





ISAAC FOOT





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THE LIFE  
OF  
JAMES DUKE OF ORMOND;  
CONTAINING AN ACCOUNT OF  
THE MOST REMARKABLE AFFAIRS OF HIS TIME,  
AND PARTICULARLY  
OF IRELAND UNDER HIS GOVERNMENT:  
WITH  
AN APPENDIX  
AND  
A COLLECTION OF LETTERS,  
SERVING TO  
VERIFY THE MOST MATERIAL FACTS IN THE SAID HISTORY.

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A NEW EDITION,  
CAREFULLY COMPARED WITH THE ORIGINAL MSS.

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VOLUME IV.

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# AN HISTORY

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OF

THE LIFE OF

JAMES THE FIRST DUKE OF ORMOND,

AND OF

THE AFFAIRS OF IRELAND IN HIS TIME.

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## BOOK VI.

*Containing an account of the duke of Ormond's conduct, and of the affairs of Ireland, from the restoration to his Grace's leaving that kingdom in 1668.*

**T**HE happy change in the king's fortunes produced the like in those of his faithful servants. The marquis of Ormond, after ten years' banishment and a long continued series of adversity, now found himself in his native country, happy in the favour of his prince, and in the esteem of the world, and dignified with various honours and employments. As soon as the ceremonial of his majesty's reception was over, he was sworn a member of the privy council, and made lord steward of the household. In virtue of this last post, he signed on June 4 a commission to Mr. Arthur Annesley, sir W. Morrice, and others, to tender the oaths of supremacy and allegiance to the members of the house of commons; which had met on the 25th of April, and was now sitting. He was soon

after made lord lieutenant of the county of Somerset, and high steward of Westminster, Kingston, and Bristol. He had been formerly chancellor of the university and college of Dublin ; but Henry Cromwell had acted in that post, during the usurpation, with so little regard to the good of the society, that it was in a manner ruined ; there having been neither provost nor fellows according to the statutes placed therein, and the intruders for the most part insufficient, disloyal, and eminently active in spreading faction, schism, and rebellion. The pretended provost had lately, upon complaint of his tyrannical and arbitrary proceedings, and for contempt of their authority, been suspended by the convention of Ireland ; and the college was in great confusion for want of discipline and government. The marquis being restored to the dignity of chancellor, took care to have these evils redressed, and got Mr. Thomas Seele promoted to the pro-<sup>201</sup>vostry, and Mr. Travers, Dr. John Stearn, and other fellows, that had been ejected for their loyalty and non-compliance with the iniquity of the times, restored to their rights, privileges, and preferments.

<sup>2</sup> The county of Tipperary had in the time of Walter earl of Ormond been seized by king James I, and had ever since continued in the hands of the crown. The king now by an act of justice restored it to the marquis, and to give him an instance of his grace and favour, added to it the county cross of Tipperary, with the same privileges and regalities which the family had for some hundreds of years enjoyed in the other. This county cross was of no large extent, and it was scarce practicable to find a sufficient number of freeholders in it to serve as a jury upon any trial. This and many other inconveniences arising from the separation of that peculiar, consisting almost entirely of church-lands, had made the gentlemen and inhabitants long desirous of having it united to the main body of the county. This was now done by his

majesty's grant, which was afterwards, when the marquis of Ormond went over in 1662 into Ireland as lord lieutenant, confirmed by act of parliament. To this Irish grant his majesty added some English honours; and in July created him earl of Brecknock and baron of Lanthony in England.

3 Whilst public honours were thus flowing upon the marquis, he did not want those advantages and comforts in his domestic affairs, of which he had been deprived for many years. His lady came to him out of Ireland in June; and he now saw himself at court with all his children about him; the earl of Ossory, who was come with his lady and her father from Holland; his second son the lord Richard, created in the year following earl of Arran; his third the lord John, afterwards earl of Gowran; and his two daughters, the lady Elizabeth, soon after married to Philip Stanhope earl of Chesterfield, and the lady Mary, who in October 1662 was married to William lord Cavendish, afterwards earl of Devonshire. He had made no composition for his estate in Ireland, so that all of it had been sequestered by the usurpers, except about two thousand pounds a year, which had been allowed to the marchioness of Ormond. The rest of it had been parcelled out to adventurers and soldiers, ever since the reduction of that kingdom, and continued in their possession till now, that the parliament of England restored him to the enjoyment thereof. The consideration of his extraordinary merits and sufferings made them thus interpose in his favour, thereby distinguishing him from other subjects of that kingdom, who were left to expect their restitution at the general settlement of it; a work too full of difficulties to be despatched in haste.

4 Ireland had been subject to the like changes and revolutions in its government as England had suffered, whose example it seemed to follow in the affair of the king's restoration, to which however it was antecedently well

inclined. There was such a disposition to take arms for his service, not only in the Irish natives, but in the old Scots inhabitants of the north, and a great part of the officers and soldiers of the army, that when Henry Cromwell (whom his brother had made lieutenant of the kingdom) was to be dismissed from the government of it, colonel Mark Trevor had once persuaded him to declare for the king, being confident that he would be supported by the whole nation in that cause. But he had scarce taken that resolution, when Ludlow and the other commissioners of the parliament coming over in May 1659, his courage failed him, and he resigned to them his command. These commissioners continued in the government till after the rump parliament was dissolved by Lambert and his officers; when they readily complied with that change, and under pretence of reforming the army, broke, without any trial, above two hundred officers, who had deserved well in the service. The lord Broghill, sir Charles Coote, major King, and other considerable persons, had some time before been put out of all command and employments. This caused a general discontent in the army as well as the kingdom; and sir Theophilus Jones, with other discarded officers, formed a design to seize the castle of Dublin, and the persons of the commissioners. They were near two months in contriving it; and the attempt was very dangerous, because, of five foot companies quartered in the city, there was only one upon which they could have any dependence, neither durst they discover the matter to more than one officer in that company; so that when it came to the execution, they were not assured of one man to stand by them. But as the coming in or standing out of the whole nation depended upon it, and by surprising the castle they should make themselves masters of the principal magazine of the kingdom, they resolved to make the attempt, and trust to the general inclinations of the city



in their favour. Their pretence of meeting was to promote a petition in the army to call a general council, but they could not agree upon timing the action till the night before the execution. At last, on Tuesday Dec. 13, 1659, at five o'clock in the evening, they seized colonel Jones, then commanding in chief, and made themselves masters of the castle, without one drop of blood being shed. Had they deferred the enterprise till the next day, it would have been defeated, for several of them would then have been seized: a letter having been sent from general Fleetwood to Jones for that purpose. To justify what they had done, they immediately declared for the parliament, and in a week's time Limerick, Galway, Clonmel, Youghall, Ross, and all the principal garrisons in Ireland, concurred with them in their declaration.

5 A committee or council of the principal officers of the army now took upon them the government; and for the better ordering of it, by the advice of Dr. Dudley Loftus, and upon a petition of the mayor and aldermen of Dublin, they summoned a convention of estates. The lord Broghill and sir Charles Coote, presidents of Munster and Connaught, coming to Dublin, were desirous to suspend the convention, till they had modelled the army to their mind, and got rid of sir Hardress Waller, who (though he had refused to subscribe the instrument tendered by Jones to the officers to engage them in Lambert's party, and was very zealous for the parliament) was yet such an enemy to monarchy, that he would certainly oppose all the steps they should offer to take towards a restoration. Waller, suspecting their design, seized the castle of Dublin; so that they were forced to besiege him, and in five days obliged him to surrender. The convention met on Feb. 7, and sir James Barry (afterwards lord Santry) being chairman, went on to do business, notwithstanding orders came from the council of state in England for

their dissolution. They still proceeded in contempt of those orders, asserting their liberty and independence on England. They declared their detestation of the king's murder and of the proceedings of the high court of justice; and after providing for payment of the soldiers' arrears, the better to engage them in their duty, they published on March 12 a declaration for a full and free parliament, and the readmission of the secluded members into the parliament of England. The council of officers had gone before them in this declaration, and great care had been taken to purge the army of disaffected persons, and to put the garrisons, especially the seaports, into safe hands. The convention was composed generally of members that wished well to the king's restoration; and all the measures they took were adapted to that end. In the manner of its being brought about they differed, one party being for making terms with his majesty for the confirmation of the estates of adventurers and soldiers; the other being for restoring him without any previous condition; and this at last prevailed.

6 Sir Charles Coote was of this latter party, and in February sent over sir Arthur Forbes to Brussels to the marquis of Ormond, that he might assure the king of his duty, and to give him an account of the state of the kingdom. This was so satisfactory to his majesty, that it admitted a debate in his council, whether he should not go directly for Ireland. But it being considered that this country would of course follow the example of England, if the king was once received in this kingdom; and there being some hopes that Monck might at last declare for him, it was thought proper to suspend that resolution till the issue of the English affairs was known. How frankly sir Charles offered his service, will appear by the answer<sup>a</sup> which his majesty sent him on March 6, O. S.

<sup>a</sup> See the letter E. E. 394.

“It is not possible,” says he, “for me to prescribe or advise the method you are to take for the doing this good work, or the steps you are to make towards it; not knowing what persons you principally rely on for assistance. Only I will promise you, that as soon as you have declared for me, you shall receive all the supplies from abroad you can reasonably expect; and if my own presence be necessary, I will, God willing, come to you, except it be more necessary that I go for England. In the mean time, whatever you shall promise and undertake in my name and on my behalf, that is in my power to perform, for the encouragement and reward of those who shall join with you in my service, I do give you and them my word to make good. I know not what commissions to send you, nor indeed how to send them with security, in so short a time as may be requisite; but I shall, as soon as possible, send over a person to you, who shall be enough instructed to confer with you upon all particulars. Till then, I conceive, these enclosed commissions will for the present be sufficient for any thing that is to be done. If you find it necessary to join others with yourself, for the better entering upon or carrying on the business, you may insert the names of those, of whose affections you are confident, in that commission, in which there is blank sufficient to contain many names, and to pursue the powers granted therein. But if you find that the work must be carried on more vigorously than it is like to be by a concurrence of many, you will then burn the larger commission, and insert your own name in the other, which will enable you to act sufficiently, till I can send you a more formal power, which I shall do as soon as may be. I will not enlarge concerning yourself; the great service you can do me, the great confidence I have in you, and your great merit towards your country, as well as towards me, will all secure you, that I will do what becomes me towards the gratifying and obliging such a servant.”

7 The king offered on this occasion to make sir Charles an earl, to give him such a command as should please him, and to take his whole family into his particular care. Sir A. Forbes was back at Dublin by the middle of March, and Coote proceeded roundly in the work, to the satisfaction even of the cavaliers, who were eager to be

doing, when he had fitted the officers of the army for the undertaking. Lord Broghill (of whose duty the king was assured by his brother the earl of Cork) concurred with him in the design; but was for pursuing it by more covert steps, and delaying the time of their open declaration. This caused him to be more distrusted by the old royalists, though it seems only to be the effect of his natural temper and usual politics, which disposed him to do in that manner the things which he most passionately desired, and which he might as well have carried by a franker and more open proceeding. The king's friends in England likewise had a good deal of trouble to humour the presbyterian party, a strong and a peevish body<sup>204</sup> of men, who might have taken offence if Ireland had declared first; so that it was thought advisable to repress the ardour of sir C. Coote and his adherents, and to keep that kingdom in reserve, to give a check to rigorous proceedings in England, in case the perverseness there ran so high as to impose unreasonable and dishonourable terms on his majesty. Hence arose an emulation between those two great men, which might have been attended with inconveniences, had there been a necessity of coming to action. To prepare for it, they put the militia into honest hands, and raised forty-two troops of horse, and sixty companies of foot, to strengthen the army. But there was little occasion for this force, the whole nation coming<sup>f</sup> with such forward inclinations into the affair, <sup>b</sup>except a few anabaptists, and the titular primate Reily, who (when he found the king's restoration was intended) cast out desperate speeches against his majesty's person, and was very active in doing him all the prejudice he possibly could, by instigating the common Irish against him, and persuading them rather to join with the anabaptists, than to submit to the king or his government. In this disposition they waited for the king's declaration

<sup>b</sup> E. E. 400, 404, and 457.

of May  $\frac{4}{14}$  at Breda, which they readily accepted; and cheerfully concurred in the work of his restoration.

8 ‘The king was proclaimed in Dublin on May 14, and as soon as the order was received, in all the great towns of the kingdom, with wonderful acclamations of joy. This was followed with a very handsome and loyal address, and a present of twenty thousand pounds to his majesty, four thousand pounds to the duke of York, and two thousand pounds to the duke of Gloucester. The convention afterwards, on the 25th of that month, appointed the lord Broghill, sir C. Coote, and others, to attend his majesty as their commissioners to present to him the desires of the nation, and on the 28th adjourned to the 1st of November following. In their instructions to the commissioners they besought his majesty to call a parliament in Ireland, consisting of protestant peers and commoners; and in order thereto, to appoint a chief governor and council for the transmission of bills to the king and council in England. The rest of their desires were, a general pardon and indemnity to all the protestants in Ireland, in such manner, and with such exceptions, as should be agreed on in the next parliament; an act of attainder in the same manner; a settlement of the book of rates by the like authority; a remission of all compositions, and exchequer rents reserved on grants made before Oct. 23, 1641, till the last Easter; a confirmation of judicial proceedings, and of all the ordinances and declarations of the convention, and (what they had most at heart) an act for settling the estates of adventurers, soldiers, and transplanted Irish in Connaught and Clare. There were at this time the four archiepiscopal and eleven episcopal sees vacant; yet the convention did not forget the interest of the clergy, who were too meanly provided for in that kingdom. They desired, that all forfeited escheated inappropriate tithes and glebes, and such impro-

priations as by expiration of leases were or should be in the king's disposal, might be granted by his majesty to the clergy in such manner as the parliament should think fit, so as the rents formerly reserved thereon should be still continued to the crown; and that such escheated lands as were formerly exempted from the payment of tithes and other ecclesiastical dues, whether in his majesty's possession, or disposed of to adventurers or soldiers, might be made liable to pay the same for ever hereafter to the respective incumbents of the several parishes wherein any such lands were situate.

9 They had before taken care to send over sir John Clotworthy and Mr. William Aston as their commis-<sup>205</sup> sioners to attend the parliament of England, and to see that nothing was there done to the prejudice of the adventurers or soldiers, or towards qualifying the Irish for recovering possession of their estates. They were apprehensive that the act of oblivion and general indemnity, which the English parliament were drawing up in order to present to the king at his landing, might be so extensive as to comprehend the Roman catholics of Ireland. To prevent this, other agents (besides those of the convention) were sent over by the adventurers and other parties concerned in the new purchases in that kingdom. These all attended the house of commons in England, suggesting continually, that they could never be secure in any parliament that should be called in Ireland, except they could exclude, out of the act of indemnity then under their consideration, all persons who had any hand in the rebellion; under which notion they comprehended promiscuously all those of the Romish religion who had been either sequestered or in arms. This was so strongly solicited, that they not only got a clause for excepting from the benefit of that act "all persons who had any hand in the plotting, contriving, or designing the heinous rebellion of Ireland, or in aiding,

assisting, or abetting the same ;” but it was very difficult to get an amendment to a proviso, declaring “that the act should not extend to enure or restore to any person or persons (other than the earl of Ormond and other the protestants of Ireland) any estate sold, or disposed of, by both or either of the houses of parliament, or any convention assuming the style or name of a parliament, or any person or persons deriving authority from them, or any of them, or which was approved or confirmed by them or any of them ; nor to the mean profits, rents, or contingent advantages of the same.” The exception in this proviso was inserted at the instance of lord Aungier, who prevailed likewise with the most considerable lawyers in the house to defer some other clauses proposed till he had consulted the marquis of Ormond, then in Holland, upon the subject. This prevented the bill’s being ready against the king’s landing, and then the marquis of Ormond found means to put a stop to such other clauses, as without distinction of persons would have ruined most of the old English families in Ireland. This was at first so well taken by the Irish in general, that they all confessed<sup>d</sup> they owed the preservation of their nation to the marquis.

<sup>10</sup> What made the English commons come the more readily into this proviso was, the reports spread by these agents and their creatures, as if the Irish Roman catholics were ready to raise a new rebellion in that country. This was a thing impossible to be conceived by any body that knew the real state and miserable condition of those people at this time in Ireland. There were indeed some persons, who had been deprived of their estates, so transported with the thoughts of regaining them upon the king’s being proclaimed, that they endeavoured to take possession of them immediately, without having recourse

<sup>d</sup> F. Peter Talbot’s letter, 22 Aug. 1660. B. 4to. 158—160.

to those methods which the law provides in cases of being unlawfully disseized. These were chiefly of those Irish gentlemen who had been found innocent, when in Cromwell's time inquisition was made into the guilt of persons concerned in the rebellion, and who were afterwards by him forced in an arbitrary way to quit their ancient estates, and accept other lands in Connaught or Clare in lieu thereof. They had suffered grievously in the exchange, and having been transplanted by an usurped power, easily imagined they might warrantably reenter upon their former possessions, and eject the intruders. Hence arose several riots and disturbances, which the convention taking hold of, published on May 20 a declaration for preserving the peace and for quieting posses-<sup>206</sup>sions. The severe laws and ordinances lately made against the Irish Roman catholics in that kingdom were hereupon put in execution; they were not allowed to go from one province to another to transact their business; abundance of them were imprisoned; all their letters to and from Dublin intercepted, and the gentry forbid to meet, and thereby deprived of the means of agreeing upon agents to take care of their interest, and of an opportunity to represent their grievances.

11 The members of the English parliament, possessed with the utmost aversion to the Irish Roman catholics on account of their late rebellion, and ready to believe every suggestion of their attempting another, swallowed all the accounts given them of such a design without examination. Both houses joined in representing to his majesty, as soon as he came to London, that many of the natives in Ireland, who had been deeply guilty of the late rebellion, had broke out of late into new acts of force and violence, some of them robbing, despoiling, and murdering several of the protestants there planted, and others of them by force entering upon and disquieting the possession of the adventurers and soldiers there, to



the great and manifest disturbance and hinderance of the English plantation; and desired a proclamation might be issued to repress those attempts. The king, in a sense of the innocent blood of thousands of English protestants formerly slain by those barbarous rebels, and in an apprehension of new mischiefs of the same kind likely to fall out, as the sad issue and consequence of so unhappy beginnings, issued out a proclamation on June 1, ordering all Irish rebels (other than such as by articles had liberty to reside in his dominions) then remaining in, or hereafter resorting to England or Ireland, to be forthwith apprehended, and proceeded legally against as rebels and traitors; and that the adventurers, soldiers, and others, who were on the first of January last past in possession of any of the manors, castles, houses, or lands of any the said Irish rebels, should not be disturbed in their possessions, till either legally evicted by due course of law, or his majesty, by the advice of parliament, had taken further order therein. The adventurers and soldiers being thus kept in possession of the lands and tenements allotted them, were enabled to choose representatives to their mind in the ensuing parliament.

12 It was however still in his majesty's power to recall this, and issue out another proclamation of a different tenour; and particular persons soliciting daily for letters to put them in possession of their former estates, several were granted. This strengthened the apprehensions of the commissioners with regard to a parliament, on the choice of which all their interests depended, and made them less satisfied with the king's answer to the desires of the convention. His majesty had told them, with regard to the acts of oblivion and attainder, that they were things of high consequence, and he should leave it to the consideration of the lord deputy and council of Ireland to consult what was fit to be done therein. The book of rates, and the regulation of trade and manufac-

ture, were left upon the ancient footing, and received practice. The exempting of the subject from any tax or imposition, but what should be laid by common consent in parliament, was not so much granted, as waved, by the answer, that his subjects in Ireland should be maintained in all such rights and privileges as they enjoyed before Nov. 3, 1640. As to the confirmation of the several ordinances and declarations made by the convention, his majesty would give order, that, when an act of indemnity should pass in Ireland, due care should be had of taking this proposition into consideration. But what gave them most uneasiness was, the answer to their desire about a parliament, his majesty signifying, that he should in due time call a parliament, such as the law would admit. With regard to the other points, they in-<sup>207</sup>sisted in a second address, that the lord deputy and council might be directed to transmit bills in the usual form, for enacting the several matters according to their desires; and as to that of a parliament, they renewed their request, that it might be speedily called, representing it as necessary, not only for raising money to supply the army, for settling his majesty's revenue, improving the customs, and removing the obstructions of trade; but also to prevent other inconveniences; for if a parliament was not called before the courts of justice were opened, the adventurers and soldiers would in all probability be dispossessed of their lands; by which means not only many protestants would be exposed to misery and want; but the whole protestant party in all future parliaments would be endangered".

- <sup>13</sup> What had been asked in behalf of the clergy was more readily granted, the king giving order for the settling of all impropriate and forfeited tithes in his disposal upon the respective incumbents of the parishes wherein they lay. This was a confirmation of what the late king had before

granted to the clergy of Ireland, and what the marquis of Ormond did not fail effectually to solicit. The bishops and episcopal clergy yet left in the nation now applied to the marquis for a patronage and protection, which he had ever afforded them, when it was in his power, on all occasions; and judging this a very fit one to provide for their comfortable maintenance, and to establish the church on a better foundation than it had ever been before, he resolved to embrace the opportunity. Besides the Scotch ministers in the north, there were some divines of the presbyterian judgment, who had lately got into churches in and about Dublin, and without any regard to the ecclesiastical constitution of the kingdom, laboured industriously to subject the people to the rules of the covenant, and governed themselves in Divine Service by the Directory; but they were not many, the livings of Ireland at that time not being good enough to tempt any numbers of that persuasion to come thither out of England. Few as they were in number, and too feeble to prevail by their own power, they applied themselves to the king, as soon as he landed, in hopes of getting their model of government established by the credit and interest of their friends in England. Sir John Clotworthy also endeavoured to promote a like petition about church government in the army of Ireland. This alarmed the divines of the episcopal persuasion, who thereupon made a protestation against the proceedings of the others, and desired that the order of bishops and use of the liturgy might be preserved. It was the undoubted opinion of men of the soundest judgment, and who knew the nation best, that there never could be in their days a parliament chosen in Ireland of such a complexion as would consent to the alteration of the episcopal government; the peers, and those commoners in whom the far greater interest and concernment of the nation resided, being such as delighted in nothing more than that ancient form of church

government. The marquis of Ormond, not knowing how much the sentiments of the kingdom might be altered, since he left it, by the late plantation of the adventurers, officers, and soldiers of Cromwell's army, did not think it advisable to trust to the sense of a parliament, which was like to be chosen by that set of people. Episcopacy and a liturgy were as yet part of the legal establishment of that kingdom, no parliament having sat there, since he had left the sword, to pass any ordinance which might afford a colour to the contrary. He thought the best way was to fill up all ecclesiastical preferments with men of worth, learning, and abilities, zealously affected to the constitution of the church, and well qualified to maintain their possession. Thus in the first week of August he pre-<sup>208</sup>vailed with the king to fill the four archbishoprics, and twelve episcopal sees, with the most eminent men that were to be found among the clergy of Ireland.

<sup>14</sup> Of this number was the learned and pious Dr. Jeremy Taylor, being appointed bishop of Down, the diocese whereof was the most infested of any with the most virulent and clamorous, because the most ignorant of the sectaries. The pulpits, filled with Scotch covenanters, rang with nothing but warm exhortations to stand by the covenant even unto blood, virulent invectives against the bishop's person, and vehement harangues against episcopacy and liturgies. These were the only subject of their preachings for four months together, notwithstanding all the endeavours of that excellent man, who soon gained upon all the nobility and gentry (one only excepted), but still found the ministers implacable. He invited them to friendly conferences, desired earnestly to speak with them, went to them, sent some of their own sect to invite them, offered to satisfy them in any thing that was reasonable, preached every Sunday amongst them somewhere or other, and courted them with the kindest offers. All the effect this had upon the ministers was, that it

put them upon entering into a new covenant, to speak with no bishop, and to endure neither their government nor their persons; but it wrought very differently upon the better sort of the people, who by these methods, and by the ministers having refused to dispute (to which their own followers urged them, and interpreted their declining to be ignorance and tergiversation,) were so far gained, that the bishop in less than two years found his diocess generally conformable.

15 He was the person whom the marquis of Ormond pitched upon to reform the disorders of the college of Dublin, and to qualify him with power for that end, made him vice-chancellor of the university. When he came over into Ireland, he found the disorders much greater than he imagined, though they were but the natural consequence of a long war, unsettled times, and an evil incompetent government set over them. There was indeed an heap of men and boys, but no body of a college; no one member, either fellow or scholar, having any legal title to his place, but thrust in by tyranny and chance. By the statutes of the college, no election could be made but by the provost and four senior fellows at the least; and as there was not one remaining of the whole foundation, it was necessary to have recourse to the chancellor's, and even the royal authority, to reinstate the college in a capacity of making regular elections. The bishop proposed that himself, with the provost and the archbishop of Dublin, who was visitor of the college, should be empowered to make an election of the seven senior fellows; whereby it would be put into its former state, and be enabled to proceed, according to the statutes, in making other elections. The marquis followed this plan in part, and directed the vice-chancellor and provost to recommend five persons to him, who might by the royal authority be made senior fellows of the college. They named John Stearne, M. D., Joshua Cowley, Richard

Lingard, William Vincent, and Patrick Sheridan, A. M. ; all of them capable of election by statute, without dispensation; one only excepted. This was Dr. Stearne, a person of great worth, but a married man, and living out of the college, though in an house belonging to it, and in the neighbourhood thereof. But his great learning and skill in the college affairs made him absolutely necessary in this juncture; so that the provost earnestly desired he might be admitted (at least till the affairs of the society were quite settled) to this capacity of serving the college, and doing honour to it, in their great want of able men. The chancellor's power was sufficient to confer upon them the academical honours and advantages; but the king's only could enable them to make leases and to improve<sup>209</sup> their rents, which at that time were very low and insufficient to maintain them. They were confirmed by the king, and thus was a perfect college formed; yet still there was but an imperfect university. They had no public statutes relating to an university; no established forms of collating degrees; no public lectures or schools; no regius professor of divinity, and scarce any ensigns academical. The bishop of Down, at the marquis of Ormond's desire, set himself to collect and frame such a body of statutes for an university, as were necessary, honourable, and useful to the society, and fit for the chancellor's approbation; a work for which he was admirably qualified, nor could there have been found another person, whose talents so well fitted him to finish what the great archbishop Laud had left imperfect, having only digested and established a body of statutes for the college. These were not the only advantages that learned society owed to the marquis of Ormond; he was a vigilant overseer of their discipline and conduct, a powerful encourager of their studies, a generous patron to such as were educated in that college, the interests whereof he took more care of than he did of his own; and it was

chiefly by his interposition in their behalf, that they recovered their lands in Kerry, and other parts of the kingdom, of which they had been dispossessed, and much improved their revenues by new grants from the crown obtained whilst he was at the head of affairs in Ireland.

16 Though such a number of bishops were named in August, yet some months passed before they were consecrated; during which interval it was impossible to remedy the irregularities and confusion of church affairs. The marquis of Ormond knew very well that they could not be sooner possessed of their sees, because they could not take out their patents till a new great seal was made; but he thought it of great use to have the king declare his resolution to support episcopacy, by issuing out his letters for them under the signet. It was not however sufficient to dash the hopes of those who desired its extirpation, and the delay of consecration encouraged them to give out that the king would have no bishops, and to flatter themselves with an expectation of carrying their point. For this end addresses were set on foot, in the name of the protestant inhabitants of the kingdom, adventurers, and officers, civil and military, to beseech his majesty, that the godly ministers of the gospel, who had long laboured among them, might be continued and countenanced. The great strength of that party lay in the officers of the army, which was not yet reduced for want of money to pay off their arrears of several months standing. Sir Thomas Stanley, colonel Lehunt, and other officers, quartered about Cashel, were very zealous in promoting a petition of this nature, sending it into all the baronies of the county of Tipperary, and pressing all persons to sign it. General Monck had upon his majesty's restoration been declared lord lieutenant, and the lord Roberts deputy of Ireland, but neither of them had gone thither; and the government of that kingdom was in the hands of sir C. Coote and major Bury, who bore the title of

commissioners for that government. Sir Charles was very well affected to the constitution of the church of England ; but the major was of different sentiments, and did not care to join in any thing to discountenance the sectaries and stop their proceedings. The officers who had signed the petition were known to be much dissatisfied with the late turn of affairs, and there were several things in it which insinuated reflections upon the government ; which sir Charles made so good use of, that his colleague could not help joining with him to declare their dislike of what had been done, and to order the officers to desist.

<sup>17</sup> There were yet greater men than these that secretly <sup>210</sup> maligned the church, though they did not care openly to declare their disaffection. It was by the encouragement which these gave underhand to the sectaries that they grew so bold as to petition against bishops, and so refractory as to insult the laws which obliged them to conformity. These great men, who solicited at court the cause of the adventurers and soldiers, finding that it was to no purpose to attack the order of bishops and the constitution of the church, thought it would lessen their influence if they took away their revenues, and deprived them of the means of living suitable to their dignities, a state of indigence being ever attended with contempt. They were uneasy at the king's promise of granting the impropriations, devolved to him, to the incumbents of the respective parishes ; and to deprive them of as much in another way, whilst they were endeavouring to obtain a confirmation of the adventurers' and soldiers' estates, they laboured hard to get an article inserted into the instructions for drawing up or executing the king's declaration for Ireland, that all improvements of ecclesiastical rents, made during the government of the earl of Strafford, should be taken away ; under pretence that they were made at the council-table, which was no proper judicature for such causes. This happened in November, and



made the lord primate, and eight other bishops then resident in Dublin, address themselves, in the name of all the orthodox clergy of Ireland, to the king as a nursing father to the churches within his dominions by divine law, and the great patron of the clergy by the laws of the land. They represented to him, “that it never was the intention of his grandfather, that one single tenant, who had no need, and was of no use to the church, should enjoy a greater yearly revenue out of his royal bounty than the see itself, and the succession of pastors; yet this was the case, till the time of the earl of Strafford, through whose sides the church was now attacked and in danger of suffering; that they were ready to demonstrate, that the council table in Ireland had been ever esteemed and used as the proper judicature for such causes throughout the two last reigns, and so upwards throughout all ages since the conquest. Nor could it possibly be otherwise; the revenues of Irish bishops depending much upon rules of plantation; and rules of plantation being only cognoscible at the council-board. The tithing-table of Ulster was grounded upon an act of state; and acts of state had no other judge but the council-board. But waving the constant practice and the precedents of all former ages, they confidently affirmed, that the earl of Strafford did nothing in those improvements but what he was warranted and authorized to do by two <sup>f</sup>acts of parliament made expressly in the point, at the instance of the tenants themselves; and to make laws looking backwards, or to make that to be illegally done which was then legally done, would be contrary to the laws of God and man. If those men’s desires should take place, some good bishoprics (say they) would be reduced to 60*l.*, and some to five marks or forty shillings a year; and those visible monuments of former sacrilege now interred would be revived. The greater part of the present bishops, when

<sup>f</sup> 10 Car. I. sess. 3. cap. 5. et 10 et 11 Car. cap. 3.

they have quitted all *commendams*, and surrendered their *tertiam et quartam episcopalem* (i. e. the third or fourth part of the tithes of their whole diocess) for the support and maintenance of a rural resident clergy, must be exposed to contempt and want, if not to beggary itself. They therefore humbly prayed, that as they hoped, both by word and example, to approve themselves patterns of loyalty to the rest of his subjects; so his majesty would preserve his own rights, by preserving them in theirs, according to the fundamental laws of the kingdom; and <sup>211</sup> suffer nothing to be concluded to the prejudice of the church of Ireland, before they were heard to speak for themselves, by their agents, whom they craved leave to send over to his majesty with their humble and submissive desires and representations of such expedients as they conceived very conducive to the good of the church.

- <sup>18</sup> This petition was on Dec. 5 sent to the marquis of Ormond, and by him presented to his majesty, who returned them a gracious answer in a letter of the 24th of that month, assuring them, that he would by all the ways and means in his power preserve their rights and those of the church of Ireland, so far as by law and justice he might; that nothing could give him more content than, when occasion should be offered, to add to the revenue thereof, which had been too much diminished by rapacious or improvident hands, and to restore it to its ancient patrimony; so as they needed not either to fear the taking away of the rents raised in lord Strafford's time, or to doubt of any endeavours of his which might tend to make that church flourish; as they might perceive by his late letters sent to Ireland for the settling of the inappropriate and forfeited tithes in his gift upon the respective incumbents. The marquis of Ormond, transmitting this letter of his majesty's, wrote on the same day to the lord primate Bramhall, acknowledging

the receipt of his of the 5th, "wherein," says he, "I find your great care of the church of Ireland, for which I give your lordship many thanks, assuring you that I shall cooperate with you in all things necessary for the carrying on of so good a work; and I know his majesty to be so intent thereupon, as I think I may promise you that he will part with his firstfruits, (which your lordship knows is a considerable branch of his revenue,) as in your letter you desire. And that being yielded unto by his majesty, you need not doubt but he will give his assent to those smaller things proposed by you; as the union of lesser benefices to make a competency; some little glebes to be appointed where there are none; a free school to be erected in every diocess, and to the agreeing upon one uniform order or table of tithing to be established throughout the kingdom. For these are things of so much conveniency and necessity, as they need not the solicitation of such agents to be sent over, as you intend. But if your lordship will be pleased to leave that care here upon sir G. Lane, my secretary, I will be your solicitor, and see the business done, since these are things so much tending to the good of that torn and distracted church."

19 The clergy of Ireland could not have a better solicitor of their cause, and soon felt the good effects of his interposition in their behalf. The marquis procured not only these but other grants for them; which on the 9th of February following drew from three of the archbishops and eight other bishops then at Dublin an address of thanks in the name of themselves and all the orthodox clergy of Ireland, acknowledging the benefit they had now received from his powerful mediation, and the sense they had of the protection and just favours which by long experience they had found from him upon all occasions; offering up their prayers for the perpetual prosperity of his lordship and his noble family; and beseeching him to continue his care over them, whilst they

should approve themselves industrious, according to the uttermost degree of prudence which God had given them, to advance the glory of God, the honour of his majesty, and the prosperity of his people; and to lay up this their faithful acknowledgment among the other monuments of his virtue and loyalty, as a testimony of their gratitude, and an invitation of his posterity to tread in the same steps which he had traced out unto them.

20 The marquis continued his care for them, which was <sup>212</sup> now more necessary; and it was very happy for the church of Ireland that he was soon after made lord lieutenant of the kingdom. For the common business of all that plied about court at this time was to solicit grants of Irish lands; and his majesty rather considering the merit, sufferings, or perhaps the importunity of the suitor, than understanding the nature or value of what he granted, was often surprised into grants of those impropriations which he had directed to be given to the clergy. The marquis, being lord lieutenant, stopped all these grants, and on Nov. 17, 1663, procured a letter from the king, wherein, to prevent his being surprised or otherwise deceived in his resolutions for the support of the church, and advancement of true religion in his realm of Ireland, his majesty signified his pleasure, that the lord lieutenant should suffer no grant of any impropriation in his disposal to pass to any person whatsoever, upon pretence or by virtue of any warrant, order, or direction obtained from him for the same. His majesty at the same time giving order, that his grant of impropriations to the clergy should be expressly provided for, and confirmed in the act of explanation then under consideration; and the marquis of Ormond continuing several years afterwards in the government to see that act executed, and all possessions settled, the clergy of Ireland have ever since enjoyed these benefactions and all their rights by an uncontroverted title, without being exposed

to those invasions and impairings to which the smaller revenues of the English clergy are daily subject, and will be for ever subject, till the account books of incumbents be transmitted down to their successors as regularly as the parish registers; till the English clergy be empowered, like the Irish, to pass letters patent for the securing of their rights to posterity, or that ancient terriers be allowed as evidence in our courts of law, without being set aside by more modern pretences of custom; an inconvenience to which letters patent are not subject.

<sup>21</sup> A new broad seal being made for Ireland, the king appointed sir Maurice Eustace (an old and particular friend of the marquis of Ormond) lord chancellor of the kingdom, who was sworn into his office on Oct. 24. The lord Broghill and sir C. Coote were raised to the dignity of earls of Orrery and Mountrath, and made, with the chancellor, lords justices of the kingdom: the two last were sworn on Dec. 31, and the earl of Orrery on Jan. 17 following, ten days before the consecration of the twelve new bishops in St. Patrick's church at Dublin. Their chief instructions were, to tender the oaths of allegiance and supremacy to all his majesty's subjects of that kingdom, and to proceed according to law against those that should refuse; to prepare such bills as by them and the council (which was then also appointed) should be thought to be for the good of the people, and to transmit them, pursuant to Poyning's act, in order to a parliament; and to send over the names of fit commissioners to execute his majesty's declaration for the settlement of that kingdom.

<sup>22</sup> The king had been so taken up with the proceedings of the parliament of England, that, till it broke up in September, he had no leisure to apply himself to the affairs of Ireland. The settlement of that kingdom was a work of great intricacy and difficulty, and required a mature consideration. Several proposals were offered for

that purpose. Lord Broghill, sir J. Clotworthy, and the other agents of the convention, proposed, that an act should be passed to confirm all the estates of the adventurers and soldiers, as they stood May 7, 1659, according to the acts and ordinances whereby they held their respective estates; that before any disposition was made of any other confiscated lands in Ireland, all deficiencies, in whole or in part, and the settlement of such adventurers as were (pursuant to the act lately passed in England) to 213 be removed from the possessions they enjoyed out of the lands belonging to the lord of Ormond, or those of three or four persons besides, (whom they were willing his majesty should except from confiscation, as deserving his favour, but desired that he would name immediately,) should be provided for to the full value of what they quitted; that half a year's revenue of every adventurer and soldier and other person concerned should be paid within a year by two equal payments into the exchequer for his majesty's use, as an acknowledgment for the great forfeitures he parted with, and for his remitting the ancient rents due to him, and a like sum into the hands of trustees for a compensation to the marquis of Ormond (the bulk of whose estate had been applied wholly to the discharge of the public burdens) and other loyal persons, whose estates had been unjustly confiscated; and in order to provide for the officers and soldiers who had served against the Irish before 1649, that the remainder of the forfeited land which had not yet been disposed of in the counties of Dublin, Kildare, Wicklow, Catherlogh, Longford, Leytrim, part of Cork and Kerry, with the great towns of the kingdom and houses therein, should be applied to the payment of their arrears, and to the answering of their demand.

- 23 The earl of Mountrath thought himself obliged to oppose this proposal for confirming the estates of all the adventurers and soldiers without distinction; and after

conferring with his brother the lord Colony on the subject, represented, that so general an act of confirmation would be attended with ill consequences, it being very clear that his majesty would lose thereby (of the lands possessed by fanatics and disaffected persons, who had, as much as in them lay, opposed his restoration) very near one hundred thousand pounds a year; which might enable his majesty to gratify such of his faithful servants as had been by the usurped powers unjustly deprived of their estates, and others that were fit objects of his favour. He was very confident that the exempting of such persons from the confirmation of their acquisitions would be so far from being discountenanced by the parliament which should be called there, that it would give a general satisfaction to all who were well affected to his majesty's service; and if he were pleased to exempt some such persons out of his declaration, or should think fit to refer the whole matter to the Irish parliament, he was ready to send an account of their names.

- 24 Sir Maurice Eustace, thinking the opportunity favourable for settling such a revenue upon the crown, as might defray the charges of the government, without being any longer a burden to England, proposed, that his majesty would look upon the province of Connaught as his own, to which neither adventurer nor soldier could pretend any thing; for the statute of 17 Car. did not extend to it, in regard it neither was nor could be forfeited, the lands of that province and others in several counties of Muuster being found by office before the rebellion to belong to his majesty's father; that the soldier, not being so much as mentioned in the statute 17 Car., could not pretend to any lands, no provision being made for them till 1652, when Cromwell and the rump began to assign them lands in lieu of their pay; and after all, that statute not being binding in Ireland, his majesty might dispose of the forfeitures as he pleased. Hence he advised, since

his majesty was resolved to part with the lands, that he would reserve the ancient tenures by knight's service and *in capite*, because it would keep the proprietors in a dependance on the crown, and he could not keep too strict an hand over that new generation of people which expected to plant in Ireland; that he would in the next place direct the chief governors and council to examine and certify (where they found cause) the abuses committed in the distribution of lands to the adventurers and soldiers, great complaints being made, that some had too much, others too little, and many had lands assigned them who were entitled to none; that they should have their lands set out according to English measure, (as by the act 17 Car.,) and not the Irish admeasurement, by which a large quantity of land would be saved to his majesty; that the abuses of the doubling ordinance should be rectified, by which a great scope of land would be gained; and his majesty by these methods would be enabled to give satisfaction to all that had any title thereto; in which point he likewise advised his majesty to dispose of no part thereof, till there was sufficient to maintain his army; and grant no fee-farms to any, but only give them leases for twenty-one, thirty-one, forty-one, or sixty-one years, as queen Elizabeth did; by which means he would secure a revenue to support the government, a continual supply to gratify his servants, and a perpetual dependance on his majesty.

- 25 Various other proposals were made by private persons, which became not matter of debate in council, as those did which were made by the agents of the Irish Roman catholics. These proposed that the Irish should be first restored to their estates, and then for five years one third part of the product of the estates of such as should be so restored (excepting those who served his majesty beyond the seas, who were to make that payment only for two years) should be applied to the satisfying of the meriting



adventurers and soldiers; that a general indemnity should be granted to all the Roman catholics; and when a parliament should be called, they would be ready to grant a supply to his majesty. To these proposals, the earl of Orrery, and other commissioners who pleaded the cause of the adventurers and soldiers, replied, that the satisfaction proffered would be so far from answering every of the considerable just interests of the protestants, that it would not satisfy any one of them. For it was not competent to pay only the adventurers the principal and the ordinary interest of their money from the time it was first advanced, nor to pay singly the arrears due to the soldiers of his majesty's army in Ireland contracted before June 5, 1649, nor to reimburse the losses sustained by the protestants from the rebels, nor singly to recompense them for a twelve years' deprivation of their real estates during the war; nay, not even to satisfy what the adventurers and soldiers had laid out in building and improving the lands, to which the said Irish now desired to be restored. There were other inconveniences that would attend this expedient; for if the Irish were restored to their estates, they would hold them on their ancient tenures, and the king would lose the quit-rents, reserved upon them and payable by the adventurers and soldiers, which were estimated at sixty thousand pounds a year, and were the best standing revenue to defray the charges of the civil and military lists; his majesty would in that case be disabled to maintain the army, and lie at the mercy of the Irish; the adventurers and soldiers would return home, the old protestant proprietors (seeing their chiefest strength gone) would doubtless follow them, not daring to trust an incensed people, who, before any provocation was given, had massacred so many thousands of them; and thus all the protestant plantations in Ireland would be destroyed, and the Irish might securely rebel hereafter, since the English, after such treatment, could

never be brought either to advance money or serve as soldiers to suppress another rebellion. If the Irish, after the expense of so much English treasure, and the effusion of so much English blood, were to be placed in as good a condition as they were before their guilt, they would have the strongest invitation to make another insurrection, when, if they succeeded, they should get all the protestants' estates, and, if they failed, they should<sup>215</sup> still keep all their own. By this expedient, the half year's rent out of all the adventurers and soldiers offered to his majesty for his own use, and another half year's rent offered towards the recompense of such as had eminently acted for and suffered with his majesty, would be also lost. Whereas the proposals made by the agents for the adventurers and soldiers, far from leaving any entire interest unprovided for, scarce left any one person of any interest, either papist or protestant, without as full a satisfaction as the present exigency of affairs would admit.

<sup>26</sup> The king thought himself in justice obliged to take care of the interests of those adventurers who had lent their money upon the credit of acts of parliament to which his royal father had assented; and was very sensible of the late merit of the Irish army in returning so early to their duty, and concurring in his restoration, without insisting upon any terms, but leaving themselves and all their concerns to his mercy and goodness. He had been necessitated to make a peace with the confederate Irish; and though he was, by the refractoriness of the clergy and their adherents, disappointed of the effects he expected thence, and it had been violated by a great part of the nation, yet he thought himself obliged in honour to make good the conditions of it to those who had faithfully adhered to it, and had honestly performed their engagements. He could not but remember the great affection which a considerable part of the Irish nation had expressed to him during his exile, by submitting

with all cheerful obedience to his orders, and betaking themselves to that service, which he directed as most convenient and useful at that time to his service, though attended with inconveniences enough to themselves; and was desirous to give these the benefit of his protection, and particular marks of his favour. There was another set of men also to be provided for, so unexceptionable in all respects, that every party proposed a recompense for them; and these were those protestant officers, who had always continued loyal, and had served in his majesty's army, and under his authority, from the beginning of the war to 1649, whose arrears had never been paid, on account of their loyalty, when Cromwell assigned lands to satisfy the rest of the army. The king was willing to part with all the forfeitures to discharge his several obligations and to content these different interests; but the marquis of Ormond and others, who knew the kingdom, not thinking the forfeitures sufficient for that purpose, he was at a loss which to prefer of these interests, which seemed incompatible.

27 Whilst he laboured under this difficulty, the earl of Orrery, sir J. Clotworthy, and sir A. Mervyn on Nov. 9 presented him with an estimate of lands and remainders, which, when the adventurers and soldiers were confirmed in their possessions, would serve to reprise and satisfy such of the Irish as his majesty should be pleased to restore to their estates. It stood thus :

“The estates of persons excepted by the act of indemnity .....	}	14000 <i>l.</i> per ann.
Gifts and gratuities [of Cromwell's to persons that had not served] .....	}	9000 <i>l.</i>
English debentures and debts struck off .....		10000 <i>l.</i>
Lands in the county of Dublin not disposed of .....		15000 <i>l.</i>
Ditto. in the county of Cork .....		25000 <i>l.</i>
Ditto. in the county of Kerry .....		7000 <i>l.</i>
		80000 <i>l.</i>

Besides, upon a particular review of the disposition of lands in

Connaught and Clare, the following interests will be struck off, 216 viz. those who had lands on pretence of eminent service done, those who had unduly obtained decrees for a possession of lands, those that were of the nuncio's party, those that forfeited their articles, those that had intent decrees; by which in all probability more than one third part of the province of Connaught and county of Clare will be in his majesty's disposal. To all which may be added the lands not yet discovered, being settled in trust for persons that have forfeited; such trusts being in protestants, or others that always enjoyed their estates; which trusts will be discovered by the Irish, when it shall make for their own advantage. And by the discoveries that were offered to be made in 1659 to the commissioners, who were then appointed to manage the revenue of Ireland, and to whom in a few weeks some hundreds of such discoveries were tendered, it is evident such discoveries will be considerable."

28 This was the famous paper, which removed all the difficulties that had hitherto obstructed the settlement of Ireland. The king was delighted that it would be in his power to satisfy all the interests of his subjects, and to prevent all discontents and complaints from any quarter. His inclinations led him to make them all happy; and he eagerly embraced a scheme which flattered those inclinations. He gave orders for drawing up the declaration, which he signed on the 30th of that month, for the settlement of the kingdom. He therein confirmed in the first place to the adventurers all the lands possessed by them on May 7, 1659, and allotted to them according to the acts of 17 and 18 Car. as to English or plantation measure: and engaged to make good the deficiencies of such as made proof of them before the first of May following. He next confirmed the lands possessed by the soldiers, and allotted them for their pay; excepting church lands, and such estates as were either procured by bribery, perjury, and other undue methods, or set out by false admeasurement, (of which proof was to be made before Dec. 20, 1661,) or else belonged to any of the re-

gicides and halberdiers, or to others who had since his restoration endeavoured to disturb the public peace, or manifested an aversion to his restoration and government. The officers who had served before June 5, 1649, (except such as had received lands for their pay due to them since that day,) were to be satisfied for their respective arrears; which were to be stated before Sept. 29, 1661. Protestants, whose estates had been given to adventurers or soldiers, (except such as had been in rebellion before the cessation, or had taken out decrees for lands in Connaught and Clare,) were to be forthwith restored, and the others reprised, without being accountable for the *mesne* profits. Innocent papists, who had taken lands in Connaught, were to be restored to their estates by May 2, 1661, but if they had sold the Connaught lands, they were to satisfy the purchaser for the price he paid, and the necessary repairs and improvements he had made; and the adventurers or soldiers removed were to be forthwith reprised. In this point of innocent papists, there was a restriction made with regard to such as had lands within corporations; for these were not to be restored to their old possessions, but only to be reprised in the neighbourhood. As for such as had been in rebellion, but submitted, and constantly adhered to the peace of 1648, if they stayed at home, sued out decrees, and possessed lands in Connaught and Clare, they were to be bound thereby, and not relieved against their own act; if they served faithfully under his majesty's ensigns abroad, and had sued out no decrees in Connaught or Clare, in compensation of their former estates, they were to be restored to them, but not till the adventurer or soldier who was to be removed had a reprise set out for him, had a reasonable satisfaction given him for the repairs and improvements he had made, and <sup>217</sup> was reimbursed the debts or other legal encumbrances which he had found upon the estate, and had discharged; such restoration and reprises being to be effected by

Oct. 23, 1661. There were thirty-six of the Irish nobility and gentry (some of them entirely innocent, and others constant adherents to the peace) whom the king thought worthy of his particular favour, and therefore he directed that these (who were all named in the declaration, and for that reason generally called *nominees*) should, without being put to the trouble of further proof, be restored to their former estates, according to the rules and directions given in the case of such as had faithfully served under his majesty's ensigns abroad, many of whose names were likewise recited.

- 29 There is a sort of apology made in this declaration for requiring a previous reprisal, before such as had served his majesty abroad were to be restored to their estates; the reasons of which are assigned to be, the great charges the English had been at in getting possession of them, and in making improvements thereon, and the inconveniences they would suffer by having their stock (which, after parting with their all in England, was their whole subsistence) lie upon their hands, without any place wherein they could dispose of them; whereas the Irish just come from abroad, having no stock, were liable to none of those inconveniences, and might better wait for a reprisal; especially since (his majesty was assured) a very short time would assign them their respective reprisals, there being so good and large a proportion of undisposed forfeited lands in his power reserved for this purpose. His majesty doubted not but the persons most concerned in this supposed prejudice would acquiesce therein, upon a thorough consideration of these inconveniences, the shortness of their duration, and the great and reasonable dissatisfaction a contrary acting in him would produce. That no dispute might arise about precedency in restitution, it was declared, that the innocent protestants, and those termed innocent papists, (who took out no decrees, and had no lands assigned them in Con-

naught and Clare,) should be first restored; then the innocent protestants and papists that took out such decrees and had such lands; then such transplanted persons as should be dispossessed were to be reprised before their dispossession; and then such of the Irish papists as had served under him abroad, and had right to the articles of peace, were to be restored. Yet this was so to be understood, that if any person in the precedent qualifications should find any part of his estate not already disposed of, or not designed to the ends aforesaid expressed in this declaration, he, his heirs or assigns, were to be restored. After such reprisals made, if there were any lands remaining, they were to be applied for satisfying the debts of such as had furnished arms, ammunition, or provisions for the Irish war. This, with the quitrents reserved to the crown, the tenure of the lands, (which the adventurers were to hold in free and common soccage, but the soldiers by knight's service *in capite*,) the promises of inquiring into the injustice and frauds of the decrees for lands in Connaught and Clare, of forthwith calling a parliament, of passing acts for a general pardon and confirmation of judicial proceedings, an acceptance of the two half years' rent offered for the use of his majesty and of the eminent sufferers in his service, a provision for the payment of mortgages and encumbrances on lands, an assigning of particular securities for each of the interests herein provided for, and an exclusion of the adventurers and soldiers from being allotted any lands or tenements in cities and sea towns incorporated, and of all persons concerned in the plot to surprise the castle of Dublin in 1641, the regicides and halberdiers, from having any benefit of this act, was the sum of his majesty's declaration for the settlement of Ireland.

30 On the same day that his majesty signed the declara- 218  
tion, he made to the marquis of Ormond a grant of all  
the lands which had been formerly by the marquis himself,

or by any of his ancestors earls of Ormond and Ossory, mortgaged, granted, demised, leased, or to farm let into several parcels in fee, fee-farm, fee-tail, for life, lives, or years, and which were forfeited by the having an hand in the late rebellion; directing commissions to be issued for finding his title to the premises, and upon return thereof, letters patents to be passed to the marquis for the same. The grant of the mortgages here mentioned was a mere act of grace in the king, done out of consideration that the greatest part of those encumbrances had been contracted for his own and his father's service. But that of the lands set upon fee-farm rents or leases for lives or years was rather a confirmation of the marquis's own right, and of a former grant of king Charles I. to prevent any dispute about the right of forfeitures. All that held lands in that manner of the house of Ormond were obliged by their tenure to follow the earls of Ormond as supreme lords of the fief, in their hosting, whenever they took the field to oppose any invasion or suppress any insurrection in the kingdom; and on the vassals failing to discharge this duty and service, the lands they held reverted to the lord. Most of the marquis of Ormond's vassals and tenants, far from performing this condition of their tenure, had engaged in the rebellion, and fought against him in the field; and king Charles I. to prevent any interfering of the claim of the crown and the rights of the lord, and any litigation of the marquis of Ormond's right to those forfeited lands, had in August 1642, when sir P. Wemyss attended him at Nottingham, conveyed to the marquis all the right, title, and interest which the crown had or might have in any of those lands. This was now confirmed by king Charles II, and had the marquis taken the benefit of the grant, or insisted on his own rights in their full extent, it would have been an immense improvement of his estate, as will appear more particularly hereafter.



31 The parliament of England had restored the marquis to his estate, in consequence of which several adventurers readily resigned their possession; but for the due execution of the act in all parts of Ireland the king's letters were necessary. All the reserved rents of his estate, and the prisage of wines, had been paid (together with the quitrents belonging to the crown) into the exchequer of the usurped powers. These the king had ordered on Oct. 8 to be put out of charge in the exchequer, and all the arrears thereof due before the last April 25 to be paid to the marquis; and letters patent to be passed thereof. The same letters contained likewise a grant to him of all his debts by bills, bonds, statutes, merchant and of the staple, or otherwise, due to persons who had forfeited; all which, being by such forfeiture devolved to the crown, were now ordered to be discharged.

32 The king's letters for putting him in possession of the rest of his estate have something in the preamble (which was probably drawn up by Mr. secretary Nicholas, to whose province the affairs of Ireland belonged, and who undersigned them, and was an unexceptionable witness of what is therein asserted) so very particular, that it cannot be improper to recite the words of it, which are these:

It having pleased Almighty God in so wonderful a manner to restore us to our dominions and government, and thereby into a power not only of protecting our good subjects, but of repairing by degrees the great damages and losses they have undergone in the late ill times by their signal fidelity and zeal for our service, which we hold ourself obliged in honour and conscience to do, as soon and by such means as we shall be able; nobody can wonder or envy that we should, as soon as is possible, enter upon the due consideration of the very faithful, constant, and eminent service performed to our father of blessed memory and 219 ourself, upon the most abstracted considerations of honour, duty, and conscience, and without the least pause or hesitation, by our right trusty and right entirely beloved cousin and counsellor James marquis of Ormond, lord steward of our household; who

from the very beginning of the rebellion in Ireland frankly engaged himself in the hardest and most difficult parts of our service ; and laying aside all considerations or thought of his own particular fortune and convenience, as freely engaged that as his person in the prosecution and advancement of our interest : and when the power of our enemies grew so great, that he was no longer able to contend with it, he withdrew himself from that our kingdom, and from that time attended our person in the parts beyond the sea, with the same constancy and alacrity, having been never from us, but always supporting our hopes and our spirits in our greatest distresses with his presence and counsel, and in many occasions and designs of importance, having been our sole counsellor and companion. And therefore we say, all good men would wonder, if being restored to any ease in our own fortune, we should not make haste to give him ease in his, that is so engaged and broken for us, and which his continual and most necessary attendance about us must still keep him from intending himself with the care and diligence he might otherwise do ; we knowing well, besides the arrears due to him during the time he commanded the army, and before he was lord lieutenant of Ireland, that from the time he was by our royal father put into the supreme command of that kingdom, and during the whole time that he had the administration thereof, he hath never received any of the profits, emoluments, or appointments thereof, but wholly supported himself and our service upon his own fortune and inheritance, and over and above borrowed and supplied great sums of money upon the engagement or sale of his own lands, and disbursed the same upon carrying on the public service, as well during the time of his first being there under our royal father, as since under us, &c.

- 33 The marquis did not esteem any part of his revenue so much as he did that which arose from the prisage of wines. The value of it was considerable ; every ship laden with wine, that broke bulk in any port of Ireland, paying him out of eighteen tun, two tun, one behind the mast and the other before ; and proportionably for half that quantity. But what recommended it still more to him was, that it was a perquisite or appendage of the butlerage of Ireland, enjoyed at first in virtue of that dignity,

and confirmed afterwards by many patents of the crown from the beginning of the reign of Edward III downwards, entailing it on the family. It had ever since been enjoyed accordingly by the earls of Ormond, chief butlers of the kingdom, without being subject to any custom or duty to the crown; but in the late times of usurpation, when the rights of all men were confounded, and the persons in power, after suppressing monarchy, took a particular delight to invade the rights and privileges of the great officers of the crown, the farmers of it were charged with a new impost of the usurper's invention, called the *excise*. The commissioners who laid that charge upon the prisage had acted unwarrantably, even supposing the ordinance of the excise had been legal, and the powers who made it invested with a lawful authority, because the privileges and exemptions of the great officers of the crown being derived from, and indeed part of, the prerogative royal, would still subsist, and ought to be maintained, unless expressly taken away, or specially mentioned in the ordinance. And thus of common right the prisage of wines in England had ever been in all former times exempt from tonnage and poundage, notwithstanding the many acts which had passed for those duties in <sup>220</sup> which the prisage was not particularly mentioned. The king, upon a representation of the matter, thought himself as much obliged to take care of the rights of his servants as of his own; and on Oct. 23 sent orders to Ireland to take off the charge of excise on the prise-wines; which was done accordingly.

34 In the beginning of the year following, preparations were made for the king's coronation; and the marquis of Ormond was on Feb. 13 joined with the duke of Albemarle and others to determine the claims which are usually entered upon that occasion. On March 30 he was raised to the dignity of duke of Ormond in Ireland; and being about the same time created lord high steward

of England during pleasure, he assisted in that capacity at the king's coronation on April 23, marching in the solemn procession immediately before his majesty, and carrying in his hands St. Edward's crown.

- 35 The king's declaration for the settlement of Ireland, though intended to provide for all interests, did not satisfy all parties. The adventurers and Cromwellian soldiers had indeed all that they could ask granted them therein; but the officers who served before 1649, and whose loyalty only had hindered their being paid in the times of usurpation, were treated with great inequality, with regard as well to the quantity of their debt (a provision being only made for the proportion of 12s. 6d. in the pound) as the security assigned to them, which was not likely to hold out to answer even that proportion. Whatever reason they had to complain, their duty and affection to the king made them declare themselves ready to be concluded by his majesty's pleasure: but the Irish were more clamorous, and those who were entitled to the benefit of the articles of the peace in 1648 thought it very hard treatment, that their restitution should be postponed till reprisals were found out and assigned to the adventurers and soldiers, who had got possession of their estates. They were as little pleased with the commissioners appointed to execute the declaration; they being most of them engaged by their interest in the party of the adventurers and soldiers. They exclaimed still more heavily against the instructions given to those commissioners, in which the qualifications for innocency were made so very strict, that scarce any of their nation could propose to gain a sentence in his favour. For no man was to be restored as an innocent papist, who at or before the cessation on Sept. 15, 1643, was of the rebels' party, or enjoyed his estate, real or personal, in the rebels' quarters, (except the inhabitants of Cork and Youghall, that were driven into those quarters by force,) or

who had entered into the Roman catholic confederacy before the peace of 1646. Whoever had at any time adhered to the nuncio's or clergy's party, or papal power, in opposition to the king's authority, or, having been excommunicated for adhering to his majesty's authority, had afterwards owned his offence in so doing, and been thereupon relaxed from his excommunication; whoever derived the title to his estate from any that died guilty of the aforesaid crimes, or pleaded the articles of the peace for his estate, or living in the English quarters held a correspondence with the rebels; whoever before the peace in 1646, or that in 1648, sat in any of the confederate Roman catholic assemblies or councils, or acted upon any commissions or powers derived from them; whoever employed agents to treat with any foreign papal power for bringing into Ireland foreign forces, or acted in such negotiations, or had harassed the country as Tories before the marquis of Clanrickard left the government; whoever came under any of these denominations, was not to be deemed an innocent papist. One of these qualifications was certainly very rigorous, and the rigour of the law in many cases can hardly be distinguished from injustice. Abundance of Roman catholics, well affected <sup>221</sup> to the king, and very averse to the rebellion of their countrymen, lived quietly in their own houses, within the quarters of the rebels, who, out of reverence to their virtues, or favour to their religion, allowed them to do so, though they never took arms or engaged in any hostile act in opposition to his majesty. Such of them as had offered to take shelter in Dublin were by the lords justices banished thence on pain of death by public proclamation, and ordered to retire thence to their own houses in the country, where they could not help falling into the power of the rebels; and if these suffered them to live there in quiet, an equitable man, who considers the circumstances of those times, and the condition of all

countries that are in a state of war, will hardly see any such iniquity in the receiving of that mercy, or in the unavoidable necessity they were under of living in their own houses, as should bring upon those persons a forfeiture of their estates.

36 The commissioners for executing the declaration sat at Dublin, and published proclamations, requiring all adventurers, &c., within forty days, to bring in the particulars of their estates, and all persons to enter their claims before the first of May. But very little was done in these respects, for want of a law to warrant the proceedings of the commissioners; the judges having declared their opinion, that the declaration, being only an act of state, was no warrantable rule to walk by in the disposing of men's estates, very few or none of the Irish entered their claims; which was owing to the little advantage they could receive thereby, since no person could be outed of his possession till a reprisal was assigned him, and there was scarce any prospect of land for such reprises. This, with an expectation of some more favourable instructions from his majesty, restrained them from making any application to the commissioners. The lords justices, to avoid the odium which the delay of restoring the Irish for want of a law to authorize the declaration was likely to bring upon them, ventured to order the restoring of the earls of Clanrickard, Westmeath, Fingal, and Clancarty, the lords Dillon, Taaffe, and Gallmoy, colonel Richard Butler, and colonel Fitz-Patrick. But by this time the stock of reprisable lands was in a manner exhausted; and they left the rest of the nominees and others to be provided for by the parliament, which was summoned to meet on May 8.

37 The adventurers and soldiers being kept in possession of their lands and tenements, most of the members elected for the lower house were of their party. They so much outnumbered the old protestant proprietors in

the kingdom, that they had a great advantage of them in the elections; there was not one Roman catholic and but few fanatics returned. The chancellor, sir M. Eustace, being one of the lords justices before whom the parliament was to be held, could not sit in the house of lords, so that a speaker was wanting to that house. The chancellor proposed sir James Barry lord Santry; but the earls of Orrery and Mountrath, having some exceptions to him, prevailed with the lord primate Bramhall to accept a charge, which might afford him opportunities of doing service to the church of Ireland. The parliament met on the day appointed in the usual manner, riding on horseback in great solemnity to St. Patrick's church to hear a sermon from the bishop of Down, and from thence to Chichester-house, the place of their sitting. There were warm debates in the house of commons about the choice of a speaker, which post sir Audley Mervyn was so desirous of, that, hearing the king had recommended sir W. Domville, his attorney general, for that post, he wrote into England, representing his own merits in having been thrice imprisoned for his affections to the crown; pretending, that when he was, during sir James Barry's illness, called by the late convention to the chair, they had promised, whenever they sat in a parliament, to choose him speaker; and desiring<sup>222</sup> for these reasons that his majesty would not interpose in the case, but leave the commons to their free choice. The king granted his request, and the primate, when he directed that house to elect a speaker, telling them that the king did not insist on his recommendation, Mervyn was chose. Sir W. Domville was suspected of favouring the Irish, as the other was of being inclined to the presbyterians. Mervyn was zealously supported by all the interest of the adventurers; but as the soldiers did not so well like him, it was thought Domville would have carried it, had not the king's receding from his recom-

mendation been deemed a determination in favour of his rival.

38 The first thing that the lords did was, at the motion of the lord Montgomery, (soon after made earl of Mount-Alexander,) to order a declaration to be drawn up, requiring all persons to conform to the church-government by episcopacy, and to the liturgy, as established by law. They went upon this matter so early, lest it should be opposed by the presbyterians and other sectaries, (of which there were too many among the commons,) if deferred till they were fully secured in their estates. The declaration so timed, being sent down to the lower house, was readily agreed to, and sent back to the lords without alteration. They concurred with the like readiness in censuring the Covenant, the Engagement, and the Oaths of Association, which they ordered to be burnt in all the market towns of the kingdom: the lords did not so readily join with the commons in their motion about the adjournment of the term, lest outlawries should be reversed, and the adventurers and soldiers be outed of their lands, to which they had no legal title, but only a title of possession, which, though allowed by his majesty, could not be taken notice of by the judges, who were bound to proceed according to law. The judges being consulted on the subject declared, that by keeping the courts of justice open, none of the inconveniences supposed could arise thence, for no adventurer could lose his possession by judgment in any of the courts that term, unless it were by consent of parties or by confession, and in that case they would take care that no prejudice should be done to either adventurer or soldier. This did not quiet the fears of the commons in a point where their interest was concerned; their estates lay at stake, and they resolved to guard against all possibility of danger. They saw the Irish were proceeding in a course of law, reversing their outlawries, taking out writs of



ejection against the possessors of their estates, and suing for commissions to find offices *post mortem*, in order to prove their descent and title of inheritance, and so to recover the possession of lands which had formerly belonged either to themselves or their ancestors. Dreading the worst, they resolved to address the lords justices on the subject, and did [it] with the better success, because the lords at last joined with them, after a long debate, in which all the temporal lords (except such as were particularly interested in new acquisitions) opposed the motion, but were overpowered by the votes of the bishops' bench. The reason of their opposition was founded, not only upon such adjournments being a deviation from the course of law, but upon its being (as was evidently proved in the house) of vast prejudice to the old protestants, the most considerable body of people in the nation, and who had suffered most in his majesty's service. Thus both houses desiring that the courts of law might be shut till Michaelmas term, that a stop might be put to the issuing of commissions for a certain time, and that what commissions had been already issued might be superseded and taken off the file, the justices gratified them in both particulars; but did not so readily give in to the proceedings of the commons upon some other occasions.

39 The adventurers and soldiers, who called themselves the English interest, were solicitous about nothing so much as the excluding of the Irish from sitting in par-<sup>223</sup>liament; well knowing, that if that assembly was formed to their mind, they should easily secure all their claims, when the declaration came to be passed into a law. The council of Ireland had been sworn on Jan. 1, and being composed almost entirely of persons in their interest, when bills were to be transmitted by them into England, in order to the calling and opening of a parliament, one was sent, among the rest, for imposing an oath, which would have disqualified all the Roman catholics. It was

represented as absolutely necessary to prevent an Irish interest from overpowering and destroying the English; but when it came before the council of England, the bill was laid aside, as being unseasonable, at a time when his majesty was endeavouring to reconcile the jarring interests of his subjects in Ireland, and very impolitic to make the most numerous body of men in the kingdom desperate whilst it continued in so unsettled a condition. The commons, when they met, imagined they might carry the point they aimed at by a side wind, and, under pretence of a loyal zeal for his majesty's interests, by involving other disaffected persons in the same incapacity with the Roman catholics. This was the meaning of some of their first resolutions in this session, "that no member should sit in their house, but such as should take the oaths of allegiance and supremacy; and that none of those, nor the sons of any of those, that had sat in the pretended high court of justice for the trial of the late king, or in any other, wherein sentence of death had been pronounced against any of his majesty's subjects, (except colonel Thomas Scot, who had shewed himself very active in the restoration,) should be capable of sitting in that house." When wanting to have these resolutions made effectual by a bill, or by the lord chancellor's issuing a commission to tender the oaths to some members, they communicated them to the lords justices and council, their lordships, whose duty it was to preserve the rights of the crown from invasion, could do no less than deny their request, and find fault with so unprecedented a proceeding, trenching on the prerogative royal, and arrogating to themselves a power of requiring qualifications from members different from what his majesty had expressed in his writ, and of depriving any part of the subjects of those rights which they had ever enjoyed by the laws of the land and by the constant usage of parliament.

40 Sham plots had proved so fatally successful in promoting the designs of the republican faction in England some years before, and in the last year the adventurers had found the noise made about meetings of the Irish so very serviceable to them in procuring a proclamation for quieting possessions, and preserving them in the enjoyment of those freeholds which were necessary to enable them to choose members of their own party, and out of which they were in danger of being ejected by law, that it was thought politic to have recourse to one in the present exigence. For this purpose a committee was appointed to inquire into informations against the Irish, and the danger of the kingdom from them. Informations of one sort or other will never be wanting, when it is the interest of men in power to encourage them, and they are sure to be received with favour, and swallowed without examination, however trifling, ridiculous, and improbable. Those taken at this time related to the numerous assemblies of the Irish in several places, under colour of frequenting masses and other pretended religious duties; the exercise of a foreign ecclesiastical jurisdiction within the kingdom; the levying of money by that pretended jurisdiction; the enjoining and observing of extraordinary fasts; the contempt of civil officers; the return of the Irish into the cities and towns of the kingdom, and of transplanted persons; the meetings and consultations of the Irish in Dublin, and the concourse of armed men thither; the endeavours of the Irish to buy serviceable horses, arms, and ammunition, and the forming and levying of <sup>224</sup> companies in the respective counties of the kingdom. These heads of informations were the subject of a representation drawn up and presented to the lords justices, who, though very vigilant governors, seemed to have no notion of the kingdom's being at that time in any danger of being disturbed by the Irish. They thanked the commons for their zeal for the public peace and safety; but

observed that some of the heads were of greater weight than others (particularly the levying of men and money, and buying of horses, arms, and ammunition,) and desired that the grounds and informations given the house of those particulars might be communicated to them, either then or at some other time. This answer of the lords justices, which shews that they did not think the danger very great or imminent, obliged the commons to make a show of further inquiry; and the former informations being insufficient, they gave a committee directions to seek for others, and power to send for and examine persons, in order to a fuller discovery. None was made, and this affair dropped with the session.

41 I mention these passages, because they had all a relation to the great business before the parliament, the bill for the settlement of the kingdom, pursuant to his majesty's declaration. In the effecting of that great work, there were two considerable parties in opposition to each other; the one consisting of those whose interest led them to have the declaration observed with all strictness and severity, and who insisted upon having a law passed to confirm it *verbatim*. This party, of which all the adventurers were, was very strong in the commons, but could promise themselves very few votes in the house of lords. The other party was of those who had always adhered to the crown, and having suffered first from the Irish by the rebellion, and afterwards from the usurpers for their loyalty, thought it very hard measure to be concluded by the declaration; to which they believed his majesty was drawn by the misinformation of the persons concerned, and hoped he would not be fond of it upon better information. Their exceptions to it were, 1, that all fanatics, though never so criminal, were secured in their estates, and placed in an equal rank with the best subject; and, 2, that the lands given out upon the doubling ordinance (for which they conceived there was

no ground either in conscience, law, or equity,) were therein by a side wind secured to the adventurers, though the word *ordinance* was totally omitted in the instructions. Hence arose the following inconveniences: 1. an impossibility of finding reprisals sufficient to effect the restitution of those Irish for whom his majesty seemed in the declaration to intend his royal favour; 2. an impossibility of paying the arrears of the army then on foot, due since his happy restoration; and, 3, a necessity of entailing a constant tax upon posterity, for maintaining the standing army. For though the increase of the royal revenue was much magnified at London upon the settlement proposed in the declaration, yet it would appear in the end that the revenue would be far short of the charge, which in such case could not be answered without the addition of a tax; and how grateful the perpetuating of a tax would render the best government to an oppressed and impoverished people, though never so loyal, was easy to judge.

42 To explain this affair of the doubling ordinance, it must be observed, that the English parliament in 1643 being in great straits for want of money to recruit their armies, after a long debate, at last resolved upon this expedient. They passed an ordinance of both houses, proposing the forfeited lands in Ireland for the security of such as should make new advancements of money to them. The execution of this ordinance was referred to a committee of both houses, wherein sir J. Clotworthy (now lord Massarene, a substantial adventurer, and con-<sup>225</sup>cerned little less than one thousand pounds a year in the doubling) was the *primum mobile*. This ordinance consisted chiefly of two branches. The one was, that whatever adventurer would advance a fourth part more than his original adventure, should have the whole doubled upon account, and receive lands for the same (according to the rates and proportions mentioned in the act 17 Car.)

as for so much money *bona fide* paid upon the nail. For instance, whoever first adventured one thousand two hundred pounds, upon his advancing three hundred pounds more, he had three thousand pounds allowed him upon account; and for this three thousand pounds so allowed, received satisfaction in land according to the rates for every respective province mentioned in the act. So that in every three thousand pounds thus doubled his majesty was cheated of one thousand eight hundred pounds, and in land, if the lot fell in Leinster, (where for every six hundred pounds in money one thousand acres of land were to be set out,) of three thousand acres.

- 43 The second branch of the ordinance was, that if any original adventurer refused to advance a fourth part, as aforesaid, then whatsoever third person would advance it should reap the same benefit (deducting only the original principal money) that the original adventurer should have done, had he advanced the aforesaid fourth part. For instance; a third person upon another's adventure of one thousand two hundred pounds advances three hundred pounds, for which he has allowed him upon account one thousand eight hundred pounds, and for that sum receives three thousand acres of land in Leinster, or treble that quantity if his lot fell in Ulster. Now this in all reason was to be deemed a new adventure, which his majesty was no way concerned to make good, because it was not founded upon the adventurers' act in 17 Car., but was only an ordinance of parliament, and no longer binding than whilst that parliament was sitting. Nor was the money raised by this new adventure applied to the service of Ireland, but employed in carrying on the rebellion against the king in England; so that there was no foundation either in law or equity for making good such exorbitant advantages to the persons concerned in the doubling. The money advanced upon this ordinance, if confirmed by his majesty, would bring on him an unjust charge,

and be to his prejudice above sixty thousand pounds, which in land, by a moderate medium between the several rates and proportions for the four provinces, would amount to one hundred and forty-two thousand acres; and these at three shillings per acre would be worth twenty-one thousand two hundred pounds a year.

44 The latter party above mentioned thought they had good reason to oppose the confirmation of these lands; there being latitude enough in the declaration to allow them to do so, consistent therewith. For the declaration secured only those lands whereof any person had possession on May 7, 1659, upon the score of adventurers, which denomination had its rise from the act of 17 Car., and the instructions expressly provided, that no lands should be confirmed to any adventurer, but according to the acts for adventurers. This made the matter clear enough, but it was apprehended, that, unless his majesty explained himself by some additional instructions upon this subject, the particular concerns and interests of several of the commissioners would not without much difficulty allow of that interpretation. Such was the state of the case, which the lord Aungier was in the name of the party who opposed the confirmation of the doubling adventures to represent to the duke of Ormond, in order to be informed certainly of his majesty's sentiments, and whether it was his desire that the declaration should be ratified in all its punctualities. For though they had a prevailing party in the house of lords, and could make good their ground in the house of commons; yet they would with a ready and perfect obedience submit to his royal determination, though they were infallibly assured of the above mentioned inconveniences. Their only view was his majesty's service, though the new interested people, and those whose underhand purchases of the most notorious fanatics' estates had made them more than ordi- 226  
narily concerned in the new settlement, branded them as

countenancers of an Irish interest, and invaders of his majesty's declaration ; wherein they would fain persuade the world the king's honour was as much concerned as their own interests ; though they could not but confess, that if the declaration should be observed strictly according to the literal interpretation, it would be impossible for his majesty's intended promises to the Irish ever to be performed. Nay, some of these men did not scruple to aver openly in all debates, that though there were thirty-six named in the declaration, as persons designed for particular favour, yet his majesty at the same time intended that not one half of them should reap the benefit thereof ; a charge which shewed that they had in reality very little regard to his majesty's honour and service.

45 This affair of the doubling ordinance was first started by lord Aungier ; and it occasioned a mortal enmity between him and the lord Massarene, who was interested in it more than any other ; but the former supported himself with so much reason in the examination of the matter, that all indifferent men approved of his objections. Some days however were lost in canvassing this business ; but at last the party, which (for the security of their own interests and new acquisitions) intended only a short bill to confirm the declaration *in terminis*, without any addition, alteration, or exposition whatever, finding by private conferences, that the party in opposition (especially in the house of lords) had not only power enough to carry it against them, but also too much reason, both in order to the king's service and the common good of the nation, to allege against the passing of such a bill, sent them some proposals for accommodating all differences, and preventing unruly debates in parliament. These being accepted by the other side, a committee was on May 25 appointed, *nemine contradicente*, by the house of commons to prepare a bill for settling the respective interests in the kingdom, according to his majesty's de-



claration of Nov. 30 last, with such explanations as were recommended by his majesty's instructions.

- <sup>46</sup> The proposals, as adjusted at last on May 24 were,
1. that those concerned in the doubling ordinance might be satisfied only their principal money, or lands for it, according to the rates set down in the adventurers' act.
  2. That <sup>g</sup>thirty fanatics, and no more, might be excepted as to estates, and these to be only such persons as had upon all occasions acted against his majesty's interest and authority, and had not contributed to his restoration; their estates to be disposed of, one moiety for enlarging the security of the officers that served before 1649, the other, for rewarding such of the protestants of Ireland as the king should judge to have suffered or merited most in his service in that kingdom; and the lands remaining upon the doubling ordinance to be disposed of, one third as his majesty should think fit, another for the enlargement of the forty-nine security, and the other for pious uses, viz. to endow the college of Dublin with better means of maintenance, for erecting and endowing free schools, and for repairing cathedral churches.
  3. All lands set out, possessed and enjoyed by false admeasurements, forgeries, perjuries, false debentures and certificates, or concealments, to be unalterably annexed to the crown, for the defraying of his majesty's charge, and ease of the kingdom.
  4. All statutes, judgments, recognisances, <sup>227</sup> mortgages, conveyances, or feoffments, belonging to the papists of Ireland, to be void, except such as shall be

<sup>g</sup> The thirty persons proposed to be excepted were, the colonels Flower, Abbot, Sankey, Barrow, Stubbes, Brafield, Lawrence, Pretty, Richards, Sadler, and Phaire; the lieutenant-colonels Purefoy, Wheeler, and Foukes; the majors Loc, Ormesby, Wallis, Desborow, Green, Jones, Hodden, and

Walker; the captains Shaw, Stopford, Oland, and Thornehill; Mr. Dobson of Wexford, Mr. Roberts, Mr. Blackwell, and judge advocate Whalley. They were all charged with glorying in the murder of the late king, and opposing the present king's restoration to the last hour.

allowed by the present parliament ; yet so that the bill to be drawn for this be so cautiously worded, as right be done, and the protestants concerned in debts due to them by papists (who have such statutes, &c.) be paid thereout, and the innocent papists' interest preserved. 5. A bill to be drawn to empower the commissioners to execute the declaration with the former exceptions and limitations, and the qualifications for the judging of innocent and restorable persons, and the instructions for securing the protestants in the lands they purchased in Connaught and Clare on the decrees of the transplanted persons according to the declaration and instructions, and to secure the one hundred pounds per ann. on the corporation of Bandon. 6. That the clause in the instructions concerning the engagement be left out. 7. A proviso for the securing of such grants made unto certain persons as have passed the great seal in Ireland by his now majesty's authority, namely, the lord chancellor, sir G. Lane, sir Arthur Forbes, sir W. Domville, colonel Trevor, sir Patrick Wemyss, and the bishop of Cork. And, 8, a limitation of time for judging of claims and reprising of persons, within which all are to be concluded, and for ever after to be excluded.

47 These proposals were settled in several meetings of the most considerable persons of both houses of parliament, at which some of the privy council assisted. The lords justices, (finding the lords could be brought into no other expedient,) to prevent disputes, approved of them, and were very clear in opinion that they were all agreeable to the declaration, except that relating to the exception of thirty persons. This seeming a material alteration, they thought proper it should not be moved in parliament till they had first consulted his majesty. Lord Aungier was sent over with the proposals, at the bottom of which the justices certified, that if his majesty in his wisdom should judge fit to give way to the above

particulars, they saw not any cause for further or other alteration in the declaration. These proposals were on June 10 read in the privy council of England, and then referred to the committee for Irish affairs. The committee, which consisted of the marquis of Dorchester, the earl of Anglesea, the lords Roberts and Hollis, and the two secretaries of state, came on the 17th to a resolution about an answer to be given to the proposals. The first, sixth, and seventh were agreed to; but the second was utterly rejected. In answer to the third, it was declared that all the lands, saved upon the doubling ordinance, or enjoyed upon false admeasurements, debentures, and certificates, concealments and other undue methods, should be disposed of for reprisals. As to the fourth and fifth, his majesty was pleased that acts should be drawn and transmitted in the usual manner for securing and settling Ireland according to his declaration, and his directions given thereupon, to which there was no occasion to add any thing further in relation to the Connaught decrees, or the one hundred pounds a year for Bandon. As to the last proposal, his majesty would publish a proclamation in England and Ireland respectively, directing all persons, who had not already entered their claims before the commissioners, to put them in at or before the last day of August next, if residing in his majesty's dominions, and if beyond the seas, before Oct. 23, after which times no claims should be received, but the parties left without remedy, and debarred for ever, without his majesty's special order in that behalf. This report was made two days afterwards in a full council; and the answers being approved, were remitted back by the lord Aungier to Ireland.

48 Whether the article relating to the thirty persons pro- 228  
posed to be excepted was rejected by the council of England, for fear such exception should be thought to lessen the security given to all offenders by the general act of

indemnity, within which these excepted persons, as being protestants of Ireland, were included, doth not appear upon the resolution. But it is certain the fear of being excepted made them immediately part with their estates upon very easy terms to some of the most powerful persons at that time in the nation; which produced so good an effect in their favour, that they began to be deemed good subjects by the time of lord Aungier's return (which was on July 6) to Dublin. That nobleman's absence, and the notion that all matters were settled with regard to the bill, and that no other alteration was to be made in the declaration, afforded the adventurers and their friends in the house of commons an opportunity on June 10 to call for the draught of the bill of settlement. The committee appointed for it had met, and left the drawing of it to a sub-committee, who, after finishing the work, were to report it to the grand committee. This report had not been made, and till then it could not regularly come before the house: however, as the occasion was favourable, it was resolved to break through rules to lay hold of it. The draught was called for from the sub-committee, read, amended, and passed the next morning, ordered to be forthwith transcribed, and (after judge advocate Whalley, one of the excepted persons, Mr. Shapcot, one soon after concerned in the fanatic plot, and sir W. Petty had examined the transcript) to be presented to the lords justices. The house likewise resolved to send commissioners to attend the king and council in England, and to solicit the immediate passing of the bill. Sir A. Mervyn, the speaker, though his charge required his presence in Ireland, would needs be of the number, and was accordingly chosen with a set of colleagues, most of them zealous for rooting out the old English families, which had been settled in the kingdom for ages, and for establishing in their stead a new colony of English, of mean extraction and seditious spirits, who

were planted there by Cromwell, and now called themselves the *English* interest, in contradiction to the other, which was branded by them with the name of the *Irish* interest.

49 Upon this proceeding of the commons, the house of lords resolved to send agents of their own to England; and great endeavours were used by promises of weekly stipends, threats of obstructing the restitution of the Irish lords who wanted friends, assurances of favour, and the means of distressing particular persons, (which the governors of the kingdom in its then unsettled state had more in their power at that juncture than their predecessors had ever before,) to engage them to choose such as would agree with those of the commons in their measures. There was a strong body of the lords, not at all engaged by interest on either side, but acted purely by their principle to consult the king's honour and service, and to promote the common good of the kingdom. To these the earl of Kildare, desirous to save the families of old English race (to most of which he was allied) from ruin, joined himself, and being countenanced by the duke of Ormond's proxy and supported by his particular friends, was able to bear up against all the power and influence of the state, which was exerted on this occasion. The number of commissioners was fixed to four, one out of each bench. For the viscounts, the lord Montgomery was agreed to unanimously; but for the others, the earl of Kildare, the bishop of Elphin, and the lord Houth were put up by the one side, and the earl of Barrimore, the bishop of Cork, and lord Kingston by the other. The choice was to be made on June 27, but there was so much disorder in the house, and there appeared such a majority in favour of the former list, that the primate, though called upon, would not put the question, but proposed to adjourn till five in the afternoon, and then to determine the matter by balloting. This interval was

much improved; the primate, over whom the earl of Orery had got a mighty ascendant, went to all the bishops who had in the morning's debate appeared to be for the former list, and laboured so effectually with them, that by their going off lord Houth in the ballot lost it by two votes to lord Kingston. It was found that lord Barrimore's interest was too weak, and for that reason the earl of Cork (a truly noble person, who knew nothing of the matter, and whom nobody would have opposed in any other circumstance) was put up in his stead; but after all, the earl of Kildare and the bishop of Elphin were elected. As soon as the election was over, the lord Massarene asked leave of the house to go into the country for a month; and having obtained it upon that pretence, shipped himself immediately for England. This occasioned the earl of Kildare to move the house, "that a letter might be wrote to one of the secretaries of state, to signify that they had employed four of their members to attend the king about the public affairs of the kingdom, and to desire his majesty would not receive any representation thereof from the lord Massarene or any other member sitting in their house;" which motion was generally approved, and accordingly passed the house.

50 Neither the king's declaration and instructions, nor the heads of the bill of settlement, had yet been communicated to the house of lords; which furnished them with a parliamentary reason why they could not join with the commons in the instructions given to their agents, which had relation to those instruments. The sentiments of the two houses with regard to the matters to be given in charge to their respective commissioners were so very different, that though they were all upon the same common subjects, yet, except the first, which required them to attend on his majesty, and lay before him the desires of his parliament, there was not any one article in which there was not some difference in the in-

structions of the houses. The commons were so incensed, either at this difference, or at the choice of commissioners, that they would not for a long time agree to any applotment for defraying the expenses of those of the lords, and used all possible endeavours to obstruct their journey; so that the last day of the session came before the difficulties of that affair were removed, by the lords being tenacious of their purpose, and resolving to send them at any rate. A committee of twelve lords, whereof lord Aungier was chairman, being appointed by the house to draw up instructions for their commissioners, and the king's declaration and instructions falling under their consideration, a great debate arose upon that occasion, how far it was proper to desire they might be pursued. It appeared plainly that his majesty's intentions therein were not practicable, there not being lands sufficient to provide for all the interests intended to be secured. The question was, which of those interests should be preferred, upon which the members being much divided, lord Montgomery offered a reconciling expedient; proposing that the agents might represent to his majesty their sense and desires, that if it fell out that the lands not yet disposed of should not amount to the satisfaction of the several and respective interests for which his majesty intended to provide in his declaration, then there might be an equal and proportionable defalcation out of every reprisable interest for the just accommodation of the whole, they conceiving his majesty's honour equally concerned in the performance of his royal promise to each interest. This was disputed for some time, and the debate being resumed, the next day eight of the committee agreed to it; but the lords Barrimore and Shannon running out, though desired to stay, the committee (which had not power to do any thing, unless nine were present) <sup>230</sup> could come to no resolution. When the affair came on again, great opposition was made to the expedient, and

no art was omitted by those in power to prevent its being accepted; so that the lords who were for it, fancying they might obtain what they aimed at (his majesty's service) in another manner, proposed another to this effect; "that the declaration should be recommended to the agents, to be laid at his majesty's feet, to do therein as to his judgment and mercy should seem meet;" which was agreed to unanimously.

51 Another of the lords' instructions related to a scandalous practice of the court of claims then sitting at Dublin. Sir A. Mervyn, a vain, selfish man, who cajoled all parties, and promised every body, yet meant nothing all the while but his own interest, and who (if the common fame of that time did not belie him) was guilty of shameful bribery and corruption, governed that court at his pleasure, and was the mouth of it upon all occasions. He was the most partial man on earth, and in the many and sudden changes of sides and principles which he had made, never knew what it was to be ashamed of any thing; so that it is no wonder a court under his direction should furnish all the world with occasions of complaint, and make them wish for the coming over of the commissioners of appeals. The streets of Dublin were thronged with a multitude of widows who had entered claims for the jointures secured to them by their marriage articles; and though there was scarce any difficulty in most of their cases, sir M. Eustace could not but observe, to the reproach of that court, that not one of these was restored by them, but kept there in a fruitless and expensive attendance, which enhanced their misfortunes. When the lords justices, in obedience to his majesty's letters, had ordered the restitution of the earls of Westmeath and Fingall, and a few others, the commissioners refused to give an order for the possession of their estates, under pretence that there were no reprisals to be had for the adventurers settled upon those estates. The meaning



of this was, that they had granted out all the lands appointed for reprisals to their own friends, under the notion of *cautionary reprisals*, or reprisals *de bene esse*. No practice could be more unwarrantable and irregular; for there was not a word about cautionary reprisals in the declaration; and yet under this palpable fraud, manifestly designed to obstruct justice, the whole stock of reprisable lands became vested in half a dozen persons. Thus the earl of Mountrath and the lords Massarene and Kingston had got into their hands most of the lands in the counties of Dublin, Louth, and Kildare, and the barony of Barrimore. Hence the lords justices, to stop the clamours of the earl of Fingall and others, who were not restored according to their orders, were forced to give them pensions out of the exchequer, which just enabled them to subsist. The house of lords thought it necessary to put a stop to such a scandalous abuse of power, and to direct their agents to beseech his majesty to revoke and annul all such cautionary and previous reprisals, that his declaration might be more duly and better executed; which was accordingly done in the October following.

52 In an house, of which the bishops made so considerable a part, it is natural enough to imagine that it would be recommended to their agents to take a particular care of the interests of the church; but it was a generous part in that noble body to take the loyal, meriting, and suffering officers, who had served before 1649, (whose cause being the best, was the most neglected of any,) under their protection. Thus their agents were instructed to move his majesty, “that the whole security assigned in his declaration for the satisfaction of their arrears, might be preserved entirely for that use, so as no part thereof should be otherwise disposed of, or restored subsequent to the said declaration, till reprisals for the same were first legally assigned and set out for their security, as was 231 by the declaration provided for in the case of adven-

turers and soldiers; that in order thereto, a third part of the forfeited lands in the county of Dublin, and such part of the lands as would acerue to his majesty upon the doubling ordinance, or by the discovery of false admeasurements and concealments, as his majesty should judge fit, might be added to the said security by way only of reprisal, in case it should be lessened and infringed by the restoration of any person according to the declaration; and that no forfeited charters might be renewed or restored till the security of those officers was thoroughly settled.”

- 53 The forfeited lands and houses in corporations were part of the security, and the king's intention therein was to put the great towns (the importance of which sufficiently appeared in the late troubles) into the hands of persons well affected to his service, and of whose loyalty he had received such signal testimonies; but this did not suit the views of the commons. That house consisted of two hundred and sixty members, of which number all but sixty-four were burgesses, and Cromwell having filled the corporations with a set of people of his own stamp, their representatives did not care the boroughs should now fall into honester hands. Such being the state of corporations throughout the kingdom, it is easy to account for the strength of that prevailing party in the house of commons which laboured to make good all the estates of adventurers and soldiers whatsoever, the forty-nine men only excepted; intending, when they were satisfied, to give the rest, if any thing were left, to such of the persons, whom the king had declared restorable, as they should like best. This was their view, in the sending of commissioners into England, and in their choice of the persons. Sir A. Mervyn, a confident, verbose, pompous pretender to oratory, was chosen on purpose to be a bold champion for the doubling ordinance; which some of the great ones embarked in that cause hoped his arguments

or vehemence would make good, notwithstanding the king's pleasure lately therein declared. Their expectations in this respect were the greater, because of the assistance he would receive from lord Massarene, and also from lord Kingston, who having at this time made purchases of lands set out upon that ordinance, did not question but he should be able to provide for their security.

54 They were much flattered in this hope by the encouragement they received out of England, whence letters daily came from great men, assuring them of being supported in their endeavours to fix, what they called, an English interest in the kingdom. They were not however so sure of this, but they thought it necessary to make a noise of the trifling informations before mentioned, which had been given to some members of the house of commons, about meetings of the Irish. Hence the house, to throw an odium upon that nation, and prejudice them in the opinion of the world, as well as of his majesty, before whom their all lay at stake, would needs infer a formed design of an insurrection. All the foundation for this insinuation was, that there had been of late meetings of the poor Irish at masses, in order to partake of a jubilee, which the pope had sent them; but the whole kingdom knew they were in no condition to rebel, nor was it likely they should attempt it at a time when they were suing for grace and favours from his majesty. Sir M. Eustace, the lord chancellor, a man of great virtue and integrity, who wished well to a true loyal English interest, and not to a pretended one of disaffected and unconformable upstarts, was persuaded of the injustice as well as the design of this charge against the Irish; and to discover what ground there was for it, directed the judges in their circuits to cause the matter to be inquired into by the grand juries of the several counties<sup>232</sup> through which they passed. The finding of those juries was alike in all places; there being a great calm every

where, no preparation for a rising, nor so much as a rumour of any new troubles. Nothing could be more frivolous and void of proof than the paper which the commons drew up on this subject, and presented to the lords justices, who yet thought fit to send it enclosed in their letters to Mr. secretary Nicholas; signifying at the same time their opinion, that it would be destructive to the English interest to admit the Irish to settle and trade in corporate towns, or to allow the Roman catholic lawyers to practise in their profession, both which had positively [been] allowed by his majesty's letters. A more extraordinary use was made of it in the house of lords, where it served to usher in a motion of lord Conway's, that all the Irish peers should be removed out of the house, and some course taken by the lords justices to exclude them from sitting. Never was such a motion made upon so slight grounds; yet it was seconded by the earl of Mountrath, though strongly opposed by the lord chancellor. But the house would not so tamely part with their privileges, and the motion was rejected with indignation.

55 The bill of settlement had been presented to the lords justices several weeks before they transmitted it into England, being all that time employed in adjusting clauses and provisos which they thought proper to insert therein. At last they resolved to send it over by some persons who they designed should continue about court, and act there as their commissioners. These were the bishop of Cork, the lord Kingston, and Mr. Pigot, master of the wards. This served for a pretence to the adventurers' party in the house of lords, upon occasion of a message from the commons to move on July 18 for an address to his majesty to be sent by the bishop and the lord his colleague; thinking it more for their purpose than the vote which had passed in the house about the declaration. If this had been agreed to, it would have been represented as needless to send any other commissioners. But the

house finding the drift of the motion, defeated the design, and resolved to send their addresses to his majesty by the agents already named. These were the most material passages about the settlement of Ireland, which passed in parliament till July 31, when it was prorogued to Sept. 6.

56 London was from this time the scene of disputes upon this affair; and thither agents were sent by the Irish to plead their cause; which they did under great disadvantages. The earls of Orrery and Mountrath took care to raise privately among the adventurers and soldiers between twenty and thirty thousand pounds to be disposed of properly, without any account by way of recompense to such as should be serviceable to the English interest. The Irish had no such sums to command, few friends about the court, and no means of procuring any. The English nation had heard nothing of the rebellion but what gave them horror, and possessed them with the worst opinion of the whole Irish nation. Those of the council before whom they were to plead their cause knew little of the conduct of particular persons who deserved favour, but were ready to involve every body in the general guilt of the massacre as well as the rebellion. The only person capable or inclined to assist them in their exigence was the duke of Ormond; it was his interest to save from ruin a nation for which he had so often exposed his person, and in which he had a plentiful fortune, a numerous kindred, and a large stock of friends and dependants, who were in danger of being rooted out to make way for a new colony of strangers, whose ways of acting had been different from his own, and whose future dependance was likely to be upon those who were retained to support their interest. He was a witness of every man's behaviour during the troubles; he best knew all the circumstances of their case, the early attempts<sup>233</sup> which the most considerable part of their nobility and

gentry made to return to their duty, the difficulties which they had to struggle with in that work, the perseverance with which they pursued that design till they had accomplished it, and the zeal with which in the late king's distress they had embraced the peace of 1648. Thus qualified to speak in the behalf of those who were by the declaration to be restored, he was ready to do them all the good offices in his power; and could not but be heard with effect. He knew the court well, was esteemed by all about it, and was very fit to advise them how to proceed in their defence; but the Irish were such ill managers of their affairs, that the first step they took was to disoblige him, and refuse to follow his advice.

57. The duke (in his letter of Sept. 3 to his friend sir M. Eustace, who was very favourable to the cause of the restorable Irish) expresseth his judgment of what would be the issue of their conduct in such a manner, that he could not have pronounced more surely of it, had he then seen the event :

“ We are (says he) in the heat of our debates upon the great bill, and I fear the liberty, allowed the Irish to speak for themselves will turn to their prejudice, by the unskillful use they make of it, in justifying themselves, instructing the king and his council in what is good for them, and reerminating of others. Whereas a modest extenuation of their crimes, an humble submission to, and imploring his majesty's grace, and a declaration of their hearty desire to live quietly and brotherly with their fellow-subjects for the future, would better have befitted the disadvantage they are under, and have prevailed more than all their eloquence. But it is long since I have given over any hope that they would do, or be advised to do, what was best for them, or be persuaded that what might properly, and for their advantage, be said by others, would not only change its nature, coming from them, but hinder others from making use of their arguments, lest they might be suspected of communicating counsels with them; which is a reproach I will avoid almost as much, as I will the guilt of being of their party.”

- 58 The Irish agents, full of their own merits, and persuaded

that they had more justice in their cause, and better pretensions to the king's favour than their adversaries, resolved to take their own measures; and the duke of Ormond, when they rejected his advice, had no party to take but to leave them to their own management, and to the fate which they were carving out for themselves. A passage which happened about this time helped to confirm him in this resolution. Cormac Maccarty, eldest son to the lord Muskery, formerly mentioned on account of the honourable part he acted toward the crown of France at the surrender of Condé, had afterwards quitted the service of that crown, and was followed by his regiment into Flanders. He there commanded it as colonel, though it went by the name of the duke of York's regiment. Upon the vacancy of a lieutenant colonel's place, he would have supplied it with one of his own officers, when the duke of York interposed in favour of Richard, the youngest son of sir William Talbot, a lawyer, and a man of good parts: who by his prudence and management had acquired a large estate, which he left to his eldest son sir Robert Talbot. Sir Robert was a gentleman of very good sense, strict honour and great bravery, very well beloved and esteemed among the confederate Irish, and having been driven by the lords justices' treatment unwillingly into the rebellion, and retaining always a true affection to his country, and good inclinations to the king's service, had constantly laboured to dispose his countrymen to peace, and persuade them to a submission to his majesty's authority. He was very active in promoting this end, whenever an opportunity offered, and was employed by the Irish as a commissioner to present <sup>234</sup> their grievances at Trim, and afterwards to treat of the cessation, and was one of their agents sent to Oxford. His endeavours were not wanting, and his service was considerable, in advancing the peace of 1646 and that of 1648, and he had constantly from that time adhered to

the king's authority, and opposed the nuncio's and the clergy's faction. His prudence, credit, and interest first brought his youngest brother into the world, where the favour and eminent worth of their sister's son, sir Walter Dungan, contributed to advance him. Peter, another brother of these, and a Jesuit, was in the secret of the king's religion, and had insinuated himself into the good opinion and favour of the Spanish ministers, which gave him sometimes an opportunity of doing good offices to the duke of York. Richard came out of England into Flanders in the year 1656, lying under some suspicions of holding a correspondence with Cromwell, and of being the cause of the imprisonment of some of the king's friends lately taken up by that usurper. He took great pains to vindicate himself to the duke of Ormond and others from that calumny, and seems to have done it with success. He was a proper and graceful person, a man of good parts and great vivacity; but subject to the common frailty of youth, vanity, and infinitely ambitious. He had not been long in the Low Countries before he got into the good graces of the duke of York; and when a lieutenant colonel's place in his royal highness's regiment was vacant, he pushed to be put into that command. Colonel Muskery (for so, being eldest son to the lord of that name, he was generally styled) opposed it with great warmth, and the dispute ran so high, that it came at last to a duel between them. The duke of Ormond and chancellor Hyde represented to the king how improper it was for Talbot, who was of a different province, to be put into one of the highest commands of a Munster regiment, over the heads of a great number of deserving officers, who could not but resent their usage, and in contempt of colonel Muskery, whose personal merit, as well as his father's services, power, and interest, deserved to be considered in a better manner than by such a public declaration to the world, that they had no credit with



the prince they had served more eminently than any of their country. It was not a post for a man, whose passions had not got the better of his judgment, to desire; for the whole regiment, both officers and soldiers, was composed of Muskery's tenants and dependants. There is no character so necessary for an exiled or distressed prince to obtain and preserve, as that of being grateful to his faithful subjects, who have done, or endeavoured to do him services; it got Henry IV of France his crown; whose history furnishes the most instructive and useful lessons to any king that proposes to recover his dominions. When a prince in that circumstance has once lost his reputation in this respect, he has nothing else to lose; and though nothing can be a greater grievance, or juster cause of uneasiness to him, than to be importuned by persons conscious of their services, and to be teased with the remembrance of his obligations to them; yet he should avoid giving any reasonable grounds for the imputation of ingratitude as carefully as he would his ruin; for few persons have such abstracted notions of loyalty as to serve their master without some hopes of reward when it is in his power, and nobody will bear neglect. What was said on the subject made little impression on the king; he was easy in his nature, hated trouble, and seeing his brother had set his heart upon carrying this point for his favourite, would not interpose in the matter.

59 Talbot, being made lieutenant colonel in so remarkable a manner, could not forbear triumphing in his surmounting all the opposition made by such powerful adversaries. His success was enough to give the world an opinion of his favour with the duke of York, which alone had raised him to that post; but it was likewise magnified by three<sup>235</sup> of his elder brothers, (Gilbert, Peter, and Thomas,) who were at this time in Flanders, and made it their business to trumpet about their brother Dick's great interest with his royal highness. Abundance of the Irish, who had

been violent in the nuncio's party, and joined with the clergy in all their rebellious measures against the king's authority, upon their quitting Ireland, entered into foreign service. When his majesty required all his subjects to leave the French service, and repair to Flanders, there to serve under his own command, these men helped to make up the little army that he had there. It was not in the nature of the rebels of those days to be ashamed of any part of their behaviour, and these bigoted officers wanted not the folly to justify their past actions, and to lay the blame on the duke of Ormond for refusing to grant them all their demands, hoping that by aspersing his conduct they might make their own stand fair in the eye of the world. To gain the more credit to their allegations, they applied themselves to Dick Talbot, as the great favourite at court; and though he had served formerly as lieutenant of horse under his nephew sir Walter Dungan against the nuncio's party, yet being elated with his patron's favour, and addressed to by these people, the vanity of appearing considerable and making himself popular induced him to espouse the cause of these men, and to join with them and his brothers in openly bespattering the duke of Ormond with all the calumnies imaginable, and treating the chancellor with satirical reflections not easy to be digested. These men served faithfully under the king's ensigns abroad, and upon his restoration they followed him to London, and provision was made in the declaration for their being restored to their estates. They continued in England the same practice which they had begun abroad, and were continually railing against the duke of Ormond and the lord chancellor Clarendon.

60 Talbot knew the secret of the duke of York's religion, and still continued his favourite; and it was by his means that he obtained the command of a troop of horse, when none or very few Roman catholics in the three

nations, besides himself, were trusted in any military employment. He had too great an opinion either of his own interest, or of the king and duke's inclinations to favour the Roman catholics; and the notion of it induced sir N. Pluncket and the other Irish agents to consider him as the fittest person to patronise and support their cause. His vanity and zeal made him forward to undertake every thing; as his enmity to the duke of Ormond whom he had injured, and the habit he had contracted of railing against him, moved him to render his grace's friendly and wise advice to the agents suspected, as coming from a person who had little inclination to favour their party, and whose view was, as his counsel tended, to engage them to give up the merits of their cause. The duke's known zeal for the protestant religion, of which the agents had seen abundant testimonies in the whole course of his life, their overweening opinion of their own and national turn of thinking, their reliance on Talbot's credit and belief of the king and duke of York's inclination, their confidence in the justice of their demands, and persuasion that they would readily be granted upon a true representation of the state of the kingdom, disposed them to give into those insinuations, and reject the measures which the duke of Ormond advised for their defence. He seeing that his advice would not be followed, and that his character was every day torn in pieces by some or other of their country, who set up to be their best friends, resolved to give himself no further trouble about the matter, but leave them to their own measures, of which they were so opinionated. He thenceforward did not interfere in the business of the settlement, but left the adjusting of the bill to the other members of the council, in which they had enemies enough. He stuck <sup>236</sup> so firmly to this resolution, that I do not find he was of any one committee, to which that matter was referred by the council, till after he was made lord lieutenant; re-

serving himself however for his particular friends, and such as, having adhered to the peace, applied to him for certificates of their behaviour, and for his interposition in their behalf; which he never declined, being always ready to do them all the good offices in his power, as often as occasions offered.

- 61 The Irish agents did not find the favour, nor meet with that success in their measures which they expected. The first and most important point which they aimed at, and which, if they had gained, would have rendered most of their other demands needless, was the taking off three of the qualifications mentioned in the king's instructions against innocent papists, viz. that neither their claiming the benefit of the articles of peace, their paying contribution to the rebels, nor their living and enjoying their estates in the rebels' quarters before the cessation, should be any bar to the proof of their innocency. They were defeated in the attempt; their claim of the benefit of the peace was deemed a plain confession of their former offences; and all that could be said in excuse of their living in the rebels' quarters was overruled, upon consideration, that it was the only visible means of discovering who were guilty; it being impossible after twenty years' time to procure witnesses to prove particular actions of rebellion against most of those who were therein concerned. In which case (if the qualification were taken off) it would necessarily follow, that the greatest part of the rebels must pass as innocent, and consequently would not only by the declaration be restored to their lands without any reprisal first given to the adventurers and soldiers, but likewise generally to their estates within corporations and places of strength, to the great disappointment of the officers who served before 1649, the destruction of the trade of the English, the insecurity of his majesty's garrisons in seaport towns, and the enabling them absolutely to constitute all succeeding parliaments.

The thirty-six persons of quality appointed by name to be restored (against whom it was much easier to find evidence than against persons of less distinction) would be likewise disappointed, in regard they were not to be restored till the adventurers and soldiers were first reprimed; and reprisals being to be made for innocent papists' estates before any others, all the provision for reprisals would be exhausted by the multitude of those that would by this means pass for innocent papists; and so the whole scope and intent of his majesty's declaration would be overturned. It was now universally granted, that there was not a stock of land in the kingdom sufficient for reprisals, and that stock was much diminished by a grant to the duke of York of all the estates of the regicides in Ireland, so that the Irish, intended to be restored, had less hopes than ever of being put in possession of their estates; it being impracticable to find reprisals. The king too at this time took occasion to declare that he was for an English interest to be established in Ireland, which shewed the Irish plainly enough who were likely to be the sufferers. They were provoked at the ill situation of their affairs, and imagining that the duke of Ormond, who best knew the mad proceedings of the clergy and their faction in the troubles of that kingdom, which induced his majesty to take that resolution, had either contributed to inspire him with it, or not opposed it so effectually as he might, colonel Talbot went to expostulate with him upon the matter. He came in so huffing a manner, and used such impertinent and insolent language in his discourse, that it looked like a challenge; and his grace, waiting upon his majesty, desired to know, if it was his pleasure that at this time of day he should put off his doublet to fight duels with Dick Talbot; for so he was usually called. Talbot was hereupon sent to the Tower, but after some time released upon his submission.

62 The king took the pains to hear all the debates in his <sup>237</sup> council upon the bill for the settlement of Ireland, and observing the great difficulties attending that affair, resolved to send over a lord lieutenant. The duke of Albemarle did not care to go, seeing how impossible it was to reconcile the jarring interests of the different parties, or to undertake the execution of an act of that nature, without contracting the ill-will of all the suffering interests. He expressed himself ready to quit his post, and advised his majesty to employ the duke of Ormond in a work to which scarce any body else was equal. His grace accepted the employment with that perfect submission to the king's pleasure which had engaged him formerly to receive it in the time of the rebellion, well knowing that if it was not attended with all the same dangers and difficulties as in those worst of times, yet it was with some of them, (for the army was eighteen months in arrear, and the soldiers not to be depended on,) and was also sure to bring upon him greater odium, and inconveniences of such a nature as he cared least of all to incur. He was in council on Nov. 4 declared lord lieutenant of Ireland; and three days afterwards, giving an account of it to a friend, he expresseth his sense of it in these words:

“ You were pleased so much to concern yourself in my fortune, as to congratulate with me the addition of honour the king thought fit to place in my family when he made me duke. The same friendship will dispose you now to condole with me for the very uneasy service he has designed to appoint for me in Ireland, as his lieutenant. In that employment, besides many other unpleasant difficulties, there are two disadvantages proper to me; one of the contending parties believing I owe them more kindness and protection than I can find myself chargeable with; and the other suspecting I retain that prejudice to them which I am as free from. This temper in them will be attended undeniably with clamour and scandal upon my most equal and wary deportment. That which is most like to defend me is, that I

am not to make, but to see rules made here, impartially observed there; and that I am to render an account to a master discerning and just.”

63 Four days after the duke of Ormond was declared lord lieutenant, the agents of the parliament of Ireland had an audience of his majesty; when the bishop of Elphin, in the name of the lords, expressed their joy at his choice of a person whom his friends had always passionately prayed for, and whom his enemies could not reasonably disapprove of for their governor; and returned his majesty their humble thanks for so eminent a token of his care of that kingdom in putting over it the person in the world who was the most aptly qualified to reconcile the various and jarring interests thereof, one so exemplary for his fidelity, so great a friend to justice, so true a son of the church, so acquainted with the state of the kingdom, and of so much honour and known integrity, that all parties would readily acquiesce in his prudent determinations; and then, under the care and conduct of such a governor, they were assured the kingdom could not but speedily flourish. Sir A. Mervyn, at the same time, and on the same occasion, made, in his quaint, tropical, unintelligible manner of haranguing, a like speech of thanks in the name of the commons to his majesty. When the news reached Ireland, it was received with the greatest contentment, and with such demonstrations of joy as had never been known on the like occasion. The lords justices and council gave order for public rejoicings in Dublin; and the provost and fellows of the college there expressed their satisfaction in a Latin epistle to his grace. Both the houses of parliament (as well as convocation) did the same, as soon as they met, as well by letters from their respective speakers<sup>238</sup> to the lord lieutenant, as by addresses to his majesty himself.

<sup>i</sup> Appendix.

64 The parliament met on Dec. 6, but was prorogued on the 12th by proclamation, on occasion of the illness of the earl of Monrath, who died of the smallpox on the 18th of that month, by whose death the commissions of the lords justices determined, and the government remained in the hands of the council, till new commissions came to the lord chancellor and earl of Orrery to hold the parliament, and act as justices, the oath of which office they took on Jan. 14 following. There passed nothing in this short sessions deserving notice, but an address from both houses to the lords justices, in consequence of some papers of intelligence which their lordships had communicated to the parliament. The purport of it was, to thank the justices for their care of the public peace, and to recommend to them to prohibit all that had been concerned in the late rebellion from living in any city, walled town, or garrison; to secure all priests, Jesuits, friars, the constant incendiaries of rebellion, and others who had been the chief heads of the late rebellion; to send back all transplanted persons that had come from Connaught and Clare; to purge the army of all papists; to seize all serviceable horses, arms, and other habiliments of war; to make a strict inquiry concerning the priest who had wrote the letter, (which was laid before them,) and the other priest to whom it was written; and to transmit that letter with all other papers concerning it to his majesty. These proceedings, insinuating the design of a new rebellion, were founded upon very slight grounds; but there are certain subjects of so odious or popular a nature, that few men dare in public assemblies offer to stem the torrent, and speak their minds about them with freedom. Of this nature was every motion, expressing a distrust of the papists, and loading them with rebellious designs; so that though the letters which served for a foundation to these votes were a mere contrivance and palpable forgery, nobody (except the lord



Strabane) seems to have expressed their dissatisfaction as to the proof and truth of them, or to have made any attempt to vindicate the papists from a charge so weakly supported, and so very improbable in the present situation of the kingdom. It may not be improper to give a particular account of the occasion.

65 <sup>k</sup>A letter dated Nov. 18, and pretended to be written by a priest named James Dermot, to another priest called James Phelan, was sent from Thomas Ashe and other justices of the county of Meath by Stafford Lightborne, one of their number, in a letter of Dec. 2, to the lords justices. In this letter the writer is made to complain of the obstinacy of their enemies in not returning to the obedience of the holy see, and to tell his correspondent, that they should soon have a full toleration, for the king knew them to be his best friends; that there were warrants to issue to seize upon all horses belonging to the Irish, and to search their houses for arms; that they ought to be careful to preserve both, for the time of doing good was near at hand, and to free themselves from slavery; that he should remember the gathering for the poor clergy newly come over; that their meetings were very great at Dublin; and that a great man sitting at the helm was their very good friend, and gave them intelligence of every thing. This was the substance of the letter, a copy of which was produced and presented to the house of commons by Alexander Jephson of Trim, (one concerned not long after in the plot to surprise the castle of Dublin,) who pretended that he had found it while he was pursuing James Phelan; but he making his escape, a book fell from him in which the said letter was found. This afforded a handle to lord Colonny to <sup>239</sup> move likewise in the house of lords for their concurrence with the commons in the above mentioned resolutions.

<sup>k</sup> F. F. 231. B. 4to. 194—199.

A proclamation was published pursuant to those resolutions, and executed with great rigour; all artificers and shopkeepers, who were left in their habitations by the usurpers at the time of the transplantation, were now banished from Kilkenny and other great towns; horses and arms, being nowhere else to be found, were sought for in trunks and cabinets, and silver cups were defined to be chalices. The letter was transmitted into England, with a representation of the insolency of the papists, for whose suppression, in order to prevent the threatened danger, his majesty's directions were desired.

66 It had been a common artifice, just after the king's restoration, to drop such letters in the streets and highways, in order to render the Irish odious. The lord primate Bramhall vehemently suspected this to be a trick of the same nature; and being confirmed in that opinion by some discourse with Mr. Belling, advised him to take some course to have the two priests forthcoming. Mr. Belling prevailed with their superior to send for the two priests; and the earl of Fingal waited upon the lords justices to desire a protection for them, with regard to their function, but not to extend to the letter, or any other crime wherewith they might be charged. The lords justices seemed well pleased with the motion, but forbore to grant the protection desired; some of the council saying, that matters of this nature ought not to be minced; that such a protection was not fit to be granted; and that they were no friends to the king who made any objections or took measures to prove it a forged letter. It was a matter of great consequence to the whole body of the Irish Roman catholics, all their fortunes depending on the pleasure of his majesty, who was likely to be estranged from them by unjust representations of their disposition and designs. Dermot came to Dublin on Dec. 20, and the next morning presented a petition to

the council, complaining of the injury done him by the imposture of the forged letter, disavowing its being written by himself, or by any other by his directions or privacy, and desiring leave, notwithstanding his function, to appear before them to justify his innocence; being ready to suffer any punishment, if he should be found criminal as to that letter, or of any thing that might tend to sedition and the disturbance of his majesty's government in any of his dominions. After a long examination, he was committed to the custody of an officer; and the next day Phelan appearing, Mr. Belling went with him to the council, who, having examined him, committed him in like manner, upon his denying he had ever received any such letter.

67 It was very improbable that the Irish should, at a time when their all depended on the king's good-will to them, be forming against him designs of an insurrection, which, if they were never so unfaithful, they were in no condition to execute. The matters in the letter were false, and there had not been the least turbulent discourse among any of the Irish clergy since their primate Reily had left the kingdom. The two priests accused were plain, simple, honest, and quiet men, who were never known to intermeddle in matters of intelligence, or to be stirring or active in any kind of affair. The great meetings at Dublin was a mere fable, and so was the collection for the clergy newly come over; and the Irish clergy already in the kingdom would much rather have made collections to have stopped others from coming among them. The foolish expression of obstinacy in those who never were of their religion, and the artifice of amusing the people with a belief, as if the pope was doing some great matter for the Irish papists, gave some grounds of suspicion. But what fully demonstrated the forgery was the subscription of the letter, which was signed *Fr. James* 240

*Dermot*, with a cross; a method used only by the regular clergy of the church of Rome, and no secular priest (as *Dermot* was) being ever known to prefix *Fr.* (the peculiar distinction of the others) to his name on any occasion. It was likewise certain that *Dermot* had not been in Dublin for a twelvemonth, nor *Phelan* for some years before. Notwithstanding these manifest tokens of imposture, the protestants of Ireland were so much interested, and those of England so much prejudiced against the Irish, that any idle story would go down with them, that was calculated to alarm them with apprehensions of their rebellious designs.

68 In the mean time a warm dispute was carried on at London between the Irish agents and the commissioners from the council, and the two houses of the parliament of Ireland, in several memorials presented by them to the king, in justification of their respective claims and pretensions. These were the subject of several debates, as well in the privy council as in the committee thereof for Irish affairs, to which the bill of settlement was referred, from the month of August, when those commissioners came over, to the 4th of November; when the duke of Ormond being named lord lieutenant, it was ordered in council, *that the said committee should meet constantly the lord lieutenant in order to the perfecting of the act of settlement, and that his majesty's declaration be the ground of that settlement.* It would be too tedious to give an abstract of the several writings presented on this subject; but it will not be disagreeable to the reader to see a short and impartial state of the case in a letter of the duke of Ormond's wrote about that time to the lord chancellor Eustace, and couched in these terms:

“ My lord,

“ I received your two packets sent by the way of Bristol; for both which I thank you, though there was no great need of the

enclosed papers to persuade me that the great noise of designs for a new rebellion was very improbable on that hand. God defend us from one on some other ground.

69 “You will receive from other hands, who are more at leisure than I am, an account how, where, and for what reason the bill is at a stand for near a fortnight. I confess I am not able to see through to the end of a settlement. For if the adventurer and soldier must be satisfied to the extent of what they suppose intended them by the declaration; and if all that accepted and constantly adhered to the peace in 1648 must be restored, as the same declaration seems also to intend, and was partly declared to be intended at the last debate, there must be new discoveries made of a new Ireland, for the old will not serve to satisfy these engagements. It remains then to determine which party must suffer in the default of means to satisfy all; or whether both must be proportionably losers.

70 “On the part of the adventurers and soldiers it is alleged, that they being in possession of these lands, and of power and strength to keep them, and this under colour of laws to which the royal assent was given in the 17th and 18th of the last king, did yet without condition submit unto, and some of them advance, his majesty’s restoration; which produced the king’s declaration from Breda, and that which, pursuant to it, he made for the settlement of Ireland. So that it would be hard they should be turned out, to make room for such as whether they had any desire to the king’s restitution or no may be doubted from their former rebellion and reiterated breaches of faith with his father and himself. And if they were content he should be restored, yet it is probable, from the former instances, that it 241 was more from a despair of any other way of tolerable preservation, than from any real affection to his government, which they had so often and unworthily affronted. And last of all, that whatever their private wishes might be, yet they wanted the courage or good fortune to manifest them by any the least co-operation towards his reestablishment.

71 “On the other side is alleged, that they accepted his majesty’s peace and submitted to his government when his father was kept prisoner by the power under which those men served and acted, and by which he was afterwards murdered, when himself was an exile in foreign parts; that they stuck to this peace to the last of their power, and that if there were any who broke it,

they interpose not for them, but for the constant adherers to and sufferers for it, who are not with any justice to be involved in the destruction which they confess to be due to the violators of it; nor is their want of power to be an obstruction to their constitution, since it was an effect of their constant loyalty, as the others' power was of the contrary. Here in short is part of the plea on both sides, as impartially stated as I could do it on the sudden."

72 The king seemed one while favourable to the Irish, and expressed himself as if he intended the peace of 1648 should be made good to them; but their agents effaced this disposition in him, by insisting perpetually on the obligation of the articles of it in all their strictness, and inculcating to him, that he was obliged in honour and justice to make them good. Kings do not care to be taught their duty in such a manner, and it sounded harsh to his majesty to hear that demanded of him as a matter of right, which he was considering whether he should grant them out of mere grace and favour. He had never signed any instrument ratifying that peace, but had by his letters approved it, and given repeated promises of confirming it, till his affairs in Ireland were in a manner ruined by the rebellious proceedings of the clergy and their faction; and even then he was resolved to make it good to such as continued to adhere to the royal authority. The Irish at this time seeming to upbraid him with breach of faith, if he did not restore all entitled to the benefit of that peace, their adversaries set themselves to examine into the validity of it, and the obligations which it laid upon his majesty. They easily found authorities enough from eminent civilians, and the treatises of authors that have wrote upon the law of nations, to set him at liberty from all ties of a treaty made with rebellious subjects sword in hand, his father in duress and himself an exile; a treaty wherein they articed for an army, for the militia, treasury, churches, livings, offices civil and military, and even

for a kind of legislative power in their twelve commissioners, all contrary to the laws of the land and the constitution of the kingdom, whilst they left him only the empty name and the bare title of a king, and which, if it obliged in one article, obliged him likewise in all; a treaty made with the generality of a kingdom in the name of the whole, and violated likewise by the generality and most powerful part of that kingdom, for which reason it might be deemed void as to the whole; and this the rather, because when the clergy were carrying on their rebellious measures, insulted the king's authority in a manner never known before, and drove his lieutenant out of the kingdom, the general assembly met at Loughreagh passed no censure upon these measures, and did nothing to vindicate that authority; and even the commissioners, intrusted by the very assembly which made the peace, were the first that broke it, by refusing to deliver up to the lord lieutenant the towns, forts, and garrisons, to which they were obliged by the articles.

73 The king liked very well a way of reasoning which<sup>242</sup> invalidated a treaty, and set him loose from obligations which were pressed upon in such a manner that it looked like a reproach, and threatening him with the charge of breach of faith, if he did not make good the article insisted on, the performance of which the agents did not so much sue for as a grace, as challenge to be their right. He was shocked at a demand of this sort, having been used to consider all the lands of Ireland (except those of innocents) as his own; all the rest of the proprietors having forfeited their lives, as well as their estates, by their rebellion. The agents in behalf of the other interests took a different method from the Irish; they represented every thing with the utmost submission to his pleasure, laid all their concerns at his feet, and whilst they maintained their cause strenuously, professed, that whatever he should grant them, they should receive it as

the effect of his bounty, acknowledging that they owed their very lives to his mercy. This was a more persuasive method of address to a prince, than those arguments of law, defects of form, and deviations from the letter and strict rules laid down in acts of parliament, which, though the effect of the confusion of the times, and the unhappiness rather than the fault of the adventurers, take up so great a part in the Irish papers; and accordingly it succeeded better. The king considered the settlement of Ireland as an affair rather of policy than justice. He found himself, by the forfeitures of the freeholders, master of the greatest part of the lands, and in a condition to dispose of them in such a manner, as to secure a revenue sufficient to answer the charges of the government, and to settle the property of the nation in such hands as would make improvements, to enrich the kingdom, extend its commerce, and render it the common interest of the inhabitants to cultivate peace, and oppose those intestine broils and rebellions with which it had been for some ages infested. He was desirous, if he could, to give satisfaction to all that had any way deserved to be objects of his clemency and bounty. Hence he took care to be present, whenever the settlement of Ireland came to be debated in his council, as well to be informed himself of the true state of the kingdom, and the pretensions of the several interests therein, as to let the world see, that if many seeming hard things were necessarily to be done, they ought to be imputed to the entanglements of various defections and usurpations, and to the supreme duty incumbent upon his office of providing most probably for the peace and security of his people, according to the state wherein he found them, and not to any want of that mercy and compassion which his heart so abounded with, that it would have been his greatest delight to see all his subjects happy, as it was his greatest affliction not to be able (through their own fault or misfortune) to



make them so. When he had made his declaration, he was misled to think there were lands enough to reprise such of the adventurers and soldiers as were to be dispossessed, to make way for restorable persons; but now that he was sensible of that mistake, and it appeared that one interest or other must suffer for want of reprises, he thought it most for the good of the kingdom, advantage of the crown, and security of his government, that the loss should fall on the Irish. This was the opinion of his council; and a contrary conduct would have been matter of discontent to the parliament of England, which he desired to preserve in good humour, for the advantage of his affairs, and the ease of his government. He had seen, in the beginning of his reign, enough of the turbulent spirit and ambition of a clergy named by the pope and depending on him, and of the power they had, through their influence on an ignorant bigoted people, of raising disturbances in the kingdom; he resolved not to divide the rule thereof with a foreign power, but to remain sole master of his own dominions.

74 The restorable Irish, for whom alone their agents<sup>243</sup> pleaded, had indeed adhered to his authority, in opposition to the papal power; and though they could not carry the populace along with them, and sunk at last, through the defection of the clergy and their faction, under the superior force of their enemies, yet they had bravely ventured their lives and sacrificed all their fortunes in the discharge of that duty. Had this been represented with modesty, it might possibly have had its weight, and have procured them more favour; but the agents set it forth in too pompous a manner, mentioned the loyalty of their ancestors with such parade, as if there never had been a rebellion in Ireland, and the behaviour of those gentlemen as if they had never been engaged in the last, but had been loyal from the very beginning of the troubles. Not satisfied with this, they fell foul upon

the conduct of their adversaries with too much acrimony, ripping up all the iniquities which had been committed by the English rebels, particularly the murder of the late king, and involving all the soldiers sent over into Ireland and planted there in the guilt of the regicides. This gave the others occasion to recriminate, to draw in strong colours all the horrors of the Irish massacre and destruction of the English plantations, to give a detail of the most outrageous acts of the rebels, and their endeavours to alienate the kingdom, and subject themselves to a foreign prince, and according to the precedent set by their adversaries, to involve them all without distinction in the common guilt. The Irish had much the worst in this kind of disputing, because nothing urged against them fell to the ground; whereas most of what they said against the English rebels (except as to the particular of the king's murder) was far from making their court to several of the most active members of the council and the committee for the affairs of Ireland, who had run too great lengths with the long parliament in their measures. They should have considered this, before they engaged in that manner of fighting; in the management of which their adversaries were far superior, freely acknowledging their own demerits and imploring his majesty's clemency, at the same time that they observed the Irish had never in all their papers made a confession of their guilt, but rather endeavoured to excuse, if not justify, their rebellion. It was this attack of the Irish made the others enter into a comparison of their respective conducts, when each party were disposed to return to their duty; in which certainly they had as much the advantage, as they had in the success of their endeavours. For whereas the Irish would not do it without formal capitulations, hard conditions, cautionary towns, and stripping him of the most essential parts of his sovereignty, the English had referred themselves absolutely to his mercy, and re-

stored him, without any condition at all, to the enjoyment of his crown, and all the rights thereof in their full extent.

75 The Irish agents in the management of their cause and in the making of their demands, do not seem to have considered so impartially as the matter deserved, what things were likely, and what were not likely, to be obtained. They moved in their first proposals, that the restorable gentlemen, who had sued out decrees and taken lands in Connaught and Clare, might be disengaged from those decrees, and restored to their former estates. The reason assigned was, that they were transplanted by force, being obliged to remove under pain of death, and either to accept the exchanges offered, or suffer their families to starve. It was answered, that whatever was to be said of the transplantation, the accepting of lands and suing out decrees was a voluntary act, full as voluntary as the compositions and sales of lands at under rates made by the king's friends in England under the oppressions they suffered from the usurpers; and the Irish who had been guilty of a rebellion that was of infinite prejudice to the king's affairs, ought not to be relieved from their own <sup>244</sup> act, or to expect better treatment than the English royalists, who had been guilty of no offence, but had ever continued faithful to the crown, and yet were left bound by those compositions and sales so much to their prejudice. It was plain from this answer, what a clamour it would have raised in England, if such an inequality of treatment had been used in favour of the Irish, and that this was a point they could never carry; yet they insisted on it to the last.

76 They were full as pertinacious in insisting upon the adherers to the peace of 1648 being restored to the possession of their estates, previously and without any regard to reprisals for the adventurers and soldiers who were seized thereof. There doth not appear any reason to

imagine they had any grounds to think this would be complied with; and yet they never receded from their demand, nor moved for either of two expedients that might have been offered. One was that proposed by the lord Montgomery in the committee of the lords, viz. that, if the lands undisposed of were not sufficient to satisfy the several and respective interests intended to be provided for in the declaration, there might be an equal and proportionable defalcation out of every reprisable interest for the just accommodation of the whole. This was so equitable an expedient, that it might probably have been carried; and the rather, because it was agreeable to the sense of the house of lords, and their commissioners would readily have agreed to it; yet, though it was debated in the council when the bill was under their consideration, I do not find that it was ever moved by the Irish agents. The other was suggested by the lord chancellor Eustace, when he found that the king's intentions expressed in the declaration could not be made good to the restorable Irish for want of reprisals. He proposed, the king should purchase the land from the adventurer and soldier by paying the money (due to the one for his adventure, and to the other for his arrears) for which the land was set forth, with some allowance for improvements; and then settling it upon the right owner. The officers had generally purchased the soldiers' debentures, and many original adventurers had sold their lots at very cheap rates; and it was easy to find a way to reimburse his majesty what money he should lay out in this manner; at least he could be no loser, for the land in most places was worth six times the money laid out for it, and in some places was worth much more. The Irish might find friends to lay down the purchase money for them; and if they could not, might yet by a composition with persons willing to purchase their right, get some relief in their distress; which was much better than losing all for

want of a reprisal. He thought this a very equitable proceeding, because it was *suum cuique tribuere*, i. e. land to those who ought to have the land, and full pay to those who ought to be satisfied for their pay or adventure. He proposed that the king should buy the land, because probably the ancient proprietor would not be allowed to buy it, which however could not be denied to his majesty; he having bound himself, by his declaration published to the world, to give satisfaction to the several interests thereby intended to be secured; which he could not do in any other manner so unexceptionable and rational, as by this way of reprising the soldier and adventurer either in land or money.

77 I do not find that this expedient, any more than the other, was ever offered by the Irish agents. Possibly they might intend to move for them at the last when they found their higher demands absolutely rejected; and reserving them till that time, lost the opportunity of moving for either of them, by the sudden and unexpected breaking off of the debates upon the bill of settlement, which happened on the following occasion. The Irish having raised a necessity of examining into their own conduct, by arraigning that of their adversaries during the 245 troubles, the latter charged them with a design to cast off all obedience to the crown of England, and to give up themselves and their country to a foreign power. In support of this charge, and in answer to some papers, (viz. reasons touching reprisals, variations betwixt the declaration and the bill, and brief of the defence made against the objections offered to invalidate the peace of 1648,) debated on March 13 in the committee for Irish affairs, and presented by the Irish agents the day before to the board, the commissioners from the council and parliament of Ireland, being called in to make a reply to what was suggested in those papers, presented to the committee several writings, viz. instructions given by the

supreme council of Ireland to the bishop of Ferns and sir N. Pluncket, their agents to the court of Rome, bearing date Jan. 18, 1647; a draught of instructions to France and Spain, and a copy of the excommunication published at James-Town. The bishop of Cork had by some means or other found the originals of the two first instruments, by which the agents were instructed to make an offer of the kingdom of Ireland to the pope, and if he declined it, to any other Roman catholic prince, who was willing to take the nation into his protection. It happened unluckily for the Irish that sir N. Pluncket was one of their agents, and that the instructions for the agents at Rome were signed by him, and the draught of the other instructions also was in his handwriting. After the papers were read, sir Nicholas was called in, and being asked whether the signature of the first instruction and the draught of the latter were his handwriting, he acknowledged they were. The committee thereupon ordered that those papers should be presented to his majesty and the council the next day. This was done, and the king being highly incensed at the matters therein contained, orders were immediately entered, that no petition or further address be made from the Roman catholics of Ireland as to the bill of settlement, but that the bill for the act of settlement go on to be engrossed without any further delay, according as is already concluded; that sir N. Pluncket have notice given him, that his majesty's pleasure is, that he forbear to come into his majesty's presence, and appear at court any more; and that Mr. solicitor send all the provisos allowed of by the committee to be engrossed, and that the Irish make no more addresses, and that this be signified in letters to their friends in Ireland. Thus ended the debates in behalf of the Irish; and the bill, which had been by those debates long delayed, to the great uneasiness of the parliament of Ireland, was, after the settling of some

further provisos, finished at last, and being sent over, passed the two houses at the latter end of May.

