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LAND OWNERSHIP CHANGES
IN THE COUNTY OF LOUTH
IN THE SEVENTEENTH CENTURY

VOLUME 1

HAROLD O'SULLIVAN

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LANDOWNERSHIP CHANGES IN THE COUNTY OF LOUTH IN THE
SEVENTEENTH CENTURY

ABSTRACT. *By H. C. O'Sullivan*

As the title indicates, this is a study of the landownership changes in the county of Louth in the seventeenth century. The latter was a period of great upheaval in the socio-political relationships then existing in Ireland, brought on by political instabilities and insurrection leading in turn to prolonged and destructive warfare and the land confiscations and transplantations of the English Commonwealth. The Restoration period which followed saw further and extensive changes in landownership as the land settlement envisaged in the Gracious Declaration of 1660 was put in place by means of the Acts of Settlement and Explanation 1662-1665. The political, administrative and legal arrangements which gave effect to these provisions were complex and long drawn out, requiring of those who sought recovery of ancestral estate, or effective title to land grants, a considerable acumen in all of these areas as well as a ready access to the financial and other resources necessary to stay the course and which was to extend throughout the whole period up to the death of Charles II in 1685. Further changes in land ownership were to follow at the close of the century in the Williamite confiscations of 1691-1704.

This study is confined to the effects of these changes in the county of Louth, including the "county of the town of Drogheda", both of which were comprised in the ancient Dublin Pale of the Old English colonial lordship. While long settled in the county these Old English held fast to their cultural heritage and traditions and at all times gave unswerving loyalty to the English crown. However by the beginning of the seventeenth century their failure to conform in matters of religion had compromised that loyalty to such a degree that within a short time after the outbreak of insurrection in Ulster in 1641 they too were to be classed as "Irish rebels", a charge, though hotly disputed, they never shook loose from. The various landowning families of town and county as well as the titles by which they held their lands, in the period preceding the insurrection are dealt with in the first chapter, which includes similar information regarding their New English kindred. The effects of the warfare which followed together with the confiscations and transplantations of the English Commonwealth are dealt with in chapters two and three. The long drawn out period of the Restoration Settlement is dealt with in chapters four to eight during which a new structure of landownership was to emerge constituted of Old English restorees, Old Protestants with land titles originating in the New English settlements of the 16th.-early 17th., centuries, Commonwealth ex-soldiers and a relatively small group of new landowners, holding extensive estates by royal provision, most of whom were absentee. Below these landowners in fee was an extensive network of leaseholders, most of whom holding lands that had belonged to their ancestors. The final chapter deals with the Williamite period when the dispossessed Old English made their last desperate and unsuccessful bid for restoration. Volume two contains copies of a selection of some of the manuscript sources relied on in the study.

LAND OWNERSHIP CHANGES IN THE COUNTY OF LOUTH IN THE
SEVENTEENTH CENTURY.

HAROLD CHRISTOPHER O'SULLIVAN.

A thesis submitted to the School of History
in the University of Dublin for the
degree of Doctor in Philosophy.

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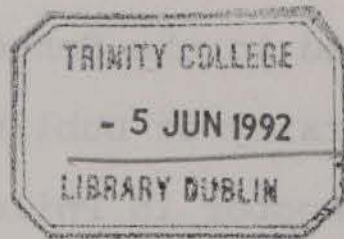
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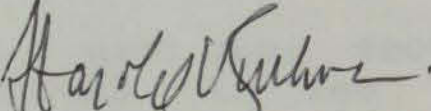
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OCTOBER 1991.

DECLARATION.

This thesis was written under the supervision of
A. Clarke M.A., Ph.D., F.T.C.D., during
1987-1991. It is entirely my own work and has not been
submitted as an exercise for a degree in this
or any other university.


HAROLD O'SULLIVAN
October 1991

LANDOWNERSHIP CHANGES IN THE COUNTY OF LOUTH
IN THE SEVENTEENTH CENTURY

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GLOSSARY OF LEGAL AND OTHER TERMS AND USED HEREIN

IN THE CONSTRUCTION OF THIS GLOSSARY THE FOLLOWING LEGAL TEXTS
HAVE BEEN CONSULTED.

Kenelm Edward Digby An introduction to the History of the Law of Real Property, with original authorities, (fifth edition Oxford 1897).

Jacob Giles, J. Morgan ed)., A new Law Directory, now corrected and greatly enlarged by J.Morgan, (London by Strahan and Woodfall 1782).

E.R. Hardy Ivamy ed)., Mosley & Whiteley's Law Dictionary, (tenth edition London 1988).

J.C.W. Wylie Irish Land Law, (London 1975).

- ACQUITTANCE:** A discharge in writing of a sum of money.
- ALIENATION:** A transferral of an estate by one person to another.
- ALLEGIANCE:** The tie which binds the subject to the sovereign in return for the protection afforded by the latter.
- AMERCEMENT:** A punishment in the nature of a fine.
- AMOVEAS MANUS:** Also known as Ouster le Main; a plea of Monstrans de droit, or plea of right, was a claim made against the crown to secure title out of the king's hands, based upon the facts contained in an inquisition of office; the judgement in such cases was described as amoveas manus.
- ANCIENT WRITINGS:** Deeds and other documents more than 30 years old.
- APPURTENANCES:** Things belonging to another thing as principal, but which have not been naturally or originally so annexed, but have become so by grant or prescription.
- ASSIGNEE OR ASSIGN:** A person who is appointed by another to do any act in his own right, or who takes the rights or title of another by assignment.
- ATTAINDER:** The condition of a person convicted of treason or on whom a judgement for outlawry has been pronounced; as well as suffering forfeiture of property the individual was liable to the death penalty.

BARONY: Defined in Mozley & Whiteley, inler alia, as "a tract of land in Ireland"; there were five baronies in County Louth before the seventeenth century, Dundalk, Ferrard, Ardee, Louth, and Cooley all dating from the medieval period when they were used for the assessment and levying of subsidies and other taxes; they may also have been used by the justices of the peace as areas for the conduct of general or quarter sessions.

BENEFICIAL INTEREST: A right of substantial enjoyment or equitable interest, as opposed to merely nominal ownership or legal interest.

BENEFICIAL OCCUPATION: Occupation of land which is to the benefit of the occupier.

BURGAGE TENURE: The tenure whereby townsmen held their lands of the king or other lord for a certain yearly rent.

CESTUI QUE TRUST: The person for whose benefit a trust has been created, this term did not apply until after the Statute of Uses 1634.

CESTUI QUE USE: The person for whose benefit a Use was created; see Use herein.

CHARGE: An encumbrance on land.

CHIEF BARON: The presiding judge in the court of exchequer.

CHIEF RENTS: Rents fixed by custom payable to the lord of the manor by the freeholders described also as chiefries.

COLLATERAL CONSANGUINITY: The relationship between persons who descend from a common ancestor, but neither of whom descends from the other.

COMMONS: Which includes Right of Common, the lands out of which persons derive a profit in common with each other, whether by deed, or by prescriptive right, such as out of lands within a manor or township, used in common for such a purpose.

COMMON LAW: The ancient unwritten law of England, embodied in judicial decisions, as opposed to statute law, and administered in the common law courts.

COMMONWEALTH: The republican form of government which existed in Ireland and England from the execution of Charles 1 in 1649 to the restoration of Charles 11 in 1660.

COMPOSITION: A payment made by Protestant proprietors, during the Commonwealth period, to secure to recovery of their sequestered estates from the State.

CONCEALMENT: The practice of non-disclosure of a land title to avoid payment of a feudal incident or because of some defect of title which could lead to a resumption of the land by the crown.

CONSIDERATION: A compensation or inducement for something promised or done.

CONSTAT: An exemplification of the enrolment of a letters patent.

CONTINGENT REMAINDER: A remainder limited to depend on an event or condition, which might never happen or be performed, or which might not happen or be performed until after the determination of the preceding estate.

CONVEYANCE: The transfer of the ownership of land or property to another, or the written instrument by which such a transfer is effected.

COURT BARON: A manor court presided over by the steward of the manor.

COURT OF COMMON PLEAS OR CHIEF PLACE: One of the common law courts which had cognisance of all actions between subject and subject.

COURT OF EXCHEQUER: Another of the common law courts which engaged in ascertaining and enforcing the proprietary rights of the crown against the subject and in administering redress between subject and subject in all actions personal.

COURT OF KING'S BENCH: Another of the common law courts which exercised original civil and criminal jurisdiction, and supervised civil corporations and had appellate jurisdiction over the common pleas.

COURT OF CHANCERY: Was not a common law court and grew up originally under the lord chancellor of England and later under his counterpart in Ireland; its guiding principles were to do justice between the contesting parties regardless of the technicalities of the law and from which evolved the concept of an equitable jurisdiction; had considerable relevance in the settlement of disputes regarding lands and property.

CUSTODIUM: A lease from the crown under the seal of the exchequer whereby the custody of lands seized into the king's hands was demised to another as custodee or lessee.

CUSTOS ROTULURUM: One of the justices of the peace in a county who had the custody of the rolls and other records of the sessions of the peace.

DE BENE ESSE: "For what it is worth" i.e., to allow or accept for the present, until the matter can be fully examined and to stand or fall on the outcome. This would have included such cases where Commonwealth soldiers entered into temporary occupation of lands in anticipation of their subsequent allocation to them.

DEBENTURE: A charge in writing of specified property with the repayment at a fixed time of the money loaned; the word was used in the Commonwealth period to describe the document which was issued to an ex-soldier stating his arrears of pay and confirming his entitlement to compensation for such arrears by an allocation of lands of equal worth and value out of the confiscated lands in Ireland.

DECREE: The sentence of the court of chancery delivered on the hearing of a cause; the word was also used to described a decision of the court of claims under the Act of Settlement 1662 enabling forfeited lands to be restored to the former proprietor, his heirs or assigns; such decisions were based either on the "innocence" of the claimant or on the basis of a "proviso" in favour of the claimant contained in the Act.

DEED: A written instrument signed sealed and delivered.

DEFEASANCE: A collateral deed made at the same time with a feoffment or other conveyance, on the performance of which the estate then created may be undone i.e., a mortgage lease.

DEMISE: The grant of a freehold estate.

DEPOSITION: Written evidence or oral evidence committed to writing.

DEVISE: A bequest of landed property by way of a last will and testament.

DISCOVERER: A person employed or engaged for reward in the search of legal records for the purpose of discovering defective titles in lands; they were employed, inter alia, by the courts of claims established under the Acts of Settlement and Explanation.

DISTRESS: The taking of a personal chattel out of the possession of a wrong-doer into the custody of the injured party to procure satisfaction for the wrong committed.

DOWER: The portion which the widow had of the lands of her husband, extended by the common law to one-third part of the freehold lands of which the husband was solely seized for an estate of inheritance during the marriage.

EJECTMENT: An action to try the title of land.

ELEGIT: A writ to secure the execution against lands of a judgement or order for the payment of money, enabling the lands of the judgement debtor to be transferred to the judgement creditor to be held by him until the debt was satisfied.

ENGROSS: The fair copying of a deed or other legal instrument.

- ENTRY, WRIT OF:** A writ by which a party claiming the right of possession to lands disproved the title of the tenant or occupier by demonstrating the unlawful means used by the latter to secure possession.
- ESCHEAT:** The reversion of title to land to the original grantee or lord of the fee by virtue of failure of heir or attainer, in cases of the latter the forfeiture always went to the crown.
- ESCHEATOR:** An official appointed by the crown to hold inquisitions with a view to enforcing the rights of the crown to escheats, i.e., to discover defective titles to lands and thus secure their reversion to the crown.
- ESTATE:** An interest in land of which there were three main kinds, an estate in fee simple, an estate tail and an estate for life; an estate in fee simple was an estate held as an absolute and unqualified estate of inheritance; an estate tail was that which a man had to hold to him and the heirs of this body, or to him and particular heirs of his body; under the Statute De Donis Conditionalibus of 1285 [Statute of Westminster 1], such estates devolved on the death of the donee, on his issue and on the failure of such issue to the donor; there were four principal kinds of estate tail, "in tail general", "in tail special", "in tail male" and "in tail female"
- ESTREAT:** A true copy of an original writing; thus an estreat of a recognisance was the extracting by way of copying from amongst other records of a forfeited recognisance or obligation and sending it for enforcement.
- EXEMPLIFICATION:** A certified transcript of a document under the seal of a court.
- EXTEND:** To value the lands of a judgement debtor or one whose recognisance has been forfeited so that by the yearly rent the debt can be repaid; this was effected by the issue of a writ of extent.
- FEE:** Originally the fief or fued, which consisted of the right which the vassal had in his land, to hold him and his heirs, rendering to his superior lord his due services; an estate of inheritance held in fee simple.
- FEALTY:** An ancient oath taken at the admittance of every tenant to be true to the lord by whom he holds his land.

FEE FARM:

A fee farm grant is a conveyance of a fee simple estate subject to the payment by the grantee and his successors in title to the grantor and his successors in title of a perpetual rent of which there are three main categories; those creating the relationship of lord and tenant under the feudal system of landholding; those creating the modern landlord and tenant relationship; and those creating a rent-charge. Many of the fee farm grants made in the seventeenth century were of the first kind.

FEOFFMENT:

The feudal mode of transferring estates of freehold in possession called "feoffment with livery of seizen" or investiture; the feoffor was the person making the enfeoffment and feoffee the person to whom it was made; a feoffee to uses was a person to whom a feoffment of land was made under a trust to the "use" of some other person.

FEUDAL INCIDENTS:

The incidents of tenure due by a tenant, holding in Knight's service, to his lord, whether as tenant in capite or otherwise; the principal of these were as follows:-

Homage: To render fealty and attend the lord's court.

Wardship: The right of the lord to manage, for his own profit, the estate of an heir of one of his tenants until he came of age, i.e., attained the age of twenty-one years.

Marriage: The right of the lord to choose the spouse of any tenant of his lordship whether male or female.

Relief: The payment due to the lord by the heir of full age as the price of his right to succeed as tenant i.e., to sue out his livery; in the case of tenancies in capite the crown had the right of primer seizen i.e., the right to take possession of the land until the appropriate homage and relief had been rendered.

Escheat: See above

NOTE:

With the exception of escheat, feudal incidents were abolished by the Tenures Abolition Act 1662 which replaced all then existing tenures (knights service in-capite etc.) with tenure by free and common socage.

FIERI FACIAS:

A writ of execution addressed to the sheriff to command him to levy the debt or damages from the goods of the party against whom judgement is to be recovered.

FINE:

Sometimes called a feoffment of record whereby an amicable composition or agreement of a suit was made, by leave of the crown, by which the lands in question became or were acknowledged to be the right of one of the parties; also included a fine on alienation, a sum of money payable to the lord by a tenant conveying his land to another person.

- FORFEITURE:** The punishment annexed by law to some illegal act or negligence by the owner of lands, whereby he loses all his interest in them; includes forfeitures arising from outlawry.
- FRANCHISE:** A royal privilege vested in the hands of a subject, either from a grant or from prescription; an incorporeal hereditament synonymous with liberty; there are many kinds, bodies corporate, rights to hold fairs and markets, ferries, fishings and is also to denote the right to vote in parliamentary or local elections.
- FREEHOLD:** Land or tenement held in fee, fee tail or at least for term of life.
- GALE DAY:** The day on which rent is payable, in the case of leaseholders there were two gale days each year the 25 March or Lady Day and the 29 September or Michaelmas.
- GAVELKIND:** The customary mode of descent under old Irish law was in the nature of gavelkind, this was similar to a form of tenure which prevailed in the county of Kent in England and recognised by the feudal system of tenure which provided for the estate to pass, not by the system of primogeniture to the eldest son, but to be divided amongst all the surviving sons; the system was made to apply to the succession of estates owned by papists under the Popery Acts of the early eighteenth century.
- GLEBE:** The land of which a rector or vicar is seized in right of the church.
- GRANT:** The transfer of property by an instrument in writing
- HEREDITAMENT:** Any real property which on an intestacy might have descended upon an heir.
- IN CAPITE:** Tenants holding immediately of the crown.
- INCUMBER:** To charge with an incumbrance, that is a charge or mortgage on real or personal estate; the incumbrancer being the person entitled to enforce the charge or mortgage.
- INDENTURE:** A deed made by more than one party.
- INQUISITION:** An inquest of office or enquiry conducted by an officer of the crown such as a sheriff or escheator, concerning any matter that entitled the crown to the possession of lands, tenements etc.
- INTERREGNUM:** The period during which a throne is vacant; also used to describe the period of the English Commonwealth.
- INTESTATE:** Without making a will.
- INTRUSION:** An entry by a stranger on a freehold where the tenancy for life has ended, before the person entitled in remainder or reversion; included an entry before the fulfilment by an heir of his feudal incidents, such as livery of seizen etc.

- JOINTURE:** The estate settled on a husband and wife before marriage in satisfaction and bar of the woman's dower.
- JUSTICES OF THE PEACE:** Defined by Sir Richard Bolton in A Justice of Peace for Ireland, (Dublin 1638) as judges of record appointed by the king to be justices within certain limits for the conservation of the peace and for the execution of divers things comprehended within their commission and within divers statutes; they were of two classes, those appointed by charter under the great seal such as mayors and chief officers of corporate towns and those appointed by commission [i.e., those appointed in county districts].
- KNIGHT'S SERVICE** A feudal tenure of land to make which a specified quantity of land was necessary described as a knight's fee; as well as providing military service to the lord, the tenant had other burdens to fulfil, outlined under Feudal Incidents above.
- LEASE:** A demise or letting of lands etc., by one person the lessor, to another the lessee, for a term of years or life or at will, usually for a rent reserved.
- LEASE AND RELEASE:** A method of conveying a freehold estate to another, in a secret mode, in order to avoid the necessity of any "livery of seizen" or of enrolment, first by way of a "bargain and sale" for some "leasehold interest" generally for a year which passed the legal estate for a year to the bargaineer, the estate so transferred was complete without entry; the transferee therefore was capable of receiving a release of the freehold and reversion and which was granted to him on the same day.
- LEGAL MEMORY:** Deemed as commencing with the reign of Richard 1 in 1189, any time prior to this is deemed to be "before the memory of man" or "time immemorial"; many Old-English" claimed that their family had held their estates from time immemorial.
- LETTERS PATENT:** Writings on a parchment given by the king and sealed with the great seal, authorising the recipient to do or enjoy anything which of himself he could not do; the word patent signified that the writings of the document were open, ready to be shown for confirmation of the authority given by them; this was the usual form of conveying a grant of land by the crown, to an individual in Ireland, in the seventeenth century.

LINEAL DESCENT: Direct genealogical descent

LIVERY INCLUDING LIVERY

OF SEIZEN: Delivery of feudal possession of an estate including delivery of possession to tenants holding in capite.

MANOR: A district held by a lord or other great personage; manors were established in Ireland in the wake of the norman settlement and constituted the basic unit of social organisation embracing the manor house or castle with its demesne lands reserved to the lord's use and including a church so that in many instances the boundaries of the manor were coterminous with a parish; outside the demesne lands the lands of the manor were held by tenants holding in freehold of the lord while those parts of the lord's demesne which were not in his own use were let out to unfree tenants or called the lord's waste, serving for roadways and commons. Within the manor the lord exercised a local jurisdiction by means of the manor court. In England manors were also called baronies from the court baron or manor court, they were also called lordships, a term which was also used in the earldom of Ulster and in North Louth.

MARCHES: The boundaries and limits between England and Wales and between England and Scotland; in Ireland the word was used to denote the limits between the crown possessions and the Irish Lordships.

MARRIAGE

SETTLEMENT: A settlement of property between a man and a woman, made in consideration of their marriage.

MESSUAGE: A house with its outbuildings, orchard, garden and courtyard.

MESNE: Middle of, intermediate; thus a mesne lord was a lord with tenants holding under him but where he in turn held his manor of a superior lord; mesne profits were however profits taken by a tenant in wrongful possession.

MOIETY: One-half.

MORTGAGE: A conveyance, assignment or demise of real or personal estate as security for the repayment of money borrowed including, in the case of land, where the creditors enters into possession, the person in whose favour a mortgage is created in the mortgage and the debtor who creates the mortgage is the mortgagor.

NONAGE: The absence of full age i.e., below the age of twenty one years.

- OUTLAWRY:** Putting a man outside the protection of the law so that he becomes incapable of bringing an action for the redress of injuries and forfeited all his goods and chattels to the king; usually commenced by a writ of exigent issued by the court of king's bench to the sheriff who in turn was required to put it into execution by calling out the name of the person charged at local "hustings"; if the person came forward he would have been arrested and sent for trial, if after calling his name five times at hustings he failed to appear, he was named by judgement of the coroner as outlawed. The fifth call was termed the quinto exactus.
- ORATOR:** The plaintiff in action or "bill" in chancery proceedings.
- PEPPERCORN RENT:** A nominal rent.
- PETITION:** A general word for all kinds of supplications made by an inferior to a superior.
- PLEA:** The defendant's answer to the declaration of the plaintiff in a common law action.
- PORTION:** A part of a person's estate which is given or left to a child.
- POWER OF ATTORNEY:** An authority given by one person to another to act for him in his absence.
- PRE-EMPTION:** A right of purchasing before another.
- PREROGATIVE:** The special power exercised by the monarch in right of the crown and independently of statutes and the courts.
- PRIMER SEIZEN:** One of the feudal incidents to the king's tenants in capite where an heir was required to make certain payments to the king on coming into possession of his estate.
- PROTECTORATE:** The period during which Oliver Cromwell was Protector.
- PROVISO:** A condition entered into a deed; the word was also used to denote a special provision made in the Acts of Settlement and Explanation 1662 - 1665, in favour of a named individual.
- QUIA EMPTORES:** A statute of Edward 1 of 1290 prohibiting further sub-infeudation.
- QUIET:** A direction to the sheriff or other official to put a person into possession of an estate and to secure him against disturbance.
- QUIT-RENT:** A fixed rent payable by freeholders; the term was adapted by the Acts of Settlement and Explanation to describe the rent payable by grantees or restored persons, to the crown, in lieu of earlier rents or services due to the crown in respect of their estates.

QUO WARRANTO: A writ which lay against any person who usurped a franchise; hence its use by the crown, through the court of the king's bench, to call in the charter of a corporate town.

QUOAD AD HOC: A term which was used in law to signify as to a matter what the law was; used by the court of claims under the Act of Settlement in respect of certain decrees, presumably to merely state what the law was in respect of the petitioner's claim.

RECOGNISANCE: An obligation of record, which a person enters into before a court of record or magistrate, binding himself under penalty to perform a particular act; also applied to Statute Staple recognisances.

RECORDER: The principal legal officer of a corporate town.

RECUSANTS: Persons who separated and absented themselves from the Established Church; usually applied to roman catholics.

RELEASE: A discharge by a person who has a right or interest in lands but not in possession, whereby he extinguishes his right for the benefit of the person in possession; see Lease and Release.

REMAINDER: Where an estate is conveyed to a person for life, and after his death to another, the estate of the former is the "particular" estate and the estate of the latter is the "estate in remainder", hence the use of the word remainderman to describe the latter.

REMRANCER: An officer of the court of exchequer whose duty was to put the court in "remembrance" of all debts etc., due to the crown.

REPRISAL: A taking in return; used in the Acts of Settlement and Explanation to describe the estate of "equal worth or value" granted to a person ousted from his estate to make way for another in accordance with the provisions of the Acts.

RESPITE: Delay or forbearance; also spelled Respitt when used in dealings in the court of exchequer seeking delays in demands for the payment of rents etc.

REVERSION: The residue of an estate left in the grantor to commence in possession after the determination of some particular estate granted by him; a reversionary lease was one to take effect in the future usually after the previous one had ended its time.

SCACCARIUM: The exchequer.

SCIRE FACIAS: A Judicial writ founded on some matter of record requiring the person against whom it was brought to show cause why the party bringing it should not have the advantage of the record; used to repeal a grant of letters patent.

SCUTAGE: The payment made by a tenant in lieu of personal service.

SEIZED IN HIS DEMESNE AS OF FEE: A tenant in fee simple in possession of a corporeal hereditament.

SEIZEN: The feudal possession of a freehold estate in land; livery of seizen is the delivery of feudal possession.

SEQUESTRATION: A writ, directed to commissioners, commanding them to enter the lands and take the rents and profits and seize the goods of the person against whom it is directed.

SHERIFF: The chief bailiff or officer of the country; sheriffs were also appointed in counties of towns such as Drogheda.

SHRIEVALTY: The office of sheriff.

SIGN MANUAL: The signature of the monarch.

SOCCAGE: A tenure of land of a certain and determinate service.

STATUTE STAPLE: Bonds of record entered into under the supervision of the mayor and constable of the staple, in staple towns such as Drogheda, enabling recognisances to be entered into, for the lending of money and its subsequent repayment, under penalty of estreat.

SUPERSEDEAS: A writ to command to stay or forbear the doing of anything.

TAIL: Tale general is an estate limited to a man and the heirs of his body without restriction; tale female is an estate which limits the succession to females; tale male is a descent limited to a man and the heirs male of his body and to subsequent generations claiming exclusively through males.

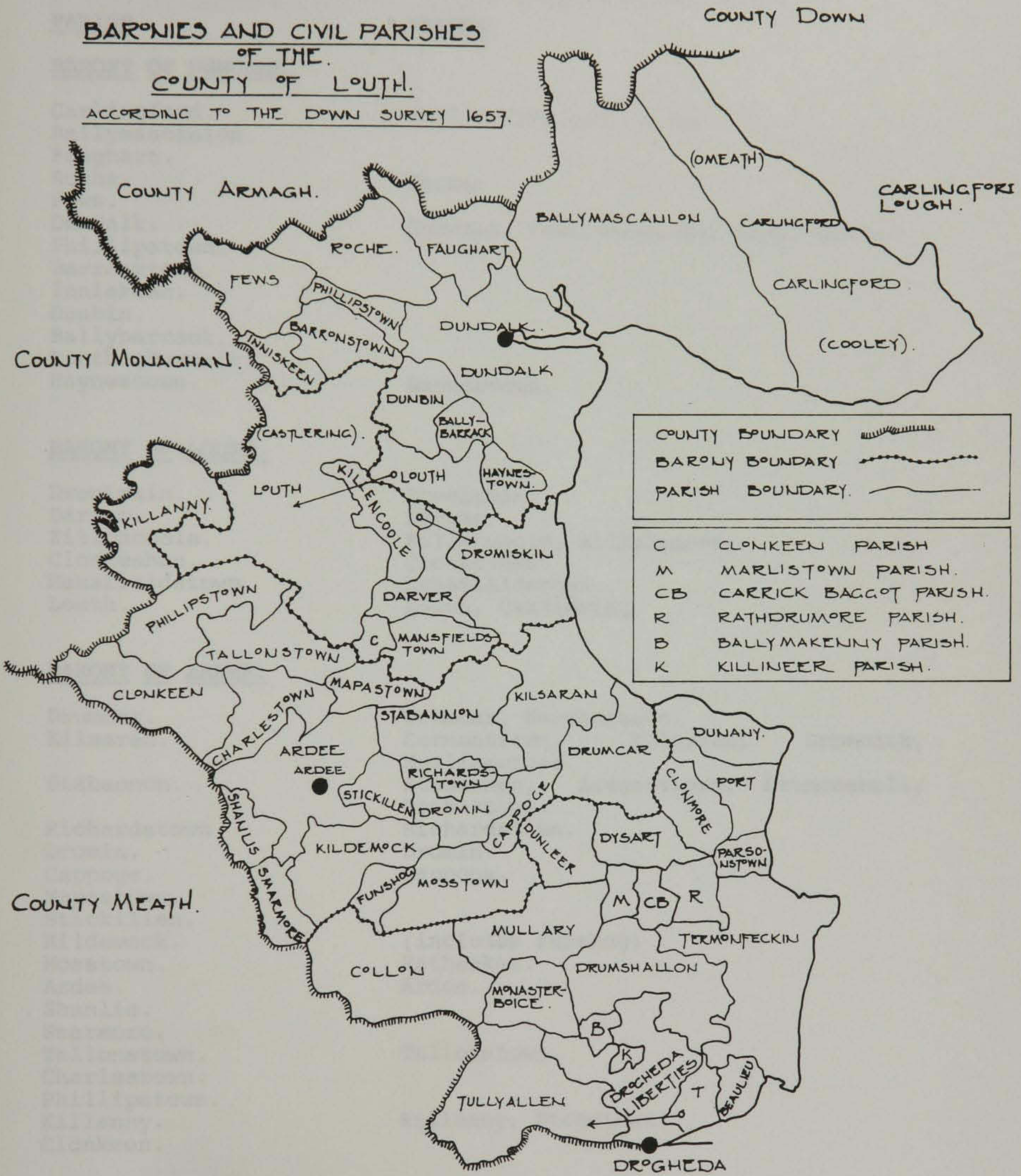
TRUSTEE: A person to whom an estate has been conveyed, devised or bequeathed in trust for another.

USE: The equitable right to receive the profit or benefit of lands and tenements, divorced from the legal owning of them.

A MAP OF THE

BARONIES AND CIVIL PARISHES
OF THE
COUNTY OF LOUTH.

ACCORDING TO THE DOWN SURVEY 1657.



A LIST OF THE CIVIL PARISHES OF THE COUNTY OF LOUTH c1657.

WITH THEIR CONSTITUTENT MANORS, WHERE KNOWN.

PARISH

MANORS

BARONY OF DUNDALK.

Carlingford.	Carlingford and Cooley.
Ballymascanlon.	
Faughart.	
Roche.	Roche.
Fews.	
Dundalk.	Dundalk, Castletown and Haggardstown.
Phillipstown.	
Barronstown.	
Inniskeen.	
Dunbin.	
Ballybarrack.	
Louth (Dundalk)	
Haynestown.	Haynestown.

BARONY OF LOUTH.

Dromiskin.	Dromiskin.
Darver.	Darver.
Killencoole.	Killencoole, Allardstown.
Clonkeehan.	Clonkeehan.
Mansfieldstown.	Mansfieldstown.
Louth.	Louth, Castlering.

BARONY OF ARDEE.

Drumcar.	Drumcar, Warrenstown.
Kilsaran.	Gernonstown, Kilsaran, Dromcath, Mullinscross.
Stabannon.	Stabannon, Braganstown, Drumcashell, Rohestown.
Richardstown.	Richardstown.
Dromin.	Dromin.
Cappoge.	Cappoge.
Mapastown.	
Stickillen.	
Kildemock.	(includes Funshog)..
Mosstown.	Rathesker.
Ardee.	Ardee.
Shanlis.	
Smarmore.	
Tallonstown.	Tallonstown.
Charlestown.	
Phillipstown.	
Killanny.	Killanny, Stonetown.
Clonkeen.	

PARISH.

MANORS.

BARONY OF FERRARD.

Dunany.	
Port.	
Clonmore.	Clonmore.
Parsonstown.	
Dysart.	
Marlistown.	Marlistown.
Carrickbaggot.	
Rathdrumore.	
Dunleer.	Dunleer.
Mullary.	Mullary, Castlelumny.
Monasterboice.	
Collon.	
Tullyallen.	Mellifont.
Drumshallon.	
(liberties of Drogheda).	Not in Down Survey
Ballymakenny.	
Killineer.	
Termonfeckin.	Termonfeckin Carstown.
Beaulieu.	Beaulieu.

This is contained in the Irish Land Commission Report No. 12 (Dublin 1925) and entitled "Abstracts of Grants under the Acts of Parliament and Explanation A.D. 1556-1584".

John Ballow's "Statement of Accounts"

A transcript of this account, which is in private keeping is to be found in volume 2; it has been partly calendared, the manuscript of which is in the N.A. Ballow Papers.

Ballow Papers

For the most part these are papers in private keeping many of which have been transcribed and are in the N.A., Ballow Papers; to facilitate access, they have been boxed and lodged in the University; it is my hope to obtain permission to have them boxed and lodged in the library and in the National Archives for association with the Ballow Papers.

NOTES ON SOURCES, REFERENCES, FOOTNOTES AND ABBREVIATIONS USED.

In all cases the sources and references relied on herein are detailed in the footnotes. These have been arranged generally along the lines and using similar abbreviations as those contained in T.M. Moody, F.X. Martin and F.J. Byrne, A New History of Ireland, iii (Oxford 1976) P.xxvi-xxxvii. In a number of instances where the reference is frequently relied upon, only the author's surname is repeated with an abbreviation of the title of the work or text. Some of the more important of these abbreviations are as follows:-

Abstracts of Grants:

This is contained in the Irish Records Commission Report No. 15, (Dublin 1825) and entitled "Abstracts of Grants under the Acts of Settlement and Explanation A.D.1666-1684".

John Bellew's "Statement of Accounts":

A transcript of this Account, which is in private keeping is to be found in Volume 2; it has been partly calendared, the manuscript of which is in the N.A. Bellew Papers.

Bellew Papers:

For the most part these are papers in private keeping many of which have been transcribed and are in the N.A., Bellew Papers; to facilitate access, they have been boxed and lodged in the University; it is my hope to obtain permission to have them bound and lodged in the library and in the National Archives for association with the Bellew Papers.

Bellew-Carlingford Papers:

These are essentially a part of the previously mentioned papers and are in private keeping with transcripts of many of them to be found in the N.A., Bellew papers; to facilitate access they have been boxed and lodged in the University; it is my hope to obtain permission to have them bound and lodged in the library and in the National Archives.

Deputy-Keeper's Report:

This is a reference to Deputy-Keeper of the Public Records in Ireland ed). "Abstract of the Decrees of the Court of Claims for the trial of Innocents commencing 13 January 1662" in Appendix to the nineteenth Report of the Deputy-Keeper of the Public Records in Ireland, (Dublin 1887).

Submissions and Evidence:

Geraldine Tallon ed)., The Court of Claims 1663, Submissions and Evidence, (I.M.C., Dublin forthcoming), the numbers and dates used are from the page proofs of this work.

Deerings Minutes

Geraldine Tallon (ed.) The Court of Claims 1663 Submissions and Evidence will also contain these minutes which were kept by Sir Edward Deering, a member of the Court of Claims, the originals of which are in the Bodleian Library Oxford and the Kent Record Office, Maidstone.

Reports and Schedules:

"Catalogue of Reports and Schedules addressed to the Court of Claims" in Irish Records Commission Eight Report, (Dublin 1819) P.248-300.

PREFACE

Throughout the four centuries preceding the enthronement of the first Stuart King of England James I, the county of Louth had been an ancient colonial settlement, the landed gentry of which in many cases claimed their inheritance from a time "beyond the memory of man", that is from the very beginning of the Norman-English conquests of the 12th. century. Despite their often-times precarious position on the Marches of the Irishry they carefully nurtured their customs, traditions and laws as their heritage from their English homeland, to the monarch of which, as their liege lord, they gave their unquestioning allegiance, never at any time "matching with the Irish".

Throughout the seventeenth century these ancient colonists continued their allegiance to the English kings as kings also of Ireland, albeit that in one important respect, they diverged from the official policy of that monarchy in matters of religion. Having readily accepted the reforms introduced in the reign of Henry VIII concerning the governance of Ireland, including the position of the king as head of the Church, the changes introduced into the latter, especially in the reign of Elizabeth, did not gain their support. By the opening of the reign of James I their loyalty to the Church of Rome gravely qualified their loyalty to the king. Notwithstanding their frequent protestations of loyalty, the king's government in Dublin progressively disabled them from participation in public affairs treating their divergence in matters of religion as an impairment of the loyalty due by them as the king's subjects. As also in England and elsewhere in Europe at the time, where local

communities chose to follow their consciences in matters of religion rather than the edicts of the king, they had to pay the price of their disloyalty.

For the landed gentry who were the elite of the ancient colony, their exclusion from public office and participation in affairs of state was a grievous disability, made more so as the protestant administration in Dublin progressively enforced the oaths and other tests of loyalty then in force, even to the point where entrance to one's inheritance required the taking of the oath of supremacy. The outcome of the agitation which ensued, in the form of the Graces of 1628, seems to have achieved a compromise of sorts which at least gave the Old English gentry a security in the possession of their ancient estates. However by this time the political instabilities had begun in England which were to rock the societies of both islands to their foundations. For the rest of the century, revolutionary movements, insurrections and civil wars were to change the old order, utterly.

This study is an attempt to trace the effects of this change on the Old English in the crucial area of landownership. For them the possession of a landed estate was the acid test of gentry status. Despite the legal disabilities which had been imposed on them, including the confiscation of their estates during the Commonwealth regime, a sufficient number survived the storm, which had engulfed them and their ancient society, to enable them to recover, a not insubstantial part of their ancient lands in the Restoration period. Even after the second wave of confiscations of the Williamite period they were to be found

still in possession of the greater part of the estates recovered by them during the Restoration. While this outcome owed much to the political pressures which they were able to deploy, especially in the royal court of Charles II, where the king's prerogatives still held some sway, their ability to use the law and the institutions of the law to defend their class interests was even more impressive. This feature of their society was indeed as ancient as all the other elements which constituted it and throughout the massive convulsions of the age, they were able to use the law as a strong counter to the arbitrary dictates of the state. Only during the military regime of the Commonwealth period was this defence denied them, albeit not sufficiently to ensure the extirpation which was intended for them.

To enable this study to reach any depth it was necessary to gain access to many records, printed as well as manuscript, scattered in many archives throughout the country and elsewhere, including important manuscripts held in private keeping. I have been extremely fortunate to have been able to access these and owe a debt of gratitude to those who helped me, particularly the staffs of the libraries, archives and public records whom I consulted and who, despite the "cut-backs" in resources suffered by them in recent years, never failed to give me less than total support. Invidious though it may be there are individuals whom I must name for the reason that without their assistance this study would have been seriously impaired. Mr. and Mrs. Bryan Bellew of Barmeath, County Louth, gave me full access to their family papers, especially those of the redoubtable John Bellew including his records of dealings on behalf of the equally redoubtable Theobald Taaffe earl of Carlingford, to both my sincere thanks. My

sincere thanks also to Mrs. F.C. Delany of Pinecroft, Julianstown, County Meath for allowing me to transcribe the papers of Major George Pepper of Ballygarth County Meath dealing with his acquisition of the latter during the Commonwealth and the Restoration periods and which shed much light on the legal and other procedures involved in these transactions. Gerard Lyne of the National Library of Ireland gave me particular help to access and study the relevant manuscripts held in the library. Also my sincere thanks are due to Ms. Geraldine Tallon, who is currently editing the Lists of Claims of Innocents in the Public Library Armagh on behalf of the Irish Manuscripts Commission. She very generously made available to me the page proofs of this work thus enabling me to make full use of this major source of knowledge on the operation of the first court of claims and of the individuals and their families who petitioned it for the recovery of their estates. I am also indebted to Mr. Kevin McKenny, post graduate student of New York State University Stonybrook, who obtained copies of the Earl of Carlingford papers in the Beinecke Library of Yale University which proved useful to me in this study. A quite fortuitous and for me happy event which occurred during the course of the study was the completion by Ms. Aideen Ireland of the National Archives of her calendar of the Pyke-Fortesque Papers. The latter contain many documents of prime importance to any study of landownership of County Louth in the seventeenth century.

To those others who gave me help and encouragement I must give the greater place to Dr. Aidan Clarke. I have been very privileged to have had him as my supervisor to whose knowledge and expertise I had an invariable access and for which I record

my sincere thanks. Also to my friend and scholar Dr. Raymond Gillespie whose ready ability to see around corners was a constant support in the conduct of the research and subsequent analysis. His willingness to read the final text was an act of heroism for which I shall forever be in his debt. I also owe a special thanks to Mr. Noel Ross, Editor Louth Archaeological and Historical Journal for all his help over the years and through him all those contributors to the Journal, past and present, who made much of the research easy. To my wife Lily who for the past four years has had a student as well as a husband to contend with, thank you for your forbearance and vital support. That the work was brought to a state of legibility fitting for presentation, I owe a special word of thanks to Ms. Donna Russell of Golden Pages Limited.

which were also to be found in that
houseland, especially in the harsh borderlands with Wales and
Scotland. While the south-eastern part of the county, consisting
of the barony of Ferrard and the important town of Drogheda, were
in the heartland of the English Pale, the areas to the north and
west, including the greater part of the baronies of Ardee, Louth
and Oundilly, was the 'March and Meagher' of south-east Ulster,
where with their principal walled towns of Ardee and Drogheda they
provided the main bulwark of defence against Irish attacks into
the Pale. 1.

1. For more detailed studies of the March of south-east Ulster
in the 12th, & 13th, centuries see Harold O'Sullivan 'The
March of south-east Ulster in the 12th, & 13th, centuries:
a period of change', in Raymond Gillespie and Harold
O'Sullivan, (eds.) The geographical history of the history
of the Ulster 'March' region, Institute of Irish
Studies, Dublin, 1971, p. 25-31 and Harold O'Sullivan 'The
landed gentry of the county of Louth in the age of the
Reform', Op. cit. pp. 1-10. (forthcoming).

CHAPTER ONE.

ENGLISH URIEL: AN ANCIENT COLONY.

By the close of the sixteenth century the county of Louth had been a settled community of people, colonial in origins, for upwards of four hundred years. Unlike other parts of Ireland which had been similarly colonised in the 12th., and 13th., centuries, it was not under the patronage or domination of an aristocratic magnate such as an Ormond or a Kildare. Instead it dealt directly with the central organs of government, maintained its own shrivalty by the direct appointment of the chief governor of the Lordship and conducted its business and legal systems in accordance with the laws and practices generally prevailing in the English homeland. In the period preceding the Tudor era it was a community where violence and disorders frequently occurred, similar to conditions, which were also to be found in that homeland, especially in the Marcher borderlands with Wales and Scotland. While the south-eastern part of the county, consisting of the barony of Ferrard and the important town of Drogheda, were in the heartland of the English Pale, the areas to the north and west, including the greater part of the baronies of Ardee, Louth and Dundalk, was the "March and Maghery" of south-east Ulster, where with their principal walled towns of Ardee and Dundalk they provided the main bulwark of defence against Irish attacks into the Pale. 1.

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1. For more detailed studies of the March of south-east Ulster in the 15th., & 16th., centuries see Harold O'Sullivan "The march of south-east Ulster in the 15th., & 16th., centuries: a period of change", in Raymond Gillespie and Harold O'Sullivan, (eds.) The Borderlands, Essays on the history of the Ulster Leinster Borders, Institute of Irish Studies (Belfast L), 1989 P.55-73 and Harold O'Sullivan "The landed gentry of the county of Louth in the age of the Tudors", Co. Louth Arch., & Hist., Jn., (forthcoming).

By the beginning of the Tudor era the English of County Louth were the dominant community of the March. In the preceding century they had rolled back the Irish from large areas in the borderlands with Monaghan and Armagh (into which the Irish had intruded in the period of their revival in the 13th., and 14th., centuries), using old and dormant titles to justify their acquisitions, some of which had been made by force, as in the case of the Bellevs of Castletown-Dundalk. 2 Such was their strength that in 1524 the lord deputy, the earl of Ormond, found it necessary to curb their activities, on twenty-five of their leading men by the imposition of recognisances, on in varying sums ranging from 100 marks to £100. The objective was to ensure that they kept the peace and made restitution "for all manners of thefts, robberies, trespasses, extortions and riots" and to retain no more fighting men than allowed by the deputy. 3 It was perhaps an early manifestation of the Tudor policy of bringing local communities into a greater degree of central control and order. This was to be a key part of the policy towards the old Irish lordships in Ulster and which, as the century progressed, sparked off a general resistance which in the end was to lead to open warfare. During the latter the English settlement in County Louth suffered much hardship at the hands of the Irish, but many of the leading gentry were to profit from their associations with the government forces, sent into the north during the wars with the O'Neills, including the nine years war which finally broke the power of the Irish. 4

2. O'Sullivan, The Borderlands, P.59.

3. O'Sullivan, "The landed gentry", *ibid.* P.2-3.

4. The Borderlands, *Op.cit.*, P.69-73; "The Landed Gentry", *Art.Cit.*, P.16-17;

While martial men like Lord Louth of Tallonstown, Sir Christopher Bellew of Dundalk, William Taaffe of Smarmore and Gerald Fleming of Bellahoe, all men of the ancient March, were able to pursue successful careers in the Elizabethan armies pitched against the northern Irish, as the century advanced a progressive alienation appeared between the leading gentry of the county and the administration in Dublin. 5 The failure of the old English to conform in matters of religious belief and practice, especially their refusal to take the oath of supremacy during the late Tudor period, progressively barred them from access to the executive and legal offices of state. As the Stuart era unfolded in the early decades of the seventeenth century, the new governing elite, predominantly protestant in character, was in firm control of affairs and with a new identity which they themselves defined as British. Notwithstanding a constant protestation of their Englishness and their loyalty to the crown, it was a definition from which the Old English were to be progressively excluded.

Notwithstanding their exclusion from public office and the other disabilities imposed upon them because of their religious beliefs, the County Louth gentry managed to maintain their integrity as a class throughout the politically turbulent years of the early Stuart period, right to the outbreak of the insurrection in 1641. In particular they were able to retain intact their landed estates and wealth, without any significant entrenchment being made on them by the new ascendancy. Evidence of their growing affluence during the period was the introduction by the higher gentry of the Jacobean type manor house, commonly met with of the same period in England and Wales, in replacement

5. Fynes Moryson, (whose brother Sir Richard was sometimes governor of Dundalk), made many disparaging remarks about the "English-Irish" in his "History"; however he records in various muster-rolls the presence of the horse companies of William Taaffe of Smarmore and Garrett Fleming of Bellahoe; Fynes Moryson, An History of Ireland, from the year 1599 to 1603, (Dublin), 1735. V.1 P.100; their participation in the battle of Kinsale V.11 P.49 and in a muster roll of 1602 in V.11 P.127-133.

of the earlier tower houses. 6 Although frequently described as "stone-houses" probably to differentiate them from timber framed or earth walled houses, there is sufficient evidence to further differentiate them from the earlier "tower houses" which were also built of stone. While, apart from Carstown House in the barony of Ferrard none of these has survived, contemporary evidence indicates that they had been constructed throughout the county in such places as Beaulieu, Drumcashel, Kilcrouney, Clonmore, Pepperstown, Ardee, Castletowncooley and Callystown. In many instances, where the tower house continued in occupation, a two story extension was added to the side of the tower. With rising affluence also came indebtedness, the latter facilitated by the existence of a statute staple at Drogheda where prosperous merchants and lawyers with ready cash and large landowners with good rental incomes could engage in the business of money-lending. The dozen or so statute staple debts and mortgages on land restored in the Restoration period can only be regarded as a minimum number as many of those who forfeited their estates also forfeited claims to incumbrances as well. 7

6. "The Landed Gentry" Art.Cit.P.18; the barony maps of the Down Survey and Harold O'Sullivan "The Tichborne acquisition of the Plunkett estate at Beaulieu" in Journal of the Old Drogheda Society, No.7 (1990) P.57-68.

7. A Statute Staple was a jurisdiction granted in medieval times to certain towns, to be exercised by the mayor and constable of the Staple, regulating proceedings for the recovery of debt, based upon recognisances or bonds entered into by debtors and enforceable by creditors; the town of Drogheda was a Staple town and some records of its proceedings are to be found in Ms.19843-44 and N.L.I.Micro N.784-5 and P.510-511, see forward Chapter 6 "The restoration settlement Part 2" and Kenelm Edward Digby, An introduction to the history of the law of real property, (Oxford 1897) P.282-84 and Mozley and Whiteley's, Law Dictionary, E.R. Hardy Ivamy (ed), tenth edition, (Butterworths, London) 1988, P.450-1.

An important feature of the culture of the Old English was their interest in and practice of the law. This had a practical purpose since the validity of their land titles depended upon conformity with the complex requirements of the common law. Because land titles were constantly open to scrutiny by crown escheators and to challenge and dispute in the courts by claimants seeking to prove a better title, a knowledge of the law, especially land laws, was an important requisite for any person holding even an estate of moderate size. Another feature of a legal education was the advantage it conferred on persons actively involved in political affairs. In the parliament of 1613-15 the opposition, led by gentry representatives skilled in the law, were successful in upsetting election returns and preventing anti-catholic legislation being enacted. 8 Their opposition had a price, not alone were catholic lawyers excluded from public office, they were also barred from practising at the bar until the introduction of the Graces in 1628. The practice of the law was also an honourable and lucrative profession, offering many opportunities to the ambitious, two examples of which are worthy of mention, Oliver Cashell of Dundalk and John Bellew of Lisrenny and Willistown. They had been educated in Grays Inn in London the former in 1624 and the latter in 1627 and were members of parliament in the 1630's, the former for Dundalk and the latter for the county. Both managed to build up landed estates for themselves and to survive into the Restoration period as claimants for the return of their confiscated estates. While Cashell may have died soon afterwards, Bellew was to found one of the leading families of the county in that and later centuries. The importance attached by the gentry of the county to an education grounded in the law can be gauged from the fact

8. Donal F. Cregan "Irish recusant lawyers in politics in the reign of James 1" The Irish Jurist V.(1970), P.306-320.

that between 1600 and 1638 fifteen of their children can be identified as students of the Inns of Court in London. 9 There was a gap between 1616 and 1623 when they were barred from attendance but after that date seven of the fifteen appear, reflecting, as in the case of the feudal incidents, the amelioration of their relationships with the crown administration following the introduction of the Graces in 1628.

About 1600 Captain Brent Moore, a younger brother of Sir Edward Moore of Mellifont, made a return to the lord deputy's secretary, of the leading gentry of the county of Louth, of whom he stated that "not any that I can understand of, now living, or their ancestors did ever match with the Irish, but continually with the English race". 10 They were listed, barony by barony and with their names was given also, their fathers' names and places of abode. It consists of fifty-seven names, twenty-nine in the barony of Ardee, thirteen in Ferrard, nine in Dundalk and six in Louth. All were residents of the county and of Old-English extraction. Using this return as a base and with other contemporary records including inquisitions, a comprehensive list of the land-owning gentry of the county in the period preceding the insurrection of 1641 has been constructed and set out in Appendix A Volume Two. In each case the details of land titles, where available, are given including changes arising from sale, purchase or inheritance. 11 The list contains ninety-five names

9. Their names are given in Appendix A Volume Two and have been taken from the various published student registers; see also D.F. Cregan "Irish catholic admissions to the English Inns of Court 1558-1603 in The Irish Jurist," V.(1970) Pt.i P.99, 113-4.

10. Collectanea Historica, T.C.D., Mss 580.

11. This appendix should be read in conjunction with 1) the barony and parish map of county Louth, 2) the tabulation of the parishes and manors of the county of Louth and 3) the glossary of terms and notes on abbreviations contained after the preface herein.

only three of whom cannot be identified as proprietors in 1641. It is subdivided into (A) Old-English resident in the county, (B) Old-English non-resident and (C) New-English or British settlers. No distinction is made between these on the basis of religion; some of those, in categories A and B were protestant in 1641 including forfeiting proprietors, while one at least of those in category C, John Draycott was a roman catholic and a forfeiting proprietor whose son Henry subsequently recovered his estate. 12

It is possible by using the information contained in the appendix to trace much of the movements in landownership in the period 1600-1642 including family descents, estates held in trusts to uses and the incidents of feudal dues, such as wardship and marriage, liveries of seizen and pardons and/or licences of alienation. 13 The importance of these incidents lies in the fact that their enforcement throughout the period reflected the growing grip of the central exchequer on tenants holding in capite of the crown and of which there were a considerable number in the county. They also reflect the political background of discrimination shown against recusant landowners who until 1628 were required to take the oath of supremacy as a condition for

12. For the Draycotts see Stephen P. Barnewall "Henry Draycott and the Draycotts of Mornington County Meath" Riocht na Midhe, Navan County Meath, V. No. 3.1977; Charles McNeill, "The De Verdons and the Draycotts" and "Some early documents relating to English Uriel and towns of Dundalk and Drogheda, with a note on Sir Henry Draycott" in Louth Arch. & Hist. Jns., respectively, V.5 No. 3, P.167-72 and 4, P.270, 1923 & 1924.

13. Feudal incidents constituted the various rights and duties which existed between the lord and the tenant, including tenants in capite who held their freeholds directly from the crown; they formed a great part of the land law appertaining throughout the medieval period and until modified by a variety of statutes introduced in the seventeenth century, see Digby Op.Cit., and J.C.W. Wylie Irish land law, (London) 1975 P.50-67.

the suing out of livery of seizen. 14 Only seven incidents of wardship have been traced for the Stuart period prior to 1641, five of whom were from merchant families in Drogheda and Dundalk. All of them were granted before 1612 and included the requirement of "maintenance and education in the English religion and habits and in Trinity College Dublin". As this period coincided with the period during which the recusancy laws were being enforced, these wardships may have been part of the policy of securing the establishment of an influential proportion of protestants within the corporate towns. If so it was a failure.

Only five cases of grants of livery of seizen have been traced for the period prior to 1615 and only one thereafter until 1628. The former date coincides with the decision of the English Privy Council to establish a Court of Wards in Ireland and which functioned on a temporary basis until it was made permanent as the Court of Wards and Liveries in 1622. 15 The Graces were introduced in May 1628 after which it was not necessary to take the oath of supremacy as a condition for the grant of livery of seizen. The grant of twelve liveries of seizen can be identified for the period 1628 to 1640, one of which was to Christopher Barnewall of Rathesker granted in April 1629 in the sum of £10. The inquisition which found his title was taken in Ardee in September 1627 and revealed that Christopher's father Robert had died on the 30 January 1586 when the former was five years of age. The estate had been vested in a trust to uses on the 2 January 1586, thus avoiding wardship for the infant Christopher.

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14. Clarke Aidan. The Old English in Ireland 1625-42, (London 1966) chapters 11 & 111; Hugh Kearney Strafford in Ireland 1633-41, (Cambridge 1989), chapters 7 & 8.
15. Hugh Kearney "The court of wards and liveries in Ireland", Proc., R.I.A., 57 C No.2; Hugh Kearney, Strafford in Ireland 1633-41, (Cambridge 1989), chapter 8 part 11 P.76-84.

By 1627 the latter had entered upon his inheritance but without suing out livery. In February 1627/8 the Court of Wards and Liveries, acting on the information contained in the inquisition escheated the estate on the grounds of "want of livery" and leased it to Antony Dopping, the feodary for Leinster and examiner of the Court. 16 Having regard to the role of the latter it is reasonable to suppose that it was he who also made the discovery of defective title. Barnewall's case may have been an isolated one as far as County Louth is concerned, but it does illustrate the risks which were encountered by landowners in seeking to evade their obligations in regard to feudal incidents. It also illustrates the beneficial effect of the Graces for landowners having difficulty in taking the oath of supremacy. Another indication was the big increase in the grants of pardons and licences of alienation. While six were granted in the period 1602-27, fifteen were granted between 1628 and 1640. Four licences to enfeoffe trustees were issued between 1632-1640, reflecting the introduction of the English Statute of Uses by the Irish Parliament in 1634. 17

About 1606-07 an inventory was compiled of all the "crown lands and tithes now in lease from the king in Ireland". The inventory included, inter alia, the following for County Louth:- 18

16. Kearney "Court of wards" Art.Cit.

17. For the Statute of Uses of ~~the~~ Henry VIII which did not apply in Ireland, see Digby Op.Cit., Chapter VII, where it is also printed in full; an identical statute was enacted by the Irish parliament in 1634 printed in Statutes of Ireland, ii P.21-8; it was enforced by the Court of wards and in effect placed the obligation for the payment of feudal incidents, such as liveries of seizen on the person who had the use of the estate under the trust to use; in the case of the creation of new trusts it was necessary to get a licence from the Court to enfeoffe the trustees; it did not alter rights of inheritance conferred by the trusts to uses; for the origins and early history of trusts to uses see Digby Op.Cit., chapter VI.

18. Cal.S.P.Ire., 1606-1608 P.63-4.

1. Lands in Ballybalricke late possession of John Burnell attainted, held by the executor of Arland Usher.
2. Lands in Christianstown*, held by the executor of Sir Robert Dillon.
3. Baskerville's Rath, near the river Dundegan and Collumkill's weir, late possession of John Burnell attainted, held by Henry Pierce and John Cusack.
4. The preceptory and manors of Kilsaran and the tithes of Monasterboice, Sir Oliver Plunkett knight, lord of Louth.
5. All the possessions of the late monastery of the Blessed Mary, Mellifont* and of the late hospital of St. John of Jerusalem of Ardee*, Sir Garrett Moore.
6. The late house of the carmelite friars of Ardee*, Edward Dowdall.
7. The lands of the late friary [recte convent] of Termonfeckin*, George Duffe.
8. The lands of the late abbey of Knock*, Sir John Talbot knight.
9. Lands of the abbey of St. Peter Armagh, Henry Pierce and John Cusack.
10. Possessions of the abbey of the Blessed Virgin Mary Louth, Nicholas Bevans al' Ap Evans*.

The denominations marked * refer to properties of the dissolved religious houses contained in the Extents of the Irish Monastic Possessions, found in the inquisitions of 1540-41 and comprise the bulk of the properties contained in this inventory. 19 The other former religious properties referred to, the preceptory of Kilsaran and the lands of St. Peter of Armagh, were in all probability the subject of subsequent escheats effected by the crown, the properties having been concealed at the time the inquisitions were conducted in County Louth.

19. N.B. White ed), Irish Monastic possessions 1540-41, (I,M,C., Dublin 1943) P.212-249.

The Plunketts had been settled in Kilsaran in the fifteenth century, Sir John Plunkett of "Beaulieu, Kilsaran and Tallonstown" being mentioned as sheriff of Louth in the year 1497. The evidence for the concealment of the properties of the former preceptory of Kilsaran is suggested in a lease "of the lordship of Templeton, Moreton and Morlathe in Cooley; the tithes of the parish of Carlingford and the lordship or preceptory of Kilsaran" made by the crown in 1570 to Lord Louth, in which is recited a previous lease made in 1535 by Sir John Rawson, Prior of the Hospital of St. John of Jerusalem in Ireland, to Sir Oliver Plunkett, father of the said Lord Louth and Robert Ardagh. 20 This was the year in which the legislation for the dissolution of the monasteries was enacted. This lease must have been entered into, in avoidance of the confiscation which would inevitably have followed from the latter. Although the property remained in the possession of the Plunketts until the Commonwealth confiscations of the 1650's it is not mentioned in either of the inquisitions of the Plunkett estates of the 1620s or 1630s, albeit that the lease of 1570 must have been the subject of subsequent renewal. 21

The lands of the abbey of St. Peter of Armagh can be identified in grants made by James 1, contained in the Patent Rolls of the latter as follows:- 22

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20. N.L.I. "Plunkett Papers" and "Ainsworth's Report" V.7 No.165 the lease is dated 31 January 1570 for a term of 40 years.
 21. This is suggested in the grant of a 99 year lease of the property made to colonel William Legge dated 14 March 1661 Cal.S.P.Ire., 1660 P.261.
 22. Cal.P.Rolls, Jas.1, P.129 P.229 and P.197 (Nugent).

1608, to William Brounker; lands in Curragh part of the lands of the dissolved abbey of St. Peter and Paul Armagh also Kilcurry. 1612, to Sir Toby Caulfield; lands in Kilcurry part of the lands of the dissolved abbey of St. Peter and Paul Armagh. 1611, to Richard Nugent lord Delvin; Mooretown near Dundugin, parcel of the lands of St. Peter and Paul Armagh, estate of John Burnell attained.

The monastic extents derived from the inquisitions of 1540/41 do not include any lands in County Louth as belonging to the Abbey of St. Peter and Paul of Armagh although there is a reference, in a marginal note in sixteenth/seventeenth century handwriting, in the Register of the Hospital of St. Thomas without the Newgate in Dublin, referring to a grant made by Bertram de Verdon [circa 1185/90] of a carucate of land and a messuage in Curragh to the abbey of St. Peter and Paul of Armagh in return for the provision of a chaplain to celebrate mass in St. John's Church at Castletown. 23 Evidently this grant was discovered as a defective title and granted to Brounker who may have passed it in turn to Caulfield who had obtained a grant of the lands of the abbey of St. Peter and Paul in 1607. Kilcurry is in the Civil Parish of Faughart, adjacent to Dungooley and like the latter may have been in the possession of the O'Hanlons in the early sixteenth century; the latter having suffered escheatment of their estates in Orier following the O'Doherty uprising. 24 Amongst the

23. Eric St. John Brooks (ed), Register of the Hospital of St. John the Baptist without the Newgate Dublin, Preface, see also Rev. Diarmuid Mac Iomhair "The boundaries of Fir Rois" Louth Arc. & Hist. Jn., V.25 No.2 (1962) P.171 and McNeill "Some early documents relating to English Uriel" Art.Cit.

24. George Hill An historical account of the Plantation of Ulster at the commencement of the seventeenth century 1608-1620, (I.U.P. re-print 1970), P.65 and P.309-314.

grantees of land in Orier was Sir Garrett Moore of Mellifont. Following his death in November 1627 he was found, by inquisition held in August 1628, to have been in the possession, inter alia of "Faughart". Caulfield who had been one of his feoffees of trust may have passed the latter to him. The Book of Survey and Distribution [hereafter referred to as BSD], shows Kilcurry, in the civil parish of Faughart in the proprietorship of Lord Moore of Mellifont in 1641. 25 The parcel of land at Mooretown near Dundugin can be identified in the Civil Survey as in the possession of Moses Hill, probably by way of lease and unforfeited. 26

In 1610 Francis Blundell of the commission for defective titles obtained a grant for 21 years of the lands of St. Peter's abbey of Knock, in the civil parish of Louth which in the following year he assigned to Sir John King, probably the then commissioner of the Court of Wards. 27 In the Extents the property of this abbey included the vill of Knockmill, half a tate near the bridge of Knockmill, the Grange near Milltown and the vill of Rathdowe. A George Gernon is mentioned as the tenant of Milltown. The abbey also had property in Farney in County Monaghan. By a grant dated 1616 King obtained a grant by patent of the site, circuit, ambit and precinct of the late abbey of St. Peter of Knock including 120 acres in the vill and fields of Knockmill beside the bridge, otherwise called the Grange, 120 acres in Allardstown, 30 acres beside the bridge aforesaid, 60 acres beside the Grange in Milltown, 15 acres in the ville of Louth as well as lands in Farney in Monaghan. By 1639 the property had passed to Sir Richard Bolton the solicitor general whose son Thomas held the

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25. N.A., 2B-33-4, Book of Survey and Distribution, Quit Rent Office Copy, (hereafter as BSD), County Louth.
26. Robert C. Simington The Civil Survey 1654-6, V.X Miscellanea, (I.M.C. Dublin 1961) P.101.
27. Cal.P.Rolls Jas.1, P.243-4 and P.291.

property in 1641. 28 In the post Restoration period Nicholas Gernon of Milltown was able to establish title to the Grange in Milltown and which is included in his decree of innocence. He also recovered Christianstown, held by his father in 1641 and described by the Civil Survey as held by way of lease by Henry Gernon, from the "Church of Dublin called Christchurch, 20s.0d. per annum to the crown". 29. In addition to the foregoing, Bolton in 1641, was also the proprietor of 60 acres in Babesland, Ballybarrack and 920 acres in Rossmackay and part of Gibbstown in Dunbin. These had been part of the properties of the dissolved abbey of the Blessed Virgin Mary of Louth. An inquisition of the estates of "Oliver Plunkett, late Baron Louth", held in Ardee in 1624 revealed that he had died in 1607 and was succeeded by his son Matthew. He died seized of an extensive estate, held in a trust for uses and which consisted, inter alia, of the site and precincts of the late monastery of Louth, 120 acres in the vill and demesne of Louth, a water mill, a fishing weir, all parcel of the said monastery and of 240 acres in Corderry, 20 acres in Coolcredan, 120 acres in Channenrock, 60 acres in Inniskeen, 60 acres in Feraghs, in Dundalk two messuages, in Dromiskin one messuage, 120 acres in Cannontown [Termonfeckin], 40 acres in Donillstown, 60 acres in Castlecoo, one messuage and 7 acres in Termonfeckin, 120 acres in Lenaght and Congehill and 10 acres in Riaghstown. In addition he was in receipt of the chief rents of Rosmacha, 20s.8d., Rathbrist, 26s.8d., Laraghmyensee 9s.0d. and Lynn 13s.4d. 30 All

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28. T. Gogarty "The abbey of SS. Peter and Paul Knock", Louth Arch. & Historical Jn., V.5 No 3 (1923).
29. Simington Op.Cit., P.107.
30. T.Gogarty "St.Mary's Abbey Louth" Louth Arch. & Hist.Jn., V.4 No.2 (1917), P.169-189, details of extents and inquisitions at P.186-9;

of these properties can be identified from the Extents as having belonged to the abbey of Louth. The lands held by Bolton in Babesland, Gibbstown and Rossmackay in 1641 are all contiguous, the tithes of which also belonged to the abbey. Richard Bolton was one of those who acquired a grant of a lease of the "dissolved house of Louth", in his case in 1611. 31 He must therefore have obtained, about this time also the freehold tenancy of Rossmackay, Gibbstown and Babesland, but if so it could only have been from Plunkett who was the chief lord of the fee. In support of this it should be noted that the other denominations from which Plunkett was in receipt of chief rents were all held by forfeiting proprietors in 1641. 32

Inasmuch as the foregoing inventory relates only to crown properties on lease, it represents only a partial statement of the properties of the monastic houses in Dundalk and Drogheda at the time of the dissolution of the monasteries in the 1530's and as has been demonstrated even the Extents are not themselves complete. The BSD identifies a substantial holding of land in the parish of Ardee the property of Christchurch in Dublin and 15 acres in Smarmore, formerly of the abbey of Navan, the latter in the possession of the Taaffes of Hurlestown and Smarmore. 33 The "friary of Termonfeckin" can be identified as the "Nunnery of Termonfeckin" referred to in the Extents. In an inquisition taken in 1618 Peter Duffe, deceased, held 120 acres, 5 messuages and a close in Termonfeckin part of which may have incorporated property of the dissolved nunnery. It would have been the only

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31. Gogarty "The Abbey of Peter and Paul", Art.Cit.
32. Rathbrist, Laraghmyensee and Lynn were held by Thomas Gernon Louth, William Plunkett Beaulieu and Patrick & Laurence Clinton, respectively as forfeiting proprietors in 1641, see BSD.
33. BSD.

such property then held by the Duff family. Killclogher, another denomination formerly belonging to this nunnery, was found by inquisition in 1633 to have formed part of the estate of Thomas Fitzwilliams, Viscount Merrion, which he passed at that time to Richard Fitzwilliams and who levied fine of the premises to Sir Antony Brabazon who was also found by the same inquisition to be the proprietor of the "town and lands of Calliaghton containing one mansion house, 4 messuages and 60 acres and also one toft in Termonfeckin". The former can be identified as having been part of the dissolved nunnery and it may not be without significance that the inquisition also found that while these premises were held of the king, the nature of the tenure was unknown to the jurors. 34

Apart from the Cistercian abbey of Mellifont and St.Mary's of Louth, the monastic houses of Louth and Drogheda do not appear from the Extents to have been substantially endowed with lands. This was particularly true of the houses located in the towns. The two hospitals of the crutched friars of St.John and St.Mary de Urso did have some landed properties. The latter was granted at the time of the dissolution to the mayor of Drogheda. The properties of this hospital included 30 acres in Carlingford and two messuages in Dundalk and these may have constituted the properties in these towns which the corporation of Drogheda sought to recover in the late 1650's. 35 The landholdings of the

34. For the extent of the nunnery of Termonfeckin see Ms.McNeill O'Farrell in "Returns of property of monasteries at dissolution", Louth Arch.& Hist.Jn., V.7 No.1 (1929) P.50-52.

35. Rev. T. Gogarty, ed), Council book of the corporation of Drogheda, (County Louth Archaeological and Historical Society re-print 1988), P.50, they were held by Captain Cockayne (Dundalk) and Major Fox (Carlingford) in 1662 P.99.

other houses in Drogheda, the Dominican, Franciscan, Carmelite and Augustinian, either did not hold any land or held no more than 10 acres in either case. The case was similar for the dominicans of Carlingford, granted to Bagenal; the Crutched Friars of Dundalk, granted to Sir John Draycott of Mornington; the Franciscans of Dundalk granted to Edward Brandon; the Crutched Friars of Ardee granted to Moore of Mellifont and the Carmelites of Ardee, also granted to Moore. 36 Only in the case of the houses of the Crutched Friars of the two towns was any substantial estates of land attached.

The "British settler class" category included in the appendix can be subdivided between those settled in the county or holding title from the sixteenth century i.e., the "New-English" and those whose titles derive from the early Stuart period. The former consist of the following:-

1. Arthur Bagenal lands in Carlingford, Omeath and Cooley. 37

36. These can be traced in the relevant inquisitions to be found in Inquisitionum in officia rotulorum cancellariae Hiberniae asservatorum, Lagena, (Dublin) 1826-29, (hereinafter referred to as Inq.Lag., or I.Lag., in Appendix A Volume Two); Charles MacNeill "The suppression commission of 1539 and religious houses in county Louth" Louth Arch. & Hist.Jn., V.5 No.3 (1923) P.162-4; see also Arthur Curran "The Dominican Order in Carlingford and Dundalk" Ibid., V 16.No.3 (1967); Arthur "The Priory of St.Leonard Dundalk", Ibid., V.17 No.3 1971; Harold O'Sullivan "The Franciscans in Dundalk", Seanchas Ardmhacha, V.4 No.1 (1960-61), P.33-71; L.P.Murray, "The Moores of Ardee", Louth Arch. & Hist.Jn., V.7 No.4 1932 P.472-84 and Diarmuid Mac Iomhair "The Carmelites in Ardee", Ibid., V.20 No.3 (1983), P.180-189.

37. Harold O'Sullivan "A 1575 rent-roll, with contemporaneous maps, of the Bagenal estate in the Carlingford lough district", Louth Arch. & Hist. Jn., V.21 No.1 (1985) P.31-47

2. Arthur Moore lands in Dunmahon and leaseholder of Dungooley, he was a younger son of Sir Garrett of Mellifont. 38
3. Garrett Moore lands in Mellifont, Collon and Ballymascanlon 39
4. Antony Townley lands in Ardee. The Townleys first appear in County Louth as the lessees of the lands of the dissolved abbey of Mellifont and subsequently as tenants in the parish of Collon. In 1625 Antony Townley acquired the freehold interest of Currabeg and Curraghmore in the Parish of Ardee containing 105 acres, by purchase from Thomas Keppock of Ardee. 40

The seventeenth century settlers were in the main those who had acquired former monastic properties such as Bolton of Knock and Brabazon of Termonfeckin. The others were James Bolton who had 330 acres in Tullydonnell, Doctor Jones who had 60 acres in Ardee town, and Sir Thomas Stanley who had 10 acres in the town of Ardee. 41 The lands of the archbishop of Armagh were in Termonfeckin and in Dromiskin. The most notable tenant on the

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38. With Ambrose Losse had a thirty year lease of Dungooley and Ballybinaby from the earl of Kildare, commencing December 1630, described in the lease as "of Dunmaghowme in the county of Louth" P.R.O.N.I., D.3078/1/25/6; see also Lady Ann Tower countess of Drogheda The family of Moore, (Dublin 1905) Chart Pedigrees, the pedigree of the Moores of Drumbanagher County Armagh is derived from Arthur Moore.
 39. See No.93 in Appendix A Volume Two; Father Colmcille, O.C.S.O., The Story of Mellifont (Dublin 1958), P.195-201; Cal.P.Rolls Jas.1, P.67, P.230-32 and P.275.
 40. For Laurence Townley lessee of Mellifont see Father Colmcille Op.Cit., P.230; Inq.Laq., 11 Oct.1625.
 41. Harold O'Sullivan "The plantation of the cromwellian soldiers in the barony of Ardee 1651-56", Louth Arch. & Hist.Jn., V.21 No. 4, (1988) Bolton Tullydonnell,P.428, Stanley and Jones BSD Ardee.

latter was Faithful Fortescue whose descendants in the county were to found one of largest of the landed estates in the county in the eighteenth century. 42

The BSD of the late Restoration period for the county of Louth provides a list of the "forfeiting proprietors" who held land in the county at the outbreak of the insurrection of 1641; a number of whom, or their heirs, made a recovery of their estates in the Restoration period. This list may have been derived from the Books of Survey, constructed by the surveyors of Petty's Down Survey in 1657, which in turn may have been based upon the inquisitions and surveys carried out by the Commonwealth authorities in the period 1652-1656. Similar information is also available for the town of Drogheda. 43 The proprietors named in the "Survey" side of the Book of Survey and Distribution can be classified into six categories, namely:-

- (a). Proprietors of lands etc., not restored, who were resident in corporate towns (other than Drogheda), the village of Dunleer and proprietors of land in the county resident in Drogheda. There are 27 names in this category.
Ditto restored, 5 names.
- (b). Small proprietors and lower gentry in the county of Louth, not restored with estates, not exceeding 600 acres
There are 54 names in this category.
Ditto restored, 3 names.
- (c). Middle rank gentry in the county of Louth not restored, with estates of between 600 to 1000 acres
There are 4 names in this category.
Ditto restored, 3 names.

42. Rev. H.W.Love "An old Armagh See rental", Louth Arch. & Hist.Jn., V.15 No.3, (1963) P.268-272; Rev.James B.Leslie, History of Kilsaran, (Dundalgan Press re-print 1986), P.188-191.

43. See details in "Landownership Changes" Appendix E Volume Two see also the Surveyors' Books of the Down Survey for the county of Louth, in N.A.Bellew Papers 1121 (Supplemental) ; for Drogheda see N.A., Crown and Quit rentals of Drogheda, 2A.3.12, which gives details of proprietors in 1641.

- (d). Higher gentry in the county of Louth not restored, with estates exceeding 1000 acres.
There are 10 names in this category. Ditto restored, 6 names.
- (e). Proprietors not resident in the county and not restored.
There are 3 names in this category.
Ditto restored, 11 names.
- (f). British settlers:
Pre-seventeenth century, 6 names.
Early seventeenth century, 6 names.
- (g) Protestant non-British proprietors not subjected to forfeiture:
Two names

Of the 138 names in the forgoing, 93, can be identified in the pre-1641 records while the majority of the balance of 54 names are to be found amongst categories (a) and (b) above i.e., townspeople and smaller landowners.

Those classified as small proprietors i.e., category (b) were, with only one exception, namely Stephen Neale of Carlingford, of Old English extraction as also, were those in category (a). This is an indicator of how tightly knit the Old English community was, albeit ~~also~~ there was a considerable element of native Irish within the population, none of whom held status higher than that of yeoman. Some of those in category (b) can be traced by descent from 16th. century proprietors such as the Ardaghs of Ardaghstown, the Drumgooles of Drumgoolestown and the Keppocks of Ardee. The latter had land about Ardee whose title can be traced by means of inquisitions held in 1591, 1625 and 1628. Stephen who appears to have been the forfeiting proprietor in 1641, sued out livery of seizen in the sum of £5.6s.8d., in 1602 but by 1641 his estate had been substantially sold ~~off~~ to others and what remained may have been heavily mortgaged. Another small proprietor, Charles Dowdall of Millockstown with 292a.2r.00p., and who is shown as a "forfeiting proprietor" in 1641 had in fact mortgaged his entire estate to John Dowde an Alderman of Dublin in 1640. The Bellevs

of Thomastown on the other hand were lawyers. 44 Nicholas, the forfeiting proprietor in 1641, managed to obtain a lease of his forfeited estate in the Restoration period during which he practised as an attorney. By far the greater part of this group consisted of proprietors who were related to the middle and higher gentry class, probably younger sons or their descendants such as the Gernons, of whom there were seven named, the Plunketts five, the Clintons three, the Taaffes three and the Moores and Verdons two each. A notable feature of this category is that while few obtained restoration of their lands in the Restoration period, in some cases their properties were included in the lands restored to their better placed and more prosperous relations. Furthermore since few of them could have established trusts to uses in respect of their estates, they were not as well protected against escheats. Neither would they have had access to the legal resources necessary to fight their cases through the successive courts of claims.

The relationships between the Old-English and the crown administration became more stable after the introduction of the Graces in 1628. The latter had provided them with a greater security in respect of their land tenures, albeit that the more rigorous enforcement of feudal incidents may have been a cause of complaint; but then this was a complaint which they would have shared with those of the British settlement. Nonetheless their political truculence still remained, manifested particularly at times when parliament was in session. On these occasions they ~~they~~ took full opportunity to air their grievances, at times much to the chagrin of the various lord deputies. Although they lost the franchises of Carlingford to the British settlement in 1613, they did manage to retain their representation in the county as

44. For the individuals named see Appendix A Volume Two; for the Bellevs of Thomastown see Mrs. Bellew "The Bellevs of Thomastown", in Louth Arch. & Hist.Jn., V.5 No.3, (1923).

well as in the other corporate towns, with only slight inroads being made in the elections for the 1640 parliament. 45 Two were involved in the impeachment of Strafford, John Bellew of Willistown and Oliver Cashell of Dundalk; taking their place with the puritan interests against the king's man. While in England in November 1640 seeking the support of the English House of Commons for the impeachment, the former was approached by Robert Maxwell the earl of Nithsdale and prominent catholic recusant, who sought to persuade him not to proceed with his mission. 46 The latter, perhaps more aware of the growing puritan threat to the catholic interests argued that if Strafford "be taken away, our catholic religion cannot stand". Bellew's only reply was that he could not depart from the trust imposed upon him by parliament. It was perhaps a decision which he was later to regret.

The instability introduced by the execution of Strafford, in England as well as in Ireland, was to grow apace and in the autumn of the fateful year of 1641 the Englishry of County Louth found no one to turn to. Cast off by the administration in Dublin they were left to fend for themselves before the advancing armies of the northern Irish with whom they were soon to be classified as "Irish rebels". Considering their persistence throughout the previous four decades in protesting their loyalty to the crown and in their adherence to the constitutional processes in furthering their claims for relief, it is difficult to believe that, as a class they were ever engaged in a traitorous conspiracy. Yet this was the charge which, within a decade, brought their world to an end, in warfare and in the confiscation of their lands and properties.

45. Hugh Kearney, Strafford in Ireland, P.189-198 & P.225-6.

46. John T.Gilbert ed), A contemporary history of affairs in Ireland from 1641 to 1652, V.1 part 11, "deposition by Rev. George Creighton, 15 April 1643), P.543. a copy of the "Petition of Grievances" or Remonstrance by the Pale Gentry is in N.L.I., "Mountbellew Papers" Ms.31,884 dated November 1640.

CHAPTER TWO.

FROM OLD-ENGLISH TO IRISH REBELS.

The decade of warfare which ensued in Ireland following the insurrection of October 1641 so embroiled the Old English of County Louth, that by its end they were a broken community, at the mercy of the English Commonwealth, awaiting confiscation of their lands and mass transportation to Connaught. It was a fate that was foreseen for them even at the ~~early~~ beginning of the insurrection when in December 1641, the lords justices, commenting on their "defection" advised the lord lieutenant that "their discovering of themselves now will render advantage to his majesty and this State.....and those great counties of Leinster, Ulster and the Pale, now lie the more open to his majesty's free disposal and to a general settlement of peace and religion by introducing of English". 48 Having been tainted of treasonable activities by their alleged association with the northern insurgents, the threat of confiscation of their properties by the enforcement of outlawry proceedings initiated against them in the early part of 1642, was ever present throughout the years of war. Many did not survive the latter or fled the county never to return. Others stood their ground to suffer confiscation of their lands, only a handful of whom emerged as Connaught transplinters. The greater part remained in or near the county, either in seclusion, or as persons of the "common sort", from whom the obligation of transplantation had been subsequently removed.

By the 31 October 1641 the northern insurgents had captured Dundalk, due it was reported, to the "forward affections of the

48. Robert Dunlop, Ireland under the Commonwealth, (Manchester 1919) V.1 P.cxx-cxxi; Carte, Life of Ormond, i, P.260-261.

inhabitants who delivered up the town into the possession of the rebels about the beginning of November 1641". 49 This accusation of connivance between the townspeople of Dundalk and the insurgents was to be supported subsequently by others, such as Sir Henry Tichborne and James Butler, earl of Ormond. 50 This is the only evidence to suggest any involvement of the Old-English of Louth in the insurrection at this early stage. Throughout the rest of the county the reaction was that of surprise followed by a rallying of support for the government in Dublin. The possibility that elements of the populations of the corporate towns had a sympathy, if not a league, with the northern insurgents cannot be ruled out. Even in the otherwise loyal town of Drogheda a number of the inhabitants deserted to the

49. Sir John Temple, The Irish rebellion, Seventh Edition, (Cork 1766), P.68 "...to come into the pale, to take in Dundalk in the county of Louth, which was a frontier town in the last wars against Tyron and so well defended itself, as with all the power he had, he could never recover it into his hands; there lay now a foot company of the old army, but the lieutenant who commanded it, having neither his men in readiness, nor arms or munition, made little or no resistance, easily giving way to the forward affections of the inhabitants, who delivered up the town into the possession of the rebels about the beginning of November 1641; for the events immediately following the insurrection see Aidan Clarke The Old English in Ireland 1625-42. , Chapter IX P.153 and Chapter X "The defection of the Pale".

