after the form and effect before rehearſed; and if any Parliament be holden in that land hereafter, contrary to the form and proviſion aforeſaid, it be deemed void and of no effect in law.

And foraſmuch, as ſince the making of the act of 10 *Hen.* 7. *Chap.* 4. commonly called *Poining's* act, divers and ſundry ambiguities and doubts have been made upon the true meaning and underſtanding of the ſame; for the avoiding of which doubts and ambiguities, and for a full and plain declaration of the true meaning and underſtanding of the ſaid act, in 3 and 4 *Philip* and *Mar.* *Chap.* 4. it was ordained, enacted, and eſtabliſhed by authority of Parliament, that the ſaid act, and every clauſe and article therein contained, ſhould from the firſt day of *September* then laſt paſt, be expounded, and underſtood, and taken, as hereafter followeth (that is to ſay) that no Parliament be ſummoned or holden within the realm of *Ireland*, until ſuch time as the Lieutenant, Lord Deputy, Lord Juſtice, Lords Juſtices, Chief Governor, or Governors or any of them, and the Counſaile of the ſaid realm of *Ireland* for the time being,

shall certify the King and Queen's Majesty, or her heirs and successors under the great Seal of the realm of *Ireland*, the considerations, causes, and articles of such acts, provisions and ordinances, as by them shall be thought meet and necessary to be enacted here by Parliament; and shall have also received again their Majesties answers under the great Seal of *England*, declaring their pleasure either for passing of the said acts, provisions, and ordinances, in such form and tenor as they should be sent into *England*, or else for the chaunge or alterations of them, or any part of the same; and it was further enacted by the authority aforesaid, that after such return made, and after licence and authority to summon a Parliament within the said realm of *Ireland*, granted under the great Seal of *England* unto the Lieutenant, or the Lord Deputy, or other Lord Justice, or Lords Justices, Governor, or Governors, shall and may summon and hold a Parliament within the realm of *Ireland* for passing and agreeing upon such acts, and no others, as shall be returned under the said great Seal of *England*: and forasmuch as many events and occasions may happen during the time of the Parliament, which shall be thought meet and necessary to be provided for, and yet at or before the time of summoning of the Parliament were not thought nor agreed upon; therefore, it was then further enacted and established by the authority of the said Parliament, that as well after every such authority, and licence sent unto the said realm of *Ireland*, as also at all times after the summons, and during the time of every Parliament to be hereafter holden within the realm of *Ireland*, according to the tenor and form of the said act, the Lieutenant, Lord Deputy, Lords Justices, Chief Governor or Governors, and Council of the said realm, for the time being, shall and may certify all such other causes, considerations, tenors, provisions, and ordinances, as they shall further then think good to be enacted and established at and in the said Parliament within the same realm, to the King and Queen's Majesty, her heirs and successors, under the great Seal of the said realm of *Ireland*, and such causes, considerations, tenors, provisions, and ordinances, or any of them, shall be thereupon certified and returned into the said realm, under the great Seal of *England*, and no others, shall or may pass, and be enacted in every such Parliament within the said realm of *Ireland*, in case the same considera-

tions,

tions, causes, tenors, provisions, and ordinances, or any of them, shall be agreed and resolved upon by the three estates of the said Parliament; any thing contained in the said act, or in the aforesaid act made at *Drogheda*, commonly called *Poining*'s act, to the contrary notwithstanding.

By these two last mentioned statutes, the manner of summoning a Parliament in *Ireland*, and the proceedings and passing of acts in the same, are much altered from that which was before 10 *Hen.* 7. For now, by these two statutes it is so provided, that no act can be so much as read in Parliament without the King's allowance by the advice of both his Councils of *England* and *Ireland*; and these acts have been held so sacred in *Ireland*, that in 11 *Eliz. Chap.* 8. it is enacted, that no Bill shall be certified into *England* for the repeal or suspending of the said statute of 10 *Hen.* 7. called *Poining*'s act, before the said Bill be first agreed upon in a session of Parliament holden within the realm of *Ireland* by the more number of the Lords assembled in Parliament, and the greater number of the Commons House. And if there be any act passed, or to be passed thereupon, touching the repeal or suspending of the said statutes made in 10 *Hen.* 7. called *Poining*'s act, the same to be utterly void and of no effect to all purposes and intents.

By this, which hath been already shewed, it is apparent, that none of the statutes made in *England* from the 12th year of King *John*, until 10 *Hen.* 7. (which were introductory or positive) have been received or put in execution, as laws, in the realm of *Ireland*, until the same were approved and enacted by several acts of Parliament in *Ireland*.

Now it followeth to take into consideration what acts of Parliament made in *England* since 10th of *Hen.* 7. are now in force in *Ireland*, and how the same came to be of force there. It is true, that since 10 *Hen.* 7. there have been many acts of Parliament made in *England* of great importance both for the government of the common-wealth, and the administration of justice between party and party, which are now of force in *Ireland*: but none of them were ever received as laws in *Ireland*, until the same were enacted by several Parliaments holden in *Ireland*, as, amongst many others, may appear by the particulars following. In 21 *Hen.* 8. *Chap.* 7. an act was made in *England*, that makes it fe-

lony in a servant that runneth away with the goods of his master or mistress; and this act was not received in *Ireland* until the same was enacted by a Parliament holden in *Ireland* in 33 *Hen.* 8. Seff. 1. Chap. 5. In 21 *Hen.* 8. Chap. 19. there was a law made in *England*, that all Lords might distrain upon the lands of them holden for their rents and services, and to make their avowries, not naming the tenant, but upon the lands: but this law was not received in *Ireland* until it was enacted there in 33 *Hen.* 8. Seff. 1. *Chap.* 7. An act was made in *England* in *Anno* 31 *Hen.* 8. Chap. 1. that joint tenants, and tenants in common, should be compelled to make partition; which act was not received in *Ireland* until it was enacted there in 33 *Hen.* 8. Seff. 1. Chap. 10. In 27 *Hen.* 8 *Chap.* 10. the statute of uses was made in *England*, for transferring of uses into possession; which statute was never received, nor of force in *Ireland*, till the same was enacted in *Ireland*, 10 *Car.* 1. Chap. 1. So likewise, 32 *Hen.* 8. *Chap.* 1. a statute was enacted in *England*, whereby it is directed, how lands and tenements may be disposed by will, and concerning wardships, and primer seizins; which statute was never received, nor of force in *Ireland*, until it was enacted by Parliament in *Ireland* in 10 *Car.* I. Chap. 2. In *Anno* 1 *Eliz.* *Chap.* 5. there was an act made in *England* for the uniformity of the Common Prayer and Administration of the Sacraments; which act was not received in *Ireland*, until the same was confirmed and established by Parliament in *Anno* 2 *Eliz.* Chap. 2. In *Anno* 5 *Eliz* *Chap.* 9. there was an act of Parliament made in *England* for the punishment of wilful perjury; which act was not of force in *Ireland* until the same was enacted by a Parliament in *Ireland* in 28 *Eliz.* Chap. 1. Another act was made in *England* in *Anno* 3 *Eliz.* Chap. 12. for the punishment of Witchcraft and Sorcery, and another act in the same year, Chap. 14. for the punishment of Forgery; which acts were not of force in *Ireland* until the same were enacted by Parliament there in 28 *Eliz.* *Chap.* 2. 3. In 28 *Hen.* 8. *Chap.* 15. there was an act made in *England* for the punishment of Piracy; which act was not of force in *Ireland* until the same was enacted in *Ireland* in 12th of *James*, *Chap.* 2. In 27th of *Eliz.* *Chap* 4. an act was made in *England* against fraudulent conveyances, which act was not of force, nor

nor received in *Ireland*, until the same was enacted in *Ireland* 10 *Car.* 1. *Chap.* 3. besides many other acts made in the several reigns of *Hen.* 8. *Edward* 6. Queen *Elizabeth*, King *James*, and the King's Majesty who now is. And it is not to be found in any record in *Ireland*, that ever any Act of Parliament made in *England* since the time of King *John*, was by the judgment of any Court received for law, or put in execution in the realm of *Ireland*, before such time as the same was confirmed and established by Act of Parliament in *Ireland*.

But it may be objected, that although such Acts of Parliament as have been enacted in *England*, wherein no mention hath been made of *Ireland*, do not bind, and are not of force in *Ireland*; yet all such acts, as have been, or shall be made in *England*, wherein *Ireland* is particularly named, are, and shall be of force there, without any confirmation or approbation by Act of Parliament in *Ireland*; as for example. The statute of 14th *Hen.* 3. intitled *Statutum Hiberniæ*.—The Statute for *Ireland*, concerning Co-heirs, the Ordinance made 17th *Edw.* 1. intitled *Ordinatio pro Statu Hiberniæ*,—An Ordinance for the State of *Ireland*, and the opinion of *Hussy*, chief Justice in 1 *Hen.* 7. *fol.* 3. which is, that Statutes made in *England* shall bind them of *Ireland*, and likewise an opinion in *Calvin*'s case, that albeit *Ireland* be a distinct dominion from *England*, yet the title thereof being by conquest, the same by judgment of law, might by express words be bound by the Parliament of *England*; and albeit there be no reservation, wherein King *John*'s Charter of establishing the laws of *England* in *Ireland*, yet by judgment of law a writ of error did lye in the King's Bench in *England* of an erroneous judgment in the King's-Bench in *Ireland*.

To these objections it may be answered; first, for the statute of 14th of *Hen.* 3. intitled *Statutum Hiberniæ*,—the Statute for *Ireland*, the same was not an introductory law, but an explanation of the ancient Common Law, as may appear by the very words thereof. The words are these,

" Cum Milites de partibus *Hiberniæ*, nuper ad nos accedentes, nobis ostenderunt, quod cum hæreditas devolutasset	Whereas certain Knights from *Ireland*, lately approaching our presence, have represented unto us, that when an inheritance has

" tasset, videlicet, inter soro-
" res In terrâ nostrâ *Hiberniæ*,
" justiciarii de iisdem partibus
" Itinerantes incerti sunt, utrum
" post natæ sorores tenere de-
" beant de primó genitâ sorore,
" et ei facere homagium, aut
" non; et quia prædicti milites
" petierunt qualiter in Regno
" nostro *Angliæ* in casu consi-
" mili hactenus usiatum fuit,
" sic ad Instantiam eandem vo-
" bis significavimus, quod in
" Regno nostro *Angliæ* talis est
" lex et consuetudo in hoc ca-
" su, quod siquis tenuerit de
" nobis in capite, et habuerit
" filias hæredes, ipso parte de-
" functo, Antecessores nostri
" habuerant, Nos semper habu-
" imus, et cepimus, homagium
" de omnibus hujusmodi filia-
" bus, et singulæ earundem te-
" nuerunt de nobis in capite in
" hoc casu; et si infra ætatem
" fuerint, nos habebimus cus-
" todiam earundem et marita-
" gium singularum: Si autem
" de alio Domino tenuerint, et
" ipsæ sorores infra ætatem fu-
" erint, earum Dominus habeat
" custodiam et maritagium ea-
" rundem ac singularum, & pri-
" mo genita suum faciet homa-
" gium Domino pro se et om-
" nibus sororibus suis; et aliæ
" sorores, cum ad ætatem ve-
" nerint, facient servitia Domi-
" no feodi per manum primo
" genitæ, nec possent primo ge-
" nitæ ratione vel occasione a
" post natis sororibus homagi-
" um vel custodiam, vel ali-
" quam aliam subjectionem,
" exigere vel habere; quia, cui
" omnes

has devolved upon sisters in *Ireland*, the Justices Itinerant of those parts are uncertain, whether the younger sisters ought to hold of the elder sisters, and do homage to her or not. And because the said Knights have desired to know, how the usage of *England* hath hitherto been in the like case, we thus at their instance signify unto you, that in our kingdom of *England*, the law and custom is such in that case, that if any person should hold of us *in capite*, and should have daughters for his heirs, their father being dead, our Ancestors have had, and we also have received and taken homage of all such daughters, and each of them in such case doth hold of us *in capite*; and if they be under age, we shall have the ward and marriage of them and each of them. But if they should hold of any other Lord, and the sisters should be within age, their Lord shall have the ward and marriage of them and each of them, and the eldest shall do her homage to the Lord for herself, and all her sisters, and the other sisters, when they arrive at full age, shall do their services to the Lord of the fee by the hands of the eldest; nor can the eldest sisters by any reason or occasion exact or receive homage, or wardship, or any other subjection, from the younger sisters; because to whomever all are, as it were, one heir of one inheritance, if the eldest may receive the homage of the other sisters, or demand

" omnes ſunt quaſi unus hæres
" de unâ hæreditate, ſi primo
" genita poſſet habere homagi-
" um aliarum ſororum, vel cuſ-
" todiam petere, tunc eſſet illa
" hæreditas diviſa, ita quod
" primo genita ſoror eſſet ſimul
" et ſemel de una hæreditate
" Domina et hæres, hæres au-
" tem ſuæ partis, et Domina
" ſororum ſuarum, quod qui-
" dem in iſto caſu fieri not po-
" terit, cum ipſa primo genita
" nihil poſſet petere plus quam
" aliæ ſorores, niſi capitale meſ-
" ſuagium ratione. Preterea ſi
" primo genita hujuſmodi homa-
" gium a poſt natis ſororibus
" ſuis acciperet, eſſet quaſi do-
" mina earum, et habere poſſet
" cuſtodiam earum, et filiorum
" ſuorum, et hoc eſſet quaſi
" committere agnum lupo ad
" devorandum. Et ideo vobis
" mandamus, quod prædictas
" conſuetudines, quas in Reg-
" no noſtro *Angliæ* habemus
" in hoc caſu, ut predictum eſt,
" in terrâ noſtrâ *Hiberniæ* pro-
" clamari faciatis & obſervari."

mand the wardſhip, then that inheritance would be divided, ſo that the elder ſiſter would be lady and heireſs of one and the ſame inheritance, that is, heireſs of her own purparty, and lady of her ſiſters, which cannot be in this caſe, when the eldeſt ſiſter can demand nothing more than the other ſiſters, except the capital meſſuage. Beſides, if the eldeſt ſiſter ſhould receive ſuch homage from her younger ſiſters, ſhe would be as it were, lady of them, and might have the wardſhip of them and their children, and that would be, as it were, to commit the Lamb to the Wolf to be devoured. And therefore we command you, that you cauſe to be proclaimed and obſerved in our land of *Ireland* the ſaid cuſtoms, which in ſuch caſe, as aforeſaid, are in uſe in *England*.

So likewiſe the ſtatute of *Magna Charta*, which was only a declaration of the Common Law, was of force in *Ireland*, before any ſtatute made in *Ireland* for confirmation of the ſame; and that may well appear by the ſtatute of 13th of *Edw.* 2. before remembered, whereby the ſtatutes of *Morton* and *Marlebridge* 1ſt. *Weſtm.* 2. and the ſtatute of *Glouceſter* were confirmed in *Ireland*, wherein *Magna Charta* is not mentioned; which doubtleſs would have been, if the ſame had been needful; but being a declaration of the Common Law, it was not thought needful to be confirmed, as the other ſtatutes therein mentioned; which were in the moſt part of them introductive and poſitive; and concerning the Ordinance, intitled *Ordinatio pro Statu Hiberniæ*, the

the ſame was never received in *Ireland*; for that Ordinance, amongſt other things, doth ordain, that the Juſtice of *Ireland*, nor no other Miniſter of the King in that land, as long as they are in their offices, ſhould purchaſe any lands or tenements within the ſaid land, within the limits of their juriſdiction, without the King's ſpecial Licence; and if any do to the contrary, that that which he ſhall purchaſe, ſhall be forfeited to the King, and his heirs; and it is manifeſt, that many Juſtices of *Ireland*, and other officers, have in all ages ſince the making of the ſaid Ordinance, acquired and purchaſed, without the King's Licence, great poſſeſſions in all parts of *Ireland*; and yet it doth not appear by any office, inquiſitions, or other records, that ever the King hath been intitled to any ſuch lands, which doubtleſs would have been, if the ſaid Ordinance had been of any force within the Kingdom of *Ireland*. Secondly, the ſaid Ordinance is no Act of Parliament, but only an Ordinance made by the King, by the aſſent of his Council; and therefore could not have the force of law. For if a King come to a Chriſtian kingdom by conqueſt, ſeeing he hath *poteſtatem vitæ et necis*, he may at his pleaſure alter and change the laws of that kingdom; but until he doth make an alteration of thoſe laws, the antient laws of the kingdom remain; but if a Chriſtian King ſhould conquer the kingdom of an Infidel, and bring them under ſubjection, there *ipſo facto* the laws of the Infidel are abrogated; for that they be not only againſt Chriſtianity, but againſt the law of God and Nature, contained in the decalogue; and in that caſe, until certain laws be eſtabliſhed amongſt them, the King by himſelf, and ſuch Judges as he ſhall appoint, ſhall judge them, and their cauſes, according to natural equity, in ſuch ſort as Kings in antient times did within their kingdoms, before any certain laws were given. But if a King have a kingdom by title of deſcent, there, ſeeing that by the laws of that kingdom he doth inherit the kingdom, he cannot change thoſe laws of himſelf, without conſent of Parliament. Alſo, if a King have a Chriſtian kingdom by conqueſt, as King *Hen.* 2. had *Ireland*, after King *John* had given unto them, being under his obedience, the laws of *England* for the government of that kingdom, which are not only regal, but alſo politick; no ſucceeding King could alter the ſame without a Parliament of that kingdom, as it appears in *Calvin*'s caſe,

Cooke

Cooke L. 7. fol. 17. And as to the opinion of *Hussy*, chief Justice, in 1st of *Hen.* 7. *fol.* 3. that the statutes made in *England* shall bind them of *Ireland*, this opinion, as it is put by him generally, cannot be law; for *Brooke*, in abridging that case in title Parliament, *Sect.* 19. saith, that that opinion was denied to be law, the last term before; and added further, *tamen quæ*, that *Ireland* is a realm of itself, and hath a Parliament in itself, implying thereby, that *Ireland* could not be bound but by a Parliament of *Ireland*. And according to that is the opinion of the Judges in 20th *Hen.* 6. *fol.* 8. in *John Pilkington*'s case, and in 2d. *Rich.* 3. *fol.* 11. in the Merchants of *Waterford*'s case, before remembered; and likewise contrary to the opinion of *Hussy* are the judgments of eight several Parliaments in *Ireland* before the Statute of 10th of *Hen.* 7. viz. 13th of *Edw.* 2. 19th of *Edw.* 2. 18th of *Hen.* 6. 29th of *Hen.* 6. 32. of *Hen.* 6. 37th of *Hen.* 6. and 8th of *Edw.* 4. And since the statute 10th of *Hen.* 7. of five Parliaments; viz. 28th of *Hen.* 8. 33d of *Hen.* 8. 28th of *Eliz.* 11th of *Jam.* and 10. *Car.* besides the statute of 10th *Hen.* 7. itself: and it doth not appear by any record to be found in *Ireland*, or in any of the year books in *England*, since the time of King *John*, which is above four hundred years, that any judgment was ever given or grounded upon any statute made in *England*, which is a mere positive law, and not a declaration of the Common Law, before the same was received, and allowed by Act of Parliament in *Ireland*; and, although the words of *Hussy* be general, without restriction, yet I conceive his meaning was not so; but that by the words (the Statutes of *England*) he intended such statutes as concerned the matter then in question, which were the statutes concerning the Staple of *Calais*, in which statute *Ireland* is particularly named: and yet by the opinion of the Judges in 2d *Rich.* 3. that statute was not of force in *Ireland*; and as to the opinion in *Calvin*'s case, *Cooke*, lib. 7. fol. 17. viz. that albeit *Ireland* were a distinct Dominion, yet the title thereof being by conquest, the same by judgment of law might by express words be bound by the Parliament of *England*; for proof of which opinion it is added, that albeit no reservation were in King *John*'s Charter, yet, by judgment of law, a writ of error lyeth in the King's Bench in *England* of an erroneous judgment in the King's Bench in *Ireland*. For clearing of this point, and answering

ing of this objection, besides the said book cases in 20 *Hen.* 6. and 2 *Edw.* 3. we shall find divers judgments of Parliament in *Ireland* to the contrary since the statute 10 *Hen.* 7. viz. in 24 *Hen.* 8. Chap. 12, &c. An act was made in *England* concerning appeals to *Rome*, which Act doth by express words extend to all his Majesty's Dominions; yet the same was not received, nor of force in *Ireland*, until it was enacted by Act of Parliament there in 28 *Hen.* 8. Chap. 6. Also the statute of 28 *Hen.* 8. Chap. 8. made in *England* concerning the first fruits of the Clergy extended by express words to any of the King's Dominions; yet the same was not received, or of force in *Ireland*, until it was enacted there by Parliament in 28 *Hen.* 8. Chap. 8. Likewise the act of faculties made in *England* 25 *Hen.* 8 Chap. 21. extended by express words to all the King's Dominions; yet the same was not received, or of force in *Ireland*, until it was enacted by Parliament in *Ireland*, 28 *Hen.* 8. Chap. 19.

And now, in as much as the laws of *England* and *Ireland* do not admit of any inconveniencies; it is to be considered, what inconveniencies may follow, if the Kingdom of *Ireland* should be bound by any statute made in *England*, and not confirmed by Act of Parliament in *Ireland*. First, the Parliament of *Ireland* should be nugatory and superfluous, if by naming *Ireland* in any statute made in *England*, *Ireland* should be bound; then all these Parliaments which have been holden in *Ireland* since 12 King *John*, for the space of about 400 years, should have been needless and superfluous, which is not to be imagined. Secondly, if the statutes made in *England*, by expressing *Ireland*, should be binding, then by the same reason, a statute made in *England* may repeal, alter, or change, all the laws and statutes, which hitherto have been made and approved, or hereafter shall be made or approved in *Ireland*, which were a thing marvelous inconvenient for that Kingdom: and Mr. *Littleton* saith, that the laws will rather suffer a particular mischief, than a general inconveniency; and it is most certain that *Argumentum ab inconvenienti est in lege fortissimum.*—— An argument drawn from any inconvenience is of the greatest force in Law. Thirdly, if the Parliaments of *England* and *Ireland* be holden at one and the same time, as they now are, and the one Parliament shall make a law, and the other likewise

likewise should make another law direct contrary to the other in the same point, it may be demanded, which of these laws shall be obeyed in *Ireland*? Fourthly, if the statutes made in *Ireland* by those who best know the state and condition of the Kingdom of *Ireland*, and of the people there, shall not be repealed, or any ways altered, or changed, or when laws be imposed by the Parliament of *England*, which cannot possibly know the state and condition of *Ireland*, so well as those, which are inhabiting, and have been born and lived many years in that Kingdom, it would be very inconvenient for them; no man's estate could be made secure or permanent by the Laws of *Ireland*, and what dangerous consequence might follow thereupon by the discontent of that nation, I leave to the consideration of those that are in authority, and best know how to prevent such future inconvenience; and considering that the statutes of *Ireland* are made with such cautions, and in such form, as is prescribed by *Poyning*'s act in 10 *Hen.* 7. and in 3 and 4 *Philip* and *Mary*, viz. First, that all the acts must be considered of the chief Governor, Governors, and Council of *Ireland*, and presented under the great Seal of *Ireland* to the King's most excellent Majesty, and by his Majesty and Council of *England*, approved and altered, and so transmitted into *Ireland* under the great Seal of *England*, and then, and not before, to be propounded in the Parliament of *Ireland*, and there to pass the votes of both Houses, and thereupon the royal Assent to be given by the chief Governor, or Governors of *Ireland*, who must have a special Commission under the great Seal of *England*, to that purpose; I cannot conceive why the Laws and Statutes made in *Ireland* should be controuled, or any ways altered, by any other Authority, than by the Parliament of that Kingdom; ——*Nil tam conveniens naturali æquitati unumquemque dissolvi eo ligamine, quo ligatus est.*——Nothing is so agreeable to natural equity, as that every one should be unbound by the same authority, by which he was bound. Fifthly, the Kingdoms of *England* and *Ireland* are as well political as regal, and the laws thereof grounded upon parity of reason, and legal policy; and surely it standeth not with the rule of reason and politic Government, that the Liberties, Laws, and Estates, of those of the Kingdom of *Ireland*, and of their posterities, should be

be bound by any Laws or Statutes made in *England*, whereunto they are not any ways made privy nor parties: for by the rules of reason and politic Government, to all Statute Laws, whereby the whole Commonwealth is to be governed, the members thereof are to give assent, and a law made by the King, and Peers, or by the Peers and Commons, or by the King and Commons, without the Peers; or by the Peers and Commons, without the King, is of no force, and so it appeareth in 10 *Hen.* 7. Chap. 23. in *Ireland*, when it was declared, that a Parliament there holden before Sir *Robert Preston*, Knt. Viscount of *Germanstown*, then Lord Deputy, should be deemed void to all intents and purposes for divers causes therein expressed, whereof one was, because there was no general summons of that Parliament to all the Shires, but only to four; and by the year books in 11 *Hen.* 7. fol. 27. and 33 *Hen.* 6. fol. 17. it appeareth, that to make a law by act of Parliament there must be the assent of the King, and also of the Lords and Commons; and therefore in 28 *Hen.* 8. Chap. 26. when *Wales* was by act of Parliament united and incorporated to be a member and party of the realm of *England*, and to be inheritable to the laws of *England*, it was thought reasonable, and so enacted in the same Parliament, that every County should send one Knight to the Parliament, and every Borough, one Burgess, to have votes in Parliament, as Knights and Burgesses of other Counties and Burroughs had; and in 34 *Hen.* 8. Chap. 13. the like statute was made for the County Palatine of *Chester*, to send Knights and Burgesses to the Parliament, as the County Palatine of Lancaster, or any other County doth. Sixthly, it is inconsistent with the dignity, power, and jurisdiction of the high Court of Parliament, that the same should be subordinate to the Parliament of another kingdom; for the Court of Parliament is, *Curia altissima et suprema.*——The highest and most supreme Court, and by the laws both of *England* and *Ireland* hath a double capacity of jurisdiction, the one ordinary of judicature, to judge according to the laws already in force; the other supream and absolute, and legislative, either to repeal former laws, or to alter or change the law in some particular point, or to make new laws for the better government of the Commonwealth; and therefore, being *suprema et altissima*

Curia

Curia cannot be subordinate nor subject to the controling of any other power or jurisdiction. For although all the People of *England*, *Scotland*, and *Ireland*, are subjected to the King's Majesty, yet the same is, *respectu diversorum*——in divers respects. And each kingdom hath its own several Parliaments, and several and distinct Laws: and it doth not thereby follow, that the Parliament of one of those Kingdoms should be subordinate or subject to the controul of another; for by that reason, the Parliament of *Scotland* should be subordinate to the Parliament of *England*, which hitherto never was; neither did the *French*, when the greatest part of *France* in the time of *Hen.* 6. was subject to the King of *England*, acknowledge to be subordinate to the Parliament of *England*. And lastly, although writs of error to reverse judgments given in the King's-Bench in *Ireland* may be prosecuted in the King's-Bench in *England*, it doth not therefore follow, that the Parliament of *England* may repeal, alter, or change any laws or statutes of *Ireland*, or give new laws unto that kingdom: for if a writ of error be brought in *England* to reverse a judgment given in the King's-Bench of *Ireland*, the Judges of *England* are not to alter or change the laws of *Ireland*, or to give judgment according to the laws in *England* in such case, but according to the laws in *Ireland*, where the first judgment was given. For by a writ of error they are to examine whether the judgment given in *Ireland* be erroneous, and contrary to the laws of *Ireland*, and not whether it be contrary to the laws of *England*. For example; by the laws of *Ireland* if the husband be attainted of felony, the wife by such attainder shall be barred to demand any dower of the freehold and inheritance of her husband; and this was the ancient Common Law of *England*; but by a statute made in *England* in the time of *Edw.* 6. in such a case of attainder, the wife is not to be barred to demand her dower. Put the case then, that a woman bringeth a writ of dower in the court of Common Pleas in *Ireland*, to be endowed of the freehold and inheritance of her husband, the tenant pleads in bar of her dower, that during the coverture her husband was seized, and attainted of felony, and pleads the record of the attainder in certain, she demurs upon this plea, and judgment is given against the demandant, as by the law of *Ire-*

land it ought to be; the demandant prosecutes a writ of error in the King's-Bench of *Ireland* to reverse the said judgment, and thereupon judgment is affirmed; the demandant in the writ of dower, not herewith content, but conceiving, that by the said statute made in *England* in the time of *Edw.* 6. the wife in such case of attainder of felony is not debarred to demand her dower, prosecuteth a writ of error in the King's Bench of *England*; in this case the Judges of the King's Bench of *England* ought to judge according to the laws of *Ireland*, where the first judgment was given, which is, that the wife ought to be barred of her dower, by the attainder of her husband, and not to judge according to the said statute of *Edw.* 6. So likewise before the statute of 10th *Car.* 1st. Sess. 2. *Chap.* 7. in *Ireland*, if a Disseisor had died seized of lands, and no continual claim had been made, the entry of the Disseisee was tolled, and he was put to recover his right by a real action, and not by way of entry; and by a statute made in *England* in 32d of *Hen.* 8. *Chap.* 33. it was enacted, that no such Disseisin, and dying seized, should toll the entry of the Disseisee, or his heirs, except such Disseisor had continued in the peaceable possession by the space of five years next after the Disseisin by him committed. Now put the case, that before the said statute of 10th *Car.* 1. 7. and after the said statute of 32d of *Hen.* 8. *Chap.* 33. a Disseisor had gained the possession of any lands by Disseisin, and within the space of five years next after such Disseisin had died seized, no entry or continual claim being made by the Disseisee or his heirs, and the Disseisee had entered into the said land, and the heir of the Disseisor bring an action against him *quare clausum fregit*, and upon not guilty pleaded in the King's Bench of *Ireland* the Jury finds the special matter, and there upon not guilty pleaded, judgment is given for the Plaintiff, as it ought to be, as the law was then in *Ireland*, and thereupon the Defendant pursueth a writ of error in the King's Bench in *England*: in this case the Judges of *England* ought to affirm the judgment given in *Ireland* according to the laws of *Ireland*, and not to reverse the same according to the said statute of 32d of *Hen.* 8. in *England*. Another objection more probable than any of those formerly rehearsed may be made upon a branch of the statute of 25th of *Hen.* 8. *Chap.* 20.

made

made in *England*, concerning the consecrating and electing Archbishops and Bishops, the words of which branch are as followeth, *viz.*——" Be it enacted, ordained, and establish-
" ed, that at every avoydance of any Archbishoprick, or
" Bishoprick within this realm, or in any other the King's
" Dominions, the King, our Sovereign Lord, his heirs and
" successors, may grant to the Prior and Convent, or Dean
" and Chapter of the Cathedral Churches, or Monasteries
" where the See of such Archbishopricks or Bishoprick
" shall happen to be void, a licence under the great Seal of
" *England*, as of old time hath been accustomed, to pro-
" ceed to election of an Archbishop or Bishop of the See
" so being void, with a letter missive, containing the name
" of the person which they shall elect and choose; by vir-
" tue of which licence and letter missive so directed, they
" shall with all speed and celerity in due form elect and
" chuse the said person named in the said letter missive, to
" the dignity and office of the Archbishoprick or Bishoprick,
" so being void, and none other; and if they do defer or
" delay their election above twelve days next after such li-
" cence and letter missive to them delivered, that then for
" every such default, the King's Highness his heirs and suc-
" cessors, at their liberty and pleasure, shall nominate and
" present by their Letters Patents under the great Seal such
" person to the said office and dignity, so being void, as
" they shall think able and convenient for the same; and
" that every such nomination and presentment to be made
" by the King's Highness his heirs, and successors, if it be
" to the office and dignity of a Bishop, shall be made to
" the Archbishop and Metropolitan of the province, where
" the See of the same Bishop is void, and if it be void, then
" to be made to such Archbishop and Metropolitan within
" this realm, or in any of the King's Dominions, as shall
" please the King's Highness, his heirs, and successors; and
" if any such nomination or presentment shall happen to
" be made for default of such election to the dignity or of-
" fice of any Archbishoprick; then the King's Highness,
" his heirs and successors, by his Letters Patent under his
" great Seal, shall nominate and present such person, as they
" will dispose to have the said office and dignity of Arch-
" bishop, being void, to any such Archbishop, and two
" such Bishops, or else to four such Bishops in this realm,

"or in any of the King's Dominions, as shall be assigned "by our sovereign Lord, his heirs, and successors, &c." which act was never confirmed or approved by any Act of Parliament in *Ireland*; and yet *Fitzherbert* in his *Natura Brev.* fol. 169. saith, that if a Bishoprick of *Ireland* be void, that they do sue to the King in *England* to go to election of another, and after the election made, they must have his royal assent to this election upon certificate made thereof to the King, and upon that a writ shall be directed out of the Chancery of *England* to the Chief Justice of *Ireland*, or to his Lieutenant, rehearsing all this matter, commanding him to take the fealty of the Bishop, and to restore to him the temporalities; but now, saith he, the course is in *Ireland*, to make such Writs there in the name of the King, but the King doth name the Bishop there, and also in *England*, and then the Chapter shall chuse him that the King hath named to them, and thereupon the writs are made of course.

Thereupon it may be objected, that a statute made in *England* is binding in *Ireland*, without any approbation of the Parliament there, as in this particular case it was, as Justice *Fitzherbert* affirmeth. But hereunto it is answered, that this statute consists of several particulars, First, a declaration of the King's right and prerogative by the antient Common Law, and the restitution thereof to the Crown. Secondly, an advice how, and in what manner, the King may use his prerogative, as appears by that branch of the statute before specified; for the words are not compulsive, that the King shall grant a *Conge d' eslier*, but the words are, that the King, his heirs and successors, may grant a Writ of *Conge de' eslier*, as of old time has been accustomed, with a *Letter Missive*, containing the name of the person to be elected. And in default of such election, the King, his heirs, and successors, at their liberty and pleasure, shall nominate and present by their Letters Patents under the great Seal a person to the said office and dignity, so being void, as they shall think able and convenient for the same. Another part of the said statute is penal to the Archbishops, and Bishops, and likewise to the Deans and Chapters, if they do not proceed to the election and consecration according to that branch of this statute, which is above rehearsed; and therefore, those branches of the said statute, as are declaratory

claratory of the Common Law, are, and ought to be of force in *Ireland*, without any approbation thereof by the Parliament there: and the writ of *Conge d' eslier* is not grounded upon this statute of 25 *Hen.* 8. but was long before, as appears by the Register, fol. 294, and 295, and by this statute itself. And that this statute of 25 *Hen.* 8. is a declaration of the Common Law, is proved, and excellently declared, by the statute of 25 *Edw.* 3. *De provisoribus*, and also, by another statute therein recited made at *Carlisle* in 25 *Edw.* 1. For by the Common Law the King is founder and patron of all Archbishopricks, and Bishopricks, and of common right to him only it belongeth to have the nomination and placing of such persons in and to the same, as he shall think fit; and this likewise appears by the statute of 1 *Edw.* 6. *Chap.* 2. made in *England*, whereby it is declared, that the election of Archbishops, and Bishops, by the Deans and Chapters, within the realms of *England* and *Ireland*, be as well to the long delay, as to the great costs and charges of such persons, as the King giveth any Archbishopricks or Bishopricks unto; and that the said elections be indeed no elections, but only by writ of *Conge d' eslier*, have colours, shadows, or pretences of elections, serving nevertheless to no purpose, and seem only derogatory and prejudicial to the King's prerogative royal, to whom only appertaineth the collation and gift of all Bishopricks within his Highness's realms of *England* and *Ireland*; and the like declaration was made in *Ireland* by act of Parliament in *Anno* 2 *Eliz. Chap.* 4. so as upon the whole matter it was in the King's election after the statute 25 *Hen.* 8. and until the statute 1 *Edw.* 6. in *England*, and 2 *Eliz.* in *Ireland*, to confer Archbishopricks and Bishopricks, either according to the ancient form of *Conge d' eslier*, or by his Letters Patents, according to the said statutes of 25 *Edw.* 3. 1 *E.* 6. and 2 *Eliz.* or according to his ancient right or prerogative by the Common Law: and the statute of 25 *Hen.* 8. is no impediment thereunto; for in 14th *Eliz. Chap.* 7. it is enacted, that the Lord Chancellor, Lord Treasurer, and the Judges in *Crastino animarum*, shall nominate a Sheriff for every county, notwithstanding such statute in 5. 6. *Edw. Dier. fol.* 214. was ruled by the opinion of *Cateline*, Chief Justice of the King's Bench, *Dier*, Chief Justice of the Common Pleas, and the rest of the Judges, that although no Sheriff were

named by the Judges, according to the ſtatute 14 *Eliz.* the Queen by her prerogative may make a Sheriff, without any ſuch election; and that the ſame ſtatute was not any impediment thereunto. Hereby it appeareth, that King *Henry* the 8th by his ancient right, and royal prerogative, notwithſtanding the ſtatute of the 25th, might confer Archbiſhoppricks and Biſhopricks by his Letters Patents, without any *Conge d' eſlier*, as is mentioned in the ſaid ſtatute; for it was at his election to uſe the form preſcribed by the ſtatute, which is not compulſory, but by way of advice, or to uſe his ancient prerogative; and for a more clear proof thereof ſee 33 *Hen.* 8. *Dier.* fol 156. and *Cooke* lib. 11. fol. 64, in Dr. *Foſter*'s caſe, where many good caſes are put, and many good books are cited upon this ground.

Upon ſerious conſideration of all that hath been ſaid formerly, three conſiderable queſtions may be moved, *viz.*—— Firſt, whether upon the conqueſt made by King *Hen.* 2d. immediately, *ipſo facto*, the kingdom of *Ireland* was inſeparably annexed to *England*, or was ſubordinate to the juriſdiction of that Parliament or not? Admitting that it were, then 2dly, whether by the ſaid grant of *Hen.* 2. made to his ſon *John*, the ſame be not ſeparated and disjointed from the kingdom of *England*, and thereby the regal power which King *Henry* 2. had by the conqueſt were not totally tranſferred to King *John*. 3dly, In what capacity King *John* eſtabliſhed the laws of *England* in *Ireland*, (*viz.*) whether as he was King of *England*, or as Lord of *Ireland*.

The firſt of theſe queſtions may receive this anſwer, *viz.* that *Ireland*, being a chriſtian kingdom, the laws thereof did continue, until ſuch time as the conqueror ſhould eſtabliſh ſome other laws, or ſome other form of government therein; which was not done until the 7th year of King *John*; which was twenty eight years after the conqueſt; during all which time, the ancient laws of *Ireland* continuing, it is manifeſt, that the laws of *England* had not any footing in *Ireland*; and therefore the Kingdom of *Ireland*, during that time, could not be ſubordinate to the Kingdom of *England*, neither could the Parliament of *England* extend their juriſdiction in *Ireland*; all which may be plainly proved out of *Calvin*'s caſe in the 7th part of the Lord *Cooke*'s reports; and it doth not follow, that a kingdom gained by conqueſt, is thereby either annexed or ſubordinate to the kingdom

kingdom conquering, but remaineth still a distinct kingdom, as it was before such conquest; for if the laws were otherwise, then the Kingdom of *England* by the conquest of *William* the conqueror should be annexed and subordinate to the Dukedom of *Normandy*; which would have been held strange doctrine in *England* in those days.

The second question may receive this answer, *viz.* that although the kingdom of *Ireland* had by the conquest *(ipso facto)* been united and annexed to *England*, as in truth it was not, yet the same union is not set so inseparable, but that it might be, and was disjoined by the said grant of King *Hen.* 2. wherein we are to consider not only the bare grant itself, but also the circumstances and solemnities of it For first, it was made at a great and solemn assembly of a Parliament held at *Oxford*, as appeareth by all the histories of that time. Secondly, King *John* was thereby constituted King of *Ireland*. Thirdly, this whole kingdom was granted unto him without any reservation. Fourthly, that this grant was made by licence of the Pope, which was by him confirmed, being a matter in those times held to be greatly material. And fifthly, it was enjoyed by King *John*, as a separate and distinct kingdom, severed and distinguished apart from the Kingdom of *England* all the time of his father, and likewise of his eldest brother, King *Richard* 1. by the space of 33 years, during which time he was absolute Lord of *Ireland*, made divers Grants and Charters yet extant in *Ireland*, wherein he stiled himself *Dominus Hiberniæ*, in others, *Dominus Hiberniæ, et Comes Mortaniæ*; by which Charters, as well the City of *Dublin*, as many other cities and corporations in *Ireland*, enjoy many privileges and franchises to this day; and that, after the said grant, neither King *Henry* 2d. nor after him King *Richard* the 1st. never stiled themselves either Kings or Lords of *Ireland*; so as by that grant it appeareth, that King *Henry* 2. was divested of all regal power in *Ireland*; and that the same was really vested in his son *John*: and yet it is true, that where a King hath a Kingdom by descent, the established government whereof is not only regal, but also politick, in that case, the subject hath such interest in the regal protection inherent in the royal person of the King, that the King cannot of himself transfer the same to any other so absolutely, as utterly to divest himself thereof; no more than the subject can by his

own act transfer his allegiance to any other; for by the same law there is a natural obligation between the King and the subjects, inherent in both, *viz.* in the King, protection of his subjects, and in the subjects, fidelity and subjection to the King. But, when a King hath a kingdom by conquest, he may therein establish what form of government he pleaseth, so as the same be not repugnant to the Law of Nature, and the laws of God; and until he have so done, it standeth with reason, that he may transfer that regal dominion acquired by conquest, which is not yet made politick, to another; especially, when it is done by authority and assent of Parliament, as in the case of King *Henry* 2. to his son *John*, it was done; and so the law was then conceived: for by that donation King *John* enjoyed *Ireland*, as a kingdom separate and distinct from the Kingdom of *England*, until the crown of *England* descended upon him; and that the same is yet a kingdom separate and distinct from the Kingdom of *England*, it is resolved clearly in *Calvin*'s case in the 7th report of *Cooke*; where many notable cases adjudged in *England* in all ages since the *Norman* conquest proving the same, are remembered Here also may be remembered the resignation of King *John* of the crown of *England* to the *Pope*, which, being done of himself, was void; also, the resignation of King *Edward* 2. to his son *Edward* 3. and the resignation of *Richard* 2. to *Henry* 4. both done in Parliament, and therefore held good; but the manner how these resignations were obtained is not fit to be related, but rather to be buried in the grave of oblivion, than to be remembered. If King *John*, in the life-time of his father, or of his brother King *Rich.* 1. had established the government of *Ireland*, as he did afterwards, to be according to the laws of *England*, then, without all question, the statutes made in *England* could not be binding in *Ireland*; the Kingdom of *Ireland* being not then any ways dependent upon the Kingdom of *England*.

Now we come to the third question; in what capacity King *John* established the government of *Ireland* to be according to the laws of *England*, he being then King of *England* by descent, as next heir to his brother King *Rich.* 1. who died without issue, and Lord of *Ireland*, with all regal power thereunto incident by the donation of his Father, and not by descent; and surely, it must of necessity be, by that

that regal power, which he had by the donation of his father, and not by any power descended to him from his brother. For his brother had no regal power in *Ireland*; and then, that which his brother never had, could not descend to him; and so consequently it must of necessity be, that he established the laws in *Ireland*, as lord of *Ireland*, by that regal power which he had by his father's donation, whereby he made them the proper laws of *Ireland*, and not otherwise: and how *Ireland* should hereby become subordinate to the jurisdiction of the Parliament of *England*, more than the state of *Rome* was to the state of *Athens* for the laws of the twelve tables, *it cannot be* conceived. For if King *John* had ordained, that *Ireland* should have been governed according to the laws of *Scotland*, (as he might have done) it were a strange construction to say, that *Ireland* should be thereby subordinate unto, or any ways dependant upon, the Kingdom of *Scotland*, or subject to the jurisdiction of the Parliament of that kingdom. So as now it is evident, that *Ireland* is a free and distinct kingdom of itself, the government whereof, is as political, and regal, as the Kingdom of *England* is, and the King's Majesty, is supreme head of the body politick of *Ireland*, and that the Parliament of *England* hath no more jurisdiction in *Ireland*, than it hath in *Scotland*.

Also, it will be necessary for our better satisfaction to know, by what law it is, that the statutes made in *England* should be binding and of force in *Ireland*, without the approbation of the Parliament there; and whether by the Common Law, or by any Statute Law, or by what other law. If by the Common Law, it must have these two qualities; the first of them is, that it must have reason for its foundation and beginning. The second is, that it must have time for its continuance; for Mr. *Littleton* in the epilogue of his book saith, *Lex plus laudabitur quando ratione probatur*.——That law shall be better authorized, when it has its foundation in reason. St. *Germain* saith in his first book, *Chap.* 4. that the law of *England* is grounded upon six principal grounds.

1. First, upon the law of reason.
2. Second, upon the law of God.
3. Upon divers general customs of the realm.
4. Upon divers principles, that be called maxims.

5. Upon

5. Upon divers particular customs.

6. And Sixthly, upon divers statutes made in Parliament by the King and Common Council of the realm.

By which it appeareth, that the Common Law must be consonant and agreeable to the law of reason, and not unreasonable; for as well the Common Law, being the general custom of the realm, as every particular custom, must be *ex certa rationabili causa usitata.*—Must be established upon some certain and reasonable cause, as Mr. *Littleton* saith; and surely there cannot any reasonable cause be shewed, why the lives, liberties, estates, and fortunes of the Prelacy, Nobility, Gentry, and Commons of *Ireland*, should be bound by such laws, as another kingdom or commonwealth shall impose upon them, they being neither party nor privy to the making of them. If the chief city of a kingdom should prescribe to have power to make laws and ordinances for the government of all other cities in the kingdom, such prescription would be adjudged unreasonable and void. *A fortiori*, for one kingdom to make laws to bind another is more unreasonable. In 2 *Hen.* 4. *fol.* 24. a custom was alledged, that the Commoner shall not put his cattle to graze upon the Common, until the Lord of the Manor first enter and put his cattle upon the land; and this was judged an unreasonable custom, and void in law; for by that means it should be in the power of the Lord to defraud the Commoner of his Common. So likewise, if the Parliament of *England* may make laws to be of force and binding in *Ireland*, the subject of *Ireland* may at the pleasure of the Parliament of *England* be disinherited of all the lands, honours, franchises, and liberties, whereof he is inheritable, as well by the laws and statutes of *Ireland*, as by the statute of *Magna Charta Chap.* 29. made in *England*, and of force in *Ireland*. So likewise it appeareth by St. *Germain* in his 1st. book *Chap.* 7. that the general customs of the Kingdom of *England*, because they are neither against the law of God, nor against the law of reason, have attained by long usage the force of laws, and are properly called the Common Law of *England*. Many other authorities may be urged to this purpose, *viz.* the first part of the Institutes *fol.* 68, 81, 110, 141. And *Littleton Sect.* 212. and divers others, as well ancient as modern; so as that ground,

viz.

viz. reason, which indeed is the principal foundation of all laws, is wanting in that case.

The second ground is the law of God, and that is always most consonant to the law of reason, and altogether unchangeable; so as it is most certain there cannot any thing be found by the law of God to prove, that the statutes of *England* should be binding laws in *Ireland*.

The third ground is the general customs of the realms, which will fail altogether in this case; for from the 12th year of King *John*, when the Government of *Ireland* was established according to the model of *England*, until the 1st *Hen.* 7. which was almost 240 years, this doctrine was not dreamed of, until *Hussy*, then Chief Justice, upon a sudden motion, without any argument or deliberation, freely bestowed upon *Ireland* all the statutes of *England*; but all the rest of the Judges of the kingdom in the last term before, upon solemn debate, by serious consideration, were of another opinion, and about nine or ten years afterwards the Lord *Cooke* in *Calvin*'s Case before remembred broached the like doctrine, but was not so liberal as *Hussy*; for he doth limit it only to such statutes, wherein *Ireland* is particularly named, and for his own proof alledgeth no other authority, but only the writ of error to reverse erroneous judgments in *Ireland*; which is neither *ad idem*, nor upon the same reason: for the writ of error to reverse erroneous judgments in *Ireland* hath had a long continual usage to warrant the same, whereby it hath obtained the force of a law; the same being neither against the law of reason, nor the law of God, nor against any maxim of the Common Law, nor any statute law: especially because the judges of *England*, upon the writ of error, must judge according to the laws of *Ireland*, and not according to any other laws. And also it hath two rules of law to support the same, *viz. A. Communi observantia non est recedendum*,—There is no departing from common custom,—and also, *Consuetudo est optima legum interpres*,—Custom is the best interpreter of laws. But to warrant the opinion of *Hussy* in *Hen.* 7. or the opinion of the Lord *Cooke* in *Calvin*'s Case, there is neither law of reason, nor usage, nor any other ground of law. Also the Lord *Cooke* in the second part of his Institutes *fol.* 2. will not allow the statutes of *Magna Charta*, which he in the whole course of the exposition thereof holdeth to be but an

explanation

explanation of the ancient Common Law, to be of force in *Ireland*, until the ſtatute of the 10th *Hen.* 7; but although he was exceeding well learned, and a great honour and light to the laws of *England*, yet was he in this particular exceedingly miſtaken; for King *John* eſtabliſhed the Common Law of *England* to be uſed in *Ireland*, and the ſtatute of *Magna Charta*, being nothing elſe but the Common Law; then, if this were not eſtabliſhed in *Ireland*, nothing was eſtabliſhed but a mere ſhadow, and nothing in ſubſtance; and then was *Ireland* almoſt two hundred and fifty years deſtitute of the benefit of the laws of *England*, which is a very great overſight and miſtaking. For it is apparent in many hundreds of records yet extant in *Ireland*, that all the Common Laws of *England*, ſithence the time of King *John* in all ages, before the 10th *Hen.* 7. were put in practice in *Ireland*, and likewiſe by the ſtatute of 8th *Edw.* 4. made in *Ireland*, all the ſtatutes before that time made in *England*, which might happily be applied to *Ireland*, were enacted to be of force in *Ireland*; ſo as we may conceive, that the Lord *Cooke* in *Calvin's* caſe hath miſtaken the law, as well as he hath done in the ſaid caſe of *Magna Charta*; and then there is no full proof of any ſuch general cuſtom in the caſe in queſtion; but the contrary is clearly proved by the judgment of the ſeveral Parliaments before remembred, and of the Judges in 20th *Hen.* 6. and 2d *Rich.* 3. before recited; and now, as reaſon hath failed upon the two former grounds, ſo hath reaſon and cuſtom, or uſage alſo failed in this third ground.

The fourth ground is certain principles or maxims, whereof there's not any to be found in the books of the Common Law to this purpoſe.

The fifth ground is particular cuſtoms, which be not any way pertinent to the matter in queſtion.

The ſixth and laſt ground is Statute Laws; and moſt certain it is, that there is not any ſtatute extant, either in *England* or *Ireland*, whereby it is enacted, that any ſtatute made in *England* ſhould be of force in *Ireland*, before the ſame were approved, and enacted in the Parliament of *Ireland*; but there be many ſtatutes in *Ireland* proving the contrary, whereof ſome are before remembred in this declaration.

And

And now, forasmuch as it cannot be denied, that *Ireland* is a kingdom distinct of itself, and so declared by Act of Parliament in 33 *Hen.* 8. Chap. 1. the government whereof being established according to the model of *England*, which was, and is, not only regal, but also politick; so as by that establishment *Ireland* became a body politick of itself, as *England* was then, consisting of the King's Majesty, as supreme head, and of the Peers and Commons, as members of the same, in such sorts that the Peers and Commons of *England* are not, nor cannot be any part or member of this body politic of *Ireland*, no more than the Peers or Commons of *Ireland* are or can be members of the body politick of *England*; therefore it cannot stand either in law or common reason, that the one body politick should be subordinate or subject to the controul of the other; for then the King's Majesty, which is the head of the one, and also the head of the other, should be both superior and inferior to himself in his royal and politick capacity within itself, which were altogether repugnant. And although *Ireland* doth acknowledge to *England* the precedency and seniority in politick governnent, yet it must not be forgot chiefly to acknowledge superiority, allegiance and subjection only to the King's sacred Majesty, as next and immediately under God, the Father of the Commonwealth, and supream head of the politick body thereof; whom God preserve long to govern the same in peace and prosperity, to God's glory, his own honour, and the welfare of all his good and faithful subjects committed to his charge, and let all good subjects not only with their mouths, but also with their hearts, say, *Amen. Amen.*

Serjeant

Serjeant *Mayart*'s Answer

TO A

BOOK

INTITLED, A

DECLARATION

SETTING FORTH,

How, and by what Means,

THE

Laws and Statutes of *England*,

From Time to Time,

Came to be of *Force* in *Ireland*.

WRITTEN

By Sir RICHARD BOLTON.

IN a Sessions of Parliament held at *Dublin* the 6th of *April*, 1644, a book in writing was brought into the House of Lords, and there read, intitled a "Declaration how, and by what means, the Laws and Statutes of *England*, from time to time, came to be of force in *Ireland*;" which being once read in the House, and the question upon that

that dispute stated in that book by the Lord Chancellor, by word only to be, whether the Parliament in *England* could by an Act of Parliament there bind the goods and estates, lands, persons or lives, of the subjects of *Ireland*; it was there ordered, that the said book should be sent down to the House of Commons, by them to be perused, where it yet remains. Within a few days after the sending thereof, the Lords sent again to the House of Commons to know, what they had done, or resolved on, concerning that book? To which it was answered by them, that they thought fit it should be well considered of, and therefore had appointed their clerk to make out copies thereof, that the members of that House being of the long robe, might have them; and they desired that copies might be likewise made for the Judges by the clerk of the Lords House, and that after there might be a meeting betwixt the Judges and a committee of the House to consider of the book; since which time there hath been no proceedings thereupon, only copies thereof were given to the Judges, and to some of the members of the Commons House.

To give therefore some preparations to the considerations, it will not be amiss to take a short view of that discourse, which tends wholly to prove, that '*Ireland* never was, nor can be bound by any statute made in *England*, before the same be confirmed by Act of Parliament in *Ireland*.' And before we begin with the discourse itself, it may not be altogether impertinent (considering the question is of as great concernment, as ever any was in that kingdom, and was implicitly resolved of late by his Majesty, the Lords and Commons of *England*, before any difference between them, by an act made in *England* to bind and dispose of the lands in *Ireland*, that an act made in *England* by the Parliament there concerning *Ireland*, doth bind *Ireland*) to ask, why it should be made a question without his Majesty's consent and approbation? And whether this doth not somewhat reflect upon his Majesty, the Lords and Commons there? As if they had done that, which they know not whether they had power to do or no, or did justly in doing it: But to leave the answer to that question to the author of that discourse, let us examine the thing itself.

The author of this book (as we may plainly collect out of it, though he doth not so call them) amongst other things of

of his discourse, doth lay down two principal grounds, whereupon a great strength of his building consists, which we will first examine, because the answering of them will reach far into the whole discourse, and to his arguments and reasons therein: and these two grounds we must gather together out of divers parts of his discourse; for both these, and the proofs of other his positions, are so scattered in many places, before he hath done with them, that unless they be collected together, it will be troublesome to the reader well to observe them, or for any body to give them a full answer without much perplexity.

The first of his grounds in the beginning of his discourse is, that King *Hen.* 2. in the 18th year of his reign conquered the Kingdom of *Ireland*, and placed there many *British*, and returned into *England*: that afterwards in the 23d year of his reign, by Parliament he constituted his son *John*, (who was afterwards King of *England*,) to be King of *Ireland*, and granted to him and his heirs the whole kingdom. And afterwards, towards the end of his book, he saith, that in the grant of King *Hen.* 2. we are to consider not only the bare grant, but the circumstances and solemnity of it. As first, that it was made in a great and solemn assembly of a Parliament at *Oxford*, as appears by all the chronicles of that time. 2dly, King *John* was thereby constituted King of *Ireland*. 3dly, That the whole kingdom was absolutely granted to him without any reservation, &c. and that it was enjoyed by King *John* as a separate and distinct kingdom, severed and distinguished apart from the Kingdom of *England*, during the time of his father, and of his elder brother *Rich.* 1. by the space of 33 years; during which time, as absolute Lord of *Ireland*, he made divers grants yet extant in *Ireland*; and that *Hen.* 2. by his grant was divested of all royal power in *Ireland*, and that the same was really vested in King *John*.

This being his 1st ground, upon which part of the strength of his argument depends, surely it had need be well laid. But how proves he the same? He saith only, that it appears by all the histories of that time, and cites only *Hanmer*'s History of *Ireland*, p. 165.

Certainly histories written by *Monks*, or other men, who understand not the laws, nor, it may be, never had so much as a sight of the Records, Patents, or Grants of things

granted or done, whereof they write; or, if they had, yet understood little of them, or what passed by them, they having little or no knowledge in the laws, are very weak authorities to ground a matter of so great importance upon as this is, and which would not be evidence of itself alone sufficient to recover an acre of land, that should be demanded upon such a title. But the author neither cites any of the writers of those times, or since, but *Hanmer*, or what they say; nor shews us any Act of Parliament, or Patent of such a Grant made to King *John*, or tells us where we may find any such, or any other record, or copy of any, which may induce us to think it probable, that the whole Kingdom of *Ireland* was absolutely granted to King *John*, without any reservation, or that it was a separate and distinct kingdom, severed apart from the Kingdom of *England*, or that *Hen.* 2. by his Grant to King *John*, had divested himself of all his royal power therein; and therefore for the better satisfaction of them that desire it, let us summarily view the antient and modern histories, which write of this business, and what they say.

(a) Hist. of *Ir.* p. 165. Dr. *Hanmer* saith. *(a)* that he finds in the Chronicles of *England*, that *Anno* 1177, in a Parliament held at *Oxford*, *Hen.* 2. created his son *John*, King of *Ireland*; that in *Anno* 1185 he dubbed him Knight, and set him in a readiness for *Ireland*; that the same year he obtained of Pope *Urban* 3d a licence to crown which he would of his sons King of *Ireland*; that the said Pope sent two Legates from *Rome* to crown *John* King of *Ireland*; but *Hen.* 2. delayed it, so that it was not effected; that in the space of eight months that Earl *John* stayed in *Ireland* (not King *John*) he builded three castles, *&c.* and King *Hen.* 2. hearing of the courses that were held by these green heads, he called them all home, and committed the absolute charge and command of *Ireland* to Sir *John de Courcey* whom he appointed Lord Lieutenant of *Ireland*. So that all *Hanmer*'s testimony concerning the making of *John* King of *Ireland*, is, that he findeth it in the Chronicles of *England*, that *Hen.* 2d, created *John* King; but not a word that the whole kingdom was granted to him without any reservation, or that it was separated from *England*, or that he was so much as called King, and that after that creation, he had licence from the Pope to crown which of his sons he would: and therefore

therefore it seems he had not resolved upon his son *John*, and that he would not suffer his son *John* to be crowned, which, if he had intended that he should have been absolute King, he would certainly have done; that after he had been there he called him home, and gave the whole command to Sir *John de Courcey*. These are certain marks, that the sovereignty and power was in *Hen.* 2. and not in his son, but only that he gave him some title of honour, or, if you will, the title of King, or some other power, which was a kind of kingly power, and so esteemed amongst the people, and power to grant the land of *Ireland*; for that before he was called *John* Earl of *Moreton*; but never gave him such absolute power, that he should exclude himself either from granting lands, or appointing governors there, as we shall see by his actions done there afterwards. And with this in a manner agrees *Speed* (*b*), that King *Hen.* delayed the Coronation of his son *John* at such time as two Cardinals offered to celebrate the solemnity, and that his stile in his Seal of *Ireland* (though *Hoveden* saith that his father made him *Regem*—King) was only *Sigillum* Johannis, *filii Regis Angliæ*, *Domini* Hiberniæ.———The Seal of *John*, son of the King of *England*, Lord of *Ireland*.

