

OFFICIAL DOCUMENTS,

WITH

Extracts

FROM

STATE LETTERS,

AND FROM OTHER

AUTHENTIC SOURCES OF INFORMATION,

RELATIVE TO THE

RIGHTS CLAIMED BY ROMAN CATHOLICS TO
SEATS IN BOTH HOUSES OF PARLIAMENT,
FREEDOM OF CORPORATIONS,

&c. &c. &c.

WITH AN

INTRODUCTORY PREFACE,

TENDING TO SHEW

HOW FAR THE CLAIMANTS ENJOYED THOSE PRIVILEGES FROM
THE PASSING OF THE ACT OF SUPREMACY IN THE REIGN
OF QUEEN ELIZABETH, DOWN TO THE ACCESSION
OF KING WILLIAM III.

BY EIRIONNACH.

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THE NATIONAL ARCHIVES

RECORDS

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GENERAL ORDER

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ADVERTISEMENT.

The Reader's attention is particularly called to the subjoined DOCUMENTS, of indubitable Authority :

- No. 1.—Shews that Members of Parliament were not obliged to take the Oath of Supremacy before the time of King William III. DOCUMENTS, page 1.
- 2 and 3.—Shew the only Oath that was necessary to be taken by certain descriptions of Persons in Ireland to enable them to enjoy Rights, &c. p. p. 3 and 4.
- 4, 5, and 6.—Shew that Charles I. and Charles II. entered into the most Solemn Treaties with the Irish Roman Catholics to secure to them the Right of Sitting and Voting in Parliament, &c. p. p. 5, 13, and 30.
- 7.—Shews the first attempt ever made to exclude the Roman Catholic Members from the House of Commons, by the Puritan Party in that House, in 1642, page 51.
- 8.—Shews King Charles II.'s recognition of the validity of the Treaties of 1646 and 1648, made between the Duke of Ormond and the Irish Catholics, page 53.
- 9.—Shews the Peers who voted for the Act of Settlement, p. 56.
- 10, 11 and 12.—Shew that Catholic Peers constantly sat in the Irish House of Lords in the Parliaments of Charles II.; the distinction made in the Rules of the House, respecting hours of attendance of Protestant and Catholic Peers, p. p. 57, 60 and 61.
- 13.—Shews the Right, and the exercise of the Right, of Roman Catholics to Sit in the House of Commons in the Reign of Charles II. page 61.
- 14 and 15.—Shew the Right of Catholics to sit in Parliament, and to their Freedom and Votes in Corporations at the latter end of the Reign of Charles II. p. p. 64 and 66.
- 16.—The Treaty of Limerick, page 68.
- 17.—Shews the Proceedings in the Parliament in 1695, to exclude Catholics from their Seats in Parliament, page 79.
- 18.—Shews the proceedings in the Parliament in 1697, on passing the Bill for the Confirmation of the Articles of Limerick, with the Protest of fourteen Protestant Peers against the injustice of Parliament in violating those Articles, which they did by that Bill, page 82.

ERRATA.

In DOCUMENTS, Page 59, before the name of the
Earl of Anglesea, dele *.

In heading of DOCUMENT, No. 14, Page 64, for—
*(This and another Paper, concerning the Nominees,
were sent April 10th, 1675, by the Lord Conway to the
Lord Ranelagh, one of King Charles the Second's Mi-
nisters in England, by His Excellency Arthur Capel
Earl of Essex, Lord Lieutenant of Ireland.)*—read,
*(This and another Paper, concerning the Nominees,
were sent by the Lord Conway to the Earl of Arlington.)*

In same heading, for Page 158, read Page 185.

PREFACE.

THE privation of Civil Rights under which the Roman Catholic subjects of these Kingdoms have unjustly suffered for a number of generations, and under which they still labour, has, for a long series of years, kept this nation in a state of agitation and discontent. For a redress of their grievances they have, almost year after year, for upwards of thirty years, in the most humble manner supplicated the Legislature. But their efforts have been unavailing. Bigotry and intolerance have triumphed over justice and humanity, and the Roman Catholics have still the mortification to feel themselves a degraded people in the land of their nativity, beside the loss of benefits which by the law of God and nature they have a right to enjoy, in common with the most favoured of their fellow-subjects. For a restoration of those rights the Catholics claim the benefit of treaties, solemnly entered into with them, and which secure to them the possession of those rights. Of these treaties that of Limerick, as being the last, and the fulfilment thereof being secured to them by the royal word of King William the Third, the Catholics claim the full benefit. The justice of their claims in this respect their enemies have been obliged to allow; and a violent opposer of those claims, a gentleman high in office, has declared, that if it can be proved that the Catholics of Ireland have been deprived of any rights secured to them by that treaty, he will himself vote for Catholic Emancipation. To satisfy the mind of that gentleman, and of all others who may be desirous to know how far the claims of the Catholics are countenanced by the

treaty in question, the following Documents, collected from Records, State Papers and Letters, and other authentic sources are now submitted.

That the Roman Catholics of Ireland in general never were, by any law, deprived of those rights which they now seek to recover, until the reign of King William the Third, it is submitted, the History and the Statute Law of the nation abundantly testify. Persons holding particular offices under the Crown were, indeed, by the Statute, Second of Elizabeth, chap. I. compelled to take the Oath of Supremacy, but no other description of persons were by that Statute prevented from the enjoyment of any Rights or Privileges they enjoyed at any previous period.—(See DOCUMENTS subjoined, No. 1, page 1.)

Mr. Carte in speaking of the Oath of Supremacy says, “ The Oath contains only a Declaration that the Queen (or King) is the *only supreme Governor of this Realm, as well in Spiritual or Ecclesiastical things or causes as Temporal; and that no Foreign Prince, Prelate, State or Potentate, hath or ought to have, any jurisdiction, power, superiority, pre-eminence or authority Ecclesiastical or Spiritual within this Realm; with a promise of renouncing such foreign authority, and of maintaining that of the Crown of England.* To guard against any wrong construction or perverse interpretation of this Oath, she at the same time published *injunctions*, wherein she declared that she pretended to no priestly power, and that *she challenged no authority, but what was of ancient time due to the Imperial Crown of England, that is, under God to have the sovereignty and rule over all manner of persons born within her dominions, of what estate, whether ecclesiastical or temporal soever they be, so as no other sovereign power shall or ought to have any superiority over them: and she allowed every body to accept the Oath with this interpretation and meaning.*” (*Carte’s Life of the Duke of Ormond, folio, London, p. 38.*)

It is a well known historical fact, that all through the reign of Elizabeth the Roman Catholic Peers sat and voted, in the House of Lords, and the Knights, Citizens and Burgesses, sitting in the House of Commons, during the same period, were indiscriminately chosen from the Catholic and Protestant Bodies, and by Catholic and Protestant Electors. Indeed so well were the Protestant Party convinced that the Roman Catholics would have a majority in the House of Commons for the rejection of the Act for establishing the Queen's Supremacy, and that for the "*Uniformity of Common Prayer and Service in the Church and the Administration of the Sacraments,*" (Second Eliz. cap. 2,) if the House were regularly constituted, and the full number of representatives returned to sit in Parliament, that they were obliged to have recourse to a stratagem to prevent the defeat of the Bill. This Parliament was convened by Thomas, Earl of Sussex, Lord Deputy of Ireland, who came over with special instructions for establishing the reformed worship. To enable him to act up to his instructions, in this particular, he took special care that out of the twenty Counties, into which Ireland was then divided, ten Counties only were summoned to return representatives to the House of Commons. The Counties summoned were Meath, Westmeath, Louth, Kildare, Catherlow, Kilkenny, Waterford, Tipperary and Wexford. The Counties not represented were Cork, Kerry, Limerick, Connaught, Clare, Antrim, Ardee Down, King's County and Queen's County. The other members of the House of Commons were Citizens and Burgesses of those Cities and Towns in which the Royal Authority was predominant, by which a majority for the Queen's wishes was secured. - The entire number of the Commons amounted to only seventy-six. The number of Peers who sat in the House of Lords was only forty-three, of which twenty were Bishops, and of these only two, Welsh of Meath, and Leve-

reux of Kildare, were strict adherents to the Roman Catholic Religion. Of the Lay-Peers, though the majority of them were Catholics, the other party being joined with the Bishops give the preponderance to the Protestants, and by this ingenious contrivance of a packed Parliament, the Acts of Supremacy and Uniformity were carried through both Houses. (See Rolls of Chancery, second Eliz. and Leland's History of Ireland, Dublin edition, 8vo. 1814, vol. 2, p. 224.)

How this affair was managed is related by the learned Doctor John Lynch, Roman Catholic Archdeacon of Tuam, in the time of King Charles the First. In his "*Cambrensis Eversus*," he informs us, that the Statute of Uniformity of the second of Elizabeth was passed by the artifice of a Mr. Stonyhurst of Corduff, then Speaker of the House of Commons, who, being in the reforming interest, privately got together, on a day when the House was not to sit, a few such members as he knew to be favourers of that interest, and, consequently, in the absence of all those he believed would give it opposition. (See also *Analect. Sacr.* p. 431.)

The Parliament of eleventh Eliz. (1569) was also composed of Catholics and Protestants in both Houses. In this Parliament "several Persons were returned Members for Towns not incorporated, and Sheriffs and Magistrates of Corporations had returned themselves, and numbers of Englishmen had been returned for Towns which they had never seen or known. "Some of these were by the Judges "declared incapable of sitting, but still there was "left to the Government that majority of friends, which so much pains had been taken to acquire." (Leland, vol. 2, p. 242.)

The Parliament of 1585, (twenty-seventh Eliz.) was remarkable for one particular circumstance at-

tending it, namely, that several of the Irish Chiefs and heads of tribes were summoned to it, who never before attended an English Parliament.—The Annals of the four Masters give the names of fifty-three Irish Chiefs who were summoned and attended that Parliament, some of whom had been created Peers, but whether the other Irish Chiefs sat as Barons of Parliament, which is most likely, or whether they sat in the House of Commons the Annalists do not inform us. Upon this a question might arise which it is foreign to this publication to pursue. Leland tells us (*Hist. Ireland*, v. 2, p. 295,) that “none of the Northern Counties as yet elected their Knights, except Cavan, which was represented by two loyal Irishmen of the family of O’Reilly, with these we may reckon as reformed Irish, Sir Hugh Mac-Gennis, member for the County of Down; Sir Tirlaugh O’Brien for Clare, Shane M’Brien, for Antrim, and the two members for Longford, of the name of O’Fergal. Among the spiritual Lords sat the Bishops of Clogher and Raphoe, two sees which Davis assures us never were bestowed by Queen Elizabeth: and among the temporal Barons, Tirlaugh, the old Chieftain of Tirowen, was now admitted.” For all this he quotes the authority of the Rolls of Chancery, H. A. twenty-seventh of Eliz.. Yet in this there is something like mistake, which we shall not now stop to examine into, but must observe that if Tirlaugh the Chief of Tirowen, who never was created a Peer, sat as a temporal Baron, there is a strong presumption that the other Chieftains also sat as temporal Barons.

In neither of these two last mentioned Parliaments was there any Act passed, nor any other thing done, to deprive the Catholics of any Civil or Religious Rights or Privileges that they enjoyed at any time before the Reformation. They

exercised in as ample a manner as any Protestant subjects all the functions that any Protestant did, which did not require that the person so exercising should take the Oath of Supremacy, and the penalties for the non-compliance with the Act for the Uniformity of Worship were by no means strictly enforced.

The reign of James I. who succeeded Elizabeth on the Throne of England, in 1602, opened a new field whereon the enemies of the Catholic Religion were allowed to exercise their ingenuity to deprive the professors of that faith of any privilege they enjoyed, that were forbidden by law; yet during the entire of this reign no attempt was made to deprive them of the liberty of sitting and voting in both Houses of Parliament. This forbearance did not arise from any tenderness that either James or his Ministers felt for the Catholics, but because they knew there was no law to deprive them of that liberty.

James, though a determined and implacable enemy to the Catholic Religion, had, for some years before the Death of Elizabeth, taken a great deal of pains to make friends among the Catholic Princes of Europe, and had actually commissioned Lord Home, in a secret manner, to hold a correspondence and open a negociation with the Pope; and at the same time employed the Roman Catholic Archbishop of Glasgow to make friends amongst those of his own Religion wherever he could. He also had his Agents in Ireland fomenting Tirone's War. "Of these intrigues Queen Elizabeth received obscure hints from all quarters." (Robertson's History of Scotland.) This the Queen gave him to understand, in a letter she wrote to himself in 1599; but still he went on, and so great was his duplicity that numbers of the Roman Catholics believed him to be of that

Religion, and accordingly expected favours from him upon his accession to the Throne of England. Mr. Osborne, in his works, says, “It is certain that the promise made by King James to the Roman Catholics, was registered, and amounted so high at least, as a toleration of their Religion.”

But the Catholics were not the only people who were taken by James’s duplicity, “for though he most heartily hated the Presbyterian clergy, he dissembled his resentment, until he could shew it with safety.” “Notwithstanding all the rudeness with which he had been treated by his Clergy, in the General Assembly at Edinburgh, 1590, he stood up with bonnet off, and his hands lifted up to heaven, and said, “He praised God, that he “was born, in the time of the light of the Gos-
 “pel, and in such a place, as to be King in such
 “a Church, the sincerest [purest] Kirk in the
 “world. The Church of *Geneva* keep pasche and
 “yule, [Easter and Christmas,] what have they
 “for them? they have no institution. As for our
 “neighbour Kirk of England, their service is an
 “evil said Mass in English; they want for no-
 “thing of the Mass but the liftings. I charge
 “you my good ministers, doctors, elders, nobles,
 “gentlemen, and barons, to stand to your pu-
 “rity, and to exhort the people to do the same;
 “and I, forsooth, as long as I brook my life shall
 “maintain the same.” (*Calderwood’s Church His-
 tory of Scotland*, p. 256, fol. *Edinburgh*, 1680.)—
 And in his speech to the Parliament, in 1598, he tells them, “he minded not to bring in Papistical
 “or Anglicane Bishops,” (*Id.* p. 418.) and in
 1602, he assured the General Assembly, “that he
 “would stand for the Church, and be an advocate
 “for the Ministry.”—(*Spotswood*, p. 468.) Yet
 while he was thus deceiving the Puritans, he was
 playing a deeper game of treachery with the Ro-
 man Catholics, who seem to have been doomed by
 Providence to be the dupes of designing villains.

But whatever hopes the Catholics might have placed on the promises of James, his conduct, and that of his Ministers, completely destroyed, very soon after his accession to the English throne. In 1602 he became King of England, and on the 4th of July 1603, a Proclamation was issued in England, commanding all Jesuits, and other Priests, to depart from the Kingdom; and a similar Proclamation was immediately after published in Ireland. In the outset of the Proclamation, James seems to betray some consciousness of the breach of his promises to the Irish. It commences with stating, "that whereas His Majesty was informed, that his subjects of Ireland had been deceived by a false report, that His Majesty was disposed to allow them liberty of conscience, and the free choice of a religion, contrary to which he always professed himself, by which means it has happened, that many of his subjects of that Kingdom had firmly resolved to remain constantly in that Religion.— Wherefore he declared to all his loving subjects of Ireland, that he would not admit any such liberty of conscience, as they were made to expect by that report." The Proclamation then goes on to command all and each of Majesty's subjects, for the time to come, to frequent their respective churches, chapels, &c. thus strictly enjoining the execution of the Act of Uniformity, the second of Elizabeth, which though passed, as it is asserted, in a packed Parliament, upwards of forty years before, was then first solemnly published.

To enforce the penalties for a breach of the Act of Uniformity at this time, as well as the strict observance of the Act of Supremacy, was uncalled for and unjust. It was well known that both those Acts were imposed upon the nation by force and fraud. The assembly of persons called,

a Parliament, that passed those Acts were not considered as a Parliament legally convened, ten only of the counties being summoned to send their representatives to that Assembly, and the cities and towns that sent representatives, were mostly those that were under the influence of Government. But constituted even as this Parliament was, it was with difficulty, and by trick, the Acts were carried. Leland tells us, “the Lords and Commons met on the eleventh day of January, 1550, fully apprized of the purpose of convention, but not universally well disposed towards the intended regulations. Such various establishments, with respect to religion, had been made and reversed in the reigns of Henry, Edward and Mary, that the numerous partizans of Rome affected to lament the distinctions which had followed the first revolt from the ancient system; and urged, that to give rest to the minds and consciences of men, it was absolutely necessary to resist all further innovations. So much had Sussex been alarmed by the opposition he had encountered in this Parliament, that he dissolved it in a few weeks; and repairing to the Queen, entrusted the Irish Government to Sir William Fitz-William.” (*Leland Hist. Ireland, vol. II. p. p. 224, 226.*)

But the dissatisfaction occasioned by the enacting of those offensive Statutes was not confined to opposition members in the Parliament, it extended all over the nation, and every mouth inveighed against the Queen, and the junto by whose intrigues the measure had been accomplished.—Hence it was that the Act of Uniformity was never ventured to be either generally or strictly enforced during the entire of Elizabeth’s reign.

But notwithstanding that this Statute was suffered to remain nearly as a dead letter, during the

reign of Elizabeth, the ministers of James, regardless of the odium it must throw upon their master, thought the enforcing of it now might be profitably undertaken. The profit, however, it appears, was not intended either for the benefit of the State, or of the poor of the several parishes, to whose relief the Act provides the fines to be imposed should be applied. Mr. Carte, in his *Life of the Duke of Ormond*, (vol. I. p. 523,) tells us that the fine of 12d. Irish, for being absent from Church on Sundays and holidays, “had never been levied but on particular occasions, and *for the private gain of Ministers*, and then had always occasioned a clamour abroad, of a terrible persecution.” That these fines were applied in that manner, at the period we now treat of, is shewn by the 18th Article of the “Disorders and Abuses in the Civil Government,” laid before King James, by the Agents of the Roman Catholic Lords, Knights, Citizens and Burgesses, who sat in the Irish Parliament in the year 1613. That Article states, “The Statute made the second of Elizabeth, laying a penalty of 12d. every Sunday and holiday, for not going to Church, is put strictly in execution in many places; but the said money being a great matter of value over the whole Kingdom, is not employed upon the poor, according to the Statute; but how they dispose of it, the Parishioners or Church-wardens know not.” (*Desiderata Curiosa Hibernica*, Dublin, 1772, vol. I. p. 249.)

Part of the answer of Chichester, the Lord Deputy, to this article is at least curious, if not as satisfactory as ought to be expected from one in his state, and lying under such heavy charges. His Excellency tells his Majesty, that indeed “The Statute of Recusants hath of late been put in execution,” and “that as touching the monies levied in the County of Dublin, it is indeed left in the

“ hands of the Clerk of the Crown, by a special
 “ order from the Lord Deputy and Council, to be
 “ employed in repairing of *Churches and Bridges*
 “ and *like* charitable uses.” And why? good
 reader guess. But you cannot. Let the Deputy
 answer.—“ *Because the poor of the parishes,*
 “ who are not yet indicted, *are not fit to receive*
 “ *the same, being Recusants,* and ought to pay
 “ the like penalty.”—(Idem, p. p. 274, 275.)

Still, notwithstanding this persecution of the Roman Catholic Priesthood and Laity, James did not attempt to deprive the Catholics of their right to sit in both Houses of Parliament. But preparatory to the meeting of the Parliament in 1613, he thought, by a stretch of the royal prerogative, to secure the attendance of his friends, that would out-number the Catholics in the House of Commons. For this purpose he created a number of new Boroughs, and made Freemen of persons who were masters of no property, nor possessed of a sod of land in Ireland. And to deter the Catholic members from coming to, or giving opposition to the matters to be proposed in that Parliament, Chichester was charged with having drawn armed men, out of several garrisons into Dublin; and numbers of the Protestant party appeared in the House, armed with swords, while the Catholics were “ for the most part in gowns, without any
 “ weapons.”—(See *Desiderat, Curios.* vol. I p, 356, 357.)

Of these irregular proceedings the Roman Catholics complained to the King, but their complaints went for nothing. After a long investigation, in which there was an ostentatious appearance of impartiality, the “ Pedantic King” made a speech to the Roman Catholic Agents, in which, though he was compelled to acknowledge some of their complaints were well founded, yet he declar-

ed Chichester blameless, and told them they had been guilty of little short of rebellion, in their application to him for redress. It is remarkable that in this speech the King says, “ ‘There is a double
 “ cause why I should be careful of the welfare of
 “ the people : first, as King of England, by reason
 “ of the long possession the Crown of England
 “ hath had in that land ; and also, as King of
 “ Scotland ; for *the ancient Kings of Scotland*
 “ *are descended from the Kings of Ireland* ; so
 “ as I have an old title as King of Scotland, there-
 “ fore you shall not doubt to be relieved when you
 “ complain, so as you will proceed without cla-
 “ mours.”—(See the entire of James’s speech in *Desiderat. Cur. Hibern.* vol. I. p, 302 to 312.)

To trace the disputes between the Roman Catholic party, on the one side, and the Protestant party, headed by Chichester, and backed by the King, on the other side, relative to the election of a Speaker to the House of Commons, and other matters, would be irrelevant to the design of this publication, which is merely intended to shew, that at no time before the reign of William III. were the Catholics deprived of their right to sit in Parliament. We shall therefore refer those who may be desirous to be more fully informed on the nature of these disputes, and the proceedings thereon, to the authority last quoted, from page 155 to page 430, inclusive.

But though the Catholics were not deprived by James of their right to sit in Parliament, they were deprived of other valuable privileges, to which they were as fairly entitled. “ This year all the
 “ Counsellors of Law that were in Ireland, who
 “ would not take the Oath of Supremacy, were put
 “ from pleading of causes in any of the Four
 “ Courts, or elsewhere to speak for any clients.
 “ Likewise such as were pensioners, that would not

“ take the said Oath, were discharged of their pensions.”—(*Desiderat. Cur.* (p. 320-1.) But whatever colour of pretence there might be for depriving the latter of their pensions, there was certainly nothing but the arbitrary mandate of the King, or rather of those who governed Ireland in his name, to justify the depriving of the Irish Lawyers of the benefits of their profession ; for neither the Statute of Supremacy, nor any other Statute of force in Ireland, commanded such persons to take the Oath prescribed by that Act.

Notwithstanding the disputes in the Parliament of 1613, the members, and particularly those of the Catholic religion, were forward in voting the necessary supplies for the support of the State, although from their numbers, and the extent of their estates, the proportion of the subsidies, paid by the Catholics, would by far exceed that of all the rest of his Majesty’s subjects in Ireland. This seemed to have interested the King in their favour—for when he understood the manner in which the supplies had been voted, he wrote a letter to the Lord Deputy, and ordered it to be publicly read in the House, and “ commanded him to give them “ thanks, in his name, and to let them know that “ he was much better pleased with the free manner “ of that present of their affections unto him, than “ if they had given him ten times the value of the “ money with unwilling hearts.”—(*Commons Journals*, vol. I. p. 45, 47.)

But the King soon forgot the occasion that called forth his thanks, for upon the appointment of Sir Oliver Saint John, in 1616, to be Lord Deputy of Ireland, the fines for not going to Church were rigorously enforced ; and on the 15th October, 1617, a new Proclamation was issued against the Popish Clergy. These severities were continued against the Catholics, while Saint John remained

in office as Lord Deputy, and from the time of the appointment of his successor, Lord Falkland, until the death of James, on the 27th March, 1625. But notwithstanding these persecutions, no attempt was made in all this reign to deprive the Catholics of their right of sitting in both Houses of Parliament.

On the death of James, his son Charles I. ascended the throne of England; and for the first two or three years of his reign, the Catholics of Ireland were not quite so grievously persecuted as in the latter end of his father's days. The King seemed to feel for the sufferings of the Irish people, but the bigotry of Falkland, his Lord Deputy, and those associated with him in the administration of the Government of Ireland, counteracted in a great degree the apparently kind intentions of the Monarch. We are told by Mr. Grainger, in his Biographical History of England, vol. 11. p. 147, that Falkland's "strict, though legal administration, in regard to the Papists, whom the Court was inclined to favour, raised the loudest clamours against him from that party, who caused him to be dismissed from his Viceroyalty, with some circumstances of disgrace."

In the year 1626, England was involved in a war with the two most powerful Kings in Europe, undertaken at the instigation of the English Parliament; but it was with much reluctance that they voted scanty supplies to the King, to carry on the war for the national honour. In this perplexity of his affairs, the King was obliged to have recourse to some extraordinary powers, incident to the royal authority, which created a great clamour against him, amongst his *loyal* subjects of England, and their friends in Ireland. The Roman Catholics of Ireland on the contrary, freely came

forward, and offered constantly to pay an army of five thousand foot and five hundred horse, for his Majesty's service, provided they might be tolerated in the exercise of their religion.—(*Sir Edw. Walker's Hist. Discourses*, fol. 377.)—The toleration they required, was merely an abatement of the oppressions and extortions of the Ecclesiastical Courts; to have all proceedings against them in these Courts suspended; to be released from those exorbitant sums which they were obliged to pay for christenings and marriages, and to have the extravagant surplice-fees of the clergy abolished. To this reasonable proposal the Court lent a favourable ear; but the Protestant Archbishops and Bishops became alarmed for the loaves and fishes, and on the 26th of November, 1626, twelve of them assembled at the house of Archbishop Usher, and drew up a “*Judgment concerning toleration of Religion.*” which sets out with declaring, that “The Religion of the Papists is superstitious and idolatrous; their faith and doctrine erroneous and heretical; their Church, in respect to both, Apostatical: To give them, therefore, a toleration, or to consent that they may freely exercise their religion, and profess their faith and doctrine, is a grievous sin.....” “To grant them a toleration in respect of any money to be given, or contribution to be made by them, is *to set Religion to sale*, and with it the souls of the people, whom Christ our Saviour hath redeemed with his most precious blood.”—(*For this, and the rest of this Document, see Coxe's Hibernia Anglicana, or History of Ireland, folio, London, 1690, part II. p. 43.*)

This, and a Remonstrance from the House of Commons in England, put a stop to the intended concessions to the Catholics, for that time. But the exigencies of the King were now so great, that

it was necessary he should procure money, by some means, since his English Parliament refused to grant him supplies. It was therefore thought reasonable that, “because the Irish Agents, in England, did consent to the payment of 120,000*l.* in three years..... that the King should signify his gracious acceptance thereof, by conferring some extraordinary favours on the Agents, and contributors..... And therefore the King did on the 24th day of May, grant them the following Graces, which were transmitted to Ireland, by way of Instructions to the Lord Deputy and Council.”—(Ibid, p. 44.)

These Graces were proclaimed by Falkland shortly after they had been received by him; but it would appear that they were withheld from those for whose benefit they were principally intended. And Wentworth, who succeeded Lord Falkland as Deputy, and his Council of Ireland, advised the King to retrench those Graces, though the Commons House of Parliament, which sat in Dublin, in 1634, recommended that they should have the sanction of Law. The Graces at large, with the Request of the Commons, and the advice of the Lord Deputy and Council of Ireland, concerning that Request are to be found, printed in three parallel columns, in Strafford's State Letters, vol. I. p. 312, &c.—(For Falkland's Proclamation, see the subjoined DOCUMENTS, No. 2, Page 3.— And for the Grace that dispenses with the Oath of Supremacy, see No. 3, Page 4.)

“ Instructions to be observed by Our Right Trusty and Well-beloved Cousin and Councillor Henry Lord Viscount Falkland, our Deputy General of our Realm of Ireland, and by our Council there ; and by the Deputy or other Chief Governor or Governors and Council there, which hereafter for the time shall be : and by all other our Officers and Ministers whom it may severally or respectively concern.

“ I. At the humble request presented unto us, on the behalf of our Subjects of Ireland, upon mature consideration had thereof, and by the advice of our Privy Council, we are graciously pleased, in the first place, to order and direct, for the better preservation and ease of our said Subjects, that our Soldiers there be called in, and limited to the most serviceable Garrisons ; and that they be not called from thence upon any pretence, but against the enemy, or rebel that makes head.

“ II. For the collection of our rents, in case of default, that first a summons process shall issue ; secondly, that a pursuivant be sent ; and lastly, if this be not sufficient, in case the sum be of value, that then our Vice Treasurer, by warrant from our Deputy and Council, shall appoint a competent number of soldiers of the next adjoining Garrison, to collect our said rents, at the charge of the parties complained of ; having care that any man be not burdened with a greater number of soldiers than the service shall necessarily require.

“ III. And when necessity requires the marching of our soldiers, against the enemy, or rebel, that the Officers employed shall give ready money or ticket, to be defalked out of their entertainment, and duly paid into the country upon demand, without taking money, pawns, or distresses, but such meat and drink as the people can afford.

“ IV. That laying of any burthen upon our subjects for payment of soldiers be forborn, except in cases of inevitable necessity.

“ V. Concerning the grant for selling of aquavitæ and wine, in regard it is complained of as a great burthen to the country, without any profit to us, we are pleased that the Patentee, or his assigns, shall be restrained from all proceedings whatsoever, to the charge or vexation of any of our subjects, for or concerning that grant, until the assembling of the next Parliament ; and that it be taken into consideration by the Houses of Parliament, and regulated as may best agree with the ease and convenience of the Commonwealth, and the advantage of our profit in the subsidies.

“ VI. For the licensing to sell all and beer, forasmuch as it appears that the same hath no ground of law, that the grant thereof shall be presently resumed into our hands, and that all proceedings thereupon shall cease until the next Parliament; and that in the Parliament such course be laid down for licensing and selling of beer and ale from that time forwards, as shall be most convenient; wherein consideration must be taken, that a profit in the subsidies may thereby be advanced; and in the mean time no process or warrant to issue to the charge or trouble of any our subjects, touching that grant.

“ VII. That the late proclamation of the first of February last, concerning the fees of the Clerk of the Market, and all other fees mentioned in the said proclamation, shall be suspended until further order. And because there appears nothing here, but that the grant of the Clerk of the Market and Gauger complained of is lawful, only there is question of the fees, that our Chancellor, two Chief Justices, Master of the Rolls, and Chief Baron, there taking to their assistance two more of the principal Gentlemen of the Country, shall regulate the fees to be taken by those Officers, according to the law. And for the measure of the cask to be exported into any foreign parts, you our Deputy and Council, are to take it into your consideration, and upon conference with the Officers of our Customs, and the Merchants, such as you shall think fit to call before you, to limit them to such a certain gage for the same, as shall be most advantageous to the Merchants in their traffique, without prejudice to us in our Customs; leaving the gage of cask that shall be vented within the land to be ruled by the standard there. And in regard it is alledged, that the Packer's Office is not ancient, nor grounded upon law, we require you and our Council to take consideration thereof, and to set down such orders as may take away the abuses.

“ VIII. In reforming of the barbarous abuse of the short ploughs, we are pleased that the penalty now imposed thereon, shall be presently taken away; and that hereafter an Act of Parliament shall pass for restraining of the said abuse, upon such a penalty as shall be thought fit.

“ IX. That all grants for places assigned for tanning of leather by Sir Henry Sidney, according to the Statute 11 Eliz. enacted in Ireland, shall stand good; and also all other grants or licences past in fee simple or fee farm under our Great Seal, for tanning of leather in Cities, Corporations, Towns, Mannors, or other particular places, shall likewise stand good:— But that all grants or licensing concerning tanning of leather throughout Counties, Baronies, or Hundreds, past or to be past to any particular person, for life, years, or otherwise, by pretence whereof any licence or toleration is or may be made by the said particular person or persons to any the inhabitants of the said Counties, Baronies, or Hundreds, shall be called in and suppressed. And to supply any defect that may be for

want of liberty to tan leather in convenient places, we require and authorize you our Deputy and Council for the time being, to pass Letters Patent under our Great Seal there, for tanning of leather in places where you shall think convenient, without payment of any fine, with a clause of non obstante of the Statute aforesaid. And in the next Parliament we are pleased that a further course shall be taken therein, and likewise for the inhibiting of the barking of trees.

“ X. And for the furtherance of traffick, and bringing in of corn into that our Kingdom, we are graciously pleased, that corn may be transported without licence into any of our dominions, and other countries in amity with us, when wheat shall not exceed the price of ten shillings, English, a Bristol-band barrel; and likewise, that living cattle may be brought into our dominions without restraint or licence; and that wooll also may be transported, provided that it be into our Kingdom of England only, and paying the ordinary customs and duties: In which three last particulars, we require you to take order by Act of State, or otherwise, as shall be most expedient.

“ XI. The Patent for linen yarn shall be resumed, to the end the whole profit may come to us and our crown, as well that which the Patentee doth receive, as that which we now have: And the Patentee shall receive such recompence as concerneth the transportation of the said linen yarn, and consequently not to be compelled to take licence. Nevertheless, it is our pleasure, that the Patentee continues his grant, and receive the profit as hitherto he hath done, until he be compounded with, and receive recompence for it.

“ XII. We are graciously pleased, that tallow, and hides, and fish, beef and pork in cask, may be freely transported into our dominions, and all other States in amity with us; and that all such pipe staves as are already made, may be transported into any of our dominions, paying the customs and duties.