50. Temple, Op. Cit., " Tichborne's letter to his wife".P.293-339; "Ormond's letter on behalf of Lord Dungannon", Prendergast Papers V.8 P.810-17, in King's Inns Library Dublin; See transcript in Appendix D Volume Two.

insurgents in the early stages of the seige. 51 In each the mendicant orders, notably the Franciscans in Drogheda and Dundalk and the Carmelites in Ardee, had been well established for twenty or thirty years and would have had a strong following amongst the inhabitants, many of whom, especially in Dundalk and Ardee were of native Irish descent. 52 When Sir William Brereton visited Dundalk in 1635 he found the greater part of the town to be "popishly affected" and that an "abundance of Irish, both gentlemen and others, dwell in this town, wherein they dare to take the boldness to go to mass openly". 53 A similar situation would also have existed in the other corporate towns. In Dundalk the Franciscan guardian in the years 1640-41 was Thomas McKiernan who was implicated in Lord Maguire's "confession" as having been present at the last meeting before the alleged abortive attack on Dublin. 54 When Phelim O'Neill sent a letter to John Lord Viscount Taaffe in Sligo, in 1641, calling on him to engage in the insurrection, it was

51. Temple ibid., "Tichborne's letter" P.295, "At Drogheda I met many strange reports of the rebels number and advance, and these reports were daily strengthened with false intelligence by some that were employed in the service, being in truth no other that rebels in their hearts and affections, and afterward plainly appeared by their flying from our party and siding with the rebels.....the malignant party being strong and powerful in it [Drogheda]"
52. For the Dundalk Franciscans see O'Sullivan Art.Cit.Seanchus Ardmhacha, V.4 (1961); the Ardee Carmelites, Mac Iomhair, Art.Cit., Louth Arch.& Hist.Jn., V. 20 (1983) and the Drogheda Franciscans, Patrick Conlon O.F.M., The Franciscans in Drogheda, Drogheda 1987, P.16-24; for the involvement of the Franciscans in the events of 1641 see Canice Mooney "The Irish Sword and the Franciscan Cowl", The Irish Sword, V.1. (1949) P.80-7.
53. Sir William Brereton, Travels in Holland, the United Provinces, England, Scotland and Ireland (1635) Edward Hawkins (ed), Chetam Society 1884
54. For a biographical note on McKiernan see O'Sullivan, "Dundalk Franciscans" Art.Cit., P.58-9;

penned in Braganstown, by his son the Rev. Peter Taaffe of the Augustinian community of Drogheda. 55

Notwithstanding their common religious beliefs, a clear identity of interests between the landed gentry of the county and the inhabitants of the towns did not necessarily exist at this period. Neither did it follow that the tenantry in the county took their political attitudes from their landlords. The preservation of landed titles was not for them a prime political consideration, while many of the townspeople, small merchants, artisans and craftsmen would have had little in common with the landed gentry or the ruling elite in the town assembly or council. The early decades of the seventeenth century had been relatively prosperous and the manufacture of linen yarn, in particular, must have given considerable employment in the rural areas and in the seaport towns of Drogheda and Dundalk, through which the bulk of the linen yarn produced in Ireland was exported. 56 There were therefore many, in the countryside as well as in the towns, who were not solely dependent upon the land and for these the leadership of the mendicant friars, the militants of the counter-reformation, would have been of greater relevance in securing the preservation of their religious beliefs and practices. 57 Apart altogether from the religious issue, the

55. Memoirs of the family of Taaffe, (privately printed), Vienna 1856, P.9.

56. Hugh Kearney Strafford, Op.Cit.,P.154-9.

57. Ibid., P.159; see also William J.Smith "Society and Settlement in seventeenth century Ireland the evidence of the '1659 Census'", in William J.Smith & Kevin Whelan (eds), Common Ground. Essays on the Historical Geography of Ireland, presented to T.Jones Hughes (Cork U.P. 1988), P.60 & 65 where he concludes that "a core area in south and mid Louth was.....not only a society of gentry, farmers and merchants, but also of labourers, ploughmen, husbandmen, cowmen, horseboys, smiths and weavers and even its small towns had their malsters, millers, tanners, butchers and innkeepers"; J.Edwards "A rural geography of County Louth", unpublished Masters Thesis U.C.D.,1965.

unstable political situation in England subsequently introduced into Ireland in the wake of Strafford's departure, coupled with the recession in trade which occurred in the years 1639-40, would have created tensions within the community unrelated to the political agitations of the landed gentry, whose prime objective would have been to secure themselves in their landed estates, the possession of which was their *raison d'être*.

The sheriff of the county, John Bellew of Willistown and Sir Christopher Bellew of Castletown, Dundalk, took an early lead in opposing the insurgents and were given authority by the lords justices to exercise martial law.⁵⁸ They also obtained an allocation of arms to equip 300 men out of the magazine in Dublin. On the 3 November Sir Henry Tichborne was dispatched to Drogheda with a force of 1,000 men to provide a forward bastion of defence on the northern approaches to Dublin. On the 11 November the latter was closed off to all but residents, effectively leaving the rest of the Pale, including those parts of county of Louth not yet overrun by the insurgents, to fend for themselves.⁵⁹ A special meeting of the parliament was held on the 17 November at which it became apparent that profound differences existed between the authorities and the Old-English regarding the attitudes to be adopted towards the insurgents, the former seeking to have them proclaimed as rebels and traitors, the latter seeking a more diplomatic approach. In the event a committee of the house was appointed to confer with the

58. Richard Bellings, John T. Gilbert (ed)., History of the Irish Confederation and the war in Ireland 1641-43, V.1 P.21 commissions issued for governing of counties, "Sir Christopher Bellew for the county of Louth"; *ibid.*, commissions of martial law issued, "John Bellew in the County of Louth"; a copy of John Bellew's commission is in N.L.I., "Mountbellew Papers", dated 30 October 1641 Ms.31,833.

59. Temple Op.Cit., "Tichborne's Letter"; Aidan Clarke "The Old English" Op.Cit., P.164-9.

insurgents who were described as having "traitorously and rebelliously raised arms". 60 Included as members of the committee were John Bellew, Sir Christopher Bellew, Theobald Taaffe and Lord Moore of Mellifont. By this time the military situation in the county had progressively deteriorated, Ardee had fallen to the insurgents early in November and on the 21st., they came before Lord Moore's residence at Mellifont which they attacked and plundered. That evening they were before the walls of Drogheda "flying colours and in better order and arms than they were thought to be". 61 Twenty one days had elapsed since the fall of Dundalk, a lengthy period considering the distance between the two towns. How much of the delay can be attributed to the resistance, if only passive, of the Old-English, can never be determined. It was however a delay which was to prove fatal to the insurgents' cause as it gave time for Drogheda to be defended and Dublin to be preserved.

The transition from loyal supporters of the Dublin administration to that of traitors and rebels, came with remarkable suddenness for the gentry of County Louth. Shortly after parliament had been prorogued on the 17 November the arms allocated for the defence of the County had been repossessed by Lord Moore and on the 25th., it was reported to Dublin that the whole of County Louth, both gentry and others, were joined with the rebels and that the sheriff, John Bellew, was one of them. 62 On the 29 November, at Julianstown County Meath, a party of 500 troops on their way to reinforce Drogheda was intercepted and routed by the insurgents. Following this event Tichborne, in a

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60. John T. Gilbert, ed)., A contemporary history of affairs in Ireland from 1641-1652, (Dublin 1879), V.1,i, P.370-1, "Order for conference with Irish in arms 16 November 1641".
61. Tichborne report to Dublin of the 21 November 1641 in N.A. "Carte Transcripts" V.11 P.47.
62. Clarke Op.Cit., P.174-5.

reference to the Pale gentry, described them as "our bosom enemies", and claimed that they "no longer disguised themselves, for the whole Pale that seemed to waver and in a sort to detest the rebellion, declared for them and immediately joined with the northern rebels, whereupon ensued the siege of Drogheda". 63

The allegation against John Bellew has to be balanced against other known facts. At the outbreak of the insurrection he had given shelter to a Mrs. Cecily Jones and her companions, John Eden and Richard Lason, who had "come accidentally to Mr. Bellew of Willistown", where their "lives were preserved by him and ourselves civilly entertained and safely conveyed by him to Tredagh". She also affirmed that he and his family were as much "for the preservation of the English as any could be". 64 As late as ~~20~~ 10 December he, with James Bathe of Athcarne had a pass, issued at Drogheda by Lord Moore and Sir Henry Tichborne, "to travel to Dublin upon special occasions concerning the peace and quietness of the commonwealth and.....to travel, pass and repass between Drogheda and Dublin andto have admittance both to the city of Dublin and town of Drogheda as their occasions shall or may admit". That some hope of rapprochement between the gentry and the Dublin administration was still being entertained

63. Ibid., P.176-7; N.A., "Carte Transcripts" V.11 P.72, Sir John Temple's letter to the earl of Leicester dated 30 November 1641 concerning the skirmish at Julianstown; Temple Op.Cit., "Tichborne's letter".

64. For a biographical memoir of John Bellew see Mrs. Bellew "John Bellew of Willistown" Louth Arch. & Hist. Jn., V.6 No.4 (1928) P.223-237; see also "Bellew Papers" a certified copy of a letter dated 19 June 1654, signed by Cecily Jones, in connection with Bellew's petition against transplantation.

by the parties at this time is suggested by a letter which passed between Lord Moore and Christopher Barnewall of Rathesker, dated Drogheda 6 December 1641, as follows:- 65

Mr. Barnewall,

Yours of the 4th., of this instant I received this day wherein you expressed your and Mr. Bellew's care and forwardness in settling an end to these present troubles to which purpose I perceive you have treated with the gentry, its a matter of great consequence and in conclusion I doubt not but our labours will bend to the content of those that seem to be now discontented, for effecting whereof to attend his Majesty., which I shall with all cheerfulness do and therein express that which I presume you are not ignorant of, my ever good respects to my country and the gentry thereof, I know you are sensible of the danger (?) which I am in if I should part this kingdom without first acquainting the State therewith (?) which by letters I cannot do by reason of the late interception of letters which hath lately happened, so that without some special directions from their party I can neither go or send to them, either of which upon such directions I shall do and then I with yourself and Mr. Bellew will go together and in the end both you and those gentry shall receive no less than what I ever intended, the General good, which will repair the desolations past and prevent the ensuing danger, be the preservation of much blood that will otherwise be spent on this occasion and for those prisoners I have acquainted Sir Henry Tichborne with your desires and he and I are very willing to release

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65. "Bellew Papers"; the pass was signed by Tichborne and Lord Moore; an unsigned and undated memorandum of John Bellew's activities at this time, including his involvement with Lord Moore, Tichborne, James Bathe and Christopher Barnewall is in the N.L.I., Ms. 31,822 "Mountbellew Papers".

man for man, in the meantime I pray you express my integrity and forwardness in this service which shall readily be performed upon the honour of,

Your assured loving friend and servant,

Moore.

The names of two of the prisoners is one Dowdall. It is desired that if they have any of my lord of Ormond's troops you will cause them to be released.

Moore.

Drogheda this sixth of December 1641.

The significance of this letter is that by this date the hostilities seem to have been extended to include the county gentry who it was alleged in several depositions, taken in the following year, had formed a regiment at the behest of the insurgents. Two depositions are credited to Barnewall himself, one undated and incomplete, the other, taken before Robert Meredith, chancellor of the court of exchequer, dated and signed the 2 May 1642. 66 In the latter, Barnewall deposed that "upon the first coming of Collo McBrian McMahan, Tirlagh oge O'Neill and Colonel Hugh Byrne with others the northern rebels into the county of Louth", they had possessed themselves of all the arms they could find in the gentlemen's houses and sent warrants that all persons between sixteen and sixty years of age to assemble within four days on Tullyesker hill. The meeting "not being then full" was adjourned to two days later when twenty-four named persons attended as well as others unnamed. At the latter meeting, Barnewall was appointed to govern the forces of the

66. The 1641 Depositions concerning the county of Louth have been transcribed by Thomas Fitzpatrick LL.D., from T.C.D., Mss. F. 3.5. Folio 1-47 and edited by the Rev. Thomas Gogarty in "County Louth Depositions 1641" in Louth Arch. & Hist Jn., V.3 No.1 (1912), P.68-77 and V.3 No.2 (1913) P.167-77; for Barnewall's depositions see V.3 No.1 P.78-9 undated and V.3 No.2 P.168-9 dated 2 May 1642.

county which he deposed "should issue with the army brought thither by the northern rebels". Appointed captains were Stephen Dowdall, John Verdon, William Plunkett, Patrick Gernon. of Mayne, John Stanley or his son, John Babe. Patrick Gernon or his son, John Taaffe of Braganstown or his son, Nicholas Plunkett Henry Gernon, Thomas Cappock of Ardee, Christopher St.Laurence, John Drumgoole of Walshestown, one Clinton who was lieutenant unto Sir Christopher Bellew, who brought a company of men for the service, Nicholas White of Richardstown for his father, Clinton of the Water, Bartholomew St.Laurence Lieutenant-Colonel and William Warren of Cashellstown Sergeant-Major. The meeting also agreed that "for the maintenance of the army, as well those of the county of Louth as of the north", collectors were appointed to bring in beeves and "for bread the protestant corn and haggards served and to spare".

Two other depositions bearing out Barnewall's statements have survived, one dated 5 July 1642 by William Moore of Barmeath which, like one of Barnewall's, is incomplete and unsigned and another of the 2 May 1642 made by Gerald Colley who was portreeve of Ardee in 1640/41. 67 The latter who was an uncle of Lord Moore's wife, further added that it had been decided by the "commanders of the county of Louth amongst the rebels" that each landowner should send one soldier for every forty acres. He having four score acres sent two soldiers and wrote a letter to that effect to Lord Louth. Moore also implicated John Bellew, who he alleged "soon after the sitting of the parliament at Dublin about Allhallond last passed....began to bestir himself and to raise forces to join likewise in the same rebellion". These and other County Louth depositions were subsequently included in the

67. Ibid., For the arrest of Cooley by Captain William Cadogan and his relationship to the Moores see ibid. ,V.3 No.1 P.168; for the depositions made by Cooley and Moore see Ibid. ,V.3 No.2 P.78-9.

Books of Discrimination used by the court of claims in assessing the bona fides of claimants for decrees of innocence in 1661-63. They implicate forty-eight members of the landed gentry in the events in County Louth following the insurrection and invasion by the northern Irish.

The other County Louth depositions can be broadly classified into two categories, those made by individuals complaining of ill-treatment or loss of properties in the early stages of the insurrection, made before the cessation of September 1643, numbering fifteen in all, and those made after 1645 including depositions made in the years 1653-54, none of which implicate Old English. Two depositions dated September 1645 and September 1647, by Worsley Batten of Drogheda and John Clarke of Dundalk respectively, do incriminate Old English, the former by name the latter the "rebels thereabout" Dundalk. The latter claimed that he was robbed and forcibly despoiled of his goods and chattels and kept a close prisoner. He also alleged that, during his imprisonment thirty-five protestants, who had fled into the town from the north, has been drowned in the river "by the inhabitants thereabout". This evidence was however only hearsay in that it was based upon what his "serving maid" had told him. Batten's deposition also contains hearsay evidence of an alleged hanging at Termonfeckin. He also alleged that about the 31 October he was driven from his farm at Baltray and robbed of corn worth £1000 by Patrick Barnewall of Rathesker, whom he incorrectly described as colonel of the rebels. He also implicated William Plunkett of Beaulieu, Christopher Dowding late of Drogheda and John Mortimer of Dundalk of looting his house and farm at Baltray.

While most of the fifteen depositions taken before September 1643 implicate the northern insurgents in alleged acts of violence, the involvement of the Old English was relatively marginal until the formation of the regiment of troops in November 1641. John "Fitz-Walter" White of [Ballrigger] Castletown, was accused by

William Sellis of Carlingford, that he and others, on the 24 October 1641, "rebelliously" robbed and deprived him of certain properties specified in his deposition. In her deposition Lucy Spell of Drogheda implicated several merchants of that town of being "with swords and other arms in a rebellious manner" and that she saw Lord Netterville, John Draycott of Mornanton, John Verdon of Clonmore, Lord Louth, Nicholas Darcy of Platten, John Drumgoole of Walshestown and Captain Gernon of Gernonstown at a council of war in Duleek. William Ussher the rector of Killencoole accused Sir Phelim O'Neill and Collo McBrian McMahon of despoiling him of specified goods and properties but that Messrs. Patrick Gernon and John Babe "engaged themselves for his goods". Amy Briscoe of Ardee in a deposition dated 5 February 1642 alleged that on the 26 October Collo mcBrian McMahon and his soldiers, "expelled dispoiled and deprived her of her house, household goods, corn and hay", and, in parenthesis, accused Thomas Cappock of Ardee of complicity in these events. Others implicated in depositions were John "Fitz-Luke" Dowdall of Ardee, John Stanley of Marlistown, Christopher Barnewall of Rathesker, William Moore of Deanrath, Alderman John Stanley of Drogheda and John White of Old Grange Carlingford. On the 13 December 1641, Robert Osborne rector of Clonkeen accused a long list of Old English of despoiling him of properties, John Taaffe of Braganstown, Patrick Taaffe of Stormanstown, Laurence his son, Robert Taaffe of Cookestown, Laurence Taaffe his brother, James Taaffe of Ardee and Garrett Cooley. By this date however most of these would have been officers in the regiment raised at Tullyesker.

That the County Louth gentry may have attempted to raise a force in their own self defence but without the king's commission, cannot be ruled out. The northern British of the Counties of Down, Fermanagh and Derry did likewise. 68 That they did so to "issue

68. For the difficulties encountered by the northern British in the formation of the Ulster regiments see Lord Ernest Hamilton The Irish Rebellion of 1641, (London 1920) P.165-7.

with the rebels" hardly seems likely. Law and order had broken down in the months following the insurrection resulting in the inevitable pillaging of the civilian population. Having been deserted by the government the gentry had to shift for themselves as best they could, including the establishment of a modus vivendi with the northern insurgents. Truth is also another casualty of war, an aspect which needs to be born in mind in weighting the value of the depositions. On the face of it, it seems possible that many of the allegations contained in the depositions were fabrications intended to secure the outlawry proceedings instituted against the gentry of County Louth in 1642 ~~and~~ which, being later than those instituted in County Meath after the meetings at Knocklofty, ~~was~~ had not been included in the earlier list. 69

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69. The "Catalogue of persons outlawed in Ireland for high treason A.D., 1641-43" published in Richard Bellings, John T. Gilbert, (ed), History of the Irish Confederation and the war in Ireland, (Dublin 1885) V. 111 340-86, does not include a specific list for the county of Louth albeit that Oliver Plunkett Baron Louth is in the list of peers indicted in Hilary Term 1641/2 as well as a number of individuals listed as County Meath, Nicholas Darcy Platten, John Draycott Mornington and Laurence Dowdall Athlumney, all of whom held lands in County Louth; John Verdon of Clonmore County Louth is listed under Meath as outlawed in Hillary Term 1641/2; those outlawed by the lords justices on the 8 February 1641/2, with a reward of £400 for their capture dead or alive, were, John Bellew Willistown, Oliver Cashell Dundalk, John Stanley Marlistown, Christopher Barnewall Rathesker Gilbert (ed), Affairs in Ireland; for a list of County Louth persons outlawed in the period 1641-47 see Analecta Hibernica, No.23 1966 317-67; see also Commons Jn . V.1i., indicted for high treason and expelled 22 June 1642 Messrs. John Stanley and Oliver Cashell borough of Dundalk, Sir Christopher Bellew and John Bellew County Louth; in July 1661 the latter obtained a certificate that, while he had been "indicated of high treason" in 1641, he had not been outlawed, N.L.I., "Mountbellew Papers" Ms.31,966.

In March 1642 the insurgents lifted the seige of Drogheda and retreated northwards. Tichborne with a section of the Drogheda garrison followed. In his "letter" to his wife, dated 8 June 1651, Tichborne described how a few days after the lifting of the seige, he with Lord Moore and a party of horse and foot surrounded Barnewall's house at Rathesker where he was found "not drest, misdoubting no visitation of that kind". After a "little resistance" he agreed to surrender on a promise that "he might be a prisoner left unto the law and not presently put to death". Tichborne's forces came northwards, not as a relieving army for the beleaguered people of County Louth but as a vengeful rampage that treated all before them as an enemy. Ardee was captured after a skirmish and the town plundered. The same happened in Dundalk where after a hot resistance in the streets of the town, the northern Irish retreated leaving the town to its fate. Tichborne had no doubt that the townspeople of Dundalk had been in league with the insurgents and was determined to inflict condign punishment upon them. He had the bailiffs with many of the burgesses and freemen hanged and then, dividing the town into quarters, "proportionable to the companies of horse and foot", subjected it to four days of looting and pillage. Thereafter the charters of both towns were suspended and a form of military rule introduced which was to survive until the restoration of town charters by the Commonwealth regime in 1655. 70

Having secured Dundalk, Tichborne's forces harried the Irish quarters of the ancient March for several weeks so that, with like actions by the Drogheda garrison; to use his own description, "there was neither man nor beast to be found in

70. "Ormond's letter on behalf of Lord Dungannon", Prendergast Papers, V.8 P.810-817, King's Inns Library copy in appendix D Volume Two herein; "Tichborne's Letter" in Temple op.cit.

sixteen miles between the two towns of Drogheda and Dundalk, nor on the other side of Dundalk in the county of Monaghan nearer than Carrickmacross". Later in the year he participated in Lord Lisle's expedition into Meath, Westmeath, Cavan and Monaghan, "burning the houses at Lough Ramor and Virginia" and with the capture of Carrickmacross secured a "great store of prey and destruction of the rebels". Shortly afterwards Lord Moore was appointed governor of the county of Louth and the barony of Slane while Tichborne held the governorship of Drogheda until his appointment as a lord justice in place of Parsons in April 1643.

It is likely that the Old English remained in refuge in the Irish quarters until the cessation of 1643, thus compounding the allegation of their complicity in the insurrection. Evidence of their return after the cessation is suggested by a number of proceedings in respect of land titles in the county, which occurred in the period 1643-44. John Bellew was able to lease Thomas Dawe's lands in Braganstown, Mansfieldstown, Drumcashel, Milltown and Dundalk in November 1644 which were conveyed to him in fee by Dawe in the following January. 71 When inquisitions post mortem were held in March 1644 in respect of the estates of John Babe of Darver and William Plunkett of Beaulieu, who had died on the 19 March 1641 and 21 July 1644 respectively, neither estate was escheated despite the fact that both deceased had

71. See No.8 in Appendix A Volume Two and Mrs. Bellew "John Bellew" art.cit., for Dawe see *ibid.*, P.232; in the memorandum in the "Mountbellew Papers", N.L.I.Ms.31,882 there is a reference to the "Racking" of Barnewall of Kilbrue and Sir John Read, "the same struck such a terror into all men as made them desperate and so matters fell into a confusion and everyone began to consider of his own safety and to draw into remote parts and among the rest I went to West Meath where some of my wife's friends were"; he was with Owen Roe O'Neill at Portlester on the 19 September 1643 where the latter, who described him as lieutenant-general, commended him for his service, N.L.I. "Mountbellew Papers" Ms.31.998.

been mentioned in the depositions. Instead their estates passed to their respective heirs, Michael Babe of Darver and Thomas Plunkett of Beaulieu. In May 1644 Nicholas Gernon presented a petition to the House of Commons in Dublin arising from which Messrs. Patrick Tallant, John Kelly and Patrick Gernon of the Mayne were ordered to appear, bringing with them all papers etc., concerning the lands of Drumcath, probably the manor of Dromcath, parish of Kilsaran and barony of Ardee of which John Hadsor was described in the Gross Survey as the chief lord in 1653. No.38 of the survey of landtitles in County Louth before 1641, in the appendix to chapter one, refers to Inq.Lag., of the 22 May 1638 in which Mayne and Drumcath are described as held of the manor of Drumcath and comprised within an estate held in a trust to uses for Nicholas Gernon of Mayne, established in the reign of Elizabeth 1. By 1638 Nicholas was dead as was his son Patrick. The latter's son, also Patrick, was found to be the heir of the estate and 11 years of age. He was therefore only 14 or 15 years of age at the time of the insurrection, during which he was alleged to have been one of the captains appointed at Tullyesker and to have taxed, collected and raised men, money and victuals and otherwise joined and helped the rebels until 1 November 1642. While the outcome of the petition has not been traced, the petitioner, Nicholas Gernon, would seem to be identical with Patrick Gernon's brother, mentioned in the decree of innocence granted to Mary Gernon in 1663, who claimed as the daughter of "Nicholas son of Patrick Gernon of Mayne". As Mary claimed as a protestant it seems possible that religion as well as landgrabbing may have been involved in this dispute. 72 The outcome must have gone in favour of Patrick, who was the forfeiting proprietor in 1641.

72. Inq.Lag., No.50 & 51, 1644; Commons Jn.V.1i P.329; James B. Leslie History of Kilsaran, (1908, Dundalgan Press reprint 1986), P.40; for Nicholas Gernon son of Patrick Gernon of Mayne see No.30 in Appendix A.

The return of the gentry to the county after the cessation, was that of a defeated people, without political power or influence and held in thrall by the ever present threat of having the outlawry proceedings concluded against them. The conditions of the cessation included the payment of heavy taxes for the maintenance of the army garrisons who, despite their numbers constantly failed to defend them from raids from the Irish quarters. A threat of outlawry proceedings arose after the departure of Ormond in 1647, when on the 17 September Colonel John Moore the parliamentarian governor of Dundalk, in a footnote to a letter by him to Colonel Michael Jones in Dublin, advised the latter that "there is some exigents come forth against most of the gentry of this county to appear at the High Court to answer unto certain bills of treason" and that "it doth much startle them as they conceive they were protected for a year". 73 The writ of "exigent" was the penultimate stage of the process of outlawry. It consisted of a direction to the sheriff to have the name of the accused called out on five successive county-court days, charging him to appear on pain of outlawry. While this attempt to enforce the outlawry proceedings may not have been proceeded with, it does reflect the changed circumstances which followed from Ormond's surrender of the sword of state to the parliamentarians in July 1647, whose lost patronage now exposed the county gentry to the possibility of escheat of their estates, if not trial and execution for treason. Whatever the evidence may be for implicating sections of the inhabitants of the towns of Dundalk, Ardee and Drogheda in the events of the insurrection, no such evidence exists in regard to the county gentry, whose actions and attitudes in the critical months of November and December 1641 were that of a people in total confusion, without direction or leadership.

A muster roll of Tichborne's forces in Drogheda taken on the 23

73. "Stuart Papers" in H.M.C. 9th.Report (London 1886) P.86.

December 1641 by the commissary, captain William Cadogan, revealed that it consisted of 18 companies, aggregating to a total strength of 1694 all ranks. 74 This figure did not include those who had been mobilised by Lord Moore at the outset of the insurrection and who would have been, in the main, tenants on his estates. Ten of the company commanders, including Tichborne, had held commissions in the army which had been mobilised by Strafford for service in Scotland and disbanded in 1640, the aggregate strength of whose companies was 1086 and five, with a total strength of 451 men, were survivors of the Julianstown ambush. 75 Three other companies commanded by Foulk Martin, Thomas Rockley "his old company garrisoned there" and Henry Brian had an aggregate strength of 265 men. The latter was a native of Drogheda. He is mentioned in "Affairs in Ireland" as having had military service in Germany, "a protestant held in good esteem with the State at Dublin" and having commanded a troop of horse at Drogheda, he later deserted to the insurgents and was killed in a skirmish at Roconnell in county Westmeath. 76 By the end of the following year when musters were carried out of the forces garrisoned in the county, including Drogheda, three foot regiments are mentioned, Tichborne's, Lord Moore's and Sir

74. "Ormond Manuscripts" in H.M.C., 14th.Report, Appendix Pt. V11, P.129-30, original in N.L.I. Mss. No. 2559.
75. "A list of the army for Ormond" N.A. "Carte Transcripts", V.1 P.113-17; "Tichborne's letter", in Temple, Op.Cit., gives the names of various captains appointed under the command of Lord Moore, Seafool Gibson (his company of the English inhabitants), John Slaughter (lieutenant to Sir Thomas Lucas), Henry Brian, Christopher Roger (sergeant-major), William Cadogan, Charles Townley, Patrick Weymes (lieutenant to the earl of Ormond), Richard Borrowes, William Hamilton and Edward Trevor [Mark Trevor's brother].
76. Gilbert, Affairs in Ireland, V. 1 i, P.57-8; for the transfer of troops to England following the outbreak of the English Civil War, see Harold O'Sullivan "The Trevors of Rosetrevor, a British colonial family in seventeenth century Ireland", (unpublished M.Litt.,thesis) T.C.D.,1985, P.96-102.

Fulk Hunck's. In addition there were two troops of horse in Dundalk captained by Lord Moore and William Vaughan respectively. The surnames of the various captains in these formations reveal them as mixed British settlers from County Louth and the adjacent areas of Meath, Monaghan, south Armagh and south Down, with newly arrived reinforcements from England and Wales such as Fulk Hunck and William Vaughan. By the beginning of 1644 their numbers had reduced considerably because of deaths, desertions and transfer to England and Wales following the cessation.

While there is evidence that the cessation had effect, as far as the civil population was concerned, the military situation was one of ever present threat from the Irish forces of Owen Roe O'Neill, located in Monaghan and Cavan and the new Scots forces under Munro in east Ulster. It was therefore necessary to maintain strong garrisons in and about County Louth, the cost of which fell more and more upon the local communities on whom they were quartered, or by means of taxes levied on the corn harvests. 77 In addition the estates of those who had fled the county in the early stages of the insurrection were in a number of cases sequestered and granted in custodiams to military

77. Article 6 of the "Articles of Cessation", provided that the county of Louth and town of Drogheda would remain "in the possession of his majesty's protestant subjects", "saving and excepting unto the said roman catholic subjects, now in arms etc., and their party all such castles, towns, lands, territories and the lands and hereditaments thereunto belonging, which upon the said 15 September 1643, at the hour aforesaid, are possessed in the said counties, or any of them, by any of the said party, Bellings Op.Cit., V.2 P.368; it also seems likely that under article 7 the Old English had to pay the fourth shealf of the harvest towards the maintenance of the garrison; H.M.C., "Ormond Manuscripts, N.S., i P.96-7, (tithe collection for military use).

personnel. 78 With the breakdown of the Ormond Peace of March 1646 and the subsequent split, which followed in the ranks of the Kilkenny Confederacy, it was inevitable that Ormond would turn elsewhere for support. In a letter to Digby, the king's secretary of state, in February 1647, he outlined the conditions prevailing in the royalist enclave in Ireland at that time. He described the situation in County Louth as follows:- 79

"The next considerable garrison is Drogheda wherein are about 400 foot, which are very meanly provided for out of the excise there and the cess upon that poor corporation. At Trim are about 300 foot besides officers which formerly were paid from Dublin at the rate of about £27 per week, but now having no relief from Dublin are forced to raise their subsistence out of these quarters which pay weekly contributions to the horse and by that means destroy all our quarters thereabouts. At Dundalk, Carlingford, Newry, Greencastle and the Island are about 550 foot besides the officers which formerly did receive weekly about £55 but now likewise having no relief from hence are necessitated to live upon the spoil of our own quarters thereabouts."

In concluding his report, Ormond pointed out that his army was in danger of disbanding, with the consequences of his government dissolving and "the city and others his majesty's garrisons and quarters must necessarily fall into the hands of those who shall first attempt them." Already the latter was in train. Following the shock defeat of the Scots and British forces by Owen Roe O'Neill at Benburb in June 1646, the English Parliament took steps to send reinforcements to Ireland and for this purpose

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78. Gilbert Affairs in Ireland, V.11 part 1 P.13, criticisms of Ormond's granting of custodiams; the sequestration of delinquent estates and their subsequent grant in custodium to others was a common feature for the period.
79. N.A. Carte Manuscripts, "The condition of Ireland represented to the king" 19 February 1646/7, V.XX P.207

entered into contracts, under articles and commissions with individuals, to transport troops into Ireland in the service of parliament. Principal amongst these were Colonels John Moore, Roger Fenwick and Chidley Coote, all of whom had served in the parliamentarian forces during the civil war. 80 Their undertaking was to recruit and transport a force of 1,000 men for the Irish service. In addition to these, several cavalier officers, with British/Irish connections managed to return to Ireland and with Ormond's connivance obtained commissions. Notable amongst these were Colonel Mark Trevor, Sir Thomas Armstrong and Sir Patrick Wymess.

The parliamentarian force of 1,000 men, under Colonel John Moore, arrived in Dublin bay early in November 1646, but having failed to make agreement with Ormond. and fearing their troops would "run away", they did not disembark. 81 Instead they sailed for Belfast, losing some 300 men en-route in a shipwreck off Beaumaris in north Wales. After landing in Bangor in County Down, where they stayed for a few weeks, they were ordered to Lecale, a place which they described as "of no defence and very open to the enemy". They remained there for some months before moving into garrisons at Dundalk, Newry, Narrow-water, Greencastle and

80. Cal.S.P.Ire., 1633-47, P.447-9, 517-8; Commons Journal, (England), iv 631-32, Bulstrode Whitelock Memorials of English Affairs, (1853) V.3 P.72-415.

81. The documents and papers of Colonel John Moore of Bank Hall Liverpool, calendared in "Stuart Papers", H.M.C., 9th.Report, (London) 1886 were dispersed in a Sotheby sale in London in 1901; amongst the purchasers were the Record Office of the City of Liverpool Library and the Birkenhead Corporation, now the Metropolitan Borough of Wirral; the collection acquired by the former were calendared by Mr.J.Brownbill in the Record Society of Lancashire and Cheshire Journal, 1913, which at p.158, reference is made to a Remonstrance of officers in Colonel Moore's regiment c 1648, this document is a draft or copy of the Remonstrance and is held by the Record Office under reference 920.M00.1063.

Carlingford. These movements were made with the connivance of Ormond, who in a letter to Colonel Fenwick of the 29 March 1647 promised him a supply of £110 with "40 for Moore at Dundalk". 82.

By this time Fenwick's regiment had arrived at Trim and it also seems likely that the third regiment under Chidley Coote had taken up garrison at Drogheda. By June additional parliamentary troops had landed in Dublin under Colonel Michael Jones while Colonel George Monck was dispatched to Ulster to take command of all British and other forces there loyal to parliament; other than the Laggan force in west Ulster, which was brought under Sir Charles Coote, who commanded a parliamentary force in Connaught. Having made all these prior arrangements Ormond yielded up his command to the parliamentary commissioners, one of whom was Colonel John Moore. On the 10 June Ormond issued orders to the garrisons at Drogheda, Naas, Trim, Dundalk, Carlingford, Narrow-water, Greencastle, Slane and Bullock to admit parliamentary forces into their respective places and for the future "to observe and perform all such orders as from time to time" they might receive from the commissioners. This was not so much an act of surrender as a transfer of loyalty and engagements from king to parliament. Only two captains, of the Dundalk garrison, Charles Townley and William Constable, refused to comply and were released from service. Both had County Louth connections. In a letter dated 4 June Colonel Moore reported the new arrangements as follows:- 83

"....the lord marquis of Ormond and we have sealed the articles and he is to deliver up the sword upon the 28 July and I doubt not but the blessings of God ere long to give your honour an account that these parts are reasonably well settled. I am this day, God willing for Dundalk to take in some garrisons which are to be under my command".

82. Ormond Manuscripts, N.S., V.i P.105-6

83. "Stuart Papers" P.82; "N.A.," "Carte Transcripts" V.xxi P.130; a letter from Ormond dated 23 July 1647, on behalf of Captains Townley and Constable to Colonel John Moore is in H.M.C. 10th. Report App.No.4 P.8.

His command was to be that of governor of County Louth and commander of the garrison at Dundalk. This did not include Carlingford, (which came under Monck's northern command), nor Drogheda.

While it seems clear that some at least of the landed gentry of the county took advantage of the cessation of 1643 to return to their estates, others did not do so, entering instead into active service with the confederate army. Some of these can be identified, such as Oliver Plunkett Lord Louth, William Warren of Warrenstown, Thomas Fleming of Bellahoe, and John Bellew of Willistown whose lands were given away in custodium by Ormond in May 1646 to a Lieutenant-Colonel Bellay, Bellew "being now in rebellion". 84 The long awaited threat by the Leinster army of

84. Lord Louth was a member of the General Assembly of the Confederation of Kilkenny in 1644, he sided with the nuncio in the wake of the failed Ormond Peace of 1646 and was a member of the provisional Supreme Council appointed by the nuncio in September 1647; he is mentioned in the "Army of the Confederation" in the same year but not as a commander of troops", Bellings Op.Cit., V.3 P.214, V.6 P.144-7 and VI1P.347; William Warren was the lieutenant-colonel in Sir James Dillon's regiment designed for the "Expedition into Ulster" under Castlehaven by the Irish Confederacy in 1644; Brent Moore's letter to Ormond, describing the battle of Dungan's hill, of 2 August 1647, N.A. "Carte Transcripts", V. XV111 P.136 mentions Colonel Warren as having been taken prisoner; Francis Fleming is described in a letter from Tichborne to Ormond dated 13 October 1646 as "uncle unto ye lord of Slane", after he had taken Ballahoe, "Carte Transcripts" V. XI1X P.96, in a letter to George Lane dated 29 April 1649 from Ballahoe, Captain William Constable recommended Colonel Fleming to Ormond as a person that "his excellency hath none that serves under him who is more vigilant or active upon the armed enemy than he", *Ibid.*, XXIV P.322, in a footnote to another letter from Constable to Lane dated Bellahoe 7 May 1649 he mentions Fleming as departing for the army with 80 horse and again recommend him for favourable consideration; this would seem to identify Fleming as one of the troop commanders in the muster roll taken at Drogheda in August 1649, he may have been a Franciscan, see his letter to the commissioners of the Irish Confederation in Gilbert Affairs in Ireland, V,V P.vi-vii and ibid., P.75 mention of a Father Thomas Fleming who c 1642-43 "cleared the county of Louth of enemy garrisons except Dundalk"; N.A."Carte Transcripts", V.XXI P.101, Ormond to the commissioners for the county of Louth, 28 May 1647 "granted unto Lieutenant-Colonel John Bellay a custodium of the town and lands of Willistown and Cashellstown in the county of Louth, lately belonging to John Bellew now in rebellion".

the confederacy manifested itself in July when Chidley Coote, writing from Drogheda warned that Preston's forces were approaching Trim. 85 A general mobilisation of the parliamentarian forces immediately followed, including troops of the northern British of County Down. The outcome was the battle of Dungan's hill in County Meath where Preston's army was annihilated. Thereafter the troops based in County Louth were in action for most of the remainder of the year, in south Leinster in September and in Meath, Monaghan, Westmeath and Cavan during October and November. On the 14 October they laid seige to Bellahoe castle where after a parley, Colonel Fleming was allowed to depart with his men, arms and baggage. The castle was then garrisoned by two companies of Colonel John Moore's regiment. Despite their successes the underlying condition of the parliamentarian troops was a weak one. The physical efforts involved in the campaigning had resulted in casualties and they were also lacking in essential provisions and clothing. Moore was to claim that had they been better provided in these respects they could have marched to "the very gates of Kilkenny". In October he reported his position in the following letter to General Michael Jones in Dublin:- 86

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85. H.M.C., Stuart Papers Op.Cit., letter from Coote to Colonel Moore at Dundalk dated 27 July 1647 requesting assistance.
86. For Dungan's hill and its aftermath see, H.M.C., Egmont Manuscripts i, pt,ii P.444-46; H.M.C., 10th. Report Appendix 4, P.86-8, actions in north and south Leinster October/November 1647; "O'Neill's Journal" in Bellings Contemporary History, Op.Cit., P.207 events in Dublin and Meath November 1647; and Stuart Papers Op.Cit., P.83-88, documents, including a diary of events, from 31 July 1647 to December 1647, in County Louth and North Leinster relating to Moore's command; the letter from Moore to Jones is a copy of "my letter to Colonel Jones" dated 19 October 1647 and has not been calendared in "Stuarts Papers" it is in the Liverpool Record Office in Mss.MOO.1104 which also, contains a description of operations in Cavan and Monaghan at this time, including the taking of castles and the burning of crops.

At my coming to Dundalk I found those men I left behind me in a very sad condition, many of them being fallen sick for want of meat having nothing to live upon but bread and water. And now the winter approaching and most of them scarce have any clothes to cover their nakedness and the commissary telling me that he has not a fortnight provision makes me to present these lines to entreat you to furnish them with some little money that they may buy meat to sustain nature, for truly the town is not able to give them quarter. I must also entreat you to have some medicaments sent down. Otherwise I am afraid many of my men will perish for want of them. I make bold to speak to you for some powder and match and also for some 200 deals to floor the castle and for some iron which if you please to cause sent down, I hope to give you a good account of this garrison. These with my best wishes to your premises. I rest yet never cease to remain.

Sir, your affectionate friend and servant,

John Moore.

If the military had their difficulties so also had the civilian population. As well as the taxes they had to pay for the upkeep of the army they were constantly open to pillaging attacks from the Irish quarters in Monaghan and Armagh. In October and again in November mobilisations against such attacks took place within the county. On the 24 November the sheriff, Antony Townley reported to Colonel Moore that he had intelligence of an impending attack by Callcath McMahon who he claimed had 400 horse by the appointment of Owen Roe O'Neill "to burn and rob and spoil the county of Louth". When the attack came in the following month the Dundalk garrison was ready and although they suffered casualties the attackers were repulsed and their prey recovered. 87 In the spring of 1648 the gentry of the county submitted a petition to Jones in Dublin, in which they outlined their circumstances and sought relief, of which the following is a copy:- 88

87. Liverpool Record Office MOO.1105, Townley is described as the High Sheriff, H.M.C., Stuart Papers Op.Cit., P.89-90, report by Moore to Jones at Dublin dated 17 December 1647.

88. H.M.C., 8th.Report, Trinity College Manuscripts, P.590-1.

THE HUMBLE PETITION OF THE GENTRY AND OTHER INHABITANTS OF
THE COUNTY OF LOUTH.

To, the honourable Colonel Michael Jones, commander-in-chief of all the forces in the province of Leinster,
The said petitioners do humbly make bold to remonstrate the said grievances in the said county as follows, videlicet:-
That the said county hath been charged by the docket in £19 per week, which was very grievous unto them and more than was paid by others of the English quarters, having regard to their abilities.

That notwithstanding, the said inhabitants were thus grievously overcharged, when some ease was expected in lieu thereof, they were charged in _____ shillings per week for every shilling formerly paid by them, whereas in Meath they only pay six shillings for every half-crown formerly paid by them, although the ability of the said county doth far surpass the county of Louth.

That over and above the said sum Colonel Coote demands £15 more per week of the said county of Louth and had given orders to the tenants to pay the same which is likely to banish them, they not being in any way able to support so great a burden.

That likewise the several captains quartered in the said county have hitherto means apportioned for three score horse for each captain, moreover they demand allowance for twelve horsemen for each captain and so rateable for the several officers.

That by reason of this overcharge the inhabitants are so far disabled that if some speedy recourse be not taken for their ease they cannot be able to relieve themselves much less to pay any contribution or follow their tillage.

That since those troops quartered in the said county of Louth those towns adjoining have been plundered and wasted by the enemy, videlicet:-

Drumcar heretofore bearing four horsemen or 24s.0d., per week is burned and pillaged by the enemy.

Tullydonnell cessed with one horseman and a half, twice plundered by the enemy and not able to pay any.

Braganstown plundered, Williamstown plundered.

Reaghstown charged with seven horsemen at 42s.0d., per week plundered.

Lisrenny charged with 10s.6d., per week, plundered by the enemy.

Nizelrath charged with 15s.0d., per week, plundered by the enemy.

Derrycammagh plundered besides divers other towns plundered, a little before the quartering of the said troops at Ardee, Drumgoolestown, Clintonstown, Killencoole and divers others.

The towns hereafter mentioned being near upon the enemy quarters charged with horse and yet pay no contribution or other maintenance by reason of their disability and adjacency to the enemy, videlicet:-

Stonetown six men and a half.

Killanny six horsemen.

Dromurry one horseman.

Corruyrkagh [Corcreeghagh ?] one horseman.

Greatwood five horsemen.

Stormanstown

Tully four horsemen.

Annaghminnan one horseman.

Toomes one horseman.

Ferragh one horseman.

Henvickrath one horseman.

The said inhabitants are enforced to send twenty men per week to Dundalk for building of forts besides the carrying of timber and firres thither ten miles distant and so

The premises tenderly considered the petitioners humbly pray that your highness would be pleased in regard to the petitioners' present difficulties occasioned as aforesaid, besides the daily incursions of the enemy upon them, to give present order that the horse now quartered on the petitioners may be taken off and removed and that your highness would be pleased likewise to issue a commission for finding out of the quantity of corn and other abilities of the inhabitants and for of them accordingly.

And they shall pray.

The conditions described in this petition suggest that at this time the parliamentarian forces in the county had been reduced to straits similar to those prevailing at the time of Ormond's surrender in July 1646. It is also doubtful whether Jones could have given any relief to the petitioners. In May, in a letter to Moore at Dundalk, he described himself as having being in a miserable condition, lacking provisions and even a means of conveying his dispatches to England. However by the end of that month "when we were ready to perish", as he put it "here arrived £2000 and odd quarters of corn and £5,000".⁸⁹ In July Moore's regiment was moved to Dublin where it was mustered. It was found to have had a total strength of 278 all ranks, including a supernumerary company of captain Ward's (probably from County Down) with 17 men. When first mustered at Dundalk in July 1646 it was found to have consisted of 521 all ranks. Thus it had lost fifty per cent of its strength, through deaths and desertions,

89. H.M.C., Stuart Papers, Op.Cit.,P.91.

over the two years it had spent in County Louth. 90 It is probable that conditions in the other regiments in and about County Louth at this period were not any different.

In his letter to Moore in May 1648, Jones referred to Lord Inchiquin's defection from the parliamentarians and claimed that he had been approached by the latter as well as by Owen Roe O'Neill and General Preston of the Kilkenny Confederacy, all seeking a cessation of hostilities. This was the early beginnings of a period of high intrigue involving all the leading factions then constituting the body politic in Ireland. By this time the confederacy had been irretrievably split between the Old English faction, mainly from Leinster and the native Irish, mainly from Ulster; incapable of concerted action to confront the parliamentarian challenge presented by Jones in Leinster and Colonel Charles Coote in Connaught. The latter in turn lacked the determined support of the leadership in England who were themselves divided by ideological differences and even more important from a military standpoint, their failure to meet arrears of pay due to the troops which had participated in the English civil war, including the Scots forces in Ulster, for whom the parliamentarians had accepted responsibility. The latter made difficulties for Monck's command in Ulster which was further divided on religious grounds while the British forces, there were in the main royalist in sympathy. The outcome of all this was stalemate. 91

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90. H.M.C., 8th Report *ibid.*, "Army List Ireland 1648" and T.C.D. Library Ms., 844, Fo. 44-56, "Muster Rolls of Colonel Jones's forces in Leinster c 1648"; Liverpool Record Office MOO.1107, "a list of the officers and soldiers of the respective companies in the regiment of the honourable Colonel John Moore mustered in St. Stephen's Green upon Thursday the 6 July 1648.
91. Captain Charles Townley kept Ormond fully informed on the difficulties being encountered by Monck in Ulster: see his letters in N.A. "Carte Transcripts" V.XX111 P.1 2 December 1648, V.XXIV P.113, dated 21 March 1648/9 and *Ibid.*, P.180 28 March 1649.

Inchiquin's defection was followed soon afterwards by a cessation of arms, agreed between himself and Theobald Lord Viscount Taaffe as lord general for Munster and Thomas Preston as lord general for Leinster, of the Kilkenny Confederacy. While this agreement further divided the latter, this combination of the old English and Inchiquin, raised hopes for a resurgence of the royalist cause in Ireland and which was further advanced by the arrival of Ormond at Cork in October 1648. The latter was soon at work and with his contacts in the army and amongst the gentry classes, Old English as well as British, he began the work of subversion amongst the parliamentary forces, including the northern Scots and in time even the canny Ulster British, who had, until then always managed to back the winning side. His only failure in rapprochement was with Owen Roe O'Neill, with whom agreement was reached only after Drogheda had fallen to Cromwell. In January 1649 he concluded an agreement with the Old English faction of the confederacy, which recognised him as the king's lord lieutenant in Ireland with full powers, acting through a provisional government of twelve persons, styled the commissioners of trust. 92

In County Louth Ormond was aided and abetted by the activities of Charles Townley and William Constable, the two officers of the Dundalk garrison who had refused to transfer their allegiance to the parliamentarians in 1646 and John Perkins who held a captaincy in Colonel Kinnaston's parliamentary regiment in Dublin. The former was one of four sons of Antony Townley of Ardee, the three others being Faithfull, who may have been a lieutenant of horse in Conway's regiment, Samuel and Henry. Only the latter was to survive into the Restoration period. Constable was a cornet in Ormond's regiment of horse, in the army raised by Strafford for service in Scotland and although living at

92. The articles establishing the commissioners of trust are in Belling's History of the Irish Confederation, V.vii P.184; For Ormond's negotiations with the New Scots in Ulster see David Stevenson Scottish Covenanters and Irish Confederates, (Belfast 1981) P.267-73.

Mellifont in 1659 he is not further mentioned after that. Perkins belonged to the British settlement in County Armagh and had served under Colonel Matthews at Newry until Ormond's surrender in 1646. 93 All of these worked as intelligence officers and couriers for Ormond in County Louth, reporting on the situation, establishing contacts in the parliamentary forces, notably Colonel Mark Trevor governor of Carlingford and carrying messages from Ormond to the crypto-royalists in Counties Louth and Down. When not in Dundalk or on journeys to the north they found refuge with Colonel Fleming of Bellahoe castle who had apparently recovered the latter, probably after Moore's transfer from Dundalk. So well did they manage their affairs that in April 1649, Ormond was able to advise Lord Montgomery of the Ards and Robert Ward of Castleward near Castlewellan that he was ready to take the field within three weeks. He forwarded commissions appointing Montgomery commander-in-chief of all British forces in Ulster, Ward as provost-master and Colonel Trevor governor of Dundalk and Carlingford. 94

While these negotiations were proceeding a bizarre set of negotiations was under way between Monck, the parliamentary commander in the north, and Owen Roe O'Neill for a cessation and treaty of mutual support. The latter had drawn his army into

93. Perkins may have been the captain of Dungannon Castle when O'Neill captured it on the 23 October 1641 and was later a prisoner at Charlemount see Gilbert, Affairs in Ireland, V.3 P.xxxviii, notes taken at the trial of Sir Phelim O'Neill 5 March 1652/3, V.1,ii P.546-8, "Sacheverell's Relation 1643", he was at Lisnegead in October 1643 Ibid., P.558; He was a captain in Colonel Kinnaston's regiment in Dublin c April 1649 T.C.D.Library Mss.844 Fo.44-56 "Muster Rolls", For the Townleys see Leslie. Kilsaran, Op.Cit.,P.36, 119/20, 195, and 235.

94. See Thomas Fleming at Note 84 foregoing; N.A., "Carte Transcripts" V.XXIV P.287, Perkins conveyed the commissions, one of which was for him to raise a troop of 60 horse.

garrison at Glassdrummon in south Armagh, not far from Dundalk and by the 7 May a draft agreement had been drawn up providing for a cessation of three months, for each to assist the other in the event of attack by the royalists and in the event of approval by the English parliament, O'Neill would receive a competent command in the parliamentary army, restoration of his estates and an Act of oblivion with effect from 1641. 95 It is impossible to believe that O'Neill put any credence in these promises but the state of his army was such that he needed time to regroup and re-supply; Monck was in a similar condition, needing to buy time until reinforcements could arrive. The proceedings of these negotiations were reported on to Cromwell. and the council of state in London but were otherwise kept secret, for fear of the popular outcry that would arise from Monck's dealings with the arch-rebel O'Neill. However they were also communicated to Ormond, in a report from Constable at Dundalk dated 7 May, wherein he advised that O'Neill and Monck "had articles for certain upon some conditions", that 2,000 of O'Neill's troops were quartered "hard by the town to which they had daily entrance" and that their officers were "very frequent and familiar with Monck". 96 In June when Ormond's army had arrived before the walls of Dublin, the full details of the Monck-O'Neill Agreement were published in London, in a pamphlet printed in Cork by a "disaffected officer under Monck", who also announced his intention to desert to Ormond. On the face of it this officer could well have been Trevor, the most senior officer after Monck and who deserted to Ormond about this time.

95. For this period in County Louth see O'Sullivan "Trevors of Rosetrevor", Op.Cit.,P.125-31.; see also Jerrold Casway "George Monck and the controversial catholic truce of 1649", Studia Hibernica, No 16 (1976) P.54-72.

96 N.A., "Carte Transcripts" Constable to Lane 7 May 1649, V.XXIV P.389.

Ormond had arrived before Dublin on the 19 June encamping at Finglas. Inchiquin was then dispatched northwards to Drogheda where he linked up with another defector, Lord Moore, after which both launched an attack on the town which yielded under articles. Only the governor, Lieutenant-Colonel John Fowke, with 100 foot and 35 horse chose to depart for Dublin, the rest of the garrison, consisting of 700 foot and 255 horse defecting to Ormond. 97 With the fall of Drogheda Monck, apprehending an attack, called upon O'Neill for assistance in accordance with their agreement. The latter responded by requesting a supply of ammunition for which he agreed to pay Monck £1500. The arrangements provided for the dispatch to Dundalk of 500 foot with carts and an escort of 300 horse, under Lieutenant-General Farrell. Becoming aware of the arrangements Inchiquin dispatched his newly found ally Trevor with a force of horse to intervene. Evidently Farrell's escorting group had over-stayed their time in the "drinking shops of Dundalk" and returning to Glassdrummon "weather beaten with liquor" they were set upon by Trevor's horse, subsequently joined by Inchiquin, with such ferocity that only Farrell and twenty horsemen managed to escape, the remainder were either killed, left for dead or taken prisoner. On the following day Inchiquin attacked Dundalk where, after a brief resistance, the garrison surrendered on articles, which allowed Monck and those wishing to go with him to embark for England. 98 By far the greater part of the garrison deserted to Inchiquin, sufficient it was reported, for Trevor to form them into a regiment of foot. With the surrender of other parliamentarian garrisons in Louth, East Meath and North Kildare Jones was effectively isolated from the rest of the country. The high point of Ormond's endeavours had been reached. In County Louth former rebels such as Oliver Plunkett Lord Louth, Sergeant-Major William Warren of Warrenstown, now colonel of a regiment of foot, John Bellew of Willistown, now a

97. T.Carte An history of the life of James duke of Ormonde, (London) 1736 V.ii P.72.

98. O'Sullivan "Trevors of Rosetrevor", Op.Cit., P.132-133.

lieutenant of the train of artillery and Fleming of Bellahoe, now colonel of horse had all been restored to Ormond's and the king's favour. On the 2 August Ormond's forces before Dublin had been routed at the battle of Rathmines, only the horse managing to escape. John Bellew was one of those captured and who subsequently paid the ransom for his release. 99

After the battle of Rathmines the reserves left at Finglas fell back into the midland counties of Westmeath, Longford and King's County. These were an assorted group of horse and foot units under Lord Dillon and were, in the main, the Old English of these counties. 100 Two regiments of foot fell back to Drogheda and Trim, commanded by Colonels Garret Wall and Michael Byrne. Already in garrison in these places were two regiments of horse commanded by Sir Thomas Armstrong at Trim and Lord Moore at Drogheda. On the 6 August Ormond advised these commanders of his efforts to regroup his scattered forces and that he intended to advance on Drogheda with 1,000 horse and as many musketeers. On the following day, after a council of war at Drogheda, Lieutenant Colonel Slaughter of Armstrong's regiment was dispatched to

99. For the Battle of Rathmines, see G.A.Hayes-McCoy, Irish Battles, P.200-13.

100. The regulations (incomplete) agreed between Ormond and the commissioners of trust for raising 4000 foot, 2000 horse and 200 dragoons are in H.M.C., Ninth Report Manuscripts of the Marquis of Ormonde" 1885 P.220-26, including the nomination of representatives in each county charged with raising the forces allocated to each, including monies and stores; muster rolls included in this Report at P.208-220 appear to relate to forces established under these regulations and give the names of captains of units under Lord Dillon at P.213; in correspondence had by Ormond with Trevor and others in the aftermath of Rathmines he refers to orders issued by him to Inchiquin to bring up fresh troops from Munster and that he had despatched Lord Dillon's forces towards Drogheda.

Ormond to appraise him of their situation. 101 Those who comprised the council were lord Moore, Sir Thomas Armstrong, Michael Byrne, Garret Wall, Richard Boyle, Robert Byron and Thomas Comerford. On the 11 August Jones arrived before Drogheda with a force of 3,000 foot and 800 horse and summoned Moore to surrender the town. By this time Ormond was in the field with Lord Dillon's midland troops, 300 of whom he had dispatched to Drogheda. Jones withdrew to Dublin where two days later Cromwell arrived with his army from Milford Haven. At a council of war, held on the 23 August it was decided that "Drogheda be maintained". 102.

Throughout the years following the outbreak of hostilities in 1641 Drogheda had maintained a state of constant good affection towards the British interests in Ireland, an attitude that seems to have been shared by most sections of the community. The prospect of the town becoming a battle ground between the

101. N.A. "Carte Transcripts" V.XXV P.97 Ormond's order for the rallying of his forces after Rathmines dated 6 August, *ibid.*, Ormond to Armstrong, Lord Moore and Trevor, 6 August, his intention to march on Drogheda, *ibid.*, P.110, 7 August, letter from Armstrong to Ormond acknowledging his appointment to take command at Drogheda in place of Lord Moore but declining in favour of the latter; *ibid.*, P.109 & 113, 7 August, Moore to Ormond seeking funds to pay his regiment and dispatching Slaughter to Ormond to report on the situation, one of these letters is signed by Lord Moore, Thomas Armstrong, Michael Byrne, Garrett Wall, Richard Boyle, Robert Byron and Thomas Comerford; *ibid.*, P.121, 8 August, letter from Ormond to Clanricarde in which he outlined the deployment of his forces at that time, Colonel Warren's regiment of foot and Lord Dillon's of horse in King's and Queen's Counties, at Drogheda Colonel Wall's regiment, Colonel Byrnes's regiment ("one of my lord of Inchiquin's regiment of foot"), Sir Thomas Armstrong's and Lord Moore's regiments of horse.

102. N.A., *ibid.*, P.142 Ormond to Moore; *ibid.*, letter from Jones to Moore calling upon him to surrender and seeking a conference; Gilbert Affairs in Ireland, V.2 P.230.

royalists and commonwealth forces cannot therefore have pleased many of the townspeople, including the Old English merchants. The replacement of Lord Moore by the catholic Englishman Aston and the changes subsequently made in the constitution of the garrison may have been a breaking point for many of the British element, whose loyalty to the royalist cause had never been very strong. 103 While Lord Moore remained loyal to the king, his grandmother the Lady Wilmot, and his uncle Lieutenant Colonel Francis Moore of Tichborne's regiment were discovered by Aston to have been in communication with Lieutenant-Colonel John Fowke in Dublin and were expelled from the town to Mellifont. At this time Tichborne was in London seeking to clear himself of charges that he had been in league with Ormond and while some of his regiment are included in the garrison at Drogheda, albeit as "sick", his son William was not one of them and he may have withdrawn to Beaulieu. 104

The royalist garrison at Drogheda had been an external force brought there by the exigencies of the time and were constituted of a motley array of former confederate regiments mainly from the midland counties of Leinster; deserters from Jones's parliamentarian army of Leinster, at least one regiment of Inchiquin's, also deserters from parliament and English royalist reformado emigres. They were mixed in ethnic origins and in

103. See "Tichborne's letter", Temple Op,Cit. ; for the lady Wilmot and Francis Moore and their correspondence with Fowke see Gilbert Affairs in Ireland, V.11 pt ii P.233-4 and ibid., P.500, "many of Sir Henry Tichborne's regiment sick and no allowance for them".

104. The muster roll of the Drogheda garrison as at the 30 August 1649 is in Gilbert Affairs in Ireland. V.2 pt ii P.496-500, they can be further identified in the muster rolls in H.M.C., Ninth Report "Manuscripts of Ormonde".

religion and few, if any were northern Irish. 105 The greater part were indeed committed royalists engaged, as they saw it, in an action defending the town against the king's English rebels outside the walls. They would have rejected to a man Cromwell's charge that they were "Irish Rebels, who had inbrued their hands in so much innocent blood". The townspeople were haplessly caught up between the two and inevitably many of them died during Cromwell's storming of the town. While there is little doubt that most of the garrison was slaughtered, there is no evidence that the same fate was meted upon the civilian population. It suited Cromwell to have it said that a general massacre had taken place, as he put it to prevent a "general effusion of blood in the future". It also suited Ormond whose objective of deflecting Cromwell from a southern march had been partially achieved and the reports of the massacre, Inchiquin's southern forces excepted, served only to strengthen the resistance of his army.

With the fall of Drogheda and the subsequent taking by Venables of the towns of Dundalk and Carlingford the greater part of the county was occupied by the commonwealth forces. 106 Only along the areas of the ancient March was resistance continued and then only, guerilla in nature. Governors were appointed, Colonel John Fowke in Drogheda and Colonel Ponsonby in Dundalk with elements of the former's regiment settled in Ardee. While three more years were to elapse before hostilities ended, the war

105. For the seige of Drogheda, see J.G.Simms "Cromwell at Drogheda", Irish Sword, V.XI No.45 (1974) P.212-221 and Antonia Frazer Cromwell our Chief of men, Pb.,re-print 1977 chapter 13.

106. For Venable's occupation of County Louth see H.M.C. 8th. Report "Trinity College Manuscripts" P.599-600 & T.C.D.Library Mss.No.844 "A relation of several services at which I was present in the wars of Ireland from 1649 until 1653, Major Meredith".

was over as far as County Louth was concerned. So also was the power and influence of the landed gentry, and in Drogheda only a section of the Old English merchant class managed to survive subsequent events. Having struggled in vain to appease both insurgents and government the landed gentry suffered the taint of outlawry for the support allegedly given by them to the northern Irish. The threat of that outlawry was held over them throughout the years of war despite the fact that, after the cessation of 1643, their behaviour as a class was loyal and peaceable. It was their misfortune however that when the war came to an end the fruits of that loyalty was denied them. The victor was not the monarchy but the Commonwealth of England. The latter was to regard them simply as Irish rebels condemned to the confiscation of their lands and banishment to Connaught.

The county of Louth suffered very considerably in the years 1641-51, in what was a decade of war and civil disturbance during which the town of Drogheda experienced four and the county five changes of occupying forces, only one of which, that of the parliamentarians in 1647, was accomplished peacefully. At no time was the occupying force left without challenge, whether by opposing armies or by raiding parties from the nearby Irish quarters, a state of affairs which continued into the Commonwealth period. The loss of life and the destruction of property must have been considerable. The Commonwealth soldiers who were planted in Ardee in 1654 claimed that they found the town "altogether waste and lying in rubbish" while in Dundalk as late as 1667, of the 391 messuages referred to in Mark Trevor's letters patent, 151 were either waste or ruinous. In the county the situation must have been similar. In 1653 some areas of the barony of Ardee were described as waste, a condition which also existed elsewhere. In time these conditions were to change as the "husbandmen, ploughmen, labourers, artificers and others of the inferior sort" who were excepted from forfeiture of life or estate and had survived the war gradually returned as tenants and

workmen of a newly emerging landed gentry class. Amongst the former were many of the dispossessed Old English, who as leaseholders of lands held formerly by their kind, were to nurse their grievances into the Restoration and Jacobite periods.

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CHAPTER THREE.

THE SEQUESTRATIONS, CONFISCATIONS AND PLANTATIONS OF THE ENGLISH COMMONWEALTH.

The form of government established in the kingdom of Ireland in the wake of the Cromwellian wars was quite unlike any that had preceded it since the Norman conquest. In effect the laws, customs and usages of the kingdom, which might loosely be described as its constitution, were set aside and replaced by the laws then in force in the kingdom of England. Control of policy was grounded in the parliament and council of state in England acting through Oliver Cromwell and subsequently his son-in-law Henry Ireton, both of whom held the appointments of commander-in-chief and lord lieutenant in Ireland. These in turn worked along with a group of commissioners appointed by parliament whose functions in respect of the civil administration expanded as the military situation became more secure. In the instructions given them in 1650 they were required to "inform themselves of the state of the ancient revenue and all the profits of the forfeited lands and to cause all forfeitures and escheats to be improved". They were also instructed to put in force all Acts etc., "now in force in England" for sequestering of delinquents' and papists' estates and "to set and let such lands for terms not exceeding" seven years". 107

The effectiveness of the arrangements made initially, fluctuated according to the political situation in England where after

107. Robert Dunlop, Ireland under the Commonwealth, Manchester (1913), V.1, P.1 calendar of "the instructions for the commissioners of the parliament of the commonwealth of England for ordering and settling of the affairs of Ireland", 4 October 1650.

December 1653, with the appointment of the protectorate, the power lay with Cromwell and his council of state. An early casualty of the changed circumstances was the Irish legal system including the common law courts at Dublin. By 1651 these were swept away and in their place commissioners for the administration of justice were appointed, who in the following year were instructed to exercise their jurisdiction in accordance with the laws and constitutions of England. An effect of this change was the setting aside of the common law relating to land tenures and its replacement by English Statutes including the Adventurers Act of 1642 and the Act for the Settlement of Ireland 1652, both of which had been enacted by the English Parliament. Taken together these enactments provided the legal base for the land confiscations and plantations of the Commonwealth period. By the time the common law courts had been re-established in 1655 these had been completed and by a further enactment of 1657, the new land titles were assured and confirmed. 108 The effects of these various changes impacted also

108. Ibid., The Order for the "more effectual revival of justice and putting the laws in execution throughout this nation" was given on the 6 January 1654/5; C.H. Firth and R.S. Rait, Acts and Ordinances of the interregnum 1642-1660, V.2. (London 1891) P.598 - 652 and P.1100 - 1110; for studies of the Commonwealth land confiscations see Dunlop Op.Cit., John P. Prendergast The Cromwellian Settlement of Ireland, third edition, (Dublin 1922); G.E. Howard A treatise of the exchequer and revenue of Ireland, (Dublin) N.L.I. Joly Mss.61, chapter XXI; Karl S. Bottigheimer English money and Irish Land, (Oxford 1971), chapter V, and Peter Berresford Ellis Hell or Connaught, (London 1975).

on local administrations where responsibility passed from the older forms to a variety of ad hoc commissioners the most important of which were the commissioners of the revenue, whose functions subsumed locally the office of sheriff and through whom the arrangements for confiscation and plantation were put in place in their respective localities or precincts.

Shortly after the storming of Drogheda and probably before Cromwell commenced his advance southwards to Wexford, John Fowke was returned to Drogheda as governor and full colonel, with a regimental command, garrisoned mainly in the Drogheda and Ardee areas. Many of the officers of this regiment later appear as Commonwealth soldiers in the town of Drogheda, or as planters in the barony of Ardee. The corporation of Drogheda appears to have continued to function for a short time after the storming of the town. The minutes of the general assembly of the 6 April 1649 were not written until the following September and record that the Midsummer assembly had been adjourned until Michaelmas following, "in regard of the then troubles"; a reference to Inchiquin's taking of the town in June. 109 At the Michaelmas assembly Patrick Tracy, who had been elected sheriff in April, refused to continue in office and having paid the fine was discharged, William Fenton, a merchant, was elected in his place. Brady's refusal almost certainly arose from his refusal to take an oath of loyalty, a condition which would have been enforced by the Commonwealth authorities. The problem arose again at the April and June general assemblies in 1650, when Alderman Thomas Deece and Alderman Henry White respectively refused their turn for the mayoralty and having paid the fine were replaced by Alderman William Toxteth. 110

109. T.Gogarty (ed), Council Book of the Corporation of Drogheda, P.24.

110. Ibid. , P.27.

The first formal intrusion of the Commonwealth into the affairs of the corporation occurred at the April assembly when Colonel John Fowke, Lieutenant Colonel Francis Moore, Major Joseph Fox and Captain Henry Gilbert were admitted as burgesses. At the same meeting Fowke received a grant of a sixty-one year lease of lands and tenements in Townrath, "late in the possession of" aldermen Bealing, Peppard and Deece". As these were the leading old English merchants in the corporation it is doubtful if this was a grant of leases then expired. 111 The next following general assembly held in June was the last to be held for some time and at which Captain Cotterell, Quartermaster Henry Newitte and Messrs. Stephen Paine, Roger Russell and Samuel Osborne were admitted as burgesses. 112 Thereafter until July 1656, corporate affairs seem to have been conducted under a commission for the administration of justice acting with the addition of justices of the peace. The commission may have been established in August 1653 when Gilbert Jones took over the duties of town clerk. In October 1654 the commission held a "Court" at Drogheda, the proceedings of which are recorded in the Council Book of the Corporation, when an order was made regulating the tolls to be charged at the gate customs. The commission consisted of Major Joseph Fox, Thomas Fugill, Samuel Stanbridge, Edward Martin and Thomas Stoker. 113 In the light of subsequent events it is clear that a substantial element of the soldiery comprising the garrisons in Drogheda and County Louth generally were anabaptist radicals, the principal focus of which was located in Ardee where Colonel John Fowke subsequently settled. While they also held the ascendancy in Dundalk and probably in Carlingford, their influence in Drogheda waned over time and after the restoration

111. Ibid. , P.27.

112. Ibid. , P.28.

113. Ibid. , P.33.

of the corporation in 1656, the uneasy coalition gave way to a struggle between them and the conservative element, largely, merchants of the "Old" Protestant establishment and by whom they were ousted by the end of the decade.

North Louth including Dundalk, formed part of Venables' northern command until 1655 when the entire county was declared part of the province of Leinster, having already come under the administration of the commissioners of the revenue of the precinct of Trim some time before. 114 It was Venables who ordered a High Court to sit "suddenly" at Dundalk in February 1653, at which at least two persons were sentenced and executed, Ardell Boy McMahon and Bryan McRory Bane Birne. 115 A Colonel Ponsonby was appointed governor of Dundalk probably after Venables occupied the town in September 1649. The former had come to Ireland as a colonel of a horse regiment in 1648 and was in garrison in Athboy later that year. A muster-roll some time after this revealed the regimental strength as 80 Officers and 329 troopers, but that some of the latter had "run away to the Irish". The regiment included Thomas Kirkham the chirurgeon who with Lady Wilmot had been expelled from Drogheda by Aston shortly before Cromwell's attack, Major Slaughter and Lieutenant Michael Doyne, who deserted to the royalists early in 1649, and Cornet John

114. Dunlop, Op.Cit. , V.11 P.519, "Additional instructions to the lord deputy and council", c 1655.

115. Dunlop Op.Cit., V.1 P.317 and Thomas Gogarty "County Louth Depositions", Louth Arch.& Hist.Jn. , V.3 No.2, 1913, P.172.

Ruxton who may be identical with the Lieutenant John Ruxton, who as a Commonwealth soldier, settled in Ardee in the 1650's. 116 He was of a County Meath New English settler family who may have served in one of the various "English-Irish" forces during the English civil war. In Carlingford the governor was a Captain Lowe who in October 1652 made difficulties for the former governor and defector to the royalist cause, Colonel Mark Trevor of nearby Rosetrevor, who had surrendered to the governor of Dublin under articles in March-April 1650. He was at this time engaged in the transportation of 500 Irish through the port of Carlingford, probably destined for the West Indies, and was being obstructed by Lowe. He sought the intervention of Colonel John Jones his kinsman and then one of the Commonwealth commissioners for Ireland. The latter was himself a radical and in his long letter to Lowe it seems clear that he regarded the latter as one also. Nevertheless "blood being thicker than water", especially amongst the Welsh emigres in Ireland, he urged moderation. "I believe the gentleman's great spirit may be some prejudice unto him" he wrote "but let us endeavour to overcome such with meekness, and I pray let not any mentioning of him in this letter create new prejudice to him in your thoughts". 117

It is likely that the system of military governorships in the towns continued until the re-establishment of the town charters in 1656. While nothing further is known of the situation in Carlingford it can be clearly established that a borough corporation was revived in Dundalk by 1656. In the following year

116. Cal.S.P.Ire., 1647-60 P.581. H.M.C., 8th.Report,
ibid., P.596-7.

117. Ibid.,P.596, ; a Ruxton pedigree, held by Mr William Ruxton of Oxted Surrey traces the family from a John Ruxton of Shanboe County Meath born 1531; for Jones's letter to Lowe see National Library of Wales "John Jones's Letter Book" P.89-91.

John Dodson is mentioned as one of the bailiffs. 118 Examination of a rent roll, dated December 1659, reveals a substantial settlement of soldiers in the town, many of whom were also planters in the barony of Ardee. 119 They continued for long after as a power in the town corporation. In a letter of the 17 April 1670 Lady Dungannon complained of "this disorderly corporation as they call themselves.....every man of them made appear to have been in open rebellion.....yet believe themselves one [a corporation] but their charter from the usurper...though they be all beggars yet call themselves freemen and burgesses.....they hinder others that have stocks from coming in, so the place is half unpeopled". 120

The Act for the Settlement of Ireland passed by the English parliament in August 1652 included in the list of persons to be excepted, from pardon "for life or estate", Theobald Lord

118. O'Sullivan "Trevors of Rosetrevor" Op.Cit.,P.148-52.

119. The order for the restoration of charters to borough corporations was made by Oliver Cromwell, as lord protector on the 27 March 1655/6, Dunlop Op. Cit. V.11 P.578, in Drogheda the commissioners for the administration of justice may still have been in place between May 1655 and July 1656; In the latter month an assembly was held at which aldermen and sheriffs were appointed "before Samuel Standridge mayor", Gogarty Council Book, Op.Cit. P.31-6; John Dodson "one of the bailiffs of Dundalk" is also, mentioned in the minutes of a general assembly held in October 1657, Ibid. ,P.50; for the rent roll see H.O.Sullivan "The cromwellian and restoration settlements in the civil parish of Dundalk 1649 to 1673", Louth Arch.& Hist.Jn. , V.19 No.1 P.24-58.

120. B.L.Stowe Ms. 745.

Viscount Taaffe, Fleming, baron of Slane, Oliver Plunkett, baron of Louth, Peter Clinton Esq., John Bellew of Willistown and Laurence Dowdall of Athlumny County Meath, albeit that such persons were not precluded from the benefit of Articles of Surrender already entered into. 121 This was of particular relevance to John Bellew who managed to escape with life and an estate in Connaught. The Act further provided exception from pardon for all persons in arms and failing to surrender within 28 days. In the case of persons who had held certain specified commands against the parliament of England, such as a governor of any castle, garrison or fort, they were to suffer banishment "during pleasure" and forfeiture of their estates, one third of which would be reserved for the wives and children of such persons. One such would have been Mark Trevor, another, Lord Moore of Mellifont who briefly held the governorship of Drogheda against Colonel Jones in 1649. While some of the persons comprised within these provisions may have suffered the consequences of their inclusion and while others fled to the continent some others like Trevor stood their ground. Lord Moore did likewise and when Oliver Cromwell was leaving Ireland in May 1650 he took care to write to Hewson the governor of Dublin on his behalf ordering that he "be fairly and civilly treated, and that no incivility or abuse be offered unto him by any of the soldiery, either by restraining his liberty or otherwise; it being a thing which I altogether disprove and dislike that the soldiers should intermeddle in civil affairs farther than they are lawfully called upon". 122

121. Firt and Rait, Acts and Ordinances, op.cit., V.2 P.598-652 those excepted included Theobald Viscount Taaffe, Lord Slane, Lord Louth, Peter Clinton, John Bellew and Laurence Dowdall Athboy.

122. Richard Bagwell, Ireland under the Stuarts, (Holland Press reprint, 1963) V.2 P.223-4.

The arrival of the anabaptist, Charles Fleetwood, in September 1652, as commander in chief of the Commonwealth forces in Ireland and fourth member of the commission for Irish affairs, was a confirmation of the ascendancy by the soldiers in the civil administration. It was to be wrested from them, only fitfully and gradually, after the arrival of Oliver Cromwell's son Henry, first as major-general of the army in Ireland in 1654 and later as lord deputy in 1657. However by these dates the Commonwealth soldiery had become firmly established in County Louth where all levels of the administration were in their hands. In addition to their control over the administration of justice, they also had control over landed estates through the commissioners of the revenue and which was facilitated by the suspension of the common law and the office of sheriff. After the re-establishment of the latter office in 1655, all those appointed were Commonwealth ex-soldiers or their assignees in the barony of Ardee. 123 The principal commissioner of the revenue was Colonel John Fowke who was to play the leading role in the implementation of the arrangements for the sequestration of the landed estates of the forfeiting proprietors, including protestant delinquents such as Lord Moore of Mellifont and his brother Sir Garrett "of Ardee".

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123. A list of the sheriffs and justices for the county of Louth is in Tempest's Annual, (Dundalgan Press Dundalk 1920) P.36-38, it seems to have been taken from the County Louth Crown Book at Assizes 1761-1769 in the P.R.O., Dublin, it extended over the period 1381 to 1769, during the period 1642-44 Antony Townley is sheriff, there is a gap between the latter date and 1655 when William Taylor is sheriff, followed by William Toxteth 1656, James Smallwood 1657, John Ruxton 1659-60, John Fowke 1661 and Nicholas Moore 1662, all of these can be identified as commonwealth ex-soldiers or their assignees.

Initially it was envisaged that the county of Louth would be reserved to meet deficiencies that might arise to Adventurers not satisfied in the counties reserved for them. However in July 1653 the English parliament approved a departure from this arrangement, recommended by the commissioners for Ireland, that the barony of Ardee be set aside for the satisfaction of soldiers arrears. 124 Amongst the arguments put forward in support, was that it would be "for advantage to the Commonwealth that the soldiers now to be disbanded should be settled in those quarters where they have served and are best acquainted and that it will be a succour and encouragement to such English as come over to plant on any account to have those that served in arms to plant amongst them". As the barony of Ardee straddles the county of Louth from the Monaghan borders to the sea at Castlebellingham and Annagassan, the advantages of such an arrangement for the security of the important town of Drogheda and its environs is obvious. Since Fowke himself was one of the council of officers who assisted in its preparation a degree of self interest must also have been at work. 125

Side by side with the process of settlement of the Commonwealth soldiery went the process of sequestration of the forfeited

124. "Prendergast Papers", Loc.Cit.,V.2,P.201-06, letter addressed to parliament by the commissioners, with proposals from the council of officers of the army attached; John P.Prendergast Cromwellian Settlement of Ireland, (Third Edition, Dublin 1922), P.189-191

125. For the plantation of Ardee see H.O'Sullivan "The Plantation of the Cromwellian soldiers in the barony of Ardee, 1651-1656", in Louth Arch.& Hist.Jn. , V.21 No.4 1988 P.415-82.

estates. Bearing in mind that outlawry proceedings, dating from the period 1642-43, had already been in train, the commissioners of the revenue headed by Colonel Fowke, could have brought these to a conclusion, as they had power to do, under the instructions given to the commissioners of Parliament in October 1650 requiring them to, "cause all forfeitures and escheats to be improved" and to put in force all Acts etc., for sequestering of delinquents' and papists' estates. That these powers were resorted to in County Louth is evident from several sources. The "Gross Survey" of the barony of Ardee, reveals many forfeiting proprietors holding their estates either "on contract from the Commonwealth", or "by contract" from another, who in turn "held from the Commonwealth", indicating that sequestration had already taken place in County Louth before the commencement of the Survey in 1653. 126 Sequestration would have been preceded by an inquisition to determine proprietors' title and their complicity in the rebellion, arising out of which the order of sequestration would have been made. 127 Following the latter the lands would have been taken into custodium and in turn given out on short term contracts, either to soldiers or others, including forfeiting proprietors awaiting transplantation to Connaught. Evidence of a revocation of a sequestration is suggested by a decision of the commissioners of the revenue in July 1654 to

126. For the Gross Survey of the barony of Ardee see O'Sullivan ibid. , P.428-45.

127. There are a number of "inquisitions" in James B. Leslie History of Kilsaran, (Dundalk 1908), P.39-40, described as the "Inquisitions of Cromwell", taken at Gernonstown and undated; they are copies from a Record Office Ms., which has not survived and may belong to this period.

restore certain rentals of properties in Termonfeckin and Drogheda, to Alderman George Peppard, including a sum of £60 "for the three years ending 1 May 1650, the rent of which lands was received for public use".¹²⁸ In May 1654 Peppard had successfully pleaded for a delay in his transplantation and in August 1655 he proved his "constant good affection to the English interest" and was dispensed from the obligation to transplant. ¹²⁹ Apart from the barony of Ardee and three exceptional grants, made at the instance of Oliver Cromwell or by his son Henry, the forfeited estates in the county were held in custodium until the end of the Commonwealth regime.

While land allocations to the planting ex-soldiers had been commenced in the barony of Ardee by September 1654, it seems likely that not all the forfeiting proprietors had been dispossessed by that date and that their clearance was not accomplished until the Autumn of 1655. In October 1653 the "final" directions for the commencement of the transplantation were issued. ¹³⁰ They required the heads of families to report to the precinct wherein they lived, to receive transplantation certificates, entitling them to a specified proportion of lands, either in Connaught or Clare, whither they were to travel to build huts to house their families and servants and who were required to follow them not later than 1 May 1654. In April 1654

128. N.L.I., Jocelyn Otway Ruthven (ed), (unpublished), "Peppard Papers", Irish Manuscripts Commission P.382; N.L.I.Ms.,D.16192.

129. Prendergast Cromwellian Settlement, Op.Cit., P.101-06.

130. O'Sullivan "Plantation of Ardee" Art.Cit., P.416.

Fowke was given discretion to delay the transplantation of the wives and children of transplanted persons to a date not later than July on the basis that "by their short stay the contribution and other public taxes will be better secured and paid". 131 He was also ordered to allow only one servant to accompany the family, to drive the livestock on the journey to Connaught, provided he was not himself a forfeiting proprietor or one who had been in arms against the Commonwealth. In April 1654 on foot of a petition, the "officer commanding in chief and the commissioners of assessments for the precinct of Drogheda" were given leave to dispense the dowager Lady Plunkett, on account of her "great age and impotency", from the obligation of transplanting until May next following. 132 They were also allowed to grant a provision for her maintenance, of 2/3rd., part of the profit of 1/3rd., part of her forfeited estate. This lady was Mary Fitzwilliam, the wife of Matthew the fifth baron, and daughter of Sir Richard Fitzwilliam of Merrion. After her husband's death in 1629 she re-married Garrett Aylmer of Belrath in County Meath. He was a noted lawyer and was one of those who deposed regarding the meeting of the County Meath gentry at Knockcrofty. Her estate in County Louth was her marriage jointure from her previous marriage and consisted of the Plunkett lease of the lands of the preceptory and manor of Kilsaran, which also included lands in Cooley. 133 She was subsequently transplanted to Ballintober in County Mayo.

131. Ibid., P.417.

132. "Prendergast Papers" King's Inns Library, V.2P.201-4.

133. N.L.I. "Plunkett Papers" and Ainsworth Report No.165, V.7.

Her grandson Matthew, the seventh Lord Louth, was in time to inherit the latter, consisting of 318 acres plantation measure. 134

A rough copy of the proceedings of the precinct of Trim, dated 26 May 1654, records a great number of persons, dispensed from transplantation to later dates, from the counties of Louth, Meath, Monaghan, Cavan, Westmeath and Longford, from which the relevant particulars for the county of Louth and the town of Drogheda have been abstracted and set out hereunder. The names marked thus * are of persons in County Meath with lands in County Louth, or who are mentioned as proprietors in Ardee or Drogheda. Those who were transplanted are marked thus +. 135

THE COMMITTEE FOR TRANSPLANTATION ETC.
IN THE PRECINCT OF TRIM.