(*b*) Hist. H. 2.

Neither do some of our late writers make any mention at all of the making of *John* King, so little, as it seems, was that credited by them, and they, who write of it, make no special relation of any Grant made by King *Henry* to *John*, or what power was given to him, but only in a few words, that he gave him the Kingdom of *Ireland*, which, saith *Campian* (*c*), returned home to the Crown, *John* being afterwards King of *England*.

(*c*) Hist. Ir. p. 72.

What *Hanmer* saith is to be observed, that in 1185 King *John* landed at *Waterford*, being then 12 years of age; that in 1177 *Hen.* 2. created him King of *Ireland*; by which computation *John* was created King, being about four years old, and it was about eight years after before he went first into *Ireland*; yet neither in all this time, nor after, do we find, that King *John* had any Protector, which infant Kings ever have, or any Officers belonging to a King, as Chancellor, Treasurer, or any other great Officer, or any other ensigns of Royal Power. And we find, that his Father all his life time, before *John* came into *Ireland*, and also after,

constituted the chief Governors of *Ireland*, as *Courcey*, *Lacy*, &c. and disposed of the great affairs of that kingdom as he pleased, and also gave the lands of *Ireland* himself alone, in his own name, after he had granted *Ireland* to his son *John*, and created tenures to himself, and his heirs, of some of those lands so granted by him, and of others to him, and his son *John*, and their heirs; as we shall see by a Patent granted by him to *Nicholas la Perich*, which we shall hereafter at large recite; which he could not have done, if he had divested himself of all his power in *Ireland*; which is of itself an argument sufficient to prove, that he had still the chief and supreme power over it, notwithstanding his said Grant; and therefore, there is no probability, that King *John* had the absolute dominion of *Ireland* in his father's life-time.

Giraldus Cambrensis, who lived in the time of King *Hen.* 2. and King *John*; and who was there in *Ireland* with him, and a careful relater of the actions of *Ireland*, makes no special mention of this Grant made to King *John*; but only, that *Hen.* 2. gave him the dominion of *Ireland*, but in what manner, or with what power, or that it should be separate from the Crown of *England*, he speaks not a word; which surely he would not have neglected to have done, even for the honour of his Lord and Master, if any such power or dominion had been granted him, and it being a matter of so great moment. But he saith the contrary; for in his epistle dedicatory of his history of *Ireland* to King *John*, he saith,

" Ita et hoc adjicimus, quatenus in memoriam expugnationis hujus *Hiberniæ* per Anglos factæ (quia crebra Dominorum per vices rerum varias fieri mutatio solet, et ad sanguine remotos, vel etiam prorsus extraneos, transcursu temporum hæreditas plerumque devolvi videtur) in Annuo auri, vel animalium, vel etiam arborum tributo, firmiter statuto, quasi perpetuo Chirographo, et indissolubili

We also add hereunto, that for preserving in memory this conquest of *Ireland* made by *Englishmen* (because by the frequent vicissitude of affairs there often happens a change of Lords, and in course of time the inheritance often devolveth on such as are furthest removed in blood or even on those who are wholly foreign thereto) that therefore there be a yearly tribute in gold, or cattle, or even in timber, firmly established, as it were by an

" dissolubili vinculo, Regnum " *Hiberniæ* Coronæ subjectum " omni palam tempore fiat."

an everlasting instrument, and indissoluble tie, that it may be known to all the world, that the Kingdom of *Ireland* is subject to the Crown of *England*.

He would have an annual tribute laid upon *Ireland*, that in all times it might be known, that the Kingdom of *Ireland* is subject to the Crown of *England*.

I find no other antient Writers that make any special mention of this gift, only *Roger Hoveden*, from whom, it is probable, our late writers take so much as they make mention of concerning this matter. He saith, *(d) Anno* 1177, Henricus *Rex venit* Oxendford, *et in generali Concilio ibidem celebrato constituit* Johannem *filium suum Regem in* Hibernia.——In the Year 1177, King *Henry* came to *Oxford*, and in a general Council constituted his son *John* King in *Ireland*.—and a few lines after,

(d) Ann. sub. Hen. 2.

" Deditque Dominus Rex *Hugoni de Lascy* in *Hiberniâ* totam Midiam, cum pertinentiis, pro servitio 100 Militum, tenendam de ipso, et *Johanne* filio suo, et chartam suam inde ei fecit. Deditque ibidem *Roberto filio Stephani*, et *Miloni de Cogham*, Regnum de *Cork*, pro servitio 60 militum, tenendum de ipso et *Johanne* filio suo, exceptâ Civitate *Cork*, cum uno Cantredo, quæ Dominus Rex sibi, et hæredibus suis, retinuit. Deditque ibidem *Hereberto filio Hereberti*, &c. Regnum de *Limerick*, pro servitio 60 Militum, tenendum de ipso et *Johanne* filio suo, exceptâ Civitate de *Limerick*, cum uno Cantredo, quæ Dominus Rex sibi & hæredibus suis retinuit."

The King there gave to *Hugh de Lascy* all *Meath* in *Ireland* with the appurtenances, for the service of an hundred Knights, to hold of himself and his son *John*, and thereof he granted him his Charter. He also there gave to *Robert Fitz-Stephen* and *Milo de Cogham* the Kingdom of *Cork*, for the service of 60 Knights, to hold of himself and his son *John*; except the City of *Cork*, with one Cantred, which the King retained to himself and his heirs. He also gave to *Herebert Fitz-Herebert*, &c. the Kingdom of *Limerick*, for the service of 60 Knights, to hold of himself and his son *John*, except the City of *Limerick*, with one Cantred, which he retained to himself, and his heirs.

And then he shews how he gave the custody of *Wexford*, *Waterford*, and *Dublin* to certain Men, and appointed certain lands and services for their maintenance. By which it plainly appears, if you will believe this man, that though King *Henry* had made his son King in *Ireland*, yet he gave him not the absolute kingly power over *Ireland:* for he himself only, without his Son, made the Grants to the forenamed persons, and appointed the custody of *Wexford*, &c. to others. And in his gifts his reserving the services as well to himself, as to his son, is merely void; because, before the Grant made to King *John*, it will not be denied, but that the title and right to the Kingdom of *Ireland* was wholly in King *Henry:* and in Grants, where there is a reservation, the reservation *(e)* must be to him, from whom the land moveth, and not to a stranger. It therefore necessarily follows, that the reservation was good only to *Henry* and his heirs, and void as to *John*; and so the land of *Ireland* remained still annexed to the Crown of *England*. Besides, in these Grants he excepted the City of *Cork*, with one Cantred, and the City of *Limerick* with another; which he retained (saith *Hoveden*) to himself and his heirs; which makes it most plain, that he never intended, that the whole kingdom should be separated from the Crown of *England*, and not be subject to it. For why should he then have reserved the services to be done to himself, as well as to his son, and some cities and lands to himself and his heirs, and not to King *John*? For *John* was not then his heir apparent, nor like to be his heir, he having at that time elder brothers living, upon whom these cities and lands must have descended, and not upon King *John:* and therefore, if *Ireland* had been separated from *England*, and wholly vested in *John*, his father *Henry*, and his brothers after him must have done service to him for them, which I think no man will once conceive without laughter. And it is not altogether unworthy of observation, that neither *Hanmer* (the only man cited by this author) nor *Hoveden* say, that *Hen.* 2, gave the kingdom to *John* and his heirs, as this Author saith, and alledgeth *Hanmer* for his proof; for *Hanmer* saith only, that he created his son *John* King in *Ireland*, and *Hoveden*, that *constituit* Johannem *Regem in* Hibernia.—— He constituted *John* King in *Ireland*, but not a word of heirs;

(e) *Cok.* Inst. 1. fol. 47. 143, and in other books.

heirs; whereby it seems, that what kind of King soever he did intend him to be, it should be only during his life, and not to descend to his heirs.

It is apparent by many of our histories, that *Henry* 2d. made his eldest son *Henry* King of *England*, with himself, and crowned him King two several times; yet he never had the absolute government of *England*, but sware fealty to his father, and became his liege-man; and therefore, there is no likelihood, that he would make his youngest son an absolute King of a whole kingdom, which he would never do to his eldest; but it is rather manifest, that by the experience he had of the mischiefs that befel him by making his eldest son King with himself, that he was wary of doing any such thing afterwards, and therefore would never have King *John* crowned King of *Ireland*.

And whereas our author saith, that '*Ireland* was distinguished and severed apart from the Kingdom of *England*, all the time of *Hen.* 2. and *Rich.* 1. during which time King *John*, as absolute Lord of *Ireland*, made divers Grants and Charters yet extant in *Ireland*, stiling himself *Dominus Hiberniæ*, and that after the Grant made to King *John*, neither *Hen.* 2. nor *Rich.* 1. ever stiled themselves either Kings or Lords of *Ireland*, so as by that gift it appears, that King *Henry* was divested of all royal power in *Ireland*, and that it was vested in his son *John*.' The answer thereto is very easy; for it is still denied, and we have nothing but the author's word for it, that there was such a grant, for nothing else appears; and it is also denied, that *Ireland* was severed from *England*, and the contrary of all this appears by what hath been said, and by what hereafter follows. And it cannot be proved, that *Ireland* was separated from *England* all the time of *Hen.* 2. or any part of it, but was always united to it, and governed by the laws of *England*, as will appear hereafter. And for the severance in the time of King *Rich.* 1. how that could be, if it were not severed in the time of King *Henry*, is not well to be understood; but out of doubt King *Richard* had no regard to *Ireland*, nor was his chief care for *England*, during whose whole reign, being nine years and nine months, he was never above eight months in *England*, but busied himself in foreign parts; and therefore regarded *England* but little, and *Ireland* nothing at all; and as to King *John* himself, all the time of his

brother *Richard* he was so careless of *Ireland* (which surely he would not have been, if he had been absolute King thereof) that he never came to it, but busied himself in *England*, *Normandy*, and other parts, in getting great estates, and labouring to get the Kingdom of *England*, and Dutchy of *Normandy* to himself from his brother.

And to make it an argument, that King *John* was absolute Lord of *Ireland*, because neither King *Henry*, nor King *Richard*, did after the grant made (so much dreamed of by this Author) ever stile themselves either Kings or Lords of *Ireland*, it may be as well said, that *Hen.* 2. was never King or Lord of *Ireland*; for he doth not make it appear by any authentick author or record, that he ever stiled himself so in his grants, although my Lord *Cooke* saith, (f) In *Calvin's* Case. (f) that his stile was, *Rex Angliæ*, *Dominus Hiberniæ*, &c. —King of *England*, and Lord of *Ireland*, &c.—but it seems he used it not: for *Cooke*, who was conversant with, and knew, and had seen more of the antient Grants and Charters of our Kings and others, than all the Monks and Chro- (g) *Co.* Lit. 7. a. b. niclers, sets down (g) the stiles of the Kings of *England*, since the conquest, where he saith, that the stile of *Hen.* 2. was *Hen. Rex* Angliæ, *Dux* Normandiæ, *et* Aquitaniæ, *& Comes* Andegaviæ,—King of *England*, Duke of *Normandy*, and *Aquitain*, and Earl of *Anjou*—and yet (saith he) he had the Earldoms of *Anjou*, *Tourain*, and *Main*, as son and heir to *Jeffery Plantagenet*. King *Richard* (says he) used the stile that his father King *Hen.* 2. did, yet was he King of *Cyprus*, and after of *Jerusalem*, but never used any of them. King *John* (says he) used that stile, but with this addition, *Dominus Hiberniæ*;——Lord of *Ireland*——, and yet all that he had in *Ireland* was conquered by his father *Hen.* 2. which title of *Dominus Hiberniæ* he assumed as annexed to his crown, albeit his Father in the 23d year of his reign had created him King of *Ireland* in his life-time. Thus far *Cooke*. By which it appears, that *Ireland* was annexed to the crown of *England* before King *John* came to the Crown, and that he assumed the title of *Dominus Hiberniæ*,—— Lord of *Ireland*.——which land was annexed to the Crown of *England* before, and to that title he stuck, and not to his being created King of *Ireland* before by his Father; for if he had, questionless he would have taken the stile of King of *Ireland*, when he came to be King

King of *England*: and therefore, as it is a poor *non sequitur*, or consequence, to say, that *Hen.* 2. did not stile himself Earl of *Main*, therefore he was not in truth Earl thereof, so it is as bad to say, that *Hen.* 2. nor *Rich.* 1. never stiled themselves Lords or Kings of *Ireland*, therefore they were divested of all royal power in *Ireland*, and that it was vested in King *John*, who was declared by his father to be King thereof, which title of King he never stiled himself by; and therefore we may as well conclude, that he never had the sovereign power thereof, till he had it as he was King of *England*. And as to the allegation, that he made divers charters as absolute Lord of *Ireland*, that is still denied. For he might have power to grant away lands, as others after him, who were Lieutenants there, had, nay, a great part of the land, or all the land might have been granted to him, and he might dispose of it, as *Hen.* 3. King *John*'s son, did grant the whole land of *Ireland* to his eldest son *Edw.* 1. but, as the grant saith, *ita quod non separaretur a Corona* Angliæ,—that it should not be separated from the Crown of *England*, and yet the same remain annexed to the Crown of *England*, as doubtless it did. And therefore out of these histories, and from what hath been said, it may be granted, that King *John* had a title of honour given him by *Hen.* 2. in *Ireland*, and the land, or part of it, to dispose of, with a large power over it, yet not so as to exclude his father from any part of it. But that it should be the title of King, and yet he never use it, but only the title of Lord, neither before he was King, nor after, is very strange and unlikely; and it may be probably conjectured, that the title of *Dominus Hiberniæ*, *filius Regis* Angliæ,— Lord of *Ireland*, son of the King of *England*,—and not *Rex Hiberniæ*, —King of *Ireland*, was given him purposely, that all men might understand, that he was not the absolute King of *Ireland*, but that power rested in his father *Hen.* 2. whom therefore *Cambrensis*, (*h*) after the time that *John* was in *Ireland*, calls *Summus Princeps*, or chief Sovereign, and to whom *John* was stiled subject, and a mean Lord in respect of his father.

(*h*) Expug. Hib. Lib. 2. chap. 35.

And yet, if it be granted (as it may be without hurt to the cause) that he had the title of King of *Ireland*, and might govern as a King, where his father permitted him so to do, and might grant the lands of *Ireland* (as many have

several

several times since done by vertue of commissions from the Kings of *England*) yet it will not follow, that therefore he had the absolute power of *Hen.* 2 without controul, no more than that the eldest son of *Hen.* 2. had the only Kingly power in *England*, because he was crowned King thereof; or that *Robert de Vere*, Earl of *Oxford*, because *Rich.* 2. created him Marquiss of *Dublin*, and after Duke of *Ireland* (a greater title than himself had of it) and gave him a kind of kingly power in *Ireland*, therefore that he had the absolute power and dominion of *Ireland* separated from *England*, and yet he did grant lands in his own name whilst he was Marquiss of *Dublin*, his grants beginning thus: *Robertus, Marchio* Dublin, *Comes* Oxoniæ, *& Camerarius* Angliæ, — *Robert*, Marquiss of *Dublin*, Earl of *Oxford*, and Chamberlain of *England*,—and by that name made Sir *John Stanley* his Lieutenant, and in his grant to him gave him regal power to pardon treasons, felonies, *&c.* as we may see among the records of *Bermingham* tower; *(i)* and the indictments of that time were *Coram Johanne Stanley, Locumtenente Marchionis Dublin*,—before *John Staneley*, Lieutenant of the Marquiss of *Dublin*,—and the conclusion of them, *contra pacem Domini Regis, & contra pacem ipsius Marchionis*,—contrary to the peace of our Lord the King, and contrary to the peace of the said Marquis,—as may be seen in the same place. *(k)*.

(i) *Rot.* pat. *Anno* 10th. *Rich.* 2.

(k) *Pl. Coron.* 11 *Rich.* 2. tur. *Bermingh.*

It may be therefore granted, as it is likely to be true, and as has been said before, that King *John* had a great and large power granted to him, yet not absolute, but limited; and so had other Lieutenants after him, as *Richard*, Duke of *York*, in *Hen.* 6th's time, who by covenants between the King and him, confirmed by the Parliament in *Ireland*, had power to grant the King's lands, to place and displace all officers at his pleasure, to receive the King's revenue, both annual and casual, without account, see Sir *John Davis* (*l*); but not any where doth it appear, that the kingdom was absolutely granted to King *John*, or that (as the author saith) he held it as a separate and distinct kingdom, severed apart from the kingdom of *England*, and of which *Hen.* 2. was divested; which if any should have said, yet there must be better authorities than those of chronicles to guide a case of this high and weighty concernment, or else the author will miss much of what he would have.

(l) Disc. of *Ireland*, p. 56, 57.

But

But to make it appear more evidently, that *Ireland* was not absolutely separated from *England*, his own citing of the records of the time of *Hen.* 3. out of *Coke*'s 1st. Institute *fol.* 141, I think to any indifferent man will give full satisfaction. For the record cited by *Coke* of 30th *Hen.* 3. but somewhat more fully by *Davis*, *(m)* and in Mr. St. *John*'s argument concerning the bill of attainder of the Earl of *Strafford*, makes it most apparent, the words whereof are these,

(m) *ibid.* p. 101.

" Quia pro communi utilitate " terræ *Hiberniæ*, et unitate " terrarum Regis, Rex vult, et " de communi Consilio Regis " provisum est, quod omnes " leges et consuetudines, quæ " in Regno *Angliæ* tenentur, " in *Hibernia* teneantur, et ea- " dem terra iisdem legibus sub- " jaceat, et per easdem rega- " tur, sicut Dominus *Johannes* " Rex, cum ultimo esset in " *Hibernia* statuit, & firmiter " mandavit, *&c.*"	Because for the common interest of the land of *Ireland*, and the unity of both countries, the King wills, and it is provided by his Common Council, that all laws and customs, which are observed in the Kingdom of *England*, should be observed in *Ireland*, and that the said land should be subject to, and governed by the same laws, as our Lord, King *John*, when he was last in *Ireland*, ordained, and firmly commanded, *&c.*

By which Record it appears, that there was an union at that time of *Ireland* to *England*, and that this was confirmed by that Act of Parliament, for it is *Communi Consilio Regis provisum*, —provided by the Common Council of the King. Therefore an act of Parliament made in *England* was conceived to bind *Ireland*, that it should be subject and governed by the same laws, and that this was not the first uniting of it; for it was done before by King *John*, the words being, *Sicut Dominus* Johannes *Rex statuit.*——As King *John* ordained.——By which it is plain, that if King *John* had first given the laws of *England* to *Ireland*, yet he did it as to a land united to *England*, and therefore did appoint that it should be ruled by the laws thereof. And it is most clear, that *Ireland* was both then united, and so accounted to be to the Crown of *England*: for *Henry* the 3d, son to King *John*, gave the whole land of *Ireland* to *Edward* the Prince, his eldest son, and his heirs, and that in so large a manner, as that he had power both over the ecclesiastical and civil

Government

Government thereof. That he had power over the ecclesiastical Government appears by his Writ sent thither directed to the Archbishops, Bishops, &c. the very original whereof we may now see under his own Seal, as Prince, extant in the Treasury of the City of *Dublin*, in these words.

" *Edwardus*, illustris Regis " *Angliæ* Primogenitus, Archi- " episcopis, Episcopis, ac qui- " buscunque Judicibus Ordina- " riis, seu a sede apostolicâ de- " legatis, per Dominium *Hi-* " *berniæ* constitutis, ad quos " præsentes literæ pervenerint, " Salutem. Dignitati Regiæ " in Regno *Angliæ* competit, " & competiit ab antiquo, ut " Personæ seculares, seu qui- " cunque alii hujusmodi subditi " dignitati, coram ecclesiastico " Judice nequeant *implacitari*, " *nisi intemptanda* contra ipsos " actio matrimonialis aut tes- " tamentaria existere dignosca- " tur; reliquas enim causas " sibi potestas Regia reservavit. " Cumque circa præmissa ex " dono Domini Regis, Patris " nostri, consimili gaudeamus " libertate in terrâ nostrâ *Hi-* " *berniæ*, qua et Dominus nos- " ter Rex in Regno *Angliæ* su- " pradictæ gaudet. Vobis igi- " tur firmiter prohibemus, ne " contra cives nostros *Dub-* " *liniæ* teneatis placita in Cu- " riâ Christianitatis de Catallis " aut debitis, nisi Catalla ipsa " aut debita de testamento aut " matrimonio existant. Quia " placita. quæ non sunt de tes- " tamento aut matrimonio, ad " nostram pertinent dignitatem, " et ibidem generaliter de quo- " cunque

Edward, eldest son to the illustrious King of *England*, to all Archbishops, Bishops, and to all the ordinary Judges there, or to those delegated by the apostolick See, constituted through the Lordship of *Ireland*, to whom these letters shall come, greeting. It is agreeable, and always has been so in ancient times, to the royal Dignity in the Kingdom of *England*, that secular persons and all others, who are subject to the said dignity, cannot be impleaded before an ecclesiastical Judge, unless the suit be matrimonial or testamentary; the Royal Power having reserved all other causes to itself. And whereas we enjoy the same privilege in our land of *Ireland* concerning the premisses by the donation of our Lord, the King, our Father, as our Lord, the King, enjoys in the said Kingdom of *England*. We therefore firmly prohibit you, that you do not hold plea of chattles or debts against our citizens of *Dublin* in Court Christian, unless such chattles or debts are testamentary or matrimonial. Because pleas which are not testamentary or matrimonial belong to our dignity, and we there generally prohibit actions any way concerning lay fee to be held in Court Christian: and that in all

"cunque laico fædo fieri probibemus; et ut futuris temporibus valeat nostra prohibitio nostris civibus antedictis præsentem eis patentem literam fieri fecimus, ad nostrum bene placitum duraturam. Datum in Castris apud *Kenelworth* 27°. die *Junii*, Anno Regni Domini Regis, Patris nostri quinquagesimo."

all future times our prohibition may have force in behalf of our said citizens, we have caused these our letters to be made patent to them, to continue during our pleasure. Given at our castle of *Kenelworth* the 27th day of *June*, in the 50th year of the reign of our Lord the King, our Father.

That he had power over the lands of *Ireland*, and did make grants of them, appears by many records of grants made by him before he was King. I shall only cite one in the Rolls-Office, intitled, *Antiquissimæ literæ patentes et Commissiones*—The most antient Letters Patent, and Commissions.—dated 6th *February*, 20th *Edw.* 1. in these words,

"*Edwardus*, Dei gratiâ Rex *Angliæ*, Dominus *Hiberniæ*, et Dux Aquitaniæ, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Justitiariis, Vicecomitibus, Præpositis, Ministris, &c. salutem. Cum, Celebris Memoriæ, *Johannes*, Rex *Angliæ*, avus noster, per chartam suam, quam inspeximus, dedisset, concessisset, et confirmasset, *Thomæ Fitz-Anthony* Custodiam Comitatuum *Waterfordiæ* et Desmoniæ, cum Custodiâ Castrorum de *Waterford* et *Dungarvan*, et etiam omnium Dominicorum suorum Comitatum prædictorum (excepta Civitate *Waterford*) habendum præfato *Thomæ* et hæredibus suis, donec idem avus noster vel hæredes sui ea per finem, vel alio modo, extra Manus suas Dimisissent, Reddendo indè ad Scaccarium *Dublin* du-

Edward, by the grace of God, King of *England*, Lord of *Ireland*, and Duke of *Aquitain*, to the Archbishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Sheriffs, Provosts, Ministers, &c. greeting. Whereas *John*, King of *England*, of renowned memory, our Grandfather, by his Charter, which we have viewed, had given, granted, and confirmed, to *Thomas Fitz-Anthony* the Custodiam of the Counties of *Waterford* and *Desmond*, with the Custodiam of the castles of *Waterford* and *Dungarvan*, and also of all his Demesnes in the said Counties (except the City of *Waterford*) to hold to the said *Thomas*, and his heirs, until our the said Grandfather or his heirs, should by fine, or otherwise, demise them out of his hands; yielding thereout at the Exchequer at *Dublin* 250 Marks yearly. And our Lord *Henry*, heretofore King

"centas

of

" centas et quinquaginta Mar-
" cas per Annum. Et inclitæ
" recordationis Dominus *Hen-*
" *ricus*, quondam Rex *Angliæ*,
" Pater noster, postquam præ-
" dicti Comitatus, castra, terræ,
" et tenementa, ad Manus suas
" devenerunt, habitâ diu seisinâ
" eorundem, nos de eisdem Co-
" mitatibus, Castris, terris, et
" tenementis, cum pertinentiis
" fæsasset, habendum et tenen-
" dum nobis et hæredibus nos-
" tris in perpetuum, *ita quod*
" *non separarentur a Coronâ*
" Angliæ. Nosque postmodum
" de Comitatibus, terris, et te-
" nementis prædictis, una cum
" Custodiâ Castri de *Dungar-*
" *van*, *Johannem*, filium *Thomæ*,
" dum infra ætatem fuimus,
" feofassemus, habendum &
" tenendum eidem *Johanni*, et
" hæredibus suis in perpetuum,
" reddendo inde nobis et hæ-
" redibus nostris quingintas
" marcas per Annum ad præ-
" dictum Scaccarium *Dublin*;
" de quibus quidem terris & te-
" nementis comitatuum prædic-
" torum, cum omnibus quæ ad
" eosdem Comitatus pertinent,
" ratione feoffamenti prædicti,
" sic infra ætatem facti, et in-
" trusionibus, quas prædictus
" *Johannes* fecit in eisdem sine
" liberatione nostrâ, seu Minis-
" trorum nostrorum, per præ-
" ceptum nostrum versus *Tho-*
" *mam*, filium *Mauritii*, con-
" sanguineum & hæredem præ-
" dicti

of *England*, of illustrious memory, our Father, after the said Counties, Castles, Lands, and Tenements, came into his hands, having long had Seizin thereof, he infeoffed us of the same Counties, Castles, Lands, and Tenements, with the Appurtenances, to have and to hold to us and our heirs for ever, *so that they should not be separated from the Crown of* England. And we afterwards, while we were under age, infeoffed *John Fitz-Thomas* of the said Counties, Lands, and Tenements, together with the custody of the castle of *Dungarvan*, to have and to hold to the said *John*, and his heirs for ever; rendering thereout to us and our heirs five hundred marks yearly at the said Exchequer at *Dublin*; all which Lands and Tenements, and Counties aforesaid, with the appurtenances thereto belonging, by reason of the said feofment made while we were under age, and of the intrusions, which the said *John* made into the same, without the livery of us or our Ministers, we recovered by our precept in our Court, by the judgment of the said Court, as our right, against *Thomas Fitz-Maurice*, Cousin and heir of the said *John*, together with the residue of the Lands and Tenements, with the appurtenances, which remained in the hands of the said *Thomas Fitz-Maurice*, We in

" dicti *Johannis* in Curiâ nostrâ per considerationem ejusdem Curiæ recuperavimus ut jus nostrum, et residuum terrarum & tenementorum, cum pertinentiis, quod in manum prædicti *Thomæ* filii *Mauritii* remansit, nos consideratione laudabilis servitii, *&c.*"

in consideration of the laudable services, *&c.*

And then he grants those lands to the heir of *Thomas Fitz-Anthony*. By this recital of the grant made to *Edw.* 1. by his Father *Hen.* 3. it appears, that he had power to grant the lands of *Ireland*, and accordingly did grant them; but this clause was inserted in the grant, which gave that power, *ita quod non separarentur a Corona* Angliæ, — so that they should not be separated from the Crown of *England*, and that in the original grant made to him of *Ireland* by his Father there was that clause appears by Sir *John Davis*(*n*), where he says, that *Hen.* 3. gave the whole land of *Ireland*[25] to *Edward*, the Prince, his eldest Son, and his heirs, *ita quod non separaretur a Corona* Angliæ, — so that it should not be separated from the Crown of *England*; whereupon it was called the land of the Lord *Edward*, the King's eldest Son, and all the officers of the land were called the officers of *Edward*, Lord of *Ireland*, and that this original Charter yet remaineth perfect, with an entire seal in the Treasury at *Westminster*. And by the abovementioned writ directed to the Bishops, *&c.* it is plain, that his power was placed over the ecclesiastical government to regulate the same.

(*n*) *ibid.* p.

Now we do not find, that King *John* had any greater power, or more absolute government over *Ireland*, than *Edw* 1. when he was Prince, had; therefore we have no reason to think, that he had a more absolute interest and power over *Ireland* from King *Hen.* 2. than *Edw.* 1. had from his Father *Hen.* 3. which yet was subject to the government of *England*.

Again, this grant made to *Edw.* 1. was made by his Father *Hen.* 3. who was son to King *John*, and succeeded him in the kingdom, and therefore could not be ignorant of it, if there had been such a separation, as the author speaks of, by the grant to King *John*; but in the time of *Hen.* 3. there was no separation of *Ireland* from *England*; for in his

grants

grants made to *Edw.* 1. he provides, that it ſhould not be ſeparated from the Crown of *England*, which had been a ſenſeleſs thing for him to have done, if it had been a ſeparate and diſtinct kingdom, abſolute of itſelf before; neither could it poſſibly be ſo ſeparated, and after united again in ſo ſhort a time, but that we ſhould have had ſome teſtimony either of the ſeparation or union, or how either of them ſhould have been done, of any of which we have none; and therefore may well conclude, that it was from the conqueſt thereof united to *England*, and ſubject to the laws thereof, and ſo ever accounted as hereafter ſhall appear.

Likewiſe in the ſaid Act of Parliament *pro unitate terrarum*,— for the unity of the two lands, and the ſame, or another to the ſame purpoſe cited by Mr. St. *John* to be entered in the Pat. Rolls of 5 *Edw.* 3. but by that of the Lord *Cooke* to be 13 *Edw.* 1. (but for the matter they are all one) it is enacted, *quod una et eadem lex debet eſſe tam in Regno* Angliæ, *quam* Hiberniæ,—that one and the ſame law ought to be obſerved as well in the kingdom of *England*, as in *Ireland*, and by that which Mr. St. *John* cites, *eadem lex fiat tam* Hibernicis *quam* Anglicis,—Let the ſame Law be uſed as well to the *Iriſh* as to the *Engliſh*; by which acts, and the grants of *Hen.* 3. to his ſon, nothing can be more plain, than that *Ireland* was united to *England*, and ſo in thoſe times accounted to be, yea and bound by the ſtatutes of *England*: for in theſe ſtatutes it is not ſaid, that the Common Law ſhall be the ſame, but *omnes leges et conſuetudines teneantur, et eiſdem legibus ſubjaceat*,—that in it all laws and cuſtoms ſhall be obſerved, and it ſhall be ſubject to the ſame laws, and to the Statute Laws, as well as the Common Laws. And I much marvel, that the author citing theſe ſtatutes, which no doubt he could not but have read in Mr. St. *John*'s argument, and which makes ſo much againſt him, not ſo much as offers to give any anſwer to them, or clear them from theſe objections and reaſons, which ſo naturally ariſe out of them, but ſilently paſſes them over, as he does all St. *John*'s other allegations (to which the Reader is referred) which ſo fully prove *Ireland* to be annexed and united to the Crown of *England*, and that the King and Parliament of *England* have power over *Ireland*. To which I ſhall add ſome ſtatutes, which are the moſt binding and higheſt authorities, and thoſe made in *Ireland*, to prove the ſame

same to be united and annexed to the Crown of *England*, and so shall conclude of this first matter.

The statute of 28th *Hen.* 8. *Chap.* 6. in *Ireland*, concerning appeals, saith, this land of *Ireland* is the King's proper dominion of *England*, and united, knit, and belonging to the Imperial Crown of the same realm, which Crown of itself, and by itself, is fully, wholly, intirely, and rightfully endowed and garnished with all power, authority, and pre-eminence, sufficient to yield and render to all and singular subjects of the same, full and plenary remedies in all causes of strife, debate, *&c.* By which statute it is most manifest, that if *Ireland* be the King's proper dominion of *England*, and united and knit to the Imperial Crown of the same, as the statute saith it is, that then it is not divided and separated absolutely from it, as the author would have it; and if the Crown of *England* hath full power and authority to render full remedies to all the subjects of the same, and *Ireland* be united to that Crown, then the Kings and Parliaments of *England* have power to give laws to *Ireland*, as a part belonging to the Crown of *England*. The statute of Absentees in *Ireland* 28th *Hen.* 8. *Chap.* 3. saith, that it is notorious and manifest, that this the King's land of *Ireland*, heretofore being inhabited, and in due obedience and subjection unto the King's most noble progenitors, Kings of *England*, who in those days, in the right of the Crown of *England*, had great possessions, rents, and profits, within the said land, *&c.* What can be more plain, than that *Ireland* is annexed to *England*, whereas the Kings of *England* had in the right of the Crown of *England* great possessions, rents, and profits there in *Ireland*, and that not at the time of making this Act, but long before in the time of the progenitors of *Hen* 8. which no doubt were not many years after the conquest; for then was *Ireland* better settled, and in more due obedience, than ever it was after, till of late years.

Statute 28th *Hen.* 8. *Chap.* 5. in *Ireland* says, that the land of *Ireland* is depending and belonging justly and rightfully to the Imperial Crown of *England*.

The statute of Faculties in *Ireland* 28th *Hen.* 8. *Chap.* 19. recites the same Act formerly made in *England*, and adds further, that forasmuch as it is mentioned in the said Act, that the effects thereof should not only extend into the realm of *England*, and to the commodity thereof, but also to all

which before and now are part of the counties of *Down* and *Antrim*, with many others of this kind in all the several parts of the kingdom, which they enjoyed in the province of *Conaught* in the times of *Edw.* 1. and 2. *Conaught* did not contain that whole province, as we now account it; but there was then the county of *Conaught*, which was but a part of that province, and the county of *Roscommon*, which is now accounted a part of the province of *Conaught*, as appears by the records of those times.

In the Chief Remembrancer's Office *Anno* 32. 33 *Edw.* 1. *Rot.* 4. 5. Connacia. Richardus Blake, *vicecomes* Connaciæ,—*Conaught. Richard Blake*, Sheriff of *Conaught*,—— *et Rot.* 23. Roscommon. *Mandatum est vicecomiti, de* Roscommon, *quod de bonis & catallis* David de Burgo *pecuniam, quæ arretro est de terris Regis de* Offrithes *levari faciat hic Regi in Crastino Purificationis* Mariæ *solvendam*, — The Sheriff of *Roscommon* is commanded, that he levy of the goods and chattles of *David de Burgo* the money, which is in arrear out of the King's lands of *Offrithes*, to be paid here to the King on the day after the Purification of the Virgin *Mary*.

In 31, 32, 33, 34 *Edw.* 1. *Rot.* 13. Gerald Tirrel *vicecomes de* Roscommon, *et in Rot.* 12. Connacia. Hen. Birmingham *nuper vicecomes* Connaciæ.—*Conaught. Henry Birmingham* late Sheriff of *Conaught*. *Hill* 15. *Edw.* 2. in the plea roll of the court of Common Pleas.

" *Connacia.* Præceptum fuit " vicecomiti, quod capiat in " manum Domini Regis per " visum, *&c.* tertiam partem " Maneriorum de *Foran* & " *Rymnel*, et advocationem ec- " clesiæ Manerii de *Rymnel*, " cum pertinentiis, quod *Ma-* " *ria*, quæ fuit uxor *Odonis de* " *Barry* senioris in curiâ hic clá- " mat ut dotem suam versus " *Odonem* filium *Odonis* senio- " ris, per defectum ipsius *Odo-* " *nis*."

Canaught 8s. The Sheriff was commanded to seize into the King's hands by view, *&c.* the third part of the Manors of *Foran* and *Rymnel*, and the advowson of the church of the Manor of *Rymnel*, with the appurtenances, which *Mary*, who was the wife of *Ode de Barry* the elder, claimeth here in court, as her dower, against *Ode*, son of *Ode* the elder, by default of the said *Ode*.

Mich.

Mich. 17. *Edw.* 2. in the plea roll of Common Pleas,

Conaught, *Roscommon*, *Tipperary* } " Preceptum fuit " vicecomiti *Ros-* " *common* quod " venire faciat hic ad hunc di- " em duodecim tam, *&c.* de " vicineto de *Athtruim O-many* " per quos, *&c* et qui nec *Ed-* " *mundo de Valle*, nec *Richardo* " filio *Richardi de Valle*, aliquâ " affinitate attingunt ad recog- " noscendum super sacramen- " tum suum, si prædictus *Ri-* " *chardus*, filius *Richardi* die " lunæ proximè ante festum S. " *Michaelis*, anno Regni Regis " nunc 15, veniendo versus " *Dublin* captus fuit apud *Ath-* " *truim O-many*, per *Morrogh* " *O-Callie*, et sequelam suam, " *Hibernicos Felones* Domini " Regis, et ibi in prisona deten- " tus usque in crastinum anima- " rum proximè sequentem, ita " quod interesse non potuit co- " ram Justitiariis hic ad quin- " denam S. *Michaelis* ad res- " pondendum predicto *Edmun-* " *do* de placito quod reddat ei " unum messuagium sexaginta " & sex decem acras terræ, " cum pertinentiis, in *Knockras-* " *han*, quæ prædictus *Edmun-* " *dus* in curiâ hic clamat ut " jus suum versus *Richardum* " filium *Richardi*, &c. Et præ- " dictus *Edmundus*, et *Richar-* " *dus* filius *Richardi*, per attor- " natos suos modo venerunt, " & Vicecomiti *Roscommon* mo- " do mandatum fuit, quod bre- " ve istud returnaret, et retor- " navit, quod liberavit illud " *Petro*

Conaught, *Roscommon*, *Tipperary* } The Sheriff of the county of *Roscom-* *mon* was commanded to summon twelve men to appear here on this day, *&c.* out of the vicinage (neighbourhood) of *Athtruim O-many*, by whom, *&c.* and such, who are no way related by affinity neither to *Edmund de Valle*, nor to *Richard Fitz-Richard de Valle*, to find upon their oaths, if the said *Richard Fitz-Richard* on the *Monday* next before the feast of St. *Michael*, in the 15th year of the King that now is, in coming towards *Dublin*, was taken at *Athtruim O-many* by *Morrogh O-Callie*, and his followers, *Irish* Felons of the King, and there detained in prison unto the morrow of *All Souls* next following, so that he could not appear before the Justices here on the quindene of St. *Michael*, to answer the said *Edmund* in a plea, whereby he was required to render unto him one messuage, and seventy six acres of land, with the appurtenances, in *Knockrashan*, which the said *Edmund* challenges in the Court here, as his right, against the said *Richard Fitz-Richard*, &c. And the said *Edmund* and *Richard Fitz-Richard* now appeared by their Attorneys, and the Sheriff of *Roscommon* was now commanded to return the said writ, and he returned, that he delivered the same to *Peter de Cancewelly*, Constable of the

'*Petro de Cancewelly*, Constabulario de *Athtruim O-many*, qui officium in brevi contentum facere tenetur, qui nihil respondet, propter quod officium, prout in brevi continetur, exequi non potuit. Et prædictus *Edmundus* dicit, quod prædictus *Richardus* filius *Richardi* alias fecit defaltam in curiâ hic; et postea prædictus *Richardus* venit hic (*viz.*) in Crastino animarum Anno Regni Regis nunc 16°. et dixit quod ipse captus fuit in comitatu *Connaciæ* apud *Athtruim O-many* per prædictum *Morrogh*, et ibidem in prisonâ detentus, ut prædictum est, et tunc petiit verificari, prout patet in rotulo de prædicto termino (*viz.*) in crastino animarum Anno Regni Regis nunc 16°. super quo tunc concessum fuit breve vicecomiti *Connaciæ*, quod venire faciat hic a die paschæ proximè predicto in 15 dies duodecim tam, *&c.* per quos, *&c.* et qui, *&c.* ad recognoscendum in formâ predictâ, *&c.* ad quem diem (*viz.*) a die paschæ in 15 dies vicecomes *Connaciæ* returnavit, quod prædictus locus, ubi prædictus *Richardus* dixit se fuisse, captum non est in comitatu suo, sed est in comitatu *Roscommon*, et ipse *Edmundus* tunc hoc non dedixit, sed bene cognovit, et prædictus *Richardus* similiter tunc hoc non dedixit, sed tacendo hoc concessit, et ita tunc decadebat a responsione suâ predictâ. Et sic per hoc constat quod non

castle of *Athtruim O-many*, whose business it was to execute the office commanded by the said writ, who made no return to it, upon which account he could not execute the office required by the said writ. And the said *Edmund* said, that the said *Richard Fitz-Richard* at another time made default in the Court here. And afterwards the said *Richard* appeared here, namely, on the morrow of *All Souls* in the 16th year of the King that now is, and said, that he was taken in the County of *Conaught* at *Athtruim O many* by the said *Morrogh*, and there detained in prison, as aforesaid, which he offered to verify, as appears in the roll of the said term, namely, of the morrow of *All Souls*, in the 16th year of the King that now is: upon which a writ then issued to the Sheriff of *Connaught*, that he should cause to appear here on the quindene of *Easter* twelve men, as well, *&c.* by whom, *&c.* and who, *&c.* to find in forme aforesaid, *&c.* At which day, namely, on the quindene of *Easter*, the Sheriff of *Conaught* returned, that the said place, where the said *Richard* alledged he was taken, is not in his County, but is in the County of *Roscommon*, and *Edmund* himself did not then deny the same, but fairly acknowledged it; and in like manner the said *Richard* did not then deny it, but by silence confessed it, and so he then departed from his said answer. And so from hence it appears,

non fuit captus in comitatu *Connaciæ*, et Curia minus providè per surreptionem contra formam Juris adjudicabat breve vicecomiti *Roscommon* venire faciendum Juratam inter eos in formâ prædictâ, ubi adjudicasse debuit seisinam eidem *Edmundo* de prædictis tenementis, et petit quod Curia redeat ad id modo faciendum, quod de lege fecisse debuit ad prædictam quindenam paschæ, & petit seisinam, *&c.* Et prædictus *Richardus* filius *Richardi* per attornatum suum dicit, quod de quo prædictus *Edmundus* ad prædictam quindenam paschæ concessit, quod prædictus locus est in Comitatu *Roscommon*, ipse *Richardus* propter tacentiam suam a responsione prædictâ non adjudicetur, et indè petit Judicium, et petit breve vicecomiti *Roscommon* in formâ prædictâ. Et quia prædictus *Richardus* alias (ut prædictum est) dixit, quod ipse captus fuit apud *Athtruim O-many* in Comitatu *Connaciæ*, et vicecomes *Connaciæ* returnavit, quod locus prædictus (ut prædictum est) non est in Comitatu suo, sed in Comitatu *Roscommon*, et idem *Richardus* ad prædictam quindenam paschæ hoc non dedixit, sed facendo hoc concessit, sic ipse tunc decadebat a responsione suâ prædictâ (*viz.*) quod captus fuit in Comitatu *Connaciæ*, ideo consideratum est, quod prædictus *Edmundus* recuperet seisinam suam de prædictis tenementis

appears, that he was not taken in the County of *Conaught*; and the Court unadvisedly and by surprize adjudged against form of law a writ to issue to the Sheriff of *Roscommon* to cause a Jury to appear between them in form aforesaid; where they ought to have adjudged seisin of the said tenements to be given to the said *Edmund*, and demanded, that the Court should return to do that, which by law they ought to have done on the said quindene of *Easter*, and demanded seisin, *&c.* And the said *Richard Fitz-Richard* by his Attorney said, that since the said *Edmund* on the said quindene of *Easter* allowed, that the said place is in the County of *Roscommon*, that he the said *Richard* by reason of his silence should not be concluded from his said answer, and thereupon demanded judgment, and a writ to the Sheriff of *Roscommon* in form aforesaid. And forasmuch as the said *Richard* at another time (as is aforesaid) alledged, that he was taken at *Athtruim O-many* in the County of *Connaught*, and the Sheriff of *Connaught* returned, that the said place (as is aforesaid) is not in his County, but in the County of *Roscommon*, and the said *Richard* on the said quindene of *Easter* did not deny this, but by his silence confessed it, so he then departed from his said answer, namely, that he was taken in the County of *Connaught*; therefore it is adjudged, that the said *Edmund* should recover his

"nementis versus prædictum "*Richardum* per defaltam ipsius *Richardi*, &c."	his seisin of the said tenements against the said *Richard* by the default of the said *Richard*, &c.

Pat. 11. *Edw.* 2.

Pat. 11 *Ed.* 2. "Vicecomites *Dublin*, *Meath*, "*Kildare*, *Tipperariæ*, *Lymerick*; "*Cork*, *Connaciæ*, et *Roscommon* habent brevia ad capiendum in manum Regis omnes "terras & tenementa, bona & "catalla *Walteri de Lacie*, &c. "propter seloniam, &c. & quod "corpora eorum capiantur."	The Sheriffs of *Dublin*, *Meath*, *Kildare*, *Tipperary*, *Lymerick*, *Cork*, *Connaught*, and *Roscommon*, have writs directed to them to seize into the King's hands all the Lands and Tenements, Goods and Chattles of *Walter de Lacie*, &c. for felony, &c. and to seize their bodies.

I will not be troublesome to cite any more Records for the province of *Connaught*, but shall proceed to the province of *Ulster*; and to prove that it was antiently divided into counties, I shall cite some few.

Rot. Pat. 20. *Edw.* 2.

Pat. 20 *Ed.* 2. "Rex dilecto sibi *Johanni de* "*Mandeville*, salutem. Sciatis, "quod commissimus vobis officium Vicecomitis de *Duno*, et "*Novæ-villæ*, Habendum et "exercendum quam diu nobis "placuerit; ita quod de exitibus eorundem comitatuum "nobis ad scaccarium nostrum "*Dublin* respondeatis, capiendo "sæda, quæ alii Vicecomites "in comitatibus prædictis temporibus retroactis capere consueverunt. Mandamus etiam "per præsentes omnibus Balivis "& fidelibus nostris comitatuum prædictorum, quod vobis "in officio prædicto intendentes "sint & respondentes. Dat 11o. "*Septemb.* 20o. *Edw.* 2."	The King to his beloved *John de Mandeville*, greeting. Know ye, that we have committed to you the office of Sheriff of *Down* and *New-town*, To have and occupy during our pleasure; so that you be responsible to us at our Exchequer at *Dublin* for the issues of those counties, taking such fees as other Sheriffs in the said counties in time past have used to take. We also by these presents command all Bailiffs, and other our faithful subjects of the said counties, that they be obedient and answerable to you in the said office. Dated the 11th of *September*, 20th *Edw.* 2.

Robertus

Robertus Savage *habet consimilem warrantum pro officio Vicecomitis comitatus de* Coulrath *sub eodem datu.*—*Robert Savage* has a like warrant for the office of Sheriff of the county of *Coulrath*, of the same date.

Colerain in many ancient records is called *Coulrath.*

Rot. Pat. 20 *Edw.* 2. *Rex dilecto sibi* Johanni de Athye *salutem. Sciatis quod commiſſimus vobis officium Vicecomitis in comitatibus de* Carrickfergus *et* Antrim, *tenendum quam diu nobis placuerit*; and so verbatim as in the former patent to *John Mandeville.*—*Dat.* 11. *Septemb.* 20 *Edw.* 2.—The King to his beloved *John de Athye*, greeting. Know ye that we have committed to you the office of Sheriff of the counties of *Carrickfergus*, and *Antrim*, to hold during pleasure, *&c.*

Concerning *Leinster*. The only counties that were (as the Author saith) made shire ground in the reign of Queen *Mary*, and not before, were the *King*'s and *Queen*'s counties (for the county of *Wicklow* was taken out of the county of *Dublin* of late years.) But it appears they were anciently parcels of other counties.

It appears in the black book of the Exchequer in *Ireland*, fol. 81. and in sundry pipe rolls, that the territory of *Crin-gydagh*, which lies on west *Meath* side, was charged with royal service, as lying within the county of *Meath*, and it is now made part of the *King's* county.

This was in *Edw.* 3. time.

The manor of *Geashill*, now lying in the *King*'s county, was the antient inheritance of the Earl of *Kildare*, and containeth near forty plow lands, and was antiently in the county of *Kildare*, as appeareth by an inquisition taken at *Naas* in the county of *Kildare*, *Anno* 3. *Edw.* 2. mentioned in a record in *Bermingham's* tower in the said year, importing that *Maurice Fitz-Gerald* was seized thereof, and that he had issue *Gerald*, who conveyed the same to *John Fitz-Thomas*, the said Earl's ancestor.

In the black book of the Exchequer, *fol.* 84. and in divers other pipe rolls, it appears, that *Offaly*, part whereof is now in the *King's* county, is charged with twelve Knights fees to the King in the county of *Kildare.*

Concerning the *Queen's* county, it appears, that *Simon*, son to *John Delaboide*, brought a Formedon in Discender against Sir *Maurice Fitz-Gerald*, Knight, for twelve plow lands, which lye in the remotest part of *Leix*, upon a deed made by *Andrew Preston* to the said *John*, and *Agatha* his wife,

In a plea roll in the chief Remembrancer's office 6 *Edw.* 3.

wife, *et hæredibus de corporibus ipsorum* Johannes & Agathæ, —and to the heirs of the bodies of the said *John* and *Agatha*, as lying in the county of *Kildare*.

In *Berm.* tow. in the bundle of offices of *Rich.* 2. *Leix* is now a great part of the *Q.* coun.

By an inquisition taken at *Salmon* Leap in the county of *Kildare*, *Anno* 20. *Rich.* 2. it appears, that Sir *Robert Preston*, among other things, *tenuit per legem* Angliæ *de hæreditate* Margaritæ, *nuper uxoris suæ*, *manerium de* Sion *in* Leix *de* Rogero *de* Mortuomari, *ut de manerio suo de* Donmaske,—that Sir *Robert Preston* held by the law of *England* the inheritance of *Margaret*, his late wife, the manor of *Sion* in *Leix* of *Roger Mortimer*, as of his manor of *Donmaske*, &c.

Plea roll. 21 *Edw.* 3. Rot. 62. in tur. *Berming.*

It appears, that in the 26th of *Edw.* 3. *Connell O-more* of *Leix*, who had after rebellion submitted himself at *Athy* to *Walter Bermingham*, Justice of *Ireland*, and acknowledged that he held his manor of *Bellet*, and other his lands in *Leix*, of *Mortimer*, as of his said manor of *Donmaske*; and by the Record it appeareth that those lands were then in the county of *Kildare*.

Bund. offic. *Hen.* 5. in tur. *Berming.*

It appears by an office taken the 8th of *Hen.* 5. at *Naas*, in the county of *Kildare*, upon a writ of devenerunt, that the manor of *Courtbreak* (now called *Castlebreak*) and the Lordship of *Oregan*, which are now in the *Queen's* county, were in the hands of *Hen.* 4. by the death of *John Fitz-Gerald*, Earl of *Desmond*, and were in the hands of *Hen.* 5. by reason of the minority of *Thomas* his Son.

De an. 6. *Ed.* in Scac.

In an inquisition taken at *Catherlogh* 6th *Edw.* 6. it appears,

'Quod *Hen.* 8. seisitus fuit de terris in *Ballintubber*, *Killisben*, & aliis terris in *Slieu-Marge*, in comitatu *Catherlogh*, & quod diversi subditi, quorum nomina ignorantur, seisiti fuere de residuo Dominii de *Slieu-Marge* in comitatu *Catherlogh*, et quod *Congallus O-More*, et alii rebelles intraverunt et intruserunt, &c.'	That *Hen.* 8. was seized of the lands of *Ballintubber*, *Killisben*, and other lands in *Slieu-Marge*, in the county of *Catherlogh*, and that divers subjects, whose names are not known, were seized of the residue of the Lordship of *Slieu-Marge* in the county of *Catherlogh*, and that *Congal O-More*, and other rebels, entered and intruded therein, &c.

This

This *Slieu-Marge* is now in the *Queen's* county; and, if it were necessary, it might be made appear, that every particular territory in the *King* and *Queen's* counties were found by Records to be parcels of some one of the antient counties, made (as our Author saith) by King *John*.

By these Records, and many others remaining in *Ireland*, it appears, that *Ireland* was antiently divided into counties, that the King's writs were current there, that the Sheriffs did execute them, and that accounts were made in the Exchequer at *Dublin*, that they had manors, advowsons of churches, franchises, *&c.* as they had in *England*. But this being not so close to the matter in hand, what is said shall suffice.

The second ground laid down by the Author (which if it prove false will overthrow his whole building) is, that all such statutes as have been made since the time that King *John* established the laws of *England* in *Ireland*, which are only declaratory of the Common Law, are of force in *Ireland* without any other confirmation or approbation, but only the first establishment, as the statute of the 25th *Edw.* 3. *de Proditionibus*, and many other statutes of the like kind (as he saith); but such statutes, as are introductive and positive, making new laws, or altering, adding to, or diminishing the antient Common Laws, have not been of force in *Ireland*, till they were enacted, allowed, and approved of by act of Parliament in *Ireland*, as may appear by the judgments of many Parliaments holden there, *viz.* the 13th of *Edw.* 2. and others, which we shall examine afterwards, whether there were any such or no; and if there were, what they were, and of what force. And again he saith the same thing, and a third time he saith, it is not to be found in any record in *Ireland*, that ever any Act of Parliament, made in *England* since the time of King *John*, was by the judgment of any Court received for law, or put in execution in *Ireland*, until the same was established by Act of Parliament in *Ireland*: and a fourth time (that he may be the better believed) he cites *Brook.* tit. Parliament, p. 19. That *Ireland* is a realm of itself, and hath its own Parliaments, implying thereby (saith he) that *Ireland* cannot be bound but by the Parliament of *Ireland*, and according to that (saith he) is the opinion of the Judges 20th of *Hen.* 6. *fol.* 8. and likewise, contrary to the opinion of *Hussey*, are eight

13. *Edw.* 2.
19. *Edw.* 2.
29. *Hen.* 6.
20. *Hen.* 6. f. 8. and 22.
11. *Rich.* 3. f.

eight several Parliaments in *Ireland* before the statute of the 10th of *Hen.* 7. *viz.* the 13th of *Edw.* 2. the 19th of *Edw.* 2. the 18th of *Hen.* 6. the 29th of *Hen.* 6. the 32d of *Hen* 6. the 37th of *Hen.* 6. and the 8th of *Edw* 4. and since the statute of the 10th of *Hen.* 7. of five Parliaments, *viz.* the 28th of *Hen.* 8. the 33d of *Hen.* 8. the 28th of *Eliz.* 11 *Jac.* and 10 *Car.* besides the statute of the 10th of *Hen.* 7. itself. And he saith, it doth not appear by any record found in *Ireland*, or in any of the year books in *England* since the time of King *John*, which is above 400 years, that ever any judgment was given or grounded upon any statute made in *England*, which is a meer positive law, and not a declaration of the Common Law, before the same was received and allowed by Act of Parliament in *Ireland*.

Let us now therefore examine this his second ground. And first, if it should be admitted, that the Parliament of *England* did never make laws, which did bind, and were executed in *Ireland*, before they were confirmed by Parliament there, to conclude therefore from thence, that they have no power to do it, is a very ill consequence, and unsound argument, and the contrary may easily be proved. But because that assertion, that the Parliament of *England* did never make laws which bound in *Ireland*, till they were confirmed there by Act of Parliament, is manifestly mistaken, I will not trouble any with the unsoundness of this argument; but let us see the invalidity of this assertion.

It appears by the Author's own confession, that such laws made in *England*, as are declaratory of the Common Law, do bind *Ireland*, as the statute 25 *Edw.* 3d, *de praditionibus*, and many other statutes, as he saith, without any confirmation there; whence it must necessarily follow, that the Parliament of *England* hath still an influence upon *Ireland*; for their exposition by a statute there, where the law is in any doubt of the Common Law in *Ireland*, is, as he saith, of force in *Ireland*, without any other approbation, which could not possibly be if *Ireland* were so absolute, that the government of *England* had nothing to do with it. Further, what had *Ireland* to do with their declaratory laws? Or how should they bind them? But if it should happen, that the Parliament of *England* should make an exposition of a law in force in *Ireland*, and the Parliament there should make another, and that it may be different or contrary to that of

England,

England, certainly *Ireland* must be bound (by the Author's own rule) by the declaratory statute of the Parliament of *England*. For he saith, that the statutes of *England*, as that of 25th *Edw.* 3d, *&c.* which are only declaratory, are of force in *Ireland* without any other confirmation. And if they have power by a statute there to declare what is law which shall bind in *Ireland*, why should they not as well have power to make a new law to bind it? For if a declaratory law binds, it binds as it is a statute; for the declaratory statute saith, the law should be thus or thus taken. Therefore, if they should not bind in other cases, where positive laws (as he calls them) are made for *Ireland*, as well as in these, you must say the Parliament of *England*, has power to bind *Ireland* by a statute made in *England*, and yet it has not power to bind *Ireland*; and yet it is one and the same power, which makes declaratory laws and new laws, and so it is understood in the Parliament of *York*, 12. *Edw.* 2. Where in the preamble to those statutes it is said——" Because the people of the realm of *England* and " of *Ireland* have suffered mischiefs and disseisins, *&c.* be- " cause in some cases, where default was in law, no re- " medy was ordained, and because some statutes before " made had need of a declaration; therefore the King at " his Parliament there holden made the statutes following, " which he would have firmly kept in his said realm, and " in his said land." By which it appears, that the Parliament there conceived, that their power was all one, both to make new laws, and to make declarations upon laws formerly made, as well in *Ireland* as *England*; and therefore to go about to divide their power (as the Author would do by his distinction) is a distinction and a division of a thing, which is in truth indivisible, and never before heard of, and, I believe, which by understanding men will hardly be believed or maintained. But if this difference (which I believe will prove a difference without a diversity) should be admitted to him, then saith he, laws which are introductive and positive, making new laws, or altering, adding to or diminishing the antient Common Laws, have not been binding or of force in *Ireland*, till they have been enacted and approved by Act of Parliament in *Ireland*.

In finding out the truth of this, let us first inquire, what the Parliaments of *England* have done, and what acts they have

have made concerning *Ireland* in former ages. By the name of *Parliament*, I desire once for all to be understood acts made by the consent of the King, Lords, and Commons.