“ XIII. The Bishops and Patentees of dissolved Abbies, and other Religious Houses, in or near Cities and Towns of Ireland, pretending liberties and freedom, are to contribute towards the lodging of soldiers, and to bear such other public charges, according to indifferent assessment to be made and laid upon them by the Sheriffs and other Magistrates of Counties and Cities, and the proper Officers of those places; and to that purpose you are to publish a General Order, to avoid any dissension that may arise thereout; and for other matters, they are to be left to the law. And if any unjust charge, in what kind soever, shall be laid on any of our subjects of that our Kingdom, they shall have access unto us, and gracious hearing.

“ XIV. Creation Money for the Nobility is to continue, according to the Letters Patents thereof; and the impost on wines

is likewise to be continued to such of the Nobility and Council as shall reside or bear principal offices in that Kingdom: And the two Presidents of Münster and Conaught are to enjoy the same, although they be absent, because they keep tables for their several Councils.

“ XV. The Subjects of our Realm are to be admitted to sue their liveries, ouster le mains, and other grants depending in our Courts of Wards, taking only the Oath here under expressed, and any other Oath to be forborn in that case: And the natives of that Kingdom, being Lawyers, and who were heretofore practisers there, shall be admitted to practise again; and all other natives of the nation that have been or shall be Students of the Inns of Court in England for the space of five years, and shall bring any attestation sufficient to prove the same, are also to be freely admitted by the Judges there to practise the Law, taking only the said Oath:—

“ I, A. B. do truly acknowledge, profess, testifie, and declare in my conscience, before God and the World, that our Sovereign Lord King Charles is lawful and rightful King of this Realm, and of all other His Majesty's dominions and countries: And I will bear faith and true allegiance to His Majesty, his Heirs and Successors, and him and them will defend to the uttermost of my power, against all conspiracies and attempts whatsoever, which shall be made against his or their Crown and Dignity, and do my best endeavour to disclose and make known unto His Majesty, or his Heirs and Successors, or to the Lord Deputy or other Governor for the time being, all Treasons or Traiterous Conspiracies which I shall know or hear to be intended against His Majesty, or any of them: And I do make this recognition and acknowledgement heartily, willingly, and truly, upon the true faith of a Christian.—So help me God.

“ XVI. All compositions in the Court of Wards, or Alienations, made bona fide for valuable considerations, intrusions, premier seisins, ouster les mains, and liveries, are to be reduced and limited to the eighth part of the true value of the lands and hereditaments so to be compounded for: And all Wardships and Custodies of Lands during the minority of our Wards, are to be moderately valued, according to the discretion of the Judges of that Court; provided, that if any alienations shall be made, whereby we shall be prevented of premier seisin and relief of wardship, and that sufficiently proved: In all such cases, our said Court of Wards is not to be restrained to the limitation of the rates of the alienations aforesaid; but our Officers of the same are to impose such reasonable rates and values, as may recompence us, in some measure of those duties and profits, which otherwise should have accrued unto us, if no alienation to uses had been made.

“ XVII. Our Court of Wards is not to make any inquiries further, then to the last deceased ancestor, except it be by special direction from us.

“ XVIII. All Escheators and Feodaries are to be specially directed where any freeholder's estate in land doth not exceed the worth of five pound, English, yearly, in the true improved value; to return the offices taken of such land into the proper Courts, without charge to the subject, or other fees to any Court or Officer, save only ten shillings, sterling, to the Officer that shall take and return the office; but no charge is to be set upon the said lands, nor any process to issue upon the said inquisitions, but only for our reliefs due upon the tenures; provided, that if any such freeholder have the value of one hundred marks, English, in chattels real or offices, then this Grace is not to be extended to him, although his estate in land be under five pound per annum.

“ XIX. In general leading cases, that Court is to be regulated according to the laws and courses practised here in England, whereof our Judges here shall deliver their opinions, if it shall be desired: And our Judges of that Court there, are to nominate some of the best quality of the several counties, to be joynd in Commission with the Feodary or Escheator to take inquisitions.

“ XX. None of the Clerks, or inferior Ministers of that Court, or Servant to any of the said Court, is to be a Commissioner for taking Offices; not intending hereby to exclude the Officers of the said Court, and others who by their places are to be Commissioners.

“ XXI. No grants of intrusions or alienations, or leases of men's lands are to be made out of that Court to any, before the party interested shall have personal warning, and affidavit returned thereof, who is to be preferred before any other, if he come in the next term after the office is returned, and will accept it at the rates thought fit by the Court.

“ XXII. Upon a contempt in that, or any other Court; the first attachment is to be directed to the Sheriff, and if he makes not a good return, and the party come not in during that term to purge his contempt; then the further process is to be directed to the Pursuivant, and no further in the Court of Wards; our Exchequer in this point is to proceed according to the law and ancient custom of that Court; and our other ancient Courts are to hold their ancient course, and not to permit any innovations of sending Messengers, or other Officers.

“ XXIII. For reducing and moderating of fees, taken by Officers and Clerks in our Courts there, whereof great complaint is made: It is our pleasure, that a Commission be directed under our Great Seal of that our Realm, to the persons no-

minated in a list signed by us, and herewith sent unto you, for the regulating of fees of all Courts, spiritual and temporal, according to the form of a like Commission, granted here in England, to some of our Council here, and others; whereof a copy is transmitted unto you; upon return whereof an Act of State to pass, for establishing the same accordingly, until there may be an Act of Parliament.

“ XXIV. For the better settling of our subjects’ estates in this Kingdom, we are pleased, that the like Act of Grace shall pass in the next Parliament there, touching the limitation of our titles, not to extend above sixty years, as did pass 21 Jacobi Regis, wherein are to be excepted the land; whereunto we are intituled by offices already taken, and those already disposed of by our directions. And we are further graciously pleased for a more ample testimony of our goodness to our subjects of the Kingdom to direct hereby, that from henceforth no advantage be taken for any title accrued to us, sixty years, and above, except only to such lands in the King’s County and Queen’s County; whereunto we are intituled by offices already taken, within the said term of sixty years, and which are not yet granted, nor lawfully conveyed from us and our Crown.

“ XXV. And we are graciously pleased, and accordingly do hereby require you, that you give present order for the inhabitants of Conaught and County of Clare, to have their surrenders made in the time of our late most dear father, inrolled in our Chancery there, as of the time of our said father, according to the date of the said surrender; and allowing what fees were formerly paid for the same: And that such of them that please to make new surrenders of their lands and hereditaments, may have the same accepted of them, and inrolled in the said Court; and thereupon new Letters Patents past unto them and their heirs, according to the true intent of our said father’s letters in that behalf, paying the half fees; and that they and every of them may have such further assurances for securing of their several estates, from all ancient titles accrued to our Crown before sixty years last past, as shall be requisite and reasonably devised by their Council: And we are pleased for their further security, that their several estates shall be confirmed unto them and their heirs, against us, our heirs and successors, by an Act to be passed in the next Parliament, to be holden in Ireland, to the end the same may never hereafter be brought into any further question by us, our heirs and successors; in which Act of Parliament, and Patents so to be past; you are to take care, that all our tenures, in capite, and rents and services as are now due, or which ought to be answered to us, out of the said lands and premises, by Letters Patents past thereof, since the first year of Henry the 8th, until the 21st of July, 1615. Whereby our late dear father, or any of his predecessors, actually reserved any profit by Wardships, Liveries, Premier Seisins, Mean Rates, Ouster-le-Mains, or

Fines for Alienations without Licence, be again reserved to us, our heirs and successors: And all the rest of the premises to be holden of our Castle of Athloan, by Knights Service, according to our said late father's letters, notwithstanding any tenures in capite, found for us by our offices, since the said 21st of July, 1615, and not appearing in any such Letters Patents or Offices: And you are likewise to set down order, that all seitures and injunctions issued, and all compositions, leases, and custodiams made and past, of or for any of the said lands, not granted upon the tenures, appearing in the said Letters Patents or Offices, between the said first year of Henry the 8th, and the said 21st July, 1615, shall be called in and to all purposes made void, so far as we are advantaged by the tenure found in capite, and that no further proceeding hereafter to be had upon any other offices, taken before the said 21st of July, 1615; in which Act of Parliament and Grants, care is to be taken, that our Royal Composition due for all the lands and hereditaments, in the aforesaid Province of Connaught, and County of Clare, may be saved: And that it is our pleasure likewise, that the benefit of our said father's letters, and the Act of State, dated the 14th of May, 1618, touching the intrusions, alienations, mean profits, &c. of lands in that Province, be in all points allowed to our said subjects.

“XXVI. The Undertakers of Ulster are to have their Estates confirmed upon a Fine of Thirty Pound Sterling, upon every Thousand Acres in two half years time by equal Portions: and upon their doubling their Rents to be charged only from the date of their Patents, and for your further direction and more ample Authority therein, a Commission shall be directed to you and others, together with Instructions for passing Patents unto them accordingly; and for declaring our Royal Intention and Purpose in the same.

“XXVII. The Planters of Leytrim, Longford and Ossery, the King's County, the Queen's County, and the County of Westmeath, are to have two years time for performing their Conditions of Plantations; and if by that time they perform them not, they are to forfeit their Recognizance, and in the mean time no Process to issue upon their Recognizances or Bonds.

“XXVIII. The Town of Athloane is to have three years time allowed them from All Hallontide next, for performing all Conditions and Covenants for Buildings or otherwise, and no advantages are to be taken against them for breach of Conditions and Covenants, or forfeit of Recognizances already incurred concerning the same.

“XXIX. No General Summons of Grand Inquests are to issue out of our Bench, or any of our Courts, but a convenient number of able Freeholders is to be summoned by the Sheriff

for the Grand Inquest, unless the Bayliff who had order to warn him, declare upon his Oath, that he warned him Personally, or left sufficient warning at his House; and the Fines and Amerciaments to be imposed upon them, are to be according to our late dear Father's Printed Instructions: And when the Grand Inquest is filled, the rest of that Inquest are to have leave to depart, unless there be other special Service, and this Rule is to extend to the Assizes and Goal Delivery, and Commissions of Oyer and Terminer.

“ XXX. The taking of the Accusations and Testimony of Persons notoriously infamous, convicted of Treason or other Capital Offences, for any convincing Evidence to condemn any Subject, is to be regulated according to the said Printed Instructions.

“ XXXI. No Judges nor Commissioners shall bind over any Jurors to any Court whatsoever, unless it be for very Apparent Suspicion of Corruption or Partiality.

“ XXXII. Our Judges in every Court, are to be very careful, especially in the Causes of Poor Men, that there be a speedy and direct Course of Justice, with as little Charge as may be; and that with due Observation of the said Printed Instructions.

“ XXXIII. But one Provost Marshall is to be in a Province, because he hath a sufficient number of Horse in our Pay, for the Execution of that Place; and the said Provost Marshall is to take no Money for Booking, nor cess his Horse or Foot, without paying for it in such sort, as is ordered for our Soldiers; and such as may be brought to Tryal of Law, are not to be executed by the Marshall, except in time of War or Rebellion.

“ XXXIV. We are pleased for securing our Subject's Estates at the next Parliament, to be holden there to Grant a General Pardon, and then such other things are to be provided for, as shall be found necessary for our Service, and the good of that Commonwealth. And our pleasure is that the Rate of the Subsidies of the Laity and Clergy, and other Profits to be raised by the said Parliament, to be such as may bear the Charge of our Army, with the Assistance of our Revenue to be spared for that purpose; the said Parliament is to begin the Third Day of November next, and all sitting Preparations are to be made accordingly.

“ XXXV. The bestowing of Plurality of Benefices upon unqualified Persons, who are unable or unworthy Ministers, is to be forborn in time coming; and such as are invested therein, are to be compelled to keep Preaching and sufficient qualified Curates, whereby God's Glory may be advanced, Poor Scholars provided for, and encouragement given to Students, to enable themselves for that High Function.

“ XXXVI. No Assessment of Money for Robberies is to be allowed but upon Order of the Judges of Assize in open Court, calling to their assistance at least four of the Justices of the Peace, and that only in cases where all the points and circumstances limited by the Statute in that behalf shall be proved; the same to be presented by the Jury, so as none of the Jurors be of the Hundred where the fact was done.

“ XXXVII. All the Nobility, Undertakers, and others, who hold estates or offices in that Kingdom, are to make their personal residence there, and not to leave it without licence, such persons only excepted as are employed in our service in England, or attend here by our special command. And in the subsidies, and all other payments towards the charge of our Army here, all those who hold titles of honour and no estates in that Kingdom, are to be rated and to contribute and pay equally as the rest of the Nobility of the like degrees, that have estates and reside in Ireland; for which we will give further order upon an assessment to be made and transmitted to us from you.

“ XXXVIII. No Judges nor Commissioners shall grant Reprieve to notorious Malefactors, but with the advice of the Justices of the Peace of the County then assisting, or a competent number of them.

“ XXXIX. Where Undertakers have built upon Glebe Lands, they are to sue forth Commission out of the Chancery or Exchequer, to select Commissioners to be named by the Undertakers and the Incumbent; or if the Incumbent will not agree, then the Court to make choice of indifferent Commissioners, who are to set an indifferent yearly value of the said parcel of Glebe Land, and return the same to the lowest, who are to order the Incumbent's successively to accept of the same from the Undertakers, as a yearly rent for the said parcel; and for other lands recovered against the Undertakers, as Church Lands, the parties grieved are to sue in the Exchequer, for abatement of their rents proportionably.

“ XL. All Scottishmen, Undertakers in Ulster, and in other places there, are to be made free Denizens of that our Kingdom; and no advantage for want of Denization to be taken against the heirs or assigns of those that be dead.

“ XLI. For examining what Rectories and Impropriations are now in Laymens Hands, out of which there have been anciently Vicarages, endowed with competent maintenance for the Vicars, which now are by Laymen possessed, whereby the Service of God is neglected, and for reformation of that great abuse, you are forthwith to issue Commission to some persons of worth and integrity, free from that imputation, to examine and reform the said abuse: And such persons as have great Rectories, whereunto there are Chapels of Ease belonging,

somewhere six or seven miles distant from the Mother Church, are to be enjoined to keep Preaching Ministers in those parts, having competent allowance to defray the same.

“ XLII. No person against whom any Judgment or Execution hath past in course of Common Law, or Decree in Chancery upon matter of Equity, is from henceforth to have any protection granted him ; nor any person flying out of England into Ireland, to defraud or shun the prosecution of his creditors, is to be sheltered or protected from the justice of the Law, under colour of being a Soldier in any of our Companies, in that our Kingdom.

“ XLIII. No witnesses between party and party, at Sessions or Assizes, or before any Commissioners whatsoever, are to be bound over to the Castle Chamber ; and if information be put in against any such, then a relator to be named, who shall be thought sufficient to answer a recompence to the party informed against, according to the award of the Court, if sufficient ground shall not appear of the information.

“ XLIV. Soldiers accused of Capital Crimes are to be left to be proceeded withal according to the Law ; and the Commissions for preforming and restraining the abuses and oppressions of Soldiers, such as have lately issued under our Great Seal there, are to be directed especially to persons of quality, having freehold and residence in the County. And such matters as cannot be ordered by them, to be especially determined by a Committee of the Judges and others of our Council, to be nominated by you ; of which none are to be Captains of Horse or Foot.

“ XLV. The new Corporations as well as the ancient, are to be assessed towards all the General County Charges ; and all Impropriations and Temporal Lands of Ecclesiastical Persons shall bear equal contributions in public charges in the country and towns.

“ XLVI. Such of the Barony of Carbery, in the County of Cork, as have assignments from Sir James Simple, Knight, and have not as yet past their Patents accordingly, are to be admitted to take out their Grants, notwithstanding our late dear father's restriction of Grants ; and in their tenures they are not to be prejudiced by any office taken since the said assignments from Sir James Simple, unless the said office be grounded upon some ancient Patent or Office, upon record before the date of the said assignment. Nevertheless, you are to provide, that by pretext of this our Grace, no new grants be made of any lands within that Barony, that are already passed by Letters Patent to any person whatsoever.

“ XLVII. Sheriffs are not to take above three pence fine upon any person for not appearing at their Leets ; and if they appear, then to take nothing at all ; and to such as are once

sworn to the Allegiance, they are to give a Ticket; and of those no Fee to be demanded afterwards for Swearing of them. And for such as have been heretofore, or shall hereafter be Sworn, and cannot produce their Ticket, if they take that oath that they have been once Sworn, then they are not to be Sworn again, nor pay any more Fee. And the Justices of Peace are not henceforth to give any Warrants for the Collecting or Levying of any Fines whatsoever, but in Publick Sessions, and by Extent under the Seal of the Quarter Sessions.

“ XLVIII. For delivering Possessions upon Judgments at Common Law, Decree in Chancery, or other Legal Injunction, the Sheriffs are not to exact or take any other Fee than is limited by the Statutes in England for like Causes; and that to be Irish Money; and if any Sheriff shall demand or take more, he is to be proceeded against and censured for Extortion.

“ XLIX. No extraordinary Warrants of Assistance touching Clandestine Marriages, Christnings, or Burials, or any Contumacies pretended against Ecclesiastical Jurisdiction, are to be issued by the Lord Deputy, or any other Governor or Governors, nor executed: nor are the Clergy to be permitted to keep any private Prisons of their own for those Causes; but the Delinquents in that kind are henceforth to be committed to our Publick Goals, and that by our Officers, according to the Ordinary Proceeding of the same: and all Unlawful Exactions taken by the Clergy are to be reformed and regulated by the Commission there before mentioned.

“ L. If any Person shall be Outlawed upon an Action of Debt, and thereupon a Seizure issued, or a Custodiam of his Lands granted to any other, the Barons of the Exchequer are to discharge the same, upon sight of a Certificate, that the Outlawry is reverst, without any further Plea, paying only Five Shillings Sterling for entering the Certificate and Discharge.

“ LI. No Person is to be compelled to plead to any new Charge upon the Lands in his possession, unless any Inquisition or other Matter of Record besides the New Patent appear to charge the Land therewith, and the New Charge to be past in super upon the New Patentee, and Process to issue against him and his Lands, and not against the other.”

That these Instructions of the King, or His Majesty's gracious intentions, were but little attended to by his Deputy is evident: for notwithstanding his Proclamation just now mentioned, he on the 1st of April, 1629, issued a new Proclamation against “*the Popish Clergy*,” although the sum stipulated to be paid by the Irish Agents was regularly paid, and still

continued to be paid up to the 1st of October, 1629. Shortly after this, on 29th October, the Lord Deputy returned to England, and Adam Loftus, Viscount Ely, Lord Chancellor, and Richard Earl of Cork, were sworn Lords Justices, who “immediately directed, that the Papists should be prosecuted for not coming to Church, and accordingly the Statute of 2d Eliz. was given in charge at the Assizes.”—(*Coa's Hist. Ir. part II. p. 54.*)

The Earl of Cork, one of the Lords Justices, had set the Protestants against the payment of the annual contribution, which the Irish Agents had engaged to pay, and this caused a defalcation in the regular payments, on which a scheme was formed of levying the whole contribution on the Catholics. Accordingly, the Lords Justices and Council informed his Majesty, “That it was impossible to improve that part of the revenue, save only by imposing the twelve pence on Sunday on the Recusants.” To this proposal the answer of the King was remarkable, and is characteristic of the duplicity which distinguishes the conduct of the whole Stuart Dynasty towards the Irish. He says, “We approve well that this business, as you desire, may be presently put into such a state as that money, which shall by that means grow due unto us, may be ready to be levied by Michaelmas next. And as the best and surest way to bring it to effect, we do hereby authorise and require you, forthwith to assemble our Council there, and with their privity to cause presentments to be made through the whole Kingdom, according as the law you mention doth appoint.”—(*Strafford's State Letters, vol. I. p. 71.*)

It would be tedious, and is, for our present purpose unnecessary, to enter into a detailed account of the persecutions which the Irish Catholics endured at this, or at any other time, on the score of religion, —we shall therefore decline giving any account of

the schemes practised by the Lord Deputy Wentworth, afterwards created Earl of Strafford, to urge the Catholics of Ireland to come forward with subsidies for the support of the State, in order to save themselves from the unjust tax, imposed upon them for not resorting to a Church, where their consciences would not allow them to join in the worship. These things are mentioned here, merely to shew that violent as was the enmity of the powers who misgoverned Ireland for a number of years, no attempt was made to deprive the Catholics of their right to sit and vote in both Houses of Parliament.

Wentworth was sworn Lord Deputy of Ireland on the 25th of July, 1633, and immediately after commenced his preparations for convening a Parliament. Of the insolence with which he treated the Lords of the Pale, in the manner in which he affronted the Earl of Fingal, who had been deputed by them to wait on him; of the unjustifiable manner which he adopted to model the Parliament, in which he did not willingly suffer any to be returned members, whom he did not believe to be some way or other subservient to his predatory designs; of the manner in which he bullied and attempted to overawe the Parliament, in forcing upon them a Speaker of his own choice; and of his Proclamation, that neither the Lords nor Commons should come into Parliament with their swords, it is beside our present purpose to treat. On these particulars those who wish for information will find it in Strafford's own words, in various parts of the first volume of his State Letters, page 274 to 342. But let us observe, that in this Parliament the Catholics sat in both Houses, he tells us himself that on the second day of the meeting of Parliament, "the Recusant Party (Roman Catholics,) began somewhat warmly to move for the purging of the House, as they termed it, with an aim, doubtless, to put out a great number of the Protestants upon the point of non-residency; at last this settled in a Committee

of Privileges, to determine those questions, yet when
 “ it came to be named, the House was divided, the
 “ Protestants in a manner intire on one side, the
 “ Papists on the other, and carried by the former,
 “ eight voices. - - - That the Popish party’s moving
 “ the House with so much earnestness for purging
 “ (as they called it) the House, came not, as I am
 “ well assured, from any backwardness to supply the
 “ King, but out of a (hope, that by this means putting
 “ out many of the other party) to become the greater
 “ number, and so to indear themselves the more with
 “ his Majesty, to make that work wholly their own,
 “ and themselves more considerable, which would
 “ turn a greater obligation upon the King, than I
 “ conceived his Majesty would be willing they
 “ should put upon him, or indeed was fit, the present
 “ condition of affairs considered.”—(*State Letters*,
 v. 1, p. p. 277, 278.) The number of Roman Ca-
 tholic Peers sitting, and qualified to sit, in this Par-
 liament, may be seen by an inspection of the list of
 Peers.—*Ibid*, p. 283—5.

The Lord Deputy expected that in this Session the Parliament would press for a confirmation of all the Graces, given 24th May, 1628, in Instructions to Lord Falkland—but this he was determined to resist, though the refusal of them would certainly create ill humour: He therefore resolved upon making two Sessions of the Parliament, and to give them the King’s promise for both at the opening of the Parliament, the one Session in Summer, and the other in Winter; in the former to settle his Majesty’s supply, &c. and in the other to enact so many of the Graces, as in honour and wisdom should be judged equal.—(See Carte’s Ormond, vol. 1. p. 61.) This scheme succeeded—the supplies were voted, but the Graces were never confirmed. A copy of the entire Graces, as they were transmitted to Ireland, is to be found at page xix. of this Preface. The 15th Article of these Graces relates to the Oath of Supremacy, the abolition of which was afterwards

always stipulated for, and insisted on, by the Catholics in all their Treaties with the English Government, from Glamorgan's Treaty in 1646, down to that of Limerick in 1691. (See DOCUMENTS, No. 3, page 4.)

In the Irish Parliament that met in the year 1640, the Catholics were as usual amongst the most forward to grant liberal supplies to the Crown, which was now involved in a war with the Scotch Puritans, who in the year before had risen in rebellion. The Puritans had by this time become numerous and considerably powerful in Ireland; several of that body had found their way into Parliament, and two of their friends, Sir William Parsons and Sir John Borlace were sworn Lords Justices. Cox tells us that, "This Session of Parliament was spent by the Papists (who were the most numerous party in the House) in fruitless declarations and protestations, private petitions and votes upon needless queries."—(*Hist. Ir. part 2, page 71.*)—Here, if any were wanted, we have proof that the Catholics at that period enjoyed their right of sitting in Parliament. But if Cox had never mentioned this affair, the Journals of the House of Commons would put the matter beyond a doubt. Indeed that right never was so much as disputed, much less denied, by any of the enemies of the Roman Catholics, until after the Insurrection of 1641. When, the Puritan Party became predominant in the House of Commons, an ordinance, or vote, of that House was made 21st June, 1642, to compel all the Members to take the Oath of Supremacy. This order, or vote, is to be found in the subjoined DOCUMENTS, No. 7, page 51, and it is left to the judgment of the reader, whether a vote of one House of Parliament, without the concurrence of the other, and the Assent of the King, be sufficient to deprive any class of his Majesty's Subjects of one of their most valuable privileges.

It is far from our design to enter into an enquiry as to the origin of the ruinous Civil War that commenced in Ireland in 1641, to inculcate or to exculpate either parties; much less to proceed with an account of the movements of the armies, or the battles fought, or the defeats or victories gained on either sides. But it is not irrelevant to the matter in hands to speak of the various treaties concluded and agreed upon between the King's Agents or Commissioners on the one side, and the Commissioners of the Confederate Catholics on the other. These treaties had their origin from the distresses to which the King was reduced by his rebellious subjects in Scotland and England, and by their adherents and partizans, the puritanical party in the Irish Parliament. To rescue the King from the difficulties and perils with which he was surrounded, his friends saw nothing likely to be effectual but the pacification of his Irish Roman Catholic Subjects, who, though in arms in defence of their Religion and Lives, were strongly attached to Monarchical Government and to the person of his Majesty. For this purpose an instrument for a cessation of Arms, preparatory to a Treaty of Peace, was signed, 15th Sept. 1643, between the Marquis of Ormond on the part of the King, and the Commissioners of the Confederate Catholics. This cessation was shortly after violated by the Scots in Ulster, still acknowledging the King's authority, and again shortly after by the Scotch and English forces in the same province. Still the negotiations for peace went on, and the Confederates sent supplies into England for the relief of his Majesty. The King's affairs assuming a worse appearance every day made him most anxious to have the Peace with his Irish Subjects brought to a speedy conclusion. But Ormond was in no such hurry. He, although pressed by his Majesty to conclude the treaty, retarded that measure, and the King seeing the necessity for

such a Peace, gave a secret Commission to the Earl of Glamorgan to negotiate with the Catholics. Accordingly, Commissioners from the Confederates met his Lordship, the terms were soon agreed upon, as both parties were in earnest, and the Treaty was signed on the 25th of August, 1645.

By this Treaty the freedom of Religion, security for the possessions of their estates, and every other privilege enjoyed by any class of his Majesty's subjects were secured to them, and the King became pledged to have the intire ratified by Parliament.—(See the Treaty at large in the subjoined DOCUMENTS, No. 4, Page 5.)

This Treaty, though carried on with great secrecy, was discovered, and created a terrible uproar against the King, by the Scotch and English Puritans; and his Majesty, who was then in the power of those Rebels, had the baseness to deny his own act, and Glamorgan was clapped into confinement, for signing the Treaty without having, as it was alleged, the Royal Authority.

Ormond, in the mean time, was also carrying on his negotiations, but shewed an unwillingness to agree to terms. At length, however, when much injury had been done to the Royal Cause by his delay, the Treaty was signed by him and the Commissioners of the Confederates, at Dublin, on the 28th March, 1646.

The terms contained in this Treaty were offered to Ormond two years before, and are nearly the same as those contained in the Treaty with Glamorgan. In both these Treaties the Catholics were to be exempt from taking any Oath, other than the Oath of Allegiance, to qualify for any offices or situations in the State. Why Ormond did not sooner sign the agreement is not satisfac-

torily accounted for. Some have attributed his delay to something like a treasonable design; but be it from what cause it may, his delay gave a deadly wound to the interests of his Master.— (See this Treaty in subjoined DOCUMENTS; No. 5, Page 13.)

It will not be wondered at that the Catholic Party should insist upon the terms of these Treaties, when it is known, that the Puritans had sent Sir Charles Coote, and others of that party, to Oxford, to meet the King, and who there pretended that they were sent as Agents from the Protestants of Ireland; though nothing as yet has appeared, that shews they were any thing more than the agents of the party in Ireland, attached to the rebellious Parliament of England. But let their authority be what it may, the proposals they made to the King were such as required the vigilance and firmness of the Catholics to resist them. They proposed that the King would abate his quit rents for a time, to encourage and enable Protestants to replant the kingdom, and cause a good walled town to be built in every county of the kingdom for their security, no Papist being admitted to dwell therein.....that the Penal Laws should continue in force, and be put in execution; that no body should execute the office of a Magistrate in any Corporation, or of a Sheriff or Justice of Peace in a County, nor any Lawyer be allowed to practise, without taking the Oath of Supremacy and Allegiance.....that there be a present dissolution of the assumed power of the Confederates; that all legally indicted of treason, and other heinous crimes, might be proceeded against, outlawed, tried and adjudged according to law, and such as were or should be convicted or attainted for the same, might be punished accordingly; that the attainders had by outlawry for treason done in the rebellion, might be confirmed by Act of Parlia-

ment, and traitors convicted and attainted, and their estates forfeited.....that Popery, and Popish Bishops, should be suppressed; that all Popish Priests should be banished out of Ireland; that no Popish Recusant should be allowed to sit or vote in Parliament; and that the King would take all forfeited estates into his own hands, and after making satisfaction to such as claimed by former Acts of Parliament, dispose of the rest to *British* and *Protestants*, to plant the same upon reasonable and honourable terms. These propositions, and several others that shew that these Puritan Agents had nothing less than the complete extirpation of the Catholics, may be seen at large in Borlase's History of the Irish Rebellion, folio, Dublin, 1743, page 193.

Upon these propositions, Mr. Carte, in his Life of the Duke of Ormond, makes the following remarks: "These propositions, for putting the Roman Catholics of Ireland under greater hardships than any they had ever complained of before, incapacitating them from all offices whatever, disabling them from sitting in Parliament, **A PRIVILEGE WHICH THEY HAD ALWAYS ENJOYED**, and from which alone they could expect any redress of future grievances, forfeiting all their estates, real and personal; and yet obliging them, when their all was taken from them, to make impossible reparations and satisfactions, for losses sustained and devastations committed in the war, suppressing their religion, banishing all their clergy, and new planting the kingdom, were evidently calculated to hinder any peace at all, and certainly came from some of the party of men, which first formed the design of an extirpation of the Roman Catholics, and by publishing that design, made the rebellion so general, as it proved at last."—*(Carte's Ormond, vol. 1, page 502.)*

The validity of these treaties has been denied by the opponents of the Catholics. The first, on the ground that the King had denied his giving authority to conclude it, and the other on the ground that the authority he had given to Ormond, was withdrawn, by a letter which he was compelled to write while under restraint, by his rebellious Scotch and English subjects. That Glamorgan had authority from the King to execute his treaty with the Irish, is abundantly proved by a variety of Documents, to be found in *Coxe's Hibernia Anglicana*, *Borlase's Irish Rebellion*, *Warner's Irish Rebellion*, and *Carte's Life of the Duke of Ormond*—all Protestant writers, not one of whom can be so much as suspected of any partiality to the Roman Catholics. That the treaty signed by Ormond was done by the King's authority, is proved by the King's letter to Ormond, granting him the authority, now of record in the Rolls Office, Dublin, where the Treaty itself is also enrolled, as well as Ormond's Warrant to the Chancellor for its enrollment, and the Chancellor's letter to the Clerk of the Enrollments, commanding him to have it entered. In addition to this, the Peace was publicly proclaimed by the Lord Lieutenant and Council in Dublin, the 13th July, 1646, and King Charles II. acknowledges it in his Declaration for the Settlement of this Kingdom, now parcel of the Statute Law of Ireland.—(See *subjoined DOCUMENTS*, No. 8, and *Borlase's Irish Rebellion*, p. 208.)

This treaty with Ormond came to nothing in the end; for though the Confederates in general were determined to fulfil their parts, some of the Roman Catholic body were dissatisfied with the terms; of these were the famous Owen Roe O'Neill and the Pope's Nuncio, with some of the Catholic Clergy. The Puritan party in the King's army were also dissatisfied, and this disagreement gave Ormond an excuse for breaking off a Treaty that he had signed with unwillingness, and after many delays; which

were, in the end, destructive to the interests of both the King and the People.

It is worthy of remark, that while Ormond was parrying off the signing of the Treaty with the Irish, contrary to the positive commands of his Sovereign, and whilst he was receiving succours from the Irish, he was carrying on a negociation with the Parliamentarians, to surrender to them the King's authority; which he absolutely did in the following June, "on condition to enjoy his own estate, not to be subject to debts, and that he should have 5000*l.* in hand, and a pension of 2000*l.* per ann. for five years."—(*Borlase*, p. 234.)

Shortly after this Ormond left Ireland, passing first into England, and thence privately into France.

Ormond returned into Ireland 29th September, 1648, knowing that "The only visible means of saving the King's life, and retrieving his affairs, was the uniting of all Ireland under his obedience. This was the end of the Marquis of Ormond's return into that country, and reassuming the power of Lord Lieutenant. With this view, he published on October 6th, a Declaration of his intentions, for the satisfaction of Lord Inchiquin's Army, and the Protestants of Munster..... With the same view soon after his landing, he signified to the General Assembly then sitting in Kilkenny, that he was arrived with power to treat and conclude a Peace with the Confederate Catholics, and expected to receive Deputies, and Propositions from them at his house at Carrick." (*Carte's Ormond*, vol. II. p. 41—2.)