26 May 1654.

Thomas Deece of Drogheda merchant.

Reasons offered by the commissioners of the revenue for dispensing with the said petitioner:

By certificate from the commissioners of revenue of Trim:

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134. Irish Records Commission Report No.15, (1825),
[I.R.C.] "Abstract of Grants" under the Acts of
Settlement and Explanation A.D.1666-1684", P.273.
135. T.C.D., Library "Transplantation Lists" Ms. F.3.17,
Fo.160-170.

That he never adhered to the rebellion.

That he manifested dislike of the rebellion.

That he cheerfully conformed to the English government.

That he relieved Mrs. Grace Graves, her husband and children being distressed English.

That he was no proprietor or lessee, alleged by himself.

Resolved, on the considerations aforesaid, the petitioner be dispensed withal to the 1 May 1655.

Ignatius Fleming of Drogheda merchant.

To 1 May 1655.

George Peppard of Drogheda merchant.

Ordered to be dispensed withal, till 1 May 1655, on the considerations returned by the commissioners of the revenue.

Robert Peppard of Drogheda merchant.

Ordered to be dispensed till 1 May 1655.

+Elisabeth Barnewall Rathesker.

Not dispensed.

John Drumgoole Walshestown.

To 25 March 1655.

Henry Babe Ardee.

Dispensed to

+ Pat. Gernon Gernonstown.

Till 1 September 1654.

Pat. Carroll Milestown.

Dispensed to

William Gernon Lisrenny.

To 25 March 1655.

Richard Carroll Milestown.

To 1 September 1654.

Alexander Mapas Clintonrath

To 10 July 1654.

John Dowdall Ardee.

To 1 September 1654.

Stephen Taaffe Athclare.

Till 25 March 1655.

Stephen Taaffe Pepperstown.

Till 25 March 1655.

+Thomas Tallon Drumcar.

Till 1 March 1655.

+Jennico Taaffe Drumin.

Till 1 September 1655.

Peter Barnewall of

1 September 1654.

3 June 1654.

Garrett Birne Mansfieldstown.

To 25 March 1655.

Patrick Netterville of

1 October 1654.

Robert Hely Drogheda.

To 1 May 1655.

John Callan Louth.

1 September 1654.

Bartle., Dardis late Termonfeckin.

To 25 March 1655.

Roger Gernon of [Co.Louth].

To 1 September 1654.

John Verdon Clonmore.

1 September 1654.

Henry Gernon Milltown.

To 1 September 1654.

+Pat. Warren Warrenstown.

To 1 September 1654.

Walter White Dromiskin.

25 March 1655.

+John White Richardstown. 136

Till 10 July 1654.

Nicholas Kent Danestown.

To 1 September 1654. *

136. There were two John White forfeiting proprietors in County Louth one of Richardstown barony Ardee; the other of Ballriggeran barony of Dundalk; it is uncertain which of these was transplanted; see Robert C. Simington The Transplantation to Connacht 1654-58, (I.M.C., 1970), P.151 John White and Jane nee Barrett his wife address not stated and P.201 John White "of Richardstown" with Jane his wife.

John Brady Drogheda.

Till 1 May 1655.

Chris. Clinton late Nistlerath.

To 1 May 1655.

Nicholas Bathe Drogheda.

Not dispensed.

Garrett Alymer Balrath.

To 1 May 1655. *

Jane Morgan widow, Drogheda.

Till 10 July 1654.

Roger Bealing Drogheda.

To 1 May 1655.

Laurence Hammon Rathesker.

* 25 March 1655.

Stephen Dowdall Gallstown.

To 25 March 1655.

Nicholas Darcy Platten. *

To 25 March 1655.

4 July 1654; by special order from the commissioners of the Commonwealth dated 30 June 1654.

Richard Moore Disart.

1 October 1654.

Patrick Proudfoot Drogheda.

To 1 May 1655.

Pat. Sedgrave Cooley.

25 March 1655.

Pat. Bathe Drogheda.

25 March 1655.

+Laurence Dowdall Athlumny. * 137

10 July 1654.

Nicholas Bathe Drogheda.

1 September 1654.

+John Bellew Willistown.

10 July 1654.

Pat. Fleming Lagan.

1 September 1654.

137. For Laurence Dowdall, see the order for his arrest in August 1659, Dunlop, Op.Cit., P.702; he died before the restoration and his son Luke subsequently recovered Athlumny as a "nominee" under the Act of Settlement.

John Taylor Drogheda.

10 July 1654.

Richard Gernon Dunleer.

10 June 1654.

George Warren Boolis.

1 September 1654.

Thomas Kent Danestown. *

1 September 1654.

Francis Staples Louth.

1 September 1654.

Henry Draycott Mornanstown. *

1 September 1654. /up

With the dowager baroness of Louth included, this gives fifty-four names of persons, most of whom were dispensed from transplantation to the later date given in the return. However not all of these were transplanted. The Carrolls of Milestown, John Callan of Louth, Garrett Byrne of Mansfieldstown and Francis Staples of Louth were, almost certainly, leaseholders who appear not to have transplanted. The Carrolls and John Callan survived into the Restoration period as leaseholders in their respective areas while a Bryan Byrne is included in the Hearth Money Rolls of Mansfieldstown in 1664. Another category, who apart from perhaps one exception did not transplant, were the Drogheda merchants, thirteen of whom are included in this list. Six of those others named can be traced as transplanners and seven, who did not transplant, obtained decrees of innocence in the restoration period. 138

The case of John Bellew of Willistown is the best documented of all the transplanners of County Louth. He had held the rank of lieutenant of artillery in the confederate forces, a rank often referred to as lieutenant-general and was a captain of a foot

138. For County Louth transplanners see Simington Op,Cit.

company employed in the protection of the artillery train in the army of Leinster in the closing stages of the war.¹³⁹ He was made prisoner in the battle of Rathmines and in September 1649 negotiated his release. Having paid the ransom demanded he rejoined the Leinster army retreating into Connaught. ¹⁴⁰ He was in the garrison, at Tecroghan castle in County Meath, when Articles were signed for its surrender in June 1650, between the governor Sir Robert Talbot and Commissary-General John Reynolds. Later in June 1651 he was garrisoned at Athlone, when Articles of surrender of the castle were concluded between Sir James Dillon, (on behalf of Lord Viscount Dillon) and the governor Sir Robert Talbot and Sir Charles Coote as lord president of Connaught on behalf of the Commonwealth.¹⁴¹ It would seem that, after this, he continued on active service until the final surrender of the Leinster army in May 1652 when, despite his exclusion from pardon "of life or estate", he came back under the Articles of surrender of 1652, to his home at Willistown. ¹⁴²

139. Mrs. Bellew "John Bellew", art.cit., P. 223-37.

140. Ibid. P.234 and N.A. "Bellew Papers" Ms.1121 1/2, P.108.

141. Mrs. Bellew Art Cit., Gilbert (ed), Affairs in Ireland, V.2 P.489-91, "Surrender of Tecroghan 1650"; Ibid., V.3 P.215-6 "Articles for surrender of Athlone castle June 1651"; He was also a signatory to the Articles of Kilkenny, Gilbert, Affairs in Ireland, V.3 P.94-6.

142. O'Sullivan "Plantation of Ardee", Art.Cit., P.428, Gross Survey "Willistown, a village belonging to John Bellew.....now possessed by him in pursuance of the Articles concluded at Kilkenny".

Upon his return, and despite the odds, he commenced a struggle with the Commonwealth authorities to retain his estates and in the succeeding years, managed to maintain his residence in County Louth until the autumn of 1656, when he claimed, he was given two weeks to remove himself to Connaught or face summary execution. Although dispensed from transplantation only until the 10 May 1654, he continued to prevaricate by exhausting all avenues of appeal meanwhile. The administrative apparatus designed to effect the transplantation was an unwieldy one of ad hoc commissions, operating under the general direction of the deputy and Council at Dublin, who in turn often had to refer to England for decision. These were, the commissioners of the revenue and transplantation at Trim, the commissioners for adjudication of claims and qualifications at Athlone and finally the Loughrea commissioners, who were empowered to issue decrees of final settlement, setting out the place and the amount of land allocated to the transplanter. 143 For a man versed in the intricate delaying tactics and deceits of the common law, Bellew would have found such a system easy meat. In February 1654/5 he, together with Patrick Plunkett of Carstown, Patrick and Henry Gernon, Walter White and James Bellew, entered into a bond of £1000 to Worsley Batten to stand by the award of John Aston and Patrick Tallant, "attorneys in the court for the administration of justice", to determine a suit taken by Batten complaining of a "trespass alleged to have been committed by them in the

143. Dunlop Op.Cit. , V.1 P.cxxxiii-clxii.

beginning of the rebellion". 144 In April he made a joint appeal to the lord deputy and council on behalf of himself, Patrick Netterville, Richard Barnewall and Laurence Dowdall. The decision on this appeal was that "for their comfortable present livelihood", upon their removal into Connaught a proportion of land there might be assigned to them as part of their thirds, until they had fully tried their title to their estates. However they could have no further time to stay their removal, either to search records in Dublin or to make arrangements for the removal of their families. They were further admonished that "if any transplantable persons are discovered sheltering in any of the precincts, they will be made to transplant to Connaught". 145

Bellew's case was dealt with by the commissioners at Athlone on the 26 March 1656, the findings of which were as follows:- 146

144. N.A., "Bellew Papers" 1121/1/2/ 24-28. Batten made no reference to any of these in his deposition of the 23 December 1645 and it is therefore a matter of surprise that his complaint surfaced at this late stage; Aston and Tallant were at this period landholders in County Louth, the latter being of the Tallon family at Drumcar, it could therefore have been a fictional suit which for as long as it was "depending" the defendants may have been able to avoid transplantation.

145. Mrs. Bellew P.235; a file of documents dealing with this joint appeal is in N.L.I. Ms.31966 "Mountbellew Papers".

146. N.A. "Bellew Papers", 1121/1/2 P.97-99.

BY THE COMMISSIONERS FOR ADJUDICATION OF CLAIMS AND

QUALIFICATIONS OF THE IRISH.

The claim of John Bellew of Willistown in the county of Louth esq., as well to his title as well as to his qualification being this day heard in the presence of the council for the Commonwealth and council for the said claimant.

It appeared fully upon the evidence produced that the claimant had made a good and legal title unto the towns, villages, hamlets, lands and fields of Lisrenny, Little Arthurstown, Nicholastown and Kenvickrath with their appurtenances lying in the barony of Ardee and county aforesaid.

To the villages, fields and lands of Graftonstown and Hitchestown, situate and being in the barony of Ferrard and county aforesaid.

And had also made a good and legal title by purchase unto the town and lands and fishings of Willistown with the appurtenances being in the barony of Ardee and county aforesaid: To the town and fishings of Adamstown in the barony and county aforesaid: To a parcel of land called Plunkettsland in Finvoy in the barony aforesaid, to the castle, town, lands and fishing called Dawes land in Braganstown which said fishings were of the clear yearly value of £50 sterling.

And had also made a legal title unto the sum of £1200 sterling due to the said claimant by several bonds of the Staple from Oliver lord baron of Louth, John Taaffe of Braganstown aforesaid esquire and George Russell of Rathmolin in the county of Down, esquire; the said bonds bearing date the one the 7 December 1638 and the other the 19 March 1638;

that the lands contain according to proof 1460 acres of profitable land and that the claimant is comprised within the Articles of Kilkenny.

The court doth thereupon think fit and adjudicate the said claimant, his heirs and assigns forever, to have and enjoy (in Connaught or Clare) one third part of the quantity of the said lands herein beforementioned and lands to the value of one third part of the said sum of £50 yearly allowed in lieu of the said fishing.

And lands also the value of one third part of the said sum of £1200 according to and in pursuance of the said Articles. Saving to his Highness the Lord Protector Commonwealth of England and all other persons, all right and title that hereafter may appear to belong to them out of the premises or any part thereof.

Dated at Athlone 26 March 1656.

John Cooke, John Santhey W.Halsey.

A true copy;

Thomas Burton Dep.Reg.

Bellew received his decree of final settlement from the Loughrea Commissioners in June 1656 by which he was allocated 860 acres plantation measure, in County Galway as follows:- 147

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147. N.A. Ibid., P.101-3, this is an undated copy of John Bellew's petition to the court which dealt with Connaught transplinters in 1676 and which contains an abstract from the decree of the "pretended commissioners at Loughrea by order dated 12 June 1656"; see forward chapter six for a copy of the petition.

<u>Barony.</u>	<u>Denomination of lands.</u>	<u>Acres profitable.</u>
Tyaquin	Clonoran	358.0.00.
	Carrowboe	096.0.00.
	In Mullaghmore	019.0.00.
	In Clonoran Oughter	067.0.00.
	More in the same	067.0.00.
	Iskerrowe 1/3rd quarter	117.0.00.
Killyhane	Corgarragh	133.0.00.
Bellamoe the half barony of	In Knockmacskahell	003.0.00.
Total		860.0.00.

In addition to the pursuit of his own claim he also attended to a claim on behalf of his wife Katherine, whose jointure brought certain lands with her in the counties of Kildare and Westmeath which had been forfeited. 148 As her father's heir she was entitled to a grant in lieu, of 364 acres and which the Loughrea commissioners settled on her on the 16 June 1665. While these proceedings were in train Bellew also petitioned the lord deputy and council regarding the harvesting of crops on his County Louth land, securing an order from them to the commissioners general of the revenue to "take care that persons employed by Mr. Bellew to reap his crop of corn on the lands from which he removed in the province of Leinster may not be molested or disturbed...in regard that he has transplanted himself according to orders". This order was given effect to by the commissioners-general on the 23 August by means of a mandate to the sheriff of county Louth to ensure that the order was obeyed. 149

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148. Ibid., this grant was confirmed by letters patent on the 26 November 1677, I.R.C. "Abstract of Grants" Op.Cit. , P.242.
149. N.A. "Bellew Papers" Loc.Cit.P.58

A variety of copies of contemporaneous lists, the originals of which have not survived, of forfeiting proprietors of the county of Louth, including some for the town of Drogheda are available as follows:-

1. O'Hart, Landed Gentry, P.251-4. Forfeiting proprietors in Ireland A.D.,1657, Louth is one of 16 counties included in this list. It related to "all proprietors of land, or any ways entitled to lands forfeited to the Commonwealth...and returned in the Books of Civil Survey or otherwise extant upon the record"; it included persons not distinguished, whether protestant or catholic; persons whose estates had been excepted from disposal; persons having more than one place of abode and persons who may have proved their "constant good affection". The total number of names in this list is 213 including 17 from Drogheda.
2. The Surveyors' Books of the Down Survey but which exclude the forfeiting proprietors of the barony of Ardee.

These may be compared with each other; with the Survey side of the Books of Survey and Distribution, or with partial lists such as the "Gross Survey" of the barony of Ardee; the Civil Survey of the barony of Louth; the Crown and Quit rents of the town of Drogheda, from which the forfeiting proprietors of that town can be derived, the Poll Tax returns for the years 1660 published in Pender, the Hearth Money Rolls of the early years of the 1660's

and lists published in surviving rent-rolls. 150 Such comparisons reveal that, as elsewhere, a large number of "forfeiting proprietors" did not transplant. Some who did transplant later returned, having in some cases sold the lands granted to them in Connaught. One such was Patrick Warren of Warrenstown who disposed of his land grant in Ballintober to Patrick Everard and was back in County Louth in the early years of the

150. The following is a listing of these various sources:-
John O'Hart The Irish and Anglo-Irish landed Gentry, (I.U.P., edition 1968).
Seamus Pender, A Census of Ireland c.1659, (Dublin) 1939, "Louth County and city of Drogheda", P. 465-75. Two 19th. century copies of the Surveyors' Books exist; the Books are signed by two of the Surveyors, Allen and Morgan and dated 1657; there are minor discrepancies between the two copies; they contain in respect of the three baronies of Ferrard, Louth and Dundalk the names and details of the estates of the forfeiting proprietors but this information is absent for Ardee; the first copy is in N.L.I. "Townley Papers", the second is in private keeping; copies of both have been deposited in N.A., for association with the "Bellew Papers". The "Gross Survey of the barony of Ardee is in O'Sullivan, "Plantation of Ardee" Art.Cit.
Robert C. Simington The Civil Survey 1654-56, V.X (I.M.C.1961).
The Roll of the Crown and Quit Rents of Drogheda is in N.A.2a.3.12.
The Hearth Money Rolls for the county of Louth are in Louth Arch. & Hist.Jns., Dundalk, Cooley, Omeath, Castletownbellew, Carlingford and Faughart in V.7 No.4 1932; Drogheda in V.6 No's 2 & 4 (1926 & 1928) and Dundalk Supplemental in V.12 No.4 (1952).
A rent roll of the town of Dundalk dated 1659 is in O'Sullivan "Dundalk 1649-1673", Art.Cit.

Restoration. 151 It may also be of significance that of the sixteen named as transplinters, thirteen were from the barony of Ardee whose removal was necessary to secure the soldiers in the forfeited lands. The others were William Moore of Barmeath, Patrick Netterville of Termonfeckin both in the barony of Ferrard, and John White of Ballrigan in the barony of Dundalk. White's estate was incorporated into a special grant of 3,000 acres made by Oliver Cromwell in December 1655 to Robert Reynolds, the commissary-general. 152 It is therefore tempting to speculate that transplantation may only have been insisted upon to give effect to a ^{particular} public policy, such as the plantation of the soldiers in Ardee, or to fulfil Cromwell's edict in favour of Reynolds. Elsewhere in the county the forfeited estates, being held in custodium, were let on short terms contracts, the lessees of which would have in turn, as in the case of Ardee prior to the planting of the soldiers, further sublet to the indigenous population including forfeiting proprietors. The delays in the decision making processes of the administrative system, occasioned by appeals by individuals for special consideration

151. I.R.C. Report No.8 P.265, petition and claim of Patrick Everard, a transplanter and assignee of Patrick Warren, see also details of letters patent in I.R.C. "Abstract of Grants" P.246.

152. O'Sullivan "Dundalk 1649-1673", Art.Cit.,P.27-8; Howard in his Treatise, P.191 stated that "many of the papists did not take out their decrees and the transplantation was not completed in the time of the Restoration".

and the necessity to refer many matters to England for decision, slowed down the transplantation process and which had not been completed before the Commonwealth period came to an end.

The Old English merchants of Drogheda constitute a special category in that a substantial core of them were able to prove "constant good affection" and were relieved the obligation to transplant. However this was to take time and in the interim, the properties of the corporation of Drogheda seem to have been sequestered into the hands of the Commonwealth. The latter probably occurred shortly after the suspension of the corporation charter in 1650. Such suspension would have placed the corporate properties at the disposal of the Commonwealth, the title to which derived from a grant by James 1 in 1612. 153 They would therefore have come under the administration of the commissioners of the revenue. Such sequestrations would seem to have been applied to all the Old-English, including Thomas Deece, the Peppards and others, all of whom were later to establish their "constant good affection". An inquisition of corporate properties "in and about the blind butts" on the Meath side of the town, in March 1653/4 revealed some properties as being in the "late tenure" of former Old-English, and "now" in the hands of others, while in a few instances, Old-English such as Ignatius Fleming and George Peppard, were still in possession. 154

The case of George Peppard is the best documented of the old English merchants of Drogheda. In that the latter were a discrete class of "forfeiting proprietors" in the Commonwealth period, and while his personal wealth may not have been typical, Peppard

153. Cal.Pat.Rolls Ire.Jas.I, ,P.404-5 and John Dalton History of Drogheda, (Dublin 1844) V.1,P.184-5.

154. Gogarty, Council Book, Op.Cit. P.29-31.

may be regarded as representative of them, considering the manner in which he and they were treated by the new regime. He was the son of Thomas Peppard who was an M.P., for Drogheda in 1641. 155 The Peppards came to Drogheda in the earlier part of the sixteenth century, the first of whom who can be identified, being Thomas, the fourth son of Patrick Peppard of Balrothery in County Dublin. In time they became prosperous merchants and by the middle of the seventeenth century had divided into several branches, Thomas's two sons George the elder and Nicholas and their cousins Thomas and Ignatius. Of these George was the more prosperous and was an alderman of the corporation. He was powerfully connected and soon after the Commonwealth occupation of the town was busily at work seeking compensation for disbursements made by him in the defence of Drogheda in 1641-42 and in the supply of provisions for the defence of Dundalk in 1643. 156 In support of his claims he secured documentary evidence from a wide array of personages who had served in the British forces in the county during the years of war including some who had taken the royalist side in the

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155. For biographical notes on the Peppards see Gerard Rice, "Four wills of the old English Merchants of Drogheda 1654-1717", Louth Arch. & Hist. Jn., V.20 No.2 (1982) and Gerard Rice, "The seventeenth century tokens of County Louth", Ibid., V.20 No.4 (1984), P.311-2.
156. N.L.I. "Peppard Papers"; this is a collection of deeds and other papers of the now defunct Peppard family of Drogheda; presented to the National Library in 1929 by Mr. F.N. Blundell, they were prepared for publication by the Irish manuscripts Commission by the late Jocelyn Otway Rutven but this project was subsequently abandoned, see P.X11 of the Introduction of the Dowdall Deeds.

period 1648-49. 157 Equally impressive was a memorial subscribed to on his behalf by thirty-one of the leading British inhabitants and merchants of the town, confirming that he had contributed monies and supplies towards the maintenance of the garrison and that "he hath lived amongst us civilly and honestly, following his merchandise and tillage and never (forasmuch as we have known or heard said) aided or relieved the rebels, or acted anything to the prejudice of the parliament of England or the government by them established amongst us". He brought his claim to the Athlone commissioners on the 14 February 1654/5, a certified copy of whose findings, dated 19 October 1660, has survived. It reads as follows:- 158

Whereas George Peppard of Drogheda merchant, did on the 14 day of February 1654, exhibit his claim for certain lands in his claim mentioned, to which the said George Peppard made a good and legal title in manner and form as in the said claim is set forth.

And touching the constant good affection by him alleged and it appeared to this court by the respective depositions and examinations of Sir Henry Tichborne, Sir John Borlace, Sir Patrick Weymes, Major Seafoule Gibson, Lieutenant Colonel Francis Moore, Richard Brereton, Walter Eccleston, alderman John Medcalfe, Christopher Watson, James Pentony, Mr. Heyward, Mr. Barry, Mr. John Baxter, Mr. John Hatch, Mr. Simon Watson, lieutenant Peter Ashenhurst, Thomas Cosgrave, John Deane, John Cleyton, Major Cadogan, Worsley Batten and Arland Usher;

That the said George Peppard before the breaking out of the rebellion the said Peppard was an inhabitant of the town of

157. Ibid. Ms.16,195.

158. Ibid., P.373-85 and N.L.I.Mss.D.16195.

Drogheda and continued in the said town till it was besieged by the Irish at the rebellion where he relieved several of the despoiled English with meat, drink and money and apparrel and was in arms in person and his three servants for defence of the said town. That he contributed freely large sums of money towards the pay and relief of the said garrison of Drogheda being in great distress, and did furnish the officers and soldiers with beef, herrings, butter, cloth and other necessaries to the value of £1,000 and that if he had not furnished the said garrison therewith at that time it had been in danger to have been lost, as divers of the said witnesses believes, that after the raising of the said seige, he sent for England and brought from thence corn which was very scarce in the said town, and furnished them therewith and brought down the rate of corn from £4 a barrel to 50s.0d., a barrel, and sent a ship for England to give notice that the seige was raised at Drogheda, that the English might come hither with provisions.

And that after the raising of the seige he continued in the said town, wherein he paid weekly cess and contribution and bore great burdens in quartering of officers and soldiers until the cessation; that in March 1643, the garrison of Dundalk being besieged and in great distress he furnished it with great provisions of corn and herring upon the public faith and received no satisfaction for the same but tickets. That in the year 1644 he continued inhabiting in the said town of Drogheda and paid large cess and relieved the English and continued there till the year 1645 and then went to live in the country where he paid both cess in the town and contribution in the country for relief of the English army and was robbed and stripped by the Irish and so continued paying at this present.

Therefore upon the whole matter the said court was of opinion that the said George Peppard had manifested his constant good affection.

Athlone the 17 day of August 1655.

All of which is certified, this 19 October 1660.

Despite having established his "constant good affection", Peppard had to await the Restoration period to fully recover the properties forfeited by him to the Commonwealth, at which time also others of his class made similar recoveries. They nevertheless remained in and about Drogheda and although disabled from participation in the freedom of the town and the use of the commons to graze their livestock, they appear to have continued to trade. By July 1659 George Peppard and Thomas Deece had been sufficiently re-established to refuse payment of the tolls, "Ingate and Outgate", demanded of them as non-free persons. 159 At the April meeting or general assembly, of the corporation that year Thomas Peppard, Ignatius Peppard, Bartholomew Hamlin, Phillip Wall, Patrick Cheevers and John Burnell, all Old English, had been elected as the overseers of the highways, for the "Uriel side" of the town.

The commission for the settlement of the soldiers in the barony of Ardee was appointed in January 1654 and consisted of Colonel Fowke, Major William Cadogan, Patrick Carey, Cadwallader Wynne, lieutenant Nixon, Dr. Jonathan Edwards and Thomas Fugill. 160 By this date the soldiers had been disbanded and their debentures issued to them setting out the extent of the lands due on foot of their pay arrears. They may also have entered into temporary occupation of lands about Ardee while awaiting their final share out. Detailed instructions were issued to the commissioners on the 10 July on the conduct of the plantation and the recording of

159. Gogarty Ibid. P.71 & 77.

160. O'Sullivan "Plantation of Ardee" Art.Cit.

the details of the land allocations made to each individual, all of which were to be made up into books and returned to the surveyor-general of lands. By this stage many of the ex-soldiers would have sold their debentures, mainly to their officers and either departed the country or drifted into the towns. The evidence for this is based on the general experience elsewhere as well as on the surviving records of the plantation in Ardee.

The initial instructions issued to the commissioners required them to set out by lot 19,318 acres 1 rood and 38 perches. Based upon contemporaneous records the barony of Ardee consisted of 27,124 acres profitable plantation measure, including 840 acres of church lands and 500 acres of corporation lands in Ardee all of which were forfeited. An estimated 1776 acres of land belonging to British settler families such as the Moores of Mellifont, Benjamin Bolton of Drumcar and Antony Townley at Currabeg was not subjected to forfeiture, albeit that Lord Moore's estates and those of his brother Garrett at Ardee remained sequestered until 1654 when they were allowed to pay composition fines in lieu. Taking these lands into account the extent of the plantation amounted to 25,348 acres plantation measure, but over the ten to fifteen years which followed, a good deal of these lands changed hands either by sale to others, by the resumption of church and corporation lands and by retrenchments made under the Acts of Settlement and Explanation. By 1669 the residue in the hands of the ex-soldiers or their assigns amounted to 15743.1r.21p., plantation measure shared by ~~forty~~ ^{forty}-seven persons. Four held lands in excess of 1,000 acres of whom Aston, Bellingham and Fowke can be clearly identified as ex-soldiers and five persons held lands of above 500 but less than 1,000 acres. 161

The commissioners of the revenue were responsible for the management of the rest of the forfeited lands in the county by

161. Forward chapter 8.

the grant of short term leases to individuals, many of whom can be identified as "tituladoes" in the Poll Tax returns. 162 Exceptional grants were however made at the behest of Cromwell against the advice of the lord deputy and council, who in the case of the grant to Reynolds advised in February 1655/6 that, being contrary to the provisions of the Act of Satisfaction of Adventurers etc., it would become "a precedent if not of public prejudice yet,.....may invite the importunity of others to obtain like favour from your highness". That the latter was not entirely a matter of speculation or special pleading can be evidenced from another case then being pursued in the county by Sir Henry Tichborne. 163 Shortly after the latter had returned to Ireland and while Cromwell was before the walls of Clonmel in April 1650 he secured a custodium order from him of the house and lands of the Plunketts of Beaulieu. Tichborne does not seem to have been included with the other Commonwealth soldiers in the matter of his arrears of pay. Instead in May 1654 he lodged a petition directly to Lord Protector Cromwell seeking a grant of the Beaulieu estate in compensation for an arrear of pay of £868, which he claimed was due to him. His petition was upheld and an order was issued at Whitehall in July. However Lord Deputy Fleetwood and council in Ireland demurred, holding that as the lands of Beaulieu had been reserved for the adventurers and soldiers, they were not empowered to settle them on Tichborne. In February 1656 the latter lodged another petition claiming that he

162. Seamus Pender, (ed) A Census of Ireland c1659, (I.M.C. Dublin 1939), P.465-475.

163. H.O'Sullivan, "The Tichborne acquisition of the Plunkett estate of Beaulieu", Old Drogheda Society Jn. No.7 (1990) P.57-68

had expended £1468.16.8 in the English service in Ireland and had only been compensated to the extent of £600, leaving £868.16.8 still due to him. He made several journeys to England in pursuit of this claim, which Cromwell seemed willing to entertain; but the lord deputy and council, in a lengthy submission in June 1656, opposed any grant to Tichborne and intimated that his pay arrears would be examined by the committee for stating the accounts of the army. The legal rectitudes of his Irish councillors had little influence on Cromwell who in February 1657/8 ordered Beaulieu "out of charge" against a remonstrance by the council of state. Effectively Beaulieu had been granted to Tichborne by way of lease but with his pay arrears still unrequited.

The ascent of Henry Cromwell within the Irish administration, from his appointment as major-general and member of the council in 1655, and as lord deputy in November 1657 marked a period of resurgence for the gentry classes, in both town and country. As the power of the military was progressively reduced, the administrative apparatus which they had created came to be replaced as the various elements of the earlier civil administration were restored. The decision to re-establish the common law courts, the removal of the military from the judicial processes at local as well as at the national levels and the restoration of corporate government in the towns gave the gentry classes a greater involvement in public affairs. At first this development was confined to those who had taken the side of the Commonwealth in 1649, but their numbers were later augmented by many of those who had taken the royalist side, at first by securing their good offices in negotiating abatement of the penalties which had been imposed upon them for their "delinquencies" and later by active support and collaboration in the political manoeuvres which undermined the Commonwealth regime in the period 1659-60.

In County Louth the most prominent of the Old Protestants who took the royalist side in 1649, were Henry Moore Viscount Mellifont and his brother Sir Garrett of Ardee. 164 The Moore family was deeply divided by the events of 1649 largely because of the personality of Alice Loftus, the wife of Charles, the second viscount and mother of Henry and Garrett. After the death-in-action of Charles at Portlester in 1643, Henry, then a young man succeeded and after his mother became deeply implicated in the attempts to undermine the garrisons in Drogheda and Dundalk in favour of the New-Scots army in Ulster, he was ordered over to England by the king; probably to remove him from the influence of his mother. 165 On his return he served loyally under Ormond and obeyed his injunction to give allegiance to the parliamentary commissioners in 1647. The subsequent transfer of his allegiance to the royalist side in 1649, may have had more to do with the strong personality of Inchiquin and even force majeure than any deeply felt loyalty to the king. He may have been one of those referred to by Ormond in his letter to Charles 11 in September 1649, following the storming of Drogheda, who he claimed were "very frequent with us" venting their discontent in such dangerous words that it was held "unsafe to bring them within that distance of the enemy, as was necessary to have kept them

164. For the Moore family see J. Lodge The Peerage of Ireland, M. Archdall (ed.) (Dublin 1789), P.82-115 and Ann Tower Moore countess of Drogheda, The family of Moore, (Dublin) 1906.

165. Bellings, History of the Confederation, V.111, P.19, David Stevenstown, Scottish Covenanters and Irish Confederates, (Belfast 1981) P.215-6, N.A. Carte Transcripts V.13

united and consequently one side of the town open to receive continual supplies". 166 Moore commanded a regiment of horse at the time of the attack on Drogheda but which was not employed in the garrison. In all probability it was deployed on the north side of the town, which was "open to receive supplies" from Trevor, who led a force of 500 horse, on the Louth-Monaghan borders, awaiting the arrival of Owen Roe O'Neill's forces from the north, and who also had responsibility for supplying Drogheda from the stores and magazines in Dundalk and Carlingford. 167

In common with other "delinquent" landed proprietors, Moore's extensive estates in the counties of Louth, Meath and Dublin, were sequestered and taken in charge by the commissioners of the revenue, but, as in the case of John Bellew of Willistown, he would have been entitled to whatever terms he may have negotiated at the time of his surrender. In August 1651 he sought permission of the commissioners of parliament to go to England to "solicit parliament" on his behalf. This was refused but his petition was forwarded with the comment that "his father was a gentleman of much honour and worth and was slain by the Irish in

166. For his "short delinquency" of 1649 see Cal.S.P.Ire. Commonwealth P.668; Ormond sought to relieve him of his command at Drogheda, N.A. "Carte Transcripts" letter Armstrong to Ormond dated 7 August 1649 declining command at Drogheda in favour of the continuance of Moore who "hath so much interest in both town and country"; Gilbert, History of affairs in Ireland, V.2 P.271-2. 2. Ormond's letter to Lord Byron dated 29 September 1649 concerning the storming of Drogheda.

167. Gilbert, ed) Affairs in Ireland, Op.Cit., V.2, P.236, P.242-3 and P.260, correspondence Aston to Ormond regarding supplies.

your service". 168 This did not avail him much. On foot of a petition he was permitted in April 1653 to retain a third part of his estate, a decision which he further appealed on the grounds that his estate was encumbered by debt and that he could not support himself and his family. In October he was allowed to retain his house at Mellifont with the park and deer therein and 300 acres of land nearby, for the maintenance of himself and family. 169

In September 1654 Cromwell published an Ordinance, enabling protestant delinquents to compound for their delinquency by the payment of a composition or fine equivalent to twice the annual value of their estates, less the quitrents payable. 170 This was an arrangement which was opposed by the Adventurers as it would reduce the stock of land that would otherwise be available to them. The former, in the persons of Lords Montgomery of the Ardes, Hamilton of Claneboy and Moore of Mellifont, although not enamoured of the decision, decided to send an agent to England to have the Ordinance made more secure by having it enacted by parliament; to seek that they could pay their fines in the form of debentures and to have the same concessions as were extended to compounders in England. As Montgomery put it in a letter to his influential neighbour and supporter of the Commonwealth Colonel Conway, "if there be....no mercy showed to the protestants than what is held forth....nobody need envy our condition and if the council here be not extremely moderate in

168. R. Dunlop Ireland under the Commonwealth, (Manchester 1913), V.1, P.24.

169. Lodge, Peerage Op.Cit. P.106-7.

170. Firth and Rait Acts and Ordances, op.cit., V.2,P.1015.

the times of payment, our compositions will prove inevitably ruinous to us all". 171 These were but the opening shots of a long struggle against the payment of compositions, the final outcome of which still remains obscure.

In April 1654 Lord Moore submitted a petition to Oliver Cromwell seeking his favour as his debts amounted to £20,000; he argued that his father had served the State well against the Irish and that his "short delinquency" arose when 1,000 foot and 1,000 horse came before his house "at the time when the nation was almost entirely brought under the control of the earl of Ormond.". This appeal was referred to the Irish council whose decision was conveyed to the commissioners-general of the revenue in January 1654/5 and exemplified by the following letter dated 5 February 1654/5:- 172

Whereas by an order of reference from this board bearing date the 10th. January last directed to the commissioners general of the revenue, upon the petition of Henry Lord Viscount Moore of Drogheda, touching a composition to be made by him for his real and personal estate, in pursuance of an order of his highness the lord protector by and with the advice of his council, bearing date the 2nd. September last for admitting protestant delinquents to compound under the rules and conditions therein expressed and declared, the said commissioners general were required to consider of the particulars of the said lord Moore's estate as the same was

171. Cal.S.P.Ire., 1647-1660 P.543, letter to Colonel Conway from Lord Montgomery dated 22 December 1654.

172. Ibid. , P.668; "Prendergast Papers", King's Inns Library V.3 P.815-8.

worth in the year 1640, together with what fines for composition was fit to be set thereupon, pursuant to the said ordinance and what time was fit to be given for the payment thereof and to return their opinions on the whole matter to this board.

The said commissioners having in pursuance of the said order of reference considered of the particulars of the said estate (delivered unto them by the said Lord Moore and remaining of record in their office and of the value thereof as in the said particular was expressed) have returned that the total value of the said Lord Moore's yearly estate did amount in the whole to the sum of £4087.15s.0d., and that the yearly quit rent is £611.3s.6d., and that the yearly sum remaining (the said quit rent being subducted) is £3476.11s.6d. They offer it that his lordship may be admitted to compound for his said real estate of £3476.11s.6d., at two years purchase, which said two years purchase amounts to the sum of £6953.3s.0d. And they further certify that the said Lord Moore returns his personal estate worth 200 only. And that in consideration thereof do offer that the said Lord Moore do pay by way of fine £20.

Upon consideration had of the said report it is thought fit and hereby ordered that the said Lord Viscount Moore be in pursuance of the said Ordinances admitted to compound for his said real estate after the rate of two years purchase amounting to the sum of £6953.3s.0d and for his personal estate the sum of 20, both which sums amount in the whole to the sum of £6973.3s.0d; that he pay the same for the use of the Commonwealth into the hands of the receiver-general of Ireland, for the time being, in such manner and at such times as hereafter expressed; that is to say:

That the said Lord Moore pay £2000, part of the said sum compounded for, on the 1st. August next:

And that he pay £2000 more in part of the said sum on the 1 February in the year 1655:

And that he pay 2000 more on the 1 August 1656:
And that he pay the 973.3s.0d., the remainder of the said sum at or before the end of two years from the 1 February current.

And the receipt of the said receiver-general seen to be a discharge. And it is further ordered that a payment unto the receiver-general of the respective sums above mentioned in such manner etc., the said Lord Moore his heirs and assigns and all and every of the lands and estates compounded for by him, is and shall be from henceforth freed and discharged of and from all manner of sequestrations, confiscations or forfeitures for or in respect of any delinquency in the said Lord Moore.

Dublin, 5 February 1654/5.

Thomas Herbert, Clerk of the Council.

Moore's case was further pursued by way of a report by the lord deputy and council to Oliver Cromwell in December 1656 in which they pointed out that he had only a life estate in the lands for which he had compounded and that by the deed of settlement was liable to considerable payment and afterwards to come to his children. Their decision was that, "remitting £3600" he be ordered to pay the remaining £3,349. 173

In July 1657 the Commonwealth authorities issued writs of attachment to the pursuivant for return to the next Michaelmas term against those protestant delinquents who had not paid their compositions. 174 Probably arising out of these proceedings Moore

173. Cal.S.P.Ire., 1647-60, P.668-9.

174. "Prendergast Papers" Loc.Cit.,V.2, P.927.

made a further appeal to the protector and council in April 1658, pointing out that he had endeavoured to get an Act through parliament enabling him to sell part of his estates but that for various reasons he had not succeeded and offered that "his highness will be graciously pleased to take so many of the lands within the Bill mentioned, lying within and adjoining to the walls of Dublin as will satisfy his composition". On the 13 May he was served with a writ of sciens facias requiring him to show cause why the composition should not be annulled and presumably sequestration resumed. In a letter to the protector of the 15 June he acknowledged that he had been discharged of part of his composition but that he still had to pay a large sum which he could not do without power to sell part of his lands. He requested that the process of the court of exchequer be stayed until he had time to get a private Act through parliament to enable him to do so. In October the lord deputy and council issued their decision on his case as follows:- 175

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175. Cal.S.P.Ire., 1647-60, P.669; "Prendergast Papers", Loc.Cit.,V.2, P.933, order for the Lord Moore "to appear upon the sciens facias that issued against him for £4000 debt due unto his highness for the first and second gales of his composition for his estate as a protestant delinquent"; Cal.S.P.Ire., 1647-60 P.668, Petition of Lord Moore to the Protector 15 June 1658; "Prendergast Papers" Loc.Cit.V.2 P.946; Lodge Peerage, Op.Cit.,P.107, records that Moore "had an order of composition, dated 5 February 1654/5 to pay", £6973.3s., in four gales, £2000 on 1 August 1655, £2000 on 1 February 1655/6, £2000 on 1 August 1656 and £973.3s., at or before the end of two years from the 1 February 1654/5.

Whereas Henry Lord Viscount Moore, Lord Viscount Drogheda, by his humble petition unto this board hath set forth that being desirous to satisfy his composition money he omitted no means for the procuring an Act of Parliament to enable him to sell some part of his estate lands (being but trustee for life thereunto) for the payment of the same and it proceeded so far as that his Bill to that purpose was twice read, committed to and ready for a Report, which was (by public affairs intervening) hindered and the parliament then breaking up it could not be effected: and thereupon praying time until the next convention of parliament for the payment of his said composition money. The lord lieutenant and council having considered etc., order the exchequer officers to forbear troubling his lordship.

Given at the council chamber in Dublin 24 October 1658.

By this date the Lord Protector Oliver Cromwell was dead and with his passing the English Commonwealth had begun its irreversible decline. It is not likely therefore that "his lordship" was further troubled for his composition money. The case of his brother Sir Garrett was also dealt with by the court of exchequer arising from a writ of attachment issued against him in July 1657 for non payment of £1023.16s.0d. composition money. He had held the rank of lieutenant-colonel, and like him would have had his estates about Ardee sequestered in the early years of the Commonwealth regime. These were the confiscated properties of the crutched friars monastery of St. John the Baptist's of Ardee which came, first by way of lease to the Moores in 1579 and subsequently, by letters patent to Garrett Moore, Sir Garrett's grandfather in 1612. In addition to town properties in Ardee and tithes, the lands consisted of 1196 acres plantation measure in

Ardee, Kildemock and Shanlis. 176. In 1623 these properties were devised in trust, as an estate of inheritance, to Garrett's second son James on the occasion of his marriage to Jane the daughter of Henry Blaney, but in default of heirs male the property was to revert to Charles the eldest son. James died in 1639 leaving as heir a daughter Alice, while his widow Jane re-married to Sir Robert Sterling. The reversion of the Ardee estates, which came to Charles Viscount Drogheda, were in turn granted by him to his second son Sir Garrett who appears not to have married. In 1655 Lady Jane and her husband, Sir Robert Sterling, commenced an action to recover the rights of her daughter Alice, then deceased, and which was determined by a chancery decree in 1657 obliging Sir Garrett to pay them £2000 out of the lands of the priory of Ardee. Sir Garrett died without issue in 1655 leaving a life interest in his estate to his brother Randall. As Lady Jane is shown, in the Book of Survey and Distribution, as the proprietor of the lands in Ardee, Kildemock and Shanlis, it may have been some years before Randall had seized of his estate.

The treatment meted out to the Moores appears in stark contrast to the treatment of Colonel Mark Trevor of Rosetrevor in County Down, the betrayer of Monck's command at Dundalk in 1648. A man of considerable resource, a trained lawyer of the Middle Temple and seemingly with connections in every camp, he managed to survive the early rigours of the Commonwealth regime without undue retribution for his delinquency. 177 In May 1657 he was a guest in Henry Cromwell's house at the Phoenix in Kilmainham

176. "Prendergast Papers" Loc.Cit., V.2 P 927; for the Moores of Ardee including Sir Garrett see L.P.Murray "The Moores of Ardee" Louth Arch. & Hist.Jn., V.7 No.4 (1932), 472-84.

177. O'Sullivan, "Trevors of Rosetrevor", thesis, Chapter 6.

with others of the County Down British gentry, George Rawdon and Arthur Hill both of whom had taken the side of the Commonwealth in 1649. They had dined there where Rawdon reported that they had found "much freedom and welcome". Trevor soon put this new found friendship to good effect by persuading Cromwell to grant him certain lands at Ballysax adjacent to the Curragh of Kildare in satisfaction of £1200 - £1300 soldiers debentures which he had purchased. Of even greater significance was a lease of the corporation lands and premises of the town of Dundalk, amounting to hundreds of houses and several thousands of acres of land in and about the town, which Cromwell granted to him on the 15 June 1659 shortly before he left Ireland. 178 It was a foothold in the county of Louth which Trevor was to consolidate in the Restoration period.

The Poll tax returns of 1660 give a snapshot picture of the principal landowners, including leaseholders, of the county of Louth and the town of Drogheda in the closing years of the Commonwealth. 179 The first notable feature is the absence of any of the Old-English amongst the titulados, reflecting the thoroughness of the confiscation, albeit that, in each of the baronies their surnames frequently occur amongst the "principal Irish names", suggesting that while they had forfeited their lands, many were still living in their respective localities. Some of the British settler families of the pre-1641 period are to be found in their respective places, Edward Bolton in Knock, Richard Bolton in Tullydonnell, Lord Moore and his brother Francis in Mellifont, but there is no mention of the Bagenals of Omeath and Carlingford, the earl of Kildare of Termonfeckin and Dungooly, Edward Brabazon of Termonfeckin, Walter Kennedy of Bawn Taaffe, Walter Plunkett of Monasterboice or of Arthur Moore of Dunmahon all of whom held extensive landed estates in the Commonwealth period. Their non-resident status might explain a number of these such as the Bagenals and the earl of Kildare as

178. O'Sullivan, "Dundalk 1649-1673" Art.Cit.

179. Pender, Census., P.465-75.

also Oliver Cromwell's grantee Sir Robert Reynolds of Castletown Dundalk, although three of his leaseholders, John Wiltshire, Captain Walter Cox and Francis Pierce are included in the titulados for Dundalk. Sir Henry Tichborne, the leaseholder of Beaulieu, is also absent, appearing instead as a titulado in Dublin. In the barony of Ardee, in addition to those identifiable as landowners from the Book of Survey and Distribution, there are others whose names disappear from the record in the restoration period, suggesting that land dealings in the barony were active at this time. Not mentioned either is Arthur Dillon of County Meath who seems to have purchased 734 acres plantation measure, in the parish of Drumcar, about this time, from William Aston the Commonwealth ex-soldier. 180 The substantial number of

180. Arthur Dillon may be identical with the Arthur Dillon who was sergeant-major in colonel Arthur Chichester's regiment in 1646-7, H.M.C. Tenth Report, "The manuscripts of the Marquis of Ormonde" 1884 P.196 and major of six horsemen in the 1648 muster-roll in H.M.C. Eight Report, P.597; in J.B Leslie's Armagh Clergy and Parishes, (Dundalk 1911), P.258, a William Dillon of Flinstown is given as impropiator of the parish of Drumcar 1633-1642; Flinstown or Fleenstown is in the parish of Donaghmore, barony of Rathoath County Meath and was held by Mrs.Dillon, papist in 1641, she also had property in the townlands of Rathoath as also a Thomas Dillon a protestant; Robert C.Simington ed). The Civil Survey A.D.1654-56 County of Meath, V.V, (I.M.C., Dublin 1940) P.100-01, P.106-07; Arthur Dillon is shown in Pender Census, P.484 as a titulado in Lismullen, barony of Screen in 1659, held by William Malone Irish papist in 1641, Civil Survey, Ibid., P.58; Dillon was also High Sheriff of Meath and Poll Money Commissioner for Meath and Monaghan 1660-61, Pender Ibid. , P.622, 626, 641 and 645, he is mentioned in the Blaney family pedigree in Evelyn P.Shirley, The History of the county of Monaghan, (London 1879) P.248-9, as the first husband of Mary eldest daughter of William Viscount Charlemount, in which he is described as "of Lismullen"; part of his land acquisition from Aston was the former estate of the Warrens of Warrentown (Now Dillonstown), which he leased in the restoration period to the earl of Carlingford, see Bellew Accounts in Thesis V.2 Appendix.

leaseholders listed as titulados in all of the baronies, including former royalist officers such as Brent Moore, Roger Gregory and William Constable reflects the transitional nature of the structure of landownership in the county at this period and which was not finally determined until the Restoration land settlements had run their course. This was to take the better part of the next twenty-five years.

The principal effect of the Commonwealth confiscations in the county of Louth was that by 1656 the Old-English gentry as a land-owning class had been totally extirpated. Many of them had died or were killed during the wars. Others, such as Dawe of Braganstown and Weston of Dundalk sold out, the latter to the Dublin lawyer John Exham and there could have been many others, but the records have not survived. 181 There were those who disappeared from view to reappear in the Restoration period, seeking the recovery of their confiscated estates. Some of these sought seclusion within the country; others went into exile. Of the latter Oliver Plunkett, Lord Louth, arrived in Spain in 1653 seeking aid from the king, having left his wife and children behind him in Ireland. 182 A Patrick Hadsor of Cappock also arrived in similar circumstances in 1652 where in time he was to found an emigre family. It must have been his brother John, who, as the forfeiting proprietor of Cappock, was transplanted to

181. Geraldine Tallon ed). The Court of Claims 1663 Submissions and Evidence, I.M.C., Dublin (forthcoming), John Exham No.810 P.477-8, John Exham six clerk in Chancery before 1660, James L.J.Hughes Patentee Officers in Ireland, I.M.C. (Dublin 1960) P.48; for Dawe see Mrs.Bellew "John Bellew of Willistown" Art.Cit.,

182. Micheline Walsh "The Hadsors and some other Louth exiles in France and Spain", Louth Arch.& Hist.Jn. , V.18 No.4 (1976), P.263-71.

Connaught. Lord Louth's son Matthew, John Bellew of Castletown-Dundalk and Viscount Taafe were amongst those who joined the king's ensigns on the continent, the latter in the more agreeable role as courtier in the exiled court of Charles 11.

If the initial land confiscations by the Commonwealth in County Louth were carried out with the thoroughness and vigour associated with a military regime, much of the ensuing activity was taken up in administrative detail, apportioning the lands of Ardee to the soldiers, dealing with all manners of appeals by forfeiting proprietors, including their planned transplantation to Connaught, setting and letting the lands elsewhere in the county held in custodium and securing the payment of contribution and other taxes. With the passage of time those who were originally involved in these affairs dropped out to pursue their careers and affairs elsewhere, including the development of their new found landed estates. Major William Aston, who acquired an estate of 2,300 acres plantation measure, in the barony of Ardee was by 1654 an attorney in the court for the administration of justice and, in the early Restoration period, became a judge of the king's bench and received a knighthood.¹⁸³ By the middle of the decade the initial fervour for radical reform, including the transplantation of forfeiting proprietors, gave way to an acceptance of the status quo then prevailing. With the

183. Sergeant-major William Aston, the son of Richard Aston of Parkhall Staffordshire, came in Hungerford's regiment to Ireland in April 1647, N.L.I. Genealogical Office, G.O. (Ulster) No.50; on the 8 March 1653/4 on foot of his petition, Thomas Fugill of Drogheda was ordered to draw lots for Aston and "the disbanded men of his troop for such lands as shall fall to his and their shares in the barony of Ardee", an operation that was completed by September next following; O'Sullivan "Plantation of Ardee", Art.Cit.,P.421-4; he was a member for Louth and Meath in the protectorate parliament of 1654.

progressive decay of the Cromwellian protectorate and the re-establishment of the old forms of civil government after 1657, a new gentry class began to emerge made up of an amalgam of the old British as well as of the more substantial of the new settlers of the Commonwealth era. Even before the Restoration they had begun to establish their hegemony over the army radicals and by 1660 had become the dominant political force in the transition from protector to monarch. 184

184. J.I. McGuire "The Dublin Convention, the Protestant Community and the Emergence of the Ecclesiastical Settlement in Ireland in 1660 in Art. Cosgrove and J.I. McGuire (eds), Parliament and Community (Belfast 1983) P.121-46.

CHAPTER FOUR.

FROM THE RESTORATION TO THE ACT OF SETTLEMENT.

The general rejoicing which greeted the Restoration of Charles 11 in May 1660 obscured the very deep divisions which existed within the body politic in Ireland, and while the king provided a rallying point for all the factions, he himself had little in the way of a commonly accepted policy to guide him forward. During the months following his restoration, work was put in hand aimed at a settlement of the problems of Ireland resulting in the Gracious Declaration of November 1660.¹⁸⁵ All of the various factions involved had prior opportunity to make their representations to the king and while the resultant Declaration held out expectations for all (except perhaps the native Irish) it was nonetheless, ambiguous, lacking in consensus and difficult in interpretation. Its implementation was in turn accompanied by delays, as each faction pursued its individual ends, without compromise to the others. In the meantime as the legal and administrative processes were being set up to give it effect, the king, as if in ignorance of the commitments which it contained, granted away whole estates to influential petitioners and courtiers. This was done without regard for the rights of others who had to await determination of their pretensions by the due processes intended under the Declaration.

185. For a recent study of Charles 11 and the early years of the Restoration period see Ronald Hutton Charles the Second, King of England, Scotland and Ireland, (Oxford University Press 1989), P.133-213; the text of Gracious Declaration is incorporated into the Act of Settlement 1662, 14 and 15 Charles 11.

The foregoing was particularly the case in County Louth, where the greater part of the land was available for distribution under the provisions of the Declaration, but instead was granted away by the king in flagrant contradiction of the undertakings which it contained. The outcome was a legal battle which extended over most of the subsequent decade, between the grantees themselves; between the latter and former proprietors seeking restoration and between the latter and the ex-soldiers of the barony of Ardee. While the successive courts of claims were to provide the main battleground, resort was had also by the parties, to the common law courts and to the various levels of government, from the lord lieutenant and council in Dublin to the king at Whitehall. In such a state of affairs only those with access to influential patronage, finance and legal support had any hope of success.

The commission appointed to implement the provisions of the Declaration consisted of thirty-six persons, all of whom had expectations of acquiring landed estates in Ireland, including legal titles to lands already acquired by them during the Commonwealth. They acted through a quorum of seven, two of whom had to be drawn from a list which included Sir Henry Tichborne and George Rawdon. In addition to these, other members of the commission who had an interest in lands in County Louth were Colonel Mark Trevor and Viscount Massarene. The commission constituted themselves as a court of claims, the first meeting of which took place on the 20 March 1661. 186 They

186. R.P. Mahaffy's Preface to the Cal.S.P.Ire., 1660-62, is a useful guide to developments in Ireland in the years 1660 to 1662, including petitions to the king and the instructions given for the implementation of the Gracious Declaration; J.P. Prendergast, Ireland from the Restoration to the Revolution, 1660-1690, (London 1887) also deals with this period in chapters one and two.

continued in being until they were replaced by the commissioners and court of claims appointed under the Act of Settlement of September 1662. In some respects the earlier commission provided a prototype for the courts of claims established under the Acts of Settlement and Explanation in that it established the concept of a "court", adversarial in character through which the individual claimants, styled "plaintiffs", pleaded their case, with the attorney-general acting as the principal "defendant".

While the partiality of the commission towards the British settler interests was manifest, as indeed was the Declaration itself, some Old English claimants did resort to the court. Commonwealth grantees responded in the expectation that a certificate issued by the court would enable the grantee to obtain full legal title to his estate, by means of letters patent. One such was Mark Trevor, presumably in respect of the lands of the corporations of Dundalk and Carlingford. Old English who resorted to the court included Theobald Taaffe, subsequently earl of Carlingford and Matthew Plunkett son and heir of Lord Louth.

While those who held land in the plantation of the barony of Ardee, whether ex-soldiers or their assignees, were protected at least initially, from arbitrary dispossession of their estates, they would have had a particular interest in using the services of the court of claims. Since their land titles rested upon grants made by the "usurped power" and therefore likely to be challenged at any time, a certificate granted by the court to the individual grantees would enable them to remedy this defect by way of grant of letters patent under the king's name. On the 20 August 1661 the court issued a proclamation requiring soldier grantees to submit particulars of their respective estates, including the details of the debenture or debentures, on the basis of which land had been allocated in satisfaction thereof; the extents and location of the lands themselves with the name or names of the former proprietors and such other relevant

information that would enable the court to make a decision. Subsequently the grantee would have attended the court to verify under oath the particulars submitted and that he was in the actual possession of the lands mentioned in the claim on the 7 May 1649. 187 The objective of this procedure was twofold. Firstly to verify the facts of the claim so that the necessary

187. The "Pepper Papers" contained in Appendix F Volume two are a collection of papers, in private keeping, pertaining to the acquisition by Major George Pepper of Colonel Fleetwood's regiment, of the Ballygart estate in the barony of Duleek, County Meath, formerly belonging to Lord Viscount Netterville; they consist of 43 Commonwealth soldiers' debentures including Major Pepper's thirty-five letters of attorney conveying full right and title to the latter of the debentures mentioned; Pepper's petition to the court of claims set up under the Gracious Declaration, dated 14 September 1661 and in response to a Proclamation dated 20 August 1661; his petition to the court of claims set up under the Act of Settlement dated 4 November 1662, another petition to the court of claims set up under the Act of Explanation, dated 29 January 1665/6 and sundry documents pertaining to the Nettervilles including an order for the restoration of Lord Netterville, as a nominee of the Declaration, to his estates in County Meath "not in the hands of Adventurers or Soldiers" and extracts from the Books of Discrimination; these documents give a good insight into the steps required of former Commonwealth soldiers to acquire title to their estates in the Restoration settlement .

certificate could be issued to enable the grantee to take out letters patent and secondly to enable the court to discover lands held in concealment. Such lands would not then be included in the certificate and presumably procedures would be initiated for their recovery by the exchequer. While no documentation appears to have survived of the proceedings of the court of claims touching the soldier grantees of the barony of Ardee nor indeed letters patents of a date earlier than 1665, it can however be supposed that some or all of them responded to the requirements of the proclamation, but that the court of claims itself failed to make much progress before its activities were wound up.

The total acreages of the "profitable" lands, plantation measure, of the county of Louth, according to the Surveyors' Books of the Down Survey were 98,459a.2r.32p., of which 25,462a.2r.00p., were in the barony of Ardee. The corresponding figures on the "Distribution" side of the Book of Survey and Distribution were 105,129a.2r.32p., and 27,124a,2r.10p. The discrepancies can be accounted for by the fact that the Mellifont estate was not included in the Down Survey and in the Restoration period additional lands were discovered which had not been included in the "Survey" side of the Book of Survey and Distribution. To arrive at the extent of the lands held by the exchequer in the early Restoration period, in the other three baronies, the following tabulation has been constructed:- 188

Total acreage profitable in the county.	105.129.2.32
Less:	
The barony of Ardee.	27,124.2.10
Balance	78,005.0.22.

188. Based upon acreages given in the BSD with adjustments in respect of the Mellifont estate.

Unforfeited (Outside Ardee) (British landholders):-

Mrs. Tyrringham (Bagenals estate).	3,022.3.24.
Moore of Mellifont.	21,189.0.08
Thomas Bolton, Knock Abbey, Louth.	1,492.0.24.
Edward Brabazon, Termonfeckin.	626.0.00.
Arthur Moore, Dunmahon.	240.0.00.

26,570.0.16.

Unforfeited (Outside Ardee) (Old English):-

Earl of Kildare.	1,085.3.00.
Walter Kennedy Ferrard.	284.0.00.
Walter Plunkett Ferrard.	262.3.00.

1,632.2.00.

Church and Bishops lands (Outside Ardee):-

Archbishop of Armagh.	1,831.0.00.
Ditto of Dublin.	289.1.00.
Glebe	43.2.00.

2,163.3.00.

Commonwealth Grantee:-

Sir Robert Reynolds, Dundalk (Estimate)	3,000.0.00.
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3,000.0.00.

Total. 33,366.1.16.

Balance available to the
Exchequer and held in "custodium". 44,638.2.06.

Of the foregoing balance, 11,458 acres can be accounted for as lands let out or leased to particular individuals, most of whom were short term contractors. With the exception of Colonel Trevor's land-holdings at Dundalk and Carlingford and Sir Henry Tichborne's at Beaulieu, none of these held any of the "custodium" lands, in the Restoration period. 189

189. Charles McNeill and A.J. Otway-Rutven eds)., Dowdall Deeds. I.M.C., Dublin 1960, Deeds 697, 698, 699, 700 and 701 gives details of most of these lands and their tenants in 1660-61.

Clauses 1X and X of the Declaration made special provision for army officers who had served before 1649 and who had no satisfaction in lands or otherwise for such service since that date. In effect these were the officers who had sided with Ormond in the period of the Cromwellian campaign and had languished in the meantime, without any compensation for their services. Clause X provided for the establishment of a trust which became known as the '49 Officers Security, the management of which was assigned to two "Grand Trustees", George Monck, duke of Albemarle, and James Butler, duke of Ormonde. Shortly after the publication of the Declaration the latter appointed a commission of thirty-two persons, including the Viscounts Moore and Massarene, George Rawdon and Colonel Trevor, for the management of the security, who ordered that all claims on the trust be entered before the 1 May 1661 and that "fit persons" be appointed to state the arrears due in each case. They envisaged that this would be completed before the 29 September. They also became active in the recovery of the properties assigned to the security by the Declaration, using the legal processes open to them such the courts of exchequer and chancery. By the 25 March 1662 a rent roll of properties in many corporate towns and counties, including the "mile line" counties of Clare, Mayo and Roscommon, had been established, yielding annually £3102.1s.4d. from lands and £6886.10s.2d. from houses, other than Dublin, where the properties had not been set but where a yield of £3438.4s.4d was expected. For Louth the rent-roll included properties in Ardee and Drogheda but not elsewhere. The information about Ardee is not very informative, indicating only that "all the forfeited houses and tenements" in the town of Ardee, consisting of 1 acre and a rent of 1s.0d., were held by Adam Moore. In Drogheda however a substantial holding of houses and other premises had been recovered consisting of seventy-one houses, shops, tenements, etc. 160 acres of land and with an annual rental of £20.15.0. In addition to the sitting tenants and occupiers the names of the former proprietors are given, most of whom had been landed

gentry in the neighbouring counties of Louth and Meath. Some of these later recovered their estates under the Acts of Settlement and Explanation. 190.

Despite the specific provisions regarding the lands and properties to be assigned to the Security, by clauses 1X and X of the Declaration, considerable encroachments were made upon it by grants made by the king. Because of this the commissioners petitioned the latter to ensure that "no preference be granted to particular persons and that the warrants issued for granting them be recalled". The outcome was that in March 1661 the lords justices were ordered to invalidate letters patent already given out to '49 officer claimants. Exceptions were however ordered in respect of Lord Viscount Moore, Colonel Mark Trevor, Sir Arthur Forbes and Sir Patrick Wemyss. 191 The trustees for the '49 security failed to meet the expectations of an early distribution. Instead their activities dragged on until September 1666 when a distribution was effected by means of a scheme drawn up under the supervision of the court of claims established under the Act of Explanation. In July of that year the court also dealt with the claims by the trustees to the properties in the town of Drogheda at which the corporation attended as defendants. The outcome disclosed that the trustees acquired a more extensive list of properties than that contained in the rent-roll of 1662.

In County Louth the individuals who petitioned the king in the period preceding the enactment of the Act of Settlement in July 1662. can be classified under three headings, a).Old English of

190. Analecta Hibernica , I.M.C Dublin 1972, No.27 P.31 and N.L.I., B.L. Add Ms. 1843-44, N.L.I. Micro 510/511, Transcript in Appendix B Volume Two.

191. Cal.S.P.Ire.,1660-62 , P.262.

County Louth seeking restoration of their forfeited estates; b). individuals with County Louth connections seeking compensation for pay arrears; and c). special grants made in individual cases, none of whom had connections with County Louth prior to the restoration. Each of these are detailed as follows:-

OLD ENGLISH SEEKING RESTORATION OF THEIR FORFEITED ESTATES.

*John Bellew, Castletown, petition 11 October 1660; order made 13 October 1660 restoring him to his estates as the son and heir of the late Sir Christopher Bellew, with clauses for execution of the order. 192

Oliver Cashell, Dundalk, petition 9 October 1660.
Petitioner not restored, may have died before 1664. 193

Major Michael Bellew, Verdonstown, son and heir of Patrick Bellew. Petitioned, 25 February 1661 for restoration of his estate. To be restored, clauses for execution. Not restored. 194

* John Bellew Willistown, petition 7 March 1661, was forced to transplant... "but did not do so of his own free will", to be restored of such of his estate as is "in our possession" with provision for reprisals and clauses for execution. 195

192. Ibid., P.48.

193. Ibid., P.48.

194. Ibid., P.226-7; the BSD shows him as proprietor of 12 acres of land in Bellurgan parish of Carlingford holding "from ye Crown".

195. Ibid., P.250.

Andrew Dowdall, Killaly, petition 26 October 1660 for the restoration of his lands in Ferrard and Cooley, only son of Christopher Dowdall; served the royal cause on land and sea; no part of his estates disposed of to soldiers or adventurers but let from year to year for public use. Restoration ordered. Not restored. 196

* Oliver Plunkett Lord Louth and his son Matthew, warrant by sign manual dated 12 November 1660 to sheriff of Louth to reinstate him in such part of his estate not disposed of to soldiers. Further petition by Matthew Plunkett 14 February 1661 for restoration of the lands held by his grandmother as her jointure, his grandmother is now dead. Petition granted under the Broad Seal. 197

Thomas Plunkett, Beaulieu, petition 19 November 1660, recommended for reinstatement in such lands as are not in the hands of adventurers or soldiers. Not restored. 198

196. Ibid., P.69, 78 & 110; the king's order for Andrew Dowdall's restoration, dated 10 November 1660, is in McNeill & Otway-Rutven Dowdall Deeds, Op.Cit., Document No.696 P.338; see also his Petition and Claim to the Commissioners for executing his majesty's Gracious Declaration for the settlement of Ireland Document No.702 P.345-48, it is incorrectly dated as c 1663, more correctly it should be c 1661.

197. Cal.S.P.Ire., 1660-62., P.220.

198. Ibid., P.88.

*Nicholas Darcy, Platten., 30 November 1660, ordered to be restored to such lands not in the hands of adventurers or soldiers. 199

Patrick Warren, Warrenstown petition 11 December 1660. Recommended for restoration with a clause for reprisals. Not restored. 200

* John Talbot of Malahide, County Dublin. 30 November 1660. A Connaught Transplanter.; to be restored to such lands as are in the king's hands with provision for reprisals; proprietor of Castlering manor, barony of Louth. 201

* William Talbot Haggardstown, 2 April 1661, an "ensign" mentioned in the Declaration; to be given possession of such part of his estate as is not in the hands of adventurers or soldiers; lords justices to the court of exchequer. 202

Taaffes of Braganstown and Cookestown, 31 May 1661; Christopher and Theophilus Taaffe, restorable persons under the Declaration with Viscount Taaffe to be re-settled in their estates and their other estates near them; clauses for reprisals and execution. Not restored. 203

199. Ibid., P.107 & 110.

200. Ibid., P.126-7.

201. Ibid., P.106.

202. King's Inns Library "Prendergast Papers" V.2 P.26-7.

203. Cal.S.P.Ire., 1660-62, P.343.

* Theobald Lord Viscount Taaffe, a Nominee of the Declaration. Theobald Lord Viscount Taaffe, 5 March 1661, "to be promptly restored to his lands.... which the commissioners employed to us by the general convention of Ireland concur." Ditto, 14 March 1661 to have custodium of the lands of Hardress Waller in Limerick, lately attainted for high treason. 204

* George Peppard, Drogheda, petition 13 July 1661, payment of 850, due in respect of services given in the defence of Drogheda and Dundalk in 1641; the sum to be set out to the petitioner "out of the houses and lands set out for that purpose". 205

Theobald Verdon Clonmore, petition 11 December 1661, recommendation that petition be granted. Not restored. 206

* The ancient natives of Drogheda, petition 13 June 1661, to be restored to their possessions and privileges in Drogheda. 207

INDIVIDUALS SEEKING COMPENSATION FOR PAY ARREARS.

* Colonel Mark Trevor, a grant of the "forfeited and forfeitable" parts of the corporation towns of Dundalk and Carlingford, together with bogs and commons, "now in his possession", in consideration of pay arrears due to him and his late brother. 208

204. Ibid., P.246 & 261.

205. N.L.I. "Peppard Deeds" D.16,199

206. Cal.S.P.Ire.,1660-62, P.477.

207. Ibid., P.353; "Peppard Papers", Loc.Cit.,D.16,198.

208. N.A. "Lodge Manuscripts" 1a.53.56,P.12.

* Sir Henry Tichborne, Petition 31 December 1660 for payment of arrears out of lands in Louth, Kildare or Dublin. 209

Henry Lord Viscount Moore of Drogheda, petition c 12 March 1661, restoration of governorships and army commands; "was forced to pay £7,900 as a composition"; direction that his two arrears of pay up to 5 June 1649 be paid. No evidence of any grant made to him. 210

SPECIAL GRANTS MADE IN INDIVIDUAL CASES.

* Major Nicholas Bayly and Captain Thomas Read; decision 25 July 1661 to grant a 60 years lease of 5,600 odd acres of lands forfeited by Patrick Bellew, Verdonstown, Taaffe of Athclare and White of Balrigan with a proviso that if there be not sufficient land to give reprisals to the persons "severed" from these lands, the grantees may purchase them by placing adventurers deficiencies thereon. 211

* Colonel William Legge, 14 March 1661, grant of lease for 40 years of the lordships of Templetown in Cooley and Kilsaran and the hereditaments of Dunleer, Termonfeckin, Charlestown and Dunany for a like term. 212

209. Cal.S.P.Ire., 1660-62., P.158.

210. Ibid. P.259.

211. Ibid. P.

212. Ibid., P.261.

* Erasmus Smith, order by the lords justices assigning lands in county Louth towards "satisfaction of his adventures for lands in Ireland", with provision for "reprisals" with other lands in the county should any of the lands in the original grant be "restorable". 213

* Lord Massarene 27 February 1661, encumbrances to be made good in the barony of Ferrard. 209. 214

All of those marked (*) above were the recipients of either decrees or certificates from the courts of claims in the course of the Restoration settlement the effects of which confirmed, in whole or in part, the grants made to them by the king at this early period of time.

Apart from the special case of Theobald Taaffe, few of the Old English mentioned above appear to have secured effective restoration of their former estates at this period. In 1661 Matthew Plunkett, son and heir apparent to the baron of Louth, "having no ready money" entered into a statute staple bond of £800 for the purchase of the lands of Tallonstown from the Commonwealth assignee Andrew Lloyd of Dublin. 215 As Tallonstown was the ancestral home of the Plunketts this suggests that Plunkett, on foot of the warrant to the sheriff of the 12 November 1660, had recovered some part of the former Plunkett lands and was in the process of resettlement in the county. William Talbot of Haggardstown, one of those named for special favour in the Declaration, also obtained an order from the lords justices to the lord chief baron of the exchequer to put him in

213. Clauses CXC11 & CXC111, Act of Settlement 1662.

214. Cal.S.P.Ire. 1660-62, P.234.

215. N.L.I. Ainsworth's Report, "Plunkett Papers", P.1583-92.

possession of such part of his estate in County Louth as had not been given out to adventurers or soldiers. 216 As the lands in question were situated in Haggardstown in the barony of Dundalk it seems possible that Talbot was put in possession of them at this time. John Bellew of Willistown and Connaught transplanter, probably with the benefit of the patronage of Theobald Lord Viscount Taaffe secured a recommendation that he be reinstated in his former estates "any adventurers or soldiers settled thereon to be reprised with lands elsewhere". 217 This did not pass the exchequer and after a further petition he was granted on the 1 May 1661 a custodium of the lands of High and Low Dysart, Barmeath, Hainstown, Dromin, Walshestown, Braganstown, Kiltalaght, Drumgooter, Ardbolis, Parsonstown, Painstown, Cruisestown, Labinstown and Nicholastown, "during pleasure" at an annual rent of £50.

Lord Taaffe courtier and confidante of Charles II had by inheritance a claim to an estate of about 2000 acres situated in the barony of Ardee and therefore in the hands of soldiers. He had a similar claim to much more extensive estates in County Sligo, consisting of the manor of Ballymote inheritable from his father John Viscount Taaffe, and the town and lands of Collooney inheritable through his aunt who had married Bryan McDonagh and who had settled his estate on his father-in-law should he die without heirs male. 218 The latter estate was however in the

216. "Prendergast Papers" Loc.Cit. V.2, P.26-7.

217. "Bellew Papers".

218. Appendix Chapter One, No.61 and J.C.McDonagh History of Ballymote and the parish of Emlaghfad, (Dublin 1936), P.89-95.

hands of Richard Coote newly created Baron Collooney who, anxious to retain possession, petitioned the king that Taaffe, who was agreeable to the proposed arrangement, be allowed to recover reprisals elsewhere.

In April 1661 Taaffe, created earl of Carlingford in the following June, appointed John Bellew of Willistown his agent in Ireland, an arrangement which was continued down to 1668. During this period Bellew kept an account of his business and legal transactions on behalf of Taaffe, including his dealings with the various courts including the courts, established under the Acts of Settlement and Explanation. 219 This account, together with correspondence which passed between the two, enables a fairly comprehensive picture to be built up of how Taaffe managed to acquire extensive estates in Sligo, Louth and elsewhere throughout the Restoration period. A letter which he sent to Bellew on the 28 December 1661 reveals the extent of the king's patronage towards him: 220

Sir,

Yours of the 9th., present I received and all your former letters, whereunto I omitted sending a return, until I had procured new letters from the king confirming his former grants which with a letter for the payment of £800 yearly and another concerning forfeited debts and lands that paid me any chief rent in the county of Sligo, all of which were sent this days night by the conveyance of my lord of Kingstown and I doubt not but they are come to your hands before now, they being directed to you. I have little to add to what I then wrote but I am sure if there be anything wanting in any of the king's letters, its my own fault, for I could insert what words I pleased, it being his intention I should not be disturbed in anything I possess; yet if any new thing be necessary send me in writing what it is and I believe I shall obtain it.

As for the money you received to my use, I pray keep it, for I hope I shall not need it during my abode in this kingdom

219. John Bellew's Account, in Appendix G Volume 2.

220. "Bellew-Carlingford" Papers.

and if repayment should be required by the lords justices be sure to delay it until my coming thither and then I hope I shall satisfy their lordships of my title to it. I am confident there is none of them but be my friends and I shall not presume to demand any unreasonable thing of them, so do I expect they will do me justice.

Young Bedlowe is gone into Ireland and until I know more of his title think it insecure to deal with him, however I shall endeavour to get the king's right (sic). As to your own particular, little will be done here there being a general rule resolved on for the whole nation, which I hope will appear more clement and just than is reported and I doubt nor but my interest (if necessary to make use of) will secure your estate.

As for the reports of a new plot contrived by some priests in Ireland, all wise men here laugh at it and I am confident they do so there. My lord lieutenant will be in Ireland about April next and no sooner and until then much will not be done. I resolve as soon as I have secured my pretensions to see that kingdom, which I hope will be soon after Christmas. I would have you hire a good house for me which if delayed will be difficult to find and dearer than now. When you have delivered the king's letters to the lords justices it is reasonable you should visit your family, to whom I pray remember me kindly and be sure of the constant friendship and affection of Sir,

Your faithful servant,
Carlingford.

London 20 December 1661

These for John Bellew of Willistown,
at the widow Humphrie's house in
Cooks Street, Dublin.

Carlingford's trust in the king's benevolence towards him was not misplaced, albeit it was to take eight years before his pretensions were finally settled. His difficulties may have arisen from an over-reliance on those responsible in the Irish administration that they would see him right. In the event the "general rule decided upon for the whole nation" was also to be applied to himself as well. It was however to be substantially ameliorated through the direct intervention of the king and his brother the duke of York so that by the time of his death in December 1677 he was apart from Lord Moore the most substantial landowner in County Louth.

most of which had formerly belonged to Old-English families including his own relations.

The grants made by the king to Carlingford were as follows:- 221

16 March 1661: The forfeited estate of the regicide, Sir Hardress Waller, in and about the city of Limerick.

9 April 1661: Custodium lands in the county of Louth in reprisal for the lands in Collooney County Sligo and which had been passed to Richard Coote.

13 May 1661: The reversion of the estates of Christopher Taaffe of Braganstown and Theophilus Taaffe of Cookestown, which Taaffe claimed had been entailed on his ancestors.

30 August 1661: The manor of Ballymote county Sligo which came to him by inheritance from his father.

While Carlingford was engaged in London, including the negotiation of these deals with the king, his agent John Bellew was busy in Ireland seeking to make them effective through the legal processes of the courts in Dublin as well as in the counties where they were situated. This involved dealings in the court of exchequer and the various offices associated with it, entering copies of the king's letters, searching the records for particulars of estates, rentals etc., securing custodium orders and injunctions for service on the relevant sheriffs to obtain seizen of the lands in question. 222 He also had dealings with

221. Cal.S.P.Ire.1660-62 P.246, 261 & 343.

222. "John Bellew's Account".

the court of claims set up under the Declaration, to which Carlingford's claim to the manor of Ballymote had been referred by the lords justices.

The implementation of the king's grants to Carlingford was opposed by many local interests. The bishop of Cork and later the duke of York, by virtue of the king's grant to him of the regicides' estates, also had pretensions to Hardress Waller's lands in Limerick and with whom his agent Bellew had to contend. 223. The securing of the custodium lands in Louth was not accomplished without obstacles put in his way by the chief baron of the exchequer, and by local interests in the county, mostly Old English who resisted his encroachments on lands, to the ownership of which they too had their pretensions and for which some at least would fight through the courts. One such was Patrick Gernon of Killencoole who was successful in getting a custodium order for his former lands at Killencoole but which by 1663 had reverted to Carlingford. 224 Part of these lands passed ultimately to Hugh Gernon, who obtained a patent for them, under the Commission of Grace 1685.

The intention behind the grant of the custodium lands in County Louth to Carlingford and which were to be acquired from the general stock of forfeitures held in charge by the exchequer, was that they would eventually pass to him in freehold, in compensation for the loss of the Collooney estate. For this purpose the king directed that a proviso be included in the Bill of Settlement in June 16 2. 225 The effect of this arrangement and which was made for many others who held high political

223. "John Bellew's Account".

224. Ibid.

225. Cal.S.P.Ire.1660-62, P.552-3.

office, or who had the favour of the king, was that claims to such lands by former proprietors, would be extremely difficult to bring to fruition. Some who did, like the Gernons of Milltown, had to await the implementation of the Act of Explanation in the years 1665-67. In the meanwhile the latter held their lands by lease from Carlingford. John Bellew's Account contains a 1662 rent roll of the custodium lands in County Louth held by Carlingford, giving tenants names and rentals payable. Assuming the acreages given in the Book of Survey and Distribution as applicable for each of the land denominations mentioned in the rentroll, it is clear that a very substantial acquisition had been made even before the enactment of the Act of Settlement in 1662. On this basis the assumed acreage was 4442a.1r.00p., yielding an annual rental of £719.18.03. The lands involved included lands which had been granted to Bellew himself as well as the greater part of the former estate of the Gernon's of Milltown. 226

The grant of the corporation lands and properties of the towns of Dundalk, and Carlingford was made to Colonel Trevor at Whitehall in London on the 6 December 1660 "in consideration of his services and of an arrear due to him and his brother (who died in the king's service) to a good value before 1649". 227 This grant contravened two specific provisions of the Declaration, clause 1X which made provision for army officers who had served before 1649 and had not been satisfied their arrears of pay, and clause XXXVI which provided that nothing in the Declaration should extend to

226. Rentroll in "John Bellew's Account".

227. For Trevor's acquisition of the corporation lands and properties of Dundalk see chapter seven, part one of O'Sullivan "The Trevors of Rosetrevor", unpublished thesis Loc.Cit.

confirm the disposition to any person of the lands, tenements etc., of any city or seatown corporate and which were to be preserved intact in anticipation of the restoration of charters. The king had therefore acted ultra vires the Declaration and Trevor had extreme difficulty in securing clear title to the Dundalk and Carlingford estates.

Trevor was one of the commissioners appointed to give effect to the provisions of the Declaration. He was a close confidante of Ormond who would have been influential in having him created Viscount Dungannon in August 1662. He was therefore well placed to secure his own interests. In all probability he sought and secured a certificate of the court of claims as there is mention by John Bellew of Dungannon's patent coming before the High Court of Chancery in December 1662. It seems however to have been blocked by the Lord Chancellor Eustace on the grounds that as the commission for executing the Act of Settlement was then in being, the grant of such a patent should be suspended. 228 The evidence of a specific grant having been made to Lord Moore at this time is unclear and uncertain. Lodge states that the king granted him 3,000 acres of Sir Robert Reynolds' estate about Dundalk in September 1663. 229 If so it was not subsequently made good. In 1666 he attempted the acquisition of the Dowdall estates in Cooley consisting of the lands of Johnstown, Whitestown, Mullaghhattney alias Dowdallsland, Rathcor, Castlecooly, Maddoxland, Carpetas, Castlecarragh and Lisdorgh, consisting of over 1400 acres P.M. These had been part of the estate of Stephen Dowdall of Killaly, Termonfeckin, who was the forfeiting proprietor in 1641 and which had been held in contract from the Commonwealth, in the early years of the Restoration by Thomas Clarke. These lands had already been in contention by the duke of York who apparently held them in custodium as reprisal lands under a proviso in the Act of Settlement. The Peppards of Drogheda also had a claim on these lands by way of a statute staple debt of £400 on which George Peppard, after chancery

228. "The Trevors of Rostrevor" Ibid., and "John Bellew's Account".

229. Lodge "The Peerage of Ireland", op.cit., P.107.

proceedings, obtained an extent by way of a rent charge of £77 per annum. In February 1665/6 after further proceedings in the exchequer Peppard was given possession of the lands. 230 He then disposed of his interests to Moore following which the latter entered into possession. However as the lands were also being sought by the duke of York the issue came before the second court of claims in August 1666 by way of a claim by the duke as plaintiff and Moore, by now earl of Drogheda as defendant. The latter was required to come before the court on Monday the 3 September to show cause why the lands should not be restored to the duke. The subsequent proceedings favoured the latter.

230. N.L.I. "Peppard Papers", D.16,208L and 16,212. These documents make it clear that Peppard's claim to the lands rested upon an Extent obtained in Chancery, by George Peppard executor of the will of his father Thomas Peppard, arising from the failure of the Conusees of a Statute Stable recognisance entered into in Drogheda on the 10 November 1631; the original Conusees were Christopher Dowdall of Castletown Cooley, Stephen, his son and heir, Patrick Barnewall, Kilbrew, County Meath and John Dowdall Glaspistol, the debt being in the sum of £400 Stg., due to Thomas Peppard. By 1666 only John Dowdall was the surviving Conusee; the lands on which the Extent was placed were Castletowncooley, Rathcor, Johnston [Johnstown], Corpatus and Maddoxlands all in the barony of Dundalk and also Milltown, Parsonstown, Dysart, Glasspistol and Nicholstown all in the barony of Ferrard; in June 1666 George Peppard conveyed his interests to Henry Moore Earl of Drogheda in consideration of £376 Stg., paid to him by Moore. In the "Bellew-Carlingford" Papers, Loc.Cit., there is a copy of the summons issued by the second court of claims to the earl of Drogheda to appear as a Defendant in the claim by the duke of York to the lands mentioned above in the barony of Dundalk; in December Moore made representations to the court that the grant of these lands to the duke in the previous month had been "by mistake" and a day was set aside to consider the matter again: see N.L.I. "Drogheda Papers" D.16,210; see also *ibid.*, D.16,212 "Statement of the earl of Drogheda's case for Carlingford etc."

