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The Ormond lordship in County Kilkenny,
1515-1642

David Edwards

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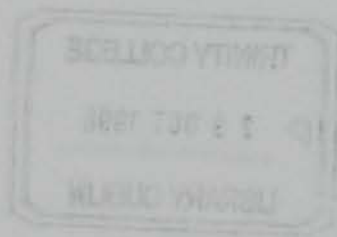
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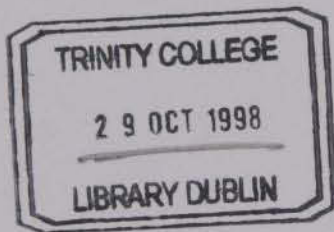
by

David Edwards



A dissertation for the degree of Ph.D. at the University of Dublin, Trinity College

1998



*Thesis
4562*

Declaration

This thesis has not been submitted as an exercise for a degree at this or any other University.
It is entirely my own work.

David Edwards

David Edwards
(Candidate)

Preface and Acknowledgements

This thesis has been in preparation for ten years, nearly a third of my life. When I commenced work on it I was a scrawny, long-haired student with barely a penny to my name. And I smoked 10 cigarettes a day (which probably accounted for my pennilessness). A lot has changed since then. Although I still have the long hair, it is turning grey now; I am married, I have a job, responsibilities, and I have just bought a house. I gave up smoking long ago. Yet, through all these mutations my thesis has remained with me. A stubborn and increasingly unwelcome companion, it has trudged along behind me, nagging me, making demands, defying me to finish with it. Since coming to Cork in 1993 I have repeatedly persuaded myself that I would soon be free of it - all it needed was just a few more months' work, no more, definitely no more. But still it remained to defy me, this creature of my own creation, "Edwards' unfinished thesis". Its refusal to yield has caused me embarrassment, for time and again I have declared confidently its being 'almost done' to any who asked (parents, friends, academic colleagues, my wife). Now that it *is* finished I cannot quite believe it. I suppose I should be relieved. Wasn't Frankenstein destroyed by his monster?

I could not have overcome this obstinate little beast without the support of friends and academic colleagues. My thanks, then, to my oldest friend, Dr Patrick Roycroft, a geologist whose own research project proved equally ambitious, though not quite as stubborn, as mine. For many years we have swapped progress reports, talking long into the night with the music on. If I talked too much it is because Paddy is a great listener: our conversations allowed me to 'tell the story' of the Butlers, and to explain their world, to a non-specialist not afraid to ask awkward questions. Likewise another great friend, my former History teacher at school, Ronnie Wallace, who kindly brought me to Kilkenny to view the topography and some of the castles of the Ormond country. Dr James Murray, Dr Adrian Empey and Dr Jane Fenlon provided useful archival information, and Peter Farrelly kindly volunteered to act as a guide when I requested access to the Kilkenny Corporation Archives in March 1996. Dr Hiram Morgan spotted a particularly daft error in Chapter Four; my thanks to him for pointing it out. At University College, Cork, I have been privileged to work with Kenneth Nicholls, who not only has enabled me to locate many archival materials that might otherwise have escaped me, but also offered to read an earlier draft of this work, an offer I eagerly accepted. He played no small part in bringing my work forward. Having reached a more advanced stage, the text benefited considerably from the critical gaze of my supervisor, Dr. Ciaran Brady, whose comments were admirably constructive.

Special mention of my former flatmate, Brian Donovan, with whom I have enjoyed a remarkable academic partnership and friendship over the years. Together we have hunted evidence in most of the major, and many of the minor, archive centres of Britain and Ireland, swapping information on our respective topics. In truth, my thesis is just one panel of a triptych that we have painted between us. The middle piece, our survey of Irish manuscript materials in Britain, *British Sources for Irish History, 1485-1641*, has just gone to the publishers. I expect the third and final panel, Brian's study of early modern County Wexford, to be finished soon. Let this be a spur to him.

For enduring its lurking presence, and putting up with my endless promises of 'It'll be finished soon', this thesis is dedicated to Clodagh, my wife.

D. Ed
Cork, February 1998

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Conventions

The following should be noted:

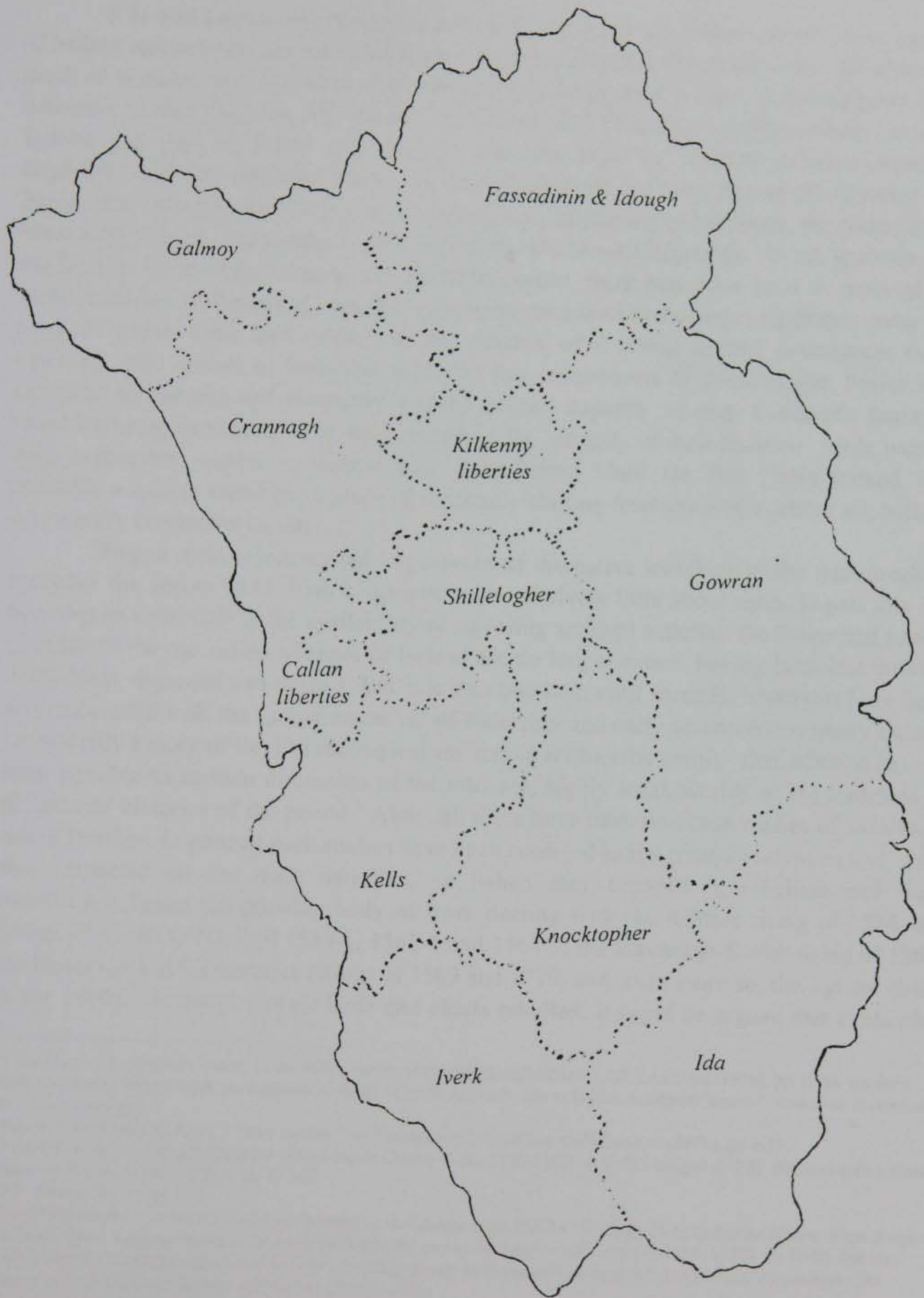
1. Precise dates are given in old style, in accordance with the Julian Calendar that was in use in Ireland throughout the sixteenth and early seventeenth century, but the year is taken as beginning on 1 January.
2. In most places I have endeavoured to give recognisable modern forms of personal names: hence Butler not Butiller, Botyller or Boteler, Comerford not Quemeforde, and Grace not Gras. Likewise with placenames: Burnchurch not Bronchurch or Brantchurch, Derrynahinch not Durrenehenche, Higginstown not Ballyhyggyne, etc. However, I have not always been consistent in this. I have retained some old placenames, such as Cantwell's Court (presently Sandford's Court) and Drumroe (now Mount Loftus), as their modern names, deriving from post-Cromwellian settlers, seem anachronistic in a work dealing with the pre-1650 period. Elsewhere, in order to avoid confusion I have chosen what are now unusual, even archaic, spellings of certain names. Thus I have followed Edmund Curtis in rendering the Archdeacon family as Archdekin in order to differentiate them from church officials of the same name; this seemed especially advisable given the case of John Archdeacon who was Treasurer of the Archdiocese of Cashel early in the reign of Elizabeth I! And the Fitzgeralds, alias Barons, of Burnchurch and Brownesford, are usually given as Fitzgerald or Barron-Fitzgerald, for they were gentry, not titled peerage.
3. When giving quotations I have modernised the spelling and punctuation.
4. All currency denominations are given in pounds sterling unless otherwise indicated.

Abbreviations

<i>Anal. Hib.</i>	<i>Analecta Hibernica</i>
A.O.	Archive Office
Bagwell, <i>Stuarts</i>	Richard Bagwell, <i>Ireland under the Stuarts</i> (3 vols., London 1909-16)
B.L.	British Library, London
Bod. Lib., Oxford	Bodleian Library, Oxford University
<i>Butler Soc. Jnl.</i>	<i>Butler Society Journal</i>
<i>Cal. Carew MSS</i>	<i>Calendar of the Carew Manuscripts preserved in the archiepiscopal library at Lambeth, 1515-1624</i> , ed. J.S. Brewer & W. Bullen, 6 vols., London 1867-73.
<i>Cal. Fiants Ire.</i>	<i>Calendar of the Fiants of Ireland from Henry VIII to Elizabeth I</i> , printed in the appendices of 7th to 22nd <i>Reports of the Deputy Keeper of the Public Records in Ireland</i> (Dublin 1875-90).
<i>Cal. Patent Rolls Ire.</i>	<i>Calendar of Patent & Close Rolls of Chancery in Ireland for the reigns of Henry VIII to Elizabeth I, and Charles I</i> , ed. James Morrin (Dublin 1861-3).
<i>Cal. S.P., Dom.</i>	<i>Calendar of State Papers relating to English affairs, Domestic</i> , ed. R. Lemon & M.A.E. Green, 12 vols., London, 1856-72.
<i>Cal. S.P., Rome</i>	<i>Calendar of State Paper, relating to English affairs, Rome, preserved in the Vatican Archives and Library</i> , ed. J.M. Rigg (2 vols. London 1916)
<i>Cal. S.P., Spanish</i>	<i>Calendar of State Papers relating to English affairs, Spanish, preserved in the Archives of Simancas</i> , ed. Martin Hume
Carrigan, <i>Ossory</i>	William Carrigan, <i>History & Antiquities of the Diocese of Ossory</i> (4 vols., Dublin 1905).
<i>C.O.D.</i>	<i>Calendar of Ormond Deeds</i> , ed. Edmund Curtis, 6 vols., Irish Manuscripts Commission, Dublin, 1932-43.
C.P.	Chancery Pleadings
<i>C.S.P.I.</i>	<i>Calendar of State Papers relating to Ireland</i> , ed. H.C. Hamilton, E.G. Atkinson & R.P. Mahaffy, 24 vols., London 1860-1912.
D.	Deed
<i>G.E.C., Complete Peerage</i>	George Edward Cockayne, <i>The Complete Peerage of Britain & Ireland</i> , new edition ed. V.H. Gibbs and others (13 vols., London 1910-59).
H.M.C.	Historical Manuscripts Commission Reports
<i>I.H.S.</i>	<i>Irish Historical Studies</i> , the joint journal of the Irish Historical Society and the Ulster Society for Irish Historical Studies
<i>Inq. Lagenia</i>	<i>Inquisitionum in Officio Rotulorum Cancellarie Hiberniae asservatum, Reportorium, Vol. I</i> (Dublin 1827)
<i>Ir. Econ. Soc. Hist.</i>	<i>Irish Economic and Social History</i>
<i>Ir. Mon. & Epis. Deeds</i>	<i>Irish Monastic & Episcopal Deeds, 1200-1600</i> , ed. Newport B. White (Dublin 1931).
Jnl.	Journal
<i>J.R.S.A.I.</i>	<i>Journal of the Royal Society of Antiquaries of Ireland</i>
<i>Kilkenny & S.E. of Ire. Arch. Soc. Jnl.</i>	Kilkenny & South-East of Ireland Archaeological Society Journal
Lamacraft (ed.), <i>Ir. Funeral Entries</i>	C.T. Lamacraft (ed.), <i>Irish Funeral Entries in the British Museum</i> , special volume of <i>Irish Memorials of the Dead</i> (Dublin 1907).

<i>L. & P., Henry VIII</i>	<i>Letters and Papers, Foreign and Domestic, of the reign of Henry VIII</i> , ed. J.S. Brewer and others (21 vols. in 32 parts, London 1862-1932).
Ms/MSS	Manuscript/Manuscripts
N.A.I.	National Archives of Ireland (formerly the Public Record Office, Dublin).
Neely, 'Kilkenny city'	W.G. Neely, 'A Social and Economic History of the City of Kilkenny during the Ormond period, 1392-1843 (D. Phil. thesis, Queen's University, Belfast 1987).
<i>N.H.I.</i> ,	<i>New History of Ireland</i>
N.L.I.	National Library of Ireland
<i>Ossory Arch Soc. Jnl.</i>	<i>Ossory Archaeological Society Journal</i>
P.R.O.	Public Record Office, London
P.R.O.N.I.	Public Record Office of Northern Ireland
R.C.	Record Commissioners (Ireland).
<i>R.H.A.A.I</i>	Royal Historical & Archaeological Association of Ireland.
<i>R.I.A. Proc.</i>	<i>Royal Irish Academy Proceedings</i>
R.O.	Record Office
Soc.	Society
S.P.	State Papers
<i>S.P., Henry VIII</i>	<i>State Papers, Henry VIII</i> (11 vols., London 1830-52).
T.C.D.	Trinity College, Dublin
<i>Waterford & S.E. of Ire. Arch. Soc. Jnl.</i>	Waterford and South-East of Ireland Archaeological Society Journal.

The Baronies of County Kilkenny



Introduction

It is well known that during the late medieval and early modern period most regions of Ireland were closely identified with the aristocratic lineages that ruled them - for example, much of Wicklow was known to contemporaries as the Byrnes' country (*Crioch Branach*) in deference to the O'Byrnes, who controlled the area from Greystones to Glenmalure,¹ most of Tyrone and part of Derry and Armagh was the O'Neills' country (*Duiche Neill/Tir Eoghain*),² and late medieval Cork was divided between the countries of the Barretts, the Barrys, the Courcys, the Roches, the Condons and, of increasing influence, the countries of MacCarthy Reagh, MacCarthy Muskerry and the Desmond Fitzgeralds.³ In all, according to one source, by the beginning of the sixteenth century there may have been as many as 90 such 'countries' in Ireland existing as autonomous and semi-autonomous territories under the sway of native lords and chiefs.⁴ In the absence of a strong central government these countries, also known as lordships, were the key components of political life. Power was measured by the size and prosperity, and the military capacity, of each aristocratic territory. Great lordships expanded, or at least preserved the integrity of their frontiers, while weaker ones contracted, unable to defend their boundaries.⁵ Until the late 1500s Ireland was primarily a land of lordships, a place of constantly shifting frontiers where, above all, politics was usually conducted locally.

Despite acknowledging the importance of the native lordships in the framework of everyday life before 1641, Irish historians know relatively little about them. In part this has been due to a shortfall in the availability of surviving archival material: the letters and papers of many of the old ruling lineages of Ireland are no longer extant, having been lost through destruction, dispersal and neglect. But it is also true that, until recently, historians have been so preoccupied with the 'grand narrative' of sixteenth- and early seventeenth-century Ireland - essentially a story of English reconquest and native aristocratic revolt - that, often, it has not been possible to include discussion of the intricate, highly local, worlds of the lordships in the general histories of the period.⁶ Although there have been fine case studies of individual ruling families, in general such studies have been confined to the great lordships as and when they impacted on the main narrative, i.e. when they engaged in rebellion and were overthrown: hence the growing body of work dealing with the Kildare rising of 1534, the risings of Shane O'Neill of 1560-1, 1562-3 and 1564-7, the Kavanagh-Butler rising of 1569, the Desmond and Fitzmaurice risings of 1569 and 1579, and, even more so, the Tyrone rising of the 1590s.⁷ Although not all lords and chiefs rebelled, it could be argued that explaining

¹ Liam Price, 'The Byrnes Country in the 16th Century and the manor of Arklow', *J.R.S.A.I.*, lxvi (1936), pp 41-66, but for a major revision of Price's work see Kenneth Nicholls, 'Crioch Branach: The O'Byrnes and their Country', *Rathdrum Historical Jnl.*, i (forthcoming).

² Eamon O Doibhlin, 'O'Neill's "own country" and its families', *Seanchas Ard Mhaca*, vi (1971), pp 3-23.

³ Kenneth Nicholls, 'The development of lordship in County Cork, 1300-1600', in P. O'Flanagan & C.G. Buttimer (eds.), *Cork: History & Society* (Dublin 1993), pp 157-97.

⁴ *S.P.*, *Henry VIII*, ii, pp 1-31.

⁵ Kenneth Nicholls, *Gaelic and gaelicised Ireland in the Middle Ages* (Dublin 1972), pp 21-5; Katherine Simms, *From Kings to Warlords: The Changing Political structure of Gaelic Ireland in the Later Middle Ages* (London 1987), pp 10-20. See also Mary O'Dowd, 'Gaelic Economy and Society', in Ciaran Brady & Raymond Gillespie (eds.), *Natives & Newcomers: The Making of Irish Colonial Society, 1534-1641* (Dublin 1986).

⁶ There are signs that this has started to change, with two of the most important recent general studies of the sixteenth century, by Dr Lennon and Dr Brady, attempting to follow the trail blazed by Nicholls in 1972 (Nicholls, *Gaelic & gaelicised Ire.*, pp 126-77) in making the provincial lordships more central to the analysis: Colm Lennon, *Sixteenth-Century Ireland: The Incomplete Conquest* (Dublin 1994); Ciaran Brady, *The Chief Governors: The Rise and Fall of Reform Government in Tudor Ireland, 1536-1588* (Cambridge 1995). As yet, however, general studies of the seventeenth century have failed to pay more than passing attention to life in the lordships.

⁷ E.g. for the Kildare rising see Brendan Bradshaw, 'Cromwellian reform and the origins of the Kildare rebellion, 1533-4', *Transactions of the Royal Historical Soc.*, 5th series., xxvii (1977); Steven G. Ellis, 'Tudor policy and the Kildare ascendancy,

native revolt has occupied Irish historians inordinately, with comparatively few attempts made to explain the decidedly thorny issue of native collaboration⁸ with the crown, which was widespread though often ambivalent.⁹ Furthermore, and again largely because of the preoccupation with revolt, but also because of the slow development of Irish social and economic history, studies of the lordships have been primarily focused on external relations and on the dealings of their rulers with the English royal government or with international forces such as France, Spain and the papacy. As a result, the internal workings of the lordships have usually been treated as of only secondary importance.¹⁰ Helping to rectify this imbalance is one of the principal objectives of this thesis, which draws upon the extensive archive of arguably the greatest 'collaborators' of all, the Butlers, earls of Ormond, to examine in detail the ebb and flow of aristocratic control in a major Irish lordship during the sixteenth and seventeenth centuries, a period of massive upheaval when the composition of the native noble elite was wholly transformed by English reintegration.

Ironically, the present work took shape in a paper dealing with a rebellion - the 1569 Butler revolt - during the preparation of which the author discovered that the insurrection was as much due to internal as external pressures.¹¹ Previous studies of the revolt had concentrated almost entirely on external elements, laying great stress on the instability caused by factional intrigues against the Butlers at the English royal court,¹² but an examination of the actual movements of the Butler rebels before and during their rebellion did not find this persuasive. On the contrary, it emerged that those of the Butlers who rebelled did so because of changes made against their wishes to the military and political structures of their territories by the head of the dynasty, 'Black' Thomas Butler, tenth earl of Ormond. Far from being simply an anti-English revolt, it seemed the rising was also a family dispute, an anti-Ormond revolt, the result of a profound crisis within the ranks of the Butler lineage. The added fact,

1496-1534', *I.H.S.*, xx (1977); Idem, 'The Kildare rebellion and the early Henrician Reformation', *Historical Jnl.*, xix (1976); Lawrence McCorrstine, *The Revolt of Silken Thomas: A Challenge to Henry VIII* (Dublin 1987). For Shane O'Neill: James Hogan, 'Shane O'Neill comes to the court of Elizabeth', in Seamus Pender (ed.), *Feilscribhinn Torna* (Cork 1947); Ciaran Brady, *Shane O'Neill* (Dublin 1996); Idem, 'The killing of Shane O'Neill: some new evidence', *Irish Sword*, xv (1982); Hiram Morgan, 'The end of Gaelic Ulster: a thematic interpretation of events between 1534 and 1610', *I.H.S.*, xxvi, No. 101 (May 1988); Caoimhin Breathnach, 'The Murder of Shane O'Neill: Oidheadh Chuinn Cheadchathaigh', *Eriu*, xliii (1992). For the Kavanagh-Butler revolt: Donal Moore, *English action, Irish reaction: The MacMurrrough Kavanaghs, 1530-1630* (Maynooth 1987); James Hughes, 'Sir Edmund Butler of the Dullough', *R.H.A.A.I. Jnl.*, i (1870); Hubert Butler, 'An Anti-English Butler', *Butler Soc. Jnl.*, i (1968). For the Desmond-Fitzmaurice revolt: C.R. Sasso, *The Desmond Rebellions, 1569-73 and 1579-83* (University Microfilms International, Michigan 1984); Ciaran Brady, 'Faction and the origins of the Desmond rebellion of 1579', *I.H.S.*, xxii (1979). And for Tyrone's rebellion: Idem, 'Sixteenth century Ulster and the failure of Tudor reform', in Ciaran Brady, Mary O'Dowd & Brian Walker (eds.), *Ulster: An Illustrated History* (London 1989); Paul Walsh, *The Will and Family of Hugh O'Neill* (Dublin 1930); Cyril Falls, 'Hugh O'Neill the Great', *Irish Sword*, vi (1963); F.M. Jones, 'Pope Clement VIII (1592-1603) and Hugh O'Neill', *Bulletin of the Irish Committee for Historical Sciences*, new series, ii No. 73 (1953); Nicholas Canny, 'Hugh O'Neill and the changing face of Gaelic Ulster', *Studia Hibernica*, x (1970); Hiram Morgan, *Tyrone's Rebellion: The Outbreak of the Nine Years War in Tudor Ireland* (Dublin 1993); Idem, 'Hugh O'Neill and the Nine Years War in Tudor Ireland', *Historical Jnl.*, xxxvi (1993); Idem, 'Faith and Fatherland in Sixteenth Century Ireland', *History Ireland*, iii, No. 2 (Summer 1995); J.J. Silke, 'Hugh O'Neill, the Catholic question and the Papacy', *Irish Ecclesiastical Record*, 5th series, xciv (1965).

⁸ Although the term 'collaboration' has acquired a pejorative meaning, especially in regard to events during World War Two, I use it only as it is defined by the *Oxford English Dictionary* - i.e., as 'working in combination with another'.

⁹ Until very recently native collaborators have appeared only fitfully in the secondary literature, despite their numerous and various nature. For the O'Connors Sligo, see Mary O'Dowd, *Power, Politics and Land: Early Modern Sligo, 1568-1688* (Belfast 1991). Otherwise, see especially Anne Chambers, *Chieftain to Knight: Tibbot Burke, 1567-1629, 1st Viscount Mayo* (Dublin 1983); Ciaran Brady, 'The O'Reillys of East Breifne and the Problem of Surrender and Regrant', *Breifne*, vi (1985). Unfortunately a study of the O'Farrells overemphasises their cooperation with the English crown by overlooking the evidence of their resistance: Raymond Gillespie, 'A Question of Survival: The O'Farrells and Longford in the Seventeenth Century', in Idem (eds.), *Longford: Essays in County History* (Dublin 1991).

¹⁰ This said, there are nonetheless some particularly valuable insights into local power arrangements in O'Neill country in Canny, 'Hugh O'Neill', passim, Morgan, *Tyrone's Rebellion*, pp 85-135, and Brady, *Shane O'Neill*, pp 8-21. Knowledge of the mechanics of Kildare power have been advanced by Steven G. Ellis, *Tudor Frontiers and Noble Power: The Making of the British State* (Oxford 1995), chapter 4.

¹¹ David Edwards, 'The Butler revolt of 1569', *I.H.S.*, xxviii, No. 111 (May 1993), pp 228-55.

¹² John Curtis, 'The Butler revolt of 1569' (unpublished M.A. dissertation, St. Patrick's College, Maynooth, 1983); Nicholas P. Canny, *The Elizabethan conquest of Ireland: a pattern established, 1565-76* (Hassocks 1976), pp 52-3, 149-50; Steven G. Ellis, *Tudor Ireland: Crown, community and the conflict of cultures, 1470-1603* (London 1985), pp 260-1.

previously overlooked, that the Butler rebels faced considerable local opposition within Kilkenny and Tipperary, mainly from the local gentry and merchants, only pointed to one conclusion: the exercise of authority within 'the Ormond country' was more complex, more multi-dimensional, than historians of the sixteenth century had previously suggested. To understand the politics of the Butlers of Ormond, one needed to investigate not only the Butlers, but the other local families too. The merchants and gentry were important players in the affairs of the area, crucial to the power of the earl of Ormond, yet little was known of them. Who were they? Why did they support Ormond against his rebel kinsmen in 1569? What could the earl offer them that the rest of the Butlers could not? Was their support actually more important to the earl than that of his own family? Any full-scale study of the earls of Ormond must also contain an account of the gentry of the earldom.

What follows attempts to explore the ways in which aristocratic power relationships operated within the Ormond lordship in County Kilkenny, not only at a high political level between lord and state, but from top to bottom, between the lord, his immediate family, his more distant kin, his clients, tenants and neighbours, his supporters and enemies. Implicitly it rejects the idea, pedalled by hostile English colonists and government officials such as Edmund Spenser and Sir John Davies (whose views, easily accessible in print, have sometimes been repeated uncritically by scholars of the period, especially by English historians)¹³ that the nature of noble power in all the Irish lordships was uniformly, and excessively, tyrannical.¹⁴ On the contrary, as far as we can tell, each lordship, or country, had its own customs, its own level of tyranny.¹⁵ If the Ormond lordship in Kilkenny was typical of the great Anglo-Irish lordships - a question that must seek its answer elsewhere, being outside the confines of this study - then it would seem that demands could vary considerably over time, depending on circumstances. Crucially, it was only in periods of major crisis that the overlords, the earls of Ormond, were openly tyrannical, seeking without consent to impose heavier exactions than was customary. At most other times, consent was vital to the exercise of lordship by the earls, and it was achieved as it had been since the late middle ages - partly through bullying, partly through compromise, after an 'assembly' of the leaders of the local gentry and merchants, a gathering which served a similar function to the *oireachtas* of the Gaelic territories.¹⁶ It is interesting to note in this regard that, in order to sustain the notion of unrestrained tyranny to his English readership, Spenser derided public assemblies in Irish lordships as being commonly attended by 'all the scum of loose people' of the country.¹⁷ Whatever of conditions elsewhere, this definitely was not the case in the Ormond country, where assemblies continued to be held as late as 1608, attended by the gentlemen and freeholders (or petty nobility) of the area.¹⁸ Though the earls jealously guarded their

¹³ The worst example of this is A.L. Rowse, *The Expansion of Elizabethan England* (London 1955), an intemperate but highly influential work of English nationalism which drew heavily on the writings of Spenser, Davies, Raleigh, Sidney and Gilbert to celebrate the English reduction of Irish 'barbarism' in the reign of Elizabeth I. Rowse's views were echoed in one of the great academic textbooks, G.R. Elton, *England under the Tudors* (1st ed., London 1955; 2nd ed. London 1974), chapter 13, which spoke of England's war in Ireland against 'tribes still virtually in the savagery of the Bronze Age'. Despite such major contributions to the history of Elizabethan Ireland as Canny, *Elizabethan conquest*, and D.B. Quinn, *The Elizabethans and the Irish* (Ithaca 1966), which laid bare the prejudicial nature of Spenser and Davies *et al.*, Elton did not modify the text for the 1983 reprint of his book. Similarly, another leading expert on Tudor England has described the native Irish lords as 'semi-barbaric chieftains' (Joel Hurstfield, *Elizabeth I and the Unity of the Realm* (London 1971), p.78).

¹⁴ Edmund Spenser, *A View of the Present State of Ireland*, ed. W.L. Renwick (Oxford 1970); Sir John Davies, 'A discovery of the true causes why Ireland was never entirely subdued [1612]', in Henry Morley (ed.), *Ireland under Elizabeth and James I* (London 1890), pp 295-6.

¹⁵ Nicholls, *Gaelic & gaelicised Ire.*, pp 31-40. As Professor Canny has noted, however, it is difficult to be sure of the extent of the differences between Gaelic Irish and Anglo-Irish lordships, in particular, because unlike Anglo-Irish sources, Gaelic sources are predominantly the product of a warlord culture, and rarely contain complaints of abuses (Canny, *Elizabethan conquest*, p.21)

¹⁶ C.A. Empey & Katherine Simms, 'The ordinances of the White Earl and the problem of coign in the middle ages', *R.I.A. Proc.*, section C, lxxv (1975), pp 161-87.

¹⁷ Spenser, *View*, pp 77-9. For scholarly discussion of the Irish assembly (*oireachtas*), see Simms, *From Kings to Warlords*, pp 60-78, esp. 69-75, which is the best statement on the matter to date.

¹⁸ N.L.L. Ms. 11.044, and note 16 above.

power, nonetheless they usually attempted to reach a consensus with the local gentry about how various aspects of local life were to be managed and regulated. In contrast, the royal government that Spenser and Davies served was inclined less and less to seek support for its policies through parliament, the national assembly, ever more eager to impose its will by decree, by *diktat*.

As well as striving to map out the limits of power enjoyed by the earls of Ormond over Kilkenny society, in order to chart how their authority developed at a time of fundamental change in Ireland, what follows also endeavours to measure the impact of English governmental expansion on the county. Increasingly Irish historians are becoming aware of just how disruptive the English reintervention was to provincial life. The crown government's underlying antipathy to the principle of devolution meant that initial efforts to control Ireland through reform and assimilation gave way inexorably to more aggressive methods designed to destroy the independence of all its various lordships.¹⁹ It is often overlooked that the Ormond lordship was adversely affected by the royal assault on aristocratic power. While historians have noted the benefits of collaboration that accrued to successive earls during the sixteenth century - particularly to Thomas, the tenth earl, in the reign of Elizabeth I²⁰ - close attention has not been paid to the often uneasy relations that existed between the earls and government officialdom. In fact, periodically, from as early as the 1530s, the earls faced serious denunciations of their power by members of the colonial administration in Dublin, and this even though their cooperation was usually critical to the success of the government's plans. Time and again before 1603 the earls were forced to expend their energies in trying to neuter such criticisms, generally through court intrigue, but also through temporary withdrawal of cooperation with Dublin, so that they rarely felt totally secure.

Paradoxically, during the sixteenth century it was under Queen Elizabeth I (1558-1603), the monarch who was most protective of Ormond interests, that these defensive strategies became most urgent, as crown officials in Dublin became less tolerant of the privileged position of the Ormond territories and began working tirelessly to undermine the earldom. Following the queen's death the assault gathered pace and, in a political, religious and legal confrontation with the eleventh earl, the Catholic Walter Butler, that has rarely been noted in the histories of seventeenth century Ireland,²¹ the Ormond lordship was finally overthrown under a less sympathetic monarch, James I (1603-25). Despite long years of collaboration with the state, by the early seventeenth century the earldom's public association with Counter-Reformation Catholicism and its capacity for political independence left it exposed to new royal demands, and it was ruthlessly cut down by Protestant government officials.

The dramatic reduction of the earldom has been ignored by historians primarily because the Ormond dynasty survived its Jacobean downfall to stage something of a comeback under Charles I (1625-49). Indeed, having succeeded to the title in 1633 its most famous representative, the Protestant twelfth earl of Ormond, James Butler - the future first duke - subsequently ascended the ladder of state power with such speed before 1641 that he has generally been celebrated by historians as the great saviour of his lineage. As will be shown below, it is difficult to sustain such an interpretation. Quite apart from his personal

¹⁹ For the ongoing debate surrounding the chronology of the crown's replacement of a programme of reform with one of reconquest, see Brady, *The Chief Governors* and Canny, *Elizabethan conquest*, chaps. 3 and 8, but also Idem, 'Revising the revisionist', *I.H.S.*, xxx, No. 118 (Nov. 1996), pp 242-54, and also David Edwards, 'Beyond Reform: Martial Law and the Tudor reconquest of Ireland', *History Ireland*, v, No. 2 (Summer 1997), pp 16-21.

²⁰ Ciaran Brady, 'Thomas Butler, earl of Ormond (1531-1614) and reform in Tudor Ireland', in Idem (ed.), *Worsted in the Game: Losers in Irish History* (Dublin 1989); Cyril Falls, 'Black Tom of Ormonde', *Irish Sword*, v (1961-2).

²¹ It is completely ignored in the most recent survey of the period, Brendan Fitzpatrick, *Seventeenth Century Ireland: The War of Religions* (Dublin 1988).

shortcomings as a politician, which were considerable, the twelfth earl found it impossible to repair the damage that had been done to his dynasty while he was a child, during the 1610s and '20s, when the government's anti-Catholic programme was at its peak.

It is only possible to appreciate the quite miserable state of his inheritance, and the devastating impact of the crown's hostility to his grandfather, Earl Walter, by examining in detail extant local evidence, looking beyond the lives of the earls to (once again) assess the condition of their friends and followers among the Kilkenny gentry. By pursuing this broader perspective a totally different impression emerges of political trends in the Ormond country during the early-to-mid seventeenth century. Essentially, while James, the Protestant twelfth earl, soared to prominence in Dublin after 1633, befriending his masters in the colonial administration and making a string of concessions to the greater centralisation of state power, his authority at home in Kilkenny deteriorated rapidly, for the anti-Catholic policies that had humbled his grandfather Earl Walter remained in place to worry the traditional clients of his house, the local gentry and merchants. Hence, regarding those accusations of tyranny which have so hampered our understanding of the world of the Irish lordships, it will be argued here that in Kilkenny the development of greater control over the county by the central government, and the complete acquiescence to crown policy of Earl James, the ruling lord, before 1640, led to cries of misrule by the local community. The great Kilkenny revolt of 1641-2 was aimed not just at the recovery of recently lost local privileges, but also at the overthrow of what the county community perceived as English governmental tyranny. Harsh as Ormond rule had doubtless been in the time of the twelfth earl's predecessors, by the beginning of the 1640s the Kilkenny gentry had decided they preferred a return to the old feudal order to the continued growth of state power. To attain this goal they rose up against Earl James, their nominal overlord, whom they perceived as a traitor to his blood and to the political customs of Ormond country.

What follows, then, is not a standard biographical account of the Butlers, earls of Ormond, during the sixteenth and early seventeenth centuries, but rather a history of their earldom. Although endeavouring, as it must do, to paint detailed individual portraits of each of the five earls that ruled Kilkenny between 1515 and 1642 - from the Gaelic warlord, Piers Ruadh Butler, the eighth earl, to that haughty young supporter of an absolutist Protestant kingdom, James, the twelfth earl - it also attempts to explain how each of the earls interacted with the county community. It is as much a work of social and economic history, and even historical geography, as it is of political history, for in order to reconstruct the skeleton of the Ormond power structure, and to measure how it changed and evolved over time, it was necessary to rediscover such aspects of local life as rents charged per acre, land quality and land use, the strength of commerce, trade routes, urban and rural population distribution and clientage and kinship networks. By thus broadening the scope of my analysis to examine the earldom as much as the earls I am afraid I have written a very big history, much bigger than I anticipated when commencing my work. I only hope it provides sufficient new insights to justify its bulk.

Part I

The Passage of Power

A structural account

County Kilkenny, Ormond Country

Introduction

In many ways early modern County Kilkenny was different from what it is today, a quietly prosperous corner of the province of Leinster. In early modern times it stood out among its neighbours, and was by far one of the most important areas of Ireland. As scholars have noted, it was only 'in theory an ordinary county subject to the Dublin administration'; in reality it was a place of strength, a regional capital or centre of power in the mid-south of the country.¹ This was not especially unusual. For much of the sixteenth and early seventeenth centuries Ireland was more a patchwork of regions, great and small, than a unified country or state, and in many places the authority of individual families counted for much more than that of the colonial government in far-away Dublin.² For its own part County Kilkenny owed its high status almost entirely to the presence of one family, the Butlers of Ormond, leading Anglo-Irish magnates who had chosen it as the centre of their lordship in the course of the middle ages. Thanks mainly to the Butlers' prominence, Kilkenny had its golden age between 1515 and the 1640s, possessing a strategic significance in national affairs that it has rarely enjoyed since.

Physical geography was the foundation upon which the Butlers of Ormond built. Kilkenny's situation was highly advantageous, ideal as a power-base. According to one observer who wrote of it in the 1580s, County Kilkenny lay almost at the centre of the southern Leinster borderlands, holding a strong physical frontier with the territories of the MacGiollapadraigs (or Fitzpatricks) and the O'Mores in Laois, and with various branches of the Kavanaghs in Counties Carlow and Wexford.³ Indeed, centrality was arguably its greatest asset. Standing more or less equidistant between Dublin and Cork, it was also a useful midpoint between Leinster and Munster. The shire capital, Kilkenny city, was a hive of interprovincial business, serving as a popular overnight stop for travellers between the two provinces.⁴ By the standards of the time the county was a crossroads, a place where the south-east of the country encountered the south-west, and *vice versa*.⁵

¹ D.B. Quinn & K.W. Nicholls, 'Ireland in 1534', in *N.H.L.*, iii, p.8.

² For the general state of Ireland in the sixteenth century, see *Ibid.* pp 1-38; Philip Wilson, *The Beginnings of Modern Ireland* (Dublin 1914), chap. 1; Steven G. Ellis, *Tudor Ireland: Crown, Community and the Conflict of Cultures, 1470-1603* (Dublin 1985), chaps. 1-2; Mary O'Dowd, 'Gaelic Economy and Society', in Ciaran Brady & Raymond Gillespie (eds.), *Natives & Newcomers: The Making of Irish Colonial Society, 1534-1641* (Dublin 1986), pp 120-47.

³ See the translation of Stanihurst's tract 'On Ireland's Past: De Rebus in Hibernia Gestis' in Colm Lennon, *Richard Stanihurst: The Dubliner, 1547-1618* (Dublin 1981), p.141.

⁴ E.g., Thomas Fitzgerald to Boyle, 30 Aug 1616 (N.L.L., Ms. 13.236 (7)), and Lamacraft (ed.), *Ir. Funeral Entries*, p. 141.

⁵ Unfortunately Professor Smyth, a geographer, has missed this historical point in his otherwise useful account of the county and its regions: W.J. Smyth, 'Territorial, Social and Settlement Hierarchies in Seventeenth Century Kilkenny', in W. Nolan & K. Whelan (eds.), *Kilkenny: History & Society* (Dublin 1991), pp 128-60, esp. Pp 127-9.

It should be noted that this physical centrality gave the county an unusual hybrid identity which it has since lost, for it then belonged to Munster almost as much as it did to Leinster. This was widely recognised at a high political level. Commissions issued to Kilkenny county officials before 1640 often required them to take control of Munster shires like Waterford, Cork and Limerick along with Kilkenny itself.⁶ Even as late as the early seventeenth century, Kilkenny remained something of a geographical and administrative oddity, most of the time included on the Leinster assize circuit, but occasionally, when circumstances dictated, lumped in with Munster as well.⁷

This interprovincial centrality was ideally suited to the Butlers' needs. As they saw it, by holding Kilkenny they could control a critical avenue between the two most densely populated provinces of Ireland. It followed quite logically that, should the need to do so ever arise, by threatening to cut this avenue off, the dynasty could easily hold the Dublin executive to ransom and exact guarantees for the maintenance of its powerful position. For this reason alone, County Kilkenny (not Tipperary) had become the capital of the Ormond lordship during the later medieval period.⁸

The fact that the Butlers of Ormond were able to continue to dominate Kilkenny during the early modern era - and even to increase their standing there - is ample testament to their power and ability, for the sixteenth and early seventeenth century is generally acknowledged by historians to have been a time when the central government expanded at the expense of regional lords such as they.⁹ This is not to say that the Ormond Butlers were left unmolested by the state after 1515 - nothing of the sort, as we shall see - but it does indicate that the government was more respectful of the family than it would otherwise have been had they been based somewhere else.

In general, mainly because of its anxiety over access to the south, the Dublin administration allowed the Butlers, strong and relatively loyal, a freer hand than most in the conduct of their affairs. The policy had dramatic results. By 1603 the house of Ormond had built up an extraordinary territorial hegemony in Kilkenny, so much so in fact, that the government felt that its policy had to be changed. The crown felt compelled to spend much of the early seventeenth century trying to chop the dynasty down to a more manageable size. In particular, the eleventh earl of Ormond, Walter Butler (1614-33), suffered enormously because of the extent of his inheritance and the potential range of his authority. Eventually, this attempt by the crown to destroy the Ormond lordship in County Kilkenny, and to remould it in its own image, would end in failure, serving only to alienate many among the shire community, who for reasons of their own greatly resented the state's interference. What this chapter will seek to do is (i) examine just how powerful the Ormond presence was across the early modern era, in order to discover if the post-1614 assault by the state stood any chance of success, and (ii) determine how much and what sort of support existed in the shire for what was, after all, an extremely overmighty

⁶ *Cal. Fiants Ire., Eliz. I*, nos. 469, 542, 666, 682, 725, 828, 2430, 3860 and 4776. Likewise, the constable of the County Waterford gaol in the reign of James I was a Kilkennyman (*Cal. Patent Rolls Ire., James I*, p.204).

⁷ John McCavitt, "Good planets in their several spheares": the establishment of the assize circuit in early seventeenth century Ireland', *Irish Jurist*, xxiv (1989), pp 266 and 273.

⁸ C.A. Empey, 'The Butler lordship', *Butler Soc. Jnl.*, iii (1970-1), pp 174-87; Neely, 'Kilkenny city', pp 2-4.

⁹ Ciaran Brady, 'The government of Ireland, 1540-83' (unpublished Ph. D. thesis, Trinity College, Dublin, 1980); Nicholas P. Canny, *The Elizabethan conquest of Ireland: a pattern established, 1565-76* (Hassocks 1976); Aidan Clarke & R. Dudley Edwards, 'Pacification, plantation and the Catholic question, 1603-23', *N.H.I.*, iii (Oxford 1976), pp 187-232.

earldom. To begin this analysis, and draw attention to the highly localised nature of political power in the early modern period, it will be necessary to describe the earls' lands, which formed the very foundation of their authority.

The Ormond presence

In a sense, it was only a matter of time before the government became concerned by the sheer scale of the Ormonds' power-base in the shire. Even in 1515 the ancestral estate of the head of the dynasty, the seventh earl of Ormond, Thomas Butler (1478-1515), was very large; sprawling across the county, it accounted for approximately 40-45,000 acres,¹⁰ nearly one-sixth of all available land.¹¹ At the time of the earl's death, in August 1515, the Ormond estate already had a firm hold over the Kilkenny countryside. The estate was then cross-shaped, and as such it affected most parts of the county, stretching from the manor of Kilmocar in the north to Grannagh near Waterford in the south, while simultaneously fanning out to embrace Gowran in the east and Callan in the west. However, great as this was, it was merely a platform for the much greater estate that lay in store for his successors in the years ahead.

The seventh earl's death provided the turning point. Thomas was the last of what could be called the medieval earls of Ormond - the Carrick line of earls, descended directly from Edmund Butler, earl of Carrick (1318) - and when he died without any sons, he cleared the way for the rise of the gaelicised Pottlerath branch of the family, headed by Sir Piers Butler, a distant relative. Piers, or Piers Ruadh (Red Piers), to give him his contemporary alias,¹² was just what the crown government was looking for in the early sixteenth century. Unlike Thomas, who lived in London and had long been an absentee landlord, Piers had a strong presence in the county, and he was also a major military figure. The government hoped that by recruiting him as its anchor-man in Kilkenny and Tipperary, it would be able to improve its grip over the south and south-east of the country. In time Piers benefited hugely from the crown's favour. Although his claim was not well grounded in English law, because he was the strongest candidate in Ireland he was recognised as the heir to the earldom of Ormond, eventually becoming the eighth earl in 1538, once all the other claimants had been silenced.¹³ His succession had major implications for the size of the Ormond estate. Immediately he was able to add his own holdings to it, some 19,000 acres by the mid-1530s,¹⁴ an increase of more than 40% on the estate as it stood in 1515. This was just the beginning, for under the new Pottlerath line of earls, the Ormond patrimony in Kilkenny was set to more than double in size before Piers Ruadh's anglicised grandson, the tenth earl, Thomas, died in November 1614.

The government greatly facilitated the expansion of the estate between 1536 and 1542, the era of the suppression of the monasteries. Eager to persuade the Butlers to go along with Henry VIII's breach with Rome, the royal administration resorted to bribery, deciding to offer Piers and his family a major share of the spoils of the suppression in return for their support of

¹⁰ Plantation acres, 1654 measurement. For the development of the Ormond estate before 1515, see *C.O.D.*, iii, nos. 70, 95, 110, 119, 160, 172, 218-20 and 234; D.B. Quinn (ed.), 'Ormond papers, 1480-1535', *Ibid.* iv, Appendix, pp 312, 328-9 and 344-5.

¹¹ County Kilkenny had about 263,000 acres, according to 1654 measurements (see Appendix 1 below).

¹² Quinn (ed.), 'Ormond papers', p. 345, and James Carney (ed.), *Poems on the Butlers* (Dublin 1945), pp 8-11.

¹³ See Chapter Two below, and C.A. Empey, 'Rags to riches: Piers Butler, eighth earl of Ormond, 1515-39', *Butler Soc. Jnl.*, ii, no. 3 (1984), pp 299-312.

¹⁴ *C.O.D.*, iv, nos. 127, 134, 172, 176, 179 and 182.

the king's religious changes.¹⁵ The offer was accepted, and by August 1542 Piers's successor as ninth earl, his eldest son James (1539-46), had been granted four ex-monastic sites in the shire, the Cistercian abbeys of Duiske and Jerpoint, the priory of Kells, and the Augustinian friary of Callan, grants which added a further 14,000 acres to his holdings.¹⁶

In quantitative terms these grants had a profound impact on landholding patterns in County Kilkenny. Prior to 1542 the religious orders, if taken together, had ranked as the second largest landowners in the shire, behind the Butlers of Ormond. Now they were gone, swept away overnight, and largely because of the government's policy towards their former estates, the distance separating the Ormond Butlers from the rest of the local proprietors was greatly enhanced. The Ormonds had been given almost 75% of all the land that the religious orders had possessed in the county, and if the grant of Inistioge priory to Earl James's younger brother, Richard Butler (the future first viscount Mountgarret), is taken into account, then the dynasty's share of the spoils was closer to 80% of the total acreage seized by the crown.¹⁷ For them, the dissolution of the monasteries was a bonanza.

The dissolved estates were destined to remain in Butler hands for more than a hundred years, a notable fact, for it stands in stark contrast to trends in England. There many of the noble families who profited from the suppression quickly transferred their ex-religious possessions to the land-hungry gentry in return for ready money. English historians have consequently often viewed the latter part of the reign of Henry VIII as a vital one for the development of the gentry as a powerful group in society.¹⁸ Thanks to the Butlers' good fortune, however, County Kilkenny in southern Ireland followed an entirely different path. The dynasty's long-term monopolisation of all grants acted as a stumbling-block for the shire gentry, for it prevented the emergence of a local market in ex-monastic land such as appeared all over England and Wales (or for that matter, in neighbouring County Wexford) after the 1530s.¹⁹ In short, in Kilkenny the dissolution stifled the progress of the gentry by increasing the Ormond Butlers' dominance over them.

The Butlers would not have been able to curtail the Kilkenny land market to the extent that they did without the continuance of royal favour. All the ex-monastic land that James the ninth earl had received by 1542 had come in the form of 21-year leases, implying that the interest of his successor, his eldest son and heir, Earl Thomas, in the temporal possessions of such jewels as Jerpoint Abbey and Callan Friary was set to expire in the early 1560s. But Black Tom (as the tenth earl was known) never needed to renew the leasehold. Reared at the royal court since the mid-1540s, he was well liked by successive English monarchs, who because of his court background felt sure of his loyalty. As a result, they saw to it that the monastic lands became the *permanent* property of his family. This was done by changing the form of tenure under which the lands were held: Jerpoint and Callan were regranted to him by Queen Mary in 1558 to hold *in*

¹⁵ For the politics behind this, see Chapter Three below; see also Ellis, *Tudor Ireland*, pp200-4, and Brendan Bradshaw, *The dissolution of the religious orders of Ireland under Henry VIII* (Cambridge 1974).

¹⁶ *Cal. Fiants Ire., Henry VIII*, nos. 161 and 241-3. N.B. White (ed), *Extents of Irish monastic possessions, 1540-1* (Dublin 1943), p. 197; N.L.I. D.2337 and D. 2350.

¹⁷ *Cal. Fiants Ire., Henry VIII*, no. 239.

¹⁸ Joyce Youngs, *Sixteenth Century England* (London 1984), pp 161-4; R.H. Tawney, 'The Rise of the Gentry', *Economic History Review*, XI (1941); H.J. Habbakuk, 'The Market for Monastic Property, 1539 - 1603', *Ibid.* XXVIII (1958).

¹⁹ D.M. Palliser, *The Age of Elizabeth* (London 1983), pp 87 and 89-90; Brian C. Donovan, 'A community in transition: the royal liberty and County of Wexford, 1536 - 1603' (unpublished B.A. dissertation, Trinity College, Dublin 1989), chapter 3 *passim*.

capite forever.²⁰ and in 1578 Elizabeth I gave him Kells Priory, also for ever, but this time in free socage.²¹ The Kells grant was particularly advantageous. Under socage tenure, the crown gave up its claim to various feudal dues, including the wardship of the land during a minority.²²

Thanks to grants like these, the tenth earl's long career (1546-1614) was a high point for the Kilkenny estate of the Butlers, earls of Ormond. In addition to consolidating the gains made by his father James and his grandfather Piers, Earl Thomas also bought a great deal of land in his own right. In plain statistical terms he acquired approximately 13,050 acres in the shire. He continued to drink deep of the well of royal favour as long as Elizabeth I remained on the throne, gaining a string of grants and privileges that greatly enhanced his wealth. Occasional debts to the crown notwithstanding, Black Tom of Ormond was far and away one of the richest men in Elizabethan Ireland. All the land that he bought in County Kilkenny he gained absolutely, paying hard cash for it, and by the time of his death in 1614 his purchases had taken his ancestral estate to unparalleled heights. In County Kilkenny no less than 90,000 plantation acres - about one acre in three - belonged to him.²³

The massive growth of the estate under the eighth, ninth and tenth earls had major implications for the scope of Ormond power in the shire. Quite simply, the authority of the earldom was no longer a major factor in local life, it was instead the major factor. The Ormond estate was literally everywhere, covering upland and lowland alike, densely distributed across 78 of the shire's 139 parishes.²⁴ For the ordinary people it must have had a claustrophobic presence. By the beginning of the seventeenth century there were at least 25 castles in the county that belonged to the earl and were manned by his men; these overlooked most of the main highways and thoroughfares, and enabled a close watch to be kept on all sorts of travellers coming into and going out of the shire. In a real and physical sense, County Kilkenny was just what outsiders often called it - 'the earl of Ormond's country'.²⁵ With the earl's servants spread so widely across the shire, very little happened without his knowledge or without his consent.

Rather like a giant modern industrial concern such as General Motors in Detroit, the earldom affected the fortunes of the great majority of the county's inhabitants, rural as well as urban, rich as well as poor. Each year the yield of its vast acreage swamped the local markets and fairs, so that more than any other estate, it probably played a major part in determining food prices in the area. Thanks to the size of its estate, it would have had an inordinate influence on the relationship between supply and demand.

The earldom's influence could also be felt in other more visible ways. Apart from some of the local town-based industries, the Ormond household was one of the biggest employers in the shire. All year round it required a host of domestic servants to tend to its daily needs: ushers and porters to guard access to its many castles and tend to its guests; victuallers and cooks to provide and prepare food; maids and laundresses to do the cleaning; blacksmiths, saddlers and stable-boys to care for its horses; woodsmen to chop fuel, and so on. At any one time these

²⁰ N.A.I. Lodge MSS. Records of the Rolls, vol. I, pp 127-31; this grant was confirmed to him by Elizabeth I in 1563, when the crown rent (£49.3s 9d (IR)) was also abolished (*Cal. Fiants Ire. Eliz. I*, no. 504).

²¹ N.A.I. Lodge, Lodge MSS. Records of the Rolls, vol. I, p.401.

²² A.K.R. Kiralfy (ed.), *Potter's Historical Introduction to the English Law* (4th edn., London 1962), pp494-5.

²³ For a list of his purchases see N.L.I., Ms. 2506, fōl. 22r.

²⁴ *Ibid.* Mss 975, 2543 and 2560. See Appendix 1 below.

²⁵ E.g. James Buckley (ed.), 'A vice-regal progress through the south and west of Ireland, 1567', *Waterford & S.E. of Ire. Arch. Soc. Jnl.*, xii (1909), p.67.

domestic servants numbered in the low hundreds, and through their family connections the influence of their aristocratic employers reached down to touch the lives of thousands more in the county. The management and exploitation of the estate likewise necessitated the hiring of a multitude of agricultural workers, either specialists such as drovers and shepherds, who were retained throughout the year, or general farm labourers, who were only engaged during the summer and at harvest time.²⁶

Noble power on such a grand scale as this was increasingly rare in Ireland in the early seventeenth century, a time when the native nobility was rapidly subdued and reduced by the expanding centralised state.²⁷ But the decision taken by the government after 1614 to divide up the estate and dismantle the lordship was destined to have far-reaching and counter-productive results partly because the crown did not fully appreciate just how central the earldom had become to local life.

Each region of the shire had its own special relationship with the earls (not always bad). In some areas there were very strong ties indeed, for during the course of the sixteenth century, while their estate was growing, the earls had taken the opportunity to develop certain regions in a manner which furthered their interests. It should be pointed out that this did not necessarily improve each area very much. However, it did often improve the earls' influence, for they recruited local supporters everywhere in the shire, and as we shall see, in some places they managed to create a community of friends and clients that were sometimes wholly dependent upon them. All over the county, the earldom of Ormond had friends and allies. Even where it came into conflict with local vested interests, it often had the means to make useful friendships (through financial inducements and other strategies) which could overcome or sidestep the difficulties. As the royal government would eventually discover to its cost, all too many of the most important people in County Kilkenny - landlords, merchants, soldiers, lawyers, even clergy - were Ormond people, just as acre by acre and field by field the shire as a whole was Ormond country. Of course, the cruel irony for the crown after 1614 was that many of these friendships and alliances had been forged during the preceding century, the very time when it had actively facilitated the expansion of the earls' influence.

The Northern Uplands

Nowhere in the county was the growth of the Ormond power-base felt so profoundly as it was in the north, in the baronies of Galmoy and Fassadinin and the northernmost parts of Crannagh and Gowran. Upland country, with hills to the east and west guarding entry into the Nore Valley, it was of immense strategic importance to the shire economy. Possession of it was a prerequisite of meaningful overlordship. Hence, commencing in the 1510s and continuing well into the early seventeenth century, successive earls of Ormond made control of the 20-mile area stretching from Urlingford to Castlecomer one of their principal territorial objectives. In doing so, they totally transformed the character of the region. But not necessarily for the better: at their instigation, between c1515 and 1640 northern County Kilkenny experienced a protracted three-stage development which, as it worked itself out, entailed at least as much suffering as progress for the local people.

²⁶ The Ormond household account book for 1630/1 (N.L.I., Ms. 2549) provides a detailed picture of the importance of the estate in local affairs.

²⁷ Nicholas Canny, *From Reformation to Restoration*, chapter 6; W.F.T. Butler, *Confiscations in Irish History* (Dublin 1917), chapters 1-4.

Initially, before the Ormond expansion got under way, the north had been a quietly prosperous, occasionally dangerous, inter-ethnic zone, a place where (usually) little happened and the Gaelic Irish and Anglo-Irish lived side by side - though with the Anglo-Irish becoming increasingly gaelicised, with families such as the Graces acting as patrons to Gaelic scribes, and their leaders adopting laudatory Gaelic pseudonyms, such as *teasog*, the bearded (Oliver Grace, c1470), and *crios iaraan*, the iron-belted (John Grace, c1520).²⁸ This had been the case for maybe forty years, since the 1480s or so, a time when - significantly enough - the influence of the house of Ormond had been in temporary decline. The peace was soon shattered by the rebirth of Ormond power after 1515. Immediately the north of the county became a battleground, providing the setting for a long bitter struggle between the Butlers of Ormond and their most threatening neighbours, principally the Gaelic MacGiollapadraigs (alias Fitzpatrick's) of Upper Ossory in modern County Laois and the O'Brennans of Idough in Fassadinin, but also including the Anglo-Irish earls of Kildare, who owned an important fort at Glashare in Galmoy.²⁹

It was only when these conflicts began that the north of the shire took on its present appearance, becoming shorter but broader in shape, as the borders with Laois and Carlow changed forever. Previously, ever since the early thirteenth century, northern County Kilkenny had been a long strip of land more or less coterminous with the diocese of Ossory. Running north as far as Slievebloom in Upper Ossory, it had included the medieval fees of Offerlane, Coolbally, Gortnycross, Aghmacart, Ballygennan and Gortreny in the modern-day baronies of Upperwoods, Clarmallagh and Clandonagh, County Laois.³⁰

After 1515, however, the county and the diocese diverged, and these lands seem to have been overrun by the MacGiollapadraigs, who expelled their Anglo-Irish occupants (chiefly the Graces), and proceeded to withdraw the entire territory of Upper Ossory - suddenly completely Gaelic - from County Kilkenny. They did this mainly to evade the jurisdiction of the Kilkenny sheriffs, who were usually Butler creatures, and as such unlikely to grant the MacGiollapadraigs a fair trial for their alleged offences.³¹ The fact that the office of sheriff stayed in the hands of the Butlers of Ormond and their supporters until the 1580s (see Appendix 3) insured that Upper Ossory never returned to County Kilkenny. Instead it remained unshired and aloof, existing as an autonomous Gaelic lordship under the MacGiollapadraigs until 1600, when it was finally re-shired by the government as part of County Laois (alias Queen's County), to which it has been attached ever since.³² After 1515 the boundary that separated it from north County Kilkenny soon became a hard frontier made up of a series of woodlands and man-made ditches stretching from Coolnacrutta through Coolcashin to Kilmenan and Loughill.³³ On the northern side of this frontier was an aggressive native Irish dynasty that succeeded in cutting off almost all contact with the partly gaelicised Anglo-Irish county below them. The era of inter-ethnic mixing that seems to have characterised the region in the late fifteenth century was over. It would not return until peace came after the end of the Nine Years War in 1603.

²⁸ Ibid, Ms. 8315 (9); Sheffield Grace, *Memorials of the Family of Grace* (2 vols., privately printed, London, 1823), i, pp 18-19; Owen O'Kelly, *The Place-Names of County Kilkenny* (Kilkenny Archaeological Soc., 1985), p.29.

²⁹ The border wars are treated in detail in Chapters Three and Four below.

³⁰ Eric St.John Brooks (ed.), *Knight's Fees for Cos. Wexford, Carlow & Kilkenny* (Dublin 1950), pp 227, 265 and 270-2.

³¹ Charles McNeill (ed.), 'Lord Chancellor Gerrard's Notes of his Report of Ireland', *Anal. Hib.*, no. 2 (1931), pp 162-3, 167-8 and 219; Alnwick Castle. Duke of Northumberland Papers. Ms. 476. ff 32v-33r.

³² *Cal. Fiants Ire. Eliz. I*, no. 6610.

³³ Details of this frontier can be gleaned from a late Elizabethan description of the Ormond lands: *C.O.D.*, vi, Appendix 1.

The other Gaelic territory in the north, Hy-Duach or Idough in Fassadinin - a place of bleak, wet, cold hills³⁴ - had a comparable experience, though its native inhabitants, the O'Brennans, did not fare nearly as well as the MacGiollapadraigs. Like the MacGiollapadraigs, the O'Brennans saw their territory change counties following the Butler resurgence, but whereas Upper Ossory escaped from County Kilkenny, Idough was drawn into it as the sixteenth century progressed. During the middle ages it had been included in County Carlow as part of the Irish inheritance of the Bigods, dukes of Norfolk.³⁵ However, by the 1540s (if not a lot earlier)³⁶ Idough was being claimed by the Ormond Butlers, and they had their claims recorded formally in a document of state in March 1547, when an inquisition post mortem was made for the estate of the ninth earl, James Butler, who had died six months earlier. Though it was admitted in court that the earl had received no rent for it from the O'Brennans, Idough was registered as part of his Kilkenny estate to be passed on to his son and heir 'Black' Thomas, the tenth earl.³⁷ As things transpired, however, it was really under Earl Thomas that the territory eventually became part of the Ormond country in County Kilkenny.

By the early 1560s, as Earl Thomas's power was growing in Dublin and London, members of his family increased their grip on Idough to such an extent that the Clan Wickelow sept of the O'Brennans were powerless to prevent a major military incursion onto their lands by the tenth earl's brother, Sir Edmund Butler of Cloghgrenan,³⁸ and some of the O'Brennans began enlisting as soldiers in the Butler forces.³⁹ The process of aggrandisement continued throughout the reign of Elizabeth I, and in the 1580s many of the O'Brennans entered into a last desperate (and unfortunately poorly documented) battle for survival, refusing to acknowledge the authority of the sheriff of County Kilkenny,⁴⁰ and in 1590 they ambushed Edmund Butler, second viscount Mountgarret, when he and his forces dared to parade through Idough.⁴¹ In the next few years, however, O'Brennan resistance ground to a halt. In 1594 the tenth earl received a grant of several pieces of land in the area that had been forfeited to the crown by attainder, and he also began buying out other parcels of O'Brennan land. All told, through an intermediary, Patrick Grant, he acquired more than 5,000 acres across Idough in little over a year.⁴²

By 1604 the O'Brennans realised that they had no choice but to accept the earl's overlordship, and Gilpatrick O'Brennan, the chief of the strongest sept, the Clan Moriertagh, duly became friendly with the earl.⁴³ Soon afterwards, by 1608, the entire territory was included within the boundaries of County Kilkenny with the O'Brennans' agreement, becoming part of the barony of 'Fassadinin and Idough', as the earl of Ormond wanted. One of the constables of the

³⁴ Smyth, 'Territorial, Social and Settlement Hierarchies', p.129.

³⁵ McNeill (ed.), 'Lord Chancellor Gerrard's Notes', p.219; B.L., Harleian Ms. 430, ff 204v-206r.

³⁶ The O'Brennans may have been drawn into Kilkenny temporarily circa 1400: James Graves, 'The Ancient Tribes and Territories of Ossory, No. 1', *Kilkenny & S.E. of Ire. Arch. Soc. Jnl.*, 1 (1849-51), p.238.

³⁷ *C.O.D.*, iv, no. 361.

³⁸ Sir Edmund Butler to Arnold, 11 June 1564 (P.R.O., S.P. 63/11/4); N. Murphy, 'The O'Brennans and the ancient territory of Hy-Duach', *Ossory Archaeological Society Jnl.*, 1 (1874-9), p.399.

³⁹ *Cal. Fiants Ire., Eliz. I*, no. 911.

⁴⁰ List of executed traitors, Sept. 1583 (P.R.O., S.P. 63/108/34); *C.O.D.*, vi, no. 89 (2).

⁴¹ H.M.C., *Egmont MSS.*, i, p.23 (= B.L., Add. Ms. 47.172, fol. 100r).

⁴² *C.O.D.*, vi, nos. 89 (2) and 99.

⁴³ N.L.I., D. 3340.

barony was William O'Brennan of Ballyhomyn (one of the Clan Moriertagh), and the chieftains of all four O'Brennan septs were named among its 'principal gentlemen'.⁴⁴

Thus the rebirth of Ormond power after 1515 changed the boundaries of north Kilkenny forever, sundering the county's age-old ties with a strong Gaelic region while annexing a weaker one that had once been part of Carlow. But not just the Gaelic lands along the northern borders were affected by the Ormonds' resurgence. For the Anglo-Irish too, the entire late medieval settlement pattern was quickly overturned following the outbreak of hostilities in 1515. Several of the oldest Anglo-Irish landowning families in the area were forced to sell up and leave, among them the Launts of Coulshill, the Pembrokes of Ballyragget and the Freneys of Clone and Rathbeagh, each of whom had lived in the north since the fourteenth century or earlier.⁴⁵ Without exception they sold or mortgaged their lands to the Butlers of Ormond,⁴⁶ and by the 1540s the dynasty had moved into the area in earnest, pushing its estate further and further north towards the present border with Laois.

The net result of the Ormonds' expansion was that large parts of the baronies of Fassadinin, Galmoy and northern Crannagh and Gowran were cordoned off as Anglo-Irish military zones. Existing castles were renovated and some new ones constructed as the Ormond Butlers established a string of garrisons in the area, situated mainly at Glashare (which the Ormonds got in 1537 after the collapse of the Kildares), Foulkscourt, Tubbrid, Coulshill, Ballyragget and Kilmocar. Backing them up in this enterprise were several markedly gaelicised Anglo-Irish client families, in particular the Butlers, viscounts Mountgarret, the Graces - a major lineage based at Courtstown Castle who controlled 'Grace's country' in the Slieveardagh hills - and the Shortals, the Purcells and the Archdekins (alias MacCodys or McOdos).⁴⁷ Although they were all freeholders, most of these families were creatures of the earldom, feudal subjects who held their lands directly in fee of the earls, the lords of the fee, usually in return for fealty, military service, suit of court and a nominal rent charge. This was the case with the Mountgarret Butlers, the Courtstown Graces, the Shortals of Ballylorcaine, and the Archdekins of Bawnballinlogh, who held their lands in fee by knight's service of the earls' manor of Kilkenny, and the Purcells of Ballyfoyle and Foulkesrath, who held of Gowran manor.⁴⁸ It is noteworthy that even in the 1620s, long after the border wars had ended, the earls continued to keep accounts of all the local landlords who owed them fealty and suit of court.⁴⁹ Feudalism was the backbone of the Ormond lordship throughout the county, but it was especially important in the north, where the earls' demands for military service were most often required.

The feudal client families of the region gave frequent military support to their overlords. Sometimes they established new garrisons of their own, or else they supplied many of the officers and troops who served in the Ormond forts.⁵⁰ The Graces were perhaps the most useful in this regard, with various members of the family taking charge of the Ormond castles at Rathvilly, County Carlow, Glashare and Foulkscourt, County Kilkenny, and Kilcooley, Boullick

⁴⁴ *Cal. Carew MSS. 1603-24*, p.29.

⁴⁵ E.g., *C.O.D.* ii, nos. 258, 377 and 397; *Ibid.* iii, nos. 50, 127, 144 and 209.

⁴⁶ *Ibid.* iv, nos. 69, 134, 176, 182; *Ibid.* v, nos. 7, 14 (1), 46, 127, 145, 267; *Ibid.* vi, nos. 89 (2), 99 (1); N.L.I., Ms. 2506, fol. 22r.

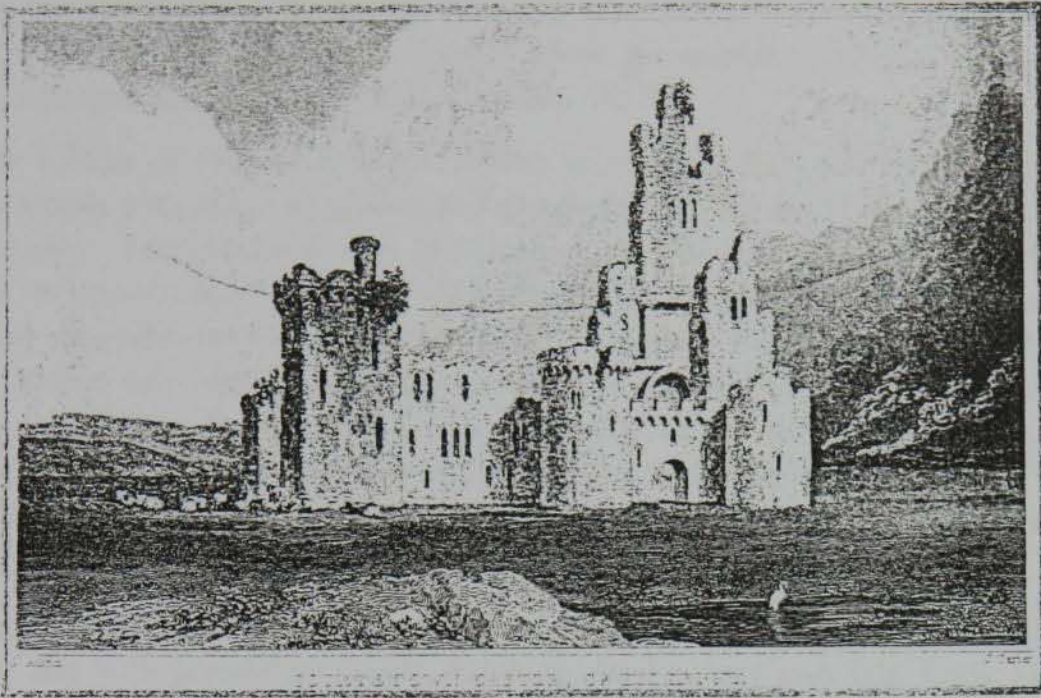
⁴⁷ Although the Archdekins of County Waterford were a late branch of the Kilkenny line, they did not follow their seniors in retaining this gaelicised alias after 1600: Mary O'Dowd, 'Irish concealed lands papers', *Anal. Hib.*, no. 31 (1984), pp 88 and 91.

⁴⁸ Details of the feudal bonds tying most of the county's landlords to the earldom are given in *Cal. Carew MSS. 1515-74*, no.273.

⁴⁹ N.L.I., Ms. 11.053 (3).

⁵⁰ E.g., *Cal. Fiants Ire., Eliz. I.*, nos. 90, 787,950, 1057, 1065, 1184, 1899, 1903, 1933, 2013, 2025, 2058 and 2064.

and Roscrea, County Tipperary.⁵¹ Within barely a generation, northern County Kilkenny (and the territory to either side) had become a no-go area patrolled by marauding gangs of Anglo-Irish pro-Ormond soldiers who cared little for the rule of law. It remained like this for most of the sixteenth century.