The Assembly really desirous of the pacification of the country, and anxious for the safety of the King, instantly commenced the negociation, and on the 17th of January following, the Treaty was

signed, the conditions of which were nearly the same as those contained in the Treaty with Glamorgan, in 1645, and in that with Ormond himself in the year 1646. For the particulars of the Treaty of 1648, see subjoined DOCUMENTS. No. 6, page 30.

Some deny the validity of this Treaty, as Ormond, as they alledge, had receivèd no new powers to treat with the Irish; but whoever will take the trouble to consult Carte, Borlase, Warner, &c. on this subject, will find that he had directions from the King, to obey the commands of the Queen and the Prince of Wales, in respect to his transactions with the Irish Catholics, and the commands of these Royal Personages were, that Ormond should conclude the Peace. It was, however, signed too late to save the King, who was in a few days after the signing of the Treaty put to death by his rebellious Protestant subjects, at Whitehall, London.

As soon as the murder of Charles the First was made known to the Marquis of Ormond, he proclaimed Charles II. King of England, Scotland, France and Ireland, at Carrick, the 16th of February, 1648, and immediately afterwards he was proclaimed in all the towns in Ireland, where either Ormond or the Confederate Catholics had power.

That Charles II. was perfectly satisfied with Ormond, respecting the Treaty of 1648, and that he considered himself bound to fulfil the conditions of it, his letters, and those of his Secretaries and friends, to Ormond, from the time of his father's death until his own restoration abundantly testify. In a letter written by his Majesty to the Marquis, dated at the Hague, March 9th, 1649, he says, "I have lately received from the Lord Byron, a Copy of the Articles of Peace which you have made in Ireland, together with a Copy of your

“ letter to me, and am *extremely well satisfied with both, and will confirm wholly and intirely all that is contained in the articles.*

“ I must not forget to give thanks to you and the Lord Inchiquin, for your singular care, industry, and prudence, in the carriage of this business, intreating you in my name to thank *all those that have been actors in the negociation, and contributors to the happy conclusion of this Peace; which I hope, by the blessing of God, may prove an effectual means to my re-establishment in my other dominions.*”—(*Carte's Original Letters and Papers, 2 vols. 8vo. London, vol. 2, p. 363.*)

In another letter, dated at the Hague, 12th March, in the first year of his reign, he says, “ Right trusty and right intirely beloved Cousin, we greet you well—Having received several advertisements from England, that Sir John Winter, Knight, is to be sent from the army there into Ireland, with propositions to our Roman Catholic subjects of that Kingdom, to seduce them from their allegiance to us, and *from the Peace lately made with you*, by offers of toleration, and other advantages, in both Kingdoms: We think fit to give you this timely notice, that you may use such circumspection and prevention, as you shall conceive necessary in this behalf, we referring it wholly to your judgement upon the place.”—(*Ibid, p. 364.*)

In a letter from Sir E. Nicholas to the Marquis of Ormond, dated Breda, 2-12, 1650, the former says, “ The King hath told me often, and lately very resolutely, that he never will condescend to any thing prejudicial to the agreement your Excellency hath made with the Irish Catholicks, or to that Nation; and I am confident his Majesty will therein be very steady.” (*Ibid, 379.* See also, p. p. 391, 2, 3, 5, &c.)

The King himself in a variety of letters, besides those above-mentioned, declares his intention of strictly adhering to the agreement made with the Irish. When he first took the resolution of entering into a Treaty with the Scots Commissioners at *Breda*, he wrote to Ormond, “on 23d January, N. S. (1650) to assure him that he would endeavour to oblige that nation, by all just and honourable condescensions, to engage themselves to enter England in the Spring, with a considerable army for his service; yet he would not either in the said Treaty, or upon any other occasion whatsoever, consent to any thing that should be contrary to the agreement made with the Roman Catholicks of Ireland; but would fulfill and perform all grants and concessions, which he had either made or promised to them, according to the full extent of that Grace he had always intended to that nation, which (as he had new instances of their loyalty and affection to him) he should study rather to enlarge than to diminish or infringe in the least degree.”— (*Carte’s Ormond*, vol. II. p. 129.) In like manner the King, in his “*Declaration for the Settlement of his Kingdom of Ireland*,” now forming a part of the Statute Law of the Land, acknowledges this Peace, so that the Catholicks of Ireland had every reason to expect the fulfillment of it in every particular; but the terms of the Acts of Settlement and Explanation, as well as the deceits and treacheries of James I. and Charles I. shew what reliance the Irish should place upon the *royal* word of a Stuart. (See DOCUMENT, No. 8, page 53.)

Yet some will vindicate King Charles, and say he was compelled to falsify his word by hard necessity; that his own natural dispositions led him to justice, but that he was overruled by Broghill, (afterwards Lord Orrery) Coote, and others of that

party, who had been traitors and rebels to both himself and his father, but who had been admitted into the Councils of the King, upon his being proclaimed in Dublin, 14th May, 1660. These give the King great merit for that part of his answer to Broghill and Coote, and the other Commissioners, when they proposed to the King, “that he should call a Parliament in Ireland, consisting of Protestant Peers and Commoners:” to which the King replied, “that he should, in due time, call a Parliament, *such as the law would admit.*”—(See *Carte’s Ormond*, vol. 2, p. 204—6.)

It must be confessed, that this was one act of justice to the Irish Catholics, as by it was preserved to them, *their right of sitting and voting in both Houses of Parliament*, **A RIGHT WHICH THEY EXERCISED ALL THROUGH THE PARLIAMENTS HELD IN IRELAND, DURING THE REIGN OF CHARLES II.**—(See the subjoined DOCUMENTS, Nos. 10, 11, and 12, p. 57, 59, and 60.)

By the Lords Journals it is evident, that at least 23 Roman Catholic Peers appeared and voted, in person or by proxy, between the 8th of May, 1661, and 7th of August, 1666; yet upon the third reading of the Act of Settlement, 30th May, 1662, not one Roman Catholic Peer appears in the list of the forty-one Lords who attended and voted upon that occasion. But if they had all attended, it would avail nothing to protect themselves, and the other Roman Catholics, from the plunder and oppressions which that unjust Act made lawful. The forty-one Protestant Peers that attended, of which eighteen were Archbishops and Bishops, would have left them in a minority.--(See DOCUMENT, No. 9, page 56.)

We are not able to ascertain, by the Commons Journals, that any Roman Catholic sat in the

House of Commons in the reign of Charles II. but the defect of the Journals is, in this respect, made up by other authorities, which cannot be controverted. The Earl of Orrery, one of the Lords Justices of Ireland, who had drawn up the Act of Settlement, and who had packed a House of Commons to pass it, informs us that *one, and only one*, Roman Catholic sat in the House of Commons in that reign. This Lord who had been in the rebellion against Charles I. and Charles II. but who had been received into Royal favour, whilst the faithful friends of both were robbed of their estates and of their rights and privileges, in his letters relates the fact, that **ONE ROMAN CATHOLIC WAS ACTUALLY CHOSEN**, for the Borough of Tuam.—(See two Letters in DOCUMENTS, No. 13, page 61.)

This, with the Journals of the House of Lords, it is submitted, establishes the fact, that the Roman Catholics had the right, and did practise that right, of election in the reign of Charles II. and that they had the right, and did exercise the right, of sitting and voting in Parliament, all through that King's reign, whenever a Parliament was convened. It is submitted, that the sitting of one Member establishes the right as firmly as if the whole House were Catholic.

It has been said that Orrery *packed* the Parliament for passing the Act of Settlement. To see that this charge is not void of foundation, it is only necessary to inspect his Letter to the Duke of Ormond, dated January 2d, 1661. In that letter, after speaking of other things, he says, “ I am very
 “ glad to hear the great Bill of Settlement is in so
 “ good a way of dispatch, as I find it is in the close
 “ of your Grace's letter. Its arrival here is not a
 “ little thirsted after, nor are we less sensible of
 “ your Grace's care and favour in getting *this*
 “ *Parliament* continued. I writ my poor sense to

“ your Grace, how fit it might be, that after *this*
 “ *Parliament* had done *what was requisite* for them
 “ to do, **AN UNQUESTIONABLE ONE** might
 “ be called to confirm all ; which I rejoice to find
 “ was also my Lord Chancellor’s sense, and is so
 “ well liked by his Majesty, your Grace, and my
 “ Lord Chancellor of England.

“ I think it my duty to acquaint your Grace,
 “ that in my Lord Strafford’s time, he was very
 “ punctually careful, that no Peer of Ireland, in
 “ England, should be absent from the Parliament
 “ here, but by his Majesty’s immediate leave, nor
 “ during his absence, should send his proxy to any
 “ but whom his Majesty approved of ; as also that
 “ no Peer of Ireland, in it, should be absent from
 “ the Parliament, but by his licence, nor send his
 “ proxy to any but whom he approved of. This
 “ seems to be so just and noble a prerogative of
 “ the Crown, and so necessary and so advan-
 “ tageous to the Chief Governor of this Kingdom,
 “ for his Majesty’s service, that I humbly leave it
 “ to your Lordship’s consideration, whether it be
 “ not very expedient it should be continued, and
 “ that we had his Majesty’s orders for it.”—(*State*
Letters of the Earl of Orrery, Dublin, 2 vols. 8vo.
 vol. 1, page 67—8.)

From Orrery we have proofs that the Catholics did actually sit in the House of Commons and from the Lords Journals we have authority to insist, that they did sit in the House of Lords, in the Reign of Charles the Second. These are indisputable authorities ; but if even these were wanting, we have other authentic documents to refer to, which shew that even if the Catholics did not exercise their rights in that period, those rights did exist in full force during the entire of that Monarch’s reign. One of these Documents was written by Arthur Capel Earl of Essex, Lord Lieutenant of Ireland, in the year 1675, and the other by a Colonel

Richard Lawrence, who published his book on "The Interests of Ireland," &c. nearer to the latter end of King Charles' reign, and whose work shews that he was a bigotted enemy to Roman Catholics, and who would, to the best of his power, strip them of their liberties. For these we refer to the subjoined DOCUMENTS, Nos. 14 and 15, pages 64 and 66.

In the foregoing pages, and the subjoined Documents, we have shewn, from indubitable authorities, that the Roman Catholics of Ireland enjoyed the right of sitting and voting in every Parliament held in the country, from the commencement of the reign of Elizabeth to the end of that of Charles the Second, except during the short period when the Royal authority was usurped by a faction, that at length brought their Sovereign to an ignominious death. We might go further, and shew that they also enjoyed those privileges in the reign of James II. but this we presume will not be denied. We have also shewn, from authentic Documents, that the Catholics of Ireland, in all their Treaties with the English Government, made it an indispensable article, that they should not be bound to take the Oath of Supremacy, to qualify them to fill any office, or to hold any situation in the State, which any person of any other religion might enjoy. We now beg leave to call the public attention to the Treaty of Limerick—a Treaty purchased, on the side of the Roman Catholics, by great and valuable sacrifices, and conceded to them by their opponents, at a time when it was of the most vital importance to the English interests, that the War in Ireland should be terminated.

By this Treaty, purchased for valuable considerations, to the observance of which the Lords Justices of Ireland, and the Generals of King William's Army, bound themselves in the most solemn manner; and which was afterwards insured

by the Royal Pledge of King William, who for himself, his Heirs and Successors, did “ratify and confirm the same, and every clause, matter and thing therein contained,” the Catholics secured, so far as a Treaty could secure any thing, the full enjoyment of such “privileges, in the exercise of “their Religion, as they did enjoy in the reign of “King Charles the Second.....and that they “should possess and enjoy all the rights, titles and “interests, privileges and immunities, which they “and every, or any of them held, enjoyed, or “were rightfully and lawfully entitled to, in the “reign of King Charles the Second, or at any “time since.” And to qualify them to possess and enjoy all these rights and privileges, the Oath to be taken by them was, “the Oath of Allegiance, and none other.”—(See a correct Copy of these Articles, in full, in the subjoined DOCUMENTS, No. 16, page 68.)

That the English Government considered the surrender of Limerick, and the termination of the War in Ireland, a matter of the utmost importance to them, may be gathered from various authorities. In a letter written by Lord Justice Coningsby to General Ginckell, we find that the Lord Justice wished to impress upon the General, “how absolutely necessary it was for the affairs of “all Christendom, that the War in Ireland should “be ended this summer; that there were but two “ways of bringing it about, either by force or “treaty, the latter of which he despaired of, from “the obstinacy of those in Galway, who would “never submit to a Proclamation, when they re- “fused such terms assured to them by the Articles. “.....He represented how averse people generally “were from giving the Irish any conditions; but “that such did not consider the misery of the “country, and less understood *the circumstances* “*of affairs abroad.* He shewed an infinite “concern on account of the King, and a great

“uneasiness, lest the weather should hinder
 “the General from finishing the work.”—
 (*Harris’ Life of King William*, folio, Dublin,
 1749, page 335—6)

The author we have just now quoted, speaking of the Cessation proposed by the French and Irish Commanders in Limerick, preparatory to making Articles for the surrender of the Town, says, “The
 “General immediately writ to the Secretary at
 “War, informing him of what had passed, and
 “desiring his company at 8 o’clock the day follow-
 “ing, and to bring with him the last letter written
 “by the Queen, upon the subject of the Capitu-
 “lation; and also one written by the King, touch-
 “ing Lord Lucan. What was the subject of these
 “letters can only be guessed at; but in all probabi-
 “lity they contained instructions *to put an end to*
 “*the War, on any terms.*”—(Ibid, page 348.)

Again, we are told by the same author, that
 “This surrender happened at a favourable con-
 “juncture; a fleet sent by France to the relief of
 “Limerick arriving in Dingle Bay, a day or two
 “after the Articles were signed, which had it got
 “safe up to the Towa a few days before, might
 “have probably protracted the War.—(Ibid,
 page 353.)

The same author also tells us, that “While the
 “King’s (Williams’) troops were divided by means
 “of the Irish War, *his Majesty could not possi-
 “bly proceed with the desired success in Flan-
 “ders*; and therefore to put a speedy end to the
 “War, *he sent instructions to the Lords Jus-
 “tices, to issue a Declaration, assuring the
 “Irish of much more favourable conditions
 “than they afterwards obtained by the Ar-
 “ticles of Limerick.*”—(Ibid, page 372.) Yet
 William, notwithstanding his eagerness to have
 the Town surrendered, and his solemn engage-

ment to fulfil the Treaty, was not ashamed to break through these Articles, and his own Word, within a very short space of time, after he had obtained what he so earnestly wished.

Another author of celebrity, speaking of this affair, says, "The opponents of William give him no credit, either for his justice or humanity, upon the present occasion. They ascribe his eagerness to finish the troubles in Ireland to his earnest desire of prosecuting with vigour the War on the Continent. They allege, that had not an English Parliament deprived his creatures of the hopes of Irish forfeitures, he would have been less liberal in the concessions which he made."—(*Macpherson's History of Great Britain*, vol. 1, p. 623.)

We have hitherto principally dwelt upon the right of the Catholics to their seats in Parliament, down to the conclusion of the reign of Charles II. But there are other important privileges which they enjoyed in the same period, and of which they are now deprived. Of these is to be reckoned the Freedom of Corporations, and the right of voting in them upon every occasion. That they had early enjoyed that right will not be denied, and that they still enjoyed that right in the time of Charles the Second, and consequently that it was insured to them by the Articles of Limerick, is proved by the subjoined DOCUMENTS, No. 14, page 64, and No. 15, page 68.

But Limerick had scarcely been surrendered to the English, when the Articles by which it was delivered up to them, though guaranteed by every thing that could make a Treaty sacred and binding, and afterwards ratified by King William, and confirmed under the Great Seal of England, were, in the most scandalous manner, basely broken through, by those who had profited so much by them, contrary to the law of nature, the law of nations, of public faith, and of the royal word.

Not to notice the illegal acts of oppression and injustice committed on the Roman Catholics by Sheriffs, Magistrates, and even the Lords Justices, immediately after the surrender of Limerick, as mentioned by Harris, in his life of King William; the Parliament, which met in the year 1695, had no sooner assembled, than they, instead of confirming the rights of the Catholics as granted to them by the Articles, and by the pledge of the King, commenced this work of injustice, by depriving the Catholics of these rights. (See the subjoined DOCUMENTS, No. 17, page 79.)

The proceedings of the Parliament in 1697, was even more cruel and unjust than that of 1695, for under the pretence of passing a Bill for the confirmation of the Articles of Limerick, the most severe Penal Laws were passed against the Catholics. Laws so severe, so unjust, and so repugnant to the Articles, that several of the Members of both Houses were so much dissatisfied with, and ashamed of them, that many of the Commons retired from the House, and several of the Lords entered their Protest against the Bill, among which was Doctor William King, then Bishop of Derry, afterwards Archbishop of Dublin, and author of a Book, entitled, "*The State of the Protestants of Ireland, under the late King James's Government,*" a Book stuffed with the grossest falsehoods and the most virulent abuse against the Catholic Body. To this Protest the names of seven Bishops and seven temporal Peers are signed; some of whom also protested against the Act to prevent the further growth of Popery, passed in 1703.—(See DOCUMENTS, No. 18. page 82.)

Many of the civil enactments of William's Parliaments, and of some of his successors, which were passed against the Roman Catholics, contrary to the express stipulations of the Articles of

Limerick have been repealed by the Irish Parliament, during the late King's reign; and if Ireland were now a Nation, instead of a Province, if she had not been robbed of her Parliament, by an UNION, which has depopulated her cities, and reduced her children to beggary, not one Penal Law against Catholics would now remain a disgrace to her Statute Books.

For years have the Catholics of Ireland unavailingly petitioned the Imperial Parliament, for redress of their Grievances; for simple Justice.—Many of both Irish and English Members have powerfully advocated their cause, yet still justice remains to be done, and Ireland is still to be pacified. Of the Irish Members who have opposed the Catholic claims, none are to be reckoned, but the bigotted and intolerant, who wish to perpetuate an odious distinction amongst their countrymen. Of the English Members who oppose the claims of their Catholic fellow-subjects, it is supposed the majority do so, not from a desire to give permanence to injustice, but because they have been led astray by early prejudices, misstatements on this question, and the opinion, that no injustice is done to the Catholics, by rejecting their claims. To shew these gentlemen that the privileges the Catholics now ask, and which they did enjoy until the reign of William III. have been purchased by them for valuable considerations, that they have been secured to them by the most solemn treaties, and that they have been deprived of them by flagrant injustice, the subjoined DOCUMENTS are referred to with confidence; a confidence founded on the good sense of the English People, who must see, that until justice is done to the Irish, by restoring to them their just rights, no settled or permanent tranquility in Ireland, and consequently no complete security to the Empire, however desirable, can be expected.

April 15, 1828.

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can be expected
G. A. J. J.

OFFICIAL
Documents, Extracts,
§c. §c. §c.

No. 1.

*Extract from the Statute, Second of Elizabeth,
Chap. I. entitled " An Act restoring to the
Crowne the Auncient Jurisdiction over the State
Ecclesiasticall and Spirituall and abolishing all
Forreine Power repugnant to the same."*

" AND for the better observation and maintenance of this Act, may it please your Highness that it may be further enacted by the authoritie aforesaid, That all and every Archbishop, Bishop, and all and every other Ecclesiasticall Person, and every other Ecclesiasticall Officer and Minister, of what state, dignitie, preheminance or degree soever, he or they shall be, and all and every Temporall Judge, Justice, Mayor, and other Lay or Temporall Officer and Minister, and every other person having your Highnesse fee or wages within this Realm, shall make, take and receive a corporall Oathe upon the Evangelists, before such person or persons as shall please your Highnesse, your Heyres or Successours, under the Great Seale in England, or of this Realm, or the Lord Deputie or other Gouvernour or Gouvernours of this Realme, for the time being, by Letters Patents to be made by his or their Warrant, under the Great Seale of this Realme, to assign and name to accept and take the same, according to the tenour and effect hereafter following, that is to say :—

I, A. B. doe utterly testife and declare in my conscience, that the Queen's Highnesse is the onely Supreme Gouvernour of this Realme and of all other Her Highnesse Dominions and Countries, as well in all Spirituall or Ecclesiasticall things or Causes, as

Temporall, and that no Forreine Prince, Parson, Prelate, State or Potentate, hath or ought to have any Jurisdiction, Power, Superioritie, Preheminence, or Authoritie, Ecclesiasticall or Spirituall within this Realme, and therefore I doe utterly renounce and forsake all Forreine Jurisdiccions, Powers, Superioritics and Authorities, and doe promise that from thenceforth I shall beare faith and true Allegiance to the Queen's Highnesse, Her Heirs and Successours, and to my power shall assist and defend all Jurisdiccions, Priviledges, Preheminences, and Authorities granted or belonging to the Queen's Highnesse, Her Heirs and Successours, or united and annexed to the Imperiall Crowne of this Realme, so helpe mee God, and by the contents of this Booke."

“ And that it may be also enacted, that if any such Archbishop, Bishop, or any other Ecclesiasticall Officer or Minister, or any of the said Temporall Judges, Justicer, or any other Laye Officer or Minister, shall peremptorily or obstinately refuse to take or receive the said Oath, that then he so refusing shall forfeit and lose onely during his life, all and every Ecclesiasticall and Spirituall promotion, benefice and office, and every temporall and laye promotion and office which he hath solye at the time of such refusall made, and that the whole title, interest and incumbencie in everie such promotion, benefice, and other office, as against such person onely so refusing during his life, shall cleerely cease and bee voide, as though the partie so refusing were dead, and that also all and everie such person and persons so refusing to take the said Oath, shall immediately after such refusall bee from thenceforth, during his life, disabled to retaine or exercise any office or other promotion, which hee at the time of such refusall had joyntly or in common with anie other person or persons, and that all and everie person and persons that at any time hereafter shall bee preferred, promoted or collated to any Archbishopricke, or Bishopricke, or to any other spirituall, or ecclesiasticall benefice, promotion, dignitie, office or ministerie, or that shall be by your Highnesse, your Heires or Successours, preferred or promoted to any temporall or laye office, ministerie or service within this Realme, before hee or they shall take upon him or them to receive, use, exercise, supply or occuppie any such Archbishopricke, Bishopricke, promotion, dignitie, ministerie, office or service, shall likewise make, take and receive the said corporall Oath beforementioned upon the Evangelist, before such persons as have or shall have authoritie to admitt any such persons to any such office, ministerie or service, or else before such person or persons as by your Highnesse, your Heyres or Successours, by Commission under the Greate Seale of England, or of this Realme, or by the Lord Deputie, or other Governour or Governours of this Realme for the time being, by Letters Patents to bee made by his or their Warrant, under the Great Seale of this Realme, shall be named, assigned, or appointed to minister the said Oath. And that it may likewise

be further enacted, by authoritie aforesaid, that if any such person or persons as at any time hereafter shall be promoted, preferred, or collated to any such promotion, spirituall or ecclesiasticall benefice, office or ministry, or that by your Highnesse, your Heires or Successours, shall bee promoted or preferred to any temporall or laye office, ministerie or service, shall and doe peremptorily and obstinately refuse to take the same Oath so to him to be offered, that then he or they so refusing, shall presently be judged disabled in the law to receive, take and have the same promotion, spirituall or ecclesiasticall, the same temporall office, ministerie or service, within this Realme, to all intents, constructions and purposes. And that it may bee further enacted, by the authoritie aforesaid, that all and every person and persons temporall, suing liverye or ousterlemaine out of the handes of your Highnesse, your Heires or Successours, before his or their liverye or ousterlemaine sued forth and allowed, and every temporall person or persons doing any homage to your Highnesse, your Heires or Successours, or that shall bee received into service with your Highnesse, your Heires or Successours shall make, take and receive the said corporall Oath before-mentioned, before the Lord Chancellor of Ireland, or Keeper of the Great Seale for the time being, or before such person or persons as by your Highnesse, your Heires or Successours, or by the Lord Deputie, or other Governour or Governours of this Realme for the time being, by Letters Patents to be made by his or their Warrants, under the Great Seale of this Realme, shall be named and appointed to accept and receive the same, and that also all and every person and persons taking orders, and all and every other person and persons which shall be promoted or preferred to any degree of learning, in any Universitie that hereafter shall bee within this our Realme, before he shall receive or take any such orders, or be preferred to any such degree of learning, shall make, take and receive the said Oathe by this Act set forth and declared as is aforesaid, before his or their Ordinary, Commissary, Chancellor, or Vice Chancellor, or their sufficient Deputies in the said Universitie."

No. 2.

(From Rushworth's Historical Collections, Vol. 1.)

"BY the Lord Deputy and Council—Henry Falkland.—Whereas We have Instructions from His Majestie concerning the admittance of Natives, being Lawyērs, to plead in His Majesty's Courts, taking only the Oath, in the Instrucons mencioned, together with several other Instrucons for the Judges in their Circuits to be observed—an extract whereof for your better information we herewith send you: These are therefore to pray and require you to see them put according to

the tenor of the same. Whereupon you may not sayle, and for so doing this shall be your Warrant. Given at His Majesties Castle, at Dublin, 26 June, 1628.

“ EXTRACT.

“ And the Natives of this Kingdom, being Lawyers, and who were heretofore practised there, shall be admitted to practise again, and all other Natives of that Nacon that have been or shall be Students at the Inns of Court in England, for the space of 5 years, and shall bring any attestation sufficient to prove the same, are also to be freely admitted by the Judges to practice the Laws, taking only the Oath following:—

“ I, A. B. do verily and truly acknowledge professe, testify and declare in my conscience, before God and the World, that our Sovereign Lord King Charles, is lawfullie and rightfullie King of this Realme, and of other His Majesty's Dominions and Countries, and I will bear true Faith and Allegiance to his Majesty, his Heirs and Successors, and him and them will defend to the utmost of my power against all Conspiracies and attempts whatsoever, which shall be made agatnst his or their Crown and Dignities, and do my best endeavor to disclose and make known unto his Majesty, his Heirs and Successors, or to the Lord Deputy or other Governor, for the tyme being, all Treasons and Traiterous Conspiracies, which I shall know or heare to be intended against his Majesty, or any of them, and I doe make this recognicon and aeknowledgment hartily, willingly and truly, upon the true Faith of a Christian. So help me God.”

“ Noe Judges or Commissioners shall bind over any Jurors to any Court whatsoever, unless it be for very apparent suspicion of corruption or partiality.”

No. 3.

Extract from “ Instructions sent by King Charles I. to the Lord Deputy and Council of Ireland respecting the GRACES, brought over by the Agents in the year 1628.”—From Strafford's State Letters, vol. 1, p. 317, folio, Dublin, 1740.

GRACE 15.

“ The Subjects of that our Realm,” (*Ireland*), “ are to be admitted to sue their Liveries, *Ouster-le-maines*, and other Grants depending on our Court of Wards, taking only the Oath hereunder expressed, and any other Oath to be forborne in that case; and the natives of that kingdom being Lawyers, and who were heretofore practised there, shall be admitted to practise again, and all other natives of that nation, that have been or shall

be Students of the Inns of Court in England for the space of five years, and shall bring any attestation sufficient to prove the same, are also to be freely admitted to the Judges to practise the Laws, taking the said Oath, viz.

“ I, A. B. do truly acknowledge, profess, testify, and declare in my conscience, before God and the World, that our Sovereign Lord King Charles, is rightful King of this Realm, and of other his Majesty’s Dominions and Countries. And I will bear faithful and true Allegiance to his Majesty, his Heirs and Successors, and him and them will defend to the uttermost of my power, against all Conspiracies and attempts whatsoever, which shall be made against his or their Crown and Dignity, and do my best endeavour to disclose and make known unto his Majesty, his Heirs or Successors, or to the Lord Deputy or other Governors, for the time being, all Treasons and Traiterous Conspiracies, which I shall know or hear to be intended against his Majesty, or any of them. And I do make this recognition and acknowledgement heartily, willingly and truly, upon the true Faith of a Christian. So he’p me God.”

No. 4.

“ The Articles made by the Earl of Glamorgan.”

(From Coxe’s History of Ireland, Appendix XXVII. Page 111.)

“ WHEREAS much time hath been spent in meetings and debates betwixt his Excellency James Marquis of Ormond, Lord Lieutenant and General Governor of His Majesty’s Kingdom of Ireland, Commissioner to His Most Excellent Majesty, Charles, by the Grace of God, King of Great Britain, France and Ireland, &c. for the treating and concluding of a Peace in the said kingdom with his Majesty’s humble and loyal subjects, the Confederate and Roman Catholicks of the said kingdom of Ireland of the one part, and the Right Honourable Donnogh Lord Viscount Muskerry, and other Commissioners deputed and authorized by the said Roman Catholick Confederate Subjects of the other part—and thereupon many difficulties did arise, by occasion whereof sundry matters of great weight and consequence necessarily requisite to be condescended unto by his Majesty’s said Commissioners, for the safety of the said Confederate Roman Catholicks, were not hitherto agreed upon, which retarded and doth as yet retard the conclusion of a firm Peace and Settlement in the said Kingdom. And whereas the Right Honourable Edward Earl of Glamorgan is intrusted and authorized by his Most Excellent Majesty, to grant and assure to the said Confederate Catholick Subjects further Grace and Favours, which the said Lord Lieutenant did not as yet in that latitude as they expected grant

unto them; and the said Earl having seriously considered of all matters and due circumstances of the great affairs now in agitation, which is the peace and quiet of the said Kingdom, and the importance thereof, in order to his Majesty's service, and in relation to a Peace and Settlement in his other Kingdoms; and here upon the place having seen the ardent desire of the said Catholicks to assist his Majesty against all that do or shall oppress his Royal Right or Monarchical Government; and having discerned the alacrity and cheerfulness of the said Catholicks to embrace honourable Conditions of Peace, which may preserve their Religion, and other just Interests. In pursuance therefore of his Majesties authority under his Highness Signature Royal and Signet, bearing date at Oxon the 12th day of March, in the twentieth year of his Reign, granted unto the said Earl of Glamorgan, the tenure whereof is as follows, viz.—*Charles Rex. Charles*, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. To our trusty and right well-beloved Cousin, Edward Earl of Glamorgan, Greeting.

“We reposing great and especial trust and confidence in your approved wisdom and fidelity, do by these (as firmly as under our Great Seal to all intents and purposes,) authorize and give you power to treat and conclude with the Confederate Roman Catholicks in our Kingdom of Ireland, if upon necessity any thing be to be condescended unto, wherein our Lieutenant cannot so well be seen in, as not fit for us at the present publicly to own: therefore we charge you to proceed accordingly to this our Warrant with all possible secrecy, and for whatsoever you shall engage yourself upon such valuable considerations, as you in your judgement shall deem fit; We promise on the word of a King and a Christian, to ratify and perform the same that shall be granted by you, and under your hand and seal; the said Confederate Catholicks having by their supplies testified their zeal to our service; and this shall be in each particular to you a sufficient Warrant. Given at our Court, at Oxford, under our Signet and Royal Signature the 12th day of March, in the twentieth year of our Reign, 1644. To our right trusty and right well-beloved Cousin, Edward Earl of Glamorgan. It is therefore granted, accorded and agreed, by and between the said Earl of Glamorgan, for and on the behalf of his Most Excellent Majesty, his Heirs and Successors, on the one part, and the Right Honourable Richard Lord Viscount Mountgarret, Lord President of the Supreme Council of the said Confederate Catholicks, the said Donogh Lord Viscount Muskerry, Alexander Mac Donnel and Nicholas Plunket, Esquires, Sir Robert Talbot, Baronet, Dermot O'Brien, John Dillon, Patriek Darcy, and Geffery Browne, Esquires, Commissioners in that behalf appointed by the said Confederate Roman Catholick Subjects of Ireland, for and in the behalf of said Confederate Roman Catholick Subjects of the other part, in manner and form following, (that is to say,)

“ I. It is granted, accorded and agreed by the said Earl, for and in the behalf of his Most Excellent Majesty, his Heirs and Successors, That all and every the Professors of the Roman Catholick Religion in the Kingdom of Ireland, of whatsoever estate, degree or quality soever he or they be or shall be, shall for evermore hereafter have and enjoy within the said Kingdom, the free and public use and exercise of the said Roman Catholick Religion, and of their respective functions therein.

“ II. It is granted, accorded and agreed by the said Earl, for and on the behalf of His Majesty, his Heirs and Successors, That the said Professors of the Roman Catholick Religion, shall hold and enjoy all and every the Churches by them enjoyed within this Kingdom, or by them possessed at any time since the 23d of October, 1641, and all other Churches in the said Kingdom, other than such as are now actually enjoyed by his Majesty's Protestant Subjects.

“ III. It is granted, accorded and agreed by the said Earl, for and on behalf of His Most Excellent Majesty, his Heirs and Successors, That all and every the Roman Catholick Subjects of Ireland, of what estate, condition, degree or quality soever, shall be free, and exempted from the jurisdiction of the Protestant Clergy, and every of them; and that the Roman Catholick Clergy of this Kingdom shall not be punished, troubled or molested for the exercise of their jurisdiction over their respective Catholick flocks, in matters Spiritual and Ecclesiastical.