78 The parliament of that kingdom, after several prorogations, met on March 4,<sup>1</sup> and not knowing that the debates about the settlement would be so soon ended, the house of commons sent to the lord lieutenant an address to be presented to his majesty, humbly begging a despatch of the bill of settlement; and lest it should be delayed by the applications and importunities of private persons, desiring that no provisos, intrenching upon any persons or interests in his declaration or instructions, or lessening any provision designed or appointed for them, might pass his royal assent. They had not long before complimented the duke of Ormond upon his being made lord lieutenant: they now gave him a more substantial proof of their esteem and affection. His grace had distinguished himself more eminently in the service of the crown, and had suffered more for it in his fortune, than perhaps any subject the king had in his three kingdoms. He was preparing for a journey into Ireland, where he was to appear and live in the state and grandeur of a lord lieutenant, and<sup>246</sup> after being deprived of his estate for many years, was not perhaps so well qualified, as might be wished, to bear so great an expense. He was coming over thither for the service of the kingdom, to exert all his arts and skill in government, and in managing the various tempers of mankind, to reconcile the jarring interests of the people, to unite a distracted and divided nation, and to settle it on a firm and good foundation, wherein themselves and their posterity in future ages might find their security and happiness. Some members of the house of commons thought it would become the representatives of the kingdom to express, at this time, their sense of his grace's past merits and sufferings in the service of it, by making him a seasonable present to help defray the necessary ex-

<sup>1</sup> App. No. XXXVI. XXXVII. and XXXVIII.

pense of his employment; that being more at ease in his private fortune, he might have no domestic concerns to take off his attention for the public; and however extraordinary such a motion might appear in the house, (there never having been a precedent of the like nature before,) they made no question but, as the person and occasion were so too, it would be readily received. Of these members, none was more zealous than sir Theophilus Jones, who intended to make the motion, but was prevented by colonel Knight and colonel Shapecot, who having got notice of the design, and hoping either to make a merit of it to themselves, or to lessen the intended present, moved that a bill might be brought in for raising twenty thousand pounds for the use of the duke of Ormond, as a testimony of their just and grateful sense of his extraordinary merits to the kingdom, in his constant care and endeavour for maintenance of the just rights of his present majesty and his royal father, both against foreign enemies and domestic rebels. Sir T. Jones was only doubtful of the success on account of the thinness of the house, and, for fear of the worst, moved that the consideration of that matter might be deferred till the house was fuller. This was rejected, all the members present shewing by their looks and words a great eagerness to comply with the motion. Hereupon he made another motion, that the sum to be given might be thirty thousand pounds. This was agreed to unanimously, and sir Theophilus, with sir Paul Davys, sir James Ware, sir H. Tichborne, and others, were appointed to attend the lords justices, and desire them from the house as well to prepare and transmit a bill in due form to his majesty for raising the said sum, as to take care to insert in it the following clause, “and although this house in demonstration of their just and deserved thankfulness to his grace do thus express the sense of this kingdom in reference to him; yet they intend not thereby, that it should be



interpreted in exclusion of him from any other just favour, which, in recompense of his vast losses, or otherwise, his majesty in his high wisdom may have judged fit, or shall judge fit, to confer upon him or his."

79 The justices and council promised to draw up and transmit a bill accordingly; but deferred doing it, till they had received his grace's sense and directions upon the matter. The duke, as soon as he had notice of it, acquainted his majesty with the affair, desiring to know his pleasure. The king was pleased to order him to accept of the benevolence of the commons, and the lords justices having on April 4 received directions for sending over the bill, it was drawn up and transmitted into England. It met with as hearty a welcome there from the lords of the privy-council; and never did any thing receive a more cheerful and unanimous concurrence at that board than this bill; there not being one person, but who seemed much delighted to bear a part in the despatch of so good a business. They had gone through it by the 19th of that month, and it was then remitted to Ireland, accompanied with a letter of acknowledgment from his grace to the house of commons, and another from secretary Nicholas to the lords justices, assuring them, that his majesty interpreted that matter as an act and testimony of their lordships' and the house of commons' singular affection to himself, of whom the duke of Ormond had so eminently merited by his many constant and excellent services throughout the late troubles and usurpations. As soon as the parliament met, after the return of the bill, the house of commons went upon it, and having passed it on May 13, sir T. Jones carried it up the next day to the lords, attended by the whole house, except ten members who remained with the speaker; and when he presented it at the bar, made an excellent speech much to his grace's honour. When the commons had retired to their house, the lord Massarene

moved that the bill might be committed. Hereupon the bishop of Meath got up and made a motion, that since the bill found so clear a passage, both in the council of England and in the house of commons, without being committed, it might meet with the same cheerful despatch in their house. This was seconded by the general concurrence of the whole house, and the bill was immediately passed. Such were the manner and the circumstances of this present to the duke of Ormond, who was as much pleased with the honour as he had reason to be with the profit; those two things, which are rarely enough compatible, meeting together, to a very high degree, in this grant of the parliament of Ireland.

80 The house of commons had soon after another occasion of shewing their respect to his grace's family. The earl of Ossory had in April 1661 been made lieutenant general of horse in the Irish army, and in the beginning of this year he had succeeded the earl of Montrath in the command of the troop of horse and regiment of foot, which became vacant by that nobleman's death. The king, vouchsafing to grace him with further honours, ordered, by his letter of June 22, that a writ should be issued out for calling him up to the house of peers in Ireland. The earl, who was at this time a member of the house of commons of England, being chosen for the city of Bristol, was likewise so of the commons of Ireland. Taking leave of this house on the 8th of August following, an order was made that sir Paul Davys and sir H. Tichborne, with the body of the house, should accompany him to the bar of the house of lords. The lords having notice of their coming made an order, that, by the consent of the earls' bench, the earl of Ossory should be placed above all the earls, but it should be no precedent for the future. His place being thus fixed, the house of commons were called in, and the speaker in their name returned thanks to the lords for the honour they had been pleased to do

to the honourable person he then presented to the house, and assured them, that none could come more wished for, and the commons doubted not but as he had been a great help to their house, so he would be an honour to that of the peers, and an help to both. The commons being withdrawn, the earl of Ossory was introduced into the house, and complimented by the chancellor in a short and handsome speech upon that occasion.

81 Though the act of settlement had passed both houses, and lay ready for the royal assent, it was thought proper to defer giving that assent till some money bills were first passed. The commons had not only made a grant of twelve subsidies to his majesty, but had presented to the council a bill for establishing the excise or new impost, intending it to be a constant revenue to his majesty, by way of compensation for the court of wards, which they desired might be suppressed. That court had been erected about forty years before in Ireland, but had been established in England from the time of Henry VIII, and was heavily complained of in both kingdoms, as an insupportable grievance. All the lands of England were originally vested in the crown, and by grants from thence <sup>248</sup> have been since derived to other proprietors; William the Conqueror being the first that ever granted an estate of inheritance to the subject. They were granted for the performance of certain services, which were the condition of their tenure; and hence upon an incapacity to perform those services, as in the case of idiocy and lunacy, or in case of a renunciation thereof, implied in acts of treason and other high crimes and offences against the law, they still reverted to the crown, of which they were held, and from the favour and bounty whereof they were derived. Children being unable to perform those military services required of such as held lands *in capite*, or by knight's service, their lands so held did during their minority return to the crown, and the profits thereof were either

accounted for to the exchequer, or granted out, till the heir came of age, to some person capable of discharging the conditions of their tenure. It being fit that the king should be well assured of the fidelity of his vassal, and that the vassal should not make any alliance with persons disaffected to his majesty, or enemies to his crown, which might naturally be supposed likely to draw him from his allegiance, or make him cool in the service, the wardship and marriage of the heir was likewise reserved to the crown. These lands and wardships were usually granted to favourites and men of power and interest, who, though they gave security to the court of wards to take due care, as well of the education and maintenance of the heir, as of the good condition of the estate, too often neglected both, destroyed the woods, and committed horrible waste upon the lands, brought up the heir in ignorance, and in a mean manner unworthy of his quality, and selling his person to the best bidder, matched him unequally in point of birth and fortune, as well as disagreeably with regard to the character, qualities, and figure of the person that was picked out to be the companion of his life. Some flagrant instances of this sort made all the gentry of England uneasy, not knowing how soon it might come to be the fate of their own heirs; and for that reason they were extremely desirous to have those tenures destroyed, and the court of wards suppressed. In the time of king James several attempts were made in parliament, and treaties set on foot for this purpose; but, still differing about the equivalent, they never ended in any agreement. In the distress of king Charles I this matter was brought again upon the stage at the treaty of the Isle of Wight, and in that low condition of his majesty's affairs the parliament would have consented to a revenue of two hundred thousand pounds a year, rather than not carry that point. The violence of the army put an end to that treaty, and the king's

death soon followed. The parliament had by an ordinance abolished this court in 1644, and for fear of its being reestablished upon the restoration, the convention, after king Charles II had been proclaimed in London, and before he arrived in England, ordered a bill to be brought in for taking away all military and feudal tenures, and for abolishing the court of wards, giving the king instead thereof a revenue of one hundred thousand pounds a year out of the excise, which they regulated by very severe laws, that the income for which it was given might be as certain as that revenue which arose from the court of wards, which, being raised out of lands taken into the king's possession till all his demands were satisfied, was liable to no accident or failure. It were to be wished that this convention had shewn a greater regard to justice in assigning the equivalent for that revenue, and had laid the burden of it upon the gentlemen who alone suffered from the oppressions of the court of wards, and reaped the benefit of the abolishing of military tenures, instead of subjecting the common people (who got nothing by that act, and who were before as free and as much masters of their own houses as the gentry) to a servitude, and to grievances very uneasy to be borne, and which may possibly in the course of time reach at last 249 the gentlemen themselves, and be the occasion of as many and as heavy complaints as the court of wards. It were to be wished likewise, that when that court was put down, some other method had been established by law (whether by reviving the ancient practice of funeral certificates given by our kings at arms upon the death of the nobility and gentry, by adding further powers to the provincial kings, obliging them to make regular visitations of their respective provinces, and giving the authority of evidence to the original books of those visitations, or in some other manner) to prove the descent of families, upon which the right of estates and honours so

much depends. It hath proved very unhappy to some of our nobility and gentry that this court was put down so immediately upon the restoration, after the miserable confusion of all rights, and the great destruction of deeds in the civil war, before the records of that court were looked into, and the methods of its proceedings had brought gentlemen into some knowledge of their rights and estates, set out upon long tenures, which for want of proper inquiries at that time will now perhaps be lost for ever. The inquisitions *post mortem*, taken by escheators and feodaries, the homages, liveries, and other instruments preserved upon record, will easily prove the descent of gentlemen who held lands of the crown before 1641, but since that time what is there of a public record to prove it? The younger branches of noble families will every day find it more and more difficult to prove their genealogy, and make good their claims to honours; and I am persuaded, that if some method be not taken speedily to make those records we yet have, and which are multiplying daily, less expensive to be searched, more easy to be found, and consequently more useful to the world, or to provide some more distinct and authentic accounts of descents than our parish registers can furnish, few gentlemen in this kingdom thirty or forty years hence will be able to prove their descent so high as their great grandfather.

- 82 Some great men in his majesty's council, influenced probably by a spirit of liberty, not satisfied with abolishing the court of wards in England, were desirous to have it suppressed likewise in Ireland. They signified as much to the lords justices, who, (as one of them (the lord Ormery) writes to the duke of Ormond,) imagining that they would not have given encouragement to a thing of that importance, without having first sounded and known his majesty's pleasure therein, recommended the bringing in of a bill for that purpose, and for settling an excise in

lieu thereof, as had been done in England. The bill was twice read, if not engrossed, when the earl of Orrery received a private hint from Mr. secretary Nicholas that possibly it would not pass, nor readily have his majesty's approbation. His lordship hereupon moved immediately at the board, that the bill for taking away the court of wards might not be part of the bill for settling the excise; urging that it looked more like a bargain than a gift, or indeed rather like a menace, that if the king would not take away that court, they would not give him the excise. Hereupon, that about the court of wards was made a distinct bill, that if his majesty should think fit to deny or pause on the matter, the passing of the other, which made a considerable part of his revenue, might not either be delayed or hazarded. The two bills however were transmitted to England together; that of the excise was soon despatched, and being sent back passed both houses of parliament; but the king demurred upon the other. He considered the court of wards and the feudal rights and tenures as the greatest sovereignty of the crown, and the best insurance of the subject's dependence on his royal authority. It was dangerous in Ireland to lessen that dependence in any respect, and very improper to give up that power, which the crown, by the wardship of heirs, had of breeding them up in the<sup>250</sup> protestant religion; by means whereof all the great families in the kingdom might in some time be recovered from the errors of popery. It was more necessary at this time than it had ever been in any age, to keep up all the feudal rights and continue the court of wards, because of the great multitude of fanatics and other non-conformists, very loose in their notions of allegiance, who had lately settled, and were now going to be established in Ireland; so that unless care was taken that the next generation should be educated in better principles, the king could not in any exigence depend upon the obe-

dience of his subjects, when kept no longer in a state of dependence. This made him unwilling to part with the court of wards, and the difficulty he made in that point increased the impatient desire which the parliament had of the abolishing thereof. Both houses addressed for the passing of the bill, and understanding that the principal end proposed by his majesty in continuing that court was the better education of youth in loyal principles, and such as were agreeable to the doctrine and discipline of the church of England, they professed themselves ready to agree to such a bill, and desired the lords justices to transmit one of that nature into England. This was done, but yet did not remove all the difficulties in the case, till after the duke of Ormond came over as lord lieutenant, who, finding that the standing revenue of the kingdom, according to an exact calculation, did not amount by forty-two thousand pounds to answer the charge of the civil and military lists, proposed to some members of the house of commons that the deficiency might be made up by a tax upon chimneys and hearths, according to the precedent lately set in England. This produced on Aug. 8 a motion in that house for a bill to settle the hearth-money, as a standing revenue of the crown in lieu of the court of wards; the motion was approved unanimously, and that tax being settled, the court of wards was afterwards suppressed.

83 The duke of Ormond had intended to have been over in Ireland very early in the spring, but the unexpected delay of the queen's arrival in England caused his departure thence to be delayed. His majesty had lately concluded a marriage with the infanta of Portugal, at this time not full twenty-four years of age, and had been complimented thereon by his parliament of England. This marriage, not proving fruitful in children, has been much condemned since that time, and been imputed, as people's different affections, passions, and prejudices led



them, by some to the duke of Albemarle, by others to the lord chancellor Clarendon, and to both (in my opinion) unjustly. The grounds of charging it upon the latter seem to be his great credit with the king, so that he seemed at that time to be a kind of first minister, (to whom foreigners at least will ascribe every step that is taken by a prince in public affairs,) and the malignity of certain people, who, either distasted at some effects of his zeal for the church of England, or imagining that there must be a selfish reason for the actions of politicians in every part of their conduct, have endeavoured to hurt his character by this charge. But his confessed probity and love of his country, in which few ministers have ever exceeded him, are sufficient to correct the conjectures of this latter party of his accusers, and the rather, because it doth not appear, that at the time when the Portugal match was first proposed and entertained, he so much as knew of his daughter's engagements with the duke of York, which being soon after made public, caused in him a great surprise, attended with some vehement expressions of his utter dislike of that affair, which otherwise would not have dropped from him, though he was too wise a man not to see plainly that alliance with the royal family would bring upon him the envy of the world, and give strength and credit to the malice and suggestions of his enemies. And whatever share in public affairs, or appearance of power he then had <sup>251</sup> at court, yet it is seen on many occasions that the favourite often gets the better of the minister, and that there are private reasons sometimes for a prince's conduct which he does not care his minister should know, and which all the latter's credit and reasoning upon the general state of affairs, without touching on the secreted particular motive, are not able to overrule.

84 Mr. Echard in his History of England imputes this match to the duke of Albemarle, upon the strength of

an information, which he had from sir Robert Southwell, who in his narrative of the duke of Ormond's life, after having observed that Monck's advice to the king to hasten out of the Spanish dominions to Breda, was originally suggested to him by Don Francisco de Melo, (afterwards marquis of Sandé,) the Portugal ambassador then at London, gives the following relation of this marriage. Sir Robert had it from one Russel, who was chaplain to the ambassador, assisted him much in his negotiation, and was for that cause made a bishop upon his return to Lisbon, where sir Robert knew him a few years after, when he was envoy at the court of Portugal. "This bishop (he says) told him likewise, how they had, even before his majesty came over, possessed the general of the advantage of marrying the infanta of Portugal to the king; of the high consideration of Tangier and Bombay which should be given as part of her portion, with the free trade of all their dominions, and some millions of crusadoes. The bishop added, that in like manner they had engaged and secured to them Mr. Morrice (the then confidant of the general); and so accordingly it fell out, that when he came to be sir W. Morrice and secretary of state, though but of the northern provinces, yet all the following treaty of marriage ran through his hands and office. And the bishop affirmed, that it was actually the general who first proposed this match to his majesty, although the articles were afterwards managed and things carried on by the lord chancellor, who therefore had the whole credit of the affair."

- 85 In this relation, which sir R. Southwell inserts in his Narrative as a short memorial of a truth which else might be forgotten, bishop Russel seems to ascribe too much effect to that negotiation, which was the occasion of his preferment, and represents the freedom and intimacy between Monck and the Portugal ambassador to be much greater than it was in reality. It is not likely

that the general, the closest man alive, should unbosom himself to a foreign ambassador, whom he had known but a few days, upon a subject which he secreted from his nearest relations, and when he was forced at last to take his resolution, and communicate it to his majesty by sir John Grenville, did it with all those circumstances of caution and reserve which are so justly represented in the noble History of the Grand Rebellion. Nor can I reconcile this pretended intimacy with Melo's not making use of the general's friendship, but sending soon after sir Robert Talbot to the king, whilst he was yet at Breda<sup>m</sup>, to excuse his sudden departure into Portugal, which was owing to the pressing occasions of the king his master, and in order to return with more lustre and better fashion, which he hoped soon to accomplish, and in the mean time presented to his majesty of Great Britain the following considerations, viz. that of all the princes of Europe the late king of Portugal had been the only one that durst venture to hazard all for his sake, to give prince Rupert's fleet protection in his ports, and thereby draw on himself an expensive and dangerous war (which cost him at least six millions) with a potent and victorious enemy, when he had difficulty enough at home to oppose an implacable and very powerful neighbour; that the interest of Por-<sup>252</sup>tugal and England had so great and necessary a connexion, that the kings thereof ought by an union (especially as things stood at present) to fortify themselves against all enemies whatsoever; that by order and direction from the king his master, he had been serviceable in England to his majesty's interest, as he should make appear at his arrival, which he prayed God might be speedy; and that both as a private person and as an ambassador he unfeignedly professed, that next to the good of his own prince, nothing in this world could give him greater joy and content, than to see himself at his majesty's feet have

<sup>m</sup> See the memorial. E. E. 473.

the honour of addressing himself to him, and of confirming by strong and solid reasons the just and necessary connexion of interest between the crowns of England and Portugal.

86 Whatever reasons, from the obligations which the king of England had formerly received from the crown of Portugal, or from the mutual interest of both kingdoms, there were for an union between them, and for cementing that union by an alliance, there does not appear to have been any discourse about the Portugal match till August 1660, when the queen mother came over from Paris into England. <sup>u</sup> Cardinal Mazarine, when he saw the king restored, called God to witness that one of the chief motives of his making the peace of the Pyrenees was the reestablishing of the king, for which end he had sixty men of war and sixty thousand men in readiness, if God had not done it in his own way; and commending his prudence in disbanding the army, (for that popular motions did not last long,) offered freely to advance what money his majesty should want for that purpose, as he had desired by the lord St. Alban's; assuring him that he should be always ready to assist him with all his power, both public and private, without imposing any obligations upon his majesty. The king was of himself sufficiently disposed to enter into the strictest league with France, having always, from the early impressions made upon him in his youth, the greatest dread and jealousy of the power of an English parliament, against which, in case faction should get to such an head as it did in 1641, he thought nothing could so well secure him as the friendship of his most Christian majesty, who was the most able, and lay the most convenient of any European potentate, to give him assistance upon occasion; and this was the true reason why all his life he was still disposed to a French alliance. To improve this disposition, and cultivate this

<sup>u</sup> B. 4to. p. 158 and 160.

friendship, the queen mother came over (as has been said) into England. Her professed business was to adjust a marriage between the princess Henrietta and Philip duke of Orleans, brother to the king of France; but she was likewise to propose or encourage the king's marrying the infanta of Portugal, thereby to procure that crown those open succours from England which France was precluded from giving by the late treaty. The first notice which the court of Spain had of this affair seems to have come from the count of Fuensaldagne, who being ambassador at Paris, presently after the queen's setting out from thence, got some intelligence of the design, and an account being just then come to Paris of the Portugal ambassador's having had an audience at London, he began to imagine that this might be part of his errand, and to entertain apprehensions that the king would marry (as he styled her) the duke of Braganza's daughter. To traverse the queen mother's measures in both her negotiations, he gave out that the emperor was not engaged to the infanta of Spain, who would be a fit match for the king, and was persuaded that his master would advise him to marry the princess of England, if he should not be exposed to the hazard of a denial.

- 87 The court of Spain, alarmed at the prospect of a marriage which was likely to procure powerful succours to Portugal, and defeat all their measures for the reduction of that kingdom, the conquest of which they had hitherto considered as easy and certain, tried all ways possible to prevent that alliance. The Spanish ambassador at London represented to the king<sup>o</sup>, that a match with the daughter of a duke of Braganza, who (as he affirmed) had no more right to the dominions he possessed than Cromwell had to the sovereignty of England, was in no wise suitable to the greatness and dignity of his person, or to the care he could not but take of his glory, which

<sup>o</sup> F. F. 56—59.

would be sullied by mixing his ancient and royal blood with the family of a rebellious subject; that it would lose his subjects the commerce of Spain and the best part of Europe, which depended on his catholic majesty; that it would be attended with great inconveniences, and in particular' would produce a rupture with his master, and entail an expensive war upon England; that the seeming advantages offered by Portugal were far from being solid, and could not be depended on, since that country could not have subsisted so long, had not Spain been employed in other wars and in different places; and that it must now submit to the superior force of the catholic king, who, as soon as he had reduced it, would allow the English a free trade to the East Indies, of which his master was the rightful sovereign. In conclusion, he proposed that the king would marry one of the princesses of Parma, who were but twenty or two and twenty years of age, finely made, beautiful in their persons, and graceful in their stature, with all the advantages of wit, education, and other accomplishments, (in which they were far superior to the Portuguese lady,) offering, if his majesty would choose either of them, that the catholic king should adopt her as a daughter of Spain, and give her the same fortune as had been given with the queen of France; should enter into a strict alliance with England, and, to remove all occasions of jealousy, should purchase of him Dunkirk and Jamaica.

88 The king was once inclined to agree to this proposal, and the earl of Bristol (who laboured with all his interest to get it accepted) was actually despatched to make up the agreement. But the queen mother's instances, and his strong inclination to a perfect friendship and union with the court of France, made him alter his mind, and resolve upon the Portugal alliance. The Spanish ambassador, to support his cause with reasons of state which rendered it impolitic for his majesty to

marry a Roman catholic, proposed to his majesty, that he would marry either the princess of Denmark, who was a very fine woman, or the princess of Saxony, whose beauty was celebrated all over Europe, and whose understanding at the age of nineteen, and other rare qualities, made her universally admired, offering with either of them the same fortune and advantages as before. This not succeeding, he next proposed the princess of Orange, for whom the king had formerly entertained a passion, with the like offers, (notwithstanding all the aversion and resentment which the court of Madrid could not but retain against a family from which they had received such disservices,) which he imagined would be more agreeable to the English nation, who wished nothing so much as to see his majesty speedily married; a wish that might easily be gratified in the case of this princess who was so near England, whereas a treaty of marriage with any other must necessarily be attended with many delays, exposing the conclusion to many chances and accidents, which might render it ineffectual. To this proposal he added, that if his majesty would send back Melo the Portugal ambassador, and restore Dunkirk and Jamaica, the king of Spain would advance him a million of crowns, and <sup>254</sup> assure him of all the advantages of commerce before mentioned. This offer also was rejected; and the king determined to marry the infanta of Portugal.

89 <sup>p</sup>This resolution was taken without the knowledge either of the duke of Ormond or the lord chancellor Clarendon. The king first communicated it to the chancellor, and told him at the same time that he had agreed to the match. The chancellor said, he hoped his majesty was not determined, for there were several things deserved to be maturely considered in that affair; which

<sup>p</sup> Relation of the bishop of Worcester from the duke of Ormond's mouth, and sir R. Southwell's Narrative, p. 62 and 63.

he was ready to offer, if his majesty had not prevented it by telling him that he was absolutely determined. The chancellor acquainting the duke of Ormond and the earl of Southampton with the matter, it was agreed among them that he should desire of the king to grant them all three an audience together. This was granted; they attended him in the room, which was called *Tom Chiffin's closet*, where the rarities stood, and gave him their reasons against the match. The chancellor opened the subject, and particularly urged not only what the Spaniards had objected as to the barrenness of the lady proposed, but the accounts and reasons which he had from other hands to believe that the infanta would never prove with child; that if it proved so in the event, it would be a great infelicity to the whole kingdom; and this was a consideration so very important, that the Portugal minister ought to be talked to plainly on the subject, and the matter seriously examined. The king replied, that he was satisfied that accusation came originally from the malice of the Spaniards, and was without foundation; and in fine told them, he had proceeded so far in the matter, that it was now too late for him to retreat, and he must go on with the treaty.

90 During this audience, upon their remonstrating against his marrying a Roman catholic wife, the king asked, "Where is there a protestant fit for me to marry?" It was said, his majesty could be at no loss in that point, for there were ladies enough in Germany of that religion, and of families fit for the alliance of any prince. "Cods fish! (says the king) they are all foggy, and I cannot like any one of them for a wife." Upon this answer, which excluded at once all the protestants that could be proposed, the duke of Ormond was clearly convinced that the resolution was taken for the king to marry none but a Roman catholic. It was a point indeed which his mother, and those of that religion which were in the secret of the



change he had made in his, had extremely at heart, and thought of the utmost consequence, as well to fix him theirs, as to advance the cause of catholicity.

91 The king had carefully concealed that change from the duke of Ormond, who yet discovered it by accident. The duke had some suspicions of it from the time that they removed from Cologne into Flanders; for though he never observed that zeal and concern as to Divine things which he often wished in the king, yet so much as appeared in him at any time looked that way. However, he thought it so very little, that he hoped it would soon wear off upon returning to his kingdoms, and was not fully convinced of his change till about the time the treaty of the Pyrenees was going to be opened. The duke was always a very early riser, and being then at Brussels used to amuse himself, at times that others were in bed, in walking about the town, and seeing the churches. Going one morning very early by a church, where a great number of people were at their devotions, he stepped in; and advancing near the altar, he saw the king on his knees at mass. He readily imagined his majesty would not be pleased that he should see him there, 255 and therefore retired as cautiously as he could, went to a different part of the church near another altar where nobody was, kneeled down, and said his own prayers, till the king was gone.

92 Some days afterwards, sir Henry Bennet came to him, and told his grace, that the king's obstinacy in not declaring himself a Roman catholic put them to great difficulties; that the kings of France and Spain pressed him mightily to it, and their ambassadors solicited it daily, with assurances, that, if he would make that public declaration, they would both assist him jointly with all their powers to put him on the throne of England like a king; that he and others had urged this, and endeavoured to persuade him to declare himself, but all in vain; that it would ruin his affairs if he did not do it.

and begged of the duke of Ormond to join in persuading him to declare himself. The duke said, he could never attempt to persuade his majesty to act the hypocrite, and declare himself to be what he was not in reality. Sir Henry thereupon replied, that the king had certainly professed himself a Roman catholic, and was a real convert; only he stuck at the declaring himself so openly. The duke of Ormond answered, he was very sorry for it; but he could not meddle in the matter; for the king, having never made a confidence of it to him, would not be pleased with his knowledge of the change he had made; and for his own part, he was resolved never to take any notice of it to his majesty, till he himself first made him the discovery.

93 Some time afterwards, George earl of Bristol came to the duke, complaining of the folly and madness of Bennet and others about the king, who were labouring to persuade him to what would absolutely ruin his affairs. The duke asking what it was, the other replied, that it was to get the king to declare himself a Roman catholic; which if he once did, they should be all undone, and therefore desired his grace's assistance to prevent so fatal a step. The duke of Ormond said, it was very strange that any body should have the assurance to offer to persuade his majesty to declare himself what he was not, especially in a point of so great consequence. Bristol answered, that was not the case, for the king was really a Roman catholic; but the declaring himself so would ruin his affairs in England. "And as for the mighty promises of assistance from France and Spain, you, my lord, and I know very well, that there is no dependence or stress to be laid on them, and that they would give more to get one frontier garrison into their hands, than to get the catholic religion established, not only in England, but all over Europe;" and then desired his grace to join in diverting the king from any thoughts of declaring himself in a point which would certainly destroy his interest in England for ever,

and yet not do him the least service abroad. The duke allowed that the earl of Bristol judged very rightly in the case; but excused himself from meddling in the matter, because the king had kept his conversion as a secret from him, and it was by no means proper for him to shew that he had made the discovery.

94 Though the king shewed but little concern for religion, yet (the duke thought) he did not want a sense of it. He often professed his belief of a Deity and of a Messiah, as foretold in the Old Testament and expected by the Jews; of a future state, and other doctrines; but had very large notions of God's mercy, that he would not make his creatures for ever miserable on account of their personal failing. Upon this notion he indulged himself in his pleasures, but had frequently his hours of retirement for the exercise of his private devotions. He laid very little stress on the different systems of religion; and would frequently take delight to tease his brother, who was very serious and zealous in his way, with reflecting on the scandalous lives of some popes, and laughing at some particular tenents of the Roman catholics. Before I leave this subject, it may perhaps gratify the reader's curiosity to know the duke of Ormond's opinion of the papers found in the strong box, which was this: He did not think they were drawn up by the king, who was too lazy to spend any time in that way, but having been composed by some Roman catholic priest, his majesty, by way of penance, or on some other occasion, copied them; for they were certainly in his handwriting, as the duke saw plainly when king James shewed them to him. 256

95 However indifferent the duke of Ormond thought the king as to the different systems of religion, he could not but see with concern how fixed he was in his purpose of marrying a Roman catholic wife, and was afraid that some ill consequences might arise from a marriage which had been carried on by persons of that religion, and re-

solved on absolutely before it was communicated to any others. He had kept the discovery he had made of the king's change a secret from his friend the chancellor all the time that they were abroad together; but now he thought it necessary to discover it to him and the earl of Southampton, that they might agree on some measures to prevent as well the king's being prevailed upon to declare himself, or the Roman catholic priests publishing his secret embracing their religion. They apprehended very ill consequences from either of these, and agreed, that as soon as the new parliament should meet, a clause should be inserted in some act, making it a premunire for any person to say that the king was a papist. This was done in the first act which was passed in that parliament, for *the security of his majesty's person and government*.

96 The queen mother, having settled this affair of the king's marriage, returned in the beginning of the year 1661 to France; and when the parliament met on May 8, his majesty acquainted them with the resolution he had taken of marrying the infanta of Portugal. But so much time was spent in adjusting forms and ceremonies, that winter came on before the earl of Sandwich was sent with the fleet, to convoy her over and take possession of Tangier. Her majesty embarked at Lisbon, and put to sea on April 13, with a large train of at least two hundred and fifty Portuguese. She had a very bad passage, and it was the 4th of May before she came in sight of Scilly, when the wind blowing strong from the north-east hindered their passage up the channel. The duke of Ormond, as lord steward, had been sent with the lord chamberlain of the household to provide for her entertainment at Portsmouth, where she proposed to land, and where the duke of York was likewise waiting to receive her majesty. They waited there so much longer than was expected, that the king, thinking that delay

would be a great prejudice to his affairs in Ireland, caused secretary Nicholas on the 6th of that month to send orders to the lord lieutenant to leave the lord chamberlain at Portsmouth, and return himself to London. The duke of Ormond having advice the same day from Mr. Montague, who had been sent before by the earl of Sandwich, and landed on the 4th at Plymouth, that he was confident the fleet was by that time in the soundings, and that her majesty was very weary of the sea, he set out with the duke of York for Plymouth, imagining that she would be glad to put into the first port she could reach in England. But her majesty holding her resolution of landing at Portsmouth, they returned thither in about ten days, and the king set out on the 19th from Whitehall to meet her at that place, where they were married by Dr. Sheldon, then bishop of London. Thus was completed a match, which saved the kingdom of Portugal from falling into the hands of the Spaniards, but, through the barrenness of the queen, proved very unfortunate to England. There was about the Michaelmas following, a current report and belief at court that <sup>257</sup> she was with child, but it soon appeared that those fainting fits, which served for a ground to that notion, arose from another cause, and were the effects of her melancholy, occasioned by parting with her Portuguese servants, (most of which were sent back,) and by the countess of Castlemaine's being put about her, as lady of the bedchamber. The hopes conceived upon that report were scarce removed, when, through the discovery of some impediment in the queen's constitution, (which the lord chancellor had moved in vain might be examined,) or for some other reason, it began to be commonly discoursed among the women, and credited by the king, that she never would prove with child.

<sup>97</sup> The duke of Ormond had intended to set out in April for Ireland, where his presence was much wanted; every

thing being in confusion there till the settlement of that kingdom was perfected. The queen's reception, the ceremonial of her marriage, the forming of her court, and other things necessary to be adjusted on such an occasion, forced him to defer his journey; but the hurry of the wedding being over, his instructions were at last drawn up, and he set out from London in the beginning of July. There had been in that place a great concourse of the Irish nobility and gentry to take care of their concerns whilst the bill of settlement was under the consideration of the council. These being now on their return, with the commissioners appointed to execute the act, made up his grace's train on the road towards Dublin, and contributed to make it more splendid than ever had been known on such an occasion. In every county, as he passed through the country to Chester, the lord lieutenants met him, and the militia were drawn out to do him honour. The weather was very stormy, and the wind contrary; so that he continued his journey by land to Holyhead, where he embarked, and after a bad passage (which gave occasion to reports of his being cast away) arrived at Dublin on July 27, being the day of the same month in which fifteen years before he had been compelled to deliver up the government to the commissioners of the parliament. His reception at Dublin, by the resort of all persons of distinction from every part of the kingdom, (a parliament also being there sitting,) was, for the splendour thereof, a kind of epitome of what had been lately seen at London upon his majesty's happy restoration. No man certainly in the three kingdoms had hitherto been more popular, and stood more unblemished in the opinion of the world, or had enjoyed more of his prince's favour and confidence, than the duke had done from the restoration to this time. All things relating to the government, now put into his hands, were entirely devolved upon him, in which, though he proceeded with the utmost integrity

and impartiality, aiming only at his master's service, and the good of the kingdom, he could not avoid the resentment of numbers of persons, who, imagining themselves entitled to favour, applied to him for things which he could not grant consistent with his duty. Hence arose some clamours, and it came soon to be in the power of certain instruments (who on the credit of their principles were favourably heard at court) to render the progress of his administration uneasy to him, and to interrupt the course of his majesty's favour.

98 The act of settlement lay ready for the royal assent, but as other acts relating to the revenue were not yet ready, the passing of it was deferred till Sept. 27, when they were all passed together. The lord lieutenant on that occasion made a long but excellent <sup>a</sup>speech, comparing the late and the present condition of the kingdom, tending to remove the animosities and reconcile the minds of the people, and admirably adapted to promote a mutual confidence and perfect harmony between the king and his subjects. The length of the speech, the <sup>258</sup> variety of the matter, the importance of the several considerations represented in it, the necessity of arranging them in their proper order, and his earnest desire that what he offered, and had entirely at heart, might have its full effect on the audience, made him falter in the middle of his harangue; so that he stopped short, and tried to recover himself and go on, but in vain. Hereupon, without giving himself further trouble in attempting to recollect what he designed to offer to the parliament, he said, "My lords and gentlemen, I suppose, or at least hope, none of you have so ill an opinion of me as to think me so weak and unadvised as to speak to so august an assembly *extempore*. I am declaring his majesty's sense, and profess I have forgot what follows next, and must therefore have recourse to my speech." Having

<sup>a</sup> See Append. XXXIX.

said this, he immediately drew the speech out of his pocket, and looking upon it from time to time, went on till he came to the conclusion. The two houses desired it might be printed, and then adjourned to Nov. 4. His grace took the opportunity of that recess to go down with his family to Kilkenny, where his daughter, the lady Mary, was married on Oct. 27 to the lord Cavendish. It is more easy to imagine than describe the vast resort of persons of distinction, especially of the relations of the family, which were drawn together by that solemnity, and the glee and satisfaction which appeared in all faces upon so joyful an occasion, and so happy a change of fortune, after so many dreary years of banishment, dispersion, and confusion.

99 The act of settlement was far from giving satisfaction to all parties, or indeed to all persons of any one party: it was much complained of by the Irish, and by none more justly than by the forty-nine officers; whose merits did not admit of a dispute, and who were the only persons that could in strict justice demand the payment of their arrears. They were many of them ancient inhabitants of the kingdom, and of the most considerable and best interested persons therein, and had lost great estates and fortunes by the Irish rebellion. They were the first that gave a check to the fury of the rebels, and had been, under God, the chief preservers of the protestant interest in that land from utter extirpation. They had fought in the first heat and fury of the war, when the sword was sharpest, and the enemy in their greatest strength. They had been signally constant in their loyalty to the king and zeal for his service; for which they had undergone the most rigorous and severe oppressions that the late tyrannical power could possibly inflict upon them, and had lain under heavy sufferings and pinching wants for many years. In a sense hereof, the house of lords had made several representations in their favour, and



presented repeated addresses to his majesty, desiring that they might have an equal satisfaction with others, and that the security allotted for the payment of their arrears (which was much the scantiest of all that were assigned for the several interests intended to be provided for) might be increased. The king had promised it should, yet he was still so surprised into grants which interfered with his promise, that the house found it necessary to continue constant in supplicating his majesty, that as well the original as the increased security might be preserved entire, without any violation, intrenchment, or diminution; and that in the rules to be set down for dividing that security among those officers, all manner of grants, preferences, or provisos might be declined, and that the distribution thereof might be so impartial as all concerned might have equal justice, and no person have more advantage in any particular than another. Notwithstanding these addresses, the earl of Leicester had interest enough to get a proviso for charging fifty thousand pounds (which, after all the sums he had received from parliament, he alleged to be still due to him for arrears of his pay, as lord lieutenant, whilst he enjoyed that post, and as colonel of a regiment afterwards) 259 upon that security. Sir W. Petty had likewise irregularly got a great proportion of land within the Mile-line, being part of that security, which was considerably impaired by his, sir R. Ingoldsby's, and other provisos, to the hazard of the peace, and hinderance of the settlement of the kingdom. Several grants had likewise been made to the prejudice of this security; but nothing affected it so much as a clause in the act, whereby all such persons as had before the cessation lent money, or furnished any provisions, clothes, arms, or ammunition for the support of the army in Ireland, were to be satisfied out of the said security.

100 This was so great an hardship upon those loyal officers,

that even the house of commons could not but take notice of it, and, as soon as the act of settlement had passed their house, ordering a bill of explanation to be brought in, they resolved the clause should be so explained, that the said creditors should not receive satisfaction for their debts out of that security, until the arrears of the forty-nine officers were thereout first satisfied, according to the clear purport and tenor of the king's declaration and instructions. They made a like provision with regard to other clauses, provisos, and grants mentioned in the act, and affecting the interest of those officers. These, with several other explanations of that act, were drawn up into another bill, and presented to the lords justices before the duke of Ormond came over, and lay afterwards a long time under the consideration of the council, before the bill was transmitted into England. That for enlarging the periods of time for entering of claims, stating of accounts, proofs of innocency and setting out of reprisals, required greater expedition, and passed immediately, in order to facilitate and carry on the settlement of the kingdom.

101 The first thing to which the duke of Ormond applied himself after his coming into Ireland was the purging of the army, by planting faithful officers at the head of the corps, and disbanding as many of the common soldiers as were notoriously known to be disaffected. These were chiefly anabaptists and fanatics, and before they could be broke, it was necessary to pay them their arrears. The bills lately passed had as yet brought in no money, and the exchequer was empty; so that his grace was forced to advance out of his own purse the sums that were necessary for a work which admitted of no delay. The fanatics in England had ever been averse to the restoration of the royal family, and depending upon their interest in the soldiery which had been lately disbanded, and on the affections of great numbers that still con-

tinued in the army, meditated an insurrection. To know the whole strength of their party, they had sent persons into Ireland to sound the disposition of the forces there, and such encouraging accounts were brought back from thence, that they bragged, among such as favoured their proceedings, that they had eight thousand of the old soldiers in that kingdom ready to join in the design, which was to make away his majesty, and then to publish a manifesto, declaring the duke of York a papist, in order to set up a commonwealth.

<sup>102</sup> They had the greater hopes of succeeding in this design, because of the discontent given the presbyterians by the act of uniformity. The court had given them some grounds to expect that part of that act would be suspended in their favour; which occasioned many of them to grow so insolent, as to give great offence to the members of the house of commons, who were very zealous in the cause of episcopacy. The hopes given the ministers of that sect, of their continuing after St. Bartholomew, (which was the day appointed by the act for them to declare their resolutions whether they would conform or no,) made the greatest and the most considerable of their number declare that they would quit their livings rather than conform. The bishops took advantage of their refusal, and <sup>260</sup> lost no time in filling the benefices that were thereby become vacant. Most of those who had quitted would afterwards willingly have conformed to recover their livings; but being told that it was too late, they began to imagine the hopes given them had been only intended to deceive them, and exclaimed bitterly against the court on that account. It had indeed been the subject of great debates in council, whether the presbyterian ministers should be kept in possession of the livings, agreeable to the declaration at Breda, or the act of uniformity be observed in all its force and strictness. The result of all was, to consult with Dr. Sheldon bishop of London upon

the matter ; and he not only advised the outing of those ministers, but declared, in the name of all the bishops, that they would not comply with any resolution that should be taken contrary to the true meaning and intent of that act.

103 The council, in which there were several lords very favourable to the presbyterian interest, did not after this think it advisable for the king to continue the ministers ; and the rather, for fear it should disoblige the parliament. The act was executed ; the church of England clergy took possession of the pulpits ; and the churches of London being as full as ever, the people appearing satisfied with their new pastors, and behaving themselves with all the decency prescribed by the rubric, his majesty began to lay aside those fears which he had entertained, or had been instilled into him, as the consequence of offending a powerful body of men. The ministers did all they could in their farewell sermons to inflame the people, but with little effect ; which exasperating them the more, they became too much inclined to favour the turbulent designs of other sectaries. They had still powerful friends in court, who solicited in their behalf ; the queen mother, lately come over to compliment the new queen on her marriage, or perhaps to promote the bargain for the sale of Dunkirk, warmly espoused their interest. The countess of Castlemain, bred a protestant, but now turned Roman catholic, was the fiercest solicitor for them that could be imagined, and fell out with the king for denying that to her which had in council been resolved should not be done. Their importunity, or a desire to quiet the ill humours then working in the kingdom, prevailed with the king on Dec. 26 to set forth a declaration, expressing his inclinations to make good his promises in that of Breda, and to grant an indulgence to the nonconformists, if it might be done with the consent of his parliament.

104 That body met in the February following, but with sentiments very averse to the indulgence proposed. The house of commons was composed of members zealous for the constitution of the church of England, who, alarmed at the proposal, represented to his majesty that the declaration from Breda contained in it no promise, but only an expression of his intentions to do what a parliament should advise him to in that matter, and no such advice was ever given or thought fit to be offered; and for any to pretend a right to the benefit of that declaration, after their representatives had passed, and his majesty consented to, the act of uniformity, was to dissolve the very bonds of government, and to suppose a disability in the king and parliament to make a law contrary to any part of that declaration, though both houses should advise his majesty thereto; that the indulgence proposed would render the whole government of the church precarious, and its censures of no moment or consideration at all; that it did not become the wisdom of parliament to pass a law in one session for uniformity, and in the next to pass another to frustrate or weaken the execution of it; that it would expose his majesty to the restless impertunity of every sect or opinion that should presume to dissent from the church of England; that it would be the cause of increasing sects and sectaries, would take away all means of convicting recusants, was inconsistent with the method and proceedings of the law of England, and would be so far from tending to the peace of the kingdom, that it was rather likely to occasion great disturbance. Whereas, on the contrary, the asserting of the laws and the religion established was the most probable means to produce a settled peace and obedience throughout the kingdom, because the variety of professions in religion, when openly indulged, must directly distinguish men into parties, and withal give them opportunity to count their numbers; which, considering the animosities,

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that out of a religious pride would be kept on foot by the several factions, tended directly and inevitably to open disturbance ; nor could his majesty have any security, that the doctrine or worship of the several factions, which were all governed by a several rule, would be consistent with the peace of his kingdoms.

105 The long and violent persecution which the members of the church of England had so lately suffered from the tyrannical power of the sectaries made them utterly averse to all measures which might flatter them in their obstinacy, or encourage them to get again to an head. The sectaries bore this treatment the worse, because they had been so lately possessed of the government, and knew not how to submit to laws imposed upon them by persons whom they had not long before seen at their feet, and who, having divested them all of their power, had stripped many of them likewise of their ill gotten estates. They resolved to muster up all their strength, and make an insurrection, before the nation was better instructed in the principles, and thoroughly settled in a course of obedience ; but thought it proper, before they put it to a day of trial, to engage those of their party in Scotland and Ireland to second their attempt. The re-establishment of episcopacy in Scotland had caused some discontents in that kingdom, but much fewer than they expected. Their hopes from Ireland were greater, those of their faction in this country being not only more numerous, but spirited up by apprehensions of losing their estates, (which affected them more than the suppression of their conventicles,) and encouraged by the unhappy divisions and unsettled condition of the kingdom.

106 The commissioners which the king had appointed to execute his declaration had been excepted against, because they were parties, and retained by their interest in the cause of the adventurers and soldiers. It was almost impossible to find in Ireland any persons not liable to the

like objection, as being concerned in one interest or other. His majesty therefore, when he was to appoint commissioners for executing the act of settlement, resolved to send such out of England as could not be excepted against by any party. The persons he named were, sir Richard Rainsford, sir Thomas Beverley, sir Edward Dering, sir Edward Smith, Henry Coventry, (in whose stead sir Allan Broderick was sent,) sir Winston Churchill, and colonel Edward Cooke, all men of good parts, learned in the laws, and clear in their reputation for virtue and integrity. This was the best method that could be taken for securing that impartiality in their judgments which they were bound by oath to observe; and from which (after reading the minutes taken by sir E. Dering of the depositions of witnesses at trials before the court of claims, and still preserved in the library of the heir of his family) I cannot find that they ever deviated. They sat in the beginning of this year at Dublin to receive the claims, and hear the proofs of innocency; and those who were freest from any guilt being the most forward to enter their claims, it happened thence, that more of the Irish were declared innocent than their adversaries either wished or expected. These innocents being to be put into possession of their estates, before any reprisals were set out for those who were to be dis-<sup>262</sup> possessed, and it being universally known that there was but a small fund for reprisals, all the adventurers and soldiers began to fear, every one for himself, that they should lose their lands, without receiving any satisfaction for the same. Hence arose a general discontent in those parties, and heavy clamours against the proceedings of the court of claims, and the designs of the government, as if both were determined to exalt an Irish upon the ruins of the English interest in the kingdom. Some of the hottest spirits, not having patience to wait the event, resolved to maintain the estates which they enjoyed by

the sword, and readily embarked with the fanatics, who were before sufficiently disposed, and now by this conjunction thought themselves strong enough, to make an insurrection. A great number of colonels and other officers that had served in Cromwell's and the rebels' armies entered into a conspiracy for this purpose; and a private committee was chosen for the supreme direction of the affair. The persons that composed it were colonel Shapcote, Mr. Bond a merchant and Scotsman, major Thompson, captain Sandford, lieutenant colonel Abel Warren, lieutenant Thomas Blood of Sarney, and Mr. Philip Alden. This last, being a particular friend of colonel Edward Vernon, did by his canal discover the design to the lord lieutenant, and gave him from time to time an account of the resolutions of the conspirators; but had not his grace's own vigilance preserved him, he might have been surprised, notwithstanding that intelligence. Besides the main design, which was carried on in concert with the fanatics of England and Scotland, there was another plot for surprising the castle of Dublin, and seizing the duke of Ormond, set on foot by some inconsiderable persons, who thought the attempt more feasible than it proved. Captain Hulet and lieutenant Turet were the undertakers, and intended to be the chief actors in this exploit, which was communicated to colonel W. Parker, major John Gladman, captain John Chaffin, and some few others. Alden got notice of this design, and gave an account of it to the lord lieutenant; but signified at the same time that it would not be put in execution till the 9th or 10th of March. The conspirators however hastened the time, upon finding that the company of sir John Stevens (a loyal gallant officer, and constable of the castle) was to mount the guard on Thursday the 5th of that month. They depended on a sergeant and fifty private sentinels in that company, and having got some arms and powder out of the store by the folly of the store-



keeper's boy, resolved to make their attempt at the gate of the castle towards Sheepstreet. Alden had no notice of this alteration of the day till almost the very moment of the execution; and then colonel Vernon being out of the way, he could not tell how to convey intelligence of it to the duke. But his grace was upon his guard, having the day before an account of the affair given him by one Jenkin Hopkins, whom Turet had spoke to on the Tuesday, and engaged to join in the attempt. Every thing was prepared to give the conspirators a warm reception; but though this was done with all imaginable caution, they had intimation of it, and desisted from the attempt. Some of those concerned in this plot thought it their best way to fly; others were taken; but as this was only a particular affair branched out of the main design, and those concerned in it were men inconsiderable for their quality as well as number, they could not give any satisfactory account of that general design of which the duke of Ormond was most apprehensive; so that he was not able to drive that matter so far as he was sure it reached, nor were the means necessary for a further discovery in the case fit to be applied with safety in that juncture.

107 The great dependence of the persons concerned in this particular plot was upon the general uneasiness and discontents of the people; which, however precarious a <sup>263</sup> ground it be for any important enterprise, they imagined would, if the attempt succeeded, appear as remarkably in their favour, and produce the same effects as had been seen upon seizing the castle in 1659. Some proceedings of the house of commons had encouraged those discontents, and countenanced the general complaints made against the commissioners of the court of claims. The adventurers and soldiers of which that house was chiefly composed, taking offence at the many decrees of innocency made by those commissioners, were desirous to tie them down to stricter rules in their judgments upon that

subject, than his majesty had by his instructions bound them to observe. The qualifications of innocency required by those instructions (particularly that whereby living in the Irish quarters was to be deemed a proof of guilt) had been complained of as too severe; but as, notwithstanding that severity, several of the Irish had proved their innocency, their adversaries, whose interest it was to involve them all without exception in the common guilt, were desirous to add to the rigour of those qualifications, and to make the proof of nocency so easy and general, that none of that nation might be able to escape censure or save his estate. There was by the act of settlement a general power reserved to the lord lieutenant and council to give further directions and rules from time to time to the commissioners for executing the act. The commons, taking advantage of this clause, offered to the lord lieutenant and council several other further rules and directions, which they thought necessary to be observed, and desired might be given to the commissioners. To shew the stress which they laid upon this matter, the whole house attended his grace upon the occasion, and their speaker sir A. Mervyn made one of his usual speeches, with a comment upon each article, when on Feb. 13 he presented the advice and request of the house.

108 In most causes before the court, the claimant, on account of innocency, was the plaintiff, and the possessor of his lands, defendant: the crown, wherever it is a party, has great privileges in all trials. The commons, desiring to procure the defendant the benefit of those privileges, moved that the king might be a party in all trials, and no cause be brought to adjudication till the attorney general had a fair summons, and was fully heard. The English quarters had, at the cessation, been particularly ascertained by commissioners on both sides, but had been much contracted before the duke of Ormond's leaving

Ireland in 1647; it was desired that those quarters might be ascertained in the intermediate space of time, as they were gradually lessened, and all quarters not so ascertained be adjudged the rebels' quarters. It was insisted, that all examinations and depositions whatsoever, taken for discovery of the rebellion and proceedings of the rebels and their adherents, as well during his late majesty's reign, as in the time of the usurped authority, all books, rolls, and writings remaining in any court of record, as also the books of Kilkenny, might be taken for good evidence to bar persons of their innocency. Whatever is to be said of the books of Kilkenny, (by which, I suppose, may be meant the journals of the general assemblies, council books, and rolls of association,) any body that considers the methods used in the time of sir W. Parsons to get indictments found upon slight or no grounds, and without adhering to the usual methods of law, or the violence of the commissioners of claims in Oliver's time, or who has ever read the examinations and depositions here referred to, which were generally given upon hearsay and contradicting one another, would think it very hard upon the Irish to have all those, without distinction or examination, be admitted as evidence, especially when by an act of state after the restoration they had been hindered from reversing their outlawries, and procuring redress in a legal way. Of the same nature was their next request, that all the proclamations and <sup>264</sup> acts of state, published by the lords justices before the cessation, and declaring any person a rebel, and all orders of the house of commons since Oct. 23, 1641, for expelling any member on account of his adherence to the rebels, might be taken for good evidence. Those to whom Cromwell's commissioners had distributed the lands of Ireland were still kept in possession, till innocency was proved, or reprisals assigned. The king did not think it equitable that freeholders who were parties should be

judges of the innocency of such as claimed their lands, and had therefore left it to the court of claims to judge and determine of persons' innocency. The commons, on the contrary, moved, that all matters of fact cognisable by that court should be determined by jurors. With regard to witnesses, they insisted that none should be admitted to prove any man's innocency, but such as had lived constantly in the English quarters; that the officers before 1649, and their tenants, might be allowed to give evidence for his majesty in any cause whatsoever, and the depositions of aged and impotent persons on his majesty's behalf might be taken by commission, and lodged in the court, to be produced on occasion.

109 These were the most material of the rules which the commons desired might be imposed on the court of claims. There were some others, calculated to gain time, and put hardships on the claimants; as, that upon affidavit being made of a material witness refusing or neglecting to come in upon summons, such cause should be suspended; that claimants should try their title to lands before they should be admitted to prove their innocency, and both these should be done before the defendant should be obliged to urge any crimination; that persons provided for to be restored by name to any estate, should not be allowed to claim it by innocency, or any other way than as mentioned in the clause for the nominees; and that no person claiming by innocency should be allowed to make any other claim, if adjudged nocent; that the claims of innocents be tried in the order of counties, and if the lands claimed lie in several counties, the claimant not to be heard till the last county come to be adjudged; and in case any person had put in a claim before the former commissioners, different from what he put in before the present, the best title for the king should be taken. There were some defects in the form of the address, when the commons presented these advices to the

lord lieutenant, which they were required to correct. The rules which they advised were of such a nature and importance, so clashing with equity in some cases, so very different from the king's instructions, and so directly adapted to destroy a considerable part of his intentions expressed in his declaration, that the lord lieutenant and council (had they approved them) could not, in virtue of the general clause above mentioned, take upon them to prescribe them to the court of claims without first consulting his majesty, and receiving his commands. The commons were assured that the rules they recommended should be taken into consideration, and what was fit and just should be done in the matter. They were not satisfied with this answer, and, to appeal publicly to the world, ordered sir A. Mervyn to print his speech, which, vehement and unintelligible as it was, was well enough calculated (in a time when people fancied themselves strangely edified and enlightened by warm discourses wrapped up in figures and allusions which they did not understand) to raise a flame in the nation, and make the world imagine that religion was at stake, when nothing in reality but self-interest was concerned; and this aimed at by intrenching on the stated rules of law and justice. Not content with this step, and seeing none of the directions they desired given to the court of claims, the commons, in order to throw a slur on the proceedings of<sup>265</sup> that court, resolved, in a vote on Feb. 28, that they would apply their utmost remedies to prevent and stop the great and manifold prejudices and inconveniences which daily did and were like to happen to the protestants of Ireland by the proceedings of the commissioners for executing the act of settlement.

111 These steps of the commons were very disagreeable to the king; and Mervyn's speech contained in it many offensive passages, assuming some things as rights belonging to that house, which could not be allowed, and laying

much more weight upon the importance of the matters desired for securing the protestant religion than was needful or convenient. The speech had been reprinted at London, and spread with great industry: his majesty caused the printer in that city to be taken up, and ordered the other at Dublin to be prosecuted. The fanatic party in Ireland made great use of that speech to carry on their rebellious designs; so that the duke of Ormond (after he had discovered the plot for seizing the castle of Dublin) thought fit in a letter<sup>r</sup> to the house of commons to complain of its being exposed in print with inconsequent inferences, and offensive passages, particularly one, viz. "that this is the critical time when religion, the established religion, is in danger of being undermined, by tasting the predominancy of temper upon a popish interest." He complained at the same time of their vote, reflecting on the credit of the judges of the court of claims, and represented to them the ill consequences, as well of that vote, as of some unhappy expressions in the speech, which threw several of the English protestants into such despair, that they sold their lots and adventures at vile and under rates, or compounded with the old proprietors on very ill terms, and very prejudicial to the English plantations; discouraged protestant strangers from planting among them, and gave encouragement to those false and groundless apprehensions which were infused into the conspirators concerned in the late detestable design of surprising the castle of Dublin, as if the protestant religion and English interest were more than in danger of being at that time undermined. Some of those plotters had upon their examination confessed that they could not at present proceed in the business (as they first designed) until they had a pretence for it, saying, that they wanted an order of parliament, and that their pretence would be such an order of parliament (which

<sup>r</sup> Append. No. XL.

they expected) declaring against popery, and for the English interest, and for the king and parliament.

112 The lord lieutenant took occasion from thence to represent to the house his apprehensions of the real danger which the kingdom, and with it the English and protestant interest, would incur, unless they speedily reviewed what had passed, and thereupon applied such remedies as might quiet the minds of the people, and dispose them patiently to attend the issue of those councils and proceedings, which, if so attended, would in the end, by the blessing of God, settle the protestant religion in glory, the English interest in security, and the kingdom in general in peace and tranquillity. This brought the commons to a better temper; they retracted their vote against the commissioners, declared their utter abhorrence of the late fanatic plot, acknowledged the lord lieutenant's great care and vigilance in the discovery thereof, and engaged themselves to stand by him with their lives and fortunes in the maintenance of his majesty's authority against all opposers whatsoever. The lord lieutenant, thinking there was no longer any danger of their relapsing into their former heats, told them on this occasion, that he should be always glad of an opportunity to continue (as formerly he had done) the representing the house to the king in such a manner as might be both for their honour and advantage; the fruits and <sup>266</sup> effects whereof he doubted not but they would receive from his majesty. The king, however, thought fit, in a letter to the duke of Ormond, to express his dislike of their advice, and taking upon them to prescribe rules different from what he had thought fit to give the commissioners; though he was willing to interpret their failing in that respect to be their error rather than their crime, and to accept of their amendment of what had been done amiss as a satisfactory atonement for the same. This produced a very humble acknowledgment of

their own fault and of his majesty's goodness, accompanied with their thanks to the lord lieutenant for contributing by his prudent advice to make them rectify their error, and for representing their amendment in so favourable a light, as to preserve in his majesty a good opinion of his parliament; assuring his grace that they should always give a very welcome reception to such advice for the future, and be careful to avoid any thing that might beget a dislike in him whom his majesty had placed over them to their great comfort and satisfaction.

113 The discovery of the plot for the surprise of the castle of Dublin did not put a stop to the more general design of an insurrection. The private committee still continued their meetings in that city, and kept on their correspondence with the fanatics in the country, the presbyterians in Ulster, and the Cameronians in Scotland. They had not concerted measures with these last when the late plot was on foot, and for that reason did not think it proper to rise at that time. They had among them four lawyers, Shapcote, Reynolds, Whitfield, and Stevens, and eight presbyterian ministers, of which Lackie was the most active. It was this man and Blood who settled measures with the rigid Scotch presbyterians in the north of Ireland, and for that end made several journeys between that country and Dublin. They found many of those Scots, notwithstanding their discontents, so wedded to the king's interest that they would not rise in arms; but yet they found enough, as they thought, for their purpose. The time of the insurrection was fixed for May 25, before which time colonel Gilbert (commonly called Gibby) Carr, who was by the Scots pitched upon to be their head, was expected and came from Holland. The castle of Dublin, Drogheda, Derry, and other places of strength, were to be seized the same day, and in the mean time great preparations of arms



and ammunition were made. Great numbers of disbanded troopers and soldiers were engaged in all parts of the kingdom, and great confidence expressed by particular persons of the success of some great design, and of new troubles arising in the kingdom. Sir Arthur Forbes, being sent down into the north in the beginning of May, soon found reason to imagine, from the meetings, discourse, and actions of disaffected persons, that an insurrection was speedily intended; and discovered the designs formed for the surprise of Derry, Culmore, Rapho, and Limavaddy, in consequence of Laekie's expeditions into that country, of which he had so just an account, that he desired the lord lieutenant to secure him, as the person who knew best the bottom of the conspiracy. He pressed at the same time for his grace's warrant to take up major Staples, who was the chief director of the measures for the seizing of the places above mentioned, and whom it was absolutely necessary to secure to defeat the design. Staples was a member of parliament for Strabane, which was the reason why a particular warrant was desired; but the necessity was so urgent, that there was no waiting for that warrant. There was in Derry an old company that had formerly been under the command of Staples, and was still affected to him. There was not in all Tyrone and Donegal a party of horse upon which sir A. Forbes could depend. In these difficulties, seeing every thing prepared for the execution of the design, he resolved to run all hazards, and on May 24 (the day before <sup>267</sup> Derry was to be surprised) found means to secure Staples, and bring him prisoner to Culmore, under the guard of sir Robert Stewart's company of foot, which was the only one that could be depended on for such a service, so general a disaffection ran through the army. The country people were, on the contrary, as generally loyal, and by their help major Philips, a very worthy and gallant man, secured his own castle of Limavaddy. The soldiers in

Derry gave sufficient proofs of their disposition to rise, by their manner of receiving the news of major Staples being seized; but their head being secured, (which was the only way to prevent them,) they thought fit to continue in their duty. The rest of the conspirators in the north, seeing their design defeated, fled into Scotland, only Gasper Sprule (from whom sir A. Forbes had the fullest account of the affair) was seized by express directions from the lord lieutenant, who, finding by informations at Dublin that he was concerned in the plot, and not knowing that he had made the discovery, sent orders to have the man secured.

114 There were about the same time meetings of the fanatics in Munster, in which colonel Kempson, who had married Ludlow's sister, colonel Richards, and other officers, who had formerly served under the command of that regicide, were concerned; but they never broke out into an insurrection. This was probably prevented by the account given of the affair by sir Theophilus Jones, who was one that many of the conspirators wanted to engage for their general, though the greatest part of them were for colonel Shapcote, in the absence of Ludlow. Jones was on Tuesday May 19 walking from his house to the bridge of Lucan with colonel Jefferies to view lord Aungier's troop, which Jefferies commanded as lieutenant, and which was then to be quartered in the town of Lucan, in their way to Dublin. Colonel Alexander Jephson, coming up at that time, alighted from his horse, and, whilst Jefferies was ordering quarters for his men, entered into discourse with sir T. Jones about the court of claims, and of their adjudging estates from the English. Having said that he never observed so general a discontent among the English as at present, by reason of those proceedings, and that it was not possible for them to bear it long, he asked sir Theophilus when Lucan would come to trial; and being told that June 7 was the

day appointed, and there were no fears of success, for the Sarsfields would be found guilty, Jephson replied, "If you lose it, (as I believe you will,) yet, if it be not your own fault, you may have it again before seven thousand years be over." This was the introduction to a discourse, which he afterwards, going into the house, held with Jones in a private room, where, after several pauses, he offered to tell him something that would be much for his advantage, if he kept it secret; and that it was nothing but what was for the good of the English, and the preservation of the English interest. These were ends to which the other was so willing to contribute, that he had no need to doubt of secrecy, or fear being brought into trouble on that account. Jephson, saying that he could not suffer, because they were alone, and his denying any thing alleged against him would clear him, went on to give him an account of the matter which lay on his mind.

115 He began with laying his hand on a large sword, which he had by his side, and had not worn in thirteen years before, and saying, that he was going to Dublin, where he and many more were resolved to adventure their lives, and doubted not of securing the English interest, which was then on the brink of ruin; and that they were assured of the castle of Dublin, Cork, Limerick, Waterford, and Clonmel. Jones objecting that these seemed to be very high undertakings, and required very weighty considerations for effecting them, particularly a good army, and money to maintain it; Jephson answered, they did not want an army, for there were fifteen thou- 268 sand Scots, excommunicated by the bishops in the north, who were ready within two days, and they doubted not but their own army would join them; that they had a bank of money in Dublin sufficient to pay off all the arrears of the army, both in Oliver's time and since the king's return, but he could not tell from whence it came,

unless from Holland; that he had seen three or four firkins of it carried into Mr. Boyd's house, and he could himself command five hundred pounds out of that bank the next day; that they had a wise council of considerable persons, such as would not readily be guessed at, who managed the business, and any body who should see the scheme, which was particularly set down in writing, would be convinced of its exactness; that Mr. Roberts, who was auditor under Cromwell, had been for two months casting up the arrears of the army, and had now perfected the account, so that it was known what was due to every one, and such as would join them should be paid off every where; that there were one thousand horse in Dublin for securing the city, and Henry Ingoldsby was to appear with them, as soon as the castle was taken, and a flag put up, of which they no way doubted; that they intended to offer no violence to any but such as opposed them; that the duke of Ormond's person was to be seized, but to be civilly treated; that several other persons were to be secured, and particularly he himself was to seize the earl of Clancarty and colonel Fitz-Patrick; that every party had their particular orders to surprise each of the guards of the city; that one Mac Cormack was a great person in the action, and there were six ministers that went about Dublin in perukes, but laid them by when they were at prayers, and these were to be in the streets to see that no plunder or disorder should be committed; that they had a declaration, of which many thousand copies were printed, ready to be dispersed, declaring that their undertaking was for securing the English interest, and the three kingdoms, which were going to ruin by the countenance given to popery; that all the English should enjoy such estates as they possessed on May 7, 1659; that religion should be settled according to the solemn league and covenant. He added, that they would overturn the three kingdoms,

and that the word which was to be given on the taking of the castle was, *For the king and English interest*. In conclusion, he told sir Theophilus, that they had resolved, upon the taking of the castle and city, to offer him the command of the army, which (he said) would be twenty thousand men; and that he should run no hazard in it, but might sit still and not appear, until the whole work was done; that there were only two persons against that resolution, because they did not think him to be trusted, as being too great a creature of the duke of Ormond's, but still the rest were for it, if he would accept the command, but if he refused it, they had others in view, and he should look to himself. Then, having earnestly advised him to accept the command, Jephson took his leave with many expressions of kindness, and went on his way towards Dublin. Sir T. Jones immediately committed the heads of this discourse to paper for the help of his memory, and, according to his duty, communicated it the next morning to the lord lieutenant.

116 This advice was very seasonable, Jephson having sent half a dozen of his old troopers before him to Dublin, and the other conspirators having drawn thither the men they were to employ in the surprise of the castle; so that every thing was ready for the execution of the enterprise. The design was not ill laid; and to effect it, divers persons, with petitions in their hands, were assigned to wait within the castle, as if they had requests to present to the lord lieutenant; whilst about eighty foot, under the disguise of handicraftsmen and other professions, attended without. Their business was to trifle about and near the place, till, for a better blind, a baker, 269 carrying a basket of white bread, should, by a stumble at the door of the main-guard, let fall his basket. This, it was supposed, would tempt the soldiers to a scramble for the bread, and that disorder would give advantage to the men planted without to surprise the guards, whilst the

others secured all within; and being thus masters of the castle, and having secured the duke of Ormond's person, the conspirators were immediately to publish their declaration. The plot was within twelve hours of being executed, when his grace caused the chief conspirators to be seized. Jephson, Bond, and Lackie, before mentioned, colonel Tho. Scot, colonel Edw. Warren, major Henry Jones, captain John Chambers, major Richard Thompson deputy provost-marshal of Leinster, John Foulk son to the former governor of Drogheda, James Tanner clerk to Dr. Gorges when secretary to Henry Cromwell, Bond, and about fourteen others, were taken. Thomas Blood, colonel Gibby Carr, lieutenant colonel Abel Warren, Andrew Mac Cormack, and Robert Chambers, nonconformist ministers, made their escape, and a proclamation was issued on May 26, proposing a reward of one hundred pounds for their apprehension.

117 Of these the most generally concerned in all parts of the conspiracy was Blood, who found shelter at first among the rigid presbyterians about Antrim, and afterwards among the Irish in the mountainous parts of Ulster, to whom he pretended to be a priest. He went from thence into the county of Wicklow, and, assuming various names and disguises, traversed a good part of the kingdom, renewing his former correspondence, and endeavouring to reunite the broken interest of his party. To animate them the more, he published a scandalous and seditious libel, desiring all good people to take courage, and not to be afraid; for God's cause would go forward, though the plot was discovered, and some executed; for every one of their lives (like those of the primitive martyrs) gained an hundred. He was so daring a fellow, and so capable of any desperate undertaking, that the lord lieutenant, going down soon after to his house of Dunmore near Kilkenny, was cautioned (by lord Mountalexander, who had found out and seized Blood's

host near Antrim) to take care of himself in that retired place, for fear a sudden attempt should be made on his person by that man, who was still roving about the country, and, since his flight, had declared, that it would have been of greater service to their cause to have seized or dispatched the duke of Ormond, than to have surprised the castle of Dublin.

118 His grace was much inclined to clemency, and extended it to such as made an honest and fair confession of their guilt, as Tanuer, Staples, Mr. Shapcote the lawyer, and some others did, finding upon their examination that the lord lieutenant was fully apprised of the part which every man was to act in that affair. But the conduct and insolence of the party which favoured the cause of the conspirators, and triumphed because they were not immediately tried, made it dangerous to go on in a way of lenity, which was so much abused. This insolence arose from a notion, that the conspiring to levy war and surprise forts was not treason in the eye of the law, unless some attempt was made to seize such forts, and the war were actually levied. This rendered it necessary to make a few examples for a terror to others, and sir W. Domville, the attorney general, an excellent lawyer, and faithful servant of the crown, easily refuted that plea. Bills were on June 20 found against five of them by the grand jury, and on July 1 Lackie was brought to his trial, before a very honourable jury, of which sir John Percival was the foreman. He alleged little in his own defence, only said he would not confess the whole charge was true, but put himself upon the law, declaring that he <sup>270</sup> was not free to say or answer more. He was condemned upon the concurrent testimony of eight witnesses, who proved the charge particularly against him; besides colonel Scot and captain Sandford, who deposed as to the generality of the design. Lackie feigned himself mad, but that did not save him from being executed; though

his death secured the life of colonel Shapcote, who had acted with so much caution, that nobody could depose against him, but this man, and Blood, who was not taken. Two or three days afterwards, colonel Edw. Warren, Jephson, and major Thompson were brought to their trial, and condemned upon the evidence of the two witnesses before mentioned, Tanner, Foulk, and sir T. Jones. Thompson, after sentence, made confession of his crime, of which he professed unfeignedly to repent ; but it was too late, and he was executed with Jephson and Warren.

119 The king, satisfied with these examples of his justice, granted his pardon to the rest that were taken ; but the house of commons, to shew their abhorrence of the conspiracy, thought it proper, when they met after a long recess, to pass a censure on such of their members as had been concerned therein. They desired the lord lieutenant to lay before them such informations and examinations as related particularly to those persons ; and seven of their members, being found guilty, were expelled the house, and declared incapable of sitting in any future parliament<sup>s</sup>. The whole house attended the lord lieutenant with an account of their proceedings in this case, and to express their sense of the extensiveness of the plot, the greatness of their deliverance by the suppression thereof, the eminent and apparent hazard to which his person was exposed in the prudent management of so great and happy a work, and their resolution to assist him with their lives and fortunes in maintaining and vindicating his majesty's rights and government against all secret conspiracies and open hostilities whatsoever. His grace could not but congratulate them on the justice they had done themselves upon those who, if they could, would have brought dishonour upon their house, and destruction upon the kingdom ; and took occasion thence to express as well his satisfaction that they did not think

<sup>s</sup> Append. No. XLI and XLII.



those fit assistants in laying the foundation of their settlement, who would have levelled the whole fabric of the government, as his hopes that, as they had so wisely removed those unlucky rubs which lay in their way, there would for the future remain none to hinder them from smoothly and successfully proceeding to do their part in completing the settlement of men's minds and fortunes, that the one might not be liable to corruption by any apprehension of the other, but that at length the land, by the blessing of God, might have rest, and they their share both in the honour and advantage thereof.

120 The duke of Ormond thought it not enough by these few instances of the justice of the law to strike a terror into the most presumptuous and virulent of the disaffected parties, but applied himself by the proper arts of persuasion to reclaim the misled, and such as were liable to be seduced by the artifices and pretences of the others. This was the reason of the progress he now made into the north, where the greatest danger was apprehended, and where the emissaries of the fanatics were most busy in endeavouring to bring the Scots into their measures. The country people, having still a sense of their heavy sufferings during the late troubles and confusions, were every where desirous of quiet, and extremely averse to all steps towards new disturbances in the kingdom. This however did not prevent his grace from employing proper instruments to mix with the suspected, to watch over their proceedings, and to send him constant intelligence 271 of all meetings, and of every thing that might threaten danger to the peace of the nation. All precautions were no more than necessary at this time, when all the world were distracted between hopes and fears with regard to their fortunes, and when the soldiers of the army, being of the old republican leaven, were ready to join in any seditious design or attempt to disturb and subvert the government. The duke had taken care of the officers.

and had been able to supply the troops about Dublin with good men, instead of such troopers as were known to be disaffected; but the horse quartered at a distance in the provinces, and all the foot, still wanted to be purged. It was impossible to do this without new men to supply the places of such as should be dismissed from the service; and these were not easily to be gotten. He sent officers over into England, to bring five hundred well affected men from thence, and pressed much for such a draught out of the English forces; but the duke of Albemarle sent him word he had not five hundred men in all his army that he could depend upon. This general was under the same apprehensions as the duke of Ormond; but the goodness of his intelligence saved him from the designs laid against his life, which, if they had succeeded, might probably have been attended with a defection of the army. It was this unsecure condition of the English and Irish armies which encouraged the designs of an insurrection at this time in both kingdoms. The duke of Ormond laboured under another difficulty; there was no money in the treasury of Ireland to pay the forces, which, in defect of their pay, it is scarce possible in the most settled times to keep from falling into mutinies and disorders. He used pressing instances for a supply out of England, but the English exchequer was low, and none could be spared from that kingdom.

121 The king was much in debt, and in great straits for want of money; he had sold Dunkirk for a present supply, at a lower rate than his occasions required, but such as his necessities forced him to accept. That affair gave not a little distaste to the parliament, which was otherwise far from being pleased with some points of the conduct of the court. The proposal for an indulgence to nonconformists was much disliked; and though the king had issued out a proclamation against priests and Jesuits at their desire, yet it was not couched in such terms as

they expected. They had voted, that the two queens should only have such foreign priests as by their marriage contracts they were allowed to have; their intent was to get all the English and Irish priests about them discarded. But in the proclamation the word *foreign* was omitted, and the queens were thereby left at liberty to protect all those priests of his majesty's subjects which the parliament designed to banish. This made them out of humour, and they talked no longer of settling his majesty's revenue, of paying his debts, or of doing any thing that might please the court. But what provoked them still more was, the recalling of the earl of Middleton from Scotland in disgrace. He had been the king's commissioner, and had held a parliament, which had restored episcopacy and reestablished the rights of patronage in that kingdom. But at the conclusion of the session, when the bill of indemnity was to be finished, and only twelve persons were to be excepted, as to charges and offices, which they were to be incapacitated to hold, he suffered the parliament to fall upon a new and dangerous expedient for settling that matter. It was a point on which people did not care to speak their sentiments freely; so it was resolved to determine it by balloting, every member writing a list of twelve persons in his ballot, which was opened by a committee of eight, joined to the lord commissioner, chancellor, and advocate, who, comparing the votes, sent the names of the persons who had most voices in a bag sealed up with the great seal<sup>272</sup> to the king, that he might do what he saw fit in their regard. He could not approve of the method, and was provoked to find that the earls of Lauderdale and Crawford were two of the persons excepted. Lauderdale was the person chiefly struck at; but the crime alleged against him was common to both of them; they having consented to the delivery of the late king at Newcastle, and had their share of the money for which he was sold. It was

thought, that if the king did not approve of their being excepted, the Scots parliament would at their next meeting bring in a charge and proceed legally against those two noblemen. To prevent this, the king recalled Middleton, and sent the earl of Rothes (Crawford's son-in-law) as his commissioner to hold the next session, and, that ended, to dissolve the parliament.

122 This change made in favour of Lauderdale (who governed Rothes at his pleasure) did not please in Scotland; but it is almost incredible how much it was resented in England. Lauderdale was an artful and cunning man, and generally hated by all persons about the court; Middleton was frank, open, and as generally beloved by all that knew him; the English who attended the king abroad, and mistrusted all the Scots after the affair of the covenant, used to say, that he was the only honest man of that country that ever came about his majesty after leaving the covenanters. He had, after the death of the great Montrose, been always considered as the head of the cavalier party in that country; whereas Lauderdale was known to be a presbyterian in his principles, and the chief patron of that sect. The English house of commons was composed, for the most part, of cavaliers, who were highly delighted with what Middleton had lately done in settling the church of Scotland under the same form of government as that of England, and providing so well for its security, by obliging all persons in office to renounce the solemn league and covenant; a test which the precedent he had set them, and the declaration of the late conspirators in Ireland as well as England, made them think so necessary, that they immediately after established it in this latter kingdom by the act for regulating corporations. They thought that Middleton was hardly treated after such services; they complained that those who had been most faithful to the king, and had served him best, were the most neglected;

and every one considering it as his own case, they resented the disgrace of that nobleman, as if it had been the common cause of the party. It proved so in a considerable degree in Scotland, for all Middleton's friends were immediately turned out of their posts, and it was apprehended the like alterations would have been made in church affairs, if Lauderdale, now got into power, had not been afraid of losing it, by a step which might draw upon him the censure and resentment of an English parliament. It certainly proved very unhappy to the king; for it hindered the settlement of a revenue, which would have prevented those difficulties and necessities for want of money, with which he was forced to struggle all his reign. The house of commons would not give him any supply, so that he was not able to send a sum of money to Ireland for the pay of the army; whereby that kingdom was exposed to great danger, and it required all the duke of Ormond's wisdom and vigilance to preserve it in peace under its unhappy circumstances at that time.

<sup>123</sup> Notwithstanding these occasions of resentment, the house of commons in England might have been brought to a better temper, had it not been for the difference, which lasted all the session, between the king's ministers, so that their friends would never join together for his majesty's service. Sir Henry Bennet was a gentleman born, though he entered the world in the service of George lord Digby earl of Bristol, by whom he was sent on various messages between the queen mother and the duke of Ormond during the troubles of Ireland. He had <sup>273</sup> been wounded in an action near Andover, attended on the king during his exile, and was secretary to the duke of York in Flanders. He was afterwards employed as the king's minister at the court of Madrid, where he was at the time of the restoration. Upon his return he was made keeper of the privy purse, and depending upon the credit he had with his majesty (to whose most secret

councils he had been admitted) and on the interest of the queen mother and the countess of Castlemaine, (who solicited warmly in his behalf,) pressed to be made secretary of state. Sir E. Nicholas was grown in years, and so much weakened by a late sickness, that it was thought he could not long support the fatigue of his office; but Bennet was too impatient to wait for his death. Sir Edward had been a very faithful servant of the crown in times of the greatest trial of a man's integrity; and in twenty years' service had never received so much as the salary of his post till after the restoration, and then after spending so considerable a part of his life in it, all the recompense he had made him was a small grant in Ireland, the fate of which he could not know till the settlement of that kingdom was perfected. He was a person of an unblemished conduct and character; his indefatigable application to the business of his office, his zeal for the constitution in church and state, his affections and services to the crown, were well known; and the king did not care to turn him out of his post, which it was therefore necessary to persuade him to resign. Sir Edward could have wished that his son might have succeeded him; but was not unwilling to retire upon good terms. A treaty was set on foot; he was offered to be made a baron, and two thousand pounds a year pension. This he refused, but seeing the king set upon having sir H. Bennet in the post, he accepted at last of ten thousand pounds in exchequer tallies, and resigned his charge.

<sup>124</sup> There was something in the management of this treaty which gave sir E. Nicholas a distaste, and made him retire with some discontent, which though he endeavoured to smother, he could not keep from appearing. This was imputed to the lord chancellor Clarendon, who had warmly opposed his resignation, or rather sir H. Bennet's succession. Bennet was a fine person of a man, and understood the arts of a court; he had exceeding good

parts, and was very fit for business ; but he was a *fourbe* in his politics, loose in his principles, and thought to be a secret convert to the Roman catholic religion. A man of this character, and supported by all the vicious and Roman catholic interest about the court, could hardly expect that one of the chancellor's strict virtue, and zeal for the church of England, should promote his advancement ; yet Bennet took upon him to resent the opposition made to him by a person with whom he had lived very well abroad, and who was no stranger to the services he had done their common master. As Bennet made no scruple to declare his resentment, it came soon to an open rupture between him and the chancellor ; which proved a great interruption to business, and whilst it lasted, obstructed any thing being done for the king's service in parliament. Every body about the court was engaged on one side or other, which made the king very uneasy. Their friends used all possible endeavours to reconcile them, and his majesty himself at last interposed, but some months passed before he could make up the quarrel.

125    The chancellor was not the only person whom Bennet accused of want of friendship on this occasion. The duke of Ormond, absent as he was all the time in Ireland, and taken up with the intricacy, weight, and multiplicity of the affairs of that kingdom, could not escape falling under the same censure. Bennet expected that his grace should desert an old friend (whom he had reason to love and esteem) to support him in his too hasty pretensions to an office which the other was not ready to <sup>274</sup> quit. The duke did not interpose at all in the matter one way or other, being ever ready to submit to the king's pleasure in such cases, and not caring to intermeddle in things that did not properly belong to his province. This caused such a coldness in Bennet, that though the affairs of Ireland were allotted to his charge, he did not for some months write a letter to the lord

lieutenant. He could not charge his grace with any want of civility, or any ill office towards him ; but complained to some of their common friends, and even to the king himself, that he did not find from him the same cordial friendship which he had expressed in Flanders, when he recommended him to be sent envoy to the court of Spain ; which he thought he had given no occasion to by his own conduct, having on all occasions expressed his great regard to the lord lieutenant, and often declared his opinion, that he was the fittest person in all his majesty's dominions to be his *premier* minister.

<sup>126</sup> The death of Henry viscount Falkland, who died in Ireland about the latter end of March, afforded him a particular and more plausible ground of complaint, and of that resentment which he afterwards retained. By this death a troop was to be disposed of in Ireland, and when the news of it came to court, several then present seemed ready to move for it ; which made Daniel O'Neile whisper to the king, and desire that he would not engage himself till he had heard from the duke of Ormond. His majesty thereupon retired into his closet, and calling O'Neile, told him, that the duke had lately recommended the lord viscount Callan for the first troop that fell, with which he readily complied ; but desired O'Neile to signify to the lord lieutenant, that if lord Callan was provided with sir T. Armstrong's troop, he wished his grace would reserve this for sir H. Bennet's brother, to whom he was engaged for the first, and had rather that it should be done by a voluntary offer from the duke to the secretary, than by any letter from himself to his grace to do it, because it was a good opportunity of obliging sir H. Bennet ; to whom O'Neile was charged to say nothing of the matter. The king did not know sir T. Armstrong's troop had been disposed of before his intentions were signified about lord Callan. Upon the news of sir T. Armstrong's death, sir H. Bennet had wrote to the lord



lieutenant, desiring he would put a brother of his into the command of that troop. The duke of Ormond had, with a frankness which he always observed, told him how that troop had been disposed of, and how improper it was to put his brother, who was a stranger to Ireland, into such a command, over the heads of deserving and older officers, whom it was dangerous to discontent in the present unsettled state of that kingdom: that he could not think it for his majesty's service, to which all his actions must be directed, and for the sake of which he deferred gratifying his own son, the lord John Butler, in his pretensions, who had a letter of the king's for the first troop. This brother of the secretary's was in truth but a worthless mortal, and the duke of Ormond had received that character of him from some of the best friends of sir H. Bennet, who yet thought that his brother's being in the duke of York's service abroad was a sufficient merit, and that his near relation to a secretary of state gave him a rank high enough to entitle him to any post, and to overrule all other considerations. He was far from being pleased with the duke's frankness on that occasion, but when he found that his brother was neglected also in the disposal of lord Falkland's troop, which his grace had, as soon as it was vacant, given to lord Callan, it raised his resentment to a very high degree, and he made bitter complaints on the subject.

127 It may not be improper to represent here the duke of Ormond's sentiments on this occasion, as expressed in his letter to colonel O'Neile in these words:

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“ Your watchfulness in keeping the king from engaging his promise for my lord of Falkland's troop was very obliging; but concerns me only as it may, and will, import his service, that those I command (whilst I command them) should believe. I have more credit than his secretary in my own immediate province; and if sir H. Bennet had shewn you what I wrote to him upon that subject, (not doing the thing, which I held most unfit.) you would not have found in it any want of freedom, or

believed that freedom could have proceeded from any thing but friendship. If that be not allowed, but must be understood an injury, to be often (as you say) repeated, I will learn another method of writing; but it shall not be flattery. I think I told him, (I am sure I might have done it truly,) that many who had been deservedly officers of the field amongst the horse, and some colonels, were with great industry and earnestness desiring to be lieutenants of horse, and that he who was lieutenant of that [sir T. Armstrong's] troop had long, faithfully, and stoutly served as major of horse. Figure to yourself how he and the rest would take it, to have a man never heard of, and who never was more than a captain of foot, made captain of horse over their heads; and then consider, if my part be not hard, that must lose a friendship, because I will not countenance so disobliging a pretension; and all the while, what is my concernment or advantage, but the discharge of my duty? If Mr. secretary's brother were near upon a level with other pretenders, and I should not supply what were wanting in consideration of him, he had reason to reproach me with want of friendship; but sure it will be hard to live well with him, if the frankness of my proceeding with him shall be esteemed injuries, to be remembered upon all occasions, and retributed by crossing my desires, when they aim at just things, and such as tend to the king's service. That his brother served the king and the duke of York ten years abroad, was then his good fortune and support, as it was the secretary's, and yours, and mine; and many there are, you know, that would have done so, and perhaps as well as any of us, if they could have had admittance; and so that argument, if well considered, is of no great force. All that remains is, that he is the secretary's brother, and that he will have him to have a troop, whether the general will or no. If the king determine it, I am all obedience, and will not remember that a son of my own is weighed down in the scale, to whom the king, as I was told, would have given the troop, now my lord of Callan's, if I had not interposed with some skill for that very good and hopeful young man, who stands in more need of it, and will discharge it well. What part of this you please you may say to the king, and humbly beg his excuse, if in this particular I move no further, but expect his pleasure.

“ I confess, I do not at all understand Mr. secretary's meaning towards me, by his remembering so often, how little I did

towards his advancement, and how much he did for me. I so much wish to know upon what terms we stand, that I have very freely written to him what my objections are to him, in reference to myself; for it is uneasy to remain in doubt of one I must correspond with, and should do it without being still upon a continual guard. I am prepared to continue and contract a friendship with him, extreme real on my part; but still with the liberty of keeping my own reason and other friends, though they should not be thought his. It is what others allowed me in his case, when time was, and what I cannot depart from for any man."

128 Hard is the case of governors of provinces in ticklish times (when it behoves them to act with the greatest circumspection and the utmost impartiality for the service of their prince, to whom they are accountable for the peace and welfare of the country committed to their care) <sup>276</sup> to be teased and importuned by the solicitations of their friends, and perhaps by the instances of their master, to put persons into offices of trust and command, whom for their want of merit it would be improper to advance in any, and, all circumstances considered, it might be dangerous to prefer in such a juncture. This was the duke of Ormond's case in the month of April, between the time of the discovery of the particular plot for surprising the castle of Dublin, and that of the general insurrection which he knew was intended in the following month, when any just occasion of discontent given to the officers of the army might have proved fatal. But men of strong passions never consider the reason of things, their prince's service, or any thing that clashes with their views, desires, and interests, in which they expect to be gratified at any rate; and hence sir H. Bennet, whose jealousy of the duke of Ormond's disposition towards him seems at first to be founded purely on the opinion of his great friendship to the earl of Clarendon, contracted, upon this rejection of his brother, that animosity against him which no time or alliance could ever entirely remove.

129 In the dispute between him and the chancellor, the latter was supported by friends that were not more his own, than they were the duke of Ormond's; they had likewise the same common enemies. The countess of Castlemaine, whose understanding bore no proportion to her power, and who would have been able to do great mischiefs, if her egregious folly had not often defeated her measures, was so outrageous in her opposition to the chancellor, that she openly expressed her malice against him in all places, and did not scruple to declare in the queen's chamber in the presence of much company, that she hoped to see his head upon a stake, to keep company with those of the regicides on Westminster-Hall. The occasion of this fury was, that he would never let any thing pass the great seal in which she was named, and often by his wise remonstrances prevailed with the king to alter the resolutions which she had persuaded him to take. She had the like occasion of resentment against the duke of Ormond, and at this time, as well as at all others, whenever an opportunity offered, did him all the ill offices that were in her power. She had obtained of the king a warrant for the grant of the Phœnix park and house near Dublin, which was the only place of retirement in the summer season for a chief governor; and the more necessary at that time, when his grace coming over, found the castle of Dublin so out of repair, and in such a miserable condition, after the neglect of it during the late usurpation, that it did not afford him sufficient accommodations. The lord lieutenant refused to pass this warrant, stopped the grant, and prevailed with his majesty to enlarge the park by the purchase of four hundred and fifty acres of land adjoining in Chapel Izod of the lord chancellor Eustace, and to fit up the house for the convenience of himself and his successors in the government of Ireland. This incensed the lady Castlemaine so highly, that upon his grace's return to England, meeting

him in one of the apartments about court, she without any manner of regard to the place or company, fell upon him with a torrent of abusive language, loaded him with all the reproaches that the rancour of her heart could suggest, or the folly of her tongue could utter, and told him in fine, that she hoped to live to see him hanged. The duke heard all unmoved, and only made her this memorable reply: That he was not in so much haste to put an end to her days, for all he wished with regard to her was, that he might live to see her old.

130 The queen mother, who, to carry the points she had at heart, flattered Castlemaine, joined with her in doing ill offices to the duke of Ormond, at the same time that she made him the greatest professions of esteem and affection <sup>277</sup> in her letters. This she did, before she had any pretence of complaint against him, which she imagined she had afterwards on the marquis of Antrim's account, whose cause she espoused with all the earnestness imaginable. Her majesty was infinitely desirous to have that nobleman restored to his estate, which was a very large one, and possessed by the lord Massareene and other adventurers. I have read twenty or thirty of her letters to the duke of Ormond on this subject, in which she exalts the marquis's merits to a person who knew much better what he really deserved, and conjures him in the most pressing manner to procure Antrim's restitution. The duke had a great respect for the marchioness, but could not either serve her husband or oblige the queen at the expense of truth and justice. Antrim's conduct indeed had been such as in no wise entitled him to so great a favour; and this possibly might be the reason why such extraordinary instances, as were never known in any other case, were used to save his estate; for their most Christian and catholic majesties wrote particularly to the king, as their ministers did to the duke of Ormond, on his behalf. As the proceedings in this affair, and the sentence given by

the court of claims in the marquis of Antrim's case, made a great noise at that time, and have been since abominably perverted to throw a vile reflection on the memory of king Charles I, it cannot be amiss to give a brief but clear account, as well of his conduct, as of the sentence of that court.

131 The marquis of Antrim was not concerned in the beginning of the Irish rebellion; and when, by some false reports carried over into England, he was there aspersed upon that account, sir W. Parsons, under whose eye he lived at that time in Dublin, wrote into England a vindication of him from that charge. He was very free in expressing his detestation of the rebels' proceedings, and going down to his estate in the county of Antrim in May 1642 did good service in relieving Colerane, which was then besieged by the rebels, and in danger of being taken for want of provisions. Notwithstanding this service, and that Mr. Archibald Stewart (his chief agent or steward) had by his interest and among his tenants raised a regiment, which did good service against the rebels, major general Monroe, on pretence that some other of his tenants were in the rebellion, but in reality to gratify the passions of a great man in Scotland, and his own avarice, by getting possession of his estate and plundering his house, seized the marquis of Antrim, whilst he was entertaining him in his own castle of Dunlacc, and sent him prisoner to Carrickfergus. From thence he made his escape into England, where he stayed till he waited on the queen at York in March 1643. Montrose and some other Scotch noblemen coming thither, proposed a scheme for raising a body of the king's friends in Scotland, to oppose the covenanters, who were then in treaty with the parliament. Antrim undertook to fetch over some Irish troops to their assistance, and with that view went to the north of Ireland, but was taken by Monroe the very instant of his landing, and imprisoned again in Carrick-

fergus. He made thence a second escape into England, and never was concerned in any action or engagement with the rebels till after the cessation. Monroe all that time enjoying his estate, and refusing to allow him or his agents to receive the rents of it, though repeated orders were sent from the king and the state of Ireland for that purpose.

<sup>132</sup> At the time of the cessation, the Scots had declared they would assist the parliament, and were raising forces to invade England. The marquis of Montrose coming to Oxford, proposed to cut them out work at home, and to make a diversion in their own country, if he had but a body of forces to begin the affair, and to serve for a protection to the royalists that would join him. Antrim, then at Oxford, readily undertook to bring or send him a body of Irish troops for that purpose; and in order <sup>278</sup> thereto went to Ireland in 1644. He could not make good his promise without the assistance or countenance of the council of Kilkenny; and in order to recommend himself to them, he took the oath of association, and was made a member of that body. There were still considerable expenses to be defrayed, and great difficulties to be got over, which at last was done by the help and credit of the duke of Ormond, as hath been already related in this history. During this negotiation, he had several letters from the queen, encouraging him to go on with the affair, and pressing despatch. At last he sent off about one thousand five hundred men, which landing in Scotland enabled Montrose to raise the royal party there, and laid the foundation of all the great enterprises which he undertook, and the amazing victories which he gained in that country. This was certainly a very eminent service, attempted whilst the marquis of Antrim was innocent, and if, in order to the performance, he contracted any guilt, by corresponding with the rebels, (when they were no longer in arms,) which was absolutely necessary,

or by taking the oath of association, which though it was not, he might possibly deem, serviceable to that end, there was nothing in his conduct but what might be very well excused and pardoned.

133 But his after actions did not correspond to these beginnings, and far from being proper or lawful means of advancing the king's affairs, were not so much as directed or intended for his service. He went over afterwards into Scotland without either men or arms, and endeavoured to draw away the highlanders, as his kindred and allies, to himself from Montrose, whom in scorn he used to call *the governor of the lowlands*, thereby making an unreasonable fraction in the king's forces, which contributed to make Montrose disband them. He joined in all the violent measures of the nuncio and his party, opposed the peace of 1646, and exerted all his power and interest to break it in the field, and cause it to be rejected by the general assembly. He embarked in the design to put the kingdom in subjection to the pope, or some other foreign power; and when he was sent to the queen in France in the beginning of 1648, he would not join with lord Muskery and Mr. Brown his colleagues in any measures, till he had received directions from Rome; and was violently against the lord lieutenant's return into Ireland, which they, and all that wished well to his majesty, much desired. Upon his return from France, he joined with the nuncio in opposing the cessation lately made with lord Inchiquin, debauched Glengary and a body of Scotch highlanders, whom he drew together in the county of Wexford to destroy all that submitted to it; and they being routed, he fled to Michael Jones in Dublin, and thence retired to Owen O'Neile, who stood out against that cessation and the peace which followed it, and which was thought by the duke of Ormond and the Roman catholic confederates (between whom it was concluded) as the only means to prevent the detestable murder of the



late king ; which was then intended by the regicides, who soon after put it in execution. He stood out thus till Owen O'Neile submitted to the peace, and then having the benefit of his articles, he did more mischief as a secret, than he had done before as an open enemy. He engaged colonel Byrne to hold out with his forces in the county of Wicklow against the king's authority ; he kept a correspondence with Cromwell from the time of his landing at Dublin, encouraged him to march to Wexford, and contributed to get that important place (before which otherwise his army might have crumbled to nothing) betrayed into his hands. He was a chief instrument in engaging the city of Waterford to withstand the lord lieutenant's authority, and to refuse his forces admittance within their walls. He made it his business to sow discontents among the Irish troops, and to raise those jea-<sup>279</sup>lousies between them and lord Inchiquin's party, which ruined the king's affairs in Ireland. He was a constant spy upon the duke of Ormond and all that adhered to his majesty's authority, giving intelligence to Jones and Ireton of all their measures and designs. He hindered the conjunction of the Leinster and Ulster regiments to raise the siege of Finagh, by which means that important place fell into the hands of the English rebels, with whom he soon after openly joined. To curry favour with them, he endeavoured to asperse the memory of the late king, and to load him with the infamy of encouraging the Irish rebellion, by pretending to confess an antecedent design, wherein he pretended to be concerned himself, but which never was acted, nor had the least foundation of truth or probability. Thus he had treated the late king ; and with regard to king Charles II, when that prince was in 1651 at the head of an army in Scotland, he laboured (though in vain) with all his power to cause a defection of the highlanders, and to draw down a body of the Macdonnells and other clans into the lowlands to

fall on the back of the king's forces, whilst Cromwell attacked him before, that being thus hemmed in on both sides, he might be sure to fall into their hands.

134 Such was the man, in whose behalf the queen mother of England and the kings of France and Spain interposed. Antrim had come into England soon after the restoration to pay his duty at court; but upon information from the commissioners of the convention that he had so misbehaved himself both with regard to his majesty and his royal father, that he was not worthy of the least countenance from him, the king refused so much as to admit him to his presence, and committed him prisoner to the Tower of London. He continued there several months under a close restraint upon the continued information of the same commissioners. But no evidence being produced of his guilt, as was confidently promised, and a petition being presented by his wife to the king in council on March 29, 1661, it was ordered that he should be bailed, upon the lords Moore, Dillon, and Taaffe entering into a recognisance of twenty thousand pounds for his appearance, within six weeks after the date of it, before the lords justices of Ireland; to whom were remitted all the papers which they had sent over about him. Orders were likewise given for the attorney general to take forthwith the examination of colonel Robert Venables in relation to what was charged on the marquis of Antrim, and speedily to transmit the same to the board, that they might be sent to the lords justices. The marquis was at the same time ordered not to appear in the king's presence during his stay in England. Thus was he sent into Ireland without his majesty's interposing in the least in his behalf, and left to undergo such a trial and punishment as by the justice of that kingdom should be found due to his crime. The king expected that some heinous matter would be there objected and proved against him, to render him incapable, and deprive him of that favour

and protection which his services in Montrose's affair had merited. But after above fourteen months' attendance, and (as his majesty presumed) after such examinations as were requisite, he was at last dismissed, without any censure, without any transmission of a charge against him, and with a license from the lords justices to transport himself into England. He there solicited for the restitution of his estate, which consisted of one hundred and seven thousand six hundred and eleven acres, and had been allotted to the lord Massareene and a few other adventurers and soldiers, in consideration of their adventures and pay, which did not in all exceed the sum of seven thousand pounds; such excellent bargains had those people for their money.

135 What was objected to the marquis of Antrim during his imprisonment in the Tower doth not fully appear. One thing was, the idle, inconsistent fiction, defaming king Charles I, which he related in a conference with colonel Reynolds and the bishop of Clogher. Hence, in 280 a <sup>†</sup>letter, soon after he got his liberty, (on April 26, 1661,) to the duke of Ormond, he absolutely disavows the having ever related that abominable falsehood, and that the laying an aspersion on the late king concerning the Irish rebellion was a baseness so horrid, and so far from his intentions, that it never entered into his thoughts. He <sup>u</sup>wrote likewise to the queen mother, then at Paris, that, among other things charged upon him, two journeys made by him into the north of Ireland in 1642 and 1643 were imputed to him, as directed to a conjunction with the Irish rebels, and he conceived what her majesty might well remember and knew of the true end of those journeys would serve much for his justification. The queen thereupon thought fit to write a letter to the duke of Ormond, (whom she had entreated before she left Eng-

<sup>†</sup> R. R. p. 251.

<sup>u</sup> Lord Jermyn's letter to the duke of Ormond, April 30, 1661. F. F. 104.

land to use his good offices in Antrim's behalf,) in which she declared what she remembered concerning those journeys, that he might acquaint the king therewith, and, if he allowed of it, make such further use of that testimony as it might amount to. Antrim had desired to have a certificate to that purpose; but the queen, though she remembered enough of the matter to give the king the information she sent, did not think it fit any thing from her should be produced but as he should please to direct. Her majesty on this occasion renewed her instances with the duke to give his assistance to Antrim in the terrible intricacy of his affairs, assuring him, that the forsaking in part his own sense, to take up hers, would oblige her in a most singular manner. She wrote at the same time to the king, entreating him in the first place, as far as the nature of the affair would permit, to extend to Antrim a part of that grace and pardon whereof so many great offenders in all kinds did in some measure or other at that time partake; or if that might not be done, that at least his hearing and examination might be before his majesty himself in England, and neither the business nor himself sent into Ireland. This intercession, though it did not prevent the king's sending Antrim into that kingdom, yet seems to have got him an <sup>\*</sup>allowance of ten pounds a week out of the exchequer for his subsistence whilst he was attending the prosecution of his adversaries and the pleasure of the lords justices at Dublin. His majesty likewise, seeing nothing proved against him, began to hearken to the instances used in his behalf, and allowed a clause to be inserted in the act of settlement for restoring him to his estate, in the same manner as lord Netterville after reprisals.

136 This was not sufficient for the marquis's purpose; he would still, for want of reprisals, have been kept out of his estate, unless he proved his innocency, had not the

<sup>\*</sup> Q. Q. 2. p. 184.

queen mother returned in August 1662 to England; where he waited upon her; having got his bail discharged, upon a petition to the council on June 29 before, representing that, after so many months remaining in Ireland, and being ready to appear, he had not been so much as called upon. The duke of Ormond was gone for Ireland before her majesty arrived at London; but she did not fail to solicit him by letter in Antrim's behalf, and used her instances so effectually with the king, that she obtained from him a letter to the lord lieutenant on Dec. 8 following, requiring him to move the council of Ireland to prepare a bill, to be transmitted over, according to Poyning's law, for putting the marquis in possession of his estate. The council were unanimously of opinion that such a bill ought not to be transmitted. Antrim thereupon presented a petition to his majesty, giving a favourable account of his case, representing, that upon the breaking out of the Irish rebellion he had 281  
quitted that kingdom on account thereof, and had retired into England; that he was sent back by the late king's positive command for the carrying on of such services there and in Scotland as were given him in charge, and his endeavours therein were so well accepted that he was dignified with the title of marquis; that indeed he had been accused of defaming the late king, and on that account had been imprisoned in the Tower, and forbid his majesty's presence, but during all his attendance in Ireland the fact had been never proved, and was indeed without foundation; and (as a proof of his constant adherence to his majesty) that he had been deprived by the Irish and usurpers of his whole estate, and lived in great misery till his majesty's happy restoration.

137 This petition was referred to a committee of the council of England, who thereupon met together, and after having heard the marquis, did not think fit to make any report till they first saw and understood the reasons

which induced the council of Ireland not to transmit the bill proposed. These reasons were sent in a letter of March 18, with several petitions that had been presented to them as well from the soldiers and adventurers as from the marquis himself. The reasons imported, that they were informed the marquis had put in his claim before the commissioners for executing the act of settlement; and if his innocency were such as he alleged, there was no need of transmitting such a bill as was desired; and if he were nocent, it consisted not with their duty to his majesty to transmit such a bill as, if it should pass into a law, must needs draw a great prejudice upon so many adventurers and soldiers as were alleged to be therein concerned. The petition of the adventurers and soldiers represented, that they had been for seven or eight years past in peaceable possession of the estate in question, and should be ruined if it were taken from them. Whilst these papers were under consideration of the committee, another petition was likewise presented to the king from about sixty citizens of London, creditors of Antrim, desiring that his estate might be made liable to the payment of his just debts, and that they might not be ruined in favour of the present possessors, who (they said) were but a few citizens and soldiers, and had disbursed very small sums thereon. Antrim presented another petition of the same tenor as the former, praying to be heard, and afterwards a third pressing despatch, on account of the inconveniences he suffered by delays.

138 The committee of council proceeded with great deliberation in the affair, and heard what the marquis had to offer in his own vindication. He produced the king's instructions and letters in 1643 and 1644 for his going into Ireland, and treating with the Irish, in order to reduce them to their obedience, to draw from them forces for the service of Scotland, and to engage them to send a succour of ten thousand men to his majesty's assistance

in England. It was not fit that Antrim should suffer for his correspondence with the Irish confederates at this time, and whatever mistakes he made in the carrying on of those services might well be excused on account of the good meaning with which they were committed, and of the good end to which they were directed. Daniel O'Neile, who had been sent with him as an adviser, when he was employed on that business, was then in court, and an unexceptionable witness of his behaviour at that time, and of the zeal with which he proceeded in that service. The late king had approved it, by raising him thereupon to the honour he now enjoyed; and none of his adversaries produced any evidence to convict him of any of those parts of his conduct which were justly exceptionable. In this circumstance, the committee could not avoid making a report in his favour, and the council thought it but common justice to certify in his behalf,<sup>282</sup> that they found him innocent from any malice or rebellious purposes against the crown, and what he did by way of correspondence and compliance with the Irish, was in order to the service of the late king, and warranted by his instructions and the trust reposed in him, and the benefit thereof accrued to the service of the crown, and not to the particular advantage of the marquis. This was done in a letter from the king (dated July 10, entered at the signet office July 13, and countersigned by sir H. Bennet) to the lord lieutenant and council of Ireland, who were required to transmit it to the commissioners of claims, that they might know the judgment of his majesty and the council of England in the case of the lord of Antrim, and proceed accordingly.

<sup>139</sup> The earl of Clarendon, writing<sup>y</sup> on July 18 to the duke of Ormond, mentions this affair in the following words: "I know not whether you have yet received the king's letter about my lord Antrim, of whom, you know, I was

<sup>y</sup> G. G. 433.

never fond. But really, upon examination of that whole affair, I know not how he can be destroyed with any shadow and colour of justice; except you have somewhat there against him which we do not know; and then it is as strange that you have never sent the information to us; for we know the king was not more inclined towards him than law and justice required." It was very happy for Antrim that his cause was tried in England before the lords of the council, who knew little or nothing of his conduct, when both the duke of Ormond and the earl of Anglesey were absent. The duke, out of regard to the queen mother's instances, or out of a delicacy of honour, (which would not allow him to appear against a man who had vilely aspersed his character, and whose rooted malevolence against him for many years past was known to all the world,) did not care impertinently to accuse him, and would have been well enough pleased if the marquis had been cleared without any act of his; but when he was called upon to transmit to the court of claims a certificate of the innocence of a person whom he knew to be a flagrant offender in many instances, he was forced to protest against an instrument which he could not sign, or seem to approve and countenance, consistent with truth and justice. He found himself under an unhappy dilemma, either of breaking through those sacred obligations, or of offending the queen mother, and doing an unkind thing to the marquis of Antrim. He thus laments his condition in a <sup>2</sup>letter of Aug. 1 to his friend Daniel O'Neile: "I am much troubled," says he, "that my lord of Antrim's unskillfulness, or his affectation of the splendour of a victory, should have put a necessity upon me and the board to make such a return to the king's letter in his favour as must displease and perhaps disappoint him; when, by obtaining his majesty's directions

<sup>2</sup> W. W. 148.



to the commissioners, he might have had his end, and we had been less obliged by our duty to oppose him.”

140 The king's letter arrived at Dublin on July 20; and the purport of it coming to be known, the adventurers and soldiers concerned in Antrim's estate presented a petition to the council, who transmitted it to his majesty, together with their own letters of the last of that month. They observed in those letters, that in several other cases of the like nature his majesty had vouchsafed to direct his letters immediately to the commissioners; and from these about the marquis of Antrim being directed to the board, they gathered that his majesty intended, if his servants there upon the place should find more in the marquis of Antrim's case, either in relation to his majesty or his affairs there, than was taken notice of in those letters, they might humbly represent the same, as had been the use and custom in former, and particularly his 283 royal father's time, and forbear to proceed thereon till they should receive his majesty's further pleasure. Hence they had thought it their duty to defer transmitting his letters to the commissioners, till they had represented to him, that, pursuant to the letters of the privy council of England to the lords justices on Dec. 19, 1660, (requiring them to send over authentic copies of all papers whatever which any way related to the marquis of Antrim's being guilty of defaming his late majesty, and to cause all such witnesses as could allege any thing to the proving thereof to be examined, and the examinations returned to their lordships, attested by the justices and council,) a commission had been issued, several witnesses had been examined, and their examinations transmitted by the lords justices on Feb. 20 following; that on July 10, 1661, the lords justices received those papers and examinations from Mr. secretary Morrice, pursuant to the order of council on March 29 before, and after a report made of them by the lord chief justice Barry, the recog-

nisances of the marquis and his sureties had been ordered to be cancelled on August 18, 1662; that they now sent back those examinations and other papers relating to the marquis's crime of defaming the late king, and confessed they were not willing upon those examinations and papers to aggravate any thing against him, and therefore it was that no censure was passed there, nor any charge transmitted against him; that they did not think it proper in their letters of March 18 last past to object any crime to him, their work in those letters being but to inform his majesty only of the particulars then under consideration, and what occurred upon the two petitions of the marchioness of Antrim and of several adventurers to the board, for they did not imagine that the marquis would have attempted to put his majesty upon the difficulty of giving in a rule contrary to the act of settlement, but would have abided the trial of the proper way prescribed by the act in his case; that it was manifest the marquis's case, as stated in those letters, was not the whole of his case, there being many material things omitted, which they verily believed were not made known to the lords of the council [of England], which appeared to them in Ireland, and wherein they might not be silent without breach of justice to his majesty; that in particular the lord lieutenant well knew the marquis of Antrim opposed both the peace of 1646 and that of 1648; that he had constantly joined with the pope's nuncio and his adherents against the royal authority, and appeared active in all assemblies and councils where he was present, in open opposition to all the members thereof, who endeavoured to incline the people to submit to the peace; that when the lord lieutenant was labouring to reduce the Irish to their due obedience, the marquis of Antrim laboured industriously to withdraw them from it; and when things were in a way and tendency towards sending ten thousand men to his majesty's

assistance, whereof he stood in the greatest and most imaginable necessity, the marquis declared openly in the general assembly of the confederates, that not one man should go out of the province of Ulster; and in the end both these peaces were by the disloyalty of the clergy, and by the countenance and contrivance of the lord of Antrim, who joined with them, rendered fruitless; that in all this part of his conduct the marquis had no warrant or authority, nor any subsequent approbation, from his majesty; nor had ever pretended to the lord lieutenant that he had, though he did not want frequent opportunities of doing so; that by this opposition to those peaces, and by his taking the Oath of Association, he was by the act of settlement expressly barred from being restored as an innocent papist; and how far it might be fit for his majesty, contrary to that act, to direct the commissioners<sup>284</sup> to find him innocent from any malice or rebellious purpose against the crown, they humbly submitted to his great wisdom, after representing the inconveniences and mischiefs that would follow from his being declared innocent in so extraordinary a way, to the settlement of the kingdom in general.

141 It<sup>a</sup> must be observed, that the petition of the adventurers here mentioned to be transmitted by the council into England contained the heads of their accusation of the marquis of Antrim, upon which he was soon after tried before the court of claims; and at the same [time] that they presented it to the board, they presented another, addressed to the duke of Ormond in particular, wherein they applied to him, as the most competent and just observer of both persons and proceedings during those times wherein he was intrusted with the government of Ireland; and as he had been pleased on the like emergencies to certify what had fallen within his observation for clearing the behaviour of persons, in whose

<sup>a</sup> R. R. 277—282.

cases the proofs might be attended with some difficulty, they now called upon him to certify what he had observed of the marquis of Antrim's behaviour, in obstructing the peaces of 1646 and 1648, in joining with the nuncio and clergy in opposing his majesty's authority, and in declaring his absolute resolution for hindering all levies and assistances that should be endeavoured in the province of Ulster, where his interest was of consideration.

142 The duke of Ormond, after he received the king's letter, had on July 22 expressed his concern and sentiments upon that subject, in a letter to the lord chancellor Clarendon, who in his <sup>b</sup>answer (dated Aug. 1) gives him the following account of the king's proceeding in that business :

“ Concerning my lord of Antrim ; you make a right judgment of the consequence, that if the king hath done amiss in his testimony and desire, the fault must lie upon your board, for not informing him better. I do assure you, and I think you know, the king hath not been transported with any vehement inclination to preserve the marquis, right or wrong ; nor could the extraordinary importunity of his few (though powerful) friends have prevailed with the king for that despatch, if he could in justice longer have refused him. After he had been sent to you into Ireland upon such positive suggestions and undertakings of the commissioners, could it be imagined he would have been suffered by authority to return hither if there remained any charge against him ? From that time the argumentation was—The marquis is an innocent man ; he hath never done any thing but by the king's command, and is ruined purely by obeying the king. It was answered, Why doth he not make his innocence appear upon his claim ? The reply is, His innocence must appear from his being owned and justified : and then they produce your certificate on the behalf of the lord Dungan, by which alone he is adjudged innocent. And the queen asks, how the king can refuse the like certificate for the marquis ; when not only all the king's letters are produced, but what else was done was by her order upon the king's instructions

<sup>b</sup> H. H. p. 11.

to her. If this be true, and that really he hath done nothing but in pursuance of the king's directions, and that the king had the effect of it, and that he never did any thing to his majesty's disservice, how was it possible for the king to deny his testimony? And what justice can there be that this man should be undone after the king's return, and when it is conceived to be in his power to preserve him? Yet upon a supposition that there was something objected against him which was unknown to us, the king could not be persuaded to do any thing in his behalf, till, after long expectation, he received the letter from the <sup>285</sup> board, in which there was no charge against him, but only a reference of his innocence to the court of claims. Then the king could not refuse him his testimony upon the evidence he produced; yet would not direct it to the commissioners, but to you and the board; and if the grounds be not true, there can be no conclusion. I am taken here by him to be the only obstrueter of his pretences; which I am far from affecting, and desired nothing but that the king might weigh all he did; and I am sure he could do no more for his own information. This is all I can say upon that affair."

143 The case of the lord Dungan here referred to was this<sup>c</sup>: Sir Walter Dungan in 1645 came out of England to the duke of Ormond with letters from the king, signifying his regard of the remarkable services performed by him and his father sir John Dungan, from the beginning of the wars in that kingdom, and recommending him as a person specially meriting trust and employments. There was at that time no occasion of employing him in the quarters about Dublin, and the cessation being then in force, but opposed by several persons and parties, the duke of Ormond gave him a commission to raise some forces, and to join with general Preston for suppressing and reducing the cessation-breakers. He was engaged in this service at Roscommon, when the peace in 1646 was published and accepted by Preston and his army. But the same being rejected by Owen O'Neile and his party, with whom afterwards Preston joined, sir

<sup>c</sup> G. G. 145.

Walter then sent to the lord lieutenant for directions how to dispose of himself, and was ordered to remain among the Irish, as of Preston's army, in hopes he might be useful on a favourable opportunity to reduce them to their due obedience. Preston having afterwards, with O'Neile and the nuncio, advanced to besiege Dublin, sir Walter, by the lord lieutenant's directions, remained among them to prosecute such designs as were by his excellency intrusted to his management; and in order thereunto, he was instrumental in procuring Preston to desert the nuncio and O'Neile, and to sign an instrument of submission to his majesty's authority. From that time till the withdrawing of his majesty's authority from the kingdom, sir Walter, pursuant to his instructions, constantly corresponded with the duke of Ormond; and upon his departure out of the kingdom, the said sir Walter Dungan, sir John his father, and his brother William lord Dungan, having made application to him to know his pleasure how to dispose of themselves in his absence to the best advantage of his majesty's service, his grace considering the distracted condition of that time, and the necessities whereunto his late majesty's affairs and person were then reduced, and being well assured of their loyalty and good affections to his majesty's service, whereof he had good experience, directed them to make themselves as considerable among the Irish as they could, and to get and keep an interest among them, thereby to become serviceable to the king at the lord lieutenant's return to the exercise of his authority in that kingdom, and to use all means and ways conducing to those ends; whereof at his return they gave him a faithful account, having at that time in 1648 brought him a regiment of horse commanded by the said sir Walter, wherein his father and brother also served in his majesty's army. They were all valiant, active, and faithful. Sir Walter was wounded and taken prisoner in the ser-

vice; but being after released, and appointed commissary-general of the horse, he held out against the usurper, till enforced with the rest of his party to transport himself according to articles into Spain, where he gave signal testimonies of his duty, affections, and loyalty to his majesty's service; in a sense whereof, and of the services done by him, his father, and brother, the king promised <sup>286</sup> him the dignity of viscount, and accordingly gave it to his brother William viscount Dungan. When the innocency of these persons came to be tried before the court of claims, the duke of Ormond thought himself obliged to give this account of their services, and to certify the commissioners, that from time to time their appearing in arms, or acting with any person or persons engaged in the said rebellion, was by his directions and command, as lord lieutenant to his late majesty, and in order to his service.

144 This was the case which served as an useful precedent to lord Antrim, though his case was widely different. Dungan corresponded duly and constantly with the lord lieutenant, and had his directions on every particular occasion; but Antrim never corresponded with him at all, and neither sought nor had his directions. No particular act of hostility or opposition to either of the peaces was ever objected to Dungan; all that could be misinterpreted in his conduct was his continuing in Preston's army after he had rejected the peace of 1646; and it was so well known how serviceable he had been in contributing to both those peaces, that the very possessors of his estate allowed it, and confessed his merit in that respect. Whereas many particular acts of opposition to those peaces, before and after they were made; many acts of treachery and mischief to his majesty's service, and of rebellious withstanding his authority, were objected to Antrim, and easy to be proved. In the certificate for Dungan, the series of his actings, the time and

circumstances thereof, are distinctly represented by the person who knew them best; but in that for Antrim, there is no particular of his conduct mentioned, but all is expressed in general, that he might be able to apply it to what purpose he pleased; though all that he produced any authority for was what he transacted in 1643 and 1644, in order to send a body of men to Montrose in Scotland. Antrim's great advantage was, that, by the adventurers' neglect of prosecuting him during the fourteen months that he was kept upon his recognisance in Ireland, his cause came to be heard before the council in England, where his conduct was unknown, where he had the representing of it himself, and where there was nobody to object to his account. Hence nothing was supposed to lie against him, but the point of correspondence with the rebels in order to the service of Scotland, and the article of his defaming the late king; which he absolutely denied, and which perhaps the examinations taken, and the papers transmitted from the lords justices, did not sufficiently prove. My reasons for this opinion are, not only that when those examinations were returned to Ireland, the justices did not prosecute him, or transmit any charge against him, on account of that crime, but because that defamation was represented to be in a conference between him and the bishop of Clogher and colonel Reynolds, and neither of these last were examined about it. What makes this reason the stronger is, that Dr. Henry Jones, who at the time of the supposed conference was bishop of Clogher, was at the time of writing the letter of July 31 bishop of Meath, and was one who signed that letter as a member of the privy council of Ireland; and yet he was not called upon by the adventurers to certify that particular, as the duke of Ormond was to certify the others mentioned in that letter. It was that article in the charge against Antrim which the king resented most, and which occasioned his imprison-



ment, and the other marks of his majesty's displeasure; and that falling to the ground for want of evidence, Antrim found the less difficulty in getting the certificate in his favour.

145 When Antrim's friends found that the certificate which had been sent to the lord lieutenant and council would not be transmitted to the court of claims, and that the council were preparing a remonstrance against it, they used new instances with the king to sign another <sup>287</sup> certificate directed to the commissioners of that court, as had been done by the duke of Ormond in lord Dungan's case. Whether the not receiving in a whole month (when the day of trial was so near) an answer from Ireland on that subject, or the uncertainty, either of the miscarriage of the letter of July 10, or of the proceedings of the council of Ireland (in which it was easy to suggest that Antrim had his enemies) in that affair, or any other, were the motives made use of to induce the king to that step, it is certain that on Aug. 11 he signed a certificate in the form of a letter to the commissioners for executing the act of settlement, (of the same import, and in the same words, except where the form necessarily occasioned a variation,) attesting the marquis's innocence, and requiring them to proceed accordingly. This letter was entered the next day at the signet-office, and arrived at Dublin time enough to be made use of at the marquis's trial, which was on the 20th of that month. His friends had reason enough to think the letter to the state of Ireland would produce nothing that could do him service, the lord lieutenant having declared himself so strongly against any thing of that nature.

146 As soon as his grace had notice from the lord chancellor Clarendon, that some such a thing was designed, he in a letter of July 17 acquaints him with his sense of it in these words:

“ I know not what kind of letter the king can write, or what

we here can do upon any letter for my lord of Antrim. You know the king, as well as we, is bound by the act of settlement, whilst that is in force; and I conceive the king can take no notice of the other act. Those that I make use of, for information who are fit to be saved in this new act, are men that I know have always intended and endeavoured the interest of the crown; and neither they nor I can represent my lord of Antrim in that number, but we must consequently put ourselves out of it; so directly opposite have been his ways to ours, when we thought we went in them by the last and this king's positive and clear directions. If the king shall interpose his authority to introduce men so qualified, how befriended soever, I despair of any settlement by this or any other act. When I have said this, I have done my duty, and can hold my peace."

147 This was his grace's sense before he saw the king's letter; but the marchioness of Antrim having delivered it to him on the 21st of that month, he in a letter the next day to the chancellor tells him, that, by comparing it with his letter of the 4th, where it was supposed that what the council of Ireland had wrote against the passing of a bill for the restitution of the marquis of Antrim was all that could be said against him, he found that it was grounded upon that supposition; and that the inconveniences and disappointments which might happen, by his restitution in so extraordinary a way, to the settlement of the kingdom, would be charged on the council of Ireland, for not giving the king due and needful information; "and how far," says he, "the apprehension of this may prevail upon the council to suspend the transmitting of that letter to the commissioners will be the subject of this day's debate at the board."

148 The queen mother (though a friend to neither of them) teased the chancellor as much as she did the duke of Ormond in this affair, and might possibly learn from the former the sense of the latter upon the king's letter of July 10. Whether the council of Ireland did not come immediately into a resolution of not transmitting it to the

commissioners, or that it required some time to look over the former proceedings in the case which was represented in that letter, or whether the petitions of the adventurers, which gave occasion to some part of the contents of their answer, might cause a delay in the drawing up and perfecting thereof, it is certain ten days passed between the 288 time of its receipt by the lord lieutenant and the last of July, when that answer was signed by the council and sent away. If her majesty had earlier notice of the duke of Ormond's sentiments, it was not politic to wait the arrival of that answer; but to get immediately another certificate from the king directed to the commissioners. It appears plainly, that neither the king nor the lord chancellor ever saw that answer till after his majesty's letter to the commissioners was sent away, which being in substance the same as the other to the council of Ireland, was done (probably as a matter that needed not consultation) without the chancellor's privity. Yet considering that this was signed on Aug. 11, (eleven days after that from the council,) I am verily persuaded that Antrim's friends waited the arrival of the latter, and that this was secreted by sir H. Bennet, (to whom it was directed,) not only till his majesty had signed the other, but till it was too late to send an express to countermand it, and prevent its effect on the commissioners of the court of claims. It was not fair to charge a minister with breach of trust or infidelity to his master in any case, without producing the reasons upon which the charge is founded, and leaving the world to judge of the evidence; more especially in one, where the honour of a prince, the justice due to particular persons, and the quiet, peace, and good settlement of a nation are concerned.

149 All these were considerably affected in this case; and the duke of Ormond saw at first (before the event verified those reflections which his natural sagacity inspired) what a general discontent Antrim's restitution in such a way

would give to the whole body of the adventurers and soldiers, and what an advantage would be taken, from the too general terms, in which the king's letter in his favour was couched, by the marquis, in applying to every other part of his conduct what was meant only in relation to the particular of his transactions in order to the assistance of Montrose, and by the fanatics, republicans, and other disaffected persons, in abusing it to countenance the vilest aspersions on the king's honour and his father's memory. His apprehensions in this respect he thus expresses in his letter of Aug. 3 to the earl of St. Alban's :

"Yours," says he, "of the 18th of the last, conveying her majesty's commands to me in favour of the lord of Antrim for the restoring him to his estate, I received not till after the king's letter directed to me and the council had been read, and the substance of a return resolved upon. I do not offer this as an excuse absolving me for want of performing, with due obedience, the queen's pleasure ; which had been enough known to me before. But I shall in this case resort to her justice, believing with much confidence it was not her intention the marquis of Antrim should be preserved at the rate of destroying many less faulty persons and families, or that I should be instrumental in it, with such circumstances as must in consequence transfer his guilt upon myself, and not without some reflections upon the proceedings of the late king. If his restitution could, or can yet, be contrived without these hard conditions, I neither was nor will be opposite to it ; and part of the severity of the case had been avoided, if the letter in his favour had not been directed to me and the council, but immediately to the commissioners, who were to execute it, if they found themselves in a capacity to do it. And that this, if any, was the right way, I freely and seasonably told my lady of Antrim, I think, before she brought me your letter. I beseech you to assure the queen, that as all her commands are in that reverence and estimation with me which is due to them, so I have no private reluctance towards those that concern the marquis of Antrim, nor any the least remaining resentment against him ; but that, if I had, I should, on the least knowledge of her will, lay them down at her feet, as I do, with

all humility, myself, and this which is offered for her satisfaction, 289  
from your lordship's" &c.

150 This letter went regularly to London, and so did another which the duke of Ormond wrote to the lord chancellor on the 8th of that month, in which is this passage :

“ For what concerns my lord of Antrim, I must refer you to our joint letter from the board, which expresses what we know and conceive of his case. But I find, by what you say, we had been in an ill one, if upon the literal positiveness of the king's directions, we had immediately transmitted them to the commissioners. I shall only add, that you are ill rewarded for penning the letter in favour of the marquis, (for so it is written out of England,) if he takes you not for his friend.”

The chancellor on Aug. 15 acknowledges the receipt of this letter of the 8th, and adds,

“ I see no joint letter from your board in the business of the marquis of Antrim. It is fit there should be one, to satisfy the king that he proceeded not upon good grounds. I never dissembled the penning of the letter ; after I had stopped three or four positive commands, which were proposed in other draughts, and after I had for so many months hindered the doing any thing on his behalf ; for which, I assure you, he and all his friends think me his enemy. The king's letter is an history : if it be true, and nothing can be added to it to make his pretences unreasonable, I know not how the conclusion can be denied ; if otherwise, all falls to the ground. Therefore it is most necessary that the board there send a very full answer. I had much ado to keep it from being sent immediately to the commissioners ; which hath been again pressed, but nothing more will be done, if any thing of weight be returned from you.”

It is evident from hence that the joint letter of the council was secreted, sir H. Bennet probably being willing, in that way, to serve a person whose interests she so warmly espoused, to shew his complaisance to the queen mother, who had lately contributed so much to his advancement to the place he enjoyed, and supported him so strongly in his dispute with the chancellor ; and perhaps imagining he was under higher obligations of gratitude

to her on that account, than he was of fidelity to the king, from the duty of a secretary of state, or the oath of a privy councillor.

151 Such were the means, by which the king's letter of Aug. 11 was obtained, and the sending of a supersedeas, to keep the judges of the court of claims from being influenced by it, was prevented. The marquis of Antrim's cause coming before them on the 20th of that month, his majesty's letter was first read in the court, and then sir N. Pluncket, counsel for the plaintiff, desired judgment upon that letter. <sup>d</sup>Four of the commissioners declared their opinion in open court, that his majesty's pleasure signified by that letter was a sufficient ground for them to declare the innocency of the marquis, without inquiring into the testimony ready to be produced on the defendants' behalf; but the other three thinking it proper to hear what evidence could be offered for criminating the plaintiff, and afterwards to consider whether what they alleged was comprehended within the instructions and directions mentioned in the letter, the matter was argued by the council on both sides. <sup>e</sup>Pluncket supported his motion with several authorities in law, Coke's third Institutes, fol. 239, Henry Lee's 10 Jac., the archbishop of York's, the bishop of London's, and lord Aubigny's cases. Whitfield, Brown, and Reynolds, urged, in behalf of the defendants, the second Institutes, fol. 56, the statute of Edw. III, that the judges should for no letter of the king forbear judgment, and Hobart's Reports in the case of granting a consultation. They pleaded, that 290 the act of settlement confirmed the adventurers, unless the old proprietor should be declared innocent, and the commissioners were sworn to put that act faithfully in execution, and no others but themselves had the power of executing it; that the adventurers had a freehold con-

<sup>d</sup> R. R. 282.

<sup>e</sup> Sir E. Dering's notes of this trial in MS. marked C. in the library at Surrenden Dering.

ditional, if the person was not innocent, by the qualifications of the act ; that when an informer prosecutes *tam pro Domino Rege quam pro seipso*, the king cannot remit the suit ; that in treason the king only is concerned, but in this suit there were other parties, and it ought to be treated as a cause between party and party ; that in Aubigny's case the king's certificate was upon a point referred to himself ; that in the case before the court, the judgment given by the king was only upon hearing the marquis, and not the other party ; and that after all, the king absolved him only from any malice or rebellious purpose, which though it were supposed and granted to be the marquis's case, yet still he might not be innocent according to the act. The attorney general being present, thought it the duty of his place to support his majesty's testimony, and alleged, " that where the king doth certify matter of fact, no evidence ought to be received to the contrary ; and that was the reason of the judgment in lord Aubigny's case, which was also between party and party." The council for the defendants thereupon moved, " that this point of the king's letters might be referred to the lord lieutenant and council, as had been done before in Sarsfield's case." The commissioners being divided in their opinions, the question was put, whether the matter should be referred to the lord lieutenant and council, and carried in the negative. The next question, whether they should hear any evidence on the defendants' part, was carried in the affirmative.

