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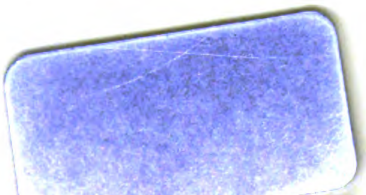
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902



divided into 4 parts





Dean J. J. Hill

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# THE FLIGHT OF THE EARLS:

OR,

THE EARLS' OWN ACCOUNT OF THE CAUSES WHICH  
COMPELLED THEM TO LEAVE ULSTER IN THE  
AUTUMN OF 1607.

*With Illustrations drawn from State Papers recently Calendared.*

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BY REV. GEORGE HILL.

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BELFAST:  
PRINTED AT THE "NORTHERN WHIG" OFFICE.

1878.

Ireland 4.96.

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EARLS:

*I take leave to forward a copy  
of my Sketch, just printed, on the*

**“Flight of the Earls.”**

*If you think it worth the price,  
please send me a P.O.O. for 4s. 6d.*

GEO. HILL.

University Road, Belfast,  
January, 1879.

CAUSES WHICH  
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## THE FLIGHT OF THE EARLS.

Soon after the close of the seven years' war—1595-1602—the Earls of Tyrone and Tyrconnell were restored to their family estates. This act of apparent liberality on the part of the Government gave great offence to the leading servitors or military officers in the North, who had fought against O'Neill and O'Donnell in the firm belief—a belief, indeed, founded on Royal promises—that, on the suppression of these and other Ulster lords, their lands would be divided among the conquerors. This policy had been already triumphantly initiated in Munster, where the great Desmond families were rooted out, and their estates occupied by English settlers. The lands in Ulster were more than once promised by Queen Elizabeth to her soldiers, but she died just as the war had come to an end, and her successor, James I., did not venture all at once to carry out her ruthless intentions. Indeed, the new ruler naturally felt at first somewhat shy on this serious question, for he had hitherto professed much interest in the affairs of Ulster, whence his ancestors came, and he had at times even encouraged these Northern chiefs in their resistance to English rule. But he was then only James VI. of Scotland, and the English throne, into which he was afterwards permitted to climb, had hardly begun to loom in the distance. When he found himself securely seated thereon, however, he very soon learned to look at Ulster from a new standpoint. But he stumbled in this Irish business before he knew *exactly* where he was, making the mistake—as he and his advisers soon afterwards discovered—of re-granting O'Neill and O'Donnell their estates in any form, or to any extent whatever.

To remedy this mistake cost the authorities in London and Dublin very serious trouble. Of the King, however, it is but fair to say that he was only too happy in assisting to undo what he had just done—from the moment he found out the popular feeling in England respecting Ulster affairs. Accordingly, the ink in which the new patents were written had scarcely time to dry before the Earls were made to feel that their restoration was merely in name. In other words, the King at once abandoned them to their fate, whilst there were those in Ulster who eagerly waited the time to initiate the process of undoing what had been impolitically done in London. First, there appeared on the Earls' lands certain "discoverers," in connivance with military officers, the former finding flaws in the title-deeds and having the flaws allowed

in law, the latter buying the lands thus abstracted from the Earls' estates, at great bargains, but to be sure, with considerable risk. These military men were the only persons who could venture to purchase lands from "discoverers," which they did, of course, in virtue of the garrisons at their backs in so many localities of Ulster. Next, there came against the Earls a much more formidable party, to wit, the first Protestant bishops, who claimed vast landed possessions *in demesne* for the new Church, from which their predecessors, the old Romish prelates, only claimed small chiefries, or duties, or simple services of some description. The properties thus claimed from the Earls' estates, and soon afterwards secured *in demesne*, by the Protestant bishops were known as *termon* and *herenagh* lands. And, lastly, stood forth the lawyers, led on by Davys, the Attorney-General himself, who were prepared to show that, according to the proper interpretation of the Earls' patents, these noblemen could only claim small chiefries from their principal tenants, and that they really held no lands *in demesne* except certain farms adjoining their several places of residence!

By this time, if the Earls had not become alarmed, or even rebelliously disposed, it must be admitted that they were either greater or less than men generally are. It was only natural that they would express themselves at times querulously or discontentedly. At all events, the authorities, no doubt under some such impression or suspicion, encouraged two desperate men of the Irish party, named Nugent and St. Lawrence (afterwards better known as Barons Delvin and Howth) to repeat, or invent, certain conversations which, as they alleged, had taken place in their presence. One of these conversations, according to Delvin (who mentioned nothing of it until two months after the Earls' departure), occurred between himself and the young Earl of Tyrconnell, in a garden adjoining Maynooth Castle (now Carton), where they happened to meet on a temporary visit. Delvin had made his escape from a dungeon in Dublin Castle, and by way of appeasing the Deputy Chichester, to whom his conduct was the cause of infinite chagrin and trouble, he detailed a *private* conversation with Tyrconnell, which does not read alarmingly at the present day, and was pretty much what might have been expected from two young men in their then forlorn circumstances. Greater importance, however, appears to have been attached, for a time, to the contents of a letter clandestinely dropped by St.

Lawrence (Howth) at the door of the Council Chamber in Dublin Castle, as well as to the stories told by him to Chichester. But the admissions made by Chichester himself, and also by the Council in London, when referring to St. Lawrence, are enough to destroy any credence that might have been attached to his statements. The following are extracts from a letter written by Chichester to Salisbury, July 19, 1607, about the stories of this precious accuser:—"I find him so wavering and uncertain that I am enforced to hold him to particulars, as well of the persons acquainted with the plot and the time it shall be put into execution, as the manner how the same shall be discovered, his honour preserved [St. Lawrence refused to have it known that he was the informer], and the kingdom and state kept from danger. *I perceive my strict questioning with him in these points makes him to think of some things of which he never dreamed before.* I pray God all may be sound that he hath delivered, and that he be not now composing of the poison which he hath said, there and here, was drunk and digested long since, and that he bring not in the end dishonour to himself and shame to his friends. I like not his look and gesture when he talks with me of this business, which, together with his words, I set down in writing immediately upon his departure from me. I wish I had the assistance and company of a third person when I speak with him alone therein, for the end may be so full of hazard as that the work may require more labour. I recommend this to your Lordship's consideration, and do humbly pray from time to time to be instructed and directed by your letters therein, and if your Lordship think it meet, I will try whether he will consent that it shall impart it to one of the Council [in Dublin], and himself name the party; I will intermix no other matters in my letters with these, now nor hereafter. I will be as watchful as I may, and I wish I may carry the business to your good liking."

St. Lawrence's privations had driven him almost mad. After the war he had gone to Spain, expecting to be employed in the public service there, but being disappointed he returned to London, where he is supposed to have been encouraged by Salisbury to concoct the story he afterwards told to Chichester. The Council in London had already come to the conclusion that St. Lawrence was the inventor of his own story. On the 22nd of July they wrote to Chichester informing him that "they concur with his view, contained in his letter of the 19th of July to the Secretary [Salisbury] as to the party whose name passes under the cypher A. B. [St. Lawrence]; and believe that he rather prepared the propositions he speaks of, than that the persons he names did originally propound them to him, though so strongly infected as he found them, and whose loyalty is more dependent on fear than duty. Have observed here the same uncertainty in his words and gestures as he [Chichester] observed." Among the persons afterwards found to be implicated by St. Lawrence were Lord Mountgarrett, Sir Randal Macdonnell, and Sir Brian M'Mahon, all of whom appeared without delay before Chichester, and demanded to be brought face to face with their secret accuser. The Deputy, however, knowing something of that hidden gentleman, wisely permitted the remonstrants to return to their several places of abode.

Whilst these investigations, however, were being carried on secretly by the Government, the Earl of Tyrone paid frequent visits to Chichester, then at Slane Castle, to consult him about various matters, and even ask his advice on the subject of a contemplated journey he intended to make to London. But just then, a rumour reached the continent from England, (for England and Spain were at that time in friendly alliance) to the effect that should O'Neill visit London, as was expected, he would certainly be shut up in the Tower, and that Tyrconnell would be arrested about the same time in Dublin. O'Neill's intimate connections in Spain, including his second son, Henry, immediately sent a trusted messenger to Ulster, to inform the Earls of their danger, and to prepare them for escaping at the shortest notice. Very soon after the arrival of this messenger, a ship, belonging to a merchant in Drogheda, named John Bath, appeared on the sun-lit expanse of Lough Swilly, and cast anchor off Rathmullan. This was on the 2nd of September. On the evening of the following day, the fugitive Earls, with some members of their families, and several adherents, had formed a little group on the shore. As the shadows, after sunset, gathered densely down on the blue lough, the ship gradually disappeared, carrying away the exiles from their beloved Ulster, which they were never to behold again.

Although the 'Flight of the Earls,' as we now familiarly designate their hurried escape, is one of the most important events connected with the history of Ulster, it so happens that in all our discussions of the cause, or causes, which led to its occurrence, we have hitherto had no means of knowing what the Earls have said for themselves. Those who wanted their lands, and soon afterwards got possession of them, broadly accused these noblemen of conspiracy against the Government, and of having hastily fled to avoid the doom which would have fallen upon them as traitors. It was not generally known in these kingdoms (although the fact appears to have been well known on the continent) that they had offered any explanation of their sudden departure, and hence their enemies here, as a matter of course, further triumphantly asserted that the fugitives had nothing to say, and could say nothing, in their own defence. Even, indeed, such as were disposed to judge them charitably felt that they had been left by the Earls' supposed silence without the power of offering any apology or excuse on their behalf. It was reasonably asked by friends as well as foes, if no conspiracy had really existed, why did the fugitives take that very step which their friends regretted, but in which their enemies so heartily rejoiced? When their hurried departure first became known, the wail of the Four Masters was literally a genuine expression of the sorrow which agitated the whole native population of our northern province. "Woe," said they, "to the heart which meditated, woe to the mind that conceived, woe to the council that decided on the project of their setting out on this voyage, without knowing whether they should ever return to their native principalities or patrimonies to the end of the world." But these expressions of regret and dismay, although so natural on the occasion, were written without a knowledge of all the more pressing circumstances of the case which have since come to light, and which induced the Earls to abandon their native land until the

coming, as they fondly hoped, of more peaceful times. These circumstances are recorded in the following self-vindications drawn up by the Earls immediately on reaching their place of exile, and forwarded by them to the English King. The existence of the documents in question was made known at the time only to a very few, in London and Dublin, and they have, until a recent period, been hidden away in the silent obscurity of a London State Papers Office. They are here submitted to the reader, not only as furnishing a natural and satisfactory explanation of the "flight," but as being important revelations of the actual condition of Ulster at the crisis to which they relate. As such they are of the greatest historical value, and they are here accompanied by illustrations explanatory of the several topics introduced, as well as of certain allusions which, otherwise, might puzzle the general reader.

I.—"Articles exhibited by the Earl of Tyrone to the King's most excellent Majesty, declaring certain causes of discontent offered him, by which he took occasion to depart his country :—

"First. That it was, by public authority, proclaimed in his manor of Dungannon, that none should hear mass upon pain of losing his goods, and imprisonment; that no curate or ecclesiastical person should enjoy any cure or dignity without swearing the oath of Supremacy, and entering to the chapters or congregations of those that professed the contrary religion; and that those who refused to do so were actually deprived of their benefices and dignities, as may appear by the Lord Deputy's answer to a petition exhibited by the Earl in that behalf, as also by the Lord Primate of Ireland, who daily puts the same in execution in the Earl's country."

The proclamation abovementioned must have been publicly read at Dungannon soon after the 4th of July, 1605, as on that date the King informed his Irish subjects, through Chichester, that he would not permit any such liberty of conscience on religious matters as they had foolishly led themselves to expect. "Since the decease of Queen Elizabeth," said her successor, "they (the Irish people) had been much abused by untrue suggestion and report, to the effect that he (James I.) purposes to give liberty of conscience or toleration of religion to his subjects in that kingdom, contrary to the express laws and statutes therein enacted, and to that uniformity of religion which has ever been constantly expressed by him, and is universally used and observed in his other dominions and countries. He has, therefore, thought meet to declare and publish to all his loving subjects in the realm of Ireland his high displeasure with the report and rumour, and with the authors and spreaders thereof, and his resolve never to do any act that may confirm the hopes of any creature that they shall ever have from him any toleration to exercise any other religion than that which is agreeable to God's Word, and is established by laws of the realm." It thus appears, therefore, by the terms of the proclamation, as well as by the royal letter accompanying it, that the Act known as the 2nd of Elizabeth, after lying comparatively dormant since the date of its becoming law, was to be revived and put into execution at the crisis referred to in this, the first "article" of Tyrone's remonstrance. By it all Roman Catholic clergymen were required to leave

the country before the 10th of the following December, and their flocks to attend the Protestant churches, on pain of fine and imprisonment.

Very few natives, however, in the Earl of Tyrone's manor of Dungannon, or indeed throughout Ulster generally, appear to have conformed, although the Primate, Henry Ussher, laboured in season and out of season for their conversion. The old Earl forwarded remonstrances in the form of petitions, both to Chichester and Ussher, but in vain; and we find him afterwards placing this religious grievance at the head of the long list.

As very few natives 'conformed' to the King's religion, it followed, as a matter of course, that large sums of money were levied from them because of their 'recusancy.' These moneys were supposed to be applied to the rebuilding or repairing of the Protestant churches, then in a ruinous condition throughout the country. But the informers and collectors had also to be liberally rewarded from the funds thus created. The whole procedure, however, had soon become so despicable that the original promoters would have willingly allowed it to fall into abeyance after the first outburst of Protestant zeal, but there had been called into active life a brood of selfish bigots, who were but too happy to continue and carry out the nefarious code, by extorting large sums throughout every district from the very penury of their Catholic neighbours. The 'informer' class boasted of many zealous gentlemen, who were well represented by an Englishman, rejoicing in the ludicrously appropriate name of *Thimble*. This man was prepared to reduce the process of victimising his 'recusant' neighbours to a regular system. He explained to the Government clearly enough that, in fact, the application of the penal laws could be managed so neatly as to realise a large and specific amount of revenue in certain given circumstances. His spirit was so moved within him when he contrasted Protestant carelessness with Catholic zeal in religious matters, that he wrote even to Salisbury himself, to explain what a good thing might be made out of the state of affairs as then existing. Thimble, who appears to have dwelt in Dublin during the interval between September, 1607, and September, 1609, penned his pious proposal to Salisbury, in substance, as follows:—"Having lived here now two years, and having carefully noted the impediments which hinder the flourishing of the commonwealth, has judged it to be a kind of inbred hatred which the natives here bear to the English nation; which, being kindled by the infectious breath of seditious Jesuits, they make religion at least the colour of their disloyalty to his Majesty, and of their malice towards the English. How infinitely this brood of viprous seducers has increased, in number and boldness, he is persuaded is known neither to his Majesty, nor to his honourable Council. The shameful neglect of God's true service reigns generally here amongst Protestants, which has been a chief means to cause many who were not well grounded to be seduced from them, and to become the most obstinate Papists. For the latter, it is wonderful to see how bold they are grown through the connivance and remissness of the magistrates. For a man may as familiarly salute a Popish priest, even in the streets of Dublin, as a preacher; and in the country they are grown to that boldness that they pub-

licly draw together thousands to their idolatrous sacrifices, as they have done this year [1609], in two several parts and times in this kingdom. It is the opinion of many Englishmen that, if the ancient statute concerning recusancy (which is that every one refusing to come to church at the time of divine service should forfeit 12d for every Sabbath's absence) were revived, and daily executed, at first in the civilest parts of this land, it would be a means to draw many to church, where, with God's blessing, they may be made civil, if not religious; and from the richer and more obstinate sort of them might, in a small time, be collected money enough to repair all the churches and build free schools in all the counties of Ireland. He [Thimble] himself, if he were able to give security for so great a matter, would undertake to give £4,000 a year for those mulcts in Leinster, Munster, and Connaught, so that he might have competent aid by the ecclesiastical and civil magistrate for the collecting thereof. But wanting friends to undertake for him in so great a business, he would willingly expose himself to any danger about the executing of the said statute, or do anything wherein he might do his Majesty, or his Lordship, any pleasure in this or any place; but he presumes not to prescribe anything in this matter, or to presage the consequence. His purpose is only to remind his Lordship thereof, and to make tender of his services, and so to leave it to his Lordship's consideration to dislike or approve, as shall seem best to his wisdom." The foregoing extract is perhaps one of the most pertinent illustrations to be found among the State Papers of this the first "article" in the old Earl's complaint against his persecutors.

2. "Item. By the procurement of the Earl of Devonshire [Lord Mountjoy], the Lord Lieutenant of Ireland, there were taken from the Earl two parcels of land, formerly held and enjoyed by himself and his ancestors time out of mind, called the Fues and Sir Henry Oge's country, which were passed to Sir Tirlagh M'Henry and the said Sir Henry Oge O'Neill, knights."

To understand the nature of this complaint on the part of the Earl, it is necessary to state that the two O'Neills now named, although very intimately connected by family ties with Tyrone, had deserted him, and renounced his authority over them as supreme territorial lord in Ulster. Sir Tirlagh M'Henry O'Neill, of the Fewes, was the Earl's half-brother, and Sir Henry Oge O'Neill, who held lands on both sides of the Blackwater, was his son-in-law. Soon after the death of the Earl's father, who was known as Matthew, first Baron of Dungannon, the widow of the latter, Joan Maguire, re-married with Henry O'Neill of the Fewes, and Tirlagh, a son of this Henry, was the chieftain above named. He was thus a member of one of the oldest and noblest families of the O'Neills, being descended, through Con More, from that Eoghan or John O'Neill who was the common ancestor of the Earl and these two kinsmen. Sir Henry Oge O'Neill, the Earl's son-in-law, was styled of Drommorie, *alias* Kinard, in the County of Tyrone; and his desertion of the Earl, like that of Sir Tirlagh M'Henry, was rewarded by a grant of his lands from the Government, as well as the dignity of knighthood, conferred in the year 1604.

3. "Item. There were three score cows taken from him [the Earl] that he and his ancestors had

yearly of ancient rent out of Sir Cahir O'Dougherty's country, called Inishowen, never brought to any question before his Majesty's reign."

The sudden abolition of the tribute above-mentioned was a very reasonable cause of complaint on the part of the Earl, for it was arbitrarily deposing him from his position as head landlord of Inishowen, and depriving him not only of so much chief rent, but also of a large amount of personal influence throughout that region. This tribute, or rent, and its accompanying authority, had been enjoyed time immemorial by his ancestors. Inishowen, anciently *Inis-Eoghan*, was so named from the fact that it once was an *island* on the coast, and owned in remote times by the descendants of Eoghan or Owen, the eldest son of Niall of the Nine Hostages. Although, at about the commencement of the fourteenth century, the O'Doghertys expelled the leading families of the race of Eoghan, and held Inishowen as the allies of the O'Donnells, it does not appear that the O'Neills had ever relinquished their ancient right of tribute from that territory. Sir Henry Docwra has mentioned, in his well-known *Narrative*, that the chief or head rent of Inishowen had been paid by the O'Doghertys to the O'Donnells at times during the sixteenth century. The Earl of Tyrone, however, is explicit in the foregoing 'article' about the withholding, by the Government in Dublin, of his three score cows, which had never been done until this general break up in Ulster, soon after the accession of James I. It is true, that the tribute or chief rent thus claimed by the O'Neills was often delayed, and even occasionally unpaid for a time, in consequence of feuds between them and the O'Donnells; but now, the cows were to come no more, for the youthful Sir Cahir O'Dogherty had obtained a grant of the barony of Inishowen directly from the Crown, and no reservation had been made therein of the tribute rightfully claimed by the Earl of Tyrone. This arbitrary setting him aside appears to have touched the aged chieftain very deeply.

4. "Item. The said Lord Lieutenant took from him all the fishings of the Bann, in like manner enjoyed and possessed by the Earl and his ancestors, which the Earl, to avoid the trouble of the law, was forced to purchase again as though he had never any title thereunto."

On the surrender of the northern leaders in 1602, the splendid fishings on the coasts of Ulster, and in its principal rivers, were among the most attractive spoils as they were certainly the most available. Mountjoy, as chief commander against O'Neill, was not only created Earl of Devonshire, but had a grant of the fishings above mentioned, the old Earl, notwithstanding his nominal restoration, being afterwards obliged to purchase back part of the property thus snatched from him by the conqueror. Devonshire, who also held the position of Lord Lieutenant in Ireland, died in 1606, and his trustee, John Wakeman, of Beckford, in the County of Gloucester, sold the fishings to James Hamilton, afterwards Lord Clandeboy. The latter was induced to dispose of the moiety or half of the Bann fishings (*i.e.*, from the Salmon Leap to the sea) to O'Neill; and this arrangement is described in the following extract of a letter written by the Deputy Chichester to the Council in London, on the 27th of October, 1609:—"The said Tyrone pretended title to the

moiety of the fishing of the Bann; and he [Chichester] finding his title not good in law, and hearing that the whole river of the Bann was passed in fee, by virtue of a King's letter, to one Wakeman, Tyrone desired him [Chichester] that he might be a means of his [Tyrone's] having the one half of it for £200, in regard he had some claim to it." Sir John Davys, in his *Abstract of Titles*, when referring to this transaction, says:—"At the request, and in the presence, of the Lord Deputy [Chichester] Hamilton made an absolute contract with the Earl of Tyrone to convey to the said Earl and his heirs the said fishing for £200; which £200 was afterwards paid by the Earl, but it doth not appear that any conveyance was made of the fishing by James Hamilton to the Earl before his departure ['flight'], but the Earl took the profits thereof after the contract, and it is found by inquisition that the Earl at his departure was seized of the moiety of the fishing as of an estate in fee, and that the said estate was come to the Crown again by the attainder of the said Earl." O'Neill's anxiety to get back even a part of the fisheries on the Bann was the result of an absolute necessity on his part to make some provision for his family at a time when no help could be had from his tenants. The fishings thus afforded the first and almost the only relief, and yielded very abundant supplies, from the fact that the districts on the banks of the Lower Bann had been utterly depopulated for a period of several years so that the fish had time to become incredibly numerous, and to grow to their full size. In several instances, salmon were found of enormous dimensions, and it is traditionally stated that when fishing actively recommenced many were taken not less each than six feet in length.

5. "*Item.* Certain other parcels also of the Earl's lands have been taken from him by false offices [of inquisition], taken without the Earl's privity, under colour of church lands, a thing never in any man's memory heard of before; and the same lands have been passed to Sir George Cary [or Carew], Knight, the Queen's Vice-Chamberlain, and by him again to Sir Henry Docwra, Knight, and by the said Sir Henry to Sir John Sidney, Knight, and to one Captain Henry Vaughan; together with certain other parcels of the Earl's lands; and his fishing of Lough Foyle was, in like manner, compassed by him [Carew], and the Earl was forced to purchase it in the new, rather than be at continual suits of law, where he saw he could have no indifferency [impartial justice]."