“ IV. It is further granted, accorded and agreed by the said Earl, for and on the behalf of His Most Excellent Majesty, his Heirs and Successors, That an Act shall be passed in the next Parliament, to be holden in this Kingdom, the tenour and purport whereof shall be as followeth, viz. An Act for the Relief of His Majesty's Catholick Subjects of His Highnesses Kingdom of Ireland: Whereas by an Act made in Parliament, held in Dublin the second year of the Reign of the late Queen Elizabeth, intituled, An Act restoring to the Crown the antient jurisdiction over the State, Ecclesiastical and Spiritual, and abolishing all Foreign Power repugnant to the same; and by one statute made in the said last mentioned Parliament, intituled, An Act for the Uniformity of Common Prayer and Service in the Church, and the Administration of the Sacraments, sundry Mulcts, Penalties, Restraints and Incapacities, are and have been laid upon the Professors of the Roman Catholick Religion in this Kingdom, in, for and concerning the use, profession and exercise of their Religion, and their Functions therein, to the great prejudice, trouble and disquiet of the Roman Catholicks in their liberties and estates, and the general disturbance of the whole Kingdom. For remedy whereof, and for the better settling, increase and continuance of the Peace, Unity and Tranquility of this Kingdom of Ireland; His Ma-

jesty, at the humble suit and request of the Lords and Commons in this present Parliament assembled, is graciously pleased that it may be enacted, and be it enacted by the King's Most Excellent Majesty, the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, That from and after the first day of this Session of Parliament, it shall and may be lawful to and for all the Professors of the Roman Catholick Religion, of what degree, condition or quality soever, to have, use and enjoy the free and publick exercise and profession of the said Roman Catholick Religion, and of their severall and respective functions therein, without incurring any mulct or penalty whatsoever, or being subject to any restraint or incapacity concerning the same; any article or clause, sentence or provision, in the said last mentioned Acts of Parliament, or in any other Act or Acts of Parliament, Ordinances, Law or Usage to the contrary, or in any wise notwithstanding. And be it also further enacted, That neither the said Statutes, or any other Statute, Act or Ordinance hereafter made in your Majesty's Reign, or in the Reign of any of your Highness's Most Noble Progenitors or Ancestors, and now of force in this Kingdom; nor all, nor any branch, article, clause and sentence, in them or any of them, contained or specified, shall be of force or validity in this Realm, to extend to be construed, or adjudged to extend in any wise to inquiet, prejudice, vex or molest the Professors of the said Roman Catholick Religion, in their persons, lands, hereditaments or goods, for any thing, matter or cause whatsoever, touching and concerning the free and publick use, exercise and enjoyings of their said Religion, Function and Profession. And be it also further enacted and declared by the authority aforesaid, That your Majesty's Roman Catholick Subjects in the said Realm of Ireland, from the first day of this Session of Parliament, shall be, and be taken, deemed, and adjudged capable of all Offices of Trust and Advancement, Places, Degrees and Dignities, and Preferment whatsoever, within your said Realm of Ireland, any Acts, Statutes, Usage or Law to the contrary notwithstanding. And that other Acts shall be passed in the said Parliament, according to the tenor of such Agreement or Concessions, as herein are expressed; and that in the mean time the said Roman Catholick Subjects, and every of them, shall enjoy the full benefit, freedom and advantage of said Agreements and Concessions, and of every of them.

" V. It is accorded, granted and agreed by the said Earl, for and in the behalf of His Majesty, his Heirs and Successors, That his Excellency the Lord Marquess of Ormond, Lord Lieutenant of Ireland, or any other or others authorized or to be authorized by his Majesty, shall not disturb the Professors of the Roman Catholick Religion in their present possession and continuance of the possession of their said Churches, jurisdic-

tions, or any other the matters aforesaid in these Articles agreed and condescended unto by the said Earl, until his Majesty's pleasure be signified, for confirming and publishing the Grants and Agreements hereby articed for and condescended unto by the said Earl.

“ VI. And the said Earl of Glamorgan doth hereby engage His Majesty's Royal Word and Publick Faith unto all and singular the Professors of the said Roman Catholick Religion within the said Kingdom of Ireland, for the due observance and performance of all and every the Articles, Grants and Clauses therein contained, and the concessions herein mentioned to be performed to them.

“ VII. It is accorded and agreed, That the said Public Faith of the Kingdom shall be engaged unto the said Earl, by the said Commissioners of the said Confederate Catholicks, for sending ten thousand men to serve his Majesty, by order and publick Declaration of the General Assembly now sitting; And that the Supreme Council of the said Confederate Catholicks shall engage themselves to bring the said number of men armed, the one half with muskets, and the other half with pikes, unto any port within this Realm, at the election of the said Earl, and at such time as he shall appoint, to be by him shipped and transported to serve his Majesty in England, Wales, or Scotland, under the command of the said Earl of Glamorgan, as Lord General of the said Army, which army is to be kept together in one intire body; and all other the Officers and Commanders of the said Army are to be named by the Supreme Council of the said Confederate Catholicks, or by such others as the General Assembly of the said Confederate Catholicks of this Kingdom shall intrust therewith: In witness whereof the Parties to these Presents have hereunto interchangeably put their Hands and Seals, the 25th day of August, 1645.

“ GLAMORGAN.”

“ Signed, Sealed and Delivered
in the presence of

John Somerset.
Jeffery Baron.
Robert Barry.”

“ Articles of Agreement, made and concluded upon, by and between the Right Honourable Edward Earl of Glamorgan, and in pursuance, and by virtue of His Majesties Authority under his Signet and Royal Signature, bearing date at Oxford the Twelfth day of March in the Twentieth Year of His Reign, for and on the behalf of His Most Excellent Majesty of the one part, and the Right Honourable Richard Lord Viscount Mountgarret, Lord President of the Superior Council of the Confederate Catholicks of Ireland, Donnogh Lord Viscount Muskerry, Alex. Mc. Donnell and Nicholas Plunkett, Esquires, Sir Robert Talbot Baronet, Dermot O’Brien, John Dillon, Patrick Darcy and Jeffery Browne Esquires, for and on the behalf of His Majesties Roman Catholick Subjects, and the Catholick Clergy of Ireland, of the other part.

“ I. The said Earl doth grant, conclude and agree, on the behalf of His Majesty, his Heirs and Successors, to and with the said Richard Lord Viscount Mountgarret, Donnogh Lord Viscount Muskerry, Alexander Mac Donnell and Nicholas Plunket, Esquires, Sir Robert Talbot, Bart. Dermot O’Brien, John Dillon, Patrick Darcy, and Jeffery Brown, Esquires: That the Roman Catholick Clergy of the said Kingdom, shall and may from henceforth and for ever hold and enjoy all such Lands, Tenements, Tythes and Hereditaments whatsoever by them respectively enjoyed within this Kingdom, or by them possessed at any time since the three and twentieth of October, 1641. And all other such lands, tenements, tyths and hereditaments belonging to the Clergy within this Kingdom, other than such as are actually enjoyed by His Majesty’s Protestant Clergy.

II. It is granted, concluded and agreed on by the said Richard Lord Viscount Mountgarret, &c. on the behalf of the Confederate Roman Catholicks of Ireland, that two parts in three parts to be divided of all the said lands, tyths and hereditaments whatsoever, mentioned in the precedent Articles, shall for three years next ensuing the feast of Easter, which shall be in the year of our Lord God, 1646, be disposed of, and converted for and to the use of His Majesty’s forces, employed or to be employed in his service, and the other third part to the

use of the said Clergy respectively, and so the like disposition to be renewed from three years to three years, by the said Clergy, during the Wars.

“ III. It is accorded and agreed by the said Earl of Glamorgan, for and in the behalf of His Majesty, his Heirs and Successors, that his Excellency the Lord Marquess of Ormond, Lord Lieutenant of Ireland, or any other or others authorized or to be authorized by His Majesty, shall not disturb the Professors of the Roman Catholick Religion in their present possession of their Churches, lands, tenements, tyths, hereditaments, jurisdiction, or any other the matters aforesaid in these Articles, agreed and condescended unto by the said Earl, until His Majesty’s pleasure be signified for confirming and publishing the Grants herein articed for, and condescended unto by the said Earl.

“ IV. It is accorded, granted and agreed by the said Earl, for and in the behalf of His Majesty, his Heirs and Successors, that an Act shall be passed in the next Parliament to be held in this Kingdom, according to the tenour of such Agreements or Concessions as herein are expressed, and that in the mean time, the said Clergy shall enjoy the full benefit, freedom and advantage of the said Agreements and Concessions, and every of them.

“ And the said Earl of Glamorgan doth hereby engage His Majesty’s Royal Word and Public Faith unto the said Lord Viscount Mountgarret, and the rest of the said Commissioners, for the due observance and performance of all and every the Articles, Agreements and Concessions herein contained and mentioned, to be performed to the said Roman Catholick Clergy, and every of them. In Witness whereof the Parties to these Presents have hereunto interchangeably put their Hands and Seals, the 25th day of August, Anno Dom. 1645.

“ GLAMORGAN.”

“ Signed, Sealed and Delivered
in the Presence of

John Summerset.
Jeffery Barron.
Robert Barry.”

“ Whereas in these Articles touching the Clergy Livings, the Right Honourable the Earl of Glamorgan is obliged, in His Majesty’s behalf, to secure the Concessions in these Articles by Act of Parliament. We holding that manner of securing those Grants as to the Clergy Livings, to prove more difficult and prejudicial to His Majesty than by doing thereof and securing those Concessions otherwise, as to the said Livings, the said Earl undertaking and promising in the behalf of His Majesty, his Heirs and Successors, as hereby he doth under-

take to settle the said Concessions, and secure them to the Clergy, and their respective Successors, in another secure way, other than by Parliament, at present, till a fit opportunity be offered for securing the same, do agree and condescend thereunto. And this Instrument by his Lordship signed, was before the perfecting thereof intended to that purpose, as to the said Livings, to which purpose We have mutually signed this Endorsement. And it is further intended, that the Catholick Clergy shall not be interrupted by Parliament, or otherwise as to the said Livings, contrary to the meaning of these Articles.

GLAMORGAN.

“ I Edward Earl of Glamorgan do Protest and Swear Faithfully to acquaint the King's Most Excellent Majesty with the Proceedings of this Kingdom in Order to His Service, and to the endearment of this Nation, and punctual performance of what I have (as Authorized by His Majesty) obliged myself to see performed, and in default not to permit the Army intrusted into my Charge to adventure itself, or any considerable part thereof, until Conditions from His Majesty be performed.

GLAMORGAN.

“ The Defezance to the Earl of Glamorgan.”

“ Know all Men by these Presents, that whereas We the Right Honourable Richard Lord Viscount Mountgarret, Donnogh Lord Viscount Muskerry, Alexander Mac Donnel, Nicholas Plunket, Esquires; Sir Robert Talbot, Baronet, Dermot O'Brien, John Dillon, Patrick Darcy, and Jefferey Brown, Esquires; appointed by the Confederate Catholicks of Ireland, to treat and conclude with the Right Honourable Edward Earl of Glamorgan, for and in behalf of His Most Excellent Majesty, our dread Sovereign King Charles. And having treated and concluded with the said Earl of Glamorgan, as by the Articles of Agreement, to which we have interchangeably set our Hands and Seals, more at large appeareth; Yet it is to be understood that by the said Agreement the Right Honourable Edward Earl of Glamorgan doth no way intend to oblige His Excellent Majesty, other than he himself shall please, after he shall receive those ten thousand men, being a Pledge and Testimony of our Loyalty and Fidelity to his Majesty, yet the said Earl of Glamorgan, doth faithfully promise upon his Word and Honour, not to acquaint His Most Excellent Majesty with this Defezance until his Lordship hath endeavoured as far as in him lies, to induce His Majesty to the granting of the particulars in the said Articles of Agreement: but that done, according to the trust we repose in our very good Lord the Earl of Glamorgan, We the said Richard Lord Viscount Mountgarret, &c. and every of Us, for, and in behalf of the Confederate Catholicks of Ireland, who have intrusted Us, do discharge the

said Earl of Glamorgan, both in Honour and Conscience, of any further ingagement to Us herein, though his Majesty be pleased to grant the said particulars in the Articles of Agreement mentioned; and this we are induced to do by the particular Trust and Confidence, the said Earl of Glamorgan hath reposed in Us for the draught of the Act of Parliament inserted within the Articles of our Agreement, We assuring upon our Words and Honours, that it is the most moderate of Three, which we brought up for the Assent of his Excellency the Right Honourable the Lord Marquess of Ormond, Lord Lieutenant of Ireland, and without which we cannot be satisfied; and we are also induced hereunto, in regard the said Earl of Glamorgan hath given us Assurance upon his Word and Honour, and upon a voluntary Oath of his, that he would never to any person whatsoever, discover the Defezance in the interim, without our consents: And in confidence thereof, We have hereunto set our Hands and Seals the 25th day of August, Anno Dom. 1645.

“GLAMORGAN.”

“Signed, Sealed, and Delivered
in the Presence of the
Lord John Summerset,
(who knew nothing of the
contents thereof,) .

F. Oliver Darcy,
Peter Bath.”

No. 5.

(From the Inrollment of the Original in Rolls Office; and from Coxe's "*Hibernia Anglicana*," or History of Ireland.—App. XXIV. page 92.)

“*Articles of Peace made, concluded, accorded and agreed upon, by and between His Excellency James, Lord Marquess of Ormond, Lord Lieutenant General, and General Governor of His Majesties Kingdom of Ireland, for and on the behalf of His Most Excellent Majesty of the one part, and Richard Lord Viscount Mountgarret, Donogh Lord Viscount Muskerry, Sir Robert Talbot, Baronet, Dermot O'Bryen, Patrick Darcy, Geffery Brown, and John Dillon, Esquires, appointed and authorised for and in the behalf of his Majesties said Roman Catholick Subjects on the other part.*

“I.—IT is concluded, accorded, and agreed upon, by His Majesties said Commissioners, for and on the behalf of His Most Excellent Majesty, and the said Richard Lord Viscount Mountgarret, Donogh Lord Viscount Muskerry, Sir Robert

Talbot, Baronet, Dermot O'Bryen, Patrick Darcy, Geffery Brown, and John Dillon, Esquires, on the behalf of the said Roman Catholick Subjects; and His Majesty is graciously pleased, that it shall be provided by Act of Parliament to be passed in the next Parliament to be held in this Kingdom, That the Professors of the Roman Catholick Religion in the said Kingdom or any of them be not bound or obliged to take the Oath expressed in the Statute of *Secundo Eliz.* commonly called the *Oath of Supremacy*; and that the said Oath shall not be tendered unto them; and that the refusal of the said Oath shall not redound to the prejudice of them, or any of them, they taking the Oath of Allegiance in *hæc verba*.

I, A. B. do truly acknowledge, confess, testify, and declare in my conscience before God and the World, That our Sovereign Lord King Charles is Lawful and Rightful King of this Realm, and of other His Majesties Dominions and Countries; and I will bear Faith and true Allegiance to His Majesty, and his Heirs and Successors, and him and them will defend to the uttermost of my power against all Conspiracies and Attempts whatsoever, which shall be made against his or their Crown or Dignity, and do my best endeavour to disclose and make known unto his Majesty, His Heirs and Successors, or to the Lord Deputy, or other Governor for the time being, all Treasons or Trayterous Conspiracies, which I shall know or hear to be intended against his Majesty or any of them; and I do make this recognition and acknowledgment, heartily, willingly and truly, upon the true Faith of a Christian.—So help me God. So as by the same Act it be further Provided and Enacted, that if any Roman Catholick happen to be promoted, presented or advanced to any Ecclesiastical Promotion, Dignity or Benefice, according to the form now used in the Protestant Church of Ireland, that the freedom and exemption aforesaid shall not extend to any such Roman Catholick, or if any being a Protestant, be advanced, promoted or presented to any Ecclesiastical Benefice, Dignity or Promotion, shall afterwards happen to become a Roman Catholick, that the freedom and exemption aforesaid shall not so far extend to any such Roman Catholick, but that upon tender of the said Oath, and refusal thereof to be for that cause left subject to privation of the said Benefice, Dignity or Promotion, according to the said Statute; And it is further concluded, accorded and agreed, by and between the said Parties, that for all matters concerning the First Proposition of the said Catholicks. viz.: That all Acts made against the Professors of the Roman Catholick Faith, whereby any restraint, penalty, mulct, or incapacity may be laid upon any Roman Catholick within the Kingdom of Ireland, may be Repealed, and the said Catholicks to be allowed the freedom of the Roman Catholick Religion, That His Majesties said Roman Catholick Subjects, be referred to His Majesties Gracious Favour and further Concessions; And that no Clause in these Articles shall or may hinder His Majesties said Roman Catholick Sub-

jects, or any of them, from the benefit of His Majesties further Graces and Concessions; And that no use shall be made of the Papers past on this Treaty, or any of them concerning the First Proposition, which may in any sort hinder the said Roman Catholick Subjects, or any of them, from His Majesties further Concessions. And that His Majesties said Commissioner and other Chief Governor or Governors of this Kingdom for the time being, shall cause whatsoever shall be further directed by His Majesty, to be passed in Parliament, for and on the behalf of His said Roman Catholick Subjects, to be accordingly drawn into Bills, and transmitted according to the usual manner, to be afterwards passed as Acts in the said Parliament.

“II.—It is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is graciously pleased to call a New Parliament to be held in this Kingdom, on or before the last day of November next ensuing; and that all Matters agreed on by these Articles to be passed in Parliament, shall be transmitted into England, according to the usual form, to be passed in the said Parliament, and that the said Acts so to be agreed upon, and so to be passed, shall receive no alteration or diminution here or in England; Provided that nothing shall be concluded by both or either of the said Houses of Parliament, which may bring prejudice to any of His Majesties Protestant Party, or their Adherents, or to any of His Majesties Roman Catholick Subject's Party, or their Adherents, other than such things as upon this Treaty shall be concluded to be done, or such things as may be proper for the Committee of Priviledges of either or both Houses, to take cognizance of, as in such cases heretofore hath been accustomed, and such other things as shall be propounded to either or both Houses by the Lord Lieutenant, or other Chief Governour or Governours for the time being, during the said Parliament, for the advancement of His Majesties Service, and the Peace of the Kingdom, which Clause is to admit no construction which may trench upon these Articles, or any of them.

“III.—It is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is further graciously pleased, that all Acts, Ordinances and Orders made by both or either Houses of Parliament, to the blemish, dishonour, or prejudice of His Majesties Roman Catholick Subjects of this Kingdom, or any of them, since the Seventh of August, 1641, shall be vacated, and that the same, and all exemplifications, and other Acts, which may continue the memory of them, be made void by Act of Parliament.

“IV.—It is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is further graciously pleased; that all Indictments, Attainders, and Outlawries in this Kingdom, and all the Processes and other Proceedings thereupon; and all Letters Patents, Grants, Leases, Custodiams, Bonds, Recognizances, and all Records, Act or Acts, Office or Offices, Inquisitions, and all other things depending

upon, or taken by reason of the said Indictments, Attainders or Outlawries since the Seventh of August, 1641, in prejudice of the said Catholicks, their Heirs, Executors, Administrators and Assigns, or any of them, or the Widows of them or any of them, shall be vacated and made void in such sort, as no memory shall remain thereof, to the blemish, dishonour, or prejudice of the said Catholicks, their Heirs, Executors, Administrators or Assigns, or any of them, or the Widows of them, or any of them, and that to be done immediately after concluding of these Articles, and at furthest before the First day of October next; or in case the said New Parliament be called sooner than the last day of November, then Forty days before the said Parliament. And that all impediments which may hinder the said Roman Catholicks to Sit or Vote in the next intended Parliament, or to choose or to be chosen Knights and Burgesses to Sit or Vote there, shall be removed before the said Parliament, provided that no man shall be questioned by reason of this Article for Mesne Rates or Wastes, saving wilful Wastes, committed after the First of November, 1645.

“ V.—It is further concluded, accorded and agreed upon, by and between the said Parties; And His Majesty is graciously pleased that all Debts do stand in State as they were in the beginning of those troubles, and that no Grant or disposition made, or to be made thereof, by vertue or colour of any Attainder, Outlawry, Fugacy or other Forfeiture whatsoever, or otherwise, shall be of force, and this to be passed as an Act in the said next Parliament.

“ VI.—It is concluded, accorded and agreed, by and between the said Parties, and His Majesty is graciously pleased, that for the securing of the Estates or reputed Estates of the Lords, Knights, Gentlemen and Freeholders, or reputed Freeholders, as well of *Connaught*, and County of *Clare*, or Country of *Thomond*, as of the County of *Limerick* and *Tipperary*, the same to be secured by Act of Parliament according to the intent of the Five and Twentieth Article of the Graces, granted in the Fourth Year of His Majesties Reign, the Tenor whereof, for so much as concerneth the said Proposition, doth ensue in these words, viz.: *We are Graciously pleased, that for the securing of the Inhabitants of Connaught, and Country of Thomond, and County of Clare, that their several Estates shall be confirmed unto them and their Heirs, against Us, and our Heirs and Successors, by Act to be passed in the next Parliament to be holden in Ireland, to the end that the same may never hereafter be brought into any further question by Us, our Heirs and Successors; in which Act of Parliament so to be passed, you are to take care, that all Tenures in Capite, and all Rents and Services, as are now due, or which ought to be answered unto Us, out of the said Lands and Premises, and by any Letters Patents past thereof, since the First Year of King Henry the Eighth, or found by any Office taken from the said First Year of King Henry the Eighth, until the One and*

Twentieth July, 1615, whereby our late dear Father, or any His Predecessors actually received any Profit, by Wardship, Liveries, Primer Seisins, Mesne Rates, Ouster le Mains, or Fines of Alienations without Licence, be again reserved unto Us, our Heirs and Successors; And all the rest of the Premises to be holden of our Castle of Athloane, by Knights Service, according to our said late Father's Letters, notwithstanding any Tenures in Capite found for Us by Office since the One and Twentieth of July, 1615, and not appearing in any such Letters Patents, or Offices, within which rule it is His Majesties pleasure, and it is so concluded and agreed, that the said Lands in the Counties of Limerick and Tipperary be included, but to be held by such Rents and Tenures only as they were in the Fourth Year of His Majesties Reign: Provided always, and it is the intention of the said Parties to these Presents, that the said Lords, Knights, Gentlemen and Freeholders, or reputed Freeholders of the said Province of *Connaught*, County of Clare, and Country of Thomond, and Counties of Tipperary and Limerick, shall have and enjoy the full benefit of such Composition and Agreement, which shall be made with His Most Excellent Majesty for the Court of Wards, Tenures, Respites, and Issues of Homage, any Clause in this Article contained to the contrary notwithstanding. And as for the Lands within the Counties of Kilkenny and Wickloe, unto which His Majesty was intituled by Offices taken or found in the time of the Earl of Strafford's Government in this Kingdom; His Majesty is graciously pleased, that the state thereof shall be considered in the next intended Parliament, wherein His Majesty will assent unto that which shall be just and honourable. And it is further concluded and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that the like Act of Limitation of His Majesties Titles for the security of the Estates of His Subjects of this Kingdom, be passed in the said Parliament, as was Enacted in the One and Twentieth Year of His late Majesty King James His Reign in England.

“VII.—It is further concluded accorded and agreed upon, by and between the said Parties, and His Majesty is further graciously pleased, that all incapacities imposed upon the Natives of this Kingdom, or any of them as Natives, by any Act of Parliament, Provisoes in Patents, or otherwise, be taken away by Act to be passed in the said Parliament; and that they may be enabled to erect one or more Inns of Court, in or near the City of Dublin, and that such Students, Natives of this Kingdom, as shall be therein, may take and receive the usual Degrees accustomed in any Inns of Court, they taking the Oath already mentioned: And that they may erect one or more Universities to be governed by such Rules and Orders as His Majesty shall appoint. And it is further concluded and agreed, by and between the said Parties, and His Majesty is graciously pleased, that the said Roman Catholick Subjects may erect and keep Free Schools, for Education of Youth in this Kingdom, any Law or

Statute to the contrary notwithstanding ; all the Matters of this Article to be passed as Acts of Parliament in the said next Parliament.

“VIII.—It is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is graciously pleased That Places of Command, Honour, Profit and Trust in His Majesties Armies in this Kingdom shall be upon perfection of these Articles actually, and by particular instances conferred upon His Roman Catholick Subjects of this Kingdom ; and that upon the distribution, conferring and disposal of the Places of Command, Honour, Profit and Trust in His Majesties Armies in this Kingdom, for the future no difference shall be made between the said Roman Catholicks and other His Majesties Subjects ; but that such distribution shall be made with equal indifferency, according to their respective Merits and Abilities : And that all His Majesties Subjects of this Kingdom, as well Roman Catholics as others, shall for His Majesties Service, and their own security, arm themselves the best they may, wherein they shall have all fitting encouragement. And that Places of Command Honour, Profit and Trust in Civil Government in this Kingdom, shall be upon passing of the Bills, in these Articles mentioned, in the next Parliament actually and by particular instances conferred upon His Majesties Roman Catholick Subjects of this Kingdom ; and that in the distribution, conferring, and disposal of the Places of Command, Honour, Profit and Trust, in the Civil Government, for the future no difference shall be made between the said Roman Catholicks and others His Majesties subjects, but that such distribution shall be made with equal indifferency, according to their respective Merits and Abilities, and that in the distribution of Ministerial Offices, or Places which now are, or hereafter shall be void in this Kingdom, equality shall be used to the Roman Catholick Natives of this Kingdom, as to other His Majesties Subjects. That the Command of Forts, Castles, Garrisons, Towns, and other Places of Importance in this Kingdom, shall be conferred upon His Majesties Roman Catholick Subjects of this Kingdom upon perfection of these Articles, actually and by particular instances ; and that in the distribution, conferring and disposal of the Forts, Castles, Garrisons, Towns, and other Places of Importance in this Kingdom. no difference shall be made between His Majesties Roman Catholick Subjects of this Kingdom, and other His Majesties Subjects, but that such distribution shall be made with equal indifferency, according to their respective Merits and Abilities.

“IX.—It is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is further graciously pleased, that His Majesty will accept of the Yearly Rent or Annual Sum of Twelve Thousand Pounds Sterling, to be applotted with indifferency and equality, and consented to be paid to His Majesty, His Heirs and Successors in Par-

liament, for and in lieu of the Court of Wards in this Kingdom, *Tenures in Capite, common Knights Service*, and all other Tenures within the Cognizance of that Court; and for and in lieu of all Wardships, primer Seisins, Fines, Ousterle-mains, Liveries, Intrusions, Alienations, Mesne Rates, Reliefs and all other Profits, within the Cognizance of the said Court, or Incident to the said Tenures or any of them, or Fines to accrew to His Majesty, by reason of the said Tenures or any of them, and for, and in lieu of Respites and Issues of Homage, and Fines of the same; And the said Yearly Rent being so ap-
 plotted and consented unto in Parliament, as aforesaid; then a Bill is to be agreed on in the said Parliament, to be passed as an Act, for the securing of the said Yearly Rent, or Annual Sum of Twelve Thousand Pounds, to be applotted as aforesaid, and for the extinction and taking away the said Court, and other mat-
 ters aforesaid in this Article contained: And it is further agreed, that reasonable compositions shall be accepted for Wardships fallen since the 23d of October, 1641, and already granted: And that no Wardship fallen, or not granted, or that shall fall, shall be past, until the success of this Article shall appear: And if his Majesty be secured as aforesaid, then all Wardships fallen since the said 23d of October, are to be in-
 cluded in the Agreement aforesaid, upon composition to be made with such as have grants as aforesaid, which composition to be made with the Grantees since the time aforesaid, is to be left to indifferent persons, and the umpirage to the said Lord Lieutenant, His Majesties Commissioner.

“ X. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that no Nobleman or Peer of this Realm, in Parlia-
 ment, shall be hereafter capable of more proxies than two, and that blank proxies shall be hereafter totally disallowed, and that if such Noblemen or Peers of this Realm as have no estates in this Kingdom do not within five years, to begin from the conclusion of these Articles, purchase in this Kingdom as followeth, viz. a Lord Baron, two hundred Pounds per annum — a Lord Viscount, four hundred pounds per annum, and an Earl, six hundred pounds sterling per annum, shall lose their votes in Parliament, until such time as they shall afterwards acquire such estates respectively. And it is further agreed, that none be admitted into the House of Commons but such as shall be estated, and resident within this Kingdom.

“ XI. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that as for and concerning the independency of the Parliament of Ireland on the Parliament of England, His Majesty will leave both Houses of Parliament in this Kingdom to make such Declarations therein as shall be agreeable to the Laws of the Kingdom of Ireland.

“ XII. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is further graciously

pleased, that the Council Table shall contain itself within its proper bounds in handling matters of State and Weight fit for that place, amongst which the Patents of Plantation, and the Offices whereupon those Grants are founded, are to be handled as matters of State, and be heard and determined by the Lord Lieutenant, or other Chief Governor or Governors for the time being, and the Council, publickly at the Council Board, and not otherwise; but titles between party and party, grown after these Patents granted, are to be left to the ordinary course of law; and that the Council Table do not hereafter intermeddle with common business that is within the cognizance of the ordinary Courts, nor with the altering of possessions of lands, nor make, nor use private orders, hearings, or references, concerning any such matter, nor grant any injunction or order for stay of any suits in any civil cause, and that parties grieved, for or by reason of any proceedings formerly had there may commence their suits and prosecute the same, in any of His Majesties Courts of Justice or Equity, for remedy of their pretended rights, without any restraint or interruption from His Majesty, or otherwise by the Chief Governor or Governors and Council of this Kingdom.

“ XIII. It is further concluded, granted and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that as for and concerning one Statute made in this Kingdom in the eleventh year of the Reign of Queen Elizabeth, intituled *An Act for staying of Wooll, Flocks, Tallow*, and other necessaries within this Realm—and one other Statute made in the said Kingdom in the twelfth year of the said Queen, intituled *An Act* and one other Statute made in the said Kingdom, in the thirteenth year of the Reign of the said late Queen, intituled *An explanation of the Act made in a Session of this Parliament for staying of Wooll, Flocks, Tallow, and other Wares and Commodities mentioned in the said Act, and certain Articles added to the same Act, all concerning Staple or Native Commodities of this Kingdom, shall be repealed, excepting for Wooll and Wooll Fells, and that such indifferent persons as shall be agreed on by the said Lord Lieutenant, and the said Lord Viscount Mountgarret, &c. or any five or more of them shall be authorized by Commission under the Great Seal, to moderate and ascertain the rates of Merchandize to be exported or imported out of, or into this Kingdom, as they shall think fit.*

“ XIV. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that care be had that the Chief Governor or Governors of this Kingdom for the time being, shall not continue in those places longer than he shall find for the good of his people here, and that they shall be inhibited to make any purchase other than by lease for provision of their Houses, during the time of their Government.