152 The first thing which the defendants offered was a copy of the above-mentioned letter of July 31, from the lord lieutenant and council, in answer to his majesty's. This the attorney general opposed, and said, he moved in the lord lieutenant's behalf, that the secrets of the council should not be disclosed without his leave. Upon putting the question whether that letter should be read, it was carried in the negative. The bishop of Meath being

present, was called upon by the defendants to be sworn, but he refused it, saying, "he was told of all sides that it was very dangerous, and therefore he was not free to do it." Upon this it was desired, that the bishop's deposition formerly made might be read; but he being in court, this motion was rejected. The next thing attempted to be proved was, that Antrim knew of the plot for the surprise of Dublin castle on Oct. 23, 1641, but all the evidence was two hearsay depositions taken in 1642, from persons that were told so by the common soldiers of the Irish whilst they were prisoners. The conduct of his tenants in the north was objected, but the only thing of any consequence urged against him, before the cessation in 1643, was a conference he was accused to have with Roger More. Whether this was in order to get a pass to go to his estate in the north, or for some other lawful purpose, or whether it was absolutely false, does not appear from any witnesses on the marquis's side; for his council would examine none, choosing to rest their cause upon the king's testimony in his letter, rather than to lessen its weight by any act of their own in appealing to other evidence. The defendants, to prove the fact, produced another of the old hearsay depositions, taken just after the rebellion broke out, and six living witnesses, who all, speaking to one and the same fact, fixed it some in January, others in February, another in April, and one (viz. Connor Donnogh a Romish priest) in June 1642, at which time Antrim was prisoner in Carrickfergus, having been seized about the middle of May by Monroe, whom he had received and treated very splendidly in his castle in Dunluce. But as sir W. Parsons at that time vindicated the marquis's innocency, as the duke of Ormond considered him as a faithful subject, when he waited upon him after the battle of Kilrush, two or three days before Antrim went into the north; as no indictment was laid, nor any prosecution carried on against him in a time of



the severest inquisition after the adherents and correspondents of the rebels, when such prosecutions were made upon the slightest suspicions and weakest grounds; as no objection was made in council, composed as it was in sir W. Parsons's time, when orders were sent them about a year afterwards to put the marquis in possession of the rents of his estate, I do not see the least reason to lay any stress upon these disagreeing depositions; especially considering the practices used at the time of the sitting of this court of claims to procure and suborn witnesses, whose perjuries were sometimes proved in open court by the testimony of honourable persons who happened accidentally to be present.

153 The roll of association was produced to prove his having taken that oath in 1644, and his being the first name subscribed, witnesses were examined to his handwriting. Commissioners and orders of the supreme council, and others of his own for applotments of money, &c. after that time, were produced, to shew that he was a lieutenant general among the rebels, and acted in that capacity. His joining with the nuncio, and acting in the supreme council, and in the general assemblies, after the peace of 1646 was rejected, appeared from various instruments read in court, and from many other papers brought by Mr. Barry out of sir Paul Davy's office, which were not used, sir W. Pluncket being appealed to, and confessing the charge. The like instruments and papers were offered to shew that he joined with O'Neile, and opposed the peace of 1648. Sir Thomas Stanley and major Ormesby deposed to his coming in 1650 with a pass from Ireton to the English camp, as lord Colomny did to his design of transporting soldiers to oppose the king in Scotland. When the evidence of the defendants was finished, and Antrim's opposing both the peaces was clearly proved, without any defence on the plaintiff's side, the court was to determine. That opposition expressly

barred his innocency according to the act of settlement ; the only doubt was, whether those particular proofs were to be received, in opposition to the king's general testimony, and express directions to pronounce the marquis innocent. The judges being divided in their sentiments, three questions were put, viz. whether the whole matter should be referred to the king ; whether they should take time to consider till the next morning ; whether they should acquaint the lord lieutenant, and give the defendants time to produce the answer which the council sent to the king's letter ; and all were carried in the negative. At last the main question was put, whether the marquis was innocent or nocent ; and by the majority he was adjudged innocent.

<sup>154</sup> The commissioners had hitherto acted with great impartiality and integrity, to the satisfaction of all good and reasonable men. Those who exclaimed most against them did it only by general clamours, and because they were minded to keep estates in their possession right or wrong ; but could not instance any one particular wherein the court had not determined according to the evidence. But now at the end of their session (for they sat but two days longer to hear claims of innocency) they furnished their revilers with matter for a particular charge by this judgment, which, though it turned on a point of law, and the deference due to a king's certificate, (wherein the learned may be allowed to vary in their opinions,) and was countenanced by a former sentence in lord Dungan's case, they yet needed not so hastily to have given. Nor does there appear any just reason why they did not refer the matter to the lord lieutenant and council, according to their own precedents in other cases, unless that delay <sup>292</sup> would hinder them from giving any judgment at all. This in truth seems to be the case ; for when any particular point was thus referred, the lieutenant and council certified their opinion to the court, and after the receipt

of that opinion, the court decreed accordingly. By the act of settlement, the commissioners were, in respect of trials of innocency, limited to July 2, 1663, after which time their authority in that respect ceased. But by another act since made *for enlarging the periods of time* mentioned in the former act, a power was given to the lord lieutenant and council to enlarge those periods, and pursuant thereto, the time limited for those trials had been, by an order of the board on May 27, extended from July 2 to Aug. 22, when all the authority of the commissioners for adjudging innocency expired; so that as there was not the usual space of time for consulting the board, it looks as if the commissioners were either to give their sentence at that time, or else must be precluded from giving it at all.

155 <sup>f</sup>As soon as the trial was over, the adventurers and soldiers, aggrieved by the sentence, presented at the council board a petition addressed to his majesty, and praying relief against the declaration of the court of claims, which they desired might be respited and referred to the consideration of the lord lieutenant and council, who upon a full prospect of the whole business might offer his majesty some expedient, that would give remedy to the petitioners' present sufferings and future fears. The king upon receipt of the petition immediately wrote another letter to the commissioners, (to whom he transmitted at the same time his former letters to the lord lieutenant and council, and their answer of July 31,) representing therein, how he found by that petition (a copy whereof he sent them) that upon the hearing of the marquis of Antrim's cause on Aug. 20, there were offered unto them in evidence against the said marquis several things, which by the characters given of that nobleman to his majesty he did not conceive he had been guilty of;

“ Upon which particulars” (says his majesty in the words of

<sup>f</sup> R. R. 286 and 293.

the letter) “ as they were not made known to us before, so now being made unto us, we cannot but take notice of them, and declare our sense, that they cannot consist with the marquis’s duty and allegiance to our royal father or ourself, neither can the same be warranted by any authority supposed to be derived from our royal father, or be any ways consistent with the service of our royal father or ourself; and therefore since that we are given to understand, that the said marquis made not any defence against the said evidence, but relied wholly on our letters to you directed, which were by you held comprehensive for the acquitting the said marquis of all the matters objected against him, and that the crimes laid to his charge (though confessed) were thereby avoided, and that thereupon only you did adjudge the said marquis to be an innocent person within the said act, we cannot therefore but upon the whole matter declare unto you, that we conceive that *such actings of the said marquis can no ways be intended to be warranted, or excused by any of the authorities derived from our royal father or ourself;* and that the same were so far from being a service to our royal father, that they did much reflect upon him; and therefore we do hereby require you to forbear issuing out of any decree for the said marquis, until our further pleasure be known therein; and if any decree be issued forth, that you do give order and take care for superseding thereof; and for so doing this shall be your warrant,” &c.

This letter the king sent with another to the lord lieutenant and council, wherein after acknowledging the receipt of theirs of July 31, the petition transmitted therewith, and the other last mentioned, he adds, that upon serious consideration thereof, he had thought fit to signify his royal pleasure unto the said commissioners by the enclosed, which he sent to them, to the intent that they should see the same duly observed, and that if the commissioners’ decree in the marquis’s behalf should be executed before these his letters came to their hands, that then they should cause the sheriffs of the counties where the lands lay to put the adventurers and soldiers in possession again, and continue them therein until his pleasure were further known, &c.

156 ¶ There was afterwards, upon this last petition of the adventurers and soldiers, a solemn hearing before his majesty at his council-board in England against the judgment and decree given by the major part of the commissioners for the marquis's innocency. The king, after much time spent in the examination of the case, declared, that he saw no cause why the said marquis should be adjudged innocent, much less that the commissioners, not at all considering the proofs which they heard against him, should lay the whole weight of their judgment upon his majesty's certificate, *the said certificate being only to declare that the marquis was employed into Ireland to procure what forces he could from thence, to be transported into Scotland for his late majesty's service under the late marquis of Montrose, to the end that the conversation of the said marquis in the rebels' quarters, which was necessary for that service, might not, according to the letter of the former act, render him criminal*, if that had been the only, as it was the least objection against him; and therefore resolved that he should undergo a new trial. To prevent this, Antrim, in an humble petition to the king, acknowledged himself guilty, and besought his majesty that he might be supported by his mercy, since he was not able to support himself by his own innocency. The king thereupon reflecting on the services performed to his father by the marquis in the Scots' affair, and some eminent services of his likewise done to himself, (the marquis, besides assisting him with arms and ammunition when he was in the west, having also furnished him with ships to make his escape into foreign parts when his armies were defeated in the west, and considering that his mercy was in the same act extended to some who had as much demerited,) did by the act of explanation provide for the marquis's being restored to all his estate, (except impropriations,) taking care in the same act to have the

judgment of the court of claims declared void and null to all intents and purposes.

157 I have been the more particular and minute in giving an account of all the passages in this affair of the marquis of Antrim, because it hath been very unworthily made use of by the unknown author of a scandalous libel called *Murder will out*, and under colour of that libel, (which deserved no credit from any reasonable man,) by Mr. Baxter, Dr. Calamy, and others of their way of thinking, to throw the vilest aspersions on the memory of king Charles the First. The duke of Ormond, whose fate it was to suffer on many occasions with his old master, whose memory he ever loved and revered in the highest degree, did not on this escape some reflections. The ready credit given to his testimony in favour of lord Dungan was invidiously compared with the opposition made to his majesty's in the case of Antrim, and abused to his prejudice. Lady Antrim, to excuse the procuring the letter of Aug. 11, wrote word into England that she had done it by his grace's advice, and that the letter of the council, in answer to the king's about her husband, (which was received July 21,) was not transmitted till the 31st, on purpose that he might not be interrupted in<sup>294</sup> procuring it. His grace had reason to complain of this, as an ill construction of the civility of his answers to her, and full as ill a retribution for that service, if he had really done it in her consideration, which gave him the only inclinations he ever found in himself to be in any measure concerned for her lord; than whom few men had the misfortune of a worse character, as not many women had a better than his lady. But those who most condemned his conduct were the queen mother and the earl of St. Alban's, who resented his not serving lord Antrim effectually, and interposing his own testimony to defeat the effect and benefit of the king's letter. His nephew Hamilton, then at London, sending him advice of

these and the like resentments and discourses, he thus expresseth himself on the occasion :

“<sup>h</sup> I am still really persuaded of my lord St. Alban's friendship to me, and that belief receives no abatement by his endeavours for the saving of my lord Antrim's estate. For it were as unreasonable to expect a friend should think always as I do, as that he should have the same voice or coloured beard. I confess I cannot find any obligation that was upon the late king, or that is upon this, to do extraordinary things for my lord of Antrim ; and I am sure there neither were nor are any upon me, but the queen mother's commands, and my lord St. Alban's interposition ; upon both which I set the value I ought. In this particular, and in that of the <sup>i</sup>bill, people take me to be more and otherwise concerned than I am. They know me not, and traduce me that say I interiously wish his restitution, and that though I publicly oppose it, yet privately I assist him. On the other side, they as much mistake me that believe I affect his ruin, and an enmity with him. The first were unchristian ; and the other a very pitiful ambition. I have been civil, as I ought to be, to his lady, when she made applications to me ; and this must be taken for helping her lord. In my despatches I have freely spoken truth concerning him and his business ; and that is taken for hatred of him ; but neither truly. My lord chancellor Bacon says in one of his essays, that there are men will set houses on fire to roast their eggs. They are dangerous cattle, if they can disguise themselves under plausible pretences. I have done all I conceive belongs to me to do in the business of my lord of Antrim. I cannot unsay what I have said in it, till I am convinced of error ; but if I be asked no more questions concerning him, I can and will hold my peace.”

158 There is nothing more unaccountable in this relation of lord Antrim's restitution, than the wonderful zeal with which the queen mother exerted her interest in his behalf. It could not be any merit either in his person or conduct, for his capacity was very ordinary, and his vanity infinite ; these made him ridiculous and contempt-

<sup>h</sup> W. W. 154.  
England.

<sup>i</sup> The bill of explanation then transmitted into

ible, as his unmeasurable pride, the malignity of his nature, the slanders of his tongue, the falsehood of his heart, and an assemblage of the meanest qualities that can debase the mind of man, rendered him odious to all the world. His conduct too had been so abominably vile and scandalous, so full of treachery as well as disloyalty, and so contrary to all the rules of duty, virtue, and honour, that no person of his rank in the world ever had so few friends, or could have fallen so unpitied; as appeared plainly at the time when he was adjudged innocent by the court of claims, when it was hard to say whether there were more honest Irish or English that complained of that sentence, and resented the favour shewn him. It was not his religion that recommended him to the queen, for she never interested herself in any degree (like what she did in his case) for any other Roman catholic, <sup>295</sup> though there were a great many of that religion that as much wanted and better deserved her assistance. Some writers say it was owing to the influence of her favourite the earl of St. Alban's, and that the marquis of Antrim, when he came to England in 1660, and was clapped up in the Tower, having no child of his own, made a settlement of his large estate upon that nobleman, to engage his interest for his restitution. They add further, that when the marquis had carried his point, and it was agreed that he should be restored to his estate by a particular clause in the act of explanation, it then appeared that Antrim had made before he came out of Ireland a prior settlement on his brother Alexander Macdonnel and his heirs, by which St. Alban's was balked of the expected recompense of all his trouble. This accounts very naturally for all the earnestness that he shewed, and the extraordinary industry that he used for the restitution of Antrim's estate; nor does it clash with the clause in that act, whereby the estate is entailed upon Alexander and his heirs. It rather shews the necessity of that entail, in



which respect that clause is so particular and different from other clauses in the act, that it seems calculated to provide against such a clandestine settlement; and such an entail might easily, when the clause was adjusting, (and it was one of the last that was adjusted,) be obtained by Alexander Macdonnel, who had ever been a friend to pacific measures, had laboured eminently to bring the confederates back to their due obedience, had adhered constantly to the peace, and had been as active as any body in proceeding against his brother when he opposed it. This is the more probable, because the earl of St. Alban's was certainly concerned in several agencies of the same kind<sup>k</sup>. One Cowel, a barrister of the Temple, took bonds of one thousand pounds a piece, for the earl's use, of Patrick Sarsfield of Lucan, Philip Hore of Kilsachlan, Patrick Linch of the Cnock, Anthony Cokeleigh (brother to Dudley) of the county of Wexford, and of Christopher Archbold of Timolin. Sir Luke Bath signed a bond to him in his own name of one thousand pounds, and paid part of the money down, which he was forced to borrow of Daniel Arthur of London, merchant, at a most exorbitant interest. Sir Luke speaking of this afterwards, St. Alban's was exceeding angry; but at last matters were made up between them upon sir Luke's entering into a new bond of one thousand five hundred pounds more to the earl in his lordship's own name; as Patrick Moore, who drew the writings, particularly informed the duke of Ormond on Feb. 11, 1663. All these sums were engaged to be paid to the earl, when by his means the persons bound should either by provisos in the bill of explanation, or otherwise, be restored to their estates.

159 There were a great many dealers of this sort, and great sums of money were raised by this scandalous sort of traffiek. Sir Charles Berkeley and sir Audley Mervyn took several under their protection for the like consi-

<sup>k</sup> H. II. 192—195.

derations. Lord Carlingford undertook for Oliver Casheil of Dundalk and others; as major Herne did for Ledwitch of Cookes-town, near Kells, (who had before agreed with colonel Talbot, but forsook him, probably upon finding he was engaged in behalf of too many persons,) for four hundred pounds, which was about a year's rent of his land; and for Segrave of Ballyhack, upon the like terms of a year's value of his estate. Sir Gilbert Gerard, master of the jewel office, took from John Fleming of Stephenston, Barnewall of Bremor, sir Christopher Aylmer, Anthony Cokely, in behalf of his brother, sir John Bellew, in behalf of the lord of Slane, and Mr. Moore, (who gave the lord lieutenant the information,) bonds of eight hundred pounds apiece for getting them provisos in the act. In truth, too many great men had their agents employed to look out for chapmen in this way, wherein nobody dealt so largely as colonel Richard Talbot, who, 296 returning out of Ireland this summer, carried with him eighteen thousand pounds in statutes staple, bonds, and other securities, for procuring distressed gentlemen their estates. The bill of explanation being transmitted soon after, he took occasion to write to his brother Peter in Ireland, that the king had resolved in council not to leave the obliging of his subjects to any minister; and that the lord lieutenant only proposed to restore about thirty of their nation. His credit and power with the duke of York were well known, and it was generally believed in Ireland that he had a mighty interest at court. That notion and these insinuations procured him an infinite number of clients, who applied to him as their great patron and solicitor; so that he had the bonds of hundreds, to be paid on their restitution by his means and procurements.

160 The duke of Ormond detested this corrupt sort of traffick, and had the worse opinion of the case of such persons as submitted to engage for these sums, though

perhaps done out of too great a fear of the danger of utter ruin, when their all was at stake. The bill of explanation, drawn up by the house of commons, and presented to the lords justices before the lord lieutenant's arrival in Ireland, had been transmitted into England, and so entirely disapproved by the king and council, that they would not attempt to correct and amend what they thought wrong in the very foundation. Orders were sent to the lord lieutenant and council of Ireland to draw up and transmit a new bill for that purpose, in order to his majesty's consideration. The duke had a mind to serve the old and great families of English race, (which had for ages past been the support of the English interest in the kingdom, and were now in danger of being extirpated, to make way for a new colony of doubtful affections, who in such case would have no power to balance them,) and provide for such as had deserved well of the crown, by their affections to it, and their endeavours to bring the rebels back into the way of their duty. He thought the merit of people was the best rule for the king to go by in distributing his favours; and as he knew a great deal himself, so he made use of the best informations he could otherwise get, of the conduct of particular persons, in order to distinguish such as had a just title to restitution, and to make a proper provision for their relief. No man could be better qualified than he was for this work; for no man was ever less biassed by favour and affection, by prejudice or resentment, or was less capable of being influenced by views of interest and motives of self-consideration. If in any thing he was to blame in this affair, it was in being too careful to avoid all imputations of that nature; he had perhaps too much delicacy in this respect, and carried his care to an excess. It was owing to this turn of thought and disposition, and to a natural modesty, which predominated in all his actions, that his own particular friends and relations suffered the most of

any body in this settlement of Ireland; for though those qualities did not prevent his recommending, they kept him from insisting so much on their merits as in justice he might, and as he would have done in the case of others, for whom he could not be supposed to be particularly interested.

161 The former bill of settlement had in it a multitude of provisos, to many of which the duke of Ormond made exceptions, when, after an order was made that the Irish should be heard no more upon the subject, the bill was perfected, and the provisos, which had been settled long before by the committee of the council, being then engrossed, were made part of that bill. The king had that regard for the duke's judgment, and such an opinion of his impartiality, that he would have struck out all the provisos at once; but his grace did not think it proper, when he was going to ingratiate himself with a people, in order to reconcile their estranged affections and different interests, and by that means effect a settlement of the kingdom, to draw upon himself so general a clamour and so keen a resentment from all the parties interested therein, as would infallibly have been the consequence of so general, unexpected, and undistinguishing a sponge. To make a revision of them all, and go through an examination of each, in order to distinguish such as were reasonable from those that were not so, was a work of too much time when his grace was on the point of setting out for Ireland, and an immediate settlement of that kingdom was impatiently expected, and indeed was so absolutely necessary, that any settlement was judged better than none at all, and the consequences of a delay were likely to prove very fatal to the peace thereof. In these circumstances it was thought advisable to let the provisos stand as they were, there being no doubt but that great difficulties would arise in the execution of the act, and that it would be easy to find means of preventing 297

the effect of those provisos that were unjust and unreasonable. To give the duke of Ormond the greater power in this respect, a clause was added to the act, empowering the lord lieutenant and council to give such further instructions and rules to the commissioners appointed to execute it, for their proceedings, as they should judge fitting. It was upon this clause that the house of commons went when they presented to his grace that extravagant set of rules and directions for the commissioners which have been already mentioned, and which his majesty resented, as the highest indignity that could be offered to his own authority, and this to such a degree, that he was once on the point of sending orders to dissolve the parliament, had he not been restrained by the hopes he had that the duke of Ormond might by his prudence reduce them to a better temper, and by some apprehension of the disturbances which such a step might raise in the kingdom. The king, seeing such a violent distemper in the Irish house of commons, did not think them proper persons to propose the means of a settlement; so that having rejected their bill of explanation, he referred it entirely to the duke of Ormond to draw another.

162 His grace, having done this with great care, sent over the bill by colonel Jefferies into England in the month of September; but his majesty deferred the consideration of it, till sir R. Rainsford, sir Allan Broderick, and sir T. Beverley, three of the commissioners for executing the act of settlement, came to London. The purport of the bill, as it came from Ireland, was to explain the king's meaning in some clauses of his declaration, to assign a better security to the forty-nine officers, to prevent the restitution of the Irish to lands and houses in corporations, (which was done for reasons of state upon a representation, from the commissioners, of the multitudes so restored,) to take away a sixth part of the soldiers' and

adventurers' lands, thereby to increase the stock of reprisals, and to make provision for some eminent and deserving persons, who were cut off from all manner of relief by the power of the court of claims being determined. There had been four thousand claims of innocency entered in that court, yet they had not time to hear above six hundred of them by August 22, when their commission ended. The claims of all innocents that had been transplanted into Connaught were, by the commissioners' instructions, not to be heard, till those of innocents who had no land were first adjudged; so that not one of them had been heard, and those who were thereby aggrieved were left without a remedy in any way but by act of parliament. There was in this bill something done for these, and for the people of all sorts, towards their security and settlement, beyond what was done by virtue of the former act. To increase the stock of reprisals, the want of which was the great obstruction of the settlement, there was a clause inserted for resuming into the king's hands all estates which had been obtained<sup>298</sup> by bribery, forgery, perjury, subornation of witnesses, false admeasurement, and other undue means, or were enjoyed by persons that had by any overt act opposed his majesty's restoration, or had since endeavoured the disturbance of the public peace. The latter part of this clause had been rejected by the council of England, whilst the bill of settlement was under their consideration; but there had been since sufficient cause administered for it by the late conspiracy, in which some of the greatest persons in the kingdom, who possessed large estates, had been dabbling, and there did not want evidence to convict them of high crimes and misdemeanours, if not of treason.

<sup>163</sup> There was not however enough done to satisfy the Irish, at a time, when, by the granting of some things which they desired, they began to expect all that they had ever demanded; yet that was done in their behalf,

which they would have been glad to have accepted some months before. The duke of Ormond would willingly have given them further relief; which perhaps he thought their due; but he was to consider what was likely to pass, and not to attempt impossibilities, or by aiming at more than could be hoped, to lose what it was feasible to obtain. Contenting himself to lay the groundwork of the bill, he left it to the king and council of England to amend and improve it as they should see fit, and to correct and redress what was amiss or defective in point of expression according to the niceties of law, which he did not pretend to understand. The difficulty he was under in this respect he thus expresseth to his friend the earl of Clarendon at this time, when he sent over the bill; “It is (says he) most evident, that a settlement one way or other is absolutely necessary, and that till there be one, there can be neither security nor improvement in this kingdom. And if you look upon the composition of this council and parliament, you will not think it probable it can be with much favour, or indeed reasonable regard to the Irish. If it be, it will not pass; and if it be not, we must look for all the clamour that can be raised by undone men.”

164 Here evidently appeared the mighty advantage which the adventurers and soldiers had by keeping possession of their lands in the country, and houses in corporations, in virtue of which they were enabled to choose an house of commons devoted to their interest, and indisposed to hearken to any reasonable proposals in favour of the old proprietors, however innocent. They had at this time a much greater advantage, in having an act of parliament on their side, in which though there were some doubts about the exposition of certain clauses, and various difficulties had arisen in the execution of it, which hindered the commissioners' further proceedings in that matter, yet the main of their interest was thereby so established, that,

as nothing could be done afterwards but by their consent, so that consent could not be expected to any defalcation of their interest, greater than what might be made up to them by the comfort arising from the security and quiet of their possession, or what they might suffer by the disputes and litigations which the ambiguous expressions, doubtful meaning, and uncertain construction of the various clauses in the act, whereby so many different and perplexed interests were provided for, might occasion. There was nothing created greater uneasiness to the adventurers and soldiers, than the claims and adjudications of innocency; and yet nothing afforded a juster ground of complaint, than that such a number of persons, (above three thousand,) who pretended to be innocents, and had accordingly entered their claims, could not be heard for want of time, and yet were left to be utterly ruined, merely for want of that common justice of being heard, which is by all nations allowed to the worst of malefactors. The duke of Ormond did not think it proper, or perhaps practicable, to insert a clause in the bill (in the draught of which he was obliged to have the concurrence<sup>299</sup> of the council) for the relief of these; but when he transmitted it over to England, he proposed that it might be referred to the lord lieutenant and six of the council of Ireland, to name and declare, without any rule or limitation, such other persons to be innocent, of whose constant loyalty they had sufficient knowledge, and who upon their certificates should be entitled to the same benefit as those who were adjudged so by the court of claims enjoyed. This was rejected by the council of England, who began in November to take the bill into their consideration; and in the first place allowed copies of it to be taken by sir N. Pluncket for the Irish, and by the agents of the adventurers, soldiers, forty-nine men, and all other interests concerned. Days of hearing being appointed to receive the objections of each, the



affair was drawn out into length by the many memorials and replies of the different parties, and by the difficulty of determining the points in dispute to the general satisfaction of all. The king wished the duke of Ormond over, to have his judgment upon each disputed article, but it was thought too dangerous for him to leave the kingdom in that situation. To enable him to provide better for its security, in case his coming over should be found absolutely necessary, a sum of money was at last remitted towards the pay and satisfaction of the army. Two hundred soldiers were sent over at the same time, and were followed about Christmas by three hundred more. The Portuguese had lately gained the battle of Evora, by the valour of the English troops which served in their army; and the king of France, desirous to assist them in a way that might not appear a violation of the treaty between him and the crown of Spain, asked leave of his Britannic majesty to make a levy of English troops, which he would pay, and send ships to transport them to Lisbon. It was thought a good occasion to purge the Irish army of the most disaffected of the soldiers; and a draught of one thousand men being made on that occasion, the fidelity of that army was pretty well secured.

165 When the agents of the several interests concerned in the act of settlement had presented their petitions, and made their objections to the explanatory bill, the commissioners were commanded to set down in writing the difficulties which occurred in their execution of the act, and such expedients as they conceived might best answer his majesty's intentions for the settlement of that kingdom. Pursuant to this order, they gave in an account of what they had already done in restorations, of what remained undone by the expiration of time for reprisals, and of the only visible stock in his majesty's present disposition for that purpose. They specified the reasons why they desisted from the farther execution of the act;

the points wherein that act was inconsistent with the fundamental rules of settlement laid down in the declaration and instructions, occasioned by the representations of the agents for the different interests concerned ; and such heads as they thought proper to be added, or necessary to explain the great act, which his majesty was resolved should still continue the basis of the intended settlement. These heads were, a full allowance in proportion of lands according to the act rates in 17 and 18 Car. to all adventurers and their assignees, pursuant to those acts ; an allowance to original soldiers according to the same rates, but to their assignees no more than the value of their purchase money, because their debentures were not, even by the usurper's law, transferable, as adventurers' were ; the same for decrees purchased in Connaught and Clare ; an allowance not exceeding a sixth part to discoverers ; a reduction of the soldiers since forty-nine to the same poundage of 12*s.* 6*d.* with those before 1649 ; a forfeiture of reprisals to such as before adjudication had compounded with proprietors ; a forfeiture of lands in Connaught by those transplanted persons, who, claiming as innocents, should be adjudged 300 innocents ; a defalcation of the surplus rent to such as had enjoyed *custodiams* in order to their reprisals ; an interpretation of the words *are and were of the army* ; the saving of lands forfeited for non-payment of the year or year and half's rent left to his majesty ; lands on the doubling ordinance or English arrears, and all reserved by the former, or retrenched by any new bill, to make a common stock, to be divided into moieties, one for reprisals of persons removed from the estates of innocents, the other for previous reprisals, in order to the restitution of the thirty-six nominees, ensign, *mero motu-men*, and the adherents to the peace of 1648, and all provisos in the act of settlement to be liable to the same qualifications with other soldiers and adventurers.

166 These expedients were equitable enough, and generally approved by the council of England, and by the king, who was present at every debate on this subject. They seemed to afford a very large, and probably a sufficient, stock of reprisals ; but as the quantity of land to be gained on each article was uncertain in most cases, as the value of it was in all, when the council, after spending the whole winter in adjusting the general tenour of the bill, imagined they had perfected it in such a manner as to give reasonable satisfaction to all parties, they found it was scarce pleasing to any one, because of the consequences which were apprehended from that uncertainty. They had rejected the clause of reference to the lord lieutenant and council, with regard to the innocency of persons not heard by the commissioners, out of a persuasion of the partiality of the Irish council, not considering the difference between proportioning what was to be distributed, and the distributing what should be irrevocably proportioned to be distributed. For what reason soever there was to judge them partial with regard to what was called the English interest, there was no reason to suppose them so between one Irishman and another, or to imagine that they would not in this case of the choice of the particular Irish to whom the proportion designed for them in general should be divided, pronounce according to justice. Upon the rejection of this clause, the king had determined to name himself the persons, in whose favour particular clauses were to be inserted in the bill, believing that nobody would offer to dispute an act of his own, and depending upon receiving from the duke of Ormond a list of persons fit to be named for restitution. His grace had been preparing such a list, and was in a good forwardness towards finishing it, according to the only rule by which he thought himself qualified to proceed in that affair, viz. his own observations of persons, who, having been involved in the late rebellion, had early

and constantly upon all offered occasions endeavoured not only to get out of it themselves, but to bring the whole party to the obedience and service of the crown. He did not think himself fit to determine of innocency and guilt by the rules and qualifications of the old standing law, or by those of the act; and much less to judge of evidences importing entails and remainders; which how the judging of would consist with the way of nomination, or prevent forgery, perjury, and delay, he professed himself not wise enough to understand. Whilst he was thus adjusting his list, and daily expecting a transmission of the principal alterations made in the bill, before it was formally returned to the council of Ireland, he was, on occasion of a letter of his own to the king on April 23, sent for by his majesty to come to London, and to leave his son the earl of Ossory deputy of Ireland during his absence.

167 The duke of Ormond, hearing complaints on all sides against the new bill, as it was deemed to be adjusted, and apprehending it would not produce an effectual settlement, when there was a general dissatisfaction, proposed the adjusting it by the previous consent of all parties. They were all weary of the unsettled condition wherein<sup>301</sup> they found themselves: the expense and trouble of disputes, and the uncertainty of the event, made them uneasy, and disposed them to relax something of their several pretensions. They had all offered to him some proposal of that nature. The London adventurers<sup>1</sup> had proposed to be reimbursed their principal money, with interest upon interest at 3*l.* per cent. to resign their interest, in the lands allotted them, to his majesty, and to be accountable for the mean profits. They expected a proper security for their reimbursement, which was to be secured by a term of years in the land, and from the time their debt was stated, to be allowed 6*l.* per cent. interest,

<sup>1</sup> G. G. 216, 217, &c.

till the whole was paid. These were so considerable a body of men, that it was supposed the others planted in Ireland could not but follow their example. Lord Masarene<sup>m</sup> had proposed to him in the name of the adventurers and soldiers in Ireland, to cut off all adventurers that had issued their money after the rupture between the king and parliament, who were inexcusable in lending money contrary to his express prohibition, when they knew it would be employed against his service; to cut off all the arrears of the soldiery, incurred whilst they served the usurper against his late or present majesty; and that some eminent persons should be appointed to see all the other interests satisfied, in lands or money, at their election. The forty-nine officers also proposed to reduce their proportion, and instead of 12s. 6d. allowed them by the act, to accept 10s. in the pound for their composition.

168 To this apparent disposition in different interests, there were added other considerations, which seemed to render a general agreement practicable. <sup>n</sup>The four commissioners left in Ireland had, after the departure of their brethren, been employed, pursuant to an order of council, to state the arrears of the forty-nine officers, to inquire what lands had been set out for English arrears, and to whom, and with what other arrears or lands those satisfactions had been intermixed, and to consider of a just rule to separate them. They were to make the like inquiry, and proceed in the same manner, with regard to lands set out in the doubling ordinances; and by these inquiries the stock of reprisals was better and more distinctly known. <sup>o</sup>Sir W. Domville, the attorney general, than whom no man brought a better capacity or took more pains for the just settling of the kingdom, after carefully examining the pretended acts and ordi-

<sup>m</sup> R. R. 411.<sup>n</sup> H. H. 138.<sup>o</sup> Ib. 318—321. 326—329.

nances of the late times, and the several books of subscriptions, and the several times when those subscriptions were made, discovered that one entire moiety of the adventurers' money was subscribed and paid after the doubling ordinance, and consequently half of the lands set out to them ought to be retrenched, they being to receive only simple satisfaction for such money as they really and *bona fide* advanced; and yet the adventurers who demanded reprisals were most of this sort. He discovered likewise great abuses in the manner of setting out the adventurers' satisfaction, in which the proceedings were very clandestine and confused. For they had whole baronies set out to them in gross, and then they employed surveyors of their own to make their admeasurements, and those finished, they had never since brought in their surveys or field-books into the surveyor general's office or to public view. Thus they had admeasured what proportions they thought fit to mete out to themselves; and what lands they were pleased to call unprofitable, they had returned as such, let them be never so good and profitable. In the county of Tipperary alone he had found by books in the surveyor's office above fifty thousand acres returned as unprofitable; and in the moiety of the ten counties, wherein their satisfaction was set out, he had found two hundred and forty-five thousand two hundred and seven acres so returned by the adventurers as 302 unprofitable; of which all that were really profitable were by the act confiscated to his majesty. Several persons, in case the king would grant them fee-farms of all those lands held as unprofitable in five of those counties, offered to give an higher rate for them, one with another, than was paid him in quit-rents for the profitable, and did not question but others would do the like in the other five counties; by which means, out of these unprofitable lands held by the adventurers and soldiers, an annual revenue would arise to his majesty of above twenty

thousand pounds, a considerable improvement, where he did not at present receive a penny; and which sufficiently proved the lands not unprofitable.

169 The lands held by the soldiers as unprofitable, and returned as such into the surveyor's office, amounted to six hundred and sixty-five thousand six hundred and seventy acres, as appeared by a particular recital thereof in the certificates of the proper officers. Besides the deductions to be made on this account, if the lands both of the adventurers and soldiers were reduced, as they ought, to English measure, according to the acts, above five hundred thousand profitable acres would be saved to his majesty for a fund of reprisals. Sir William did not doubt, but if the adventurers and soldiers were made sensible that his majesty was not ignorant of these circumstances, and of the advantages he had by law, they would readily agree to reprise themselves out of one another's lands, without any farther expectation of reprisals from his majesty. And with regard to the subdivisions of lands among themselves, it might be done (agreeably to Cromwell's acts) by select committees among themselves, without any trouble or charge to the crown.

170 The duke of Ormond, having received orders to repair into England, sent the duchess before to provide for his reception, who took an house for him at Chelsea. He followed himself on the last day of May, and Thomas earl of Ossory was the same day sworn lord deputy in the council chamber, the sword (which was deposited in the duke's closet till after he was under sail) being committed to his trust with the usual ceremonies. He received it with a general applause, and acted in it to the satisfaction of all the world, applying himself with great diligence and excellent judgment to the business of his post, and being so equal and obliging in his carriage, that he gained the affections of all that he had to do with in the course of his government.

171 When his grace was settled in the neighbourhood of the court, the consideration of Irish affairs was resumed. An order was made on July 29 in council, that the lord lieutenant, calling to his assistance such of the privy council of Ireland as were in and about London, the commissioners for claims and the solicitor general (sir Heneage Finch) should peruse and review what had been already deliberated there, in relation to the affairs of Ireland, and to propose and offer such other and further expedients as they should think fit, in order to the settlement of that kingdom. The privy counsellors were the earls of Anglesey, Orrery, and Arran, the lords Berkeley and Kingston, sir Arthur Forbes, sir T. Clarges, and sir E. Massey; and of the commissioners, besides those mentioned before, there were sir E. Dering, sir Winston Churchill, and colonel Cooke. They met on the first of August, but had such an infinite number of petitions to answer, and of provisos to consider, that they had not settled the act till May 26 following.

172 They began on Aug. 18 to receive the proposals of the agents for the several interests. The Roman catholics, besides a repeal of the English acts of 17 and 18 Car. and of all attainders since Oct. 23, 1641, and the establishment of the Down admeasurements and earl of Strafford's survey, the confirmation of all the decrees of the court of claims, and satisfaction to possessors for improve-<sup>303</sup>ments, proposed that all the lands belonging to the Roman catholics in 1641 should be vested in his majesty, who thereout should assign one million six hundred thousand acres of profitable land and plantation measure to the adventurers and soldiers, in full satisfaction of all their pretences to lands for adventures or arrears; to the forty-nine men their security, if it did not exceed their demand; to innocents adjudged by the court of claims the lands decreed them, and the rest to be set out for satisfaction of public debts for provisions, &c. before the



cessation, and to provide for the nominees not already restored, in such proportion as his majesty should think fit; still reserving in his hands two hundred thousand acres of these vested lands, till after the subdivision and distribution of the rest among the several interests; and then one moiety thereof to be applied for the benefit of such protestants (intended to be provided for in the settlement) as should by the alteration thereof be most prejudiced in their respective satisfactions, in such proportion as his majesty should think fit; the other to be distributed to such Roman catholics as should be the greatest sufferers by the said alteration, to be named by the lord lieutenant, with the advice of such of the Roman catholics as he should call to his assistance. These moieties were to be taken respectively out of the lands assigned to the Irish and English by the act of settlement, each party supplying what was to be distributed to the sufferers of their own denomination. They proposed likewise to advance his majesty's revenue, by quit-rents and fines payable out of lands, to the sum of two hundred thousand pounds a year; to which all the other interests readily agreed.

- 173 The soldiers desired that the earl of Strafford's survey, and sir W. Petty's Down admeasurement, might be compared and adjusted, so as to form thence an authentic rule and standard whereby to know the proprietors, quantities, qualities, and values of the lands; and that all the lands whereof the Roman catholics were possessed in 1641 being vested in the king, two fifths might be restored to them, and the other three fifths distributed among the several English interests. The adventurers complaining that they had lost above two hundred thousand acres by the decrees of the court of claims, (and his majesty having thought fit to confirm the decrees made after July 2, 1663, to which they had excepted,) desired that the rest of their security might be continued to

them. But these proposals being opposed by the Irish, all the English interests on Aug. 30 agreed in making another, viz. that all the decrees and settlements already made to the Irish should be confirmed to them as fully as they were decreed, unless the Irish desired a review, and four hundred thousand acres more be set apart for nominees, but all the rest of the lands vested in the king to be continued and distributed among the several English interests. The English objected to the uncertainty of this proposal, as not mentioning where the four hundred thousand acres were to be set out, and as being very short of giving satisfaction to many hundreds of innocents yet unheard, whose rights were saved by the act of settlement, as well as to the thirty-six nominees; computing this deficiency at one hundred and seventy thousand acres with regard to transplanted persons in Connaught, besides what would be requisite to satisfy other persons provided for in the former act, but yet unrestored. This gave occasion to various computations and disputes about the materials and stock for reprisals; and to lessen the uncertainty and difficulty of that matter, the adventurers and soldiers consented to be reprised in quantity of acres only, and not in value, worth, and purchase. The Roman catholics at last, to end all disputes, proposed, that, if for the satisfaction of their interests, the adventurers and soldiers would part with one third of the lands respectively enjoyed by them on May 7, 1659, in consideration of their adventures and service, they were ready to agree to it. This proposal was in fine accepted; and one third of all the king's grants (except of those made to the dukes of York and Albemarle, the 304 earls of Anglesea, Orrery, and Montrath, sir H. Bennet, now lord Arlington, and some few others) being likewise retrenched, all matters of any consequence were thereby adjusted.

174 Thus was the settlement of Ireland at last effected by

the common consent of the agents of all the several interests concerned; and in consequence thereof the council on May 18, 1665, ordered, that the adventurers and soldiers should have two thirds of the lands whereof they stood possessed on May 7, 1659; that the Connaught purchasers should have two thirds of what was in their possession in Sept. 1663; that what any person wanted of his two thirds should be supplied, and whatever he had more should be taken from him; that the adventurers and soldiers should make their election where the overplus should be retrenched, and the forty-nine men should be entirely established in their present possessions. Upon these resolutions the act was ordered to be drawn up in form; and after various provisos in favour of particular persons were added to it, the duke of Ormond, the earls of Anglesea and Orrery, the lord Arlington, secretary Morrice, and sir Heneage Finch, were on July 8 following appointed by the council to peruse the act, and to adapt the particular clauses thereof to the general rules resolved by his majesty. This being done, nothing remained but to make an addition of twenty persons to the list of nominees, whom his majesty was by name to restore to their estates, and who were to be particularly mentioned in the act. In order thereto, the duke of Ormond, on the 24th of that month, presented to the king in council several lists of persons, which, before his coming out of Ireland, had been represented to him by the earl of Clancarty, the lord Athenry, sir Robert Talbot, Mr. R. Belling, and John Walsh, to be most capable of his majesty's grace and favour, under the several qualifications therein expressed. These lists and qualifications being considered at the board, the king was pleased to order the lord lieutenant to present to him the next day the names of twenty persons contained in the said several lists, to be inserted as nominees in the

explanatory bill; which was thereupon perfected and remitted into Ireland.

175 Whatever reason his grace had to be pleased with the good opinion which by this act of his confidence the king expressed of his unbiassed integrity and impartiality in the choice of the persons to be restored as nominees, it was far from being agreeable, and subjected him to inconveniences in other respects. He was limited to twenty; and as people have naturally a much more advantageous opinion of their own merits than they have of others, or than those others entertain of theirs, all that were left out of his list resented it as the highest injury, that, whilst they had as good a claim to the king's grace, others should have the preference. There were no particular exceptions made to any one of his list, as not justly entitled to his majesty's grace; all the complaint was, that the rest were left out; which was unavoidable in the case; and had the king himself, or any body else, pitched upon the particular persons to be named, they must have been liable to the same reproaches as the duke of Ormond suffered on this occasion. Men will never hear reason where their interests are concerned; and when these suffer, they will be sure to exclaim, right or wrong, against whoever is concerned in such a determination. This was a point in which the Irish were divided against one another, pleading their several merits, for which, themselves being judges, each party thought they deserved a preference. The gentlemen of the pale urged how unwillingly they had been forced into the rebellion, and how soon they had repented of being rashly engaged therein. Those of Munster represented, that they were the last part of the kingdom drawn into it, and the first which returned to their duty; that when <sup>305</sup> the peace of 1646 was rejected, and the united armies of the confederates besieged Dublin, the nuncio had such a

distrust of their affections, that not a man was drawn out of the Munster forces to assist in that siege; that they had shewed their resolutions to adhere to that peace in an extraordinary manner, by deserting Glamorgan, who was put over them by the nuncio's party in the council of Kilkenny, and joining Muskery; that the cessation with Inchiquin was entirely owing to them, to their threats of quitting the confederacy unless it was done; and this paved the way for the lord lieutenant's return to the kingdom, and laid the foundation of the peace of 1648, to which they had constantly adhered, and had borne the brunt of the war with Cromwell, holding out to the last moment they could get subsistence, and longer than any other part of the kingdom. The king very wisely removed the odium of a decision between these parties from himself, but it fell heavily on the duke, who, though he clearly foresaw the consequences and inconveniences to which the honestest discharge of that trust would expose him, still accepted it in obedience to his master's commands, and in virtue of that principle which had moved him all his life to sacrifice himself, as generously and nobly as ever subject did, for his majesty's service.

176 There was one gentleman omitted in this list, upon a supposition that he would be otherwise restored, being undeniably an innocent, and claiming an estate settled upon him by marriage articles, the validity and fairness whereof was not disputed. Sir Patrick Barnewall was the person; and this was the case. His father sir Richard being seized in fee of several lands in Ireland, did upon his marriage with sir Patrick's mother settle these lands to the use of himself for life, the remainder in tail to the first son begotten of them, with other remainders over. Sir Patrick was their first son, and born in the year 1635. Sir Richard was in the late usurper's time forced, for the support of his family, to take out a decree for lands in

Connaught; and soon after exchanged forty acres of those lands with another who had lands under the same title, who desiring sir Patrick to join in the deed as a party, he in obedience to his father agreed to it, being advised the same could be no prejudice to his estate in remainder. After the restoration, and pursuant to the act of settlement, sir Patrick entered his claim to the remainder vested in him in 1635, as an innocent person; and within the time limited by the act, brought it to an hearing. Thereupon it was objected that his claim ought not to be heard till such innocents as had no land in Connaught were heard. It was insisted on by his council, that he had no lands there, and that his father's acceptance of lands (being but tenant for life) could be no bar to the son, and that all or most of the small proportion of lands got in Connaught (and particularly the land given and taken in exchange) were restored to the earl of Clanrickard. Notwithstanding this, the commissioners of the court of claims postponed the affair (his father being then living) and refused to hear his proofs either as to title or innocency. The time limited by the act for hearing innocents was soon after determined, and by the explanatory act all benefit of innocency was taken away from all such as were not before adjudged innocent; so that sir Patrick found himself thereby deprived of his birthright, without any default or neglect in him, having done all that was in his power to recover it, but in vain. Thus was he barred of his own estate, the lands his father got in Connaught restored to the earl of Clanrickard, and his father, though one of the thirty-six meriting persons in the declaration, not restored to any part of his estate; a case so sad and particular, as none in the kingdom could pretend to, in all its circumstances. Sir Patrick after some years' fruitless proceedings in the way of law, applied to the duke of Ormond and council of Ireland<sup>306</sup> for relief. They, in justice to him, and in compassion to

his condition, certified the case here stated to be truly related ; that it was a singular one in its kind, and that the estate of which he was barred was worth two thousand pounds a year, recommending him to his majesty for some provision. The king, touched with the hardship of the case, granted him a considerable pension.

177 But whoever suffered by this act of explanation, nobody did it in such a degree as the duke of Ormond himself<sup>p</sup>. He had before given up above seventy thousand pounds, the moiety of the arrears due to him for his appointments as lord lieutenant of Ireland before the king's restoration, for which otherwise he must have had a vast quantity of land assigned him. This he had done, when the difficulty was first started about the stock of reprisals, for the better enabling his majesty to satisfy the several interests for which he intended to provide. He now made a much greater sacrifice, the more effectually by his own example to engage all parties to relax something of their claims, and to agree by common consent in a settlement<sup>q</sup>. There was now a greater number of nominees to be restored, and of reprisals to be found out ; and in order to a general agreement, it was necessary that the computations on these heads should be reduced to a reasonable certainty. This could not be done, unless the forfeitures given by the act of settlement to the duke of Ormond were made certain ; which could not be done in any reasonable time, because the certainty of it must arise from the knowledge of all the lands, and of the number of profitable acres forfeited and belonging to him, under any of the notions expressed in that act. It was therefore proposed to him, that he would pitch upon a proportion of land, or of rent to be made up of land, the most conveniently seated for him, in recompense of all the forfeitures (except those he was possessed of in corporations) vested in him by the act. The sum proposed to him was

<sup>p</sup> G. G. 97.

<sup>q</sup> W. W. 182.

five thousand pounds a year. The duke did not think it reasonable, that the whole settlement should stay till so great and difficult a work (as a particular account of all that was forfeited to him appeared to be) should be finished; and yet stay it must till then, or till he had agreed to accept of a certainty, in lieu of all his pretensions of that nature, since no computation of a stock for restitution or reprisals could be made, whilst what should accrue to him was not known, and the proportion supposed so very great, as to disappoint the whole work, if he should insist on the uttermost advantage, as he, or (if he should die) his son, might do, if they pleased. This inclined him to accept the proposal.

178 It hath been already observed, that the greatest part of the immense estate belonging to the house of Ormond had been granted out to gentlemen upon fee-farm or quitrents and military tenures, by which they were obliged to follow their lord, the head of that family, into the field upon any occasion of hosting; and upon failure thereof, the lands were forfeited to their lord; and that to prevent any interfering of the lord's rights, and those of the crown, the king had made the duke of Ormond a grant of all those forfeitures; which grant was confirmed by the act of settlement. The question was about the quantity of land thus forfeited, and the consideration offered by way of equivalent. The duke thought it proper to know in some measure what he parted with before he gave his consent, and wrote to John Walsh, a very good lawyer, a wise and an honest man, who had the chief care of all his estate and affairs, and managed both with great abilities and fidelity, to send him a particular thereof. Walsh had already got possession of so many of these lands as had the year before brought in to his grace a rent of four thousand four hundred pounds, and this year of five thousand pounds, and were still capable of being raised much higher, by being set upon leases. Walsh



was very averse to the proposal, and took occasion to re-<sup>307</sup>mind the duke, how much he had suffered by giving up sixty thousand pounds of his arrears, as a commissioned officer, upon a specious consideration of some houses in the corporations of Kilkenny, Clonmel, Carrick, Callan, Enisteoge, Traly, and Dingle, being left to him, which in reality was no consideration at all, his grace having as clear a title to those corporations as to any foot of forfeited lands in Ireland. Besides, though he might have made something considerable, if he had reserved to himself the burgage lands adjoining to those corporations, yet as he trusted to the bare houses within the walls, little or no benefit could be had by them; there not being so much as a garden to set with any house.

<sup>179</sup> With regard to the proposal on which he was now consulted, Walsh represented, that the forfeitures were so considerable, that though he could not as yet ascertain them all, yet he was satisfied they came to above six times the sum of five thousand pounds a year; that by his waving these forfeitures, many a man whose ancestors and himself had, several hundreds of years, depended on his grace and his ancestors, as holding their estates by tenures and entails; and whereof many were in hopes to continue their tenancy upon very considerable increase of rents, would by this means lose all; whereas it was his grace's intention to deal favourably, at least with some of them, who would now say, that upon this confidence they had neglected all other ways and means of endeavour for themselves; and he could truly say, that there were few counties in Ireland, whereof so few gentlemen were restored to estates, or were less provided for in Connaught, or had made so little application for themselves, (other than to his grace,) as the counties of Tipperary and Kilkenny; nor no part of Ireland had stuck so close to himself and his ancestors, as the gentry of those two counties

<sup>r</sup> H. H. 335, 349. I. I. 199. &c.

had done, who for that reason ought to be looked upon beyond others, so far as was reasonably possible. With regard to the consideration, if his grace should determine to accept it, he desired that it might not be in a gross sum of money, because it would make a greater noise than any of a different nature; nor in a yearly rent, for it would be more subject to question and charge hereafter, and sooner taken off, than lands could be; besides, in such a case, only the bare rent could be expected at the best, and that not without trouble and charge; whereas by taking it in land, he might be sure of an improvement. If land could not be had, he was of opinion that whatever yearly rent should be agreed on might be by way of chief-rent and tenure, and not by way of rent-charge or annuity. For the one carried with it an obligation of fidelity, affection, and perpetual dependency, homage and fealty by the rules of law being incident to it; the other neither. The one was a noble and profitable interest, the other a despicable, mean, and threadbare interest; the one would improve itself, for where the tenant should die without heirs, or commit felony, his estate would fall by escheat to the lord, with several other casual, yet frequent advantages, none of which could arise from the other; and it was consonant to reason, that parting with lands forfeited to him, purely by reason of his tenures, he should have tenures in the consideration given him. He was against parting with noble and ancient inheritances grounded upon high and honourable considerations, and thought these ought not to be shaken in the foundation and by changing them into another nature, so far to bury them in oblivion, as there should be no more memory thereof; whereby the consideration to be had in lieu of them would with far less difficulty be destroyed. In fine, if his grace had taken<sup>308</sup> his resolution, he desired him not to be shy in making the best bargain he could in reason for himself in the

matter, and as he was to give considerable estates to his younger children, not to undervalue and bring to nothing what was fallen to him by the forfeitures of his vassals, to please the humours, or rather to satisfy the particular designs, of others; amongst whom there was not one who would part with the least of this interest, were it his own, but upon advantageous terms.

180 To fortify this advice, and shew his grace what he was going to part with, Mr. Walsh sent him a particular account of the number of acres and yearly value of the lands, which were fallen to the duke by forfeiture, and were confirmed to him by the king's declaration and the act of settlement. By this account it appears, that in the county of Tipperary (where there could be no dispute of the duke of Ormond's royalties) these lands amounted to one hundred and forty seven thousand one hundred and seven acres, and their yearly value was 18,388*l.* 7*s.* 6*d.*; and in that of Kilkenny they amounted to fifty five thousand and sixty acres, worth 6882*l.* 10*s.* a year. These having been set out to adventurers and soldiers, were not yet in his grace's possession; but by the writings Mr. Walsh had undeniable proofs of his right. Besides these, there were other forfeited lands in those counties which had been allotted to adventurers and soldiers, but were now taken possession of for his grace, which amounted to twelve thousand eight hundred and eighty-four acres, and yielded a yearly rent of 1610*l.* 10*s.* The whole being two hundred and fifteen thousand and fifty-one acres, and 26,881*l.* 7*s.* 6*d.* a year. Mr. Walsh had not got time to digest so well and settle the value of the forfeitures in other counties, but in general he knew that Darcy of Plattin's estate, and three or four others which he mentions, and were all held under his grace, and consequently forfeited to him, amounted to eight thousand two hundred pounds a year, besides a vast extent of forfeited land in Kerry, which his grace had left to the adventurers

and soldiers, and large tracts which had fallen to him in other counties.

181 There are few people that would have parted with such an interest, and such a dependency as followed it, upon any consideration of the public good. But the duke of Ormond had a different way of thinking. He could not bear the reflection that the settlement of a whole kingdom should be delayed for his particular benefit or interest; especially in a time when the jealousy, envy and emulation, faction and self-interest, with other causes of disturbances, were so rife in the nation, and endeavours were used to raise them to such an height, as nothing but a speedy settlement could prevent the consequences thereof from being fatal; and that if the least mischief or inconvenience should happen by reason of such delay, there would not be wanting persons ready enough to lay it at his door. This reason determined him to give up his forfeitures; and as there was need of all the land that could be got, to serve for a stock of restitutions and reprisals, he agreed to accept a sum of money in lieu thereof. The sum was fifty thousand pounds, to be paid out of the year's rent of forfeited lands assigned to adventurers and soldiers, which being paid by them into the exchequer, was to be thence by the vice-treasurer issued and paid to his grace, or such other persons as he should appoint.

182 The duke of Ormond was the unfittest person in the world to make an advantage to himself by any grant, which related to the real or personal estates of persons, who though they had justly forfeited the same, and were made indigent and miserable only by their crimes, yet their sad and melancholy condition entitled them to his compassion. He had in the time of the troubles, to raise money for the supply of the army and service of the crown, entered into many judgments, statutes, recognisances, mortgages, and other securities to Roman ca-

tholics, who had forfeited the same to his majesty. All these were first by a special grant, and afterwards by the act of settlement, vested, and given to his grace as fully <sup>309</sup> as the crown enjoyed the same. But this was not the duke of Ormond's way of wiping off debts, and paying such as had advanced him money on his personal credit, or on the security of his estate and the prize wines. He proposed no other advantage by this grant, than to preserve his estate and settlements from being affected by those obligations and securities, and to reduce something of that exorbitant interest which had been demanded, and he had been forced to submit to, through the necessity of the times and the urgency of the king's service. <sup>s</sup>No sooner had he obtained the grant than he sent directions to Mr. Walsh to pay the persons who had advanced him the money on those securities their full demand in some cases, and a just and equal composition in all others. I find too by Mr. Walsh's letters to the duchess, (to whom all accounts of the estate, rents, disbursements, and family affairs were constantly sent, she charging herself with the direction thereof,) that he actually discharged and paid off those debts to all the Irish creditors that could be found, who either received their debts in money or in lands, according to the satisfaction they desired, which was made good to them answerable to the sums due to them upon account, to the full content of the mortgagees, who accordingly delivered up the deeds of their mortgages, to be cancelled, with other necessary discharges. His grace did not think it became him to make use of any advantage, that his power or the law gave him, to discharge any obligation he was under to others, either in point of justice or honour. In such cases he deemed it a mean action to derive a benefit to himself from the rigour of the law, or to take refuge in a privilege granted for the sake of the public service, and founded

<sup>s</sup> F. F. 93, 108. H. H. 265.

on a supposition of the virtue and honour of the persons to whom it belongs. It were to be wished every day might produce many such remarkable instances of the equity, honour, and magnanimity of our nobility: they would prove to them an ornament more graceful than their titles, and give them a reputation, which since the abolition of feudal tenures, and the improvements made of the trade of England, is almost the only foundation of a considerable interest in their country.

<sup>183</sup> The duke of Ormond had, in the distress of the army about Dublin, before and after the cessation, when no supplies came from England, borrowed great sums of money, and stretched his credit to the utmost in contracting debts to protestants who had not forfeited. Sir Philip Percival and others were joined with him as sureties for those debts, and a very considerable part of his estate was engaged for saving harmless those sureties. These now lay heavy upon him, and gave him great uneasiness, amounting almost to the sum of fifty thousand pounds. A desire to discharge himself of this burden inclined him to accept of a compensation for his forfeitures in money rather than in lands; in which he imagined that he should meet with much trouble in making bargains and distributions with and betwixt proprietors and present possessors. Thus he accepted of that sum, and gave up all the forfeited estates to which he was entitled, and which, adding those in the counties of Dublin, Meath, Kildare, Catherlogh, Waterford, Cork, Kerry, and Galloway, to the lands already mentioned in the counties of Kilkenny and Tipperary, contained between three and four hundred thousand acres. Nothing causes more uncomfortable reflections, and ought to raise a greater indignation in the candid part of the world, or is indeed a more affecting discouragement to generous actions, than to see them returned with ingratitude. The duke of Ormond met with too much of that kind of return; and

after making such a prodigious sacrifice to the settlement of Ireland, and to satisfy the pretensions of the several<sup>310</sup> contending interests, some of them, ill judges of men, or ill acquainted with the true state of things, and blinded by their passion of self-interest, which generally excludes all other considerations, have not scrupled to asperse his memory with the charge of making petty and unworthy gains by a settlement, in which he gave up the justest demands, and greatest acquisitions of his own, to content other people in their claims, which were infinitely less considerable to each particular, and in many cases sufficiently unreasonable. It were at least to be expected that the sum of money for which he parted with so vast an interest should be regularly and seasonably paid him for the discharge of his debts, but instead thereof, whilst he depended upon that payment, the continued failure thereof for many years involved him in heavier debts and difficulties, and laid the foundation of those encumbrances which caused a dissipation of the best part of the old estate of the family, as will appear hereafter.

184 Whilst the duke of Ormond was thus hurting his private fortune for the sake of the public, he received some comforts in it by the happy increase of his family. His second son the earl of Arran was married in Sept. 1664 to the lady Mary Steward, the only surviving issue of James late duke of Richmond and Lenox, by Mary the only daughter of George Villiers, the first of that name duke of Buckingham. She was a young lady of admirable beauty and excellent understanding, adorned with those graces which add charms to the finest person, and endowed with all those virtues which are the best ornament of her sex, and contribute most effectually to the happiness of a married life. The duchess of Ormond, her mother-in-law, who was never used to exaggerate matters, said of her, that she was the best and most accomplished person she ever knew. Never had any man more

reason to think himself happy than the earl of Arran had in this marriage, which seemed to promise other advantages; for if she had left issue, her child would have inherited all the duke of Richmond's estate and honours in Scotland, and would have been heir-at-law to the duke of Buckingham's estate in England. But he was too soon bereft of the happiness he enjoyed in such a consort, which he had reason to expect would daily improve; for she died in July 1667, without issue, at the age of eighteen, and was interred at Kilkenny with all the pomp that her quality and the memory of her virtues deserved. The like solemnity had never been seen in Ireland.

185 The earl of Ossory had in the year 1664, on June 13, lost a son by the fault or unhappy constitution of the nurse, to whose care the child was committed; a trust of greater consequence to the temper and qualities, as well as health of an infant, than seems generally to be apprehended. He had that loss soon after repaired by the birth of another son, who was called (as the former had been) by the name of James, and lived not only to succeed his grandfather in his honours, but to distinguish himself by a series of services to his country, and acts of generosity to private men, so as to engage the affections of the world in general, and gain such a high degree of popularity as few subjects have ever enjoyed, and none can enjoy without the envy of others. He was born this year in the castle of Dublin on April 29, in the morning. The joy which the duke his grandfather received on that occasion was not long after in some measure qualified by the death of his daughter, the countess of Chesterfield, who died in the July following.

186 The bill of explanation for the final settlement of Ireland, after various interruptions by the plague, and a multitude of debates at Sion-house, Hampton-court, and other places, being at last adjusted by the general con-



sent of all parties, had the great seal affixed to it at Salisbury, from whence the duke of Ormond set out in August for that kingdom. He stayed a few days at Bristol to make some provision for the peace of that city, then divided into factions, and ready to break out into <sup>311</sup> tumults; and having put matters into the best state he could to prevent the disturbances which were threatened, he proceeded by Gloucester and Hereford to Milford Haven, where he embarked for Ireland, and landed at Duncannon fort (of which he was governor) on the 3rd of September. The earl of Ossory waited on him there immediately after his landing, and surrendered the sword; but his grace thought fit to pass a month at Kilkenny to prepare matters for the opening of the parliament, which he prorogued by proclamation till the 26th of the next month. The principal business of the session was to pass the act of explanation, in which a good deal of difficulty was expected, and the fate of it was looked upon as uncertain, considering the temper of the members of the house of commons, and the heats which they had expressed towards the conclusion of the last session about two years and an half before. Something hath been already said of their complaints against the commissioners for executing the act of settlement, and the rules which they were for prescribing to those commissioners in their proceedings, and which were so inconsistent with reason and equity, that they were evidently calculated to defeat the design of the act, (which had established other rules,) and to render it impossible for any one Roman catholic to prove himself innocent. The act by which the commissioners were to judge had been framed and passed without the advice or concurrence of one Irishman or Roman catholic. The rules by which they were to proceed were expressed in that act, and the commissioners chosen by the king were Englishmen, protestants, men of good reputation for parts and integrity, without any

relation to Ireland or Irishmen. Yet because they did not adjudge all that appeared before them to be nocents, the majority of the commons, and their speaker in his senseless and invective oratory, had endeavoured to represent them to the world as partial to the Irish papists, and aiming at the destruction of the English interest. The king had on that occasion justified his commissioners, and expressed his resentment at the proceedings of the commons, in such terms of resentment, that it may not be unworthy of the reader's curiosity to see the words of his letter to the lord lieutenant upon this subject; which are these :

- 187 “Right trusty, &c. With what care and kindness we have done our part for the settling that our kingdom; how graciously we have proceeded towards very many, who had not deserved very well from us; what vigilance we used in the choice and election of fit and worthy commissioners, of unquestionable reputation for their religion, integrity, and abilities for the execution of our act of settlement, when the partiality and corruption of our former commissioners had even discredited the declaration itself, no man knoweth better than yourself, who can bear us witness how much we take to heart the preservation and improvement of the true protestant English interest there; and therefore we are the more astonished at the information we have received of the strange proceedings of our house of commons in that kingdom; so that we can as little guess at the motives to such disrespect, as we could have imagined it could have come to pass. We hear that a bill transmitted from you and the council to us, and returned by us *in terminis*, as it came, without the least alteration, is thrown out of their house, without so much as being admitted to a second reading, and reflected upon by some (to whom we have been but too gracious) with scornful and unworthy expressions: that our commissioners, chosen, appointed, and sent immediately by ourself, have been threatened with charges of high treason; and ignominiously traduced, for nothing as we can yet hear of, but putting the commission we gave them in execution, and proceeding according to their conscience and duty. We are sure these affronts have 312

been done them by those we neither did nor do intend shall ever be their judges, by no means approving that the same men should be makers of the law, judges, parties, and witnesses; all which we find pretended to. And in the next place we cannot, without much resentment, think upon their presumption in offering rules and directions to you and our council, as orders for our commissioners' proceedings, the act allowing them no share in that jurisdiction; but subjecting them, indifferently with all other our subjects of that kingdom, to the judgment of such as shall be commissioned by us. Lastly, We cannot but dislike the liberty they have arrogated to themselves in voting their votes and speaker's speech to be printed, as if the liberty of saying what they would, were so far from being confined to their house, that it had neither bound of place nor time. How bountiful we have been to these men in passing this act, to their benefit and our own damages, and how careful in choosing honest and disinterested commissioners, is sufficiently known to both kingdoms; but we would have you let those men (who principally contrive, foment, and cherish these distempers) know, that if they have surfeited so much of our goodness as to nauseate it, we can be as just as we have been kind, and punish the insolent as well as cherish the penitent. In short, we are highly concerned in those affronts and contempts of our authority and government; and had we not a person to represent us, to whose wisdom, justice, courage, and loyalty we can have no interest too considerable to intrust, we should have given particular directions how to resent these misdemeanours. But having you there, sufficiently by us empowered for the vindication of any invasion made upon our authority, or affronts offered our government, we shall content ourselves only to repeat to you, that we are highly displeased at these irregular and ingrateful proceedings of our house of commons, and leave it to you to let them know it in such a manner as you shall think fit. And in case of pertinacy, and justifying such proceedings, you may proceed to such evidences of our displeasure as you shall think meet, even to the dissolving of them, if in your judgment it shall appear expedient. Lastly, we recommend to you the care and protection of our commissioners, to see such punished as shall either insolently threaten or scurrilously and scandalously either deride or revile them. The authority they act by is ours, and the affront done to that authority

is to us; and we doubt not but that you will so resent it. This is what we have thought fit to communicate to you of our judgment upon this matter. And so we bid you heartily farewell," &c.

188 The king, though he thus vindicated the authority and integrity of the commissioners, thought fit however to leave three of their number, which were most distasteful to the violent part of the house of commons, out of the new commission for executing the act of explanation, the better to reconcile them to the act itself. The duke of Ormond apprehended difficulty enough in getting it through the house, and took his precautions accordingly. All the members were interested one way or other in it; most of them as adventurers and soldiers, who were to give up a third part of their lands. It is a very difficult matter to persuade people to hear reason when it seems to clash with their interest; but the general good of the kingdom so evidently required an immediate settlement, and the danger of leaving a whole nation under all the uneasinesses which the uncertainty of their fortunes could not but produce, (especially in a time of war with the Dutch, who would not fail to make an advantage of a general discontent,) was so imminent, that nobody of good sense could oppose the act (which could not be altered after the broad seal was put to it) without having some further ill designs. His grace did not fail to urge these<sup>313</sup> and other considerations to the more moderate, as lord Orrery and Dr. Gorges did with the more violent part of the members, upon whom they had a good deal of influence. His grace did not set out for Dublin till the middle of October; but they went thither some days before him to try what effect their remonstrances would have upon the interested persons, in order to form a probable conjecture at the success, and take measures accordingly.

189 The title of lord mayor had been lately conferred upon the chief magistrate of Dublin, and sir Daniel Bellingham

was the first that bore that title. He had been just before chosen into that office, and when the duke of Ormond was on Oct. 17 to make his entry into the city, he took particular care that nothing should be wanting which could contribute to the advantage of the solemnity. When his grace was advanced within six miles of the place, he was met by a gallant troop of young gentlemen, well mounted, and alike richly attired; their habits a kind of ash colour, trimmed with scarlet and silver, and all in white scarfs, and commanded by one Mr. Corker, a deserving gentleman, employed in his majesty's revenue, with other officers to complete the troop; which marched in excellent order to the bounds of the city liberty; where they left his grace to be received by the sheriffs of the city, who were attended by the several corporations in their stations. After the sheriffs had entertained his grace with a short speech, the citizens marched next; and after, the maiden troop; next to that, his grace's gentlemen; and then his kettle-drums and trumpets; after them the sheriffs of the city bareheaded; then the sergeants at arms, and their pursuivants; and in the next place followed his grace, accompanied by the nobility and privy councillors of the kingdom; after them, the life guard of horse. Within St. James's gate, his grace was entertained by the lord mayor, aldermen, and principal members of the city on the right hand, and on the left stood six gladiators stript and drawn; next them his grace's guard of battle-axes; before them his majesty's company of the royal regiment; the rest of the companies making a guard to the castle. The king's company marched next; after, the citizens; then the battle-axes; and thus through a wonderful throng of people, till they came to a conduit in the corn-market, whence wine ran in abundance. At the new hall was erected a scaffold, on which were placed half a dozen anticks; by the Tollsels was erected another scaffold, whereupon was represented

Ceres under a canopy, attended by four virgins. At the end of the Castle-street a third scaffold was erected, on which stood Vulcan by his anvil with four Cyclops asleep by it. And the last scaffold was raised at the entrance into the castle gate, whereupon stood Bacchus, with four or five good fellows. In fine, the whole ceremony was performed, both upon the point of order and affection, to his grace's exceeding satisfaction; who was at last welcomed into the castle with great and small shot; and so soon as the streets could be cleared of coaches (which was a good while first, for they were very many) the streets and the air were filled with fireworks, which were very well managed, to complete the entertainment.

190 To provide against all events, the lord lieutenant determined that the act should not come immediately before the house of commons till good members were chosen to supply the vacancies which had happened in the interval of the sessions; and such he took a particular care to recommend. As this act was the chief business of the session, and more important than any other, the house would naturally call for it immediately, unless some other business was cut out for them to employ their time. Nothing was so proper for this purpose as the plot and general design of an insurrection, which had been discovered in May 1663, just after their last recess, and to which the violent proceedings of the commons, and the unhappy vehement harangue of sir A. Mervyn, had given<sup>314</sup> too much countenance. It was fit the house should vindicate their own honour, and free themselves from all suspicions of intending to give encouragement to that design, by passing a censure upon such of their members as were proved by clear evidence to have had an hand in the plot. Too many of the house, and indeed the speaker himself, (according to some informations, which the lord lieutenant's prudence made him conceal,) had been dabbling in it, and were afraid his grace had evidence enough

against them ; so that there was a general contention who should shew their zeal and distinguish themselves most in a point, where none could appear cool without raising suspicions of his own designs. The duke contented himself with laying before them the examinations which proved the guilt of seven of their members, who being thereupon expelled made way for new elections. He thought it proper to begin that affair with laying before them his majesty's letter above mentioned, which served very well to shew them the ill consequences of their former violent proceedings, and to intimidate them with the fears of a dissolution ; in which case they could not expect to have another parliament so composed as to be favourable to their interests, and then they might possibly be plagued with commissions of inquiry into their admeasurements and valuations, and be subject to greater defalcations. That letter was laid before them on Oct. 26, the first day of their session ; and immediately produced an order of submission to his majesty's pleasure, and of retraction of the error they had committed in passing a censure upon the commissioners of claims ; and a declaration expressing their abhorrence of the late conspiracy.

191 After sixteen days spent upon the subject of the plot, the lord lieutenant sent the act of explanation to the commons ; where an opposition was made against it upon different views and considerations. Some were against it only for the want of security which they believed to be in it ; and these were not for throwing it out, but only for suspending it, till a supplementary act could be drawn and passed at the same time. These perhaps saw not the bottom of the design, which the disaffected party in the house had of rejecting it, in order to involve the kingdom in new confusions. Others, who believed it sufficiently secure, were yet against it, because they did not find themselves so well provided for as they thought

they deserved, or as others, who (perhaps they might truly and modestly believe) deserved no better than they. These were in hopes, by a new transmission of the act, to mend themselves, or to bring others to their own condition; which though none of the most commendable, is yet a very frequent disposition. There were likewise some others against the present passing of the act, who were as faithful to the king, and affectionate to his service, as any persons whatever; but these departed from their own sense, interest, and animosity, as soon as the lord lieutenant could have time to discourse with them, and convince them of the mischiefs of a delay; and that the act was the most favourable one for the English interest that could either with honesty or modesty be contrived.

192 When the act came to be debated, the house expressed themselves satisfied with the general scope and design of the act; but objections were made to some particular clauses. The principal of these was the *vesting* clause, with regard to which there was indeed some colour (but no more) to doubt, whether it would be sufficient to save them from lawsuits for the future. It was expressed in the same terms that were made use of in the former act, and by it all lands of Roman catholics were declared to be vested in the king, *by reason of, or upon account of the rebellion or war*; whence it was questioned, whether in order to prove his majesty's title it was not necessary to bring direct proof that the former proprietor had been in rebellion or war, or at least that the lands were seized on 315 that account, which proof would in all cases at such a distance of time, be very difficult, and in some impossible to be made. This affected the security of every man's estate, and indeed the foundation of the act itself; for if the lands were not duly vested in his majesty, they could not by his letters patents be duly conveyed to the several persons interested. There were some other doubts,



whether the words made use of to convey lands to adventurers and others were clear and express enough for that purpose; whether the exception of the lands of protestants might not occasion danger by others pretending to have been so in 1641; some exceptions made to the vesting of the knight of Kerry's and captain Mac Gil's lands; to the shortness of the time allotted for the raising of the year's rent, the power given to assessors for levying a sum to defray the charges of the agents of the several interests, to the account for the mean profits of supernumerary lands on the doubling ordinance, and the disposal thereof, and to the intrenchments made by private provisos upon the interest of the forty-nine officers. These objections being put into a petition were on Dec. 11 presented to the lord lieutenant, who told<sup>t</sup> them they should soon have a written and particular answer, but in general he assured them, that as the king's intention was punctually agreeable to the scope and design of the bill, so nothing should be left undone that might render those intentions effectual to them, and obviate even colourable apprehensions; that he did not wonder they were so careful in examining into the provisions made for the security of their whole fortunes, but desired they would not dwell long upon scruples, or be fond of debating on niceties, to prevent remote, improbable or inconsiderable inconveniences, at a time when it might be presumed their open enemies abroad, and concealed ones at home, might be contriving the subversion of all the three kingdoms. In conclusion, he bespoke their confidence in himself, that he would never positively undertake to them more than he really meant, and was well able, by and under the authority of the king his master, to perform.

193 Two days afterwards his grace thought it proper to communicate to the house some advertisements, which were sent him by the lord Arlington, of the warlike pre-

<sup>t</sup> Append. No. XLIII.

parations made by the king of France, (who had lately declared he would assist the Dutch in their war against England,) and the great number of forces that were drawn down to the coasts of Normandy and Bretagne, and lay there in readiness to embark. The house, alarmed by the sense of the common danger, immediately resolved upon a declaration, that they would stand by his majesty with their lives and fortunes, and were the better disposed to get over all the little scruples which lay in the way of the settlement, in order to provide the better for the general security. The way thus prepared, the lord lieutenant, after consulting with the judges, and by advice of the privy-council, sent on the 16th an answer in writing to the petition, signifying to the house, that by the act there was a sufficient power lodged in the lieutenant and council to explain any doubtful parts, and amend any defects in the act, and assuring them that the vesting clause should be explained and amended according to their construction; that the like explanation should be made with regard to the settlement of the estates of adventurers and soldiers, which should by their letters patents be conveyed to them in fee simple; that care should be taken that no protestant who had joined with the rebels before the cessation should have the benefit of the saving clause in behalf of the estates of protestants; that a longer time should be allowed for the payment of the year's rent; 316 the cases of Fitzgerald and Magill be considered and relieved, and in general the council had unanimously resolved, in case any defect or obstruction should hereafter appear, to transmit in due time bills into England for removing the same, to which they did not doubt but his majesty would readily give his consent.

194 It was thought proper, that as soon as this answer was read in the house, the first question to be put should be, whether it was satisfactory; and in case there appeared no great difference in the sound of the yeas and nos, to

divide the house upon that question. If that vote was carried, the next necessarily must be for passing the bill; and if it was not carried, there would be still no hazard of the bill's being rejected, but time would be had to form new resolutions. The confidence which the house had in the lord lieutenant's assurances (an advantage which he derived from the constant correspondence between his actions and professions, which had established a general opinion of his sincerity) was such that the point was carried; otherwise there was reason enough for this precaution, and for the apprehensions on which it was grounded. It was this opinion turned the scale, for though there was no division upon the main question, whether the answer was satisfactory to the petition, yet the previous question was only carried by a majority of nineteen, the numbers being ninety-three on one side and seventy-four on the other. This passage shews sufficiently how impracticable it would have been to have got a bill passed with further advantages to the Irish. When the answer was voted satisfactory, the house passed the bill without a dissenting voice, and returned the lord lieutenant thanks for his answer. In the height of his satisfaction upon that occasion, he made them a reply, which was as much to theirs, and produced a request that it might be printed. His grace told them that his speech was unpremeditated; so that it would be hard for him to remember the same words; but as he should never forget the matter, he would recollect his thoughts, and gratify their desire. This he did on Dec. 23, when he gave the royal assent to the act; delivering at that time the substance of his former speech<sup>u</sup> considerably enlarged, and causing it to be printed at the desire of the whole parliament.

195 Thus was passed an act, which fixed the general rights of the several interests in Ireland, and laid down a final

<sup>u</sup> Append. No. XLIV.

and invariable rule for the settlement of the kingdom. But this was only the beginning of that great work; the rest depended upon the execution of the act, and the application of that rule to particular cases. For this end five commissioners were appointed, sir Edward Smith lord chief justice of the common pleas, sir E. Deering, sir Allan Broderick, sir W. Churchill, and colonel Edw. Cooke. They in all difficult and doubtful cases were to resort to the lord lieutenant and council for directions, which these were particularly authorized to give, and the others were obliged to follow. The intricate and perplexed circumstances of an almost infinite number of cases, caused a continual application to the state, and the duke of Ormond, who was at the head of it, had full employment for some years afterwards in providing for an impartial execution of the act. Continual attempts were made to invade it, by procuring letters from the king for preference of claims, and grants of different natures; and it required a person of his grace's steadiness and unbiassed regard to justice, to prevent such invasions. He had before always put a stop to such grants, and thereby created to himself many enemies; and he never failed to do so on all occasions, notwithstanding the ill-will and resentment which it would necessarily occasion in the particular persons, who were thereby disobliged, and after all their pains, in soliciting and obtaining such letters and grants, found themselves at last disappointed.

196 Nothing was ever more seasonable than the passing of this act of explanation. It served to quiet the minds of the generality of the people of Ireland, who otherwise would in all probability [have] been thrown into despair, and into all the unhappy measures which despair and the prospect of certain and approaching ruin is apt to produce, by an act which not long after passed in England. The English seem never to have understood the art of governing their provinces, and have always treated them

in such a manner, as either to put them under a necessity, or subject them to the temptation, of casting off their government whenever an opportunity offered. It was a series of this impolitic conduct which lost them Normandy, Poitou, Anjou, Guyenne, and all the dominions which they formerly had in France. I have seen in the registers of the parliament of Paris, and the king of France's *Tresor des Chartres*, an infinite number of appeals to that parliament, and memorials of grievances, which the gentlemen and inhabitants of those provinces suffered from the English government, representing their oppressions so grievous as is scarce to be conceived, and makes it no wonder that they embraced a favourable occasion of shaking off a yoke too heavy to be borne. Hence was it, that though all the proprietors of lands in those countries were obliged by their tenures to follow the dukes of Normandy, Guyenne, &c. in their wars, and constantly did so in opposing the French before those duchies were united to the crown of England, yet afterwards they had such an ill-will to the service, that they scarce ever appeared in arms to perform it; and whilst one hundred thousand vassals, under the like tenures, served in the armies of France, the kings of England were forced to fight their battles (particularly the famous ones of Cressy and Agincourt) with only those forces which had come over with them out of this kingdom. Hence was it that when Rochelle, Saintes, Engoulesme, and other towns in those provinces, submitted to the kings of France, they took particular care to insert in their capitulations an express article, that in any circumstances or distress of the affairs of France, they should never be delivered back into the power of the English. It is not a little surprising that a thinking people, as the English are, should not grow wiser by any experience, and after losing such considerable territories abroad by their oppressive treatment of them, should go on to hazard

the loss of Ireland, and endeavour the ruin of a colony of their own countrymen planted in that kingdom.

197 The house of commons of England had in June 1663 ordered a bill to be brought in for restraining the importation of fat cattle and sheep from Ireland and Scotland. They had found upon inquiry, that for three years past there had been one year with another about sixty-one thousand head of great cattle brought over in a year from Ireland; and thought that a prohibition of such importation from that country after July 1 in each year, and from Scotland after the month of August, would be sufficient to prevent any inconvenience to the sale, or any lowering of the price of cattle fed upon their own lands in England. This bill had a quick passage through the commons, and met with little opposition in the house of lords, there being scarce anybody there who knew the true state of Ireland, and the earl of Anglesea arriving from thence only time enough to be present at the last question, and to enter his protest against its being passed. His lordship came instructed from the lord lieutenant and council to oppose the restraint, of which they had the later notice in Ireland, because it was done, not by a particular bill on that subject alone, but by a clause in a general *act for the encouragement of trade*. The inconveniences of this restraint coming, in the year following, when the act took place, to be severely felt in Ireland, the council of trade, which the duke of Ormond, in imitation of what his majesty had done in England, and out of a desire to encourage and advance the commerce of Ireland, had lately formed in this latter kingdom, and which consisted of several gentlemen of considerable estates and fortunes, and of the most intelligent merchants of Dublin, that held correspondence and trafficked in England and other countries abroad, drew up a representation thereof, and presented it to the board. They set forth therein, that the late restraint of exporting

their cattle and sheep under very great penalties had caused such exportation wholly to cease for several months past, and had occasioned grievous complaints of the people from one end of the kingdom to the other; that by reason of this total restraint very many of the tenants of the nobility and gentry in the country began to throw up their leases, so that without a speedy care therein the whole country was like to be dispeopled; that thereby his majesty's customs both for cattle and other commodities returned thither from England as their product would fall in their value so considerably, that the charge of maintaining the army and civil list (which had formerly in a great part been paid out of the customs) could no longer be defrayed without more than ordinary supplies of money out of England; that it had put a great stop to trade, live cattle being at that time the chief staple commodity of Ireland, and their great cattle slaughtered and salted, bringing but small profit to the kingdom; because, through the poverty of the country, the people were necessitated to kill them very young, and at least three years sooner than cattle of that sort used to be slaughtered in England for exportation as barrel beef; and because, through the same poverty, Ireland had not ships to export their beef, so that by this means there would be little money stirring in the kingdom, and the rents of lands would become little worth; that the trade of Ireland depending chiefly on the credit it had in England, from whence they fetched all their fine cloth, fine stuffs, stockings, hats, and all things necessary for the wearing habits of their nobility and gentry, and likewise most of their Canary wines, and all their East India commodities; and the way of traffick of the Irish being to fetch those commodities from London upon credit for half a year, and then to send thither either ready money for those commodities, or bills of exchange, to the enriching of that city, and consequently of that king-

dom, the credit of Ireland, through the apprehension of the poverty that it would fall into by the restraint on cattle, was brought so low in London and elsewhere, that the Irish could not be trusted as formerly for commodities; and, what was worse, the English generally called in all at once for their money, to the utter impoverishing of the people of Ireland.

198 To these considerations they added others relating to the interest of England, insinuating that all the trading towns and boroughs in that kingdom would suffer by beef and mutton growing dearer, which would necessarily raise the price of wages; that particularly in Chester and Wales a vast number of families would probably be undone, if the restraint continued, there being hundreds of sail of ships lying in those parts, which had been chiefly built for and employed in carrying the cattle of Ireland (which had no shipping of its own) into England; and this was not the only point by which that country would be prejudiced, since they would not vend the same quantity of Welsh coals as they did formerly; for whereas before the said restraint many English ships brought coals to Ireland all the summer long, that trade had now ceased, and very few could be brought in the winter by reason of the danger of the Irish seas, and the winds being seldom fair for a passage from England thither in that season. In conclusion, they hoped that his majesty, according to the words of his declaration for the settling 319 of Ireland, would not suffer his good subjects to weep in one kingdom whilst they rejoiced in the other, and humbly prayed a remedy in a point whereon the livelihood of his people of Ireland depended in a very high degree.

199 This representation was on Nov. 9, 1664, transmitted by the earl of Ossory and the council to the duke of Ormond, who was then in England, in order to be presented to his majesty. The council in their letter confirmed the substance thereof, and represented further,



that all parts of Ireland were by occasion of that act suddenly sunk into a sad degree of poverty through the scarcity of money, and that poverty daily increasing; that the cattle (the principal means of bringing money into the kingdom) lay on people's hands for want of buyers; that the husbandmen could not continue their tillage for want of money even to pay wages and provide other requisites for it; the tenants were disabled to pay their rents to their landlords, as these were to pay theirs to the king, and that both tenant and landlord were disabled to pay the subsidies and other public taxes; that the trade of the kingdom suffered exceedingly, which would occasion a failure in the customs and excise, and defeat all the measures that had been taken to make Ireland defray its own charge, without being any longer a burden to England; that the misery fallen upon the kingdom by this restraint was too sensibly felt by all persons of all qualities and professions throughout it; so that it was become an occasion of public grief and discontent in the minds of the people, and being in effect the concern of the whole kingdom, they were very apprehensive of the consequences thereof in its present unsettled condition.

200 The duke of Ormond laid this representation before the king, and enforced it with all the arguments and instances he could use. He had too much reason to insist on the poverty of Ireland, and the cruelty of such a treatment of a colony, which all wise states, especially the Roman, thought it their interest to encourage; that the restraint on their cattle was the greater grievance, because coming so soon after the people of that country had been harassed by the late wars, and before they were in a condition of making improvements on their lands by the settlement of the kingdom being carried to perfection; that their trade was but little at the best, and that little would be now destroyed; that they had no manufac-

tures, and of their native commodities that of cattle was their best; that their sheep and cattle were vendible alive nowhere but in England; and what might be made of them when dead, as hides, tallow, and flesh, which at other times might be vended in France and Holland, could not be made now, because of the war already begun with one of those countries, and of the rupture apprehended with the other; by the late acts for encouraging the trade of England, they could not send them to the plantations in America, and the charter going to be granted of a Canary company would prevent their being sent to those islands; and these were the only places where they could propose a tolerable market for those commodities; for their Irish beef was not to be disposed of in all places, being deemed of little value in most parts of Europe, though, after being husbanded in England, it passed for English beef, and was famous over all the world. And as for the produce of sheep, wool, and wools, the Irish were expressly restrained by statute from sending them any where but to England, though they might get fifty per cent. more profit by the sale of them in other places, if licensed to send them thither. He put the king in mind how much his own revenue would be impaired, not only in Ireland, where the excise would be lessened, for people could not spend unless they could get, where it would be difficult to find money to pay the 320 subsidies, when they received none for their commodities, and where the customs that used to be paid for the export of cattle to England, and the import of the proceed of them in artificial commodities from thence, would entirely cease for the future; but also in England by the failure of the very same branches of the customs, and the necessarily increased charge he must be at to supply Ireland, when reduced to such a condition as not to be able to support the charge of its own government.

201 He considered his majesty as the common father of

both his kingdoms, and hoped he would not consent to the utter ruin of one, for the sake of an inconsiderable advantage, or to prevent a small and imaginary detriment to the other. For the value of all the Irish cattle that had come over in three years did not amount to above one hundred and forty thousand pounds a year, one with another, which was not above the sixteenth part of the value of the rents of England, which therefore could lose no more, whereas the rents of Ireland would be sunk one third by the prohibition; and if near seventy thousand cattle had been sent over for three years past, that number would be continually lessening in proportion as Ireland grew more populous, which was naturally to be expected after the settlement, and which, causing a greater consumption at home, would allow the less of that commodity to be sent abroad. Nor were the English averse to every branch of trade relating to Irish cattle; for they desired the hides, tallow, and wool; nothing was excepted against but the flesh, which too was at some times convenient, the Irish cattle, as coming from a coarser pasture, feeding sooner, and keeping their flesh longer than the English, and by that means fit to be sold early in the spring, when the others were not; so that one part of the year their cattle was desirable, and was so at all times to make provisions cheap. And though the breeders in England exclaimed against their importation, it was very agreeable to landlords that had fattening land, who, in case it was stopped, would want stock for their land, and be left at the mercy of the breeders, so that these would thereby become a sort of monopolizers, and might sell their cattle and rent the fattening lands at their own rates. He thought that those who were most violent for the prohibition, and pretended that the rents of England were sunk of late two hundred thousand pounds a year, were much mistaken as to the cause; at least the cattle, which exceeded not the value of one

hundred and forty thousand pounds, could not be the sole cause: other reasons might be assigned for it; as, the revival of Lent after a long disusage; the excessive drought of the last summers, which hindered cattle from grazing; the retreat of abundance of sectaries to the American plantations; the plague, which had destroyed a multitude of mouths that used to consume provisions; the obstruction given to trade by the war with Holland; the laying aside of the old hospitality used in the country; and the general decay of the English manufactures. But it could not justly be ascribed to Irish cattle, because far greater numbers had been imported before the troubles of England than had been since; and yet at that time there were no complaints of the falling of rents, which were then rather improving.

202 He was apprehensive that the prohibition would be attended with very unhappy consequences to England; that it would certainly raise the price of victuals, not only of beef, which contributed to the strength of labourers and manufacturers, and consequently to the despatch and cheapness of work, but also of corn, by the encouragement it would give to pasture, and the damage that ploughmen would suffer through the dearness of young cattle; that this dearness of victuals would not only raise the clamours of the poor, but enhance his majesty's charge in victualling his navy, paying his army, and maintaining<sup>321</sup> his court; that if his majesty's charge increased, the taxes of England must increase likewise, and the people would be less able to bear them because of the damage which the dearness of provisions would do their trade, for wages would of course be enhanced, and as the value of commodities depended upon labour, so labour was to be valued according to the rates of victuals and taxes, the raising of which might enable foreigners to undersell the English; that gentlemen would not find their account in it as they proposed, for they must pay dearer for the

artificial commodities which they wanted, if tradesmen paid dearer for their natural ones, since in such case they must sell dearer within doors, in proportion to the sale of cattle without; and landlords would get little by increasing their rents, if their expenses increased at the same time, especially if their tenants suffered by the decay of trade; for rent was only the remains of the produce of the land, and of the industry of the farmer's family in spinning, carding, and other works, which depended on trade. He was fully satisfied, that however Ireland might be distressed at present, England would at last be the sufferer, and he did not see why the fish-trade should be encouraged for a nursery of seamen, though it was an hinderance to grazing, and yet the same reason should not prevail for the allowance of Irish cattle, upon which such a number of shipping and seamen were employed. Ireland lost on the balance of its trade with England, and carried no money from thence, but only commodities; the Irish had hitherto paid that balance in money, but now would have none left to purchase those commodities. Those which they brought from England were artificial ones, whereas those they carried thither were natural, and the English had all the gains of ripening and manufacturing them. The Irish could not take the English manufactures unless the English took their cattle, and by the prohibition the people employed in the manufactures vented only in Ireland must be ruined; for to want a vent was the same thing as to want work, and must consequently lessen the useful part of the people. In fine, he thought that the prohibition of their cattle (without the sale of which the tenant could not pay his rent, nor the landlord live) would force the Irish to trade with foreign nations for such commodities as they used to have from England in exchange for their own; and if they once should find a way to grow rich without England; if they by law, example, or necessity

should either forbid or forbear consuming the English manufactures, or set up others of their own, England might then perhaps have as much reason to complain as the people of Ireland had at present; and how far this might in the end lessen the dependence of Ireland upon England (that dependence being chiefly preserved by the trade between the two nations) was well worthy of his majesty's consideration.

203 The king was entirely convinced by these reasons, that the restraint upon Irish cattle was not only very prejudicial and grievous to Ireland in its present situation, but would in the end prove of fatal consequence to the trade and interest of England. But as the commons were violently set upon it, he durst not attempt to give Ireland any relief in the case by dispensing with that restraint, as he did with other clauses, in the same *act for the encouragement of trade*, and in another passed a little before *concerning trade, shipping, and navigation*, relating to the regulation of ships trading to Norway and the Baltic, and the not employing of foreign ships or seamen in our plantation trade, though they unladed only in the ports of England; which clauses had by experience been found inconvenient, and were therefore by an order of council on March 6 suspended. The king wanted a supply of one million two hundred thousand pounds from the parliament, and durst not venture to disoblige them. The penalties of importation were 40s. an head for large 322 cattle, and 10s. for sheep; and being the full value of those commodities respectively were therefore to be deemed an effectual prohibition of their importation; yet the commons did not think them heavy enough, but resolved not only to restrain fat cattle, but to prohibit all, fat and lean, dead and alive, and brought in a bill, when they met at Oxford in Oct. 1665, to put a total stop to the importation, not only of great cattle, sheep, or swine, but of beef, pork, and bacon from Ireland, or any part

beyond the seas. Sir R. Temple on Oct. 19 brought in the bill, which was strongly opposed by sir Heneage Finch the solicitor general, with arguments drawn from natural justice and equity; the rights of Englishmen, to which the colony settled in Ireland were entitled; the misery to which Ireland (having no commerce with any country but with England, and disabled through the war to seek it elsewhere) would be reduced, and the mischiefs which their necessitated trade to other parts might in time occasion. The solicitor was never known to exert himself on any occasion so much as this; he debated the point till he was ready to faint away; but had an angel from heaven spoke, it would have signified nothing. The house was thin by reason of the dread which members had of the plague; and the question was carried by one hundred and three to fifty-two for the second reading of the bill.

204 When the house resolved itself into a committee upon that occasion, the debates were renewed, and strong opposition was made by sir J. Talbot, sir W. Churchill, sir A. Broderick, and other particular persons, to the bill, so that the questions put were carried with great difficulty. In the first, the votes were even, and sir Thomas Littleton being chairman gave it against the Irish; the second was lost by three, and the third by five voices; several who were against the bill having left the house, wearied out with the length of a dispute wherein noise only prevailed. In the vote which passed for committing the bill, leave was given for such persons of Ireland as would appear, to attend and allege what they had to offer against its passing. Hereupon Dr. W. Fuller, bishop of Limerick, (afterwards of Lincoln,) the honourable Mr. Robert Boyle, sir W. Petty, and sir Robert Southwell, attended the committee, at which above an hundred of the house were present. They desired a copy of the bill, to know how far the restraint extended, that they might speak only to

the points which were necessary. Being ordered to withdraw, the committee for four hours together disputed, first whether they should have a copy, and when that was denied, whether they should have heads or notes of the bill, which was likewise rejected. All that was allowed them was, a bare reading of it over, and speaking to it immediately; which those gentlemen waved, as being a matter of great importance, in regard whereof they desired liberty to acquaint the lord lieutenant and council therewith, by whose answer they doubted not but the house would receive satisfaction. This was absolutely refused; and the bill being reported, passed by a majority of thirteen voices, and was sent up to the lords on the 24th, having passed in five days through the house of commons; so much hurry was used in a matter of such importance.

205 The lords were not in the same haste to pass it; the duke of York and the lord chancellor spoke against it, and the king wished it might be thrown out, and declared publicly more than once, that he could not give the royal assent with a safe conscience. The penalties in the act were raised to five pounds an head on every beast, and two shillings a stone for powdered beef and pork imported from Ireland, and the like enhancing of forfeitures ran throughout the bill. The law in all cases giving forfeitures to the crown, the parliaments of England have generally observed the same method with regard to the penalties incurred by the breach of any act; though sometimes a part thereof is assigned to the prosecutor or 323 informer for their encouragement. But in this case the commons thought fit to take no notice of that branch of the royal prerogative; and fearing that his majesty might abate his part of the forfeiture, and indulge a reasonable liberty to his own subjects in that part of his dominions, they divided the penalties, assigning one half to the informer and the other to the parish where the goods were



taken. Upon the second reading of the bill in the house of lords, the earl of Castlehaven exerted himself vigorously against it, representing to them the state of Ireland, and what great things the duke of Ormond had been doing there (more than ever the earl of Strafford had done before) to make that kingdom considerable by the improvement of its commerce, and the ill consequences which the act would have, if passed ; at least in the present situation of that country. His speech, which was delivered with great vehemence, converted many, but the chief strength of the opposition lay in the king, who did not care the act should pass in that session, though he was convinced that his necessities would force him to comply with the desire of the commons, when he came to them in the next for a further supply of money, being well assured they would not otherwise grant it ; this affair of the prohibition of Irish cattle being carried on with as much popular heat as was seen when the bishops were in 1641 pulled out of the house of lords. Thus that house having on the 27th appointed a committee to consider of the act, with a power to hear persons and send for books and papers about it, sir W. Petty was heard twice or thrice on the subject, and the report delayed till the parliament was prorogued.

206 Ireland was not hereby saved, though its ruin was prorogued by the act's being put off till the next sessions. In the mean time, that country was in a miserable condition ; being deprived of their usual trade with England, and disabled from carrying on any abroad, not only for want of shipping, but by reason of the war with France and Holland. The kingdom was in a very dangerous situation, exposed to the attempts as well of secret as of open enemies ; the uneasy circumstances of people in general emboldening the disaffected to form designs of an insurrection, and encouraging those hostile powers to favour their measures and support them with succours.

It behoved the duke of Ormond to be on his guard, and to use all the means in his power to discover and defeat their designs. For this end, he spared no expense in procuring proper intelligence to enable him to provide for the defence and secure the quiet of the kingdom. He thought it good husbandry to lay out a little money betimes, to prevent the possibility of a vast expense in the future. Pursuant to this maxim, he sent captain Arthur and captain James Archer to France and the Low Countries, to get intelligence of what applications were made to the court of France by the disaffected Irish, and what measures were taken in the Low Countries for assisting the turbulent part of the Roman catholics; and the event shewed the truth of the accounts which he received from them, that there was no disposition in the king or ministers of France to hearken to the representations and desires of some of the clergy and other inconsiderable persons, who solicited them to make a descent upon Ireland. He was persuaded that the fanatics of Ireland never durst attempt a rising, but in concert with those of England and Scotland; and thought it of use to learn what was particularly transacted between them, and what part was assigned to those under his government. For this reason, he connived at Philip Alden (an attorney who was one of the private committee of the plotters in 1663, and had made the first discovery of that conspiracy, but for the better covering of the matter, had been taken up and imprisoned) his making an escape out of the castle of Dublin. Alden went to England, and under the name of Philips consorted with the fanatic party, corresponding<sup>324</sup> with the duke of Ormond and the lord chancellor Clarendon, and giving them intelligence of what designs were on foot, till upon some information against him by a blunder or unthinkingness of the secretaries, a warrant was issued out for seizing him; and the man being taken with letters about him and instructions from his grace,

the affair was discovered, and Alden, being of no further use in that way, was sent back to Ireland, and had his pardon. In every part of that kingdom, the lord lieutenant had his intelligencers, who served him so well, that there was not any where the least motion or meeting of either the Irish or fanatic parties, but it came immediately to his knowledge.

207 He made little account of the ordinary informations (of which he had an infinite number) sent from persons not let into the secret of those parties; which were generally trifling, and which, he was satisfied, never would be wanting, as long as the animosity between the English and Irish nations continued. He thought the frequency of these, and reports which followed them, of risings and rebellions, to be of ill consequence. For though it was a duty incumbent on every subject to impart them to those in authority, and was much more commendable in governors upon such notice to be watchful in preparing for the worst; yet he thought it a weakness in a governor to appear to be alarmed by them, or to credit them so far as to proceed to take up persons and alarm the world. “When,” says he to lord Orrery on another occasion, “these little intelligences and reports are over frequent and groundless, they are inconvenient, and the raisers of them, if known, ought to be at least discountenanced, since their information must proceed from levity, a desire to ingratiate themselves, or from some worse design; perhaps from a desire to hurry people into rebellion, by every day’s saying they are so, and thereby giving them cause to believe they shall always be suspected, and consequently always disquieted and in danger.”

208 But he had in the beginning of this year so particular an account from captain Robert Oliver of a design carried on in Munster by colonel Phaire, captain Tho. Walcot, and other officers, to raise an insurrection, and of their

having corrupted a sergeant in lord Orrery's company, and other soldiers particularly named, in order to the seizing of Limerick, that he thought it a serious affair, and well deserving a diligent inquiry into the bottom of the design. As it was laid in a province whereof the earl of Orrery was president, he sent captain Oliver to him with all the informations he had received, recommending to his lordship, that he would examine thoroughly into the matter, and take his measures with all imaginable caution, to know the depth of the affair, and yet give no umbrage or jealousy to the conspirators. The lord president knew the persons accused of this design; and what was charged upon them was so agreeable to their character, and answered so well to his own observation of some of their actions, that he was much alarmed at the informations, and found means to seize the person from whom captain Oliver originally derived his intelligence. By promises of indemnity and reward, and that he should not be brought into trouble or his name appear, this man (who had been as stout an officer as any in Cromwell's army, and had for his disaffection been turned by the lord Orrery out of Limerick) was brought to confess that there was a general design in England, Ireland, and Scotland to rise at once in all the three kingdoms, to set up the long parliament, of which above forty members were engaged; that measures had been taken to gather together the disbanded soldiers of the old army, and Ludlow was to be general in chief; that they were to be assisted with forces, arms, and money by the Dutch; and were to rise all in one night, and spare none that would not join in the design; which was to pull down the king, with the house of lords, and instead of the bishops to set up a sober and painful ministry; that collections had been made of money to work upon the necessities of the soldiery, and they had already bought several men in different garrisons; and that particularly

they had given large sums to soldiers (some of which he named) that were upon the guard in the castles of Dublin and Limerick, for the seizing of those places whenever they were ready to declare, which would be in a few weeks; that each officer engaged in the design had his particular province assigned him, and answered for a particular number of men, which he was to bring into the field. The man named the gunsmiths who were employed in buying old arms and fixing others, and the very officers who had undertaken to secure Cork and Limerick, and to conduct matters in those counties; and every thing agreed so well to lord Orrery's own suspicions, that he thought himself obliged to use extraordinary precautions to defeat the measures of the conspirators. He sent immediately for sir Ralph Wilson and colonel Jephson, who commanded in Cork and Limerick, enjoining them to be exceeding watchful for the security of those fortresses, and to make it their business to gain an honest serjeant or corporal in every company to serve as a spy over the rest, in order to get notice and to seize such persons as should come to corrupt the soldiers; promising in those cases a considerable reward. These officers had already entertained suspicions of attempts being made to corrupt their men, and had taken notice of some of the private soldiers resorting frequently to the houses of notorious anabaptists, that lived in the neighbourhood of their garrisons. His lordship, not content with this, sent for a great number of inferior officers, giving them the like charge of looking well to their men, lest disaffected people should work upon them in their wants; and took all possible measures to prevent the success of the enterprise, if it should be attempted.

209 The duke of Ormond did not entirely approve of these measures, which lord Orrery's zeal and activity (joined to the natural suspicion of his temper, which on other occasions betrayed him to a too great credulity of ill designs

upon slighter informations) had put him upon taking in this affair. He was afraid that such an extraordinary care to prevent the execution, by giving unusual directions of circumspection to so many officers, would, by putting the conspirators on their guard, disappoint the government of evidence enough to manifest the reality of the design, and to bring the contrivers to justice; and thus it proved in the event. But he was utterly averse to another measure proposed by that nobleman, to the giving of a power to certain officers of seizing suspected persons, their arms and horses; a power too often granted, and committed to such as do not make the discreetest use of it in the execution. He thus expresseth his sense of that matter in a letter to the earl of Orrery: "I confess," says he, "I am not willing to trust inferior officers, civil or military, with judging who are dangerous persons, and fit to be secured, and their horses taken from them; a thing seldom performed without a mixture of private ends, either of revenge or avarice. And I know not what could more induce or extenuate the crime of rebellion, than the taking up of persons and their goods upon alarms and general suggestions. Your lordship hath power to do what may be for the preservation of the peace of the province as far as I can give it; and you may safely be trusted with judging how and when to execute that power."

210 The duke of Ormond's firmness in not shewing any apprehensions of the conspiracy in 1663 till the very moment that the castle of Dublin was going to be surprised, (though he was long before acquainted with the design, and prepared to prevent its execution,) had furnished him with abundant evidence to convict the principal conspirators. He was for observing the same conduct with regard to the present design, which he was well satisfied was carrying on by the fanatics in all the three kingdoms, and which soon after broke out in Scot-

land. The complaints of the soldiers, (who were many months in arrears,) for want of their pay, was one encouragement to this design in Ireland, out of an imagination that they would readily join in it whenever an opportunity offered, as they appeared already sufficiently disposed to break out into mutinies. There happened one in April at Carrickfergus, but it was soon quieted, and passed off without any punishment of the offenders. This emboldened them to break out into another on the 22nd of the following month, when all the private men of the four companies there quartered mutinied, in contempt of the four corporals, who endeavoured to dissuade them from so rash an action, and refused to join in the defection. The mutineers seized upon the town and castle of Carrickfergus, and when Arthur earl of Donegal, who had the government thereof, endeavoured, by fair means and tenders of mercy, to reduce them to their duty, they stood upon high terms, and rejected the pardon which he offered. They were in great hopes of other garrisons following their example, and had framed a declaration to invite them to an union, as in a common cause; which they sent out to lord Donegal, with a paper containing their demands. The duke of Ormond had not notice of it till the 23rd, late at night, when he despatched away his son the earl of Arran with four companies of the regiment of his guards (which had been formed of the men sent out of England) by sea to Carrickfergus, and sent orders to the earl of Donegal to make the mutineers no further offers of mercy, it being necessary to inflict due punishment upon them, by way of example to others. His grace, considering the importance of the affair, the danger of the continuance and spreading of the mutiny, the neighbourhood of Scotland, and the disaffection of the rigid Scotch presbyterians in the north, thought he could not take too sure measures to crush this disturbance. The regiment, out of which the four hundred men

sent with lord Arran were drawn, was the only one on which he could place any dependence; and yet they being seven months in arrears, and having often fallen into disorders at Dublin, there was danger lest, in the common concern of all soldiers for their pay, they should be unwilling to attack the mutineers. This determined the duke to march himself to Carrickfergus, and having ordered all officers to their posts, the garrisons in all parts being in the like want of pay, he advanced himself towards the north, and being joined by ten troops of horse, quartered on the 27th, at night, at Hillsborough. From thence he sent an express to his son to hazard nothing till he came up with the horse; which being better paid, would ensure the fidelity of the foot under lord Arran's command.

211 These orders came too late, that young nobleman having in a manner done the business before. He had been driven by stormy weather within a league of the Mull of Galloway in Scotland, but the wind falling, had got into the bay of Carrickfergus on the 27th, about eight in the morning; and it being high water at noon, he landed his men without opposition. He was immediately joined by the earl of Donegal, and the mayor getting out of the town, came to him with assurances, that if he could beat the mutineers from the walls, there was a party of townsmen would seize a gate, and admit his forces. Upon his landing, the garrison sent out to desire time till four of the clock in the afternoon to consider what to resolve upon; intending in the mean time to plunder the town, and carry all the provisions they could find there into the castle. His lordship understanding this to be their design, caused a party to advance and demand immediate entrance; which being refused, a smart fire ensued, the town wall being well manned with soldiers. His lordship coming up with the rest of his forces, most of the garrison retired into the castle, whilst the rest



endeavoured to oppose his entrance. He soon forced his way, with the loss only of two men killed close by his side, and six wounded; and pursuing the runaways, one Dillon, the ringleader of the rebels, who had been chosen their commander, was slain in the pursuit. The castle was strong, and supplied with a month's victual for six-score men that were in it; the rest of the companies having submitted upon the appearance of their officers, who by leave of the lord Donegal were all (except captain John Butler) absent at the time of the mutiny. But the defendants were so terrified with the news of the lord lieutenant's approach, that the next morning they hung out a white flag, and upon assurance of liberty to return, two of their number were let down the wall by a rope to treat for terms of surrender. One Proctor, the chief of these, offered to persuade the rest of his fellows to surrender, if his own life might be saved; but lord Arran took great care to let them know that he could not promise them quarter, nor receive the place from them upon any terms but an absolute submission to the lord lieutenant's mercy, to save or hang as many of them as he pleased. They desired time to consider of it till two of the clock, and having sent out again to demand better terms, but in vain, they thought fit to submit and deliver up the castle at the appointed hour.

212 Thus was a dangerous mutiny suppressed; but as it was of very ill example to the rest of the army, the duke of Ormond thought it necessary to use some severity upon the offenders. He caused one hundred and ten of them to be tried by a court martial, consisting of all the nobility and chief officers of the army, attending upon him in this expedition. This was done on the 30th, and orders were given for the execution of nine of them, and for the transporting of the rest to Dublin, in order to be sent either to sea or to the plantations. He did not think this sufficient to strike terror into the rest of the forces.

but cashiered likewise all the four companies ; for though most of them had come off to their officers when they appeared, yet they were all concerned in the beginning of the mutiny. They were stout fellows, and could be ill spared at that time, because he knew not how to supply their number without sending to England for recruits, which were not easy to be got there, by reason of the ill reputation of Irish pay. His grace having exercised this discipline upon the mutineers, and left two companies of the guards (who, ill paid as they were, had behaved themselves with as much courage, as they had supported their necessities with patience) for the security of Carrickfergus, set out the same day for Charlemont. He made there a very short stay, and, having given the necessary orders for preserving the quiet of the north, returned to Dublin.

213 During his absence, that city had been alarmed with many rumours of designs and insurrections, raised without any ground of truth, or possibility of knowing by whom, or to what end they were raised ; so that it looked as if a change and disturbance was desired. The alarm spread, and was so hotly taken in the county of Cavan, that sir Fr. Hamilton took upon him to put it in arms, and to remove from Belturbet the company which was there quartered. This procured him a severe reprimand from the lord lieutenant, who, though he commended vigilance in all the king's servants in their proper stations, and as he expected, so he was ready to encourage it in all under his government, yet thought the taking up of groundless apprehensions, and the proceeding upon them as real, without imparting the grounds of their belief, or receiving orders, might prove very inconvenient, and actually bring on that disturbance which perhaps it 328 was intended to prevent. It was certainly no easy matter in such a time, with an ill paid, and consequently disorderly army, and no money in the exchequer, to maintain

a divided, unsettled, impoverished, and discontented kingdom in peace; yet no disturbance happened in it, but what was raised at this time by one Nangle, formerly a fanatic, but lately turned a proselyte to Rome, a frantic fellow, who made a rash but unsuccessful attempt upon Castle-Forbes, in which he was assisted by Dudley Costellogh and about forty other desperate fellows. As the looser sort of Irish were always ready to join with any plundering party, there was reason enough to apprehend that abundance of people of that sort might join them, unless they were speedily suppressed. The lord lieutenant thought it proper on this occasion to revive the old practice of the state in the case of such parties, and to proclaim them and their adherents rebels, unless within a limited time they came in, and submitted to the trial of law. He did not expect they would obey; and picked out a choice company to follow them wherever they were all the summer, till they should be driven out of the kingdom. The party was met with, routed, dispersed, and Nangle their leader killed; yet Costellogh, flying into Connaught, found shelter in Leytrim and the baronies of Costello and Gallen. From thence he issued, with five or six, and sometimes fifteen or sixteen followers, and made terrible havock in the country, burning houses and villages, and doing infinite mischief in the country. His security lay in the secrecy of his retreat, his friends and relations giving him shelter, so that he could not be found. He offered to quit the kingdom, if he might have a pass to do so with safety; but the lord lieutenant thought it below the dignity of the state to treat and make terms with a common robber. Yet all the standing forces in the kingdom could not take the man, and he continued his ravages till the beginning of the following year, when the lord viscount Dillon, whose estate and tenants he had miserably harassed, arming his followers, many of which had served in the wars, and sending them out in

two parties to the places where he understood he was sheltered, Costellogh ventured in the night to attack one of them, commanded by captain Theobald Dillon, supposing them to be raw men, and easily frightened; but met with so warm a reception, that he was shot dead on the spot, and almost all his gang cut in pieces.

214 The mutiny at Carrickfergus, or the accounts brought to England of a great body of troops, no fewer than twenty thousand men, being assembled near Brest, and ready to embark under the command of the duke of Beaufort, procured the duke of Ormond a supply of fifteen thousand pounds from the English treasury. This enabled him to give some content to the army, and to execute a scheme he had formed for setting up a body of militia in the provinces. As Munster was in all likelihood to be the place where the French (according to the advices he received from lord Arlington) proposed to land, he resolved to make a progress into that country, to visit Limerick, and all the towns and forts on the sea-coast, and to put them into a posture of defence against any attempt of the enemy, some of whose ships had been observed in Bantry bay, Crookhaven, and other roads, to sound the bottom, and discover the coast. He was received on the borders of each county by all the nobility and gentry in a body; and was much pleased in viewing the new formed militia, which he had found means to provide with arms, and which, being in a great part composed of men that had served formerly in war, made a very good appearance. They were no contemptible body, being two thousand horse and three thousand foot. With these, and what he could draw together of the standing army, and the militia of the other provinces, he made no question of drawing into the field a body of five thousand horse, and a much stronger party of foot, and<sup>329</sup> to oblige the French (if they should offer to make a descent) to repent their enterprise, and retire in haste to

their ships, or else render the attempt as fatal to them as it had once proved to the Spaniards.

215 The lord lieutenant was called away from this progress by the news of the fire of London; and repaired immediately to Dublin, to prevent any ill designs which the disaffected might be thereby encouraged to form, and the consternation with which all good subjects were seized upon that deplorable accident might allow them to execute. In compassion to the sufferers, he set on foot a subscription for their relief, in which himself and the members of the privy-council set such an example, and it was followed with so much cheerfulness by the nobility, gentry, and others, that it rose to an higher value than could well be expected in so distressed a country, where there was not money enough to circulate for the common necessities of the people, or to enable them to pay the public taxes. For this reason the subscription was made in beeves, thirty thousand of that sort of cattle being at last subscribed and transported to London. Charity was the only motive of this affair; yet such was the malignity of some people, that they were very industrious in representing it as a politic contrivance to put a stop to the bill for prohibiting Irish cattle. Such clamours had been raised all over the nation on that subject, that the generality of the people were taught to impute all their grievances to those cattle, and possessed with a notion that they should never see an happy day till a total stop was put to their importation. The northern and western members were strangely violent upon this article, and the very first day of the session of parliament, which met a few days after the fire of London, sir R. Temple presented to the house a bill for prohibiting Irish cattle, the same in substance with that which had passed the house in their last session, only the prohibition did not extend to fish, as it had done in the former act.

216 Ireland was in a very uneasy expectation of their doom, which depended upon that bill; yet indulged some faint hopes that the English, by three years' experience of the effects of the restraint of importing cattle between July 1 and Dec. 20, might recover their senses, and learn to impute the falling of rents to some other and juster cause. It was evident that rents had not risen in England since that restraint; and yet Ireland had been so much reduced thereby, that the people had no money to pay the subsidies granted by parliament, and their cattle was grown such a drug, that horses which used to be sold for 30s. were now sold for dogsmeat at 12*d.* apiece, and beeves that before brought 50s. were now sold for 10s. The duke of Ormond was convinced that there was no stemming of the torrent, and that the king could not withstand the importunity of his parliament, at a time when he depended upon them for a supply to carry on the war against France and Holland. He thought it however his duty to represent to his majesty the ill consequences of a bill for cutting off the Irish from all trade with England; for this was the necessary effect of a total prohibition of their cattle, which was literally three parts in four, and virtually the whole of their trade; since that commodity was the foundation of all the rest, and put their commerce in motion. He did not propose in this representation to produce arguments to prove, that some parts of England would be no losers by the sending of Irish cattle thither; this he thought not properly his work, nor within his province, and therefore waved it, though easy enough to be made appear. But it was his duty to shew, by undeniable arguments, what destruction the prohibition aimed at would bring upon Ireland, and then leave it to the king, whom he deemed the only competent judge, to determine, whether the infallible destruction of a whole kingdom and people was to be 330

admitted, to prevent a possible, perhaps an imaginary damage, that might fall in some proportion upon some persons in another.

217 With this view, and in concurrence with the council of Ireland, he had on Aug. 15 laid before his majesty the reasons which offered themselves against a prohibition of their cattle, and at the same time assured him, that all inconveniences and miseries, which upon the late restraint had by the deputy and council been suggested to his majesty, had since actually fallen upon the kingdom; that the progress they had made towards putting it into a condition of subsisting of itself, without being a burden to England, was utterly frustrated; all persons of all qualities and professions reduced to great difficulties and distress; the whole people discontented and reduced to poverty and despair, and the army, however necessary in a time of war, impossible to be maintained. That they were surprised at the new bill for a total prohibition of their cattle and fish, which was putting them in a worse condition than foreigners, and had on that occasion employed the earls of Burlington, Ossory, and Anglesea, and the viscount Conway, to offer to his majesty some of their many reasons against the bill, to desire his protection, and to propose some expedients for the relief of his subjects in that unhappy kingdom, if the bill should pass. These were, that his majesty would be pleased to give warrant for calling a parliament in Ireland; and that in order thereto they might prepare bills to be transmitted for repealing the statutes in force there, restraining the transportation of their wool and other commodities into any part of the world, but into England; which bills being passed into laws, might in some degree mitigate part of the extremities falling upon them by the passing of that act; and that till his majesty should think fit to call a parliament, he would give leave, that they might by an act of council and proclamation inhibit the import-

ation of such commodities, as would take away from them the little base and foreign coin, which at present supported the small trade and commerce they had left.

218 The reasons which they now urged (omitting such as had been represented in their former address to the king) were, the union between the two kingdoms, and that his majesty's subjects of Ireland were by the laws of both countries natural Englishmen to all intents and purposes; that it was not suitable to the usual course of parliaments, after laying in one session a temporary and partial restraint, not thought fit to be continued longer than the end of the first session of the next parliament, to proceed in another session of the same to a total prohibition of cattle, after a discovery of the ruin which that restraint had brought upon one kingdom, and before the time of probation for the other was expired; that Ireland being a country generally proper only for breeding and grazing of cattle, these, with what commodities proceeded from them, were their chief merchandise, and by a reasonable estimate might be accounted nine parts in ten of their trade, by which they raised money and paid their rents, so that the prohibition of their cattle, beef, and pork, would reduce them to such a condition as not to be able to subsist, or pay their taxes, or hold their wonted correspondence and traffick with England, or send their youth thither to be trained up in the universities or inns of court; the want whereof might occasion the relapsing of too many of the people to barbarism, and bring the whole kingdom to desolation; that England had shewed a tender regard to Ireland in former times, when Ireland was less English than at present, and had no notion then of keeping Ireland low, for fear of abating their own rents, the statutes of 17 E. 2. and 34 E. 3. cap. 18. and 3 E. 4. cap. 2. allowing the free importation of corn and other Irish 331 commodities into England; and the statute 3 E. 4. cap. 4. restraining the bringing of certain merchandises ready



wrought into England, did yet except the manufactures of Ireland, and the small custom laid upon their cattle since his majesty's restoration was an encouragement of traffick from Ireland ; that it was against common right to hinder English (as the subjects of Ireland were) the freedom of English markets, nor was it a very equal treatment to deny them a liberty which was indulged to Scotland ; that it would put a stop to their fetching of fine cloths, stuffs, stockings, hats, all necessaries for wearing apparel, East-India and other commodities, which they used to have from England upon the credit and produce of their cattle ; that it was evident Ireland drew no money from England by their trade, because they had little or no English money ; all their coins (except what was returned yearly into England for coals) being foreign species, and even of this they had so little that they could pay but a few troops of the army at a time, and were forced to defer the payment of the rest till that pay had circulated ; that the condition of Ireland, after a long and wasting war, horrid massacres of people, and confused and uncertain settlements under the variety of usurpations, which prevented improvements, and hindered men from knowing their properties, was such as required all just and honourable means to be used for bringing money into the kingdom ; that Ireland was bound up, by several statutes, made for the good of England, from transporting wool, sheep, and other of their commodities to any other part of the world, so that if they were debarred from transporting them into England, as they could not possibly consume them at home, they must be forced to drive trades elsewhere, and to transfer their commerce to foreign parts, which might occasion a dependence of many of the people upon such foreigners, and lessen their dependence upon England, a matter of dangerous consequence to the English interest ; that it had been a long complaint that Ireland would never be

civilized, nor indeed could it be, till the Irish grew industrious; but the turning of all their cattle upon their hands would necessarily make them lazy, since food would be so cheap, as no man needed to labour for it, and so his majesty would lose the virtue and industry of a whole kingdom; that this prohibition and destruction of their trade would defeat the intent and benefit of a late act for encouraging protestant strangers to settle in Ireland; that it would give the common enemy of both kingdoms an opportunity of working on the dissatisfaction of the Irish, and that his majesty's revenue was affected by it, the last parliament which sat in Ireland having, in a sense of the extreme poverty of the kingdom on occasion of the restraint upon cattle, when they granted the four last of the twenty-four subsidies which they had given since the restoration, provided by an express clause, that in case the prohibition of transporting cattle into England was not taken off before Dec. 25, 1666, the levying of the two last subsidies should be respited and suspended.

219 The king was sufficiently sensible of the mischiefs that would arise from the prohibition of Irish cattle, and declared publicly his dislike of the act, making the solemnest professions that he could not give his assent to so unjust a thing. This did not prevent its passing readily through the house of commons, where upon the question it was carried by one hundred and sixty-five voices against one hundred and four, and sent up to the lords on Oct. 13. Its passage would have been much quicker, if it had not been for some blunders in the clauses put in by the committee in the heat of their zeal to ruin Ireland; the absurdities of which were upon the report so set forth by sir H. Finch, that the bill was recommitted. But all that the Irish got by that delay and those amendments was to be undone in more congruous terms, and in a more 332 sober method. The violence and spirit with which it

was carried through that house was not unlike that which raged in 1641 ; no reasoning or arguments were heeded, or attempted to be answered ; and when lord Anglesea and others laboured in private discourses to rectify the mistakes of such as were most furious in that affair, it appeared clearly enough that the bill was carried on more out of wantonness, and a resolution taken to domineer over that distressed kingdom of Ireland, than any real belief that it would raise their rents, of the decay whereof they so much complained, and groundlessly published the importation of Irish cattle to be the cause.

220 The act did not make its progress with equal swiftness through the house of lords. It was after various debates and ten days' time that they agreed to the preamble, declaring, that the importation of cattle, sheep, or swine from Ireland, dead or alive, was destructive to England. The word *nuisance* was inserted in the first enacting clause, on purpose to bar the king's prerogative of dispensing, for fear he should in virtue of it, and in compassion to his subjects of Ireland, afford them a little relief in their distress. This was debated for two days together, and at last rejected without a division, the words *detriment and mischief* being inserted in its stead ; words though the same in common sense, yet differing in their legal acceptation, so that the king might grant a dispensation in the one case, which he could not do in the other. The lords made another amendment to the bill, striking out a proviso, put in it by the commons, and allowing cattle to be brought from Scotland ; which appeared so contrary to the intent of the bill, and so unequal a treatment of the two nations, that it was at last, after a long debate, rejected. The lord chancellor opposed the bill with a force of reasoning which would have been heard in any other case, but signified nothing in a point which was set on foot, not out of any regard to the public good, but merely out of private pique and animosity.

The true causes of all the fury with which this affair was carried on, were, the implacable hatred which the duke of Buckingham and the lords Ashley and Lauderdale, and others of their party, bore to the duke of Ormond and the earl of Clarendon, and a private combination between Ashley and Lauderdale to engross and monopolize the trade of cattle between England and Scotland. The unreasonableness of the distinction in favour of Scotland, and the king's resolution not to pass it with that distinction, were such, that they were defeated in this part of their project, though they were but too successful at last in their measures against the lord chancellor and the duke of Ormond. They had at this time formed the design of impeaching the chancellor, and had been with difficulty restrained from attempting it the present, but were resolved to do it the next session of parliament. Lord Conway informed him of that design; which he thought strange, and could not believe at first; but upon hearing the intelligence and reasons upon which that lord grounded his opinion, he found cause to agree with him therein. Those enemies of the chancellor had also a further design, to benefit the duke of Monmouth, whom they had a mind to have lord lieutenant of Ireland; otherwise the king (it was thought) would not have indulged so much to their passion, to the prejudice of his own interests; and yet some of them durst not have spoke at the rate they had done without such an indulgence.

A matter which happened towards the conclusion of this session furnished them with an occasion of making their designs against the chancellor more public. The house of commons had sent up a bill to the lords, for appointing commissioners to take and examine the accounts of the money that had been given for carrying on the war, naming twelve of their own members, to which six of the lords were to be added. The lords had thereupon, 333

out of regard to the royal dignity, desired his majesty to issue out a commission for that purpose by his own authority. His majesty accordingly did so, and named the twelve commoners in his commission; but omitting the duke of Buckingham, the lord Ashley, lord Northampton, and others of their party that were in confederacy with the commoners, they and their party broke out into a violent fury. The commons voted the lords' address to the king to be unparliamentary, a breach of their privileges, and of dangerous consequence, and that their taxing of the lords in the poll-bill was no breach of the privileges of the peers, thereby setting up themselves for judges of the privileges of the house of lords, consulted upon publishing such a remonstrance as should obstruct the payment of all the money they had given, and were so enraged at the chancellor, that they talked of impeaching him immediately for putting the great seal to that commission and to the charter for incorporating the Canary company; though the king was absolutely determined not to yield in either of those points.

<sup>222</sup> There seems to have been in that party a great malignity against the kingdom of Ireland in general, and a design of exasperating all orders of men therein. The Irish nobility had for many ages constantly enjoyed a rank in England, and that enjoyment was certainly no cause of the falling of English rents; yet the lord Ashley laboured in the committee of privileges with the same violence as had been used in relation to the cattle bill, to have all the Irish nobility degraded from taking any place in England. He proposed likewise to alter the book of rates in Ireland, and to compel the Irish to receive all foreign commodities out of England; as if it was resolved to force that nation into the hands of either the French or the Dutch, by leaving them no other possible means of subsistence. But the house did not care to proceed to those extremities against a kingdom that

had hardships enough put upon them by the bill as sent from the commons. They allowed likewise the charity subscribed for in Ireland to relieve the poor Londoners (which the lord Ashley and his party ran down, as a matter of reproach to the nation, and done out of hypocrisy and design, and fit to be abominated as a cheat; such were the expressions he used) to be brought over in barrelled beef. Having added also another proviso for the importation of horses, they passed the bill on Nov. 23, by the concurrent voices of sixty-three temporal lords against forty-seven (among whom were all the bishops to a man) who opposed it.

223 The bill being sent down to the commons with these amendments, was not proceeded in so eagerly as before. This coolness was occasioned by the news of an insurrection in Scotland, attended with some unlucky circumstances in other places; for the same post brought accounts from different parts of England of disturbances and discontents about the collecting of hearth-money and taxes in Hereford, Coventry, and other towns; so that the Irish bill was laid aside for some days, and the language at court was, that Ireland was not to be discontented, and lord Ossory was to be sent post to carry forces out of Ireland to Scotland. The Scotch rebels were at this time reported to be four thousand effective men: but the next letters representing their numbers not to exceed three hundred horse and four hundred foot, and advice coming on Dec. 3 that they were totally routed, their general Wallace and five hundred of them killed in a battle near Edinburgh, Ireland then reverted to be of no importance to the commonwealth; the bill was resumed, the commons rejected some of the amendments, and resolved to adhere to the word *nuisance*. This produced a conference between the committees of both houses, and neither seemed willing to recede. The lord Ashley, seemingly to compose the difference, moved in

the house of lords that it might be changed into felony<sup>334</sup> or a præmunire; upon which the lord chancellor drolled very well, and said, he thought it might as reasonably be called adultery. The commons were not so fond of passing the act as they were of distressing and affronting the king, who had sworn that he would not pass it, and for that reason they obstinately insisted on a word which touched his prerogative. Otherwise they might have found out a word (as the solicitor-general proposed) full as proper and as legal, which no way affected the power of the crown, and yet would be as effectual to their purpose; which was, by enacting that the importers of Irish cattle should be adjudged outlawed. They resolved, if the lords did not at last recede, to let the bill sleep, and bring it in without any amendments, as a proviso to the bill of assessments; and were so fond of the word, that they offered the lords who were interested in Irish estates, that if they would consent to it they would give them a year's liberty for the importation of their cattle; but were answered by those lords, that they would not be concerned in selling the king's prerogative, nor did they desire to keep up Ireland by diminishing his authority. The king, seeing what was driven at, and that he should otherwise have no supply, (for the commons had not yet passed the money-bills,) directed his servants in the house of lords to consent to the word *nuisance*. This was resolved on in a sort of cabinet council, contrary to the chancellor's sentiments, upon lord Arlington's engaging that the commons would comply with his majesty in all other affairs. It did not produce that effect, though it decided the fate of the bill; for the duke of York, when it came under consideration on Jan. 14, declared himself for agreeing to the word, and having privately applied in his majesty's name to many of the lords, the question was carried without much debate; though otherwise the bill would probably have been lost, the house being ge-

nerally for adhering to their amendment, and the archbishop of Canterbury, who had two proxies, and had been absent three weeks by the freezing of the Thames, coming that day on purpose to oppose it, though, upon hearing the king had given up the point, he withdrew with most of the bishops, as his royal highness and several of the temporal lords likewise did at the putting of the question.

224 The earls of Burlington and Anglesea, lord Conway, and some others, that divided against the question, entered their protest upon that occasion, declaring their dissent to the vote of agreeing with the commons, because they conceived the importation of Irish cattle to be no nuisance, and therefore could not consent to call it so; because the word *nuisance* was professedly designed by the house of commons to restrain and limit a just, necessary, and ancient prerogative inherent in the crown for the good of the subject upon accidents and emergencies, not to be foreseen when new laws were made; because there was no precedent of any remedy provided against nuisances, but by perpetual laws, and removing the nuisance, whereas this was a sort of probationary law, so that the nuisance might after a time return; and because that house had at a conference given timely notice to the commons that they resolved not to admit the word, and the order, directing the managers to make that declaration, had been entered in their journal. The king thought himself hardly treated in this affair, and when he passed this and some other bills he could not forbear expressing his resentment to the parliament in these words :

“ I am not willing to complain that you have dealt unkindly with me in a bill I have now passed, in which you have manifested a greater distrust of me than I have deserved. I do not pretend to be without infirmities; but I have never broken my word with you: and if I do not flatter myself, the nation had



never less cause to complain of grievances, or the least injustice or oppression, than it hath had since these seven years it hath pleased God to restore me to you. I would be glad to be used accordingly.”

225 The duke of Ormond did not think the king took the right way to meet with the return he expected. It may not be improper here to mention his sense of this his majesty's extraordinary compliance with the house of commons, as soon as he received an account of it from lord Arlington. In his answer of Jan. 29 to the secretary, he tells him, that he never longed more for a letter from him than at present, in hopes to find the king's compliance may have met with proportionable returns from the house of commons, suitable to the necessity and dangers that threaten him and them.