Sir George Carew was one of the most sagacious and successful of the many soldiers of fortune brought hither by the wars against the Desmonds and O'Neills, at the close of the sixteenth century. Although commencing his career in Ireland as the needy son of an English clergyman, he won his way here to the highest positions and to enormous wealth. For the space of three years he was President of Munster, and on Mountjoy's departure for England, soon after the surrender of O'Neill in 1602, Carew was appointed Lord Deputy, and held this office until the 24th of February, 1604-5. The Earl of Tyrone's account of Carew, in the foregoing 'article,' is amply borne out by many facts connected with his administration in Munster, and afterwards in Ulster. He was an adept in the art of holding inquisitions on the lands of Irish lords, without permitting the

owners to know of his movements, and afterwards obtaining grants of such lands on the plea that they had originally belonged to the Church, and consequently then vested in the Crown, although for many generations such lands had actually ceased to belong to the Church, and formed portions of native landlords' estates. Carew's position as Lord Deputy enabled him to have this spoliating process conducted quietly, and even without the knowledge of the parties so plundered! After this distinguished servitor's departure from Ireland, another servitor wrote to the Earl of Northumberland, a leading member of the Council in London, on the 6th of January, 1604-5, to "advertise him that about three weeks past the Lord Deputy [Carew] embarked the most part of his money, plate, jewels, and stuff, and sent them away for England, under the charge of his faithful servant John, an old Scottishman, and one Captain Atkinson. It is believed that the goods were of great value, and that his Lordship made such a hand for enriching himself as the like was never done by any other that supplied his place. Is well assured that he had all the means to enable him to do so; for, first being treasurer and master of the exchange of both realms, he and his paymasters made a great hand that way, especially in passing of many bills of exchange in the names of divers that were never privy to them, and in the paying the army and others in mixed moneys; and, secondly, himself being Deputy, he disposed the money as pleased him, no one daring to question his doings, having both the sword and the purse in his own hands." Such is the character of Sir George Carew as depicted, not by a native of Ireland, but by an English servitor, whose letter is still preserved among the State Papers, but whose name, for obvious reasons, has been torn off, or removed from his communication, probably by the nobleman to whom it was addressed.

Certain other distinguished servitors, including Sir Henry Docwra and Sir John Sidney, were ready to accept grants from the Crown of the lands seized by Carew, the latter enriching himself in every instance by the sales of such property. The lands thus disposed of to Docwra were parcels that had originally belonged to the abbey, chapel, and friary in, and adjoining Derry, together with other parcels once owned by the churches of Anagh, Dungeniv, and Macosquin. But these lands, although they belonged at an early period to the religious houses now named, had passed away from the possession of the Church and were then portions of the O'Neill estates. The old Earl of Tyrone, on being restored, as he believed, to his property, was not disposed to acquiesce in this wholesale plunder on the part of Carew. This fact is curiously brought to light by a petition from Sir John Sidney to the Commissioners for Irish Causes, in 1606, and preserved since that date among the State Papers. Sir John tells the story in substance as follows:—"About three years since, purchased certain lands in the North of Ireland, named Dungeniv Abbey, and Macoskan Abbey, with a termon called Achadoc [Aghadowey], in the County of Coleraine, and other lands depending upon them in other counties in the North of Ireland. They were found the King's [by Carew's inquisitions], and were passed in a book to Sir George Carew, then President of Munster, by the King. The President employed John Bingley and John King, the one



Vice-Treasurer of Ireland under Sir George Carew, the other the Receiver of the King's Revenue, to let or sell the lands. Of them Sir John Sidney bought; and was put in possession by order from the Deputy and State. It was at the time when the Earl of Tyrone was in England. On his [the Earl's] return, finding some of his lands, as he said, to be in the hands of the English, he went to complain to the Lord Deputy [Carew] that his Lordship had broken his word and conditions that he [Tyrone] came to the King upon; and told him that whereas he was promised [by the terms of his restoration] that only certain garrisons should be held in his country [reserved in Tyrone's new grant], notwithstanding he [Sir John Sidney] had taken the Castle of Dungiven from his [Tyrone's] people; therefore, he desired Sir George Carew, Lord Deputy, to restore him the castle. The Lord Deputy, believing the Earl, granted a warrant of great force directed to Sir Ralph Bingley, deputy of Sir Henry Docwra, for the Government of Lough Foyle. Sir John Sidney not being then in the country, his brother William, who looked to his lands, came to Sir Ralph and told him that Sir John kept it not as a garrison but as his own lands, and that he had in it but four men merely to keep possession of the place. Nevertheless, he was put out by force of the warrant. His said brother then went to the Lord Deputy, who no sooner understood it, than he commanded a counter injunction for Sir John's re-entering; but the Earl of Tyrone utterly refused to obey, and said 'Sir John should recover at the common law.' About half a year after, Sir John met the Earl of Tyrone in Dublin, Sir Arthur Chichester being then Lord Deputy, and there exhibited a petition against the Earl to the Lord Deputy and Council, who had the hearing of the matter the space of seven days together; but the Earl being so violent on the other side, it was made a matter of State not to displease him at that time; yet his [Sidney's] importunity urged the Lord Deputy to put it to a commission unto the Lord Chief Justice, the Lord Chief Baron, and the Master of the Rolls in Ireland, to examine his title and certify what they thought of his right, which they did, and justified that he [Sidney] had as much right to it as might be had to any inheritance. Then the Earl, perceiving how it went against him, told the Lord Deputy that he would lose his head ere he [Sidney] should enjoy it quietly. He [Sidney] answered that if it should please the Lord Deputy to put him in the possession he formerly had, he did not respect the Earl's threats, so long as he continued a true subject to the King, and might have the benefit of his Majesty's laws. And whensoever he should please otherwise, that then he could enjoy it in despite of the Earl. The Lord Deputy, hearing how it was like to grow between them, commanded Sidney to be silent, and he should have justice so far as in him lay. His Lordship gave him an injunction to enter upon the lands, which he did, but could not get possession of his castle; and when he was absent from the said lands about other business, the Earl sent his kernes to drive the lands of his [Sidney's] tenants and goods. Therefore his humble suit is, that he may have his castle, lands, and tenants that belong to it; or, at least, that the Earl of Tyrone may be enforced to buy it of him at a value to be fixed by such commissioners

as the Lord Deputy shall indifferently appoint."

The Lord Deputy, however, had then in contemplation a singular way of solving the difficulty with the old Earl, and which, indeed, soon afterwards relieved the latter of any further trouble about fishings, castles, or lands.

6. "*Item.* One Robert Leicester, an attorney in the Chancery, got by some such practice certain other parcels of the Earl's lands, and the same were passed over to Captain Edmond Leigh. So that any captain or clerk that wanted means, and had no other means or device to live, might bring the Earl into trouble for some part or parcel of his living, falsely inventing the same to be concealed or church land; and so, under the colour of serving the King's Majesty, by such offices [of inquisition] they daily troubled and molested his Highness's subjects, and are thereunto maintained by the State as his ministers; and yet they are commonly found in the end by these courses to do all for their own private profit and personal commodity."

On a list of State officers, 1506, this Robert Leicester's name appears, and he is described as Comptroller of the Ordnance and Constable of Phillipstown Castle. He was son of Peter Leicester, of Clonreill, King's County, gent., and on the 20th January, 1603, was granted livery of the lands of which his father died possessed. From Leicester's profession and position, as an attorney in Chancery, he was doubtless an expert among the class then known as 'discoverers,' and so-called because peculiarly skilled in hunting out flaws in the title-deeds of Irish or native landowners. A 'discoverer' was rewarded by obtaining a grant from the Crown of at least the one-half of the lands so discovered, as either being concealed or originally belonging to the Church, or held by any title not recognised by English law, then recently introduced. The discoverer, however, found it his safest policy to dispose of his interest as quickly as possible, in the lands thus doubtfully, if not dishonestly, acquired, and he invariably sold to a military officer, who was willing to risk a little for the sake of a good bargain, and was supposed to be abler than any other purchaser to defend himself against any claims or attempts at re-entry on the part of the rightful owner. This Leicester appears to have made discoveries of Church lands, concealed lands, and lands held by doubtful titles, in the several counties of Limerick, Wicklow, Dublin, Westmeath, Sligo, Fermanagh, Donegal, and Tyrone. The parcels so discovered by him on the Earl of Tyrone's estates, and of which he (Leicester) had a grant from the Crown on the 17th of May, 1604, included the Franciscan friary of Omey [Omagh], the Franciscan friary of Garvagh-Kierran, and the Franciscan friary of Carrock or Corcke, with all the buildings and lands belonging to these religious houses. [See Erck's "Repertory," p. 108.] The lands belonging to the firstmentioned were found afterwards to be very extensive. (See Hill's "Historical Account of the Plantation in Ulster," p. 94.) As illustrative of the great grievance specified by O'Neill in the foregoing 'article,' we here subjoin a letter written by him to Salisbury, on the 2nd of June, 1605:—"He [Tyrone] hopes, therefore, his Majesty's promise will be observed to him, that he shall enjoy what formerly his ancestors and himself quietly possessed. Besides this, of late Sir Henry Dockwray disturbs him for

the best part of the fishing of Lough Foyle; and he, together with Sir John Sidney, Captain Lee [Edmond Leigh], and others (see preceding 'article'), have put him from the possession of a great part of his demesne lands by colour of some false offices, taken without his privity, by some deputy-escheator and other inferior officers finding the same to be parcels of abbeyes and priories, which lands, now taken from him, have been as anciently in his possession as any others he now holds in Tyrone. These kind of practises have been originally the cause of a great deal of harm in this Kingdom already; yet these offices [of inquisition] are said to be for the King's benefit, although in truth he reaps no benefit thereby." In the following December, the old Earl appeals to the King in the same style, informing the latter that "he [Tyrone] has been many ways troubled by such as, since the granting of his Majesty's patent, have scanned very narrowly thereupon, and have pried so nearly into it, that unless his Majesty will vouchsafe to expound his royal meaning and exposition of the patent, the courses lately held against him [Tyrone] will grow to the overthrow of his whole estate." The afflicted Earl further entreats Salisbury to induce the King to explain "the tenour of his late patent, he being not a little troubled with sundry busy-headed persons that have so pried into his estate to take advantage against him, that he can assure himself of nothing, unless his Majesty do prevent these courses."

7. "Item. The Archbishop of Armagh and the Bishop of Derry and Clogher pretended to take from the Earl the best part of his whole living, claiming the same as appertaining to their bishopricks; a claim never moved by any of their predecessors, other than that they had some chiefry due to them in most part of all his living; but they would now have the whole land to themselves, as their demesne lands, and will not be content with the benefit of their ancient registers, which the Earl always offered, and was willing to give without farther question."

Here was another and much more serious source of alarm for the unhappy Earl. The pickings and snatchings from his estate made by common 'discoverers' were as mere trifles compared with the wholesale spoliation now threatened, (and soon afterwards actually perpetrated), by the dignitaries of the recently imported English Church. Henry Ussher, then Archbishop of Armagh, and George Montgomery, then Bishop in the three dioceses of Derry, Clogher, and Raphoe, formally claimed not only the restoration of all lands that had ever belonged to the Church, no matter by whom then held, but also claimed to have in demesne the much more extensive and valuable tracts known as Termon and Herenagh lands. On a moderate computation these lands included at least 60,000 acres of the best portions on the Earl's estates, and he naturally contemplated with dismay the loss of so much property in the two counties of Tyrone and Coleraine. The Popish prelates who preceded Ussher and Montgomery only claimed, and had, indeed, only a right to, certain trifling chiefries and duties from the Termon and Herenagh lands, but the Protestant prelates boldly claimed (and had their claim allowed) to hold them *in demesne*. The origin of these properties, and the peculiar nature of the tenure by which they had been held for ages, are explained in the following passage of an Inquisition taken at Dungannon, in the autumn of 1609:

—"And the jurors do, upon their oaths, finde and present, that the Erenagh land was att first given by the temporall lords immediatlie to the first founders of the churches; and that those founders did give the same to severall septs, for paying rents and other duties to the bishops, and for repairinge and mainteneinge their parish church, wherein they oftentimes did beare a thirde parte, and sometymes two-thirde partes of the charge, and for the keepinge of hospitalitie; and that these septs, or erenaghs, have, tyme out of miade, inherited the saide landes accordinge to the Irishe custome of tanistrie; and that neither the lord archbushopp, nor anie other bushopp, nor their predecessours could, at anie tyme heretofore, or nowe, remove the saide herenaghs out of the saide landes. And, further they saie that termon lande had the same beginninge as erenagh lande, only they differ in that the termon lande has oftentimes more priviligis, and sanctuarie, and the lyke, which was not allowed to many of the herenaghs; and the chief tenant of the termon lande was called a corbe, but in common speech he is called by his sirname, but the chief tenant of the herenagh lande is always known and called an herenagh; and the corbe, in many places, hath under him one or more herenaghs, to whom he giveth a portion of lande free, or for rent or customes, and other liberties as he thought fit." These lands had also long lapsed from their original purposes, and had become parts or parcels of the O'Neill estates for many generations before the close of the sixteenth century. See "Inquisitions of Ulster," appendix II.; see also Hill's "Historical Account of the Plantation in Ulster," pp. 162, 163.

8. "Item. O'Cahan, one of the chiefest and principalest of the Earl's tenants, was set on by certain of his Majesty's Privy Council, as also his Highness's Counsel-at-law, to withdraw himself and the lands called Iraght-I-Cahan from the Earl, being a great substance of his living, and the part thereof that he [the Earl] and his ancestors always held as their most special property. Now, notwithstanding that O'Cahan, at his own house, before the Lord Deputy and Council, being by them in that case deeply examined, renounced to have any title or right of the said land, or any part thereof, other than by the Earl and his ancestors, and without any further trial or colour of right that ever he could show for himself, other than that he and his predecessors did, from time to time, hold the same from the Earl and his ancestors as tenants at will, yielding and paying to them yearly all such rents, dues, and reservations as others of their tenants did; yet the Earl was quite dispossessed, by order from the Council-Table, of the two parts of the said land, and a warrant given to O'Cahan to take his charges, in following the suit against the Earl, from his tenants of the other third part left to the Earl; whereat the Earl being somewhat aggrieved, read his complaint to the Lord Deputy and Council, who, after long debate, perceiving the wrong, their Lordships did refer the re-examination of the cause to Sir Thomas Phillips and Sir George Paultet, Knights; and they, finding O'Cahan's former suggestion to be false, proceeded to order the matter according to justice; where, upon full hearing of the cause, and examining of witnesses, of both sides, they found O'Cahan to be in the wrong, and therefore decided that he should not only cease farther to demand anything of the Earl's said tenants of that third part, but that he should also restore unto them what he had already taken from them, and that the Sheriff should put the same in execution; whereof the Earl could have no benefit, after he had been at infinite charges in getting witnesses and following the same

suit. Thereupon, he again appealed to the Lord Deputy, and showed him the order of the Knights, and Council's warrant to undertake the matter. Yet, all that notwithstanding, he [the Earl] could prevail nothing, and had no answer from the Deputy, but that he knew of no means else that O'Cahan had, to pay the treasurer who lent him money in Dublin to follow his suit against the Earl, but by that [taking it from the Earl's tenants], or some such means. So that, after all the Earl's labour, travail, and charges, O'Cahan had his order fully executed, and the Earl no benefit of his. And further, the Earl perceived by Sir John Davys's speech before the Council Table that it was fully intended and resolved amongst them that he should lose the other third part, when he said in plain terms he would never serve the King if I had not lost all that land of Iraght-I-Cahan, and much more of that I hold; and thought myself most assured of. And to maintain his word in that behalf, the said Sir John Davys and the rest of his Majesty's Council-at-law, likewise made claim in his Majesty's behalf to four other parcels of the Earls land's called Glankonkeine, Killetragh, Slieveshiose [Slewsheese], and Slighairt [Slioch-Arte], being the only substance of all that was left the Earl, and began their suit for the same in the Exchequer, the last Trinity term; so that, in fine, he [the Earl] could not perceive how he might assure himself of anything by the letters [patent] that he had from his Majesty. Thereupon, understanding that his Highness granted a commission for receiving surrenders, together with authority to amend all faults and intricate defects in any former Patents, he exhibited petition to the Lord Deputy, and the rest joined with him for the purpose, humbly proffering a surrender of his old patent, and craving a new one, with amendment of all defects in the former; whereof, although the same was a general favour granted by his Majesty to all his subjects of the whole realm, the Earl could have no answer."

The quarrel between the Earl of Tyrone and his son-in-law, Sir Donnell Ballagh O'Cahan, was memorable, especially as being one of the leading causes which reconciled the former to leave his native Ulster in 1607. The origin of that quarrel will be explained in our subsequent sketch of O'Cahan's career, but, in the meantime, it is only necessary to state that Government agents or officials fomented the strife between these two Irish Lords, and concocted the whole scheme by which both were stripped of their lands, and sent to die—the one as an exile and the other as a prisoner in the Tower of London. In the foregoing 'article' the old Earl laments his losses in the county of Coleraine from the litigation forced upon him, through O'Cahan, by the law officers of the Crown, and refers also to the suits at law, even then in progress, by which he was to be deprived of nearly all his lands. The project against his lands in Tyrone is first mooted, and generally explained by Sir John Davys, the Attorney-General, in the following letter to Salisbury, dated Nov. 12, 1606:—"I make an overture to you of a matter of good advantage, which, I confess, I understood not before I made my last journey into Ulster. The matter is this: I thought without question, and so it is generally conceived by us all, that the Earl of Tyrone had been entirely seized in possession and demesne of all the county Tyrone, being in length sixty miles and in breadth nearly thirty [then including the barony of Loughinshollin], and that no man had had one foot of freehold in that country but himself, except the bishops and farmers of the abbeylands. . . The reason that moved us to think that the Earl had the freehold and clear possession of all the country did consist in this:

We know that by the statute of attainder of Shane O'Neill, made in the 11th year of Queen Elizabeth, all the country of Tyrone and divers other territories in Ulster were resumed and vested actually in the Crown, without saving the rights of the inhabitants, and that afterwards the Queen did grant unto the Earl all the lands, tenements, and hereditaments, which his grandfather, Con Bacagh O'Neill, had, without any other limitation or exception. But now, on the other side, on our last Northern journey, we made so exact an inquiry of the estates and possessions of the Irishry, that it appeared unto us plainly that the chief lords of every country had only a seigniority consisting of certain rents and duties, and had withal [or besides] some special demesnes, and that the tenants or inferior inhabitants were not tenants at will, as the lords pretended, but freeholders, and had as good and large an estate in their tenancies as the lords had in their seigniories; and that the uncertain cuttings and exactions were a mere usurpation and a wrong, and were taken *de facto*, and not *de jure*, when the lords made war on one another, or joined together in rebellion against the Crown.

"This being found, we began to consider whether the inhabitants of Tirone held not their estates and possessions in the same manner before the statute of 11th of Elizabeth, which swallowed up and confounded both the seigniories and tenancies, and vested all in the Crown. And we found by the general voice of the people in these parts, that O'Neale, the chief lord of that country, had only a chiefry or seigniority, with such rents and gross duties as other Irish lords had, with certain demesnes at Dungannon, Benburb, and Strabane; and that there were many freeholders in that country of Tirone, whereof O'Cahane was the chief, being also himself in his particular country a chief lord or uriaight, having also under him divers free tenants. The case standing thus, we examined the words of the Earl's patent, which we found to be only these—all lands, tenements, and hereditaments which Con Baccagh O'Neale had at the time of his surrender in 34 Henry VIII. What had Con Baccagh then? Only a seigniority and certain demesnes, and not the possessions of such as were free tenants at the time of the grant made unto him. Their services are only granted unto him; so that these possessions being resumed and vested in the Crown by the statute 11th of Elizabeth, they do, notwithstanding the Earl's patent, remain in the Crown still; and consequently all O'Chane's country, and all the old freeholders' possessions in Tirone, are actually and really in his Majesty's hands." Davys literally chuckled as he contemplated the result of practically applying this oppressive act of parliament against the Earl of Tyrone. "The greatness of this Earl," he says in concluding his letter, "will be moderate enough, and he will be reduced to that proportion and quantity of estate which O'Neale had before the wars of Lancaster and York, when the Earls of Ulster did flourish there, and when the name of O'Neale was scarce heard of in the English Pale."

This touching theme was further referred to by Davys, when writing to Salisbury on the 1st of July, 1607, in the following terms:—"The state of this case he signified to his Lordship before Christmas last; but he has now drawn it more exactly out of the records themselves, whereby his Majesty's title not only to all O'Chane's country, but also to the great wood or forest of Glanconkeyn

(which is well-nigh as large as the New Forest in Hampshire, and stored with the best timber in Ireland), and likewise to the territory of Killetragh and other good scopes of land in Tyrone, appears so evidently that there is no colour or shadow of doubt in the case. Now the truth is discovered that in those lands, and other parts of that country, Con Baccagh had only a chiefly of certain cows and rising out of men, and was not owner of the land in demesne. So that the lands in demesne being settled in the Crown by the statute of the 11th of Elizabeth, and not having been granted since to the Earl or any other subject, the Earl is to sue to the King by petition for his chiefly only, but hath no colour of right to the possession at all." For descriptions of Glanconkeyne, Killetragh, Slieviose or Slewseese, and Slutairta or Slioch-Arte, as mentioned in the foregoing 'article' of the Earl's statement, as well as in Davys's letters above quoted, see Hill's "Historical Account of the Plantation in Ulster," pp. 166, 167.

9. "Item. The Earl brought a suit against Sir Henry Oge O'Neill, Knight, in the King's Bench, for a parcel of land called Tohrannie, which his Majesty's grant to the said Sir Henry did not bear; which suit came to an issue the last Trinity Term, that the same should be, with the consent of both parties, tried by due Nisi Prius, and thereupon an order drawn and writs of 'distringas' and 'venire facias' issued; and that the Earl paid all charges and fees thereunto belonging, according to the common course of the Court; that, notwithstanding, the Lord Deputy and Chancellor, contrary to the due course of law, commanded that the same should be stayed; by which means the Earl's proceedings were letted [hindered], and he abridged of the benefit of his Majesty's laws, and hindered of the possession of his lands. And yet, in any suit against him, any man, of what degree soever, obtained the extremity of the law in his favour."