Colonel William Legge was another courtier, like Taaffe who secured an estate of land in County Louth through the direct intervention of the king. Legge had been born in Munster about 1609 where his father Edward had been vice-president in the late Tudor period. 231 He left Ireland when very young and was reared by his godfather the earl of Danby. He entered on an army career and served with the Dutch and Swedish armies and after returning to England in 1639 entered the royal service. He served the king throughout the English civil war, becoming a groom of the bedchamber and companion to Charles 1 during his incarceration on the Isle of Wight. In May 1648 he left England for the continent where, joining with Ormond he came to Ireland in the following year. He was later captured at sea and was imprisoned in Exeter until May 1651 after which he rejoined the royalists in their exile on the continent. After the Restoration he was re-appointed a groom of the bedchamber, master of the armoury and lieutenant-general of the ordnance. With this background it is not surprising that the king found a way to reward him with an estate in Ireland. The means used was by way of discovery of a defective title, probably by his agent in Ireland, the resourceful James Jones, himself the son of a British settler before 1641. 232

231. For an outline of Legge's career see Geoffrey Ridsdill-Smith, Margaret Toynbee and Peter Young (General Editor) Leaders of the Civil Wars 1642-1648, (Kinetown Warickshire 1977) P.117-8 and Jack D.Jones The Royal Prisoner, Charles 1 at Carisbrooke, (London 1965), P.163.

232. The correspondence between Jones and Legge for the period 1663 to 1677, touching the land acquisitions by the latter in County Louth is in the "Dartmouth Papers" H.M.C. Report 15 Appendix 1, 1896 P.109-113; it is clear from his letter to Legge dated 19 September 1663 that some part of the lands claimed by him in Kilsaran, were part of the Commonwealth grant to Henry Bellingham, Commonwealth ex-soldier.

The defective title was the lease held by the Plunketts of the former monastic properties of the Kilsaran preceptory and which had been the jointure of the dowager Lady Louth until the commonwealth confiscations. Following examination of the rolls of chancery it was discovered that this lease had expired before October 1641. The properties were therefore "in the king's hands" on this critical date and therefore not confiscated. Despite the fact that the king had already made an order under the broad seal on the 14 February 1661 restoring the lease to Matthew Plunkett, he made a second order in the following month granting a 99 year lease of the property to Legge, the details of which are as follows:- 233

The lordship of Templetown, Moretown, and Moncklough in Cooley.

The lordship of Kilsaran.

The rectories of Monasterboice, Dysart and Clonkeehan.

The hereditaments of Termonfeckin, Charlestown, Dunany and Dunleer.

This lease was further enforced by means of a proviso in the Act of Settlement albeit that it was the subject of much opposition by the archbishop of Armagh in regard to the rectories. After a further proviso in the Act of Explanation, converting the lease to a freehold grant, Legge obtained a decree from the second court of claims for an estate of 2,438 acres plantation measure, much of which was comprised of lands not included in the original lease.

Nothing has been established as to the nature of the partnership created between Major Nicholas Bayly and Captain James Read. It was still in being in September 1668 when they obtained a patent grant of the lands of Bawn and Mullaghullagh in County Louth but when in September of the following year Bayly obtained a patent grant of 556 acres (P.M.) in County Galway there is no mention of

233. Cal.S.P.Ire., 1660-62, P.261.

Read, albeit these lands appear to have been a reprisal for lands in Louth which had been granted to the earl of Carlingford. Bayly and Read are mentioned in a petition which they lodged with the king in London on the 22 October 1660. 234 In it, having claimed that they "long served the king loyally", they had been granted the "Statute Office" and the "ranging of Hyde Park". However the former had been given away by Charles 1 and the rangership had been taken back; they sought in lieu "a piece of land in County Kilkely, [recte Kilkenny] in Ireland of about 7,000 acres and not worth above £500 a year". Neither of these persons appear in any of the army muster lists in Ireland of the period 1641-50, nor are they mentioned as titulados in the "1659 Census".

Bayly was the son of Lewis Bayly the bishop of Bangor in Wales and father of Edward Bayly who, as joint heir of the Bagenal estates in the Carlingford Lough district, succeeded to the County Louth section in 1715. 235 He is is reputed to have

234. Cal.S.P.Ire.1660-62, P.56-57

235. This identification is based on the fact that Bayly was elected M.P. for Newry in 1661; the acquisition by his son of the County Louth section of the Bagenal estates in the Carlingford Lough district is traced in the foreword to the Anglesey Papers in P.R.O.N.I. D.617/1-24; Hutton Charles 11, Op.Cit. P.127 citing a Clarendon Ms., refers to "an exhausted young man called Bayley" arriving in Brussels with the news that Monck has turned on the "purged" parliament and that Bayley "anxious for reward" had crossed the channel to deliver the news: "Newryensis" Historical Sketch of Newry, (Newry 1876) P.153 recording Bayly's election as the member for Newry in 1661, described him as the son of Lewis Bayly, bishop of Bangor by Anne the daughter of Sir Henry Bagenal, and who was said to have been the person who brought the news of Monck's decision to the king at Brussels.

brought the news to the king of Monck's decision to oppose the purged parliament and to call for a new parliament in its place. In the restoration he appeared on the army list in Ireland WITH the rank of major and was governor of the islands of Arran and Boffin in May 1668. He was also a member of the Irish Parliament for the Newry constituency and was a member of the common council of the city of Galway in the years 1686-87. 236

In June 1661 Bayly was described as having been under sequestration for his loyalty and "acting for the king for these seven years past to the ruin of himself, his wife and children". In the following month Bayly and Read had a grant from the king, for 60 years of the lands of Patrick Bellew of Verdonstown, "one Taaffe" of Athclare and "one White of Balriggeran", amounting in aggregate to 5,600 acres. 237 This grant had the approval of the Irish committee of the privy council. In January 1662 additional

236. Commons Jn., V.1; Cal.S.P.Ire., 1660-62, P.267 & 350, in March 1661, at Whitehall in London, he was ordered to the command of a troop of horse; two petitions of his are recorded in "The Manuscripts of the marquis of Ormonde" H.M.C., Tenth Report Appendix Part V, P.70 May 1668 as governor of the islands of Arran and Boffin and P.81 November 1668 seeking recovery of rent arrears from James Smallwood in respect of lands in County Louth; ibid., P.508 Major Nicholas Bayly member of the Common Council of Galway 1686 and 1687.

237. Cal.S.P.Ire 1660-62., P.350, 415 and 496.

lands seem to have been conveyed to them on similar terms consisting of Bawn, Mullahullagh and Mansfieldstown. The former two denominations had been the property of John Plunkett while Mansfieldstown was formerly held by John Taaffe of Braganstown and formed part of the pretensions of the earl of Carlingford herein referred to.²³⁸ In February 1661 the king had ordered the restoration of the Verdonstown lands to Major Michael Bellew, the son of Patrick, while the lands of White of Balriggeran had already been granted away in the Commonwealth period to Sir Robert Reynolds. The land grants to Bayly and Read were to be the subject of strong opposition, especially from the earl of Carlingford, and their case was not finally disposed of until 1668.

Evidence of the grant of the lands in County Louth, by the Lords Justices, to Erasmus Smith is contained in clauses CXCII & CXCIII of the Act of Settlement which specified that they were "towards satisfaction of his adventures for lands in Ireland" and "the possession thereof ordered accordingly". The implications of these clauses were that these lands had not been in Smith's possession on the 7 May 1659 and that his title to them had not therefore been preserved by the provisions of clause VI of the Declaration regarding lands held by adventurers. As late as August 1662 Smith was in contention with Nicholas Bayly for possession of "Ballylurgan, Verdonstown and other lands in County Louth", evidently including the lands of the former estate of the Bellews of Verdonstown already referred to. ²³⁹ Bayly, a member of parliament, relying on the immunities granted to such a person petitioned the House of Commons against the actions of

238. Cal.S.P.Ire 1660-02 Ibid., P.496 and Appendix A Volume Two No. 52, 53 & 57.

239. Commons Jn., V.1 , Petition 525 and P.555.

Patrick Allen who as agent for Erasmus Smith had "disturbed him in his possession of the lands "in question. The outcome was a letter from the Speaker of the House to the sheriff of Louth requiring him to "quiet" Bayly in the possession of the lands in dispute. Smith's quest for lands in County Louth was to be continued, but not without opposition, and assisted by provisos contained in the Acts of Settlement and Explanation. A grant of 7,488 acres plantation measure in the barony of Ferrard was confirmed to Smith in May 1666 following proceedings in the second court of claims.

The decision of the king in favour of the "ancient natives" of Drogheda was another aberrant development in the implementation of the Declaration in that clause XVlll provided that, because the "corporations of Ireland are now planted with English", the "disturbing or removal of which would be in many respects be very prejudicial" that, "all such of the popish religion who have been for public security dispossessed of their estates shall be forthwith reprised in forfeited lands etc., near the said corporations as he was dispossessed of within the corporation". The king's letter, on behalf of the ancient natives of the town, set out hereunder is in flat contradiction of this provision: 240

To lord chancellor Eustace the earls of Orrery and Mountrath, lords justices of Ireland.
Right trusty and right well beloved councellor and right trusty and right well beloved cousins and councellors we greet you well-

Having taken into serious consideration the humble petition of the ancient native inhabitants of the town of Drogheda and liberties thereof, of the popish religion and of the

240. N.L.I. "Peppard Papers" D.16,198, Cal.S.P.Ire.,1660-62,
P.353.

heirs orphans and widows of such of them as are dead: And having also considered the sense of the committee of the privy council appointed for Irish affairs upon the said petition, as also of the great sufferings of the said petitioners: We are graciously pleased to extend our royal favour towards them and do hereby therefore order that you cause all and every the said petitioners (except such of them as are or shall be found guilty of disloyalty proved against them and committed before the withdrawing of our royal father's authority in the year 1647 from our city of Dublin) to be without any further trial restored unto, established and confirmed in their former possessions and properties of all and every their messuages, houses, lands, tenements and hereditaments, freedoms, liberties and privileges within the said town of Drogheda and the suburbs and liberties thereof, as also of all and every the manors, messuages, lands, tenements and hereditaments of the said petitioners or any of them in our kingdom of Ireland, whereout they or any of them were expelled by the usurped power or otherwise, without putting them or any of them to expect for previous reprisals to the present possessors of their estates, which in the cases of innocent persons who took no lands in Connaught or Clare is not by the tenor of our Declaration required: And that such of the petitioners as are already possessed of their estates be continued and maintained therein.

Also that you give effectual directions to our commissioners appointed for executing our public Declaration and to all and every other commissioners, officers, sheriffs and ministers whom it doth or shall concern and especially to the mayor, sheriffs and other officers of our said town of Drogheda, in what shall concern them, to cause this our order to be put in due and speedy execution.

And it is our further will and pleasure that you give order as well to our barons of our court of exchequer and to our

attorney general and solicitor general to vacate or cause to be vacated all matters and things remaining in charge in our said court upon the premises or any part thereof under colour of any acting of the usurped power in our said kingdom; as also to the commissioners entrusted for setting for arrears before the 5 June 1649; and all and every person deriving from them to forbear interrupting the said petitioners or any of them in the quiet enjoyment of their possessions, profits and estates:

For all which this shall be your and their sufficient warrant. Given at Whitehall 13 June 1661.

This decision was the culmination of political manouverings by the Old English of Drogheda which had been taking place, even before the restoration of the king. They had achieved a significant resumption of their influence in the corporation in the closing years of the commonwealth, probably the result of a rapprochement between them and the conservative and wealthy merchants of the town and against the radical anabaptist elements of the commonwealth ex-soldiers who had settled in the town. 241 Notwithstanding these developments the Old English had pressed their case further by petitioning the king in May 1660, the outcome of which was the foregoing decision. The British controlled corporation had opposed the granting of the petition and for this purpose had sent a delegation to London to make representations on their behalf. On the 7 July 1660 the general assembly appointed the mayor Edward Martin with Aldermen Trolly, Ellwood and Stanbridge, Messrs., Poole, Whirlowe, Orson and Stocker to "consider a way for raising of money for to

241. Gogarty Council Book, P.77 several Old English mentioned as Overseers of the Highways; P.9 a certificate and passport issued by Jonas Ellwood in respect of the ship the "Thomas of Drogheda" owned jointly by Ignatius Peppard and Thomas Leigh of Drogheda.

accommodate and furnish some fittly qualified person to go for England to his majesty, about important business concerning the welfare of this corporation". 242 They were empowered to act in the matter as if they were a full general assembly and to appoint their representative, presumably a qualified lawyer to plead their case.

The decisions on the petition must have been greeted with alarm not alone by the corporation but also by the Commonwealth ex-soldiery of Ardee, many of whom had settled in Drogheda or had property interests there. If given effect it would restore the Old-English to the status and the properties which they enjoyed prior to the Commonwealth confiscations, without the necessity for prior reprisal or compensation for those ousted in consequence. While the surviving evidence indicates that the Old-English merchants succeeded in recovering their freedom within the corporation, the enforcement of the oath of supremacy in 1661 effectively barred them from the offices of mayor, aldermen and sheriffs and after 1662 from membership of the common council. Notwithstanding the peremptory nature of the king's decision the process for the recovery of property was protracted and had not been accomplished to any substantial degree before the establishment of the court of claims under the Act of Settlement.

In all case of grants made at this time by "king's letters", including the above cases; following the receipt of the king's letter by the lords justices, the "letteree" would have sought that the necessary arrangements be made for its implementation. To effect the latter an order was necessary from the lords justices to the chief baron of the exchequer, requiring that the individual in question be put into possession of the lands mentioned provided that they were not already set out to

242. Gogarty Ibid. P.79.

adventurers or soldiers. 243 The latter was an invariable requirement. After examination in the court of exchequer to ensure that it was in order further to proceed an injunction was then issued to the county sheriff requiring the latter to put the grantee in peaceful possession of the lands and which were then taken "out of charge" of the exchequer. Responsibility for the collection of and accounting for the rents would then rest on the sheriff. In the early years of the Restoration period the latter, who was appointed on an annual basis, was selected from amongst the landed gentry of the Commonwealth settlement, who acted through under-sheriffs employed by them.

As an administrative procedure, the granting away of lands by means of king's letters acting through the royal prerogative gave rise to many complaints and as it circumvented the court of claims set up under the Declaration, it was also of doubtful legality. Within a short time the whole process was to be struck down by the judges as being "no warrantable rule to walk by in the disposing of mens' estates"; 244 more especially since the Declaration itself envisaged the enactment of legislation to give it effect. This was accomplished by the Act of Settlement in July 1662, but by that date many of the grantees of king's letters were in possession of lands in the county. Their future concern would be to secure a clear title to the estates thus acquired.

In the two years which followed the restoration of Charles II the number and extent of the land grants made by him, altered irrevocably the structure of landownership in County Louth, whether compared with the position obtaining in October 1641, or

243. These procedures can be inferred from surviving documents including Bellew's Account, see also Cal.S.P.Ire., 1660-62, Preface P.v and vi.

244. Howard A Treatise, Op.Cit., P.201.

at the end of the Commonwealth period. The proceedings arising from the implementation of the Acts of Settlement and Explanation, introduced some modifications including a proviso for an important newcomer, the duke of York. However the legislation as it was applied in County Louth validated, in its main essentials, the new structure, notwithstanding that decrees granted by the first court of claims enabled some former proprietors to join their more favoured cousins, who derived their restoration from king's letters or provisos in the Acts. What emerged was a land-owning class, consisting of a small number of aristocratic grandees, many of whom were absentee, Old English as well as British, including a few former supporters of the Commonwealth; a number of higher gentry, knights and baronets, who were a mixture of Old English, Commonwealth ex-soldiers and British settlers long established in the county. Below these was a comparatively large number of small to medium size landed freeholders, most of whom were Commonwealth ex-soldiers in the barony of Ardee, their heirs and assignees. Whether this structure happened by design or by accident cannot be readily determined, but if the former, it could be described as the triumph of the conservative landed gentry class over the religious radicals spawned in the upheavals of the English Civil Wars.

CHAPTER FIVE.

THE RESTORATION SETTLEMENT PART ONE, SECTION ONE.

INTRODUCTION.

Despite the thoroughness of the Commonwealth land confiscations in County Louth a large number of those who had suffered forfeiture, or their heirs in some cases, emerged in the Restoration period to claim their inheritances. Of the estimated one hundred and twenty six who had suffered forfeiture, including those who principally resided outside the county, about fifty presented themselves, either by way of petition to the king, or as claimants before the courts of claims set up under the Acts of Settlement and Explanation. 245 Thirty-two of these, including incumbrancers who obtained decrees for lands in fee, were restored to an aggregate of about 32,850 acres profitable, plantation measure. In that the extent of the lands available for redistribution by the courts of claims effectively included the

245. "A survey of the changes in land ownership in the county of Louth between the Commonwealth confiscations of 1653 and the Commission of Grace 1684, based upon the Book of Survey and Distribution, Quitrent Office copy", is in Thesis V.2., appendix E. This survey, which includes acreages etc., is a re-arrangement of the information contained in the BSD under the respective names of proprietors, including forfeiting proprietors, restorees and grantees under the Acts of Settlement and Explanation and the Commission of Grace 1684; for the Books of Survey and Distribution see Geraldine Tallon "Books of Survey and Distribution Co. Westmeath, a comparative survey" Analecta Hibernica No. 28, (I.M.C., 1978) P.103-115 and R.C. Simington Books of Survey and Distribution, Introduction I.M.C.

plantation lands of the barony of Ardee, amounting to 25,348 acres, these have to be added to the 44,753 acres available in the rest of the county making in all a redistribution of approximately 70,000 acres effected either by way of decrees by the courts of claims or by letters patent issued on the basis of certificates issued by them, or by the commission of grace in 1684. This suggests that the Old English succeeded in recovering 47% of the latter, or 31% of the total acreage of the county, profitable plantation measure. However of the thirty-two restorees of lands in fee, 25,250 acres or 77%, of the 32,851 acres decreed to the Old-English were distributed to six of them, Theobald Taaffe earl of Carlingford who obtained 9,637 acres, Matthew Plunkett Lord Louth, 4774 acres in County Louth, Sir John Bellew of Castletown Dundalk, 5833 acres, Sir Patrick Bellew of Barmeath baronet, 1715 acres (exclusive of lands in Connaught) Nicholas Gernon of Milltown, 1728 acres and Richard Talbot of Malahide and Castlering 1562 acres. In a report to Rome in May 1670, Archbishop Oliver Plunkett, commented upon the outcome of the Restoration settlement in County Louth as follows:- 246

The county title is held by the Plunkett family and the baron is Oliver Plunkett, a very urbane nobleman, who was a close friend of Archbishop Rinuccini and as a result lost eight thousand scudi per year in terms of income. The king, however, had with him in Flanders the baron's son named Matthew and because of this he decreed that the son should have all his father's possessions after his death and meanwhile, during his father's lifetime, two thousand rubi of land. The earl of Carlingford, brother of Father Taaffe, was made earl by the present king, who also gave him many

246. J Hanley ed)., Letters of Saint Oliver Plunkett 1625-1681, (Dublin 1979) dated May 1670 Letter No. 40 P71-75.

possessions as gifts. He is the most powerful man in the county. The possessions given to him belonged to catholics before the war; it is better that a catholic should have them rather than protestants. The other outstanding families in the county are: Gernon, Bellew, Warren, Dowdall and Taaffe. All these have obtained some part of their ancient possessions. The towns and villages of the county are for the most part inhabited by catholic leaseholders and peasants, there are about twenty catholics for every protestant in the county.

The archbishop's information was not entirely accurate. Neither Warren nor Dowdall recovered any part of their former estates, nor perhaps would they have shared his sanguine view. For them and for many others of their kind, Carlingford was the cuckoo in their nest. 247

The Act of Settlement recognised the possibility of two kinds of "innocent" persons, the first were those who could establish that they were not participants in the insurrection of 1641 and had constantly adhered to the English interest and having suffered forfeiture at the hands of the Commonwealth, did not transplant. The second were those, equally innocent, but who did transplant to Connaught. 248 It was intended that both categories would be

247. Section two of this chapter deals with the land acquisitions by Theobald earl of Carlingford in the Restoration period.

248. G.E.Howard A treatise of the exchequer and revenue of Ireland, (Dublin 1985) chapter XXI P.194; for the Act of Settlement see L.J.Arnold "The Irish Court of Claims of 1663", Irish Historical Studies, V.XXIV No.96 (Nov.1985) P.417-30 and Karl S.Bottigheimer "The Restoration Land Settlement in Ireland: a structural view" Ibid., V.XVIII No.69 (March 1972) P.1-21

restored to their former lands without prior reprise or compensation for the soldiers or adventurers disturbed in consequence. Connaught transplanters were however required to surrender the lands allocated to them in Connaught. The first court of claims, which sat between 13 January 1663 and 21 August 1663 had time only to deal with the first category before their time expired. In this period they issued 58 decrees of innocence in respect of County Louth and Drogheda Corporation plaintiffs. In addition to dealing with plaintiffs seeking decrees of innocence, the court also dealt with a number of cases where the plaintiff was dependent upon the other provisions of the Act enabling a person to be restored, i.e., as a nominee, or a person specified in the Act as an ensign (a person who served in the king's army in mainland Europe during the Commonwealth), or on whose behalf a special provision, or proviso, was contained in the Act. All other categories entitled to be considered for restoration such as innocent transplanters, articlemen (those who had adhered to the articles of peace of 1646 and 1649) and letterees (holders of letters from the king on petitions for restoration) were left over to shift for themselves as best they could under the Act of Explanation and the court established by that Act. The following plaintiffs obtained decrees, other than decrees of innocence, from the first court of claims, on the grounds specified:-

The earl of Carlingford: A proviso and order of the council board. Was also a nominee.

Sir John Bellew: A proviso.

"The inhabitants of Drogheda": A proviso

The following summarises the number of decrees awarded in respect of County Louth and the corporation of Drogheda, by the first

Decrees of innocence, awarding restoration to lands/remainders in fee.	26.
Decrees awarded on the basis of provisos contained in the Act.	3.
Decrees awarding incumbrances i.e., mortgages etc.	9.
Decrees awarding life interests only.	8.
Decrees of innocence in respect of inhabitants of Drogheda.	15.
Total.	61.

The procedures of the court required the plaintiff i.e., the claimant, to submit beforehand a petition, setting out the qualifications of the petitioner seeking the decree, accompanied by a claim or schedule describing the lands and other properties

249. An "Abstract of the Decrees of the Court of claims, for the trial of Innocents commencing 13 January 1662" has been published in the Appendix to The nineteenth Report of the Deputy-keeper of the Public Records in Ireland, (Dublin 1887) P.35-87; the Public Library of Armagh has a manuscript entitled "List of Claims of Innocents, to be heard and determined by his majesty's commissioners appointed to execute the Act for the settlement of Ireland in Court of Claims for the trial of Innocents, from 28 January 1662/3 to 20 August 1663", it contains a good deal of details regarding the individual claimants, lands claimed, family circumstances, discrimination evidence etc., it is currently being prepared by Geraldine Tallon for publication by the Irish Manuscripts Commission under the title of Court of Claims, Submissions and Evidence, who kindly made the page proofs available to me together with page proofs of Appendices 111 to 1V of the work, which will contain Sir Edward Deering's Minutes of the proceedings of the court of claims from 12 August 1663 to 26 february 1663/4 transcribed from the originals in the Bodleian Library Oxford, the House of Lords Records and the Kent County Record Office Maidstone, Kent; cases in the former are numbered and date order in the latter.

involved. To enable the court to judge the "innocency" of a plaintiff certain records were made available by the exchequer relating to any outlawries or involvements in alleged criminal activities, or by the discrimination office, where the Depositions of 1642-54 and the records of the proceedings of the Confederation of Kilkenny and other records discriminatory of the plaintiff could be discovered and made available to the court. Where a plaintiff was judged "nocent", i.e., not innocent, his case was dismissed and no decree issued. 250

Where the decision made was that a decree be granted it would have been inscribed on vellum, containing the names of the members of the court who heard the case, the plaintiff and the defendant(s); the details of the plaintiff's statement of case and qualifications, together with the lands and other properties claimed. This would have included details of the existence of trusts to uses, giving where appropriate the inheritance rights of the plaintiff. This was an important consideration where the plaintiff's father might have been involved in activities likely to have had him judged "nocent" and thereby disqualified. In a case where the father was still alive, (such as the Plunketts of Tallonstown, the Gernons of Milltown and the Talbots of Castlerring,) the son was able to have his rights in remainder, conferred by the trust, preserved on the basis of his innocence. The decree of innocence would have concluded with a further recital of the lands involved, including lands excepted from the decree, with a directive that the premises be immediately "put out of charge in his majesty's court of exchequer" and for the sheriff of the county where the premises were situated, to "forthwith" give possession of them to the plaintiff. In addition the court certified the decree to the lord chancellor, the chief baron and the other barons and ministers of the court of

250. See "Pepper Papers" in Thesis Volume 2 for the detailed statement of the Discriminations assembled against Lord Netterville; the "Submissions and Evidence" in Tallon records similar evidence or the lack of it in appropriate cases; see also Arnold "Court of Claims" Art.Cit.

exchequer, for official notification by them. An injunction or injunctions (where there was more than one involved) was then prepared also on vellum, for issue to the relevant sheriff requiring him to give the plaintiff, his heirs, executors or assigns possession and "to quiet" him or them in the same. While the decrees had effect forthwith, in the case of any lands in the possession of soldiers or their assignees in the barony of Ardee it was intended that the plaintiff would not be put in possession until May 16⁶⁴, by which time presumably the reprisal lands would have been available for allocation to those displaced. While decrees extending to lands in the other parts of the county may have been effected more readily, many of those concerning lands in the barony of Ardee were not fully complied with until 1665/66 or even later. 251

THE COMMONWEALTH EX-SOLDIERS.

The outcome of the proceedings of the first court of claims must have come as a severe shock to the ex-soldiers of Ardee, many of whom stood to lose lands without the benefit of prior reprisal. A similar situation developed in Drogheda where decrees on behalf of fifteen persons had been issued. In addition to these upsets, the trustees for the '49 Security were continuing their proceedings, backed by additional provisions contained in the Act of Settlement. Dissatisfaction had already been manifested, even before the Restoration, amongst the Commonwealth ex-soldiers, including their assignees. It first surfaced in the closing years of the Commonwealth in the corporation of Drogheda where Sir Charles Coote's Declaration of 16 December 1659 in favour of the restoration of the English Parliament was considered and

251. Two originals and five copies of decrees issued by the court of claim of 1663 have been traced for County Louth, including some original/copies of injunctions issued to sheriffs all of which are structured as outlined in this paragraph.

approved by the general assembly in February 1659/60. 252 Amongst the local ex-officers of the Commonwealth army who subscribed to the Declaration were Major George Peppard of Ballygarth in County Meath and Captains Henry Baker and Symon Garstin of the barony of Ardee. A notable non-subscriber was Colonel John Fowke. About this time however a rift also occurred amongst the General Assembly of Drogheda Corporation, which may not have been unconnected, involving James Challenor, Thomas Kenny, Nicholas Phillips and John Kelliough, all of whom were freemen. They seemingly challenged the legal basis of the corporation itself. As Challenor argued, since the "now mayor was sworn in the late protector's time and that he, the said James did not know by what commission or power the said mayor did now act, as mayor of this town, the government being altered from a single person to a parliament". Nicholas Phillips made the same point alleging that "the charters by which we hold our rights, privileges and freedoms are but paper charters, like a bell without a clapper". While fines were imposed upon the others, Phillips, was expelled from the corporation. Amongst the considerations for taking this course was that Phillips was also a member of the army who, as the general assembly pointed out, "doth challenge more liberty than what is becoming a member of this corporation by reason of his said military capacity". 253

In Dundalk the opposition to the new order arose from Colonel Trevor's acquisition of the corporate properties and was led by

252. Gogarty Council Book of Drogheda, Op.Cit.P.4-9, the Declaration is dated at Dublin 16 December 1659.

253. The first indications of the rift are in the minutes of July 1659 when Challenor questioned the legal base of the corporation, it continued into the following year, in October 1661 Phillips was partially reinstated.

Arthur Bulkeley who was a woollen draper from Manchester who came over to Ireland in the Commonwealth period where he purchased lands in Mosstown and Marshallsrath in the barony of Ardee. These had been granted to Captain Henry Gilbert in satisfaction of his debenture who sold them to Colonel Fowke and from whom Bulkeley subsequently acquired them. The latter also had acquired properties in the corporation of Dundalk where he was bailiff in 1660-61. He was also a freeman of the corporation of Drogheda. About May 1661 he arrested James Fletcher a servant of Colonel Trevor and who was probably his rent-collector in Dundalk.²⁵⁴ The latter complained to the House of Commons seeking Fletcher's release, where "after much debate" he was required to give in his complaint in writing. Having done so Bulkeley was summonsed to appear before the House the outcome of which was that Fletcher was released. Bulkeley nevertheless continued his opposition to Trevor and having petitioned the king the latter ordered the lords justices in December 1661 to investigate "some injuries which.....he received from Colonel Mark Trevor", the outcome of which is not known. The ex-soldiers did however continue their opposition to Trevor's acquisition, long after the latter's death in 1669.

The discontent amongst the ex-soldiers came to a head in the spring of 1663 with the famous "fanatic plot" to capture Dublin Castle and imprison Ormond. The focus of the discontent seems to have been the provisions made in the Act of Settlement for the '49 Officers security, which included large sections of the properties of the corporate towns and the fact that the court of claims had granted many decrees of innocence which, if implemented, would entrench heavily upon land grants made by the Commonwealth.²⁵⁵ The leadership came from ex-soldier members of parliament representing a number of corporate towns where they

254. For the Bulkeley-Trevor disputes see O'Sullivan "Trevors of Rosetrevor, "Loc.Cit; for his purchase of lands from Fouke see N.A. "The Rolls of Oliver Cromwell" (Lodge Ms) No. 11 P.254 30 April 1656.

255. O'Sullivan "Plantation of Ardee" Art.Cit.P.449-450;

held a majority in the respective corporations such as Ardee. Their leader was a Lieutenant Thomas Blood of Sarney County Meath who had amongst his principal supporters Lieutenant John Ruxton and John Chambers of Ardee, Messrs Alexander Staples, Londonderry, Robert Shapcote, Wicklow, Able Warren, Kilkenny, Thomas Boyd, Bangor and Thomas Scott, Wexford, all members of parliament for their respective towns. They assembled in Dublin on the 20 May and consisted of 100 "old officers" on foot and 170 on horseback. Ormond had been fully informed of the conspiracy beforehand. The planned attack was intended to be followed by a general uprising throughout the country in which the conspirators had expectations of support from as many as 20,000 men. The attack was however frustrated and the party then scattered, Blood managing to escape. In the hue and cry which followed many arrests were made including Ruxton and Chambers, John Ruxton junior, John Fowke the colonel's son and Captain Richard Holt from Drumcar. Fowke turned king's evidence on the basis of which consideration was given to putting Holt on trial but this was not pursued. A Phillip Alden also turned king's evidence implicating many others, including Messrs Gibbons and Jones from Drogheda. The latter can be identified as the Gilbert Jones who was appointed Town Clerk in 1653 and replaced by a Richard Lloyd in 1661. He, it was said, was sent by Blood to Drogheda to secure the garrison there, two nights before the discovery. While four of the ringleaders were executed, none was from County Louth, but when the parliament, which was then prorogued, reassembled in October 1665, seven members, including Ruxton and Chambers, were charged with high treason and expelled.

The failure of the Blood conspiracy did not lessen the opposition of the ex-soldiers to the changes in landownership being introduced by the Act of Settlement but they were effectively leaderless, as the better placed among them, concerned for the preservation of their new found estates, gravitated towards the emerging new gentry class of the Restoration settlement and which became increasingly dominated by the "Old Protestant" i.e., those

settled in the country before 1641. In County Louth the opposition took the form of outright resistance to the implementation of the decrees of innocence. In Phillipstown when Mary Gernon came to take possession of the properties assigned to her by her decree she was met with a flat refusal to comply by the Commonwealth grantee Henry Baker, who with sword in hand made it plain that he would use it if necessary. In the parish of Clonkeen, where Christopher Taaffe seemingly had taken possession of Tullykeel on behalf of the earl of Carlingford, Captain John Chambers came with a band of ex-soldiers on the 29 October 1663 and breaking into the house threw Mrs. Taaffe and her daughter out, the former onto the dunghill. 256 In that Carlingford's decree was not founded upon "innocence" he would not have had a good title to restoration without prior reprisal for the displaced ex-soldier. However as the property had been held by Chamber's brother, Parson Chambers, who had been implicated in the Blood conspiracy and had fled to avoid arrest, the Taaffes may have taken the opportunity offered to take possession. These cases illustrate the confusion which existed at this period including the readiness of the ex-soldiers to resist, even with force if required.

The period between the enactment of the Act of Settlement in 1662 and of the Act of Explanation in 1665 saw the various factions engaging in political manoeuvres with the administrations in Dublin and London, seeking for whatever best advantage they could negotiate. The outcome was a compromise offered by the catholic party, that the ex-soldiers and adventurers accept a retrenchment of one-third of the lands, held by them respectively on the 7 May 1659, as well as a similar fraction of the lands granted by the king. 257 The accrued re-

256. John P. Prendergast Ireland from the Restoration to the Revolution A.D. 1660-1690, (London 1887) P.29.

257. Howard Treatise, P.211-228.

trenchment could then be used to settle the claims of parties who held decrees of innocence or others with valid claims for restoration. This provision was incorporated into the Act of Explanation which also provided for the establishment of a court of claims to adjudicate on claims and generally oversee the implementation of the Settlement. The court, consisting of five persons, all of whom had served on the first court, met for the first time on 4 January 1666 and continued to sit until 1669.

The ex-soldiers had been required, by proclamation under the Act of Settlement, to submit their respective petitions to the court of claims, setting out details of their estates in a fashion similar to that required of them by the earlier court set up under the Declaration. The same procedure was resorted to by the court of claims, set up under the Act of Explanation, in accordance with a detailed set of rules promulgated probably in the latter part of 1665 and which included procedures to be complied with by other claimants coming before the court. 258 Ex-soldiers were required, within 30 days of the promulgation of the rules to put in their petitions with a schedule annexed in each case showing the details of the landholdings in their possession on the 7 May 1649. The court was required to make up books in which were entered the details of the two-third portions allotted in each case, a duplicate of which was lodged in the exchequer. Following this, certificates were issued to the petitioners to enable them to take out letters patent through the latter. Over twenty persons from the barony of Ardee can be traced as persons who submitted petitions and schedules to the court, either "in right of soldiers" or as their "heirs or assignees" and who obtained letters patent on the basis of the certificates issued to them by the court, the reports on which seem to have been submitted in

258. The rules promulgated by the second court of claims are in Cal.S.P.Ire., 1666-69, P.35-40.

the period August and September 1666. 259 The procedure thus adopted enabled the court and its officers, to compute the amount of land in the barony of Ardee available for distribution amongst the other claimants. The latter comprised those holding decrees granted under the first court of claims; others in respect of whom provisos were contained in the Acts, or who claimed as '49 Officers, letterees (persons with king's letters), articlemen, Connaught transplinters etc.

The restorees in county Louth were a disparate group of people, having little in common with each other, except ^hethnic origin and not all of them were roman catholics. With few exceptions all were persons who had obtained decrees under the first court of claims. In a certain sense each was an individual case whose claim had been based upon particular family circumstances, but for the purpose of analysis they can be categorised as follows:

RESTOREES IN FEE AND REMAINDER. 260

Restorees in fee or remainder, resident in the county with decrees for less than one thousand acres.

Ditto who were innocent protestants.

Restorees including remainders not resident in the county.

Restorees including remainders, resident in the county, who obtained decrees for more than one thousand acres.

259. References to such petitions are to be found in Irish Records Commission Report, 8th. Report, January 1919 "Catalogue of Reports and Schedules addressed to Court of Claims, P.248-300; see forward, chapter eight.

260. While the list in the Deputy-keeper's Report., Loc.Cit., separates restorees "in remainder" from restorees "in fee", it is thought unnecessary to make this distinction here; where appropriate "remainder-men" will be readily identified in the text.

THE CORPORATE TOWNS, INCUMBRANCES AND LIFE INTERESTS.

This category includes inhabitants of the corporate towns, incumbrancers and life interests, such as widows and children. This category will be dealt with in chapter six herein.

RESTOREES IN FEE OR REMAINDER RESIDENT IN THE COUNTY, WITH
DECREES FOR LESS THAN 1,000 ACRES.

Seven restorees, who obtained decrees for less than 1,000 acres can be identified as follows;- 261

	<u>No. in Appendix A:</u> <u>Volume Two</u>	<u>Acreage Profitable</u> <u>in BSD</u>
John Babe of Darver	2	615a.0r.00p
Nicholas Bathe Drogheda	5	120a.0r.00p
Thomas Cashell Dundalk	12	352a.0r.00p
Patrick Levin Dysart	44	108a.0r.00p
Christopher Taaffe Stevenstown	63	506a.2r.00p
William Talbot Haggardstown	29	478a.0r.16p
Francis Wotten Rohestown	74	401a.3r.26p
TOTAL		2581a.2r.02p

John Babe of Darver.

John Babe described as "of Newry" claimed in respect of two estates; the first that of his father Patrick, consisting of a lease of lands in County Armagh and 50 acres of land with several

261. "The survey of changes in landownership" in Appendix E Volume Two contains the details of the lands acquired in each case".

houses and gardens in Dromiskin, barony of Louth; the second, consisting of lands in Darver, barony of Louth, in Gibbstown, barony of Dundalk and houses and other properties in Drogheda. He claimed the latter in remainder, arising from a trust to uses, established by James Babe of Darver to his own use for life, then to his son Patrick and his heirs male and for want of such issue to the claimant's father. There being no other survivor he claimed the estate as his inheritance. His decree of innocence enabled him to recover the lands in Dromiskin, Darver and Gibbstown but not the properties in Drogheda which passed to the '49 Officers' Security. 262

Nicholas Bathe Painstown.

Nicholas Bathe was a Drogheda merchant who claimed restoration of the estate of his father Nicholas, which included, inter alia, two-thirds of Painstown., parish of Clonmore, Ferrard, consisting of 120 acres. He may have been the Nicholas Bathe who was denied dispensation from transplantation in 1654/55, albeit he does not appear to have transplanted. He was granted Painstown by his decree of innocence but some at least of his Drogheda properties passed to the '49 Officers' security. 263

262. Tallon Submissions and Evidence Op.Cit., No.880; Deputy-keeper's Report, No.797, restored to 570 acres in fee, Louth and Armagh, note the BSD Records 615 acres in County Louth.

263. Tallon Submissions and Evidence Op.Cit., No.234 claimed as a merchant of Drogheda two messuages and a backside in Shop Street alias Bath Street, one toft or house room in West Street, and two-thirds of Painstown barony of Ferrard 120 acres; Deputy-keeper's Report No. No.222, restored to 170 acres in fee.

Thomas Cashell Dundalk and Drumcar.

Thomas Cashell claimed 60 acres of land and other properties in the town and liberties of Dundalk, described as being in the "possession of the lord of Dungannon" and a tuck mill and lands in Drumcar, barony of Ardee in the "possession of Captain Hoult". His claim appears to have been based upon an estate of inheritance, established upon the marriage of his father Michael with Ismay Gernon, the daughter of Nicholas Gernon. On payment by Michael Cashell of £100, a trust to uses was established in 1637/8, first to Nicholas Gernon the original owner of the properties for life and his heirs male, the remainder to Michael Cashell and his heirs male. Nicholas was the beneficial user at the time of the Commonwealth sequestrations but later died as *did* Michael Cashell. Thomas therefore claimed as the heir of the latter. While it was reported to the court that Nicholas Cashell was indicted, Thomas was granted his decree of innocence and subsequently recovered the sixty acres in Dundalk, described as "intermixed" as well as 290 acres in Drumcar., probably part of Captain Holt's retrenchment. 264

Patrick Levin Dysart.

Patrick Levin is described as the son of Patrick, probably the same man mentioned in the surveyor's book of the Down Survey, barony of Ferrard, as a forfeiting proprietor in Dysart and Painstown. He is also mentioned as a forfeiting proprietor in Dundalk. The Levins were of the lower gentry class long settled in Dysart and while the decree of innocence related to 78 acres in County Louth, the BSD records Patrick Levin as the proprietor of 108 acres in Dysart, Painstown., Dundalk and Carrigine in the

264. Tallon Ibid., No.786; Deputy-keeper's Report No. 682, restored to 392 acres in fee; Cashell disposed of his "inter-mixed" lands in Dundalk to Sir John Bellew c 1667 The Roden Title, in Louth County Library Appendix No.X1.

parish of Drumcar. He is not mentioned in Tallon nor has a copy of his decree been traced. 265

Christopher Taaffe Stevenstown.

Christopher Taaffe claimed title to the lands of Stevenstown and Ballaclare 506 acres, parish of Dunbin, and barony of Dundalk, through his grandfather John, whose son Nicholas, Christopher's father had predeceased him. Although almost certainly a collateral branch of the Taaffes of Braganstown, no direct connection has been made, other than an annuity of £10 per annum payable out of the lands of Mansfieldstown by way of mortgage, by Christopher Taaffe of Braganstown. The full amount of the lands awarded by the decree of innocence is confirmed in the BSD. 266

William Talbot Haggardstown.

William Talbot of Haggardstown parish and barony of Dundalk, had an order by the lords justices to the court of exchequer, on the 2 April 1661, to be put into the possession of such of his estate as was not set out to adventurers or soldiers. He is not mentioned in Tallon nor has his decree been traced. He is mentioned however as having been awarded a decree, in respect of lands in Louth and Dublin, as the son of Garrett Talbot of Carstown, County Kildare. The lands in question, amounting to 478a.0r.16p., had not been given out to soldiers and appear to have been restored to him without difficulty. 267

265. Appendix A Volume Two No.44; "Deputy-keeper's Report No. 268".

266. Tallon Ibid., No.365, the lands of Stevenstown and Ballaclare are described as "in the possession of Nicholas Combes" and the annuity out of Braganstown held by Mr.Langdale; Deputy-keepers Report, No.522, restored to 506a.2r.00p., in fee.

267. Deputy-keeper's Report, No.3 restored to 573a., in Louth and Kildare; Talbot's omission from Tallon suggests that he may have been restored as a letteree by the second court of claims, he was a kinsman of Richard Talbot, later earl of Tyreconnell.

Francis Wotten Rothestown.

Francis Wotten of Rothestown. is also described as an inhabitant of Drogheda. He claimed the restoration of lands in the barony of Ardee, principally the lands and castle of Rothestown., substantial properties in Drogheda and incumbrances on lands in the barony of Ferrard. He also claimed incumbrances on lands in Kildare and Sligo, suggesting that he may have been a merchant who engaged also in money lending. He claimed that he was seized and possessed of all the premises in 1641. This is at variance with the information contained in the surveyors' books of the Down Survey and the BSD, where John Wotten of Drogheda is shown as the proprietor of Dromiskin; Christopher Wotten of Richardstown and Drumgoolestown, who also held Rothestown jointly with James Wotten of Drogheda. Properties in Ardee are given as in the hands of Henry Wotten of Drogheda. The BSD shows him as recovering 401a.3r.26p., with Drumgoolestown 134a.3r.00p., left to law with Messrs.Poe and Townley. 268

GRANTEES WHO WERE INNOCENT PROTESTANTS.

Five grantees of decrees of innocence may be identified as protestant, as follows:-

No. in appendix: Acreage profitable
chapter one. in BSD

Alex Aston, Nislerath.	N/A.	Nil.
Arthur Chamberlain, Nistlerath.	14	478a.0r.00p.
Mary Gernon, Phillipstown.	30	261a.0r.00p.

268. Tallon Ibid., No.739 and Deputy-keeper's Report.,
No.645, restored to 637a.2r.00p., in Louth and Drogheda.

Christopher Cruise, Cappock.	19	28a.0r.00p.
Thomas Clinton, Clintonstown.	16	828a.0r.00p.

TOTAL. 1595a.0r.00p.

Some of those included in this classification may be of doubtful validity. The court, mindful of the advantage it could be to a plaintiff to prove that he was a protestant, seems to have taken some care to examine this aspect of a case. Mary Gernon who claimed an estate in Phillipstown and Kilcronev, and who was of impeccable Old English ancestry, seems to have been required to prove her protestantism before her decree was issued.

Alexander Aston Nislerath. and his wife Lettice.

Alexander Aston was the younger brother of Major William Aston formerly of Hungerford's regiment, Commonwealth grantee of lands in the barony of Ardee, later Sir William and second justice of the king's bench. Alexander was an ensign in captain St. John Hungerford's company of the same regiment which had been transported into Ireland in 1647. However he does not appear as a Commonwealth soldier in Ardee. Instead, he had a lease of the lands of Willistown for 99 years from his brother, where he paid hearth money tax in the years 1664 and 1667. It is possible that he sold his debenture to the latter; it is also possible, considering the defections from this regiment in 1649, that he was a defector, but who after the war, thanks to help from his brother was able to settle in Louth. Sometime before 1664 he married Lettice Clinton the daughter of Sir William Brownlow of Armagh. She had been twice widowed; her first husband had been Patrick Chamberlain of Nislerath, in the barony of Ardee who was one of those mentioned in Barnewall's deposition, but who died soon afterwards and was succeeded by his son Arthur who was born in 1645. She married secondly a Christopher Clinton, described as "of Nislerath." in May 1654, when he was granted a respite from transportation to May following. He did not transport, taking

refuge instead amongst his protestant relations in Armagh. He was dead by 1658 when his widow Lettice was plaintiff in an action in chancery against John Thomas of Ardee concerning lands in "Kilary Ardee" which she claimed to have let to the latter from the 1 May 1655. This seems to have related to lands in Killanny to which John Thomas a Commonwealth soldier, had a patent grant in the Restoration period. As these lands were held by Gernon of Gernonstown in 1641, Clinton's interest may have been that of a leaseholder.

Lettice seems to have had a partnership with an Arthur Shiel in a contract from the exchequer for 792 acres in Rath in the year 1660-61, lands formerly held by Lord Louth, but this was subsequently cancelled. She also had property in Drogheda. The decree awarded to Aston is described as "Alexander Aston and Lettice his wife, relict of Patrick Clinton and Christopher Chamberlain" for unspecified lands in Down and Louth, suggesting that the title to the lands involved lay through his wife. As far as the County Louth lands were concerned the decree was granted "at large", the effect of which was that while Aston was judged "innocent", he had yet to prove title to the lands. On the 22 October 1663 the Astons were before the court again, where it was found that although the "plaintiffs were left to law", they were found to be in possession "upon pretence of consent of parties". The court ordered that unless the plaintiffs could show cause the next sitting the decree would be superseded. Deering's notes of what transpired at a hearing of the court on the 12 November 1663 are as follows:-

Alexander Aston and uxor Plaintiffs.

The decree is left to law. Mr. Golbane attorney retained by Baker for Poole; he saw a paper from Baker and signed by him to consent for Mr. Poole. Mr. Baker) that Mr. Padmore did consent to give them no further trouble and said he would sign.

The court declare that they are of opinion that there was no sufficient consent to alter the decree given in court by which he was left to law. But in regard the decree was already out and possession given, the court will consider what to do with it.

This dispute was left over for settlement by the second court of claims which finally disposed of it at a hearing held on the 22 February 1655/6. The lands in dispute were those of Nislerath, the proprietor of which, in 1641 was Patrick Chamberlain, Lettice's first husband. A Captain Henry Baker (also described as corporal) acquired these lands in the Commonwealth period and subsequently disposed of them to Poole. Aston's claim, which must have depended upon his wife, had not been proved before the first court, hence the "at large" decree, but on the pretence that the issue had been settled, persuaded the sheriff to put him in possession. When the matter came before the second court Poole was now the plaintiff and the Aston's the defendants. The outcome was a clear decision that Poole be put into peaceable possession. 269 This was not to be the end of the matter as Lettice's son, Arthur Chamberlain, also had a claim to the lands.

269. "Army List Ireland 1648", T.C.D., Manuscripts in H.M.C., Eight Report P.503 Hungerford's regiment; for the Astons see T.G.F.Paterson "The Chamberlains of Nizelrath" Louth Arch. & Hist.Jn., V.11 No.4, (1948) P.179-81; for the Brownlow family connection with the Chamberlains of Nizelrath [Rathneestin] see ibid., P.182-5; for the Clintons including Lettice's action against John Thomas see Ibid., P.175-9; for Lettice's interests in the lands of Rath see McNeill and Otway-Ruthven Dowdall Deeds, P.743-5; Deputy-keeper's Report, No.283; "Deering's Minutes", 22 & 29 October and 12 November 1663; N.L.I.Ms.31 "Proceedings of the second court of claims 1665-66" P.17, 53 and 63.

Arthur Chamberlain, Nistlerath.

Arthur Chamberlain, Lettice's son by her first marriage, was about eighteen years of age when his claim came before the first court of claims. He was a minor and sued through his stepfather Alexander Aston. He was described as a protestant and a collegian at Trinity College, Dublin. He claimed restoration to his father's former estate which included "the lands of Little Rathbody, Great Rathbody, Nislerath. and Mullinscross given out to soldiers and adventurers, but the residue is in the king's hands". He was the forfeiting proprietor at the time of the Commonwealth sequestrations. He claimed that his father had held the estate in fee farm to him and his heirs forever and having died so seized, the claimant was entitled to succeed. He was granted a decree of innocence, as a protestant, which entitled him to possession without benefit of prior reprisal for the person outed. As he is entered in the BSD as the proprietor of an estate of 478 acres including the contentious Nislerath, Poole must have lost his claim to the latter. A Francis Poole, "deceased" in 1668, was the subject of a grant of lands in Cavan amounting to 321 acres, with whom he may be identical. 270

270. Tallon Submissions and Evidence, No.836; in Deering's minutes Chamberlain's claim is mentioned under 14 August 1663 No.377 "as an innocent protestant given till Thursday next", 20 August No.444 "to prove plaintiff a protestant, adjudged innocent and four days given the defendants to show cause against a parcel", 7 & 16 September, Chamberlain plaintiff, Cousens defendant, concerning lands in Monaghan; Deputy-keeper's Report No. 724, described as an innocent protestant and restored to 440 acres in county Monaghan and 112 acres dismissed to law; for the Chamberlains, the Brownlows and Nizelrath see T.G.F.Paterson "A survey of the lands of Nizelrath in County Louth in 1667", Louth Arch.& Hist.Jn., V.10 No.3 1943, P.318-26; Arthur subsequently changed his name to Brownlow and as such represented Armagh in King James's parliament in 1689.

Mary Gernon Phillipstown Ardee.

Mary Gernon claimed as an innocent protestant the restoration of the estate of her father Nicholas, consisting of 120 acres in Phillipstown, parish of Phillipstown Ardee, 38 acres in Lowrath and 60 acres in Kilcronev both in the parish and barony of Louth. Upon the marriage of her father, a son of Patrick Gernon of Mayne, with Elisabeth daughter of Nicholas Gernon of Phillipstown, the latter by deed, conveyed the premises to the former and the heirs male of the marriage. Nicholas Gernon died soon afterwards leaving a portion of the premises to his daughter. The latter married a man named Wotten by whom she had a daughter Mary. The latter also claimed the portion out of the estate, due to her mother Anne. Mary was the only child of the marriage of Nicholas and Elisabeth and claimed the estate as the sole heir. Among the defendants to the hearing were Theobald Taaffe earl of Carlingford and "corporal" Baker, the latter being the occupier of Phillipstown as a Commonwealth grantee and the former, who claimed Kilcronev and probably Lowrath, as part of his custodium lands.

Mary had put in her claim in November 1662 and had been heard by the court on the 19 August following. On the 23 September she was granted a decree of innocence, with an injunction to the sheriff to "give the possession of all and singular the premises" to her and "to quiet her in the same from time to time as occasion shall require". While this may not have occasioned any difficulty in the case of the lands occupied by Carlingford, Henry Baker proved extremely difficult.

In February 1665/6 Mary Gernon submitted an affidavit to the second court of claims setting out that when she sought, through the sheriff, possession of the premises, she was informed that it was a decree of the then court that tenants in possession were not to be removed until May following. She consented to this

arrangement, Baker agreeing to pay her a rent for the time involved. However when she sought possession on the following last day of April, Baker met her at the door of the house with a sword and threatened her with violence should she attempt to take possession. She sought the assistance of the court. The latter issued an injunction ordering that she be put into possession which presumably was complied with as she is shown as the proprietor of the lands in question in the BSD. 271

Christopher Cruice Cappock.

A Christopher Cruice of Cappock is mentioned in Tallon but without any details. In the Deputy-keeper's Report he is listed as Christopher Cruice the younger son of Christopher Cruice, as an innocent incumbrancer in county Louth for 290 acres. In the BSD he is listed as a protestant and proprietor of 22 acres in Drumcath and 6 acres in the manor of Mullinscross, parish of Kilsaran barony of Ardee . 272

271. Two copies of Mary Gernon's decree of innocence are to be found in N.A., "Pyke-Fortescue Papers" 1004.1.4/1 and "Gernon Papers" Ibid., C.O. 1755 Tallon Submissions and Evidence, Op.Cit., No.870; Deering's minutes, "Nicholas lived in Louth in the quarter of the Irish, Mary proved to be a protestant", Deputy-keeper's Report No. 767, described as heir of Elisabeth and Nicholas innocent protestant and restored to 180 acres in Louth; N.L.I.Ms.31, Loc.Cit., P.57-9.

272. Tallon Submissions and Evidence, Op.Cit., No.337; Deputy-keeper's Report No. 313.

Thomas Clinton Clintonstown.

Thomas Clinton son of Stephen Clinton of Clintonstown claimed an inheritance of 828 acres in the parishes of Port and Dunany in Ferrard, the town of Louth and the parishes of Kilsaran and Stabannon in Ardee, on the basis of a trust to uses established by his grandfather James in February 1628/9, upon the marriage of the latter's son Stephen to Margaret Doyne, the daughter of Michael Doyne of Knockryne, County Antrim. He had already recovered part of the estate on the basis of an order by the lords justices, given in April 1661, restoring him the possession of "the town and lands of Port, 40 acres in Nicholastown, 4 acres in Michaelstown, 3 acres in Dovestown and 15 acres in Louth i.e., that part of the estate lying outside the barony of Ardee. The trust had provided, inter alia, that after the death of James the estate would pass to his son Stephen and the heirs male of his body, with remainders over. The claim also stated that James was in possession of the estate in 1641 save a part thereof which had been made over to Stephen and his wife for their maintenance. James Clinton died in August 1642 after which the premises devolved to Stephen who having died in 1653, the premises came to the claimant, then under age and remained in his possession until he was "outed by the usurpers".

In July 1654 the solicitor general was ordered to discover the delinquency of James Clinton and make a report. An exchequer inquisition, taken in Dundalk in January 1655/6, found that he had "gone into rebellion on the 25 December 1641 at Clintonstown. by supplying Oliver Plunkett and other rebels with victuals at Greenhills and leaving his dwelling and removing to the rebels quarters in county Monaghan, where he remained until April 1642". He had also been indicted with his son Stephen for treason in Hilary term 1642. Stephen, with nine dependents was listed for transplantation to Connaught in January 1653/4, but he did not transplant.

In July 1656 James Clinton's will, made in 1638, was probated by his son Sebastian, John Dodson one of the bailiffs of Dundalk, Charles Twigg and Simon Garstin being present. It provided that the town and lands of Port should go to his wife Katherine, daughter of John Gernon of Killencoole, in lieu of dower and that their son Sebastian should have £75 out of other specified parts of the estate when he should reach the age of twenty-one years; in the meantime to receive £7.10s. per annum for his maintenance. James's other son Laurence Clinton of Allardstown was appointed executor, but he relinquished this to his brother Sebastian, who was a protestant.

Stephen Clinton died intestate in Dublin in 1653, where Thomas his son, described as a merchant, was granted administration of his estate in December 1671. He had been granted his decree, as an innocent protestant, in August 1663 and ordered to be restored to his estate of 828 acres, which was subsequently implemented. His uncle Sebastian had a claim to a mortgage on part of the estate in Dunany which the second court granted to him in 1666. He appeared as a defendant in the proceedings taken by Legge when the latter sought to have the king's grant to him confirmed. The decision of the court, which recorded Sebastian as a protestant, was that "lands in Dunany, Droughanstown, Coirrstown and Johnstown" be excepted from Legge's grant and saved to Sebastian. The intention was that these premises would be held by Sebastian subject to a right to redeem the mortgage being reserved to Legge, an option which the latter may have taken up. In a communia roll of the 12 April 1666 taken in County Louth, Thomas Clinton is described as an "innocent protestant" and that his father and grandfather were "innocent papists". The religious change, if at all, may be accounted by the fact that during the Commonwealth the family had taken refuge with a related family of

Clintons who were merchants in Dublin and probably protestant.273

RESTOREES NOT RESIDENT IN THE COUNTY.

Eleven of the persons who received grants in fee were not resident in the county. Of these six (marked +) were Old English families whose land titles could be traced to the 15th. and 16th.centuries and two, Draycott and Exham were of the British settlement. They were as follows:-

No. in appendix: Acreage profitable

	<u>chapter one.</u>	<u>in BSD</u>
Gerald Alymer, Balrath County Meath.	N/A	(To Lord Louth)
*Christopher Barnewall,+ Shankill, County Dublin.	75	325a.3r.00p.
*Nicholas Darcy, + Platten County Meath,	78	790a.0r.00p.
John Exham Dublin.	N/A	(Chapter eight)
*Patrick Fitz-Stephen Dowdall,+ Gaulstown County Meath.	76	250a.0r.00p.
Henry Draycott Mornington County Meath.	90	191a.2r.00p.
Garrett Fleming, County Cavan.+ *Randall Fleming,+	80	166a.0r.00p.
Baron Slane, County Meath.	79	395a.2r.00p.
William Gough Dublin.	81	198a.0r.00p.
*James Talbot, Malahide,+ County Dublin	85	1562a.1r.00p.
TOTAL.		3879a.0r.00p.

273. For the Clintons of County Louth see James B.Leslie "The Clinton family in County Louth", Louth Arch.& Hist.,Jn., V.2 No.3 & 4 (1910-11) P.398-412 including the "Clintons of Clintonstown P.405-11" and T.G.F.Paterson "Clinton Records", Ibid., V.12 No.2 (1950), P.109-116; Tallon Submissions and Evidence., No.776 and Deputy-keeper's Report, No.673 innocent protestant restored to 887 acres; King's Inns Library "Prendergast Papers" Loc.Cit.,V.2 P.869 the delinquency of James Clinton; for Sebastian's proceedings against Legge see N.L.I.Ms.31 P.106.

In all of the cases marked *, the existence of a trust to uses was referred to as the title of the claimant. Christopher Barnewall was the son of Robert and was three years old at the outbreak of the insurrection. His father had been indicted for his part in the insurrection and there were several allegations made against him by the discrimination office. He was however deceased. 274 In the case of the Darcys the estate had been the subject of proceedings in the court of common pleas in 1637 to enable a recovery to be made by Nicholas Darcy the elder, one of the claimants, to the use of himself for life, thereafter to his son and heir George and the heirs male of his body. By virtue of this "and the statute of uses" Nicholas became seized of the premises for life, remainder to George. The latter was survived by his eldest son Nicholas "the younger" the second claimant who sought the remainder. Nicholas the elder had been outlawed in County Meath and was also on the record in the discrimination office. The decree of innocence was granted to the younger Nicholas in fee. Later, under the second court of claims, Nicholas the elder entered a petition and claim in respect of estates in Dublin, Louth, Meath and Westmeath, "as an innocent

274. Barnewall sought inter alia the restoration of "chief lord of the manor of Ardee and Balrothery [County Meath], County Louth several lands, tenements gardens and backsides in Ardee viz., the demesne lands, Babesland, Mullaghmoylin, Mullaghdrillin and Castleyeard; the town and lands of Stackillin and Cruice's land cum pertinent' County Louth" Tallon Submissions and Evidence, No.608; Deputy-keeper's Report No. , 581 restored to 1,462 acres in Dublin and Louth; see also the earl of Carlingford who appears to have acquired the Barnewall interests in Ardee about this time.

person and under a king's letter dated 1660". 275 In the case of Randall Fleming, lord baron of Slane, the premises had originally been held by William who had been outlawed but since deceased, thereafter they passed to his eldest son Charles, also deceased, by virtue thereof "and the statute of uses", the property and title passed to the second son Randall. 276 Patrick Dowdall claimed properties in the barony of Ferrard and elsewhere in County Meath, on the basis of a trust established at the time of the marriage in 1637 between his father and Anne Dowdall the daughter of Nicholas Dowdall of Brownstown County Meath. He proved his innocency and was awarded a decree accordingly. 277

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275. Tallon Submissions and Evidence, No.543 and Deputy-Keeper's Report, No. 498 restored to 8,630 acres in Meath, Louth and Dublin; I.R.C., 8th.Report, undated reference to petition and claim of Nicholas Darcy Platten and Nicholas Darcy Jr., grandchild and heir, report [missing] to commission on petition and claim etc., claimed as an innocent person and under king's letter dated 1660.
276. Tallon Submissions and Evidence, No.225, claimed inter alia, "Aclint, Mullaghbane, barony of Ardee, the manor of Dundalk cum pertinent', Belachincoly County Louth", Deputy keeper's Report, No. 215, Randall Lord Baron of Slane restored to 13,665 acres.
277. Tallon Submissions and Evidence, No.839 Patrick FitzStephen Dowdall, Gallstown County Meath claimed inter alia, " a freehold with many houses or tenements in Termonfeckin, County Louth possessed by the now Lord Primate, Dales and Kilclogher County Louth with an orchard in Drogheda, this is a lease from the see of Armagh possession Lord Primate. A freehold in Collon with ten houses County Louth and parish of Collon, possession Lord Viscount Moore, a freehold in Dunany and Corstown County Louth and barony of Ferrard, three houses cum pertinent' in the city of Dublin parish of St.Audian possession '49 Trustees"; not in Deputy-keeper's Report; see McNeill and Otway-Rutven (eds)., Dowdall Deeds, Op.Cit.,P.348-49 agreement between Dowdall and William Cheevers, inter alia, payment of proportions of costs due to Mr.Clarke for "recovering the said lands in the court of claims"; in October 1688 the earl of Drogheda conveyed 60 acres in Collon to Patrick Dowdall, alias Sir Stephen Dowdall Gallstown County Meath, N.L.I., "Drogheda Papers" D.21,517.

Richard Talbot of Malahide County Dublin.

A decree of innocence was granted to Richard Talbot, for the remainder of the estate of John Talbot of Malahide, which included the manor of Castlering and Louth in the barony of Louth. A claim had also been made by the latter, as his father's heir, to a life interest in the estate. John had however been outlawed but was one of the thirty-six mentioned in the Gracious Declaration for restoration notwithstanding any outlawry. The outcome of these proceedings was to grant the remainder to Richard with one-third of the estate "left to law". The one-third left to law was a claim for an incumbrance on the estate to the extent of 643a.1r.24p., by a James Talbot who appears as a proprietor in the BSD. The estate was later the subject of litigation passing subsequently by sale from the Talbot family to John Keating the chief justice of the common pleas who obtained a patent for it under the commission of grace 1684. 278 See forward chapter seven.

Garrett Fleming of Castlefleming.

Garrett Fleming of Castlefleming was one of the fifty-four persons mentioned in Clause CXLVIII of the Act of Explanation as one of those "in the said former Act" to be restored to their former estates "and for whom no provision hath yet been made". This suggests the possibility that his case was not dealt with by the first court of claims; thus the proviso in the Act of Explanation. He appears to have been the heir of George Fleming, the forfeiting proprietor of Laggan and Crowmartin in the parish of Clonkeen, barony of Ardee and to other lands in Cavan and Meath. His case was dealt with by the second court, which,

278. Tallon Submissions and Evidence, No.175;
Deputy-keeper's Report, No.164 3,891 acres restored, in
remainder, Louth and Dublin, one-third left to law.

following a report on his petition and schedule, was ordered to have his lands in Louth and Cavan restored to him. As persons restored under Clause CXLVIII of the Act of Explanation and claiming lands in excess of 2,000 acres were liable to have the excess retrenched, this may explain why the Meath lands were not restored. 279

Gerald Alymer of Balrath County Meath.

Gerald Alymer was the son of Sir Christopher Alymer of Balrath, County Meath, and grandson of Gerald Alymer of Balrath, the husband of Mary the dowager Lady Louth. In his petition and claim before the court Alymer specified certain lands in County Meath, as well as "the manor, town and lands of Heynestown, Reynoldstown, Gibstown-Palmer and Priestsland called Carnanbrege, barony of Dundalk and Channonrock, Coolcreedan and Drumcarroll in the parish and barony of Louth". He claimed that these premises had been set out in a trust to uses created at the time of his father's marriage in 1637 to Margaret Plunkett and in consideration of a marriage portion of £600 paid him by Lord Louth. The intention was to create an estate of inheritance for Christopher with provision of a jointure for Margaret, consisting of the County Meath lands, owned by Gerald Alymer and the County Louth lands which were part of Lord Louth's estate. However the latter had been mortgaged to Messrs. William Lock and James Brine, both of Dublin, in order to raise the £600 marriage portion. The former was also appointed one of the trustees.

Gerald Alymer was reported to the court as having been indicted and the discrimination office also made allegations concerning

279. 8th. Report, Irish Records Commission, P.268, "lands to be confirmed to him as one of the 54 persons in the Act of Explanation, Report on Petition and schedule lands in Louth, Cavan and Meath.

his involvement in the insurrection. There was however nothing reported against his son Christopher or his grandson Gerald and on the basis of the latter's claim to the residue of the trust to uses he was granted a decree of innocence. In January 1679 Alymer conveyed his interests in the County Louth lands to Matthew Lord Louth acknowledging "that neither he nor his grandfather had any interest in these lands" other than in a mortgage of £1,000 passed to his grandfather by Oliver, late Lord Louth, on the lands of Carrickdexter, Cruicestown, Barristown and Pig's Hill County Meath. 280

Henry Draycott Mornington County Meath.

Henry Draycott was a direct descendant of the original Henry who came to Ireland about 1⁵37-40 as part of St.Leger's retinue, first as comptroller of the pipe and later as chief remembrancer of the exchequer. The Draycotts had intermarried with Old English families and became catholic. John, Henry's father, was implicated in the insurrection and outlawed. He had married Elisabeth daughter of Richard Talbot of Malahide in March 1639/40, at which time the Draycott estates and in consideration of a sum of £1000 paid by Talbot were transferred, in a trust to uses, to John and his wife Elisabeth for life and thence to heirs male. The latter was Henry's title. The lands in County Louth were the properties of the former monastery of the crutched friars of Dundalk which had been acquired by the first Henry at the time of the dissolution of the monasteries. Draycott subsequently encountered difficulties in the implementation of his decree for the Dundalk properties; Viscount Dungannon's patent containing a saving for

280. Tallon Submissions and Evidence, No.853; Deputy-keeper's Report, No.748 "Garrett Alymer son of Christopher, son of Garrett", restored to 3,303 acres in fee, 1,044 acres in remainder and 864 acres dismissed to law in Meath, Louth and Dublin suburbs; N.L.I., "Plunkett Papers".

Draycott only in respect of "as much as lay without the town and suburbs of Dundalk". 281

John Exham of Dublin.

John Exham was a Dublin lawyer and an official in the court of chancery c 1660. He was a protestant and did not have any properties in County Louth at the time of the insurrection. In 1648 he acquired the estate of Richard Weston consisting of ninety acres of land in Lisbalregan and other parcels of land in Dundalk. In his claim Exham stated that Weston, "long before the rebellion" created a trust to uses for himself and his wife Ismay for life, thereafter to his heirs and for want of issue, to another Weston of Dublin deceased. Richard Weston and his eldest son John died before the insurrection and his second son Patrick three months afterwards. Weston of Dublin's son Thomas, a protestant, having obtained seizen of the premises, sold them to a William MacAway in 1644, who in turn sold them to Exham in 1648. The latter claiming as a protestant sought confirmation of his title. Exham was granted a decree "at large" but was left to law to recover, an understandable decision since Exham was not the proprietor in 1641. 282 He is shown in the BSD as the proprietor of the lands in 1641 as well as in the Restoration period.

281. Tallon Ibid., No.226; Deputy-keeper's Report, No.216, restored to 3489 acres in County Meath; N.A. "Pyke-Fortescue Papers", 1004.1.3/1-4 orders and injunctions to put Draycott in possession, refusal of Lord Dungannon to comply, exclusion of town properties from grant to Draycott.

282. Tallon Ibid., No.810; Deputy-keeper's Report., No.704, "John Exham, Stephen Duffe, William Dillon, Edam.Talbot, Thomas Weston and William Macuway, decree "quoad ad hoc".

William Gough Dublin.

William Gough son and heir of Edward Gough an alderman of Dublin and nephew and heir of Patrick Gough also an alderman of Dublin claimed title, inter alia, to Martinstown, parish of Port and barony of Ferrard, 120 acres and Knocknegor, parish of Heynestown barony of Dundalk, 60 acres in fee and a mortgage for £120 on Stormanstown 120 acres, all in County Louth. Mortgage claims were also made in respect of several properties in Newtown-Monasterboice and in the town of Drogheda. The Goughs may have been engaged in the business of money-lending by which they could have acquired their lands in County Louth. In 1633 a William Gough was licensed to convey lands in Walterstown to Edward Bolton for a fine of £1 and who may have been Patrick Gough's son, through whom he inherited the latter's estate. Although described as an "innocent papist" in an early 18th century document, William Gough may have been a protestant. 283 He is shown in the BSD as the proprietor of the lands mentioned in the Restoration period.

RESTOREES INCLUDING REMAINDERS, RESIDENT IN THE COUNTY, WITH

DECREES IN EXCESS OF 1,000 ACRES.

Four restorees obtained decrees in respect of lands in excess of 1,000 acres in each case, as follows:-

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283. Tallon Ibid., No. 244, Deputy-keeper's Report., No.297, 379 acres in fee restored, 663 incumbrancer, in Louth, Meath and Dublin; N.A.1004.1.5/1-2, original decree of innocence to William Gough.

	<u>No. in Appendix A</u> <u>Volume Two</u>	<u>Acreage Profitable</u> <u>in BSD (Nett)</u>
Sir John Bellew Castletown, barony of Dundalk.	6	5833a.3r.08p.
Nicholas Gernon of Milltown, barony of Louth.	34	1728a.1r.38p.
Oliver Lord Baron Louth and his son Matthew.	47 (Co.Louth)	4774a.0r.30p.
Theobald Taaffe earl of Carlingford.	61 (Co.Louth)	5900a.3r.39p.
TOTAL.		18237a.1r.35p.

In addition to these there was also the case of John Bellew of Willistown and his son Patrick, later baronet, of Barmeath. Although the former does not appear to have submitted any petitions to either of the courts of claims, an estate of 1715.2.00 acres in the barony of Ferrard was the subject of a grant by letters patent to the latter, who was his son and heir, under the commission of grace 1684. For convenience his case, as well as that of Hugh Gernon of Killencoole who also took out letters patent under the commission in respect of an estate of 643 acres in the parishes of Killencoole and Louth will be dealt with in chapter seven which deals with patent grants made under the commission of grace 1684/5.

Sir John Bellew of Castletown, barony of Dundalk.

It is tempting to speculate that the "young Bedloe" mentioned in Carlingford's letter to John Bellew, of 20 December 1661 and who had then "gone into Ireland", was John Bellew the son and heir of Sir Christopher of Castletown. The latter had been the eldest of a family of seven boys and eight girls, one of whom Mary, married Hugh Magennis the second Viscount Iveagh. He was twenty-seven years of age when he succeeded to the Bellew estates in Louth and Meath in 1627 and was a member of the Irish parliament in the

years 1634-41. 284 According to William Moore's deposition of July 1642, Sir Christopher was the second choice of the meeting on Tullyesker hill, (after Oliver Plunkett Baron Louth), to be the colonel of the regiment to be raised by the County Louth gentry, an appointment which was not taken up. Barnewall's second deposition of May 1642 names "one Clinton who was lieutenant unto Sir Christopher Bellew" who "brought from the said Sir Christopher a company of men for the service". Sir Christopher was one of those who, with John Bellew of Willistown, had been appointed in November 1641, by the Irish Parliament to treat with the insurrectionists. He is said to have died soon after the insurrection and in April 1646 it was his wife, the "refractorye Lady Bellew", as Theophilus Jones described her in a letter to Ormond, who made life difficult for the latter when he attempted the take over of the Bellew castle at Dundalk. 285 The civil survey for the barony of Louth lists Sir Christopher as having been outlawed for treason. His record for the insurrectionary period was therefore not very different from others of the County Louth gentry; particularly men such as his kinsman of Willistown.

In October 1660 Sir Christopher's son and heir John petitioned the king for the restoration of his landed inheritance in Ireland claiming that "being a child, to shun the disasters and calamities in that nation" he had been sent to France. That afterwards he returned with Ormond to Ireland where he had

284. Appendix chapter one No.6;

285. N.A., "Carte Transcripts", V.17 P.141.

command of a troop of horse and that for this service all his property had been sequestered. He also claimed that his father had been made governor of County Louth on 30 October 1641 by patent from the king "for suppressing risings in that part of the kingdom" but that he was unable to act because of illness and, surrendering the post, he retired to his house at Castletown where he died. 286 The facts of his petition were certified by Ormond, the Lord Chancellor Eustace, Lords Moore and Montgomery [of the Ardes], Sir John Davies and Sir Arthur Trevor. His petition was granted and an order for restoration to his estates was issued on the 13 October. On the 18 February 1661, the order not having been complied with, a further order was issued to the lords justices in respect of his lands in Louth, Meath and Dundalk. 287

Sir Arthur Trevor was a son of Sir Edward Trevor of Rosetrevor by his first wife Rose Ball and therefore a half brother of Colonel Mark Trevor. He was an eminent lawyer and served as Ormond's Agent at the king's court at Oxford during the English civil war. He claimed to be well acquainted with Irish affairs. In addition to providing supporting evidence for Bellew he also provided a similar service to Hugh Magennis, Viscount Iveagh, suggesting that he had been retained by these in the preparation of their petitions to the king. 288 In the months of September and November 1661 Bellew pursued his claim for restoration, by way of

286. Cal.S.P.Ire., 1660-62, P.48-9.

287. Ibid., P.222.

288. For Arthur Trevor see O'Sullivan "Trevors of Rosetrevor" Loc.Cit., P.112-17, 145-48 and 166-67.

petition and claim, before the court of claims established under the Declaration and subsequently by way of an action in the court of exchequer where he obtained an order of restoration to such portions of his estate as was then held in charge by the exchequer i.e., lands not held by soldiers or adventurers. 289 This decision would have excluded from restoration the lands about Dundalk which had been granted away by Oliver Cromwell to Robert Reynolds in 1655. Clause CLXXX of the Act of Settlement contains a proviso for the restoration of John Bellew to the estates formerly held by his father on the 22 October 1641, in as large and ample a manner as had been enjoyed by the latter. On the 4 August 1663 Bellew had his case considered by the court of claims established under the Act of Settlement, not on the basis of innocency but on the basis of the proviso contained in the Act. The court found accordingly and issued a decree that he be restored "in specie", probably on the face value of the proviso. 290 While the decree concludes with the usual peremptory order to the respective sheriffs to "quiet" Bellew in the premises; not being a decree of innocence the requirement for prior reprisal for Reynolds, before Bellew could be given possession, would seem to have been applicable. This may explain a further action taken in the exchequer by Bellew in May 1663 where following inquisition it was found that Reynolds held "by pretended letters patent dated 7 December 1657 from the late usurper Oliver"; that 1071 acres in Castletown, Killen and Fullamorebegg "belonging to Sir

289. Preamble to Bellew's decree of innocence a copy of which is in O'Sullivan "Cromwellian and Restoration Settlements in the civil parish of Dundalk" Louth Arch. & Hist., Jn., V.19 No.1 (1977), P.53-8; Bellew is not mentioned in Tallon or in the Deputy-keeper's Report.

290. Ibid., Decree of innocence, P.57.

John Bellew is discharged by order of the court of exchequer" and that the jury did not find any right title or interest in the said lands, granted by the king to Reynolds. 291 This was in effect a finding of defective title in respect of Reynold's estate and conferring in turn, a right on Bellew to recover the lands in dispute. Full restoration of the properties contained in his decree was not accomplished without further action. The second court of claims in March 1665/6 ordered a savings to be made in Lord Dungannon's grant, in favour of Bellew, in respect of houses etc., in Dundalk and it was not until July 1672 that agreement was reached by way of arbitration with the corporation of Dundalk for a restoration of Bellew's rights to two-thirds of the tolls of the town and which had been included in the decree. 292 In 1667 Bellew created a trust to uses, conferring the lands of Bellewstown County Meath on his mother, for her life, the premises at Castletown as a dower for his wife with remainder of all the premises to Walter his eldest son and heir. 293

Nicholas Gernon of Milltown, barony of Louth.

The tendency of the Old English gentry of County Louth to maintain the integrity of their respective kin or family groups

291. Inq.Laq., Car.11 15th.year.

292. 15th Report Irish Records Commission, "Abstracts of Grants", P.299; N.A. "Record of the Rolls (Lodge) V111, 1A.53-57, P.378.

293. Ibid.

is best exemplified by the Gernons. As well as the practice of intermarriage, marriage settlements and other trusts to uses were resorted to, to ensure as far as possible that Gernon lands would not be alienated for want of male heir. The Gernons of Milltown typified their kind. They were settled in Milltown at least from the early sixteenth century and the fact that one of them, George, was a remainder in a trust to uses, made by Sir James Gernon of Killenchoole in 1558 suggests a close affinity with the latter branch of the family. 294 At the beginning of the seventeenth century the estate was held by Nicholas Gernon who had legal training and was a member of the King's Inns in Dublin in 1607. His son George succeeded to the estate after his death in December 1623 and he too had legal training having been enrolled in Lincoln's Inn in London in 1615. The latter married Joan Hall a widow, who had been previously married to a man named Duffe from Drogheda. They had a daughter, named Elisabeth. In 1625 "for the settlement of his estate in his name and family", George created a trust to uses, to himself and his heirs male, for want of such issue to his brother Henry for his life and thereafter to the son of the latter issuing from his marriage with Margaret Tallon. He died shortly afterwards and was succeeded by his brother Henry who held the estate in 1641. Following his death, his widow Joan remarried to Patrick Gernon of Gernonstown.

294. Appendix A Volume Two No.33 & 34; Tallon Submissions and Evidence, No.783 gives details of the trust to uses 1625, Henry Gernon indicted, in the Crown Office details of Henry Gernon's participation in meeting at Tullyesker fo.49, 336, 338; in the discrimination office Nicholas Gernon subscribed file of indentures for electing burgesses the Supreme Council Kilkenny; for details of the several marriages of Joan Hall see N.A., Pyke-Fortescue Papers 1004.1.9/2.

Henry Gernon survived the years of war and died in 1665/6. His son and heir was Nicholas who lodged a petition and claim with the court of claims and which was dealt with in August 1663. 295 He sought a decree of innocence and the remainder to the estate left him by the deed of 1625. His father Henry is referred to in the civil survey for the barony of Louth as having been outlawed and as a "captain in the army in the beginning of the rebellion", an evident reference to his appointment as a captain in the regiment formed at Tullyesker hill in 1641. The court awarded Nicholas a decree, as an innocent papist, that he should be restored to the estate claimed, immediately after the death of his father, with a savings of the Grange of Ballrode near Milltown to Richard Bolton, son and heir of Thomas, remainder to Sir Richard Bolton.

The Gernons do not appear to have served in the king's army abroad during the period of the Commonwealth, and the fact that Nicholas died in Warton county palatinate of Oysterly in 1666 suggests that he may have spent that period in seclusion in England. 296 In the early years of the Restoration period the Milltown estate seems to have been parcelled out, the lands around Dromiskin to the archbishop of Armagh, from whom the Gernons had previously held the freehold of the lands in question; one hundred and twenty acres in Dunbin and three acres in Gibbstown Palmer to a Hugh Roe O'Neale, the remainder to the earl of Carlingford in custodium. 297 The lands held by the latter

295. For details see copy of Nicholas Gernon's decree of innocence N.A.CO.1755; and *ibid.* Pyke-Fortescue Papers 1004.9.1-5; Deputy-keeper's report, No.679, Nicholas Gernon son of Henry, brother of George, restored to 1944 acres in fee; it should be noted that the decree was in remainder.

296. N.L.I. Ms.31., P.203.

297. John Bellew's Account.

consisted of Walterstown, Newtowndarver, Corbollis, Evettstown, Woottenstown and Allardstown. The terms of the decree awarded to Nicholas, being a remainder, did not allow him to recover the estate until after the death of his father. Upon that event the estate was to be "immediately put out of charge by the exchequer and the sheriffs of the counties where the premises to which the said claimant is to be restored unto as aforesaid do respectively lie be and are hereby required (from and after the decease of the said father) to give the possession of all and singular the premises unto the said claimant, his agents or assigns". Until this transpired the lands would remain in the hands of those abovementioned subject to whatever arrangement Gernon may have made with them. In the case of the lands held by Carlingford, Nicholas Gernon held them in a tenancy arrangement, paying a rent to Carlingford until 1666. 298 In April of that year he petitioned the court of claims, submitting in his affidavit that he had been restored, by the former court of claims, to "Milltown one castle twelve messuages and sixty acres (except Richard Bolton's interest in the same), Newrath of Dromiskin, three acres Walterstown, two messuages, Terpot, Newtowndarver, Obristown, Corbollis, Evittstown, Woottenstown, Allardstown, Dunbin, and Gibbstown Palmer". Carlingford was required to show cause why the restoration should not be granted and having failed to do so the court found in Gernon's favour. 299

Nicholas Gernon married Elisabeth Plunkett, daughter of Matthew Lord Louth by which marriage they had a daughter Margaret, who eloped with William Fortescue of Newragh in 1681 and was disinherited by her father who, after the death of his first wife, married in 1682, an Ann Notingham, daughter of Peter Notingham, following which he established a trust to uses

298. John Bellew's Account.

299. N.L.I.Ms.31 P.203.

including lands to the value of £500 per annum to himself for life, with remainder to the male heir of the marriage and for want of such issue in tail male remainder to George Gernon of Dunany, thence to Edward Gernon with further reversion to his own right heirs. 300 While the objective of the trust was clear, namely to continue his estate in the Gernon name after his death, this was not to be the case. Milltown and other Gernon lands in Louth and elsewhere eventually passed to the Fortescues, by virtue of the relationship established upon the marriage of Margaret to William Fortescue. While this did not transpire until the late seventeenth and early eighteenth centuries, the relationships which brought it about all occurred in the Restoration period and need to be explained.