“It is fit I inform your lordship out of my observations in this place, that such compliance on their part, or prudent and steady resolutions on the king's, (such as the occasion will bear,) are highly requisite, and can admit of no delay. The predictions of near approaching calamities are the subject of almost every letter out of England and of discourse here, to the apparent dejection of the well affected and joy of the ill; and I cannot but suppose that the same affections are in England, from whence these here are derived. And it certainly must be an eminent change, and a speedy one, that can restore the courage of the good, and set limits to the insolent expectations of the bad. There are those who parallel the proceedings on the one hand, and the conduct on the other, with those in the beginning of the late troubles; but I hope unskilfully, if not maliciously. Yet it is certain nothing can draw on unreasonable demands more than success in the like, especially if it has been obtained after frequent and serious protestation against it. So that as such protestations are but rarely to be made, in extraordinary cases, and to keep off the necessity of being brought to grant or refuse, when either are inconvenient; so I say, when they are once made, they can never be dispensed with, but with worse and more irrecoverable inconvenience. I confess I am at too great a distance, and that this may be a dangerous conjuncture

to say thus much upon this subject. But having no reserve towards the king, nor any interest of my own that is not dependent on his, I cannot forbear letting him know my thoughts by your lordship in such a season."

The king found them to be very just; for the house of commons, far from being obliged by his majesty's condescension, flew out higher against the court and the conduct of the war than ever they had done before; and the members, both in their private and public capacities, behaved themselves in such a manner as gave great uneasiness to all good men, and made them apprehensive of great calamities to the nation, if the session had not been so near a conclusion.

226 The heat of the dispute about this bill occasioned a quarrel between the duke of Buckingham and the earl of Ossory. The first day the body of that bill came to be debated in the house of lords, the duke took the liberty of making reproachful reflections on the Irish, and said, that none were against it but those who had either Irish estates or Irish understandings. There is nothing so ridiculous and imprudent, or so hard to be forgiven, as national reflections; and the duke, though sharply reprov'd for those words by the lord chancellor and the lord Berkeley of Stratton, had yet no public rebuke from the house. The lord Ossory thought he highly deserved some further chastisement, and after the house broke up, demanded satisfaction of him the next day in Chelsea fields. The duke of Buckingham did not care to fight, and found means to give notice of it to the king; so that when lord Ossory had waited in the fields above three hours after the appointed time of meeting, instead of his antagonist, M. Blanquefort came with a guard to secure him by his majesty's order. The duke kept out<sup>336</sup> of the way; and the next day, though the king had taken the matter into his own hands by giving orders to

secure them both, he thought fit to appeal to the lords, and getting to the house about eleven o'clock, complained of the lord Ossory for breach of privilege; but acknowledged at the same time that he was not able to prove any thing; so that the conclusion of the affair was like to be with as much credit to him in the point of wisdom, as the beginning of it was for his courage. Lord Arlington was so warm in the defence of lord Ossory against the charge, that if the house had not peremptorily interposed there had been a new quarrel between him and the duke, sprung out of the ashes of the former, upon higher provocations. The house ordered the complaint to be notified to the king, with their purpose of hearing both the parties on the Monday following, Oct. 29. The king thereupon immediately freed lord Ossory from his confinement, who, attending in his place, justified himself to the house, which however thought fit to send him to the Tower, though his adversary could not prove his charge. The duke was committed to the usher of the black rod; but both were released after two days' confinement, and the quarrel ended much to lord Ossory's honour.

227 There happened soon after another difference between them upon a like subject in the house. The city of London had petitioned the lords that there might be a proviso inserted in the bill against Irish cattle, to preserve the charity of beeves intended to be sent them from Ireland. Lord Ashley and others of the same party opposed it, aspersed the intention of the givers, and called the contribution a contrivance to mischief England. They were contradicted and refuted by other noble peers, and a proviso was ordered to be drawn up for making good that charity to the city. When it was presented on Nov. 19, being contrived chiefly by the duke of Buckingham and the lords Ashley and Lucas, it appeared to be so drawn as if it was intended to elude the charity.

It provided that twenty thousand beeves (for such was the estimate at that time, though the subscription rose to more) should be slaughtered by equal numbers at four ports, (viz. Dublin, Drogheda, Youghall, and Kinsale,) and brought all barrelled to London, and there delivered in specie to the poor, none of which was to have above twenty stone. All this was to be done before the next Michaelmas, and yet it was well known the slaughtering time did not begin till after that day. Lord Anglesea exposed the vanity and uselessness of this proviso, limitation of ports, and of the manner of distribution proposed; which appeared so evidently to the house, that they were for laying it aside, and resuming that which had been proposed by the city for transporting them alive. Lord Ashley thereupon had recourse to his wonted politics, and inveighed in the most opprobrious language against the charity and all that were concerned therein. Lord Ossory bore it for a long while, and left him to be contradicted by others; but Ashley as often renewing his invectives, he could bear no longer, and found fault with his using such reviling language, aspersions, and misrepresentations of things and persons, as could become none but one of Cromwell's counsellors. Ashley applied this to himself, as indeed most of the house did, it being well known that he was one of that number. The duke of Buckingham interposing in behalf of his friend, that he might have justice done him, had likewise in his turn a repartee from lord Ossory, which as much ruffled him, and gave great offence to all their party in the house. Lord Ossory, since the fight at Solebay, in which he behaved himself with wonderful bravery, was become the darling of the kingdom, adored by the seamen, who called him the preserver of the navy, beloved and honoured by the gentry and people, by great and small, to a degree that is amazing: but his interest in the house of lords was much inferior to that of the duke of Buck-337

ingham, who had a strong party there that would support him in any case. The earl of Anglesea getting up to moderate and explain lord Ossory's words, who seemed to be very indifferent himself how they were taken, touched so close upon lord Ashley, that he quitted his former game to fall upon him; but finding himself single in that opinion, renewed the debate upon the subject of lord Ossory's reflections. This was carried on (as every other debate was in relation to that unhappy bill) with a strange passion: lord Ossory was obliged to withdraw; and all that his friends could do was to get the matter passed over with only a reprimand in his place. Even this was thought by lord Conway and others to be too much, and to be absolutely an unjust proceeding; for lord Ossory had not transgressed any written rule or standing order of the house, and the party were forced to overrule those orders to render him criminal. Men are never so stung with any reproaches, or so desirous of a vote in their favour, as when they know themselves to be guilty; and the duke of Buckingham, elated by the countenance he thence received, and by the strength of the malecontents in the house of commons, of which he was the head and chief director, continued to behave himself with the insolency that had appeared in him from the beginning of this session. This manner of conduct drew on him soon after a new quarrel with the marquis of Dorchester, who yet had joined with him in carrying on the cattle bill: he got out of it by the help of his friends, and, after a short restraint, it was made up by the interposition of the house.

228 It was to this party of men that their country owes the act for prohibiting Irish cattle; an act which, how grievous soever it was to Ireland for a time, and in that particular juncture, hath since proved of advantage to that kingdom, but very destructive to the trade of England. The Irish till then had no commerce but with this king-

dom, and scarce entertained a thought of trafficking with other countries. They supplied us with their native commodities, which made work cheap, and carried off our artificial ones to a value which exceeded that of their own; so that they were rather impoverished than improved by the traffick. The English were undoubtedly the gainers by this mutual trade, from which they now so wantonly cut themselves off by forbidding the principal part of it, and rendering the rest impracticable. They soon felt the consequences of this unhappy step: the Irish, forced by their necessities to be industrious, set themselves to improve their own manufactures, and carried their trade to foreign parts, from whence they brought those commodities which they used to take from England. In this country the price of meat rose considerably as soon as the act passed; even before the end of this session of parliament (which broke up on Feb. 9) the price of labour and rates of wages were thereby enhanced; and the wool of Ireland, which never before had any vent but in England, being now carried abroad, foreigners were thereby enabled to set up woollen manufactures, and, by the cheapness of labour in their country, undersell us in that most beneficial branch of our commerce. The English have since sufficiently felt the mischiefs of this proceeding; which were in truth obvious enough to be foreseen at that time by a man of common understanding, but it will puzzle the wisest to find a remedy to remove them now they have actually happened. It would be well if any experience could make them wiser, and dispose them to treat Ireland better.

229 The chief view of the party in this act (for which they made use of the passions and mistaken notions of some country gentlemen, who by this means were gained to embark in their measures on other occasions) was to distress Ireland, to raise uneasiness and discontents in that kingdom, and to create difficulties to the duke of Ormond

in his government ; and then from those discontents and 338 difficulties to find pretences to remove him thence, or some matter that might serve for the ground of an impeachment. Lord Ashley could not help discovering something of his designs of this kind. Thus upon the news of a French invasion, and a powerful army embarking at Brest, which was all the subject of discourse, lord Conway coming in before the house sat. he asked him in the presence of twenty lords, how they would do to defend themselves, in case the invasion fell upon Ireland. Conway replied, they should not so much as think of it, for when they had represented to the house that they should be disabled by the bill from doing so, he had answered they never had been able to defend themselves, and when they were in danger, England ever had and ever must defend them, and therefore they should leave that matter to him, who had said those words, and to the parliament which believed him. Ashley replied, with a very supercilious air, they knew better where to lay the blame, and that was upon those lords that had driven the English out of the seaports and corporate towns, and filled them with Irish. Conway's answer was as resolute, that there were no such lords in Ireland ; nor was the matter of fact true, for the Irish in all those seaports and towns put together would not make up one reasonable street. Whether lord Ashley had a mind himself to the lieutenancy of Ireland, is hard to say ; but lord Conway suspecting him of some such design, took an opportunity to sound him on the subject. The week after the cattle bill passed, this nobleman chanced to have some private discourse with lord Ashley, and with a serious air told him, that he wondered exceedingly to see his lordship so injurious to Ireland, since no man was so likely in a short time to be lord lieutenant of that kingdom as himself, but he had now contracted an incapacity which was not usual ; for the violence he had so

lately shewn would make the whole country believe he came to destroy them totally; so that they would be tempted to rebel and tear him in pieces. Ashley seemed pleased with the insinuation, and took pains to vindicate himself from bearing ill-will to Ireland. He said, that it was true they had done an unnatural act; but the fault was in the present governors of that country, who by their settlement, their book of rates, and other principles of government, endeavoured to divide the two kingdoms; whereas he desired they should be united, and sit in one parliament, and then all these acts would fall to the ground; and though he had exclaimed in the last session at Oxford against granting a liberty of conscience in Ireland, yet as he found it for the good of the kingdom in its present situation, he would befriend the country particularly in that point, and in all others, as occasions offered. He was so fond of the subject, that he kept on the discourse, and renewed his professions for an hour together, thereby convincing lord Conway (who only proposed the matter in raillery) of his inclination to be at the head of that kingdom; for men of great parts and cunning are seldom bit in that way, unless they are betrayed by some passion or other.

230 However this was, there was no need of any such selfish view, to make Ashley, Buckingham, and their party enemies to the duke of Ormond, whom they considered as one of the greatest obstacles to the success of the schemes which they had in view, and which were no way favourable to monarchy, or adapted to preserve the peace of the kingdom. Men abandoned in their principles and conduct are always sure to hate persons of superior virtue, the integrity of whose conduct serves for a constant reproach to their own. The duke of Ormond's whole life had been one continued scene of honour, virtue, loyalty, and religion, which had justly recommended him to the favour and confidence of his prince, and gained



him the love and esteem of the world. The heads of the 339 faction which sought his ruin, were men whose ways, motives, and principles of action had been in all respects different from his; and their views for the future tended to different ends than their prince's service and the good of their country, to which his were entirely dedicated. For the execution of their schemes, it was necessary to remove him from a government which gave him power to defeat a considerable part of their measures, in which it was impossible for them to persuade him ever to embark. They wanted not opportunities for that purpose; they had a part in the king's councils, had their hours of access, and had gained a good deal upon his affections; and to their influence at all times, and to their ill advice, when, after lord Clarendon's banishment, they governed all at court, were owing all the unhappy steps which his majesty took in the course of his reign, and which through his neglect of business, and unreflecting way of life, had, before he was aware, almost driven him to a second exile, which from the former conduct and the well known sentiments of these men, he had reason enough of suspecting to be the design, as well as the result, of their measures. This faction took all occasions to suggest things to the duke of Ormond's prejudice, and laboured by sly insinuations and false representations of things to lessen him in his majesty's favour and confidence, and to make him uneasy in his government. It was of some use to their designs to make the world believe, that he had not that credit with the king which was generally imagined; for the opinion of such credit is a great advantage and a real foundation of power to any minister. This seems to be the reason of the slur which they endeavoured to cast upon him in the case of the bishopric of Fernes.

231 When the duke of Ormond, being made lord lieutenant, was preparing to go for Ireland, the king, to qualify him with all the power that was necessary to

enable him to go through with that difficult work of the settlement, had on June 22, 1662, among the rules which he then laid down, and signed at the council board, for the government of that kingdom, taken a resolution not to promote any body to a bishopric there, till he had first consulted the lord lieutenant upon the subject, and received his advice and opinion for the filling it with a proper person. This he did in conformity with the precedent set him by his royal father in the case of the earl of Strafford; and it was agreeable to the method which he took in the disposal of church preferments in England, where nobody durst originally move him for a bishopric, till the person had been recommended by his grace of Canterbury, or some other of the bishops. This resolution was taken with great reason, and was much to the advantage of his majesty's service, that he vouchsafed to receive the recommendation of his chief governor for the promotion of persons to dignities and offices in Ireland. For whilst he was worthy of that trust and employment, he ought to be best able to know who, by their diligence and abilities in lesser offices, were fittest for advancement to greater; and if the power of obliging were once taken from him, and that of punishment only left him, the power of governing would not long remain in his hands. Notwithstanding this resolution of his majesty, when Dr. Robert Price was intended to be removed from the see of Fernes to that of St. David's which was vacant, the king was prevailed with to sign a letter to the lord lieutenant, wherein after mentioning his intention to remove Price, he signified, that he had a person in his eye every way worthy and capable of that dignity, and therefore inhibited the lord lieutenant to propose or recommend any other man for that bishopric, or to make any application therein, till he should signify to him his further pleasure in that behalf. The duke of Ormond surprised at so extraordinary a step, (for the king might

without that ceremony have removed Price, and filled up<sup>340</sup> the see of Fernes, before he could so much as know it was vacant,) supposed it a contrivance of his enemies to make him appear little in the eye of the world, and that his majesty had been surpris'd into the signature of a letter so contrary to his former solemn resolution. It was undersigned by Mr. secretary Morrice, who never used to be concerned in any Irish affairs, and who indeed knew nothing of this, nor of the person for whom the see of Fernes was designed; but only drew up the letter according to the orders he had received. The person for whom the bishopric was designed was one Dr. Lee, a turbulent, factious sectary, who had distinguished himself by his activity and antimonarchical principles in the times of usurpation, and by an unmeasurable pride, whilst he was master of Wigston's hospital in Leicester; but having thought fit to conform, was afterwards thought a proper person to be preferred to a bishopric in Scotland. The duke of Ormond was the more concerned, when he was informed of the character of the man designed for the see of Fernes; he remonstrated against his promotion, and complained of the unprecedented inhibition laid upon himself, contrary to the rules which his majesty had with so much reason prescribed in such cases. Endeavours were used to represent this as an infringement of the king's freedom of nomination, and a restraining of his power to prefer such as he saw fit to vacant sees; but in fine his majesty having discovered the intrigue of this affair, altered his design, and Dr. Price dying not long after, before he was actually removed, the see of Fernes was conferred on Dr. Richard Boyle, dean of Limerick, who was recommended by the lord lieutenant, and consecrated in the beginning of this year.

<sup>232</sup> The duke of Ormond, who loved to encourage learning, and lost no opportunity of doing service to learned men, particularly to such as were bred in the college of

Dublin, which flourished under his particular care and protection, did not fail on this occasion to recommend that society:

“It is fit,” says he in his letters to the secretaries, “that it be remembered, that near this city there is an university of the foundation of queen Elizabeth, principally intended for the education and advantage of the natives of this kingdom, which hath produced men very eminent for learning and piety, and those of this nation. And such there are now in this church; so that whilst there are so, the passing them by is, not only in some measure a violation of the original intention and institution, but a great discouragement to the natives from making themselves capable and fit for preferments in the church; whereunto (if they have equal parts) they are better able to do service than strangers; their knowledge of the country, and their relations in it giving them the advantage. The promotion too of fitting persons, already dignified or beneficed, will make room for, and consequently encourage, young men, students in this university; which room will be lost, and the inferior clergy much disheartened, if upon the vacancy of bishopries, persons totally unknown to the kingdom and university shall be sent to fill them, and to be less useful there to church and kingdom than those who are better acquainted with both.”

The duke of Ormond thought it of service to both church and state to prefer deserving natives; and whether the contrary method taken by his successors in the government, in filling the dignities and principal benefices of the church of Ireland with mere strangers, hath been any encouragement of learning, or any means of the declension of popery, or hath contributed in any degree to reconcile the Irish to the English interest and government, or indeed has answered any other end than to dispose of particular persons who could not decently or conveniently be preferred in England, I leave to those who know Ireland better to determine. The duke of Ormond<sup>341</sup> thought it a justice due to the natives to prefer them before strangers, where their merits and capacities were equal; and that nothing would be so effectual for root-

ing out that superstition, and those mistakes in religion, which ignorance and education produce and maintain in the Irish, as the general improvement of knowledge and learning. He considered all knowledge as useful to a country, and for that reason procured his majesty's letters for incorporating a college of physicians at Dublin, to improve the science, and reform the practice of physic in that kingdom.

233 The Scots had hitherto allowed Irish cattle to be transported into their country, upon the payment of a duty of eighteen pence, till 1662, and then of half a crown, an head. As they were larger than the Scotch breed, these cattle met with a tolerable market, till now the state of Scotland (to follow the English example of oppressing Ireland) thought fit to prohibit entirely their importation. To lighten in some measure the calamity ready to fall upon the kingdom, the duke of Ormond, finding that the act of prohibition would pass at last, had given public and early notice to all persons to take care to transport their cattle into England, in time, between Dec. 20 and Feb. 2, when the act was to take place. The badness of the season, the scarcity of shipping, or perhaps some flattering hopes that the act would not have the royal assent, were the occasion that several particular persons, who had made provision of cattle, could not transport them till after Candlemas. The act had been printed and sent to Dublin; yet within a fortnight after the prohibition commenced several shiploads were carried over to England. The duke of Ormond could not imagine by what trick or composition they hoped to elude the penalties imposed, and was very apprehensive lest, if the parliament was still sitting, or was soon to meet again, it might incense those who had been so eager for the act, to find so early an attempt to elude what they had so hardly obtained, and might prove inconvenient to his majesty's affairs. He was satisfied that,

after the prohibition had taken place, a little time would serve to convince the gentlemen of England that Irish cattle was not the cause of the fall of their rents, and was afraid this transportation would prevent their being undeceived. He would willingly have stopped it, till his majesty's pleasure was known, if either law or conscience had obliged him to do so, but did not care without either to be answerable for the inconvenience which such a stoppage might produce to the king's service in a country which was particularly committed to his care. It appeared afterwards, that the method taken by the transporters of these cattle was, to compound with the churchwardens and poor of the parishes where the cattle landed for their share of the forfeiture; but as there was a certain expense, and some danger in that kind of management, this clandestine trade soon ceased, it affording little or no relief to the country, and so inconsiderable an advantage to particular persons, that it was scarce an equivalent to the hazard.

<sup>234</sup> To procure a vent for their cattle, some proposals were made to the lord lieutenant for carrying them alive to Rotterdam; but the length of the voyage, the uncertainty of winds, and other expenses considered, it was found that they could not be delivered there so cheap as the Dutch could be supplied with them from Holstein. No way appearing of making any advantage of their cattle till after they were dead, and the freight to foreign parts amounting generally to two thirds of the value of the commodities, other proposals were made for the increase of shipping, a defect which the kingdom had hitherto exceedingly laboured under, and which nothing but time could remedy. It was thought that the erecting of a company to fish for cod, herring, and pilehards, might be very beneficial to the nation, and increase the number of their seamen; but the poverty of the kingdom was an invincible obstacle to this project, it not being practicable <sup>342</sup>

to raise a sufficient fund of money to carry it on, and till then there was no obtaining a charter of incorporation. The coin of Ireland was at this time computed somewhat to exceed two hundred thousand pounds, and it was necessarily to circulate above four times a year before the rents of land could be paid. The lessening of this quantity could not but bring a general ruin upon the people; and therefore the board of trade, and the heads of all well-wishers to their country, were employed in considering of proper ways to prevent that evil. The proposal of raising the value of foreign species, and of obliging every merchant to bring home a third part of the value of the commodities he exported in such coin, was much pressed, but not approved by the council of England, without whose concurrence the king would not publish a proclamation for that purpose. The only way that could be taken by the Irish was to work up their own native commodities, to apply themselves to manufactures, and thereby to prevent the importing of such as they used to fetch from other countries.

235 For this end sir Peter Pett presented to the duke of Ormond a memorial for the erecting of a manufacture of cloth; for though, through the want of Spanish wool, proper streams, and fullers earth, they could not propose to carry on a trade with it abroad, yet they might make a sufficient quantity for their consumption at home. But he chiefly recommended the setting up of manufactures of fine worsted stockings and Norwich stuffs in all parts of the nation for making the best advantage of their wool, and employing their poor. This he thought would not only keep a great deal of money in the country, but might be so improved as to bring in considerable sums from abroad. He observed, that this had been the most beneficial part of the commerce of England, till Cromwell had entered into a war with Spain, where they were chiefly vented, but from that time had entirely ceased;

that it would probably be revived upon the treaty which was on foot with his catholic majesty, and as Ireland lay much more convenient for a trade with those parts of Spain which took off these manufactures than England did, they might draw the best part of it to themselves. In order thereto, he offered to procure them workmen from Norwich to begin, and instruct others in carrying on these manufactures. The council of trade approved of his proposal, the duke of Ormond encouraged it, and was at the expense of setting up a manufacture of this sort in Clonmel, the capital of his county palatine of Tipperary, giving houses and land upon long leases with only an acknowledgment instead of rent to the undertakers. To supply the scarcity of workmen, he employed captain Grant (a man well known by his observations on the bills of mortality) to procure five hundred Walloon protestant families about Canterbury to remove thence into Ireland.

<sup>236</sup> But of all the schemes of this sort there was none that his grace was so fond of as that of a linen manufacture. The earl of Strafford had laid the foundation of it in Ireland, but the troubles which soon after broke out in that kingdom had entirely stopped the progress of what he had so well begun. The duke of Ormond, as soon as he came over into Ireland, undertook the revival of this manufacture, and got acts of parliament passed for the encouragement of it, and for inviting protestant strangers to settle in the kingdom. He was at the charge of sending understanding persons into the Low Countries to make observations on the state of the trade in those parts, their manner of working, the way of whitening their thread, the laws and statutes by which the manufactures were regulated, the management of their grounds for hemp and flax, and to contract with some of their most experienced artists. He engaged sir W. Temple (whom he had recommended to the king as a fit person



for his service, and who was now ambassador at Brussels) 343 to send him over out of Brabant five hundred families that had been employed in that manufacture; he procured others from Rochelle and the isle of Rhé, and sir G. Carteret supplied him with a considerable number from Jersey and the neighbouring parts of France. He built tenements for the reception of as many of those as were to be employed at Chappel Izod near Dublin, where, before he went the next year to England, there were three hundred hands at work in making cordage, sail-cloth, ticking, and as good linen cloth and diaper of Irish yarn as was made in any country of Europe. This was carried on under the direction of colonel Richard Lawrence, who set up at the same time the business of combing wools, which had not before been known in Ireland, and the making of friezes and blankets. His grace erected another manufacture of this sort in his own town of Carrick, assigning to the workmen half of the houses in the place, and five hundred acres of land contiguous to the walls for three lives, or thirty-one years, at a pepper corn at first, and afterwards at two thirds of the old rent. It will not give one an advantageous opinion of the industry of the people of Ireland, to find that the want of spinners and the ignorance of that art were the greatest obstruction met with in carrying the several branches of the linen manufacture to perfection. But the duke of Ormond's example and encouragement got over all difficulties, and improved it in a very few years to such a degree that the whole nation felt the benefit thereof, and it is now the most considerable part of its commerce. The difficulties, hazards, and expense were great at the beginning of this work; but they were all surmounted before he left the government in 1669, when the nation was in such a way of flourishing with these manufactures, that colonel Lawrence did not question but posterity would

own their future affluence to be a blessing they derived from his grace's great wisdom and excellent government.

237 The duke of Ormond made no doubt but Ireland would, by time, peace, and industry, recover itself from the blow it now received from England, and that it would be a gainer at last by the prohibition of their cattle, and the impracticableness of a further trade with that kingdom. But the hardships of the late act were very grievous at first, and happening in a time of war, when all commerce was interrupted, and no place offered where they could vent their commodities, threw every body into despair. That war rendered it necessary to be prepared against an invasion, whether from the French, of which there were hot alarms from time to time, or from the Dutch, who (it was apprehended) might make an attempt upon Derry; a place which De Ruyter (when he was there in 1644) was much taken with on many accounts, and which was so conveniently seated with regard to the Cameronians in Scotland, and the rigid presbyterians in the north of Ireland, (by whom only the Dutch could expect to be joined in such a case,) that they did not want encouragement to the enterprise. It was necessary to have stores of provisions ready to sustain an army in case of an invasion, but there was so little money in the treasury, and so little like to come into it, that it was not easy to provide for that necessity. There were some subsidies due in June, which the poverty of the country and scarcity of coin made it difficult, if not impracticable, to levy. The duke of Ormond judged it proper to be sure of victuals where they could not well expect money, and thought it would be some ease to the people to take from them part of these subsidies in corn, butter, and cheese, and lodge them in magazines in the most convenient places. This, with the assistance of the council, he put into a method practicable, secure, and useful, therein

making an advantage of necessity, and consulting at once the king's service and the convenience of the distressed subject.

238 The king, compassionating the condition of his people 344 of Ireland, was sufficiently disposed to give them all the relief that was in his power; but he could do nothing without the advice of his council, in which, as well as in parliament, there were several members inclined rather to add further oppressions than give any advantage to that kingdom. The circumstance which afforded the best hopes of success in applications to his majesty was, that those who wished worst to Ireland, knew the least of the true state and affairs of that country. It was difficult to fix upon any proposition for its relief, but what might in some respect or other prove inconvenient to some parts or persons of England; and the lord lieutenant and council of Ireland did not so resent the cruel treatment lately received, as to entertain an unbrotherly spirit on that occasion, and seek their own relief by ways that would distress and impoverish England. It was scarce practicable to find any remedies for themselves, but what would one way or other affect that country; and yet Ireland could not subsist without a liberty of sending some of their commodities into foreign parts, since they could not now send them into England; and without a prohibition of the importation of some English commodities, which, since they could not send cattle in exchange, would carry away all the money they should get out of other countries. They proposed therefore to have leave from his majesty to prohibit by an act of state such commodities as would drain them of their coin, to have the ports of Ireland made free, and to have liberty of trading to the American plantations, and to foreign parts, notwithstanding the war with France, Holland, Denmark, and Norway. These propositions having been debated in council, the king, by a letter on March 23, pursuant to their advice, gave di-

rections that all restraints upon the exportation of commodities of the growth or manufacture of Ireland to foreign parts should be taken off, and that this should be, by a proclamation of the lord lieutenant and council, notified to all his subjects of that kingdom; provided still that nothing were done therein for trade to or with the English foreign plantations, further or otherwise than the laws allowed, nor in prejudice to the charters of the royal East India, Turkey, or Canary companies. His majesty likewise gave leave to the state of Ireland to retaliate the usage they had received from the Scots, who, copying after England, had by an act of state prohibited their cattle, corn, and beef. Accordingly on April 1 the lord lieutenant and council published a proclamation notifying the allowance of a free trade to all foreign countries, either in war or peace with his majesty, and prohibiting the importation of linen and woollen manufactures, stockings, gloves, and other commodities out of Scotland, as drawing great sums of money yearly out of Ireland, and a great hinderance to the manufactures of this kingdom.

239     These concessions to the Irish were not granted without some heat and strong opposition in the council from those very men who had been most zealous for the act against the Irish cattle, and had declared, when that act was in agitation, that they thought them reasonable. One thing appears very extraordinary in the debates and resolutions of the council upon this occasion. They agreed to an unlimited exportation of all commodities of the growth and manufacture of Ireland, and intended it in the largest sense, (as lord Anglesea, giving an account of this matter to the lord lieutenant, says,) not so much as wools being excepted, but particularly granted in the debates of the council by those who were most opposite to Ireland, so that it might be made use of; though perhaps for more caution he thought it best to let wools go

out only by license, which his grace and the council would best resolve of, and not to mention them in the proclamation that was to be issued. That party of men which were for denying reasonable things to Ireland, and yet could allow of the exportation of wool, were declared enemies to the duke of Ormond; and little doubt would be made of their intending that allowance as a snare to his grace, and to make his acting, pursuant to it, a matter of the impeachment which at this time they meditated against him, if they had not been perfect strangers to the condition and affairs of that kingdom. And yet, unless they were as utterly ignorant of the true interest of England, or did not care what became of its commerce, or had a mind to furnish the trading part of the nation with occasions of complaint, it will be difficult to account for their conduct in this respect.

240 But whatever was their view, the duke of Ormond was not to be surprised into a step which he could not justify. He could not comprehend the meaning of their proceeding, and wondered that the liberty of transporting wool into foreign parts should be deemed fitter for the king to allow (as the less inconvenience to England) than that of a free trade with the American plantations. He was sure it had been otherwise esteemed in former times, and he was so firmly of that opinion himself, that he required some better arguments to convince him than bare assertions, or the sentiments of others. He thought it too great a venture to give any license at all for such exportation of wools, (which was forbidden by law, except to England by the particular license of the lord lieutenant,) under a general liberty, which might be thought to include it, but which also (it might be said) did not include a liberty, restrained under so capital a penalty as felony; whereof the dispenser might be interpreted to be as guilty as the exporter, if he did it without full and express warrant. He was likewise in doubt whether the king, though

he could pardon felony, could yet warrant the committing of it, so as to indemnify the actors, otherwise than by a pardon after the fact committed; an after-game which few would be willing to play in such a conjuncture, and for his own part, he did not think it very desirable to have many records of that nature found among his evidences. He was resolved to do nothing in it himself, though the granting of such licenses was the particular province, and a considerable part of the income of the chief governor; and having communicated his sense of the matter to the council of Ireland, he thus expresseth it in his answer to the earl of Anglesea:

“Though the exportation of wools is not excepted, and though it was particularly granted in the debates at council, by those who were most opposite to Ireland, yet I find we shall be very doubtful how safe it may be for us, by implication upon general words, though fortified by express allowance in debates at the board there, (which not being reduced unto or entered as orders, may hereafter be forgotten or denied,) to venture upon giving a liberty, either by license or otherwise, for the exportation of that commodity to foreign parts; considering what penalties the law lays upon it; what complaints his majesty's dispensing with those laws since his restitution in a few particular cases hath produced; and that in our own letter under our hands we waved it. So that it may in time be inferred, that we could not reasonably understand that particular to be comprehended in the general power given us by the king's letter; unless we may have some authentic entry, that it was on debate in council there understood and intended, the king should give us power to permit the exportation of Irish wool to foreign countries, notwithstanding the laws against it; or unless the king by a particular letter will, as by advice of his council, declare it to be his intention. I have been the more large upon this point, because that as it is what would most certainly and speedily bring in money, so it is in itself, and by our having waved it in our letter, the most dangerous thing to venture upon without good warrant.”

After the duke of Ormond had thus stated the diffi-346  
culty, no entry was made in council, no order was sent

from thence, or letter from the king, with the authority proposed. His grace granting no license, afforded no handle to his enemies to accuse him ; who, if the committee appointed by the house of commons on Nov. 4 following, to consider of the balance of trade, and how to prevent the exportation of wool from Ireland to foreign parts, could have found any thing of that nature, would not have failed to make use of it against him as a ground of impeachment. The Irish, forced by a necessity which breaks through all laws and restraints, exported their wools by stealth to foreign countries, where they made a greater gain by them than ever they had done in England, and have found so much the sweets of that clandestine commerce, which threatens utter ruin to the staple commodities of England, that the wisest heads will be puzzled to find out effectual ways to stop it for the future.

241 The duke of Ormond could not be too cautious in his conduct at a time when he knew there were designs formed by the duke of Buckingham and lord Ashley, and their faction at court, to get him impeached by the house of commons of England, which had shewed by their proceedings in the last session, that the first of those noblemen had a powerful interest among them, and was the chief inspirer of their measures. The duke of Buckingham was a man of great parts, and an infinite deal of wit and humour ; but wanted judgment, and had no virtue or principle of any kind : these essential defects made his whole life a continued scene of inconsistencies. He was ambitious beyond measure, and implacable in his resentments : these qualities were the effects, or different faces, of his pride, which whenever he pleased to lay aside, no man living could be more entertaining in conversation. He had a wonderful talent in turning all things to ridicule ; but by his own conduct made a more ridiculous figure in the world, than any he could, with all his viva-

city of wit and turn of imagination, draw of others. Frolic and pleasure took up the greatest part of his life, and in these he neither had any taste, nor set himself any bounds, running into the wildest extravagancies, and pushing his debaucheries to an height, which even a libertine age could not help censuring as downright madness. He inherited the best estate which any subject had at that time in England ; yet his profuseness made him always necessitous, as that necessity made him grasp at every thing that would help to supply his expenses. He was lavish without generosity, and proud without magnanimity ; and though he did not want some bright talents, yet no good one ever made part of his composition ; for there was nothing so mean that he would not stoop to, nor any thing so flagrantly impious but he was capable of undertaking. The earl of Arran's lady was his niece, and heir at law to his estate ; and when he went to sea in 1664, he had settled it by deed upon her and her heirs ; but in the beginning of the year following had altered that settlement, upon being disobliged by the duke of Ormond.

242 He thought that the alliance between them, and the expectation of a vast estate after his death, obliged the duke of Ormond to join in his interests and support him in all his ambitious projects ; but this was too much to expect from a person who was not capable of advising any thing but what was for his prince's service, or of recommending anybody to a post of the greatest consequence, of whose right affections and worthy discharge of his trust he was not well assured. The duke of Ormond was certainly incapable of doing this ; so that possibly the duke of Buckingham might have some grounds to charge him with a want of warmth and industry in his behalf, and to ascribe to that want the delay or disappointment of some of his pretensions ; and particularly of that of the presidency of the north. Upon this notion 347



it was that he cut off the countess of Arran from succeeding to his estate, though she had given him no offence; and this was the first occasion of that mortal hatred which he ever after bore to the duke of Ormond. The being denied that post was probably the reason of his disaffection to the king; for he had in the year 1663 shewed himself active in his majesty's service at the time of the fanatic plot for an insurrection in Yorkshire; and not long after appeared a disgusted man, and joining with the malecontents, became one of the principal leaders of that party. Character, reputation, judgment, virtue, and integrity, are necessary to enable a man to do any considerable good in the world; but without any of these qualifications, he is capable enough of doing mischief. Buckingham's talents for satire and ridicule fitted him admirably well for an opposition to the court, though he would have made a wretched defender of it, if he had been engaged that way. His quality and fortune naturally put him at the head of the opposition, and all the delays of the money bills, attacks upon the prerogative, declarations against the measures of the court, and other warm proceedings of the house of commons in the last sessions, were imputed to his influence.

243 Just before the recess of the parliament, one Dr. John Heydon was taken up for treasonable practices in sowing sedition in the navy, and engaging persons in a conspiracy to seize the Tower. The man was a pretender to great skill in astrology, but had lost much of his reputation by prognosticating the hanging of Oliver to his son Richard Cromwell and Thurloe, who came to him in disguise for the calculation of nativities, being dressed like distressed cavaliers. He was for that put in prison, and continued in confinement sixteen months, whilst Cromwell outlived the prediction near four years. This insignificant rascal was mighty great with the duke of Buckingham, who, notwithstanding the vanity of the art, and the notorious

ignorance of the professor of it, made him cast, not only his own, but the king's nativity; a matter of dangerous curiosity, and condemned by a statute which could only be said to be antiquated, because it had not been for a long time put in execution. This fellow he had likewise employed, among others, to incite the seamen to mutiny; as he had given money to other rogues, to put on jackets to personate seamen, and to go about the country begging in that garb, and exclaiming for want of pay, whilst the people oppressed with taxes were cheated of their money by the great officers of the crown. Heydon pretended to have been in all the duke's secrets for near four years past, and that he had been all that time designing against the king and his government; that his grace thought the present season favourable for the execution of his design, and had his agents at work in the navy and in the kingdom to ripen the general discontents of the people, and dispose them to action; that he had been, since the duke came out of the Tower, (into which he pretended to have been put for speaking in parliament for the pay of the fleet, and for easing the people of the burden of taxes,) importuned by him to head the first party he could get together and engage in an insurrection, the duke declaring his readiness to appear and join in the undertaking, as soon as the affair was begun. Some to whom Heydon had unbosomed himself, and who had been employed by him to carry letters to the duke of Buckingham, discovered the design: Heydon was taken up, and a serjeant at arms sent with a warrant by his majesty's express order to take up the duke, who having defended his house by force for some time, at last found means to make his escape.

244 The king knew Buckingham to be capable of the blackest designs, and was highly incensed at him for his conduct in the late sessions, and infusing that spirit into the commons, which had been so much to the detriment

of the public service. He could not forbear expressing himself with more bitterness against the duke, than scarce ever dropped from him upon any other occasion. When he was solicited in his behalf, he frankly said that he had been the cause of the continuance of the war; for the Dutch would have made an early and very low submission, had the parliament pursued their first vigorous vote of supplying him; but the duke's cabals had lessened his interest both abroad and at home with regard to the support of the war. In consequence of this resentment, the king on Feb. 25 put him out of the privy council, bed-chamber, and lieutenancy of York, ordering him likewise to be struck out of all commissions. His grace absconding, a proclamation was issued out, requiring his appearance and surrender of himself by a certain day. The earl of Arran was at this time in Ireland, but hearing to what a condition the duke had reduced himself by his departure, thought it became him to repair to court for the performance of those offices (consistent with his duty to the king) which his relation to that nobleman required. He accordingly came over into England, recommended by his father to the lord chancellor and lord Arlington to assist him with their advice how to proceed in that affair, so as to lose no ground in his majesty's good opinion.

<sup>245</sup> The king was for a good while inexorable, and resisted all the submissive addresses and apologies sent from the duke of Buckingham himself, and all the applications of his friends in his behalf. Whilst the duke was almost in despair of being able to soften his majesty, and afraid of venturing himself till his displeasure was in some degree removed, an unhappy event encouraged him to take the resolution of surrendering himself. The house of commons, though the last session began in September, was so intent upon the Irish bill, and in finding fault with the conduct of affairs, that, notwithstanding they had engaged

the king in a war, and the treasury was empty, yet there was not a money bill passed till about the end of January; and though they had early in the session voted a supply of one million eight hundred thousand pounds, yet such was the warmth of their proceedings, and so visible were their discontents, that there was no depending upon that supply being raised. The inconveniences of this delay and uncertainty were very great in many respects; but in none more, than in rendering it impracticable to fit out a fleet to be as early at sea as the Dutch. The money was scarce given, when the king received a letter from the States, expressing their own desire of peace, beseeching God to incline his majesty thereto, and assuring him, that if they had been alone in the war, they would (as was fit) have sent their ambassadors to London, as had been insisted on all the winter, but their allies would not consent to any but a neutral place. His majesty's answer was, that to shew with what confidence and frankness he was disposed to treat of peace, he would wave further insisting on the place, and send his ambassadors to the Hague. These letters the king on Feb. 12 communicated to the council, where they were read, signifying at the same time that he had appointed lord Hollis and Mr. H. Coventry to be his plenipotentiaries, and had sent to demand safe-conducts for them, in order to treat of the affair. The French court, the better to cover their design of reducing Flanders, had at the same time given the earl of St. Alban's the like assurances of their desires of peace. All this was too readily credited, and to save charges, no endeavours were used to fit out a fleet, whilst the Dutch went on so vigorously with their preparations for war, that it was expected they would have sixty men of war at sea by the middle of April. The king, alarmed with this account, went down in that month to Sheerness, and gave orders to erect a fort there for the security of the river Medway. This was not finished, when the

Dutch fleet (with four thousand landmen under the<sup>349</sup> command of Doleman, a renegado English colonel on board) came up the Thames in the beginning of June; and forcing the defendants to quit the platform at Sheerness, entered the Medway, and burnt some of the best ships of the English navy at Chatham.

<sup>246</sup> This disaster set all the ill humours in the nation afloat; the people of England were furious with rage, and exclaimed universally against the conduct of a ministry that knew neither how to make war nor peace. The duke of Buckingham took this opportunity to make his submission; and a little above a fortnight after that insult on the ports of England, surrendered himself to Mr. secretary Morrice, and was sent to the Tower. In his way thither he dined with the lords Rivers and Vaughan and some other company at the Sun in Bishopsgate-street, where he shewed himself to a numerous body of spectators with great ceremony from the balcony, openly threatening his accuser; and that the parliament should execute vengeance on his enemies. He was the bolder in this respect, because that accuser was dead just before; and being on July 8 brought before the council, he denied the charge against him, and was remanded to the Tower. His imprisonment served only to make him popular, and was very short, being released on the Sunday following; and two or three days afterwards introduced to the king at the countess of Castlemaine's lodgings, and allowed to kiss his hand, as well as to come to court. This reception was soon followed with a restitution to all his places and employments, and to his former favour and credit with his majesty.

<sup>247</sup> This was the prelude to the earl of Clarendon's disgrace. His enemies had found means, by a swarm of libels, and by an infinite number of little emissaries, to possess the people with a notion that he was the cause of all the late miscarriages in affairs; though he had

never intermeddled in any part of the management of the war, to which he had ever been very averse. His lease of Worcester-house, wherein he had lived ever since the restoration, expiring this year, and the owner of it resolving to make it the place of his own habitation, he had taken a very unhappy resolution of building an house in a piece of ground which the king had given him near St. James's. There he erected a magnificent pile, at a much greater expense than he imagined or intended, which almost ruined him in his fortune, by loading him with an heavy debt, and at the same time raised the envy of the world, who were willing enough to suppose it built by money corruptly gotten. He had removed thither in the April before the affront put upon the nation at Chatham, and the clamours and fury of the populace raised on that occasion were all levelled at him, whom they were misled to think the author of all the calamities of the kingdom; so that he was in continual apprehensions that they would pull down his house about his ears, and that he should fall a sacrifice to the fury of a misguided and enraged multitude. In this situation he was still intrepid, supported by the clearness of his conscience, and well satisfied he had done nothing that he ought to be ashamed of himself, or his friends for him. To this undeserved misfortune of popular odium some natural ones were added; the dukes of Cambridge and Kendal, sons to the duke of York, and the lady Clarendon, died within a few days of one another. This last was an excellent woman, and her loss left him scarce any thing desirable in life; yet he bore all with an equanimity which his friends could not sufficiently admire. He had lost a little before (on May 16) his chief friend the earl of Southampton, upon whose death the treasury was put into the hands of the duke of Albemarle, lord Ashley, sir T. Clifford, sir W. Coventry, and sir John Duncombe, none of them well-affected to the chancellor.

He was thereby left in a manner alone, and giving an account of that event to the duke of Ormond, expresseth<sup>350</sup> well the greatness of his loss, or of his sense of it, by saying, that, besides him, he had not another friend left in the world. He knew that the duke's presence in Ireland was necessary, and that a journey into England would be very inconvenient to his domestic affairs; so that he did not press his coming over, yet seemed to wish his presence more for the good of the public, and for the steadiness of the king's counsels, than for his own support, which he rested entirely upon his own innocence.

248 The chancellor was certainly a minister of as great probity, disinterestedness, and integrity, as hath been known in any age: his whole conduct, and his letters to the duke of Ormond, (to a friend towards whom he had no reserve,) are an irrefragable proof of this part of his character. But he seems to have fallen into that very mistake (which he remarks in the character of archbishop Laud) of imagining that a man's own integrity will support him, in all times and all circumstances of affairs, in the measures which he takes for the public good. He was passionate, and though solemn and cool in debate, did not bear an unreasonable contradiction with that temper which selfish, artful, and designing men always take care to preserve. He was not without the pride of a conscious virtue, and knowing well the just reasons upon which he gave his advice on any occasion, when he found it rejected, he thought himself the less concerned to prevent the ill consequences of measures taken by others' counsels in opposition to his own, which were dictated purely by his zeal for the king's service, and his regard to the good of the kingdom. From the time that lord Arlington was made secretary of state, he was apt on occasion to complain that he had no credit at court, which disoblged the king; and to clear himself from

having any hand in certain resolutions, which perhaps would otherwise not have been approved in the event; and yet his dislike thereof was still represented as the reason of their miscarriage, and served the advisers for an excuse. He always gave the king prudent and honest advice; but if it was overruled, (as was too often the case,) he did not care to intermeddle, but left it to wiser men (as he styled them) to follow their own measures, and to perform what they had confidently undertaken for the king's service. This manner of conduct made him neglect his interest (of which few ministers have ever had a greater, and yet founded upon virtue) in the house of commons, till at last it was utterly ruined. Archbishop Sheldon saw early what would be the issue of this way of proceeding, and did not fail to represent it to the chancellor; but he was not to be removed from the plan of conduct which he had laid down to himself: so that Sheldon could not forbear complaining in his letters to the duke of Ormond, that Clarendon had by that means ruined himself, and suffered the church to fall into that danger wherein it was at the time that the seals were taken from him.

249 The king too by a like negligence had brought upon himself all the difficulties wherewith he was surrounded. He was too fond of pleasures to love business, and gave up himself so much to them, that he left the management of public affairs to those ministers whom he particularly trusted. He suffered so much in his reputation on this account, that he had need of all those amiable qualities with which he was endowed, and which charmed all that came near him, to prevent the effects from being fatal. But his personal failings did much less prejudice to his affairs than one mistake in his political conduct. Whether, his restoration being brought about by a concurrence of persons of different parties, he had a mind to please them all, or thought that a balance of parties was



an useful method and instrument of government, or at least a proper means to obtain some things which he had at heart, his council was composed of men who had different views and interests, not only in what concerned themselves, but in what regarded the public. Their prin-<sup>351</sup> ciples both as to church and state were contradictory to one another, and not having one uniform end in public affairs to pursue, they never agreed in their measures; a discord much more pernicious than those jars which arise from a dispute who shall best serve their prince, or who shall serve him in the highest station, which will ever be found in all courts. Hence it came that there was no concert for the carrying of any point for the public service; no rule whereby those who meant and wished well to it might be guided; no director from whom they might derive instructions for their conduct; but every one said and did what appeared right in his own eyes, and all were left to the accident of wind and tide, in a popular assembly, to drive at random. Hence arose that disunion, irresolution, uncertainty, and uneasiness, which caused many to grow weary of attending the service of the house, and threw others into those distractions and confusions, which, being improved by a small number of disaffected persons, raised a spirit not unlike that which reigned in 1641, and produced such violent measures as threw all good men into a violent consternation, and would have made those who knew the house best expect the like calamities, if they had not been satisfied that the members loved the king and the constitution better than the faction did which prevailed in those days. There was not a member in the house but was incensed against some or other of the great officers of the crown, and whilst each man was for attacking the minister he hated, they all united their passions, and joined in examining into the public accounts and miscarriages in government, and prosecuted these inquiries with so much heat, as

made the king uneasy, and dread the worst, though perhaps there never was an house of commons better affected to monarchy in general, or to his person in particular.

250 There had appeared so general a discontent in the last session, and the house of commons had broke up in so ill a temper, that his majesty was very apprehensive of their meeting; and yet it was necessary, in the present distress of his affairs, to call them together, and even anticipate the time to which they had been prorogued. The violent proceedings in the last sessions were imputed to the duke of Buckingham's influence upon the leading members; and his grace undertook that the parliament should do the king's business, if he would but sacrifice the earl of Clarendon to their resentment. The king was weary of a minister, of whom from his early youth he had learned to stand in awe, and who still seemed to keep up an authority over him by the remonstrances which he made to him on all occasions with great freedom and little ceremony. These remonstrances were the more disagreeable, because often made upon subjects in which the king knew well enough his own failings, but loved them too well to attempt a reformation. His majesty was sensible that, whatever was exceptionable in the manner of them, these free expostulations arose purely from the chancellor's integrity and zeal for his service; motives which ought to have added to their weight, as well as have skreened him from his resentment, to whose interest they were directed. This resentment had broke out a little before, in a manner unusual to the king, upon occasion of the private marriage which had been contracted between the duke of Richmond and Mrs. Stewart, and was made public in April this year. This young lady was the daughter of captain Walter Stewart, a Scotch gentleman of the Blantyre family. From her first appearance at court she was uni-

versally admired, eclipsed the countess of Castlemaine, and was certainly a person of exquisite beauty, if justly represented in a puncheon made by Roettier, his majesty's engraver of the mint, in order to strike a medal of her, which exhibits the finest face that perhaps was ever seen. The king was supposed to be desperately in love with her, and it became common discourse that there<sup>352</sup> was a design on foot to get him divorced from the queen, in order to marry Mrs. Stewart. Lord Clarendon was thought to have promoted the match with the duke of Richmond, thereby to prevent the other design, which he thought would hurt the king's character, embroil his affairs at present, and entail all the evils of a disputed succession on the nation. Whether he actually encouraged the duke of Richmond's marriage doth not appear, but I find that he was so strongly possessed of the king's inclination to a divorce, that, even after his disgrace, he was persuaded the duke of Buckingham had undertaken to carry that matter through the parliament. It is certain too that the king considered him as the chief promoter of that marriage, and resented it in the highest degree. Thus affected towards the chancellor, he easily closed with the duke of Buckingham to give him up to the malice of his enemies.

<sup>251</sup> It soon came to be public discourse that the great seal was to be taken away from the chancellor. Many, out of zeal to justice and the king's service, interposed with his majesty in his behalf, and moved, that at least he might have a fair trial, and not be run down by the cry of the people. The duke of York was so warm in his cause, that it had like to have engaged him in a quarrel with his majesty. The king was for some time irresolute and undetermined what to do; insomuch, that on Aug. 26 the chancellor coming in the morning to his chamber at Whitehall, his majesty came thither with the duke of York, and, after a long conference together,

parted from him, with great professions of kindness, and assurances that he would consider further of the matter. This hesitation on the king's part made all lord Clarendon's enemies join their efforts to remove him now, as well as to prosecute him afterwards, so as to incapacitate him for ever from being restored to his former power. On this occasion the duke of Albemarle and lord Arlington united with the duke of Buckingham and his party; and as the king's affairs were in such a situation as to require the greatest unanimity and industry of his servants, he was persuaded four days after the conference to send secretary Morrice to the chancellor, with a warrant for the great seal, which was delivered to the lord chief justice Bridgman.

252 The lord Arlington, writing to the duke of Ormond the next day after the conference, but before he knew the result of it, acquaints his grace, that the king was persuaded his affairs would be much embarrassed, and the lord chancellor much exposed in the next session, and therefore had recommended it to the duke of York to prepare the chancellor to retire; that his royal highness brought his majesty such an answer back again, as he believed the thing would be easily done. But since that answer, the duke and all lord Clarendon's friends, believing that such a step would be highly to his prejudice, had been very earnest with the king to change his mind, and the lord chancellor had been with him yesterday; that he could not really tell what his majesty had finally determined, but was afraid he would be prevailed with to change his mind, for in that case the next would prove a very troublesome session of parliament, and those things whereof the government stood most essentially in need would very hardly be obtained; and even the chancellor himself would suffer more than he would have done if he had retired; concluding his sense of that matter in these words:

“ I heartily pray it may be otherwise ; but I fear I shall be a true prophet, and then not be exposed to so much censure as I am for my opinion now.”

This letter was carried with great expedition to Dublin, for on Sept. 3 the duke of Ormond returned an answer, in which he thus expresses his sense of that matter, which he wished might be represented to his majesty :

“ I am able to make no judgment on the expedient his majesty <sup>353</sup> found to give himself ease, and my lord chancellor security at the next meeting of the parliament. If my lord chancellor could persuade himself that the demission of his charge would facilitate a good intelligence between the king and his subjects, and gain those assistances from them to support the government, which are so evidently necessary, he is not so good a servant or so wise a man as I hope he will be found, if he would not on his knees lay the seals at his majesty’s feet, and beseech him to take them from him. But if there remain any doubt of the success of forcing him to retire, or if he is not chargeable with some crime, such as put in the balance with many years’ faithful, painful, and comfortless service shall outweigh it, I know the king is too good a master to lay him aside (which in effect is to condemn him unheard) upon popular clamour and for uncertain advantage ; whereof the one will always attend men of business who rise by it, and the other should never be brought in competition with honour and justice, which are the only lasting supports to greatness, and can hardly fail, since they can as hardly be found without the assistance of steadiness and courage.”

<sup>253</sup> Lord Arlington received this letter on the 13th at night, and read it the next day to his majesty ; who thereupon said, he would write that night to the lord lieutenant, and give him an account of what the lord Clarendon had done to displease him, besides the dissatisfaction of the world on his account. The king in that letter to the duke of Ormond does not offer to charge the chancellor with any crime, but only with a certain peevishness of temper, which gave him offence, and concludes in these words :

“ This is an argument too big for a letter ; so that I will add

but this word to assure you, that your former friendship to the chancellor shall not do you any prejudice with me, and that I have not in the least degree diminished that value and kindness I ever had for you ; which I thought fit to say to you upon this occasion, because it is very possible malicious people may suggest the contrary to you."

254 The taking of the seals from the lord chancellor did not either stop his prosecution or advantage the king's affairs. The parliament had been prorogued to Oct. 10, but upon the general consternation that followed the Dutch attempt on Chatham, they were convened by proclamation to meet on July 25. As there were some doubts about the legality of this convention, and the necessity of their immediate sitting was removed by the signing of the articles of peace with the States General, the king thought it proper for the two houses upon their meeting to adjourn themselves to the day appointed by the prorogation. The commons before their adjournment passed a vote that their members who were of the privy-council should wait on his majesty, and desire in the name of the house, that the forces which he had lately raised upon the Dutch fleet entering the river might be disbanded upon the peace being declared. The king immediately complied, though he was still in a state of war with France. The parliament, when they met in October, returned him thanks for disbanding the forces and displacing the chancellor. This last part of the address was much desired by the king ; and he had spoke to so many of the lords about it, that it passed in that house without opposition ; the duke of York being ordered to withdraw in case of a division on the question. This was not enough to satisfy the malice of the chancellor's enemies, or quiet their fears of his getting into employment again. They resolved to impeach him, and were encouraged in that design by the king himself, who observing sir Heneage Finch to be silent in the house, when that point came in question, gave him positive orders to be active and to

promote the business. Nobody was warmer in this affair <sup>354</sup> than Mr. Edward Seymour, who had some time before, out of an high valuation of his own merits, or some pique to the lord Robarts, insisted on being made keeper of the privy seal, and being balked of his pretensions, was highly discontented. The impeachment was first moved on Oct. 26, when lord Clarendon was accused in general of many and great crimes, of corruptions, briberies, and extortions, of putting the great seal to illegal patents and pardons of great crimes and offences, of introducing an arbitrary government, and of representing the king as incapable of governing, and as inclined to popery. Among the corruptions, mention was made of large sums received out of Ireland for passing the bill of settlement, and it was, by way of parenthesis, signified to the house, that they should have information of the abuses of that kingdom in due time. The house did not come so readily into the motion as was expected; but after a long debate, appointed a committee to search precedents in the like cases. At last Mr. Seymour on Nov. 12 carried up in the name of the commons a general impeachment against the earl of Clarendon of treason and other high crimes and misdemeanours, praying that he might be sequestered from the lords' house and imprisoned, and that the house of commons would deliver in articles against him in a short time.

<sup>255</sup> The lords, after three days' debate on the subject, resolved not to sequester the earl, because the commons had only accused him of treason in general, and had not assigned or specified any particular matter of treason. The commons insisted on it as their right that he should be committed upon a general impeachment, though they had no precedents in their favour but those of archbishop Laud and the earl of Strafford, the first of which was exploded as done in violent times, and the latter, as not only so, but repealed by act of parliament. But the

lords, in the conferences held upon this matter, produced such arguments of reason and law for their resolution, that all indifferent persons present were entirely convinced, that what they had resolved was just and reasonable, as well as conformable to ancient and unexceptionable precedents. Neither house would retract their opinions; and that of the lords having on Saturday Nov. 30, after a free conference of six hours, affirmed for the third time their former resolution, the commons on the Monday following passed a very extraordinary vote, viz. "That the lords not complying with the house of commons in committing the earl of Clarendon upon their impeachment of treason, is an obstruction to public justice in the proceedings of both houses, and of evil and dangerous consequence in the future." The debate which ended in this vote was ushered in by the duke of Albemarle's son, a youth of fourteen or fifteen years of age, (for such were then allowed to sit in the house of commons,) and was chiefly carried on by old Mr. Vaughan, with great heat and very free language. Many persons of great interest and very large estates opposed this heat with as much warmth, some saying openly, "what could they do next, but to vote the lords useless and dangerous, as the Rump had done?" In fine, all sober men wondered at this proceeding, and few were satisfied.

256 The commons however proceeded further the next morning, and resolved on a remonstrance and petition to the king, that he would take the matter into his hands, and commit the earl of Clarendon. The fury of some members of the house against him was such, that they aimed at his life, and yet they had difficulty enough to find out any particular action that could be charged on him as a crime. Three articles were at first proposed, but they afterwards swelled them up to seventeen; and in these they thought fit to leave out those of bribery and corruption, putting instead thereof a charge, that he had



in a short time gained to himself a greater estate than could be imagined to be lawfully gained in so short a<sup>355</sup> time; a matter, which the small estate he left, and the heavy debts with which it was clogged, contracted by the building of his house, sufficiently refuted, though they served as much to condemn his prudence in that affair as they did to justify his innocence. When the articles were offered to the house, Lawrence Hyde, afterwards earl of Rochester, moved in his father's name, that, for the despatch of the business, those who knew best what their evidence was, would single out any one of the articles which they thought could be best proved, and if they could make proof of that, he would submit to the censure due upon them all. Sir Charles Wheeler on this occasion (in confidence of the assurances of others who pretended to have proofs ready) got up and answered for the proof of every one of them; of which he was afterwards much ashamed, when he found, upon further inquiry, that there was not so much as evidence to support any of them. Those who were in the secret of the prosecution knew very well this defect of proof, and seeing the temper of the lords did not answer their expectation, resolved to rest the whole affair upon a quarrel with them on the disputed point of commitment; by which means they should avoid a trial by the whole house, and might afterwards proceed to a trial by commission, directed only to twenty-four peers, such as they or their party should choose.

<sup>257</sup> It appears by lord Arlington's letters to the duke of Ormond, that it was expected a week before the vote, that if the lords did not recede from their privilege, the commons would either take this way of remonstrance, or bring in a bill of attainder. The last would still have left the whole house of lords to judge in the case, and afforded the prosecutors little hopes of success, especially since the bishops would have voted on that occasion; so

the other method was deemed by his enemies to be more eligible and fitter for their purpose. Lord Clarendon, with all his innocence and integrity, had reason to dread the judgment of twenty-four such persons as should be picked out by the duke of Buckingham, who, having undertaken for the king's having a supply from the parliament, now governed all at court, and lord Arlington was of opinion that it was his best way to retire. He was affected with the duke of York's interests, which were now in danger; for though the project for the king's divorce was, upon the bishops' unanimous resolution to oppose it, by this time laid aside, yet there was another on foot for getting his majesty to declare that he had been married to the duke of Monmouth's mother; and the persons appointed by the king to reduce the expenses of his government had proposed the cutting off the two hundred pounds a week allowed the duke of York for his table. His royal highness was now sick of the small pox, though supposed to be out of danger; so that it is uncertain how far he was concerned in the resolution which the earl of Clarendon took of withdrawing himself. This was notified on Dec. 3 to the house of peers, by a petition which his son the lord Cornbury delivered in his name to the earl of Denbigh, who presented it to the house. His friends were divided in their opinions about the party which he took of withdrawing, but they all thought him ill advised in the matter of his petition, wherein he vindicated himself from any way contributing to the late miscarriages in such a manner as laid the blame at the same time upon others.

258 Lord Arlington was particularly struck at in this petition, which he resented exceedingly, and called it a libel in the house. The commons voted it scandalous and seditious, and moved the lords that it might be burnt by the common hangman; which was ordered accordingly. A bill was brought into the lords' house, making

it treason for lord Clarendon to return into England, and for any to correspond with him abroad ; to which amend-356  
ments were made by the commons, requiring him to surrender himself to the lieutenant of the Tower by Feb. 1, and indulging his children and relations the liberty of a correspondence. The earl of Clarendon retired into Normandy, where, if not the malice, at least the misrepresentations of his enemies pursued him. As he was going at the latter end of the March following from Rouen to Paris, he stopped at a town called Evreux on the south side of the Seine. There chanced to be an English or Irish company quartered in the place ; the captain was absent, and the ensign, one Edward Howard, getting together a parcel of the common soldiers, assaulted his lodgings. Several of them were killed in the attempt, but at last the house was forced, and the earl had certainly been massacred, if Mr. Swane, the lieutenant of the company, had not, upon hearing of the riot, come in seasonably to his rescue, and saved his life.

259 The same persons who prosecuted the earl of Clarendon so violently, were enemies to the duke of Ormond, and intended the like impeachment against him. The duke of Buckingham wanted his posts of steward of the household and lieutenant of Ireland ; and had likewise a mind to overthrow the whole settlement of that kingdom. But there were two great difficulties in the way of this design ; the one was, the love and esteem generally paid to the duke of Ormond by all ranks of men throughout the kingdom ; the other was, the want of matter to find fault with in his conduct. A man that by any accident or artifice is rendered unpopular and odious, may be run down by general accusations, unsupported by any evidence ; but popular men cannot be treated in the same manner. The duke of Buckingham, however, and his great counsellor sir Robert Howard, were very industrious in searching for matter to be the ground of an impeach-

ment. Sir Robert had solicited the duke of Ormond to get him made a commissioner for executing the act of explanation ; and had received for answer, that there were no new commissioners to be made, (besides the lord chief justice Smith, who was absolutely necessary,) and the number of the old ones was to be reduced in order to save expense. When he saw sir Allan Broderick appointed one of them, not knowing that he had been in the former commission, (being particularly appointed to succeed Mr. H. Coventry, when this last was recalled to attend the parliament of England,) he conceived a mortal hatred against the lord lieutenant. Means were used to inform him that sir Allan had been an old commissioner, and had always sat in the court of claims : he shut his eyes against the light of the clearest evidence, and resolved obstinately to retain his resentment ; such are the effects of an exasperated pride. They had about the middle of October cooked up an impeachment against him, in twelve general articles, which being in the hands of some particular member, sir Heneage Finch got a copy of them, and sent it to the duke of Ormond. The solicitor thought them all frivolous, except two ; one relating to the commission for trying by martial law the soldiers that mutinied at Carrickfergus, and the other to the quartering of soldiers in Dublin, contrary to the Irish statute of 18 H. VI, though this act being only of force in Ireland, he did not think an offence against it to be a treason triable in England, as he was ready to demonstrate by clear and weighty reasons.

260 The solicitor certainly mistook the sense of that Irish statute, for the most eminent lawyers of Ireland, who knew the history, scope, and design of it, never understood the quartering of soldiers to be within it ; and all the governors of that kingdom had given out warrants for quartering of soldiers in Dublin. The duke of Ormond thought he might as well have been accused for

having the king's sword and maces borne before him, as for this quartering of the guards. When he came thither in 1662, he found the very same regiment quartered in <sup>357</sup> the city by the authority of the lords justices, and though the same thing had been done in the earl of Strafford's time, yet nothing of this nature was charged against him; which it certainly would, if it had then been deemed treason, or a probable ingredient to help make up the mass, which, compounded of many lesser crimes, was to be called treason. It was a thing that had been always practised without the least murmur or complaint, was really beneficial to the place, and so very necessary to the security of the kingdom, that without it the castle of Dublin would have been secured in 1663, and might be seized at any time, to lay the foundation of a general insurrection. There had been a petition of the mayor, sheriffs, and commons of Dublin, presented to the lord lieutenant and council in the beginning of October, complaining of some irregularities of the soldiers, and of too many of them being quartered on the poorer inhabitants, and desiring that they might be quartered in inns and houses of entertainment. This petition did not complain of the quartering of soldiers, but of abuses done to the inhabitants under that pretence. It owned the custom of quartering, and expressed their desire and willingness to continue it, only it proposed what the petitioners judged the most proper ways of doing it, and absolutely freed the lord lieutenant's warrants from furnishing the least pretext to those abuses, whereof complaint was made. The constant custom had been, upon the annual alteration of the city officers, for the chief governor to direct his warrants to the mayor and sheriffs to provide convenient quarters for the officers and soldiers of the troops and companies there kept for the security of the city and kingdom. The lord lieutenant and council had always left it to the mayor and sheriffs to regulate the

manner and places of quartering, and told them in their answer (on Oct. 7) to this petition, "that they might have always quartered the soldiers in inns if they had pleased, and might do so now, if there were enough to accommodate them; that if they had mentioned any particular instances of oppression, they would have given present redress, and inflicted due punishment on the offenders, and they were still ready to do so upon any such instance and application." The mayor and sheriffs did not afterwards offer to produce any particular instance of oppression; and it is probable this petition was set on foot by some instructed persons to serve for a colour to what was designed against the lord lieutenant in the parliament of England. There was as little reason of complaint against the commission for trying the mutineers taken at Carrickfergus; for as the duke of Ormond was particularly empowered as lord lieutenant to grant such a commission in cases of mutinies, so it could not be deemed a time of peace, when war was actually levied by those men, who seized the king's forts, and held them out by force of arms against his majesty's authority. The other heads of the accusation were such, that the duke of Ormond, upon receiving them, said, they were put together either by some friend of his, or by a very ignorant enemy. There was not one of them true as expressed in the articles; some, if they had been true, and done by him, were no crimes; and others were impossible to have been done by any body; so that if the parliament should meet with no other faults but those, there would be little work for their justice or reformation.

261 There were two petitions presented to the house of commons, by which the duke of Ormond's enemies hoped to find means to attack his conduct. One of them was a petition of alderman Barker, a proud, cross, unmannerly, but artful and indefatigable man, who besought relief against a judgment given by the lord lieutenant and

council of Ireland. It was presented to the house by Mr. Seymour, who ushered it in with an harangue, telling them, that it began in bribery and ended in oppression. The case was this: Thomas Cuninghame and Lewis Dyck<sup>358</sup> had fifteen thousand five hundred and fifty acres of land assigned them in the counties of Limerick and Tipperary in Cromwell's time, in consideration of service at sea against the Irish rebels: Barker had bought their lot, and claimed the land as their assignee. The acts of 17 and 18 Car. made no provision, nor assigned any satisfaction in forfeited land for that kind of service; and it appeared at the trial, that even that service had not been performed, but the ships employed by the parliament against the king in the west of England; that as for such service, they were appointed to receive satisfaction from the committee of the navy, and out of money specially assigned for that use, and had actually received from that committee two thousand pounds in part of payment; that money and credit falling short there, an expedient was found to transfer the full of the satisfaction of Dyck and Cuninghame, from the proper funds of the navy, upon forfeited lands in Ireland; but this project could not take effect, unless they could obtain all the acquittances and other formalities required by the acts to entitle them thereto; that the committee for Irish affairs, to whom this particular matter was referred, could not be prevailed with to allow it for a just and regular adventure pursuant to the acts; and that it was never admitted for such, till satisfaction for many other services done in England, as well as this, was let in upon that security, to which the acts passed since his majesty's restoration gave no allowance, and which had no countenance any where, till kingly government was voted down, and that of a commonwealth assumed. All this appeared before the lord lieutenant and council; and Barker offering no proof that the money pretended to be advanced had been

ever paid, or applied to the Irish service, they, pursuant to the act of explanation, (which vacates all lots assigned for arrears of English service, and vests the lands in the king,) gave judgment against Barker, and ordered the tenants of the lands to pay their rents to the vice-treasurer of Ireland for his majesty's use.

262 Barker made a terrible noise about this sentence, and not only appealed to the king and council in England, but complained to the world by a printed account of his case, misrepresenting the truth of the fact, and throwing libellous reflections on the lord lieutenant and council of Ireland. He was encouraged in this unprecedented and scandalous way of proceeding by some powerful friends, who had further views than his service in the affair. When the appeal came to be heard on Oct. 11, the lords Robarts, Carlisle, Hollis, Berkeley, Ashley, and Buckingham, with secretary Morrice and sir W. Coventry, laboured hard in Barker's favour to puzzle the cause, and make the most of his proofs which did not relate to the point in question; and yet took up two days in producing. The king himself was present all the time, and finding the lords above-mentioned willing in the debates to deviate from the point wherein the stress of the dispute lay, reminded them from time to time that the only question was, whether Dyck and Cuningham had actually paid the money which Barker pretended, and whether it was paid for Irish service; for if it was only advanced for English service, the act of explanation expressly excluded the petitioner from any lands in Ireland. Of this Barker had not had any proofs to produce; so that his appeal was dismissed.

263 Not discouraged at being condemned by the sentence of both the councils of England and Ireland, he resolved to appeal to the parliament. To prevent the ill consequences which were apprehended from that step in the present situation of affairs, the king was pressed by



Barker's friends to stop his complaints by granting him the lands which by the judgment were vested in his majesty and in his disposal. The duke of Ormond thought it very hard that persons intrusted by the king with the government of one of his realms should be calumniated<sup>359</sup> and libelled by such a man as Barker, without such a vindication and reparation as his majesty owed to his own authority intrusted with his servants. He conceived that the king was under greater obligations of honour and conscience to dispose of those lands towards the enlargement of the common stock for some of the ends of the act of settlement, than he was to bestow them upon Barker. There were three thousand acres to be assigned to Ruthorne, who had made the discovery of the fraud, and had been at the charge of the prosecution; and as soon as the lands were adjudged to the king, his grace had earnestly recommended the disposal of the remaining twelve thousand five hundred and fifty acres among the nominees, who, notwithstanding his majesty's gracious intentions of restoring each of them two thousand acres of their old estates, remained yet unsatisfied. He had been charged by Barker not only with error of understanding, but with partiality or some other mean end in the judgment upon his case; faults of which he was not conscious at all to himself, and for which he thought he had given not the least ground of suspicion to others. He knew nothing he had to fear or be ashamed of in that business; and when he found the king not only advised, but disposed to give back the lands to Barker, he remonstrated against it in the strongest manner. He thought it would throw a slur upon the judgment of the council of Ireland in that case; and as his majesty ought in justice to consult the honour and reputation of his ministers there, so he could not in prudence bring upon himself so much trouble, as he would soon have, if it were once found that unjust

and unreasonable clamours could procure success to the most groundless claims. A little encouragement would give rise to a thousand of the like clamours, and he should for ever despair of a settlement, unless his majesty would adhere to the just sentence pronounced against Barker, and let his petition to the house of commons take its fate.

<sup>264</sup> There was another petition presented to that house signed by eight adventurers in the name of the rest, praying that they might have the entire benefit intended them by the acts in the 17th and 18th of the late king. If the rules and limitations laid down in those acts had been strictly observed, they had no title to any of the lands allotted them; and yet they petitioned that the whole thereof might be assigned them, notwithstanding they had agreed, when the act of explanation was settling, to accept of two thirds. If their desires had been gratified, all that had been done for seven years past towards the settlement of Ireland would have been unravelled at once, and that country thrown into horrible confusions. The request of persons to be relieved against their own act appeared so unreasonable, and the consequences of it so very mischievous, and both these were so clearly represented by sir H. Finch to the house of commons, that, notwithstanding all the endeavours of the duke of Buckingham, they thought fit on Dec. 10 to dismiss the petition. The adventurers had once thought of applying to the king in council, but despairing of getting their point there, altered their mind, and applied, though with no better success, to the house of commons. The king indeed did not care to meddle in the Irish disputes, and was afraid of giving his own judgment in the case, and of declaring his intentions in the behalf of those whom he thought had the best title to his favour.

<sup>265</sup> There was a stock of five hundred thousand acres for reprisals, which the commissioners finding not to be suf-

ficient to answer the demands of all persons, and that their adjudging to some their whole had given occasion of complaint, and would in the end leave others utterly unsatisfied as to any part of their claims, had applied to the lord lieutenant and council for directions. The doubts were, whether the nominees should be first put in possession of the two thousand acres specially assigned them<sup>360</sup> by the acts of settlement, before satisfaction was given to some other interests; whether the proviso-men or any other interest should be preferred, or whether, upon considering all the persons entitled to those acres, they should not be distributed as far as they would go, making a proportionable defalcation out of each interest and person's claims. The duke of Ormond thought that the act was so express in favour of the nominees for their proportion, that they ought to have their two thousand acres assigned them in the first place, especially since it was but a small part of their former estates; but a great many of the council were of a different opinion. The king was deemed the most proper person to determine what his own intentions were in that case, and to him the matter was referred. The nominees accordingly presented a petition to the council of England, but, instead of proceeding to a sentence, lord Anglesea found means to keep off a determination, and sir W. Coventry insisting that any decision there would be plucking a thorn out of the duke of Ormond's foot to put it in the king's, the matter was referred back to the council of Ireland. This case of the nominees and proviso-men was accordingly on Dec. 13 argued by council of both sides. When they had urged all that could be said on the subject, and the members of the board were ready to give their judgment. the lord chief baron desired to be excused from giving his, alleging, that, being a party, he could not be made a judge, even by an act of parliament. Being asked how he was a party, he affirmed, that he was not only in pos-

session of the estate of a nominee, whereof the nominee had made election as part of his two thousand acres, but had likewise a deficiency to be satisfied. This the lord chief justice Santry allowed to be law, and a sufficient ground to dispense with the chief baron. Upon this many others of the council affirmed themselves to be likewise parties; so that of twenty-four members of the board then present, there were not above seven or eight who found themselves in a capacity to be judges. Hereupon the sentence was put off, the duke of Ormond himself not knowing how far he might possibly be a party, till he had first consulted his commissioners for the management of his estate, to whom he had formerly given directions to purchase some deficiencies in the county of Kilkenny that lay intermixed with his own lands, but did not know whether they had been executed.

266 The parliament of England adjourned on Dec. 14 to Feb. 6. Their proceedings, and the threats of the faction against the duke of Ormond, had an ill effect in Ireland, and furnished him an occasion of exercising that firmness which never failed him in any distressed situation of affairs. The interests of all men in that kingdom were affected in the consequences of Barker's and the adventurers' petitions; and the disaffected part of it were much elated by the hopes of an impeachment of the duke of Ormond. The discourses of all sorts of people were very free and bold, and their expectations suited their wishes. A wonderful wariness ensued in most of those who should have bore their parts in the management of affairs; whilst others assumed great confidence in disturbing them under the countenance or pretence of law. Those who insisted most on the benefit and privilege of laws, were chiefly such as in times past had allowed others no share in them. This appeared particularly in the opposition now begun to be given in most towns to the quartering of the army; which if they could shake off, they might hope soon after to

bring it to mutiny, or to be no army at all; either of which consequences would probably enable them to effect their purposes. “I have so much reason,” says the duke of Ormond in his letter of Jan. 4 to lord Arlington, “to fear this may be the aim of some, that for all I am threatened to be accused of treason on account of giving<sup>361</sup> warrants for the quartering of soldiers; yet I am so hopeful that I shall incur no such danger, and so apprehensive that, if the army shall be much discouraged or lessened, treason and rebellion would soon shew themselves, that I continue to give the usual warrants, and to compel obedience to be given to them; and so I shall do, if his majesty vouchsafe to give it his approbation.” Lord Arlington, in his answer to this letter, promised to send the king’s directions in his next; but I do not find in any of his following despatches the least syllable upon this subject. The duke of Ormond seems in these ticklish and dangerous times to be left to his own judgment, without any rule or directions to guide him in his conduct; and as I think it a matter worthy of curiosity to see the situation of the mind of a great man under difficulties, I have therefore published some of his grace’s letters expressing his undisguised sentiments with regard to the impeachment, by which his friend the earl of Clarendon had been ruined, and himself was threatened, and have inserted them in the Appendix, Nos. XLVII—LXXVI.

<sup>267</sup> The duke of Buckingham seemed to be at this time sovereign director of the king’s counsels, and of the measures of the parliament, and to be thereby in a condition of executing his own schemes, and of deciding the fate of those against whom he declared himself an enemy. He had undertaken that the house of commons should give the king a supply for his necessities, which were very great and urgent, but it was not yet granted, and it was uncertain in what temper they would meet. Nor were his schemes adapted to his majesty’s service, or intended

for the advantage of monarchy. Major Wildman was now made his secretary, and designed with other professed republicans to be commissioners of accounts, though some of them justly deserved to be called to an account themselves. Many changes were made in offices about court, and more were designed and generally filled up with persons who were remarkable for their trusts and service under Cromwell; a character which was not likely to recommend them to the parliament, or dispose them to make good the duke of Buckingham's engagement in their behalf. That engagement was the foundation of his present power and credit with the king, which would soon vanish, if he failed in the performance. All wise men judged that his design was to strike at the foundation of the government and succession; and it was probably to cover it, that after several months' discontinuance of his duty to the duke of York, he thought fit at last to make him a visit, in which he carried himself with great humility and submission. What professions he made of duty to his royal highness had scarce any more sincerity in them than the scene which was exhibited at Wallingford House, where at this time he celebrated a day of humiliation and seeking of God, in the same manner and with as much zeal in appearance as ever Fleetwood had performed such exercises in that place. By this devotion or hypocrisy, he made his court to the violent fanatics, the fittest persons to serve him as hands in the schemes he had laid, and all the expedients he thought proper to use to carry his points were calculated to gratify the worst part of the parliament and nation at the irreparable expense of the church and crown.

268 Of this sort was the indulgence which he proposed to all kinds of sectaries whatever, and yet there were great numbers still remaining of those monstrous sects which had sprung up in the times of usurpation. Such was the scheme of comprehension which he had formed, and en-

gaged his majesty to recommend it in his speech to the parliament. The two houses met on Thursday Feb. 6, but were directed to adjourn till the Monday following, when his majesty having acquainted them with the new league he had made with Holland, in order to the effectual mediation of a peace between France and Spain, and <sup>302</sup> desired of them a supply to fit out a considerable fleet pursuant to that alliance, concluded in these words: “ And for the settling of a firm peace, as well at home as abroad, one thing more I hold myself obliged to recommend to you at this present, which is, that you would seriously think of some course to beget a better union and composure in the minds of my protestant subjects in matter of religion; whereby they may be induced, not only to submit quietly to the government, but also faithfully give their assistance to the support of it.”

<sup>269</sup> There happened on this occasion an event, which seems to justify archbishop Sheldon’s opinion, that the lord chancellor Clarendon ruined himself purely by neglecting to keep up his interest in the house of commons, and by suffering things to go there at random. In the two last sessions, there had been strange divisions among them, scarce two persons agreeing together, or daring to trust one another; the best things were opposed purely because this or that man proposed them, and every body that wished well to the church and crown were under terrible apprehensions of measures being taken that would be prejudicial, and perhaps in the end prove fatal to both. Never were there more melancholy descriptions of confusions and distractions than were given of those in this house of commons in the letters of the members for two years together, and never was there seen a more sudden turn than was now produced in an hour, when many honourable and wise persons thought it was scarce possible to produce it in an age. The sectaries had been exceedingly elated at the situation of affairs, and the dis-

position of the court in their favour ; and had made too early and open discoveries of their expectations of coming soon into power; which did not pass unobserved. As soon as the house met, and before his majesty came, a motion was made upon divers informations from several counties and cities of new swarms of conventicles, and that persons generally disaffected to church government had boldly taken upon themselves to summon all of their own principles, and to promise them an act of comprehension to pass that session for a general toleration, the heads of which were offered in writing by one of the members. This reunited at once all the friends to the constitution in church and state, and a vote immediately passed, that such of the members as were of the privy council should attend his majesty with a request in the name of the house, that he would issue out a proclamation for putting in present execution the laws in force concerning religion and church government now established according to the act of uniformity. The duke of Buckingham's party pressed, but in vain, that the vote might be respited, because his majesty might possibly say something to them in his speech concerning that matter. After the speech was made, the same party pressed more earnestly than before, that the address might not be tendered till they had fully debated the particulars in his majesty's speech, which, as soon as it was read, was carried back to his majesty, and the vote being again affirmed, was delivered into the hands of a privy counsellor to be presented to the king in the afternoon.

270 Thus was defeated the scheme of a comprehension, which had the honour of having the duke of Buckingham for its author, and no doubt tallied with the other schemes which he had formed at this time ; a circumstance which will raise no advantageous opinion of its being calculated for the benefit of either church or state. His grace met with other mortifications the same day, which fully shewed



the vanity of his confident undertakings for the parliament. For when his friends moved to return his majesty thanks for his speech and for the new alliance, it was opposed, and after some debate was laid aside without a question. The king's present supply was then pressed; but the house resolved, that the committee for the mis-<sup>363</sup>carriages of the war should make their report and receive directions from the house for their farther inquiry, and the reasons and causes of the present want and poverty of the kingdom should likewise be debated, before the supply should be taken into consideration. When that part of the king's speech came afterwards to be considered in the house, a motion was made that his majesty be desired to send for such persons as he should think fit to make proposals to him in order to the uniting of his protestant subjects; but it was rejected, and the house was so far from coming into any such measures as were proposed by the scheme then on foot, that they passed an act for continuing a former for suppressing seditious conventicles, and enlarging it in some particulars.

<sup>271</sup> This was a great shock to the duke of Buckingham's credit at court. He had before thought himself so sure of the lieutenancy of Ireland, that he had promised offices, and named the persons who were to attend him into that kingdom: but it now behoved him more than ever to find matter of accusation, in order to the removal of the duke of Ormond. Sir Robert Howard, sir T. Littleton, Vaughan, Seymour, Garraway, and others of that cabal, left no stone unturned for that purpose. They had before ordered an inquiry into the ways of preventing the exportation of wool out of Ireland; and now they called for an account of the licenses which had been there granted, and of the recognisances which had been forfeited on account of any transportation of wool, and whether they had been extended or discharged, and by whom, when, and in what manner; but this afforded

them no matter for an accusation. Thus they had made an order for the surveyor general of Ireland to lay before them the particulars of all the lands in that kingdom belonging to the crown, or forfeited since 1640, the persons to whom granted, the reserved rent, and the true yearly value; but this being found too voluminous, they afterwards limited it to lands not disposed of by the acts of settlement and explanation. Their design was to discover if some of Barker's lands had not been given to the duke of Ormond (as was falsely and maliciously whispered); but now calling for the result of their order, they found themselves disappointed, his grace having no interest in any of those lands. Barker's petition was examined by the committee of grievances, to which it was referred; but was so well answered by the king's council, and it appeared so plainly that the certificates, acquittances, and lots which he and his partners had got in Cromwell's time were obtained without any money given or service done for Ireland, and that it was only a bartering of certificates of money, brought in upon the Irish acts, for service done against the king in England, that his friends were ashamed of the cause and quitted the committee, and he himself desired it might be decently dropped by being put off to a long day. Another petition of the adventurers was presented to the house, and read on March 16, being signed by other persons than the former, but alike calculated to overthrow the settlement, and intended to wound the duke of Ormond through the sides of the commissioners. But after several hearings, sir Allan Broderick and sir Winston Churchill made the defence of the commissioners so clearly, and to the general satisfaction of the whole house, that the petition was dismissed at the latter end of April.

272 In the mean time, the duke of Ormond's impeachment was the common subject of discourse, and all occasions were embraced of throwing invidious reflections upon

him in the house of commons, in order to pave the way for a formal charge. This was not only done upon occasion of the two petitions above mentioned, where something might offer naturally affording a pretence to mention his grace, but even in debates on subjects quite foreign to the affairs of Ireland, his enemies still took care to shew their malevolence and give notice of their<sup>364</sup> designs. Of these, none appeared more inveterate than sir C. Wheeler, who had been so violent against the earl of Clarendon. This gentleman, when the house was on March 7 considering how to raise the three hundred thousand pounds voted for a supply to his majesty, proposed formally to the house, that whereas the duke of Ormond was at that time raising fifty thousand pounds upon the people of Ireland for his own use, it was much fitter that money should be employed for the public in supplying the king. He pressed this the rather, because all the royal family (the king excepted) had not had so much raised for them; and then went on to reckon up to the value of two hundred thousand pounds which he pretended had been granted at other times to his grace; concluding at last, that (except the earl of Clarendon) nobody had been so burdensome, and gotten so vastly as the duke of Ormond. It is a strange liberty which forward and confident men take sometimes to speak in matters which they do not understand themselves, but borrow their notions of them upon trust from the partial, false, and malicious suggestions of others. To do this in an house of commons is in all cases an high affront offered to the dignity of that assembly, and in such cases where it affects the character and fortune of a great man, (eminent for a course of sufferings, as well as of loyalty and virtue, above any other subject in the three kingdoms,) and is intended to blast the one and ruin the other, hath something in it so mean, unchristian, and inhuman, that it must raise the indignation of every man that hath any sense of honour, justice, and religion. The matter of

this charge will be examined hereafter : at present it is only necessary to observe, that the duke of Ormond's conduct was so well known to the best and most considerable persons who heard it, that it made no impression at all upon the house, the temper of which it was probably intended to sound. Nobody seconded the motion in the house, and so it died with shame to the author.

273 From these and other passages the duke of Ormond saw plainly the strong inclination his enemies had to bring a charge against him into the house of commons ; but as he was satisfied that nothing of any consequence could be alleged against him with truth, he was persuaded that if an impeachment should be there moved, (which he could hardly think,) yet it would not be received. He was satisfied that the chief design of his enemies was to remove him from the government of Ireland, and that the impeachment proposed was only considered as a means to that end, which might possibly be attained in another manner, if that was not found to be practicable. His removal at that time could not but be very inconvenient to him, and perhaps prove the utter ruin of his fortune. He had contracted an heavy debt in the service of the crown, and the only means left him to discharge it was the money given him by the act of settlement. He had not yet received a penny of that money, and it would hardly be brought in, but by his own presence, or the great friendship of a chief governor, and might be utterly lost under the discountenance of a removal that had the air of a disgrace, or by the coldness of a successor, as he found afterwards by too sad experience. The question was, what he should do to prevent that removal. His friends generally pressed him to come over into England, imagining that his presence would soon dissipate the storm that threatened him, though lord Anglesea did not think it so necessary on this account, as it was for the king's service, to give weight and stability to his majesty's

counsels, which he thought was so much wanted, that all the benefit hoped from the alliance with Holland for the saving of Flanders was in danger of being lost. His own judgment was against his going out of Ireland, as well by reason of the uncertainty of the effect which his friends fancied his presence in England would produce, as of the certain and great expense which such a journey would <sup>365</sup> occasion. He determined to stay in his own province, and to wait the event.

<sup>274</sup> He thought it proper however to be prepared, in case his going to England should at last be unavoidable. For this reason he desired the king's license to come over when he should find it necessary, and that he might leave his son the earl of Ossory deputy in his stead. His majesty readily consented to both, and undertook likewise to give him notice when it would be necessary or proper for him to come over. He relied upon that assurance, which was repeated to him several times; nor could all the instances and alarms of his friends alter his resolution. All their accounts, notions, and reasons were communicated to him in the fullest light by the earl of Ossory, who set out in the beginning of March for Ireland. The duke of Ormond was not convinced by those reasons and accounts, but, after conference with his son, remained still as undetermined as ever, in relation to his going, till he found the earl of Orrery setting out for England.

<sup>275</sup> The duke of Buckingham had, by the mediation of Mr. Grey, made an overture to the earl of Ossory of making up matters with him. The earl's answer was, that he would be well with no man that was not so with his father; and their reconciliation was impracticable, if his grace had not the same disposition towards the duke of Ormond as he now professed to his son: if he had, he should be glad of his friendship. Buckingham declared he had the same disposition, and Mr. Grey was likewise

to settle a good understanding between the two dukes. Notwithstanding this, no means were left untried to find out matter for an impeachment against the duke of Ormond; and all persons that could be supposed to contribute to it were solicited and tempted by threats and promises. The earl of Anglesea had been vice-treasurer of Ireland ever since the restoration; he was aspersed by libels, and threatened with a strict examination of his accounts and other matters; but was told at the same time that nothing should be done to his prejudice, if he would but appear, or even let the ruling party at court carry on their designs against the duke of Ormond. He rejected the offer with indignation; said that he had never done any thing but faithful service to his majesty, and as he depended upon his own integrity, so he would not be bribed by fear or favour from doing justice to all men according to his capacity. He gave the duke of Ormond notice of this attack, of the persons concerned, and of all the designs against him that came to his knowledge. Among others, the earl of Orrery had been solicited by letters from sir Robert Howard (the duke of Buckingham's chief adviser) to help them to some facts upon which they might ground an accusation. The earl excused himself, as being an unequal match to the lord lieutenant, and that if he intermeddled in such an affair he should probably sink under the greatness of the other's power and interest. To remove this excuse, the king was prevailed with to write<sup>x</sup> to the earl of Orrery to assure him of his unalterable friendship; and as he needed no man's interest to recommend him to his favour, so he might be confident no one's ill offices could ever have any effect to his prejudice.

276 Lord Orrery gave the duke of Ormond an early account of his being solicited in this manner; but it was only in general, and he would not discover the persons

<sup>x</sup> See the letter in Append. No. LXVI.

who had thus endeavoured to draw him into their combination, that his grace might know against whose designs he was to guard himself; nor did he ever give him the least notice of the king's letter. He had promised to let the duke know what was like to be objected against him, and, in performance of that promise, had sent him some articles, which his grace deemed too senseless to be real, and his jealousy being already raised, he suspected <sup>366</sup> some of them to be that nobleman's inventions. A terrible account which his lordship sent of the listing of all the Irish between sixteen and sixty in some baronies of the county of Tipperary, and this by order, seemed to confirm the suspicion, his lordship (as he said) having traced that matter as far as Thurles, (where the duke of Ormond's mother lived,) and there dropped it out of respect to his grace. The lord lieutenant sent immediately a commission to the bishop of Waterford, sir T. Staples, and Mr. Ant. Ward, justices of peace in that county, to search diligently into the bottom of the affair. Hereupon captain Rice Phillips, from whom the information was said originally to come, the two Brownes, constables of Eliogharthy and Thurles, who were referred to as best able to give a full account of the business, and other persons, were examined, and all agreed that they neither knew nor heard of any such matter as a rising or an enlisting of persons, or buying of arms, or any intention or preparation whatever in order thereto. All the ground for any surmise of that nature was, that the son of a gentleman of that country being ordained priest, about five hundred people of his relations and neighbourhood had met without arms to hear his first mass, and that done, had dispersed quietly to their respective homes. The duke of Ormond had been down in the country in October and February at Kilkenny and Thurles, and the lord Orrery, instead of making him a visit, sent him excuses, which he had never made before.

Hence arose a jealousy, which by the mediation of the lord chancellor Boyle was rather covered over than removed.

277 Lord Orrery at this time entertained thoughts of going into England, being (as he wrote to the chancellor) earnestly invited thither. The chancellor dissuaded him from the journey, but was answered, that it was in obedience to command, and not by choice, intimating that the king had sent for him; and so some of his friends gave out that the command was sent him in the king's own hand, with many gracious expressions. Some of his favourites also, particularly the earl of Roscommon, (to whom, as well as to his family, the duke of Ormond had done many and great services,) were continually with the earl of Meath, counselling him in all his proceedings, and assisting him to draw up a charge against the lord lieutenant. Lord Orrery resolving upon his journey, desired of his grace a license for absence from his charge, and for going out of the kingdom; which was sent him without the least delay, notwithstanding the duke's mistrust of the design of his journey. He thought it strange that lord Orrery should resolve to go into England at a time when he must either desert his former friendships, or acquire new enmities; neither of which was to be done with security, nor both to be avoided with all his dexterity. Besides, he knew very well that the expense of the journey would be little less inconvenient to his lordship than such an one would be to himself; and thence concluded he would not undertake it without some design proportionable in advantage (if he met with success) to the certain inconvenience and difficulty which he was unavoidably to suffer. And how he could have any such design, but upon something in Ireland, or how he could improve himself there, without supplanting his interest or authority, he could not comprehend. The duke of Ormond was apprehensive of no insinuations to his pre-



judice that could be made by an open enemy, but he thought it easy for any man to disguise his representations or propositions under the countenance of the king's service, and to profess that he only preferred that before his friendship. Such insinuations he thought, if nobody was on the spot to discover the fallacy, might take deeper root than to be with ease afterwards removed. These reflections made him, when he found lord Orrery's journey fixed, determine to go for England. He set sail from Dublin on April 24, and landed the next day at Holyhead, leaving the government of Ireland in the hands of the earl of Ossory.

END OF BOOK VI.

AN HISTORY 367

OF

THE LIFE OF

JAMES THE FIRST DUKE OF ORMOND,

AND OF

THE AFFAIRS OF IRELAND IN HIS TIME.

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BOOK VII.

*Containing an account of the duke of Ormond's conduct, and the affairs of Ireland, from his leaving that kingdom in 1668, to his return to the government of it in 1677.*

**T**HE duke of Ormond arrived at London on May 6, having been met as he drew near the city by a great number of gentlemen, some in their coaches and others on horseback, who, being truly affected to the constitution of England in church and state, took that method of shewing their respect to a person whom they looked upon as the most eminent assertor of the rights and true interest of both. There was such a general disposition to shew him respect in this juncture, that if the two houses of parliament had not been sitting upon a very important occasion, he had come into London with more company than ever he did himself, or any other of his employment had done within the memory of man. This was a mere voluntary act of those gentlemen, without any encourage-

ment from his grace ; but gave great offence to his enemies about court, who envied him a popularity to which themselves had no pretensions. The duke of Buckingham made him a visit upon his coming to town, and made solemn protestations that he had no will or intention of doing him hurt. The king received him with greater civility than kindness ; but seemed well satisfied with the account he gave him of the management of his affairs in Ireland, and not at all disposed to take them out of his hands. He assured him that he would let him judge in his own concerns for himself, and allow him the same freedom he had always indulged him in his affairs.

2 The king had deferred the reducement of the establishment of that kingdom, which had been long in consideration, till his grace's arrival, to have his sentiments on the subject. It was proposed that Ireland should bear its own charge ; a thing very reasonable in itself, and <sup>368</sup> much desired by the lord lieutenant. This could not be settled too soon, and yet was not to be effected otherwise, than either by raising the revenue to the charge, or by sinking the charge to the revenue ; and herein care was to be taken that an overplus might be reserved to answer contingencies, and by degrees to pay off all reasonable arrears. The government of Ireland could not but be an uneasy post as long as the charge exceeded the revenue ; and his grace had all his time sufficiently experienced that uneasiness, and been forced to struggle with great difficulties arising from that excess. He came over prepared to give his opinion about retrenchments, and had brought with him a plan for the reducement, the most reasonable, just, and agreeable that had been suggested. It took in the military as well as civil list ; he thinking it much more for the safety of the kingdom, and for his majesty's service, that the army should be well paid with fewer officers and soldiers, than by keeping up more than could be paid, to have them all discon-

tented. But as for the improvement of the revenue to such a degree as to supply the defect of its answering the establishment, (which was the more agreeable scheme to his majesty,) it was no way to be done but by a parliament, which might for that and other good purposes be called, as soon as the commissioners of claims had gone through their work, and the acts designed to be passed were prepared.

3 There were some particularly wanting for the king's service and the good of the kingdom. Besides the subsidies which were necessary for defraying the excess of the charge beyond the income, there was another act requisite for the collecting of the revenue with greater speed and certainty, as well as with more ease to the people. The multiplying of causeless indictments out of malice (too frequent in countries where the inhabitants are estranged from one another by clashing interests, and exasperated by mutual provocations) was proper to be provided against by a particular law. An act of pardon and oblivion was the general desire of the nation. Other things were needful to be done for the promotion of justice, the preventing of extortions, the regulation of fees, and the advancement of trade. But as the security of people's property is the thing they have most at heart, nothing could be more agreeable to the kingdom in general than an act to limit the king's title, and to confirm the estates and possessions of persons to whom they had been adjudged, and passed pursuant to the certificates of the commissioners. The king once thought of calling a parliament for these purposes, and that it should meet in the beginning of the winter. In this case the duke of Ormond was to go over in August to prepare matters against the meeting; but his majesty was, upon new accidents, diverted from that resolution.

4 The earl of Orrery, when he was ready to embark from Ireland, was seized with an ague, which ended in a

fit of the gout, which delayed his journey. He did not arrive in England till about the middle of June, but had sent over before him a narrative of Irish affairs to sir Charles Wheeler, which was made public enough before his arrival. As soon as he came to court, he undertook to the king to shew him that there was revenue and other helps enough in Ireland to pay both the military and civil lists, and that, if it had been rightly managed, his majesty would not have been in debt; that the receipts had been greater than the issues, and vast sums sufficient to do the king's business still remained to be accounted for, and that there was no need of aids from the people, either for support of the growing charge, or for paying the debt of the crown. This undertaking put a stop to the thoughts of a parliament; and the duke of Ormond was desirous to encourage it, (though not made in the most obliging manner to him,) in hopes of finding <sup>369</sup> Ireland to be in a better condition than he imagined. He had a very good opinion of lord Orrery's talents for calculation, and of his knowledge of the revenue, but was afraid that the king's own warrants would be found at last to be the misappliers of his revenue, and so all the noise made about the dissipation of his treasure would after all produce nothing recoverable to answer the present necessity, which was the chief thing at first undertaken. Part of the blame might possibly be laid upon him for obeying such warrants, and upon lord Anglesea for answering them, before the lists of the establishment were fully satisfied. But he had the satisfaction of knowing that he had never recommended above two sums of money to be paid to any persons, one to the earls of Anglesea and Orrery, and the other to Mr. Robert Fitzgerald, and neither of those had been actually paid in any part. A commission was issued to the dukes of Bucks and Albemarle, the lord Robarts, sir Thomas Osborne, and sir T. Littleton, to inquire into the malad-

ministration of the revenue of Ireland. The world generally imagined this commission to be aimed at the lord lieutenant, and, considering the persons appointed for commissioners, there was room enough for that notion; yet he forwarded it all he could, as well to convince the world that it did not affect his administration, as to undeceive the king, who could not otherwise be cured of the suggestions instilled into him of the mismanagement of his revenue. The inquiry ended, as the duke of Ormond apprehended, in discovering that the earl of Anglesea's accounts were just, and that the king's warrants had chiefly contributed to the large debt due to the establishment.

- 5 The earl of Orrery's undertaking, though it did not answer the king's expectation, or better the condition of his majesty's revenue, was yet useful to the views he proposed to himself, by putting off the design of reducing the army, and the resolution of calling a parliament in Ireland. In the reduction of the forces, it was intended that the most disaffected officers and companies should be disbanded; which chiefly affected those in his province of Munster, (of which the duke of Ormond had taken a list with that very view,) who had deserted lord Inchiquin in 1649 in order to join lord Orrery, under whose command they had ever since continued. It was the attachment of these men to him that probably induced him, upon the failure of his undertaking, when the necessity of reducing the army was evident, to propose, that the regiment of guards, which had served so usefully for preventing the insurrection in 1663, and in suppressing of Carrickfergus, might be broke before any other part of the forces. The calling of a parliament affected him in other respects; preparations being made to lay before it complaints against the proceedings of the presidential court of Munster, and which (it was expected) would be followed with an address to the king, that he

would suppress that court and the office of president, as very inconvenient and oppressive to the province. It was likewise conceived that the sitting of a parliament in Ireland would prevent the English house of commons from intermeddling in the affairs of that kingdom; for which in such case they could have no pretence. The commissioners for executing the acts of settlement had now in a manner finished their business, and had actually adjudged to the adventurers and soldiers, and put them all in possession of full two thirds of the lands originally allotted them for their adventures and arrears, when great numbers of the nominees and all the other interests, for which provision was made in those acts, were left unsatisfied, either in whole or in a considerable part. Those adventurers had consented at the settling of the act of explanation to the retrenchment of one third of their lands, and lord Orrery was the person who put them upon making that proposition; but now they had got into a quiet and secure possession of two thirds, they had a <sup>370</sup> mind to get back the other. This was one view in the petition presented to the English house of commons in the last session, and though they did not then succeed, they resolved to make another attempt in the next. Lord Orrery was prepared to support them in it with all his influence, credit, and abilities, which were very great; not only as engaged to them by principle, inclination, and their common interest, but because it was a favourite part of the schemes of his great friends, who were then the reigning favourites and ministers at court.

6 He had come over now from Ireland at the entreaty of the duke of Buckingham and lord Ashley, to assist in their measures for the removal of the duke of Ormond from the lieutenancy of Ireland. They had inquired into his grace's conduct, and laboured in vain to find some mistake or crime to justify the discarding of an old and faithful servant of the crown, whose merits, services, and

sufferings were too well known in the world to allow his prince to disgrace him, without some hurt to his own character, and a considerable detriment to his service. The king was in very great distress for want of money, and consequently disposed to hearken to any undertaking that seemed to promise him relief, and to believe any representations that would charge the difficulties he felt to anybody's negligence or unthriftiness but his own. His majesty being thus prepared to receive impressions of that nature, they imagined they should carry their point against the duke of Ormond, if they could but produce any proofs of the mismanagement of the revenue of Ireland. The earl of Orrery was the likeliest person to supply them with materials or pretences; and to him they applied on this occasion, promising, in case he would serve them in it, that he should be made lord lieutenant or deputy of the kingdom. Upon this encouragement he came to England, fraught with accounts of the receipts and issues of the public treasure from July 1662, when his grace first arrived in Ireland to exercise the government. Upon his arrival he presented the king with the undertaking above-mentioned, which occasioned an inquiry into lord Anglesea's accounts, and was so readily swallowed by the king, that the duke of Ormond had some difficulty to prevail that his lordship might be heard in his own defence. But a new commission being issued, the commissioners were so hasty in proceeding against lord Anglesea, that before they had gone through the examination, or made any report of the state of his accounts, they prevailed with the king to suspend him from his post of treasurer of the navy, which was executed by sir T. Osborne and sir T. Littleton during the suspension. He had in July 1667 parted with the vice-treasurership of Ireland to sir G. Carteret in exchange for that post, and enjoyed it by patent, which enabled him to bring an action against the two possessors for the profits. The



chief faults found with his accounts at last (besides some mistakes and confusions which they would not wait the originals and vouchers being sent from Dublin to clear) were, that he had obeyed the king's orders in paying sums of money granted by warrants, before the establishment was satisfied, and that he had not taken sufficient care to get in the revenue, but had left a great part of it in arrears.

7 These lay chiefly in the hearth and poll-money, (before the farming thereof,) probably occasioned by the poverty of the country; and in the composition and quit-rents, which were frequently three, four, and sometimes five years in arrear, the fault of which necessarily lay either upon the auditor, who did not draw them down in a seasonable time, or upon the exchequer, who did not write for them, and was indeed to be charged upon the former. The commissioners, upon the credit of Dr. Gorges, whom they had sent into Ireland to find matter to justify their proceedings against lord Anglesea, and to carry on a further prosecution against him, reported, that <sup>371</sup> these arrears amounted to above four hundred and eighty-eight thousand pounds; and the man had the assurance to stand to that computation, in opposition to one sent from the council of Ireland, upon certificates of the proper officers, which reduced them to less than a third part of the sum. Gorges, with some partners, seemingly offered to farm these arrears at one hundred and thirty thousand pounds, and the duke of Buckingham espoused the proposition. But the duke of Ormond representing that the farming of the arrears would be unprofitable to the king, whilst it exposed the subject to the danger of vexation and oppression for the gain of particular persons, and that either Gorges' computation was excessively extravagant, or his offer very deceitful, that proposal was laid aside. Some observations sent from the king's council, the chief baron and officers of the exchequer in Ireland, convinced

his majesty of the vanity and impossibility of that calculation, and of (what he was concerned to find) the inconsiderableness of the arrear. But whether there was any fault in these particulars, or wherever it lay, it was still evident that the blame could not be charged on the lord lieutenant, whose business was not to see the revenue brought in, but to have it fairly discounted afterwards; and who had given repeated orders from time to time that no money should be issued upon private warrants till the establishment was wholly paid. It appeared likewise afterwards, from the accounts sent over by the council of Ireland, of the establishments and the revenue, in the several years of the duke of Ormond's government, and from the comparison of the one with the other, that the establishment had always exceeded the revenue, though in some years more, and in others less, the charge above the revenue gradually diminishing; so that though in 1661, when his grace was made lord lieutenant, it exceeded the revenue sixty thousand six hundred and forty-five pounds, yet in 1668, when he left Ireland, the exceeding was only thirty-one thousand one hundred and thirty-six pounds. This consideration alone (without any regard to the payment of private warrants) was sufficient to account for the arrear due to the civil and military lists, (which amounted to one hundred and seventy-five thousand nine hundred and two pounds,) without laying any blame on the vice-treasurer. To discharge that arrear, there was another of rents and payments due to the crown from solvent persons, amounting to one hundred and fifteen thousand seven hundred and thirty-seven pounds, so that all the debt of Ireland unprovided for at this time when the duke of Ormond left the government was sixty thousand one hundred and sixty-five pounds, and yet that was the foundation of all the groundless clamour about the mismanagement of the revenue.

8 When the duke of Ormond came into England, he

was advised by some of his friends to quit one of his employments, and particularly that of lord lieutenant, as the post of the greatest envy. He did not think it either for his own or the king's service that he should resign that command, and was determined that no action of his should express a sense either of guilt or fear. If he was necessarily to lose his place, he still deemed it more decent to quit it by force, or by a submission to the king's pleasure, than by a voluntary surrender. He saw the duke of Buckingham had a great ascendant over the king, and knew him to be his mortal enemy; but still thought he might be able to stand his ground, if lord Arlington was really his friend. The great friendship and near alliance between that lord and the earl of Ossory encouraged him to entertain that notion, but this was combated by the strict union between him and Buckingham. Arlington was jealous lest the duke of Ormond should be prevailed with to join, either with some whom he suspected to aim at bringing back lord Clarendon, or with sir W. Coventry and the duke's party. They came to a free conference on the subject, and his grace having satisfied all the other's doubts, without suffering him to believe he had either abandoned his friendship to the earl of Clarendon, or would be wanting in duty and real service to his royal highness, Arlington assured him, that he would do all in his power to prevent his being attacked, and in case he could not <sup>372</sup> prevail, would give him seasonable notice, and assist him with all the interest he had in his defence. Lord Arlington's character was such, that though the duke of Ormond believed him, he could scarce persuade any of his friends to be of that opinion.

9 There soon offered an occasion of trying that nobleman's sincerity. The fifty thousand pounds assigned to the duke of Ormond out of the three hundred thousand pounds to be raised upon the year's value of the lands in

Ireland being given as an equivalent for lands of much greater value which he quitted, was to be paid preferably to the rest of that sum, which was designed for other purposes. Sir G. Carteret had carried with him into Ireland an order inconsistent with this priority of payment, on which depended all his grace's hopes of getting out of debt, and saving his estate from ruin. It behoved the duke to get the order revoked, and lord Arlington undertaking it, easily succeeded in the affair. When the lord lieutenant was going to thank his majesty for the favour, the king prevented him with many civil excuses for having forgotten his concernment, and what he had done for him in that particular, assuring him that he could not have done so unkind a thing to him knowingly.

- 10 The king had in truth a great affection as well as esteem for the duke of Ormond, and, knowing the situation of his affairs, did not care to remove him from his charge in a way that might cause the world to look upon it as a disgrace, and in a time when it must be an irreparable detriment to his fortune. But having been pressed by the duke of Buckingham, upon lord Orrery's plausible undertaking, and the apparent grounds which his calculations afforded of suspecting there had been a great neglect and mismanagement of the revenue, he had been unwarily surprised into a promise of putting the government of Ireland into other hands. When that undertaking fell to nothing, and it appeared upon examination that the lord lieutenant was not to be charged with any neglect or mismanagement, he repented of that promise, which, being made upon false suggestions, he was called upon by great importunities to perform. The duke of Ormond having notice how vigorously the king was pressed upon that subject, and that he might probably in time be wrought and wearied into a compliance, thought it proper to represent to his majesty how dishonourable

and destructive such a removal from the government would be to him, and how unuseful to his majesty, since he found himself more obliged and not less able to serve him than any other; and at last to tell him, that though it never had nor ever would trouble him to be undone for his majesty, yet it would be the most insupportable affliction in the world to be undone by him. The king assured him he should never be so undone, and that no suggestions to his prejudice had or should have any place or credit with him. These assurances were repeated as often as the duke of Ormond, finding himself attacked, entered into discourse with his majesty; for which frequent occasions were offered in the space of nine months, during which there were continual fluctuations in the opinion of the court about his removal or continuance in the government of Ireland. The situation of his mind under this uncertainty, and his sentiments when the resolution was at last taken to his prejudice, may be seen in his own letters in the Appendix, Nos. LXXVII—LXXXIX.

- 11 The duke of Buckingham's instances for the lord lieutenant's removal were never so pressing as when the time of the meeting of the parliament drew nigh, which was now grown a dreadful thing to him, who had first taught them to fly upon ministers of state. He was so far from hoping that they might be brought to impeach the duke of Ormond, that he wanted the entire interest of the court to support himself, and durst not let the houses<sup>373</sup> meet whilst his grace appeared openly to be in favour and credit with his majesty; and this was the reason of their several prorogations. The two persons who, next to Buckingham, had the greatest weight in his majesty's councils, were the lord keeper Bridgeman and lord Arlington, who seeing little ground for putting out the lord lieutenant, either from any miscarriage of his, or from any justifiable reason of state, and that the intention was

received with very little applause in the world, were very unwilling to bear the burden of the advice; which yet was necessary for them to do, or else endanger their interest to the duke of Buckingham, who, thinking the duke of Ormond's power incompatible with his own, resolved, before the sitting of the parliament, to make them declare which of them they would choose for their friend. This was said to occasion in November so sharp a dispute between him and lord Arlington, that it was enough to occasion a coldness; though their common interest, danger, or views, made them reunite in their former friendship. The duke of Ormond was assured of this fact from others, for Arlington said nothing of it to him, keeping him always ignorant of the good offices he did him; a method of conduct which though it might be the more generous in him, was yet less satisfactory, perhaps less useful to his grace, who was however content to expect the issue of his lordship's professions, and leave him to the method of making them good. Arlington was very solicitous to preserve the earl of Ossory's friendship, which could not be done if he contributed to undermine his father. He did not wish to see the duke of Ormond in power, and in full credit with his majesty, and yet did not care to ruin the estate of the family, which was in evident danger, unless his grace received the fifty thousand pounds due to him, before he parted with the government of Ireland.

<sup>12</sup> In this diversity of sentiments, he joined with the lord keeper in proposing to the duke of Ormond an expedient, which answered in some measure his own views, and which (he fancied) would suit very well with his grace's affairs. The proposal was, that the duke retaining the name and appointments of lieutenant, should nominate fit persons to govern in his absence, and to apply to him on all occasions; which it was imagined would be at once for the king's service, and a saving to his grace's interest and re-

putation. Arlington acquainted the earl of Ossory with this scheme, and that the earl of Orrery, and lord Berkeley of Stratton, (who had been the most violent enemy the lord Clarendon had among the peers, and was no friend to the duke of Ormond,) were proposed for lords justices, but insisted, that one or other of them should be made lieutenant general of the army in lord Ossory's stead. As the king would not consent to put out Ossory, another scheme was laid for joining three other persons with the two beforementioned, in the government of Ireland, of which lord Ossory should be one; but his lordship was as far from liking that scheme, being sensible that he should make a very insignificant figure in a joint commission, wherein he should be so outnumbered by his enemies, that it never would be in his power to serve a friend. The duke of Ormond knew very well that the design of this proposal was, first to unfasten him, and then to lay him totally aside; and his answer was, that to make any change in the government of that kingdom, till he had once more been on the place, would be understood to proceed from the king's dissatisfaction to his service, would inevitably bring ruin and disgrace upon him, and be matter of triumph to his enemies, as well as of dejection to his friends. Yet if he could be convinced how it would advantage his majesty to have him removed, he would (as he had always done) prefer the king's service and prosperity to any interest of his own; but without any panegyrick to himself, he knew nothing fit for the king to do in Ireland which he was not as well able to do as any his majesty could employ. No reasons were<sup>374</sup> offered to shew it would be for the king's service; and the proposal was laid aside.

13 This affair remained in the same uncertainty till the beginning of the next year, when it became necessary either for the duke of Ormond to return to his government, or for some other person to be sent in his stead.

The duke of Bucks and his party now renewed their instances, and left no means unessayed to get him removed ; but with so little effect in appearance upon the king, that the duke of Ormond writing on Feb. 9 to his son Ossory, told him, that he had more reason than ever to be confident the king neither was nor would be prevailed upon to remove him from the government of Ireland, or to make any alteration in it ; but that (says he) “ I shall return to do him some further service ; and then, having settled my own affairs, I hope I shall have leave to free myself from a burden which must grow heavier as I grow older, and from which I shall desire to be eased, so it may be voluntarily, and without real dishonour.” Two days afterwards Dr. Sheridan, then his chaplain, afterwards bishop of Killmore, brought him an account from a very good hand, that at a merry entertainment the evening before, the king had been prevailed with by the duke of Bucks and his friends to promise absolutely to take away his commission, and it was to be done accordingly the next day. The duke of Ormond went that evening to court, and coming back sent for Dr. Sheridan, and told him, that he was certainly mistaken in his intelligence, for his majesty had never been so obliging, nor had caressed him so much as he had done that evening. This was only the public face which the king put upon the matter, which was now finally determined, as the duke found the next morning. He then had an opportunity of talking with his majesty on the subject, and was told by him, that it had indeed been in his thoughts, but was not resolved on absolutely. The king always loved the duke of Ormond, though he durst not shew it at all times ; but he was unsettled, and loved to be easy for the present time, without taking care (as in prudence he ought) to provide for futurity. Wearied out with the solicitations of the ministers in whose hands he was, he had yielded at last to their importunity, and consented to



divest his grace of the lieutenancy, but did not care to be himself the notifier of a resolution that could not but be unwelcome. That province was committed to lord Arlington, who had not been present when the resolution was taken, but had been commanded by the king to dispose the duke of Ormond to digest it well, and to assure him, that he would not trust or love him less in England, for taking from him the government of Ireland.

<sup>14</sup> One part of the duke's reply, when this message was delivered to him, gave great dissatisfaction to lord Arlington, because it seemed to make it impracticable for lord Ossory to live in England. He mentions it in the letter which he wrote to his brother-in-law upon this occasion :

“ His grace,” says he, “ answered me, it was in the king's power to make him go without his commission into Ireland, but for his person, he must be there, since his necessities would not permit him to live any where else. This trouble of your father's hath infinitely troubled me, because on the one side I wish his grace all satisfaction, on the other I cannot procure it for him ; and that I am so intimate with those, who have the reputation of having contributed so much to his removal. I do not mean my lord Orrery, whom I have not seen at his house since he came hither, and very seldom at my own or elsewhere. Besides, it will be no small mortification to him to have hunted so long a game that others at last have taken. I mean my lord privy seal, who I know is designed to go in your father's place. Of this you will hear by the common letters of this night, but I beg of you to forbear saying you have it from me.”

Arlington was certainly very real and hearty in his en-<sup>375</sup>deavours to keep lord Ossory from living in Ireland, which would of course have been the case, if his father had retired thither. As soon as the duke of Ormond had told him his resolution, he sent the vice-chamberlain to divert him from it ; and it was probably out of this view, and to keep his grace in England, that he did not oppose a motion which the duke of Ormond soon after made to his majesty.

15 Besides the fifty thousand pounds payable to the duke by the explanatory act in recompense of the lands he parted with for the general accommodation of the several interests provided for, there was a remainder of 48,256*l.* 2*s.* 8*d.* due to him by the first, and confirmed to him by the last act, with the advantage of preference in payment, out of the three hundred thousand pounds to be raised by the year's and half year's rent of the adventurers, soldiers, and granted lands. It was charged upon the last one hundred thousand pounds of the three, and the valuations falling short of that sum, it was provided that the defect should be supplied by a general tax on the kingdom, to be applotted by the chief governor and council. The duke of Ormond would not, whilst he continued in the government, make this applotment, because it being for his own advantage, it might occasion some murmur and scandal; nor could he expect that his successor should give himself the trouble, or put himself to any inconvenience on his account. In this situation the only expedient that he could think of for his relief was, to pass this sum to the king, and in lieu thereof to have five thousand pounds a year secured to him out of the exchequer, or upon some certain branch of the revenue, till the whole by that distribution should be paid to him. This he conceived would afford him a subsistence, and yet be no ill bargain to the king, who might command his own payment in much less time than he was paying it by that annuity. The branch which his grace proposed was the quitrents, because that would stand as long as any, and besides, he could stop his own share as part of it. The king upon the first motion of this seemed to be glad of the opportunity at once to render the duke of Ormond's condition more easy, and to give some testimony to the world, that the late change proceeded not from any want of kindness to him. His majesty spoke of it first to sir G. Carteret, and then to [the] solicitor

general whom he directed to contrive how to pass the debt to him, and sufficiently to secure the duke's payments. The agreement was made on May 20, 1669, being approved of by the lords of the treasury and the council board, and letters patents passed on Aug. 2, but the ministers prevailed to limit the annuity to four years, unless the king raised above twenty thousand pounds of the money assigned within that time; for in such case it was to be continued till the whole of the sum received by his majesty was paid. But the party against the duke of Ormond seemed to have as keen an appetite to ruin him in his private fortune, as to strip him of his power in public affairs. For notwithstanding this agreement, and though the annuity was fixed upon the quitrents of particular persons, the succeeding lords lieutenants (after his grace had received one year) made difficulties in allowing it to be paid, under pretence that the king had not received the year's rent aforesaid, though it was purely the fault, because absolutely in the power, of the crown to assess, levy, and collect it, whenever his majesty should please to give orders.

16 The duke of Ormond on the 13th at night, had notice that the king intended the next day at a committee of foreign affairs to declare his resolution to change the governor of Ireland, and appoint the lord privy seal to succeed. His majesty on this occasion declared, how well he was satisfied with the duke of Ormond's thirty years' service to his father and himself; that the change he now made was not out of distrust or displeasure, as should 376 appear by his admitting him into the most secret and important part of his affairs; and that nobody should have an higher or nearer place in his esteem and confidence. The duke's return was made with all submission to his royal pleasure, with all satisfaction in his majesty's approbation of his service, which gave him a much greater pleasure than he had received trouble from all the ca-

lummies thrown upon him by his enemies; concluding with a protestation, that his principle had always been, and ever should be, to serve, when, where, and in what station it should please him to appoint. The lord privy seal declared his acceptance of the charge with modesty in relation to himself, and with very handsome and obliging expressions concerning his predecessor; which his grace returned with his approbation of the choice his majesty had made, wishing him success suitable to his great abilities. Thus ended the affair with great decency and a good grace on the duke of Ormond's part, and not without some satisfaction in the measure of mortification which the duke of Bucks and others of his enemies received for not being able to carry their point as to the person whom they had designed for his successor, the king resolving not to give the post to any of those who had openly aimed at it, and had shewed themselves most active and busy in attacking the duke of Ormond. There was nothing that upon this event his grace was so solicitous about, as the deportment of his sons and friends; he recommended to them in the most earnest manner not to quit their posts and stations in the army, nor to leave the kingdom, but to observe that moderation and temper of which he set them the example; for unless they conformed to it, and kept from breaking out into any action or expression of resentment, all that he could do would signify nothing; his conduct would pass only for an artificial guise, and theirs would be deemed to speak their natural and genuine sense of the matter.

17 Whilst the displacing of the duke of Ormond was in suspense, lord Arlington had acted a very mysterious part, so that his grace could not tell what credit to give to his professions, or what opinion to form of his conduct. Every suggestion against him was made by others, but then Arlington was so closely united with them in all other measures, that he might well be suspected of being

secretly engaged with them in this, though he did not care openly to appear in it on lord Ossory's account. That he was so, appeared soon after plainly enough, for a man cannot make a clearer confession of his guilt, than by stooping to the wretched meanness of taking refuge in a falsehood for excuse. The duke of Ormond had in the course of this affair expressed himself with doubt on the subject of lord Arlington's friendship and good offices ; but when all was over, and he had an opportunity of writing to the earl of Ossory by a safe hand, he tells him on March 15 his sentiments in these words :

- 18 “ Though this gentleman, sir Oliver St. George, will give you another long and important letter from me ; yet having made no mention of him in it, I write this to assure you, he has carried himself during his being here with all the friendliness and respect he could express to me, and that it will be fit for you to use him accordingly. Since I wrote my other letter, James Halsal has told me, that my lord Townsend expostulating with lord Arlington about his putting himself upon new parties and friendships, contrary to his former course and correspondence which had been with cavaliers ; and particularly mentioning his desertion of me, as the rumour went, his lordship answered, as to what related to me, that I had not only estranged myself from him, and concealed my affairs from him, but had contracted a friendship with sir W. Coventry and sir John Duncombe, with whom I was ordinarily locked up two hours at a time ; that those two were his enemies, and designed his ruin, against which 377 it was but reasonable he should oppose all his industry. In all this there is not one syllable of truth ; for I did acquaint him with all my thoughts in much freedom, and desired his advice ; and if I came not at him, it was his desire I should not. I never in my life was once locked up with sir W. Coventry, nor ever held any discourse of business with Duncombe. I do not tell you this, that you should take the least notice of it to him or any other ; but to let you see in how disingenuous a way he would excuse his mean dependance on the duke of Bueks, and his coldness in what related to me ; of either of which I never before accused him, nor shall yet to any, but you. This is

enough, and I am confident it is true, for he has said little less to others.”

<sup>19</sup> The other important letter mentioned in this, sent by the same person, but wrote the day before, contains something so very curious that it ought not to be concealed from the reader, nor can be deemed impertinent to this history, when it serves to discover the designs of that party of men who brought about this change in the government of Ireland. It runs in these words :

<sup>20</sup> “The computations of the king’s debt, and income to discharge it, may doubtless be of use to lord Robarts; and I shall take a fit season to furnish him with them. In the mean time, you are not to understand yourself to be my deputy, or his, but the king’s; and when his commission is under seal, it will be no diminution to you, or pleasure to him, that you ply him with despatches of old Paul’s drawing. The paper intended for myself shall be kept to a fit time. I have often moved my lord Arlington for the augmentation of Dick<sup>a</sup> Jones his pension; it were well you would write warmly to him on the subject, your interest being more powerful than mine. I do not love to write upon conjecture, especially such things as are delicate, and subject not only to change, but to misconstruction. But conceiving this to be a safe conveyance, and that the knowledge of what in my opinion is like to happen may somewhat guide your carriage, (with which I am yet fully satisfied,) I will venture to tell you, that, if I am not much mistaken, there is a purpose to strike at the duke’s<sup>b</sup> command in the admiralty, upon pretence that the affairs belonging to it, as to the issuing of money, are much mismanaged. Whether it be so, or no; or if it be, whether the duke be in the fault, or that the want of a fixed method suitable to the present conjuncture (of which I have often heard him complain) be the cause, I am confident it will be the pretext; and that the aim is to drive him, by lessening his authority, to intemperate resentments, of which they will be ready to make use. When I say they, I mean the duke of Bucks, your brother Arlington, and sir Thomas Clifford, who, I think, have prevailed with the keeper to be instrumental. All these, especially the three first, do equally fear that the duke should have credit with

<sup>a</sup> Afterwards earl of Ranelagh.

<sup>b</sup> Duke of York.

the king, or that the present parliament should ever meet; and yet the necessities of the crown are so great and growing, (however the king is persuaded to the contrary,) that a parliament, and nothing else, can remedy them; and they who have least to do in the present counsels will not only be the most safe, but the most popular. As for the duke of Bucks, I am confident he not only undervalues, but hates the king's person and his brother's; and has designs apart, if not aimed at the ruin of them both. I hope I am persuaded the others have no such purpose or inclinations; but their conjunction with that vile man, however brought to pass at first, or now necessitated in their opinion, not only furthers his intentions, (how mischievous soever they are,) but involves them in his fortune; which cannot be good in the conclusion, unless all precedents of such persons, 378 and all the rules of prudence and religion, signify nothing. What disorders may, or rather must, proceed from such a posture of affairs is too, too easy to apprehend. It therefore behoves all honest men to preserve and improve their interest, so to be able (in an opportunity which God may put into their hands) to serve the king and their country, when both may be left in need of it by those who have little regard to either, so they may attain for the present to the ends they aim at, whether of avarice, ambition, or pleasure. I am gotten further, and into plainer terms, than I intended; and do heartily pray I may be mistaken in my fears and distrusts, which shall hurt no man, unless they come to be certainties, but myself, who, I confess, am disquieted by them. God send us better times than we have deserved to see."

- 21 The new lieutenant of Ireland, John lord Robarts of Truro, at his entrance upon his post, carried himself with greater civility towards the duke of Ormond than was usual with him, or could be expected from one of his temper. He was a man of probity, and meant well to the service of his king and country; but was very singular in his ways of proceedings, stiff, solemn, and formal in his manner, and so uncomplaisant in his address and reception of persons, that the Irish nobility and gentry who were now in London, and paid their respects to him upon his being invested with this new dignity, took offence

at his carriage, some of them resenting it seriously, whilst the wiser sort of them thought it so ridiculous, that they only treated it as a subject of laughter. They bore it the worse, for having been long used to the affable and engaging manner of the duke of Ormond, "whose winning behaviour and sweetness of temper" (to use the words of one of his converts) "had reconciled to his majesty's government, and had obtained a greater conquest upon the hearts of thousands of discontented persons, whose past actions made them afraid of and averse to it, than a frowning severe man would have done in an hundred years." He was slothful in business, and very rarely appeared either at the council or committee when the Irish affairs were under consideration, expecting that all should be prepared and fitted for him without any pains of his own; perhaps out of a view that he might be at liberty to blame his instructions, and all other things prepared in relation to the government, and yet bear no share in the blame. One particular clause he was desirous to get into his commission, giving him liberty to do all things according to his discretion. This he supposed would supply all defects in his instructions; the lord keeper told him it was unnecessary and insignificant: but he still insisting on it, the clause was allowed to be inserted to please his humour. The oddness of his temper appeared remarkably in another particular. The king had ordered to be inserted, in the commission of revocation of the duke of Ormond, some words expressing his satisfaction in his grace's good government of the kingdom of Ireland. The lord Robarts would not allow these words to pass the privy seal, though by the refusal his own commission for the lieutenancy, and consequently his pay, was retarded. That commission was ready to pass the seal in the beginning of March; but by this obstinacy he delayed it till May, knowing all the while that the king was resolved upon the matter, and that the words must



pass (as they did) at last by his majesty's immediate warrant.

<sup>22</sup> The duke of Ormond acted otherwise with regard to lord Robarts in the matter of his instructions. Those who were disappointed in the choice of his successor, (who were in effect all that had laboured his grace's remove,) not being able to prevail with the king to take it downright from him, (which would have been at once an affront to the lord Robarts in the highest degree, and <sup>379</sup> have added much to the disreputation which the management of his affairs lay under,) endeavoured to make him resign it, by imposing hard terms upon him, which he could not well digest. Their designs were favoured in one point by the king's own notions, who told the duke that he thought it might be fit for him to reserve to himself the disposition of all military offices; but his grace arguing against that innovation, as not reasonable towards lord Robarts, nor of advantage to his own service, prevailed with his majesty to recede from his intentions in that particular. He had the same success with regard to some clauses that seemed to affect himself, and were probably intended to insinuate things to his prejudice. When the new lieutenant's instructions about the revenue were read in council, the duke of Ormond took exception to two particulars. The one was, its being taken for granted that the bringing in of the revenue was innovated, and put out of the old and laudable method (which might possibly be understood as done by his grace); the other was, that the revenue had not been well disposed of or accounted for. Both these the duke affirmed to be untruths, so far as they concerned him, and as they were there set down; and after some discourse on the subject, these reflecting clauses were ordered to be left out, and the instructions ran fairly, and agreeable to those which had been given to former lieutenants. The king was now sufficiently sensible that the

charge of the establishment exceeded the revenue of Ireland; that hence arose the arrears due to the military and civil lists; and that therefore it was necessary to make a considerable reduction in the army. He thought it better to make this reduction fall upon the officers rather than the soldiers, and being resolved to dismiss some and to change others, he desired the duke of Ormond at this time to give him a character of all the officers in the army, that he might keep up such as were well-affected to his service, and discard the rest. His majesty could not well give a greater testimony of his opinion of the duke of Ormond's integrity, impartial justice to all men, and entire affections to his service, than he did by this extraordinary instance of his confidence: and it is not a little strange, that he should suffer himself to be teased into a dismissal of a minister, in whom he had so entire a confidence, and whose abilities all the world confessed. The chief end of the cabal at court in sending the lord privy seal into Ireland was to examine into the duke of Ormond's administration, and to find out some faults in it, particularly in the point of the revenue. He went thither in September with this view, which his natural temper disposed him to entertain; but not being able to discover any mismanagement that might answer the desires of the faction in that respect, and not fitted, through his extreme caution, to serve their purposes in others, he was recalled in the May following, and succeeded by John lord Berkeley of Stratton.

23 How the duke of Ormond's removal was relished in Ireland may be conjectured from a letter of lord Aungier to a person of quality in the court of England, wrote from Dublin on Nov. 14, 1668, when that affair was strongly solicited by the cabal, and reports of it spread over the three kingdoms:

24 "As for the sad news," says he, "you are mourning under about my lord duke's laying down his government, you have

many afflicted companions in this kingdom that have the same sense with yourself upon the thoughts thereof; for we have had whispering reports of it in this place this fortnight; but those that either love him, or wish well to his majesty's affairs, are loath to believe it. I confess I see so much reason against it, as to the good settlement of this nation, and can apprehend so little for it, that I cannot believe it. If the king could forget his unspotted loyalty, and all his sufferings and services in his cause, what reason can be produced to satisfy the king's judgment, that the removing so faithful a servant to the crown, that<sup>380</sup> hath more interest in his subjects of all sorts in this kingdom than any six others he can pitch upon, and who knows the temper and principles of this nation better than any subject in the three kingdoms, I cannot apprehend. For he hath gone through, with a general satisfaction to all, (that are not resolved nothing shall satisfy them,) the most intricate and knotty piece of work his majesty had to do since his restoration, not only in settling the distracted estates of the people of this kingdom, but their unsettled minds, that though none may have had what themselves have desired, yet all have had their proportion and share. The old servitors and sufferers have had honours, offices, and pensions; the Irish that could say any thing for themselves, the whole or a competent part of their estates, and the old army more than I am sure they ever expected; and in this distribution of the king's favour to all, every thing [was] performed by him with such evenness of temper and equality of favour to all parties, that none, but such as are angry they could not engross the whole, can be discontented.