(p) 13. *Edw.* 1. The preamble to the statutes of *West.* 2. (p) saith, "That "whereas of late our sovereign Lord the King, in the 6th "year of his reign, calling together his Prelates, *&c.* and "his Council at *Gloucester*, and considering, that divers of "this realm were disinherited, by reason that in many cases, "where remedy should have been had, there was none pro-"vided by him nor his Predecessors, ordained certain sta-"tutes right necessary and profitable for his realm, where-"by the people of *England* and *Ireland*, being subjects un-"to his power, have obtained more speedy justice in their "oppressions, than they had before, *&c.*" By which it appears, that the statute of *Gloucester*, wherein only the realm of *England* is named, did bind and was executed in *Ireland*. For the statute saith, that by these statutes the people of *Ireland* obtained more speedy justice than they had before, as well as the people of *England*.

(q) 13. *Edw.* 1. The statute called *Statutum de Mercatoribus* (q) doth confirm the statute of *Acton Burnell* (r), and at the end thereof saith, "that this ordinance and act the King willeth "to be observed throughout his realms of *England* and *Ire-*"*land*, among which people they that will may make such "Recognisances, *&c.*

(r) made 11. *Edw.* 1.

By a Parliament in the time of *Edw.* 1. the customs of wool, wool-fells, and leather, were granted to the King of *England*, *Ireland* and *Wales*. *Cook* 2d. Instit. fol. 531.

(s) made 12. *Edw.* 2d. The preamble of the statute of *York* (s) saith, "Forasmuch, as the people of the realm of *England*, and of the "land of *Ireland*, heretofore, have suffered mischief, da-"mage, and disseisin, by reason that in some cases, where "the law failed, no remedy was ordained, and forasmuch "as some points of the law heretofore made had need of a "declaration, the King at his Parliament at *York* in the "12th year of his reign hath made the establishments and "statutes following, which he willeth to be firmly observed "in his said realm and land."

In 34. *Edw.* 3. Chap. 17. a statute was made in *England*, that the people of *England*, which have their possessions in *Ireland*, may bring their corn, *&c.* to *Ireland*, and from

from thence re-carry their goods and merchandizes freely into *England* without impeachment, paying their customs to the King.

Anno 3d. *Rich.* 2. an act was made in *England* against absentees, and commanding all such as had land in *Ireland* to return and reside thereon, upon pain to forfeit 2 thirds of the profits thereof. This act is cited by Sir *John Davis* (t) p. 42. 222. of which more hereafter. (t) Arch.tur. rot.Parl. 42.

Statute 4. *Hen.* 5. Chap. 6. in *England* recites, that it was ordained in the time of the King's progenitors by a statute made for the land of *Ireland*, that none of the *Irish* nation should be chosen by election to be Archbishop, Bishop or Abbot, *&c.* nor accepted to any dignity or benefice in the same land, by colour of licences from the King's Lieutenant there, which said statute was not duly kept, therefore that statute ordains, that the said statute should be well and truly kept, and fully executed, *&c.* And that, whereas the said Bishops and Peers of the Parliament of that land bring with them to the Parliaments, and Councils, there holden, *Irish* servants, whereby the privities of the *Englishmen* within the said land have been, and be duly discovered to the *Irish* people, rebels to the King, *&c.* That statute of 4. *Hen.* 5. further ordains, that if any such Archbishop, Bishop, *&c.* of the *Irish* nation, rebels to the King, have in time past made, or from thenceforth shall make any collations, *&c.* to benefices in the land of *Ireland*, against the form of the former recited statutes, or bring with them any *Irish* rebels among the *Englishmen* to the Parliaments, *&c.* within the land, that then from time to time all their Temporalities shall be seized into the King's hands, till they have made fines to the King, *&c.* as by that statute, printed among the statutes at large in 1587 more at large appears. By stat. 1. *Hen.* 6. Chap. 3. in *England*, it is enacted, that all *Irish* people, which have benefices or offices in the land of *Ireland*, shall abide there upon their benefices and offices, upon pain to lose and forfeit the profit of their benefices for the defence of the land of *Ireland*, according to the ordinance made in the time of King *Hen.* 5. the first year of his reign.

By statute 10. *Edw.* 4. cited in *Bagot*'s assize, 19. *Edw.* 4. fol. 9, 10, 11. It was enacted, that King *Edw.* 4. should have all such manors, lands, *&c.* whatsoever they be,

be, in *England*, *Wales*, and *Ireland*, and in *Calais*, and the marches thereof, as King *Richard* had on the feast of St. *Matthew* in the 22d year of his reign into the right and title of the Crown of *England*, and Lordship of *Ireland*.

(x) 1st. Rep. fol. 28.

By statute 19. *Hen.* 7. in *England*, cited by *Coke* (*x*) in *Altenwood's* case, it is enacted, that *Edw.* Earl of *Warwick*, confederate with *Perkin Warbeck*, shall forfeit to the King all his honours, castles, manors, *&c.* within the realms of *England* and *Ireland*, *Wales*, *Calais*, or the marches of them.

By statute 27. *Hen.* 8. Chap. 20. in *England* it was enacted, that every of the King's subjects of the realms of *England*, *Ireland*, and *Wales*, and *Calais*, and the marches of the same, according to the ecclesiastical laws and ordinances of the Church of *England*, *&c.* shall pay their tythes and offerings.

By these and many other statutes made in *England* in several Kings reigns concerning *Ireland*, it is apparent, that the Parliament of *England* in all times made no doubt, but that the laws made there concerning *Ireland* did bind in *Ireland*.

(w) *Plowd.* Com. fol. 398. b.

It is said, (*w*) that the Parliament is a Court *de tres grande Honor et Justice de quel nul doit imaginer chose dishonorable*; ——that the Parliament is a Court of high Honour, and Justice, of which nothing dishonourable ought to be imagined;——and surely heretofore the wisdom, justice, and honour of Parliaments have been accounted almost sacred. But, if this Author be to be believed, that Court was in all these Kings times so far from being wise, just, or honourable, that it hath still been full of ignorance, injustice, and stupidity. For to seek to bind a whole nation, and give them laws, whereas they had no power over them, or any thing to do with them, must needs be unjust; dishonourable, and unreasonable. And therefore, if we will believe, that what so many Kings together, what the whole representative body of the Kingdom have done in so many ages, have been just and honourable, rather than the Author's bare affirmation to the contrary, we must conclude, that the Parliament of *England* have always had power to make laws to bind *Ireland*, otherwise they would never have been so unjust, dishonourable, and unreasonable to have done it.

But

But faith the Author, although the Parliament of *England* might make laws for *Ireland*, yet it is not to be found in any record in *Ireland*, that any Act of Parliament made in *England* since King *John*'s time was by the judgment of any Court in *Ireland* received for law, or put in execution there, till the same was eſtabliſhed by Act of Parliament in *Ireland*.

In this alſo is the author miſtaken. For it appears by records in *Ireland*, that ſtatutes made in *England*, though *Ireland* was not named in them, were received there for law, and put in execution, before any ſtatutes made in *Ireland* to confirm them: nay, in times, after ſome of the pretended ſtatutes made in *Ireland*, by which the Author would have the Parliament of *England* barred from making laws, which might bind *Ireland*, without conſent of a Parliament there ſtatutes have been made in *England*, and ſome of them only for *Ireland* which were received in *Ireland*, and put in execution there, before any ſtatute made in *Ireland* to confirm them.

And here it is to be obſerv'd, that the firſt ſtatute which the Author cites and relies on, as a bar to the power of the *Engliſh* Parliament, is a ſtatute, which he ſays was made 13. *Edw.* 2. confirming the ſtatute of *Weſtminſter*, 1. and 2. *Merton*, *Marle-bridge*, and *Glouceſter*. And indeed, if any ſuch kind of ſtatute was made, that of 13 *Edw* 2. muſt needs be the firſt; for that confirms the ſtatute of *Merton* made in *England*, 20. *Hen.* 3. than which we have none in print received for ſtatutes more antient, but only *Magna Charta*, and *Charta de Foreſta*. But theſe antient ſtatutes made in *England* were received and executed in *Ireland* before the ſtatute of 13. *Edw.* 2. in *Ireland*, by him mentioned; and therefore, the laws of *England* bound *Ireland* before any ſtatute in *Ireland* to confirm them.

We are again to obſerve, that many of the antient records of *Ireland* in troubleſome times were tranſmitted into *England*; wherein, no doubt, we may find many things to prove what we now affirm againſt the Author's aſſertion; and thoſe which remain in *Ireland* were put up together in one place, in the times of rebellion; and after taken out by the officers of the ſeveral courts, but not duly ſorted. For we find ſome that belong to the court of *C. B.* to be in the remembrancer's office, *&c.* But the records, which are

 there

there now vouched, are to be seen in those places, where they are said to remain.

To proceed to the proofs. It appears by the author's own discourse, that the Parliament of *England* upon the conquest had power over *Ireland*. For he saith, that the grant to King *John* was a grant in Parliament; and again, that it was done by Authority and assent of Parliament; but he makes no proof, that they granted away that power. But how the contrary appears we have in part shewed, and shall hereafter make more fully apparent.

It appears by the authorities cited by himself, as the records of 30. *Hen.* 3. and *Edw.* 1. and by that cited by Mr. St. *John* 5. *Edw.* 3. that in those times *Ireland* was accounted to be subject to the government of *England*, and to the laws thereof. The preamble to the statute of *Westminster* 2. makes it evidently appear, that the statutes of *Gloucester*, 6. *Edw.* 1. were executed in *Ireland*. For it says, that by those statutes the people of *England* and *Ireland* have obtained more speedy justice against their oppressions, than they had before; but it is not possible that the people of *Ireland* should obtain more speedy justice by those statutes, unless they had been received there for laws, and put in execution. Therefore it must necessarily follow, that the statutes of *Gloucester* were received and executed in *Ireland* before 13. *Edw.* 1. when the statutes of *Westminster* 2. were made, which was also long before the Author's first statute of 13. *Edw.* 2.

The statute of *Westminster* 2. 13. *Edw.* 1. gives the writ of *Cessavit* against the tenant for recovery of the lands holden, who for two years ceases doing the services reserved by tenure. This is an introductive and a new law, as is observed by *Fitz Herbert*; (*x*) and wherein *Ireland* is not named; yet that statute was there received, and put in execution in the same King *Edw.* 1. his time, as we may see by a record in 26, *Edw.* 1. *Rot.* 2. in the Remembrancer's office, but belonging to the common pleas, intitled,

Brev. fo. 208.

(*x*) Placita

'Placita apud *Dublin* in 'Octavis S. Hillarii, anno Regis *Edw.* 26. coram *Rob.* 'Bagod, et sociis suis, Justiciariis de Banco *Dublin.* *Robertus de Willeby*, & *Alicia* 'uxor ejus, optulerunt se 40 'die versus *Willielmum Trissel*, 'de placito quod reddat eis 'decem Acras terræ, cum pertinentiis, *in Knights Town*, 'quas idem *Willielmus* de eisdem tenet per certa servitia, 'et quæ ad præfatum *Robertum* et *Aliciam* reverti debent 'per formam Statuti Domini 'Regis nuper inde provisi. Eo 'quod dictus *Willielmus* in faciendo dicta servitia per biennium jam cessavit, ut dicitur. 'Et prædictus *Willielmus* non 'venit, et summonitus fuit: 'Ideo Præceptum est Vicecomiti, quod capiat prædictas 'terras in manum Domini Regis, et idem, &c. & quod 'summoneat, &c. quod sit hic 'a die Paschæ in 15 dies ad 'respondendum, &c. & ad 'ostendendum, &c.

'*Roger Bigod*, (y) Comes *Norfolk*, & *Marescballus* Angliæ, per Attornatum suum 'obtulit se 40 die versus *Jacobum de Perse* de Placito 'quod reddat ei unum Messuagium, et tres Carucatas terræ, 20 Acras Prati, 20 Acras Bosci, 60 Acras Pasturæ, & 40 Acras Moræ, cum pertinentiis in *Tiberchalian*, quæ 'idem *Jacobus* de eo tenet per 'certa servitia, et quæ ad præfatum Comitem reverti debent per formam Statuti Do-'mini

Pleas held at *Dublin* on the octave of St *Hillary* in the 26th year of King *Edward*, before *Robert Bagod* and his associates, Justices of the common plea, *Dublin.* *Robert de Willeby* and *Alicia* his wife appeared on the 4th day against *William Trissel* in a plea, that he should restore to them ten acres of land, with the appurtenances, in *Knight's-town*, which the said *William* holds of them by certain services, and which ought to revert to the said *Robert* and *Alice* by form of the statute of our Lord the King lately enacted: because the said *William* hath ceased for two years in doing the said services, as is alledged: and the said *William* was summoned, and did not appear. Therefore the sheriff was commanded to seize the said lands into the King's hands; and he, &c. and that he should summon, &c. that he appear on the quindene of Easter to answer, &c. and to shew cause, &c.

Roger Bigod, Earl of *Norfolk*, and Mareschal of *England*, appeared by his attorney on the 4th day, against *James de Perse* in a plea, that he should restore to him one messuage, and three carucates of land, 20 acres of meadow, 20 acres of wood, 60 acres of pasture, and 40 acres of moore, with the appurtenances in *Tiberchalian*, which the said *James* holds of him by certain services; and which ought to revert to the said Earl, by form of the statute of our Lord the King made

(y) 26 Edw. 1. in Offic. Rem.

'mini Regis inde provisi, eo 'quod prædictus *Jacobus* in faciendo dicta servitia per biennium jam cessavit, ut dicitur; 'et prædictus *Jacobus* non venit, et summonitus fuit; præceptum est Vicecomiti, quod 'capiat prædictum messuagium, terras, prata, Boscum, 'pasturam, et moram, in manum Domini Regis, et idem, '&c. et quod summoneat ipsum *Jacobum* quod sit hic a 'die Paschæ in 15 dies ad respondendum, &c. et ostendendum, &c.'

for that purpose; because, the said *James* ceased for two years from doing the said services, as is alledged; and the said *James* was summoned, and did not appear. Therefore the sheriff was commanded to seize the said messuage, lands, meadow, wood, pasture, and moore into the King's hands, and he, &c. and that he should summon the said *James* to appear on the quindene of Easter, to answer, &c. and to shew cause, &c.

The statute of *Westminster*, 2. *Chap.* 18. made 13. *Edw.* 1. which gives the elegit upon a judgment for debt or damages, is an introductory law, as is adjudged in Sir *William Herbert*'s case; (z) before which statute the lands of the defendant upon a judgment for debt or damages should not by the Common Law be had in execution. This statute was usually executed in *Ireland* in the time of *Edw.* the first, and *Edw.* the second, before the statute of 13. *Edw.* 2. which, as the author says, did confirm it there, as appears in divers records.

(z) 3. *Coke* 11. 6. and 2. Instit.

Anno 35. *Edw.* 1. in turri Birm.

'Communia Placita apud 'Corke coram *Johanne Wogan*, 'justiciario *Hiberniæ*, in octavis sanctæ Trinitatis, 35. 'Edw. 1.

'Præceptum fuit vicecomiti, 'quod de terris et catallis *Walteri Reith* in *Ballivâ* suâ fieri 'faciat 11*l* 7*s*. 4*d*. et illas 'sine dilatione habere faciat '*Julianæ Cole*, quas eadem *Juliana* in Curiâ, &c. coram, '&c. apud *Corke*, per consideationem ejusdem curiæ, '&c. recuperavit versus eum. 'Præceptum etiam fuit vicecomiti,

Common pleas held at *Cork* before *John Wogan*, Lord Justice of *Ireland*, on the octave of the holy Trinity, in the 35th year of *Edw.* 1.

The sheriff was commanded, that he cause to be levied, 11*l*. 7*s*. 4*d*. out of the lands and chattles of *Walter Reith* within his Bailiwick, and without delay deliver them over to *Juliana Cole*, which the said *Juliana* recovered against him in the court, &c. before &c. at *Corke*, by judgment of the said court. The Sheriff was also com-

‘ miti, quod de terris et catallis
‘ prædicti *Walteri* in *Ballivâ*
‘ suâ fieri faceret 40s. et illos
‘ sine dilatione habere faceret
‘ *Johanni* de *Patrick-Church*,
‘ Clerico, assignato ejusdem
‘ *Julianæ*. qui eidem *Julianæ*
‘ in præfatâ Curiâ, &c. coram,
‘ &c. adjudicati fuere pro dam-
‘ nis suis, quæ prædicta *Juli-*
‘ *ana* habuit occasione detenti-
‘ onis debiti prædicti, et quod,
‘ &c. scire faciat justitiario hic,
‘ &c. a die sancti *Johannis*
‘ *Baptistæ* in quindecim dies,
‘ ubicunque, &c. Postea ad
‘ diem illum vicecomes mandat,
‘ quod præceptum fuit Majori
‘ et Ballivis civitatis *Corke*, qui
‘ sic respondent. *Walterus Reith*
‘ non habet bona seu Catalla
‘ unde pecunia in brevi conten-
‘ ta levari potest. Ideo ad in-
‘ stantiam querentis præceptum
‘ fuit vicecomiti quod liberari
‘ faceret prædictæ *Julianæ* om-
‘ nia mobilia prædicti Walteri,
‘ exceptis bobus et aris de
‘ carucâ; et pro residuo, si
‘ quid fuerit, habendo, habere
‘ faceret eidem *Julianæ* me-
‘ dietatem terræ et tenemento-
‘ rum prædicti Walteri per
‘ rationabile extentum, tenen-
‘ dam ut liberum tenementum,
‘ quousque, &c juxta formam
‘ statuti, &c. Proviso tamen,
‘ quod indé habere faceret *Jo-*
‘ *hanni* de *Patrick-Church*, As-
‘ signato, &c. Et quod, &c.
‘ scire faceret, &c. a die sancti
‘ *Michaelis* in quindecim dies
‘ ubicunque, &c.

‘ Placita

commanded, that he levy 40s. out of the lands and chattles of the said *Walter*, and without delay deliver them over to *John* of *Patrick's Church* clerk, *Assignee* of the said *Juliana*, which were adjudged to the said *Juliana* in the said court, *&c.* before, *&c.* for the damages, which the said *Juliana* suffered on occasion of the detention of the said debt. And that he should make a return of what he did to the justice here on the quindene of *John* the *Baptist*, wheresoever *&c.* Afterwards on the said day the Sheriff returned, that he issued a precept to the mayor and bayliffs of the city of *Cork*, who answered thus; *Walter Reith* hath not goods or chattles, from whence the money mentioned in the said writ could be levied. Therefore at the instance of the plaintiff the sheriff was commanded, that he should deliver into the possession of the said *Juliana* all the moveable effects of the said *Walter*, except the oxen and beasts of the plow, and for the residue, if any remained, that he should give possession to the said *Juliana* of the moiety of the lands and tenements of the said *Walter* by a reasonable extent, to hold as a Freehold until, &c. According to the form of the statute, &c. provided nevertheless that he deliver thereout to *John de Patrick Church*, assignee, *&c.* and that, *&c.* he should return what he should do, *&c.* on the quindene of St. *Michael*, whereupon, *&c.*

Anno 3 *Edw.* 2 *Rot.* 66. in Turri Berm.

'Placita querelarum apud *Cassel* coram Justiciario ad placita Justiciarii *Hiberniæ* sequentia, habenda et terminanda assignato, die lunæ proximè post festum Sancti Ambrosii, anno Regni Regis *Edwardi* filii Regis tertio.

'*Tipperary* ss. *Thomas Leinagh*, et *Walterus le Bret* attachiati fuere ad respondendum Fratri *Willielmo Ross*, Priori Hospitalis sancti *Johannis Jerusalem* in *Hibernia*, de eo quod reddant ei octo marcas. Et idem Prior indé profert literas prædictorum *Thomæ et Walteri*. Et prædicti *Thomas et Walterus* venerunt, et non possunt hoc dedicere. Ideo consideratum est, quod prædictus Prior recuperet versus præfatos *Thomam et Walterum* prædictam pecuniam, et damna, quæ taxantur ad viginti solidos; et prædicti *Thomas et Walterus* in misericordiâ pro injustâ detentione. Postea prædictus Prior petit sibi liberari medietatem omnium bonorum, terrarum, et tenementorum prædictorum *Thomæ et Walteri*, juxta formam statuti, Tenendam nomine liberi tenementi, &c. et præceptum est vicecomiti, &c.

Communia Placita coram *Willielmo de Burgo*, tenente locum Justiciarii *Hiberniæ*, de octavis Sancti Hillarii, Anno Regni Regis *Edwardi*, filii Regis *Edwardi*, secundo.

Pleas of causes held at *Cashel* before the justice assigned by the Lord justice of *Ireland* to hear and determine on the monday next after the feast of St. *Ambrose* in the 3d year of the Reign of King *Edward*, son to the King.

Tipperary ss. *Thomas Leinagh* and *Walter le Bret* were attached to answer Frier *William de Ross*, Prior of the hospital of St. *John* of *Jerusalem* in *Ireland*, for that they should render to him eight marks; and the said Prior produces thereupon the deed of the said *Thomas* and *Walter*. And the said *Thomas* and *Walter* appeared, and could not gainsay it. Therefore it was adjudged, that the said Prior should recover against the said *Thomas* and *Walter* the said sum, and the damages, which were taxed at 20s; and that the said *Thomas* and *Walter* should be amerced for the unjust detention thereof. Afterwards the said Prior demanded, that the moiety of all the goods, lands, and tenements of the said *Walter* and *Thomas* should be delivered to him, according to the form of the statute, to hold as his Freehold, &c. and the sheriff was commanded, &c.

Common pleas held at *Cashel* on the octaves of St. *Hillary*, in the second year of the reign of King *Edw.* son of King *Edward*. 2.

Tipperary,

Tipperary ſs. ‘ Præceptum fuit ‘ vicecomiti, quod de terris et ‘ Catallis, quæ fuere *Walteri* ‘ *Dormer* in Craſtino Epiphaniæ ‘ Domini, Anno Regni Regis ‘ *Edwardi*, patris Domini Regis nunc 33o, ad quorumcunque manus devenerunt in Ballivâ ſuâ, fieri faceret quadraginta libras, et illas ſine dilatione habere faciat *David le Blount*, quas idem *Walterus* in Curiâ Domini Regis Patris, &c. coram *Edmundo le Botiller*, tunc tenente locum *Johannis Wogan*, Juſticiarii *Hiberniæ* apud *Caſhel*, cognovit ſe debere prædicto *David*, et quas ei reddidiſſe debuit in prædicto Craſtino Epiphaniæ, et non, &c. Et ſi terræ et Catalla prædicti *Walteri* in Ballivâ ſuâ ad hoc non ſufficient, tunc id, quod inde defuerit, de terris et catallis, quæ fuere *Willielmi Dormer*, Plegii prædicti *Walteri*, de debitis prædictis, die et Anno prædictis, ad quorumcunque manus devenerunt in Ballivâ ſuâ, fieri faciat, et prædicto *David* ſine dilatione habere faciat. Et quid, &c. fieri faceret, &c. a die Sancti *Michaelis* proximé præterito in quindecim dies, ubicunque, &c. Ad quem diem vicecomes mandat *Willielmo de Burgo*, Tenenti locum *Johannis Wogan*, Juſticiarii, &c. quod *Walterus Dormer* non habet bona nec Catalla in Ballivâ ſuâ, unde debitum prædictum fieri poteſt, ſed terræ et tenementa, quæ fuere dicti *Walteri*, devenere ad manum *Edmundi* ‘ *le*

Tipperary ſs. A precept iſſued to the ſheriff, that he ſhould levy 40l. out of the lands and chattles, which belonged to *Walter Dormer* within his ballywick on the morrow of the epiphany of our Lord, in the 33d year of the Reign of King *Edward*, father of the King that now is, into whoſe ever hands they were come, and to deliver the ſaid ſum without delay unto *David le Blount*, which the ſaid *Walter* acknowledged to be indebted to the ſaid *David* in the Court of our Lord the King, Father to the King that now is, held at *Caſhel* before *Edmund le Botiller*, then lieutenant to *John Wogan* Lord Juſtice of *Ireland*, and which he ought to have rendered to him on the ſaid morrow of the Epiphany, and did not. And if the lands and chattles of the ſaid *Walter* within his Ballywick ſhould not be ſufficient for this, then that whatever ſhould be deficient thereout, that he ſhould cauſe to be levied out of the lands and chattles of *William Dormer*, pledge for the ſaid *Walter* for the debt on the day and year aforeſaid, to whoſe ever hands they came within his ballywick, and without delay deliver them over to the ſaid *David*. And what, &c. ſhould levy, &c. on the quindene of St. *Michael* laſt paſt, wherefoever, &c. At which day the ſheriff returned to *William de Burgo*, Lieutenant to *John Wogan*, Lord Juſtice, that *Walter Dormer* has not goods nor chattles, out of which the ſaid debt could be levied, but

le Botiller, quæ jacent frisca et inculta, ita quod nihil inde fieri potest; et quod *Willielmus Dormer* non habet bona nec catalla in Ballivâ suâ, unde debitum prædictum fieri potest, nisi terras vastas. Et super hoc prædictus *David* venit in præfatâ curiâ, coram præfato *Willielmo de Burgo*, et elegit sibi liberari medietatem omnium terrarum et tenementorum quæ fuere prædictorum *Walteri et Willielmi* die et anno supradicto, ad quorumcunque manus, &c. tenendam nomine liberi tenementi, quousque, &c. per formam statuti. Ideo præceptum fuit Vicecomiti, quod omnes terras et tenementa, quæ fuere prædictorum *Walteri et Willielmi* die et anno supradicto, et etiam omnes terras et tenementa, quæ prædicti *Walterus et Willielmus* postea adquisiverunt, ad quorumcunque manus devenerunt in Ballivâ suâ, extendi, et medietatem terrarum et tenementorum prædictorum per rationabile extentum liberari faciat prædicto *David* tenendam nomine liberi tenementi, quousque prædictas quadraginta libras inde levaverit, juxta formam statuti prædicti: et quid, &c. scire faciat Curiæ hic, a die Sancti Martini proximé in quindecim dies ubicunque, &c. Ad quem diem vicecomes mandat quoddam extentum, quod de terris et tenementis prædictorum *Walteri et Willielmi Dormer* fieri feci Curiæ hic, &c.

in

that the lands and tenements, which were the said *Walter's*, came to the hands of *Edmund Botiller*, which lie waste and uncultivated, so that nothing could be levied out of them, and that *William Dormer* has not goods or chattles within his ballywick, from whence the said debt could be levied, except waste lands. And hereupon the said *David* came into the said court before the said *William de Burgo*, and made his election to have delivered to him the moiety of all the lands and tenements, which were the property of the said *Walter* and *William* on the day and year aforesaid, into whose ever hands, &c. to hold as his freehold, until, &c. according to the form of the statute, &c. Therefore the Sheriff was commanded to extend all the lands and tenements within his ballywick, which belonged to the said *Walter* and *William* on the day and year aforesaid, and also all the lands and tenements, which the said *Walter* and *William* afterwards acquired, into whose ever hands they had come, and to deliver the moiety of the said lands and tenements by a reasonable extent to the said *David*, to hold as his freehold, until he levied thereout the said forty pounds, according to the form of the said statute. And what, &c. he should make a return to the Court here on the quindene of St. *Martin*, wherefoever, &c. On which day the sheriff returned an extent, which he had made

'in hæc verba. Extentum terrarum et tenementorum *Walteri Dormer* & *Willielmi Dormer* factum coram Fulcone de Fraxineto, Vicecomite *Tipperary*, apud *Ballynewier*, die sabbati proxime ante Festum Sancti Martini, Anno Regni Regis *Edwardi* 2°. per subscriptos, viz. *Alex. Stoke*, &c. qui jurati dicunt, &c. *And so finds the Lands whereof the said* Walter *and* William *were seized, and the yearly value of them: and at the end of the extent there are these words.*— Memorandum, quod prædictus *David* oneratur de omnibus servitiis, quæ ad medietatem suam pertinent, pro eo quod idem *David* habet plenam medietatem terrarum et tenementorum prædictorum.'

made of the lands and tenements of the said *Walter* and *William* to the court here, &c. in these words.—— An extent made of the lands and tenements of *Walter Dormer* and *William Dormer* by *Fulco Ash*, sheriff of *Tipperary*, at *Ballynewier*, on the saturday next before the feast of St. *Martin*, in the second year of the Reign of King *Edward*, by the following persons, namely; *Alexander Stoke*, &c. which jury say, &c. and so they find the lands, whereof the said *Walter* and *William* were seized, and the yearly value of them. And at the end of the extent are these words.——Memorandum, that the said *David* is charged for all the services, which belong to his moiety, because that the said *David* has the full moiety of the lands and tenements aforesaid.

In the 28th of *Edw.* 1. Roll 6. in *Bermingham* tower, the like execution by elegit is granted against *Richard*, the Son of *Hugh Tirrel*, to *Guido Cockerell.*

'Memorandum, quod ad instantiam *Nigello le Brun* per præceptum Thesaurarii charta subscripta fuit hic irrotulata in formâ quæ sequitur.

'Universis, *Nicholas Dillon*, Dominus de *Dromlaghin*, salutem. Cum nuper *Thomas* de *Pinkeston* in Curiâ Domini Regis coram *Johanne Wogan*, Justiciario *Hiberniæ*, recuperasset versus me, & similiter versus *Walterum*, *Thomam*, et *Hugonem Madock*, et alios, in 'quodam

Memorandum, that at the instance of *Nigel le Brun*, by command of the Treasurer, the undernamed deed was inrolled here in the following form.

In Scaccario *Anno* 2. *Edw.* 2. Rot. 9. pro *Nigello le Brun.*

To all, &c. *Nicholas Dillon*, Lord of *Dromlaghin*, greeting. Whereas *Thomas Pinkeston* lately recovered in the Court of our Lord the King before *John Wogan*, Justice of *Ireland*, against me, and against *Walter*, *Thomas*, and *Hugh Madock*, and others, in a writ of trespass, which the said

'quodam brevi de transgressione 'quod prædictus *Thomas* coram 'præfato Justiciario versus nos 'tulit, viginti et unam libras 'argenti pro damnis suis, quæ 'sustinuit occasione quarundam 'transgressionum, eidem *Thomæ* 'per prædictum *Walterum* et '*Hugonem* & me illatarum, prout 'per quandam Juratam patriæ 'indè inter nos in præfata Cu'riâ captam convicti fuimus, 'per quod ad sectam ejusdem '*Thomæ* medietas omnium ter'rarum et tenementorum meo'rum in prædictâ villâ de *Drom'laghin* per breve Domini Re'gis extendebatur, et per idem 'extentum eidem *Thomæ* libe'rata fuit, tenenda secundum 'formam statuti inde provisi, 'quousque prædictas viginti et 'unam libras plenariè inde le'vaverit. Ac idem *Thomas* pos'tea per conventionem inde 'inter ipsum et *Nigellum le Brun* 'factam, medietatem terrarum 'et tenementorum meorum præ'dictorum eidem *Nigello le* '*Brun* demiserit, tenendam in 'formâ prædictâ quousque idem '*Nigellus* prædictam pecuniam 'plenariè indè levaverit. Ego 'prædictus *Nicholaus* medieta'tem terrarum & tenemento'rum meorum prædictorum ab 'eodem *Nigello* accepi ad fir'mam tenendam ad terminum 'decem annorum reddendo in'de 6 marcas, &c.'

said *Thomas* brought against us before the said Justice, the sum of 21 pounds of Silver, for the damages which he sustained by reason of certain trespasses committed on the said *Thomas* by the said *Walter*, *Hugh*, and me, as we were found guilty by a Jury for that purpose impanelled between us in the said Court: by which at the suit of the said *Thomas* the moiety of all my lands and tenements in the said town of *Dromlaghin* were extended by the King's writ, and by the same extent delivered to the said *Thomas*, to hold according to the form of the statute in that case provided, until thereout he should fully levy the said 21l. And the said *Thomas* afterwards by agreement made between him and *Nigel le Brun* demised the moiety of my lands and tenements aforesaid to the said *Nigel le Brun*, to hold in the form aforesaid, until the said *Nigel* should thereout fully levy the said money. I the said *Nicholas* have received the moiety of my said lands and tenements aforesaid from the said *Nigel* in farm, to hold for the term of ten years, rendering thereout 6 marks, &c.

That the statutes of *Merton* and of *Westminster* 2. *Chap.* 25. were received in *Ireland*, and there put in execution appears by this Record following.

'Adhuc

"Adhuc de Communibus Placitis apud *Dublin* coram *Johanne Wogan* capitali Justiciario *Hiberniæ* de 15o Nativitatis St. *Johannis* Baptistæ Anno Regni Regis *Edwardi* 28.

Kildare, ss. "*Johannes Mariet*, et *Maria* uxor ejus, per Attornatum suum obtulerunt se 4o. die versus *Gilbertum de Panner*, et *Simeonem Clements*, de placito, quare cum custodia & maritagium *Thomæ de la Bere*, consanguineum & hæredem *Roberti de la Bere*. ad ipsos *Johannem* & *Mariam* post mortem prædicti *Roberti* pertinere deberent, eo quod idem *Robertus* terram suam de eisdem *Johanne* & *Mariâ* tenuit per servitium Militare; prædictus tamen *Gilbertus* & *Simon* post mortem prædicti *Roberti* ipsum hæredem infra ætatem existentem ceperunt & abduxerunt, sine licentiâ et voluntate prædicti *Johannis* et *Mariæ*, et maritaverunt, ad grave damnum ipsius *Johannis* et *Mariæ*, et contra formam statuti de Communi Consilio Regni, &c. inde provisi. Et ipsi non venere, Ideo ipsi in misericordiâ. Et habuere diem hic ad hunc diem præceptum est Vicecomiti, quod distringat eos per omnes terras, &c. et quod de exitibus, &c. Ita quod habeat corpora eorum, &c. a die sancti *Michaelis* in 15 dies, &c.'

As yet of the Common Pleas held at *Dublin* before *John Wogan*, chief Justice of *Ireland*, of the quindene of the Nativity of St. *John* the Baptist in the 28th year of King *Edward*.

Anno 28 *Ed.* 1. rot. 25. in tur. *Barming*.

Kildare, ss. *John Mariet*, and *Mary* his wife, appeared by their Attorney on the 4th day against *Gilbert de Panner*, and *Simon Clements*, in a plea, that whereas the wardship and marriage of *Thomas de la Bere*, Cousin and heir of *Robert de la Bere*, ought to belong to the said *John* and *Mary* after the death of the said *Robert*, because the said *Robert* held his land of the said *John* and *Mary* by Knight's service, nevertheless the said *Gilbert* and *Simon*, after the death of the said *Robert*, took the said heir, being within age, into their custody, and carried him away, without the licence and will of the said *John* and *Mary*, and married him, to the great damage of the said *John* and *Mary*, and against the form of the statute by the Common Council of the Kingdom, *&c.* in that case provided. And they did not appear. Therefore they were amerced. And they had time given them to this day on the motion of the parties, *&c.* Therefore a precept issued to the Sheriff, commanding him to distrain them by all their lands, *&c.* And that out of the issues, *&c.* so that he have their bodies, *&c.* on the quindene of St. *Michael*, &c.

The

The ſtatute of *Weſtminſter* 2. made 13th *Edw.* 1. concerning appeals, and for the malicious abetting of thoſe, which bring appeals, is an introductory law, as appears by *Coke*'s ſecond Inſtitute upon that chapter, which yet was executed in *Ireland* in the time of *Edw.* 1. as appears by this Record following.

Anno 28 *Ed.* 1. in *Berming.* tower.

' Aſſiſa et Jurata capta apud *Caſſel* coram *Johanne Wogan*, capitali Juſticiario *Hiberniæ*, die Sabbati in craſtino Nativitatis *Johannis* Baptiſtæ, Anno Regni Regis *Edw.* 28.

' Alias et nunc ſimiliter convicti ſunt per Juratam, in quâ *Robertus Wodloke*, *Walterus le Bret*, *Richardus Lockard*, & *Willielmus de la Sale* ſe poſuerunt, tam ad ſectam Regis, quam ad ſectam *Thomæ de St. John*, nuper Vicecomitis *Tipperary*, quod prædictus *Robertus* falsò et malitioſè appellavit prædictum *Thomam*, dum fuit Vicecomes, de quâdam roberia, &c. de qua acquietatus eſt, ſicut patet in rotulis de termino Sancti *Michaelis* Anno, &c. 26. per quod appellum captus fuit, et arreſtatus, et malo modo tractatus, et indebitè gravatus; et prædicti *Walterus* et *Richardus* ipſum ad hoc malitioſè abbettaverunt, et prædictum appellum malitioſè ſuſtentaverunt. Et prædictus *Willielmus*, qui tunc fuit Coronator, &c. inſcius Juris, per prædictum appellum ipſum cepit et arreſtavit in pleno comitatu, ſed non abbettavit ipſum ad prædictum appellum faciendum vel proſe-

At an Aſſize and Jury ſummoned at *Caſhell* before *John Wogan*, chief Juſtice of *Ireland*, on *Saturday*, the morrow of the Nativity of Saint *John* Baptiſt, in the 28th year of King *Edward*.

At another time, and now alſo, were found guilty by a Jury, in which *Robert Wodloke*, *Walter le Bret*, *Richard Lockard*, and *William de le Sale*, appeared, as well at the ſuit of the King, as at the ſuit of *Thomas* St. *John*, late Sheriff of *Tipperary*, that the ſaid *Robert* falſly and maliciouſly appealed the ſaid *Thomas*, while he was Sheriff, of a robbery, &c. of which he was acquitted, as appears in the rolls of *Michaelmas* term in the 26th year of the King; upon which appeal he was taken, and arreſted, and evilly treated, and unduly oppreſſed; and the ſaid *Walter* and *Richard* maliciouſly abetted him in this, and maliciouſly ſupported the ſaid appeal. And the ſaid *William*, who was then Coroner, &c. being ignorant of the law, took and arreſted him in full county, but did not abett him in the proſecution of the ſaid appeal. Whereupon the Court taking the matter into conſideration, according to the form of the ſtatute,

'prosequendum; per quod habito advisamento Curiæ juxta formam statuti, &c. consideratum est, quod prædictus *Thomas* recuperet versus prædictum *Robertum* 200 marcas, pro Damnis suis, quæ habuit occasione prædictâ, et si prædictus *Robertus* ad hoc non sufficiat, tunc eorundem, quod inde defuerit, recuperet versus prædictum *Walterum* & *Richardum*, & *Robertus*, *Walterus* et *Richardus* committentur gaolæ juxta formam statuti &c. et prædictus *Willielmus*, pro eo quod cepit prædictum *Thomam* Vicecomitem, &c. sine warrantiâ similiter committeretur gaolæ. Postea prædictus *Willielmus* fecit finem per centum solidos per plegium *Nicholai Leynagh*, et *Roberti* de *Keating* Militis, *Radulphi de Kendise*, & *Walteri Molock*.'

statute, &c adjudged, that the said *Thomas* should recover against the said *Robert* 200 marks for the damages he sustained on the said occasion; and if the said *Robert* should not be sufficient to pay the same, then as to what should be defective, he should recover against the said *Walter*, and *Richard*, and the said *Robert*, *Walter* and *Richard*, should be committed to goal, according to the statute, &c. And the said *William*, because he arrested the said *Thomas*, then Sheriff, &c. without warrant, should be also committed to prison. Afterwards the said *William* paid a fine of a 100 shillings by his pledges, *Nicholas Leynagh*, and *Robert Keating* Knight, *Ralph de Kendise*, and *Walter Molock*.'

The statute of *Westminster* 2. Chap. 25. which gives a writ of Assize in many cases, where it was not before, gives that writ where a lessee for years makes a feofment. in which both Feoffer and Feoffee should be accounted Disseisors; so that during the life of either of them the Assize will lye; which branch of that statute my Lord *Coke* (*a*) saith is in affirmance of the Common Law. Yet the Judges in *Ireland*, in the beginning of *Edw.* 2. time, take that statute to be an introductory law, and to be of force there as a statute law, which accordingly they executed, as by the Record ensuing appears.

(*a*) 2d. Insti.

'Adhuc de Juratis et Assizes apud *Clonmell*, ex parte *Tipperariæ*, coram *David le Blound*, et *Willielmo de Bourne*, assignatis loco *Johannis Wogan*, Justiciarii *Hiberniæ*, alibi

As yet of Juries and Assizes at *Clonmel*, in the county of *Tipperary*, before *David le Blound*, and *William de Bourne*, substituted in the room of *John Wogan*, Justice of *Ireland*, otherwise

bi pro arduis negotiis Domini Regis agentis, die Veneris proximè post festum S. *Valentini* Martiris, Anno Regni Regis *Edwardi* 2di. 3o.

Tipperary, ss. Assiza venit recognitura, si *Johannes*, filius *Thomæ*, injustè, &c. disseisivit *Philippum Bacon* de libero tenemento suo in *Langston*, postquam, &c. et inde queritur, quod disseisivit eum de uno messuagio, 160 acris terrarum, tribus acris prati, et 10 acris bruerorum, cum pertinentiis, &c. Et prædictus *Johannes* non venit, nec habet ballium: Ideo capiatur assisa versus eum pro ejus defaltâ. Juratores dicunt super sacramentum suum, quod prædictus *Philippus* dimisit prædicta tenementa cuidam *Waltero Martell* defuncto ad terminum annorum, et idem *Walterus* infra terminum prædictum dimisit prædicta tenementa prædicto *Johanni* in feodo. Ideo habito respectu ad statutum Domini *Edwardi* Regis, Patris Domini Regis nunc, in quo continetur, quod in hujusmodi casu, vivente altero eorum, locum habeat Assisa novæ disseisinæ, consideratum est, quod prædictus *Philippus* recuperet versus ipsum *Johannem* seisinam suam de prædictis tenementis, cum pertinentiis per visum recognitorum, et damna sua, quæ taxantur per eandem Assisam ad decem marcas, et prædictus *Johannes* in misericordiâ.

wise employed upon the arduous affairs of our Lord the King, on the *Friday* next after the feast of St. *Valentine* the Martyr, in the 3d year of King *Edward* the 2d.

Tipperary, ss. An Assize appeared to find, whether *John Fitz-Thomas*, &c. unjustly disseised *Philip Bacon* of his free tenement in *Langston*, after, &c. and of which he complains, that he disseised him of one messuage, 160 acres of land, 3 acres of meadow, and 10 acres of furze, with the appurtenances, &c. And the said *John* did not appear, nor give bail; therefore it was adjudged, that the Assize should be taken against him for his default. The Jury say upon their Oaths, that the said *Philip* demised the said tenements to one *Walter Martell* deceased for a term of years, and the said *Walter*, before the expiration of the said term, demised the said tenements to the said *John* in fee. Therefore upon consideration of the statute of King *Edward*, Father of the King that now is, which provides, that in such case, in the life of either of them, the Assize of novel Disseisin shall take place, it is adjudged, that the said *Philip* shall recover against the said *John* his Seisin of the said tenements, with the appurtenances, by view of the recognitors of Assize, and his damages, which are taxed by the said Assize at 10 marks, and the said *John* was amerced.

It appears by a Record, (*b*) that an appeal was brought in the county of *Limerick* before the Sheriff and Coroner by *John Harold*, against *Hugh de Burgo*, for the death of *Richard Harold*, his Son, and against *Philip Comin*, as accessary, upon which they were both outlawed at the same time; upon which the said *Philip* brought his writ of error; whereupon saith the Record, (the proceedings before the Coroner being long I omit to recite)

(*b*) 6. *Edw.* 2. rot. tur. *Berming.*

« Et ad sectam prædicti *Philippi*, filii *Philippi Comin* quærentis, quod in appello prædicto error intervenit manifestus, quia prædictus *Johannis Harold* præmunitus non venit, et prædictus *Philippus* queritur, quod comitatus erravit in eo quod continetur in statuto Domini *Edwardi* Regis, Patris Domini Regis nunc *Westminster* primo, quod Appellans primo die attachiet Appellum suum tam versus Appellatum de facto, quam versus Appellatum de vi, auxilio, aut receptamento, sed cesset exigendum et utlagaria versus Appellatum de vi, auxilio, aut receptamento, quousque Appellatus de facto fuerit convictus. Comitatus vero uno eodemque die, scilicet 1mo. die quo prædictus *Johannes* attachiavit se ad prosequendum Appellum prædictum, exigi fecit prædictum *Philippum*, et per illud exigendum utlagatus fuit, et ad quartum comitatum tunc sequentem, ubi ipse *Philippus* Appellatus fuit de vi et auxilio, &c. Et similiter comitatus

And at the suit of the said *Philip Fitz-Philip Comin*, the Appellant, that in the said Appeal a manifest error intervenes; for that the said *John Harold*, being summoned, did not appear; and the said *Philip* complains, that the county erred, for that it is contained in the statute of King *Edward*, Father to the King that now is, *Westminster* 1st. [3d of *Edw.* 1. Chap. 14] that the Appellant shall the first day attach his Appeal as well against the Appellee in fact, as against the Appellee by force, aid, or receipt; but that the exigent and appeal shall stop against the Appellee by force, aid, or receipt, until the Appellee for the fact be attainted. But the county on one and the same day, namely, on the first day on which the said *John* attached himself to prosecute his said Appeal, caused the said *Philip* to be put on the exigent, and he was outlawed upon that exigent, and on the fourth county day then following, where the said *Philip* was appealed of force and aid, &c. And in like manner the county erred

"comitatus erravit in eo, quod "consideratum fuit prædictum "exigendum versus eum primo "die, quo prædictus *Johannes* "attachiavit se ad prosequen- "dum Appellum prædictum; "absque hoc, quod prius præ- "ceptum fuisset attachiari præ- "dictum *Philippum*, prout moris "est, et petit errores prædictos "corrigi, et sibi justitiam exhi- "beri, &c. Et prædictus *Jo-* "*hannes* non potest hoc dedi- "cere; Ideo consideratum est, "quod prædictum Appellum ir- "ritetur et adnulletur, et utla- "garia in personam prædicti "*Philippi* ea occasione promul- "gata tanquam erronea, pro "nullo habeatur, et comitatus "pro falso judicio in misericor- "dia."

erred in this, that the said exigent against him was adjudged the first day, on which the said *John* attached himself to prosecute the said Appeal: Without that the precept first issued for attaching the said *Philip*, as the custom is, and he demanded that the said errors should be amended, and that he should have justice, &c. And the said *John* could not deny this; therefore it was adjudged, that the said Appeal should be disannulled and made void, and the outlawry against the person of the said *Philip* proclaimed upon that occasion should, as erroneous, be taken for nothing, and the county amerced for their false judgment.

(c) 2. Instit. Although *Coke* (c) upon this chapter says, that this is a declaratory law, and so of the statute of *Westminster* 2. *chap.* 25, upon which the former Record hath been cited; yet the only end of citing these Records being to prove, that the Laws of *England* were received and executed in *Ireland* before they were there confirmed by Parliament, nothing can more plainly prove this point (if there were no other but only these) than these two last mentioned Records, by which it is most apparent, that the statutes of *Westminster* 1. and *Westminster* 2. were there in force, and executed, before any such statutes of confirmation were made in *Ireland*, as the Author talks of.

The Author saith, that such statutes as have been made in *England* since the 12th of King *John*, as are positive, or any ways altering or adding to the Common Law, were not of force in *Ireland*, till they were enacted in *Ireland* by Parliament. Let us therefore yet see further his mistakings.

The statute of *Westminster* 2. *chap.* 36. made 13th of *Edw.* 1. which provides against Seneschalls, Lords of Courts, &c. which procure any to sue in their Courts Barons, County

County Courts, &c. or whereby the subject is vexed, and molested by such procurement, or maintenance, adds a greater punishment for the delinquent, than was at Common Law, and gives treble damages, where before the Common Law gave but single damages, and that the party offending shall be ransomed at the King's suit, as appears in *Coke*. (*d*) And this law was executed in *Ireland* before any statute was made there to confirm it; as appears by the following Record.

(*d*) 2. Instit.

Adhuc de Placitis querelarum apud *Cork* coram *Johanne Wogan*, Justiciario *Hiberniæ*, die lunæ proximè post festum Sancti *Gregorii* Papæ anno 3° *Edw*, 2di.

Corke. ss. 'Convictus est per 'Juratam, in qua *Nicholaus* filius *Galfridi* querens, 'et *Mauritius le Archdekine* 'Miles se posuere. Quod cum 'diversæ dissentiones et discordiæ a diu ortæ fuissent inter 'prædictum *Mauritium* et *Nicholaum*, dictus *Mauritius*, 'Senescharlus terrarum *Mauritii de Carew* de *Castlecorith*, 'causâ vindictæ capiendæ de 'prædicto *Nicholao*, ipsum *Nicholaum* Malitiosè per graves 'districtiones, et alias vexationes, &c venire facit sæpissimè ad Curiam dicti *Mauritii de Carew*, ubi nulla querela 'per aliquam partem de eo 'querente in eâdem Curiâ habebatur, et similiter sæpe procuravit aliâs diversos homines 'conqueri de prædicto *Nicholao*, 'et falsas querelas versus ipsum 'excitare in Curiâ prædicta '*Mauritii de Carew*, ubi ipse 'Nicholaus nullam transgressionem

As yet of Pleas of the Crown at *Cork* before *John Wogan*, Justice of *Ireland*, on *Monday* next after the feast of Saint *Gregory* the Pope, in the 3d year of *Edward* the 2d.

Cork. ss. He was found guilty by a Jury, in which *Nicholas Fitz-Geffry* Plaintiff, and *Maurice le Archdekin* Knight appeared. That whereas divers dissensions and discords had for a long time arisen between the said *Maurice* and *Nicholas*, the said *Maurice*, Senescharl of the lands of *Maurice de Carew* of *Castlecorith*, in order to take revenge of the said *Nicholas*, maliciously caused the said *Nicholas* by grievous distresses, and other vexations, very often to appear at the Court of the said *Maurice de Carew*, where no complaint was by any person alledged against him; and likewise often procured divers other men to complain of the said *Nicholas*, and to move false complaints against him in the said Court of *Maurice de Carew*; whereas the said *Nicholas* committed no trespass, nor was obliged in any debt: for which

Anno 3°. *Ed.* 2. rot. 30. in tur. *Berming.*

‘ nem fecit, nec in aliquo de-
‘ bito tenebatur, per quod præ-
‘ dictus *Nicholaus* prædictum
‘ *Mauritium le Archdekin* per
‘ breve Domini Regis de trans-
‘ gressione implacitavit coram
‘ Justiciario de Banco *Dublin*,
‘ coram quo per Juratam pa-
‘ triæ inter prædictum *Nicho-*
‘ *laum* querentem, & prædic-
‘ tum *Mauritium le Archdekin*,
‘ prædictus *Mauritius le Arch-*
‘ *dekin* convictus est, quod
‘ prædictum *Nicholaum* maliti-
‘ osè vexavit, et diversas inju-
‘ rias & gravamina ei intulit,
‘ ad grave damnum ipsius *Ni-*
‘ *cholai* in 40 marcas: Quod
‘ quidem placitum inter ipsum
‘ *Nicholaum* et *Mauritium* pla-
‘ citatum ad judicium, &c.
‘ adhuc pendet coram prædicto
‘ Justiciario de Banco *Dublin*,
‘ &c. Et quod prædictus
‘ *Mauritius Le Archdekin* prop-
‘ ter injurias et gravamina præ-
‘ dicta, unde inter prædictum
‘ *Nicholaum* et *Mauritium* sunt
‘ ad Judicium coram Justicia-
‘ rio de Banco, &c. eidem *Ni-*
‘ *cholao* diversas et multiplices
‘ injustas et criminosas vexati-
‘ ones et gravamina intulit jam
‘ de novo in curia prædicti
‘ *Mauritii de Carew*, sub co-
‘ lore *Ballivæ* suæ, &c. Et
‘ quod idem *Mauritius Le*
‘ *Archdekin* malitiosè procura-
‘ vit diversos homines tam de
‘ Domino prædicti *Mauritii de*
‘ *Carew*, quam de partibus ad-
‘ jacentibus, formare falsas
‘ querelas, et sequi versus præ-
‘ dictum *Nicholaum* in formâ
‘ prædictâ

cause the said *Nicholas* impleaded the said *Maurice le Archdekin* by the King's writ of trespass before the Justice of the Bench at *Dublin*, before whom by a Jury of the country impanelled between the said *Nicholas*, the Plaintiff, and the said *Maurice le Archdekin*, the said *Maurice le Archdekin* was found guilty for maliciously vexing the said *Nicholas*, and for charging him with divers injuries and grievances, to the damage of the said *Nicholas* of 40 marks: which suit impleaded between the said *Nicholas* and *Maurice* to judgment, *&c.* yet depends before the said Justice of the Bench in *Dublin*, &c. And that the said *Maurice le Archdekin*, since the said injuries and grievances, which have proceeded as far as judgment between the said *Nicholas* and *Maurice* before the Justice of the Bench, *&c.* has now of late brought on the said *Nicholas* divers and manifold unjust and malicious vexations and grievances in the Court of the said *Maurice de Carew*, under colour of his Bailiwick, *&c.* and that the said *Maurice le Archdekin* maliciously procured divers men, as well out of the Lordship of the said *Maurice de Carew*, as out of the parts adjoining, to frame false complaints, and to prosecute them against the said *Nicholas*, in form aforesaid, before himself the said *Maurice le Archdekin* in the said Court of *Maurice de Carew*

'prædictâ coram ipso *Mauritio* 'Le *Archdekin* in Curia prædicti *Mauritii de Carew* de 'Castlecorith, ut sic iram et 'malam voluntatem suam versus prædictum *Nicholaum* nequiter possit effundere, &c. 'per quod prædictus *Nicholaus* 'deterioratus est, et damnum 'habet ad valentiam decem 'Marcarum, præter damnum, 'quod prius sustinuit per placita inter ipsos coram dicto 'Justiciario de Banco. Ideo 'consideratum est, quod prædictus *Nicholaus* recuperet 'versus prædictum *Mauritium* '10 marcas, damna sua, quæ 'taxantur per Curiam in triplum juxta formam Statuti, '&c. viz. 30 marcas: Sed liceat prædicto *Nicholao* recuperare versus prædictum *Mauritium Le Archdekin* de placito quod pendet coram prædicto Justiciario de Banco, et 'prædictus *Mauritius Le Archdekin* Committetur Gaolæ. 'Postea prædictus *Mauritius* 'fecit finem, prout patet in 'Rotulo Placitorum.'

Carew of *Castlecorith*, that by that means he might lewdly pour out his revenge and evil will upon the said *Nicholas*, &c. by which the said *Nicholas* is damaged and injured to the value of 10 Marks, besides the damage, which he before sustained by the Pleas between them before the said Justice of the Bench. Therefore it is adjudged, that the said *Nicholas* should recover against the said *Maurice* 10 Marks for damages, which are taxed by the Court to treble as much according to the form of the statute, *&c.* namely, to 30 Marks. Nevertheless, that it should be lawful for the said *Nicholas* to recover against the said *Maurice le Archdekin* in the Suit which depends before the said Justice of the Bench; and the said *Maurice le Archdekin* shall be committed to prison. Afterwards the said *Maurice* was fined, as appears in the roll of Pleas.

The statute of *Acton Burnell*, made 11 *Edw.* 1. wherein *Ireland* is not named, and the statute of 13 *Edw.* 1. *de Mercatoribus*, wherein *Ireland* is named, are both statutes, which doubtless the Author, and all others, will confess to be introductory statutes, and which do alter the Common Law; both which statutes were received and executed in *Ireland* long before any statute was made there to confirm them, as by the ensuing records appears.

Anno 34. *Edw.* 1. rot. 26. in *Berm.* Tower.

Adhuc de Communibus Placitis apud *Dublin*, coram *Johanne Wogan* Justitiario *Hiberniæ*, 15°. *Michael*, Anno Regni Regis *Edw.* 34.

Anglia, ss. ' Dominus Rex ' mandavit breve suum hic, ' &c. in hæc verba. *Edwardus*, ' &c. dilecto & fideli suo *Johanni Wogan*, Justiciario suo ' *Hiberniæ*, vel ejus locum tenenti, salutem. Quia *Johannes* de Burgess, aliquando ' Ballivus dilecti & fidelis nostri ' *Ottonis de Grandisono* in *Hibernia*, coram *Radulpho de Sandevico*, nuper custode civitatis nostræ *London*, & *Johanne de Banquelle*, Clerico ' nostro ad recognitiones debitorum in eadem civitate accipiendas deputato, recognovit se debere prædicto *Ottoni* ' 200*l.* unde ei solvisse debuit ' ad festum purificationis Beatæ ' Mariæ, Anno Regni nostri ' 19°. quinquaginta Marcas, et ' ad festum nativitatis Sancti ' *Johannis* Baptistæ proximè ' sequentem 50 Marcas, et sic ' de anno in annum, et termino ' in terminum proximè sequentem; ad eosdem terminos quolibet termino 50 Marcas, ' quousque prædictæ 200*l.* persolutæ fuere, et eas ei nondum ' solvit, ut dicit. Vobis mandamus, sicut alias vobis mandavimus, quod omnes terras ' & tenementa, quæ fuere prædicti *Johannis* anno Regni ' nostri 13°. quo anno prædictus debitor recognovit, ad ' quorumcunque manus in Bal-' livâ

As yet of the Common Pleas at *Dublin* before *John Wogan*, Justice of *Ireland*, on the Quindene of St. *Michael*, in the 34th year of the reign of King *Edward*.