The territory of Tohrannie, on the southern or Armagh side of the Blackwater, contained three *ballybetaghs*, or about three thousand Irish acres, and had been held by Sir Henry Oge O'Neill from the Earl of Tyrone, probably as a dowry with his wife, who was one of the Earl's numerous daughters. But Sir Henry Oge had deserted the Earl at an early period of the war commencing in 1595, and the Government, in return for his allegiance, had evidently intended to include Tohrannie in the grant soon afterwards given to Sir Henry from the Crown. This intention, however, had not been legally carried out, and hence the Earl still believed himself to be head landlord of the tough or territory so called. Davys, writing to Salisbury on the 1st of July, 1606, has the following reference to this controversy:—"Whereas by his own [the Earl's] consent, when he was last in England, it was concluded by the Lords of the Council there that Sir Henry Oge O'Neale's country should be excepted out of his [the Earl's] new letters patent, and granted to Sir Henry Oge and his heirs to hold immediately of his Majesty, which hath been performed accordingly; yet now he quarrelleth with Sir Henry Oge's grant, and hath brought an *ejection firme* to evict the possession from him; wherein though he cannot prevail, yet he makes demonstration of his unquiet desires to repossess all that country, contrary to his own agreement, his Lordship's order, and the intent and purpose of his Majesty's grant to the said Sir Henry Oge O'Neale notwithstanding." The Earl distinctly states that Sir Henry Oge's then recent grant from the Crown did not include Tohran-

nie; Davys does not contradict this statement, but asserts that Sir Henry Oge's country was understood, and by the Earl's consent, to be excepted from the patent given to the Earl himself after his restoration to his estates. But Sir Henry Oge's country was well known to consist only of an ancient territory on the north-western or Tyrone side of the Blackwater, called Muintier-Birne, and forming time immemorial the patrimonial lands of that family of O'Neills of which Sir Henry Oge was the then representative. Hence the very natural attempt on the part of the Earl to re-possess himself of Tohrannie, whilst leaving Muintier-Birne, or Sir Henry Oge's country, unmolested, Chichester, in a despatch, dated September 30, 1605, states that he had "ended that difference," but on the margin of a subsequent document, dated Oct. 4, he mentions that the Earl of Tyrone intends to commence a suit against Sir Henry for the three ballibetaghs in Tourannie, by reason as he allegeth, they were not known by the name of Sir Henry Oge's country when he submitted himself; but in this we must, for many respects, assist him [Sir Henry Oge.] And assist him the Deputy and Council verily did.

10. "Item. Although it pleased his Majesty to allow the Earl to be lieutenant of his country yet had he no more command there than his boy, since the worst man that belonged to the Sheriff could command more than he, and that as well within the Earl's own house, as abroad in the country; for if anyone that they had anything to say unto were within the Earl's house, they would not attend [await] his coming out, but even burst open the doors of his house to bring him out; and never would do the Earl so much honour in any respect as once to acquaint him therewith, or send to him for the party, though he [the Earl] might be within the house when they attempted these things. And, if any of the Earl's officers would, by his direction, order or execute any matter betwixt his own tenants with their own mutual consents, they would be driven not only to restore the same again, but also be first amerced by the Sheriff, and afterwards indicted as felons, and so brought to their trial for their lives for the same; so that the Earl in the end could scarce get any of his servants that would undertake to levy his rent."

11. "Item. Whereas there is a statute by the laws of Ireland that none should be sheriffs of any county but such as should be dwellers within the same county and of good worth by yearly revenue therein, and withal should be elected by the nobility and chief gentlemen of the same county; yet notwithstanding, the Lord Deputy appointed gentlemen of other counties (and not elected as aforesaid) sheriffs of the counties of Tyrone and Armagh—as Captain Edmond Leigh, and one Marmaduke Whitechurch, dwelling in the county of Louth; both withal being retainers and very dear friends to the late Knight-Marshal [Sir Henry Bagenal], who was the only man that urged the Earl to his last troubles; and, no doubt, any that ever belonged to him will be ready to do the Earl all the mischief they can devise by all the practises possible, as they, in their offices, daily showed to the Earl and his tenants, both by word and deed; whereof the Earl oftsoons complained to the Lord Deputy and could get no redress, but rather feared the worse for his complaints, in respect they were so little regarded."

The two persons abovenamed, Leigh and Whitechurch, were sheriffs of Tyrone and Armagh in the year 1607, and were mainly responsible, under Chichester, for the indignities and oppressions inflicted on the Earl of Tyrone immediately before his escape, and of which he so bitterly complains in article 10 of his statement, already quoted. These officers had been probably among the most active

of the 'discoverers' in Ulster, but the fact of their having been retainers or creatures of Sir Henry Bagenal, the most persistent of the Earl's enemies rendered their appointment as sheriffs over the O'Neill estates somewhat too flagrant an exercise of power on the part even of Chichester. Edmond Leigh was the second person after Sir Cormac O'Neill, the Earl's brother, to inform the Government of the 'Flight,' "showing us, probably," says Chichester, "that the bark they [the Earls] went in was provided by a merchant of Tredagh [Drogheda], named John Bath, and laid ready for them at Lough Swilly, under pretence of fishing on the coast, which made the same unsuspected, and the rather for that Tyrone gave out that he was providing to go to England with his son, the baron of Dungannon, about a match [with the Earl of Argyle's daughter] in Scotland." Leigh probably died before the close of 1607. In Sir Toby Caulfield's well-known statement of receipts and expenditures on the O'Neill estates immediately after the 'Flight,' there is the following entry:—"To Captain Edmond Leigh, deceased, late high Sheriff of the county of Tyrone, for the pay of 20 warders put into the Castle of Dungannon, immediately after the flight of Tyrone, viz., for 42 days ended the 6th of November, 1607, at 6d sterling apiece, £21." Leigh's brother, John, was sheriff for Tyrone in 1608, and in conjunction with Daniel, another brother, inherited land granted to him at Omey or Omagh. For notices of these Leighs, and also of Marmaduke Whitechurch, see Hill's "Historical Account of the Plantation in Ulster," pp. 115, 158, 265, 312, 543.

12 "Item. The Earl, understanding that there had been earnest suit made to his Majesty for the Presidency of Ulster, made bold to write to his Majesty, humbly beseeching that his Highness would be pleased not to grant any such office to any over himself, suspecting it should be his overthrow, as by plain experience he knew the like office to be the utter overthrow of others of his rank in other provinces within the realm of Ireland in his own knowledge; and in like manner wrote to his friends of his Highness's Council in England, to make means that his suit might be accepted in that behalf, and among the rest to his very good Lord the Earl of Salisbury, that he would vouchsafe to assist him in that proceeding; who replied, as may appear by his letters, that the 'Earl was not to tie his Majesty to place or displace officers at his [the Earl's] pleasure, in any of his Majesty's kingdoms', which was never the Earl's meaning. Yet did he plainly perceive by that his Lordship's letter, that his suit in that case was merely vain, as it fell out indeed; for that office is passed already to Sir Arthur Chichester, Knight, now Lord Deputy of Ireland, as the Earl credibly understood by Captain Edmond Leigh, and others of the Deputy's gentlemen that he met at Slane, the 8th of September last, the Deputy being there; which the Earl knew right well to be the Earl of Salisbury's doings, and did in very deed much fear that it should grow to his destruction without his Majesty's privity. Therefore, and rather than live under the like yoke, perceiving himself so envied by those that should be his protectors, and considering the misery he saw sustained by others through the oppression of like government, would sooner pass all to himself than abide it; yet all that notwithstanding, as well because he feared further to incur any their displeasures as because he could receive no answer of any former complaints which he preferred to his Majesty, he never durst acquaint his Highness with any of his griefs."

The policy of appointing a President for Ulster, as had been done in the provinces of Munster and Connaught, was discussed so early as the time of

Sir Thomas Cusake, and strenuously recommended by that distinguished knight. After him, the Earl of Sussex, when Lord Deputy here, had strongly urged this measure. "To levy the Queen's rights," says the latter, "and to see all orders kept [in Ulster], it will be needful to build a strong tower at Armawghe, and to continue there a martial president of England birth, a justice and council, with 100 English horsemen, 300 English footmen, 200 Galloglasse, and 200 Kerne, on continual pay, that the president may be always the strongest man in Ulster. He must also have the ordering of all the other forces in Ulster, which belongs by prerogative to the Crown, by inheritance to the Earldom of Ulster, and by usurpation to O'Nele." Chichester, writing to Salisbury, on the 10th of May, 1606, has the following reference to the necessity of a President for Ulster:—"When he [Tyrone] is here, he vows all due obedience to his Majesty and his laws, but at home he differs from it; which convinces him [Chichester] that without that province be brought to the government of a President and Council for a time, there can be no perfect reformation and good settlement, for the poor people will be forever oppressed, and no man dares to complain when help is so far from them. If any such presidency be concluded on, he humbly desires that his government of Knockfergus may be secluded from the authority of the President." Thus, although Chichester so warmly recommends a President for the North, he begs respectfully to have nothing whatever to do with that functionary in the government of Knockfergus, which included all the County of Antrim and the greater part of Down, "being," Chichester adds, "himself able to give as good an account for the settlement thereof as any other, whoever shall come thither." So soon, however, as the idea was started of appointing Chichester to the presidential chair in the North, he would have had no objection to include even his own Knockfergus therein. Writing to Salisbury, on the 24th of January, 1607-8, he sends to his correspondent an account of the government of Ulster; "and for the Presidency," he says, "he submits himself to what his Lordship shall think it for his Majesty's profit and service. Knows well that if that place were established his charge would be increased by reason of the officers that must attend it; but doubts not that the profit which will be made of the fugitives' estates [the lands of the Earls of Tyrone and Tyrconnell] will soon exceed that expense, besides the advantage that will be gotten by the settlement of that wild and unreformed country. If it stands with his Majesty's liking, will employ those rents [from the estates of Tyrone and Tyrconnell] towards the fortifying some of the wards [garrisons] lately erected in that province, and especially, to make Dungannon or Armagh a seat for the President, there being now none to receive or lodge him within the whole province." The Plantation, however, coming soon afterwards, was supposed to remove the necessity for having a president in Ulster, and several other candidates for the office, besides Chichester, must have been disappointed at the falling through of the grand project. The Earl of Tyrone's remonstrance to the King on this question, before his 'flight,' was very firm, and gave great offence to the higher class of English servitors in Ireland. He saw how the President of Munster employed his power for the destruction, root and branch of

the Desmonds, and he felt that the same fate, if Chichester were made President in Ulster, would inevitably befall his own family and kinsmen. When writing to the King, from Dungannon, on the 17th of June, 1606, Tyrone states that he had heard since the death of the Earl of Devonshire, who was Lord Lieutenant of Ireland, "Sir Henry Docwra and others in England are earnest suitors to his Majesty to be Lord President of Ulster, but he besought his Majesty not to grant any such government. And for his own part, rather than be governed by any other but by his Majesty and his Deputy-General of that realm, he would choose to dwell in England in his Highness's presence."

Fate had evidently decided against the northern Earls. If they had remained longer in Ulster a President would have soon driven them into a new rebellion, and thence into bloody graves.

13. "Item. Whereas the Earl's nephew, Brian MacArt, was at Sir Tirlagh M'Henry's house, having two men in his company, and being in some merry humour, there happened some speech betwixt him and a kinsman of his own, who, on the speech, gave the Earl's nephew a blow of a club on the head, and tumbled him to the ground; whereupon one of his men standing by, and seeing his master down, stept up with the fellow and gave him three or four stabs of a knife, having no other weapon; and the master himself, as it was said, gave him another, through which means the man came to his death; and thereupon the Earl's nephew and his two men were taken, and kept in prison till the next sessions holden in the County of Armagh, where his men were tried by a jury, chosen for that purpose, of four innocent and mere ignorant people, having little or no substance to take unto, most of them being bare soldiers, and not fit, as well by the institution of the law in matters of that kind as also through their own insufficiency, to be permitted or elected to the like charge; and the rest foster-brethren, followers, and very dear friends to the party slain, that would not spare to spend their lives and goods to revenge his death. Yet, all that notwithstanding, they were allowed, and the trial of those two gentlemen was committed to them; through which means, and the rigorous threatening and earnest enticement of the judges (being so charged by a letter from the Lord Deputy, as the Earl credibly understands), they were most shamefully condemned to die, and the jury was in a manner forced to find the matter murder in each of them. And this not so much for their own offences as thinking to make it an evidence against the master when he should come to his trial, who was in prison in the Castle of Dublin, attending to be tried the last Michaelmas Term, whose death, were it right or wrong, was much desired by the Lord Deputy."

The summary and relentless way in which Brian M'Art O'Neill and his two friends were disposed of appears to have excited intense bitterness throughout Ulster, for it was known that the youthful Brian had aroused the fears and jealousies of the Government by his popularity, and that Chichester had gladly availed himself of the brawl above mentioned to have him "cut off." The people's interpretation of this affair now turns out to have been the true one. On the 4th of August, 1607, Chichester wrote to the Council in London as follows:—"Brian M'Arte, son to Arte O'Neill, base brother to the Earl of Tyrone, with two of his servants, has of late slain a principal gentleman of the Fewes, in the County of Armagh. They were all apprehended by the sheriff and carried to the gaol of the Newrie. His men are tried this week in the sessions at Ardmaghe; himself he [Chichester] caused to be brought to this Castle [Dublin], to be tried in the King's Bench, because

it was not safe, for fear of rescue, to carry him from the Newrie to Ardmaghe to be tried there. Brian is a man so active and sufficient of himself that, in the late rebellion, from a private man of no note he, by his proper virtue (if it be lawful to term it so in a rebel), grew so strong and great in wealth and followers, and did so many exploits, that, if God had not seen the iniquity of their cause, he had made himself one of the greatest fortunes in Ulster, next unto the Earl of Tyrone. He was the last man that submitted himself in the end of the war; he was owner of more goods by far, and had then more men depending on him, than the Earl himself; for further knowledge of all which he refers their Lordships to the relation of such as knew these wars. He is besides so gracious and popular that, after the decease of the Earl, it is credibly thought he will attempt to restore the name of O'Neill again. In respect of his nearness in blood and other entire obligations between them, the Earl has made means there [in London] for his pardon, but he [Chichester] can scarce believe it, because the Earl himself is not without a jealousy of him. The least that may be made of his act is manslaughter, and he is no clerk [he cannot claim the benefit of exemption from the law as a clergyman then could]; wherefore, if their Lordships shall not countermand him [Chichester] in the meantime, he intends next term to make him undergo the hand of justice in such sort as the same shall require." On the 7th of September, a few days after the Earls' flight, Chichester wrote to the Council in London, stating that, before his escape Tyrone came to Dublin and offered £500 to certain of Chichester's friends to procure Brian M'Arte's liberty, the same to be paid £300 in hand and the remainder on his release. "Sir John Davys wrote to Salisbury on the 11th of the December following, and told him of the fate that, in the meantime, had befallen Brian M'Art:—"A jury of Ulstermen was returned this term for the trial of Brian M'Arte O'Neill, in the Court of King's Bench, consisting of men who lived with him. Yet this jury have found this Brian M'Arte, nephew to the Earl (and of all that surname the most active and able to do mischief), guilty of manslaughter, whereby the hand of justice has cut him off, which is a notable example to all the kingdom and a great security to that province; for if this man had been at liberty in this doubtful time, doubtless ere this he had been created [The] O'Neill in Ulster." A son of Brian M'Arte, named Art M'Brian, collected a band of associates, in the hope of being able to seize some distinguished servitor before his father's execution, whom he might offer in exchange for the latter, but the unhappy son failed in his object. Chichester, writing to the Council in London on the 11th of December, states that "a base son of Brian M'Arte O'Neill had lately gotten together sixty others like himself, with purpose, it is said, to get some person of quality into his hands, by means thereof to redeem his father out of prison. But he [Brian] having been executed here about the end of this last term, that crew is dispersed, and most of them have submitted themselves to the commissioners in Ulster."

Chichester repeatedly endeavours to brand many of these O'Neills with the stain of illegitimacy by speaking of them as "base," or base-born. Thus Art or Arthur M'Baron, son of Matthew, the first Baron of Dungannon, is described by Chichester

as the "base brother" of the Earl of Tyrone, but there exists no evidence of his illegitimacy. He was a half-brother of the Earl, and it is more than probable that their father, the first Baron, had had a wife before his marriage with Joan Maguire, the Earl's mother. Art's son, the celebrated Brian M'Arte, is also branded by Chichester as "base," but Art had several distinguished sons, any one of whom would have, no doubt, been dubbed by the Deputy as "base" had it answered the latter's purpose. And Brian's son, who was so anxious to rescue his father, was also "base," as Chichester would have had it believed. The truth is, however, he was afraid of that branch of the family taking the position of supremacy in Ulster when the Earl could be set aside. It was important, therefore, to denounce its representatives as illegitimate, and to get Brian, the most dangerous of them, put out of the way as soon as possible. Brian, as above stated by Chichester, had been the last Irish leader in Ulster to surrender, in 1602; but the Deputy could have told also that when, during the progress of the war, other Irish leaders in the territories of Killultagh, Kilwarlin, the Dufferin, and the Clondeboys began to waver in their allegiance to the Earl, this Brian undertook to hold them fast, which he did, by throwing his little troop among their creaghts in succession, and sending forward from these territories to the main armies the supplies of men and provisions regularly levied upon them.

14. "Item. The Earl gave his daughter in marriage to O'Cahan, without any kind of exception or interruption of any, and gave a portion of goods with her; and they lived so together without any question for the space of eight years, till the said O'Cahan was set on to withdraw himself from the Earl, at which time he also, by the procurement of his setters-on, turned the Earl's daughter away, and kept the goods to himself, and took another to his wife; whereof the Earl complained to the Lord Deputy in his daughter's behalf, whereunto he replied that he knew no way O'Cahan had to pay her. Whereupon the Earl exhibited petition to the Lords Justices of Assize at Dunganon in her behalf, to whom he esteemed the same to be proper; but, when the matter came to hearing, O'Cahan showed a warrant from the Lord Deputy that they should not determine that matter, but that it should be decided by the Lord Bishop of Derry, who was himself the chief author of her putting away, and therefore, in all men's judgments, no indifferent judge in that case; through which means the Earl's suit in that cause was frustrated, and he could get no manner of justice therein, no more than he obtained in many other weighty matters that concerned him, too tedious to be rehearsed at present."

This intermeddling by Chichester and Bishop Montgomery in O'Cahan's domestic affairs must have been regarded as exceedingly disreputable. These astute gentlemen came to see that O'Cahan, "simple and froward" as he was, could not be got entirely into their hands so long as his wife stood between him and them. That lady, a daughter of O'Neill, must have thwarted their purposes very distinctly indeed when thus doomed to removal from her husband's side, and from the home of her children. She had been married to O'Cahan eight years, and there had been no exceptions to, or interruptions of, their wedded life during all that time, and no forbidding of the banns prior to their marriage. If O'Cahan had been previously married to a lady who was then still living, as alleged by his tormentors, there had, no doubt, been a divorce according to the regular Celtic usage in

such cases; otherwise the Earl of Tyrone would not have sanctioned his daughter's alliance with O'Cahan, nor given her the 'portion of goods' bestowed on each of his numerous daughters when married. This interpretation becomes the more likely and acceptable from the fact that O'Cahan's first wife had re-married with Sir Tieve O'Rourke, whom she survived, and from whose estates, as his *widow*, she received a grant of lands in Connaught. This lady's name was Mary MacDonnell, the daughter of some noble house, probably, in the Isles of Scotland. When Chichester, however, commenced afterwards to overhaul the lands in Connaught, he appears to have held there, as well as in Ulster, his convenient doctrine of *illegitimacy*, which often operated with magical effect in settling difficult questions about the occupation of land. Thus, we find the Deputy describing to Salisbury the condition of Connaught, in the February of 1611; and in this description we have the following edifying reference to the domestic affairs of the principal family of the O'Rourkes. "The county of Leytrim was never well subdivided, nor disposed to freeholders, but was left for the most part to the power and greatness of the chief of the O'Rourkes; and the opinion is that it rests now in the children of Sir Tieve O'Rourke, who are said to be illegitimate by reason of their mother's marriage with Sir Donnell O'Cahan, from whom she was not divorced when Sir Tieve took her, and had these children by her. The truth thereof is best known to Sir Donnell O'Cahane, who will probably deliver it, if therein questioned withal by your Lordship." When the foregoing was written Sir Donnell was shut up in the Tower of London, and Chichester now imposes on Salisbury the task of questioning the captive Irish chief for information that surely ought to have been possessed by the Deputy himself and his co-adjutor, Bishop Montgomery, before they ventured to concoct and carry out the removal of O'Cahan's second wite. Chichester would not permit the matter to be tried in any but an Ecclesiastical Court, where Montgomery was to be the judge. The hapless O'Cahan had soon good reason to repudiate his evil counsellors. But his repudiation was too late, and consequently of no use. Such was the sincerity of his grief, however, for the infatuated and headlong course he had pursued, that he hastened after O'Neill, on hearing of his flight, and would have accompanied him into exile, had not John Bath's vessel sailed away from Lough Swilly sooner than was expected.

15. "Item. The Lord Deputy, further to trouble the Earl, procured one Henry Oge MacHenry Mac Felvmy O'Neill, and others his confederates, to go out as Wood Kern, only to rob and spoil the Earl and his nephew, Brian M'Art, and their tenants; as the said Henry afterwards certified to the Earl by messages, affirming that he would never do the Earl, nor any that belonged to him any hurt, but that the Deputy enticed him thereunto; who committed many murders, burnings, and other mischievous acts against the Earl's tenants, and were always maintained and manifestly relieved amongst the Deputy's tenants and others their friends in Clondeboye, and openly sold the spoils that they took from the Earl's tenants amongst them. And yet the Earl never could get any justice of them, nor of those that so relieved them; and they continued so for the space of two years, doing many outrageous acts against the Earl's tenants, till at length they happened to murder one of the Deputy's own tenants. Whereupon they were fain

to forego that country, as the Deputy then took some care to see them prosecuted for that fact—through which means, and their being put from their refuge, the Earl within one quarter of a year after, cut them all off. Yet the Lord Deputy, not being thereat satisfied, further to have his will of the Earl's tenants, sought to bring them within the compass of the law, and thereby seeing that he could not by these sinister means prevail against them, fairly sought to cut them off; and to that end protected one of the said rebels, a poor, rascally knave, and brought him to Dublin, where he persuaded him to accuse above threescore of the Earl's tenants of having relieved the said rebels with meat; which, God knows, they little minded, if they had not taken it from them perforce, as they did indeed from divers of them that were not able to make any resistance against them, and withal killed their cattle in the fields, and left them dead there, being not of power to carry them away, burnt their houses, took what they could get of their household stuff, and killed and mangled themselves. And yet were they, upon the report of that poor knave, who was himself foremost in doing these mischiefs, all taken and brought to their trial by law, where they were, through their innocence of the matters laid to their charge, acquitted, but at their no small cost. So that, betwixt the professed enmity and private envy of our governors, seeking thereby to advantage themselves, there was no way left for the poor subject to live."