There were three main branches of the Gernons, the principal of which appears to have been that of Killencoole, next the Gernons of Gernonstown and thirdly those of Milltown. A marriage connection between the Killencoole and Gernonstown Gernons had been established before 1641 by the marriage of Patrick Gernon of Killencoole, the proprietor in 1641, and Ann the daughter of Edward Gernon of Gernonstown. Their son Hugh made a partial recovery of Killencoole lands under the commission of grace in 1684. In 1641 Gernonstown was held by Patrick Gernon whose son Roger had married Elisabeth the daughter of George Gernon of Milltown some time before the latter died in 1625. 301 Patrick Gernon married secondly George Gernon's widow Joan, the mother of Elisabeth. Gernonstown was confiscated during the Commonwealth as

300. Inq.Lag., 6th. year, William & Mary, Gernonstown 6 September; N.A.Pyke-Fortescue Papers, 1004.1.9/2 for details of descent from Nicholas Gernon.

301. Robert C. Simington "The Civil Survey".1654-56, V.X. P.101;

also lands held by Roger Gernon as part of his wife's dowry. Patrick Gernon seems to have died before he obtained possession of the lands allocated to him in Connaught as the latter are recorded as being in the possession of his wife Joan. 302 They consisted of 480 acres plantation measure in the barony of Ballintober in County Roscommon. In her will dated 23 June 1664 Joan left these lands to George Gernon her eldest grandson, remainders to Patrick and Edward, her younger grandsons, with a further remainder to her granddaughter Ursula. These can be identified as the children of the marriage of Roger Gernon and Jane's daughter Elisabeth. 303 George [of Dunany] and Edward were in turn the remaindermen mentioned in the trust established by Nicholas Gernon of Milltown in 1682. George Gernon was outlawed in 1691 but died subsequently without issue. The title to the estates of Milltown and Ballintober then devolved upon his brother Edward, described as "being now past sixty years of age and having no issue" yielded his title to Milltown to his cousin Margaret Fortecque. Edward died intestate about 1719 after which the Fortecques commenced an action for possession of the Ballintober estate, based upon descent through Margaret Fortescue which was the subject of legal actions in 1736.

Oliver and Matthew Plunkett lords baron of Louth.

Oliver Plunkett, the sixth baron Louth succeeded to his inheritance in July 1629 at the age of twenty-one years and was

302. Robert C. Simington The Transplantation to Connaught 1654-58 op.cit., P.247 15th.Report,I.R.C., "Abstract of Grants",P.276.

303. Ibid., The will of Joan Gernon al Hall widow; P.276 N.A. "Pyke-Fortescue Papers", 1004.1.9/2 the descent from Nicholas Gernon.

unmarried. 304 As one of the leading Old English aristocratic families of the ancient "pale and machery" he was an important political personage and held extensive estates in the counties of Louth, Monaghan, Meath and Kildare. Inevitably he was caught up in the insurrectionary wars and at their end was one of those exempted from pardon and appears to have spent the Commonwealth period in Spain. He had married Mary the daughter of Randall McDonnell the first earl of Antrim in 1634 and had one son Matthew and two daughters Katherine and Elisabeth. Matthew can therefore have only been in his teens when his father fled to Spain. He subsequently followed him into exile where he enlisted in the king's army and served in the action at Dunkirk and was later imprisoned with Sir Maurice Eustace at Chester by the Commonwealth authorities. 305 Both himself and his father were early petitioners for the king's favour, obtaining king's letters, in October and November 1660 for a restoration of so much of their former estates as were not in the hands of adventurers or soldiers. 306 In 1661 Matthew was also in receipt of a king's letter restoring him to the lease of the preceptory of Kilsaran and Cooley, formerly the jointure of his grandmother the dowager Lady Louth and wife of Garret Alymer; an order that was contradicted by the grant to Colonel William Legge. As not

304. Appendix A Volume Two No.47.

305. Micheline Walsh "The Hadsors and some other exiles in France and Spain" Louth Arch. & Hist., Jn. V.18, No. 4 (1976) Cal.S.P.Ire., 1660-62, P.220, 14 February 1661.

306. Ibid. ,P.78.

all of the Plunketts lands in Louth were held by soldiers there is evidence that some recoveries were made before the commencement of the proceedings of the court of claims established under the Act of Settlement. Both Plunketts had petitioned the king for the inclusion of a proviso in their behalf in the Bill of Settlement and which was referred to Ormond and the committee for Irish affairs, but nothing came of it. 307 The Plunketts had therefore to depend largely on Matthew being able to prove his innocency before the court of claims.

On the 6 November 1662 Matthew Plunkett, as the son and heir of Oliver Lord Baron Louth, submitted a petition before the court of claims, in which he set out that his father had made a claim to the court, established by the commissioners under the Gracious Declaration, in his absence and without his knowledge. 308 He referred to the particulars of the marriage settlement entered into by his parents, whereby he was entitled to the remainder and sought to have his interests saved to him as an innocent person. Without the evidence or other information regarding the proceedings of the first court it is impossible to state the reason for this submission by Matthew, except perhaps, that he sought to avoid any further pursuit of his father's claims, who was described in the discriminations at the hearing as "outlawed". By standing upon his innocence and his rights under the marriage settlement he could have a reasonable expectation of being awarded a decree of innocence and the restoration of his

307. Ibid., P.220 petition and king's letter, P.261 lease to Legge and P.675 petition for a proviso.

308. Tallon Submissions and Evidence, No.678; Deputy-keeper's Report, No.592, Matthew Plunkett restored "in remainder" to 7,275 acres in Louth, Drogheda, Meath, Kildare and Monaghan; There is an undated reference in the 8th.Report Irish Records Commission, P.279 to a report on a petition and claim by Oliver Lord Baron Louth and referring also to a king's letter of 18 November 1660.

remainder. In this he was successful; nor did his father make any petition to the court, a course which was probably agreed upon between them. Matthew's petition came to hearing on the 29 July 1663 where, in addition to Attorney-General Domvile, Arthur Annesley earl of Anglesey, John Lord Viscount Kingston [of Merrion], Mark Lord Viscount Dungannon, John Lord Viscount Massarene and "others" appeared as defendants. 309 A decree of innocence, in respect of the remainder claimed, was issued to Plunkett dated 20 August 1663, with three sheriffs' injunctions, one each in respect of the lands in Louth, Meath and Kildare and amounting in the aggregate to 7,275 acres P.M., most of which was in the county of Louth.

The decree opens with a recital of all the lands involved in the claim which included details of the lands of the preceptory of Kilsaran [by now in the occupation of Colonel Legge] and the marriage settlement made in respect of his grandmother. This is followed by details of his parents' marriage settlement, dated March 1633, including the lands in his mother's jointure and followed by a further recital of the lands included in Matthew's remainder, included Kilsaran. The decree found Matthew an "innocent papist within and according to the intent and true meaning" of the Act of Settlement and ordered that he be restored in remainder. An exception was however made in regard to the lands of the preceptory of Kilsaran on the grounds that "the claimant had failed to make due proof of his title "and that he

309. Ainsworth's Report No.165 in the N.L.I., refers on P.1592 to a decree of innocency in favour of Matthew Plunkett dated 29 July 1663 and three decrees of the court of claims dated 20 August 1663 ordering his restoration on the death of his father; The Plunkett family papers on which this report is based are in the N.L.I., but are unclassified and uncatalogued in 17 boxes; box No.48(6) contains the original decree of the 29 July 1663, while the injunctions are in box No.48(2), All these documents are worn and are difficult to read; however two copies of the original decree of innocence are in existence, one in N.A., "Pyke-Fortescue Papers" 1004.1.2/2 and the second in P.R.O.N.I. "Massarene Papers", D.562/106.

be left to take his remedy in law or equity for the recovery thereof". The decree concludes "that the premises (except before excepted) shall be immediately after the death of the said claimant's father Oliver, Lord Baron Louth and after the death of the said Dame Mary his wife and the said claimant's mother as aforesaid respectively, be put out of charge in his majesty's court of exchequer and that the respective sheriffs of the counties....give possession of all and singular the premises (except before excepted) unto the said claimant....". This was but a first shot in Matthew Plunkett's struggle to regain his inheritance, a struggle complicated by the fact that his father lived until 1679. Apart from any local resistance that may have emerged after the promulgation of the decree, it became inevitable that the case would come before the second court of claims. When it did, it came by way of a proceedings on behalf of his father Oliver Lord Baron Louth. 310

On the 16 February 1666/7 Oliver Lord Baron Louth appeared by way of petition and schedule before the court of claims, setting forth that "by virtue of [the king's letter], under the privy signet dated 12 November 1660 and by a clause or proviso in the said Explanatory Act" he was lawfully and rightfully entitled to the several lands, tenements and hereditaments set out in the schedule and petition. He sought the adjudication of the court and a certificate to enable him to pass letters patent under the great seal. The case came to a hearing again on the 31 May 1667 following which the court issued a decree in favour of Lord Louth. The decree commences with a recital of the king's letter of the 12 November, including Matthew Plunkett's services to the

310. A copy of the certificate issued by the second court of claims to Oliver Lord Baron Louth enabling him to pass letters patent, together with Ormond's fiand regarding the same, are in P.R.O.N.I. "Massarene Papers", D.562/105

crown in "the reduction of Dunkirk to obedience" and his imprisonment in Chester and the order given by the king, restoring Lord Louth and his son Matthew to such lands, "as have not been set forth for adventurers or soldiers". It then refers to "a proviso or clause in the said Explanatory Act, expressed as followeth in these words, that is to say, page one". In the copy of the decree which has survived these words are missing. The decree then refers to the provisions in clause CXLVIII of the Act making provision for the fifty-four persons named therein to be restored to their principal seats and 2,000 acres adjoining. The decree then proceeds to award Lord Louth a grant of 1142a.2r.00p in the barony of Louth, mostly in the parish of Louth specifying that he "was in the actual seizen and possession" of the lands mentioned "upon the two and twentieth day of October 1641 and likewise "upon the two and twentieth day of August 1663 according to the said proviso or clause in the said Explanatory Act before mentioned". It made further provisions, saving Matthew's rights of inheritance as also the rights to marriage portions of £600 each to Katherine and Elisabeth, the sisters of Lord Louth. The decree concludes with the certificate of the court enabling Lord Louth to pass letter patent in respect of his grant.

The use of the word "proviso" is misleading in that it suggests that Lord Louth had a proviso on his behalf contained in the Act. This was not so, albeit one was sought, but not granted, before the enactment of the Act of Settlement. The relevant clause in the Act was CLVII which made provision for persons who were restored by means of king's letters (letterees), to lands formerly held by them on the 22 October 1641, and who had actual possession of the lands in question on the 22 August 1663. This was the "clause or proviso" referred to in the decree. It provided that the process of restoration should be the same as that applicable to the fifty four persons named in clause CXLVIII. A feature of this restoration process was the requirement to pass letters patent and distinguishes such a decree from a decree of innocence. In the case of the latter the

decree granted possession to an already good title while in the case of the former the grant was in respect of lands already forfeited to the crown, thus requiring a new title to be taken out. Lord Louth does not appear to have passed the letters patent (although it was a requirement that this should have been done within six months of the issue of the decree). In 1680 his son Matthew, following the death of his father in the previous year, passed a patent the details of which are to be found in the Grants and which correspond with those given in the decree.

The total acreage of the lands restored to Lord Louth in the county of Louth was 6,937a.3r.26p., P.M. of which in excess of 2,000 acres were located in the barony of Ardee. Recovery of these and the other lands contained in his decree was complicated by the fact that he could not succeed to them until after the death of his parents. The surviving evidence suggests that the decrees awarded to the ex-soldiers in the barony of Ardee by the second court of claims provided that the lands occupied by them and due to come to Matthew Lord Louth upon the death of his father was to be held by them only during the lifetime of Oliver Lord Louth. How the ex-soldiers were to be reprised in such circumstances is not known but the surviving records in the Louth Papers suggests that Matthew engaged in a process of buying them out over time. As early as 1661 he had acquired Andrew Lloyd's interests in Tallonstown for £400, a deal that was not completed until November 1669 and which seems to have been funded by way of a statute staple debt incurred with Sir William Aston of Richardstown and discharged in September 1663. In December 1674 Matthew purchased the interests of William Jones, who had a grant of 130 acres in Reaghstown during the lifetime of Lord Louth, for £89.15s. The letters patent granted to Matthew Lord

Louth in 1685 includes the following lands in the barony of Ardee:- 311

	<u>acres.</u>	<u>Commonwealth grantee.</u>
Charlestown.	289.3.00.	Henry Townley
Great Arthurstown.	16.2.26.	William Armitage
Little Rathbody.	40.0.00.	Edw.Martin via earl of Carl'd.
Reaghstown.	284.0.00.	John Pierce & William Jones.
Rathgory.	115.3.00.	Not known.
Obristown.	127.0.00.	Sir Thomas Stanley.
Rathlust.	69.0.00.	William Armitage.
Knocktleve al'Montana.	342.2.05.	Not known.
Total.	1284.2.31	

As well as seeking to recover lands restored to him in the barony of Ardee Matthew had also to recover the lands granted to his father by the second court of claims as well as other lands held by the Alymers of Balrath, both of which appear to have been the subject of incumbrances. In the case of the former, Matthew paid the earl of Anglesey £220 in July 1680 in satisfaction of a debt to recover the lands in question. 312 In 1679 Gerald Alymer acknowledged that his only interest in the lands was a mortgage

311. Ibid.,D.562/103 patent grant dated 23 December 1685; N.A., "Patent Rolls of James 11, William and Mary (Lodge)",Book 1A.53-57 No. 242 Pepper to Lord Louth 1687 and No. 384-6 Matthew Plunkett Lord Baron Louth; records of Plunketts land dealings at this period are in N.L.I. "Plunkett Papers",Boxes 48(2) - 48(5).

312. The agreement with Alymer is calendared in Ainsworth, Loc.Cit.,P.1598, a second parcel of lands largely in the parish of Louth was the subject of a second agreement involving Sir John Bellew and the earl of Anglesey dated 2 July 1680 is also calendared Ibid.,1599-20 and are included in letters patent dated 15 February 1680/1 in respect of 1,142 acres P.M. 15th.Report, I.R.C., P.270.

entered into by Oliver lord Louth in the sum of £1,000 with his grandfather and agreed to pay Matthew an annuity of £100 out of the lands until the debt had been repaid. This had been accomplished by 1685 as the lands in question were included in the letters patent of that year. The latter related to an aggregate of 4,774 acres P.M. the discrepancy between this figure and the lands originally decreed can be explained partly by the fact that some denominations were left to law and were not recovered and others, which had formed part of the grants made to Legge and Erasmus Smith do not appear to have been recovered by Matthew Plunkett. Furthermore it is not entirely certain that all the Louth estate had been incorporated into the patent. The figures contained in BSD suggest he made a total recovery of 4774 acres.

Continued in Section two.

311. For the Taaffe family see Dictionary of National Biography, P.284-5; Local History of Ireland, P.287-92 and Viscount Charles Taaffe Annals of the Family of Taaffe, (Vienna 1864), P.1-17.

CHAPTER FIVE.

THE RESTORATION SETTLEMENT, PART ONE SECTION TWO.

Theobald Taaffe Earl of Carlingford, the cuckoo in the nest.

While any detailed examination of the family background and career of Theobald Taaffe would go outside the boundaries of this particular study, some outline of his family and career is however necessary in order to understand the process whereby he amassed such extensive estates of land in Ireland in the Restoration period. 313 He was the eldest son of Sir John Taaffe, who was created Baron Ballymote and Viscount Corren in Sligo in 1628 and grandson of Sir William Taaffe, the second son of John Taaffe of Braganstown in County Louth. Sir William served as a captain of a troop of horse in the Elizabethan forces pitched against Hugh O'Neill earl of Tyrone in the nine years war during which he acquired a reputation as a soldier, as well as substantial landed estates in the county of Sligo, where he appears to have served in the forces of Sir Richard Bingham and was sheriff of the county in 1591. Following the recall of Sir James Fullerton to England in the early years of the reign of James 1 he acquired from him the manor of Ballymote and in the "freeholding" of Sligo in 1617, he became the chief lord of the lands assigned to the McDonaghs of Corren, who were required to pay him an annual rent. A descendant of one of these, Brian oge McDonagh, had married Theobald's sister Ismay and, dying without heir in the battle of Manorhamilton in 1643, his estates in Collooney passed in reversion to Theobald in accordance with the

313. For the Taaffe family see Dictionary of National Biography, P.284-9; Lodge Peerage of Ireland, P.287-99 and Viscount Charles Taaffe Memoirs of the family of Taaffe, (Vienna 1856), P.1-27.

provisions of the marriage settlement. 314 By the time of his death in 1630 Sir William had landed estates in Sligo, Waterford, Cavan, Cork, Longford, Meath, Westmeath, Kildare, Mayo, Tipperary and Queen's county. In sum his career was little different from that of an Elizabethan or early Stuart "New English" soldier-adventurer in Ireland, avid in the acquisition of landed estate, the basic ingredient for progress within the social scale of the gentry class. His son John, who was knighted in his father's lifetime, achieved the pinnacle of the latter by his elevation to the aristocracy, as Viscount Corren in 1628.

John Viscount Corren and others of the "roman catholic confederates in the province of Connaught" were invited to join in the insurrection of 1641. In a letter from Sir Phelim O'Neill, written at Braganstown by John's son, Father Peter Taaffe the Augustinian, he threatened that if they did not do so, he, Sir Phelim would, after he had reduced Drogheda, "march thither with his army, to spoil and destroy all these that were refractory, for that they were all as deeply engaged in the business as he was and should not withdraw when they pleased".315 His reluctance to engage in the insurrection implied by this letter was never to be tested as Corren died in January 1642 to be succeeded by his son Theobald. The latter had already come to public notice before the insurrection as a member of parliament for Sligo in 1639 and as the only catholic colonel in the force raised by the king, under the command of the earl of Ormond for engagement in the

314. James Christopher McDonagh History of Ballymote and the parish of Emlaghfad, (Dublin 1936) P.91-2.

315. Viscount Charles Taaffe Op.Cit., P.8-9.

Scottish wars. When that force was disbanded Taaffe was one of those commissioned to transport a contingent of it abroad. After the insurrection he was appointed, with Sir Christopher Bellew and John Bellew, to negotiate with the insurrectionists. 316

Theobald participated in the affairs of the Kilkenny Confederacy as general for the province of Munster until the first Ormond peace of 1646 and later, after the second peace of 1648, was made master of the ordnance in succession to Sir Thomas Lucas in 1649. His career as a soldier in this period was as indifferent as his effectiveness in the political arena, where he was perceived as a tool of Ormond by the Old Irish faction and a person not to be trusted. He was vilified by the author of the Aphorismical Discoverⁱ who described him as a "common, cogging, gamester, fit for any stamp". 317 In 1651 he was engaged in the diplomatic mission, appointed to treat with the duke of Lorraine for aid to be sent to Ireland in the struggle against the commonwealth forces and while the mission was not successful it did give Taaffe an entre to the European diplomatic and political scene. Having been outlawed and excepted from pardon for life or estate by the Commonwealth authorities, he sought refuge in the exiled court of Charles 11 in Flanders where he remained until the Restoration. It must have been during this period that he became an intimate of the king, especially as a go-between for the latter in his relationships with his several mistresses, notably Lucy Walter whose first child was adopted by Taaffe and

316. Richard Bellings, History of the Irish Confederation and the war in Ireland 1641-1643, (ed). J.T. Gilbert, (Dublin 1882) V.1, P.30-1.

317. Viscount Charles Taaffe Op.Cit., P.12-13; John T.Gilbert (ed)., A Contemporary history of Affairs in Ireland from 1641-1652, (Dublin 1880) a commentary on Taaffe's capacity as a soldier in connection with the battle of Knocknanuss in V.1.i, P.172-77.

whose second may have been his own. 318

If Taaffe's reliance upon the king's favour was not misplaced his expectation of the lords justices that "none of them but be my friends" was. At best of times, considering Taaffe's background, this could hardly be surprising. However since Taaffe was also in competition for land grants in County Louth, not alone with those having claims to the restoration of theirs, or their ancestral estates, there were others such as the ex-soldiers in the barony of Ardee; Colonels Legge and Trevor; Major Nicholas Bayly, Erasmus Smith and most important of all the duke of York. 319 No small part of the problem lay in the fact that the contending parties could trace the legitimacy of their respective claims to grants made by the king, or on the basis of the provisos included on their behalf, in the Acts of Settlement and Explanation. In these circumstances it is not surprising that the respective courts of claims sought to deal with the contradictions put before them, by a rigid interpretation of the provisions of the Acts, a course which did not always favour Taaffe, whose pretensions were very considerable and entrenched upon the interests of many. It was therefore inevitable that the struggle would be an up-hill one.

As one of those Irish, nominated in clause XXV of the Gracious Declaration as "specially meriting favour", Taaffe became entitled by that provision to be restored to "his former estates", without being put "to further proof" according to the rules and directions of the next preceding clause XXIV which had a disqualifying provision for any such person who took lands in Connaught. It also provided a right of prior reprisal for any

318. Ronald Hutton Charles the Second, King of England Scotland and Ireland, (Oxford 1989), P.77 & 123-5.

319. For Taaffe's letter concerning the lords justices see Chapter Four.

adventurer or soldier being removed, it preserved incumbrancers's rights and allowed compensation to be given for any improvements in the lands in question effected, whether by the landlord, tenant or lessee. The Act of Settlement made further provision for Taaffe as follows:-

Under clause ^c LXXXIX, a right to recover the estates inherited by him in Sligo [manor of Ballymote] and Louth [Harristown and Smarmore] , the persons disturbed by this provision to be forthwith reprised with lands in Connaught or Clare recovered from restored persons, who had been formerly transplanted.

Under clause CCXV, to possess and enjoy to him and his heirs, all the lands etc., which he held by way of custodium. in the county of Louth on the 1 August 1661, in reprise for the McDonagh estate of Collooney in County Sligo which had passed to Richard Coote.

Under the same clause the reversion of the estates of Christopher Taaffe of Braganstown and Theophilus Taaffe held or inheritable by them on the 22 October 1641.

Taaffe had sought to have the Limerick estate of the regicide, Sir Hardress Waller, which had been assigned to him in custodium in March 1661, included in his proviso. A petition to that effect had been submitted to the king in London in the early part of 1662 which referred to an earlier proviso which included a grant to him, of the Limerick estate. He claimed that unless it was included in the Bill of Settlement, his grants would be rendered ineffectual. 320 The issue of the Limerick estate was a complex one in that other influential persons had claims upon it which

320. A copy of the lords justices order of custodium dated 25 July 1661 and particulars of Waller's estate in Limerick are in the "Bellew-Carlingford Papers". For correspondence between Carlingford and Bellew regarding this estate see "Bellew-Carlingford" Papers dated 15 April and 18 May 1662.

were to be expressed in provisos under the Act. These were the bishop of Cork under clause CXXX, Sir Richard Ingoldsby under clause CLXI and most important of all the duke of York under clause CXCIV. Under the latter the estates of the regicides, named in the clause which included Waller, were vested and settled on the duke. The clause further provided that nothing in the Act "shall extend to vest in his majesty, his heirs or successors" the estates in question, a provision which effectively alienated the latter to the duke, who acted through his Irish Agent Dr. Gorge and commissioners appointed for managing his revenue in Ireland. These were Maurice Eustace Chancellor, Roger Boyle earl of Orrery, Arthur Annesley earl of Anglesey, Lord Kingston, Lord Berkeley, Lord Dungan, Sir Allen Broderick, and Sir George Lane. Some of these such as Kingston and Berkeley may have been well disposed to Taaffe, but others such as Broderick were not. As Waller's estates in Limerick, which included properties in the city itself, amounted to 7,139 acres it is not surprising that there were so many persons interested in its disposal. 321

Taaffe through his Agent John Bellew was early on the scene and seems to have gained a substantial control over the Limerick estate before the enactment of the Act of Settlement in July 1662. However the exclusion of the estate from his proviso, must have been the result of hard bargaining in London involving

321. Their signatures are given in a copy by John Burniston of their order as "commissioners for managing the revenue belonging to his royal highness the duke of York in Ireland", dated 20 September granting a lease of 31 years to Carlingford of Hardress Waller's estate in Limerick, "Bellew-Carlingford Papers".

the king, the duke of York and Taaffe. In a letter to Bellew in April 1662 Taaffe reported that he had arrived at a conclusion in his business, "having obtained a proviso for all the lands set out unto me by way of custodium in the county of Louth and for Taaffe of Braganstown and Cookstown estates" and wherein he met with "more difficulty and charge than I expected and had not the king positively appeared in my concernments I had not prevailed". He described the duke of York as having been severe to him "affording me but £600 a year rent charge out of the whole estate of Sir Hardress Waller". Nonetheless he described himself as "well enough satisfied". 322 The nature of the settlement arrived at with the duke is contained in a declaration issued by the duke's commissioners in September 1662, by which time Waller's estate had passed to the latter. 323 In it Taaffe was granted a lease of the same for thirty-one years at an annual rent of £400, "over and above the rent charge of £600 which the said earl hath from his royal highness out of the said estate". The intention behind this arrangement was that the duke would receive the sum

322. See "John Bellew's Account" in Appendix G Thesis V.2 and Bellew-Carlingford Papers letter of 15 April 1662 and a memorandum, signed by Carlingford, undated but c October 1662, with a detailed particular attached, of Hardress Waller's estate in Limerick; the letter contains an account, viz., "that by virtue of his majesty's letter bearing date the 16 March 1660 and the late lord justices order of the 9 August 1661, he held so much of Sir Hardress Waller's estate as is contained in the annexed schedule and by a custodium thereof beginning the 1 May 1661 under the seal of his majesty's court of exchequer there was reserved out of the said lands by the year the sum of £146.12s.10d., sterling, which rent the said earl hath paid unto the exchequer for the year ending at May last as by acquittance may appear".

323. See "Bellew-Carlingford's Papers" for copy of their order granting the 31 year lease.

of £400 rent and that Taaffe would recover the £600 rent-charge from the rentroll of the estate. Provision was also made for an abatement of the rent, should any of the lands comprising the estate be recovered from Taaffe and until the latter was reprised with lands elsewhere. While his agent John Bellew had to fight off other contenders and secure compliance with their obligations, from the tenants and lessees, the estate proved fairly profitable for Taaffe until it reverted to the duke, by means of a further agreement made with him in December 1669.

Taaffe submitted his petition and four schedules to the court of claims on the 6 November 1662.³²⁴ Each schedule gave the particulars of the lands involved in the claim, of which the following is a summary:-

First Schedule.

Part One: The Taaffe estates in Ballymote county Sligo.

Part Two: The Taaffe estates in County Louth held by his father John Viscount Corren, on the 22 October 1641 and after whose death came to the claimant, as son and heir. The following were the particulars:

Smarmore, Hurlestown, Kilpatrick, Roestown, Purcellstown and Farranmacthomas, Harristown, Hoatestown, Stickillen, in Richardstown, in Drumcashel, in Dromin, the tenement held by

324. This detail is from Carlingford's Decree, a certified copy of which, made on the 12 April 1820, is in Appendix H Volume Two Thesis V.2 appendix D; also Bellew's Account for the business undertaken by him in connection with the proceedings in the court of claims etc.

Jennico Taaffe late of the same, Mullacurry, Clintonrath, the Carmelite Abbey [in Ardee] with its precincts and six houses with their gardens viz:

Edward Wiggins house and garden, Batly Cooper house and garden, Thomas Jones house and garden, Robert Lees house and garden, Phillip Hogans house and garden, Patrick Finegan house and garden and one piece of land called Stangemurraybeg about half an acre.

The manor of Ardee purchased by the claimant from Richard Barnewall late of Terenure in the county of Dublin, together with the demesne lands, royalties, chief rents and services thereunto belonging, in and about Ardee, Imprimis:

Vil de Conyle in festo sancti Petri ad vinculo 5 marks, 8s.6d; Rathenagh 13s.4d; villa de Irishtown 3 marks; White of Richardstown 8 marks except 9 pence part west ejusdem vill 10s.8d; John Hoath de Hoathestown 10s; terr.sup., in Kildemock Kildemock parish, 13s.4d; ville de Mosstown 1s.0d; ville de Anglag 1s.0d; Prinefield 2s.0d; villa de Piperstown (?) 12s.2d; ville de Blakestown 2 marks; Halgestown 6 pence per ...; Harlene 6d; Watero Rath 6d; sento fran tenth acre ... 10s.0d; ville de Ardee 5 marks, Crinstown both the New Raths and Dice thereof;

The foregoing claim was advanced on the basis of the proviso contained in clause CLXXXIX of the Act of Settlement, which provided for Taaffe's restoration to the estates in Sligo and Louth held by him or in trust for him on the 22 October 1641. It also contained a condition that the persons disturbed in consequence be forthwith reprised with lands in Connaught or Clare.

Second Schedule.

The claim in respect of the second schedule was based upon the proviso in clause CCXV of the Act of Settlement enabling Taaffe to acquire a grant of the custodium lands in County Louth, in

reprisal for the loss of the McDonagh lands in Collooney County Sligo, provided that such lands were seized and possessed by him on the 1 August 1661. The following were the particulars of these lands, as set out in the claim:-

The town and lands of Waterstown [Walterstown ?] , Drumleck, the forfeited freeholds in Dromiskin viz., belonging to Henry Gernon of Milltown, John Babe of Newry, James Wootten Drogheda, John Draycott of Morningston, James Plunkett Carrestown, Patrick White of Dundalk, Michael Barnewall of Drogheda, Patrick Gernon of Gernonstown;

Bashfordrath alias Comrah and Mooretown, Lurgan and two fairs yearly kept on the same lands of Lurgan, Whiterath, Milltown, the Grange of Milltown, Woottenstown, Mansfieldstown (Sir John Bellew's proportion thereof excepted), Bawn and Mullaghcloe, Derrycammagh, Upper and Lower Gainestown, Ennotstown, Mullaghesker, Rathessine, Kilcronney (the lord of Louth's proportion thereof excepted), The forfeited freeholds in Louth viz., Artony, Horstown, Drumballagh, Lublogh, Creglan, Drumgoolin, Killine intermixed lands in and about the town and excepting the lord of Louth's proportion thereof;

Darver and Newtown, Christianstown, Clonkehan, Corbollis (the lord of Louth's proportion thereof excepted), Kincode, Upper Allardstown, Cruisetown, Parsonstown, Reynoldstown and Garralagh.

Third and Fourth Schedules.

The lands set out in the third and fourth schedules were those of the Taaffes of Braganstown and Cookstown. The former was the senior branch of the family, the proprietor of which in October 1641 was John Taaffe who had succeeded to the estate in 1632, when he was described as being thirty-five years of age and married. He is described in the schedule as having died in 1649

and was succeeded by his son Christopher who was subsequently "expulsed by the late usurper". The latter and his cousin Theophilus Taaffe of Cookstown were referred to in a king's letter of the 31 May 1661 to the lords justices ordering both to be restored to their respective estates. The letter also recognised that their estates were the subject of settlements and entails, the effect of which was that in the absence of heirs male, which was the case for both Christopher and Theophilus, they would pass in remainder to Theobald Lord Viscount Taaffe. Clause CCXV of the Act also provided that the lands, tenements and hereditaments held by Christopher Taaffe or by Theophilus Taaffe, or in trust for either of them on the 22 October 1641, should pass to and be held by Theobald Taaffe, "under the same or like tenures, rents and services as the officers and soldiers by this Act are to hold". The latter would appear to have applied, clauses VII and XXX of the Act to Taaffe, in respect of the lands of Braganstown and Cookstown.

The claim did not come to a hearing by the court until the 15 August 1663, a delay of nine months since the date of lodgement. 325 In the interim the basis of the claim must have been subjected to detailed scrutiny involving, not alone the officials of the court of claims but also the privy council in Ireland. The latter appear to have become involved by reason of the powers, conferred by clause CCXXVI of the Act of Settlement, upon the lord lieutenant and council, to suspend the execution of any proviso and following examination, "in their full latitude", to alter or change the same, or to determine "how far and in what manner the same shall be executed or observed". It was a power that was intended to expire on the 1 December 1662, that is less

325. Ibid.

than a month after Taaffe had lodged his claim. John Bellew's Accounts reveal that Taaffe's proviso was in fact referred to the council and was the subject of petition by him, in respect of which he was heard on a number of occasions, the outcome of which was promulgated on the 10 June 1663 as follows:- 326

"That they did not think fit to suspend the execution of the said first mentioned proviso or clause concerning the said Theobald Lord Viscount Taaffe, earl of Carlingford nor to retrench, alter, change or disallow of the same so far as concerns the said earl otherwise than in manner and form following:

That the said Theobald earl of Carlingford, shall be restored unto and vested in all and singular the messuages, manors, lands, tenements and hereditaments whereof he the said Theobald earl of Carlingford, or John Lord Viscount Taaffe, deceased father to the said earl, or either of them or any other person or persons, to the use of or in trust for them or either of them were seized or possessed upon the 22 October 1641 and that such persons, their heirs or assigns to whom any of the said lands have been set out and who are by said Act of Settlement reprisable for the same be forthwith reprised for the said lands and improvements thereupon out of the first lands that shall come into his majesty in the province of Connaught or county of Clare, by the restoring of any persons to their estates who were formerly transplanted, in such and the same manner as reprisals are to be set out to such persons, as are or shall be removed from the estates of innocent persons and that the said earl, the now claimant, do pay such rent out of the premises as he is liable unto by the said Act of Settlement.

326. Ibid.

The effect of this decision was to order the deferment of Taaffe's other provisos and which related to the second, third and fourth schedules of his claim; those relating to the reprisal/custodium lands in County Louth and the lands of the Taaffes of Braganstown and Cookstown, all of which comprised estates to which prior claims already existed, whether by former proprietors, their heirs or assigns, Commonwealth soldiers and grantees of king's letters or provisos. They were to be joined also by the duke of York, who began to entrench upon the "forfeited" lands in County Louth about this time, probably in compensation for "regicide" lands lost elsewhere. 327

At the hearing of the court of claims on the 15 August 1663 Deering noted that Taaffe claimed as an innocent, as well as the benefit of his proviso, which gave rise to a debate, whether he should "go on upon his innocence and waive his proviso, or upon his proviso and wave his innocence". 328 Considering the decision of the council, which effectively restored him as if he has been adjudged innocent, it is difficult to understand why such a question should have arisen, unless the court, for some legal technicality required him to make such an election. In the event he elected to rely upon his proviso and the court found according to the direction given by the council, subject to a saving for an incumbrancer Patrick French, in respect of the lands of Killina in County Sligo. Deering also noted that Taaffe "did not go on for any part of his new estate". The decision of the court was to

327. "Bellew-Carlingford Papers", the first indication that Carlingford had problems with the duke of York is in a letter to Bellew dated 29 October 1664 in which he states "I know not what the conclusion will be betwixt the duke of York and me".

328. "Deering's Minutes", Appendix 1V No.387 Saturday 15 August 1663.

"except" from their order and decree the latter estate, as well as the lands referred to in the second to the fourth schedules inclusive, declaring that it "will not proceed to the adjudication thereof until the proper time and order for the hearing the like concessions or grants, made by the said Act".³²⁹

Following adjudicating on his claim the court set up a sub-commission whose task appears to have been to verify the particulars of the lands to which Taaffe was to be restored and set out in the decree. This process took some time and was not without dispute. Roger Gregory had laid a claim to the lands of Clintonrath which was part of Taaffe's claim. The matter was referred to the sub-commissioners who found in favour of the latter. ³³⁰ John Bellew's Accounts reveal that a good deal of negotiations and compliance with legal requirements were necessary before the decree was finally issued on the 14 October 1663, Bellew paying a fee of £10 to Mr. Kennedy the clerk of the court for the same. The occasion was marked by a dinner given by Taaffe on the 23 October, attended by the earl of Arran, Lord Inchiquin and two members of the court of claims, Churchill and Sir Allen Broderick. As well as the slaughter of an ox, a sum of 1.16s.0d. was expended on wine and one shilling on tobacco and pipes. Taaffe must therefore have been reasonably satisfied with the outcome. The next month Bellew paid Churchill £113.18s.0d., "acreage monies", presumably the fee of one penny per acre due to the court under clause LVIII.

With the exception of the townland of Garralaugh in the parish of Termonfeckin, all of the lands restored to Taaffe by decree were in the barony of Ardee and therefore necessitated the

329. N.A. "Carlingford's Decree", loc.cit.,; the Deputy-keeper's Report, Op.Cit.,No.733 Saturday 15 August, records a Decree in fee of 15,663 acres in Louth and Sligo with 162 acres left to law.

330. "Deering's Minutes" Appendix 1V, Gregory v earl of Carlingford for some lands called Clintonragh, 13 and 22 January 1663/4, the subcommissioners to report.

removal of Commonwealth ex-soldiers and their reprise with lands elsewhere. The surviving records reveal that this was accomplished in the period after the enactment of the Act of Explanation, borne out by the records in the BSD and the Taaffe Rentroll of 1677. 331 John Bellew's Accounts reveal that legal proceedings had to be taken against Townley and Gregory in respect of Clintonrath where they had "troubled the tenants" in December 1664. He also had difficulties with Sir William Aston, the Commonwealth ex-soldier grantee of over 514 acres in the townlands of Harristown, Hoathestown, Richardstown, Mullacurrin and Roestown. Writing to John Bellew in February 1663/4 Taaffe referred to "Sir William Aston, Captain King and others", asserting that they "may live to repent their injustice to me". In another letter in the following month he advised Bellew that Aston "employs some considerable friends here [London], to persuade me to an agreement with him and to use him favourably, which for ought I find he will not deserve it, but until my arrival my tenants and myself must suffer". 332 Whatever

331. N.L.I.Ms. 13836: "Lord Carlingford's Rentroll" this sets out all the lands in Nicholas Taaffe earl of Carlingford's estate in the counties of Louth, Sligo and Meath showing the income from the various denominations mentioned excluding the "estate of Braganstown and Cookstown, decreed to your lordship after reprisal which would come in the year to £700", there is also reference to lands in Tipperary, the lands in the barony of Ardee yielded £472.05s.00d.

332. "Bellew-Carlingford Papers"; in November 1663 the king issued instructions for the grant of letters patent to Carlingford for the estates restored to him by the Decree and excepting him from the obligation of paying quitrents and on which Ormond gave instructions to the Auditor and Surveyor-General for implementation on 12 February 1663/4; Carlingford to Bellew, letters dated 20 February and 8 March 1663/4 regarding Aston.

agreement (if any) was concluded between them it is clear from the BSD that Taaffe secured completely the lands in question and that Aston must have been reprised elsewhere. The latter obtained letters patent for the residue of his Commonwealth land grant in Louth, amounting to 1076a.3r.00p., in October 1665, none of which included lands restored to Taaffe. He also had a grant of 666 acres profitable in the barony of Carberry County Cork, by letters patent granted in March 1670, which suggests the possibility that the latter was a reprise for lands relinquished in County Louth. 333 Five records exist of the estate restored to Taaffe, by decree, in County Louth in the Commonwealth-Restoration periods namely, the Gross Survey which is incomplete, the survey side of the BSD, the decree of the court of claims, the distribution side of the BSD and the rentroll of 1677. Taking the decree as the base line, the following tabulation shows the correspondence between them, of the lands recorded as held by him in the various records:-

<u>Decree:</u> <u>Ct.of claims.</u>	<u>In Survey</u> <u>BSD</u>	<u>Side</u>	<u>In Gross</u> <u>Survey</u>	<u>In Distribution</u> <u>side BSD</u>	<u>In Rent-</u> <u>roll 1677</u>
Mullacurrin	yes		yes	yes	yes
Richardstown	yes		no	no	yes
Kilpatrick	yes		no	yes	yes
Harristown	yes		yes	yes	yes
Hoathestown	yes		yes	yes	yes
Smarmore	yes		no	yes	yes
Hurlestown	yes		no	yes	yes
Roestown	yes		yes	yes	yes

333. "Abstracts of Grants", Irish Record Commission Report No.15 1825. P.52, 226 and 282, the latter was a Savings to John Hollywood of the benefit of his decree of 99 acres in Painstown.

Purcellstown	no	yes	yes	yes
Drumcashel	yes	no	yes	yes
Dromin	no	yes	yes	yes
Clintonrath	no	no	yes	no
Ardee	yes	no	yes	yes
Raigstown	no	yes	no	no
Garralaugh	no	yes	no	no

The total acreage of the above lands held by Taaffe as shown in the distribution side of BSD was 2045 P.M., of which all but Garralaugh, containing 39 acres in the parish of Termonfeckin, were situated in the barony of Ardee. Garralaugh passed, evidently before 1677 to John Bellew.

The decisions of the Irish privy council and the court of claims were severe setbacks for Taaffe. Despite the high favour which he enjoyed from the king, the Act of Settlement and the subsequent Act of Explanation, with the attendant powers conferred by them, on the courts and on the Dublin administration, substantially limited the exercise of the prerogative in his favour. However when he appeared likely to lose his claims to the custodium and other lands in County Louth it was only by a timely intervention of the king that his affairs were finally settled to his satisfaction. An examination of the custodium lands contained in the 1662 rentroll will reveal discrepancies with those contained in the second schedule of his claim. The claim that the latter were "seized and possessed by him on the 1 August 1661", which was a central requirement of the proviso, contained in the Act of Settlement, was clearly inaccurate. Taaffe sought to have the deficiency corrected by a further proviso in the Act of Explanation. In his letter to Bellew of the 8 March 1663/4 he referred to a letter for his proviso land in County Louth being retarded. 334 He expressed surprise at this, considering it had

334. The rentroll referred to is in "John Bellew's Accounts", Appendix G Volume Two.

been authorised by the lord lieutenant and council, while others, not so strongly authorised had not. This may have referred to negotiations conducted about this time between Bellew and the lord lieutenant. In February these two had a meeting, via the "back-stairs" to his apartments in Dublin Castle, concerning "my lord's letter touching his custodium lands in County Louth". Thereafter, throughout the years 1664 to 1666, Bellew was constantly engaged in legal proceedings in the courts arising from disputes relating to the custodium lands, travelling around the various estates then held by Taaffe in Louth, Sligo and Limerick, seeking to make tenancies and rentrolls secure, dealing with encroachments and the removal of former Commonwealth grantees from the lands decreed to him by the court of claims. He was also engaged on a number of occasions with the lord lieutenant and council dealing with such matters as, a letter from the king of December 1663 on behalf of Taaffe, reducing the quitrents payable in respect of his restored estates to the levels obtaining in 1641, and the contents of the proviso to be incorporated in the Bill of Explanation. 335

The difficulties regarding the custodium lands arose from the fact that in addition to the former proprietors, many of whom were seeking restoration of their estates, there were the other grantees of lands in County Louth whose grants encroached upon the lands held by Taaffe. ^{John} Bysse, who was the chief baron of the exchequer, was no friend of Taaffe or of Bellew and frequently

335. "John Bellew's Accounts".

gave the latter difficulties or "rubs" as Bellew described them, in the grant or renewal of custodium orders. Considering the pressures from the various parties involved, Bysse may not have been any more prejudicial towards Taaffe, than any other might be, seeking to hold the ring in as impartial a manner as possible. In effect it was a situation where all parties were engaged in a scramble for the available lands, using whatever means were to hand, political or legal, including in particular the loopholes and tricks notoriously associated with the latter. Amongst the former proprietors mentioned in proceedings were the Gernons of Killencoole, Kilcronev and Milltown, Clinton of Clintonstown, Dowdall of Killaly and Babe of Darver. 336 In securing evidence as to the basis of the forfeitures involving the former proprietors, the records of the discrimination office were consulted to establish the indictments against such persons as White of Richardstown, Taaffe of Cookstown, Plunkett of Bawn, Gernon of Killencoole, St. Laurence of Cruicestown and Taaffe of Braganstown. This information was subsequently expanded to include the entire county. It is not therefore surprising that the first court of claims, which dealt mainly with claims of innocency by former proprietors, demurred from Taaffe's claim to the custodium lands, since a substantial part of the latter was included in claims coming before the court.

John Bellew's Accounts reveal that a variety of disputes, a number of which were ventilated in the courts, arose between Taaffe and others such as Mark Trevor Viscount Dungannon, Erasmus Smith, Colonel William Legge, Major Nicholas Bayly and, most important of all from 1664 onwards, with Dr. Gorge and the commissioners of the revenue for the duke of York's estates in Ireland. 337 Of these the latter two were the more persistent

336. "John Bellew's Account" Ibid.

337. Ibid.; and see "Bellew-Carlingford Papers", letter of 20 February 1663/4, a reference to the dispute with Bayly that Sir George Lane said had delayed the issue of letters patent to Carlingford.

and were settled only after protracted legal and other proceedings. Bayly's claim was similar to that of Taaffe's in that he too was seeking confirmation of the grant made to him by the king in 1661 and he too had difficulties in securing the lands allocated to him for the reason that they were already in the hands of others such as Reynold's Commonwealth grant of the lands of White of Ballriggeran, in Taaffe's holding of custodium lands and after 1664 by encroachments made by the duke of York on the lands of the former proprietor and letteree, Major Michael Bellew of Verdonstown in the barony of Dundalk, consisting of 1,995 acres all but 12 acres of which ultimately passed to the duke. 338 The lands in dispute between Taaffe and Bayly were Bawn and Mullahullagh in the barony of Ferrard, formerly the property of John Plunkett; Mansfieldstown in the barony of Louth, part of the Taaffe estate of Braganstown; Derrycammagh in the barony of Louth formerly held by Peter Clinton and Barmeath in Ferrard formerly held by William Moore. The aggregate extent of these various properties as taken from the BSD was 1306 acres. Bayly had already recovered an incumbrance on Derrycammagh from Sam. Byfield and with the exception of Barmeath, over which a bitter legal battle ensued between him and Taaffe, he may have had actual occupation of the remaining lands before 1662, as they are not included in the Taaffe rentroll of that year. 339 However the outcome of the

338. For details of the grants made to Bayly see chapter four. John Bellew is shown in BSD as holding 12 acres "by order of ye Crown".

339. The 15th. Report of the Irish Records Commission (1824) contains a number of references relating to Bayly and Read, in P.658 a petition seeking to secure their interests in a lease of land for 60 years in County Louth was referred to the lord lieutenant and read 10 October 1664, in P.660 there is an undated petition stating that the earl of Carlingford is endeavouring to dispossess them of part of their grant on a plea that it had been granted to him in lieu of an estate in Colooney County Sligo; for a reference to Bayly's satisfying Byfield's debt see Tallon Op.Cit., "Deering's Notes" 22 October 1663 and Cal.S.P.Ire., 1663-65 P.385-6.

proceedings of the court of claims, including the decrees of innocence granted to the Gernons of Milltown, Babe of Darver and others increased the pressure on Taaffe to expand his custodium land holdings elsewhere. The clash with Bayly was an outcome of that pressure.

In June 1664 Bellew records a meeting attended by him with the duke of York's commissioners, "touching the lands in Louth, upon the letter sent by his royal highness for having all lands in his majesty's hands by way of custodium or otherwise". 340 This must have been the opening round of the duke's encroachment into County Louth in search of reprisal lands in compensation for "regicide lands" granted away to others, under the provisions of the Act of Settlement; a move subsequently regularised by clause XLIX of the Act of Explanation. The latter provided that in such cases the duke be compensated by the grant "forthwith", of an equivalent amount of land in the counties of Dublin, Louth, Kildare and Cork. Several letters patent giving effect to this arrangement were issued between April 1668 and May 1669 conveying an aggregate of 6,559 acres to the duke, in the baronies of Dundalk, Ferrard and Louth. 341 The proviso included by clause XC of the Act of Explanation on behalf of Taaffe merely confirmed the provisions of the original Act in as full and ample a manner as the earlier proviso without "any retrenchment, change, or other alteration thereof, made by the lord lieutenant and council of Ireland and any other clause, matter or thing in the said

340. "John Bellew's Account", 1 June 1664.

341. "Abstract of Grants", P.187 & 189-90; for copy of grant by Charles 11 to the duke of York of Monyvallid and Toomes, see N.A. "Pyke-Fortescue Papers", 1004.3.2.

former Act, or this present Act contained to the contrary thereof in any wise notwithstanding". It failed therefore to rectify the defect in the provisions of the earlier proviso, regarding the custodium lands, by retaining the condition, that only such lands as were held by Taaffe on the 1 August 1661 could be included in the grant. The duke of York's commissioners soon took advantage of this deficiency. In May 1665 John Bellew retained a lawyer "to follow my lord's business when the news came that his royal highness was to have all the custodium lands in Ireland and all other lands that patents were not passed of". 342 In March of the following year Bellew was making arrangements to join Taaffe in England, who was shortly to depart for Vienna as the English Ambassador to the Court of the Emperor Leopold of the Holy Roman Empire. In May Taaffe advised Bellew that the duke's commissioners were in England "with power to settle my concerns" and required him to "repair hither". The issues between Taaffe and the commissioners were not however resolved before the former departed on his embassy as the following letter to Bellew, dated 8 July from Vienna indicates:- 343

Sir,

Yours of April 13 from Dublin I received last night by which I find that my provisos in the Act of Settlement did not afford me the advantage the king intended, from whom only I can hope for reparation, all others have been severe to me in their proceedings and in regard that my stay here is

342. "John Bellew's Account", 4 May 1665.

343. "Bellew-Carlingford Papers", letters dated 11 May 1666 and 8 July 1666; for Carlingford's correspondence during his embassy in Vienna see "Carlingford Papers" (Osborn Collection) Yale University, U.S.A.; they do not contain anything relevant to Carlingford's land acquisitions in Ireland at this time.

unavoidable, preferring the loss of all my fortune to the disobeying my king. You must supply my place and solicit his majesty for such necessary orders as may restore me to what the commissioners have severely adjudged against me, wherein I presume, you will meet no difficulty or delay, considering the assistance of my Lord Arlington will afford you, who I am sure is my friend. You must likewise make your applications to his royal highness and my lord chancellor to both whom I have written and am persuaded neither of them will countenance any unjust or rigorous proceedings of Doctor Gorge. You are to wait on Sir Heneage Finch his majesty's attorney-general, who drew my proviso, being my friend and counsel he will direct and assist you to obtain from the king what may supply the deficiencies therein, as also on my Lord Arlington, to whom I recommend your concerns as the likeliest to be able to do you good. If my Lady Fenton be in England or Ireland send her this enclosed letter and I am persuaded she will order the payments of the rents due upon her to you or to whom you direct. Mr. Williamson will convey what letters you write unto,

Your affectionate kinsman to serve you,

Carlingford.

I have recommended your own business to Sir Heneage Finch as the most able to direct you what to procure from the king, for your advantage. I have remitted my interest in Munster to what my lord chancellor and my Lord Ormond will adjudge, 8,000 I was to have had; I hope his R.H., will command restitution of my possession.

Bellew arrived in England about the time this letter was written. He had a further letter from Taaffe dated 11 July in which the latter expressed the hope that he would "meet with more favour in my concerns than in Ireland" and that

he hoped to live to "reproach some that have wanted friendship for me".³⁴⁴ He was not to return from his embassy to the Court of the Emperor Leopold until about January 1667. During his absence John Bellew seems to have remained in London while Taaffe's son Nicholas took care of affairs in Ireland. The "some" that "wanted friendship" for him may have included Ormond and his particular faction in the Dublin administration. This emerges from the correspondence conducted by Nicholas Taaffe with Bellew, in which he advised him to depend upon the friendship of the secretary of state, Henry Bennett, the earl of Arlington, whose particular sphere of influence was foreign affairs and who may have been party to Taaffe's appointment to Vienna. The "Mr. Williamson" mentioned by Taaffe was Sir Joseph Williamson the head of Arlington's secretariat and a close confidante of Colonel Richard Talbot. The latter was a gentleman of the bedchamber of the duke of York and a leading broker for the catholic and Irish interests at the court in London and counsel before the court of claims in Dublin. That Taaffe employed the latter to represent him in his affairs is suggested by a statute staple bond in the sum of £200 stg. payable to Henry and Richard Talbot in May 1665. ³⁴⁵ Another influential circle where the Taaffe's curried favour were the Boyles, Roger earl of Orrery, and his younger brother Michael, who had been bishop of Cork in the period 1660 to 1663 when he was transferred as archbishop of Dublin, where he became lord chancellor in July 1665, after the death of Eustace. The bishop had had an interest in Hardress Waller's estate in

344. Ibid.

345. "Carlingford-Bellew Papers"; see also Hutton Charles 11, op.cit., P.237-8.

Limerick on foot of a grant made by Charles 11 in 1661. In a letter from Nicholas Taaffe to Bellew dated 29 July 1666, dealing with the Limerick estate, he stated that "Gorge's proceedings are very contrary to my lord of Cork's discourse with me".³⁴⁶ This was a reference to the acquisition of the estate by Dr. Gorge on behalf of the duke of York, who had obtained a certificate and injunction to be put into possession of it a short time before. The connection with the Boyles is further borne out when in July 1667 Taaffe solicited the earl of Orrery's help on behalf of John Bellew, probably in connection with his business before the court of claims seeking a decree for his Connaught estate. ³⁴⁷

Nicholas Taaffe in his letter to Bellew of July 1666, urged him to acquaint the king of the situation, to get him to speak to the duke of York; at whose mercy "we now are" and to point out how disadvantaged his family was by the absence of his father. He referred, in particular, to Sir Allen Broderick who was both a member of the court of claims and a commissioner of the revenue of the duke of York, as the "chief instrument against us", of whom he was to take no notice of. ³⁴⁸ In October he advised Bellew that Gorge had summoned him to make out the Taaffe title to the Collooney estate by the 8 November and that the duke had put "all our lands in the county of Louth" into his claim. He urged that "if by that time you be not here or send a letter, so shall have I fear the same fortune, my lord of Arlington may see how destructive the king's last letter was to us". One of the contentions between the Taaffe's and Dr. Gorge was

346. "Bellew-Carlingford Papers", 29 July 1666.

347. Ibid., 14 September 1667.

348. Ibid., 8 July 1666.

the rent-charge of £600 per annum held by the former out of the Limerick estate. 349 In a letter to Bellew late in 1666 Nicholas Taaffe refers to his "opposition" to take "lands in County Louth for the whole interest" and which seems, in the light of subsequent events, to have been the beginning of the solution of this particular dispute, namely to swap lands in Louth, held by the duke for the rent-charge in Limerick held by Taaffe. At this time also the question of obtaining reprisals for the lands granted in the decree of the court of claims in 1663, in respect of the lands in Sligo and Louth was however still unresolved. In a letter dated 6 December Nicholas Taaffe gave Bellew the following substantial account of affairs in Ireland, including some of the legal tricks then in vogue:- 350

Cousin Bellew,

I received yours of the 17th., first I will give you an account of what I have done as to our custodium lands. I have by the friendship of some of the commissioners put off our hearing to the 9 January, though I was very much opposed. I have as well prevailed for the second custodium as the first and as for Alexanders telling you of a feoffement produced in court the day of our trial, he lies

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349. Ibid., 30 October 1666, the king's letter would seem to be that calendared in the Cal.S.P.Ire., 1666-69, under the date 5 March 1666/7 P.312-3, giving the duke of York precedence before all others in the acquisition of custodium lands in Ireland.
350. Taaffe's letter to Bellew, which appears to be a copy only, is dated as "Dublin the 23rd.," but it is clear that it was written while his father was away in Vienna. In it he stated his opposition to taking land in County Louth and referred instead to a rent-charge, this letter as well as the letter dated Dublin 8th., 1666 are in "Bellew-Carlingford Papers".

like am arrant knave, for there was not a paper shewed of either side which the whole court can justify, but it is by such false suggestions that such villains as Gorge and he ingratiate themselves. As for our concerns in Munster I admire my lord of Cork should think my father well dealt withal to have 600 a year without any consideration for his lease when Dr.Gorge before Colonel Richard Talbot at his first offer, told the colonel we should have eight hundred a year in Louth of mentenance (?) for our interest in Munster. As for my particular I know not what to advise you, nor did (sic) I, were it safe for me, without my father's consent; but this I know, the duke's orders came over to use all diligence for the posssession of that estate. They cannot remove a tenant by order of the court, which I got put in and withal the tenants have six years lease to come from my father, which I sent them purposely to give them more trouble, upon which I am assured they cannot dispossess them 'til that time be expired. As for my lord of Meath and Major Dillon, it is Captain Webb's fault they were not paid for I never yet had one penny out of the estate in Connaught. Major Dillon not hearing from you told me he would shew you to an outlawry, which you may prevent by writing to him and to Webb to make payment. I think your petition to the king is very well.....I am assured by several letters of my lord being in his way, which hope will put an end to all our troubles.

He had good news in a letter of the 11 December when he advised Bellew that he had got a precept from the court of claims for the Barnewall estate about Ardee and which had been excluded from the original decree, he also pressed him to obtain letters to secure

reprisal lands for the soldiers in Connaught. 351 Of greater import perhaps was the news that the reprisals claims by the duke of York were to be determined before Christmas i.e., before Taaffe's own claims would come before the court and thus as he put it "be out of harms way".

Upon his return from Vienna Taaffe was busy seeking agreement with the duke of York. This was accomplished before April 1667 as the following abstract of a letter from the duke to Dr.Gorge dated 2 April 1667 indicates: 352

".....I find likewise that the first Act of Settlement provided that the earl of Carlingford should enjoy all those lands in the county of Louth whereof he was possessed the 1st. day of August 1661, or which were granted to him at that time by way of custodium and that the second Act of Settlement did likewise provide that all clauses in the

351. Ibid., see also Cal.S.P.Ire., 1669-70, P.586-88 for copies of petitions lodged by William Lord Taaffe, c January 1666/7 with the king relating (a) to the lands of Braganstown and Cookstown and (b) to the lands in Louth allotted to him in lieu of Collooney, in the case of the former the court of claims under the Act of Explanation having heard the case put up by Garstin and the other ex-soldiers occupying these lands concluded that a prior reprisal would be necessary before they could be removed; in the case of the latter the duke was claiming the County Louth lands on the basis that he had precedence over Carlingford for reprisal lands. The documents calendared include a draft letter from the king to the court of claims that they take "for a certain ground that the clauses inserted in his behalf in the said Acts were and still are intended by us and should be taken and construed in the most large and beneficial sense for the earl's good profit and avail".

352. "Bellew-Carlingford Papers" and N.A. 1121/1/2.

former Act whereby any lands were granted to or vested in the earl of Carlingford were confirmed. Notwithstanding all which I find that in strictness of law, the said lands are liable to reprisals, the same having in truth not been vested in the said earl by custodium nor in his possession 'til after the said 1 August 1661 viz., not 'til September following, so that notwithstanding his majesty's intention and...[torn]...the 9 April and the proceeding of the...[torn]...following and the ...[torn]...of the auditor the same month, yet the lands not being granted to him in custodium 'til after the 1 August 1661, to which time the proviso in the first Act related, the grant made to him in September following is not supported by that proviso and consequently not secured by the second Act. This being in truth the case and this insecurity of the earl being the effect of his own inadvertency or want of diligence in those who were trusted by him and he having served his majesty many years and having attended him during the greater part of the time he was beyond the seas, I am resolved not to take that advantage of him which in strictness of law is in my power to do; and therefore my pleasure is that you do not proceed in taking reprisals upon those lands in the county of Louth, now in the possession of the said earl, or which he had in custodium, or any ways disturb him therein, the said earl assuring me upon his honour that they have not yet yielded him £300 per annum, or very little above; and that though the same may amount in quantity to between 4,000 and 5,000 acres, yet that he is so far from believing or hoping that the same will be improved to any considerable value, that he offers to relinquish his title therein for £500 a year to him and his heirs. I am likewise well content that upon due consideration with my commissioners, you cause such a proportion of land belonging to me in the county of Louth to be set out and assigned to the said earl and his heirs as may be a valuable recompense for the £600 a year granted to him out of Sir Hardress Waller's estate.....

This is a true copy of his royal highness letter to Dr.Gorge, as I find it entered in the book of entries.
M.Wren 18 February 1667/8

On the 12 April the king moved to have the provisions of this agreement implemented issuing a direction to Ormond to secure that all the lands and tenements claimed by Taaffe in County Louth, not exceeding 5,000 acres, be granted to him by letters patent; that he should not suffer in any respect for his attendances upon the king or his concerns and that the king's letter of the previous February concerning the Braganstown and Cookstown estates and the reprisals in exchange for the restoration to him of his "antient estates" be observed "in all the particulars thereof". 353

Despite the peremptory nature of the king's letter to Ormond issues between the duke of York and Taaffe were not fully resolved until December of that year and it was not until July 1668 that the court of claims granted a certificate enabling letters patent to be passed.³⁵⁴ In a letter dated 14 September to his attorney Jeffrey Browne, Taaffe reported that he had reached agreement with the duke regarding his custodium lands in Louth, who had also agreed to issue a command to his agents "not to pretend upon any account unto them or any of them, or any of the lands of Braganstown or Cookstown". The delay in bringing Taaffe's affairs to a conclusion at this time was in part due to the continuing dispute with Bayly. The latter had been reduced in his expectations in County Louth by the duke of York's

353. "Bellew-Carlingford Papers"; the king's letter is calendared in Cal.S.P.Ire., 1666-69 dated 12 April 1667 P.343.

354. According to the letters patent issued to Carlingford the certificate was dated 13 July 1668, a copy of the letters patent is in N.A.1004/1/6/1 and Appendix J Volume Two.

acquisition of Michael Bellew's estate of Verdonstown and he was engaged in a struggle to retain the remainder of the king's grant to him. These consisted of the lands of Bawn, Mullahullagh, Mansfieldstown and Barmeath, all of which had been included in Taaffe's custodium claim. Of these lands Barmeath was the subject of claim and counter-claim in the courts, between the parties, over several years, with the hapless former Commonwealth tenant Wetherall caught up in the actions. 355 The issue came before the court of claims, probably in June 1668. The record of the

355. "John Bellew's Account"; Bellew-Carlingford Papers, letter dated 14 September 1667; "Yesterday I came to this conclusion with the duke of Yorke as for my custodium lands in Louth, I have a signification from him of quitting any claim he can have to those lands, and a command to his Agents not to pretend upon any account unto them or any of them, or any of the lands of Cookstown or Braganstown. As for my arrears in Munster, I am to have liberty to collect them without disturbance from any of his highness's Agents, nor from Sir Richard Ingoldsby, which may appear from this enclosed letter from Dr.Gorge, and for my rent charge of £600 a year we could not agree upon the number of acres I was to have in the county of Louth, I insisted upon 4,000 and they would not give me but 3,000 and 500 and in case Dr.Gorge procure not a sufficient tenant that will pay me £600 a year for the said 3000 and 500 acres before May next then I am to have 4,000".

356. Record Office, Kent County Council, Maidstone; "Deering Papers", I found this document amongst a small collection of Deering Papers, copies of which have been lodged in the N.A; see also "Bellew-Carlingford Papers", a letter dated "November the sixth" from Carlingford's son to "Cousin Bellew" in which he refers to a letter from Sir Heneage Finch to Sir Edward Deering "and that would do all our business, he approving of it"; in a second letter dated "11th '67" from Warrenstown same to same Taaffe deals at length with the Braganstown and Cookstown estates in which he referred to a discussion he had with Winston Churchill who told ^{him} that "we might very well loose those lands if we did not take out our certificate, which I thought very strange not being sure of reprisals for the soldiers, but he told me it was the common practice, it were a most lamentable thing that those estates that have cost so much labour and trouble, both to you and my father and the enemies he purchased upon that account now should be lost for want of three score pounds"; in a further letter dated from Warrenstown 31 January 1667/8, same to same, Taaffe, noting that a hearing by the court of claims was due "Wednesday next" urged that it be delayed on the grounds that he was sick and could not attend, which may have been a pretence since he continued [should] "they press you tell them you have orders from my father not to proceed till he comes, they may do what they please but make you no defence, you know he will bring along with him both the king's private letter and public letter to the commissioners".

Then we go on to the earl of Carlingford. They rely upon an expression in an order of the 10 May. It doth declare that if those lands were not in Major Bayly's claim and patent, then they would have passed to the earl and now we have adjudged that they do not pass the patent. The consequence is they would have passed to the earl.

Mr. Solicitor: That four parcels never were in his custodium at all and therefore cannot have patent by it. That three parcels more were in custodium, but afterwards left out.

Upon consideration very long upon the matter the court declare they are not satisfied that those four parcels of Bawn, Mullahullagh, Mansfieldstown and Barmeath do pass to his lordship by the clause and the words that do stick with us are that this assignment doth not seem to be in order to a final settlement. The assignment being only £400 per annum and those lands being accounted at £470 per annum is and by the auditor [-general] in pursuance of the said order of the Justices and when the custodium came to be perfected which was 9 September 1661, these four parcels were left totally out of the custodium and the rent discounted for them. Which therefore did come to £421 per annum, of which he was to pay £21 per annum to the king and the £400 grant still was to be his own.

And this custodium was in pursuance of the former directions of the lords justices in July 1661 and did explain and limit the same and since (?) it was to begin from May 1661 then past and to continue 'til May 1662.

And the....

But upon consideration of my lord of Carlingford's and the intention there appeared of setting out to him lands to the value of £400 per annum as those then....., but the much greater part of the lands having been decreed away, the lands now remaining are not by that computation above £250 per annum and we cannot make him up 400 per annum out

of any other lands and therefore, to comply as far as we can, so give my Lord Carlingford leave to place adventurers deficiencies upon those parcels. For one of those parcels viz., Mansfieldstown, it appeareth to be in the estate of Taafe of Cookstown and therefore doth pass to my lord of Carlingford by the latter words of his clause.

Major Bayly offereth the king's letter requiring us to give him leave to place deficiencies upon it.

The court are willing to read it but then Major Bayly doth not insist upon it.

While this record is not conclusive as to the final decision of the court, it does seem to point to a situation where each of the contestants had an equality of claim and with the court offering a solution by allowing adventurers deficiencies to be placed, probably by each of the parties on the lands in question. Clause V of the Act of Explanation defined deficient Adventurers as "Adventurers who never had any lands set out to them in satisfaction of their adventures, or were never fully satisfied for the same". As with soldiers' debentures, adventurers' deficiencies were saleable commodities in the Restoration period; of interest to speculators in Irish land, who by the purchase of such deficiencies at a discounted price subsequently sold them on to a third party who might be able to use them, through the court of claims, to correct a defective title. Such an arrangement was specifically provided for in Clause X of the Act enabling any soldier or adventurer "who shall be found to have more lands in his [or their] possession, than will satisfy the two-thirds parts which he [or they] ought to have...it shall be lawful...for such adventurer or soldier to, buy in and purchase of any other adventurer or soldier...his and their right and title...and to be satisfied for the right and title so bought, by retaining the over plus land whereof he or they were seized". Similar arrangements were also made for a number of individuals in their provisos. While this course may have been followed also by Bayly, it can be established with certainty that it was followed by Taafe, through his agent John Bellew and by which

means Barmeath was decreed to Taaffe.

The negotiations to secure adventurers' deficiencies on behalf of Taaffe were conducted by John Bellew through the brokerage of Sir George Rawdon, who on the 28 November 1668 entered into an agreement allowing the earl of Carlingford "to apply unto the lands of Barmeath in the county of Louth and the barony of Ferrard, 398a.1r.00p, for part satisfaction of two-thirds of the total and original adventure of Sir William Strickland Kt., amounting to £600". 357 Two days later Bellew confirmed by deed that Strickland would receive, in return a rent charge of £20 per annum out of Barmeath. On the 3 December Rawdon, "at the instance of Mr. John Bellew" confirmed this agreement and advised Sir Edward Deering of the court of claims of its terms. On the 30 November Mr. Samuel Bull, "one of the attorneys of the court", submitted a statement to the court that Strickland was a "deficient adventurer for £600...that the "claimant" had not been heard before the court...had never received any satisfaction for his adventure and that "the said adventurer was a good adventure". On foot of this submission Strickland was allowed a "total and original deficient adventure of £600, unless cause be shown to the court to the contrary by this day fortnight". While some doubt can be entertained as to whether Strickland was a "deficient adventurer" the case came before the court again and on the 17 December issued the following decree:- 358

357. "Bellew-Carlingford Papers", witnessed statement by George Rawdon dated 28 November 1668.

358. Ibid., witnessed statement by John Bellew, dated 30 November 1668; *ibid.*, certified true copy of a letter dated 3 December 1668 from Sir George Rawdon to Sir Edward Deering of the court of claims; *ibid.*, memorandum dated 30 November 1668, of the commission for executing the Acts of Settlement and Explanation, certifying Mr. Samuel Bull's statement and signed by Paul Brasier Dep. Registrar; *ibid.*, decree of certificate issued by the commissioners dated Thursday 17 December 1668.

Upon motion of Mr. Johnson of council with the right honourable earl of Carlingford praying that the certificate of the court prepared for passing the lands of Barmeath in the barony of Ferrard and county of Louth may be signed according to the order of this court allowing a saving for Sir William Strickland, whose deficiencies are to be placed upon the said lands and it being desired by Mr. Osborne in behalf of the said Sir William Strickland that it might be expressed in the said certificate that the said deficiencies of the said Sir William Strickland were applied to the said lands at the instance of Sir George Rawdon who was employed to procure satisfaction for the said deficiencies and of Mr. Samuel Bull attorney for the said Sir William in this court.

It is ordered by this court that the said certificate be drawn anew and that it be therein expressed that the deficiencies of the said Sir William Strickland are applied to the said lands of Barmeath by the court and at the request of the said Sir George Rawdon and Mr. Samuel Bull.

Signed by order,

William Jeffreys, Deputy Registrar.

Rawdon had been summoned as a witness to attend the court but in a letter, probably to the court, he apologised that he could not attend and confirmed that he had written to Deering and that Captain Bellew was acquainted "with the cause". On the day prior to the issue of this decree John Bellew on behalf of Taaffe, entered into a bond vesting the lands of Barmeath in the earl of Carlingford subject to a rent charge of £24 per annum. On the 18 December the court issued a further decree as follows:- 359

359. Ibid., letter dated Newry 3 December 1668 signed by Rawdon addressed to "My Lord"; certified true copy of a bond given by John Bellew to Sir George Rawdon dated 16 December 1668; *ibid.*, copies from N.A.Ms.1004, copy of letters etc., Rawdon's statement of 28 November 1668, copy decree (certificate) of commissioners dated 17 December 1668.

Whereas by order of this court 7 December inst., Theobald earl of Carlingford, was allowed to place total adventurers' deficiencies on Barmeath, containing 390a.1r.00p., profitable land plantation measure and Sir George Rawdon Bart., entrusted for Sir William Strickland Kt., and Mr. Samuel Bull Sir William's attorney consented thereto, the earl having contracted for the same; the lands having been sequestered by reason of the rebellion which broke out in Ireland 23 October 1641, it is decreed that the said earl shall hold and enjoy the said lands, holding them in soccage as of his majesty's castle of Dublin, paying a yearly quit-rent of 8.15s.00p., at Ladyday and Michaelmas for the said lands containing 645a.0r.15p., statute measure.

On the 22 December the lord deputy, Ossory, on foot of this decree issued a fiant for the issue of letters patent on behalf of Taaffe and which were issued on the 2 January following. 360 Taaffe must have desisted in pursuing his claims for Bawn and Mullahullagh as these, containing 456 acres were decreed by the court to Bayly and Read in September 1668. 361 Bayly also obtained

360. "Bellew-Carlingford Papers", There is mention of an order for a fiant to be issued dated 22 December 1668 in the copy of the decree aforesaid dated 17 December 1668; see also copy of an indenture dated 19 February 1668/9 conveying Barmeath to John Bellew for a yearly rent of £24 to be paid to Strickland.

361. Irish Records Commission Eigth. Report P.250 a "report of lands which by order of the 7th. July 1668" which Bayly and Read were allowed to be confirmed to them "in reprise for deficiencies; "Abstract of Grants", Op.Cit., P.153 (Bayly and Read lands in Louth, 17 Sept.1668) and P.185 (Bayly only lands in Galway 20 July 1669; in July 1679 Bayly son sold Bawn and Mullaghallagh to James Tisdall of Dublin for £1,000 P.R.O.N.I., "Anglesey Papers" D.619-2-3; in 1674 he had obtained a 29 year lease of 970 acres of the Verdonstown estate from the duke of York which he passed to Tisdall in 1676, *ibid.* D.619-2-4.

a decree in the following year for 556 acres in the barony of Ballnehensy in County Galway.

The letters patent issued to Taaffe reveal the extent of his pretensions to lands in County Louth. 362 But for the resistance, put up by the ex-soldiers in the barony of Ardee, who held lands comprised in the Taaffe estates of Braganstown and Cookstown, subject to prior reprisals which were never obtained, they would have amounted to 11,163 acres calculated as follows:- 363

Taaffe's "Antient estate" of Smarmore.		2045a.0r.00p.
"Custodium lands"	5154a.2r.33p.	
Less "savings"	<u>832a.2r.33p.</u>	
Nett.	4322a.2r.00p.	4322a.2r.00p.
Braganstown and Cookstown estates "recovered":		
Barony of Ardee.	384a.3r.16p.	
Barony of Louth.	628a.0r.00p.	
Barony of Ferrard.	<u>238a.1r.00p.</u>	
Total:	1251a.0r.16p.	1251a.0r.16p.
Total decreed & distributed to Taaffe.		<u>7618a.0r.16p.</u>
Decreed subject to prior reprisal.		<u>3566a.0r.00p.</u>
Grand total.		11,184a.0r.16p.

Of the foregoing the following persons had lands, comprised in Taaffe's decrees, conveyed to them subsequently and confirmed by letters patents granted under the commission of grace 1684:-

Patrick son of John Bellew Willistown.	1505a.1r.00p.
Hugh son of Patrick Gernon Killencoole.	643a.3r.00p.
John Keating Castelring.	472a.2r.00p.
Matthew Plunkett lord Louth.	100a.3r.00p.
Total.	2722a.1r.00p.

These figures indicate that the nett acreage remaining to Taaffe after the foregoing total is deducted from the "total decreed & distributed to Taaffe" above, was 4,895a.3p.16p and to which has to be added the 4000 acres conveyed to him by the duke of York in return for his relinquishing his claims to the Hardress

362. See Appendix J Volume Two.

363. The BSD shows Carlingford with 5900 acres, exclusive of the lands obtained from the duke of York, the difference of 1025 acres between this figure and the figure of 4875 above would seem to represent further recoveries made of "Cookestown and Braganstown" lands. 4895

Waller estate in Limerick.

The acquisition by Taaffe of the 3735 acres foregoing was the final agreement reached between him and the duke of York regarding Waller's Limerick estate. Agreement on this matter had been reached between them in July 1667. 364 In a letter to John Bellew, Taaffe advised him that he was seeking 4000 acres, but that the duke's commissioners would only agree to 3500 acres unless Dr. Gorge should fail to get a tenant sufficient to pay Taaffe £600 per annum rental, in which case he was to have 4000. He asked Bellew to "consider well" what he should do. The matter was not however finalised until 1669/70 as the following extract of a letter, from Taaffe to Bellew dated 7 December 1669, indicates:- 365

"His royal highness is sending an authority to his commissioners there to set out the 4000 acres long since promised and I find that I must attempt of them in the county of Louth contiguous to Carlingford or any other part of my estate in that county. I shall appoint my son and you to treat with them and if you shall differ upon the lands and signify to me the cause of it and send me a list of the lands you fix upon, I am confident I shall prevail with his royal highness to grant them to me."

Whether Taaffe, whose expectations frequently exceeded that which subsequently ensued, ultimately prevailed is not known. However only 3735 acres can be traced as having been conveyed to him by the duke. 366

364. "Bellew-Carlingford Papers", letter dated 14 September 1667.

365. "Bellew-Carlingford Papers", letter dated 7 July 1669,

366. For John Bellew's acquisition of lands in County Louth including lands passed to him by Carlingford see chapter seven, the figure of 3735 acres is a calculation based upon the "Nicholas earl of Carlingford rent-roll" of 1677 in N.L.I. Ms. 13836.

In his career Theobald Taaffe displayed all the hallmarks of the cavalier class which emerged in England and Wales in the closing decade of the reign of Charles 1 and who were to emerge as the dominant political force in England in the Restoration period, albeit that in Ireland their former enemies, those who supported the defunct puritan Commonwealth, managed to retain considerable influence. Their reputation as a hard drinking, reckless and often dissolute class could easily be exemplified in Taaffe's personal and political career.³⁶⁷ Bellicose and irresponsible, he served the king mainly as an intermediary between him and his mistresses. His involvement in duels claimed at least one death and caused him, for a time, to be excluded from the exiled court. Again as with many other cavaliers he had a reputation as a soldier which was at best indifferent and uncaring of the troops placed under his command. Entirely egocentric and indifferent to the rights of others, it is not surprising that he was ready to forego his claims to Collooney, in return for a free rein in County Louth to acquire extensive lands, formerly belonging to his own kind, and which displayed his total disregard for those rights. His behaviour in this regard was not fundamentally different from other predators for Irish land in the Restoration period, represented in County Louth by men such as Nicholas Bayly, Mark Trevor and Colonel William Legge, all of whom had served as cavaliers and had a ready access to the king's ear and hand.

Taaffe died at Ballymote in County Sligo on the 31 December 1667.³⁶⁸ He had married twice, firstly to Mary White, daughter of Sir Nicholas White of Leixlip by whom they had six children, five

367. Ronald Hutton Charles 11. chapters five and six.

368. McDonagh History of Ballymote, Op.Cit., P.160.

boys and one girl and secondly to Anne, daughter of Sir William Pershall. There were no children by the second union and after Taafe's death Anne married Randal Plunkett Lord Dunsany in 1693. His daughter Anne married, firstly Sir Joseph Throchmorton and secondly Nicholas Plunkett, second son of Christopher earl of Fingall. His eldest son William married and had children, but both he and his next eldest brother Robert predeceased their father, who was succeeded by his third son Nicholas. He had two other sons, Francis, the celebrated Count Taafe of the Holy Roman Empire, and John who was a child during the early Restoration Period. William and Nicholas seems to have resided for some time at Warrenstown (now Dillonstown) parish of Drumcar which his father had leased in 1665 from Major Arthur Dillon, the assignee of Major William Aston who was the Commonwealth grantee of Warrenstown. In 1679 Nicholas married Mary Wild of Wild House near Lincoln Inns Fields in London where he seems to have been living at the time of the Williamite revolt in 1688. The rentroll of the Carlingford estates of 1677 appears to have been prepared as part of his marriage settlement with Mary Wild. It reveals that the rental for County Louth and barony of Slane, (excluding the reprisal lands of Braganstown and Cookstown) was £2040, for county Sligo £688 and Tipperary £469. exclusive of the reprisal lands, the rental of which was estimated at £700, the nett rentroll amounted to £3198 per annum.

As an Old-English catholic Taafe may be an exceptional case in many respects and more characteristic of the British grandees of the period. Nevertheless, thanks to the survival of contemporary records and correspondence his is a useful case study from which it is possible to get an insight into the administrative and legal systems within which the Restoration settlement was effected. Despite the statutory base provided by the Acts of Settlement and Explanation, it is clear that the king could and did interfere in the system using the prerogative, and while the lord lieutenant and council in Dublin could blunt the edge of the

latter, the king when he was of a mind to do so, was able in large measure to prevail. The role of the court of claims was that of an administrative tribunal rather than a court. It was responsive to decisions taken, either by the lieutenant and council in Dublin or by the king in London and was constrained by the provisions of the legislation. It dealt with the cases coming before it in a pragmatic manner, albeit that in difficult cases it adhered strictly to the forms and rules laid down by the legislation. This is reflected by the initial refusal to grant Taaffe his custodium lands, because of the informality regarding the date specified in the proviso; a decision which was however to be overruled by the king. The close connection between the court and the exchequer is also revealed, not alone in securing enforcement of the decrees issued by the latter, but also in the administrative arrangements established between them in regard to the registration and recording of decrees. 369 The influence of the common law was also significant, providing an overall framework within which the system operated. This was an adversarial system, full of delays and legal tricks and because of the expense involved in the payment of fees, to lawyers and others, only those claimants who could afford to pay were able to stay the course. Even Taaffe had difficulties in this regard on several occasions.

369. For a history of the exchequer in Ireland in the years 1666-1793, including the role of the various officers employed in the several branches of the exchequer who were also involved in the proceedings of the courts of claims see chapter IV and X of J.S.Kiernan, History of the Financial Administration of Ireland, (London 1930) and chapter XXI of G.E.Howard, A Treatise of the Exchequer and Revenue of Ireland, (Dublin 1776).

CHAPTER SIX.

THE RESTORATION SETTLEMENT PART TWO.

THE CORPORATE TOWNS, INCUMBRANCERS AND LIFE INTERESTS.

THE CORPORATE TOWNS.