Anglia, ss. The King sent his writ here in these words. *Edward*, &c. to his beloved and faithful subject *John Wogan*, his Justice of *Ireland*, or to his deputy, greeting. Whereas *John de Burgess*, sometime Bailiff of our beloved and faithful *Otto de Grandison* in *Ireland*, before *Ralph de Sandwich*, late keeper of our City of *London*, and *John de Banquelle*, deputed our Clerk for taking Recognizances of debts in the said City, acknowledged himself to be indebted to the said *Otto* in 200*l.* of which he ought to have paid him on the feast of the Purification of the Blessed Virgin *Mary*, in the 19th year of our Reign, 50 marks, and on the feast of the Nativity of St. *John* the Baptist next following, 50 marks, and so from year to year, and term to term next following the said feasts, at each term 50 marks, until the said 200*l* was paid, and he has not yet paid him, as he says; we command you, as before we commanded you, to cause to be delivered to the said *Otto*, or his Assigns, by extent, and at a reasonable rate, all the lands and tenements which belonged to the said *John* in the 13th year of our reign, in which year the said debtor entered into the said

livâ vestra devenerunt, per feoffamentum, aut alio modo, nisi terræ & tenementa illa ad hæredem ipsius *Johannis* infra ætatem existentem devenerunt, per extentum et rationabile pretium deliberari facias prædicto *Ottoni*, vel suo Assignato, habendâ nomine liberi tenementi, secundum formam statuti nostri apud *Acton Burnell* et *Westmonasterium* de hujusmodi recognitionibus editi; quoutque prædicto *Ottoni* de prædictis debitis plenariè fuisset satisfactum, simul cum damnis et Custagiis necessariis et rationabilibus, ut in laboribus, sectis, dilationibus, & expensis. Et quid indè feceris scire facias nobis a die S. *Michaelis* in 15 dies ubicunque tunc fuerimus in *Angliâ* Et sciatis, quod nisi hoc mandatum nostrum plenè exequi facias, graviter amerciaberis, et habeas ibi extentum indè factum, et hoc breve. Teste *Richardo de Brabanzon* apud *Westmonasterium* 14°. die Maji, Anno Regni nostri 300.——Prætextu cujus mandati Justiciarius hic, &c. processum et extentum inde factum in formâ quæ sequitur, &c. Extentum factum apud Cassel die lunæ in festo Sancti *Jacobi* Apostoli, Anno Regni Regis *Edwardi* 34°. coram *Johanne Wogan*, Justiciario *Hiberniæ*, ad mandatum Domini Regis de terris & tenementis, quæ fuere *Johannis* de Burgess, aliquando Ballivi *Ottonis*

said Recognizance, into whose ever hands in your Bailiwick they have come either by Feoffment or otherwise, unless the said lands and tenements have come to the heir of the said *John* being under age; to hold to the said *Otto* as his freehold, according to the form of our statute made at *Acton Burnell*, and *Westminster*, concerning such Recognizances, until the said *Otto* be fully satisfied for the said debts, together with his necessary and reasonable costs and damages, namely in his labours, suits, delays, and expences. And whatever you do herein, you shall signify to us on the Quindene of St. *Michael*, where ever we shall then be in *England*. And know ye, that unless you cause this our Mandate to be fully executed, you shall be grievously amerced; and send there to us the extent you shall make thereon; and this Writ. Witness *Richard de Brabanzon* at *Westminster*, the 14th day of *May*, in the 30th year of our Reign.—By means of which Mandate the Justice here, &c. the processe and extent made thereon in the form following, &c. An extent made at *Cashel* on *Monday*, on the feast of St. *James* the Apostle, in the 34th year of the reign of King *Edward*, before *John Wogan*, Justice of *Ireland*, by command of our Lord the King, of the lands and tenements of *John de Burgess*, sometime Bailiff of *Otto de Grandison* in the 13th year of our Lord the

'*Ottonis de Grandisono*, Anno 'Regni Domini Regis 130. per 'Juratam subscriptam (viz.) '*Johannem* de *London*, *Stephanum*, &c. (and so names the 'rest) qui Juratures dicunt super Sacramentum suum, quod 'prædictus *Johannes* de Burgess Anno Regni Regis 130. 'habuit apud *Kilconnell* 100 'Acras terrarum arrabilium, 'quarum quælibet Acra valet 'per Annum 4*d*, &c.' and so the Record having mentioned many particular parcels of land, whereof the said *Burgess* was seized, and their yearly values, after saith, 'et breve prædictum indorsatum in formâ quæ 'sequitur liberatur *Radulpho de* 'Burgo, Attornato prædicti *Ottonis*, qui sequitur pro prædicto *Ottone*, ad deferendum 'in *Angliam*, &c. Terræ et 'tenementa, quæ fuere *Johannis* de *Burgess* Anno 130. se 'extendunt, sicut continetur in 'extento inde facto, huic brevi 'consuto, et liberatur præfato 'Ottoni secundum formam hujus brevis; nec est inquisitum 'de damnis, quia hoc mandatum id non requirit: et sunt 'tenementa illa in manibus diverserum per feoffmenta.' King, by the under-written Jury, *viz. John de London*, *Stephen*, &c. (and so names the rest) which Jury find upon their oaths, that the said *John de Burgess* in the 13th year of the reign of the King, had 100 acres of arable land at *Kilconnell*, each of which acres is worth 4*d*. a year, &c. (and so the Record having mentioned many particular parcels of land, whereof the said *Burgess* was seized and their yearly values, after saith) and the said Writ indorsed in the following form was delivered to *Ralph de Burgo*, Attorney of the said *Otto*, who prosecutes for the said *Otto*, to carry into *England*, &c. The lands and Tenements of *John de Burgess* in the 13th of the King were extended, as is contained in the extent made thereof, and annexed to this Writ, were delivered to the said *Otto*, according to the form of this Writ, nor was any Inquisition had of the damages, because the said Mandate doth not require it; and the said Tenements are in the hands of divers people by Feoffments, &c.

In the 3d year of *Edw.* 2d the said *Otto de Grandison* brought an assize against divers for being disseised of the said lands, which he had by the aforesaid extent; which, though it be somewhat long, yet doth much clear the doubt, whether the laws of *England* were of force in *Ireland* or no before any statute made there to confirm them.

Adhuc

Adhuc de Juratis et Assisis apud *Cassel* coram Justitiario ad placita Justitiario *Hiberniæ* assignato audienda et terminanda, die lunæ proximè post festum Sancti *Ambrosij* Anno Regni Regis *Edw.* fil. Regis *Edw.* 30.

Tipperary ss. ‘ Assisa venit ‘ recognitura si *Richardus de* ‘ *Valle, Walterus de Brett, Ma-* ‘ *bilia* filia ejus, *Johannes*, filius ‘ *Thomæ Bigod, Philippus Hack-* ‘ *et, Willielmus de Burgess*, & ‘ *Henricus*, filius *Henrici O Ke-* ‘ *lie*, injustè disseisiverunt *Otto-* ‘ *nem de Grandisono* de libero ‘ tenemento suo in *Kilconnell*, ‘ &c. et unde queritur quod dis- ‘ seisiverunt eum de uno Mes- ‘ suagio, 5 Carrucatis terræ, ‘ &c. cum pertinentiis, &c. Et ‘ prædictus *Rich. de Valle, Wal-* ‘ *ter de Bret*, personaliter, et ‘ *Philippus Hacket* non venit, ‘ sed quidam *Gervasius de Bai-* ‘ *lie* respondet pro eo, tanquam ‘ ejus Ballivis, et *Richardus de* ‘ *Valle* respondet ut tenens de ‘ uno Messuagio, et unâ Carru- ‘ catâ terræ, &c. in *Kilconnell*, ‘ et *Walterus* ut tenens de 4 ‘ Acris terræ in A, et *Philippus* ‘ *Hacket*, tenens de Medietate ‘ Carrucatæ terræ in A, dicunt, ‘ quod ipsi nullam Injuriam aut ‘ disseisinam ei inde fecerunt. ‘ Quia dicunt, quod *Thomas Bi-* ‘ *god*, Pater dicti *Johannis*, cu- ‘ jus hæres ipse est, tenuit de ‘ ipsis prædicta tenementa per ‘ servitium, quæ dant Custodi- ‘ am, &c. et Obiit inde tenens ‘ eorum, &c. post cujus mor- ‘ tem ipsi intraverunt tenementa ‘ prædicta nomine Custodum, ‘ ratione

Anno 3d. *Edw.* 2. rot. 63. in tur. *Berwing.*

Agreet of Juries and Assizes at *Cashel* before the Justice appointed to hold and determine Pleas by the Justice of *Ireland*, on the *Monday* next after the feast of Saint *Ambrose*, in the 3d year of the Reign of King *Edward*, Son of King *Edward*.

Tipperary ss. An Assize appeared to enquire, whether, *Richard de Valle, Walter de Brett, Mabilia* his Daughter, *John*, Son of *Thomas Bigod*; *Philip Hacket, William de Burgess*, and *Henry* Son of *Henry O-Kelie*, unjustly, *&c.* disseized *Otto de Grandison* of his Freehold in *Kilconnell*, *&c.* and of which he complains, that they disseized him of one Messuage, five Carrucates of land, *&c.* with the Appurtenances, *&c.* And the said *Richard de Valle, Walter le Brett*, appeared personally, and *Philip Hacket* did not appear, but one *Gervase de Bailie* answered for him, as his Bailiff, and *Richard de Valle* answered, as Tenant of one Messuage, and one Carrucate of land, *&c.* in *Kilconnell*, and *Walter*, as tenant of 4 Acres of land in *A*, and *Philip Hacket* tenant of a moiety of a Carrucate of land in *A*, say, that they did not commit any injury or disseisin on him in the Premisses: because they say, that *Thomas Bigod*, Father of the said *John*, whose heir he is, held from them the said Tenements by services, which gave the Guardianship, *&c.* and died tenant thereof, to them, *&c.* After whose death they entered into the said Tenements, in the name of Guardians,

ratione minoris ætatis, prædicti Johannis filii Thomæ Bigod, absque aliquâ injuriâ sive disseisinâ eidem Ottoni inde faciendâ, et hoc petunt quod inquiratur per assisam. Et prædicta Mabilia, tenens de 20 acris terrarum in M. dicit, quod ipsa recuperavit prædictas 20 Acras terrarum, ut dotem suam, coram Justiciario de Banco Dublin, de libero tenemento quod fuit Thomæ Bigod quondam viri sui, &c. et quod ipsa nullam injuriam aut disseisinam eidem Ottoni inde fecit, et hoc petit quod inquiratur per assisam. Et prædictus Johannes, filius Thomæ Bigod, non venit, sed Walterus le Brett respondet pro eo tanquam ejus Ballivus, et dicit quod prædictus Thomas Bigod, pater prædicti Johannis, cujus hæres, &c. obiit seisitus de prædicto tenemento, post cujus mortem ipse Johannes per custodes suos prædictos intravit tenementa prædicta, ut filius & hæres ipsius Thomæ; absque aliquâ injuriâ aut disseisinâ alicui inde faciendis, et hoc petit quod inquiratur, &c. Et Willielmus de Burgess venit et respondet, ut tenens de 40 Acris, &c. in L. et dicit, quod ipse habuit ingressum in prædicta tenementa per prædictum Ottonem, et non per disseisinam, & hoc petit, &c. Et Hen. O-Keley venit & dicit, quod ipse nil habet, nec habere clamat, &c. nisi tex denarios redditus per

dians, by reason of the minority of the said John, Son of Thomas Bigod, without any injury or disseisin done to the said Otto, and this they demand should be inquired into by the Jury And the said Mabilia, tenant to 20 Acres in M says, that she recovered the said 20 Acres of land, as her Dower, before the Justices of the Common Pleas in Dublin, of the free Tenement of the said Thomas Bigod, formerly her husband, &c. And that she committed no injury nor disseisin on the said Otto, and this she demands should be inquired of by the Jury. And the said John, Son of Thomas Bigod, did not appear; but Walter le Brett answered for him, as his Bailiff, and said, that the said Thomas Bigod, Father of the said John, whose heir he is, &c. died seized of the said Tenements, after whose death, the said John, by his Guardians aforesaid, entered into the said Tenements, as Son and Heir of the said Thomas, without any injury or disseisin done to any body thereby, and this he demands should be inquired, &c. And William de Burgess appears, and answers, as Tenant of 40 Acres, &c. in L. and says, that he made his entry into the said Tenements by the said Otto, and not by disseisin, and this he demands, &c. And Henry O-Keley appears, and says, that he has nothing, and claims nothing, &c. only six pence rent by the year, and

per Ann. et quod ipse nullam injuriam, &c. et hoc petit, &c. Et prædictus *Otto* dicit, quod ipse tenuit tenementa prædicta per considerationem & liberationem Curiæ Domini Regis, pro eo quod quidam *Johannes de Burgess*, quondam tenens prædictorum tenementorum, dudum in Curiâ Domini Regis in *Angliâ* cognovit se debere eidem *Ottoni* 200l. Argenti per formam Statuti Mercatorii, et virtute illius recognitionis prædicta tenementa sibi liberata fuere per consensum Curiæ Domini Regis, tenenda nomine liberi tenementi, juxta formam Statuti prædicti, donec de prædictis 200l. simul cum damnis, custagiis rationabilibus, et necessariis, ut in laboribus, sectis, & expensis, sibi satisfactum fuisset, & sic dicit, quod ipse fuit in bonâ & pacificâ seisinâ de prædictis tenementis, ut de libero tenemento, donec per prædictum *Richardum* et alios injustè & sine judicio fuit disseisitus, et hoc petit quod inquiratur per Assisam: Juratores dicunt super Sacramentum suum, quod prædictus *Johannes de Burgess* quondam tenuit prædicta tenementa, & tenebatur prædicto *Ottoni* in redditione cujusdam compoti de tempore quo fuit Receptor denariorum ipsius *Ottonis* in *Hibernia*, propter quod accessit ad ipsum *Ottonem* in *Angliâ*, et reddito Compoto suo, remansit in arreragiis versus ipsum *Ottonem* in 200l. &c. quas cognovit se debere prædicto

and that he no injury, *&c.* And demands, *&c.* And the said *Otto* says, that he held the said Tenements by Judgment and delivery of the Court of our Lord the King; because that one *John de Burgess*, formerly Tenant of the said Tenements, long since in the Court of our Lord the King acknowledged that he owed to the said *Otto* 200l. in silver by form of a Statute Merchant, and by vertue of the said Recognizance the said Tenements were delivered to him by judgment of the Court of our Lord the King, to hold as his Freehold, according to the form of the said Statute, until he should be satisfied for the said 200l. together with his reasonable and necessary damages and costs, as in labours, suits, and expences, and so he says, that he was in the good and peaceable seisin of the said Tenements, as of his Freehold, until he was unjustly, and without judgment, disseised by the said *Richard*, and others, and this he demands should be inquired of by the Jury. The Jury say upon their Oaths, that the said *John de Burgess* formerly held the said Tenements, and was bound to the said *Otto* to render him a certain account for the time he was Receiver of the money of the said *Otto* in *Ireland*; for which end he came to the said *Otto* into *England*, and, having made up his accounts, he remained in arrears to the said *Otto* in 200l. *&c.* which he acknowledged to owe to the said *Otto* according to the form

dicto *Ottoni*, juxta formam Statuti pro Mercatoribus editi. Et quia idem *Johannes* terminos solutionis non observavit, Dominus Rex ad sectam ipsius *Ottonis* per breve Domini Regis sub magno sigillo *Angliæ*, tenentibus scire fecit prædictorum tenementorum, quod essent ad certum diem in *Angliâ* eidem *Ottoni* responsuris, quare dicta pecunia de tenementis prædictis levari non debere ad opus prædicti *Ottonis*. Et quia nulli Tenentes venere respondere eidem *Ottoni* in hâc parte, Consideratum fuit, quod prædicta tenementa, ad quorumcunque manus devenissent, liberarentur eidem *Ottoni*, tenenda nomine liberi tenementi, donec sibi fuisset de prædictis debitis, ut prædictum est, satisfactum. Quæ quidem tenementa in hâc formâ liberata fuere prædicto *Ottoni* extra manum Magistri *Thomæ Bigod*, tunc tenentis eorum tenementorum, cui idem *Otto* per seisinam inde habitam tenementa illa concessit per extentum eorundem, et post mortem prædicti *Thomæ Bigod*, prædicti *Richardus*, *Walterus*, et *Philippus* clamantes Custodiam tenementorum prædictorum ratione Minoris ætatis prædicti *Johannis*, filii *Thomæ Bigod*, intravere tenementa prædicta, et ipsum *Ottonem* inde ejecerunt. Et dicunt, quod prædictus *Thomas Bigod* nunquam fuit Tenens, nec seisitus de tenementis prædictis. Ideo consideratum est, quod

form of the Statute made for Merchants. And because the said *John* did not observe his terms of payment, our Lord the King, at the suit of the said *Otto*, by his Writ under the Great Seal of *England*, gave notice to the Tenants of the said Tenements, that they should appear at a certain day in *England* to answer the said *Otto*, why the said money should not be levied out of the said Tenements, to the use of the said *Otto*. And because none of the Tenants appeared to answer the said *Otto* on this occasion, it was adjudged, that the said Tenements, into whose ever hands they had come, should be delivered over to the said *Otto*, to be held by him as his Freehold, until he should be satisfied for the said debts, as aforesaid. Which said Tenements were in this form delivered to the said *Otto* out of the hands of Master *Thomas Bigod*, then Tenant to the same, to whom the said *Otto* by seisin thereof granted the said Tenements by extent of them; and after the death of the said *Thomas Bigod*, the said *Richard*, *Walter*, and *Philip*, claiming the Wardship of the said Tenements, by reason of the Minority of the said *John*, Son to the said *Thomas Bigod*, entered into the said Tenements, and ejected the said *Otto* thereout. And they say, that the said *Thomas Bigod* was never Tenant, nor seized of the said Tenements. Therefore it is adjudged, that the said *Otto* should

'quod prædictus *Otto* recuperet Seisinam suam versus prædictos *Richardum*, *Walterum*, Mabilliam, et *Philippum*, de prædictis tenementis, cum pertinentiis, per visum recognitorum, &c. et Damna sua, quæ taxantur versus prædictum *Richardum* ad 3l. 6s. 8d. et versus prædictos *Walterum* et *Mabilliam* ad 20s. & versus prædictum *Johannem* ad 10s. 8d. Et prædicti *Richardus*, *Walterus*, *Mabillia*, *Johannes*, filius *Thomæ Bigod*, et *Philippus*, in Misericordia. Et prædictus *Otto* in Curiâ pro falso Clamore versus prædictos *Willielmum* & *Henricum*, &c. & *Willielmus* & *Henricus* eant sine die. Et Curia *Johannem*, filium *Thomæ Bigod*, pardonavit, quia infra ætatem, &c. —— Damna 4l. 17s 4d.'

should recover his Seizin against the said *Richard*, *Walter*, *Mabilia*, and *Philip*, of the said Tenements, with the Appurtenances, by view of the Recognitors, *&c.* and his damages, which are taxed against the said *Richard* at 3l. 6s. 8d. and against the said *Walter* and *Mabilia* at 20s. and against the said *John* at 10s. 8d. and that the said *Richard*, *Walter*, *Mabilia*, *John*, the Son of *Thomas Bigod*, and *Philip* be amerced. And the said *Otto*, for his false challenge in Court against the said *William* and *Henry*, *&c.* and *William* and *Henry* to go without day. And the Court pardoned the said *John*, the Son of *Thomas Bigod*, because he was under age ——— Damages 4l. 17s. 4d.

By these records it appears, that *Ireland* antiently was so far from being accounted a Kingdom separated and divided from the Government of *England*, that it was esteemed in the nature of a County belonging to *England*, and the Justice of *Ireland* but, as it were, a kind of Sheriff to execute the process sent out of the courts of Justice of *England*. For the recognisance was acknowledged in *England*, which bound the land in *Ireland*; the process upon that recognisance was directed to the Justice of *Ireland*, to extend all the lands, &c. of the said *John Burgess*. Quæ anno prædicto debiti recogniti, ad quorumcunque manus in Ballivâ vestra devenerunt,——' which on the said year of the said recognisance acknowledged, came into any hands within your Balliwick.' That if he did not, he should be grievously amerced; and this writ was thereupon fully executed by the said Justice, and returned into *England*. That (as appears upon the Record of the assize brought for these lands upon that statute of 13 *Edw.* 1.) scire facias's out of *England* were directed to the

the tenants of the lands in *Ireland*, before the extent issued, returnable in *England*. Therefore doubtless *Ireland* was subject to the laws made in *England*, which were there executed before any act made in *Ireland* to confirm them.

Upon the granting of lands in *Mortmain* in *Ireland*, by the inheritor of the lands there, to any religious House in *England*, the writ of ad quod damnum was usually sent out of the Chancery of *England*, directed to the Justice of *Ireland*, ad inquirendum per probos, &c. de balliva vestrâ,—— 'to enquire by lawful men of your Balliwick,' returnable in *England*, which were executed by the said Justice, and returned into *England*, as by the records of 6 *Edw.* 2. and 2d *Edw.* 2. and many others of the like kind, appears.

6. Edw. 2. rot. 46. in offici. rem. regis, and 2. *Edw.* 2. rot. 2. in tur. *Berwing.*

In anno 26 *Edw.* 1. Rot. 12. in *Officio Remem. Regis Scoccarii.*——In the chief Remembrancer's Office of the Exchequer, *John*, the Son of *William* of *Sonebridge*, was upon the acknowledgment of a debt before *Robert le Bree*, Mayor of *Dublin*, and *Henry le Compton*, then Clerk of our Lord the King for the taking of recognisances for debts by vertue of the statute de Mercatoribus, taken and committed to prison till the debts were payed.

By the statute of *Acton Burnell*, 11 *Edw.* 1, if the Appraisers do appraise the moveable goods of the Debtor at too much, they themselves shall take the goods, and presently answer the Creditor his debt; which course cannot be taken upon an execution by elegit, or upon a recovery for debt or damages; nor doth it extend to a recognisance in court, but only to those 2 statutes of *Acton Burnell*, and de Mercatoribus, as *Coke (e)* says, and yet that branch in that statute of *Acton Burnell* hath been executed in *Ireland* before any statute made there to confirm it, as appears by the record following.

(e) 1st. Inst. 290. 2.

6 Edw. 2. Rot. 46. in offici. rem.

Communis Placita apud *Dublin* coram *Edmundo le Botiller*, Custode terræ *Hiberniæ*, in *Octabis* purificationis B. V. M. anno Regni Regis *Edwardi*, filii Regis *Edwardi* 6.

Common Pleas held at *Dublin* before *Edmund le Botiller*, Custos of the land of *Ireland*, on the octaves of the purification of the B V. *Mary*, in the 6th year of King *Edward*, son of K *Edw.*

Dublin,

Dublin ſs. ‘ Præceptum fuit ‘ vicecomiti, quod illos octo ‘ cranocos frumenti, pretii cu- ‘ juſlibet cranoci 4s. et illos ſex ‘ cranocos avenarum, pretii cu- ‘ juſlibet cranoci 40d. quos nu- ‘ per in manum Domini Regis ‘ cepit, et penes ſe detinet pro ‘ defectu emptorum, prout man- ‘ datum eſt *Edmundo le Bottil-* ‘ *ler*, Cuſtodi terræ *Hiberniæ*, ‘ in craſtino purificationis B. V. ‘ proximè præteritæ, per ratio- ‘ nabile pretium eorundem, ſine ‘ dilatione liberari faciat *Ra-* ‘ *dulpho de Willeby* uſque ad ‘ appretiationem 48s. quos i- ‘ dem *Radulphus* in curiâ hic, ‘ &c. coram prædicto Cuſtode ‘ apud *Dublin*, per conſiderati- ‘ onem ejuſdem curiæ, &c. re- ‘ cuperavit verſus prædictum ‘ *Johannem*. Proviſo tamen, ‘ quod Appretiatores, qui bona ‘ illa et catalla appretiare debu- ‘ erunt, taliter ea appretiave- ‘ runt, ſicut ea recipere volue- ‘ runt, ſi prædictus *Radulphus* ‘ ea ad hujuſmodi pretium re- ‘ cipere recuſavit, et reſiduum ‘ prædicti debiti, ſi quid fuerit, ‘ de aliis bonis et catallis præ- ‘ dicti *Johannis* in Ballivâ ſuâ ‘ fieri faciat, et eidem *Radulpho* ‘ ſine dilatione habere faciat, et ‘ quid, &c. ſcire faciat Juſtici- ‘ ario hic, &c. ad hunc diem. ‘ Et vicecomes modo mandat, ‘ quod de bonis prius captis ‘ pro debito prædicto appreti- ‘ antur per juratam ad ſex cra- ‘ nocos frumenti, et ſex crano- ‘ cos avenarum, viz quemlibet ‘ cranocum ad 4s. quæ bona ‘ prædictus *Radulphus de Wil-* ‘ *leby* per pretium prædictum ‘ recipere

Dublin ſs. The Sheriff was commanded, that without delay he deliver thoſe 8 cranocks of wheat, price of each 4s. and thoſe 6 cranocks of oats, price of each 40d. which he lately ſeized into the King's hands, and detains in his cuſtody for want of buyers, as to *Edmund le Botiller*, Cuſtos of *Ireland*, was ſignified on the morrow of the purification of the B. V. laſt paſt, at a reaſonable price to *Ralph de Willeby*, according to the appraiſement of 48s. which the ſaid *Ralph* in the court here, &c. before the ſaid Cuſtos at *Dublin*, by judgment of the ſaid Court, recovered againſt the ſaid *John*. Provided nevertheleſs, that the appraizers, who ought to have appraized the ſaid goods and chattles, appraized them at ſuch a price as they would take them at, if the ſaid *Ralph* ſhould refuſe to take them at the ſaid price; and that he ſhould levy the reſidue of the ſaid debt, if any remained, out of other goods and chattles of the ſaid *John* within his Ballywick, and deliver them over to the ſaid *Ralph*, without delay; and what, &c. he ſhould certifie to the Juſtice here, &c. at this day. And the Sheriff now returned, that the goods formerly taken for the ſaid debt, were appraized by the Jury to ſix cranocks of wheat, and ſix cranocks of oats, namely, every cranock at 4s. which goods the ſaid *Ralph de Willeby* refuſed to receive at the ſaid price; for which reaſon he kept the ſaid goods in ſafe cuſtody for want of

'recipere recusavit, ob quod 'bona illa salvo custodivit pro 'defectu emptorum. Et sunt 'nomina appretiatorum prædic- 'torum bonorum *Johannes Ly-* 'on, &c. [and so names the 'rest,] et super hoc venit præ- 'dictus *Radulphus de Willeby*, 'et petit quod bona prædicta 'deliberentur prædictis appre- 'tiatoribus, et similiter quod 'habere possit breve vicecomiti 'ad fieri faciendum de bonis et 'catallis appretiatorum prædic- 'torum, ad opus prædicti *Ra-* 'dulphi, pecuniam prædictam 'juxta formam statuti, &c. et 'ei conceditur, et præceptum 'est vicecomiti, quod blada 'prædicta deliberari faciat præ- 'dictis Appretiatoribus in for- 'mâ prædictâ, et quod de bonis 'et catallis ipsorum Appretiato- 'rum in ballivâ suâ fieri faciat 'pecuniam prædictam, et illam 'sine dilatione habere faciat 'prædicto *Radulpho*, et quid, '&c. scieri faciat, &c. die lunæ 'proximè ante festum Sancti 'Gregorii Papæ ubicunque, &c.'

of buyers. And the names of the appraizers of the said goods are *John Lyon*, &c. [and so names the rest,] and thereupon the said *Ralph de Willeby* comes and demands that the said goods should be delivered to the said appraizers, and likewise, that he may have a writ to the Sheriff to levy out of the goods and chattles of the said appraizers, to the use of the said *Ralph*, the said money, according to the form of the statute, &c. which was granted to him. And the Sheriff was commanded to deliver the said corn to the said Appraizers in form aforesaid, and that from the goods and chattles of the said Appraizers within his Balliwick he should levy the said money, and pay it over without delay to the said *Ralph*. And what, &c. he should certify, &c. on monday next before the feast of Saint *Gregory* the Pope, wheresoever, &c.

Divers other records remain in *Ireland*, whereby it appears, that these statutes were executed there in the time of *Edw.* 1st. and 2d. before the supposed statute made in *Ireland* 13. *Edw.* 2. which, because they would draw out this treatise to too great a length, are now omitted, and I shall conclude this point with mentioning one commission for taking recognisances upon that statute.

Rot. pat. in dorso 11. *Edw.* 2.

'Rex dilecto Clerico suo *Jo-* 'hanni de Logan, salutem. Sci- 'atis quod assignavimus vos Cle- 'ricum nostrum ad recognitiones 'debitorum in civitate nostra 'Corke accipiendum, una cum 'Majore

The King to his beloved Clerk, *John de Logan*, greeting. Know ye that we have appointed you our Clerk to take recognizances of debts within our City of *Cork*, together with the Mayor of the said

'Majore ejusdem civitates, a 'quibuscunque debitoribus, qui 'debita coram vobis recognoscere voluerunt, secundum formam statuti Mercatoris de 'hujusmodi recognitionibus provisi. Et ideo vobis mandamus, quod officio illo intendatis, et ea faciatis, quæ ad officium illud pertinent. In cujus rei, &c. Teste Rogero 'de Mortuo mari apud *Clonmell*, 20o *Januarii* anno regni 'nostri 11o.'

said city, from all debtors, who are willing to acknowledge their debts before you, according to the form of the statute of Merchants concerning such recognizances provided. And therefore we command you, that you employ yourself about the said office, and execute whatever belongs to it. In testimony whereof, &c. Witness *Roger de Mortimer* at *Clonmell*, the 20th day of *January* in the 11th year of our reign.

The Author tells us, that such statutes as have been made since the 12th of K. *John*, which are positive, or which do alter, add to, or diminish from the antient Common Laws, were not of force in *Ireland*, nor there executed, till they were confirmed by Act of Parliament there; and that the statutes of *Westminster* 1. and 2. and other the antient laws made in *England* were confirmed in *Ireland* by his supposed statute of 13th *Edw.* 2. Whereas by these aforementioned records, and many others there yet extant, it is most evident, that those antient laws made in Parliaments in *England*, in some whereof *Ireland* is named, in others not, yet both were there received and executed long before the said statute of 13th *Edw.* 2. And therefore *Ireland* was not separate from the Government of *England*, but always subject to the laws thereof.

Now let us briefly search what has been done in *Ireland* since that supposed statute of 13th *Edw.* 2. and of another statute by the Author cited to be made in 19 *Edw.* 2. (but makes no proof of it) where saith he, it was enacted, that the statutes made in *England* should not be of force in *Ireland*, unless they were allowed by Parliament there; and we shall find by the records in *Ireland*, that after his supposed statutes, there were statutes made in *England* only for *Ireland*, and not for *England*, which were in *Ireland* received and executed. That statutes made in *England* only, where *Ireland* is not named, were binding, and executed in *Ireland*, and that statutes made in *England* only, where both *England* and *Ireland* were named, were received and execut-

ed

ed in *Ireland*, before any confirmation of them by Parliament there.

In 42 *Edw.* 3. a statute was made at *Guilford* in *England*, that all who had lands in *Ireland* should before *Easter* in 43 of that King go into *Ireland*, or send sufficient men thither, according to the rates of the lands, there to stay for the defence of that Kingdom, under pain of forfeiture of the said lands. This statute was received and executed in *Ireland*, and many men's lands were there seized into the King's hands as forfeited by vertue thereof, as by many records there in *Edward* the Third's time appears, whereof we shall cite only some few.

De quodam brevi ret. in Canc. *Hib.* pro *Hugone de Spencer.*

Anno 48 et 49 *Edw.* 3. in officio remomorationum regis in scaccario, rot. 12.

" *Kilkenny* ss. Dominus Rex " mandavit breve suum de " Cancellariâ suâ *Hiberniæ* " Thesaurario et Baronibus hu- " jus Scacearii directum in hæc " verba *Edwardus*, &c. The- " saurario, vel ejus locum tene- " nenti, et Baronibus de Scac- " cario suo *Hiberniæ*, salutem. " Quia quibusdam certis de " causis certiorari volumus, si " *Hugo*, filius *Edwardi de Spen-* " *cer* chevalier, jam defunctus, " et *Alicia*, filiâ *Johannis*, filii " *Petri de Hotham* Clerici, nu- " per uxor sua, seisiti fuere de " Castro de *Kilkenny*, cum " Molendino ibidem, et de " maneriis de *Donfert* et *Kil-* " *dermoy*, cum pertinentiis, &c. " (naming divers other towns " and lands) una cum liberta- " tibus regalibus ibidem, et aliis " libertatibus, officiis, et pro- " ficuis diversis, ad prædictum " Castrum, Villas, &c. perti- " nentibus, quæ de nobis tenen- " tur

In the 48th and 49th year of *Edward* 3d in the remembrancer's office roll, 42.

Kilkenny ss. The King directed his writ out of his Chancery of *Ireland*, to the Treasurer and Barons of this Exchequer directed in these words. *Edward*, &c. to the Treasurer, or his Deputy, and to the Barons of his Exchequer of *Ireland*, greeting. Because for certain causes we desire to be certified, if *Hugh*, the son of *Edward de Spencer* Knight, now deceased, and *Alicia*, daughter of *John*, son of *Peter de Hotham* Clerk, late his wife, were seized of the Castle of *Kilkenny*, with a Mill there, and of the Manors of *Donfert*, and *Kilderemoy*, with the appurtenances, &c. (naming divers other towns and lands) together with the regal liberties therein, and other liberties, offices, and divers profits, belonging to the said Castle, Towns, &c. which are held of us in Capite, in their demesne as of fee; as also,

tur in Capite, in Dominico suo ut de fœdo, nec non si idem Castrum, Maneria, &c. virtute cujusdam ordinationis nuper apud *Guilford*, Anno Regni nostri Angliæ 42. factæ, quod quilibet homo habens dominia, terras, vel tenemen a quæcunquæ in terrâ nostrâ *Hiberniæ*, in propriâ personâ suâ in dictam terram *Hiberniæ* veniret, vel ibidem gentes sufficientes mitteret juxta ratam dominiorum, terrarum, et tenementorum prædictorum ante festum Paschæ, Anno Regni nostri Angliæ 43, vel in eodem festo, ad morandum ibidem in dictâ terrâ nostrâ *Hiberniæ* super defensionem ejusdem terræ, super forisfacturam terrarum et dominiorum prædictorum erga nos, et hæredes nostros. Et pro eo quod præfatus *Hugo* in dictâ terrâ *Hiberniæ* non venit, nec gentes sufficientes super defensionem dominiorum, terrarum, et tenementorum prædictorum, moraturas, ante dictum festum misit, capta fuere in manum nostram, et si eâ de causâ, et per mortem ipsius *Hugonis*, in manum nostram remanserunt et adhuc existunt, nec ne, et si alia de causâ, qualiter, et quo modo; vobis mandamus, quod scrutatis rotulis & memorandis Scaccarii prædicti premissa concernentibus, de eo quod inveneritis nos in Cancellariam nostram *Hiberniæ* sub sigillo ejusdem Scaccarii distinctè, et apertè sine dilatione reddatis

so, if the said Castle, Manors, &c. by vertue of a certain ordinance lately made at *Guilford* in the 42d year of our reign, that every man having any Lordships, Lands, or Tenements, in our land of *Ireland*, should in proper person come into the said land, or send sufficient people thither, according to their proportion of such Lordships, Lands, and Tenements, before the feast of *Easter* in the 43d year of our reign of *England*, or on the said feast, to abide there in our said land of *Ireland*, in defence of the same, under the forfeiture of the said lands and tenements to us and our heirs. And because the said *Hugh* did not come into the said land of *Ireland*, nor sent sufficient people there, to abide therein, for the defence of the said Lordships, lands, and tenements before the said feast, the same were seized into our hands, and if for that cause, and by the death of the said *Hugh*, they remained, and still remain in our hands, or no, or, if for any other cause, how, and in what manner, we command you that having searched the rolls and memorandums of the said Exchequer concerning the premisses, that what you find relating thereto you certifie to us into our chancery of *Ireland*, under the Seal of the said Exchequer distinctly and clearly, without delay, at the same time making a return to us of this writ. Witness *William de Windsor*, Governour

certiores, and

certiores, hoc breve nobis remittentes. Teste *Willielmo de Windsor*, Gubernatore et Custode terrarum nostrarum *Hiberniæ*, apud *Dublin* 12 die *Maii*, Anno Regni nostri Angliæ 49, &c. Pretextu hujus brevis, scrutatis Rotulis et memorandis Scaccarii *Hiberniæ*, compertum est in iisdem, quod castrum de *Kilkenny*, et *Molendinum* ibidem, Manerium de *Donfert*, &c. (naming the rest of the towns and lands in the Certiorari mentioned) una cum libertatibus regalibus ibidem, et aliis libertatibus, officiis, et proficuis diversis, ad prædictum Castrum, Villas, Maneria, &c. infra contentis, virtute Ordinationis de *Guilford*, in manus Domini Regis Capta fuere, et eadem de causâ in manum nostram, *a tempore ordinationis prædictæ* et deinceps ratione moræ infra scripti *Hugonis* extra terram *Hiberniæ*, remanserunt, & adhuc existunt, et nulla alia causa penes dictum scaccarium ad præsens reperiri potest, per quam idem Castrum, Maneria, Molendina, &c. capta fuere in manum nostram præter causam ordinationis de *Guilford* predictæ.

and Custos of our lands of *Ireland* at *Dublin*, the 12th day of May in the 49th year of our reign.——By vertue of this writ, having searched the rolls and memorandums of the Exchequer of *Ireland*, it is found therein, that the castle of *Kilkenny*, and a mill there, the manor of *Donfert*, &c. (naming the rest of the towns and lands in the *Certiorari* mentioned) together with the regal liberties there, and divers other liberties, offices, and profits, belonging to the said castle, towns, manors, *&c.* underneath contained, by vertue of the ordinance of *Guilford*, were seized into the King's hands, and for the same cause have remained in our hands from the time of the said ordinance, and afterwards, by reason of the stay of the said *Hugh* out of the lands of *Ireland*, do yet remain; and no other cause can at present be found in the said Exchequer for which the said castle, manors, mills, &c. were seized into our hands, except the ordinance of *Guilford* aforesaid.

By this record it appears, that these lands were seized presently into the King's hands upon that statute of *Guilford*, as soon as it was in force. For the words of the return of the writ are, ——*Eâdem de causâ in manum nostram a tempore ordinationis prædictæ, et deinceps ratione moræ*——For the same cause, were seized into our hands from the time of the said ordinance; and, from thenceforth by reason of the stay, *&c.*

&c. And therefore, there is no likelihood that that statute was ever confirmed in any Parliament in *Ireland*; nor do we find any mention of such confirmation in any record, or any other place.

Placita apud Adare coram *Willielmo de Windsor*, locum tenente Domini Regis in *Hibernia* a die Sancti *Michaelis* in 15 dies, Anno Regni Regis *Edw.* 3. 44°.

Pleas held at *Adare* before *William de Windsor*, Lieutenant of our Lord the King in *Ireland*, on the Quindene of St. *Michael*, in the 44th Year of King *Edward* 3d.

A°. 43. *Ed.* 3. rot. 21. in dorso. *Berm.*

Corke, ss. 'Præceptum fuit vicecomiti, quod capi et seisiri faciat in manum Domini Regis quartam partem manerii de Inchecoigne, cum pertinentiis, quæ fuere *Thomæ de Roos*, et manerium de Ballydarawin cum pertinentiis, quod fuit *Willielmi de Canton*, de quibus quidem maneriis, et quartâ parte manerii, idem *Thomas* & *Willielmus*, pro eo quod ipsi in propriis personis suis ante festum Paschæ, Anno Regni Domini Regis, qui nunc est, 43o. ad terram *Hiberniam* non venere, nec alios sufficientes loco suo ad eandem terram, ante dictum festum, ad proprios custus suos miserunt, pro consideratione curiæ dicti Regis exhæredantur, et ad Dominium Domini Regis applicantur, juxta ordinationem inde in Angliâ factam, et quod dictum Manerium, et quartam partem manerii, per sacramentum proborum & legalium hominum de ballivâ suâ, per quos, &c. extendi faciat, quantum (*viz.*) valuerant per annum ad dictum festum Paschæ, et quantum nunc valent per

Corke ss. The sheriff was commanded, that he should take and seize into the hands of the King the 4th part of the manor of *Inchecoigne*, with the appurtenances, the property of *Thomas Roos*, and the manor of *Ballydarawin*, with the appurtenances, the property of *William de Canton*, of which manor, and the 4th part of a manor, the said *Thomas* and *William* were disherited, by judgment of the King's Court, because that they in their proper persons before the feast of Easter, in the 43d year of the King that now is, did not come to the land of *Ireland*, nor send a sufficient number of others to the said land in their steads, at their proper expences, before the said feast, and the said lands were adjoined to the Lordship of the King, according to an Ordinance to that purpose made in *England*; and that he should extend the said manor, and 4th part of a manor, by the oaths of honest and legal men of his ballywick, by whom, &c. namely, at what they were worth by the year at the said feast of Easter, and how much they

'per annum in omnibus exitibus, juxta verum valorem 'eorum, et quis, vel qui, exitus et proficua eorundem ad 'dictum festum, et ad alios 'terminos huc usque, et quantum perceperunt, vel percepit, 'qualiter, et quomodo; ita 'quod idem Vicecomes de exitibus indè Domino Regi a 24o 'die Julii anno, ut infra, Domino Regi respondeat, et quid 'inde fecerit præfato Locum 'tenenti ad hunc diem ubicunque, &c. constare faciat. 'Cujus Mandati prætextu *Johannes Lombard*, Vicecomes 'comitatus prædicti, quandam 'inquisitionem captam coram 'eo dicto locum tenenti returnavit ad hunc diem, in formâ quæ sequitur —— Inquisitio Capta apud *Corke* coram *Johanne Lombard*, Vicecomite Comitatus prædicti, 'die Mercurii proximè post festum St. Dionysii Martiris, 'Anno Regni Regis *Edw.* 3, '44o. per subscriptos *viz.* 'Richardum filium *Petri de Carew*, &c. Qui Juratores dicunt super sacramentum suum, quod 4o. pars manerii 'de Inchecoigne, cum pertinentiis, quæ fuit *Thomæ de Roos*, ad festum Paschæ anno 'Domini Regis 43o, non valuit ultra 3l. 3s. per annum in 'omnibus exitibus, nec adhuc 'plus valet, et quod — Ileger, 'ut attornatus prædicti *Thomæ de Roos* recepit proficua inde 'venientia ad dictum festum 'Paschæ, et huc usque percipit; et quod manerium de 'Bally-

they are now worth by the year in all issues, according to the true value of them, and who, or what person or persons received the issues and profits of them on the said feast, and at other terms hitherto, and how much he or they received, how, and in what manner; so that the said sheriff may answer the King the profits thence accruing from the 24th day of July in the year underwritten, and that what he should do therein he should signifie to the said Lord Lieutenant at this day, wheresoever, &c. By vertue of which mandate *John Lombard*, sheriff of the said County, returned to the said Lord Lieutenant a certain inquisition taken before him in the following form. —— An inquisition taken at *Cork* before *John Lombard*, sheriff of the said County, on the wednesday next after the feast of St. *Dennis* the martyr in the 44th year of the Reign of King *Edward* 3d. by the undernamed, *viz.* *Richard Fitz-Peter* de *Carew*, &c. which Jury say upon their oaths, that the 4th part of the manor of *Inchecoigne*, with the appurtenances, which was the property of *Thomas de Roos*, on the feast of Easter in the said 43d year of the King was not worth above 3l. 3s. a year, in all its issues, and is not yet worth more, and that —— Ileger, as attorney for the said *Thomas de Roos*, received the profits from thence arising on the said feast of Easter, and yet receives

'Ballyderawin, cum pertinentiis 'nil valet per annum, nec valuit ad dictum festum Paschæ, 'quia in manus Rebellium & 'inimicorum Domini Regis existit; quod scilicet Manerium, 'et quarta pars Manerii, capta 'sunt et seisita in manus Domini Regis in formâ præscriptâ.'

receives the same: and that the manor of *Ballyderawin*, with the appurtenances, is worth nothing by the year, nor was worth any thing on the said feast of Easter, because it was in the hands of Rebels and Enemies to the King; which said manor, and fourth part of a manor, were taken and seized into the King's hands in the form above written.

It appears by this record, that this seizure was made by virtue of the statute made in *England*, and that within a very little time after it was to be of force; but no mention is made of any such statute made and confirmed in *Ireland*; and the time and matter of this record compared with the former record makes it appear, that this was upon the statute of *Guilford*.

It appears by a record, (*t*) that *Edward le Despencer*, being seized of the lands of *Ballyoweran*, in the County of *Waterford*, had them seized as forfeited by virtue of that statute of 42. *Edw.* 3. at *Guilford*; though, as the record saith, he was at the time of the said ordinance by the King's command in his service in *Lombardy*; and therefore the King pardoned him the forfeiture, and regranted the lands to him; so strictly was that statute executed in *Ireland*.

(*t*) 7° *Rich.* 2. in officio Remom. *Rot.* 20.

Anno 44. *Edw.* 3. the Earl of *Kildare* petitioned the Parliament to have certain lands holden of him, and lately in his possession by virtue of a wardship, restored to him, which were seized by vertue of the statute of 42. *Edw.* 3. Whereas (as the record is) *Johannes* (Father of the ward) *Obiit ante ordinationem prædictam per dictum Regem et consilium suum in Angliâ factam, in quâ inter cætera continetur, quod omnes & singuli Regni Angliæ, tam Prælati, Duces, Comites, Barones, quam alii quicunque, cujuscunque status, &c.*——*John* (Father of the ward) died before the said ordinance was made in *England* by the said King and his Councel, in which, among other things, is contained, that all and singular Prelates, Dukes, Barons, and others, of what state or condition soever,—and so recites the statute before mentioned in the record of *Hugh de le Spencer*, and then saith, that he did

A°. 44. *Edw.* 3. *Rot.* 11. in tur. *Berm.*

maintain men for the defence of the said lands, which being transmitted into the King's Bench, and there so found, he had an *amoveas manum*. The record is large, and many other notable records there are to this purpose, which, being long, are for brevity omitted. By all which it appears, that the said statute was executed in *Ireland*, and yet by the records themselves it is evident, that the said statute was made only in *England* and so recited in the records to be——*virtute ordinationis factæ in* Angliâ——by virtue of an ordinance made in *England*; neither doth it appear, that the said statute was ever confirmed by any Parliament in *Ireland*, but was executed presently upon the making it in *England*, as by the record of *Hugh Despencer* appears; whereby it is evident, that statutes made only in *England* for *Ireland* were there received, were of force, and there executed.

(g) 3. rep. Herbert's Case 12. 2. 2d. Inst. upon Stat. West. 2. Chap. 18.

Statutes made in *England*, where *Ireland* is not named, did bind in *Ireland*, before any confirmation of them there, as appears by records there. The statute 25 *Edw.* 3. Chap. 17. saith, that such process shall be in debt as in account, which is an introductory law. For before that time a Capias did not lie for debt, nor was the body liable to execution for debt (g). Yet that statute was executed in *Ireland* in the time of King *Edw.* 3. long before any confirmation of it.

In 44. *Edw.* 3. *Rot.* 20. in the chief Remembrancer's Office, but belonging to the Common Pleas.

Catherlogh ss. ' *Johannes Moore* ' per *Johannem Leyn*, Attornatum suum, obtulit se 4° die ' versus *Richardum*, filium *Richardi Witty*, de placito quod ' reddat ei 40l. quas ei debet, ' et injuste detinet, ut dicit. ' Et præceptum fuit Vicecomiti, sicut pluries, quod caperet eum. Et Vicecomes ' mandat, quod ipse non est ' inventus, ita quod capi potest, et ipse modo non venit. ' Ideo præceptum est Vicecomiti, quod coram se, et Custode placitorum Coronæ, &c. ' in

Catherlogh ss. *John Moore* appeared on the 4th day by *John Leyn*, his Attorney, against *Richard Fitz Richard Witty*, in a plea that he should render him 40l. which he owes him, and unjustly detains from him, as he alledges. And the Sheriff was commanded, as he often was before, to take him Prisoner. And the Sheriff returns, that he is not to be found, so as to be taken, and he did not now appear. Therefore a precept issued to the Sheriff, that he should in his full County cause

'in pleno Comitatu suo exigi faciat prædictum *Richardum* de Comitatu in Comitatum, quousque utlagatus fuerit, et si comparuerit, tunc eum capiat, et ipsum in Prisonâ, &c. salvo custodiri faceret, ita quod habeat corpus ejus hic ad respondendum, &c et quid indè fecerit Justiciario hic a die Paschæ in unum mensem constare faciat. Idem dies datus est prædicto *Johanni Moore*.'

cause the said *Richard* to be exacted from County to County Court before himself, and the Keeper of the Pleas of the Crown, &c. until he should be outlawed; and if he appeared, that then he should take him prisoner, and should safely detain him in prison, so that he should have his body here to answer, &c. and what he should do therein he should signifie to the Justice here in the month after Easter. The same day was given to the said *John Moore*.

Many more of this Kind may be seen in the 6th Roll of that year.

'Rex omnibus Ballivis & fidelibus suis ad quos, &c. salutem. Sciatis quod cum *Johannes Moore* nuper implacitasset Mauritium *Fitz-Gerald* coram Justiciariis nostris de Banco *Hiberniæ*, per breve nostrum de Debito 11l. & 10s. quod idem *Johannes* a præfato Mauritio exigebat; ac idem Mauritius, pro eo quod non venit coram præfatis Justiciariis nostris prædicto *Johanni* indè, secundum legem & consuetudinem terræ nostræ *Hiberniæ*, responsurus, in exigendo positus fuisset in comitatu *Dublin* ad utlagandum, et eâdem occasione postmodum utlagatus, sicut per tenorem Recordi et processus utlagariæ prædictæ, quos coram nobis in Cancellariâ nostrâ *Hiberniæ* venire fecimus plenius apparet. Idem-

The King to all his Bayliffs and faithful subjects, to whom, &c. greeting. Know ye, that whereas *John Moore* lately hath impleaded *Maurice Fitz-Gerald* before the Justices of our bench of *Ireland* by our writ of debt for 11l. 10s. which the said *John* demanded from the said *Maurice*; and the said *Maurice*, for that he did not appear to answer the said *John* before our said justices according to the law and custom of our land of *Ireland*, was put on the exigent in order to outlaw him in the county of *Dublin*, and upon that occasion was afterwards out-lawed, as more fully appears by the tenor of the record and processe of the said out-lawry, which we caused to be returned before us in our Chancery of *Ireland*; and the said *Maurice* hath now ren-

Rot. Pat. 49. Edw. 3.

'que

'que Mauritius Prisonæ Mareschalli nostri in Banco prædicto jam se reddiderit, et in eodem eâ occasione moratur, sicut dilectus et fidelis noster *Rebertus de Preston*, Capitalis Justitiarius noster de Banco prædicto, nobis in Cancellariâ nostrâ prædictâ ad mandatum nostrum certificavit. Nos pietate moti pardonavimus eidem *Mauritio* utlagariam prædictam, et firmam pacem, &c. Ita quod stet recto, &c. si quis versus eum loqui voluerit de debito supradicto. In cujus, &c. Teste, &c. 3°. die *Julii*.

dered himself to the prison of our Marshall in our said bench, and for that cause now remains there, as our beloved and faithful subject *Robert de Preston*, Chief Justice of our said bench hath, at our command, certified to us into our said court of chancery: We, being moved by compassion, have pardoned the said *Maurice* the said outlawry, and do restore him to our firm peace, *&c.* on condition that he stands to justice, *&c.* if any has any demand to make against him for the said debt. In testimony, *&c.* witness, *&c.* the third day of July.

In the Roll of that year there are the like pardons of outlawries to others; and in the Plea Roll of the common Pleas in *Ireland* in 5. *Hen.* 6. 11. *Hen.* 6. and 19. *Hen.* 6. till which time and after from 25. *Edw.* 3. there was no confirmation of any statute made in *England* by any Parliament in *Ireland*. There are hundreds of actions of debt brought, whereupon a Capias issued, and upon many of the exigents returned, and divers out-lawed, out-lawries after judgment, and pardons of out-lawries, which could not be upon any statute but that of 25. *Edw.* 3. For no other statute, nor any confirmation of that statute was made by a Parliament in *Ireland*, until the statute of 8. *Edw* 4. which confirmed that statute of *England*; was never heard of, ever yet found, or mentioned in any record, or otherwise, whereupon that writ of Capias should issue in debt, but only that of 25. *Edw.* 3d.

The statutes of labourers made in the 23d. and 25. *Edw.* 3. wherein *England* is only mentioned, were executed in *Ireland*, even in that King's time, without any confirmation by Parliament in *Ireland*; concerning which there are divers records in *Ireland*. I will only for brevity cite one, which will make it clear.

Commissiones

Commissiones et literæ patentes de termino Paschæ Anno 50 *Edw.* 3.

Uriel ss. ' Rex dilecto sibi ' *Johanni Taafe* de *Castlelomnagh*, Vicecomiti nostro *Uriel*, ' & *Johanni Dowdal*, salutem. ' Cum 6o. die *Octobris* Anno ' Regni nostri 46o. per literas ' nostras patentes Assignavimus ' *Riginaldum Hadsor*, et *Robertum Heiron*, Justiciarios nos' tros ad ordinationem et statu' ta de operariis, artificibus, & ' servientibus, in Conciliis et ' Parliamentis nostris apud *Westmonasterium* nuper tentis, pro ' communi utilitate Regni nos' tri *Angliæ*, et terræ nostræ ' *Hiberniæ*, facta, in omnibus ' & singulis articulis in Comita' tu *Louth*, tam infra libertates ' quam extra, custodiendum, et ' custodiri faciendum, et ad om' nia et singula, quæ contra for' mam Ordinationum et statu' torum prædictorum in Com' itatu prædicto, tam infra li' bertates quam extra, fuere at' temptata, tam ad sectam nos' tram, quam ad aliorum quo' rumcunque coram eis con' queri seu prosequi volentium, ' audiendum et terminandum, ' juxta vim & effectum ordina' tionis et statuti prædicti; sal' vis nobis amerciamentis, et ' omnibus aliis ad nos indè ' spectantibus. Ac jam ex re' latu fide dignorum accepimus, ' quod diversi fines et amercia' menta coram præfatis *Reginaldo* et *Roberto* in pluribus ' Sessionibus suis, de tempore ' quo assignati fuere ad præmis' sa facienda, nobis forisfacta & ' adjudicata

Commissions and Letters Patent of *Easter* Term in the 50th year of *Edward* 3d. In Officio Remom. in Scaccario, Anno 49. and 50. *Edw.* 3. Rot. 5.

The King to his beloved subject, *John Taafe* of *Castlelomnagh*, our Sheriff of *Uriel*, and *John Dowdal*, greeting. Whereas on the 6th day of *October* in the 46th year of our reign we by our Letters Patent appointed *Reginald Hadsor* and *Robert Heiron*, our Justices, to maintain, and cause to be maintained in the county of *Louthe*, as well within as out of liberties, the ordinance and statutes of labourers, artificers, and servants, made in our Councils and Parliaments lately held at *Westminster*, for the common utility of our Kingdom of *England*, and our land of *Ireland*, in all and singular the articles thereof, and to hear and determine, according to the force and effect of the said ordinances and statutes, all and every thing, which were attempted against the form of the said ordinances and statutes in the said county, as well within as out of liberties, as well at our suit, as at the suit of any others whatsoever, who will complain or prosecute before them: saving to us our amerciaments, and all other things belonging to us thereout. And now we have heard by the relation of People worthy of credit, that divers fines and amerciaments have been forfeited and adjudged to us, amounting to no moderate sum, before the said *Reginald* and *Robert*, in many of their sessions, from the time that they were appointed to

adjudicata fuere ad summam non modicam attingentia, quæ a Debitoribus nostris illa debentibus ad opus illorum proprium levaverunt & recuperaverunt, et voluntatem suam indè fecerunt, et eosdem fines & amerciamenta, ac catalla forisfacta, ad Scaccarium nostrum *Hiberniæ* non retornaverunt, sed penes eos concellarunt, & concellant in præsenti,' &c. After in that commission is power given them to inquire of the defaults of the said *Robert Heiron* as Coroner of that County, which is not to our purpose. 'In nostrum præjudicium, et damnum non modicum, ac contra formam Sacramentorum prædicti *Reginaldi* & *Roberti* in hac parte præstitorum. Nos ad Commodum nostrum in hac parte prospicere, & super præmissis plenius informari, et veritatem scire cupientes, ut tenemur, ac de fidelitate et industriâ vestrâ plenariè confidentes, assignavimus vos ad inquirendum per Sacramentum bonorum & legalium hominum de Comitatu prædicto, per quos rei veritas melius sciri poterit, et inquiri, quæ et cujusmodi fines & amerciamenta et Catalla forisfacta coram præfatis *Reginaldo* et *Roberto*, in quibuscunque Sessionibus suis de tempore quo Assignati fuere Justitiarii nostri in præmissis nobis forisfacta seu adjudicata fuere, quæ in formâ prædicta ad Scaccarium nostrum prædictum non retornavere, sed illa, ut præmittitur, concelarunt,

to execute the premisses, which they have recovered and levied from our Debtors to their proper uses, and have turned them to their own accounts, and have not returned the said fines, amerciaments, and chattles to our Exchequer, but have concealed, and still do conceal them, among themselves (after in that commission power is given them to inquire of the defaults of *Robert Heiron*, as Coroner of that county, which is not to our purpose) to our no small prejudice and damage, and against the form of the Oaths taken upon this occasion by the said *Reginald* and *Robert*. We desiring to take care of our profit upon those points, and to be fully informed of the Premisses, and to come at the knowledge of the truth, as we ought to do, and placing an entire confidence in your fidelity and industry, we have deputed you to inquire by the Oaths of good and legal men of the said County, from whom the truth can be best inquired and discovered, what, and what sort of fines, amerciaments, and chattles were declared forfeited before the said *Reginald* and *Robert*, and in what Sessions, from the time that they were appointed our Justices in the Premisses, which they have not returned into our said Exchequer, but have and do conceal as aforesaid, not taking care to satisfy us therein, and from what Persons particularly the said fines, amerciaments and chattles they levied and received to their

runt, et concellant in præsenti, nobis inde satisfacere non curando, et de quibus personis particuliariter dictæ fines et amerciamenta & Catalla forisfacta ad opus illorum proprium levaverunt et percepeſunt qualiter, et quomodo; Et ideo Mandamus quod omnia & singula præmissa modo debito faciatis, &c. & inquisitiones illas coram nobis distinctè et apertè faciatis, una cum toto facto vestro in hac parte habeatis coram *Baronibus* Scaccarii nostri *Hiberniæ* apud *Catherlogh* a die S. Trinitatis in 15 dies sub Sigillis vestris, &c. in cujus, &c. Teste *R. Holliwood*, Barone Scaccarii nostri prædicti apud *Catherlogh*, 6o Maij. Anno Regni nostri *Angliæ* 50.'

their own proper uses; how and in what manner. And therefore we command you, that you duly execute all and singular the premisses, &c. and that you distinctly and clearly cause the said Inquisitions to be returned before us, together with all that you shall do upon the occasion, before the Barons of our Exchequer of *Ireland* at *Catherlogh* on the Quindene of the Holy Trinity next, under your Seals, &c. In testimony of which, &c. Witness *R. Holliwood*, Baron of our said Exchequer at *Catherlogh*, the 6th day of *May* in the 50th year of our reign.

Adhuc Communia Placita de termino Trinitatis Anno 50. *Edw* 3.

As yet the Common Pleas of Trinity Term in the 50th year of *Edward* 3d. Anno præd. rot. 37. dorso.