Although the foregoing appears to have been a case of mutual spoiling and slaughter amongst the tenants of the Earl and the Deputy, yet the former was regularly indicted and tried after his 'flight,' for the murder of a number of woodkerne who had become troublesome and alarming alike to both parties. Davys, when writing to Salisbury, on the 6th of January, 1607-8, refers to this matter, as follows:—"Then they [the commissioners] delivered to the Jury [at Strabane] a note containing the names of certain persons murdered in Tyrone since his Majesty's reign, which note had been secretly put into the Deputy's hand as he was passing to Church, not long before the Earl's departure, with an express signification that those men had been hanged and killed by the Earl, not in the course of service but to satisfy his private malice, the men being of that value that his authority to execute martial law did not extend to them. The jury were directed to inquire into the quality of these men, and whether they were murdered by the Earl or not. They received the note, and found not only that those men that were named therein, but divers others to the number of 19 in all, and all of such quality that he could not hang them by martial law, had been hanged and killed by his verbal commandment since he had been received to grace [restored to his estates]; of all which murders they made several presentments and subscribed their names thereto. They [the commissioners] were also informed of divers base stealths of cows and plough horses, which the Earl had received and converted to his own use, and of his relieving and maintaining many notorious thieves; but having taken so many indictments of treason against him (for every wilful murder is high treason by an Act of Parliament here), they accounted these other offences but venial in him, and therefore took no presentments of them. For it is as natural to a Northern Irish lord to be a thief, as it is proper to the devil to be a liar, of whom it is said that he was a liar and murderer from the beginning."

The Earl, according to the terms of his restoration, had the power of executing martial law against

offenders on his estates; and, on at least one memorable occasion, Chichester was well pleased, and even thankful to witness his liberal exercise of this power. In the year 1604 woodkerne literally swarmed on both sides of the Bann in consequence of a lamentable famine which then prevailed. From a letter written by Chichester to Salisbury on the 8th of June in that year we make the following extract:—"Several companies of outlaws and rebels had got together in this country [the County of Antrim], and upon the borders of Tyrone; one party of above six score he [Chichester] has broken and killed, and hanged above the third man; and the Earl of Tyrone has done the like with those upon his borders, not sparing his own nephew, whom he took and hanged; and so (God be thanked) they are in reasonable quiet, albeit poor, and in great necessity, which makes them outlaws, being driven to steal for want of other sustenance." The "nephew" who met this doom at the hands of Tyrone was probably a son of his half-brother Art M'Baron; and the youth may have preferred "standing out" in 1602, when the Earl, and even Brian M'Art, had surrendered.

16. "Item. The said woodkerne met one Joise Everard, a Dutchman that belonged to the Deputy, by the way coming from Carrickfergus to Tome [Toome], in the County of Antrim, whom they took prisoner and kept till he compounded to have given them 30*l.* ransom; for which 30*l.* the Deputy cessed three score upon the county, and appointed one half thereof to be taken from the Earl's tenants, though of another county, and at least twelve miles distant from the place where he was taken and kept, and though they themselves were daily killed and spoiled by the said woodkerne, and never had redress from those that were well known to have relieved them from time to time. And a warrant was directed for levying the same to Sir Thomas Phillips, who sent his soldiers upon the Earl's tenants to take it, and, without any further reasoning of the matter, or showing any authority, took and distressed for the whole 30*l.* in one place, and from two men, and marched away therewith. The poor people, thinking it had been the woodkerne gave the alarm, eftsoons followed, and raised the hue and cry; whereupon certain men that the Earl had entertained, by warrant from the Deputy, to prosecute the said rebels, hearing the cry in the country, took their stand upon a straight that the rebels were accustomed to pass, and met the soldiers there coming with the distress; and perceiving them to be soldiers, drew near and began to reason with them, and learn why they took the distress, and asked a sight of their warrant; whereupon the soldiers, scorning to show them their warrant, gave them a volley of shot, and killed one of them, and went away with the distress and a prisoner, and kept him till he was forced to give them 5*l.* Whereof the Earl complained to the Lord Deputy, and could find no redress, but that the Lord Deputy persuaded him by fair speeches to forego the matter to Sir Thomas Phillips; whereunto the Earl, seeing he could not otherwise amend himself, assented, and so lost his man and money, and the money itself is still with one Captain Clateworthy, and not restored."

The Dutchman, whose capture caused such turmoil on both sides of the Bann, was an engineer who had been employed on public works, probably in the neighbourhood of Toome. On a list (preserved among the State Papers) of public payments made for the year ending September, 1608, Joise Everard, engineer, is mentioned as receiving "£122 for his entertainment, at 6*s* 8*d* per day." On another list, dated the 28th of February following, he is returned as receiving £61, "at 6*s* 8*d* per diem for 183 days, by concordatum." Everard, when



captured, was travelling along an ancient track or road which led from Carrickfergus through a wild and extensive region lying between the Antrim coast and the river Bann. For notices of Sir Thomas Phillips, mentioned above, see "The Plantation in Ulster."

17. "Item. Certain of the soldiers of the Derry, in the time of Sir George Carey's [Carew's] Government, passing through the country, went to a village of the Earl's that was near the way, where they met a kinsman of the Earl, and presently, without any speech, one of the soldiers shot him through and killed him dead; whereof the Earl could never have redress."

It is to be regretted that neither the name of the village, nor the victim above referred to, has been recorded. Numerous similar complaints were afloat in Ulster, at the time of Carew's Administration, against certain oppressions and spoliations committed here by English soldiers. A story illustrative of this state of affairs was told by a servitor when writing, in January, 1604-5, to the Duke of Northumberland, then a prominent member of the Council in London. Probably the writer was Sir Edward Brabazon, although his name is not known, because of its being rendered purposely illegible in the original document. The following are his words:—"Sir Edward Blaney, Governor of Monaghan, not long since sent the most of his foot company to take a distress in Henry Oge M'Henry M'Shane's country [the ancient territory of Muintir-Byrne] in Tyrone, by some direction from the justices of assize, where they were disarmed for the most part, the distress taken from them, and six or seven of them slain. In the action Henry Oge's own son was sore hurt and three or four of his men slain, which has made the said Henry to be since upon his guard." To some such affair as that now mentioned the Earl refers in the foregoing 'article.'

18. "Item. The said soldiers of Derry went another time in pursuit of a prisoner that made an escape out of the city, and went that night to a farm of the Earl's, where they had the best entertainment that the poor people had, and the next morning upon their going away one of them shot at one of the townsmen with a 'poell' shot and broke his arm, and hurt him in sundry parts of his body, so that he fell to the ground; and his neighbours, supposing he had been dead, pursued the soldier to have taken him, he being a good way behind his company; but the soldier, to make the better shift, left his arms, which the poor men took, and went personally to the high constable of the shire and delivered him the arms, and went themselves and the hurt man to the Derry to complain of the soldiers to the Governor, where they were all taken and put into a pair of stocks all night, under frost and snow, which was like to cost them their lives, and specially the hurt man, who was never dressed of his wounds; and this only for taking the piece of the soldier that did the fact, after that he had cast it away himself, and never a word spoken to them for killing the King's subject."

19. "Item. Sir Henry Foliarde [Folliot], Knight, Governor of the Erne, came upon some of the Earl's tenants with force and arms, the second year of his Majesty's reign, and took from them above 200 cows, and killed a good gentleman, besides many other poor men, women, and children; and besides that there died above 100 persons with very famine, for want of their goods. Whereof the Earl never had redress, although the said Sir Henry could show no reasonable cause for doing the same."

For notices of Sir Henry Folliot abovenamed, see "The Plantation in Ulster." The overthrow of Desmond in Munster, and soon afterwards of the

Earl of Tyrone in Ulster, had rendered English soldiers intolerably insolent. "The troops of this period," says a recent writer, "were not restrained by a rigid discipline; they were accustomed to look upon plunder and free quarters as portion of their remuneration; their officers, in money matters, were not trained to a high standard of honour and honesty; the pay of the privates was generally scandalously in arrear; the soldiers of this description were scattered in small detachments throughout the country, with very little duty to perform, and living among natives whom they had been taught to despise as an inferior race. The plundering and confiscation of Munster had demoralised the officers, who regarded Ireland as a country where they might treat the population with insolence, and by a grant from the Crown, or by mere force, appropriate estates to themselves. The Government of Ireland was not careful about such matters, and that of London was left in ignorance of them. If to this be added the difficulty and uncertainty of communication, and the entire absence of public opinion, no violence or outrage of the soldiery to the natives is incredible." See Richey's "Lectures on Irish History," 2nd Series, p. 393.

20. "Item. The Earl farther perceived the Lord Deputy very desirous and earnest to aggravate and search out matters against him touching the staining of his honour and dignity, and specially very distinctly examined M'Gouire [Maguire], and used many persuasions to him to signify if he might lay any matters to his charge. All which were fetches, thinking, if he first obtained to be Lord President of Ulster, then to come upon the Earl with some forged treason, and thereby to bereave him both of life and living. And the better to compass his pretence therein, he placed that whispering companion, Captain Lee, [Leigh] Sheriff in the country, not so much for doing his Majesty's service as to be lurking after the Earl, to spy if he might have any hole in his coat, which the Earl little feared had he been assured of any indifferent [impartial] judge. But, seeing that the Lord Deputy sought his destruction, he esteemed it a strife against the stream for him to seek to live secure in that kingdom; and, therefore, of both the evils he chose the least, and thought better rather to forego his country and lands till he had further known his Majesty's pleasure upon perusal of the causes of his griefs (which he little durst, while he lived within the compass of the said Governor's jurisdiction, once move to his Highness), and to make an honourable escape, with his life and liberty only, than by staying with dishonour and indignation [indignity], to lose both life, liberty, living, and country, which in very deed he much feared. In conclusion, besides all the insolencies, wrongs, personal injuries, severe persecution practised and severer intended, in matters of religion, which are specified in the above articles, he omits many others done to him by under officers, of which he durst not complain during his being in Ireland: as of Sir John Davys, his Majesty's Attorney-General, a man more fit to be a stage-player than a counsel to his Highness, who gave the Earl very irrelevant speech before the council table, which being permitted by the Council, the Earl said he would appeal to his Majesty; whereunto he replied that he was right glad thereof, and that he thereby expected to achieve to honour. And, in like manner, one Mr. Jacob, his Highness's solicitor, one not much inferior to the other in babbling, no less preferred very hard and dishonourable speech to the Earl, which also he showed to the Lord Deputy, and could have no kind of redress thereof; nor that only, but there have been many other abuses offered him by other inferior officers, and others of his Majesty's Ministers, tending to the deprivation of his honour and authority, that might be sufficient causes to drive any human creature not only to forego

a country, were it ever so dear unto him, but also the whole world, in order to eschew the like government, which he thinks too tedious at the present time to trouble his Majesty withal, and which he also omits, not doubting but these shall suffice to satisfy his Highness. And, so referring himself, and the due consideration of these and all other his causes, to the most Royal and princely censure of his Majesty, as his only protector and defender against all his adversaries, he most humbly takes his leave, and will always, as is his bounden duty, pray."

Among O'Neill's most active tormentors was the Attorney-General, Sir John Davys, who, when writing to Salisbury on the 6th of January, 1607-8, refers in the following terms to the memorable occasion so bitterly recalled by the Earl in the concluding 'article' of his statement:—"The indictments which were taken are returned into the King's Bench, whereupon process shall forthwith issue, so that they [the two Earls and certain adherents] shall be attainted of outlawry about the beginning of Trinity Term next, and hopes ere long after to prove himself a prophet, for about six months before the Earl's departure he told him, in the presence of the Lord Deputy, that he was assured he should live to see Ulster the best-reformed province in the kingdom; whereunto he [the Earl] made answer that he wished from his heart he [Davys] might never live to see that day, and his reason was because he would not have live so long a man that had entitled the King to so much of his land. Told him he [Davys] would make a more charitable wish both for him and for himself, and that was that he [Davys] might live to see him [the Earl] the best-reformed subject in the kingdom.' Whereat he would have been angry, but that the Lord Deputy pacified him by turning it to sport; but he [Davys] spake in good earnest out of the abundance of his heart. Hopes, however, that his prophecy will prove true, and that since these wicked passengers are now cast out of the ship of this commonwealth, all tempests will henceforth cease, and that they will have a fair calm and tranquillity." Davys appeared to O'Neill as if he was acting a part, and that, therefore, he was more suited to the stage than to the office of counselling the King. Whether Davys was fond of theatrical amusements we are unable to say, but that he was a lover of *dancing* is certain, for he wrote a long poem in praise of that popular exercise. This poem bears the title of "The Orchestra," and is dedicated to Charles I., then Prince of Wales, whom he designates therein "the fairest flower of noble chivalry." As the young Prince was a good dancer, Davys, in his Dedication, says:—

Then dancing's praise may be presented well  
To him, whose actions add more praise thereto  
Than all the Muses with their pens can do.

In the narrative of O'Neill's dangers and wrongs, however, as embodied in the foregoing twenty 'articles,' have we not a truthful account of the causes which led to his memorable 'flight?' He would have evidently been content to hold in peace so much of his ancestral lands as had been restored to him; but the English servitors who swarmed over his estates never appear to have looked on his nominally-restored possessions in any other light than as really a compensation to themselves for defeating him. At all events, he was soon taught, by an organised system of insult and suspicion,

that his life was in momentary peril, and that, as he had lost the means of defending himself, his only safety was in flight.

II.—"A Note, or Brief Collection of the Several Exactions, Wrongs, and Grievances, as well spiritual as temporal, wherewith the Earl of Tyrconnell particularly doth find himself grieved and abused by the King's Law Ministers in Ireland, from the first year of Majesty's reign until this present year of 1607: To be presented unto the King's Most Excellent Majesty."

This northern Earl was Rorie O'Donnell, a younger brother of the celebrated Hugh Roe. On the defeat of the Irish at Kinsale, in 1601, Hugh Roe hastened away to Spain with the object of inducing the Spanish authorities to send reinforcements to Ireland, but he died soon after his arrival there, and was interred at Valladolid. Their cousin, the well-known Niall Garve O'Donnell, who really represented the main branch of that great and ancient family, had been overlooked or repudiated by his own clansmen, whilst his more popular kinsman was made chief in his stead. This neglect or dislike on the part of the clan naturally disgusted Niall Garve, who, in consequence, deserted the native army in Ulster, uniting his men with those English forces landed at the Foyle, under the command of Sir Henry Docwra, in the spring of 1600. Before thus deliberately joining the enemy, Niall stipulated, and received a promise from Docwra, that, should the latter succeed in his invasion of Tyrconnell, he would sustain Niall Garve's claim to the chieftainship of that whole territory. On making this arrangement, the latter carried with him 1,000 native soldiers to swell the ranks of the English army, at the same time placing Derry, Lifford, and several smaller forts under Docwra's command. But, although the English thus found Niall Garve an able, and, indeed, an indispensable, ally, they discovered somehow afterwards—but not until they had got their own objects accomplished—that he was rather too impracticable to answer their ulterior designs in Tirconnell. Circumstances also occurred, after the death of Hugh Roe, to moderate English hostility towards his younger brother, and so it came to pass that, after the surrender of the Irish in 1602, Mountjoy called the latter to the front, to recognise him (Rorie O'Donnell) as chief in his native territory, and to nominate him for whatever grant of the family estates would be conferred by the Crown. In November, 1602, Captain Paul Gore was sent by Mountjoy for this Rorie O'Donnell, who had petitioned to be admitted to mercy, and who was then hiding amid the wilds of Connaught. Gore brought him to Athlone, where he, and another chief, named O'Connor Sligo, made their submission to the Crown, through Mountjoy. In the month of May following, Mountjoy carried the Earl of Tyrone and Rorie O'Donnell with him to London, where they were graciously received by James I. at Hampton Court, and soon afterwards put into at least nominal possession of their estates. Referring to the movements of the rival O'Donnells, Rorie and Niall Garve, the Four Masters state that, both having gone to London to solicit their several interests, "each exhibited his right to Tyrconnell.

The King and Council then ordered that Rury O'Donnell should be Earl over Tyrconnell, and that Niall should hold his own patrimonial inheritance, namely the tract of country extending from Leachta-Siubhaine, westward, to Seascann-Leibanach, lying on both sides of the River Finn"—boundaries explained by O'Donovan to be the present Laght, a townland in the parish of Donaghmore, barony of Raphoe, and Sheskin-loobanagh, a swamp in the townland of Croagh-nagh, adjoining the County of Tyrone. See "Annals," Vol. VI., p. 2, 374.

1. "In primis. All the priests and religious persons dwelling within the said Earl's territories were daily pursued and persecuted by his Majesty's officers.

2. "Item. Sir Arthur Chichester, now Lord Deputy of Ireland, told the Earl, sitting at the said Deputy's table, in the presence of divers noblemen and gentlemen, that the said Earl must resolve to go to church, or else he should be forced to go thereto; which menacing speech, proceeding in open audience from the governor of the Realm, contrary to the former toleration that the said Earl and his household until then enjoyed, wrought that impression in the Earl's heart, that, for this only respect of not going to church, he resolved rather to abandon lands and living, yea, all the kingdoms of the earth, with the loss of his life, than to be forced utterly against his conscience and the utter ruin of his soul to any such practice."

Until the crisis above referred to, the King had permitted the Catholic nobility to have religious exercises in their own houses and castles. For this purpose they required the services of many priests, who were retained as chaplains, but who ministered to multitudes of persons in and around the residences of the nobles, besides merely their own families. The Government, with Chichester at its head, however, then felt that it was strong enough to lay aside the mask it had hitherto worn, and to proceed with the daily collection of very remunerative fines from all who would not attend the services performed in the State church. This news, it would appear, was announced by Chichester to the young Earl of Tyrconnell in a peculiarly insulting style. The youth and simplicity of the latter, perhaps, induced the Deputy to assume more than his usual sternness on the occasion, and it is not surprising that Tyrconnell then and there made up his mind to fly from what he must have felt as not only a state of servitude, but of inevitable perdition. And as for the priests, it appears to have fared fully worse with them in Tyrconnell than elsewhere, but this may, perhaps, be accounted for by the fact that they were richer than their brethren generally, in the possession of various tempting articles of silver and gold. Only a short time before this daily hunt after them "by his Majesty's officers" began, no monastery in the land could have made a goodlier show of gold and silver utensils than that of Donegal. "I had in my custody," said its sacristan, "forty suits of vestments, many of them of cloth of gold and silver—some interwoven and brocaded with gold, the remainder silk. We had also sixteen silver chalices, all of which, two excepted, were washed with gold; nor should I forget two splendid ciboriums inlaid with precious stones, and every other requisite for the altar. This rich furniture was the gift of the princes of Tyrconnell" [the O'Donnells]. (See "Meehan's Franciscan Monasteries," p. 11.) His Majesty's officers did not trouble themselves to inquire who the donors had

been. The treasures now named, and many others of small value, had been carried off from the monastery by the hands of about forty priests, and hidden here and there for preservation. The royal proclamation for expelling the priests thus literally converted "green Tyrconnell" into an exciting and remunerative hunting-ground, where the soldiers aimed not only at uprooting Popery, but, with even keener scent, at unearthing the precious articles of gold and silver then buried in its soil.

3. "Item. The first year after the Lord Lieutenant's [Earl of Devonshire's] going into England, Sir George Carey [Carew] being then Lord Deputy, the commanders of the King's forces at Lifford, namely, Captain Nicholas Pinner [Pynnar] and Captain Basil Brook, who were under Sir Henry Docwra's command, seized from the Earl's tenants there the number of 150 cows, besides as many sheep and swine as they pleased; wherewith they were not satisfied, but most tyrannically stripped a hundred persons of all their apparel, all of which the said Earl in humble wise made known to the Lord Deputy, and as yet could have no remedy."

"Sir Henry Docwra's command" included "all the forces of horse and foot assigned [in March, 1599] for Lough Foyle." From the "Instructions" received by Docwra on his appointment we make the following extracts:—"The Circuit of his Command to containe the whole Countrey of Tyrone, the County of Armaghe to the Blackwater, with all O'Cane's Countrey, and all other Countreys between the river of the Bann, in Tyrone [O'Cahan's country, of which the Bann was a boundary, was then considered part of the principality of Tyrone] and Horne Head, in Tyrconnell; all O'Dogherty's Countrey; all M'Swyne Fanaght's Countrey; Lough Swilly; M'Swyne Edoe's sonnes and followers; and all Con O'Donnell's sonnes, their Countrey and followers. Sir Henrie Dockwraie, either by himself or anie other whom he shall employ, to enter at anie tyme, as occasion shall serve for her Majesty's service, into the Countrey of Fermannagh, called Maguire's Countrey, either for Prosecution or Pacification with anie rebels or others of that Countrey. That a good Correspondence be held between Sir Henrie Dockwraie and Sir Matthew Morgan, cheefe Commander and Governor of all her Majesty's Forces of Horse and foote appointed for Ballishanon, and the Partes thereabouts. The Circuit of his [Morgan's] Commande is to containe Ballishanon, Asheroe, Tyrehugh, and all that Countrey, between Ballishanon, Donnegall, and Barnismore, unto the utmost Partes of Barnismore esteward; all O'Boyle's Countrey and his followers, and M'Swyne Banaght's Countrey and his followers. It is requisite, and soe we doe require that between you [Dockwra] and Sir Matthew Morgan there be noe contention or strivinge, either for prioritie of Place, or for boundes and meres of your severall governments; but that there be a faste unity and agreement between you bothe, as between two servitors employed to one ende, namely, to do her Majesty the best service you can between your severall Circuits." (See "Miscellany of the Celtic Society," pp. 293, 294.) Docwra is mentioned by the Four Masters as "an illustrious knight of wisdom and prudence, a pillar of battle and conflict." He was created Baron of Culmore. His wife was Anne, daughter of Francis Vaughan, of Sutton-upon-Derwent, and by her he left several

daughters and one son. This son, whose Christian name was Theodore, succeeded to the family estate in April, 1631, the date of his father's death. The son died, unmarried, in 1651, and the Docwra family is, therefore, extinct in the male line. Sir Henry's third daughter, Elizabeth, married Sir Henry Brooke, of Brookesborough, and her descendants still occupy a respectable position. (See Burke's "Extinct Peerage," p. 173.) For the several grants and appointments conferred by the Crown on Sir Henry Docwra, see Erck's "Repertory," pp. 11, 20, 48, 106, 115, 126, 128, 156, 165, 183, 212; the Patent Rolls of James I., pp. 304-360: "Plantation in Ulster," pp. 356, 513.

Morgan, Docwra's brother-in-arms, was a Welsh gentleman, but he came only for a brief period to Ballyshannon, and was succeeded in the command there by Sir Henry Folliott. The two officers, Pynnar and Brooke, who conducted the raid above mentioned against the fields and farmyards of Tyrconnell or Donegal, were afterwards well known as undertakers of land in the plantation of Ulster. From the foregoing 'article' of the Earl of Tyrconnell's statement we find that Pynnar was first placed at Lifford, now a small assize town on the west side of the River Foyle, in the barony of Raphoe. The original name is *Leithbhear*, which means 'half barony,' but its modernised form of *Lifford* is only applicable to the little town already named. Captain Brooke was at first appointed to the constableness of Donegal Castle. For notices of Brooke, Folliott, and Pynnar, above mentioned, see "The Plantation in Ulster," pp. 103, 324, 334, 338, 514, 523.