25 “For myself was so acquainted with the several humours of this nation before his grace's landing, that I know the animosities between party and party were grown to such an height, that the persons of the several factions could hardly meet each other in the street, or upon the road, but some expressions, either in word or gesture, of their mutual hatred would be manifested. Many of the persons then in power (being as obnoxious as those that were turned out) had no way to make themselves good subjects, but by endeavouring to render others (more innocent than themselves) intolerably bad; whereby the conditions of many of the nonconforming party were so hard, and their expectations of the equal liberty of subjects so little, that

most of any quality or ingenuity were hastening to dispose of their estates, and remove themselves into foreign countries, choosing rather a voluntary banishment, than to endure the bondage they were in, both as men and Christians. But no sooner did they hear of our good duke's designment for Ireland, than it begat hopes in them, that his sweet temper and moderate principles might relieve them from under those pressures; well knowing he durst do them justice, and extend favour to such of them as he saw deserved it, without fear of lessening the king's confidence in him. And before he had been three months in Ireland, fears were removed, discontented minds quieted, thoughts of foreign countries given over, and every man disposing of himself to settlement, and industriously laying out themselves either in planting or trading. Instead of any removing, many families, both English and French, came over to shelter themselves under his comfortable government from the severity of their church-discipline. And himself knows, not only in the Dutch war, but on all occasions the kingdom hath had to fear disturbance, he hath had those very persons, whom those he found in the government most feared, tendering their service to him, with their lives and estates, against the king's enemies. And now after all this, to hear of his removal, and (for ought they know) of all those blessings they have enjoyed by him, what distractions in the minds of people doth it beget! what inquiring who shall succeed him! Say some, if it should be a person that hath been in arms against the king with us, he dare not shew us countenance; if it be another of an austere temper and rough behaviour, he will not do it; if it be one that hath a special favour to the Irish, then they will grow insolent, and tire and wear out the English; if it be one that hath a severe and declared enmity to the Irish, then they will hazard to run out into rebellion, and then we are all undone. This is really the distracted temper of the people that the reputed change of the government produces; and all that myself and many others con-<sup>381</sup>cerned in this case can do is to pray that God would so guide his majesty's counsels in this affair, as may most tend to his glory, and the peace and settlement of this his kingdom."

26 The duke of Ormond being removed from the government of Ireland, it was necessary to dismiss a great part

of that numerous family and expensive equipage, which, to maintain the dignity and magnificence of his employment, he kept at Dublin. The duchess went thither for this end early in the spring, and when on the last Friday in May she left that city, all the persons of quality then in town, to shew their respect to his grace, brought her part of her way towards Kilkenny, expressing the greatest concern for his leaving the government. She set sail from Waterford in the beginning of July, and landing at Milford-Haven, proceeded on her journey towards London. The duke met her at a seat of colonel Cooke's in Oxfordshire, and was the next day entertained at Oxford by Dr. Fell the vice-chancellor, and created doctor of civil law. This was the prelude to a greater honour designed him by that university; who thought no time so proper for expressing their regard to his virtue, as when it suffered a sort of eclipse at court. The earl of Clarendon upon his retreat into France had in a letter from Calais resigned his office of chancellor, into which Dr. Gilbert Sheldon, archbishop of Canterbury, was chosen. He had been a great benefactor to the university, and would willingly have engaged in the charge, but for his great age and infirmities. These had hitherto kept him from taking possession of that dignity, and as they were likely to increase daily, made him rather think of a proper person to whom he might recommend the care of the university, than of taking it upon himself. The duke of Ormond was the fittest person he could think of, being one, who, besides the eminency of his birth and dignities, had made himself more illustrious by his virtue and merits, by the constant integrity he had in all fortunes shewn to the king and church, and by his love of letters and learned men. Under this character he recommended the duke to the university in the letter<sup>c</sup> which he wrote

<sup>c</sup> See Appendix, No. XC.

on July 31 to the vice-chancellor, notifying his resignation.

- 27 This letter being read in a convocation on Aug. 4, the duke of Ormond was unanimously chosen chancellor of the university. The ceremony of his inauguration was performed at London on the 26th of that month in this manner: Dr. John Fell, vice-chancellor of the university, the bishops of Winchester, Oxford, and Rochester, a great number of doctors of all faculties, Nathaniel Alsop and James Davenant the two proctors, some bachelors of divinity, and a large body of masters, met about three o'clock in the afternoon at Exeter-House in the Strand. From thence they walked, the bishops in their episcopal habits, the rest in those peculiar to their degrees, in solemn procession, two in a row, three esquire bedles, two inferior bedles, and the verger of the university, with their ornaments and maces erect, going before them, to Worcester-House, where they went up to a large stately room, and took their respective seats. The vice-chancellor was placed in a chair at the upper end of the room, and on both sides of the chair the archbishop of Canterbury, the bishop of London, and the other bishops were seated. The two proctors, according to the academical custom, were placed before the vice-chancellor, and the masters regent and non-regent on seats ranged on both sides of the room. Then the vice-chancellor signified to them the cause of that convocation, which was to admit James duke of Ormond into the office of chancellor of the university, to which he had been lately elected.<sup>382</sup> Hereupon the duke came out of an adjoining room, accompanied with the earls of Bedford, Aylesbury, Dunfermling, and Carlingford, the bedles walking before him, and entering the convocation, seated himself in a chair placed near a table in the upper part of the room. Then the instrument of election being read by Mr. Benjamin Cooper, registrar of the university, the vice-chancellor

addressed himself in an elegant speech to the chancellor elect, and congratulated the university on the honour they enjoyed in having so eminent a patron. The speech being finished, the vice-chancellor laid the instrument of election, the seal of the chancellor's office, the book of statutes, and the keys upon the table before the chancellor, the bedles at the same time laying down their maces. Then Alsop, the senior proctor, having first administered the oaths of supremacy and allegiance to the duke, the vice-chancellor tendered to him the oaths for preserving, defending, and maintaining the statutes, privileges, and customs of the university, and for faithfully discharging the office of chancellor, which his grace having likewise taken, he was by the vice-chancellor admitted to the chancellorship of the university of Oxford, and to all the rights and powers belonging to that office. This being done, the senior proctor in a florid harangue returned thanks to the chancellor for vouchsafing to accept that office, and recommended to him the defence of the rights and privileges of the university against all their adversaries, particularly the townsmen. Then the chancellor himself, having made a remarkable speech in English, thanking the university for their good-will, and assuring them of using his best endeavours to defend their rights, to preserve their statutes, to encourage learning, and to give his protection on all occasions to that learned body in general, and to every deserving member of it in particular. After this, the vice-chancellor having delivered to him the instrument of election under the university seal in a silver box, with the ensigus of the chancellor's office and the bedles' maces, the chancellor delivered back those ensigus to the vice-chancellor, and the maces to the bedles; who, after the vice-chancellor had dissolved the convocation, going before the chancellor, the whole assembly attended him into a large dining room,

where they were entertained at a sumptuous banquet ; with which ended the ceremony of installation.

28 This signal testimony of the affection and esteem of the university of Oxford could not but be very agreeable to the duke of Ormond. No body of men had ever given more illustrious proofs of their learning, virtue, and integrity, than that university had done in the late times of confusion ; and its reputation was still high in those respects. It was an eminent declaration made in his favour by a body of men distinguished by their knowledge, parts, virtue, loyalty, and religion, who, if they were not the representative of that nation, (from every quarter of which, and from families of condition in each, were drawn those plants which were nurtured and flourished in their society,) were yet most likely to speak its general sense. They spoke at least the sense of a seminary of learning, famous in foreign countries, and of considerable influence in their own, in which the most eminent members of both houses had laid the foundation of their reasoning, imbibed that learning and improved those parts, which enabled them to distinguish themselves in the debates of parliament. This was undeniably the case at this time, and though possibly in another age, men fancying themselves to have more wisdom, only because they have less virtue and religion than their ancestors, may contract prejudices against an university education, I may yet venture to say, that notwithstanding any defects that may be found therein, it will still be preferable to any other ; and if those who look upon it with sentiments of contempt will be pleased at any time to make observations on the persons who speak with the 383 most weight, and are the best heard in parliament, they will still find them to be those who have had the benefit of such an education. The duke of Ormond, in the honour paid him by this learned body of men, had the



more reason to be pleased, because it was doing that justice to his character in the present age, which he only expected from posterity. He had been a little before (as he was taking a walk early in the morning with sir Robert Southwell in the Pall Mall) discoursing of the vicissitudes of fortune, how it had still befallen him to be employed in times of the greatest difficulty, and when affairs were in the worst situation ; how his employments had been thrown upon him without any desire or application of his own ; how when he thought his actions were most justifiable, they commonly found the hardest interpretation ; and concluded at last—“Well,” said, he “nothing of this shall yet break my heart ; for however it may fare with me in court, I am resolved to lie well in the chronicle.”

29 There are certain junctures and seasons, in which acts of respect are justly enhanced above their natural value, and are doubly welcome. Such was that in which the university of Oxford expressed theirs to the duke of Ormond. He was at that time attacked in the scandalous and detestable way of libels, and great industry was used to run him down with calumnies and misrepresentations, as his friend the lord chancellor Clarendon had lately been. Among these libels there was one entitled, *A Narrative of the Sale and Settlement of Ireland*, wrote in a loose declamatory way, to shew the sufferings of the Irish in that settlement. There are several mistakes in the book, and no proper state of the case on any side ; but the adventurers and soldiers are loaded with reproaches throughout it ; even the merits of the officers that served in the king's army before 1649 are depreciated, and their security magnified contrary to the truth of the fact ; whilst the Irish are represented as the only persons that had any title to the king's favour, and as if all of them were thus entitled, and there had been none of that country who had opposed the peace of 1648, or

had withstood the king's authority. The partiality of the author is so very notorious, that it destroys the credit and weight of his work; and he gives a very sorry proof of his judgment, in making the marquis of Antrim the hero of his piece, and in insisting on one of his vilest actions and most impudent falsehoods (for which he had been put in the Tower, and when his estate was in question, laboured to vindicate himself from the charge by absolutely denying it) as a matter of fact to excuse the rebellion. It is needless to take notice of any particulars in this pamphlet, after having given so exact an account of the settlement, as is related in the course of this history; but I must observe, that the point it drives at is a repeal of the acts of settlement, and the strength of the argument lies in the vile aspersion thrown upon the earl of Clarendon, as if he had been the maker of those acts, and had settled them in the manner they passed, without any regard to justice, but purely through the influence of bribery and corruption. This was certainly making court to the faction, which procured his banishment, and were now in power; but no view in politics will excuse the baseness of calumniating a man absent, incapable of defence, and sunk already low enough by his misfortunes. There never was a falser charge, and (as the whole course of the chancellor's letters to the duke of Ormond fully prove) there did not sit in the council of England so true a friend to Ireland as he was, ever opposing all methods of oppressing that country, and labouring heartily in council and elsewhere to do service to all those Irish, who had adhered to the peace, and given proofs of their affections to the king's cause. As for the pretended gains he made by the settlement, all the foundation for that accusation was this: A proposal being made by the adventurers to give the king a year's rent of all their lands, <sup>384</sup> this was improved so as to take in other interests, and a sum of three hundred thousand pounds was to be raised

in this way, to be applied to different purposes, but the last one hundred thousand pounds of it was to be disposed of for the relief and benefit of such as had been eminent sufferers for their loyalty to the king. The earl of Clarendon certainly came under that character, and the earl of Orrery being one of the lords justices, and likewise a trustee for the receipt of this money, put him into the list of persons among whom that money might properly be distributed. The king accordingly made him an assignment of a proportion of those rents to be raised out of the counties of Meath, Westmeath, Wexford, and Kilkenny ; but all this was done without lord Clarendon's knowledge. The duke of Ormond, when he was lord lieutenant, took care to collect some of this money for him, before it was communicated to him; what was the reason of its being secreted from him for whose benefit it was intended is not particularly mentioned ; but it is evident from the letters of these three noblemen that the chancellor was utterly ignorant of the matter till after it was done, and after the first act of settlement was sent from Ireland ; that he never gave himself any trouble about it, or thought of it afterwards ; and when, about the time he resolved on building his house, an account was sent him that a considerable sum had been collected for him, he received the news with as much surprise as if the money had been sent him from Utopia. Till the commissioners of valuation had gone through their work, it was not known what this grant would amount to ; but then it appeared to be about fifteen thousand pounds, of which he received six thousand one hundred and ninety-two pounds before his exile ; the other eight thousand eight hundred pounds, as I have reason to think, was never paid, being charged on the same fund as the duke of Ormond's forty-eight thousand two hundred and fifty-six pounds mentioned above, which, though part of what his grace had actually disbursed for the king's service, underwent the like fate.

This is all the pretence for that odious charge of corruption laid upon that great and unfortunate minister, to whose memory I thought this justice was owing, to state the fact, as I have it from unexceptionable evidence in the letters beforementioned, and in those of sir W. Domville and sir J. Temple, attorney and solicitor general of Ireland. The world will judge how little ground there was for the charge.

- 30 That pamphlet was wrote after lord Clarendon's banishment, and, as I judge, after lord Robarts was made lord lieutenant of Ireland, because of a compliment made to this nobleman. The author of it does not put his name to it, but I find, by a note of sir R. Southwell, that Peter Talbot, one of the elder brothers of colonel Talbot, was reputed to be the man. Peter was a Jesuit, and too busy and intriguing a person to be suffered even in that society. He has been already taken notice of in this history, on account of his private conferences with the king at Cologne, and of his interest in the court of Madrid, and with the Spanish ministers in the Low Countries. In the year after the restoration he came into England, and after the king's marriage with the infanta of Portugal he was one of the priests that officiated in her family. His busy nature did not suffer him to continue long in that post; he was always telling the queen some story or other, and the uneasiness which she suffered in Oct. 1662, upon lady Castlemaine's being put about her, was imputed in a good measure to his insinuations. There is a Spanish word frequently used by lovers in that country to their mistresses, and which likewise signifies an enchantress. Talbot had unhappily made use of this expression in his discourse; and the good queen, not having been used to the language of lovers, nor comprehending the true meaning of the word, presently imagined the countess of Castlemaine to be a real sorceress. In consequence of this notion, and in great tenderness to the

king's person, she cautioned him against that lady, and expressed her fears in such a manner, that he was puzzled<sup>385</sup> a good while to know her meaning. But finding her very serious in the matter, he inquired how she came to entertain so wrong a notion; she ascribed it to Peter Talbot, who being now involved with the duke of Bucks in contriving to make the mischief which at that time distracted the court, was ordered to depart the kingdom. He was about this time named by the pope to be titular archbishop of Dublin, and was on May 2 this year consecrated at Antwerp, and came over afterwards into Ireland. Whoever was the author of the narrative, has much to answer for an aspersion on the duke of Ormond, whom he represents as opposing the Irish being included in the English act of indemnity, out of the corrupt influence which the Irish commissioners' promises of a great sum of money, and of that vast estate which he had since got by the act of settlement, had upon his grace. This new estate is said to be as much as would have satisfied the just claims of all the adventurers; an assertion in which, whether the impudence or falsehood be more shocking, is hard to determine. This will appear hereafter; at present I am only to observe, that if P. Talbot was really the author, he deserves a name I do not care to give any man, for he charges here a fact<sup>d</sup> which he knew to be false; for as it was owing to the duke of Ormond's interposing in favour of the deserving Irish, when the act of indemnity was under consideration, that some clauses offered for excluding all the Irish Roman catholics from a capacity of restitution by his majesty's favour, were not added to the bill, so it appears under P. Talbot's own hand, that he then acknowledged, the preservation of the Irish nation from utter ruin was entirely owing to his grace.

<sup>31</sup> There was another libellous paper printed about this time, entitled, *Queries relating to the Revenue of Ireland*,

<sup>d</sup> See above, p. 111 of this volume.

and to the Duke of Ormond; calculated in that sly and dastardly way of calumny, by putting questions and insinuating things the querist is afraid or ashamed of asserting, to persuade the world, that there had been a vast dissipation of the revenue of Ireland (in order to which false and extravagant calculations were made of the charge and revenue) and that the duke had made exorbitant advantages in land and money, to the disappointment of the settlement. The whole of this piece was agreeable to the conclusion which expressed the design of the libel, and pretended to shew that it was unfit his grace should be continued longer in the government of Ireland, himself being an Irishman, and his relations papists. It was published just at the time that the duke of Buckingham and his cabal made their last efforts for removing the duke of Ormond; and was probably drawn up by some of that crew. For the printer being discovered, was taken up, and two hundred copies seized in his house; and though his poverty and charge of children were very great, yet he would never confess who set him to work. Such a confession would have procured him his liberty; but he seemed to slight it, being maintained very well in prison; where he lay for a long time very contentedly, without making application or using any means to be either bailed or discharged.

- 32 The duke of Ormond seeing no way of discovering the author of the libel, did not concern himself with the prosecution of the printer; but finding himself daily attacked by false charges and misrepresentations of his conduct, thought it necessary to take some step for his own vindication, that the world might not interpret his silence and contempt of slanders to be any acknowledgment of their truth. Edward Brabazon, earl of Meath, a person of a very shallow understanding, but great vanity, of a peevish humour, and infinitely litigious, (of which temper every neighbour of his and every court of law in Ireland, and 386

the council itself, the business whereof he obstructed by his waspish deportment and senseless wranglings, had abundant experience,) enjoyed a certain liberty in the suburbs of the city of Dublin, in right of the dissolved abbey of St. Thomas. When the duke of Ormond was threatened with an impeachment in England, chiefly on account of the quartering of soldiers in Dublin, the earl thought it a seasonable time to raise scandal on the regiment there quartered, and by consequence on the duke's administration of the government. The lord lieutenant did not expect the complaint, having always taken him to be enough his friend, to have given him private notice if any disorder had been committed in the space of five years, during which the regiment had been there, and the earl all that time in as great familiarity with him as any man. The duke was not more surprised at the unkindness, than unsatisfied with the meanness of such a proceeding in a juncture, when the bare noise and report of a grievance might be made use of by his enemies to do him irreparable mischief, before he could be so much as admitted to a vindication. This made him call with some earnestness upon the earl to make good his complaints; but thereupon he added a worse scandal to the former, by saying that his tenants and witnesses durst not appear to prove his assertions for fear of the soldiers. In the debate of this matter, his lordship affirming some things of which he neither was nor could be an eye-witness, the duke said, he was satisfied they were not true. The next day it was reported in town, and the earl himself said to sir G. Lane, that his grace had given him the lie at council. This forced the lord lieutenant at their next meeting to explain his meaning to be, that his lordship was misinformed, and that his words could not be otherwise rightly understood; if they could, he there publicly retracted them; adding, that he did it for the satisfaction of the board, and the justification of his

own good manners, without any design to court the earl of Meath's friendship or avert his enmity. Upon this apology at the board, the lord Meath denied he had ever said that the duke gave him the lie ; which yet was justified by sir G. Lane then in his presence.

33 The earl's complaints in council were, that some of the soldiers quartered within his liberties, had, without any directions from his seneschal or the constable of the liberties, exacted several sums of money weekly from his tenants, and had forced particularly several butchers to pay three pence a week for the stalls they had erected, in order to expose their meat to sale. The soldiers of the army in Ireland used formerly to receive billet money from the inhabitants of towns, whether they were willing to quarter them or no ; but in July 1641, upon the remonstrance of the parliament of Ireland, the king had ordered, they should receive no billet money, except in cases where the inhabitants did not care to lodge them. This last was the case in Dublin, where the billet money was regulated, apportioned, and levied by the mayor of the city, or by the seneschal or constable of the liberties, with the consent of the principal inhabitants. The earl of Arran, colonel of the regiment of guards, had some of his companies quartered in those liberties, and his lordship conceiving that his officers and soldiers were injured by the earl of Meath's complaints, presented a petition to the council, representing the case ; the lord Meath's declining to give an instance of any of the particulars in order to its being strictly examined, and justice done upon the offenders ; the deportment of his officers and soldiers, which he found upon inquiry had afforded no colour for such complaints, they never having received any billet money, but by direction from the seneschal or constable ; and paying far more for the hire of their lodgings, than they received for quarters, as he was ready to prove ; and praying in fine, that the earl of Meath might be ordered to give



some instance (if he could) of the truth of some of those<sup>387</sup> particulars he had been pleased so positively to affirm in full council, and to name as well the officers and soldiers charged with such exactions, as the inhabitants upon whom they had been committed, that the officers and soldiers might receive due punishment, if found guilty, or if they proved themselves innocent, might be freed from the blame, and vindicated in their reputation.

34 The earl of Meath endeavoured to vindicate himself by a petition of some of his tenants to himself, a copy of which with their names he annexed to his answer. The complaint in that petition was, that they paid for more quarters than there were effective men in the companies. But this appeared to have been a thing of old date, and that he had formerly complained of it to the earl of Arran, who explaining the matter to him, and shewing that officers were allowed better lodging than soldiers, and in proportion to their rank had each of them the allowance of two, four, and more private centinels' quarters, (as was reasonable, and had ever been the custom,) Meath seemed at that time very well satisfied. Arran having replied to the answer, moved by the attorney general at the board, that both parties might be ordered to examine their witnesses before the clerk of the council or special commissioners, or else a day of hearing to be appointed, and the witnesses to be examined *viva voce* at the hearing of the cause. Meath being present in council refused to make any proof at all of his allegations, or to proceed to an hearing at the board, alleging that the matters contained in the pleadings amounted to felony or treason, of which the board had no cognisance. He then produced his pleadings, and desired they might be read; which was done accordingly. The attorney thereupon insisted, that there was no matter of treason or felony charged or mentioned in the said pleadings, and declared that he did not move the council to determine

any matter not cognisable before them, but only to inform themselves of the truth of the matters in question, and proceed therein as they should see cause. Meath refusing again to make any proof of his allegations, the council, upon the attorney general's motion, drew up a declaration of his refusal, and caused it to be entered among the acts of the board.

35 A charge that could not be proved in Ireland might serve well enough to make a noise in England, where it was not understood, and be very agreeable to the party which had discovered their inclinations or design to impeach the duke of Ormond; and thither the earl of Meath resolved to go. He was neither civil nor military officer, and had no occasion to ask a pass from the lord lieutenant; but whether he fancied his grace would refuse him, or did it with any other view, he took care to ask one, and it being readily granted, he went over in the beginning of the year 1668 into England, fraught with materials of accusation, which at any other time would have been ridiculous and despicable. These, with the assistance of the earl of Roscommon and others of that clan, he drew up in the form of articles, the chief of them being that of quartering soldiers in Dublin. This he laid so much stress upon, that he took from his senechal an original warrant signed by the lord lieutenant, requiring him to find quarters for the number of soldiers allotted on that liberty; so much care did he take, in a matter of public notoriety, and which never could have been denied, to be fortified with that proof, which was entirely wanting in other particulars of his charge. He was so much delighted with being made a tool to strike at the duke of Ormond, and so fond of his articles of impeachment, that he shewed them, and told his business to every innkeeper on the road to London, and made a mighty noise about them when he came thither. The duke of Buckingham encouraged him in making that

noise, which was the most convenient thing the earl could do for his purpose; but durst not venture on an<sup>388</sup> impeachment of the duke of Ormond, the antiquity and greatness of whose family and alliances, as well as his personal carriage, and the eminency of his services and sufferings in the royal cause, rendered it a more difficult affair than he had found in the case of the earl of Clarendon. He had by his instruments tried the temper of the house of commons, and did not find it as yet fit for his purpose. The lord lieutenant was not blackened enough by such libels as had rendered the chancellor odious to the people. He saw a disposition in the house in general to fall upon great men, but in case of a formal accusation of the duke of Ormond, he could not tell but, if he failed in the attempt, the blow which he aimed at another might recoil upon himself, to his own confusion and ruin. He was so apprehensive in this respect, that he used at this time all the arts imaginable to engage the king to dissolve the parliament, and call another. Hence, after the earl of Meath had made a mighty clamour for some time in London, he was sent back to Ireland, to pick up matter of further accusation.

<sup>36</sup> He was there very busy in that low and scandalous employment, and assuming to himself great airs, giving out that he would petition the house of commons the next session; that the duke of Ormond was preparing to run away, and had done what had cost the earl of Strafford his head; when his grace resolved to call him to an account for his discourse and proceedings, they seemed indeed too ridiculous to be turned into a serious complaint, and the bringing of a farce upon the stage could only serve to divert the melancholy of the times. But the duke considered, that though the earl of Meath's judgment was little valued by those that knew him; yet his articles were spread all over England, and the name of an earl, and the place of a privy counsellor, might give

weight to them among persons that knew nothing more of him and his character. Besides, as senseless as his articles were, yet, whilst the duke was in Ireland, they had given apprehensions to some of his friends at court, and were entertained as more considerable by some of the house of commons, who imagined their eloquence and credit might make something of them. He knew likewise that the duke of Buckingham's plan for distressing the king's affairs, and getting the parliament dissolved, was to put the commons into so ill a temper as to disgust the king, or to raise up a quarrel between the two houses on some point of privilege, which would necessarily produce that consequence. In these circumstances, he thought it advisable to have the matter examined in the privy council of England, and there to expose the earl of Meath and his articles to the derision whereunto they were very subject; for if that was once done, those who proposed to make use of them to disturb either him or the king's business in parliament, would be disappointed, or at least would patronise them under great disadvantage. For these reasons he presented, in the beginning of July, a petition to the king in council, shewing that the earl of Meath had in several places and to several persons said, that he had many articles against him containing matters of high misdemeanour, some of them such as the earl of Strafford had lost his head for the like; and had not only shewed a paper pretended by him to contain such articles to several persons both in England and Ireland, but gave out that he had shewed them to his majesty; all which, from a person of the earl of Meath's quality, who had the honour to be one of the privy council in Ireland, tended not only to the petitioner's dishonour and disparagement, but might in some measure reflect on his majesty's justice, as if, out of indulgence to the petitioner, his majesty would pass over so great crimes to the oppression and discou-

agement of his subjects. For which reasons he prayed that the earl of Meath might be required forthwith to appear before his majesty to answer this complaint; where, if he could make good any material part of what<sup>389</sup> he had given out, the petitioner would be ready to abide his majesty's judgment; but if that could not be done, he humbly hoped his majesty would give him due reparation, and inflict due punishment on the earl of Meath.

37 Pursuant to this petition, an order of council was on the 9th of that month sent to the earl to appear within six weeks, all excuses set apart, before the board, to exhibit and make good the articles which he gave out to have against the duke of Ormond; and there to attend his majesty's further pleasure. Meath attended on Aug. 18, and offered a plea to the council, alleging, that the divulging of a thing before it came regularly to be proved, though the matter divulged were true, was a scandal; and *scandalum magnatum* lay thereupon, to which he was subjected at the petitioner's suit, if it could be proved against him; for which reason he hoped the board would not put him upon confessing or denying the same, when they could not prohibit the petitioner from prosecuting him at common law. And as to what he was charged of shewing to his majesty, it appeared the matters so supposed to be shewn, amounted either to treason or misdemeanors, whereupon he demanded the judgment of his majesty and the board, whether they would take any further cognisance of the same; and the rather for that, if upon the proofs it should fall out to be either, it must be transmitted to another judicature, where the petitioner might make his defence, and be legally acquitted or convicted, as the evidence should appear for or against him.

38 The earl was summoned again before the council on the 27th, and was told, that his plea to the duke of Ormond's petition related to the damage or injury supposed

to be done to his grace, but it was fit he should answer to the petition, the matter thereof principally concerning his majesty, whose government is reflected upon when his ministers in great places are unjustly aspersed, especially by persons of the earl's quality, who was likewise a privy counsellor of Ireland. And in case the said earl would make such an answer, as that the matter should be examined and determined at that board, there should no other proceedings be had against him at the suit of the said duke in any other court. And his grace expressing his agreeing thereto, the earl thereupon declared that he was willing to put in his answer, but being to advise with his counsel thereupon, desired time for the same; which was allowed him till the first council-day after the king's return to Whitehall from his intended progress.

- 39 That day came on Sept. 24, and Meath appearing, pretended that he could not prevail with any counsel to be retained or advise in his cause; and prayed the board to assign him able counsel. Mr. W. Howard, Mr. Fr. Brampston, Mr. Jones, and Mr. Offley, were accordingly assigned him, and he was required to put in his answer on Friday, Oct. 1, in the morning. On this day he put in a further plea, hoping the board would not command him to put in such an answer as to bring the merits of the cause to be heard in council, where it could not be determined, and where, when he had given in his charge, (if any,) he must likewise produce his witnesses to make good the same. And though those voluntary examinations could neither acquit nor convict the said duke there, yet they might instruct and prejudice the witnesses and proofs that should afterwards be taken legally, and so make his witnesses known; the consequence whereof might be, that they might be taken off, and himself, instead of an accuser, might seem to be a scandalizer of a person of honour. For proof of this he referred himself to the

countess of Exeter's case in Hobart's Reports, fol. 213, and desired his own case and the matter in the petition might be stated to the judges, whether by law the same might be heard in council, whose justice he did not desire to evade, but was informed, that should he bring in an accusation (if any) to any court that had no jurisdiction of the cause, he was within the statute of *præmunire*, and other statutes that inflict heavy punishments for the same; and he hoped that the board would not bring him under the penalties of the law for any act wherein he doth but his duty. But whereas he had the year before informed his majesty and some of his privy council of several of his grievances, so (if his majesty should think fit) he was still ready to impart the same again, together with some others he had now got, to his majesty, or such of his counsel, learned in the law, as his majesty should direct, for his private satisfaction, when they should be digested into articles. He hoped likewise that his privilege of being a privy counsellor would not draw the cause thither, for his counsel informed him, they could instance in many and divers precedents, where, though one privy counsellor accused another, it had been heard and determined at other judicatures, and not brought to that board; from whence therefore he humbly prayed again to be dismissed. Upon this declaration of his unwillingness to submit to the determination of the council, the board, his majesty being present, ordered, that notice should be given to the lord lieutenant to strike the earl of Meath's name out of the list of the privy council of Ireland, and to the earl himself, that he forbear to come into his majesty's court, or anywhere else in his majesty's presence.

40 It will doubtless appear to unprejudiced persons a pretty extraordinary request which the earl of Meath, at the instant of his declining to produce any proofs of what he had formerly informed his majesty against the duke

of Ormond, here made of having liberty to accuse him again in a private manner, without being obliged to produce any proofs of the matters of his accusation, or being liable to any damage, or to making of his grace any satisfaction, in case they appeared to be groundless and false. Were such a liberty indulged and encouraged, it would soon convince the world of the necessity of enacting in England the *lex talionis* received in Scotland and in all countries where the civil law prevails; whereby the false accuser is liable to the same penalty which the law would have inflicted on the person accused, if the crime had been duly proved. If this matter had proceeded to an hearing, the duke of Ormond had very honourable witnesses ready to have proved every particular in his petition, and very substantial evidence to have refuted all the accusation in the earl of Meath's articles; but he had no opportunity of producing them. He once thought of complaining of him to the house of lords on the point of scandal, but thinking it not worth his while, after the censure passed upon the earl in council, (from which the duke of Bucks, the earl of Orrery, and others of his friends there present could not save him,) he soon laid aside the thought of that method of prosecution. Meath however still found some to encourage him, and talked big upon the matter, threatening to carry his complaint to the house of commons; though he offered to suppress his articles and accusation, if the duke of Ormond would give him two thousand pounds. The duke despised both him and his articles, and left him to take his own measures. Another proposal of the earl's, that he would suppress them, if his grace would interpose to stop the prosecution of the earl of Orrery, met with the same fate; the duke would have nothing to say to him, nor hear of any agreement whatever.

41 The earl of Meath's proceedings, as they did no mischief to the person whom he endeavoured to attack, did



likewise very little service to those who had the reputation of being his friends. The earl of Orrery was supposed to be the principal encourager of him, though not in the folly of his measures, yet in the matter and prosecution of his complaint. At least the earl of Rosecom<sup>391</sup>mon and others of his friends, relations, and dependants in Ireland, were very active in searching for materials, and giving their assistance to the earl of Meath. This notion raised the indignation of many gentlemen in Ireland, and added warmth to the prosecution which they had for some time meditated against the lord president of Munster, and intended to carry on in the next parliament of Ireland, which the nation in general longed with impatience to have called. When the duke of Ormond was removed from the government, they despaired of seeing a parliament of their own, and resolved to apply to the house of commons of England for redress. The grievances which they suffered from the presidential court, some exorbitances in its proceedings, and the president's having levied money in the province, by the power of his forces, rather than the authority of his post, were the general subject of their complaint, and digested into articles of impeachment, which they offered to make good. The earl of Orrery's intimacy with the duke of Bucks, the frequent councils held by the cabal at his house, the talk of his lordship's being designed for lord treasurer of England, and his late conduct towards the duke of Ormond, had created prejudices against him in the minds of some of the members. The earl was laid up with the gout, which deferred his answer to the articles of accusation till the first of December. He was still infirm, and for that reason allowed to make his defence sitting; each of the ten articles exhibited against him were distinctly read to him, and having given in his answer to them in order, he withdrew. A motion was then made that a day be appointed for the complainants

to produce witnesses to make good their charge; upon which a great debate ensuing, before the house divided upon it, the previous question was first voted (that that question be now put) and resolved in the affirmative; yeas 116, noes 114. The main question was afterwards put, and the house dividing, yeas 119, noes 121, it passed in the negative, and it was resolved to leave the prosecution of the earl of Orrery to the common law. The earl of Meath had some time before presented his complaint to the same house; but he was so blown that it met with no countenance. When he had done all that was in his power to do mischief to the duke of Ormond, and found it in vain, he began to reflect upon his own circumstances, offered to make his submission, and acknowledge his mistake to the king; and sued for a year together to be restored to his seat in council upon any terms, which his majesty still refused, till the duke of Ormond gave his consent.

42 The principal general article objected by this earl against the duke of Ormond was, that he had exercised an arbitrary power over the lives, liberties, and estates of the subject. The instance alleged of his doing it over the lives of people, was his granting a commission for executing martial law in time of peace; in virtue whereof nine men were hanged at Carrickfergus, and others condemned to be sold for slaves. This related to the mutiny of the garrison of that place, of which an account hath been given in the year 1666, but none of those mutineers were sold for slaves, or condemned to that punishment, death being the sentence pronounced against them all, though executed only on nine of them. The rest were formed into a company of foot under captain Taylor to prosecute tories. The king was then in open war with France, Denmark, and Holland. The duke had intelligence from the secretary of state, that the French were ready with a strong fleet and powerful army to invade

some of his majesty's dominions, particularly Ireland, where the great numbers of undone and discontented papists were ready to join an invader of their own religion. In the height of this war abroad and intelligence at home, and in the month of May, a proper season for the transportation and employment of an army, the gar-<sup>392</sup> rison of Carrickfergus in a mutinous and rebellious manner seized on the king's money in the receiver's hands, possessed themselves of the town, castle, and magazine, refused obedience and entrance to the earl of Donegal the governor, chose commanders of their own, held out the place by force of arms against the king's authority, manned the walls, and from thence killed his majesty's soldiers and subjects, and at last capitulated for conditions of surrender. If this was not levying of war and raising a rebellion, nothing can be called so; and if these men after all this, in such a situation of the kingdom, when it was given out that they expected other garrisons to follow their example, and boasted of friends they had in Scotland (where soon after a rebellion broke out) within three hours' sail of them, it should have been left to the tedious course of the common law, the delay of their punishment might have encouraged others to rebel, and the consequences might have proved fatal to the kingdom. The lord lieutenant's prudence and conduct might justly have been called in question, and he accused of failing in his duty, if he had not erected a court martial on this occasion and in these circumstances.

43 To support the charge of exercising arbitrary power over the liberties of people, the instances given were of W. Moore, Robert Thornhill, Tho. Boyd, and W. Becket, the three first imprisoned (as was alleged) for no cause, the last for refusing to quarter soldiers, or pay more billet money than the rent of his house. The truth of these facts was, that the three first were taken up for the plot to seize Dublin castle in 1663. Moore and Boyd were

expressly charged as concerned in it by captain Sandford in his deposition ; and by the latter's own confession there was enough to hang him. The depositions of Nic. Morton and Wimbal Wentworth contained so much against Thornhill, that if he had been tried, his life would have been in danger ; as Boyd's certainly would have been forfeited, if the prospect of employing Alden in further services had not kept him from being a witness. As to Becket, he was not taken up by the duke of Ormond, nor by any warrant or direction of his. Besides, his house-rent came to thirty pounds a year, and he paid only twelve pence a week towards quarters, and that by his own consent. He was taken up, (when the lord lieutenant was absent from Dublin,) not for nonpayment of billet money, but for scandalous and seditious words which had like to have set the citizens and soldiers together by the ears. Sir J. Stephens committed him to the main guard in the castle for one night, and released him the next morning, upon the application of his father and friends in his behalf, and their engagement for his appearance.

44 As to the exercise of arbitrary power, it was urged, that he had turned out four adventurers, Barker, Gore, Bunkley, and Blackwell, under pretence of title, without due course of law ; and also sir W. Petty and colonel Pretty, who had the lands adjudged to them as soldiers by the court of claims. This article was absolutely false. The estates here meant were undoubtedly his grace's : the three first of these men were at this time in London, and never pretended to complain, or to be dispossessed by virtue of his title. Blackwell was indeed put out of Kilcash, an old estate of the family, (to which he was restored by act of parliament in England,) and intended by his grandfather, Walter earl of Ormond, for one of the duke's younger brothers, though it was never so settled, till by himself after the restoration. The act of parlia-

ment being passed in England for restoring the duke to the immediate possession of his estate, agents were employed by him to take possession in his name. Most of his old servants were dead, and after a disseisure and dispossession of twenty years, it cannot be imagined but that they must commit some errors in the taking possession of so large an estate, the deeds and conveyances not being soon to be found and digested, and the parcels much <sup>393</sup> more difficult to be discovered and distinguished. Yet they made as few mistakes as could be by any rational man expected in such an affair. The errors that happened this way were generally in Kerry, where possession was taken of five thousand acres of profitable, and seven thousand of barren land, to which his grace's counsel were of opinion he had a good title; but the duke, as soon as complaint was made to him, contrary to their judgment, gave orders for quitting the possession. These were the only considerable lands of which any mistaken possession was taken by his agents; and it is observable, that no lands upon which they thus entered by mistake were ever adjudged to the adventurers and soldiers, (who having no title to them, could neither be dispossessed by wrong nor restored by right,) but were by the commissioners thrown into the common stock of reprisals. Nor could the value of these lands be great, for all that ever his grace possessed in Kerry was but eighty-six thousand two hundred and ninety acres, which being mostly barren ground never yielded more in any year than 615*l.* 16*s.* which was much less than the quitrents, there being during the time he held those lands paid for quitrents 1832*l.* 16*s.* 8*d.* more than what he received by the rents and profits of the land; so that he was a loser by the possession, and no other person prejudiced.

<sup>45</sup> The duke gave directions to his agents and servants, that no adventurer or soldier should be dispossessed by any colour or pretence of title of his, and whenever any

were dispossessed contrary to his orders, he immediately gave directions for putting them in possession again, though he might by the act of settlement have kept them in his own hands. These men never complained to the duke, nor offered to implead him in any court to recover their right. And yet there were instances to be given, wherein upon such suits he had been evicted; as particularly sir W. Petty had got judgment against him in the court of claims; so that other persons might have had the like, if their case had been the same, or as good, or if they could have gotten witnesses who would have sworn through a three-inch board, as sir W. Petty bragged he had got to evict the duke. The turning out proprietors, and enclosing their lands, taking them into the Phoenix Park, was another instance to support this article: though that park was made by the king's orders, and the lands purchased by the crown upon special bargains made with every proprietor, except sir R. Parsons, in whose case it could not be done, because he was a minor; however, an agreement was made with his tenant and guardian, and he would have satisfaction, when he came of age, for the small number of acres which belonged to him.

<sup>46</sup> The two last and most material points to support this general article were, the causing in 1664 all the arms of the English (excepting parliament men and justices of the peace) to be seized, and the quartering of soldiers upon Dublin. As to the first, the duke was ready to acknowledge that about 1664, soon after the design to surprise the castle of Dublin, and raise a general insurrection, orders were given to disarm, not English and protestants, but all manner of persons, except they were of such a degree or qualification. And this he conceived to be absolutely necessary, as the tempers of men then were. For on the one side, the papists were much to be suspected; most of them being kept out of their estates,

and having little hopes to get into them. Nor were the disbanded officers and soldiers, who had served Cromwell all along, much safer to be trusted, considering the aforementioned design (which was brought to the very day of the execution) contrived by some of them. Besides all this, most of the arms so seized did properly belong to the king, and were therefore fittest to be kept in his magazines; and soon after, orders were given, not only to restore to all protestants such arms as were their proper goods, but the war coming on, and an invasion threatened,<sup>394</sup> the protestants (and they only) had above twenty thousand arms delivered to them out of the king's stores, and they were listed into a regular militia, as they had ever since continued.

47 But the chief article of all, that which was to give weight to all the rest, and was indeed the first occasion of them, was that about the quartering of soldiers in Dublin, the raising money upon the inhabitants (who did not care to give lodging, fire and candle to soldiers) at the rate of a shilling a week for each soldier, and the distraining upon such as did not pay what they were assessed at by an equal and indifferent rate laid by the earl of Meath's seneschal within his liberties, and by the mayor and sheriffs within the city, with the common consent of the inhabitants in each district. Here indeed his lordship did not want some sort of proofs, that is, as to the quartering of soldiers; for as to the assessing of payment in lieu of lodging, and distraining for nonpayment, the duke of Ormond never granted any one warrant, or made any one order in those points, which were adjusted by the civil magistrate and the inhabitants among themselves. The purport of all his grace's warrants was only, that the civil magistrates, to whom they were directed, should set out convenient quarters to the soldiers. One of his original warrants of this sort the earl of Meath had got, and took care to recite it, with the petition of the

mayor and commoners of Dublin to his grace, the petition of his own tenants to himself, the earl of Arran's petition to the council of Ireland, all mentioned before ; but then there was no crime in all this ; for it had been a constant custom beyond the memory of man to quarter soldiers upon the city, where the men found themselves meat and drink, but the inhabitants were obliged to provide them lodging, fire, candle, and stabling, or in lieu thereof to pay a certain rate, the distribution whereof was settled by common consent among themselves. This was a thing absolutely necessary for the security of the government, and of the protestants in the city. The duke of Ormond had original warrants, or authentic and attested copies, ready to produce, of the same nature, and indeed more extensive than his own, that had been given by all his predecessors in the government from the lords deputies Fitz -Williams and Sidney in queen Elizabeth's days down to his own time. He never gave any warrant but such as had been always used, and such as agreed in terms with those by which he found the army, and particularly the regiment of guards quartered by the earl of Orrery and the other lords justices, the army from 1660 to 1662 when his grace arrived, and the regiment of guards from the time of their landing. This, by the city of Dublin's petition mentioned in the article, is acknowledged to be according to custom time out of mind ; and by the answer to that petition it appeared, that the duke called for instances to prove the extortions and oppressions therein mentioned, but never had any brought him. The earl of Meath refused to make proof of the injuries falsely supposed to have been done to his tenants by the officers and soldiers quartered in his liberty, as appeared by the proceedings at council. No complaint of any of the oppressions or extortions charged had been ever made to the duke, and proved, but satisfaction had been given the complainant and punishment inflicted on the offender.



It had likewise been made appear to the council, that the officers and soldiers quartered in Dublin paid more for the lodgings they hired, than they received for the quarters assigned them ; and that they spent more than thirty thousand pounds a year in that city, to the enriching of the inhabitants.

48 Notwithstanding all this, and that the duke of Ormond could not conceive he had been guilty of the least crime or irregularity in this matter, the earl of Meath was confident that his grace had thereby forfeited his head, and that the quartering of soldiers would appear to be downright treason. This notion was founded upon a wrong<sup>395</sup> interpretation of an old obsolete Irish statute, 18 Hen. VI. c. 10. whereby it is enacted, “ that no lord, nor any other, of what condition soever he be, shall bring or lead from henceforth *hoblers, kearnes, or hooded men, neither English rebels, nor Irish enemies,* nor any other people, nor horses, to lie on horseback or on foot upon the king’s subjects, without their good-wills and consents, but upon their own costs, and without hurt doing to the commons of the county, and if any do so, he shall be adjudged as traitor.” It is very strange, that sir Heneage Finch and the English lawyers should ever imagine that the constant custom of quartering the guards in Dublin could be construed a breach of this law, or that the chief governor giving the usual warrants for that purpose could for that reason be deemed an offender within the reach of that statute. Their mistake shews clearly how necessary it is to know the history of the times and occasions, when and whereon statutes are made, in order to understand their true force and meaning. Not but that there were other reasons to shew that the statute did not affect the chief governor, who, representing the king’s person, and *vicem regis gerens* in Ireland, could not be understood to be comprised within the words, *no lord nor any*

*other of what condition soever.* The word *lord* was certainly intended of private lords, who in that age exercised an arbitrary power over the commons, and not of the chief governor, who is above all lords in dignity by reason of his office and representation, though he were but a knight or esquire in his private capacity. The statutes of Rich. II against the slandering of great men and nobles doth not extend to a slander of the king, though he be the greatest man in the kingdom, Dyer. 155, so the chief governor, though he be a lord, yet being above all lords, and in an higher capacity, that general word will not reach him. The following words, *nor any other person of what condition whatsoever*, must be understood of persons of equal or inferior condition to those meant in the word *lord*, according to the learning in 2 Co. the archbishop of Canterbury's case.

49 But if it were admitted that the chief governor might be comprised within those general words, yet he was not within the words of the prohibiting part of the act. The duke of Ormond did not so much as *bring or lead* the guards to Dublin, he found them there already quartered by the former chief governors; but it was impossible for him to *bring or lead* thither *hoblers, kearnes, or hooded men, &c.* Anybody that reads sir John Davys's excellent discourse of the "Reasons why Ireland was not sooner subjected to the English government," will easily understand the meaning of these words. He says, that many of the lords of English extraction degenerated in Ireland; and though they made a bordering war against the mere Irish, who in those times were reputed enemies, yet they pursued their war according to the Irish discipline, and several of the English turned rebels to the crown. The Irish armies consisted of *hoblers*, which were their horse, and of *kearnes*, which were their foot. They maintained these armies by *bouaght*, which was an

arbitrary cessing of their horse and foot upon the country people<sup>e</sup>, exacting from them man's meat, horse meat, money, and what else they pleased, without giving tickets, or any other hopes of satisfaction for the same. This extortion was called by another name *coigne et liverie*. *Hooded men* were persons that came to extort as aforesaid, under some disguise. The *English rebels* were those of English extraction who swerved from their allegiance, and joined with the Irish enemies. The officers and soldiers of the king's army quartered in Dublin could not rationally be understood to be either *hoblers*, *kearnes*, *hooded men*, *English rebels*, nor *Irish enemies*; and, if not comprised in those particular words, could not rationally or legally be intended to be within the <sup>396</sup> words *or any other people*; for those general words (according to the resolutions in the archbishop of Canterbury's case) must be understood of persons of the same degree, or inferior to those particularly mentioned. The occasion and reason of making the law had long since ceased. There were now no *hoblers*, *kearnes*, &c.; no such extortion or exacting man's meat, horse meat, and money upon the king's subjects; all the people in the kingdom were now united under one obedience. The words *without their good wills and consents* could not extend to the present case, where the magistrates consented to the quartering, and actually distributed the officers and soldiers into quarters. The words also *but upon their own cost, and without doing hurt to the commons of the county*, were a plain exemption of the quartering of soldiers within the city of Dublin from the penalty of the statute, for they lived at their own cost; the king paid for man's meat, horse meat, and every thing else, except lodging; and their spending at least thirty thousand pounds a year in the place was a far greater

<sup>e</sup> See also Irish Statutes, 28 Hen. VI. c. 1. and 10 Hen. VII. c. 18.

advantage to the city, than their quarters were a charge or trouble. In short, the practice of the statute left no doubt of its true meaning, and shewed it did not concern the lord lieutenant, having never been made use of but against lords of territories, not having the king's authority; so that according to Littleton's reasoning, sect. 108, upon the statute of Merton against the guardian's marrying the heir in his custody to his disparagement, who concludes that no action lay against him upon that statute, because none was ever brought, and it could not but be supposed that if it did lie, it would have been brought some time or other, the same inference was to be made upon this statute 18 Hen. VI. For as there never was any chief governor questioned upon it, it was plain that it did not extend to him, and the constant, uninterrupted, unquestioned practice of his predecessors, was a clear justification of the duke of Ormond's conduct in this matter.

50 This was sir W. Domvile the attorney general's opinion of that statute upon which the earl of Meath laid the stress of his complaint. His other articles seem to be added to make up in number what they wanted in weight. Of these, some seem to be the effects of his litigious humour, and talents in finding out quirks of law to defeat the clearest titles, for nothing else could make him dispute the duke of Ormond's right to the lands of his ancient inheritance, and such as were adjudged to him after solemn trials in the court of claims. Others related to the settlement, which he pretended the duke obstructed by procuring donatives to himself and others; by certifying the innocency of persons to the commissioners (though he never certified any thing but facts of his own knowledge, to which, if he had been called before the court as a private man, he must have been examined as a witness); by not retrenching donatives, (which was not in his power,) nor redressing the grievances mentioned

in the complaint of the Irish house of commons against the commissioners in February 1662-3, and Barker's case, of which enough hath been said already to render it needless to take any further notice of it. Some things he also put into his charge relating to the administration of the revenue; but this was a point he did not well understand, and the little grounds for a charge of mismanagement will better appear when it was afterwards undertaken by a far more capable man, I mean the lord Ranelagh.

51 The earl of Meath's objection, in relation to the donatives granted to the duke of Ormond, was at this time put in a more invidious, but falser light, by a much more artful, and not less inveterate enemy, the author of the *Queries* before-mentioned, who pretends to give a particular account of the value of every grant that was made him, and the profits to be made of every office and employment he enjoyed. If the grounds of those grants were rational, and the person upon whom those offices<sup>397</sup> were conferred was capable of discharging them, and deserving of his majesty's favour and trust, there cannot be any crime in accepting what every body would be glad to receive without any such grounds or merits. But whilst each man is disposed as much to detract from the deserts of others as he is to enhance his own, a general envy is sure to fall upon a man that is an extraordinary object of his prince's bounty. To raise up this envy against the duke of Ormond was the design of the libel called the *Queries*, and it was so artfully adapted to that end, that it could not well fail of producing that effect, considering that few knew the particular circumstances of his case, though all the world had a general knowledge of his merits and sufferings for the royal family.

52 He was in October 1641, when the rebellion broke out in Ireland, seized of an estate either in present possession or in reversion, set at that time (according to the

rentals I have seen) at above twenty thousand pounds a year. By the estate in reversion, I mean some mortgaged lands and the jointure or rent-charge of five thousand pounds a year enjoyed by the widow of Thomas earl of Ormond, who, after her first husband's death, being married to sir Thomas Somerset, created afterwards viscount Cashel, lived till 1642. Besides this estate, there were several rights reserved by his ancestors, by which, upon breaches of conditions, he might expect great additions, they having formerly granted very many estates to several persons in fee, upon condition that each of the said grantees respectively and their heirs should at all times from thenceforth attend and serve the said granters and their heirs at every general hosting that should be in the kingdom for the safety and defence thereof; and in case of a breach of each such respective condition, there was a reentry reserved unto the said respective granters and their heirs. Part of those estates to which these conditions were annexed lay in the towns of Kilkenny, Clonmel, Carrick, Inisteoge, and Dingle; the residue in Tipperary and several other counties. When the rebellion broke out, and the duke of Ormond marched in the head of an army to suppress it, few or none of the grantees of these respective estates, or their heirs, or those who claimed under them, did appear to serve under him; so that their estates became subject to the duke's reentry, and thereupon would and must have been actually vested in him and his heirs.

53 He was lieutenant-general and commander-in-chief of this army till the latter end of 1643, when he was made lord lieutenant of Ireland. He quitted the kingdom on July 27, 1647, and, returning on Michaelmas-day in the year following, continued in the exercise of his government till Dec. 11, 1650, when he retired into France to attend his majesty abroad, continuing still in the post of lord lieutenant, his commission never having been re-

voked till after the restoration. During all this time the duke never received pay or entertainment from the crown. From the beginning of the rebellion till the day he quitted Ireland in 1650 his whole estate was in the possession of the Irish, except a small part of it in the hands of some mortgagees, by which his loss in this particular amounted to one hundred and eighty thousand pounds. The waste and destruction committed upon his timber, buildings, and otherwise, exceeded the sum of fifty thousand pounds. By adhering to his majesty's interest, he was incapacitated to make his entries upon the breaches of the conditions above-mentioned; so that he lost all the revenues of those estates, (to which upon entry his title would have been as good as to any part of his own estate,) and those revenues in ten years' time would have amounted to at least three hundred thousand pounds; in all, five hundred and eighty thousand. From 1650 to 1653 (being two years and an half) the loss of his rents amounted to fifty thousand pounds, which was entirely sunk, because no responsible person could be fixed upon against whom it could be legally recovered. From 1653 till the restoration his whole estate was in 398 the hands of adventurers and soldiers, and the revenue of it amounted to one hundred and forty thousand pounds. These men were responsible, but none of them had any such pretensions to merit as to expect either from his majesty or the duke that so vast a sum should be sacrificed by the latter, then in a wanting condition, to those who had enjoyed so great a plenty by opposing his majesty. Nor could they pretend any colour for the sharing of his grace's estate amongst them; their pretence of title from the English acts of parliament being only to the forfeited estates of rebels.

54 These particulars appear very evidently from the rent rolls of the estate, and from the computations of John Walsh and others of his officers employed in the ma-

nagement of the duke's estate, and who well knew the circumstances thereof before, during, and after the rebellion. Besides this, he had a very large demand for his pay and appointments as a commissioned officer and lord lieutenant of the kingdom. The earl of Leicester was so but two years and an half, and in that time received sums of money from the parliament; others were likewise paid him from the king by Mr. Carleton of the hanaper office; and he never was in Ireland to attend his charge, or be at an expense in supporting his dignity, yet fifty thousand pounds was allowed him for his arrears, and secured to him by the acts of settlement. Lord Inchiquin had seventy thousand pounds allowed for his, though he had received supplies from the parliament, and was only a lieutenant general. The duke of Ormond, concerned less for his own advantage than for the settlement of the kingdom, gave up at once all the arrears of his post during the times that he was absent from his charge, though he had as good a claim to them as his predecessor; so that the arrears due to him whilst he was in the kingdom were stated by commissioners especially appointed after the restoration at 62,736*l.* 9*s.* 8*d.*, which, with 9179*l.* 13*s.* disbursed by him for support of the king's army when he came to Ireland in 1648, as appeared by the vouchers then produced, amounted to 71,916*l.* 2*s.* 8*d.* The parliament of England restored the duke to his estate in Ireland; but this was only a mark of their respect; for he might as well have entered upon his own lands, as all in England did whose estates had been taken from them by the usurpers for their loyalty. The king made him lord steward of his household, and upon the stating of his arrears, ordered them on May 29, 1661, to be paid out of the year and year and half's rents due from the adventurers and soldiers. These rents being afterwards by the act of settlement appointed to be disposed of by his majesty towards the relief and reparation



of the losses of such as he should judge had most eminently acted for and suffered with him, it was represented to his majesty by the earls of Anglesea and Ossory, letters of Feb. 10, 1662, that the money designed by parliament for such relief and reparations was not properly applicable to the payment of his majesty's debts, as the arrears due to his grace were, but *as he had undergone losses and sufferings to the highest degree of any subject*, so he should taste of his royal bounty out of the fund designed for that end as well as others. The king hereupon ordered by a letter under his signet, dated June 10, 1663, that the said sum of 71,916*l.* 2*s.* 8*d.* should be paid out of the said fund to the duke of Ormond towards the reparation of his losses, eminent services, and sufferings; declaring expressly, that the same should not be in satisfaction of any debt due to him from his majesty. Had his grace really received this money, it would have been a proportionable deduction out of his losses, and have reduced them to 508,083*l.* 17*s.* 4*d.*

55 The parliament of Ireland, as a testimony of their sense of his loyalty and services to that kingdom, granted him the sum of thirty thousand pounds. This is said by the act to be a free gift, and was so accepted; but the duke paid very dear for this sum, there being an express clause in the act to bar him from claiming any arrears of<sup>399</sup> rents or other profits of his estate from the year 1653 to the time of his majesty's restoration, and from bringing any action for any waste committed upon any part of his estate. So that whereas his grace had before a right to recover against the adventurers and soldiers seven years' rents of his estate, amounting to one hundred and forty thousand pounds, and against the wasters and destroyers of it fifty thousand pounds more, he was by his acceptance of this thirty thousand pounds as a free gift, with some kind expressions, entirely debarred of recovering that vast debt, and was in reality a great loser by an

act which, by strangers, who knew not the true state of the case, was considered as an act of generosity and bounty in the parliament, and objected to him (who appeared the object of it) by his enemies in a way of reproach.

56 There were two other grants made to the duke of Ormond, and generally considered under the notion of mere bounties, though they were rather acts of justice in the crown. The one was the vesting in his grace all the securities and mortgages upon his estate, belonging to persons who had been in the rebellion, and thereby forfeited to the crown. This was first granted to him by king Charles I out of the knowledge which his majesty had that these mortgages were created for the furtherance and advancement of his service. King Charles II made him the like grant after his restoration for the same reason. But this was rather a matter of justice than grace; for though the money due upon such securities were become forfeited to his majesty, so that he was thereby creditor in law, yet he was at the same time debtor in equity. The parliament of Ireland confirmed this grant, cancelled all those debts and securities by vesting them in the duke, whereby they became absolutely merged and extinguished. These amounted to the value of 31,294*l.* 4*s.* 10*d.* and would have discharged his grace of so much debt, had not conscience and honour restrained him from taking the advantage thereof. For after the act had passed, examining the particulars of those debts, he found the greatest part of them to be owing to persons, who though in the strict rigour of law they were originally guilty enough to deserve the forfeiture of their estates, yet by their subsequent actions in the time of king Charles the Second's greatest distresses, they had done many things well, and in some measure merited the king's mercy. This being the case, he could not bear the thoughts of making a benefit of the act by the ruin of such persons and their

families, whose kindness to his person had given him the credit to get their money into his hands for the king's service, and therefore gave directions to John Walsh to see them paid; and according to that gentleman's accounts, 25,638*l.* 12*s.* of the money due upon these securities was actually paid to the several creditors and their heirs; so that all the benefit which accrued to his grace by this favour, was by the reducing of some exorbitant demands, and other ways, without prejudice to his conscience or wounding his honour, to save only the sum of 5655*l.* 12*s.* 10*d.*

57 The other grant to the duke of Ormond was that of the lands held under him, and forfeited to him for breach of conditions. These were confirmed to him by a clause in the first act of settlement; but they were his right antecedent to either the grant or the confirmation. All the use of the clause was to take away all disputes, whether by the duke's not entering upon them before any title accrued to the king he should lose his right. And certainly it would have been very hard if he should thus lose it, when the sole reason of his not entering was, that his faithful adherence to his majesty, and constant attendance upon his service, took off all his attention and regard to his own estate and fortune. The king and parliament were desirous by a distinct clause to shew their gracious acceptance of the duke's services, for else the first general proviso in the act, that it should not extend 400 to the lands or hereditaments belonging to loyal protestants either in possession or reversion, would have secured his grace's rights, as it did those of other protestant landlords, who in virtue of it generally reentered upon their estates. The estates which thus escheated to the duke by breach of conditions of tenure contained a prodigious quantity of land. Mr. Walsh, after having gone through the examination of this matter, and drawn up a particular account of every parcel of land, the barony,

place, and denomination thereof, the names of the proprietors in 1640, and the number of acres, roods, and perches, makes them amount to three hundred, and nineteen thousand and sixty-two acres, three rood, and twenty-four perches, plantation measure, which valued at 2*s.* an acre, one with another, afforded the yearly rent of 31,906*l.* 2*s.* 6*d.* In this account he only computes such estates as his grace consented for the general settlement of the kingdom to give up, in consideration of the sum of fifty thousand pounds secured to him by the act of explanation. There were some other lands and houses that he enjoyed, in virtue of this right of chiefery, which had never been in the possession of either adventurers or soldiers, and these he still retained, but gave a monstrous consideration for them, by accepting them in lieu of his arrears stated at 62,736*l.* 9*s.* 8*d.* The lands he thus retained were set at their full value for one thousand one hundred and ninety-four pounds, and the houses at two thousand four hundred pounds, a year; and valuing the first at ten years' and the last at six years' purchase, (which was the general valuation at that time,) might be worth 26,348*l.* 6*s.* 10*d.* But as they were charged by the act with a quitrent to the crown of half a crown in the pound, amounting to four hundred and forty-nine pounds a year, (which, valued at ten years' purchase, makes a deduction of about five thousand pounds,) the real worth of those lands and houses was no more than 21,348*l.* 6*s.* 10*d.* And yet this was the only consideration he had for all his arrears.

58 This being the state of the duke of Ormond's case, and of the reputed donatives made him, it will be easy to shew the falsehood of the suggestions and computations of the duke's gains made in the *Queries*. The libeller, who (it is to be feared) erred knowingly in this affair, and perhaps derived himself much more advantageous grants from the crown, objects to the duke, not only what

was done for him in Ireland, but every act of bounty or favour conferred upon him in England by his majesty is taken into the account, to swell it up to an enormous size, in order to make the world imagine that whatever losses the duke had suffered, whatever dangers and troubles he had underwent, whatever services he had done or been ready to do, and whatever constancy he had shewn in the series of these for twenty years together, they were all still outweighed and overpaid by the vast largesses bestowed upon him by the king and parliament. It is fit that we consider the English bounties first, before we proceed to those relating to Ireland.

59 The first article in the *Queries* is a charge of thirty-two thousand pounds suggested to be raised by the duke of Ormond, by the sales of offices as lord steward, and by receipts out of his majesty's exchequer. All the inferior posts in the household and about court had been usually sold, and the profit arising by such sales (the rate of which was fixed by custom, and generally known) was a proper perquisite belonging to the great officers, who coming into their offices after near twenty years' anarchy, found most of the old servants dead, and raised generally great sums of money by disposing of the vacancies. The duke of Ormond had either worse luck than others, or the easiness of his nature and nobleness of his mind made him less insist on his perquisites, or readier to part with his advantages than others perhaps were. It is not unlikely, that out of this consideration, and knowledge of his temper, the king himself took care to recommend to him so many persons, of those he had a mind to favour, to these inferior places, that the sale thereof, had it not been prevented by his majesty's interposition, would have 401 raised the sum of fifteen thousand six hundred pounds. There were still some old servants living, who had served in the time of the late king; and these were restored to their places. There were others, who had served his pre-

sent majesty, when prince, in his household, (being one hundred and forty-two persons in all,) and these were to succeed of course to the like posts upon his mounting the throne. There were some few who had attached themselves to his grace, or had suffered eminently for the king, whom he put into some offices; so that all the money he raised by the sale of offices was sixteen thousand one hundred and ten pounds, as appears by a particular list of each man, and of the money given for the purchase of his office certified by the comptroller and clerks of the greencloth, when the king thought fit about four years afterwards to reduce the tables and expenses of his household. This was indeed a seasonable supply to the duke of Ormond after the wants he had suffered abroad, and contributed in a considerable degree towards enabling him to put himself in an equipage fit to appear with in court, and becoming the dignity of a lord steward of the household. It was very unhappy that the king singled out the duke for the person who should provide for so many persons by lessening his own perquisites. Most of the other great officers had enjoyed their estates all the time of the troubles, and some of them had grown rich by the misfortunes of their country; so that the duke of Ormond and the lord chancellor Clarendon were almost the only ones who laboured under a want of all things when they were put into their employments. In that juncture, and in this circumstance of his grace's fortune, the sale of offices became absolutely necessary, as it was at all times justifiable; the kings of England having never been used to expect that any of the great officers and ministers by them employed should serve them in the offices wherewith they are intrusted, without taking the usual perquisites, towards defraying their charges and expenses in the execution thereof. Without such advantages, those offices would become a burden rather than a favour; and it is certain that from this time all the

allowances made by the king for his table, and all the salary and advantages of a lord steward's post, never came up (even before the reducement which was not long after made) to the expenses which the duke of Ormond was at merely in the way of that employment, nor did the sum of sixteen thousand one hundred and ten pounds make good what that surplus of the expenses of the table cost him. Of so little advantage to a man (whatever it may be to his honour) is a great office at court in the hands of a person who hath more concern for the dignity and service of his master, than regard to his own private profit. As for the money insinuated to be issued out of the treasury of England, the duke never received a penny thence for his own use, but what upon a solemn debate at the council board was there ordered and allowed for defraying his expenses in going to Ireland to take upon him the government of that kingdom. Yet this was no particular bounty to his grace, being no more than what had been always allowed on the same occasion by former princes, whenever they sent governors out of England into that kingdom; and particularly the lords justices, who immediately preceded the duke in that government, had a like allowance for their transportation into Ireland.

- 60 The libeller charges the duke of Ormond with twelve thousand pounds received before he went to Ireland as lord lieutenant. He charges it as a free gift of his majesty; whereas it was only money advanced by way of imprest, payable out of the treasury of Ireland, and afterwards defalked out of the duke's salary and entertainments. Another article was the thirty thousand pounds granted as a gift by the Irish parliament. But whatever air of that sort it seems to carry, it was far from being so in the nature of the thing. The adventurers and soldiers had received the profits of the duke's estate for near eight years, for which they could have no colour of pretence<sup>402</sup>

either from the acts of 17 and 18 Car. or from the king's declaration. They were responsible men, and his grace might recover the profits of those years from them. To bar him of these, which amounted to one hundred and forty thousand pounds, the parliament, composed almost entirely of persons engaged in one or other of those interests, gave him thirty thousand pounds in lieu of those profits. No part of this sum arose out of the king's revenue, so that it could not be charged as a crime in diverting the public money, or wasting his majesty's treasure. Nor did there come in to the duke of this money more than twenty-six thousand four hundred and forty pounds, the rest having been deducted for the fees and charges of collection; though had the whole come in clear, it would have been a very indifferent compensation for the mean profits of his estate.

61 Another article of the duke of Ormond's gains was the king's order for the payment of 71,916*l.* 2*s.* 8*d.* out of the three hundred thousand pounds to be raised upon the rents of the soldiers and adventurers. This is indeed allowed to be a relief, and in part of satisfaction for his grace's losses; but it might in reason and justice be well expected. For though the duke's duty and loyalty to his sovereign made him scorn all compounding with the rebels of England, who more than once offered not only to restore him to his estate, but also to pay his debts, if he would have deserted his master; and though his grace generously resolved to run the king's fortune, whilst others, who since have pretended to great merits, acted in the councils and armies of the then usurpers; yet he might without any breach of modesty expect, that when his majesty should be restored to his crown, he also might have some satisfaction made him for the losses he had sustained, and the debts he had incurred for his prince's service. But the sum here given was far short of making that satisfaction; the duke's debts (as he represented to



the king when he was soliciting the payment of the fifty thousand pounds due to him by the explanatory act) *contracted in and by his service*, amounting to one hundred and thirty thousand pounds at the time of his majesty's restoration, for most of which he continued to pay afterwards interest at ten per cent. The sum mentioned in this article was charged upon the fund of three hundred thousand pounds arising out of the rents aforesaid; but the poverty of the country, after the act against Irish cattle, caused a delay in its being raised; so that he had at this time received only twenty-three thousand six hundred and sixty pounds of the money. The other 48,256*l.* 2*s.* 8*d.* was assigned to the king, who by agreement was to pay it him by five thousand pounds a year, till the whole was discharged. The duke received the first year; but lord Berkeley coming to be lord lieutenant, found means to obstruct the payment of the residue. But after repeated orders from the king, the money was at last apportioned on the four counties out of which it was to be raised, and brought into the king's treasury in the earl of Essex's time. The agreement was absolute for the payment of twenty thousand pounds to the duke in the first four years, and the payment being charged on particular quitrents, was less liable to be postponed or denied; yet such pretences were found out, and there appeared such a manifest reluctance in the chief governors to raise it in any seasonable time, that his grace's necessities obliged him in 1670 to assign the remaining fifteen thousand pounds to alderman Bucknall in consideration of eleven thousand pounds advanced by him for the duke's present use. By the earl of Essex's report to the king on July 18, 1677, it appears that the whole sum assigned to his majesty had been raised and paid into the treasury; but that there had been issued out only fifteen thousand pounds to Bucknall, and as much more to the duke of Ormond; that there was to

be deducted out of the remaining sum, 2*d.* in the pound for the clerk who made up the books of applotment, 6*d.* for the charges of collecting the sums assessed on the country, and 6*d.* also in the pound to alderman Bence receiver of the whole three hundred thousand pounds, and that these fees, to be paid out of the forty-eight thousand two hundred and fifty-six pounds amounted to 403 28 14*l.* 18*s.* 8*d.* This sum being assigned to his majesty, the vice-treasurer had not his usual fee of 6*d.* in the pound; which however was paid on the first twenty-three thousand six hundred and sixty pounds received by his grace, and together with the others made a deduction of 1*s.* 8*d.* in the pound, amounting to 197 1*l.* 13*s.* 4*d.* The earl of Essex supposed the remaining sum would be paid by several half-yearly payments, of two thousand five hundred pounds each, by Michaelmas 1680, and his grace going over immediately after this state of the account, it is very probable that he received it duly, according to the king's express order. So that after the above mentioned deductions, and a tedious and expensive course of solicitation, there came out of this 71,916*l.* 2*s.* 8*d.* (which ought to have been immediately levied and paid at once) into the duke of Ormond's purse, at different times, in the space of fifteen years, the sum of 63,129*l.* 10*s.* 8*d.*

- 62 Another article in the Queries is the duke's arrears stated at 62,736*l.* 9*s.* 8*d.*, for which he is said to receive the city of Kilkenny, and the towns of Clonmel, Carrick, Inisteoge, Dingle, and Tralee, which are supposed to be worth one hundred and sixty thousand pounds. This is so expressed, as if the whole towns were by the explanatory act annexed to his grace's estate. Whereas he claimed no interest in the town of Tralee, it being set out to adventurers and soldiers, and now in their possession; and a great part of the other towns had always been his proper inheritance, and enjoyed by him before the rebellion. Such part of them likewise as belonged

either to the church or to the corporations, (or to innocents, which is the better half of them,) or which were held originally of other lords, were no ways included in this grant; there being no more vested in the duke than what was originally derived from him and his ancestors, now let at the best improved rent for two thousand four hundred pounds, subject to quitrents of one hundred and eighty pounds paid to the crown, and those which used to be paid to himself entirely sunk in the computation of that rent. These houses, cottages, and estates in those towns were forfeited to the duke for breach of the respective conditions under which they were originally granted, or to the crown for treason, and were secured to his grace by act of parliament. The clear yearly rent of these was but two thousand two hundred and twenty pounds, and at six years' purchase (the common rate of houses at this time) might be worth thirteen thousand three hundred and twenty pounds, were there no deduction to be made for the quitrents always paid out of them to the duke of Ormond; but this is vastly short of the valuation mentioned in the libeller's suggestion. It must be observed further, that no innocent person was in any wise prejudiced by this grant; for as to such, no damage was taken against them, and they still continued to enjoy their old estates, though they were guilty of the breach of such conditions. Those who suffered any loss were such as had been guilty of the rebellion.

63 Another charge in the *Queries* is the gain which the author supposeth the duke made by the mortgages, judgments, and other encumbrances upon his ancient estate, due to such Irish gentlemen as claimed innocency and submitted to the peace, all which his grace was personally obliged to make good; and this he computes at sixty thousand pounds. Now all the encumbrances on the duke's estate due to protestants and innocent papists came to 39,545*l.* 5*s.*, and these neither were nor could be

given to him. A great part of these were contracted for supplying the king's army in its distress before he left the kingdom in 1647; and sir Philip Percival, who was bound with him for vast sums, had a counter-security given him by mortgages on the duke's estate, which, being paid off a little before sir John Percival's death, were by him reassigned to the duke of Ormond. Such as were not discharged still continued on the estate. As to the encumbrances due to forfeiting persons, and contracted some after the cessation, others after the peace, they amounted with interest to 31,294*l.* 4*s.* 10*d.*, but, as hath been observed before, his grace would not take the<sup>404</sup> forfeiture of these persons, and actually paid twenty-five thousand six hundred and thirty-eight pounds twelve shillings of the money; so that all he saved upon this grant, by lowering the exorbitancy of demands in some cases, or otherwise, was five thousand six hundred and fifty-five pounds twelve shillings and tenpence only.

64 The libeller supposeth he made a benefit of twenty thousand pounds by forfeited leases and copyholds of Irish gentlemen. But in this he betrays his ignorance as well as malice; for there was no such thing as a copyhold on all the duke of Ormond's estate, nor indeed in all Ireland. As to leases for lives or years, there were very few of either sort unexpired at the time of the act of settlement. Of those that were unexpired, and to which any persons not notoriously guilty of the rebellion were entitled, they all of them either constantly enjoyed the same without any interruption, or were bought out by the duke upon valuable considerations. And if his grace had taken the benefit of the act with regard to such persons as were guilty in the highest degree, he would have done no more than other protestant landlords did; for not only all the bishops and ecclesiastical persons had by act of settlement, p. 70, all their lands discharged of such forfeited leases, but by the act of explanation, p. 82, all forfeited leases of lands, whereof the

immediate reversion was in any protestant, were declared to be determined null and void. So that this was no particular favour to the duke, as the libeller insinuates; and in fact it was of so little benefit to him, that though he took no fines of anybody, yet he had not at this time raised his estate above three hundred and two pounds a year higher than it had been set at in 1640, though so many leases were actually expired.

65 The author of the *Queries*, to exaggerate the duke's gains, computes one article twice over, and makes two distinct articles of the profits of lands before 1665, and the value of them, if they had been then to be sold. Thus he computes the rent of the houses in Kilkenny and the other towns before-mentioned to be fifteen thousand pounds a year, and the value thereof at ten years' purchase to be one hundred and fifty thousand pounds. Whereas the commissioners of valuation appointed pursuant to the act of settlement to value these towns, in order to distribute them among the forty-nine officers, did, two years before the act of explanation, by which they were given to the duke, return them upon oath at 840*l.* 12*s.* a year, as appeared by their valuation upon record. And these very houses, set promiscuously with all the houses and lands of his grace's former estate in those towns, at the utmost improved value, upon leases, brought in but two thousand two hundred and twenty pounds a year clear money. So that altogether they were not worth above thirteen thousand three hundred and twenty pounds, as hath been observed already; and if his grace were but allowed the benefit of preemption in those towns upon the foot of the commissioners' valuation, (as the earls of Anglesea and Orrery were in Ross and Limerick, towns of much greater trade and consequence, and as captain W. Hamilton and others had in other places more advantageous in proportion,) and as they would in consequence of that valuation have been set

out to the forty-nine officers, the whole value thereof would even at ten years' purchase have amounted but to eight thousand four hundred and six pounds. And as to the mean profits of the lands of which possession was taken before the act of explanation, as paying chief rent to the duke, the libeller suggests that he received out of them five years' profits, at fifteen thousand pounds a year. Whereas in fact it was necessary to examine his grace's writings to see what lands were so held, before they were entered upon; no possession was taken of any of them till after the act of settlement, and then his grace's commissioners were restrained from entering upon such as were possessed by adventurers and soldiers; some time was necessarily to lapse after taking possession before rent could be paid, and the possession of the greatest part of the five thousand pounds a year, upon which Mr. Walsh had entered, was not taken till a few months before the duke consented to give them up, as he did by <sup>405</sup> the act of explanation; all that he received of those mean profits came but to 562*l.* 2*s.* 6*d.*, a sum vastly less than the interest he was paying all that while for the money he had disbursed for the service of the crown.

- <sup>66</sup> The author of the *Queries*, to swell up his account of the duke of Ormond's gains, takes care not to omit the fifty thousand pounds given him as an equivalent for the lands vested in him upon the forfeiture of his vassals and tenants, which he gave up for this sum, which was charged upon the second of the three hundred thousand pounds to be raised by the act of explanation. The lands given up by the duke for that consideration were three hundred and nineteen thousand and sixty-two acres, valued at 31,906*l.* 2*s.* 6*d.* a year; and consequently at ten years' purchase worth 319,061*l.* 5*s.* Yet the sum of fifty thousand pounds was all that he was to have for his interest in that vast estate, which he gave up for accommodating the several interests, and furthering the peace and settle-

ment of the kingdom. To shew the disadvantage which the acceptance of this sum was to the duke, it must be observed further, that he not only by the said act parted with his advantage in those lands where they were held of him in fee-farm, but parted also with the remainders expectant upon estates tail in forfeiting persons, which, upon failure of issue male, would have come to him and his heirs, as part of his ancient estate. This was a right preserved to all other protestants, and the duke would have enjoyed the benefit thereof, if he had not been barred of it by that act. How much it might prove in time to his detriment, may be imagined from an instance which happened soon after in the case of Butler of Nods Town and Moyally, whose estate of six hundred pounds a year would have reverted to his grace, if he had not been barred by this clause. How ill he was treated in the payment of the consideration money is now to be shewn. One great motive to his acceptance of that sum of fifty thousand pounds was to get rid of the debts with which he had encumbered his estate for the public service; and the whole sum was to be paid in 1665, or at furthest in 1666. Not doubting of due payment, he took up twenty-five thousand pounds of sir Robert Vyner, and ten thousand pounds of sir Dan. Bellingham at ten per cent. to discharge those encumbrances; giving them assignments on the fund out of which the fifty thousand pounds was to be paid, besides other securities for the repayment of principal and interest. None of this sum was as yet paid, though his grace owed now twelve thousand pounds for interest to those gentlemen, which they insisted should be added to the principal sum. The king gave order after for its payment, but the lords lieutenants found some means or other to evade it, till the earl of Essex's government, in whose time it was at last paid; but not till the duke had 19,165*l.* 12*s.* 6*d.* to pay to Vyner and Bellingham for interest; which, with 4938*l.* 5*s.* 7*d.*

deducted for fees to the several officers concerned in the collection and receipt thereof, reduced the money before it came into the duke's hands to such a degree, that he received of it only 25,896*l.* 1*s.* 11*d.*

67 Another falsehood asserted in the Queries relates to the barony of Idrone in the county of Catherlogh, which is represented to be decreed to the duke by the commissioners of the court of claims; whose integrity is obliquely reflected on, as well as the credit of the witnesses, upon whose attestation of his grace's right to chief rents (it was pretended) a decree was made for the whole barony, and possession given accordingly. This article was entirely taken up on trust, without the least foundation, the duke having had no such suit for the barony, and being so far from possessing the whole of it, as is charged, that he enjoyed but a small part thereof, and had not one acre of land there more than what was actually in his possession before the rebellion. The articles about the enclosure of the Phoenix Park, the quartering of the guards, and levying billet-money in Dublin, have been already answered. There is nothing in that 406 relating to the palatinate court in Tipperary, but the mistake or misrepresentation of the libeller, in asserting that it had been suppressed formerly as unfit for a subject. That county palatine had been originally granted to one of the duke's ancestors, who was grandchild to king Edward I; nor was it less fit for a family of so known honour and so constant loyalty, than the county palatine of Durham was for the bishop of that see. It had been enjoyed by the earls of Ormond successively for near four hundred years, when it was seized upon a judgment given by a *nihil dicit* in a *quo warranto* brought against Walter earl of Ormond during his imprisonment in England; a proceeding arbitrary enough. The king had restored it (as he was obliged in justice) to the duke of Ormond, and had added to it the small territory called



the County Cross, which the whole country had desired might for their common benefit be annexed to its jurisdiction. No complaint had been ever made of any exorbitant proceedings in that court, nor had there been the least ground for such complaint, that court being governed by the same rules and laws by which all his majesty's courts in Ireland were regulated; and it was so far from being of any advantage to the duke, that he had been always at a continual yearly charge in supporting the court.

68 Among other exaggerations in the *Queries*, there was one in relation to the duke's entertainments as lord lieutenant of Ireland, which are represented to be much larger than any of his predecessors enjoyed, and amounting, with the profit of licenses for wool and port corn, to 12,000*l.* a year. Whereas in fact they were less than either the earl of Leicester or the earl of Strafford (when he was advanced from the dignity to that of lord lieutenant) enjoyed. The latter's entertainments from that time were 11,111*l.* 4*s.* 2*d.*; besides which he had many advantages which the duke of Ormond never enjoyed, and some which he made no use of, though it was in his power. Of the first sort was his being one of the farmers of the customs, and of the imposition upon the importing and sealing of tobacco, by which he gained more yearly than the duke did by all his entertainments. Of the second sort was the sale of all places and offices, civil and military, which are by custom in the gift of the sword; a practice not begun nor (as is said) ended by that nobleman. But it is certain the duke never made profit of either, disposing of them always freely to such as had either served or otherwise merited well of the king, or else to young gentlemen who were sons of deserving parents. The earl of Leicester's pay indeed, as lord lieutenant only, did not amount to more than 7841*l.* 8*s.* 4*d.* a year, (and for so much it was allowed him in

the provision made by the acts of settlement for his arrears;) but this arose from his never being upon the place, which occasioned a deduction for the salaries and perquisites of the lords justices, who governed in his absence. Whereas all the duke of Ormond's entertainments, as lord lieutenant, colonel of a regiment, captain of horse, &c. came but to 9786*l.* *os.* 10*d.*, which was much too little to defray the expenses occasioned by his being lord lieutenant, the dignity of which employment he was obliged to keep up for his master's honour. Mr. Walsh on this occasion examining the weekly expenses of the duke's house in Dublin, found them amount to above 70*l.* a week more than arose from all his entertainments and profits put together. The old hospitality now lost in England was then kept up in Ireland, and some of the remains of it there at this time may be observed in the following passage: It was a custom in parliament for the members to go down into the lord lieutenant's cellar, where each man with a glass in his hand tasted of what hogsheds they pleased. Some of them being there drinking and dwelling longer on the wine than usual, sent up to his grace to desire him to order them chairs. This was varying from the custom, which<sup>407</sup> the lord lieutenant was obliged to keep up; so he sent them word, it did not become the gravity of his place to encourage any gentleman's drinking longer than he could stand.

69 The intent of the Queries, and of the false calculations which appear in each particular throughout them, was (as is expressly declared towards the end of the libel) to prevent the duke of Ormond's receiving either the forty-eight thousand two hundred and fifty-six pounds or the fifty thousand pounds before mentioned, and to get him removed from the government of Ireland. For this end they were sent to lord Arlington in a letter, desiring him as a privy counsellor, to put them into the king's hands

for the good of his majesty and of his people ; both which the author would insinuate to be in danger, if his grace continued in his lieutenancy, being (as is said in the conclusion) an Irishman, and all his relations papists, and very great enemies of the English and protestant interest. If this was any objection to the duke of Ormond, it was however no crime, and ought to have no weight in this particular. He was descended of one of the principal of those English, who first conquered Ireland, and reduced it to the obedience of the crown of England. Though many of those English families which came over at the same time degenerated, and became at last as barbarous and disloyal as any of the Irish, and even more rebellious than some of that nation ; yet the house of Ormond, and most of the family and their dependants, still retained the civility and supported the interest of England. Of all the earls of Ormond, not one had ever been concerned in any rebellion against the crown, nor any one ever attainted except James earl of Wiltshire and Ormond, during the war between the two houses of York and Lancaster, when all the great men in England were one time or other brought into the same condition. That nobleman (it seems) was not then deemed an Irishman, or if he was, it was not then thought an impediment to his being made deputy of Ireland for twelve years by patent, to his being lord treasurer of England at the same time, to his being chosen knight of the garter, or to his having married, first the daughter and one of the heirs of the earl of Arundel, and next, the daughter and one of the heirs of the duke of Somerset. In short, as the family is descended from a grandchild of Edward I, so queen Elizabeth was descended of Anne of Bullen, grandchild to Thomas earl of Ormond, besides many other noble families, as those of Shrewsbury, Hunsdon, &c. that derive their descent from daughters of this house. That great queen, following the example of her predecessors, all of

which for three hundred years had made some addition of honour or fortune to the family, created Thomas, the last earl but one, knight of the garter, and confided so much in him, that she made him general of her army, even when there was a deputy of the kingdom, (a thing unusual,) and he served her in that employment with great honour and success.

70 And if the family was not to be reproached, the duke himself was less liable to exception. He was born in London of an English lady, brought up at Lambeth under the archbishop of Canterbury, and lived about the court of England till he was married. The long imprisonment and cruel treatment which his grandfather had suffered from king James, and the strong opposition which himself had met with from king Charles I, in his addresses to the young lady he married, which were not to be got over, but by her resolution to unite the family, and restore it to its ancient greatness, and by his paying fifteen thousand pounds to the earl of Holland, (to which two sources were owing all the debts that were on his estate before 1641,) might well enough have prejudiced him against the crown, as others were, upon less provocations. Yet when the rebellion first broke out in Ireland, he was that one person who stood in the gap for the preservation of the English interest and the king's rights in that king-<sup>408</sup>dom, when if he had faltered in his loyalty, no stop could possibly have been given to that deluge of blood and rapine which overspread the kingdom, the English in it must have fallen as miserable victims to the merciless rage of their enemies, and the whole kingdom been immediately subjected to a foreigner. When afterwards every thing crouched beneath the power of the English rebels, he was the only person, that at the hazard of his life, fortune, and family, and almost to the ruin of his estate, dared to assert his majesty's rights, and maintained a footing for him in Ireland, when he had been driven

out of all the rest of his dominions. He had in all the vicissitudes and distresses of the late times, constantly, without hesitation or reserve, persevered in a course of the most disinterested loyalty to the king, and adhered inviolably to the religion and church wherein he was bred; nor could any temptation, on the one hand or the other, ever prevail upon him in his greatest necessities to alter his conduct or sentiments; but he brought home with him the same principles of religion and loyalty which he had carried with him abroad. If all this was not sufficient to qualify him to be an Englishman and a good protestant, or make him capable of trust from the crown, some new marks, unknown before, must be found out to characterise a good subject and a good protestant. By all those upon which rational men proceed in their judgment of persons, the duke of Ormond had eminently proved his title to both those characters; nor did any friend to the crown or church ever suspect him with regard to either. These insinuations to his prejudice came from another quarter, from a party of men who were for founding a commonwealth upon the ruins of monarchy, and for bringing the revenues of the church into the public treasury, under the pretence of easing the people from future taxes. This was the scheme of some in the greatest credit at this time about court, and which appeared more visibly a few years afterwards; this was their aim in labouring now to get the parliament dissolved, and the duke of Ormond removed from the government of Ireland, being very sensible that till both those were effected, they should never be able to bring about their design.

71 After the exorbitant account of the duke of Ormond's gains, rather insinuated than asserted by the author of the *Queries*, and the true state of his case, with an exact account of all that came to him from any of his grants, not only to the time of the publishing of that libel, but to the very end of his life, it may not be amiss to balance

the account between the profits he gained and the losses he suffered in the service of the crown. From what hath been said, the account appears to stand thus :

72

*The duke of Ormond creditor.*

	£	s.	d.
To loss of nine years' income of his estate in Ireland, from Oct. 1641 to Dec. 1650, at 20000 <i>l.</i> a year. . . . .	180000	0	0
To spoil and waste of timber, buildings, &c. on it. . . . .	50000	0	0
To two years and a half's income from 1650 to 1653 . . . .	50000	0	0
To debts contracted by the service of the crown during the troubles . . . . .	130000	0	0
To seven years' rents of his estate from 1653 to 1660 recoverable from the adventurers and soldiers that possessed it . . . . .	140000	0	0
To the value of estates forfeited to him by breach of conditions, the remainders whereof were vested in him, but given up by the act of explanation . . . . .	319061	5	0
To arrears of pay as lord lieutenant, commissioned officer, &c.	62736	9	8409
To ditto for fourteen months, from July 1647 to Sept. 1648 at the rate of the allowance of 7893 <i>l.</i> a year to the earl of Leicester, during his absence from Ireland. . . . .	9208	10	0
To ditto for nine years and four months, from Dec. 1660 to June 1660 at ditto . . . . .	73668	0	0
Total of losses and credits	1014674	4	8

*The duke of Ormond debtor.*

By receipts on the 30000 <i>l.</i> act in Ireland. . . . .	26440	0	0
By ditto on the grant of 71916 <i>l.</i> . . . . .	63129	10	8
By ditto on the 50000 <i>l.</i> granted by the explanation act . .	25196	1	11
By savings on the grant of forfeited mortgages and encumbrances . . . . .	5655	12	10
By rents received from the lands given up by the explanatory act . . . . .	5626	2	6
By houses, &c. on Kilkenny, Clonmel, &c. valued by commissioners at 840 <i>l.</i> 12 <i>s.</i> a year, at ten years' purchase	8406	0	0
By lands allotted on account of his arrears, set at first for 1194 <i>l.</i> but afterwards improved and set in 1681 at 1594 <i>l.</i> a year, but being subject to a quitrent of 449 <i>l.</i> a year, their improved yearly value is but 1165 <i>l.</i> at ten years' purchase	11650	0	0
Total of profit	146083	7	11
Total of losses and dues to the duke of Ormond . . . . .	1014674	4	8
Deduct as by particular of profits. . . . .	146083	7	11
So that the duke's losses by the troubles and settlement of Ireland exceeded his profits . . . . .	868590	16	9

73 I have not in this account taken any notice of the loss which the duke of Ormond sustained by the interest which he paid after the restoration, for sums of money raised upon his estate for the public service during the troubles, because I could not ascertain it so well as the other particulars, which I have taken from authentic instruments, and the accounts of Mr. Walsh, and other of the duke's agents. I have perused a great many rentals (which I found among his grace's papers) of his estate before the troubles, and afterwards till the year 1686, containing the particulars of every parcel of land belonging to him, the several denominations of each, the names of the tenants, and the number of acres; and it is evident from thence, that his estate was set in 1640 for near twenty-one thousand pounds a year; and the same lands were in 1681 set for above twenty-two thousand pounds yearly rent. In his grace's rentals after the restoration, a distinction is constantly made between his old and new estate; and this latter I find (considering the quitrent charged on it) never brought him in three thousand pounds a year clear money. I have searched in the office of the rolls at Dublin for the patents passed to the duke for this new estate, and found them agreeing with the rentals and accounts of his grace's stewards. I was the<sup>410</sup> more curious and exact in this search and comparison, because of the great noise made by people who know nothing of the matter, but take up general notions without examining into particulars, about the vast addition which they imagine his grace made by the settlement. His old estate, which he had in actual possession, and of which he duly received the yearly rents, contained about three hundred thousand acres; whereas the new estate which he enjoyed by the acts of settlement, in lieu of his arrears, consisted only of thirty-six thousand one hundred and fifty-five acres, and the rents of those lands never yielded him more than one thousand five hundred

and ninety-four pounds a year. The houses which he had besides in four corporations were generally rented for forty shillings, three pounds, or four pounds a year ; and both together were set for about three thousand four hundred pounds a year, out of which the quitrent to the crown was to be deducted. The rentals mentioning the particulars are tedious, but I have thought it proper to add in the last article of the appendix to this volume\* a catalogue of the estate given him, with the names of the forfeiting gentlemen who were the former proprietors.

74 It is no wonder that there was such a vast estate belonging to the house of Ormond, as well in possession as remainder ; considering its greatness and antiquity, and that no part of it was ever lost by an attainder. Several great families in England might have had the same in a much richer country than Ireland, if they had persevered as constantly in their loyalty. This new addition was too inconsiderable to repair the duke's losses, and clear his old estate from encumbrances ; and the money secured to him by the acts of settlement was paid so slowly, at such distances of time, in such small sums, and there was so much trouble, difficulty, and expense in getting it even in this manner, that it only just served to enable him to live in the court of England, (where he was persuaded to stay in hopes of being useful to the crown and church on some favourable opportunity,) but never put him into a condition of paying off those debts, which lay heavy on him all his life, and, being transmitted down to his posterity, eat up a great part of the estate. He was infinitely desirous to discharge them ; his inclinations led him to retire from business, and live upon his own lands, in order to that end ; but the importunity of his friends, the danger in which all that were well affected to the constitution in church and state apprehended both to be, and

\* The Appendix referred to is in this edition at the beginning of vol. V.



the hopes of being serviceable to prevent the mischief threatened, determined him to continue about court. He was very regular in considering his income, and adjusting his expenses every year; nobody was happier than he was in Mr. Walsh, Mr. Harrison, and afterwards captain Matthews, agents employed in the management of his estate. But the event at last shewed how improper a court life, and how insignificant, if not destructive, a great employment which requires an attendance there, is to the retrieving an encumbered fortune. There is scarce a public post in the disposal of the crown that is a sufficient equivalent to the detriment which a great man suffers by the neglect of his private affairs; and that which the duke of Ormond enjoyed of lord steward of the household never served to discharge the expenses of his table. He died in it, leaving debts to the amount of 89,324*l.* 13*s.* 10*d.* for which he paid interest; besides those which he had discharged by turning them into annuities for his life, and which made a constant deduction of 7179*l.* out of his yearly revenue. There could not be done a more cruel thing than the removing him from the government of Ireland, in a juncture when he might have received at once the 98,256*l.* due to him out of the year's rent, as hath been said before; a sum which might have set him clear in the world, and have prevented those difficulties with which he was forced to struggle all his life, with no little anxiety, and not without a great and continual detriment to his fortune. Such a treatment might have put a person less steady in his principles, and less devoted to his private interest, out of humour, and have hurried <sup>411</sup> him into acts of resentment, which are but too incident to human nature. The duke of Ormond on the contrary still continued his care for the public, and went on in the way of his duty to the king, without the least murmur at his own usage, or any public complaint of those counsels and measures, which he did all that was in his power to oppose; but having thereby satisfied his own conscience

in the discharge of his duty, did not care to make them more fatal, and to distress his majesty's affairs, by noisy clamours and irregular appeals to the world, which could only serve to inflame the minds of the people, and instead of preventing the evil apprehended, might possibly have brought it on more suddenly than could otherwise have been expected.

75 Great are the inconveniences which every man must necessarily feel from a load of debts ; but they were never more disagreeable to any man than to the duke of Ormond. He could live like a philosopher when he was in exile, and could retire into a private life suited to the circumstances of his fortune, with an equality of mind that would ensure him all the satisfactions that were to be found in such a state ; but he could not bear with shifting ways of subsistence when he was to appear as a great officer, and bear a part in the grandeur of a court. To get rid of twelve thousand pounds of his most pressing debts, and of a constant expense of three hundred pounds a year, which the gardens and house cost him, he now sold Moore-Park ; and continued still his attendance upon the king, with whom he had credit enough to do service to particular persons by reducing their quitrents. There was never before known an instance of a lord lieutenant of Ireland being removed from his government without being appointed afterwards of the committee of council for Irish affairs. The duke of Ormond however was left out of this committee, though he was of that for foreign affairs ; the party which governed at court, and which the king durst not offend, not caring that he should be concerned in anything relating to the kingdom, in which he had so great an interest, and which he knew better than all the rest of the board. He had been removed upon the credit of calculations which now appeared to be without foundation, and they wanted something else against him, to afford a colour to justify that removal.

76 This lord Roberts laboured to find, but without success; and had the hard fate to render himself disagreeable in Ireland by his conduct there, and at the same time lose his interest at the court of England by his absence. He fancied that he might ingratiate himself with the Irish, and throw a slur upon his predecessor, by observing a different manner of acting; in those particulars at least which had been made a pretence of clamour and complaint against the duke of Ormond. He would give no warrants for quartering soldiers in Dublin, nor suffer any money to be levied upon the inhabitants in lieu of their lodging. This occasioned a further charge to the crown, complaints from the soldiers, and other inconveniences, which could not well be suffered to go on for any time without a remedy. He was in hopes that the city would return his seeming complaisance, and make a voluntary offer of quartering the regiment of guards; but they were not so disposed, and saw his meaning too clearly to be made a property in that affair. Some of the freemen and inhabitants were put upon petitioning the lord mayor and common council, that as the inhabitants of that city had since the present lord lieutenant's access to the government received much benefit and freedom, for that no moneys had been required and taken from them against their wills by the officers and soldiers in lieu of quarters; so, conceiving it to be their duty to make a grateful acknowledgment thereof, as the fruit of his excellency's serene justice, they prayed such acknowledgment might be made, when the grant of the freedom of the city should be presented. This petition was no sooner<sup>412</sup> read, than it was laid aside, without any debate, or so much as being answered. This not taking effect, another insinuating petition was presented in relation to the lodging of the soldiery, desiring the mayor and sheriffs to make some regulations in that point. To this indeed there was an answer given, but not such an one as was

hoped by those who set it on foot. The petitioners were told, that they who were aggrieved might complain, if they pleased, where they might find redress; but the city would by no means lay down any rule for quarters, and the sheriffs absolutely refused to quarter any soldiers, unless the lord lieutenant would give such warrants as the duke of Ormond and the earl of Ossory before him had given. The lord Robarts positively refused to give them such warrants, and they would not act without authority.

77 The city being convinced that the design of these petitions was obliquely to throw reflections on the duke of Ormond, and to traduce his government, thought it became them to shew their resentment of it, and to improve the occasion so as to express their respect to his grace, and the sense they had of their happiness under his administration. This they did by taking no notice of the present lord lieutenant, and by complimenting the earl of Ossory with the freedom of the city. The instrument of his freedom was sent him, with a letter dated Jan. 21, signed by the mayor and sheriffs on the behalf of the whole body of the city under their common seal, entreating his lordship to accept the present, and vouchsafe to stand the second person in their roll of freedoms.

78 “Be pleased,” say they, “to be named the second, since to the second no small addition is given by the first; your lordship’s most noble father James duke of Ormond justly challenging the priority, whose very many excellencies have worthily fixed him in a pleasant prospect to this city and kingdom. Witness his unparalleled humanity to several hundreds of poor distressed English in this kingdom, who in the beginning of the rebellion here, with their wives and tender infants, to the peril of their lives, repaired to this city, stript, denuded, and left destitute of every thing but the common air they breathed, and that done at a time when deprived of his larger patrimony; as also his steady conduct, unwearied endeavours, and perplexed difficulties to preserve, by secure and honourable articles, the truly loyal

citizens of this city, and the privileges thereof, when, upon terms of disadvantage and necessity, his grace was by the prevailing powers wrested from us. To which give us leave to add those very many real and still continued favours from him derived to this city, when we had the happiness of living under the securer shade of his late easy government of this city and kingdom; all which renders him to us princely in his virtues, unblemished in his loyalty, and truly blessed in his offspring, your lordship being in truth the second edition of his grace," &c.

79 The terms of this letter shew to whom the compliment made to lord Ossory was ultimately designed. The magistrates of the city had unwarily by a former petition to the duke of Ormond, whilst he was in the post of lord lieutenant, (as hath been already observed,) furnished a colour for the earl of Meath and others of his grace's enemies to complain of grievances, and to represent the quartering of soldiers as a burden upon the city. They had no such meaning in that petition, which was abused to an end they never intended, and perverted to a sense which the words of it could not bear. They did not offer then to complain of his grace's warrants for quarters; but having seen it wrested to a purpose so contrary to their intentions, they now took occasion to shew their respect to those warrants by insisting on the like from the lord Robarts, and to declare against the notion of his grace's contributing to burden and oppress them in that or any other respect, by acknowledging in so remarkable a man-<sup>413</sup>ner their sense of the happiness they enjoyed under his easy government. It was a very handsome testimony of the gratitude and affections of that city to the duke of Ormond, and was the more valuable, by reason of the circumstances wherein it was given, and which were a sufficient evidence of its sincerity; for though lords lieutenants in the height of their power, may, generally speaking, easily enough obtain such addresses and compliments, (which however were now denied to lord Robarts,) yet they are seldom made to discarded governors.

80 The endeavours which the new governor used to pick up some matter of complaint or mistake in his predecessor's conduct, raised the indignation of many; but the moroseness of his humour and the roughness of his behaviour shocked all the world.

81 Hence (as lord Ranelagh says of him in a letter wrote a little before he was recalled) "the business of the council was fallen to nothing, the aversion to him being such, that men are not only hopeless of favour, but afraid to ask justice. His great severity in denying officers access to the town hath, besides many curses, begot in them a confidence, and indeed almost a necessity, to slight and disobey his commands; which he himself, I think, is ashamed to vindicate. Nor hath his strictness in the revenue thriven much better, since the lists have received but six months' pay, the greatest part of which he brought over, and besides, met with those dues here, which, if not diverted and disordered, had sufficiently answered my lord of Ossory's assignments. It cannot be denied he hath lately paid three months to the horse and foot guards, and designed as much for the whole army; but I think, all things considered, this is not an achievement which either deserves our admiration or his vanity. The late stop to all payments is his greatest affliction: it hath made him both dejected and insignificant; and it is most to be feared his humours have too far exposed his authority to the contempt of the nation, who now, by way of insulting, do with too great a liberty vent their thoughts of him both in prose and verse. How dangerous such a proceeding, if either countenanced or continued, would be to the king's service is easy to judge; and it may be, the speedy access of our new governor will, upon this account, as well as several others, be more than a little necessary."

82 This new governor was John lord Berkeley of Stratton, who landed at Dublin in the beginning of May, when lord Robarts surrendered the sword to him, and embarked on Tuesday the 10th of that month for England, (where he had been deprived of his post of lord privy seal,) with a resolution to retire straight to his

estate in Cornwall, and meddle no more with public affairs.

83 Lord Berkeley was not so much in the confidence of the duke of Buckingham and his faction, but that when he went over to Ireland to take upon him the government of the kingdom, the duke thought it necessary to send his own darling favourite sir Ellis Leighton over with him, in the employment of his secretary, to take upon him (as was then commonly said) the government of the lord lieutenant. The popish party that opposed the remonstrance (which had been signed by many of the nobility, gentry, and clergy of the Roman catholic communion, and contained a profession of their duty and resolution to obey the king as their only chief governor in temporal matters) were much elated upon the prospect of his coming. Provincial councils were before the end of May held in all the provinces of the kingdom, and diocesan synods in most of the dioceses. The great business in hand was the prosecution of those regulars and seculars who had subscribed the remonstrance, and the total suppression of them and their adherents. This was no difficult matter, considering that the pope named all the bishops that governed the secular, and could command the preferment of fit persons for that purpose to 414 the provincialships of the regular orders. With this view Fr. Coppinger was put out from being vicar provincial of the Franciscans in Ireland, (where they were more numerous than all the other orders,) and P. Geanor, an old stickler for the nuncio, and adherent of Owen O'Neile's, placed in his stead; the bishops being expressly commanded by cardinal Barberini to support the latter, though with the hazard of the loss both of their mitres and lives. In consequence of this, the superiors of the Franciscan convents over the kingdom were turned out of their dignities and habitations. Peter Walsh and the rest of the remonstrants were denounced excommunicate,

and persecuted with so much violence and fury, that they were on the point of starving in their own country, and had no means left of preserving their lives but by submitting to their persecutors, or by flying to foreign countries; where they were still in danger of being forced to retract, or of being burnt as heretics for denying the pope's power in temporal matters.

84 Peter Talbot, lately made for this purpose titular archbishop of Dublin, and one Burgat, (formerly vicar-general of Ernly, and a violent partisan of the nuncio's,) that had the like title at Cashel, were the chief promoters of this persecution; in which, if they were equally active, the former did the most mischief, because he was the most powerful. Peter did not want art and cunning; but his vanity got the better of both in many instances. He fancied that his brother Dick's credit and power at court (where he and all the Roman catholic party joined with Buckingham in inventing and casting all the calumnies that could contribute to lessen the duke of Ormond's interest with the king) would carry him through every thing that he should attempt, and in confidence thereof gave himself extraordinary airs. In a great synod held at this time in Dublin to publish a papal mandate, and to take away the Saturday's fast and other holydays not agreeable to those observed at Rome, he took occasion before all the clergy to declare that the duke of Ormond had been the ruin of the catholics; and instanced in several things he had done to the prejudice of their religion. Not content with aspersing his grace, he endeavoured to gratify his ambition by wounding the king's honour, and falsely pretending to his majesty's authority. Thus he told the assembly, on Saturday June 18, that he was appointed by the king to oversee all the clergy of Ireland; and when the titular primate Pluncket desired to see the authority, and said that in that case he would submit to the other; Peter answered, that he had it



not under the great seal. Pluncket replied, that the little seal would serve his turn, but till it was produced he should take care to oversee the other, and expected to be obeyed. It was probably these arrogant pretensions of P. Talbot, which made Pluncket interpose his authority against the other's going into England, where he pretended that his presence at court would be very useful to prevent the success of P. Walsh's solicitations to have the remonstrance put in force, and all that would not sign it persecuted. The titular primate told him he had good grounds to believe there was no such matter; that he had the reputation of meddling too much in affairs of state, (which was contrary to the canons and orders of the pope,) and for that reason he inhibited him from going. This forced the other to send to the nuncio at Brussels for a license of absence, which he desired under the pretence of being required by his majesty to attend him in England.

85 Peter must have divested himself of his nature, if he would have refrained from meddling in state intrigues; his inclinations led him so strongly that way, that he was not at all discouraged by his former ill success, especially since his fellow-sufferer the duke of Buckingham was now in power. He fancied himself in a manner master of the kingdom, and wrote the new lord lieutenant a <sup>415</sup> letter, (which was delivered him at Chester, as he was going to embark for Ireland,) expressed in such high and mighty terms, that his excellency thought he imagined the whole nation was in his disposal. After lord Berkeley's landing, he waited upon him, and was well received, and appeared afterwards in his character before the council; both things so very unusual and improper, and so reflecting on his majesty's authority, that the duke of Ormond would not have suffered either of them on any account, nor had there been a precedent thereof since the reformation. Peter was dismissed thence without

punishment, though he had absolutely refused to join in any kind of recognition or engagement of loyalty. The lord lieutenant after all did not care for the man, and was much incensed at his impudent pretence to the king's authority for overseeing the Irish clergy; but was afraid of his interest with the duke of Buckingham, and the power of his friends at court. Colonel R. Talbot was at this time in Ireland, and apprehending that the lord lieutenant was a creature of lady Castlemaine's, had addressed himself to her, proposing some projects, in which she readily embarked, and recommended them in a letter to the lord lieutenant. The colonel delivering the letter, was answered by lord Berkeley, that he would serve the lady Castlemaine in what he could, but he was afraid it was not in his power to serve her in the particulars recommended. Talbot upon this was in a great huff, and gave himself airs of resentment. Lord Berkeley had carried himself with great civility to all persons of all interests, and by a different conduct from his predecessor's had expressed a respect for the duke of Ormond, and shewed such countenance to those who were known to be his friends, and were in office, as became a well-bred man and an equal governor. The colonel was offended at this proceeding, and had the assurance to ask him one day whether he was the king's or the duke of Ormond's lieutenant. Lord Berkeley could not but be provoked at the insolence of the question, (which the other bragged of publicly,) but thought fit to smother his resentment, and to keep measures with persons who he was apprehensive might be too strong for him in case of an open dispute. The two brothers indeed presumed much on their power at court; Peter corresponded constantly with the duke of Buckingham, and made no scruple to shew his grace's letters, desiring him to hasten into England, and to tell his friends that lord Berkeley would not continue in Ireland six months; that the duke of Bucks was

to be lieutenant, and to come over for a time, and then upon his return to leave the earl of Orrery his deputy.

86 It was probably some apprehension of this nature which made the lord lieutenant so shy of interposing his authority in favour of the remonstrants, who, being persecuted with extreme violence, applied to him for protection. They were otherwise in imminent danger of being extirpated; and all the Roman catholic clergy were now going to be united in a profession of those doctrines of the unlimitedness of the papal authority, even in temporal matters, which neither the king of France nor any other foreign prince would suffer to be received in their dominions, and to which the late rebellion and the miseries of Ireland had been so much owing. Unhappy experience had then shewed how absolutely the common Irish and many of their gentry were governed by the clergy. The putting them entirely under the direction of such spiritual guides as had been the most inveterate adversaries of the royal authority, and the principal fomentors of the former rebellion, was the ready way to lay the foundation of another, and would leave the king a very precarious tenure of his sovereignty and dominions, when the one was, by doctrines received by far the greatest part of the nation, subjected to a foreign power, and the other could not be maintained in peace any longer than <sup>416</sup> was consistent with the pope's pleasure. Notwithstanding this danger, when the remonstrants applied themselves with petitions to the lord lieutenant, they could not obtain an audience. They attended day after day, but were still denied admittance; and Dr. Margetson, the lord primate, was checked by his lordship for offering to speak in their behalf. Their condition was certainly very deplorable, and it was impossible for them to subsist without some support from the state at Dublin, whilst, as they represented, they were persecuted from Rome with all its power and wiles, destitute of any hopes of protection

from the queen, whose chaplains were all of their enemies' party, and censured, deprived, and banished by all their bishops and other superiors, vicars apostolic and general, provincials of regular orders, (besides guardians and priors,) all made on purpose at Rome (in the very nick of time when the duke of Ormond was removed from the government) to suppress the growth of the doctrine of the king's supremacy in temporal matters amongst the Irish, which so much startled the pope's ministers abroad, and their ambitious emissaries in Ireland.

87 In this extremity they had recourse to the duke of Ormond, who, to encourage their loyalty, and to prevent the fatal mischiefs naturally flowing, and too sadly experienced to flow, from the opposite doctrine, had always taken them into his particular protection. When he had first intelligence sent him of Peter Talbot's violent proceedings, and of the banishment of the honest remonstrants from their cures in Dublin, and the substituting in their stead other pastors of the nuncio's party or principles, his grace thought it high time to put a stop to that persecution. He considered it as a matter highly importing the king in the quiet and honour of his government, that, whilst the creatures and parasites of the pope took the boldness to exercise illegal jurisdiction in his kingdom, and this to the vexation and ruin of their fellow-subjects, (who better understood the duty of Christians to the supreme civil magistrate,) his majesty should, with all the severity of law, vindicate his own authority, and protect his people from so terrible an insolency. He made a collection of the exorbitances which Peter Talbot (to manifest his zeal for that authority from whence he received his preferment) and his adherents had been guilty of in their late proceedings, and laid it before his majesty, who presently gave orders for a particular instruction to be given to lord Berkeley to restrain the irregular actions of the persecuting party, and to relieve

the remonstrants from the oppression they lay under for their loyalty. The instruction ran in these words :

88 “ And whereas we are given to understand, that since our calling the duke of Ormond from the government there to our service here, divers of the disaffected party of the popish clergy are not only returned from [to] that our kingdom, but have beyond seas obtained titular dignities of archbishoprics and bishoprics with unlawful powers and jurisdictions, which they have presumed to exercise to the great disquiet and discouragement of all or most of those who some years past subscribed a certain remonstrance, declaring the faith, duty, and allegiance they bear to us as their lawful king and to our successors ; we will therefore that, so soon after your arrival in that our kingdom, as conveniently you may, you do diligently inquire into the truth of these informations, and finding the same to be true, our pleasure is, that you do severely put in execution the laws against such titular archbishops, bishops, or vicars general as have, under what colour or pretence soever, cited, excommunicated, or threatened any of those who, in England, or since in Ireland, have subscribed the aforesaid remonstrance ; and it will be fit on the other hand, and accordingly our pleasure is, that on all occasions that may offer, you give protection to those who have sub- 417  
scribed, and not retracted their subscription of the said remonstrance, they behaving themselves dutifully and modestly : whereof we do expect you should in due time give us an account.”

89 The duke of Ormond gave the primate and lord chancellor notice of this instruction, not doubting but that when the lord lieutenant should call upon them for their advice and assistance, they would very readily afford it in that, as well as in any other matter touching the king’s service. But on such an occasion he thought it became him to put the latter (who was also archbishop of Dublin) in mind of his more particular obligations to that service ;

90 “ Give me leave,” says he, “ to believe, that when such a jurisdiction is usurped in the very seat of your diocese, and employed with such circumstances of arrogance in defiance of

the government, and with such oppression to those of that clergy who have manifested most affection and duty to it, more may be expected from you than to sit still till you are called upon."

91 He desired them to consult together on the matter, and agree on the manner of their application to the lord lieutenant, assuring them, that if there was any need of further direction from England, he would undertake the procuring of it, conceiving himself to be obliged to it, not only out of duty to his master, but in charity and justice to those who were fallen into this persecution by the encouragement he gave them to make demonstration of their duty and loyalty to the king.

92 The two archbishops applying themselves to the lord lieutenant, who had done nothing in obedience to the abovementioned instruction, met with so indifferent a reception, that they were discouraged from any further attempt. It seems to have been a matter in which his lordship did not care to be concerned one way or other. For when Peter Talbot, hearing that he had been complained of to the king, had the assurance to send to entreat him to certify the duke of Bucks and lord Arlington of his good behaviour in Ireland; and told him in his letter, that he had assured them that he would get his excellency to write to that purpose, which (he said) was desired by the duke of Buckingham himself, lord Berkeley's answer was, that he would have nothing to do with him, neither for nor against him. The person whom Talbot made use of to convey his messages to the lord lieutenant was sir Ellis Leighton, who did not fail to plead his cause with his excellency, representing that the regulars were exempt from the jurisdiction of the bishops, so that they could not be excommunicated by them, and that all the proceedings against them came from their own superiors, and on account of the dissolute lives of some of them. The former part of this plea was nothing better

than a shifting excuse; for though P. Walsh and his brethren had been excommunicated by James de Ridders, commissary general of the Franciscans in Flanders, for not appearing before him at a time prefixed, yet it was Peter Talbot and his adherents who promulged that excommunication in Ireland, and made it of effect by forbidding all persons to receive them into their houses, or to have any thing to do with them either in religious or civil matters. And the latter part of it was a mere calumny, for no particular crime or fact was ever objected against any of the poor sufferers, who were really men of learning, and exemplary in their lives and conversations. The lord lieutenant never gave himself the trouble of hearing the complainants, nor vouchsafed them the favour of an audience, which they earnestly desired; but contenting himself with receiving this apology from their enemies, transmitted it into England.

93 The excuse was not so readily admitted in the English council, where the duke of Ormond was present to refute it. P. Walsh was also at this time in London, and had presented his majesty with a petition in behalf of his brethren, representing their grievances, and beseeching his royal protection. The king had suffered enough in <sup>418</sup> the beginning of his reign from the turbulent spirit and furious proceedings of that part of the Irish clergy, who had renounced his authority to subject the kingdom to a foreign power, that he was ready enough to give credit to any accounts of their violence and insolencies. He sent fresh orders to the lord lieutenant to observe his instructions, to prosecute the anti-remonstrants, and to put a stop to their persecution of the loyal clergy. As the duke of Ormond's letter on this occasion to the lord chancellor gives some account of the condition of popery in Ireland when he left the government, it may not be improper to give it at length. It is dated on July 19, and runs in these words:

94 “ I suppose by this time his majesty’s renewed pleasure for the protection of the remonstrants will have been received by my lord lieutenant, and pursued with that vigour and diligence, which to me the nature of the matter seems to require. It is, I confess, to me, and may in time appear so to others, that those, and those only, who have declared and subscribed to a declaration of their loyalty, should be suffered to be run down in Ireland, by a contrary party armed with foreign jurisdiction, contrary to laws ancient and modern, visibly dangerous to the interest of the crown, and against the king’s express directions. I cannot on this occasion but mention to your grace the collection I sent you of the grievances of those poor men, which, if proved, will sufficiently manifest that the prosecution they suffer is only for their remonstrance and loyalty. And sure it ought and might easily have been tried, whether it could have been made good or no. Now it may be more difficult in that those men are become poorer, perhaps so poor that they are not able to attend their justification ; which, give me leave to say, is not now of their lives and conversations, (with which we have little to do,) but of their doctrine. Your grace well knows that that sort of people never want calumnies to load those with that are not of their principles, or having been of them, quit them ; which undoubtedly is now the case. Else was father Gernon removed from Dublin for his ill life, to make room for F. Tom Talbot, for the sobriety and sanetity of his ? These, my lord, are subterfuges too gross to pass upon a state ; and surely it is not the work of the government to capitulate with such a sort of people, as if they stood on even ground. When I left that kingdom all was quiet ; the tide ran the right way ; there were but one or two bedrid popish bishops in Ireland. Now the loyal are oppressed ; the disloyal in power to suppress them. Every province hath a popish archbishop ; and all this known and complained of to the right archbishops, as it ought to be by them to the chief governor. Pardon my zeal and freedom in this matter, with which you shall be no more troubled.

95 “ In a letter from F. Ant. Gernon to P. Walsh, he says, your grace told him, that for the generality of the remonstrants, or as such, you believed nothing would or could be done : but if any particular person of them had any thing to complain of, and could prove it, he might be relieved. I cannot but think Gernon mistook your grace ; for though it is true, any subject of the



king's complaining is to have just relief; yet surely in this case particular persons are only considered by the king as they are of the number of the remonstrants, which gives them just title to the king's protection in a more immediate and peculiar manner, than as they are subjects at large. In short, if this be not more the king's business than theirs, they ought to be told so, and left to shift for themselves; which must be by complying with the most violent and disloyal. When they shall have done so, you will hear no more of their ill lives, nor ever again be able to make so useful a division amongst the Romish clergy."

96 The chancellor in his answer to the duke of Ormond<sup>419</sup> on the 30th of the same month, beseecheth the duke to believe, that if he did not serve the remonstrants so far as his grace desired, it was not for want of inclinations, but because it was not in his power:

97 "I am very sensible," says he, "of the great affront that is given the king's authority by the exercise of a foreign jurisdiction; and I am as sensible, that if this division which is made between the Romish clergy by P. Walsh's remonstrance be not pursued, it will be a very hard matter to find any new expedient that may prove as effectual to that purpose."

98 This was truly the case; but whether the lord lieutenant had private instructions from the faction in power to the contrary, or whether it was the effect of his own inclinations, he would never execute the king's orders. He did not scruple to declare his resolution, that he would take no notice of what had been sent him from the council of England, for it was a thing only procured by the duke of Ormond. He publicly complained of the duke's meddling in the matter, as if it was arraigning him of neglect in the duty of his post, which gave occasion to an expostulatory letter from his grace, in which, after stating the case, and how far he had been concerned in it, (as hath been here represented,) he concludes in this manner:

99 "And now, my lord, that you may not judge me to be impertinent in my interposition in this matter, and in your govern-

ment, give me leave to tell you, why I take myself to lie under more than the ordinary obligation of a counsellor to mind his majesty of the remonstrators, and to endeavour to free them from the slavery and ruin prepared for them for that reason, however other pretences are taken up. Some of these very remonstrators, and others of their principles, are and were those who opposed the rebellious violence of the nuncio and his party, when the king's authority, then in my hands, was invaded, and at length expelled that kingdom; for which they suffered great vexation in foreign parts, when the fear of the usurpers had driven them out of their own country. These are the men, who on the king's return in their remonstrance disowned the doctrine, upon which those proceedings of the nuncio were founded; and these are the men very particularly recommended by the king to my care and encouragement, during all the time of my government. And now I leave it to your lordship to judge, whether in duty to the king, with safety to my reputation, or in honesty to them, I can receive so many complaints of oppression from them as I do, and not endeavour, that at least they may quietly enjoy their share of that indulgence, which his majesty vouchsafes to others of their profession, free from those disturbances which are given them upon that account by those who abetted the contrary proceedings. I have drawn this to a greater length than is necessary, being directed to one so reasonable as your excellency; but it is my desire to acquit myself from the imputation of so mean a thing as seems to be laid to my charge, and to shew that in this matter I have done nothing but what may consist with my being, as I am,

“ My lord, &c.

“ Ormond.”

100 The lord lieutenant was not moved by any thing that could be said in favour of the remonstrators, to interpose his authority in their behalf. They were left to shift for themselves, and to be crushed in the end by the power and violence of their adversaries. Peter Talbot and his colleagues were allowed to go on securely in the exercise of a foreign jurisdiction, and to reunite all the Irish papists under the direction of spiritual guides, that considered the pope as the supreme judge of conscience, and

the only sovereign to whom their allegiance was due,<sup>420</sup> even in temporal matters. Whilst they were divided, the duke of Ormond was sure that no design to the disturbance of the public peace, no plot for a rebellion, could be carried on by them, but he should have early intelligence of the conspirators and their motions; but their union put them again into a capacity of concerting measures, with as much secrecy as ever, against a government which they did not think themselves obliged to obey whenever the pope should command the contrary. The suffering of this union to take place, however it was intended, does not seem calculated to advance the king's service, though it might possibly answer the designs of those who wanted to embroil England, and thought no way so likely to do it with success, as by raising disturbances in Ireland.

101 Nor was this indulgence of the Romish ecclesiastical jurisdiction the only favour indulged the Irish; it was soon after followed with orders for their admission to inhabit and trade in corporations. Whether this was done in virtue of that power which lord Berkeley was soliciting earnestly at this time for settling corporations, seems uncertain, because it does not appear to me that he obtained it, though he complained heavily that a difficulty was made to grant him an authority which had been intrusted to the duke of Ormond, when after the restoration it was thought necessary for the security of the state to purge the seaports and other great towns of those fanatics and Cromwellians, that had intruded themselves into the magistracy and government thereof during the times of usurpation. But as the admission of the Irish into those corporations was certainly done at this time, I have taken notice of it, because their being there was afterwards objected to the duke of Ormond, when he returned to the government, though it was done when others had the administration of the affairs of the kingdom. And I

have been the more particular in giving an account of the suppression of the remonstrants in Ireland, because the duke of Ormond's support of them was the true source of the hatred generally borne him by the Irish Roman catholics, and of the calumnies with which they have since endeavoured to load his memory.

102 Designs of assassinating the duke had been formerly laid by some of the most violent of the nuncio's and the anti-remonstrant party; but now an attempt of the same nature was made upon him by persons of a different faction. Thomas Blood of Sarney, in the barony of Dunboyne in the county of Meath, was the principal of the conspirators engaged in that attempt. He hath been already mentioned in this history as one of the persons concerned in the plot of 1663 for surprising the castle of Dublin, and raising a general insurrection in Ireland<sup>f</sup>. He was born in that kingdom, the son of a blacksmith, as sir G. Talbot says; but whatever he was in his original, king Charles the First had by letters patents dated 12 June 16 Car. granted him the towns and lands of Sarney, Beattowne, and Foylestowne, in the said barony, and five hundred acres of unprofitable mountain in the territory of Glanmalur *alias* le Glinns in the county of Wicklow. Notwithstanding this obligation to the crown, he served in Cromwell's army, in the post of a lieutenant, and had some lands allotted him for his arrears. The apprehension of being dispossessed of these lands, upon proof of the old proprietors' innocency, or else his professed hatred of monarchy and episcopacy, caused him to embark in that affair, wherein he was always the most enterprising and active person. The declaration intended to be published upon the surprise of the castle, inciting all persons to take arms for restoring religion upon the foot of the solemn league and covenant, was drawn up by him and

<sup>f</sup> Sir G. Talbot's relation of Blood's attempts on the crown and duke of Ormond, in Strype's Survey of London, vol. II. p. 91, &c.

found to be written in his own hand. Upon the discovery of that plot, Blood fled, and a proclamation was issued<sup>421</sup> out, offering a reward of one hundred pounds for his apprehension. Notwithstanding the danger, he still continued in Ireland, sheltered sometimes among the rigid presbyterians and fanatics, and at others among the Irish papists. Finding that kingdom at last too hot for him, he got over into England, herding among the remnant of the fanatics, and ready to engage in any insurrection for the republican cause, to which he was entirely devoted. When the rebellion broke out in Scotland, he joined the rebels, and was in the fight at Pentland hills, from whence making his escape he fled into England, and from thence into the north of Ireland, landing in a creek three miles from Carrickfergus. Lord Dungannon having intelligence of his being in those parts, caused such strict search to be made after him, that he found it his best way to ship himself back for England, where he distinguished himself by a daring attempt to rescue a criminal or two, who had been his comrades, from the sheriff's men, as they were leading them to their trial or execution in Yorkshire. Some of the sheriff's men were killed, and the criminals rescued; for which, as well as his former crimes, Blood was still forced to abscond, and herded among the quakers, of whose sect he professed himself, till the fame of his exploits made him be considered as a fit person to be employed in any desperate undertaking, and he was engaged in a design to assassinate the duke of Ormond.

103 The prince of Orange came this year into England, and being invited on Dec. 6 to an entertainment in the city of London, his grace attended him thither. As he was returning homewards in a dark night, and going up St. James's-street, at the end of which, facing the palace, stood Clarendon-house, where he then lived, he was attacked by Blood and five of his accomplices. The duke

always used to go attended with six footmen; but as they were too heavy a load to ride upon a coach, he always had iron spikes behind it to keep them from getting up; and continued this practice to his dying day, even after this attempt of assassination. These six footmen used to walk on both sides of the street over against the coach; but by some contrivance or other they were all stopped and out of the way when the duke was taken out of his coach by Blood and his son, and mounted on horseback behind one of the horsemen in his company. The coachman drove on to Clarendon-house, and told the porter that the duke had been seized by two men, who had carried him down Piccadilly. The porter immediately ran that way, and Mr. James Clarke chancing to be at that time in the court of the house, followed with all possible haste, having first alarmed the family, and ordered the servants to come after him as fast as they could. Blood, it seems, either to gratify the humour of his patron, who had set him upon this work, or to glut his own revenge by putting his grace to the same ignominious death which his accomplices in the treasonable design upon Dublin castle had suffered, had taken a strong fancy into his head to hang the duke at Tyburn. Nothing could have saved his grace's life, but that extravagant imagination and passion of the villain, who leaving the duke mounted and buckled to one of his comrades, rode on before, and (as is said) actually tied a rope to the gallows, and then rode back to see what was become of his accomplices, whom he met riding off in a great hurry. The horseman to whom the duke was tied was a person of great strength, but being embarrassed by his grace's struggling, could not advance as fast as he desired. He was however got a good way beyond Berkeley (now Devonshire) house towards Knightsbridge, when the duke, having got his foot under the man's unhorsed him; and they both fell down together in the mud, where they were struggling when

the porter and Mr. Clarke came up. The villain then disengaged himself, and seeing the neighbourhood alarmed, <sup>422</sup> and numbers of people running towards them, got on horseback; and having, with one of his comrades, fired their pistols at the duke, (but missed him, as taking their aim in the dark and in an hurry,) rode off as fast as they could to save themselves. The duke (now sixty years of age) was quite spent with struggling, so that when Mr. Clarke and the porter came up, they knew him rather by feeling his star, than by any sound of voice he could utter; and they were forced to carry him home, and lay him on a bed to recover his spirits. He received some wounds and bruises in the struggle, which confined him within doors for some days.

104 The king, when he heard of this intended assassination of the duke of Ormond, expressed a great resentment on that occasion, and issued out a proclamation for the discovery and apprehension of the miscreants concerned in the attempt. The actors in it were not known for a good while, till Blood, to recover the credit which he had lost among his comrades by failing in a project which he had laid so sure, and had represented to them so easy to be effected, resolved upon another, which should fully recompense all former miscarriages, with an infallible prospect of gain, and procure him the reputation, which he exceedingly affected, of a daring villain. The project was to steal the crown, and share the regalia among them; it was as soon agreed to as proposed; the contrivance was laid, and put in execution in the May following: but Blood was taken in the attempt, with some of his accomplices. One of these was his son-in-law, Thomas Hunt, who was by this time known to have been concerned in the attempt upon the duke of Ormond; and it was thence generally concluded that Blood and the rest of his associates, who had the boldness to adventure upon so daring a villainy as that of carrying off the crown, might well be

guilty of that assault upon the duke's person. It was thought proper to interrogate him upon that subject as well as the other; but Blood was sullen and dogged, and would not answer a word to any question.

105 Some about the king, who knew how to make their advantage of his humour, raised his curiosity to see a man who had dared to engage in two such desperate enterprises, and persuaded him to hear his examination himself. Blood was sent for to court, and imagining all danger to be over with him when he was admitted to the king's presence, took care to preserve the reputation of his courage by answering all questions with great freedom. He found likewise that Hunt was known to be concerned in the attempt upon the duke of Ormond, and had reason to imagine that the king had made a discovery of the whole affair; and therefore when he was interrogated about it, he readily, without any scruple or hesitation, confessed the fact, and did it in such a manner as if he had valued himself upon the action. But when he was asked who his associates were, he replied, that he would never betray a friend's life, nor ever deny a guilt in defence of his own. Being asked what provocation he had to put him upon such an attempt, he said, that the duke of Ormond had caused his estate to be forfeited and taken away, and had executed some of his friends, whose death he and many others had bound themselves by oath to revenge.

106 Blood, seeing that the daring nature and circumstances of his enterprises had procured him the favour of an audience, thought fit to flatter that taste in his majesty, and to maintain his own character throughout the whole affair of his examination. With this view, and that the concealment of none of his audacious villainies might lessen the romance of his life, he voluntarily confessed to the king (whether true or false is hard to say) that he had been engaged in a design to kill his majesty with a



carbine from out of the reeds by the 'Thames' side above Battersea, where he often went to swim; that the cause of this resolution was his majesty's severity over the con-<sup>423</sup> sciences of the godly in suppressing the freedom of their religious assemblies; that when he had taken his stand in the reeds for that purpose, his heart misgave him out of an awe of majesty, and he not only relented himself, but diverted the rest of his associates from that design. When he had made these confessions, he told his majesty that he had laid himself sufficiently open to the law, and he might reasonably expect to feel the utmost of its rigour, for which he was prepared, and had no concern on his own account. But it would not prove a matter of such indifference to his majesty; for there were hundreds of his friends yet undiscovered, who were all bound to each other by the indispensable oaths of conspirators to revenge the death of any of the fraternity upon those who should bring them to justice; which would expose the king and all his ministers to the daily fears and apprehensions of a massacre. But, on the other side, if his majesty would spare the lives of a few, he might oblige the hearts of many, who (as they had been seen to attempt daring mischiefs) would be as bold and enterprising (if received to pardon and favour) in performing eminent services to the crown. And he pretended to have such an interest and sway among the fanatics, to dispose them to fidelity, that he could not be supposed to have a greater, if he had been chosen their general, and had them all entered in his muster-roll.

107 Whether his bravadoes, menacing insinuations, and promises, had any effect on his majesty, or whether there were any more secret reasons and powerful intercessions on his behalf, he and his associates were pardoned and set at liberty. This was no more than the duke of Ormond expected, when he was told that Blood was taken,

and that his majesty desired to see him. "Then" (said he to sir Robert Southwell, who chanced to be with him when the news was brought) "the man need not despair; for surely no king should wish to see a malefactor, but with intentions to pardon him." It was scarce possible to find one guilty of more heinous crimes; the insulting of justice, theft, murder, assassinations, rebellion, and treason against the life, as well as crown, of a prince contributing to make up the catalogue of his iniquities, which were rendered still more detestable, and ought to have been punished in a more exemplary manner, on account of the man's matchless impudence in pretending to godliness and tenderness of conscience. Few princes ever were more merciful in their nature than the king, but his mercy might be more properly exercised in forgiving injuries done to himself, than in pardoning offences committed against another, especially against a person of so high a rank, and in the case of an assassination. It was necessary, at least in the point of decorum, to have the duke of Ormond's consent to the pardon intended; and for this end Blood was made for form sake to write a letter to his grace, which I have in his handwriting, and in which he acknowledgeth the heinousness of his crime to be so far beyond expression, that though his burdened soul wanted to find vent to its grief, yet no words could come up in any proportion to his guilt; and professeth the utmost sorrow and compunction of heart for the same. Lord Arlington went in his majesty's name to the duke to desire him to forgive Blood, for the king was willing to save him from execution, for certain reasons which he was commanded to tell his grace. The duke replied, that if the king could forgive him the stealing of his crown, he might easily forgive him the attempt on his life; and since it was his majesty's pleasure, that was a reason sufficient for him, and his lord-

ship might therefore spare the rest. It was a gallant answer, worthy of his grace, and becoming the loyalty of his family.