XV. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that an Act of Oblivion shall be passed in the next Parliament to extend unto all His Majesty's Subjects of this Kingdom, and their adherents, of all treasons and offences, capital, criminal and personal, and other offences of what nature, kind or quality soever, in such manner, as if such treasons or offences had never been committed, perpetrated, or done; that the said Act do extend to the Heirs, Children, Kindred, Executors, Administrators, Wives, Widows, Dowagers and Assigns, of such of the said Subjects, and their adherents, who died on or since the 23d of October, 1641. That the said Act do relate to the first day of the next Parliament—That the said Act do extend to all Bodies Politick and Corporate, and their respective Successors, and unto all Cities, Burroughs, Counties, Baronies, Hundreds, Towns, Villages, Tythings, and every of them within this Kingdom, for and concerning all and every of the said offences, or any other offence or offences, in them, or any of them committed or done, by his Majesty's said Subjects, or their adherents, or any of them, in or since the 23d of October, 1641. That this Act shall extend to Piracies, and all other offences, committed upon the Sea by his Majesty's said subjects, or their adherents, or any of them: That in this Act of Oblivion, words of release, acquittal, and discharge be inserted: That no person or persons, Bodies Politick or Corporate, Counties, Cities, Burroughs, Baronies, Hundreds, Towns, Villages, Tythings, or any of them within this Kingdom, included within the said Act, be troubled, impeached, sued, inquieted, or molested, for or by reason of any offence, matter or thing whatsoever, comprized within the said Act, and the said Act shall extend to all Rents, Goods and Chattels, taken, detained, or grown due, to the Subjects of the one side to the other, since the 23d of October, 1641, to the date of these Articles; and also to all Customs, Rents. Arrears of Rents, Prizes, Recognizances, Bonds, Fines, Forfeitures, Penalties, and to all other Profits, Perquisites and Dues, which were due, or did, or should accrue to His Majesty, on, before, or since the 23d of October, 1641, until the perfection of these Articles, and likewise to all Mesne Rates, Fines, of what nature soever, Recognizances, Judgments, Executions thereupon, and Penalties whatsoever, and to all other Profits due to his Majesty since the said 23d of October, and before, until this present, for, by reason, or which lay within the survey or cognizance of the Court of Wards; and also to all Respits, Issues of Homage, and Fines for the same; provided this shall not extend to discharge or remit any of the King's Debts or Subsidies, due before the said 23d of October, 1641, which were then or before levied, or taken by Sheriffs, Commissioners, Receivers, or Collectors, and not then, or before accounted for, or since disposed to publick use of the said Roman Catholick Subjects, but that

such persons may be brought to account for the same, after full settlement in Parliament, and not before, provided that such barbarous and inhuman crimes, as shall be particularized and agreed upon, by the said Lord Lieutenant and the Lord Viscount Montgarret, &c. or any five or more of them, as to the actors and procurers thereof, be left to be tried and adjudged by such indifferent Commissioners as shall be agreed upon by the said Lord Lieutenant, and the said Lord Viscount Mountgarret, &c. or any five or more of them; and that the power of the said Commissioners shall continue only for two years next ensuing the date of these present Articles; provided also that the Commissioners to be agreed on for tryal of the said particular crimes to be excepted, shall hear, order and determine all cases of trust, where relief may or ought in Equity to be afforded, against all manner of persons, according to the Equity and circumstances of every such case: And His Majesty's Chief Governor or Governors and other Governors and Magistrates for the time being, and all His Majesty's Courts of Justice, and other His Majesty's Officers of what condition or quality soever, be bound and required to take notice of and pursue the said Act of Oblivion, without pleading or suit to be made for the same: And that no Clerk or other Officers do make out, or write out any manner of Writs, Processes, Summons, or other Precept, for, concerning, or by reason of any matter, cause, or thing whatsoever, released, forgiven, discharged, or to be forgiven by the said Act, under pain of Twenty Pound sterling; And that no Sheriff or other Officers do execute any such Writ, Process, Summons, or Precept; and that no Record, Writing, or Memory do remain of any offence or offences released, or forgiven, or mentioned to be forgiven by this Act; and that all other causes usually inserted in Acts of General Pardon or Oblivion, enlarging His Majesty's Grace and Mercy, not herein particularized, be inserted and comprized in the said Act, when the Bill shall be drawn up, with the exceptions already expressed, and none other; provided always that the said Act of Oblivion, shall not extend unto any Treason, Felony, or other offence or offences, which shall be committed or done from or after the date of these Articles until the first day of the before mentioned next Parliament to be held in this Kingdom; provided also, that any Act or Acts which shall be done by vertue, pretence, or in persuance of these Articles, or any of them after the Publication of the said Articles, or any Act or Acts, which shall be done by vertue, colour, or pretence of the power or authority used, or exercised, by and amongst the Confederate Roman Catholicks after the date of these Articles, and before the said publication, shall not be accounted, taken, construed, or be treason, felony, or other offence, to be excepted out of the said Act of Oblivion; provided likewise that the said Act of Oblivion shall not extend unto any person or persons, that will not obey and submit unto the Peace concluded, and agreed on by these Articles.

“XVI. It is further concluded, accorded and agreed, by and between the said Parties, and his Majesty is further graciously pleased, that an Act be passed in the next Parliament, prohibiting that neither the Lord Deputy, or other Chief Governor or Governors, Lord Chancellor, Lord High Treasurer, Vice Treasurer, Chancellor, or any of the Barons of the Exchequer, Privy Council, or Judges of the Four Courts, be Farmours of His Majesty’s Customs within this Kingdom.

“XVII. It is further concluded, accorded and agreed by and between the said Parties, and His Majesty is further graciously pleased, that an Act of Parliament pass in this Kingdom against Monopolies, such as was enacted in England, 21. *Jacobi Regis*, with a further clause of repealing all Grants of Monopolies in this Kingdom, and that Commissioners be agreed upon by the said Lord Lieutenant, and the Lord Viscount Mountgarret, &c. or any five or more of them, to set down the Rates for the Custom, or imposition to be laid on Aquavitæ, Wine, Oyl, Yarn, and Tobacco.

“XVIII. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that such Persons as shall be agreed on by the said Lord Lieutenant, and the said Lord Viscount Mountgarret, &c. or any five or more of them, shall be upon conclusion of these Articles, authorized by Commision under the Great Seal, to regulate the Court of Castle Chamber, and such Causes as shall be brought into, and censured in the said Court.

“XIX. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that two Acts lately passed in this Kingdom, prohibiting the Plowing with Horses by the Tail, and the other prohibiting the Burning of Oats in the Straw, be repealed.

“XX. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that upon perfection of these Articles, such course shall be taken against such who have disobeyed the Cessation, and will not submit to the Peace, if any shall oppose it, as shall be just, and for the Peace of the Kingdom.

“XXI. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is further graciously pleased, forasmuch as upon application of Agents from this Kingdom unto His Majesty, in the fourth year of his Reign, and lately upou humble suit made unto His Majesty by a Committee of both Houses of the Parliament of this Kingdom, order was given by His Majesty for redress of several Grievances, and for so many of those as are not expressed in these Articles, whereof both Houses in the next ensuing Parliament, shall

desire the benefit of His Majesty's said former directions for redresses therein, that the same be afforded them, yet so, as for prevention of inconveniencies to His Majesties Service, that the Warning mentioned the 21st Article of the Graces, in the fourth year of His Majesty's Reign, be so understood, that the Warning being left at the persons dwelling houses, be held sufficient Warning, and that as to the 22d Article of the said Graces, the process hitherto used in the Court of Wards do still continue, as hitherto it hath done in that, and hath been used in other English Courts; but the Court of Wards being compounded for, so much of the aforesaid answer as concerns Warning, and Process, shall be omitted.

“ XXII. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that Maritime Causes may be determined in this Kingdom, without driving of Merchants or others to appeal and seek justice elsewhere; and if it shall fall out that there be cause of an appeal, the party aggrieved is to appeal to His Majesty in the Chancery of Ireland, and the sentence thereupon to be given by the Delegates to be definitive, and not to be questioned upon any further appeal, except it be in the Parliament of this Kingdom, if the Parliament shall then be sitting, otherwise not; this to be by Act of Parliament.

“ XXIII. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty, out of his abundant grace and goodness to his Subjects of this Kingdom, is graciously pleased to assent, that his said Subjects be eased of the increase of Rents lately raised on them upon the Commission of Defective Titles, in the Earl of Strafford's Government; this to be by Act of Parliament.

“ XXIV. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is further graciously pleased that by Act to be passed in the next Parliament, all the Arrears of Interest of Money which did accrew or grow due by way of Debt, Mortgage, or otherwise, and yet not satisfied, since the 23d of October, 1641, until the perfection of these Articles, shall be fully forgiven and released: And that for and during the space of three years next ensuing, no more shall be taken for use or interest of money, than Five Pounds *per cent.* and in all cases of Equity arising through disability, occasioned by the distempers of those times, the considerations of Equity to be alike unto both parties.

“ XXV. It is concluded, accorded and agreed, by and between the said Parties, and His Majesty is graciously pleased, that the said Richard Lord Viscount Mountgarret, &c. shall be immediately, upon conclusion of these Articles, authorized by Act of State to proceed in, hear, determine and execute, within the Cities, Corporate Towns, Counties, and parts of

Counties, now, or late, within the quarters of the said Confederate Catholicks, the ensuing particulars, and all matters thereupon depending, and that the said Act of State, and other the authorities hereafter mentioned shall remain of force, without revocation, alteration, or diminution, until Acts of Parliament be passed, according to the purport and intent of these present Articles; only in case of death of any of the said persons so to be authorized, the Lord Lieutenant, or other Chief Governor or Governors of this Kingdom for the time being, shall by the advice and consent of the person so to be authorized, then living, or any five or more of them, name others in the place of such who shall be so dead, and the persons so to be named, to be authorized as the former, and that the persons to be authorized as aforesaid, or any five or more of them, be permitted without interruption to applot, raise, and levy means with indifferency and equality, upon all His Majesty's Roman Catholick Subjects of this Kingdom, for the raising, clothing, and bringing to sea ports, and maintaining there, until they be shipped, Ten Thousand Men, promised by the Confederate Catholicks of this Kingdom to assist His Majesty, and to levy the arrears of all Excises, and other Publick Taxes already imposed by them, and yet unpaid; and to call all Receivers and other Accomptants of all former Taxes and Publick Dues, to a just and strict accompt, either by themselves, or such as they, or any five or more of them shall name and appoint: And that the said persons to be authorized as aforesaid, or any five or more of them, shall have power to applot, raise and levy means, with indifferency and equality, by way of Excises, or otherwise, in the several Cities, Corporate Towns, Counties, and parts of Counties now within the quarters of the said Confederate Catholicks, towards the maintenance of such Army or Armies as shall be thought fit to continue, and be in pay, for the defence of the Kingdom, and towards the maintenance of all the Forts, Castles, and Garrisons within both, or either, of the now quarters of either party, other than such of the said Garrisons, Forts and Castles, as from time to time, until there be a settlement in Parliament, shall be thought fit by His Majesty's Chief Governor or Governors of this Kingdom for the time being, by and with the advice and consent of the said persons so to be authorized, or any five or more of them, not to be maintained at the charge of the Publick, provided that His Majesties Lieutenant, or other Chief Governors for the time being, be first made acquainted with such taxes, levies and excises as shall be made, and the manner of levying thereof, and that he approve the same, and that the persons to be authorized as aforesaid, or any five or more of them shall be athesized to appoint Receivers, Collectors, and all other officers, for such monies as shall be so assessed, and for the arrears of all former applotments, taxes, and other publick dues yet unpaid; and that the persons so to be authorized, or any five or more of them, in case of refrag-

toriness or delinquency, may distraint and imprison, and cause such delinquents to be distrained or imprisoned, and that the profits of the estates, within the now quarters of the Confederate Catholicks, of such as shall adhere to the Parliament, and not submit to the Peace, be accompted as publick dues, and be converted to the maintenance of the King's Army, and that the said Persons to be authorized as aforesaid, or any five or more of them, shall have power to Applot, Raise, and Levy Means with indifferency and equality, for the buying of Arms and Ammunition, and for entertaining of Frigats, in such proportion and manner as shall be thought fit by his Majesties Lieutenant, or other Chief Governor or Governors, for the time being, by and with the advice and consent of the said Richard Lord Viscount Mountgarret, &c. or any five or more of them; the said Arms and Ammunition, to be laid up in such Magazines, and under the charge of such Persons as shall be agreed, by the said Lord Lieutenant, and the said Persons to be authorised as aforesaid, or any five or more of them, and to be issued; and the said Frigats to be employed by the Lord Lieutenant, or other Chief Governor or Governors for the time being, for the safety of the Kingdom, by the advice and consent of Richard Lord Viscount Mountgarret, &c. or any five or more of them; and that the said persons so to be authorized as aforesaid, or any five or more of them, shall have power to Applot, Raise and Levy Means with indifferency and equality, by way of Excises, or otherwise, in the several Cities, Corporate Towns, Counties and parts of Counties now within the quarters, and upon the estates of the said Confederate Catholicks, all such sum and sums as shall appear unto the said Persons, to be authorised as aforesaid, or any five or more of them, to be really due, for and in discharge of the publick ingagements of the said Confederate Catholicks incurred or grown due before the conclusion of these Articles, and that the said Persons to be authorised as aforesaid, or any five or more of them, shall have power to Applot, Raise and Levy Means with indifferency and equality by way of Excise, or otherwise, in the several Cities, Corporate Towns, Counties and parts of Counties now within the quarters of the said Confederate Catholicks, as well for the Persons to be authorised as aforesaid, and also for such other Person and Persons as shall be employed in publick affairs, within the several Cities, Corporate Towns, Counties and parts of Counties within the now quarters of the said Confederate Catholicks, from time to time, until a settlement by Parliament; and that the said Persons to be authorised as aforesaid, or any five or more of them, make perfect books of all such monies as shall be apploted, raised and levied; out of which books, they are to make several and respective abstracts, to be delivered unto their hands, or the hands, of any five or more of them, to the several and respective Collectors, who shall be appointed to levy and receive the same; and that a duplicate of the said books, under the hands of the said persons to be authorised as aforesaid, be delivered unto his Majesties Lieutenant or other Chief Governor

or Governors for the time being, whereby a perfect accompt might be given.

“ XXVI. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is graciously pleased, that for the preservation of the Peace, and tranquility of the Kingdom, that the said Lord Lieutenant, and the said Lord Viscount Mountgarret, &c. or any five or more of them, shall for the present, agree upon such persons who are to be authorized by Commission under the Great Seal, to be Commissioners of the Peace, Oyer and Terminer, and Goal Delivery. in the several Counties, and parts of Counties, within the now quarters of the Confederate Catholicicks, with such power as Justices of the Peace, Oyer and Terminer, and Goal Delivery, in former times of Peace, have usually had : which is not to extend unto any crime or offence, committed before the fifteenth of September, 1643. And to be qualified with power to hear and determine all civil causes coming before them not exceeding ten pounds ; provided that they shall not intermeddle with titles of lands ; provided likewise, the authority of such Commissioners shall not extend to question any person or persons, for any cattle or goods, heretofore taken by either Party, from the other, contrary to the Articles of Cessation, but that the same shall be left to be determined in such way as by these Articles is already prescribed, which Commissioners are to continue till settlement by Parliament *Si tam diu se bene gesserint* ; and if any who shall be so intrusted, shall misbehave himself in the execution of such trust within that time, that then such other person or persons shall be appointed in his or their place, as shall be agreed on by his Majesties Chief Governor or Governors for the time being, by the advice and consent of the said persons so to be intrusted, or any five or more of them, and the said Commissioners are to make their Estreats as accustomed in time of Peace, and shall take the ensuing Oath, viz. *You shall Swear, that as Justice of the Peace, Oyer and Terminer, and Goal Delivery, in the Counties of A. B. C. in all Articles of the King's Commission to you directed, you shall do equal right to the Poor and to the Rich, after your cunning, wit and power, and after the Laws and Customs of the Realm, and in pursuance of these Articles ; and you shall not be of Council of any quarrel hanging before you ; and the Issues, Fines and Amerciaments which shall happen to be made, and all Forfeitures which shall happen before you, you shall cause to be entered without any concealment, or imbezbling, and truly send to the King's Exchequer. You shall not lei for gift, or other cause, but well and truly you shall do your Office of Justice of the Peace, Oyer and Terminer, and Goal Delivery in that behalf, and that you take nothing for your Office of Justice of Peace, Oyer and Terminer, and Goal Delivery to be done, but of the King, and Fees accustomed. And you shall not direct or cause to be directed, any Warrant by you to be made to the Parties, but you shall direct them to the Sheriffs and Bay-*

liffs of the said Counties respectively, or other the King's Officers or Ministers, or other indifferent persons to do execution thereof. So help you God. And that as well in the said Commission, as in all other Commissions and Authorities to be issued in pursuance of these present Articles, this clause shall be inserted, viz. That all Officers, Civil and Marshall, shall be required to be aiding and assisting, and obedient unto the said Commissioners, and other persons to be authorised as above said in the execution of their respective powers.

“ XXVII. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that none of the now Roman Catholick party shall from henceforth, until there be a settlement by Parliament, sue, implead, or arrest, or be sued, impleaded, or arrested in any Court, place, judicature, or tribunal, or before any Judge, Justice, or Commissioner whatsoever, other than before the Commissioners aforesaid, or in the severel Corporations, or other Judicatures, within the now quarters of the said Confederate, Catholicks, as hath or have power derived from His Majesty.

“ XXVIII. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that His Majesties Confederate Catholick Subjects do continue the possession of such of His Majesties Cities, Garrisons, Towns, Forts and Castles, which are within their now quarters, until settlement by Parliament, and to be commanded, ruled and governed in chief, by such as his Majesty, or his Chief Governor or Governors of this Kingdom for the time being shall appoint; and His Majesty, his Chief Governor or Governors of this Kingdom as aforesaid, is to issue Commissions and appoint such person and persons as shall be named by his Majesties Chief Governor or Governors for the time being, by and with the advice and consent of the said Lord Viscount Mountgarret, &c. or any five or more of them, for the execution of such command, rule, or government, to continue until all the particulars in these present Articles agreed on to pass in Parliament, shall be accordingly passed; only in case of death, or misbehaviour, such other person or persons to be appointed for the said command, rule and government, to be named and appointed in the place, or places, of him, or them, who shall so die or misbehave themselves, as the Chief Governor or Governors for the time being, by the advice and consent of the said Lord Viscount Mountgarret, and the rest of the above mentioned parties to be authorized as aforesaid, or any five or more of them shall think fit, and to be continued until settlement in Parliament, as aforesaid.

“ XXIX. It is further concluded, accorded and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that all Customs belonging to His Majesty,

which from the perfection of these present Articles, shall fall due within this Kingdom, shall be payed into His Majesties Receipt, and to his use, any request, clause, or demand, in the Act of Oblivion, or in any other former propositions to the contrary notwithstanding; provided that all and every person and persons, who are at the present intrusted within the now quarters of the Confederate Catholicks by them the said Confederate Catholicks in the entries, receipts, collections, or otherwise concerning the said Customs, do continue their respective employments in the same, until full settlement in Parliament; other than as to such, and so many of them, as to the Chief Governor or Governors for the time being, by the advice and consent of the said Lord Viscount Mountgarret, and the other persons to be authorised as aforesaid, or any five or more of them, shall be thought fit to be altered: And then in such case, or in case of death or misbehaviour, or other alteration of any such person or persons, such other person or persons to be employed as shall be thought fit by the Chief Governor or Governors for the time being, by and with the advice and consent of the said Lord Viscount Mounegarret, and the rest of the persons, to be authorised as aforesaid, or any five or more of them; and as to His Majesties Rents to grow due at Easter next, and from thenceforth, the same to be payable unto His Majesty, notwithstanding any thing contained in the Article of the Act of Oblivion, or in any other Article to the contrary; but the same not to be written for, or levied, until a full settlement in Parliament, as aforesaid.

“ XXX. It is further concluded, accorded, and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that the Commissioners of Oyer and Terminer and Goal Delivery, to be named as aforesaid, shall have power to hear and determine all Murthers, Manslaughters, Rapes, Stealths, Burning of Houses, and Corn in Reek, or Stacks, Robberies, Burglaries, Forceable Entries, Detainers of Possessions, and other Offences, committed, or done, and to be committed and done from the 15th of September, 1643, until the first day of the next Parliament: These present Articles, or any thing therein contained to the contrary notwithstanding; provided that the authority of the said Commissioners shall not extend to question any person or persons, for doing or committing any act whatsoever before the conclusion of this Treaty, by vertue or colour of any warrant or direction from those in publick authority among the Confederate Catholicks; nor unto any act which shall be done after the perfecting and concluding of these Articles, by vertue or pretence of any authority, which is now by these Articles agreed on; provided also the said Commission shall not continue longer than to the first day of the next Parliament. In witness whereof his Excellency the Marques of Ormond, Lord Lieutenant of Ireland, His

Majesties Commissioner to that part of these Articles remaining with the said Richard Lord Viscount Mountgarret, &c. and the said Lord Viscount Mountgarret, &c. to that part of these Articles remaining with the said Lord Lieutenant, have put there Hands and Seals, at *Dublin*, this 28th day of March, 1646, and in the Two and Twentieth year of the Reign of our Sovereign, King *Charles*, King of Great *Britain*, *France*, and *Ireland*, &c.

No. 6.

Articles of Peace, made, concluded, accorded and agreed upon, by and between his Excellency James Lord Marquess of Ormonde, Lord Lieutenant General, and General Governor of His Majesty's Kingdom of Ireland, for and on the behalf of His Most Excellent Majesty, by vertue of the Authority wherewith the said Lord Lieutenant is intrusted on the one part; And the General Assembly of the Roman Catholicks of the said Kingdom, for and on the beha'f of His Majesty's Roman Catholic Subjects of the same, on the other part.

(From Coxe's *Hibernia Anglicana*; or, History of Ireland, Appendix XLIII, Page 148. Folio Edit. London, 1692.)

His Majesty's Roman Catholic Subjects, as thereunto bound by Allegiance, duty and nature, do most humbly and freely acknowledge and recognize their Sovereign Lord King Charles to be lawful and undoubted King of this Kingdom of Ireland, and other his Highnesses Realms and Dominions, and his Majesty's said Roman Catholic Subjects, apprehending, with a deep sense, the sad condition whereunto his Majesty is reduced. As a further testimony of their loyalty do declare, that they and their posterity for ever, to the utmost of their power, even to the expence of their blood and fortunes, will maintain and uphold his Majesty, his lawful Heirs and Successors, their Rights, Prerogatives, Government and Authority, and thereunto freely and heartily will render all due obedience.

Of which faithful and loyal recognition and declaration so seasonably made by the said Roman Catholicks; His Majesty is graciously pleased to accept, and accordingly to own them his loyal and dutiful Subjects; And is further graciously pleased to extend unto them the following Graces and Securities.

“I. *Imprimis*. It is concluded, accorded, and agreed upon, by and between the said Lord Lieutenant, for and on the behalf of His Most Excellent Majesty, and the said General Assembly, for and on the behalf of the said Roman Catholick Subjects, and His Majesty is graciously pleased, that it shall be enacted

by Act to be passed in the next Parliament to be held in this Kingdom, that all and every the Professors of the Roman Catholick Religion within the said Kingdom, shall be free and exempt from all mulcts, penalties, restraints and inhibitions that are or may be imposed upon them by any law, statute, usage or custom whatsoever, for or concerning the free exercise of the Roman Catholick Religion: And that it shall be likewise enacted, that the said Roman Catholicks, or any of them shall not be questioned or molested in their persons, goods or estates, for any matter or cause whatsoever, for, concerning, or by reason of the free exercise of their Religion, by vertue of any power, authority, statute, law or usage whatsoever: And that it shall be further enacted, that no Roman Catholick in this Kingdom shall be compelled to exercise any Religion, Form of Devotion, or Divine Service, other than such as shall be agreeable to their Conscience, and that they shall not be prejudiced or molested in their persons, goods, or estates, for not observing, using, or hearing the Book of Common Prayer, or any other Form of Devotion, or Divine Service, by vertue of any colour or statute made in the second year of Queen Elizabeth, or by vertue or colour of any other law, declaration of law, statute, custom, or usage whatsoever, made or declared, or to be made or declared: And that it shall be further enacted, that the Professors of the Roman Catholick Religion, or any of them be not bound or obliged to take the Oath, commonly called the Oath of *Supremacy*, expressed in the Stat. of 2 El. c. 1. or in any Statute or Statutes: And that the said Oath shall not be tendered unto them, and that the refusal of the said Oath shall not redound to the prejudice of them, or any of them, they taking the Oath of Allegiance, *in hæc verba*, viz. *I, A. B. do hereby acknowledge, profess, testifie, and declare in my conscience before God and the World, That our Sovereign Lord King Charles is Lawful and Rightful King of this Realm, and of other His Majesties Dominions and Countries; and I will bear Faith and true Allegiance to His Majesty, and his Heirs and Successors, and him and them will defend to the uttermost of my power against all Conspiracies and Attempts whatsoever, which shall be made against his or their Crown and Dignity, and do my best endeavour to disclose and make known to his Majesty, His Heirs and Successors, or to the Lord Deputy, or other His Majesties Chief Governor or Governors for the time being, all Treason or Trayterous Conspiracies, which I shall know or hear to be intended against his Majesty or any of them: And I do make this recognition and acknowledgment, heartily, willingly and truly, upon the true Faith of a Christian.—So help me God.—*Nevertheless the said Lord Lieutenant doth not hereby intend that any thing in these Concessions contained, shall extend, or be construed to extend to the granting of Churches, Church-Livings, or the exercise of jurisdiction, the authority of the said Lord Lieutenant not extending so far; yet the said Lord Lieutenant is authorized to give the said Roman Catholicks full assurance as hereby the said

Lord Lieutenant doth give unto the said Roman Catholicks full assurance that they or any of them shall not be molested in the possession which they have at present of Churches and Church-Livings, or of the exercise of their respective jurisdictions, as they now exercise the same, until such time as His Majesty, upon a full consideration of the desires of the said Roman Catholicks, in a free Parliament to be held in this Kingdom, shall declare his further pleasure.

“II. *Item.*—It is concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is further graciously pleased, that a Free Parliament shall be held in this Kingdom, within six months after the date of these Articles of Peace, or as soon after as Thomas Lord Viscount Dillon, of Costolough, Lord President of Connaught, Donnogh Lord Viscount Muskerry, Francis Lord Baron of Athunry, Alexander Mac Donnel, Esquire, Sir Lucas Dillon, Knight, Sir Nicholas Plunket, Knight, Sir Richard Barnewal, Baronet, Jeffery Browne, Donnogh O’Callaghan, Tyrlagh O’Neill, Miles Reilly, and Gerrald Fennel, Esquires, or the major part of them will desire the same, so that by possibility it may be held, and that in the mean time, and until the Articles of these presents, agreed to be passed in Parliament, be accordingly passed, the same shall be inviolably observed as to the matters thereunto contained, as if they were enacted in Parliament: And that in case a Parliament be not called and held in this Kingdom within two years next after the date of these Articles of Peace, then His Majesties Lord Lieutenant, or other His Majesties Chief Governor or Governors of this Kingdom for the time being, will, at the request of the said Thomas Lord Viscount Dillon, &c. or the major part of them, call a General-Assembly of the Lords and Commons of this Kingdom, to attend upon the said Lord Lieutenant, or other His Majesties Chief Governor or Governors of this Kingdom for the time being, in some convenient place, for the better settling of the affairs of the Kingdom: And it is further concluded, accorded and agreed by and between the said Parties, that all matters that by these Articles are agreed upon to be passed in Parliament, shall be transmitted into England, according to the usual form, to be passed in the said Parliament, and that the said Acts so agreed upon, and so to be passed, shall receive no disjunction or alteration here, or in England; provided that nothing shall be concluded by both, or either of the said Houses of Parliament, which may bring prejudice to any of His Majesties Protestant Party, or their adherents, or to His Majesties Roman Catholick Subjects, or their adherents, other than such things as upon this Treaty are concluded to be done, or such things as may be proper for the Committee of Priviledges of either or both Houses to take cognizance of, as in such cases heretore hath been accustomed, and other than such matters as His Majesty will be graciously pleased to

declare his further pleasure in, to be passed in Parliament for the satisfaction of his subjects, and other than such things as shall be propounded to either or both Houses, by His Majesties Lord Lieutenant, or other Chief Governor or Governors of this Kingdom, for the time being, during the said Parliament, for the advancement of His Majesties Service and the peace of the Kingdom, which clause is to admit no construction which may trench upon the Articles of Peace, or any of them, and that both Houses of Parliament may consider what they shall think convenient touching the repeal or suspension of the Statute commonly called *Poyning's Act*, entitled, *An Act, That no Parliament be holden in that Land, until the Acts be certified into England.*

“ III. *Item.* It is further concluded, accorded and agreed, upon by and between the said Parties, and his Majesty is graciously pleased, That all Acts, Ordinances, and Orders made by both or either Houses of Parliament, to the blemish of his honour, or the prejudice of His Majesties Roman Catholick Subjects of this Kingdom, or any of them, sithence the seventh of *August*, 1641, shall be vacated ; and that the same and all exemplifications, and other Acts which continue the memory of them be made void, by Act to be passed in the next Parliament, to be held in this Kingdom, and that in the mean time, the said Acts or Ordinances, or any of them, shall be no prejudice to the said Roman Catholicks or any of them.

“ IV. *Item.* It is also concluded and agreed upon, and His Majesty is likewise graciously pleased, that all indictments, attainders, outlawries in this Kingdom, and all the processes and other proceedings thereupon, and all Letters Patents, Grants, Leases, Customs, Bonds, Reecognizances, and all Records, Act or Acts, Office or Offices, Inquisitions, and all other things depending upon, or taken by reason of the said indictments, attainders, or outlawries, sithence the seventh day of *August*, 1641, in prejudice of the said Catholicks, their Heirs, Executors, Administrators or Assigns, or any of them, or the widows of them, or any of them shall be vacated and made void in such sort as no memory shall remain thereof, to the blemish, dishonour, or prejudice of the said Catholicks, their Heirs, Executors, Administrators, or Assignees, or any of them, or the widows of them, or any of them ; and that to be done when the said Thomas Lord Viscount Dillon, &c. or the major part of them shall desire the same, so that by possibility it may be done, and in the mean time that no such indictments, attainders, outlawries, processes, or any other proceedings thereupon, or any letters patents, grants, leases, custodiams, bonds, recognizances, or any record or acts, office or offices, inquisitions, or any other thing depending upon, or by reason of the said indictments, attainders, or outlawries, shall in any sort prejudice the said Roman Catholicks, or any of them, but that they and

every of them shall be forthwith upon perfection of these Articles, restored to their respective possessions, and hereditaments respectively, provided that no man shall be questioned by reason hereof, for mesne rates, or wastes, saving wilful wastes committed after the first day of May last past.

“ V. *Item.* It is likewise concluded, accorded, and agreed, and his Majesty is graciously pleased, that as soon as possible may be, all impediments which may hinder the said Roman Catholicks to sit or vote in the next intended Parliament, or to choose, or to be chosen Knights and Burgesses, to sit or to vote there, shall be removed, and that before the said Parliament.

“ VI. *Item.* It is concluded, accorded, and agreed upon, and His Majesty is further graciously pleased, that all debts shall remain as they were upon the twenty-third of October, 1641, notwithstanding any disposition made, or to be made, by vertue or colour of any attainder, outlawry, fugacy, or other forfeiture, and that no disposition or grant made, or to be made of any such debts, by vertue of any attainder, outlawry, fugacy, or other forfeiture shall be of force, and this to be passed as an Act in the next Parliament.

“ VII. *Item.* It is further concluded, accorded and agreed upon, and His Majesty is graciously pleased, that for the securing of the Estates or reputed Estates of the Lords, Knights, Gentlemen, and Free-holders, or reputed Free-holders as well of Connaght, and County of Clare, or Country of Thomond, as of the Counties of Limerick and Tipperary, the same be secured by Act of Parliament, according to the intent of the 25th Article of the Graces, granted in the fourth year of His Majesties Reign, the tenor whereof, for so much as concerneth the same, doth ensue in these words, viz.—We are graciously pleased, that for the inhabitants of Connaght, and Country of Thomond, and County of Clare, that their several Estates shall be confirmed unto them, and their Heirs, against us and our Heirs and Successors, by Act to be passed in the next Parliament to be holden in Ireland, to the end the same may never hereafter be brought into any further question, by Us, or our Heirs and Successors. In which Act of Parliament so to be passed, you are to take care, that all tenures *in capite*, and all Rents and Services, as are now due, or which ought to be answered unto us out of the said Lands and Premises, by any Letters Patents, past thereof, since the first year of King Henry the Eight, or found by any Office, taken from the said first year of King Henry the Eight, until the twenty-first of July, 1645, whereby our late dear father, or any his predecessors, actually received any profit, by wardship, liveries, primer-seisins, measne rates, ousterlemains, or fines of alienations without license, be again reserved unto us, our heirs and successors, and all the rest of these premises to be holden of our Castle of Athlone, by Knights service, according to our said

late fathers Letters, notwithstanding any tenures *in capite* found for us by office since the twenty-first of July, 1615, and not appearing in any such Letters Patents, or Offices; within which rule, His Majesty is likewise graciously pleased, that the said Lands in the Counties of Limerick and Tipperarie be included, but to be held by such rents and tenures only, as they were in the fourth year of His Majesties Reign, provided always that the said Lords, Knights, Gentlemen, and Freeholders of the said Province of Connaght, County of Clare, and Country of Thomond, and Counties of Tipperarie and Limerick, shall have and enjoy the full benefit of such composition and agreement which shall be made with His Most Excellent Majesty, for the Court of Wards, Tenures, Respits, and issues of Homage, any clause in this Article to the contrary notwithstanding; and as for the Lands within the Counties of Kilkennie and Wickloe, unto which His Majesty was intituled by Offices, taken or found in the time of the Earl of Strafford's Government in this Kingdom. His Majesty is further graciously pleased that the state thereof shall be considered in the next intended Parliament, where His Majesty will assent unto that which shall be just and honourable, and that the like Act of Limitation of His Majesties Titles, for the security of the Estates of his subjects of this Kingdom, be passed in the said Parliament as was enacted in twenty-first year of His Late Majesty King James, his reign in England.