Reputed 18th-century ruins of Courtstown Castle, seat of the Graces

(from Sheffield Grace, *Memorials of the Family of Grace* (2 vols., privately printed, London 1823), ii)

The effect on the northern economy was catastrophic. As the level of violence intensified, important local commercial and population centres shrivelled up. The manorial village at Durrow on the Laois-Kilkenny frontier was badly hit. Church property, held by the bishops of Ossory, it had enjoyed considerable prosperity late in the fifteenth century, apparently thriving as a neutral trading post between Gaelic Ireland and Anglo-Ireland.⁵² After 1515 the oncoming Butler resurgence sent it into an instantaneous decline. The Purcells of Foulkesrath, longstanding Butler supporters, began illegally exploiting the bishops' lands in the area.⁵³ By the 1540s, rather than attracting merchants and skilled craftsmen, Durrow was getting the undivided attention of the Butler and MacGiollapadraig armies, both of whom were afraid that the bridge it guarded connecting Kilkenny to Laois would fall into the hands of the other.⁵⁴ The boundaries of Durrow manor, and the range of its manorial rights and privileges, were disputed by the rival dynasties for a long time afterwards. As late as 1635, the sheriff of County Kilkenny was compelled to intervene there in order to prevent the chief of the MacGiollapadraigs, the fifth

⁵¹ Lambeth Palace Library, Ms. 601, p. 40 (Rathvilly); Submission of John Grace, 7 Nov. 1578, P.R.O., S.P. 63/68/16 (Roscrea); H.M.C., *Irish Privy Council Book, 1556-71*, p. 100 (Glashare & Foulks court); N.L.I., Ms. 2507, fol. 17v (Boulick); St. Kieran's College, Kilkenny, Carrigan MSS, Vol. 18, p. 23 (Kilcooley).

⁵² E.g., sometime between 1460 and 1478 the boundaries of Durrow manor had been publicly ratified by both the Anglo-Irish Archdekins (alias Mc Codys) and the Gaelic MacGiollapadraigs: H.J. Lawlor (ed.), 'Calendar of the Liber Ruber of the diocese of Ossory,' *R.I.A. Proc.*, section C, XXVII (1908), p. 170.

⁵³ *C.O.D.*, iv, no. 39.

⁵⁴ Much of the history of Tudor-era Durrow can be gleaned from a series of depositions made in 1577, calendared in N.B. White (ed.), *Ir. Mon. & Epis. Deeds, 1200-1600* (Dublin, 1936), pp. 213-21.

baron of Upper Ossory, Barnaby, from encroaching any further on its lands, which were normally controlled by the servants of the earl of Ormond. Thanks to all this friction, Durrow village failed to develop as it should have, into an important market town, and instead it had to eke out a humble existence as a small border settlement, becoming the sort of place that attracted members of the early modern underworld, thieves, smugglers and cattle rustlers looking to sell their stolen commodities far from more advanced centres where government officials might be found.⁵⁵ (It remained a detached part of County Kilkenny until 1837).

The village of Freshford had a similar experience; here too the re-emergence of the Butlers apparently put paid to its growth and development.⁵⁶ By the 1560s the manor house of the bishop of Ossory - Freshford was also, like Durrow, an episcopal manor - and the bishop's sturdy little castle at Upper Court were both dilapidated, and the surrounding area was described as 'depopulated, deserted and not yielding any rent'.⁵⁷ Conditions thereabouts did not improve for a long time, and it was well into the seventeenth century before Freshford became a sizeable population centre again, finally counted as one of the lesser towns in the county in the 1650s, the era of Cromwell.⁵⁸ Suffice it to say that had it not been for the series of local wars sparked off by the rise of the Ormond Butlers after 1515, Freshford would probably have become a town much earlier than it did.

Right across the north, the expansion of the Ormond lordship brought considerable dislocation, and with population levels shrinking, land values also fell. Early in the sixteenth century the local land market had apparently been quite buoyant, if a series of deeds from north-western Fassadinin are anything to go by. Commencing in the mid-1490s and continuing until the late 1530s, the townlands of Rosconnell, Loughill and Ballyoskill, situated next to the border with Laois, had been the subject of five leases made by the St. Leger family, the owners. Despite the fact that the land involved was frontier land, the St. Legers had had no trouble getting a good return from it, for as yet there was no shortage of willing tenants. Accordingly, each of their five leases had been made for short periods of time - 7 years, 5 years, 3 years, 9 years and 3 years respectively - and the rent demanded by the St. Legers had kept on rising, from 10 shillings (Ir.), a summer sheep (i.e. one sheep out of every flock) and 10 gallons of butter circa 1495, to £4 (Ir.), a pig and a sheep in 1537, i.e. an eight-fold increase or thereabouts in forty years.⁵⁹

But even by 1537 conditions had begun to change. The re-emergence of the Butlers of Ormond led to a rise in violence and the new tenant, the rector of Rosconnell, Rory O' Bergin, felt compelled to ask the St. Legers for a guarantee that they would only come to visit Rosconnell 'in good faith and not otherwise'; in other words, he feared that the St. Legers would station their troops on his leasehold as they joined forces with the Butlers in waging war against the MacGiollapadraigs in the north.⁶⁰ His fears were soon realised. By 1549/50 there was all-out war between the St. Legers and the MacGiollapadraigs, and Rosconnell and its environs was overrun

⁵⁵ View of frank pledge at Durrow, 1635 (N.A.I. Co. 1759); Charles McNeill (ed.), 'Lord Chancellor Gerrard's notes of his report of Ireland', *Anal. Hib.*, no. 2 (1931) pp 165-6; N.A.I. R.C. 6/2. Chancery Decrees, Charles I - Charles II, pp 141-2.

⁵⁶ Freshford seems to have been expanding in the late fifteenth century, as the bishops of Ossory invested heavily in it, commissioning some major building works in the vicinity: Carrigan, *Ossory*, ii. p.251; Moran, 'Bishops of Ossory', p.247.

⁵⁷ N.A.I. M. 2816, pp 3-4.

⁵⁸ *Mercurius Politicus*, no.436, 1658 (Ibid. Prim MSS, no.32).

⁵⁹ C.O.D., iv, no.4(1)-(5).

⁶⁰ Ibid, no.4(5).

Chart 1.1

The wealth of the Kilkenny gentry, circa 1560

Landowner's name	Main estate	Acreage	Total Value (£stg)	Value Per Acre (pence)
<i>Northern uplands</i>				
J. Grace	Courtstown	c10,000	£120	2.9
O. Shortal	Ballylorcaine	5,380	£80	3.6
G. Purcell	Ballyfoyle	c4,500	£67	3.7
P. St. Leger	Tullaghanbroge	1,400	£27	4.6
D. MacShane Fitzpatrick	Kilmocar	1,300	£10	1.9
R. Purcell	Foulkesrath	550	£10	4.4
<i>Midland basin</i>				
W. Sweetman	Castle Eve	1,210	£74	14.7
G. Blanchville	Blanchvillstown	2,950	£67	5.7
J. Cantwell	Cantwell's Court	3,550	£60	4.1
P. Forstall	Kilferagh	1,530	£51	8.0
T. Den	Grenan	2,600	£51	4.7
E. Butler	Paulstown	3,240	£40	3.0
N. White	Knocktopher	850	£40	11.3
T. Dobbin	Lisnetane	c850	£40	11.3
T. Comerford	Ballymack	580	£40	16.5
F. Comerford	Callan	c400	£40	24.0
R. Comerford	Ballybur	390	£30	18.5
R. Fitzgerald	Burnchurch	1,420	£30	5.0
W. Forstall	Kilmanehine	350	£20	13.7
J. Rochford	Killary	590	£20	8.1
R. Shee	Kilkenny	c400	£20	12.0
J. Tobbyn	Cahirlesky	1,070	£20	4.5
E. Walton	Waltonsgrove	1,050	£20	4.6
P. Dobbin	Thomastown	c200	£12	14.4
N. Devreux & W. Lincoll	Mallardstown	550	£10	4.4
R. Twye	Tuitestown	200	£10	12.0
D. Rothe	Kilkenny	150	£10	16.0
P. Fitzgerald	Danginmore	190	£6	7.6
D. Howling	Kilree	220	£5	5.5
<i>Southern uplands</i>				
E. Walsh	Castlehowell	c13,000	£151	2.8
P. Walsh	Listerlin	2,390	£27	2.7
J. Butler	Duiske	8,600	£20	0.5
J. Tobbyn	Killosnory	720	£10	3.3
J. Howling	Derrinahinch	1,060	£7	1.6
<i>Southern lowlands</i>				
W. Daton	Kilmodally	2,850	£67	5.6
P. Strange	Dunkitt	5,650	£51	2.2
W. Gall	Gaulskill	1,910	£30	3.8
J. Freney	Ballyreddy	2,080	£60	6.9
E. Fitzgerald	Brownsford	1,950	£50	6.2
T. O'Dea Fitzgerald	Gurtines	2,000	£20	2.4
W. Power	Powerswood	400	£5	3.6
J. Aylward	Aylwardstown	870	£13	3.6

Source: Lambeth Palace Library, Ms. 611, fol. 87.

by both their armies.⁶¹ The MacGiollapadraigs proved the stronger, constantly preying upon the local inhabitants, raiding and burning their farms, and eventually the St.Legers were forced to leave the area. Sometime before the 1570s they handed over their Rosconnell estate to 'Black' Thomas Butler, tenth earl of Ormond, in exchange for lands elsewhere in the county.⁶²

Earl Thomas did not take possession of the land in order to exploit it economically - indeed, it is recorded that he received no rent at all from Rosconnell or Ballyoskill in 1576⁶³ - but rather, he intended to transform it into a buffer zone for the protection of his lands at Kilmocar and Dunmore further to the south. Hence his decision to sub-let the Rosconnell estate to one of his most experienced captains, the constable of Kilmocar fort, Donill Mac Shane Fitzpatrick, who remained in forcible possession there until the closing years of the sixteenth century. By this time the value of the area had noticeably stagnated, bringing the earl a rent of a mere £5 (stg) per annum.⁶⁴ Had it not been for the disturbances of the previous sixty years it would doubtless have been worth a great deal more. It was not a coincidence that once peace returned early in the seventeenth century Rosconnell, Ballyoskill and Loughill quadrupled in value in the space of less than ten years, producing a rent return of £20(stg) per annum by Easter 1610.⁶⁵

Rosconnell's experience was not untypical of other estates in the north of the shire. As Chart 1.1 opposite demonstrates, by the 1560s, after more than fifty years of political violence, the value of property in Galmoy, Fassadinin and northern Crannagh and Gowran was lagging far behind the value of property in County Kilkenny's midland basin. Although a certain disparity between the two regions was inevitable - after all, the midland basin was the economic heartland of the county - the fact that land anywhere in the midlands was worth on average three times as much as land in the north was highly significant. In strict economic terms, the north had much going for it - mineral deposits, some of the best arable land in the county, and some high quality grasslands for grazing horses, cattle and sheep in the Slieveardagh and Johnswell hills. As Professor Smyth has observed, there are 'pockets of superb [farming] land ... at Lisdowney and Ballyragget', and some of the county's best champion ground runs through Freshford, Dunmore and Mayne. By and large, only the wet, damp hill country around Idough and Castlecomer provided a tough environment for agriculture.⁶⁶ Yet, despite all this, land across the region struggled to reach a valuation of even 3.7d per acre, a trivial amount by the second half of the sixteenth century.

Conditions were worst at Kilmocar - it was Ormond's land, and therefore a target for MacGiollapadraig attacks - but even the most valuable holding in the north, that belonging to the Ormond client family, the Purcells of Ballyfoyle, was worth relatively little. The Ballyfoyle estate in Fassadinin and northern Gowran, which included lands at Muccully and Kilmadum, was quite highly developed in the reign of Elizabeth I. A schedule of goods drawn up after 1578 recorded that the deceased head of the family, Geoffrey Purcell, had made the most of the rolling hill country, breeding horses on an extensive stud farm, and keeping large numbers of cows,

⁶¹ *Ibid.* v. no.31(1)-(3); *Cal. Fiants Ire., Edward VI.* no. 399.

⁶² *Ibid.* vi. Appendix I, pp144-5.

⁶³ N.L.I., MS.2506, fol.8r. Rosconnell is here given as 'Garranconnell'.

⁶⁴ *Ibid.* fol.10v. which gives the half-yearly rent charge of £2 10s 0d.

⁶⁵ *Ibid.* fol.36v. Perhaps the most telling piece of evidence regarding the rapid improvement in Rosconnell's fortunes after 1600 is the fact that in 1611 the head of the St. Legers, Edmund St. Leger of Tullaghanbroge, tried to challenge the earl of Ormond's title to the estate, even though his family had gladly given up possession of it many years earlier (T.C.D., MS.2512, p.25).

⁶⁶ Smyth, 'Territorial, Social and Settlement Hierarchies', pp 127-8.

sheep and pigs there as well.⁶⁷ Nonetheless, the Ballyfoyle land was only worth a little more than 5d per acre, its economic potential clearly unrealised in a time of local political turmoil. Up until the close of the Elizabethan period the Purcell family had constantly to be on their guard against armed incursions onto their lands by night-time interlopers looking to steal their livestock or plunder and intimidate their tenants.⁶⁸

The same was true for the Graces of Courtstown and the Shortals of Ballylorcaine, the principal landowners on the other side of the Nore Valley, in northern Crannagh. Like the Purcells they too were steadfast supporters of the Butlers of Ormond, but because their lands were closer to the MacGiollapadraigs' territory in Laois, they paid more heavily for their allegiance than the Ballyfoyle Purcells did. By the early 1560s the Graces and the Shortals could expect as little as 2.9 - 3.6d per acre from their respective estates, having suffered more than most as a result of the increase in violence following the rise in Ormond power.⁶⁹

Chart 1.2

Northern tenancies on the Ormond estate, 1593

(excluding manors)

Tenant	Leasehold	Acreage	£	s	d	Rent (per acre)
Robert Purcell of Foulkesrath	Shanganagh & Coolcrahin	c700	3	10	0	1.2d
Richard Mor Purcell of Kilmocar	Connohy, Kilmocar, etc.	2,410	15	0	0	1.5d
Redmund Reagh Purcell of Esker	Graigerawe	450	4	0	0	2.1d
Donill Fitzpatrick of Kilmocar	Market Castle & Rosconnell	1,300	5	0	0	0.9d
John Butler of Castlecomer	Aghtubbrid & Cloghvoilhed	c1,050	10	0	0	2.4d
Garret O'Dowill of Baleen	Ballyspellane & Borresmore	1,000	20	0	0	4.8d
Barnaby fitz Donill Fitzpatrick	Durrow	1,340	10	0	0	1.8d

(Source: Michaelmas rental, 1593 (N.L.I., Ms 2506, ff 10v-11v); *Cal Fiants Ire., Eliz. I*, nos 3948 and 4329; *C.O.D.*, vi, no. 99 (3)).

Ironically families such as these could not have survived the harsh climate of the mid-to-late sixteenth century without economic aid from the earls of Ormond. Although loyalty to the Ormond banner was directly responsible for their predicament, only the Ormonds had the capacity to nurse them through their difficulties. As we have seen, the earls possessed a huge ancestral estate - and one which was growing rapidly, especially in the north - and from 1550 onwards they placed this at the service of the northern Anglo-Irish landowning community, offering cheap tenancies as a reward to the Graces and their like for their continued loyalty.

⁶⁷ N.A.I., C.P., parcel F, no.33.

⁶⁸ *Cal. Fiants Ire., Eliz. I*, no. 3816.

⁶⁹ *Ibid. Edward VI*, no. 946.

According to the Ormond rental for Michaelmas 1593, the tenth earl's tenants in Fassadinin and Galmoy were charged barely 2d per acre for some very large leaseholds there. Details of some of the tenancies are set out in Chart 1.2 above. The lesser Purcells were particularly fortunate, three of them occupying almost 3,600 acres in Fassadinin in return for a rent charge of just 1.6d per acre. Of these Robert Purcell of Foulkesrath got easily the best deal. Possessing a modest 550-acre estate of his own at Foulkesrath, he was able to more than double the amount of land available to him by leasing a further 700 acres at Shanganagh and Coolcrahin close by, for which the tenth earl asked just 1.2d per acre.

There is no doubt that leases such as these strengthened greatly the bonds that tied the northern Anglo-Irish squires and gentry to the earls of Ormond. To a large extent, they helped the much older feudal ties to continue in operation. By offering such big leaseholds for very little money, the earls made the majority of the local landlords economically dependent upon them to some extent, buying their loyalty through an unusual system of estate management that defined profit in political, not financial, terms. Thanks to these giveaway Ormond leases, the Anglo-Irish landowning community that still existed in north County Kilkenny circa 1550 remained in place until 1600 and beyond, possessing a considerable amount of cheap leasehold land to exploit as best they could and thereby cushion the blow of the overall decline in local property values that accompanied the Ormond- MacGiollapadraig border wars.

The economic protection offered by the Ormonds should not be underestimated, for it had at least one major effect on the north which outlasted the Ormonds' own predominance, as it helped to accelerate the decline of the Gaelic way of life there. Early in the seventeenth century, the local Anglo-Irish landowners (Ormond associates all) began to expand into Idough, previously the most unreachable part of the north. They continued doing so even after the earldom fell into decline following the accession of the eleventh earl, Walter, in 1614.

The principal Anglo-Irish families involved were the Mountgarret Butlers and various branches of the Purcells, Shortalls and Comerfords,⁷⁰ and between them they brought to its logical conclusion a policy that had been begun by the earls of Ormond in the sixteenth century. Capitalising on the O'Brennans' economic weakness,⁷¹ by the beginning of the 1630s they had managed to acquire perhaps as much as a quarter of the entire territory of Idough, thereby insuring its transformation from a wholly Gaelic region to one of mixed ownership where the now relatively wealthy Anglo-Irish were rapidly gaining the upper hand. The cultural ramifications of their expansion were soon widened with the arrival by their sides of local New English adventurers such as Sir Cyprian Horsfall, Oliver Wheeler, Henry Mainwaring and the English-born Ridgeways, earls of Londonderry.⁷² Within barely a generation, between 1600 and 1630, Idough had succumbed to the lure of outside riches, with larger and larger parts of it yielded up by the O'Brennans, first for Anglo-Irish, then New English, money. And so it was that the Anglo-Irish families of the north - so often the oppressors of commerce before 1600 - acted as harbingers of the market economy after that date. Without the Ormonds' previous protection, they might never have been able to do so.

⁷⁰ For the Comerfords on part of the Clan Moriartagh's land at Rathcally in 1634/5, and also at Clogherank, see N.L.I., Ms. 11,044 (92).

⁷¹ An idea of the poverty of the O'Brennans can be gleaned from a 1621 deed of mortgage, where Donogh McFirr O'Brennan (the mortgager) spoke of his 'urgent and necessary uses' of £18 (stg), quite a modest sum at that date (H.B. McCall, *The Family of Wandesford of Kirklington & Castlecomer* (London 1904), p.262).

⁷² *Inq. Lagenia*, Co. Kilkenny, Charles I (64)

It is interesting to note that the acquisitions by the Mountgarret Butlers and the Purcells *et al* in the uplands of Idough were accompanied by an increasing tendency among the O'Brennans to embrace English (or, more precisely, Anglo-Irish) cultural norms. As early as 1604 certain members of the clan like 'James fitz Edward O'Brennan of Rathcally' began the adoption of English christian names,⁷³ a trend which seems to have become widespread by April 1635, when six of the ten clan members who were summoned as jurors to Kilmocar manor court had English-style first names.⁷⁴ Meanwhile, English replaced Latin as the normal language used in legal documents such as deeds of conveyance.⁷⁵

Eventually, however, the great strides that the Anglo-Irish landowners had managed to make in Idough despite the Ormonds' downfall were utterly undone largely because of the earldom's collapse. In 1635/6, cursed with soaring financial problems, Earl Walter's successor, James, the twelfth earl and future duke (1633-88), agreed terms with leading members of the royal administration in Dublin to pass Idough in its entirety over to Christopher Wandesford, the Master of the Rolls. It will be shown in Chapter Six below that he had no right to do so. For the present purposes it will be enough to examine the impact of Wandesford's arrival, insofar as it affected the locals and helped to alter their hitherto quite positive view of the earldom of Ormond. The twelfth earl's deal with Wandesford threatened to bring wholesale change in its wake. At once the proprietorial rights of all the other landowners in the area, Gaelic Irish, Anglo-Irish and New English, were overthrown by the state. Idough seemed set for a massive upheaval. Wandesford envisaged establishing a private plantation there centred around Castlecomer, bringing in colonists as tenants from England, skilled farmers and artisans who he hoped would transform the landscape and revolutionise the local economy. His tenants duly began arriving in Idough from 1638 onwards, and by 1641 they had managed to build a small English-style village at Castlecomer, to create a 4,000-acre parkland in the adjoining hill country, and to open new mining works there.⁷⁶ Had the twelfth earl of Ormond not been close to bankruptcy, Wandesford might never have gained entry to the region.

Traditionally the general improvement in the economy of north County Kilkenny after 1600 has been associated with the arrival of Wandesford's little colony at Castlecomer. To an extent this is plausible: with the development of Castlecomer the north began to take on its modern form. However, there is reason to believe that, for the period up to 1642, the economic importance of the Wandesfords' arrival has been exaggerated. For one thing, the changes at Castlecomer and its surrounding area were actually quite modest. The village of Castlecomer, the centre of the little colony, struggled to come to life, and probably had a population of barely two hundred by 1641/2. Mines were already in operation in the area long before the Wandesfords came - there are references to a mine (probably a coalmine) operating in the 1490s,⁷⁷ and to a furnace being worked at Kildergan (alias Kildroyn or Killerghan) in 1622⁷⁸ - and by the 1630s an ironworks belonging to the earl of Londonderry was also up and running.⁷⁹ Likewise, the

⁷³ N.L.I., Ms. 4147, p.5.

⁷⁴ *Ibid.*, Ms. 11.044 (92). Although the document is called a View of Frank Pledge, it is really just the proceedings of a manor court.

⁷⁵ *Ibid.*, Ainsworth Reports, Vol. 5, 'Prior-Wandesford Papers', pp 1361-9; McCall, *Family of Wandesford*, p.262.

⁷⁶ McCall, *Family of Wandesford*, pp 77-8; William Nolan, *Fassadinin: Land, Settlement & Society in South-East Ireland, 1600-1850* (Dublin 1979), pp 54-6.

⁷⁷ *C.S.P.I., 1601-3 & Addenda 1565-1654*, p.671.

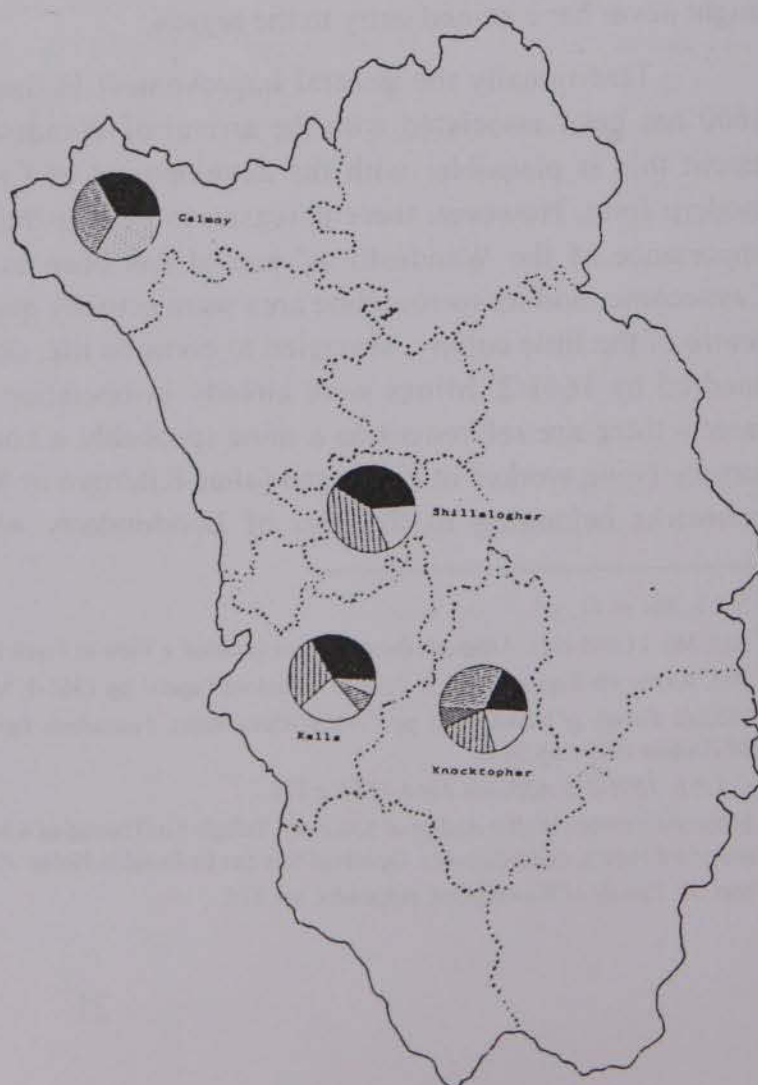
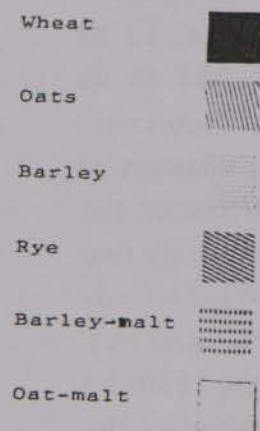
⁷⁸ Indenture between Walter Archer of Kilkenny, Tirlagh FitzThomas of Kildergan and Lawrence, Lord Esmond, 8 Dec. 1622 (N.L.I., Wandesford Papers, uncatalogued). Details of this can be found in Nolan, *Fassadinin*, pp 54 and 229, n.64.

⁷⁹ McCall, *Family of Wandesford*, Appendix, no. 178.

Regional corn varieties, 1621

(bushels demanded as tithes)

Barony & townland (with acreage)	Crop types						Tithe total	Total crop (x 10)
	Wheat	Oats	Barley	Rye	Barley malt	Oat malt		
Galmoy								
Borrismore (484)	4	4	4	-	-	-	12	120
Shillelogher								
Kilbrican (159)	2	-	-	-	2	1	5	50
Kells								
Grovebeg (c126)	5	-	-	-	2	4	11	110
Rogerstown (233)	3	-	-	-	3	3	9	90
Shortalstown (c187)	5	-	-	-	6	6	17	170
Lemonstown (199)	8	8	8	-	-	-	24	240
Kildrummy (361)	3	-	-	-	4	4	11	110
Kilmogany (186)	1	3	4	-	-	-	8	80
Kilree (221)	7	-	-	-	7	7	21	210
Haggard (c81)	6	-	-	-	10	-	16	160
Danginmore (c185)	10	-	-	-	10	10	30	300
Danginbeg (170)	12	-	-	-	10	8	30	300
Rossenarra (242)	10	-	-	-	6	8	24	240
Clonmacshanboy (c185)	4	-	-	-	4	4	12	120
Castlehowell (603)	4	-	-	-	2	3	9	90
Newchurch (c187)	-	5	-	2	-	-	7	70
Knocktopher								
Lismacteige (721)	-	12	-	2	-	-	14	140
Castleganny (402)	-	20	-	6	-	-	26	260
Kilbeacon (3,510)	-	10	-	3	-	-	13	130
Kiltorcan (365)	10	-	-	-	10	10	30	300
Ballyhale (666)	9	-	-	-	9	9	27	270
Kilkerhill (308)	6	-	-	-	10	8	24	240



Wandesfords' plans to establish an iron pot manufactory at Castlecomer were frustrated by a long battle over the sale of a pot-making patent.⁸⁰

Admittedly the arrival of the Wandesfords and their tenants did bring some profound changes, especially outside Castlecomer village, in the surrounding countryside. Hitherto, because of its mountainous terrain and inhospitable climate, Idough had been predominantly an area of pastoral farming. During the late sixteenth century, for example, it was stated that the tenants of the earl of Ormond 'did manure and sow' only a small part of the earl's land there, preferring instead to have his lands divided up into a series of 'booleys or dairy places' where they could graze their cattle.⁸¹ But immediately after the annexation of the territory by Christopher Wandesford in 1635, it seems a lot more land was given over to arable farming. One of Wandesford's tenants is known to have had a malthouse attached to his home at Castlecomer,⁸² while another operated a scythe mill. The scythe mill was especially important. According to one of Christopher Wandesford's earliest biographers, 'it wrought scythes in such abundance that the Irish, who had hitherto suffered their grass ... to rot on the ground, now imitated the English manner of mowing and preserving hay'.⁸³ As Dr. Nolan has noted, there is no reason to cast doubt on the local tradition that the Wandesfords introduced the art of haymaking to Idough.⁸⁴

Yet this was not so remarkable as it might seem. The changes the Wandesfords made to Idough's economy were in step with the trends emerging elsewhere in the north of the county in the seventeenth century. With the coming of peace after 1603, more people were able to live in the region, and as already noted, old rural population centres such as Freshford at last began re-expanding. New centres also emerged. In the north-west, for example, Foulkescourt grew significantly, becoming an important rural settlement with 32 cottages springing up near the castle bawn.⁸⁵ The rise in numbers brought a corresponding increase in the amount of land under tillage. There was probably a good financial return from arable farming. At Ballyragget one of viscount Mountgarret's tenants (who also kept cattle and sheep) set aside two fields for wheat, from which he and his family anticipated an income of £80 per annum in the early 1600s.⁸⁶ By 1641 approximately 60% of the entire barony of Fassadinin - not just Idough - was given over to arable farming.⁸⁷ Moreover, according to a document among the Ormond papers, by 1621 barley was being sown quite widely in the barony of Galmoy, along with wheat and oats (see Chart 1.3 opposite). There is also evidence to show that, by the reign of Charles I, potatoes had been introduced to the north, evidently grown as a luxury high-value crop, as one farmer had his potato crop stolen in 1636.⁸⁸ All told, the demand for land across the area probably increased quite radically at this time, with the duration of leases on some estates dropping to five years, as at Urlingford in 1623, and rents rocketing upwards, as at Rathely in 1640, where a leasehold of

⁸⁰ Bod. Lib., Oxford, Ms. Add. C. 286, ff 1, 16-18 and 22.

⁸¹ N.A.I., C.P., parcel F, no. 42.

⁸² Deposition of William Parkinson (T.C.D., Ms. 812, ff 190r-192r).

⁸³ T. Comber, *The Life of Christopher Wandesford* (London 1778), p. 70.

⁸⁴ Nolan, *Fassadinin*, p. 55. Only to the Gaelic part of the territory: Anglo-Irish parts, such as Castledough/Odagh (part of the medieval cantred of Idough, but now in Crannagh), already had some expertise in haymaking by the 1540s (*C.O.D.*, iv, no. 317 (3)).

⁸⁵ N.L.I., Ms. 2560, p. 40.

⁸⁶ N.A.I., C.P., parcel I, no. 180.

⁸⁷ 9,789 plantation acres, out of a total of 16,309: *Ibid.* p. 60.

⁸⁸ N.L.I., D. 4052.

arable and pasture fetched 2s per acre.⁸⁹ In other words, the economic changes that the Wandesfords achieved in Idough via the forceful dispossession of the local proprietors were matched elsewhere across the northern uplands of the county - but without recourse to such extreme measures. Ultimately, then, the most important thing about the Wandesfords' arrival was their displacement of the pre-existing, ethnically mixed, landowning community, not least because in 1640/1 this came to have a direct bearing on the future of the earldom of Ormond in the county. Understandably, those who had been displaced by Wandesford could not forgive the twelfth earl, James Butler, for having allowed Wandesford in by selling them out.

However, by producing such a tense political climate, the events in Idough were quite exceptional. Elsewhere in the north the decline of the earldom of Ormond did not lead to any similar drastic challenges to settlement patterns. Instead, in Galmoy, northern Crannagh and Gowran, and the rest of Fassadinin, things carried on much as they had been doing before their downfall. As such, the local proprietorial structures that the earldom had helped to create before 1614 remained in place afterwards. Much the same families as had dominated the landscape in the late sixteenth century continued to do so in the seventeenth, not least the Ormonds' near relatives the Mountgarret Butlers, but also the Purcells, the Archdekins, the Shortals, and the Graces. The Courtstown Graces provided M.P.s for two successive parliaments, in 1613/15 and 1634/5, and were still able to get access to noble patronage, as one of them was raised in the household of the English aristocrat, Lord Falkland, during the 1630s.⁹⁰ The head of the Shortals, Oliver of Ballylorcaine, was knighted in James I's reign, and twice served as sheriff of the shire; indeed, a Shortal was sheriff for each of the three years 1622-4, with the office also going to those junior representatives of the line that were based at Rathardmore and Highrath (see Appendix Three below). Hence, although the house of Ormond itself suffered hardship, some of the principal beneficiaries of its former generosity continued to hold up politically, albeit not quite to the same extent as before.⁹¹ And this at a time when all across Ireland comparable local elites were falling away, displaced by a growing class of New English colonists. Not so in north Kilkenny. Right across the area, apart from events in Idough, the Elizabethan *status quo* survived almost untouched down to 1641.

This lengthy continuity gave northern Kilkenny a strong regional character. The tightly knit nature of the local Anglo-Irish families, something which had helped them survive the border wars of the sixteenth century,⁹² remained in force as late as the 1640s, when English officials in Dublin could see little difference between their methods of family organisation and those of their Gaelic neighbours, and collected information concerning the 'sept' of the Butlers in Idough and 'the sept of the Codies [i.e. the Archdekins]' in Galmoy.⁹³

Something which underpinned the continued prevalence of tight, almost clannish, family units in the north was that, even in the reign of Charles I, it was still a place dominated by big

⁸⁹ N.A.I., Thrift Abstracts, no.2968. J. Ainsworth & E. MacLysaght (eds.), 'The Power-OShee Papers', *Anal. Hib.*, no. 20 (1959), p.257.

⁹⁰ Sheffield Grace. *Memorials of the family of Grace* (2 vols., London 1823), i, p.12; Grosart (ed.), *Lismore Papers*, 1st series, iv, p.17.

⁹¹ Only the Purcells of Ballyfoyle experienced serious economic problems after 1603, forced by a succession of wardships to mortgage or sell land regularly between 1618 and 1639/40 (Carrigan, *Ossory*, iii, pp 466-71).

⁹² E.g., in the mid-Tudor period, a government official gave an insightful glimpse of the local conditions by ignoring the different branches of the Purcells, instead lumping four of their gentlemen together as 'Purcellenses' (*Cal. Fiants Ire., Edward VI*, no. 4).

⁹³ T.C.D., Ms. 812. ff 166r and 169r.

estates. Along with the earls of Ormond, the other major Anglo-Irish landowners in the area - the Mountgarret Butlers, the Graces of Courtstown, the Shortals of Ballylorcaine, the Purcells of Ballyfoyle - held about 50% of all the land in Fassadinin in 1641⁹⁴ and 65% of Galmoy.⁹⁵ This meant that the younger sons of these families had no need to leave the familial estate, for there was enough land to go round between them *and* the heads of their line when circumstances demanded. And so it was that a local variation of the Gaelic custom of partible inheritance was found among some of the Anglo-Irish squires and gentry of County Kilkenny. For instance, during the period 1450-1600 both the Purcells of Ballyfoyle and the Shortals of Ballylorcaine set aside some of their patrimonial lands to establish lesser scion branches nearby; this was how the Purcells of Lismaine and Ballysallagh, and the Shortals of Tubbrid and Kildrinagh originated. No wonder the English officials described these families as septs. On the whole, however, partible inheritance was only practised occasionally in the north - for the most part, the big estates remained big down to 1641.

Considering that the north of the county was frontier land for most of the period 1500-1640, there is reason to believe that the large sprawling familial estates produced a much lower level of migration out of the area than might otherwise have materialised. Instead of leaving for the towns, many of the 'poor relations' of the northern Anglo-Irish landowners stayed put, rooted to a particular area that was often named after them, i.e. to Purcell country in northern Gowran and southern Fassadinin, or to Grace country in upland Crannagh. Surviving records from the sixteenth century show that many of the tenants on the Shortal and Purcell lands were themselves Shortals and Purcells, and that, moreover, many more again of their more distant relatives eked out a living as tenants on the lands of neighbouring families.⁹⁶ Because of all this, the northern squires and gentry were like the Butlers of Ormond in miniature: themselves the heads of large family groups, they were often responsible for huge numbers of dependants. Figures from the era of the Cromwellian transplantation show that the Purcells of Ballyfoyle had an extended family of 121 persons, made up of immediate family, kindred and servants, in 1654. All of these would have lived within a few miles of Ballyfoyle Castle, on Purcell land, or else on the land of well-inclined neighbours.⁹⁷

The clannishness of the northern Anglo-Irish families was further compounded by the fact that they were all very closely related to each other. Generation after generation, Purcells married Shortals, Shortals married Archdekins, Butlers married Graces, and so on, thereby creating a thick web of kinship in the area that outsiders found hard to penetrate.⁹⁸ In 1588 a gentleman from County Meath felt he had been denied a fair trial in Kilkenny because his adversary, Edmund Purcell of Ballysallagh, who held a small estate near Ossory Hill in northern Gowran, was 'greatly allied and friended in all wheres [i.e., places]'.⁹⁹ This was even the case for

⁹⁴ For a revised estimate of landownership in the county circa 1641, see Appendix One. It should be noted that, as with all mountain areas, the acreage for Fassadinin as given in the 1654 Survey Book of Distribution is wildly inaccurate, omitting at least 10,000 acres of Wandesford land from the barony (N.L.I. Ms. 975, pp 187-94).

⁹⁵ *Ibid.* pp 196-201.

⁹⁶ Government pardons are a rich source for migratory and non-migratory patterns. For some of the Shortals who had settled at Rathely and Baleen by the 1560s, see *Cal. Fiants Ire., Eliz. I.* nos. 927, 1057 and 1076; for the Purcell tenants at Graigerawe, Rathbeagh, Ballyragget, Ballyspellane, Kirrehill, Donaghmore, Inch, Drummerin and Kilderry during the same period, see *Ibid.* nos. 950, 1057, 1065, 1068 and 1184.

⁹⁷ Persons transplanted to Connaught, circa March 1654 (St. Kieran's College, Kilkenny, Carrigan MSS, vol. 21).

⁹⁸ E.g., Carrigan, *Ossory*, ii, p. 284; *Ibid.* iii, pp 156-7 and 158-9; Adrian Empey (ed.), *A Worthy Foundation*, pp 90-1.

⁹⁹ N.A.I. C.P., parcel A, no. 183.

some of the inhabitants of the County Kilkenny midlands. Late in the reign of Elizabeth I the Kilkenny lawyer, Walter Archer, stated in a Dublin court that he was unable to get compensation against one of the Ballyfoyle Purcells who had seized some of his pasture land, because Purcell lived in a 'remote part' of the county, and was too well connected with the local gentry for justice to be done.¹⁰⁰ Indeed, well into the seventeenth century it remained difficult for outsiders to prosecute the northern landlords in the local courts as, 'well allied' and clannish, they were not easily persuaded to find against one of their own when serving as jurors.¹⁰¹

The earls of Ormond had of course played a major part in creating this densely insular community. The large Anglo-Irish estates of the area would not have survived without their help before 1603. Moreover, their influence could still be felt after their post-1614 downfall. The survival of the Anglo-Irish landlords under their protection guaranteed the continuance of something increasingly out of step with trends elsewhere in Ireland, namely the old feudalistic principles of lordship and patronage. For it was during the early seventeenth century that the next most senior Butler lord to the earl of Ormond, Richard Butler, third viscount Mountgarret, began operating like the earls had done, using his own land in the area to develop a clientage relationship with the local gentry, taking on middlemen tenants such as Richard Browne, a merchant from Kilkenny, at Urlingford, John O'Loughlin, a minor Gaelic gentleman, at Ballyragget, and Richard Butler, a kinsman, at Rathelty. The rents that he charged them could be very low: another Kilkennyman, Robert Shee, paid him just 2d per acre for a small holding. And just as on the pre-1614 Ormond estate, some of these sub-let at a profit some of the viscount's land to the ordinary tenant-farmers of the region.¹⁰² An impression of the value of these leases to Mountgarret's clients can be seen at Ballyragget, where John O'Loughlin, his wife and five children, survived very comfortably on a farm estimated to be worth more than £600 (stg) by 1618.¹⁰³

Plainly, like an old habit, the old feudal order of Galmoy, Fassadinin and northern Crannagh and Gowran was hard to kill. Unlike many other places in early modern Ireland, north County Kilkenny was a place where the traditional elite had successfully adapted to survive. Admittedly, the general economic improvements in the area after 1603 helped them to do this, but so too did a strong opportunistic streak that was the product of life in the borderlands. Although they had been nurtured by the earls of Ormond, they proved themselves to be a tough and resilient lot once the mantle of Ormond protection was lost, more than capable of carrying on the traditions of lordship, kinship and resistance to outside interference in which their ancestors had been raised by the local overlords. Eventually, in 1640/1, their leaders would play a leading part in bringing the royal administration in Dublin to its knees. Ironically, in doing so, they would instigate the collapse of the Ormond lordship in the county, as one of the principal royal councillors to earn their wrath was the twelfth earl of Ormond, James Butler, a man whom they perceived as betraying the noble traditions of his predecessors, in Idough trading 'good lordship' for personal gain at their expense. In a sense, like so many early modern rebels who posed as loyal monarchists while attacking the monarchy, in 1641 the Kilkenny northern community

¹⁰⁰ Ibid. parcel K. no. 223.

¹⁰¹ Ibid. parcel B. nos. 25, 127 and 302; parcel E. nos. 20 and 289; parcel G. no. 124.

¹⁰² N.A.I. Thrift Abstracts, no.2968; Ibid. C.P., parcel Aa. no.5; Ibid. parcel T. no. 112.

¹⁰³ Ibid. parcel I. no. 180.

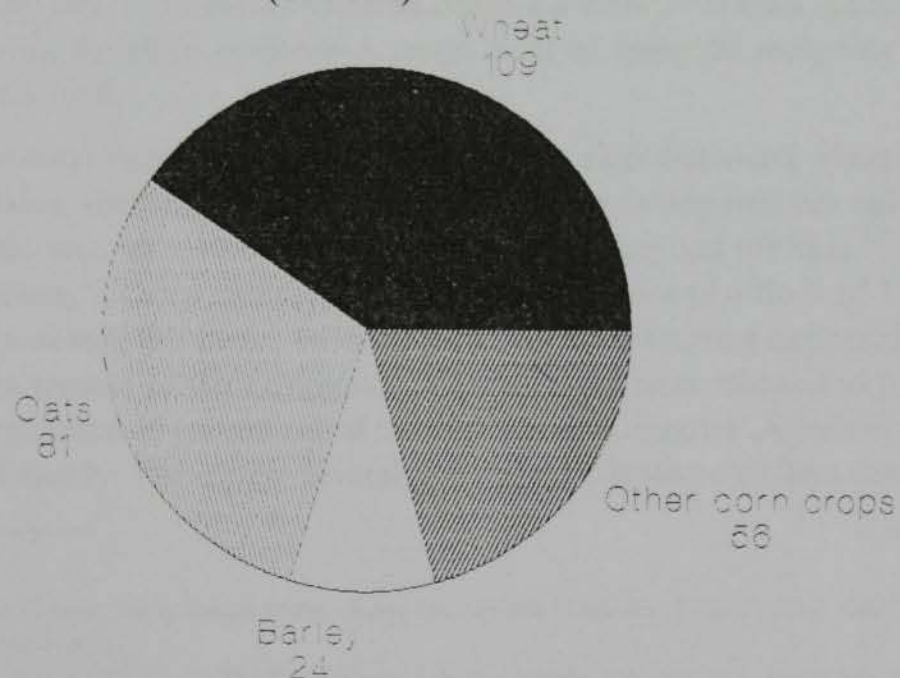
would see themselves as better Ormondists than Ormond himself. To say the least, it was a curious effect of more than a century of Ormond patronage.

The Midland basin I: The Agricultural heartland

The ramifications of the re-shaping of north Kilkenny between 1515 and 1640 by the earls of Ormond and their Anglo-Irish clients seem greater still when the focus of attention is switched south to the centre of the county. Before 1603, by turning the north into a military borderland, the eighth, ninth and tenth earls insured the security and prosperity of the county's low-lying midland basin, which was then the agricultural heartland of the shire even more than it is at present. Nowadays the County Kilkenny midland plain is mainly a region of dairy farming, with about 20-25% of the available land given over to tillage.¹⁰⁴ In early modern times, however, tillage was much more important, and the low-lying central plains acted as a bread basket for much of the rest of the county. Stretching out on both sides of the Nore river valley, and ranging across the baronial districts of Shillellogher, Kells, mid-Gowran, southern Crannagh, northern Knocktopher, and the liberties of Kilkenny and Callan, the fertile plains of the midlands were ideally suited to arable production. So much so, in fact, that by the middle years of the seventeenth century it had made County Kilkenny the fourth biggest grain producer in Ireland (behind Wexford, Meath and Louth).¹⁰⁵

Chart 1.4

Blanchvillestown Crops, 1601 (bushels)



[Note: County Kilkenny bushels probably followed the great Irish measure of 32 gallons to the bushel].

Source: N.A.I., C.P., parcel M, no. 102

¹⁰⁴ This is a 1965 estimate; tillage has probably declined even further since then. See Desmond A. Gillmor, 'The Agricultural Regions of the Republic of Ireland', *Irish Geography*, v, no. 4 (1967), p. 255.

¹⁰⁵ Smyth, 'Territorial, Social and Settlement hierarchies', p. 133. This was still the case at the end of the eighteenth century, when it was described as 'one of the great corn counties': Daniel Beaufort, *Memoir of a Map of Ireland* (Dublin 1792), p. 52.

The soil quality is generally very good all across the central plain, and it enabled local farmers to produce a rich variety of crops. Professor Smyth has noted that the dominant feature over most of lowland Kilkenny was an open-field tillage economy geared to grain production, principally wheat, barley and oats;¹⁰⁶ the information in Chart 1.3 above bears him out. Wheat, barley-malt and oat-malt were the principal crops in the baronies of Shillelogher and Kells, with oats more to the fore in Knocktopher. The productivity of the land was especially high in Kells barony, where the widest range of grain crops was sown. The average yield approached a bushel per acre, with almost two bushels per acre on the best farms. Further to the east, the Blanchville estate at Blanchvillestown was probably fairly typical of the farms in southern Gowran. Chart 1.4 above demonstrates how in 1601 their farm was heavily geared towards grain production, with wheat and oats once more leading the way, and with some other grain types also grown.

Mid-Kilkenny's river system underpinned its arable economy.¹⁰⁷ Fed by the Nore and its many tributaries - chiefly the King's River, but also the Gloragh and the Lingaun - the region had an abundant water supply, crucial for arable farming, not least because it allowed mills for grinding and pounding corn to be built along the riverbanks. The midlands were dotted with watermills of all types and sizes. For instance, there was a pounding mill at Tullaghanbroge belonging to the St. Legers, a grinding mill at 'Piers Rothe's Croft' near Washeshayes on the Nore belonging to the Shees, and a Comerford mill at Kilbrican on the King's River.¹⁰⁸ A rare fragment of the 1654 Civil Survey for County Kilkenny mentions mills at Haggardstown (where there were two), Dunmore, Woollengrange, Dunbill and Kilmanagh.¹⁰⁹ But these were only a few of the mills that existed. Recently a local scholar has accounted for another 15 mills, all within a four-mile radius of Kilkenny city.¹¹⁰ To them should be added a further 27 at least, mainly from a little further afield,¹¹¹ giving the shire midlands a rough total of some 50 mills that were in operation between 1500 and 1640.

Despite all this, pastoral farming was not neglected in the shire heartland. Sheep farming was carried on in many places, such as Kilferagh, where there was a fulling mill belonging to the Forstalls, who in the 1540s secured a license to export their wool beyond the seas.¹¹² Jerpoint was likewise part of the county's sheep country, and there is a reference to a flock of 300 sheep being put out to graze on a nearby hill in the 1630s.¹¹³ Nor was dairy farming neglected. During the Elizabethan period, the tenants of the Fitzgeralds of Burnchurch were allowed to pasture or booley their cattle on a large piece of ground called 'Skeagh Farren Connowe', which is now part of the modern townland of Bewly. There were several other pasture-lands or booleys nearby.¹¹⁴ A

¹⁰⁶ Smyth, *op. cit.* p.133.

¹⁰⁷ For a discussion of the local river systems, see A. Austin Miller, 'River development in southern Ireland', *R.I.A. Proc.*, B, xlv (1938-40), pp 321-54; Beaufort, *Memoir*, p.53.

¹⁰⁸ N.A.I., C.P., parcel Q, no. 70; *Ibid.* parcel O, no. 27; Thomas G. Fewer & K.W. Nicholls, 'The Will of Robert Forstall of Kilferagh, 1645', *Decies* 48 (1993), pp 15-16.

¹⁰⁹ N.L.L. Ms. 2560, pp 37-9 and 45.

¹¹⁰ At Purcellsraah, Shancourt or Old Court (alias Kyleroe), Radestown, Maudlin's Mill, the Black Mill at Ferynbroke, St. Francis' Abbey, the Kilkenny Castle mills (3), the Lacken Mill, Fennessy's Mill, Jenkin's Mill, Greensbridge, Sheestown and Ballyreddin: John Doyle, 'The Water Mills of Kilkenny', *Old Kilkenny Review*, iii, no. 2 (1985), pp 147-59.

¹¹¹ At Kells manor, Kilinny, Kellsgrange, Carrengair in Thomastown, Archersgrove, Cloghalea, Dysert in Pleberdstown, Cantwell's Court (2), Dunamaggan, Rahine, Callan (2), Kilferagh, Ballyfrunk, Gowran (2), Kilkrine, Joelsrown (alias St. Martin's), Rosbercon, Maddockstown, Jerpoint, Newtown Jerpoint, Dunhill, Inistioge(2), and Bennettsbridge: *Inq. Lagenia*, Co. Kilkenny, *passim*.

¹¹² *Cal. Fiants Ire., Henry VIII*, no. 59. The Forstalls also kept part of their flock nearby at Castlegarden: Fewer & Nicholls, 'Will of Robert Forstall', p.14.

¹¹³ N.L.L. Ms. 11.053 (12).

¹¹⁴ *C.O.D.*, vi, Appendix I, pp 127-30.

seventeenth century farm account that covers the Ormond lands at Dunmore, Kells and Jerpoint (as well as other lands in the north of the shire) records how tenants at Pottlerath and Keappaheddin leased 30 Irish cows from one of the dynasty's estate agents in 1620.¹¹⁵ Evidently, there were different breeds of cattle on the Ormond lands, for in the previous year 17 'English cows' had been leased to the tenants, in return for 51 gallons of butter.¹¹⁶ Nevertheless, though pastoral farming remained an important part of the midlands economy, there is no doubt that arable production maintained its primacy, and may even have increased in importance after 1603, when the shire population began recovering after a century of war. According to a Jerpoint document of Charles I's time, an Anglo-Irish gentleman - Richard Sherlock, another Ormond client - was trying to turn 200 acres of pasture land over to tillage, albeit against the wishes of the local herdsmen.¹¹⁷

Good farming conditions, whether arable or pastoral, insured a high population. It is well known that by the early seventeenth century the region was home to five towns and a city, making it one of the most urbanised areas of Ireland. The towns played a crucial role in the shire economy and they are discussed separately below, but even outside their walls population levels were high. All across the Nore valley and upwards into the surrounding foothills were dozens of small manorial villages and hamlets, made up of clusters of thatched cabins. The aforementioned fragment of the Civil Survey perfectly illustrates the varying density of settlement in this prosperous rural world. In Crannagh barony a rural hamlet of 30 cabins was to be found beside the stone slate house that stood at Dammagh, while there were 24 cabins beside Ballycallan Castle, and 15 cabins beside the two 'chimney houses' at Corrohy.¹¹⁸

For most of the period under review the teeming populace of the midland plain faced intense competition for land, something which greatly benefited the local landlords. As shown earlier in Chart 1.1, at the start of Elizabeth I's reign landlord estates in the Kilkenny midlands were worth on average three times more than those situated in the northern and southern uplands and the southern lowlands of the shire, with values of a shilling an acre typical of many farms. Indeed, on some estates values were already approaching 16-20d per acre even at this early date, as on the Comerford lands at Ballybur and Ballymack. Land was especially valuable (and scarce) in the environs of Kilkenny city and Callan town. There is some evidence to show that short-term leases were used by landlords in Callan, with land being let to the Merry (alias O'Houlihan) family 'for the time being' in 1595,¹¹⁹ and by the reign of Charles I lands at Bootstown in the foothills overlooking the town were worth approximately 3s 6d per acre.¹²⁰ The population pressure was far greater at Kilkenny where, on the eve of the 1641 rising arable lands in the city liberties had risen to reach £1 per acre.¹²¹

Understandably, thriving economic conditions such as these persuaded successive earls of Ormond to invest much of their energy towards protecting the midland basin. Some of their own most valuable manorial lands lay here, in Kilkenny city itself, in Callan, and at Dunmore, Dunfert, Dammagh, Pottlerath, Ballycallan, Gowran and Knocktopher. Remarkably, the high

¹¹⁵ N.L.I., Ms. 2506, fol. 112r.

¹¹⁶ *Ibid.*, fol. 111r.

¹¹⁷ N.L.I., Ms. 11,053 (12).

¹¹⁸ In general, the settlements in southern Crannagh were significantly bigger than those further to the north of the barony.

¹¹⁹ White (ed.), *Ir. Mon. & Episc. Deeds*, pp 223-5.

¹²⁰ Ainsworth & MacLysaght (eds.), 'Power-O'Shee Papers', p.258.

¹²¹ *Ibid.*, pp 257-8.

value of these midlands manors is borne out by government sources as well as by the Ormonds' own family papers. Evidently, as early as the reign of Henry VIII the crown had enough knowledge at its disposal to appreciate that the heart of the Ormond lordship lay in the Kilkenny midlands, something not always made clear by the actions of some of its leading officials who, obsessed by the heavy concentrations of the Ormond forces elsewhere in the north and east, often mistook the military zones as the earls' main bases. According to a royal estimate of the Ormond revenues made after James the ninth earl's death in 1546, the single most valuable manor in the shire was Kilkenny, which was reckoned to be worth £50 per annum to the earls. The next most valuable manor was Callan, worth £33, followed by Gowran (£30), like Kilkenny both urban-based manors with an abundance of tenants. The six remaining midlands manors, all rural, were not nearly so valuable - for instance, Dunfert was reckoned to be worth just £16, Dammagh £10 and Ballycallan £8 - but even so they had a much higher rating than the northern frontier estate at Glashare, which was valued at a mere £3.¹²² Subsequent Ormond rentals confirm this picture. Until well into the seventeenth century the earls' most valuable lands, rural as well as urban, were confined to the central plains of the county.¹²³

What made their midlands estates so valuable was not high cash rents so much as high agricultural levies. This was most obvious at Kells Abbey. Early in the reign of Elizabeth I, though it brought in a money rent of £20 per annum, paid by the tenant-in-chief, Kells was worth a great deal more. For in addition, the sub-tenants were also liable to a charge in kind, expected to hand over a proportion of their grain produce to the earldom in the form of a levy known as port grain.¹²⁴ This was where the big money lay. An estate account of August 1559 shows that the 'port of grain belonging to the Abbey of Kells', i.e. the tithe grain, amounted to 220 bushels of wheat and 250 bushels of oats that still lay on the ground, worth perhaps £210 (stg),¹²⁵ and a further £280 in ready cash, apparently the result of various sales of grain that already had been completed.¹²⁶ Suffice it to say that port grain was a major component of the Ormonds' income in the county, and it greatly helped the earls survive the economic uncertainties of the sixteenth century. Indeed, from the 1540s onwards, following a series of major currency devaluations by the crown, port grain and other dues in kind probably became increasingly useful to them. With the coinage losing some of its value, the earls and their estate agents hoped to change from cash rents to rents in kind wherever possible, especially in the midlands where the agricultural yields were so good. Consequently, by the mid-1570s port grain was also being charged at Kilkenny manor and Burgessmore, while Kilmore mill was set for an unspecified rent in corn, and some of the Dunfert and Pottlerath demesne lands were set for 60 and 80 bushels respectively.¹²⁷ The policy paid dividends. By 1597 the earldom's corn yield had risen so much that Earl Thomas was able to supply the English army in Brittany with victuals, selling a major consignment of wheat and oats for £1,100 (stg) to its commanders.¹²⁸

To the ordinary countryfolk, the earls of Ormond may have seemed most exploitative in the shire midlands. Because they had such a strong vested interest in the local agricultural yields,

¹²² N.L.I. Ms. 2507, ff 1r-2r.

¹²³ Ibid. Ms. 2506, passim.

¹²⁴ Ibid. fol. 4v; Ibid. Ms. 2507, fol. 18r.

¹²⁵ Although the price for wheat and oats varied considerably during the period, a value of 13s 4d (lr) per bushel was not unusual. See 'Report on the Fitzwilliam Manuscripts at Milton', *Anal. Hib.*, no. 4 (1932), pp 290-2.

¹²⁶ N.L.I. Ms. 2507, ff 20r-21r.

¹²⁷ Ibid. Ms. 2506, ff 4v and 10r; Ibid. Ms. 2507, ff 5r-v.

¹²⁸ H.M.C., *Salisbury MSS. vii: 1597* (London 1899), p. 113.

the Ormonds kept an unusually close watch on their sub-tenants. The collection of the various arable levies was simply worth too much to them. In 1577, for example, the tenth earl employed Thomas Archer (a Kilkenny merchant) to make a survey of all the tithes that were due from his lands. In his instructions he specified that above all there was to be no leniency shown to the tenants of the midlands breadbasket, who had been trying to evade payment in recent times. The earl stated, 'I do much wonder how all my corn is consumed this last year, [for] I looked it should have made me a good sum of money, but I perceive I am not honestly dealt with, which I cannot like of'. Sub-tenants owing pastoral dues did not escape either. In particular Earl Thomas wanted the inhabitants of Callan and other places, probably Jerpoint, forced to meet his demands for such things as summer sheep (a sheep of every flock), poundage hogs (a hog of every herd) and watch hens. It is very unlikely that the sub-tenants of any other part of the Ormond territories would have been so carefully managed as those of the Kilkenny central plain, certainly before 1600.¹²⁹

Crucially, however, the earls' pronounced economic interest in the area did *not* affect the midlands elite. Only the poorer elements suffered from the earls' demands. As in the north of the county, the local squires and gentry provided the earls' main tenants-in-chief and they were the chief beneficiaries of Ormond patronage. The leaseholds of Ormond land that were given to them were every bit as lucrative as anything on offer elsewhere. The Graces of Ballylinch, for instance, paid a fixed rent of just £8 for a manor and castle and more than 1,000 acres near Jerpoint that were reckoned to be worth £300 per annum by Jacobean times; likewise the Shees of Kilkenny and Upper Court paid the earls about £11 rent for various properties in the county (including Jenkin's Mill in Kilkenny city) that were valued at £100. Other major midlands beneficiaries of Ormond largesse were the Rothes and the Bryans (alias O'Byrnes) of Kilkenny and the Cantwells of Cantwell's Court, who each received land worth £100 from their lords and masters before the accession of James I.¹³⁰

In truth the earls of Ormond were more concerned to purchase the support of the midlands landowners and merchants than they were even to tie the northern border families to their side. It is not hard to discover the reason for this. Most of the main midlands gentry families - the Blanchvilles, the Comerfords, the Sweetmans, the Cantwells, the Dens and the Burnchurch Fitzgeralds - were wealthy enough to be independent. Surviving evidence indicates that the landlords and merchants of the Kilkenny breadbasket were among the richest in the whole country. They lived a life of luxury, able to afford expensive imports from England, France, Spain and Portugal, and their appetite for material comfort acted as a spur to the trading activities of the Kilkenny merchants, discussed below.¹³¹ The gentry were accordingly a proud and haughty lot, used to putting their wealth on display and acting like little nobles, entertaining important visitors to the shire in order to let their opinions be heard in the wider world. To take just the Comerford lineage: Fulk Comerford had the Lord Deputy, Sir Henry Sidney, dine with him at his house in Callan in 1569;¹³² Garret Comerford of Inchyloghan entertained the earl of Cork, the

¹²⁹ Ormond to Archer, 26 Aug. 1577 (Bod. Lib., Oxford. Carte MSS, Vol. 1, fol. 22).

¹³⁰ *Inq. Lagenia*, Co. Kilkenny, James I (22): N.L.I., D. 3295; *ibid.* Ms. 2506, fol. 36r-v.

¹³¹ Information about imports from Europe has been dramatically improved by the publication of John. C. Appleby, *Calendar of Material relating to Ireland in the High Court of Admiralty Examinations, 1536-1641* (Dublin 1992). Hopefully archaeological evidence will fill out the picture of elite lifestyles even more once further digs are commissioned at tower house sites. See J.G. Hurst & J.M. Lewis, 'The Spanish Olive Jar in Ireland', *R.I.A. Proc.*, section C, lxxv (1975), pp 115-17.

¹³² T.C.D., Ms. 660, p.78.

wealthiest lord in Ireland, in his castle in May 1625,¹³³ and John Comerford of Ballybur was one of those with whom the papal nuncio, Cardinal Rinnuccini, stayed following his arrival in Ireland in 1645.¹³⁴ Some of the marriages that were contracted by the mid-Kilkenny families also bore witness to their economic and political clout in southern Ireland, and further afield. Early in the seventeenth century the Butlers of Callan found wives among the English Catholic gentry, forming unions with the Audleys of Norfolk and the Knatchbulls (alias Nashpoles) of Kent.¹³⁵ More typically, at about the same time the Ballybur Comerfords married into the Kavanaghs of Borris in Carlow, the O'Kennedys of Ballingarry in north Tipperary and the MacGiollapadraigs of Upper Ossory in Queen's County.¹³⁶

Moreover, the political and economic importance of the mid-Kilkenny landlords was further enhanced by the fact that several of them had urban as well as rural interests, and held influential positions in the towns. For instance, ever since the early thirteenth century the Archdekins and the Dens had dominated Thomastown, first through their co-ownership of the manor of Grenan, and subsequently (having formally partitioned the manor), via the two manors of Grenan and Dangin.¹³⁷ Similarly, the Fitzgeralds of Burnchurch were important figures in Callan.¹³⁸

In short, the midlands gentry were politically empowered in their own right. Because of this, the earls of Ormond had to make special concessions to them in order to keep them on their side. Thus it came to pass that many of the principal offices in local government were largely the preserve of the midlands gentry - especially during the sixteenth century, when the nomination of officials was often *de facto* in the Ormonds' gift. In Appendix Three below it can be seen how, for long periods of time before 1603, the post of county sheriff was monopolised by the Fitzgeralds of Burnchurch, the Comerfords of Ballymack and the Dens of Grenan. Possession of the shrievalty added to the wealth of these families and bound them ever more closely to the earldom. According to a 1580s reference, for much of the preceding century the earls of Ormond and the sheriffs of the county had carved up - illegally - the profits of royal justice between them, splitting the proceeds of the sale of traitors' and felons' goods, with the earls taking one half, and the sheriffs the other; the crown had apparently received nothing by this arrangement.¹³⁹

The earls looked upon the Kilkenny midlands elite as their junior partners in government, and they called on their services not just in County Kilkenny but further afield too. They employed many of them in Tipperary, as legal and administrative officials in their palatine liberty, centred at Clonmel. The Rothes, the Archers and the Shees, all from Kilkenny city, were especially prominent among the earls' officers in Tipperary, regularly summoned to serve as seneschals, treasurers, attorneys and clerks of the liberty before 1620 (the year in which the earls forfeited the liberty to the crown). The same was true of the Fitzgeralds of Burnchurch and the Howths of Dammagh and Kells, who occupied the Tipperary seneschalship in 1533-45 and 1556-7 respectively, and also of the Cantwells of Cantwell's Court, the Comerfords of Ballybur and the Butlers of Knocktopher, who provided sheriffs for the liberty in 1602, 1603, 1613 and

¹³³ A.B. Grosart (ed.), *Lismore Papers*, first series, ii, pp 103-4.

¹³⁴ Moran, 'Bishops of Ossory', p.323.

¹³⁵ St. Kieran's College, Carrigan MSS, Vol. 3, unpaginated.

¹³⁶ *Ibid*, vol. 21, unpaginated.

¹³⁷ Carrigan, *Ossory*, iv, p.267.

¹³⁸ N.A.I., M. 2835.

¹³⁹ Articles of Shee's treasons, n.d., circa March 1585 (P.R.O., S.P. 63/115/10).

1614.¹⁴⁰ Beyond the liberty lands, in the Cross of Tipperary - that part of Tipperary that was the preserve of the archbishops of Cashel - the gentry of mid-Kilkenny also occasionally did service on the earls' behalf. In 1560, for example, Oliver Grace of Ballylinch, one of the tenth earl's most trusted agents, served in Cashel as the sheriff of the Cross.¹⁴¹ This latter appointment probably needed royal support as, at least in theory, the earls of Ormond and their representatives had no business meddling in archiepiscopal territory. But for much of the Elizabethan period, of course, crown backing for Ormond servants who were willing to officiate outside County Kilkenny was often readily forthcoming. It is very likely that the tenth earl, Black Tom, secured royal approval for the promotion of Patrick St. Leger of Kilkenny to the post of Clerk of the Peace for Munster in 1584, for the queen received 'good commendation of [his] sufficiency and loyalty' at a time when the earl is known to have attended upon her at court.¹⁴² Earl Thomas also used his influence in government circles to help Jasper Shee of Kilkenny become an officer of the royal ordnance at Waterford in the early 1580s.¹⁴³

The high esteem in which the earls held the Kilkenny midlands elite is also illustrated by their involvement in high politics. Time and again the earls looked to the local gentry, especially those from the towns, to represent them in Dublin during periods of tension. Many of the midlands families were well versed in English law, sending their sons to be educated at the Inns of Court in London,¹⁴⁴ and some of them, such as the Archers and Cowleys of Kilkenny and the Comerfords of Callan, became very well known as lawyers in the royal courts in Dublin. Their legal renown made them ideal spokesmen for Ormond affairs whenever the earls feared trouble from the colonial government, able to argue fine points of law with royal officials and dress up Kilkenny/Ormond localism as English custom. Moreover, successive earls saw to it that the midlands gentry dominated the county's elections whenever parliamentary representation was vital to their interests. Hence, in the early 1530s, when the eighth earl, Piers Ruadh, was busy undermining the national political ascendancy of the earls of Kildare, he called upon his henchman Roland Fitzgerald of Burnchurch to represent him as a 'knight of the shire' in the Irish House of Commons.¹⁴⁵ The tenth earl had Gerald Blanchville of Blanchvillestown and Robert Rothe of Kilkenny elected for the shire in 1585/6, a time when he was in danger of losing out to a hostile Lord Deputy in the apportionment of land in the projected plantation of Munster.¹⁴⁶

Most striking of all, however, when the national power of the earls of Ormond was reborn after 1515, the midlands families gained entry to the Dublin government itself. Ormond patronage saw to it that, beginning in 1522 (when Piers Ruadh briefly became Lord Deputy) and continuing until the early 1600s (when Earl Thomas finally began to decline), a steady stream of

¹⁴⁰ For Tipperary liberty officials, see in general T. Blake Butler, 'Seneschals of the Liberty of Tipperary', *Irish Genealogist*, iii, no. 2 (1957), pp 46-59. Idem, 'Sheriffs of the Liberty of Tipperary', *Ibid.* iii, no. 5 (1960), p.158. The latter article, however, is erroneous in places - Richard Comerford of Ballybur (sheriff 1603) is misidentified as 'of Rathely, Co. Tipperary' - and it should be checked against documents in N.L.I., Ms. 11,044.

¹⁴¹ Butler, 'Sheriffs of the Liberty of Tipperary', *Irish Genealogist*, iii, no 4 (1959), p.122. Similarly in 1597 Thomas Cantwell of Cantwell's Court was made collector and cessor of the composition money and subsidy in Co. Tipperary and the Cross of Tipperary (*Cal. Fiants Ire., Eliz. I*, no. 6172).

¹⁴² St. Leger was also made Clerk of the Peace for Co. Kilkenny. (*C.S.P.I., 1574-85*, p.545; *A.P.C., 1581-2*, p.441).

¹⁴³ Charges for the queen's army in Ireland. 1582-6 (P.R.O., S.P. 63/134/41).

¹⁴⁴ The Kilkenny families went mainly to Gray's Inn and the Inner Temple: Donal Cregan, 'Irish Catholic admissions to the English Inns of Court. 1558-1625', *Irish Jurist*, v (1970), pp107-113, and Joseph Foster (ed.), *The Register of Admissions to Gray's Inn, 1521-1889* (London 1889), pp 2, 10, 23 and 27.

¹⁴⁵ G.D. Burtchaell, 'The Geraldines of County Kilkenny. Pt. 1: the Barons of Burnchurch', *R.S.A.I. Jnl.*, xxii (1892), p.366.

¹⁴⁶ *C.S.P.I., 1586-8*, pp 52-3

Kilkennymen made it up the slippery pole to high government office.¹⁴⁷ By far the best known of the early beneficiaries of the earls' mounting influence in Dublin and London were the father and son team of Robert and Walter Cowley of Kilkenny and Brownestown. Robert first emerged as a prominent figure in 1520, when he was made Clerk of the Irish Privy Council by the earl of Surrey.¹⁴⁸ His fortunes continued to rise after the collapse of the Kildare Fitzgeralds in 1534, and in 1538 he was appointed Master of the Rolls, the second most senior office in Chancery. He held this post for four years, before losing office in 1542 as a result of a row with Lord Deputy St. Leger. His son Walter quickly filled his shoes, rising from a clerkship in Chancery to become successively Solicitor General and Surveyor General of Ireland.¹⁴⁹ But the Cowleys were not the only locals that the earls got placed in government jobs during Henry VIII's reign. Piers Ruadh persuaded his immediate predecessor as chief governor, the earl of Surrey, to ask that James Cantwell, bachelor-at-law, be made a commissioner for maritime affairs in Munster in 1521.¹⁵⁰ Walter Archer of Kilkenny was another Ormond client; in 1536 he received royal letters patent installing him as Clerk of the Common Pleas of the Exchequer.¹⁵¹

More Ormond nominees found their way to high office in the reign of Elizabeth I, thanks to the extraordinary level of influence enjoyed by the tenth earl, 'Black' Thomas. Edmund Butler of Callan was the first of a new batch of magistrates to emerge under the earl's shadow. Having first served as an agent of Ormond expansion in north Tipperary and Ely O'Carroll in 1567,¹⁵² by 1572 Earl Thomas had introduced Edmund to the inner circle of Irish government, where he quickly won a reputation as a 'just dealer'.¹⁵³ Official commissions followed, including one for the division of Munster into counties in 1576 (something of obvious interest to his master, Ormond). Eventually, in 1582, he attained high office, becoming Attorney General of Ireland, and a year later he was made 2nd Justice of Queen's Bench as well.¹⁵⁴ Two more Ormond clients from the shire midlands broke into the state service in the 1580s, James Ryan of Kilkenny and Gerald Comerford of Callan and Inchyholohan. Ryan, an obscure figure, moved to Dublin sometime before 1584 to work as a government clerk, and in 1591 he was made one of the Masters of Chancery, and was given power to run the court during the absence of the Lord Chancellor and Master of the Rolls.¹⁵⁵ Comerford, in contrast, is much better known to historians. During the final years of the sixteenth century he became one of Earl Thomas's most important mouthpieces west of Kilkenny, first serving Ormond interests in Connaught, where from 1585-1600 he acted as royal Attorney-at-law, before moving on to Munster, where he was successively 2nd Justice and then Chief Justice of the province.¹⁵⁶

Most of these distinguished Kilkennymen were little more than creatures of the earldom. In spite of all their work for the state none of them - except Walter Cowley¹⁵⁷ - ever broke free of

¹⁴⁷ For many years before 1515 the Ormond dynasty had lacked representatives in Dublin, except for the period 1492-4; Steven G. Ellis, *Reform & Revival: English Government in Ireland, 1470-1534* (London 1986), pp 220-5.