4. "Item. The same year, after the Earl's going into England, the garrisons of Loughfoyle and Ballyshannon seized 400 cows for the victualling of the soldiers from the Earl's tenants, concerning the satisfaction whereof there were letters written to the said Lord Deputy in the Earl's behalf by the Council of England, requiring him to give the Earl payment in English money for the same, the which he could not have."

5. "Item. At the Earl's arrival before the King, expecting of his Majesty a patent of all such lands and hereditaments as his ancestors had held, according to the promise passed unto him by his Majesty's said Lieutenant [Devonshire], of all these lands following, together with the homages, rents, and duties accustomed to be paid to the Earl's predecessors, in the several territories and countreys of Sligo, Tirawly, Moylurig, Dartry in Fermanagh, and Sir Cahir O'Dogherty's country, and all Sir Neill O'Donnell's lands; yet were they excepted and kept from him, together with the castle of Ballyshannon and 1,000 acres of land, and the whole salmon-fishing of the River Erna, which is found to be worth £800 a year, the same castle being one of the Earl's chiefest mansion houses."

The several territories and districts above named, (two being in Ulster and the others in Connaught) had been tributary for many generations to the O'Donnells, but, under the new arrangements, were no longer to render the representatives of that once great family either rents or services of any kind or degree. *Sligo* was so named from *Sligeach*, 'shelly river;' *Tirawly* is a well-known barony in the County of Mayo; *Moylurig*, or Magh Luirg, is a plain, once much celebrated, in the barony of Boyle, County Roscommon; and Dartry, or Dartraidhe, although belonging in early times to Fermanagh, now forms part of the barony of Rossclogher, County of Leitrim. But these reservations from the Earl of Tyrconnell's grant, although so

numerous and extensive, do not appear to have been more, or perhaps so much, regretted as the snatching from him of Ballyshannon Castle or Manor House, with a thousand acres of land adjoining it, and all the very valuable fishings of that immediate district. His new patent nominally conveyed to him the following possessions:—"All the territories in the precinct of Tyrconnell, with all the appurtenances and hereditaments thereto belonging, in as large and ample a manner as his brother, Hugh Rufus [Roe] O'Donnell, attained and dead in Spain; or his father, Hugh M'Manus O'Donnell; or his grandfather, Manus O'Donnell; or any other his ancestors had enjoyed or possessed the same; reserving to the Crown all churches, abbeys, tithes, and spiritual hereditaments; and also reserving the castle or fortress, town and circuit of Ballyshannon, the half-quarter of Alla, and the half-quarter of Shee, in the territory of Tirhugh; and the half-quarter of Raglasse, in the territory of Mogenie; with all other hereditaments belonging to the said castle, together with a thousand acres surrounding the said castle at the Crown's election; and also the entire fishings belonging to the said castle, in all the rivers within the said town and 1,000 acres; excepting or reserving also the castle or manor of Castlefynne, with its rights and appurtenances, and all other castles, lordships, and estates whatever late in the tenure of Sir Neale O'Donnell, Knight, called Neale Garve O'Donnell, which he possessed when he lived under, and in amity with, Hugh Rufus O'Donnell, to dispose of at pleasure to the said Neale or any other; also excepting all manors, lands, and other estates whatever which the Earl, his brother Hugh, or any of his ancestors at any time possessed or claimed within the precinct of land called O'Dogherty's Country, lying within the limits of Tyrconnell: the above being the ancient estate of his [the Earl's] family, confirmed unto him in recompence of the services of his ancestors and of his submission to the Lord Deputy Mountjoy. A power reserved to the Crown to build such forts from time to time as should appear necessary for the defence of the kingdom, with an injunction that the Earl and his successors should renounce and relinquish all claim or right which they had or might pretend to have over O'Dogherty's and O'Connor Sligo's Countreys. Rent, 300 marks English; to hold *in capite*, by the service of four knights' fees, and to find 60 horsemen and 120 footmen, well armed, to attend and serve in all general Hostings and Journeys. Feb. 10, 1603-4. Note.—Queen Elizabeth, March 18, 1600, granted and committed to Nelan Garrowe [Niall Garve] O'Donnell, gent., chief of his name, the custody of the country or territory of Tyrconnell, with all the lordships and hereditaments therein, as the same had been granted by her to his grandfather, Calvatus O'Donnell, except the castle of Ballyshannon and 800 acres adjoining; to hold to the said Nelan during pleasure." See "Patent Rolls" of James I., p. 13; Erck's "Repertory," pp. 24, 47, 59.

6. "Item. Notwithstanding that Lifford was so evidently not in any sort excepted out of the said patent, the Council of England, by their letters, dated in the years 1605 and 1607, finding no just title or cause to the contrary, required the Lord Deputy to remove all the garrisons in Tyrconnell, and especially the garrison of Lifford, and to deliver possession thereof to the Earl; yet, in consideration [contradiction] of the said letters, the Earl's urgent necessity of

some dwelling-house, and the former things excepted, they [Chichester and his Council] adjoined 4,000 acres of the best land unto the garrison, and kept it for his Highness' use, and withal a house in the Derry, with all ancient duties thereunto belonging, which was never excepted in the said patent."

The loss of Ballyshannon, and its valuable surroundings, so long and proudly associated with the history of Tyrconnell's family, was sufficiently grievous; but this arbitrary seizure of Lifford with its rich surrounding possessions, appears to have rendered him utterly hopeless of being able to keep his position. In the autumn of 1605 Chichester and his commissioners visited the Liffer, ostensibly to settle a dispute about its possession between the Earl and his cousin Niall Garve. Chichester settled the affair by taking it from both, neither of them, as he stated, "showing a sufficient title," although on his principle of interpretation they could have shown no better title to any of the lands which their ancestors had owned time immemorial. "Concerning the Liffer," says he, in a letter to the Council in London, "they [he and his commissioners] are all of opinion that it is a place of special importance to be kept and preserved in his Majesty's own hands, and to be turned to a corporate town, for which they prefer it far above the Derrie. By the keeping of it they foresee that all these parts, both on the Tyrone and Tyrconnell side, will soon be gained and won to civility and obedience. The Deputy accordingly (with the advice of the Council) has absolutely reserved the town of Liffer, with four quarters of land, and a meadow containing 60 acres of land adjoining to the town and called Stramore, to his Majesty's sole disposition. They will only here note unto their Lordships [the Council in London] the meeting of three good rivers, the Dargue [Derg], the Mourne, and the Fynn, which near to that place [Lifford] fall into one channel, and so pass together from thence into Lough Foyle, and the exceeding commodity gotten by the fishings of that loch and those rivers." The secret of the settlers' anxiety to get hold of the Liffer comes clearly out in the concluding sentence of the foregoing extract. The idea of Chichester and his associates preferring Lifford as a position to the Derrie was absurd, and time has amply proved its absurdity. The Deputy of course was anxious to make it appear that they had helped themselves but modestly to O'Donnells' lands at that place — only four quarters and a meadow containing 60 acres. The quarter of a ballybetagh contained 240 Irish acres, so that the four quarters amounted only to 960, which, with the meadow aforesaid, made little over a thousand acres in all. Chichester must have thus estimated the quantity rather too moderately. The meadow, he tells us, was called *Stramore*; but this name denotes the "Great Strath," and it is not likely that it would be used to designate an area containing only 60 acres. Considering the then loose, lavish style of measuring lands in Ulster, the Earl of Tyrconnell's statement in the foregoing 'article,' that 4,000 acres were taken from him at the Liffer, is probably much nearer, if not also under, the truth. The Earl hits pretty near the mark in the following extract of a letter addressed by him to Salisbury on another touching question, and dated September 30, 1606:—"His Lordship knows how much heretofore has been taken from him of that his ancestors had, and if upon such suggestions of those who, under colour of his

Majesty's service, hunt after their private gains, men's lands will be taken from them, the subject will remain ever poor, and his Majesty never freed from intolerable charges. His estate is already brought to a very low ebb, so as he is not able to maintain the countenance of that dignity [the Earldom] which his Majesty's bounty hath given him, and by this means [the loss of the Liffer], if he be not a mean to help him, it will be utterly undone." The three rivers mentioned by Chichester as "falling into one channel" near the town of Lifford form what is now known as the *River Foyle* from that point, and fall into Lough Foyle.

7 "Item. The next Michaelmas after the King's coronation, when the Earl arrived in Ireland with the King's letter to have his patent passed, the said Lord Deputy [Carew] would not take notice thereof, but kept him thirteen weeks in Dublin, until an office of survey should be taken of all the Earl's lands, rights, and duties, which office [of survey] being found reasonable for the Earl, was not received in by the Lord Deputy, who presently passed the Earl's patent as he pleased—whereupon the Earl procured the Council of England's letters to have the full benefit of the said office [Survey], but as yet received no benefit thereof."

The King's letter abovementioned was dated at Tottenham, Sept. 4, 1603, and stated in substance that his Majesty had been informed of Rory O'Donnell's submission and of certain services he had since rendered to the Crown; that he had solicited a grant of the territories in Tirconnell owned by his ancestors, who had ever, in all former rebellions of the O'Neills, lived as loyal subjects to the Crown, until his unhappy brother [Hugh Roe] first stained the reputation of their unspotted name; that the Lord Deputy, therefore, was to cause letters patent to be passed, in due form, conveying to Rory O'Donnell and his heirs male, with remainders successively to Caffer [Cathbar] O'Donnell, his brother, and to his cousin, Donnell Oge M'Donnell O'Donnell, all the countries and territories of Tirconnell, with all the Islands, rights, seigniories, advowsons, fishings, duties, and other hereditaments whatsoever of ancient time belonging to the lords thereof, reserving to his Majesty all abbeys, priories, and spiritual livings, together with such rents, beeves, services, and other duties as Rory's father and ancestors were accustomed to render to the Queen, reserving also Ballyshannon, Niall Garve's lands, and Sir Cahir O'Dogherty's country.

Neither in this letter, therefore, nor in the actual grant already quoted, was there any reservation whatever of the Liffer, or its very attractive surroundings. The delay justly complained of in the foregoing 'article' arose from a determination on the part of Carew and the Council to have a new and special survey of the Earl's country made, so that his grant might only include Tirconnell proper, and exclude, if possible, some rents and services which the Earl's tenants had been accustomed to pay, but which might, by the new survey, be set aside as illegal. It turned out, however, very much to Carew's disappointment that the "office was found reasonable for the Earl," or, in other words, that the new survey was found fairly to acknowledge the Earl's rights, and contained at least a comparatively true account of his territories. In fact it was considered too favourable to him, and was suppressed or thrown aside, whilst the Earl's patent was prepared, as he complained, pretty much as Carew was pleased to direct. After

the flight of the Earl of Tyrconnell a very curious document relating to his lands was fished up by a lynx-eyed native servitor, named Francis Shane or Shaen, who enclosed it, with an English translation, to Salisbury, and it has been thus fortunately preserved among the State Papers. The translation is here annexed, with certain explanatory remarks:—

“THIS IS THE NUMBER OF TUATHS [TERRITORIES] THAT ARE IN TIRCONNELL.

1. “The tuath of *Glenn-Ela*, in which are thirty quarters paying rent, and thirteen free according to the usage of the *Clann-Dalagh*.” [The tribe name of the O'Donnells was *Clann-Dalagh*, so called from Dalach, one of their most distinguished chiefs, who lived in the ninth century. *Glenn-Ela* is now known as Elagh, in the barony of Inishowen, anciently called *Aileach*, perhaps the most celebrated locality in Tirconnell. (See Hill's “Historical Account of the Plantation,” p. 2.) The quarter, or fourth part of a ballybetagh, was the prevailing land measure in Tirconnell, and contained about 240 Irish acres. The 13 quarters mentioned above, as free of rent, were Church lands.]

2. “*Tuath-bladhach*, that is the bally of Glenswilly, the bally of Cosh-Lennain, the bally of Derryora, the bally of Loughveagh, the bally of Croagh, and the two ballys of Rossans.” [Tuath *bladhach* is now simply Tuath, or more commonly *Doe*. The celebrated castle in this locality was known as *Caislen na d-tuath*, the *d* eclipsing the *t* in tuath, and making it sound like duath or *doe*. The ancient name simply denotes the ‘Castle of the Territory.’ The whole district here mentioned now forms the northern part of the barony of Killmacrenan, the several ballys retaining the names of its early subdivisions.]

3. “The tuath of *Tir-Enna*, from the streamlet of the Tamha-fada unto Bel-atha-Trona, 46 quarters.” [This territory is now a part of the barony of Raphoe, lying south of Inishowen, between Lough Foyle and Lough Swilly. It was anciently named *Tir-Enna*, or the Territory of Enna, Enna being the sixth son of the renowned Conal Gulban, son of Niall of the Nine Hostages, and ancestor of the O'Donnells.]

4. “The tuath of *Lagan*, in which are nine quarters and two score—*i.e.*, 29 quarters.” [This fertile and beautiful district is still known as the *Lagan*, and constitutes an important part in the barony of Raphoe. It was anciently known as *Magh-Iotha*, the “Plain of Ith.” O'Dugan speaks of its inhabitants in the following terms:—

The men of noble Magh-Iotha,  
Who defended the confines;  
Delightful their habits in every church,  
The Maelbreasails and O'Braighills.]

5. “The tuath of *Ardmire* and *Tir-Bressail*; and a half tuath that is in each division of them; 18 quarters in each division.” [The limits of the territory of Ardmire or Ardmiodhair are uncertain, but its lands extended westward from *Tir-Enna* in the direction of Glen-Finn. The situation of *Tir-Bressail* has not yet been ascertained. The poet O'Dugan refers to it, however, as a well-known district in his time:—

Tir-Bressail, land of fruit,  
Has two tribes over it;  
Great the long prosperity in their land,  
The O'Doneagains, the MacGaibhhidhs.]

6. “The tuath of *Glenn-Finne*.” [Through this valley flows the River Finn. The lands on both sides, running westward from the Lifer, belonged to Sir Niall Garve O'Donnell. After the burning of Derry, in 1608, “Sir Niall drew all the country creaghts towards Glanfyn, and not over the mountains towards Ballyshannon”—a proceeding on his part which was interpreted as treason to the Government.]

7. “The tuath of *Boylagh*—*i.e.*, O'Boyle's country.” [This territory, now comprised in the barony of Boylagh, was anciently known as *Tir-Ainmirech*.]

8. “The half tuath of *Cloghaneely*. The tuath of Glenn-Finne, the tuath of Boylagh, and the half tuath of Cloghaneely are subject to perpetual cuttings from O'Donnell's *locum tenens*.” [Cloghaneely forms part of the barony of Killmacrenan, and adjoins the district of Doe or Tuath-bladhach.]

9. “The tuath of Killmacrenan.” [This territory lies on the western marge of Lough Swilly, where the O'Donnell chieftains were inaugurated.]

10. “The three tuaths that are in *M'Swyne Fanad's* country, and four quarters in Fanad.” [This part of Killmacrenan forms the north-eastern portion of that barony, extending from Lough Swilly to Mulroy Lough, and from the sea southward to the town of Ramelton.]

11. “Three tuaths also in *M'Swyne na Doe's* country.” [These three tuaths are comprised in the northern part of Killmacrenan.]

12. “Thirty-seven quarters that are in the country of *M'Swyne Banagh*.” [This district was anciently known as *Tir-Baghaine*, and extended from the River Eany to the River Dobhar.]

13. “A tricha-ced (or cantred) that is in O'Dogherty's country.” [The O'Doghertys' country was Inis-Eoghan, or Inishowen. The *cantred* contained thirty ballybetaghs, and was the largest Irish land measure.] (See O'Donovan's edition of “Irish Topographical Poems,” under the names of the several places mentioned in the foregoing document.)

8. “Item. The same year there were ii. [2] bishops and seven sheriffs sent to Tyrconnell, by every of which there was taken out of every cow and plough-horse fourpence, and as much out of every colt and calf, twice a year; and half a crown a quarter of every shoemaker, carpenter, smith, and weaver in the whole country; and 8d a year for every married couple.”

The Earl must have here been mistaken as to the number of sheriffs, and no doubt included in the party sent into his country the several agents or emissaries of the High Sheriff. If the people of Tyrconnell had not been much troubled by sheriffs before the war, they suffered severely enough from English military depredators. During the four years of Hugh Roe O'Donnell's captivity in Dublin the Lord Deputy Fitzwilliam sent many of this last-mentioned class into Tyrconnell, to whom he actually sold appointments there, which was done ostensibly to introduce the blessings of “civility” among a wild and barbarous people. The more remote the locality, and the more thoroughly Irish it was known to be, the larger the sum paid to Fitzwilliam by the fortunate purchasers of such appointments. An eye-witness of their doings in Tyrconnell tells us that “one Bowen, for example, obtained a captaincy for a bribe of two gold chains, which he gave to the sordid Deputy's wife; and another, named Willis, got a similar preferment for

sixty pounds." These unscrupulous marauders pillaged the country, and held the heads of the principal families in captivity until ransomed for large sums either by their families or the clans to which they belonged. For notices of Bowen and Wallis see "The Plantation in Ulster," pp. 42, 6, 47.

9. "Item. When Sir Neill O'Donnell, for usurping the title of [The] O'Donnell, and taking of the Earl's creaghts and tenants, was committed to prison, where-out he broke and killed some of his Majesty's subjects, the Earl, by special warrant from the Lord Deputy, prosecuted him with forces, and took all his own creaghts from Sir Neill again, who, having made complaint before the Earl of Devonshire, in England, and my Lord of Salisbury, was dismissed, and returned into Ireland; and notwithstanding, the said Carey [Carew], in malice towards the Earl, gave warrants to Captain Pynnar, Basil Brook, and Ralph Bingley to levy and take satisfaction for the said prey from the Earl's tenants, for Sir Neill's use; whereupon they, with nine score of Sir Neill's men and three English companies, took 500 cows, 60 mares and plough horses, 13 horses, besides meat and drink for six weeks for all the said companies, and used many other extortions, the country then being extremely poor after the wars; whereupon the Earl procured order for the restoration of the said spoils again, which was no sooner granted than countermanded by the said Carey at Sir Neill's request, whereby there were seven score ploughs of the Earl's tenants hindered from ploughing that season."

The foregoing paragraph contains an accurate summary of certain leading occurrences in the feud between Niall Garve O'Donnell and his cousin, the young Earl of Tyrconnell, immediately before and after the nominal restoration of the latter to his estates. When the Earl was brought to Athlone by Captain Paul Gore to make his peace with the Government, he placed all his creaghts, or herds of cattle, consisting of 7,000 head, besides sheep and swine, under the protection of Sir Henry Docwra. No sooner had he taken his departure, however, than Sir Niall Garve seized and swept away all these flocks, under the plea that they were really the property of the country, and therefore rightly under his control as the legitimate head or representative of the clan (which he really was), and because even the Government had originally promised to recognise and support him as *The O'Donnell*, in return for the immense sacrifices he had made on its behalf. Sir Niall, on getting possession of the cattle, had himself inaugurated forthwith on the celebrated coronation-stone in Killmacrenan. In consequence of these moves, and especially the latter, the Government was deeply, although unreasonably, offended, Mountjoy writing to Docwra to seize Sir Niall without delay and have him securely imprisoned. He was accordingly captured, but permitted to enjoy the liberty of sauntering about the town of Derry, accompanied by a guard. He soon made his escape, and repossessed himself of the cattle, the Earl in the meantime returning from England and retaking the creaghts, with the assistance of an English force. Sir Niall, being thus again stripped of all means of resistance, voluntarily returned to Sir Henry Docwra, through whom such liberal promises had been originally made to him by the Government, and from whom he had a degree of sympathy in his trouble.

10. "Item. The Earl can justify by good witnesses, whose names he may not tell without danger, that when Sir Neill and Sir Ralph Bingley pretended [intended] to kill or murder the Earl, they made the

said Carey privy thereto, he seeming to uphold, patronise, and countenance them in that bloody enterprise."

The plot against the Earl of Tyrconnell's life, above referred to, was being concocted when Sir Niall Garve was urging upon Docwra to mediate between them, with the view to an amicable and final settlement of their quarrels. Docwra, when referring to the contemplated assassination, says nothing of Carew and Bingley in connection therewith; but there is hardly a doubt of these unscrupulous men being deeply, though clandestinely, concerned. "I sent for Rorie," says Docwra, "who was then at the Liffey, and my thoughts were fully bent to make the best Reconciliation of the business that I could. Rorie [the Earl] came, but with open Clamour that Neill Garvie had laid a Plott to murder him by the way, and it is true, if the Confession of his owne men may be believed, he [Sir Niall] was the night before in consultation to have it done, but did not, as they say, resolve upon it; but this put all the Business out of frame, for then could we get Rorie to noe kind of patient conference; and in the meantime came letters from my Lord [Mountjoy] to this effect, that he had nowe taken in [received to submission] Tyrone, and was fullie resolved to bear noe longer with Neale Garvie." Bingley may have been probably enlisted in this plot by Carew, who had already procured the assassination, in Spain, of Rorie's brother, Hugh Roe O'Donnell, and who would have been only too happy to cut off the next heir to the Tyrconnell estates. The murder of Hugh Roe had been accomplished so adroitly that no suspicion of the foul deed was known to exist at the time. Even Father Mooney, who seems to have had a pretty accurate and extensive knowledge of events then occurring, has left no record implicating the reputation of Carew. But Carew *himself* has left the record of his own crime in a letter to Mountjoy, dated October 9, 1602. This letter was preserved among the State Papers, and has only of late seen the light. The following are Carew's words:—"By the intelligence enclosed it appears that O'Donnell [Hugh Roe] is dead, whereof your Lordship may be assured, for the merchants that bring-eth me the news [from Spain] I doe trust, and I doe think it will fall out that he is poisoned by James Blake, of whom your Lordship hath been formerly acquainted. At his [Blake's] coming into Spain he was suspected by O'Donnell, because he embarked at Corke; but afterwards he insinuated his access, and *O'Donnell is dead*. He [Blake] never told the President [Carew, then president of Munster] in what manner he would kill him, but did assure him it would be effected." Blake's name was written in cipher. See "Calendar of Carew MSS.," 1601-1603, p. 350.

11. "Item. The Earl will justify that this Carey [Carew], in the presence of Sir Arthur Chichester, now [1607] Lord Deputy, Sir George Bouchier, and the Earl's own man, Matthew Tully, said that he would force the Earl to go into action; whereof the Earl complained into England, and could not have remedy, or punishment inflicted on the said Earl, by reason that the Earl durst not show the same unto his Majesty, the said Carey having many friends of the Privy Council."