“VIII. *Item.* It is further concluded, accorded and agreed upon, and His Majesty is further graciously pleased, that all incapacities imposed upon the Natives of this Kingdom, or any of them, as Natives, by any Act of Parliament, provisoes in Patents, or otherwise, be taken away by Act to be passed in the said Parliament; and that they may be enabled to erect one or more Innes of Court in or near the City of Dublin, or elsewhere, as shall be thought fit by His Majesties Lord Lieutenant, or other Chief Governour or Governours of this Kingdom for the time being, and in case the said Innes of Court shall be erected before the first day of the next Parliament, then the same shall be in such place as His Majesties Lord Lieutenant, or other Chief Governour or Governours of this Kingdom for the time being, by and with the advice and consent of the said Thomas Lord Viscount Dillon, or any seven or more of them, shall think fit; and that such Students, natives of this Kingdom, as shall be therein, may take and receive the usual degrees accustomed in any Innes of Court; they taking the insuing Oath, viz.: “*I, A. B. do hereby acknowledge, profess, testifie, and declare in my conscience, before God and the World, that our Sovereign Lord King Charles, is lawful and rightful King of this Realm, and of other his Majesties Dominions and Countries; and I will bear faith and true Allegiance to his Majesty, and his Heirs and Successors, and him and them will defend to the uttermost of my power, against all Conspiracies*

and attempts whatsoever, which shall be made against his or their Crown and Dignity, and do my best endeavour to disclose and make known to his Majesty, his Heirs and Successors, or to the Lord Deputy or other his Majesties Chief Governour or Governours, for the time being, all Treasons or Traiterous Conspiracies, which I shall know or hear to be intended against his Majesty, or any of them. And I do make this recognition and acknowledgement heartily, willingly and truly, upon the true Faith of a Christian. So help me God," &c. And his Majesty is further graciously pleased, that His Majesties Roman Catholick Subjects may erect and keep Free Schools for Education of Youths in this Kingdom, any law or statute to the contrary notwithstanding; and that all the matters assented unto in this Article be passed as Acts of Parliament in the said next Parliament.

"IX. *Item.* It is further concluded, accorded, and agreed upon, by and between the said Parties, and His Majesty is graciously pleased, that Places of Command, Honour, Profit, and Trust, in His Majesties Armies in this Kingdom, shall be upon perfection of these Articles actually and by particular instances conferred upon his Roman Catholick Subjects of this Kingdom, and that upon the distribution conferring and disposing of the Places of Command, Honour, Profit, and Trust in His Majesties Armies in this Kingdom, for the future no difference shall be made between the said Roman Catholicks, and other His Majesties Subjects. But that such distribution shall be made with equal indifferency, according to their respective merits and abilities; and that all His Majesties Subjects of this Kingdom, as well Roman Catholicks as others, may for His Majesties service, and their own security, arm themselves the best they may, wherein they shall have all fitting encouragement; and it is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is further graciously pleased, that Places of Command, Honour, Profit, and Trust, in the Civil Government in this Kingdom, shall be upon passing of the Bills in these Articles mentioned in the next Parliament, actually and by particular instances conferred upon His Majesties Roman Catholick Subjects of this Kingdom, and that in the distribution, conferring, and disposal of the Places of Command, Honour, Profit and Trust, in the Civil Government, for the future no difference shall be made between the said Roman Catholicks, and other His Majesties Subjects, but that such distribution shall be made with equal indifferences, according to their respective merits and abilities, and that in the distribution of Ministerial Offices or Places which now are, or hereafter shall be void in this Kingdom, equality shall be used to the Roman Catholick Natives of this Kingdom, as to others His Majesties Subjects; and that the Command of Forts, Castles, Garrisons, Towns, and other places of importance in this Kingdom, shall be con-

ferred upon His Majesties Roman Catholick Subjects of this Kingdom upon perfection of these Articles actually and by particular instances, and that in the distribution conferring and disposal of the Forts, Garrisons, Towns, and other places of importance in this Kingdom, no difference shall be made between His Majesties Roman Catholick Subjects of this Kingdom, and other His Majesties Subjects, but that such distribution shall be made with equal indifferences, according to their respective merits and abilities, and that until full settlement in Parliament fifteen thousand Foot, and two thousand and five hundred Horse of the Roman Catholicks of this Kingdom shall be of the Standing Army of this Kingdom: And that until full settlement in Parliament as aforesaid, the said Lord Lieutenant, or other Chief Governour or Governours of this Kingdom for the time being, and the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, shall diminish or add unto the said number as they shall see cause from time to time.

“ X. *Item.* It is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is further graciously pleased, that His Majesty will accept of the Yearly Rent, or Annual Sum of Twelve Thousand Pounds sterling, to be applotted with indifferency and equality, and consented to be paid to His Majesty, his Heirs and Successors in Parliament, for and in lieu of the Court of Wards in this Kingdom, Tenures *in capite*, Common Knights-Service, and all other Tenures within the cognizance of that Court, and for, and in lieu of all Wardships, Primer Seisins, Fines, Ousterlemains, Liveries, Intrusions, Alienations, Mesne Rates, Releases, and all other Profits within the cognizance of the said Court, or incident to the said tenures, or any of them, or fines to accrew to His Majesty by reason of the said tenures, or any of them, and for and in lieu of respits and issues of homage, and fines for the same: And the said yearly rent being so applotted and consented unto in Parliament as aforesaid, then a Bill is to be agreed on in the said Parliament to be passed as an Act for the securing of the said yearly rent, or annual sum of Twelve Thousand Pounds to be applotted as aforesaid, and for the extinction and taking away of the said Court, and other matters aforesaid in this Article contained. And it is further agreed, that reasonable compositions shall be accepted for Wardships fallen since the 23d of October, 1641, and already granted, and that no Wardships fallen and not granted, or that shall fall, shall be passed until the success of this Article shall appear; and if His Majesty be secured as aforesaid, then all Wardships fallen since the said 23d of October, are to be included in the agreement aforesaid, upon composition to be made with such as have grants as aforesaid, which composition to be made with the grantees since the time aforesaid, is to be left to indifferent persons, and the umpirage to the said Lord Lieutenant.

“ XI. *Item.* It is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is further graciously pleased, that no Nobleman or Peer of this Realm in Parliament shall be hereafter capable of more proxies than two, and that blank proxies shall be hereafter totally disallowed; and that if such Noblemen or Peers of this Realm as have no estates in this Kingdom do not within five years, to begin from the conclusion of these Articles, purchase in this Kingdom as followeth, viz. A Lord Baron, 200l. per annum—a Lord Viscount, 400l. per annum—and an Earl, 600l. per annum—a Marquess, 800l. per annum—a Duke, 1000l. per annum—shall lose their votes in Parliament until such time as they shall afterwards acquire such estates respectively; and that none be admitted in the House of Commons, but such as shall be estated, and resident within this Kingdom.

“ XII. *Item.* It is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is further graciously pleased, that as for and concerning the independency of the Parliament of Ireland, on the Parliament of England, his Majesty will leave both Houses of Parliament in this Kingdom to make declaration therein, as shall be agreeable to the laws of the Kingdom of Ireland.

“ XIII. *Item.* It is further concluded and agreed upon, by and between the said Parties, and his Majesty is further graciously pleased, that the Council Table shall contain itself within its proper bounds in handling matters of state and weight fit for that place, amongst which the Patents of Plantation, and the Offices whereupon those Grants are founded to be handled as matters of State, and to be heard and determined by his Majesties Lord Lieutenant, or other Chief Governor or Governors for the time being, and the Council publickly at the Council-Board, and not otherwise, but Titles between party and party grown after these patents granted, are to be left to the ordinary course of Law, and that the Counsel-Table do not hereafter intermeddle with common business, that is within the cognizance of the ordinary Courts, nor with the altering of possessions of Lands, nor make, nor use private orders, hearings or references, concerning any such matter, nor grant any injunction or order for stay of any suits in any civil cause; and that parties grieved, for, or by reason of any proceedings formerly had there, may commence their suits and prosecute the same in any of his Majesties Courts of Justice or Equity, for remedy of their pretended rights without any restraint or interruption from his Majesty, or otherwise by the Chief Governour or Governours, and Council of this Kingdom; and that the proceedings in the respective Presidency Courts, shall be pursuant, and according to his Majesties printed Book of Instructions, and that they shall contain themselves within the limits prescribed by that Book, when the Kingdom shall be restored to such a degree of quietness, as they be not necessarily enforced to exceed the same.”

“ XIV. *Item.* It is further concluded, accorded and agreed upon, by and between the said parties, and his Majesty is further graciously pleased : That as for and concerning one Statute made in this Kingdom, in the Eleventh Year of the Reign of Queen Elizabeth, intituled an Act for staying of Wool, Flocks, Tallow, and other necessaries within this Realm ; and another Statute made in the said Kingdom, in the Twelfth Year of the Reign of the said Queen, intituled, an Act, &c.

And one other Statute made in the said Kingdom, in the Thirteenth Year of the Reign of the said late Queen, intituled an Exemplification of the Act made in a session of this Parliament for the staying of Wool, Flocks, Tallow, and other wares and commodities mentioned in the said Act, and certain Articles added to the same Act, all concerning staple or native commodities of this Kingdom shall be repealed, if it shall be so thought fit in the Parliament, excepting for Wool and Woolfels and that such indifferent persons as shall be agreed on by the said Lord Lieutenant, and the said Thomas Lord Viscount Dillon, &c. or any seven or more of them shall be authorized by commission under the great Seal, to moderate and ascertain the rates of merchandize to be exported or imported out of, or into this Kingdom, as they shall think fit.

“ XV. *Item.* It is concluded, accorded, and agreed, by and between the said parties, and his Majesty is graciously pleased, that all and every person and persons within this Kingdom, pretending to have suffered by offices found of several Countries, Territories, Lands, and Hereditaments, in the Province of Ulster, and other Provinces of this Kingdom, in or since the first year of King James His Reign, or by attainders or forfeitures, or by pretence and colour thereof, since the said first year of King James, or by other Acts depending on the said offices, attainders and forfeitures, may petition His Majesty in Parliament for relief and redress ; and if after examination, it shall appear to His Majesty, the said persons, or any of them have been injured, then His Majesty will prescribe a course to repair the person or persons so suffering, according to justice and honour.

“ XVI. *Item.* It is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is graciously pleased, that as to the particular cases of Maurice Lord Viscount De Rupe and Fermoy, &c. they may petition His Majesty in the next Parliament ; whereupon His Majesty will take such consideration of them as shall be just and fit.

“ XVII. *Item.* It is likewise concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is graciously pleased, that the Citizens, Freemen, Burgesses, and former Inhabitants of the City of Cork, Towns of Youghal and Dungarven, shall be forthwith, upon perfetion of these

Articles, restored to their respective possessions and estates in the said City and Towns respectively, where the same extends not to the endangering of the said Garrisons in the said city and towns. In which case so many of the said citizens and inhabitants as shall not be admitted to the present possession of their houses within the said city and towns, shall be afforded a valuable annual rent for the same until settlement in Parliament; at which time they shall be restored to those their possessions. And it is further agreed, and His Majesty is graciously pleased, that the said Citizens, Freemen, Burgesses and Inhabitants of the said City of Cork and Towns of Youghal and Dungarven respectively shall be enabled in convenient time before the next Parliament to be held in this Kingdom, to chuse and return Burgesses into the same Parliament.

“ XVIII. *Item.* It is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is further graciously pleased, that an Act of Oblivion be past in the next Parliament, to extend to all His Majesties Subjects of this Kingdom, and their adherents, of all Treasons and Offences, capital, criminal and personal, and other offences of what nature, kind, or quality soever, in such manner as if those Treasons or Offences had never been committed, perpetrated or done; that the said Act do extend to the Heirs, Children, Kindred, Executors, Administrators, Wives, Widows, Dowagers, or Assigns, of such of the said Subjects and their Adherents, who died on, before, or since the 23d of October, 1641. That the said Act do relate to the first day of the next Parliament, that the said Act do extend in all bodies Politick, and Corporate, and their respective Successors, and unto all Cities, Boroughs, Counties, Baronies, Hundreds, Towns, Villages, Tithings, and every of them within this Kingdom for and concerning all and every of the said offences, or any other offence or offences, in them, or any of them committed, or done by his Majesties said Subjects or their Adherents, or any of them, before, in or since the 23d of October, 1641, provided this Act shall not extend to be construed to pardon any offence or offences, for which any person or persons have been convicted or attainted of Record at any time before the 23rd of October, in the Year of our Lord, 1641. That this Act shall extend to Piracies, and all other offences committed upon the sea by his Majesties said Subjects, or their Adherents, or any of them, That in this Act of oblivion, words of release, acquittal and discharge be inserted, that no person or persons, Bodies Politick, or Corporate, Counties, Cities, Borroughs, Baronies, Hundreds, Towns, Villages, Tithings, or any of them within this Kingdom, included within the said Act, be troubled, impeached, sued, inquieted, or molested, for, or by reason of any offence, matter or thing whatsoever, comprised within the said

Act, and the said Act shall extend to all Rents, Goods, and Chattels taken, detained, or grown due to the Subjects of the one party from the other, since the 23d of October, 1641, to the date of these Articles of Peace; and also to all Customs, Rents, Arrears of Rents, Prizes, Recognizances, Bonds, Fines, Forfeitures, Penalties, and to all other Profits, Perquisites, and Dues which were due, or did, or should accrue to his Majesty on, before, or since the 23d October, 1641, until the perfection of these Articles, and likewise to all Mesne Rates, Fines of what nature soever, Recognizances, Judgments, Executions thereupon, and Penalties whatsoever, and to all other Profits due to his Majesty since the said 23d of October, and before, until the perfection of these Articles, for, by reason, or which lay within the survey or cognizance of the Court of Wards; and also to all Respits, Issues of Homage, and Fines for the same, provided this shall not extend to discharge or remit any of the King's Debts, or Subsidies due before the said 23d of October, 1641, which were then or before levied or taken by the Sheriffs, Commissioners, Receivers, or Collectors, and not then or before accounted for, or since disposed to the Publick use of the said Roman Catholick Subjects, but that such persons may be brought to account for the same after full settlement in Parliament, and not before, unless by and with the advice and consent of the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, as the said Lord Lieutenant otherwise shall think fit, provided that such barbarous and inhuman crimes as shall be particularized and agreed upon by the said Lord Lieutenant, and the said Thomas Lord Viscount Dillon, &c. or any seven or more of them; as to the actors and procurers thereof, be left to be tried and adjudged by such indifferent Commissioners as shall be agreed upon by the said Lord Lieutenant, and the said Thomas Lord Viscount Dillon, &c. or any seven or more of them; and that the power of said Commissioners shall continue only for two years next ensuing the date of their Commission, which Commission is to issue within six months after the date of these Articles, provided also, that the Commissioners to be agreed on for the trial of the said particular crimes to be excepted, shall hear, order and determine all cases of trust, where relief may or ought in equity to be afforded against all manner of persons, according to the equity and circumstances of every such case, and his Majestie's Chief Governour or Governours, and other Magistrates for the time being, in all his Majestie's Courts of Justice, and other his Majestie's Officers, of what condition or quality soever, be bound and required to take notice of, and pursue the said Act of Oblivion without pleading or suit to be made for the same, and that no Clerk or other Officers do make out, or write out any manner of Writs, Processes, Summons, or other Precept, for, concerning, or by reason of any manner. cause or thing whatsoever released, forgiven, discharged, or to be forgiven by the said Act, under pain of £20. sterling. And

that no Sheriff or other Officer, do execute any such Writ, Process, Summons, or Precept; and that no record, writing, or memory; do remain of any offence or offences, released or forgiven, or mentioned to be forgiven by this Act; and that all other clauses usually inserted in Acts of general pardon or oblivion, enlarging His Majesty's Grace and Mercy, not herein particularized, be inserted and comprised in the said Act when the Bill shall be drawn up with the exceptions already expressed and none other, provided always that the said Act of Oblivion shall not extend to any treason, felony, or other offence or offences which shall be committed or done from or after the date of these Articles, until the first day of the beforementioned next Parliament, to be held in this Kingdom; provided also, that any Act or Acts, which shall be done by vertue, pretence, or in pursuance of these Articles of Peace agreed upon, or any Act or Acts, which shall be done by vertue, colour, or pretence of the power, or authority used, or exercised by and amongst the Confederate Roman Catholicks after the date of the said Articles; and before the said publication, shall not be accounted, taken, or construed, or to be treason, felony, or other offence to be excepted out of the said Act of Oblivion; provided likewise that the said Act of Oblivion shall not extend unto any person or persons that will not obey and submit unto the peace concluded and agreed on by these Articles; provided further that the said Act of Oblivion, or any thing in this Article contained, shall not hinder or interrupt the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, to call to account, and proceed against the Council and Congregation, and the respective Supream Councils, Commissioners General, appointed hitherto from time to time, by the Confederate Catholicks to manage their affairs, or any other person or persons accomptable to an accompt, for their respective receipts and disbursments, since the beginning of their respective employments under the said Confederate Catholicks, or to acquit or release any arrears of Excises, Customs, or Public Taxes, to be accounted for, since the 23d of October, 1641, and not disposed of hitherto, to the public use, but that the parties therein concerned may be called to an account for the same as aforesaid, by the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, the said Act, or any thing therein contained to the contrary notwithstanding.

“XIX. *Item.* It is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is graciously pleased, that an Act be passed in the next Parliament, prohibiting that neither the Lord Deputy, or other Chief Governor or Governors, Lord Chancellor, Lord High Treasurer, Vice-Treasurer, Chancellor, any of the Barons of the Exchequer, Privy-Council, or Judges of the Four Courts, be Farmers of his Majesty's Customs within this Kingdom.

“XX. *Item.* It is likewise concluded, accorded and agreed, and his Majesty is graciously pleased, that an Act of Parliament pass in this Kingdom against Monopolies, such as was enacted in England, 21 *Jacobi Regis*, with a further clause of repealing of all grants of monopolies in this Kingdom, and that Commissioners be agreed upon by the said Lord Lieutenant, and the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, to set down the rates for the Custom and Imposition to be laid on *Aquavitæ, Wine, Oile, Yarn and Tobacco.*

“XXI. *Item.* It is concluded, accorded and agreed, and His Majesty is graciously pleased, that such persons as shall be agreed on by the said Lord Lieutenant, and the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, shall be (as soon as may be) authorized by Commission under the Great Seal, to regulate the Court of Castle Chamber, and such causes as shall be brought into, and censured in the said Court.

“XXII. *Item.* It is concluded, accorded, and agreed upon, and His Majesty is graciously pleased, that two Acts lately passed in this Kingdom, one prohibiting the Plowing with Horses by the Tail, and the other prohibiting the burning of Oats in the Straw, be repealed.

“XXIII. *Item.* It is further concluded, accorded, and agreed upon, by and between the said Parties, and His Majesty is further graciously pleased, for as much as upon application of Agents from this Kingdom unto His Majesty in the fourth year of his Reign, and lately upon humble suit made unto His Majesty, by a Committee of both Houses of Parliament of this Kingdom, order was given by His Majesty, for redress of several grievances, and for so many of those as are not expressed in the Articles, whereof both Houses in the next ensuing Parliament, shall desire the benefit of His Majesty's said former directions for redress therein, that the same be afforded them, yet so, as for prevention of inconveniencies to His Majesty's Service, that the warning mentioned in the the 24th Article of the Graces in the fourth year of his Majesty's Reign be so understood, that the warning being left at the persons dwelling houses be held sufficient warning, and as to the 22d Article of the said Graces, the Process hitherto used in the Court of Wards do still continue, as hitherto it hath done in that, and hath been used in other English Courts, but the Court of Wards being compounded for, so much of the aforesaid answer as concerns warning and process shall be omitted.

“XXIV. *Item.* It is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is further graciously pleased, that Maritime Causes may be determined in this Kingdom, without driving of Merchants or others

to appeal and seek justice elsewhere; and if it shall fall out that there be cause of an appeal, the party grieved is to appeal to His Majesty in the Chancery of Ireland, and the sentence thereupon to be given by the Delegates, to be definitive and not to be questioned upon any further appeal, except it be in the Parliament of this Kingdom, if the Parliament shall then be sitting, otherwise not; this to be by Act of Parliament: and until the said Parliament, the Admiralty and Maritime causes shall be ordered, and settled by the said Lord Lieutenant, or other Chief Governor or Governors of this Kingdom for the time being, by and with the advice and consent of the said Thomas Lord Viscount Dillon, &c. or any seven or more of them.

“XXV. *Item.* It is further concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is graciously pleased, that his Majesty's Subjects of this Kingdom be eased of all Rents and increase of Rents lately raised on the Commission of defective Titles in the Earl of Strafford's Government, this to be by Act of Parliament; and that in the meantime the said Rents or increase of Rents shall not be written for, by any Process, or the payment thereof in any sort procured.

“XXVI. *Item.* It is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is further graciously pleased, that by Act to be passed in the next Parliament, all the arrears of Interest Mony, which did accrue and grow due by way of debt, mortgage or otherwise, and yet not satisfied since the 23d. October, 1641, until the perfection of these Articles, shall be fully forgiven and be released, and that for and during the space of three years next ensuing, no more shall be taken for use or interest of mony than five pounds *per centum*. And in cases of Equity arising through disability, occasioned by the distempers of the times, the considerations of Equity to be alike unto both parties; but as for mortgages contracted between His Majesty's Roman Catholick Subjects, and others of that Party, where entry hath been made by the mortgagers against Law, and the condition of their mortgages, and detained wrongfully by them without giving any satisfaction to the mortgagees, or where any such mortgagers have made profit of the Lands mortgaged above country charges, yet answer no rent, or other consideration to the mortgagees, the parties grieved respectively, to be left for relief to a course of equity therein.

“XXVII. *Item.* It is further concluded, accorded and agreed upon, and his Majesty is further graciously pleased, that immediately upon perfection of these Articles, the said Thomas Lord Viscount Dillon, &c. shall be authorised by the said Lord Lieutenant to proceed in, hear, determine and execute in and throughout this Kingdom the ensuing particulars; and all the

Matters thereupon depending, and that such authority, and other the authorities hereafter mentioned shall remain of force without revocation, alteration or diminution, until Acts of Parliament be passed, according to the purport and intent of these Articles, and that in case of death, miscarriage, disability to serve, by reason of sickness or otherwise, of any the said Thomas Lord Viscount Dillon, &c. His Majesty's Lord Lieutenant, or other Chief Governour or Governours of this Kingdom for the time being, shall name and authorize another in the place of such as shall be so dead, or shall miscarry himself, or be so disabled, and that the same shall be such person as shall be allowed of by the said Thomas Lord Viscount Dillon, &c. or any seven or more of them then living. And that the said Thomas Lord Viscount Dillon, &c. or any seven or more of them shall have power to applot, raise, and levy means with indifferency and equality by way of Excise, or otherwise, upon all His Majesty's Subjects within the said Kingdom, their persons, estates and goods, towards the maintenance of such Army or Armies, as shall be thought fit to continue, and be in pay for his Majesty's Service, the defence of the Kingdom, and other the necessary publick charges thereof, and towards the maintenance of the Forts, Castles, Garrisons and Towns of both, or either party, other than such of the said Forts, Garrisons, and Castles, as from time to time, until there shall be a settlement in Parliament shall be thought fit, by His Majesty's Chief Governour or Governours of this Kingdom for the time being, by and with the advice and consent of the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, not to be maintained at the charge of the publick, provided that His Majesty's Lord Lieutenant, or other Chief Governour or Governours of this Kingdom for the time being, be first made acquainted with such Taxes, Levies, and Excises as shall be made, and the manner of levying thereof, and that he approve the same; and that to the end that such of the Protestant party as shall submit to the peace, may in the severall counties where any of their estates lieth, have equality and indifferency in the assessments and levies that shall concern their estates in the said severall counties.

“ It is concluded, accorded and agreed upon, and His Majesty is graciously pleased, that in the directions which shall issue to any such county, for the applotting, subdividing, and levying of the said publick assessments, some of the said Protestant party shall be joyned with others of the Roman Catholick party to that purpose, and for effecting that service; and the said Thomas Lord Viscount Dillon, &c. or any seven or more of them shall have power to levy the arrears of all excises, and other publick taxes imposed by the Confederate Roman Catholicks, and yet unpaid, and to all receivers and other accomptants of all former taxes, and all publick dues, to a just and strict account either by themselves, or by such as they or any seven or more of them shall name or appoint; and

that the said Lord Lieutenant, or any other Chief Governour or Governours of this Kingdom for the time being, shall from time to time issue Commissions to such person and persons as shall be named and appointed by the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, for letting, setting and improving the estates of all such person or persons as shall adhere to any party opposing His Majesties authority, and not submitting to the peace, and that the profits of such estates shall be converted by the said Lord Lieutenant, or other Chief Governour or Governours of this Kingdom for the time being, to the maintenance of the King's Army, and other necessary charges, until settlement by Parliament; and that the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, shall have power to applot, raise, and levy means with indifferency and equality, for the buying of Arms and Ammunition, and for the entertaining of Frigats, in such proportion as shall be thought fit by His Majestie's Lord Lieutenant, or other Chief Governours of this Kingdom for the time being, by and with the advice and consent of the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, the said Arms and Ammunition to be laid up in such Magazines, and under the charge of such persons as shall be agreed on by the said Lord Lieutenant, and the said Thomas Lord Viscount Dillon, &c. or any seven or more, of them and to be disposed of, and the said Frigats to be imployed for His Majestie's service, and the publick use and benefit of this Kingdom of Ireland; and that the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, shall have power to applot, raise and levy means with indifferency and equality, by way of Excise or otherwise, in the several Cities, Corporate Towns, Counties, and part of the Counties, now within the quarters, and only upon the estates of the said Confederate Roman Catholicks, all such sum and sums of money as shall appear to the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, to be really due for and in the discharge of the publick ingagements of the said Confederate Catholicks, incurred or grown due before the conclusion of these Articles; and that the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, shall be authorized to appoint receivers, collectors, and all other officers, for such monies as shall be assessed, taxed or applotted, in pursuance of the authorities mentioned in this Article, and for the arrears of all former applotments, taxes, and other publick dues yet unpaid; and that the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, in case of refractoriness, or delinquency, may distrain and imprison, and cause such delinquents to be distrained and imprisoned. And the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, make perfect books of all such monies as shall be applotted, raised, or levied, out of which books they are to make several and respective abstracts, to be delivered under their hands, or the hands of any seven

or more of them, to the several and respective collectors, which shall be appointed to levy and receive the same. And that a duplicate of the said books, under the hands of the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, be delivered unto His Majesty's Lord Lieutenant, or other Chief Governour or Governours of this Kingdom for the time being, whereby a perfect account may be given; and that the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, shall have power to call the Council and Congregation, and the respective Supreme Councils, and Commissioners General, appointed hitherto from time to time by the said Confederate Roman Catholicks, to manage their publick affairs, and all other persons accountable, to an account for all their receipts and disbursements since the beginning of their respective employments, under the Confederate Roman Catholicks.

“ XXVIII. *Item.* It is concluded, accorded, and agreed, by and between the said Parties, and his Majesty is graciously pleased; that for the preservation of the peace and tranquility of the Kingdom, the said Lord Lieutenant, and the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, shall for the present agree upon such persons who are to be authorized by Commission under the Great Seal to be Commissioners of the Peace, Oyer and Terminer, Assizes and Goal Delivery, in, and throughout the Kingdom, to continue during pleasure, with such powers as Justices of the Peace, Oyer and Terminer, Assizes and Goal Delivery in former time of Peace, have usually had, which is not to extend unto any Crime or Offence committed before the first day of May last past, and to be qualified with power to hear and determine all Civil Causes coming before them, not exceeding Ten Pounds: Provided that they shall not intermeddle with Titles of Lands; Provided likewise the authority of such Commissioners shall not extend to question any Person or Persons, for any Shipping, Cattle or Goods heretofore taken by either party from the other, or other injuries done contrary to the Articles of Cessation, concluded by and with the said Roman Catholick Party, in, or since May last, but that the same shall be determined by such indifferent persons as the Lord Lieutenant, by the advice and consent of the said Thomas Lord Viscount Dillon, &c. or any seven or more of them shall think fit, to the end, that speedy and equal justice may be done to all parties grieved; And the said Commissioners are to make their Estreats as accustomed of Peace, and shall take the ensuing Oath, viz. You shall Swear; that as Justice of the Peace, Oyer and Terminer, Assizes, and Goal Delivery, in the Counties of A. B. in all Articles of the Commission to you directed, you shall do equal right to the Poor and to the Rich, after your Cunning, and Wit, and Power, and after the Laws and Customs of the Realm, and in pursuance of these Articles: and you shall not be of Council of

any Quarrel hanging before you; and the Issues, Fines, and Amercements which shall happen to be made, and all Forfeitures which shall happen before you, you shall cause to be entred without any concealment or imbezling, and sent to the Court of Exchequer, or to such other place as his Majestie's Lord Lieutenant, or other Chief Governor or Governors of this Kingdom shall appoint, until there may be access unto the said Court of Exchequer; You shall not let for gift or other cause, but well and truly, you shall do your office of Justice of the Peace, Oyer and Terminer, Assizes and Goal Delivery in that behalf; and that you take nothing for your office of Justice of the Peace, Oyer and Terminer, Assizes, and Goal Delivery to be done, but of the King, and Fees accustomed: and you shall not direct, or cause to be directed any Warrant by you, to be made to the parties, but you shall direct them to the Sheriffs and Bayliffs of the said Counties respectively, or other the King's Officers or Ministers, or other indifferent persons to do execution thereof, so help me God, &c. And that as well in the said Commission, as in all other Commissions and Authorities to be issued in pursuance of the present Articles, this Clause shall be inserted, viz. That all Officers, Civil and Martial, shall be required to be aiding and assisting and obedient unto the said Commissioners, and other persons to be authorized as abovesaid in the execution of their respective powers.

“XXIX. *Item.* It is further concluded, accorded and agreed upon, by and between the said Parties, and his Majesty is further graciously pleased, that his Majestie's Roman Catholick Subjects, do continue the possession of such of his Majestie's Cities, Garrisons, Towns, Forts, and Castles, which are within their now quarters, until Settlement by Parliament, and to be commanded, ruled, and governed in chief, upon occasion of necessity (as to to the martial and military affairs) by such as His Majesty, or his Chief Governour or Governours of this Kingdom, for the time being, shall appoint; and the said appointment to be by and with the advice and consent of the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, and His Majestie's Chief Governor or Governors is to issue commissions accordingly, to such persons as shall be so named and appointed as aforesaid, for the executing of such command, rule, or government to continue until all the particulars in these present Articles agreed on, to pass in Parliament, shall be accordingly passed, only in case of death, or misbehaviour, such other person or persons to be appointed for the said command, rule and government to be named and appointed in the place or places of him or them, who shall so dye, or misbehave themselves as the Chief Governour or Governours for the time being, by the advice and consent of the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, shall think fit, and to be continued until a settlement in Parliament as aforesaid.

“XXX. *Item.* It is further concluded, accorded and agreed upon, by and between the said Parties, and His Majesty is further graciously pleased that all Customs and Tenths of Prizes belonging to His Majesty, which from the perfection of these Articles, shall fall due within this Kingdom, shall be paid unto His Majestie’s Receipt, or until recourse may be had thereunto in the ordinary legal way, unto such person or persons, and in such place or places, and under such controuls as the Lord Lieutenant shall appoint to be disposed of, in order to the defence and safety of the Kingdom, and the defraying of other the necessary publick charges thereof, for the ease of the subjects in other their levies, charges and applotments. And that all, and every person or persons who are at present intrusted and employed by the said Roman Catholicks, in the entries, receipts, collections, or otherwise, concerning the said customs and tenths of prizes do continue their respective employments in the same, until full settlement in Parliament, accountable to His Majestie’s Receipts, or until recourse may be had thereunto; as the said Lord Lieutenant shall appoint as aforesaid, other than to such, and so many of them, as to the Chief Governor or Governors for the time being, by and with the advice and consent of the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, shall be thought fit to be altered, and then and in such case, or in case of death, fraud or misbehaviour, or other alteration of any such person or persons, than such other person or persons to be employed therein, as shall be thought fit, by the Chief Governor or Governors for the time being, by, and with the advice and consent of the said Thomas Lord Viscount Dillon, &c. or any seven or more of them; And when it shall appear, that any person or persons who shall be found faithful to his Majesty, hath right to any of the offices or places about the said Customs, whereunto he or they may not be admitted until settlement in Parliament, as aforesaid, that a reasonable compensation shall be afforded to such person or persons for the same.

“XXXI. *Item.* As for, and concerning His Majestie’s Rents, payable at Easter next, and from thenceforth to grow due, until a settlement in Parliament, it is concluded, accorded and agreed upon, by and between the said Partie, and His Majesty is graciously pleased, that the said rents be not written for, or levied, until a full settlement in Parliament, and in due time upon application to be made to the said Lord Lieutenant, or other Chief Governor or Governors of this Kingdom, by the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, for remittal of those rents, the said Lord Lieutenant, or any other Chief Governor or Governors of this Kingdom for the time being, shall intimate their desires, and the reason thereof to His Majesty, who, upon consideration of the present condition of this Kingdom, will declare his gracious pleasure therein, as shall be just and honourable, and satisfactory to the reasonable desires of his subjects.

“XXXII. *Item.* It is concluded, accorded and agreed, by

and between the said Parties, and His Majesty is graciously pleased, that the Commissioners of Oyer and Terminer, and Goal Delivery, to be named as aforesaid, shall have power to hear and determine all Murders, Man-slaughters, Rapes, Stealths, Burning of Houses and Corn in Rick or Stack, Robberies, Burglaries, Forcible Enteries, Detainers of Possessions, and other offences committed or done, and to be committed and done since the first day of May last past, until the first day of the next Parliament, these present Articles, or any thing therein contained to the contrary notwithstanding; provided that the authority of the said Commissioners shall not extend to question any person or persons for doing or committing any Act whatsoever, before the conclusion of this treaty, by vertue or colour of any warrant or direction from those in publick authority among the Confederate Roman Catholicks, nor unto any act which shall be done after the perfecting and concluding of these Articles, by vertue or pretence of any authority which is now by these Articles agreed on; provided also that the said Commission shall not continue longer than the first day of the next Parliament.