¹⁴⁸ *Ibid.*, pp 37, 170 and 225.

¹⁴⁹ *Cal. Fiants Ire., Henry VIII*, nos. 50 and 68; *Ibid. Edward VI*, no. 219; *Cal. Patent Rolls Ire., Henry VIII-Eliz. I*, pp 37 and 165-6, *A.P.C. 1542-7*, p. 42; *Ibid. 1550-2* (London 1891), p. 365.

¹⁵⁰ He and two Gaelic lawyers were required to deal with Cork's piracy problems: *Cal. Carew MSS. 1515-74*, p.20.

¹⁵¹ N.A.I., Ferguson MSS. Memoranda Rolls of the Exchequer, Henry VIII, p.191.

¹⁵² *Cal. Patent Rolls Ire., Henry VIII-Eliz. I*, p.509.

¹⁵³ Fitzwilliam to Burghley, 15 April 1572 (P.R.O., S.P. 63/36/4).

¹⁵⁴ *Cal. Fiants Ire., Eliz. I*, nos. 2323, 2543, 2758, 2860, 3558, 4010 and 4211.

¹⁵⁵ *Ibid.* nos. 4430 and 5527. For his Kilkenny associations, see N.A.I., C.P., parcel A, no. 286. It is unclear if he was related to John Ryan, the Henrician Chief Remembrancer and Treasurer's Clerk; Ellis, *Reform & Revival*, pp 223-4.

¹⁵⁶ Details of his tombstone at Callan priory, now badly worn away, are published in *Irish Memorials of the Dead*, ii (1892-4), p.146.

¹⁵⁷ Cowley helped the government against the earldom after he fell into disgrace in 1546; David Edwards, 'Malice Aforethought? the death of the ninth earl of Ormond, 1546', *Butler Soc. Jnl.*, iii, no. 1 (1986/7), p.37.

their noble patrons or supported a government policy that might harm the Ormond interest. By and large, their careers as royal officials were marked by their capacity to serve the Butlers of Ormond at least as much as the state.

The downfall of the house of Ormond in the reign of James I impacted quite severely upon the Kilkenny midlands elite. As soon as the earldom began to decline they too slipped from power, because of their Catholicism immediately losing access to the high and mighty of Dublin and London, no longer members of the ruling class. The fact that they never regained their governmental roles was profound, for it transformed them overnight into a potential source of danger to the crown. Long accustomed to power, they were cut adrift by a change in government policy. As Appendix Three demonstrates below, they even struggled to keep a hold of the county shrievalty throughout the remainder of the early seventeenth century. Their sense of resentment became a major political problem, and increasingly after 1614 they turned away from the royal administration, and sought comfort instead in the networks of relatives and allies they possessed among other disempowered Catholic groups across the south, from Dublin to Galway to Cork. In this lay the seeds of the crown's destruction. It is probably no exaggeration to say that the Catholic Confederation of Kilkenny of 1642 was, at least in its early stages, an assembly of friends and kindred of the Kilkenny elite, all intent on reclaiming the ground they had lost since James I came to the throne. The influence they had enjoyed while the earls of Ormond had been central to crown policy in Ireland was ultimately to cost the crown dear.

The Midland basin II: The urban world

The midlands community was accustomed to power not just because of the importance to the earldom of the local gentry. The central basin of County Kilkenny was remarkable in early modern times in that it contained six walled towns situated within a 20-mile radius, making it one of the most heavily urbanised and densely settled areas of Ireland. Each one of the towns was a power centre, vital to both the Ormond lordship and the English monarchy because of the range and scope of their markets and their strategic value as defensible sites. The towns were, moreover, governed by ancient merchant families of considerable wealth and influence. Ever since the high middle ages, when the towns were first founded, the merchants had built up their corporate rights and privileges obsessively, and in exchange for their loyalty they had grown used to the exercise of authority. At least as much as the rural gentry who controlled the countryside, the merchants of mid-County Kilkenny were a force to be reckoned with by any overlord or royal administration, and their activities as financiers, investors and employers gave them a major grip over the economy of southern Leinster, and over parts of Munster too.

Principal among all the local towns was Kilkenny city, variously described by visitors as 'a beautiful town', 'the best dry town in Ireland',¹⁵⁸ and most significantly, as the chief inland town in Ireland.¹⁵⁹ This latter description was a fitting one, for Kilkenny played a crucial role in the economy in the mid-south of the country during the early modern period. Standing at the heart of the Nore river valley, it provided the commercial engine not just for County Kilkenny, but for parts of Tipperary, Laois, Carlow and Kildare as well.

¹⁵⁸ Lennon, *Richard Stanthurst*, p. 141; Edmund Campion, 'A historie of Ireland, 1571', *Ancient Irish Histories* (2 vols, Dublin 1809), i, p.2.

¹⁵⁹ Fynes Moryson, *An Itinerary of his Travels*, ed. C. Hughes (4 vols., Glasgow 1907-8), iii, p. 157.



Old Houses of early modern date still standing in the High Street, Kilkenny, in the mid-19th century

(from Egan's *Kilkenny Guide & Advertiser*, n.d., circa 1850)

Kilkenny was the major entrepot for the mid-south. Its merchants constantly strove to overcome the physical limitations of its inland position. Utilising the nearest seaports, New Ross and especially Waterford, they carried on a regular overseas trade with England and continental Europe. The city enjoyed a special relationship with Bristol. Ever since 1510 its burgesses had been treated as free men there,¹⁶⁰ a privilege which ensured that the great Bristol fair, held in August every year, was always an important date in the Kilkenny calendar: each August as many as a dozen Kilkenny merchants made the voyage across the Irish Sea to open up stalls there, selling woven cloth, wool and animal hides, and buying minor manufactured goods, housewares and some English cloth in return.¹⁶¹ Indeed, so great was the tie with Bristol that several Kilkenny families sent their sons there to be trained as apprentices,¹⁶² while others (such as the Shees) established a permanent base in the port by initiating a Bristol branch of their family.¹⁶³ But important as it was, Bristol was not the only destination of the local trading dynasties. Kilkenny merchants are also known to have turned up at London,¹⁶⁴ Chester,¹⁶⁵ Bridgwater¹⁶⁶ and Plymouth¹⁶⁷ in England, at Milford and Pembroke in Wales,¹⁶⁸ and further afield at Antwerp and Middleburg in the Netherlands,¹⁶⁹ and at Lisbon in Portugal.¹⁷⁰ Suffice it to say that the

¹⁶⁰ Charles Mc Neill (ed.), *Liber Primus Kilkenniensis* (Dublin, 1931), p. 118.

¹⁶¹ E.g., in 1535, 1565 and 1637 (P.R.O., E122/21/7, ff 25r - 29r; *Ibid.*, E190/1128/2, ff 10v - 11v; *Ibid.*, 1128/3, ff 5r - 6v; *Ibid.*, 1128/5, ff 5r-v; *Ibid.*, 1136/8, ff 17r, 18r-v and 20v-21v)

¹⁶² Bristol City R.O., Ms. 04352 (2), sub 18 Aug. 1572; Denzill Holles (ed.), *Calendar of the Bristol Apprentice Book, 1532-42* (Bristol Record Soc., 1949, pp 70, 89, 123 and 181); Elizabeth Ralph & Nora M. Hardwick (eds.), *Ibid.*, 1542-52 (Bristol Record Soc., 1980, pp 16 and 31-2)

¹⁶³ *Ibid.*, pp 7, 30 and 89; Henry Cotton, *Fasti Ecclesiae Hibernicae, Leinster* (Dublin, 1848), appendix, p.412; Jean Vanes (ed.), *The Ledger of John Smyth, 1538-50* (Bristol Record Soc., 1974), pp 10, 113 and 203.

¹⁶⁴ N.A.I., C.P., parcel B, no. 127. As in Bristol, branches of local families appeared in London, for instance the Purcells, the Rothes, the Garveys and the Bergins (P.R.O., E190/1129/11, fol. 11r; *Ibid.*, 1129/12, fol. 10v; *Ibid.*, 1130/19, fol. 23r; *Ibid.*, 1133, fol. 16r; Guildhall Library, London, Ms. 9051/5, ff 135r, 403r and 462r)

¹⁶⁵ Chester City R.O., Ms. SB 10, fol. 53r

¹⁶⁶ P.R.O., E190/1082/4, fol. 3v

¹⁶⁷ *Ibid.*, H.C.A. 1/44, fol. 217r.

¹⁶⁸ E.A. Lewis (ed.), *The Welsh Port Books, 1550-1603* (London 1927), pp 189 and 193; 'The House of Lords MSS', H.M.C., *Fifth Report* (London 1876), p.5.

¹⁶⁹ *C.O.D.*, v, nos. 162 and 176; H.F. Kearney, 'The Irish wine trade, 1615-15', *I.H.S.*, ix (1955), p.426. Other evidence suggests that both men were from the shire, see *Cal. Fiants Ire., Eliz. I*, no. 3948 (John Cleere), and N.L.I., D.3335 (Richard Forstall).

merchants of Kilkenny did not depend completely on the hinterland of their city, as one expert has recently suggested.¹⁷¹ In an age of European colonial expansion, when more and more goods were reaching Europe from Africa, Asia and the Americas, enormous riches could be had through seafaring, and the merchants of landlocked Kilkenny did not let their lack of access to the sea hold them back.

The overseas trade, so doggedly pursued, gave Kilkenny an edge over all the other inland towns in the mid-south. Although the merchants of Gowran, Thomastown and Callan sometimes got in on the act, their participation in overseas ventures was irregular at best, nothing like the persistence exhibited by their Kilkenny counterparts.¹⁷² As a result, for an inland town Kilkenny city soon developed an unusual commercial empire during the sixteenth century, distributing foreign goods (that it had imported itself) to neighbouring areas to the north, east and west. Extant sources record several instances of persons from Tipperary and Laois who purchased imported items from Kilkenny merchants,¹⁷³ but this was not all. Previously unrealisable markets also fell within the town's grasp. About 1560, for example, the Kilkennyman James Cantwell set himself up in Baltinglass as a fruit and spice merchant, selling 'a confection of quinces, pears and plums called marmalade', as well as sugar, ginger and nutmeg.¹⁷⁴ At about the same time, Kilkenny's vintners were to be found selling high quality white wine to the residents of Kilkee Castle in County Kildare.¹⁷⁵ By the close of the sixteenth century this inland trade with County Kildare - something that would have been unthinkable in the 1520s and '30s because of Butler/Fitzgerald enmity - was firmly established.¹⁷⁶ In 1584, the empire advanced to Naas, where special arrangements were made to ensure that all such 'wares or merchandises' that the Kilkenny merchants brought there would go on sale in the market place without the usual tolls being charged.¹⁷⁷

Viewed against this background it is not surprising that on a local level Kilkenny city increased its hold over the county economy in the period before 1640. The import trade was clearly very profitable, and with confidence growing, the merchants of Kilkenny looked to develop the other towns in the shire as suitable markets for their goods. The extent of their success was remarkable. In Callan, Thomastown and Knocktopher, three of the five other towns in the county, the Kilkenny merchant elite began to dominate affairs. They established a series of cadet branches in these lesser market towns, attempting to infiltrate each of the oligarchies that existed in them, and so take them over. The strategy bore fruit by the early years of the seventeenth century. In 1613 William Rothe, the grandson of a prominent Kilkenny merchant, was elected as M.P. for Callan, the third member of his branch of the family to have attained high

¹⁷⁰ W. Carrigan (ed.), 'Old Waterford wills. III: Alderman Nicholas Ley, 1585', in *Waterford & S.E. of Ire. Arch. Soc. Jn.*, ix (1906), pp 209-16.

¹⁷¹ Anthony J. Sheehan, 'Irish towns in a period of change, 1558-1625', in Brady & Gillespie (eds.), *Natives & Newcomers*, p.96.

¹⁷² One merchant from Gowran turned up in Bristol in 1566, one from Thomastown in 1570, and one from Callan in 1577 (P.R.O., e190/1128/8, fol. 2v; Ibid. 1128/16, fol. 6v, and Ibid. 1130/1, ff 5v-6r).

¹⁷³ N.A.I., C.P., parcel I, No. 5; Ibid. parcel K, no. 294; Ibid. parcel L, no. 54; Ibid. R.C. 6/1, Chancery Decrees, 1536-1624, p. 230; Last will & testament of Barnaby, Lord Upper Ossory, 1581, and of Joan, Lady Upper Ossory, 1631 (St. Kieran's College, Kilkenny, Carrigan MSS, Vol. 83, unpaginated); B.L., Add. Ms. 19.843, pp 53-4, 62, 106-7, 198.

¹⁷⁴ *Cal. Fiants Ire., Eliz. I*, no. 327.

¹⁷⁵ Kent A.O., De L'Isle & Dudley Papers, Ms. U1475 025/1, fol. 203r.

¹⁷⁶ N.A.I., C.P., parcel B, no. 302; Ibid. parcel O, nos. 1 and 66.

¹⁷⁷ Ibid., R.C. 6/1, Chancery Decrees, 1509-1625, p.159.

office there since the 1580s.¹⁷⁸ The Rothes also elbowed their way into Thomastown, building up a small estate there from the Elizabethan period onwards and eventually becoming sovereigns of the town a generation later.¹⁷⁹ It was in Knocktopher, however, where the Kilkenny elite scored their biggest victory. According to a rare surviving manorial court roll, they had annexed control of the town as early as 1586, for in that year its three leading burgesses hailed from Kilkenny, namely Richard Shee, Edward Langton and Walter Archer.¹⁸⁰ Admittedly, the Kilkenny merchants do not seem to have penetrated the governing cliques of Gowran and Inistioge, the two remaining towns in the shire, to anything like the same extent, but this impression may simply be due to the paucity of extant evidence concerning both those places. Certainly, if one looks elsewhere, the suspicion grows that the Rothes, the Shees, the Archers and the rest must have had an influence in Gowran and Inistioge as well.¹⁸¹ As noted above, after 1603 Freshford, hitherto a small manorial village in the county, began to expand in size, so much so that by the 1650s it was bigger than both Knocktopher and Inistioge.¹⁸² It comes as no surprise to learn that, for many years beforehand, a representative of the ubiquitous Rothe dynasty of Kilkenny, Jasper Rothe, had been settled there, seizing his chance to become one of the very first merchants of this newly emerging town.¹⁸³

Underpinning the influence of its leading families was Kilkenny's status as the administrative centre of the shire. Quite simply, many of the inhabitants of the other regions of the county, no matter how far away they lived, were accustomed to travelling to Kilkenny for all manner of business. Although the pleas of the crown were sometimes held in Gowran, Callan or Thomastown - and occasionally courts of inquisition met in Rosbercon, Castledough and Rathkieran - the main county court was held in Kilkenny, either in the Sessions House or else in the ex-monastic building known as Blackfriars.¹⁸⁴ Likewise, from 1566 the county gaol was stationed at Grace's Castle in Parliament Street,¹⁸⁵ and thereafter its dank cells provided an uncomfortable prison for criminals from inside and outside the shire.¹⁸⁶ Over the years Kilkenny acquired all the trappings of a government centre. It had several legal firms of note, chief amongst them those run by the Archer and Cowley families,¹⁸⁷ and as a result the county landlords often tried to have their disputes settled in the city, where traditionally witnesses were publicly examined 'at the great [market] cross in the middle of the royal square'.¹⁸⁸ The market

¹⁷⁸ G.D. Burtchaell, 'The family of Rothe of Kilkenny', *R.H.A.A.I.* 4th series, vii, pt. 2 (1886), pp 508 and 521; *C.O.D.*, v, no. 243(1c); *Ibid.*, vi, no. 2 (13). For the Archers of Callan, see *Ibid.*, vi, no. 5(3) and *Cal. Fiants Ire., Eliz. I.* no. 4979.

¹⁷⁹ *C.O.D.*, vi, no. 6; Burtchaell, 'Family of Rothe', p.509; N.A.I. C.P., parcel K, no. 24. The Raggets, close relatives of the Rothes, did likewise, and had acquired several houses in Thomastown by 1612: Richard Ragget's will, 31 Oct. 1612 (St. Kieran's College, Kilkenny; Carrigan MSS. Vol. 83, unpaginated).

¹⁸⁰ N.L.I., Ms. 2551, no. 6; C.A. Empey, 'Medieval Knocktopher: a study in manorial settlement, pt. 2', *Old Kilkenny Review*, ii, no. 5 (1983), pp 445-6.

¹⁸¹ In 1607 one of the Rothes occupied a small castle in Inistioge, which he leased from viscount Tulleophelim (Burtchaell, 'Family of Rothe', p.506). In addition, also in 1607 one of the Archers was constable of the Ormond manor of Gowran, but it is not known if he owned any property in the town (N.L.I., Ms. 11.053 (9)). The Cowleys had meddled in Gowran affairs as early as 1580 (N.A.I., C.P., parcel A, no. 42; *Ibid.*, parcel O, no. 167).

¹⁸² Richard Cromwell was proclaimed Lord Protector at six places in the shire in 1658, but neither Knocktopher nor Inistioge were deemed important enough to be included: *Mercurius Politicus*, no. 436, 1658 (*Ibid.*, Prim MSS, no. 32).

¹⁸³ T.C.D., Ms. 812, fol. 182r.

¹⁸⁴ *Inquis. Lagenia*, passim.

¹⁸⁵ *Cal. Patent Rolls Ire., Henry VIII - Eliz. I.* p.522.

¹⁸⁶ A.B. Grosart (ed.), *Lismore Papers*, 1st series, i, p.16; N.L.I., Ms. 11,053 (9); Kilkenny Corporation Archives, Ms. CR/K 59.

¹⁸⁷ E.g. for Walter Archer, 'learned in the lawes', at work circa 1583, see N.A.I., C.P., parcel G, no. 34; for Michael Cowley circa 1640, Nottingham University Library, Middleton Papers, Ms. Mi.Da 57/1q.

¹⁸⁸ *C.O.D.*, iv, no. 183.

cross was also the place where royal proclamations were posted, and copies of various government orders were first sent to the city before being dispatched elsewhere around the shire.¹⁸⁹ Obviously, the fact that it was the capital of the Ormond lordship greatly enhanced its reputation as a place of secular government, but it was a focal point for religious affairs too. Like the earl of Ormond at Kilkenny Castle, the bishop of Ossory had his principal seat in the city, residing in the episcopal palace beside St. Canice's Cathedral. The Reformation did not change this. If anything it eventually made Kilkenny more of a religious centre than it had ever been before, for by the beginning of the seventeenth century both Protestant and Catholic bishops were housed in the city, and the clergy of both churches were arriving in the city in increasing numbers.¹⁹⁰

Kilkenny's industrial strength put the cap on its regional supremacy in the mid-south of the country. It was home to four major industries, each of which capitalised in one way or another on the natural resources of its extensive hinterland. By far the best known of these was the cloth-making industry, which thrived on the wool produced on the county's sheep farms. Probably the city's main employer, it was organised into five guilds (at least): the guilds for merchant-tailors and cordwainers in the Hightown or Englishtown - the main part of Kilkenny - directly supervised by the city corporation, and those for the weavers, cotners and tailors in the Irishtown, the northern part of the city that lay within the jurisdiction of the bishop of Ossory.¹⁹¹ It is important to realise that none of the other corporate towns in the shire seem to have offered much in the way of competition.¹⁹² Presumably the industry was too far advanced in Kilkenny to encourage a rival centre to appear elsewhere.

This was not the case with the leather-working industry, which was found in several towns in the county as well as Kilkenny. Indeed, after 1576 tanning, a vital part of the leather trade (in which animal hides were coated or 'tanned' with crushed bark to give them a soft surface), should have been confined to Gowran. In accordance with a statute passed in the Irish Parliament a few years earlier, the government had settled upon Gowran as a suitable place where the tanning of hides would be carried on as a state-sponsored monopoly, under license from Dublin.¹⁹³ The scheme failed, however, probably because it was unworkable, and Gowran did not become the centre of the tanning trade in the shire. Instead it had to bow to Kilkenny in this as in everything else, and right down to 1640 the tan-houses of the Rothes and others continued to turn out finished and semi-finished leather in Kilkenny, either for export overseas,¹⁹⁴ or else for sale to other local craftsmen involved in the industry, such as saddlemakers, shoemakers and glovers, of whom Kilkenny had many.¹⁹⁵

The building and fruit-growing industries were much the same, existing on a moderate scale in other towns but based principally in Kilkenny city. According to observers, both of these industries were pursued so actively in Kilkenny that they lent it an unusually pleasant appearance

¹⁸⁹ Kilkenny Corporation Archives, Ms. CR/K 27, 33 and 37, for proclamations of 1622, 1632 and 1637.

¹⁹⁰ See Chapter Five below.

¹⁹¹ More is known about the guilds in the Irishtown than in the Hightown, see Neely, 'Kilkenny city', pp 158-60, and John Ainsworth (ed.), 'The Irishtown Corporation Book, 1537-1628', *Anal. Hib.*, no. 28 (1978), p.53.

¹⁹² There was one tailor recorded as living at Gowran in 1608 (N.L.I., Ms. 11,053 (9)); it is not known if there were any more.

¹⁹³ *Cal. Patent Rolls Ire., Eliz. I.*, p.208.

¹⁹⁴ Burtchaell, 'Family of Rothe', p.529; P.R.O., E190/1136/10, ff 9v and 22v.

¹⁹⁵ During Elizabeth I's reign, for instance, there were 18 master glovers and 13 master shoemakers in the city, each of whom would have had several apprentices (*Cal. Fiants Ire., Eliz. I.*, no. 2424). See also B.L., Add Ms. 47,172, fol. 35.

when compared with other Irish towns. As Luke Gernon said around 1620, Kilkenny was a city of stone and marble archways, a place where ‘the houses are of grey marble fairly built, the fronts ... supported with pillars or arches, under which there is an open pavement to walk on’. He found the city’s appearance further enhanced by what he called its ‘wholesome and delightful orchards and gardens, which are somewhat rare in Ireland’.¹⁹⁶ But the quaintness of its appearance was merely a fortuitous by-product of the daily exploitation of its resources. Kilkenny’s lowland climate, dry with extreme heat and cold, was ideal for growing fruit, and its inhabitants set about maximising its profit potential. The quality of its apples and pears seems to have enjoyed a high reputation, and they were sold as far away as County Kildare,¹⁹⁷ while lower quality fruits did not go to waste, used in marmalades and other preserves by local confectioners. Bee-keeping was also carried on as an associated craft, and honey was added to fruit to produce a local form of mead that was highly prized.¹⁹⁸ By 1640 there were no fewer than 30 orchards situated around the city, most of them along the banks of the Nore, a clear indication of the industry’s impressive size.¹⁹⁹

The building industry was also considerable. Blessed with a steady source of good quality building stone - limestone and marble - that came from nearby quarries,²⁰⁰ the local builders plied their trade over a wide area and they gained some very prestigious contracts in the process. As well as periodically being called upon to work at Kilkenny Castle and other Ormond properties around the shire,²⁰¹ the local builders could be found delivering stone to Lismore Castle in County Waterford in 1615,²⁰² and according to the Catholic prelate, David Rothe, they even exported some of the building stone in the early seventeenth century.²⁰³

The vitality of its industries and the scale of its trade made Kilkenny an attractive place to settle, and its population grew steadily throughout the early modern period. Described in 1536 by one of Henry VIII’s agents as ‘well replenished of people and wealthy’,²⁰⁴ historians have acknowledged its importance, and it has been suggested that by the seventeenth century its population numbered between 2,000 and 3,000 people, making it the largest inland town in the country.²⁰⁵ Yet there is reason to believe that it may have been larger still. Irish scholars have tended in the main to adopt English demographic norms when making their population estimates, and they have done so without trying to adapt them to local circumstances. In particular, the

¹⁹⁶ B.L., Stowe Ms. 180, fol. 39, published in C. Litton Falkiner, *Illustrations of Irish History* (London 1904), p.354

¹⁹⁷ Kent A.O., De L’Isle & Dudley Papers. Ms. U1475 025/1, fol. 65r. H.M.C., *Ormonde Mss. 1572-1660* (London 1895), p.36.

¹⁹⁸ *Cal. Fiants Ire., Eliz. I, no. 327*; S. Lang & M. McGregor (eds.), *Tudor Wills proved in Bristol. 1546-1603* (Bristol 1993), no. 192.

¹⁹⁹ R.C. Simington (ed.), *Civil Survey for County Waterford. Muskerry & Kilkenny City* (Dublin 1942), pp 504-6, 508, 514-5, 517, 519-20, 522, 525-6, and 528, an incomplete source that lists 16 orchards owned by Catholics in 1650. A further 9 orchards of the Protestant earl of Ormond in 1641 are given in Hubert Butler (ed.), ‘Occupants of Ormond houses in Kilkenny, 1641-61’, *Butler Soc. Jnl.*, vii (1977), pp 545-50. For the remainder, see White (ed.), *Extents*, p.201: *Cal. Fiants Ire., Eliz. I, no. 4420* (in Irishtown); N.A.L. Lodge MSS, Wardships, liveries & alienations, Vol. I, p.257 (Protestant property); John Ainsworth & Edward MacLysaght (eds.), ‘Power-O’Shee Papers’, *Anal. Hib.*, no. 20 (1959), p.238 (Fowlingsrath outside the walls), and finally N.L.L. Ms. 975, pp 218 and 220 (St. John’s Parish, outside the walls).

²⁰⁰ Kilkenny Corporation Archives, MSS CR/J 18, 27 and 29; Doyle, ‘Water mills’, pp 148 and 153-4; James Graves, ‘The history, architecture and antiquities of the city of Kilkenny’, in *Kilkenny & S.E. of Ire. Arch. Soc. Jnl.*, 2nd series, ii (1858), p.324.

²⁰¹ *Annals of Kilkenny, 1568-83* (O’Connor Don MSS, Clonalis House), sub anno 1580; N.L.L. Ms. 2549, *passim*.

²⁰² Grosart (ed.), *Lismore Papers*, i, p.67.

²⁰³ Graves, ‘History’, p.324.

²⁰⁴ *Cal. Carew MSS. 1515-74*, p.105.

²⁰⁵ Ellis, *Tudor Ireland*, p.38, suggests 3,000 for the 1530s; Sheehan, ‘Irish towns’, p.97, has 2,000 circa 1600, and Neely, ‘Kilkenny city’, has 2,000 - 2,500 for 1640.

figure of 4.5 - 5.0 persons per family that was established for early modern England by the Cambridge Group for Population History²⁰⁶ has been too readily applied to Ireland. Certainly, it makes little sense where Kilkenny is concerned. According to a sample study of 32 local gentry families given in Appendix Two below, the average Kilkenny family was dramatically different from its English counterpart, containing 7.4 persons at least. The figure soars to 8.0 once the New English settlers (3.0 persons per family) are removed from the equation. Once these new figures are applied it emerges that by 1640 Kilkenny's urban population, almost entirely Catholic, must have been well in excess of previous estimates. The city then had 500 houses in the Hightown,²⁰⁷ and perhaps as many as 125 houses in the Irishtown,²⁰⁸ suggesting an overall city population of between 4,375 and 5,000 people inside its walls.

We have no satisfactory means by which to assess the population of the county's other urban centres. All that can safely be said is that only Callan, Inistioge and Thomastown were deemed large enough to be included on the government muster commissions in the sixteenth century,²⁰⁹ and they were mentioned as important towns by David Wolfe the Jesuit, writing in 1574,²¹⁰ and by Richard Stanihurst, writing ten years later.²¹¹

Gowran did not qualify as a major population centre. A frontier town for much of the Tudor period, it was situated near one of the most concentrated military zones in the shire, in the Barrow borderlands, and even with the joint assistance of the earls of Ormond and the Dublin executive it found it difficult to control its hinterland. In 1552 and again in 1567 it was given an exemption from the cess, the government's chief army tax,²¹² but its development was constantly frustrated by circumstances beyond its control. Early in the 1580s Gowran was badly affected by wartime famine,²¹³ and in 1604 when all the fighting was over and the English reconquest of Ireland completed, it was hit by a serious outbreak of plague. Happily the early seventeenth century saw an improvement in Gowran's fortunes and it slowly began to expand, until at last in 1650 it was described as a populous town by Oliver Cromwell when he brought his forces there.²¹⁴

Gowran's recovery, significant as it was, should not be exaggerated. In general, the first half of the seventeenth century was a time of growth for all of the shire's towns. Migrants were attracted to County Kilkenny from all across the country, and from England and Scotland too. Thus while Gowran gained new settlers such as the Everards from Tipperary, the Kellys from Laois-Offaly and the O'Loughlins from Leitrim,²¹⁵ Thomastown was regularly colonised by

²⁰⁶ See Palliser, *Age of Elizabeth*, chap. 2, esp. pp 40-6.

²⁰⁷ Not 308, as stated in Neely, 'Kilkenny city', pp 163-4, which fails to take account of an additional 184 houses belonging to the earl and countess of Ormond in 1641 (Butler (ed.), 'Occupants', passim). The Ormond houses became the subject of a long-running dispute with the corporation after the Restoration: Kilkenny Corporation Archives, MSS CR/H 2, ff 161-70 and CR/I 28.

²⁰⁸ According to the Annals of Kilkenny at Clonalis House (O'Connor Don MSS), in August 1575 'VIxx [i.e. 120] houses were burned at Kilkenny in the Irishtown and Hightown'.

²⁰⁹ *Cal. Fiants Ire., Eliz. I*, nos. 2117 and 2444; N.A.I., Lodge MSS, Articles with Irish chiefs, etc., p.94.

²¹⁰ *Cal. S.P., Rome, 1572-8*, p.157.

²¹¹ Lennon, *Richard Stanihurst*, p.141.

²¹² *Cal. Fiants Ire., Edward VI*, no. 1101; *C.O.D.*, v, no. 146 (p.165).

²¹³ H.M.C., *Salisbury MSS, 1572-82* (London 1888), p.507. It seems to have employed William Lombard of Waterford as its agent to petition for its relief in London (*A.P.C., 1581-2*, p.431).

²¹⁴ May Sparks, 'Gowran', *Old Kilkenny Review*, iii (1950), pp 45-6.

²¹⁵ T.C.D., Ms. 2512, pp 23 and 108; Notes from the Kelly Manuscript (St. Kieran's College, Kilkenny, Carrigan MSS, un-numbered volume, unpaginated); N.L.I., Ms. 11,053 (9).

Waterford families such as the Whites, the Dobbins and the Sherlocks,²¹⁶ as was Inistioge, which also got the Evelyns and Sherwoods from England,²¹⁷ and Callan received the native Irish Kavanaghs from Carlow and the New English families of Adams and Aungier.²¹⁸

Suffice it to say that it was mainly because of the increased prosperity of all its towns, and not just of Kilkenny city, that the shire was described in the early 1630s as 'one of the finest counties in Ireland' by an English visitor.²¹⁹ The number of towns clustered about the midlands of the county had always marked it out as one of the most urbanised (and anglicised) areas in southern Ireland, possessing a more advanced commercial economy than some of its neighbours.

The midland basin III: The Butlers and the towns

Outsiders like the anonymous 'H.C.', author of a late Elizabethan tract on Ireland, had no doubt that the county's towns owed their well-being to the Butlers of Ormond. The dynasty, said 'H.C.', had always defended the local merchants and artisans and helped them 'to apply their trades and crafts without any impediment of the enemy [i.e. the native Irish]'. To his eyes this made the Butler territories unusual among the southern lordships. Because of the Butlers' encouragement, County Kilkenny (and to a lesser extent Tipperary) was an area where young men 'scorned not to get their living' through commerce and hard work; above all, it was a place where money was respected.²²⁰

Insiders such as Robert Rothe, the seneschal of the Ormond estate, agreed wholeheartedly with these comments. In his well known pedigree of the family, compiled in 1616, he recorded how a hundred years earlier the eighth earl, Piers Ruadh, and his imposing countess, Margaret Fitzgerald, had brought a number of Flemish weavers to Kilkenny to set its citizens a good example, manufacturing 'tapestries, Turkey carpets, cushions and other like works'.²²¹ They improved the urban infrastructure in other ways too. According to Stanihurst it was Piers and Margaret who first established the Ormond school at Kilkenny, from which, he said, educated men sprang 'as if from a Trojan horse'. By the 1550s the fame of the school had spread across the Anglo-Irish parts of Ireland, and young scholars came to Kilkenny from as far away as Dublin to be educated, Stanihurst himself among them.²²² In time this gave the leading mercantile families of Kilkenny another unusual advantage, as many of them were able to use the Ormond school to further their economic interests, with their male children becoming associated from very early in life with families from other important trading centres. In this regard, the rise in the incidence of Kilkenny/Dublin business connections during Elizabeth I's reign may have been another (indirect) benefit of Ormond patronage.²²³

²¹⁶ N.A.I., Chancery MSS. Catalogue of Deeds, pt. I, nos. 18, 34, 52, 60, 63, 65, 68 and 71; *C.S.P.I.*, 1586-8, pp. 52-3; *C.O.D.*, v, nos. 155, 182 and 287; *Ibid.*, vi, no. 145.

²¹⁷ *Ibid.*; N.L.I., D. 4009; N.A.I., Ferguson MSS, Abstracts of Revenue Exchequer Orders, 1592-1657, p. 323.

²¹⁸ *C.O.D.*, v, no. 109; *Ibid.*, vi, no. 58; N.A.I., C.P., parcel B, no. 33; *Ibid.*, parcel C, no. 184.

²¹⁹ William Brereton, *Travels in Holland, England, Scotland & Ireland*, ed. E.J. Hawkins (2 vols., Chetham Soc., Manchester 1844), I, p. 250.

²²⁰ H.C.'s tract, 1599 (P.R.O., S.P. 63/203/119, pp. 127-8).

²²¹ J.T. Gilbert, 'The O'Connor Don MSS', H.M.C., *Second Report*, (London 1874), pp. 224-5.

²²² Lennon, *Richard Stanihurst*, pp. 24-6 and 142.

²²³ E.g. the Fagans, the Bennetts, the Allens and the Dongans of Dublin all became involved in Kilkenny life after 1558: *C.O.D.*, v, no. 181 (4), and *Ibid.*, vi, no. 85 (2); for Thomas Barnewall of Dublin defending Kilkenny townsmen in Castle Chamber in 1572 see B.L., Add. Ms. 47, 172, ff. 8r-12v.

There can be no doubt that the earls often involved themselves directly in urban affairs. Their classification as territorial magnates notwithstanding, they lived mainly in towns like Kilkenny, Gowran, Carrick and Clonmel, where their principal seats lay. Occasionally they participated in commercial ventures. In 1517-18, for instance, Piers Ruadh sold a large number of wool fleeces and animal hides to one of his Butler kinsmen in Waterford,²²⁴ while in the 1590s his grandson Earl Thomas is recorded as doing the same, selling £60 (stg) worth of wool to a merchant of London.²²⁵ Black Tom also profited from Kilkenny's export trade, in 1597 employing a factor, Nicholas Ley, to sell a large cargo of locally manufactured cloth on his behalf in the south-west of England. It is not known if Earl Thomas regularly took part in the trade for, typically, information concerning the 1597 shipment has only survived because it was intercepted by pirates.²²⁶ Whether he did so regularly or not, his one known investment was considerable, and the thieves should have been pleased with their ill-gotten gains. When the case came before the High Court of Admiralty in London the tenth earl's cargo was valued at £260 (stg), a significant sum. It contained the following products of the Kilkenny-Tipperary economy:

Chart 1.5

The earl of Ormond's exports to Plymouth, 1597

Cloth products

12 double gowns
 20 white mantles
 30 double coverlets
 40 set coverlets
 40 grey mantles
 40 single caddows
 60 grey caddows
 260 yards of frieze

Other products

120 quarter boards
 260 pack hides

(Source: P.R.O., H.C.A. 1/44, fol. 217r).

²²⁴ *Ibid.*, iv, no. 41.

²²⁵ R.B. Wernham (ed.), *List & Analysis of State Papers. Foreign. Elizabeth I, July 1593 - Dec. 1594*, p.238.

²²⁶ *A.P.C., 1597*, p.116; G.B. Harrison (ed.), *A Second Elizabethan Journal, 1595-8* (London 1974), p.187.

The quantity of cloth items in the cargo is not at all surprising. All of the earls maintained a keen watch on the progress of the cloth-making industry in the shire capital. As late as 1639 the twelfth earl, James Butler, attempted to give the cloth-workers there a major boost (and line his own pockets into the bargain) by soliciting a government contract for them for the manufacture of frieze for the army. In the event his initiative was unsuccessful - the local cloth that he offered as a sample to the army commissioners was deemed sub-standard, too coarse for soldiers' uniforms²²⁷ -but even so his effort would have been appreciated, for it showed that like many of his predecessors, he recognised the value of the industry to the city's community.

It was as patrons that the earls of Ormond played a key role in the development of urban life in the county. Because they and their nearest kinsmen were so powerful in national politics, they were often able to gain important concessions for some of the towns. Sometimes this merely meant intervening whenever local burgesses ran into trouble with the state. In 1576, for instance, 47 townsmen from Inistioge received a pardon from the government 'at the suit of Thomas, earl of Ormond'.²²⁸ In 1603 Earl Thomas likewise insured that Kilkenny city was not heavily penalised for its part in widespread religious disturbances that had occurred in the south following the accession of James VI and I.²²⁹

Butler patronage could be constructive as well as protective, as the people of Inistioge discovered early in the seventeenth century. In 1604, like Gowran, Inistioge had been hit by the plague, leaving it 'much dispeopled and impoverished'.²³⁰ Three years later in 1607 the tenth earl's heir-apparent, Theobald Butler, viscount Tulleophelim (alias Tully), added significantly to the town's recovery when he was able to persuade the government to grant Inistioge the right to hold a Tuesday market and two annual fairs,²³¹ and in 1609 he improved things still further when he secured a third yearly fair for it.²³² These grants made Inistioge safe as the Irish economy changed after the end of the Elizabethan wars. Under the new monarch, the first of the Stuarts, King James, the Dublin government attempted simultaneously to improve and to regulate the business infrastructure of the country, and accordingly whenever it made a grant of a fair or a market it was not just extending the urban network,²³³ it was also choosing which town or village was suitable for inclusion within it. For a small town like Inistioge it was imperative that it did not miss out, for fear of losing ground to would-be rivals. As it was, the grants of 1607 and 1609 allowed it to steal a march on Knocktopher, which had to wait until 1635 before getting its own government-sanctioned fairs and a Thursday market.²³⁴ Consequently Inistioge continued to grow in size, as it had been doing since the mid-1500s,²³⁵ while Knocktopher in all likelihood

²²⁷ *C.S.P.I., 1633-47*, p.228

²²⁸ *Cal. Fiants Ire., Eliz. I*, nos. 2799-2802. Their offence is not recorded. For a 1566 example involving Kilkenny city, see Kilkenny Corporation Archives, Ms. CR/K 4.

²²⁹ See Chapter Five below.

²³⁰ John C. Erck, *Reportory to the Patent Rolls in Ireland, James I* (Dublin 1852), p.425.

²³¹ N.A.I., Lodge MSS, Records of the Rolls, Vol. II, pp 287-8.

²³² H.M.C., *Hastings MSS*, iv (London 1947), pp 30-1; *Cal. Patent Rolls Ire., James I*, p.155. A fourth fair was granted to Inistioge corporation at much the same time (N.A.I., Lodge MSS, Fairs & Markets, p.86).

²³³ Approximately 500 new markets were authorised between 1600 and 1649: Raymond Gillespie, *The Transformation of the Irish Economy, 1550-1700* (Dublin 1991), p.28.

²³⁴ N.L.I., D. 4011.

²³⁵ A moderate population growth at Inistioge is suggested by evidence concerning the priory lands there. In 1568 there were 30 houses or 'messuages' attached to the ex-monastic site; by 1614, there were 43: N.A.I., Lodge MSS, Records of the Rolls, Vol. I, pp 419-20, *ibid*, III, p.279.

stagnated, only perking up after 1630 when a mine (probably a lead mine) was opened in its vicinity.²³⁶

The reason for the crown's delay in validating Knocktopher's commercial status is difficult to pinpoint precisely, but religion - in particular the religion of the Butlers - may have had something to do with it. When Inistioge had benefited earlier on, its overlord, viscount Tulleophelim, had been publicly attached to the Protestant faith, as well as being a committed supporter of the government.²³⁷ Subsequently, however, after his death in 1613, the Butler dynasty had become openly associated with the Catholic opposition to the state, a development which had instigated a political confrontation with the Dublin administration that lasted on and off for twenty years, until such time as James Butler - another Protestant - had succeeded to the earldom of Ormond in 1633. Viewed against this background, Knocktopher's belated acquisition of two fairs and a market in December 1635 makes sense in a politico-religious context, for the grant was made as a direct government favour to Earl James. The suspicion that religion was the bottom line when grants of fairs and markets were being prepared is strengthened considerably by reference to some of the other towns and villages in the shire. When Kilmanagh and Tullaghmaine, Ormond estate villages, received their grants in 1608,²³⁸ the incumbent earl, Earl Thomas, was reckoned to be a Protestant. In much the same way, although both Richard Butler, third viscount Mountgarret, and the eleventh earl of Ormond, Earl Walter, were prominent Catholic leaders, when they secured grants of fairs and markets for Ballyragget and Callan, in 1622 and 1631 respectively,²³⁹ they did so at a time when their religious differences with the crown were temporarily on hold and their standing in Dublin was higher than normal.²⁴⁰ Had the Butlers all been Protestants, one wonders how much more extensive County Kilkenny's economic infrastructure would have been by 1640? Whatever the case, even though they ran into trouble over religion, they still managed to contribute to the consolidation of the local urban network after 1603.

By securing officially sanctioned markets and fairs for the local towns, the Butlers, like other landlords, were not acting selflessly. Markets were potentially very valuable not just for the towns involved. As the patentees, the Ormond and Mountgarret Butlers were lords of the market at six places: Inistioge, Ballyragget, Kilmanagh, Tullaghmaine, Graiguenamanagh and Knocktopher. As such, they were entitled to collect (or lease) the profits of the market court in each one of these. Moreover, in the long term the Butlers probably expected to benefit substantially from the new markets and fairs, hoping they would attract more settlers to come and live on their land and thereby push up the value of their urban rents.²⁴¹

The extent to which self-interest motivated the Butlers in their dealings with County Kilkenny's towns has tended to be overlooked by local historians, many of whom have presented a rather romanticised view of events. Based largely on the seventeenth century writings of Robert

²³⁶ Brendan Jennings (ed.), *Wadding Papers, 1614-38* (Dublin 1953), p. 443. It had taken six or seven years to open: Coventry to Cranfield, 30 Aug. 1623 (Kent A.O., Sackville MSS, DN 8875); Note of Irish mines, 24 Feb. 1624 (Ibid. DN 8876)

²³⁷ E.g., Tulleophelim was one of just four native Protestant peers who re-entered the House of Lords (which had been closed) in accordance with the Lord Deputy's wishes on 22 May 1613: R. Dudley Edwards (ed.), 'The Chichester Letter-Book', *Anal. Hib.*, No. 8 (1938), p. 99.

²³⁸ N.A.L. Lodge MSS, Fairs & Markets, p. 86.

²³⁹ Ibid.

²⁴⁰ See Chapters Five and Six below.

²⁴¹ Circa 1623 the Butlers leased the profits of Inistioge fair to New English arrivals: N.A.L. Ferguson MSS, Abstracts of Revenue Exchequer Orders, 1592-1657, p. 323. For landlords and markets in Ulster, see Raymond Gillespie, 'The origins and development of an Ulster urban network, 1600-41', *I.H.S.*, xxiv, No. 93 (May 1984), pp 18-19.

and David Rothe, both of whom depended to a large extent on the Butlers' support, a view has been handed down of County Kilkenny as an area where, in the towns at least, 'good lordship' and aristocratic benevolence were the order of the day. Although it contains a large measure of truth - the Ormond Butlers did identify more strongly with urban interests than many other Irish lords - it nevertheless has to be said that the emphasis on their patronage has been exaggerated.

In fact there are many instances of the dynasty acting contrary to the interests of the towns, especially in the early-to-mid sixteenth century, when the Butlers were primarily military overlords and their servants best described as armed cut-throats, prone to behave in a high-handed and violent manner. In 1526, for example, Piers Ruadh's retinue threatened to destroy the good relations that existed between Kilkenny and Bristol: his men conducted themselves so badly in the English port that they incited a riot there, wherein 600 Bristolmen surrounded Piers's lodgings and swore to burn it to the ground.²⁴² A generation or so later, in 1559, Piers's grandson, Sir Edmund Butler of Cloghgrenan, ordered his troops to prevent the inhabitants of Upper Ossory from travelling south to trade in Kilkenny city, a decision which was clearly not designed to enhance his popularity in the shire capital. As if this was not bad enough, in 1569 Sir Edmund and his two younger brothers, Edward and Piers Butler, actually laid siege to the city and ravaged its immediate hinterland in the course of their ill-fated rebellion.²⁴³ Eventually, actions like these guaranteed that, under the Tudor monarchs, the towns were often the most strident critics of the Butler family, urging it to reform its ways or suffer the withdrawal of support as a result.²⁴⁴

By their very nature as local overlords the Ormond Butlers were almost bound to come into conflict with the towns in their territories. The sixteenth century is well known to have been a period when Irish towns in general sought more and more autonomy,²⁴⁵ and those in County Kilkenny were no exception. The world that they inhabited was still a feudalistic one, and although each of the shire's six major towns already possessed a considerable degree of self-government, they still had to give obedience to the manorial rights and privileges of landlords such as the Butlers. These could be very extensive. According to the Knocktopher manor court roll, in 1586 the burgesses there had to join with the rest of its inhabitants in delivering timber, slates and other building materials to the constable of the Ormond manor whenever repairs were needed to be made to the earl's manor house. In addition, the roll states that 'the burgesses, commonalty and other inhabitants of the said town were accustomed to convey, at their own expense, as often as they were requested ... all salt, iron and wine which the lord [Ormond] or his constable ... [ordered to be bought] in the city of Waterford, or in the towns of Thomastown, [New] Ross, Jerpont and Inistioge.' In recompense for their services the Knocktophermen were given just one meal by Earl Thomas for each day that their duties required them to be absent.²⁴⁶

The rights of the earls were just as imposing in Gowran. There the heir of a burgess was formally enfeoffed of his inheritance by the portreeve *and* the earl's constable 'according to the laudable customs of that town',²⁴⁷ a privilege which left no-one in any doubt as to who really controlled Gowran. As the sixteenth century wore on the burgesses sought to shake themselves

²⁴² The Bristol riot is outlined in Ormond to Wolsey, 7 Sept. 1526 (P.R.O., S.P. 60/1/48). There is a very fanciful account of it in Alice Stopford Green, *The Making of Ireland and its Undoing* (Dublin 1908), pp 33-4.

²⁴³ H.M.C., *Ir. Privy Council Bk., 1556-71*, p.72; David Edwards, 'The Butler Revolt of 1569', *I.H.S.*, xxviii, No. 111 (May 1993), pp 249-50.

²⁴⁴ *Ibid.*, pp 235-40, for more instances of urban grievances.

²⁴⁵ Sheehan, 'Irish Towns', pp 105-12.

²⁴⁶ Empey, 'Medieval Knocktopher', pp 445-7.

²⁴⁷ *C.O.D.*, iv, no. 188.

free of some of the earls' demands. By the 1590s they were engaged in a bitter row with Earl Thomas over the duties that were expected of them regarding his manorial mill. In particular, they objected to his demand that they, not his servants, should repair and renovate the mill. The earl would not let the matter drop. Determined to hang onto his feudal privileges he brought forward witnesses to swear that, in his father's time (1539-46), the townsmen of Gowran had without protest joined with his tenants from nearby lands to carry timber 'and other necessaries' needed for the repair of the mill. It was even pointed out that one of the principal burgesses of the town, Nicholas Swayne,²⁴⁸ had allowed his horses to be borrowed for the collection of the timber.²⁴⁹ Relations worsened in 1608 when Gowran received a new charter from the government, whereby it became a parliamentary borough and its autonomy was increased. Immediately the burgesses tried to undermine the tenth earl's authority. They stopped paying him his annual chief rent of £5, and some of them even refused to render suit at his manor court. Finally, in November 1608 when the earl despatched two of his servants to the town to seize some cattle - by distraint - as punishment, the locals reacted angrily, and ten of them chased after Ormond's men, captured one of them, beat him up, and brought him back to the town and left him in the stocks all through the cold winter night.²⁵⁰ An ugly affair, it reflected the sort of despair which the powers of the earls could induce among sections of the urban community. As it was, it was only settled three years later, early in 1611, after the chief governor of Ireland, Sir Arthur Chichester, felt compelled to intervene.²⁵¹

The Gowran dispute is an important episode in the history of the Ormond lordship in County Kilkenny, not just because it signals the emergence of stubborn urban opposition to aspects of feudalism, but also because it helps to debunk one of the principal myths about the role played by the Butler dynasty in the development of the shire. Contrary to general opinion, it seems most *unlikely* that the earls of Ormond helped the local towns to get their charters renewed or extended. Plainly it was not in their interest to do so. Significantly, when Kilkenny received city status by virtue of a new royal charter on 11 April 1609, it had nothing whatsoever to do with Butler influence. Rather, Kilkenny's leading merchants, always an ambitious lot, went across to London and secured the charter themselves. In fact the 1609 charter, known as 'the Great Charter of Kilkenny' was the second one that the merchants extracted from James I. An earlier one, dated 16 October 1608, had not been to their liking, and they had charged one of their number, Nicholas Langton, with the daunting task of persuading the king to grant them their desire for full-blown civic status. Kilkenny's subsequent elevation to the dignity of a city, governed by a mayor, aldermen and common council, was ultimately Langton's doing, and a testament to the wealth of the merchants (charters cost money).²⁵²

The Butlers for their part did not react well to the change. Little more than a year later, in June 1610, the tenth earl complained to the English Privy Council about the matter, stating that 'the officers of the town (sic) of Kilkenny, by colour of a new charter lately granted ...do now go about to encroach upon his privileges'. Despite his advanced years Earl Thomas - almost eighty - was still able to pull strings in high places, and the Lord Deputy of Ireland was ordered to see to it that, in the course of the subsequent government inquiry, there should be shown 'as much

²⁴⁸ For Swayne's trading activities in 1566, see P.R.O., E190/1128/8, fol. 2v.

²⁴⁹ *C.O.D.*, vi, Appendix 1, pp 126-7.

²⁵⁰ Kilkenny Corporation Archives, Ms. CR.K 15, N.L.I., Ms. 11,053 (9).

²⁵¹ *Ibid.* and *Ibid.* D. 3486. Chichester had a particular interest in Gowran: see Chapter Five below.

²⁵² The best accounts of the getting of the 1609 charter are J.G.A. Prim, 'Memorials of the Family of Langton', *Kilkenny & S.E. of Ire. Arch. Soc. Jnl.*, 2nd series, v, Pt. 1 (1864), pp 72-3, and Murphy, 'Ten Civic Families', pp 8-12.

favour to the [old] nobleman as may be agreeable to equity'.²⁵³ Unfortunately as it turned out for the city's corporation, these instructions seemed to have suited Lord Deputy Chichester, who mistrusted Kilkenny as a Roman Catholic stronghold. Even in 1609, no sooner had Kilkenny gained its civic charter than he had set his Exchequer officials the task of querying the extent of its jurisdiction.²⁵⁴ He was only too happy to take Ormond's complaints on board, and the city subsequently underwent a lengthy period of uncertainty over its future, in 1611/12 being forced to compromise with Earl Thomas over his privileges, while simultaneously being put to great expense in Dublin where a series of technical objections were made in the Exchequer over the sort of fines that could be collected by the city sheriffs.²⁵⁵ In the final analysis, therefore, it would seem that the Butlers of Ormond, far from encouraging the emergence of Kilkenny as a city, played instead a small but significant part in its post-1609 difficulties, troubles which only ended in 1616 when Chichester's successor, Lord Deputy St. John, decided not to strip Kilkenny of its charter and liberties, despite a strong desire to do so in government circles.²⁵⁶ Clearly, for all that it was the capital of their lordship, the earls of Ormond were not prepared to sponsor a development which would mean giving up some of their power.

Perhaps one of the most telling facts about the nature of the Ormond overlordship is that the dynasty seems never to have taken sides with the towns against any of the local gentry. At its most basic level Ormond power was landlord power. For example, when in 1543 the townsmen of Callan complained about the extortionate practices of James Sweetman of Castle Eve, a leading gent who was then sheriff of the county, the Ormond family did not become involved, but left it to the Dublin Council to settle the matter.²⁵⁷ Likewise, they consistently ignored the actions south of Inistioge of two major landowners, the bishops of Ossory and the Fitzgeralds of Brownesford, who between them almost monopolised the salmon fisheries on the River Nore there - and thereby threatened the livelihoods of the town's fishermen - by constructing large fishing weirs on both sides of the river, which was contrary to a statute of Henry VIII. In this instance, the Butlers' non-involvement was entirely self-interested; especially after 1568 when, as the new owners of Inistioge Priory, they too came to possess a number of fishing weirs on the river.²⁵⁸ Clearly, to have spoken out against the exploitative practices of either the Fitzgeralds or the bishops would have meant jeopardising their own river profits, something they were not prepared to do. Indeed, the Ormond family probably made a tidy sum from the hard-pressed townsmen by renting out their own local fishing rights that covered the stretch of river from Dobbin's land beside the priory to the bishop of Ossory's land in the south.²⁵⁹

In the final analysis the relationship that existed between the towns and the local rulers is probably best described as one of mutual dependence with not a little ambivalence. The earls needed to retain the support of the towns - especially Kilkenny city - in order to consolidate their grip on local society. Hence their tendency to offer employment to so many of the shire's leading

²⁵³ Privy Council to Chichester and the Irish Council, 16 June 1610 (Bod. Lib., Oxford, Carte MSS, Vol. 30, fol. 219).

²⁵⁴ N.A.I., Ferguson MSS, Abstracts of Revenue Exchequer Orders, 1592-1657, pp 70-1 and 79.

²⁵⁵ As regards the fines, religion was the issue. The government was determined to stop the city officials, who were recusants, from dealing with recusancy fines: *Ibid.*, pp 105, 116, 118-9 and 159. Original documents presently in the keeping of the Town Clerk of Kilkenny fill in many gaps in the story of Kilkenny's struggle with Chichester's government for full city status: Kilkenny Corporation Archives, MSS CR/J 36-7, CR/K 16, 18 and 22.

²⁵⁶ *A.P.C.*, 1615-16, pp 689-90; *Ibid.* 1616-17, pp 91-2.

²⁵⁷ *C.O.D.*, iv, no. 295.

²⁵⁸ N.A.I., C.P., parcel E, no. 99; A.E.J. Went, 'A Short History of the Fisheries of the River Nore', *R.S.A.I. Jnl.*, lxxxv (1955), pp 22-5. For a royal fishery near Inistioge, see N.A.I., Ferguson MSS, Exchequer Memoranda Rolls, Edward VI - Philip & Mary, p.99.

²⁵⁹ It is noteworthy that when the twelfth earl mortgaged his Inistioge estates to Marcus Knaresborough in 1635/6, he made sure to hold onto its fisheries (N.L.L., D. 4004, D. 4009 and D. 4027). See also Hore & Graves, *Social State*, p.131.

Chart 1.6

Ormond servants: the civic connexion

(A) The first 18 aldermen of Kilkenny City, 1609
(Ormond officials in *italics*)

Robert Rothe, Mayor
Patrick Archer
Thomas Archer
Walter Archer
Michael Cowley
Nicholas Langton
Walter Lawless
Thomas Ley
Richard Ragget
David Rothe
Edward Rothe
John Rothe fitz Piers
Arthur Shee
Edward Shee
Helias Shee
Henry Shee
Luke Shee
Thomas Shee

(B) Ormond estate officials, circa 1610

Seneschal: Robert Rothe
Steward: Thomas Archer & Henry Shee
Secretary: Henry Shee
Attorney: Patrick Archer
Trustee: Walter Lawless

(C) Officers of the Liberty of Tipperary, circa 1613

Seneschal: Sir Walter Butler of Kilcash
Treasurer: Robert Rothe of Kilkenny
Chancellor: Dr John Haly of Cashel
Attorney: Patrick Archer of Kilkenny
Clerk: Helias Shee of Kilkenny
Justices: Sir John Evereard of Fethard & John Meade of Cork
Custos Rotulorum: Sir James Craig of Dublin

(Sources: N.L.I., Ms. 2531, p.109; *Ibid*, Ms. 11,044, *passim*; *Ibid*, Ms. 11,053; *Ibid*, D. 3326, 3340 and 3366).

townsmen. During the sixteenth century the most important posts in Ormond service - seneschal of the earls' estate, steward of the earls' household, earls' secretary and earls' attorney - were invariably filled by members of the Archer, Rothe, Shee and Cowley families of Kilkenny.²⁶⁰ In this way the earls succeeded in building up a small effective body of support inside the Kilkenny city council. Many of the principal councillors, and several of the city's sovereigns and mayors, were Ormond creatures, agents of feudalism in the civic chamber who often put their loyalty to the earldom ahead of their loyalty to the city that they governed.²⁶¹ The extent to which Thomas, the tenth earl, managed to recruit the most important members of the civic elite before his death in 1614 was astonishing. Chart 1.6 opposite shows this clearly. No fewer than six of the city's first eighteen aldermen were the earl's servants, each day working on his behalf, taking care of his interests. Presumably it was largely through the representations of these men - some of whom were revealingly referred to by contemporaries as 'the earl's men' - that Ormond was so often able to patch up his differences with Kilkenny corporation (even when he dared to challenge the terms of the charter of 1609).

There is no doubt that Earl Thomas was more mindful of the need for a civic lobby than many of his predecessors. Though he preferred when he was in Ireland to live in his new English-style manor house at Carrick-on-Suir in Tipperary (built to his specifications in 1565), he usually spent a large part of each year in residence at Kilkenny Castle. In effect, rather like a minor royal prince, he made Carrick his private abode and Kilkenny his public one, and as a result Kilkenny became much more the capital of the Ormond lordship than had previously been the case. His father and grandfather had spread themselves more thinly around the Ormond territories, residing variously at Gowran, Callan, Clonmel, Pottlerath and Keappahedin as well as at Kilkenny,²⁶² but it was the tenth earl who based the earldom mainly in the city. Towards this end, in 1580 he modernised the design of Kilkenny Castle, hiring the local builder, Robert Freney, to construct a 'great gallery' there,²⁶³ a place where major political receptions and other important gatherings could be held. Indeed, the castle seems to have been totally transformed during his years in power. Previously an urban fortress, manned by a garrison of Butler retainers, Earl Thomas removed the troops from the castle, an important gesture which more than any other symbolised his intention of presiding over a more respectable, less militarised, lordship than his forebears had.²⁶⁴ Under Black Tom's guidance the Butler dynasty slowly became more sensitive to the criticisms that were levelled at it by the local townspeople, less inclined than hitherto to ride roughshod over merchant interests by using their military strength on the basis that might was right.

By and large the Kilkenny civic elite responded favourably to these changes. The disappearance of a permanent garrison from the earl's castle removed one of the most thorny problems affecting Ormond/Kilkenny relations during the middle years of the sixteenth century, namely the behaviour of the Butler soldiers, who were not always as disciplined or as law-abiding as they should have been. This is not to say that the city corporation had always been opposed to the dynasty's military might; nothing of the sort. In the past, when circumstances had

²⁶⁰ *C.O.D.*, iv, no. 352 (5); *Ibid.*, v, nos. 40, 45, 72a (5), 95, 181 (7), 199, 210 and 239.

²⁶¹ E.g., in April 1631 the Mayor of Kilkenny, John Shee, decided to quit his mayoral office several months before his term expired, in order the better to serve Earl Walter: N.L.I., Ms. 2505, p.3.

²⁶² *S.P. Henry VIII*, iii, nos. 240, 242 and 254; *C.O.D.*, iv, nos. 37 and 222; *C.S.P.I.*, 1509-73, pp 6, 37, 45, 50 and 53.

²⁶³ *Annals of Kilkenny*, sub 1580 (O'Connor Don MSS, Clonalis). Robert Freney was probably related to Edmund Freney, a yeoman who in 1591 received a lease of half a messuage in Freren Street, Kilkenny (Kilkenny Corporation Archives, Ms. CR/I 19).

²⁶⁴ Edwards, 'Butler Revolt', p.234.

demanding, the city had been quite willing to encourage the Butlers in their use of force. The damage inflicted on the shire economy by the MacGiollapadraigs and their supporters early in the sixteenth century - a time when the Ormond dynasty had been relatively weak and divided - had meant that temporarily at least, the citizens of Kilkenny had a vested interest in fostering the re-emergence of a large Butler army in the county. The fact that the army subsequently became a blight on the local economy, with the Butler soldiers robbing Kilkenny merchants on the highways, should not be allowed to disguise the fact that the army could not have grown so much in size without some level of support from the merchants. Indeed, for all its ills, from c1515 to 1550 the Butler army had given the civic leaders what they had then most wanted, i.e. greater protection against the external threat posed to their interests by the MacGiollapadraigs, the Kildare Fitzgeralds, the O' Brennans, and hostile branches of the Kavanaghs, who often hindered them when they brought their merchandise north or east of the shire heartland.²⁶⁵

The East march: The Barrow borderlands

Although from the Ormonds' point of view the greatest threat to the Kilkenny midlands after 1515 seemed to come from the north of the county, there was also a considerable security problem confronting them in the east, in the southern part of Gowran barony and the north of Ida, another area with distinct geographical and political characteristics. Here weak physical boundaries caused by the River Barrow's flood-plain left the shire's heartland exposed. Forests made it more dangerous still. Some of the densest woodland in the county was to be found hereabouts, part of a great forest and bog which stretched southwestwards into the shire from St. Mullins in County Carlow.²⁶⁶ As such it was vulnerable to attack from hostile neighbours based in the present-day counties of Carlow and Wexford, principally the forces of the Fitzgeralds, earls of Kildare, and their allies among sections of the MacMurrough Kavanaghs. The weak topography of the region insured that armed gangs were able to sweep through the forests into central Kilkenny from southern Carlow or northern Wexford in order to waylay local merchants travelling along the roads from market to market. Even in the reign of Charles I, long after the Elizabethan border wars had ended, the eastern frontier of Kilkenny continued to attract more than its fair share of criminals and outlaws. In 1626, for instance, a crown official reported that three 'notorious malefactors' - Lionel Blanchville, Murrough Backagh Kavanagh and Brian Kavanagh - were finding it easy in the thickly wooded landscape to evade the local authorities, sometimes hiding out 'in a cave over the Barrow' near St. Mullins, while at other times slipping across the river into County Kilkenny.²⁶⁷

At the start of the sixteenth century, concern about the unruliness of the east was compounded by the fact that it was still very much part of Gaelic Leinster. Indeed, in 1515 large parts of it were quite separate from Kilkenny. This was particularly true of the Rower, a boggy, thickly wooded territory containing over 6,000 acres facing the Blackstairs mountain, that is now part of the barony of Ida. The Rower was a place apart. An area of high ground on the back of a hill, it was cut off from the Butler country above by the confluence of the Nore and the Barrow; it was even described as 'half an island' in a document of Elizabethan date.²⁶⁸ Much earlier, during the 1400s, the Rower had belonged to the MacMurrough Kavanaghs, the Gaelic kings of

²⁶⁵ For the towns' cooperation with the growth of the Ormond army, see Chapter Three below.

²⁶⁶ John Dymock, 'A treatise of Ireland, circa 1600', *Tracts relating to Ireland*, ii (Dublin, 1842), p. 26.

²⁶⁷ B.L., Sloane Ms. 3827, fol. 60.

²⁶⁸ Woods and fastnesses in Leinster, circa 1590 (Lambeth Palace Ms. 635, p. 55).

Leinster, who seem to have held it as part of their kingdom, and sometime before 1476 the head of the dynasty, Donal Reagh Kavanagh, had granted possession of it to one of his sons, Cahir.²⁶⁹ A new Kavanagh branch was thereby established, the Rower sept, which made the townland of Coolhill the centre of a new lordship. By 1500 or thereabouts Cahir's son, Gerald Kavanagh, had consolidated the Kavanaghs' hold in the region, building a strong stone fort there, *Cloch Gherailt*, the ruins of which can still be seen today.

But the Rower was not the only Gaelic lordship in what became east County Kilkenny. To the north of it was the territory of Farren O'Ryan, occupied by the O'Ryan clan who, like the Kavanaghs, also had lands on the other side of the Barrow in County Carlow. Unfortunately, it is difficult to discover much about the history of this clan. Weaker than the O'Brennans, but stronger than lesser families such as the O'Dorans and the little-known O'Henessys (who may have been a cadet line of the Tipperary O'Henessys),²⁷⁰ at the start of the sixteenth century the O'Ryans' clung on to a small territorial lordship that was roughly equivalent to the modern parish of Ullard and a part of neighbouring Powerstown. In all, their lands in the county amounted to perhaps 3,500-4,000 plantation acres in 1515.

They had probably held a lot more land during the late middle ages, but the expansion of the Kildare Fitzgeralds and the MacMurrough Kavanaghs pushed them into retreat long before the Ormond revival got under way. As will be seen in Chapter Three below, by the early 1500s their nearest and most dangerous neighbours were not the Butlers, but the Fitzgeralds and the Kavanaghs at Drumroe and Powerstown. Of course, the proximity of these greatly encouraged the Butlers of Ormond in seeking to gain control of the O'Ryans' land after 1515. As a result, for fifty or sixty years afterwards the O'Ryans found themselves ripped asunder by powerful outside forces, divided up between pro-Butler, pro-Fitzgerald and pro-Kavanagh factions,²⁷¹ a development which hastened their decline.

What made Farren O'Ryan so tempting was not the O'Ryans' strength. They had no major castles or strongholds worth fighting over. Nor could they raise much of an army. According to a late fifteenth century estimate of their military capacity, they could only muster 36 men for battle, a pitiable levy which made theirs one of the smallest forces in Ireland.²⁷² Rather, what made the Butlers, the Fitzgeralds and the Kavanaghs compete for the O'Ryans' land was the fear that it would fall into the hands of the others. Hence, like the inhabitants of other borderlands, the O'Ryans were mere pawns in a struggle for the dominance of mid-Leinster. They were just unlucky that they had three overbearing neighbours, rather than two.

The key to controlling both Farren O'Ryan and the Rower was possession of the upland territory in between, at Graiguenamanagh. Ever since the late middle ages its strategic importance had been widely acknowledged on a provincial level; even in far-off Dublin, royal

²⁶⁹ Lambeth Palace Library. Ms. 614. p.141. Although the document (also of Elizabethan date) claims the Rower was given to another of Donal's sons, Art Buidhe, Cahir was clearly the grantee. For further information on the descent of the Rower sept, see White (ed), *Ir. Mon. & Epis. Deeds*, pp 176-8.

²⁷⁰ For the O'Dorans, see Donal Moore, 'English action, Irish reaction: the MacMurrough Kavanaghs, 1530-1630' (unpublished M.A. thesis, St. Patrick's College, Maynooth 1985), chap. 1. For some O'Henessys in Kilkenny, N.A.L. Lodge MSS, Wardships, liveries & alienations, Vol. I, p.255, and *Cal Fiantis Ire., Edward VI*, no. 384. It is only from the Restoration period onwards that much information survives about the minor Gaelic families of the county: Smyth, 'Territorial and Settlement hierarchies', p.141.

²⁷¹ In the 1560s the sons of Cahir MacArt Kavanagh seem to have been supported by the O'Ryans of Ballyshanboy (*Cal. Fiantis Ire., Eliz. I*, no. 751).

²⁷² Liam Price, 'Armed forces of the Irish chiefs in the sixteenth century', *R.S.A.I. Jnl.*, lxii (1932), pp 203-4.

officials regularly toyed with the idea of taking it into crown hands.²⁷³ In the early sixteenth century Graiguenamanagh belonged to the monks of the Cistercian order, headed by their abbot Cahir Kavanagh, who held a large and prosperous monastery at Duiske (as well as the parish of Grangesylva further north), possessing in all about 12,000 acres. By itself Duiske Abbey was a prize worth having. It seems to have completely dominated the local economy. Better still, its outlying lands included the Coppanagh Gap, a crucial avenue of access into Kilkenny's midland plain from the mountains and woods of north Wexford. Unsurprisingly, while one of their number was abbot, the Kavanaghs remained a force to be reckoned with in west Carlow/east Kilkenny.²⁷⁴

Although the eighth earl of Ormond, Piers Ruadh, attempted to secure the borders with Wexford and Carlow shortly after 1515, he and his family did not get very far until Duiske Abbey became available following the dissolution of the monasteries, for he found the Kavanaghs and the Fitzgeralds hard to shift. True, as regards the Kavanaghs, Piers had made some allies among them in 1525 (partly through the influence of his mother, Saiv Kavanagh), and in 1530 some of the Rower sept had agreed to sell him some of their lands²⁷⁵ - but none of this negated the fact that the clan retained a strong presence in east Kilkenny,²⁷⁶ one which might turn against Piers's family in the future. Everything changed, however, in the mid-to-late 1530s: the Kildare Fitzgeralds were destroyed, the Kavanaghs exposed, and the religious orders abolished. Suddenly the abbey became available, and in the early 1540s it was granted to his son James, the ninth earl. From this date onwards the Ormond Butlers surged ahead of the Kavanaghs as the dominant force in Kilkenny's eastern Barrow borderlands. Kavanagh attacks on Graiguenamanagh, which had reached a peak in the late 1530s,²⁷⁷ subsequently fell off, and the earls of Ormond were at last able to develop the area into a highly effective buffer-zone against their outside enemies.