108 Blood was not only pardoned, but had an estate of five hundred pounds a year given him in Ireland, and was admitted into all the privacy and intimacy of the court.<sup>424</sup> No man more assiduous than he in both the secretaries' offices. If any one had a business at court that stuck, he made his application to Blood, as the most industrious and successful solicitor; and many gentlemen courted his acquaintance, as the Indians pray to the devil, that he may not hurt them. He was perpetually in the royal apartments, and affected particularly to be in some room where the duke of Ormond was, to the indignation of all others, though neglected and overlooked by his grace. All the world stood amazed at this mercy, countenance, and favour shewed to so atrocious a malefactor, the reasons and meaning of which they could not see nor comprehend. The general opinion was that Blood was put upon this assassination by the duke of Buckingham and the duchess of Cleveland, who both hated the duke of Ormond mortally, and were powerful advocates to solicit and obtain his pardon. The reason assigned by the criminal for his attempt upon the duke was considered as a mere excuse; for his grace had done nothing particularly against him, more than against others concerned with him in the same conspiracy, and put into the same proclamation. If Blood's estate at Sarney was forfeited for his treason, and upon his attainder granted by his majesty to captain Toby Barnes; or if his accomplices were executed after a full conviction, all this was done in the course of government, and must have been done by any other lord lieutenant as well as the duke of Ormond. Blood knew very well his own guilt, and had no reason to resent any thing in this proceeding of his grace; nor do acts merely ministerial use to produce in any such resentments as cannot be

satisfied without the assassination of a minister, who, in the discharge of his duty, and the trust reposed in him by his prince, could not have spared his own father in the like case.

109 If we look out for the first author and contriver of so black a design, nobody was so likely to put Blood upon it, or so fit to encourage him to undertake it, as the duke of Buckingham. He was certainly the most profligate person of the age, and capable of any iniquity, however mean or enormous; and it is not easy to find another person to whose character the design so well suited, or who could be under a temptation to remove the duke of Ormond out of the way in such a manner. All the arts and suggestions which he and his instruments could use had not yet worked his grace so much out of the king's good opinion and favour, but that his majesty still gave him upon occasion marks of his esteem and confidence. The duke had not, by the resentment which disgraced ministers are apt to shew in their conduct, given the finishing stroke to his credit with the king, which they had begun, by removing him from the government of Ireland. He was still capable of serving his majesty, and, by being again employed, might be able to defeat the measures which Buckingham and his cabal had formed for subverting the constitution of the kingdom, to which he was in the mean time a considerable restraint. It was undoubtedly Buckingham's interest, and very convenient for his purpose, to have the duke of Ormond despatched out of the way; and those who let assassinations dwell upon their thoughts for some time, may possibly at last give them admittance into their hearts. It was not long before this attempt of Blood's, that the duke of Buckingham and some of his friends had given out, that the earls of Clarendon and Ossory had set on two persons to murder him; that these two persons were poisoned, and before their death owned the subornation. It would be

impertinent to offer to vindicate those two honourable noblemen from a charge which no man on earth could possibly believe. But to what purpose could such a calumny be invented and spread, unless to prepare the world to receive an apology for another assassination, (in case the true author should be discovered,) as if it were perpetrated purely in revenge for the like intended<sup>425</sup> against himself, or made necessary for his own defence! Nobody does odious things but for some end or other, of a piece with the means which they make use of to bring it about. The duke of Buckingham was not so senseless a mortal, or knew men so little, as to believe this story, which he took care to have published; or if he did, as mankind judge of others by themselves, he could not suspect those men of virtue and honour of such a design without being capable of it himself. That there were reasons to think him the person who put Blood upon the attempt on the duke of Ormond cannot well be questioned after the following relation, which I had from<sup>g</sup> a gentleman, whose veracity and memory none that know him will ever doubt, who received it from the mouth of Dr. Turner, bishop of Ely. The bishop was the king's chaplain in waiting, and present when the earl of Ossory came in one day not long after the affair, and seeing the duke of Buckingham standing by the king, his colour rose, and he spoke to this effect:

110 “My lord, I know well that you are at the bottom of this late attempt of Blood's upon my father; and therefore I give you fair warning; if my father comes to a violent end by sword or pistol, if he dies by the hand of a ruffian, or by the more secret way of poison, I shall not be at a loss to know the first author of it; I shall consider you as the assassin; I shall treat you as such; and wherever I meet you I shall pistol you, though you stood behind the king's chair; and I tell it you in his majesty's presence, that you may be sure I shall keep my word.”

<sup>g</sup> Robert Lesly of Glaslogh in the county of Monaghan, esq.

- 111 I know not whether this will be deemed any breach of decorum to the king, in whose presence it was said; but it was an act of spirit and resentment, worthy of a son, when his father's life was at stake; and when the assassin who failed in the attempt was so much courted, caressed, and in high favour at court immediately afterwards, it was perhaps necessary to prevent a surer blow.
- 112 The duke of Ormond soon after met with an attack of a different nature, from a person who had on former occasions threatened his life. Colonel Richard Talbot (as hath been already observed) was a great undertaker for procuring Irish gentlemen to be restored to their estates, and getting decrees for them in the court of claims, and raised very great sums of money by that means. The case of sir Robert Nugent of Corcreagh in the county of Roscommon, who was drawn in to give him a bond and judgment of six thousand pounds for the payment of half that sum, if his claim was at the colonel's expense, and by his means prosecuted and allowed in the court of claims, made a great noise. The colonel gave himself no trouble about the matter, till sir Robert's innocency having saved his estate, he put the bond in suit, and recovering the money, sir Robert was forced to appeal to the house of lords in Ireland for redress. Talbot was not so negligent in cases where there was a real difficulty, and where the parties' guilt was an obstruction to their restitution. He had laboured earnestly in the case of James Allen of St. Woolston's, alias Allen's Court, and had got a decree in his favour; but it was by fraud, corruption, and the perjury of witnesses, as appeared evidently by some intercepted letters of the colonel's to his brother and sir Brian O'Neile, of which the earl of Mount-Alexander, (who was concerned in that case,) having got the originals into his hands at the latter end of the year 1664, laid them before the lord deputy and council, in order to have the decree reversed. The bill

of explanation was at that time before the council of England, and the duke of Ormond happening then to offer a clause to be added to the bill, for annulling all decrees of the court of claims that had been procured by bribery or perjury, Talbot imagined this was done with a<sup>426</sup> particular view to Allen's decree. Conceiving himself aggrieved by the clause proposed, he thought it a likely stratagem to secure him, by giving out (as both he and his brothers lay and ecclesiastical did) threats against the duke's life; taking care to do it in such a manner that his grace might be sure to hear of them. The duke took their believing he could be frightened from his purpose (which to his understanding was just) in worse part than if they had entertained a real design to kill him; but resolved not to meddle in the matter, thinking it not so much his own business as the king's to punish menaces against the lords of his council for offering their advice according to the duty of their place. The threats were so public, that his majesty was soon acquainted with them, and ordered the colonel a little before Christmas to be committed to the Tower, and sir Robert and the other brother to the fleet. The duke had a kindness for sir R. Talbot, and prevailed with the king to free him from his imprisonment before the holidays were over; but, as he had no hand in the commitment of them, he would not intercede in behalf of the other brothers; not thinking that he owed either of them so much as to interpose one way or other, either for their enlargement or for their continuance in restraint.

<sup>113</sup> The colonel after some time obtained his liberty, and had interest enough to get Allen's decree confirmed, and lord Mount-Alexander reprimed by a clause in the act of explanation. Allen died some time after, and colonel Talbot procured the king's warrant, which was entered in the signet office on Feb. 9, 1668-9, (when the duke of Ormond was going to be removed from the government

of Ireland,) for conveying the estate of Allen's Court to him and his heirs. Before lord Robarts quitted that kingdom he went over thither, and employed himself in finding out materials for pretences to set aside the acts of settlement. The way had been paved to it by the libel called, "The Narrative of the Sale and Settlement of Ireland," of which Peter Talbot now owned himself to be the author; and the earl of Fingal (who had great obligations to the duke of Ormond) was not ashamed to brag that he had given the money for printing three hundred copies of that Narrative. Lord Dungan (who had been restored to his estate by the court of claims upon the duke of Ormond's certificate of the conduct and services of his father and brother, under whom he claimed) was a very active person in spiring up the Irish gentlemen to attempt a repeal of those acts. But colonel Talbot, who had received more benefit and advantage by them than any one man of Ireland of his quality, was the chief undertaker. Many gentlemen with whom he had contracted for large sums of money in case of their restitution, not being found within the qualifications of the acts, or for some other reason, had not been restored to their estates; whereby he was disappointed of the gains he expected, if that contingency had taken place. The lords Westmeath, Mountgarret, Dungan, Netterville, Barnewall, and Trimleston, with forty-five gentlemen, signed a paper, dated Nov. 28, 1670, by which, in behalf of themselves and the Roman catholics of Ireland, they constituted colonel R. Talbot their agent (with power to call to his assistance any two or more, as he should see cause) for prosecuting one or more petitions to the king and parliament in England, declaring their complaints and grievances, and to seek redress for the same.

: 14 Pursuant to this procuration, Talbot on Jan. 18 presented to the king in council a petition, setting forth, that the petitioners had been dispossessed of their lands



by the late usurped powers for their loyalty; and had with great fidelity served and suffered for his majesty in the greatest trials both at home and abroad; but such were their misfortunes, that, for want of a full and just representation of their cases, their estates had hitherto, contrary to his majesty's declared intentions in their favour, been possessed by others, and themselves exposed for many years past to extreme misery for want of subsistence. They therefore prayed his majesty to appoint some impartial and uninterested persons to hear their grievances, and make report of what should be found to be the true state of their present case and condition, and that in the interim his majesty would give order to stop the granting away any lands undisposed of in Ireland till he had taken a final resolution concerning the petitioners. Both these requests were readily granted, every body present in council seeming to favour so compassionate an application. The dukes of Buckingham and Ormond, the marquis of Dorchester, both the lords chamberlain, the earls of Bridgewater, St. Alban's, Anglesea, and Lauderdale, the lords Arlington and Ashley, sir T. Clifford, Mr. secretary Trevor, and sir J. Duncombe, were appointed a committee to meet on Saturday the 21st, to consider of the petition, and report the state of the petitioner's case. Colonel Talbot was ordered to attend at the same time with a list of the persons for whom he interposed, and such proposals as he had to offer for relief of the petitioners.

<sup>115</sup> The committee met at the time appointed, and Talbot being asked for whom he appeared, made answer, that he appeared for a vast number of innocents condemned without being heard, for all either named in the declaration as ensign men, or in the acts as nominees, and the like, who being therein fixed with assurance of restitution, were deluded and left without an acre; and therefore the remedy thereof would require an amendment of

the said acts, concerning which he desired to be heard by his council, who would make all things more plain and easy to their lordships. When the duke of Ormond found, that, instead of offering proposals for relief of the particular persons concerned in the petition, whose case might possibly deserve compassion, the drift was to strike at the acts of settlement, and to throw the nation into all the confusions out of which they were so lately extricated, he thought it behoved him to oppose the motion. For admitting there were some few errors in the acts, (which in so great a work as the settlement of a kingdom, attended with such intricate perplexities, was impossible to be avoided, unless men had the wisdom of angels,) it was much better to suffer them, than to destroy the whole work, and perhaps instead of rectifying some errors escaped in the former, to commit others, and more dangerous errors, in a new settlement, which must necessarily take up some years, and be an excessive charge to the people, to the hinderance of all improvements, the discouragement of trade and commerce, the great prejudice of the king in his rents, customs, excise, year's value, and other duties, and indeed in all his affairs, and finally to the utter impoverishment of the kingdom and people. This was so evidently the case, and the consequences of setting aside the late settlement so like to prove fatal to the peace of Ireland, that some were apt to suspect the petition to be only a contrivance to demand things so unjust and unreasonable (as the petitioners themselves knew were unfit to be granted) that they might be denied, and that denial be taken up as a pretence for further troubles.

116 The duke of Ormond, out of these and other considerations, pressed that the petitioners might not be heard upon that subject, nor their council admitted to object to the acts; and even lord Arlington, who had before favoured the petition, dreading the ocean of trouble in

which he must be immersed in case of a new settlement, complained that the petitioners had exceeded the bounds of their petition. Most of the committee however being for admitting the council, the duke insisted that Talbot should shew by whose authority he appeared there; and upon his producing the procuration before-mentioned, Mr. Ayloffé, a lawyer, was called in to plead the cause of the petitioners. He, after opening the matter by a ge-<sup>428</sup>neral discourse, presented a paper, containing the case of the unrestored Irish, which he desired might be read. The paper being accordingly read, appeared to contain a pompous detail of the great merits and services of the Irish, objections to the constitution of the last parliament of Ireland, and of the acts of settlement, and a prayer for an act of indemnity. The case was so injudiciously drawn, that there was in it no confession of a thing so publicly notorious as the rebellion; all the Irish, without exception, were represented as loyal men, as constant adherers to the peace, and not to be denied restitution to their estates without a shameful breach of faith, and the duke of Ormond was said to be driven out of the kingdom purely by the power of the usurper's army. It was not either modest or prudent to offer these assertions to a committee in which he was present. His grace, to do justice to the truth, was obliged to give an account of the violation of the articles of peace, the driving away of the English, the excommunication issued against him, the rebellious refractoriness of the great towns, and the expulsion of himself and the royal authority by the faction which adhered to the clergy. Upon the whole, the committee ordered all the papers that had been read at the board (among which was one containing some instances wherein it was pretended that clauses in the declaration and first act of settlement had been made void by the second act of explanation) to be sent to the attorney general, who was to deliver his opinion upon them on the

Saturday following. Sir Heneage Finch, who had been solicitor general at the making of both the acts, and concerned in every part of that affair, was now attorney; and on Feb. 1 made his report to the king in council, in a speech so very curious and satisfactory to the point in question, that sir G. Lane desired him to put it into writing. It contains so clear a refutation of the exceptionable passages in the papers referred to him, and so just an account of the two acts of settlement, that it well deserves the place given it in the Appendix, No. XCI, and renders it needless to say any thing more on the subject of those papers.

117 These obstructions made it necessary to proceed in another manner, and to leave the duke of Ormond out of the committee. Thus on Feb. 4 a new committee was by the king's order appointed to peruse and revise all the papers, orders, and writings concerning the settlement of Ireland, from first to last; to take an abstract of the state thereof in writing, that his majesty might have before him in one view the declaration, instructions, and acts of settlement as transmitted from Ireland and amended in England, with all orders of council, and warrants for grants, clauses, and provisos, and what alterations had been made of matters once ordered and settled, and the present state of the settlement; and to represent any defect of papers, orders, or warrants to justify any clauses inserted contrary to or inconsistent with the declaration, which was the first foundation of the settlement. The persons named of this committee were the duke of Buckingham, the earl of Anglesea, the lords Hollis and Ashley, and Mr. secretary Trevor, to whom the earl of Lauderdale was afterwards added. They made no report till June 18, and then presented a very uncertain and general one to his majesty. The first part of it, relating to the quantity of land forfeited and distributed in Ireland, was founded entirely upon a calculation of sir James

Shaen, as surveyor general, and made them amount to eight millions of English acres; a calculation not at all pertinent, there never having been any distribution of lands in Ireland by English acres, nor any return of such acres to the surveyor general's office, out of which the certificate was pretended to come. And it appeared likewise, by an abstract of the surveys in that office, that all the lands admeasured as forfeited, amounted, in Irish plan-<sup>429</sup>tation measure, but to four millions seven hundred and fifty-eight thousand six hundred and forty-seven acres, of which the adventurers and soldiers had two millions five hundred and sixty-three thousand two hundred and forty in their possession in 1659, but had been since confirmed only in one million eight hundred and thirty-eight thousand eight hundred and ninety-three by the act of explanation; and the rest of the forfeited lands had been disposed of by the court of claims, to innocents, in fee or remainder nine hundred and sixty-five thousand two hundred and seventy, to the forty-nine officers one hundred and eighteen thousand nine hundred and ninety-three, to the duke of York one hundred and eleven thousand and eighty-two, to popish proviso-men in possession three hundred and forty-four thousand one hundred and seventy-two, to popish letterees in possession twenty-eight thousand six hundred and forty-four, to nominees in possession twenty-six thousand three hundred and seventy-seven, to protestant proviso-men two hundred and sixty-three thousand eight hundred and eighty-eight, and to Connaught purchasers ninety-four thousand three hundred and seven acres, besides three hundred and ninety-eight thousand four hundred and fifty-three remaining to the transplanted in that province, and what lands had been allotted to the church, or were still left in the common stock.

118 The report took notice of some grants of lands, which had been confirmed by the acts, and yet were contrary

to his majesty's declaration ; but did not instance in any particular grant ; and in fact whatever variation appeared between them, was warranted by the king's directions. A difference was also observed between the printed declaration and instructions, and the originals under the great seal ; and several matters and clauses ordered by his majesty and council to be inserted in the transactions relating to the settlement were said to be omitted, and other clauses and amendments to be inserted, especially in the act of explanation, without any particular warrant or direction. But all this appeared to be a mistake, as was undeniably proved by sir G. Lane, who having had the care of printing the declaration, and been concerned, as clerk of the council of England, in entering all the orders and minutes of proceedings about the acts of settlement, conceived himself injured by the report, and petitioned the king to be heard on the subject.

119 The committee, to excuse the defects of their report, represented that they had received no entries of the proceedings of several committees for Irish affairs, nor any warrants or orders, bills or copies thereof transmitted from or to Ireland, nor authentic copies of the particular dispositions of all lands in Ireland by decrees of the court of claims or otherwise, nor copies of all his majesty's letters and warrants that passed the signet, nor the acts of state, letters and orders of council in Ireland relating to this business, nor other records, papers, reports, or directions made in order to the settlement ; and that without these it was impossible to make up an exact account of all the lands vested in the crown, and of the disposal thereof ; and how the same were warranted, or to state the present condition of the settlement. To supply this defect, they proposed that his majesty should authorize some persons with fit instructions, and full powers to send for persons, papers, and records, and to require information from all his officers and ministers in England or Ire-

land without fee or expense. A commission was accordingly on Aug. 1 issued to that purpose, and directed to the members of the said committee ; to whom were added prince Rupert and sir Thomas Chicheley master of the ordnance. As soon as they met, sir G. Lane attended them, and delivered them all the minutes, entries, and orders, which had been made in relation to the acts of settlement, which he had by good fortune preserved in exact order. The rest of the year past in his examinations and in searching to get materials for another report.

120 In the mean time the news of these proceedings arriving in Ireland, gave a general alarm to all persons of the several interests provided for in the acts of settlement. The adventurers, the soldiers, the forty-nine officers, and the Connaught purchasers, all addressed themselves to the council there ; who transmitted into England their several petitions, which agreed in one general point, the maintaining of the present settlement. Whatever reason they had on their side, they had no great grounds to expect success, when scarce anybody durst appear openly for them ; the favour of the court running so violently on the side of their adversaries. There seemed a general disposition in the council of England to unravel the acts of settlement ; the duke of York and the Roman catholic party, out of regard to the religion of the Irish ; the duke of Buckingham and his faction, in hopes of some confusion and disturbance in the kingdom ; and others, out of a mean compliance with the measures of a ministry whose power they dreaded, however they secretly disapproved their views. The duke of Ormond was the only person that dared to stand up avowedly in defence of the acts of settlement, and he did it with so much force of reason, that it was thought necessary to remove the examination of the affair from the council, and to put it into the hands of the commissioners above mentioned, who made choice of sir James Shaen for their secretary,

as fit an instrument as they could have found for their purpose.

121 One part of the design was to distress the duke in his private fortune ; and to find pretences for an attack upon it, they left no stone unturned to procure witnesses to charge him with passing other people's lands for his own, and thereby making great additions to his ancient estate. The idle and malicious reports spread at this time industriously by colonel Talbot and his party, and from them conveyed down by the anti-remonstrant party of the Irish to posterity, and swallowed too easily by others totally ignorant of the matter, hath caused a general notion of this kind to prevail in Ireland. I have heard of it from all quarters, and have constantly desired to know in what particular case this might appear ; but all my desires and entreaties never yet could prevail with anybody to give me a particular instance ; without which a general charge deserves no credit, and ought by every man of sense and honour to be exploded and detested. Colonel Talbot, with all his industry and expertness in finding out convenient witnesses for a court of claims, and backed with the interest and endeavours of the whole body of the Irish throughout the kingdom, was not able to find out above two, at a time when the estates of a great part of the nation were at stake, and a substantial witness for that purpose was very sure of making his fortune. We shall now see what sort of men the witnesses, and what their pretences were.

122 Edmond Byrne was a freeholder in the barony of Forth in the county of Catherlogh, and as such, with other ancient proprietors in that barony, signed the petition presented by them to his grace's commissioners in the year 1663, wherein they acknowledged a tenure to the duke, and this by the advice of Patrick Byrne their council at law. He was a considerable witness in giving evidence to several juries for making good those tenures,



and was himself of one or more of those juries, who upon their oaths found the said tenures, being for the most part Irish proprietors of land within the barony, to whom some English protestants were joined. He gave the like evidence before the court of claims; but renting a small parcel of land at Shragh, of the earl of Arran, (upon whom his grace had settled his lands in that barony,) and not paying the rent, he was distrained upon, and giving bond for payment, but failing therein, was thrown into gaol. Byrne in his necessity was willing to try any means of relief, and forgetting his former oaths, thought fit to pretend that there was no quitrent really due to the duke of Ormond out of the barony of Forth, and that the lands he rented were rightfully his own. He offered his service to discover this before the commissioners for concealments; but that commission not going forward, his son Gerald went to England, and petitioned the duke for relief; who told him he would write to his agent Mr. Matthews to see redress given him, if he were aggrieved in any respect. The man did not care to be referred to Mr. Matthews; and to give some colour to his preten-<sup>431</sup>sions, produced three different notes, with the names of his grace's commissioners put to them, expressing that he was to pay only a chiefery out of the land of Shragh, and directing Mr. John Bagot the receiver to suspend the rent till further order. The duke saw by the handwriting that his commissioners' names were not wrote by themselves, and suspecting the forgery, caused Mr. Gascoigne his secretary to take copies thereof. He told Byrne his suspicions, but offered to send directions into Ireland, that he should have the benefit of those notes, if either of the commissioners would own they had signed them. Byrne seeing he was like to be detected, came no more near his grace; but meeting with encouragement, presented a petition to the king for redress. He did not wait the issue of it; but finding that sir W. Flower was in town,

and fearing his forgery would be severely punished, he absconded, and made off for Ireland.

123 The other witness produced was one captain James Nolan, whose ancestor Hugh Nolan divided his little estate in Shangarry, in the same barony, containing ten acres Forth measure, equally between his two sons, Cahir and Daniel. The former left issue, and the latter marrying two wives, had by the first Edmond father of James Nolan. Daniel, on occasion of a difference with his son, declared that Edmond was born two years before wedlock, and by a feoffment made Sept. 6, 1640, ready to be produced and proved, settled what land he had in Shangarry on Patrick Nolan, his son by his second wife Anastace Byrne, and his heirs; so that captain Nolan could have no right to the land, which Patrick Nolan entered upon and possessed from his father's death, till he took lands in Connaught. The captain joined with the nuncio's party in the war, and before he went abroad in Daniel Kevanagh's regiment in 1652, had, in an excursion from the garrison of Clannullin belonging to that party, been guilty of several murders, and particularly had hanged Patrick Nolan, James Curreen, a servant of Thomas Bagnall, (whom he took out of his master's haggard at Ballenunry,) and two others of the neighbourhood, and there were living witnesses to prove the facts. Captain Nolan came back into Ireland some time after the restoration, and it appearing by an inquisition after the death of Thomas earl of Ormond, signed by sir Philip Percival, that the rents of eightpence an acre had been duly paid him out of all the lands belonging to ancient proprietors within the barony of Forth, and being proved that Shanbarry in particular paid rent to Walter earl of Ormond; and being found in 1664 at a court baron before John Walsh, as the duke's seneschal by a jury of ancient native proprietors, (of which captain James Nolan was one,) that it was held of his grace by certain rents and customs; and

Patrick Nolan, the ancient proprietor of that place, having acknowledged the same; Shanbarry had upon these and other evidences, as well as by other living testimony, been adjudged by the court of claims to belong to the duke of Ormond. Possession had been accordingly taken of it, the lands having never been set out to adventurers; and captain Nolan rented the premises for some time; but having on May 6, 1669, (as the indictment runs,) traitorously murdered one Thady Nolan, and not daring to stand a trial, he fled into England.

124 Somewhat above a year after his flight thither, he came to the duke of Ormond with a petition, setting forth that he had been necessitated to come out of Ireland to complain of his sufferings and grievances to his grace; that he had been turned out of an estate which had belonged to his ancestors, and had been rented by himself; that Mr. Walsh could certify it was through his industry that his grace was possessed of several other lands in the barony of Forth; that he had been at great charges in supporting the duke's title against sir Richard Kennedy<sup>432</sup> and captain Tho. Bordell in the court of claims; and having two children with him whom he intended to send abroad to be educated, he could subsist no longer in London, and desired his grace to make him some satisfaction for his charges in the suit with Kennedy, and to dismiss him back to Ireland. The duke gave him eight guineas to bear his charges thither, and wrote to Mr. Matthews and Mr. Walsh to give him a recompense, if there was any truth in his pretension. This was his story on Aug. 6, 1670, when he presented that petition to his grace; but it was as false as what he afterwards advanced. For instead of going to Ireland as he pretended, he found it more for his advantage to continue in London, to clamour against the duke of Ormond, and at last to petition the king. This he did on Nov. 29, 1671, representing that his grandfather was seized in fee of some lands

in the barony of Forth in the county of Catherlogh on Oct. 29, 1641, and died thereof seized in 1647, as his father likewise did in the same year; that the petitioner followed his majesty's fortune abroad in 1652, and continued constantly in his service beyond the seas till 1662, when he returned into Ireland, with hopes (upon his majesty's restoration) to be restored to the said lands as his birthright and inheritance; that the duke of Ormond finding those lands contiguous to part of his own estate, and not enjoyed by any adventurer or soldier, possessed himself of the same without any manner of title, and that his grace, upon the petitioner's address to him, had agreed and promised to restore the said lands to the petitioner, paying to his grace and his heirs yearly 12*d.* per acre country measure; whereunto the petitioner agreed to avoid the charges of passing the court of claims; that his grace, pursuant to that agreement, passed those lands in his decree and letters patents, and seeing that the petitioner (contented with that agreement) omitted the advantage he might get by suing for those lands in the court of claims, refused ever since to give the petitioner the benefit of the said contract; but still detained the lands against all equity and justice, to the utter destruction of the petitioner, his wife, and nine young children, if not commiserated by his majesty. The premises considered, and forasmuch as the said lands were still undisposed of to any use by the acts of settlement and explanation, and that the duke of Ormond who enjoyed them at present could pretend no other title to the same but as was before premised; the petitioner therefore prayed that his grievances and woeful oppression might be referred to the commissioners appointed to review the settlement of Ireland, and the said commissioners ordered to take such speedy course for the petitioner's relief as should be convenient and just.

125 The duke was present in council when this petition was

read, and desiring that Nolan might be called in, his grace offered, that if he could prove that either himself or those employed by him had made any such bargain with him, as he mentioned, he would give him the land. Nolan affirmed, that Mr. John Walsh had made it with him before forty witnesses. The duke was very well satisfied of the falsehood of Nolan's claim to the few acres of land in question, having before in answer to his letter of Aug. 6, 1670, received from Mr. Walsh a report of the state of the case, by which it appeared that neither the captain nor his father had ever any right, or been in possession of the land, and that the true old proprietor, Patrick Nolan, was still living, and ready to prove his title and former possession. He was also fully persuaded that John Walsh had never made any such agreement as was pretended; and therefore moved that Nolan might prove the facts charged in his petition; which was ordered accordingly. The pretended bargain with Mr. Walsh was now the chief, and indeed the only point in question; and 433 therefore though the duke could not think it possible that he should enter at all into such a contract in his behalf without his consent, or if that was possible, that he would not in all that time advise the performance of it, yet he wrote to him for an account of that affair. Walsh absolutely denied any such contract, having only let him the land as a common tenant, upon the man's desire to be so admitted.

126 This appeared pretty clearly from the occasion of their being let, upon the court of claims having adjudged them to the duke of Ormond. Immediately after that decree, viz. on July 27, 1663, captain Nolan presented a petition to his grace, which I judge to be in his own handwriting, because it is evidently the same with that in which the other beforementioned, and presented to the duke seven years afterwards, was written, setting forth, that the petitioner's ancestors had time out of mind been farmers to

his grace and his noble ancestors of the land of Shangary, paying twenty shillings rent a year, with other usual country customs and duties; that he had committed no crime to occasion a forfeiture, and had served for twelve years past abroad with his grace in his majesty's service, yet had entered no claim, relying altogether upon the goodness of his grace, and being ready to submit himself to such increase of rent as his grace should think fit. He desired that his grace would likewise be pleased to consider the zealous affection of the petitioner's predecessors to the most noble house of Ormond; for when Walter Butler earl of Ormond was detained in England, and sir Arthur Savage came with some pretended title or interest, and constrained most part of the barony of Forth to compound with him; yet the petitioner's father and grandfather openly declared against his interest, and were put to great charges at law, till Walter earl of Ormond had settled his affairs, and sent orders for their quiet possession of the said land, which they so enjoyed till the late times of usurpation, and therefore he humbly prayed his grace to settle him in the said land in whatsoever manner he should think fit. On the back of this petition there is an order signed by his grace, referring the examination of the matter to John Walsh; upon which the captain was admitted to rent the land of Shangary.

127 It is very evident from this last recited petition, that the lands in question had always been rented of his grace's ancestors, and consequently were rightly adjudged to him by the court of claims; that captain Nolan had made no bargain with Mr. Walsh, nor had contributed any thing towards the procuring the decree of that court; for if he had, he would not have been silent on this occasion, and have rested all his merits on his predecessor's adherence to the house of Ormond, and on his own service abroad. He pretends indeed that he was an inno-

cent, and might have entered his claim, if he had pleased; but these were mere pretences; for though he had been never so innocent, he had no colour of title to the land, which belonged to Patrick Nolan, who was so well known to be the old proprietor, that he had at this very time joined as such in the common petition of the freeholders in that barony to the duke; and if his descent and title had been never so good, yet his guilt was such, that by the act of settlement he ought to lose his land, and by the common law his life also. It is not a little strange that such a fellow should be suffered to bring an accusation against a man of the duke of Ormond's quality and character; and it would certainly have been the more proper way, first to have sent Nolan into Ireland in custody, to undergo a trial for the crimes laid to his charge, and then, if he could fairly acquit himself thereof, to take his pretensions into consideration.

128 The duke of Ormond, notwithstanding Nolan's crimes, 434 still thought it behoved him to vindicate himself from an accusation which had been industriously spread in the world, and was become the subject of common discourse. He took occasion from the two petitions being sent him by the king's order to offer to his majesty in council the following answer to the purport thereof:

129 "Your majesty," says he, "by your order of Jan. 19, in council, was pleased to command that two petitions, the one from captain James Nolan, the other in the name of one Edmond Byrne, should be sent me; and though I am not thereby commanded to make any answer to those petitions, yet I conceive it may be your pleasure and my duty to give your majesty the best account I am, here and at present, able to give of the matters complained of.

130 "Your majesty may please to be informed, that no man could be a greater stranger to his own fortune and interest than myself; neither my faculties or inclinations much enabling or disposing me to that kind of work. Besides that, the breaking out of the rebellion in Ireland, when I was perhaps more fit and inclined to

consider my own affairs, gave me other employment, and rendered any thought of the management of my fortune (which was wholly possessed by the rebels) utterly useless. Soon after your majesty's happy restoration, you were pleased to command me again to serve you in the government of that kingdom; where the absence of the royal authority for so many years, the divided interests there, and other difficulties attending the settlement of that kingdom, so took up my time and thoughts, that I was constrained to put the management of my private concerns into the hands of friends and servants, the most prudent and honest I could light on; with this general instruction, to let me rather lose my right in some things, than to gain any thing for me wrongfully, or but hardly, from any man. This instruction (I presume) they have observed, not being able to conceive what temptation they could have to transgress it. That an instruction to this effect was given, sir William Flower, who was one of the persons intrusted and employed by me, and now in town, will, I think, acknowledge.

131 “What I have thus far troubled your majesty with, is to discharge myself from the suspicion of any sordid desire or mean contrivance to gain more land than might be fairly and justly mine. Wherein I may the more easily be believed, for that of what I might legally and fairly have kept, I have parted with the value of some thousands a year to those who I thought in some degree worthy of relief and compassion. And if this be true, as I am able to make it appear, it will seem improbable, if not incredible, that I should enter into so low and unwarrantable contracts as those wherewith I am charged in the said petitions; especially for so wretched a proportion of land as their pretensions do amount unto, not exceeding (as I am informed) forty pounds a year.

132 Having informed your majesty how great a stranger I was and am to my own interest, and thereby, and by the forementioned instruction given those employed by me, (as I humbly conceive,) freed myself from the guilt of their failings, if any could have been fixed upon them, all I can now say to the matter of their complaints is, first, as to Nolan, that about the month of August 1670, he gave me a petition to the effect of that presented by him to your majesty, and referred himself for the truth of his allegation to Mr. John Walsh, (one of the persons intrusted by me,) to whom I sent the petition and case of Nolan



stated by himself. From Mr. Walsh I received a return much differing from the case stated by Nolan, who having seen it, made a kind of reply unto it, which pretended to answer the objections of Mr. Walsh; which papers are hereunto annexed.<sup>435</sup> But not being able to judge of the truth on either side, and being willing to afford all reasonable relief to Nolan, if his allegations proved true, I writ a letter by him to my brother George Matthews, who manages my affairs, directing him to enter into the full examination of the matter, and to return me a true state thereof; and gave Nolan money to bear his charges into Ireland. But for what reason, or by what advice he declined that, and took the way he is now in, and kept my letter in his hands he best knows. Thus I leave captain Nolan, with this only observation, that when he thought it might be for his advantage, he frankly swore those lands did hold of me, and that now he as confidently affirms that they did not.

133 “As to Byrne, the account I receive from Mr. John Walsh is, that he was the first of all the ancient proprietors of the barony of Forth who gave evidence for my title and tenure in the lands of that barony; that he with others signed to a petition preferred to me by those proprietors in the year 1663, wherein they acknowledged my tenure; that he was the principal person who gave evidence to several juries to make good the said tenure, and was himself of one or more of those juries; that he was one of the witnesses who deposed publicly in the court of claims that the said lands were held of me and my ancestors by certain rents and duties; that thereupon, and upon producing of several rent-rolls, court-rolls, and other evidences, the said lands were decreed to me, and passed to me by certificates and letters patents pursuant to the act. But Mr. Walsh utterly denies that the said Byrne did ever desire his advice concerning a claim to be by him entered in the court of claims, nor did he ever divert him *or any body else* from so doing; nor did ever make any such promise to the said Byrne as he pretends.

134 “This is all that I can at present say as to Edmond Byrne, whose case differs from Nolan’s principally in this, that whereas Nolan first affirmed that I had made a contract with him, and not being able to prove that, charged it upon those employed by me; this Byrne, son of the said Edmond, produced a writing unto me containing some such kind of promise as he now pretends, subscribed by sir W. Flower, Edward Butler, and Matthew

Harrison ; whose hands upon view I found to have been counterfeited ; as will appear, if he be called upon to produce the said paper, whilst sir W. Flower is here to judge of his own handwriting.”

135 Nolan had flattered himself that the prayer of his petition would have been readily granted, and that the examination of the matter of it would have been referred to the beforementioned commissioners (appointed in consequence of colonel Talbot's petition) for reviewing the settlement of Ireland. He thought himself sure of finding powerful friends among them, who would help out the defects of his evidence, and did not question but they would be glad to countenance every thing that would throw a reflection on the duke of Ormond. But the order of council on Nov. 29, requiring him to prove his allegations before the board, entirely disconcerted all his measures. In the following month, when he was to produce his witnesses pursuant to that order, he presented another petition to the king, praying, that his majesty would be graciously pleased to order that colonel Richard Talbot might appear before his majesty at council, to declare his knowledge of the matter depending between his grace the duke of Ormond and the petitioner. This was granted, but Talbot, apprehensive that it might prove at last a scandalous affair, and that himself might possibly be involved in the censure which it deserved, thought fit to pretend business in Ireland, and set out for that kingdom. Nolan hereupon presented another petition, which was read on Jan. 19 in council, representing, that he was not able to produce his witnesses <sup>436</sup> before his majesty in England, and that colonel R. Talbot had departed for Ireland before his knowledge in the premises had been examined, and that the rest of his witnesses were in Ireland, and in the records of his majesty's exchequer, and other courts in that kingdom, that would farther justify and clear the true allegations of the

petitioner in his said former petition; for which reasons he prayed that his majesty would be pleased to order that the petitioner's witnesses, and all other necessary proofs concerning the premises, might be examined in Dublin before any persons that his majesty should think fit.

136 After seven weeks' trifling in this manner, without producing any one witness, it was not thought reasonable to countenance Nolan's new shifts and pretences; so that no order was made for examining witnesses in Dublin. Yet the man met with such extraordinary indulgence, that upon a representation from some body at the board (for it is not mentioned in Nolan's petition) that sir Bernard Gascoigne could give an account of what colonel Talbot said on that occasion before his departure for Ireland, it was ordered, that sir B. Gascoigne should be spoken with to deliver his testimony in writing unto the clerk of the council attending. This was a new kind of evidence, which, however it was allowed on this, was never admitted before on any occasion; yet it did not serve the turn, sir Bernard not being able to say any thing in the matter. At last the several petitions of Nolan, and the duke of Ormond's answer, being read in council in February, the king declared, that the complaint against the duke for seizing lands in the county of Catherlogh without title was false and scandalous, and commanded that as such the same should be dismissed from the council board. It happened very luckily for captain Nolan that his grace had not yet received the accounts of his murders at Ballenunry, nor the deputy clerk of the crown Patrick Lambert's certificate (dated Feb. 10) of the record among the pleas of the crown of the county of Catherlogh, containing the captain's indictment for the murder of Thady Nolan, with the depositions relating to that fact; which did not come to the duke till the 21st of that month.

137 When these two persons, Byrne and Nolan, were the only witnesses that could be found, and their little parcels of land the only instances that could be alleged, to colour the charge laid upon the duke of Ormond of passing other people's land for his own; if colonel Talbot, agent general for the Irish, could find nothing more to countenance a calumny he was fond of spreading, at a time when all the parties aggrieved (if there were any) might well be supposed to be living, when it was meritorious to accuse the duke, when the proving of such accusation would have been a sure way to preferment, and when the proving of this particular charge would have served so usefully to the point then in view—the overthrowing of the acts of settlement; if neither the commissioners for reviewing the settlement, nor those appointed for the discovery of concealed lands, nor the contractors for the farm of the revenue, (who upon the clamour raised by these men flattered themselves with recovering from this [his] grace the whole barony of Forth, which they valued at one thousand five hundred pounds a year, and expected to make him answerable for twelve or fourteen thousand pounds of the mean profits;) if none of these sets of men, whose passions and interests set them at work at this time with their utmost diligence to find out some practice of this nature either in the duke or his agents, were yet able to discover nothing of this kind, nothing that could throw a blemish on the honour and virtue of his conduct, it must be a strange prejudice or as strange a weakness in anybody now to give the least credit or entertainment to so groundless a calumny.

138 I have perhaps said already more than was necessary to refute it, and yet I must add one thing more, in reference to what the duke mentions in his answer as to 437 the incredibility of a person's entering into so low and unwarrantable contracts, who had parted with the value of some thousands a year to such as he thought worthy of

compassion. His grace's generosity and tenderness of nature were such, that he could not bear to see the old proprietor of an estate (decreed him for a just debt) in distress, without doing something for his relief. Among the estates assigned him for his arrears was that of Mr. Wogan's of Rathcoffy in the county of Kildare, worth seven hundred pounds a year: the family was ancient; the father was killed in the battle of Rathmines; and the son being innocent had his estate given him back in fee by the duke, upon paying only a chief-rent of ten pounds a year. Mr. Nicholas Wogan, the heir of that gentleman who now enjoys it, hath assured me of this fact; and the counterpart of the conveyance to his ancestor is still preserved among the evidences in the castle of Kilkenny. In the same repository of deeds is a like grant of the seat and lands of Dunboyne to the lord of that name, and others of the same nature. For to those two before named, to the lord Ikerrin, sir R. Everard, Mr. Walsh of the Mountain, Mr. Comerford of Colin, Mr. Walsh of Balnakeen, Mr. Keating of Nicholstown, captain Burgh of Iliegh, and Mr. Ulick Wall of the county of Catherlogh, he thus reconveyed to them and their heirs eight thousand one hundred and ninety-two acres of the lands so decreed him by the court of claims, at a very small chief-rent, over and above his majesty's patent-rent; so that out of thirty-six thousand one hundred and fifty-five acres decreed him, he had only remaining to himself twenty-seven thousand nine hundred and sixty-three acres in addition to his ancient inheritance. Nor did he enjoy these without expense; for he gave to some annuities for life, to others allowances for seven years, and to most or all the rest of the ancient proprietors of such parcels of land as were adjudged to him by that court, in proportion to the benefit which he received out of the said lands, and to the number of acres therein contained. I have already observed that his grace paid above seven thousand pounds a year

annuities to the end of his life ; and as I never saw any of them mentioned in any of the computations (which he made every year of his income and goings out in order to adjust his annual expenses) till after the time of these decrees, I am persuaded that a considerable part of those annuities were mere voluntary grants of his for the subsistence of those gentlemen whose estates were lost by their forfeiture. Nobody could know this better than Mr. George Matthews, who paid those annuities ; and in a paper of his dated March 9, 1680, after recounting the aforementioned particulars, he says, that, if all things were duly considered, his grace was rather a loser than any gainer by the forfeiture or punishment of the Irish.

139 There was one person, who for want of a proper application, or by the extravagance of his behaviour, and the scandalousness of his character, had no relief from the duke, till his misfortunes had rendered him an object of compassion. This was Edward, son of Philip Purcel of Ballifoyle in the county of Kilkenny. Philip was living after the restoration, and prosecuted by the soldiers, to whom his estate had been set out for some murders, which it was pretended he had committed during the rebellion. When his case came to be heard before the court of claims, he was acquitted of murder ; but they proved his living in the rebels' quarters, and paying them contributions, with other matters, which brought him under the nocency of the act of settlement. His estate, between four and five hundred pounds a year, was hereupon adjudged to the soldiers, only about fifty pounds a year mountain land, not having been set out either to adventurer or soldier, fell to the duke of Ormond, of whom it was held. Notwithstanding this decree, Edward, after his father's death, claimed the estate, and would frequently come to the house or castle of Ballifoyle (which had been allotted to Mr. Toby Cramer) with a party of men armed with swords and pistols, to take possession of it, breaking

open the doors in a violent manner. On these occasions the fury of his passion had made him vent seditious words<sup>438</sup> against the king, abuse Mrs. Cramer with scurrilous language, and beat her to such a degree that she was in danger of her life. He was from time to time continually committing some outrage or other, which exposed him to divers prosecutions. One of them was for killing of Laghlin Brenan, but the jury found it only manslaughter; the words against the king were found, but not treasonable, as was charged; and for his treatment of Mrs. Cramer being by the rule of court to find security for his good behaviour, nobody would be his surety. At last, as he was riding on the road, observing Mr. Balthasar Cramer son of Toby, and a justice of the peace, alone, and unarmed in the grounds, at some distance from the house of Ballifoyle, he fell upon him, wounded, threatened to murder him, and perhaps might have effected it, if he had not been prevented by the seasonable relief of some [of] the family. This happened in 1671, and Purcel was forced to fly the country.

140 He came to London at the time that Nolan's complaint was before the council, and, encouraged by that example, petitioned the king that he might be restored to his estate, alleging that he was restorable for his own merits as well as his father's and brother's, the latter of which had been killed in his service. The next day he petitioned the duke of Ormond, representing that the king had promised him relief, but he wanted money to carry on his suit, but if his grace would befriend him, and furnish him with so much as would manage his business, he would not only compound with him for Coolecullen-duffe, (that was the denomination of the land in the duke's possession,) but, having neither child nor brother or sister, he would settle the reversion of his whole estate upon his grace and heirs. Coming afterwards to Clarendon-house for an answer to this petition, and finding none, he would needs come into the house to speak with the duchess of

Ormond, and the porter denying him admittance, he fell foul upon him, but being drunk, had the worst of the combat. Upon this he went in a fury to court, and there behaved himself like a madman, declaring before all the world that he would kill the duke of Ormond, and telling the king himself as much in a new petition which he presented. This occasioned his immediate committal by lord Arlington's warrant to the Tower; which soon appeared to be an improper place for him; and being found, by several extravagancies which he there committed, to be really distracted, was removed to Bethlehem hospital, where he was visited by three of his grace's enemies then great at court. He was there so far recovered by Dr. Allen's care, that the governors petitioned for his removal, representing that they had some months' experience of his being restored to the use of his reason and senses. Not being able to find sureties for his good behaviour, he was committed to Newgate, and, by an order of council on Nov. 27, 1674, had a weekly allowance ordered for his subsistence. The duke of Ormond was at that time in Ireland, but returning in the next year to England, he soon after procured the man's enlargement, upon his promising to transport himself abroad; where his grace's bounty bought him a place among the *gens d'armes* of France, and with a small estate of thirty-six pounds a year that Purcel had still left, afforded him a competent and creditable maintenance.

141 The commissioners for reviewing the settlement of Ireland, were in the mean time carrying on their inquiries, to the great uneasiness of all the protestant interests in that kingdom. The English house of commons at last took notice of their proceedings, and by an address on March 26, 1673, petitioned his majesty, that for establishing and quieting the possessions of his subjects in Ireland, he would be pleased to maintain the acts of settlement and explanation, and to recall his commission of inquiry into Irish affairs, as containing many new



and extraordinary powers, not only to the prejudice of 439 particular persons, whose estates and titles were thereby made liable to be questioned, but in a manner to the overthrow of the said acts, and also such as, if pursued, would shake the peace and security of the whole kingdom; and that colonel R. Talbot, who had notoriously assumed to himself the title of agent general of the Roman catholics of Ireland, might be immediately dismissed out of all command either civil or military, and forbid all access to court.

142 The king had, by his letters of Feb. 20, 1671-2, granted an indulgence to Irish Roman catholics to live in corporations; by others, of Nov. 5, 1672, he had suspended the execution of the rules and directions formerly made for regulating corporations; and on Jan. 14 following had approved of the election of nine or ten Roman catholics by the mayor of Dublin into the common council of that city, by the sole nomination of that magistrate. Peter Talbot had distinguished himself by his persecuting the remonstrating clergy, and to suppress them more effectually, had called in the assistance of the civil magistrate to supply the defects of his ecclesiastical power; lord Dungan and other Roman catholic laymen, who were in the commission of the peace, making use of their authority to imprison and prosecute the remonstrants. The commons, alarmed at these proceedings, and apprehensive that they might be followed by others still more mischievous, moved in the same address, that his majesty would give order that no papist be either continued or hereafter admitted to be judges, justices of the peace, sheriffs, coroners, mayors, sovereigns or port-reeves in that kingdom; that the titular popish archbishops, bishops, vicars-general, abbots, and all others exercising ecclesiastical jurisdiction by the pope's authority, and in particular Peter Talbot pretended archbishop of Dublin, for his notorious disloyalty and disobedience and contempt of the laws, be

commanded by proclamation to depart forthwith out of Ireland, and all his majesty's dominions, or otherwise to be prosecuted according to law; that all convents, seminaries, and public popish schools be dissolved and suppressed, and the regular priests commanded to depart under the like penalty; that no Irish papist be admitted to inhabit in any corporation of that kingdom, unless duly licensed according to the acts of settlement, and that his majesty's letters and proclamation giving them a general license for that purpose, might be recalled; that all the Irish papists might be disarmed, and no papist be either continued or admitted to be a commander or soldier in that kingdom; and that his majesty would give such further directions as might best conduce to the encouragement of the English planters and protestant interest there, and the suppression of the insolencies and disorders of the Irish papists, by whose practices, and particularly of the said Richard and Peter Talbot, the peace and safety of that kingdom had been so much of late endangered.

143 This address produced a revocation of the letters and proclamation therein mentioned. The case of the lord mayor of Dublin's naming nine or ten papists to be of the common council was reexamined, and the nomination being found irregular, the twenty-one protestants afterwards chosen were confirmed. The king declared that he was resolved to preserve the settlement of Ireland, and not to disturb any thing that was confirmed by the acts of settlement and explanation. The commission of review was examined by all the members of the council, and the clause in it concerning the perusal of writings, evidences, (without exception of private evidences,) was deemed likely to occasion great jealousy. The words in the declarative clause in the commission, that *the declaration is the most positive and fundamental rule for the establishment of that kingdom*, might be understood to weaken the acts of settlement, and had therefore better been

omitted. The powers given the commissioners in the 44<sup>o</sup> clause concerning the sign manual; that of issuing proclamations upon their desire, and those intended for the sub-commissioners to administer oaths, without authority under the great seal, were judged to be new and extraordinary. A report being made on July 2 to this effect, the commission of review was thereupon superseded. Thus ended this attempt to overthrow the acts of settlement; and with it all the hopes the Irish had of redress. The case of the nominees and some other particular persons, was undoubtedly very hard; and every body in the council of England was so disposed at this time to give them relief, that they might easily have obtained it; but by attempting more than could reasonably be desired, they lost all that might otherwise have been carried in their favour. The king indeed when he superseded the abovementioned commission, appointed a committee of council for the affairs of Ireland to consider how the ends of it might most properly be attained; but all that it produced was an addition of two thousand pounds a year to the *concordatum* money, to be distributed in pensions to the earl of Westmeath, and others of the nominees.

144 The duke of Ormond, in his opposition to this attack on the settlement of Ireland, acted purely out of regard to the general good of the kingdom, which, in case the acts had been repealed, would have been thrown back into all the confusions out of which they had been so lately delivered; the consequences whereof would have been the more fatal, because the repeal of what had been so long and maturely considered, settled at last with the consent of all parties, and enacted with so much solemnity, would have left every body in utter despair of ever seeing any final settlement. He was otherwise favourably inclined to the Irish, and desirous to ease them of their grievances; as appeared not long after in the case of the lapsed money. The act 17 Car. provided, that the money

subscribed by adventurers for the reducing of Ireland should be paid at four payments, and if any subscriber should advance the first, and fail in any other of the three payments, he should forfeit his entire fourth part, and all the benefit of his subscription. Several persons who had made their first payment, seeing the money misapplied by the parliament for the support of the war in England, declined paying the rest. By the act of settlement, these forfeited subscriptions were vested in the king, who, by letters patent Sept. 12, 1663, granted a full third part thereof, and of all lands to be set out in satisfaction thereof, to the earl of Orrery. By the explanatory act, the king, for the better increasing of the stock of undisposed forfeited lands, to the end that more of the ancient proprietors might be restored, relinquished his satisfaction for this money out of the forfeited lands, accepting in lieu thereof thirty thousand pounds to be assessed by the lord lieutenant and council, upon the lands of such Roman catholics as were restored; the first payment to be made on May 1, and the second on Oct. 1, 1666. The poverty and distress of the kingdom hindered it from being levied at that time; and the king by his letters dated June 3, 1674, reciting that nine thousand pounds, part of the said thirty thousand pounds, had been granted to the earl of Orrery, required the lord lieutenant and council to proceed to the assessing and levying it for his benefit. They accordingly ordered a particular to be made out of all the lands chargeable with that money. The Roman catholics liable to the assessment opposed it by a petition on July 6, because the earl of Orrery had not given up his right to the third part of the money granted him, and the paying him the nine thousand pounds besides would be giving him a double satisfaction, which was never intended, and therefore prayed that he might take his satisfaction in lands according to the first act of settlement. In this way nothing could be got, since it was not to be satisfied

till satisfaction had been first made to all the adventurers, many whereof were still deficient for want of forfeited lands. The same want had been the occasion that no one Roman catholic proprietor had been restored in virtue of that clause in the explanatory act about the thirty thousand pounds; and where no benefit accrued, it was hard to charge them with a burden to which they had consented purely in consideration of that benefit; which as they had never received, so the times of assessing the money had lapsed.

145 The council of Ireland, on Nov. 13 following, hearing the case, adjudged that the thirty thousand pounds was still due and payable to the king; and certifying the same into England, an order was sent from thence on Feb. 1 for levying the whole money in the most equal and indifferent manner. The duke of Ormond was then in Ireland; and though he had hitherto stuck to his resolution of not taking notice of any thing that passed in the government of that kingdom, yet on this occasion, considering the hardship it would be to the Roman catholics, he did all that he could for them at the distance he was then at from the court. That was by writing on Dec. 19 to Mr. secretary Coventry, and representing, that as the king intended, by taking that thirty thousand pounds for what devolved to him by the lapse, to enlarge the stock for the advantage of the old proprietors (who, as entitled to the sole benefit of it, were only chargeable with the compensation); so that composition not having the designed effect, it seemed reasonable to discharge them of the payment. It was apparent that those upon whom the thirty thousand pounds was to be raised neither had, nor were ever like to have, any thing in consideration of that sum; so that, though his majesty had by unavoidable grants disposed of all or the greatest part of that money, and thereby in a manner divested himself of the means of relieving them, yet he should think the king in honour

and equity obliged to take some other way to satisfy the grantees, than by undoing in effect so many persons of quality, as, after vast expenses in recovering their lands, would in this case be charged with sums which they were in an ill condition to raise. It appeared by the assessment, that the earls of Clanrickard and Carlingford would have been obliged to pay towards it, the one two thousand six hundred and ninety pounds, and the other seven hundred and forty-four pounds, and others proportionably. The duke, when he got back to England, espoused the affair so heartily, that though such as had grants for this money were very importunate, and made strong interest to have the money raised, and did two years afterwards get an order for that purpose, yet he still found means to prevent its being levied till he was restored again to the government of Ireland; and then it was entirely laid aside.

146 It was certainly a very disagreeable time which the duke passed in this interval between his governments; yet he supported it with a temper and an equality of mind which were wonderful. He never failed to speak his mind in council upon all occasions; but, content with having done his duty, he shewed no resentment if his advice was not followed. He laboured more zealously, and with better judgment, integrity, and success, than any of the ministers, to advance the king's service, and to prevent the ill effects of the measures of an administration in which he was not concerned. All his views were directed to the support of the constitution; and he endeavoured both in and out of parliament to contribute all he could to the true service of the church and crown, without flattering any body's discontents, or embarking in any party. The duke of Buckingham pushed several times to have him put out of the stewardship of the household, but the king could never be brought to consent to that step. Yet some mortification or other was

daily contrived and put upon the duke of Ormond to force him to quit it himself, but he bore them all with invincible patience: and as his conduct under his disgrace was so irreproachable, that his enemies could find no objection to it; so the firmness and temper which he shewed in that melancholy situation were so remark-<sup>442</sup>able, that the bystanders admired it above every thing he had done before, and thought it the most glorious part of his life. This was the very expression which archbishop Sheldon used to sir R. Southwell on that occasion.

147 Besides the main defect and objection to his grace, the inviolable attachment which he had to the church of England, there were two other things which contributed to make him out of favour at court, being extremely contrary to the humours which there prevailed. The one was, his want of complaisance at all times to those ladies whose influence and power were most prevalent. The other was, a very cold deportment towards the French interest; and either of these were misfortunes enough for a courtier. M. de Ruvigny, the French envoy, was once so frank as to complain to his grace himself, and to ask the reason why he appeared so cold, whilst every one else admired his master. The duke made him this answer, that he thought his master the greatest king that France ever had; that he governed a great nation, warlike and obedient to him, men of sense, and so well bred, that he thought even their civility was formidable. These sentiments and behaviour were so contrary to those of every body else about court, that they could not bear that the king should ever speak to him in public, or shew him any respect. One day the duke being in the drawing-room, and with his easy address and cheerful manner of conversation entertaining some who had no dependence on the court, and therefore dared to discourse with him, the king, whose great civility had engaged him to

shew a regard to almost every body else, appeared in some confusion because he durst take no notice of his grace. The duke of Buckingham observing it, whispered in his ear, and said, "I wish your majesty would resolve me one question, whether it be the duke of Ormond that is out of favour with your majesty, or your majesty that is out of favour with the duke of Ormond? for of the two, you really look the most out of countenance."

148 The duke's own resolution was, never to be out of humour with his prince, however his prince might be out of humour with him. In consequence of this maxim, he still went duly every day to court to pay his compliments to the king; and though his majesty scarce ever spoke to him, industriously looking another way, and avoiding him, yet he never failed in this part of the duty and attendance of a courtier. The day that the earl of Shaftsbury was declared lord chancellor, the king broke through his ordinary rule, and, either in doubt about the wisdom of the step he had taken, or out of curiosity to know the duke of Ormond's sentiments of it, went up to him, and taking him aside to a window, asked what he thought of his giving the seals to lord Shaftsbury, whether he had done prudently or no? His grace replied, "Your majesty has doubtless acted very prudently in so doing, if you know how to get them from him again."

149 Nothing provoked the duke's enemies more, than that all the mortifications they threw in his way did neither on the one hand humble and make him crouch to them, nor on the other drive him to offend the king, to fling up his staff, or join with the disaffected. He knew how to maintain his dignity at court, though out of power, and to preserve his credit in the world, whilst he lived in the midst of a court where nobody else had any. This was owing chiefly to the integrity of his heart, and to the calmness and steadiness of his temper; besides, he was naturally averse to all intriguing, and hated all intriguers



whatever. He would say of himself, that he was like an old clock that lay rusty by; yet, once in twenty-four hours, even that pointed to the true hour of the day; and it might prove so with him.

150 Whilst this tedious season of disfavour lasted, he would 443  
in the beginning of it smilingly say to those who solicited his assistance at court; "I can do you no great good: I have only power left to do some hurt." But in progress of time even this jest was spoiled; and no man or his business fared the worse at court for his grace's opposition; it rather recommended them the more to the ministers. Colonel Cary Dillon, afterwards earl of Roscommon, to whom the duke, when he was in power, had done great kindnesses, came to him whilst he was in disgrace, and pressed him to use his interest for a suit he had to the king, to secure the benefit of a former grant. To engage him the more earnestly in his interest, he told him, that he had no friend at court but God and his grace. "Alas! poor Cary," replied the duke, "I pity thee; thou couldst not have two friends that have less interest at court, or less respect shewn them there."

151 To alleviate the sense of this public disgrace, the duke of Ormond had some private satisfactions in the situation of his family. He saw it increased by the birth of a grandson, Charles, now baron Butler of Butler of Weston and earl of Arran, who was born on Sept. 4, 1671, at Carew-House in London. The earl of Ossory still continued in high favour with the king, who, notwithstanding all the difficulties of his affairs, finding by sir Stephen Fox that his lordship owed eight thousand pounds, and was very uneasy on that account, voluntarily undertook to pay the debt for him in such a way (which was settled with sir Stephen) that nobody about court should know any thing of the matter. In the beginning of the year following, in March, sir Robert Holmes fell upon the Dutch Smyrna fleet, and the earl being on board the

Resolution, was the next to him in command in that action. The duke of Ormond was much offended at the share which his son had in that engagement, while others magnified his courage; a quality which generally ensures the favour of the people, and rendered him the hero of the court at that time. The reason why the duke was displeas'd at it was, because there had been no declaration of war before the fight, nor indeed till a fortnight afterwards; but the earl was prodigal of his life, and fond of exposing it on all occasions. In May 1673 the earl of Ossory was made vice-admiral of the Blue; and in the fight with the Dutch that year, endeavoured to lay admiral De Ruyter's ship aboard. That great commander, telling the story afterwards to the earl of Arlington, said, that he saw some daring English spark come towards him to get honour; but his business not being so much to fight as to keep others to it, he sheered off, and avoided the engagement. The earl however gained so much reputation, that when he came back to court in September, the king not only made him knight of the garter, but sent him down to the Buoy in the Nore to command the whole fleet in the absence of prince Rupert.

152 It was at the latter end of 1673 that the earl of Ossory, to revenge the insult which we had suffered in the former war from the Dutch at Chatham, formed the design of attacking Helvoetsluys, and destroying all the ships in that harbour. He desired for this expedition but eight men of war, as many good boats for landing the soldiers, and three or four small ships capable of carrying four or five hundred soldiers on board, and to land them within the pier, and mounted with small guns upon their decks with pieriers laden with cartridges of small shot. He wished to have two thousand land soldiers, if it were possible; though he would undertake it with one thousand five hundred; of which he desired lord Tyrone's

regiment might be part, not only because they were good men, but because they were quartered near Portsmouth, which he thought the most proper place for their embarkation, as the most unlikely to give any jealousy to the enemy. The design was well laid, and easy to be executed; the men of war, doggers, sloops, and fireships appointed for it were fitting out, and the earl was ready to go on board 444 in December, when either the duke of Buckingham's persuasions, or the near prospect of a peace, (which was concluded in the following month,) induced the king to lay aside the expedition.

153 In June 1673, Richard earl of Arran, the duke's second son, married Dorothy, daughter of John Ferrers of Tamworth Castle in Warwickshire, esquire; and was on August 27 created lord Butler of Weston in the county of Huntingdon; so that the father and his two sons sat together in the house of lords in England, and with two blue garters; which hath very rarely happened. At the same time that this marriage took effect, another was carrying on between the lady Elizabeth Butler, eldest daughter to the earl of Ossory, and William Stanley earl of Derby. They were both very young, the lady not fourteen, and the earl under eighteen years of age; but the earl of Strafford and sir Tho. Wharton his guardians were very desirous of making an alliance with the duke of Ormond, and had inspired his lordship with the same sentiments; so that he was very eager for the match. The young nobleman had a great deal of honour in his sentiments, and great goodness of nature; but his relations were apprehensive that the easiness of his nature might expose him to be drawn into extravagances that were not suitable to the circumstances of his fortune, which, though a very great one, if out of lease, was yet considerably indebted. They proposed that the young couple should be married, and the earl immediately sent abroad to travel for a few years, which had been the

plan resolved on by his father. This being agreed on, the marriage ceremony was performed in July, and the earl, having chose the duke of Ormond his guardian, set out for Paris under the care of Mr. James Forbes, a gentleman of parts, virtue, and prudence, but of too mild a nature to manage his pupil.

154 They had not been three months at Paris, before a misunderstanding happened between them that could not be made up, so that both wrote over to the duke complaining of one another. His grace immediately despatched over Mr. Muleys to inquire into the ground of the quarrel, in order to reconcile them, if it was to be done, or to discover what was likely to be the most proper and effectual remedy. The earl had forgot the advice which the duke had given him, to make himself acquainted with the people of quality in France, and to keep as little correspondence with his own countrymen, whilst he was abroad, as was consistent with good manners; and had formed an intimate acquaintance with a lewd, debauched young fellow whom he found at Paris, and who was the son of Dr. Merrit, a physician. The governor had cautioned his young nobleman against creating a friendship with so worthless a person, who would draw him into all manner of vice and expense, and lead him into numberless inconveniences. Merrit being told of this took Mr. Forbes one day at an advantage in an house, and wounded him dangerously. The earl, instead of manifesting his resentment as he ought in such a case, seemed rather pleased with the affair, and still kept on his intimacy with Merrit. The duke finding that Merrit had as ill a character from all that knew him in London as Mr. Forbes had given him, easily suspected the earl was in the wrong, and charged Muleys to represent to him the ill fame of the man, and how unworthy he was of his lordship's acquaintance and conversation. He was likewise to demand of

lord Derby what course he proposed to himself to take, considering that till he came of age he could in no degree live in England like himself, without the total ruin of his fortune; and that to live abroad without the assistance and advice of some person who spoke the language, and had experience in the world, would be as impossible, with any hope of advantage to him by his travels,<sup>445</sup> or without great disadvantage and danger to his person and honour. Another point that Muleys was to labour, was to dispose the earl to retire from Paris to some convenient place where he might learn the language, which it would be a shame for him to return without, and which would enable him to find more pleasure and profit at his return to the court of France.

<sup>155</sup> When Muleys came to Paris, he found the matter very bad on lord Derby's side, who had not only countenanced Merrit's assault, but, at the instigation of some young French rakes, had consented to his governor's being tossed in a blanket. The earl was wild, full of spirits, and impatient of restraint; Forbes was a grave, sober, mild man, and his sage remonstrances had no manner of effect on his pupil. The duke, seeing what the young gentleman would be at, resolved to send over one that should govern him. For this purpose he pitched upon colonel Thomas Fairfax, a younger son of the first lord Fairfax, a gallant and brave man, (as all the Fairfaxes were,) and roughly honest. Lord Derby was restive at first; but the colonel told him sharply, that he was sent to govern him, and would govern him; that his lordship must submit, and should do it; so that the best method he had to take, was to do it with decorum and good humour. He soon discharged the vicious and scandalous part of the earl's acquaintance, and signified to the rest, that he had the charge of that young nobleman, who was under his government; and therefore if any of them should ever have a quarrel with his pupil, who was young and unexpe-

rienced, himself was their man, and would give them satisfaction. His courage was too well known to tempt any body to make a trial of it; the nobleness of his family, and his own personal merit, procured him respect from all the world, as well as from his pupil. No quarrel happened; the earl was reclaimed, being always very observant of his governor. He left Paris, and passing down the Loire went to the south of France, received in all places by the governors of towns and provinces with great respect and uncommon marks of honour and distinction. From thence he went into Italy, making an handsome figure in all places, and travelling with as much dignity as any nobleman whatever at little more than one thousand two hundred pounds a year expense; so easy is it to make a figure in those countries with virtue, decorum, and good management.

<sup>156</sup> The lady Thurles, the duke of Ormond's mother, had died in May 1673 at Thurles, being eighty-six years of age, a lady of admirable sense, virtue, and piety. Her death made little alteration in his grace's fortune, but he had been so long absent from his estate, that his presence was deemed very necessary in Ireland, and likely to bring him some advantages. He had now for some years together tasted the inconveniences of court coldness, and of London expense, which were too uneasy to be borne at once. As he had never failed to pay punctual attendance on his majesty's service, it appeared but a melancholy sight to those who were his friends, and loved the constitution of their country, to see him pass the galleries at Whitehall with his white staff all alone, which was often the case. He would frequently smile himself at the variety of the scene, and at the great industry used to avoid him as well as to make court to the men in power. But it was still a very disagreeable affair, and not apprehending that he could be any longer useful to his majesty, (as his friends had still flattered him that he might,) he deter-

mined to retire to his habitation in Ireland, and look after his own affairs. He acquainted the king with his intentions in a letter, the beginning of which expresseth his situation at this time so very feelingly, that it cannot be better described than in his own words :

157 “ It is,” says he, “ about a year since I begged your majesty’s leave to go into Ireland, which you were pleased to give me ; but the war being then in the heat, and there seeming to 446 me a possibility that in some conjuncture I might be of some use to your service, I delayed it : but now you have peace, and have given a long recess to the parliament, I have so far presumed upon the permission you then gave me, as to prepare for that journey, as soon as the season will permit me. It is now six years since I came over last ; a great part of that time I have passed more uneasily than I made show of, or than I ever thought I should do in your majesty’s court and presence ; having had many reasons to believe your favour was at least very much abated towards me. The circumstances were too many and too little pleasing to me to reckon them up ; but they were such as seemed to evidence to the world, that it was rather the remembrance of some old service I had endeavoured to do the crown, than anything else that preserved me from the utmost disgrace due to a faulty and insignificant person. How grievous soever this was to me, I have borne it with duty, and more temper than I am naturally master of,” &c.

158 The duke of Ormond left Clarendon-House in the beginning of June, and with the duchess and his family went to Bath, the waters of which place were advised as likely to be beneficial to his health, and particularly serviceable in the case of the gout, with which he now used to be troubled every winter. After a fortnight’s stay there, he proceeded to Minehead, and embarking on June 27 had a fair passage from thence in twenty hours to the river of Waterford. As soon as he arrived at Kilkenny, he paid his compliments to the earl of Essex (who had been made lord lieutenant, and received the sword from lord Berkeley in August 1672) in a letter, signifying his arrival and readiness to obey his excellency’s com-

mands. How little soever he liked the person whom the king was pleased to honour, he was always careful to pay him that respect which was due to his place; but he really thought the government was much better placed in the earl of Essex's hands than it had been in those of either of his predecessors. He resolved to wait upon him in person, and accordingly set out on July 14 for Dublin, where the lord lieutenant gave him a reception scarce worth his journey. It was so remarkably cold, that all the world took notice of it, and expressed their indignation upon that occasion. Various reports were spread upon the subject, and carried into England, where it was confidently averred that the duke, speaking his sense of that matter, had said, the lord lieutenant had received him according to his breeding and understanding; but this his grace denied, nor indeed was it his manner to express a resentment (whatever reason he had for it) which might lessen the character of any man whom the king had placed in so important a government, and consequently take off from that authority which was necessary for the successful discharge of his office. He was likewise sensible that the earl of Essex had measures to keep with the ministry in England, and imputed all the defect of ceremony in regard to himself to the fear which the other had of disobliging the then lord treasurer.

159 There might possibly too be a little jealousy mixed in the affair; for if the duke of Ormond's reception from the lord lieutenant was less, that which he met with from the city of Dublin was much more than he expected; and absolutely refuted the notion which his enemies at court were continually suggesting, that his grace was not beloved in Ireland. He had abundant reason to be satisfied with the respect paid him in that country. The news of his arrival was received with the greatest delight in all places, and all persons of distinction thronged to Kilkenny to welcome him thither. From the time of his



coming thither till he went to wait on the lord lieutenant, he had not less than two hundred gentleman every day at his table; and yet he found the expense of his living there considerably less than it had been in England. His journey to Dublin was in a manner necessitated, for else all Dublin would have come to him; which he imagined might give umbrage to the lord lieutenant, with whom he desired to be well. His excellency's coldness perhaps was the reason of his grace's short stay in that city, for he spent but a week in going and returning. At Kilkenny he enjoyed better health than he had done for some years in the winter, as well as a rest and quiet which he had scarce ever known before. It was a new manner of life, and to a person always used to a multiplicity and constant flow of business, apt to encourage the spleen; yet he found nothing in it but what was agreeable, and would have been glad to have continued it longer than he was allowed to do; being called off from the exercises of hunting and hawking (which were his chief amusements in this time of retreat) early in the year following to attend the king's service in England.

160 Whilst the duke of Ormond was in Ireland, his son the earl of Ossory was sent on a particular commission to Holland. The king had a mind to make up matters with the prince of Orange, and thought that the contracting a nearer alliance with him would be a proper means to restrain him from entering into measures with any discontented party in England to the prejudice of the crown and distress of his majesty's affairs. With this view he proposed to give him the lady Mary, the duke of York's eldest daughter, in marriage; but it was proper the motion should first come from the prince. For this reason it was resolved to send over a person without any public character to sound the prince's inclinations; and lord Ossory was deemed the most proper person for that employment. The earl of Arlington was to go along with

him to treat and settle every thing for removing the misunderstanding and jealousy that had been for some time between them with regard to each other's designs and measures. When the king broke the affair of the match to the duke of York, his royal highness did not seem fond of it; but determining to submit to his majesty's pleasure, he gave his consent, with this compliment to the earl of Ossory, that he would rather trust his nearest concerns in his hands than in any other's whatever. The two earls embarked on Nov. 10, and having finished their negotiation, returned to court on Jan. 6, being very well received by the duke as well as the king, though the negotiation did not at that time take effect; and some mistaken accounts coming over before them had put his royal highness into a great heat upon the occasion, which though he had been too hasty to express, yet he readily laid down upon being informed of the truth of the matter. The prince had in discourse with lord Ossory expressed his desire of the match, and said, it was the height of his ambition, when the war was over, to contract such an alliance, but that at present he could neither leave the war, nor think it very agreeable to a lady to bring her where the noise of war then was. The earl of Ossory writing this account to the duke, whose real sentiments were for deferring it till peace was made, and not having been exact enough in the stops of his letter, use was made of it to countenance the idle uncertain reports transmitted from Holland of that affair, as if the prince had rejected the offer. Whereas in fact he had first expressed his desire of it; and when lord Ossory returned, he wrote to his royal highness to that effect; who after all still thought his alliance slighted, because it was not pressed immediately. The prince of Orange had a great affection to lord Ossory, so that when he embarked he conducted him on board his ship, and having returned at night on shore, but observing the vessel had made no way by the

morning, he followed him in a long boat, and sailed along with him till he got into the main sea ; a very extraordinary compliment, and which might have prevented any notion that the errand upon which that nobleman went had been displeasing. How things passed in this negotiation is related in a letter which the earl of Ossory sent<sup>448</sup> by his gentleman, M. St. Paul, to the duke of Ormond ; and which though it contains some other matters, yet they being not incurious, and the letter contradicting what a late<sup>g</sup> historian pretends to have had from the duke of York's own mouth, I have thought necessary to insert entire. It is dated on Jan. 15, 1674, and gives the following account of that affair :

161 “ When I have given you an account of my late commission, you will judge who and what influences affairs at present. The king judged an alliance by the duke's daughter to the prince of Orange to suit most with his occasions ; as also a right understanding between them. My lord chamberlain was commissioned to handle the *eclaircissement* on the king's side, and my part was that relating to the duke. The objection that the king made was, that the prince of Orange during and since the war had endeavoured to raise up seditions at home. His answer was, that before the peace he used his best endeavours to obtain, if not constrain, the king to it ; but not by anything tending to a rebellion : that afterwards he would own himself a villain, if ever he had done the thing that might give any suspicion thereof. My lord Lauderdale had one Carstaires seized upon and examined, who said that the prince of Orange bid him compliment duke Hamilton. This he owned ; for it was not unlawful (he thought) after wars to be civil to persons of worth and honour. This was all the quarrel on our side. Upon the king's desiring to know who he had treated with, and the king's promise that the persons named should not suffer, he desired to be excused ; with this promise, that if for the future anything came to his knowledge that might disturb the quiet of the kingdoms, he would give notice of it in time.

162 “ The prince of Orange's complaints were, that the king, instead of helping him in his greatest distress, had sent over am-

<sup>g</sup> Bishop Burnet's History of his Times, vol i. p. 377.

bassadors who made a stricter league with France ; but that he forgot all things passed, which could not be helped. He said that it was insinuated to him, that something was intended for the duke of Monmouth to his prejudice. To this we gave him satisfaction by the king's reiterated commands. That which most touches was, the king's conniving at levies for France, and his strictness against such as desired to serve under him ; upon which he pressed extremely that the troops might be recalled, or that he might have leave to raise some for the service of the states. To this he received not the satisfaction he wished. Upon which he several times said, that he was to expect little from us during our partiality and fear of displeasing France ; and that whilst those of my lord Lauderdale's principles had so much credit, the French interest would overbalance his. At our parting, he bid us not only thank the king, but assure him that if occasion were, he would venture for his service his life and fortune.

163 “ I come now to my part. The king told me his nephew and his niece's marriage was the only thing capable of helping the duke ; and that for that, as well as other reasons, he had spoke to the duke of it, who consented that, upon the prince of Orange's desiring it, I should undertake the proposition would be accepted. This commission I had from both, and upon its being moved to me by the prince of Orange, I declared to him so much, and shewed him the account I gave of it to the duke ; from which letter, by my making a comma instead of a full stop, the critics would infer, that I had made the offer first. Upon this the duke expressed all the anger imaginable ; but the prince's letter by me fully justified the contrary. The duke will have the whole letter to be a civil denial ; to which I have nothing to say, but 449 that I am sure the prince thought it otherwise ; for I shewed it him, who approved thereof. During our absence the king's mind hath been wrought upon in this affair so much, as I believe those who wish not a good understanding between him and his nephew will have their aim. I almost forgot to tell you, that the duke before our going said, he would not have his daughter marry before a peace were made. But this the king opposed, believing that when we had nothing to say on that account, it would give a jealousy that other ends were sought under this negotiation, which he would not have any ways clogged. The duke's expostulation was mingled with much kindness, but avowing that he liked not the thing from the first, and accusing me

of too much haste. His carriage since to me is very fair and open. I find the duke of Monmouth much of the same mind; there being, besides crossness of interests, some private piques between the prince and him. I fear I have been too tedious in my narrative as to public concerns.

164 “I desire your advice in what happened between the prince and me. He offered me to make me general of all the king’s subjects, if I could obtain leave to come over, and that he would be answerable, that for my appointments I should have no reason to complain. I insisted to receive orders only from himself; but he said that it will not be possible to agree to that, because prince Maurice and count Waldeek would repine at having a body of men not only out of their command, but taken from it; but he says, it shall be specified that I am not to obey others. He further alleged, that the labour would be infinite for him to govern two armies; and that it would make them seek all means to destroy our party. I desire your advice, as to looking after the thing, as well as the punctilio, in case I may have a proper time to seek the king’s permission.

165 “As to your parting with your place, I know not if my lord of Pembroke may not have the king’s furtherance by the favour of his new alliance, such employments having been in his family. I offer it to your thoughts, if the king’s remitting all the quits you pay would answer your occasions, and having the overplus well secured. My lords of Albemarle and Worcester, I formerly told you, declined the proposition. You may be sure I will not be unmindful or negligent in the affair of the English title. My lord of Lauderdale’s preceding you (which induces you to desire the thing) I apprehend to be the greatest obstacle; so great is his power at present. But if you can any ways deal for your employment, I doubt not but then that affair may be fixed.

166 “I am just now informed by a person of honour and quality, that endeavours were used to get the king to oblige you to remain in Ireland if the parliament had sat; and that they believed the king was persuaded to it. Sir Thomas Doleman, who is much concerned for you, told me, that there were intentions then of bringing in articles against you by my lord of Buckingham’s party to asperse, if not really prejudice you. There is some dealing on foot with him; for I am told he has a new pen-

sion in England under my lord Ranelagh's name. Whenever you think it fit to come over, you shall have a very good apartment to yourself, without being troubled with us. It is much whispered that we shall fall out with Spain. If so, I fear estates in Ireland will signify little, for the Hollanders will also certainly fall into it. I do all that lies in my power to get the king to satisfy my debts. If I can, this summer, I will wait on you in Ireland. I do not say it positively, because I have experienced how liable persons absent are to be injured. At the last meeting of the members, all endeavours were used to make them believe that my lord chamberlain's and my voyage was in order to a separate peace. But this artifice took little effect, and the truth of the business that was guessed at was not unacceptable, there being nothing more feared than the Hollanders closing up with France, and leaving the confederates." 450

167 In January, whilst the duke of Ormond was in Ireland, a marriage was concluded between his third son, the lord John Butler, created earl of Gowran, and the lady Anne Chichester, sole daughter and heir of Arthur earl of Donnegal. It was likely to prove a very advantageous match, because a great part of the earl's estate in Ireland, and all that he had in England, would have descended to their children, if they had any: but those hopes were defeated by the death of the earl of Gowran in August 1676. This young nobleman was very agreeable in his person and conversation; but his vivacity betrayed him into some excesses and follies, to which youth is naturally subject. He died at Paris, whither he went for the recovery of his health, much impaired by his irregularities. Whilst he was there in a lingering and wasting way, the duke, in a fatherly and Christian concern for his future welfare, put him in mind of those excesses which had reduced him to that weak condition, and were likely to put a speedy period to his life, and suggested to him those reflections which perhaps had been too long deferred, though necessary to fit him for another world. There was some-

thing so noble, just, pious, and Christian in the sentiments expressed in the letter which his grace wrote upon this occasion, that I would fain have given it a place in the Appendix among others of that sort, that the world might have seen one of the finest pieces of the kind that hath been ever written; for this is the character which I have of it from the present bishop of Worcester, (the beauty of whose pen renders him an excellent and indisputable judge of that of others,) who had preserved a copy of it, but could not easily find it among his papers. The duke laid his son's manner of life to heart; but all his remonstrances could not restrain and correct the impetuosity of youth. A repartee of his grace's may not be improperly related on this occasion. Mr. Cottington of Holme-Patrick, about twelve miles from Dublin, had a fine house pleasantly seated on the sea-side, and was often visited by the duke of Ormond and his sons, and other great men, who delighted in the place for the pleasure of its situation, and the amusements which the sea afforded. He had undertaken to build a new chapel on the ruins of an old one, and asked every body that came to his house to contribute something towards the building and ornament of the chapel. Among others, lord John Butler being applied to, had promised him the ten commandments to be put over the altar. Mr. Cottington was much pleased with his lordship's generosity, and when he went to Dublin, could not forbear extolling the present in a visit which he made to the duke. As he was making great encomiums on lord John, his grace replied, "I could easily guess at the nature of my son's generosity: he can readily part with things that he does not care to keep himself."

168 Whilst the duke of Ormond stayed in Ireland, some changes happened in the court of England. The duke of Buckingham was turned out of all his posts about the king, and even out of the chancellorship of the university

of Cambridge, at his majesty's special instance, being succeeded in them all by the duke of Monmouth. The earl of Danby, the lord treasurer, was now the chief minister, and declared himself a patron of the church of England. All Romish priests that were the king's subjects had orders to depart the realm, without exempting even such as officiated for the queen and foreign ambassadors in their chapels. All Roman catholics whatever were forbid the court; and the laws being put in execution against other nonconformists, conventicles were suppressed. This was to put the parliament into good humour, and to prepare matters for the opening of the session, which was to begin in April. The king, apprehensive that it might prove a troublesome one, desired earnestly that the duke<sup>451</sup> of Ormond would come over, and caused Mr. secretary Coventry to write to him on the subject. The Norwich frigate was ordered to fetch him from Waterford, and he came to London in April.

169 The change in the ministry had made none in his grace's situation at court: he still continued out of all appearance of favour. This occasioned his drawing up that long and excellent narrative of his comportment in his majesty's service, to vindicate his administration (particularly of the revenue) from the aspersions of lord Ranelagh, who had from Christmas 1670 undertaken to manage all the revenue of Ireland in a more advantageous manner to the king than it had ever been before. As this contains a clear account of the condition and management of that revenue during the time that the duke of Ormond was lord lieutenant, and is a full refutation of the insinuations, rather than charges, that had been artfully made use of by his enemies to prejudice the king against him, I have inserted it in the Appendix, No. XCII. He had taken the resolution of returning back to Ireland in August, and was preparing for that journey in order to secure a considerable concern of his



own, which lay at stake, when his majesty sent for him to have his assistance in council. This obliged him to put off his journey, and leave his affairs in Ireland in more uncertainty than was convenient for him; but he submitted in obedience to the king's commands; otherwise he would hardly have been flattered into a stay by any arguments of his friends relating to the public. The business in which his advice was required was the composing of a new establishment for Ireland, and the letting of new farms of the revenue. The duke could not imagine for what reason he was now admitted to be present, after so long a dispensation with him in the Irish affairs, from which he had for some years been industriously excluded. He attended at the consideration of the several proposals made by different persons on those subjects, in hopes that the best offer and the best tenants would be at last accepted, and the revenue disposed of to the best and most proper uses. That made by Mr. George Pitt and his partners was in the duke's opinion the most advantageous of any to his majesty; and the debates on this subject gave occasion to the dispute with Ranelagh, who had made another proposal for farming the revenue.

170 Richard Jones, now viscount (and afterwards earl of) Ranelagh, was a man of good parts, great wit, and very little religion; had an head turned for projects, and was formed for intrigue, artful, insinuating, and designing, craving and greedy of money, yet at the same time profuse and lavish. His mother, a daughter of the first earl of Cork, had the same genius or taste for intrigue, and set up for a politician. She had assemblies of this set of men several nights in every week at her house, in which they used to consider of measures and lay schemes to put some men into places and dispossess others. Her son the lord Ranelagh had early obligations to the duke of Ormond, whose friendly and powerful interposition

made up the differences between him and his father. The duke had taken him into his particular protection, and made him chancellor of the exchequer upon the death of sir Robert Meredith, procured an addition to his salary, and got him made a privy counsellor. Ranelagh, in all his letters from the time that his grace left Ireland in 1668 to the end of Oct. 1670, gave the highest encomiums of his administration, and professed the greatest zeal for his service, and the deepest sense of the favours he had received, that could be expected from the most grateful mind, or from the fastest friend, as I see by his own letters within that period of time. But coming to England at the latter end of 1670, he soon struck in with the duke of Buckingham and his cabal; and taking advantage of a paper styled *The state of his majesty's revenue*, being an estimate of the growing and annual<sup>452</sup> charge in Ireland, and of the debts due to the crown, made by the vice-treasurer at a distance from his books and papers, when he could not ascertain either, he made a contract with the king, whereby, in consideration of the revenue being assigned to him and his partners, he engaged to defray the expenses of the civil and military lists, and other charges of the crown in that kingdom. This contract was called Lord Ranelagh's Undertaking, and being founded on an estimate, where both the debt and revenue of the crown were lessened, and the charge of the government magnified above what they really were, it was vastly to his lordship's advantage; at the same time that by defalcations, to which he claimed a right, his majesty, who thought he had thereby provided in a certain way for the charge of that kingdom, (which was then also much reduced,) found his revenue as much loaded with debt, and his army worse paid [than] ever. The creditors of the crown complained of disappointments, and the people were horribly oppressed, fined, and prosecuted for payments, of which they produced exche-

quer acquittances, and charged with excessive sums, which vastly exceeded their usual payments, and which, though laid upon them by the arbitrary will and pleasure of the undertakers, they were forced to pay to prevent their immediate ruin.

171 The sufferings of the people were so very grievous, and the clamours against the undertakers so universal throughout the kingdom, that the duke of Ormond thought himself obliged to represent them to his majesty, and to shew the fallacies of the undertaking, which had been exceedingly to his loss in the revenue, and very prejudicial to his affairs. Lord Ranelagh had on Oct. 9 presented a petition to the council, praying an allowance of certain sums to the amount of 114,041*l.* 13*s.* 8½*d.*; and his grace had, by a particular which he had drawn up, shewed, that if those and all other demands of his were allowed, he would still be indebted to the king 98,222*l.* 12*s.* 11½*d.*; whereas his lordship pretended that he had overpaid what he had received. This occasioned a long verbal discourse, which Ranelagh made to the board on Oct. 27, wherein he took the liberty of saying, that for ten years before his undertaking, the revenue of Ireland had been exceedingly mismanaged; and this he repeated frequently in very aggravating terms. The duke of Ormond conceiving himself reflected on, complained of it on Nov. 3 to the king in council, and desired Ranelagh might be required to explain his meaning, and justify the charge, if levelled at his administration. Ranelagh was ordered to attend at the board on the 12th, when he appeared; and being told by the lord keeper that he was called in to give an account of some expressions in his late discourse, which seemed to reflect upon the duke of Ormond, the following dialogue ensued, which, because it is the most natural, the shortest, and the liveliest manner of representing it, I have chose to

relate it in the very words wherein it passed, the king being present :

<sup>172</sup> *Lord Ranelagh.* My purpose was not to reflect upon my lord of Ormond or anybody else ; but to give his majesty a state of his affairs as they stood before my undertaking. *Duke of Ormond.* But your lordship was pleased to name often the word *mismanagement* ; and if that related to the time that I governed, it must reflect upon me, and I am willing to give your lordship all manner of provocation to speak plain in that particular. *R.* I named nobody, but the things themselves will lead to the persons. I am content what I said be referred to a committee for examination. For if I said your majesty's affairs were mismanaged, it was true, and it plainly so appeared to your majesty by what I said ; and I say again, that the management was as bad as possibly could be. *D. O.* Sir, I am of opinion with that noble lord, that the things themselves will find out the persons ; <sup>453</sup> and I also join issue with him in the expedient of a committee, and pray your majesty that matters be transacted in writing, that what is alleged on either side may be more liable to this examination. For I think long accounts use not to be stated by an oration ; and that in such a discourse, when well studied and long thought on, there may as well be conveyed in it a libel as a vindication. *R.* My lord, I think short speeches may contain as much libel in them as long ones. *D. O.* But, sir, I desire to hear it laid to my charge that I mismanaged your affairs. That is the thing still insinuated, though not said ; and therefore I must challenge the proof of that mismanagement, or charge the informer with untruth. *R.* Sir, I thought this had not been a place for such expressions ; and I shall here find myself at some disadvantage. *The king.* No, no—untruth—that— *D. O.* Sir, I said untruth ; and there is no man whatever who exceeds me not in quality to whom I will not say the same, till his proofs do shew the contrary. My lord was pleased to say he named no man : but by many experiences of his lordship's dealings towards me, I have sufficient motives that keep me from imagining he meant anybody else. And yet I presume to think, that for the time of my management there, I can shew your majesty as fair accounts as any man whatsoever. And

pray, my lord, since you will not name the persons, what are the things you call mismanagement? *R.* Sir, I call that mismanagement, when your majesty's revenue, that is intended for the public, and to the payment of your majesty's establishment, civil and military, shall be diverted by private warrants, contrary to instructions, and your army thereby be left so shamefully in arrear. *D. O.* Sir, if my lord can name any one private warrant issued to my proper advantage, or by my own authority, let him name it. *R.* No, my lord, I cannot say that such warrants were to your own advantage; but I say the private interest in such things was preferred to the public. *D. O.* Why then, my lord, since you will not name one of that kind, I will; and that was a warrant to pay your lordship one thousand pounds, which was, I am sure, not to my account, but your own. However, you brought a warrant from his majesty, who did command it, and I gave obedience. *R.* I confess I had one thousand pounds, but it was in part of a greater debt due to my father, and all that I had for fifteen years' service. *D. O.* Sir, I am well content that all these matters be referred to the examination of a committee; and I pray you, give your commands to the lord Ranelagh to put all in writing. *R.* I am ready so to do whenever your majesty commands.—His lordship being withdrawn, the lord keeper said, "Surely to give obedience to your majesty's warrants is no mismanagement, nor ought to be reputed such."

173 Whereupon it was ordered that lord Ranelagh should give in a state of the fact, and the particulars of the mismanagement for the ten years before his undertaking.

174 Three months passed, and lord Ranelagh gave in no account pursuant to the order. This obliged the duke of Ormond on Feb. 18 to present a petition to the board, setting forth the foregoing order, and lord Ranelagh's neglect, notwithstanding his majesty, at the petitioner's instance, had ordered sir John Nicholas, the clerk of the council then attending, to call upon him for his narrative, and his lordship had upon that and other occasions promised to bring it in within a very short time, but had still failed in the performance of his promises: where-

upon the petitioner found himself constrained humbly to beseech his majesty, that, since nothing could more nearly and highly concern him in this world than the vindication of the integrity, diligence, and faithfulness of his service to his majesty, which might suffer under the reflections of so solemn a discourse delivered in full council, 454 the lord Ranelagh might be required to bring in the so long and so often promised narrative; that the petitioner, if he should find himself injured thereby, might have means to acquit himself from any misconstruction of his actions or service by reason of that lord's discourse. Lord Ranelagh was thereupon ordered to give in his narrative on the Wednesday following.

175 He deferred it however till March 1, when it was delivered. The purport of it was to shew, that his management of the revenue after Christmas-day 1670 was better than the management from April 1, 1662, till that time. This he endeavours to do by calculations, reckoning the charge of the establishment in that interval of time to amount to 16,660,000*l.*, and the receipts of the exchequer for the same [time] to be 1,826,772*l.* 10*s.* 4*d.*, so that there was received 166,772*l.* 10*s.* 4*d.* more than was necessary to pay the establishment, which yet was 146,143*l.* 7*s.* 7*d.* in arrear when his contract began. These two last sums making 312,915*l.* 17*s.* 11*d.*, or thereabouts, he says, were applied to other uses than the said establishments, of which 50,000*l.* was made use [of] towards clearing the old arrears, due before the commencement of this calculation. This he represents as contrary to the king's repeated instructions and letters, that the income of the revenue should be applied in the first place to discharge the establishment, and to the leave which (he was informed) his majesty had given to suspend the obeying his own letters and warrants, in case they should be found inconvenient to his service there. This, with the large arrear of the revenue, which he computes at 250,000*l.*

(some part of which was desperate) when his undertaking began, is the substance, and contains all the particulars, of his charge of the management of the revenue.

176 It must be observed, that these calculations in the most material points were but estimates, and not made with that certainty of which accounts are capable. No notice is taken in them of other necessary charges besides the establishment, such as the buying of Chappel Izod, Charlemont, a magazine of corn, and the customs of Derry and Strangford, nor of the three years' Dutch war, bill against Irish cattle, the sitting of the court of claims, and other reasons why the subject should be favoured in their payments. The calculations take in the time of four chief governors and three vice-treasurers, promiscuously reflecting upon some one more or all of them, without determining which was to blame. A charge of this sort, consisting merely of conjectures and estimates, without any proof, does not seem to have required three hours' time to have drawn it up, and was scarce worthy of notice. Yet notwithstanding the uncertainty of the whole, and the mistakes in the computation, at least of the arrears before April 1, 1662, the duke of Ormond thought it a fit occasion to vindicate his own administration, and put in the following answer:

177 " May it please your majesty ;

" Having read my lord of Ranelagh's paper presented in council by your majesty's command on the first of March last, and remembering the scope of his speech in October before, magnifying the effects of his own, and undervaluing and disparaging the management of affairs during the preceding governments in Ireland, (wherein mine, being much the longest, must needs have the greatest share,) I do humbly crave leave, by way of answer to those objections, that either in the speech or paper may be aimed at me, or understood to concern me, to present your majesty with the ensuing discourse.

178 " When you were first pleased in 1661 to design me to serve you as lieutenant of Ireland, I was not so transported with the

honour of that trust as not to see the difficulty of performing it, 455 and to examine mine own capacity to serve you therein. And therefore I considered with myself the most important branches of it, and how I was qualified for the answering of them. The whole of it, I thought, consisted in, and might be reduced to some general heads; which seemed to me to be, the government ecclesiastical, civil, military, and, fourthly, the revenue; which, though included in the civil, I shall here desire to put by itself, as the foundation and subject of the lord Ranelagh's imputations.

179 “For the three first. The long experience I had had, during the reign of your majesty's father, of blessed memory, of the several parties and factions in that kingdom, my insight into the grounds of them, and the knowledge I had gained of the parts, inclinations, temper, and interest of the chief men in church, state, and the army, as well as of those who had been in opposition to your majesty, either as confederate Roman catholics or parliamentarians, by frequent treaties I had with them, gave me some confidence to think myself as capable to serve you in that trust, among those men, and in that conjuncture, as any other. And I shall freely acknowledge, that I employed most of my thoughts and endeavours upon establishing your majesty's government newly restored, and securing the peace of the kingdom, by bringing your subjects there from the highest animosities that a bloody and merciless war, and the difference of religion and civil interest, could produce, to yield equal obedience to your government, and to the distribution which the acts of settlement and explanation had regulated. And herein, by the blessing of God, I have succeeded, and left that government more easy and safe than at any time I found it; notwithstanding the conspiracy for surprising your majesty's castle of Dublin in the year 1663, and the rebellion of Carriekfergus in 1666, which being seasonably discovered and suppressed by me, and divers of the conspirators and revolvers executed, some have been pleased to undervalue, as foolishly laid and weakly attempted by them; the usual judgment made of such designs when they have no better success.

180 “Your majesty (as I presume to think) supposing that I might be proper for that other part of your service, and that I might not be very skilful in the affairs of your revenue, (my



course of life having given me no opportunity of advantaging myself that way,) very prudently, and, pursuant to former precedents, provided against any errors I might fall into, by causing an establishment to be composed, which was long debated, agreed upon, and reported by a committee of the board, and afterwards read, approved of, and signed by your majesty in full council (the method then and formerly held in the like case); by pursuant instructions; by making choice of a very able vice-treasurer and other officers; and by restraining us all by such rules, and within such limits, as none could transgress, but by your majesty's positive allowance and direction, without palpable disobedience, and the danger of proportionable punishment.

181 “If I should only say that I have kept myself to that establishment, that I have observed those instructions, and that I have not gone beyond the limits that were set me, I suppose I have sufficiently answered all that it concerns me to answer of the lord Ranelagh's insinuations and seemingly convincing inferences upon his calculations, till he shall think fit to set down the particular deviations I am guilty of. But in the mean time, though I am not ignorant of the disadvantage of making answers to general objections and artificial implications, yet I am unwilling to lie under the prejudice his speech and paper may have left in your majesty or any of my lords who heard them, till he shall think fit to come to particulars.

182 “It is not my intention, when I mention my unskilfulness in 456 matters of accounts, or when I suppose a want of invention in myself to improve the revenue, to bespeak your majesty's pardon for any corrupt misapplication of your money to my own, or to the use of any friend, relation, or servant of mine, or for gross failings, proceeding from unexcusable remissness or negligence. Nor do I intend, by mentioning the ability of the treasury-officers chosen by your majesty, and the restraints laid upon them and me, to discharge myself by or upon them, if I have not endeavoured, and that with good success, to perform all the parts that belonged to me, in order to the ascertaining, improving, bringing in, and frugal management of your majesty's revenue. When I shall be convinced of any failing in any of these particulars, no man shall submit himself with more humility and resignation to your majesty's judgment than I shall do, without pretending or imploring that former services may commute for subsequent faults.

- 183 “ But I desire it may be considered what the part and duty of a chief governor of Ireland was in my time, in relation to the issuing of the revenue there. It was to give warrants to the vice-treasurer for all payments within the establishment; except such as were of course to be paid upon debentures stated and attested by the auditor. It was likewise, with a select number of the council to give warrants for the disposal of the *concordatum* money; provided that the warrants so given did not exceed an annual sum allowed me in the establishment for that use. If they did, such excess was to be charged on the subscribers of the warrants, and defalked out of their entertainments, that so your majesty might be sure to lose nothing by our improvidence.
- 184 “ That I have constantly, and in the proper seasons, signed such warrants, I think, is not doubted, the insinuation lying on the other hand. And if I had signed more or other warrants than could be justified by the establishment, or by some other sufficient authority, the vice-treasurer was not obliged or authorized to pay them, nor the commissioners of his accounts (of which number I was not) to pass them. But I do positively affirm, that, taking one year with another, during my government and my son Ossory's, we have kept ourselves within the allowance for *concordatums*. And this I assert upon the penalty (if it be found otherwise) of paying my share of whatever hath been issued under the notion of *concordatum* money, in our time, beyond that allowance.
- 185 “ That several sums of money, not comprehended in the establishment, have been paid to several persons and uses out of your majesty's treasure, and by your command, under your royal signature, sometimes directing me to give warrants for such payments, and sometimes signifying your pleasure immediately to the vice-treasurer, cannot be denied. But it is desired the lord Ranelagh would declare whether such commands from your majesty were not sufficient warrants to me, to the vice-treasurer, and to the commissioners of his accounts; or which of the payments he conceives ought to have been forborne. For I suppose his lordship will not disallow of the obedience given to all such commands from your majesty; since the bare pretence (for any thing that yet appears) of your majesty's like commands to him, is the best excuse he hath hitherto made for the manifest breach of his contract.

186 “As for those repeated positive letters and instructions, whereby (as the lord Ranelagh very positively says) your majesty, from time to time, was pleased to order and direct, that the income of your revenue should be applied in the first place to pay and discharge the establishment; and this preferable to all payments whatsoever, I have caused diligent search to be made for them, and find no single letter to that effect; nor any instruction tending that way, but one of June 22, 1662, and the 457 declaration of your majesty's pleasure, in confirmation of an humble proposition I made of the same date. The words as they are in my instructions are these; viz. *and if any letter shall hereafter come unto you from us or our council, requiring the performance of any thing contrary to our directions in our said establishment, we do give you authority to forbear (if you think fit) the execution thereof, until you shall first give us information of the reasons inducing you thereunto, and thereupon receive our farther direction therein, and farther declaration of our pleasure.* The words of the proposition, which are to be found in the council-books, are, *that his majesty may declare his express pleasure, that no Irish suit, by way of reward, be moved for by any of his servants or others, before the ordinary revenue there become able to sustain the necessary charges of that crown, and the debts thereof be fully cleared.* To which was declared in council as followeth: *this is most reasonable, it standing with no sound rule of judgment to exercise the acts of bounty in a place which doth not discharge itself.*

187 “How these can properly be called letters, or how they can truly be called positive letters, and repeated orders and directions from time to time, considering the latitude expressed in the words, *if you think fit*, I do not comprehend. And this, and no other, that I can find directed to me, is the power his lordship says he is informed your majesty gave to suspend the obeying of your own letters. And of this power I made such use, (notwithstanding the latitude left me,) that men grew weary of bringing letters for bounties to me, and frequently got them directed immediately to the vice-treasurer; where what success they had, it concerns him to answer. As I cannot doubt but he will well do, having been discharged by the commissioners of his accounts, and having been since under very strict examination, by virtue of a commission under the great seal; and having (as I must presume) fairly acquitted himself, because he was soon

after appointed by your majesty to be one of the principal commissioners of inquiry into the settlement of Ireland, and advanced to the high place he holds. However that hath or shall fall out, certain it is, that the vice-treasurer's executing that office in my time cannot acquit themselves, but they must at the same time acquit me. It is possible we might have been both faulty, I in giving and they in obeying warrants besides or beyond the establishment, without sufficient authority; and then the commissioners of accounts would be no less faulty for passing such warrants. But it was very possible the vice-treasurer and the commissioners might have been faulty and I free; for that, as I was no commissioner of the vice-treasurer's accounts, so in my commission, where power seems to be given me to call to account all accountable officers, the treasurer and vice-treasurer are not only excepted, but I was not to bring any other accountable officers to account but before the treasurer, vice-treasurer, and barons of the exchequer. So that by letters from your majesty directed to the vice-treasurer, payments might justifiably have been made without my knowledge; and yet perhaps such as I would not have allowed of, if they had been directed unto me.

188 “ But to prevent, as much as in me lay, the application of your majesty's revenue to any other uses than those of the establishment, I issued several orders to the vice-treasurer, requiring him to make no payments upon any warrants whatsoever (not excepting your majesty's) till the payments, directed by the establishment, were fully made. The sum of my justification touching the issuing your majesty's revenue, and other treasure, consists of these heads :

189 “ 1. That I entered upon the government too soon after your 458 majesty's restoration; when many, who had long lived under oppression and misery for their constant adherence to your majesty's cause, were full of expectation of relief by it; and when divers were to be rewarded who had been zealous and active in it. And I suppose the bounties of those times and for those reasons will be found no less justifiable than any that have been since made.

“ 2. That I have not given warrant for the disposing of any part of it, but by warrant of the establishment, or by positive express direction from your majesty under your royal signature,

(which the lord Ranelagh must allow to be sufficient authority to me, or not to be so to him,) or upon some emergent occasion agreed on at council, passed by the commissioners of accounts, and not excepted against by the lord treasurer, or lords commissioners of the treasury of England, to whom the accounts were annually to be transmitted. The total of moneys thus paid will, upon inquiry, be found very inconsiderable.

“ 3. That I have not exceeded the allowance for *concordatums*, taking one year with another.

“ 4. That I issued orders to the vice-treasurer not to pay any warrants whatsoever, till the establishment of the civil and military lists were paid.

“ 5. That I could do no more therein, because I was by my commission restrained from bringing him to account.

“ 6. That no discovery was made of any miscarriage of mine, either in the disposition of your majesty's revenue, or of the forfeited lands in Ireland, which might also relate to the revenue, upon the commissions of inquiry, authorizing and directing, with ample power, such inquiries; though I had good reason to believe the promoters of those commissions, and some of those who sat upon them, would not have been sorry to have found, nor backward to report, if they could have found, any considerable miscarriage of mine.

190 “ But besides the prudent and methodical disposing of your majesty's treasure according to direction, I acknowledge it is the part and duty of a chief governor of Ireland, in virtue of his general authority and superintendance, frequently to sit and consult with your majesty's privy council, and the officers of the revenue; and with their assistance to consider, determine, and execute whatever shall be found fit to be done for the bringing your majesty's revenue into charge, for the levying and causing it to be brought into the exchequer, according to the ability of the subject and the conjuncture of times, for the improving it, and for the better enabling himself from time to time to give your majesty a punctual account of your affairs.

191 “ How constantly this course hath been held by me, will best appear by the many results of such consultations, by the manifold orders and proclamations issued touching your majesty's revenue, and by the frequent representations made to your majesty and the lords of the council concerning it; which are too

many and too long to be more particularly mentioned, but are ready to be produced.

192 “ If after all this assiduity it hath fallen out that some part of your majesty’s revenue, which might have been brought into charge, was not, (which, for any certainty that is in my lord Ranelagh’s paper, may be much, or may be little or nothing,) it may be reasonably considered, that though the officers of the exchequer were in honesty obliged to all possible diligence in the performance of the duty of their respective places; yet, as the world goes, it will be no miracle if it hath fallen out that the 459 lord Ranelagh and his partners, who were to have the benefit of their own discoveries, have been more active and industrious in their inquiries; that from the year 1641 to 1660 there was no use of an exchequer; that the officers were dispersed to seek for a subsistence which their places could not afford them; that at your majesty’s restoration, the records of the revenue must (if at all) be found in much disorder; that many of the old experienced officers were dead or superannuated. Which being considered, it will not be wondered at if it required a very considerable time to reduce them to order, or if in the doing of it many errors have been committed. And whatsoever the lord Ranelagh may, with sorrow, say he and his partners have lost by the negligence of the officers, and the insolvency of your majesty’s debtors, I must take leave to believe they have at least endeavoured to make it up on the subject, by serving very many of them with process, where nothing, or not so much as was demanded, was due from them.

193 “ I take the liberty to say this, as grounded upon my own experience, being able to shew, that having issued process against my tenants in several counties to their great damage and vexation, they were desired by my officers to draw their whole demand into one charge. This they did, and it amounted to 13,000*l.* but was discharged for about 657*l.* 13*s.* 0*¼d.* which I do not wholly attribute to their ill-will to me, or to their belief that I was like to lie quietly under the oppression. But by their proceeding in this case, it may well be concluded how tenderly poorer and more helpless men may have been treated for lesser sums; such as they had rather, and had better, pay twice over, than to go from their plough to the exchequer to procure discharges; which could not be had but by difficult and expensive

searches. Nor can this vexation to the subject be wholly discharged by the contractors upon the officers of the exchequer; for that the contractors had provided by their contract <sup>h</sup>to have full power by themselves, their deputies, agents or servants, to view, search, examine, and take copies of all records, books, papers, or other memorials concerning the premises without charge, or paying any fee for the same. And therefore they might and ought to have taken care not to have caused process to be issued, where nothing, or not so much as was demanded, was due.

194 “ This remark belongs properly to the head of bringing in the revenue after it is in charge; where still my justification must be, my constant endeavour, by the aforementioned assistance, and my ready application of all the authority I had from your majesty, as it was at any time necessary or desired from me, for that end. Which having done, if much more had been left in arrear, the fault could not have been mine; for the lord Ranelagh knows very well that a great part of the arrears were unavoidably incurred in the time of my government, and could not be brought in; as may appear not only by the papers endorsed by himself, but by other computations ready to be produced.

195 “ As to the improvement of your majesty's revenue, which is another part of the duty of a chief governor, it might be considered, that during my government the parliament of Ireland settled on the crown in perpetuity great additions to the revenue, as hearth money, excise, &c., and presented your majesty with several subsidies. Which though it ought to be attributed to the great affection, loyalty, and gratitude of your subjects there, yet I had the good fortune to be as instrumental in it (I will presume to say) as any other that could have been put into the government. And when these additions were obtained and estab-<sup>460</sup>lished by law, I can produce a computation, by which it will appear that the best use that was possible was made of them; and that they were considerably raised, even beyond what the lords justices computed they could be brought unto. And yet in the time of my government there fell out many evident obstructions and calamities to hinder the prosperity of that kingdom. For, first, during the many years' sitting of the court of claims, the thoughts and industries of most men were so taken up in getting and securing of land, that they neither had time

<sup>h</sup> Words of the contract.

nor encouragement to improve it. Next, the act for prohibiting of Irish cattle into England, and the other act of forbidding traffic with foreign plantations, both of them passed in the time of my government. Then also happened the war with France, Holland, and Denmark, all at a time. Then also the plague and burning of London; all of them great and manifest impediments to the trade, and consequently to the improvement, of the kingdom and your majesty's revenue.

196 “ It is now humbly submitted to your majesty's judgment, whether it was possible for me to be more careful to improve, or frugal in the issuing and right application of your revenue there, than I have been, if I had stipulated with your majesty, (as the lord Ranelagh hath done,) and had been to receive to my own use the fruits of my industry; how far it can import, or convince me of improvidence, if much more than the sum mentioned by the lord Ranelagh had been diverted to other uses than those of the establishment; whether the insinuation relating to your majesty's repeated positive orders and directions touching the preference to be given to the payment of the establishment, and the power, he says he is informed, your majesty gave to suspend the obeying your own letters, are fairly urged or truly grounded; and whether that insinuation, whatever his lordship says was or was not his intention by it, (as it is worded and placed,) must not necessarily reflect upon me, by inferring that I had corruptly or negligently suffered the revenue of Ireland to be misapplied, or had not caused it to be brought in, as I might, when money was called for and sent out of England to support the government of Ireland, and notwithstanding the liberty left me to suspend the obeying your majesty's warrants, and contrary to your positive repeated orders and intentions.

197 “ The main drift of this paper being my own vindication, I would willingly avoid any thing that might look like reerimination. But since the lord of Ranelagh's undertaking hath, for these five years, been taken for an unanswerable argument of the mismanagement of your majesty's revenue before; and since his lordship, both in his speech and paper, seems to desire it should be still thought to be so, and that the whole time of my government is comprehended in the calculation, I conceive it to be a natural and necessary part of my defence to say, that supposing his contract had been punctually and fully performed, it could



not reasonably infer that conclusion; because that, to his knowledge and by his confession, it is evident it was impossible to ascertain and bring in a very considerable part of the arrears he found till after the time of my government; particularly the arrears of quitrent due from innocent papists, amounting, in that one article, to about seventy thousand pounds. And if there was any fault in delaying the putting those rents in charge and bringing them in, his lordship must bear his share of it, being then chancellor of the exchequer, and upon the place; whereas I was then attending your majesty here. But if the contract hath been broken on the contractor's part in many and essential 461 points of it, then I conceive the force of that argument will be much more abated. And therefore I beg leave to say,

198 “ That I have been informed, your majesty, (to use some of his lordship's words,) being *fully satisfied how much the peace and safety of that your kingdom depended upon the punctual and full payment of the arrears due to the army*, and of the growing charge of the government, did accept and agree unto certain proposals to that end made by the lord Ranelagh; but that the covenants betwixt your majesty and the lord Ranelagh and his partners, put under the great seal, were worse for your majesty, and better for the lord Ranelagh and his partners, than those proposals by about eighty thousand pounds; that by those covenants, the lord Ranelagh and his partners contracted with your majesty to pay the arrears due to the army, and to make other payments for your majesty, *without composition or defalcation*; that though your majesty was graciously pleased, by letters subsequent to the contract, under the great seal, to enlarge the times, and facilitate the manner of the payments first contracted for, yet neither the arrears nor growing payments have been made according even to that enlargement; that a great proportion of the debt due from your majesty, and undertaken to be paid by the contractors, and even some of those confidently affirmed by the lord Ranelagh, in his speech in October last, to have been then discharged, are not yet paid; and that the generality of the army have received but about a noble in the pound for their arrears, and yet have been necessitated to give acquittances for the whole; that during the whole time of the contract, the commissioners of the treasury (who are also contractors, and may, as they shall find it to be for their advantage, shift them-

selves into which capacity they please) have never been charged, nor would ever be brought to charge themselves, with what they have received. So that upon the matter, there hath been no account given of the revenue there since the lord of Ranelagh's contract, though he and his partners were thereby obliged *from time to time to give the lord lieutenant, or any other your majesty should appoint, a just and true account of all and every of their proceedings in and about the premises, and the management thereof, if demanded from them*; that processes have very frequently been sent forth into some places where nothing, and into others where not so much as was demanded, was due.

199 “ I confess, I cannot very properly say I have been only informed of these things; because I know some of them to be true, and do verily believe all the rest to be so. And I might (I think as truly as his lordship says it in his paper, where he professes against any intention of reflecting) say, I do not intend them as reflections on any who have had the management of his contract. But I choose rather, as the fairer way, plainly to fix the miscarriages where I think they have been, and upon the persons I suppose guilty of them. And this I do, not only as conceiving it to be my duty, by virtue of my oath taken as a counsellor, but as it is a part of my own vindication, the occasion being offered as it is; that so (if your majesty shall think fit) the matters suggested may be examined, and the lord Ranelagh may have opportunity to make good his assertion, that his contract hath brought your majesty's affairs into a better posture than he found them, and to acquit himself and his partners, and those employed by and under them, from very contrary imputations generally laid upon them.

200 “ But whatever shall be determined concerning such an examination, I do in my own behalf most humbly petition your majesty, that you would be pleased to appoint a committee of <sup>462</sup> your most honourable council to examine the truth and force of what I have offered in my own vindication, and to make report thereof to your majesty. Whereupon I hope I shall be found to have served your majesty in that employment with such sincerity and diligence, as may obtain your royal approbation, and much quiet to my mind for the rest of my days.

“ Ormond.”

<sup>i</sup> Words of the contract.

201 The king, having taken the lord Ranelagh's paper, and this answer of the duke of Ormond, into his consideration, was pleased to declare in council, on May 12, that he was fully satisfied with the said answer of the duke of Ormond; and that there remained not with his majesty the least dissatisfaction touching the administration of the revenue during the government of the said duke of Ormond, or of the earl of Ossory. It appears plainly enough from the terms of this declaration, how strong an interest the lord Ranelagh had, either among the members of the board, or in the favour of the king himself, in that there was not put into this order any one hard word to his lordship's disadvantage, but a bare dry acquittal of his grace, in respect of whom no dissatisfaction remained with his majesty.

202 Lord Ranelagh was not very solicitous about his reputation, and did not care to have any examination of the matters suggested against him and his partners, (which the duke of Ormond was prepared to prove by good evidence,) or to embrace the opportunity offered of verifying his assertion, that the contract had put the king's affairs into a better situation than they were before. He chose rather to rely upon his majesty's favour, who was not only willing but desirous to pardon all the breaches of their contract. The king, when the situation of his affairs obliged him to put the government of Ireland again into the duke of Ormond's hands, spoke to him about a reconciliation with lord Ranelagh; in which he found no difficulty on the duke's part, who thought himself beforehand with that lord, and sufficiently vindicated against his papers and orations. His grace did not think it became any subject (who was not himself infallible) to murmur at the king's pardoning another's failings; and for his own part, he was not fond of the post of an inquisitor into the proceedings of a person who had behaved himself so insincerely, ungratefully, and maliciously towards him, lest the world

should suspect that to be done out of spite and revenge, which he was incapable of doing out of any other motive than the sense of his own duty. For this reason, and that there might remain as little ground as was possible for future misunderstandings, he desired his majesty that the lord chancellor and lord treasurer might be appointed, in the presence of himself and lord Ranelagh, to look over all the despatches sent from the lord lieutenant and council of Ireland, touching the proceedings and accounts of the undertakers; and that their lordships, who were lord Ranelagh's best friends, would thereupon report to his majesty what directions should be given for the final closing thereof. The duke was desirous that lord Essex might settle those accounts before he left the government, but in case that was impracticable for want of time, that the method of proceeding in that affair might be settled by others rather than by himself, that he might be freed [from] any imputation of prejudice or resentment on that occasion. The king promised to have that method settled, but I do not find it was, and lord Ranelagh was so apprehensive of the duke of Ormond's being put into the lieutenancy of Ireland, that he entered into various intrigues, and left no means unessayed to prevent it, even after he knew the king had signed the warrant for his patent being drawn.

203 <sup>k</sup> A late historian says, that the king pressed lord Essex <sup>463</sup> to pass Ranelagh's accounts; but he answered he could not pass them as accounts, though, if his majesty would forgive lord Ranelagh, he would pass a discharge, but not an ill account. And this, by a strange and gross mistake, he represents as a ground of the king's resolution for putting the duke of Ormond again into the government of Ireland. Whether the earl of Essex did approve of lord Ranelagh's accounts, so far as they were given in to him, is not very clear from the words of lord Ranelagh's letter

<sup>k</sup> Burnet, vol. i. p. 398.

to Mr. Stepney, one of his partners, on April 23, 1678, wherein is this passage :

204 “ Since nothing will please the government but an absolute and final account, I do think we ought to begin by making ourselves debtors for the five years’ growing charge ending at Christmas 1675, and to discharge it by the sum we paid in the four years and three quarters ending at Michaelmas 1675, the accounts of which time were taken and declared by my lord Essex, when lieutenant, and thereupon we left creditors 17,395*l.* 16*s.* 7½*d.*”

205 The word *declared* does not indeed sufficiently express an approbation, and yet, the undertakers proceeding upon that, a settled account seems to imply that it had been allowed by lord Essex. However this was, I find by a vast number of letters of the lord lieutenant, the council, the commissioners of the treasury in England, and of accounts in Ireland, and of Ranelagh himself, that from the duke of Ormond’s entrance on the government, the undertakers were continually called upon for this full and final account ; that the king’s affairs suffered exceedingly, and were kept under great uncertainty by reason of the delay of giving it in ; and particularly the calling of a parliament in Ireland was thereby delayed, since the king could not properly ask for a supply till he knew what he wanted, and till he was ready to forgive all old debts and arrears, which he could not do till he knew what such a remittal would cost him, and had a full and final account of all that the undertakers had to claim either from him or the subject ; that notwithstanding the urgent reasons for this being done without delay, lord Ranelagh, by offering general articles without particulars, and by craving allowance for a gross debt due from the whole kingdom without specifying the persons from whom it was due, and by other shuffling artifices, kept off from giving in this account till a *scire facias* was filed against him in the

exchequer by the attorney general in Michaelmas term 1679; that he still kept off by different pretences from giving in any for two years more; that the prosecution was carried on very warmly against him and his partners; but all the accounts being unravelled and given in anew upon that suit, the affair proved very tedious; and that at last in Hilary term 1682-3, a decree was given against them for seventy six thousand pounds which they were to pay to satisfy the debts still due and payable by their undertaking; but the king was pleased about Michaelmas 1684 to remit the whole, and grant them a patent of release or pardon for all their breaches of covenants and failures of payments, which by their contract they were to make in Ireland.

206 Whatever satisfaction the king received and expressed in relation to the management of his revenue during the duke of Ormond's government, and whatever inward esteem and affection he bore his grace, he still observed the same coldness in public. The duke came to court as regularly as ever, yet his majesty had never vouchsafed to speak to him for near a twelvemonth before; till in April this year he sent him a very surprising message, that he would come and sup with him. At this entertainment, which was very costly and magnificent, not a word was said of what had passed, nor was there any *éclaircissement* on either side. They were as hearty and cordial friends as ever, and the night passed with all the 464 ease, good humour, mirth, and frankness imaginable. The king then signified to him his design of employing him again in Ireland; and the next day, when he saw the duke at a distance coming to pay his usual duty, he said to those about him, "Yonder comes Ormond; I have done all I can to disoblige that man, and to make him as discontented as others; but he will not be out of humour with me; he will be loyal in spite of my teeth;

I must even take him in again, and he is the fittest person to govern Ireland." He was from this time designed for lord lieutenant of that kingdom, and nothing was wanting to the declaring him so, but the adjusting with the earl of Essex the time and manner of his coming away; which was left to himself; both the king and duke desiring that his lordship might not be incommoded in either respect.

END OF BOOK VII.

AN HISTORY 465

OF

THE LIFE OF

JAMES THE FIRST DUKE OF ORMOND,

AND OF

THE AFFAIRS OF IRELAND IN HIS TIME.

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BOOK VIII.

*Containing an account of the duke of Ormond's conduct, and of the affairs of Ireland, from his being made lord lieutenant of that kingdom in 1677, to his death in 1688.*

**T**HE designation of the duke of Ormond to be lord lieutenant of Ireland was a surprise to all the world, who knew the constant treatment he had met with at court till almost the very moment before. It was the third time he had been put into that great and important employment, without any seeking or desire of his own. The Irish indeed desired it, seeing that all other governors carried wealth out of their country, whereas his grace spent it there; but this was not a motive sufficient to influence the court. When the proclamation was published in the beginning of the year 1675 for suppressing of conventicles, and for the banishment of Roman catholics from court, and of their priests from England, the king had pressed the duke of York to go to church; but



he had absolutely refused, though it was represented as necessary to keep the parliament in good humour, and defeat the schemes which his enemies were forming to exclude him from the succession. The duke of Monmouth had been made master of the horse, and was grown a great favourite at court, as well as among the populace. He was thought by the earl of Shaftesbury and the republican party a proper instrument for the carrying on their measures, imagining, that if they could once break the order of succession, and root out of the minds of the people the notions they were possessed with of an hereditary right in the prince, they could with ease establish a commonwealth on the ruins of the rightful monarchy. He was ambitious and weak, and therefore the easier to be managed by them for their purpose; to which the popularity which he much affected, and had laboured with success to gain, would not a little contri-<sup>466</sup>bute. He was in high favour with the king at this time, and so well with the duchess of Portsmouth and the lord treasurer, that they solicited the king very earnestly to make him lord lieutenant of Ireland.

- 2 This alarmed the duke of York exceedingly, who did not care that the young spark should there get a taste of sovereignty, and be master of the whole power of that kingdom, to support his pretensions on occasion. He considered how to prevent it, and finding no person capable of being opposed to Monmouth in a competition for that government but the duke of Ormond, he laboured to restore him to the king's favour and to his former employment. He succeeded easily in a point, wherein there was not on his majesty's part so much want of inclination as there was of resolution. The suddenness of the turn, and its being brought about by the duke of York, made those whom it displeased charge his grace with popish inclinations; and even his friends the bishops, over whom the lord treasurer, setting up for a

patron of the church, had then a great ascendant, joined also for a time in this suspicion and censure. Some of them were weak enough to take the liberty of expressing their suspicions in such a manner, that the duke of Ormond was told of it; but all he said on that occasion was, that whatever particular persons in their order might utter to his disadvantage, yet it should never hinder him from reverencing their function. These suspicions and conjectures lasted but a few days, vanishing as suddenly as they had been lightly entertained.

3 All matters being settled with the earl of Essex for the surrender of the sword, the duke of Ormond set out for Ireland in the beginning of August. On Saturday the 4th of that month, the weather being wet and unseasonable, he came into Oxford at the East-Gate, between one and two in the afternoon, accompanied with fourteen coaches or more; in which, besides himself, were his duchess and other ladies, with the earls of Anglesea and Arran, the viscounts Galmoy and Longford, and several other noblemen and gentlemen. The vice-chancellor, doctors, and masters, who had been called together about an hour before, by the ringing of St. Mary's great bell, received him at the door of that church. His grace's coach stopped there and stood still, whilst Dr. South, the orator, welcomed him to Oxford by a speech in the name of the university. The undergraduates had been summoned at the same time and by the same bell as the doctors and masters, and were ranged on both sides of Southgate-street from Carfax to Christ Church. The reason why they were not placed in the High-street was because it was market-day, and that street was taken up by the stalls of butchers, and a concourse of marketing people. As the duke entered with his coach into the great quadrangle at Christ Church, he was received by the dean and students; and being conducted into his lodgings, was welcomed with a speech by Thomas vis-

count Killmurrey, an upper commoner of that college. His grace, after tarrying there somewhat more than half an hour, went in his coach, with his retinue, by Merton to Magdalen college, where, being received by Dr. Henry Clerk (president of that house, and vice-chancellor of the university) and the fellows, he was entertained with another speech by Mr. Richard Annesley, bachelor of divinity, and son to the earl of Anglesea. The speech being ended, he was conducted into the hall or public refectory of the college to a noble dinner provided at the charge of the university. The next day, Mr. George Roberts of Merton, who should have preached in his own college according to custom and statute, it being the next Sunday after Lammas-day, preached at St. Mary's before the chancellor and his court. His grace went from thence to Christ Church hall, where a sumptuous dinner was provided for him at the charge of Dr. Fell, dean of that<sup>467</sup> house, and bishop of Oxford. In the afternoon, at three of the clock, he went to St. Mary's, where he heard a sermon preached by Mr. Haselwood of Oriel college, and then went to church prayers.

- + This was the first time that his grace had been at Oxford since his election to the office of chancellor, and he proposed to have been there at the time of the act, and to have heard the exercises. Bishop Fell, in a letter, represented to him the inconveniences of that time, as well as the fears of the university in another respect. He did not question but his grace would be moved at his being there to confer degrees by creation among the persons of his train, who would not so much receive as give honour to their titles. To these there was no objection, but only to a sort of bold and unworthy men who would thrust themselves forward, and sue for degrees purely to gain by them, and would be a reproach both to them and the university. The conferring them on such was at all times grievous to the whole body, but would be more

especially so at the time of an act, when men, after long attendance, the performance of troublesome exercises, and the payment of expensive fees, were to be admitted to those honours, which others in a moment, and without any previous qualification, might obtain by creation. The bishop represented to his grace, that he could not do an act that would more encourage the studies, or be more obliging to the sentiments of all in the university, than to shut the door against all such persons, how importunate soever they were in their requests. To prevent those solicitations, his grace deferred his journey till after the act; yet when he came, many offered themselves and pressed for degrees, which the heads of houses strenuously opposed, as an injury to those who had taken them regularly. The chancellor replied, that he had fixed a list of such as he intended to create, and he must needs make about twenty doctors; but they had no reason to fear they would make any gain or advantage by their degrees; for he would answer for all their insufficiencies. Under this elogy were a number of gentlemen in his retinue dignified.

5 On Aug. 6, at eight in the morning, a convocation was held in the theatre, where the vice-chancellor recommended to the doctors and masters several noblemen, knights, and esquires, to be created doctors either of civil law or physic; and their grace was readily granted. In the mean time the chancellor, who was in the convocation-house, and the rest of his retinue, put on scarlet habits; and when the vice-chancellor had finished, his grace, preceded by the bedels, and followed by the gentlemen in scarlet, entered the theatre, all bare-headed, whilst the organ played. Being come up to his chair, the vice-chancellor retired back, and stood on his right hand, saluting him with a short oration. When all the company was settled, the orator rose up and made a speech; which being ended, the following per-

sons were created doctors; viz. Richard earl of Arran, Piers viscount Galmoy, Francis viscount Longford, Robert Fitzgerald, son to the earl of Kildare; sir Kingsmil Lucy, baronet; sir Thomas Estcourt, sir Robert Southwell, sir Edward Scot, and sir James Boteler, knights; the colonels John Fitz-Patrick, Edward Vernon, and Garret More; major Thomas Fairfax; captain Gustavus Hamilton, George Matthews, Basil Brooke, Remigius Bermingham, Brian Fairfax, Denny Muschamp, James Thynne, Thomas Sheridan, and Henry Gascoigne, esquires. This ceremony ended, the *comitia philologica* began; after the two first speeches of which, the music, both vocal and instrumental, continued for half an hour; and then the rest of the performances being finished, the orator concluded all with another speech. After which, the chancellor and the doctors went into the convocation-house, and put off their formalities; and his grace having received a present of some books richly bound,<sup>468</sup> immediately took coach for Banbury in his way to the countess of Chesterfield's, from whence he proceeded to Ireland.

6 The earl of Essex was still in that kingdom, which he had taken great pains to understand thoroughly, and had governed with great integrity. Reflections however had in council been thrown upon his administration, but he was effectually vindicated from them by the duke of Ormond, who, always a friend to truth and justice, stood up in his defence, and gave such an account of his conduct as was exceedingly to his honour. This had happened in the February before, and either the recent sense of that obligation, or his real esteem for the person of the duke of Ormond, reconciled the earl of Essex very well to his successor. He was apprehensive that some other person would have been named, and in such case, when the king left the manner of his quitting the government to himself, he would have desired that lords justices might have

been constituted for a time, in order to deliver the regalia. But (to use the words of his letter of April 28) “since his majesty had been pleased to pitch upon a person who had had so much experience in all affairs in that kingdom, and so eminent for his loyalty, this made him resolve to stay till his grace should arrive, that he might himself put the sword into his hands.” He determined to receive the duke of Ormond with all the solemnity and pomp imaginable; and having consulted the council on this subject, the following order was drawn up on August 17, which, because it is the only form I have met with of the ceremonial of such a reception, I have here inserted it, in the words of the order, signed by a very full board on that occasion. It was ordered,

7 “That as soon as the shipping attending the duke of Ormond for his arrival here shall be discovered to be on the coast, five pieces of ordnance be discharged from the Custom-House key to give notice thereof. That if his grace land on the college side of the river, the royal regiment and the regiment of the city militia do make a guard for him from the Castle-Gate forwards towards Chichester-House, and so onwards as far as the number of both regiments duly placed shall extend. That if his grace shall land on the other side of the river, then the said two regiments do make a guard for him from the Castle-Gate to Newgate, from thence through the New Row to Ormond-Gate, from thence to the Bridge-Gate, and so forward, as far as the number duly placed shall extend.

8 “Those persons that shall on horseback attend the sheriffs of the city from the place where they shall meet his grace, are to march foremost into the city; and after them the two militia troops [of] the city. Then the guard of battle-axes. Then his grace. Then the troop of guards; and then his grace's train. Those persons that shall on horseback attend the sheriffs of the city, are, at their coming to the Castle-Gate, to march to the Wood-Key; the troop, to the College-Green; and the battle-axes, to the Castle-Gate, and there to make a guard for his grace. That after his grace and his train shall be a while within the castle, then the troops to give a volley-shot, and after them

the foot; and then the ordnance to give a peal; and so all thrice. That none be permitted to ride into the castle on the day of his grace's reception, but the lords and the privy counsellors, the judges, the king's learned council, and the masters of the chancery. That in case his grace do not ride, but come in his coach, no coach be admitted into the castle that day but the lord lieutenant's coach, his grace's, the duchess's, and the coaches of the lords, privy counsellors, judges, king's council, and masters of chancery; and as to all other coaches, that they pass by the castle. That at night there be bonfires, &c. That upon notice of his grace's coming into the harbour, the council do attend the lord lieutenant at the castle. That in case his grace land on Howth side or Bloick side, then the viscounts Blessington and Lanesborough, sir Charles Meredith, chancellor of the exchequer, and sir Theophilus Jones, all members of this board, or any two or more of them, do attend his grace, and signify to him that they are sent by us the lord lieutenant and council to attend his grace, and from us to congratulate his safe arrival; and to signify to his grace, that the lord lieutenant and council are met in the castle of Dublin, and desire to receive his grace's pleasure, whether the lord lieutenant and council shall attend for his grace at the castle or in the council-chamber; and where and when his grace will be pleased to take his oath of lord lieutenant; and to deliver his grace a copy hereof."

- 9 Such was the form of the duke of Ormond's reception at Dublin, where he soon after laid the foundation of the great hospital for soldiers, which is a very stately pile. Another of his works, which he set about upon his entry upon the government, was, the erecting of Charles-Fort to secure the harbour of Kinsale. But that which employed the greatest part of his time was the business of the revenue, and detecting the frauds of sir James Shaen and his partners, who farmed it of his majesty. His grace had suffered so much by misrepresentations of the former management of the revenue, that he procured very particular instructions on that head, dated August 1, 1677, and containing stricter rules than ever had been laid down before.