“XXXIII. *Item.* It is concluded, ordered and agreed, by and between the said Parties, and His Majesty is further graciously pleased, that for the determining such differences which may arise between His Majestie’s subjects within this Kingdom, and the prevention of inconvenience and disquiet, which through want of due remedy in several causes may happen, there shall be Judicatures established in this Kingdom, and that the persons to be authorized in them, shall have power to do all such things as shall be proper and necessary for them to do; and the said Lord Lieutenant, by and with the advice and consent of the said Thomas Lord Viscount Dillon, &c. or any seven or more of them, shall name the said persons so to be authorized, and to do all other things incident unto, and necessary for the settling of the said intended Judicatures.

“XXXIV. *Item.* At the instance, humble suit, and earnest desire of the General Assembly of the Confederate Roman Catholicks, it is concluded, accorded, and agreed upon, That the Roman Catholic Regular Clergy of this Kingdom, behaving themselves conformable to these Articles of Peace, shall not be molested in the possessions which at present they have of and in the Bodies, Sites and Precincts of such Abbies and Monasteries belonging to any Roman Catholick within the said Kingdom, until settlement by Parliament; and that the said Clergy shall not be molested in the enjoying of such Pensions as hitherto since the Wars they enjoyed for their respective livelihoods from the said Roman Catholicks, and the Sites and Precincts hereby intended, are declared to be the Body of the Abbey, one Garden and Orchard to each Abbey, if any there be, and what else is contained within the Walls, Mears, or Ancient Fences, or Ditch that doth supply the Wall thereof, and no more.

“XXXV. *Item.* It is concluded, accorded, and agreed, by and between the said Parties, that as to all other demands of the said Roman Catholicks, for, or concerning all or any the matters proposed by them, not granted or assented unto, in, and by the foresaid Articles, the said Roman Catholicks be referred to his Majestie’s gracious favour, and further Concessions. In witness whereof, the said Lord Lieutenant, for, and on the behalf of his Most Excellent Majesty, to the one part of these Articles remaining with the said Roman Catholicks, hath put his Hand and Seal: And Sir Richard Blake, Knight, in the Chair of the General Assembly of the said Roman Catholicks, by order, command, and unanimous consent of the said Catholicks in full Assembly, to the other part thereof, remaining with the said Lord Lieutenant, hath put his Hand and the Publick Seal hitherto used by the said Roman Catholicks, January 17, 1648, and in the 24th Year of the Reign of our Sovereign Lord Charles, by the Grace of God, King of *Great-Britain, France, and Ireland, &c.*

No. 7.

Order of House of Commons for taking Oath of Supremacy, 21 June, 1642.

(Commons Journals, v. 1, p. 298.)

IT is on the considerations aforesaid ordered and ordained, that any person that heretofore hath been elected, and now is a Knight, Citizen or Burgess for this present Parliament, and now present, shall be no longer deemed a Member of this House, or have any voice therein, unless he shall forthwith openly in this House, accept and take the Oath expressed and set forth in one Act made in this Kingdom, in the second year of Queen Elizabeth, of famous memory, entitled, An Act restoring to the Crown, the ancient jurisdiction over the State, Ecclesiastical and Spiritual, and abolishing all Foreign Power, repugnant to the same, according to the tenor and effect hereafter following, that is to say:—

“I, A. B. do utterly Testify and declare in my conscience that the King’s Highness, is the only Supreme Governor of this Realm, and of all other His Highness’s Dominions and Countries, as well in all Spiritual or Ecclesiastical things or Causes as Temporal, and that no Foreign Prince, Person, Prelate, State or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Preheminence or Authority, Ecclesiastical or Spiritual, within this Realm; and therefore I do utterly renounce and forsake all Foreign Jurisdictions, Powers, Superiorities and Authorities and promise that from thenceforth I shall bear faith and true Allegiance to the King’s Highness, His Heirs and Successors, and to my power shall assist and defend all Jurisdictions, Priviledges, Preheminencies

and Authorities granted or belonging to the King's Highness, his Heirs and Successors, or united or annexed to the Imperial Crown of this Realm, So help me God, and by the Contents of this Book."

And it is further ordered and ordained, that all other the Members of this House, who are now absent, and have no hand in the said Rebellion, and every other person which shall be hereafter elected a Knight, Citizen or Burgess for this Parliament, or for any other Parliament or Parliaments hereafter to be holden within this Realm, shall from henceforth, before he shall enter into the Parliament House, or have any voice there, openly accept and take the said Oath before the Lord Chancellor, or Lord Keeper of the Great Seal of this Kingdom for the time being, or in his absence before the Lord Chief Justice of His Majesty's Court of Chief Place, or the Lord Chief Justice of His Majesty's Court of Common Pleas, or the Lord Chief Baron of His Majesty's Court of Exchequer, for the time being; or such other person or persons of His Majesty's Privy Council, or of His Majesty's Judges of this Kingdom as shall be authorized to minister the said Oath. And that he which shall for the present continue in, or hereafter enter into the Parliament House, without taking the said Oath, shall be deemed no Knight, Citizen or Burgess for this present or any other Parliament or Parliaments to be hereafter, nor have any voice therein, but shall be to all intents, constructions and purposes as if he had never been returned nor elected Knight, Citizen or Burgess, for the present nor any succeeding Parliament, and shall suffer such pains and penalties as if he had presumed to sit in the same, without election, return. or authority. And it is also ordered and ordained, that the Committee under-named shall attend the Right Honourable the Lords Justices of this Kingdom, and humbly move their Lordships in the name of this House, that a Bill be drawn to the effect of this Order, with such additions, alterations and enlargements as shall be thought fitting to be transmitted into England, under His Majesty's Great Seal, and to be thence returned into this Kingdom, to be passed as a Law: to which end the said Committee are forthwith to draw a draught of the said Bill, and to present the same unto the said Lords Justices.

Sir Paul Davis, Knight.

Mr. Roger Brereton.

Mr. Recorder of Dublin.

Mr. Anthony Dopping.

Mr. Recorder of Drogheda.

Mr. Stephen Stephens.

It is ordered upon question, that the Order and Ordinance for the Members of this House to take the Oath of Supremacy, as the same is now penned and presented to this House by the said Committee, shall be forthwith entered, as an Order and Ordinance of this House, as the same hath been now read.

It is ordered that this House shall forthwith dissolve itself into a Grand Committee, to consider of the manner of taking the Oath of Supremacy.

The Grand Committee of the whole House. It is ordered that this Committee shall Report unto this House, that they conceive that the manner of the now taking the Oath of Supremacy prescribed by the Ordinance of the whole House shall be taken in the form following, viz. —

First, that Mr. Speaker shall leave the Chair and then take the Oath at large, and that afterwards every Member of the House now present shall take the said Oath in brief, with relation to the same as it shall be taken by Mr. Speaker.

I, A. B. do here freely take the said Oath of Supremacy, that Mr. Speaker hath now taken, So help me God, and, &c.

The names of such of the Members of this House of Parliament, as have this One and Twentieth day of June, One Thousand Six Hundred and Forty-two, taken the Oath of His Majesty's Supremacy. viz. :

Sir Maurice Eustace, Knight, Speaker of this House	Mr. Roger Brereton
Sir Adam Loftus, Knight, His Majesties Vice Treasurer	Sir Thomas Rotheram, Knight
Sir James Ware, Knight	Captain Robert Birroun
Sir Robert Meredyth, Knight	Captain William Billingsley
Sir Francis Slingsbey, Knight	Mr. Bryan Jones
Sir Paul Davis, Knight	Mr. Archibald Hamilton
Sir John Hoy, Knight	Mr. Anthony Dopping
John Bysse, Esq.	Mr. Stephen Stephens
Major Robert Baily	Mr. Theodore Schoute
Robert Bysse, Esq.	Mr. Thomas Hill
Mr. William Plunkett	Mr. Thomas Johnson
	Mr. John Usher
	Captain Thomas Harman

No. 8.

Extract from the Act for Settling of Estates, &c. in Ireland, made in the 14th and 15th Years of the Reign of King Charles II. commonly called "The Act of Settlement."

(From "Irish Statutes," vol. II.)

"His Majesty's most gracious Declaration for the Settlement of his Kingdom of Ireland, and Satisfaction of the several interests of Adventurers, Souldiers, and other his Subjects there.

"Charles the Second, by the grace of God, King of England, Scotland, France and Ireland, defender of the faith, &c. to all our loving subjects of our Kingdom of Ireland, of what degree or quality soever, greeting; It having pleased Almighty God out of his great mercy and compassion towards us, and all our

subjects, to restore us in so wonderful a manner to each other, and with so wonderful circumstances of affection and confidence in each other as must forever fill our hearts (if we are in any degree sensible of such blessings) with an humble and grateful acknowledgement of the obligations we owe to his divine providence, that he would vouchsafe to work that miracle for us himself, which no endeavours of our own could bring to pass: We think it agreeable to the just sense we have, and ought to have of the good affection of all our good subjects, who have contributed so much in bringing this unspeakable blessing upon us and themselves, that we acknowledge that our good subjects in our Kingdome of Ireland have born a very good part in procuring this happiness, that they were early in their dutiful addresses to us, and made the same professions of resolution to return to their duty and obedience to us, during the time of our being beyond the seas, which they have since so eminently made good and put in practice; however it was not easy for us to make any publick declaration with reference to that our Kingdome, there being many difficulties in the providing for, and complying with the several interests and pretences there, which we were bound in honour and justice in some degree to take care of, and which were different from the difficulties we were to contend with in this Kingdome: We well knew the Acts of Parliament which had formerly past for the security of the adventurers in that Kingdom, and had heard of the proceedings which had been thereupon, by which very many officers, soldiers, and others, as well of this, as that our Kingdome, were in possession of a great part of the lands of that our Kingdome, and of whose interests we resolve to be very careful.

“II. *We well remember the CESSATION, and the PEACE which our royal father of blessed memorie had been forced, during the late troubles, to make with the IRISH subjects of that our Kingdome, and by which he was compelled to give them a full pardon for what they had before done amiss upon their return to their dutie, and their promise of giving His Majestie a vigorous assistance, and that from that time, divers persons of honour and qualitie, HAD NOT (that we know or have heard of) SWERVED FROM THEIR ALLEGIANCE towards him or us. We could not forget the PEACE that ourself was afterwards necessitated to make with our said subjects, in the time when they who wickedly usurped the authoritie in this Kingdom, had erected that odious Court, for the taking away of the life of our dear father; and then no bodie can wonder that we were desirous, though upon difficult conditions, to get such an united power of our own subjects, as might have been able, with God’s blessing to have prevented that infamous and horrible parricide.*

“III. *And therefore we could not but hold ourself obliged to perform WHAT WE OWE BY THAT PEACE TO THOSE WHO HAD HONESTLY AND FAITHFULLY performed what*

they had promised to us, though we and they were miserably disappointed of the effect of those promises, by an unhappy part of them, which foolishly forfeited all the grace which they might have expected from us.

“IV. *And in the last place we did and must always remember the great affection a considerable part of that nation expressed to us, during the time of our being beyond the seas, when with all cheerfulness and obedience, they received and submitted to our orders, and betook themselves to that service which we directed as most convenient and behoofeful at that time to us, though attended with inconvenience enough to themselves; which demeanour of theirs cannot but be thought VERIE WORTHIE OF OUR PROTECTION, JUSTICE and FAVOUR.*

* * * * *

“XVIII. Provided always; That whereas, the Corporations of Ireland are now planted with English, who have considerably improved at their own charges, and brought trade and manufacture into that our Kingdome, and by their settlement there, do not a little contribute to the peace and settlement of that country, the disturbing or removal of which English, would in many respects be very prejudicial; that all such of the Popish Religion, of any Corporation in Ireland, who have been for publick security, dispossessed of their Estates within any Corporation, shall be forthwith reprized in forfeited lands, tenements and hereditaments, neer the said Corporation, to the full value, worth and purchase of such Estates, as he was dispossessed of within such Corporation; and that particularly the Popish Inhabitants of Cork, Youghall, and Kingsale, shall have indisposed forfeited lands set out to them in the Baronies of Barrimore and Muskerry, in the County of Cork, according to their respective decrees past in that behalf; provided that in the case of innocent Papists, within the said respective Corporations, that were dispossessed as aforesaid, it shall remain in His Majestie’s power to grant restitution in like manner, as is provided in the case of other innocent Papists.”

No. 9.

List of Peers who Voted in Person or by Proxy in the Irish House of Lords upon the third reading of the Act of Settlement, 30th of May, 1662.

(From Journals of the House of Lords. vol. 1, page 365.)

“ Prayers Read.

PRESENT.

Lord Archbishop of Armagh, Primate, &c. Speaker	Lord Bishop of Cork, Cloyne and Ross
Lord Archbishop of Dublin	Lord Bishop of Down
Lord Archbishop of Cashell	Lord Bishop of Ferns and Leighlin
Lord Archbishop of Tuam	Lord Bishop of Derry
Lord Duke of Ormond	Lord Bishop of Limerick
Earl of Kildare	Lord Bishop of Achonry and Killala
Earl of Cork	Lord Bishop of Waterford
Earl of Roscommon	Lord Bishop of Raphoe
Earl of Desmond	Lord Folliot, Baron of Bally- shannon
Earl of Barrymore	Lord Gorges, Baron of Dun- dalk
Earl of Donegal	Lord Caulfield, Baron of Char- lemont
Viscount Valentia	Lord Baron of Longford
Viscount Conway & Killulltagh	Lord Herbert, Baron of Castle Island
Viscount Baltinglass	Lord Brereton, Baron of Leigh- lin
Viscount Strangford	Lord Sherrard of Leitrim
Viscount Tracy of Rathcoole	Lord Baron of Kingston
Viscount Shannon	Lord Baron of Colooney
Viscount Massarene	
Lord Bishop of Meath	
Lord Bishop of Kildare	
Lord Bishop of Clogher	
Lord Bishop of Ossory	
Lord Bishop of Kilmore	
Lord Bishop of Clonfert	

“ Resolved upon Question, *nemine contradicente* (Forty-one Lords being present) that the Act intituled, An Act for the better Execution of His Majesties Gracious Declaration for the Settlement of this Kingdom of Ireland, and Satisfaction of the several Interests of Adventurers, Soldiers, and other his Subjects there, shall pass as a Law.”

Note. The Act of Settlement was first read in the House of Lords, Friday, 23rd May, 1662.

No. 10.

A List of the Temporal or Lay-Peers whose names appear as having Sat or Voted by Proxy in the Irish House of Lords in the Reign of King Charles II. between the 8th May, 1661, and 7th August, 1666, inclusive; of which those marked with Asterisks, and perhaps some more, were Roman Catholics.

(From Journals of the House of Lords, vol. I, Folio, Dublin 1799.)

May 8th, 1661.

Wentworth, Earl of Kildare	Francis, Lord Aungier, Baron of Longford
Hugh, Viscount Montgomery of Ards	James, Lord Baron of Santry
William, Baron of Howth	——— Lord Baltinglass
William Lord Caulfield, Baron of Charlemont	John, Lord Viscount Massareene
*Francis, Lord Bermingham, of Athenry	*John, Lord Baron of Kingston Viscount Ranelagh
Richard, Lord Baron of Collooney	Lord Aungier.

Lords Journals, vol. 1. p. p. 231, 232.

May 9th, 1661.

*—— Earl of Westmeath	*—— Lord Strabane
*Richard, Earl of Clanrickarde	

Ibidem, p. 232.

May 10th, 1661.

Lord Folliot

Ibid, p. 233.

May 11th, 1661.

Earl of Barrymore

Viscount Shannon

Ibid, p. 233.

May 14th, 1661.

*—— Lord Mayo

Ibid, 234.

May 16th, 1661.

*Lord Viscount Galmoy

Earl of Desmond

Ibid, 235.

May 20th, 1661.

*Earl of Clancarty

Duke of Ormond

Ibid, p. 236

May 25th, 1661.

Viscount Breunker
Earl of Cavan

*Viscount Chaworth of Armagh
Viscount Grandison

Ibid, p. 239.

May 27th, 1661.

*Lord Kilmallock

*Viscount Fairfax of Emilla

Ibid, p. 240, 241.

June 11th, 1661.

Viscount Cullen
*Lord Brittas
Lord Hamilton
Viscount Scudamore

Earl of Inchiquin
Baron of Glanally
Baron of Leytrim
Baron of Laughlin

Ibid, p. p. 246.

June 12th, 1661.

Viscount Maryborough

Viscount Molineaux

Ibid, p. 246.

June 25th, 1661.

Earl of Meath
Earl of Donegall
Lord Baron of Geashill
Viscount Ely
Earl of Carbery
Lord Valentia

Viscount Cholmondley
Baron of Castlestewart
Earl of Thomond
*Viscount Clannaleery
Lord Maynard

Ibid, p. 246.

July 10th, 1661.

Earl of Roscommon

*Earl of Waterford

Ibid, p. p. 260, 261.

July 11th, 1661.

*Earl of Tyrconnell

Earl of Drogheda

Ibid, p. p. 261, 262.

July 13th, 1661.

Viscount Wenman
Viscount Killultagh

Baron of Rathcoole
Baron of Castle-Island

Ibid, p. 262

July 15th, 1661.

Lord Baron of Lifford
Earl of Cork

Baron of Rathmore
Baron of Dundalk

Ibid, p. p. 262, 263.

July 24th, 1661.

*Lord Barnwall

Ibid, p. 269.

- July 31st, 1661.*
Earl Mount Alexander
Ibid, p. 275.
- March 6th, 1661.*
Earl of Mountrath
Ibid, p. 292.
- May 21st, 1662.*
*Lord Viscount Dillon
Lord Viscount Strangford
Lord Viscount Dongan
*Earl of Carlingford
Ibid, p. p. 300, 301.
- June 14th, 1662.*
*Lord Baron of Kinsale
Ibid, p. 310.
- August 8th, 1662.*
*Lord Viscount Muskery
Ibid, p. 327.
- August 14th, 1662.*
*Earl of Anglesey
Ibid, p. 329.
- August 18th, 1662.*
*Earl of Castlehaven
Ibid, p. 331.
- September 2nd, 1662.*
*Marquis of Antrim
Lord Viscount Cullen
Lord Viscount Cashell
Ibid, p. 336.
- September 8th, 1662.*
Earl of Arran
Ibid, p. 339.
- September 15th, 1662.*
Earl of Orrery
Ibid, p. 342.
- February 20th, 1662.*
Lord Viscount Dungarvan
Ibid, p. 366.
- November 16th, 1665.*
Lord Viscount Charlemont
Ibid, p. 381.
- December 7th, 1665.*
Lord Viscount Dungannon
Ibid, p. 395.

December 21st, 1665.

Lord Maynard
Lord Blayney

Lord Baron of Atherdee
*Lord Viscount Clare

Ibid, p. 393.

December 23d, 1665.

Lord Baron of Monaghan

*Lord Viscount Kingsland

Ibid, p. 395.

February 13th, 1665.

Earl of Londonderry

Ibid, p. 402.

March 1st, 1665.

Lord Viscount Powerscourt

Ibid, p. 405.

March 19th, 1665.

*Lord Neterville—Ordered to Petition for his Place, which being done, referred to Committee of Priviledges

Ibid, p. 411.

May 23d, 1666.

Charles Lord Berkeley, Viscount Beerhaven, and Baron of Rathdown

Ibid, p. 424.

No. 11.

Extracts shewing the distinction made between the Protestant and Roman Catholick Peers, with respect to their hours of attending to their Duty in the House.

(From "Journals of the House of Lords." Vol. I. p. p. 243 and 312.)

Friday, 31st May, 1661.

Prayers read by the puisne Bishop.

Question. Whether the Lords of the Communion of the *Church of England*, be tied to be present at Prayers, under the respective Penalties?

Ordered (upon the Question) *nemine contradicente*, that the Lords of the *Communion of the Church of England*, shall be bound to be present at Prayers, under the respective penalties of one shilling a piece.

Friday, the 27th of June, 1662.

Ordered, that all Lords, who are of the *Profession of the Church of England*, shall pay for every time they are absent

from Prayers in the House, one shilling: and every Lord of the **ROMAN CATHOLICK RELIGION**, that is absent a Quarter, at the sitting of the House, one shilling.

No. 12.

Shewing the constant attendance of Roman Catholic Peers in the House of Lords in Ireland, in the time of King Charles II.

(From "Journals of the House of Lords." Vol. I. p. 315.)

"And whereas, the Right Honourable Richard Earl of Westmeath, the Lord Viscount Mayo, the Lord Viscount Galmoy, the Lord Birmingham Baron of Athenry, the Lord Baron of Brittas, and Lord Viscount Killmallock, have *constantly* attended His Majesty's service in this Parliament, that regard may be had to their better encouragement and the support of the dignity of the Honourable House of Peers: That therefore, it may be provided and further enacted, that the said Richard Earl of Westmeath, the Lord Viscount Mayo, the Lord Viscount Galmoy, the Lord Baron of Athenry, the Lord Baron of Brittas, and the Lord Viscount Killmallock, may be first restored unto and enjoy their several and respective Estates, belonging to them, or any of them, in Possession, Reversion, or Remainder, before any Estate be restored to any person or persons, who are not, by His Majesty's gracious Declaration to the Adventurers, Soldiers, or others, possessing the same respectively, they the said Earl of Westmeath, the Lord Viscount Mayo, the Lord Viscount Galmoy, the Lord Baron of Athenry, the Lord Baron of Brittas, and Lord Viscount Killmallock, first satisfying and paying such reparations, according to a just value thereof, as have been made upon their several and respective Estates, any Act to the contrary thereof notwithstanding."

No. 13.

Letters from Lord Orrery to the Duke of Ormond.

(From Orrery's State Letters, 8vo. Dublin, 1743. Vol. I. p. 34.)

"*To the Duke of ORMONDE,*" (dated May 8th, 1661.)

"*May it please your Grace,*

"This is the first day that I have been able to make use of my hand to write, and therefore I think it a duty to employ it in giving your Grace an account of our actings here. My Lord Clancarty we have actually repossessed of all his Estate; and several others, we hope, in ten days, will be also of theirs, a

list of which the last post, we humbly presented to your Grace, in a joint letter from my Lord Mountrath and your humblest servant. His Majesty having empowered the Lords Justices to appoint a fit person to be Speaker of the House of Lords, my Lord Chancellor has proposed to us the Lord Santry, against whom we had several material objections, besides his disability of body; and he being at best but a *cold friend to the Declaration*; which made me propose my Lord Primate, well known in the orders and proceedings of that House, (having sat in two Parliaments) a constant eminent sufferer for his late, and now Majesty, and that in such a choice we might let the Dissenters and Fanaticks see, *what we intend as to Church Government*. Besides it was but requisite the Church, which had so long suffered, should now (in the chief of it,) receive all the honours we could confer on it. My Lord Chancellor for some days dissented therein, but at last concurred; and this day my Lord Primate sat in that character. The Lord Santry's strange passionate carriage at it in the Council, his indiscretion towards my Lord Mountrath, as well as his Majesty himself, your Lordship in my next shall have account of. His Majesty, in the honour of his letters to us of the 11th of March last, ordered us to see Sir William Domvill settled Speaker of the House of Commons here. This letter was not given us till the 27th of April last, at which time it was impossible to signify to the King, what we humbly thought most advantageous to his service, and timely enough to receive his Royal pleasure therein; but having had some private notice of that concealed letter a few days before, it occasioned a letter to a friend in England, which produced His Majesty's letters of the 30th of April, received the 5th instant, empowering us, notwithstanding the former letter, to approve of whom we should think fit. Yesterday in full Council it was resolved, since only two were in nomination (Sir Wm. Domvill, and Sir Audley Mervin,) that it was best to leave the choice of either, to the House itself, which this day was done; and notwithstanding several arts were used, yet this afternoon, Sir Audley was chosen Speaker, and is to be presented us tomorrow to be approved. Those that opposed it would not, after they saw above three to one against them, come to a pole, but at last unanimously agreed for him. There *sat this day* in the House of Lords **BUT ONE PAPIST PEER**, but **SOME** are come to town this day, and **DIVERS** others are coming. It may not be unworthy your Grace's observation that the **PAPISTS** and **Anabaptists** stood in **SEVERAL PLACES TO BE CHOSEN**, yet but **ONE** of each sort was **ACTUALLY** chosen, and *they both in the borough of Tuam*, an Archbishop's See; from which all collect, that both those opinions will oppose the true Church. I am very confident, that much the major number of the House of Commons are faithful servants to His Majesty, and friends to the Church, which whatever may be represented to the contrary, *will by effects be made appear*. I doubt I have troubled your Grace too much; and

though I have much more to say, yet shall defer it to the next post, lest you might say you have an importunate servant of me, and that I am less troublesome with the gout than without it: but whether ill or well, I will be, God willing during my life,

“ *May it please your Grace,
your Grace’s most humble
most obliged devoted servant,*

“ **ORRERY.**”

Dublin, May 8, 1661.

“ *To the Duke of ORMONDE,*” (*Ibid* page 36.)

“ Dublin, May 15th, 1661.

“ *May it please your Grace,*

“ I hope in a few days both Houses of Parliament will by their Declaration, evidence to the world, *what true sons of the Church they are*, and how far they will be from tolerating any sects. And I think I may on good grounds assure your Grace, that whatever is proposed in this Parliament for the service of His Majesty, the good of the Church, and the settlement of this Kingdom, will be readily embraced by them. The *House of COMMONS* have this day to move my Lords Justices, that my Lord Chancellor be desired to commissionate certain persons under the Great Seal, to administer to every Member of *that House*, the Oaths of Allegiance and Supremacy, which they esteem the civillest way to evidence they are not Fanatics, and try such as they are jealous of; neither can this be designed against the Papists, **THERE BEING BUT ONE OF THAT RELIGION CHOSEN THIS PARLIAMENT.** Our answer to this desire I shall present your Grace by the next post.-- If it may stand with your Grace’s liking, I would be an humble suitor to you, that by your mediation with His Majesty, the Earl of Barrimore might be one of the Privy Council in this Kingdom. I find him most zealous for the King’s service, and very propense to business: his father was, and all his family are entirely your servants, and this would engage him to walk not unworthy such an honour, upon which belief, this request is humbly presented your Grace, by your Grace’s

“ *Most humble most faithful
and most entirely devoted servant,*

“ **ORRERY.**”

No. 14.

“ CONCERNING THE
CHARTERS TO CORPORATIONS.”

(This and another Paper, concerning the Nominees, were sent April 10th 1675, by the Lord Conway to the Lord Ranelagh, one of King Charles the Second's Ministers in England, from His Excellency Arthur Capel, Earl of Essex, Lord Lieutenant of Ireland.—See Essex's State Letters, page 158, Quarto Edition, London, 1770.)

“ IN most of the Corporations of Ireland, the Freemen were generally Papists in the year 1641, and so continued till about 1664; and although most of the persons who were then free, may now be presumed to be dead, yet there being a custom in most Corporations, that all sons of Freemen are also free of the Corporations whereof their fathers were free; *there cannot but be now very many Papists living, who are entitled to their Freedom in their several Corporations.* Since the ending of the Rebellion all the Magistrates in Corporations have been generally Protestants, and many Protestants have been also admitted to their freedoms; and in the Usurper's time, all Papists that were Freemen were hindered from enjoying the benefit of their freedoms.

“ Since the King's restoration, many disputes have happened concerning the Papists, who were formerly free, being admitted again into the Corporations.

“ By a letter from the King, dated the 22d of May, 1661, His Majesty declared his pleasure, that the respective former inhabitants, natives and freemen, and such as had right to be Freemen in any of the Cities or Towns in this Kingdom, should be forthwith restored to their accustomed privileges and immunities, and admitted to trade in the said respective cities and towns, as freely as heretofore, without making any national distinction, or giving any interruptions upon pretence of difference of judgment, or opinion in matters of religion. Notwithstanding this letter, many of the ancient freemen, that were Papists, were kept out of several Corporations. In the Act of Settlement, or Explanation, there is no clause that hinders any Papist from buying or taking any leases of any forfeited houses from the forty-nine officers, without licence of the Lord Lieutenant and Council.

“ His Majesty afterwards, by his letters bearing date the 26th of February, 1671, in the time of the Lord Bexley's Government, did again declare his pleasure, that all the Antient Freemen of the respective Corporations, should enjoy their former freedoms and priveleges; and that a general licence should be given to Papists, to hire or purchase any forfeited houses in Corporations which was

accordingly done, and His Majesty's pleasure therein published by Proclamation of the Lord Lieutenant and Council, bearing date the 8th of May, 1671.

“ The rules since made by the Lord Lieutenant and Council, in pursuance of a clause contained in the Act of Explanation, does hinder all Papists from being Magistrates in Corporations, unless dispensed with by the Lord Lieutenant from taking the Oath of Supremacy; *but nothing in those Rules takes away from them the benefit of their Freedoms*; yet in some of their Corporations, (in which the number of Protestants is great,) many of the Papists are still kept out, and hindred from their freedoms, as particularly in Cork, which is now wholly inhabited by Protestants, and the ancient natives, or freemen, are either disposed in the country abroad, or do only inhabit in the suburbs without the walls; but the trade is almost wholly carried on by the Protestants. Upon renewing of Charters, great disputes are likely to arise between the present inhabitants and ancient natives of several of the Corporations, concerning the hindering of the ancient natives from, or admitting them to, the benefit of their freedoms. *If they should be hindred from their freedoms, they will complain that there is no law to take that benefit from them*; that it is unreasonable to hinder them from trading, and may be also prejudicial to the King in his customs, and will force them to withdraw their stocks beyond the seas, and that it is against the King's pleasure, expressly declared by his several letters, and since made publick by proclamation, upon confidence whereof (it will be pretended) many have come over to inhabit here; that by the rules, Papists, who are foreigners, may be admitted to be free in the Corporations here, and that it will be hard to bar Papists, who are natives, from enjoying that freedom which hath been already granted them. If they should all be generally admitted by the new Charters, to enjoy the benefit of their freedom, the Protestant inhabitants will complain that the Corporations will be all presently filled with Papists, as they were in the year 1641, and the Protestant inhabitants thereby discouraged; *that the number of the ancient freemen, who are Papists, will be much greater than of Protestants, and thereby they will have the choice of Parliament Men, and the House of Commons thereby will be filled with Papists, WHO ARE NOT, BY ANY LAW OF FORCE HERE, HINDRED FROM SITTING IN THE HOUSE*: that it will be unreasonable that such, who, by reason of their not being adjudged innocent, have forfeited their estates, should be admitted to continue their freedoms; and it is to be feared, that the present Protestant inhabitants, who will generally solicit and take out the Charters, will hardly be at the charge of renewing them, if any provisions should be therein made for all the ancient freemen to be restored to their freedoms.

“ What expedients to propose herein seems to be very difficult, and it will be hardly possible to propose any that may satisfy both parties.

“ It may, perhaps, be a middle way, to admit only those Papists to their freedoms, WHO DO NOW ACTUALLY ENJOY the benefit thereof, where by those Papists, who have not yet been admitted thereinto by the Corporations themselves, may be excluded; or else to provide that those Papists who have been adjudged innocent, and their heirs and children shall enjoy the benefit of those freedoms, whereby only those who have not been admitted to enjoy their estates, will be hindred from their freedoms: but it is to be doubted, whether either these will satisfy the parties concerned.”

No. 15.

Protestant and Roman Catholic Peers having a right to sit in the Irish House of Lords at the latter end of the Reign of King Charles II.

(From “*The Interest of Ireland in its Trade and Wealth stated.*” By Colonel Richard Lawrence. London, 1682. Part II., page 63.)

“ A Catalogue of the present Peers of Ireland, 1681, not in exact order as to Seniority, though I used my utmost endeavours to have done that, designing only to manifest the strength of the *English* Interest in the House of Peers.

“ PROTESTANTS.

“ Duke Ormond,

EARLS.

Kildare,
 Thomond,
 Cork,
 Desmond,
 Barymore,
 Meath,
 Ossory,
 Roscommon,
 Londonderry,
 Donnegall,
 Arran,
 Conaway,
 Carberry,
 Ardglass,
 Ranalagh,
 Cavan,
 Inchiquin,
 Clancarty,
 Orrery,
 Mountrath,
 Drogheda,

“ PAPISTS.

“ Marquess Antrim,

EARLS.

Clanrickard,
 Castlehaven,
 West Meath,
 Fingall,
 Castlemayne,
 Carlingford.

" PROTESTANTS.

" PAPISTS,

EARLS.

Waterford,
Mountalexander,
Down,
Longford,
Tyrone.

VISCOUNTS.

Grandison,
Wilmot,
Loftus of Ely,
Swordes,
Kilmurry."

VISCOUNTS.

Costalo,
Mayo,
Merrion,
Fairfax,
Fitz William."