Further Ormond expansion soon followed in the surrounding area. In 1542 James the ninth earl consolidated his hold over the Kavanaghs of the Rower by compelling the Roches of Drumdowney - Anglo-Irish gentry who were in decline - to grant him possession of their manor in the Rower.²⁷⁸ In the meantime he posed as the protector of the local Kavanagh sept and its leader, the pro-Butler Cahir Mac Gerald, when the latter was prey to the suspicions of the Dublin government in 1545.²⁷⁹ Even better progress was made in Farren-O'Ryan. Most of the O'Ryans effectively capitulated to the Butlers around 1549, as the ninth earl's widow, the dowager countess of Ormond, Joan Fitzgerald, and the earl's younger brother, the first viscount Mountgarret, Richard Butler, persuaded the clan to surrender their lands to the earldom in return for Butler protection. A treaty was made, the details of which remain unclear, but by the 1560s it was widely recognised that all the septs of the O'Ryans held their lands in fee by knight's service of the Ormond manor of Gowran.²⁸⁰ Once more, feudalism provided the basis for Ormond expansion.

²⁷³ E.g., *Cal. Carew MSS, 1515-74*, pp 6 and 134.

²⁷⁴ Moore, 'English action, Irish reaction', pp 22-3.

²⁷⁵ *Ibid.*, pp 21-2; White (ed.), *Ir. Mon. & Epis. Deeds*, pp 176-8.

²⁷⁶ For some of the Rower sept's activities nearby at New Ross at about this time see Hore & Graves (eds.) *Social State*, p.68.

²⁷⁷ *Idem* (ed.), *Extents*, pp 202-3.

²⁷⁸ *C.O.D.*, iv, no. 270.

²⁷⁹ *Ibid.*, no. 341.

²⁸⁰ *Cal. Carew MSS, 1515-74*, no. 273.

The ease with which the O'Ryans were assimilated by the Butlers was quite extraordinary. Presumably the clan feared harsher treatment from the Kavanaghs or the Kinsellaghs across the river.²⁸¹ Whatever the case, from the 1540s onwards many of the O'Ryans embraced the Ormond lordship, and in return some of them began receiving tenancies and sub-tenancies on Ormond and pro-Ormond lands elsewhere in Kilkenny (and in Carlow too).²⁸² Shortly afterwards a junior line of the clan was established on the Ormond estate at Dunbill near Jerpoint.²⁸³ Others became Ormond tenants at Dunfert in the midlands and at Clontubbrid in the north.²⁸⁴ Nor was this all. The O'Ryans who remained in the east - the vast majority of the clan - were encouraged to participate in County Kilkenny's legal system, and some of their leaders served as jurors for the barony of Gowran alongside representatives of the Butlers, the Blanchvilles and the Archdekins.²⁸⁵

At first, having secured possession of Duiske Abbey and the hill country around Graiguenamanagh, the earls of Ormond looked to dominate Farren-O'Ryan and the Rower through military might. By Elizabeth I's time they had established permanent garrisons in the region at the forts of Graigue, Grange MacWilliam Carrogh and Cloghasty.²⁸⁶ Within the Ormond dynastic structure, the main responsibility for the east devolved upon the tenth earl's younger brother James Butler, who had been assigned Duiske by the terms of their father's will. However, despite receiving a fee farm regrant of the abbey estate from the queen in 1566, James and his son failed to make a lasting impression in the area, as both died prematurely.²⁸⁷ It therefore fell to another Butler branch, the Butlers, viscounts Mountgarret, to move in and consolidate part of the area as the representatives of the earldom. Already possessing lands across the Barrow in the Fassagh Bantry, County Wexford, the Mountgarrets made short work of penetrating the Rower. Sometime after 1571 the second viscount, Edmund Butler, took possession of most of the area from the Kavanaghs - possibly by mortgage, but more likely by force.²⁸⁸

Whatever his methods, Mountgarret was undoubtedly effective on the eastern frontier, acting as a harbinger of further Anglo-Irish expansion. In the mid-1580s the last remnants of meaningful Gaelic autonomy in the region shrivelled up and collapsed. The Duiske Butlers were reactivated as Earl Thomas's favourite bastard son, Piers Dubh (or Black Piers), was given possession of the abbey estate by his father. This time a lasting lineage was established. Over the next forty years Piers and his heir, Sir Edward Butler of Duiske, pushed forward on the O'Ryan

²⁸¹ Though the Kavanaghs were their main concern, the O'Ryans occasionally ran up against the Kinsellaghs, as in 1577/8, when they had a minor land dispute with them. The Papers of the Kavanaghs of Borris (N.L.I., Ainsworth Reports, Vol. I, p.136).

²⁸² For an O'Ryan horseman on Butler land in Carlow in 1571/2, see *Cal. Fiants Ire., Eliz. I.* no. 1873.

²⁸³ *C.O.D.*, vi, Appendix One, p.126.

²⁸⁴ *Ibid.* v, no. 133; *Cal. Irish Patent Rolls, James I.* p.25. It is likewise recorded that, as early as 1552, one Murrough O'Ryan was settled at Cottrellsboley. He subsequently moved on to Burnchurch in the west of the shire (the estate of the leading Ormond supporters, the Barron Fitzgeralds) and was still there in the 1590s (*C.O.D.*, vi, Appendix One, p.127).

²⁸⁵ *Ibid.* v, no. 95; B.L., Add. Ms. 47.172, fol. 35r. Furthermore, Thomas Mc Murrough, the sergeant of Gowran barony in 1593 - who doubled as one of Ormond's rent collectors - was probably an O'Ryan (N.L.I., Ms. 2506, fol. 11r).

²⁸⁶ For Graigue and Grange MacWilliam, part of the Duiske estate, see *Cal. Fiants Ire., Eliz. I.* no. 921. Cloghasty was acquired by the Ormonds quite late, around 1570/1 (*C.O.D.*, v, no. 181 (4)), but even then it was some time before they found a tenant. The property was not included on the 1574 rental, and it was only in 1576 that they began charging rent there (N.L.I., Ms. 2506, fol. 8r).

²⁸⁷ James Hughes, 'The Butlers of Duiske Abbey', *R.H.A.A.I. Jnl.*, 3rd series, I, pt. I, pp. 64-8.

²⁸⁸ At the end of the century Donal Spaniaugh Kavanagh claimed that Mountgarret pretended to have a title by mortgage (Lambeth Palace Library, Ms. 614, p.141). Further circumstantial evidence that the second viscount used force in the Rower comes from a statement of Sir Nicholas Walsh that his tenants in the area had been forcibly disturbed and terrorised by Mountgarret's men circa 1587 (N.A.I., C.P., parcel E, no. 246).

lands. By the early 1630s the Duiske Butlers had received 12 separate conveyances of O’Ryan land in western Carlow and eastern Kilkenny from 16 members of the O’Ryan clan and one of the O’Hennessys,²⁸⁹ with the result that in the space of just two generations, they gained an interest in approximately 2,500 acres in Farren O’Ryan, i.e. the greater part of the clan’s territory.²⁹⁰

Lesser Anglo-Irish families gradually followed the Butlers into the area. As far as can be told, the O’Ryans were economically marginalised and, already Ormond subjects, they seem to have been fair game for the lure of Anglo-Irish money. By 1607 the Blanchvilles of Milltown and the Archdekins of Cloghlea had bought their way into Farren-O’Ryan, taking mortgages and pledges of some of the native proprietors, and later still they were joined by the Sweetmans of Hodsgrove and the native Irish Kellys of Gowran.²⁹¹

Meanwhile in the Rower, to complement the Mountgarrets’ earlier gains there, a second large part of the Kavanaghs’ territory fell into the hands of Sir Nicholas Walsh of Clonmore, a distinguished legal official, and a steadfast follower of the tenth earl of Ormond. Sometime before 1587 he secured a lease of the lands of Tincorran, Tinscolly, Coulreny and Tentwine from Derby McCahir Kavanagh, the head of the Rower sept, and ‘divers of his kinsmen’.²⁹² In time this lease seems to have led to a more lasting transfer of title, for in February 1608 he - not the Kavanaghs - was recognised as the lawful owner of the lands, which he held in fee of the king by socage tenure.²⁹³ His successor Thomas Walsh was still in occupation in 1641, by which date it seems there were no longer any Kavanaghs who owned land in the area. Instead the Rower was uniformly the property of the Ormond and Mountgarret Butlers, the Clonmore Walshes and two other Kilkenny-based Anglo-Irish families, the Graces of Killrindowney and the Stranges of Drumdowney. The Gaelic Bolgers (or O’Bolgers), a medical family closely linked to the Blanchvilles of Milltown, also entered the area.²⁹⁴ More so than in any other of the Gaelic zones of early modern Kilkenny, in the Rower the Anglo-Irish expansion initiated by the earls of Ormond in the sixteenth century had led to the complete extirpation of Gaelic landowning within less than a hundred years. At least in Farren-O’Ryan, and even in Idough, patches of land remained the property of some of the O’Ryans and O’Brennans in Charles I’s reign. Not so in the Rower, where the Kavanaghs are noticeable only by their absence after 1600.

There was a larger context to events in the Barrow borderlands than first meets the eye. Just as in the north, where the territories of Upper Ossory and Idough were each the subject of important changes in the county boundaries, so significant cartographic and administrative alterations were required in the east. It is sometimes overlooked that by colonising what is now east County Kilkenny, the Butlers of Ormond and their Anglo-Irish supporters effectively annexed the region from neighbouring County Carlow, to which it had belonged in medieval times. As no history of Irish county boundaries yet exists, some comments about how this transfer was viewed by the government may be useful; all the more so as the assignment of the

²⁸⁹ *Inq. Lagema*. Co. Carlow, Charles I (40); N.A.I., Lodge MSS, Wardships, liveries & alienations, Vol. I, pp 181 and 255.

²⁹⁰ N.L.I., Ms. 975, pp 224-7.

²⁹¹ *Ibid.*, pp 225-7 and 233; *Inq. Lagema*. Co. Kilkenny, James I (4).

²⁹² As note 283.

²⁹³ *Inq. Lagema*. Co. Kilkenny, James I (5).

²⁹⁴ N.L.I., Ms. 975, p. 139, Blanchville feoffment, 1618 (St. Kieran’s College, Kilkenny, Carrigan MSS, Vol. 3 (unpaginated)).

Barrow area reveals much about the change in royal attitudes towards the Ormond Butlers that took place after 1603.

Before that date the earls of Ormond were able to enlarge Kilkenny at Carlow's expense principally because they enjoyed at least some tacit crown support. Throughout much of the sixteenth century any expansion of the Butlers was acceptable in government circles if it occurred at the expense of Gaelic lineages such as the Kavanaghs, who were normally viewed with unyielding suspicion in Dublin and London.²⁹⁵ Moreover, the Butler carve-up of (new) east Kilkenny/ (old) west Carlow may also have been deemed permissible on the grounds of expediency insofar as the area was not easily governable from Carlow Castle, where the local English administration was based. One thing is clear: in tolerating Ormond aggrandisement in the Barrow flood plain, the crown probably gave no consideration to the fact that, geographically, the area belongs more naturally to the lowlands of Kilkenny than it does to Carlow. By failing to do so, the crown laid the foundations for fresh problems after 1603, when its leniency towards the earldom ended. Suddenly suspicious of the Butlers as a leading Catholic dynasty, and increasingly aware that County Kilkenny was a hive of popery, the royal authorities were no longer prepared to concede that it had grown in size. As it had done before with several other regional dynasties,²⁹⁶ the government now seized upon the anomalous situation in the Barrow borderlands to confine the Kilkenny shire boundaries. The area of immediate Ormond dominance was set to be curtailed.

Following the accession of James I the six eastern parishes of Shankill, Kilmacahill, Wells, Grangesylva, Powerstown and Ullard, once part of medieval Carlow,²⁹⁷ began to oscillate between Kilkenny and that county, sometimes still counted part of Kilkenny, more often included with Carlow.²⁹⁸ This sudden state of flux had some curious results. Overnight the tiny market town of Wells, just a few miles east of Gowran, rose to become an administrative centre, a regular part of the Carlow assize circuit and a place where courts of inquisition were held. This would not have occurred had it remained shired solely with Kilkenny.²⁹⁹ Odder still, despite not owning any land in the aforementioned six parishes, some major Kilkenny landlords found themselves occasionally drawn into the Carlow county administration. In 1631, for instance, two of the principal landowners of the east Kilkenny midlands, Sir Oliver Shortal and Sir Edmund Blanchville, were named as commissioners for the Carlow corn supply, a strange choice, as the main bulk of their estates lay towards the centre of County Kilkenny, and neither of them owned any land east of the Barrow.³⁰⁰ More logical choices for the task would have been the eleventh earl of Ormond, Walter Butler, the third viscount Mountgarret, Richard Butler, Sir Edward Butler of Duiske, or Edmund Butler of Paulstown, each of whom owned extensive estates in the six parishes' district and all of whom had property east of the Barrow in either Carlow or Wexford. Presumably the main reason for overlooking them was to prevent the Butlers from controlling affairs in County Carlow as much as they controlled them in County Kilkenny.

²⁹⁵ For a revealing discussion of royal mistrust of the Kavanaghs, see Moore, 'English action, Irish reaction', chaps. 2-4.

²⁹⁶ J.H. Andrews, 'Geography and government in Elizabethan Ireland', in N. Stephens & R.E. Glasscock (eds.), *Irish Geographical Studies* (Dublin 1970), p.190.

²⁹⁷ C.A. Empey, 'County Kilkenny in the Anglo-Norman period', in W. Nolan & K. Whelan (eds.), *Kilkenny: History & Society* (Dublin 1990), pp 75-6.

²⁹⁸ *Eighth Report of the Irish Record Commission* (Dublin 1819), pp 432-3; N.A.I., Lodge MSS. Wardships, liveries & alienations, Vol. I, pp 180-2. For the sheriff of Carlow at work in the area after 1603, see Lord Justice Wandesford's warrant, 8 May 1640 (*Ibid.*, Carte Papers (transcripts), Vol. I, p.118).

²⁹⁹ H.M.C., *Third Report* (London 1872), p.52, where the date should read 1605, not 1695.

³⁰⁰ Richard Caulfield (ed.), *The Council Book of Youghal* (London 1878), p.164.

Ultimately, the most significant thing about the crown's meddling with Kilkenny's Barrow borderlands is that the return of the six parishes to Carlow failed to reduce the level of Butler influence in the area. Each of the main Butler branches, from the earls of Ormond to the Butlers of Paulstown, enjoyed extensive connections with some of the major Carlow families, especially the Kavanaghs and the Bagenals. Furthermore, there was nothing the crown could do to stop the lesser landowners of the borderlands - the junior lines of the Graces, the Sweetmans, the Blanchvilles, the Archdekins, etc. - from viewing either the earl of Ormond or viscount Mountgarret as their overlords. The fact remained that first the Ormonds and then the Mountgarrets had spearheaded the colonisation of the region by Kilkenny's Anglo-Irish gentry. As elsewhere in County Kilkenny the feudal ties of patronage and clientage were hard to dissolve. As if to reject the crown's policy, it was commonplace in the early seventeenth century for the eastern border squires and gentry to describe themselves as 'of Kilkenny', and their land as Kilkenny land, when appearing in a Dublin court.³⁰¹ Irrespective of its official designation as part of Carlow, the six parishes' district was a Kilkenny colony, and as such, even in the reign of Charles I, its little community saw itself as rightfully belonging to the Ormond country in County Kilkenny.

The Southern uplands: Walsh country

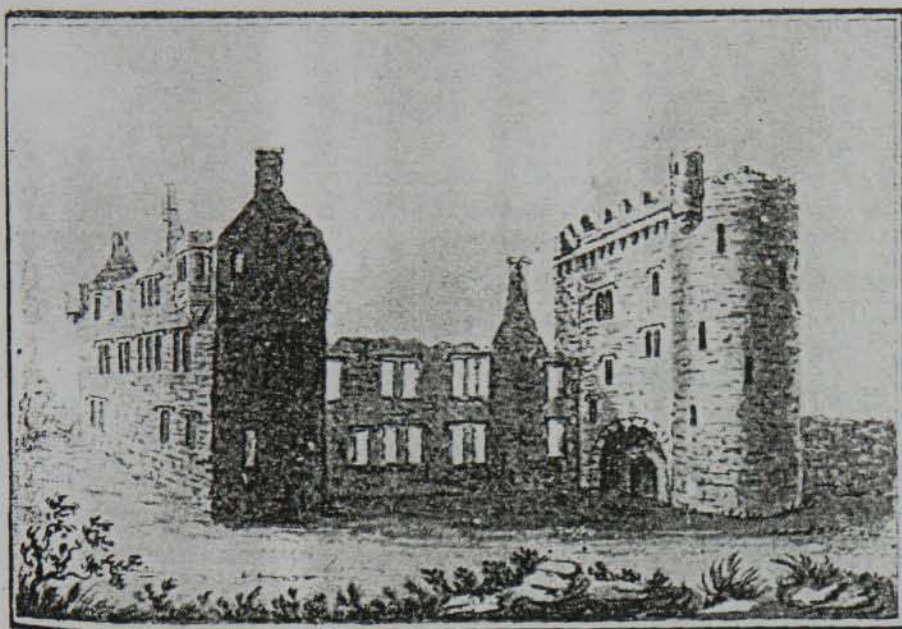
In the next distinct zone of the county, the southern uplands below Inistioge, Knocktopher and Kells, the Butlers' influence was also quite extensive. Less immediate than in the north and east, it was similar to the situation in the midlands, in that the Ormond Butlers did not seek to, literally, possess the other landowners body and soul, but were content to cooperate with them and delegate power to them. Admittedly the mountainous terrain was probably responsible for this. The Walsh mountains, as they are known, rise to a height of just below 1,000 feet in some places, and spanning more than fifteen miles in width, they provide a poor environment for farming, with sticky soils and inadequate natural drainage. The earls of Ormond, together with the rest of the Butlers, had little interest in the land here. Instead of seeking to establish a territorial monopoly, they were content simply to control the uplands' flanks, to the east holding Duiske and the surrounding lands, as already noted, while to the west, near the Tipperary border, the Ormonds possessed Clonmacshanboy Castle and a few hundred acres in Kilmaganny parish, and two old branches of minor Butlers, dating back to the late middle ages, were based at Kirrihill and Rossenarrow. By these means the Butlers hemmed the mountains in and avoided the worst land, leaving the vast bulk of the area to the care of the principal local family, the Walshes (alias Brenaghs) of the Mountains.

The Walshes were one of the greatest client families of the house of Ormond. An ancient lineage of Cambro-Norman descent, they had been in County Kilkenny and its environs at least as long as the ancestors of the earls, having come to Ireland in the late twelfth century, circa 1180 in Wexford, and they had settled in south Kilkenny by 1285.³⁰² Their main seat at Castlehowell was one of the most important castles in County Kilkenny, overlooking the western midlands of the shire. Their close relationship with the Butlers was well known, and they are referred to in a

³⁰¹ E.g. Shankill in the Common Pleas in 1609 (T.C.D., Ms. 2512, p.20); Grangesilva and Graiguenamanagh in the Exchequer in 1605, 1611 and 1614 (N.A.L., Ferguson MSS. Revenue Exchequer Orders, 1592-1657, pp 34, 143 and 160).

³⁰² St. John Brooks (ed.), Knight's fees, pp 100-1, has the best account of the Walshes' origins. Some highly fanciful accounts of the family's origins, as passed on by local *seannachai* in the mid-eighteenth century, can be found in W. Carrigan (ed.), 'Scraps of Walsh Mountain History. No. 4: Traditional Accounts of the Lords of the Mountain', *Waterford & S.E. of Ire. Arch. Soc. Jn.*, xii (1909), pp 173-8.

sixteenth century state paper as 'the Walshes, at the earl of Ormond's command'.³⁰³ They held their land by knight's service of the earls' manor of Knocktopher, and down to Elizabethan times they provided one of the main segments of the Ormond army.³⁰⁴



Reputed 18th-century ruins of Castlehowell, Kells barony

(Reproduced from G.N Wright, *Ireland Illustrated*, (London 1831)).

In return for their military support, the degree of control that the earls exercised over the Walsh family was generally very lax. Even if owed money by some of the junior Walshes, the earls respected the rights of the head of the lineage, Walsh of Castlehowell, to intervene in the matter to arrange better terms for his kinsmen.³⁰⁵ As a direct consequence of arrangement such as this the Walsh country became semi-autonomous. Though it belonged indisputably to the county of Kilkenny, it was often only loosely attached, and for much of the sixteenth century its occupants avoided contact with the formal shire administration. In fact, left to their own devices, the Walshes achieved considerable notoriety as bandits, raiding anyone nearby who was not tied to the earldom, but committing their most outrageous acts far from home, across the eastern and southern frontiers of the shire in Wexford and Waterford.³⁰⁶ Left to their own devices, the mountains that they inhabited became one of the great criminal districts of the south of Ireland, offering a safe haven to thieves and cattle rustlers such as Shane Brenagh fitz Robert (alias John Walsh), one of the fiercest outlaws of the Elizabethan era. For a number of years before he was caught and hanged in the early 1580s Shane played cat-and-mouse with government officials in

³⁰³ Alnwick Castle. Duke Of Northumberland Papers, Ms. 476 GC 26. ff 32v-33r, cited in Edmund Hogan (ed.), *A Description of Ireland in 1598* (Dublin 1878), p. 70

³⁰⁴ *Cal. Carew MSS. 1515-74*, no. 273; N.L.L., Ms. 2507, fol. 22v

³⁰⁵ *C.O.D.*, iv, no. 50.

³⁰⁶ Hore & Graves (eds.), *Social State*, pp 63, 71 and 189.

Kilkenny, Tipperary, Wexford and Waterford, leading a gang of about a dozen men - nearly all Walshes, but including some Butlers too - in various feats of banditry.³⁰⁷

Free of Ormond interference, the Walshes became one of the most gaelicised Anglo-Irish families in County Kilkenny, and they ran their little lordship through a fusion of English and Gaelic law. In 1585 the head of the family, Walter Walsh, held a manor court at Lettercorbally. For the most part the proceedings, recorded in Latin, followed the usual English customs, except that Walter was announced to the court in the Gaelic manner as *capitalis sui nationis* ('chief of his nation').³⁰⁸ During the course of the hearing 16 jurors confirmed that Walter was entitled by hereditary right to demand that all his free tenants assist him 'in making provision for the marriage of his daughters when they come to the age of seven years [the canonical age of marriage].' Thus rendered, it looked like just another Anglo-Irish feudal exaction, but it was in fact very similar to the practise of raising dowry from a lords' subjects that was universal in Gaelic Ireland and Scotland.³⁰⁹ The evidence of gaelicisation did not end here. More than any other Kilkenny family the Walshes were organised like a proper clan, i.e. as a corporate patrilineal descent group.³¹⁰ Members of the Walsh bloodline owned and occupied almost all of the territory and, as in any Gaelic lordship, many of them performed important legal and political functions on behalf of the Walsh nation. Hence, for instance, it was stated that that once their chief, Walsh of Castlehowell, decided to collect his daughters' dowry, it would only be lawful for him to do so 'according to the discretion of four of the better sort of the inhabitants of the said nation'.³¹¹ The Castlehowell chiefs performed various tasks on the nation's behalf, protecting vulnerable members of the clan and working to keep the clan territory intact.³¹² The Castlehowell Walshes also practised partible inheritance, generation by generation setting aside part of their land for the benefit of younger sons, so that by 1640 many thousands of acres had passed from their hands to set up junior branches at Owing, Listerling, Kilcregan, Derrylackagh, Arderny and elsewhere (see Appendix 1). Fittingly the Irish language thrived under the Walshes' patronage, and in the early seventeenth century one of their number, John MacWalter Walsh, gained a considerable reputation - among native Irishmen - as a Gaelic poet, though he seems to have written mainly for his Anglo-Irish friends and relatives.³¹³

The chiefs of the clan (or 'nation'), the Walshes of Castlehowell, enjoyed great prestige throughout the early modern period. As lords of the mountain they were famous for their military prowess, and though they never gained a title, they were usually counted among the lesser nobility of Leinster and Munster. Between 1500 and 1640 they married into many of the great families of the south, becoming kindred to the Butlers, viscounts Mountgarret, the Mastersons and the Devereuxs of County Wexford, the Powers and the Mandevilles of County Waterford,

³⁰⁷ For his gang see especially: Note of traitors slain, 1 Dec. 1582 - 30 Sept. 1583 (P.R.O., S.P. 63/108/34); see also N.L.I., Ms. 2181, no. 9. Events in his career are discussed in Chapter Four below.

³⁰⁸ Carrigan (ed.), 'Walsh Mountain history, pt. 1, *Waterford & S.E. of Ire. Arch. Soc. Jnl.*, ix (1906), p.182.

³⁰⁹ Ibid, p.185; K.W. Nicholls, *Gaelic & gaelicised Ireland in the Middle Ages* (Dublin 1972), pp 35-6; Idem, 'Irishwomen and property in the 16th Century', Margaret MacCurtain & Mary O'Dowd (eds), *Women in Early Modern Ireland* (Dublin 1990), pp 20-1. I am grateful to Mr Nicholls for his comments on this point.

³¹⁰ Ibid, pp 8-10.

³¹¹ Carrigan (ed.), 'Walsh Mountain History, pt. 1', p.185.

³¹² For an example of this occurring in 1519, see N.L.I., D. 2040, a document about the stirps or sept of William Magnus Brenagh. This was poorly calendared by Curtis in *C.O.D.*, iv, no. 50. I must thank Kenneth Nicholls for lending me his copy of this document, which is markedly better than my own.

³¹³ Philip Moore (ed.), 'Elegy on John MacWalter Walsh', *Ossory Arch. Soc. Jnl.*, ii (1880-3), pp 85-92.

the Fitzgeralds of Cloyne, County Cork, and the Sextons of Limerick.³¹⁴ In 1625 they confirmed their position as minor Irish lords when they successfully negotiated a marriage with the English noblewoman Magdalen Sheffield, granddaughter of the earl of Mulgrave, a former Lord President of the North.³¹⁵ The Walshes' wealth helped them to maintain this high status. On one occasion towards the middle of the seventeenth century they were able to raise marriage portions amounting to £1,100 from their tenants,³¹⁶ and during the 1630s they commissioned a major rebuilding of their ancestral seat at Castlehowell, transforming it from a late medieval fortress into an imposing country mansion.³¹⁷ Cardinal Rinnuccini stayed there a decade later, and was greatly impressed by the style and order in which his hosts lived.³¹⁸

One of the clearest indicators of the Walshes' power is the degree to which they acted as patrons of some of the County Kilkenny gentry. Tenants-in-chief on their mountain lands included younger sons of branches of the Graces, the Butlers, the Bolgers, the Tobins and the O'Ryanes. Early in the reign of James I Walsh of Castlehowell offered his protection to the daughters of a deceased Tipperary landlord, Comyn of Graigelevane, when they faced possible disinheritance by their uncle.³¹⁹ Still more revealing, some of the servants of the earls of Ormond were offered employment in the Walsh country. Peter Shee, a Kilkenny lawyer and Ormond servant, served as seneschal to Walsh of Castlehowell in the late sixteenth century. Likewise one of Earl Thomas's chaplains, Peter Rothe (another Kilkennyman), was allowed to take up a church post on Walsh land at Owing.³²⁰

But as in many Gaelic lordships, there was a darker side to the power and wealth of the lords of the Walsh mountains. The Walshes of Castlehowell were rich and influential because they kept their kinsmen in check. Since the later middle ages nearly all of the junior branches that they had established had been assigned what might best be described as marginal land. Only the Walshes of Owing, along the Tipperary border, had good quality ground, capable of arable production, but with an estate of less than 1,000 acres, they never had enough land to become strong.³²¹ Most of the other junior branches were confined to land that was only suitable for grazing, and even the biggest of them, the Walshes of Listerling - who had almost 2,500 acres - did not have a large enough estate to develop into an independent force. Indeed, far from prospering, several of the lesser Walshes struggled to survive economically. The same was true of some of their non-Walsh neighbours. The Healys (or Howlings) of Derrinahinch, for instance, were forced to mortgage a third of their estate to a local husbandman, William Lang, during the 1580s.³²² In the meantime, possessing the best land in ample measure, the lords of Castlehowell continued to prosper, imposing extensive feudal dues on the inhabitants of their territory, among other things claiming the right to have common pasture for their cattle 'through all the domain of the Walsh Mountain'.³²³

³¹⁴ Carrigan, *Ossory*, iv, pp 74-6; Sir Bernard Burke, *The Landed Gentry of Ireland* (10th ed., London 1904), pp 296 and 670; Genealogical Office, Ms. 171, pp 57-8; N.L.I. Ms. 8315 (9).

³¹⁵ Walter visited Mulgrave in England in 1638; Mulgrave to Wentworth, 21 March 1638 (Sheffield City Lib., Str. p. 18, no. 187).

³¹⁶ *C.S.P.I. 1669-70*, p. 620.

³¹⁷ For the date of the Castlehowell building works - up and running by April 1633 - see Carrigan, 'Walsh Mountain History, pt. 5', *Waterford & S.E. of Ire. Arch. Soc. Jnl.*, xiv (1911), p. 88.

³¹⁸ Moore (ed.), 'Elegy', p. 89.

³¹⁹ N.A.I., C.P., parcel K, no. 184.

³²⁰ Carrigan, 'Walsh Mountain history, pt. 1', pp 182 and 187.

³²¹ For their descent from the Castlehowell chiefs see St. Kieran's College, Kilkenny, Carrigan MSS, Vol. 21, unpaginated.

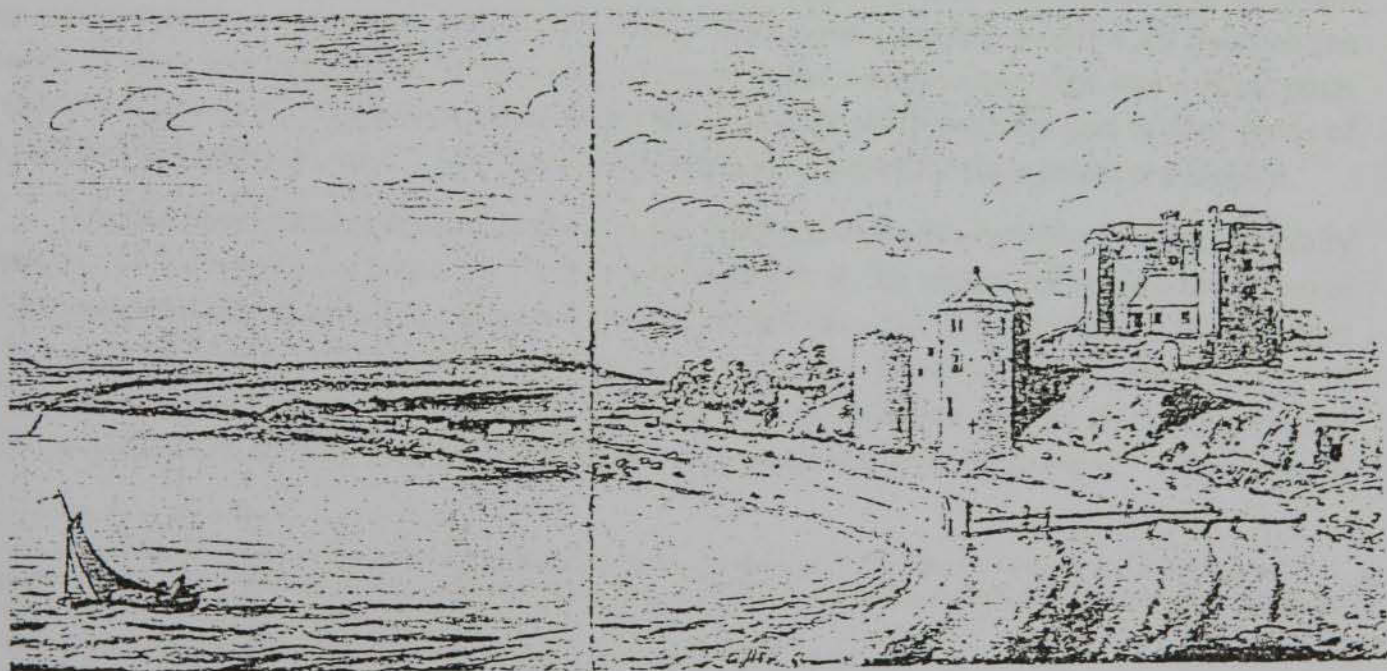
³²² N.A.I., C.P., parcel A, nos. 188-9.

³²³ Carrigan, 'Walsh Mountain history, pt. 1', *Waterford & S.E. of Ire. Arch. Soc. Jnl.*, ix (1906) pp 183 and 185.

This remained the case even after 1603. Even though the economy of the southern uplands began to show signs of improvement, with land values in some places beginning to approach a shilling an acre, nonetheless the Butlers, earls of Ormond, still kept their distance. Admittedly, this may have been due more to the collapse of the earldom than any real disinterest, but whatever the case, the Walsh country remained firmly under Walsh control. Unfortunately for historians this means that it also remained obscure, for without a strong Ormond presence to excite its interest, the royal government made no special effort to collect information about the territory. All that remains on record regarding post-1603 developments is a handful of references to the spread of mining, with a mine established in the Derrinahinch woodlands by 1635,³²⁴ and another, run by Englishmen, opening on the Butler of Duiske estate at Graiguenamanagh in the east before 1641.³²⁵ These instances apart, the history of the Walsh country in the early seventeenth century must remain a mystery, unless more documentary evidence should suddenly come to light.

Southern lowlands

South of the Walsh country lies the last distinct geographical zone of County Kilkenny, in the lowlands that run from the Walsh mountains to Waterford harbour. Forming a crescent-shaped area, this region stretches from the parish of Rosbercon in the east to Owing in the west. It is notable for the fact that it is bounded by water on three sides, hemmed in by the banks of the Barrow and the Suir rivers which meet at the Waterford estuary. Its proximity to Waterford, which was probably Ireland's principal port in the early modern period,³²⁶ insured that the Butlers of Ormond paid close attention to the south.



Francis Place. *Castle Granne, 1 mile from Waterford*, 1699

(Reproduced from *R.S.A.I. Jnl.*, lxiv (1934), facing p. 50).

³²⁴ N.L.I., D. 3980.

³²⁵ Deposition of Patrick Maxwell (T.C.D. Ms. 812, fol. 204v).

³²⁶ I will be discussing Waterford's supremacy in a forthcoming paper, 'The Merchant Population of late Elizabethan Waterford'.

The Ormond dynasty was well represented across the region. In Ida, in the north-east of the barony, the earls held Rosbercon - by the sixteenth century a town in terminal decline, but still a place prized for its strategic value, as it afforded easy access to the Barrow and the County Wexford river-port of New Ross, of which it was virtually a suburb.³²⁷ In Iverk the earls possessed Norbane, Castletown, Kilmacow and the manor of Grannagh, substantial rural settlements containing what was then some of the best pasture land in the area. Grannagh was especially important.³²⁸ A large medieval fortress on the Kilkenny side of Waterford estuary, it had a commanding view of the boats and barges that plied across the Suir river between Waterford and Kilkenny. The artist Francis Place's depiction of it in 1699 (above) shows just how imposing it was, with its huge circular and square towers and its great hall. Built originally in the fourteenth century by the Powers, it had passed to the earls of Ormond in 1375. In the 1490s Piers Ruadh and his wife, Countess Margaret, renovated and extended it,³²⁹ and it subsequently became the main administrative centre of the Ormond lordship in south Kilkenny. In the great hall a carving of the Butler coat-of-arms faced a figure of justice, and sessions of the manorial court were regularly held there before the earls' seneschals and their local representatives, the sergeants of the manor. Between them these officials judged a wide array of crimes on the earls' behalf³³⁰ - trespass, assault and battery and, before c1540, possibly even cases of treason: during the late eighteenth century there was a local tradition that 'rebels' (i.e. enemies of the Butlers?) had been hanged from the window of the court-hall in early Tudor times on the orders of Countess Margaret.³³¹

In other ways too Grannagh Castle and manor had a tight grip over local affairs. Down to Earl Walter's fall in 1619, following which the service was resumed into the hands of the crown,³³² it controlled one of the main ferries from Kilkenny to Waterford, reckoned to be worth five marks a year in rent to the earls in the early 1500s (but probably worth a lot more to the lessees).³³³ And like other Ormond manors elsewhere in the county, Grannagh was a focal point of the feudal power of the earldom. Most of the gentry of Ida and Iverk held part of their lands of the manor by knight's service,³³⁴ as did the viscounts Mountgarret for their estate at Fiddown.³³⁵

Unlike other parts of County Kilkenny, the southern lowlands lacked a major community of gentry. There was just a handful of important landlords in the region other than the Ormond and Mountgarret Butlers. Indeed, between 1500 and 1640 only five local families - the Stranges of Dunkitt, the Galls of Gaulskill, the Barron Fitzgeralds of Brownesford, the Freneys of Ballyreddy and the Datons of Kilmodally- achieved any prominence around the shire or wider afield, occasionally serving as Ormond officials or government commissioners.³³⁶ Moreover, of

³²⁷ There are several early modern documents about Rosbercon among the Glascott Papers. These were deposited in the National Library in 1958; incredibly they are still unavailable to readers forty years later. See John Ainsworth's Report on Private Collections, No. 411(N.L.I. Ainsworth Reports, Vol. 14, p.2893).

³²⁸ Details of the extent of Grannagh manor are given in *C.O.D.*, vi, Appendix 1, pp 143-4.

³²⁹ Lambeth Palace Ms. 626, p.124.

³³⁰ For a case of assault that was tried before the manor court in the reign of Elizabeth I, see *C.O.D.*, vi, Appendix 1, p.142.

³³¹ W. Tighe, *Statistical survey of the County of Kilkenny* (Dublin 1802), p.635.

³³² The Grannagh ferry was granted with many other Irish ferries to Henry Marwood, Robert Hodges and James Horncastle on 2 July 1634 for a rent of 10s. per annum: N.A.I., Lodge MSS, Records of the Rolls, Vol. V, pp 305-7.

³³³ D.B. Quinn (ed.), 'Ormond Papers, 1480-1535', in *C.O.D.*, iv, Appendix, pp 344-5.

³³⁴ *Cal. Carew MSS, 1515-74*, no. 273.

³³⁵ *C.O.D.*, iv, no. 361.

³³⁶ E.g., see Appendix 3 below; *C.S.P.I., 1509-73*, p.505; N.A.I., Lodge MSS, Records of the Rolls, Vol. I, p.217; G.D. Burtchaell, 'The Geraldines of County Kilkenny, Pt. 3: the Barrons of Brownesford', *R.S.A.I. Jnl.*, xxiii (1893), pp 408-20; H.M.C., *Ormonde MSS, 1543-1711* (London 1895), pp 1-4. For Richard Strange of Dunkitt presiding over courts of inquisition at Rathkieran in 1589, see N.A.I., R.C. 9/7, pp 104-5.

these, only the Stranges of Dunkitt and the Fitzgeralds of Brownesford were a consistent force in local affairs, maintaining a public role across the sixteenth and early seventeenth centuries. Traditionally the Stranges, closely connected to the Waterford merchant family of the same name,³³⁷ were loyal supporters of the earldom of Ormond, and successive earls made sure that they stayed friendly. Thus in 1531 Piers Ruadh entered into a bond with Nicholas Strange, lord of Dunkitt, in which he guaranteed that 'he and his heirs shall be as good and favourable lords to Nicholas and his heirs as the late James, earl of Ormond [i.e., probably the fourth earl, d. 1452] was to the ancestors of the said Nicholas'.³³⁸ After 1603, with the end of the Elizabethan wars, the Stranges were able to move in wider social circles than before, and by 1619 they had contracted a marriage with a Munster planter family, the Pynes of Mogeley, County Cork.³³⁹ The Brownesford Fitzgeralds were not quite so important, but they still managed to carve out a niche in Ida all the same, possessing two strong castles at Clonamery and Brownesford, and dominating large parts of the Barrow and Nore rivers, often to the annoyance of the local fishermen.³⁴⁰ During the early sixteenth century one of their number, Milo Barron, rose to become bishop of Ossory, and it was in the period of his episcopacy (1528-50) that they enjoyed their greatest prominence. Though they fell away a little after his death, they were still an important lineage. They continued to prosper as a force in southern affairs in the early seventeenth century, between 1611 and 1614 purchasing land at Ballinabarney for a younger son, Thomas Fitzgerald, who subsequently established a cadet branch there,³⁴¹ and they maintained a strong hold on Rosbercon, where they held nearly 400 acres beside the town.³⁴²

The rest of the principal southern gentry all struggled to make their mark. The Freneys made a bid for greater authority in Henry VIII's time, when they laid claim to the feudal barony of Norragh in County Kildare. Had they been successful they might have become one of the principal families in Tudor Leinster. They failed, however,³⁴³ and later slipped back in importance, disappearing from the main records of county affairs. The Datons were much the same. In 1592 the head of the family, William Daton, plunged the family into a period of hardship because of his fervour for Counter Reformation Catholicism. Determined to gain admittance to 'the Holy Company of Heaven', he made a will (witnessed by a priest) in which in accordance with the age-old 'custom of Ireland' he divided his goods and chattels into three equal parts, and bequeathed them as follows: one part to his wife, Margaret Butler, the second part to his children and the third part - i.e. 33 % - to the Catholic church for the care of his soul.³⁴⁴ As a result, although William had inherited from his father a very prosperous estate, accounted the eighth most valuable in the county in 1560, he nonetheless passed on to his son and heir Edmund lands that were heavily encumbered with debts and other financial obligations. Edmund found it hard going, and had twice to mortgage property before his death in 1629,³⁴⁵ by which time the Datons faced further strain, having also become embroiled in some costly legal disputes about their property with wealthy Waterford merchants who seem suddenly to have had

³³⁷ The Strange of Dunkitt were named among the remainders to the Strange of Waterford estate in the reign of James I: *Ibid.*, R.C. 5/4, pp 36-44.

³³⁸ *C.O.D.*, iv, no. 166.

³³⁹ N.A.I., Thrift Abstracts, no. 2961.

³⁴⁰ Went, 'Short history of the Fisheries', pp 22-3.

³⁴¹ N.A.I., R.C. 5/4, pp 52-69. Thomas Fitzgerald took possession of the Ballinabarney estate from his father in August 1616. In 1621 he alienated it to the Bolgers (*Ibid.*, Lodge MSS, Wardships, liveries & alienations, Vol I, p.254).

³⁴² N.L.I., Ms. 975, pp 144-5.

³⁴³ *C.O.D.*, iv, no. 212.

³⁴⁴ Carrigan, *Ossory*, iv, pp 221-2.

³⁴⁵ N.A.I., Lodge MSS, Wardships, liveries & alienations, Vol. I, p.256.

claims over them.³⁴⁶ In contrast, the O'Dea Fitzgeralds of Gurteen did well to hang on to a position of moderate importance. The lands they possessed in Ida were poorly positioned, forcing them to rely on their neighbours the Stranges for a supply of water - diverted from 'the pill of Drumdowney' - with which to work their 'mill of the Gurtines'. This dependency on Drumdowney left them economically exposed, as the tenants of the Stranges were able break the mill pond and cut off the water supply whenever they wanted favours from the O'Dea Fitzgeralds.³⁴⁷ Despite these problems, the O'Dea Geraldines still participated in local government in the south, in 1608 serving as one of four coroners of County Kilkenny and one of two constables of Ida barony.³⁴⁸

Poverty apparently prevented the rest of the southern gentry from attaining a high status during the early modern period. As shown earlier in Chart 1.1, much of the land hereabout was worth relatively little in Elizabethan times, and this despite the fact that the southern lowlands as a whole was a place of peace, rarely affected by war. Indeed, some of the land of Ida and Iverk was actually worth less than large parts of the violent borderlands of the extreme north of the shire, being rated at a mere 2d per acre circa 1560. Only at Clonmore in Iverk were conditions much better, with successive owners like John Archdekin, Treasurer of Cashel, and Chief Justice Sir Nicholas Walsh, able to profitably mix arable farming with pastoral and so supply the Waterford market with wheat, barley and malt.³⁴⁹ This may seem strange to modern readers, for nowadays the southern lowland zone is one of the most prosperous areas in County Kilkenny. However, its wealth is a relatively recent phenomenon, and it is wrong to assume (as some writers have done) that the area was always rich.³⁵⁰ Ironically, its access to the tidal waters of both the Barrow and the Suir - which underpins its recent prosperity - was probably the cause of its poverty in early-modern times, for the simple reason that large parts of the region were badly drained. Even in the 1630s, when there was a marked improvement in some places, the upward trend could have been much stronger. For instance, the English traveller William Brereton talked with a gentleman-tenant on the Mountgarret estate at Tibraghny in 1634, and he was taken aback by the lowness of its rent yield. Despite its proximity to Waterford and Carrick, Tibraghny was underdeveloped, only producing 'milk, butter and cheese, ... [that] was excellent good', but leaving large areas of land un-utilised as swamp ground. Brereton could not comprehend why marshland and moorland, so profitable at home in England, was left untouched: 'if it were but divided and enclosed, [it] would yield more than the rent of the whole [estate]'.³⁵¹

The south Kilkenny countryside also seems to have been remarkably underpopulated. According to archaeological evidence proto-clachans, small isolated hamlets of just 3-4 farmsteads, had been typical of southern settlement patterns for a long time prior to the seventeenth century. It is difficult to know why the south lagged so far behind the midlands of the shire, but whatever the reason it was only much later than the period covered by this study,

³⁴⁶ T.C.D., Ms. 2512, pp 38 and 61; N.A.I. C.P., parcel Z, no. 8.

³⁴⁷ *Cal. Patent Rolls Ire., Eliz. I*, pp 12-13.

³⁴⁸ *Cal. Carew MSS. 1603-24*, p.27.

³⁴⁹ N.L.I., Ms. 2509, fol. 151.

³⁵⁰ Jack Burtchaell, 'The South Kilkenny farm villages', in W.J. Smyth & K. Whelan (eds.), *The Common Ground* (Dublin, 1988), pp 110-23.

³⁵¹ William Brereton, *Travels in Holland and the United Provinces, England, Scotland and Ireland*, ed. E. Hawkins (Manchester, 1844), pp 161-3.

i.e. from the 1690s onwards, that the southern lowlands at last began to witness a rise in population and the appearance of some small towns.³⁵²

Because of such poor conditions the influence of the Butlers of Ormond was enormous. Dominating large parts of Ida and Iverk, they were able to maintain strong patron/client relations with many of the gentry of the area, especially the minor gentry families, many of whom benefited from Ormond leaseholds. The lesser Forstalls, the Bolgers, the Grants and the Powers were all occupants of the earls' southern lands, named as tenants in extant rentals and inquisitions post mortem.³⁵³

However, protecting and preserving the existing gentry network was not the sum of the earls' efforts in south Kilkenny between 1515 and 1640. They also played an important role in vetting newcomers to the area, in particular giving their assistance to various Waterford families that sought to buy land there. Thanks to the earls' backing, the baronies of Ida and Iverk became more and more part of Waterford's hinterland. During the later middle ages Waterford corporation had gained control of all river commerce in south Kilkenny as far north as Inistioge on the Nore,³⁵⁴ and long before 1500 some of its main merchant dynasties, such as the Aylwards and Dobbins, had begun to colonise the area.³⁵⁵ After 1550, however, the rate of colonisation increased significantly. New branches of Waterford families regularly appeared on the scene, with the Dobbins getting a mortgage of part of the Walsh of Ballinacowley estate in 1551, the Waterford Stranges buying Drumdowney from their Dunkitt kinsmen (and Ballyleogue and Ballycogsoust from unidentified sellers) circa 1610, and another line of the Dobbins acquiring Ballyrowragh in Ida (from the Waterford Fitzsimons) sometime in the reign of James I.³⁵⁶ None of these encountered difficulties with the earls of Ormond, and the benign hand of Black Tom, the tenth earl, can be detected behind the appearance of other Waterfordians. Records of a 1577 court of inquisition giving details of the Kilkenny estate of Alderman James Walsh of Waterford note that some of his lands - in this case, in the Kilkenny midlands - were held of Thomas, earl of Ormond.³⁵⁷ In 1618 another court of inquisition recorded that Paul Strange - the alderman who bought Drumdowney - held further parcels of south Kilkenny land in fee of the earldom, granted to him by the tenth earl before 1614.³⁵⁸

Patronage like this proved invaluable to the house of Ormond. By permitting - and in some cases sponsoring - the expansion of Waterford's merchant elite into south Kilkenny, the earls were able to increase their influence over the great southern city-port and its powerful corporation. As a result, for much of the sixteenth and early seventeenth centuries, as most of the major urban centres of southern Ireland wriggled free of aristocratic dominance, two cities, Waterford as well as Kilkenny, remained closely tied to the Ormond lordship. True, the earls of Ormond did not control Waterford to anything like the extent that they controlled Kilkenny, but

³⁵² Burtchaell, 'South Kilkenny Farm villages', passim; L.M. Cullen, 'The Social and Economic Evolution of South Kilkenny in the Seventeenth and Eighteenth centuries', *Decies*, no. 13 (Jan. 1981), pp 36-8.

³⁵³ N.L.I., Ms. 2506, ff 13r, 39r, 40v

³⁵⁴ Julian Walton, 'The Merchant Community of Waterford in the 16th and 17th centuries', in P. Butel & L.M. Cullen (eds.), *Cities & Merchants* (1986), p.184. Perhaps this is why on 9 April 1589 the mayor of Waterford was empowered to preside over a court of inquisition at Rathkieran to examine a case of concealed lands at Inistioge (N.L.I., Ms. 2181)?

³⁵⁵ E.g., for the Dobbins' involvement in south County Kilkenny circa 1483, see N.A.I., Chancery MSS, Catalogue of Deeds in Chancery, no. 52

³⁵⁶ Ibid. no. 69; Ibid. R.C. 5/4, pp 36-51. By a codicil to his will written in 1640, William Dobbin of Ballymakill, Co. Waterford, ordered that Ballyrowragh should pass to his younger son, James Dobbin: Anon (ed.), 'Old Waterford Wills, No. VIII: William Dobbin', *Waterford & S.E. of I. Arch. Soc. Jnl.*, xi (1908), p 94.

³⁵⁷ N.A.I., R.C. 9/7, pp 96-8.

³⁵⁸ The earls' officers kept a note of this inquisition: N.L.I., Ms. 11.053 (3).

nonetheless the port was under their sway. The civic elite stood by the earldom during the reign of Elizabeth I, giving their support to Earl Thomas during the 1569 crisis, for instance, a critical moment in his career.³⁵⁹ They also supported his bid for Munster plantation land in Perrot's Parliament of 1585/6³⁶⁰

Waterford's growing contacts with the community of the Ormond lordship in County Kilkenny was ultimately of great national (and international) importance. It is not usually noted that Waterford's troubles with the state in James I's time occurred as the Ormond earldom fell into decline. This was more than a mere coincidence. Had the earldom remained as powerful after 1614 as it had been before, Waterford might not have been so humbled as it was by the early Stuart government, for it would have had a friendly overlord to intervene on its behalf with the crown policy-makers in Dublin and London. The consequences of the state's simultaneous assault on both city and earldom would eventually prove disastrous for crown interests. In 1642, free of Ormond influence, Waterford threw its weight behind the anti-government conspiracy based in Kilkenny, thereafter serving as the main sea-port of the Kilkenny Confederation. In so doing it played a key role in bringing about the downfall of the British monarchy.

Conclusion: The nature and extent of Ormond rule

Though it has long been recognised that, based in Kilkenny, the Butlers, earls of Ormond, ran one of the most important aristocratic lordships in Ireland between 1500 and 1640, the nature of their overlordship and the extent of their power on the ground has rarely been examined. The diversity of their behaviour around the county as outlined in the foregoing pages may therefore seem surprising, as they were aggressively expansionist (while careful to nurture support) in the north and east, voluntarily marginal in the Walsh mountains, well connected but sensitive in the midlands, and often ambivalent towards the towns in the Nore valley, jealous of their corporate independence, though protective of their wealth and trade. Their overlordship was a complex, multifaceted thing, and despite the fact that they held a great deal of land and power in each region of the shire, their authority, like their behaviour, was heavily regionalised, stronger in some places than others (and more beneficial for some places than for others).

Historians have sometimes given the impression that, inside their respective territories, the powers and privileges enjoyed by early modern nobles such as the Ormond Butlers were somehow homogeneous, carrying equal weight in all corners of their lands. This can be highly misleading, especially for older, bigger lordships like the Ormond lordship, which encompassed a huge amount of land that had been acquired over many generations dating back to the thirteenth century. Each parcel of land that the Butlers and their ancestors had acquired over the centuries had its own status at law, and endowed them, as the owners, with often widely different legal powers. Because of this, the influence and authority of the earls of Ormond in County Kilkenny was bound to vary considerably from region to region.

In general, Ormond power was greatest wherever the dynasty held manors. However, the fact that by the early seventeenth century the earls were lords of 16 or 17 manors³⁶¹ in County

³⁵⁹ *C.O.D.*, v, no. 157.

³⁶⁰ Sir Patrick Walsh, Richard Aylward and James Sherlock signed the parliamentary 'protest' in Ormond's favour of 11 May 1586 (*C.S.P.I.*, 1586-8, pp 52-3).

³⁶¹ In a Chancery case between 1603 and 1608 it was claimed on the tenth earl of Ormond's behalf that Palmerstown and Earlsgrange together comprised a single manor (N.A.I., C.P., parcel E no. 238). To my knowledge no other source bears this out. Rather

Kilkenny should not obscure the fact that in some of the places where they owned land in large quantities and were politically very influential they did *not* have manorial rights. This was the case, for example, at Jerpoint and Kells in the midlands breadbasket, the wealthiest part of the county. Moreover, even where they did hold manorial jurisdiction, the extent of their rights and privileges differed from one manor to the next: as lords of each of the manors of Kilkenny, Callan, Gowran, Knocktopher, Ballycallan, Rosbercon, Dunfert, Kilmanagh and Glashare, the earls had a formidable hold over the local church, as they were entitled to present clergy to the rectories and vicarages of those places when they fell vacant; yet they did not possess this right in the manors of Pottlerath, Dammagh, Foulkescourt, Ballykeefe, Dunmore, Kilmocar or Grannagh.³⁶² Similarly, the labour services they demanded seem to have varied from manor to manor, and in some places they controlled large areas of river and road, in others not. In the final analysis, then, the Ormond lordship in County Kilkenny was not a streamlined, formal institution. If anything, it was more a multiple lordship than a single one. This had a major impact on the nature of Ormond power. Despite the vastness of its landholdings, the power of the Ormond dynasty was essentially local and personalised.

It was probably much more effective for that. All over the county people faced varying but immediate demands for rent and service from a person, the earl, whom they knew to see and whose servants and officials invariably lived nearby. In comparison, the royal administration in Dublin was hopelessly distant and impersonal, and it seems clear that after it had decided under James I to strike the house of Ormond low, the government never really stood a chance of taking the earldom's place. In early modern Ireland local power was everything, and for all the government's efforts, it lacked the resources to supplant such a long-established, deeply embedded, controlling presence. By the early seventeenth century the influence of the earldom was such that it was impracticable to rule County Kilkenny without it. Nearly all the major families of the shire, no matter what region they came from - periphery or centre, upland or lowland - were intimately bound to the earldom, so that when it was attacked they felt threatened too.

The earls had strong ties with the rest of the shire's landowners. It has often been overlooked that, quite apart from holding land of the earldom, many of the local squires and gentry were part of the earls' affinity, having intermarried quite heavily with younger Ormond children and with various junior branches of the Butlers. For example, between c1500 and 1620, in the space of four generations, the Blanchvilles of Blanchvillestown entered into marriages with a niece of the eighth earl of Ormond, a daughter of the eleventh earl, a daughter of the first viscount Mountgarret and a daughter of Butler of Paulstown.³⁶³ Likewise, in the late sixteenth century Nicholas Shortal of Clara was married to a niece of the tenth earl of Ormond, while in the early seventeenth century the head of the Dens of Grenan was wedded to a niece of the eleventh earl.³⁶⁴ Because of these unions, the Blanchvilles, the Dens and the Shortals became part of the Ormonds' extended family, and their own subsequent marriages with the Shortals of

Palmerstown belonged to Kilkenny manor, while Earlsgrange seems to have had no manorial affiliations (*C.O.D.*, iv, no. 361; *Ibid.*, v, no. 293).

³⁶² Presentations belonging to the duke of Ormond, n.d. c1661 (N.L.I., Ms. 11,064 (10)).

³⁶³ Carrigan, *Ossory*, iii, pp 414-5, which is inaccurate in places, and should be read with St. Peter's College, Wexford, Hore MSS, Vol. 31, pp 213-4.

³⁶⁴ Carrigan, *Ossory*, iii, p. 358, and *Ibid.*, iv, p.268. At much the same time successive heads of the Graces of Ballylinch married daughters of the second viscount Mountgarret and the third baron of Dunboyne (Sheffield Grace, *Memorials*, i, genealogical tables (= Sir Bernard Burke, *Landed Gentry of Great Britain & Ireland* (4th edn., London 1968), pp 578-9)).

Ballylorcaine, the Walshes of Castlehowell, the Sweetmans of Castle Eve, the Lawlesses of Talbot's Inch, the Purcells of Ballyfoyle, the Archdekins of Bawnballinlogh, the Langtons of Kilkenny and the Datons of Kilmodally, to name but a few, stretched the Ormond affinity still further throughout the county. In fact, by late in the reign of James I, as Walter, the eleventh earl, fell foul of the government, the Ormond connection extended so far around Kilkenny that most of the shire's major families were somehow related to him.³⁶⁵ These too were destined to lose power as the crown advanced.

The subsequent failure of the Dublin administration to rule County Kilkenny without Earl Walter and his kindred and supporters, discussed in Chapters Five and Six below, revealed the limitations of the early modern state apparatus. In an area where it had worked so well and for so long, the aristocratic lordship of the house of Ormond was hard to replace. The earls had encouraged many of the local gentry to participate in running the county. They had apportioned power relatively evenly among the local landlords, merchants and lawyers, fostering a delegatory, 'in the family' style of government which, because so many of the shire gentry were related to them, was open to approximately 40 local families. The earls rarely tried to override gentry opinion, and only on a few occasions between 1515 and 1614 - chiefly in the 1520s - did they seek to rule without constraint, irrespective of local interests. Their power was usually collaborative, open to checks and balances. In comparison, the New English crown officials who began appearing in the shire with increasing regularity at the time of the earldom's decline misguidedly tried to force through unpopular state policies without consulting or recruiting the local gentry; as we shall see later on, they were rejected by Kilkenny society as a result. To sum up, whereas the earldom of Ormond represented familiar 'insider government' to the shire populace, and was highly successful because of it, the royal administration was unable to take over from it because it was colonial 'outsider government' with no local roots. After 1614 the shadow of the Ormonds' achievements hung heavily over the government's agents.

Before that date the earls of Ormond had been remarkably influential in Kilkenny. Between them the eighth, ninth and tenth earls shaped and moulded county society to a degree that is nowadays hard to imagine. As demonstrated above, the earls were largely responsible for defining the modern boundaries of the county, in the north-west driving Upper Ossory out of the shire into Queen's County while simultaneously annexing both Idough in the north-east and the Barrow lands in the east from County Carlow. They also played a principal part in advancing the notion of a county community in the shire, bringing the gentry of the various geographical zones together in support of their cause. Service to the earls helped greatly to unite distant families and to merge them into a single community. For instance, during the mid-sixteenth century the earldom's military demands compelled the likes of the Graces and the Purcells from the north, the Sweetmans, the Blanchvilles and the Comerfords from the midlands, branches of the O'Ryans from the east, the Walshes from Walsh country and the Brownesford Fitzgeralds and the Freneys from the southern lowlands to all go out campaigning together, side by side under the Ormond banner.³⁶⁶

It would not be an exaggeration to state that there could not have been a properly integrated Kilkenny county community without the earldom to join things up. Serious local

³⁶⁵ Lamacraft, *Ir. Funeral Entries*, p. 125; Carrigan, *Ossory*, iii, p.471; Patrick Den's funeral entry, (St. Kieran's College, Kilkenny; Carrigan MSS, Vol. 21, unpaginated); Prim, 'Family of Langton', p.84 facia; Burtchaell, 'Family of Rothe', pp 504n and 510n.

³⁶⁶ N.L.L. Ms. 2507, ff 21v-23v.

divisions existed that might have split the shire down the middle had not the earls smoothed over the cracks. Politically, for much of the sixteenth century the clannish, partly gaelicised, frontier gentry of the north and east had had an uneasy relationship with the population of the midlands, and especially with the people of the towns, who viewed them with suspicion as a rough lawless element. Though sometimes it taxed them greatly, the earls managed to prevent an unbridgeable gap from emerging, curbing the worst excesses of the northern and eastern captains when occasion demanded, though generally favouring the border gentry (their fellow landlords, and an important military source) a little more than the townsmen. Related to this, inter-class jealousies occasionally erupted between the merchants of the towns and the landlords of the countryside. From the middle of the sixteenth century onwards the rich merchants of Kilkenny, Callan and Thomastown had acquired a great deal of land throughout the county, becoming landlord-merchants or merchant gentry. The traditional gentry resented this development, as John Archer, a Kilkenny merchant, discovered early in the seventeenth century, and such was the ill-feeling generated by his buying land from the Purcells that he declared 'all the gentlemen of [the county] ... had joined in a faction against such of the gentlemen and merchants of the town of Kilkenny as would venture to purchase ... any land among them.'³⁶⁷ Here again the Ormond lordship helped to ease the tension, employing both merchants and gentry in its service and encouraging them to adopt a common political outlook towards the outside world as often as possible. Finally, it should be noted that no major inter-familial feuds or vendettas are recorded for County Kilkenny before the earldom lost its power after 1614. Only in 1625, while Earl Walter lay imprisoned in London, did a serious bloodfeud erupt between two of the shire's leading families, the Blanchvilles and the Purcells, when Leonard (alias Lionel) Blanchville attacked Edmund Purcell of Ballyfoyle on the Gowran highway and cleaved his head open with a blow of his sword, fatally wounding him. Perhaps if the earl had not been in gaol, then relations between the two families - both staunch Ormond supporters - would never have got so out of hand. As it transpired, Leonard was pardoned four years later, having fled to London to see the earl, and sometime during the early 1630s, after the earl's return to Ireland, a Blanchville-Purcell marriage was arranged, involving the Blanchvilles of Milltown and the Purcells of Foulkesrath.³⁶⁸

In the final analysis, the ability of the Ormonds to dominate the county to the extent that they did provides a startling testimony to the continuing vitality of patriarchal feudalism in early modern Ireland. By manipulating the feudal exchange of land for service, the new Pottlerath line of earls that took charge of Kilkenny after 1515 enjoyed a century of unparalleled growth, taking more and more families under their wing and stretching out to control previously unreachable parts of the shire. Their capacity to dominate was inextricably linked to the size of their ancestral estate, which grew enormously before the death of the tenth earl, Thomas, in 1614. As their lands had multiplied, so had their power and influence, for they had made sure that many of the local squires and gentry shared in their gains. But their estate was not open to all; it was much too precious to them to be managed laxly. Although they farmed out large sections of the estate on lengthy leases the earls always made sure to keep the bulk of it intact, so that their successors would be able to continue to enjoy the benefits of feudal power. Because they kept their lands

³⁶⁷ N.A.I. C.P., parcel I, no. 6.

³⁶⁸ *Cal. Patent Rolls, Ire., Charles I.*, pp 524-5; St. Kieran's College, Kilkenny, Carrigan MSS, Vol. 3, unpaginated. The murder occurred on 31 Aug. 1625. Leonard (or Lionel) must have gone secretly to London after January 1626, when he was still in Ireland, hiding in the Kilkenny/Carlow borderlands. He was still alive on 6 Feb. 1636, when he testified to the Heralds' office in support of a funeral certificate for Oliver Blanchville of Milltown, his 'cousin germaine', who had died five days earlier (Lamacraft (ed.), *Ir. Funeral Entries*, p. 52).

together, no strong opposition ever emerged against them in the shire from among the junior branches of the Butlers. Until well into the reign of James I not even the second most senior Butler lineage, the Butlers, viscounts Mountgarret, could realistically hope to close the gap on the earls, and then this seemed possible only because the earldom had fallen into a sudden decline. Challenges to the earls' dynastic authority were few before 1614, occurring only in 1569 and 1596, and on both of these occasions their main challengers had to look outside Kilkenny for most of their support.³⁶⁹ Ultimately, then, County Kilkenny became more and more 'my lord of Ormond's country' before the tenth earl's death because the earls guarded the inheritance of their lands very carefully indeed. It was only when the crown decided to interfere in their inheritance and strip them of their lands that the earls of Ormond finally weakened and fell away.

But the feudal power of the Ormond Butlers was not just about land; it entailed a whole political culture, a cosmology that embraced principles of lordship, service and mutual protection that could not be easily discarded when the land was taken away. Had the Jacobean monarchy appreciated this, and viewed the Ormond estate as a means by which to strengthen the feudal relationship between the crown and the Kilkenny community, then its attack on the Ormond lordship would not have alienated the community as badly as it did. Alternatively, had the crown not given the earls so much assistance before 1614, helping them to secure the inheritance and add to its size, then the dynasty might never have become so powerful and such a sudden and dramatic royal attack as took place shortly afterwards would not have been needed to curb them.

³⁶⁹ See Chapters Three and Four below.

The Ormond Inheritance

Introduction

Difficulties with the Ormond succession lay right at the heart of County Kilkenny's history during early modern times. Although like most Anglo-Irish dynasties they adhered to the twin principles of primogeniture and male descent, the Butlers, earls of Ormond, had trouble with the former because of worries regarding the latter, for they twice failed to produce a son and heir, by 1515 and again by 1614. On both occasions the lack of a son immediately led to long-lasting and far-reaching inheritance disputes involving the claims of heiresses which, when settled, radically altered the earldom's position in both county and country. After 1515 the resolution of the first succession struggle heralded a major increase in the powers of the earls in Ireland, while that of 1614 signalled a major decline in their fortunes. But before the story of these conflicts can be told, something needs briefly to be said of the dynamics of the situation. In short, what factors turned these two successional hiccups into full-scale inheritance crises? Why did the appearance of heiresses cause so much trouble?¹

Strange though it may seem, the Ormond inheritance problems were not due to any demographic or biological failure in the male line. Unlike some major noble lineages of England and Wales,² the Ormond family in Ireland enjoyed a fairly high reproductive rate during the sixteenth and seventeenth centuries. Infertility did not affect them, and they certainly had no problem producing male heirs. All five Butler earls of Ormond who lived between 1515 and 1642 produced legitimate sons by marriage. In addition, the Butler earls were also productive outside the marriage bed, keeping mistresses almost as a matter of course and producing a steady stream of bastard children. As demonstrated in Chart 2.1 overleaf, children sired out of wedlock are recorded for five of the seven earls that lived between 1461 and 1633, and for all four between 1515 and 1633. More remarkable still, however, is the fact that aside from the earls' own offspring, the other senior claimants to the earldom in the early modern period - the brothers and cousins of the earls, etc. - all managed to produce sons too, and plenty of them. The Mountgarret Butlers, the Dunboyne Butlers, and the Butler lineages of Paulstown, Kilcash, Grantstown, Nodstown, Ballinahinch, Neigham and Annagh all experienced uninterrupted descents in the male line before 1640.³

Clearly, the root of the problem was not genetic. Delving deeper, it seems their first successional dilemma, in 1515, hinged on an important legal technicality, for despite

¹In the bigger British context, of course, the Butlers were not that unusual in experiencing two female successions in a century. This was entirely normal among the nobility of England and Wales at this time: M.L. Bush, *The English Aristocracy: A Comparative Synthesis* (Manchester 1984), p. 44; Barry Coward, 'Disputed inheritances: Some difficulties of the nobility in the late sixteenth and early seventeenth centuries', *Bulletin of the Institute of Historical Research*, xlv (1971), p. 194.

²Lawrence Stone & Jeanne C. Fawtier Stone, *An Open Elite? England, 1540-1880* (abridged paperback edn., Oxford 1986), pp 75-6.

³Details of the descents of these other Butler lineages during the sixteenth and early seventeenth centuries can mainly be found in Lambeth Palace Library, MSS 626 and 635: Lord Dunboyne, 'Carve's Butler families of 1641', *Butler Soc. Jnl.*, vi (1975-6), pp 424-34; and Lamacraft (ed.), *Ir. Funeral Entries*, pp 37-8, 42-3, 44-5, 47-8, 62-4, 69, 115, 117, 139, and 205. It should be noted that the genealogical data contained in such standard reference works as Carrigan's *Ossory*, Cockayne's *Complete Peerage* and Burke's *Landed Gentry* (especially the latter) are often inaccurate for the period before 1600.

Chart 2.1

Heirs and bastards: Ormond children, c.1461-1633

Legitimate

Illegitimate

James Butler, fifth earl of Ormond
(1452-61)

Sir James Ormond

John, sixth earl of Ormond
(1461-78)

Thomas, seventh earl of Ormond
(1478-1515)

Margaret
Anne

Piers, earl of Ossory & eighth earl of Ormond
(1528-39)

James, viscount Thurles
Richard
Thomas
Katherine

Edmund Butler,
archbishop of Cashel

James, ninth earl of Ormond & Ossory
(1539-46)

Thomas, viscount Thurles
Edmund
John
Walter
James
Edward
Piers

Sile Butler

Thomas, tenth earl of Ormond & Ossory
(1546-1614)

James, viscount Thurles
Elizabeth

Piers Dubh
John fitz Thomas I
Richard
Thomas
Walter Reagh Butler
James fitz Thomas I
John II
James II
Thomas II
Theobald
Ellice
Joan
2 daus. [unnamed]

Walter, eleventh earl of Ormond & Ossory
(1614-33)

Thomas, viscount Thurles
James
9 daus.

Richard fitz Walter

producing an abundance of male children the Butler dynasty failed to secure the inheritance in the male line before that date. During the late middle ages many Anglo-Irish dynasties had adopted the legal device known as entailment in order to prevent females inheriting lands and titles (unless, of course, there was no longer a male descendant alive).⁴ There had been compelling reasons for this development. Anglo-Ireland, like Gaelic Ireland, was often a land of war, and because of this the heads of landed families had needed to be warlords, something which by definition meant men, and 'strong men' at that. This development, however, had not affected the Ormond lands and title. Presumably because of the absenteeism of the late medieval earls of Ormond - the fifth, sixth and seventh earls spent most of their lives in England⁵ - entailments had not been attached to the earldom in the second half of the fifteenth century. As a result, in 1515 the earldom of Ormond could in theory (and partly in practise) pass to an heiress for the first time in its history. But what of the appearance of an heiress for a second time a hundred years later?

The 1614 inheritance crisis cannot be attributed to a legal oversight. After 1515 the earls had made sure that the lands were entailed and female descent precluded. The emergence of an heiress in the early 1600s was due to an entirely different factor - the hostility of the crown to the male heir to the earldom, who as a leading Catholic was deemed a danger to the state. The crisis that followed was the creation of the Protestant political establishment, for the government was able to utilise the prerogative powers of the crown to undermine the legal position of the heir and promote the heiress - a Protestant - at his expense. Occurring during the age of the Reformation and Counter-Reformation the politics of religion were primarily responsible for the second inheritance crisis.