The breaking of the power of the Old English in the corporate towns was a major accomplishment of the crown and later of the Commonwealth administrations in the decade 1642-52. It is evident, from the surviving records of the Commonwealth and early Restoration periods, that all of these towns had a sizeable population of native Irish and Old-English; with the exception of Drogheda, they were not the owners of property and such of them as were engaged in trade did so under severe disabilities, having been deprived of their former corporate freedoms.³⁷⁰ For the most part they were labourers and cottiers occupying the poorest quarters of the towns, outside the walls or within the liberties. Archbishop Plunkett in his report to Rome in 1671 described Drogheda as being a town of about 6,000 population, "the majority

370. Only in the case of Drogheda has a complete set of municipal records survived for the 17th.-18th. centuries and for the period 1649-1734 have been published in T. Gogarty (ed)., Council Book of the Corporation of Drogheda 1649-1734. The later period awaits editing; in the case of Ardee, manuscripts for the period 1661-1841 have survived and have been partly published in J.T.Dolan (ed)., Louth Arch. & Hist., Jn., V.3 No.4 and V.4.No.1 (1915-16); the minutes for the period 1661-1687 are copies only and are called the Ruxton Transcripts after the person who made the transcriptions. The date 1661 suggests that the corporation was revived in that year. No records of the Dundalk Corporation have survived from the 17th. century period although it can be established that the corporation had been revived by 1657. Gogarty, Op.Cit., P.50; in the case of Carlingford the municipal records commence only in 1691 H.G.Tempest Louth Arc. & Hist. Jn., V.3, No.3 (1914) P.273-87. The minute books of the corporation are in the Louth County Library.

being of English origin and protestant"; Dundalk he estimated as having a population of 2,000, a fourth of whom were catholic and Ardee, 500 families only a few of whom were catholic. 371 The place of the Old English, now labelled as "Irish papists", had been taken by the ex-soldiers of the defunct Commonwealth, protestant British of the early Stuart settlements and a leavening of new men, merchants and traders who came in from England and Wales during the 1650's and early '60's. These were the new class who took over power in the towns, upon the re-establishment of the town corporations in the period 1655-61 and who in the early years of the Restoration period copperfastened that supremacy. It was the policy of the State to support them in this and despite having to make some accommodation with the Old-English catholic elements in Drogheda, the town corporations became the exclusive preserve of the protestant British. With the exception of the short period of the reign of James II, they were so to remain until the reforming legislation of the early 19th. century. 372

Clause XVIII of the Gracious Declaration provided that "whereas the corporations of Ireland are now planted with English", the "disturbing or removal of which English would in many respects be very prejudicial, that all such of the popish religion, of any corporations in Ireland, who have been for public security dispossessed of their estates within any corporation, shall be forthwith repossessed in forfeited lands, tenements and

371. Tomas O Fiaich "Blessed Oliver Plunkett's Report on the Diocese of Armagh" Louth Arch. & Hist. Jn., V.15 No.1 (1957), P.26-34.

372. Report of the Commission of Enquiry into the Municipal Corporations of Ireland, (London 1840) Part One.

hereditaments, near the said corporations, to the full value, worth and purchase of such estate". The Declaration also provided in clause XXXVI that the lands, tenements and hereditaments, belonging before the 23 October 1641 to any city or seatown corporate, should not be granted away, but instead held, to be restored to such of "the said corporations as shall be found fit for that our grace and favour". The latter provision was however modified by the provision for the '49 Officers Security, that all "forfeited properties" in the corporate towns, should form part of that security. The Act of Settlement made further provision for the implementation of these policies as they affected the '49 Officers; further defined "walled towns and corporations" as extending to "all cities and corporate towns" and recognised the possibility that some "inhabitants and natives of cities and walled towns" excluded from their properties could be restored. In such cases it was provided that the ['49] officers removed to effect such a restoration be reprised in the baronies where lands etc., had been reserved to reprise papists dispossessed of their properties in corporate towns. The Act also provided a power to the chief governor and council to make rules and orders for the regulation of corporations, such rules and orders to have the same force and effect as if they had been enacted by parliament.

The Act of Explanation further expanded upon these provisions by enacting that properties acquired by the '49 Security or by a '49 officer, in a corporate town, could not be sold or let to a papist, without the purchaser first taking the oath of allegiance and supremacy. The second court of claims was also empowered to draw up a scheme for the allotment of the '49 Officers Security, subsequently to become known as the "one hundred lots", several of which included properties in the corporation of Drogheda. The power to make rules and orders for the regulation of corporations was also re-enacted.

The application of the policies set out in the legislation, in

the corporate towns of Carlingford, Dundalk and Ardee presented little difficulty. The two former had become the domain of Mark Trevor Viscount Dungannon, while Ardee was firmly in the hands of the ex-soldiers whose only concern was to resist encroachment by the '49 Officers' Security. 373 The case was very different in Drogheda. The king's letter on behalf of the "ancient natives" was given effect in the Act of Settlement by way of a proviso, in clause CLXXXIII enacting that:

".....Such of the inhabitants and proprietors of the said..... town as constantly adhered to the royal authority until their respective deaths, or withdrawing of the same royal authority from the said kingdom in the year 1647 and did not, any time after adhere to the papal clergy or other the Irish rebels in opposition to the royal authority and the heirs and widows of such of them as are dead, shall be restored unto, and have and enjoy as of their former estates, all and every their and every of their houses, lands, tenements and hereditaments, freedoms, and immunities.....in the town....and elsewhere; anything in this Act or in any other Act contained to the contrary, or any other matter or proceedings against them or any of them, at any time since the said withdrawing of the royal authority until his majesty's restitution notwithstanding.

The objective of this proviso was to confer the status of innocency on all "inhabitants and proprietors" their heirs and successors, who could establish that they had "constantly adhered to the royal authority". It was also intended to remove any sequestrations or disablements of freedoms and immunities incurred under Commonwealth legislation, including proceedings

373. Harold O'Sullivan "The Cromwellian and Restoration Settlements in the Civil Parish of Dundalk" in Louth Arch & Hist.Jn., V.19, No.1 (1977) and "The Plantation of the Cromwellian Soldiers in the barony of Ardee", V.21, No.4 (1988).

taken against them by the corporation itself. While this proviso enabled many persons, such as George Peppard, to confirm their title to properties excluded from confiscation under the Commonwealth, or to recover properties which had been confiscated or alienated to others, there seems to have been a tendency to restrict its interpretation to such as were "inhabitants". This is illustrated by the fact that much of the "forfeited properties" in the town acquired by the '49 Officer Security had belonged to persons who were not "inhabitants" but who, like Patrick Babe of Darver, were restored elsewhere by means of decrees of innocence, but denied restoration of their former properties in Drogheda.

Two categories of restorees can be identified in Drogheda. 374
The first of these were those who petitioned the first court of

374. The "Quit and Crown Rentals of Drogheda" in N.A., 2A.3.12 is a register of rentals payable in respect of lands and properties in the town and liberties of Drogheda and relates to the period 1662-1694; of late seventeenth or early eighteenth century origins, it contained entries recording details of individual rents, being placed "in super" or purchased in the period 1860-1921 or otherwise discharged under section 9 of the Crown Lands Act 1906; it sets out four categories, (1) Quitrents payable in respect of properties in the town of Drogheda disposed of in Lots contained in the 49 Officers security and to John Hudson Minister of Drogheda and his successors; (2) Quitrents payable by the earl of Anglesey in respect of lands in or near the liberties of Drogheda, (3) Quitrents payable by "innocent papists" in the town of Drogheda and (4) Crownrents payable by the corporation of Drogheda and by individuals, in respect of properties in the town of Drogheda, in accordance with letters patent granted under the Commission of Grace 1684/5 and of properties granted under letters patent in July 1694 to "John Foster of Mellifont or the right honourable Henry Earl of Drogheda".

claims for decrees of innocence, of whom fifteen can be identified from Tallon and the Deputy-keeper's Report; the second are those additional persons named in the rentroll of the Quit-rent office as holding property in the town as "innocent papists", "by decree". Eight of the persons who obtained decrees of innocence under the first court whose decrees included, inter alia, properties in Drogheda are not included in the latter rentroll. 375 Only one of these, Nicholas Peppard, was an "inhabitant" of the town. It would appear that the second court of claims dealt with additional petitions and claims from Drogheda, based not upon innocency, as this plea had been disbarred by the Act of Explanation, but on the basis of the king's letter and proviso. This would explain the additional numbers contained in the rentroll. A transcription of the latter is to be found in Section One of Appendix C Volume 2. A summary of the lands and other properties, referred to therein is as follows:-

Stone house.	1
Slated houses and tenements.	51
Thatched houses and tenements.	6
Other dwellinghouses and tenements.	12
Shops.	1
Brehouses.	3
Malt houses and kilns.	3
Stables	6

375. These were Richard Duffe, Dublin, Thomas Eustace, Kildare, Joan Fleming al' Tyrell Meath, Viscount Gormanston, Michael Jans, Bartle Leynes, Viscount Netterville and Nicholas Peppard.

Waste and ruinous tenements and walls.	26
Former religious houses.	1
Chapels.	1
Lands in acres.	145
Parks.	3

The struggle by the Old-English to recover property within the corporation of Drogheda was complicated by the fact that the properties in question were leaseholds held of the corporation and as the latter was firmly in the grip of the British faction, the latter could resort to a variety of delaying tactics and legal stratagems to avoid the return of the properties to the restorees. Non-residence was one such; another was that of granting leaseholds in reversion to the tenant holding possession in 1662-4 for 61 years so that the restoree had to await the elapse of the leasehold before making recovery. At the general assembly of the corporation held in July 1664, nine persons were granted the benefit of such leases in reversion, Messrs., Alderman William Toxteth, Jonas Ellwood, Thomas Leigh, Alderman Joseph Whorley (who also had a decree, probably from the second court of claims), Alexander Boddington, captain John Bexwick, Thomas Smallpage, Richard Cooper and James Challenor.³⁷⁶ The corporation could however league with an Old English merchant like George Peppard against an "outsider's" claim to property within the corporation. In May 1666 Peppard approached the general assembly, intimating that Sir Luke Bath had petitioned the court of claims for a grant of the lands of "Corballys being the town land and leased by the corporation". The assembly decided that Peppard should bring in his lease and that "what the said alderman shall do in defence of the town interest, he is to

376. T.Gogarty (ed)., Council Book of the Corporation of Drogheda Op.Cit., 112-14.

be considered for his disbursements". 377 Recoveries of property continued to be made by the Old English in Drogheda, throughout the period after the termination of the second court of claims in 1669; whether by purchase or by legal proceedings, evident by the grant of letters patent to such properties, by the commission of grace in 1684/5, to Old-English, such as Hugh Gernon of Killencoole, Thomas and Christopher the sons of the deceased George Peppard, Patrick Plunkett, Viscount Gormanston and Christopher Cheevers. 378

In addition to the struggle to recover properties taken from them in the Commonwealth period, the Old English also had to engage in the recovery of their "freedoms and immunities" within the corporation itself. The recovery of their rights as freemen of the corporation was accomplished without much difficulty but a resolution which had been adopted by the corporation in 1661, enforcing the oath of supremacy upon office holders such as the mayor, sheriffs and aldermen and, in 1662, on members of the common council, effectively barred them from participation in corporation affairs. 379 Notwithstanding this when in January 1668/9, the general assembly appointed a committee to discover defective titles to properties within the corporation, they included amongst them Old English, such as Thomas Delahide, Bartholomew Doyle, Thomas Peppard and Richard Tyrrell; effectively demonstrating that the religious divide did not debar collaboration in matters of common interest.

377. Ibid., P.131.

378. "The Quit and Crown Rentals of Drogheda" Loc.Cit., and N.A., "Extracts from the Patent Rolls of James 11, William and Mary" (Lodge), Book 1a.53.57 P.306-399.

379. Gerard Rice "The seventeenth century Tokens of County Louth" Louth Arch.& Hist.Jn., V.20 No,4 (1984) P.301.

In 1668 rules for the regulation of the corporation of Drogheda were promulgated requiring the taking of the oaths of supremacy and allegiance and the taking of the sacrament, by the office holders of the corporation. 380 This was followed by a petition to the lord deputy and council by Messrs., George Peppard, Ignatius Peppard, Thomas Peppard, Francis Worrell, Nicholas Peppard, Bartholomew Hamlin, Andrew Hamlin, John Moore, Luke Cowley, Oliver Bird, Nicholas Cowley, John Ley, Roger Bealing, John Tyrrell, Nicholas Bath, Alexander Plunkett, Thomas Delahide., Phillip Wall, Richard Tyrrell, John Bath, John Burnell, Peter Russell, Jasper Delahide and "such other inhabitants and proprietors of the town as constantly adhered to the royal authority". 381 They referred to the proviso in the Act of Settlement and asked to be relieved from the oaths of supremacy and the requirement to take the sacrament. In reply they were confirmed in their freedoms and immunities according to the Act of Settlement, providing however that none of them, while continuing papist, could hold office as mayor, alderman or sheriff or be in membership of the common council. Further restrictions were imposed in 1679 requiring newly admitted freemen to take the oath of supremacy. Finally in 1672 the exclusively protestant and British nature of the corporation was confirmed by additional rules, [i.e. the "New Rules"] promulgated by the lord deputy and council, confining the election of officer holders to the common council, thus excluding from participation, freemen not in membership of the council and providing also that no matter relating to the town could be debated by any assembly until it had first passed the council. As a gerrymander it was to be challenged in later years following the accession of James 11.

At a general assembly of the corporation held in July 1666, consideration was given to the claim by the '49 Officer Security

380. T.Gogarty Council Book op.cit., P.17-8.

381. John D'Alton History of Drogheda., V.1 Dublin (1844)
P.191-2.

to several houses and lands within the town, belonging to the corporation. It was decided to appoint Aldermen John Towers, Richard Lloyd and the Town Clerk as agents for the corporation to "defend the town interest against the '49 officers".³⁸² A warrant was issued for the payment of the costs involved in feeing lawyers, attorneys and other officers and the payment of the expenses of witnesses etc. It was the commencement of proceedings which must have dragged on over the next few years. In April 1668 the general assembly considered a petition from Messrs., James Challoner and John Leigh, tenants of two cellars under Roger Potts house in James St., claiming that they had been sued for the recovery of the latter, from the corporation, by the '49 Officers' Security. They were allowed an abatement of their rents in compensation for their defence of the town interest.³⁸³ Others who may have attended as defendants were those of the old English having claims to the properties involved, including persons who had obtained decrees of innocence. A number of these are mentioned in the Savings in the Grants. ³⁸⁴ While the proceedings

382. T.Gogarty Council Book op.cit., P.132.

383. Ibid., P.139.

384. "Savings" made in letters patent specifically provided for rights acquired by others, for example, holders of decrees of innocence granted by the court of claims under the Act of Settlement, or to "Defendants" who appeared at the proceedings of the courts of claims, seeking have such rights preserved or "Saved", these Savings have been listed in Irish Records Commission Report No.15, 1825, "Abstracts of Grants", P.281-328; the relevant Savings made in letters patents granting properties in Drogheda to trustees for the '49 Officers are set out in column three of N.A. "Crown and Quit rentals of Drogheda" 2A.3.12, see Appendix C Volume Two.

of the court of claims may not have survived, the outcome can be traced by means of the quitrent office rentroll, which sets out the name or names of the trustees of each of the eleven '49 lots containing Drogheda properties, as well as details of the properties, including the former (1641) proprietors, which can be cross-referenced to the relevant information, contained in the Grants under the Acts of Settlement and Explanation. These are set out in section two of the Appendix C Volume Two. 385 The objectives behind the scheme drawn up by the court of claims were that each lot granted away by letters patent to the named trustees, would subsequently be sold by them and the proceeds of the sale then distributed, amongst the '49 officers named in the Savings, proportionate to their accrued arrears as set out in each of the letters patent. How much if any of the properties involved were sold off cannot now be determined, but it is likely that some sales did take place and that the acquisitions were subsequently confirmed in letter patent under the commission of grace in 1684/5.

THE INCUMBRANCERS.

An incumbrancer is a person entitled to enforce a charge or mortgage on real or personal estate. Such a charge or mortgage confers a beneficial interest in the property on the creditor, which he can dispose of to others, by sale or otherwise and which is enforceable in accordance with its terms through the courts. In the seventeenth century the landed gentry had a constant need of access to credit facilities. An economy which was substantially dependent upon the yield from the rentroll of the tenants and leaseholders, and which was payable twice yearly on the 1 May (Michaelmas) and the 1 November (All Hallows) and where specie, or ready cash was not always available, often gave rise

385. "Abstracts of Grants".

to short term borrowing. While their wealth lay in the landed estate, they also needed such facilities to meet the many claims made upon the estate by the respective members of the family, the widow with a life interest usually of one-third the value, a son in need of an estate of inheritance in order to marry, a daughter in need of a dowry or marriage portion. Likewise needs arose from time to time to raise money for improvements to the estate, including in many cases making provision of the construction of a new house or an extension to an existing house or castle. These are but examples of needs that arose from time to time and which had to be met in many cases by borrowing. It is likely that in most cases the money borrowed would have been repaid. An example of failure may have been that of Thomas Keppock of Ardee who first sold part of his estate to Antony Townley and then, by a mortgage and statute staple, which he appears not to have met, long before the wars lost the remainder. 386

Five types of incumbrances, connected with debt repayment, can be identified in respect of estates in County Louth, all of which were cognizable by the Act of Settlement, particularly by clause VI11, which provided for compensation or reprise, in the case of an incumbrance being restored on lands granted to an adventurer or soldier. The first type was a judgement of the court under the Statute of Westminster 11 which enabled the creditor to sue by way of a writ of fieri facias to command the sheriff to have half of the land of the debtor delivered to him until the debt be

386. See Appendix A Volume Two No.43; for the early history of the law regulating creditors' rights and mortgages, see Kenelm Edward Digby An introduction to the History of the Law of Real Property, (London 1897) (Fifth edition) P.281-88; for the role of credit in the case of the landed gentry of England in the sixteenth and early seventeenth centuries see, Laurence Stone The crisis of the Aristocracy 1558-1641, (Oxford 1965) chapter 1X; for mortgages in Irish law generally, see J.C.W.Wylie Irish Land Law, (London 1975), Part V chapter 12.

paid, or by a writ of elegit enabling the creditor to seize and sell the same. The second process by which a debt could be recovered was when a mortgage was entered into, by which the borrower, in consideration of a sum of money paid, conveyed the specified property to the mortgagee, subject to an agreement for reconveyance by the mortgagee to the mortgagor on payment of the debt by a certain date. The third type was a statute staple debt which could be contracted in staple towns such as Drogheda and Dublin. This was an arrangement whereby a bond or recognisance was entered into between the parties before the constable of the staple stating the amount borrowed and the conditions for its repayment and which was duly registered in the high court of chancery in Dublin. 387 Cancellation of the latter would follow the fulfilment of the conditions. Proof of non-cancellation in a form of certificate from the staple to that effect was all that was necessary to obtain a writ impounding the lands of the debtor. An "extent" would then be placed on the property by the sheriff to value and seize as much as was necessary to recoup the debt. It was also a common practice to "guarantee" a mortgage, by way of a collateral security, of a statute staple recognisance. The fourth type was the rent charge, which was a sum of money payable periodically, charged on a specified parcel of land and capable of recovery by levying a distress. The charge would have arisen from a debt incurred by the grantor and remunerated to the grantee by way of the periodic payment and which could be perpetual or for a term of years. The fifth type was the lease of lands for lives or for a term of years, which could be up to 99 years. The lessor, usually of an entailed estate and having only a life interest, would lease a part of his estate to a creditor, who would hold the same for the term of the lease, unless determined earlier by the payment of the debt.

387. The Statute of Westminster 11 1285 was extended to Ireland in the same year, Wylie op.cit., P.14; for the Statute of Westminster 11 see Digby Op.Cit., P.281-2.

Persons with a ready access to funds such as merchants, lawyers and the higher gentry were to be found engaged in the provision of credit. The incumbrances which survived into the Restoration period must have been only a part of the total which existed before the outbreak of the insurrection, as many of the incumbrancers would have been forfeiting proprietors and therefore not entitled to recover. The Act of Settlement made provision for incumbrancers to claim for decrees of innocence, thus enabling them to recover their rights subject to further and appropriate legal proceedings to enforce the same. Where however an incumbrance lay upon the lands of a forfeiting proprietor, the lands became forfeited to the '49 Security, subject to the right of the incumbrancer to purchase the same, at market price less the amount of the incumbrance. Twelve incumbrancers obtained decrees of innocence from the first court of claims as follows:-

Laurence Allen. 388

Laurence Allen, son and heir of Thomas Allen, merchant, Dublin, claimed, inter alia, rent-charges on the following properties:

£10 per annum on the town and lands of Richardstown granted by Richard White of Richardstown to Thomas Allen in 1629. Ditto and six pecks of malt, four pecks of wheat and ten couple of hens, granted by Christopher Barnewall of Rathesker and James Barnewall of Brymore county Dublin to Thomas Allen in 1622.

£6 per annum and twelve hens on the town and lands of Pohanstown, granted by Robert Barnewall of Pohanstown to Thomas Allen in 1629.

388. Tallon Submissions and Evidence op.cit., No.216;
Deputy-keeper's Report op.cit., No.205.

£18 per annum on the towns and lands of Verdonstown, Braganstown, Borgan and Mansfieldstown granted by Patrick Bellew of Verdonstown and Christopher Taaffe of Braganstown to Thomas Allen in 1630.

The Allens were Dublin merchants who also engaged in money-lending. The greater part of the properties involved in Allen's claim were situated in Dublin, but it also included properties in Meath, Queen's County, Westmeath and Sligo where a rent-charge of £12 per annum was claimed on the Taaffe estates there, agreed with Sir William Taaffe in 1621. The decision of the court of claims was to award a decree of innocence "according to his proof", suggesting that further action would have been necessary in the courts to recover the debts claimed. Laurence Allen is mentioned in the Deputy-keeper's Report as an incumbrancer who recovered 174 acres in the county of Dublin and the BSD records his claims in County Louth but without any indication that he recovered any lands in fee.

John Arthur 389.

John Arthur was the son of Robert Arthur, an alderman of Skinner's Row, Dublin and had been enrolled a student at Grey's Inns in London in June 1641. Described as a "gentleman" he may have practised as a lawyer, rather than engaged in business as a merchant. He was the subject of a king's letter of the 11 June 1661 ordering his restoration to "all the lands in Dublin and Ireland of which he or his father was dispossessed by the late power". 390 He may have engaged extensively in money lending as his claim related to the recovery of incumbrances in Dublin,

389. Tallon Ibid., No.531 but not mentioned in the Deputy-keeper's Report.

390. Cal.S.P.Ire., 1660-62, P.352.

Louth, Roscommon, Mayo and Sligo. A principal client of his was the Taaffe family, John Lord Viscount Taaffe of Corran, Sligo and his son Theobald. In County Louth the incumbrance was a Deed, dated December 1638, conveying the lands in question to Robert Arthur the claimant's father, for the sum of £1700 sterling and with a covenant for redemption by the grantor. He also had substantial claims for the recovery of incumbrances on the Taaffe estates in Sligo. The County Louth lands were the town and lands of Hoatestown and Harristown parish of Stickillen, Dromin, Newrath and Mullacurrin parish of Dromin, Drumcashel parish of Stabannon, 30 acres in Richardstown and "one abbey" and parks belonging in Ardee, all of which he claimed were in the possession of his father by virtue of the Deed in the year 1641. They constituted the greater part of Viscount Taaffe's estate in County Louth and were part of his son's claim for the recovery of his "Antient" estate before the first court of claims. 391

John Arthur's claim was dealt with by the court of claims on the 9 July 1663, the outcome of which is uncertain, but in the light of subsequent events, he must have been granted a decree "at large", thus being left to the common law courts for the recovery of his incumbrances.³⁹² Taaffe's claim was dealt with on

391. "The town and lands of Hoathestown, and Harristown, parish of Stickillen, Dromin New Roth, Mullag Curry, parish of Dromin, Drumcashell parish of Stabannon, thirty acres in Richardstown and one abbey in Ardee and parks thereunto belonging all in the barony of Ardee, Tallon Ibid.

392. The uncertainty arises from the fact that the proceedings of the court of claims for Thursday 9 July 1663 are not recorded in the Deputy-keeper's Report.

the following 15 August, and while his decree made provision for French's incumbrance in Sligo, no mention was made of John Arthur and the lands contained in his claim were decreed to Taaffe without any Saving charged against them. The reason for this was that Arthur failed to appear as a defendant in the proceedings. However Taaffe's decree provided that it was granted "in such manner and form and subject to such legal and equitable rights, titles, charges and incumbrances as the same or any part thereof is or are or ought to be liable unto".

Arthur appears to have pursued his claim with Taaffe outside the courts including the use of arbitrators to help determine the debts owed and the manner of their payment. Whether any agreement was concluded before 1667, by which time he was dead, is uncertain but that his claims were still being pursued by his widow is evident from the following letter from Taaffe to his Agent, John Bellew dated London 7 July 1667:- 393

By this last past I received two letters from you, the one of the 29 June and t'other without a date. As far as Mrs.Arthur's pretensions, they are so vast as I have no estate can answer them, nor in truth, if I had, do I think myself liable to the payment of them. As for her mortgage, if the law can preserve her interests I must submit to it. But she put in no caution when my estate was adjudged to me in the court of claims, how far that will defend me I know not. Nor do I remember I was ever bound for my father, or if I were, whether I was of age. My father was not at Dublin in

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393. "Bellew-Carlingford" Papers, letter dated London 78 July 1667; that the dispute was still unresolved in February 1667/8 is evidenced in a letter dated Warrenstown 22 February 1667 from William Lord Taaffe to Bellew intimating that the sheriff "of the last year" had told him that Mrs.Arthur had offered him a judgement which she had received to seize upon "all our Custodium lands" but "hearing he was my friend said no more to him, but he believes she gave it to Gaskin [Garstin] the new sheriff to put in execution".

four or five years before his death, though many or all of the bonds be dated 1638 and some forty ['40] and forty-one ['41]. The debts for Sir James Dillon are dated 1633 when I was then a boy. For my lord Dillon and Mr. Moore they or their executors be able to pay their own debts.

When I was last in Ireland being willing to satisfy my father's just debts made rated (?) by indifferent persons, Mr. Arthur and I consented to refer the matter and the determination of it to Mr. Geoffrey Browne and Mr. Stackpole, as I remember when Mr. Arthur came into England he solicited me to assist him in getting a proviso in the Act, engaging himself several times, before many witnesses, to abate £500 of what Mr. Browne and Mr. Stackpole should adjudge me to pay. I served him usefully, whereof Mr. Solicitor my Lord Anglesey and my Lord Lieutenant be witnesses, having often importuned his grace in that affair, but I find nothing but my paying £300 here upon his bill of exchange can give respect to her pretended and practised scurvity. I am not in a condition to answer such sums nor am I afraid of her threats. If she will consent that the same arbitrators, appointed by her husband shall still adjust our accounts and prescribe the manner of payment of what they shall judge me liable unto, I consent unto it, but if nothing but law can determine it, I will prepare myself for a defensive and offensive war and as soon as I next hear from you (if she be implacable) I will procure summonses for her appearing here in England for crimes she is not ignorant of. In the meantime I will expect you will fortify me with what occurs to your knowledge of her misdemeanours, for I must stand or fall by the success of this business and will spend to my shirt to save myself. The original debt was a cheat and the prosecution and demands impudent and unjust; what this contains is all the answer I can make to Mrs. Arthur's letter which you may let her know from,

Yours affectionate kinsman and Servant,

Carlingford.

The Arthurs seem to have succeeded in recovering part at least of the incumbrance in County Louth, probably through proceedings in the second court of claims. Mullacurrin and Richardstown are shown in the BSD as decreed to John Arthur with a claim on Dromin, part of Drumcashel and Harristown 155 acres making a total of 237 acres.

Begnet Borr 394.

Begnet Borr, widow of Christian Borr of Dublin, claimed that Patrick Bellew of Baronstown (Verdonstown) and John Draycott of Mornington County Meath, respectively, acknowledged in January 1640/1 the existence of judgements to the claimant of £480 in the case of Bellew and £240 in respect of Draycott, of which the claimant obtained execution in the following year. A writ of elegit having been served on the sheriff for the county, the latter returned an inquisition finding Bellew to be seized on the day of his recognisance of the towns and lands of Baronstown and Cunnegar to the value of £60 per annum and that Draycott was seized of certain tithes issuing out of the towns and lands of Haggardstown, Dundalk and Rath to the value of £100. That subsequently the sheriff delivered the premises to Mr. Walter Cusack of Dublin to the use of the claimant to be held as her freehold until she be satisfied the respective sums with damages. Begnet obtained a decree and is shown in the BSD as having been decreed an incumbrance on the lands of Baronstown and Connegar amounting to 359 acres 3 roods.

394. Tallon Submissions and Evidence Op.Cit., No.307 and Deputy-keeper's Report Op.Cit., No.281.

Samuel Byfield 395.

Samuel Byfield's interests in County Louth arose from the assignment to him of various debts due to Edward Bellew a merchant of Dublin, arising from various statutes staple bonds and an annuity of £10 per annum arising out of Derrycammagh, the inheritance of Peter Clinton of Dowdstown. The other claims made by Byfield were in respect of assignments of soldiers debentures and adventurers deficiencies which he had acquired by purchase, suggesting that Byfield was a speculator. He was granted his decree as an innocent protestant. Byfield subsequently disposed of his interests in Derrycammagh to Nicholas Bayly. 396 The "extent" of the statute staple bond was on the lands of Steevenstown and Ballyclare, parish of Dunbin, Dundalk, which were restored to Christopher Taaffe by decree of innocence and on lands in the parishes of Stabannon, Tallonstown and Clonkeen forfeited by John Taaffe of Braganstown. While the BSD records Byfield's claim on the lands in question, his decree did not grant him possession of any of them.

Thomas Dowde 397.

Thomas Dowde is described as of Dublin, gentleman. His claim was based upon an inheritance from his father, descending by means of

395. Tallon Ibid., No.369 and "Deputy-keeper's Report" Ibid., No.340.

396. Tallon "Deering's Minutes", Op.Cit., 22 October 1663 and Cal.S.P.Ire.,1663-65 P.385-6.

397. Tallon Submissions and Evidence, Op.Cit., No.253 and Deputy-keeper's Report Op.Cit., No.239.

a trust to uses and his father's will, which provided for his estate to descend, first to his son and heir Edward, thence, after providing for certain remainders, to Thomas, Edward's brother. The latter being deceased, Thomas claimed as the only surviving male heir. He was granted a decree of innocence as an inhabitant of Dublin and "restored in specie according to his proof".

The incumbrances claimed by Dowde were as follows:

All the estate of Thomas Keppock of Ardee, including 14 houses in the town of Ardee, based upon a mortgage of £600, long before the wars and a statute staple bond of £1000 on the same premises, probably as a collateral security.

Lands in Kildemock, Hunterstown, Haichlim, Millockstown and tenements in the town and parish of Ardee the estate of John Dowdall of Millockstown, a forfeiting proprietor, based upon a mortgage of £300 sterling.

Simonstown and Finvoy and a stone house in Ardee mortgaged by Garrett Cooley, before the war for £120 and a statute staple bond.

Lands in Rathdrummore and Milltown Termonfeckin, barony of Ferrard, mortgaged by Christopher Dowdall of Killaly for £120 and a statute staple bond.

A rent charge of £6 per annum out of Morrall's land [Mapastown Ardee], made by Thomas Clinton of Dowdstown.

In the list in the Deputy-keeper's Report, Dowde is shown as a person who recovered 365 acres in fee in Louth, Meath and Dublin and is not shown as an incumbrancer. His decree must have been "at large"; while he is given in the BSD as having had decrees for 90 acres in Haicklim and Millockstown, he is shown as holding only a claim on the rest of the property mentioned in his claim.

John Hollywood was the son of Laurence Hollywood of Phillpotstown County Meath. His claim was to an inheritance of two incumbrances, left him by his uncle John Hollywood of Bewchelstown county Meath, by his last will and testament. The first was, that in consideration of a loan of £800 made by his uncle John Hollywood to Messrs., John Finglas Portrane Dublin, Christopher Barnewall Rathesker and Robert Barnewall of Pawhanstown, the latter persons did by deed, grant to him a "rent charge or mortgage in fee" of certain lands including Rathesker, Phillipstown [Mosstown Ardee], Kinoge, Knock, Dromin, Painstown [Dromin Ardee] and part of Pawhanstown [Kildemock Ardee]. The second was a claim that his uncle was seized in 1641 of an estate "by way of mortgage in fee, or for years yet unexpired" of Hammonstown [Mosstown], Lalestown [Stabannon] and part of Pawhanstown, redeemable upon payment of £800 and which had not been repaid. The survey side of the BSD shows an Edward Hollywood of "Pawhanstown" as the forfeiting proprietor of Pawhanstown and Hammonstown in 1641.

The claimant obtained a decree of innocence which remained unrequited by February 1665/6 when his agent, Laurence Hollywood, submitted an affidavit to the second court of claims in a case where John as plaintiff sued against a Patrick Fagan defendant, probably the person of the same name, who as a Commonwealth soldier, obtained a patent grant of 181 acres in Phillipstown, parish of Mosstown Ardee. In his affidavit Laurence Hollywood

398. Tallon Ibid., No.281; Deputy-keeper's Report op.cit., No. 380, described as "nephew of John son of Laurence's of Russellstown" and as an incumbrancer on 1357 acres in County Louth; the report of the proceedings in the second court of claims is in N.L.I.Ms.31, dated 19 February 1665/6 No.76; the letters patent of the earl of Carlingford have a Saving for John Hollywood of "such right as was decreed him 18 June 1663 to a mortgage on Poghanstown".

claimed that, in September 1663, on foot of the injunction granted to John Hollywood by the first court of claims, he sought possession of the town and lands of Lawlestown, Paughanstown and Hammonstown in September 1663, through the agency of the sheriff and his under sheriff Mr. Floyd to whom he paid the fee required. However the latter did not turn up on the day, sending instead a Mr. John Graham. It transpired however that possession could not be effected because of the general order of the court that tenants in possession should not be dispossessed until May 1664. He sought a decree from the court granting John Hollywood possession. While the outcome of these proceedings is not known, Fagan is not shown as possessing any lands in Lawlestown, Paughanstown or Hammonstown in the BSD; Henry Townley had Hammonstown, and Francis Wootten a restoree had Lawlestown. While Hollywood's claim is noted in respect of these lands he is shown as holding two acres in Pawhanstown. Fagan's grant in respect of the lands of Phillipstown was however qualified by a rent charge of £80 per annum "for a thousand years" until £800 be paid, evidently a recoupment to Hollywood of the benefit of the first abovementioned incumbrance.

Lord Viscount Netterville 399.

Lord Viscount Netterville is shown in the BSD as an incumbrancer on 712a.3r.00p., in the parishes of Drumshallon, Mullary and Marlistown, barony of Ferrard. Netterville was named as a nominee in the Act of Settlement, but subsequently the court of claims

399. N.L.I.Ms.31 No.43 13 February 1665/6, Erasmus Smith v Thomas Netterville the "defendant to have time to make out his title" and No.123 "decree to Netterville" 22 March 1665/6; Irish Records Commission Report, No.15 "Abstracts of Grants" P.278 and P.327 a Saving for "Edward (sic) Smith his right by decree dated 13 July 1666 [to prior reprisal] and confirmed by patent 25 August following, for the latter see P.55-6.

found him nocent. However his younger brothers and sisters proved their innocency and obtained decrees for their remainders expectant upon his death. He was however restored to his estates by a proviso in the Act of Explanation subject to prior reprisals for named individuals. The incumbrance on the lands in Ferrard is not mentioned in the surviving documents of the several proceedings before the first court of claims. Instead the lands formed part of the original grant made to Erasmus Smith. In March 1665/6 Netterville opened proceedings in the second court of claims against Smith, in the course of which the former was required to make out his title to the lands in question. Netterville claimed on the basis of a mortgage in the sum of £800 advanced by his grandfather to John and Rowland Stanley, of whom the former is given as the forfeiting proprietor in the books of the Down survey. Netterville was awarded a decree subject to prior reprisal for Smith. The matter must have dragged on for many years as it was not until November 1683 that Netterville obtained letters patent for the lands in question but subject to prior reposal for Smith.

Nicholas Thomas and Ignatius Peppard 400.

Nicholas Peppard of Drogheda is given in the BSD as an incumbrancer on 191 acres in the parishes of Termonfeckin and Clonmore, part of the lands in Erasmus Smith's grant. He was the son and heir of Robert Peppard, deceased alderman of Drogheda. In June 1666 he released, by quit claim forever, the lands of Killaly and Termonfeckin, (granted to him by a decree of innocence of the first court of claims), to his uncle George Peppard, administrator of the estate of Thomas Peppard, deceased. The latter had died in 1641 leaving five sons and two daughters, of whom Robert was the eldest. The latter died in 1654, leaving,

400. Tallon Ibid., No.823 and Deputy-keeper's Report,
Op.Cit., No.714, "Thomas and Ignatius Peppard
son of Christopher", "2425 acres dismissed to law".

as well as his son and heir Nicholas, two other sons, Christopher and Thomas.

The inquisition post-mortem of the Plunkett estate at Beaulieu dated 1644 records the existence of a rent charge on the town and lands of Beaulieu, held at that time by Margaret Peppard al' Brady, with Thomas and Ignatius Peppard, on the basis of a deed dated 8 October 1639. In August 1663 Thomas and Ignatius had their petition and claim dealt with by the court of claims, by which they sought restoration of their pretensions to the lands of Beaulieu. 402 They submitted that Margaret the "late wife of Christopher Peppard" was dead and that in 1639 William Plunkett of Beaulieu had entered into a statute staple bond with the Peppards, in the sum of £600. This debt not being paid and the "said Margaret being dead", the claimants "extended and had delivered into their hands according to law for satisfaction of the said £600", the entire estate. They sought that, by virtue of the "extent and liberate" thereupon, in the hands of the claimants and their undertenants, the same be confirmed to them "until they be fully satisfied". Their principal undertenant was Sir Henry Tichborne, himself a claimant for lands in Louth, Dublin or Kildare, in compensation for £3337.18s.9d., pay arrears. In October 1661 he obtained a king's letter for the payment of these arrears but which were still unpaid in April of the following year. In the light of subsequent developments it would appear that this claim for pay arrears was subsumed by the '49 Officers' Security. 403

401. For the Peppard family see Gerard Rice "Four Wills of the Old English Merchants of Drogheda 1654-1717" and "The Seventeenth Century Tokens of County Louth", Louth Arch. & Hist. Jn., V.20 No.2 (1982) P.96-105 and V.20 No.4 P.311-2.

402. Appendix chapter one No.49; Tallon Ibid., No.823.

403. For Sir Henry Tichborne see Harold O'Sullivan "The Tichborne Acquisition of the Plunkett Estate of Beaulieu" Journal of the Old Drogheda Society, No.7 (1990) P.57-68. Thomas and Ignatius Peppard are shown in BSD as holding 34a.2r.00p in Termonfeckin and 5a.0r.00p in Drumshallon.

Thomas, the son and heir of William Plunkett had petitioned the king, in November 1660 for the restoration to him of the Beaulieu estate and while he was recommended for restoration, by the lord chancellor Eustace and others, to such lands "as are not in the hands of adventurers or soldiers", this does not seem to have been acted upon. 404 He is not mentioned as a claimant before the first court of claims and in proceedings in the second court in February 1665/6, instituted by Sir William Tichborne, it transpired that the Peppards had disposed of their interests in Beaulieu to Sir William, the eldest surviving son of Sir Henry. 405 In his petition and claim he set forth that the Peppards, having been judged innocent by the first court, had assigned their extent on the estate to him for £450. He claimed [by virtue of clauses XXXVI and XXXVII of the Act of Settlement] that, as the holder of an incumbrance on lands that had been forfeited to the crown, the benefit of redemption had been settled, by the Acts of Settlement and Explanation on the '49 Officers' Security, subject to the right of the incumbrancer to purchase the interest of the latter for such sum as the estate was valued, after account be taken of the value of the incumbrance and such improvements he had made to the estate. He sought the establishment by the court, of a commission, to carry out the valuation in order that the estate be confirmed to him on payment of the overplus to the '49 Officer security. This was agreed to by the court and the commission subsequently returned a valuation, based upon ten years purchase, of £2,500, less £1050 i.e. the value of the incumbrance of £600 and improvements £450. The court ordered that upon his payment of £1900 into the '49 Officers Security and securing an acquittance thereof, that a

404. Ibid., and P.R.O.E. S.P.63/304 P.190.

405. O'Sullivan "The Tichborne Acquisition" Art.Cit., and N.L.I.Ms.31 9 April 1666.

certificate be issued to enable him to pass letters patent for the estate. His claim for an allowance of the £450 spent on improvements seems to have been allowed in part as the surviving details of his grant record the payment into the Security of £1528.15s.5d.

John Proudfoot 406

John Proudfoot son of Robert and grandson of Patrick Proudfoot merchant of Drogheda, claimed the restoration of an annuity of £10 per annum arising out of the town and lands of Drumgoolestown on the basis of a deed dated 4 September 1638 and the consideration therein mentioned. John Drumgoole of Drumgoole of Drumgoolestown had consented to the payment of the annuity or rentcharge of £10 sterling to the said Robert and Patrick and their heirs. As an additional security for the payment of the annuity a statute staple bond for £200 had also been entered into. Proudfoot claimed the annuity as his inheritance, his father and grandfather being dead. He was awarded a decree of innocence and his incumbrance is noted in the BSD.

LIFE INTERESTS AND CHILDRENS' PORTIONS.

Life interests in estates and childrens' portions restored under the Acts of Settlement and Explanation, related to claims by widows to a restoration of their marriage dowers or jointures, or by children, mainly girls, to their "portions" in the estate, usually to fund a dowry. Since these considerations would have been provided for in the marriage settlement or trust to uses established upon the marriage, those entitled to claim on foot of such a settlement or trust, became entitled to claim a restoration by means of a decree of innocence. Nine such claims can be traced in respect of County Louth. In the case of a

406. Tallon Op.Cit., No.312 and Deputy-keeper's Report
No.291.

restoration of a life interest, which could amount in the case of a widow to one third of the annual value of the estate, clause XXIV of the Act of Explanation provided an option to the person upon whose estate the life interest was charged to accept the reversion in fee, expectant upon the determination of the life interest in lieu of the two third part of same, under the agreement for the retrenchment of the estates of soldiers and adventurers or accept a two-thirds of forfeited lands elsewhere.

Ellinor Bellew 407

Ellinor Bellew, widow of Nicholas Bellew, is given in the Deputy-Keeper's Report as having obtained a decree of innocence in July 1663 restoring her to a life interest in 122 acres in County Louth. The lands in question can be identified as Corcreaghagh, parish of Killanny, Ardee, which had formed part of the estate of Nicholas Bellew forfeiting proprietor of Thomastown, parish of Phillipstown, Ardee in October 1641. Nicholas was a Connaught transplanter whose son Roger held 300 acres in the barony of Tiaquin, County Galway, in the Restoration period, at which time he also practiced as an attorney in County Louth. Thomastown was

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407. Ellinor's proceedings in "Submissions and Evidence" have not been traced. She is mentioned however in "Deering's Notes" under the 5 and 26 February 1663/4 "Eleanor Bellew Plaintiff to have £11 more added to her jointure, she having power to elect lands to make up £20" and "Eleanor Bellew v Moore to have an addition of £9 per annum to make up £20 according to the last order. The defendants make no opposition, Order she shall have it. "Deputy-keeper's Report" No.486; for the Bellevs of Thomastown County Louth and of Tiaquin County Galway, see The Hon., Mrs., Gerald Bellew, "Some notes on the family of Bellew of Thomastown County Louth", Louth Arch.&Hist., Jn.,V.5 No.3 (1923) and Karen J. Harvey, Kevin Whelan, T.P. Power (eds) "The family Experience: The Bellevs of Mountbellew" in Endurance and Emergence, Irish Academic Press (Dublin 1989), P.181.

decreed to Sir William Tichborne of Beaulieu, probably as an ex-soldier, who appears to have disposed of it subsequently to Roger Bellew, either by long lease or fee farm and which continued in the possession of the Bellews into the early eighteenth century.

Ann Dowdall 408

Ann Dowdall, widow of Stephen Dowdall of Termonfeckin and Killaly was a daughter of John Fagan "the younger" of Feltrim County Dublin. They were married in 1628 and their marriage settlement, dated 13 February 1627/8 has survived. Her marriage portion paid by her father John to the feoffees of the trust was £600 and it was provided that she should have a dower of £100 per annum out of the estate comprised in the trust. In her petition and claim to the court she sought the restoration of her dower. She was granted a decree of innocence. Her husband, who died in 1645, was alleged, in the discrimination records, as having been involved in the insurrection of 1641. They had two children, Christopher and Susanna, both of whom were dead by 1651 without issue. Her brother-in-law Andrew also submitted a petition and claim to the court seeking the restoration of the remainder of the estate, but he was not successful. The lands in Ferrard were passed by the second court of claims to Erasmus Smith and the rest, in the barony of Dundalk, to the Duke of York. The BSD records Ann as having a life interest in lands in Termonfeckin and Dundalk.

Lady Jane Dowdall. 409

Lady Jane Dowdall, widow of Laurence Dowdall of Athlunmy County Meath, claimed restoration of her jointure. She was the daughter

408. Tallon Submissions and Evidence No.197; in the "Deputy-keeper's Report" No.183 Ann is mentioned as having a life interest in 339 acres in County Louth; the details of her marriage settlement are in McNeill and Otway-Rutven Dowdall Deeds Op.Cit., P.305-6.

409. Tallon Submissions and Evidence No.86 and Deputy-keeper's Report, No. 92

of the earl of Fingall and upon her marriage to Dowdall and the payment of a marriage portion, she acquired by deed dated July 1630, dower out of lands in County Meath. She also claimed that her husband, by deed dated 2 August 1639, further augmented her jointure "in consideration of her birth and quality", by granting her the moiety of the castle, town and lands of Haggardstown County Louth for a term of 99 years after his death. She was granted a decree of innocence and "restored according to her proof". The moiety of Haggardstown had been acquired by the Dowdalls of Athboy in 1628 and had passed to Laurence Dowdall in 1635. 410 It would appear from the BSD that she recovered the moiety of Haggardstown with reversion to the duke of York. In a chancery case taken in 1684, by the surviving children of James Bellew "late of Haggardstown" it was claimed that Bellew acquired a lease of "the moiety of Great Haggardstown, Newtown and Kilaly" from Jane Dowdall "about 27 years ago" [i.e., in 1657] for the term of her natural life with certain conditions for renewal. 411 While his children were not in a position to produce the lease, they believed that the lands were worth a clear profit of £30 per annum. Their father had died in December 1675 and by his last will and testament appointed Sylvester Mathews, Nicholas Bellew, James Clinton and Clement Dermott overseers of his will. The estate was to pass to Bellew's widow Elinor and her children. Elinor subsequently had the will probated and obtained letters of administration from the diocesan court at Drogheda. She was cited as a defendant in the case on the grounds that she and James Clinton had alienated the premises to their own use and thus were denying the plaintiffs their participation in the profits in the estate. After Clinton's death (he was a brother-in-law of the plaintiffs)

410. No. 77 Appendix A Volume Two.

411. N.A. 1121.1/18, "Bellew Papers", Chancery Bill, Bellew v Bellew, 18 November 1684.

the lease "by some sinister and fraudulent means" came into the hands of Messrs. John St. Laurence, John Babe and Patrick Chamberlain, "or any one of them" who had in turn combined with Peter Mathews of Rosmakay and were denying that James Bellew ever had any interests in the lands. The defendants sought the assistance of the court to recover their interests. While the outcome of this case has not been traced, it does illustrate how a life interest could be used to "lease on" to a third party.

Katherine Dowdall nee Plunkett and her sister Elisabeth 412

Katherine Dowdall was a sister of Oliver Plunkett, the sixth baron of Louth and the second wife of Nicholas Dowdall of Brownstown County Meath. Her petition and claim dealt with two separate matters. Firstly her two sons, Henry and Edward, were the only children of her husband Nicholas Dowdall, who at the time of his first marriage to Jane Alymer, probably the daughter of Garrett Alymer of Balrath County Meath, created a trust to uses which provided a life interest in the estate to his wife Jane and should he survive her, then to his second wife and after their decease, to his eldest son with provision for remainders. Her claim on behalf of her sons was that after her death the remainder would pass, first to her son Henry and should he die without issue thence to the second son Edward. Secondly she claimed a portion of £600 out of the following lands, part of her father's estates:-

The manor of Louth, Priorsgate and Feraghs, tenants Phillip Callan et al; The Rath, Phelim Maguire tenant; Balloran, tenants Mary Neale et al; Emlogh, John Callan tenant, Corderry, Ferdagh McKenna tenant; Kilcrouney, Patrick Murphy tenant; Corbally, Patrick Finegan tenant; all lying in the manor and county of Louth.

412. Submissions and Evidence No.718; not in Deputy-keeper's Report.

Reaghstown, Patrick Taaffe tenant; Rathory, Richard Brannigan tenant; Charlestown and Feraghboy William Peppard tenant; Harbertstown, Henry Ruxton tenant; Ralost, Thomas Evan possession; Knock, Lieutenant Savage in possession; all lying in the barony of Ardee. Ballugs and Lemineigh, possession of Captain Thomas Clarke; all lying in the barony of Dundalk. Cannonstown and Castlecoo, possession of the lord primate and esquire Brabazon; all barony of Ferrard.

The foregoing lands were, in large measure, comprised in the decree of the second court of claims issued on the 8 February 1666/7 to Oliver Plunkett, Lord Louth, on foot of the king's letter and proviso in the Act of Explanation. 413 This decree contains a savings to Katherine of her right to a portion of £600 by virtue of a decree granted to her by the first court of claims, dated 4 August 1663. Lord Louth had a second daughter Elisabeth who by way of a petition and claim also obtained a decree for a similar portion on the 6 July 1663 and for which a savings was provided for in Lord Louth's decree. Katherine subsequently married Laurence Taaffe of Dowanstown and Elisabeth married Nicholas Gernon of Milltown. 414

413. P.R.O.N.I. "Massarene Papers" D.562/105 copy of certificate issued by the second court of claims, see Oliver and Matthew Plunkett lords baron of Louth in chapter five part one, section one.

414. Rev. Diarmuid Mac Iomhair "The House of Louth in the seventeenth and eighteenth centuries", Louth Arch. & Hist. Jn., V.16, No.2 (1966), P.69.

Francis Seagrave, née Burford, claimed, as the widow of Nicholas Seagrave, Ballyhack, County Meath, a third of her late husband's estate which, in the schedule to her claim included "Main, Woodston, Dromea, Mollincrosse, Johnstown and Collestown county Louth". Her claim was based upon a marriage settlement and a conveyance made to her in April 1631 by Richard Seagrave of Rathbeggan, "son and heir of the said Nicholas". This would seem to identify Nicholas as the Nicholas Seagrave of Ballyhack whose inquisition post-mortem of September 1630 describes him as having an estate in County Louth consisting of 35 acres in the town and lands of Allardstown, 30 acres in Dunbin, 15 acres in Knock near Tallonstown, 4 & 1/2 acres in Woottenstown and 8 acres in the vill of Howthe [Louth?]; that he died in September 1629 and that Richard was his son and heir and not married. 416 The inquisition also recorded that Nicholas had already conveyed Dunbin to Patrick Gernon of Gernonstown, in whose name the property is given in the Surveyor's book of the Down Survey. Similarly all the other properties mentioned in the inquisition were in the hands of the Gernons. Richard Seagrave is not mentioned as a forfeiting proprietor in County Louth in 1641. As Frances is not mentioned in the BSD as having a dower out of these lands, it would seem that this part of her claim failed. In the second schedule she claimed her "thirds as the widow and relict of Patrick Gernon of Maynbraddane". The latter was the grandson of Nicholas Gernon of Mayne alias Maynebradan whose inquisition post-mortem of 1638 described him as having an estate in Mayne, Dromcath, Johnston, Mollincrosse and Cowlestown all of which were

415. Submissions and Evidence, No.124; Deputy-keeper's Report No.146.

416. Appendix A Volume Two, No.35.

included in the first part of Frances's schedule, evidently in error. Patrick Gernon was a forfeiting proprietor and was not restored, his estate being disposed of to several parties in the Restoration period. Frances was awarded dower out of the townland of Dromcath, parish of Kilsaran as well as out of lands in County Meath. 417

Jane Talbot 418.

Jane Talbot was a sister of Richard Talbot, who obtained a decree of innocence in respect of the Talbot estates at Castlering. She obtained a decree for £40 per annum out of the estate with additional payments amounting to £900 in the event of her marriage.

Ann Verdon. 419.

Ann Verdon was the second wife of John Verdon of Clonmore, barony of Ferrard. Upon their marriage a deed dated February 1639/40 made provision for the estate to pass, after John's death to Ann for her lifetime, subject to an annuity of £40 to Theobald Verdon, John's son and heir by his first marriage, to be paid during her lifetime; a portion of £400 to the eldest son of the second marriage; a portion of £400 to the eldest daughter and £300 to the rest of the daughters unpreferred. John died in 1649

417. BSD.

418. Tallon Deering's Minutes, appendix 1V No.476.

419. Tallon Submissions and Evidence No. 192 and Deputy-keeper's Report No.181.

and in addition to Theobald, left issue by his second wife, a son Nicholas and daughters Ellinor and Margaret. In granting Ann a decree of innocence the court found her late husband nocent. Theobald the son and heir, had petitioned the king in 1661, for a restoration of the Clonmore estate. He was supported by Ormond and others who certified his loyalty to the king and that he served as deputy commissary-general of the victuals for six years from 1649. 420 In March 1661/2 he lodged a further petition to the lords justices pointing out that he had obtained letters from the king for his restoration but that this had not been effected. He had been granted a pension of thirty shillings per week in September 1661 but this had not been paid and he had been at great expense because of illness and the need to provide for his wife and family. He asked that this pension be paid with the arrears in full. In response the justices requested the auditor-general to establish the rents due out of his estate including details of any custodium. While the reply does not indicate the rents payable, the details of the estate indicated that it was held for the most part by Lady Jane Blaney with a Margaret Donnellan tenant of Dunany.421 Theobald Verdon, appeared as a defendant in the petition and claim by Erasmus Smith in February 1665/6, in respect of the lands granted to him under his provisos in the Acts of Settlement and Explanation. Verdon was described as a letteree and was required to "make out his title". There is no further mention of him after this time. His estates in Port and Clonmore passed to Erasmus Smith; Dunany to Colonel Legge and Hickomore in Drumcar to the Commonwealth soldier's widow Elisabeth Holt. While Ann's life interest is recorded in the BSD there are no details to indicate how it was effected.

420. Cal.S.P.Ire.,1660-1662, P.210-12.

421. Ibid., P.212; N.L.I.Ms.31, No.42.

A sharp distinction can be made between the treatment meted out to incumbrancers seeking the restoration of debts due to them and dependent women and children seeking reinstatement of marriage agreements and childrens portions. With few exceptions the former, while decreed innocent, were left to pursue their claims for the recovery of their interests through the courts. Only in the exceptional case of the Peppard-Tichborne claims on Beaulieu was the award by the court of claims complete and unequivocal. On the other hand the restoration of widows' and childrens' interests was scrupulously attended to notwithstanding that such restorations represented heavy incumbrances upon the estates concerned. This care for the protection of the rights of women and children, deriving from marriage and testamentary settlements, was a feature of the time and was not confined to the Restoration settlement as can be exemplified by the concern displayed by the Commonwealth authorities for the dowager Lady Louth. 422

422. The position of women in seventeenth century English society is dealt with in Antonia Fraser The Weaker Vessel, (New York 1984) P.11 a chancery decision protecting the inheritance rights of women, P.205-264 the position of women during the English Commonwealth including the sequestration of lands held by royalists and P.97-99 the landed rights of widows.

CHAPTER SEVEN.

THE RESTORATION SETTLEMENT PART THREE.

PATENT GRANTS UNDER THE COMMISSION OF GRACE 1684/85.

The termination of the court of claims in 1669 left many claims unsettled and many grievances unresolved. The trust for the '49 Officers' Security, long dormant was reactivated in 1675 and its membership augmented in 1681. 423 Acting with discoverers, they sought to identify concealments of lands and properties, to which they might make legal claims, ^{thus adding} to the general feelings of dissatisfaction and insecurity prevailing on all sides as to the outcome of the settlement. A solution was advanced by which individuals in possession could secure a good title to their landholdings by means of letters patent, on payment of a fine; the funds thus accruing to be used to pay compensation to deserving cases, for whom no lands were available. These would have included, for example, those letterees in County Louth, men such as Major Michael Bellew of Verdonstown, Andrew Dowdall of Termonfeckin and Theobald Verdon of Clonmore, all of whom had been pushed aside to accomodate the more favoured nominees and proviso-men of the Acts. The scheme was given effect in March 1684 when a commission or court of grace, was appointed consisting of the chief governor, the chancellor, the heads of the treasury and several judges. They did not meet until June of that year, but their terms of reference were sufficiently wide to let most

423. In N.A. under M.2458-60 there is a large collection of papers dealing with the '49 Officers security, including a legal opinion dealing with the qualifications of such officers; they are mainly of the period 1674-78. For a detailed study of the '49 Officers security see Kevin McKenny "A 17th., century "real estate company", the 1649 Officers and the Irish Land Settlements 1641-1681", an unpublished M.A., Thesis, St. Patrick's College Maynooth, 1989.

claims through. The establishment of the commission was strongly opposed by the extreme British faction, the earl of Anglesey claiming, perhaps with some justification, that it would only enrich lawyers and officials, and wrongdoers holding lands to which they had no title. 424 The commission expired upon the death of Charles 11 in February 1684/5 and was not renewed.

Nine grants of letters patent under the commission of grace were issued in respect of lands and properties in County Louth and town of Drogheda, in the period June 1684 to February 1684/5 as follows:- 425

Drogheda Corporation.

Christopher Cheevers	Properties in Drogheda
Thos.& Christ.Peppard	Properties in Drogheda
Patrick Plunkett	ditto
Ald.Edw.Singleton	ditto
Hugh Gernon	ditto

County Louth.

Patrick Bellew	Lands in Barmeath etc.,
Christopher Cheevers	Carnonstown barony of Ferrard.
Hugh Gernon	Lands in Killencoole etc.,
John Keating	The manor of Castlering
Matthew Lord Louth	Louth, Monaghan, Kildare & Meath.
Thos.& Christ.Peppard	Rent charge in Cruicetown.

424. Richard Bagwell Ireland under the Stuarts, V.3
(London 1963), P.144-5.

425. N.A.,1a.53.57, Records of the Rolls, V.V111, Patents Rolls of Charles 11, James 11, William and Mary.

Ald.Edw.Singleton Knock barony of Ardee 45a.0r.00p
Brownstown barony of Ferrard 115a.0r.00p
Oliver Tallant Rathbrist barony of Louth 180a.0r.00p

Of the foregoing, those who acquired properties in Drogheda, Hugh Gernon excepted, can all be identified as town proprietors in the early years of the Restoration, three of whom were Old English, Cheevers, the Peppards and Plunkett and were recipients of decrees of innocence. It is possible that the properties in Drogheda, the subject of the patent grants, may have formed part of the '49 Officers' security and ^{been} purchased by them subsequently. In any event these acquisitions reflect the strong recovery of the Old English in the town in the Restoration period. Of the persons named above under County Louth the case of Matthew Plunkett Lord Louth has already been dealt with in chapter five, part one, section one. The transactions involving Peppard and Alderman Singleton of Drogheda appear to have been commercial transactions, the latter acquiring the lands referred to from Peppard and Lord Louth. The remaining five patentees are dealt with separately hereunder.

Patrick Bellew, son and heir of John Bellew Willistown

Patrick Bellew was the son and heir of John Bellew, the former agent for the earl of Carlingford, whom he succeeded following John's death in 1679. 426 The latter was about fifty-four years of age at the time of the Restoration. Despite the vicissitudes he had experienced in the years of war and the subsequent Commonwealth confiscations, he seems to have made a remarkable recovery in his affairs and was well placed to take

426. The Honourable Mrs. Bellew "John Bellew of Willistown 1606-1679", Louth Arch. & Hist. Jn., V.6 No.4 (1928), he was buried at Barmeath.

advantage of the changed political climate ushered in by the return of the king. This is evident from the documentation submitted in support of his petition to the latter on 7 February 1660/1, which included letters from Ormond, Theobald Taaffe and Sir Thomas Stanley. The latter certified that when Techroghan castle [County Meath] was taken by the Cromwellian forces in 1649, Bellew refused an offer that if he surrendered, ceased further engagements with Ormond and returned home, he would avoid forfeiture of his estate. In his petition he averred that he would not have transplanted but for the fact that had he refused he would have been executed. To add further weight to his case the duke of York, in a letter dated Whitehall, 5 April 1661, to the lords justices, recommended him for favourable consideration. 427

Bellew sought in his petition the restoration of such part of his former estate "still in the king's hands" and "as he had done for others" to grant him reprisals of lands in the same county for such of his former lands as were in the hands of soldiers or adventurers, until he was restored to the latter. His petition was referred on the 19 February to a committee consisting of the Lords Donegal, Baltinglass and Kingston who reported on the 2 March that Bellew had resisted transplantation and did so only after twelve days had been given him to do so, under penalty of death. They recommended that as a "very fit object both in honour and justice of your majesty's particular favour and regard", he be repossessed of such part of his estate as be "in your majesty's hands" and that as "for so much thereof as is in the hands of reprisable adventurers or soldiers, that they be forthwith reprised and he settled in the possession thereof".

427. Cal.S.P.Ire., 1660-62 P.250, see documentation in "Bellew Papers" supporting his petition to the king.

This was as ample a recommendation as he could have expected, being in every respect a recognition of innocency. 428

Acting on the foregoing recommendation the king, on the 7 March, ordered that Bellew be put into possession of such of the following lands as were in the possession of the king:-

Lisrenny, Little Arthurstown, Nicholastown, Kenvickrath, Daweslands, Willistown, Adamstown, Plunkettsland, Graftonstown, Hitchestown, Reynoldstown and Garralough".

He also ordered that he be put into possession of the remainder of his former lands, still held by others and that the latter be, in turn, reprised for same. Pending his full reinstatement, Bellew was ordered to be reprised with other lands in County Louth, which order was complied with by the lords justices on the 20 June 1661. 429

An examination of the custodium lands held by Taaffe in County Louth, included in the rentroll in John Bellew's Accounts of 1662 and the grant made to him in 1668 on which he passed letter patent, reveals that the following denominations, included in the abovementioned grants to Bellew were also included as part of Taaffe's grants:- 430

428. The report of the commissioners dated 2 March 1660/1 is in the "Bellew Papers".

429. Ibid.

430. Ibid., "John Bellew's Account" and letters patent granted to the earl of Carlingford in Appendix J Volume Two.

Cruicestown, Walshestown, Ardbollis, Dromgooter, Upper and Lower Dysart, Barmeath, Parsonstown, Baggottstown, Labinstown, Kiltalaght, Nicholastown, Painstown, Hitchestown, Graftonstown and Dromin. Reynoldstown and Garralough were also included, as part of Taaffe's custodium lands in his second schedule before the first court of claims in 1662/63, both of which had been leased by John Taaffe of Braganstown to John Bellew, for a term of 1,000 years before 1641.

In effect the custodium lands which had been apportioned to Bellew were absorbed, evidently with his consent, into Taaffe's "custodium lands" claim and were, with the exception of Dysart, included in the lands awarded to the latter, by the second court of claims and the letters patent which followed. While no explanation for this has survived, it would seem likely, in view of what was to transpire, that it must have been on foot of some arrangement reached between them.

As a Connaught transplanter, Bellew's claim for a decree of innocence and restoration of his lands was postponed by the first court of claims. He had therefore to fall back on the king's letter which had ordered his full restoration, with a reprise for those who would have to be removed from his lands. However the Act of Explanation provided, in clause CLVII, that the holder of a king's letter could not be confirmed in the estate held by him in 1641 unless he had been restored and put into possession of it before the 22 August 1663. This provision was further confirmed by a decision of the court of claims, against which Bellew appealed to Ormond, imploring him to recommend to the king that he might have the benefit of the king's letter "pursuant unto the literal and general sense of the promise in that behalf".⁴³¹ This was of no avail. Having included

431. "Bellew Papers".

his custodium lands in those of Taaffe's he was therefore rendered bereft of any claim under the Acts of Settlement and Explanation, other than the confirmation of his title to the lands allocated to him in Connaught by the Commonwealth.

Clause XLI of the Act of Explanation laid down the procedure to be followed for the passing of letters patent. The clause also made provision for the preservation of a grantee's title arising from a delay in the issue of letters patent, occasioned by the neglect of officials. The passing of letters patent was not a requirement for those restored by a decree of innocence; however where the claimant had not been the proprietor on the 22 October 1641, or was not the heir or assignee of such a proprietor, the lands granted to such a claimant by the court, would have to pass through the process laid down by that clause. Bellew's title to the lands held by him in Connaught rested upon the decisions of the "usurped power" of the Athlone and Loughrea commissioners and was therefore capable of being adjudged "defective", having regard to the provisions of the Acts of Settlement and Explanation. Bellew would have been very well aware of this defect in his title and the matter must have been uppermost in his mind at the time when he was absent in England dealing with Taaffe's business. It is also clear that the latter was also aware of Bellew's difficulties and made reference to them in his correspondence with him. Thus in his letter of the 28 December 1667 he assures him that he was "very sensible" of "his pains and sufferings" and would when he was able, "requite them". The king, in his letter of the 15 April, had already given directions that Bellew "be not prejudiced or made to suffer in any respect whatsoever during the time of his attendance here". Upon his return to Ireland, probably in the early part of 1668, he would therefore have submitted a claim to the court of claims. This is borne out by an undated copy of a such a claim, with a schedule attached, of the lands then held by him in Connaught and which sought a decree, confirming him in the possession of the latter

and that it be continued, "until he be fully and entirely restored unto his former estate". 432 There is no evidence that such a decree was issued before the court was terminated in the early part of 1669 and no letters patent have survived from that period.

Bellew's situation was no different to that of the other Connaught transplinters whose anomalous situation, continued after the termination of the court of claims and which was, but one the many grievances, left in the wake of the latter. In 1676 the problem was passed to a commission which was appointed to review and rectify the decrees given by the Commonwealth in respect of transplinters and whose title "remained subject to much doubt and uncertainty". An undated draft or copy of Bellew's petition and claim is as follows:- 433

The humble petition and claim of John Bellew of Barmeath in the county of Louth esq.

To the honourable commissioners for hearing and determining the claims of the transplanted persons in the province of Connaught and county of Clare:

Sheweth that your petitioner being on the 22 October 1641 seized in his demesne as of fee of and in the towns and lands of Lisrenny, Little Arthurstown, Nicholastown and Kenvickrath with the appurtenances, lying in the barony of Ardee and county of Louth and of and in the towns and lands of Graftonstown and Hitchestown in the

432. "Bellew Papers".

433. Ibid.

barony of Ferrard and county aforesaid and of and in the town lands and fishings of Willistown and of and in the moiety of the town lands and fishings of Adamstown, a parcel of land called Plunketts land in Finvoy in the barony of Ardee and county aforesaid and of and in the castle town lands and fishings called Dawes land in Braganstown of the clear yearly value of £300 sterling and being likewise entitled to a debt of £1200 sterling due to the petitioner by several bonds of the staple from Oliver Lord Baron of Louth, John Taaffe of Braganstown esquire and George Russell of Rathmolin in the county of Down esquire, did exhibit his claim thereunto before the late pretended commissioners in Athlone and by them adjudged to be comprised within the Articles of Kilkenny and that the petitioner and his heirs should have one-third part of the sum of £50 yearly allowed in lieu of the said fishings and lands to the value of one-third part of the said £1200 as by the decree of the said commissioners, bearing date 26 March 1656 may more at large appear. That in pursuance to the said decree the pretended commissioners at Loughrea by their order dated the 12 June 1656 did assign and set out to the petitioner:-

[First schedule]

Clonoran two quarters.	358a.0r.00p.*
Carrowneboe one quarter.	96a.0r.00p.*
Corgarow one quarter.	133a.0r.00p.*
Mullaghmore four quarters contiguous to the said Carrowneboe.	19a.0r.00p.*
Lying in the parish of Moylagh, barony of Tyaquin and half barony of Killechane and county of Galway.	
In Cloonoranoughter one quarter.	67a.0r.00p.*
In Iskerrow one-third part of a quarter, contiguous.	117a.or.oop.*

Lying in the parish of Killoscobe.

And in Knockmacshehell

3a.0r.00p.*

Lying in the parish of Ballinakilly half barony of
Belamoe and county of Galway;

by virtue whereof the petitioner entered into the premises and thereof became seized and possessed except the quarter of Corgarow aforesaid demised by the petitioner for a long term of years unto Sir Nicholas Plunkett of Dublin knight and Nicholas Bellew of Barmeath gent., in trust for Christopher Bellew one of the sons of the petitioner and for which the said Christopher hath a claim now depending, which is the claim and title the petitioner hath to the said lands and premises and therefore humbly prayeth your honorables' allowance and certificate to enable him to pass letters patent thereunto, pursuant to his majesty's gracious intentions; the petitioner having actually served his majesty in the wars in this kingdom for many years since the breaking out thereof and until the laying down of arms at Kilkenny, upon the Articles herein beforementioned and a liberty to amend this his claim in case of any mistake or errors therein, which granted your petitioner will ever pray.

The petitioner further sheweth that Katherine Dillon alias Wogan, being entitled to several lands, tithes and other hereditaments in the counties of Kildare and Westmeath to the yearly value of £200 sterling per annum did exhibit her claim thereunto before the said pretended commissioners in Athlone and by them adjudged to be comprised within the eight qualifications and that she and her heirs should for ever have and enjoy in Connaught or Clare 364 acres of profitable land as by her claim and the decree of the said commissioners bearing date 16 June 1656 ready to be produced may appear. That the pretended commissioners at Loughrea did in pursuance of the said decree, by their order ready to be produced, assign and set out unto the said Katherine, among other lands

[Second schedule]

Cregan and Ballinakill half barony of

Killyan and county of Galway.

040a.0r.00p

and being thereof seized and possessed did in consideration of certain sum of money to her paid by the petitioner, by good assurances and conveyances in the law, did convey the said forty acres to the petitioner and his heirs, by virtue whereof the petitioner became of the premises likewise seized and continues thereof seized, which [is the claim and title etc.].

The foregoing petitions were successful and letters patent were passed in 1678 in respect of the first schedule and in 1677 in respect of the second. The former were passed by Bellew's eldest son Patrick and included additional lands in Galway and Roscommon, aggregating in total to 1,556 acres P.M., the lands in Galway being described as "to the use of John Bellew esquire, his father for life, remainder to said Patrick for life, remainder to his heirs male, remainder to the heirs male of the said John, remainder to the right heirs of the said John for ever, with a jointure of £80 a year to Elisabeth alias Barnewall, wife of the said Patrick. The second schedule of lands was passed to John Bellew, consisting of 600 acres P.M., in Kinclare, Carrowkeele, Lishkelly, Glanloughra and Legan, all in the barony of Tyaquin in the county of Galway, "in trust for and to the use of Thomas Dillon and his heirs". John's wife Mary was a daughter of Robert Dillon of Clonbrock, by whom the lands in the second letters patent may have passed to Bellew and which passed, in turn, to his third son Christopher of Corgarrowes, the founder of the family of Grattan-Bellew of Mount-Bellew County Galway. 434

434. "Abstracts of Grants" P.242, John Bellew and P.247, Patrick Bellew.

Taaffe's declared intention to requite Bellew "for his pains and sufferings" extended beyond merely the use of his influence to secure his title to the lands in Connaught. It is clear from John Bellew's Accounts that the latter had expended much time, effort and money in Taaffe's behalf in the eight years he acted as his Agent and that he played a principal part in securing legal title in the courts to the extensive estates granted him by the king; in County Louth and elsewhere. However Taaffe's high regard for Bellew was not shared by his eldest son William, who, as the son of an earl, held the courtesy title of Lord Taaffe. It is clear from the surviving "Bellew-Taaffe" correspondence that the latter had acquired a considerable influence over his father's affairs in County Louth in the latter part of the 1660's and that his relations with Bellew appear to have become strained, evidenced by the following letter to him from Bellew dated August 1669:- 435

My Lord,

Mr. Stephen Taaffe hath been with me several times about Dysart and Dromin and at last showed me a letter of your lordship's conferring the same. Upon which I told him of your father's command in that behalf. Truly I have been several times told that you lordship intend me a prejudice and that even by strangers, but would never believe it until now. And if you lordship be of such an account, I cannot but signify (and sorry you give me cause to say it) that if it is not to the value of Dysart and Dromin, were I so minded, that I could prejudice your lordship, nor are they of half the yearly value of the forbearance of what monies I disbursed in you father's occasions. Your lordship hath been pleased to say, that had you gotten as much by serving your father, as I have done, his business should notfor £20. His lordship's business did never suffer in the least in my hands through want of monies or pains and I left them and all things in very good order for your lordship's management. And if his occasions did suffer for want of £20, I was not in this province when such happened and do now find, it was well I was not; for had I disbursed all I have,

435. "Bellew-Carlingford Papers".

I see by your lordship's expressions what away you would endeavour to see me satisfied. And if your occasions be carried hand over head blame no one for it but yourself for you never sent or spoke unto me concerning them; but on the contrary have several times said that you would not have me concern myself in your father's occasions and as for my getting (?) by his lordship, I defy any man's master in that kind and believe it those things are beneath me and had I disburst £800 and odd pounds (besides eight years labour) for any person, as I have done in your father's concerns, for which I am owing at this present to others £140 odd pounds, such I am confident would not be the thanks or forbearance should be returned me. As for your lordship bidding me to sue your father if he owes me any monies, I know it is far from his honourable to put me to any such, but if his lordship shall be wrought on in that kind [as] in other things he hath been and that believe (?), if not for his advantage or yours, your lordship may be confident that I will receive the same, every penny. And for that expression of forcing your father; I honour you father as much as I do any man but I was never servant to him nor to any other and your lordship might use those expressions to your dependents or followers, and so I rest.

Your servant,
John Bellew.

Taaffe's reply of the 28 August was no less intemperate:-

Sir,

I received yours of the 23rd., this morning which was very impertinent to say you could prejudice my father to a high degree. To my knowledge he values not what you can do and as for any forbearance as you writt, I never heard of any to be allowed. Where there is no debt acknowledged, which is your case, for my father absolutely disowned it at his departure. You are dissatisfied that I writt to you of serving my lord of Carlingford, truly I could wish I had done it at the rate you did, it would not offend me at all though you say you never had but labour and expence in his business, others and many, some persons of great quality, will affirm you got £400 and £500 a year by my father in Munster for some years and yet you say he owes you money. Our comfort is nobody will believe you; I can assure it is so little in my father's that you will find the contrary at his arrival and were you not ungrateful, you and yours ought to own your being from him, upon this last settlement. To conclude law must decide more things than you imagine between my lord and you, which shall appear to the world very sudden.

I am your humble servant,
Taaffe.

The foregoing correspondence contains all the hallmarks of a personality clash between the young and brash Taaffe and the older and experienced, but not less haughty, Bellew. The difference between them may have had its origins in the hiatus which arose over the claim for the custodium lands in County Louth and the failure to recoup fully the Taaffe lands in Braganstown and Cookstown, so much of which was not secured for want of reprisal lands for the Commonwealth occupiers. However the elder Taaffe did not share his son's attitude towards Bellew, in whom he still placed reliance. This is clear from his letter to the latter of the 7 December 1669 in which he appointed Bellew and his son to treat with the duke of York's representatives regarding the 4,000 acres he was to receive from the latter, at the end of which he referred to the dispute and which he assured him he would labour to reconcile.⁴³⁶ He was as good as his word. By an indenture dated the 24 February 1670/1 he conveyed to Bellew the towns, villages, hamlets and lands of Barmeath, Dysart, Graftonstown, Hitchestown, Reynoldstown and Garralaugh in the barony of Ferrard in consideration of "the said John's pains, care and loss of time, from his occasions" and that Graftonstown, Hitchestown, Reynoldstown and Garralaugh "sometime belonged to the said John". The consideration also included the payment of £28 yearly to Sir William Strickland in respect of Barmeath and a sum of £745 "paid down to the earl". Of the foregoing it should be noted that Dysart was one of the denominations included in the settlement reached between Taaffe and the duke of York. ⁴³⁷

In April 1669 on foot of a "final concord made in the king's court" Theobald Taaffe, his wife Mary and William their son and heir conveyed to John Tomlinson of Walshestown County Louth 10 messuages, 10 tofts, 100 cottages, one mill, 20

436. Ibid.

437. "Bellew Papers".

gardens, 122 acres of land, 20 acres of meadow, 400 acres of pasture, 50 acres of heath and 20 acres of moor in Walshestown, Baggotstown, Kiltalaght and Dromgooter County Louth. 438 This appears to have been a mortgage lease the redemption of which passed in August 1681, to Patrick Bellew, with the apparent consent of Nicholas the third earl of Carlingford. Two indentures of even date survive recording this transaction; the first is a lease of the premises by Patrick Bellew to John Tomlinson of Drogheda for a term of two years commencing May 1682 at a rent of £120 per annum, with a "warranty against the earl of Carlingford"; the second is an indenture of defeasance between the same parties in which a statute staple bond of £1200 is recorded, between Bellew and Tomlinson, whereby the former undertook to pay the latter £600 in one whole payment on the 1 May 1684 with interest of 10% per annum payable out of the growing rent of the premises "which the said John holds from him".439 On the face of it this appears to have been a straightforward transaction enabling Bellew to acquire Taaffe's interests in the property and to buy out Tomlinson. It appears however to have been an end product of a suit in Chancery taken by Nicholas Taaffe against Patrick Bellew, whose Bill against the latter is dated 18 June 1681. 440 The reply does not appear to have survived. In his Bill, which is very detailed, Taaffe alleged that the Bellews by surreptitious and fraudulent practices prevailed upon Theobald Taaffe and his son William to convey certain lands, which included Dysart and Dromin, specified in the Bill, to John

438. Ibid.

439. Ibid.

440. N.A. "Bellew Papers", 1121.1/18, Chancery Bill earl v Bellew 18 November 1684.

Bellew, by "flattery and indirect insinuations contrary to the trust imposed in him" and "pretending that the said earl was indebted to him in the sum of £745 sterling". The Bill also referred to the transactions involving Tomlinson alleging a conspiracy between him and the Bellews by which the latter would acquire the lands in dispute. It also referred to a Bill preferred in Chancery by Patrick Bellew in which the lands and premises conveyed to Tomlinson were valued at £140 per annum, compared with a previous value placed upon them of 40 allegedly to mislead Theobald Taaffe as to their true value. While the outcome of this suit is not known it is evident from the transactions, entered into in August 1681, by Bellew and Tomlinson and the grant of letters patent to the former in 1684 that Bellew won the case.

Compared with the proceedings of the courts of claims and the commission which dealt with the Connaught transplanners, those of the commission of grace of 1684/5 were a mere formality. Following the submission of an affidavit, dated 25 September 1684 in which Bellew set out the acreages and other details of the lands held by him in Galway and Louth amounting to 1904a.2r.27p and 1722a.1r.00p P.M., respectively. In addition he held 909 acres, described as unprofitable in Galway. He was allowed, on payment of a fine of £20 to pass letters patent, dated 6 January 1684/5. The particulars for County Louth are as follows:- 441 Barony of Ferrard.

X. The manor castle town and lands of Barmeath now to be called Bellewmount with Heinstown, Gallagh and Mooregrange, subdivisions of Barmeath.	398a.1r.00p.
X. Dromin.	76a.2r.00p.
X. Hitchestown & its subdenomination of Bellewgrane.	91a.1r.00p.

441. N.A., 1a.53.57, Lodge "Records of the Rolls" P.317; the extents differ from BSD by 7 acres, represented by the 7 acres in Drumgooter not in BSD.

X. Gratistown alias Graftonstown.	88a.1r.00p.
X. Dishard alias Dezard and its subdenominations of Levinsgrane and Dowdallsgrane with a lough.	210a.0r.00p.
0. The castle town and lands of Welchestown to be called Bellewscourt.	110a.0r.00p.
0. Baggottstown.	241a.0r.00p.
0. Kiltalaght with two mills.	207a.3r.00p.
0. Dromgooter.	74a.0r.00p.
0. More of Dromgooter with a house and garden intermixed in lands of Rathdrumure.	7a.0r.00p.
X. Reynoldstown with several warrens thereto belonging.	179a.1r.00p.
X. Garralaugh alias Garvagh.	39a.0r.00p.

To hold the lands thus 0 marked to his heirs and assigns for ever; to hold the lands X thus marked to the use of himself for life, subject to the jointures, debts, legacies etc., of the last will of his father John Bellew esquire dated 17 February 1672, remainder to his son and heir apparent Patrick Bellew and the heirs male of his body, remainder to his second son Richard and the issue male remainder to his third son Christopher and his heirs male, remainder to the heirs male of his own body, remainder to the uses limited and appointed by his father's will, remainder to his own right heirs for ever.

The lands in Galway created the manor of Clonoraneightragh alias Castlebellew with power to hold courts leet and baron, a law day or court of records, to build and keep a prison, to appoint bailiffs, seneschals, gaolers and other officers, to enjoy all waifs, strays, fishings etc., and to make a park with free warren and chase, to erect dove and pigeonhouses.

The lands in County Louth to be created the manor of Barmeath alias Bellewmount with the like privileges.

The differentiations made between the lands contained in the decree arise from the fact that the lands marked 0 were those which involved Tomlinson, in the suit between Taaffe and Bellew

and evidently were not in John Bellew's estate at the time of his death. John Bellew may have had a fourth son James who in 1675 acquired the unexpired portion of a 99 year lease of Willistown and Plunkettsland, which had commenced in July 1662 between the lessor Sir William Aston and the lessee, his brother Captain Alexander Aston. This lease was subsequently assigned by Alexander's widow Lettice to a John Edmond in January 1671/2 for £150 sterling who sold his interests on to James Bellew "of Barmeath" for £120 in August 1675. 442 John also had a daughter Mary who married Gerald Alymer, son and heir of Sir Christopher Alymer in January 1664/5. The marriage agreement provided for the payment of £600 by Bellew to Sir Christopher who acknowledged the receipt of same on the 25 January. 443

In his lifetime John Bellew experienced all the hardships and tribulations visited upon the Old English of County Louth in the decades following the insurrection of 1641. He suffered outlawry, was exempted from pardon for life or estate by the Commonwealth, yet escaped the ultimate penalty by being able to plead the benefit of the Articles of Kilkenny. While he suffered confiscation of his estates, he avoided transplantation until threatened with capital punishment. On transplantation he was able to eke out every possible advantage in the calculation of the lands to be assigned to him in Connaught and where his newly found estate appears to have prospered. The king's letter clearly provided for the restoration to him of his landed estate in County Louth and he might have succeeded had he not, as a Connaught transplanter, been postponed by the court of claims. The inclusion of the custodium lands assigned to him in County Louth, pending his full restoration, in Taaffe's custodium lands must have been a manoeuvre, albeit that even after the passage of the Act of Explanation he still entertained the hope that he

442. "Bellew Papers".