12. "Item. A horseboy, named Kelly, for killing one Cusack, being to be hanged, was, by a man sent privately by the said Carey, promised his life, so that he would accuse the Earl to be the author that set him on to kill the said Cusack; which the boy confessed, no

knowing that it served no purpose for him to do but to accelerate his hanging; and then he, being brought to the gallows, and seeing no hope of his life, openly took upon him his oath and hope of salvation that he never saw the Earl, and that the causers of his former false confession were the persons sent by the said Carey to promise him his life upon a confession similar to the former; which confession he swore to be false in the presence of 400 persons and the sheriff of the county and portreve of the town of Trim, wherein the execution was made. And afterwards for the same, the said Carey sent soldiers to apprehend an Englishman, whom the Earl brought out of England to be his gardener, unto the Earl's lodging, the Earl himself being within it; and there he was taken out, and kept close prisoner, without meat, drink, or light, until he died, to see whether he would accuse the Earl of the said fact that Kelly had done. All such, with many other of the said Carey's cruel and tyrannical proceedings, the Earl showed to the Council in England, but he rather obtained greater favours, than any reprehension or check for his doings; so that the Earl was constrained to take patience for a full satisfaction of his wrongs.

No Irish Deputy, if we except perhaps Fitzwilliam, or Chichester, was ever more acceptable to his employers in England, or more detested in Ireland, than this Carey or Carew. Devotedly did he labour to accumulate wealth whilst here, by various in proper means, and as devotedly did he lend himself to the humiliation or destruction of the unhappy natives, by word and deed. This heartless wretch was one of the chief prompters of Aenghus O'Daly, an ignoble Irish bard, who took bribes from English officials to lampoon his countrymen in the days of their deepest misery and desolation. The poem in which he performed his dastardly work is known under the title of "The Tribes of Ireland." O'Daly was slain in the year 1617 by order of O'Meagher, the chief of Ikerrin, in Tipperary, whom he had insulted by some of his scurrilous reflections. But amongst Carew's most memorable exploits in Ireland was the rooting out of the great Desmond family, which he perpetrated with a peculiarly ruthless atrocity. Queen Elizabeth, in acknowledging his great services, wrote to him on the 13th of May, 1601, saying—"Although we have forborne longer than we intended to make known unto you by some express testimony from ourselves our acceptance of your services, yet we have given particular charge to our Council that they should in our name make you perceive our liking of your proceedings." When Carew felt that he had actually become gorged with his prowlings among and preying upon the Irish, he wrote to Mountjoy, in the following terms, September, 1601:—"I hope my abode in this country will not be long, and I do not ambitiously covet to hold what I have, much less to add anything unto it. I am in love neither with the people nor the climate. If God once delivered me out of it, I hope never to see it again; and since I purpose not to eat much of my bread here, your Lordship may be easily persuaded that in discretion I would not lose the favour and affection you bear me for any favours that Ireland can afford." (See "Calendar of the Carew MSS." 3rd Series, pp. 63, 137.) Amongst the many courtiers so forward to do honour to Carew, after Mountjoy's death in 1606, was the potent Salisbury himself. When writing to Carew about his contemplated return to England in the summer of 1601, Salisbury concludes his letter in the following terms:—"I protest if I were as you, I would speak big, and make things so sure as at winter I

may be confident to plead for your return, though with a purpose not to abandon the charge, for we will hold that till we see you satisfied; and, then, George, know that my heart knows no man living dearer than is Sir George Caro to your affectionate and assured friend, Ro. Cecyll." In the October of 1602, when Carew was really about to visit England for a time, Salisbury concludes one of his numerous letters to him thus:—"And so once again recommending to your care the readiness of all things till the time that you be called, I make an end of this plot, wherein I conceive I shall show myself a good architector, of which virtue in me, or rather vice, for it hath almost undone me, you shall be *oculatus testis*; for I have trimmed up a lodging for you in my new house (called Cecyll House) by Ivy Bridge, from whence this letter is dated, and where you are wished by your affectionate friend." "See Calendar of Carew MSS., 3rd Series," pp. 112, 363.

13. "Item. The said Carey gave warrant to levy £100 towards the building of a church at Derry, which being levied by horsemen and footmen that Sir Henry Docwra sent into the country, was disposed to Sir Henry's use, and not for the matter pretended."

The oppressions, in various ways, brought upon the districts where garrisons were placed became at times unspeakably intolerable. Amongst the many pretences put forward by the soldiers to get abroad among the people for the purposes of rapine and outrage, a favourite one was that the spoils to be collected would be applied to the building up and repairing of churches. But though the country of Tyrconnell was harassed and robbed in all directions on this plea, the churches were very slowly repaired or erected, the delays arising among those who had collected the spoils, including frequently even the parsons themselves.

14. "Item. This Carey kept Sir Henry Docwra's and Sir Henry Folliot's horsemen and footmen, Sir Thomas Roper's, Sir Ralph Constable's, Captain Dodington's, and Captain Horum's [Horan's] companies, for the space of three months upon the country's charges, where they committed many rapes and used many extortions; which the Earl showed, but could neither get payment for their victuals, nor obtain that they should be punished for their sundry rapes and extortions."

Sir Henry Folliot abovementioned succeeded Matthew Morgan as governor of Ballyshannon and the adjacent districts—an arrangement by which Sir Henry Docwra felt himself injuriously treated. When noticing afterwards, in his now well-known "Narrative," several instances of Mountjoy's hostility towards him, he says:—"And to give me a further testimonie of what I might hope for at his hands, Ballyshannon being taken by mee in manner as before is mentioned, he [Mountjoy] made Sir Henrie Folliot governour of it by patten during his life, laid 1,000 acres of lande to the Castle, and gave him the inheritance of the fysHINGE." See "Miscellany of the Celtic Society," p. 281.

Sir Henry Folliot was the son of Thomas Folliot, of Pyrton, in the County of Worcester, and had received the honour of knighthood at the hands of Robert, Earl of Essex. Folliot commanded a regiment at Kinsale. In 1619, he was created Baron Folliott of Ballyshannon, and died in 1622. At the death of his grandson, the 3rd Lord Folliott, without issue, in 1716, the title became extinct. See "Burke's Extinct Peerages," p. 219.

15. "Item. There was never a garrison in Tyr-



connell that did not send at their pleasure private soldiers into the country to fetch now three beeves, now four, and when they liked; and which they practised until they had taken all; and when the Earl complained, the said Carey seemed rather to flout him, than any way to right him.

16. "Item. By Sir Henry Folliot's company there were taken from the Earl's tenants 38 plough horses for carriage which were never restored, nor any recompense made for them; and, at another time, 21; and again, 14; all in the same nature as the former, and never restored; they being taken in the spring of the year, whereby the tenants were hindered of ploughing, as before.

17. "Item. For the said Sir Henry's house every month there were six beeves and six muttons taken up by his own officers within the barony of Tírugh, which was used continually for a year, without any manner of payment for the same.

18. "Item. There were taken by Captain Doddington, at one time, 12 beeves and 12 muttons, without giving any payment for the same.

19. "Item. There were taken by Captain William Cole 12 beeves and as many muttons, paying nothing therefor."

The officers above named belonged to the army sent to the Foyle in 1600, some of them being stationed at Derry and others at Ballyshannon. All soldiers, however, are pretty much alike in conquered territories, and the above half-dozen paragraphs, from the 14th to the 19th inclusive, might be employed as descriptive of soldiers' doings everywhere under similar circumstances. Immediately before the war against O'Neill and O'Donnell commencing in 1595, the conduct of the soldiers, even within the Pale itself, is described in the following terms:—"If they be not satisfied with meat and money according to their outrageous demands, then do they beat the poor people, ransacking their houses, taking away cattle and goods of all sorts, not leaving so much as the tools and instruments that craftsmen do exercise their occupations withal, nor the garments to their backs, nor cloths to their beds; so as that they [the soldiers] at their next meeting places there are to be found many times such plentiful stores of household stuff, or what else they could carry or drive away with them, as at ordinary markets; which, if the owners did not redeem at the will of the takers, then they are sold and dispersed in such sort as they that owned them never come by them again. . . . At other times garrisons oppress the inhabitants without cause, consuming wastefully such provisions as people make for the relief of themselves and their families, and in misusing of their persons, in such wise as the poor creatures, being thereby deprived of food and rest, are forced to forsake their houses, which out of hand are plucked down, and the timber thereof burned in garrisons; which waste is made the more grievous that the inheritors or inhabitants of those waste places are forced to carry the timber of their houses to be burned; the soldiers leaving no trees, fruitful or otherwise, unspoiled; the planters and preservers, with heavy hearts, looking on their long labours and expectations thus defaced and brought to so uncomfortable an event." (See "Calendar of Carew MSS.," 3rd series, p. 260.) If such had been the conduct of officers and soldiers under the very eye of the Government in the Pale, how must the inhabitants of a remote district, such as Tyrconnell, have suffered? Indeed, the young Earl's statements, as given above, appear to have

been free from exaggeration, and only startling in their very simplicity.

For notice of Doddington, above mentioned, see "The Plantation in Ulster," pp. 572, 573, 585.

20. "Item. All these former injuries the Earl, in very humble manner, showed unto the said Carey, and could never be heard, but rather was dismissed by him still in scoffing manner; who also threatened a lawyer that pleaded some cases at the bar for the Earl that 'he and his posterity should smart for his doings until the seventh generation;' so that all the Earl's business was ever since left at random, and no lawyer dared plead in his cause.

21. "Item. The Earl, prosecuting some rebels that were in the country, killed some of them and took their chieftain prisoner, whom the Earl's man carried to Sir Henry Folliott to be executed, for which service the Earl had this reward, that his adversaries proffered to the imprisoned person to save his life if he could accuse the Earl of any crime that might work his overthrow, which the prisoner could not do; whereupon he was hanged."

22. "Item. The said Carey directed a general warrant to Sir Ralph Bingley and to Captain Coal [Cole], Vice-Governors of Ballyshannon, to compel all such tenants as Sir Neill [O'Donnell] demanded to return to him, with their goods and chattels; by virtue whereof the said Vice-Governors made motion of an examination which was to be taken of twelve of the Earl's men and as many of Sir Neill's; and the men being come thereunto, the Earl's men were not examined but locked up in a room, and the Vice-Governors, upon the false depositions of Sir Neill's men, directed warrants and sent soldiers, to the number of 300, to bring all the Earl's tenants, against their wills, unto Sir Neill, to the number of 340 persons; who paid half a crown apiece, and 12d for every cow and garran, as a fee to the captains, whereby they lost their ploughing for the space of twenty-eight days, the soldiers being in the country all the while."

The Vice-Governors of Ballyshannon, Bingley and Cole, were very genially employed in the work to which they had been thus commissioned by Carew. Three brothers named Bingley, (John, Richard, and Ralph), came to Ireland during the progress of the war against Hugh O'Neill, but whether they came at the same time, or at what date, we are unable to mention. It is certain, however, that they came under the auspices of Carew, and as they, no doubt, rendered him efficient services, they soon attained to wealth and distinction. Richard is known to have received a yearly pension, in addition to several grants from the Crown; and John had become wealthy even at the date of Carew's return to England in 1605. A servitor, whose signature has been purposely destroyed, but whose name was probably Sir Edward Brabazon, wrote to the Earl of Northumberland, a member of the Council in London, on the 6th of January, 1604-5, and his letter contains the following reference to John Bingley:—"The Lord Deputy [Carew] has sent his man Bingley over to procure some further order [from England] for Sir Arthur to take the sword [i.e., for Chichester to be regularly installed as Lord Deputy, in Carew's stead], for fain would he [Carew] be away, now that he still has the army cashiering [being discharged] and his benefit lessened thereby. This Bingley, within these five years, was but of mean estate, but is now deemed (having helped to serve the Lord Deputy's turn, and his own, and withal one of the paymasters) to be worth 20,000 marks; he [Northumberland] may, therefore, easily guess what a hand the master [Carew] made, when the servant got so much in such a space." But Ralph,

mentioned above, was the best known of the brothers. He got a commission, no doubt through Carew, in the English force which landed on the shores of Lough Foyle, under Sir Henry Docwra, in the spring of 1600. This Bingley, also, was early intent on taking care of himself, and, indeed, he had many and rare opportunities of doing so, especially during and after the revolt of Sir Cahir O'Dogherty. In the course of his career, however, an ugly rumour got afloat, to the effect that he was secretly in league or connivance with certain noted pirates, and that he had even played the pirate to some extent himself. On the 5th of April, 1608, he wrote to Salisbury, exculpating himself, and explaining a few little tricks he had really perpetrated on the watery element—one of which consisted in his taking all the cider and fresh water from "a small bark," to supply his own wants at the time; whilst another exploit on his part was only the seizure of a French ship and the landing of her crew, to whom, however (as Bingley states), he explained that they might find their vessel again, when he had employed it for his own purposes as long as he might require it. Sir Ralph concluded his letter to Salisbury in the following equivocal and inflated terms:—"When he intended first his voyage to sea, his thoughts soared too high to stoop at those mean and forbidden baits which pirates are wont to bite at. And, at his being at sea, when men saw how his business was bruised and his voyage broken, had he then desired to change his mind as his fortunes changed, he lacked no offers which were daily presented to him by men of that quality [pirates], who, with their ships and themselves, proffered him service; with whom, if he ever acted or plotted anything, save that he took one [vessel] in Baltimore by order and warrant from Sir Henry Brouncker, the Lord President [of Connaught], then let no man spare to speak, or justice prolong [delay] to punish." But, according to whatever code Bingley conducted himself on sea, his treatment of the Earl of Tyrconnell was unquestionably piratical.

Whilst there were three Bingleys thus in the Irish field, at least two Coles, John and William, came to assist in reaping its plentiful supplies. John Cole had narrowly escaped with his life whilst assisting to prevent Sir Donnell O' Cahan from breaking out of a dungeon in Dublin Castle, his services on that occasion being afterwards rewarded by a yearly pension for life. William Cole had attained to the rank of a Captain of the boats in 1604, as the following entry testifies:—"26 Feb., 1604. A concordatum of £128 5s 10d sterling granted to Captain William Cole, overseer of the barges at Ballyshannon, in building of the said barges, and other charges, between 1st April, 1604, and the last of September next following." A King's letter dated May 15, 1607, directed the Lord Deputy Chichester to "continue Sir William Cole by patent in the place he has for many years held, of captain of the King's longboats and barges at Ballyshannon and Lough Erne, with an allowance of 3s 4d for himself by the day, and 8d a piece for 10 men." The King leaves it to the discretion of the Deputy to fix an allowance yearly, over and above, for providing sails, chains, and cables for said boats—payment to be made by concordatum." [For notices of Sir Ralph Bingley and Sir William Cole, see "The Plantation of Ulster," pp. 62, 179, 325, 335, 481, 495, 519.]

23. "Item. Afterwards the Earl, finding no other respect at the said Carey's hands, went into England, where he made complaint, and procured letters of sundry articles in answer of his demands unto Sir Arthur Chichester, then and now Lord Deputy; who, upon receipt of them, seemed very respectfully to give the Earl contentment in his said demands, and withal consented and gave warrant for the establishing of the Earl in the possession of Lifford; which, however, he recalled the next day, and still deferred the matter until his going a progress into the North; where he being come, and having taken a view of the town, called to Council Sir Henry Docwra to know his opinion concerning the necessity of the place to his Majesty's service; as by the sequel thereof may appear, he judged it to be a place most requisite for his Majesty's use; but afterwards, at the Lord Deputy's being at Sir Henry's house [in the Derry], Sir Henry's wife begged a lease of the said town [of Lifford] with the market thereof for 21 years, whereby he [the Earl] detected his [Docwra's] project in the delivery of his so unjust and wrongful opinion concerning the said place; all which the Lord Deputy will not deny to be true."

Although the Earl thus lost the Lifford, Docwra and his wife failed eventually to obtain it. The sundry demands of the Earl on the occasion above referred to, together with Chichester's "articles in answer," were in substance as follow:—"1. To have the garrison at the Liffer removed, and the lands adjoining restored to him." This request was put aside, on the plea that the new survey, made in Carew's Administration, must first be "perused." But that survey had been already laid aside, or condemned, as too favourable to the Earl's claims. The latter was specially anxious to have the garrison removed from the Liffer, for a lot of soldiers then located in any district only meant insult and oppression to the native inhabitants. "2. To have the survey of Tyrconnell, already taken, duly enrolled." This step would have made the survey legally binding, and the Earl could have thus insisted on his grant being made conformable thereto; but the survey was kept close, as Carew had left it, until after the Earl had taken his final departure from Ulster. "3. To have only to pay his old rent." To this the answer was that "he first paid 200 beeves, and in lieu thereof there were 300 marks reserved by the last Deputy [Carew], which being done with his [the Earl's] consent, we see not how it may be altered." "4. To have all the abbeyes and their lands, and all fishings belonging to the same, and especially of the abbey of Assaroe, near Ballyshannon, delivered unto him." The answer to this fourth demand was that "some parcels of Assaroe were passed in fee-farm to Robert Leycester, and that the whole fishing of the Earne was passed to Sir Henry Folliott, by lease of 21 years, wherein O'Donnell's weir is comprehended, which was done before the passing of the Earl's patent; and all these things were excepted out of his patent." The Earl, however, had been permitted to hold the lands in *custodiam*. "5. To have restitution for certain cows by him restored to Sir Neill O'Donnell, of a prey taken by him [the Earl] from the said Sir Neill in the time of the rebellion, which he affirmeth were the number of 500 cows." In reply to this demand the Earl was told that it would be investigated on the coming of certain commissioners to the North. "6. To have sheriffs chosen of the gentlemen of Tyrconnell, such as he, the Earl, will name and present." In answer, the Earl is told to send the names of six gentlemen, freeholders of the county,

every year to the Lord Chancellor and the judges, whereby they may proceed in that matter according to the statute for choosing of sheriffs. "7. To have 1,000 acres belonging to Ballyshannon, to be chosen or allotted between Belleyme and Ballyshannon." To this it was answered that the 1,000 acres most commodious for the castle would be taken from the Earl with as little inconvenience or offence to him as possible. "8. To have such duties or rents as are found by survey of such as shall fish in his country." In reply he is asked to name the parties that took the fishing, and they shall be commanded to appear before the commissioners, who shall right the Earl in this matter. "9. To restrain Sir Neale O'Donnell from having more of the tenants of the country than those which he held when he was with Hugh Roe O'Donnell." To this it is answered that the "tenants must have their liberty of all tydes without compulsion." "10. To be permitted to hold possession of Bondroys." The Council in London were willing that the Earl should hold the castle and lands of Bundrows, in Connaught, but Chichester and Folliott determined otherwise, and so arranged that the latter should have that position as well as Ballyshannon, when Chichester visited Fermanagh in September, 1606.

24. "Item. After the Earl was in possession of Castle Doe, by Sir George Carey's warrant on Neale M'Swinne pretending a title to it forcibly entered with others into the said Castle, the Earl being in England, and dispossessed the Earl's constable out of it, and kept it by virtue of an order afterwards granted by the Council against the Earl. And at the Earl's return out of England, he made humble suit unto the Lord Deputy to be again restored into the possession, whereof he was so treacherously despoiled, until a course of law were taken between the said Neale and him; which he could not obtain, but the possession was maintained for his adversary against him until the said Neale went into rebellion, by means whereof the Earl lost the rent of 60 quarters of land for the space of one year and a half, paying the King's rent yearly for the same; and afterwards the Earl besieged the castle, and won it at his own charges, in recompence of which service the Lord Deputy appointed Captain Brook to dwell there, and constrained the Earl to accept of such rents as he had given order to the said captain to pay, and to pass the said captain a lease thereof, and four quarters of the best lands thereunto annexed for one and twenty years."

This turmoil about Doe Castle is a good illustration of the Government policy in playing off the native leaders against one another; for whilst Carew supported the M'Swynes, Chichester, his successor, was decidedly against them, apparently favouring the Earl of Tyrconnell's claim to the premises abovenamed. In Jan., 1606-7, Chichester informed the Council in London that "Neale M'Swyne and Caffar O'Donnell, both kinsmen of the Earl of Tyrconnell, and generally well-beloved among those people, have possessed themselves of the Castle of Doe, and victual and man it, and have sent to all the loose men of those borders to join with them, giving it out that they are wronged by the Earl of Tyrconnell, who keeps their lands from them under colour of the King's patent. They have already taken 100 cows from the natives, and are three score persons, using all means to get arms." Chichester afterwards instructed certain officers in the district to get help from the Earl of Tyrconnell for the purpose of keeping these M'Swynes and O'Donnells in check, although the

Deputy did not at all appear anxious for their entire suppression. Writing to Salisbury in the following month of February, he says:—"Caffar Oge O'Donnell and Neale M'Swyne continue in their lewd [harassing] career; they have added murder to their stealth. He has put some against them, but must send better assistance, for they have taken and fortified a lough or two." On the 28th of March, he writes once more on the same subject, as follows:—"He employed Sir Richard Hansard against Caffar Oge O'Donnell and Neal M'Swyne; and with the assistance of the Earl of Tyrconnell and Sir Neal [Garve] O'Donnell, he [Hansard] hath gotten both the lough and the castle of Doe; Caffar and Neale, being abroad in the woods, have submitted themselves to the King's mercy, and three or four of their principal assistants, who kept the castle, have been hanged. Sir Neale O'Donnell got a blow in the service which he will hardly recover of long time, if he escape with his life. If these young men [Caffar O'Donnell and Neale M'Swyne] can be satisfied with a reasonable portion of land, they may be preserved to good purpose, to sway the greatness of others [the Earl of Tyrconnell and Niall Garve O'Donnell] in those parts; otherwise they are unfit for anything, for they will at one time or other beget new troubles. He recommends the castle of Doe to be reserved in his Majesty's hands, being of great strength, and standing in a dangerous place, where it has hitherto been a great annoyance to the quiet settlement of those parts. It is kept with a ward out of Sir Richard Hansard's company."

25. "Item. One Captain Henry Vaughan, being Sheriff the year 1605, got a warrant towards the charges of a sessions house, to levy £150 upon the country, which house was only built of timber and wattles; and notwithstanding that the said captain promised to make it substantial and durable, yet it was not worth £10, it having fallen within one month after the building thereof; but nevertheless he sent soldiers upon the country's charges also, to levy every penny of the said money, and afterwards the country was forced, by the Lord Deputy's appointment and order, to defray the charges of another sessions house for the next year ensuing."

Two brothers, John and Henry Vaughan, came to Ireland in the year 1600, with the forces then landed at the Foyle by Sir Henry Docwra. The Vaughans were kinsmen, most probably brothers, of Lady Docwra, John Vaughan was knighted in 1616, and held the office of Governor of Derry from the year 1611 until the time of his death in 1643. Both John and Henry, as appears from the original corporate list of Derry, were aldermen in that city. One or other of these brothers originally held the lands afterwards known as Manor-Vaughan, a name often mentioned recently in connection with the assassination of the late Earl of Leitrim. (See "The Plantation in Ulster," pp. 323, 324, 326, 524, 525.)