Uriel ss. 'Dominus Rex Mandavit breve suum de Cancellariâ suâ *Hiberniæ* Thesaurio et Baronibus hujus Scaccarii directum in hæc verba. *Ed.* &c. Thesaurario et Baronibus de Scaccario *Hiberniæ* Salutem Quandam petitionem Gubernatori et Custodi terræ nostræ, ac aliis de concilio nostro in Parliamento nostro apud *Dublin* in Octavis St. *Hillarii* proximè præteriti, tento, per *Reginaldum Hadsor* & *Robertum Heiron* exhibitam, et per ipsos indorsatam, mandamus, quod, visis petitione & indorsamento prædictis, ulteriùs inde fieri faciatis prout continetur in eisdem, remittentes nobis

Uriel ss. The King sent his Writ out of the Chancery of *Ireland* directed to the Treasurer and Barons of this Exchequer in these words. *Edward*, &c. To the Treasurer and Barons of his Exchequer of *Ireland*, greeting. We command, that having seen a certain petition exhibited by *Reginald Hadsor* and *Robert Heiron* to the Governor and Custos of our land of *Ireland*, and to our Council in our Parliament held at *Dublin* on the Octave of St. *Hillary* last past, and by them indorsed, that you further do as is contained therein, making a return to us of this Writ, together with the said Petition. Witness *William*

de

bis hoc breve, una cum petitione prædictâ. Teste *Willielmo de Windsore*, Gubernatore et Custode terræ nostræ *Hiberniæ*, apud *Dublin*, 11o. die Februarij, Anno Regni nostri 49o, &c. Et tenor petitionis, de qua fit mentio superius in brevi, sequitur in hæc verba. A vous Seignieur Gouverneur et Gardein de *Ireland*, et autres sages de Councell. Notre Seigneur le Roy illonques Supplication *Reginald de Hadsor* et *Robert Heiron*, que ou ils ont estre Justices de Laboureurs per deux ans passe per Commission notre Seigneur le Roy in le Countie le *Louth* assignate, que plese granter a les dits vaudits le *Reynold* & *Robert* covenable regard pour lour grands Custages & Travaulx, que ils ont susteinies per mesme le temps. Et mieux contristant, que lour regard ne est en le dite Commission en certain limite et assignate, que vous plese de votre bone grace granter al eux le tierce partie de les issues provenant de mesme l' Office, come a tout ceux est graunte, que ont este en meme l'office per my le terre *d'Ireland*, come plus pleine appeire en le Rolls de la Chancery, et come per le Councell nostre dit Seignieur le Roy adonques exteant accord fuist & assentu, come plusors de eux foy bien recolant. Quæ quidem petitio indorsatur sic. —— Soit Cest petition maunde per breve direct

de Windsore, Governor and Custos of our land of *Ireland*, at *Dublin*, the 11th day of *February*, in the 49th year of our reign, &c. And the tenor of the Petition above mentioned in the Writ is as follows. —— To you, our Lord Governor and Custos of *Ireland*, and to the other Sages of the Council. Our Lord, the King, according to the supplication of *Reginald de Hadsor*, and *Robert Heiron*, that as they have been appointed Justices of labourers for two years past by commission of our Lord the King in the county of *Louth*, that it may please you to grant to the aforesaid *Reginald* and *Robert* a proper reward for their great charges and labour sustained by them in that time. And being much troubled, that their reward is not in certain limited and appointed by the said commission, that you would be pleased of your good Grace to grant unto them the third part of the issues accruing from the said office, as is granted to all those who have executed the said office through *Ireland*, as more fully appears in the Chancery Rolls, and as was accorded and agreed by the Council of our Lord the King then being, as many of them well remember — Which said petition is thus indorsed. — Let this Petition be sent by Writ directed to the Treasurer and Barons of the Exchequer, and then their Estreats being entirely returned, that they view and examine the sum of the Estreats leviable,

'rect al Treasorer et Barons de Exchequer, et illonque returnant leur estreits entierement, queux veux ut examines soit le some de des estreits levable, mande per les dit Tresorer et Barons en le Chancellier, et de tiel Somme levable soit breve de liberate de chacune Partie. Quod quidem breve remittitur in Cancellariâ prædictâ indorsatum in formâ quæ sequitur, una cum petitione prædictâ. Prætextu hujus brevis, visis et examinatis extraetis Justiciariorum infra contentis in Scaccario *Hiberniæ* per eosdem Justiciarios missis, examinantis per Barones Scaccarii prædicti, quod quidem extractum se extendit ad summam 6l. 3s. 6d. de diversis finibus et amerciamentis levabilibus in eisdem extraetis contentis.'

leviable, to be sent by the Treasurer and Barons into the Chancery, and of such sum leviable let a Writ of liberate issue to each party. Which Writ was sent into the Chancery, and indorsed in the following form, together with the said Petition. ——By vertue of this Writ, having viewed and examined the Estreats of the Justices contained underneath in the Exchequer of *Ireland*, and the same were examined by the Barons of the said Exchequer; which said Estreats amount to the sum of 6l. 3s. 6d. out of divers fines and amerciaments levied and contained in the said Estreats.

By this Record it is plain, that they in *Ireland* did conceive, that statutes made in *England* did bind in *Ireland*, though *Ireland* was not named in them. For they received them, and put them in execution, as these two statutes of labourers. For the Commission recites, that they were made Justices for the statutes of Labourers lately made in our Councils and Parliaments at *Westminster* for the common profit of our Kingdom of *England*, and land of *Ireland*.

It is likewise to be observed, that these statutes were not opposed in Parliament in *Ireland*, as not binding there, or that first they ought to be confirmed there, when the above mentioned petition was preferred by the said *Hadsor* and *Heiron* to have allowance for their charges; but their request was granted, that they should have the 3d part of the issues, *&c.* and that this had been done all *Ireland* over upon the execution of these statutes, as by their petition appeared. By which it is plain, that these statutes were executed in *Ireland* presently after the making of them in *England*. For the statutes being made in the 23d and 25th *Edw.* 3. and this

this Record being 49th *Edw.* 3. which recites, that allowance had been made formerly all *Ireland* over to all such Commissioners, it must needs follow, that shortly after the making of them they were then in *Ireland* executed.

Statutes made in *England* only, where *Ireland* is named, did bind in *Ireland* without any confirmation of them by Parliament in *Ireland*. The statute of the staple made in the 27th *Edw.* 3. in *England* doth name *Ireland*, and did bind in *Ireland* long before any confirmation of it there by Parliament. For within 5 years after the making of it in *England* it was executed in *Ireland*, and officers of the staple appointed according to that Act, as we may see by the Records following.

"Rex Vicecomitibus, Senescallis, Constabulariis, Præpositis, Ballivis, et aliis Ministris et fidelibus suis in ——— et alibi in *Hibernia*, salutem. Sciatis, quod cum per nos, Prælatos, Duces, Comites, Barones, et Communitates Regni nostri *Angliæ*, pro nostrâ, ac ipsius Regni nostri *Angliæ*, ac terrarum nostrarum *Walliæ*, et *Hiberniæ*, salute, Ordinatum est, quod stapula lanarum, Coriorum, pellium lanearum, et plumbi, in certis locis in dicto Regno *Angliæ*, in terrâ *Walliæ*, ac etiam in *Hiberniâ* (viz) apud *Dublin*, *Waterford*, *Drogheda*, & *Corke*, teneatur; nos de fidelitate et circumspectione dilecti nobis *Richardi Segrave* confidentes constituimus ipsum *Richardum* Majorem dictæ stapulæ in eâdem Civitate *Dublin*, ad dictam stapulam regendam, nec non ad cognoscendum et procedendum in placitis et querelis de eâdem tenendis, et ad sigillum pro officio illo deputatum

The King to the Sheriff, Seneschals, Constables, Provosts, Bailiffs, and other his Ministers and faithful Subjects in ——— and elsewhere in *Ireland*, greeting. Know ye, that whereas by us, and by our Prelates, Dukes, Earls, and Barons of our Kingdom of *England*, for our profit, as well as for that of our Kingdom of *England*, and of our lands of *Wales* and *Ireland*, it is ordained that the staple of wool, skins, wool-fells, and lead, should be kept in certain places in the said Kingdom of *England*, in the land of *Wales*, and also in *Ireland*, namely, at *Dublin*, *Waterford*, *Drogheda*, and *Corke*; we confiding in the fidelity and circumspection of our beloved *Richard Segrave*, have appointed him Mayor of the said Staple in the said City of *Dublin*, to manage the said Staple, as also to inquire and proceed in the pleas and disputes to be held concerning the same, and to keep the Seal appointed for the said Office, and faithfully to do

tatum custodiendum, et ad omnia alia & singulâ in dicta stapulâ ordinata, quam Majori, cæterisque Officiariis, et ministris ejusdem stapulæ, sub magno sigillo nostro *Hiberniæ* in formâ patenti missimus observandum contenta, quatenus ipsum Majorem et Officium suum concernent, fideliter faciendum et exercendum, juxta formam et effectum Ordinationis ejusdem; Et ideo vobis mandamus, quod eidem *Richardo*, tanquam Majori dictæ stapulæ dictæ Civitatis *Dublin*, in omnibus quæ ad officium illud, et ad vos & vestrum quemlibet in hac parte pertinent, intendentes sitis, respondentes & Auxiliantes in cujus, &c Teste *Almarico* Justitiario apud *Dublin* 100. die *Februarii*, Anno Regni nostri, 320.

do and execute all other and singular things ordained in the said Staple, which we have sent in form of Letters Patent to the Mayor, and other Officers and Ministers of the said Staple under our great Seal of *Ireland* contained to be observed, so far as concerns the said Mayor and his office, according to the form and effect of the said Ordinance. And therefore we command you that you be aiding and assisting to the said *Richard*, as to the Mayor of our Staple of the said City of *Dublin*, in all things belonging to the said office, and to you, and each of you, in this matter. In testimony, *&c.* Witness *Almarick*, our Justice, at *Dublin*, the 10th day of *February*, in the 32d year of our reign.

The like grant is made (mutatis mutandis) to *John Gransett* and *John Nash*, to be constables of the Staple of the City of *Dublin*, bearing the same date and teste

Rot. pat. 32. *Edw.* 3. indorso. *Robertus Mac-Miagh* habet commissionem de Officio Majoris Stapulæ Civitatis, ut supra de Majore Stapulæ *Dublin*.—Pat. 32. *Edward* 3d, on the back-side. *Robert Mac-Miagh* has a Commission for the office of Mayor of the Staple of the City of *Cork* as above of the Mayor of the Staple of *Dublin*.

Thomas Stoughton, et *Willielmus Spicer* habent Commissionem de officio Constabulariorum ejusdem sub eadem datâ. —*Thomas Stoughton*, and *William Spicer*, have a Commission of the office of Constables of the Staple of the same date.

That this statute was further executed in *Ireland*, appears by this Record following.

Edw.

In bundell. Brev. de 35. Edw 3 in tur. Berm.

'Edw. &c. Seneschallo libertatis *Midiæ*, salutem. Quia *Richardus de Exoniâ*, Dominus de *Stackallen*, die Martis in festo St. *Gregorii* Martiris Anno Regni nostri *Angliæ* 33o. coram *Richardo Hadsor*, nuper Majore Stapulæ in villâ de *Drogbedab*, *Roberto Moor*, & *Philippo Norton*, Constabularis ejusdem Stapulæ, ad recognitiones debitorum in eâdem Stapulâ accipiendos, deputatos, recognovit se debere *Roberto Babe*, Burgensi de *Drogbedab*, 100l. quas ei solvisse debuit ad festum St. *Dunstani* ex tunc proximè futurum, et eas ei nondum solvit, ut dicitur; tibi præcipimus, quod Corpus prædicti *Richardi de Exoniâ* (si laicus sit) Capias, & in prisonâ vestrâ, donec eidem *Roberto Babe* de debito illo Satisfaciatur, salvo custodiri facias, ac terras & tenementa, bona ac Catalla, prædicti *Richardi de Exoniâ* in Balliva tuâ, per Sacramenta proborum & legalium hominum de Ballivâ tuâ, per quos rei veritas melius sciri poterit, juxta verum valorem eorundem in præsentiâ præfati *Roberti Babe*, vel attornati sui pro parte inde præmuniendi, si interesse voluerit, diligenter extendi & appretiari, et in manum nostram seisiri facias, et ea præfato *Roberto Babe*, quousque sibi de eodem debito fuerit satisfactum, liberari facias, tenenda juxta formam statuti inde editi. Et qualiter hoc præceptum nostrum

Edward, &c. To the Senechal of the liberty of *Meath*, greeting. Whereas *Richard* of *Exeter*, Lord of *Stackallen*, on *Wednesday* on the feast of St. *Gregory* the Martyr, in the 33d year of our reign of *England*, before *Richard Hadsor*, late Mayor of the Staple of the town of *Drogheda*, and *Robert Moor* and *Philip Norton*, Constables of the same, deputed to take Recognizances of debts in the said Staple, acknowledged that he was indebted to *Robert Babe*, Burgess of *Drogheda* in 100*l*. which he ought to have paid him on the feast of St. *Dunstan* thence next to come, and hath not yet paid him, as is said; we command you, that you arrest the body of the said *Richard* of *Exeter*, (if he be a Layman) and safely keep him in your prison, until he satisfies the said *Robert Babe* for the said debt, and that you diligently extend and appraize, and seize into our hands, the lands and tenements, goods and chattles of the said *Richard* of *Exeter* within your Ballywick, by the oaths of good and legal men of the same, by whom the truth can be best discovered, according to the true value of the same, in the presence of the said *Robert Babe*, or of his Attorney to be warned for that purpose, if he will be present, and the same to deliver over to the said *Robert Babe*, until he receives satisfaction for the said debt, to hold according to the form of the statute in that case provided. And how this our precept

« trum fuerit executum nobis in « Cancellaria nostrâ *Hiberniæ* « die Martis proximè post Festum Cathedræ St. *Petri* proximè futurum, ubicunque tunc « fuerimus in *Hiberniâ*, scire « facias per literas tuas sigillatas, et habeas ibi tunc hoc « breve. Teste *Mauritio*, Comite *Kildare*, locum tenente « *Jacobi le Botiller*, Comitis *de* « *Ormond*, Justiciarii nostri *Hiberniæ*, apud *Dublin*, 30. die « *Februarii* Anno Regni nostri « 350. &c. In dorso brevis inscribitus sic. « *Richardus de* « *Exoniâ de Stackallen* non est « inventus in Ballivâ meâ ab « adventu istius brevis, ita quod « corpus suum capi potest. Ita « respondet *Johannes Husse*, Seneschallus *Midiæ*.

« Inquisitio facta est de terris « & tenementis bonis & Catallis « ipsius *Richardi*, prout patet in « Schedulâ huic brevi consutâ. « Responsum *Johannis Husse*, « Seneschalli *Midiæ*.'

précept shall be executed you shall signify to us by your sealed letters returned into our Chancery of *Ireland* on the *Wednesday* following the feast of the chair of St. *Peter* next, wherever we shall then be in *Ireland*, and that you then have there this Writ. Witness *Maurice*, Earl of *Kildare*, deputy to *James le Botiller*, Earl of *Ormond*, our Justice of *Ireland*, at *Dublin*, the 3d day of *February*, in the 35th year of our reign. —— On the back of the Writ it is thus inscribed. — *Richard* of *Exeter* of *Stackallen* is not found within my Ballywick from the delivery of this Writ, so that his body might be arrested. So answers *John Husse*, Seneschal of *Meath*.

An Inquisition was held of the lands and tenements, goods and chattles, of the said *Richard*, as appears in a Schedule annexed to this Writ —The answer of *John Husse*, Seneschal of *Meath*.

By these records it appears, that by a statute made in *England* (for the commission to the Mayor of the Staple is, that by us the Dukes, Earls, &c. and commonalty of our Realm of *England* it is ordained for our Realm of *England*, and our lands of *Wales* and *Ireland*,) that *Ireland* is bound, and of that statute they take notice in *Ireland*, and execute that statute accordingly, without any confirmation of it there till long after the reign of K. *Edw.* 3. when all the statutes of *England* were confirmed by the statute of 8 *Edw.* 4. Chap. 1.

I shall cite only one statute more (tho' many other records might be cited to this purpose upon divers other statutes, which for brevity are omitted,) which is the forenamed statute of 3 *Rich.* 2. made in *England* for *Ireland* only, against Absentees, that such as had land in *Ireland*

should return and reside thereupon, upon pain of forfeiture of two thirds of the profits of their lands there; which statute was a long time executed in *Ireland* without any confirmation of it there by Parliament, and that without any scruple, as by the records following appears.

Rot. Remom. Anno 6 *Rich.* 2. Rot. 40.

'Rex Majori & Ballivis civitatis *Dublin*, Salutem. Præcipimus vobis, quod distringatis *Richardum Chamberlaine*, Civem *Dublin*, per terras, &c. Ita, &c. a die S. *Hillarii* in 15 dies, ad satisfaciendum nobis de 40s. quos nobis debet de pretio duarum partium fructuum Prebendæ de *Dunlavan*, quæ est *Johannis Ardery*, Clerici, extra terram *Hiberniæ* residentis, in manum nostram ratione moræ ipsius *Johannis* extra terram predictam, contra formam ordinationis per nos et Concilium nostrum *Angliæ* in ultimo Parliamento nostro apud *Westmonasterium* tento factæ, captæ & existentis, et ad ulterius, &c. & habeas, &c. Datum 12o. *Nov.* Anno 6o. *Richardi* 2di

The King to the Mayor and Bailiffs of the City of *Dublin*, greeting. We command you to distrain *Richard Chamberlaine*, citizen of *Dublin*, by his lands, *&c.* so as, *&c.* On the Quindene of St. *Hillary*, to satisfy us for 40s. which he owes us out of the value of two parts of the Profits of the Prebend of *Dunlavan*, the property of *John Ardery* Clerk, residing out of the land of *Ireland*, seized and remaining in our hands by reason of the stay of the said *John* out of the said land, contrary to the form of the ordinance made by us and our Council of *England* in our last Parliament held at *Westminster*; and to do further, *&c.* and have, *&c.* dated the 12th of *November*, in the 6th year of King *Richard* the second.

Ibid. Rot. 42.

'Consimile breve versus *Stephanum Fleming*, & *Johannem Comin* Capellanum, Procuratorem & Attornatum Magistri *Nicholai Fleming*, Rectoris Ecclesiæ de *Dromconragh*, in Diocesi *Midensi*, et Prebendarii de *Tacomsian*, in Ecclesiâ Cathedrali *Fernensi*, extra terram *Hiberniæ* residentis, ad satisfaciendum, &c. de pretio fructuum & proventuum Ecclesiæ & Prebendæ prædictarum 6o. die *Junii*, 4o. 'Regis,

The like Writ issued against *Stephen Fleming* and *John Comin* Chaplain, Proctor and Attorney of *Nicholas Fleming*, Rector of the church of *Dromconragh*, in the diocese of *Meath*, and Prebendary of *Tacomsian* in the Cathedral Church of *Ferns*, residing out of the land of *Ireland*, to satisfy, *&c.* of the value of the fruits and revenues of the said Church and Prebend, from the 6th day of *June* in the 4th year of the King, and from thence-

'Regis, & deinceps, prout ma-
'nuceperit, occasione moræ,
'&c. contra formam cujusdam
'ordinationis per nos et consi-
'lium nostrum *Angliæ* in Parli-
'amento nostro apud *Westmo-*
'*nasterium* nuper tento factæ,
'existentis Datum 26o. *A-*
'*prilis* Anno 6o. *Richardi* 2di.'

thenceforth, as he gave no security, on account of his stay, &c. against the form of a certain Ordinance made by us and our Council of *England* in our Parliament lately held at *Westminster*. Dated the 26th of *April* in the 6th year of *Richard* the second.

By this last Record it appears, that this statute being made in the third of *Richard* 2d, was presently executed there. For the said *Fleming* and *Comin* were to answer the King's profits of said Rectory and Prebend from the 6th of *June* in the 4th of his reign, and this was, for that the said *Nicholas Fleming* was absent out of *Ireland*——*Contra formam cujusdam ordinationis per nos & consilium nostrum Angliæ, in Parliamento nostro apud* Westmonasterium *nuper tento factæ*, ——was absent out of *Ireland* against the form of an ordinance made in a Parliament lately held at *Westminster*, by us and our Council of *England*; ——so that nothing can be more clear, than that an act in *England* made for *Ireland* did bind there without any confirmation made by Parliament there; and of the Execution of this statute of 3d. *Richard* 2d. both in the time of him, and his three next successors, there be hundreds of records remaining in the Remembrancer's office of the Exchequer; and yet this statute was never otherwise in that time confirmed but by receiving and executing it. Nay, which is more, it appears by a notable record in the time of *Richard* the 2d, that the law was declared to be, that an act made in *England* for *Ireland* could not be dispensed with by the Governors of *Ireland*; but suit must be made for it to the King and Council of *England*, and thereupon by the King's command directions given, as appears by the following record.

'Rex Thesaurario, & Baro-
'nibus de Scaccario suo *Hiber-*
'*niæ* salutum. Cum, inter cæ-
'tera, in quodam Parliamento
'nostro apud *Westmonasterium*
'dudum tento facta ordinatio
'extiterit, quod omnes gentes,
'cujus-

The King to the Treasurer and Barons of his exchequer of *Ireland*, greeting. Whereas, among other things, an Ordinance was made in our Parliament lately held at *Westminster*, that all People, of what condi-

Pro Rege: James Ormond was then Justice.

cujuscunque conditionis fuerint, terras, redditus, beneficia, officia, aut possessiones quæcunque in terrâ nostrâ *Hiberniæ* habentes, se traherent versus dictam terram, ita quod essent ibidem ante festum nativitatis S. *Johannis Baptistæ*, Anno Regni nostri 30. et ex tunc ibidem residerent & morarentur in auxilium & fortificationem fidelium ligeorum nostrorum ejusdem terræ, contra malitiam *Hibernicorum* Inimicorum & Rebellum nostrorum ibidem, et quod omnes alii, qui Castra & fortalitia habeant in dictâ terra, ea facerent reparari, et in statu competenti tenere, et bonam & securam custodiam in iisdem pro salvatione eorundem ponerent sub periculo incumbenti. Et si illi, qui hujusmodi terras, redditus, beneficia, officia, aut alias possessiones quæcunque in terra nostra prædicta obtinent, ab eadem terra post festum prædictum ex rationabili causa absentes forent, tunc gentes defensabiles loco eorum pro tempore dictæ absentiæ suæ, prout necessitas in hac parte requirit, habito respectu ad qualitatem & valorem dictarum terrarum, redditiuum, officiorum, beneficiorum, & possessionum prædictarum, ad eandem terram defendendam mittere et ibidem invenire tenerentur; quod si non facerent duæ partes exituum et proficuorum dictorum redditiuum, Officiorum, Beneficiorum, et Possessionum

tion soever they were, having lands, rents, benefices, offices, or possessions whatsoever in our land of *Ireland*, should withdraw towards the said land, so as to be there before the feast of the Nativity of St. *John* the Baptist in the 30th year of our reign, and should from thenceforth reside and abide there in aid and defence of our faithful Lieges of the said land, against the malice of our *Irish* Enemies and Rebels there: And that all others, who have castles and fortresses in the said land, should cause them to be repaired, and hold them in a proper condition, and should place therein a good and sufficient ward for their safe keeping, under the peril thereon incumbent. And if they, who obtain such lands, rents, benefices, offices, or other possessions whatsoever, in our said land, should for reasonable cause absent themselves from thence after the said feast, that they should be obliged to send and find there defensible People in their places, during the time of their said absence, as necessity shall upon that occasion require, respect being had to the quality and value of their said lands, rents, offices, benefices, and possessions, to defend the said land; which if they did not do, two parts of the issues and profits of the said rents, offices, benefices, and possessions should be levied, and converted to the custody and defence of the said land, by the advice of our Justices and Governors

‘ Possessionum levarentur, & in custodiâ & defensione terræ predictæ, juxta advisamentum Justiciariorum & Gubernatorum dictæ terræ, qui pro tempore fuerint, converterentur; excepto quod de beneficiis eorum, qui sunt in servitio nostro, vel in scholis Universitatis nostræ studentes, aut ab eâdem terrâ ex causâ rationabili de licentiâ nostrâ sub magno sigillo nostro Angliæ absentes fuere, nisi tertia pars valoris dictorum beneficiorum, ultra ordinaria & necessaria onera eorundem, et hoc juxta certificationem Ordinariorum locorum eorum, pro custodiâ & defensione ejusdem terræ caperentur, prout in ordinatione prædicta plenius continetur. Ac jam intelleximus, quod nonnullæ Personæ dominia, terras, redditus, beneficia, possessiones, & officia, infra eandem terram habentes, extra terram nostram prædictam a tempore ordinationis prædictæ contra formam ejusdem, absentes sint, diversas literas nostras patentes sigillo nostro, quo utimur in terra prædicta, signatas, de licentia se absentandi extra terram prædictam habentes, et omnia exitus, redditus & proficua, dominiorum, terrarum, redditum, possessionum, et officiorum suorum prædictorum, tempore absentiæ suæ prædictæ ad usus proprios recipere et habere per certa tempora a Justiciariis nostris terræ prædictæ, ac aliis Gubernatoribus ‘ ejusdem

vernors of our said land for the time being; excepting, that out of the benefices of those who are in our service, or are Students in the schools of our University, or are absent from the said land for reasonable cause by our licence under our great seal of *England*, only the third part of the value of the said benefices, beyond the ordinary and necessary charges thereof, and that according to the certificate of the Ordinaries of the places, should be taken for the wardship and defence of the said land, as in the said ordinance is more fully contained. And now we are given to understand, that some persons having Lordships, lands, rents, benefices, possessions, and offices, within our said land, have been absent from thence from the time of making the said ordinance, against the form thereof, and have obtained divers letters patent, signed with our seal, which we use in our said land, for licence to absent themselves, out of the said land, and to receive and take all the issues, rents, and profits of their Lordships, lands, rents, possessions, and offices, during the time of their absence, for certain times appointed by our Justices of the said land, and other our Governors there constituted in our name; and further, some of the said Absentees have procured to be directed to you divers of our writs likewise signed with our seal, lest you should in our said Exchequer trouble,

ejusdem terræ nomine nostro constitutis. Et super hoc aliqui hujusmodi absentium diversa brevia nostra sigillo nostro prædicto similiter consignata, ne ipsos absentes contra vim & effectum dictarum literarum nostrarum coram vobis in dicto Scaccario in aliquo impetieritis, molestaretis, aut gravaretis, vobis dirigi procurarunt; cæteri vero, ac eorum Procuratores, Attornati, & Occupatores dominiorum, terrarum, tenementorum, possessionum, beneficiorum, & officiorum dictorum Absentium hujusmodi literas de licentia se absentandi in forma prædicta coram vobis in dicto Scaccario monstrarunt, prætendendo se de exitibus et proficuis duarum partium possessionum suarum in terra prædicta erga nos ad idem Scaccarium exonerari, ac quietos fore, ordinatione et absentia prædicta non obstante; quarum prætextu vos ad levationem duarum partium exituum & proficuorum prædictorum ad opus nostrum, in auxilium & sustentationem guerrarum & gubernationis terræ prædictæ, faciendam, hucusque distulistis, et adhuc differtis, in nostri damnum præjudicium & jacturam, & contra formam ordinations prædictæ, maximè cum in eadem ordinatione plenius & expressè continentur, quod hujusmodi Absentes, si erga nos exonerari deberent, literas sub magno Sigillo nostro Angliæ de

molest, or grieve them, against the force and effect of our said letters: and others also, and their Proctors, Attorneys, and Tenants, of their Lordships, lands, tenements, possessions, benefices, and offices, of the said Absentees, have produced to you in our said Exchequer such letters licensing their absence in form aforesaid, pretending that they ought to be exonerated and quieted from paying the issues and profits of two parts of their possessions in the said land against us in the said Exchequer, notwithstanding the said Ordinance and their absence; under which pretence, you have hitherto delayed, and yet do delay, to levy the said two parts of the said issues and profits to our use, in aid and support of the War and government of our said land, to our damage, prejudice, and loss, and against the form of the said ordinance, more especially, as in the said ordinance it is fully and expressly contained, that such Absentees, if they ought to be exonerated towards us, that they should have licences of absence under our great Seal of *England*; and furthermore, that our said Justices and Governors of our said land, for the time being, have not power to remit, relax, pardon, or otherwise to overthrow, what hath been ordained by Us and our Council in *England* in our Parliaments for the reforming of our said land, without prosecution made for the same to us and

de licentia absentiæ suæ haberent, et insuper, quod dicti Justiciarii & Gubernatores nostri terræ prædictæ, pro tempore existentes, potestatem non habent quicquid per nos & consilium nostrum in Anglia in Parliamentis nostris pro emendatione terræ nostræ predictæ ordinantur, remittere, relaxare, pardonare, seu aliter pervertere, absque prosecutione inde erga nos & consilium nostrum Angliæ facta, et mandato nostro indè directa. Ac volentes proinde quod nobis de exitibus et proficuis duarum partium, sive tertiæ partis, quorumcunque dominiorum, terrarum, tenementorum, redditurum, possessionum, beneficiorum, & officiorum universorum & singulorum absentium extra terram prædictam, a tempore ordinationes prædictæ, et deinceps, juxta formam ejusdem ordinationis, ad opus nostrum integrè leventur & recipiantur, literis nostris, aut brevibus prædictis, ante hoc tempus factis, seu in posterium per Justiciarios nostros terræ prædictæ, qui pro tempore fuerint, Sigillo nostro *Hiberniæ* prædicto Sigillandis, conficiendis, non obstantibus. Et ideo vobis mandamus, quod ad levationem dictarem duarum partium, sive tertiæ partis, dictorum exituum & proficuorum cum omni celeritate, juxta formam ordinationis prædictæ, qua fieri poterit, secundum legem & consuetudi-

and our Council of *England*, and our mandate for that purpose directed to them; and we being for this cause willing that out of the issues and profits of two parts, or of the third part, of all Lordships, lands, tenements, rents, possessions, benefices, and offices, of all and singular Absentees out of the said land, from the time of the said ordinance, and afterwards, should be levied and received to our use, notwithstanding our letters and writs before this time made, or hereafter by our Justices of our said land for the time being to be made and sealed by our said seal of *Ireland*. And therefore we command you, that you proceed to levy the said two parts, or the third part of the said issues and profits, with all speed possible, in pursuance to the form of the said Ordinance, according to the laws and customs of our said land, notwithstanding our said letters patent and writs. Witness the said Justice at *Kilkenny* on the 20th day of *September*.

By the Justice and Council.

'nem terræ nostræ prædictæ, 'procedatis, literis patentibus '& brevibus nostris prædictis 'non obstantibus Teste præ-'fato Justiciario apud *Kilkenny*, '20. die *Septembris*. Per ip-'sum Justiciarium & Consili-'um.'

The main and chief end in raising all these records is to prove, that before any confirmation of the statutes of *England* and *Ireland* by Parliament there, they were there received and executed, and that notwithstanding those statutes, which the Author supposes were made there, whereby the statutes of *England* should not be binding in *Ireland* without consent of the Parliament there, yet after that, statutes made in *England* only both where *Ireland* was not named, and also in those where *Ireland* was named, and statutes made in *England* for *Ireland* only, were received and executed there, notwithstanding any such supposed statute as the Author speaks of; and therefore, if any such there were, yet, even by the Judges of *Ireland*, were they esteemed void also, would they not some time or other have made question of the executing the statutes of *England* there? But every ordinary understanding man would perceive, that seeing the Parliaments in *England* did bind *Ireland*, Parliaments in *Ireland* could not bind *England*, or take away that power from them, which they had formerly over them. And therefore *Ireland* hath ever been, and still is subject to the statutes of *England*, unless the Author can shew us how, and when, the law was altered, which I believe he never will be able to do. One thing more by the way may be observed, what inconveniency, mischief, and prejudice his Majesty and the whole Kingdom may receive, if the laws made in *England* should not bind in *Ireland*; for then nothing could be established there for a law but what themselves would have; so that if his Majesty would have any further laws made there, either for the true worship and service of God, or for the advancing of his just Revenues, and for the good and settlement of the kingdom, yet he shall be able to effect nothing unless they please, and what their pleasure is they have made all the *British* Protestants too

sensible

ſenſible of by their actions. There is none that knows *Ireland* but well underſtands, how that kingdom did flouriſh, and grow rich and plentiful by the *Britiſh* plantations there, how his Majeſty's yearly revenue grew to a conſiderable ſum, how the kingdom began every where to be civilized by the mixture of the *Engliſh* among the Natives, and we now ſee how all is utterly deſtroyed by them, and nothing but miſery and deſolation through the whole kingdom. And yet the King, being intitled before the rebellion to the greateſt part of the Province of *Conaught*, and to part of ſome other Counties, and ſince the Rebellion, to the greateſt part of the whole kingdom, he may yet again raiſe a great and juſt yearly revenue thereout, and, by God's bleſſing, in time make it again a flouriſhing kingdom. But if they, which have forfeited both their eſtates and lives to his Majeſty may have a free Parliament, as they call it, before ſome perſon acceptable to them, and have *Poining*'s Act of 10. *Hen.* 7. and all ſtatutes enlarging the ſame, ſuſpended, as they deſire in their remonſtrance at *Trim* the 17th of March 1642, and yet themſelves out of the reach of the Parliament of *England*, it cannot be ſo much as thought, that they who ſhall be of ſuch a Parliament, and who have done ſo much already, and expreſſed what they would further to be done, will rather root out the Proteſtant Religion, with all the *Britiſh* Profeſſors thereof, than ſuffer any of them ſo much as to remain in *Ireland*, and will make ſuch Laws, as ſhall be agreeable only to their own humours, and make the King beholden to them, if they ſhall pleaſe to give him any little pittance of that, which is now all his right, or of which, if he ſhall reſtore any part to them, or give them their lives, they muſt acknowledge it to be only from his Majeſty's bounty and mercy to them. And therefore, the Law being, as is formerly proved againſt the Author, and it being ſo inconvenient, miſchievous, and prejudicial, that it ſhould be otherwiſe, there cannot be ſo much as any good reaſon ſhewed, why any other conſtruction ſhould be now made of it, or why it ſhould be altered, which, if it ſhould, may tend in ſo high a degree to the prejudice of the true worſhip of God, his Majeſty's Honour and Profit, and the hurt and ruin of that kingdom.

But

But it may be objected, that this were a most unreasonable thing, that the statutes in *England* should bind in *Ireland*, being another kingdom, where they are not named. For how can it be supposed, that they in *Ireland* can have any notice of the statutes made in *England*, and how is it possible they should obey them?—Answer. That in truth it were a hard case, that Acts in *England* should bind in *Ireland*, where they are not named, unless they had notice of them. Therefore care was taken, and it was observed in *England*, that statutes made there, which were thought fit to be executed in *Ireland*, were sent from thence under the King's Seal to the Chancellor of *Ireland* to be enrolled in the Chancery there, and commanded to be published in every County in that land, and firmly to be observed; and from the time of the publication of them they were of force there, and there executed. A precedent of this is in *Davis* (*b*) in the time of King *Edw.* 1. And in *Anno* 35. *Edw.* 1. Rot. 16. in *Bermingham* tower, the statutes *de Asportatis Religiosorum* are by the like writ sent thither, and commanded to be put in execution. The like precedent is in the Red Book of the Exchequer in *Ireland* of statutes made in *England*, and transmitted into *Ireland* in the 17th of *Edw.* 2. which was but four years after this supposed statute of 13th of *Edw.* 2. which precedent followeth.

(b) Discov. p. 122.

Memorandum, quod 4°. die *Maii*, anno *Edw.* filii Regis *Edw.* 17°. Dominus Rex mandavit Cancellario suo *Hiberniæ* quædam statuta apud *Lincoln* et *Eboracum* edita, et eadem publicari & observari præcepit per breve, quod sequitur in hæc verba.

'*Edwardus*, &c. Cancellario 'suo *Hiberniæ* salutem. Quædam statuta per nos, de assensu Prælatorum, Comitum, 'Baronum, et Communitatis 'Regni nostri apud *Lincoln*, et 'quædam alia statuta postmodum apud *Eboracum* facta, 'quæ

Memorandum, that on the 4th day of *May*, in the 17th year of the reign of *Edward*, Son to King *Edward*, the King sent to his Chancellor of *Ireland* certain statutes made at *Lincoln* and *York*, and commanded them to be published and observed therein by the following writ.

Edward, &c. to his Chancellor of *Ireland*, greeting. We send to you under our Seal certain statutes made by us at *Lincoln*, by the assent of our Prelates, Earls, Barons, and Commons of our kingdom, and certain other statutes made afterwards at *York*,

'quæ in dictâ terrâ nostrâ *Hibernia*, ad communem utilitatem Populi nostri ejusdem terræ, observari volumus; vobis mittimus sub sigillo nostro, mandantes, quod statuta illa in Cancellariâ nostrâ custodiri, ac in rotulis ejusdem Cancellariæ irrotulari, et sub sigillo nostro, quo utimur in *Hibernia*, in formâ patentium exemplificari, et ad singulas placeas nostras in terrâ prædictâ, et singulos Comitatus ejusdem terræ, mitti faciatis per brevia nostra sub dicto sigillo Ministris nostris placearum illarum, et Vicecomitibus dictorum Comitatuum, mandantes, quod statuta illa coram ipsis publicari, et ea in omnibus & singulis suis articulis, quantum ad eorum singulos pertinet, firmiter faciatis observari. Teste meipso apud *Nottingham* 20°. die *Novembri*, anno Regni nostri 17°. Per ipsum Regem et Consilium.'

York, which we will should be observed in our said land of *Ireland*, for the common profit of the people thereof; commanding, that the said statutes should be kept in our Chancery, and inrolled among the rolls there, and be exemplified under the Seal which we use in *Ireland* in form of letters patent; and that you cause them to be sent to every of our places, and into every County of that land, by our writs under the said Seal, to the Ministers of our said places, and to the Sheriffs of the said Counties, commanding, that you cause the said statutes to be published before them, and to be firmly observed in every article of them, as far as appertaineth to each of them. Witness myself at *Nottingham* on the 20th day of *November*, in the 17th year of our reign. By the King and Council.

And after this writ are the statutes of *Lincoln* and *York* entered in the Red Book of the Exchequer.

That the statutes of *England*, after their sending over, and publishing, as aforesaid, were of force in *Ireland*, and executed there, appears by the following Records among others.

Upon an information in the Exchequer, that the Predecessors of the Prior of the house of St. *Michael* in *Dublin* had purchased certain lands in *Lougher*, *post statutum Domini Regis editum, quod terræ et tenementa non devenirent ad manum Mortuam*,—after the statute of Mortmain was published,——a writ issued to the Exchequer, that *per sacramentum proborum & legalium hominum inquiriret indè rei veritatem, & si invenerit ita esse, tunc prædictas terras capiat*

34. *Edw.* 1. Rot. 17. in tur. *Berming.*

piat in manus Domini Regis,—that an inquiry should be held and the truth found out by oath, and if it were found to be so, then that they should seize the said lands into the King's hands—which enquiry was accordingly had, and the Jury found, *quod Prædecessores prædicti Prioris habuerunt ingressum in prædictis tenementis diu ante statutum prædictum promulgatum in hâc terrâ*,—that the Predecessors of the said Prior entered into the said tenements long before the promulgation of the said statute in this land.——By which it appears, that if the purchase had been made after the publishing of the statute, the lands had been seized as forfeited by vertue of that statute.

Office Rem. 6v. Edw. 2. Ro. 20.

Anno 6th *Edw.* 2. in the Exchequer, a writ *ad quod damnum* issued to *John Wogan*, Lord Justice, *vel ejus locum tenenti*, or to his Deputy, commanding, that he should inquire *per sacramentum proborum et legalium hominum de balliviâ suâ si sit ad damnum vel præjudicium nostrum*, &c.—on the oaths of honest and legal men of his balliwick, if it be to our damage or prejudice, *&c.*—if he should grant to the Prior of the house of St. *Leonard* of *Dundalk* four acres of pasture, which formerly he had purchased of the cominalty of *Dundalk* without licence, *&c* for which they were seized into the King's hands, as he was informed. Upon which a Jury was impanelled and sworn, who found that it was not to the damage of the King to regrant the said four acres to the said Prior, but rather to his profit, for celebrating *divina pro animabus Regum*, &c.—divine service for the souls of the Kings, *&c.*

‘ Et dicunt etiam, quod Antecessores *Theobaldi de Verdun*, ‘ militis, cito post conquestum ‘ *Hiberniæ*, qui habuere diversas terras in *Urgalia*, primo ‘ incorporaverunt Villam de ‘ *Dundalk*, et ibi fecerunt diversos Burgenses, et ipsos feoffaverunt de diversis Burgagiis, et bundas eis assignaverunt, reddendo eis et eorum ‘ hæredibus 12*d.* de quolibet ‘ Burgagio, pro omnibus serviciis. Et prætextu concessionis ‘ eisdem	And they say also, that the Predecessors of Sir *Theobald de Verdun*, soon after the conquest of *Ireland*, who had divers lands in *Urgal*, first incorporated the town of *Dundalk*, and constituted there divers Burgesses, and infeoffed them with divers Burgages, and assigned bounds to them, rendering to them and their heirs 12*d.* out of each Burgage, in lieu of all services. And that by vertue of the grant made to the said Bur-

eisdem Burgensibus factæ certa tenementa prædictæ Villæ assignabantur ad communiam pasturæ ibidem habendam, et pro indiviso tenendam in perpetuum, absque aliquo redditu seu servitio quocunque eis, vel hæredibus suis, pro hujusmodi communiâ pasturæ faciendo. Et prædictæ 4 acræ terrarum, cum pertinentiis, fuere quædam pars communiæ pasturæ Villæ prædictæ. Et dicunt, quod Prior St. *Leonardi* de *Dundalk* acquisivit prædictas 4 acras pasturæ, cum pertinentiis, a prædictis Burgensibus et Ballivis et totâ communitate de *Dundalk*, ex unanimi assensu eorundem in liberam puram & perpetuam eleemosinam. Et quia prædictus Prior, sine licentiâ Domini Regis, prædictas 4 acras pasturæ, cum pertinentiis, adquisivit post publicationem statuti Domini Regis, Patris Domini Regis nunc, de terris et tenementis ad manum *Mortuam* non ponendis, editi, Escheator Domini Regis in *Hibernia* prædictas 4 acras pasturæ, cum pertinentiis seisivit in manum Domini Regis, in cujus manu adhuc existunt occasione prædictâ, &c. Et sciendum, quod prædicta inquisitio, una cum brevi, liberatur *Adæ Goodman*, Attornato prædicti Prioris, deferenda Domino Regi in *Angliâ*.

Burgesses certain tenements of the said town were assigned for a common of pasture to be had there, and to be held undivided for ever, without any rent or service to be paid to them or their heirs for such common of pasture. And the said 4 acres of land, with the appurtenances, were a part of the common of pasture of the said town. And they say, that the Prior of St. *Leonard* of *Dundalk* purchased the said 4 acres of pasture, with the appurtenances, from the said Burgesses and Bailiffs, and the whole community of *Dundalk*, by their unanimous consent, in free pure and perpetual alms. And because the said Prior purchased the said 4 acres of pasture, with the appurtenances, without the King's licence, after the publication of the statute of *Mortmain* made by our Lord the King, Father of our Lord the King that now is, the King's Escheator in *Ireland* seized into the King's hands the said 4 acres of pasture, with the appurtenances, in whose hands they yet remain on the said account. And be it known, that the said inquisition, together with the writ, was delivered to *Adam Goodman*, Attorney of the said Prior, to be carried to the King into *England*.

By

By these records it is evident, that statutes made only in *England*, although *Ireland* was not named (as in this statute of *Mortmaine* made the 7th of *Edw.* 1. it was not) yet only by the publishing of them in *Ireland* they were of force, and there executed, without any other confirmation by Act of Parliament in *Ireland*, or any thing else there done; which is the rather to be observed in respect to that, which shall be hereafter said concerning the exposition of the statute by the Author cited.

And these Precedents alone are enough to satisfy any reasonable man, that the statutes of *England* did bind in *Ireland* after they were there published, without any confirmation of them by Parliament there, and the Records before mentioned do make it apparent without contradiction.

The Author for confirmation of his opinion, that *Ireland* is not bound by the statutes made in *England*, till they are confirmed there by Parliament, cites two year books, the first is the 20th of *Hen.* 6. fol. 8. out of which all that can be in truth observed is only the opinion of two Judges against two, but no judgment: for although the first Judge delivers not any opinion, whether a statute made in *England* binds *Ireland*, (nor do any of them deliver any opinion, that a statute made in *England* cannot bind *Ireland*, but only two of them say, that a statute made in *England*, *exempti gratiâ*, for a tenth, which is made for *England*, doth not bind *Ireland*) but the Defendant having pleaded a prescription, that the Justice of *Ireland* hath power to assemble Parliaments, and to make laws, that a Parliament was summoned, and a law made, that every Officer should by a certain day occupy his said Office in person, or forfeit it, and that the Plaintiff in the *Scire facias* occupied the office in question by a Deputy, and thereupon his grant became void, and the office was granted to the other. Upon this plea the Plaintiff demurred, and upon this demurrer *Ascough* grounds his opinion. For by the demurrer (says he) the Plaintiff confessed the Defendant's plea to be true; and because the Plaintiff did not deny the prescription, therefore it should be intended by them, that there is such a custom in *Ireland*; because it is a land, in which they are not bound in *England* to take notice what is the law there, but only by the party's allegation, and therefore his opinion is only upon the pleadings, and

20. *Hen.* 6. *fol.* 8.

and not upon the matter, whether a ſtatute in *England* binds *Ireland*; neither doth the matter indeed properly come into the caſe. Therefore, there being no judgment given in that caſe, but only opinions of two againſt two, and that it may be on the ſudden, which upon more ſerious conſideration they might well alter, this caſe adds no ſtrength at all to his opinion.

Upon this caſe the Author obſerves three points, as he calls them. Firſt, that the Council in *Ireland* had power, in the abſence or vacancy of a Lieutenant, *&c.* to elect a Juſtice. Secondly, that the Juſtice had power to ſummon a Parliament, and to enact laws without commiſſion from the King; which two points may be granted him, as being not pertinent to the caſe in queſtion. Thirdly, that ſtatutes made in *England* do not bind in *Ireland*, unleſs approved there. This (as I ſaid before) is only the Subſtance of the opinion of two Judges, and the contrary whereof hath been evidently proved before. And it appears plainly by that very caſe, that theſe two were miſtaken in their opinions. For, if the Author had well obſerved it, this very caſe doth prove as much, and overthrows the ſtrength of his argument. For, if *Ireland* be a kingdom ſeparate from *England*, with which they of *England* have nothing to do, and that the Government there cannot bind in *Ireland*, how comes it to paſs, that a ſuit ſhould be there commenced, and plea holden in an ordinary court of Juſtice for an office in *Ireland*, and againſt which there is no exception taken? And therefore, as it ſeems agreed by all the five Judges, that they might hold plea of things in *Ireland*, and then it may be as well for lands in *Ireland*, as for an office there. And if they in *England* have power to hold plea in the Courts of Juſtice there for things in *Ireland*, as by this caſe it appears they have, doubtleſs *Ireland* is bound by the judgments of the Courts of Juſtice in *England*, or otherwiſe it would have been ridiculous in them to hold pleas of things, with which they had nothing to do, and of which, if they had given judgment, they could not award execution.

If the King grants an office in *Scotland*, a *Scire facias* will not lye out of the Chancery of *England* to avoid it. Becauſe *Scotland* is a kingdom divided and ſeparated from *England*, whoſe laws are not current there. But it appears in

in this case to be otherwise for *Ireland*; for the Courts in *England* hold plea of an office granted in *Ireland*.

We find also, that the other Courts of Justice in *England* had power to execute in *Ireland* their judgments given in *England*. As in the Judicial Register fol. 43. b. a *Fieri facias* against the Archbishop of *Dublin*, directed to the Justice of *Ireland*, upon a judgment given in the Common Pleas in *England*.

' Rex Justiciario suo *Hiberniæ* ' salutem. Cum nuper Vice-' comiti nostro *Midiæ* præcipe-' rimus, quod de terris & ca-' tallis *Roberti Wickford*, Cle-' rici, jam Archiepiscopi *Dub-' lin*, in ballivâ suâ fieri faceret ' 10*l*. et illas haberet co-' ram Justiciariis nostris apud ' *Westmonasterium* 15 ℔. paschæ ' proximè præteritæ, ad red-' dendum *Thomæ de R.* Clerico, ' de arreragiis cujusdam annui ' redditus 10*l*, quas idem *T.* in ' Curiâ Domini *Edwardi*, nu-' per Regis *Angliæ* (viz) ter-' mino S. *Mich.* anno Regni sui ' 330 coram *R. de T.* et sociis ' suis, tum Justiciariis ejusdem ' avi nostri de Banco, per con-' sideration em ejusdem Curiæ ' recuperaverit versus eum, sin-' gulis annis ad festum S. *Mi-' chaelis* solvendas, quas qui-' dem 10*l*. eidem *Thomæ* sol-' visse debuit ad festum S. *Mi-' chaelis* proximè præteritum, ' et eas ei nondum solvit, ut ' dicitur. Et idem Vicecomes ' præfatis Justiciariis nostris, ' &c. ad diem illum mandavit, ' quod præfatus *Robertus*, Cle-' ricus, fuit Archiepiscopus ' *Dublin* in *Hiberniâ*, et nullas ' habuit terras aut tenementa, ' bona, aut catalla, in ballivâ ' suâ,

The King to his Justice of *Ireland*, greeting. Whereas we commanded our late Sheriff of the county of *Meath*, that he should levy 10*l*. out of the lands and chattles of *Robert Wickford*, Clerk, now Archbishop of *Dublin*, lying in his ballywick, and return them to our Justices at *Westminster* on the quindene of *Easter* next following, to pay them over to *Thomas de R.* Clerk, out of the arrearages of a certain annual rent of 10*l*. which the said *Thomas* in the Court of King *Edward*, late King of *England*, viz. in *Michaelmas* term in the 33d year of his reign before *R. de T.* and his colleagues, then Justices of the Bench of our said Grandfather, recovered by judgment against him, payable every year on the feast of St. *Michael*; which 10*l* he ought to have payed to the said *Thomas* on the feast of St. *Michael* last past, and has not yet paid him, as it is said. And the said Sheriff on the said day returned to our said Justices, *&c.* That the said *Robert Wickford*, Clerk, was Archbishop of *Dublin* in *Ireland*, and had no lands or tenements, goods or chattles within his balliwick,

‘ suâ, unde aliquid denariorum ‘ fieri potuerit. Et cum hoc ‘ testatum extiterit in eâdem ‘ Curiâ nostrâ ex parte ejusdem ‘ *Thomæ*, quod idem *Robertus* ‘ Archiepiscopus *Dublin* in *Hibernia* fuit, et in terrâ nostrâ ‘ *Hiberniæ* habuit diversa bona ‘ et catalla, terras & tenementa, ‘ tam de perquisito suo proprio, ‘ quam ratione Archiepiscopatus sui prædicti, unde prædictæ 10*l.* fieri potuerint, et ‘ ideo vobis mandamus, quod ‘ de terris et catallis ejusdem ‘ *Roberti*, jam Archiepiscopi, in ‘ terrâ nostrâ *Hiberniæ* fieri facias prædictas 10*l.* et illas habeas coram, &c. in octabis ‘ *Michaelis* ad reddendum præfato *Thomæ* de arreragiis redditus prædicti, et habeas ibi ‘ hoc breve. Teste, &c.

balliwick, from whence any money could be levied. And whereas it was alledged in our said Court on the part of the said *Thomas*, that the said *Robert* was Archbishop of *Dublin* in *Ireland*, and had divers goods and chattels, lands and tenements in *Ireland*, both of his own purchase, and of his said Archbishoprick, out of which the said 10*l.* could be levied, therefore we command you, that you levy the said 10*l.* out of the lands and chattles of the said *Robert*, now Archbishop, in our land of *Ireland*, and have them before, *&c.* on the octave of *Michaelmas*, to render to the said *Thomas*, out of the arrearages of the said rent, and have this writ there. Witness, *&c.*

The like we find in the 33d of *Edw.* 1. of a judgment given in the Exchequer in *England*, and execution awarded into *Ireland*, as appears by the following Record.

33. *Edw.* 1. *Rot.* 24. in tur. *Berm.*

‘ Dominus Rex mandavit breve ‘ suum in hæc verba. *Edwardus*, Dei gratiâ, &c. fidelibus suis, *Johanni Wogan*, ‘ Justiciario suo *Hiberniæ*, & ‘ Thesaurario & Baronibus suis ‘ de scaccario, salutem. Mandamus vobis, quod tam de ‘ illo redditu *Galfridi de Genevil* ad valentiam 24*l.* de termino S. *Michaelis* proximè ‘ præterito, quem nuper ad ‘ mandatum nostrum in manum ‘ nostram capi fecistis apud ‘ *Maynoth*, per Vicecomitem ‘ nostrum *Kildare*, et tam de ‘ illis

The King sent his writ in these words. *Edward*, by the grace of God, *&c* to his faithful subjects, *John Wogan*, his Justice of *Ireland*, and to his Treasurer and Barons of the Exchequer there, greeting. We command you, that you levy 213*l.* as well out of that rent of *Geoffry de Geneville* to the value of 24*l.* which lately, as of *Michaelmas* term last past, by our command you caused to be seized into our hands at *Maynoth* by our Sheriff of *Kildare*, and also out of those goods

' illis bonis & catallis *Johannis* ' *Fitz-Thomas*, ad valentiam ' 12*l.* 13*s.* 4*d.* ut in frumento, ' avenis, bobus et affris, quæ ' similiter in manum nostram ' capi fecistis apud *Maynoth*, ' per eundem Vicomitem nos- ' trum, prout nos returnastis ' coram Thesaurario et Baroni- ' bus nostris *Angliæ* apud *Ebo-* ' *rum*, in Crastino animarum ' proximè præterito, quam de ' aliis bonis et catallis, terris, ' redditibus, & tenementis præ- ' dicti *Galfridi* et *Johannis*, in ' quorumcunque manus exis- ' tant in dictâ terrâ nostrâ *Hi-* ' *berniæ*, fieri faciatis 213*l.* ' quas debent *Agneti de Valen-* ' *tia* de quodam debito qua- ' dringinta viginti et sex libra- ' rum, et quas eadem *Agnes* ' in Curiâ nostrâ, coram præ- ' dictis Thesaurario & Baroni- ' bus nostris *Angliæ*, per consi- ' derationem ejusdem Curiæ ' nostræ, recuperavit versus ' prædictum *Galfridum*, *Johan-* ' *nem*, & *Willielmum de Eding-* ' *les*, & *Thomam de Samford*, ' prout nobis constat per in- ' spectionem Rotulorum ejus- ' dem scaccarii nostri, ita quod ' denarios prædictos absque di- ' latione levari & liberari facia- ' tis prædictæ *Agnetæ*, aut suo ' certo Attornato in *Hiberniâ*, ' in partem solutionis debiti ' prædicti; & quid super hoc ' feceritis præfatis Thesaurario ' et Baronibus nostris *Angliæ*, ' apud

goods and chattles of *John Fitz-Thomas*, to the value of 12*l.* 13*s.* 4*d.* as in wheat, and oats, oxen, and plow cattle, which in like manner you caused to be seized into our hands at *Maynoth* by our same Sheriff, of which you made a return to us before our Treasurer and Barons of *England* at *York* on the morrow of *All-Souls* last past, as out of other goods and chattles, lands, rents, and tenements of the said *Geoffry* and *John*, into whose ever hands they are in the said land of *Ireland*; which said sum of 213*l.* they owe to *Agnes de Valentia* out of a certain debt of 426*l.* which the said *Agnes* recovered in our Court before our said Treasurer and Barons, by Judgment of the said Court, against the said *Geoffry* and *John*, and *William de Edingles*, and *Thomas de Samford*, as appears to us by inspection of the Rolls of our said Exchequer; so that without delay you levy and deliver over the said money to the said *Agnes*, or to her certain Attorney in *Ireland*, in part payment of the said debt; and that you signify what you shall do hereupon to our said Treasurer and Barons of *England* at *Westminster* on the morrow of the Holy *Trinity* next, at the same time sending back to us this writ. Witness *Thomas de Carleton*, at *York*, on the 14th of

'apud *Westmonasterium*, in 'crastino S. *Trinitatis* proximè 'futuro constare faciatis, 'remittentes tunc hoc breve. 'Teste *Willielmo de Carleton* 'apud *Eboram* 14°. die *No-* '*vembris*, anno Regni nostri '32°.'

of *November*, in the 32d year of our reign.

By this Record it appears, that writs out of the Exchequer of *England* were not only awarded into *Ireland*, but there executed, and returns made of them into the Exchequer in *England*, as is recited in this writ.

In the Year Book of the 20th *Edw.* 3. fol. 42. it is said by *Sharde*, that in a writ of Dower a plea in bar was pleaded, and accepted, that she had received her dower of tenements taken in exchange, and yet the tenements were in *Ireland*, *see* 8. Assize *p.* 27. to that purpose. By which it appears, that an exchange of lands in *England* for lands in *Ireland* is a good exchange in law, and that a receiving of dower in *Ireland* of the lands exchanged for the lands in *England* is a bar to have dower of the lands in *England* so exchanged; which doubtless could not be, if *Ireland* had not been a part and member of *England*, but a separate kingdom, of the doings whereof the laws of *England* could not take notice, which we may also collect out of the said books.

In the 19th of *Hen.* 6. fol. 53. the case is put, that if the King by patent gives to me certain lands in *Ireland*, and another brings a *Scire facias* against me, to shew cause why my patent should not be repealed, for that the King by a prior patent had granted the same lands to him, whereupon we are at issue, that it is not the same land. This issue shall be tried in *Ireland* by processe made out of the King's court, and afterwards all shall be recovered. And although in the 32d. of *Hen.* 6. fol. 25, 26. there is an opinion of *Fortescue*, which seems contrary, yet it is grounded upon a double mistake, First, that *Ireland* was never ruled according to the course of the Common Law of *England*, which is a mistake; for they never had any other rule since the conquest, but according to the course of the Common Law of *England*, as appears by the old statutes before cited, and

by the foresaid Records, &c. by *Coke*'s Institutes, fol. 141. The second mistake is, that in the book of the 32d of *Hen.* 6. it is said, that no processe may be made, nor ever was made into *Ireland*, the contrary of which appears in many precedents formerly cited in this discourse.

In the 45th of *Edw.* 3. fol. 19. a supersedeas, and after a procedendo, was directed into *Ireland* in a *Quare Impedit.* And if we credit the book in the 13th of *Edw.* 2. *Fitzherbert*, title Bastardy, p. 25. a Son begotten and born within espousals, although the Father was in *Ireland* when he was begotten, is a Mulier and not a bastard.

In the late case of the Lord *Kilmallock*, late Chief Justice of the Common Pleas in *Ireland*, in the Star-Chamber of *England*, notwithstanding he demurred to the jurisdiction of that Court, and though the whole matter, with which he was charged, was transacted in *Ireland*, yet his demurrer was over-ruled, and upon hearing he was censured in that Court, and writs issued into *Ireland* for levying the fines laid on him.

Haum. p. 95. 97. and *Camp.* p. 53. In antient times the Archbishop of *Canterbury* had the Primacy of *Ireland*, and to him the Bishops of *Ireland* went for consecration, of whom the Archbishop of *Canterbury* took the oath of Canonical obedience.

By the Statute of 10. of *Hen.* 7. chap. 1. in *Ireland*, the Treasurer of *Ireland* is to make a declaration of his accounts before the Barons of the Exchequer there, &c. which is to be certified into the Exchequer of *England*, and there his account to be finished.

By the Statute of 28. of *Hen.* 8. chap. 6. in *Ireland*, the subjects of *Ireland* in causes Ecclesiastical may have appeals into the Chancery in *England*.