So it seems the Ormond succession was beset by two quite different sets of circumstances a century apart, and that in fact there was no common cause to explain the emergence of heiresses on both occasions. And yet in a sense the two crises were inextricably linked. It will be shown below that after 1515 and again after 1614 the crown had an inordinate influence on the outcome of the Ormond succession disputes. Both times the crown dealt firmly with the claims of heiresses to install candidates of its own choosing on the Ormond estate in Kilkenny and Tipperary. Both times the crown created a new earldom to legitimise the position of its preferred nominee - the earldom of Ossory in 1528, the new earldom of Desmond in 1620 - and both times it played fast and loose with the law, by-passing the perfectly legal entitlements of two English-based Butler heiresses in 1515 to promote the claims of the male head of the Pottlerath Butlers in Ireland, while in 1614 it promoted the dubious legal claim of an heiress and her Scottish courtier husband to destroy the fortunes of the legally recognised Irish male heir. Because control of the Ormond lordship was strategically vital for control of so much of southern and eastern Ireland, the English monarchy made it a priority of state to tie the earldom tightly to its banners. Under its influence the Ormond territories were drawn deeper and deeper into the world of the royal court. For this reason the following chapter is as much a study of court politics and intrigue and its effects as a study of the workings of inheritance law.

Securing the Pottlerath succession, 1515-38

Success came late to the seventh earl of Ormond. During his long life - he died in his nineties in 1515 - he had played a prominent part in the Wars of the Roses in England,

⁴ Kenneth Nicholls, 'Irishwomen and property in the Sixteenth Century', in Margaret MacCurtain & Mary O'Dowd (eds.), *Women in Early Modern Ireland* (Edinburgh 1990), pp 26-7.

⁵ The seventh earl is known to have made England 'his abode all his life', and this 'in like manner' to the sixth earl, his elder brother (*C.O.D.* iv, no. 267).

steadfastly supporting the Lancastrian cause even when its prospects were none too promising. He had to wait until he was over sixty years of age before conditions were ripe enough for his career to blossom. This came in 1485, when Henry Tudor was crowned Henry VII of England after the final triumph of the Lancastrians at the battle of Bosworth Field. The new king was obliged to distribute the spoils of victory among his supporters, and Ormond was one of the first to benefit. He was appointed a member of the English Council in 1486, and he was also made Chamberlain of the Household to the queen, Elizabeth of York, a post which he filled with distinction until her death seventeen years later. To cap it all, his diplomatic skills were formally recognised in 1497 when he was sent as ambassador to Burgundy to tighten the Anglo-Habsburg connexion which then lay at the heart of English foreign policy. Had the earl been a younger man, he might have emerged as one of the principal ministers of Henry VII, but as things stood, he had every reason to be satisfied with the rapid improvement in his fortunes after 1485.⁶

In one respect, however, the career of the seventh earl of Ormond was not a success. Though twice married, he had failed to produce a male heir to keep his property intact, and as the years passed him by it became increasingly likely that the Ormond estate would have to be divided between his two daughters, Margaret and Anne Butler. This state of affairs clearly rankled badly with the earl, who was still attempting to sire a son during his seventies, when he boasted to the earl of Kildare in 1499 that 'certainly my wife is with child'.⁷ Whether the child was male or female is not known, for like its mother it did not long survive, and when the old earl was finally laid to rest in London in August 1515, the title to his lands duly devolved upon the heirs general, i.e. his daughters Margaret and Anne, and the offspring of their marriages with two prominent English knights, Sir William Boleyn and Sir James St. Leger respectively.⁸ In the event, it appeared that the earl's inability to father a son could only result in one thing: the passage of Kilkenny Castle and the rest of the Irish lands away from the possession of the Butler family and into the hands of absentee English lords. (The earl's English lands passed automatically to the Boleyns and St. Legers).

In legal terms, there seemed no alternative to the dismemberment of the Irish estate, and such was the influence enjoyed at Whitehall by Margaret's son, Sir Thomas Boleyn - he was an intimate of Henry VIII⁹ - that few Englishmen would have dared to raise any objections to a Boleyn-St. Leger carve-up of the extensive Butler patrimony.¹⁰ This, however, was not the case in Ireland, and although Boleyn secured full legal recognition for himself and his fellow heirs-general when he was granted livery of the Ormond lands, it soon became clear that gaining actual possession of the Irish estate was going to be an uphill task. No matter how well-placed Boleyn and his relatives were in London, they could not prevent a strong challenge being made to their title by a junior member of the Butler dynasty, Piers Ruadh Butler of Pottlerath, a formidable and rather intimidating character whom some onlookers feared would have little trouble persuading the government to accept his

⁶ G.E.C., *Complete Peerage*, sub 'Thomas, seventh earl of Ormond'; *The History of the King's Works, 1485-1660*, pt. II (London 1982), p. 286. The fact that Ormond received the ambassadorship shortly after the settlement of a cold war with Burgundy - during which the Duchy had lent its support to the claims of Perkin Warbeck - indicates that the King must have had a high regard for the Earl's ability to calm troubled waters. See Susan Doran, *England and Europe, 1485-1603* (London 1986), pp 18-19.

⁷ Ormond to Kildare, 31 May 1499 (P.R.O., S.P. 46/130, fol. 23).

⁸ Ormond's second wife died in 1501 (G.E.C., *Complete Peerage*, sub "Thomas, seventh earl of Ormond"). For details of Boleyn and St. Leger, see E.W. Ives, *Anne Boleyn* (Oxford, 1986), pp 3-5.

⁹ *Ibid.*, pp 11-13; Helen Miller, *Henry VIII and the English nobility* (Oxford 1986), p. 80; David Starkey, *The reign of Henry VIII: Personalities and Politics* (London 1985), pp 44-5.

¹⁰ See Oxford University, Bodleian Library, North Ms. C. 26, no. 42, and Cambridgeshire R.O. (Cambridge), Ms. R 52/15/1, for some of the English estates belonging to the Butlers of Ormond in the fifteenth century.

pretensions to the earldom of Ormond, despite the rights of others.¹¹ To properly understand the strength of this rival claim, it will be necessary to review the political circumstances of the Butler lordship in Kilkenny and Tipperary during the later fifteenth century.

Largely because of their open commitment to the Lancastrian cause during the Wars of the Roses, the earls of Ormond had moved to England in the 1450s, and apart from a brief but disastrous visit to the country by the sixth earl in 1462, they were absent from their Irish estate for approximately sixty years. At first, their return to Kilkenny was blocked by the power and hostility of their ancestral enemies, the Fitzgeralds of Kildare and Desmond, but as time passed the Ormonds seem to have decided to live permanently in England, and considering the high status granted by Henry VII to the ageing seventh earl after 1485, this was hardly surprising. Nonetheless, there is no doubt that their decision to remain close to royal power in London caused the earls to forfeit control over their lands in Ireland.¹²

During their absence the Ormond lordship fell into a long period of internecine feuding between the junior branches of the Butler family, chief amongst whom in Tipperary were the rival Butlers of Cahir and Dunboyne, while the principal combatants for mastery in County Kilkenny were Piers Ruadh's family, the MacRichard Butlers of Pottlerath.¹³ As the struggle intensified, the distribution of power within the region became highly fragmented, and the Ormond lordship ceased to fill a central role in Irish politics. For the local gentry and tenantry it was probably a period of great hardship. A few generations later in 1542, some of the leading squires and gentlemen of Tipperary recalled how their fathers and grandfathers had suffered 'utter impoverishings and intolerable losses' as a result of the warfare, and it seems unlikely that conditions in Kilkenny had been any better.¹⁴

Moreover, the possession of the Ormond estate became itself a matter of violent dispute. Ever since the 1450s the Pottlerath Butlers had served successive earls of Ormond as deputy governors of their lands, but the longer the earls' absenteeism lasted the more the Pottlerath line came to view the estate as theirs for the keeping.¹⁵ In 1487 the head of the family, James MacRichard, completely ignored the legal rights of his lord and master when he bequeathed his office as earl's deputy to his son, Piers Ruadh.¹⁶ Although Piers found himself deprived of the office four years later when the seventh earl's illegitimate nephew, Sir James Ormond, was authorised to take his place¹⁷, the Pottlerath family's hold over the estate was hard to break, and in 1497 Piers Ruadh regained control in a dramatic turn of events. One day, while out riding in the Kilkenny countryside near Dunmore, Piers caught sight of Sir James on the road in front of him. Seeing his opportunity, at full gallop he 'gored the bastard through with his spear'.¹⁸

Cold-blooded murder though it was, it was one of Piers Ruadh Butler's most important exploits. Enjoying as he did the protection of the eighth earl of Kildare, Piers

¹¹ *L & P Henry VIII*, ii, no. 1277; Kildare to Henry VIII, 1st Dec., 1515 (P.R.O. S.P. 60/1/7); Archbishop Rokeby to Wolsey, 12th Dec., 1515 (ibid. S.P. 60/1/8).

¹² The following couple of paragraphs are based upon C.A. Empey & Katherine Simms, 'The ordinances of the White Earl and the problem of coign in the later middle ages', *R.I.A. Proc.*, lxxv, C (1975), pp 164-9, and Empey, 'From rags to riches: Piers Butler, earl of Ormond, 1515-39', *Butler Soc. Jnl.*, ii, no. 3 (1984), pp 299-312.

¹³ There seems no doubt that by the later fifteenth century the MacRichard Butlers resided at Pottlerath and not Polestown, as some authorities have maintained. See George Butler, 'Saltair of MacRichard, or Laud Misc. 610', in *Butler Soc. Jnl.*, iii, no. 1 (1987), pp 25-6, and *C.O.D.*, iii, no. 274.

¹⁴ *C.O.D.*, iv, no. 267.

¹⁵ *Ibid.*, iii, nos. 211 and 229; Thomas Carte, *An history of the life of James, Duke of Ormonde* (2 vols., London, 1736), i, p. xlv.

¹⁶ *C.O.D.*, iii, no. 329.

¹⁷ *Cal. Close Rolls, 1485-1500*, no. 580.

¹⁸ *Cal. Carew MSS. Addenda: The Book of Howth* (London 1871), p. 177; Richard Stanhurst, 'The historie of Ireland', in Liam Miller & Eileen Power (eds.), *Holinshed's Irish Chronicle* (Dublin 1979), p. 326; R. Butler (ed.), 'The annals of Thady Dowling', *Irish Archaeological Soc.* (1849), p.33.

knew he would not be prosecuted for his crime, and so with one blow he laid bare the weakness of the seventh earl of Ormond in Ireland. To add insult to injury, Piers himself informed Ormond of Sir James's bloody end, bragging that he was proud to act as an agent of God's grace in sending a sinner to meet his maker. The fact that he wrote the letter from Kilkenny Castle indicates that he had already resumed the running of the estate, and he succeeded in his short-term goal of persuading the earl that it would be foolish to let anyone else act as his deputy.¹⁹ Indeed, although the ageing earl tried very hard to ignore his renegade kinsman, he could not afford to do so for very long, and over the next few years he was regularly compelled to write to Piers Ruadh demanding leave for his agents to go quietly about his business in Kilkenny and Tipperary.²⁰ No matter how authoritative the tone of these letters, the earl could not hide the fact that he was making a request, and his correspondence only served to acknowledge the power which Piers Ruadh, a usurper and murderer, now held over his lands.

All Ormond could do to retaliate was to refuse to sell or grant away any part of his property to his persecutor, thus denying the head of the Pottlerath Butlers any legal footing on the estate,²¹ but this may not have been of great concern to Piers. He for his own part had consolidated his position by 1500, overrunning large parts of the earl's patrimony in Kilkenny, where he seized the manors of Callan, Rosbercon, Grannagh and Dunfert to his own use and garrisoned them with his troops.²² At about this time he also took control of the manor of Carrickmagriffin (Carrick-on-Suir) in County Tipperary, imposing coign and livery on the earl's tenants 'contrary to the old use and custom there'.²³ Without a soldier like Sir James Ormond to do his fighting for him, there was little which the earl could do to undermine Piers, and eventually he reached an accommodation with his former deputy in 1505, when he granted him a lease of some of his lands in County Kildare.²⁴ It is possible with the benefit of hindsight to say that after lancing Sir James Ormond, Piers Butler must have fancied his chances of one day succeeding to the earldom itself.

Piers began to publicly press his claim soon afterwards, and he quickly emerged as the only candidate in Ireland capable of canvassing support, a fact as much due to his rising political influence as it was to his considerable ability to throttle any opposition. In 1496 he had married Margaret Fitzgerald, a daughter of Garret Mor, eighth earl of Kildare, an alliance which gained him entry into the network of contacts that formed the basis of the Kildare ascendancy, and made him comfortable in the company of members of the Dublin administration, many of whom owed their careers to Geraldine patronage. The other factor which operated in his favour was his military power in parts of Kilkenny and Tipperary, where many of the local community seem to have reluctantly accepted his leadership, partly in the expectation that he would use his family ties to prevent the Geraldines from ravaging the region.

Because his claim to the title did not have a strong basis in law, Piers needed all the support he could muster. The fact that the MacRichards were only one of several Irish branches of the Butler family with a stake in the earldom was not his chief concern. It was relatively easy to demonstrate the superiority of their interest over that held by the Butlers of

¹⁹ *C.O.D.*, iv, appendix, no. 31.

²⁰ *Ibid.*, appendix, nos. 40, 47 and 63.

²¹ *Ibid.*, appendix, no. 35, and Ormond to Kildare, 31st May, 1499 (P.R.O., S.P. 46/130, fol. 23).

²² Notes concerning the Ormond lands, c. 1500 (*C.O.D.*, iv, appendix, no. 53).

²³ *Ibid.*, appendix, no. 48.

²⁴ *Ibid.*, appendix, no. 74.

Cahir and Dunboyne.²⁵ Rather, the principal weakness in Piers Ruadh's position concerned his standing within the Pottlerath family itself.

He was not his father's eldest son and heir, but had two older brothers, Edmund of Neigham and Theobald of Annagh, both of whom outlived their father and were capable of pursuing their own claims to the title. The fact that they had both been born some time before their parents' marriage at Listerlin parish church was of little benefit to Piers, for Edmund and Theobald had been declared legitimate by an Act of the Irish parliament in 1468, and try though he did, Piers found it very difficult to persuade the London government to have the act repealed.²⁶ Indeed, Piers Ruadh was still struggling to suppress the birthright of his brothers and their children as late as 1532, when the Butlers of Neigham seem to have made a concerted bid to challenge him. Piers responded in what was by then the customary fashion, wheeling out a collection of old and unreliable witnesses to swear before two bishops that, just as the founder of the Neigham line was a bastard, so too was the current head of the family.²⁷ Implausible though the allegation was - that a potential candidate for an earldom who carried the stigma of illegitimacy had recklessly illegitimated the claims of his son - neither the Butlers of Neigham nor the Butlers of Annagh ever managed to establish their genealogical credentials, for by 1536 Piers Ruadh's power had reached such heights that he was finally able to have the Act of 1468 overturned in Parliament.²⁸ Yet perhaps the most remarkable aspect of Piers's victory over his brothers and their descendants is not that he won, but that he won so easily. During the fifty years prior to his succession as earl of Ormond in 1538, the families of Neigham and Annagh hardly ever questioned his rights to the inheritance, leaving the distinct impression that they spent most of the period squirming under his boot.²⁹

However, successful though he was, establishing himself as the principal Irish claimant was only the start of Piers's legal difficulties in his bid for the earldom. He also had to prove that the Irish estate was entailed, a tricky business, as it meant manufacturing evidence about the arrangements for the succession that had been made by the fourth (or White) earl of Ormond, who had died intestate in 1452. With no will to prove an entailment, all Piers could do was call up more of his supporters as witnesses to say there had been one planned all those years ago - hardly conclusive evidence. Nevertheless, despite the dubious nature of their testimonies, Piers Ruadh made sure that his witnesses - men such as John Shortal of Cloghmantagh, Gilbert Blanchville of Kilmidimoge and John Cantwell of Moycarky - were heard, parading them first before the archbishop of Dublin in September 1515, and later before the bishop of Ossory in November 1516.³⁰

It was not enough to prevail. In London the heirs general, led by Sir Thomas Boleyn, were able to persuade Henry VIII to ignore Piers Ruadh's claim in favour of their own. Unless Piers could sidestep them and have his case brought to the king by someone whom Henry relied on, his claim stood no chance. By the beginning of 1516, then, the question of how to displace the Boleyns and St. Legers began to weigh heavily on Piers Ruadh's mind. In the past he had had his claim supported by his in-laws, the Fitzgeralds, earls of Kildare,

²⁵ Empey, 'Rags to Riches', pp 308-9.

²⁶ *L & P Henry VIII*, 1519-23, no. 1926. The reasons for the illegitimacy of Edmund and Theobald are succinctly dealt with in George Butler, 'Red Piers of Ormond', *Butler Soc. Jnl.*, no. 1 (1968), p. 38.

²⁷ *C.O.D.*, iv, no. 177.

²⁸ N.L.I. Ms. 2556 (10) provides the text of the act, while a 1536 dating is suggested by 'Note of acts in the Irish parliament', 1st May, 1536 (P.R.O., S.P. 60/3/21).

²⁹ The fact that the Butlers of Neigham felt compelled to surrender their claims to Piers in 1523 only strengthens this impression (N.L.I. D. 2092-3). These documents are inaccurately calendared in *C.O.D.*, iv, no. 90.

³⁰ *Ibid.*, no.33, and Empey, 'Rags to riches', p.309.

King Henry's chief governors in Ireland. Now, however, Piers needed someone in England to take up his cause.

That someone materialised in the person of Thomas Wolsey, the archbishop of York (later a cardinal), King Henry's principal minister. Wolsey had his own reasons for involving himself in the Ormond inheritance problem. Concerned that the Fitzgeralds of Kildare were too powerful in Ireland, he was looking for a means to challenge them. Sir Piers Ruadh Butler of Pottlerath was ideal for his needs: a strong regional lord, hitherto a dependent of the Fitzgeralds, but now requiring an entirely different sort of backer in order to further his ambitions. An understanding was reached, and by 1517 Piers had broken with the Fitzgeralds. For the next twelve years he followed Wolsey's lead and tried to make himself indispensable to Henry VIII by hacking away at the foundations of the Fitzgeralds' authority. As a sign of his good faith, he allowed his eldest son and heir, James Butler, to be taken into Wolsey's household in London. Officially James was described as a 'gentleman retainer' of Wolsey's, but in reality he was a hostage for his father, who was destined to be made Lord Deputy of Ireland instead of Kildare in 1522.³¹

Even now, however, Piers was still a long way from securing the earldom of Ormond. There was only so much that Wolsey was willing to do on his behalf. Certainly Wolsey had no intention of suggesting to the king that the vacant earldom be granted to Piers over the heads of the Boleyns; to have done so would have been too risky, especially in the early 1520s when King Henry took one of Sir Thomas Boleyn's daughters, Mary, as his mistress. Instead of risking a confrontation, in 1521 Wolsey agreed with the suggestion made by the new Lord Lieutenant of Ireland, Thomas Howard, earl of Surrey, to unite the rival claimants to the earldom by arranging a marriage between Piers's son James and Sir Thomas Boleyn's younger daughter, Anne. Anne was accordingly summoned home to England from France late in 1521, but to no avail. Her proposed union with James fell through, never getting further than an engagement. Eventually, of course, fate would grant her a rather more illustrious (and dangerous) husband than James Butler.

E.W. Ives, a leading English historian, has blamed the collapse of the proposed Butler-Boleyn marriage on Wolsey, arguing that he did not wish to let go of James Butler, who was his only means of controlling Piers Ruadh.³² This does not make sense. If Wolsey wanted to strengthen the Butlers' challenge to the house of Kildare, and keep them tied to him, what better way to do so than to forge ahead with a union that would secure them their place in the Ormond succession and introduce them into the ranks of the court nobility? Moreover, a Butler-Boleyn marriage would have had the added allure of driving a wedge between the Kildare Fitzgeralds and the Boleyn and St. Leger families, who had enjoyed friendly relations since 1516.³³ Other more plausible reasons may be advanced for the marriage's failure to materialise. Dr Empey, for example, is surely correct to state that it came to nothing 'partly because the Butler party pitched the price too high' for Wolsey to be able to facilitate them, by demanding that the Boleyns first of all surrender their rights to the earldom of Ormond.³⁴ And it might further be argued that the Boleyns themselves probably never had any real intention of seeing the marriage through. Sir Thomas Boleyn, who became Treasurer of the King's Household in 1521, had no need of a union with his Butler enemies in Ireland. He was more than capable of acquiring the earldom for himself, through his own influence, and that of his two daughters, with the king.

³¹ J.G. Nichols (ed.), *The Chronicle of Calais. 1485-1540* (Camden Soc., xxxv, London 1846), p.98.

³² Ives, *Anne Boleyn*, pp 45-6.

³³ Professor Ives has noted this friendship: *Ibid*, p.45.

³⁴ Empey, 'Rags to riches', p.310.

The Ormond succession remained locked in this impasse till early 1528, when Piers and Sir Thomas Boleyn finally reached a compromise. How much cajoling they both received is anyone's guess, but certainly they were both handsomely rewarded by Henry for ending the 13-year-long dispute. Egged on by Wolsey, the king made it plain to Boleyn that he did not wish to put the loyalty of the Butlers in Ireland in jeopardy; despite favouring the Boleyns, the Butlers must get something too. As a result of intense bargaining Boleyn became earl of Wiltshire and Ormond, with Piers's consent. In return Piers got an earldom of his own. After many years of struggle, he was at last recognised as a nobleman, and on Sunday 23 February 1528, he was invested as a member of the Irish peerage when he was created earl of Ossory by Henry VIII in a ceremony at Windsor Castle.

An account of the day's proceedings survives, and it affords a rare glimpse of the ritualised world of the renaissance prince into which Piers Ruadh had gained admittance. From beginning to end, the entire ceremony was designed as an elaborate spectacle in which the monarchy appeared centre stage as the fountain from which the aristocracy arose, and Henry's power and munificence was openly displayed for all to see. Like any royal occasion, Piers's investiture was a matter of state, and it was deemed important to demonstrate his special position in the social order as one transformed by the bounty of majesty. The performance began almost as soon as he arrived at court, when Piers was led by a large company of royal attendants for a brief meeting with his liege lord before the king went to mass. This introduction served a two-fold purpose. In the first place, it allowed him to offer his obedience to Henry as his lord on Earth before the king in turn paid homage to the ruler of Heaven. Secondly, the fact that Piers Ruadh was honourably received by all of the noblemen who surrounded the monarch was meant to indicate that the peerage recognised him as one of their own. The ceremony reached a climax after mass. As Piers approached the great door of the King's Chamber he was joined by the Garter King at Arms and three of the most distinguished noblemen in England, the marquis of Exeter, the earl of Oxford and the earl of Rutland, and his arrival was greeted by a fanfare of trumpets, at which the procession halted to allow the crown servants to file past and take up their positions before him. This done, Piers formally entered the royal presence, and with the king sitting under a canopy of estate, the letters patent of his creation were read aloud in Latin by the Dean of Windsor College. Then, once the words *cincturam gladii* were uttered, the earl of Rutland presented Henry with a sword and Piers sank to his knees

'and the king girt the said sword about him baudrewise ... which act done, the king commanded the new created earl to rise and stand up'.

Following this, Henry VIII departed, his part in the ritual concluded, leaving Piers Butler, first earl of Ossory, to lead his fellow lords back to his lodgings in the palace, where in a symbolic display of fraternity, they removed their ceremonial robes and went to dine together at a banquet in which Piers Ruadh sat at the head of the table. Later that night, when the meal was over and the trumpeters and officers of arms had been suitably rewarded, Piers took his leave of the king and his family, but it is interesting to note that the last thing which he did before returning to Ireland was to pay a visit to Wolsey in London. Whatever the power of the king, Piers had no doubt that he owed his new-found noble status to the influence of the cardinal.³⁵

It is easy to assume that his creation as earl of Ossory signalled the triumph of Piers Ruadh Butler's ambitions. Although he had been forced to relinquish his claims for the foreseeable future to the earldom of Ormond, he had nonetheless been awarded an earldom

³⁵ Cal. Carew MSS. 1515-74. pp 37-9.

of his own, a fitting honour for one apparently destined to spearhead the crown's efforts to curb the power of the Fitzgeralds of Kildare. Moreover, the fact that he was reappointed to the lord deputyship for the second time a few months later adds considerable weight to the interpretation that Piers was on a winning streak in 1528.³⁶

But while his elevation to the peerage was certainly a great achievement, it did nothing to increase his hold over the Ormond patrimony. Indeed, the very agreement which had cleared the way for his ennoblement had also quashed his hopes of securing a greater share of the ancient Ormond lands. As well as conceding the Ormond title to the heirs general, Piers had been persuaded to become a tenant on what was now designated the Boleyn-St. Leger estate, and Wolsey and the king arranged that he would receive a lease for 30 years of 14 of the old Ormond manors in Counties Kilkenny, Tipperary, Carlow, Wicklow, Kildare, Dublin and Meath. Admittedly, the leasehold came cheap, as the rent was fixed at the decidedly nominal sum of £40 per annum, but this was hardly the point.³⁷

For many years Piers had controlled most if not all of the property formerly held by the seventh earl of Ormond in Ireland. It is most unlikely that he had paid rent for it, especially after 1515. Now, however, he only had part of the whole, and a much smaller part than he was accustomed to possessing. In County Kilkenny, by the terms of the 1528 settlement he received a valuable lease of the manors of Kilkenny, Gowran and Knocktopher, but the document recording the arrangement makes no mention of the six remaining Ormond manors in the shire, nearly all of which he had seized a long time ago. The only possible explanation for this oversight is that Piers had finally agreed to cede the greater part of the estate to the increasingly influential Boleyn and St. Leger families, who evidently intended to make a going concern of the property in their own right. Ever since 1517 Sir Thomas Boleyn had been waiting for the chance to collect rent from his mother Margaret Butler's share of the Ormond lands,³⁸ and in 1528 he employed a leading Palesman, Sir Bartholomew Dillon, to impose his seigneurial rights in Ireland and begin taking in the rent in Tipperary and the Pale.³⁹

In the final analysis, therefore, it would seem that the rapid changes in the distribution of power which attended the rise of the Boleyns in England persuaded Sir Piers Butler that the way to political survival lay along the path of compromise. By accepting a leasehold on the Ormond estate it is true that he received a great deal, not the least of which was a secure legal share of some of its richest parts, but this did little to disguise the fact that his entry into the agreement was essentially a climbdown. Viewed in this light, the earldom of Ossory was an expensive acquisition. As such, it is ironic that Piers had probably not enjoyed his investiture, spending much of the day suffering from incontinence as a result of a chill which he had caught on his way to Windsor Castle.⁴⁰

In another sense, however, Piers Butler's promotion to the ranks of the titled nobility was no more than a man of his wealth and power merited. Although some writers have interpreted his life as a rags-to-riches story, there is no evidence that he ever experienced poverty.⁴¹ On the contrary, in the 1480s, as the head of the MacRichard Butlers, he had inherited a sizeable estate in the Slieveardagh Hills which amounted to at least 4,440 acres,

³⁶ He received the deputyship on 4 August 1528.

³⁷ *C.O.D.*, iv, no. 136.

³⁸ Berkeley Castle, Gloucestershire: Berkeley Charters, General 4611.

³⁹ From 1528 until 1534 Dillon did manage to collect money from some of the Boleyn/St. Leger estate. (N.L.I. Ms. 2551, ff 1r-2v, and *L & P. Henry VIII. Addenda*, i, no. 926).

⁴⁰ *Cal. Carew MSS. 1515-74*, p. 37.

⁴¹ For a different opinion see Empey, 'Rags to riches', p.306. However, the source quoted by Dr Empey - the Book of Howth - says only that in 1497 Piers and his wife, Margaret Fitzgerald, were forced by Sir James Ormond to live on the run, and as a result they did not enjoy the rich fare to which they were accustomed.

and comprised the manors of Pottlerath and Ballykeefe.⁴² Furthermore, ever since the turn of the century Piers had assiduously developed his position, purchasing large tracts of land particularly in the north-western areas of the shire, so much so that by the time of his ennoblement his private estate had quadrupled in size, measuring no less than 16,970 acres in February 1527.⁴³ The title earl of Ossory made sense, for he was the single biggest native landowner in County Kilkenny. Only the absentee English owners of the Ormond lands, the Boleyns and St. Legers, had more than he.

Following Wolsey's fall in 1529 Earl Piers continued to make himself useful to the crown, encouraged by Thomas Cromwell, Wolsey's successor as chief minister, to carry on providing an alternative focus to Kildare power in Ireland. The story of his challenge to his Geraldine kinsmen is dealt with in Chapter Three below. Suffice it to say for the present purposes that his efforts to present himself as the principal military lord in southern Ireland were eventually so successful that he helped incite the Kildare revolt of 1534. During the war against the Fitzgerald rebels he and his family fought well, preventing the rebels from seizing the south before joining forces with a huge royal army to rout the insurgent forces. With the Geraldines destroyed Earl Piers and the Butlers stood in line to receive more royal favours. Sure enough, rewards came thick and fast. In May 1535 Sir James Butler, already Lord Treasurer, was appointed High Admiral of Ireland and Warden of the Ports, a largely honorific position which apparently required him to act as the Irish representative of the recently expanded English admiralty.⁴⁴ He was promoted to the peerage the following October under the 'name, style and dignity' of viscount Thurles, a timely grant which enabled him to sit with his father in the House of Lords in the next Irish Parliament, which opened at Dublin on 1 May 1536 and lasted nine sessions, finally closing in December 1537.⁴⁵

Attendance at this was of the highest importance, for the crown intended to pass four bills of especial interest to the Butlers. Two pieces of legislation were of crucial importance for the inheritance. First, the Act of Absentees of 1536 cleared the way towards the Butlers' re-seizure of the earldom of Ormond, as it extinguished the tripartite agreement that Piers had been compelled to enter into in 1528 with the absentee Boleyns and St. Legers. Here Piers had Henry VIII's matrimonial problems to thank, for following the miscarriage of a stillborn foetus to the king and his second queen, Anne Boleyn, in January 1536 the power of the Boleyns had collapsed, with the king convinced he was damned for marrying with them. In the ensuing months Anne and her entire family were arraigned of treason, leaving Piers no serious rivals for the title.⁴⁶ Second, to seemingly guarantee his succession to the Ormond earldom, another Act was introduced that overturned the claims of his supposedly illegitimate relatives from east Kilkenny, the Butlers of Neigham and the Butlers of Annagh.⁴⁷ Third, late on in 1537, towards autumn, Piers finally attained his holy grail when he was recognised in the Irish Parliament as the rightful heir-male of the old seventh earl of Ormond. It is interesting to note that the head of the Boleyns, Thomas Boleyn, earl of Wiltshire & Ormond, formally agreed to Piers being named 'earl of Ormond in Ireland'. In truth, of course, Boleyn had little choice in the matter, being then imprisoned in the Tower of London and facing execution, but the crown still wanted his agreement all the same, so as to

⁴² Piers's father had purchased the lordship of Ballykeefe in 1483 (*C.O.D.* iii, no. 258).

⁴³ *Ibid.* iv, no. 127.

⁴⁴ *Cal. Patent Rolls. Ire., Henry VIII - Eliz. I.* pp. 15, 24; J.C. Appleby & Mary O'Dowd, 'The Irish Admiralty: its organisation and development, c. 1570-1640', *I.H.S.*, xxiv, no. 95 (1985), p. 300.

⁴⁵ N.A.L., Ferguson MSS, Memoranda Rolls of the Exchequer, Henry VIII, p. 192.

⁴⁶ Ives, *Anne Boleyn*, pp. 343-408; R.M. Warnicke, 'Sexual heresy at the Court of Henry VIII', *Historical Jnl.*, xxx (1987), pp. 247-68.

⁴⁷ See Note 29 above.

give Piers's belated recognition as old Ormond's heir male the requisite air of legality. Nothing was left to chance, and in order to have Piers accepted as the new Irish Ormond while the English Ormond, Boleyn, was still alive, the government was careful to give a precedent for this curious redivision of the title. Piers and Boleyn were to hold their respective Ormond earldoms 'as the two Lord Dacres be named, the one of the south and the other of the north'⁴⁸ On 22 February 1538 Piers Ruadh was formally 'restored' to the earldom. Henceforth, until the middle years of the seventeenth century, he and his heirs would be known as earls of Ormond & Ossory, possessing one of the very few joint earldoms in the British Isles.

By the time the 'Reformation Parliament' of 1536/7 ended, Earl Piers was an old man in his early seventies, and his acceptance of the earldom of Ormond in Ireland was one of his last public acts. It is recorded that towards the end of 1538 he was too frail to travel up to Dublin from Kilkenny, and there is no further mention of him in the records until his death in August 1539. Before dying he made his last will and testament, a document which was destined to have a lasting effect on the Ormond inheritance, for in order to insure that his successors did not face opposition from heiresses and heirs-general such as the Boleyns and St. Legers, he entailed the earldom and its estate.⁴⁹ After 1539 only the nearest direct male descendant of an earl could succeed to the title by law.

Dynastic consolidation

Piers's successor as ninth earl of Ormond, his eldest son, James Butler, was one of the most capable politicians of the late Henrician period. Though he never emulated Piers in achieving the premier post in Irish government, the lord deputyship, in many ways he was a fitting successor to his father, for he greatly consolidated the Butlers' position in Anglo-Irish affairs at a time when many royal officials hoped to cash in fully on the destruction of the Kildare ascendancy by drastically reducing all noble power in Ireland. His often thorny relations with the English lord deputies, Leonard Grey (1536-40) and Anthony St. Leger (1540-7) need not concern us here (they are discussed in detail in Chapter Three below), except to note that in the ninth earl of Ormond they found a dangerous adversary. The fact that he failed to be made Lord Deputy was immaterial, for after 1534 the English monarchy altered its policy concerning the chief governorship, until well into the following century manning the post exclusively with Englishmen, i.e. outsiders who could never use the office to build up a private power-base in Ireland. That 'James the lame' of Ormond (so called because of a bad leg wound he had received as a youth) survived the monarchy's decision to seize greater direct control of the country, and even managed to add to his family's powers, was no mean achievement, for powerful forces in Dublin and London were opposed to further Ormond expansion after 1534, lest the Butlers recreated the Kildare threat in their own image. Despite constant suspicion Earl James survived and prospered, and in doing so he laid secure foundations for his dynasty's future.

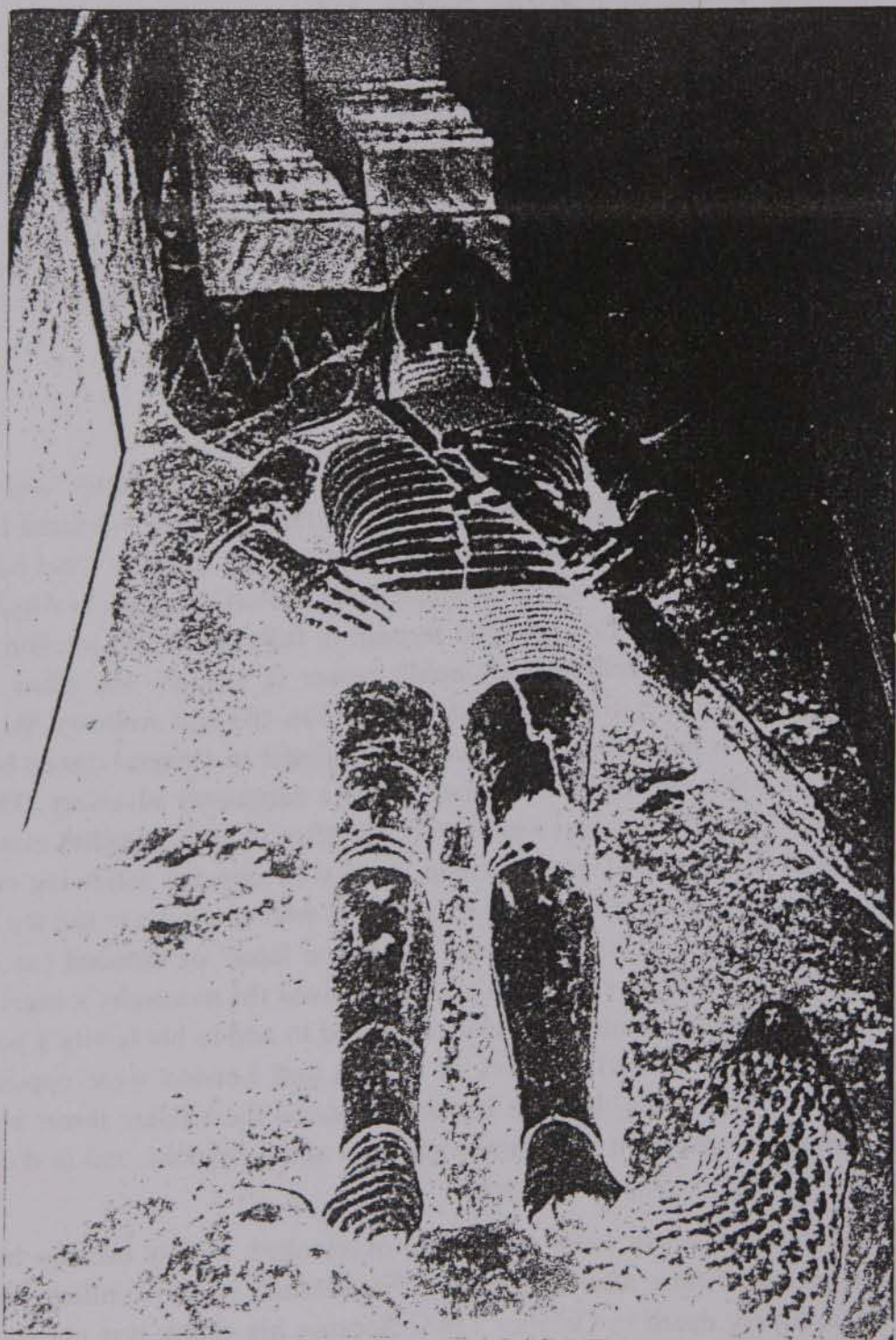
The ninth earl's achievements have often been overlooked, mainly because he was earl for only a brief period of time after succeeding Piers Ruadh in 1539, ruling for just seven years until his untimely death in October 1546. Because his career was cut short so suddenly, while he was still in his prime - he was barely fifty years old when he died⁵⁰ -

⁴⁸ *Cal. Carew MSS. 1515-74*, p. 127.

⁴⁹ *C.O.D.*, iv, nos. 239, 242. James Graves & J.G.A. Prim, *History and Antiquities of St. Canice's Cathedral* (Dublin 1857), pp. 232-46.

⁵⁰ He was probably born in 1496, as it is recorded that his mother Margaret Fitzgerald was pregnant with her first child that year (Empey, 'Rags to riches', p. 306). On this point, see also T. Blake Butler's unpublished account of his life in N.L.I., Ms. 12,023.

Reputed tomb of James Butler, ninth earl of Ormond
St. Canice's Cathedral, Kilkenny



historians have tended to treat it as a brief hiatus between the much longer (and, it has been assumed, much more successful) careers of his father 'Red' Piers and his son and successor 'Black' Thomas, the tenth earl. Suffice it to say that the relatively brief duration of his earldom was one of the most important eras in Ormond Butler history. Even more than his father he cashed in on the dissolution of the monasteries, becoming arguably the single biggest beneficiary of the ex-monastic land bonanza in Ireland. By the early 1540s the ninth earl had outmanoeuvred his enemies to such an extent that, despite his magnate status, he was accepted as a steadying influence in the realm by the advocates of political reform on the Irish Council, led by the Lord Chancellor, Sir John Alen. With huge grants of land in the Pale at his disposal, he wasted no time putting his new-found wealth to good use, building up an Ormond party in Dublin by granting leases of parts of his property on very generous terms to influential figures such as Sir Thomas Luttrell, the Chief Justice of the King's Bench, Sir John Travers, the Master of the Ordnance, and Thomas Howth, a leading legal official.⁵¹ In County Kildare he made peace with some of the former subjects of the Fitzgeralds, among other things granting the tenancy of Cloncurry manor to the Keatings and the Wogans in 1543, and in County Meath he likewise recruited the Tallons as his clients.⁵²

Unlike his father Piers, Earl James was not just strong in Ireland. His years in Wolsey's household had helped him to develop a good understanding of English court politics. Not only was he aware who the leading figures at the royal court were, he also knew many of them personally - he had known Sir John Dudley, Sir Thomas Heneage and Richard Page since 1521⁵³ - and he counted Thomas Wriothesley, the Lord Chancellor of England and a leading conservative and Howardite, among his friends,⁵⁴ as well as the Cromwellite Sir George Carew, a member of the Council of Calais.⁵⁵ Above all, at a time when England was becoming more and more involved in Irish affairs, James, ninth earl of Ormond, found himself in the enviable position of being the only Irish lord who fitted in naturally at the Tudor court. As David Starkey has shown, he sat for a portrait by Holbein,⁵⁶ and when Murrough O'Brien and Ulick Burke were created earls of Thomond and Clanricard respectively at Greenwich Palace in July 1543, he played a central part in the state pageantry, escorting Burke into the king's Presence Chamber for the creation ceremony to begin; in doing so, he was given equal status with one of the most powerful noblemen in England, Edward Stanley, third earl of Derby, who escorted O'Brien.⁵⁷ Earl James paid careful attention to his court contacts throughout the 1540s. As a magnate in Ireland, he had much to gain by remaining neutral, as both groups would need his support to secure Ireland in the event of a *coup d'état*. The final piece of his English jigsaw. As the decade progressed and King Henry began to fade, English politics became increasingly factionalised, with conservative and radical factions jostling for control of the royal family and the succession to the throne when the king died.⁵⁸ Despite the mounting tension in London Earl James continued to prosper, staying in contact with both the conservatives and the radicals without over-

⁵¹ *C.O.D.*, iv, nos. 311, 319, 343 and 349. His befriending of Howth was especially significant. A few years earlier, in 1538, his supporter Walter Cowley had called Howth a Geraldine, and accused him of working with Lord Deputy Grey against the Butlers' interests: *S.P., Henry VIII*, iii, no. 227. Luttrell too had not previously been all that well inclined towards the Butlers: *Ibid.*, no. 230.

⁵² *C.O.D.*, iv, nos. 299-300.

⁵³ J.G. Nichols (ed.), *The Chronicle of Calais, 1485-1540* (Camden Soc., xxxv, London 1846), p. 98.

⁵⁴ His ties to Wriothesley can probably be dated as early as 1538: Stacboll to Cromwell, Oct. 1538 (P.R.O., S.P. 60/7/52). The earliest surviving letter between them is Ormond to Wriothesley, 21 Oct. 1539 (*Ibid.*, S.P. 60/8/32).

⁵⁵ *S.P., Henry VIII*, iii, no. 234.

⁵⁶ David Starkey, 'Holbein's Irish sitter?', *Burlington Magazine*, cxxiii (1981), pp. 300-3.

⁵⁷ B.L., Ms. Titus B.XI, fol. 388 (= *S.P., Henry VIII*, iii, pp. 472-3). See the comments of a papal envoy regarding Derby's power in Miller, *Henry VIII & the English Nobility*, p. 154.

⁵⁸ For court politics and intrigue 1540-7, see Starkey, *Reign of Henry VIII*, chaps. 7 and 8; J.J. Scarisbrick, *Henry VIII* (Pelican paperback edn., London 1971), chaps. 13 and 14; Lacey Baldwin Smith, *Henry VIII: The Mask of Royalty* (London 1973), *passim*, esp. chaps. 10 and 11.

committing himself to either side. He fully realised that, as the greatest nobleman and involved his son Thomas, whom he despatched to London as a twelve or thirteen-year-old boy in May 1544 so that he would be raised at court in the company of Henry VIII's heir-apparent, Prince Edward (the future Edward VI).⁵⁹ Under the ninth earl's charge, the future looked bright for the Ormond lordship.

At home in Ireland his strong position in London helped him to carry on his father's work of building the Butlers into the most powerful dynasty in the country. Towards this end, he worked hard to prevent other branches breaking free of renewed Ormond dominance. He kept a firm grip of eastern County Tipperary and his liberty there, insuring that his most dangerous dynastic rivals, the Butlers, barons of Dunboyne, were weak and malleable, incapable of opposing his earldom. He prevented Edmund, the young head of the Dunboynes - who had been his father's ward - from succeeding to his estate until 1545, when he was 28 years old; by rights, he should have succeeded in 1537.⁶⁰ In 1543 he even tried to have Dunboyne sent to England to serve as one of the king's gentleman pensioners, rather than let him take up possession of his lands in Tipperary. Though unsuccessful on this occasion - the Irish Council blocked Dunboyne's departure⁶¹ - he persevered, and a year later he had the young baron and his uncle, Piers Butler of Grallagh, sent into England to serve Henry VIII as captains in the Irish detachment of an army raised to fight the French.⁶² Throughout the first half of the 1540s Earl James seems to have more or less appropriated the Dunboyne estate into his own hands, and when the young baron tried to take over, he interfered ruthlessly, expelling Edmund from the captainship of Treinemanagh in the barony of Middlethird, which he claimed was in his gift as earl of Ormond.⁶³ In the long run his heavy-handed approach succeeded in its objective. While hardly well inclined towards Ormond power, Edmund Butler, baron of Dunboyne, was hopelessly weakened, and in the years ahead he and his family never again posed a serious threat to the house of Ormond, and generally fell into line with its requirements for fear of reprisals. On a similar note, it is worth stressing that during Earl James's period as overlord the two Kilkenny branches of the Butlers who had once opposed his father, the Butlers of Neigham and Annagh, did not dare to raise their heads. Though they never signed anything in his favour, neither did they put their names to anything against him.⁶⁴ Both families were destined to remain in obscurity for a long time to come.

Another of Earl James's lasting achievements was the untroubled rise of his younger brother Richard, who established a new branch of the Ormond tree, the Mountgarret line based at Ballyragget in north Kilkenny, and took charge of Butler interests to the east, in Wexford. All too often in major Irish lineages brothers behaved as rivals, but Richard Butler and Earl James worked closely in unison, with among other things the earl advocating in 1540 that Richard be made 'great master' of a garrison at Ferns.⁶⁵ In 1542, when their mother Countess Margaret died, James did not oppose Richard's emergence as a major landowner in his own right, inheriting Margaret's personal and jointured estates in Kilkenny, Wexford and Tipperary.⁶⁶ Apart from Ballyragget, Richard inherited four other manors in County Kilkenny, at Baleen and Urlingford in the north, and Fiddown and Tibraghney in the south.

⁵⁹ *L & P Henry VIII*, xix, pt. 1, no. 473.

⁶⁰ N.L.L., Ms. 7409.

⁶¹ *S.P., Henry VIII*, iii, no. 395.

⁶² T. Blake Butler, 'King Henry VIII's Irish Army List', *Irish Genealogist*, i, no. 1 (1937), pp 4-5.

⁶³ N.L.L., Ms. 7409.

⁶⁴ The Annagh Butlers may have come to terms with him and his family. In 1539 Edmund Butler fitz Richard of Annagh recognised the authority of Earl James's mother, the Dowager Countess Margaret Fitzgerald: *C.O.D.*, iv, no. 243.

⁶⁵ *S.P., Henry VIII*, iii, nos. 315, 330.

⁶⁶ Countess Margaret had built up a large estate of her own in the early 1500s, chiefly around Ballyragget: *C.O.D.*, iv, 268.

Eventually, after James's death in 1546, Richard was promoted to the peerage in 1551 as first viscount Mountgarret. In the years to come the Mountgarret Butlers would ape the senior Ormond line in increasing their hold over large parts of Kilkenny.

More than anything else James, ninth earl of Ormond, was a dynast. In 1545, shortly before his untimely death he made a will in which he apportioned outlying land in the Ormond lordship to each of his younger sons Edmund, John, Walter, James and Edward - his youngest son Piers was not yet born - while reserving the main bulk of the patrimony (and most of the best land) for his eldest son and eventual successor, Thomas.⁶⁷ In effect, he arranged things so that Thomas's younger brothers would grow up to be lords of the frontier, vanguards of future Butler expansion, while Thomas himself would have his own lands protected by their satellite lordships. According to the ninth earl's plan, Edmund would represent the dynasty in Carlow, holding Tullagh and 'the Grenan' and other lands; John would be established in south Tipperary and look to expand into west County Waterford from his base at Kilcash Castle; Walter would hold the line of Butler power in mid-west Tipperary, at Nodstown, like John facing into the Desmond country beyond; James would provide a bulwark against the Kavanaghs from his base in east Kilkenny at Graiguenamanagh; and Edward (and eventually Piers) would take up lands wherever was necessary along the long frontier of the Ormond lordship that ran in a long semi-circle from New Ross in Wexford past Limerick to the Decies in Waterford. It was a shrewd plan which, if effective, would maintain the Butlers' hold over most of southern Ireland for many years to come. It also had the added advantage of nipping in the bud the prospect of a successful successional war against his eldest son, the future tenth earl, Thomas - for none of these satellite lordships was large enough or strong enough to support a challenge to the earldom. (Looking ahead this helped to insure the failure of two Butler rebellions in the later sixteenth century).

Surviving wardship, 1547-54

The period immediately following the ninth earl's death in October 1546 was a difficult one for his family. By dying before his heir, Thomas, was old enough to succeed, he left his lordship exposed to the hostile gaze of his enemies in the government, who were suddenly presented with a unique opportunity to interfere in the running of the territories. Because Thomas was a minor - just fifteen years old in 1546 - he was debarred from inheriting the estate until he was twenty-one, the legal age of succession. Instantaneous with his father's death, Thomas became a ward of his feudal overlord, the king, a situation which not only necessitated his being kept in royal custody until he attained his majority, but also entitled the monarchy to seize two-thirds of the profits of his estate so long as the wardship lasted. The crown's authority seemed all the greater as young Thomas was already in royal custody, a companion of Edward VI. Needless to say, this state of affairs greatly alarmed the Butler family. They had every reason to fear that the operation of the revenue officials appointed to collect the royal rent from their lands would be extended to embrace rather more than the realisation of the feudal dues of the king. Every occasion might be taken during the six years of young Earl Thomas's wardship to investigate irregularities on the Ormond estate, and it was even possible that the authorities might uncover patches of concealed land among the earl's property and re-appropriate them for the crown. It is clear, therefore, that the Butlers of Ormond had little option but to try and stall the machinery of government. As a result of their efforts, the control of the Ormond patrimony became the

⁶⁷ Ibid. no. 352. See also W.F.T. Butler, 'The descendants of James, Ninth Earl of Ormond', *R.S.A.I. Jnl.*, lix (1929), pp 29-44.

object of a tug-of-war with the crown, and for a time it was far from clear what the outcome would be.

The first signs of the struggle came in March 1547, when Robert St.Leger, the brother of the Lord Deputy, warned the dowager countess of Ormond of his intentions to dismiss the Butler's military retainers from those parts of the estate which would fall into the hands of the crown during her son's wardship. He received a swift response. Having first written to Protector Somerset to complain of St.Leger's behaviour,⁶⁸ the countess soon afterwards boarded ship for London, and by July she had presented herself at Lambeth Palace where she brought a petition to the notice of some of the king's Privy Council.⁶⁹ Thereafter she continued to travel widely in her family's cause,⁷⁰ and her efforts had the desired effect. The governmental procedures regarding the Butler lands ground to a halt. As late as the end of 1548, some six months after his installation as the new chief governor in place of St. Leger, Sir Edward Bellingham had still to receive confirmation of his powers over the Ormond property, an oversight which he found infuriating. Even worse, rumours were abroad that young Earl Thomas was to be sent home from London - presumably through the influence of his mother - news which was not welcomed by Bellingham, who recognised it as just another stalling device aimed at frustrating his efforts towards demilitarising parts of the Butler patrimony in Kilkenny and Tipperary.⁷¹

As with any case of wardship, time was of the essence, and already the Butlers had succeeded in subtracting two years from the six available to the crown. But the fact that another two years would yet elapse before the royal coffers finally benefited from the Ormond wardship was not due to the time-killing skills of the countess or her contacts. In Ireland, the machinery of state was slow at the best of times, and for a variety of reasons the administration of wardships was particularly underdeveloped.⁷² In June 1549 Walter Cowley, a former Butler client but now the Surveyor General of Ireland, went to Kilkenny to file a report on the state of the Ormond lands. Although the dowager countess attempted to interfere, there was little which she could do to prevent him proceeding, and he made a series of recommendations as to how the king's part of the estate should be managed.⁷³ Cowley's work completed, the responsibility in the matter next passed through the hands of the Lord Deputy in Dublin Castle to the royal government in London, business which should not have taken more than a few weeks. It is therefore remarkable that the Privy Council eventually issued instructions for the Irish government to 'let the lands of the young earl of Ormond which be now in the king's power to lease' on 5 August 1550, more than a year since Cowley had submitted his report, and nearly four years since the Ormond estate fell under crown control.⁷⁴ The entire process quickened up considerably thereafter. In Michaelmas term, the ninth earl's brother Sir Richard Butler, the acting head of the dynasty while the wardship continued, was prosecuted in the Court of Exchequer for intruding into part of the Kilkenny property (so was Edmund Blanchville of Blanchvillestown),⁷⁵ and on 18 November 1550 the crown at last leased its entire share in the Butler patrimony in Ireland to Thomas, tenth earl of Ormond, for an annual rent of £681.4s.3d (Ir), a considerable sum by any

⁶⁸ Dowager countess of Ormond to Protector Somerset, 6 March 1547 (P.R.O., S.P. 61/1/1).

⁶⁹ Dowager countess of Ormond to Cecil, 6 July 1547 (ibid. S.P. 61/1/4).

⁷⁰ Archbishop of Cashel to Protector Somerset, 25 Feb. 1548 (ibid. S.P. 61/1/11). Among those she dined with in London circa 1548 was Sir Thomas Smith; John Strype, *The Life of the Learned Sir Thomas Smith* (Oxford 1820), appendix 3. I must thank Dr Hiram Morgan for this reference.

⁷¹ Bellingham to Isham, circa Nov. -Dec., 1548 (ibid. S.P. 61/1/140).

⁷² Victor Treadwell, 'The Irish Court of Wards under James I', *I.H.S.*, xii, no. 45 (1960), pp 4-6.

⁷³ Cowley to Bellingham, circa 22 June 1549 (P.R.O., S.P. 61/2/43); Cowley to Bellingham, 25 June 1549 (ibid. S.P. 61/2/46).

⁷⁴ *A. P. C. 1550-1552*, p. 98.

⁷⁵ N.A.I., Ferguson MSS, Memoranda Rolls of the Exchequer, Edward VI - Philip & Mary, p.130; Loftus commonplace book (Essex Record Office, Ms. D/DL Z9).

standard.⁷⁶ In the final analysis, the tardiness of the government's proceedings was inexcusable from a financial point of view, as over a period of four years it had deprived an under-nourished Exchequer of £2,725 in potential extra revenue.

This was not the only opportunity which the royal authorities squandered through its apparent mismanagement of the Ormond wardship. By leasing all of the property in its possession back to the earl and his family, the crown threw away any chance it may have had of increasing its control over the lordship before Thomas reached his twenty-first birthday. In particular, it forsook the opportunity to weaken the military might of the earldom by dismissing the troops from tenancies on the estate, and although Lord Deputy Bellingham had challenged the rights claimed by the Butlers to quarter galloglass in County Kilkenny, nothing had been done by the Privy Council in London to support him.⁷⁷ Doubtless some of the reasons for this lack of achievement lay with the frequent political about-turns and changes in personnel which afflicted the Irish government in the late 1540s, but this is only part of the explanation.⁷⁸ Ultimately, the royal authorities in England recoiled from interfering in the Ormond estate because it feared the consequences of reducing the Butler's military strength, and this no matter how distasteful it found the concept of private armed force in post-Kildare Ireland. In practice, therefore, the Ormond lordship was the subject of two mutually exclusive government policies, one based in Dublin which advocated an outright assault on its autonomy, the other based in Whitehall which favoured the maintenance of the *status quo* by doing as little as possible, and the Butlers were able to exploit this conflict to escape some of the cost of the wardship and preserve their independence of crown control.

Strategically, a royal policy of non-interference in the Ormond lordship made sense, if only in the short term. The aggressiveness shown in 1546 by Sir William Brabazon, the Lord Justice, had provoked a full-scale war in Leinster, as first the O'Connors and then the O'Mores responded badly to his movements, and their subsequent revolt committed the English government towards a more interventionist policy in Ireland which required the support of local Anglo-Irish marcher lords like the Butlers if it was to succeed.⁷⁹ To have antagonised the dynasty would have been to court disaster, especially as the Butlers were themselves under attack at the time. In Tipperary, the Ormond family experienced problems in the south and the north simultaneously, as the feudal barons of Cahir, the O'Kennedys and other local families all attempted to break free from the earldom's domination.⁸⁰ Meanwhile, the rebellion of the O'Mores meant that once again the Kilkenny-Laois border became the scene of sporadic marchland violence,⁸¹ and the eastern frontiers of Co. Kilkenny were also reduced to a battle-ground after Sir Richard Butler fell out with Murrough Bacagh and Cahir MacArt Kavanagh over the return of stolen property in 1548.⁸² Viewed in this context, it is not surprising that the royal government in London turned a deaf ear to the entreaties of St.Leger and Bellingham for widespread interference in the running of the Ormond estate. If treated gently, the Butlers could help the crown to crush a major uprising along the borders of the Pale; if treated harshly, they might join the rebellion.

⁷⁶ *Cal. Fiants Ire., Edward VI.* no. 625.

⁷⁷ Bellingham to Isham, circa Nov.-Dec., 1548 (P.R.O., S.P. 61/1/140).

⁷⁸ D.G. White, 'The reign of Edward VI in Ireland: some political, social and economic aspects', *I.H.S.*, xiv, no. 55 (1965), pp 197-211.

⁷⁹ *Ibid.* pp 198-9.

⁸⁰ *C.O.D.*, v, nos. 5, 13, 22 and 28. Matthew Boland, 'The decline of the O'Kennedys of Ormond', *Tipperary Historical Jnl.* (1994), pp 131-2 overlooks this development, and mistakenly concludes that major conflict with the Butlers of Ormond was avoided in the 1540s and '50s.

⁸¹ Jones to Bellingham, April 1549 (P.R.O., S.P. 61/2/35).

⁸² Walsh to Bellingham, 28 Aug. 1549 (*ibid.* S.P. 61/1/81). See also Donal Moore, 'English action, Irish reaction: The MacMurrough Kavanaghs, 1530-1630' (unpublished M.A. thesis, St. Patrick's College, Maynooth, 1985), pp 59-60.

Another reason why the crown donned kid-gloves when dealing with the Ormonds was the fact that the dynasty was undergoing a period of serious internal instability. Essentially, the premature death of Earl James had produced a power vacuum in the family which nobody was able to fill. In 1548 his widow the dowager countess had tried to boost the Butler's political standing when she married a prominent English courtier, Sir Francis Bryan, but he was not equal to the challenge. Within a few months the couple were completely estranged, the countess accusing her new husband of allowing the Butler's position in County Carlow to be trampled underfoot by Bellingham's appointees.⁸³ The fact that Bryan was also a notorious drunkard did not help matters. According to one probably apocryphal account, when he expired in February 1550, he did so during a prolonged boozing session 'sitting at table leaning on his elbow', and his last request was to be buried among 'the good fellows of Waterford (which were good drinkers)'.⁸⁴

For a while the crown tried to use Sir Richard Butler, the ninth earl's brother, as its delegate in the south, even raising him to the peerage as viscount Mountgarret in order to boost his standing,⁸⁵ but while Edward VI reigned he was by and large an ineffective representative, as he mistrusted the crown officials in Dublin and disliked the new religious direction the monarchy was taking, embracing radical Protestantism and attacking traditional Catholicism. In the end, it seemed to Edward's ministers in London that the void at the heart of the Ormond lordship could only be filled by young Earl Thomas himself. Consequently, on 27 October 1551, the authorities in Westminster decided to send the earl home as quickly as possible, and Thomas was made the recipient of a very unusual crown grant, being given livery of his estates a year early while only twenty years of age.⁸⁶ It is hard to tell if in so doing the government took an unprecedented step, as the evidence for the workings of the wardship system are very poor for this period. Whatever the case, it is fair to say that the decision was probably made unwillingly, if only because it implied that the Exchequer would be deprived of the profits of the final year of the earl's minority.

In conclusion, therefore, the Butlers of Ormond survived Thomas's wardship remarkably well. Indeed, despite all their difficulties, they even managed to add to the estate - something usually impossible during a wardship.⁸⁷ Early in 1549 Sir Francis Bryan and the dowager countess, acting on the young earl's behalf, acquired at least 4,870 acres in the barony of Galmoy from Elinor Freney, an impoverished local gentlewoman.⁸⁸ When eventually Earl Thomas did return home in the autumn of 1554⁸⁹ - political troubles affecting the monarchy had delayed his departure from London - he came back to take charge of an inheritance that was even larger than his father had left him.

⁸³ H.M.C., *Salisbury MSS.* i, p.78

⁸⁴ Susan Brigden (ed.), 'The Letters of Richard Scudamore to Sir Philip Hoby, September, 1549 - March, 1555', *Camden Miscellany* xxx (Camden Soc., 4th series, xxxix, London 1990), pp 121-2.

⁸⁵ *Cal. Fiants Ire., Edward VI.* no. 579.

⁸⁶ N.A.I., Lodge MSS. Wardships, Liveries & Alienations, Vol. I, p. 55. Most standard authorities suggest that Thomas was born in 1532, but the date of this grant clearly shows that 1531 is the correct year. The fact that the grant was only processed four months later in Ireland (on 10 Feb. 1552) probably accounts for the error (*Cal. Fiants Ire., Edward VI.* no. 956).

⁸⁷ Miller, *Henry VIII & the English nobility*, pp 14, 100 and 154 gives some examples of the enormous sums raised by the crown from the sale of wardships

⁸⁸ *C.O.D.*, v, nos. 14 (1) and 15.

⁸⁹ Not 1556, as Professor Canny has claimed (Nicholas Canny, *From Reformation to Restoration, Ireland 1534-1660* (Dublin 1987), p 58), or 1555, as Dr Brady has it (Brady, 'Thomas Butler', pp 51 and 54). For confirmation that he returned in 1554, as stated in the *Annals of the Four Masters*, see esp Cathaldus Giblin (ed.), 'Catalogue of Irish material in the Nunziatura di Fiandra', *Collectanea Hibernica*, i (1958), p 46, but also John Kirwan, 'Thomas Butler, 10th Earl of Ormond His early career and rise to prominence, Pt. 1', *Butler Soc. Jnl.* iii, No. 4 (1994), p.525.



'Black' Thomas Butler, tenth earl of Ormond, circa 1560
(Harris Museum & Art Gallery, Preston, courtesy of the Ormond Trustees)

The Golden Age, 1554-1614

From the point of view of the Ormond inheritance the accession of Thomas Butler as tenth earl of Ormond marked the beginning of an unprecedented period of growth and prosperity. In the course of a long public life Earl Thomas emerged as one of the single most powerful and influential aristocrats in the royal dominions. He held a string of important government appointments, at various times serving as Lord Treasurer of Ireland, Lord Admiral of Ireland, Lord General of the Irish Army, and as an Irish Privy Councillor.⁹⁰ On St. George's Day 1588 he was made a Knight of the Garter, the first 'earl of the Irish' to receive the honour in nearly a century.⁹¹ In 1603, in recognition of his standing, he came closer to the Irish chief governorship than any native lord since the Kildare era when he was made Deputy Lord Deputy (a unique appointment).⁹² Throughout the reign of the last of the Tudors, Queen Elizabeth I (1558-1603), he time and again stamped his mark on Anglo-Irish politics, sometimes completely dominating affairs, crushing the ability of successive chief governors of Ireland to conduct policy as they would have wished. In short, he was a classic overmighty subject.

Had he come home immediately after his father's death in 1546, his life would probably have followed a much different course. In all likelihood, he would have returned to the care of his native Irish foster-parents, the MacGiollapadraigs (Fitzpatricks) of Upper Ossory, whose chief responsibility it would have been to insure that he received a traditional education as an Irish warlord. Instead, he continued in London to be reared as a courtier, as his father had wished. His subsequent career revealed the value of strong court attachments in a period of increasing government (and decreasing noble) power in Ireland. Because of his court connections at Whitehall the agents of the English colonial administration in Dublin found it extremely difficult to challenge him. His first marriage, in 1559 to Elizabeth Berkeley, reputed 'the fairest that lived in the courts of Edward VI and Queen Mary', was a court marriage, taking place in London and arranged by two of the principal noblemen in England and Wales, Thomas Howard, fourth duke of Norfolk and Thomas Radcliffe, third earl of Sussex.⁹³ His second marriage, in late 1582 to Elizabeth Sheffield, also took place in London, providing one of the main diversions of that year's Christmas season at court.⁹⁴ His closest friends included the aforementioned Sussex, who was chief governor of Ireland from 1556 to 1563 and subsequently a major palace officer, serving as Lord Chamberlain of the Queen's Household, a position that enabled him to control access to the court.⁹⁵ Sir Thomas Heneage was another of Ormond's great friends, and like Sussex he held major office at court, consecutively appointed Treasurer of the Chamber and Vice-Chamberlain of the Household. Through him, Ormond was sure that his interests would be favourably represented to Elizabeth's premier adviser, the Secretary of State and later Lord Treasurer of England, Sir William Cecil, Lord Burghley, who was Heneage's patron.⁹⁶ These aside, Earl Thomas enjoyed good relations with many other Elizabethan nobles and courtiers, including Walter Devereux, first earl of Essex, Edward de Vere, fourteenth earl of Oxford, Gilbert Talbot, seventh earl of Shrewsbury, Philip Howard, earl of Arundel, Sir John Perrot, Sir

⁹⁰ *Cal. Fiants Ire., Eliz. I.* nos. 133 and 6166; N.A.L. Ferguson MSS. Memoranda Rolls of the Exchequer. 1558-85, pp 80-1; John C. Appleby & Mary O'Dowd, 'The Irish admiralty: its organization and development. c. 1570-1640'. *J.H.S.*, xxiv, no. 95 (1985), pp 300-1.

⁹¹ H.M.C., *Ancaster MSS* (London 1907), p. 138.

⁹² N.L.L.D. 3334.

⁹³ John Smyth, *Lives of the Berkeleys* (2 vols., Gloucester 1883), ii, pp 254-5.

⁹⁴ Thomas Birch, *Memoirs of the Reign of Queen Elizabeth* (2 vols., London 1754), i, p.27; G.J. Armitage (ed.), *Allegations for Marriage Licenses issued by the Bishop of London, 1520-1610* (Hareian Soc. xxv, London 1877), p.112.

⁹⁵ *Cal. Carew MSS. 1515-74*, pp 370-3; *Cal. S.P., Spanish, 1558-67*, pp 564-5; Pam Wright, 'A change of direction: The ramifications of a female household, 1558-1603', in David Starkey (ed.), *The English Court* (London 1987), p.154.

⁹⁶ *Ibid.* p.163; *Cal. S.P., Spanish, 1558-67*, p.529.

Thomas Knyvett, Sir George Bouchier and Sir Charles Cavendish.⁹⁷ As Professor Wallace MacCaffrey has commented, Black Tom of Ormond was 'the one Irish nobleman at home in the court'.⁹⁸

Most importantly, however, Ormond was the only Irish lord to enjoy a personal relationship with the queen. According to Secretary Cecil, Elizabeth I had grown fond of Earl Thomas while they were both teenagers, during the reign of her half-brother King Edward.⁹⁹ Elizabeth admired Ormond greatly and at times confided in him like he was an elder brother (he was two years her senior), something which caught the eye of courtiers and foreign ambassadors, and made him a 'point of contact' between the queen and her subjects, as petitioners from all over England as well as from Ireland sought his patronage.¹⁰⁰ Like other leading favourites such as Leicester and Hatton, he knew how to influence Elizabeth - or how, as he once said, to put ideas 'into the queen's head'.¹⁰¹ Unlike Leicester, he never made the mistake of pressing her about marriage or the royal succession, realising that she intended to stay single.¹⁰² Elizabeth for her part occasionally held him up as a shining example to other lords and courtiers in London, and according to the chronicler William Camden, before the Butler revolt of 1569 she 'now and then with joy gloried in the untainted nobility of his [Ormond's] family'.¹⁰³ Even after his family's rebellion she still held him in high esteem, and in Ireland her officials were forced to accept - often with great reluctance - that they would have to share power with him and respect his interests. Although he had to spend more and more of his time in residence in Ireland after 1569 he endeavoured to return to court once a year or every eighteen months or so, usually spending Christmas there, participating in Accession Day tilts and New Years' Day celebrations whenever he could.¹⁰⁴ When in 1593 he left the queen's court for what proved to be the last time - he was nearly drowned in the Irish Sea on the voyage home, after which his health began to decline - Elizabeth took pains to write one of those intimate personal letters which she reserved for her most valued associates. Addressing the earl as 'Old Lucas' - her pet-name for him - she sought to assure him that, though out of her sight, he would never be out of her mind: 'You have been too long acquainted with the disposition of the writer to expect any spark of ingratitude'.¹⁰⁵ For him Elizabeth was usually as good as her word. Despite his mounting years and failing eye-sight, Black Tom of Ormond remained a potent force in Ireland until 1603, when the queen died.

His high standing with the queen had a direct impact on the Ormond inheritance in Ireland. In the first place, Elizabeth paid no notice to efforts by one of her leading councillors, Lord Hunsdon, to press his claim to the earldom of Ormond in England as heir general of Sir Thomas Boleyn, the earl of Wiltshire & Ormond under Henry VIII.¹⁰⁶ Secondly, as shown in the previous chapter, while Black Tom held the earldom, the Ormond

⁹⁷ Thomas Wright, *Queen Elizabeth and her times* (2 vols., London 1838), i, pp 26-7; H.M.C., *Bath MSS. v: Talbot, Dudley & Devereux Papers, 1533-1659*, p.73; J.H. Pollen & W. MacMahon (eds.), *The Venerable Philip Howard, Earl of Arundel, 1557-95* (Catholic Record Soc., xxi, London 1919), pp 35-6; Fitzwilliam to Ormond, 24 Nov. 1571 (Bodleian Library, Oxford, Carte MSS, vol. 57, fol. 259)

⁹⁸ Wallace T. MacCaffrey, *Elizabeth I* (London 1993), p. 421.

⁹⁹ Cecil to Sidney, 31 March 1566 (P.R.O., S.P. 63/16/71).

¹⁰⁰ Cambridge University, Corpus Christi College, Ms. 114. 65; *Cal. S.P., Dom., 1547-80*, p. 314; *Cal. S.P., Spanish, 1558-67*, pp 559, 576; H.M.C., *Pepys MSS*, p. 79; *Ibid. Bath MSS, v: Talbot, Dudley & Devereux Papers*, p. 144; *Cal. S.P., Rome, 1572-78*, p. 209; *C.S.P.I., 1509-73*, pp 342, 414, 427; *Ibid. 1574-85*, pppp 63, 191, 225, 335, 485, 506.

¹⁰¹ Ormond to Archer, 26 Aug. 1577 (Bodleian Library, Oxford, Carte MSS, Vol. 1, fol. 22).

¹⁰² *Cal. S.P., Spanish, 1580-6*, p. 421.

¹⁰³ William Camden, *The History of the most renowned Princess Elizabeth, late Queen of England*, ed. Wallace T. MacCaffrey (London 1970), p.125.