26. "Item. At the same sessions, 1605, the Lord Deputy being at Lifford, there was one Owen M'Swyne to be executed, unto whom (by the appointment of Sir Oliver Lambard, who gave a caveat unto Sir Henry Folliott from time to time, as often as there should be any persons to be executed, to assure them of their lives if they informed of any matters to overthrow or prejudice the Earl) Sir Henry sent privately, promising him his life and large rewards if he would charge the Earl with some detestable crime."

Sir Oliver Lambarde, or Lambert, referred to in the foregoing "article," was one of the most distinguished, unscrupulous, and prosperous of the servitors, or soldiers of fortune, in Ireland. He was created Baron Lambert of Cavan in 1617, "in consideration," as stated in his patent, "of his many services—first, against the rebels in Ireland, where he was severely wounded in the right knee; then in the Low Countries, where he was appointed Governor of Dowsborrow in Guelders, by the Earl of Leicester, and where he seized the town of Anholt by a nightly assault, and signalled himself in the recovery of the city of Daventry; then at the siege of Cadiz, under the Earl of Essex; then in the several military situations against the Earl of Tyrone in Ireland; afterwards against O'Dogherty; and lastly, by driving the rebels out of the Castle of Denoghbegg [Dunyveg], in the outer island of Ila, in Scotland." Besides his honours, Sir Oliver was substantially rewarded for his many services, as his grants in no fewer than fourteen counties of Ireland amply testify. (See Erck's "Repertory," pp. 46, 56, 88, 131, 185, 205, 206, 267.) Lambert was not scrupulous about helping himself when opportunities offered. In a letter, preserved among the State Papers, on the subject of certain "Connaught Chieffries and Concealments," the writer states that Lambert was then in Connaught, "attending the escheator, having got notice that some gentleman named O'Connor had been condemned to die as a traitor; but, under pretence of commiseration to O'Connor, he [Lambert] found means that his attainder was judged nothing, because the clerk had forgotten to enter judgment, and he got the land to himself, and enjoys it to this day [March, 1610]." In his, the writer's, opinion, "another man were fitter to have done this than a Councillor [of State]." The luckless member of the M'Swyne-na-Doe family with whom Lambert is represented in the passage of the Earl of Tyrconnell's statement above quoted as dealing so unworthily, was one of the four hanged for assisting to hold Doe Castle so stoutly, and who was supposed, therefore, to be both able and willing to save himself by having some stories to tell which would implicate the Earl in a charge of high treason. But M'Swyne could not, and would not, tell any tales of the description wanted by Lambert, and he was hanged, therefore, in due course. He, as well as many others similarly tempted, unlike their tempters, felt some moral responsibility, and really believed, in a future state of rewards and punishments. This could hardly be affirmed of the leading "civilisers" in Ulster at the crisis to which we are referring. (For notices of Sir Oliver Lambert see "The Plantation of Ulster," pp. 340, 341, 406, 407, 468.)

27. "Item. Also, at the same sessions, the Earl was called to the bar for hanging of some wood kerne during the Lord Lieutenant's [the Earl of Devonshire's] time, insomuch that he was fain to plead a particular pardon which he had, for otherwise the general pardon would not avail him, or stand him in any stead, as the judges alleged.

28. "Item. Within a short time afterwards, by the said Lord Deputy's orders, Sir Henry Docwra's and Sir Henry Folliott's horsemen and footmen were cessed upon the country, where they remained for four months, and paid nothing for their charges of horse meat or man's meat [coigne and livery].

29. "Item. The Earl having purchased fourteen hundred pounds worth of his own inheritance from Sir Ralph Bingley, who entered into bonds of the staple

of 3,000l. for the maintaining the Earl in possession of all the lands and hereditaments that he had passed unto the Earl, against all persons pretending title unto the whole, or any part, or parcel thereof; yet did the Council give warrant unto one that was Sir Ralph's tenant, before the passing over of the said land to the Earl, to enter into possession of all such lands as he formerly held by virtue of a writing that was between him and Sir Ralph, mentioning no certain rent but what Sir Ralph pleased to demand; and so he continued by their order, and paid no rent unto the Earl. And into another part of the said lands the Bishop of Derry entered, pretending the same as his right; and afterwards Sir Ralph having arrived in Ireland, the Earl made suit unto the Lord Deputy to have him apprehended until he should perform covenant according unto the said bonds; which the Lord Deputy would not do, but bade him [the Earl] to deal with the Mayor of Dublin, and have him arrested; and when the Mayor's officer was brought to execute the arrest, with as full authority as might be, Sir Ralph showed the Lord Deputy's warrant of protection, whereby the Earl lost both the lands and money aforesaid."

To explain the Earl's account of this transaction between himself and Sir Ralph Bingley, it may be stated that the *Staple*, in former times, was the grand mart for the principal commodities and manufactures of the kingdom, originally established and held by Act of Parliament in certain well-known trading towns. *Bonds of Staple* were securities entered into by debtors, pursuant to the statute 27 Edward III., chap. 9, before the Mayor of the Staple, or mart. In modern times, however, this arrangement has been superseded by others for the protection of creditors. (See Stephen's "Commentaries," vol. I., pp. 319-320.) The fifteen hundred pounds' worth of lands above referred to by the Earl had been granted on his first forfeiture to Sir James Fullerton, and sold by the latter to Sir Ralph Bingley. On the nominal restoration of the Earl, he was obliged to buy out Bingley's interest, or, in other words, to purchase back lands that had been his own; and after all he was kept, as he here explains, from re-possession by a fraud concocted between Carew and Bingley. On the Earl's "flight" afterwards, the lands in dispute were adjudged to have really belonged to him, and, such being the case, they escheated once more, or fell into the hands of the King. Their purchase by the Earl from Bingley had been made, it appears, in 1604, as on the 6th of June in that year "a power of attorney was given by Sir Ralph to his brother Richard to receive the money and cows due by the Earl of Tyrconnell for suche landes as he had latlie soulded him; to give demittances for the same; and to make sale of all his landes and tithes remayninge unsold within the countrie of Inishowen, the Cargin, or the Inse" [island of Inch]. The lands thus bought back by the Earl, and soon afterwards forfeited again by his "flight," consisted of thirty-nine quarters in all, and had originally belonged to the religious establishment of Killmacrenan, Rathmullan, Columbkille, and certain other smaller houses. (See Erck's "Repertory," pp. 64, 65.)

The Bishop of Derry, about whose movements also the Earl complains in the foregoing 'article,' was the well-known George Montgomery, who entered the Earl's territories in pursuit of certain erenagh and termon lands which he claimed for his bishopric, and which he found in the baronies of Raphoe and Inishowen. The grant to the bishop in 1615 included, of the former barony, "the ter-

mon, or erenagh land of Donoughmore, containing 4 quarters in or near Clanfin [Glenn-Finn], with the quarter of Bogan otherwise Taghcumrick, and the two quarters of Clonlugh otherwise Clonleigh in or near Monganagh, with all the fishings belonging to the premises." Of Inishowen barony the grant included "the termon, or erenagh land of Fathen otherwise Faughan, containing 3 quarters, except the glebe of the rector and vicar containing 3 gorts of land; the termon, or erenagh land of Deserteigny, containing 2 quarters, except one gort of glebe land; the termon, or erenagh land of Cloncagh and Grillagh, containing 6 quarters, except 4 gorts of glebe land; the termon, or erenagh land of Donaghclantagh otherwise Carnedony, containing 3 quarters, except two gorts of glebe; the termon, or erenagh land of Cooledagh, containing 3 quarters, except one gort of glebe; the termon, or erenagh land of Movilly, containing 4 quarters, except 3 gorts of glebe; the termon, or erenagh land of Clonemany, containing 3 quarters, except one quarter of Donally and six gorts of glebe." (See "Patent Rolls" of James I., p. 279.) For notices of the erenagh and termon lands see "The Plantation," pp. 157, 162, 163, 168, 169, 174, 180, 186, 206, 210, 217.

30. "Item. At the said Lord Deputy's [Chichester] coming into Fermanagh, in 1606, the Earl having gone thither to meet him, he sent privately to apprehend one Tiege O'Corcoran, servant to Maguire, and brought him secretly into the tent wherein he slept, where he was bound and tortured with bed cords, to the end he might charge the Earl with something tending to the Earl's overthrow and ruin, where he continued for the space of five days; within which time the said Lord Deputy came to Ballyshannon, where he, being at supper, demanded of the Earl what right he had to the former things he claimed in the several territories before specified; whereunto the Earl answered that his ancestors were in possession of the several territories for one thousand three hundred years, and that the duties, rents, and homages were duly observed and paid during the said time; whereunto he [Chichester] replied that he was unworthy to have them, and that he should never enjoy them, and that the State was sorry he had so much left him as he had then in possession, and withal wished him 'to take heed of himself, or else he would make his pate ache.' All which he said in the presence of the Lord Chief Justice, others of the Council, and divers gentlemen that sat at the table."

The brutal scene of torture, at which Chichester is here described as presiding, occurred on the 11th of August, 1606, at the camp, on Lough Erne shore, near the Island of Devenish. The conduct of Chichester at the supper table in Ballyshannon, all the circumstances considered, could scarcely be regarded as less brutal. It is curious that the Earl of Tyrconnell in stating that his family possessed certain territories in Connaught for the space of 1,300 years, thus unhesitatingly traces the O'Donnells to Conall Gulban, who was slain in the year 464, and who is now acknowledged by our best genealogists, to have been their common progenitor.

31. "Item. At the same time there were sundry old challenges of tenants, preys, and spoils, between the Earl and Sir Neal, which controversies, the Earl for his part, at the Deputy's entreaty, referred to his Lordship's censure [?], delivering up all the papers, he promising first to the Earl to order and award to the Earl at leastwise all the said spoils taken by virtue of Sir George Carey's warrant; and notwithstanding the said promise there were 300l. ordered against the Earl, and all his challenges frustrated, and his papers burned.

And afterwards Sir Niall's papers were privately given back again to himself, by reason whereof the Earl was forced at the last sessions to give to Sir Niall the benefit of all the said papers again, he having nothing to show to the contrary.

32. "Item. At the said Lord Deputy's return again into Fermanagh, he sent for Maguire, and wished him to accuse the Earl, who protested and swore that he could not charge him with anything, to whom the Lord Deputy replied again with an oath, that he should never part with him until he had confessed as much as Teige O'Corcoran, abovementioned, had declared, it being in verity nothing at all; and yet the said Teige was charged by them as having confessed matters against the Earl."

Although Chichester could find no real grounds of complaint or accusation against the Earl of Tyrconnell and Maguire, he did not fail to glean up, for the edification of the Council in London, whatever hearsay stories to their disadvantage happened to come in his way. When writing, on the 12th of September, 1606, an account of his northern peregrinations generally, the Deputy says:—"From Monaghan, they [himself and certain members of his Council] travelled into Fermanagh, but on their journey thither they received advertisement from the Archbishop of Cashel [Myler Magrath], born in that country, and then sojourning there upon private occasions, that the Earl of Tyrconnell and Cuconagh Maguire, one of the chieftains of that country [Fermanagh], had taken shipping privily at Calebeg [Killybegs], either for Spain or the Low Countries, which advertisement, albeit it proved not true in fact, yet they learned by due examinations that there was such an intention; the first of these being somewhat unstaid, the other extreme proud, and both of them poor and discontented. And, undoubtedly, if they had power answerable to their minds, they would more manifestly declare themselves. Sends such examinations as he [Chichester] has taken, and other discoveries he has had, of sundry meetings between the Earl of Tyrone and Tyrconnell, this Maguire (who is a desperate and dangerous young fellow), and some others." Although Teige O'Corcoran's story was of no use to Chichester, it is now interesting to us as a glimpse at the aimless, and evidently despairing, movements of Tyrconnell and Maguire. This Teige, it may be mentioned, had received holy orders at the hands of Myler Magrath, a very equivocal source, and he told in substance the following, in the form of "confessions," to Chichester and others, at the camp, near Devenish, on the 11th of August, 1606:—"He had latterly accompanied Maguire from place to place, first to Ballyshannon, thence to Donegal, and afterwards to the Island of Claudie, meeting the Earl of Tirconnell by the way and returning with him to the Castle of Donegal, where the latter probably resided. They next visited the Island of Arran, Maguire intending to buy wines there. O'Corcoran appears to have been the scribe of the party, and in this capacity had written two letters—in Cuconagh Maguire's name—one to a person called Shane M'Hugh, requesting him to send five garrans to Ballyshannon, and the other to a priest named M'Trever. About the middle of July, Cuconagh Maguire took O'Corcoran with him towards the Pale, and whilst travelling thither they met the Earl of Tyrconnell at the town of Cavan, where they rested one night. In the morning, the Earl of Tyrconnell and Maguire rode unattended by any

servant to visit Sir Brian M'Mahon near the town of Monaghan. Some others, then of the party, visited the houses of gentlemen of the O'Reillys, in Cavan, whilst Teige O'Corcoran went to the Popish bishop, O'Brady, at Multifernan, to get absolution. On Teige's return, he found Tyrconnell and Maguire at Enniskillen, where they remained two nights, the Earl saying, as they parted company, "Well, now, Maguire, if there be any wine in any ship in our parts [ports?], I will send you word thereof." About the 26th of July, a boy came to Enniskillen from Donegal, who told O'Corcoran that he had no news, but wished to speak privately from the Earl to Maguire. The latter, on hearing the boy's message from the Earl, told Teige that he, Maguire, must go to Donegal, and so set out from Enniskillen, taking with him a suit of apparel, three boys, and three pounds of money. When they reached Donegal, they found that the Earl had gone to Claudie, a harbour in the Isle of Arran; so leaving their horses and hiring a churl to carry their 'necessaries,' they went after the Earl. At Claudie they met the Earl in the act of coming out of a ship that belonged to 'one Hamilton,' the Earl forthwith telling Maguire that they could get no wine therein. The party then visited the house of Captain Paul Gore [near the sea and westward a little way from the town of Donegal], where they rested one night, and thence went to M'Swyne Bane's [Banagh's], sheriff of Tyrconnell, and he lent them horses to bring them to Donegal (for the Earl was likewise on foot), and had with him two pages, O'Boyle, and some 20 persons. Teige further confessed that Maguire told him that he would go to Spain, or the Low Countries, alleging no other cause but his poverty, his country being divided between him and Connor Roe Maguire, his cousin, although it properly belonged to himself. He, Cuconaght Maguire, had neither goods nor people, and would serve for his living abroad, taking with him only Teige and one boy. Chichester scented treason in all these movements of the unhappy native chiefs of Donegal and Fermanagh, although they appear to have simply taken leave of certain associates and friends before going into voluntary exile.

33. "Item. One Feriaghe O'Kelly being condemned to be hanged at Athlone for some delict [offence], was proffered his life by a man sent secretly to him by the said Lord Deputy [Chichester], which messenger arrived and came to the said Feriaghe just as he was to be hanged, and delivered to him his errand, which was a proffer to him not only of his life, but also of large rewards, if he would charge the Earl with treason; which he promised to perform, and thereupon was taken back again and privately examined; but they, finding his examination to halt, as no wonder it should, being forged at the same instant, sent him to prison, there to remain until he had justified somewhat of what he had promised; and if he could not do it, then he should be hanged. But there he continued until the Earl's departure this last time out of Ireland."

Referring to the transaction abovementioned, we have the following curious extract from a letter written by Sir Thomas Remington to Chichester, and dated Athlone, September 7, 1606:—"One Farraghe M'Hugh O'Kelly, who hath been a notorious rebel in Connaught, being yesterday condemned for treason, upon the hope which I gave that you would grant him his Majesty's pardon (he having pretended to reveal a present

and dangerous plot of treason to be executed by a great Earl of this Kingdom), hath delivered this—First, that one Hugh M'Duffe Dalla O'Kellie, his kinsman, one of this province, meeting him about Easter last, at a place called Knowineghnosse, told him that having been a little before with the Earl of Tirconnell, to entreat him to help him forth of Ireland, for that he was afraid to live here, he [Tirconnell] willed him to come to him, and that he would provide for him, for that he looked for means from the King of Spain; meaning (as he said), he looked for some forces to come over unto him. Secondly, he saith, that about the midst of June last, one Connor M'Dermott Reagh, a gentleman of the County of Roscommon, being with him at his house, told him, that speaking with the Earl of Tirconnell, as he passed, about the Easter before, through the Magherie [Plain] of Conaght, he asked him if any of his [Tirconnell's] people were yet living, and if he had any of his [the Earl's] furniture, and that he, asking him [the Earl] again what he should do with it [the furniture], he told him that shortly he [the Earl] should have occasion to use it, and bid him provide himself with more, for ere long he would send for him." Remington goes on to recite other hearsay stories to the same purpose, and concludes his letter to Chichester thus:—"What you direct me to do herein I will attend, not meaning to search into this cause until I hear from you, nor then otherwise than I shall be directed." To this communication Chichester has appended the following note:—"The cause of Farraghe M'Hugh's arraignment was for fostering of rebels and other malefactors, and chiefly for practising with certain persons in the time of the late general plague to pass into Spain, and to the Archduke, to acquaint those princes with the state of this kingdom, and to endeavour to draw some forces over to seize upon the city of Dublin, and other principal towns in this kingdom;—alleging the facility to achieve it, by reason most part of the principal men and many others had withdrawn themselves in such manner that the towns were generally dispeopled, and that the grass grew in the streets—of which he [O'Kelly] was convicted and condemned, but reprieved by Sir Thomas Remington for the causes by him alleged. . . . I have given orders to have this Farraghe M'Hugh brought to the Castle of Dublin. I have further given order to Sir Thomas Remington to apprehend Hugh M'Duffe Dala O'Kelly and Connor M'Dermott Reagh, soon after the Earl of Tirconnell comes to these parts, whom we expect because his lady is great with child, and lies at Maynooth, with the old Countess of Kildare [her grandmother], and looks to be brought to bed within fourteen days.—Muncktown, near Dublin, 13 September, 1606."

One of the foregoing extracts supplies a good illustration of the charges on which many natives of that period were condemned and put to death. This Farragh or Ferdoragh M'Hugh O'Kelly was accused of "fostering rebels and other malefactors," which meant simply being merciful to such as had become outcasts in their own land. O'Kelly was also charged with reporting to Spanish authorities on the then frightful condition of this country. The union of England and Scotland at that crisis under the same Crown enabled them almost to stamp out or extinguish the national life of Ire-

land by an unjust and ruthlessly-conducted war. This was indeed "the abomination of desolation," for it brought famine in the most awful forms, and afterwards a "general plague," as Chichester admits, during which the towns were "dispeopled," so that "grass grew in the streets." The principal despoilers fled in terror for a time from the districts they had rendered desolate, and even the natives who survived began to hope that some alleviation might be yet in store. In another of the foregoing extracts we have an equally good illustration of the low espionage practised by Chichester towards the Earl of Tyrconnell's family, as well as of the hearsay tales which were to be trumped up as evidence against him, when it might suit the Deputy at any time to have him arraigned for high treason. Indeed, it was settled that the Earl would be seized as he passed through Dublin from the North, to visit his wife at Maynooth. Chichester had found out the probable date of her confinement, even to a day, and had no doubt made his arrangements accordingly for the capture of her husband.

34. "Item. Also a gentleman named Donagh O'Brian, who had some time followed the Earl, was committed to prison at Athlone, out of which he made an escape; and afterwards Sir Oliver Lambard sent a protection to him, and he being come before the Lord Deputy and the said Sir Oliver into a private chamber, Sir Oliver told him that he should not only have his pardon, but also large rewards, if he would charge the Earl with treason, but the gentleman, who neither would nor could charge the Earl with anything, rather made choice to abandon his native country, than to stay therein to feel the effects of their merciless mercy."

Donagh O'Brian, abovenamed, had been attainted, and his estate of Dromfinglass, County of Clare, handed over to a servitor called John Lee. He preferred to go into voluntary exile rather than accept the base proposal of Lambert. O'Brian associated himself with Cuconnaght Maguire, escaping with him, and returning afterwards in John Bath's ship, to bring off the more distinguished exiles—Tyrone and Tyrconnell. A Franciscan friar, named Fitzgerald, was examined on the 3rd of October, 1607, as to certain circumstances connected with the escape of the Earls. He deposed that "John Bath's ship came out of Brittany, and anchored in Lough Swilly about the 25th of August, on pretence of fishing, and that she had on board Maguire, O'Brian, and others. O'Brian landed at night, and went to inform Tyrconnell that the ship had arrived; on which Tyrconnell forthwith sent notice to the Earl of Tyrone, by a trusted friend, Father Owen Groome Magrath. This priest told him that the Earls were sent for to preserve them from danger, and they would remain beyond seas upon the King's [Ferdinand's] charge, but they would not be admitted to the Court until there should be a conclusion to the treaty in hand between the King of Spain, the Archduke, and the Hollanders."

35. "Item. Furthermore, one Owen Gany M'Cormack, natural [native] of Moylurg, within the County of Roscommon, was taken prisoner, and brought before the Earl of Clanrickard and the Council of Connaught, by the Lord Deputy's order, to accuse the Earl of somewhat as before; and being examined, he swore in the presence of them all that he could not charge the Earl with anything at all; whereupon he was enlarged.

36. "Item. One Feriaghe O'Kelly was to be exe-

cuted in Galway, whose life was offered unto him if he would accuse the Earl, and because he could not charge him with any crime he was hanged.

37. "Item. Furthermore, the said Earl can justify by good proofs, that of twenty-and-seven persons that were hanged in Connaught and Tyrconnell, there was not one but had the former [foregoing] promises, upon like conditions, made unto them.

38. "Item. One Captain Ellis ravished a young maiden of the age of eleven years, in the Earl's country, which matter was presented by a jury to the Sheriff in his term court; whereof the Earl understanding, informed the Lord Deputy, and withal prayed his Lordship to proceed against the said Ellis according to his delicts; but he refused to do it, and directed the Earl to claim for the verdict of the said jury, at the next sessions to be holden within the country, promising withal never to grant a pardon to the said Ellis, in the presence of many nobles and gentlemen. But the matter being moved at the next sessions, and afterwards referred again to the jury, they presented the said Ellis guilty; whereupon he being absent, a writ of outlawry was directed, which the Earl has to show, under the Clerk of the Crown's hand; and yet the Lord Deputy, notwithstanding his former promise, granted the said Ellis his pardon.

39. "Item. Also, the said Ellis told an Englishman, who afterwards of himself acquainted the Earl therewithal, that he would come with soldiers and raise an alarm and cry near the Earl's house, and that when the Earl should come forth, he would kill him, making no question of obtaining his pardon notwithstanding; which words of his the Earl showed to the Lord Deputy in the presence of many, adding herewithal an oath how he stood not assured of his life, if the said Ellis were not restrained or bound to the peace; neither of which so just demands could the Earl obtain."