10 The king therein declared his resolution “to sign no letters for the granting of any money or lands, or for releasing or abating any rents or other sums of money due to him in Ireland, but upon a petition presented to him, which was either first to be recommended by the lord lieutenant, or to be transmitted to him by one of the secretaries of state, and his opinion of it to be had before any order or letter should be signed thereupon. Such petition was afterwards to be referred to the lord treasurer of England, who was to be made acquainted with the lord lieutenant’s recommendation, or sense of the matter, and to make a report. No patent for the like grants, releases, or abatements was to pass in England, without the chief governor of Ireland’s being made acquainted with it; which rule was to be entered in the signet and all other offices therein concerned. The lord lieutenant was to issue no orders upon any of the king’s letters for granting money, lands, pensions, titles of honour or employments in Ireland, unless they had been first entered in the signet office in England; which was necessary to prevent the same thing being granted to several persons. No letters or directions from the king for the payment of any money were to be directed immediately to the vice-treasurer of Ireland, but only to the chief governor; and no payments made by the vice-treasurer upon any such letters or directions from his majesty, without the chief governor’s warrant thereupon, were to be allowed upon the vice-treasurer’s accounts.”

11 The duke of Ormond was sufficiently guarded by these instructions against an evil from which he had lately suffered—the being made answerable for other people’s neglects and mismanagements; but they seemed to subject him to another inconvenience. He had in his former government disobliged abundance of persons (some of them his particular friends) by refusing to pass improper grants which they had obtained from his majesty, whose



service and the public good he always preferred to all private considerations whatever ; so that when they were aware of any objection to the orders, warrants, or letters, which they had solicited and obtained, they took care to get them directed to the immediate officer who was to execute them, without undergoing the lord lieutenant's inspection, or being authorized (as regularly they ought<sup>470</sup> to be) by his warrant. These instructions above mentioned, entirely taking away that kind of management, and requiring the chief governor's approbation, or at least opinion, of every petition and grant, seemed to expose him more than ever to the ill-will of persons who, being too partial in their own case, were apt to ask things that were unreasonable. But this inconvenience he effectually provided against by other instructions, which rendered the execution of any letters or grants, when obtained, impracticable ; it being in vain to solicit the lord lieutenant for his approbation of any petitions or grants, when no order procured thereon could be of any benefit to the petitioners.

- 12 These other instructions were, “ that in case the revenue should not hold out to pay the whole establishment, the same should not be applied to the payment of any pensions, till the rest of the civil and military lists were first paid ; and if afterwards it would not hold out to the payment of all the pensions, a proportionable abatement should be made out of each of them.” This interested every body, who had pensions already, to oppose the granting of any new ones, lest they should occasion a defalcation of their own. It was provided further, “ that the lord lieutenant should give no orders upon any letters for granting money or lands, releasing or abating rents, in which the rules before mentioned had not been observed ; nor until the civil and military lists, and all other sums of money due upon the establishment, should be fully paid ; and that he should give no orders upon any

of the king's letters for increasing the establishment, or inserting any new sums of money or payments thereupon, till it should appear to him that the revenue was sufficient to answer such increase of the establishment."

13 These instructions were procured upon a representation made by the duke of Ormond to the king in council on July 12 before he went into Ireland, "that the bringing of the payments upon the establishment within the compass of the certain revenue, (that so all might constantly receive what was due to them at the time appointed for their payment,) and the payment of all the arrears of the military list and pensions incurred since the end of lord Ranelagh's contract, were absolutely necessary, in order to the execution of his other instructions relating to the government of the kingdom. For till this were done, and whilst the army continued in arrear, it would be hard to keep the officers to their duty, or so long in their garrisons as would be necessary for the well disciplining and exercising of their troops and companies. In such case, they would still have the pretence of soliciting for their pay to excuse their absence, and the common soldiers would be forced (as heretofore they had been) to look for work too far from the garrisons for their subsistence. It would be yet more difficult, till they were fully and constantly paid, to remove troops and companies from one garrison to another, which ought frequently to be done to prevent all the corruptions they might contract by their long continuance in one place, which might extend further, and to more dangerous inconveniences (especially in some places) than those of making false musters, and taking unfit persons to fill up their rolls. And if there should be occasion to draw any considerable part of the army into a body, without first discharging their old quarters and fitting themselves for the expedition, they would be followed with the clamour of those who had trusted them for their support in their old quarters; and that

clamour reaching as far as to their new, they would there find no credit, or find it upon so hard terms, that all their year's pay might not answer what would be exacted from them in six months. Thus they would be always in want, discouragement, and disorder; and neither the soldier nor<sup>471</sup> the country satisfied with the government, because it would be well known to both, that the revenue was capable of doing more than discharging the establishment; and what advantage ill men might make of such opportunities, and so general an ill temper, was humbly submitted to his majesty's consideration. Besides these inconveniences, whilst the army was in any considerable arrear, as of four, five, or six months, almost all the soldiers and very many of the officers would become a prey to the inferior officers and ministers of the treasury, and to the farmers, servants, or collectors, by taking money from them for their present relief upon acquittances or imprest at immoderate defalcations; [which had been the general practice all the time of lord Ranelagh's contract]. And they would be no less liable to abuse by their hosts in the garrisons, who would reckon with them, and take tickets from them, at what rates they pleased; so that if the army should at any time be six months in arrear, it would be well if they could ever receive the real value of three months' pay for it; that being more in proportion than generally they had received for any arrear they had yet fallen into."

- 14 He represented further, "that in case his majesty should think fit to call a parliament in Ireland, with an expectation to have his constant revenue augmented, and a sum of money given him for the erecting and repairing of forts and magazines, for the providing of arms and ammunition of all sorts, for the raising of more men to reinforce his army, and for the building and constant maintaining of such ships of war and other vessels as might serve for the guard and convenience of that king-

dom in times of peace, whereby so much of the charge of the navy in England might be saved ; no argument would be so powerful to persuade them to liberality, as to see that the overplus of the revenue was bestowed to the support of the army and payment of the establishment ; in which every member of parliament who had land would be concerned (besides the public safety) for their particular interest, the well payment of their rents depending much on the well paying of the army garrisoned or quartered upon or near their estates. And those who might be of the house of commons, and yet have no land, but held offices civil or military depending on the government, would be no less encouraged, when they should see their pay and salaries put into a constant way of payment. On the other hand, if they found that what they had already given had outgrown the charge of the government, and yet that part of the establishment which tended to the defence and security of the kingdom was left unpaid, and that the army and other branches of the establishment seemed to be doomed to be in perpetual arrear, when there was more than enough to keep it from any, it was much to be doubted, that if any thing could be gained, it would come hardly and narrowly from them. Whereas, if they saw the overplus disposed of in the manner he humbly proposed, he made little doubt but they would exert themselves to their uttermost abilities to augment his majesty's revenue, and to raise competent sums for the ends aforementioned, or for any other purpose that might be supplied by the commodities of that kingdom. But if there were no expectation of such a supply or increase of revenue, yet, in order to the keeping it at the height it was, he conceived it absolutely necessary for his majesty to bring the establishment out of arrear, and to keep it so. For the farmers said, and had accordingly represented to the earl of Essex, that if the army and civil list should continue in arrear, it would be impossible

for them to continue their monthly payments, which depended on the speedy circulation of that little money which drove on the trade of the kingdom.

15 “Upon the whole matter, he desired his majesty to<sup>472</sup> consider whether there was really any such thing as an overplus; when (unless his revenue were employed to prevent it) there would be still seven months’ pay due to the army before it should receive three; when there was nothing yet set down in the establishment for the constant expense of powder; no fort in the kingdom in repair; no store of any kind in the office of the ordnance, nor any train of artillery in readiness to march; which were such essential defects as rendered an army in effect useless; so that although he had proposed the raising of fourteen new companies for the reinforcement of the army, when he thought there would be an overplus of about thirty thousand pounds a year to raise and maintain them, yet now that he found there was no overplus, he presumed humbly to advise his majesty not to increase the charge of his establishment, till the revenue should have paid all the arrear already due.”

16 The duke of Ormond, not knowing how soon there might be occasion for it, was very solicitous to put the army upon a good foot; to have it regularly paid, duly exercised, and in a condition to serve his majesty either in Ireland, or in any other part of his dominions. In order to this end, he applied himself with infinite diligence to be acquainted with the true state of every branch of the revenue, and to know the business and duty of every officer concerned therein. He scarce allowed himself time for any thing else; and having made himself master of the subject, he examined into the terms of the late farm, and made such objections to it, that the farmers were glad to enter into a new contract, and to raise their rent to three hundred thousand pounds a year. When he found the revenue would answer the charge, he agreed

to the augmentation which the king desired might be made of the forces. They consisted of eighty-eight old companies of foot, to which fourteen new ones and the regiment of guards being added, they made up six thousand four hundred men. It was thought proper to make an addition of thirty men to each of the old companies, and of ten to each company of the guards; and to fill up the twenty-four troops of horse to sixty men and a trumpeter in each troop; so that the army consisted of nine thousand one hundred and twenty foot, and one thousand four hundred and sixty-four horse. The revenue held out to support, not only this increase of the military list, but also the two new establishments, made after his grace took on him the government, of thirty-six thousand pounds for shipping to secure the coast of Ireland, and of forty-four thousand pounds for Tangier; but it was too hard loaded when this last article was raised to sixty-one thousand pounds, and Dunbarton's regiment being called out of foreign service was sent into that kingdom; which swallowed up all the money that had been reserved for contingencies.

<sup>17</sup> This was not the work of a day; three years passed before the revenue could be brought to this condition. In the mean time the duke of Ormond was to provide as well as he could for the security of the kingdom, which was not left by the earl of Essex in the best posture of defence. There was not a fort in it but was in a ruinous condition; there was no powder or stores of any sort in the magazines: this did not arise from any negligence in that governor, but was the result of mere necessity, and occasioned by want of money. The duke had endeavoured to supply these defects, and had now put the new fort of Kinsale into such a condition, that it was a sure defence for that harbour. Money was necessary to remedy others, and was not to be procured so soon as the exigency of affairs required, but by a parliament. This

his grace advised, and the king was disposed to call one. There were several things which made it seasonable, and in a manner necessary. A bill was wanting for the confirmation of the decrees of the court of claims, and of letters patents for lands granted upon their certificates, pursuant to the acts of settlement, and to secure the enjoyment of them against any old title in the crown prior to the forfeitures in 1641, against which it was conceived those acts had not made a sufficient provision. Something was also to be done to put an end to the molestation of commissions of inquiry after concealed forfeited lands, by which projectors, solicitors, attorneys, and little lawyers got more than the king, or any to whom he gave his title. It was likewise very expedient to have an act of grace and general pardon, not only to quiet the minds of people with regard to old offences, but to remit all debts owing to the crown from and to a certain time; the subject (especially the poorer sort) having been unmercifully tormented and harassed by collectors of arrears, and the king's council being of opinion that such arrears might be remitted without allowing any defalcation to lord Ranelagh and his partners. There might possibly in case of a parliament be some address from the house of commons against farming the revenue, and for some mitigation in the case of chimney money, the cry being very great among the poor against the rigorousness of the act, and the more rigorous execution of it. For as the law stood, whoever did not live solely upon alms, and had a hovel to cover him, was to pay two shillings, if he set up any thing like a chimney, and was to pay four if he did not; and if he had any thing to lie on, or to boil his roots in, it was cruelly taken from him. But this would hardly be proposed, unless some addition to the standing revenue was desired; and in order to this a scheme was drawn for raising thirty-seven thousand pounds a year by a duty on some liquors not yet charged with the excise, and an ad-

ditional impost on others that were. His grace was likewise of opinion, that in consideration of the acts of grace and confirmation of estates, his majesty might expect from the parliament a supply of eight or twelve subsidies, each estimated at fifteen thousand pounds, and to be paid by four in a year; which would put the revenue and the kingdom into a very good condition.

- 18 The calling of a parliament was interrupted by an extraordinary event which happened in England. The house of commons there was very jealous of measures which the king was said to have entered into with the court of France, and the whole nation was uneasy at the conquests which the French were continually making in Flanders. The duke of York's being generally known to be a zealous Roman catholic, and the apprehensions of the mischiefs which might possibly thence arise to the kingdom, were another source of general discontent. The king, to remove these jealousies and apprehensions, thought no measure so likely to be effectual as the making an alliance with the prince of Orange. That prince, after the campaign of the former year was ended, had come into England; and an extraordinary council being called on the 22nd of that month in the morning, his intended marriage with the lady Mary, eldest daughter of the duke of York, was declared by the king, and the articles ordered to be drawn. The prince thought it necessary to have the consent of the States, and despatched immediately one of his gentlemen to Holland for that purpose; who returning with the instrument of their consent on Nov. 4 in the evening, the articles were signed, and the marriage was solemnized at nine of the clock that night in the princess's chamber.
- 19 The house of commons, when they met, returned their thanks to his majesty for the great care he had expressed for the preservation of the protestant religion in making that alliance with a prince professing the same religion.



and engaged in the defence of the common cause of Christendom; but pressed at the same time the breaking off of all commerce with France, the uniting more closely with the confederates, and the agreeing to no peace with that crown till it was reduced to the same limits of territory that it was in at the treaty of the Pyrenees. Sir T. Osborne, earl of Danby, was at this time lord high treasurer of England, and had certainly the clearest head, the most solid judgment, and the greatest capacity of any minister the king had ever employed. But he was selfish and ambitious, and had been too conversant in those tricks and arts of cunning, by which affairs had been managed all the time of the duke of Buckingham's power at court. He had then come into play, and been engaged in some of the worst part of the intrigues and counsels that were then carrying on, till by improving opportunities he had got into the high post he now enjoyed. This had affected his reputation, and laid the foundation of that jealousy which was entertained of all his designs. He had been the chief means of bringing about the match with the prince of Orange, and was in his sentiments very averse to the measures which the king kept with France to the infinite detriment of his affairs in England; but whatever earnest professions he made in this respect, and whatever real service he had done in the other, he was still suspected of being in the French interest. He had been very active in the prosecution of the earl of Clarendon, and had contributed as much as any man to engage the parliament in that first instance of their falling upon the king's ministers, to which they were ever after sufficiently inclined, though their affection and duty to the king would not let them take any step but what they meant for his service. He was himself to suffer in his turn from that temper he had helped to form in the house of commons, and was attacked formally, but saved by the majority of his friends.

The earl of Shaftesbury had long been sensible that his schemes could never take place till that parliament was dissolved, and therefore had always laboured, when in the ministry, by his advice, and afterwards by very extraordinary ways, but hitherto in vain, to procure a dissolution. At last, all other means having proved fruitless, he resolved to try the dangerous and wicked experiment of a pretended plot, which he hoped would put the parliament upon such measures as would offend the king, and force him to dissolve them.

20 On Saturday Sept. 28, in the evening, Tonge and Oates came to Whitehall, and were examined before the council in relation [to] a conspiracy of the papists to murder the king, and establish popery in England. The parliament meeting on Oct. 21 took the matter into their consideration; and it striking in with their rooted apprehensions of the danger of popery, and being seemingly confirmed by the death of sir E. Godfrey, and by the letters of Coleman, (secretary to the duchess of York, who had kept a correspondence with F. La Chaise, the king of France's confessor,) which, though none of them were wrote within the last two years, yet shewed intrigues were carrying on by those two correspondents for introducing popery into England, they readily voted it a real conspiracy. The first consequences of it were, a bill to take away the votes of Roman catholic peers in the house of lords, and a proclamation commanding all papists to withdraw from court. The next was a motion made (after reading Coleman's letters in the house of commons) by lord Russel, in a style much beyond his way of speaking, for an address to his majesty, that the duke of York should withdraw from his presence and councils. His royal highness had before declared in the house of lords, that since he found distaste taken by some particular persons at his appearance in the committee for foreign affairs, and at his meeting among the lords of the admiralty, he would for

their gratification hereafter forbear. This was well known ; but it rather encouraged than deterred the faction which designed an alteration in the constitution of the kingdom from proceeding further. Hence arose the aforesaid motion, and another, which in the course of the debate upon it was urged and seconded by some for passing a vote, that the opinion which the papists have of the duke's being for them and their religion was the cause and occasion of the late plot. This last motion was rejected, 475 and the debate on the former adjourned to the Friday following, when it was generally expected it would pass, because the king and the lord treasurer had agreed not to resist any violent attempts, though the duke said every thing that was possible to his majesty, to convince him of the danger that would approach himself by such a facility.

21 It was certainly a strange delusion in the lord treasurer to imagine that he could weather a storm, before which the heir presumptive of the crown was not able to stand. The lords Shaftesbury and Halifax (who were the chief movers in this affair, and were seconded by the lords Winchester and Essex, which last was all in all with Shaftesbury) thought nothing could be too hard for them after carrying their point against the duke. It was a season in which every thing was believed that could be suggested of the designs of the papists, or of the measures of the court in conjunction with the French ; and all the improbabilities and inconsistencies attending those suggestions were easily swallowed. Hence, as the motion about the duke had met with a strong opposition, and it was a tender point to push, (at least when there was a doubt of the success,) the heads of the faction thought it best to let that matter sleep till the further consideration of the plot had embarked the house in warmer measures. They soon saw their expectations answered by the impeachment of lord Stafford and four other popish lords.

But they had no occasion to renew the motion about his royal highness, their end being sufficiently answered by a proviso added, in the house of peers, to the test act, which was intended to exclude the popish lords from that house. This proviso was meant in favour of the duke of York, and provided that the act should not extend to him; though it does not seem reasonable to think it could be for his interest to be declared a Roman catholic by act of parliament, however generally it was believed before. This was a considerable point gained by the party, before it came to be debated whether they should agree to that amendment of the lords. It was carried however, after a very warm debate, by a majority of two voices, that they should agree to the proviso; which caused a more remarkable damp among those that opposed it than ever had been seen on any occasion; and colonel Birch was thought to speak a good deal of their general sense, in saying, when the house was going to divide, "If we lose the vote, I am an old soldier, and will make a safe retreat; I will move for a toleration:" a scheme which the court had ever favoured.

22 The lord treasurer soon after found his mistake in letting this affair of a plot (which he had too much sense to believe upon the testimony of those witnesses who first made the discovery) ever come before the parliament; it drew an impeachment upon himself, which, if not caused, was at least hastened, by his own conduct. On Thursday morning, Dec. 19, an extraordinary council was called, in which two letters were read from sir Leolyne Jenkins, containing a discourse which he had with the Swedish ambassador about the popish plot in England, which he imagined had a deeper foundation than was generally believed. The ambassador's reason for this notion was, that observation had been made at Paris of several close conferences there held about May 1677, between Mr. Montague and the pope's nuncio. The king

resented this as an high offence; a warrant was presently sent to seize Mr. Montague's papers; and his majesty sent intimation of it to the house. These measures were undoubtedly taken by the lord treasurer's advice, either out of a desire to curry favour with the commons by communicating to them an intelligence which seemed to countenance the plot, or out of pique to Mr. Montague, and to prevent some design of his. The house appeared surprised at the message, and addressed his majesty to<sup>476</sup> signify somewhat more of the information, and whether it came upon oath. But Mr. Montague seemed prepared for the attack, and told the house, that he could easily believe what lord it was who set that matter at work, and that he had done it to intercept and suppress some remarkable evidence against himself, but he had laid the same safely by, and was ready to produce it for the service of the house. The motion was willingly embraced, and Mr. Montague fetched in a short time two letters of the lord treasurer's, the first and most material of which was dated March 25, 1678, five days after the bill for an actual war against France, and expressed a design of uniting with that court. They were no sooner read, than a motion was made for impeaching the lord treasurer; and after a long debate, which lasted till ten o'clock at night, it was carried by a majority of sixty-three voices. The impeachment was drawn up in five articles, and though none of them were within the statute of Eliz. 3, yet he was impeached of treason and other high crimes and misdemeanours. This was an artifice (unbecoming the dignity and justice of that house) to get the lord treasurer committed; but the lords, dreading the consequences of countenancing such an artifice, made a difficulty on that head. This presently occasioned a prorogation, which was followed with a dissolution on Jan. 24 following; a step which lord Shaftes-

bury had long desired, and which made him no longer doubt of the success of his schemes.

23 The king's necessities obliged him immediately to call a new parliament in the most unseasonable time that could be for his affairs, when the nation was generally possessed with a belief of the plot, and being affrighted out of their wits with the danger of their religion, ran blindly into the election of such members as declared the loudest against popery, whatever their principles or conduct were in other respects. He might have been instructed by his father's unhappy dissolution of the first parliament in 1640, to avoid splitting on the same rock; and the long parliament, which succeeded that, did not go greater lengths than the new one called at this time seemed disposed to run. It was not the only instance in which the king did not profit by his father's experience. No point of conduct had contributed more to the ruin of king Charles I than the preferring of men who had appeared at the head of the faction which meditated the subversion of the constitution, and filling his council with disaffected persons. This was intended to engage them in the interest of the prince they served, and in a support of the rights of the crown; but they never thought themselves obliged by a promotion which was not the result of choice, so much as of necessity, and made use of the power which their posts gave them only to carry on their designs with better success. This was undeniably the case at that time; but no experience could keep the king from following the same fatal conduct, and putting his affairs into the hands of lord Shaftesbury and his party. The earl of Essex was made first commissioner of the treasury, as his brother sir H. Capel was of the admiralty; the old privy council was dissolved, and a new one formed, of which the earl of Shaftesbury was president. It succeeded to him just as

it had done to his father; and would have proved full as fatal, if he had not seen his error before it was out of his power to correct it, and too late to prevent the mischief.

24 Among the posts which the king had thus a mind to dispose of to this set of men in hopes of gaining them, that of lord steward of the household was one. He wrote to the duke upon the subject, telling him it would be convenient to the condition of his affairs that he might for some time put the employment of steward of the household into the hands of one he would gratify at present with that place; that he did not intend to take the place from him, if he should at any time leave his command in Ireland; but since his necessary services in that 477 country would require his constant attendance there, and this would in the mean time be suitable to his service, and yet no prejudice to the duke, he would make no excuses to take off any marks of unkindness in the matter, having given him so many proofs to the contrary, and being still ready to shew him that he was as much as ever his true and constant friend. The duke of Ormond never liked this kind of policy in courting enemies, by putting them in power and credit to do greater hurt than otherwise they could, in any case; and the inconveniences of it in the present case were so very great, and so very evident, that he would have insisted strongly upon them, if his own interest had not been concerned; but this being the case, he chose rather to insinuate the ill consequences than enlarge upon them, and returned the following answer:

25 "The few hours I have presumed to take, to consider what your majesty was pleased to propose concerning my steward's place in your most gracious letter of the 15th<sup>a</sup> of the past, were not employed to determine whether I should give cheerful obedience to your pleasure or not (for that I can never be found unprepared for); but it was to digest a thing so new to me, and

<sup>a</sup> January 167<sup>3</sup>/<sub>7</sub>.

most humbly to propose the accommodation of your majesty's conveniency with your declared purpose, that I should not suffer by it. And that I shall most sensibly do, if the world do not as manifestly see, as I do confidently believe, that my remove from an office of that dignity and advantage is not a mark or effect of your displeasure, which I could very ill support. How this can be avoided, otherwise than by your majesty's assigning for me such a compensation as may shew my demission to be voluntary, I know not; nor how the putting my staff into another hand can be without prejudice to me; considering that (I think) there is no precedent to be found of any man's parting with such an office but by resignation, or upon offence taken by the prince, and the displeasure manifested by other circumstances. But since I conceive your majesty will believe that, whilst I am in this station contending with many difficulties raised against your government, and against me for being chief in it, the demonstrations of your favour are my greatest support and encouragement, I cannot fear you will withdraw them from me; and therefore I do with all assurance and submission lay myself and this whole matter, with my life and fortune, at your feet."

<sup>26</sup> The duke of Ormond had in truth difficulties enough to struggle with in the government of Ireland to preserve that kingdom in peace, and yet to give those who wished to embroil it no handle of exception to the measures which he took for that end. He had left Dublin on Aug. 4, and made a progress through Munster to view the forts and garrisons in that province, particularly the new one at Kinsale, and came on Sept. 8 to Kilkenny. There he received on Oct. 3 notice of the discovery of a plot at London in a letter of three lines from sir Robert Southwell, wrote in an hurry whilst he was, on Sept. 28, as clerk of the council, taking the examination of Tonge and Oates. On the 7th of that month he received a further account from the secretary of state, that the plot extended to Ireland; that Peter Talbot was concerned in it; and that persons were hired to murder his grace. The duke did not think it strange that any papists who intended to rebel against their lawful prince should at



the same time intend his assassination; and had often enough in former times had reason to believe that designs had been formed against his life from that quarter, and that Peter Talbot had been too much concerned therein. But he had no apprehension of that nature at this time, the Irish being in no condition to raise an insurrection, and Peter Talbot in a dying way. He signed <sup>478</sup> however a warrant on the 8th, and despatched an officer to secure his person; and then set out for Dublin, where he arrived on the 11th, and summoned all the counsellors to attend their duty, and consider of the best measures for the safety of the kingdom. Peter had been out of the kingdom for some years, and had spent the two last at Poole-Hall in Cheshire, being all the while in a very bad state of health, and terribly afflicted with the stone and strangury. Thinking himself near his end, he was desirous to die in his own country, and by his brother's means made interest with the duke of York to recommend his case to the lord lieutenant, and to prevail for a connivance at his return, he behaving himself quietly, without intermeddling in any affairs. Upon this assurance he had returned to Ireland in the May before, and was carried in a chair to his brother colonel Talbot's house at Lutterell's Town, from whence he had never stirred since he first entered the doors till the officer came to seize him and secure his papers. Whether he had any notice of the order of council in England for his commitment, (which he might well enough have from thence before the order could reach Kilkenny,) and so had removed his papers, none were found in his drawers, but a few letters on controversial points of divinity. He was in so weak a condition, that the officer, having no means of removing him thence, was forced to leave him, taking his brother's security for his appearance. But upon the lord lieutenant's coming to Dublin, Peter was removed thither in a chair, and committed close prisoner

to the castle, with a person to attend him in his miserable, helpless condition, the violence of his distemper being scarce supportable, and threatening his death every moment. Colonel Richard Talbot was soon after committed, pursuant to a like order from England; but suffering much in his health by the confinement, the council there, upon a certificate from several physicians, sent other orders, allowing him, after security given for his quiet and dutiful demeanour, to transport himself into foreign parts.

- 27 The council of Ireland met on Monday Oct. 14, and the lord lieutenant consulting them about the steps to be taken for the security of the kingdom, immediately published a proclamation, commanding all officers and soldiers in the army to repair to their respective garrisons, there to remain, and not absent themselves without a particular and express license from his grace. On the 16th another proclamation issued from the board, commanding all titular popish bishops and dignitaries, all others exercising ecclesiastical jurisdiction by authority derived from the see of Rome, all Jesuits and other regular priests, to depart the kingdom by Nov. 20 following. Orders were given in the same proclamation that all popish societies, convents, seminaries, and schools, should be forthwith dissolved, and thenceforth utterly suppressed. To prevent all excuses for not obeying the proclamation for the banishment of the popish clergy, another was issued on Nov. 16, requiring all owners and masters of ships bound for foreign parts to receive them on board, and transport them accordingly. The point of disarming the papists admitted some debate, not about the thing itself, but the manner of doing it; which being agreed on, a proclamation issued on Nov. 2, commanding that no person of the popish religion should ride with, carry, buy, use, or keep in their houses, any arms without license; and within twenty days after the date all the

Roman catholics were ordered to bring in all their arms to particular persons therein named to receive them in the several counties of the kingdom, to be sent by them to his majesty's stores; and, after the expiration of the said twenty days, all justices of peace were to search for and seize such arms as should not be brought in, and to bind over the offenders to the next assizes to be prosecuted for their offence. All papists, and all merchants, shop-keepers, retailers, as well protestants as papists, were also enjoined within the same time to make return of the quantities of gunpowder in their possession. In pursuance of which some arms were brought in, and seizure made of others, and also of powder in the hands of some merchants and others.

- <sup>28</sup> Accounts were sent to Mr. secretary Coventry of these proceedings, and of the examinations of Peter Talbot, and of one Richard Bourke, a Jesuit, and W. Ryan, of whom notice had been given as the superior of that society in Ireland; but nothing material appearing against him, he had been put aboard a ship, and transported abroad. Orders coming from England for apprehending colonel R. Talbot, the lord Mountgarret, and his eldest son, and one John Peppard, a colonel, and for examining them on the points mentioned in the king's letter upon that occasion. Colonel Talbot and Mr. Richard Butler were accordingly apprehended, examined, and kept prisoners in the castle of Dublin, though there appeared no reason for it in their examination. Diligent inquiry was made for Peppard, but no such person could be found or heard of in the kingdom; and lord Mountgarret was not in a condition of health to be removed from his habitation, being above eighty years of age, and bedrid.
- <sup>29</sup> When the duke of Ormond was formerly governor of the kingdom, and there was reason to apprehend a French invasion, he had formed a militia of twenty thousand men in the several provinces, and had provided them well with

arms, and every thing necessary to fit them for action. They appeared upon the muster and review of them to be as good men, as well officered, and to make as good a figure as any troops of their number in Europe; but they had been neglected ever since, and most of the arms were dissipated, lost, or unserviceable, and several of the chief commanders were dead. His grace had at the beginning of this year sent to the commissioners of array in the several counties to make returns of the state of the militia, of the men, and the condition of their arms; and it appearing by those returns how defective they were in this last point, and there being nothing in the stores to supply that defect, he made a shift, out of those brought in by the papists, and of others that were old and out of order, to fit up about eight thousand arms for present service; which he accordingly caused to be distributed among the militia. To procure a farther supply of arms as well as ammunition, the lord lieutenant made application into England to have a quantity sent from thence. He likewise was ready to give licenses to three protestant merchants who offered to bring over several quantities of each at reasonable rates; but stopped them upon the officers of the ordnance in Ireland undertaking to furnish them out of the magazine in the Tower of London in such proportion as his grace should think fit, and at as reasonable rates as the others offered. Letters were also sent on Nov. 15 to the commissioners of array to quicken the militia officers, to put them in readiness and in a good posture for the safety and security of the country; to appoint particular places of rendezvous for the troops and companies of the militia, if there should be any sudden occasion; and to consider and propose by what ways and means the militia might, upon any emergency, be made most useful for the defence and safety of the kingdom. New commissions, to supply the places of such as were either dead or removed out of the county,

were sent, with proper instructions and orders, that all persons, of what state, degree, dignity, or condition soever, should be equally charged with furnishing men and arms, and supporting them on muster-days; and that all persons arrayed should take the oath of supremacy. Notice was likewise sent to the commissioners of the expectation of the sudden arrival of arms and ammunition out of England, and that they should have the money ready to be paid upon the delivery thereof in such quantity and quality as by their report to the council-board should be found necessary for each county.

30 That the several proclamations issued might have all the effect proposed, care was taken to reinforce them by further orders from the lord lieutenant and council. Thus letters were, on Dec. 2, sent to the sheriffs of the several counties to be communicated to the justices of the peace, taking notice of their neglect in not apprehending such of the popish regular clergy as did not transport themselves, and requiring them to be more diligent to apprehend such clergy, and not only to return their names, but also the names of their receivers, relievers, and harbourers, that they might be proceeded against for their contempt of the proclamation. The like letters were sent, with a further proclamation, requiring all sheriffs, justices of the peace, and officers of the army, to be more diligent in executing that of Nov. 2 for seizing of arms, to return the names of the persons licensed to carry arms, and to prosecute all persons who had not delivered in their arms according to that proclamation. Directions were given to all magistrates and officers of the customs and revenue in seaports to be careful in searching for and securing all arms and ammunition which should be brought into the kingdom. Orders were given for the suppressing of mass-houses and meetings for popish services in the cities and suburbs of Dublin, Cork, Limerick, Waterford, Kinsale, Wexford, Athlone, Ross, Galway,

Drogheda, Youghall, Clonmel, and Kilkenny, as being the most considerable towns in the kingdom, in which too many precautions could not be taken. To omit none in any respect, though there was no soldier ever admitted into the army till he had taken the oaths of allegiance and supremacy, yet as it was possible some of them might have been since perverted, a proclamation was issued on Nov. 20, promising rewards to such as should discover any officer or soldier of the army who had heard mass, or been so perverted to the popish religion.

31 Besides these orders for disarming the papists, settling the militia, securing the garrisons, and keeping the army untainted, other measures for the safety of the kingdom came under the consideration of the council. Among these there were two points in which it was unanimously resolved that at present nothing could be done in the matter. These were, the turning of all papists out of corporate towns, and the securing persons who might be suspected to be dangerous. But if all leading men or suspected dangerous persons were taken up, it was not easy to tell how and where they could be safely kept and maintained; and if all papists were prohibited coming to the towns, there would be no markets, and the inhabitants and garrisons would run the danger of wanting necessary provisions. For these and other reasons urged in the debates upon these subjects, it was not thought advisable to take those methods; but as extraordinary precautions were more necessary in some places than in others, a proclamation was issued on Nov. 20, that none of the popish religion, or so reputed, should come into the castle of Dublin, or any other fort or citadel, without special order from the lord lieutenant; that markets and fairs should be kept without the walls of Drogheda, Wexford, Cork, Limerick, Waterford, Youghall, and Galway; that no persons of the Romish religion should be suffered to reside in the said towns, or in any other corporation, who

had not for the greatest part of twelve months past inhabited therein; that no papists should come to fairs and markets with swords, pistols, or any other weapons or firearms; and all of that religion to forbear meeting by day or night in any great or unusual numbers. The popish inhabitants were more numerous in Galway, Limerick, Waterford, Kilkenny, Clonmel, and Drogheda, than in any other of the principal towns in the kingdom. Hence the lord lieutenant and council, considering the <sup>481</sup> great importance of those places, thought fit to make a greater provision for their security, and sent letters for removing all papists out of those particualar towns, except some few trading merchants, artificers, and others, necessary for the said towns and garrisons.

32 But after all that was or could be done in the present situation of the kingdom, the great security of its peace and quiet lay in the general opinion entertained by all parties of the duke of Ormond's vigilance and moderation; the protestants resting secure under his protection and care of their safety, and the papists being (under his government) in no apprehensions of extirpation or other violent measures, the dread of which had hurried them into the late rebellion. This moderation of the lord lieutenant was not agreeable to some persons, who possibly imagining that he might be driven out of it by the danger of an assassination, dropped letters in the streets of Dublin, intimating a conspiracy formed for murdering his grace; and several pretended to give an account of what they had heard or suspected of such a design. Divers examinations were taken, and the duke could not well tell at first what to think of the matter, which seemed to agree with what had been mentioned in general by Oates and Dugdale, whose depositions it was calculated to countenance. But he had too much firmness of mind to be moved by such dark and inexplicable informations as were given, to alter a conduct founded upon so much

reason as what he had hitherto observed. All that this conspiracy produced was a proclamation on Dec. 13, offering a reward of two hundred pounds to such person as should make discovery thereof, and protection for his life from all others to whoever had scattered the letters about the streets, giving notice of that design, if he should come in within twenty days, and discover the matter. No harsher measures were taken after this alarm of the danger threatened the duke's person than had been resolved on before, only a new method was made use of to remedy an evil that had been long complained of in the kingdom.

33 The mountainous and boggy parts of Ulster and other quarters of Ireland served for a shelter to a parcel of vagabond robbers, called tories, who continually infested and plundered the country, daily committing several robberies, burglaries, and murders, to the great damage of many of his majesty's good subjects, and the terror of others. All means hitherto used for suppressing them had proved ineffectual, and few of those offenders had been brought to justice; which was chiefly occasioned by divers of the inhabitants of the country complying with them, and declining to resist or pursue them, or by other of their relations and kindred who secretly relieved, succoured, and concealed them, or by some popish priests, who had wholly neglected to make discoveries of them to the next magistrates or officers in the respective garrisons and parishes whither they resorted; which they might very easily have done, if they had minded the quiet of the parishes where they lived, or yielded that obedience to the laws which in duty they ought. The duke of Ormond considering that the pillaging parties of the Irish in 1641 were a great occasion of spreading that rebellion, thought it very necessary to suppress these parties of robbers, lest in the unquiet times which seemed to be now approaching, others might be encouraged to flock to them,



and so form a body destructive to the peace of the kingdom. The necessity of the thing, and the failure of all other means sufficiently justified the use of an extraordinary remedy, to prevent the farther growth of so great a mischief. A proclamation was published, ordering that the kindred and nearest relations (i. e. the wives, fathers, mothers, brothers, and sons) of such persons as were known tories and out upon their keeping in any county of the <sup>482</sup> kingdom, should be forthwith seized upon, and committed to close prison in the county gaol, until such tory or person out upon his keeping, to whom they were so related, should be either killed or taken, so as to be brought to justice; and that where there was any popish pretended parish priest of any place, where any robbery or murder was committed by such tories, he should be seized upon, committed to the common gaol, and thence transported beyond the seas, unless within fourteen days after such robbery or murder the persons guilty thereof were either killed or taken, or such discovery made thereof in that time, as the offenders might thereupon be apprehended and brought to justice.

34 There were too many protestants in Ireland who wanted another rebellion, that they might increase their estates by new forfeitures, and letters were perpetually sending into England, misrepresenting the lord lieutenant's conduct, and the state of things in Ireland. The earl of Anglesea gave the duke of Ormond a friendly advertisement of those misrepresentations; and of suggestions against his proceedings made by one of the greatest persons in the kingdom, and transmitted to people of different ranks at London, and particularly to some members of parliament and of the privy council. This obliged his grace to enter into the reasons of some of his measures, and shew the notorious falsehood of some facts which had been asserted by persons who did not care to own their informations. It was said, that Dublin was left in a man-

ner unguarded, that the city never more swarmed with Irish, that the powder-house was a full half mile from the town, with a guard of about twenty men each day, and yet the whole store of the kingdom lay there. But this was a very extravagant assertion, when it was notorious that the whole regiment of foot guards, the troop of horse, a company belonging to the artillery and stores, and two thousand of the militia, were thereupon in constant duty; nor was there any greater number of Irish than usual, so that there was no great room to suspect danger there, when it were to be wished that every place in the kingdom was as well secured as Dublin. The powder-house indeed was at the distance mentioned, but purely for want of a fitter place to which it might be removed. In the duke's former government the powder was kept in one of the towers of the castle, but his successors thought it no good neighbour, and removed it into the castle garden, to an house built by lord Robarts. The foundation of that house failing, it was sent by lord Berkeley first to Meryon, then to Crunclin, and at last brought to the place wherein it was kept at present. His grace would have removed it to the tower where it originally was, but as it rained in, and was likely to fall, he could not remove it till the tower was repaired, and then it was done. But the small quantity of powder reposed in that little house was far from being the whole store of the kingdom; for there was other ammunition at Duncannon, Waterford, Cork, Kinsale, Limerick, and Galway.

35 The king had, pursuant to the desires of his parliament, recalled all his subjects out of the French service, and one of those regiments had been sent in the spring into Ireland, and was quartered in the counties of Kildare and Catherlogh. These men were represented to be entirely papists, and lord Blayney and sir Richard Parsons were said to be the only protestants, whereas in fact those two officers had not above ten papists in their companies, and

of the rest above half of them were protestants. But whatever the case was, these men were only sent thither in order to be kept in a body to go on some other foreign service, to which his grace wished them removed, since some of their officers were papists, though no soldiers could behave themselves more orderly; and they were less complained of than any companies of the standing<sup>483</sup> army. Another complaint was, that all the popish priests had not quitted the kingdom upon the proclamation; but this was not to be expected; it never was, and never will be the consequence of a proclamation: yet more had been shipped off than could have been imagined, and the rest lurked in corners, and durst not come near the great towns.

<sup>36</sup> The duke of Ormond did not provide for the peace of the nation, by telling the protestants there was no danger; but by encouraging them to exert all their vigilance against any designs or attempts of the Irish, and by convincing them it was an easy matter to suppress them, and that any such attempts must end to the confusion and ruin of the papists. He thought it very imprudent, or something worse, to raise the fears of the protestants, and frighten them with false alarms of danger to discover those fears; which might animate their enemies to make attempts, which otherwise they would not dare to execute. He guarded so well against that evil, that the protestants were generally easy all over the kingdom; only from Munster there were sent him from time to time accounts of the fears of people, magnified to a vast degree, though less reasonable than in any of the other provinces, because the best part of the army was there quartered, the towns were stronger, and the protestants more numerous than they were in the rest. One while the pretence for them was the expectation of a French invasion, founded upon the report of a seaman come in a ship from France, where preparations were making for an expedition, which he

imagined was designed against Ireland. The lord lieutenant thought it strange he should have no account of such an expedition from the secretaries of state in England, and though he did not credit the story, desired the man might be strictly examined; and then neither the man nor his relation were heard of more. Another while the alarm was given upon lord Shannon's being advised by a popish priest to retire with his plate and most valuable effects into Cork, and the like friendly cautions and advertisements given to other protestants by their Irish friends and neighbours. The duke of Ormond thought, if there was really a popish plot in England, it was very probable that some in Ireland were involved in it; and therefore desired that the priest, and some of the other persons who gave the intimation, might speedily and safely be sent up to Dublin, and that some of the protestants who received warning and advice from their popish friends might appear also there, or else that full examinations might be taken of the latter, that he might have them in readiness by the time the priest and the other papists should be brought thither. He engaged himself at the same time, that upon a clear discovery of the design, of the time and manner, when and how it was to be executed, and of the persons engaged in it, the discoverers should first have their pardon for any part they had in it; that they should also be protected, supported, and rewarded; and in the last place, that their names should be concealed, as far as was consistent with the prevention of the intended mischief, and with the detection and conviction of the malefactors in due time. This order, which his grace meant for a discovery of the bottom of the plot, was turned upon him as a great severity laid by him upon English protestants; as exposing their families in their absence, whilst they were called up to Dublin to make enemies of their friends, and to accuse them for giving them advertisements and advices for their safety. The

duke thought this a strange perverting of the sense of his orders, in which an alternative was plainly expressed, with regard to their examination in the country; and he did not think it reasonable on such an occasion, and in the post he held, to allow of that generosity in the English towards their Irish friends, as to have such an opportunity of discovery lost in compliment to either; and the rather, because it would be the fault of those Irish, if they 484 suffered any inconvenience besides the journey, and if they did not meet with thanks and reward for their discovery. He was able himself to give some instances of persons that had been very good friends to loyal subjects, and yet at the same time irreconcilable enemies and traitors to the government; and therefore repeated his desire, that the full examination of those English might be taken, and sent to him close sealed, in order to his resolving how many and which of the Irish might be sent for to be examined at Dublin. Upon examination it appeared that no such friendly advertisements had been ever given, and the caution suggested to lord Shannon was only the advice of a relation of his own, Mr. Richard Poore, who lived within a mile of him, and was a very good protestant; that since he ordinarily lived in Cork, it was not proper for him to leave his plate in a lonely country house very open, his servants careless, and sometimes but one in the house, for fear it should be stolen.

37 These groundless reports and terrors, by disheartening the English and encouraging the disaffected Irish, naturally tended to draw on that very insurrection which was apprehended. The lord lieutenant could not, by all the interest and expense he was at in procuring intelligence, find any reason to think there was any formed design of that kind in Ireland, and was the more confident thereof, because the Irish knew, if they attempted one, they must be soon crushed, and disabled thereby from rising effectually on a better opportunity, which might

be afforded either by an invasion from abroad, or by divisions at home. Yet letters were sent into England, insinuating the most dangerous condition of the protestants in Ireland, and the little care taken for their security. One end of the writers of those letters was visible enough, it being to manifest their own extraordinary vigilance and forecast; a safe figure for any man to assume: because, if no mischief happens, providence and circumspection never want applause; if any happens, but fails of success, it is easy to attribute the prevention to his counsels and advertisements; and if it should succeed, it is full as easy to ascribe that to the neglect of his advices. Another end was to lay negligence, weakness, or some other fault, to the charge of the government, the foundations of accusations in proper times; and by aspersing it in such a manner, to render it suspected to the protestants, as not acting vigorously enough for their preservation, because they did not put in execution some things which every man of sense must know to be impracticable, and more likely to bring danger upon them than safety. The two points in which the lord lieutenant was charged with leaving something undone, which might conduce to the further security of the kingdom, and which had been actually proposed to him, were the imprisonment of gentlemen, and the purging (as it was called) of garrison towns.

38 It was said, that the securing of the principal heads of the most considerable septs, who had lost their estates, might conduce to the safety of the English; for if the chief of those septs were restrained and in the power of the government, their followers would not presume or adventure to run into rebellion. This was the argument upon which the proposition was founded; but when it came to be considered at the council table, it was thought hard to secure gentlemen only because they had lost their estates and might do hurt, when they shewed no dispo-

tion to it; and it appeared so difficult and dangerous in the execution, that after a full debate, it was by an unanimous vote laid aside. For it could not be foreseen to how many the rule would extend, how so many should be maintained in their confinement, or how many such a proceeding might alarm and put upon desperate courses; which though they would probably end in their own ruin, yet what disorder it might in the mean time produce in <sup>485</sup> the government, and especially in the revenue, which was the life and soul of it, was much to be feared. If the followers of these gentlemen were but few, they could not do much hurt at liberty, and if they were so many as to be able to do the English any real inconveniences, they might easily seize such English gentlemen in their country houses, as would redeem their hostages, and render the precaution in that point ineffectual. It was much rather to be apprehended, that as numbers give people courage to venture on daring attempts, the numerous followers that depended wholly on their masters' interest and authority for the support of themselves and families, being angered or affrighted at the ill usage (as they would term it) of their heads, and being loosed from all dependencies, would put themselves upon some unlawful way of living by turning tories, which would be equally mischievous to the government, and especially to the English dispersed in their dwellings in the country, as a small rebellion, than intrust themselves to the protection of the state, which could be expected no longer than was agreeable to their pleasure. Nor was it a frivolous speculation to consider how an inconsiderable insurrection might be magnified in France, and invite an invasion, in which case only the Irish were to be feared, as to a conquest. It was well known how much the apprehension of imprisonment, and other severities, from sir W. Parsons, contributed to hurry the lords and gentlemen of the pale into the late rebellion; and it did not seem advisable to make another

experiment, whether the same apprehensions would produce the same effects.

- 39 Another proposal was, that the corporations, especially such as were garrisoned, should be cleared of the numbers of Irish papists which lived amongst them; which (it was pretended) would in a great measure quiet the English in their thoughts, and secure them against any surprise or private conspiracy. It must be observed that all the Irish inhabitants had been expelled from those towns and garrisons during the duke of Ormond's government, and very few had been licensed to return in his time. But afterwards the English themselves who were there settled received them in again for their own advantage. They knew not well how to live without them; they wanted servants, they wanted tenants, and they wanted tradesmen, (for of such were these numbers constituted,) and the Irish papists supplied them with all these, and the English did not conceive this sort of people to be so dangerous as they were beneficial to them. Thus were the Irish introduced again into corporations by the English themselves, and purely for their own convenience; yet the government would again require their exclusion, if it could be resolved on how far such exclusion should extend, whether to part or to all of them, and how the English should carry on their trade and services without them. This had likewise been debated at the board, and it was thought sufficient to expel the loose and useless sort of them out of a few of the most important towns, and leave all the rest in their present condition, for fear a general expulsion of the Irish should put such numbers of them into the necessity of a vagabond way of life, as might be very fatal to the peace of the kingdom. Whatever danger there was from the numbers of such Irish, it was an evil that could not be suddenly remedied, without laying waste a great part of those towns; and then those very persons who cried out the loudest against



those numbers, and pretended to the greatest fears, would be the first to complain of an expulsion, which deprived them of their tenants, and sent away multitudes to be first tories, and then rebels.

40 These were the two points on which the most artful of the duke of Ormond's enemies thought fit to insist, and thence infer a remissness in his conduct; but they were not the only objections. Popery was at this time thought necessarily to comprehend in it high treason, and all manner of iniquities; and the character of being 486 popishly affected was a sufficient reason for the discarding of any minister without a further inquiry into his conduct. All the observations upon the lord lieutenant's proceedings transmitted into England had a turn given them this way, and were calculated to represent him a friend to the papists. This was the meaning of the odious comparison between the seizure of the arms of the protestants about fifteen years before, and the calling in of those of the papists at this time. In the former case there was a plot laid for the surprise of the castle of Dublin, contrived and brought to the very point of execution by Thomas Blood and others of his crew, assuming the name of protestants only, because they were not papists, though, as to the overthrow of government and the murdering of kings, their doctrine was and their practice had been the same. For this conspiracy some of the plotters were legally convicted and executed; others, who could not be apprehended, (as Blood for one,) were outlawed. Upon the examination of several persons, his grace found the design was too far spread to ravel further into it, and that if he should follow the thread of the discovery as far as it might lead him, he might possibly bring on that insurrection and rebellion which they designed, and he had much rather should be prevented than punished. The towns at that time were full of men of Cromwell's planting, and the country of his disbanded

officers and soldiers. This being the case, no method was more proper to prevent an insurrection, nor could any course be more moderate, all circumstances considered, than the disarming of those people; which was not a disarming of protestants in general, (for none but protestants were employed in executing the order,) but only of a parcel of disaffected fanatics and nonconformists; nor was it confined to them alone, but took in papists also, extending indeed to all that would not give the government assurance of their fidelity by taking the oaths of allegiance and supremacy. And if the arms of such disaffected persons were not afterwards restored to them pursuant to his grace's direction, embezzlement was no new or extraordinary thing in the execution of such orders. But no man ever made complaint to the duke of the detention of his arms, (after orders were given for the restitution,) and proved who detained them, but they were restored to him, and he had satisfaction made for them. And in some time after, when occasion required, and the English of all sorts were better satisfied of his majesty's gracious intentions towards them, they were better armed than ever they were before; and this out of his majesty's stores, and under his grace's government, who caused them to be modelled into troops and companies, and mustered in the field an army of them consisting entirely of protestants.

41 I have taken notice of this for the same reason which induced the duke of Ormond to mention it in his answer to lord Anglesey's letter of advertisement abovementioned, (to whom, as being then in Ireland, and knowing as well the motives of his proceeding as the state of the kingdom at that time, he appeals for the truth of this account,) because there was some foundation of fact in it, though much mistaken and misrepresented, the circumstances of times omitted, and the inferences maliciously left to construction. To make these inferences the worse,

it was remarked, that in the proclamation now published for the papists bringing in their arms, twenty days' time was allowed for it; which was represented as so much warning to them to conceal and put them out of the way. As the duke's enemies exclaimed vehemently against this proceeding, it cannot be improper to insert at length the reasons he gives for it in his letter of Nov. 8 to sir Robert Southwell :

42 "Though," says he, "I might take more time to furnish my friends with answers to the objections raised against my proceedings for the securing of this kingdom since the discovery of<sup>487</sup> the plot, yet that I may, as well as I can, set them at rest in my behalf, and particularly my lord of Burlington, and receive their opinion of the defence I make before the meeting of the parliament, I will, as well as I can remember them, set down the reasons why time was given to the papists to bring in their arms.

43 "It must in the first place be understood, that here there is no law in force prohibiting the papists, as such, to have arms, or authorizing the taking of them from them. Nevertheless, considering the state of affairs as they really were, and the terror the English and protestants were with industry put into, it was by me first proposed in council that the papists should be disarmed; presuming that they durst not object to the legality of it, believing that nobody else would do it for them, and hoping that no malicious inference would be made from thence, as if the government might another time assume the power of calling whom it would a papist, and disarm him; or, by parity of reason, whoever else it might suspect to be ill affected to the government. The thing being resolved, the question was how it might be best and most effectually done. It was considered, that as there are many laws in force in England against papists that are not here; so the disproportion in the number of the one and the other is very differing. In Ireland, sir William Petty (our best computer) supposes there are about fifteen papists to one protestant. In England, I have heard, there is not one papist to a hundred protestants, so that there it was easy and safe and without question to disarm the papists; but to employ one protestant to disarm fifteen papists, and to execute it all on a

day, was impossible; and to do it on several days was to give them the warning that is complained of. Nor was it found easy to distribute orders for doing the work throughout the kingdom without their having notice of it, and time sufficient to hide any arms they had. How incompetent a number then would the army have been, who are numbered with the protestants; and how safe would it have been at such a time to empty our garrisons, and scatter our men upon such a service, exposing them to the mercy of the papists if they had arms, and to the loss of their labour, and many other inconveniences, if they had none, or had conveyed them away!

44 “If the papists had a design to surprise our garrisons and destroy the protestants, and were provided with arms to execute their design, doubtless no greater advantage could have been wished for by them than to have left our towns without soldiers, and to send the army in loose files amongst them to be destroyed, even with clubs, stones, swords, and skeins; and yet so they must have been dispersed, for in a year they could not have searched all papists’ houses in complete troops or companies. Besides, I am well acquainted with the disorders soldiers are very apt to commit under the countenance of such commissions; how they have searched for pikes and muskets in desks, trunks, and caskets of two and three foot long, and sometimes mistaken protestants’ money and other goods for papists. Nay, I have by complaint and proof found, that when a papist had a sword with a silver hilt, the officer would needs interpret the taking it away to be within the proclamation; and inferior officers have taken away swords, and restored them again for half a cob.

45 “For these and other reasons, and pursuant to example left us by my lord of Essex upon the occasion of disarming papists in his time, we judged it was best to give them the time it was impossible to take from them, and so render them the more inexcusable and liable to the punishment threatened in the proclamation if arms should be found in their possession after the 488 time limited. And we have found the fruit, and some of them the smart of this course; for some arms have been brought in, and some severely punished with whom arms were found after the prescribed time for bringing them in. I confess it is possible some arms may yet remain concealed in the houses of papists, and it may safely be affirmed there are; for it cannot come under proof that there are not, and the number may be

called what any body pleases, and credit may be given to it, as well as to the report in the beginning of the rebellion in England, that there were thousands of Danish horse hid in cellars. But in all probability, if there be any such concealed arms, they cannot be many, nor very serviceable, as they must be kept. For I find it hard enough to keep arms fixed in stores and magazines, with all the care of officers that are appointed and paid for it; how then shall they be preserved under ground, or walled up, in our moist climate?

46 “ But it is objected (and as it is thought unanswerably) that there was a time when protestants were disarmed, and they had no such warning given them. I confess there was a time when some who called themselves protestants were endeavoured to be disarmed; but there are many circumstances that difference the case, though they on whose behalf the objection is made should be allowed to be protestants because they are not papists:

47 “ 1. The direction was not to disarm them as protestants; but now the order was to disarm papists as papists, without any distinction or exception.

“ 2. The protestants, and I think the only true protestants, and they only, were employed to disarm some of those that call themselves protestants. Whereas, to make the case parallel, papists should have been employed to disarm protestants as protestants, and they only were now to disarm papists.

“ 3. The arms taken from some of the protestants were not their own, but the king's: whereas those now taken from the papists were their own proper goods; and nothing but reason of state can justify the taking them from them, any more than the taking away of their estates; and perhaps a good estate in bad hands may do more mischief than three or four rusty guns or cases of pistols.

“ 4. The way of searching for arms was by experience, in the case mentioned, found so ineffectual, and the authority given for it so much abused, that it was thought best now, as well as in the time of the earl of Essex, to make trial of this other way, which has succeeded better.

“ In the last place, though there was a formed design of rebelling, and of surprising me in the castle of Dublin, contrived and brought very near execution by those who I will never believe to be true protestants, however they affect and scandalize

the name : yet when some of the principal conspirators were executed by due course of law, and that it was conceived that example had taken good effect, and that the pretences for that purposed rebellion were discovered to be groundless, not only all the arms of such as could pretend title to them were restored ; but when a war with France, Denmark, and Holland was proclaimed, the protestants, and only they, were armed out of his majesty's stores, and at his charge, and formed into a militia ; and so they have continued ever since, though the last rebellion in Scotland might have given ground for disarming some in this kingdom that are well enough known to be of the same principles, having given sufficient testimony of it.

48 “ It does not much belong to me to answer for the price set upon arms and ammunition, having no share in the merchandise ; yet I called those who had to the board, and there regulated it the best I could ; computing what reasonable gain<sup>489</sup> was to be allowed the importers over and above their charges of freight, insurance, and the interest of their money. And if people would not buy them at those rates, though a shilling or two more than ordinary in firearms, or a penny or two more in a pound of powder, it was an argument that either they did not want them, or that they were not really in those apprehensions that were represented. However, I know not what could have been done more by the government than to cause arms and ammunition to be brought and exposed to sale, and that only to protestants : yet because complaint was made that the price of those arms was exorbitant, licenses for the importing and selling of arms and ammunition have been given to divers merchants ; and it is six months since I sent the late earl of Orrery ten or twelve blank licenses to be given to such merchants as he thought fit ; and I am informed that those commodities are sold by merchants full as dear as those sent from the Tower, and that without the trials that they undergo there.”

49 Such were his grace's reasons for the proclamation, which was certainly a safe method ; whereas the other might have put the discontented rabble upon their guard, and have driven gentlemen in the surprise to take refuge among them, and perhaps to put themselves at their head. Certainly the Irish, among whom there were strong ru-

mours of foreign aids being expected, could not have desired a fairer pretence for rising, than to have all the English up in the country, ransacking their houses, and this without any authority foreknown to them. Men in sudden surprises and frights always dread the worst; the Irish seeing so general a rising of the English, and receiving such insults and outrages as would in a multitude of instances have been committed in the search of their houses in such a way, might well enough have apprehended a massacre, and have ran headlong into a rebellion, which that method of disarming them was proposed as a means of preventing.

50 The duke of Ormond knew how to carry his point without having recourse to such dangerous and fruitless expedients: his business was to preserve Ireland in peace, and he resolved to keep it so, whilst it was under his government. He saw the ferment that reigned in his majesty's other kingdoms, he saw the power of the anti-monarchical faction in England, and the influence which the fears of popery in this time of the popish plot had upon the people of that kingdom; and had great reason to think, that if there were now an insurrection of Irish papists (whatever the occasion was) it would produce the same effects, and be as fatal to the king as the rebellion in 1641 had been to his majesty's father. It was that event which gave credit to all the sham plots of those days, and the like would at this time have made every thing readily swallowed, which the faction should find for their interest to invent and propagate. He resolutely determined to pursue his own measures, without any regard to the reflections and censures of others, who were not answerable, as he was to his prince, for the safety of the kingdom. Hence no misrepresentations of his conduct, no suggestions of fear or danger, no threats of assassination, no dread of being deemed popishly affected could ever divert him from the wise plan he had laid

down for maintaining peace and quietness in Ireland, or put him upon using in so unhappy a season those severities against the papists, which would make wise men mad, and hurry a more loyal people than the Irish into rebellion. It may not be amiss to take notice of his sentiments in this time of difficulty and trial, as he expresseth them upon occasion in his letters to sir R. Southwell and other of his friends :

51 “ It hath been my fortune,” saith he, “ upon several occasions to be taken by the papists to be their greatest enemy, when it was thought that character would have done me hurt ; and sometimes to be their greatest friend, when that would hurt me ; 490 and (which is unreasonable) the very same men have been believed, when they have made so different a description of me. A little indulgence towards me will seem to conclude from thence, that I am in neither extreme, that is, neither transported with fury against them that are of that religion, because some of them and perhaps too many are traitors and murderers, nor trusting too much to them, because I believe some of them are good subjects and honest men. It may be perhaps unseasonable to profess such a temper ; yet it may be as soon excused in me as in any man ; for if there be truth in the information of Oates, I am to wait upon the king in the tragedy designed, though I really profess I had rather go before him even for my own sake, because I would not live to see the calamities and confusions that would follow, if such a villainy should have success.—It seems now to be the papists’ turn to endeavour to despatch me ; the other nonconformists have had theirs, and may have again, when they shall be inspired from the same place, for different reasons, to attempt the same thing. I know the danger I am and may be in is a perquisite belonging to the place I am in, and so much envied for being in ; but I will not be frightened into a resignation, and will be found alive or dead in it, till the same hand that placed me shall remove me.—I know well that I am born with some disadvantages in relation to the present conjuncture, besides my natural weaknesses and infirmities, and such as I can no more free myself from, than I can from them. My father and mother lived and died papists ; and only I, by God’s merciful providence, was educated in the true protestant religion,



from which I never swerved towards either extreme, not when it was most dangerous to profess it and most advantageous to quit it. I reflect not upon any who have held another course, but will charitably hope, that though their changes happened to be always to the prosperous side, yet they were made by the force of present conviction. My brothers and sisters, though they were not very many, were very fruitful and very obstinate (they will call it constant) in their way; their fruitfulness hath spread into a large alliance, and their obstinacy hath made it altogether popish. It would be no small comfort to me, if it had pleased God it had been otherwise, that I might have enlarged my industry to do them good and serve them, more effectually to them, and more safely to myself. But as it is, I am taught by nature, and also by instruction, that difference in opinion concerning matters of religion dissolves not the obligations of nature; and in conformity to this principle, I own, not only that I have done, but that I will do, my relations of that or any other persuasion all the good I can. But I profess at the same time, that if I find any of them who are nearest to me acting or conspiring rebellion, or plotting against the government and the religion established amongst us, I will endeavour to bring them to punishment sooner than the remotest stranger to my blood. I know professions of this nature are easily made, and therefore sometimes little credited; but I claim some belief from my known practice, having been so unfortunate as to have had kinsmen in rebellion, and so fortunate as to see some of them fall when I commanded in chief. Those that remain have, I hope, changed their principles as to rebellion; if they have not, I am sure they shall find I have not changed mine."

52 Libels and pamphlets of all sorts now flew about in as great plenty, and as well calculated, by spreading falsehoods and encouraging jealousies and fears, to embroil the three kingdoms, as ever they had done before the breaking out of the great rebellion. The licentiousness of the press was not more to be complained of than the freedom of discourse and letters, in which no faithful servant of the crown was spared. The duke of Ormond had his share in the censures of the faction, who complained 491 that there were no proceedings in Ireland against the

papists, nor even against those that plotted to take away his life, nor was any thing done for securing the English interest there, besides settling the militia in English hands, and keeping good guards in Dublin and in the country. Two dozen of articles were transmitted over in the way of a libel against his grace, and even some of those of the earl of Meath were revived, in which the adventurers, forgetting the obligations they had to him, when he was the only one in the council that dared to stand up in their behalf, in opposition to colonel Talbot's petition, were not ashamed to busy themselves. These were to pave the way either for a formal impeachment, or for the attempts intended to be made for removing him from the government of Ireland. The lord Shaftesbury, who wanted to have that government in other hands, and, next to the duke of York's banishment and exclusion, wished to have the duke of Ormond removed from his post, made his advantage of those censures and articles, and hoped they might serve for matter of accusation in the parliament, which met this year in March. To sound the temper of the house of lords in the matter, he recommended to their consideration the state of Ireland; a kingdom necessary to be taken care of for the sake of England, and yet too much neglected. He took in this speech the liberty of insinuating things to his grace's prejudice, in relation to his favouring the papists and being popishly affected. The earl of Ossory rose up in his father's defence, with an indignation at those groundless and malicious suggestions, which the occasion fully justified, and vindicated him in such a manner, and with so severe reflections on the conduct of the earl of Shaftesbury, that the latter found he had gone too far, and thought fit to excuse himself by saying, that he had no thought of doing prejudice to the duke of Ormond by that discourse. Lord Ossory's speech on this occasion was exceedingly commended by all the world about town, and being afterwards printed in Hol-

land, procured him a compliment from the prince of Orange, in a letter, which, as well as the speech, I thought curious enough to deserve a place in the Appendix<sup>b</sup> to this volume.

53 Lord Shaftesbury was at this time master in a manner of all the proceedings of parliament which was then sitting, and the duke of Ormond's friends, alarmed at this attack from him, imagined that it would soon be followed with an accusation in form, and therefore pressed his grace to come over into England. This gave him occasion to write the following letter to Mr. secretary Coventry.

“ SIR,

Dublin, April 30, 1679.

54 “ I do not remember any session of parliament held, when I was out of England, but that I was hotly alarmed by my friends of preparations and contrivances to accuse me ; and I have sometimes made voyages thither principally to prevent, or to be ready to answer, any thing that could be objected against me. But it has fallen out, that, upon my arrival, I have still been suffered to be quiet. I have now again the same informations, and I have at least as much reason to give credit to them as heretofore ; and if I were at liberty, would hasten over to defend my honour, innocence, and conduct, in the trust that have been reposed in me, as well as I could. I know the chief grounds of men's ill-will to me are, malice because I would not bear calumny, and envy at the place I hold. These are motives that will never die, or be at rest, as long as the object remains ; and I am now come to an age and inclination so fit for retirement, that I would<sup>492</sup> be content to purchase it at any rate, but that of dishonour, or prejudice to my fortune and family. Therefore, though I could with all imaginable cheerfulness and content lay this great and envied place at his majesty's feet, from whose hands I received it ; yet I cannot bring myself to offer it as a ransom or composition, but had rather undergo the strictest inquiry and trials of my actions.

55 “ Thus you know my ease and present disposition, as well as I know it myself ; and it is now time you should know, that my

<sup>b</sup> [See Vol. V. of this edition, Appendix, No. XCIII.]

humble desire is, that his majesty would send me over a permission to attend him at court in the usual forms, which I think may be found in your office; that I may be at liberty to make use of it when I shall think fit; that my son Ossory may be sent with it, and power given that he may remain deputy in my absence; or if his majesty approves not of him in this conjuncture, that the lord chancellor and my son Arran may be justices; or, in the last place, if his majesty finds reason not to appoint any of these, (of whom I would not have proposed any, if I could think of fitter,) that he will direct into what other hands to put the government, till he shall have resolved, either to return me to it, or where else to fix it. I do not intend that whoever his majesty shall place here in my absence shall be any addition of charge, but am content that the usual allowance shall be taken out of my appointments. That which I would further desire is, as much secrecy as the matter will bear, and a speedy specification of his majesty's pleasure to,

“Sir, Your most affectionate and most humble servant,

“ORMOND.”

56 There was no occasion for the lord lieutenant's coming over, the king having taken a resolution to dissolve the parliament; nor was he willing the duke should be absent from his charge in so critical a season. He said, *he had one of his kingdoms in good hands, and was resolved to keep it so.* Notwithstanding this, the common discourse of the town was, that the duke of Ormond was to be removed, and that the lord Halifax was to be his successor. This nobleman was generally thought to solicit for it; yet took occasion to declare to sir W. Coventry, that he never thought of it, nor would he take it, if it were offered him: it was in very good hands (he thought) for the king's service, and wished it might so continue. Whether lord Halifax had really any desire to get the government of Ireland or no, lord Essex certainly had, and with a view thereto, was ready to embrace every opportunity of cavilling at the management of affairs in that kingdom. The earl of Arlington took occasion at this time to ask

his majesty, if the current reports were true, that he intended to remove the lord lieutenant. The king replied, It was a damned lie, and that he was satisfied, whilst he was there, the kingdom was safe; adding, that the new ministers he had got were for jostling out his old faithful servants, but they should never gain that point of him; and then with a strong asseveration said, that whilst the duke of Ormond lived he should never be put out of that government.

57 The king had no great reason to be fond of his new ministers; they had no manner of regard to his service, and only minded to get all the power of the nation into their own hands, in order to execute the schemes they had formed for the ruin of the constitution in church and state. His majesty, to remove all occasions of offence out of their sight, had, before the parliament met, sent the duke of York abroad; but this did not make them less violent in their proceedings against his royal highness. The king, to please the commons, had dissolved his old 493 privy council, and appointed a new one, of which lord Shaftesbury was president; but this complaisance made them presume that his majesty could deny them nothing. They brought in a bill for excluding his royal highness from the succession, and, depending on the king's necessities forcing him to comply, very freely declared their confidence of its passing; some of the cabal laying great wagers it passed both houses in so many days, and that his majesty would not refuse his consent. The publishing of the maxims upon which they proceeded, and of the designs which they had in view, did no service to the cabal; the parliament was first prorogued and then dissolved, and the game which they thought sure was lost in the end. Whether the Scots insurrection was concerted before the prorogation or no, it broke out soon afterwards; but the rebels, wanting the countenance and support of their good brethren in England, were routed

about the middle of June by the loyal courage of their own countrymen, without any assistance from either of his majesty's other kingdoms. The duke of Ormond had drawn a good party of the army into the north of Ireland to curb the rigid nonconformists in those parts, and to be transported over in case of necessity to Scotland; but was very glad to find the business had been done without them, and that there was no better employment for them than to pick up the stragglers that fled from the rout at Bothwell-bridge, and made a shift to get a passage into Ireland for refuge.

- 58 Before the duke of York's going to Flanders, the duke of Monmouth, the eldest of the king's illegitimate sons, held a secret correspondence with lord Shaftesbury and his party; but after the departure of his royal highness, it was much more frequent. Their ordinary meetings were at lord Shaftesbury's and one Mr. Charleton's houses; they had them likewise in other places, always late at night, and coming in hackney coaches for privacy. The king had good intelligence of their proceedings, and, to defeat their measures, had made a public declaration, that he was never married to Mrs. Barlow, the duke of Monmouth's mother, nor to any other woman whatever but the queen. This did not put a stop to Monmouth's pretensions to the crown, which, by his own conduct, the measures of his friends, and the king's declaration, were now made public to all the world. The duke of York, before he went abroad, was concerned to see that the king could observe his frequent whispers at court to the lord Shaftesbury without being moved or expressing his dislike of it; but was much more alarmed at hearing of their frequent and clandestine meetings without any apparent dissatisfaction expressed by his majesty. The duke of Monmouth had long enjoyed a large share of the king's favour, and natural affection still pleaded in his behalf; he had a strong party linked to him by interest, and the

common people of the kingdom by inclination. The city of London was entirely governed by the faction which espoused his cause; and, besides other considerable posts, he was general of all the forces in England and Scotland. Thus he was in a condition to make good any title he should set up to the crown, in case the king should die whilst the right heir was out of the kingdom; and if his majesty could not be prevailed with to revoke the declaration he had made of Monmouth's illegitimacy, it was easy enough to pretend he had; and in the present temper of the nation and circumstances of affairs, a bare pretence might be sufficient to do his business.

59 Whilst things were in this situation, the king, at the latter end of August, fell ill of a fever at Windsor. The duke of York receiving an account of it at Brussels, set out thence immediately, and came to London on Monday Sept. 1, not having been known by anybody upon the road, except by two men at Dover, who, seeing him in disguise, kept the secret. He waited upon the king very <sup>494</sup> early the next morning at Windsor, and was received by him with all the tenderness imaginable. About ten days after, the duke of Monmouth's commissions of general in England and Scotland were taken away, and he was ordered to retire beyond sea. He took out his pardon before he went, and set out on Wednesday Sept. 24, (as was observed,) without any one man of quality (except the lord Brandon Gerrard) attending on him; whereas his royal highness, when the day after he took leave of the king, was attended to his lodgings by such a concourse of people as had never been seen since his majesty's restoration, and on board his yacht by the earl of Ossory and abundance of the nobility. It was a complete victory which he got on this occasion over his rival, who was sent away in disgrace to foreign parts; whilst himself, after about three weeks' stay at Brussels, returned to court, and from thence removed to Scotland, where he

not only appeared in a lustre suitable to his dignity, but formed a mighty interest in the nobility and gentry of that kingdom; which produced some time after so strong a declaration from their parliament of the unalterableness of the succession of the crown, as put all thinking people in England upon serious reflections on the calamities and dangers to which they should be exposed by any alteration of it in their own country, where a civil war seemed after that declaration to be unavoidable.

60 As the duke of York, when he first went abroad, had in a letter<sup>c</sup> to the duke of Ormond expressed his reliance upon him as his friend, so at his return he was not backward to embrace occasions of declaring the esteem he had for his grace. Thus meeting sir Nicholas Armourer at Windsor, and hearing he was just returned from Ireland, he asked him how the lord lieutenant did, and whether they had any plots in that kingdom. Sir Nicholas told him they had none, and that all was quiet there by the care of the duke of Ormond; adding an account of the posture wherein he had put the kingdom, of the treatment he had met with from some pretended friends, and of the reflections cast upon him, because his royal highness had been the means of sending him thither. “It was the king,” replied the duke, “that sent him thither, knowing his constant loyalty to the crown; and whoever gave the advice hath no reason to be ashamed of it; for he hath kept that kingdom in peace, which no other man could have done so well as he.”

61 This peace and quiet in Ireland was a great disappointment to lord Shaftesbury and his party, whose designs could not be advantaged by any thing so much as by an insurrection there; of which the experience of their predecessors in 1641, whose steps and measures they copied, was an undoubted evidence. This was imputed to the moderation of the lord lieutenant and council; and

<sup>c</sup> See vol. V. Appendix, No. CIII.



for the producing a different face of things, a change of counsellors was necessary. They wanted to have the council of that kingdom dissolved, and a new one formed of persons for their purpose, as had been done lately in England. This was the view in ordering the lord lieutenant to send over a list of the present privy council, and an account of what officers used or ought to be of it successively; he was told the design was to reduce the number, but was not required to give any character of the persons. The party resolved to leave none in the council but such as were thoroughpaced for the protestant interest; which the lieutenant (they said) could not well be, because of his Roman catholic relations, and the chancellor and most of the other counsellors were not at present. Lord Howard of Escrick they thought the fittest man to be chancellor; and the lords Orrery, Conway, Granard, (one of which was to be chief governor,) and Massareene, Henry Jones, bishop of Meath, captain Robert Fitzgerald, sir Charles Meredith, sir Oliver St. George, sir Theophilus Jones, sir H. Ingoldsby, sir W. Petty, Mr. Weaver, and Mr. Ayres, were designed for counsellors, as being the most zealous for the protestant interest. These were the persons pitched on at a consultation about Irish affairs held at lord Howard's; of which the earl of Longford (who found means to get intelligence of it) giving the king an account, his majesty answered, that by their good leave he would choose his own governor and council for that kingdom; that he would never be prevailed with to alter the government; and that he knew, to part with the duke of Ormond was to part with Ireland, and to give it up to the parliament.

<sup>62</sup> The king seeming fixed in this resolution, the party were forced to take an indirect way of carrying their point, by putting difficulties upon the government, and laying a foundation for disturbances in the kingdom. The way was, by representing the danger of religion, to

procure orders for the council of Ireland to transmit severe bills against the Irish recusants in matter of religion; for if the council there should refuse to transmit them, it was a just reason to remove them; if they passed, it was hoped they would drive the Irish into a new rebellion. It hath been formerly observed, that the penalties laid upon the Roman catholics in Ireland before the rebellion were very light, the laws inflicting them being only the acts of supremacy and uniformity, and the statutes against the exercise of a foreign jurisdiction. The duke of Ormond's business after the restoration being to unite the minds of the different interests in the nation, and to make a thorough settlement of the kingdom, he had saved them from some severer statutes which were proposed against them, and would have revived those animosities which the good of the kingdom required to be buried. It was proposed now to introduce the test act and all the English penal laws into Ireland; and orders were given in council on Nov. 28 for Mr. secretary Coventry to draw up a letter, requiring the lord lieutenant and council to prepare such laws for excluding papists from sitting in either house of parliament, or bearing any office in Ireland, and under the like tests as had passed and were practised in England; and also such other necessary bills for suppressing popery as might consist with that government and the state of the kingdom; and that a proclamation should be forthwith issued for encouraging all persons that could make any further discovery of the horrid popish plot to come in and declare the same by a certain day to be prefixed; otherwise not to expect his majesty's pardon. There was no remedy in this case but for the council of Ireland to obey. Acts against popish bishops and the regular clergy for disabling papists from sitting in either house of parliament, and for preventing dangers which might arise from popish recusants, were accordingly prepared; but, as they

were to be attended with twenty-three other bills, (for the security of estates passed upon the acts of settlement; for the encouraging the protestant clergy to build houses upon their demesnes, manses, and glebes, and against dilapidations; for the encouragement of the linen and tapestry manufactures; for prevention of frauds and perjuries; for the better settling of intestates' estates; for the preservation and improvement of his majesty's revenue; and for other things of public use and general good to the kingdom, which required mature consideration,) they were not transmitted under the great seal till June 14, 1680. The proclamation for encouraging persons to make discoveries of the plot was sooner published.

63 It was a terrible slur upon the credit of the popish plot in England, that after it had made such an horrible noise, and frightened people out of their senses in a nation where there was scarce one papist to an hundred protestants, there should not for above a year together appear so much as one witness from Ireland (a country otherwise fruitful enough in producing them) to give information of any conspiracy of the like nature in that kingdom, where there were fifteen papists to one protestant, as that charged upon the papists of England, whose weakness would naturally make them apply for assistance from their more powerful brethren in Ireland. This proclamation was intended to remedy that defect, and to notify all over the kingdom the encouragement that would be given to all persons that should offer themselves as witnesses. It was no more than was necessary for that purpose; all the endeavours that had been used by many persons who were on the watch against the least danger, and diligent to find out something to countenance the English plot, or to serve for the pretence of an Irish one, having hitherto produced but little to shew

there was any design of such a nature carrying on in Ireland.

64 The earl of Orrery had a natural sagacity, and had been indefatigable in his endeavours that way; and a little before his being taken ill in October this year of the distemper which took away his life, had found out something which, meeting with the suspicions he always entertained of the Irish, induced him to send notice into England of a conspiracy for raising a rebellion in Munster. The first thing he transmitted over was the informations of some masters of ships taken upon oath at Cork, (which made at London a great noise,) of an invasion of Ireland suddenly to be expected from France, and of a shipload of firearms, that were to be imported to arm the Irish papists for the reception and assistance of a French army. To make these informations appear with a better air of exactness, and to be received with greater credit than ship-news generally deserves, the very ship was named that was to bring and land these arms in some place betwixt Waterford and Dungarvan. It fell out that the duke of Ormond was at his house of Carrick when these informations were sent him by the earl of Orrery, within less than twenty miles of Waterford and Dungarvan; and though he did not believe there could be any such preparations on the French coast as to transport an army fit to invade a kingdom, but that there must have been other kind of intelligence thereof; though it seemed very improbable that five or six thousand firearms (that was the number mentioned in the informations) should be consigned to such a part of the kingdom where the English were strongest, and the companies of the army and militia lay thickest; and though he found lord Orrery had taken the alarm warmly, and issued suitable orders, yet he immediately sent his own orders to the same effect. The result of all was, that the

vessel mentioned to bring the arms came into the port of Waterford, but upon strict search was found to be laden only with salt.

65 One Hubert Bourke of Crehanagh in the county of Waterford, a loose, idle fellow, had been committed by a *mittimus* from Richard Poer, earl of Tyrone, to Waterford gaol, for a dangerous assault committed on one John M'Daniel, a blacksmith, after being allowed him four days' time to find bail, and none being offered; so ill was the man's character. Whilst he lay in prison, he gave to one of the judges who went the Munster circuit an information against the earl, containing matters of dangerous consequence to the government. This being communicated to the lord lieutenant, orders were sent to bring Bourke to Dublin, and for lord Tyrone to make also his personal appearance there. The informer swore that the earl had told him there was an invasion soon to be made from France, and would have persuaded him to sign a roll, in which there were about an hundred names, three of which he mentioned, but he did not read nor know the contents of the paper. After Bourke's examination was taken, and whilst the matters of it were <sup>497</sup> under debate in council, there came one from the earl of Tyrone, to acquaint the board of his being come to town, and ready to attend their commands. The secretary was sent to let him know that, considering the accusation against him, he should remain in his lodgings till further order: and the debate being reassumed, it was resolved that Bourke's examination should be sent to the King's Bench, where the matters thereof were more properly cognizable. An order was thereupon signed for delivering it to Mr. justice Jones, then the chief judge of that court, who was to proceed therein and with the said earl according to law. The earl upon his examination denied every thing that was laid to his charge, and Jones having taken sufficient bail for his appearance in the King's

Bench the first of the next term, the council thereupon released him from the confinement they had at first laid upon him, the business being no longer before the board. They thought it however reasonable to let him know, that, whilst he was under those circumstances, it was expected he should forbear coming either to council or to the castle. Judge Jones was likewise directed to examine some persons dwelling in Munster, mentioned in Bourke's information, and proper to be examined on this occasion. The proceedings in this matter were transmitted to Mr. secretary Coventry: but it appeared at last to be a false and malicious accusation.

66 The most considerable witness for sense and quality that offered himself was David Fitzgerald, a gentleman of the county of Limerick, and by profession a protestant. He had been some time in gaol, being committed for treasonable words, and was soon to be brought to his trial. In this circumstance he pretended to the sheriff of the county, that he could give an account of a design to raise an insurrection in those parts; which had been imparted to him some years ago, and continued to the present time. The sheriff gave the lord lieutenant notice of Fitzgerald's desire to give information of all he knew: whereupon he was sent for, and by permission of the judges before whom he was going to be tried, the sheriff brought him to the duke of Ormond at Clonmel. There he gave in writing under his hand whatever he could then think of relating to the design: but told his grace, that being wearied by his journey, and his mind disturbed by the malicious prosecution against him, he might afterwards recollect more; of which he would not fail to come and inform the lord lieutenant, as soon as he should be set at liberty. That there might be no delay in the matter, his grace wrote to the judges, that he might have a fair and speedy trial. Fitzgerald had it, was acquitted, and set at liberty: but three weeks passing after his ac-

quittal before the lord lieutenant heard any thing of him, he caused a letter to be prepared, directing the sheriff to find him out and bring him before his grace. But the night the letter was to go, Fitzgerald came to Kilkenny on Sept. 27, four days before the duke of Ormond left that place. The duke immediately spoke to him, and desired of him the further account he had promised: but it being Saturday night, he took time till Monday morning to bring it, as he had done his former informations, in writing. Accordingly he then brought it, and told his grace, that some affairs of his own required his going into the county of Longford; but that by Oct. 10 he would come to Dublin, and there give him yet further information. Betwixt the time of his acquittal at Limerick and his coming to Kilkenny, he gave some notice of the discoveries he was to make to lord Broghill, who sent it to his father, by whom it was transmitted into England.

67 The duke of Ormond waited for further information till the beginning of November, when Fitzgerald came to Dublin to proceed in his account; but in so sick a condition, that the council was forced to send a committee of the board to examine him at his lodgings, lest he should grow worse or die, and all he could say with him. The 498 bishop of Meath, being versed of old in taking such examinations, and now distinguished by his zeal for the cause in hand, was named of this committee, that the advocates for the plot in England might have no pretence to cavil at the proceedings of the council of Ireland on this occasion. Fitzgerald had, since the duke saw him, recollected himself, and called to mind many particulars proper to add weight to his discoveries. When his narrative was completed, the lord lieutenant sent it into England, to see if any use could be made of it to fortify evidence there; though for his own part he could not find [in] it any signs of a communication between the papists in England and those of Ireland, in relation to the plot. Fitz-

gerald's information consisted of the discourses of some Irish officers in the French service, who had come in 1674 and 1676 into Ireland to raise recruits, but had returned and were now abroad ; from which he inferred a design then laid for an insurrection, wherein some gentlemen of the county of Limerick were concerned. Of these he named the lord Bourke of Brittas, the lord Castleconnel's son, sir John Fitzgerald of Coulis, colonel Piers Lacy, and others, to the number of ten or twelve, some of them protestants. Warrants were sent to take up the gentlemen accused ; who being brought to Dublin, were examined and confronted with David Fitzgerald. But notwithstanding all the pains the bishop of Meath and the committee at which he presided could take in the affair, it was the end of the year before they could bring Fitzgerald's discovery and informations to such a condition and method, as to be fit for a transmission to the council : nor could they after all make them materially concur with discoveries made in England, or to be of one piece with them. The two lord chief justices also, finding no reason to keep lord Brittas and the other gentlemen accused in prison, admitted them to bail.

68 It was proposed to bring the accused gentlemen to a trial at Limerick, in a place where their manner of conversation was known, and in the county where the conspiracy wherewith they were charged was pretended to be carried on, and designed to be put in execution. But this was disapproved in England, where it was urged that more evidence might be gotten, and lord Shaftesbury bragged openly, that he had great discoveries of an Irish plot in readiness to produce. David Fitzgerald was sent for over : but whether he could not comply with what was proposed to him, or was afraid of being prosecuted in his turn for accusations he could not prove, he stole away from London in order to make his way for Ireland ; but was retaken at Bristol. Great pains were taken in this



last mentioned kingdom to find out more witnesses, who, as fast as they were got, were sent for to London, there to be made use of and examined by a secret committee of the house of commons: some of these were priests, and were brought in May this year before the parliament, where some affront was designed to the duke of Ormond, and it was expected that some censure would be passed upon his conduct: but he had proceeded with so much prudence and caution in all these affairs, that the examination thereof turned out to his advantage, and the reputation of the council of Ireland, who (as was owned in the house of commons) appeared to be very watchful and full of integrity, as well as knowledge. Nobody was more active in procuring these witnesses than the bishop of Meath, who had been scoutmaster general to Oliver Cromwell's army, and all his life concerned in secret intelligence with Irish priests, and now exerted himself to the utmost to serve that great and worthy patriot, his very good friend (as he styles him) the earl of Shaftesbury. The private intercepted letters of his correspondence with the earl, which was carried on by the means of colonel Mansell and William Hetherington, (that nobleman's chief agent, manager and instructor of the Irish witnesses brought to give evidence of the plot) shew something <sup>499</sup> more zealous than honourable in his proceedings in that affair.

<sup>69</sup> Those letters, having been copied by a person who took care to open them from time to time, were transmitted to the lord lieutenant by the earl of Ossory a few days before he was seized with the illness of which he died. He was taken ill at Arlington-house of an high malignant fever, and the disease was so strong in his head, that he had but few intervals free from the delirium that troubled him more or less all his sickness. Dr. Lloyd, then vicar of St. Martin's, attended him during his illness, and made use of those intervals for performing those duties and acts of

religion which became a good Christian. In the middle of his sickness, he spake of making a will, but lord Arlington seeing him so ill, diverted him from it, by telling him the circumstances in which he was did not make that so necessary for him as for another man ; since he had nothing to do but to recommend his wife and children, the payment of his debts, and the gratification of his servants, (who were as orderly, affectionate, and deserving a set as had been ever known,) to his father, whose generosity would provide over and above what he could in those points desire. He seemed satisfied with lord Arlington's offer of recommending those things in his name, and never mentioned his will more ; there being the less necessity for it, because on former occasions, when he was putting himself into the way of danger by sea or land, he used to leave with lord Arlington a short paper which contained the same things in effect, and wherein he particularly desired that his father would increase his wife's jointure. The physicians had once some hopes of his recovery, and remained two days in that opinion, but were at last undeceived, when it pleased God to take him on Friday, July 30, at a quarter past seven in the evening. His body was reposed for a time in a vault at Westminster Abbey, in a condition to be transported elsewhere, and was afterwards removed to Kilkenny.

70 Never was any man's death more generally lamented ; for he was universally esteemed, and generally beloved by all that knew him. The common people, who adored him, would not believe but he had foul play, though there were no grounds for that notion. His death was an irreparable loss to his family, and a very great one to the king, in a time when in all probability he should have most occasion for his service, his enemies being afraid of his popularity, and his friends having a confidence in his courage and integrity. He was for those reasons, in case an insurrection had been raised in England at this time,

(as was with great reason apprehended,) more capable of serving his majesty than any man in the kingdom. His sentiments, in point of loyalty, were not unworthy of his father's, ready at all times to sacrifice his all, and venture his person, in the service of the crown. He was indeed but too free in exposing his life upon every opportunity of signalizing his courage; the duke of Ormond complained of that adventurous, and (as he thought) romantic disposition, but it was too strong to be cured by any remonstrances. No man could engage in action with more resolution and intrepidity than the duke himself; but he was always thoughtful and considerate before he entered into danger; perhaps because he conceived himself, as general of the army, in a great measure answerable for the event: the earl of Ossory, on the contrary, rushed into the greatest perils, without considering at all, and seemed fond of danger, as if it was matter of pleasure and delight.

- 71 He was a man of great spirit and nice honour; had a very clear head and a solid judgment, which easily made him master of every subject which he applied himself to understand: and nobody could use more application to business than he did whenever he was employed; as appeared when he was deputy of Ireland. He was affable, 500 courteous, and obliging to all; friendly in his nature, and hearty in his friendships; a strict adherer to truth in all his discourse, and to virtue in the whole tenour of his conduct; humane in his disposition, sincere in his professions, and generous in his actions; qualities which never fail to engage the affections of the world, and account very well for that popularity which he enjoyed to his death, and which nobody can enjoy for any time without them. One instance of his generosity I derive from John Ellis, of the Pall-mall, esquire, who some time before his death served him in the post of secretary. When the earl of Ossory entered into the Dutch service with six

regiments under his command, he had the naming of all the officers of those regiments: but as he gave them their posts generously, he would not let his secretary take a farthing for any of the commissions, which were drawn by him, and signed by the earl. The fees amounted to a considerable sum, which his lordship made up to Mr. Ellis, taking care that he should be no loser by any bounty and favour which he had a mind to shew to others.

72 Such acts of generosity flowing from the noblest mind, in a man free from all tincture of vanity, and as frank and open as he was brave, could not but procure him the love of the soldiers and seamen, who never entered into action with so much pleasure as when they served under his command. He distinguished himself in services both by land and sea, which rendered his name famous over all Europe; from most of the princes whereof, and the most eminent persons in each country, (such as the prince of Condé, and mareschal de Turenne in France,) I have seen letters so full of extraordinary expressions of their esteem and affection, that they must be founded on other great and amiable qualities, besides his bravery and courage. Nobody ever called his probity and honour in question: and as he always enjoyed the uninterrupted favour of his prince, so he preserved a popularity greater than any subject ever attained, at the same time that he lived in the midst of a court where almost every body else was odious in the world. This was a rare felicity, peculiar almost to himself; and though the respect and love of mankind are an homage due to virtue and integrity, yet it is not always paid: these only lay the foundation upon which such a felicity may be built, but to enjoy it in so long a course of a court life, as lord Ossory did, without any blemish in his character, or censure on his conduct, argues an uncommon degree of good sense, sagacity, temper, and prudence. In all the changes of ministers at court, he still preserved his own dignity, and free-

dom of acting, stooping to none in power, and inveighing against none that were discarded; but carrying himself equally and civilly to all, without regard to the accidental circumstances of their fortune, and subsisting by the strength of his own virtue and merit. The lord treasurer Danby, afterwards duke of Leeds, hath related with great pleasure to some noble persons still living the following passage of the generosity and obligingness of his behaviour towards himself: When he resigned the treasurer's staff to the king, nobody about the court so much as suspected any thing of the design. As he passed through the apartments to his majesty's closet, all the train of courtiers that crowded them thronged about him, to make their compliments, and pay him that obeisance which they meant to the post of treasurer. After a long conference with the king, he came out of the closet into the drawingroom without his staff: the scene was suddenly changed; every body was surprised at the event, and avoided him with as much industry as they had a little before put themselves in his way: such is the fashion of courts, and so little stress ought ministers to lay upon the compliments and addresses of their creatures. The earl of Ossory coming up presently afterwards, was strangely surprised to see the earl of Danby standing all alone, and <sup>501</sup> every body shy of approaching him; but observing him to be without his staff, guessed immediately at the reason of that shyness. He had never made court to that minister when he was in the height of his power, (for there was a great strangeness between him and the duke of Ormond, who had reason to complain of some ill offices done him by the treasurer;) but conceiving an indignation at the wretched behaviour of many whom he saw there present, and who had received favours from him, he went up to lord Danby, and entertained him in discourse all the time he stayed with great ease and civility, and with greater respect than he had ever paid him before. This

was an act of magnanimity natural to the earl of Ossory ; and lord Danby, who was more sensibly affected with the sudden change of the behaviour of people towards him in the first moment of his disgrace, than he would have been if he had [had] time to digest it, was highly obliged by this seasonable civility of lord Ossory's, not only as it served to keep him in countenance at that time, and was a point of respect to be valued at all times from a nobleman of the greatest virtue and honour about the court, but as it came from one, from whom he least expected or deserved it, on account of the abovementioned circumstance.

- 73 The earl of Ossory was very serious in the belief and regular in the practice of religion ; he lived in a libertine age, and in the midst of a court where unlawful pleasures were too much in fashion, without being tainted in his morals, or falling into any criminal correspondence with the fair sex. He never had, nor was suspected to have an amour or intrigue with any lady ; and yet he was deemed not insensible of the charms of a daughter of sir C. Swan, with whom he was really in love, and could not help shewing it by a change of countenance or some other mark when she was in company. Whatever passion he was supposed to have for a young lady of uncommon merit, he took care to smother it in his own breast, and it never broke out into any declaration inconsistent with his own virtue or offensive to her honour. There was an entire affection between him and his wife : it was a match of inclination, and she was an excellent woman, had exceeding good sense, and the sweetest temper in nature. The earl would come home sometimes thoughtful and out of humour after losses at play, to which he was but too much subject ; and when, upon inquiry of the reason, he told her that he was vexed at himself for playing the fool and gaming, and that he had lost one thousand pounds, she still desired him not to be troubled, she would find ways to save it at home. She was indeed an admirable

economist, always cheerful, and never known to be out of humour; so that they lived together in the most perfect harmony imaginable. He never found any place or company more agreeable than what he found at home; and when he returned thither from court, they constantly met with open arms, with kind embraces, and with moving expressions of mutual tenderness.

74 The civility which flowed from the earl of Ossory towards all men was more particularly exercised by him in the case of strangers. When any foreign noblemen or persons of quality and character came to London, from France, Spain, Germany, Italy, Flanders, Holland, Denmark, Sweden, or any other part of the world, he soon found them out and made them welcome. His hospitality and courtesy were exerted towards them in the noblest and kindest manner, being ever ready to oblige them by his interest or his purse, as well as to caress and treat them at his own charge, at his table, and with presents. There was something in his manner and treatment of these foreign gentlemen that was infinitely engaging, and commanded their affections with an arbitrary sway; even Van Trump, with all the roughness of the Dutch seaman about him, could not resist the goodness of his nature and the charms of his conversation and carriage towards him, but was always speaking of him with raptures; and 502  
few strangers came hither, who were not inseparable from him when they were once acquainted. In this way his expense was augmented many hundred pounds in a year; but he never valued money, when he could be of service to any person of virtue, or had an opportunity of doing, in this or in any other way, honour to his country.

75 He early discovered his martial and active genius. When he was but six years of age, he had a little horse provided for him, and a pair of boots to put on when he rode abroad. The boots were brought home in the evening, and it was determined he should be put the next day

on horseback. The duke his father went to bed, but could not sleep all night, by reason of a noise of walking and stamping, which he heard over head. Lord Ossory used to lie there, but was so fond of his boots, and so eager to be on horseback, that he could not think of sleeping; and when he was to go to bed, nothing would serve him but he would needs put on his boots; and he walked in them about the room all night, pulling them on and stamping in them to have them easy in the morning. In extraordinary men the smallest matters deserve our notice; I have therefore mentioned this passage, and fancy it will not be disagreeable to the reader, if I insert some other memoranda of lord Ossory's life collected by Mr. Muleys and Mr. Ellis, the one his steward, and the other his secretary, at the request of sir R. Southwell.

- 76 Thomas Butler earl of Ossory was born in the castle of Kilkenny on July 9, 1634. He went into England with his father in 1647, when he quitted the government of Ireland, and stayed in London till the duke of Ormond going in disguise to make his escape beyond sea, and passing near the town, sent in for him, and took him with him to France. When his grace, in Sept. 1648, returned to Ireland, lord Ossory was left with his brother lord Richard Butler under the tuition of a French minister at Caen, in whose house they boarded; but in Oct. 1649 they both went to Paris to M. de Camp's academy, where lord Ossory grew expert in every exercise, and in all his encounters with French gentlemen gained great reputation. In December 1650 he came back to Caen to his mother the duchess of Ormond, and stayed there till the summer of 1652, when he followed her into England, and from thence went with her in the beginning of the next year into Ireland, where he continued till the end of 1654. The duchess then going into England, he went with her to London, and living in Wild-House, was soon after (viz. in March 1655) clapped up by Cromwell's order in the



Tower. There was no particular thing laid to his charge, but only that he was conversant among the dangerous men, and confided in by them, as one that would expose his life for the king on the first occasion. The guard that came to secure him at Wild-House departed upon the duchess's assurance of his appearing the next morning. His lordship was not in the house at that time, and Mr. (Stephen) Ludlow finding him, told him how matters stood, and that if he were inclined to make his escape, there was a vessel ready to carry him abroad. But her grace, having promised that he should be forthcoming, was against that step, and persuaded him to go very early the next morning to attend the protector at Whitehall. He stayed there in the drawingroom till three in the afternoon, sending in several messages, but receiving no answer to any, till Baxter told him he was commanded to provide him a lodging in the Tower. Thus, without being examined or admitted to the protector, he was hurried away thither in a hackney coach, and remained there till the October following, when falling ill of a dangerous fever, and the physicians certifying that he could not live without change of air, he was released, and suffered to go down with his mother to Acton in Gloucester-<sup>503</sup>shire. But continuing still very ill, and the physicians advising him to try a foreign air, a pass was with much difficulty procured for him; upon which his brother lord Richard passed over with him as one of his servants. They landed in Flanders, but soon removed into Holland, where lord Ossory continued, not daring to come near the king as long as Cromwell lived, for fear it should be a pretence for taking away from the duchess the tenancy of her own estate; which she had at last obtained, and got settled by the favour of Henry Cromwell.

77 In November 1659 the earl of Ossory was married to Emilia daughter of M. de Beverweert, governor of Sluys and all its dependencies, and a very leading man in the

assembly of the States General. After the restoration, coming into England, he was made by patent colonel of foot in Ireland on Feb. 8, 1661, and colonel and captain of horse by a like patent on June 13. On the 19th of the same month he was made lieutenant general of the horse by another patent, and on August 16, 1665, appointed lieutenant general of the army in that kingdom. In the year last mentioned, he was at Euston in Norfolk, when the four days' fight happened with the Dutch; and hearing the guns from sea, he and sir T. Clifford found means from Harwich to get on board the duke of Albemarle's ship, the duke being then retiring, and fighting as he retreated to preserve the smaller vessels, which he caused to sail before him, whilst he faced the enemy with the larger. The earl brought his grace the first news he had that prince Rupert was ordered back from the west to join his fleet. When the Dutch ships pressed hard upon the duke, lord Ossory said to him, he saw no help but they must be taken; but his grace replied, No, he knew how to prevent that; and when, upon the danger increasing, his lordship was more curious to know how he would avoid being taken, the duke answered, he would blow up the ship. This brave resolution was so agreeable to lord Ossory's own sentiments, that he ever after had his grace in great esteem. He was at this time very well with lord Arlington, and in April 1666 was contracted that alliance by this nobleman's marrying M<sup>le</sup> Isabella de Beverweert, (sister to the countess of Ossory,) which cemented that friendship between them which lasted till fate put an end to it by the death of the former. Lord Arlington always shewed a passionate regard to the earl of Ossory in all his concerns and on all occasions, assisting him with his interest and counsels to the very last; and on the other hand, when lord Arlington was going to be impeached by the commons, and the matter was debated five days together in the house, lord Ossory

stood every day like a solicitor in the lobby, pressing the members with the most earnest entreaties, and stirring heaven and earth in his behalf, till he carried the point in his favour.

78 In the same year the earl of Ossory, upon his father's resignation of the place, was made gentleman of the bed-chamber to the king; and in the June following was sworn of the privy council of England. Soon after, by a writ bearing date Sept. 14, he was called to the parliament then sitting at Westminster by the title of lord Butler of Moore-Park, and took his place there accordingly on the 18th day of the same month. In May 1670 he waited upon his majesty to Dover, when he went to meet the duchess of Orleans. In October that year the king being desirous to see his nephew the prince of Orange, thought fit to send the earl for his highness. His lordship accordingly set sail for Holland attended by several yachts; and about the latter end of that month put him and his train on shore at Margate in Kent. In the February following he waited on the prince back to the Hague, and went from thence to view the French king's new conquests in Flanders; and proceeded on to the court of France with <sup>504</sup> the design of serving that monarch as a volunteer in an expedition then intended by his most Christian majesty in person towards Alsace. But that king having altered his resolutions, he returned by the way of Holland into England; and in April 1671 the prince of Orange sent him a present to London, being a bason and ewer of massy gold.

79 In June 1671 the earl went for Flanders, designing to go to the siege of Brunswick; but understanding there that all differences were accommodated, he returned by the Hague into England. In January 167 $\frac{1}{2}$  he had a commission to command the *Resolution*, a third rate man of war; and another in April 1672 to command the *Victory*, a second rate. After the Solebay fight on June 3,

he sent Mr. Muleys to visit the sick and wounded seamen in St. Thomas's hospital in Southwark, and to relieve them according as he found their necessities. Pursuant to his orders, Muleys gave to those he found most maimed 40s. to such as had less hurts 20s. and to those who had the slightest wounds 10s. apiece. In September that year he was elected knight of the garter, and installed at Windsor the 25th of the next month. In the November following he was sent as envoy extraordinary to the court of France, with compliments of condolence to that king upon the death of Louis Francis of France duke of Anjou. He was highly caressed in that court, and treated in some respects with the same honours as a prince of the blood. The king pressed him to take a command in his army, and bidding him ask what appointments he pleased, added, *et j'en feray au dela*. "I know," said he, "though you are born to a great estate, yet whilst your father lives you are in the condition of a cadet." His lordship excusing himself, the king sent M. de Louvois the next day to his lodgings, who told him, that the king was pleased to bestow a command upon him, and desired him to ask what command he would have; and that in asking he would be as bold as a lion. His lordship returned him a compliment in answer; upon which he said, "Come, my lord, I see you are modest; let me speak for you. Will twenty thousand pistoles for equipage and ten thousand pistoles a year do? if not, say what you will have, and choose what command you please." The earl still declined the offer, saying he was already engaged in the sea-service of his own prince in the war against the Dutch. At his parting from the court of France, he was presented with a jewel of two thousand pounds value.

80 In May 1673 the king gave him the command of the St. Michael, a first rate ship, and made him rear admiral of the blue squadron, in order to that great sea fight against the Dutch which happened shortly after. Sir

Edward Spragge commanded in chief that squadron in the engagement, being on board the *Prince*; but that ship being disabled in the fight with *Van Trump*, and Spragge himself slain as he was going in his boat on board another ship, his lordship lay to defend the *Prince* from being fired or taken by the enemy, and towards night brought her off in tow, and joined prince Rupert's squadron. He was then made rear admiral of the red squadron, and towards the close of that summer's expedition, (*viz.* in September,) he was sent to the Buoy in the *Nore* to command the fleet there lying in chief, and to wear the flag of union on his main-top-mast-head. This was attended with a pension of two hundred and fifty pounds settled upon him as having had that command and privilege; it being an usual establishment given of course, or by the king's courtesy, to all that have had the honour of the flag.

81 It was at the latter end of the same year that he formed a design upon *Helvoetsluys*, where, when he was last in Holland, he had seen with indignation the *Royal Charles* taken by the Dutch at *Chatham* laid up, with all the *Maes* squadron as in a secure harbour. He had from that time been desirous of an opportunity to revenge the disgrace that this nation suffered at *Chatham*, by returning another 505 of the like kind upon Holland. He received about this time advice from a correspondent in that country, that this place, where twenty-two of the largest of the Dutch men of war were laid up close by one another, and which for its great importance used to be well guarded, was then left with a small garrison of only two companies of foot, and that the batteries at the entrance of the port were in no good condition. His lordship thereupon sent *M. St. Paul*, his gentleman of the horse, who, though a Frenchman, spoke very good Dutch, and having married a Dutch woman of the *Hague*, had acquaintance in that town, and the country about it, to take an exact account of the place,

and bring him a plan thereof. St. Paul executed his commission with much industry and exactness, and great hazard of his life : and when he brought the account to Whitehall, his majesty was so pleased with it, that he promised him a considerable reward for his pains, though he never had it. The execution of the design appearing very feasible, the earl obtained the king's orders and instructions to go with ten frigates and two thousand landmen, to make a descent at Helvoetsluys, and to destroy the Royal Charles, and such other ships as he found there. Every thing was ready; but on the same night that he was to take his leave, and to go on board, in order to execute his design, he received the king's countermand ; which gave him much trouble and vexation. Sir John Narborough, who was to command next to his lordship in this expedition, knew the coast of Holland and the port of Helvoetsluys perfectly well, and was to discharge the part of chief pilot in the action. When the king made difficulties in the matter, sir John told him he would undertake, at the peril of his head, to carry in the ships at half flood ; and the earl undertook to his majesty, that he would fire the Dutch ships with a halfpenny candle, or he should place his head upon Westminster-hall by Cromwell's, for the greatest traitor that ever breathed. It was in truth the easiness of executing so great an enterprise that caused it to be thwarted by a very great man, who was jealous of the glory that would thence redound to the earl of Ossory. Mr. Ellis was afterwards upon the place with his lordship, who found the plan St. Paul had brought him very exact, and the thing as easy to have been executed as he had before imagined.

82 In November 1674 the earl was sent (as hath been already related) into Holland, about the match between the prince of Orange and the lady Mary, daughter to the duke of York. In 1675, on Trinity Monday, he was chose master of the society and brotherhood of Trinity

house: and in August following was made one of the lords commissioners of the admiralty. On November 18, 1676, he was sworn and admitted to the place of lord chamberlain to the queen; don Francisco de Melo, the Portugal ambassador, (who was also her chamberlain,) being displaced on a complaint of the bishop of London, for licensing popish books. On June 2, 1677, N. S., the prince of Orange sending over M. Bentinek to England, recommended him by letter to the earl of Ossory and his father to assist him in the affair which he came about. The business was to propose a match with lady Mary: and M. Bentinek first addressing himself to those noblemen, they advised him to apply to the earl of Danby, then lord treasurer, lest he should oppose the thing, if moved from any other quarter. The affair succeeded; and the prince had leave to come over at the end of the campaign; and the earl of Ossory having obtained a permission (which had been refused him in former years) to go and make the rest of that campaign with his highness, passed over into Flanders in July, and joined him at the siege of Charleroy. When the prince drew off from that siege, and the French army under the command of M. de Luxemburg appeared in view of the confederate forces, so that an engagement was expected, he gave the earl of Ossory the post of honour, with six thousand men under his command; but no action ensued. In the February following he went into Holland, to adjust matters relating to his capitulation, and to enter upon the command of general of the king of Great Britain's subjects in the pay of the States, and returned into England in company with the lord ambassador Hyde on September 13, 1678.

83 It was in the campaign of that year, and at the conclusion of the war, that the famous battle of Mons was fought, in which the mareschal de Luxemburg was forced to retreat, and the earl of Ossory gained so much glory.

The States of Holland, the duke of Villa Hermosa, governor of the Low Countries, and the king of Spain himself, in a letter under his own hand, acknowledged the great services he had performed in that campaign. Upon his return to England he was under nomination for commanding his majesty's fleet designed to chastise the pirates of Algier: but insisting on a greater number of ships, and better appointed for the doing something more for the service of the king and the honour of the nation, than perhaps was proposed, the lord treasurer Danby obstructed the granting of his demands; and sir John Narborough was appointed with a smaller squadron for that service.

84 Charles II, king of Spain, having on August 31, 1679, N. S., married Maria Louise, daughter of Philip duke of Orleans, by his first wife Henrietta Maria of England, the king intended to send the earl of Ossory as his envoy extraordinary, to congratulate his catholic majesty on this alliance and marriage of his niece. A jewel was made by Lagoon the jeweller, which cost thirteen thousand pounds, and was intended as a present to the queen of Spain. His lordship also put himself to a considerable expense in preparing for the journey, proposing to pass through Portugal to Madrid, and from thence through France into Italy, to make a visit to the great duke of Tuscany. But this journey was stopped, not so much by the good husbandry, which served for a pretence, as by the pique and ill-will of the earl of Essex, then first commissioner of the treasury, and in conjunction with the lords Sunderland and Halifax, chief manager of all the affairs of the kingdom. Splenetic persons are of all men the aptest to give affronts, and yet retain the most lasting resentments of any that they fancy are offered to themselves. Such was the earl of Essex; he was always ready to do ill offices to the earl of Ossory, and had once, without any reason, provoked him so far, that he sent his



gentleman of the horse to him with a challenge: but the duel was prevented. Essex on this occasion prevailed with the king to send only an express to their catholic majesties, with a congratulatory letter, in which the king made honourable mention of the earl of Ossory, whom he had once intended to send on that message, but could not at that time spare him from his councils and presence. Had the jewel been sent by lord Ossory, it would have been disposed of in an honourable manner: but nothing was saved by keeping it at home, that very jewel being given not long after to the duchess of Portsmouth.

85 The earl, when he went over in February 167 $\frac{7}{8}$  to Holland, had been made general by the prince of Orange's patent, (as they call it there,) and in that quality commanded and took place all the time he was in the army, and had his waggon ordinances appointed him by the States, but he had not the States' commission till 1680. In the beginning of March this year he sent Mr. Ellis over to solicit that affair, and, in case it could not be obtained, to deliver up his commissions of colonel and captain, which he had from the States. The prince was much surprised and grieved at this unexpected resolution of the earl's, being very unwilling to lose him, and fearing that the war being at an end, the States would hardly create so great an officer; of which they thought they had no longer any need. His highness would have sent 507 the agent back with good words and fair promises; but Mr. Ellis acquainting him that his lordship had come to a fixed resolution either to have the States' commission as general, or to have no commission at all from them, it was at length obtained. In April this year he was restored to the privy council, out of which he had been left ever since the dissolution of the old and the creation of the new council, of which the earl of Shaftesbury was made president; and was soon after designed to be governor of Tangier, then besieged by the Moors. As he

was preparing to go thither with a considerable brigade, he died three weeks after he had completed the forty-sixth year of his age, to the universal regret of this nation, and the general grief of a great part of Europe.

86 He left behind him two sons, James, who succeeded him in his titular dignity of earl of Ossory; and Charles, now earl of Arran; and four daughters, Elizabeth, married to William Stanley, earl of Derby; Emilia, still living; Henrietta, since married to Henry D'Auverquerque, earl of Grantham; and Katherine. There was another Henrietta, and a daughter named Mary, who died in their infancy: and the same untimely fate attended three others of his sons, who were buried on June 1, 1667; March, 3, 1668; and August 26, 1669, at Christ-Church in Dublin. Those of his children who survived him fell under the care of the duke of Ormond, who supplied to them the loss of their father; and was abundantly careful to fulfil all his son's desires, not only in augmenting his widow's jointure, but in the protection and reward of his servants.

87 The death of such a son was an infinite affliction to the duke of Ormond, and left an irreparable breach in his family. The king, the queen, and the duke of York, who bore a part in the grief, as they had a share in the loss of a person of so much merit, who was likely to prove as great a support to the crown as he was to his own family, and seemed, at least in that juncture, equally necessary for both, condoled with his grace on this melancholy occasion. Some of the letters which passed may be found in the Appendix, No. CV—CVIII. The duke had the satisfaction of seeing all the world join in the sorrow he felt in this mournful event; upon which, if any ill-wisher of his, or any enemy of his country, inwardly rejoiced, yet they took care to suppress the secret ill-natured pleasure, and thought it decent to affect the appearance and adopt the expressions

of concern. His grace had as much of a Christian spirit and resignation to the dispensations of Providence as any man whatever; but had need of all his reason and religion to enable him to support the loss of such a son, which, though by being of old inured to misfortunes, and after the discipline of adversity for many years, his mind was generally prepared for the worst events, was yet difficult enough to be borne with decency. A gentleman, coming soon after from England to Kilkenny, delivered to his grace compliments of condolence from a nobleman of that kingdom, who had on this occasion expressed his great concern for the duke, and his as great wonder how he could possibly bear the loss of such a son. His grace, who perhaps had no great reason to think there was much reality in the compliment, replied, “My loss, indeed, sits heavy on me, and nothing else in this world could affect me so much: but since I could bear the death of my great and good master, king Charles the First, I can bear any thing else: and though I am very sensible of the loss of such a son as Ossory was, yet I thank God my case is not quite so deplorable as that nobleman’s; for I had much rather have my dead son than his living one.”

88 The duke of Ormond was at Kilkenny when he received the news of the earl of Ossory’s death, and was sufficiently disposed to indulge his grief and flatter his melancholy in that retirement, had not the importunity of his friends and the business of the state called him to Dublin. There was a new covenant now handed about 508 and carrying on among the fanatics and disaffected secretaries over the kingdom: copies of it were sent him from several places: and it was necessary to take measures to prevent a combination, which might be as destructive to the peace of the nation, and produce as fatal consequences, as the solemn league had done some years before. This new covenant was spread with great in-

dustry in several parts of Ireland; more especially in the northern counties, where the presbyterian ministers were generally of that gang of people called in Scotland *remonstrators*; and several of them had been actually subscribers thereto, (in opposition both to the king and the body of the kirk,) being at that time chiefly governed by Wariston and Gibby Ker. These men now decried the oath of supremacy as unlawful; and some of them had been lately over in Scotland, where the archbishop of St. Andrew's had been assassinated; and matters seemed brewing for a new insurrection, particularly in the west, where there was a great ferment among the people. It was probably in consequence of this correspondence with the Cameronians in that country, that soon after a solemn day of fasting and humiliation was kept at St. Johnstown in the barony of Rapho and county of Donegal, where Mr. Hart of Tobyn, Trayle of Clomleigh, Craighhead of Donoghmore, Rule of Derry, and twelve other presbyterian ministers, assisted, and six or seven thousand people, out of that barony and the counties of Derry, Tyrone, and Fermanagh, assembled. The lord lieutenant knew by experience the mischiefs of such meetings and correspondence; and took effectual care to prevent the continuance and consequences thereof. One Nathaniel Johnson, who had been in the late Scotch rebellion, and was come over to raise disturbances in Ulster, being apprehended, making discoveries of some practices in the country he had left, and offering to make more upon assurance of pardon, was, after being kept some days in custody under a strong guard, for fear of being killed by the presbyterians, who were apprehensive of his discoveries, removed from the north to Dublin, where his grace received from him informations which helped to keep that turbulent set of people in awe; and to point out where that vigilance should be particularly exerted which the lord lieutenant always used in general, and

which enabled him in his silent way, without any bustle or alarm, to prevent whatever designs were laid to raise disturbances in that quarter of the kingdom.

- 89 The earl of Ossory had not been dead three weeks before the duke of Ormond's enemies, thinking they had now a greater likelihood of succeeding, renewed their efforts to remove his grace from the government of Ireland. They could not readily agree about a successor, and the competition between the lords Essex and Halifax was at first some obstruction to their measures. But at last it was generally agreed that Essex should be the man; the duchess of Portsmouth, lord Sunderland, Hyde, and Godolphin, all giving him hopes of it, and promising him their interest, believing that his credit and influence in both houses might be useful to them when the parliament should meet, as was certainly expected in the November following. This was concerted without the king's knowledge, who was absolutely determined not to part with the lord lieutenant, in the present situation of his affairs, though he was not fond of declaring his resolution, for fear the duke's adversaries should unite with more vigour and importunity to effect their design.
- 90 In order to this end, which they flattered themselves they could easily compass, they opposed the present calling of a parliament in Ireland, judging that, if it met, it was more than probable his grace's influence would occasion the passing at least of the bills of supply; which would recommend him so far to the king, that he would be immoveable in the government. Hence they intro-<sup>509</sup>duced sir James Shaen to make objections to the bill of subsidies, in the name of himself and his partners in the farm of the revenue, averring, that the poverty of the kingdom was such, and the species of money so scarce, that there was hardly cash enough to answer his majesty's rent; and if the additional charge of the subsidies were brought upon that poor nation, the farm must break for

want of cash in the kingdom to answer both. Sir James was allowed a sight of the bills, and ordered to put his objections in writing; which were transmitted to Ireland, where the grounds of them being known to be false, it was easy to refute his conclusions.

91 This however answered lord Essex's view of keeping the lord lieutenant from holding a parliament in Ireland till the time when that of England was to meet; and then the old objection, that it was not proper to have both parliaments sitting at the same time, would take place; which he hoped would gain time enough for the removal of the duke of Ormond, that the parliament might be held under himself. Other objections were made to the money bills, on account of the interest of England, which was thought to be affected by the additional duty of fourpence a pound on tobacco, and by the imposition on coals; though no goods whatever had come out of England into Ireland but what had always been charged with some duty or other to the king. In the bill for annexing the Phoenix park to the crown, the word *imperial* being added to *crown*, was excepted against by the council of England, though an usual phrase in acts of parliament. The bill for disabling papists from sitting in either house of parliament was ordered to be altered according to the English act, by which indeed the lord lieutenant had been directed to have it drawn, yet his grace thought himself authorized to alter it so as to adapt it to the state of Ireland. Thus he had omitted the English preamble relating to the popish plot, and founded the reason of the bill upon there being several laws made in England for preventing the increase of popery, which were not of force in Ireland, and therefore it was proper to enact such as were there recited. Two clauses in the English act were also left out in this, one against papists coming into the king's presence, and the other concerning the king and

queen's sworn servants taking the oaths. This omission was excepted against, though it no way affected Ireland, unless they had a mind to put the lord lieutenant in the king's place, which the duke of Ormond's modesty would not allow him to do. These were all the variations in the bill from that which had passed in England.

92 The king could not comprehend the meaning of these trifling objections made to the Irish bills, and saw with great surprise a strong opposition to any resolution for a parliament in Ireland. Lord Arlington explained the matter to him, by acquainting him with lord Essex's views and hopes; which his majesty professed he had given no encouragement to; and as he would not have him entertain any expectations of the lieutenancy of that kingdom, was desirous to put an end to those hopes, had he not been restrained by the apprehension that it might sour him in other matters relating to his service. Essex, to dispose the king to remove the duke of Ormond from his government, found no method more proper than to attack him on the old subject of the management of the revenue. For this purpose sir James Shaen served him for a proper tool, he being very great with lord Hyde and sir E. Dering, (who pinned their faith upon him in matters of that nature,) and very bitter against the duke, who (he complained) had rejected all the overtures and applications he had made to him for twenty years past, and had thereby, since he would not own him with any sort of friendship or respect, necessitated him for his own preservation to seek elsewhere for friendship and protection. But all that sir James had to complain of was the<sup>510</sup> strictness of some rules laid down by the lord lieutenant and council regulating the proceedings of the farmers, which subjected them to several inconveniencies. But these rules and restrictions appeared so reasonable at first sight, that, notwithstanding all sir James's representations, the commissioners of the treasury would give no

positive order in the matter till they had consulted the council of Ireland: and then they appeared evidently necessary to prevent the king's being defrauded by any pretences to defalcations, and the subjects being harassed by the extortions of the farmers, collectors, and officers. The earl of Essex himself objected against the duke, for putting the crown to too much charge in two particulars; the one was that of marching troops into the north, (when the news came of the Scotch insurrection,) and providing all necessaries for their supply and transportation, in case there was an occasion, which came to near three thousand two hundred pounds. The other was the laying out seven hundred pounds in fixing and fitting up six thousand old firearms and two thousand pikes, to put into the hands of the militia, when the news of the popish plot arrived in Ireland. Men must have very strong passions to overrule their judgment, and very little room for objections, when they can take up with such as these. The king saw very well the meaning of them; and it cannot be wondered at if they had no effect.

- 93 This method failing, it was thought necessary to revive the old suspicion of his grace's being popishly affected, and to find out new calumnies to countenance a charge, to which the conduct of his whole life, and the notorious enmity of the papists towards him, was an irrefragable contradiction. The employment of his brother Matthews in the management of his estate, in which trust that gentleman behaved himself with a rare fidelity and capacity, and with all the impartiality between the protestant and popish tenants upon it that could be wished (as it was observed) by his grace himself, and his having Roman catholic relations, was almost the only pretence that had in it any the least foundation of truth. The erecting of a popish school at Kilkenny had no better grounds, than that the duke had expelled thence all the popish instructors of youth, and founded a protestant school at his



own charge, endowing it with lands to the value of one hundred and fifty pounds a year, and providing it with eminent and orthodox men of the church of England, who, in succession to one another, were deservedly preferred to the best dignities in Ireland, and had bred up under them a great number of the most eminent of the nobility and gentry of that kingdom in the true principles of religion and virtue.

- 94 Another calumny cast on his grace was, that of his sending sir George Lane to a meeting of the Irish clergy, and his sitting with them; for which this was the pretence. After the king's restoration, some of the Irish Roman catholic clergy, who after the peace of 1648 had adhered to the king's authority, and opposed the rebellious measures of the nuncio and his faction, desired that the severity of the penal laws against popery might not be executed against them who had given such proofs of their duty and fidelity to the crown, and against others who concurred with them in the same principles and conduct. These men had been violently harassed and persecuted whilst they were in exile abroad, in countries where the pope had power, by those superiors to whom he subjected them, and who had been the most violent in the nuncio's faction, and had therefore pretensions now to some indulgence. To shew the loyalty of their principles, they drew up a remonstrance to the king, acknowledging him for their true and rightful king, supreme lord and sovereign, professing themselves obliged, under pain of sin, to obey his majesty in all civil and temporal affairs, and openly renouncing all foreign power, papal or princely, spiritual or temporal, that should pretend to discharge or free them from that obligation, or <sup>511</sup> any way license them to raise tumults, bear arms, or offer any violence to his majesty's person, authority, or government. This remonstrance was signed by Oliver Darcy, titular bishop of Dromore, and about sixty-eight of the

Roman catholic clergy, and also by ten noblemen, and a considerable number of the gentry.

95 The duke of Ormond and lord chancellor Clarendon thought this a likely means to work a division among the Romish clergy, which would prevent their uniting in any measures to disturb the government, and therefore encouraged the remonstrance. The court of Rome was violent against it, passed censures upon it, and did all that was possible to deter all ecclesiastics from subscribing it. This was debated for some years in several books published on both sides of the question, the substance of which, and the history of the dispute, may be seen in Peter Walsh's *History and Vindication of the Irish Remonstrance*. At last, in the year 1666, it was thought proper to let the Romish clergy in Ireland meet in a body at Dublin, in order to authorize the remonstrance by a general act of the whole body, which seemed the only way of causing it to be generally received. There were the greater hopes of this, because Edmond Rely, titular primate of Armagh, had by his letters given assurances to the government that he would cause it be so received, if he might be suffered to come into the kingdom and appear at the meeting. The king, in confidence of that promise, and in hopes of some good effects from it, gave orders for conniving at his return and at the meeting of the clergy. Rely forgot all his promises, and used all the power he had to oppose the remonstrance; which it was endeavoured to set entirely aside by introducing in its stead different formularies full of equivocal expressions in the main point of obedience to the crown in temporal matters. Upon which the assembly broke up without any resolution. Rely kept out of the way, and fled out of the kingdom with all the titular prelates, except two decrepit bedrid bishops, the duke of Ormond thinking it necessary to proceed severely against persons who refused to give their lawful sovereign any security

of their allegiance, and were ready to foment a rebellion at any time, when instigated by the foreign power which they professed in all things to obey. This was the meeting referred to in this calumny; but sir G. Lane was never at it: it was intended for a division of the papists, and to the great security of the government and protestants; and would in all probability have so proved, if the duke of Ormond's successors in the lieutenancy of Ireland had used the same methods which he took against the malignant and factious part of the Romish clergy, and given the same protection to the remonstrants. Some of the duke's letters on this and other calumnies are inserted in the Appendix, No. CIX—CXXI.

96 These calumnies were not raised to have any effect upon the king, but to raise a clamour in the nation, and such jealousies in the parliament of England against the duke of Ormond, as might serve for a pretence to remove him. The king knew very well his grace's attachment to the church of England, and how much he had suffered both from papists and sectaries for his inflexible adherence to the principles and interests of that church. It was the irreproachableness of his conduct in that respect, and the constant undoubted proofs which he had in the course of forty years, under the greatest difficulties, trials, and temptations, given of his firmness to those principles, and of the sincerity of his profession of the protestant religion, that induced his majesty to commit, in the dangerous situation of his affairs, the kingdom of Ireland to his care. He was perhaps the only protestant about his court on whose loyalty he could depend in so critical a juncture, and whose character and conduct were at the same time such as could not be excepted against<sup>512</sup> in parliament with reason or colour enough to oblige his majesty to remove him and put the government into other hands. If the king could have found another per-

son so qualified, and endowed likewise with a capacity and experience sufficient to govern a kingdom at other times; yet in this turbulent season, when every thing bowed before the power and violence of the republican faction, it would not have been easy to find one that had courage enough to do his duty, or to take his measures wisely; which can never be done where there are any fears to bias the judgment. It was a mere necessity in the king to employ the duke of Ormond, on whose resolution, courage, integrity, capacity, and experience he could in this or any other juncture absolutely rely; and as long as that necessity lasted, he could never be persuaded to consent to his removal. The attempts made for that purpose, the scandalous means and libels made use of to prepare matters in order to that end, and the confidence of the duke's enemies that they should gain their point, occasioned a very current report about town that his grace was to be recalled. The king thought his own interest more affected by the consequences of that report than the duke of Ormond's, as in truth it was; for all that his grace could suffer was a removal from a troublesome and envied station, in which his expense far exceeded his appointments; but his majesty had three kingdoms at stake, and a rebellion in Ireland might have produced the loss of both the others. The king therefore having an opportunity of writing to his grace by a safe hand, (which was not so easy for him to get, considering the fears he had of being discovered by his ministers,) took care to assure him, that impertinent and groundless report was the pure invention of both their enemies; for there never had been the least occasion for such a report, and he valued his services in Ireland too much to think of any alteration. It was three months before his grace could find a proper canal for conveying his acknowledgment of this favour, and of the verbal assurances sent him with it, to

his majesty; and then he wrote that admirable letter to the king, which is to be read in the Appendix, No. CXXIII.

97 Among the libels published about this time, in order to cast aspersions on the duke of Ormond, there was one styled *Ireland's Lamentation*, and said to be wrote by a person of honour, representing the protestants in Ireland as under terrible apprehensions whilst his grace continued in the government. I mention it for no other reason, but because it occasioned a letter, in which there is a relation too curious to be omitted. This pamphlet was sent by a friend from London to sir Francis Brewster, then at Dublin, who, in answer to the letter in which it was sent enclosed, after observing that there was not the least shadow of truth in the ridiculous invective therein contained; that there was not a true protestant in Ireland but would own that the duke of Ormond had been, under God, their preserver in that juncture; and that he was sure, if it were proper, the whole protestant interest of that kingdom would address for his continuance in the government, at least till their fears of the plot were over; he makes an apology for taking any notice of that scandalous pamphlet; and to make his friend some amends, tells him he would give him a true relation of as seasonable a piece of service as had happened in that kingdom for many years.

98 “You have, I doubt not,” says he, “seen in the French as well as our Gazettes, several relations of a famous rebel named O'Hanlon, by the French called count Hanlon. This fellow hath been out many years committing great murders, and being a scholar and a man of parts, managed his villainy with such conduct, that he became a formidable enemy, kept two or three counties almost waste, making the peasants pay continual con- 513 tribution. So terrible he was in the <sup>d</sup>northern parts, that there was no travelling without convoys. In fine, since the general

<sup>d</sup> The counties of Down, Tyrone, &c.

rebellion of Ireland all the tories in this kingdom have not done the mischief this fellow hath done, nor put the army to so much trouble in attending and pursuing, as after him and his party, both in the earl of Essex's and this lord lieutenant's government. Various attempts have been made and large rewards offered for bringing in his head. The earl of Essex employed several; the now lord lieutenant did the same: but all proving unsuccessful, the duke of Ormond took at last his own way, seeming quiet, and giving the count no disturbance; though at the same time his grace was not idle, but laid the design without the privity of any, but only two persons whom he made use of in the affair. That there should be no room for the least discovery, or the design's taking air, the duke drew the commission and instructions all with his own hand. These were as well pursued by the <sup>e</sup>gentlemen instructed, and succeeded so happily, that on <sup>f</sup>Monday the 25th instant, at two in the afternoon, count Hanlon was shot through the heart. Thus fell the Irish Scanderbeg, who, considering the circumstances he lay under, and the time he continued, did in my opinion things more to be admired than Scanderbeg himself. This relation I had from the gentleman's own mouth that the duke employed. I saw his commission all written by the duke's own hand; but he would not let me see the private instructions; only he assured me that all the army of Ireland could not have done it, nor was there any other way left but that which his grace took."

- 99 These parties of tories, which the duke of Ormond was careful to suppress, because they were a sort of nurseries for rebellion, served likewise for supplying witnesses for the popish plot. One Murphey living in their quarters, and corresponding with him, was prosecuted for that correspondence by Baker and Smith of Dundalk. The proofs for convicting him were ready, and the assizes were near, when he made his escape out of prison, and put himself under the protection of the government as a prosecutor for the king of the charge against Oliver Plunket, titular primate of Armagh. John Moyer being guilty of the like correspondence, took the same party as Murphey had

<sup>e</sup> Mr. W. Lucas.

<sup>f</sup> April 25.

done, and went to England, whence they returned with encouragement to proceed to the conviction of Pluncket, and powers to take up what persons they saw fit for further witnesses. They had been examined in England as evidences of the plot, but had neglected to take out their pardons; and being prosecuted on their first return for their correspondence with tories, the bishop of Meath pressed the earl of Shaftesbury by frequent letters to procure their pardons, and get the titular primate's trial (which was to be at the next assizes, which were then near, at Dundalk) to be removed from that town, where he would certainly be acquitted, to either Dublin or London. The latter place was deemed most convenient, and the old man was accordingly sent for thither, tried and convicted, by this and the like evidence, of a charge that was in its own nature incredible, viz. the inviting twenty thousand French to invade the kingdom and land at Carlingford, and the listing of seventy thousand men to join them.

100 Another fellow employed to pick up witnesses for the plot, and to bring them over to England to be tutored and instructed there, (for the men taken up, when they appeared before the council, generally professed they knew nothing of the matter,) was one James Geoghegan, alias Dalton, of whom I find this account in a letter of the lord lieutenant and council to the earl of Sunderland dated, Jan. 8. This man came to Ireland in Nov. 1680, with an 514 order of the council of England, requiring the government and magistrates of Ireland to give him assistance in the business he came about, especially for the apprehending of any of those who had engaged themselves to kill the king.

101 “ He landed at Youghall, and after several very extraordinary proceedings in the country, (mentioned in a former letter to the said secretary,) came to Waterford, where he was committed, upon an information, for treasonable words. Upon application

to the lord lieutenant, he was released, and brought up under a convoy of horse for his safety to Dublin. He gave no satisfactory account to his grace why he did not apply to him sooner for assistance in the prosecution of his undertaking. But his demands were, first, an order from the lord lieutenant to take up and imprison whoever he should see fit, and requiring all officers civil and military to assist him; next, a guard of six horsemen to be taken from garrison to garrison, as he should call for them; and, in the last place, money to buy or hire him an horse, and to bear his charges. With the first of these it was not thought safe fully to comply, in regard he already stood charged with a design of making profit of his employment, by compounding with some persons he proposed to accuse; but he had as ample power as was necessary, as appears by the order sent enclosed. His other two requests were granted.