¹⁰⁴ E.g., Roy Strong, *The Cult of Elizabeth* (London 1987 edn.), pp 207-8; J.G. Nichols, *The Progresses and Palaces of Queen Elizabeth* (3 vols., London 1788), ii, pp 6, 9, 14-15, 17, 65, 90, 94, and 107.

¹⁰⁵ Cambridge University Library, Ms. Kk.I.15, fol. 48.

¹⁰⁶ *Cal. S.P., Dom., 1595-7*, pp 510-11.

patrimony reached its peak in County Kilkenny, by 1600 encompassing almost one-third of all available land in the shire. It peaked elsewhere too. Beginning in the 1570s the earl was the recipient of an extraordinary series of land grants from the queen, obtaining grants of crown property - usually ex-monastic or ex-rebel land - scattered across fourteen counties in three of the four provinces of the country. Consequently, the Ormond patrimony for the first time included estates in Counties Cork, Kerry and Limerick in Munster, in County Roscommon in Connaught, and also in County Clare (alias Thomond).¹⁰⁷ From a purely geographical point of view, these grants gave the earldom of Ormond a better footing in the west of Ireland than it had previously had, a fact which suitably reflected Earl Thomas's emergence as the most influential figure in Anglo-Ireland since the days of the Kildare ascendancy. Like the Kildares, he also increased his territory in the Pale, between July 1573 and November 1581 gaining possession of a long sequence of grants which greatly strengthened his footing in Counties Dublin and Meath - adding significantly to his father's gains there during the 1540s, for not only did these bring new lands to the earldom, but they were also granted to him and his heirs for ever in free and common socage.¹⁰⁸ From the 1570s onwards, thanks to Earl Thomas's status as a major Elizabethan courtier, the Butlers of Ormond were able more effectively to merge their interests with the Anglo-Irish community of the Pale; this would have major implications in the early seventeenth century. Finally, to cap it all, in the early 1590s the tenth earl became an English landowner also, gaining grants of crown land mainly in Yorkshire, but also in Durham and Gloucestershire; in so doing he made up for his grandfather's loss of the Ormond English estate to the Boleyns and St. Legers after 1515.¹⁰⁹

Royal largesse on such a lavish scale insured that the economic value of the Ormond inheritance increased dramatically. When he was granted legal possession of the earldom and its land in 1552, the estate probably brought in rents amounting to not much more than £1,500 - £1,750 (stg) per annum.¹¹⁰ As Chart 2.2 opposite indicates, the rent returns from his lands in Kilkenny, Tipperary, Carlow, Waterford, Wexford, Arklow and Leix Abbey grew steadily in the years that followed, from circa £1,300 (stg) in 1574 to £2,100 (stg) in 1593, before reaching £3,000 (stg.) in 1610. Unfortunately rentals do not survive for his burgeoning estate in the Pale or for most of his lands in the west. In 1576 Earl Thomas was owed approximately £100 (stg) from his middleman in the Pale, Christopher Barnewall, who paid him this sum in return for collecting one-third of the profits and issues of the manors of Rush, Balcaddan and Portrane in County Dublin, Blackcastle and Donore in County Meath, and Castlewaring, Oughterard and Cloncurry in County Kildare. I have been unable to discover how much the Pale lands realised beyond this, but it seems certain that the value of the Pale estate must have run to several hundreds of pounds annually. Fortunately, a little more is known about the value of the Ormond prisage on wines. According to a rental drawn up for the Dowager Countess Joan, Earl Thomas's mother, in 1564, the prisage was then worth in the region of £360 (stg) per annum (of which she received £120).¹¹¹ Whatever rents he received, however, in the final analysis there is no doubt that Thomas Butler, tenth earl of Ormond was a very rich man. Unlike many of his fellow English and Irish nobles he rarely had to consider selling or mortgaging land to meet his expenses. On the contrary, apart from a few short periods of hardship - after returning to Ireland in 1554, after the 1569 revolt, after the Desmond revolt and after the Nine Years' War - his revenues grew constantly and he was

¹⁰⁷ N.A.L. Lodge MSS, Records of the Rolls, Vol. I, pp 127-31, 176, 284, and 396-403; *ibid.*, Vol. II, pp 33 and 55-6.

¹⁰⁸ In addition to the foregoing references, see in general N.L.I. Ms 2506, ff 22r-23r, and also St. Peter's College, Wexford, Hore MSS, Vol. 4, pp 1-5, 8, 12, 26, 29, and 39-40, which gives a detailed breakdown of the growth of his Wexford estate.

¹⁰⁹ Nottinghamshire R.O., Duke of Portland MSS, DD 4P, 28/27-34, *Cal. S. P., Dom., Addenda, 1580-1625*, p. 587.

¹¹⁰ The dowager countess's jointured share of the estate realised nearly £500 (stg) in 1564.

¹¹¹ N.L.I., Ms. 2506, fol. 9r. *Ibid.*, Ms. 2507, ff 18v-19r.

often able to buy land from others less well off than himself. In rents alone he was probably worth more than £3,500 (stg) towards the beginning of the reign of James I, Elizabeth's successor, and perhaps as much as £4,000 (stg). How much extra he made each year from feudal incidents, or from profits of office in the form of gifts (i.e. bribes) and fines is a mystery, but it must have been considerable, as must the agricultural and farming profits from his estate. All in all, then, Earl Thomas was probably among the ten or fifteen wealthiest noblemen of the Elizabethan age.¹¹²

It would be fair to say that the queen's generosity to Ormond was excessive. In boosting his position so much she created a major problem for her government officials in Dublin, who usually had to direct their energies towards the reduction (not increase) of magnate power in the country. Ormond's growing shadow made their task more difficult, as native lords such as the Anglo-Irish earl of Desmond resented the fact that they must cede power to the crown while Ormond went from strength to strength. To make matters worse for government officers, from the mid-1560s onwards Earl Thomas was often capable of destroying government policies that were not to his liking by going over the heads of the Irish chief governors and appealing directly to the queen in London. Successive Elizabethan lord deputies could only deal with the 'Ormond problem' in two opposing but equally unsatisfactory ways, either by following a confrontational approach in the vain hope that he would overstep the mark and disgrace himself (the path chosen by Sir Henry Sidney, Sir William Drury, Arthur, Lord Grey de Wilton and by the earl's one-time friend, Sir John Perrot), or by consciously avoiding conflict with him and allowing him to behave more or less as he wished (the path taken by Sir William Fitzwilliam in his first lord deputyship and later by Sir William Russell). Whatever direction the chief governors chose, they were forced to admit that Ormond's power was potentially much greater than their own, and at different times during Elizabeth's reign they were all made uncomfortably aware that the earl could cut the ground from under them if they went too far. Ormond rarely excited the queen's wrath, and as a result he was often able to undermine orthodox expansionist government policy with relative impunity, offering his protection to those he saw as the victims of Dublin's misrule, thus making himself an alternative focus of power to the central administration. Through his influence the Munster presidency was almost strangled at birth in the 1560s, the opponents of the government's cess (a new military tax) had their grievances heard in England in the 1570s, the excesses of official corruption and martial law were curbed in the 1580s, and dispossessed natives had lands restored to them in the Munster plantation in the 1590s. In the small world of Irish politics he was giant.¹¹³ In the chapters that follow it will be shown that the scale of his overweening influence produced mixed results for the subjects of his lordship in County Kilkenny. Though the county community escaped many of the worst developments affecting life in Elizabethan Ireland, so that at times Kilkenny and east Tipperary led a charmed existence, on other occasions the locals paid quite heavily for offering him allegiance, especially under Sidney and Drury. Above all, as the colonial government struggled to contain his power, relations between Kilkenny and Dublin were characterised by mounting ambivalence. Once the earl lost his grip on affairs after Queen Elizabeth's death, royal officials seized the chance to cut the Ormond lordship and the Kilkenny community down to size. Increasingly after 1603 any signs of dynastic vulnerability would be eagerly seized upon by the authorities. As he and his family would

¹¹² For English noble incomes at this time, see the appendices to Lawrence Stone, *The Crisis of the Aristocracy, 1558-1642* (Oxford 1965).

¹¹³ I intend to chart his influence more fully in a forthcoming paper by comparing and contrasting his power with that of other favourites and ministers of Elizabeth I, especially the earl of Leicester.

discover to their cost, it did not take much to bring the golden age of Ormond power to a halt.

New successional problems

In 1590, for all his phenomenal success, the tenth earl of Ormond received a shattering blow. His only son James, Lord Thurles, died unexpectedly in London, aged just six-and-a-half. According to Donough O'Connor Sligo, Ormond was greatly upset by his son's death, unable to restrain his grief. As a token of her sympathy Elizabeth I granted her Irish favourite the honour of having his child buried alongside the kings and queens of England at Westminster Abbey.¹¹⁴ The burial ceremony over, the earl had to face the political impact of his loss. Suddenly the Ormond inheritance was a major issue of state. Ever since marrying his second wife Elizabeth Sheffield, in late 1582, Earl Thomas had been able to look to the future with confidence, certain following James's birth in September 1583 that he could pass his lands and title intact to his heir without fear of a successional dispute breaking out among the different branches of the Butler dynasty.¹¹⁵ Indeed, he was not alone in assuming that the future of his earldom was assured. One of the more interesting aspects of the State Papers of the later 1580s is the fact that they contain little information about the cadet branches of the house of Ormond. Evidently no-one in government expected the Cloghgrenan Butlers, the Kilcash Butlers, the Ballinahinch Butlers, the Leix Abbey Butlers or the Mountgarret Butlers to lay claim to the greatest earldom in Ireland, and royal officials paid less and less attention to the activities of their offspring. This confidence evaporated in 1590. At a stroke no-one could declare any more who would succeed Black Tom to the earldom. Just sixty, he was becoming too old to father another son, and extant evidence suggests that his bride the countess was weak, possibly incapable of giving birth again after the arrival of their second child, a daughter, Elizabeth Butler, in 1584.¹¹⁶

In theory, the line of succession was obvious: should Earl Thomas fail to produce another son, then the earldom would pass at his death to the Cloghgrenan Butlers, the line founded by his nearest brother, Sir Edmund Butler. Deeds made early in the 1590s relating to the Ormond estate confirmed this, with Sir Edmund and his sons Piers, James and Theobald named at the top of the remainders to the estate.¹¹⁷ In practice, however, nothing was certain. Twenty years after crushing it the Butler revolt of 1569 came back to haunt the earl. Technically, because of a 1570 Act of Attainder passed against Sir Edmund for his part in the rebellion, the Cloghgrenan Butlers stood classified as traitors, debarred from inheriting property in the queen's dominions. Earl Thomas had since received repeated assurances that the Act would be repealed in a future Irish Parliament, but nothing had come of such promises. Were the Cloghgrenan Butlers acceptable heirs to the title, or not? For Earl Thomas it was imperative that the matter be tidied up as quickly as possible, for he feared the results of a disputed inheritance. Bypassing the Cloghgrenan line in favour of the Butlers of Kilcash, the next most senior line, would be foolish, for the Cloghgrenans could not be expected to acquiesce peaceably. Although he himself mistrusted the Cloghgrenan Butlers - they rebelled for a second time in 1596 in a vain attempt to press their claim (see Chapter Four below) - Ormond was determined to avoid passing on a dynastic civil war to his

¹¹⁴ O'Connor Sligo to the Archbishop of Tuam, 17 March 1590 (P.R.O., S.P. 63/159/46); *History from Marble*, ii (Camden Soc.), pp 141 and cccclviii.

¹¹⁵ Thomas Birch, *Memoirs of the Reign of Queen Elizabeth* (2 vols., London 1754), I, p.27; Annals of Kilkenny, 1567-83 (O'Connor Don MSS, Clonalis House).

¹¹⁶ In 1600 Irish government officials described Countess Elizabeth as suffering 'weaknes in body' and being 'nott able to travell' at the time her husband the earl was captured by rebels: James Graves, 'The taking of the Earl of Ormond, 1600', *Kilkenny Arch. Soc. Trans.*, 2nd series, iii, Pt.2 (1860-1), p.391.

¹¹⁷ *C.O.D.*, vi, nos.85 and 101.

successor. For this reason he decided after 1596 to nominate Sir Edmund's youngest son, Theobald Butler, as his heir designate. Theobald was untouched by his family's treason, too young to have participated in their revolt. To keep him from rebellion as much as to prevent any harm coming to him Ormond arranged for Theobald to be taken into the custody of the state in 1599. Theobald was accordingly sent to Dublin Castle where he was incarcerated at the request of his uncle the earl, allowed to take his daily exercise along the castle walks, otherwise remaining under lock and key until such a time as Earl Thomas could extract a guarantee from Queen Elizabeth that Theobald would succeed him without crown opposition.¹¹⁸

Securing Theobald as his heir was one of Ormond's last great undertakings, and it required his last great sacrifice: dismissing his dream that one day his daughter, Lady Elizabeth Butler, would marry a great English nobleman, Ormond took the coldly pragmatic decision that she should marry Theobald instead. The fact that they were first cousins did not greatly matter. One of the side effects of the royal supremacy over the church was that, for the nobility at least, marriage within degrees that were prohibited by canon law could be achieved through royal dispensation. In political terms the marriage of Elizabeth and Theobald Butler was doubly attractive to Earl Thomas in that it would consolidate Theobald's claim to the title and negate the possibility of his daughter ever pressing her claims as his heiress through the offices of a powerful English husband.

To help him realise this marriage of first cousins Earl Thomas recruited the assistance of his friend and kinsman, Gilbert Talbot, seventh earl of Shrewsbury, the wealthiest nobleman in Elizabethan England and a prominent member of the queen's Privy Council. Through Shrewsbury's influence Elizabeth Butler was brought over to London following the death of her sickly mother in 1600. For eighteen months or more she was a regular guest in Shrewsbury's household, preparing for the moment when she would make her court debut. Shrewsbury and his family took a keen interest in the girl - Earl Gilbert even advised Ormond to endow her with an estate worth £700 or £800 per annum, advice Ormond took - but above all the Talbots coached her carefully. Eventually during Christmas 1602 her summons arrived and she was presented in the queen's Privy Chamber at Whitehall Palace by her maternal grandmother, the Dowager Lady Sheffield. What followed was a cynical exercise in manipulation aimed at stroking the ego and stirring the memories of the ageing monarch, reminding her that this child who bore her name was worthy of royal protection, for she was Ormond's daughter, and bore his stamp. The strategy worked. Elizabeth's court debut was a great success. Shrewsbury spoke to her in the Privy Chamber, joking about her father Earl Thomas, 'Noble Tom Duff', and she played along, making sure to end her 'discourse' with a show of sorrow about the increasing frailty of the earl in Ireland. As Shrewsbury later wrote, Lady Elizabeth 'hath the queen and all the great ladies and lords in court on her part'. Touched in all the right places, the last of the Tudor monarchs recognised that Lady Elizabeth Butler was 'a courtier naturally, even as it were by birth'. The way was clear for Theobald, the youngest son of Ormond's rebellious brother, to present himself. Theobald had arrived in England in August, still a prisoner of the crown, accompanied by Ormond's servant Mr. Daniel (probably Bartholomew Daniel), and had to wait till early December before being set free by royal warrant. Shrewsbury took charge of him too, and further urged by Sir Robert Cecil the queen agreed to interview him 'out of her favour' to his uncle, Ormond. In return for all his help, Ormond sent Shrewsbury an Irish riding horse, a 'fine hobby'.¹¹⁹

¹¹⁸ H.M.C., *Jr. Privy Council Bk., 1556-71*, Appendix, p.293.

¹¹⁹ *Ibid.*, *Ormonde MSS. 1572-1660*, pp 3-7; *Ibid.*, *Salisbury MSS.* xii, ppp 301-2, 368-9, 410 and 506-7.

Sometime shortly before 22 January 1603 the queen finally informed the Privy Council of her assent to the marriage. The fact that she agreed to Earl Thomas's plans was not surprising. What was startling, however, was her claim that it had always been her intention to have Sir Edmund Butler's sons restored in blood by act of Parliament in Ireland.¹²⁰ If only she had made this known earlier!¹²¹ Had she done so there would never have been a second Butler rebellion in 1596 involving Sir Edmund's family, and the tenth earl's search for an eligible heir would not have been so tortuous as it became. Certainly if the queen had been less secretive and more encouraging to the elder sons of Sir Edmund, she might have spared Earl Thomas the expense of hiring a team of three lawyers - Robert Rothe, Henry Sherwood and Richard Hadsor - to go to London to advance Theobald's claim in law as his heir. Had Elizabeth I not prevaricated so long, Ormond's daughter would not have had to wed Theobald, but could have wed his eldest brother Piers or James. As we shall see, her marriage to Theobald eventually proved disastrous for the Ormond lordship in Ireland.

Following the accession of James I, Earl Thomas finally retired from public life, and over the course of the next ten years he spent most of his time residing at Carrick-on-Suir in County Tipperary, free to enjoy the comforts of the fine Elizabethan manor house which he had built there many years previously. To some onlookers he must have seemed an eccentric figure. Old and partially blind, according to one source he sported a long grey beard, and he was so proud of his status as one of the Knights of the Garter that every day he wore the insignia of the Order on a chain about his neck, 'whether he sat up in his chair, or lay down upon his bed'.¹²² But although he looked like a relic from the past, Thomas was not an entirely spent force. Until the last months of his life the Jacobean establishment treated him with respect and agreed to meet most of his requests concerning the condition of his estate, dispatching a series of handsome land grants to him and his family.¹²³ Occasionally he was even summoned out of retirement to perform some public duty or other, as in November 1607 when he was empowered during the Lord Deputy's absence to enforce martial law throughout the realm in the wake of the Flight of the Earls.¹²⁴ Most important of all, however, he retained power over his own dynasty. Largely because most of his Butler kindred were public Catholics, and because he tried to keep his religious inclinations to himself (the habit of a lifetime), the Jacobean authorities bolstered his dynastic powers in his final years. Indeed, it may well be that the power which he continued to exert from his chamber in Carrick Castle did not serve the interests of the Butler dynasty as well as it might have done. Neither the trials of old age nor the ambitions of others could compel him to relinquish his authority over family affairs, a fact which some of his relatives found hard to bear.

This is best illustrated by his handling of his designated male heir, Theobald, since 1605 viscount Tulleophelim (or Lord Tully, as he was usually called). Although the reasons remain obscure, the earl was openly distrustful of Theobald even while securing him the succession in 1603, and before the arrangements were finalised he not only sought royal permission to 'bridle and correct him', but also made sure that he received official confirmation of his power to disinherit Theobald should the need to do so ever arise.¹²⁵ It seemed that nothing anyone said could improve Ormond's low opinion of his heir. Even

¹²⁰ Privy Council to Ormond, 22 Jan. 1603 (Bod. Lib., Oxford, Carte MSS, Vol. 30, fol. 34).

¹²¹ It is interesting to note that Lord and Lady Shrewsbury knew of the queen's favourable intentions by 31 Dec. 1602, yet it seems that she did not make her feelings plain to the Privy Council for another three weeks (H.M.C., *Ormonde MSS, 1572-1660*, p.3).

¹²² Carte, *Life of James, Duke of Ormond*, i. p. 4.

¹²³ N.A.I., Lodge MSS, Records of the Rolls, Vol. II, pp 33, 55-6, and 100-5; *ibid.*, Vol. III, pp 129-31.

¹²⁴ *Ibid.*, Articles with Irish Chiefs, Denizations, etc., p. 109.

¹²⁵ Privy Council to Ormond, 22 Jan. 1603 (Bodleian Library, Carte MSS, Vol. 30, fol. 34).

when the earl of Shrewsbury spoke up in Theobald's defence, stating in the course of a long letter written about the young man that 'I may boldly affirm he is such a one as you may assuredly take good comfort in', his words made little impact.¹²⁶ Relations between Theobald and Earl Thomas showed no sign of improvement in the years which ensued, and the viscount found himself in the frustrating situation of being formally recognised as the heir to one of the greatest estates in Ireland while holding next to no real power in his own right. Indeed, what little influence he did achieve he had to earnestly carve out for himself, only being made Lord Lieutenant of County Carlow after complaining to the authorities in England that he was poorly treated by his uncle.¹²⁷ But even this proved to be an isolated success. By and large the crown did little to comfort him, constantly preferring to place its trust in the wrinkled hands of Earl Thomas instead.

The government's indifference towards Theobald is hard to understand. It may well have been that the royal officials avoided interfering in Butler family affairs out of respect for the increasingly antique Ormond; yet on the other hand, Black Tom's advanced age would surely have suggested to those in charge of crown policy that it was high time to nurture his successor. Whatever its reasons, the administration did not disregard Lord Tully because it was unaware of his condition. The viscount was desperate for royal favour, and he seems to have bombarded the chief power-brokers in Dublin and London with a series of attention-seeking performances. In 1610 alone he notified Lord Deputy Chichester of the movements of a gang of outlaws who were in hiding along the frontier between King's County and Tipperary, informed the earl of Salisbury of wild rumours spread by 'evil-disposed people' to stir up the locals in Kilkenny, and uncovered news of a supposed Spanish fleet destined for Ireland.¹²⁸ In spite of such energetic displays of loyalty, he failed utterly in his objective to gain the public patronage of the crown, and as a result his resentment of his father-in-law grew steadily worse, so much so that eventually the government was forced to intervene.

Events came to a head in 1613. Earl Thomas was taken ill early in the year, but although he felt close to death, he would not speak to his heir about arrangements for the succession, leaving Theobald to comment ruefully that 'he will not hear a word from me ... with patience'.¹²⁹ For a long time Tully had itched to break free of Ormond, who not only refused to die but would not even allow him to establish his own household, compelling the viscount to live with him either at Carrick or Kilkenny Castle where he could keep an eye on him. These stifling domestic arrangements only served to fuel the tensions between them. Ormond complained of the low breeding of Theobald's servants: they were not true subjects of the crown, they quarrelled with his own officers, they made too much noise. More seriously, the fact that the earl later claimed he was angered and ashamed by the 'unseemly and dishonourable' conduct of his son-in-law towards his daughter would tend to suggest that Theobald blamed his wife for the intolerable state of his existence, and it is feasible that he may have physically abused her in his fury.¹³⁰ Whether he did so or not, he found he could withstand things no longer in August, when according to a near-contemporary account, 'being a very proud and conceited man', he flung back his chair and stormed out of the dining room at Carrick after Ormond had passed a remark at table which he found offensive. Never one to be upstaged, the earl responded with another insult, venomously barking out

¹²⁶ H.M.C., *Ormonde MSS. 1572-1660*, p. 4.

¹²⁷ *Ibid.*, *Shrewsbury & Talbot papers*, ii, pp. 237 and 240; *Cal. Patent Rolls. Ire., James I*, p. 71.

¹²⁸ *C.S.P.I., 1608-10*, pp. 398-9 and 522; H.M.C., *Ormonde MSS. 1572-1660*, pp. 7-10.

¹²⁹ *Ibid.*, pp. 10-11.

¹³⁰ *C.S.P.I., 1611-14*, pp. 422-3.

that Tully 'is a flower that will soon fade'.¹³¹ Indeed, if the viscount's word is reliable, Ormond expelled him from the house and would not allow him to return, an action which at last persuaded the government that the 'unnatural separation' between the earl and his heir had gone too far. But although the king himself attempted to mediate, there is no evidence to show that the two noblemen were ever reconciled.¹³²

As well as being denied any authority in the running of the lordship, the viscount also found himself unable to make ends meet, a problem which he attributed to the earl's meanness towards him.¹³³ Ormond certainly reacted sternly to Theobald's mounting debts, forcing him into an agreement whereby the profits of his estate would be collected by the earl's servants for the payment of his creditors, an arrangement which must have rankled badly with his nephew, as it made him look incapable of managing his own affairs. Moreover, Thomas expected Lord and Lady Tully to get by on an annual allowance of £500 as long as he lived, not a great deal of money for people in their position at the head of the Ormond succession list.¹³⁴

From a purely economic viewpoint, only the earl's death could improve Lord Tully's situation. Unexpectedly, however, just as Theobald looked forward to the final collapse of Ormond's health, he himself took ill, and 'after a long sickness and grievous torture therein sustained', he died childless on 29 December 1613, his marriage having been a barren one.¹³⁵ Albeit he had achieved very little during his life, his death soon proved to be of major importance, for by failing to outlive his uncle, the viscount set in motion a chain of events which ultimately undermined the power of the Ormond lordship in Ireland

Crisis, 1614-28

The troubles began almost immediately, and revolved around the blow dealt to Earl Thomas's daughter, Elizabeth, Lady Tully, by the demise of her husband. For more than ten years she had been led to expect that her sole consolation for marrying Theobald was that one day she would become countess of Ormond. Now her dream was shattered. Debarred from the inheritance because the estate was entailed, she was forced to look on as she and the viscount were replaced at the top of the family tree by the Tipperary knight, her cousin Sir Walter Butler of Kilcash, who because he was the nearest male relative of both Theobald and the earl, was set to inherit the Tully lands as well as the Ormond patrimony.

Predictably enough, Walter's clean sweep of the board left Elizabeth with some serious financial problems. Although land worth £800 a year had been settled upon her by her father - as Shrewsbury had advised him - she could not receive it until the old earl died. In the meantime, all she had to her name was her widow's portion of the Tully property, but here too she was confronted by adversity. The estate was still heavily encumbered with the cost of her late husband's unpaid bills, and irrespective of her withering prospects, she would be obliged to dig deep into her remaining earnings in order to pay her fair share of the debt.

To make matters worse, although her jointure was inadequate for her needs, it seemed an ample and alluring prize to others less favoured by birth and privilege than she had been. In particular, her portion of the estate was prey to the rapacious eye of Theobald's bastard brother, Captain Thomas Butler, who hoped to revenge the injustice of his

¹³¹ James Graves (ed.), 'Anonymous account of the Early Life and Marriage of James, first Duke of Ormonde', R.H.A.A.I., 2nd series, iv, Pt. 2 (1863) pp 279-80.

¹³² *C.S.P.I. 1611-14*, pp 412-13.

¹³³ *Ibid.*, and H.M.C., *Shrewsbury & Talbot papers*, ii, p. 237.

¹³⁴ Lady Tully's instructions to Sherwood, n.d. (N.L.I. Ms 2487, p. 247).

¹³⁵ R. Dudley Edwards (ed.), 'The Chichester Letter Book', *Anal. Hib.*, no. 8 (1938), p. 152.

illegitimacy by staking his claim to a large part of the Tully lands in County Carlow. Elizabeth did what she could to avert the danger, persuading her elderly mother-in-law, Lady Eustace, to look after Cloghgrenan Castle while she was away visiting her father at Carrick. She advised the old woman to place watchmen on the walls 24 hours a day and enjoined her to be especially suspicious of night-time visitors, but for all her efforts she could not prevent the captain from forcefully occupying first Cloghgrenan and later Tulleophelim, the two principal manors which had been set aside for her maintenance during her widowhood.¹³⁶ Elizabeth truly had cause to despair. With her expectations already cruelly mauled by the hands of fate, she was now constrained by circumstances to begin legal proceedings to regain her rightful possessions from an impostor whose actions threatened to destroy her solvency completely.

Just as her late husband had done, Elizabeth looked in vain to her father for help. A dynast through and through (and always a pragmatist), Earl Thomas was not prepared to place her interests before those of Sir Walter Butler, someone whom he had always favoured, and who as his new male heir he deigned should be given a deciding voice in the management of the Ormond patrimony and its affairs. In effect, Elizabeth could squeeze no more concessions from her father unless Walter was agreeable, and she was not alone in fearing the worst from this arrangement: even the Lord Deputy of Ireland, Sir Arthur Chichester, reckoned that the tenth earl's fondness for Sir Walter would incapacitate her greatly.¹³⁷

She was informed of the new state of play very quickly indeed. Immediately after learning of Lord Tully's death, the earl asked her to hand over to Walter 'the Red Book [of Ormond] and all other writings which concern me and my house', before summoning her to Carrick for an important meeting at which the final settlement of the estate was to be made.¹³⁸ The principal outcome of the talks proved to be Thomas's last will and testament, drawn up on 16 January, in which the earl duly confirmed Walter as his heir by primogeniture, and in accordance with the gradual transfer of the reins of power, he made no new grants of land to his daughter. Nevertheless, it is clear that, for all his hard-headedness, the old nobleman did what he could to mitigate Lady Tully's circumstances, as he ordered that in addition to the property which he had set aside for her ten years before, she was to receive one-third of his silver plate and household utensils when he died.¹³⁹

At first glance, this should have pleased Elizabeth. After all, silver was very valuable, and although a matter of paradise postponed, she could rest assured that her problems would end after her father's death, as he had seen to it that she was well provided for. But the new legacy was a more complicated issue than this. There is reason to believe that her father had only granted her a share of the family silver to ease his own conscience, as the bequest coincided with his efforts to further the greater cause of the house of Ormond by tampering with her finances. Evidently egged on by his male heir, the earl had once again broached the subject of the late Lord Tully's debts, which Walter was adamant should be borne by Theobald's widow alone, and this in spite of the fact that he himself was the chief beneficiary of the viscount's demise. And so it was, with Walter's interests in mind, that Earl Thomas made one last demand of his daughter, asking her to agree to suffer a cut of £200 in her annual allowance in order to pay off her husband's creditors more quickly.¹⁴⁰

¹³⁶ H.M.C., *Ormonde MSS, 1572-1660*, p. 14; *A.P.C., 1613-14*, pp 462-3; 'Reasons why Capt. Butler should not hold the possession of the house of Cloghgrenan', n.d., circa 1614 (N.L.I., Ms 2487, pp 229-32).

¹³⁷ *C.S.P.I., 1611-14*, p. 458.

¹³⁸ H.M.C., *Ormonde MSS, 1572-1660*, pp 12-13.

¹³⁹ N.L.I., D. 3580.

¹⁴⁰ Lady Tully's instructions to Sherwood, n.d. (*Ibid*, Ms. 2487, p. 247).

Elizabeth was enraged by the proposal. Before travelling down to Carrick, she had hoped that the earl would feel moved by his 'honourable and fatherly care' to help her out, presumably by spreading the cost of Theobald's debts among other members of the family.¹⁴¹ Instead she discovered that part of her fortune was to be sacrificed, and she recoiled at the suggestion that while her father lived she get by on a mere £300 per annum in order that Walter of Kilcash could prosper more easily at her expense. Henceforward her relationship with the earl and his heir declined dramatically. She utterly refused to comply with their wishes, and fearful lest they interfere any further in the running of her affairs, she determined to fight her corner. The extraordinary extent of her subsequent success sheds a revealing light upon the character of Jacobean politics.

At first, she shrewdly limited her objectives to securing her rightful inheritance and escaping the more untoward demands of her relatives, things which she readily accomplished by notifying the authorities of her predicament. Because she was the sole daughter and heiress of Ireland's leading peer, Elizabeth's servants had no difficulty gaining access to those in high places to present petitions on her behalf. As a result, during the spring and early summer of 1614 her concerns became the subject of a number of routine government orders in Dublin and London,¹⁴² the most important of which would seem entirely unremarkable were it not for the course which her dispute with Sir Walter Butler was to take soon afterwards. Quite plainly, on 23 March 1614 the Lord Justice and Lord Chancellor of Ireland sent their directions to Jacob Newman, one of the Clerks of Chancery, empowering him to enrol a deed of 1603 wherein the estate settled upon Elizabeth by her father was outlined in full. It therefore became a matter of public record that she was only entitled to lands worth £800 a year, and the fact that her portion of the earl's possessions in County Kilkenny was largely confined to the four manors of Dunmore, Kilmocar, Ballykeefe and Foulkescourt was also entered on the Chancery roll.¹⁴³ As events would show, Newman need not have bothered to carry out his orders, for the deed was destined to become no more than a minor hindrance to the ambitions of Lady Elizabeth, and it was quickly left to gather dust among the state archives in Dublin Castle, conspicuous by its absence in the troubles which were about to unfold.

It might have been expected that Elizabeth would patch up her differences with Walter after her father Earl Thomas finally passed away on Tuesday, 22 November 1614,¹⁴⁴ but this did not prove to be the case. On the contrary, Earl Thomas's death probably encouraged her to unveil the true extent of her aspirations, as his demise at the advanced age of eighty-three removed from the scene the only member of the Butler dynasty with sufficient pull in government circles to block her path. Indeed, the old lord was barely cold in his grave before it emerged that his daughter intended to completely overturn the final settlement of his property, contriving to disinherit Walter of Kilcash by advancing her claims as her father's heiress to the entire Ormond estate, lock, stock and barrel. From a legal context, it seemed an enormous undertaking, as Elizabeth would surely experience insurmountable problems trying to disprove the fact that the earldom and its lands were entailed in the male line. But this was to underestimate the capacity of court politics to bypass the law. In Jacobean Ireland, to gain the ear of the king was to possess a priceless advantage over your rivals, and this is what Lady Elizabeth Butler attained after she had

¹⁴¹ H.M.C., *Ormonde MSS, 1572-1660*, pp 12-13.

¹⁴² *Ibid.*, p. 14; *A.P.C., 1613-14*, pp 345-6 and 422-3.

¹⁴³ N.A.I., Lodge MSS, Records of the Rolls, Vol. IV, pp 446-7; *C.O.D., 1584-1603*, appendix, pp 165-7.

¹⁴⁴ Dudley Edwards (ed.), 'Chichester Letter-Book', p. 173.

made an inspired second marriage to a junior Scottish peer, Sir Richard Preston, Lord Dingwall, in the latter part of the year.¹⁴⁵

To suggest that Sir Richard Preston was a good catch may seem misguided. Not only has he long been one of the more obscure figures of the Jacobean age, but the sole incident for which he has been widely remembered shows him in a mildly ridiculous light. In 1610 he went to considerable trouble to stage a dramatic entry to the Accession Day tilt at Whitehall Palace, and after conferring with Inigo Jones on the matter, he caused a sensation when he appeared in a pageant perched on top of an elaborately decorated elephant. He was unable, however, to make the poor creature perform its part in the spectacle with anything like enough speed, and as a result he only succeeded in ruining the rest of the day's programme, forcing the king's knights to flee from the tilt-yard as the elephant sluggishly trudged about in front of them, making any other activity impossible.¹⁴⁶

It would be wrong to let this event stand as the sole memoir to his career. Far from being a comical court dandy, Preston was a behind-the-scenes attendant of King James, and he put his adroit diplomatic skills and organisational abilities to good use in the service of his monarch. He was also a self-made man, sometimes ruthless, and capable of living by his wits when occasion demanded, a characteristic which the Butlers of Ormond and his numerous creditors would encounter to their cost.

The third son of a minor Scottish laird, he had been sent to serve as a page in the royal palace at Holyrood in Edinburgh in 1591. Gradually his fortunes had improved, receiving a grant of lands in Forfarshire in 1599, the same year in which he was appointed captain over all of the officers in the king's household.¹⁴⁷ His career continued to blossom after James VI's accession to the English throne in 1603. Although not sufficiently important to achieve high public office, Preston was assured of his place near the king when he was appointed a Gentleman of the Privy Chamber,¹⁴⁸ and he quickly established himself among a group of Scottish courtiers in London who were detested by the English for their successful monopolisation of the royal bounty.¹⁴⁹ In 1606, for example, he was granted the right to collect a number of debts due to the crown, a privilege which poured more than £2,300 into his coffers and probably enabled him to purchase the lordship of Dingwall in Scotland the following year.¹⁵⁰ Like many of his fellow Scots, he also benefited from the inflation of honours under James I, being raised to the peerage as baron Dingwall before being dispatched to Venice as the king's envoy in 1609.¹⁵¹

Even if he was not a major player in the Jacobean regime, he was a player nonetheless, and he continued to prosper despite all of the upheavals which occurred at the heart of politics. Indeed, he was blessed with a keen instinct for survival, and when the future duke of Buckingham, Sir George Villiers, emerged to supplant the earl of Somerset as the new royal favourite in 1615, Preston was one of the first to desert the ranks of Somerset's supporters for the Villiers camp.¹⁵² It is clear, therefore, that Sir Richard Preston, baron

¹⁴⁵ Her wedding to Preston took place some time between 1 Oct. and 24 Nov. 1614, when he received a grant of denization (or English livery) in Ireland: *C.S.P.I. 1611-14*, p. 506; *Patent Rolls Ire., James I*, pp 274-5.

¹⁴⁶ Thomas Birch, *The Court and Times of James the First* (2 vols., London 1849), i, p. 92. The story has since been re-told in G.P.V. Akrigg, *Jacobean Pageant: The Court of James I* (London 1962), p. 162, and Roy Strong, *The Cult of Elizabeth* (London 1987), p. 159.

¹⁴⁷ Sir James Balfour Paul, *The Scots Peerage* (8 vols., Edinburgh 1906), iii, pp 121-2.

¹⁴⁸ Preston was a member of the Privy Chamber by October 1608 at the very latest: Notes on transactions between Desmond, Middlesex and Richard Croshawe, c. 1623 (Kent A.O., Sackville MSS, U 269, uncatalogued Cranfield (Irish) papers).

¹⁴⁹ For the English reaction to the arrival of Scottish 'beggars in velvet gowns', see Akrigg, *Jacobean Pageant*, chapter 5.

¹⁵⁰ *Ibid.*, p. 162, and Balfour Paul, *Scots Peerage*, iii, p. 122.

¹⁵¹ *Cal. S.P., Venetian, 1607-10*, nos. 678, 728 and 743-4; G.E.C., *Complete Peerage*, sub 'Dingwall, baron of (1609)' and 'Desmond, earl of (1619)'; Stone, *Crisis of the Aristocracy*, chaps. 2 and 3.

¹⁵² P.R. Seddon (ed.), *Letters of John Holles, 1587-1637* (2 vols., Thoroton Soc., Nottingham 1975), i, no. 162.

Dingwall, was no lightweight, and the fact that his marriage to Elizabeth Butler was arranged by King James himself - possibly through the recommendation of the hapless Somerset - goes to show that he was *persona grata* in the most powerful of circles.¹⁵³

It is hard to tell which of the pair profited most from the marriage. For his own part, the *parvenu* Dingwall could bask in the glow of aristocratic honour which his union with Elizabeth gave him. The Butlers of Ormond were highly regarded as an ancient feudal dynasty, and an alliance with them went a long way towards achieving the sort of social profile which he needed in order to represent the king in diplomatic circles. Although his ability to mix well had never been in doubt, a more distinguished coat of arms augured well for the future, and he would surely have been pleased to learn that some of his colleagues in the English foreign service were impressed by the quality of his marriage, the envoy to the United Provinces sending news of it in a bulletin to his counterpart at Venice. But ultimately, of course, his contemporaries were mainly interested in his wife because she was an heiress with a potentially very large fortune, and this did more than anything else to set the consular tongues wagging.¹⁵⁴

Elizabeth, on the other hand, gained a new husband who was completely at home in the world of high politics, and it has to be admitted that to someone who had just spent a decade kicking her heels in the claustrophobic environs of her father's house, Preston must have seemed an exotic figure. By marrying him, Lady Butler would be re-admitted to the company of princes and courtiers which she had experienced as a young girl in 1600-2, and Preston's propensity for international relations meant that she could expect to travel abroad in the service of the crown. On a less lofty note, she could not have failed to notice that even though her Scottish spouse was sometimes troubled by creditors, he had easy access to funds which were in the king's gift, and she had every reason to believe that her own fortunes would be boosted considerably with him by her side. Suffice it to say that Elizabeth would have found marrying Preston an attractive proposition if only because his accomplishments stood in stark contrast to those of her cousin and rival, the eleventh earl of Ormond, Walter Butler.

Walter may have been a complete stranger to the exalted world of the royal court. In all of his fifty-five years¹⁵⁵ he does not seem to have visited England once before the spring of 1614, just seven months prior to his accession to the earldom. Even then the circumstances of his journey were inauspicious. As a highly public Catholic - he was known to contemporaries as Walter of the Beads and Rosaries - he had given the crown cause to distrust him: specifically, his behaviour during the opening session of the Dublin parliament in May 1613 had been perfectly designed to excite the wrath of those in power. Indeed, there is no doubt his prominence among the Catholic opposition on that occasion invited his destruction, as henceforward the king and his counsellors were eager to bring the emerging head of the Butler dynasty to his knees.

Certainly, the timing of Walter's first confrontation with the king had been most unfortunate, coming as it did just a short while after viscount Tully's death had cleared the path separating him from the Ormond title. As things stood, the government did not lack reasons for seeking to punish him, but his impending succession to one of the largest estates in the country gave an added urgency to official efforts to reduce his power and influence.

¹⁵³ Graves (ed.), 'Anonymous account', p. 280. The king had even commanded old Earl Thomas not to interfere in the match-making: *C.S.P.I., 1611-14*, pp 548-9 and 505-6

¹⁵⁴ H.M.C., *Downshire MSS: The papers of William Trumbell, 1614-16* (London 1988), p. 84.

¹⁵⁵ Although all the standard reference works claim Walter was born in 1569, there is no doubt that the correct year of his birth was 1559, as he is known to have succeeded to the Kilcash estate at the age of twenty-one during Easter 1580 (*C.O.D., 1547-84*, no. 315).

No sooner had the news arrived in Dublin that Theobald was dead than Lord Deputy Chichester sat down to pen a letter to the king's principal ministers in London in which he suggested firstly, that Walter may not be next in line to the earldom, and secondly, that even if he was he should be stripped of the liberty of Tipperary as and when he did succeed.¹⁵⁶ The hint was not lost, and after the wedding of Sir Richard Preston to Lady Elizabeth Butler the following autumn, the writing was on the wall for Walter. Not only had the question of his inheritance become a matter of court intrigue, but his prospects of winning were far from good, as the king by arranging the Preston marriage had intimated what way the wind would blow in the Ormond successional dispute.

The role played by the Lord Deputy in the subsequent course of events is indicative of the sort of problems which Earl Walter encountered. Though careful to preserve the appearance of impartiality, Chichester made sure that Preston was kept well informed of Walter's movements. It was sensible to do so: better to aid the ambitions of a royal favourite than forward the cause of a proven recusant. Thus, in December 1614, when Walter visited him in Dublin seeking confirmation of the Ormond lands, Chichester equivocated, and advised the new earl to have an *inquisition post mortem* held into his predecessor's estate, hardly a helpful recommendation, as one would have to be held anyway as a matter of course. His visitor gone, Chichester then dashed off a letter to Preston, 'whom I have ever honoured with my best respects', to tell him that Walter was on his way to court once again. The message left nothing to chance. By forewarning him of the eleventh earl's departure, Chichester hoped to ensure that the Scot gained the initiative, possessing the time he needed to head off his rival.¹⁵⁷

It is hardly surprising, therefore, that when the eleventh earl arrived in London, he found progress exceedingly difficult to make. In the first place, Preston had prepared his case well. For example, in August he gave Walter a serious blow when he sought and secured the opinion of old Sir Robert Napper. As the former Chief Baron of the Exchequer in Ireland, Napper had advised the tenth earl of Ormond on the settlement of his estates before 1603, and the experience had led him to believe (albeit not entirely correctly) that Earl Thomas had intended his daughter to inherit everything when he died. Admittedly, he was not an ideal witness. Writing from his sick-bed, 'for I think I cannot live many days', Sir Robert's memory could easily be discounted as that of a weak and dying man. Alternatively, however, his word might be accepted as that of an old and reliable servant of the state who possessed a unique insight into the problem in hand. If this latter viewpoint held firm, then Sir Richard Preston and Lady Elizabeth Butler would be a lot closer to realising their desire to overturn the entail on the Ormond lands.¹⁵⁸

The second factor which helped to block Walter's path was much more serious, namely Preston's reaction to the latest swing of the factional roundabout at court. By offering his allegiance to Sir George Villiers, Preston made one of those make-or-break decisions which periodically arose to determine the success or failure of a courtier's career. In his case, he made the right choice. Villiers had firmly established himself as the new royal favourite by August 1615, and his fortunes soon soared, being made marquis of Buckingham on New Year's Day 1618.¹⁵⁹ Clearly, the sort of influence which Buckingham exercised over the king boded ill for the earl of Ormond, especially as Preston came to be recognised as one of his right-hand men. Indeed, according to an anonymous history of the Butler family

¹⁵⁶ Dudley Edwards (ed.), 'Chichester Letter-Book', pp 152-3; *C.S.P.I., 1611-14*, p. 458.

¹⁵⁷ H.M.C., *Ormonde MSS. 1572-1660*, pp 14-15.

¹⁵⁸ Sir Robert Napper to Archibald Napper, 22 Aug. 1615 (N.L.L. Ms. 11,058 (1)).

¹⁵⁹ Roger Lockyer, *Buckingham: The life and political career of George Villiers, first Duke of Buckingham* (London 1981), p. 22.

written many years later,¹⁶⁰ it was entirely due to Buckingham that Earl Walter suffered so much. But even though the writer certainly exaggerated his story and was highly partisan in his outlook, claiming Villiers cast 'an envious eye upon ye splendour and greatness of ye ancient and noble house of Ormond', he nevertheless was probably correct to attribute the cause of Walter's downfall to the power of the royal favourite.¹⁶¹ Quite simply, it was common knowledge in London that Preston had made possession of the Ormond estate the price of his loyalty to Buckingham.¹⁶² There is no doubt that his new patron tried hard to honour his side of the bargain.

One of the first benefits of securing Buckingham's help was access to some of the most influential legal minds in England. Soon Preston could count on the advice of the Lord Keeper, Sir Francis Bacon, and the Solicitor-General, Sir Henry Yelverton, both of whom owed their advancement to Buckingham's support, and each of whom was eager to retain Buckingham's favour by forwarding the cause of his Scottish sidekick in the courts.¹⁶³ Accordingly, the row between Earl Walter and his well-placed enemy heated up considerably between 1615 and 1617. A series of judicial enquiries came and went, and bonds were signed, sealed and delivered as Preston and his wife tried to oust Walter from his lands. At first their efforts failed to bear fruit. The commissioners appointed by the crown could find no solid legal grounds for disinheriting the earl of Ormond.¹⁶⁴ It seemed nothing could be done to deny Walter his estate, and one of the judges in the case, Justice Dodridge, actually went on record to say so.¹⁶⁵

Finally, however, with a seemingly endless succession of expensive court cases looming on the horizon, Buckingham brought his influence to bear on Preston's behalf. In December 1617 it was ordained that all litigation in the affair was to cease, and arrangements were made for both parties to stay in England so that the king himself (advised no doubt by Buckingham) could consider how best to settle the dispute.¹⁶⁶ It was now that Walter's prospects sank without trace. If he needed any indication of what the outcome was likely to be, he received it three months later, when the king even refused to grant him permission to have a copy made of an old decree among the state archives which had confirmed the liberty of Tipperary to his late uncle the tenth earl.¹⁶⁷

The axe fell a few months later on 3 October 1618, when the king, supposedly in accordance with his mandate 'to plant and settle the peace and amity betwixt the said parties', made his judgement in favour of Preston and Lady Elizabeth. Although he openly admitted that some of the finest legal minds in the realm had been perplexed by the problems of the case, he stated that he could see no major objections to the claims of his Scottish courtier and his wife. He then went on to uphold their interests on a grand scale. Over and

¹⁶⁰ Using a copy that turned up in southern Ireland in 1850 (presently in the possession of Mr Richard Donovan of Ballymore, Camolin, County Wexford), James Graves could only assume it was an anonymous account written late in the seventeenth century when he presented it for publication in 1863. Recently Dr Billy Kelly has identified what seems to be the original version of the document (N.L.I. Ms. 2514), and he has suggested it was composed early in the eighteenth century by one Dr. Clarke, an Ormond family physician: William P. Kelly, 'Ormond and Strafford, pupil and mentor?', *Butler Soc. Jnl.*, iv, No. 1 (1997), p. 102, n. 6.

¹⁶¹ Graves (ed.), 'Anonymous account', pp 280-1.

¹⁶² Seddon (ed.), *Letters of John Holles*, i, no. 162.

¹⁶³ Opinion of Bacon & Yelverton, n.d., circa 1616-17 (N.L.I., Ms. 11,046 (11)). See also Akrigg, *Jacobean Pageant*, pp 189 and 290-4.

¹⁶⁴ E.g., see N.L.I., D. 3586, and Commission to Lord Wotton and others, 11 April 1616 (*Cal. S.P., Dom., 1611-18*, p. 361).

¹⁶⁵ Case outline, n.d., circa 1617 (N.L.I., Ms. 11,046 (9)).

¹⁶⁶ *Cal. Patent Rolls, Ire., James I*, p. 343. Dr. Kelly has recently suggested Walter was 'foolish' to agree to the king's arbitration (Kelly, 'Ormond and Strafford', p. 91), a judgement that seems rather harsh, given that the earl had no choice at all in the matter. To have refused the king's offer would have been politically perilous, insinuating that the king was either unqualified or untrustworthy to handle the case.

¹⁶⁷ *Cal. State Papers, Domestic, 1623-25 & Addenda*, p. 553; Samuel R. Gardiner (ed.), *The Fortescue Papers* (Camden Soc., London 1871), p. 115.



Drawn by Robertson

Kilkenny Castle

Engraved by W. Taylor



Foulkescourt Castle
(Photograph: D.Ed)

above the estate which she had been granted by her father, King James also awarded most of Earl Walter's inheritance in County Kilkenny to Elizabeth and her husband. In statistical terms, her estate in the shire jumped from 21,170 acres to 47,700 acres. Moreover, whereas she was only entitled to the four manors of Dunmore, Foulkescourt, Ballykeefe and Kilmocar by the terms of her father's will, now with a majestic sweep of the king's hand she was possessed of another ten, including the castle and manor of Kilkenny itself. Nor did her reward stop here. In an attempt to ensure that she would be able to live in a manner befitting the wife of a courtier, she was also given all of her father's ex-monastic estates in County Kilkenny, situated at Jerpoint, Kells, Callan and Rosbercon respectively, and these in addition to the manors of Roscrea and Nenagh in Tipperary, Rathvilly and Clonmore in Carlow, and the manor and lordship of Arklow in County Wicklow.¹⁶⁸

Walter was stunned by the scale of her victory. Having succeeded to an estate which brought him a rental income of £1,530 (stg) in 1615 from his south-eastern lands alone,¹⁶⁹ he now found himself confronted by a situation whereby he could expect to receive not much more than £890 (stg) in rent from those lands in Counties Kilkenny, Tipperary, Carlow, Wexford, Waterford and Queen's County which remained in his possession.¹⁷⁰ The wound inflicted to his wealth was seen most painfully in Kilkenny, where although he continued to own 19,700 acres, the land was widely dispersed in small scattered parcels around the shire, and he only possessed the one manor, at Gowran.

Moreover, the bitter taste that remained after hearing the king's judgement was exacerbated by some of the reasons which the monarch claimed had prompted his decision. For instance, Walter could not have helped but wonder at the explanation offered for James's bestowal on Elizabeth of the five manors of Kilkenny, Dunfert, Knocktopher, Glashare and Rosbercon, all of which the tenth earl had explicitly entailed to his male heirs in January 1603.¹⁷¹ If these were now considered not to be entailed, why had the king left him with Gowran manor, which was also mentioned in the 1603 document? Moreover, had not the king confirmed Kilkenny Castle and its manorial privileges to Walter by letters patent in June 1614?¹⁷² A similar puzzle could be raised concerning Walter's loss of Dammagh manor and some other lands in the county, which also had been entailed in the male line by a deed dated 1608.¹⁷³

To these and other possible queries the explanatory preamble to the king's award must have seemed most unsatisfying. There James stated that he had overturned Walter's rights to these and other properties because the estate settled on the Lady Elizabeth Butler by Earl Thomas was presently barely worth half of the £800 p.a. which it was meant to account for. To this Earl Walter could have presented a number of objections, had he been given the chance. For instance, the low rental value of Elizabeth's portion mentioned by the king was caused by the long leases at cheap rents for which the tenth earl had usually chosen to set his lands. As already shown in Chapter One, Black Tom of Ormond used the leasing of his property as a basis for the patronage of his friends and supporters. Walter, like Elizabeth, could only hope to improve the rent return on his portion of the estate when the terms of these old leases expired. Given that they both suffered from the same problem, why should Earl Walter suffer forever for the temporary shortfall on Lady Elizabeth's land? Still more

¹⁶⁸ N.L.I., D. 3619. *Cal. Patent Rolls. Ire., James I.*, pp 455-9.

¹⁶⁹ N.L.I., Ms. 2506. ff 81r-87r.

¹⁷⁰ Receipts of rent, 1621 (*ibid.*, Ms. 11,063 (1)). This account of the revenue culled by the Crown from Earl Walter's estate also includes notice of a few rents collected from the lands of the Lady Elizabeth. I have subtracted these from the overall figure.

¹⁷¹ *C.O.D., 1584-1603*, appendix, p. 163. The manors of Roscrea, Nenagh, Rathvilly, Clonmore and Arklow were also affected by the entail.

¹⁷² *Cal. Patent Rolls. Ire., James I.*, p. 312.

¹⁷³ *C.O.D., 1584-1603*, appendix, pp 164-5.

galling to him, it was not as though he had refused to help tide her over her financial difficulties. As he now tried to tell the king, since 1614 he had paid her handsomely for her losses, giving her £399 per annum out of his own money.¹⁷⁴

He wrote to the king in vain. All of his protests were ignored and, consequently overcome by the manifest injustice of it all, Walter adamantly refused to accept the king's settlement. In doing so he courted disaster. King James wanted his award ratified as quickly as possible, intending to have it passed into statute form at a proposed new Irish parliament (one which, in fact, was destined never to meet); in the meantime, in accordance with his tendency towards absolute monarchical rule, James also wanted the award enrolled in Ireland as an act of the royal prerogative or 'Act of State', enough to make it enforceable. However, by demanding these things the king openly overstepped the mark: Walter, in agreeing to the award, had never intended anything so binding to come of it.¹⁷⁵ More and more convinced that he had been double-crossed, the earl decided to stand his ground, withholding his cooperation so as to make the award unworkable, invoking the common law as his defence. It proved quite the wrong approach to take (though, given the circumstances, it is difficult to know what else Walter could have done to save his inheritance).

Under an absolute monarch as James I aspired to be,¹⁷⁶ the common law afforded little protection to those who intended using it to question the actions of the monarchy. Firstly, the principal 'guardians' of the law, the judges, were carefully chosen royal employees, and normally they had few qualms about using their exalted positions to extend the range of powers enjoyed by their employer, the king.¹⁷⁷ Secondly, on ideological grounds the king himself did not readily tolerate legal challenges to his decisions, especially if they came from Irish recusants like Earl Walter of Ormond.¹⁷⁸ In his own eyes, James was nothing less than 'the linchpin of justice', the foundation of the law; as for the Ormond inheritance case, his arbitration and award must not be open to question, for as one scholar has put it, he as king embodied 'the [very] idea of enforceable arbitration'.¹⁷⁹ By this precept, Walter should not have dared to cast doubt upon the king's award, for doing so insinuated that the 'linchpin of justice' had acted illegally.

But dare Walter did. Having been assured by his lawyers that the king had no right to dispossess him of any part of his estate by virtue of arbitration (in other words that the king **had** acted contrary to law),¹⁸⁰ Walter once again put pen to paper to plead his case to the monarch. A copy of one of his pleas survives, and it allows a fascinating insight into the rather delicate situation that the earl now found himself in. Trying hard to disguise his outrage, Ormond first of all praised King James as 'the fountain of justice' before getting to

¹⁷⁴ Ormond's petition to James I, n.d., late 1618 - early 1619 (N.L.I., Ms. 11.046 (30)).

¹⁷⁵ Notes on the king's award, n.d., circa late 1618 (Ibid (34)).

¹⁷⁶ Over the last 30 years it has become the fashion among English historians to no longer classify James's government as an 'absolutist' one, on the grounds that he never acted 'without restraint' (S.J. Houston, *James I* (London 1973), p.38; J.P. Kenyon, *The Stuart Constitution* (London 1966, p.48.). Suffice it to say that I disagree, finding in the treatment of the eleventh earl of Ormond a classic instance of absolutist government, i.e. of government unrestrained by the niceties of law. See also Johann Somerville, 'Ideology, Property and the Constitution', in R. Cust & A. Hughes (eds.), *Conflict in early Stuart England* (London 1989), p.67, note 2.

¹⁷⁷ W.J. Jones, 'The crown and the courts in England, 1603-25', in A.G.R. Smith (ed.), *The reign of James VI and I* (London 1973), pp 177 and 182-3. This was particularly true in Ireland: Hans Pawlisch, *Sir John Davies and the conquest of Ireland: a study in legal imperialism* (Cambridge 1985).

¹⁷⁸ E.g., for the king's harsh handling of his Catholic opponents in the Irish parliament of 1613-15, see Aidan Clarke, 'Pacification, plantation and the Catholic question, 1603-23', *N.H.I.*, iii (Oxford 1976), pp 214-17, and below Chapter Five.

¹⁷⁹ Jones, 'The crown and the courts', p.183.

¹⁸⁰ Copy of counsel's opinion, 1619 (N.L.I., Ms. 11.046 (29)), which plainly states 'I know no law that an arbitration hath any power to give any possession unto any of the parties'.

the point, indicating the legal failings of the king's actions and asking him to admit his error and make a new award.¹⁸¹

It was a pointless exercise. The king was infuriated by the earl's insolence, and he determined to chastise him for the various 'scandalous speeches' that he had been heard to utter about the royal arbitration. On 11 November 1618, six weeks after King James's award had been made, Earl Walter was summoned to appear in the Court of Star Chamber at Westminster, where he was greeted by the smug smiles of Preston and Lady Elizabeth. The lords of the Privy Council curtly reminded him that neither he nor anyone else was fit to judge the king. Ormond, they said, should be glad that he had been left 'so fair a portion' of his inheritance, and they ordered him to stop pestering the monarch. The matter was over; he must now make amends for his behaviour and submit to the award, as Preston and his lady had been prepared to do. Earl Walter was cornered. In reply, he said he would lay all his lands at the king's feet, 'but made no other direct answer', being unable to agree to the terms of the proposed settlement, even though it was the king's doing and under the Broad Seal.¹⁸²

In the end, with Walter still refusing to bow down, it was announced on 11 June 1619 that he was to be sent to the Fleet Prison in London, where he was to remain until such time as he recognised the error of his ways and decided to end his stubborn opposition. At once his incarceration became a major talking point, and it is fair to assume that in the eyes of contemporary observers his punishment was all the more interesting for the fact that he was joined in prison by Lord Haughton, an English nobleman who, like him, had been gaoled for opposing the terms of an award made by the king in a dispute over his property.¹⁸³

The fate of the two men was of particular interest to the landowning classes and, more generally, to anyone interested in the new relationship between the law and the constitution as it was developing under James I. Because of the king's desire to meddle in aristocratic successional disputes, both lords had become victims of his royal authority, for clearly his use of the arbitration process had no standing in common law. The implications were serious. Henceforth anyone whose inheritance was challenged by a rival had better beware, for the monarchy had found in arbitration a means of insuring the victory of the candidate most to its liking. It did not matter what the common lawyers said about this. Because arbitration awards had no established legal status, they did not have to go before the courts: this was precisely what made them so attractive to King James, who seized on them as a useful extension of his royal prerogative (i.e., his special powers as sovereign). After 1619 the precedent was set that the crown could interfere without restraint in the succession of the peerage.¹⁸⁴

The whole thing reeked of the spread of absolute government, for both Ormond and Lord Haughton had been treated in a manner that was beyond the ordinary reach of law. For his own part, Earl Walter was convinced that his constitutional rights had been trampled underfoot. Imprisoned without trial¹⁸⁵ for defying the king's award (and thus the prerogative), he discovered that his punishment had only just begun. No sooner was Walter placed under lock and key than his chief tormentors, Preston and Elizabeth Butler, were raised to the titles of earl and countess of Desmond in the Irish peerage in July 1619,¹⁸⁶ and

¹⁸¹ Ormond's 'second petition', n.d., circa June 1619 (Ibid (28)).

¹⁸² *A.P.C., 1618-19*, pp 301-2, *Cal. S.P. Dom., 1611-18*, p. 595.

¹⁸³ *Ibid., 1619-23*, p. 53; *A.P.C., 1618-19*, p. 467.

¹⁸⁴ It was part of a major trend. Sommerville ('Ideology, property & the Constitution') has shown that both James I and Charles I claimed to be able to impose tax without consent.

¹⁸⁵ Professor Kenyon, one of the main proponents of the view that James I was not an absolute monarch, must have been unaware of Ormond's case, wrongly claiming that the king 'never imprisoned anyone without trial' (Kenyon, *Stuart Constitution*, p. 8).

¹⁸⁶ Balfour Paul, *Scots Peerage*, iii, p. 122.

immediately they began investigating ways to prosper from Walter's downfall. Among other things, the Desmonds (as Preston and Elizabeth were now known) intended to force the earl into either accepting the award or else face losing more land. There was nothing that Walter could do to stop them. Because of his imprisonment he was unable to defend himself at law - 'which liberty and freedom the meanest subject in your Majesty's dominions claimeth to be his birthright', he wailed.¹⁸⁷ Despite his protestations, the king would not allow him to answer the Desmonds' charges in court, a decision which ultimately cleared the way for Walter's almost total destruction. But before describing this, the second wave of the earl and countess of Desmond's government-aided assault on the Ormond patrimony, it will first be necessary to take a closer look at Earl Walter's predicament, as well as at some of the problems that were agitating his foes. As we shall see, after years of legal combat, both parties were financially very vulnerable, though Walter was clearly in the worst position, not just because he was imprisoned, but because he was an ageing patriarch with a large family to protect.

The prison years, 1619-27

After June 1619 Earl Walter was destined to spend the next eight years under restraint in the Fleet, far and away the grimmest period of his career. During this time everything - his family life included - continued to go against him. Only a few months after being imprisoned he learned of the death at sea of his eldest son, Thomas Butler, viscount Thurles, news which reduced him to the depths of despair.¹⁸⁸ For some time now Thomas had been the main source of Walter's hopes as he tried to drum up support for his cause in Ireland.¹⁸⁹ Predictably, almost as soon as Thomas was reported drowned on 29 November 1619,¹⁹⁰ the fire died out of the campaign to have Walter restored to his proper inheritance, leaving the earl bereaved and desolate in his London cell, with no direct representative in the world outside.

The earl found the burden of grief difficult to bear, and from this date on his health began to decline. To quote his own words, he had 'grown aged and...subject to sickness and infirmities'.¹⁹¹ Fearing the worst, he made ready for death. He was determined to put his affairs in some sort of order in case the end came, and throughout the course of the next eighteen months he dedicated most of his energy towards the depressing matter of Ormond family finance. The once mighty earl had fallen very far indeed, compelled by reduced circumstances to scrimp and save for the sake of his kindred.

The truncated estate that the king had left to him, consisting of property in ten counties, should have given Walter a total income of approximately £2,500 per annum,¹⁹² admittedly a significant sum, but nowhere near enough to cover the full range of his commitments, not least as a father. Earl Walter had had many children by his countess, Lady Ellen - twelve offspring in all, three sons and nine daughters - but of these four of the girls were still maidens,¹⁹³ remaining at home in their mother's care till suitable husbands could be found for them. Clearly it was not going to be an easy task to furnish each of them with

¹⁸⁷ Ormond's 'second petition', n.d., circa June 1619 (N.L.L. Ms. 11,046 (28)).

¹⁸⁸ *C.S.P.I.*, 1615-25, p.270.

¹⁸⁹ See Chapter Five below; Graves (ed.), 'Anonymous account', p.282.

¹⁹⁰ Not 19 Dec., as claimed by other authorities (ibid, p.280, note 1; Thomas Carte, *Life of James Butler, Duke of Ormond* (3 vols., London 1735-6), i, p. lxxvii); for the correct date see T.C.D., Ms. F.3.27. Nor was he drowned near Skerries in Dublin bay. Rather his ship is known to have been cast away in a storm somewhere off the Welsh coast, near Anglesea (*A.P.C.*, July 1619 - June 1621, p.128).

¹⁹¹ N.L.L. D.3629.

¹⁹² His potential income broke down as follows: £1,188 from rent; at least £173 from the Ormond prisage on wines; and £1,068 from spiritualities ('Receipts of rent, 1621 (ibid, Ms. 11,063 (1), and 'Michaelmas & Easter rent, 1621-2' (ibid)).

¹⁹³ Mary, Elizabeth, Elinor and Ellice.

amount of land that should never have been included in the king's order, as it did not belong to Earl Walter. For instance, King James had mistakenly given them a few thousand acres in Queen's County that rightfully pertained to the MacGiollapadraig dynasty.¹⁹⁷ Likewise, they had been led to believe that the manor of Dromineer in Tipperary was no longer Walter's, but theirs, only to learn that it was in fact the lawful estate of John Cantwell fitz Thomas, an old Butler servant.¹⁹⁸ Secondly, and more seriously, Desmond and his lady were infuriated to discover that no less than seven of the ten manors that the king had passed to them in County Kilkenny were technically beyond their reach, having at one time been placed in trust by Walter for the maintenance of his wife, the countess of Ormond.¹⁹⁹

In desperation they sought legal advice, but even the Attorney-General of England, Sir William Reeves, was forced to admit that 'by strict course of common law', as it then ran in Ireland, there was little they could do to possess themselves of the seven manors and overturn the trust (or *use*, as it was then called).²⁰⁰ There was as yet no Irish equivalent to the English statute of uses,²⁰¹ and as a result, it looked as though the earl and countess of Desmond would not be able to avail of the Kilkenny manors until such time as the countess of Ormond died, and even then further difficulties might well materialise.

Because of all this, the king's award had turned into a major disappointment for Desmond and his Butler wife. Long before the Scottish nobleman had been granted the greater part of the Ormond estate, he had been heavily in debt in London, principally to various members of the royal court,²⁰² including the king, to whom he owed an undisclosed 'great sum of money'.²⁰³ Indeed, to a certain extent, awarding Desmond the Ormond lands may have been the only way that James I could be at all certain of getting his own money (and that of his courtiers') back from the hard-pressed Scot. There is no doubt that Desmond's insolvency was a matter of grave concern to the king. James went out of his way to insure that he alone would be the first to profit from any windfall that came Desmond's way from the Ormond estate. Commencing in December 1618 and continuing for more than a year, the monarch set his seal to a series of royal protections designed to keep the Scotsman's many other creditors from hounding him for cash; not until June 1620 were any demands to be made of him, unless, that is, they were made by the king.²⁰⁴

In the end, so concerned was King James to recoup his money from Desmond - the amount due must have been very large - that he required the Scot to give him some categorical assurance of repayment. He got it on 6 July 1619, when Desmond cleverly rearranged things so that his debts to the king would be collected instead from the earl of Ormond, whom, he observed, was technically liable to pay him £100,000 (stg) for breaking a bond (given in May 1617) to abide by the terms of the king's award.²⁰⁵

It was a smooth piece of legal manipulation, especially in view of the enormous pressure Desmond was under. By handing over Earl Walter's bond to the king, Desmond achieved a great deal, both directly and indirectly. First, the assignment of Ormond's broken

¹⁹⁷ *C.O.D.*, vi, appendix 4, pp 179-80. The lands at Sraghenarowe, Sragheliagh, Graigedrislin, Clonboran, Kilgortryan, Ballykenna, Aghary, Killenure and Corbally had been sold to the Fitzpatricks by the tenth earl of Ormond sometime after 1596 (N.L.I., D.3242).

¹⁹⁸ Considerations against the estate pretended by Mr Cantwell of Dromineer, n.d., circa 1619 (Ibid, Ms. 11.061); *C.O.D.*, vi, appendix 4, p.180.

¹⁹⁹ N.L.I., D.3669.

²⁰⁰ Ibid, D.3661.

²⁰¹ 27 Henry VIII, c.10 (England). There was no Irish statute of uses till 1634.

²⁰² The story of his borrowings from Richard Croshawe and the earl of Middlesex is recounted in Menna Prestwich, *Cranfield. Business and politics under the early Stuarts* (Oxford 1966).

²⁰³ Copy of Desmond's assignment, 1619 (N.L.I., Ms. 11.046 (34)).

²⁰⁴ P.R.O., C 66/2136, 2170 and 2174.

²⁰⁵ *C.O.D.*, vi, appendix 4, pp 177-8.

adequate marriage dowries, but Walter resolved to try. Summoning his servants to London, he instructed them to set aside a section of his estate solely for his daughter's use.¹⁹⁴

By itself this should have been enough to fulfil the earl's paternal duty as head of his house, but events conspired to insure it was not. In particular, the sudden death of viscount Thurles placed an enormous extra burden on Walter's finances, for the viscount had failed to provide his wife, Elizabeth Pointz, Lady Thurles, with a jointure for her support and the support of their children. Overnight, as grandfather, Walter became responsible for the maintenance of the viscount's progeny, including three very young girls. These also would need a share of the earl's money, immediately for their clothing and education as well as eventually for their marriages. In order to meet this new and entirely unexpected expense, Walter set about a major reorganisation of his estate. The arrangements that he had made for his own daughters were overturned, and on 20 May 1620 a new trusteeship was established for all the Butler females who were dependent on him, namely his four daughters and three granddaughters, and his son's widow, the dowager Lady Thurles. Because of the increased demand on his resources, a much larger portion of his estate was made over for the use of the womenfolk, comprising of property in Leinster, Munster and Connaught, and the new trustees - Sir Piers Butler of Lismalin (future viscount Ikerrin), James Butler of Bealaborough and George Bagenal of Dunleckny - were given special instructions for the guardianship of Earl Walter's grandchildren, those 'tender, poor and friendless orphans'.¹⁹⁵

From a purely personal viewpoint, the new stratagem clearly implied that the eleventh earl, confined to the Fleet prison, would have to support himself there on a shoestring budget for some time to come. This would probably not have bothered him very much. Though he could afford few luxuries with which to comfort himself in his cell, he could rest easy in the knowledge that his family was properly provided for; his economising was worthwhile. Besides, Earl Walter had realised that, with careful management, those parts of his estate that still remained to his own use, untouched by the trusteeship, could yield a far better return for his countess and himself. Indeed, even as he was perfecting his agreement with the three trustees, he already had matters in hand to force a high rent from his residual property in County Kilkenny. On 26 March 1620 he had leased the tithes and alterages of Oldtown to a local gent, Richard Purcell, for a much shorter term than was usual on the Ormond estate, namely 7 years (rather than 21 years).¹⁹⁶ This made a good deal of sense for someone in Walter's position, who could little afford to continue with the giveaway leases that his predecessors had favoured.

Unhappily for him, however, he did not get the opportunity to reap the reward of this belated short lease/high rent initiative. Before he had made so much as a second lease Desmond and the royal administration had once more intervened in his affairs, undoing everything he had accomplished since first entering the Fleet in June 1619. The second phase of the assault was even worse than what had gone before, as it threatened to reduce him - and many of his dependants - to utter penury, stripping him of everything he still possessed.

The severity of this second phase of the battle for the Ormond estate owed some of its origins to the technical failings of the first phase. Basically, ever since it had been made, Desmond and his wife had found the king's award of October 1618 unworkable. No sooner had they tried to take possession of the lands that the king had granted to them, than they discovered that much of the property was not theirs to have. Because of the incompetence of the Irish government officials that worked on the case, they had been awarded a considerable

¹⁹⁴ *Ibid.* D.3629.

¹⁹⁵ *Ibid.* D.3641.