443. Ibid.

might be restored to his ancestral lands. It is almost certain that, but for the assistance given him by Theobald Taaffe, he would have failed in his endeavour of landed restoration in County Louth. That he succeeded was in no small part due to the loyal and effective service which he gave to Taaffe's own landed pretensions. In fine they complemented each other and their respective success was a mutual achievement.

Christopher Cheevers of Carnanstown. 444

Christopher Cheevers is described in the Quit-rent Office Rent roll as of "Corranstown" while the "widow Cheevers", probably his mother, is described as "of Carnanstown". This would seem to identify the latter as the wife of Robert Cheevers of Carnanstown, named in the Surveyor's Book of the Down Survey as the proprietor in 1641 of Carricknushanagh parish of Drumshallon barony of Ferrard, 83 acres and in the Civil Survey of County Meath as "of Carnaghtowne", an Irish Papist, proprietor of Kennettstowne parish of Moorechurch barony of Duleek 103 acres. He is also named as the proprietor of Beggsrew 68 acres, Lisboy 32 acres and part proprietor of Beggstowne, Greenhills and Crivagh, all in the parish of Siddan barony of Slane. Christopher Cheevers is also included in the list of "gentlemen and their wives" in the city of Drogheda in 1659. That Christopher Cheever's letters patent under the commission of grace included Carricknushanagh is confirmed in the BSD where he is described as "a protestant" with 83a.1r.00p.

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444. In the book of survey and distribution in the Royal Irish Academy Library, Carricknushanagh is described as "notseizedor sequestered"; N.A. Lodge "Records of the Rolls Vol. no. P.315; the grant identifies Carnonstown as in the barony of Ferrard, probably the modern townland of Carntown, the patent grant also included lands in County Meath and properties in Drogheda; the Civil Survey for County Meath and Pender Census of Ireland 1659, Drogheda.

Hugh Gernon Killencoole.

Patrick Gernon, the forfeiting proprietor of Killencoole in 1641 is described in Leslie "Inquisitions of Cromwell" as having been on the 23 December 1641 at Killencoole "in rebellion and assisted Oliver [Plunkett] and other rebels of Greenhills etc., and did leave his own estate 1 April 1642 and went to Monaghan". He is not mentioned amongst those who applied to delay transplantation to Connaught nor is there any indication that he was a transplanter. An inquisition of 1635 found that John Gernon has held the estate by virtue of a trust to uses created in 1620 and that he had died in 1634 leaving Patrick his son and heir, unmarried and thirty-four years of age. Patrick appears to have had his estate confirmed to him in 1638 and that he married Anne daughter of Edward Gernon of Gernonstown County Dublin [?], by whom he had a son, Hugh. 445 He seems to have had a brother Christopher who had a son Patrick "of Killencoole", who by a deed dated March 1671 left his estate described as "Killencoole, Mullaghesker and Rahessine" in tail remainder to Hugh Gernon. As all of these lands formed part of the estate granted by letters patent to Hugh Gernon in 1684 it is open to speculation that Hugh's inheritance came, not from his father Patrick but from his cousin Patrick Gernon.

Bellew's Accounts refer to two Gernons i.e., Gernon of Killencoole and Pat. Gernon of Kilcronev. The latter denomination is given in the BSD as in the joint proprietorship of Lord Louth, Patrick and Thomas Gernon in 1641 and distributed between Mary Gernon, the earl of Carlingford and Lord Louth in the Restoration period; the earls's portion passing to Hugh Gernon in 1684. This adds further to the possibility that there were two Patrick Gernon's involved

445. Appendix A Volume Two No.33 and a pedigree of the Gernon family in G.O. "Will pedigrees, Ulster Office V.3, No.205, P.190"; for the "Inquisitions of Cromwell" see Leslie History of Kilsaran, op.cit., P.39-40.

in attempts to recover Killencoole lands in the Restoration period and that it was from Patrick Gernon of Kilcronee that Hugh inherited his estate. 446 Between April 1661 and June 1663 the earl of Carlingford through his Agent John Bellew was in contest with the Gernons in the exchequer for possession of the Killencoole-Kilcronee estates, the eventual outcome of which favoured the earl in that Killencoole, Mullaghesker, Enotstown and Kilcronee were all in Carlingford's custodiam by May 1663, with a Robert Gernon paying rental for Killencoole. While positive proof is not available to establish Patrick Gernon of Killencoole as a letteree, there are strong indications that he was. There is a reference in John Bellew's Accounts 1661-62 to an order by the exchequer for "Gernon of Killencoole", to put "his lands out of charge" while in the record of the second court of claims dated 13 February 1665/6, "Gernon", described as a letteree appeared as a defendant in Erasmus Smith's claim for Johnstown parish of Dunany which was part of the Killencoole estate in 1641. 447

Together with the properties in Drogheda, a total of 643a.3r.00p., were granted by the letters patent to Hugh Gernon, located in Kilcronee, Mullaheker and Rahessine in the parish of Louth and Killencoole in the parish of Killencoole. With the exception of Kilcronee they had formed part of the Killencoole estate in 1641 and had been granted by letters patent to the earl

446. The deed conveying Killencoole, Mullaghesker and Rahessine "in remainder in tail" to Hugh Gernon of Killencoole is dated 19 and 20 March 1671 and is referenced under "claims at Church House P.121", G.O. Wills Pedigrees, Loc.cit.

447. N.L.I.Ms.31, No.42 13 February 1665/6.

of Carlingford in 1668. 448 The circumstances as well as the consideration involved in this transfer is not known but in view of the deed entered into by Patrick Gernon in favour of Hugh Gernon the transaction could have been effected between 1668 and 1671. The latter married Ellinor daughter of George Peppard of Drogheda and while he died intestate and administration granted to Margaret Fortesque his next of kin the estate did not pass to the latter. A John Gernon of Killencoole, descendant from the Christopher Gernon line died without issue in April-May 1766. 449

John Keating.

John Keating, chief justice of the common pleas, by indenture dated 24 November 1682 and in consideration of £2,785 sterling paid to Richard Talbot, acquired the estate of Castlering from the latter. 450 He in turn, in December 1684 passed letters patent under the commission of grace for the estate "to continue one entire manor for ever". As set out in chapter six, part one section one herein, Richard Talbot had acquired the remainder of the estate, by decree of innocence in April 1663, to commence "when it should fall" i.e., following the death of his father John Talbot of Malahide who was a Connaught transplanter. The latter had obtained a king's letter in June 1662 ordering his

448. N.A. Lodge "Records of the Rolls", 1a.53.57., P.319, the premises in Drogheda are noted "to be held in trust for James Gernon of Dublin".

449. G.O. "Wills pedigree", P/190-1; He appears to have married a protestant P.R.O.N.I., "Annesley Papers" D.1854/4/32. see also N.A. "Pyke-Fortescue Papers", 1004.1.8, 2-3 & 1-5.

450. Ms.Talbot c.92 No.20, Bodleian Library Oxford,

restoration to all his estates "notwithstanding any outlawry" and was one of the nominees included in the Gracious Declaration. Notwithstanding this, he was "postponed" by the first court of claims. 451

John Clotworthy, the first viscount Massarene, was empowered by clause CXXX of the Act of Settlement to seek reprisal lands in County Louth in compensation for lands in County Antrim ordered to be restored by the king to Sir Henry O'Neill.⁴⁵² He appears to have exercised this right, obtaining a custodium of the estate of Castlering on the 21 May 1663 at a charge of £80.9s.00d., yearly subject to an annual charge of £100 to a Thomas Carr. John Talbot must have had a prior custodium of the estate in that in Michaelmas term 1664 he obtained an order of respit [an order to the sheriff to suspend collecting a crown or quit rent from an estate] relieving him from any obligation to pay rent on the property by which one may infer that he did not then have full seizen of Castlering. 453

John Talbot died in 1672 after which his son Richard commenced an action to recover his inheritance from Massarene and in this he may have been assisted by Keating to whom he subsequently disposed of the estate for the consideration referred to above. The BSD gives the extent of the latter as 1801a.3r.00p., including Drumgally and Tullaghee which had been part of the lands granted previously to the duke of York. 454 However the patent also

451. Cal.S.P.Ire., 1660-1662, P.356, 17 June 1661; P.Tallon "Submissions and Evidence" No.175.

452. Lodge Peerage of Ireland, op.cit.368-89

453. Ms.Talbot c 92 No.19, Loc.Cit., Michaelmas Term 1664, copy of an Order of Respit by John Bysse, in favour of Talbot.

454. "Abstracts of Grants", P.187, duke of York, patent grant 20 January 1667/8; in July 1693 Keating granted Castlering to his nephew Maurice Keating as part of the marriage settlement of the latter, N.A. Lodge "Patent Rolls William and Anne" 1A.53.58 P.47.

includes as part of the manor, an aggregate of 696a.2r.00p., comprising the lands of Ardcrony, Horstown, Newrath and Lowrath in Louth, 472a.2r.00p., Lower Allardstown in Killencoole, 144a.0r.00p., and Walterstown in Dromiskin 80a.0r.00. Of these only the former had belonged to the Talbots in 1641 passing in the Restoration period first to Taaffe earl of Carlingford and then to Keating. 455 The latter two denominations had been held in 1641 by Patrick Barnewall of Allardstown a forfeiting proprietor. They seem to have been acquired first by the Boltons of Knock, the BSD entry being "Sir Edward Bolton a protestant in 1641" and then passed by assignment to Keating. These can only have been concealments as neither the Civil Survey nor the Down Survey record any Bolton interest in these lands in 1641. The total acreage granted to Keating by the letters patent amounted to 2498a.1r.00p: the BSD records a further 80 acres in Walterstown obtained from Nicholas Gernon.

Oliver Tallant Rathbrist. 456

Oliver Tallant passed letters patent under the commission of grace in respect of 180 acres in Rathbrist parish of Louth. The entries in the BSD in respect of Rathbrist are incomplete and inaccurate, showing only 66 acres and 240 acres on the survey and distribution sides respectively. The survey side makes no mention of Tallant while the forfeiting proprietors are given as Thomas Gernon of Louth and Lord Louth. The distribution side records the proprietors as the duke of York, Sir John Bellew and Oliver Tallant whose title is indicated as from the commission of grace. The Surveyor's Book of the Down Survey shows Rathbrist as containing an aggregate of 303 acres shared by Thomas Gernon of Louth 27 acres, Lord Louth 44 acres and Patrick Tallon of Dublin

455. These lands had formed part of the lands which were in dispute between Talbot and Massarene in 1664 and appear to have formed part of a custodium granted to Massarene by the exchequer in May 1663.

456. N.A. "Records of the Rolls", 1a.53.57., P.309.

"Prot." 231 acres. The Civil Survey indicates that "Pat.Tallon of Bab", protestant, had 180 acres and that "Tallon of Drumcar paid to the lord of Louth 20s.,per annum".

Thomas Tallon is recorded by the Gross Survey of the barony of Ardee and the BSD as an "Irish Papist" and forfeiting proprietor of the manor of Drumcar. The family connection between the Tallons of Drumcar and "Patrick Tallon of Dublin" has not been established and as none of the surviving records predate 1641 it could be misleading to assume any such connection. Patrick Tallant was one of those cited to appear before the House of Commons in 1644 in connection with Nicholas Gernon's petition regarding the ownership of Dromcath and is referred to by John Bellew in 1655 as an attorney in the court for the administration of justice. 457 He is mentioned in Pender as a "gentleman" in the city of Dublin and may be identical with the Patrick Tallon or Tallant escheator for Leinster in 1660/1. On the face of it he could have been, like John Exham in Dundalk, a predator for lands in County Louth, in the confusing years after 1641 and before the Commonwealth Surveys of the 1650's. The legal offices which he held would have given him a ready access to the exchequer records in Dublin as well as the facility to acquire lands in concealment and which his son Oliver was able to regularise through the commission of grace. The latter, as his son and heir, also had a patent grant of lands in Kilkenny 779 acres and Meath 192 acres in 1666. In 1686 Oliver's daughter Elisabeth married Jeremiah Donovan the registrar of the admiralty in Ireland in the reign of James 11. 458

457. Commons Jn., V.1i, P.329. "Bellew Papers", Agreement dated February 1554/5;

458. Patentee Officers, P.127; "Abstracts of Grants", P.83; for the marriage of Oliver's daughter Elisabeth see John O'Donovan (ed.) Annals of the Kingdom Of Ireland, appendix V.V11 P.2475-6.

The commission of grace was active only for a short period of eight months and this may explain the small numbers who petitioned its services in County Louth. Many more might have come forward had it continued longer. It is not therefore possible to measure from its proceedings the extent to which lands changed hands in the period after 1669. Transactions such as that between Bayly and Tisdall or between the duke of York and Taaffe were not processed through the court while the Bellews of Thomastown held the latter from the Tichbornes on some long term basis which continued into the eighteenth century. Likewise the disposal of the residue of the duke of York's estate in the county was not processed through the commission.

CHAPTER EIGHT.

THE SETTLEMENT COMPLETE.

The death of Charles II can be said to mark the end of the restoration land settlement, if not the dissatisfactions and dissensions which accompanied it and which spilled over into the new reign. In County Louth the landed gentry class which had emerged was totally different from that which had existed for hundreds of years prior to the 1641 insurrection. It was not homogeneous in character, reflecting instead the ethnic, religious and social divides which had occurred in both islands in the early part of the seventeenth century and which had their origins in the socio-political upheavals of Irish insurrection and English civil war. While the Old-English still held a substantial segment of the landed estates in the county, albeit by a small quasi-aristocratic elite, the greater proportion of them had been reduced to the status of leaseholding tenants, of what was for some at least, their ancient patrimony.

The Moores of Mellifont and Ardee.

The "Old protestants", as they described themselves, the descendants of the late Tudor and early Stuart periods do not appear, apart from the Moores of Mellifont and Ardee, to have been disturbed in any material way in their landed estates and this notwithstanding all the upheavals which had taken place. Rather surprisingly they do not appear either to have benefited by way of increase in their landed estates; not even Henry Moore of Mellifont, Viscount Drogheda, who it might have been expected would have received some largesse from the king for his efforts and those of his father in the time of war, as well as for the deprivations suffered by him in the Commonwealth period. There are two possible explanations for this; firstly in the early Restoration period Moore may have

stood more in need of money to clear debt, than additional landed estate, the acquisition of which might only have added further strain to his resources and secondly, the intrusion of the duke of York into County Louth may have dried up the available custodium lands. Following his petition of March 1661 Moore was granted the captaincy of a troop of horse and reappointed governor of Drogheda and county of Louth, where he was also custos rotulorum. 459 It was also ordered that he be paid his two arrears of pay due to him prior to 1649 and in June 1661 he was advanced to the earldom of Drogheda. Henry, who served also on the Irish privy council, had been appointed one of the trustees for the '49 officers' security and was chosen to administer one of the "100 lots", in the scheme drawn up by the court of claims, for the distribution of the security in 1668. His lot, which was drawn mainly on properties in the city of Cork, the administration of which he shared with Thomas Leigh of Drogheda, provided for arrears due to him of £6692.10s.2d. Leigh was stated as having due to him £1712.6s.2d, the others being Francis Burrowes £2126.19s.6d., John Barnewall £511.15s.2d., Luke, earl of Fingall £800 and Guy Mouldsworth £222.6s.4d. 460 The Ardee estate of Henry's brother Garrett, reckoned at 1196 acres, according to the BSD, passed in 1665 to his brother Randall who first married Jane Brabazon, daughter of the earl of Meath and secondly Priscilla Armitage of Ardee. He was succeeded, before the end of the century by his son Brabazon. On the basis of the BSD the Moore estate in County Louth, exclusive of Ardee was 4909a.1r.16p. 461 However the acreages given are taken from the Civil Survey and are underestimations, thus the average for Ballymascanlon is given as 1260 acres while the Down Surveyor's measurement was 17,713 acres; taking account of this, the estimated extent of the Moore estate in the County, outside Ardee, is taken to be 21,189 acres; see Appendix E Volume Two.

459. J. Lodge The Peerage of Ireland, (ed). M.Archdall (Dublin 1789), V.1V, P.106-09.

460. I.R.C. "Abstracts of Grants", P.141 and Savings P.299.

461. For the Moores of Ardee see L.P.Murray, "The Moores of Ardee" Louth Arch.& Hist.Jn., V.7 No. 4 (1932), P.478-84.

The Bagenals of Carlingford and Newry.

The second most important of the Old Protestant families, as measured by the extent of their estates, were the Bagenals of Newry and Carlingford. They held extensive lands around Carlingford Lough, embracing the districts of Newry and Mourne on the north and Omeath and Carlingford on the south. In the decades following the death of Sir Henry Bagenal at the battle of the Yellow Ford in 1598, the Bagenal estates came under the influence of the Trevor family of Trevalyn in Wales, cousins to the Trevors of nearby Brynkinallt and of Rosetrevor in County Down. 462 Sir Henry Bagenal's wife had remarried after his death to Sir Sackville Trevor of the Trevalyn family. The latter had had a naval career and following his knighthood at Chatham in 1604 held senior appointments in the naval service. In right of his wife he acquired the Bagenal properties at Plas Newydd in Anglesey in north Wales where he was elected to parliament in 1625. In 1602 Arthur Bagenal, Sir Henry's son and heir, was married to Magdalen, the daughter of Sir Richard Trevor of Trevalyn, the elder brother of Sir Sackville. The former had seen service in the Newry area during the Elizabethan wars where he was for a time the governor of Newry, until his return to Wales in 1606. His place as the most senior of the Welsh colonists in the Carlingford Lough area was taken by his cousin and probable protege Edward, later Sir Edward Trevor and father of the even more celebrated Colonel Mark Trevor, Viscount Dungannon. Sir Richard never lost interest in his Irish connections and was back in Newry as governor for a period in the late 1630's until his death in 1638. By the time of his death his daughter's husband Arthur Bagenal was also dead and his widow remarried Captain

462. For the Trevors of Trevalyn, including their early connections with County Down see Sophia Enid Jones, The Trevors of Trevalyn, (privately printed 1955).

Arthur Tyrringham, whom she survived until her death in 1556. While The Down survey describes the Newry and Mourne section of the Bagenal estate, as "Mrs.Tyrringham", possibly in recognition of her life interest, the County Louth section, consisting of 3022a.3r.24p., is described as "Mr.Bagnall protestant". 463 The latter was Magdalen's son Nicholas, heir to the Bagenal estate, who seems to have proved his 'constant good affection' to the English interest in 1656. At the time of his father's death in 1637, Nicholas was a minor, whose wardship was granted to Sir Roger Palmer and Sir John Trevor of Trevalyn, thus continuing the Trevor interest until he reached his majority about 1647. In the Restoration parliament Newry was represented by Messrs.Trevor Lloyd and Nicholas Bayly. The former was a brother-in-law of Viscount Dungannon, the latter the son of Lewis Bayly the bishop of Bangor in Wales and contender for lands in County Louth. His mother Anne was sister to Arthur Bagenal and was therefore, first cousin to Nicholas Bagenal. After the latter died without issue in 1714, he left his County Louth lands to his cousin's son Edward Bayly, from whom descended the Baylys, earls of Uxbridge and Marquisate of Anglesey, who held the Irish section of their estates until they were sold off in 1858. 464 The second British settler element in County Louth were the ex-soldiers' plantation of the barony of Ardee and which had been substantially reduced in extent compared with the Commonwealth period. In addition there were a number of grantees by letters patent, including patents issued under the commission of grace, (described herein as "post 1641 proprietors British") the origins of whose titles are unclear. Most of these held small amounts of land in baronies other than Ardee. Three of these were lawyers with connections in the legal establishment, who like Exham could have acquired their holdings in the post 1641 period and later secured title by means of letters patent: They are as follows:-

463. BSD; see also Down Survey, Barony and Parish maps of Lower Iveagh; County Louth "Surveyor's Book of the Down Survey", "Bagenall Protestant".

464. P.R.O.N.I., "The Anglesey Papers", D.619.

	<u>ACREAGE</u>	<u>PARISHES</u>
Edward Bolton assignee to Justice John Keating	224.0.00	Dromiskin and Killencoole
<u>Qualifications:</u> Lands reputedly owned by Sir Edward Bolton and subsequently assigned to Keating, they were held by Patrick Barnewall in 1641 according to the Surveyor's Book of the Down Survey.		
John Burgess	110.0.00	Dunany
<u>Qualifications:</u> In BSD only letters patent not traced.		
John Exham	81.0.00	Dundalk
<u>Qualifications:</u> See Chapter five part one, had a decree from the first court of claims, later passed letters patent.		
Nicholas Gernon assignee to John Keating Castlering	(94.2.00)	
Captain Roger Gregory	25.0.00	Louth (Dundalk)
<u>Qualifications:</u> Probably from County Louth, was a '49 Officer and also had lands in Ardee (See below).		
Captain William Shaw	380.0.00	Haynestown
<u>Qualifications:</u> Ex-soldier, was in dispute for possession with Matthew Plunkett but obtained letters patent; possible reprisal.		
Edward Singleton	115.0.00	Drumshallon
<u>Qualification:</u> Unclear, patent grant under commission of grace.		
Olvier Tallon	180.0.00	Louth
<u>Qualifications:</u> See Chapter Seven.		
<u>Total</u>	<u>1115.0.00</u>	

Forty-seven individuals obtained letters patent for lands in the barony of Ardee in the Restoration period, most of whom can be identified as ex-soldiers or their assignees. They held an aggregate of 15743a.1r.2lp., compared with the 25,348 acres distributed to them in the Commonwealth plantation. By 1685, Matthew Plunkett, Lord Louth had recovered 1284 acres, consisting of lands which had been allocated to the ex-soldiers only for the lifetime of Oliver Lord Louth, thus further reducing their landholdings to 14,459 acres. The reductions can be accounted for partly by the re-grants made under the first and second courts of claims to the Old English, in which event those disturbed would have been reprised elsewhere and partly by the one-third retrenchments ordered by the Act of Explanation. Some of those who appear to have been reprised with lands elsewhere, being persons claiming as soldiers in County Louth in the early 1660's, were Richard Parry, Sir Thomas Bramhall Bt., and John Killoghe. 465 Their reprisals lands have not however been traced. The following are the details regarding the fifty-three individuals named in the Grants and the BSD:-

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465. I.R.C., Supplement 8th.Report, 1919, "Catalogue of Reports and Schedules addressed to the Court of Claims", P.248-300, P.251 Bramhall, 276 Killoghe and 286 Parry.
469. "Army Lists, Co. City, for the Bellinghams see Introduction and Prefatory Note, to Antony Hewison (ed.), Diary of Thomas Bellingham, (Preston 1908) where at P.11 he is described as having been a cornet in Browne's regiment of horse and that on the 7 May 1659 he was "in the actual possession of 549 acres in Carrinstown, 183 acres in Bilsinstown, 80 acres in Williamstown, 108 acres in Lynce and 85 acres in Adanstown amounting to 1,077 acres plantation measure all confirmed to him 24 April 1664; 'Abstracts of Grants' P.80.

William Armitage.1428.3.00: Probably an assignee, no record as a soldier. 466

Mary Ashenhurst. 246.0.36: Widow of Lieutenant Peter Ashenhurst in Michael Jones's regiment 1648. 467

William Aston. 1076.0.00. Major in Hungerford's regiment 1648, later judge in King's Bench.

Henry Baker. 28.2.00. Described as either a corporal or a captain. 468

Henry Bellingham.1077.0.00. Lieutenant in Fenwick's regiment, 1648. 469

466. For the Armitages see Diarmuid Mac Iomhair "Caraher of Cardistown Family Papers" Louth Arch.& Hist.Jn., V.16 No.3 (1967) P.169; "Abstracts of Grants" P.65.
467. "Army List Ireland 1648" in H.M.C., Eight Report, Trinity College Manuscripts; "Abstracts of Grants" P.110 with a Saving for the earl of Carlingford of Cookstown and part of Gilbertstown subject to reprisals.
468. See Mary Gernon in chapter five, part one section one "innocent protestant"; a Henry Baker "son of Captain Henry Baker", is referred to at No.176 P.248 in "Reports and Schedules", op.cit. ; "Abstracts of Grants" P.226.
469. "Army List", Op.Cit., for the Bellinghams see Introduction and Prefatory Note, to Antony Hewitson (ed)., Diary of Thomas Bellingham, (Preston 1908) where at P.xi he is described as having been a cornet in Hewson's regiment of horse and that on the 7 May 1659 he was "in the actual possession of 619 acres in Gernonstown, 183 acres in Milestown, 80 acres in Williamstown, 108 acres in Lynne and 86 acres in Adamstown amounting to 1,077 acres plantation measure all confirmed to him 24 April 1666"; "Abstracts of Grants" P.80.

John Brown. 100.0.00. Son of Dennis, an ex-soldier. 470
 Robert Burgh. 82.2.00. Not identified, claimed as an
 Adventurer in Louth & Monaghan. 471
 Arthur Bulkeley 448.2.06. Manchester woollen merchant. 472
 John Chamber 120.2.26 Cornet in Meredith's regiment in
 1648, later captain. 473
 Arthur Dillon. 734.2.00. Captain of a troop of horse in 1648;
 of County Meath parentage. 474
 George Disney. 54.2.27. Not identified.
 William Disney. 221.1.00. Lieutenant-colonel and sometime
 governor of Drogheda. 475

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470. "Reports and Schedules", op.cit., No.69, P.252 "in right of soldiers; "Abstracts of Grants" P.233.
471. "Reports and Schedules" Ibid., P.253; "Abstracts of Grants" P.233.
472. "Abstracts of Grants" P.126/7.
473. "Army List"; "Abstracts of Grants", P.65, with Savings to earl of Carlingford part of Cloughanmule after reprisals and William Gough his right to sue for Great Lisrenny.
474. "Army List"; "Abstracts of Grants" P.77; see chapter three Note 180.
475. For a note on the Disneys see James B.Leslie History of Kilsaran, (Dundalk, re-print 1986 P.116-7;) petition of Lieutenant-Colonel William Disney dated 20 October 1664 praying to compound with the corporation [Drogheda], for pulling down the arms upon the tholsel door of this town and other injuries which he did to the town when he was governor", T.Gogarty Council Book of the Corporation of Drogheda. Op.Cit.,P.116-7; "Reports and Schedules" Op.Cit., P.261, No.70, a soldier; "Abstracts of Grants" P.233 George Disney 54a.2r.27p., in Great Rathbody with a Savings for the earl of Carlingford of "Drakestown, Anaglog and Rogerstown as rightfully belonging to him by his provisoes under the Acts", P.63 William Disney Stabannon 220a.

William Edwards. 181.0.00. Lieutenant in Hungerford's Regiment
1648. 476

Patrick Fagan. 186.0.00. An ex-soldier, rank unknown. 477

Mary Fowke. 1698.3.00. Widow of colonel John Fowke.

James Garstin. 231.3.05. Captain in Lidcott's regiment and
assignee of his brother's lands. 478

Seafoule Gibson. 10.2.00. Major in Matthew's regiment in Newry
1643-46; probably a '49 Officer. 479

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476. "Army List"; "Reports and Schedules" Op.Cit.,
P.264 claiming as a soldier, "there is a rent charge
of £80 a year decreed to John Hollywood for a
thousand years until £800 be paid.
477. Ibid., P.265, claiming "as a soldier"; "Abstracts
of Grants" P.188.
478. Ibid., P.270, No.'s 27, 62 & 3, "William Garstin claiming
by his guardian James Garstin" for lands in
Westmeath "as a soldier", Captain James Garstin for
lands in Louth and Meath, "claims as a soldier. To this
report is annexed a certificate of the lands confirmed
and re-trenched with the quitrents and fees due to the
commissioners"; for the Garstins see Leslie
Op.Cit., P.120-7; N.L.I., "Garstin Papers" an unsorted
collection which includes papers dealing with Garstin's
acquisition of lands in Louth and Westmeath including a
commonwealth debenture, copies of letters patent etc.;
"Abstracts of Grants" P.126 James and William Garstin,
lands in Louth, Meath and Westmeath, a Savings to the
earl of Carlingford after reprisals.
479. "Reports and Schedules", P.270, No.57 for lands in Meath,
"as a soldier"; "Abstracts of Grants" P.89 lands in
Cork held with Sir Robert Byron as trustees for the
'49 Officers, on behalf of named officers including
Gibson £4436 and Captain Roger Gregory £310, P.179 lands
in Meath, Armagh and 10a.2r.0p., part of Knocknegor parish
of Ardee.

Francis Gregory. 100.0.00. Not identified, probably of the Gregory family of Sheepsgrange. 480

Roger Gregory. 68.0.00. Ditto, see Captain Roger Gregory a '49 officer above, was in Tichborne's regiment in 1648. 481

Henry Gwither. 127.0.00. Ensign Hungerford's regiment 1648 482

John Hill. 144.3.27. An ex-soldier, rank unknown. 483

Richard Hodson. 17.2.22. Ditto. 484

480. See the deposition of Georg Gregory of Sheepsgrange 8 January 1642/3 in T.Gogarty "County Louth Depositions 1641" Louth Arch. & Hist. Jn., V.3 No.1 (1912), P.75-6; "Abstracts of Grants" P.192 Francis Gregory lands in Louth, Westmeath, Tipperary, Cork and Limerick aggregate 442 acres statute measure.
481. "Army List" Op.Cit.,; Pender (ed.) Census of Ireland, Op.Cit., Roger Gregory a titulado in Mayne; "Reports and Schedules" P.271, No.43 for lands in Meath "in right of soldiers"; N.L.I., Ms.31, P.134 trustees [of the '49 Officers' security] v Roger Gregory, 20 March 1665/6 ".....forasmuch as the plaintiffs have failed to prove that the defendant hath received satisfaction in lands or money for service and arrears since the 8 June 1649 it is thought fit and ordered that the said defendant be and is hereby allowed a postponed officer and that he receive satisfaction for his arrears....."; "Abstracts of Grants" P.173 Roger Gregory.
482. "Army List"; for a note on the Gwither family see Leslie Op.Cit., P.289-91 ; "Abstracts of Grants" P.64.
483. "Reports and Schedules", P.273 No.'s 50 "in right of soldiers" & 87 "Report on lands allowed to be confirmed to him"; "Abstracts of Grants" P.233.
484. Ibid., P.69 "in right of soldiers".

Elizabeth Holt. 337.1.00. Widow of Captain Richard Holt, was involved in the "Fanatic Plot". 485

William Jones. 130.0.00. Captain regiment not known. 486

George Lambert. 78.2.00. Captain regiment not known, had Dundalk connections. 487

Thomas Leigh. 8.0.00. An assignee, alderman Drogheda. 488

Andrew Lloyd. 667.3.00. An assignee, sold out to Matthew Plunkett. 489

485. Ibid., P.273 No.18, an Elisabeth Holt claimant for lands in Queen's County "in right of soldiers"; "Abstracts of Grants" P.231 lands in barony of Ardee with Savings for Thomas Cashell the benefit of his decree 10 August 1663 to Rulestown part of Cashellstown.
486. Ibid., P.275 No.56 Captain William Jones a claimant for lands in County Louth "in right of soldiers"; "Abstracts of Grants" P.173.
487. Ibid., P.277 No.70 "soldier" claim dated 22 September 1666"; "Abstracts of Grants" P.130, may be identical with the Lambert of "Lambert's troop of horse" in an "Accoumpts" of soldiers' arrears dated 10 March 1663/4 see O'Sullivan, "Plantation of Ardee" Louth Arch. & Hist. Jn., V.21 No.4 (1988) P.424.
488. Ibid., P.278 No.72 claimed as an Adventurer for lands in Meath and Louth; "Abstracts of Grants" P.141 lands in Meath and Louth.
489. Ibid., P.278 No.80 claimed as a soldier, he was however an assignee see N.L.I. "Ainsworth's Report on the Louth Papers", P.1590-92; "Abstracts of Grants" P.63 Tallonstown 393 acres "to hold only during the life of Oliver Lord Louth" 313a.2r.00p., in Irishtown to hold forever".

Edward Martin. 80.0.00. An ex-soldier, rank not known. 490
 Nicholas Moore. 229.0.00. Captain in Tothill's regiment,
 landed in Dublin May 1649. 491
 Edward Nicholls. 53.0.00. An ex-soldier, rank not known. 492
 Edward Parkinson 231.2.00. May have been vicar in Ardee 1641,
 was Commonwealth minister there in
 1656 and installed vicar 1662. 493
 John Pierce. 208.0.00. May have been the son of captain
 John Pierce whose widow Mary who
 submitted a claim "on behalf of
 herself and her children". 494
 William Pepper. 613.2.00. Quartermaster regiment unknown. 495

490. "Reports and Schedules" P.279 No.14 "soldier"; "Abstracts of Grants" P.119 with a Saving for the earl of Carlingford "such right as should be adjudged him to Rathbodibeg and Archerstown, these denominations are given as Martin's in BSD.
491. Ibid., P.281 No.10 in respect of lands in Meath and Louth as a "soldier"; G.O. (Ulster) No.46; "Abstracts of Grants" P.102 Meath and Louth, P.226 lands in Cork with Savings to John Hollywood his right to his proportion to a rent charge of £80 out of Listrush etc., with other lands for 1,000 years until £800 be paid; note similar Saving in the case of William Edwards.
492. "Reports and Schedules" P.283 No.37 "Soldier"; "Abstracts of Grants", P.64.
493. Ibid., P.127; James B.Leslie Armagh Clergy and Parishes, op.cit.,P.99.
494. "Reports and Schedules", P.286 No.105 Mary "relict of Captain John Pierce" as a soldier on behalf of herself and her children; "Abstracts of Grants" P.173 John Pierce Gent.,Dromcath 78a. and Reaghstown, during the life of the then Lord Louth only, 130 acres.
495. Ibid., P.286 No. 36 "Quartermaster William Pepper" for lands in Louth and Westmeath "in right of soldiers"; "Abstracts of Grants" P.47, a Saving to William Gough to such right as he had to 22 acres part of Great Lisrenny by his decree dated 7 August 1663.

Mary Poe. 306.2.00. Widow of Antony Poe, captain of a troop of horse 1647. 496

Price Phillips. 100.2.00. An ex-soldier, rank not known. 497

Sir George Rawdon. 323.0.00. Probably an assignee, was a Commonwealth soldier County Down.

Joseph Rea et al. 393.3.00. An ex-soldier with John Sergeant, John Chamber & Robert Gowen. 498

John Ruxton. 761.0.00. Son of lieutenant John Ruxton of Ponsonby's regiment. 499

George Smart. Not identified; his lands were recovered by Nicholas Darcy. 500

James Smallwood. 311.1.14. Captain. 501

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496. Ibid., P.287 No.7 "Army List", "Report on Discovery", "in right of soldiers"; see Cornet Antony Poe of Lambert's troop of horse in O'Sullivan "Plantation of Ardee" Louth Arch. & Hist. Jn., V.21 No.4 (1988) P.424; "Abstracts of Grants" P.226, Dromgoolestown 30 acres. a Saving to Catherine Dowdall and Elisabeth Plunkett the benefit of their decree to Cannonstown, Ballydonnell and Charlestown; P.130 "Mary Poe relict of Antony Poe gent., and Daniel son and heir of the said Antony" Dromgoolestown 104a.3r., Aclint northerly part 171a.3r.
497. "Reports and Schedules", P.286, No.9 "in right of soldiers"; "Abstracts of Grants" P.213 as Rice Phillips with a Saving to William Gough his right in Great Lisrenny.
498. Ibid., P.288 No.26 "soldiers"; "Abstracts of Grants" P.65.
499. Ibid., P.290 No.78 "soldiers"; "Army List"; for the Ruxtons see O'Sullivan, Art.Cit., 449-52; "Abstracts of Grants" P.70 a Saving for Garrett Fleming "such right as should be adjudged him as a nominee after reprisals to Lagan, Crowmartin and Greatwood, Tully and Ballybony, all these are under Fleming in BSD but Ruxton's reprisals have not been traced.
500. BSD.
501. O'Sullivan "Louth Gentry in age of Tudors" Art,Cit., map showing part of Drumcashel "manor house belonging to Captain James Smallwood; for Smallwood see Leslie History of Kilsaran, Op.Cit., P.118; "Abstracts of Grants" P.172.

Sir Tho' Stanley. 242.0.00. Ex-soldier, regiment not known. 502
 John Thomas. 357.0.00. Ditto. 503
 William Tichborne. 210.3.00. Son of Sir Henry Tichborne.
 Henry Townley. 820.1.33. Son of Antony of Ardee who may
 have been an assignee. 504
 Peter Westonra. 132.2.11. An ex-soldier, regiment unknown. 505
 John Williams. 263.3.13. Cornet in Jones's regiment 1648. 506
 Robert Wynne. 421.1.14. Not identified, may have been the
 son of Cadwallader Wynne.
 Rowland Young. 78.2.27. Not identified.
 Total Acreage. 15743.1.21.

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502. "Reports and Schedules" P.292 No.18, claimant for lands in Waterford and Tipperary; BSD., held 35 acres in town of Ardee, 80 acres in Grange and 127 acres in Obristown parish of Shanlis; in May 1658 conveyed a lease of "part of the lands (215a) of Purcellstown, Hurlestowne and Obristowne barony of Ardee with 35 acres in the townland of Ardee called the twelve acres, formerly in the possession of Robert Shaw for 19 years" N.L.I, Louth Papers "Ainsworth's Report" P.1591; *ibid.*, P.1595, 22/23 May 1671 Stanley of "Tykincor County Waterford" conveyed the lands of "Obrilstowne al' Hubridstowne" to Matthew Plunkett "which were granted under the Act of Settlement to Stanley"; "Abstracts of Grants" P.57 lands in Waterford, Tipperary and Louth, a Saving for Matthew Plunkett "such right in remainder to Obristown as had been decreed to him 29 July 1663 after Dame Mary his mother".
503. "Reports and Schedules" P.293. No.39 "in right of soldiers"; "Abstracts of Grants" P.72.
504. Ibid., P.294, No.46 "soldiers"; "Abstracts of Grants" P.173 and P.226 lands in Meath and Louth, lands in Charlestown, Hammonstown, Lawlestown, Cannonstown and Ballydonnell "for the life of Lord Louth only".
505. Ibid., P.297, No.131, soldier petitioner for lands in Louth and Cork" lands to be confirmed, retrenchment being made"; "Abstracts of Grants" P.198 lands in Louth and Meath, a Saving for the Vicars Choral of St.Patrick's Dublin "two ridges of land about Ardee".
506. Ibid., P.298 No.136 "Lieutenant John Williams; "Army List"; "Abstracts of Accounts" P.126.

The third settler element was the group of royal grantees, most of whom were absentee; Colonel William Legge, Erasmus Smith, John Clotworthy, Viscount Massarene, who died in 1665 and was succeeded by entail, to his estates and title by Sir John Skeffington; James Stuart, duke of York and Mark Trevor Viscount Dungannon who was the only one of these who could be said to have had a local residence.

Mark Trevor Viscount Dungannon, of Dundalk and Carlingford.

Despite the setback given to Trevor by Chancellor Eustace in stopping his letters patent in November 1662, Trevor succeeded, through the intervention of Ormond, in having a proviso incorporated on his behalf into the Act of Explanation. On the 14 September 1666 he secured a certificate from the court of claims enabling him to pass letters patent, dated 1 April 1667, conveying to him the town and lands of the corporations of Dundalk and Carlingford, described in the patent as eight castles, three hundred and ninety one messuages, houses tenements etc., several parcels of land in or near the liberties [of Dundalk], containing in the whole 1200 acres "with all the bogs or commons to the town or corporation formerly belonging". In Carlingford the grant amounted to 600 acres, together with the bogs and commons of the town. 507 The BSD indicated that the total extent of the Dungannon's estate in the county was 3630a.0r.00p

Trevor died in 1670 and as his surviving sons were all minors, the management of his estates devolved upon his widow, Ann Lewis of Anglesey, whom he married, as his second wife, in 1662. 508 She

507. See copy of letters patent in Abstracts of the Title of Right Hon. Robert Earl of Roden to the manor, town and lands of Dundalk, Appendix No.1 Louth County Library, Dundalk.

508. O'Sullivan "The Trevors of Rosetrevor" Loc.Cit.

was a capable woman who had brought to the marriage a substantial estate in Presaddfed in Anglesey. Shortly after the death of her husband she completed the purchase of Sir Robert Reynolds lands about Dundalk. The latter, (shorn of the lands of Sir John Bellew, by the decree awarded to the latter, by the first court of claims in 1663), subsequently obtained a certificate from the second court enabling him to pass letters patent in 1667 for a grant of 1337a.2r.24p., in Ballriggeran, Lurgankeel and the liberties of Dundalk on the north side of the Castletown river. In 1669 he had a further decree for 664a.1r.30p., in the townlands of Carrickedmond and Ballynamoney which had formed part of the grant originally made to him by Cromwell, bringing the extent of his estate in the county to 2002a.0r.14p. 509 In addition to her acquisition of the latter, Lady Dungannon further added to the estate by the purchase of John Exham's lands in Lisbalregan.

The corporation of Dundalk, which had been restored by the Commonwealth in 1655, consistently opposed the granting away of the corporate lands to Trevor. This is evident from the correspondence between Lady Dungannon and Sir Edward Deering in 1670, following the death of her husband. 510 Her concern was to secure the dissolution of the corporation, not merely because it was "disorderly" but because it presented a continuous threat to the legality of the Dungannon title. Better "to have it no corporation" than one with a valid claim to a recovery of the corporate lands and properties. The issue came to a head in 1672 when the king gave instructions for the renewal of the town charter. Submissions had been made by the attorney-general and by Lady Dungannon's agent and counsel, arising out of which it was concluded that the corporation town and lands had not been forfeited under the Acts of Settlement and Explanation and

509. Ibid., for Reynolds see "Abstracts of Grants" P.110 and 216 a copy of his letters patents of 1667 is in Appendix No.2 of the Roden Title"; the aggregate of the lands granted to Reynolds was 2.002.0.54; reference in the aggregate shown in BSD is 938.2.16, 194 acres in Dundalk and 744.2.16 in Faughart, all of the lands mentioned in the Abstracts subsequently passed to the Dungannons.

510. O'Sullivan "The Trevors of Rosetrevor", P. 174-6.

consequently, not validly granted to Trevor. An order was made to insert into the charter a provision restoring all the lands, tenements and hereditaments which had belonged to the corporation in 1641. However when in 1673, after the publication of the New Rules for corporate towns, the Charter for Dundalk, promulgated at the same time, provided that in any challenge that might be taken by the corporation against the Dungannon title, the corporate properties would revert to the king. 511 This provision effectively alienated the properties to the Dungannons as the corporation never took up the challenge. The explanation for the change in direction between 1672 and 1673 may have been due to an intervention by Ormond, who submitted a detailed memorandum on the "state of Lord Dungannon's case", about this time, a copy of which is in Appendix D Volume Two;- 512

Although undated, this statement of Dungannon's case can be clearly dated to a time after Ormond's recall in 1669. The internal evidence suggests that it was an advice given by him to the earl of Essex, who held the lord lieutenancy in the years 1672-1677 and during whose administration the Dundalk corporation charter was renewed. The kernel of Ormond's case was that the lands and properties of the corporation had been sequestered and forfeited to the king because of the alleged involvement of the townspeople in the 1641 insurrection and being so forfeited became part of the stock of forfeited properties disposable under the Acts of Settlement and Explanation. While there is some evidence that the corporation of Dundalk sought and obtained a decree of innocence from the first court of claims, the case Ormond put was that, not having made an appearance before the second court of claims, the corporation excluded itself from the possibility that a Savings on its behalf could have been

511. O'Sullivan, "Cromwellian and Restoration lands settlements in Dundalk" Art.Cit., P.39-41.

512. King's Inns Library "Prendergast Papers", V.8 P.810-817.

incorporated into Dungannon's certificate and letters patent. That the court had entertained some doubts regarding the matter is evidenced by a reference in the letters patent to the order of the lord lieutenant and council of the 9 April 1666 and referred to in Ormond's statement, which, it is recorded, was made "upon the humble address of our aforementioned commissioners". Although the corporation never challenged the Dungannon title a second attempt was made by the king, in July 1679, to recover the properties to his own use, on the basis of a discovery of defective title. His intention was that they would then pass by re-grant to his six years old illegitimate son, the earl of Burford by his mistress Nell Gwynne. 513 The manoeuvre came to nothing probably because of opposition from Ormond who had returned to Ireland as lord lieutenant in 1677.

Colonel William Legge, groom of the bedchamber to Charles 11.

William Legge's acquisition of an estate of lands in County Louth was based upon the original king's letters of the 14 March 1661, reinforced by a proviso contained in clause CLXVII of the Act of Settlement. The latter provided for the grant, for a period of 99 years of the lordships of Templetown, Mooretown and Mouclogh in Cooley, in the diocese of Armagh, the lordship of Kilsaran, the rectories of Monasterboice, Dysart, Clougegan and the lands and hereditaments of Termonfeckin, Dunleer and Dunany. His agent in Ireland, James Jones kept him fully informed of his affairs and advising him when necessary as to the steps to be taken by him to secure his title by letters patent. 514 In September 1663 he advised Legge of the "late primate's promotion" and his consent

513. H.M.C., "Ormond Manuscripts" N.S., 6 1911 P.298-99.

514. H.M.C., "Dartmouth Papers", Report No. 15, Appendix 1
1896 P.113-9.

to the proviso set out in the Act and of his intention to move against Henry Bellingham, the Commonwealth ex-soldier grantee, for the rents of Kilsaran. In July 1664 he advised Legge to secure his patent under the Act and of legal proceedings taken in connection with disputes involving his tenants in Dunleer and Templetown, the latter being civil bills taken "by one" who "pretends both under the primate and Tyrconnell". It seems clear from the outcome of these proceedings, that Legge had acquired a substantial hold on his lease and that further actions were in train regarding his title. This is evident from the proviso on his behalf, contained in clause CCXXVI of the Act of Explanation which provided that he "shall, in lieu of what hath been retrenched of his proviso in the former Act", have, hold and enjoy to him and his heirs forever, all and singular the lands etc., granted him by letters patent given at Whitehall 19 January 1663/4, without any retrenchment or defalcation whatever. The date and place of these letters patent indicate the advantage enjoyed by Legge as a groom of the bedchamber of Charles II.

In January 1665/6 Jones advised Legge that he was putting in his claim and particulars to the court of claims. He advised that he had expectations of recovering Termonfeckin "given for lost" and that he had also sued Bellingham "as an intruder upon Kilsaran since Michaelmas 1660". He proposed that Legge's lands in County Louth be created as one entire manor and that Dunleer be established as a corporation under the name of Leggeborough. He also referred to the ongoing dispute regarding Templetown, in which the earl of Tyrconnell and a Mrs. Mary Plunkett were involved. The latter is entered in the BSD as the forfeiting proprietor of Templetown which would seem to identify her as Mary, née Fitzwilliam, the dowager baroness of the Commonwealth period and widow of the 5th. Baron Louth. In June 1671 Nicholas Jones, the son and successor of James who had died in 1668/69, writing to George Legge, William's son and heir, referred to "Mrs. Fitzwilliam's alias Plunkett", demanding the profits of the land of Cooley. He pointed out that while he had had instructions

from his father William to pay her the accrued profits during her lease of the same, "when I informed him that she had no title and being not restored by the court of claims he then seemed to stay his first resolution". 515 This would seem to suggest that the dowager baroness, despite her great age and impotency survived into the Restoration period to claim her dower out of the lands of Cooley.

Legge's claim first came to hearing by the court of claims in January/February 1665/6 and continued until the following May. Writing in the latter month to Legge, Jones complained that he constantly attended the court of claims, "fearing surprises" and "may not go into the country to bustle about this years setting the acres, lest in that time you should lose them all". 516 The procuring of new letters patent was then "in hand, which very speedily is looked for" During this period five defendants appeared to contest his claim; Messrs. Patrick Gernon probably of Killenchoole in respect of Johnstown parish of Dunany, Sebastian Clinton in respect of certain lands in the parish of Dunany, Amy Verdon in respect of Clonmore, Erasmus Smith in respect of lands in Termonfeckin and Thomas Gregg in respect of premises in Dunleer. 517 Of these the former was unsuccessful. Clinton "a

515. Ibid., P.115

516. Ibid., P.112

517. N.L.I.Mss.31, P.62 Legg v Smith "Order to the Defendant" P.165 "Patrick Garland [recte Gernon] v Legg., P.106 Legg v Sebastian Clinton" a protestant, P.105 Legg v Tho. Gregg.

protestant" had certain lands saved to him in Dunany in respect of a mortgage of £150 but reserving a right of redemption to Legge Amy Verdon of Clonmore had confirmation of her decree of innocence of April 1663 for a life interest and marriage portion for her children. Contrary to Jones's expectations Legge lost Termonfeckin to Erasmus Smith whom he described as "pious Erasmus with the golden purse", while Thomas Gregg was confirmed in his interests in Dunleer which he had held since 1641. Monasterboice containing 556 acres, shown in the BSD as held by Legge, with remainder to Matthew Plunkett, is not mentioned in the letters patent granted to the former but is included in the grant to the latter under the commission of grace.

Two letters patent were passed by Legge, the first in June 1666 and the second in January 1669/70, the latter in respect of Mearses farm in Termonfeckin, 20a.2r.00p.518 The aggregate of the lands granted to Legge was 2438 acres exclusive of Monasterboice. In February 1679 the estate was created the manor of Dunleer and in 1683 the latter was incorporated as a borough corporation. Among the first named burgesses was Antony Foster the founder of the Fosters of Collon. In 1698 Legge's son disposed of his Irish properties. Most of the County Louth lands were purchased by Richard Tennison the bishop of Meath.

John Viscount Massarene of County Antrim.

The first Viscount Massarene was Sir John Clotworthy who had been created a viscount by Charles 11 in November 1660. He was of an

518. "Abstracts of Grants" P.58 lands in Galway, Roscommon, King's County and Louth; P.225 "Meares Farm"; P.283 Savings for Sebastian Clinton his right to a mortgage with right of redemption to Legg, to Amy Verdon alias Segrave her decree 8 April 1663, Stephen Dowdall his decree 14 August 1663 and Thomas Gregg the right he had 22 October 1641 and no other in Dunleer.

Ulster British settler family of County Antrim, with strong presbyterian connections and was a supporter of the English Commonwealth in Ireland. 519 During the latter he amassed a considerable estate in County Antrim formerly held by the marquis of Antrim and Daniel O'Neill, a groom of the bedchamber of Charles 11. He was one of the four commissioners of state chosen to govern Ireland in the period immediately preceding the Restoration, following which he was appointed to the Irish and English privy councils and was one of the commissioners, responsible for the administration of the Gracious Declaration. He was therefore well placed to protect his interests in respect of the latter. His only child and heir was a daughter Mary who married Sir John Skeffington of Stafford and Leicester in England. Upon his death in 1665 the latter succeeded to his estates and title.

The Massarene interests in County Louth derived from the grant made to him by king's letters of December 1660 to make good his incumbrances in the barony of Ferrard. 520 This arrangement arose from a decision by the king to restore a rent-charge of £400 per annum to Daniel O'Neill out of lands of the marquis of Antrim in Dunluce and which had been secured in 1637. These lands had passed to Sir John Clotworthy as recompense for his adventure, but at the time of the Restoration some £8600 had accrued out of them as an arrear due to O'Neill. The latter claimed restoration and the king anxious to please his loyal groom was disposed to grant his petition. Clotworthy was persuaded to agree with this and in exchange for the lands in County Antrim, the subject of the incumbrance, the king granted Clotworthy a reprisal of lands in Kildare of the same worth and value, together with additional lands in County Louth to satisfy his deficient adventures. In

519. Lodge Peerage of Ireland, Op.Cit.,P.368-89.

520. Ibid. P.378;

February 1661 an additional king's letter authorised him to make good his incumbrances in the barony of Ferrard. 521

Despite the fact that Clotworthy was well placed to secure his own interests he does not seem to have acquired an extensive estate in County Louth, probably because he was a late arrival, particularly in the barony of Ferrard where Erasmus Smith and others had already established themselves in the available custodium lands. His death in 1665 took place at a critical time when the agents of other claimants, such as Taafe and Legge, had to be constantly in attendance at the court of claims. The Act of Settlement in clauses LXIII to LXVI gave effect, by way of proviso, to the arrangements made in the king's letters on behalf of Clotworthy and Daniel O'Neill and in particular required that the former be reprised with an estate in Leinster "of like yearly rent" to that which "he stands seized in the barony of Dunluce" and that the requirements laid down in the letters of 1660 and 1661 "be put into speedy execution". When this was accomplished O'Neill was then to be put into possession of the Dunluce estate. Clause LXV also gave Clotworthy licence to place "deficiencies, incumbrances and arrears" in compensation for deductions made in respect of his adventures in accordance with the Declaration and Act. Clause LXIV also provided for the grant of reprisal lands in County Dublin, of equivalent worth and purchase to Clotworthy, in compensation for the estate of Henry O'Neill of Killileagh County Antrim which "he was also to part from".

Clotworthy was one of those specified in clause LV of the Act of Explanation exempted from retrenchment by the lord lieutenant and council or by the Act itself. Clotworthy must however have been reluctant to engage in the land exchanges provided for in the Act of Settlement. Clause CXXX of the former Act required the court of claims to forthwith and "without staying for any previous reprisal" to restore Sir Henry O'Neill to his County

521. Cal.S.P.Ire., 1660-62 P.234.21.

Antrim lands and for compensatory lands to be set out to Clotworthy in the county of Louth, any deficiency arising to be supplied from lands elsewhere, and that the lands "may as near be lie contiguous". By this time very little disposable lands remained in County Louth so that Clotworthy's heir, John Skeffington, the second Viscount Massarene, would almost certainly have encountered difficulties. An undated reference in the IRC which may relate to this period mentions a Patrick Mortimer acting as Lord Massarene's agent, who submitted a report and claim for a discovery, probably to the court of claims. 522 The lands, set out to Massarene in the relevant letters patent, of which there were two, the first dated 1667 and the second 1669, contained extensive grants in the counties of Antrim, Dublin, Kilkenny, Tipperary, Cavan, Monaghan, Clare, Westmeath and Louth. The latter consisted of separate parcels in the baronies of Louth (already dealt with in chapter seven under John Keating and the manor of Castlering), Ardee and Dundalk. The details of the latter two are as follows:- 523

LETTER PATENT OF 1667/8

Barony of Ardee.

Kilsaran parish	Maine.	268a.0r.00p.	
	Dromcath	120a.0r.00p.	
Killanny parish	Killanny)	287a.0r.00p.	
	Stonetown)		
Stabannon parish	Braganstown	213a.0r.00p.	Total:
			888a.0r.00p.

522. "Reports and Schedules" P.282.
523. "Abstracts of Grants", P.146, 171, 193, 194, Savings P.300, 305 and 310; the relevant pages for County Louth are 146-7, barony of Ardee, 193 and 194, barony of Dundalk; Savings P.300, William Legg a message in Maine and Nicholas Darcy the youger his right in remainder after the death of his grandfather to Stonetown.

Of these, Savings were provided for (a) Colonel Legge, a messuage in Maine and (b) a right in remainder to Nicholas Darcy Jr., of 80 acres in Stonetown. Being in the barony of Ardee, these lands must have formed part of the one-third retrenchment imposed by the Act of Explanation on the ex-soldiers.

Barony of Dundalk.

Ballybarrack parish	Killally	037a.1r.24p.	
	Newtown	055a.0r.08p.	
Dunbin	Dunbin	222a.1r.16p.	Total:
			314a.3r.08p.
Total acreage			<u>1202a.3r.08p.</u>

ERASMUS SMITH ADVENTURER OF THE CITY OF LONDON.

In February and March 1665/6 a petition and schedule submitted by Erasmus Smith was the subject of proceedings by the court of claims. 524 The proceedings related, inter alia, to a claim by Smith for a grant of lands in the barony of Ferrard County Louth and appearing amongst the defendants, opposing the claim, were the following:-

Patrick Gernon of Killencoole, described as a letteree, whose interest was to oppose the grant to Smith of the lands of Johnstown in the parish of Dunany and to which Gernon had a claim for restoration as a letteree.

Theobald De Verdon, who as a letteree had a claim to the De Verdon lands of Clonmore.

Andrew Dowdall who as a letteree had a claim to the Dowdall lands of Termonfeckin and Killaly.

524. Reports and Schedules P.291 & 657; N.L.I.Ms.31 P.42-44 and 123 Netterville.

Alderman Pippard who as an incumbrancer on the lands of Glasspistol and Castlecoe [Dowdall's estate], claimed a Saving for Sir James Graham who held a lease of the premises from Pippard.

The earl of Carlingford claiming Ardbollis as part of his custodium lands.

Thomas Netterville claiming as an incumbrancer for the Dardis lands of Marlistown etc.

To secure a Saving for their interests it was necessary for the letterees to establish their title based upon possession on the 22 October 1641 and having actual possession of the lands claimed on the 22 August 1663.⁵²⁵ All of the abovementioned "letterees" were granted time to make out their titles, but none made any further appearance, obviously because they could not establish actual possession on the latter date. The remaining defendants in further proceedings succeeded in establishing their respective claims, the details of which are contained in chapter six herein. The final outcome of Smith's petition is described as follows:-

526

Upon the full hearing of the petition and schedule of Erasmus Smith this day, it is ordered that the decree and certificate of this court be granted unto him for all the lands in his claim mentioned according to the proofs of possession upon the 7 May 1659 and his proviso on the said Act, except for such lands as upon the hearing of the said cause, now excepted against by Sir John Stephens and others for which the certificate of this court shall not be passed until their respective rights and titles are determined by this court.

525. NL1.Ms.31 Ibid. P.109.

526. Ibid. P.44.

The significance of the date, the 7 May/1659, is that this was the qualifying date, in the Gracious Declaration, for adventurers and soldiers to establish their titles. Its use in the above carries the inference that the lands in question were held by Smith on that date in compensation for his Adventure. That this was not so can be adduced from a list of short-term tenancies of lands which did not include Smith, held in the barony of Ferrard in the period 1660-1661 and who held their tenancies from the exchequer. 527

The Act of Settlement contains two contradictory provisos regarding Smith; the first in clause XVI provides an order to satisfy Smith's deficiencies as an adventurer "in some convenient forfeited lands in the county of Louth, that he may be better enabled and encouraged to answer those public pious uses in incorporating five free schools....for which he has petitioned for our licence" and to reprise him for lands now or lately in his possession and restored or restorable to the former proprietors; the second in clause CXCl1 which refers to lands in County Louth which "have been appointed by the lords justices" to Smith, "towards satisfaction of his adventures in Ireland and the possession thereof ordered accordingly". The exclusion of the reference to "pious purposes" in the second proviso must be regarded as significant, albeit that the first proviso can be interpreted as a grant, to enable and encourage, "pious uses" but not specifically for such use. A proviso in clause LXXXV of the Act of Explanation makes reference to an Act for settling of certain lands of Erasmus Smith esquire, for charitable uses transmitted to the English court of chancery, by a certificate dated Dublin, 13 May 1664 and in which the lands intended for "pious purposes" were set out.528

527. Dowdall Deeds, Op.Cit. No.701, P.343-5.

528. The Abstracts of Grants contains details of four letters patent relating to Smith two of which do not convey lands for "pious purposes" i.e.,P.55 which includes the lands in County Louth granted to him and P.214 lands in Meath Kildare etc; those conveying lands to trustees are at P.101 dated November 1666 and P.199 December 1669; see also Michael Quane "Drogheda Grammar School" Louth Arch.& Hist.Jn. V.15, No.3 (1963) P.207-48 at P.211 refers to a third letters patent dated 26 march 1669.

The proviso also included a provision hereby Smith could obtain reprisal lands in County Louth, "if so much can there be found, or elsewhere". No such lands seem however to have been found or contained in the letters patent passed by Smith. The importance of making this distinction is that of the four letters patent conveying lands to Smith, three are specified as for "pious purposes"; the fourth, in which the lands of County Louth are contained, has no such specification.

529 Further evidence that these lands were not comprised in the Erasmus Smith Trust is suggested by a memorial of an indenture, dated 29 August 1704 recording a lease of 31 years, granted to John Graham by Samuel Smith, Erasmus's son and heir, of the lands of Glaspistol, Castlecoe etc., containing 518 acres.

530 This was evidently a further renewal of the lease originally made by Peppard (see Peppard defendant in Court of Claims proceedings above) and which, had they been contained in the Trust, would have been conveyed by the trustees.

The total acreage of the lands granted to Smith was 7488a.2r.00p., of which Netterville recovered 712a.3r.00p., in Marlistown and Matthew Plunkett, Lord Louth, 249 acres in Castlecoe, (see commission of grace). As these recoveries were dependent upon prior reprisals for Smith they may therefore have remained in Smith's estate. The latter also disposed of 431 acres to John Tomlinson of Drogheda confirmed by patent under the commission of grace.

James Stuart duke of York.

The letters patent referred to in the Abstracts of Grants of the Record Commission conveying lands in County Louth, to the duke

529. Abstracts of Grants, P.55.

530. L.P.Murray, "Old Title Deeds of County Louth" Louth Arch. & Hist. Jn., V.7 No.3 P.404

of York, are dated 20 January 1667/8, 5 February 1668/9 and 29 June 1669 and relate to an aggregate of 6134 acres. 531 This figure cannot however be reconciled with the information contained in the BSD., which shows the lands of Lisdarragh, Betaghstrath & Monksland, in the parish of Carlingford as under the duke of York and with a grand total of 6664.3.35. ,acres from which must be deducted 3735.1.00 acres disposed of to Taaffe, 210 acres to John Bellew and 239a.2r.00p., to John Keating leaving a nett of 2480a.0r.35p., acres to the duke, none of which is included in the lands forfeited by the latter in the Williamite confiscations. He must therefore have disposed of these lands before 1688. 532

The structure of land ownership in County Louth, as it emerged at the end of the Commonwealth period can be classified into four principal divisions, namely (a) church and bishop's lands forfeited during the Commonwealth and subsequently restored without the intervention of the courts of claims procedures; (b) lands not forfeited during the Commonwealth period consisting of "Protestant lands" held by Old-English protestants and "Old

531. "Abstracts of Grants", P.187, 189 and 190.

532. A Report on the "private estate" of the duke of York, dated 1693 revealed that at that date he did not have any lands in County Louth and that he had given away "absolutely" lands to the annual value of £800 to the earl of Carlingford, £1,000 to the earl of Anglesey, £1000 to the earl of Tyrconnell, £700 to Lord Dartmouth, £600 to Sir Allen Broderick and £400 to Sir Luke Bath, H.M.C., 8th. Report P.497-499; while this is confirmed by the Report of the trustees of the forfeited Estates in Ireland 1700-1702, on the "Private Estate" [of the duke of York], P.R.O.N.I. "Annesley Papers" D.1854/2/32, a rentroll of the forfeited estates *ibid.*, D.1854/2/33 includes Monksland [in the parish of Carlingford] as part of the "Private Estate".

Protestants" i.e., British settlers holding title from before 1641 (c) the soldiers' plantation lands in the barony of Ardee and (d) the forfeited lands in the rest of the county held in charge by the Exchequer or let in custodiams by the latter. The total extent of all the lands comprising these divisions, taken as profitable acres plantation measure, was 105,129 acres approximately. While extents exist in each of the books of survey and distribution and in the surveyors books of the Down Survey none of these corresponds exactly with each other. While each of these records may have been reasonably accurate in respect of the time or period, or for the purpose to which they were related, they also reflect the changes which took place in the intervening period. This is evident when comparisons are made between the distribution side of the book of survey and distribution and the earlier surveyors books of the Down Survey. This is also evident when comparisons are made between the earlier books of survey and distribution and the quit rent office copy, which records the changes arising from the activities of the commission of grace of 1684/5 and the Williamite confiscations of 1691-1704. The problem of measuring the extents of individual estates is complicated by the fact that the extents of the estates of the "Old-Protestants" in BSD are taken from the Civil Survey, which are invariably underestimations. Other difficulties arise in reconciling extents given in records such as of the courts of claims, decrees of innocence, letters patent and the records of the "Abstracts of Grants". In a number of instances, notably Matthew Plunkett Lord Louth, the earl of Carlingford and Lord Netterville's recovery of encumbered lands from Erasmus Smith, the lands acquired were subject to "prior reprisal". In the absence of the latter, seizen would not have been obtained by the grantees. It is therefore a matter of judgement which record to rely upon. Bearing these limitations in mind therefore the following summaries can only be regarded as indicative rather than definitive as to the proportions of the lands distributed in the Restoration Period to the categories listed. (the breakdown of these acreages into civil parishes is contained in appendix E Volume Two.

Church and bishops lands restored.

Archbishop of Armagh:	2077a.2r.00p.	
Ditto of Dublin:	289a.1r.00p.	
Christchurch Dublin:	565a.2r.23p.	
Glebe.	187a.2r.00p.	
Total		3119.3.23

Corporation and Commonage lands not distributed

Ardee Corporation.	85a.1r.14p.	
Ardee Commons.	414a.2r.00p.	
Dundalk. (Stonehouse, Mullary)	160a.2r.00p.	
Drogheda. (Starraw, Mullary)	120a.3r.00p.	
Dromiskin Commons.	654a.2r.00p.	
Total		1435.2.00

Old Protestants, as at 22 October 1641.

Bagenals of Carlingford.	3022a.3r.24p.	
Moores of Mellifont & Collon.	21189a.0r.08p.	
Ditto of Ardee.	1196a.0r.00p.	
Thomas Bolton the Knock.	1492a.1r.00p.	
Benjamin Bolton.	330a.0r.00p.	
Edward Brabazon.	626a.0r.00p.	
Doctor Jones bishop of Clogher.	60a.0r.00p.	
Sir Robert Sterling.	10a.0r.00p.	
Arthur Moore Dunmahon.	240a.0r.00p.	
Henry Townley. Ardee.	105a.0r.00p.	
Total.		28271.0.16.

Old-English Protestants not subjected to forfeiture

Alderman Kennedy Dublin (?)	284a.0r.00p	
The earl of Kildare	1085a.3r.00p	
Sir Walter Plunkett Dublin	262a.3r.00p	
Total.		1632.2.00.

LANDS DISTRIBUTED UNDER THE ACTS OF SETTLEMENT AND EXPLANATION.

Ex-soldiers barony of Ardee

Aggregate of lands held.		15743.1.21.*
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Post 1641 proprietors (British), titles unclear.

Aggregate of lands held.		1115.0.00*
(not including 94 acres in Walterstown disposed of by Nicholas Gernon to John Keating).		

Old English restored of less than 1,000 acres:

John Babe Darver.	615a.0r.00p.	
Nicholas Bath Drogheda.	120a.0r.00p.	
Michael Bellew. (BSD only).	12a.0r.00p.	
Thomas Cashell Dundalk.	352a.0r.00p.	
Hugh Gernon Killenchoole (C of.G)	643a.3r.00p.	
Patrick Levin Dysart.	108a.0r.00p.	
Christopher Taaffe Steevenstown.	506a.2r.00p.	
William Talbot Haggardstown.	478a.0r.16p.	
Francis Wootten.	401a.3r.26p.	
Total		3236.3.02*

In excess of 1000 acres.

Sir John Bellew Dundalk.	5833a.3r.08p.	
John Bellew Barmeath.	1715a.2r.00p.	
Nicholas Gernon Milltown.	1728a.1r.38p.	
Matthew Plunkett Lord Louth.	4774a.0r.30p.	
Theo.Taaffe earl of Carlingford.	9636a.0r.39p.	
Total.		23688.0.35*

Innocent Protestants decreed:

Arthur Chamberlain.	478a.0r.00p.	
Mary Gernon Phillipstown Ardee.	261a.0r.00p.	
Christopher Cruice.	28a.0r.00p.	
Thomas Clinton Clintonstown.	828a.0r.00p.	
Total.		1,595.0.00*

Old English, Not resident in the county.

Gerald Alymer [to Lord Louth]		
Christopher Barnewall Dublin.	325a.3r.00p.	
Nicholas Darcy Platten Meath.	790a.0r.00p.	
Patrick Fitz-Stephen Dowdall Meath.	250a.0r.00p.	
Henry Draycott Meath.	191a.2r.00p.	
Garrett Fleming Cavan.	166a.0r.00p.	
Randall Fleming Baron Slane.	395a.2r.00p.	
William Gough Dublin.	198a.0r.00p.	
Christ.Cheevers Carnanstown ditto.	83a.1r.00p.	
Richard Talbot Malahide.	1562a.1r.00p.	
Total.		3962.1.00*

Incumbrancers,
with decrees of land in fee.

John Arthur.	237a.0r.00p	
Thomas Dowde.	90a.2r.00p.	
John Hollywood.	2a.0r.00p.	
Lord Netterville.	(712a.3r.00p.)	
Thomas & Ignatius Peppard.	39a.2r.00p.	
Sir Wm.Tichborne/Thomas Pippard.	1262a.0r.08p.	
Total. (Netterville not included)		1631.0.08*.

Royal grantees by letters patent.

Major Nicholas Bayly.	456a.0r.00p.	
Colonel William Legge.	2438a.3r.20p.	
John Skeffington Lord Massarene.	1202a.3r.08p.	
Erasmus Smith.	7488a.2r.00p.	
Trevor Lord Dungannon,	3630a.1r.00p.	
Sir Robert Reynolds	2002a.0r.14p.	
Duke of York.	2480a.0r.35p.	
Total.		19698.2.37*.

The total acreage of land accounted for above is 105,129.1.22., of which an aggregate of 70,670.1.23. were distributed, indicated by asterisks above. This figure (church and bishop's lands discounted) represents the amount of lands forfeited in the county during the Commonwealth period and available for distribution under the Acts of Settlement and Explanation. To arrive at the extent of the lands held by the Old English in the county before 1641, 1632a.2r.00p representing the lands held by the Old English Protestants, not subjected to forfeiture, have to

be added, making a grand total of 72302.3.23., or 69% of the lands accounted for herein. By the end of the Restoration period, the aggregate of the lands held by the Old English including protestants and incumbrancers, but excluding Tichborne, amount to 34,483.1.27., or 30% of the lands accounted for herein and 47% of the lands held by the Old English before 1641.

[Faint, mostly illegible text body]

538. That a radical element still persisted in the town is indicated by an incident which occurred in 1651 when, after the Bye-blow plot in England, the general assembly of the corporation adopted a resolution, on the 23 July, declaring their "unfeigned thanks to Almighty God, for his unspokeable mercy in delivering His Most Excellent Majesty, and His Royal brother, from that most wicked and detestable conspiracy"; two of the members, Hugh Whitcomb and Thomas Browne publicly disavowed, which the assembly interpreted as "a demonstration of their dissatisfaction to the Government"; they were given an opportunity to retract but having refused they were disfranchised and had their freedoms withdrawn. *Coriary, Downall Works, op.cit., p.203-4.*

CHAPTER NINE.

THE WILLIAMITE CONFISCATIONS: AN UNFINISHED BUSINESS.

The ascent of James II to the thrones of the three kingdoms was greeted by the Protestant dominated corporation of Drogheda in March 1684/5 by an address expressing sympathy to the new king upon the death of his brother Charles II and assuring him of "their unfeigned resolution to serve his majesty in defence of his Royal Authority with their lives and fortunes". The preamble to the resolution alluded also to "his Majesty's gracious declaration to maintain the Religion and Laws established in Church and State" thus putting down a marker of their expectations from the new reign. In the following April coronation day was celebrated with a hogshead of wine "hung up near the tholsel door to be drunk on that occasion" and the provision of a barrel of beer with tobacco and pipes to every foot company "to drink ye King's health". This was by no means an untypical reaction of the British dominated town corporations in Ireland whose main anxiety would have been the preservation of their ascendancy as the ruling class within the State establishment. 536 In the town of Drogheda that anxiety was

536. That a radical element still persisted in the town is indicated by an incident which occurred in 1683 when, after the Rye-house plot in England, the general assembly of the corporation adopted a resolution, on the 25 July, declaring their "unfeigned" thanks "to Almighty God", for his Unspeakable mercy in delivering His Most Sacred majesty, and his Royal brother, from that most wicked and Damnable conspiracy"; two of the members Hugh Charnock and Thomas Browne publicly dissented, which the assembly interpreted as "a demonstration of their dissatisfaction to the Government"; they were given an opportunity to retract but having refused they were disfranchised and had their freedoms withdrawn, Gogarty, Council Book, op.cit., P.203-4.

real enough in that the Old English roman catholic merchant class were substantial in numbers and not without influence. In the closing years of the reign of Charles 11 the latter had renewed their campaign for a full restitution of their rights to participate in the affairs of the corporation culminating in a petition by Christopher Peppard and others of his party to the lord-lieutenant and council seeking an inquiry into the manner in which the corporation had dealt with their interests since "the beginning of ye wars". The matter had not been disposed of before the King's death and was a live issue within months of the new King's coronation. In July 1685 a petition was lodged with the corporation by William Peppard, Christopher "Fitz-Ingatius" Peppard and others, seeking to be admitted free merchants and which evoked the response that because of the "New Rules" regulating corporations they could not admit any person to be free who would not take the oath of supremacy. By August this stance had been abandoned when over forty persons, overwhelmingly Old-English of the town of Drogheda and the contiguous areas of Louth and Meath were elected freemen. 537 Heading the list was Richard Talbot, Earl of Tyrconnell, who had by this time acquired lands in Stickillen and in the parish of Ardee from the earl of

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537. Pippard's petition to the lord lieutenant was considered by the corporation at a meeting held on the 19 September 1684; the issue arose again at an assembly held in July 1685, where it was pointed out that they were precluded by the New Rules to admit any person, without first taking the oath of supremacy; the decision to uphold Pippard's petition was conveyed by the following month, a decision which it was in the power of the lord lieutenant to take, as he had power to dispense with this requirement; these proceedings are in Gogarty, op.cit., P.207-211.

Carlingford, probably in recompense for the work done by him on behalf of the latter. 538

The fact that James II was the "Lord's anointed" far outweighed his Roman Catholicism amongst many sections of the Protestant community a fact testified by the numbers of them who remained loyal even after the outbreak of the revolution in England. In a certain sense his religion might have been regarded by them as an advantage in helping to secure the loyalty of the Roman Catholics to the new regime which from the start gave assurances for the maintenance of the political status quo. A significant segment of the latter who had benefited from the Restoration Settlement also had a vested interest in maintaining that status quo. They were to be dubbed the "new interest" by Tyrconnell; prominent amongst them were men such as Nicholas Taaffe, earl of Carlingford, and Patrick Bellew of Barmeath, made baronet by James II in 1688. Their Old-English conferees in the county, Sir John Bellew of Castletown-Dundalk, who was created a baron by James II, and Matthew Plunkett, Lord Baron Louth, would have been like minded, that is favourably disposed towards the acceptance of the outcome of the Restoration Settlement. However, as was the case also in the closing years of the decade of the 1630's, the progressive destabilisation of the political situation in England was to have its effects in Ireland where, as was the case also in Ulster in the 1630's, a large body of displaced landed gentry, deeply conscious of the losses which they had sustained in the aftermath

538. Apart from Ardee the records of the other corporate towns have not survived for this period but it would seem likely that similar developments took place in each of them. In Ardee a barrel and a quarter of beer at a cost of £1.5s., had been provided "at proclaiming James II" and in October 1686 Messrs., James Gernon (the eldest son of an ancient freeman), Peter Taaffe and Nicholas Taaffe were all admitted as freemen. These events could be said to have been the opening round of the struggle by the Old-English gentry of County Louth to regain their long lost ascendancy; see the "Ruxton transcripts" in Louth County Library.

of the Commonwealth and Restoration periods, saw the unfolding political scene as an opportunity to secure the support of the catholic king for a repeal of the Acts of Settlement and Explanation. This movement was to gather pace in the period following the deposition of the king in 1688 providing the Jacobite movement in Ireland with its own set of revolutionary objectives, not necessarily shared by James himself, or by many of the higher gentry who had rallied to his cause out of their innate sense of loyalty to their lawfully appointed sovereign. 539.

The Protestant revolt in England, followed by James 11's flight in December 1688, first to France and then to Ireland quickened the pace of events. Already in the intervening years since his accession to the throne major changes had taken place in the Irish administration, especially in the period following the appointment of Tyrconnell as lord deputy in February 1687. Roman catholics had been appointed to the Irish Privy Council, to the senior judiciary and to the commissioned ranks of the army. However, of greater import for County Louth was the decision to call in the charters of the corporate towns, through quo warranto proceedings, and to replace them with new ones specifying in each case the names of the first appointees to the various corporate offices. Following an unsuccessful attempt by Tyrconnell to secure the election of Ignatius Peppard as mayor of Drogheda in September 1687, a new charter for the borough was promulgated in November with Peppard as the first mayor, Thomas Fitz-George Peppard as town clerk and Henry Dowdall recorder.

539. The expectations of the dispossessed Old English at this period are set out in the [Narrative of Irish Affairs, 1688-1691], in John T. Gilbert ed. A Jacobite Narrative of the War in Ireland 1688-1691, (I.U.P., Re-print 1971), P.33-40, which included, amongst other things, the restoration of their "ancient estates".

Messrs. Christopher Dowdall and James Kelsby were elected sheriffs. The aldermen and burgesses mentioned were almost entirely Old-English. Five aldermen, Messrs. John Stocker, Richard Jackson, William Ellwood, Thomas Percivall and Jan Vanbobert, all Protestant British, refused to be sworn. Having continued in their refusal they were perpetually excluded from their offices as aldermen at a general assembly held in December. A not so sensitive John Graham, who became a substantial purchaser of lands in County Louth in the early part of the eighteenth century, was however sworn as an alderman at the same time. 540 Similar developments took place in each of the other borough corporations in the county, where all the chief officerships were conferred on the Old English or their supporters. In Ardee Messrs. James Gernon and Thomas Gernon were appointed provost and town clerk respectively; in Carlingford a Murtoagh McGuinness, native of County Down, was appointed sovereign and in Dundalk John Lord Bellew was appointed bailiff and his relation by marriage Bryan Dermott was appointed town clerk and John Cheevers recorder. 541. To complete what was a virtual takeover by the Old English of the municipal administrations, Matthew Plunkett Lord Baron Louth was appointed to the lieutenancy of the county and of Drogheda with Messrs., Roger Bellew and John Babe his deputy-lieutenants. Patrick Bellew was appointed high sheriff of the county in 1686, followed by Roger Bellew in 1687 and 1688 and John Taaffe in 1689. In the important business of the collection of the revenues, those

540. The relevant proceedings of the corporation, concerning the replacement of the town charter, including the names of the newly appointed officers, aldermen and other members of the general assembly, are in Gogarty op.cit., P.218-224.

541. The lists of those appointed under the charters of James 11 are to be found in Walter Harris History of William 111, (Dublin 1749) Appendix P.X-X11.

nominated in 1687 to assist the commissioners of the revenue in County Louth were from all sides of the divide, John Taaffe and Patrick Bellew from the Old English, Thomas Bellingham and Richard Bolton from the British; there were in addition to these the protestant Old Englishman Arthur Brownlow, alias Chamberlain, of Nistlerath and the Old Irishman Murtough McGuinness. To aid in the hearth-money collection John Babe, Nicholas Gernon and Hugh Gernon from the Old English, Thomas Bellingham, Richard Bolton and Timothy Armitage from the British and Murtough McGuinness were appointed overseers. 542

In Drogheda the new regime was soon at work in their own behalf. Following the example set by their predecessors in 1664, they proceeded to grant themselves sixty-one year leases in reversion in respect of their several interests, in a series of general assemblies held throughout 1688, thus ensuring that whatever the outcome of the political struggle then in progress, their holdings in the corporation would be preserved. 543 Apart from the immediate enjoyment of the fruits of office, control of the corporations as well as of the shrievalty also ensured that the Old English would control the franchises in the election of members to the parliament which James had agreed should be summoned. By this time the question of the replacement of the Restoration Settlement legislation had become a live issue, with ever rising expectations amongst those who had lost their estates, of their total repeal. While a middle ground also existed which foresaw some amendments to the legislation to provide for unrequited innocents and letterees, the revolt in England effectively destroyed that middle ground, giving those who wanted total repeal of the legislation the upper hand. When the parliament was convened in May 1689 it became clear that the

542. John Dalton History of Drogheda (Dublin 1844) V2. P.298-9.

543. Gogarty op.cit., P.228-234; for the Peppard acquisitions see N.L.I. "Peppard Papers".

membership of the house of commons was dominated by those seeking the total repeal of the Acts of Settlement and Explanation and their replacement by a Repeal Act which would restore the situation to that obtaining prior to the Commonwealth Confiscations. 544 By this time large numbers of the Protestant British, alarmed by the trend of events, had abandoned their properties in Ireland and fled into England and Scotland. This development, together with the outbreak of the revolt in England provided a pretext for the adoption by the parliament in addition to the Act of Repeal, of an Act of Attainder in which over 2,500 persons were named; 1,340 as persons who had "notoriously" joined in the rebellion against James were outlawed, others who had left Ireland were given until 1st September and 1st October to return or suffer outlawry. Those whose absence could be ascribed to age or infirmity were excluded from outlawry subject to their estates being vested in the crown while they remained absent.

Outlawry proceedings whether by statutory or legal process had always been a prerequisite for land confiscations in Ireland and while the punishment also carried the capital penalty for the individual, this was rarely imposed, the underlying motive being the seizure of the lands and their subsequent distribution. The Act of Attainder must therefore be regarded as a complement to the Act of Repeal by enabling a stock of confiscated lands to be provided to compensate or reprise purchasers of and others with encumbrances on lands acquired since the Restoration and who were

544. Those elected to the parliament from Louth were Thomas Bellew [Thomastown] and William Talbot [Haggardstown] representing the county; Hugh Gernon [Killencoole] and John Babe [Darver] for Ardee; Robert Dermot and John Dowdall for Dundalk; Christopher Fitz-Ignatius Peppard and Bryan Dermot for Carlingford; Henry Dowdall and Christopher Fitz-George Peppard for Drogheda. Thomas Davis, The Patriot Parliament, P.161 and 165.

required to give up their acquisitions to the former proprietors or their heirs. Included with these and also entitled to reprisal were those, like the Bellews of Barmeath and Galway and Taaffe, earl of Carlingford, whose grants included forfeited lands not restored to the 1641 proprietors. As the latter (their heirs or assigns) were entitled under the Act of Repeal to recover these lands, those disturbed were to be compensated by way of a reprise of equal worth and value from the stock of lands acquired under the provisions of the Act of Attainder. In the case of Nicholas, earl of Carlingford a special proviso was included in the Act of Repeal in clause 34 providing that the commissioners for executing the Act should "forthwith set out [to him] in reprisal other manors, lands, tenements and hereditaments forfeited unto and vested in his majesty by virtue of this Act or upon account of any attainder of treason, of equal value, worth and purchase", in compensation for the lands etc, from which he was to be removed or dispossessed. 545.