NOTE—Lawrence also gives a list of the places that return Members to the House of Commons, (p. 59.) of which the Counties send Sixty-four, and the Cities and Boroughs Two-hundred and Twenty-one, making in the whole, the number of Two-hundred and Eighty-five, at the conclusion of which he has these remarkable words.

"Of which, considering the present constitution of these Corporations, no man can think where TEN PAPISTS can carry an Election."

Thus exulting in the prosperity of the *English Interest*, while he acknowledges that the Irish Roman Catholick had the right of Election, and of being returned to serve as Members of Parliament, although as he says, "*no Ten Papiests can carry an Election.*"

No. 16.

THE CIVIL AND MILITARY

ARTICLES OF LIMERICK,

(Printed *verbatim*, from a copy lately collated with the Inrollment of the Original Articles, now of Record in the Rolls of His Majesty's High Court of Chancery, Dublin.

GULIELMUS & MARIA Dei Gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ, Rex & Regina, Fidei Defensores, &c. Omnibus ad quos Presentes literæ nostræ pervenerint salutem; Inspeximus Irrotulament. quarund. literarum patentium de confirmatione geren. Dat. apud Westmonasterium vicesimo quarto die Februarij, ultimi preteriti in Cancellar. nostr. Irrotulat. ac ibidem de Recordo remanen. in hæc verba. William and Mary, by the Grace of God, &c. To all to whom these presents shall come, Greeting, Whereas certain Articles, bearing date the third day of October last past, made and agreed on between our Justices of our Kingdom of Ireland, and our General of our Forces there, on the one part, and several Officers there commanding within the City of Limerick, in our said Kingdom, on the other part.—Whereby our said Justices and General did undertake, that we should ratify those Articles within the space of eight months, or sooner; and use their utmost endeavours that the same should be ratified and confirmed in Parliament. The tenor of which said Articles is as follows, viz. :—

ARTICLES

Agreed upon the Third Day of October, One Thousand Six Hundred and Ninety One,

BETWEEN the Right Honourable Sir Charles Porter, Knight, and Thomas Conningsby, Esquire, Lords Justices of Ireland, and His Excellency the Baron de Ginkell, Lieutenant General and Commander in Chief of the English Army, on the one Part, and the Right Honourable Patrick Earl of Lucan, Piercy Viscount Gallmoy, Colonel Nicholas Purcell, Colonel Nicholas Cusack, Sir Toby Butler, Colonel Garret Dillon, and Colonel John Brown, on the other Part.

In the behalf of the Irish Inhabitants in the City and County of Limerick, the Counties of Clare, Kerry, Cork, Sligo, and Mayo.

In consideration of the Surrender of the City of Limerick, and other Agreements made between the said Lieutenant General Ginckell, the Governor of the City of Limerick, and the Generals of the Irish Army, bearing date with these presents, for the Surrender of the said City, and Submission of the said Army, did agree,

ART. I. It is agreed that the Roman Catholics of this Kingdom shall enjoy such privileges in the exercise of their religion, as are consistent with the laws of Ireland, or as they did enjoy in the Reign of King Charles the Second. And their Majesties, as soon as their affairs will permit them to summon a Parliament in this Kingdom, will endeavour to procure the said Roman Catholics such further security in that particular, as may preserve them from any disturbance upon the account of their said Religion.

ART. II. All the inhabitants or residents of Limerick, or any other Garrison now in the possession of the Irish, and all Officers and Soldiers, now in arms, under any Commission of King James, or those authorised by him, to grant the same in the several Counties of Limerick, Clare, Kerry, Cork and Mayo, or any of them, and all the Commissioned Officers in their Majesty's quarters, that belong to the Irish Regiments, now in being, that are treated with, and who are not Prisoners of War, or have taken protection, and who shall return and submit to their Majesties obedience, and their and every of their heirs, shall hold, possess and enjoy, all and every their estates of freehold and inheritance; and all the rights, titles and interests, privileges and immunities, which they and every, or any of them held, enjoyed, or were rightfully and lawfully entitled to, in the Reign of King Charles the Second, or at any time since, by the Laws and Statutes that were in force in the said Reign of King Charles the Second, and shall be put in possession, by order of the Government, of such of them as are in the King's hands, or the hands of his tenants, without being put to any suit or trouble therein; and all such estates shall be freed and discharged from all arrears of Crown Rents, Quit Rents, and other public charges, incurred and become due since Michaelmas, 1688, to the day of the date hereof. And all persons comprehended in this Article, shall have, hold, and enjoy all their goods and chattles, real and personal, to them, or any of them belonging, and remaining either in their own hands, or the hands of any persons whatsoever, in trust for, or for the use of them, or any of them; and all and every the said persons, of what profession, trade or calling, soever they be, shall and may use, exercise and practise their several and respective professions, trades and callings, as freely as they did use, exercise and enjoy the same in the Reign of King Charles the Second; provided, that nothing in this Article contained, be construed to extend to, or restore any forfeiting person now out of the

Kingdom, except what are hereafter comprised. Provided also, that no person whatsoever shall have or enjoy the benefit of this Article, that shall neglect or refuse to take the Oath of Allegiance*, made by Act of Parliament in England, in the first year of the Reign of their present Majesties, when thereunto required.

ART. III. All Merchants, or reputed Merchants of the City of Limerick, or of any other Garrison, now possessed by the Irish, or of any town or place in the Counties of Clare or Kerry, who are absent beyond the Seas, that have not bore Arms since their Majesties Declaration in February, 1688, shall have the benefit of the second Article, in the same manner as if they were present; provided such Merchants, and reputed Merchants, do repair into this Kingdom within the space of eight months from the date hereof.

ART. IV. The following Officers, viz. Colonel Simon Luttrell, Captain Rowland White, Maurice Eustace, of Yermans-town, Chievers of Maystown, commonly called Mount Leinster, now belonging to the regiments in the aforesaid Garrisons and Quarters of the Irish Army, who were beyond the seas, and sent thither upon affairs of their respective regiments; or the Army in general, shall have the benefit and advantage of the second Article; provided they return hither within the space of eight months from the date of these presents, and submit to their Majesties Government, and take the above-mentioned Oath.

ART. V. That all and singular, the said persons comprised in the second and third Articles, shall have a General Pardon of all Attainders, Outlawries, Treasons, Misprisions of Treason, Premunires, Felonies, Trespasses, and other Crimes and Misdemeanors whatsoever, by them or any of them committed since the beginning of the Reign of King James II. and if any of them are attainted by Parliament, the Lords Justices and General, will use their best endeavour to get the same repealed by Parliament, and the Outlawries to be reversed gratis, all but Writing Clerk's fees.

ART. VI. And whereas these present Wars have drawn on great violences, on both parts, and that if leave were given to the bringing all sorts of private actions, the animosities would probably continue, that have been too long on foot, and the public disturbances last. For the quieting and settling therefore of this Kingdom, and avoiding those inconveniences which would be the necessary consequence of the contrary, no person or persons whatsoever, comprised in the foregoing Articles shall be sued, molested, or impleaded, at the suit of any

* "I. A. B. do sincerely promise and swear, that I will be faithful, and bear true Allegiance to their Majesties King William and Queen Mary.— So help me God."

party or parties whatsoever, for any Trespasses by them committed, or for any Arms, Horses, Money, Goods, Chattles, Merchandises, or Provisions whatsoever, by them seized or taken during the time of the War. And no person or persons whatsoever in the second or third Articles comprised, shall be sued, impleaded, or made accountable for the Rents, or mean Rates of any Lands, Tenements, or Houses by him or them received, or enjoyed in this Kingdom, since the beginning of the present War, to the day of the date hereof, nor for any Waste or Trespass, by him or them committed in any such Lands, Tenements, or Houses. And it is also agreed, that this Article shall be mutual, and reciprocal on both sides.

ART. VII. Every Nobleman and Gentleman comprised in the said second and third Articles, shall have liberty to ride with a Sword and Case of Pistols, if they think fit, and keep a Gun in their Houses, for the defence of the same, or for fowling.

ART. VIII. The inhabitants and residents in the City of Limerick, and other Garrisons, shall be permitted to remove their Goods, Chattles, and Provisions, out of the same, without being viewed and searched, or paying any manner of duties, and shall not be compelled to leave the Houses or Lodgings they now have, for the space of six weeks next ensuing the date hereof.

ART. IX. The Oath to be administered to such Roman Catholics as submit to their Majesties' Government, shall be the Oath aforesaid, and no other.

ART. X. No person or persons, who shall at any time hereafter break these Articles, or any of them, shall thereby make, or cause any other person or persons, to forfeit or lose the benefit of the same.

ART. XI. The Lords Justices and General do promise to use their utmost endeavours, that all the persons comprehended in the above-mentioned Articles, shall be protected and defended from all Arrests and Executions for Debt or Damage, for the space of eight months, next ensuing the date hereof.

ART. XII. Lastly, the Lords Justices and General do undertake, that their Majesties' will ratify these Articles, within the space of eight months, or sooner, and use their utmost endeavours, that the same shall be ratified and confirmed in Parliament.

ART. XIII. And whereas Colonel John Brown stood indebted to several Protestants, by judgments of record; which appearing to the late Government, the Lord Tyrconnel and Lord Lucan, took away the effects the said John Brown had to answer the said debts, and promised to clear the said John Brown

of the said debts; which effects were taken for the public use of the Irish, and their Army. For freeing the said Lord Lucan of his said engagement, past on their public account, for payment of the said Protestants, and for preventing the ruin of the said John Brown, and for satisfaction of his creditors, at the instance of the Lord Lucan, and the rest of the persons aforesaid, It is agreed, that the said Lords Justices, and the said Baron de Ginckell, shall intercede with the King and Parliament, to have the estates secured to Roman Catholics; by Articles and Capitulation, in this Kingdom, charged with, and equally liable to the payment of so much of the said debts, as the said Lord Lucan, upon stating accounts with the said John Brown, shall certify under his hand that the effects taken from the said Brown amount unto; which account is to be stated, and the balance certified by the said Lord Lucan in one and twenty days after the date hereof.

For the true performance hereof, we have hereunto set our Hands.

PRESENT.

SCRAVENMORE.
H. MACCAY.
T. TALMASH.

CHARLES PORTER.
THOMAS CONNINGSBY.
BARON DE GINCKELL.

AND Whereas the said City of Limerick hath been since, in pursuance of the said Articles, surrendered unto us. Now know ye, that we having considered of the said Articles, are graciously pleased hereby to declare, that we do for Us, our Heirs and Successors, as far as in us lies, ratify and confirm the same, and every clause, matter and thing, therein contained. And as to such parts thereof, for which an Act of Parliament shall be found to be necessary, we shall recommend the same to be made good by Parliament, and shall give our Royal Assent to any Bill or Bills, that shall be passed by our two Houses of Parliament to that purpose.

And whereas it appears unto us, that it was agreed between the parties to the said Articles; that after the words, Limerick, Clare, Kerry, Cork, Mayo, or any of them, in the second of the said Articles, the words following, viz. "And all such as are under their protection in the said Counties," should be inserted, and be part of the said Articles. Which words having been casually omitted by the writer, the omission was not discovered until after the said Articles were signed, but was taken notice of before the second Town was surrendered. And that our said Justices, and General, or one of them, did promise that the said clause should be made good, it being within the intention of the Capitulation, and inserted in the foul draught thereof.

Our further will and pleasure is, and we do hereby ratify and confirm the said omitted words, viz. "And all such as are under

their protection in the said Counties," hereby for us, our heirs, and successors, ordaining and declaring, that all and every person and persons, therein concerned, shall and may have, receive and enjoy, the benefit thereof, in such and the same manner, as if the said words had been inserted in their proper place, in the said second Article; any omission, defect or mistake in the said second Article, in any wise notwithstanding.

Provided always, and our will and pleasure is, that these our Letters Patents shall be enrolled in our Court of Chancery, in our said Kingdom of Ireland, within the space of one year next ensuing. In Witness, &c.

Witness ourself, at Westminster, the twenty-fourth day of February, Anno Regni Regis & Reginae Gulielmi & Mariae Quarto, per Breve de Privato Sigillo, Nos autem Tenorem Premissor. Predict. ad Requisitionem Attornat. General Domini Regis et Dominæ Reginae pro Regno Hiberniæ. Duximus exemplificand. per Presentes. In cujus Rei Testimonium has literas nostras fieri fecimus Patentes. Testibus nobis ipsis apud Westmon. Quinto die Aprilis, Annoque Regni eorum Quarto.

BRIDGES.

Examinat.	}	S. KECK.	}	In Cancel.
per nos		LACON WM. CHILDE.		Magistros.



MILITARY ARTICLES,

AGREED UPON.

Between the Baron de Ginckell, Lieutenant General, and Commander in Chief of the English Army, on the one side;

AND

The Lieutenant Generals de Ussoon, and de Tesse, Commanders in Chief of the Irish Army, on the other; and the General Officers hereunto subscribing.

ART. I. That all persons, without any exceptions, of what quality or condition soever, that are willing to leave the Kingdom of Ireland, shall have free liberty to go to any country beyond the seas, (England and Scotland excepted,) where they think fit, with their families, household stuff, plate and jewels.

II. That all General Officers, Colonels, and generally all other Officers of Horse, Dragoons and Foot Guards, Troopers, Dragooners, Soldiers of all kinds that are in any Garrison

Place or Post, now in the hands of the Irish, or encamped in the Counties of Cork, Clare and Kerry, as also those called Rapparees, or Voluntiers, that are willing to go beyond seas as aforesaid, shall have free leave to embark themselves, wherever the ships are, that are appointed to transport them; and to come in whole bodies, as they are now composed, or in parties, companies, or otherwise, without having any impediment, directly or indirectly.

III. That all persons above-mentioned, that are willing to leave Ireland, and go into France, shall have leave to declare it at the times and places hereafter mentioned, viz. The troops in Limerick on Tuesday next in Limerick; the horse at their camp on Wednesday, and the other forces that are dispersed in the Counties of Clare, Kerry, and Cork, on the 8th instant, and on none other, before Monsieur Tameron, the French Intendant, and Colonel Withers: and after such Declaration is made, the troops that will go into France must remain under the command and discipline of their Officers, that are to conduct them thither; and Deserters of each side shall be given up, and punished accordingly.

IV. That all English and Scotch Officers, that serve now in Ireland, shall be included in this Capitulation, as well for the security of their estates and goods in England, Scotland and Ireland, (if they are willing to remain here,) as for passing freely into France, or any other country, to serve.

V. That all the General French Officers, the Intendant, the Engineers, the Commissaries at War, and of the Artillery, the Treasurer, and other French Officers, Strangers, and all others whatsoever, that are in Sligo, Ross, Clare, or in the Army, or that do trade or commerce, or are otherwise employed in any kind of station or condition, shall have free leave to pass into France, or any other country; and shall have leave to ship themselves, with all their horses, equipage, plate, papers, and all their effects whatever; and that General Ginckell will order passports for them, convoys, and carriages by land and water, to carry them safe from Limerick, to the ships where they shall be embarked, without paying any thing for the said carriages, or to those that are employed therein, with their horses, carts, boats, and shallops.

VI. That if any of the aforesaid equipages, merchandize, horses, money, plate, or other moveables, or household stuff, belonging to the said Irish troops, or to the French Officers, or other particular persons whatsoever, be robbed, destroyed, or taken away by the troops of the said General, the said General will order it to be restored, or payment to be made, according to the value that is given in upon oath by the person so robbed or plundered. And the said Irish troops to be transported as aforesaid; And all other persons belonging to them, are to observe good order in their march and quarters, and shall

restore whatever they shall take from the country, or make restitution for the same.

VII. That to facilitate the transporting the said troops, the General will furnish fifty ships, each ship's burthen two hundred tons; for which the persons to be transported, shall not be obliged to pay; and twenty more if there shall be occasion, without their paying for them; and if any of the said ships shall be of lesser burthen, he will furnish more in number to countervail; and also give two Men of War to embark the principal Officers and serve for a convoy to the vessels of burthen.

VIII. That a Commissary shall be immediately sent to Cork to visit the transport ships, and what condition they are in for sailing; and that as soon as they are ready, the troops to be transported shall march with all convenient speed the nearest way, in order to embark there. And if there shall be any more men to be transported, than can be carried off in the said fifty ships, the rest shall quit the English Town of Limerick, and march to such quarters as shall be appointed for them, convenient for their transportation, where they shall remain 'till the other twenty ships be ready, which are to be in a month; and may embark on any French ship that may come in the mean time.

IX. That the said ships shall be furnished with forage for horse, and all necessary provisions to subsist the Officers, Troops, Dragoons and Soldiers, and all other persons that are shipped to be transported into France; which provision shall be paid for, as soon as all are disembarked at Brest or Nantz, upon the coast of Brittany, or any other port in France they can make.

X. And to secure the return of the said ships, (the danger of the seas excepted,) and payment of the said provisions, sufficient hostages shall be given.

XI. That the Garrisons of Clare Castle, Ross, and all other Foot that are in Garrisons, in the Counties of Clare, Cork, and Kerry, shall have the advantage of this present Capitulation, and such part of those Garrisons as design to go beyond seas, shall march out with their arms, baggage, drums beating, ball in mouth, match lighted at both ends, and colours flying, with all the provisions, and half the ammunition that is in the said Garrisons, and join the horse that march to be transported; or if then there is not shipping enough for the body of foot that is to be next transported after the horse, General Ginckell will order that they be furnished with carriages for that purpose, and what provision they shall want in their march, they paying for the said provisions; or else that they may take it out of their own Magazines.

XII. That all the troops of horse and dragoons that are in the Counties of Cork, Kerry and Clare, shall also have the benefit of this Capitulation; and that such as will pass into

France shall have quarters given them in the Counties of Clare and Kerry, apart from the troops that are commanded by General Ginckell, until they can be shipped; and within their quarters they shall pay for every thing, except forage, and pasture for their horses, which shall be furnished gratis.

XIII. Those of the Garrison of Sligo, that are joined to the Irish Army, shall have the benefit of this Capitulation; and orders shall be sent to them that are to convey them up, to bring them hither to Limerick the shortest way.

XIV. The Irish Army may have liberty to transport nine hundred horse, including horses for the Officers, which shall be transported gratis; and as for the troopers that stay behind, they shall dispose of themselves as they shall think fit; giving up their horses and arms to such persons as the General shall appoint.

XV. It shall be permitted to those that are appointed to take care for the subsistence of the horse, that are willing to go into France, to buy hay and corn at the King's rates, wherever they can find it in the quarters that are assigned for them, without any let or molestation; and to carry all necessary provisions out of the City of Limerick. And for this purpose the General will furnish convenient carriages for them to the places where they shall be embarked.

XVI. It shall be lawful to make use of the hay, preserved in the stores of the County Kerry, for the horses that shall be embarked; and if there be not enough, it shall be lawful to buy hay and oats wherever it shall be found, at the King's rates.

XVII. That all Prisoners of War, that were in Ireland the 28th of September, shall be set at liberty on both sides; and the General promises to use his endeavour, that those that are in England and Flanders shall be set at liberty also.

XVIII. The General will cause provisions and medicines to be furnished to the sick and wounded Officers, Troopers, Dragoons, and Soldiers of the Irish Army, that cannot pass into France at the first embarkment; and after they are cured, will order them ships to pass into France, if they are willing to go.

XIX. That at the signing hereof, the General will send a ship express to France; and that besides he will furnish two small ships of those that are now in the river of Limerick, to transport two persons into France, that are to be sent to give notice of this treaty; and that the Commanders of the said ships shall have orders to put ashore at the next port of France, where they shall make.

XX. That all those of the said Troops, Officers, and others, of what character soever, that would pass into France, shall not be stopt upon the account of debt, or any other pretext.

XXI. If after signing this present Treaty, and before the arrival of the Fleet, a French Packet-boat, or other Transport Ship, shall arrive from France, in any other part of Ireland, the General will order a passport, not only for such as must go on board the said ships, but to the ships to come to the nearest port, to the place where the troops to be transported shall be quartered.

XXII. That after the arrival of the said Fleet, there shall be free communication and passage between it and the quarters of the above said troops; and especially for all those that have passes from the Chief Commanders of the said Fleet, or from Monsieur Tameron, the Intendant.

XXIII. In consideration of the present Capitulation, the two Towns of Limerick shall be delivered, and put into the hands of the General, or any other person he shall appoint at the time and days hereafter specified, viz. the Irish Town, except the Magazines and Hospital, on the day of the signing of these present Articles; and as for the English Town, it shall remain, together with the Island, and the free passage of Thomond Bridge, in the hands of those of the Irish Army that are now in the Garrison, or that shall hereafter come from the Counties of Cork, Kerry, Clare, Sligo, and other places above-mentioned, until there shall be convenience found for their transportation.

XXIV. And to prevent all disorders that may happen between the Garrison that the General shall place in the Irish Town, which shall be delivered to him, and the Irish troopers that shall remain in the English Town, and the Island, which they may do, until the troops to be embarked on the first fifty ships shall be gone for France, and no longer; they shall entrench themselves on both sides, to hinder the communication of the said Garrisons. And it shall be prohibited on both sides to offer any thing that is offensive, and the parties offending shall be punished on either side.

XXV. That it shall be lawful for the said Garrison to march out all at once, or at different times, as they can be embarked, with arms, baggage, drums beating, match lighted at both ends, bullet in mouth, colours flying, six brass guns, such as the besieged will chuse, two mortar pieces, and half the ammunition that is now in the Magazines of the said place. And for this purpose, an inventory of all the ammunition in the Garrison shall be made in the presence of any person that the General shall appoint, the next day after these present Articles shall be signed.

No. 17.

First Proceedings in the Irish House of Lords to exclude Roman Catholic Peers from their Seats in that House.

(From Journals of the House of Lords, vol. 1.)

“ Friday, the 14th of October, 1692,

“ Put to the Question: What is fit to be done in the Case of the *Popish* Lords, who have right to their Writs of Summons, and do not qualify themselves, *according to Law*, to attend this House ?

“ Ordered, on the Question, that this House do, on Thursday Morning next, at Eleven of the Clock, resolve themselves into a Committee of the whole House, to consider, What is fit to be done in the Case of the *Popish* Lords, who have right to their Writs of Summons, and do not qualify themselves, *according to Law*, to attend this House ?” (Page 455.)

NOTE—*the LAW intended in this Question and Vote was, the “ Act for the Abrogating the Oaths of Supremacy in Ireland, and appointing other Oaths,” which passed in the ENGLISH Parliament of Third and Fourth William and Mary, but had not yet received the sanction of the Parliament in IRELAND.*”

“ Saturday, the 29th of October, 1692.

“ Richard Lord Viscount Mountgarrett delivered his Writt, kneeling, to the Lord Chancellor, who delivered it to the Clerk to be read, which being done his Lordship took the Oath of Fidelity; and being demanded to take the other Oath and make and subscribe the Declaration according to the Act made in *England*, his Lordship refused so to do, declaring it was not agreeable to his conscience: And thereon the Lord Chancellor acquainted the said Lord Viscount, that he knew the consequence of refusing to take the said Oath and make and subscribe the said Declaration, was, he could not Sit in this House; and ordered him to withdraw.” (Page 466.)

“ Nicholas Lord Viscount Kingsland delivered his Writt, kneeling, to the Lord Chancellor, took both the Oaths, according to the Act made in *England*; and being demanded to make and subscribe the Declaration according to the said Act, his Lordship refused to take and subscribe the said Declaration; and then withdrew.” (*Idem.*)

Amongst the “ RULES and ORDERS to be observed in the Upper House of Parliament, reported by the Committee

appointed for that purpose." *Wednesday, the 2nd November, 1692*, we find the following,

"5. Every Lord before he be admitted to Sit in the House is to take the Oaths and subscribe the Declaration, pursuant to the Act made in *England* in the Third Year of King William and Queen Mary, intituled, An Act for Abrogating the Oath of Supremacy in Ireland, &c." (Page 470.)

NOTE—*This was all that was done by their Lordships in this affair until the next meeting of Parliament in 1695, when we find the following entries.*

" *Monday, the 9th of September, 1695.*

" Ordered, on motion, that it be referred to the Committee of Privileges, how far a *Roman Catholick* Peer, not qualifying himself to sit in this House, and also how far a Protestant Nobleman, under age, shall have Privileges, and that they make report thereof to this House. (Page 496.)

" *Wednesday, the 11th of September, 1695.*

" Report on Privileges of Popish Peers, &c." (P. 499.)

" The Lord Viscount Valentia, standing at the Clerk's table, Reports from the Committee of Privileges, that the said Committee are of opinion, that a *Roman Catholick* Peer, not qualifying himself to sit in this Honourable House, ought not to have any Privilege of Parliament; and that a *Protestant* Nobleman, under age, ought not to have any Privilege of Parliament: And that the said Committee are likewise of opinion, that the Speaker of this House should order the printing of Acts of Parliament.

" Ordered, that a *Roman Catholick* Peer, not qualifying himself to sit in this House, ought not to have any Privilege of Parliament; and that a *Protestant* Nobleman, under age, likewise ought not to have any Privilege of Parliament."

" *Thursday, the 12th of September, 1695.*

" The Lord Baron of Strabane, standing at the Clerk's table, reports from the Committee of the whole House, (appointed to consider what is fit to be done in the case of the *Protestant* Lords, who have not appeared on their Writs, and are not excused their attendance from the service of this House: And also what is fit to be in the case of the *Popish* Lords, who have right to their Writs of Summons, and do not qualify themselves, according to Law, to attend this House,) that the said Committee have considered thereof, and come to this Resolution: That the Speaker of this House do send his Letters to the respective Lords here undernamed, and give them notice

to attend the service of the House, on the 25th of this instant September.

John Lord Baron of Kingston	Lord Viscount Mayo
Oliver Lord Baron of Louth	Lord Viscount Dowth
Lord Baron of Trimleston	Lord Viscount Mountgarrett
Nicholas Lord Viscount Kingsland	Earl of Westmeath
Lord Viscount Merryon	Earl of Clanrickard."

(Page 500.)

“ *Saturday, 12th October, 1695.*

“ Richard Lord Viscount Mountgarrett delivered his Writ in the accustomed manner, to the Lord Chancellor, as Speaker, who delivered the same to the Clerk of the House, and then his Lordship took the Oath of Fidelity, and being demanded to take the other Oath, and subscribe the Declaration, according to the Act made in *England*, his Lordship refused so to do, declaring it was not agreeable to his conscience, and thereon his Lordship is ordered to withdraw.

“ The Lord Viscount Merryon and the Lord Baron of Louth appear, but did not bring their Writs.

“ Ordered, That the Lord Viscount Merryon and the Lord Baron of Louth, do attend this House on Saturday next, at ten of the clock in the morning, and produce their Writs.”—(Page 525)

“ *Tuesday, the 15th of October, 1695.*

“ Nicholas Lord Viscount Kingsland delivered his Writ—and then his Lordship took the Oath of Fidelity, and being demanded to take the other Oath, and subscribe the Declaration—his Lordship refused so to do, declaring it was not agreeable to his conscience, and thereon his Lordship is ordered to withdraw.”—(Page 526)

“ *Saturday the 19th of October, 1695.*

“ Thomas Lord Viscount Merryon delivered his Writ—and then his Lordship took the Oath of Fidelity, and being demanded to take the other Oath, and subscribe the Declaration,—his Lordship refused so to do, declaring it was not consistent with his Religion, and thereon his Lordship is ordered to withdraw.

“ Oliver Lord Baron of Louth,”—(declined the Oath in same manner)—“and thereon his Lordship is ordered to withdraw.”—(Page 530.)

No. 18.

Proceedings of the House of Lords on passing the Bill for the Confirmation of the Articles of Limerick.

(From "Journals of the House of Lords." Vol. I. p. 629, & seq.)

" Tuesday, the 14th of September, 1697.

Ordered, on Motion, that the engrossed Bill sent up from the Commons, intituled, "An Act for the Confirmation of the Articles of Limerick," be read first time.—(Page 629.)

" Saturday, 18th September, 1697.

Ordered, pursuant to the Order of the Day, that the engrossed Bill, as above, be read second time.—Read accordingly, and committed.—(P. 631.)

" Tuesday the 21st of September, 1697.

Lord Orrery moves from the Committee to whom the engrossed Bill, as above, was referred, That a Message be sent to the Lords Justices, desiring their Lordships would please to order the Clerk of the Council, to lay before this House the Letter which was sent from the Lords Justices and Council of Ireland to the Lords Justices of England, assigning their reasons, why the words in the second Article of the Articles, made at the surrender of Limerick, were left out?

Ordered, on Motion, That the Earl of Longford, Lord Lanesborough, the Bishop of Derry, and the Lord Baron of Kerry, do wait on the Lords Justices, and acquaint them, that this House desire their Lordships will please to command the reasons which the Lords Justices and Council gave the Lords Justices of England why they transmitted the Bill, without the additional words, may be communicated to this House, if it may be done without inconvenience.

"The Earl of Lanesborough and the other Peers returned, and standing at the Clerk's table: Report, that they waited on the Lords Justices, and acquainted them," (as directed above;) "Who returned for answer, that their Lordships had great trust and confidence in the House of Lords, yet the matter of their Message being new, and of great importance, they would return an Answer to this House as with what convenient speed they could.

"The House adjourns during pleasure.

"The House resumed.

Ordered, that the Report of the Committee, to whom the said was committed, be received.—(P. 633.)

“ The Earl of Orrery, standing at the Clerk’s table, reports from the Committee, That they met and compared the same with the transmiss, under the Great Seal of England, with which it does agree, and that it is the opinion of the Committee, that no Lord do move in the House of Lords for the reading of the said Bill the third time, until the Bill be first considered on in the House, paragraph by paragraph, and fully debated.

“ Resolved, That this House do agree with the Committee in the foregoing Report.”—(P. 634.)

“ *Thursday the 23d of September, 1697.* ”

“ The Earl of Longford, standing in his place, relates to the House, that he was commanded by the Lords Justices to acquaint them, that they have considered the Message sent by this House on Tuesday last, having found that nothing of the like nature hath ever been done before, they do not believe that it is in their power to comply with the desire of the House. They can only inform the House, concerning the Bill for confirming the Articles made at the Surrender of the City of Limerick, that the Lords Justices of England did detain the Bill before them, until they had laid before the King all the difficulties that concern the same, and having received his Majesty’s pleasure that the Bill should pass in the same form it now is.

“ Resolved, That the Answer of the Lords Justices, sent to this House by the Earl of Longford, be deemed and esteemed satisfactory to this House.

“ Ordered, on Motion, that the Bill sent up by the Commons, for the Confirmation of the Articles made at the Surrender of the City of Limerick, be read a third time.—Read a third time, and passed.

“ Ordered, on Motion, that such Lords as please may enter their Protest to the last foregoing Vote, with their reasons.

PROTEST.

“ We, the Lords Spiritual and Temporal, whose names are hereafter subscribed, do dissent from the aforesaid Vote, and enter our Protest against the same, for the Reasons following :

“ I. Because we think the title of the Bill doth not agree with the body thereof, the title being, ‘ An Act for the Confirmation of Articles made at the Surrender of the City of Limerick,’ whereas no one of the said Articles is therein, as we conceive, fully confirmed.

“ II. Because the said Articles were to be confirmed in favour of them to whom they were granted, but the confirmation of them by the Bill is such, that it puts them in a worse condition than they were before, as we conceive.

“ III. Because this Bill omits those material words, (“ And all such as are under their protection in the said Counties,”) which by His Majesty’s Letters Patent are declared to be part of the second Article, and several persons have been adjudged within the said second Article accordingly, who will if this Bill pass into a Law be entirely barred and excluded from any benefit of the said second Article, by virtue of the afore-mentioned words, so that the words omitted being so very material, and confirmed by His Majesty, after a solemn debate in Council, as we are informed, some express reason, as we conceive, ought to have been assigned in the Bill, in order to satisfy the world as to the omission.

“ IV. Because several words are inserted in the Bill, which are not in the Articles, and others omitted altogether, which alter both the sense and meaning of some parts of the Articles as we conceive.

“ V. Because we apprehend that many Protestants may and will suffer by this Bill, in their just rights and pretensions, by reason of their having purchased and lent money upon the credit of the said Articles ; and as we conceive, in several other respects.

Signed,

“ Londonderry.
Tyrone.
Dungannon.
S. Elphin.
* Wm. Derry.
Wm. Clonfert.
Wm. Killalla.

John, Ossory.
Thomas, Limerick.
Thomas, Killaloe.
Kerry.
Howth.
Kingston.
Strabane.”

(P. P. 633, 634.)

* *Note.*—This William, Bishop of Derry, was the celebrated Doctor William King, who wrote “ The State of the Protestants of Ireland, under the late King James’ Government ;” a book teeming with the most virulent abuse against the Roman Catholics, but who, notwithstanding his enmity to that body, could not conscientiously agree to rob them of the benefits secured to them by the sacred Articles of a Treaty, and by the solemn engagement of a King. Doctor King was consecrated Bishop of Derry, in Christ Church, Dublin, 25th March, 1690, and translated to the Archbishoprick of Dublin, by Letters Patent, dated 11th of March, 1702. He also entered his Protest against the “ Act to prevent the further Growth of Popery.”

END OF THE DOCUMENTS.