It is also usual, that recognisances acknowledged by such, who have lands in *Ireland*, in the Exchequer of *England*, are removed by Certiorari into the Chancery of *England*, and from thence by Mittimus to be sent into *Ireland* for the said lands to be thereupon extended. And writs of Error out of the King's Bench in *England* to remove judgments in the King's Bench in *Ireland*, always was, and is still continually practised. And if all the ordinary Courts of *England* have power in *Ireland*, if in causes Ecclesiastical they have power there, if the Clergy in *Ireland* were to be obedient to the Archbishop of *Canterbury* in *England*, it were a hard and strange

ſtrange thing, that the Parliament, which is the ſupreme Court of Juſtice, and which gives laws to all other Courts, ſhould be from thence excluded. But it appears plainly by theſe caſes, that the ordinary Courts of Juſtice in *England* have power in *Ireland*, and that *Ireland* is ſubject unto them; therefore much more hath the Parliament power over it. And that the Parliament of *England* hath power over *Ireland* to look into the ſtate of it, and to examine and determine of the cauſes and matters of *Ireland*, even between party and party, beſides the former reaſons and arguments, appears by divers records in *Ireland*, of which we will cite a few.

'Dominus Rex mandavit breve 'ſuum, &c. in hæc verba. 'Edwardus &c. dilecto & fideli ſuo, *Johanni Wogan*, 'Juſticiario ſuo *Hiberniæ*, vel 'ejus locum tenenti ſalutem. 'Tranſcriptum petitionis *Galfridi de Genevill*, coram nobis et concilio noſtro exhibitæ, 'ſuper quibuſdam injuriis et 'gravaminibus eidem *Galfrido* 'per dilectum & fidelem Clericum noſtrum, *Richardum* 'de Bereford, Theſaurarium 'Hiberniæ, et *Walterum L'enfant*, et ſocios ſuos, Juſticiarios ultimè itinerantes apud 'Drogbeda, illatis, ut dicitur, 'vobis mittimus præſentibus 'incluſum, mandantes, quod 'inſpecto tenore petitionis prædictæ, et diligenter examinatis 'ſuper ſingulos articulos in 'ejuſdem petitione contentos, 'in præſentiâ prædictorum 'Theſaurarii, Juſticiariorum, '& prædicti *Galfridi* ſuper 'præmiſſis per vos præmuniendis, diligenter inquiratis veritatem, & inquiſitionem inde 'diſtinctè & aperte factam, no-

The King ſent his writ, &c. in theſe words. *Edward*, &c. to his beloved and faithful *John Wogan*, his Juſtice of *Ireland*, or to his Deputy, greeting. We ſend to you incloſed herein the tranſcript of a petition of *Geoffry de Geneville*, exhibited to us and our Council, concerning certain injuries and grievances laid on him, as is ſaid, by our beloved and faithful Clerk, *Richard de Bereford*, Treaſurer of *Ireland*, and *Walter L'enfant* and his colleagues, the laſt itinerant Juſtices at *Drogbedah*, commanding you, that inſpecting the tenor of the ſaid Petition, and diligently examining the contents thereof in the ſeveral articles therein contained, in the preſence of the ſaid Treaſurer, Juſtices, and the ſaid *Geoffry*, to be warned by you upon the premiſſes, that you diligently inquire into the truth, and ſend to us under your Seal to our next Parliament the inquiſition taken thereupon diſtinctly and clearly, together with this writ, that in-

Trin. 33. *Edw.* 1. Rot. 52. in tur. *Berming.*

'bis sub sigillo vestro ad proximum Parliamentum nostrum mittatis, et hoc breve, ut inspectâ inquisitione prædictâ ulterius fieri faciamus in præmissis quod Justitia suadebit. Teste meipso apud *Westmonasterium* 28° die *Martii*, anno Regni nostri 33°. Et petitio inclusa continebatur in hæc verba.'

specting the said inquisition we may further cause to be done in the premisses what justice shall advise. Witness our self at *Westminster* the 28th day of *March* in the 33d year of our reign. And the petition was inclosed therein in these words.

And so the record recites the petition, in which are divers articles against the Treasurer for not giving him allowances, *&c.* and against the Justices for infringing his franchises, *&c.* To which several answers are made by them specified in the record, and which, as the record is, *ad instantiam ipsius* Galfridi *prædictum breve, cum prædictis articulis, et hoc recordum mittitur Domino Regi*,—at the instance of the said *Geoffry*, the said writ, with the said articles, and this record is transmitted to the King.

33. *Edw.* 1. Rot. 53. in tur. *Berming.* It appears in the same year, that the King by two writs directed to the Justice of *Ireland* (the record is long) recites, that whereas divers injuries and wrongs were done to *Agnes de Valentiâ* by *John Fitz-Thomas* in taking away her goods, and disseising her of her lands, and imprisoning her Bailiff, *&c.* as she suggested; for which she brought an Assize, and recovered them, but yet could get no satisfaction. Therefore the King commands the Justice, that calling the parties before him, and hearing their reasons, he should do according to law.

'Et si quid acciderit, quare idem facere non possit, tunc recordum & processum coram vobis inde habitos, et habendos, cum omnibus ea tangentibus, nobis sub Sigillo vestro mittatis, et hoc breve; ita quod ea habeantur in Parliamento nostro, quod infra regnum nostrum *Angliæ* sumus proximè habituri, et partes prædictas

And if any thing should happen, why this could not be done, that then you send to us under your Seal the record and processe had, and to be had before you, with all matters appertaining thereto, and this writ; so that they should be ready in our Parliament, which we should next hold within our kingdom of *England*; and that you

'prædictas adjornetis, quod 'tunc sit ibi coram nobis et 'Concilio nostro, facere et re- 'cipere quæ de eodem Conci- 'lio nostro inde duximus ordi- 'nandum.'	you adjourn the said parties over, that they then appear there before us in our Council, to do and receive whatever by advice of our said Council we shall judge necessary to ordain.

The said *John Fitz-Thomas* being summoned (for the proceedings were in a kind of course at the Common Law) alledged, that he ought not to answer to the said writ; for that by the said writ it is commanded, that the Justice should do according to the law and custom of the land, and that the King hath there his Chancery, out of which did issue, and ought to issue, all original writs, by which, as well the Grandees as others of that land ought to be impleaded. And, if the Justice and Chancellor of that land will make writs of the Chancery there used, grounded upon Common Law, or upon Statutes, he shall be ready to answer before Justices thereto assigned, *&c.* and because nothing is contained in these writs, which is not pleadable at Common Law, he prayed judgment if he should answer *ad hæc brevia de suggestione*,—to these writs of suggestion.—which merely are not used in Chancery, and that to such writs none in *Ireland* were wont to answer, which did challenge them; and chiefly, because the King by that writ commanded his Justice, that hearing the reasons of his men in that land, he should do Justice, *&c.* and therefore prays that he may not answer to such writs not usual against the law and custom of that land.—The said *Agnes* replied, that the writ she had was sealed with the great Seal of *England*, and under the teste of the King, and the like was under the said Seal to the said *John Fitz-Thomas*, *quæ satis latebant Cancellariæ hujus terræ, et sic competenter habere non poterat in hâc terrâ breve formatum in hoc casu*,—which sufficiently were unknown to the Chancery of this land, and so a writ formed in this case could not properly be had in this land,—and that from the time of the conquest innumerable of the King's writs were directed to the Justice of *Ireland* out of his Chancery of *England* to do justice to complainants, and that such pleas have hitherto been held in form of a commission of Oyer and Terminer. To which the said *John Fitz-Thomas* rejoined, that it was never adjudged in that

land, that any ſhould anſwer to ſuch writs of ſuggeſtion out of the Chancery of *England*, which the Defendant did challenge them to ſhew, and if the Court will adjudge, that he ought to anſwer further to that writ, he will ſufficiently anſwer. After, day being given to hear judgment, thereupon came *Richard de Burgo*, Earl of *Ulſter*, *Peter*, Son of *James de Bermingham*, *Euſtace le Poer*, and others the Grandees of that land, for themſelves and the whole commonalty, and ſaid, that the King, at their petition, ſent his writ to his Juſtice there, that hearing the reaſons of his men of that land for their grievances done to them by his Miniſters, againſt the liberties of their Anceſtors granted to them, and the common cuſtom uſed of that land upon theſe things, which may be determined without the King, to do ſpeedy complement of juſtice, and do pray, that the ſaid *John*, or any other of that land, be not compelled to anſwer the like writ, which is not uſual in the Chancery, chiefly when the ſaid *Agnes* may recover her right in that caſe by a writ of the Chancery of that land, *et inſtanter petunt, quod non procedatur in hoc placito in præjudicium eorum contra prædictas libertates et conſuetudines*,—and they earneſtly demand, that no proceedings ſhould be had upon this plea to their prejudice, contrary to the ſaid liberties and cuſtoms,—upon which a day was given over by the Juſtice and Council, and in the end the concluſion was thus: *Quia Juſticiario et cæteris de Conſilio videtur difficultatem ſubeſſe ad procedendum ad judicium in hoc caſu, ipſo Domino Rege inconſulto, dies datus eſt partibus virtute brevis prædicti de judicio ſuo audiendo coram Domino Rege ad proximum Parliamentum ſuum, quod habiturum eſt in* Angliâ *poſt hunc diem; et brevia cum Recordo liberantur* Thomæ de Eſſex, *ſervienti prædictæ* Agnetis, *ibi deferendum*, &c.——Becauſe a difficulty ſeems to ariſe in the Juſtice, and others of the Council, how to proceed to judgment in this caſe, the King being not conſulted, a day was given to the parties by vertue of the ſaid writ to hear judgment before the King at his next Parliament to be after that day held in *England*, and the writs, with the Record, were delivered to *Thomas de Eſſex*, ſervant to the ſaid *Agnes*, to be carried thither.——

By this Record it appears, that the doubt was, whether there ſhould be had any proceedings upon that writ of ſuggeſtion, as they called it, and which the Nobles and others oppoſed;

opposed; but none of them excepted against the sending to the Parliament in *England* to have their doubt resolved, which undoubtedly they would have done, if they had conceived, that the Parliament there had had no power over them And, therefore it was resolved by the Justice and Council, that it should be sent thither, where they were to expect judgment, and so by the Record it appears that thither it was sent.

Rot. pat. *Anno* 14 *Edw.* 3. in the Exchequer, we find this Record. Pat. 14. *Ed.* 3. in officio Remem.

'Rex Thesaurario & Camerariis suis de Scaccario *Dublin*, salutem. Cum nos per breve nostrum de privato Sigillo mandaverimus Venerabili Patri *Thomæ*, *Episcopo Hereford*, Custodi terræ nostræ *Hiberniæ*, quod ipse ad nos in *Angliam* ad instans Parliamentum apud *Westmonasterium*, jam convocatum, personaliter accedat, ad informandum nos et Concilium nostrum in dicto Parliamento nostro de statu dictæ terræ nostræ, et dedimus eidem Episcopo 40l. pro passagio suo versus dictas partes *Angliæ*, vobis mandamus, quod eidem Episcopo dictas 40l. de Thesauro nostro liberetis, habendas ex causâ supradictâ. Teste *Thoma* Episcopo *Hereford*, Custode terræ nostræ *Hiberniæ*, apud *Dublin* 27o. *Martii*, Anno Regni nostri 14o.'

The King to his Treasurer and Chamberlains of the Exchequer at *Dublin*, greeting. Whereas we by writ of Privy Seal have commanded the Venerable Father, *Thomas*, Bishop of *Hereford*, Custos of our land of *Ireland*, that he personally come to us in *England*, to our present Parliament convened at *Westminster*, to inform us and our Council in the said parliament of the state of our said Land; and we have granted to the said Bishop 40l. for his passage towards the said parts of *England*, we command you, that you deliver to the said Bishop the said 40l. out of our treasure, for the cause aforesaid. Witness *Thomas* Bishop of *Hereford*, Custos of our Land of *Ireland*, at *Dublin*, the 27th day of *March* in the 14th year of our Reign.

I will end this particular (because I am unwilling to clog this answer with too many Records) with a passage in a speech made by Sir *Maurice Eustace*, Speaker of the Commons of *Ireland*, delivered at the Bar of the Lords upon the return of the late Earl of *Strafford* out of *England*, entered in the Journals of that house.

"The

"The time was, when we were forced to attend the "Parliament of *England*, which no doubt was a mighty and "heavy charge to this Kingdom, and yet thus it was; for "so you have it in the Parliament Rolls in the Tower of "*London* (viz.) 8th *Edw.* 2. Dorso Clausô mem. 31 Rex "mandavit *Richardo de Burgo*, Comiti *Ultoniæ*, et aliis "Nobilibus *Hiberniæ*, quod sint apud *Westmonasterium* in "Octabis *Hilarii* proximè ad tractandum cum Proceribus "hujus Regni de statu *Hiberniæ*"——"The King com-"manded *Richard de Burgo*, Earl of *Ulster*, and other No-"bles of *Ireland*, that they appear at *Westminster* on the "Octaves of *Hillary* next, to treat with the Peers of this "Kingdom of the state of *Ireland*."

And that the Parliament of *England* had power over *Ireland*, besides what hath been already said, appears yet further by the acknowledgment and practice of the People of *Ireland*, who usually in grants made to them by the Kings of *England* of lands, rents, offices, and honours, procured them to be confirmed by the Parliament of *England*; which if they had not thought necessary, they would no more have done, or had it been to any more purpose than if they had them confirmed by the Parliament of *Scotland*. Many Records of such confirmations are yet extant; as in 12 *Edw.* 2. in the Roll intitled, Antiquissimæ literæ patentes & Commissiones in the Rolls-Office.

"Rex, &c. Sciatis, quod in "pleno Parliamento apud Ebo-"rum convocato de assensu Præ-"latorum, Comitum & Baro-"num Regni nostri ibidem exis-"tentium pro bono et laudabili "servitio, quod dilectus nobis "*Nicholaus de Verdon* nobis im-"pendit, et impendet in futuro, "dedimus & concessimus pro "nobis & hæredibus nostris ei-"dem *Nicholao* Manerium nos-"trum de *Mandevillestown*, "cum pertinentiis, in Comitatu "*Louth*; in *Hibernia*, quod ad "manum Domini *Edwardi*, "quondam

The King, &c. Know ye, that at a full Parliament assembled at *York*, by assent of the Prelates, Earls, and Barons of our Kingdom there being, we have, for the good and laudable service, which our beloved *Nicholas Verdon* has done to us, and shall do for the time to come, given and granted, for us and our heirs, to the said *Nicholas* our Manor of *Mandevillestown*, with the appurtenances in the County of *Louth*, in *Ireland*, which came to the hands of *Edward*, our Father, late King

'quondam Regis *Angliæ*, Patris 'nostri, ex dono & concessione 'Radulphi Pipard devenit. Habendum & tenendum, &c. 'per servitia, quæ de eo manerio debebantur, antequam illud manerium ad manus 'dicti Patris nostri devenit. 'Teste meipso apud Eborum '18°. die *Novembris*, Anno 'Regni nostri 12°.—Per ipsum 'Regem & Concilium.'

King of *England*, by the grant and concession of *Ralph Pipard*. To have and to hold, *&c.* by the services which were due out of the said Manor, before the said Manor came to the hands of our said Father. Witness myself at *York*, on the 18th day of *November*, in the 12th year of our reign.—By the King and Council.

In 2d *Hen.* 6. in the account of *Jenico Dartas* for the Manor of *Eskar*, *Castle-Lyons*, &c. he prays an allowance of 100l. rent out of the said lands granted to him for life by the Patent of *Henry 5th.*—Quas quidem literas patentes (as he pleads) Dominus Rex nunc 3°. die *Februarii*, Anno Regni sui 1mo. inter diversa alia in iisdem contenta, de advisamento magni Concilii *Angliæ*, approbavit, ratificavit, & confirmavit, prout in literis & confirmatione prædictis pleniùs continetur,——which said Letters Patent the King that now is, on the 3d of *February*, in the first year of his reign, among divers other things contained therein, approved, ratified, and confirmed, by advice of the great Council of *England*, as in the said letters and confirmations more fully appears.——Which Letters Patent are enrolled (as he pleads) in the Records of *Easter* Term, 1mo. of that King. Whereupon (as the Record is)——Visis præmissis per Barones hujus Scaccarii concordatum & consideratum est, quod prædictus *Jenico* allocationem habeat in compoto suo de prædictis 100l. ——The Premisses being inspected, it is agreed and adjudged by the Barons of this Exchequer, that the said *Jenico* have an allowance for the said 100l. in his account.—The like is to be seen in other accounts.

2 *Hen.* 6. Rot. 61. in offic. Rem. in Scaccario.

2 *Hen.* 6. Rot. 62, 63, 64. in the Account of the Mayor and Bailiffs of *Dublin*.

In 34 *Hen.* 8. Rot. 31. in the chief Remembrancer's Office in the Exchequer, there is an Inrollment of a Grant made to *Edmond Sexton* for life of the fee farm rent of the City of *Limerick*, at the end of which are these words.—Per billam ipsius Domini Regis, et manu suâ propriâ signatam, immediatè Cancellario suo Regni *Hiberniæ* directam, auctoritate Parliamenti.——By bill of the King, signed by his

his hand, and immediately directed to the Chancellor of *Ireland*, by authority of Parliament.

34. *Hen.* 8. rot. 12. in Offic. Rem. Anno 34 *Hen.* 8. the Grant of the office of Master of the Rolls in *Ireland* to Sir *Thomas Cusack* is enrolled at large, wherein is a *Non Obstante* in these words.

'Non obstante quodam statuto, actu, et Ordinatione, in quodam Parliamento tento apud *Drogbedah* in *Hibernia* die lunæ proximè post festum St. *Andræ* Apostoli, Anno Regni præcharissimi Patris nostri *Hen.* septimi, nuper Regis *Angliæ*, Decimo, coram *Edwardo Poynings* milite, Deputato ipsius Domini Regis, Patris nostri, Regni sui *Hiberniæ*, edito in hæc verba, (viz.) quod deinceps nullæ Personæ, qui habebunt Administrationem Justitiæ in dicto Regno suo *Hiberniæ* (viz) Cancellarius, Thesaurarius, Justiciarius de Banco Regis, et de Communi Banco, Capitalis et secundarius Barones de Scaccario ibidem, clericus sive Magister Rotulorum, ac omnes officiarii computabiles, habeant de cætero aliquam Auctoritatem in talibus Officiis suis per literas patentes Domini Regis, nisi solummodo ad placitum et voluntatem Domini Regis. Et quod si aliqua concessio facta, vel imposterum fienda, alicujus, vel aliquorum officiorum prædictorum alicui Personæ, et in contrarium præmissorum, sic facta, quod illa concessio adjudicetur vacua, et nullius vigoris in lege.'

Notwithstanding a certain statute, Act, and Ordinance, made in a Parliament held at *Drogbedah* in *Ireland*, on the *Monday* next after the feast of St. *Andrew* the Apostle, in the 10th year of the reign of our dearest Father, *Henry* 7th, late King of *England*, before Sir *Edward Poynings*, Deputy of the said King our Father of his Kingdom of *Ireland*, in these words (*viz.*) that from this time forward, no manner of person or persons, that shall have ministration of Justice in the said Kingdom of *Ireland*, that is to say the Chancellor, the Treasurer, the Judge of the King's-Bench and Common-Pleas, the chief and secondary Baron of the Exchequer, the Clerk or Master of the Rolls, and all manner of Officers Accomptants, shall have for the time to come no authority by Patent in such Offices, but only at the King's will and pleasure; and if any grant be made, or hereafter shall be made of any of the said Offices, to any person contrary to the Premisses, that the same shall be adjudged void, and of no effect in law.'

At

At the end of the Inrollment of which Patent are these words.——Per billam ipsius Domini Regis ab *Angliâ* missam, et manu suâ propriâ signatam, et Cancellario suo *Hiberniæ* immediatè directam, de datâ prædictâ, auctoritate Parliamenti.— By Bill of the King sent from *England*, and signed with his own hand, and immediately directed to his Chancellor of *Ireland*, of the said date, by authority of Parliament.

By this Record we may gather, that they of *Ireland* in those times did conceive, that by the statute 10 *Hen.* 7. in *Ireland*, grants of those Offices therein named, with a *non obstante* for life, would not be sufficient in law, and therefore they had recourse into *England* to have such Offices granted for life, contrary to the statute of *Ireland* made by authority of the Parliament there, which would controul that Act made in *Ireland*, as having power and authority over it. And this it seems was common in those times. For in the same year, a grant of the Office of Comptroller of the Customs in *Dublin*, *Drogheda*, &c. was made to *Robert Lower* and *Laurence Hamond* for life, with the like *non obstante* as in Sir *Thomas Cusack*'s Grant, and with the like direction to the Chancellor——*Authoritate Parliamenti*—— by Authority of Parliament. In Scaccariæ Rot. 11.

Anno 33 *Hen.* 8. the King created *Thomas Butler*, Baron of *Caber*, and in the end of the Grant in the Bill signed with the King's own hand, and sent into *Ireland*, are these words.——Per billam ipsius Domini Regis ab *Angliâ* missam et manu suâ propriâ signatam, Cancellario, sive Custodi Magni sigilli sui *Hiberniæ*, immediate directam, authoritate Parliamenti.——By Bill of the King sent from *England*, and signed with his own hand, directed to the Chancellor, or Keeper of his Great Seal of *Ireland* immediately, by authority of Parliament. Rot. Cancellariæ 33. *Hen.* 8. intitled, Creations of Noblemen.

Many such Records are among the Rolls of *Ireland*, where their Grants are from the King, and were —— *Authoritate Parliamenti*;—by Authority of Parliament;—from whence we may judge, that they of *Ireland* took the law to be, that the authority of the Parliament of *England* did strengthen their Grants and Estates against any defects, that might be found in them by the laws of *Ireland*; and therefore we may truly conclude, that since the chief Governors of *Ireland* have been sent for to the Parliament of *England*,

to

to inform the King and his Parliament there of the state of *Ireland*; since the Nobles of *Ireland* were to attend the Parliament there, to treat of the state of that Country, since the King by his Writs did remove Causes between party and party out of *Ireland*, into the Parliament of *England*, to be determined there, since they of *Ireland* did usually from time to time procure their Grants made by the Kings of *England* to be confirmed by the Parliaments there; therefore, that Parliament has power over *Ireland*, and may, as they please, consider, resolve, and cause to be executed, what they think is fittest for them, and give judgment in their causes of controversy between party and party, and then *Ireland* cannot possibly be a Kingdom absolute in itself, and divided absolutely in matter of Government from the power of the Parliament of *England*.

The second Case which the Author cites, is the book of 2d *Rich.* 3. Fol. 11. where it is said, "that the land of "*Ireland* in itself hath a Parliament; and all other Courts "as in *England*, and by the same Parliament do make "Laws and change Laws, and are not bound by the statutes "of *England*, because they have not Knights of Parliament "there. But this (saith the book) is understood of lands "and things in that land only to be affected; but the Per-"sons are the King's Subjects, and as Subjects are bound "to any thing to be done out of *Ireland*, against the statutes, "*&c.*" This being all that is said in that case to the purpose in hand, let it be observed, that it was only *a fuit dictum*, *It was said*, that *Ireland* had a Parliament of itself, *&c.* and is not bound by the statutes of *England*, *&c.* But there was no resolution or judgment in that case, nor as much as the opinion of any one Judge in particular there cited. But in 1 *Hen.* 7. Fol. 2. the same case being again moved before all the Justices, *Hussey*, Chief Justice, said, that the statutes made in *England* do bind them in *Ireland*, and it was not much denied, saith the book, by the other Justices, though they were of a contrary opinion the last term in his absence. So that it appears, that when the Judges had well considered the case, they changed their opinions, and upon serious consideration thought, that the statutes of *England* did bind them of *Ireland*; and therefore, whereas the Author saith upon the case of the 20 *Hen.* 6. by him cited, that *Portington* saith, that if a tenth be granted in the Parliament of *England*, that shall not bind *Ireland*, because they

they have no command with us by writ to come to our Parliament, which was not denied by *Markham*, *Yelverton*, nor *Ashcough*. It may be as well said, that *Hussey*, Chief Justice, said in the 1 *Hen.* 7. after the cause had been long considered by all the Judges, that the statutes of *England* do bind *Ireland*, which was not much denied by the other Justices. And whereas the Author in another part of his discourse saith, that this opinion of *Hussey* cannot be Law; for that *Brooke*, in abridging that case, *(i)* saith, that that opinion was denied to be law the last term before, and adeth further,——*tamen Nota*, yet observe,—that *Ireland* is a Realm of itself, and hath a Parliament of itself, implying thereby (saith he) that *Ireland* cannot be bound but by the Parliament in *Ireland:* let us hear what *Brooke* in that place saith; his words are these, "By the opinion of the "Chief Justice, the statutes of *England* bind those of *Ire-* "*land*, which was in a manner agreed by the other Jus- "tices, and yet it was denied the last day before; *tamen* "*nota*—yet observe,—that *Ireland* is a Realm of itself, and "hath a Parliament in itself," but of which words it may be more naturally and congruously implied, than the inference which the Author makes, that though *Ireland* be a Realm of itself, and hath a Parliament in itself, and though it had been denied before, yet the opinion of the Chief Justice, and the other Judges, when they had more seriously studied, and conferred on that case, was, in a manner, that *Ireland* was bound by the statutes of *England*. And whereas the Author saith, that he conceives *Hussey*'s meaning was not, that the statutes of *England* generally bind *Ireland*, but only such statutes, as concern the matter in question, which were the matters concerning the Staple, in which *Ireland* is particularly named: I answer, that if the Parliament in *England* can bind *Ireland* in matters concerning the Staple, it may do it in any other matter, wherein they please to have *Ireland* bound; for there can be no difference: and for *Hussey*'s meaning, we cannot conceive of it what it was but by his words, or by his explanation of them; and therefore we must needs understand them generally of all statutes, which are not for particular places, but may be applied to *Ireland*. And if he will grant, that *Ireland* may be bound by a statute in *England*, where *Ireland* is named, we will ask no more of him for this time; but that he utterly denies, and therefore his conceit of *Hussey*'s meaning must needs be contrary

(i) Tit. Parliament. p. 19.

contrary to *Hussey*'s sense, which he expresses to be generally of statutes in *England*, that they bind *Ireland*. And as to that saying of the book of the 2 *Rich* 3. cited by the Author (*viz.*) that the statutes of *England* bind not them of *Ireland*, because they have not Knights of Parliament there, that is no good argument, or reason; for the statutes of *England* do bind many places, from whence there are no Knights or Burgesses; as the County Palatine of *Chester* was always bound by the acts of Parliament of *England*, and yet had no Knights or Burgesses in Parliament till 34 *Hen.* 8. as appears by the express words of a statute of that year, *Chap.* 13. The like we shall find touching *Wales*, as we shall see more at large hereafter. *Calais* was never annexed to *England*, but was part of the Kingdom of *France*, nor ever sent Burgesses to the Parliament of *England*. Yet being under the power of that Parliament, they made Laws for them, even for the forfeiture of their houses in *Calais* for want of watch. See statute 11. *Hen.* 7. Chap. 16. and statute 2 *Edw.* 6. Chap. 38. concerning the paving of their streets, *&c.* under a penalty.

It is likewise said in the said book of the 2 *Rich.* 3. that *Ireland* is not bound by the statutes of *England*, because they have no Knights of the Parliament there. But saith the book, this is understood of lands and things only in that land to be affected. But the Persons are the King's subjects, and as subjects are bound to any thing to be done out of *Ireland* against the statutes, *&c.* So that by the saying of that book, their Persons are subject to the Laws of *England* out of *Ireland*; and by the case cited before of the 20. *Hen.* 6 it cannot be denied, but things to be affected in *Ireland* are bound by the Judgments of the Courts of Justice in *England*, contrary to the opinion of 2. *Rich.* 3. For to have an office in *Ireland* is a thing there to be affected. So that by these two books the Author will gain nothing to his cause, but rather lose much by them; and the former records and year books do sufficiently demonstrate, *that* Ireland *is a part and member of* England, *hath been governed by the Laws thereof, and subject to the Laws made by the Parliament there, and not that* England *served only as a Model for the Government of* Ireland, *as the Author would have it.*

Now

Now let us consider a little the statutes cited by the Author in maintenance of his position. He saith, that contrary to the opinion of *Hussey* (which is, that the statutes of *England* do bind *Ireland*) are the Judgments of 8 several Parliaments in *Ireland* before the statute of 10. *Hen.* 7; but he names only 7, and yet he names no particular act in some of them to prove his assertion; but we may easily guess at them, there being no act in these several Parliaments, which tends this way, but those which I will now cite.

The Parliaments which he cites are 13. *Edw.* 2. 19. *Edw.* 2. 18. *Hen.* 6. 29. *Hen.* 6. 32. *Hen.* 6. 39. *Hen.* 6. and 8. *Edw.* 4; and since the statute of 10. *Hen.* 7. (as he saith) of five Parliaments (*viz.*) 28. *Hen.* 8. 33. *Hen.* 8. 28. *Eliz.* 11. *Jac.* and 10. *Car.* besides the statute of 10. *Hen.* 7. itself. For three of these statutes (*viz.*) 13. *Edw.* 2. 19. *Edw.* 2. and 29. *Hen.* 6. we must again take the Author's bare word; for he cites no record, nor any other thing that we may find to prove that there are such statutes; but he saith, that they are exemplified under the great seal, and the exemplifications were remaining in the treasury of the City of *Waterford.* I believe there was some such exemplification; because Sir *Richard Bolton*, in his edition of the statutes of *Ireland*, in a marginal note upon the statute of 10. *Hen.* 7. *Chap.* 22. saith, that the said exemplification is there, tho' now it is said no such can be found; and if it were for the Author's purpose, I wonder it should be now concealed, and not set down by him *verbatim*, as he does other Statutes, which are not much to the purpose. For the best learned men can hardly judge rightly of a statute without perusing the very words, and considering the scope and intention of it: and therefore, if there were such statutes, whether they did only aim at that which he alledgeth we know not, or whether some other thing were contained in them, which might make against his opinion, we cannot tell. But admit there were such statutes so exemplified, as he saith, yet they cannot be legally taken notice of or pleaded in any Court, unless we had some records of them, or that they had been at least formerly in print, and allowed, and taken for statutes, or were exemplified under the seals of the four Courts, as appears by the statute 12. *Eliz. Chap.* 2. in *Ireland.* So that for these three alledged statutes, they not appearing, we may say they are not in

 being;

being; for——— *de non apparentibus, & non existentibus eadem est ratio*——The same reason extends to things that do not appear, and things that do not exist.——though for them, and all the rest, we shall give another answer hereafter. And yet by the way, it may be observed, whereas the Author saith, that by the statutes of 19. *Edw.* 2. and 29. *Hen.* 6. it was enacted, that the statutes made in *England* should not be of force in *Ireland*, unless they were allowed and published in that Kingdom by Parliament; that from hence a strong argument may be drawn, that before these alledged statutes, the statutes in *England* did bind in *Ireland*. For if a statute should be made, that men that are seized of lands in fee discendible by course of Common Law to their heirs, if they made no conveyance or devise of them, but should so die seized thereof in fee, that these lands should descend to their heirs; would not every man say, that such a statute were ridiculous and nugatory; for the law is so, and always hath been so used? So in this case, if the law were, that the statutes of *England* never bound in *Ireland* before they were confirmed there by Parliament, nor ever any act made in *England* executed there before it were confirmed there, what an idle thing had it been to make a Law for that, which was, and always had been the Law before and ever so taken? Therefore, we must conclude, that if there were any such statutes made, the Parliament there conceived the Law to be, that *Ireland* was bound by the statutes of *England*, which they endeavoured to exempt themselves from, if it had been in their power.

The first of the statutes alledged by the Author, which is agreed to be a statute, is that of the 18. *Hen.* 6. *Chap.* 1. in *Ireland* concerning Purveyors, against whose extortions divers statutes were made in *England*, and by him cited, which were never received, nor put in execution in *Ireland*, as he saith, till 18. *Hen.* 6. *Chap.* 1. it was enacted by the Parliament of *Ireland*, that all statutes made against Purveyors within the Realm of *England* should be holden and kept in all points, and put in execution in *Ireland*.

That none of the statutes made in *England* against Purveyors were received, or put in execution in *Ireland* before this statute of 18. *Hen.* 6. would be difficult for the Author to prove; and if there were no proofs that they were in force before that statute, yet it may be well inferred that they

they were. Because we find, that other statutes made in *England* only were there executed, as by the former Records appears. But from thence to conclude, that statutes made in *England* do not, nor cannot, bind in *Ireland*, till they be there confirmed by Parliament, is a consequence which is still denied, and cannot be proved. But to shew his mistaking in this, as in the rest, it is to be remembered, that formerly in this discourse it is plainly proved, that after acts made in *England* were transmitted into *Ireland* under the great seal, and there published, though *Ireland* were not named in them, yet they were of force there and executed: And that some of the chief of their acts against Purveyors made in *England* long before this act of 18. *Hen.* 6. were sent into *Ireland*, and commanded there to be published and executed, is most certain; for so were the acts made in the 36. *Edw.* 3. against Purveyors, as may be seen by the original record of their transmission under the great seal of *England*, now remaining in the treasury of the City of *Dublin*, in these words.

'*Edwardus*, &c. dilectis & 'fidelibus suis, Locum nostrum 'tenenti in *Hiberniâ*, ac Cancellario et Thesaurario nostris 'ibidem, et eorum cuilibet, salutem. Mandamus vobis firmitèr injungentes, quod statuta tam de emptoribus & provisoribus victualium, quam de 'omnibus aliis in iisdem statutis 'contentis, in Parliamento nostro apud *Westmonasterium* ad 'quindenam Sti. *Michaelis*, anno regni nostri 36. edita, & ad 'dictam terram ex parte nostrâ 'missa, proclamanda et tenenda 'in omnibus suis articulis in 'terrâ prædictâ firmiter teneri '& observari, et contra eadem 'delinquentes, juxta tenorem 'eorundem statutorum, omni 'favore posthabito, puniri faciatis; et hoc nullatenus omittatis.

Edward, &c. to our beloved and faithful, our Lord Lieutenant of *Ireland*, and to our Chancellor and Treasurer there, greeting. We command and firmly injoin you, that you strictly cause the statutes as well concerning Buyers or Purveyors of victuals, as of all other things in the said statutes contained, made in our Parliament at *Westminster* on the Quindene of St. *Michael*, in the 36th year of our reign, and sent by us into the said land, to be proclaimed and observed, to be firmly kept and observed in the said land in all the articles thereof, and that without favour or affection you cause all delinquents against the same to be punished according to the tenor thereof, and that by no means you omit to do so.

' mittatis. Teste meipso apud ' *Westmonasterium*, 26o. die No- ' vembris, anno regni nostri 37o. ' Per ipsum Regem & Conci- ' lium.'	Witness myself at *Westminster*, the 26th of *November* in the 37th year of our Reign.——By the King and Council.

By this writ it is evident, that some of the statutes made in *England* against Purveyors were of force in *Ireland* long before the said statute of 18. *Hen* 6. and therefore it is probable, that the rest were so, which will more clearly appear by the next statute of 32. *Hen.* 6. Chap. 1. which must needs be one of his eight judgments in Parliament, which he contends for, there being no other that Parliament made, which can have any colour for this his purpose.

The said statute of 32. *Hen.* 6. Chap. 1. saith, " that " whereas divers ordinances, as well in *England* as in *Ire-* " *land*, have been made against them that sue Provisions " to the Court of *Rome*; as by the statutes and ordinances " made as well in *England* as in *Ireland* more plainly ap- " pears. This notwithstanding, Provisions are sued from " day to other, more now, than before this time. Where- " fore it is ordained by authority of the said Parliament, that " from henceforward, all the acts, ordinances, and statutes, " made against Provisors, as well in *England* as *Ireland*, " be had and kept in force (almost the words of the statute " of 18. *Hen.* 6.) within this land of *Ireland*." By this act it appears, that divers statutes have been made formerly in *Ireland* against Provisors, and this act ordains, that these statutes shall be in force. But will any man from hence argue, that these acts made in *Ireland* against Provisors were not in force before, because they were confirmed by this Parliament? I think none will; for it is usual in Parliaments, especially in *Ireland*, when they recite acts formerly made, which they would have known, and taken special notice of to continue, and be of force, to confirm them by a later act. But it may as well, and by the same reason, be said, that the former acts made against Provisors in *Ireland* were not of force before this statute; because this act saith, that they should be had and kept in force, as to say that, which the Author doth upon the statute of 18. *Hen.* 6. which saith, that all statutes made in *England* against Purveyours shall be holden and kept in force; therefore they were not in

in force before: For it is the same kind of argument, and a difference cannot be made betwixt them.

But it may be strongly inferred from this act of 32. *Hen.* 6. that this Parliament conceived, that the statutes of *England* against Provisors were in force there before this act; because it saith, notwithstanding those statutes of *England* and *Ireland* Provisions are sued more than before; which had been no breach of the statutes made in *England* against Provisors, if they had not been of force there in *Ireland*, nor had the Parliament there any cause to complain of the breach of them; and therefore this act declares, that all statutes both of *England* and *Ireland* (for they are both joined together, as being of like authority there before) should be had and kept in force. So likewise in the statute of 18. *Hen.* 6. all that is said concerning the statutes of *England* against Purveyors is, that all the statutes in that behalf made in *England* be holden and kept in all points, and put in execu-on in this land; but not a word that they were not of force before, or that they could not before bind *Ireland*, but rather, as this statute of 32. *Hen.* 6. would have all the Laws in *England* and *Ireland*, against Provisors put in execution, so would that statute have them executed against Purveyors, conceiving them to have been of force, and only declaring the same so to be by this act, that they might be the better taken notice of, and the more carefully executed.

And that the statutes of *England* concerning Provisors were of force and executed in *Ireland* many years before this statute of 32. *Hen.* 6. which confirmed them, is apparent by many commissions granted in *Ireland* for the execution of them here.

A°. 4. *Hen.* 4. We find this commission. —— 'Rex dilectis sibi *Matthæo Fitz-Henry*, et *Johanni Chever*, salutem. Sciatis, quod cum in Parliamento Domini *Richardi*, *nuper* Regis Angliæ 2d. post conquestum, anno regni sui 13. apud *Westmonasterium* tento, ordinatum & stabilitum fuisset, quod si aliquis deferat seu mittat infra Regnum Angliæ,

The King to his beloved *Matthew Fitz Henry*, and *John Chever*, greeting. Know ye, that whereas in a Parliament of *Richard*, late King of *England*, the second of that name after the conquest, in the 13th year of his reign, held at *Westminster*, it was ordained and established, that if any person should bring in or send into the Kingdom of *England*, or elsewhere within our

4. *Hen.* 4. rot. pat. in dorso in tur. Berm.

gliæ, vel poteſtatem noſtram, aliquas ſummonitiones, ſententias, ſeu excommunicationes, contra aliquam Perſonam, cujuſcunque ſtatus ſeu conditionis fuerit, occaſione Executionis, ſtatuti de Proviſoribus, anno Regni Domini *Edwardi*, nuper Regis Angliæ, avi noſtri, 250. editi, arreſtetur, capiatur, et Priſonæ noſtræ committatur, et foriſfaciet omnes terras et tenementa, bona et Catalla, et etiam pœnam vitæ & membrorum incurrat. Et ſi aliquis Prælatus faciat executionem hujuſmodi ſententiarum, ſummonitionum, et excommunicationum, temporalia ſua capiantur, et remaneant in manibus noſtris quouſque debita correctio indé fiat. Et ſi aliqua Perſona de minori ſtatu quam Prælatus, cujuſcunque ſtatus ſeu conditionis fuerit, faciet hujuſmodi executionis, arreſtetur, Capiatur, et Priſonæ noſtræ committetur, et finem & redemptionem faciet ſecundum diſcretionem Concilii noſtri, prout in ſtatuto indé edito plenius continetur. Nos ſtatutum illud inviolabiliter obſervari, et impugnatores Juriſum Coronæ noſtræ, et violatores dictorum ſtatutorum, juxta eorum demerita, punire et caſtigare volentes, ut tenemur, de veſtrâ fidelitate, circumſpectione, & induſtriâ plenius confidentes, aſſignavimus vos conjunctim & diviſim ad inquirendum per ſacramentum proborum & legalium hominum

our power, any Citations, Sentences, or Excommunications, againſt any perſon, of what ſtate or condition ſoever he be, upon occaſion of the execution of the ſtatute of Proviſors made in the 25th year of our Grandfather, *Edward* the 3d, King of *England*, he ſhall be arreſted, taken, and committed to our priſon, and ſhall forfeit all his lands and tenements, good and chattles, and ſhall ſuffer the penalty of life and member. And if any Prelate make execution of ſuch Sentences, Citations, and excommunications, his Temporalities ſhall be ſeized, and remain in our hands, until due ſatisfaction be made for the ſame. And if any perſon of leſſer degree than a Prelate of what condition or ſtate ſoever he be, ſhall make ſuch executions, he ſhall be arreſted, taken, and committed to our priſon, and ſhall make fine and ranſom according to the diſcretion of our Council, as is more fully contained in the ſaid ſtatute. We being willing, that the ſaid ſtatute ſhould be inviolably obſerved, and that the Impugners of the rights of the Crown, and the violators of the ſaid ſtatutes ſhould be puniſhed and corrected, according to their demerits, as we are bound to do, placing a ſure confidence in your Fidelity, circumſpection, and induſtry, have appointed you jointly and ſeverally our Commiſſioners to enquire by the Oaths of good and lawful men of the County of *Wexford*, as well within liberties

num Comitatus *Wexford*, tam infra libertates quam extra, per quos rei veritas melius sciri poterit, de universis & singulis motoribus et executoribus hujusmodi Summonitionum, sententiarum, et excommunicationum tam de minori statu, quam si Prælati existunt, ubicunque eos infra comitatum prædictum, tam infra libertates quam extra, fore, seu inveniri contingent, et illos, qui coram vobis, seu alteri vestrum, *inveniri contingent*, una cum bullis, instrumentis, processibus, inhibitionibus, citationibus, appellationibus, seu notationibus in hac parte secum inveatis, seu imposterum inveniendis, arrestandi & capiendi, et prisonæ nostræ mancipandi, ac ipsos, statim cum capti fuerint, coram Locum nostrum tenente, & Concilio nostro in terrâ nostrâ *Hiberniæ*, una cum hujusmodi præjudicialibus, salvo & securé venire faciendi, et ad respondendum circa præmissa, et ad faciendum ulterius et recipiendum quod prædictus noster Locum tenens, & Concilium nostrum prædictum de iis tunc contigent ordinare; et ad inquisitiones inde distinctè et apertè captas nobis in Concellariâ nostrâ *Hiberniæ*, sub sigillis vestris, seu sigillo alterius vestrum, et sigillis eorum per quos factæ fuerunt, una cum toto facto vestro in hac parte, de tempore in tempus mittendi. Et ideo vobis, et alteri vestrum, mandamus firmitér injungentes, quod circa præmissa

berties as without, by whom the truth may be best discovered, of all and singular the movers and executors of such Citations, sentences, and excommunications, as well of those of lesser degree, as of Bishops, whereever they shall happen to be found within the said County, as well within as without liberties, and to arrest and take such, who shall happen to be found by you, or either of you, together with their bulls, instruments, processes, inhibitions, citations, appeals, or summons's, found, or which hereafter shall be found about them, and to arrest, and take, and confine them in prison, and as soon as they are taken, to conduct them safely and securely before our Lieutenant and Council in our land of *Ireland*, together with such prejudicial things, and to be responsible for the premisses; and further to do and receive whatever our said Lieutenant and Council shall order or direct concerning them, and to return the inquisitions taken upon such occasions distinctly and plainly into our Chancery of *Ireland*, under your seals, or the seal of either of you, and the seals of those before whom such inquisitions shall be made, together with what you shall from time to time do herein. And therefore we strictly enjoin you, and each of you, that you diligently employ yourselves about the premisses, and execute the same in form aforesaid. We also give unto the Seneschal of the liberties of *Wexford*, and to our

'præmissa diligenter intendatis, 'et ea faciatis et exequamini 'in formâ prædictâ. Damus 'autem Seneschallo Libertatis 'Wexford, ac Vicecomiti nostro dicti Comitatus, ac universis aliis & singulis Officiariis, Ministris, & fidelibus ligeis nostris ibidem, tam infra libertates quam extra, tenore præsentium, specialiter in mandatis, quod vobis, et alteri vestrum, executionem præmissorum intendentibus, sint consulentes, respondentes, & auxiliantes, & quod ad certos dies et loca, quos eis, seu eorum alicui, scire faciatis, venire faciant coram vobis, seu alteri vestrum, tot et tales probos & legales homines de Ballivis suis, per quos rei veritas in præmissis melius sciri poterit, et inquiri, &c. In Cujus, &c. Teste præfato Locum tenente apud Dublin, 30o. Februarii.'

Sheriff of the said County, and to all other our Officers, Ministers, and faithful liege subjects there, as well within liberties as without, by the tenor of these presents, especially in command, that to you, and each of you, employing yourselves about the execution of the premisses, they be aiding, assisting, and advising, and that at certain days and places, which to them, or any of them, you shall make it known, they cause to appear before you, or either of you, such, and so many, honest and faithful men of their Ballywicks, by whom the truth in the premisses may be best inquired into, and found out. In witness, &c. witness the said Lord Lieutenant at *Dublin*, the 30th of *February*.

Ibid. 6. *Hen.* Rot. pat. tur. *Berming.* part. 2. in dorso.

* Ibid in dorso.

The like Commission we find in the 6th of *Hen.* 4. directed to *Janico Dartas*, for the Counties of *Meath*, *Dublin*, *Lowth*, and *Kildare*: and also * in the 7th of *Hen.* 4. a Commission is granted to *Laurence Merbury*, Treasurer of *Ireland*, and divers Officers, wherein the statute of the 15th of *Edw.* 3. against Provisors is at large recited, and the statute of the 13th of *Rich.* 2. by which Commission they have power given them to hear and determine of the breach of those statutes,——Secundum legem & consuetudinem Regni nostri *Angliæ*, ac terræ nostræ *Hiberniæ*, nec non vim formam et effectu Provisionum, Statutorum, & Ordinationum, temporibus Progenitorum & Antecessorum nostrorum Regni nostri *Angliæ* inde Confectorum——according to the law and custom of the Kingdom of *England*, and Land of *Ireland*, and the force, form, and effect of the Provisions, statutes,

tutes, and ordinances, made in the times of our Progenitors and Ancestors of our Kingdom of *England*.——And in particular of one *William Oulton*, who is said in that Commission to have procured a Provision from the Pope for the Treasurership of the Cathedral Church of St. *Patrick's Dublin*, and of the Church of St. *Andrew*, annexed to the said Treasurership. By all which it is plain, that though these statutes (as in the Commissions are recited) were made in the Parliaments at *Westminster*, yet they were received and executed in *Ireland* many years before the statute of the 32d. of *Hen.* 6. in *Ireland*, which confirms them; whereby it is manifest, that the Author is deceived in his whole discourse in this part, wherein he takes it for an infallible truth, upon which he much rests, that the statutes of *England* were confirmed in *Ireland* before they were there executed; and that before their confirmation in Parliament there they were not there of force.

The next statute by him cited is of 37. *Hen.* 6. in *Ireland*, which in effect is the same as that of 18th *Hen.* 6. Chap. 1. in *England*, concerning the dates of Letters Patent, which must needs be the statute he means; for there is no other but that only made in that Parliament in our printed statutes, and wherein all that tends to this purpose are the words at the end of it, which limits it to begin the first of *March* next following, and from thenceforward. The like is the statute of 8. *Edw.* 4. by him cited for one of his judgments in Parliament, which saith, "that the People learned "in this Kingdom have conceived some doubts, whether "the statute made in *England* (which was the statute of "6. *Rich.* 2d. concerning Rapes) ought not to be of force "in this land. In avoiding of all inconvenience, and the "mischief which might happen because of the ambiguity of "that statute, it is enacted, that the said statute be adjudged and approved in force and strength, and that the "said statute may be of force in this land from the 6th of "*March* last past." By which it appears that they agree, that the statute be adjudged in force and strength against the doubt which was made, whether it were so or no before; but for the execution of it, which is another clause distinct from adjudging it to be of force, it seems it was thought fit, that it should be of force as to the execution from the 6th of *March* last past before the statute; and so for the said statute

ſtatute of 37. *Hen.* 6. that it ſhould begin to be of force from the firſt of *March* next following the ſtatute. And this expoſition ſtands with good reaſon, and with the uſe and practice of thoſe times of putting the laws made in *England* in execution there. For as it appears before, the ſtatutes of *England* were tranſmitted thither under the King's Seal, and there publiſhed, and from that time executed; therefore it is probable, that theſe ſtatutes had not been tranſmitted thither, and therefore, though they ſhould be of force there upon their making, yet it were hard that they ſhould be there executed, before the People of that Land had notice of them; and therefore theſe ſtatutes do publiſh themſelves, and limit the execution of them from about the time of their publication: and this expoſition ought the general clauſe in the Act of 8 *Edw.* 4. to receive, which ſaith, "that from henceforth the ſaid Act (that is, the ſtatute of 6 *Rich.* 2.) and all other Acts made by authority of Parliament in *England*, be ratified and confirmed, and adjudged by authority of this Parliament in their force and ſtrength from the ſaid 6th of *March*." And according to this expoſition ſeems to be the opinion of the Parliament in the 14. *Hen.* 7. for puniſhing of Cuſtomers, &c. for their miſdemeanors, which enacts, "that all and every Act of Parliament made in *England* for puniſhing of cuſtomers, &c. be put in execution by the Officers of this Land, according to the tenor of them, and as they be put in execution by the King's Officers in *England*; and that every of the ſaid Acts be authorized and affirmed by this preſent Parliament, provided that this Act ſhall not be put in execution till the ſaid Act of *England* be proclaimed at *Dublin*, &c. to the intent that Merchants may know what theſe Acts be, and the pains of the ſame."

By this Act it appears, that firſt it is ordained, that the Acts in *England* be put in execution, and then declares, that they are authorized and affirmed as Acts (by which word *authorized* is meant only *declared* to be of force, as will appear by the anſwer to the next ſtatute) there to be executed, but not before notice given of them to the People. And this we ſee daily by experience is the uſe in all Commiſſions, that although they be of force from the ſealing and making of them, yet until they be publiſhed, that notice may be had of them, men are not puniſhed for diſobedience

to them. But in all these fore-recited statutes, there is not a word, that the laws of *England* were not of force there before confirmed, nor any thing tending that way, which no doubt would have been in some of them, if the Parliament there had so conceived the law to be.

Another of the statutes by the Author cited is, 10. *Hen.* 7. Chap. 22d, commonly called *Poining's* Act, which saith, "forasmuch as there hath been many good and profitable "statutes made in *England*, *&c.* whereby the said realm is "ordered, and brought to great wealth and prosperity, "and by all likelihood so would this land, if the said sta-"tutes were used and executed in the same. Therefore it "is ordained, &c. that all statutes late made in *England* "concerning the common and publick weal of the same, "from henceforth be deemed good and effectual in law, "and ever be accepted, used, and executed in this land of "*Ireland* in all points, &c. and over that, by authority "aforesaid, every of them be authorized, proved, and con-"firmed in this land of *Ireland*." From which statute, if the words of it be well observed, and compared with the words of the statutes of the same Parliament, Chap. 5. and 8. no such conclusion will follow, as the Author would have, but the contrary. For, saith the statutes, by all likelihood this land would flourish as well as *England*, if the statutes of *England* were used and executed in the same, not if they were made laws there, therefore it doth ordain, that from henceforth they be deemed good and effectual in law, and over that, they be accepted, used, and executed in this Land of *Ireland*. Now, if we look upon the statute made this very Parliament, Chap. 8. we shall the better understand what the sense and meaning of the same Parliament was by these words *(deemed good and effectual in law)* for that statute recites, that forasmuch as the statutes of *Kilkenny* were made for the publick weal of the King's subjects in *Ireland*, to keep them in due order and obeysance; and all the season that the said statutes were set in use, and duly executed, the said land continued in prosperity and honour, and since they were not executed the subjects rebelled, &c. The premisses considered, be it ordained, enacted, and established by authority of this Parliament, that all and every of the aforesaid statutes be authorized, approved, and confirmed, and be deemed good and effectual in the law duly

10. *Hen.* 7. Chap. 22.

to be inquired of, and executed according to the tenors of them, and every of them. I think no man will deny, that the ſtatutes of *Kilkenny*, which were made there, 40 *Edw.* 3. were in force there when this ſtatute was made; for that very Parliament. 10. *Hen.* 7. Chap. 18. a ſtatute was made for the extirpation of a new manner of coin and livery upon pains comprized in the ſtatute of *Kilkenny*. Why then ſhould this ſtatute Chap. 8. ordain, that the ſtatutes of *Kilkenny* be authorized (the very word uſed in the ſtatute of *Hen.* 7. Chap. ſole, before cited) approved, and confirmed, and deemed good and effectual in the law, and to be executed, &c. when out of all doubt they were in force, before? Certainly it could be to no other end than to declare them ſo to be, that the People might take the better notice of them, and more duly ſee them executed. The like is the ſtatute againſt Proviſors made that Parliament of 10. *Hen.* 7. Chap. 5. which ordains, that all manner of ſtatutes, as well made within the realm of *England*, as within the ſaid Land of *Ireland*, againſt Proviſors, by authority of this very Parliament, be authorized, approved, and confirmed; and be deemed good and effectual in the law, as hath been before ſhewed There was no manner of doubt but that they were of force before, and likewiſe confirmed by the aforeſaid ſtatute of 32. *Hen.* 6. So this ſtatute of 10. *Hen.* 7. Chap 22. becauſe it was, and is, very probable, that many of the ſtatutes made in *England* ſince the 8. *Edw.* 4. were not tranſmitted thither (for the ſtatute ſaith they were lately made) ſo that the People of that Land might take notice of them, therefore this ſtatute doth publiſh and declare all the ſaid ſtatutes to be deemed good and effectual in the law, and that from thenceforth (that is, from the publication of them by this ſtatute) they ſhall be uſed and executed.

And that this is the meaning of the makers of this ſtatute appears by the title of it, which is, an Act confirming all the ſtatutes made in *England*. Now, if the ſtatutes of *England* were not of force before, then as to this Kingdom there were no ſuch laws at all, and to confirm a thing which is not, is a meer void confirmation; for a confirmation of a thing that is void, or is not, is alſo in itſelf

void.

void *(k)*. Therefore, it muſt needs be, that this Parliament intended to confirm that which was before *in eſſe* there, that is, the laws of *England*, and to declare them to the People that they were of force, and ought to be executed.

(k) *Coke's* 1ſt. Inſt. 295. *Plowd.* the Earl of *Leiceſter's* Caſe.

Upon all which, conſidering that the laws made in *England* were there received and executed before any confirmation of them there, and that therefore theſe ſtatutes ought to be expounded as declaratory laws only, giving notice to the Subjects that they ſhould be obeyed, and not by the makers of them intended to be enacted as new laws, which were not there before, we may ſafely conclude, that none of theſe Acts make any thing for the Author's purpoſe, that the laws of *England* do not bind in *Ireland*, but rather the contrary.

But for a final anſwer to all theſe ſtatutes, if we ſhould admit that there were ſuch ſtatutes made there, as the firſt three by the Author alledged, of which we ſee no proof, and that the reſt of the aforeſaid ſtatutes ought to be expounded according to the Author's ſenſe, or that it were clearly expreſſed in them, that *Ireland* is not bound by the ſtatutes of *England*, until they were there confirmed by Parliament, muſt it therefore of neceſſity follow, that the law is ſo? *If the foot ſhould ſay, I am not of the body, is it therefore not of the body?*

It appears plainly before, that after the Conqueſt *Ireland* was bound by laws made only in *England*, which were executed there long before the ſtatute of the 13th *Edw.* 2. which is the firſt ſtatute by the Author alledged that confirms any of the ſtatutes of *England*. It is likewiſe apparent, that after the ſtatute of the 13th *Edw.* 2. and the 19th of *Edw.* 2. by him cited, the laws of *England* were there received and executed, without and before any confirmation of them in *Ireland*; and that laws made in *England* only for *Ireland* were there executed before any confirmation of them there. It is alſo evident (unleſs they will deny their own Acts of Parliament made in *Ireland* to be law) that *Ireland* is the King's proper dominion of *England*, and a part and member of *England*, and united and annexed to the ſame.

Shall then *Ireland* ſay, or can it ſay, I am not belonging to, or to be governed by the laws of *England*, or be ruled by them, becauſe there is a law made there againſt it? Can

any

any inferior Court bind the supreme Court, which governs them, and gives them laws? Sir *William Jones*, late Chief Justice of the King's Bench in *Ireland*, when he was resident there, declared his opinion clearly, that the laws of *England* did bind *Ireland*, and those statutes of the 13th of *Edw.* 2. and 19th of *Edw.* 2. and the 29th of *Hen.* 6. being urged against his opinion, his answer was, that in former times, when Popery reigned in *England*, the Pope did excommunicate the Bishop of St. *David*'s, and thereupon the Bishop of St. *David*'s did excommunicate the Pope: which of these two excommunications were then valid (said he) and of force? I think every man will say, the Pope's. So the Parliament of *England* have a long time made laws which bind in *Ireland*, and were there executed, as being always under their power; and the Parliament of *Ireland*, a member of *England*, makes laws, that they will not be bound by the laws of *England*, which of these laws shall be in force?

Many Cities and Corporations both in *England* and *Ireland* have power to make by-laws to bind themselves; but if they should make a law, that the laws that they make shall not be examined by the Courts of the King's Bench or Common Pleas, or that no law shall bind them but what they confirm and allow, no man will conceive that such laws are binding, even among themselves. So *Ireland* had power to make laws to bind themselves, and yet hath, following the directions of the statutes of the 10th *Hen.* 7. and the 3d and 4th of *Philip* and *Mary*, without having any relation to the Parliament of *England*, and without having their laws confirmed by the Parliament there; but hath not power to make such laws as may bind or exclude the Parliament of *England*, who hath power, and hath used to give them laws, and to confirm or revoke the laws which they shall make, as they please, as appears in St. *John*'s argument before cited, or that they shall not be bound by laws made in the Parliament of *England*, of which representative body they are a part and member, any more than an inferior Court hath power to make laws contrary to the Common Law. And whereas the Author tells us of the judgments of eight several Parliaments in *Ireland* before the statute of the 10th of *Hen.* 7. to the contrary whereof, you see what ones they are, we may tell him, without any wresting of them,

them, of hundreds of judgments contrary to that which he would infer out of those statutes. For we see by the forenamed Records, that in the times of *Edw.* 1, 2, 3. *Rich.* 2. *Hen.* 4, 5, 6. until in *Edw.* the 4th's time, all the laws of *England* were there by a statute made in the 8th of *Edw.* 4. declared to be of force in all those times, the Judges in *Ireland* received the laws made in *England*, even those made for *Ireland* only, and put them in execution. These Judges were most of their own nation, and we ought to believe, that their judgments and opinions were, that the laws made in *England* were binding in *Ireland*, without any confirmation of them by Parliament there; otherwise they would not have received them, and put them in execution, but some in one time or other would have opposed them, and stood upon their laws made there, and the liberties which those laws gave them. But we do not find it mentioned at any time, that they, or any of them, ever did so, but in all times received the laws of *England*, and put them in execution, after they had been transmitted to them, notwithstanding any such statutes made to the contrary, as by the Author is alledged; which is an argument sufficient in itself to convince any, that the opinions of all the Judges there in all times were, that the laws (if any such were) made there to bind in the Parliament of *England* were in themselves merely void.