The implementation of the Act of Repeal was proceeded with contemporaneously with the seige of Derry but in local areas, including County Louth individuals took the law into their own hands by seizing and occupying the lands to which they laid claim under the Act of Repeal, in anticipation of securing them later by decree under the provisions of the Act. Plundering of the properties of the absentee proprietors would also seem to have taken place. In an "Account of Absentees Goods and how they were embezzled" it is alleged that in the period March 1688/9 and 9th May 1689 a great part of the goods of absentee proprietors had been stolen and disposed of by officers who by the latter month

545. The text of the Act of Repeal is in Davis op.cit.,

were in the camp at Derry. 546. The Act of Attainder was enacted in July after which the commissioners of the revenue appointed provincial surveyors with instructions that the surveyor-general and the collectors should dispose of the stock of the absentees. However this arrangement seems to have fallen through, "the commissioners [surveyors] being in the army, or neglecting the matter, or applying the goods to their own use, they superseded those commissioners and left the whole matter to their collectors". This would seem to suggest that the latter, being local officials of the revenue, assumed responsibility for securing the lands and other properties of the absentees including those outlawed, returning the same to the exchequer for further disposal. In all probability they would have worked in conjunction with local commissioners of inquiry, who would have conducted the usual inquisitions of the delinquents' properties for return to the exchequer. Surviving evidence indicates that in County Louth local inquisitions were held, lands and properties taken in charge, and subsequently let out in custodium by the commissioners of the revenue. 547. All of this occurred

546. [W. King] The State of the Protestants in Ireland under the late King James's government, (London 1691) P.390-392 where it is alleged that "several persons being officers of the army, who were impowered, or pretended to be impowered by my lord deputy, seized on the goods of absentees in most counties of the kingdom"; further indications of the breakdown of law and order throughout the country in the period 1689-90 are contained in the instructions given by the Marquis D'Albaville, the king's principal secretary of state on 2 January 1689/90, to the Lord Chief Justice Nugent, charging him with neglect of his duties and instructing him to comply with his commission to enforce the law. Ibid., P.392-5.

547. Ibid., P.390-392; in Dalton's, History of Drogheda V.2., Ch. 1. P.304, there is a reference to a commission of enquiry into the estates of the absentees, meeting at Duleek to examine the tenants of the earl of Drogheda as to rentals arrears etc.

between June 1689, when the Repeal Act was enacted, and the early months of 1690 before William marched on the Boyne.

The names of County Louth protestants occur in all of the several categories named in the Act of Attainder. However not all of these were freeholders holding title either from or before the sixteenth-early seventeenth centuries or by letters patent under the Acts of Settlement and Explanation. The following is a listing of those in each of the categories, who can be identified as such:- 548.

Outlawed, having "notoriously joined in Rebellion"

Henry Moore Earl of Drogheda, James Annesley Earl of Anglesey, John Skeffington Viscount Massarene, Sir Arthur Rawdon, Sir William Tichborne, Edward Parkinson Vicar of Ardee, John Ruxton Jr., Matthew and Charles Ruxton all of Ardee; Daniel Poe Drumgoolestown, Henry Baker Dunmaghan, James Brabazon Carrstown, William Young Ardee, William Disney Stabannon, Christopher Fortesque Dromiskin, Edward Edwards of Phillipstown, John Wynne Rathesker, Simon Gooding [recte Garstin], Nehemiah Ellwood and Lieutenant John Newton, all of Drogheda.

Absentees required to return by the 1st September 1689

Randall Moore of Ardee, John Pepper of Pepperstown, John Holt Drumcar, Thomas Aston of Richardstown, Captain Hugh Montgomery, Jonas Ellwood, Edward Singleton, Thomas Newton, Thomas Newton Jr., William Newton, Robert Hardman, John Leigh, and Joseph Tomlinson, all of Drogheda; Peter Westenra was included in this category under Meath and Dublin.

548. An examination of the lists will reveal the names of many persons who held tenancies in the respective corporate towns or who were leaseholders etc., in the county area; the list is from the Appendix to King State of the Protestants, op.cit., commencing P.241.

Absentees required to return by the 1st October, 1689

Lewis Trevor Viscount Dungannon, Timothy Armitage Ardee, Major Brabazon Moore Ardee, Thomas Bellingham Gernonstown, Sir Walter Plunkett [Dublin], Maurice Keating [Kildare], Erasmus Smith [Limerick] were included in this category.

Absentees unable to return because of age, infirmity and nonage

Ann Dowager Countess Dungannon and Alice Dowager Countess Drogheda.

The record of a number of cases of expropriation of lands by the Jacobites in County Louth have been traced, relating to the Dungannon estate in Dundalk, the duke of York's former estate in Castletown-Cooley and Erasmus Smith's in Ferrard. Another was that relating to Sir Patrick Bellew's estate of Barmeath which was "entered upon" by the "old proprietors" while he was "in his majesty's service in the north". The fact that a man of such influence and standing in the county should have suffered arbitrary seizure of his estate while he himself was in the king's army, probably before the walls of Derry, strongly suggests that a similar fate befell all those named in the Act of Attainder. The properties in Dundalk, Castletown-Cooley and Ferrard formed part of the forfeited estates of Stephen Dowdall's of Termonfeckin, which had been the subject of an unsuccessful petition by the letteree Andrew Dowdall to the second court of claims. In keeping with the practice of the time the latter seems to have become a tenant on Erasmus Smith's land in Killaly Termonfeckin. On the 1st July 1689 his cousin Patrick Dowdall of Dundalk obtained a demise for one year, commencing May 1689 from the commissioners of the revenue. Messrs. P. Trant, Francis Plowden and Richard Collins of the lands and other properties in

Dundalk, Castletown-Cooley and Termonfeckin. 549. The significance of the latter date is that it suggests that Dowdall had occupied the properties in that month i.e. before the enactment of the Repeal and Attainder legislation. It is not surprising to find him in the Williamite outlawry lists for County Louth.

As in the foregoing case Sir Patrick Bellew seems to have suffered seizure of his estates some time prior to July 1689 while he was absent in the north of Ireland. The earliest date recorded is a letter signed by John Drummond Earl of Melfort, James 11's secretary of state for Ireland, who on the first of that month addressed a letter to the "commissioners and chief governor's of his majesty's revenue" requesting them to examine how far Bellew was reprisable for the lands "he had purchased under the Acts of Settlement and Explanation and which he loses by the Act of Repeal and to report where he should be reprised "as well as the best manner of doing it". 550. A copy of an undated petition by Bellew to the chief commissioners and governors of the revenue states that he had lost by the Act of Repeal above 5,000 acres in the counties of Louth and Galway of an annual value of £1,200 "all which the old proprietors have entered upon during his being in his majesty's service in the north". He also claimed that he had lost over £1,000 of stock for want of a reprise and that he had applied for a reprise consisting of the lands of Sir John Davis and Stephen Stanley of Grangegorman, "which petition was referred to the lords of the

549. McNeill and Otway-Rutven, Dowdall Deeds, ^{loc.} .cit. The evidence that Andrew Dowdall had a lease of Killaly is on the basis of payments made by him for the lands, see Deeds No. 705 dated 1674 P.352; for Dowdall's acquisition of the lands in Dundalk, Carlingford and Ferard see ibid., Deed No. 711 P. 354 the properties were demised to him for one year.

550. The documentation concerning the seizure of Sir John Bellew's estate is in the "Bellew Papers".

treasury and by them to your honourables long since, of which your petitioner has no answer". In what appears to have been a subsequent petition to the king himself, later in that year, he outlined his situation, including the apparent loss of his dwellinghouse at Barmeath and referred to the estate of Sir Francis Blundell in Edenderry in the King's County as a possible reprisal. He referred to the fact that he and his five brothers, one of whom was killed in action in Cavan and his three sons were in the king's service and that he had induced all his nephews and other friends and relations "at the very beginning to take up arms for your majesty's service". He further claimed that by reason of the latter he had lost a whole years rent, £1,500 in stock, corn and hay, £1,000 in household goods and above £1,200 a year in rent. Rounding off his petition he requested a speedy consideration of it "so that your petitioner may be dispatched to your majesty's service". Notwithstanding the urgency of his case it was not disposed of by the commissioners of the revenue until the 19th March 1689/90 when he was empowered to enter upon Blundell's estate in Edenderry as well as other lands in Dundrum barony of Lecale in County Down. Considering the time and place it is not likely that Bellew was able to secure the latter, or that, considering the defeat of James II at the battle of the Boyne in July he was able to enjoy for long the rentals of Edenderry. His experience however would explain why he as well as many others of his kind supported an early end to the war and a negotiated settlement which would at least restore them to the position obtaining before hostilities had commenced.

For most of the period from May 1689 to July 1690 County Louth was greatly disturbed by a variety of predators, marauding soldiery of the Jacobite forces sent into the county to oppose Schomberg's forces which had landed in Bangor County Down in August and after that month by Schomberg's own soldiery after the latter had become bogged down at Dundalk in the following month. To add to the general misery, the breakdown of law and order

would have resulted in an extensive pillaging of the lands and properties of the absentees, thus sowing the seeds of bitterness and revenge which were to come to flower in the Popery Acts of 1704 and 1709. 551. In the aftermath of this period extensive areas of the county, notably Dundalk and its hinterland were left in such ruinous a state that it was not until the 1730-40's that signs of recovery became noticeable.

It is not likely that many of the Old English combatants of County Louth took advantage of King William's declaration of Finglas of the 7 July, calling for the surrender of the Jacobites. The county had two regiments in the field in the service of King James, Lords Louth and Bellew. In addition many others of the county served in other regiments. Sir Patrick Bellew for example was captain, later lieutenant-colonel, in Simon Lutterells' regiment of dragoons. 552. In the wake of William's

551. A good account of affairs in County Louth at this period is in Thomas Witherow, The Boyne and Aughrim, (London and Belfast 1879), chapters one to four. Commenting upon the enactment of the Acts of Repeal and Attainder he claimed that they proved to be "a precedent and a sort of warrant for the penal legislation which followed it for more than one hundred years". William Fortescue complained that "by express orders of the then government" his house in County Louth was first rifled and then burned and all his fortune then consisting of plate etc. to the value of £2,000 taken and plundered by a party of the then plundering army..... and his father was also plundered.

552. Particulars of these various regiments are in Gilbert A Jacobite narrative, op.cit., appendix part two and John Dalton King James's Army List 1689, (2 Vol.second Edition, Dublin 1860).

success at the Boyne the British proprietors began their return to their plundered estates and their vengeance was soon made explicit in the lists of outlawries published in respect of County Louth in April 1691. A commission of forfeitures was also established with sub-commissions in each County whose duty it was to escheat the properties of the absentee Jacobites, in anticipation of their subsequent disposal to those who had given their loyalty to William and Mary. 553. Those outlawed in County Louth included all classes of people, owners of land in fee, leaseholding tenants, townspeople including merchants, and roman catholic clergy. The list included one hundred names, from which the list hereunder has been abstracted. These represent respectively, (a), those who can be identified as proprietors of lands in fee and their immediate relations and marked thus (*), and (b), those whose addresses coincide with the places from which their parents or other relations were expropriated at the time of the Commonwealth Confiscations, and marked thus (+). The latter suggests that despite the rigours of the Commonwealth confiscations, a substantial segment of the Old English gentry survived, if no longer proprietors of lands in fee, then as tenants and leaseholders on their ancestral lands:- 554.

Patrick Ardagh+ Ardaghstown, Robert Arthur Hackettstown [Harristown]*, Edward Bathe Painstown*, John Lord Bellew Castletown and Duleek*, Richard Bellew ditto, Sir Patrick Bellew Barmeath*, Richard Bellew Tallonstown, son of Sir Patrick of

553. J.G. Simms "County Louth and the Jacobite War", Louth Arch.& Hist.Jn, V.14 No.3 (1959) P.143-144; see also J.G. Simms, The Williamite Confiscation in Ireland, 1690-1703, (Connecticut 1976 reprint) chapter two P.30-44.

554. Analecta Hibernica. No. 22.

Barmeath, Christopher Bellew Tallonstown ditto, Richard Bellew Thomastown*, John Bellew ditto, John Babe Darver*, Thomas Babe, ditto, George Babe ditto, James Babe ditto, George Barnewall Rathesker+, Christopher Cheevers Carrishannagh*, John Cheevers ditto, Patrick Cheevers ditto, Thomas Clinton Clintonstown*, Thomas Cashell Cashellstown*, Stephen Cappock Ardee+, Bartle Cappock Ardee+, Patrick Dowdall Termonfeckin+, Peter Dowdall Ardee+, Patrick Dowdall+, John Dowdall+, Walter Dowdall Drumshallon+, Laurence Dowdall Ardee+, Edward Dowdall Kilclogher+, Nicholas Darcy Stonetown*, Thomas Fleming*, Hugh Gernon Killencoole*, Edward Gernon Dunany+, George Gernon Cashelstown+, George Gernon Dunany+, Richard Gernon Stabannon+, Richard Hadsor Cappock+, Thomas Hadsor Mullinscross+, James Moore Barmeath+, Thomas Plunkett Tallinstown, son of Lord Louth*, Oliver Plunkett Obristown+, Patrick Plunkett Castlelumny+, John Plunkett Priorstown+, Richard Plunkett Priorstown+, Randall Plunkett Greenhills+, Thomas Peppard Cruicestown+, Nicholas Peppard Starrow*, Lord Slane*, Thomas Stanley Marlistown+, Lord Tyreconnell Stickillen*, William Talbot Haggardstown*, Stephen Taaffe Steevenstown*, James Taaffe Almondstown+, Christopher Taaffe Mansfieldstown+, Nicholas Taaffe Ardee+, John Taaffe Harristown+, Christopher Taaffe+, Peter Taaffe Peppardstown+, John Verdon Clonmore cleric+, Francis Wooten Rothestown* and James Warren Warrenstown+.

Although extensive, this is not a complete list of all those of the county of Louth outlawed at this time. Not included are Matthew Plunkett, Lord Louth and Nicholas Gernon of Milltown all of whom were outlawed. A separate outlawry list also exists for the town of Drogheda containing fifty names, while some of the landed gentry of the county also appear on the lists in other counties. The foreign treason lists of 1696 contain nineteen names from Drogheda and twenty from the county probably representing those who decided to follow Sarsfield into exile.

555. This was not a considerable number and bears out the impression that the greater part of those involved in the war from the county of Louth returned home after the treaty of Limerick. Those who had benefited from the latter subsequently sought adjudication of their respective claims before the lord justices and council.

Of the twenty-one persons who were the subject of adjudication under the terms of the treaty of Limerick, six were holders of land in fee, Matthew Lord Baron Louth Tallonstown, Sir Patrick Bellew Barmeath, Captain Roger Bellew Thomastown, Captain Thomas Cashell Cashellstown, Captain John Babe Darver, and John Taaffe Stephenstown. 556. Of these the most prominent was Lord Louth. As well as raising a regiment in the services of James II he also served as one of the Jacobite hostages while the treaty was being negotiated. He subsequently obtained a successful adjudication of his claim under the treaty, took the oath of fidelity to the new monarchy and was granted all the benefits and advantages, conferred by the treaty, on the 11 May 1692. 557 The recipients

555. Ibid., a "foreign treason" list is in the Book of Outlawries, (against such persons whose estates were vested in the trustees) of the trustees of forfeited estates in Ireland 1700-1703 in the Annesley papers, P.R.O.N.I., D.1854.2.16,; see also Simms Confiscation in Ireland, op.cit., P.40; for the Drogheda Articles see ibid., P.116-118.

556. T.C.D.Ms.N.1.3.P.101 "A list of the adjudications at the Council Board", the earliest date on which an adjudication is recorded is May 1692; in another list of the "Court of Claims" P.120., the dates are between May and July 1699; see also Simms "County Louth", art.cit., P.145-46.

557. Diarmuid Mac Iomhair "The House of Louth in the Seventeenth and Eighteenth Centuries" Louth Arch. & Hist., Jn., V.17 No. 2 (1966) P.73-4, copy of adjudication by the lords justices and council dated 11 May 1692 from P.R.O.N.I., Massarene papers D.562/102.

of adjudication under the treaty of Limerick were caught up in the commission of enquiry of 1699 during which individuals had to appear before the commissioners to be examined as to their title and were required to submit rentrolls.

The establishment of the commission of enquiry of 1699 marked the culmination of a struggle between King William and his English Parliament over the disposal of the forfeited estates in Ireland, especially in regard to the "exorbitant" grants made by the king to courtiers and other favourites. 558 The grants made by the king had proved controversial, with many members of the anti-court faction in the English house of commons agitating for their revocation. The agitation came to a head in the years 1697-1699 and in the early part of the latter year a commission of seven persons were appointed to enquire into the grants made by the king. The outcome gave rise to considerable disagreement not alone between the king and his English parliament but also within the "British" establishment in Ireland who resented the interference by the latter in Irish affairs. The commission submitted their controversial report in December, following which the English Parliament enacted the Act of Resumption of 1700, the provisions of which applied^{To} all the forfeited estates and interests in Ireland, including grants made by the king since 1689, to public use. A group of trustees were appointed under the Act with responsibility to take in charge and manage the forfeited estates and then to sell them off, a task which was not completed until late in 1703.

The trustees exercised an extensive remit in that they ranged over all of the grants and adjudications made in the period since

558. See Simms Williamite Confiscation, op.cit., chapters 8-10.

1690. Amongst those whose titles were examined were Sir Patrick Bellew of Barmeath and Lord Louth of Tallonstown. They called for reports at various times from the attorney-general as to the state of the outlawries, for the articles of Limerick and Galway to be laid before them and for the minutes of the court of forfeitures to be produced. Included amongst those called for examination as to their titles were the earl of Drogheda as to his properties in Drogheda, James Tisdall as to his lands in the barony of Louth and a Hugh Hanlon as to his lands in the barony of Dundalk. They also examined John Gregory the gardener/caretaker of Carstown house on the lands of Erasmus Smith and which appears to have been included [presumably the leasehold interest] in the grant to the earl of Albemarle. He claimed that he had been at great expense looking after the gardens and sought assistance, for which he was made a grant of £5. 559

A number of other cases, illustrative of the wide mandate exercised by the trustees for the sale of the forfeited estates, concerning landed proprietors in County Louth may be worth noting. In July 1700 a Patrick Draycott petitioned that he and his deceased relative Henry Draycott had possession of the rectory of St. Leonard's and the tithes thereof and that he was being disturbed in that possession by some unnamed person. He was granted his request. 560 In December on a motion by Mr. Tisdall counsel for Mr. Nicholas Taaffe it was ordered that he be quieted in his lands of Stephenstown and Ballyclare, the trustees "having heard and allowed his claim" 561

559. P.R.O.N.I., "Trustee Records" in the "Annesley papers" D.1854.2.1., P.30-132, also included were Lord Bellew, July 1699, Sir Patrick Bellew ditto, Count Taaffe and Lord Louth in October 1699.

560. P.R.O.N.I., D.1854.2.2., P.94.

561. Ibid., P.215 20 December 1700, "Motion by Mr. Tisdall for Nicholas Raaffe that he be quieted in his estate of Steevenstown and Ballyclare, the trustees have heard and allowed his case"; Taaffe was the son of Christopher Taaffe of Steevenstown who was outlawed.

Similarly Patrick Gernon recovered Killencoole although his father Hugh had been outlawed. 562 The case of Thomas Cashell was also reviewed. He had received the benefits of the treaty and was restored. In July the trustees addressed a query to the chief remembrancer seeking a copy of the decree by which Cashell was put in possession of Cashellstown and to state the authority by which it was done. This request was complied with and on the 25 July the matter was further examined. It appeared that the lands had been in the hands of the trustees since November 1699 and had been divested by means of a writ of amoveas manus in favour of Cashell. This was a medieval writ used in an action of monstrans de droit where the subject's claim against the crown was founded upon the evidence of an inquisition i.e., the facts of the subject's rights being already on the record. It was also used to secure the delivery of a ward's estate out of the hands of the guardian where the ward had come of age. In all probability Cashell was relying upon the evidence of the inquisition taken at the time of his outlawry as well as his adjudication under the articles of Limerick. This does not seem to have been of much avail as the trustees issued an order to the high sheriff of Louth to put a Robert Aylsway of County Kildare

562. Simms "Jacobite War" art.cit.,P.147.

into possession of Cashellstown including a tuckmill. 563 Two others with estates in fee, who appear to be in the outlawry list but not comprehend within the provisions of the treaty of Limerick seem to have retained their estates. These were Francis Wootten Rothestown and Patrick Levin of Dysart none of whom appears in the list of forfeitures.

Two County Louth proprietors were restored by royal favour, John, Baron Bellew of Duleek and Francis Taaffe, earl of Carlingford. Bellew had raised a regiment of infantry in the service of James II. He and his eldest son had been injured and made captive at the battle of Aughrim and brought prisoner to England where both died. Richard, the surviving son, had been at Limerick and could therefore have taken advantage of the articles and returned home. He did not do so however and instead travelled to France. Following the death of his father and brother in England he claimed the right to succeed as the surviving heir. However the estate had been granted by the king on a warrant dated at Waterford 2 September 1690, in trust to Sir John Trevor, Thomas Pelham and Henry Guye, for Henry Lord Viscount Sydney. At this time the necessary inquisition following Bellew's attainder had not been held. It was subsequently claimed that such an inquisition having been held, new letters patent were issued in favour of Sydney dated Whitehall, London, April 1691. This grant may have been of doubtful validity as it was subsequently surrendered by Sydney in March 1691/2, in return for an alternative estate in Ireland. Meanwhile Richard Bellew was actively seeking the restoration of his estate using powerful friends on his

563. P.R.O.N.I., D. 1854.2.2., P.61 order to the chief remembrancer July 1700; P.87 July 1700 "Order to the high sheriff to deliver Cashellstown with a tuck mill to Robert Aylsway, the said lands having been in the hands of the trustees since November last and divested by an amoveas manus in favour of Thomas Cashell; P.88 precept sent to the high sheriff; it is not certain that this order ultimately prevailed.

behalf. He obtained a pass to travel to Holland where he met Ginkel, whom he claimed had advised him at Limerick to travel to the continent for the sake of his health. Ginkel promised him support, as ~~was~~ ^{did} the duke of Shrewsbury, and having given assurance that he would not claim £3,000 back profits from Sydney his pardon was granted. He later had his father's outlawry reversed by special warrant and succeeded in having himself comprehended within the articles of Limerick before they were confirmed and enacted in 1697. His title was later examined by the commissioners of enquiry in July 1699 but he was not disturbed or revoked. 564

The case of Francis Taaffe earl of Carlingford was at once an example of kingly favour and of the European dimension of the Williamite wars in Ireland. Taaffe's brother Nicholas had succeeded to the earldom following the death of his father in 1677. He was appointed to the English privy council by James II and sent as his envoy to the court of the Emperor Leopold of the Holy Roman Empire at Vienna, a service which his father had rendered previously for Charles II. He was in Ireland in 1690 in command of a regiment of foot and was killed in action at the battle of the Boyne. He died without heir and the estate passed to his brother Francis, the celebrated Count Taaffe of the Empire, renowned soldier and statesman of the Empire and its immediate allies in Spain and Lorraine. He was therefore on the side of the allies in the struggle with France, after the latter had declared war on the Dutch Republic of November 1688 and the treaty of Vienna in the following year, made between William and

564. See Simms, art.cit. P.145; the pardon is recorded in T.C.D.Ms.N.1.3 P.188 "Pardons"; for details of the grant to Sidney, including Bellew's earlier forfeiture see, N.A. Lodge transcripts, "grants, leases and deeds in the reign of King William" 1a.53.58,P.1-4.

the Emperor Leopold. Against such a background it was inconceivable that the emperor's favourite soldier and marshal of his army should have been outlawed. By special provision in an English Act of 1690 Count Taaffe and his late brother were exempted from forfeiture and in the Irish Act "to hinder the reversal of several outlawries and attainders" of 1697 a special proviso was inserted to the effect that nothing therein contained "shall extend to attain or convict of high treason Nicholas late earl of Carlingford or his brother John Taaffe Esquire or to vest in or to forfeit to the crown their estates". The latter had been an elder brother of Count Taaffe and had been killed at the seige of Derry. The effect of the legislation was therefore to protect the estate from escheatment so as to enable Francis to succeed. The latter died in 1704 when the estate passed to John's son Theobald. 565

An issue which returned to haunt the Taaffe's at this period was the Arthur incumbrance on the lands of Harristown. This incumbrance may have been disposed of by Robert Arthur, John's descendant, to Sir Arthur Trant but as each of these had been outlawed the interest fell into the possession of the trustees of the forfeited estates. In August 1700 Thomas Taaffe on behalf of the earl of Carlingford gave in a discovery of "£2500 principal money issuing out of several lands mortgaged by the ancestors of the said earl to Robert Arthur of Hackettstown and praying that the earl's tenants be not disturbed". In the following December the matter came to a head in a dispute between John Asgill and the earl. The outcome was a decision to reward

565. The Family of Taaffe, op.cit.,P.21; Simms, Confiscation in Ireland, op.cit.,P.79-80; Simms "Jacobite War", art.cit.,P.146; in October 1699 Count Taaffe appeared before the trustee commissioners where he promised to bring a rentroll of his estate, P.R.O.N.I., Annesley papers D. 1854.2.1.P.116.

the earl for his discovery and to allow Askill to purchase the mortgage from the trustees. 566.

The aggregate extent of the estates forfeited and sold in County Louth amounted to 3,551 acres as against the estimated 22,500 acres originally confiscated: rather small considering the numbers originally outlawed or when measured against the numbers and the extents of the estates of those who either avoided confiscation or were subsequently restored. 567 The explanation lies in the benefits which most of the latter obtained from the terms of the treaty of Limerick and in the case of Drogheda by the terms of clause 3 of the articles of surrender of 1690 which provided that the inhabitants of the town should not be molested in their property. It was reported in 1697 that, while several of them had been outlawed none had been deprived of their estates. In fact throughout most of the reign of William and Mary the Old English of Drogheda suffered little interference either in their affairs or in the possession of their properties and three of them can be identified as aldermen, Christopher and Thomas Peppard, sons of George Peppard and Antony the son of

566. In a list of forfeiting persons, not restored, contained in the report of the commission of enquiry of 1699, the mortgage is described as a judgement mortgage, which seems to have been acquired by three persons, Henry Mark £600, Nicholas Aston £400 and Lady Jane Dowdall [of Haggardstown] £600, these seem not to have retained their interests as they are not mentioned in the proceedings of the trustee commissioners and which are in the "Trustee Records" in the Annesley papers P.R.O.N.I., D.1854.2.2.P.109 and 208.

567. The estimate of the lands originally forfeited in County Louth and Drogheda is in the records of the trustees for the forfeited estates in the Annesley papers, P.R.O.N.I., D.1854.2.1; for the lands sold by the trustees in County Louth see Simms Confiscation in Ireland, op.cit. in appendix B.

Oliver Bird, albeit that all of these figure in the Book of Outlawries of the trustees appointed under the Resumption Act 1700. Of particular significance was the failure of the corporation to break the reversionary leases which the Jacobite corporation granted to themselves in 1688. At the general assembly of January 1691 it was advised "not to meddle in taking Mr. Peppard holdings", upon which the assembly decided it was "not worth the corporations trouble to meddle with it". 568

Eight proprietors holding landed estates in fee, the subject of outlawry proceedings, suffered confiscation of their lands in County Louth. The position of the remnant of the estate of the duke of York, referred to in Williamite records as the "private estate" [of King James II], is obscure. The report on this estate dated 1693, which does not record any lands held by him in County Louth, is in conflict with the records of the commission of enquiry of 1699 and of the trustees for the forfeited estates 1699-1703. The former records 60 acres in the barony of Louth and 184 acres in the barony of Dundalk as comprised in the "private estate" while the latter records 186 acres in the townland of Monksland barony of Dundalk. 569 In neither case however has any record been traced as to how or to whom these lands were disposed. In addition a number of other persons whose estates were in the form of leaseholds also suffered confiscation on foot of outlawry. One such was Christopher Taaffe who held a lease for 99 years of 258 acres in Mansfieldstown barony of

568. Simms Confiscation in Ireland, op.cit., P.118; Cal.S.P. (Domestic) 1697 P.244; Gogarty Council Book, op.cit., P.245 and 279; Gerard Rice "Four Wills of the Old-English Merchants of Drogheda 1654-1717" Louth Arch. & Hist. Jn., V.20 No.1 (1981) P.96.

569. H.M.C., Eight Report "The private estate of the duke of Yorke 1693", P.479-499; T.C.D.Ms.N.1.3 "Private Estate" P.R.O.N.I., D.1854.2.33, P.81.

Louth, which commenced in July 1669 at a peppercorn rent. This was evidently a lease from his relation the earl of Carlingford who obtained the freehold of the lands in the Restoration period. He may be identical with the Christopher Taaffe of Harristown in the outlawry lists. 570

The most substantial forfeiture in County Louth was that of Nicholas Darcy of Platten County Meath, whose estates included 1,054 acres in Stonetown. He was one of those who had been appointed a freeman of Drogheda under the charter granted by James II. There is no evidence that he ever served in the Jacobite forces and after the battle of the Boyne his house and property at Platten were plundered by the Williamites and soon after he died in Limerick. He was outlawed in Mullingar in April 1691 along with his son and heir George who had been commissioned an ensign in 1687 and subsequently served as a captain in Lord Gormanstown's regiment. When his case was adjudicated by the lords justices and council in June 1694, he pleaded that he had taken protection by voluntary surrender under the declaration of Finglas, but this was to no avail. His entire estate was confiscated. 571 His lands in County Louth were originally granted on a 99 year lease to Thomas Keightly a privy councillor. In July 1696 the latter surrendered the lease in exchange for other properties. Subsequently the estate was recovered under the Act of Resumption and sold to the Hollow Blades Company in June 1703. 572

570. P.R.O.N.I., D.1854.2.33, P.170.

571. Stephen P. Barnwell "Darcy of Platten County Meath" The Irish Genealogist, V.6 No.4 (1983) P.419-422.

572. Nicholas Darcy is mentioned as a forfeiting proprietor "not restored" in T.C.D.Ms.N.1.3, P.227, 1200 acres in Stonetown and granted to John Jennette; the original grantee was Thomas Keightly Privy Councillor who obtained a 99 year lease which he subsequently surrendered to the king in July 1696, N.A. "Lodge Transcripts" 1a.53.58.No.72; the estate was resumed under the Act of Resumption 1700 and subsequently sold by the trustees to the Company of Hollow Blades for £3000 in June 1703, *ibid.*, No.285.

Another substantial forfeiture was that of Thomas Clinton the protestant restoree of Clintonstown. He had been outlawed in Ardee on the basis of a "treason" alleged to have been committed by him at Allardstown, the residence of his uncle Laurence Clinton, on the 1 April 1689. In October 1703 this outlawry was confirmed by an inquisition taken at Gernonstown, which found that by virtue of the outlawry his estate had been escheated. His son and heir, Thomas, also laid claim to the estate on the basis of a remainder, but he too was unsuccessful. 573 The estates amounting to 972 acres is included in the list of forfeitures "not restored" in the records of the commission of enquiry of 1699 wherein his son Thomas is mentioned as "indicted". In 1696 Thomas Keightly was granted 459 acres of the estate in part compensation for his surrender of Stonetown but later the estate having been resumed was sold by the trustees in 1703 to several purchasers Sir William Robinson, lands in Port Dunany, John Askill in Dublin, lands in Clintonstown and Mullinscross and Thomas Bellingham of Gernonstown, lands in Williamstown; a cheifry or yearly rent of £2 out of the lands of Maine was sold to Jeremiah Smith of Maine. 574.

Six other small to medium sized estates were also subject to forfeiture in County Louth, as follows:-

Christopher Cheevers of Carnanstown:

One of the "protestant" restorees of the Restoration settlement. His estates were mainly in County Meath, but included 582 acres in the barony of Ferrard as well as extensive properties in the

573. T.G.F. Paterson "Clinton Records" Louth Arch & Hist., Jn., V.12 No.2 (1950) P.112.

574. T.C.D.Ms.N.1.3. P.227; "Lodge Transcripts" loc.cit., 1a.53.58, No.76, 204, 238 and 339.

town of Drogheda. Two denominations of the former, Carrigneshannagh and Begsland 83 acres, were part of Keightly's original leasehold grant but were not subsequently surrendered by him to the crown. However, the entire estate was resumed in 1700 and in June 1703 the rents and reversions of these lands were acquired by John Leigh of Drogheda in trust for Edward Singleton of Drogheda to whom they were conveyed in 1705; the properties in Drogheda were sold to a number of different persons while the rest of the estate in Ferrard described as "Cornstown, Ballymackenny and Succletshamlets" 539 acres, was bought from the trustees by John Newton of Drogheda in 1703. 575

Lord Slane held a small quantity of lands in County Louth.

They had originally formed part of the grant made by William III in 1692 to General Ginckel, the newly created earl of Athlone, but were subsequently resumed. They were sold by the trustees; Farramicantony, 27 acres, near Dundalk, to Antony Bury of Ardagh County Louth, while the remainder at Aclint and Mullabane in the barony of Louth were bought by Messrs. John Graham and William Barton of Thomastown. They are described in a rentroll of the forfeited estates of c1700 as amounting to 90 acres. 576

The earl of Tyreconnell's lands of 339 acres in Stickillen and Ardee were at first granted to Viscount Sydney, one of the lords justices appointed by William III in Ireland, who in turn sold them to Sir Richard Levinge in November 1698 for £342. They were subsequently resumed and when they were auctioned in 1703 Levinge had to pay an extra £1315 for 339 acres consisting of 235 acres in Stickillen and 104 acres in the parish of Ardee. 577

575. "Lodge Transcripts" loc.cit., 1a.53.58, P.72, 239; Irish Records Commission, Fifteenth Report, "Abstracts from the Conveyances of the trustees of the forfeited estates", P.349-377.

576. Ibid., P.353 and 393; P.R.O.N.I., D.1854.2.33, P.163.

577. "Lodge Transcripts", 1a.53.58, No.39 and 311; Irish Records Commission, op.cit., 383.

William Talbott of Haggardstown.

His estate consisted of the moiety of Haggardstown, 234 acres, in the parish of Ballybarrack barony of Dundalk. They were acquired by Keightly in return for the surrender of Nicholas Darcy's Stonetown estate in 1696 but were later resumed and sold by the trustees to John Askill, who sold his interests to Keightly in 1707. 578

Thomas Fleming had 175 acres in the parish of Clonkeen barony of Ardee and formed part of the assignment made to Keightly in 1696 but were subsequently resumed and sold in 1703 to John Askill, to hold "to him and his heirs" after the term of the 99 years lease granted to Keightly. The latter later purchased Askill interests in 1707. 579

Nicholas Peppard is mentioned as having had 120 acres confiscated in Starraw parish of Mullary. Starraw was held by Robert Peppard in the Restoration period in tenancy from the corporation of Drogheda. The report of the commissioners of 1699 includes Peppard amongst the forfeitures not restored and that the lands were held by Francis Cashell and Luke Conley. In July 1700 Peppard petitioned the trustees for the sale of the forfeited estates to be admitted a discoverer of lands and a house in Drogheda in his possession. He admitted that he had been outlawed "though never in rebellion". While Starraw is included in the list of estates held by the trustees of the forfeited estates its ultimate disposal had not been traced. 580

578. "Lodge Transcripts", *ibid.*, No. 72 and 238; I.R.C., *ibid.*, P.364.

579. Ibid.

580. T.C.D.Ms.N.1.3, "forfeited persons not restored" P.227, P.R.O.N.I., D.1854.2.33 P.157; "Abstracts from the Conveyances" *loc.cit.*, P.364, the purchase by Charles Campbell of premises in Drogheda formerly Nicholas Peppard and Lord Gormanston.

The disposal of Nicholas Gernon's estate of Milltown was perhaps the most complex of all of the Williamite settlements in County Louth and took the longest to resolve. The reason lay in the fact that while the surviving Gernons were involved, the struggle for possession lay between two protestant protagonists, William Fortescue of Newragh, second son of Thomas Fortescue of Dromiskin and son-in-law of Nicholas Gernon, and Anne Baker the widow of Colonel Henry Baker joint governor with George Walker of the city of Derry during the celebrated seige and where he met his death.

581 Almost certainly he was the son of the Henry Baker who resisted the surrender of Phillipstown to Mary Gernon in the years 1662-66 and in the Jacobite outlawry list he is given as living in Dunmaghan. He participated in the Break of Dromore and subsequently retreated to Derry where he became a leader in the resistance to the Jacobites. In recognition of his services William made a grant of a pension of £300 to his widow in November 1689 to be paid "until such time as he could settle something more considerable in lieu thereof in Ireland". 582 Mrs. Baker subsequently made a petition for the grant of "the forfeited estate" of Nicholas Gernon deceased, on which a report was submitted by the solicitor-general Levinge in March 1694 who certified that the estate consisted of 1470 acres which at five shillings an acre, including quit-rent was worth £367 per annum. Whether by coincidence or not another petition had been submitted by Brent Moore [a colateral of the earl of Drogheda] seeking a reward for the discovery of the crown's title to the estate as

581. For his family background and Baker's participation in the seige of Londonderry see Patrick Macrory The Seige of Derry, (Oxford University Press 1988); ancestry under P.196 and 199.

582. "Lodge Transcripts" loc.cit., 1a.53.58, P.70; taken from the patent rolls of William and Anne (Ulster Office), gives a detailed statement of the circumstances surrounding the grant of Gernon's estate to John Baker, Ann's eldest son (she being content not to have her name inserted)' in lieu to the pension of £300 and dated Whitehall 13 June 1694.

well as the preservation of a jointure of £60 per annum issuing out of the estate to his wife Anne "relict of the said Nicholas Gernon". 583 This indentifies Anne as the daughter of Peter Nottingham [of Dublin], whom Nicholas had married as his second wife in 1682 and who after his death had married Brent Moore.

Moore's petition contained details of Nicholas Gernon's estate no doubt supplied by his wife Anne. 584 Nicholas was described as only tenant for life, remainder in tale male to his two sons, remainder to George Gernon "a person indicted and outlawed for high treason and then in France". As Nicholas and his two sons were dead "without issue made but never outlawed", the estate would accrue to the crown by virtue of George's attainder, after the death of the last of the two sons which occurred about December 1694. Sometime after this event Anne Baker made a discovery of the crown's title with a view to having the estate passed to her. An inquisition taken of the estate in September gives details of the lands and of the trust to uses established on the marriage of Nicholas Gernon to Anne Nottingham including Anne's jointure, with the descent of the estate by heirs male as already outlined. 585 Anne Gernon's two sons, George and Peter are mentioned as having died in the years 1692 and 1693 respectively without heirs and that George Gernon of Dunany, [son of Roger Gernon] had been outlawed. Nicholas was described as having died in actual rebellion at Balfaddock County Meath, about Michaelmas 1689. Levinge recommended that the estate pass by grant to letters patent to Anne Baker's eldest son John, with money portions of her other children and a Savings for Anne Moore of her jointure of £60 per annum with a rent charge of £30 per annum to her in compensation for her discovery.

583. Ibid.

584. Ibid.

585. A copy of this inquisition is in Inq.Lag. A.D. 1692-1694 No.3.

The Moore's had complained that they had been at great charges in prosecuting Mr. Fortescue, who they alleged "had destroyed the said settlement, with intent to avoid the crown's title and to come into possession thereof in right of his wife who was daughter of said Nicholas Gernon by a former venter". The daughter referred to was Margaret, the only child of Nicholas's first marriage, who had eloped with Fortescue in 1681 and had been disinherited by her father. 586 That this allegation by Moore might very well have been the case cannot be ruled out in that Fortescue did claim his estate in right of his wife Elisabeth and on behalf of their seven children. 587 The Act of Resumption of 1700 provided him with his opportunity in that the Milltown estate was brought within the ambit of the Act, in which provision had been made, preserving the rights or claims of any person adjudged to have the benefits of the articles of Limerick. One such person was Edward Gernon the brother of George of Dunany whose outlawry had provided the pretext for the grant of the estate to Baker in the first place. As the estate was now in the hands of the trustees for the forfeited estates, the latter were

586. See Nicholas Gernon and his family background in chapter five, part one; N.A. "Pyke-Fortescue papers", 1004.1.9.2, an undated rough copy of a memorandum, post-1700, in which reference is made to the settlement having been made "upon a discontent, concealed by the said Nicholas against his daughter, the said Mary for marrying the said William a protestant, at a time when popery became predominant in Ireland".

587. Ibid., referring to Baker's claim it was alleged "that the said Baker by sums of money granted to his mother and by a pension of £300 per annum to him granted by his said late majesty and by the profits of the said estate since the year 1690 has received to the value of about £6000 which is a considerable reward for the service of his father who was no more that a broken lieutenant of foot for a considerable time before the late wars in Ireland, as a man of small fortune.....".

bound by the Act to have regard to Edward's claim. A legal opinion given by Alan Broderick c1700-02 in respect of the latter described the situation as follows:- 588

Query:

Whether by the proviso in the 57th. paragraph of the Act of Resumption the estate tale of Edward Gernon was preserved and what estate and interest he now hath if any ?.

I cannot but be of opinion that the remainder belonging to Articlemen depending on estate tale that were forfeited and vested in the trustees are notwithstanding preserved by paragraph 5th., of the Act. I allow such remainders if they belonged to protestants would be barred, whether the makers of that Act meant more kindness to articlemen than to protestants, in that case I know not; but conceive they have put them in better condition, but this is stronger for Edward, the forfeiture of George never being vested in the trustees and consequently the remainder not touched.

Query:

If Edward Gernon have no estate in the lands in question in whom then are the said lands vested, are the same in the queen to her own use or to the use of the public and from whom and by what means may a purchaser have a conveyance thereof?.

This question is unnecessary, proceeding on the supposition which I think is false that Edward hath no estate, for I conceive his remainder to be good, but if the estate, not being sold, were in the crown, I conceive her majesty seized of it to the use of the public, but what method the parliament will take for disposing the unsold part of the forfeited estates I can't foresee, nor will I advise anybody to purchase the same from the crown 'till parliament hath settled the matter; for sure that might give at least as fair a handle for a new Act of Resumption as the parliament had which thought fit to pass the first.

A Copy.

Alan Broderick.

On the basis of the situation created by the Act of Resumption Edward Gernon brought ejectment proceedings against Baker for recovery of the estate. The latter rejoined by bringing a Bill into the Irish House of Commons seeking the transfer both of Edward's estate tale and Margaret Fortesque's estate in fee to himself and his heirs, "under the notion of destroying all popish remainders and estates expectant on the estate tale of the said George". The Fortescue claim rested upon the validity of Edward Gernon's title and the conveyance by the latter of his interests in the estate to the former set out in the memorandum as follows:- 589

That the said Edward being now past sixty years of age and having no issue nor hopes of any and being satisfied the said Margaret was disinherited for marrying the said William a protestant and that he had no fortune with her above the value of £300, being now willing that the said estate should return to its own antient channell and come to the right heir at last, is under an agreement with the said William to convey the said premises to the said William Fortesque and his heirs begotten on the body of the said Margaret and has for performance thereof perfected to the said William a bond of £5,000 stg.

The issue dragged on for many years into the eighteenth century, and as late as the 1730's the Fortescue's were in legal contention, seeking to acquire the Gernon transplantation lands in Roscommon which had also descended to Edward Gernon as his inheritance. 590

589. Ibid.

590. Ibid. "Case of the King against Dillon" 1739, a claim by Thomas Fortesque to recover the lands in Roscommon, granted to Patrick Gernon of Gernonstown, a Connaught transplanter and left by Joan Gernon, his widow, to the grand-children of the marriage between Roger Gernon of Stabannon and her daughter Elisabeth by her previous marriage to George Gernon of Milltown, the brother of Henry who was the father of Nicholas Gernon; Edward was at this time the surviving grandchild and proprietor of the lands in Roscommon. See also chapter five, part one, and chapter one, appendix No. 30 to 34.

The outcome of the Williamite wars and the confiscations which followed was for the British settlement an unfinished business, and despite the completeness of their victory they faced into the new century with a feeling of insecurity and defensiveness. For the Old English of County Louth the result was not as drastic as might otherwise have been the case. The benefits of the treaty of Limerick allied to the royal favour accorded in a number of important cases were the important considerations, while the anomalies and confusions engendered by the Act of Resumption were of particular benefit to a number of others, notably the Gernon-Fortescues, laying for the latter a strong foundation on which to build one of the greatest landed estates in the county in the eighteenth and nineteenth centuries. The example given by the English House of Commons in appointing the commission of enquiry of 1699 and subsequently in enacting the Act of Resumption was not lost sight of by the protestant British settlers in Ireland. Their dissatisfaction with the leniency shown to the articlemen and others, as well as with the activities of the trustees for the sale of the forfeited estates, must have been very considerable, bearing in mind the sufferings and losses endured by them during the Jacobite regime including the forfeitures imposed by the Act of Attainder. The sight of grandees such as Lords Bellew and Louth and the earl of Carlingford making a full recovery of their estates must have been particularly galling. It was therefore as much a reaction to what had transpired as well as an act of revenge for what had been meted out to them by the Jacobites that when at last they had the opportunity afforded them, they too passed legislation in the form of the Popery Acts of 1704 and 1709, the provisions of which were deliberately intended to claw back whatever advantage had been conferred on roman catholics by the treaty.

CONCLUSION

The collapse of the Cromwellian Protectorate in the last years of the 1650's created a power vacuum, in Ireland as well as in England, which took some years to fill. In Ireland that element of the "Old Protestant" gentry class who had sided with, or had accommodated themselves to the English Commonwealth, were early in the field, aided by the evident support given them by Cromwell's son in the period after 1656. On the eve of the Restoration they held the centre stage, but shortly thereafter they were to be joined by their gentry confreres who had supported the king, thus forming a solid landed gentry class whose prime objective would be to consolidate themselves as the dominant political force. Their immediate concern was to extend their domination over the Commonwealth ex-soldiery, whose political and religious radicalism presented the greatest threat to their class. As late as 1666 Ormonde's son the earl of Ossory commented that the greater danger was to be feared from the "other party" than from the catholics. Mark Trevor, who spent a substantial part of his time in the Restoration period searching out fanatics' plots and pursuing their ministers and supporters, was of the same view. The soldiers were however virtually leaderless as the more substantial of them, men such as Aston, Bellingham and Garstin in County Louth, followed their landed interests and careers within the new class. While the Blood uprising was a manifestation of the ex-soldiers' disgruntlement, its abject failure ensured that no further armed resistance would be forthcoming from that quarter. Thereafter power ebbed and flowed within the body politic, according to the respective strengths of the various factions, but always within parameters determined by the new ascendancy.

The Restoration land settlement can be divided into about four periods reflecting the ebbs and flows of the power and influence of the respective factions. In the first period from 1660-62 the ex-soldiers had the necessary assurances against arbitrary dispossession; indeed they were offered by the Gracious Declaration, the positive prospect of being able to

get a good title to their landholdings through the court of claims appointed by it. In the event this was not forthcoming, yet contemporaneously the king was issuing letters from London granting, or restoring landed estates, to individuals, who whatever their particular merits, had one thing in common, namely that they were of the landed gentry class, Old English as well as British. They were to constitute the principal element in the Restoration land settlement in County Louth. The patronage afforded to them by the king was the prime factor in their success. The question of their religion does not seem to have much mattered. 533.

The Act of Settlement of 1662 with its strong pro-British and anti-catholic bias, marked the beginning of the second period which ended with the Act of Explanation of 1665. Despite the hostile nature of the legislation towards their pretensions, the Old English fared well at the hands of the first court of claims set up under the former Act, only one County Louth claimant being returned as nocent. 534

In the third phase, which began with the Act of Explanation and continued to 1668, the court of claims established under the Act held the centre stage. Like its predecessor, it also appears to have acted in an even handed and pragmatic manner. Only in close run circumstances did the court veer away. In the case of the earl of Carlingford it seems to have been heavily influenced by state policy, communicated either by the legislation itself, by the king or by the Council Board in Dublin. The court was nevertheless not constrained from recognising the claims of

533. It may have been of some significance that most of the leading Old-English gentry who recovered^{ed} estates in County Louth were signatories of the Remonstrance, i.e., earl of Carlingford, Matthew Plunkett, Robert Talbot, John Bellew, Oliver Baron Louth, John Talbot Malahide, Henry Draycott, Nicholas Darcy and Oliver Cashel Dundalk Cal.S.P.Ire., 1669-70 P.560-62.

534. Tallon Submissions and Evidence No.189, P.92/3 Henry Cooley Ardee.

Gernon of Milltown, even though it necessitated a substantial retrenchment of Taafe's custodium. It was during this period that the ex-soldiers came under the greatest pressure. The compromise represented by the Act of Explanation resulted in a substantial retrenchment of their estates, a large part of which was re-allocated to the Old English. It was during this period also that the court was able to dispose of rather straightforward issues, such as the confirmation of the decrees of innocence granted by the first court, including the reprisals for the ex-soldiers in the barony of Ardee; the issue of certificates to enable letters patent to be passed by the latter for the residue of their estates and the granting of letters patent to the royal grantees in respect of lands granted to them, not the subject of inter-grantee disputation. It was during this period also that the allocation of the '49 officers' security was accomplished. The casualties of this period were the unrequited letterees, John Bellew, Theobald Verdon, Michael Bellew and Andrew Dowdall. Of these only the nimble footed John Bellew survived.

In the final period, extending from 1668/9 to the commission of grace 1684/5 the court of claims dealt with the more difficult issues left over from disputes between proviso-men, which arose mainly from contradictions inherent in their original grants. These involved royal intervention in such cases as Taafe, earl of Carlingford, in County Louth and Viscount Massarene in Antrim. After the winding up of the court of claims in 1669 the remaining years of the reign of Charles II was occupied with adjustments and "tidying-up", during which men such as the Bellews of Barmeath consolidated themselves in Connaught as well as in Louth, Netterville recovered, subject to prior reprisal, a substantial acreage from Erasmus Smith in Ferrard, while Richard Talbot of Castlering and Matthew Plunkett, Lord Louth managed to secure legal title to lands long granted to them by their respective decrees of innocence.

The estimations contained in Chapter eight of the lands held by the Old English in 1641 and 1685 at 69% and 32% of the total of profitable lands in the county, are greater than those given by Simms, who places the Old English of Louth within the ranges of 25%-49% in 1641 and 15%-24% in 1688. 535 The discrepancies in the 1641 figures may be accountable, in part, if Simms excluded from his calculations the lands held by the Old English protestants as well as the forfeited lands of the corporation of Carlingford and Dundalk amounting in aggregate to 4662 acres. This figure excluded would reduce the lands held by the Old English in 1641 to 65%. In the case of the 1685-1688 figures it may be presumed that Simms did not allow for the acquisition by the Old English of the 4184 acres from the duke of York's estate or of Talbot's recovery of Castlering amount to 1562 acres. Taking these into account, and had they been excluded from the aggregate of 34,183 acres recovered by the Old English, the amended percentage held by the latter in 1685 would be 27%. However, it is clear that this would be an underestimation and that the figure of 32% can be relied upon. It should be noted also that the latter figure would bring County Louth into line with the adjacent counties of Dublin, Meath, Westmeath and Longford as is indicated in Simms accompanying map.

Apart from the relatively large recovery of lands made by the Old English in the Restoration period, especially when viewed against the thoroughness of the Commonwealth confiscations, the other remarkable feature of the Restoration Settlement in the County was the large number of Old English who continued as occupiers of

535. J.G. Simms "Land owned by catholics in Ireland in 1688", Irish Historical Studies, V.7. (1950-51), P.180-190.

land as leaseholders. 536 This was the case throughout the Commonwealth as well as the Restoration periods. Unlike their more favoured cousins who secured restoration of their estates and accomodated themselves to the new protestant British ascendancy, they retained their aspirations and nursed their grievances, thus providing a fertile ground for the political and military upheavals of the short period of Jacobite ascendancy and the Williamite revolution which followed.

For the Old English the end of the Williamite period marked the end of a struggle in which they had been engaged throughout the greater part of the seventeenth century, seeking to maintain their seperate identity as loyal subjects of the English crown, as well as their landed estates and gentry status. It was a struggle which they had pursued with great tenacity, using every means available to them, including their wealth; as in the case of the Peppards of Drogheda; their capacity for political manoeuvring and intrigue as in the case of the Taaffes earls of Carlingford and their very considerable ability to deploy legal resources and to use the legal system to their advantage, of whom Bellew of Barmeath was a conspicuous example. It is evident that, general speaking, their use of the law played an important role in the recoveries which they made.

536. The practice resorted to by grantees and restorees of granting leases to the existing occupiers is exemplified by the earl of Carlingford's offer of leases to the sitting ex-soldiers and to Nicholas Gernon of Milltown prior to his restoration; this was the solution also arrived at when the duke of York succeeded against Bayly in the dispute over the Bellew estates of Verdonstown where Bayly obtained a lease of the latter, P.R.O.N.I., "Anglesey Papers", D.619/2/4 1674 "duke of York to Nicholas Bayly to farm let Verdonstown, Manghreath and Rathmore, 970 acres for 29 years at £98 per annum; in February 1675/6 power was given by Sir William Talbot agent for the duke of York to convey the interest in this lease to James Tisdall.

Despite all the travail visited upon them by war, confiscations and the penal disabilities of the law, they were still a significant element in the society of town and county at the turn of the century. By the time they were to emerge again as a class in the late eighteenth century, as landowners, their numbers had been very much depleted. While the Popery Acts were to play a role in the attrition, other factors such as failure of heir and debt were also of significance. The importance of the latter elements in the changes in landownership in the eighteenth century can be measured also by their effects upon the British settlement, few of whom of the seventeenth survived as families into the late eighteenth century. Of the Old-English the Bellews of Barmeath survived retaining both religion and lands intact; while the Plunketts, Lords of Louth, also survived as landowners, they did undergo a change in religion. There were however many others of their kind who survived as leaseholders of land and as merchants in towns, known in Dundalk in 1772 as the "principal Popish inhabitants". So also their descendants to this day.

BIBLIOGRAPHY

This bibliography has been organised along the lines laid down by J.G. Simms "Bibliography" in the New History of Ireland, T.W. Moody, F.X. Martin and F.J. Byrne eds). iii 1534 - 1691, (Oxford 1976). The classifications are as follows:-

Manuscripts

Ireland.
Great Britain.
United States of America.

Printed Sources

Records

- a). Central administration.
- b). Local administration.
- c). Parliamentary.
- d). Legal.
- e). Ecclesiastical.

Contemporary works and family papers.

Source compilation, legal texts and maps.

Secondary Works.

General history.
Topography.
Political, constitutional and administrative history.
Ecclesiastical history.
Confiscation and colonisation.
Military history.
Economic and social history.
Local and family histories.
Biography.

MANUSCRIPTS SOURCES

IRELAND

Dublin Library service.

Gilbert Collection:-

Taafe family papers Fol.1838.

National Archives.

Family papers:-

Gernon papers C.O.1755.
Bellew papers Ms. 1121.
Pyke-Fortesque papers 1004.

Other manuscripts:-

Book of Survey and Distribution quit-rent office, County Louth.
The Crown and quit rentals of Drogheda; 2A.3.12.
Carte Transcripts.
Lodge manuscripts.
Repertory of Cromwell leases chancery 1656-59.
Phillips manuscripts M.2458-60.

National Library of Ireland.

Family papers:-

Drogheda papers.
Garstin papers, unsorted.
Mountbellew papers Ms.31.
Peppard papers.
Plunkett papers, unsorted.
Townley papers.
Verdon papers.

Other Manuscripts:-

The Report of John Ainsworth.
Genealogical Office Manuscripts.
Ulster Office V.3 No. 46, 47, 50, 386 and 205.
Ormond Manuscripts, Muster Rolls, 1641-1652
Rough minute book of the proceedings of the Court of Claims established under the Act of Explanation for the period 1665-1666.
Book of Survey and Distribution for the county of Louth.
Surveyors' books of the Down Survey of County Louth 1657.
Rent Roll of the earl of Carlingford's estates 1677.

Private Keeping:-

Bellew papers.
Bellew-Carlingford papers.
Pepper papers, Ballygart County Meath.

Public Library Armagh.

List of claims of Innocents in the court of claims 28 January 1662/3 to 20 August 1663.

The Library of the King's Inn Henrietta Place, Dublin.

The Prendergast papers.

Public Record Office of Northern Ireland, Belfast.

Family Papers:-

Hamilton papers.
Annesley papers.
Deeds of the earl of Kildare.
Massarene papers.
Anglesey papers.
Brownlow papers.

Other Manuscripts:-

Books of Survey and Distribution in the Annesley papers,
Louth and Armagh.
The records of the proceedings of the trustees for the
forfeited estates in Ireland, in the Annesley papers.

The Library of the Royal Irish Academy.

The book of Survey and Distribution for County Louth.

The Louth County Library.

The Minute Books of the Corporation of Ardee.
The Minute Books of the Corporation of Carlingford.

Trinity College.

Muster Roll of Colonel Michael Jone^s Forces in Leinster
c1648, Ms. 844.
Ibid, Meredith's Relation.
Collectanea Historica, County Louth Gentry 1600, Ms. 580.
1641 Depositions for County Louth, Ms., f. 3.5 Fo. 1-47.
The transplantation proceedings of the revenue commissioners
of the precinct of Trim.
Pedigrees, Mic. 1213-1216.

GREAT BRITAIN

Bodleian Library Oxford.

Ms. Talbot, c92.

British Library.

Rent roll of properties held by the trustees for the '49 Officers 1661, Ms. 1843-44.

Liverpool.

City Library.

The papers of Colonel John Moore, 920/MOO.

Wirral Library.

The papers of Colonel John Moore, MAZ-III.

National Library of Wales.

John Jones's Letter Book.

The Record Office of Kent County Council, Maidstone.

Sir John Deering's notes on the proceedings of the court of claims set up under the Act of Explanation.

UNITED STATES OF AMERICA

Yale University Library.

The Beinecke Rare Book and Manuscript Library:
The Carlingford papers.

PRINTED SOURCES

Records.

Central Administration.

J.S. Brewer and W. Bullen, Calendar of the Carew Manuscripts, (London 1867-83), 1589-1600, 1603-1624).

Calendar of the State Papers relating to Ireland, 1589-1670,
(London 1860-1912).

1608-1610	(1874)	
1611-1614	(1877)	
1615-1625	(1880)	
1625-1632	(1900)	
1633-1647	(1901)	
1642-1659	(1903)	[Commonwealth]
1647-1660	(1903)	
1660-1662	(1905)	
1663-1665	(1907)	
1666-1669	(1908)	
1669-1670	(1908)	
1669-1670	with Addenda 1625-1670	(1910)

Calendar of the State Papers, Domestic series, 1684-1704,
(London 1895-1938)

1703-4

(Robert Dunlop, ed.) Ireland under the Commonwealth 1651-1659.
(2 Vo. Manchester 1913).

"Commonwealth Records" Archivium Hibernicum, (vi & vii 1917 and 1918-21).

M.C.Griffith ed.) Irish Patent Rolls James 1, (I.M.C. Dublin 1966)

James Hogan ed.) Letters and Papers relating to the Irish Rebellion, 1642-1646, (I.M.C. Dublin 1936).

James L.J. Hughes ed.) Patentee Officers 1173-1826, (I.M.C. Dublin 1960).

Charles McNeill "Hearth money Rolls Drogheda", (V.6 No.2 & 4),
L.P. Murray "Hearth money Rolls Dundalk", Cooley, Omeath,
Castletown-Bellew, Carlingford and Faughart", (V.7 No.4 1932)
"Fews" (V.8 No.2 1933) and Diarmuid MacIobhair "Dundalk
Supplemental" (V.12 No.4 1952), Louth Archaeological and
Historical Society Journal.

Seamus Pender ed.) A Census of Ireland c1659, (I.M.C. Dublin 1939).

Report of the Commissioners respecting the Public Records of
Ireland, (Dublin 1810-1815).

Sixth, Seventh, Eight, Ninth and Tenth Report of the
Commissioners respecting the Public Records of Ireland, (Dublin
1816-1820).

Eleventh, Twelfth, Thirteenth, Fourteenth and Fifteenth Report of the Commissioners respecting the Public Records of Ireland, (Dublin 1821-1825).

R.C. Simington, The Civil Survey 1654-1656, County Meath V.5 and Miscellanea V.10 (I.M.C. Dublin 1940 and 1961).

R.C. Simington, The transplantation to Connaught 1654-1658, (I.M.C. Dublin 1970).

J.C. Simington, Introduction to Books of Survey and Distribution, (Roscommon) (I.M.C. Dublin 1949).

Geraldine Tallon "Books of Survey and Distribution County Westmeath a comparative survey", Analecta Hibernica No. 28, (I.M.C. Dublin 1978).

G.E. Howard, A Treatise of the exchequer and revenue of Ireland, (2 Vol. Dublin 1776).

J.S. Kiernan, History of the financial administration of Ireland, (London 1930).

GREAT BRITAIN

Bulstrode Whitelock Memorials of English Affairs, (London 1853).

LOCAL ADMINISTRATION.

Peter Gale The Ancient Corporate system of Ireland, (London 1834).

T. Gogarty The Council Book of the Corporation of Drogheda, (Louth Arch. & Hist., Jn 1988).

Joseph T. Dolan "Ardee Corporation Records" (V5.No.1); "Ardee Corporation Minutes (V.3 No.4 & V.4 No.1) Louth Archaeological and Historical Society Journals, (1912-1924).

H.G. Tempest, "Notes on the Corporation of Carlingford", Louth Archaeological and Historical Society Journal, (V.3 No.3 1914).

H.G. Tempest, "A List of the High Sheriff of County Louth" Tempest's Annual 1920, (Dundalgan Press).

Report of the Commission of Enquiry into the Municipal Corporations of Ireland, (H.M.S.O. London 1840).

PARLIAMENTARY RECORDS.

C.H. Firth and R.S. Rait (eds). Acts and Ordinances of the Interregnum 1642-1660, (3 Vo. London 1911).

Journals of the House of Commons of the Kingdom of Ireland, V.1. and 2 (printed by Abraham Bradley Dublin 1753).

Journal of the Proceedings of the Parliament in Ireland 1689.

The Irish Statutes, revised Edition, third Edward 11 to the Union, by Authority, (London 1885).

LEGAL RECORDS AND TEXTS.

Sir Richard Bolton A Justice of Peace for Ireland, (Dublin 1638)

Sir William Blackstone Commentaries on the laws of England in four books, (Second edition 4 Vol., London 1863).

The Charter of King Charles 11 empowering Erasmus Smith to erect grammar schools in Ireland, (by order of the trustees Dublin 1724).

Kenelm Edward Digby An Introduction to the History of the Law of Real Property, with original authorities, (fifth edition Oxford 1897).

Thomas Fitzpatrick(ed.) T. Gogarty "County Louth Depositions 1641" Louth Archaeological and Historical Journal, (V.3 No.1 1912).

Walter Harris (ed). A declaration of what means the Laws and Statutes of England... came to be of force in Ireland, (Dublin 1750).

Inquisitionum of Officia Retulorum Cancellariae Hibernice, Asservatorum Lagena, (Dublin 1826-1829).

Charles McNeill and A.J. Rutven Dowdall Deeds, (I.M.C. Dublin 1960).

Charles McNeill and A.J. Rutven Peppard Deeds, (I.M.C. not published), galley-proofs in the National Library of Ireland.

Geraldine Tallon ed.) The Court of Claims 1663, Submissions and Evidence, (I.M.C. Dublin forthcoming)

Hugh Kearney "The Court of Wards and Liveries in Ireland", Proc. R.I.A. 57c, No.2.

Sir Robert Megarry and H.W.R. Wade The Law of Real Property, (fifth edition London 1984).

Giles Jacob, J.Morgan ed.) A new Dictionary of Law terms, (London 1782).

Laurence P. Murray "County Louth Title Deeds from the Land Registry" Louth Archaeological and Historical Journal, (V.7 No. 2 3 and 4; V,8 No. 1,2 and 3; V.10 No. 1,2 and 3 and V.11 No. 1 1930 - 1941).

E.R. Hardy Ivamy ed.) Mosley and Whiteley's Law Dictionary, (tenth edition London 1988).

The Roden Title to the manor, town and lands of Dundalk and other lands in County Louth, with the opinion of Right Honourable Thomas Lefroy thereon, printed by Hodges and Smith Dublin for Briscoe and McNeill solicitors, 7 Mountjoy Street Dublin (N.D. c1838) in Louth County Library)

Joshua Williams, T. Cyprian Williams ed.) Principles of the Law of Real Property, (fifteenth edition London 1885)

J.C. Wylie Irish Land Law, (London 1975)

ECCLESTIASTICAL RECORDS

Eric St. John Brooks Register of the Hospital of St. John the Babtist without the Newgate in Dublin, (I.M.C. Dublin).

Thomas O'Fiaich "Blessed Oliver Plunkett's Report on the Diocese of Armagh", Louth Archaeological and Historical Journal, (V,15 No. 1 1957)

J. Hanley ed.) The Letters of Saint Oliver Plunkett 1625 - 1681, (Dublin 1979)

J.B. Leslie Armagh Clergy and Parishes, (Dundalk 1911)

H.W. Love "An Old Armagh See Rental" Louth Archaeological and Historical Journal, (V.15 No. 3 1963)

Miss McNeill O'Farrell "Return of Property of Monasteries at Dissolution" Louth Archaeological and Historical Journal, (V.7 No.1 1929)

Charles McNeill "The Suppression Commission of 1539 and Religious Houses in County Louth" Louth Archaeological and Historical Journal, (V.5 No. 3 1923)

Charles McNeill "Some early documents relating to English Uriel and towns of Dundalk and Drogheda, with a note on Sir Henry Draycott" Louth Archaeological and Historical Journal, (V5. No.4 1924).

N.B. White ed. Irish Monastic Possessions 1540-1541, (I.M.C Dublin 1943)

CONTEMPORARY WORKS, PAMPHLETS AND FAMILY PAPERS.

Richard Bellings, (John T. Gilbert ed.) History of the Irish Confederation and the War in Ireland 1641 - 1643, (Dublin 1882)

J. Brownbill "Calendar of the Papers of John Moore of Bankhill", Record Society of Lancashire and Chesire Journal, (1913).

John T. Gilbert A contemporary History of affairs in Ireland from 1641-1652, [The Aphorismical discovery of treasonable faction], (Dublin 1879)

Nicholas Barnard The whole proceedings of the seige of Drogheda, (London 1642)

Sir William Brereton Ed. Hawkins ed.) Travels in Holland, the United Provinces, England, Scotland and Ireland (1635), (Chetham Society 1884)

Deputy-keeper of the Public Records in Ireland ed). "Abstract of the Decrees of the Court of Claims for the trial of Innocents, commencing 13 January 1662" in Appendix to the nineteenth report of the Deputy-keeper of the Public records in Ireland, (Dublin 1887).

Ray Gillespie ed). Settlement and Survival on an Ulster estate: the Brownlow Leasebook 1667-1711, (Belfast 1988).

Walter Harris History of William III, (Dublin 1749).

George Walker A true account of the seige of Londonderry, (3rd. Edition London 1689)

Great and good news from Schomberg's camp at Dundalk, (London 1689)

Antony Hewitson ed.) Diary of Thomas Bellingham, (Preston 1908)

George Hill An historical account of the plantation of Ulster at the commencement of the seventeenth century, (I.U.P. 1970)

Fynes Moryson An History of Ireland, (2 Vol. Dublin 1735).

T.G.F. Paterson "Clinton Records" Louth Archaeological and Historical Journal, (V.12 No. 2. 1950)

Sir William, Petty Thomas Larcom ed.) History of the Survey of Ireland, (Dublin 1851)

George Story A true and impartial history of the most material occurrences in the kingdom of Ireland during the last two years, (London 1691).

Sir John Temple The Irish Rebellion, (seventh edition Cork 1766)

SOURCE COMPILATIONS AND MAPS.

Donal F. Cregan, "Irish catholic admissions to the English Inns of Court 1558-1603", The Irish Jurist, (Dublin 1970).

E. Curtis and R.B. McDowell Irish Historical documents 1172-1922, (London 1943).

The barony maps of the Down Survey for the county of Louth.

John Dalton King James Army List 1689, (second edition Dublin 1860)

W.H. Hardinge "On Surveys in Ireland 1640-1688"; Transactions R.I.A. Antiquities VXXIV; Pt.I, III, VI, VII, (1864-66).

Charles McNeill The Tanner Letters, (I.M.C., 1943).

Constantia Maxwell Irish History from contemporary sources, (London 1923).

John O'Hart The Irish and Anglo-Irish landed gentry, (I.U.P. edition 1968).

Micheline Walsh Spanish Knights of Irish Origin, (V.11, I.M.C. 1965).

"Analecta Hibernica", Irish Manuscripts Commission, Dublin.

No.1-4. Charles McNeill ed)., "Report on manuscripts in the Bodleian Library", (Rawlinson) (Dublin 1930-1934)

- No.15. E. MacLysaght "Commonwealth state accounts", 1944.
- No.22. J.G. Simms ed)., "Irish Jacobites", 1960.
- No.23. R.G. Simington and John Mac Lellan, "List of Outlaws 1641-47", 1966.
- No.26. Aiden Clarke, "A discourse between two councellors of State 1642", 1970.
- No.27. P.B. Phair, "Sir William Betham's Manuscripts", 1972.
- No.28. Geraldine Tallon ed)., Books of Survey and Distribution, County Westmeath, 1978).
- No.29. Gerrold Casway ed). "Unpublished letters of Owen Roe O'Neill", 1980.
- No.30. David Craig "Report on a survey of manuscripts of Irish interest in Yale University Library", 1982.
- No.31. Mary Dowd, "Irish Concealed Land Papers" 1984.
- Historical Manuscripts Commission Publications, (London).
- Third Report, "Manuscripts of the marquis of Ormonde (London 1872).
- Fourth Report, "Trinity College Manuscripts" (London 1874).
"Manuscripts of the marquis of Ormonde.
- Sixth Report, "Manuscripts of the marquis of Ormonde, (London 1876).
- Eight Report, "Trinity College Manuscripts" (London 1881).
- Ninth Report, "Manuscripts of the marquis of Ormonde, (London 1886).
"The Stuart Papers".
- Tenth Report, Appendix No.4 (London 1885) "Manuscripts of the marquis of Ormonde", "Muster Tolls" and "Cadogan Papers".
- Fifteenth Report, "Dartmouth Papers in appendix No.1, (London 1898).
- Report on the manuscripts of the earl of Egmont, V.1. Part ii (London 1905).
- Report on the manuscripts of the duke of Ormonde, N.S. (Eight volumes, London 1902-1920).

SECONDARY WORKS

General History.

Richard Bagwell Ireland under the Stuarts, (3 Vol. Holland Press reprint 1963).

T.W.Moody, F.X.Martin and F.J. Byrne A new history of Ireland, V.V111 (Dublin 1976)

Topography

R.D. Edwards An atlas of Irish History, (second edition, London 1981).

J. Edwards A rural geography of County Louth, (unpublished M.A. thesis U.C.D. 1965).

Diarmuid Mac Iomhair "The boundaries of Fir Rois" Louth Archaeological and Historical Journal, (V.15 No.2 1962)

Harold O'Sullivan "A 1575 Rentroll with contemporaneous maps of the Bagenal estate in the Carlingford Lough District" Louth Archaeological and Historical Journal, (V.21 No.1 1985)

POLITICAL, CONSTITUTIONAL AND ADMINISTRATIVE HISTORY

Nicholas Canny The formation of the Old English Elite in Ireland, (O'Donnell lecture series, N.U.I. Dublin 1975).

Thomas L. Coonan The Irish catholic confederacy and the puritan revolution, (Dublin 1954).

T.C. Barnard, Cromwellian Ireland 1649-1600, (Oxford 1975).

Brendan Bradshaw The Irish Constitutional revolution of the Sixteenth Century, (Cambridge 1979).

Ciaran Brady and Ray Gillespie eds). Natives and Newcomers, (Irish Academic Press 1986).

Aidⁿ Clarke The Old-English in Ireland 1625-42, (London 1966)

Donal F. Cregan "Irish recusant lawyers in politics in the reign of James 1" The Irish Jurist, (Dublin 1970).

Thomas Davis The Patriot Parliament of 1689, (London 1893).

Steven G. Ellis Tudor Ireland, (London 1985).

Brendan Fitzpatrick Seventeenth century Ireland, the war of religion, (New Gill History of Ireland 2, Dublin 1988).

Hugh Kearney "The Court of Wards and Liveries in Ireland 1622-1641" Proceedings Royal Irish Academy, (Section C No. 2 1955).

Hugh Kearney Strafford in Ireland, (Cambridge paperback 1989)

J.P. Prendergast Ireland from the Restoration to the Revolution 1660-1690. (London 1887).

J.G. Simms Jacobite Ireland 1685-1691, (London 1969).

David Stevenson Scottish Covenanters and Irish Confederates, (Belfast 1981).

ECCLESIASTICAL HISTORY

Father Colmcille O.C.S.O., The Story of Mellifont, (Dublin 1958).

Patrick Conlon The Franciscans of Drogheda, (Drogheda 1987).

Arthur Curran "The Dominican Order in Carlingford and Dundalk" Louth Archaeological and Historical Society Journal, (V.16 No.3 1967).

Arthur Curran "The Priory of St. Leonard Dundalk", Louth Archaeological and Historical Society Journal, (V.17 No.3 1971).

T. Gogarty "The Abbey of SS Peter and Paul Knock" Louth Archaeological and Historical Journal, (V.5. No.3 1923)

T. Gogarty "St. Mary's Abbey Louth" Louth Archaeological and Historical Society Journal, (v.4 No.2 1917).

Diarmuid Mac Iomhair "The Carmelites in Ardee" Louth Archaeological and Historical Society Journal, (V.20 No.3 1983).

Canice Money, "The Irish Sword and the Franciscan Cowl" The Irish Sword, V.1.

Harold O'Sullivan "The Franciscans of Dundalk" Seanchas Ardmacha, (V.4 No.1 1960-61).

J.I. McGuire "The Dublin Convention, the Protestant community and the emergence of an ecclesiastical settlement in 1660", Art Cosgrove and J.I. McGuire eds). Parliament and Community, (Dublin 1983).

GREAT BRITIAN

- Maurice Ashley The English Civil War, (London 1974)
- Robert Ashton The English Civil War, (London 1979)
- G.R. Elton England under the Tudors, (second edition, London 1974).
- Jack Jones The Royal Prisoner Charles 1 at Carisbrooke, (London 1965)
- Ronald Hutton The Restoration, (Oxford 1885).
- J.R. Jones "Country and Court England 1658-1714", The New History of England 5, (A.G. Dickens and Norman Gash eds)., London 1978).
- Geoffrey Ridshill-Smith, Margaret Toynbee and Peter Young eds.) Leaders of the Civil Wars 1642 - 1648.

CONFISCATION AND COLONISATION

- L.J. Arnold "The Irish Court of Claims of 1663", Irish Historical Studies, (V.xxiv No. 96 1985).
- L.J. Arnold "The Restoration Land Settlement in the counties of Dublin and Wicklow 1660-1688", unpublished Ph.D., thesis T.C.D. 1967.
- T.C. Barnard "planters and policies in Cromwellian Ireland", Past and Present, (No. 61 1973).
- Karl. S. Bottigheimer "The Restoration Land Settlement On Ireland, a structural view" Irish Historical Studies, (viii No.69 1972).
- Karl S. Bottigheimer English money and Irish Lands, (Oxford 1971).
- Peter B. Ellis Hell or Connaught, (London 1975).
- Ray Gillespie Colonial Ulster, (Cork 1985).
- Kevin McKenny "A seventeenth century real estate company, the 1649 officers and the Irish Land settlements 1641-1681", (unpublished M.A. thesis, Maynooth College 1988).
- John P. Prendergast The Cromwellian Settlement of Ireland, (third edition Dublin 1922).

Harold O'Sullivan "The Cromwellian and Restoration Settlement in the Civil Parish of Dundalk", Louth Archaeological and Historical Society Journal, (V.19 No.1 1977).

Harold O'Sullivan "The Plantation of the Cromwellian soldiers in the barony of Ardee", Louth Archaeological and Historical Society Journal, (V.21 No. 4 1988).

Harold O'Sullivan "The Tichborne acquisition of the Plunkett estate of Beaulieu" Old Drogheda Society Journal, (No.7 1990).

J.G. Simms "Land owned by Catholics in Ireland in 1688", Irish Historical Studies, V.7 (1950-51).

MILITARY HISTORY

Jerrold Casway "George Monck and the controversial catholic truce of 1649) Studia Hibernica, (No. 16 1976).

Joseph Gavin and Harold O'Sullivan Dundalk a Military History (Dundalk 1988).

Lord Earnest Hamilton The Irish Rebellion, (London 1920).

Hugh Haslett, "The financing of British armies in Ireland 1641-9", Irish Historical Studies, 1 No.1 1938).

G.A. Hayes-McCoy Irish Battles (Dublin 1980).

Patrick McRory The seige of Derry, (Oxford 1988).

J.G. Simms "Cromwell at Drogheda" Irish Sword, (V.11 No.45 1974).

J.G. Simms "County Louth and the Jacobite War", Louth Archaeological and Historical Society Journal, V.14 No.3 (1959).

Thomas Witherow The Boyne and Aughrim, (London and Belfast 1879).

ECONOMIC AND SOCIAL HISTORY

Maurice Craig Dublin 1660-1860, (Dublin 1969).

Colm Lennon The Lords of Dublin in the age of Reformation, (Dublin 1989).

Edward MacLysaght Irish Life in the Seventeenth Century, (I.U.P. 1969).

Harold O'Sullivan "The landed gentry of the county of Louth in the age of the Tudors" Louth Archaeological and Historical Journal, (V.22 No. 1 1989)

Gerard Rice "The seventeenth century tokens of County Louth" Louth Archaeological and Historical Journal, (V.20 No.4, V.21 No. 1 and 2 1984-1986)

William J. Smith "Society and Settlement in seventeenth century Ireland the evidence of the 1649 census", in William J. Smith and Kevin Whelan eds). Common ground, essays on the historical geography of Ireland, (Cork 1988).

GREAT BRITIAN

Antonia Fraser The Weaker Vessel, (New York 1984)

Laurence Stone The crisis of the Aristocracy 1558-1641, (Oxford 1965).

LOCAL AND FAMILY HISTORIES

Stephen P. Barnewall "Henry Draycott and the Draycotts of Mornington County Meath" Riocht na Midhe, (Meath Historical Society V.6 No. 3 1977)

Stephen P. Barnewall "Darcys of Platten County Meath", The Irish Genealogist, (V.6 No.4 1983).

The Honourable Mrs. Gerald Bellew "Some notes on the family of Bellew of Thomastown County Louth" (V.5 No. 3) ; "John Bellew of Willistown 1606-1679" (V.6 No.4)., Louth Archaeological and Historical Journals, (1923 & 1928)

Bentham and Hardy Family of Talbot of Malahide, (Dublin 1829)

Sir William Betham Historical and genealogical memoirs of the family of Fleming of Slane in the county of Meath, (Dublin 1829)

John Dalton History of Drogheda, (two volumes Dublin 1844).

Thomas Fortesque (Lord Clermont) A History of the family of Fortesque in all its branches. (second edition London 1880).

Ray Gillespie and Harold O'Sullivan The Borderlands, Essays on the history of the Ulster-Leinster Border, (Belfast 1989).

Karen J. Harvey "The family experience: the Bellews of Mountbellew" Endurance and Emergence, (I.A.P. 1989)

Sophia Enid Jones The Trevors of Trevalyn, (privately printed 195)

James B. Leslie "The Clintons of Clintonstown" Louth Archaeological Journal, (V.2 No 3 & 4 1910 & 1911)

- James B. Leslie "The History of Kilsaran, (Dundalk 1908).
- John Lodge, Mervyn Archdall ed.) The Peerage of Ireland, (Dublin 1789).
- J.C. McDonagh History of Ballymote and the Parish of Emlafadd, (Dublin 1936)
- Diarmuid Mac Iomhair "The House of Louth in the seventeenth and eighteenth centuries", Louth Archaeological and Historical Journal' (V.16 No.2 1966)
- Diarmuid Mac Iomhair "The Carrahers of Cardistown" Louth Archaeological and Historical Journal, (V.16 No. 3 1967)
- Charles McNeill "The de Verdons and the Draycotts" Louth Archaeological Journal, (V.5 No. 3 1923)
- Ann Tower Moore The family of Moore, (Dublin 1906)
- Laurence P. Murray "The Moores of Ardee" Louth Archaeological and Historical Journal, (V.7 No.4 1932)
- Newryensis Historical Sketch of Newry, (Newry 1876)
- Harold O'Sullivan "The Trevors of Rostrevor", (unpublished M. Litt., Thesis T.C.D. 1985).
- T.G.F. Paterson " A survey of the lands of Nizelrath in County Lough in 1667" (V.10 No.3); "The Chamberlains of Nizlerath" (V.11 No.4) Louth Archaeological and Historical Journal, (1943 & 1948)
- Michael Quane "Drogheda Grammar School" Louth Archaeological and Historical Journal, (V.15 No. 3 1963)
- Gerard Rice "Four wills of the Old-English Merchants of Drogheda 1654 - 1717" Louth Archaeological and Historical Journal, (V.20 No.2 1982)
- Evelyn P. Sherley The History of the county of Monaghan, (London 1879)
- Viscount Charles Taaffe Memoir of the family of Taaffe, (Vienna 1856)
- Micheline Walsh "The Hadsors and some other Louth exiles in France and Spain" Louth Archaeological and Historical Journal, (V.18 No.4 1976).

BIOGRAPHY

Jerrold I. Casway Owen Roe O'Neill and the struggle for catholic Ireland, (Philadelphia 1984).

Brian Fitzgerald The Anglo-Irish, 1602-1745, (London 1925).

Antonia Frazer Cromwell our chief of men, (Panther Books 1977)

Antonia Frazer Royal Charles, (London 1979).

Ronald Hutton Charles the second king of England, Scotland and Ireland, (Oxford 1989)

Hugh Kearney, Strafford in Ireland 1633-41, (Cambridge 1989).

C.V. Wedgewood Strafford 1593-1641, (Connecticut reprint 1970).