This Captain Ellis, who won for himself such unenviable notoriety in Tyrconnell, was probably Edmund, second son of a Lieutenant Robert Ellis, who came to Ulster with Sir Hugh Clotworthy, of Massereene, and who appears to have settled permanently at Carrickfergus, where he resided so early as the year 1601. In 1607, he (Robert) got grants in perpetuity at Carrickfergus, of two half shares of the Corporation lands, in the middle division. His son Edmund must have specially recommended himself to Chichester, who was governor of Carrickfergus, as the latter permitted him on some pretext to be absent during his trial for rape, pardoned him when unanimously found guilty by the jury, and soon afterwards appointed him Provost-Marshal of the force of Lough Foyle. Ellis obtained also a grant, as a servitor, of lands in the barony of Kilmacrenan, at the distribution in 1610. The Ellis family held a respectable rank in Carrickfergus until the close of the last century, intermarrying with the families of Langford, Adair, Burleigh, Joy, Clements, Dobbin, Coleman, Crymble, Benning, &c. (See M'Skimin's History of Carrickfergus, 3rd edit, pp. 398-400.)

"40. Item. The duties of the fishing of Killbegge [Killybegs], being the Earl's as a thing that was found by the survey to have been in his ancestors' possession for 1,300 years before, was taken away from him by Sir Henry Folliott and the Bishop of Derry, it being worth 500l. for that season; which wrong the Earl showed to the Lord Deputy, and could get no other redress than that the Deputy addressed a warrant to the Bishop of Derry, to maintain him in the possession thereof against the Earl both for that season and all time ensuing."

This grant to Folliott, which deprived the Earl of his fishings, was dated June 7, 1604, and it con-

veyed to the grantee "the whole fishings and taking of salmon and herring, and all other kinde of fishes within the ports, bays, creeks, or floods, of Ballishanan, Bundrois, and Calbeg, and in the places adjacent wherein fishes were accustomed to be taken." When Bishop Montgomery, however, made his appearance on the scene, which was soon after the date of Folliot's grant, that prelate quickly laid claim to half the fishings in Killybegs Bay, and had his claim allowed, because portions of his termon lands adjoined the bay. Chichester visited that part of the coast in the autumn of 1606, and records his impressions thereof, as follows, in a letter to Salisbury:—"Observe here the bay, which is great and spacious, within which stands Calibegg, which is an excellent harbour and secure. Fears it is too well understood of those [the natives] he wishes were ignorant of it. Rode likewise to Bowndroes, and finds that whilst Ballyshanan is to be held, it [Bundroes] is not much to be cared for, and thinks the lands and castle are parcell of Tirconnell, but surely of the province of Connaught." When his fishings were thus snatched from the young Earl, he had indeed but little left for his actual support, the country being then so desolate that almost nothing in the shape of rents could be obtained.

41. "Item. The said Sir Henry having occasion for carriage horses, took away those that served the Earl's house, with fuel and wood for fire; and the soldiers, scorning to feed the horses themselves, went into the Earl's house, and forcibly took out one of the Earl's boys to lead them, and ran another in the thigh with a pike for refusing to go with them; whereof the Earl likewise complained, but could have no satisfaction.

42. "Item. The three M'Swynes and O'Boyle, who always held their lands from O'Donnell, paying what rent he pleased to impose on them, and who consequently ought to hold from the Earl on the same terms, as was also found by the above-mentioned survey, seeing that they all, and either of them, had made over all their estates and rights unto the Earl by their deeds of feoffment, and suffered a recovery to be passed in form of law, and had taken their said lands again from the Earl by lease of years, for certain rents; yet, notwithstanding, the said Lord Deputy gave several warrants to every one of them that demanded it, to pay no rents to the Earl; and if he should demand any other [exactions] of them than that they themselves pleased to pay, in such a case the Governor of Derry was required to raise the country from time to time, and resist and hinder the Earl from taking up his rents."

"The three M'Swynes" of whom the Earl speaks were three native gentlemen, then representing three distinct septs, but all bearing this tribe name in common, and occupying the three districts in Tyrconnell or Donegal known respectively as Doe, Fanaid, and Banaght. This once-powerful race is believed to have had a Norwegian origin. Members of it are known to have settled first in the territory of Fanaid, the north-eastern part of Kilmacrenan, from which they dislodged the O'Breslans and the O'Maoilgaoithe, or Mulgeehys, eventually spreading themselves over the two other districts of Doe and Banaght. O'Boyle, a native chieftain also mentioned in this connection, represented another sept, from which the present barony of Boylagh takes its name. He, with the three M'Swynes, were the Earl's principal tenants, whom he was now doomed to lose. He had observed how the Earl of Tyrone's chief tenants were dissevered from their legitimate landlord, and

to secure himself against a similar disaster Tyrconnell got the M'Swynes and O'Boyle to surrender possession of their lands, which he re-let to them on new and, as he supposed, more secure terms. But this arrangement did not save him from the evil he dreaded, although when Chichester first visited the Liffer in the year 1605 he apparently sanctioned this arrangement between the Earl and his tenants. "Upon coming to the Liffer," he writes to Salisbury, "we found that the Earl of Tyrconnell had procured the M'Swynes, O'Boyles, and other ancient gents [O'Gallaghers], inhabitants of Tyrconnell, to surrender their several estates in their lands, which the Earl himself, being called before them [Chichester and his Council], did not deny; but, upon the persuasion of the Deputy and Council, he named such of them as he deemed fit to be freeholders of part thereof, reserving their ancient rents in certainty." The Deputy, however, soon found that his revolutionary policy could not have free course in that quarter until the M'Swynes were led by their own interests to oppose their hereditary lord. He was disposed, although they had played into his hands in the expulsion of the Earl, to clear them off, root and branch, and thus effectually prepare the district for British settlers. Although the M'Swynes, O'Gallaghers, and others of the native gentry in Donegal got some lands on plantation conditions, they were able, but for a brief period, to hold such lands amidst the surrounding settlers. For notices of the M'Swynes see "The Plantation in Ulster," pp. 176, 228, 327, 328, 523, 526.

43. "Item. The Earl upon this [being thus repudiated by his own tenants in connivance with Chichester], made a journey into the Pale to know the reason why he was debarred from his rents; and lodged on a certain night in the abbey of Boyle, where scarce was he arrived when the constable of the town, accompanied by 20 soldiers and their ensign, and all the churls of the town, environed and fired the house wherein the Earl lay, he having no other company within it than his page and two others of his serving men. But it befel, through the singular providence of Almighty God, whose fatherly care he has ever found vigilant over him, that he defended himself and his house against them all the whole night long; they using on the other side all their industry and might to fire it, and throwing in stones and staves in the Earl's face, and running their pikes and swords at him, until they had wounded him in six places, besides his other bruising with stones and staves; they menacing to kill him, affirming that he was a traitor to the King, and that it was the best service that could be done to his Majesty to kill him. And that all this is true, Sir Donogh O'Connor, who was taken prisoner by the same men because he would not assist them in their facinorous and wicked design of killing the Earl, will justify; but in the morning the Earl was rescued by the country folk, who conveyed him safely out of the town. And when the Earl complained and showed his wounds to the Lord Deputy, he promised to hang the constable and ensign; but afterwards did not once deign so much as to examine the matter, or call the delinquents to account; by reason whereof the Earl verily persuades himself—which surmise was afterwards confirmed in time by the credible report of many—that some of the State were sorry for his escape, but specially Sir Oliver Lambarde, who had purposely drawn the plot to the Earl's ruin, and set the ensign on to execute it, as the Earl will also justify [i.e., confirm by proof]."

In going to Dublin on the occasion above referred to, the Earl probably took the road from Bundrows to Boyle in Roscommon, there being a



constant intercourse between these places. The ward or garrison generally stationed at Boyle served also at Bundrows on the coast when circumstances required. A hostelrie or hotel had been established in the buildings of Boyle Abbey long previously to 1607—the date of this memorable journey of Tyrconnell—and in it he was resting for the night when furiously attacked by the soldiers and churls of the place. So early, indeed, as the year 1538, the then Lord Deputy had recommended in a memorial to Henry VIII. that six of the principal Irish monastic buildings should be preserved and fitted up in part as hostelries, for the accommodation of the King's deputy, and others resorting to his court in Dublin, the lands connected with such houses providing free quarters for the distinguished guests. Boyle was one of the six monasteries thus appropriated; and under its roof the Earl, no doubt, expected to find, if not a temporary home, at least security from outrage. But the whole aspect and surroundings of Boyle Abbey, which had, in the olden time, been celebrated as an asylum for learned men, were changed before the Earl of Tyrconnell's visit. This change was owing chiefly to the settlement in that district of two men who truly represented the new *regime*. These men were John King and John Bingley, to whom a lease in reversion for the term of 50 years was granted in 1603, of the broad lands that had belonged to the monastery or abbey, and to certain other suppressed or dissolved religious houses in Connaught. In May, 1607, Chichester wrote to Salisbury, soliciting from the King for these two distinguished servitors the fee-farm of such parcels of land as they then held. "These lands," wrote the Deputy, "are in their possession now, and in lease with them already for almost 70 years; yet as they have built specially upon the [river] Boyle, where they are now erecting a strong castle, which will be a great stay and strength to all those parts, standing as it doth in a very good place for his Majesty's service, and purposing, as they do, the like in other places, he [Chichester] desires to encourage them, finding but few here that go about the like good." Not only, however, had King and Bingley built a castle at Boyle, but they had also planted a large number of English families in the vicinity, which accounts, perhaps, for the audacious nature of the assault made upon the unhappy Earl. Among these families was that of an ensign named Edmund Flocks, who may have probably led the besieging party against Tyrconnell's lodgings. The names of other English settlers on the lands of Boyle Abbey were John St. Barbe, Robert St. Barbe, Ths. Reynolds, Henry Rogerson, Tho. Heydon, William Dye, John Baxter, John Handcock, John Hushe, Nich Moore, Geo. Lane, Richard Harrison, Philip Horlay, John Nashe, Hugh Jeffrey, Geo. Harrison, Bartholomew Lane, Mr. Walter Taylor, John St. Barbe, Junr., Henry Stephenson, Baldwin Selaye, James Burtown, Richard Rogers, Tho. Reynolds the Younger, Andrew Carleton, Christopher Grigge, Richard Armorer, Michael Maire, Philip Rice, Wm. Brannagh, John Rice the Elder, Tho. Allen, James Persye, Tho. Brewer, Richard Armsby, and John Jones.

The Earl of Tyrconnell, during this perilous journey through Roscommon to the Pale, appears to have had only one travelling companion, namely, the well-known and gallant Sir Donagh O'Connor.

He, in common with every member of the O'Connor clan, derived his name from Conchobhar or Connor, King of Connaught, who died in the year 972. The chiefs of the several branches into which this great family was divided were distinguished from each other by particular epithets, as *donn* "brown-haired," "*roe* red-haired," and the chiefs of the branch to which Sir Donagh belonged were named *Sligo*, from the locality near the River Sligeach or Sligo, in which they had resided for many generations.

44. "Finally, the said Lord Deputy having written to the Earl for some hawks this last summer, the Earl, desirous to continue his accustomed benevolence and amity towards him, sent him a caste, he himself remaining only with two caste more to bestow on his other good friends; all this notwithstanding, the Sheriff of Tyrconnell caused one Donnell Gorme M'Swyne, being one of those before deputed by warrant to detain the Earl's rent, to take up hawks from the Earl's man, and sent them to the Lord Deputy, whereof the Earl understood, he being then at Dublin, and made the Lord Deputy a challenge for his hawks, yet could not recover them; whereat grieved, he said that he found himself more grieved at their loss in that nature than at all the injuries he had before received, whereunto the Lord Deputy replied that he 'cared not a rush for him, or his bragging words;' warning him withal to look well to himself, in the same threatening manner that he had done before at Ballyshannon."

This affair of the hawks was insignificant of itself, but, like a straw in the stream, it served to show the Earl distinctly with what force the current was running against him. Hawks, and all other sorts of game, are among the delights connected with the possession of land which invariably and peculiarly belong to the head landlord. The fact, therefore, that the Deputy thus accepted a present of these birds from Donnell Gorme M'Swyne, implied clearly enough that the latter was acknowledged as the chief and absolute owner of the lands which he then occupied—at least for the time being, or until Chichester could have his plantation scheme so matured as to require a clearance for British settlers.

To appreciate the great and universal desire among the nobility and gentry of the olden time for the possession of good hawks, we must remember that these birds did the work now done by dogs and guns in securing supplies of game. The amusement of hawking, if not so practical, was really much more fascinating than the modern one of shooting game; for very many persons, including great numbers of the gentler sex, could partake in the pleasurable excitement of the scene. It was, therefore, an important matter with people who devoted much of their time and energies in this amusement, to obtain the best and most tractable description of hawks. It appears that Ireland has been celebrated from the earliest times for its rare and excellent breeds of these birds, and every grant of such lands, therefore, as were known to contain their nests, stipulated that the grantee should present a certain number to the King. In 1605, James I. appointed Sir Jeffrey Fenton to be Master of the Hawks in Ireland, which means that he was to be the only recognised receiver of all 'the rent-hawks' due at certain seasons to the Crown. Fenton's patent recites that "many honours and estates are held of the King by the service of rendering a falcon-eagle, gentle, goshawk, or tarsel of goshawk, and lords, or chief-

tains of territories paid unto the King, or his ancestors at the receipt of their exchequer, sundrie hawks of the kind aforesaid, of which hawks the King is for the most part defrauded, through the negligence of his officers, who ought to receive or demand the same." The falcon which abounds on the coasts of Ulster was considered the best description of hawk, being at once fierce and tractable. In 1581, there appeared a rhyming treatise under the title of "The Image of Ireland," and written by an Englishman named Derrick. It is an interesting production, not on account of any poetical power, for it is mere doggerel verse, but because of the information possessed by the writer on many curious subjects. Its author is loud in praise of Irish hawks, and refers, in the following lines, to several sorts by name :—

"Of Hawks retaining sundrie names  
The country store doth breed,  
Whose names, if patience will abide,  
In order shall proceed.

The goshawk first of all the crew  
Deserves to have the name.  
The falcon next for high attempts  
In glory and in fame.

The tarsel next ensueth on,  
Good reason 'tis that he  
For flying hawks in Ireland, next  
The falcon placed should be.

The tarsel gentle's course is next,  
The fourth peer of the land,  
Combined to the falcon with  
A lover's gentle hand.

These are the Hawks which chiefly breed  
In fertile Irish ground,  
Whose match for flight and speedy wing  
Elsewhere be hardly found."

See Lord Somers's "Tracts," Vol. I. pp. 573-575.

Such, then, are the two Northern Earls' own account of the causes which induced or obliged them hastily to abandon their native Ulster. Their statements have no appearance of being 'cooked' or overdrawn, and indeed they can easily, in most instances, be confirmed by references to other State Papers of the time. So far as we know, these statements remained without contradiction or reply. Even Davys did not venture to grasp his facile and graphic pen in defence of himself, or his fellow-civilisers. Chichester, it is true, wrote an angry letter, denouncing the Earls in general terms as traitors, but intended mainly to flatter the King, and to keep himself well in the royal favour, as the safest and best defence. "Those two Earls," said he, "have by their writings accused him to his Majesty as the principal occasion of their departure, and have taxed him with many particulars of unjust and unworthy usage of them. He humbly prays his Majesty to give small credit to their accusations, who never meant well to his service nor affected his gracious and just government, but who, being bridled of their wills, became mad, and have so declared themselves. He must confess he had ever good watch and espial upon them, which, together with the knowledge and acquaintance he had in their country, was ground and cause of their fear, and consequently of their flight and accusation; for other wrong he never did them, but has spent many hours and much breath to make them (especially Tyrone) good subjects, and men fit for his Majesty's trust and ser-

vice. But as he spent that in vain, so was he rather prodigal than backward in doing them good offices, which they have heretofore sometimes confessed, albeit they now tax him with ill dealing. His Majesty is so clear-sighted, and can so well discern the actions and minds of such persons, that he [Chichester] fears not their inventions; and if he stand upright in his Majesty's favour (as he will never deserve the contrary), he cares not if he had scared them hence, for worse members there could not be in a Christian commonwealth; but he could purge himself of their accusation, as well in the opinion of the world as he is clear in his own conscience, if it were fit for him to dispute with traitors. It may be that some of this nation (not much better affected than themselves) have endeavoured, or may endeavour, to supplant his Majesty's favour towards him [Chichester], for malice and envy are often begotten without fathers, and have no end, but his safety is in his Majesty and an upright conscience." Although Chichester brags, as above, that he could purge him even in *public opinion* of the Earls' accusations, he never ventured on that hazardous undertaking. Davys appears to have ignored the Earls' statements, but the following remarks in one of his many letters to Salisbury proves clearly enough that he felt uneasy, and wished also to deprecate any wavering on the part of the King, any royal relenting on the ruthless policy hitherto adopted :—"As for us that are here, we are glad to see the day wherein the countenance and majesty of the law and civil government hath banished Tyrone out of Ireland, which the best army in Europe and the expense of two millions of sterling pounds did not bring to pass. And we hope his Majesty's happy government will work a greater miracle in this kingdom than ever St. Patrick did; for St. Patrick only banished the poisonous worms, but suffered the men full of poison to inhabit the land still; but his Majesty's blessed genius will banish all those generations of vipers out of it, and make it ere long a right fortunate island."

The *guesses* put forward by Chichester and others from time to time as to the *causes* of the Earls' hasty escape are conclusive enough of the fact that they had no real foundation for their charges of conspiracy and treason against the fugitives, and that, indeed, the accusers could not have believed in the truth of their own accusations. In Chichester's letter to the King, above quoted, he ascribes their flight and their accusation to the circumstances that he (Chichester) had a close watch upon them, as well as a thorough knowledge of their countries! Davys at first expressed simply his great surprise that Tyrone should by his flight abandon "an earldom" and so large and beneficial a territory, for smoke and castles in the air, and that, being possessed of a country quietly, he should leave the possession and try if he could win it again by force." Davys then proceeds to *guess* at the *cause* of the Earl's flight, as follows:—"Those things [the litigations about his lands in which the Earl of Tyrone was involved, together with the oppressions caused by numerous garrisons in Ulster], doubtless, have bred discontentment in him; and now his age, and his burthened conscience, which no absolution can make altogether clear, have of late much increased his melancholy, so that he was grown very pensive and passionate;

and the friars and priests perceiving it, have wrought nightly upon his passion. Therefore, *it may be*, he has hearkened unto some project of treason, which he fears is discovered, and that fear has transported him into Spain. For, it has been told my Lord Deputy, that as he [O'Neill] now passed through his country, he said to some of his followers, that if he went into England he should either be a perpetual prisoner in the Tower, or else lose his head and his members, meaning, as it seems, he should have the judgment of a traitor; but he [Davys] thinks the primary and highest cause of his departure to be divine justice, which will not suffer to go down to his grave in peace one who has been the cause of so much trouble and bloodshed in this Kingdom." This guess of Davys at the cause of the 'flight' was put forward in a letter to Salisbury on the 12th of September, 1607, or only nine days after the occurrence. Instead, then, of charging treason against Tyrone, Davys actually exculpates him on this head, and ascribes his hasty escape to an act of *divine justice!* But Davys, when thus employed in throwing about such unworthy and uncharitable insinuations, forgot that divine justice could have as easily overtaken the old Earl in Spain, or restrained him from leaving Ulster at all, and thus, perhaps, added to his punishment.

The King, fearing that the base and oppressive treatment dealt out to the Earls, when reported on the continent, "might blemish," as he expressed it, "the reputation of that friendship which ought to be mutually observed between us and other princes," and anxious, besides, to back up the misrepresentations of his Irish officials, came forth with a scurrilous and untruthful proclamation on the question of the 'flight.' He "thought it not amiss," he said, "to publish some such matter by way of proclamation, as might better clear men's judgments concerning the same." In this precious document the King ventured to designate the Earls as "base-born, contemptible creatures," promising that he would explain the whole subject in hand so "that it should appear to the world clear as the sun, by evident proof, that the only ground and motive of these Earls' departure was the private knowledge and inward terror of their own guiltiness." It is needless to say that the King *never redeemed this promise*, and simply because it was impossible for him to do so. Neither in a subsequent proclamation, nor through any other channel whatever, was the "evident proof" ever produced.

But although Davys had no charge of treason against the Earls to mention to his patron Salisbury in the month of September, he was able to draw up an indictment in December (without having got any new light in the interval) charging them and some others with that terrible crime, both

in thought and deed. In a letter to Salisbury, dated January 6, 1607-8, he states that he had so managed the indictment that "all the country might rest assured that their [the Earls'] guilty consciences, and the fear of losing their heads, was the only cause of their running away." We can form a true estimate of the character of this indictment from the fact that the *first* charge preferred therein against the Earls is for rising in arms and assembling at Rathmullan on the 3rd of September, 1607, thus designing the death and destruction of the King! The hasty and all but secret assembling of the fugitives on the shore of Lough Swilly, before entering John Bath's ship, is described as a levying of war against the King! Davys, when writing to Salisbury on the 6th of January, 1607-8, mentions his "going down into Ulster, with other commissioners, about ten days before Christmas, to indict the fugitive Earls, and divers of their adherents, of those high treasons *whereof they found themselves guilty* when they made their sudden flight out of the country. The commissioners first sat in the County of Donegal, where the fugitives had committed some acts of rebellion before they took shipping." These "acts of rebellion" were of a very mild character indeed, and could not, in any candour, or even by any stretch of the imagination, have been characterised as such. The little band had come together so hurriedly in the vicinity of Rathmullan that they had not taken with them almost any provisions for the voyage. The Earls' followers, therefore, were hastily obliged to gather as much as made at least a scanty supply, and probably even without the Earls' knowledge. Tyrone's eldest son, Hugh, with a little party, went from Rathmullan to Derry, where he purchased a few necessaries for the voyage. After the 'flight,' one Francis White, an Englishman, complained that they had taken from him *some* beeves, without stating how many, for which, however, it is more than probable he had been paid. The fugitives had no intention of assuming any rebellious attitude whilst anxiously waiting to get on board, nor of doing there any rebellious act whatever, much less of dethroning the King and murdering the Deputy, as they were charged in Davys's indictment. A copy of this indictment now reappears among the State Papers, and it must have been by the merest accident or oversight that it has reached us through any channel whatever, for in sending this copy to Salisbury, Davys states that it is only sent in the strictest confidence for his private perusal, and against all rule observed with respect to documents of this nature! But not a sentence of the evidence produced at the trials of the absent Earls can now be found among the State Papers, nor a single document (if we except the letter from Davys himself) to inform us how those trials were actually conducted at the towns of Lifford and Strabane!