But saith the Author, besides all the foresaid statutes since the statute of *Hen.* 7. the judgments of five several Parliaments, *viz.* the 28th of *Hen.* 8. the 33d of *Hen.* 8. the 28th of *Eliz.* the 11th of *James*, and 10th of *Charles*, are, that the statutes in *England* cannot bind in *Ireland* till confirmed by a Parliament in *Ireland*, and that since King *John*'s time never any introductory or positive law hath been there received or executed, till they were there enacted by Parliament. The latter part of the Author's affirmation appears, by what has been said, to be utterly mistaken, and so are all the rest.

The judgments of five Parliaments so lately made make a great noise; but no manner of proof hath been made, that there are any such judgments, nor hath the Author produced any particular Act in confirmation of what he alledges, or which mentions such a thing. He tells us only of statutes made in these Kings times in *England*, which were afterwards

wards enacted in *Ireland*, and that they were not received, nor of force there, until they were afterwards enacted in several Parliaments in *Ireland*. But if, on the contrary, it should be said, that they were of force there before they were enacted there, I know not why it should not be believed, as well as what he saith, and that too upon a better ground than his bare assertion to the contrary; because laws made in *England* only in former times were received, and executed there, without any confirmation by Parliament in *Ireland*; and doubtless if these Acts he now speaks of had been either transmitted under the Seal, and commanded to be published and executed, or that *Ireland* had been particularly named in them, which amounts to a notice, there can be no true cause shewn, why they should not have been binding in *Ireland* as well as other statutes have been And in truth the utmost that can probably be enforced from these statutes in these five several Parliaments is, that these statutes were made in *England*, but never executed in *Ireland* until they were enacted there. Therefore laws made in *England* did not bind *Ireland* before they were there confirmed by Parliament; for else why should they be enacted there?

To which it is answered, that there is only a presumption and probability, and *stabitur præsumptioni, donec probetur in contrarium*;—presumption shall prevail until the contrary be proved;—but when the contrary to the presumption appears, there the presumption vanishes. It were indeed a probable argument, if it were true, and stood singly by itself, and nothing else were in the case, that statutes made in *England* did not bind in *Ireland*, because they were never there executed till confirmed by Parliament in *Ireland*. But take all the case together. That statutes made in *England* (as is formerly proved) did bind in *Ireland*, and were there executed, without enacting them in *Ireland*, that they were only certified thither to be published, and so executed, that *Ireland* is a member of *England*, that these statutes made after in *Ireland*, which were before made in *England*, were never transmitted, nor *Ireland* in particular named in them, whereby the People of that land might take notice of them, that the enacting of them in *Ireland* is but a declaration, that those laws should be there executed only, instead of a transmission and publication of them, or particular nam-

ing

ing of *Ireland*, and then all this presumption will fall to the ground, and the argument be of no force.

The Author, after reciting the forenamed statutes, as proofs of his assertion, that *Ireland* should not be bound by the laws of *England*, without confirmation of them there, makes some objections. In the first whereof, taking it as a thing granted, that the laws of *England*, where *Ireland* is not named, do not bind in *Ireland*, yet (saith he) it may be objected, that all such laws as have been, or shall be, made in *England*, wherein *Ireland* is particularly named, are and shall be of force there without any confirmation in *Ireland* as the statute of the 14th of *Hen.* 3. called *Statutum Hiberniæ*— The statute for *Ireland*,—the Ordinance of the 17th of *Hen.* 3. called *Ordinatio pro statu* Hiberniæ,—an Ordinance for the state of *Ireland*,—and the opinion of *Hussey*, that statutes made in *England* shall bind *Ireland*, and likewise an opinion in *Calvin*'s case, 7th Rep. fol. 17. that though *Ireland* be a distinct dominion from *England*, yet, the stile thereof being by conquest, the same by judgment of law by express words may be bound by the Parliament of *England*; for proof whereof the writ of error is cited, that it doth lie out of the King's Bench in *England* of an erroneous judgment given in the King's Bench of *Ireland*.

To the first of these objections he answers, that the statute of the 14th of *Hen.* 3. called *Statutum Hiberniæ*,— The statute for *Ireland*, is no introductory law, but an explanation of the Common Law; to which we only now say, that admit it to be so, yet that the power to make a declaratory law is one and the same with the power to make an introductory law, as we have shewn before, and therefore if they have power to make one kind of law, they have power to make the other.

Concerning the statute called *Ordinatio pro statu* Hiberniæ,—an Ordinance for the state of *Ireland*, he saith, it was never received there, nor is it an Act of Parliament, about which we will not now contend with him, having shewed before, that statutes made in *England* only were received in *Ireland*, and there executed; although something in this particular might be said, that might shrewdly trouble him, if it were needful.

As to the opinion of *Hussey*, what he hath objected against it, and how his objections and reasons are answered, we have declared before.

Concerning the opinion in *Calvin's* case he saith, that besides the book cases in the 20th of *Hen.* 6. and the 2d of *Rich.* 3. (which books he much relies on, and often cites, though to what purpose we have before examined) he saith, we shall find divers judgments of Parliaments in *Ireland* to the contrary since the statute of *Hen.* 7. and cites three Acts in *Ireland*, which had been formerly made in *England*, and then tells us of many inconveniencies may happen if the law should not be as he saith, and then at last comes again to answer the objection, which himself raised concerning the writ of error, which we will for order's sake first consider, and put all his arguments together concerning it, and then look upon his three Acts, and the inconveniencies by him alledged.

Although (saith he) a writ of error to reverse a judgment of the King's Bench in *Ireland* may be prosecuted in the King's Bench in *England*, it doth not therefore follow, that the Parliament in *England* may repeal, alter, or change, any of the statutes of the land, or give new laws unto them. For, if a writ of error be brought in *England* to reverse a judgment given in the King's Bench in *Ireland*, the Judges in *England* are not thereby to change the laws of *Ireland*, or give judgment according as the law is in *England*, but as the law is in *Ireland*, where the first judgment was given. As if a man be attainted of Felony, the wife in *Ireland* shall be barred to demand her Dower; but in *England* by the statute of *Edw.* 6. she shall not be barred; and the Judges in *England*, upon a writ of Error in such a case, must judge as the law is there in *Ireland*, which case is granted; for the statute of *Edw.* 6. was never published in *Ireland*. But what conclusion the Author would draw from hence he doth not express, nor, I think, can any surely guess, unless he will from hence say, that therefore the Parliament of *England* cannot make laws to bind in *Ireland*, because they must judge of cases in *Ireland* as the law is in *Ireland*, and not as the laws are in *England*, if their laws in any particular differ. And, if that be his meaning, we deny that argument. For we may as well say, if a question were between Parties concerning the title of *Gavel-kind* or Borow-*English* lands

lands in any of the King's Courts, because the Judges must judge the right of the land to be according to the custom of *Gavel-kind* or Borow-*English*, and not according to the rules of the Common Law, therefore these lands are not subject to an Act of Parliament to alter that custom, and make those lands discendible according to the course of the Common Law.

But in truth, the argument in *Calvin*'s case to prove, that *Ireland* is not absolute, and separate from *England*, but subject to the Parliament and laws thereof, is, that the declaration of the laws in *Ireland* is subject to the exposition of the judges of the King's Bench in *England*, and that *Ireland* is bound by them, and that therefore *Ireland* is not absolute of itself, but subject to, and under the government and power of *England*, and to receive laws from them. It is confessed on all sides, that a writ of Error lies out of the King's Bench in *England* to a judgment given in the King's Bench in *Ireland*, and so hath been the constant practice, and so mediately of judgments given in other Courts. For if a judgment be given in an inferior Court, which by writ of Error is affirmed in the Common Pleas, which judgment by another writ of Error is again examined and affirmed in the King's Bench, yet upon a writ of Error out of *England*, the King's Bench there may reverse the judgment given in the King's Bench in *Ireland*, and command execution to be done according to their judgment, contrary to all the former judgments given in *Ireland*; and that judgment also may by writ of Error be brought into Parliament in *England*, and there be examined. How then can it possibly hang together, that *Ireland* should be a distinct separate Kingdom, over which the Parliament of *England* has no power, when one ordinary Court of Justice in *England*, subordinate to the Parliament of *England*, hath power to contradict all the expositions of laws, and command them to execute the laws, as they shall expound them, and have power to punish them if they do not. For, to have power to declare what the law is, and to cause it to be executed, as it is declared, is the most sure and undeniable argument of power in them that command, and of subordination in them that obey, that can be.

Again, if *Ireland* were absolute of itself, and not under the power of the Parliament of *England*, the writ of Error

of a judgment given in the King's Bench in *Ireland*, ought to be returnable only in the Parliament of *Ireland*, and not in the King's Bench in *England*; but we see it usual to be in either.

There is in *Ireland* the copy of a Record, which is said to agree with the Record in the Treasury of the King's Bench in *England*, and to be *de Termino Trinitatis*, Anno *Hen*. 6. 6to Rot. 41. The Record is exceeding long, but the substance of it is, that a writ of Annuity was brought in the Court of Common Pleas in *Ireland* by the Prior of *Lhanthony* in *Wales* against the Prior of *Mullengar* in *Ireland*, wherein the Prior of *Lhanthony* had judgment, which was by writ of Error brought into the King's Bench in *Ireland* by the Prior *Mullengar*, and there the judgment of the Common Pleas was affirmed. Upon this the Prior of *Mullengar* brought a writ of Error in the Parliament of *Ireland*, where both the former judgments were reversed. And thus far of this case we find in the Parliament Rolls of *Ireland* in the 5th of *Hen*. 6. Upon which the Prior of *Lhanthony* brought a writ of Error out of *England* upon that judgment given in the Parliament of *Ireland*, returnable in the Chancery of *England*, which being thither returned, together with the whole Record, was by the Chancellor of *England per manus suas proprias*—by his own hands, delivered into the King's Bench in *England*, and saith the Record,

'Postea (sc.) termino S. *Hillarii* ultimò præterito, coram Domino Rege apud *Westmonasterium* venit prædictus Prior de *Lhanthony* per *Alexandrum Kingston*, Attornatum suum, et dicit, quod in Recordo & Processu prædicto, ac etiam in redditione Judicii prædictæ Loquelæ in dicto Parliamento Domini Regis, ut præmittitur, habiti, diversimodè est erratum, et petit breve ad præmuniendum præfatum Priorem de *Mullengar* essendi coram Domino Rege ad

Afterwards, to wit, in *Hillary* Term last past, the said Prior of *Lhanthony* appeared before the King at *Westminster*, by *Alexander Kingston*, his Attorney, and said, that in the said Record and Processe, and also in the giving Judgment upon the said plea in the said Parliament of the King, had, as aforesaid, there are divers errors, and demanded a writ to warn the said Prior of *Mullengar* to appear before the King to hear the Record and Processe upon the said Plea in the said Parliament

ad audiendum Recordum et processum prædictæ Loquelæ in dicto Parliamento Domini Regis, ut præmittitur habitos, si, &c. per quod Mandatum fuit Venerabili in *Christo* Patri, *Richardo*, Archiepiscopo *Dublin*, Cancellario Domini Regis in terrâ ipsius Domini Regis in *Hibernia*, quod idem Cancellarius per breve Domini Regis dictæ terræ ipsius Domini Regis mandari faciat Vicecomiti Domini Regis *Midiæ* in eâdem terrâ, quod idem Vicecomes per probos, &c. scire faciat præfato Priori de *Mullengar* essendi coram Domino Rege ad hunc diem (sc.) in octabis S *Trinitatis* ubicunque, &c. audituro Recordum et Processum dictæ Loquelæ in dicto Parliamento Domini Regis, ut præmittitur, habitos, &c.' All which being done, as the writ commanded, saith the Record, et præfatus Cancellarius Domini Regis in terrâ dicti Domini Regis in *Hibernia*, returnavit, quod per breve Domini Regis terræ *Hiberniæ* mandari fecit præfato Vicecomiti *Midiæ*, quod idem Vicecomes per probos, &c. scire faceret præfato Priori de *Mullengar* essendi coram Domino Rege ad præfatam octabis S. *Trinitatis*; qui quidem Vicecomes returnavit, quod scire fecit, &c. Qui quidem Prior de *Mullengar* juxta præmunitionem prædictam sibi in hâc parte factam per *Andream Pill*, Attornament of the King, had, as aforesaid. If, *&c.* upon which a Mandate issued to the Venerable Father in *Christ*, *Richard*, Archbishop of *Dublin*, Chancellor of the King in *Ireland*, that the said Chancellor should command the King's Sheriff of *Meath* in the said land, that the said Sheriff should by good and lawful men warn the said Prior of *Mullengar* to appear before the King on this day, namely, on the octaves of the Holy *Trinity*, &c. to hear the Record and Processe of the said Plea in the said Parliament of the King held as aforesaid, &c. All which being done, as the writ commanded, saith the Record, and the said Chancellor of the King of the said land of *Ireland* returned, that by vertue of the King's writ he issued a Mandate to the said Sheriff of *Meath*, that he should by honest, *&c.* summon the said Prior of *Mullengar* to appear before the King on the said octaves of the Holy *Trinity*, to which the said Sheriff returned, that he had warned, &c. And the said Prior of *Mullengar*, according to the said summons upon this occasion served, appeared by *Andrew Pill*, his Attorney, and thereupon a day was given, as well to the said Prior of *Lhanthony*, as to the said Prior of *Mullengar*, in the same state as at present, before the King to the octaves of St. *Michael*, wheresoever, &c.

'tum suum, venit, et super 'hoc dies datus est tam præ-'fato Prior *Lhanthoniæ*, quam 'præfato Priori de *Mullengar*, 'in statu quo nunc coram Do-'mino Rege usque in octabis 'S. *Michaelis*, ubicunque, &c.'

By this Record it appears, that a writ of Error hath been brought in *England*, whereby a judgment in the Parliament of *Ireland* was to be examined in the King's Bench of *England*, which writ was executed, the Records sent thither, and the Plaintiff and Defendant in the said writ of Error there appeared, and had day given them to the term following; and doubtless, if it had been conceived, that *Ireland* had been so absolute of itself, that the Parliament of *England* had no power over it, there would have been exceptions taken to the writ of Error, especially being between such manner of men, who would lose no advantages that might have made for them, and to whom three judgments before could not give satisfaction. And therefore, it is more than probable, that it was in these times conceived, that the King's Bench in *England* had power to examine a judgment given in the Parliament of *Ireland*, and if they had, then much more had the Parliament of *England* such power. And therefore, from what has been said, we may truly conclude a *Minori ad Majus* (which is an argument that always holds affirmatively, for *quod in Minori valet, valebit in Majori*) that an inferior Court in *England* to the Parliament there, as the King's Bench, hath power over them in *Ireland*, and can bind them, therefore much more hath the Parliament, which can bind even the King's Bench in *England*.

Coke 1. Instit. fol. 253. 260.

And whereas the Author saith, that though a writ of Error may be prosecuted out of the King's Bench in *England*, to reverse a judgment in the King's Bench in *Ireland*, it doth not therefore follow, that the Parliament of *England* may repeal the statutes of *Ireland*, or give new Laws to them. I answer, that therefore it doth follow, because the King's Bench in *England* hath power to repeal the judgments of law given in *Ireland*, and declare the law to be according to their judgments, contrary to the judgments given in *Ireland*, which they ought, and ever have obeyed, therefore much more

more hath the Parliament of *England* power over *Ireland* to repeal or alter the laws, or give them new ones. And if they have any power over them, it muſt needs be in thoſe things; becauſe the power of Parliaments conſiſts chiefly in altering, repealing, and giving new laws, and if this power be denied them, they ſhall have little or no power at all.

But yet the Author hath not done with his Writ of Error. He thinks it ſticks cloſe to him; and therefore, after a large diſcourſe of other matters, towards the end of his book, he ſaith, that about 9 years after the opinion delivered by *Huſſey*, *Coke* in *Calvin*'s caſe broached the like doctrine, but was not ſo liberal as *Huſſey*, limiting it only to ſtatutes, when *Ireland* is particularly named; and for his proof ſaith, he alledgeth no authority but the Writ of Error to reverſe the erroneous judgments in *Ireland*, which is neither *ad idem*, nor upon the ſame reaſon: for, ſaith he, (I pray mark his reaſons) the Writ of Error had a long and continual uſage to warrant it, whereby it hath obtained the force of a law, being neither againſt the law of reaſon, nor law of God, or againſt any maxim of the Common Law, nor againſt any ſtatute law; eſpecially, becauſe the Judges of *England* upon the Writ of Error muſt judge according to the law of *Ireland*, and not according to any other law, and alſo hath two rules of law to ſupport the ſame, (*viz.*) *a communi obſervantiâ non eſt recedendum.*——Common cuſtoms muſt not be departed from——and, *conſuetudo eſt optima legum interpres.*——Cuſtom is the beſt interpreter of laws. But to warrant the opinion of *Huſſey* or *Coke*, there is neither law of reaſon, nor uſage, nor any other ground of law.

The Author, it ſeems, is angry with all that are not of his opinion, though he ſhews no reaſon for it, elſe he would have ſpared ſuch language of Lord *Coke*, as broaching an opinion, whoſe memory for his high deſerts of theſe Kingdoms, and his extraordinary deep learning, and judgment, both he and we all ſhould ever honour. But why is not *Coke*'s citing of the Writ of Error *ad idem*, not upon the reaſon? Becauſe, ſaith he, the Writ of Error had a continual uſage to warrant it, whereby it hath obtained the force of a law, being neither againſt the law of reaſon, nor the law of God, nor the maxims of the Common Law, or ſtatutes. Doubtleſs, this is no good reaſon, by which he himſelf,

ſelf, ſeeking to condemn *Coke*'s opinion, doth make it good, and juſtifies it; for, in effect, it is only this. The law is, ſaith he, that the King's Bench of *England* hath power over the King's-Bench here in *Ireland*, becauſe it hath had a longer uſage to warrant it; therefore, ſay we, it muſt of neceſſity follow, that the law of *England* hath power over *Ireland*; for it hath had ſo by a long uſage and continuance: neither is it againſt the law of reaſon, nor of God, nor againſt the maxims of the Common Law, nor any ſtatutes in force, that the Parliament and laws of *England* ſhould bind in *Ireland* in any particular, but agreeable to the law of reaſon: for by that law, and continual uſage, Conquerors may give laws to the conquered; and, as he confeſſeth, that the uſage of the Writ of Error hath made it a law, ſo the uſage of the Parliament of *England* doth make their Acts bind in *Ireland*, if there were no other reaſon, this were argument ſufficient, that the law is ſo; and the Author by his own confeſſion, that by the uſage of the Writ of Error it hath obtained the force of a law, doth thereby confeſs, that *Ireland* is ſubject to the government of *England*; for that law, which he confeſſeth to be law, gives power to the government of *England* over *Ireland* to controul them there; which being law by his own confeſſion doth utterly deſtroy that opinion of his, that *Ireland* is abſolute of itſelf, over which *England* has no power; and, if *Ireland* be ſo in this caſe, I would willingly hear, why it ſhould not be ſo in all others, eſpecially conſidering the former proofs, that *Ireland* hath from time to time received the laws of *England*, and had them there executed, and were governed there by them. And for his two rules in law, they make clearly againſt him. For the cuſtom having always been, that the Parliament of *England* made laws which did bind in *Ireland*, and which there are ſtill obſerved, therefore cuſtom will interpret, that the law is ſo, from which we muſt not recede. And whereas the Author would not have *Ireland* bound, though it be particularly named in an Act in *England*, for which he ſhews us no reaſon, yet I cannot be ſatisfied, but that it may be bound, though not particularly named, as it appears they have been from time to time, if the ſtatutes made in *England* were ſent thither, and publiſhed, and commanded to be put in execution, as it was done in former

mer times, before they were declared there by Parliament, of which opinion *Hussey* seems to be. For he saith, generally, that the laws in *England* do bind in *Ireland*. Neither do I find, or ever heard it to be adjudged, that the Parliament of *England* cannot by their Acts bind *Ireland*, unless it be particularly named, although the Judges in later times have made exposition, that they do bind if *Ireland* be named; by which it seems they intended, that they of *Ireland* ought to have notice of the laws made in *England*, before they be bound by them, which upon the matter is all one with the antient usage done either by transmitting the Acts out of *England*, as aforesaid, or by naming them particularly in the Act.

Now, let us examine the statutes, which the Author cites to prove, that notwithstanding *Ireland* be named in a statute made in *England*, yet it doth not bind *Ireland* without confirmation of it by Parliament there. For clearing of this point, saith he, and answering this objection, we shall find divers judgments of Parliament in *Ireland* contrary to the opinion of *Calvin*'s case (which is that *Ireland* may be bound if it be particularly named) since the 10th of *Hen.* 7 and he cites three statutes; where, by the way, we may observe, that he appeals to the judgment of the Parliament of *Ireland*, whom he would have to be Judges in their own cause, whether *England* can bind them or not. Though indeed they give no judgment therein, nor meddle therewith, unless it be to give judgment against him.

The first of his statutes is the Act made of 24th *Hen.* 8. Chap. 12. in *England* concerning Appeals, which Act by express words, extends to all his Majesty's dominions; yet, says he, that Act was not received, nor of force in *Ireland*, until it was there enacted in 28. *Hen.* 8. Chap. 6.

Also the statute in 26th *Hen.* 8. made in *England*, concerning first-fruits of the Clergy, extends by express words to all the King's dominions, yet was not of force, nor received in *Ireland*, until enacted there in 28th *Hen.* 8. Chap. 14.

Likewise, saith he, the Act of Faculties made in *England* in 21st. *Hen.* 8. extends by express words to all the King's dominions, yet was not received, nor of force in *Ireland*, until enacted there in 28th *Hen.* 8. Chap. 19.

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This is an argument of the same kind that his former were upon the aforesaid statutes formerly cited by him, that they were first made in *England* before they were executed there, therefore they were not of force there before, and therefore may receive the same answer that the former did; only, he saith, that these statutes by express words extend to all the King's dominions, and yet were not of force in *Ireland* until they were enacted there. But how proves he that? We have not one word from him to prove it, or is there a word in these statutes which makes it appear, that the Opinion in *Calvin*'s case is not law, or that these statutes made in *England* were not of force in *Ireland*, before they were confirmed there by Parliament.

There was a statute made in *Ireland* Anno 18th *Edw.* 2: as we may find it in a Patent Roll of that year remaining in the Exchequer in *Ireland*, *that the Common Law, and the good usages of the Land be kept and maintained in all points.* Was not the Common Law therefore of force in *Ireland* before that statute? And it plainly appears, that these Parliaments in *England* did conceive, that these three acts were of force in *Ireland*, and to be executed there. For the statute of 24th *Hen.* 8. in *England*, concerning Appeals to *Rome*, saith, that if suits be commenced before the Bishop *Diocesan*, then the Appeal must be to the Archbishop of *Canterbury*, if it be within his Province, and if it be in the Province of *York*, then to the Archbishop of *York*, and so likewise (saith the statute) to all other Archbishops in other the King's Dominions, as the case by order of justice shall require. So that by the judgment of all these three Parliaments, who declared, that these Laws were to be executed in all the King's Dominions, they had power to make Laws to bind *Ireland*, otherwise, as is said before, they should shew much ignorance, and offer to deal very unjustly, which no man ought to imagine of them. The statute of 25 *Hen.* 8 Chap. 10. concerning the electing of Archbishops, *&c.* hath the same words, that at every avoidance of any Archbishoprick, *&c.* within this Realm, or in any other the King's Dominions, *&c.* which statute he after in answer to his own objections confesseth, was never confirmed in *Ireland*, yet was in *Ireland* executed, as we may see in *Fitz Herbert*'s natura Brev. Fol. 169. of which more hereafter. And therefore we may more truly say than the Author doth

to

to the contrary, that since the statute 10. *Hen.* 7. we find divers Acts of Parliament in *England*, which did adjudge *Ireland* bound by the statutes made in *England*. And this appears by the statutes themselves in *Ireland*, which confirm the three aforesaid statutes. For the statute of 28. *Hen.* 8. Chap. 6. concerning Appeals in *Ireland*, saith, that the land of *Ireland* is the King's proper Dominion of *England*, and united, and belonging to the Imperial Crown thereof, which Crown of itself, and by itself, is fully, wholly, intirely, and rightfully endowed with all power and authority to yield to all their Subjects of the same full and plenary remedies in all cases of strife, *&c.* If therefore *Ireland* be the King's proper Dominion of *England*, united to the Imperial Crown of the same, then is it not an absolute divided Kingdom from *England?* If the subjects of *Ireland* be the subjects of the Crown of *England*, which Crown of itself can give remedies (*i. e.* Laws) for the Government of all that are subjects to that Crown, then can it give Laws to *Ireland*, as to the subjects of the Crown of *England*, and as members thereof. And by the other statute by him cited, *viz.* 28. *Hen.* 8. Chap. 19. of faculties, it is in a manner declared plainly, that that very statute in *England* doth bind *Ireland*; for after that the whole statute made in *England* is therein recited, then saith that statute, forasmuch as it is mentioned in that act, that the effects thereof should not only extend to the Realm of *England*, and to the commodity thereof, and of the subjects of the same, but also to all other the King's Dominions, and his subjects, and that this the Kingdom of *Ireland* is his proper Dominion, and a member appending and rightfully belonging to the Imperial Crown of *England*, *&c.* Be it therefore enacted, that the said Act, and every thing therein contained shall be established, affirmed, taken, and obeyed, as a good and perfect Law, *&c.* By which it is very manifest, that the Parliament in *Ireland* did conceive themselves to be members of the Crown of *England*, and were to receive Laws from them, and that *Ireland* was not absolute of itself; but saith the act, because the act in *England* did mention, that it should not only extend to *England*, but to all other the King's Dominions, and that *Ireland* is a member of *England*, therefore they declare this act to be a good and perfect Law, and to be obeyed in *Ireland*.

But,

But, saith the Author, these acts were never received nor executed in *Ireland*, until they were enacted by Parliament there. To which it is answered, that neither he nor we can tell, whether they were executed there or not, or whether they were published there before they were enacted there or not, though it be likely they were not. For the act of Faculties was made in *England* in 21 *Hen.* 8 and, which is seven years after, in 28. *Hen.* 8. confirmed in *Ireland*. The act of first fruits was made in *England* 26 *Hen.* 8. and within two years after, in 28 *Hen.* 8. confirmed in *Ireland*. The act of Appeals was made in *England* in 24. *Hen.* 8. and within four years after, in 28. *Hen.* 8. confirmed in *Ireland*. And if we consider the great consequences of those acts, that they concerned the change of a great part of the Government of *England*, and did much concern the Clergy, who then had the powerfullest part of the Kingdom, we may well think, that the state of *England* had care first to settle these Laws in that Kingdom, before they could publish them, or command them to be executed in *Ireland*. And though the state of *England* and *Ireland* did well know, that these Laws did bind *Ireland*, yet considering likewise, that the People of *Ireland* were, in a manner, wholly addicted to the *Pope*, and governed much by the Clergy, whom these acts did so much concern, it was wisely and circumspectly done to have those laws taken notice of in a time, which they thought fittest, and that in the most publick manner they could, which was by declaration and confirmation of them in Parliament, that the whole Kingdom might be the better satisfied of their force, and strength, which if they had not been so done, yet being made for all the King's Dominions, were of force without any such declaration.

The Author, having cited these statutes, saith, that forasmuch as the Laws of *England* and *Ireland* do not admit of any inconveniencies, it is to be considered, what inconveniencies may follow, if the Kingdom of *Ireland* should be bound by any statute made in *England*, and not confirmed by act of Parliament in *Ireland*. First, saith he, the Parliament of *Ireland* would be nugatory and superfluous, if by naming *Ireland* in any statute made in *England*, *Ireland* should be bound, and then all the Parliaments held in *Ireland* since the 12th of King *John*, for the space of about

409

400 years, ſhould be needleſs and ſuperfluous, which is not to be imagined.

The Author in all his diſcourſe lays down many things, as granted to him, which are utterly miſtaken, and to be denied, or elſe from them he draws ſuch concluſions, as are not conſequential, as in this inconvenience by him alledged. For, though the Parliaments in *England* may by ſtatutes bind *Ireland*, yet it doth not follow, that the laws made in *Ireland* are nugatory. The Cities of *London*, *Dublin*, and many other Cities both in *England* and *Ireland*, have power, and do uſe to make Laws for the better order and government of their Corporations, many of which have been allowed and confirmed unto them by Acts of Parliament, and this thought to be convenient for the better regulating of them; yet no man can truly conclude from thence, that this is ſuperfluous or nugatory; becauſe the Parliament may take away that power from them, or avoid all the Laws by them made. So the Parliament of *Ireland* hath power to make Laws, for they may find many inconveniencies fit to be remedied, which the Parliaments of *England* may not be informed of; and ſo they have from time to time done, by which Laws they have continually governed, and yet are, and which have never been contradicted by the Parliament of *England*, nor, for ought we know, never will; but yet it doth not follow from thence, that the Parliament in *England* cannot make Laws to bind *Ireland*, no more than in the former caſe of Corporations; neither is it to be imagined, that the Kings and Parliaments in *England* will ever avoid any Laws made in *Ireland* without good and juſt cauſe, ſince they have not done any ſuch things for about four hundred years, which is time enough to have experience of their honour, Juſtice, and care of this Kingdom, in which this Kingdom, next under God, ought chiefly to truſt.

The ſecond inconvenience cited by the Author is, that if the ſtatutes made in *England* ſhould bind in *Ireland*, then by the ſame reaſon a ſtatute made in *England*, may repeal, alter, or change, all the ſtatutes hitherto approved of, or which hereafter may be approved of in *Ireland*, which were a thing marvellous inconvenient for that Kingdom; and *Littleton* ſaith, that the Law will rather ſuffer a particular miſchief, than a general inconvenience: and it is moſt certain

tain that——*Argumentum ab inconvenienti est in lege fortissimum*——An argument drawn from an incovenience is of the greatest force in Law.——The 3d inconvenience alledged is, if the Parliament of *England* and *Ireland* be holden at one and the same time, as they now are, and the one Parliament should make a Law, and the other should make another Law directly contrary in some point, it may be demanded, which of these Laws should be obeyed in *Ireland*. ——To which I answer, that such a thing cannot be supposed to be done, unless the Author will admit, that the King, without whose consent neither of these acts can be made, doth consent unto them both; and I hope no body will lay such an imputation upon the King, as to make him do one thing in *Ireland*, and the direct contrary in *England*, and all this at one time, and both for *Ireland*. But if he will have it admitted, that such a thing is so done, I answer, that considering what before is proved of the subjection of *Ireland* to the Parliament of *England*, that the Law made in *England* is to be obeyed, and not that made in *Ireland*; and no more absurdity or inconvenience will follow of it, than that a Law made in a Corporation, which hath power to make Laws, should be void, if an act of Parliament were made directly contrary to the Law.

The 4th inconvenience alledged is, if statutes made in *Ireland* by them, who best know the state and condition of the Kingdom, and People there, should be repealed or changed, or new Laws imposed by the Parliament of *England*, which cannot possibly know the state and condition of the Kingdom of *Ireland* so well, as those who inhabit, and have been born there, or lived there many years, it would be very inconvenient. For then, no man's estate could be secure or permanent by the Laws of *Ireland*, and what dangerous consequences may follow thereon by the discontent of that Nation, he leaves to the consideration of those that are in authority, and best know how to prevent such inconveniencies. And, considering the statutes of *Ireland* are made with such cautions, and in such form, as is prescribed by *Poining*'s act, and the statutes of 3. and 4. *Phil.* and *Mary* (the substance of which statutes he recites) therefore he concludes, that he cannot conceive why the Laws and statutes, made in *Ireland* should be controuled, or any ways altered by any other authority, than by the Parliament of that

that Kingdom; for——*nil tam conveniens est naturali æquitati, unumquodque dissolui eo ligamine, quo ligatum est.*—— Nothing is so agreeable to natural equity, than that every thing should be dissolved by the same tie, by which it is bound.

The Author's inconveniencies hang much upon one string, as on this, that the Parliament of *England*, if they should bind *Ireland*, may alter men's estates, so that they could not be secured by a Parliament in *Ireland*, (which is in substance the same with his second inconvenience) which, as is said before, cannot be supposed so long as we shall conceive them to be just and honourable; and the same argument may be made against their having any Parliament in *England*; for they may alter and change the estates of the subjects there, and so may the Parliament do in *Ireland*; so as men can have no secure and permanent estates: and therefore we may as well conclude, there ought to be no Parliament in *England* or *Ireland*, or that they ought not to have power to bind men's estates, because they may change or alter them. But can the Author shew us, that they ever did so without just cause, and yet they have been intrusted many hundred years with our lives, liberties, and estates; therefore we may with good reason say, seeing the Kings and Parliaments in *England* have always laboured to settle the Kingdoms of *England* and *Ireland* in peace, and to secure their estates unto them, that they might enjoy them quietly without suits of Law, or other disturbances, and seeing that for above 400 years they have never done hurt to *Ireland*, nor taken away the right or estate of any man without just cause, but still endeavoured to maintain them in their rights, liberties, and estates, therefore we may well trust them hereafter, as well as they have been trusted hitherto, and not make a vain conjecture without any ground of reason, that they may disturb the estates of the subjects of *Ireland*, therefore they are not to be trusted or have power over them.

Concerning the ignorance of the Parliament of *England* of the state and condition of *Ireland*, and of the people thereof, and that those which were born, and have lived there many years, know it much better, and that the consequences may be dangerous in discontenting that nation, I marvel much, that the Author should at this time tell us of

these

these reasons to shake off the Government of *England*; I would he would give so much credit to the Parliament of *England*, as any reasonable man will to the Common Council of a Corporation, who will not in charity believe, that they will do any thing so ignorantly, but they will know and give some cause of their knowledge for what they do. But we all know with what great consultation, deliberation, and knowledge of things, and the circumstances of them, the Kings and Parliaments of *England* have still ordered their affairs; and therefore their own actions have justified them, and we may, as all our Ancestors have done, trust to their wisdom, justice, and Judgment, as a sufficient hedge and security for us.

But for the knowledge of those of *Ireland*, who were born, and have lived there many years, what it is, and what the conditions of too many of that people are, and how they are best able to redress the inconveniencies thereof, if we may judge of the most of such and of their Conditions, by the effects, we find by miserable experience, that they are such, as would utterly destroy the true worship and service of God, and all men that do profess it, which they have already done almost to the uttermost, that they would root out all the honest and good subjects of that Kingdom, which in a very great part they have done, and that by unheard of cruelties, that they would most unjustly and against all Laws take away all the estates of the *British* in the Kingdom, which with their estates drawn out of *England* and *Scotland* they have purchased there legally, and appropriate a great part of them to a barbarous, bloody, cruel, merciless sort of people, which they have likewise generally done throughout the Kingdom, and this not upon any discontent given them (which the Author it seems accounts a very dangerous thing) but at a time, when his Majesty had taken away all their pressures and grievances, of which they complained, and had granted them more graces and immunities, than ever former Kings had given them. Now men that are of this condition (and which are but too many of that Nation) that have done these, and many other most horrid villainies, and that in a time of peace, when all reasonable satisfaction was given them, and that without the least provocation offered them, and when they were trusted by the *British*, and accounted and used by them, as if they had been

been their dearest friends, and allies, and even many of those, who were convoked together to make Laws for the good of the Kingdom (for it appears evidently that many of the *Popish* Members of both Houses of Parliament were the great actors of this horrid treason) do not these men highly deserve to have power to make Laws without controul? Do they not well know the state and condition of the People, and how to redress their grievances? Doubtless the redress they would have is no other than utterly to root out the Protestant Religion, and professors of it, and utterly destroy both it and them. And if they have done these things when his Majesty laboured to give them all the content, that could stand with the state of that Kingdom, and Government thereof, what would they do, being Men of such a condition, if they had just cause of discontent indeed? Surely these their actions will too sufficiently inform the King and Parliament of *England* what the state and condition of that Kingdom and People is; so that it is not now to be doubted, but they better know in *England* what Laws are in truth fit for them, than they themselves do; and if ever they had cause, now they have, to maintain their right and power over them, which in all times heretofore they have had. And for the knowledge of men born there in former ages, and what Laws they have made, when they themselves had the Government there for the good of that Kingdom, look but upon the statute of 10. *Hen.* 7. Chap. 3. in *Ireland*, whereby it appears, that they had a custom in *Ireland*, that all Traitors, Rebels, *&c.* which came into *Ireland* for succour, should have free liberty without molestation, notwithstanding any command from the King directed to any Officer, *&c.* to be executed against them; which custom was approved by act of Parliament in *Ireland* in the time of *Hen.* 6. and by that act it was further ordained, that it should be treason for any Man that should bring any such writ or command to attach any such Traitor, *&c.* and such act was there put in execution, as by the statute of 10 *Hen.* 7. appears. And by a statute of 2. *Rich.* 3. Chap. 8. (which we shall at large recite) it was ordained, that the Chancellor of *Ireland*, the Treasurer, the Chief Justices, *&c.* (who are all named there in particular) shall be adjudged fully in every of their several offices, severally to have and to hold every of them severally his office for term of

 life,

life, any manner, matter, cause, or thing had, or to be had, to the contrary notwithstanding. And therefore their own act in 11 *Eliz.* Sess. 3. Chap. 8. in *Ireland* saith, that when liberty was given to the Governors to call a Parliament at their pleasure, acts passed as well to the dishonour of the Prince, as to the hindrance of the subjects; and if they did such things formerly, any indifferent man may judge, what those men, having so much expressed their intentions, would now do, if they had the same liberty.

Davis p. 233.

As for the statutes of 10 *Hen.* 7. called *Poining*'s act, and 3 and 4. *Philip* and *Mary*, doubtless they were statutes made with great wisdom, and may still be used to the great good of *Ireland*, which yet the *Irish* now much labour to have taken away, as we may see by their late remonstrances, and propositions; although formerly, when they were rightly affected to the Crown of *England*, and service thereof, they utterly refused to allow of any alteration or suspension thereof, and which if they should procure, and get liberty to make Laws without controul, the state of *England*, and all the *British* there, may in time take leave of Religion, Liberties, and all that is belonging to them in *Ireland*. But yet these Laws prove nothing at all, that the Laws made in *England* cannot bind *Ireland* without confirmation of them in Parliament there, nor is there a word in them to that purpose, but only they direct the order of making Laws in *Ireland*, when the King shall please to have a Parliament there summoned. And for the rule cited by the Author, that—*nil tam inconveniens*, &c.—nothing is so inconvenient, &c. I am sure he will not say, that things done in one Court cannot be avoided in another Court of as high a nature; for the meaning of the rule is, and so hath been ever expounded, that matters of record must be avoided by matters of record, &c. though they may be done in another Court. And therefore the Parliament in *England* being a higher Court of record than the Parliament of *Ireland*, and which hath power over them, as hath been proved, may well make Laws for *Ireland*, and repeal statutes by them made, and this according to natural equity, with which this rule fully agrees.

The Author's 5th inconvenience, that the Government of *England* and *Ireland* is as well political as royal, and the Laws thereof are grounded upon a parity of reason, and legal policy,

policy, and it ſtands not with the rule of reaſon and political Government, that the liberties, lives, and eſtates of thoſe of *Ireland*, and their poſterities, ſhould be bound by ſtatutes made in *England*, whereunto they are no ways parties or privies. For by the rules of reaſon and politic Government, to all Statute Laws, which bind the whole Common Wealth, all the members thereof are to give their aſſent (*viz.*) the King, Peers, and Commons.

To which I anſwer, that it is true, that a ſtatute doth not bind without the aſſent of King, Lords, and Commons; but I further anſwer, that it ſtands with the rules of reaſon, and politic Government, that the liberties, lives, and eſtates, of thoſe in *Ireland* ſhould be bound by ſtatutes made in *England*, becauſe they are members of that Commonwealth, and parties to the Laws made there; elſe how comes it to paſs, that in ſo many ages, and ſo many Kings Reigns heretofore, they have been bound by the Laws made only in *England*, and the ſtatute of 28. *Hen.* 8. Chap. 19. in *Ireland*, ſaith, that they are members belonging to the Crown of *England*, and therefore ſubject to the Laws and Government thereof. And whereas the Author tells us (which is granted him) that to have an act made there muſt be the aſſent of the King, Lords, and Commons, and therefore, ſaith he, that in the 27. *Hen.* 8. Chap. 26. when *Wales* was united by Act of Parliament to be a member and part of the Realm of *England*, and inheritable to the Laws thereof, it was thought reaſonable, and ſo enacted in that Parliament, that every County ſhould have one Knight, and every Borough one Burgeſs to have voices in Parliament, and that the like was made for the County Palatine of *Cheſter* to ſend Knights and Burgeſſes. Yet ſtill I muſt aſk him, what he infers from thence? If it be any thing to the purpoſe it muſt be, that therefore without ſending of Knights, and Burgeſſes to Parliament, *Wales* and *Cheſhire* could not be bound, and from thence draw the like conſequence for *Ireland*, otherwiſe he proves nothing. But theſe precedents of *Wales* and *Cheſhire* prove directly contrary to what he would have. For it appears plainly, that many territories and counties were bound by the Parliament of *England*, which neither ſent Knights nor Burgeſſes thither, as *Wales* itſelf. For by the ſtatute of the 4th of *Hen.* 4. chap. 33. it was enacted, that the garriſons and walled towns in *Wales*

be stored sufficiently of valiant *English* persons, strangers to the Seigniories where the castles be set; and chap. 27. that no waster, rhimer, minstrell, or vagabond be in any ways sustained in the land of *Wales* to make commotions; and in the same year chap. 28. that no congregations be made or suffered to be made by the *Welsh* in any place of *Wales* to make or take any council, but for evident cause, and by licence of the chief Officer of the same Seigniorie upon pain of imprisonment, and to make fine and ransom at the King's will. By the statute of the 25th of *Hen.* 6. Chap. sole, grants made of markets, *&c.* to any *Welchman* were made void. And by the statute of the 27th of *Hen.* 8. chap. 26. (by the Author himself cited,) it appears, that *Wales* at that time was not made a member of *England*, for as the Author saith, or the statute saith, that the principality of *Wales* is justly and righteously, and ever hath been incorporated, united, and subject to, and under the temporal Crown of that realm, and a very member and joint of the same; and in *Coke*'s 7th Rep. fol. 21. it is said, that since the 12th of *Edw.* 1. *Wales* is parcel of the body of *England*; therefore before this Act *Wales* was a member of *England*, and bound by the statutes made there, as appears by the former recited statutes concerning *Wales*, yet had neither Knights nor Burgesses in the Parliaments of *England*. So likewise the County Palatine of *Chester* was bound by the Acts of Parliament of *England*, before they had power or did send Knights or Burgesses to the Parliament, as appears by the express words of the Act of the 34th of *Hen.* 8. by him cited, which gave them power to send them.

From all which it is evident, that Acts of Parliament of *England* did bind Dominions, as *Wales*, and County Palatines, as *Chester*, and that they were not such privies or parties as did send Knights or Burgesses thither. But as great a reason might have been alledged, that they ought to have been freed from being bound by the Parliament of *England*, as the Author would have *Ireland* to be. And therefore I conclude, that it is necessary to every statute, that shall bind the Common Wealth, to have the Assent of the King, Lords, and Commons; so it is not necessary to have Knights and Burgesses from every Seigniorie, Dominion, or County; but the assent of the three estates in Parliament there met together

together shall bind all the members of the Crown of *England*, and all others who are subject to their power.

The Author's sixth inconvenience is, that it is inconsistent with the dignity, power, and jurisdiction of the High Court of Parliament, that the same should be subordinate to the Parliament of another kingdom. For the Court of Parliament is *Curia altissima & suprema*, and by the laws of *England* and *Ireland* hath a double capacity of jurisdiction, the one ordinary of judicature, the other supreme and legislative, and therefore being supreme and legislative cannot be subordinate to the controul of any other power.

To which I answer, that it is not inconsistent with the power of the Parliament of *Ireland* to be under the controul of the power of the Parliament of *England*. For although the Parliament of *Ireland* be *Curia suprema et altissima*, having respect only to *Ireland*, yet as *Ireland* hath relation to *England*, and as it is considered as a member of the Crown of *England*, and subject to the power thereof, it is not *Curia suprema*, nor is their legislative power absolute, but under the controul of the Parliament of *England*. We may call the King's Bench in *Ireland Curia suprema* for matters of law in the course of ordinary justice, from whence there is no appeal there in *Ireland*, if the Parliament sits not: But if we consider it as it has relation to the King's Bench in *England*, who have power over that Court, and over the proceedings and judgments therein, it is not the supreme Court of ordinary justice; and the same we may truly say of the Parliament of *Ireland*.

And whereas the Author saith, that though the People of *England*, *Scotland*, and *Ireland* are subjects to the King, yet it is *respectu diversorum*,—in divers respects,—and each kingdom hath its several Parliaments, and several laws; and therefore it doth not follow, that the Parliament of one kingdom should be subordinate to another. For then the Parliament of *Scotland* should be subordinate to the Parliament of *England*, which never was. Neither did the *French*, when the greatest part of *France* in the time of *Hen.* 6. was subject to the King of *England*, ever acknowledge themselves to be subject to the Parliament of *England*.

To this it is said, that *Scotland* and *Ireland* in this case cannot be compared together, nor any argument framed, that because *Scotland* is not subject to the Parliament of *England*,

land, therefore *Ireland* is not. For *Scotland* was never subject to the Parliament of *England*, because it was never united to the Crown of *England*, nor was ever subject to the Dominion and Government of *England*: it was never conquered by *England*, nor received laws from them; but was always a distinct and separate kingdom in all respects, and governed only by their own proper laws, and not by the Common laws of *England*. But the direct contrary is of *Ireland*, which is a kingdom united to the Crown of *England*, and a member of it, which from time to time hath received laws from it, and whose laws are generally the same with the laws of *England*, and hath still been bound by them, and by the laws there made; and therefore a wide difference between it and *Scotland*. And this is no new coined difference, but the same which hath been antiently taken, and is alledged by Justice *Moile* in the 7th of *Edw.* 4. where, saith he, a protection of a Voyage Royal into *Ireland* shall not be allowed; for that it is within the jurisdiction of this realm; but otherwise, saith he, it is of *Scotland*. And as for the parts of *France*, which the Kings of *England* enjoyed, whether they did acknowledge themselves to be subordinate to the Parliament of *England*, under correction, I think it is not so suddenly to be determined, as the Author would have it. We find divers Acts of Parliament, as is before remembered, for *Calais*. By the whole Court in the 21st of *Hen.* 7. fol. 32. b. an attachment lies against the Mayor of *Calais* for a contempt in not obeying the King's writ granted out of Chancery, and returnable into the King's Bench, and that a writ of Error returnable in the King's Bench lies of a judgment given in *Calais*; and in the 5th of *Hen.* 8. chap. 1. an Act was made in *England* appointing a means how debts, *&c.* in *Tournay* and *Terwin* due by them of those places to others, and prescribes the ways to be used by the Officers of *Tournay* for recovery of them; which could not be done by the Parliament of *England*, if they had no power over them. But admit they made no such acknowledgment (which whether they did or no I believe the Author knows not) yet the Kings of *England*, besides their title by conquest, had another good title to them, and might make use of it, and suffer them to enjoy their laws, by which they were formerly governed, for the better quieting, contenting, and setling of these people; and

St. *John's* Argument before cited 62, 63.

and therefore no way to be compared to *Ireland*, which had their laws given them by the Parliament of *England*, even from the conquest, by which they were governed, and which was always accounted a member of *England*, which no part of *France* ever was.

After the Author hath done with his inconveniencies, he raiseth another objection, which might be made against his opinion, which he saith is more probable than any of the former, and so I think it will prove, and that he saith is upon a branch of the statute of the 25th of *Hen.* 8. chap. 20. in *England*, concerning the electing of Archbishops, *&c.* which is, that at every avoidance of any Archbishop, *&c.* within *England*, or any of the King's Dominions, the King may grant to the Prior and Convent, or Dean and Chapter, where the See is void, a licence under the great Seal, as of old times hath been accustomed, to proceed to the election of an Archbishop, *&c.* of the See so void, with a letter missive containing the name of the Person which they shall elect; by virtue of which licence they, to whom such licence and letter missive shall be directed, shall in due form chuse the said Person named in the said letter missive to the office of an Archbishop, *&c.* and none other; which Act, saith he, was never confirmed in *Ireland* by any Act of Parliament, and yet *Fitz-Herbert* saith, that if a Bishoprick in *Ireland* is void, they sue to the King of *England* to go to the election of another, and after election made they must have his royal assent upon certificate thereof made to the King, and upon that a writ shall be directed out of the Chancery in *England* to the Chief Justice of *Ireland*, commanding him to take the Fealty of the Bishop, and restore him his Temporalities, which writs are made of course in the King's name; but the King doth name the Bishop both there and in *England*, and then the Chapter shall chuse him whom the King names. Whereupon, saith the Author, it may be objected, that a statute made in *England* is binding in *Ireland* without any approbation of the Parliament there. To which he answers, that this statute consists of several parts; first, of the King's right and prerogative by the antient Common Law. Secondly, an advice how the King may use this prerogative, for that the words are not compulsive, that the King shall grant a *Conge de estier*, but that the King may grant such a writ with a letter missive; and

after a discourse made by him of the King's antient right to Bishopricks, and how he may give them by his antient right, he concludes, that King *Henry* the 8th by his antient title and royal prerogative, notwithstanding this statute of the 25th of *Hen.* 8. might confer Bishopricks by his letters patent without any such *Conge de eslier*, as is mentioned in the said statute; for it was in his election to use the form prescribed in the statute, or to use his antient prerogative.

To which it is shortly said, That we shall not dispute whether the Act shall bind the King to grant Bishopricks according to the said limitation; for upon this case, which the Author puts, the question is not, whether the King may grant Bishopricks either according to the antient Common Law and his prerogative, or whether he be bound by vertue of the statute, and according to the form therein prescribed to grant Bishopricks; but whether he did in truth grant them according to the order prescribed in this Act. For if he did, then he makes his election to do it by vertue of this Act. Now the Author confesseth, that this Act was never approved in *Ireland* by Parliament, and yet in vertue thereof Bishopricks were granted in *Ireland*, which was a different way both from the donation of them by the King's antient title and prerogative by the Common Law, and from the electing of such whom the Dean and Chapter should please to chuse, which by usurpation upon the King's antient rights they had formerly done. For by this Act they ought to elect him who is named in the letter missive, and no other; and therefore, the order appointed by this Act for the election of Bishops being used in *Ireland* according to this statute, and the Bishops being made in *Ireland* according to the form prescribed therein, it must of necessity follow, that this Act of the 25th of *Hen.* 8. was in force in *Ireland* without any confirmation of it there, which the Author confesseth was never done: and therefore, by the same reason other Acts made in *England* may be of force in *Ireland* without any confirmation of them by Parliament there. And I think no Man could have cited a case against the Author's opinion more fully and home to the case in question, than this his own case is, to which he gives no satisfactory answer, but tells us what the King by the Common Law may do, of which we doubt no more than himself doth.

After

After the Author hath anſwered the objections raiſed by himſelf, he ſaith, that upon ſerious conſideration of all that has been ſaid, three conſiderable queſtions may be moved.—Firſt, Whether upon the conqueſt made by King *Henry* 2. immediately *ipſo facto* the Kingdom of *Ireland* was inſeparably annexed to *England*, or ſubordinate to the juriſdiction of that Parliament or not.—This queſtion, he ſaith, may receive this anſwer.

That *Ireland*, being a Chriſtian Kingdom, the laws thereof did continue till ſuch time as the Conqueror ſhould eſtabliſh others, or ſome other form of Government therein, which was not done till the 12th of King *John*, which was thirty eight years after the conqueſt, during which time the antient laws of *Ireland* continuing, it is manifeſt that the laws of *England* had not any footing there; and therefore *Ireland* during that time could not be ſubordinate to *England*, nor could the Parliament of *England* extend their juriſdiction into *Ireland*, all which may be proved out of *Calvin*'s caſe.

If the Author's anſwer ſhould be admitted for truth, then let it be obſerved what will follow of it. For he ſaith before, that if a King conquers a Chriſtian kingdom, the Conqueror may alter the laws thereof, but until he doth, the antient laws of the kingdom remain. But if a King hath a kingdom by deſcent, there by the laws of that kingdom he doth inherit, and therefore cannot change thoſe laws without conſent of Parliament; whence it muſt needs follow, that for thirty eight years after the conqueſt the *Brehon* law, which was the law of *Ireland*, was the only law whereby *Ireland* was governed, which the Author ſeems to affirm. For all that time, ſaith he, the antient laws continuing, the laws of *England* had not any footing in *Ireland* till King *John Anno* 12°. *Regni* gave them the laws of *England*.

Now *Coke* in *Calvin*'s caſe fol. 17. b. ſaith, that there had been two deſcents of *Ireland*, one from *Hen.* 2. to King *Richard*; which being granted, as the truth is, all the Author's diſcourſe is to little purpoſe; for then *Ireland* was not ſeparated from *England* by the grant of King *Henry* the 2d. to King *John*, and another from King *Richard* to King *John* before the alteration of the laws; which if it be admitted, how then could King *John* alter the laws, which were there in force before, ſeeing it was a Chriſtian kingdom,

and

and enjoyed its laws for two descents. And if, on the other side, as the Author would have it, King *John* came to the kingdom by purchase, and by the grant of his Father, if the *Irish* laws were then in force, and no alteration made in them by *Hen.* 2. it must follow, that King *John* must take the kingdom as it was given him, which was then subject to, and governed, as the Author affirms, by the *Brehon* Law; and how could King *John* then alter that law? But *Coke* is not any way to be lessened of the honour due to his memory, or the authority of his opinion in matter of law to be the less regarded for his mistaking in this particular of the time of the altering of the laws in *Ireland*, it being no error of his judgment in law by the not knowing of the truth of the matter of fact of a thing done in another kingdom, whereof, it seems, he had not notice; and therefore, setting his opinion aside, for the clearing of this, if we consider how wise a Prince *Hen.* 2. was, we cannot well conceive, that he would leave *Ireland* after he had conquered it without any laws given to them by which they should be governed, and suffer them to be ruled by the *Brehon* Law, which the statute of *Kilkenny* calls a *leud custom.* Nor is it to be imagined, if we consider the great multitudes of the *English* that came over into *Ireland*, and that were born there by the *English* in thirty eight years space after the conquest, in which time, and soon after, the greatest part of the conquest was made in all parts of *Ireland*, that they should have no laws to govern them by; or is it almost possible, that a kingdom should be without laws all that time, or is there any probability, that the *English* would receive the laws of the conquered uncivil people, and subject themselves to their *Brehon* barbarous Laws; and therefore we may well conclude, that during the first thirty eight years they of *Ireland* either repaired into *England* for the deciding their controversies, which if it be said, it must then follow, that thereby they were subject to the Government of *England*, or that King *Hen.* 2. did alter the *Irish* laws, and gave them the laws of *England* to be governed by in *Ireland*, which that he did is apparent by what follows. —— By the grants made to *Fitz-Stephens* and *Cogan*, cited out of *Hoveden*, and before mentioned, King *Hen.* 2. reserved sixty Knights fees, and in the grant made to *Herbert* sixty, and in that to *Hugh de Lacy* fifty; which reservations are strong

arguments

arguments that *Hen.* 2. gave the *English* laws to them of *Ireland:* For there were no such reservations ever heard of before among the *Irish*, who were governed only by the *Brehon* law, by which they held their lands in a course of *Tanistry*, *(l)* but to this reservation of *Hen.* 2. there are incident *(m)* wardship, marriage, relief, ayd for making his son a Knight, and for marriage of his Daughter, *&c.* Now it is not possible that the King should have these incidents, which by this reservation the law of *England* gives him, if the laws had not likewise appointed him a means to come by them, which of necessity must be by the course appointed by law in his Courts; and therefore it must necessarily follow, that there were then the laws of *England*, and Courts for the execution of those laws, and bringing in those profits to him, erected by him, otherwise his reservations had been idle and fruitless. But we may be well assured, that he, that had such care to make such reservations so profitable for himself according to the laws of *England*, would also have the same care to provide means to have the profit and benefit of the same brought to him by the same laws.

(l) *Davis's* Reports, cases of *Tanistry* and *Gavel-kind.*

(m) *Co.* 1st. Inst. fol. 76.

And that the laws of *England* were brought into *Ireland* immediately after the conquest by *Hen.* 2. may be gathered out of the grants made by *Richard*, Earl of *Strongbow*, who being Governor here under *Hen.* 2. granted land according to the laws of *England*, and reserved *English* tenures thereupon, as by the ensuing Record appears, which we may find in the forenamed Roll of *Edw.* 3. in the Rolls Office, intitled, *Antiquissimæ literæ patentes et Commissiones*, *viz.*

'Comes *Richardus*, Vices Domini Regis *Angliæ* in *Hibernia* agens, omnibus, &c. Sciatis me dedisse & concessisse, ex parte Domini Regis *Angliæ*, *Waltero de Riddlesford Urien*, cum totis pertinentiis, &c. istas terras habebit pro fædo unius Militis sibi et hæredibus suis de Domino Rege *Angliæ*, et hæredibus suis, &c.' (and after granting him divers

Earl *Richard*, Viceroy of the King of *England* in *Ireland*, to all, *&c.* Know ye, that I have, on the part of my Lord, the King of *England*, given and granted to *Walter de Riddlesford Urien*, with all its appurtenances, *&c.* which lands he shall hold by one Knight's fee to him and his heirs of the King of *England*, and his heirs, *&c.* (and after granting him divers

divers other lands, he saith,) 'tenendum & habendum in 'fædo et hæreditate per liber-'um servitium trium Militum 'Dublin faciendum, &c.

divers other lands he saith) To have and to hold in fee and inheritance by the free service of three Knights to be done at *Dublin*, &c.

Now it is manifest, that *Strongbow* died in 1176, in the 22d. year of *Hen.* 2d. and that *Hen.* 2. conquered *Ireland* in the 17th year of his reign; so that there being but five years at most between the conquest and *Strongbow*'s death, and this grant being made by him before his death, therefore the laws of *England* were brought into *Ireland* presently after the conquest, and also there executed. For we find that *Strongbow*'s daughter and heir was in ward *(n)* divers years to *Hen.* 2. and by him given in marriage to *William Marshall* the elder.

(n) *Vincent's* Catalogue of Nobility. p. 412.