102 Thus authorized, guarded, and provided, (say the words of the letter,) he set forth from Dublin; but at his setting forth began to give ill signs of his temper and conduct, having in the open street (his guard of horse about him) not only whipped and beaten a butcher about the price or hire of an horse, but rode away with the horse without making any agreement with the owner. In prosecution of the circuit he intended to make, he committed many other outrages nothing appertaining to the work he had in hand; of which several complaints were made to us, and yet we forbore to restrain his irregularities, in regard to the importance of the service he was upon, from which we were loath to recall him. But at length his violences, excesses, debaucheries, and in effect his plain robberies, committed on Irish and English protestants and papists, were so manifest, and raised so great a disturbance in all places where he passed, that we began to suspect he could not be guilty of so extravagant a demeanour, but with design thereby to cast a blemish upon other substantial discoveries and witnesses. Wherein we are in some measure confirmed, by his apprehending and carrying prisoner about with him one Mr. Peyton, a justice of peace, and a known, constant, and zealous protestant; and by his breaking open the chest, and taking out of it about thirty pounds, of one Pilsworth, also a protestant and horseman in the earl of Longford's troop; and also by his accusing one Carrol of treason, and after having apprehended him, and having obtained a *mittimus* of a justice of peace to carry him to gaol, he took the *mittimus* from the con-



stable, and released Carrol, upon a composition of twenty pieces of eight, and kept the *mittimus* in his pocket, which was since found with him. The depositions and complaints against him the said Geoghegan herewith sent will shew what is laid to his charge. Upon so clear proof whereof, we are of opinion the justice of the government and the reality of the popish plot could not be sufficiently vindicated, but by the commitment of the said Geoghegan to safe custody, where he now remains, and concerning whom we humbly desire to receive his majesty's further pleasure.

103 “ Since this letter agreed on, he hath been examined to the matters laid to his charge ; and afterwards he gave an information against the earl of Carlingford, colonel Garret Moore, and Garret Nugent ; for securing of whom we have given orders ; and herewith transmit copies of the said information and ex-515  
amination. And remain from the council chamber in Dublin, &c.”

104 Such were the witnesses and agents made use of in this affair of the popish plot in Ireland ; the rest of them were of a piece with those whom I have mentioned as a sample. It may not be amiss to take notice how they behaved themselves at the trials of the persons they accused. The duke of Ormond gave the judges when they went the circuit for the summer assizes this year a particular charge to inquire particularly into the plot, and to send him an account of their discoveries and proceedings. The lord chief justice Keating and Mr. justice Herbert went the Connaught circuit, and when they had gone through the other counties of that province, (where all the transplanted Irish were settled, who being the most discontented of that nation, were the most likely to be concerned in a plot, if there were any on foot,) and were concluding it at Galway, they wrote from thence on August 5 an account of their proceedings. At Roscommon, two gentlemen, John Abery of Athlone and Edmond Kelly of Crannagh, were to have been tried, but Owen O'Callaghan, the informer and prosecutor, pretended that he had not his witnesses ready, they being absent in Eng-

land. The case was the same at Leytrim, where Edmond Donnelan should have been likewise tried for the plot. At Ballinroabe, in the county of Mayo, John Brown of Kinturke, esq. was charged by the information of Henry Blake, (a gentleman of a good family, formerly a Roman catholic, but of late turned protestant,) with a design to introduce the French, subdue the kingdom, alter the religion established, and introduce popery, and all this manifested by divers overt acts mentioned in the information. There was likewise another information of one Timothy Daly, (a convert too, and schoolmaster at Tuam,) charging Dermot O'Conner with the like treason, which he had from him in a Latin discourse about twelve o'clock one night, none being present, save Connor's wife, who understood not Latin. When the trials were coming on, Blake alleged that his brother John Blake was a material witness; but he being sent for by a warrant and examined, utterly disowned the knowing of any thing that his brother would have him testify: upon which the judges forbore to swear him. Mr. Miller, the sheriff, had returned a jury of able and substantial protestants, several of which Blake challenged as they came to be sworn, and they were set aside.

105 “The jury being complete,” say the judges in this letter, “we proceeded to the trial; and because it would be tedious to your grace to be troubled with the particulars of this trial, of which you expect an exact narrative hereafter, we now only tell your grace, that it did evidently appear by the testimony even of Blake and Daly, as it was given in court, by that of Blake's wife, and his brother John, whom he would by all means examine, though the king's counsel opposed it, and the court advised him to consider what he did, that the prosecution against the prisoners was altogether malicious and groundless. And indeed the testimony of Daly was so idle and foolish, so interlarded with challenges which passed between him and Connor, and so full of oaths and execrations by him formerly sworn and made, and then repeated, though nothing to the purpose, only to make out his own valour,

that the court often called to Mr. Sprig, the king's counsel, and he to Daly, (but all in vain,) to forbear the repetition of his own oaths and execrations, that though there had been nothing more offered, their very enemies could not with any colour have found the prisoners guilty. But on the other side there was a cloud of witnesses produced, gentlemen of very good quality, among them three or four ministers of the gospel, who testified on the behalf of the prisoners, in contradiction of several things which Daly and Blake had sworn. And this they made so very clear, 516 that Daly had no other evasion, but by saying, that he was oftentimes drunk, and remembered not what he said or did. And Mr. Blake hearing several of the witnesses declare, that he had, at divers places, and before divers witnesses, and once at Dublin before alderman Rider, declared and offered to swear, that all he had said against Mr. Brown was false and malicious, made no other excuse for his having so done, than that one Mr. Bodkin promised him great rewards for so doing, but had not performed in the least. Mr. Bodkin being a gentleman at bar, was then there, and standing up, utterly denied any such promise, and produced several others, to whose assertions if the jury gave credit they could not believe Mr. Blake. Upon the whole matter, after a trial of five hours with the greatest quiet and order that ever we observed in a matter of that kind and import, the king's counsel made as much of the evidence as they possibly could; and then Mr. Blake himself must needs make a speech, which was not denied him. The jury withdrew from the bar, and (if we may judge by the stay they made) they sat not down, till they returned, and brought the prisoners in not guilty."

106 I was willing to give this authentic account of the trials of Mr. Brown and Mr. Connor, by way of specimen of some scores of others in Munster and Connaught, on account of the popish plot in Ireland, in all which the prosecution appeared to be alike malicious and groundless. The lord Brittas and gentlemen accused by Fitzgerald were not suffered (as hath been said) to be tried at Limerick, the faction not caring to trust a matter of that consequence to the republican cause to the verdict of an impartial jury of the neighbourhood, who knew the circumstances of the country, and the conduct and character

of the accused as well as of the accuser. It was resolved they should be brought to England, to be tried before a jury culled out for the purpose by the sheriffs of London, and resolved, without regard to the nature of things or the credibility of witnesses, to find every thing that should be dictated to them by the heads of the faction; but this project was spoiled by Fitzgerald's confessing the falsehood of his information. There was not in truth the least ground or reason to believe there was any design of raising an insurrection at this time in Ireland; yet the duke of Ormond, who always paid well, and never wanted for intelligence of any motion or machination for that purpose, thought himself obliged to take more than ordinary precautions for the security of Munster, which by the said information was laid as the scene of that pretended design. He knew in what ticklish circumstances he stood, and how vigilant his enemies were in looking out for some pretence to charge him with remissness in the duty of his post; so that though he had formerly declined giving general orders for taking up the heads of septs, without any accusation against them, purely because they had power to do hurt, yet he now thought fit to secure O'Sullevan Moore and O'Sullevan Beer. These gentlemen, in case a rebellion should be raised in Munster, were the most able of any to support it, being the chiefs of two powerful septs, and having very numerous followings in that province. They were the most likely to join in such an affair, because they had lost their estates by the last rebellion, and were reduced to a very indigent condition, being maintained purely by the hospitality and contribution of their old vassals and dependants; so that they had little to lose, and much to hope from another. Yet these men submitted to be taken up without the least opposition or attempt of escaping; though it is certain that the affection which their followers bore them was such, that they would have died by their side, if they

had been minded to oppose being taken into custody. The duke of Ormond thought the ease with which this was done to be a strong presumption that there was no<sup>517</sup> design of a popish rebellion in Ireland, because they must have been acquainted with it if there had been any: and certainly their surrendering themselves so quietly, in such a time after a plot's being declared and prosecuted with so much fury, was as strong a proof of their own opinion of their innocence.

107 There is something odd enough in the sending for such numbers of miserable wretches from Ireland, to serve in England for witnesses of a plot, of which they knew nothing, till they were instructed by Mr. Hetherington, lord Shaftesbury's chief agent in managing and providing for them. When the earl of Shaftesbury first moved the thing, and produced his informer, who would also get three more that were in Ireland, all good Roman catholics, and who would die for their religion, though they hated the bloody counsels of the Jesuits, secretary Coventry pressed that the examination of them might be left to the lord lieutenant: but those of the council who were of the earl's party, after a warm debate, (which the attorney general and the clerks were not suffered to hear, being turned out as soon as it began,) carried it for their being sent for over. Something of their character and condition may be seen in the duke of Ormond's letters in the Appendix, No. CXI—CXXVII; and I could have added a great deal more, would it not have been tedious. It is still more odd, that when these fellows, who went out of their own country poor and half naked, returned thither again well equipped in clothes, and flush of money, having met with plentiful contributions and ample rewards for what they had been there taught to depose, they should yet have no contributions made, no rewards given them, nor be at all considered by the protestants of Ireland, who were particularly interested in the matter

of those men's depositions, and whose throats (it was pretended) were by their discoveries saved from being cut by the papists. It is very strange that this multitude of Irish witnesses, which made so terrible a noise in England, could not serve to convict so much as one man in their own country. But it is still more strange, that, after such notorious perjuries, as plainly appeared in this affair of the popish plot, no law should yet pass in England for the severer punishment of persons guilty of that crime, in cases where the lives of others are taken away, their estates forfeited, their blood tainted, their families ruined, and their names conveyed down as traitors, to the execration of all posterity. The taking a purse, and putting a man in fear of his life on the highway, is punishable with death, though by far a less crime than the swearing it away falsely in a court of judicature. Our ancestors possibly had no experience of so flagitious a crime, to make it needful to provide against it; but their descendants, who see the sacredness of an oath daily lessen, (by what methods may perhaps be worthy of inquiry and consideration,) and who know that all the security they have for their own lives and fortunes, as well as those of their families, depends at present on the sacredness of such oaths, should methinks deem it reasonable to provide by human terrors against a crime so impious in its nature and so mischievous in its consequences. The Jewish law of old, the civil law of the Romans, and the common law of almost all other countries in Europe, have in such cases established the *lex talionis*. *Nec lex est justior ulla*——

108 The perjuries in the times whereof I write were not only fatal to particular persons, but had like to have proved so to the public, by involving these kingdoms in all the miseries of a civil war, if the king had not in time taken up a resolution to vindicate his own authority, to be faithfully served in his court and councils, and to

suffer no longer his person, dignity, and prerogative, and the liberties, properties, and lives of his subjects and servants to be exposed, contemned, villified, and invaded. It was in truth high time to do so, when those who aimed at the subversion of the monarchy had formed designs to<sup>518</sup> seize his person, and force him to such acts as they should think fit to prescribe; when the whole nation was inflamed by seditious libels and practices, and fitted for a general insurrection; when the city of London was put into a posture of defence, ready to support the faction in all their measures, to which the sheriffs were so devoted, and so corrupt likewise in their returns of juries, that anybody might securely conspire and engage in treason against the crown, provided the scene of it was in London. This appeared evidently in the case of the earl of Shaftesbury, the head of that faction whose loud outcries of the danger of the protestant religion had made him considered as its principal champion, though he was at the same time a deist. The subornation of witnesses to give evidence, and gain credit to the popish plot, was imputed to him; those which were sent for from Ireland had been procured, supported, and managed by him and his agents; the lives of several persons had been taken away, upon the credit of those witnesses who deserved none: but those politics, which inspired, and were to justify all this iniquity, were very near proving fatal to the author.

109 The earl, when he saw the elections of the Oxford parliament, was too much elated with the success of his measures: he thought himself sure of carrying his point; he boasted too openly that he would make the duke of York as great a vagabond on earth as Cain; and had unbosomed himself too freely on the subject of his designs for seizing of the king by force, and setting up a commonwealth on the ruins of the monarchy. Nobody of common sense doubted of this being his view: and his

confidence of success had furnished the king with witnesses more than enough to convict him in any court of judicature, and before any fair and impartial petty jury upon earth. A treasonable association likewise had been found in his closet. Pilkington and Shute, sheriffs of London, were resolved to pack such a jury for the earl as should bring him off at any rate: and yet it was necessary to prosecute him, in order to repress the insolence of the faction, which knew no bounds. The king had seen the good effects of the declaration he had published upon the dissolution of the Oxford parliament: and he judged that a discovery of the horrible corruption of the London sheriffs and juries to the world would be attended with the like good consequences, and undeceive all that were rather seduced ignorantly to follow the faction, than knowingly engaged in their designs. With this view, though it was certainly expected that Shaftesbury would be brought off, it was resolved to bring him to a public trial. The grand jury impanelled on that occasion would fain have examined the witnesses in private, that their corruption might not appear manifest to the world; but this was not suffered: the witnesses were examined in open court, and gave their evidence with great clearness; yet the bill of indictment was found *ignoramus*. Never was a court of judicature so mobbed and insulted as this was which sat upon the earl of Shaftesbury's affair; never was there a fuller evidence for the finding of any bill ever laid before a grand jury; and never did any jury shew a more petulant impertinence, a more notorious partiality, and a more determined obstinacy not to bring in a verdict according to the evidence, than was seen in this case. The trial, in which all this appeared, was printed; and the event answered his majesty's expectations: it opened the eyes of the nation; and the king persevering in the resolution of as-



serting his authority, extricated himself out of all his difficulties; and though he lived little more than three years afterwards, yet he died with the faction at his feet.

110 These proceedings of his majesty were perfectly agreeable to the sentiments of the duke of Ormond, who had seen the church and monarchy formerly ruined by different measures, and was afraid they would be ruined again at this time by the very same, notwithstanding the 5<sup>19</sup> unhappy experience of the destructive consequences of those measures in 1641. Two excellent letters, wherein he expresseth his sense upon these heads, I have inserted in the Appendix, No. CXXIV, CXXV; as I have in the following page [No. CXXVI] another upon the earl of Shaftesbury's death, (which happened not long after,) for the mortification of all politicians, who, deviating from virtue, integrity, and duty, fancy that cunning can supply the place of wisdom, and that schemes founded in injustice, which, whatever it promiseth, is policy but for a day, are preferable to those maxims and rules of right and justice, which are the policy of an omniscient God, who sees to the end of all futurity, who hath fixed them as the standard of true wisdom, and in pity to the shortsighted views of men, who, taking up with the immediate, seldom look into the remoter consequences of things, hath given them for the unvariable and unerring guides of human conduct to the end of the world.

111 The duke of Ormond had hitherto had a very difficult task to keep Ireland in peace and tranquillity. He was threatened himself continually with articles to be exhibited against him in the house of commons of England; and had advertisements given him from time to time that some of the witnesses sent for from that country would be made to depose something or other against him. The protestants themselves grew uneasy at the multitude of wretched fellows, who, being either in gaol for debt, or in prison for thefts and robberies, to get their

liberty, or in hopes of rewards, set up for informers, and accused protestants as well as papists. Their apprehensions were still greater after the English parliament had voted there was a plot in Ireland, for fear the papists should be exasperated by the severity of their proceedings, and raise a second rebellion to prevent a threatened or dreaded extirpation. There did not want persons to encourage the fears and apprehensions of both parties: but the lord lieutenant's prudence, and the general opinion of his vigilance and moderation, prevented the ill effects thereof. His difficulties wore off after the king's resolution to assert his authority; in proportion as the ferment sunk in England (the temper of people in Ireland depending much upon the situation of affairs, and the temper of people in that kingdom) all fears then vanished; an universal quiet reigned all over the nation; everybody applied themselves to business in perfect security; trade increased prodigiously; and the rates of the purchase of lands were doubled. This condition of the kingdom allowed the duke of Ormond to quit it for a time, and to come over into England, whither his majesty, at the instances of the duke of York, called him to assist in his councils at Whitehall.

112 His grace intended to leave Dublin about the middle of April; but the death of his eldest sister the countess of Clancarty, who died there at this time, being seventy years of age, deferred his departure till the end of that month. He left his son the earl of Arran deputy in his stead, and arrived on May 2 at Chester. From thence he proceeded straight to London with as much expedition as the bad roads, excessive rains, and deep floods, would permit him. Every town through which he passed on the road made him compliments, and sent him presents of one kind or other: and when he drew near London, he was met on the way, and ushered into the city by such a number of persons of distinction, that no spectator

could have imagined that the king and court were then absent. He was attended in this entry by twenty-seven coaches with six horses, and three hundred gentlemen on horseback, with five of the king's trumpets, a kettle-drum, and the sergeant-trumpet. The Morocco ambassador, by whose lodgings they passed, came out into his balcony to see, and was much delighted with the cavalcade. There was at this very time a report about town, as if his grace was to be removed from the lieutenancy: but, as it came from the republican party, it was not much minded, and was deemed to have no better a foundation than their wishes. Nor was there any thing like it in the reception which he met with when he waited upon his majesty at Windsor, who welcomed him to court with all the affection and tenderness imaginable, and consulted him in his affairs with the utmost freedom and confidence. As he had not been in England since the new council was formed, he on the 23rd of that month took his oath at the board as a privy councillor.

113 The duke of York was at this time in Scotland, having gone thither a little while before, and narrowly escaped death in his passage by sea; the Gloucester frigate, in which he was, being, through the obstinacy of the pilot, cast away upon a sandbank off from Hull: the earl of Roxburgh, the lord Obryan, sir G. Douglass, colonel Macnaghton, Mr. Hyde, all his royal highness's pages and servants, and near three hundred seamen, perished with the ship. The duke himself got on board one of the yachts attending him; the seamen left in the sinking vessel giving him, when they saw him safe, three huzzas, as the last testimony of their affection, and the only way then left them of expressing their wishes and concern for his welfare. Sir Charles Scarborough was saved upon a plank; and the pilot escaped drowning, to be hanged for not observing the directions of sir John Berry, who gave him caution of the sands, and commanded him to steer a

different course from what he observed. His royal highness returned from Scotland in the same way that he went thither, and arrived at London on May 27.

114 Soon after his arrival he made a proposal which was very agreeable to the duke of Ormond. His grace had no private concern of his own so much at heart as the disposal of his grandson James earl of Ossory in marriage. That young nobleman had been sent abroad in 1675 to France, to go through his exercises, and to learn the French air and language, the two things which his grace thought the best worth acquiring in that country, taking the one to be very becoming, and the other to be full as useful. One De l'Ange, a Frenchman, had been recommended to the late earl of Ossory for his governor: and as young English gentlemen seldom succeed under any of the refugees of that country, this man proved like the rest. Instead of shewing the earl of Ossory the world, he carried him among his own relations, and buried him in a manner at Orange. There he passed several months, in a very cheap country, and yet the bills of expenses sent over by the governor were higher than those which used to be drawn by colonel Fairfax on account of the earl of Derby, when he was travelling from place to place, and appeared in all with so much dignity. The duke of Ormond liked neither the stay at Orange nor the expense; and sending for the earl of Ossory over, placed him in the college of Christ Church in Oxford. There his lordship continued till his father's death; upon which the duke sent for him into Ireland, and kept him there till he now returned into England. His grace was ever averse to an idle unactive life, and was determined to send his grandson abroad to travel, if he could meet with a proper governor to his mind, and could not settle him to his satisfaction in marriage.

115 The earl of Arlington had proposed and warmly pressed a match with the daughter of Mr. Bennet, a relation of

his own, where there was no want of money, though his grace liked it the less, because of the disparity in point of family. The earl of Devonshire recommended another alliance with the daughter of the duke of Newcastle, but the father, as long as he lived, would part with no money for the young lady's fortune. Whilst these alliances were under consideration, the duke of York proposed a marriage between the earl of Ossory and Anne, daughter of lord Hyde, afterwards earl of Rochester. The young lady's fortune was fifteen thousand pounds; she was very pretty and agreeable in her person; had abundance of vivacity,<sup>521</sup> a great deal of ready wit, and an excellent temper. The match was no sooner proposed than adjusted, and the young couple were married on Thursday July 15, in Burlington-house chapel.

116 This was more agreeable than another affair which the duke of Ormond had at this time upon his hands. The earl of Castlehaven having drawn up some memoirs of his own conduct in the wars of Ireland, and published them during the heat of the prosecution of the popish plot, a very unseasonable time for reviving or canvassing such a subject, the earl of Anglesea made some animadversions upon those memoirs in a letter which he published in the beginning of the year 1681. There were some passages in this letter which the king conceived cast a reflection on the memory of his father, and might be made use of to the disadvantage of his own affairs in the approaching session of parliament, which was to meet at Oxford. Possessed with this notion, he caused the printed letter to be sent over to the duke of Ormond, with orders to draw up an answer to it with all possible haste, that it might be printed before the meeting of the parliament. The duke did not receive the book till the latter end of February, and then represented that the time allowed was too short for such a work; which required him to look over a multitude of old papers, and which he was for doing

effectually, if he meddled in it at all. The orders however were repeated; and accordingly an answer was sent over, which I have read in manuscript, but was never printed, because it did not arrive before the sudden dissolution of that parliament. Lord Anglesea had for many years enjoyed the post of lord privy seal, a post much envied, and which the earl of Halifax, Mr. Edward Seymour, (who was thought to stand fairest for it,) and others, thought very convenient for themselves. The king did not care to remove an old servant without some pretence; so that when the duke of Ormond came over, the affair of the letter was revived, and a complaint was presented against the author of it to the council. The matter was there examined, so far as it affected the memory of the late king; for nothing personal to the duke of Ormond ever came under their consideration. As the expediency of the cessation in 1643 was the chief subject of the debate, and as that matter hath been fully cleared up in this history, I have no occasion to enter further into this dispute, which ended in what was probably resolved before, the dismissal of the earl of Anglesea from the council board, and removing him from the charge of the privy seal.

117 The reason of calling the duke of Ormond over to assist in the king's councils was, the difficulties attending his majesty's affairs at this time, and the differences between his ministers, who disagreeing in their ways of thinking as well as interests, by recommending different measures, rendered him more irresolute than the necessity of his affairs required. A person of the duke's constant loyalty, perfect disinterestedness, known wisdom, and great experience in the managing and reconciling of divided and discontented parties, was thought necessary to keep the king steady in the measures which he had begun to take, and in which if he relaxed he would fall into a worse condition than what he had been in before. The duke was entirely of opinion that his majesty had better never

have attempted to assert his authority, than after having gone so far in that way to desist before he had established it; and that so unsteady a proceeding would make him more contemptible than ever. He always hated parties, and never would link himself to any one, reserving to himself the liberty of serving his king and country in his own way; and therefore he was no improper person to mediate between the jarring ministers: but in this respect all his endeavours proved ineffectual, few statesmen caring to sacrifice their own interests, passions, and views to their prince's service. They took more pains to sup-<sup>522</sup>plant one another than they did in the common cause wherein they were embarked. He had much better success with the king, who gladly heard his advice, consulted him continually, and would not suffer him to be at a distance from him, whether he removed to Newmarket, Windsor, or Winchester.

118 This constant attendance of the lord lieutenant about the court was much more advantageous to his majesty than it was to himself. The king derived a real benefit from his advice, and his grace's assiduity about his person, and the frequent and long conferences which they had together in private, added a great reputation to his majesty's councils. But the duke was thereby involved in a great expense, being obliged to keep a constant table (though he had no manner of allowance for it) as steward of the household, at the same [time] that he was to support, in the person of his son, the dignity of a governor of Ireland. He was desirous to return to his charge in that kingdom, where the republicans now heartily wished him; and he proposed to set out in August: but the king had still farther occasion for his service in England.

119 The earl of Shaftesbury's acquittal, though it had opened the eyes of the reasonable and well meaning part of the nation, had given an extreme boldness to the heads of the

faction, and the inveterate assertors of the commonwealth cause, who avowedly designed the ruin of the constitution. They now thought they might with impunity engage in any measures, being sure of *ignoramus* juries, in case their treason should be never so fully discovered or plainly proved; and to encourage them in such measures, they had the mob generally on their side all over the kingdom. But their strength in London was that which gave credit to their party elsewhere: and to give the factious citizens spirit and directions in all emergencies, Shaftesbury had taken up his residence in the city, as the five members had done just before the great rebellion. The wealthy merchants, and most substantial part of the citizens who had estates and fortunes to lose, were very averse to all disturbances, and opposed the measures of the faction: but all the mechanic companies were entirely on the republican side of the dispute, and the courts of assistants of those companies called up all the mean and virulent fellows they could depend on, and put them on the livery, to increase the number of voters in the election of a lord mayor and sheriffs, upon which the whole of their cause depended. In confidence of juries that would stick at no perjury for the sake of the cause, lord Shaftesbury had, with a wonderful assurance, brought actions of *scandalum magnatum* against Mr. Cradock, an eminent and active citizen, and others, who had either censured his conduct or given evidence of his guilt: but upon the courts of law ordering special juries in the case, he had immediately withdrawn his actions. The king however could have no justice done him in the city, unless a better set of magistrates and common-council-men were chosen. A *quo warranto* had been brought by the attorney general against the city charter, and though it appeared plainly enough from the plea of the city that the charter would be overthrown, yet judgment could not be obtained till



after the city officers for another year were chosen : and what might be attempted in that time was much to be apprehended.

120 The lord lieutenant's reputation was of infinite service to the crown in this juncture, and his return to Ireland was deferred till this important point was settled. He exerted all his interest and credit on this occasion ; and (as he says in one of his letters) never man underwent a greater fatigue than Mr. Gascoigne, his secretary, did for several weeks together on this account. Sir John Moore, the lord mayor at this time, was a very honest man ; but timorous in some cases, and doubtful of exerting his authority. The duke of Ormond was the person that inspired him with courage ; he generally dined with him twice or thrice a week during the contests which now happened ; and was the only person about court employed on these occasions. The first point gained in these elections was that of an alderman in sir Joseph Sheldon's stead, upon whose death sir Richard Howe was chosen, notwithstanding all the efforts of the faction. This was the greater blow to their reputation, because it was in the very ward where Shaftesbury lived. The next was the election of sheriffs, in which the party proceeded with their usual insolence and violence. The lord mayor had drank to Mr. North, a man of very good character and interest in the city, and brother to the lord chief justice of that name, who having pledged him, this was deemed a designation of him to the office of sheriff, according to the constant custom of the city, which had raised one hundred and fifty thousand pounds by the fines of persons who had refused to pledge. When the election came on, this right of the mayor's was disputed ; Papillon and Dubois were put up by the faction, as Mr. Boxe was by the loyal party. The mayor insisting on his own nomination, gave his vote for Mr. Boxe alone, but everybody else on the same side of the question polled for Mr. North

also. The clerks who took the poll playing foul, the lord mayor adjourned the court to another day, in order to get true lists of the liveries in the mean time, and went out of the hall with six hundred voters of the loyal party who had not yet polled. Pilkington and Shute, the old sheriffs, carried on the poll, notwithstanding the adjournment; and when the mayor resumed the court, at the time to which he had adjourned it, none who had polled in that riotous and illegal manner would come to give their votes; so that the others continuing to poll, North and Boxe were by an undoubted majority declared duly elected. The latter paying a fine of five hundred pounds, Mr. Rich, a stout and wealthy citizen, was put up at the next common hall, when the then sheriffs and their party insisted on their former election of Papillon and Dubois, and would have the matter first debated, whether they should proceed to a new choice. The mayor would not allow a debate about a poll so evidently illegal, since no common hall could be held but before him: and ordered the common serjeant to propose according to custom, that whoever were for Mr. Rich should declare their consent by holding up their hands. Above five hundred hands were held up, and no negative being put, the mayor, being acquainted therewith by the serjeant, came upon the hustings, and declared Mr. Rich chosen sheriff. The old sheriffs said he was not chosen by the major part, who had not yet determined whether they would proceed to a new choice or no. The mayor told them, they had nothing to do with holding or adjourning the court, and for their mistake in that particu- lar had been lately sufferers; and therefore he hoped they would be wiser than to be guilty of the like mistake again: and thereupon, no poll being demanded, he adjourned the court. It looks as if the party had not agreed upon their measures, or doubted of their success in this point; for the sheriffs met in the afternoon, and opened books for a poll to *confirm* the

election of Papillon and Dubois. The mayor hearing of it, sent to them to forbear, and go home. The sheriffs returned for answer, that it was none of his work but theirs, and still proceeded. The mayor came himself at five o'clock to Guildhall, and commanded all persons to go to their houses, and then went away. The sheriffs, not afraid of a second riot, continued the poll, and in the end declared Papillon and Dubois duly elected, pretending to insist on the legality of this choice, and to defend that point in Westminster-hall; though afterwards they never thought fit so much as to commence a suit there on this account.

121 The election of lord mayor came next; and sir W. Pritchard, being the eldest alderman below the chair, was of course to be chosen: but an opposition was made in<sup>524</sup> behalf of alderman Cornish. A poll ensued, in which the former had a majority; but a scrutiny being demanded by Jenks Godfrey and ten more of Cornish's friends and voters, the lord mayor sent order for the clerks of each company to attend him with the lists of the liveries. Some clerks kept out of the way, and the court of assistants of the Glovers' Company absolutely refused to let their books be seen for the making out of a list; however, sir W. Pritchard was found to have two thousand one hundred and thirty-eight, and Mr. Cornish but two thousand and ninety-three voices; so near was the number of votes in a point wherein the very being of the constitution was concerned.

122 The carrying of these elections broke the spirits of the faction in the city, which, now there was an end of *ignoramus* juries, Shaftesbury thought was no longer a safe place of residence. He retired privately from thence, and having appointed a meeting of the chief persons of quality that were embarked in his measures at Cashiobury, and there concerted what was farther to be done, he made a retreat into Holland. The two old sheriffs, who had

continued the poll after the lord mayor's adjournment of the court, were summoned before the council on June 26, and it appearing they had no right to hold the court without the lord mayor, (to whom, at his departure out of the court, Shute had also used very indecent language,) they were committed to the Tower for a misdemeanour and riot. Some of the council, apprehensive that they would be rescued, advised the sending of them thither by water and under a strong guard. The duke of Ormond, ever averse to all counsels that proceeded from fear, thought this was not of a piece with the king's conduct in other respects, and that any thing which shewed apprehensions on his part would be matter of encouragement and triumph to his enemies. Thus the sheriffs were conducted only by four beef-eaters at noonday through Cheapside, and by the Exchange, the whole length of the city, to the Tower, without any disturbance or opposition. They brought their *habeas corpus*, and were bailed. An information being filed against them in the King's Bench for a riot, they appeared the first day of the next term before the court, when those that were their bail desired to be discharged, refusing to enter into a new recognizance. In this distress the court accepted their bail for one another; but Pilkington seeing himself reduced to that necessity, could not forbear uttering some passionate expressions of resentment for being after all his services deserted by his party; which, now giving up their game for lost in the city, soon dwindled away to nothing.

123 The duke of Lauderdale dying on August 24 at Tunbridge, there was no longer anybody to oppose the lord lieutenant's being made an English duke. The earl of Halifax was about this time raised to the dignity of a marquis, and was thought to aspire to a still higher title. The lord Hyde, jealous of a minister who was his rival in power, and to prevent his getting the start of the duke of Ormond, proposed to the king, and pressed him to

honour his grace with an English dukedom. It had been intended him long before, but he had forbore to drive on the affair, from an unwillingness to part with a name by which he had been so long known, and to disuse a title which had been so many hundred years in his family. He had a notion that he could not be promoted to an English dukedom without taking his style from some place in England; but sir W. Dugdale removed his scruples on this head, and shewed him that the privileges of an English duke might be given him without any change of his title. His majesty accordingly, by letters patents bearing date at Westminster on Nov. 9 in the thirty-fourth year of his reign, created him a duke of this realm by the title of duke of Ormond, in consideration of his faithful services, as well in England as in Ireland; and particularly for his keeping this last kingdom quiet all the time of the <sup>525</sup> plot, whilst England was in the utmost distraction.

124 The farm of the revenue of Ireland by sir James Shaen and his partners expiring at Christmas 1682, several proposals had been made by the old farmers and by others for taking a new farm of that revenue. This matter had been under the consideration of the council and the treasury before the duke of Ormond came over; but the taking of a resolution in the case was deferred till his arrival. Other pressing affairs had hindered the coming to any determination in the matter till the beginning of this year, and near three months after the former farm was expired. His grace was averse to that method of management, because it was the occasion of great oppression to the subject, and the farmers had not kept to the times of payment fixed by their covenants; so that the army was often seven, eight, and nine months in arrear, which was the source of other inconveniences. He was of opinion too, that it would turn to better account for his majesty's profit if he took it into his own management. Lord Hyde, first commissioner of the treasury,

was of the same opinion, declared warmly against the farming, and supported it with good reasons. On the other side, there was the temptation of being secured a considerable sum by the year, and that by a good advance in hand, and plausible offers were made for this purpose by the former farmers; in which they were secretly encouraged by the marquis of Halifax, now lord privy seal, who set up for a general reformer of all abuses put upon the king, not only in the management, but in the disposal of his revenue, and who was in hopes that he should have an advantage to accuse the lords of the treasury for rejecting the proposals, if the king should not make so much of his revenue by management as the farmers had offered. But the revenue appearing manifestly to bring in somewhat above three hundred thousand pounds a year, and being in a way of improvement, in proportion to that of trade, which was visibly increased of late years, and was reasonably expected to increase daily in proportion as the times grew more settled, it was at last resolved to put it into management, and commissioners, of which the earl of Longford was chief, were accordingly appointed.

125 The establishment was fixed on its former footing, only reduced in some few pensions, and the muster-master-general's place in the army. There was still one heavy article in it, that of Tangier; the charge of which garrison was too great a burden on the Irish revenue, and was much complained of by the gentlemen of Ireland as a misapplication of the money which they had given, not for foreign services, but for supporting the charge of the government within the kingdom. This, in case a parliament were there called, would be an unanswerable objection to the granting of new subsidies for the repair of forts and the storing of the magazines, and to the making of any addition to the settled revenue; both which might otherwise be expected. The English treasury was not

able to defray the charge of keeping that place, and the king's crown depending in a great measure upon that frugality, which by reducing of expenses he had begun of late to observe, a resolution was taken that Tangier should be demolished. The design was kept secret till it was executed; lord Dartmouth was sent with a stronger squadron than was necessary for that purpose, being empowered also to make peace with the rovers of Algiers and Sally. He failed in this other part of his commission; but he brought off the garrison of Tangier, blew up the mole, and dismantled the walls and fortifications of the place, which was fired and deserted.

126 When the faction saw the point of the sheriffs of London carried against them, and that they were no longer safe from a legal inquiry into their proceedings, they began to fear what would become of themselves; and saw no legal method of safety, but in the choice of a 526 parliament before the ferment of the nation, raised by the terrors of the popish plot, was sunk, and their interest in the boroughs of the kingdom ruined. Their leaders made very large propositions to the ministry of granting what money the king should desire, without either meddling with the duke of York or any of the ministers, in case the king should think fit, according to their humble advice, to call a parliament, and pass a general act of indemnity. They were very liberal in their promises on this occasion; but their past behaviour had been such, that the king knew not how to trust them, who had disappointed him so often. Their offers were rejected; yet they still were in hopes that the situation of the affairs of Europe, and the blocking up of Luxembourg, and taking of Dixmuyde and Courtray by the French, would oblige his majesty to enter into a war, and, in order thereto, to call a parliament. With this view they applied themselves to the foreign ministers residing at the court, and engaged them by memorials to promote what

was necessary for the execution of their own schemes, which provided they could effect, they little cared for the common interest of Europe.

127 The duke of Ormond expresseth his sense of these proceedings, in a letter to his son the earl of Arran, in these words :

128 “The public affairs here go on so prosperously, that the last game the disaffected seem to have to play, is, to urge the ministers of the Emperor, Spain, and Holland, to call upon the king to perform his engagement by treaty upon the infraction of public faith and treaties by France. This they suppose will force the king to call a parliament, or expose him afresh to the insinuations that he is governed by French counsels, and intends to introduce a French model of government, and consequently popery. The memorials given in lately by those ministers shew this to be in design; since there are none of them but must know the inability the king is in to bear any considerable part in giving a stop to the progress of France, without the assistance of a parliament. And possibly they may be made believe that a parliament would now give that assistance upon more moderate terms than heretofore. But I doubt it is too early and too dangerous to make the experiment. For though the king may dissolve a parliament when he finds it uneasy, or rather intolerable; yet the fear is, that the disaffected having found how much ground they have lost by their extravagant violence, may more effectually compass their ends in a smoother way. They may offer money to draw the king into a war, but so little that he must necessarily come to them for more; and then it is that they will run into their former lengths. And if the money, though too little to carry on the war for any reasonable time, shall be refused, (being accompanied with specious but insignificant promises of standing by his majesty to the end,) it will then be thought manifest that the king is really partial to France, and will at no hand break with it. Much of this no doubt will be said, as well if the king refuse to call a parliament, as if he refuse the money it shall offer when it is called. The difficulties are great on all sides. God direct the king to the best.”

29 The republican party, disappointed of their hopes of a



parliament, and having no other resource left, either to secure their indemnity for what they had already done, or to carry the point which they still designed, resolved at last to attempt it in the way of force, and to raise a general insurrection in Great Britain. Some of the meaner people engaged in this design founded on it another of a worse nature, in which they were to be the principal actors themselves; and proposed to assassinate the king in his return from the April meeting at Newmarket. The chief of these was one Rumbold, formerly an officer of Cromwell's, who had an house about Hoddesdon, near a gate on the road, where toll used to be paid for per-<sup>527</sup> mission to pass by a gravelled causeway over a large meadow. In this house and in the gardens and yards belonging to it, which were hid from the view of passengers by high ditches, trees, and weeds, twelve of the actors were to be planted; four of them were to shoot blunderbusses into the king's coach, three or four to let fly at the coachman and postillion, and the rest at the guards that rode behind the coach. The coach was necessarily to come close by the ditch, and to make some little stop at the gate; and the guards were not above six when the king made but a day's journey from Newmarket to London. However, to be sure of time enough to do their work, they had contrived to have a cart stand cross the causeway, which should seem to do so by the unskilfulness of the carter, (who was to be one of the conspirators disguised,) or by the awkwardness of the horses. They were to have somewhere thereabouts about thirty horse more: with these, and by their knowledge of by-ways, they were to get to London, where they had either prepared for a rising, or did not question but there would be one, when their design was effected. Thus was the plan laid for murdering the king; and probably would have been attempted, if a fire, which burnt a great part of Newmarket, had not driven his majesty

thence eight or ten days sooner than he intended, and had prefixed for his stay there.

130 Among the conspirators there was a substantial citizen, zealously factious and active in all the measures of the discontented party carried on in the city. He was the man that arrested the lord mayor, when nobody else could be found hardy enough to undertake it; which was deemed a proof of his boldness. This man in the June following discovered the design, moved thereto (as he said) by remorse of conscience and the horror of so bloody an action, and for prevention of the like villainy; and it is but charity to suppose he might thus repent and make the discovery, though possibly the fear of others of the conspirators being beforehand with him might have some share in his conversion. Upon this man's information, orders were given to seize colonel Rumsey, who had received great favours from the king and duke of York; West, a lawyer, who set up for an atheist; captain Walcot; Hone, a joiner; and one Rouse, an officer under sir Thomas Player, chamberlain of London, and one through whose hands the bounty of the citizens and others was conveyed to the Irish witnesses. Most if not all the meaner sort that were in the conspiracy were observed to be anabaptists or independents; and many of them broken or indigent tradesmen. Those who were taken up readily confessed enough against themselves; but were backward in charging others or confessing any thing beyond what they conjectured was known already, or what was drawn from them by such questions as they could not easily evade. Thus some days passed before any more considerable persons were charged; one reason of which was, that the council would never name any person to them, that it might not be in theirs or anybody's power to say they had been terrified or bribed to name any particular person. This silence of some days might possibly be the reason why

some noble persons, concerned in the design of an insurrection, and not in that of an assassination, might imagine themselves to be secure. At last colonel Rumsey, seeming to be more concerned for the infamy of his ingratitude than for the danger of his life, intimated that he had some things to discover, but would reserve them for his majesty's own knowledge.

131 The king, upon notice thereof, came on June 26 from Windsor on purpose to receive his confession, in consequence of which warrants were issued for seizing the duke of Monmouth, the earl of Essex, the lords Russel, Grey, Howard of Eserick, and other persons. Monmouth fled; the rest were taken up, and brought before the<sup>528</sup> council. When the earl of Essex appeared there in the king's presence, his defence and deportment were far short of what was expected from him, or indeed from men of less quality and parts. The duke of Ormond, considering what he had lately done to supplant him in his government, was all along silent whenever his case came in question. Lord Russel seemed to think himself in little danger, and his behaviour before the king was very foolish. It was ill judged; for modesty is the most insinuating address to persuade people of a man's innocence, as well as to give them hopes of his repentance. The duke of Ormond, who had an old friendship with the earl of Bedford, was much concerned to see the behaviour of lord Russel, and to find that he seemed not sensible of the peril he was in; for his grace always thought that young nobleman's case to be very dangerous; and so it proved soon after, when he was convicted and beheaded. Lord Grey, when he was apprehended, and came before the council, carried himself much better, and afterwards made his escape. Lord Howard saved himself by making a confession, and being an evidence against lord Russel and the rest.

132 The fate of the earl of Essex was more melancholy

than any of the rest; he was his own executioner. His lady's grandfather, the earl of Northumberland, in queen Elizabeth's time, being imprisoned for treason, pistoled himself in the Tower, and left a note on the table, expressing that the whore should never have his honour and estate. The son of that earl, looking on his father's picture, would often say, that he adored that man, and would do the like himself, if in his condition; and would disinherit any child that should not do the like, if he could foresee it. The earl of Essex had imbibed too much of these sentiments, and had on former occasions declared them to be his own. He had a great disposition to melancholy, and this was increased (since he was put into the Tower) by the reflection of lord Russel's danger, whom he had teased into an acquaintance with lord Howard; an acquaintance which lord Russel had, since his imprisonment, said he entertained with difficulty enough, and which was now like to prove fatal to his life. The earl of Essex had often expressed his grief at being the means of that acquaintance; and when he saw lord Russel walking under his window out of the Tower to the coach that carried him to his trial, all his grief and melancholy thoughts flowed in upon him like a torrent, and, not allowing time for reason to do her office, he cut his own throat. The coroner's inquest sat upon him; their verdict was that he was *felo de se*; and, besides the deposition of Bomenes, his gentleman of the chamber who attended him, the circumstances were such, that there was not the least room for a surmise to the contrary.

133 I shall not enter farther into the affair of this conspiracy, known by the name of the Rye-House plot, Dr. Sprat, bishop of Rochester, having given an ample account of it in a particular history on this subject; but conclude what I have to say upon it with the sentiments of the king and of the duke of Ormond upon it; because

they are not taken notice of by anybody else. The king's reflection upon it related to ends proposed by it, and the character of the generality of the persons concerned in it; which made him think it was very strange that beggars should contend for property, atheists for religion, and bastards for succession. The duke of Ormond's relates to the distinction made between the two designs of a rebellion and assassination; and is expressed in these words of his letter of July 7 to the earl of Arran:

134 "Ever since about Midsummer-day last we have been satisfied of the truth of the information first given of a design laid for the assassination of the king and duke, and for the raising of a rebellion in England and Scotland. And though I make them two designs, because it doth not yet appear that all who were in at the rebellion were for the assassination, or privy to it; yet those crimes are so near akin, and the time of consulting for them both almost the same, and some of the persons in at both, that nothing but the monstrosousness of the ingratitude of such a parrieide in such as the duke of Monmouth, the lord Russel, and lord Grey, can leave a doubt but that it was all one entire plot, though consisting of two parts, and to be acted by several persons."

135 The duke of Monmouth had returned from abroad without the king's consent; and continuing his intimacy with lord Shaftesbury, embarked in all his measures. He had made a progress into the west, and other parts of the kingdom, affecting popularity, and attended in all places with prodigious crowds of people. The king was much incensed at his conduct, and had declared it in such terms, that the duke thought fit at last, about the middle of May 1682, to send a proposal of submission to his majesty. He judged the time favourable, because the duke of York was then in Scotland, and the duchess of Portsmouth in France. The proposal was made by sir Robert Holmes to the lord Conway, secretary of state, and contained in substance, that he desired to submit himself to

his majesty, to throw himself at his feet, and to beg his pardon; but he would rather die than be reconciled or submit to the duke of York. The king highly resented a message so full of insolence, and said he perceived the black box still ran in his head; and having thence taken occasion again to shew the groundlessness and folly of that imagination, commanded all his servants never to visit the duke, or hold any correspondence or communication with him, or any of his associates. The duke of Monmouth disavowed the sending in his message any thing relating to the duke of York; so that it could be only sir R. Holmes's private sentiments, without any commission: and yet the message was delivered to the king in writing by lord Conway, as he received [it] from sir Robert.

<sup>136</sup> On the Sunday following, the duke of Monmouth following lord Halifax out of St. Martin's church, told him, that he heard he was much obliged to him for advising the king to issue a proclamation, to prohibit his servants from visiting or corresponding with him; but the advice was needless as to his particular, for he should never desire any conversation with his lordship. Halifax replied, since his grace had treated him in such a manner, he was under no obligation to tell him what passed in council, or resolve him whether he had or had not given that advice. The duke answered, it was then unseasonable, but he would find a better opportunity to discourse more freely on the subject. To which the other replied, whenever, and in what place and manner his grace pleased. This hot and imprudent conduct of the duke of Monmouth seems to represent him capable of sending the message abovementioned in the very terms wherein it was delivered. The king, hearing of the matter, made lord Halifax give an account of it in the next council, and thereupon declared, that lord Halifax had never made any such motion, though if he had, he thought it great

insolence in the duke of Monmouth to question any of his council for what they should say to him by way of advice in council; and that to shew his indignation, and publish to the kingdom the resentment he had of the duke's proceedings, he thought it necessary to make the same order in council against all correspondence with him. It was entered accordingly in the council books.

137 The duke of Monmouth was from this time in open defiance with the court, and ready to join publicly in any measures to distress the king's affairs: his meetings and consultations with Shaftesbury, and the heads of the faction, had before the air of an intrigue, and seemed to be carried on with a desire of privacy: but now he could 53<sup>o</sup> keep no other company, and laid aside all thoughts of a submission. His favourite, sir Thomas Armstrong, was with lord Grey in the gallery at Guildhall on Midsummer day, to encourage the mob and disaffected party in their proceedings for the election of Papillon and Dubois for sheriffs; and the duke himself proposed to be at the election in the beginning of September, upon Mr. Boxe's fining, though he well knew of what consequence it was to the security and quiet of his majesty's reign. Whether any violent attempt was to be made at that time, in which he might be useful as an head, or whether lord Shaftesbury had a mind to embark him in his measures past all hopes of a reconciliation, and so fit him absolutely for the design he now entertained of an insurrection, is not so certain, as that his grace had bespoke thirty post horses on the road from Litchfield to London, to bring him thither at the time with the greater expedition. He had gone down in August to an horserace in Cheshire, which served for a rendezvous to his friends; and the mob, encouraged by his presence, had broke the windows of gentlemen's houses, forced open the doors of the church at Chester, and committed great disorders. A serjeant at arms was sent down with a warrant from Mr. secretary

Jenkins to take him into custody; which was done at Stafford, after he had been entertained at dinner by the corporation, and in the midst of a crowd of gentlemen of his party, who immediately dispersed with some confusion. When his grace was brought up as far as St. Alban's, sir T. Armstrong (who, upon his being arrested, had gone post to London with a copy of the warrant) met him there with an *habeas corpus*, which he had got from Mr. justice Raimond. This served him for a pretence not to go to the secretary's office till he was sent for; and then refusing to give security for keeping the peace, he was committed to the serjeant's custody by a new warrant. He then demanded another writ of *habeas corpus*, and judge Raimond taking time to consider of it till the Monday following, he was then brought before him, and giving the lords Clare, Russel, and Grey for his bail, was set at liberty. This behaviour of his was a new provocation to the king, who expected he would have been more submissive.

138 The duke was now thoroughly embarked with the faction, and resolved to stick at nothing to put himself upon the throne. No other ground of hope, or means of achieving it, seeming now to be left, but an open insurrection, he was very warm in carrying on that design, and was at least concerned in that part of the Rye-House conspiracy. A warrant was issued out, and the grand jury found a bill of indictment against him; but he kept out of the way, and the king was not disposed to proceed to extremities, hoping that the sense of his guilt, and the danger wherein he was, might bring him to a submissive application to himself and the duke of York. This certainly was the only course which the duke of Monmouth, in his present situation, had to take; nor could he decline it, without being guilty of and persisting in the greatest and most insolent folly in the world. Intimations (I find) were given him in the beginning of July, that he would



be pardoned upon such a submission; though with little hopes of his compliance: since as long as Armstrong had credit with him, and was sure he should not be comprehended in the treaty, there was little reason to think he would do any thing that was either honest or wise. The duke presumed too much on his majesty's affection: and not caring to part with Armstrong, kept out of the way for some months, being for the most part at lady Wentworth's house in Bedfordshire, and travelling about with her daughter, lady Harriot. The world surmised there was a criminal correspondence between him and that young lady: and Dr. Tenison (who at his request was allowed to attend him during his confinement, to prepare him for death, which he said he had no reason to<sup>531</sup> fear) charged him with the unlawfulness of this amour. But the duke protested solemnly that he had indeed a strict and intimate friendship with her, and whatever the world suspected, there was nothing criminal in their correspondence.

139 The king at last seeing his patience abused, and resolving to be trifled with no longer, caused the duke of Monmouth to be arrested. The duke, finding his majesty determined to prosecute him with all the severity of law, unless he made a confession of his guilt and knowledge of the conspiracy, thought fit to make an humble submission, and throw himself at his majesty's feet for mercy. The king, to encourage him to make a full confession, assured him that he should not be produced as a witness against any man. His grace thereupon declared many particulars of the plot, insomuch that the king might have hanged all those whom he had lately released out of the Tower, had he not been tied up by his promise. In consequence of this confession, the duke of Monmouth had a pardon granted him, and was set at liberty. His lady, who was a prudent and valuable woman, had been a great means to bring him to that confession, which had

released him from his confinement : but as soon as he got to his old companions, he no longer paid any regard to her advice and entreaties, but despised her understanding as much as he magnified his own. He was weak and vain ; and his head being quite turned with the thoughts of being a prince, he would hearken to no councils, but what were suggested by those who flattered him with the hopes of their assistance to raise him to royalty.

140 The king, upon the duke's acknowledgment of his crime, had declared it in council, and ordered the minutes of what he had so declared (having first viewed and corrected them himself) to be put into the Gazette. That print gave great offence to Monmouth's party, which made him complain of it to the king and to others as highly injurious to himself. The king told him it was not so, and so much must be published or nothing at all. He thought Monmouth had acquiesced therein, but soon found that his grace's friends had blazed it about that he had denied the conspiracy which he was said in the Gazette to own, had vilified and accused the lord Howard of falsehood in his evidence, and had declared lord Russel innocent. The king was incensed at the report of a matter so false and impudent, and for correction thereof proposed that the duke of Monmouth might come to the council, and make some declaration, which might be there entered, and afterwards published : "but," says his majesty, "he is such a blockhead, that there will be mistakes, and he will not speak as he ought." Upon this the duke of Ormond proposed somewhat to be put by the duke of Monmouth into writing, to prevent mistakes on all sides. The king liked the method, and said he would order it accordingly. Monmouth thereupon presented the king a paper, and before it was read in the committee, being on Tuesday morning, in the lodgings of the duchess of Portsmouth, he made before all the company there present a like declaration, calling himself blockhead for being

so long in ill company, that were a parcel of fools, &c. When the paper came to be considered in the committee, it was found to be finely worded, full of sorrow for displeasing the king, and of acknowledgment of his folly. The duke of Ormond seeing this to be the substance of it, said, that it looked rather like a justification of the plot, and to make them guilty who had assisted in all the prosecution; that it was a great contempt of his majesty's understanding, to think to impose upon him in such a manner; for there was no plain confession of any conspiracy; and he that drew it up had wit enough to know it was ineffectual, and would do ten times more hurt than good.

141 The king proposed to the committee to draw another <sup>532</sup> paper, which was done; some things struck out, others put in; and his majesty corrected it materially with his own hand; his view being to have a plain confession of the conspiracy, and a disowning of the duke's being concerned in the intended murder. When the paper was settled, the king took it with him for the duke of Monmouth to sign. The duke made exceptions to several things; but the king telling him it must be that or nothing, he went away, and brought it wrote in his own hand; yet still repeated his exceptions; whereof one being, that it would hang young Hampden, his majesty told him, it would not, nor should it ever be produced to such a purpose: but that a better man than he (Gaston duke of Orleans, brother to Louis XIII. king of France) could not otherwise make his peace, and had been forced to hang his comrades, as he, if rightly served, should have been obliged to do. Monmouth supped at night with old Hampden and Mr. Trenchard, and waiting on the king next morning, desired back the paper, and said that he would not appear in council to make the declaration he had signed, nor consent that it should be published; alleging, that he had said enough in public on the Tuesday

before at the duchess of Portsmouth's. "Yes," said the king, "you were there with much ado forced to say something, and did it like a blockhead." He then added, that he should consider what he was doing, that nothing less than his appearing and making the declaration in council could either save his own honour, and the truth of what he had before him and his brother declared, or justify the government. In arguing this matter, the king told the duke, that though he fancied there was no harm in his share of the plot, yet it was plain he had been with others to visit the guards: and what did that mean, but to secure his person, and knock him, as well as his brother, on the head? In fine, Monmouth was so importunate to have back the paper, that the king said, since he was such a beast and dishonest fellow to behave himself at that rate, he should have it; but should restore the original paper from whence it was wrote. The duke said at first he had burnt it; but his majesty insisting on it, and his grace seeing it was the only way to get back that which he had signed, he went and fetched it, and the papers were exchanged. So passed this affair, upon which the vice-chamberlain was sent to forbid Monmouth the court: and this is the account which the duke of Ormond gave of it at this time to sir Robert Southwell, who immediately committed it to writing, and which agrees with the account sir Leolyne Jenkins gives of it in a letter of Dec. 15, 1683, to the lord deputy of Ireland.

<sup>142</sup> The king had on Dec. 11 declared to the council what had passed between him and the duke of Monmouth in relation to his confession, and the paper he had signed, which the duke had got away from him under pretence of mending. The next day, when he found the duke too refractory to comply, he caused a copy of the paper, which Monmouth had signed, to be entered in the council books, with the following preamble:

<sup>143</sup> "His majesty was pleased this day to acquaint the lords of

the council, that since he had received the duke of Monmouth unto his mercy, having heard several reports, that the said duke's servants, and others from him, endeavoured to make it believed that he had not made a confession to his majesty of the late conspiracy, nor owned the share he himself had in it, his majesty had thought fit, for the vindication of the truth of what the said duke had declared to himself, (his royal highness being present,) to require from him in writing, by way of letter, under his own hand, to acknowledge the same. Which the said duke having refused to do in the terms that it was commanded him, his majesty was so much offended therewith, that he had forbidden him his presence, and had commanded him to depart the court; and 533 for the further information of the council, directed the letter, that the said duke had been required to sign, to be entered as follows, and was pleased to declare, that he did not intend the same should be a secret :

144 “ I have heard of some reports of me, as if I should have lessened the late plot, and gone about to discredit the evidence given against those that have died by justice. Your majesty and the duke know how ingenuously I have owned the late conspiracy; and though I was not conscious of a design against your majesty's life, yet I lament the having had so great a share in the other part of the said conspiracy.

“ Sir, I have taken the liberty to put this in writing for my own vindication; and I beseech you to look forward, and endeavour to forget the fault you have forgiven me. I will take care never to commit any more against you, or come within the danger of being again misled from my duty, but will make it the business of my whole life to deserve the pardon your majesty hath granted to

“ Your dutiful

“ MONMOUTH.”

145 The duke of Monmouth had no judgment, and consequently no steadiness in his conduct. When he was forbid the court, he retired to Moore-Park, where a day's conversation with his lady made him repent of his conduct, and willing to sign any paper of the same nature with that which he had signed before, and had got back in the manner related. But as he was too desultory to

be depended on, and his confessions and retractions had rendered his testimony in an ordinary way to be of little weight, the king resolved to proceed with him in another manner, and to force him to declare the whole truth before a court of judicature. Accordingly (as I find it mentioned in the duke of Ormond's letter to lord Arran of Jan. 26, 168 $\frac{2}{3}$ ) a *subpœna* was issued out to bring up the duke of Monmouth to give his testimony at Mr. Hampden's trial. This was done to contradict what he took upon him to aver, that he knew nothing of any formed conspiracy; since if this were true, he could not refuse to take his oath of it, and to clear his friend, for whom he pretended so much tenderness. Monmouth on this occasion, conscious of his guilt, chose to desert his friend, though he thereby confirmed the truth of what he had once confessed to the king concerning the conspiracy; and retired into Flanders; from whence he soon after passed into Holland. To this account I shall only add a letter of the duke of Ormond's to the earl of Arran:

“St James's Square, 13 Dec. 1683.

146 “Though there have happened great and unintelligible turns at court upon the account of the duke of Monmouth; yet because I do not love to write conjectures in matters of that nature, but had rather stay till time expounds them, I have scarce written unto you at all since that lord's apparition and last remove from amongst us. Of both which the king was pleased yesterday to give his council such an account and deduction, as you will shortly see, as it will be entered in the council book, to remain as a record of the indulgence of a father, and the resentment of a king. Upon the first whereof it seems the young man so much depended, that he thought himself secure against the latter. For it is evident (and he made it too soon so) that he thought he had skill enough to recover his interest with the king, and retain his credit with his party; a design that required stronger parts and more temper than he or they (thanks be to God) are endued with. For the unseasonable expressions of joy by all the faction, 535

amounting to a triumph, as upon a victory gained, wrought such a consternation, and so visible and universal a dejection in the well-affected, that it became necessary to mortify the one, and raise the spirits of the other. This happened in a conjuncture perhaps fatal to Mr. Algernon Sidney, whose life could not then have been spared, but that the merey would have been interpreted to proceed from the satisfaction the duke of Monmouth had given the king, that there was no real conspiracy to trouble, at least not to change, the government, among those he had joined and consulted with, whatever they might intend who had (as we are to believe) a separate conspiracy against the king's and the duke's lives.

147 “ I confess it is hard to believe that my lord Russel, the earls of Salisbury and Essex, and the lord Grey could have any part in the assassination ; but it is horrible to imagine the duke of Monmouth (if he believes himself to be the king's son) should have the least suspicion of it, and not immediately, and before he had slept upon it, quit the whole party, and run himself out of breath to tell the king his fears and his majesty's danger. Yet without the assassinating part, the other, of raising force to seize the king's guards and person, was but a crude project : though with it a very probable design. And it is plain that the same hands, or the like, who were to act the one were to be made use of in the other. I will not infer from hence that any of the lords, much less the duke of Monmouth, had any suspicion that the king and duke were to be murdered ; and that by some of those who cried them up for the chief patriots for the liberty of their country and nation, and the heroic champions for the protestant religion. But if they had no inkling of that impious treason, they were very negligent or ill-befriended in their own party ; and it should be for ever a warning to all who detest such a parricide, how they enter into consultations to reform the government by force, when such underplots may be carried on against their mind and without their knowledge. At the instant I write I know not how to describe the figure the duke of Monmouth makes, nor fancy what course of life he can propose to himself. It must be left to time, chance, or his worse advisers, to discover. And so ends my letter, which is become so much longer than I first intended it upon this subject, that I will for this time fall upon no other ; and till I hear again from you, I know little I have to say of the business of Ireland.”

148 The duke of Ormond was taken ill in the February following of a fever which the physicians judged dangerous; but he got over it, though he continued a good while in a weak condition. He was recovering his strength, when he received the news of a dreadful fire which on April 7 broke out in the castle of Dublin, which had like to have destroyed a considerable part of his family. It was occasioned by a beam, that lay under the hearth of one of the chamber chimneys, taking fire, and communicating it to the rest of that old building. It was so terrible in its appearance, and caused such an amazement and consternation in the generality of the inhabitants of that city, that they rather prepared themselves for a sudden ruin and destruction, than entertained any hopes of preservation. They had but too much ground for these fears, for if the flames had reached the magazine of powder, a very great part of the city had been buried in its own ruins. The prevention of that mischief was, under God, owing to the presence of mind and the indefatigable industry of the lord deputy, the earl of Arran, who was the first person that discovered the fire, and one of the last that stuck to the work of quenching it, though to the utmost hazard of his life. For he was forced to break through the flames to order the method of that business, which was set about very disorderly, and he never stirred 535 off the place (though almost naked and without clothes) till he had seen the powder laid and take effect by blowing up some parts of the castle, and the whole fire extinguished, at least overcome, beyond a possibility of any farther mischief. This accident proved to the advantage of succeeding governors, for the castle was a miserable habitation at this time, and scarce afforded any accommodation; but it was a great loss to the duke of Ormond, all whose furniture and household goods were consumed. He scarce reflected upon this loss, when he considered the deliverance and preservation of his son and his family,



which were extraordinary and next to a miracle ; for had not the earl of Arran, with great presence of mind, directed the blowing up of the end of the gallery, which was next to the powder tower, it had been impossible to have preserved that tower one quarter of an hour longer ; the whole stock of coals lying so near the place, and from thence reaching to the walls of the tower, that they must necessarily have taken fire, and then the world could not have saved the magazine ; and what blood, ruin, and universal confusion must have unavoidably been the consequence of its taking fire, is beyond imagination to describe. The tower in which the ancient records of the kingdom were kept, when the flames were ready to devour it, was happily preserved by the lord deputy's care and diligence.

149 The duke of Ormond had been now two years absent from Ireland ; and it was time to think of returning to his charge, the king's affairs being so well established, that there was no further necessity for his stay in England. The main point to be settled before his return was in relation to the holding of a parliament. This was a thing which his grace had so often recommended, and trifling objections had been so constantly made to it, that he had resolved never to mention it more ; unless he should be called upon for his opinion, and then he should give it with as much caution as could consist with his duty. It came at last into debate, and the only objection made to it was what the duke of Ormond mentions in a letter to the earl of Arran ; and which, as it gives him occasion to deliver his sentiments on a nice subject, I shall therefore relate in the words of that letter :

150 “ I will venture,” says he, “ to tell you without a cipher, that I think the reason why the calling of an Irish parliament sticks is, the severity of two bills transmitted against the papists, the one taking away the votes of peers, whilst they are papists, and the other inflicting death upon a certain sort of the popish clergy,

if found in Ireland ; the one seeming unjust, the other cruel, and neither necessary ; considering that so many of the lords of that religion are already disabled by outlawries, and that there is no danger of their ever coming near an equality of votes with the protestants ; and that there are already such laws in force against papists and the popish clergy, as will at any time ruin them, if put in execution. So that in reality the only inconvenience that would follow, if the other bills were returned and not those, would arise from the clamour of the other nonconformists, in case any new law should pass against them, and not against the other, or if the edge of the laws, provided against papists, should be turned upon them and only upon them.

151 “ I confess, for my part, if I had been here when the expelling the popish lords passed, I should have voted against it in conscience and prudence ; in conscience, because I know no reason why opinion should take away a man’s birthright, or why his goods or lands may not as well be taken away, since money misapplied is for the most part a more dangerous thing in disaffected hands, than a word in his mouth ; and I think it highly imprudent for the house of peers to shew the way of turning out one another by majority of votes. I am sure those that did so in the late king’s days, first with regard to the papists and then to 536 the bishops, were soon sent after themselves. So that the stopping of that bill, I think, may be justified ; and if need be, the reasons owned. And I think no less of the other ; for upon serious and cool thoughts, I am against all sanguinary laws in matters of religion, purely and properly so called. The question remaining may be, whether the king will take the advantages he may have from a parliament, with the prejudice the stopping or delaying the return of those bills may do him, or not. And another question may be, whether the not returning those bills may not hinder his receiving the benefit he expects. You know who you may freely discourse with upon this subject, and then you may send me their sense in fewer words than I have stated the case.”

152 The bills referred to in this letter were those transmitted from Ireland, not of the motion of the council of that kingdom, but by positive orders from that of England in the height of the popish plot, in order to exasperate the Irish, and afford a pretence for a rebellion. It

was resolved at last, that a parliament should not be held ; but as it was necessary for the quiet of the kingdom that estates should be confirmed to the proprietors against all flaws and cavils, a commission of grace was issued for the remedy of defective titles ; which continued to sit at Dublin till the death of king Charles, and was then dissolved.

<sup>153</sup> The duke of Ormond having orders in June to prepare for his return to his government, sent for his grandson the earl of Ossory to accompany him thither. This young nobleman, weary of an unactive life, had gone in April to the siege of Luxemburg, which was then invested by the French. The duke would not oppose his gaining either honour or experience, and readily complied with his inclinations, though it put him to a great expense in his equipage, and he was satisfied the campaign would be very short ; because the prince of Orange and the marquis of Grana, who only fomented the war, would soon find that Holland alone could not support it, nor, with all the help the Spaniards could give them, preserve the rest of Flanders ; nor could it be attempted without the manifest hazard of Holland, divided as it was in itself ; so that either the prince of Orange must give way, or stem a dangerous current with all the improbability of success imaginable. The event was answerable to his expectation ; Luxemburg surrendered on June 4, N. S., and a treaty for a truce of twenty years being set on foot, it was apparent that there would be no other considerable action that campaign. This made his grace think it proper to send for his grandson ; it being better for both their goods that they should be together. The earl of Ossory arrived at London in July, a little before his grandmother's death.

<sup>154</sup> The duchess of Ormond had been in a very indifferent state of health for three or four years past. She had gone to Bath the year before in August, and took the journey rather to have an opportunity of dying out of

her husband's sight, than out of any hopes she had of a recovery. The duke guessed at her reason, and their parting was with as much tenderness as can be conceived, and with as much unwillingness, as if soul and body were on the point of separation. He was as much prepared for the one as he was for the other ; and though he was ever by principle and reason disposed to submit to Providence, he found it one of the severest trials of his resignation. It pleased God that she recovered at that time to the surprise of every body ; but a fever carried her off this year on July 21, in the sixty-ninth year of her age, having been married at fourteen, and passed fifty-four years in that state of life.

- 155 The duchess of Ormond was a tall, straight, well-made woman, and finely shaped ; but no beauty. She was a person of very good sense, great goodness, and of a noble undaunted spirit, fit to struggle with the difficulties of the world, and perfectly qualified to pass through the great vicissitudes of fortune, which attended her in the course of her life. She had an excellent capacity, which made her mistress of every thing to which she applied her mind ; and her judgment of the affairs of the world, and of the nature and consequences of things and actions, was admirable. She understood all sorts of business, in which it came in her way to be concerned, perfectly well, and wrote upon them with great clearness of comprehension and strength of expression ; not a superfluous or improper word appearing in her longest letters closely written, and filling a whole sheet of paper. The earl of Holland, whose ward she was, had taken very little care of her education, and had not so much as made her be taught to write ; but she learned it of herself, by copying after print ; for which reason she never joined her letters together.
- 156 She had the courage and spirit of her grandfather Thomas earl of Ormond, and was very intrepid in her nature ; not knowing what fear was in any circumstance

of danger or in any surprise whatever. The men have various opportunities and manners of shewing their courage, which are proper to their own sex; and I hope it will be allowed me to give an instance of her intrepidity in a way wherein that of the ladies is frequently tried. She awaked one morning early just as the day was beginning to dawn, and saw a tall woman as she thought in her room: she spoke to her, asking who was there, but received no answer. This surprised her; but considering that the object might do her as much mischief in bed as if she was up, and that she had nothing to be afraid of, she, without calling for any of her servants, rose up and went to it. She then found that it was only a white apron, which her woman had pinned against the hangings of the room, with a black hood just over it.

157 The duchess was highly in the favour and esteem of queen Catherine, who in the year 1682 made her a very extraordinary present of a collar, made up of her own and the king's pictures, and in the middle between them three large and fine diamonds, valued at two thousand five hundred pounds. The pictures were the same that had been sent and exchanged mutually by their majesties before their marriage. The duke, after his grandson's marriage with the lady Mary Somerset, made a present of this collar to that lady, who kept it till all her husband's estate was seized after the revolution, at the time of king James's being in Ireland, when she consented to sell it for their subsistence. The duchess of Ormond was the first person that, upon the duke of York's marriage with the daughter of the earl of Clarendon being declared, waited upon the duchess, and, kneeling down, kissed her hand. But she was very stiff with regard to the king's mistresses; and would never wait on the duchess of Cleveland, who in return never forgave that slight. She observed the same conduct towards the duchess of Portsmouth, though this lady always shewed

and expressed the greatest regard to her as well as to the duke of Ormond, and came frequently to visit her grace. She was still more strict in this point with regard to the conduct of her granddaughters, whom she seemed to instruct not so much as to admit of visits from ladies of such a character. Thus one day in 1682, when she was in an house that the duke had taken near the court, which was then at Windsor, the duchess of Portsmouth sent word she would come and dine with her. This notice was no sooner received, than her grace of Ormond sent away her granddaughters, the lady Anne Stanhope, afterwards countess of Strathmore, the lady Emilia Butler, and her sister, to London for that day, to be out of the way; so that there was nobody at table but the two duchesses and the present bishop of Worcester, who was then domestic chaplain to the duke of Ormond. Such<sup>538</sup> was the decorum of conduct observed in those days (when there was licentiousness enough at court) by ladies of merit, who valued their character, and best understood their own dignity, as well as what was due in good manners to others. It is the duty of everybody to discountenance habitual and presumptuous vice; a duty which none but those who secretly approve it, or are mean enough, for sordid and unworthy ends, to court the subject of it when clothed with power, find any reluctance to discharge. There is certainly a measure of civility to be paid to everybody, without regard to their moral conduct; but friendship, acquaintance, intercourse, and respect, are only due to virtue; and in ordinary cases are seldom given but to persons that are liked.

158 If the duchess of Ormond had any fault, it was the height of her spirit, which put her upon doing every thing in a noble and magnificent manner, without any regard to the expense. When the king sent the duke word (as hath been formerly mentioned) that he would come and sup with him, she resolved to provide a fine

entertainment. She consulted about it with Mr. James Clarke, a person of good sense, very careful, and of great goodness and probity, who, as steward, had the ordering of every thing within the house, and was a generous man in his nature, loved to do things handsomely, and understood it well; but was still for taking care of the main chance. He thought several things might be spared which her grace proposed, but she, insisting on her own purpose, told him, she had a very good opinion of him, and thought he understood every thing within his sphere: “but,” says she, “you must have the same good opinion of me, and allow me likewise to understand what is fittest for me in my own sphere.” That supper cost two thousand pounds; an expense which she did not value on this, and was apt to run into on other occasions, where it seemed proper to shew magnificence. The duke, knowing her inclination, never interfered in such cases, though he felt the inconvenience thereof, and his debts were thereby much increased. When she set about building Dunmore, intending to make it her residence, in case she should survive the duke, (for she said Kilkenny castle ought always to belong to the head of the family,) she laid out vast sums of money in that building. Cary Dillon, walking with his grace and others on the leads of that castle, from whence there is a fine view of the country about, and particularly of the house and park of Dunmore, made a pun upon that place, saying to the duke of Ormond, “Your grace has done much here,” (pointing to Kilkenny,) “but yonder you have *Done more*.” “Alas! Cary,” (replied the duke,) “it is incredible what that has cost: but my wife has done so much to that house, that she [has] almost *undone me*.”

159 The duchess of Ormond’s sickness and death retarded the duke’s setting out for Ireland till August. Sir R. Southwell met him on the road at Aylesbury, where, lamenting the loss of his excellent consort and long com-

panion, he said, that business, which was otherwise grown irksome to him, was now his best relief for the whole day: but at night, when he was left alone to think of his loss, it was very grievous to him, and scarce to be supported. He resolved however to divert his melancholy for one year by the employment of his time in the government of Ireland; which, though now attended with no difficulty, because of the universal calm which reigned throughout the kingdom, and never had been so general before in all his grace's life, always afforded business enough to engage the constant attention of a governor: and in the year following to apply to his majesty for a demission of his charge, and leave to spend the rest of his days in retirement. He was prevented in this resolution by the king's recalling him sooner, at a time when he had very little reason to expect it, having not received the least intimation from his majesty of any such design before his departure; an intimation which would <sup>539</sup> have been very useful to him for the adjusting of his affairs, and which he might naturally have expected from his majesty's goodness. It is possible that the king might not have taken the resolution till after the duke had set out for Ireland; because he was generally very unsteady in his measures, and easily entertained, and as easily altered resolutions. This appeared sufficiently on this very occasion; for though the duke of York was a principal means in bringing his majesty to recall the duke of Ormond, yet, within a month after the king had notified that resolution, the duke of Monmouth was suffered to come over into England, and admitted to a private interview with his majesty, who, to remove his royal highness from about him, determined to send him to hold a parliament in Scotland on March 10 following.

<sup>160</sup> Whether the resolution was actually taken before the duke of Ormond's departure, or no, it certainly was very soon after: and his grace was attacked as soon as



ever he had left London, upon suggestions from colonel Talbot, who had been in Ireland a little before, and made such a report to his majesty, that a general reformation in the council, magistracy, and army of that kingdom was intended. The lord lieutenant had so little thought thereof, that in the way from Aylesbury to Warwick, whither sir R. Southwell accompanied him, he was observing to him, that he had left but few enemies behind him; that, upon his majesty's command, he had desisted from the further prosecution of the earl of Ranelagh for his arrears; that colonel Talbot had returned him thanks for concurring to his coming over from Paris, where he had remained from the time of the popish plot; and that his majesty had only muttered, and that but slightly, in relation to some defects about false musters, which he had heard of in the army, and somewhat in regard of the stores. Notwithstanding this, sir Robert returning to London, did, before the end of that very month, send him certain advertisement of his removal. His grace returning him an answer on Sept. 5, uses this expression in his letter; "They begin very early, that before I am warm in my post here, or my head settled from the agitation of the sea, find objections to my conduct."

161 His grace, before he left England, was sensible that endeavours had been used to remove him, and that some persons were nibbling at things which might serve for pretences to justify his removal. The chief point was, that there were some disaffected persons among the officers of the army and justices of peace in the kingdom; an inconvenience scarce possible to be avoided, as long as such persons are guarded in speaking their sentiments and wary in their conduct; and yet all possible care had been taken in that matter. But this had been only objected in general, no particular instance being given of the charge, so that it needed no answer; it was capable of no defence, other than that of saying it was false, the

only reply that can be made to general suggestions. The duke had taken notice of this, and some as general objections to lord Arran's conduct, in a letter to this lord, and had told him that he knew from what root those branches sprung, and well remembered to what play such reflections as those were a prologue. The lord deputy did not bear these general objections with that equanimity of which his father set him an example; which produced the following letter from his grace:

162 “By Stephen Stanley, I shall say something on the subject I sent to you of by Dick Butler. Those who have a design to prejudice a man in employment, whose fidelity is not doubted, nor his parts unequal to his place, when they would do him ill offices, enter upon discourse of him with high commendations of those qualifications that are conspicuous, and professions of particular friendship to him; perhaps shewing reasons why they are so, as having had no unkindness, but rather benefits from him. And all <sup>540</sup> this to gain credit to the following objection, which shall be fixed upon some infirmity or defect, no less known than his virtues: and these they will aggravate, as to degree and frequency, beyond truth, and set forth with skill the scandal and inconvenience they bring upon the service, and the danger they may be of to the government, in some unexpected emergency or conjuncture. This is an artifice heretofore practised upon myself; and it met with credulity and success, though time and more narrow examination wrought off the impression; so that I was set right in the king's opinion, and restored to the station from which I was removed by such artifices. And since they cannot now take place upon me, by reason of my presence, and the opportunities I have to discover such insinuations, or frustrate the ill effects designed, they lay their plot in Ireland and upon you, supposing that by consequence it will reach me. For if they could but once persuade the king that his service does or may suffer in your hands, they will compliment me, and say, I cannot be spared from hence, nor govern Ireland at such a distance; whence the natural consequence will be, that another must be sent. I tell you what may reasonably be suspected, not what I certainly know; which gave occasion for the letter I wrote to you.

163 “As to the preference you give to a private condition of life, before that of a great and public employment, many have for several ends made the like profession; and those who have been most real in it have found themselves deceived in their own constitution. But he is in most danger to do so, that does not beforehand resolve how to spend his time in retirement; which can never commendably be chosen preferably to an active course of life, but in order to contemplation, and the securing an happy security [eternity?]. And then, if a man do not divest himself of all the encumbrances that the least employment in the state may give him, the quitting of the higher is but an acknowledgment of his incapacity, and a low affectation of laziness and liberty: and even your splenetic disposition will delude you, if it suggest that you shall be relieved by freedom from business, or by trivial diversitements. No man has had more experience of this than myself: and I believe your temper and mine are not unlike; nor has either of our educations or dispositions fitted us for those amusements that many others might, if they would, divert themselves with. The sum of all is, let us give detractors as little hold as we can; let us serve our master faithfully, diligently, and constantly, in spite of opposition, and without fear of what may follow, leaving that to the good providence of God.”

164 What the objection was to lord Arran may be conjectured from another letter, which will follow hereafter; but what is said in this of the plan laid down for removing the duke of Ormond seems to have been exactly pursued. The order given him in June to prepare for his return to Ireland was sudden and unexpected; and the resolution taken for recalling him thence, presently after he was gone, was full as sudden. It was in October that the king intimated to him his pleasure on that subject, and that the lord Hyde, now advanced to the title of earl of Rochester, was designed for his successor, as the fittest person on many accounts, and particularly because his near relation to the duke of Ormond would engage him to make the concerns of his grace and his family his own, and to take that care thereof which his majesty desired might always be continued. The duke

of York and the earl of Rochester wrote also on this occasion to his grace, whose answers, as well as those letters, I have thought curious enough to insert in the Appendix, No. CXXIX—CXXXVIII. The manner of his quitting the sword was left to himself; as was the time of his return to his own conveniency in the spring.

165 The earl of Rochester indeed was in no great haste to 54<sup>1</sup> go to Ireland, and to take upon him the government of that kingdom. He saw how the duke of Ormond's enemies had prevailed against him in his absence, and was apprehensive that he might lose his own interest at court by the like absence. He remembered on this occasion a story of the duke of Buckingham, who was designed to go as lord lieutenant to Ireland, and received the compliments of all the court upon that account; except of an old courtier, who he knew was much attached to him, and yet was entirely mute upon the subject. The duke asked how it came to pass that he alone was silent, when all the world were expressing their good wishes to him. He replied, that his grace always had his best wishes, but he differed from others in the sense he had of that preferment; for as he was an old attendant upon courts, he had never observed any man turn his back upon the court, but he presently caught cold in it. There were likewise some restraints to be put on the earl of Rochester which he did not like; for he was not to have the naming of the lowest commissioned officer in the army; which was to be put under the command of a lieutenant general, to be particularly appointed. There were changes also to be made both in the civil and military officers, and probably in neither to his mind.

166 It was intended in truth to make a general alteration in all employments, which it was thought the duke of Ormond would not approve, and was therefore improper to be put under his direction. This is the very reason assigned by the king for his removal, and the changes

proposed were so contrary to his grace's sentiments, that he was very glad to be discharged from the employment. These changes seem to be calculated for the advantage of the Roman catholics, as appears from a passage in his grace's letter of Dec. 15 to lord Arran: "If," says he, "it be intended to place some papists in command in the army, I am really glad I shall not be commanded to do it: and if they are only made believe it shall be so, and difficulties afterwards found against it, and they disappointed, which may well fall out, I am likewise glad to have no hand in the delusion." It was by their interest that the lord lieutenant seems to have been now removed; as appears farther, from a passage in his letter to the earl of Arran, wherein he specifies the objections made use of as pretences for removing him, and which for that reason I here insert:

" Dublin, 10 Dec. 1684.

167 " It ran in my head, that not long since, that is, no longer than when the popish plot was in its vigour, I had received a letter from the king in another style, and of another complexion, than that of Oct. 19 last. Upon search I found it, and herewith send you a copy of it, and of my answer to it; not that I would have you make any other use of it than to keep it by you, to teach you, or rather to mind you, that kings have no better memories than other men. For if the king had remembered the one, I believe he would not have written the other: but it seems I was one of those that was fit to be employed then, and not now. My defects and failings were then courted, but now they are conspicuous and mustered up; my age, my sloth, my aversion to Roman catholics, my negligence in the choice of such as I have recommended to or placed in the king's service; Mr. Ellis his corruption, manifested in his purchasing of places and land, with his vast and extravagant undertakings, and his offer upon matches to settle twenty thousand pounds when he was not worth the twentieth part of it when he came into play; all which could not be got fairly, or without the countenance, at least the connivance, of the chief governor.

§ This refers to a passage in the king's letter of Oct. 19.

168 “ These are my faults ; and now you may be content to hear 542  
your own. They say Ellis was countenanced and caressed by  
you to that degree, that he rid in your coach with you ; that he  
was admitted to sit at table with you, and into your debauches,  
which were frequent, and in lower company than suited with  
your quality, if you had not been in the government ; and that  
you let fall your own and the dignity of the place you were in by  
your way of living, and too often taking meals abroad. If these  
things are believed of us, we are not to wonder that we are not  
taken into consultations of moment, but rather how we come to  
be so civilly treated as we are : and I hope you have not given,  
nor will give, any countenance and credit to your part of the  
calumny. But let me tell you, if you do not break off the track  
of good fellowship, one meeting will produce another, and one  
glass another : and it is an ill habit and reputation a man has got,  
when it is believed he cannot be well or gratefully entertained,  
unless he be sent drunk away. I have had experience in the  
case, and it was with difficulty I was able to persuade people I  
desired to be otherwise treated. I pray make your use of what  
I write, and resolve to do any thing rather than to suffer your-  
self to be overcome by so weak and yet so treacherous an  
enemy.”

169 The duke of Ormond had taken over with him the  
earl and countess of Ossory. This young lady began in  
November to be troubled with vapours and fainting fits,  
yet it was not thought she was with child : but it after-  
wards proved so, and she died of a miscarriage in the be-  
ginning of this year at Dublin, to the great regret of all  
that knew her, and admired her wit and deportment in  
those tender years. She was buried on Jan. 27, in the  
vault at Christ-Church. Some fancies might possibly  
contribute to her miscarriage, for she was very super-  
stitious as to thirteen people sitting at table. A little  
before her death, Dr. Hough, now bishop of Worcester,  
was going to sit down, when observing that he made the  
thirteenth, he stopped short, and declined taking his place.  
She immediately guessed at his reason, and said, “ Sit down,  
doctor, it is now too late ; it is the same thing, if you sit

or go away." He believes it affected her, as likewise another passage, which being related in a different manner, it may not be improper here to correct the mistakes of that relation. About the time of the death of Mary countess of Kildare, (who was daughter to Catherine baroness of Clifton, married first to Donald lord Obryen, and afterwards to sir Joseph Williamson,) the countess of Ossory, then not above seventeen, dreamed that this lady came and knocked at the door; and that calling to her servants to see who was there, and nobody answering, she went to the door herself, and opening it, saw a lady with her face muffled up in a hood, who drawing it aside, she perceived it was the lady Kildare. Upon this she cried out, "Sister, is it you? what makes you come in this manner?" "Don't be frighted," replied she, "for I come on a very serious affair, and it is to tell you, that you will die very soon." Such was her dream, and this is all the story as this young lady related it herself to the bishop of Worcester. What is added in the History of Apparitions is all a fiction.

170 On Feb. 6 king Charles II. died. It is impossible to express the consternation which that event put all Ireland in, and which appeared in every face, when the duke of Ormond, being sent for four days afterwards, left Dublin to go for England. His grace received the account thereof with infinite concern, as is well expressed in the moving <sup>h</sup>letter which he wrote to sir R. Southwell on that occasion. The day after he received the news, he caused king <sup>543</sup> James II. to be proclaimed in Dublin; which was almost the last act of authority that he exercised in Ireland. This king immediately renewed the orders for his revocation; and whereas other governors have retained their character till they arrived at his majesty's presence, the duke was to lay all down at Dublin, for the commission to the two lords justices that succeeded him was sent

<sup>h</sup> See Appendix, vol. v. No. CXL.

from Whitehall. King Charles would never have forced him to surrender the sword in person to any man; and his successor had such late and great obligations to him, that he might very well have observed that decorum in respect of a person who had so highly merited from him; but it seems the favourites of the new king were in great haste to publish to all the world that the duke of Ormond was not in his majesty's good graces, and therefore put him under that necessity. In delivering the sword, his grace was surprised with an unexpected speech from the lord primate, one of the new lords justices, making a very handsome acknowledgment of the excellency of his government, the great services which he had done to Ireland, and the flourishing condition to which he had brought and in which he left that kingdom. The lord lieutenant made a return to it with his usual modesty, and immediately embarked for England.

171 Sir R. Southwell went to meet his grace as far as Northampton, and found him in no small affliction. He had left his grandson the earl of Ossory (who had the year before been made colonel of a regiment of horse in Ireland) sick of the smallpox at the earl of Derby's seat of Knowseley; that young lord having been taken ill at sea. There came also to him at the same time an account of the death of two of the earl of Arran's children. He met likewise in a news letter on the road the first tidings of his regiment of horse being given away to colonel Talbot; and other points there were which could afford but little satisfaction. As he drew nearer London, he was met on the way by more coaches than sir Robert (who never failed to shew his respect on the like occasions) had ever seen before; and when he arrived on March 31 at his house in St. James's square, the people in a mighty throng received him with the heartiest acclamations. He was continued in his post of lord steward of the household, and at the coronation in the next month



he carried the crown, as he had done twenty-four years before at that of king Charles II. This was the third coronation of a king of England at which his grace was present.

172 The duke of Ormond now proposed to pass the rest of his life in a quiet retirement, and only wished to see the heir of his family settled before he died. The earl of Ossory was in May made a lord of the bedchamber to his majesty; and serving in the army sent down into the west against the duke of Monmouth, had a share in the victory over that rebel. But his [grand]father was uneasy till he saw him well allied by a second marriage; which he hoped might be made with the lady Mary Somerset, daughter to the duke of Beaufort. The principles and nobleness of the family were perfectly to his mind, and the young lady's extraordinary merit gave him a well pleasing prospect of his grandson's happiness. Sir R. Southwell had proposed this alliance in 1682, but the duchess of Ormond being by a friend let into the secret of another proposal made at that time for the young lady, and the duke of York's interposing with that of the earl of Rochester's daughter, had hindered a treaty at that time. It was now set on foot by sir Robert Southwell's mediation; and matters being soon agreed on, an act of parliament was obtained for making good the articles, and the marriage solemnized on August 3 this year.

173 King James, upon his coming to the crown, applied himself to the management of his revenue, and to the retrenchment of every superfluous expense; he was himself at the head of all his affairs, zealous for the glory and interest of the nation, and undertook to reform the vices of the court, and to bring morality into reputation. He was in all respects as well qualified for an English king as any that ever sat upon the throne, if it had not been for the point of his religion. He had indeed exacted the payment of the customs after his brother's death, before

they were granted again by a parliament; but this was agreeable to former practice in the like case, and was justified by the necessity of the thing, and by the great use it was thought to be of to those merchants that had already paid, whose goods would lie on their hands, if others undersold them by paying no duties. But these were confirmed to him, and a large revenue settled on him for life, by a parliament which he soon called, and which was composed of as many worthy and great men as have ever sat in an house of commons of England. They were loyal in their principles to the crown, and zealous in their affections to the church; and he never took so unhappy a step, as in dissolving that parliament, because he found it impracticable to bring them into some measures which he proposed in favour of the Roman catholics. As soon as ever he came to the throne he declared himself openly a Roman catholic, and went publicly to mass with the queen. Not satisfied with the exercise of his religion, he must needs set up for an apostle, and make it his business to convert others. No flattery ever imposed upon any prince so much as the professing to be one of his converts did upon him. That profession rendered those persons who least deserved his confidence absolute masters of his mind, and made him, in despite of all remonstrances, obstinately follow those counsels, which were calculated for, and at last effected, his ruin.

174 It was not known for some time who was to be the duke of Ormond's successor in the government of Ireland; the earl of Clarendon being made privy seal, and the earl of Rochester lord treasurer immediately after the king's accession. But in September it was declared that the lord Clarendon was designed for that post; and in the January following he went over to take possession of his government, which he began very agreeably to the protestants of that kingdom, by declaring that the acts of settlement should be maintained inviolate. The king

had expressed himself frequently to the same purpose in England; and yet the pamphlets which were published against that settlement, and the confident expectations and speeches of the Roman catholics, had given the protestants great uneasiness on that head. These fears of theirs were much increased, when the earl of Clarendon, after continuing a year in that government, was recalled, to make way for colonel Talbot created earl of Tyreconnel; who, by modelling the army, and making a general change of all officers civil and military, gave too just reason for those apprehensions. By that change, several officers who had attended the duke of Ormond as lord lieutenant, and had their posts in the army given them on that account, (it being the usual recompense for such attendance,) were the first men turned out of their commands, and the duke himself lost his regiment of foot, which was given to colonel Justin Maccarty. His troop of horse was now the only military command left him, probably because he had bought it above fifty years before for more money than it was thought proper to repay him in the decline of his life, when his age and infirmities seemed to promise a speedy vacancy.

- 175 The beginning of the year 1686 brought a new affliction to his grace, in the death of his son Richard earl of Arran, who died at London in January, and was interred near his brother the earl of Ossory and the lady duchess his mother in the vault at the east end of Henry the VIIth's chapel at Westminster. He left behind him only one daughter, named Charlotte, who was married to 545 Charles lord Cornwallis. He had been by the king's letter of April 23, 1662, created baron Butler of Cloghgrean, viscount of Tullogh in the county of Catherlogh and earl of Arran; which titles, in case of his dying without issue male, were to descend to his brother the lord John Butler and his male children. He was sworn of the privy council of Ireland on Aug. 26, 1663, and having the com-

mand of the regiment of guards, had done good service in reducing the mutineers of Carrickfergus. He afterwards behaved himself with distinguished valour under the duke of York in the sea fight with the Dutch in 1673, and had thereupon on August 27 following been created lord Butler of Weston in the county of Huntingdon. He had been deputy of Ireland from May 1682 to August 1684; but though no man was more active, more eager, and more intrepid in danger, he did not much care for business of another nature. This indisposition did not arise from any want of parts or capacity, (for his were very good, and his best friends complained of him for not exerting them, as he might for his own honour and the support of his family,) but from a fondness for pleasure. It was this disposition which drew him into some excesses in point of drinking; though this was owing in a great degree to another quality, which is too amiable to be abused, as it too often is, by the importunity of others; for he had an infinite deal of good nature.

176 In the following month of February his grace retired for some weeks to Cornbury, a seat in Oxfordshire belonging to the earl of Clarendon, who, having himself no use for it whilst he resided in Ireland, lent it to the duke of Ormond for his accommodation. The duke spent most of his time there in reading and writing; and then it was that he wrote the letter (inserted in the Appendix, No. CXXI) to his grandson the earl of Ossory, recommending to him in general to take into his confidence and trust such as were of the same principles with himself, and had manifested them, as his grace had done, in different conjunctures, times, and stations. But the principal design of the letter was, to engage that young nobleman to consider sir Robert Southwell as a sure and faithful friend in all events, to open his mind freely to him on all occasions, to depend upon the fidelity and prudence of his advice, and to embrace all opportunities of doing

good to that gentleman and his family. In this letter mention is made of a discourse which his grace was then drawing up for his grandson's use, to whom he intended to leave it as a legacy, containing proper admonitions and instructions for the conduct of his life, and laying down the best rules that his knowledge and experience in the world could enable him to give for the good choice of friends and confidants. Sir Redmond Everard hath told me that he hath read this discourse, and that it was full of the noblest sentiments, the wisest advice, and the best adapted instructions that could be given for the forming a loyal, a virtuous, and a great man. I have searched for and endeavoured (but in vain) to find out this discourse; which being the result of the experience and reflections of a long life, in such times and employments as the duke of Ormond had, could not have failed of being useful as well as acceptable to the world.

177 In the August following, the king taking a progress to the west, his grace attended him as far as Bristol; and then, his majesty making longer stages than were proper for a person of his age, the duke returned by Winchester to London. Not long after his return there happened an affair which made a great noise, and in which his grace had a principal share. The king, whose notions were always high in the point of the prerogative, had been persuaded by the flattery of some lawyers, that he had a power, not only of forgiving the penalty, but of dispensing with the obligation and observance of any penal<sup>546</sup> statute, and that all legal incapacities whatever might be removed by such dispensation. There was some colour to this notion by the arguments of the judges in the famous case of Calvin, and in the debates of several eminent members that sat in the last parliament of queen Elizabeth. But whatever reason there may be for such a power in the crown on sudden emergencies and extraordinary occasions, the exercise of it in ordinary cases will

ever be considered as exceeding dangerous to the constitution of this kingdom; all the laws made by the wisdom of the nation for the security thereof being thereby at once enervated and rendered useless. In flattery, people are pleased with it in no instances so much as when qualities are ascribed to them in which they are either conscious themselves, or suspect the world thinks them, to be defective. Princes have much the same taste in point of power; they are fondest of what they have not, and what they are apprehensive will be disputed. The king, possessed with a belief of his dispensing power, took hold of too many opportunities of exerting what could not be too rarely exercised; and, impatient of being controlled, set himself to carry his point against all opposition, whatever reasons were urged to persuade him to desist. He was very unhappy likewise in the choice of the persons in whose favour he exerted it; so that, whether misled by ill advice and dishonest recommendations, or to shew his power the more, he contended in the behalf of worthless persons for an absolute submission to a prerogative, which would hardly have been suffered in the case of the best and most deserving.

- 178 The first instance in which the king took upon him to exercise this prerogative was with regard to Sutton's hospital, called the Charter-House; and in the case of one Andrew Popham, a Roman catholic, whom, by a letter dated Dec. 20, 1686, and directed to the governors of that hospital, he required to be admitted into the first pensioner's place that became vacant and in his disposal, without tendering him any oath, or requiring of him any subscription in conformity to the doctrine and discipline of the church of England; and notwithstanding any statute, order, or constitution of the said hospital, with which he was pleased to dispense. Dr. Thomas Burnet was at this time master of the Charter-House, having been chosen not long before by the interest of the duke of

Ormond, to whose grandson the earl of Ossory he had been governor. The bishops, who were of the number of the electors, had made exceptions to him, that though he was a clergyman, he went always in a lay-habit. But the duke being satisfied that his conversation and manners were worthy of a clergyman in all respects, and thinking these to be much more valuable than the exterior habit, insisted so strongly in his favour, that he was at last chosen. Popham coming to him with his letter, demanded admission; but was told that the letter must be delivered to the governors before any thing could be done upon it, and was dismissed without admission.

179 On Jan. 17 there was a full assembly of the governors, when Popham being present, the letter was read, and the lord chancellor Jefferys presently moved that they should immediately, without any debate, proceed to vote whether Popham should be accordingly admitted. Dr. Burnet, as the junior governor, was to vote first; but, instead thereof, he told them he thought it his duty to acquaint their lordships, that to admit a pensioner into that hospital without taking the oaths of allegiance and supremacy was not only contrary to the constitutions of the house, but also to an act of parliament 3 Car., called the Charter-House act. One of the governors thereupon saying, "What is this to the purpose?" the duke of Ormond replied, he thought it was very much to the purpose; for an act of parliament was not so slight a thing but that it deserved consideration. After some discourse, the ques-547  
tion was put whether Popham should be admitted, and was carried in the negative. The governors intended to have returned immediately an answer to the king's letter; but as soon as the vote was past, the chancellor and some others hurried away; so that there was not a sufficient number left to act as an assembly, or to do any more business at that time. The archbishop of Canterbury attempted several times afterwards to have another

assembly, that the letter might be written to the king ; but could not get a full number together till the Midsummer following.

180 In the mean time one Cardonnel, a French protestant naturalized, and qualified for the place, appeared with a nomination from the king prior to Popham's. His majesty thereupon sent another letter, dated March 21, to exclude him, and to reinforce his former order for Popham, to whom was likewise granted a dispensation under the great seal. This second letter and the letters patents were read on Midsummer-day in a stated assembly, where nine governors were present. A letter was then drawn up in the name of the governors to one of the secretaries of state, representing, that they could not admit Popham, nor comply with his majesty's letters in his behalf ; because the hospital was of a private foundation, and the governors obliged to act according to the constitutions of the same ; and because likewise the act 3 Car. expressly enacted that every person elected and admitted into it should, before he received benefit of any such place, take the oaths of supremacy and allegiance. This letter was signed by archbishop Sancroft, the duke of Ormond, the marquis of Halifax, the earls of Craven, Danby, and Nottingham, the bishop of London, and Dr. Burnet. When it was read to the king, he gave it to the lord chancellor, with orders to find a way how he might have right done him in the case. But the persons concerned were of so great a character, so much considered by the nation, and so well able to defend their cause, that it was thought better to let the matter alone, till the prerogative claimed was established by the submission of the two universities, who were encouraged to assert their rights, and the obligation of their statutes, by this example of the governors of the Charter-House.

181 In the beginning of this year the king thought fit to solicit the duke of Ormond for his consent to abolish the



penal laws and the test (which afterwards was desired of many others); but did not meet with such a return from his grace as he expected and desired. His majesty however was pleased to say, that as his grace had distinguished himself from others by long and faithful service to the crown, so he would also distinguish him from others by his indulgence. It was about the same time that his old friend the lord Arundel of Wardour, then lord privy seal, came to him with some plausible discourse which he had prepared about religion; but being disconcerted by a dexterous turn given to it by his grace, the discourse ended before it was well begun. Peter Walsh too, who in forty years' access to him had never before touched upon his religion, or made any attempt to pervert him, now thought it the time to try his skill and attack him on that subject. The good father confessed to his grace that there were abundance of abuses in their church, yet still it was safest to die therein; and shewed that an open renunciation or abjuration was not required from any who were reconciled, except ecclesiastics; and that if a man did but embrace that faith in his heart, it was enough. The duke, among other things, replied, that though he had great charity for such as had been bred up in that religion, and wanted the opportunities of knowing those errors which were confessed; and he might have hoped well of his final end if he had been thus bred, and thus invincibly ignorant; yet since he knew their errors, he could never embrace what he saw<sup>548</sup> cause to condemn; and wondered, if the condition wherein he was appeared so dangerous to him, why so good a friend did not admonish him sooner thereof. Peter soon saw there was no good to be done, and did not venture on a second attempt. This religious had always been very cordial and sincere in his professions and zeal for the duke's service; and his grace having the post of senechal or steward to the bishop of Winchester (it being

usually given in ancient times to some of the most powerful of the nobility, who were thereby engaged in the protection of the see) by a patent from bishop Morley, with the fee of one hundred pounds a year, had settled it upon him for his subsistence. This was all Peter Walsh had to live on; he received it duly, and enjoyed it till his death, which happened a little before the duke of Ormond's.

182 The duke had gone down to Cornbury in February, but returning after a short stay to London, was laid up by the gout till the end of May. He spent the two next months between Hampton-court, Windsor, and London; from whence in July, sending his grandson Charles, now earl of Arran, to travel abroad, he was alarmed by his falling dangerously ill of the smallpox at Harwich, where he was to take shipping for Holland, and from thence to proceed to Italy, in which country he was to pass the winter. In August he proposed to follow the king in all his progress that summer, and to attend him with a considerable train; but was disabled again by the gout, and confined to his room for a month at Badminton. His majesty passing by that place, in his way from Bath to Chester, and in his return back, made him a visit each time in his chamber. The duke now got leave from his majesty to retire to a greater distance from town, and to wave the attendance at court, which the duty of a lord steward required. His age, frequent returns of the gout, and other infirmities, disabled him from attending, and yet the king would not turn him out of the post; but continued it to him till it should be vacated either by his death or resignation; and the duke, though he saw himself near his end, would not sell it, because it had been given him without any purchase on his part.

183 His grace had a little before hired a very pleasant seat in Dorsetshire, belonging to Mr. Banks of that county, and called Kingston-Hall; where he hoped, by the be-

nefit of that champaign country and good air, both to enjoy some recreation, and recover a better state of health. He was still lame, and could not use his legs, when he left Badminton in order to be carried thither; and being there, he continued much at the same rate till the end of February, nor could he afterwards well walk without some assistance. It was during this winter that he began to feel the darting of some sharp pains from his neck upwards to his head: he had also some swelling or disorder in his throat, which often interrupted his swallowing. But in the end of March he was seized with so violent a fever, that he was forced to be twice let blood; and it was not without blistering, cupping, and the Jesuit's powder, that he was then rescued from the grave. He continued the use of that powder for several weeks, the fever still lurking within him; and when this shock was over, he did on April 8 make a short will, wherein, having by former deeds and settlements, provided for his family, he left some annuities to his servants, and, after a very honourable testimony of their behaviour, recommended them to the earl of Ossory's care, with this advice, that he thought none so proper for his grandson's service, as those whom by the experience of many years he had found so faithful, diligent, zealous, and affectionate in his own. But the weather continuing very severe for a long time, he could not recover any use of his limbs till the month of May; and then he began with help to get out into the garden, and take the air in his coach.

184 Sir Robert Southwell, who had for two years before 549 employed himself in drawing up an history of his grace's life and actions, and had from time to time brought him what he had wrote upon the subject, particularly with regard to the most considerable events during the Irish rebellion, came to him in April, and stayed three weeks at Kingston-Hall. During that time their chief discourse turned upon the many memorable accidents of his past

life, of which his grace spoke very freely; yet they sometimes fell upon the present situation of affairs. The duke on this occasion lamented that his majesty should be advised to put such questions (as was then too generally practised) to men of undoubted loyalty; that for his own part he had ever been zealous, not only to serve the crown, but even to please his prince; that he did in truth think the popish lords had been treated with great hardship and injustice, when deprived of sitting in the house, which was their undoubted right and inheritance; but the danger of dispensing with the penal laws was now become so visible, that he did not see how any man could in good conscience be absent from the house whenever that came to be the question. Sir Robert went away on the second of May, intending to return by the end of the next month with what he should have further written.

185 On Friday June 22 the duke was seized with a cold shivering fit of an ague; and though it was soon removed, yet he was so much weakened by it, that he was observed to lose ground daily, and visibly to decay: he continued however at times to take the air in his coach. The present bishop of Worcester passed a month with him at this time, and went away about a week before his death. The duke then found himself so much better, that he thought he could hold out two or three months longer; and desiring the bishop to come to him again, told him he would send him word of the time. He continued so two or three days, and on Wednesday July 18 he went abroad in his coach half a dozen miles with the lady Ossory, but returned ill; yet he seemed for the two next days somewhat better, and stirred a little about in the house. On Friday evening he was seized with a very painful stitch on his side; which however was that night by some applications well mitigated. On Saturday July 21, when Mr. Clerk came to him in the morning, "James,"

said he, “this day four years was a very melancholy day to me;” and Mr. Clerk not readily recollecting the reason of its being so, his grace added, “it was the most melancholy I ever passed in my life; it was the day I lost my dear wife.” He afterwards spoke of indifferent things, and desired Mr. Clerk (who then thought him worse than he had been at any time since his arrival at Kingston-Hall) to write to sir R. Southwell to come over. He took delight to see the little lord Thurles, now about two years old, play before him; yet frequently inquired about the hour of the day, and directed his chaplain (Mr. Hartstonge, afterwards bishop of Derry) to prepare the sacrament for him by ten o'clock the next morning, and named those that he desired to receive it with him. About ten he desired to rise, against the family went to prayers, which was the constant custom of it, as that was the usual hour. At getting up, he took notice with some content that his legs were more limber, and bended with greater ease than they had ever done since he fell sick; which however was only the consequence of the humours mounting up towards his vital parts. At prayers he answered distinctly, and near as loud as he was wont; yet it appeared by the motions of his countenance that he had fits of pain, which he was willing to suppress.

186 He continued sitting up till the afternoon prayers, which were three o'clock, and answered distinctly as before. He afterwards discoursed about indifferent things, yet was by fits uneasy; so that he desired Mr. Clerk to take care of some papers that lay in the window, and 55° give them to sir R. Southwell, for he would not come time enough to find him alive. He found himself fatigued, and was desirous about four to return to his bed for some refreshment; but Mr. Clerk taking notice to him that he declined much faster than himself apprehended, he thought it proper to receive the sacrament

immediately, rather than defer it till the morning. He took it with most exemplary marks of piety and devotion, being assisted therein by the earl of Ossory (who arrived on the Thursday before) and his lady; nor was there a servant in the family absent on this solemn occasion. The communion being over, he told the physician who attended him, that though he found a great decay within him, yet he was not then much sensible of pain. This interval of ease he employed in talking to his servants, which he did for an hour together, expressing his great concern that he could do nothing for them with whose service he was so perfectly satisfied; but he had nothing to leave, having been in debt all his lifetime, and then going to die so; all that he could do for them he had done in his will, that is, he had recommended them to his grandson, expressed his constant experience of their fidelity and affection, and pressed him to keep them all, and do them those services which it was not in his power to render them. Being a little spent with this discourse, he dismissed the servants, and desired Mr. Laroche (his gentleman of the chamber, who is still living) and his brother to lay him down on the bed. They first laid him on his back; but he desiring them to turn him on one side, they attempted it, and in doing so he that was behind him on that occasion observed his hand to fall behind his upper side like a dead hand; and they found he had expired in that moment. He made no struggling, nor sent forth the least groan; but went out like a lamp, enjoying in this his last moment what he had ever prayed for, *that he might not outlive his intellectuals.*

187 He appointed by his last will to be interred with his lady and two sons at Westminster; to have a private funeral, and not to exceed the ceremony or expense that had been used at his wife's. His body, which was by long sickness utterly wasted and decayed, was put into a thin coffin, rolled in searcloths; which was enclosed in

one of lead, and that put into another of wood, all filled up with pitch, and then wrapped in velvet. It was thus on Wednesday August 1 conveyed to the hearse; and being attended with half a dozen mourning coaches of his grace's family on the road to London, his corpse was met near Westminster by his grandson and many other friends, and with all decency deposited in the abbey on Saturday night, August 4, 1688, Dr. Sprat, bishop of Rochester and dean of Westminster, reading the service. Had he lived till the 19th of October following, he had completed the age of seventy-eight years; having seen seven generations in his own family, three above, and as many below himself. He had at this time several great-grandchildren, the eldest of which being the lord Stanley, son to the countess of Derby, was above eight years of age at the time of his death.

188 As to his vigour and health, few men, in so various a course of life, had ever enjoyed it longer, without yielding to the marks of age and infirmity, than he had done. Till he was thirty-two years old, he never had been sick; but then he was seized with so violent a fever at Dublin, that everybody despaired of his recovery; and he afterwards found himself more sensible of cold, and subject to fevers and pleurisies. In June 1658 he had a very dangerous fever at Bruges. He never had the gout till his majesty's restoration in 1660, being then fifty years old, but scarce ever missed it a year afterwards. In October 1683, being at his house in St. James's square, he was seized with a pleurisy, which reduced him to extremity; but losing thirty ounces of blood in 551 two days, he soon recovered. In August 1685, whilst he was at Badminton, from whence he took a turn to the Bath, he had a violent pain in his right ear, where at length an imposthume broke out, and afterwards his hearing on that side was much impaired.

189 The duke of Ormond had by his lady eight sons and

two daughters. The first son was named Thomas, born in 1632, and died before he was a year old. 2. Thomas earl of Ossory, born at Kilkenny-Castle on July 9, 1634. 3. James, born in 1635, but did not live above a year. 4. Another James, born on March 24, after the former's death : he died on April 17, 1645, and was buried at Christ-Church in Dublin. 5. Richard earl of Arran, born July 15, 1639. 6. Walter, born Sept. 6, 1641 : he died at Dublin in March 1643, and was also buried at Christ-Church. 7. John, born in 1643 : he was captain of the troop of horse-guards in Ireland ; created baron of Aghrim, viscount of Clonmore, and earl of Gowran ; and, having married Anne daughter of Arthur earl of Donegal, died without issue in 1677. 8. James, born in 1645, who, being an infant, was carried out to take the air in a coach, and the horses running away with the coachman down the Phoenix-hill near Dublin, the woman who had the care of him, in her fright threw the child out of the window, who was killed by the fall. The two daughters were, Elizabeth, born June 29, 1640, and married to Philip earl of Chesterfield ; and Mary, born in 1646, and married to William lord Cavendish, afterwards earl and duke of Devonshire.

190 The duke in his person was of a fair complexion, (from whence the Irish, according to the distinctions usual among that people, called him *James the White*,) a lively and ingenious look, and a countenance that expressed a greatness of mind, and was yet full of sweetness and modesty. He was somewhat taller than what is deemed the middle size, well shaped and limbed as any man of his time, of active and clever strength, not corpulent, yet always preserving a good *embonpoint*. He had a noble air and mien : had he been dressed like a ploughman, he would still have appeared a man of quality ; and the manner of his address was natural, easy, graceful, and engaging. His grace, the duke of Norfolk, and the earl



of Bedford, were the three persons who had most of the air and dignity of their quality in their manner and behaviour of any men about the court of king Charles II. The duke of Ormond always wore his hat (as that king did) just as it came from the block, stiff, without a button, and uncocked; and imitated him constantly in his habit as well as behaviour. His dress was plain, but very elegant and neat: nobody wore his clothes better, but he still suited them to the weather. For this end, in our uncertain clime, he had ten different sorts of waistcoats and drawers, satin, silk, plain and quilted, cloth, &c. His first question in the morning was, which way the wind sat; and he called for his waistcoat and drawers accordingly. No severity of weather or condition of health served him for a reason of not observing that decorum of dress which he thought a point of respect to persons and places. In winter time people were allowed to come to court with double-breasted coats, a sort of undress. The duke would never take advantage of that indulgence; but let it be never so cold, he always came in his proper habit; and indeed the king himself, the best judge of good manners in his time, always did the same, though too many neglected his example to make use of the liberty he was pleased to allow.

191 The cheerfulness of his temper, the liveliness of his conversation, the ready flow and pleasant turn of his wit, and the care he always took to adapt himself to the king's manner and humour, rendered him very agreeable to that prince, who ever loved him: but king James II seemed always to stand in awe of him; and whatever esteem he could not help having of him, and whatever 552 grateful sense he entertained at some times of his services, yet he never really cared for him, purely on account of his being a zealous protestant. The ministers about court cannot be supposed to have much affection to a person whom they could not but consider as their

rival in power, and in the favour of their master, and who would never enter into any of their cabals. All that could be expected from them was their esteem; and this it was not in their power to deny him in their inward sentiments, however they might be shy of expressing it during his life. The earl of Danby never bore him any affection, and had used all his interest to keep him out of power; but after the revolution, when he was duke of Leeds, and the present bishop of Worcester, with Dr. Compton, bishop of London, and others, were dining with him, he took occasion to speak with great esteem of the duke of Ormond, and told the former (who had been his grace's chaplain) that he had served a great nobleman, who had the most honour and probity of any he ever knew in his life.

- 192 Conscious of this integrity, and depending on the remembrance of his services, he despised all the little arts that are used about courts to get into power. He never courted nor asked for employment; and yet when he was employed, he was ever ready to sacrifice himself, his fortune, and family for the service of his prince; nor could any fears of impeachments and dangers make him quit an envied station, which provoked the malice of his enemies; and, if filled by one of their party, was very convenient for their purposes, till it was his master's pleasure to remove him. Sir R. Southwell relates a remarkable saying of his in the year 1668, when articles were preferring against him for ill government. His grace talking with that gentleman (to whom, considering him as his friend, he expressed himself without reserve) upon this subject, said, he had his mistakes, and could do many things better than had been done, were he but to do them over again; but as for any wilful hurt to his majesty, or wrong to any of his subjects, he did not only defy his wife and children, but even himself, to frame one article that could look like truth.

193 “The truth is,” says sir Robert, “the sense he had of his good intentions, of his great services and high quality, might make him often negligent in the caressing of some who looked for it, and might possibly deserve it from him; which some thought stiffness, some called it pride, and others want of industry for his friends. A certain lord, then great at court, who had done him service, and loved his family, was yet angry that his grace was not acknowledging as he ought. He called it want of breeding, and charged him as defective in the needful arts of familiarity; which the world does not easily forgive: and yet,” said he, “as to the upper parts of the building, which concern honour, loyalty, and justice, there indeed he is firm, and never to be shaken.” When his grace was told of this reflection from lord Arlington, he said, “That lord expects to be treated as if he had been born with a blue ribbon, and forgets Harry Bennet, that was but a very little gentleman.”

194 The duke of Ormond certainly had an utter aversion to all intrigues, and either hated or despised all intriguers; and after lord Clarendon’s exile, there was scarce a man of any figure about court that was not of that character. He was too strict an adherer to truth and sincerity in his words and actions, to make professions of friendship to those whom he had no reason to love, and of respect to those whom he could not esteem. Being himself disinterested, he saw with contempt and indignation the selfish views and measures of others; and never failed to oppose them, if they interfered with the king’s service or the public good. His regard to these, and inviolable observance of justice, even in the case of persons whom he disliked, and wished might legally be 553 removed from their posts, (for such was Bathurst, the postmaster of Dublin,) put him, whilst he was governor of Ireland, under a necessity of disobliging Daniel O’Neile, who had got a grant of that office, and others of his par-

ticular friends, upon a multitude of occasions, whom otherwise he would gladly have served. This method of conduct, however just and reasonable, must necessarily create him many enemies; and his attaching himself to no party must certainly leave him few friends, that were not so to virtue and integrity, upon which alone he rested his interest at court. Hence (as he used to say when out of favour) he had power to do hurt and to obstruct wrong measures, but very little to do good. He never failed to speak his mind when called to council; but if matters were carried against his advice, he was silent from that time, and never attempted to make bad worse by exclamations, which could not redress what had been done amiss, and yet might prejudice the king's affairs by rendering his mistaken resolutions more odious, and his subjects more discontented. This was agreeable to one of his old maxims, which was, never to be solicitous how we got into trouble, but only how we might get out of it again.

195 He detested making a low court to any of the king's mistresses; and yet he was not averse to the keeping of measures with them, when it might be useful to the public service, the great end by which he regulated his own conduct in public affairs. He expresseth his sentiments upon this subject, in the case of a third person, with regard to the duchess of Portsmouth, in a letter of Oct. 29, 1682, to his son Arran, in such a manner, that it is not easy to think his own conduct was different. "Impartially speaking," says he, "and from the best observation I can make, my lord Hyde is the best and honestest minister amongst us, though he is fain to comply with the lady beyond what may be approved of by those that know not the necessity and the end. She is at this instant as powerful as ever; insomuch that there is no contending with her, but by those that care not for the court. Nor do I think it would be for the service of

the crown, that honest men should make themselves useless to it by a vain and unseasonable opposition. Since she cannot be removed, the next best is to make use of her credit, to keep things as well as may be." This makes me think there were no just grounds for that charge of stiffness which sir R. Southwell mentions: and the rather, because of the wonderful easiness which he shewed on many remarkable occasions to forgive those who had most injured him, and to treat them with as much kindness as ever; a conduct utterly inconsistent with the nature of pride: so that what might possibly be interpreted to arise from that quality was no more than was absolutely necessary to maintain his own dignity. And certainly no man had ever more reason to assert it than he had, after so many eminent services as he had done the crown, after choosing to run its fortune, when nothing but certain ruin to himself and family was in prospect on that side, and the greatest advantages were offered on the other; and after a series of sufferings for many years, which will recommend his name to posterity as the most perfect example of integrity, loyalty, and honour which that age produced.

196 His grace's letters which are published shew the situation of his mind and draw his character better than any pen of another can draw it; and there has been enough said of his public conduct in this history to make it needless to enlarge further on that subject. I shall therefore only add some few particulars of a less public nature, with regard to his manner of living. He generally rose at five in the morning; and being up so early, had a great deal of time to himself for doing business. In fifty years together he was never in bed after six o'clock in the morning, unless he was sick; and he would have risen much sooner, but in consideration of his servants. He would say, that he and the duke of Buckingham<sup>554</sup> would make between them a good gentleman of the bed-

chamber. It was at these early hours that he usually wrote his letters; a work which he never turned over to a secretary, choosing to write all his despatches upon public business himself; and whenever there was any nice subject to be handled in them, they were so exquisitely drawn, that Dr. Burnet of the Charter-House, (an excellent judge in such matters,) reading over some of them, together with the bishop of Worcester, was surprised, and could not forbear pronouncing, that he was superior to everybody in that way of writing. His memory was so good, that he could write a whole sheet, and repeat it to a tittle, if he either wrote it with that intention, or once read it over after it was written. His letters were like his speeches in parliament, generally short; always clear and strong. He was generally on horseback, whether at London or in the country, at six in the morning. When he was in Ireland, he diverted himself sometimes with hawking, which was his favourite sport. He used frequently to hunt, but used it as a diversion, and for the sake of exercise; so that he always returned home to dinner; and the hounds knew it so well, that when, upon hearing the dinner-bell ring at the castle of Kilkenny, the duke hath turned his horse homewards, the dogs all followed him, and quitted the hare, though in view.

197 He was regular and temperate in his meals and diet, eat plain food, and very seldom any thing besides a boiled leg of mutton and a capon, or some other fowl, or a rabbit with the *fumette*, the only thing that he loved so; but the first was always a necessary dish. One day instead of it a fine leg of pork was placed upon the table. The duke, missing his constant dish, sent for the clerk of the kitchen, and asked him whether he had ever known him dine without a leg of mutton. The clerk said in excuse, that he had lived twenty-three years with his grace, and had never missed serving it before; but the pork being young, just

come out of the country, and exceeding fine, he had substituted it instead of the other, as a great rarity. The duke said he loved pork, but desired for the future that the leg of mutton might never be omitted. Once in a quarter of a year he used to have the marquis of Halifax, the earls of Mulgrave, Dorset, and Danby, Mr. Dryden, and others of that set of men at supper, and then they were merry, and drank hard. At one of these entertainments, two of his gentlemen, Preston and Crawford, both of them Scotchmen, curious to hear the conversation, and desirous to partake of the vivacity of the company, stood behind the duke's chair till the company had drank a bottle apiece; when his grace observing them, said, "Gentlemen, this is not fair; if you stay and hear our conversation, you should sit down and drink your bottle fairly with us, or else leave us to ourselves:" upon which they retired. Whenever he had drunk hard, he never went to bed, but wrapped himself up warm, sat all night in an easy chair, and after a nap got on horseback, rode for three or four hours, and then came home fresh, and fell to business.

198 As in the exercise of his public employments he never let any man wait, lose his time, and dance attendance for an audience, and no one ever came uneasy to his presence, so assured were all beforehand of an obliging reception; so in his domestic concerns, he was the sweetest tempered, the kindest and most indulgent man that ever was to his servants. Dick Delves, brother to sir Thomas Delves, was his gentleman of the horse, and had been with him abroad, so that the duke indulged him in liberties not becoming a servant. He had one day put on a new suit of clothes finer than ordinary; and Dick taking off the soup, spilt it on the suit; upon which his grace, taking his napkin, fell to rubbing it, and without any anger said, "Dick, you have spoiled my clothes." "My lord," said he, "they will serve me very well." He had them 555

the next day. The harshest word he was ever heard to give to any of his servants was to one who had committed a very great fault. The duke thereupon representing his crime, at which he was very angry, told him, he was highly provoked at it, and if it was not below him, he would call him by an hard name.

<sup>199</sup> There never was more regularity and order in any private family than was constantly observed in the duke of Ormond's. He had always in it a master of the horse, who had the absolute command of the stables and grooms, a steward, who had the ordering of all the servants within doors, a clerk of the kitchen, a butler, and ten gentlemen of good families out of livery; he had a page likewise, and his lady another. When he came out of Ireland the last time, he had constantly twenty real gentlemen in his service out of livery. He was the only nobleman in his time that kept a constant table, seven dishes each course; besides which, he had a table for his master of the horse and for his steward, of five dishes the first and two the second course. But when he was in Ireland, his house-keeping was truly royal, and he supported the dignity of lord lieutenant with a magnificence that never had been known before, and hath never since been equalled. His equipage likewise and attendants were proportionably increased. The bishop of Worcester went along with him, when his grace went the last time to Ireland in 1684. The duke had then of his own six coaches with six horses each, and forty servants on horseback; besides five or six coaches of noblemen and gentlemen that accompanied him. He always went thither in this state, giving notice beforehand of his stages, that the country and gentlemen might come in. These stages were always short, about ten or twelve miles a day. He carried his white staff, as steward of the household, with him in his coach, except when he was to go through a town; and then his gentleman carried it on horseback before him bareheaded. The



king always allows three thousand pounds for the charges of that journey, and his grace thought it for the honour of his prince to travel with a magnificence answerable to that allowance; though other lords lieutenants have sometimes gone post to save expense.

200 There never was a more perfect harmony and entire affection than there was between the duke and duchess of Ormond. He never had but one amour in his life, and that was just before his marriage. The duchess being a ward to the earl of Holland was bred up with his daughter the lady Isabella Rich, who not being under the same restraints as the ward, the duke had frequent opportunities of courting her good graces, and desiring her good offices with his cousin, whom after the king's prohibition he durst not be known to visit. The common interest of the family required an intermarriage between the duke and the lady Elizabeth Preston, and yet after that prohibition no intercourse could be carried on between them but in the way of intrigue. Lady Isabella Rich by favouring this correspondence exposed herself to all the dangers, to which private meetings, opportunity, late and unguarded hours, expose youth. She found the young nobleman too agreeable, was got with child, and delivered (without any knowledge of the world) of a son, who was sent abroad to be educated. When the duke, in February 164 $\frac{7}{8}$ , went out of England to France, he found this son in the academy at Paris, a very hopeful promising youth. On that occasion he wrote to lady Isabella, giving her an account of the hopes he conceived of the fruit of their loves; and writing at the same time to his wife, made a gross mistake in the direction of the letters. The duchess had scarce read the letter intended for lady Isabella, when that lady came to visit her, and an opportunity was afforded to rectify the mistake and exchange letters. The duchess desired of her old friend that this mistake might not occasion any breach between them; nor indeed did it, for when lady 556

Isabella in the next year was discovered to be concerned in some plot of the cavaliers, and forced to fly out of England into Holland, she soon removed thence to Caen, where she stayed two or three years with the duchess of Ormond in her house, and was there when the duke returned thither from Ireland. The youth died at Paris before the restoration, and the duchess was so well satisfied of her husband's affection and constancy, that she never shewed the least jealousy or distaste on account of this old and accidental amour.

201 The duke indeed was sufficiently guarded against all temptations of that kind, not only by the constancy of his temper, the modesty of his nature, the consideration with which he entered upon every action, the habitual love of virtue, and the regard he constantly had to his own character; but also by the utter aversion he had to idleness. He took care to fill every vacant moment of his life with some useful or innocent employment. The several hours of the day had their peculiar business allotted them; and each kind of it coming up in its turn, was orderly and beautiful in its season. In this order the preference was still given to his devotions, with which he began and ended the day, and in which he was always very punctual and regular. He did not think it the privilege of a great man to be exempt from humbling himself before his Creator; and was so strict in this respect, that no business or common accident of life could on any occasion make him dispense with himself from paying this duty. On particular occurrences and events, as when he was to take upon him a new charge which required peculiar duties to be performed, or when he was visited with any affliction, or blessed with any new felicity in his family, he still composed particular forms of prayer suitable to those occasions. Nothing contributes so much to the forming in any man such a religious temper of mind as is the greatest comfort he can feel, and the best sup-

port he can have in all the vicissitudes of human life, as a regular exercise of devotion ; and this no doubt had its share, (concurring with the strength of his reason, and the firmness of his mind,) in producing that perfect resignation to the will of God, which the duke of Ormond so remarkably shewed in a long series of adversity, and under the most afflicting dispensations of Providence. Some of his letters expressing this resignation of mind, and some of his prayers on such particular occasions, I have inserted in the Appendix, fancying they might gratify the reader's curiosity.

202 The world always judge of others by themselves, and persons who have no sincerity in their own constitution and conduct, are always apt to suspect a want of it in others. One might else wonder at the uncharitable assertion of a late writer, who says, the duke of Ormond was *decent even in his vices, for he always kept up the form of religion*. A general charge is never capable of any other answer, than that of saying it is absolutely false, and it is very hard to conceive what vices that writer means ; for I solemnly protest, after reading an infinite number of private papers and letters, the libels and objections of enemies, the advertisements of friends giving notice thereof, notes of private confession and of what passed between God and his own soul, I have not found him charged by others with any personal vice, nor specifying himself any that he was guilty of, except an indulging too much in drinking, which he had a strong head to bear without any disorder to his reason, and which, contrary to his inclinations, he submitted to on occasion out of complaisance to others, but yet was very severe in condemning as too great a sensuality in himself. The present bishop of Worcester (who lived seven years in his family, and had therefore reason to know him well) gives his grace this testimony, that he was as good as he was great, and that he was always very sincere and serious

in the belief and practice of religion ; and that if he was 557 guilty of any hypocrisy in that point, it was in appearing not so good as he was in reality.

203 He was certainly a great observer of decorum in all his actions ; and perhaps he may be thought, as the world goes now, too scrupulous in some things, wherein not so much religion as decency is concerned. When he came out of Ireland in 1682, he took an house near Windsor, that he might the more constantly attend the court, where the queen and [the] duchess of York were continually getting him into their parties at basset, much more (as I find him complaining) than was consistent either with his case or profit. Being at court one Sunday, the card-table was brought in, and the queen said to the duke he should be one of her party. He excused himself, alleging that there were others present much fitter to be of her majesty's party ; to which she replied, that she saw them every day, and could have them when she pleased ; but she could have him very rarely, and therefore he must play. He still excused himself, and continuing to do so the third and fourth time, the queen, imagining there must be some particular reason for so unusual a backwardness and want of complaisance in his grace, said, she was afraid he had some scruple about the thing, whereas she really thought there was no harm in it, and that nobody had any scruple at all. The duke owned he had ; and her majesty asking the reason, he said, that both by the Jewish and Christian law a seventh day was appointed for the service of God, and for a cessation from business ; that playing at cards was really his business every other day in the week, and he might very well abstain and rest from it on Sundays.

204 With regard to the different communions of the Christian world, he was entirely attached to that of the church of England, and zealous to maintain every part of her constitution. Those parts of it which were most attacked

in his time were her liturgy and government. As to the first of these, it is easy enough to suppose that a person of his decorum, seriousness, and considerateness in common life, could not bear with the levity, rudeness, indecencies, rash, unguarded, and even irreligious expressions too usual in extemporary effusions, and very unfit for public devotion. But it may not be improper to observe, that he carried the point of church government as high as any ecclesiastic whatever, and was fully persuaded of the divine right of episcopacy. Firm in his principles of religion, upon a thorough consideration of the matter, and resolved to adhere to them in contempt of all difficulties and temptations whatever, he never hesitated a moment about the party he was to take when he was tempted, on one hand by the nuncio, with the offer of the crown of Ireland, and the assistance of all the Roman catholic powers in Europe, if he would embrace that religion; and on the other by Cromwell, with the advantageous proposals made him after the ruin of the monarchy, if he would join in the covenant and enter into his measures. What he did for the support of the clergy, and for the establishment of the church of Ireland, hath been already observed in the course of this history; and his sentiments and affection in this respect were so well known in England, that he was ever considered as one of the greatest supports of the rights and interests of the church at that court. For this reason he was ever the butt at which all the arrows and attacks of the popish and fanatic parties were levelled; and whoever notes the smiles and frowns which he received at different seasons from the court, may form a good judgment of the situation of the church of England at those times; for notwithstanding all his services, sufferings, undisputed loyalty, capacity, and principles, (the fittest that ever were for an English monarch,) he was never in favour and employment but when it was absolutely necessary to court the friends of that church.

205 One of the sons of that church, Dr. Littleton, preben- 558  
dary of Westminster, who had opportunities of knowing  
his grace's character and conduct, would not let him be  
laid down in the grave without an eulogium ; which is the  
more valuable, because made after his death, and the  
doctor was not called to it by any thing but his just re-  
gard to the merit and memory of this great and good man.  
It was Dr. Littleton's turn to preach at the abbey on  
Sunday morning, the day after the duke of Ormond had  
been interred, and his text, which was Matt. v. 5, leading  
him to a discourse upon meekness, (a quality in his grace's  
composition which I have not taken notice of before,) he  
closed his sermon in the following words :

206 “ Having thus, according to my imperfect skill and unpolished  
language, in some measure displayed some of the lovely features  
of that heroic virtue and Christian grace of meekness, it may  
perhaps be thought that I have been designing, at least with  
some faint stroke, to draw a rude portrait of some such illus-  
trious and excellent person as that great and good man was  
upon whose obsequies we were last night attending ; who, as he  
was highly eminent for his station, having received from several  
kings special marks of royal, yet deserved favour ; as having been  
the Mæcenas of the British court and empire for his time ; so  
he was no less exemplary for the meekness of his deportment,  
in all revolutions and vicissitudes of affairs, in all conditions of  
life. For in those various risks of business and of fortune  
wherewith he was eminently and constantly exercised, (his life  
being for the most part of it a mere checker-work of Providence,)  
he was always the same man, and entertained prosperity and  
adversity with a like meek indifference.

207 “ When men of blood attempted upon him, his undaunted  
presence of mind, by the direction of Heaven, fetched him off ;  
and when men of design contrived against him, it was not his  
greatness broke through the charge, but his integrity and inno-  
cence flung it off, and kept him right in the opinion of his sove-  
reign and of the nations. He was the greatest of subjects, and  
yet as meek as the meanest ; and thought himself therefore  
obliged, by how much a greater subject he was, by so much the

more to be a subject, and took that care in serving God and Cæsar, as to keep the honour of his loyalty and religion unstained and untainted in all trials and upon all attacks.

208 “ And as he was such a person, God, according to his promise, gave him a long and prosperous life, and a peaceable end at the last, according to the Psalmist’s words, *the end of that man is peace.* And though God thought fit, in the bloom of his hopes, to take away his eldest son, whom (besides some peculiar braveries) the world looked upon as the heir of his father’s virtues, as, had he lived, he should have been now of his honours too; yet he hath so ordered it, that the entail of his blessings is by those two lamented deaths derived to another inheritor and successor of the same virtues.

209 “ This hath not been said out of any officious presumption, but out of a due and humble regard to such an honourable and extraordinary occasion, which to have passed by in silence might have looked so like an ingratitude, or at least an inadvertence, that it would have rendered the speaker inexcusable. It is enough for me, we have lost a great and a good man, who hath left few his peers behind him. May there many more grow up after him that may be like him! I must leave the rest to the records of the public fame.”

210 To supply what is deficient in others, I have here attempted to raise this monument to his grace’s fame, and have in his Life represented a pattern of loyalty worthy of the admiration of the world, and an example of integrity, virtue, and honour, fit for the imitation of all posterity. If I had lived earlier, and in his days, I might have been 559 able to have done more justice to his merit; for many things must be lost in the lapse of time; but what I have been able to do at this distance of near fifty years that have passed since what was mortal of him was committed to the grave, I now offer to the world in this history; wherein I have traced out the series of his conduct, and given such a detail of his actions, as will (I trust) endear his memory to all true patriots of their country, to all friends to the constitution of the church of England, to all men of honour and integrity, and, in a word, to all

lovers of virtue, loyalty, and true religion ; by whom, as long as there are any remains of these left in this nation, the name of the duke of Ormond will always be held in veneration, and by such (for from no other is it desirable) he will, as long as time shall last, be for ever honoured, loved, and lamented.

END OF VOL. IV.





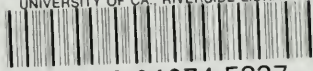


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