¹⁹⁶ *Ibid.* D.3638.

bond enabled him to wipe out his royal debts: the £100,000 that was theoretically due from the eleventh earl was more than adequate for that. Second, he paved the way for what amounted to a royal annexation of the Ormond lordship, the final stripping away of all that remained of Earl Walter's wealth and power in Ireland. The crucial factor in this process was that now, following the assignment of 6 July, Walter owed £100,000 not to Desmond, but to the king. As such, he faced prosecution for debt by the king, who as we shall see, lost no time in using his authority to collect what was due to him. Additionally, the monarch also took the opportunity to abolish Ormond's liberty in Tipperary and seize his grandson and heir, James, Lord Thurles, as a royal ward. Desmond had good reason to be delighted by this increase in crown control. Because he had been the one who had facilitated it, he was sure to be rewarded by the king. In more ways than one he was yet again set to prosper at Walter's expense. The fact that some of his gains accrued to him because the crown acted against Ormond in a manner that was occasionally outside the law did not matter. Like anyone who benefited from the unrestricted absolutism of James I, Richard Preston, earl of Desmond, saw nothing wrong with it.

Of all the steps that King James took against Earl Walter after 6 July 1619, his use of the earl's forfeited bond to collect what was due to him from Desmond was far and away the least controversial one by law. James had no need of extra-legal measures to enforce collection. Rather, as monarch, he had well-defined rights for the realisation of debts, not to mention a string of officials attached to the court of Exchequer whose prime task it was to get him his money. Accordingly, his enforcement of the bond took the form of routine government business. On 17 July, eleven days after the bond had been assigned to him, the king had two of Desmond's servants in Ireland, Patrick Esmond and Henry Sherwood, bring the assignment to the attention of the Dublin Exchequer.²⁰⁶ Then, after a lull of eighteen months, the government lurched into action very quickly indeed. In February 1621 the king's right to the £100,000 owed to Desmond by Ormond was publicly asserted,²⁰⁷ and shortly afterwards the Exchequer issued a commission of sequestration whereby all of the lands remaining to the earl of Ormond since 1618 were to be placed under an injunction and seized into the crown's hands to pay for what was due to the king. By 24 June the sequestration commissioners, headed by Sir Lawrence Esmond, had journeyed down to Kilkenny and begun the process of drawing up a lengthy series of one-year leases between the crown and all of Ormond's tenants.²⁰⁸

To Earl Walter, imprisoned in London, the sequestration was a crushing blow. It meant that, until Desmond's debts to the king had been realised, he would receive nothing whatsoever from his truncated estate; for the foreseeable future, all his rent and his other revenues were destined to go straight into the king's coffers. Unsurprisingly, he experienced the worst poverty of his life immediately after the sequestration. With no money of his own he was forced to go into debt with his own servants as well as with some London merchants; according to one source, the earl had no choice but swallow his pride and accept 'a charitable pension of five shillings per day allowed him by an old servant, who in gratitude for his lordship's former bounty to him, straitened himself to support his noble benefactor'.²⁰⁹

This embarrassing situation continued for six years until early 1627, when the royal injunction on Ormond's lands was finally lifted, Desmond's debts to the king apparently

²⁰⁶ *Ibid.*, p. 178. The date of their task is confirmed by James I to St. John, 17 July 1619 (T.C.D., Ms. 10,724).

²⁰⁷ N.L.I. D.3661.

²⁰⁸ Michaelmas & Easter rent, 1621-2 (*Ibid.*, Ms. 11,063 (1)). Desmond's agent, Henry Staines, helped to draw up the leases.

²⁰⁹ Graves (ed.), 'Anonymous account', pp. 281-2.

having been realised long before this.²¹⁰ Only then was Ormond free to resume the exploitation of his own estate, and even so he still had to pay back the borrowings that its loss had compelled him to make.

At least the sequestration, harsh though it was, was legal and above board, and it did have the advantage of putting the threat posed to Ormond by his forfeited bond behind him. However, the same could not be said of his other experiences of James I's government after 1619. The king's decision of 1620 to divest him of the liberty of Tipperary²¹¹ was full of dubious omens. Although it was abolished by relatively normal legal means - by virtue of a writ of *quo warranto* out of the King's Bench -²¹² its legality was only skin deep. A few years earlier, in 1615, the Irish colonial government had held a full-scale inquiry into Ormond's palatine powers in Tipperary, and had come to the conclusion that, with a few minor alterations, the eleventh earl should be allowed to retain his liberty there. Then their advice had been accepted to the king; now it was conveniently forgotten, and they were instructed to produce a different finding, more in line with the king's new attitude to Ormond. It is interesting to note that they had no difficulty in doing so. Evidently, the king's will was enough to overturn their previous view that 'His Majesty's justices of the peace do keep their quarter sessions within the county [of Tipperary] as others...do in the rest of the counties within this kingdom.'²¹³ Ever eager to please the monarch they performed a striking about-turn, agreeing with James's stated opinion that the earl's status in Tipperary was 'exorbitant', and rather 'troublesome and chargeable' to the state.²¹⁴ Between 17 April and 5 May 1621 the necessary information was gathered and the indictments were laid against Earl Walter as a 'usurper' of the king's authority in County Tipperary, and without further ado his liberty was dissolved.²¹⁵ At face value, there would have been nothing illegal about this proceeding, had it not been for the glaring fact that Walter was unable to defend himself. Under government restraint in the Fleet, he was not allowed to answer the charges against him, either by travelling to Dublin to appear in court there, or by offering a defence in writing from his prison cell.²¹⁶ Once again his constitutional right to reply had been denied him by an absolute monarch who was intent on destroying his power-base in Ireland.

More alarming still was the manner in which the king deprived him in 1621 of the custody of his eleven-year-old grandson and heir, James Butler, viscount Thurles. Legally the monarch had no right to the boy, who was not a ward of the crown because his lawful guardian and the head of his family - his grandfather, Walter - was still alive. Nonetheless James I was undaunted. Liberally applying his royal prerogative he saw to it that the young lord was declared a ward in December 1621.²¹⁷ Again he and his government had no difficulty justifying this. It was in the interests of the state that the boy be taken away from his insolent Catholic grandfather and raised as a good Protestant in England. The Irish administration concurred. In February 1622 Lord Deputy Grandison urged the duke of Buckingham to seize the young nobleman as quickly as possible.²¹⁸ A month later

²¹⁰ *C.S.P.I. 1647-60 & Addenda Charles I* (London 1903), p.78. Desmond's royal debts had probably been collected from Ormond's lands by Jan. 1623: Report of Lord Grandison, the Lord Keeper and others, 16 Jan. 1623 (N.L.I., Ms. 11,044 (61)).

²¹¹ Copy of the king's letter, 15 June 1620 (Ibid. (57)).

²¹² *Quo warranto* proceedings, 1621 (Ibid. (60)).

²¹³ Certificate of Justices Denham, Sarsfield, Methwold & Aungier, 2 July 1615 (Ibid. (43)). See also Chichester to James I, 4 July 1615 (Ibid. (44)).

²¹⁴ Ibid. (57).

²¹⁵ Ibid. D.3664

²¹⁶ Walter continued denouncing the royal government for blocking his defence (in the Latin legal terminology of the time, *nihil dicit*) for many years to come. Ormond's propositions touching Tipperary, n.d., circa 1627-30 (Ibid. Ms. 11,044 (79)); the commissioners' report on Tipperary, 2 Oct. 1628 (Ibid. (75)).

²¹⁷ N.A.I., Lodge MSS, Wardships, liveryes & alienations, Vol. I, p.25.

²¹⁸ O.Ogle & W.H. Bliss (eds.), *Calendar of the Clarendon State Papers in the Bodleian Library: 1523-1649* (Oxford 1872), p.20.

Ormond's heir was placed under the care of the archbishop of Canterbury, George Abbot, a fervent anti-Catholic, who was to see to it that the boy was 'bred in conformity in religion'.²¹⁹ As a result, by April 1622 he had been torn from his family and despatched to Eton College,²²⁰ (an event which in time would come to possess a special symbolic significance for the decline of the Ormond lordship).

Much as he had anticipated, the Scottish earl of Desmond benefited considerably from these proceedings. He it was whom King James honoured with the profits of the so-called Thurles wardship, a grant which bestowed on Desmond the right to arrange the marriage of Ormond's young heir (or else to sell it to the highest bidder).²²¹ He was also granted the castle and manor of Kilcash in Tipperary - Earl Walter's original home - thanks to a technical flaw that was discovered in Ormond's title dating back more than forty years.²²² Last but by no means least, in June 1621 the king brought his prerogative powers to bear on Desmond's behalf in the Irish court of Chancery, where a decree was issued overturning the trusteeship that Earl Walter had earlier established for his wife, the countess of Ormond. As a result of this action - which again had no basis in common law - Desmond got his hands on Kilkenny Castle and the seven County Kilkenny manors of Knocktopher, Glashare, Dammagh, Rosbercon, Callan, Pottlerath and Grannagh, all of which would otherwise have remained unavailable to him and his wife.²²³

Within the Ormond territories this last-mentioned decision in Desmond's favour was not well received. Three of Earl Walter's closest supporters - Sir Piers Butler of Lismalin, Walter Lawless of Talbot's Inch and James Bryan of Bawnmore - found it hard to accept that, thanks to the extra-legal powers of the royal prerogative, the countess of Ormond no longer had any property specifically set aside for her maintenance.irate, they decided to obstruct the Chancery's decree. Their opposition was useless. By November 1623 all three men had been gaoled in the Marshalsea in Dublin, and threatened with fines of £100 each.²²⁴ Their punishment was hardly unexpected: Sir John Everard and Robert Rothe had spent more than a year in prison in 1620-1 for a similar stance.²²⁵ In the meantime the countess of Desmond, Elizabeth Butler, took possession of Kilkenny Castle and the seven aforementioned manors.²²⁶

It is surprising to note that, in spite of all these reverses, the Ormond family did not completely collapse in the 1620s. If anything, the government's harshness towards them brought them closer together. Determined not to be separated from her imprisoned husband, the countess of Ormond headed for London and by 1625 she had taken up permanent residence there. By doing so, she came to share some of the dangers previously experienced by the earl on his own: for example, some of her private correspondence with Edmund Canon, a Catholic priest in the city, was intercepted by the state, probably because she was suspected (like Earl Walter) of harbouring pro-Spanish sentiments.²²⁷

²¹⁹ *A.P.C.*, 1621-3, pp 159-60, and *C.S.P.I.*, 1647-60 & *Addenda Charles I*, p.45, where James is incorrectly identified as Earl Walter's son. For Abbot's religious views, see Peter Lake, 'Anti-Popery: the structure of a prejudice', in Cust & Hughes (eds.), *Conflict*, pp 86-91.

²²⁰ *A.P.C.*, 1621-3, p.204.

²²¹ Desmond formally received the grant by patent on 26 May 1623 'without fine or account' (N.A.I., Lodge MSS, Wardships, liveryes & alienations, Vol. I, p.25).

²²² *Ibid*

²²³ N.L.I., D.3669. The king often exercised his prerogative through Chancery: A.K.R. Kiralfy (ed.), *Potter's Historical Introduction to the English Law* (4th edn, London 1962), pp 159-60.

²²⁴ Note of Desmond's case, 20 Nov. 1623 (N.L.I., Ms. 11.046 (50)).

²²⁵ James I to St John, 18 Aug. 1621 (T.C.D., Ms. 10.724).

²²⁶ H.M.C., *Ormonde MSS. 1572-1660*, pp 15-16.

²²⁷ *Cal. S.P., Dom., 1580-1625*, p.680; for Canon's alleged pro-Spanish speeches see *Ibid.*, 1619-23, p. 363.

Not that an attachment to Spain was all bad. For a brief period in the mid-1620s contact with Madrid could prove beneficial for prominent Catholics in England. In 1624 Walter had shrewdly taken the trouble to write to the Spanish sovereign, Philip IV,²²⁸ and as a result Philip's envoys in London had persuaded King James to go a little easier on him.²²⁹ In January 1625 he was even allowed temporary leave from his cell in the Fleet, 'until the return of the earl of Desmond' from Ireland.²³⁰

Somewhat grimly, then, the family managed to limp along in reduced circumstances, waiting for the moment when the royal injunction on Walter's estate would be lifted and they could repay what they had had to borrow in order to survive. Intense family pride helped to see them through. When the countess of Ormond discovered that some of her London neighbours were wondering aloud how someone as impoverished as she managed to meet the cost of her maidservants, she responded indignantly, boasting that 'I entertain no servant without allowing them what is fit for my service'.²³¹ Outward appearances were also maintained through the support of some important noble families back home in Ireland: it was at precisely this time, while Earl Walter was imprisoned, that the Burkes of Clanricard and the Mc Briens of Arra (and probably the Purcells of Loughmoe) stepped forward to open successful marriage negotiations concerning some of the earl's daughters.²³² Unions with families like these confirmed that, though the Butlers of Ormond were down on their luck, they were still very much one of Ireland's leading dynasties.

Recovery, 1625-33

Indeed, by 1625 their fortunes began changing for the better. The Scottish earl of Desmond had failed to capitalise fully on the Ormonds' recent run of setbacks. Most importantly, he had not been able to sell his rights to the wardship of Earl Walter's grandson and heir, James, viscount Thurles. Despite repeated efforts to unload the young nobleman, he could not find a willing purchaser, apparently because many suspected that the Thurles wardship was illegal and feared that it might eventually be traversed in the courts.²³³ This was very good news for Ormond, as it meant that, if he could one day overcome Desmond and thereby put his troubles with the crown behind him, he might just be able to arrange his heir's marriage himself. This was, in the event, what happened. Thanks to Desmond's failure to marry off Thurles before his death, Walter was able to salvage his dynasty's fortunes by finding an ideal bride for the viscount. But all that lay a few years ahead.

In March 1625 Walter's chances of improving his relations with the monarchy received a major boost when James I died. For a short while the earl had been toying with the idea of ending the royal injunction on his estate by finally accepting the award that he had opposed for so long.²³⁴ On 18 March he swallowed his pride and submitted.²³⁵ There is no doubt that the king's impending demise helped Walter to reach this decision. By taking to his deathbed, James - who died nine days later, on 27 March - freed him to surrender to his successor, Charles I, a new monarch from whom the earl could anticipate better treatment,

²²⁸ B.L., Egerton MS. 2618, fol. 15.

²²⁹ *Cal. S.P., Dom., 1623-5 & Addenda*, p.202. An earlier Spanish attempt at mediation had been unsuccessful: *Cal. S.P., Venetian, 1621-3*, p. 426.

²³⁰ *A.P.C., 1623-5*, p.420. He would have got out a few weeks earlier, in December 1624, had it not been for rumours of disturbances in Ireland (*Cal. S.P., Dom., 1623-5 & Addenda*, p.401).

²³¹ *Ibid. Addenda 1580-1625*, p.680.

²³² Lambeth Palace MS. 635; see also Brian P. Horan, 'Butler-Purcell connections', *Jnl. Butler Soc.*, ii, no.4 (1985), p.418.

²³³ Norton to Middlesex, 31 May 1622 (Kent A.O., Sackville MSS, Hi 85, O.N. 9265); see also Lady Desmond to Esmond, 7 Aug. 1624 (*Ibid.*, uncatalogued Cranfield Irish Papers).

²³⁴ Why else did Secretary of State Conway write of sequestering certain lands 'for the earl of Ormond' on 4 March unless Ormond had meant to obey the award? (*Cal. S.P., Dom., 1623-5 & Addenda*, p.491).

²³⁵ James I to Falkland, 18 March 1625 (T.C.D., Ms. 10,724).

and someone whom he did not hold responsible for his suffering. Accordingly, with his hopes high Earl Walter wrote at about this time to his cousin and erstwhile enemy, the countess of Desmond, to inform her that he was at last content to perform his part of King James's award and to go along with its questionable carve-up of his inheritance.²³⁶

It was some considerable time before Earl Walter was able to reap the rewards of his new-found obedience. Charles I, like any other monarch at the commencement of his reign, had many matters to attend to that were more important than the Ormond-Desmond succession dispute, but eventually, towards the end of 1626, he found time to give his attention to the affair. Right from the start he was far more willing to listen to Ormond than his father James had been. For one thing, Charles seems not to have liked Desmond all that much: indeed, Desmond left the royal dominions in a hurry following his accession, apparently convinced that the new king was ill-disposed towards him.²³⁷ For another, King Charles wanted to gain the trust of the inhabitants of the Ormond lordship, who had remained loyal to Earl Walter ever since his imprisonment in 1619.²³⁸ His first decision indicated that a new wind was blowing, one that was more favourable to Ormond. Having been informed that Desmond had had the audacity to enter into Ormond's principal remaining castle at Carrick-on-Suir and remove two trunk-loads of documents from the evidence chamber there - as well as many other things, including 44 pictures from the gallery - the king ordered the Scotsman to return everything forthwith.²³⁹ Furthermore, shortly afterwards a law case that Desmond had initiated against Ormond in the Irish Chancery was put on hold thanks to the king's intervention.²⁴⁰

As a consequence, by March 1627 Earl Walter's ordeal was drawing to a close. The royal injunction on his lands was ready to be lifted, and new arrangements were being made for him to receive £1,000 per annum while the details of James I's award were being finalised by King Charles's administration.²⁴¹ Within a few months he was finally released from the Fleet, freed to confront Desmond before the king at Whitehall,²⁴² and by the spring of 1628 he was busy making ready for his return to Ireland.²⁴³ His intentions were clear: to fight Desmond in the Irish courts over each and every parcel of his inheritance that had been mishandled or misappropriated under the terms of the 1618 award.²⁴⁴

Nevertheless, despite months of preparation, Walter did not experience much of a battle once he got home. Instead, providence intervened to destroy his rivals for him. First Walter's cousin - the chief cause of all his trouble - the countess of Desmond, Elizabeth Butler, passed away suddenly on 10 October 1628 while travelling through Wales *en route* for Ireland. Just two weeks later, 'about the 28th day of the same month' her Scottish husband followed her to the grave, drowned in the Irish Sea while hurriedly sailing to Wales during bad weather to attend to her funeral.²⁴⁵

These deaths marked the end of the Ormond inheritance crisis. By simply outliving the Desmonds, Earl Walter had won an unexpected and fortuitous victory. His prospects (till

²³⁶ Ormond to Lady Desmond, n.d. circa March 1625 (N.L.I. Ms. 11.046).

²³⁷ Brendan Jennings (ed.), *Wadding Papers, 1614-38* (Dublin 1953), p.103. For a further treatment of the reasons behind Desmond's disgrace, see Chapter Six below. Probably through Buckingham's influence, by 1627/8 Desmond clawed his way back into Charles favour, but even so his standing was nothing like as high as it had been under James I (E.g., Charles I to Falkland, 6 March 1627 (T.C.D., Ms. 10.724).

²³⁸ *Ibid.*

²³⁹ *C.S.P.I., 1647-60 & Addenda Charles I.* pp 77-8.

²⁴⁰ *A.P.C., Jan. - Aug. 1627*, p.34

²⁴¹ *C.S.P.I., 1647-60 & Addenda Charles I.* p.78.

²⁴² *Ibid.* p.100.

²⁴³ Dongan to Middlesex, 10 March 1628 (Kent A.O., Sackville MSS, Hi 56, ON8509).

²⁴⁴ See Oliver Eustace's letters to Ormond in London, 1627-8 (N.L.I. Ms. 2302, pp 311-18 and 347-8).

²⁴⁵ Balfour Paul, *Scots Peerage*, iii, p.125. Inquisition at Clonmel, 26 July 1630 (N.L.I. Ms. 11.044 (86)).

recently so low) improved immediately, for now only the small figure of Desmond's thirteen-year-old daughter, Elizabeth Preston, separated him from the principal goal of his unhappy career, which was to regain all the lands that had been taken from him while her parents were alive. If he could just get his hands on the girl his ambitions would be realised, for she was the sole heiress to all he had lost. Remarkably, he did not have to wait long before she did fall into his grasp. By December 1629 little Elizabeth Preston was Walter's granddaughter-in-law, married in London to his grandson and heir, James Butler, viscount Thurles (Desmond's former ward, and the future twelfth earl and first duke of Ormond). At a stroke, the vast estate that Walter had inherited in 1614 was reunited under his direct control as head of the Butlers. In little more than a year he had masterminded what was without doubt a definitive marriage of convenience for his family.

Several remarkable stories have survived concerning the Preston-Thurles marriage of 1629. According to one discarded account, viscount Thurles took a leading role in the efforts to woo his bride, on one occasion going so far as to disguise himself as a common pedlar - even carrying a pack on his back - in order to meet her at Kensington House, the home of her guardian, the earl of Holland.²⁴⁶ It is just possible that this - the pedlar story - is not as fanciful as it seems at first sight.²⁴⁷ James Butler is known to have donned disguises on other occasions during his life (particularly later on in the 1650s).²⁴⁸ More to the point, he had good reason for covering himself up in 1629. Elizabeth had recently been given in wardship to Holland by Charles I; as such, Holland - and only Holland - was responsible for arranging her marriage. The laws governing marriage were not romantically inclined: James had no right to go snooping about Kensington, hoping by his gallantry to steal the young girl's heart. Quite apart from trespassing on Lord Holland's property, James was also guilty of trying to undermine Holland's chances of selling Elizabeth in marriage to the highest bidder.

Of course, this is precisely why James might have taken such trouble to win the girl in the first place. The earl of Holland was a greedy man at the best of times,²⁴⁹ and the Butlers probably knew that unless they could bypass him, he would make them pay dearly for the marriage, holding out for as long as possible in order to maximise his gains.

James was not the only one to try and keep the asking price for Elizabeth down by hurrying the wedding along. His grandfather, Earl Walter, likewise left no stone unturned in his efforts to keep the cost of the union down. He encouraged his kinswoman, baroness Esmond, to write to Elizabeth on his grandson's behalf in March 1629.²⁵⁰ Two months later Walter attempted to get much closer to the girl, more or less bribing her servants Patrick Wemyss and Anne Tindall to support his cause by offering them a 99-year lease of a thousand acres at Aghnemolt in County Kilkenny.²⁵¹ Little wonder, then, that by July Elizabeth had been persuaded to accept Ormond's grandson as the best husband for her needs.²⁵² She was virtually surrounded by Butler sympathisers. Even Isabella Rich, Holland's daughter, was recruited to help out,²⁵³ and early in August, just to be on the safe

²⁴⁶ Graves (ed.), 'Anonymous account', pp 286-7.

²⁴⁷ For a different opinion, see J.C. Beckett, *The Cavalier Duke: a life of James Butler, 1st Duke of Ormond* (Belfast 1990), p.10.

²⁴⁸ *Ibid.*, p.65.

²⁴⁹ Barbara Donagan, 'A Courtier's Progress: greed and consistency in the life of the earl of Holland', *Historical Jnl.*, xix, no.2 (1976).

²⁵⁰ H.M.C., *Ormonde MSS, 1572-1660*, p.21.

²⁵¹ N.L.I., D.3724.

²⁵² Ormond's draft letter, n.d., after 16 July 1629 (*Ibid.*, MS.2485, p.53).

²⁵³ Beckett, *Cavalier Duke*, pp 10-11.

side, Walter granted the manor of Dunfert to Richard Christie of London, Elizabeth's cousin, at a knock-down rent.²⁵⁴

And so it was that Walter's efforts bore fruit when, on 29 August 1629, the earl of Holland finally capitulated to the mounting pressure and agreed terms with the Butlers for Elizabeth's hand in marriage. His asking price was £15,000 (stg.), a huge sum, but one which would probably have been far greater had the Butlers behaved more passively and allowed him to keep the girl longer.²⁵⁵

There is not much doubt that all this hard-nosed craftiness stood them in good stead for the future. For although the succession issue had been laid to rest with the Preston-Thurles marriage, the Butlers of Ormond still faced a major challenge in keeping the estate intact. They had won a major battle; they had yet to win the war.

Debt and decline, 1629-42

Earl Walter and his grandson were faced with a veritable mountain of debt after 1629. Aside from the £15,000 due to Holland for agreeing to Lady Preston's marriage, they had to pay for the borrowings that Walter had made between 1619 and 1627 while he languished in prison with his estate sequestered. Altogether Walter owed at least £6,000, and perhaps as much as £10,000,²⁵⁶ principally to London merchants such as Abraham Ricksie, Richard Millar and Robert Parkhurst.²⁵⁷ He made things worse in 1629 when, largely for political reasons - he needed allies badly - he joined with three other Irish lords, the earl of Antrim, O'Connor Sligo and the earl of Clanricard, to act as co-guarantor for a debt of £4,000 (stg) that was due to the countess of Abercorn.²⁵⁸ Given his circumstances, it was a high price to pay for friendship, especially when it is noted how many other debts he was expected to honour. For instance, because he had inherited the late Lord Tully's estate in 1614, Walter was supposed to pay off all the debts remaining from the Tulleophelim estate; in this case, just the one debt was outstanding since then, in the sum of £2,600 (stg) long due to the assignees of Walter Kennedy of Dublin.²⁵⁹ Much more serious, however, Walter and his grandson, by effecting the marriage with young Lady Preston in 1629, inherited all the debts of their erstwhile enemy, the earl of Desmond. These were very extensive, as Chart 2.3 below demonstrates. When he died in 1628 Desmond is known to have owed in the region of £15,000-£20,000, at the very least, to a variety of creditors, headed by the former Lord Treasurer of England, Lionel Cranfield, earl of Middlesex. Unfortunately for the Ormonds, Desmond's creditors - especially Middlesex - had to be paid off. Several of them were prominent at the royal court, and King Charles put it about that he expected them to be treated honourably by the Ormond Butlers. The king's insistence on the Butlers' swift repayment of the dead Scotsman's debts was reinforced by the actions of the creditors themselves, many of whom had suffered badly at Desmond's hands and were desperate to make the Ormond Butlers pay up what was due to them as quickly as possible. Because of their determination, and the royal support they received, Earl Walter and his heir James were

²⁵⁴ Ibid. D.3729.

²⁵⁵ N.A.I. Lodge MSS. Records of the Rolls, Vol.V. p.291. By September, Walter was able to visit Elizabeth in person at court (Ormond to Lady Preston, 21 Sept.1629, N.L.I. MS.2485, pp 85-9).

²⁵⁶ In the early 1630s Walter's steward John Shee laid out more than £6,600 in payment of his master's debts (Great sums disbursed, 1630-33 (Ibid. Ms.2549, ff 34v-35v); unfortunately, there is no adequate record of how much was paid out either before 1630 or after 1633.

²⁵⁷ Miller, an assignee of the countess of Abercorn, was also owed money by the earls of Clanricard and Antrim (N.L.I., D.4063). Alderman Parkhurst seems to have maintained an even stronger connection with Irish affairs. He served as governor of the Londonderry Plantation Company in 1626 (Corporation of London R.O., Letter Book II, fol 247r). A study of his contacts would be useful for an understanding of the growing economic power of the city of London in early Stuart Ireland.

²⁵⁸ The money - and Earl Walter's commitment - was still outstanding in 1634: *C.S.P.I., 1633-47*, p.44.

²⁵⁹ N.L.I., D. 3974.

destined to spend much of the 1630s trying to whittle away the terrible financial burden that beset them. It would seem that, when all of these commitments (and the interest rates charged on some of them)²⁶⁰ were added to the cost of the Thurles/Preston wedding, the Butlers of Ormond owed a grand total of £50,000 (stg) or thereabouts to various parties after their estate was reunited in 1629.

Chart 2.3

The earl of Desmond's debts at the time of his death, October 1628

<i>Creditor</i>	<i>£(stg)</i>
To Lionel, earl of Middlesex & Richard Croshawe of London	8,099
To Sarah Wale	4,218
To Sir William Smith of London	1,550
To Patrick Black	975
To Lady Judith May	750
To Robert Parkhurst of London	365
To John Carpenter, army clerk	c300
To Francis Blondeau, servant of Anne of Denmark	unknown
To Thomas Kitchinman of London	unknown

(Sources: Money paid to Middlesex & Croshawe, 1620-37 (N.L.L. Ms. 11.058 (1)); Desmond inquisition at Clonmel, 26 July 1630 (Ibid. Ms. 11.044 (86)); Lady May's petition, c1630 (Ibid. (66)); Charles I to Ormond, 20 July 1637 (Bod. Lib., Oxford, Carte MSS. Vol. I, p. 99); N.A.L. C.P., parcel K, no. 53; Ibid. parcel L, no. 59; Charles I to the Scottish Council, 6 Feb. 1630 (T.C.D., Ms. 10.724 (50)); *A.P.C., June - Dec., 1626* (London 1938), p.104; *C.S.P.I., 1633-47*, p.96; *Ibid. 1647-60 & Addenda Charles I*, pp 98 and 141).

As soon as the 1629 marriage was contracted it was immediately apparent to the Ormonds that things were probably going to get worse before they ever got better. Straight away their greatest creditors began to press the king and the Privy Council to make arrangements for the transfer of rents into their hands from the reunified Ormond inheritance. In December 1629, for instance, the earl of Middlesex persuaded the Irish Chief Justice, Sir George Shirley, to sanction the appointment of John Dobben, a local man from the Kilkenny/Waterford area, who was to act on his behalf 'to collect the rents for the three gales last past' that had fallen due to him from some assigned lands on the Ormond estate.²⁶¹ At much the same time the interests of Lady May, the widow of Sir Humphrey May, were upheld by a special committee including the earl of Pembroke and Sir Thomas Coventry, which recommended to the crown that £150 per annum should be paid over to her by the Butlers of Ormond over a five year period until the whole debt was repaid.²⁶²

To compound matters, the Ormond family's legal costs were set to soar. After 1629 a number of queries were raised by various parties over the precise contents of the inheritance. In order to combat these doubts, Walter was forced to spend long periods of time in Dublin and London and disburse great sums of money on legal fees. Among other things, he had to defend his rights as lord of the manor of Kilcash in the Court of Wards,²⁶³ and the status of Thurles manor was also called into question in Dublin.²⁶⁴ Defending Kilcash proved to be

²⁶⁰ The interest on the Middlesex debt was between 8% and 10%. I am unaware of the interest demanded by the other creditors.

²⁶¹ Middlesex to Shirley, 29 Dec. 1629 (Kent A.O., Sackville MSS, uncatalogued Irish papers). See also Charles I to Falkland, 14 May 1629 (N.L.L. Ms. 11.044 (72)) for Middlesex gaining the king's support.

²⁶² Report concerning Lady May's petition, n.d., circa 1629 (Ibid (66)).

²⁶³ H.M.C., *Egmont MSS*, i, p.66.

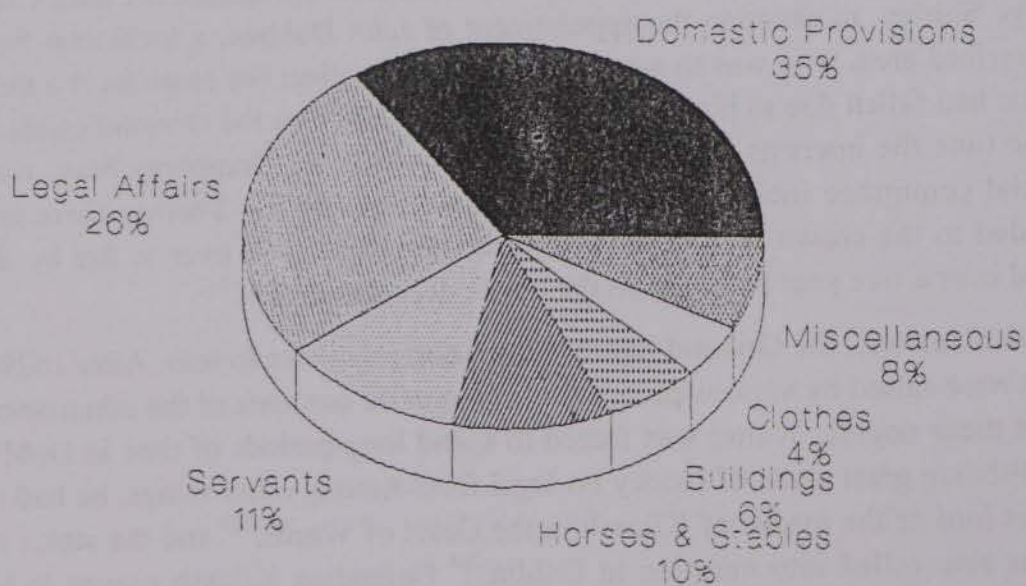
²⁶⁴ Northants R.O., Ormonde Papers, Ms. O.K. 445; N.L.L. Ms. 2549, fol. 34v, and *passim* for the earl's movements to and from various courts.

Chart 2.4

Ormond Household Expenses for 12 Months, 1630-1

	£	s	d
Domestic Provisions	240	19	6
Legal & Political Affairs	180	0	8
Servant's Costs	79	15	2
Horses & Stables	69	12	3
Buildings : Construction & Maintenance	41	7	4
Clothes	31	9	6
Miscellaneous	55	7	10
TOTAL EXPENDITURE (£stg)	698	12	3

Household costs for 12 months
(25th Feb., 1630 - 22nd Feb., 1631)



Source : N.L.I., Ms. 2549, ff 2a-17b

particularly expensive, as it ultimately entailed the payment of £460 (Ir) into the Exchequer as a livery fine in June 1632.²⁶⁵ In addition, as one government official gloatingly noted, the earl would also be charged with 'two fines for alienation of all the main estate, both of Ormond, Desmond and the Countess Dowager's, and the wardship of the young Lady [Elizabeth Preston], besides some [feudal] reliefs'.²⁶⁶

Their growing financial crisis called for stringent budgeting. Earl Walter's struggle to keep his own expenses down can be seen in his household accounts, which have survived for the years 1630-1.²⁶⁷ Though similar accounts were probably kept earlier, it is unlikely that they were handled as meticulously as these. The earl's steward, John Shee of Kilkenny, was in charge of the account book, and he kept entries on an almost daily basis. Every penny that he spent had to be accounted for when the book was audited at the end of his period in office, a serious business, as he was to be held responsible for any sums that went missing.²⁶⁸ However, despite all this well-intentioned rigour, the Ormond family could not keep their costs down, largely because of their legal and political expenses and the size of their debts. Chart 2.4 opposite shows just how serious their predicament was. For all their efforts they were living beyond their means, with their legal troubles costing them six times what they spent on clothes, more than five times what they spent on maintaining and renovating their houses, and twice what they spent on servants. And this was only the money that came out of the ordinary daily budget, or petty cash. A separate account of 'Greate sums disbursed' was kept at the back of the account-book for all the major occasional payments that had to be made to lawyers and court officials, and this put the everyday payments in the shade. According to Shee's careful little account, no less than £5,333 (stg) was spent on 'affaires' in 1630-1, a true measure of the dynasty's enormous financial problems in the last years of Earl Walter's life.²⁶⁹

The escalation in debt eventually had a profound impact on the management of the Ormond estate. To help pacify his creditors Earl Walter had to let go part of one of his single greatest sources of revenue, the Ormond prisage on Irish wine imports. Shortly after his return home Walter mortgaged his rights to the prisage in several eastern and north-eastern ports - principally Dublin, Drogheda, Carrickfergus and Londonderry - for £2,000 (stg) (a decision later regretted by his grandson James).²⁷⁰ Earl Walter also had to take tough decisions on the ancestral estate in County Kilkenny, needing to be stricter with his tenants if he was to stand any chance of paying off his creditors. Like many noblemen across the British Isles in the early seventeenth century (if a little later than most),²⁷¹ the eleventh earl of Ormond had to consider revising or somehow reducing the generous leasing policy that for generations his family had adopted towards the local squires and gentry. However, although it appears from surviving documents that Earl Walter did at least give some thought to the eviction of tenants and the increase of rent, it is clear that he found it exceedingly difficult to put such ideas into practice. Whether he liked it or not, following his return to Ireland in 1628 his hands were tied by the condition of the estate.

²⁶⁵ N.A.I., Lodge MSS, Wardships, liveries & alienations, Vol. I, p.90.

²⁶⁶ H.M.C., *Egmont MSS*, i, p.66.

²⁶⁷ N.L.I., Ms. 2549.

²⁶⁸ This was no mere formality. In 1633 Shee was accused of maladministration by the twelfth earl's auditors: John Shee to Ormond, 13 April 1633 (N.L.I., Ms. 2505, pp 13-14).

²⁶⁹ *Ibid.* Ms. 2549, ff 34v-35v. Legal and political payments were by far his greatest concern, as Shee spent £6,535 in 'great sums' overall.

²⁷⁰ N.L.I., D. 4023.

²⁷¹ Stone, *Crisis of the Aristocracy*; *Idem*, *Family and Fortune* (Oxford 1973); Keith Brown, 'Noble Indebtedness in Scotland between the Reformation and the Revolution', *Historical Research*, lxii, No. 149 (1989); *Idem*, 'Aristocratic Finances and the origins of the Scottish Revolution', *English Historical Review* (1989).

As soon as he had reached Kilkenny he discovered that for several years Desmond had been trying to make the tenants pay two rents - one to him and one to his creditors - and a number of tenants had already been threatened with eviction, especially those with the lowest rents to pay. Thus the treatment of tenants was already a highly charged matter, and one that might explode in Earl Walter's face should he fail to handle it tactfully. Moreover, the fact that as soon as he returned most of the tenants on Desmond's share of his lands rushed to pay their rent to him, and this even before Desmond had died, meant that they accepted him, not Desmond, as their overlord. Given these circumstances, Walter would have been foolish to have gone ahead with any evictions. Had he done so, he would have lost the backing of a large gentry tenantry, something he decided he could not afford to do. Impoverished though he was, 'Walter of the beads and rosaries' accepted that for the moment at least the payment of rent from his estates was a political as well as an economic matter, and he reasoned that so long as the majority of the tenants chose to pay him instead of his rivals, the future of his dynasty would be fairly secure.²⁷²

Even after the deaths of the earl and countess of Desmond and the subsequent marriage of James Butler and Elizabeth Preston, this remained the case. Earl Walter was most reluctant to make enemies of his tenants. This lenient attitude even stretched to the handful of Scottish and English tenants who had been loyal to the Desmonds in the 1620s. Walter was determined to first of all re-establish himself in the Kilkenny-Tipperary region as a beneficent, forgiving overlord before attempting to initiate any radical changes in the management of his property. Remarkably, his grandson's teenage wife, Elizabeth Preston, had a lot to do with his protection of the English and Scottish tenants. In May 1630, while residing with friends in England a few months after her wedding to James Butler, she overheard tales that in Ireland Walter, 'through the instigations of some malicious persons' had been persuaded to expel from the estate some of her father Desmond's staunchest supporters, in particular some Scots and English who were settled at Bennettsbridge. Taking pen in hand, she chastised Walter for being so easily swayed: 'I am right sorry to see your Lordship should fall in controversy ... about so poor a thing'. She was all the more indignant because Walter had earlier expressly promised that he would not move against her father's friends.²⁷³ In the event, notwithstanding her youth, her intervention was successful, and such former Desmond servants as Henry Staines were left unmolested on their leaseholds.²⁷⁴

All of this changed, however, in the final months of Earl Walter's life during 1632/3 - he passed away on 24 February 1633²⁷⁵ - as his place was taken by his grandson James, who succeeded him as twelfth earl of Ormond. Perhaps because he had spent his formative years in England, James Butler did not have the same strong attachment as Walter to the traditions of the Ormond lordship. Certainly he had little patience for posing as the county's feudal protector. Primarily concerned with the mountain of debt that he inherited, and greatly attracted by the promise of reward from the Protestant state, Earl James soon set about transforming the network of economic relationships that had tied so many of the local gentry to the earldom for so long. Even before Walter died, James had made enquiries to Chief Justice Shirley about the possibility of evicting 'obstinate' tenants, who 'without any right ... withhold the possession of my lands, to my exceeding prejudice'.²⁷⁶ The Ormond estate was about to experience a major shake-up, one in which ready cash counted for far more than outmoded and costly concepts like loyalty, kinship and clientage.

²⁷² E.g. Dongan to Middlesex, 31 Jan. 1627 and 21 Oct. 1628 (Kent A.O., Sackville MSS, uncatalogued Irish papers).

²⁷³ Lady Elizabeth Preston to Ormond, 18 May [1630] (N.L.L. Ms. 2486, p.195).

²⁷⁴ In Nov. 1629 Staines had petitioned Lady Preston to save his farm in County Kilkenny, as he was fearful that 'the earl of Ormond will be against my being so near'. H.M.C., *Ormonde MSS. 1572-1660*, pp 23-4, where he is misidentified as 'Slanes'.

²⁷⁵ This is the accepted date of his death, but a near-contemporary obit gives it as 18 February (T.C.D., Ms. 804, p.108).

²⁷⁶ H.M.C. *Ormonde MSS. 1572-1660*, p.25.

At once the twelfth earl sought legal advice to see if he could recover some of his predecessors' more outlandish gifts to the gentry of Kilkenny and Tipperary. In the mid 1630s his eyes fell on the manor of Dromineer in County Tipperary, which had been granted to the Cantwells of Cantwell's Court by his great-great-uncle the tenth earl, Black Tom. The Dromineer case provides a clear indication of Earl James's financial desperation. His lawyer - who is anonymous, but was probably an outsider from Dublin - told him what he wanted to hear, claiming that the Cantwells' title to the manor was a forgery, indefensible at law, and he encouraged the young earl to press on with a trial.²⁷⁷ The advice was nonsense. The Cantwells' rights to Dromineer were well established, and a glance through previous Ormond rentals would have shown James that ever since the time of the tenth earl's grant to them, they had been recognised as its possessors and had regularly paid their rent. Understandably, the enquiry got no further than this preparatory stage, as the twelfth earl realised he did not have a case, but even so in trying to disinherit the Cantwells he managed to send out a rather ominous warning signal to the local gentry that a new era in Ormond/community relations had arrived.

It was not his only action against his family's supporters. At about the same time, the earl's lawyers instigated proceedings in the court of Exchequer against another longstanding client family from County Kilkenny, the Crokes of Keappahedin, who had been tenants and supporters of the house of Ormond since the late middle ages. From beginning to end the Keappahedin trial was a sordid business. Commencing in July 1633, right after Earl James's succession, the Crokes were threatened with eviction from their leasehold, evidently on trumped up charges, for when the earl was finally able to have them ousted from the land by an Exchequer decree of 3 February 1635, the only ground for eviction stated in the decree was that the Crokes had not paid their rent for two years, i.e. since 1633, when the proceedings to oust them had begun!²⁷⁸ Nor were local Anglo-Irish gentry tenants the only ones targeted for removal by the new earl. In Michaelmas 1634, in the court of Common Pleas, Earl James succeeded in gaining possession of lands at Aghnemolt from an Englishwoman and her servants.²⁷⁹ The woman in question was one of the Christies of London, the same family who, as mentioned above, had helped to bring about James's marriage to Elizabeth Preston in 1629 in face of the opposition of Elizabeth's guardian, the earl of Holland. Evidently, unlike his predecessors, the twelfth earl had no time for gratitude if it threatened his income.

There was a purely financial purpose to each of these evictions. With the Crokes and the Christies gone, Earl James was able to put their former leaseholds back on the market at a higher rent. From his point of view, overthrowing cheap tenancies was exactly what he had to do in order to put the finances of his house back in order. The same was true of other changes that he introduced in the management of the Ormond estate. In 1635 the young earl compelled John Tobyn of Cahirlesky to vacate his County Kilkenny leasehold at Coillaghmore. An eviction was not required on this occasion. Instead, Ormond agreed to pay 'disturbance money' to Tobyn to cover his moving expenses. Not that the earl gave Tobyn much choice in the matter, as Tobyn would have forfeited a bond of £2,000 (stg) if he had not vacated the premises.²⁸⁰ Once again, a parcel of the estate was made available for new tenants and an increase in rent.

²⁷⁷ Note of instructions concerning Dromineer, n.d. circa 1634 (N.L.I., Ms. 11,061, un-numbered item).

²⁷⁸ N.A.I., Exchequer Decrees, Vol. 1, 1609-67, fol. 50.

²⁷⁹ T.C.D., Ms. 2512, p.78. Confirmation that she was evicted comes from the fact that after 1634 she disappears from the Ormond rentals.

²⁸⁰ N.L.I., D. 3991.

The earl also embarked on a new leasing policy which likewise shed the custom of centuries and threw the Ormond estate open to the forces of the marketplace. Some shorter tenancies were introduced. Two of the surviving Ormond deeds from 1635 in County Kilkenny record leases made for 13 years and 18 years respectively.²⁸¹ But these were the exception rather than the norm. By and large the efforts to bring about an increase in the earl's landed revenue owed more to longer leases than shorter ones. Rather than commit himself to a fast turnover in tenants through short-term leases, Ormond adopted an alternative approach, seeking out the 'better sort' of tenant, well-moneyed types who could meet his higher rent demands. In return for agreeing to pay him more in ready money (more than any earl before him had received), Earl James granted leases of at least 21 years duration to these rich incomers,²⁸² but as the 1630s advanced he also began to offer 31-year and 41-year tenancies as well.²⁸³

He was perhaps fortunate to be able to behave as he did. As already noted, historians now believe that the 1630s was a period of strain in the Irish economy. As such, there would not have been a large number of local squires or gentry with much money to hand to spend on increasingly expensive Ormond land. It seems this did not matter. In the place of locals Earl James was able to attract new tenants from the ranks of the growing number of New English settlers who were still arriving in Ireland even on the eve of the 1641 revolt. Thus people such as Sir John Temple, Ambrose Aungier, William Frisby, Thomas Hume, William Smyth, William Alfrey, and the three brothers Oliver, Joseph and Christopher Wheeler came onto the estate in Kilkenny,²⁸⁴ invariably at the expense of Catholic Anglo-Irish gentry like the Cantwells, Forstalls, Raggets, Crokes, Bolgers, Powers, and Flemings, local families that had disappeared off the Ormond rent rolls by 1641/2, unable in the tough economic climate to meet the earl's rising demands.²⁸⁵

As we shall see in Chapter Six below, politically this was a mistake, helping to confirm the notion - increasingly prevalent in County Kilkenny - that Earl James was not a good overlord to the local community, a development which would have dire consequences for him (and the Protestant government he represented) as rebellion spread across the countryside in 1641. However, in financial terms too, the introduction of new tenants was not much of a success. True, as demonstrated in Chart 2.2 above, the earl's rental income leaped ahead in the 1630s, bringing him an anticipated return of approximately £5,000 (stg) per annum from his lands across the south-east of Ireland, and of this Kilkenny produced slightly more than £3,000 (stg), altogether a major advance on the sums raised by his predecessors. Nonetheless this was only a short-term improvement. In the long term, the twelfth earl was tied to the terms of his new leases for many years to come, thanks to the long leases of 21 years and more that he had entered into since 1633. Because of these leases it would be the middle of the 1650s at the earliest before Ormond could hope to hike up the rents again. (Looking ahead, as things transpired, his 1630s predilection for long leases caught up with him after the Restoration, when he was still up to his neck in debt and the

²⁸¹ Ibid. D. 3979-80.

²⁸² Ibid. D. 3957, 3960, 3983, 3987, 3990, 3994-5, 3998, 4013-4, 4032, 4037.

²⁸³ Ibid. D. 4002, 4009, 4026, 4031, 4044, 4089, 4106-7, 4111.

²⁸⁴ See Ibid. Ms. 2506, ff 185r-188r, for a list of most of the earl's tenants in County Kilkenny before Easter 1642. Thomas Hume, not mentioned in the list, was a servant of the earl's, and as such he was probably in Dublin with his master when the list was compiled (Ibid. D. 4107). A similar explanation can be offered for Sir John Temple's omission from the list, as he too - a government official - was in Dublin by late 1641. For a discussion of his sub-leasehold at Kilderry, where he and his mother held of the Widow Staines, see H.M.C., *Ormonde MSS. 1572-1660*, p. 45, and T.C.D., Ms. 812, fol. 23.

²⁸⁵ In the 1590s there were four of the Flemings, two each of the Cantwells, Forstalls, Raggets, and Crokes, and one each of the Bolgers and Powers on the Ormond estate in Kilkenny: N.L.I., Ms. 2506, ff 10v-15r.

descendants of those he had brought onto the estate were still in place with many years remaining on their leaseholds).²⁸⁶

Chart 2.5

Mortgages of land by the twelfth earl of Ormond in County Kilkenny

(New English mortgagees in italics)

Date	Mortgagee	Sum	Lands involved
1634	Michael Cowley of Radestown	£320	Brownestown Waring. (2/3rd pt)
1634	James Butler of Danginspidoge	£500	Lands in the Rower
1635	Sir Edward Butler of Duiske	£300	Drumroe, Powerstown, Garran & Gurtin
1636	Marcus Knaresborough of Waterford	£450	Inistioge Priory
1636	<i>Sir Cyprian Horsfall of Inishnag</i>	£500	Woollengrange, Stanesland & Moorhouse
1636	Marcus Shee of Washeshayes	£300	Jennerstown & Dunvill
1636	Henry Archer of Kilkenny	£330	The Earl's Island & 3 watermills at Kilkenny
1638	<i>Henry Staines of Kilkenny</i>	£500	Jenkinstown
1638	Nicholas Knaresborough of Kilkenny	£200	Ballycallan manor
1638	Richard Fitzgerald of Owenstown	£140	Owenstown
1638	<i>The bishop of Meath (Richard Anthony)</i>	£3,500	Gowran manor
1638	<i>Oliver Wheeler of Dunmore</i>	£1,000	Foulkescourt manor
1638	Richard & John Butler of Knocktopher	£1,000	Knocktopher manor
1639	<i>Sir John Temple</i>	£2,200	Kilderry and lands in Carlow
1639	<i>Oliver Wheeler of Dunmore</i>	£500	Coneshye
1640	Dr. John Purcell of Oldtown	-----	Clonfilly & Clonfunsion
1640/1	Robert Tobin of Kilkenny	£100	Coolshillbeg
1640/1	James Purcell	£700	Clone, Rathbeagh & Acragarad
1640/1	<i>Oliver Wheeler of Dunmore</i>	£600	Ballyloskill

(Sources: N.L.I., D. 3955, 3975-7, 3992, 4025, 4027, 4038-40, 4074, 4078, 4091, 4100, 4104, 4126, 4132; *Ibid.* Ms. 2506, fol. 185v; *Ibid.* Ms. 2560, pp 40, 42, 44 and 47; H.M.C., *Ormonde MSS, 1572-1660*, pp 44-5).

Plainly, after 1633 his management of the estate was politically and financially short-sighted. By hiking up the rents at a time of economic hardship and expelling some of his family's oldest clients, he alienated many of the County Kilkenny community. By surrendering to the ready money of the New English colonists he need not have made a mistake had he extracted a lot more money from them, or else granted them much shorter leases. Perhaps the fact that he gave in so easily (and in doing so laid the foundations of further financial problems later on in his life) shows just how acute his problems were following his succession. Whatever the case, he soon found that his rental income was just too small to pay his bills, and up to 1641 he was repeatedly forced to mortgage or sell large parts of the ancestral estate. Thus, as shown above in Chart 2.5, between 1633 and 1641 Earl James is known to have entered into 19 separate mortgage agreements in County Kilkenny alone, transactions which raised in excess of £13,000 (stg). Although most of the mortgagees were natives of the shire, he made the most money by mortgaging to New English arrivals. Quite simply the local Anglo-Irish did not have enough spare capital to meet the demands of

²⁸⁶ Toby Barnard, 'The Protestant Interest, 1641-60', in Jane Ohlmeyer (ed.), *Ireland from Independence to Occupation* (Cambridge 1995), p.223.

his creditors, and seem never to have had more than £500 available for investment. This was not the case with New English speculators - each one of Earl James's New English mortgagees paid him £500 or more for an interest in his estate. Oliver Wheeler of Dunmore paid him £2,200, as did Sir John Temple, and highest of all, the bishop of Meath, Richard Anthony, paid him £3,500 (stg). Men such as these seemed to ooze wealth and they were eager to do business with Ormond. Wheeler negotiated three separate mortgages with the earl, while Temple let it be known that he was always on the lookout for more land: 'I doubt not but that I shall be able (if you have hereafter occasion) to help your lordship with more money on the same terms'. The hard-pressed earl found their offers irresistible, and was even willing to cede them temporary possession of some of his best outlying lands in the north and east of the shire, at Foulkescourt and Gowran, as well as part of the lucrative Jerpoint Abbey estate in Kilkenny's prosperous central plain. Nor did the local Anglo-Irish do all that badly in their dealings with him. Although he tried to mortgage land in marginal areas such as the Rower and boggy Clone and Rathbeagh in Galmoy, he also allowed some of his highly-prized midlands possessions to pass in mortgage, such as Ballycallan manor and Inistioge Priory. In his desire for quick money, Earl James relinquished control of some of his most valuable property, and to make matters worse, as often as not he let it go for far less than it was worth. And yet to be fair he may not have had much choice. Extant travellers' accounts testify to the fact that landowners all across the country were looking to sell or mortgage land at this time. It seems that until the outbreak of the 1641 revolt the Irish mortgage market was a buyers' market.²⁸⁷

At least mortgaging land was better than selling it, as it allowed him the possibility of one day redeeming his interest by repaying the mortgagees what they had given him (and after the Restoration he did indeed redeem some of these mortgages). But even so his hands were tied by the need to satisfy his creditors: he had to consider selling land to anyone making him a good offer. In County Kilkenny little was sold, but this was not the case elsewhere. In Tipperary the potentially very prosperous Kilcooley Abbey estate on Kilkenny's western border was sold for £3,000 (stg) to Sir Jerome Alexander, a servant of the earl of Arundel, in 1637.²⁸⁸ In County Limerick the territory known as Farren Kavanagh was likewise sold to another English colonist, John Antekill, for £1,000 (stg).²⁸⁹ In both deals it is probably fair to say that the purchasers did rather better than the seller, for given proper management these lands might have yielded much more to Ormond in the years to come. His problem, of course, was that he could not afford to wait.

Daunting financial pressure compelled Earl James to take serious political risks. It will be shown in Chapter Six below that he bound himself too closely to the Irish colonial administration of Charles I, becoming a leading ally of the unpopular chief governor, Sir Thomas Wentworth, successively Lord Deputy and Lord Lieutenant of Ireland, 1633-41. James expected that loyalty to Wentworth - irrespective of the governor's policies - would help him rescue his dynasty's fortunes. It was a dangerous alliance to make. Under Wentworth's influence,²⁹⁰ Ormond behaved as though he was unaccountable, beyond the reach of the inhabitants of his lordship, and he entered into a series of highly controversial transfers of territory. The first of these, the 1635/6 sale of Idough in north County Kilkenny for £2,000 to Wentworth's sidekick Christopher Wandesford was controversial because,

²⁸⁷ E.g., William Brereton, *Travels*, ed. E. Hawkins (Manchester 1844) pp 123-69; Raymond Gillespie, 'The End of an era: Ulster and the outbreak of the 1641 Rising', in C. Brady & R. Gillespie (eds.), *Natives & Newcomers: The Making of Irish Colonial Society, 1534-1641* (Dublin 1986), pp 195-6.

²⁸⁸ N.L.I., D. 4056, *C.S.P.I., 1633-47*, p.165.

²⁸⁹ *Ibid.*, D. 3953-4.

²⁹⁰ Kelly, 'Ormond and Strafford', has greatly improved our knowledge of their relationship, but perhaps underestimates the governor's influence over the young twelfth earl.

strictly speaking, the area was not his to sell, but belonged to a variety of persons, principally the O'Brennans, but also the Mountgarret Butlers, the Purcells and several other local Anglo-Irish families, traditional supporters of the house of Ormond; in addition, in England the Howards of Arundel believed they had a claim to the territory.²⁹¹ The second involved his surrender of the baronies of Upper and Lower Ormond in northern Tipperary to the crown in 1637; this too entailed the disinheritance of native Gaelic Irish and Anglo-Irish families long associated with the earldom, for the government intended to move ahead with a plantation in the area following his surrender of his title to the territory (needless to say Wentworth was greatly pleased by his cooperation).²⁹² At first glance, the third major land transfer with which he was involved during Wentworth's administration, the sale of Leix Abbey to the king, was not in the least bit controversial, as the estate belonged to him, and the sale was conducted with the assistance of senior officers of the crown, the Vice-Treasurer of Ireland, Sir Adam Loftus, and the Chancellor of the Exchequer, Sir Robert Meredith. However, on closer inspection there is not much doubt that Ormond - like Loftus and Meredith a senior member of Wentworth's government - came out of the deal much better than the king, who was led to believe by Wentworth that Leix Abbey was a worthwhile acquisition. Ormond received the astonishing sum of £10,568 (stg) for the estate, a figure that represented more than 100 times its annual value to the earl (Wentworth had told the king it would cost just ten years' purchase).²⁹³ Considering the low prices for Irish land during the 1630s, a price of 100 years' purchase for Leix Abbey was exorbitant. In effect Wentworth helped the earl to clear part of his debt by plundering the king's coffers. Although there was only a small risk of being caught - between them Ormond and Wentworth controlled the valuation of the estate - it was a dangerous transaction to oversee, potentially disastrous to both men should the king ever become suspicious of the management of the Irish revenues.²⁹⁴

For all his pains, however, James Butler, twelfth earl of Ormond was still enormously in debt by the beginning of the 1640s, still owing in the region of £40-50,000 (stg) to a variety of creditors. Despite Wentworth's protection he had been overwhelmed by the problems of his inheritance. Powerful though his friends were they had not been able to prevent him from fighting a losing battle against several of his biggest creditors (all Englishmen) in the Irish courts. Richard Millar, the wealthy London merchant, had relentlessly pursued Earl James for the repayment of two debts, (i) £2,500 due to himself, and (ii) £11,000 originally due to the earl of Holland. That Millar had the backing of the king, Charles I, insured that Ormond did not escape his demands. Other London merchants had also proved hard to shake off - in 1634 the Lord Mayor of London, Sir Robert Parkhurst, brought his influence to bear over a debt of £2,700 long due to him, having his grievance with Ormond heard before the court of Castle Chamber in Dublin. The earl of Middlesex had similarly pressed his claims for repayment tirelessly, eventually (by 1635) recouping every penny of the £8,100 he was due, before pressing on to demand more in interest. Ormond had tried to frustrate him by suggesting that Wentworth and the Irish Council should decide if everything had been paid, but Middlesex was able to persuade King Charles to have the debt examined by a four-man crown committee that included Ormond's principal English adversary, the earl of Arundel.²⁹⁵ Roger Nott of London had likewise collected a debt of £1,600 from Ormond after 1635, and the colonist Arthur Annesley secured £410 that he was

²⁹¹ See Chapter Six below.

²⁹² Knowler (ed.), *Strafford Letters*, ii, p. 93. Articles of agreement for the Tipperary plantation, 1637 (Bod. Lib., Oxford, Carte MSS, Vol. I, fol. 163).

²⁹³ *Ibid.* In the 1620s Leix Abbey was worth £85 per annum to the earldom (Receipts of rent, 1621 (N.L.I., Ms. 11,063 (1))).

²⁹⁴ *Ibid.* pp. 82, 90 and 103; N.A.I., Lodge MSS, Records of the Rolls, Vol. V, p. 401(2); *C.S.P.I.*, 1633-47, p. 175.

²⁹⁵ *C.S.P.I.*, 1633-47, pp. 176 and 191-2; N.L.I., D. 3974, 4063; Account received from Mr Comerford, 1637 (*ibid.*, Ms. 11,058 (1)); Ormond to Wentworth, 9 Sept. 1637 (Sheffield City Library, Str. p.17, nos. 168 and 185); T.C.D., Ms. 10,726 (1)-(2);

ibid., Ms. 2512, p. 116

owed in 1638.²⁹⁶ Having to pay out so much money to such influential figures so quickly did not ease Earl James's burden. If anything, it made his task more difficult, forcing him to avoid many other lesser creditors, something which, in turn, added still further to his expenses as his junior creditors were forced to pursue him with increasing desperation. His credit was poor, irreparably damaged. In late 1642 a cloth merchant wrote demanding that the earl should honour his promise of August 1641 to pay his bills, amounting to £226 (stg). A money order for £100 signed by Ormond had proved worthless, causing the merchant to bemoan his fate: 'this promise from your lordship I took as good as any security whatsoever'. To all intents and purposes, Earl James was a bankrupt. In a sense, he was fortunate that the 1641 rebellion occurred when it did. Had the war broken out much later it is hard to know how much of the enormous patrimony that had been handed down to him and his grandfather would have remained in his possession when the mid-century troubles ended. The rebellion brought to a halt the pattern of dispersal and dissipation from which there had seemed no escape. It is all the more ironic, therefore, that when Kilkenny rose in revolt, the shire community intended to add political bankruptcy to his financial embarrassments, for they rebelled as much against him as the central government. They were not to know, of course, that by doing so and losing they would lay the foundations for his political and financial salvation after the Restoration.

Conclusion

It is perhaps remarkable that the 1641 rebellion in County Kilkenny can be traced back to so mundane a matter as the death in infancy of the only son of the tenth earl of Ormond in 1590. But as A.J.P. Taylor once argued of the origins of World War One, great events do not require great beginnings. The demise of Black Tom's heir set in motion a chain of events as momentous for the Ormond lordship as the failure of his namesake the seventh earl to sire a male heir a century earlier. In the end the fortunes of the Butlers of Ormond rose (after 1515) and fell (after 1614) because two earls were not able to father enough male children to outlive them and so succeed unopposed to the earldom and its lands. Both successional crises left the gate open for protracted crown interference in the Ormond lordship. On both occasions the crown got its way, rearranging the succession to further its own power in the south of Ireland. The only difference was that after 1515, by allowing the earldom to grow in power and using it as a vanguard, the crown succeeded in expanding in its wake, whereas after 1614, by allowing the earldom to decline, the crown found it lacked the strength to replace it and so lost its tentative grip on the south.

²⁹⁶ For Nott, see Representative Church Body Library, St. Werburgh's Muniments, for Annesley, Oxfordshire Archives Office, Valentia Collection, Bundle 33/1. My thanks to James Murray for the St. Werburgh's reference.

Part II

The Rise and Fall of the Ormond Lordship

A Political Narrative, 1515-1642

Revival and Rupture: The Crisis of Coign and Livery, 1515-69

Introduction

The year 1515 was not just significant for heralding a change in the succession to the earldom of Ormond. The death in August of Thomas Butler, the seventh earl, also marked a major turning point in the history of County Kilkenny. By facilitating the rise of Sir Piers Ruadh Butler of Pottlerath, his renowned successor, the seventh earl's demise ushered in an era of radical change when Kilkenny once again came to play a crucial role in the political life of southern Ireland.

Hitherto, for fifty years, the Ormond family had been absent in England, where they had a large estate, and the shire had been left without a strong leader. As a result, it had fallen under the sway of its traditional enemies, the Fitzgeralds of Kildare, a development generally missed by historians. The Fitzgeralds' domination of the county (and of parts of Tipperary too) was one of the main reasons why the early Tudor period in Ireland can be described as the era of Kildare ascendancy. By increasing their hold over the Butler territories, the earls of Kildare gained remarkable freedom of movement in national politics, able to build up their power across huge areas of the country without fear of encountering a major adversary.

For many years before 1515 Piers Ruadh, the seventh earl of Ormond's eventual successor, had been a living symbol of County Kilkenny's vulnerability to the Kildare threat. Though by far the strongest swordsman in the area, Piers's naked intent to snatch the earldom away from Earl Thomas and his daughters - by any means whatsoever - had alienated many of the local population, who preferred to remain loyal to the absentee Ormond for as long as he remained alive. Consequently, when the Kildare Fitzgeralds had begun meddling in the county's affairs during the earl's absence, Red Piers of Pottlerath, as Ormond's enemy, had lacked the local support that he needed to defy them, and in the end he had been forced to curry the favour of Kildare in order to survive. Ever since the 1490s, he had acted as a Geraldine puppet, effectively placing Kilkenny under the Fitzgeralds' command.

The death of the seventh earl freed Piers of the need to behave like this anymore; immediately he broke with Kildare, negotiated a better understanding with the local gentry, and set about rebuilding the shire as an effective military lordship, no longer a subjugate region, but an aggressive, expansionist one. After 1515, with Piers at the helm, the county emerged from the shadow of Geraldine authority, at last reactivated as the centre of one of the most powerful lordships in the country. The impact which this was to have on the rest of Ireland cannot be underestimated. The Butlers' rejuvenation of Kilkenny helped to undermine the power of the Kildare Fitzgeralds in Leinster and Munster and eventually pushed them towards self-destruction in the abortive rebellion of 1534. In turn, the removal of the Geraldines cleared the way for the Butlers to step into their shoes as the greatest

dynasty in Anglo-Ireland: that is to say, after 1534 Kilkenny Castle replaced Maynooth Castle as the principal seat of power in the south of the country outside Dublin.

The price of revival

The period after 1515 was a trying one for the county and its new overlord. For all the fact that Sir Piers Ruadh Butler led Kilkenny back to the heart of Irish politics, and achieved for himself royal recognition as a nobleman along the way - first as earl of Ossory (1528), then as earl of Ormond (1537) - the reawakening of the shire under his branch of the Butlers brought with it some unwelcome side effects. Looking further ahead, far from being a period of harmony between ruler and ruled, on closer inspection it emerges that the Pottlerath Butlers' command of the county sometimes rested on unsound (and potentially explosive) foundations.

As soon as Piers Ruadh broke from Fitzgerald control the power structure in the county became top-heavy, with his efforts to add to his strength the core of the problem. By nature a warlord, he transformed Kilkenny into an anti-Fitzgerald fortress, something it had not been for a long time. Overnight the county became a veritable hot-bed of soldiery, for he increased the size of his army with scant regard to the willingness of the local population to pay for it. The rate at which he added to his might was quite remarkable, and the fact that he got away with it needs some explanation. He did so mainly because he already possessed a large following and was therefore able to bully the shire into accepting a larger one. In addition, however, his army was able to grow because many locals thought that it would be a short-term inconvenience only; that once Kildare power was removed less militarised conditions would prevail. They were soon proved wrong. Although Piers's son, Earl James, oversaw the introduction of reform after 1539, his rule ended too soon for genuine normalisation and demilitarisation to occur. From 1546 onwards County Kilkenny entered a prolonged period of military crisis that undid Earl James's modifications and unleashed the full consequences of his father Piers Ruadh's success. The larger Butler army that Piers created had an inner vitality of its own: quite simply, as soon as his additional forces were in place, it proved impossible to get rid of them. After 1515, despite Earl James's limited reforms in the early 1540s, the Butler dynasty got used to military might and those of them who held estates in frontier regions came to depend on larger retinues. As border lords they based their power on force, and for obvious reasons would not take the risk of forsaking their troops. Moreover, in the middle years of the century several commanders of the Butler army broke free of the earldom during the minority of Earl James's eldest son, the tenth earl of Ormond, 'Black' Thomas. Their independence was guaranteed by their abuse of coign and livery, the military supply system, which left in ~~their~~ their hands allowed them enormous scope for local racketeering and intimidation.¹

The fragmentation of the Butler army during the mid-Tudor years had long-term repercussions. For a number of years (down to the late 1560s and beyond) the size of the military proved an intractable issue in County Kilkenny, with coign and livery - the basis of private military power - becoming the one major thorn in the otherwise respectful relations between Piers Ruadh's successors and the shire elite. Indeed, early in the reign of Elizabeth I the coign and livery conundrum almost destroyed the Butler lordship in the county: in 1569, rather than give up their bands of troops, some senior members of the Butler family chose to

¹ C.A. Empey & Katharine Simms. 'The ordinances of the White Earl: the problem of coign in the later Middle Ages'. *R.I.A. Proc.*, lxxv, section C (1975).

rebel, a decision which threw away any support they had previously enjoyed in the shire. The level of armed might initiated by Piers was his successors' greatest weakness.²

Its effects outside the county were easily as bad as the strains it produced within. The increase and subsequent fragmentation of the Butler army did not just mean that Kilkenny resumed its old prominence in Irish affairs; it also reacquired its reputation as a threat in the south, an outcome which displeased both its Gaelic neighbours and (more and more as the century wore on) the English colonial administration in Dublin. Increasingly after 1534 originally friendly neighbouring septs decided that distance was safer than closeness. As a result, marchland violence proliferated along the county's northern and eastern frontiers - something which served only to compound Kilkenny's military problems, as it gave the Butler captains all the excuse they needed to keep troop numbers high. The decline in relations with the crown was even more serious. Because of the Butlers' armed activities, Kilkenny became the subject of mounting concern in Dublin. Although its loyalty was a matter of historical record, the colonial administration found it an uneasy bed-fellow, reckoning that an area so brim-full of soldiers was far more likely to break the peace than adhere to it. Eventually in the 1560s a new Lord Deputy, Sir Henry Sidney, made control of the shire one of the main objects of his policy. His interference greatly destabilised the Ormond lordship in the area (as he intended), but the unprecedented aggressiveness of his intrusion also alienated the county, insuring that Kilkenny never again trusted the agents of the crown, and spent the rest of the century struggling to stay free of Dublin's jurisdiction.

This later hostility between Kilkenny and Dublin need never have occurred. Ironically, had it not been for the tolerant attitude that the crown had taken towards Piers Ruadh in 1515, the county would probably not have been so heavily burdened with soldiers as it became. To a significant extent, the overbearing might that the Butlers enjoyed before 1569 was Dublin's creation. In the earlier part of the century Henry VIII and his principal adviser, Cardinal Thomas Wolsey, had wanted a large local army, and this no matter how heavy a burden it placed on the people of the shire. It is, then, remarkable that subsequent monarchs soon came to curse the Butler forces for their unruly behaviour and criticised them for their repression of ordinary folk. Evidently, royal support for the local army had only been a short-term strategy. That it backfired so drastically is fascinating, for the long-term crisis that the crown subsequently experienced in its dealings with Kilkenny was due almost entirely to the success with which the county's overlords, the Butlers, tackled the military role originally designated for them in London. To fully appreciate how such a complex paradoxical situation arose, and to see how the maintenance of troops became the single biggest issue in local affairs, it is necessary to examine the reasons why the monarchy first got involved in Kilkenny after 1515.

The motives for English intervention

At its most basic, the crown renewed its interest in Kilkenny because of growing fears over English security in Ireland. In 1515 King Henry VIII was an ambitious young monarch - he was then only 24 years old - and above all else he was eager for fresh territory and military glory.³ Two years earlier he had signalled these intentions by entering into conflict with France and Scotland, and although his armies had had considerable success, the

² David Edwards, 'The Butler Revolt of 1569', *I.H.S.*, xxviii, no. 111 (May, 1993).

³ J.J. Scarisbrick, *Henry VIII*, pp 40-4. For Henry's early relations with Scotland and France, see R.B. Wernham, *Before the Armada: the growth of English foreign policy, 1485-1588* (London 1966), chapters 6-8, and Susan Doran, *England and Europe, 1485-1603* (London 1986), pp 23-32.

decision to go to war necessitated an immediate improvement of the crown's defences in its Irish colony. As Cardinal Wolsey and the rest of the king's ministers knew only too well, Ireland was the backdoor to England, and the threat of foreign intervention there, especially by the French, was real enough: in 1516, for instance, the O'Donnells of Donegal received a secret shipment of artillery from a French knight for use against their rivals in County Sligo.⁴ If the danger of further French or Scottish interference was to be minimised, King Henry would have to seize greater control of all the areas of the country, County Kilkenny included, whether he wanted to or not.