In the same Roll it appears by a grant made by King *John* before he was King, beginning, *Johannes, filius Domini Regis* Angliæ, *et Dominus* Hiberniæ,—*John* Son of the King of *England*, and Lord of *Ireland*, that he grants to the Abby of *Lenton* the lands of *Ballybane*, to be holden in *Frankalmoigne*, and likewise to *Robert de St. Michael* the lands of *Dangen*, and other lands,

'Quas idem *Robertus* habuit 'de dono Domini *Henrici*, Pa-'tris mei, cum Soch, Sach, '& Toll, et Them, & Infang-'thef, et judicio aquæ & ferri, 'et duello, & fossa et furcis, 'retentis ad opus meum dona-'tionibus Episcopatuum, &c. 'et placitis et querelis, quæ 'ad Regis Coronam pertinent, '&c.'

The lands of *Dangen*, and other lands, which the said *Robert* held of the gift of my father, *Henry*, together with Soch, Sach, and Toll, and Them, and Infangthef, and the judgment of Water and Iron, and tryal by combat, and the jurisdiction of the pit and the gallows, retaining to my own use the donation of Bishopricks, &c. and Pleas which belong to the King's Crown, &c.

To this grant *John de Coursey* is one of the witnesses; therefore it must needs be before *John* was King, as by the stile also appears. So that it is plain that the laws of *England* were in *Ireland* long before *John* was King, and pleas of the

the Crown there also at this time in use; for else why should *John* reserve those to his own use, if no such had been there?

We find in that Roll the like grant to *Walter Riddlesford*, beginning,—Johannes, filius Domini Regis *Angliæ*, & Domini *Hiberniæ*.——*John*, Son of the King of *England*, and Lord of *Ireland*.——wherein he grants him divers lands, and confirms to him other lands,—quas Comes *Richardus*, filius Comitis, ei dedit.——Which Earl *Richard*, Son of the Earl, gave to him——and grants him a market.

'Cum Soc, Sac, et Tol, et Them, Infangthef, et judicio aquæ & ferri, & duello, & fossa et furcis, & cum wreeco maris, & omnibus libertatibus, &c. exceptis Croceis et Donationibus Episcopatuum, &c. et placitis, & querelis, quæ ad Coronam Regiam spectant, quæ ad usum meum proprium retinui.'

Grants him a Market, with Soc, Sac, Toll, and Them, Infangthef, and the judgment of water and iron, and combat, and the jurisdiction of the Pit and the Gallows, with wreck of sea, and all liberties, &c. except the crosses and donations of Bishopricks, &c. and pleas and quereles belonging to the King's Crown, which I have reserved to my own use.*

* Soch, is an antient word often occurring in old Grants, and signifies the power of holding a Court, with Jurisdiction over the Lord's Socagers, or Tenants, from whence the Tenure is called Socage Tenure.——Sach is a royalty or privilege of holding a Plea of Trespass within a Manor.——Toll, is a privilege as well to take as to be free from Toll or Custom within a Manor.——Them or Teame is a royalty granted to a Lord of a Manor for the holding Plea over his Bond-men, Neifs, or Villains in his Court.——Infangthef, is a Jurisdiction granted to some Lords of Manors of judging a Thief taken within the Manor.——Judgment of Water is called Water Ordeal, or a purgation by Water either hot or cold, and the purgation by Iron was either stepping over 9 Plow-shares blind-folded, or by holding a piece of red-hot Iron in the hands, in either of which cases, if the party accused escaped unburnt, he was esteemed innocent. See the Antiquities of *Ireland*, p. 154. for a fuller Exposition of these Terms, and the divers manners of practising them; where also the Trial by Combat is given at large.——The Jurisdiction of the Pit and the Gallows was a privilege granted to certain Lords of Manors of punishing Felony, the men by hanging, and the women by drowning.——Wreck of Sea, was a Grant made to the Lords of Manors of Goods cast up on their Lands by Ship-wreck.——Crocea, or Cross-Lands, were such where Bishops and Abbots had large Jurisdictions, in which nevertheless the King had a Sheriff and other Ministers distinct from those of the County at large. See also the Antiquities p. 32. I have given these short Expositions as helps to the *English* Reader.

It

It appears by the grant made by King *Hen.* 2. to the Citizens of *Dublin* (which the Author also mentions) that he granted, thus, *viz.*

« Hominibus meis de *Bristowe* Civitatem meam de « *Duvelinâ* ad inhabitandum; « quare volo & firmiter præcipio, quod ipsi eam inhabitent, & teneant illam de hæredibus meis benè ac in pace, « liberè, integrè, plenariè, ac « honorificè, cum omnibus libertatibus et liberis consuetudinibus, quas homines de « *Bristowe* habent apud *Bristoam*, et per totam terram « meam, &c».

I grant to my subjects of *Bristol* my City of *Dublin* to inhabit: Wherefore, I will, and strictly command, that they shall inhabit and hold it of me and my heirs, well and in peace, freely, quietly, intirely, fully, and honourably, with all the liberties and free Customs, which the men of *Bristol* have at *Bristol*, and through all my Land, &c.

By this Charter there is a tenure reserved to the King and his heirs (therefore *Ireland* was not absolutely granted to *John*) which, if it had not been reserved, the law of *England* itself makes. Here is a grant also of such liberties and free Customs as the Men of *Bristow* have. And I think it will not be denied, but the liberties and free Customs of *Bristow* generally (tho' in some particular Customs they may differ) are the laws of *England*, and these being granted to them of *Dublin*, the laws of *England* must of necessity be granted to them.

In the reign of King *Richard* the first, which was long before the 12th of King *John*, the same *John* by his letters dated at *London* 16th of *May* 3d *Richard* 1st, (which grant the Author mentions) did grant,

« Omnibus meis de *Dublin*, « tam extra muros quam infra « manentibus, usque ad metas « villæ, quod habeant metas « sicut perambulatæ fuerant per « Sacramentum proborum Virorum de Civitate illa per « præceptum Regis *Henrici*, « Patris nostri, &c.

I give and grant to all my Citizens of *Dublin*, as well without as within the walls, to the bounds of the City, that they should enjoy their boundaries as they were perambulated, by the oaths of the good men of that City, by the precept of King *Henry*, my Father, &c.

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In that Charter he likewise grants,

'Quod nullus Civis faciat duellum in Civitate de aliquo Appello, quod quisquam versus eum facere possit, sed purgabit se per sacramentum 40 hominum ipsius Civitatis, qui legales sunt; quod sint quieti de Theolonio, lastagio, et passagio, et pontagio, per totam terram et potestatem meam; et quod Hundredum tantum semel teneatur in septimanâ; et quod possint maritare se, et filios, & filias, et viduas, sine licentiâ Dominorum suorum; et quod nullus Dominorum suorum propter forenses terras habeat Custodiam vel Donationem filiorum vel filiarum suarum, aut viduarum, sed tantum Custodiam tenementorum suorum, quæ sunt de fædo suo, donec ætatem habent.'

That no Citizen shall wage combat within the City upon any Appeal that any Person should bring against him, but shall purge himself by the oaths of 40 legal men of the said City; that they be acquitted of Toll, † Lastage, and Passage and Pontage, through all my Land, and wherever I have power; and that their Hundred Court shall be held only once a week; and that they may marry themselves, their Sons and Daughters, and Widows, without licence from their Lords; and that none of their Lords, upon account of their holding foreign Lands [*i. e.* Lands without the City limits,] shall have the Wardship or Donation of their Sons, Daughters, or Widows, but only the Wardship of the tenements, which belong to their fee, till they come of age.

That they should hold their land within their Mears *per liberum burgagium*,—by free Burgage—with many other liberties and privileges in that Charter mentioned, concerning Replevins, Recognizances, *&c.* whereby it appears, that the laws of *England* had footing in *Ireland* long before the 12th of King *John*. For in the 3d of *Rich.* 1st, Appeals, Hundreds, Tolls, Lastage, *&c.* Tenures, Wardships, Replevins, and many other parts of the Common Law were

† Lastage is a Custom exacted in Fairs and Markets, the Freedom from which is called Lastage.——As Passage and Pontage is an Exemption from Tolls or Duties to be paid for passing through places, or over bridges, where such Tolls were exacted——Marriage was the free disposal of Heirs in Marriage, which the Kings of *England* had while the Tenures of Knight's service subsisted.——Burgage Tenure is a kind of Soccage Tenure, whereby the Burghers of corporate Towns held their Lands at a certain Rent.

in

in use there in *Ireland*, and from many of which the Citizens of *Dublin* got their grant of Exemption; and therefore of necessity the Common Law of *England* must be given by *Hen.* 2. they being there so well acquainted with it in less than three years after his death, and within that time procured such freedoms from them.

In tur. *Berm.* But it is not there now.

In the Patent Roll of 2d *Hen.* 5. we find the Grant made by *Hen.* 2. to *Hugh de Lacy* enrolled, and it is *verbatim* cited in the Annotations upon *Spencer*'s view of *Ireland*, p. 124. In that Roll also there is an *Inspeximus* of a Grant to *Roger de Mortuomari*, Earl of *March*, and *Joan* his Wife, of the liberties of *Trim*, which were formerly forfeited to the King by *Theobald de Verdon*, in the beginning of which Grant there is this recital.

Edw. &c. 'Sciatis, quod 'cum Dominus Rex *Hemricus*, 'quondam Rex *Angliæ*, Progenitor noster, dudum per 'Chartam suam dedisset & 'concessisset *Hugoni de Lacy*, 'pro servitio suo, terram de '*Midiâ*, cum omnibus pertinentiis suis, tenendam et habendam de ipso Progenitore 'nostro, et hæredibus suis, sicut *Murchardus Hua Melachlin* melius eam tenuit, vel aliquis alius ante eum, vel postea, cum omnibus libertatibus et liberis consuetudinibus, 'quas idem Progenitor noster 'ibi habuit, vel habere potuit, 'seu illi dare potuit, prout in 'chartâ prædictâ plenius continetur. Ac idem *Hugo de* '*Lacy*, & Hæredes sui successivè, virtute donationis & concessionis prædictæ, infra terram prædictam habuerunt 'omnimodam jurisdictionem, et 'cognitionem omnium Placitorum, tam de incendio, Thesauro invento, raptu, & forstallo,

Edward, &c. Know ye, that whereas King *Henry*, formerly King of *England*, our Progenitor, long since gave and granted by his Charter to *Hugh de Lacy*, for his services, the Land of *Meath*, with all its Appurtenances, To Have and to Hold of our said Progenitor, and his heirs, in the same condition as *Murrogh O-Melachlin* well held them, or any before or after him, with all the Liberties and free Customs, which our said Progenitor had or could have had therein, or could grant to him, as in the said Charter is more fully contained. And the said *Hugh de Lacy*, and his Heirs successively, by vertue of the said Donation and Grant, held within the said Land all kinds of Jurisdiction, and Cognizance of all Pleas, as well of burnings, as of treasure-trove, Rapes, and Forestalling (*i. e.* the offence of buying up Provisions coming to a Market, by which the price is

‘ ſtallo, quam aliorum placito- ‘ rum quorumcunque, infra ter- ‘ ram prædictam emergentium, ‘ et Cancellariam, & Scaccari- ‘ um, et omnia alia ad hujuſ- ‘ modi Officia pertinentia, nec- ‘ non propria ſigilla ſua ad ea- ‘ dem Officia deputata, &c.	is enhanced) as of all other Pleas whatſoever ariſing within the ſaid Land, and a Chancery and Exchequer, and all other things to the ſaid Offices belonging, as alſo his proper Seals appropriated to the ſaid Offices, *&c.*

Now, if any Man ſhould aſk what King *Hen.* 2d gave with the lands of *Meath* to *Hugh de Lacy*, when he gave him all the Liberties and free Cuſtoms, which himſelf had or could give, the anſwer is plain, that he gave him power to exerciſe under him as a *Regulus*, or petty Prince, the laws of *England*, which *Henry* himſelf had given to them of *Meath*. For, ſaith the Grant, by vertue of this Gift (which was—de libertatibus & liberis conſuetudinibus.—Of Liberties and free Cuſtoms—) he had with that Land all Juriſdiction and conuſance of all Pleas, and had his Court of Chancery and Exchequer, &c. And this Juriſdiction (ſaith the Grant) *Hugh de Lacy* himſelf (who was ſlain above 2 years before *Hen.* 2d. died) and his Heirs ſucceſſively had; therefore, it is apparent, that the laws of *England* were given to *Ireland* by *Henry* 2d.

This alſo appears by the aforenamed Record of 6. *Edw.* 2d, in the caſe of the Prior of *Dundalk*, where the Jury found, that the Anceſtors of *Theobald de Verdun* cito poſt Conqueſtum—ſoon after the Conqueſt—did make divers Burgeſſes, and enfeoff them of divers Burgages, rendering 12d. out of every Burgage for all ſervices: which being done—cito poſt conqueſtum—ſoon after the conqueſt,—muſt needs be long before the 12th of King *John*, (tho' the Author ſaith, that before that time the laws of *England* had no footing in *Ireland*) and alſo by *Agnes de Valentia*'s caſe in 33d *Edw.* 1. before alſo cited, where he ſaith, that—a tempore conqueſtus—from the time of the conqueſt—the King's Writs were directed to the Juſtices of *Ireland* out of his Chancery of *England* to do juſtice to the complainants, and that ſuch Pleas have hitherto been held in form of a Commiſſion of *Oyer* and *Terminer*, which the Defendant, Sir *John Fitz-Thomas*, doth not deny; but ſaith, that it was never adjudged in that Land, that any ſhould an-

swer to such Writs of suggestion out of the Chancery of *England*, if the Defendants did challenge them; therefore, if the King's Writs out of *England* were from the time of the conquest sent into *Ireland* to hear and determine causes, certainly the laws of *England* were given by *Hen.* 2d. to *Ireland*, and there by his Officers executed long before King *John*'s time. Whence also, as a necessary consequence, will follow, that *Hen.* 2d made Counties, Sheriffs, and other Officers; for otherwise, how could it be possible that he could have any benefit by his reservations in *Capite?* How could any part almost of the law be executed? What should *Hugh de Lacy* have done with his Chancery, Exchequer, his Seals, or any part of his Jurisdiction, if there had not been Officers to execute the same, and the directions and commands under these Seals?

And that there were Sheriffs and other Ministers of Justice in *Ireland* in *Hen.* 2d's time we may collect out of a Patent granted by *Henry* 2d of lands in *Ireland*, which follows, and is enrolled in the said Roll of *Edw.* 3d. in the Rolls Office, intitled, *Antiquissimæ literæ patentes & Commissiones.*

'*Henricus*, Dei Gratia, Rex '*Angliæ*, dux *Normanniæ*, & 'Comes *Andegaviæ*, Archie-'piscopis, Vicecomitibus, Mi-'nistris, Justiciariis, &c. salu-'tem. Sciatis, me dedisse & 'concessisse, et præsenti Chartâ 'meâ confirmasse, *Nicholao de* '*Benchi* duas Carucatas terræ 'de Sanganat, cum pertinen-'tiis, & duas Carucatas de '*Balligiliregio*, cum pertinen-'tiis, et unam Carucatam de '*Chelchis* ——— ad Caput 'pontis, ad hospitia habenda, 'sibi et hæredibus suis tenenda 'de me et hæredibus meis per 'servitium dimidii militis apud 'civitatem meam *Dublin* fa-'ciendum. Preterea concedo 'ei et confirmo ipsi, & hæredi-'bus

Henry, by the Grace of God, King of *England*, Duke of *Normandy*, and Earl of *Anjou*, to his Archbishops, Sheriffs, Ministers, Justices, &c. greeting. Know ye, that I have given and granted, and by my present Charter confirmed to *Nicholas de Benchi* the two Carucates of Land of *Sanganat*, with the Appurtenances, and the two Carucates of *Balligiliregio*, with the Appurtenances, and one Carucate of *Chelchis* ——— at the head of the bridge, to keep an Inn of Entertainment by him and his heirs, to hold of me and my heirs by half a Knight's service, to be done at my City of *Dublin*. Besides, I grant and confirm

bus suis, villam, quæ appellatur *Rathdibille*, cum omnibus pertinentiis suis, et infra pertinentia centum et quinquaginta Acras terræ Arrabilis, et unum hospitium liberum in *Kilduram*, quæ fuit *Malmarini*, et unum apud *Fernes*, & unum apud *Weisford*, quod Comes *Richardus*, filius Comitis *Gilberti*, rationabiliter concessit ei & hæredibus suis, tenendum per servitium trium Militum, sicut ei concessit, et chartâ suâ confirmavit. Quare volo, et firmiter præcipio, quod prædictus *Nicholaus*, & hæredes sui, omnia supradicta habeant & teneant de me, & de *Johanne* filio meo, & de hæredibus nostris, benè, & in pace, libere, & quietè, integrè, & honorificè, in basco et plano, in pratis & pasturis, in Aquis et Molendinis, in vivariis, & staghis, et piscaturis, in viis et semitis——ad ea pertinentibus, & cum omnibus libertatibus, & liberis consuetudinibus suis. Teste *Richardo* Archiepiscopo *Cantuarensi*, *G Elienfi*, *Johanne Norwicensi* Episcopis, *Humphredo de Bohun*, Constabulario, &c. At the end of the Enrollment of this Patent are these words entered, Et Memorandum, quod spatia quæ superius omissa sunt in scripto, irrotulatione ista vacua sunt; quia Charta, a quâ ista irrotulatio scripta

confirm to him and his heirs the Town called *Rathdebille*, with all its Appurtenances, and within the said Appurtenances an hundred and fifty Acres of arrable Land, and one free Inn in *Kildare*, which belonged to *Malmarini*, and one at *Ferns*, and one at *Weisford*, which Earl *Richard*, Son of Earl *Gilbert*, reasonably granted to him and his heirs, to hold by the service of three Knights, as he by his Charter granted and confirmed to him. Wherefore I will and strictly command, that the said *Nicholas* and his heirs should have and hold all the aforesaid Premisses of me, and of my Son *John*, and of our heirs, well, and peaceably, freely, and quietly, fully, and honourably, in Woods and in Plains, in Meadows and Pasture, in Waters and Mills, in Ponds and Pools, and Fishings, in Ways and Paths——belonging to them, and with all Liberties and free Customs. Witness *Richard*, Archbishop of *Canterbury*, *G.* Bishop of *Ely*, *John*, Bishop of *Norwich*, *Humphry de Bohun*, Constable, &c. At the end of the Inrollment of this Patent are these words entered. *Memorandum*, that the spaces omitted above in the Writing are left blank in the Enrollment; because the Charter, from whence the Enrollment was written, was so antient and defaced, that scarce

'scripta fuit, erat ita antiqua & fracta, quod nemo poterat vix literam ibidem legere.'

scarce a Letter of it was to be read. ‡

This Patent being made of Land in *Ireland*, and directed, amongst others, to Justices and Sheriffs, certainly there were then such Officers in *Ireland*; for it had been a vain thing to direct it to such Officers as were not in being there. And if it should be objected, that it is directed to the *French* as well as to the *English* and *Irish*, and yet there were none of them there; and therefore so it may be to Sheriffs, though there were none. To this it is answered, that *Henry* 2d, having great territories in *France*, had with him, no doubt, many of the *French*, who served him in his wars; and it might easily be proved, if it were needful, that many *French* upon the Conquest were placed in *Ireland*, from whom many of the old *English* derive their Pedigree; and that the *Normans* were in *Ireland* soon after the Conquest appears in *Cambrensis* lib. 2. *de expugnatione Hib.* Chap. 38, 39. Therefore it seems there was care taken to direct this Grant to all both to Officers and Sheriffs and Justices, and to all other the King's Subjects, *English*, *French*, and *Irish*, that all may take notice of it. Out of this Patent we may observe, First, That altho' *Henry* 2d had before this Patent given *Ireland* to his Son *John*, and by this Patent reserved a tenure to him, and his Son, and their Heirs, of part of the lands granted, by which it appears he intended not to exclude himself of the Sovereignty of any part of it, yet of other part of the lands granted he reserves the tenure to

‡ *N. B.* The inquisitive Reader may be desirous to know how the foregoing Patent of *Hen.* 2. should be enrolled among the Rolls of the 11th of *Edw.* 3. indorsed, *Antiquissimæ literæ patentes.* This seems to be cleared by a Memorandum entered in the Roll of 2d. *Edw.* 2. which says, that all the Chancery Rolls to the year 1300 were destroyed by an accidental Fire in the Abby of St. *Mary's Dublin* (which was then the Repository of them) except two Rolls of the same year, which were then delivered to *Walter de Thornbury*, Chancellor of *Ireland*, by the King's Writ. It seems therefore, that these *Antiquissimæ literæ patentes* of *Edw.* 3. were a collection of Letters Patent, which lay in private hands, and were attested from time to time by the proper Officers, and enrolled through necessity, the Originals being destroyed. And I am confirmed in this opinion, because they are a mixture of patents of divers of the preceding Reigns; and this also accounts for the Blanks left in the fore-recited Charter, the same being defaced by time in the hands of the private Proprietor.

himself

himself and his Heirs, without naming of *John*, to be done at his City of *Dublin*. Secondly, that himself only grants those lands, without his Son *John*; therefore it is plain, that he had not given the whole land and the sovereign Power he had in and to *Ireland* wholly to his Son *John*, so as to divest himself of all royal power therein; for then could not he have granted away any part of it, neither is there so much as any likelihood that in those times it was so conceived. For *Cambrensis* in the place before cited calls *Henry* 2d *Summum Principem*, chief Prince, and that he Committed the Government to *John de Coursey*, which was after *John* was in *Ireland*, and called back by his Father. Thirdly, by this likewise it appears, that *Henry* 2d introduced the *English* laws into *Ireland*; for he made grants according to the laws of *England*, and reserved *English* tenures upon them.

Likewise that there were Counties in *Ireland* before the 12th of King *John*, (which is the time the Author limits for the first giving of the Laws of *England* to *Ireland*) is apparent by a grant made by King *John* to the City of *Waterford*, dated at *Marlebridge*, 3°, *Julii* 7th of his Reign, whereby he grants,

'Civibus nostris Civitatis 'nostræ *Waterford*, infra muros 'dictæ Civitatis manentibus, 'totam civitatem nostram de '*Waterford*, cum omnibus per-'tinentiis; et quod prædicti 'Cives, et eorum hæredes et 'successores in perpetuum ha-'beant metas suas, sicut pro-'batæ fuere per sacramentum 'fidelium hominum, (viz.) 'duodecim de ipsâ Civitate, 'et duodecim extra, per præ-'ceptum Regis *Henrici*, Patris 'nostri.'	To our Citizens of our City of *Waterford*, remaining within the walls of the said City, all our said City of *Waterford*, with all the appurtenances; and that the said Citizens, and their Heirs and Successors for ever, shall enjoy their bounds, as they were proved by the Oaths of faithful men, namely, 12 of the said City, and 12 without it, by precept of King *Henry* our Father, *&c.*

And then he lays out the mears and bounds thereof in that patent, and after he grants, that——*ipsi Cives, et eorum hæredes & successores in perpetuum habeant omnes libertates, et liberas consuetudines subscriptas; Libertates autem quas eis concessimus, sunt, &c.*——That the Citizens, and their

heirs and ſucceſſors for ever, ſhould have all the Liberties and free Cuſtoms underwritten; and the Liberties which we have granted them are theſe.——And then he recites many priviledges and liberties granted to them concerning the trial in appeals, that it ſhould not be by Duell but by the Oaths of twelve men, concerning the chuſing of a Provoſt every year, and that he ſhould hold Pleas in his hundred of lands and tenements, debts, accounts, and other contracts; that they ſhall be free from Toll, paſſage, murage, &c. and many other things concerning wardſhips, and the having of waiffs, ſtrays, and Felon's goods, Deodands, and many other priviledges and immunities, and, amongſt the reſt, is this clauſe,

'Conceſſimus etiam præfatis Civibus, et eorum hæredibus & ſucceſſoribus in perpetuum, quod nulli Juſticiarii noſtri Itinerantes, nec alii Juſticiarii ad aſſiſas Capiendas in *Comitatu Waterford*, nec aliquis alius Miniſter, nec hæredum vel ſucceſſorum noſtrorum, in futuro vexent, aut aliquis eorum vexet, nec venire compellent, ſeu aliquis eorum in futurum venire compellet præfatos Cives, ſeu eorum aliquem, hæredes ſeu ſucceſſores ſuos, coram eis, ſeu eorum aliquo, extra Civitatem prædictam, tam ad ſectam noſtram, hæredum ſeu ſucceſſorum noſtrorum, quam ad ſectam quorumcunque querentium; ſed faciant quicquid ad eos pertinet præfatis civibus, et eorum hæredibus et ſucceſſoribus, infra eandem civitatem, ſecundum Juſtitiam.'

We have granted alſo to the ſaid Citizens, and their Heirs and Succeſſors for ever, that none of our Juſtices Itinerant, nor other Juſtices for taking aſſizes in the County of *Waterford*, nor any other Miniſter of us or our heirs, or ſucceſſors, or any of them, ſhould for the time to come moleſt, or oblige the ſaid Citizens, or any of them, their heirs or ſucceſſors to appear before them, or any of them, without the bounds of the ſaid City, either at the ſuit of us, our heirs or ſucceſſors, or at the ſuit of any other complainants; but that they ſhould do whatever belongs to them to the ſaid Citizens, and their heirs and ſucceſſors, within the bounds of the ſaid City, according to Juſtice.

And

And then saith the patent,——*hæc omnia eis concessimus, &c.*——All these things we have granted to them. This patent in a great part of it is only a recital and confirmation of the liberties formerly granted to the Citizens of *Waterford*—(*libertates, antea quas eis concessimus, sunt hæc*)—The liberties which we formerly granted them are these. It appears by it, that long before the 7th year of King *John* they had former grants of these liberties, among which by this grant it appears to be one, that they should not be compelled by the Justices Itinerant, or Justices of Assize, in the County of *Waterford*, or other Minister, to answer before them in any suits, but only within their City; therefore it is evident, that there was the County of *Waterford* before the 7th year of King *John* in *Ireland*, and then King *John* did not in the 12th year of his reign first make these 12 Counties, which the Author before names, of which *Waterford* is one; and that before the 12th of King *John* the Laws of *England* had footing in *Ireland*. For by this Patent of King *John* it is plain, that they had Justices Itinerant, Justices of Assize, and other Ministers of Justice, and the Laws of *England* exercised and executed amongst them, and that these liberties mentioned in this patent were in the said 7th year of King *John* confirmed to them; and therefore they had them granted to them before.

And that the Laws of *England* were given to them of *Ireland* by *Henry* 2d. is testified by *Matthew Paris* (*o*) in express words.——*Henricus secundus* (saith he) *apud Lismore Concilium congregavit, ubi leges Angliæ gratanter ab omnibus sunt receptæ, et juratoriâ Cautione præstitâ confirmatæ*—*Henry* 2d. (says he) assembled a Council at *Lismore*, where the Laws of *England* were willingly received by them all, and (*p*) were confirmed to them, upon taking their Oaths; with which *Daniel* in a manner agrees, telling us, that *Hen.* 2d. went from *Waterford* to *Dublin*, where he held an assembly of all the subject Kings, with the Lords spiritual and temporal of *Ireland*, for the further ratification of their allegiance, and the ordering and reformation of the state.

(*o*) Edit. ult. p. 126.

(*p*) Hist. *Hen.* 2. Fol. 83.

We find it also agreed by all our histories of that time, that *Henry* 2d. made a Reformation of Church affairs, and that from thenceforth all divine things should be ordered according to the manner of the Church of *England*, and

confirmed ſundry good ſtatutes made in a Synod at *Caſhel*, which was called thither by his command; and therefore, doubtleſs, he would not neglect to provide Laws for the civil Government, but gave them likewiſe the laws of *England*, as *Matthew Paris* ſaith, to be governed by, which they willingly received, and ſwore to obey. And to put it out of doubt that *Hen.* 2. both gave them laws, and alſo made ſtatutes for their Government, beſides what is proved by the former Records, and by what *Matthew Paris* and *Daniel* ſay, there is an expreſs ſtatute in *Ireland*, which will plainly prove in. It is in *Rot.* Pat. 2. *Rich.* 3. *Chap.* 8. in theſe words.

'Item. Al requiſition del 'Commons, que l'eſtatute de 'Henry Fitz-Emprice ordeine 'pur lelection de Gouverneur 'de 'Irland in ceſt terre, en aſ-'cun temps quaund l'fortuner 'de eſtre void de aſcun loyal 'Gouverneur, per authorite de 'ceſte Parliament ſoit confirme, 'ratifie, & adjudge bone et ef-'fectual en ley; Et que *Tho.* 'Fitz Gerald, Chancellier d' 'Irland, Sir Roland Fitz Euſ-'tace, Treaſorer de Irland, 'Philip Bermingham, chieſe 'Juſtice de chieſe place le Roy 'd'Irland, Tho. Plunket Chieſe 'Juſtice le common Place le 'Roy in Irland, Oliver Euſtace, 'Chieſe Baron de Exchequert 'le Roy in Irland, ou ſon De-'putie pour le temps eſteant, 'Tho. Doudall, Clerk & Gar-'dein de Rowles et Records le 'Roy de Chancery de Irland, 'John Eſtrete, Serjant le Roy 'a ſes leys in Irland, et che-'ſcun d'eux ſeveralment, par 'authorite de ceſt Parliament, 'ſoient adjudge pleinment en 'cheſcun de lour ſeveral offi-'ces

Alſo at the requeſt of the Commons, that the ſtatute of *Henry Fitz Empreſs* (*i. e. Henry* 2d) made for the election of a Governor of *Ireland*, when it ſhall happen to be void of any lawful Governor, be by the authority of this Parliament confirmed, ratified, and adjudged good and effectual in Law; and that *Thomas Fitz Gerald*, Chancellor of *Ireland*, Sir *Roland Fitz Euſtace*, Treaſurer of *Ireland*, *Philip Bermingham*, Chief Juſtice of the King's Bench of *Ireland*, *Thomas Plunket*, Chief Juſtice of the Common pleas of *Ireland*, *Oliver Euſtace*, Chief Baron of the Exchequer of *Ireland*, or his Deputy for the time being, *Thomas Dowdall*, Clerk and keeper of the Rolls and Records of the King of the Chancery of *Ireland*, *John Eſtrete*, the King's Serjeant at Law in *Ireland*, and every of them, by authority of this Parliament be adjudged fully to hold ſeverally their ſeveral Offices for their lives, any manner of matter, cauſe, or thing,

ces ſeveralment, a aver & tener cheſcun de eux ſeveralment ſon office pour terme de ſa vies, aſcun maniere, matter, cauſe, ou choſe ewe ou deſtre ewe a contraire nient obſtant. Et que per meſme l'authorite il bien luiſt al eux, ou le greinder part de eux, come a touts auters maniere Perſons ou le greinder part de eux, que iſſint ſeveralment averont & teigneront aſcun de les dit offices par reaſon de mort de aſcun Officer de les dit offices, par done deſouth les teſmoigne de *Gerald* Count de *Kildare* en aſcun maniere come Governeur de ceſt terres; accorde le tenor, uſage, & execution del dit ſtatute de *Henrie Fitz Emprice*, ove l' aſſent de Nobles de ceſt terre, accordant come elle eſt ſpecifie en meſme ſtatute, ſur cheſcun tiel avoidance de eſtre ewe de eſlier un noble Senieur de eſtre Governeur, et eit le Government come Juſtice le *Irland*, ceo de aver et enjoyer accordant al auntient uſage, uſe et execute dont ceo temps. Et que par meſme l'authorite il bien luiſt a cheſcun tiel Governeur iſſint eſlie a tenir Parliaments, & Graundes Counſails, et que ils fair que le Leys de ceſte terre pur le bone publique de meſme duement ſoint exerciſes en le meſme, et executor in tout maniere, come per aſcun maniere Gouverneur de meſme il ad eſtre fait done et exerciſe, et ce deſtre adjudge ſibien

thing, had or to be had, to the contrary notwithſtanding. And by the ſame Authority, that it be lawful for them, or the major number of them, as well as for all others, or the greater number of them, who ſhall ſo ſeverally hold any of the ſaid offices, by reaſon of the death of any Officer, by grant under the teſte of *Gerald*, Earl of *Kildare*, in any manner as Governor of this land, according to the tenor, uſage, and execution of the ſaid ſtatute of *Henry Fitz Empreſs*, with the aſſent of the nobles of this land, as is ſpecified in the ſaid ſtatute, upon every ſuch avoidance, to chuſe a noble lord to be Governor, and to have the Government as Juſtice of *Ireland*, to hold and enjoy according to the antient uſage uſed and executed from that time. And by the ſame authority, that it ſhall be lawful for ſuch Governor ſo choſen to hold Parliaments and great Councils, and that they ſhall cauſe the laws to be executed for the weal public of this land, as by any other Governor has been done and exerciſed, which ſhall be adjudged as good and effectual in law, as if done by any other Governor in any times paſſed. Provided that the ſaid election be always made by the Lords ſpiritual and temporal, and the nobles of the ſaid land, and provided alſo, that no Parliament do begin only once in every year.

By

'sibien et effectuel en leye,
'come ascun tiel que ad estre
'per ascun maniere Gouver-
'neur de ceste terre en ascun
'temps passe. Perissint que le
'dit election soit fait chescun
'fois par le Seignieurs l'Espe-
'ritels, et temporels, et de no-
'bles del dit terre. Et peris-
'sint auxi que nul parliament
'soit commence lorsque un fois
'per an.'

By this statute it appears, that *Henry* 2d made laws and statutes for *Ireland*; for in the beginning thereof the words are, that the statute of *Henry Fitz-Empress* ordained for the election of Governors, *&c.* so that by the pointing out of that statute in particular concerning the Government, which they meant to confirm, from other statutes, it is clear that there were other statutes likewise made by him for *Ireland*, which did not concern the chusing of a Governor. So likewise afterwards in this statute, when the Chancellor, Treasurer, *&c.* were by this act settled in their offices for life, this act gives them, or the greater part of them, power, according to the tenor, usage, and execution of the statute of *Henry Fitz Empress*, with the assent of the Nobles of the land, according as is specified in that statute, upon every such avoidance to be had, to chuse a Noble Lord to be Governor, *&c.* By which words we may be well assured, that *Henry* 2d did first institute the Courts of Justice in *Ireland*, and made there his Chancellor, Treasurer, Justice, *&c.* and did appoint them, with the Nobles of the land, to chuse a Governor, when that place was void. For the words are, that they, according to the tenor, usage, and execution of the statute of *Henry Fitz Empress*, and as it is specified in that statute; therefore if they must do it according to the tenor of that statute, and as it is therein specified, it must necessarily follow, that the Chancellor, Treasurer, Chief Justice, *&c.* are named particularly in that statute; else how could it be according to the tenor therof, that they must do it, and as it is therein specified? or how could the ancient usage and execution thereof be according to that statute? And if the tenor, and antient usage, and execution of that

statute

statute of *Henry* 2d. was, that these great Officers, with the Nobles, should make an election, then of necessity it must follow, that at the time of the making of that statute there were such Officers for *Ireland*, as Chancellor, *&c.* and who doubtless did after administer the laws of *England* for the subjects there; with which agreeth the statute of 33. *Hen.* 8. in *Ireland*, which saith, that since the conquest the law was, that the Council should elect a Justice, and of the Council have these great Officers always been.

33. *Hen.* 8. Sess. 2. Cap. 2.

To conclude this point, we have the resolution of both houses of Parliament in *Ireland* in a Session held there the 12th of May 1641, which themselves call the declaration and protestation of the lords spiritual and temporal, and Commons in Parliament assembled, which is entered in their journal books; in the beginning of which declaration there are these words *(viz.)* That in the reign of King *Hen.* 2. the Common Law and lawful customs of *England* were received, planted, and established in this his Majesty's Kingdom of *Ireland*.

And whereas the Author cites a Record out of Coke, Lit. Fol. 141 to prove, that King *John* first gave the laws of *England* to *Ireland*, because the Record saith.

'Vestra audivit discretio, 'quod quondam, bonæ memo-'riæ, *Johannes*, quondam Rex 'Angliæ, Pater noster, venit in '*Hiberniam*, ipse duxit secum 'Viros discretos, & legis peri-'tos in *Hiberniam*, quorum 'communi consilio, et ad instan-'tiam *Hibernensium*, statuit & 'præcepit leges Anglicanas in '*Hibernia*, ita quod leges eas-'dem in scripturas redactas re-'liquit sub sigillo suo ad scac-'carium *Dublin*.'	Your wisdoms have heard, that heretofore *John*, King of *England*, our Father, of happy memory, came into *Ireland*, and carried with him discreet men, knowing in the laws, into *Ireland*, by whose concurrent advice, and at the instance of the *Irish*, he settled and established the laws of *England* in *Ireland*, and left the same Laws reduced into writing under his seal at his Exchequer in *Dublin*.

This (considering what has been said before) rather proves, that the *English* Laws were first given by *Hen.* 2. but after by King *John* reduced into writing, and left at his Exchequer in *Dublin*. For we do not find that King *John* erected

ted any Courts of Juſtice there; but in his Reign, when he came thither, he left the Laws in writing at his Exchequer in *Dublin*. Therefore, in all likelihood the Exchequer and other Courts were there before he came thither. And (as the ſaying is) nothing is begun and perfected at once, ſo we may well conceive, that altho' *Hen.* 2d. gave them the laws of *England*, and erected Courts and Officers there; yet being done preſently upon the Conqueſt, and upon the end of the war, neither had he enough of learned men in the laws preſent with him, who commonly follow not the war, nor could the meaning of all the laws be exactly underſtood, uſed and practiſed by them ſuddenly, nor could they know the ways perfectly how they ſhould be executed; and this being very troubleſome to all, at the inſtance of the *Iriſh* (as the Record ſaith) or of the *Engliſh*, who accounted themſelves *Iriſh*, many of them in 38 years being there born, King *John* brought over learned men, who ſhould ſettle the laws, and bring them into due courſe, form, and order, and leave them to the people, and direct the execution of them as they were in *England*; and in that reſpect it may be well ſaid, that——*ſtatuit & præcepit leges*,——he appointed and eſtabliſhed the laws, as alſo, becauſe he put them into writing, and left them there in his Court of Exchequer for their better directions. And that this is the meaning of that Record ſomewhat clearly appears. For we find by the Hiſtories of King *John*'s time, that in the 12th year of his Reign he came into *Ireland*, and landed at *Waterford* with a great Army, which he brought againſt the *Iriſh*, who were then univerſally in rebellion, and after came to *Dublin*, where many of the *Iriſh Reguli* —petty Princes—came in—and ſubmitted to him, and did him homage and fealty. There he cauſed *Engliſh* Money to be coined, marched into the land, and took divers fortreſſes and ſtrong holds from his enemies, and did many things there for the reformation of the ſtate, and then, after three months ſtay only in *Ireland*, he returned into *England*. Now it cannot be truly imagined, that he could do all theſe great matters, and alſo give them laws in writing, erect Courts of Juſtice, and ſettle all the Civil government in three months; and therefore we may well conclude, that he did only perfect what his Father had begun, and there-

upon

upon be accounted the giver of laws to the *Irish*; as in the building of colleges, though the foundation of the work be begun by one, yet he that comes after, and finishes it, hath oftentimes the reputation and name of the founder and builder of it.

From all which it is evident, that *Hen.* 2d. first gave the laws of *England* to *Ireland* upon the conquest thereof; by which an Union was made of it to *England*, and that these laws were used there long before King *John* was King, and that King *John* did not first give the laws of *England* there in the 12th year of his reign, as the Author would have it; that before that time, the antient laws of *Ireland* were there, and thence it must necessarily follow, that King *John* did not receive that kingdom from his Father without any laws before given them, or as a separated and divided kingdom from *England*, with which they had nothing to do, or that he did after establish the laws according to the model of *England*. Whereupon it must needs also follow, that the Author's discourse falls all in pieces, and is nothing to the purpose that he would have it.

And whereas the Author saith, that the laws of *England* had not any footing in *Ireland* till the 12th of King *John*, and therefore the Kingdom of *Ireland* could not be subordinate to the Kingdom of *England*, nor could the Parliament there extend their jurisdiction into *Ireland*. To this I answer, that it appears by what hath been said, that the laws of *England* were established there in *Hen.* 2d's time; but if it were admitted, that they were not, yet by the very Conquest there was a degree of union of the two kingdoms, as Sir *Francis Bacon* (*q*) concludes, upon which we may substantially ground this position (upon what he had formerly said) that the Common Law of *England* upon the adjunction of any kingdom to the kingdom of *England* doth make some degree of union in the Crowns and kingdoms themselves; and if the Parliament of *England*, as the Author saith, could not extend their jurisdiction into *Ireland*, to what purpose was that supposed grant by *Henry* 2. to *John* done by Parliament, as the Author in the beginning of his book saith it was, or by authority and assent of Parliament, as presently after in his answer to his own second question he saith it was; which, if any such like thing were done, though

(*q*) Postnati, p. 46.

though without doubt not in that manner he would have it to be. it is plain that from the very Conquest, by his own confession, the Parliament of *England* had power over *Ireland*. Concerning the Author's reason, that a kingdom conquered is not subordinate to a kingdom conquering; for then, saith he, *England* should have been subject to *Normandy* by King *William*'s conquest, it is answered, that by all that he hath cited out of others it appears, that if the Conqueror will subordinate the kingdom conquered to his other kingdom, and give them the same laws, they must be governed accordingly by them. And that was the cause why the Parliament of *England* did fear, when *Edw.* 3, had the title of the Crown of *France* devolved to him, and had changed his Stile, Arms and Seal, that the realm of *England* might become subject to the realm of *France*, or to the King, as King of *France*, because *Normandy* had conquered *England*, and *Normandy* was feudatory to *France*; therefore, because the Seigniory of *France* was now united with the Tenancy of *Normandy*, and that *England*, in regard of the conquest, might be taken as a perquisite to *Normandy*, they had some probable reason to fear, that the Kingdom of *England* might be drawn to be subject to the realm of *France*, and therefore was that statute of the 14th of *Edw.* 3. chap. solo, made against it. *See* Sir *Francis Bacon*'s argument of the *Postnati*, *p.* 21. Though in that case of *Normandy* it could not be so. For King *William* did not come into *England* by absolute conquest, as the Author seems to infer, nor did he claim any power by conquest, but as a regular Prince submitted himself to the orders of the kingdom, and desired rather to have his testamentary title to make good his succession, than his sword; and therefore took his personal oath to observe the antient laws of the realm established by his predecessors, and especially those of *Edward the Confessor*. And therefore that case is not to be compared to this of *Ireland*, where the conquest was absolute, and the land annexed to the Crown of *England* both by the Common Law, and by the aforenamed antient statute; and where the laws of *England* were given them, by which they always were, and yet are governed.

The

The 2d question made by the Author is, that admitting *Ireland* were inseparably annexed unto *England*, or subordinate to the jurisdiction of that Parliament, whether by the grant of King *Henry* 2d to his Son *John*, the same be not separated and disjoined from the Kingdom of *England*, and thereby the regal power by King *Henry* 2. were not totally transferred to his Son. To which he answers; that although *Ireland* had by the conquest *ipso facto* been united to *England*, as he saith it was not, yet the said Union is not so inseparable, but it might be, and was separated, by the grant of King *Henry* 2d; wherein we are to consider, saith he, not only the bare grant itself, but the circumstances and solemnities of it, &c.

To this it is said, that the Author makes this question by way of admittance: For his first question is, whether upon the conquest by *Hen.* 2d immediately the Kingdom of *Ireland* were inseparably annexed unto *England*, and this his second question is, admitting that it were, whether by the grant of King *Henry* 2d to his Son *John*, the same be not separated? To which he saith, the Union is not so inseparable, but that it might be, and was separted. How these two can hang together, that admit it was inseparably annexed, yet that it might be separated, can be well conceived? For if it might be separated, then it was not inseparably annexed, and therefore the question is to no purpose, or else his answer gives no satisfaction to it. For that which he admitted to be inseparable, he presently again denies, and says it is separable, and was separated; which that it was separated he never can be able to prove, as was formerly in the beginning of this treatise shewed; and for the circumstances and solemnities of his supposed grant they are likewise formerly answered, and need no more repetition of them.

The Author's third question is, in what capacity King *John* established the laws of *Ireland* to be according to the laws of *England*, he being King of *England* by descent from his Brother *Richard*, whether by any power from the donation of his Father, or by vertue of the descent from his Brother. To which he answers, that of necessity it must be by the regal power he had by the donation of his Father, and not by any power descended to him from his Brother, who (saith he) had none in *Ireland*; because it was before the descent

of

of the Crown of *England* to him given by his Father King *John*.

To which it is answered, that all he says is utterly denied. For it is before plainly proved, that there was no such absolute donation from *Hen.* 2. to *John*, but that he had *Ireland* by descent from his Brother *Richard*, and by that title he confirmed and regulated the laws in *Ireland*, which were first given them by his Father, and not by any regal power, which he had before he was King of *Ireland*.

And whereas the Author, upon his answers to his own questions, concludes, that *Ireland* is a free and distinct kingdom of itself; and in his answer to his second question insists much upon it, and cites *Calvin*'s case for proof thereof; we shall grant him, that in divers respects *Ireland* is a separate and distinct kingdom, and divided from *England*; as a Fine in *England* shall not bar them that are in *Ireland*, &c. But tho' the kingdoms are separate, yet the Dominion and Government thereof is not separate from *England*, as is plainly before proved; and it is not the situation of the country, or because the sea runs between them, that makes a separation of the Government. For then we may on the contrary as well conclude, that *Scotland* is subject to the Parliament of *England*, because it is within the same island with *England*, and not divided from it.

If the King of *England* should conquer any territories beyond sea, and give them the laws of *England*, and annex them to the Crown of *England*, I think none will say, that the distance of place will shake off the Power of the Government of *England*; no more will it do that of *Ireland*.

In a natural body there is a distance of place betwixt the head and the other members, as the head and foot; and yet there is a knitting of the members to the head, else could not any spirits be derived from the head to them. So it is in this case of *Ireland*, which being a member of the Crown of *England* is knit unto the same, and receives spirits (that is laws) from them: And therefore, if we consider *England* and *Ireland* as one body politic (which is not in all things to be compared to a natural body) and as *Ireland* is a member of the politic body of *England*, we may truly conclude from all that hath been said, that *Ireland* is under the jurisdiction

risdiction of the Parliament of *England*, and subject thereunto.

After the Author hath made his three questions, and answered them, as you have heard, he says, it will be necessary for our further satisfaction to know by what law it is, that the statutes made in *England* should bind in *Ireland* without the approbation of the Parliament there, whether by the Common Law, Statute Law, or any other law. If by the Common Law, it must have two qualities, First, reason for its foundation and beginning; Secondly, time for its life and continuance.

To which it is answered, that by the very conquest there was an union of *Ireland* to *England* by the Common Law, and so being a member of *England* it was subject to the laws of *England*, and also by giving them the laws of *England*; and it was also subjected to the laws of *England* and statutes thereof by the confirmation of the union betwixt them by the statute cited in the said Roll of the 30th of *Hen* 3. before remembered, by which *England* and *Ireland* were united, and were to be governed by the same laws, and by that other recited statute, that there should be the same law both for the *English* and *Irish*. And for the time that this hath been so, it appears by the forenamed Records to have been always so used. And for his reasons that it should not be so, because it is no reason, that the subjects of *Ireland* should be bound by laws whereto they are not parties or privies, and that if it should be so, the Parliaments of *England* might at their pleasure disinherit the subjects of *Ireland* of their lands, honours, *&c.* they are before answered in the answer to his inconveniencies, where he alledged the same reasons, and therefore might have spared them now.

The Author also tells us, that St. *Germain* (r) saith, that the law of *England* is grounded upon six principal grounds, some of which himself saith are not pertinent to this purpose.

(r) Doctor and Student Lib. 1. Cap. 4.

His first ground is, that it must be grounded upon the law of reason, which (saith he) this law, if it were so, is not, and tells us the same reasons, which have been before answered, as is said just now.

His second ground is, that it must be grounded upon the law of God; and it is most certain (says he) nothing can be

found in the law of God to prove, that the ſtatutes of *England* ſhould be binding laws in *Ireland*.—A weak argument; for neither can any thing be found in the law of God to prove, that the ſtatutes of *England* ſhould not be binding in *Ireland*, which is anſwer ſufficient to ſuch a reaſon, which is not worth anſwering.

The third ground is, the general cuſtoms of the realm, which (ſaith he) will altogether fail in this caſe. For from the 12th year of King *John*, until the 1ſt of *Hen.* 7. which was almoſt 240 years, this doctrine was not ſo much as dreamed of (which whether it were ſo or no appears before) until *Huſſey* beſtowed it upon *Ireland*, and then after taxes the Lord *Coke* for the ſame opinion, which being anſwered before needs no repetition.

But yet he hath not done with *Coke*. For ſaith he, *Coke* in the ſecond part of his Inſtitutes fol. 2. will not allow the ſtatute of *Magna Carta*, (which in his whole diſcourſe of the expoſition thereof he holds to be but an explication of the antient Common Law) to be of force in *Ireland* till the 10th of *Hen.* 7. wherein he was exceedingly miſtaken. For King *John* eſtabliſhed the Common Law of *England* in *Ireland*, and the ſtatute of *Magna Charta*, being nothing elſe but the Common Law, if theſe were not eſtabliſhed nothing was but a ſhadow, and then was *Ireland* almoſt 250 years deſtitute of the benefit of the laws of *England*, which (ſaith he) is a great overſight; and therefore, as the Lord *Coke* hath miſtaken the law in *Calvin*'s caſe, ſo hath he done in this of *Magna Charta*.

The Author, in charging the Lord *Coke* with great overſights and miſtakes, ſhews himſelf at leaſt to be overſeen and miſtaken in this his very Charge. For the only miſtake of the Lord *Coke* is, that he conceived that *Magna Charta* was not of force in *Ireland* till the 10th of *Hen.* 7. which is only a miſtake of a matter of fact; for in truth we find that ſtatute was given to them of *Ireland* in the firſt year of *Hen.* 3. and all the Chapters thereof (except three or four of the laſt Chapters) are entered in the Red Book of the Exchequer of *Ireland*, where in the beginning, after the King's ſtile recited, he ſaith——Imprimis conceſſimus Deo, et hac præſenti Chartâ noſtrâ confirmamus pro nobis & hæredibus noſtris in perpetuum, quod *Hibernica* Eccleſia libera

ſit

sit &c.——First we have granted to God, and by this our Charter confirm for us and our heirs for ever, that the Church of *Ireland* be free.—Sir *John Davis* (s) cites a Record in the Tower 1st *Hen.* 3. Memb. 13. of the like Charter of Liberties granted by *Hen.* 3. to his Subjects in *Ireland*, as himself and his Father had granted to the Subjects of *England*; but yet this mistake is only for that *Coke* was not informed of that matter of fact: but the Author's mistakes, if you will call them no more, are of another nature. For he saith, that the statute of *Magna Charta* is nothing else but the Common Law; whereas, it is evident it is nothing so, as we may see in *Coke*, (t), where it is expresly affirmed, that divers parts of the statute of *Magna Charta* do cross and change the Common Law: and altho' the Author saith, that *Coke*, in his whole discourse of the statute of *Magna Charta*, holds it to be but an explanation of the antient Common Law, yet it is most apparent to any that shall read, that he holds the contrary in many things, and shews in many particulars how that law differs from the antient Common Law: as *Chap.* 11. concerning the Court of Common Pleas, Chap. 12. for returning Writs of Assize, *Chap.* 14. upon which the Writ *de moderatâ misericordiâ* is grounded, *Chap.* 30. concerning merchants, *Chap.* 32. concerning alienation of Lands, *Chap.* 34. concerning Appeals, *Chap.* 36. concerning Grants to religious houses: by which it appears still more and more, that the statute Laws of *England* were given to *Ireland*, as well as the Common Laws, and this being received there as well as the Common Law, therefore it must needs follow, that both Statute and Common Law were given to *Ireland*, which they received, and were thereby bound. But because *Coke* was mistaken in one matter of fact, which came not to his knowledge, therefore he was mistaken, as the Author saith, in *Calvin*'s Case, (*viz.*) (that the laws of *England* do bind in *Ireland*, if *Ireland* be named) doth no more follow, than if we should say, the Author was mistaken in affirming confidently, that never any judgment was given in *Ireland* upon a statute made in *England*, which is a meer positive law, before the same was received and allowed by the Parliament in *Ireland*, and therefore so he is in the rest of his discourse.

(s) Discou. 101.

(t) 8. Rep. fol. 19. *Prince's* Case.

The 4th and 5th ground, which the Author cites out of St. *Germain*, are maxims and particular customs, which he confesseth are not pertinent to the matter in question.

The 6th and laſt ground is Statute Laws; and moſt certain it is, ſays he, that there is not any ſtatute extant either in *England* or *Ireland*, whereby it is enacted, that any ſtatute made in *England* ſhould be of force in *Ireland* before the ſame were enacted in *Ireland*; wherein to prove how greatly the Author is miſtaken, the Reader is referred to the ſtatutes before recited, and to the former part of this Diſcourſe.

The Author at laſt begins to draw to an end, and ſaith, "that becauſe *Ireland* is a body politick of itſelf, conſiſting "of Kings, Peers, and Commons, in ſuch ſort as the Peers "and Commons of *England* cannot be any part thereof, "no more than the Peers and Commons of *Ireland* can be "members of the body politick of *England*," it cannot ſtand either in law or common reaſon, that one body politick ſhould be ſubject to the controul of another: For then the King, which is the head of the one and the other, ſhould be both ſuperior and inferior to himſelf, and his royal and politick Government; which in itſelf is altogether repugnant.

The Author's reaſoning is ſtill of one and the ſame kind. For it doth not follow, that tho' the Parliament of *Ireland* be a body politick of itſelf ſolely conſidered, therefore *Ireland* cannot be part of the whole body politick of *England*, in which *Ireland* is comprehended, as a member. For though the Peers of *Ireland* be not Peers of the Parliament of *England*, yet all the whole Kingdom of *Ireland*, Peers and Commons, is but a member of *England*, having reſpect to the whole politick body thereof. And therefore, whereas the Author ſaith, that one body politick cannot be ſubject to the controul of another, doubtleſs, he is miſtaken. The City of *London* is a body politick, and hath divers Laws made, and Grants confirmed to them by Parliament, as they are a body politick, and yet they are ſubject and ſubordinate to the Parliament; and, as *London* and *Dublin*, and other Corporations have their Mayor, Court of Aldermen, and Common Council, none of which, as they are part of their body politick only, can be members of Parliament, nor any of the members of Parliament, as members of Parliament, can be members of their Corporation, and yet are all ſubject to the Parliament: and ſo of *Ireland*, they are

are a body politick in the Parliament of *Ireland*, and yet none of them can by vertue thereof be members of Parliament of *England*, nor any of the members of the Parliament of *England*, as members of the Parliament there, can be members of the Parliament of *Ireland*; and yet all *Ireland*, considered as a member of *England*, are subject to the laws of *England*.

County Palatines are subject to the Parliaments of *England*, and to their controul; and yet I think that the Author will not deny, that in a County Palatine there is a body politick.

But saith the Author, if this should be so, then the King should be superior and inferior to himself in his regal and politick Government. To which, it is again said, that yet his argument follows not, neither can any such thing be truly inferred therefrom, any more than if he should say, because the King is the head of the Parliament in *Ireland*, as a body politick, and also of the Parliament of *England*, therefore there are two several bodies that have but one head.

In a natural body if we consider only the head and the hands; the head is head of that hand, and yet is not so only of the hand, but it is head also of the whole body. So if we consider the King, and the politick body of *Ireland*, the King is head thereof, and yet he is not so only of them, but he is head also of the whole politick body of *England*, and *Ireland*, which body consists of both Kingdoms, thus considered without any relation to superiority or inferiority: and if the King will dispense his Grace to one part of the body, it doth not thence follow that the King is inferior to himself; and, unless the Author can make it a good argument, that the King cannot do an act of a high nature to all, and an act of the same or a meaner nature to some, but that he must be superior and inferior to himself, his argument cannot be good.

The King upon misinformation grants a Patent, &c. and after, being truly informed,——*jure Regio*——by his Royal right——he revokes the same, he doth both these as King, without being superior or inferior to himself. There is a judgment given in the King's Bench, which is supposed in law to be by the King himself, this judgment is after reversed in Parliament, where there is the same supposition, and both these done in his royal capacity, shall any man say

ſay therefore, that the King is ſuperior or inferior to himſelf in his government, more than if a natural man ſhould do any particular act, and after do the contrary? And therefore the Author miſtakes in making the compariſon in the Perſon, whereas, it ſhould be in the things done by the Perſon. A man may do a thing of a high nature, and another of a low, or a thing contrary to that which he firſt doth, and yet be the ſame man. A man may give a pound to one man, and a ſhilling to another, or 20*l.* to them both, which are divers acts, one greater than the other, and yet he is the ſame man without being ſuperior or inferior to himſelf; and the difference is only in the things done by the man, and not in the man that doth them. So the King, as the head of the body politick of *Ireland*, conſidering *Ireland* alone without relation to *England*, may conſent to laws which they would have made, and yet as ſupreme head of the body politick of *England*, of which *Ireland* is then to be conſidered as a member, and comprehended therein, may conſent to laws which ſhall bind them all without any ſuch repugnancy as the Author imagines.

The Author hath now done, and falls to his prayers, that God would preſerve his Majeſty to govern the Kingdom in peace, to God's glory, his own honour, and the welfare of all his good ſubjects, to which prayer, I doubt not, but all his ſubjects will with him heartily, as he deſires, ſay, *Amen*.

It is again to be remembered, that which was formerly touched in this anſwer, what a derogation and diminiſhing of the King's power and authority, and what an alteration of his Government would happen to him, if the law were not ſo as is proved by this treatiſe. For though the law be, that the King and Parliament of *England* may make laws to bind *Ireland*, yet his Majeſty may ſummon Parliaments in *Ireland*, and have ſuch laws made there, as he and his Councils of *England* and *Ireland* ſhall think fit, according to the ſtatute of the 10th of *Hen.* 7. and the 3d and 4th of *Philip* and *Mary*, without relation to the Parliament of *England*, and as, ſince the making of thoſe ſtatutes, have been uſually done. But if the Parliaments in *Ireland* ſhould be refractory, and would not paſs ſuch laws as his Majeſty ſhould think fit for them, though they were never ſo profitable, honourable, and juſt, both for the King and them, there were

no

no means to make them receive ſuch laws, if the Parliament of *England* had not power over them; but they may refuſe and reject all laws proferred to them, though never ſo good and wholeſome for them. But the King and Parliament of *England*, having power over them to give them laws, if they ſhould be obſtinate, and refuſe good laws, his Majeſty hath thereby a lawful means to make ſuch laws for them, as ſhall be thought fit by him and his Parliament of *England*; which power of his, by the Author's opinion and diſcourſe, would be wholly taken away from his Majeſty, though, as by this treatiſe appears, the Kings of *England* have always enjoyed and uſed the ſame.

FINIS.