Together with the threat of foreign designs, the internal situation in Ireland also demanded his immediate attention. The English colony in the country had shrunk. Outside the Pale the king held sway over too little of Ireland for comfort. The majority of the country's local lords and chieftains did not offer even token lip-service to his distant authority. Worse still, certain parts of the country that had long been loyalist strongholds, among them County Kilkenny, were now not nearly so accessible to English influence as they had once been, a disquieting development. For three hundred years the crown had been accustomed to view Kilkenny as the heart of a 'Second Pale' in the south-east of Ireland, a region stretching from southern Wexford to eastern Limerick where contact with England was so close as to be almost taken for granted.⁵ Strategically, it was vital to keep it closely bound to the monarchy, for otherwise the 'First Pale' around Dublin would be isolated and large parts of the southern seaboard exposed to foreign ambition. Something had to be done to halt the slide.

Realistically, there were only two courses the king could take to improve his position. The first, instant reconquest, Henry considered too expensive an option, much preferring the second course, a gradual expansion of royal power from Dublin outwards, whereby the crown could build up a new network of relationships with sympathetic regional rulers who were willing to do his bidding. It was in this context that Sir Piers Ruadh Butler of Pottlerath fitted in. As an experienced swordsman hungry for greater status, he was the perfect candidate to baptise the policy in the south-east, especially since his desire for recognition as the next earl of Ormond gave Henry a carrot and stick with which to coax and manipulate him. As stated in the previous chapter, Wolsey more than anyone else was responsible for persuading Henry to view Piers Ruadh in this light.

The fact that Piers Ruadh was also the one person in Leinster capable of standing up to the Kildare Fitzgeralds acted greatly in his favour. Although the Fitzgeralds had long been the monarchy's principal Irish agents, the king lacked faith in them, and he chose Piers as the messenger of his dissatisfaction. It was a momentous decision. By attempting to reduce the Geraldines Henry was not just seeking to alter the pecking order among the country's ruling families; rather, his action signalled an essential and ineradicable change in the composition of Irish political life. Under his auspices, it came to pass that England was once again ready to take on a direct interventionist role in Ireland. In day-to-day terms, this meant that the king was willing to take a few risks in the country, chiefly by unsettling the *status quo*, blatantly tampering with the regional balance of power and treating each local lord like a figure on a chess board, to be utilised or discarded at will. In the event, some areas suffered more than others under this new policy. Mainly because of Piers, but also because of its strategic position between Leinster and Munster, Kilkenny did better than most. As we shall see, over the next few years, Piers was the recipient of extensive royal protection for his Kilkenny

⁴ Sean O'Domhnaill, 'Warfare in sixteenth century Ireland', *I.H.S.*, v (1946-7), p.38.

⁵ C.A. Empey, 'The Butler lordship', *Butler Soc. Jnl.*, i (1970-1).

base while, in stark contrast, the Fitzgeralds had their autonomy in County Kildare regularly challenged by the crown.

At first glance Henry's decision to knock the Geraldines off their perch at such a perilous time may seem ill-advised, but he had good reason for switching his patronage to Piers. Ever since the 1490s the Fitzgeralds had had the Dublin colonial administration in their pocket, wielding an unprecedented level of influence in the appointment of royal personnel and the direction of policy; in fact, so powerful had they become that Henry may have suspected they might just as soon serve his French or Scottish enemies as England, depending mainly on who offered them the best deal. To continue to shower them with privileges would be foolish. Once they were placed under scrutiny in 1515, he found the level of power that they enjoyed, and the manner in which they exercised it, to be things requiring correction.⁶ Contrary to an interpretation put forward in recent years by Professor Steven Ellis - who argues that the early Tudor monarchs grew stronger in Ireland because the earls of Kildare headed the government -⁷ it would seem that to Henry VIII, the level of Kildare power clashed all too visibly with English interests. Excuses could no longer be found to classify the Fitzgeralds as entirely dependable subjects.

As seen from Whitehall, the Geraldines' alliance with the O'Neills of Tyrone looked particularly ominous, if only because the O'Neills enjoyed close connections with Scotland and imported Scottish mercenaries (the MacDonalds) into Ulster to do much of their fighting. Instead of attempting to combat this influx, it emerged that the Kildare Fitzgeralds had availed of it: by the time of King Henry's war with Scotland, a branch of the MacDonalds were to be found serving as galloglasses in the earl of Kildare's army in Leinster.⁸ For an English monarch the implications suggested by the discovery of this link-up were grim. As a leading British historian has recently pointed out, right throughout the early sixteenth century those of the MacDonalds who settled in Ireland continued to owe allegiance to the crown of Scotland.⁹ It would have come as a shock to King Henry to realise that the military predominance held by the Fitzgeralds in the Pale partly rested on assistance given to them by some of his foreign enemies.

Any examination of the Fitzgeralds' armed strength would have drawn attention to other unpleasant aspects of their behaviour, not the least of which was their famously high-handed arrogance in the face of royal power. On several occasions since Henry VIII's accession, the earls of Kildare had acted out of turn. Garret Mor, the eighth earl, had ignored the king's summons to England three times between 1509 and 1511, an astonishing statistic. Nor had the arrogance of the dynasty stopped here. In May 1515 it was claimed that Garret Mor's son and successor, the ninth earl, Garret Oge Fitzgerald, did much as he liked, making peace and war in Ireland with or without the consent of the Irish Council.¹⁰ This hardly made him an ideal or 'effectual' Lord Deputy, and he too, like his father before him, was

⁶ For the power of the Geraldines at this time, see D. Bryan, *The great earl of Kildare* (Dublin 1933); L. McCorrstine, *The revolt of Silken Thomas: a challenge to Henry VIII* (Dublin 1987); D.B. Quinn, 'The hegemony of the earls of Kildare, 1494-1520', *N.H.I.*, ii (Oxford 1987); Colm Lennon, *Sixteenth-Century Ireland: The Incomplete Conquest* (Dublin 1994), pp 68-77.

⁷ S.G. Ellis, *Tudor Ireland: Crown, community and the conflict of cultures, 1470-1603* (London 1985), p. 66; Idem, 'Tudor policy and the Kildare ascendancy in the lordship of Ireland, 1496-1534', *I.H.S.*, xx (1977), pp 240 and 249; Idem, *Tudor Frontiers & Noble Power: The Making of the British State* (Oxford 1995), p.143.

⁸ D.B. Quinn & K.W. Nicholls, 'Ireland in 1534', *N.H.I.*, iii (Oxford 1976), p.31.

⁹ Jane E.A. Dawson, 'Two kingdoms or three? Ireland in Anglo-Scottish relations in the middle of the sixteenth century', in Roger Mason (ed.), *Scotland and England, 1285-1815* (Edinburgh 1987), p.117.

¹⁰ Ellis, *Tudor Ireland*, pp 100-2. Suffice it to say that I disagree with Professor Ellis's suggestion that Henry was not greatly suspicious of overmighty subjects like the Fitzgeralds (*Ibid.*, p.101).

summoned to London to explain himself.¹¹ For Henry VIII, it must have seemed that, under Geraldine control, Ireland was slipping further from his grasp just when he needed it most.

To confirm his suspicions, he was informed by his supporters in the Pale that the Fitzgeralds were responsible for encouraging the gaelicisation of the English areas of the country.¹² This too was a damaging allegation. Henry's fears over Ireland's security were often framed in racial terms. Like many English people, he was highly mistrustful of the Gaelic Irish, whom he viewed as wild and savage people untouched by 'civilised' norms and culture. Specifically, he disliked them because they had no respect for the crown, and right throughout the early part of his reign he and his ministers continued to refer to them as 'the king's Irish enemies'. The accusation that the Kildare ascendancy had succumbed to Gaelic ways was bound to consolidate his dissatisfaction with them. Not only were they too powerful in Ireland, they were an alien influence as well.¹³

If events in County Kilkenny were anything to go by, Henry's fear of a decline of 'the Englishry of Ireland' was well founded. Over the previous hundred years Kilkenny had definitely lost contact with England. Beginning in the 1420s the shire had been gradually transformed into a region where Gaelic customs were pre-eminent. Ironically this process owed its origins to the then head of the Butlers, the fourth (or White) earl of Ormond. Under his auspices a series of local ordinances were introduced that edged Kilkenny towards what Kenneth Nicholls has termed 'a purely Gaelic system of government'.¹⁴ A little later, with the earls of Ormond absent in England, the gaelicisation of the county speeded up thanks to the efforts of the Pottlerath Butlers. Indeed the celebrated statutes of Kilcash, by which large parts of Kilkenny and Tipperary were placed under a Gaelic system of criminal law, were put together in 1478 by James Mac Edmund Butler of Pottlerath, Piers Ruadh's father.¹⁵

The Kildare Fitzgeralds were responsible for the continuance of the trend. Ever since they had taken control of the colonial government in the 1490s, they had seen to it that the county was insufficiently able to defend itself against the predatory instincts of its Gaelic neighbours. By 1515 there was genuine concern that Kilkenny would cease to serve Henry as part of the 'Second Pale'.¹⁶ As we shall see, this concern helped greatly to create the circumstances whereby Piers Ruadh Butler was able to bargain with the crown and lead the county out of the backwoods and back to the centre of Irish politics.

Life under Kildare: the gaelicisation of Kilkenny

There was no shortage of evidence to substantiate the fear of the county's degeneration. It was openly acknowledged in Dublin that the Anglo-Irish of Kilkenny had drifted far from royal control. According to the report of an anonymous eye-witness, only the people of the walled towns situated in the county's central valley retained a semblance of English culture, as they usually spoke English, wore English clothes and obeyed English laws. Beyond these havens, however, the influence of the 'wild Irish' was to be found all

¹¹ For an alternative view, where it is claimed that the royal summons of 1515 had nothing to do with Garret Oge's effectualness as deputy, see Ellis, 'Tudor policy and the Kildare ascendancy', p.249.

¹² Lennon, *Sixteenth-Century Ireland*, p.79. Ellis (S.G. Ellis, *Reform & Revival: English Government in Ireland, 1470-1534* (London 1986), p.2) surprisingly criticises previous scholars for giving credence to the 'self-appointed critics of [Kildare] government'. Surely these critics are relatively reliable witnesses to the problems of their own time?

¹³ Nicholas Canny, *Reformation to Restoration: Ireland, 1534-1660* (Dublin 1987), p.2, provides a useful antidote to Ellis on this point.

¹⁴ K.W. Nicholls, 'Anglo-French Ireland and after', *Peritia*, i (1982), p.401.

¹⁵ *Ibid.*

¹⁶ Canny, *Reformation to Restoration*, p.12.

across the countryside, primarily in the upland areas in the north, east and south.¹⁷ Bad though it was, the account was not exaggerated. It fits in with other evidence of gaelicisation around the county dealt with in Chapter One above. Moreover, writing to the king nearly thirty years later in 1543, the gentry of the shire joined with those of neighbouring Tipperary to admit (albeit reluctantly) that things had deteriorated painfully over the previous few generations. As they stated, a large number of Gaelic 'usages and extortions' had come into vogue in the area ever since the end of the fifteenth century. Looking back, this clearly caused them considerable embarrassment, and the document, written as an apology, tried to compensate by repeatedly stressing the region's long history of steadfast loyalty to England.¹⁸

The 1543 document is all the more significant for what it leaves out. Those who composed it attempted to draw a veil over the fact that, at the time of Henry's accession to the throne in 1509, the area had been controlled for some time by the Kildare Fitzgeralds and their then frontman, Piers Ruadh. By the 1540s this had also become a major source of embarrassment, and not just because Piers later redeemed himself by getting rid of Kildare. Rather, the document's authors knew very well that, under Geraldine rule, Kilkenny's dependability had declined in a number of ways. Hand in hand with the Gaelic resurgence, certain longstanding demands of the English government had fallen into abeyance before 1515, ignored all across the county.

Taxation had been the first to fall by the wayside. By the beginning of the reign of Henry VIII the extent of Kilkenny's contribution to the parliamentary subsidy was negligible. To be fair, the decline in the local donation to the government's income was not entirely due to the Fitzgeralds. Long before their ascendancy had begun the county had stopped paying taxes to Dublin. Ever since the 1440s, when local landlords had forbidden their tenants from contributing to the subsidy, the notion had developed in Kilkenny that the government's demands for money were only legitimate if the county agreed to pay. By the 1490s this had reached a somewhat inevitable conclusion, with the locals failing to recognise the governments' tax requirements whenever they were made. Clearly none of this was the Fitzgeralds' doing; nonetheless, the fact that they failed to exercise a positive influence on the subsequent levels of payment was surely their responsibility, and theirs alone.

As far as the English monarchy was concerned, the ongoing failure of the Dublin Exchequer to extract a penny towards its expenses was proof enough that Kilkenny was no longer to be counted on for support. Its continuing non-payment may have been due to resentment of Geraldine power. Whenever the earls of Kildare served as chief governors for the crown, hardly a penny was collected towards the subsidy from County Kilkenny, and this despite the fact that the Fitzgeralds attempted to assuage local fears of annexation by using a Butler, Piers Ruadh of Pottlerath, as their representative.¹⁹

An even more damning indictment of Fitzgerald rule was the lack of officials appointed by the dynasty to oversee English-style law and order in Kilkenny. Again, however, it is important to stress that the decline of traditional government institutions was not entirely the Fitzgeralds' fault. The administration of local government had deteriorated in the 1490s as a result of intense rivalry between the absentee seventh earl of Ormond and the eighth earl of Kildare, Garret Mor, who had recently become Lord Deputy. Faced with Kildare's challenge, old Ormond had been mindful to proclaim his customary rights to

¹⁷ *S.P. Henry VIII*, ii, pp 8-9.

¹⁸ H.M.C., *Ormonde MSS. 1543-1711* (London 1895), pp 1-4.

¹⁹ D.B. Quinn, 'The Irish parliamentary subsidy in the 15th and 16th centuries', *R.I.A. Proc.*, xlii, section C (1934-5), pp 228-9.

nominate the sheriff and various other officials in the Kilkenny-Tipperary region, but his words were wasted.²⁰ Sometime in 1498 John Sherlock, his nominee for an important post in the shire, was deposed on Kildare's behalf by Piers Ruadh, who in turn filled the vacant place with someone more to his and his master's liking.²¹ Since 1498, then, the personnel of shire government had become a matter of factional dispute.

The following year the crown had stepped in, but it too had failed to set matters straight. Despite granting a commission to another of Ormond's friends, Sir John Wise, to serve as special justice for the county,²² Kildare and Piers had been able to circumvent his authority by employing an alternative strategy. Acting in his capacity as the king's deputy, Kildare had travelled to Kilkenny in 1500, bringing the judges of the Dublin courts and most of the Irish Council with him. Ostensibly they had turned up to dispense justice, but in reality their arrival had been a response to Wise's appointment, one which demonstrated beyond all reasonable doubt that Kildare, not Ormond, was the *de facto* ruler of Kilkenny.²³ (For his own part, Wise had been notable by his absence during the proceedings, hardly the behaviour of a man determined to stand above faction for the sake of the law).

Things had not improved after that. Over the next few years Kildare had been able to consolidate his grasp over the county, but the monarchy had got little benefit from his advancement. Instead of installing some new officials to bring Kilkenny back into the fold as an area amenable to English law, he had left it out on its own, cut off from the Pale, foolishly content to allow Piers Ruadh to run things more or less as he liked, without hindrance. Eventually, of course, the Fitzgeralds paid heavily for allowing Piers such freedom. In the meantime, by relying on him as their puppet rather than ruling Kilkenny directly themselves, they drew attention to the gradual withdrawal of the shire from Dublin's ambit and from the anglicising influence of the central legal system. By the early years of the sixteenth century only the sheriff held regular court hearings in the county. This implied two things: firstly, that the administration of justice was run by a nominally pro-Geraldine monopoly, as the sheriff was invariably Piers Ruadh or one of his henchmen,²⁴ and secondly, that proper assize sessions were no longer held there anymore.²⁵ In addition, right throughout this period none of Kilkenny's sheriffs bothered to make their returns (known as proffers) to the royal Exchequer in Dublin.²⁶ No wonder Kildares' critics - among them Robert Cowley, a Kilkenny-born lawyer - argued that his delegatory style of government was not suited to the king's expressed need for law and order, peace and security, in Ireland.²⁷

The extent to which Kilkenny had drifted away from royal control during the Geraldine era was quite remarkable. To make up for the shortage of English officials, it had very quickly evolved into a region of mixed law. Leaving the towns of the Nore valley aside, by the reign of Henry VIII Gaelic law had taken a firm grip over many rural areas of the shire. As Henry later learned, for some time native judges known as brehons had been 'maintained by all the lords of ... the county of Kilkenny'.²⁸ Piers of Pottlerath and his master Kildare had openly connived at this development. When Kildare had come to the shire in

²⁰ Idem, 'Anglo-Irish local government, 1485-1534'. *J.H.S.*, i (1939), p.372.

²¹ *C.O.D.*, iv, Appendix, pp 337-8.

²² Quinn, 'Hegemony', p.648.

²³ C. McNeill (ed.), *Liber Primus Kilkenniensis* (Dublin 1931), pp 156-8.

²⁴ See Appendix 6; see also G.D. Burtchaell, *The Members of Parliament for County Kilkenny* (Dublin 1888), p.249.

²⁵ Hore & Graves (eds.), *Social state*, p.78.

²⁶ Quinn, 'Anglo-Irish local government', p.356.

²⁷ Ellis, *Tudor Ireland*, pp 102-3. Brendan Bradshaw, *The Irish constitutional revolution of the sixteenth century* (Cambridge 1979), chap 2.

²⁸ Hore & Graves (eds.), *Social state*, pp 99-100.

1500 to confirm his ascendancy there, he and Piers had ordained that henceforth the sheriff and the under-sheriff could only indict suspects in the presence of a 'learned man', a deliberately vague phrase which admitted the prospect of native brehons as well as English-trained lawyers working in local government.²⁹

The reason for the spread of Gaelic justice was not hard to find. The penalties for crimes under brehon law were milder than those imposed under statute law. For example, brehons would not order the execution of a criminal for theft; instead, they would require the culprit to make restitution of the things he had stolen or, failing that, they would make him offer adequate compensation for his crime. Even in cases of murder execution was not demanded. As the brehons saw it, there was far too much danger in the English judicial principle of blood for blood: it was surely better to impose a large fine than contribute to the spread of violence.³⁰ For many local landlords, especially those living in border zones, this was a very comforting legal doctrine.

However, to the minds of King Henry and 'the Englishry' of Kilkenny's midland breadbasket, it was utterly unacceptable. The expansion of Gaelic law threatened to tear the political and social fabric of the county apart. Large sections of the local population opined the loss of the stability and cultural cohesion that they had gained from the enforcement of English statute law in the past. Indeed, by the early 1500s they had begun to look on aghast as, more and more, the county came to resemble a den of corruption where mixed law in reality meant no law, and where Gaelic judges became accomplices to the very crimes they were supposed to condemn.

The nub of the problem was that the growth of the brehons was totally intertwined with the growth of what can only be described as military extortion rackets around the shire. Because by brehon law the soldiers could not be killed for their misdemeanours, they abused their position. Under the mantle of brehon protection, increasing numbers of them were attracted to the shire as bees to a honey-pot, and they brought a wave of lawlessness in their wake. In Kilkenny town a new corporation bye-law had to be issued in 1500 to deal with 'the innumerable damages and unlawful exactions' demanded of the townsfolk by local troops, who threatened reprisals unless they were given what they wanted. The county's security was seriously compromised by this. According to the bye-law, the bands of 'extortioners and idle men' had converged on the shire from 'divers countries' roundabout in their hunt for spoils.³¹ The earl of Kildare, when he came to the town a short while later, issued a statement in support of the corporation, but his words were meaningless, for neither he nor Piers appears to have done anything to combat the soldiers' impertinence, either then or later.³²

The behaviour of the brehons was little better than that of the troops. Far from denouncing the spread of racketeering, they joined in themselves. For example, every second year when they arrived at a townland or hamlet on circuit - probably in the company of an armed gang - they would immediately demand the exorbitant sum of 20 pence (the going rate for a pig or a hog) from its inhabitants, irrespective of their ability to pay. The best that could be said about this was at least the charge was fixed.³³ Yet even here the brehons excited widespread animosity. Fixed charges fell heaviest in the underpopulated areas of the shire situated on the higher ground surrounding the Nore valley; it was probably in these parts that the brehons were most frequently seen. The same inflexible financial inequity occurred with

²⁹ McNeill (ed.), *Liber Primus Kilkenniensis*, p. 157.

³⁰ Hore & Graves (ed.), *Social state*, pp. 83 and 101.

³¹ McNeill (ed.), *Liber Primus Kilkenniensis*, p. 112.

³² *Ibid.*, p. 157.

³³ Hore & Graves (eds.), *Social state*, pp. 93 and 100.

the sums that they charged in cases of debt and trespass.³⁴ Consequently, there is no doubt that for many of the common folk who were forced to pay them, English law must have seemed preferable, as the lawyers and judges of assize were paid by the government.

Piers Ruadh's new direction

Local disenchantment with the decline of the county's Englishness played no small part in facilitating the emergence of Piers Ruadh Butler of Pottlerath as the official new overlord, and this although he had had much to do with hastening the decline in the first place. By 1515 (omitting Upper Ossory) there were two County Kilkennys, an uphill Gaelic one and a lowland English one. Piers already had a steady grip of the gaelicised areas, but he needed the support of the rich anglophile central plain if his bid for the earldom of Ormond was to have a solid basis. This presented him with a dilemma, the resolution of which was destined to determine the success or failure of his career.

In theory the support of English parts of the shire was attainable, but he would need to change his ways in order to secure it. In the first place, he would have to appear to reject his Gaelic past by pinning his banners to an English standard, for the ties that bound the midlands of the county to the crown were still very strong ones: in 1517, for instance, the corporation of Kilkenny passed a by-law requiring all future elected sovereigns to take an oath of loyalty to the king of England and lord of Ireland.³⁵ For Piers Ruadh, making such a commitment to the English connexion was not difficult. From his own point of view, he badly needed to improve his standing with the monarchy so that his claims to the Ormond title would not be ignored at Whitehall, where his dynastic rivals, the Boleyns and St Legers, were presently doing their best to insure his exclusion from the earldom.

But all of this was to reckon without the Fitzgeralds of Kildare. Unhappily for Piers, his pledge to uphold English ways was not enough to satisfy either the gentry and merchants of the central Nore valley or the king of England of his reliability. In addition, they expected him to remove the Fitzgeralds from a dominant position in the shire if they were to give any serious thought to his ambitions. To encourage him, both the crown and the local loyalists were willing for the moment to put up with his worst excesses in order to wrest control of the area back into non-Geraldine hands. But for Piers, breaking with the Fitzgeralds - his wife Margaret's family - did not come easily. For more than twenty years he had been protected by them from the meddling hands of the crown. He could hardly be expected to disown them in an instant, especially as he could not yet be certain that the crown would be constant to him in the future. In the months immediately following the seventh earl of Ormond's death, there was a noticeable hesitancy about Piers Ruadh's actions as he gradually accustomed himself to the idea that his bid for the vacant Ormond earldom was going to mean a dramatic and thoroughgoing break with the past.

In the event, Piers Ruadh did not dare to jump from the safety of the Fitzgerald bandwagon until he was pushed. At a crucial moment in his career his former protectors let him (and his wife) down. Had they not done so, the history of sixteenth-century Kilkenny might have been a much different story. In the late summer of 1515 the ninth earl of Kildare, Garret Oge, delayed giving recognition to Piers, his brother-in-law, as the new earl of Ormond, only doing so in April 1516,³⁶ many months after old Earl Thomas's demise. For

³⁴ *Ibid.*, p.100.

³⁵ Neely, 'Kilkenny City', p.43.

³⁶ In his treatment of the Ormond inheritance dispute, Professor Ellis fails to take note of the long delay before Kildare declared his support for Piers, an oversight which leads him to assume that Kildare was always steadfast behind his brother-in-law. If this was so, then why did Piers Ruadh break away? (Ellis, *Tudor Ireland*, pp 103-4; *Idem, Reform & Revival*, pp 157-8).

Piers the delay was a cruel blow, and not just because of the obvious insult of having his many years of loyal service to the Geraldines overlooked. In the meantime his rivals for the earldom in England had stolen a march on him, gaining the king's ear to press their claim. Kildare had allowed this to happen, more concerned with keeping up with the rising star of the Boleyn family at court than furthering the ambitions of Red Piers Butler of Pottlerath, a man who was still just a minor character on the political map. Indeed, by his failure to offer speedy recognition Kildare probably intended to sabotage Piers's plans to succeed to the title. From a Geraldine perspective, there was no point in conniving at the resurgence of the Ormond lordship. True, Piers had served as a willing instrument for some time now, but be that as it may, it was not clear that he would remain useful if he was promoted to the peerage. As such, in Maynooth Castle it probably seemed best to keep him as he was, small but manageable in Kilkenny, while welcoming the prospect of a Boleyn-St Leger succession, which would continue the tradition of absenteeism in the earldom of Ormond, something which was arguably the key foundation of the Kildare ascendancy.

Whatever the case, the snub given to Piers Ruadh by the ninth earl of Kildare proved to be a bad miscalculation. Immediately it aroused Piers's enmity, thereby producing the first major breach of the network of alliances upon which the Fitzgeralds had established their nationwide supremacy. Piers's wife, Margaret Fitzgerald, was also angered. Her brother Kildare had blocked her path to becoming a countess. From this date onwards she seems to have broken from her family and dedicated herself entirely to the Butlers' cause. Delighted by this split, over the next few years Cardinal Wolsey convinced Henry VIII of Piers's worth as an alternative to the Fitzgeralds.

For his own part, Piers Ruadh was at last comfortable with the new direction of his career. By November 1516 he appears to have reached an accommodation with the 'Englishry' of the county, who were ready to help him consolidate his power before he set out to take on the Fitzgeralds. With the assistance of the bishop of Ossory, Oliver Cantwell, a number of ageing Ormond servants were brought variously to Jerpoint Abbey, Callan Priory and other church centres to swear that Piers was the rightful heir to the Ormond title. Others who came forward to substantiate his claim included John Cantwell of Moycarky, one of the most powerful landlords in Tipperary, and the depositions were later collated and proclaimed before James Shortal of Ballylorcaine 'and numberless other persons' convened for the occasion at Fennell Hill in a 'public assembly of the county of Kilkenny'.³⁷

Piers Ruadh lost no time in making the most of the situation. Over the following twelve months he expanded his foothold in Tipperary, bringing the baron of Dunboyne to heel with a show of force in the area. By this time his representatives included David Fitzgerald (alias Baron) of Brownesford, a southern Kilkenny gentleman who probably commanded some of his forces,³⁸ and those who put themselves forward to act as *slanys* - guarantors of the peace after the Gaelic fashion - included the sovereigns of the towns of Kilkenny and Callan. The appearance of these by Piers's side was fascinating. By acting as *slanys* they were seen to cooperate for the moment with his use of alien Gaelic customs in order to advance his cause. They did not compromise in vain. In return, as part of his treaty with the vanquished Dunboyne, Piers made a point of paying lip-service to the principles of English law, forcing the baron to agree in future to the award of the local assize court.³⁹

³⁷ C.O.D. iv, no. 33 (4).

³⁸ Alias 'David de Geraldinis. Baron of Haliabiron'; he acted as one of Piers's negotiators in the subsequent settlement of the conflict with Dunboyne (*Ibid.* no. 40).

³⁹ *Ibid.*

Up to this point Piers had not openly declared his opposition to Kildare. Rather, he had maintained an outward show of friendship, biding his time until his strength had reached a level appropriate to his ambitions. It is interesting to note that Kildare had been completely taken in by the act, so much so, in fact, that he had actually helped Piers in 1517, offering him his assistance against Dunboyne, and putting himself forward as one of the guarantors of the treaty which the baron had been forced to sign. It was to be Kildare's last act of friendship towards Piers Ruadh. After 1517 Piers struck forth on his own, no longer content with second place in the Butler territories. Ironically enough, Dunboyne's defeat was probably the deciding factor in the breakaway. Previously the baron had been the one Butler lord capable of barring Piers Ruadh's path. With him beaten, Piers had most of Tipperary as well as Kilkenny at his feet. Only now was he ready to challenge his former patron. At once he stopped paying Kildare the sum of 100 marks per annum which the earl charged him for protection while he held the lord deputyship.⁴⁰ Nevertheless, even with large parts of Kilkenny and Tipperary to draw upon for strength, the situation confronting Piers when he eventually turned his army against Kildare was a daunting one.

Preparing for war, 1515-28

Kildare's men were far too close for comfort. Over the preceding few decades they had been free to infiltrate the Ormond lordship, and they had established themselves in strong positions all around the borders of Kilkenny. In neighbouring County Wexford, the Fitzgeralds had moved into Roche's country and the Fassagh Bantry, and they also had an important garrison at Old Ross.⁴¹ In Carlow their power was greater still. Thanks to a series of recent acquisitions they had assured themselves of a string of castles in the county, among them Cloghgrenan, which guarded the road from Kilkenny to Carlow town and Dublin.⁴² More significantly, the Kildare family enjoyed excellent relations with Carlow's Anglo-Irish community at this time, having their garrisons housed and fed with the *consent* of the local landowners.⁴³ In Tipperary too the Kildare Fitzgeralds were ready to answer Piers's challenge. Already possessed of the manor of Knockgraffon,⁴⁴ after 1500 they had secured further grants of land there from the Salls, the Uniacks and the Ballykelly Butlers.⁴⁵

Worst of all, however, the Geraldines also had a large toehold in County Kilkenny itself. In the north-east of the shire they could count on the friendship of some of the O'Brennans of Idough, who were anxious to keep the Butlers and the rest of the Kilkenny community out of their mountain territory. In October 1515 Kildare agreed terms with Geoffrey O'Brennan, one of the principal men of the clan, whereby Geoffrey was to occupy a castle that the earl owned at Moynleat.⁴⁶ It was obviously in Geoffrey's interest to take up the offer. Moynleat (the present-day Moyne) was of major strategic significance, standing on high ground near Kilmocar - Piers Ruadh Butler's main outpost in the area - and guarding one of the principal southern avenues into O'Brennan country.⁴⁷ And this was not all. Equally worrying to Piers, Kildare had other friends in the county. In the town of Kilkenny his interests were ably represented by one of the merchant elite, Thomas Langton, a former

⁴⁰ In 1523/4 it was recorded that Kildare had not received a penny from Piers since 1517: *S.P. Henry VIII*, ii, p.106.

⁴¹ The details concerning the growth of the Kildare estate in Wexford can be found mainly in the Duke of Leinster papers deposited in Belfast (P.R.O.N.I., D. 3078/1/18/9-22); for a useful brief discussion of these and other acquisitions, see Ellis, *Tudor Frontiers & Noble Power*, pp 119-23.

⁴² They acquired it circa 1500 from 'Arthur, son of Arthur Kavanagh' (Ibid. D. 3078/1/1/3, fol. 157). My thanks to Kenneth Nicholls for lending me his notes on this source. The Kildares also held Clonmore and Tulleophelim (N.L.I., Ms. 2506, fol. 1r).

⁴³ Hore & Graves (eds.), *Social State*, p.160.

⁴⁴ N.L.I., Ms. 2506, fol. 1r; Mac Niocaill (ed.), *Crown Surveys*, pp 308-9.

⁴⁵ P.R.O.N.I., D. 3078/1/22/1-5.

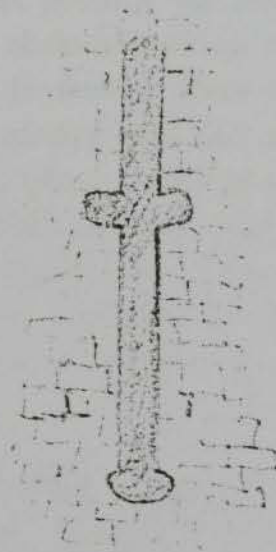
⁴⁶ Mac Niocaill (ed.), *Crown Surveys*, p.245.

⁴⁷ Sadly nothing now remains of Moynleat Castle; perhaps it was destroyed by the Butlers?

sovereign of the town,⁴⁸ who was granted a lease of part of Kildare's estate in the shire in 1518 or 1519.⁴⁹ Further afield, Kildare also had an agent at Callan, Thomas Grace, whose job was probably to administer the earl's nearby lordship of Ballycallan.⁵⁰ Clearly, the late fifteenth and early sixteenth centuries had been a period of mounting Geraldine recruitment in County Kilkenny.

It had also been a period of Geraldine fortification. By the time of Piers Ruadh's breakaway, the earl of Kildare had two major strongholds in the shire. The first of these, in the east at Drumroe - the present Mount Loftus - was another recent acquisition, purchased by the eighth earl of Kildare in April 1509 from Theobald Butler fitz Robert.⁵¹ Its military features were fairly obvious. Built on a steep hill near the banks of the River Barrow, it had a commanding view of the countryside between Graiguenamanagh and Leighlinbridge on the Kilkenny/Carlow border, and it also offered a wide prospect of the movement of traffic between Gowran and Thomastown. As such it was one of the more important castles in the Ormond territories. Not only the eastern Kilkenny Butlers, but also the MacMurrough Kavanaghs of Borris in Carlow, lay within its grasp, and its potential to control the Barrow was confirmed by the acquisition of land at Powerstown, Paulstown and Shankill.⁵² Kildare made shrewd use of the fort. Continuing the theme of recruitment, he had handed it over on an annual lease to Theobald fitz Edmund Butler of Neigham, Piers Ruadh's most troublesome rival for the earldom of Ormond in County Kilkenny. It was a classic piece of Geraldine statecraft, strengthening one Ormond claimant against another in order to keep the two divided. The grant placed a serious constraint on Piers's room for manoeuvre. Certainly any future attempt to dislodge the Neigham line from Drumroe Castle would have to depend on speed and surprise, for the Neigham Butlers could easily call up reinforcements from the Fitzgerald garrison at Old Ross in Wexford.

Figure 3.1
Gun-hole at Glashare Castle



(sketch by D. Ed)

⁴⁸ Langton was portreeve of Kilkenny in 1507 and sovereign in 1511 (J.G.A. Prim, 'Memorials of the Family of Langton', p.69).

⁴⁹ The precise date is uncertain: Mac Niocaill (ed.), *Crown Surveys*, p.248. Langton was still on good terms with Kildare in May 1524, when he was granted some more property in the county: *Ibid*, p.255.

⁵⁰ *Ibid*, p.330; St. Kieran's College, Kilkenny, Carrigan MSS, Vol. 18, unpaginated; N.L.I. Ms. 2506, fol. 1r. This should not be confused with another Kildare lordship, Ballycallan in Limerick (Mac Niocaill, *Crown Surveys*, pp 178 and 308).

⁵¹ P.R.O.N.I., D. 3078/1/1/3, fol. 156. A copy of the deed of transfer is kept among the Carlow records of the Duke of Leinster; Drumroe was still part of the medieval county of Carlow in the sixteenth century (see Chapter One above).

⁵² As note 43 above.

Piers Ruadh faced a similar problem with Kildare's second stronghold in Kilkenny, along the north-western frontier at Glashare. Like Drumroe, Glashare Castle occupied a key sight, defending one of the main avenues linking Kilkenny to the MacGiollapadraig's country in Upper Ossory. It also stood within striking distance of Thurles and Templemore in Tipperary, two of Piers's outlying manors. Glashare had been in Kildare hands since the early 1300s,⁵³ and the dynasty was careful never to let it fall behind the times as a military centre. Probably in the mid-fifteenth century they had rebuilt it into the 5-storey tower house which stands there today, and the improvements continued into Piers's time, as some cross-shaped gun-holes were cut into its walls early in the sixteenth century, signalling the introduction of firearms to the garrison there.⁵⁴ Clearly, anyone trying to take the castle would encounter stiff resistance, especially as the earl of Kildare could summon the help of his ally MacGiollapadraig.

Indeed, irrespective of the considerable strength of his castles, it was Kildare's extraordinary capacity to raise reinforcements that would have concerned Piers Ruadh Butler most of all. The Geraldine military machine was based on delegation, for an earl of Kildare depended less on the size of his own army than on the willingness of his relatives, allies and clients to lend him additional forces whenever he needed them.⁵⁵ Through this network of supporters he could put together an enormous army at relatively short notice. At the battle of Knockdoe in 1504, for example, the eighth earl of Kildare, Garret Mor, had led an army against the Clanricard Burkes that included soldiers from most parts of the country, as the O'Neills and O'Donnells from Ulster, the MacDermotts and the O'Connors Roe from Connaught, and the O'Farrells and the O'Connors Faly from Leinster all answered his call to arms.⁵⁶ At the time, Piers Ruadh himself had joined up with this force, so now that he intended to break away from Kildare he knew that he ran the risk of total destruction. From 1517 onwards he had to piece together his own rival system of alliances if he was to stand any chance of success.

Fortunately for Piers, it was possible for him to do this. Although the Kildare dynasty could boast of a nationwide chain of political associates and sympathisers, they had not befriended everyone on the map; far from it. The manner in which they had built up their power had alienated as many local lords and chieftains as it had ever won over to their cause. In a militarised society like Ireland, where neighbouring rulers squabbled constantly over territory, the price of friendship with one lord was enmity with another. Accordingly, Kildare's list of adopted foes was extensive: though he had the largest network of friends, he also had more enemies than any other Irish lord. As Piers Ruadh soon proved, support for Kildare was noticeably slim in the south of the country, around the borders of Counties Kilkenny and Tipperary.

Arguably Kildare's most steadfast opponents in Leinster (and Piers's most useful source of support) were the O'Mores of Laois,⁵⁷ whose lordship lay to the north-east of Kilkenny. For many years they had successfully struggled to maintain their independence of Kildare. Led by capable soldier-chieftains such as Connell Mac David and Melaghlin Mac Owey they had constantly irritated the Geraldines, blocking every effort to surround them

⁵³ Eric St. John Brooks (ed.), *Knights Fees of Cos. Wexford, Carlow & Kilkenny* (Dublin 1950, pp 181-2).

⁵⁴ For gun-holes at this date, see Conrad Cairns, 'Guns and Castles in Tipperary', *Irish Sword*, xvi, No. 63 (1985), pp 112-14.

⁵⁵ Ellis, *Tudor Frontiers & Noble Power*, pp 128 and 132-5.

⁵⁶ Lennon, *Sixteenth-Century Ireland*, pp 65-7.

⁵⁷ It is difficult to accept Professor Ellis's claim (Ellis, *Tudor Frontiers & Noble Power*, p.228) that the Kildares' close ties to 'Gaelic chiefs like ... O'More' had helped to stabilise the Anglo-Gaelic frontier of the Pale in the period before 1534. To which O'More chief is he referring? As argued here, good O'More/Kildare relations only commenced in the mid-1520s, and even then it was only a splinter group of the O'More clan that supported Kildare power.

by turning the Kildare/Laois border at Fassagh Reban into a military wasteland.⁵⁸ The struggle had hurt them badly over the years. In 1493, for instance, it had accounted for the life of Connell Mac David O'More, who was killed by the earl of Kildare's men in the Bulby's country beside the Barrow.⁵⁹ But they had given as good as they got. In 1513 it was at their hands that Garret Mor, the eighth earl of Kildare, had met his end, shot by an O'More assassin when out watering his horse in the River Greese near Kilkee Castle.⁶⁰ Thereafter the O'Mores' war with the Fitzgeralds had intensified. Early in 1514 the new earl of Kildare, Garret Oge, had come to Laois seeking revenge, and his campaign on that occasion had helped to create a climate whereby the O'Mores were willing to accept the overtures of Piers Ruadh Butler for an anti-Kildare alliance a few years later. Hitherto they had been wary of powerful allies, but after 1514 they had no choice but to join with Piers and others like him. The Geraldine army had destroyed their fortress at Cullenagh; moreover, the great wood which had separated them from County Kildare had been cut down.⁶¹

Another Gaelic dynasty considering a link-up with Piers was the O'Carrolls of Ely. Like the O'Mores, they had been fighting against Fitzgerald dominance for some time, siding with anyone, large or small, who was willing to help them. Hence their appearance at Knockdoe in 1504, when they had sided with the Burkes of Clanricard and the O'Briens of Thomond against Kildare and his host of allies.⁶² On the losing side then, they had continued to fight on regardless, but gradually the Fitzgeralds had begun to close in on them. At the time of his assassination in 1513, the eighth earl of Kildare had been attempting a full-scale siege of the O'Carrolls' principal fortress, Leap Castle in southern Offaly;⁶³ had it not been for the dramatic intervention of the O'More assassin, the earl would probably have lived to take the castle and banish the O'Carrolls from the region. As it was, however, his son and heir Garret Oge was able to seize Leap three years later in 1516,⁶⁴ an event that signalled a severe crisis for the O'Carrolls which not even Piers Butler's offer of friendship could ease.

Essentially the growth of Geraldine power in Ely had produced a split in the O'Carroll dynastic structure. Although many members of the dynasty were determined to carry on opposing the Fitzgeralds, after Leap Castle fell others reckoned that it was time to yield to the inevitable and seek an understanding with Kildare. These, the pro-Fitzgerald O'Carrolls, had little time for Piers Ruadh Butler. Cooperation with Piers was the last thing they wanted, for they realised it would antagonise Kildare and invite further punitive actions against them by his followers. Moreover, they could justify their opposition to Sir Piers on the grounds that the O'Carrolls' greatest enemies were surely the Butlers, who laid claim to the entire territory of Ely O'Carroll as part of Tipperary in right of the earldom of Ormond.⁶⁵ This anti-Butler viewpoint was destined to gain the upper hand over the course of the next few years, as more and more of the O'Carrolls came to suspect Piers's motives; for the moment, however, he was able to persuade some of their number that he could be a truer friend to them than Kildare. Immediately, the O'Carrolls became divided along factional lines. Opposition to Piers revolved around Mulroney O'Carroll and his son Fearganany,

⁵⁸ D.B. Quinn, 'Irish Ireland, English Ireland', *N.H.L.*, ii (Oxford 1987), p.634; Lord Walter Fitzgerald, 'The O'Mores and their territory of Leix', *Kildare Arch. Soc. Jn.*, vi (1909-11), p.6.

⁵⁹ *Ibid.* p.21.

⁶⁰ J. Canon O'Leary & E. O'Leary, *History of the Queen's County* (2 Vols., Dublin 1907), i, p.421.

⁶¹ W.M. Hennessy & B. MacCarthy (eds.), *Annals of Ulster* (4 vols., Dublin 1893), sub anno 1514.

⁶² John O'Donovan (ed.), *Annals of the Four Masters* (7 Vols., Dublin 1851), sub anno 1504.

⁶³ *Ibid.* sub anno 1513.

⁶⁴ *Ibid.* sub anno 1516.

⁶⁵ For the medieval origins of the Butler-O'Carroll rivalry in Ely, see George Cunningham, *The Anglo-Norman Advance: the South West Midlands of Ireland, 1185-1221* (Roscrea 1987).

whilst those opposed to Kildare were led by Sean O'Carroll and Owney Carragh, his heir-designate, and the rest of his sons. From Piers Ruadh's standpoint it was hardly ideal, but at least he had gained the alliance of a part of the O'Carroll clan. Admittedly, retaining their confidence would require a high level of commitment to their cause. Above all, he would need to get to grips with the O'Carroll succession, for otherwise the Ely-Tipperary frontier would drop straight into the hands of his opponents (and Kildare's friends) inside the clan, and the entire north-west of the Ormond lordship, from Nenagh to Urlingford in Kilkenny, would lie open to attack. When examined against this backdrop, it is far from surprising that for twenty years after 1516, the history of the O'Carrolls can be presented as a side-show to the Butler-Fitzgerald confrontation, as Piers Ruadh grappled with Kildare to impose a chieftain in Ely who would do his bidding.

A comparable situation evolved in Piers's relations with the MacMurrough Kavanagh lordship to the east of County Kilkenny. At the start of the sixteenth century the head of the dynasty, Murrough Ballagh Kavanagh, was earnestly opposed to the ongoing aggrandisement of his Carlow lands by the earl of Kildare. Styling himself king of Leinster, Murrough was determined to preserve the boundaries of his little realm in the Barrow valley, which covered much of southern and eastern Carlow and mid-eastern Kilkenny as well as a large part of north County Wexford. Like the chief of the O'Carrolls, he had fought on the losing side against Kildare at the battle of Knockdoe in 1504,⁶⁶ a defeat he soon came to regret. Following the battle the expansion of the Fitzgeralds into Kavanagh country seemed irreversible, and with Murrough's death in 1511 the clan split into pro-Geraldine and anti-Geraldine factions.⁶⁷ Once again Piers Ruadh Butler lost no time putting the fragmentation of a neighbouring Gaelic lordship to good use after his breach with Kildare. By the early 1520s he had patched up a deal with Maurice Kavanagh, one of three rival candidates for the Leinster kingship. In return for surrendering the Wicklow manor of Arklow to Piers, Maurice was promised half of its rents and profits for the rest of his life, and between them the two men pledged themselves to present a united front against Kildare in the future.⁶⁸ Though no-one doubted that Garret Oge had the upper hand with most of the Kavanaghs, Piers was now ready to push him out of Kilkenny with the help of his own Kavanagh allies.

The nature of Piers Ruadh's agreement with the Gaelic lords needs to be treated with caution. In early Tudor Ireland most alliances between territorial neighbours were short-term expedients, and those that Piers made with Connell Mac Melaghlin O'More, Sean and Owney Carragh O'Carroll, and Maurice Kavanagh, were not exceptions. The only thing that united them with Piers was hostility to the Fitzgeralds. It was clearly understood that, should the threat from Kildare decline and Piers's power grow too great, each of the alliances would dissolve overnight and Piers would become the enemy. It is unlikely that he was unduly concerned by this. In fact, Piers had so little in common with the chieftains that sometimes when they expected him to side with them he did not do so. In 1520, for instance, his immediate interests conflicted with those of Connell Mac Melaghlin O'More, when rather than plead Connell's case to the new Lord Lieutenant, the earl of Surrey, Piers went to war against him, seizing the opportunity that Connell's troubles gave him to display his usefulness to the English crown.⁶⁹ Significantly, his understanding with Connell survived this strain, and the two of them continued to work closely against the earl of Kildare in the

⁶⁶ R. Butler (ed.), *The Annals of Thady Dowling*. (Dublin 1849), p. 33, sub anno 1504.

⁶⁷ *Ibid.* sub anno 1512 (*sic*), and K. W. Nicholls, 'Late Medieval Irish Annals: two fragments', *Peritia*, ii (1983), p. 100.

⁶⁸ Liam Price, 'The Byrnes' Country in the 16th Century & the Manor of Arklow', *J.R.S.A.L.*, lxii (1932), pp 55-6.

⁶⁹ *Cal. Carew MSS. 1515-74*, pp 9-10.

years ahead. Sharing the same enemy may not have been much, but it was enough to make the pact last.

Bearing these observations in mind, it nevertheless remains true to say that some major political advantages accrued to Pier Ruadh Butler by contracting alliances with some of his Gaelic neighbours. Each of the agreements he made was worth making if only because Kildare was forced to stretch his forces across a wider area in order to curtail the oncoming Butler resurgence. In a sense, then, thanks to his alliances, Piers could afford to treat nearby Gaelic lordships like buffer-zones, places removed from his own lands where he could meet his Geraldine foes for battle.

Concomitantly, the negotiation of the agreements vastly improved his military position. According to contemporary estimates, more than 5% of all the soldiers in Ireland were situated along Kilkenny's northern and eastern borders, with nearly 1,450 men based there, hired by the seven main Gaelic dynasties of the region. By befriending some of the chieftains - or, more properly, some of the claimants to the chieftaincies - Piers was able to avail of at least part of his neighbours' armed strength. All that remained for him to do before tackling Kildare head-on was build up his own private army.

Figure 3.2
Gaelic armies on the Kilkenny frontier, circa 1500

<i>Chieftain</i>	<i>Horse</i>	<i>Galloglass</i>	<i>Kern</i>	<i>Total</i>
MacMurrough-Kavanagh	200	60	300	560
O'More of Laois	60	60	200	320
O'Carroll of Ely	80	60	140	280
MacGiollapadraig of Upper Ossory	40	60	60	160
O'Brennan of Idough	--	--	40	40
O'Ryan of Farren O'Ryan	12	--	24	36
O'Nolan of Forth O'Nolan	12	--	20	32

(Source: Liam Price, 'Armed forces of the Irish chiefs in the early sixteenth century', *R.S.A.I. Jnl.*, lxii (1932), pp 203-4).

He certainly needed extra forces badly. At the turn of the century the entire Butler dynasty, which was badly divided, could field just 660 men between its rival branches- 380 in Tipperary, 280 in Kilkenny - and even if they united this was nowhere near enough to challenge the Kildare Fitzgeralds and their supporters. Luckily for Piers Ruadh it was in the area of military recruitment that he would score one of the most important breakthroughs of his career. In 1517 he persuaded the townsmen of Kilkenny to lend him additional forces for his campaign against the MacGiollapadraigs in the north of the shire. The expedition was successful, and when the men returned to the town they brought back an iron gate from one of the MacGiollapadraig castles, which they put on display at the Tholsel as a trophy of war and a token of their common cause with Piers Ruadh, the main Irish pretender to the vacant earldom of Ormond.⁷⁰

The celebrations gave Piers immense satisfaction, for it showed that he had won over the local urban elite. Henceforth their help would be instrumental in the reduction of Kildare

⁷⁰ McNeill (ed.), *Liber Primus Kilkenniensis*, p.139.

power. Not only would the leading townsmen continue to grant him reinforcements after 1517, but some of them would also help improve his family's financial base, giving loans to the Butlers, and becoming their estate agents and officials. This gradual merger of interests between the Pottlerath Butlers and Kilkenny's merchant oligarchy was of major significance in another way also, as it provided a structure whereby the future exercise of power by the Butlers might be reformed through merchant influence. Reform, however, was still many years away. For the moment all that mattered was that the members of the Kilkenny town council were determined to expedite the re-emergence of the Butlers as a national force. The decision of the corporation to re-equip the town guard with new jackets and spears in 1517 was ideal for Piers's prospects, as it was done independently, without undue Butler pressure. Yet it served the Butlers' needs perfectly, letting their enemies the MacGiollapadraig and the ninth earl of Kildare know that Kilkenny town was seeking a return to political power as the capital once again of a strong Butler lordship.⁷¹

Piers was also successful in attracting support outside Kilkenny town in some of the shire's other urban centres. Gowran was foremost in acknowledging his new-found authority. It badly needed a strong military leader like him to come to its rescue. At the beginning of the sixteenth century the town was seemingly unable to defend itself against the threat posed to its prosperity by the Kavanaghs, who exacted protection money from it on a regular basis.⁷² It is, then, no surprise that Gowran was soon in Piers's hands after the death of the seventh earl of Ormond. The town had benefited little from the long period of Ormond absenteeism. Any advantages that may have accrued to it had been undone by the likes of Piers Ruadh Butler; better to have him as the new overlord, on the spot and ready to defend the town, than suffer another long struggle against adversity.

Perhaps easiest of all, Piers had little difficulty gaining the backing of the Kilkenny gentry, especially the old feudal clients of the earldom of Ormond who dominated the frontier regions and lusted after a renewal of the Ormond lordship. Though the borderlands had been relatively peaceful for some time now, the likes of the Graces of Courtstown, the St. Legers of Tullaghanbroge, the Purcells of Ballyfoyle and the Dens of Grenan were suspicious of the basis of the peace, which they recognised as a manifestation of Kildare dominance. None of the major gentry families of County Kilkenny had benefited much from a generation or more of indirect Geraldine rule - on the contrary, they had been excluded from national power - and some probably feared that they would go into decline should the Kildare ascendancy continue unopposed. As such, the gentry lost little time rallying to Piers Ruadh's banner once it was clear he would end the peace and go to war against the Geraldines.

It is important to realise that Piers began his military build-up in Kilkenny with the *consent* of the local elite of Anglo-Irish gentry who controlled the countryside. What occurred over the next few years was not a case of an ambitious warlord forcing his will upon a county community. On the contrary, ambitious and ruthless though he undoubtedly was, for more than a decade after 1517 Piers Ruadh was beholden to the Kilkenny gentry for (a) supporting his claims to the vacant earldom, and (b) allowing him to increase the size of his army until it was large enough to challenge the Kildare Fitzgeralds. Furthermore, the gentry made sure to define the terms of their alliance with him. As Dr Empey has noted, Piers's demands for the military tax known as coign and livery were very carefully proscribed: the local landowners only agreed to pay an acceptable rate, and this after the

⁷¹ Ibid. and Jocely Otway-Ruthven (ed.), *Liber Primus Kilkenniensis* (English translation, Kilkenny 1961), p. 103. Both editors mistook the jackets for guns: see Siobhan de hOir, 'Guns in medieval and Tudor Ireland', *Irish Sword*, xv, No. 59 (1982), p. 83.

⁷² Hore & Graves (eds.), *Social State*, p. 78.

customary fashion.⁷³ They were willing to go along with high coign and livery charges, and impose it on their tenants, only so long as he acknowledged their right to say no to him. At times during the 1520s Piers became frustrated with this arrangement. In 1526 he sought - and received - royal approval to impose coign and livery more freely in Kilkenny; specifically, he was granted authority by the king's commissioners to quarter troops on recalcitrant landowners who refused to pay him what he demanded. Yet even with royal backing Piers found it hard to free himself from gentry control. A meeting of the county landowners was called, and a manifesto was drafted in which the gentry reiterated their willingness to pay for Piers's growing army only if he sought their approval 'by bill' (i.e. by petition) and charged and assessed them in the usual way. Signed by nine of the principal gentlemen-freeholders of the shire, all of whom were quite close to Piers Ruadh - Walter Walsh, John Grace, James Shortal, Patrick Purcell, James Sweetman, Edmund St. Leger, Roland Fitzgerald (alias Baron), Fulk Den and Edmund Blanchville - the 1526 manifesto made it clear that the main county families were not prepared to be trampled underfoot by their new overlord.⁷⁴ There was, moreover, a veiled threat underpinning the manifesto. Should Piers fail to impose coign and livery as agreed, the gentry would cease supporting him in his bid for the earldom of Ormond. Because of this Piers was uncomfortably dependent on the Kilkenny gentry until 1528, when his place in the Ormond succession was formalised with his creation as earl of Ossory.⁷⁵ Only after 1528 did he dare seriously to infringe his agreements with the local landowners. Until that date, however, the major new Butler army that he was able to put in the field against the Kildare Fitzgeralds and their allies was as much the creation of the county elite as it was his own. The revival of the Ormond lordship involved rather more County Kilkenny families than the Butlers.

With the gentry's assistance and the cooperation of the towns the Butler army in County Kilkenny and eastern Tipperary more than doubled in size after 1517. Where there had once been less than 300 soldiers there gradually emerged a force of close to 800 men or more. The most important section of the army were the galloglasses, Scots-Irish mercenaries led by the MacSweeneys of Donegal, who numbered 340 men, and were organised into two 'battles' or great companies. Piers 'levied their wages upon all the whole country' of Kilkenny, and he maintained them 'continually', all year round, whether it was the campaigning season or not.⁷⁶ The local gentry participated in the build-up to a great extent. Below Piers and his sons, they dominated the army's command structure. The Purcells of Foulkesrath and the Archdekins (alias Codys or McOdos) of Ballybawnmore served as hereditary captains of the Butler kerne, each taking charge of a company of 'iiiixx [i.e. 60] kerne in the county of Kilkenny'.⁷⁷ The Fitzgeralds of Brownesford seem to have been in charge of up to 100 additional galloglasses in the south-east of the shire,⁷⁸ while in the north-west the Graces of Courtstown were responsible for 10 swordsmen who were based in their country.⁷⁹ Elsewhere several other major Kilkenny landowners had command of small detachments of the army, raising and leading a handful of horsemen or kerne - usually only two or three men, sometimes more⁸⁰ - from their estates, for which they were supplied with

⁷³ Empey & Simms, 'Ordinances of the White Earl', pp 176-7.

⁷⁴ *C.O.D.*, iv, no. 125.

⁷⁵ Dr Empey has missed this point about the manifesto, wrongly representing Piers as one who sought to restore the principle of consent into local politics (Empey & Simms, 'Ordinances', p.177).

⁷⁶ Hore & Graves (eds.), *Social State*, pp 98 and 109.

⁷⁷ *Ibid*, pp 98 and 121; N.L.I., Ms. 2507, fol. 65.

⁷⁸ Hore & Graves (eds.), *Social State*, p.121.

⁷⁹ N.L.I., Ms. 2507, fol. 65.

⁸⁰ Often an impression of the numbers of retainers kept by the gentry can be reconstructed from the pardons among the government fiants. During the early Elizabethan period, Kilkenny gentlemen usually had at least two soldiers, and sometimes as many as seven or eight, living with them in their castles and tower houses (*Cal. Fiants Ire., Eliz. I. nos 1068 and 1915*

armour, an expensive commodity, by the Butlers. According to a list of the Butler sub-commanders drawn up a decade or so after Piers's death, the Walshes of Castlehowell, the Comerfords of Callan, the Dens of Grenan, the Shortals of Ballylorcaine, the Shortals of Higginstown, the Blanchvilles of Blanchvillestown, the Fitzgeralds of Burnchurch, and the Galls of Gaulskill were the most prominent of many local families who formed the backbone of the new Butler military machine.⁸¹

In London the crown did more than just turn a blind eye to Piers Ruadh's growing strength; it actively supported him. This became manifestly clear in 1521/2 when, on the recommendation of Cardinal Wolsey and the earl of Surrey (the outgoing Lord Lieutenant), Henry VIII agreed to offer the Irish lord deputyship to Piers.⁸² Had he not been strong militarily, capable of bringing a large privately-funded army to the defence of the Pale, he would never have been considered for the chief governors' office. In Surrey's words, Piers Ruadh was 'the man of most experience of the feats of war of this country'.⁸³ Even after his first period as Lord Deputy ended in failure in 1524 his capacity to raise soldiers remained his single greatest political asset, one which the crown was determined to safeguard. In 1525 the king and his advisers ignored the earl of Kildare's searing denunciation of Piers's lawless and blatantly oppressive conduct in Leinster and Munster and, as noted above, in 1526 the king sanctioned Piers's request that he be allowed to impose coign and livery in his territories by force, though this was contrary both to law and to the terms of a royal commission of 1523. The crown continued to tolerate and nurture his aggressive behaviour for several years to come. In 1528 it even encouraged him to acquire land by conquest, a decision which necessarily envisaged his going to war against his neighbours. In a document drawn up just three days after his investiture as earl of Ossory, he was awarded the right to hold *in capite* by knight's service any lands 'which he might conquer acquire or recover in the whole lordship or county of Kilkenny then in the possession of the Irish'.⁸⁴

It should be recalled that while Piers was emerging from the shadows to become an increasingly dominant figure in Irish affairs, his rival the ninth earl of Kildare was being consistently checked and frustrated by the crown. In 1519 Kildare was summoned to court to answer directly to the king for his misconduct of the colonial government in Ireland. A series of charges had been laid against him, probably penned by Robert Cowley of Kilkenny,⁸⁵ and as a result of the subsequent investigation Kildare lost the lord deputyship. Earl Garret Oge's power would never be the same again. As Professor Ellis has shown, during the five years in which the office remained out of his hands, Henry and Wolsey substantially increased the crown's hold over the Dublin administration in general, and over the deputyship in particular.⁸⁶ Nor did Kildare's reappointment as Lord Deputy in 1524 in place of Piers Ruadh mean a rebirth of Geraldine supremacy in the Irish lordship. His reappointment was conceived as a temporary measure only. It was never meant to be permanent, and in 1526 he was again summoned to England to answer more charges of misgovernment, this time with crippling results, as King Henry decided to detain him there indefinitely. He was compelled to spend the next four years in London, only returning home in 1530, by which time his position was much diminished.

[Garryhiggin Castle troops]: *Ibid.*, nos. 924, 927, 950 [Cloghlea Castle]: *Ibid.*, nos. 90, 2064 [Butlerswood]: *Ibid.*, nos. 1065, 1903, 2031, 2058 [Glashare Castle]: *Ibid.*, nos. 950, 1919, 1929 [Ballyfoyle Castle]: *Ibid.*, no. 1184 [Lismaine Castle])

⁸¹ N.L.I., Ms. 2507, ff 21v-23v.

⁸² The original patent for Piers's appointment was drafted by Wolsey himself, and signalled a major accretion in royal power over the Irish executive: *Cal. Carew MSS. 1515-74*, p.23; *S.P., Henry VIII*, ii, no. 51 (p.92). See also *Ibid.*, i, p.73.

⁸³ *Ibid.*, ii, p.57; *Cal. Carew MSS. 1515-74*, p.16

⁸⁴ N.A.I., Lodge MSS. Records of the Rolls, Vol. I, p. 58.

⁸⁵ Cowley's involvement in Kildare's ordeal in 1519 is suggested in Peter Gwyn, *The King's Cardinal: The Rise and Fall of Thomas Wolsey* (London 1992), p.242.

⁸⁶ Ellis, *Reform & Revival*, pp 20-1.

None of this would have been possible had not Piers Ruadh Butler made himself available to the crown as the one man capable of trading blows with Kildare from his nascent power-base in County Kilkenny. Because of his strength Piers was allowed to grow while Kildare was forced to decline, and down to 1534 he was allowed to pursue a private vendetta against his rival without fear of royal retaliation - and all because he was willing to give Caesar his due and cooperate with the reassertion of English royal power in Ireland.

Confronting Kildare, 1518-34

What of the actual fighting that Piers engaged in against the Fitzgeralds, that eventually helped to bring about the fall of the house of Kildare in 1534/5? Arguably the most interesting aspect of the Butler-Fitzgerald conflict before 1534 was its intermittent nature. For all the fact that it raged for nearly twenty years, the war between Piers Ruadh and Garret Oge was essentially a very limited business, breaking out sporadically once or twice a year across the south and east of the country, before returning to a state of uneasy ceasefire. There were no protracted campaigns until the outbreak of the 1534 revolt, just ambushes, raids and counter-raids.

This state of affairs had much to do with Kildare's reluctance to confront Piers in open battle. Presumably Garret Oge was afraid of provoking Henry VIII's anger by again participating in a major private war (as he had done in 1515/16, thus initiating his troubles with the English monarch). The king's treatment of some of his leading nobles in England and Wales, especially his execution in 1521 of the last of the great lords of the Welsh march, Edward Stafford, third duke of Buckingham, can only have impressed upon Earl Garret that no-one, no matter how exalted, was safe from Henry and his government once they fell under suspicion. Buckingham's destruction must have worried Kildare all the more as the two were closely connected, his young half-brothers, Thomas Fitzgerald, having been contracted in 1520 to marry the duke's bastard daughter, an arrangement which briefly endangered Geraldine interests when the crown moved against the duke and his allies.⁸⁷ The stern treatment meted out by King Henry's government to other leading magnates - temporarily imprisoning Lord Clifford in 1517, spying on lords Suffolk, Northumberland, Derby and Wiltshire in 1518, hearing charges against Northumberland in 1523 and again in 1526, dismissing Thomas, Lord Dacre, from office in disgrace in 1525, and alienating Sir Rhys ap Griffith before 1529⁸⁸ - would have served to reinforce Kildare's caution and relative docility during the 1520s, thereby allowing Piers Ruadh to continue to rise in stature against him. Equally important as this, however, was Kildare's fear of fighting Piers on disadvantageous terms and losing. His own private personal army was not as strong as it might have been, for he had a permanent military force of just 160 galloglasses and 160 kerne, more than his predecessor, the eighth earl, Garret Mor, but still too few to risk combat with Piers's horde.⁸⁹ Nor could Kildare depend on superior firepower to win his battles for him any longer. For many years before 1515 the Geraldines had had a near monopoly of guns and artillery in the country: this was now no longer the case, for by the 1520s the Butlers too had their artillery pieces and specialist firearms experts, and Piers was not slow to use them

⁸⁷ L. & P., *Henry VIII*, iii, Pt. 1, no. 1070. Miller, *Henry VIII & the English Nobility*, p.47, misidentifies this Thomas Fitzgerald - second son of the eighth earl of Kildare, Garret Mor, by his second wife, Elizabeth St. John - with Silken Thomas, Garret Oge's son and heir.

⁸⁸ Gwyn, *The King's Cardinal*, pp 212-37 and 253-64 contains much information about the crown's problems with these noblemen, though Gwyn plays down the notion of a royal anti-magnate policy.

⁸⁹ McCorry, *Revolt of Silken Thomas*, p.26; Ellis, *Tudor Frontiers & Noble Power*, p.128.

against Kildare when occasion demanded.⁹⁰ Incredible though it may seem, by the mid-1520s the ninth earl of Kildare was suddenly in danger of being literally out-gunned by his former puppet in a head-to-head contest. In less than a decade, Piers Ruadh Butler may have developed the single biggest Anglo-Irish army in the eastern half of Ireland.

Piers's mounting superiority was already apparent by 1518, when he led his army across the Barrow to Mountgarret Castle in County Wexford, where Kildare had one of his garrisons. Piers probably had the support of some of the Kavanaghs, because the commander of the garrison, Walter Meyler (a Wexford gentleman), had for some time been hostile towards elements of the clan. Whatever the case Piers took the castle without major difficulty. In doing so he reduced the usefulness of the east Kilkenny stronghold of Drumroe to Kildare, for Mountgarret had been one of Drumroe's main sources of reinforcement.⁹¹ The seizure of Mountgarret also opened up western Wexford to future Butler interference. In the next few years Piers Ruadh's men regularly extended their activities into the area, and there is reason to suspect that Piers intended imposing coign and livery on as many Wexford people as possible in order to lighten the burden of the demand in Kilkenny and Tipperary.⁹²

Continued awareness of his political vulnerability in London and his military weakness in Ireland compelled Kildare to fight an indirect war against the Butlers. For most of the period before 1534 he opposed Piers only through his allies in the Leinster and Munster marchlands, calling on the Desmond Fitzgeralds in the west, the MacGiollapadraigs (alias MacGillapadraigs), the O'Connors and some of the O'Carrolls in the southern midlands, and pro-Geraldine segments of the Kavanaghs in the east, to do his fighting for him along the borders of Kilkenny and Tipperary. During the 1520s members of Kildare's immediate family only attacked the Butlers directly on a handful of occasions. In December 1523 the sheriff of Dublin was murdered by the earl of Kildare's brother, James Fitzgerald, while riding to Kilkenny to spend Christmas with Piers.⁹³ Two years later, in 1525, another James Fitzgerald - possibly the same man - kidnapped another of Piers's friends from the Pale.⁹⁴ More typically, in 1526, after Kildare's second summons to London, Kildare's ally Cahir MacArt Kavanagh invaded County Kilkenny from across the Barrow, and laid waste his rival Charles Kavanagh, one of Piers's staunchest supporters, who lived at Drumroe. In a lightning attack, Cahir set fire to the castle, and his enemy was burnt alive with his soldiers.⁹⁵ Likewise, when Piers was re-installed as Lord Deputy in 1528, he was reluctant to take up the post, knowing full well that his lands would be attacked by Desmond and others. In the event he was proved correct, for no sooner had he left for Dublin than there were reports of disturbances all along the frontiers of Kilkenny and Tipperary.⁹⁶

It should not be assumed, as some authorities have maintained, that Kildare's strategy of indirect confrontation was enough to keep Piers Ruadh 'on the defensive'.⁹⁷ The Butler army proved strong enough to slug it out with Kildare's acolytes, and they gave as good as they received. In the mid-1520s, for instance, Piers's forces burst into County Kildare to attack Garret Oge's estate at Levitstown. According to Kildare's own testimony, they 'murdered and burned 17 men and women' before heading back to Kilkenny with spoils

⁹⁰ E.g. in 1528 four Butler gunners, led by Piers Clinton of Graigerawe, were loaned by Piers Ruadh to his O'Carroll allies to fight against Kildare's forces (*S.P. Henry VIII*, ii, p.121). For the importance of artillery to the Geraldines, see Lennon, *Sixteenth-Century Ireland*, pp 72-3.

⁹¹ Hore & Graves (eds.), *Social state*, pp 39-40.

⁹² *Ibid.* p.47.

⁹³ Ellis, *Tudor Ireland*, p.116.

⁹⁴ Butler (ed.), *Annals of Thady Dowling*, p.34.

⁹⁵ *Ibid.* p.35.

⁹⁶ *S.P. Henry VIII*, ii, pp126-8.

⁹⁷ Ellis, 'Tudor Policy and the Kildare ascendancy', p.241.

valued at £200. Kildare also faced a serious challenge to his authority in County Wexford, where Piers imposed a fine on the seneschal for giving aid to Kildare, and pro-Butler forces attacked Kildare's 'nigh kinsman', Thomas fitz Maurice Fitzgerald, in the Fassagh Bantry and took him prisoner. Piers and his followers also carried the fight to Kildare in the lordship of Ely O'Carroll, sending reinforcements to the O'Carroll chieftain when he was attacked by the Geraldines at Lemenagh Castle.⁹⁸

Historians have tended to overestimate Kildare's strength in the decade before 1534, reckoning that despite his troubles with King Henry, he remained indispensable to the crown largely because of the military threat that his allies posed to the Pale. His family's rebellion has even been reassessed as a bold declaration of confidence in the future.⁹⁹ This interpretation needs to be modified. The continued rise of Piers Ruadh Butler shattered Kildare's alliance network. Only D.B. Quinn has noted that, when Piers dined at Kilmainham Castle as Lord Deputy in 1528 he brought an important new Gaelic ally to sit with him along with his customary supporters, O'More and O'Carroll- Cahir Ruadh O'Connor, the tanaiste (designated heir) of the O'Connors Faly, a clan who were usually steadfast Geraldine satellites.¹⁰⁰ Worse was to follow for the Fitzgerald network in the next few years, when the MacGiollapadraigs (Fitzpatricks) of Upper Ossory split into Pro-Butler and anti-Butler factions, having previously been unanimously orientated towards the Geraldine cause. The split originated with the decision of the chief of the clan, Brian MacGiollapadraig, to improve his relations with Piers before the latter brought his rapidly growing power to bear against him. Accordingly in 1532 Brian took Piers's daughter, Margaret Butler, as his wife, after which the Butlers could be confident in the knowledge that they had a hold over all the major dynasties whose territories lay to the north and east of Kilkenny between them and Kildare.

Garret Oge finally decided to throw caution aside and confront Piers more directly during the early 1530s. It is possible, as McCorryne has argued, that Henry VIII's execution in 1531 of the Welsh magnate Sir Rhys Ap Griffith on trumped-up charges of conspiracy was the main factor that persuaded Kildare to become more aggressive.¹⁰¹ Concern over the extent of the Butlers' advances was probably at least as important, especially as at Westminster Thomas Cromwell, who succeeded Wolsey as the king's principal minister after 1529, quickly showed himself ready to continue the cardinal's policy of curtailing Geraldine power while championing their rivals. As a result, following his return to Ireland in 1530 Kildare threw himself into the task of reclaiming some of the ground he had lost. In 1531 he managed to install his ally Cahir Kavanagh as chieftain of Idrone, County Carlow, over the head of Piers's man Dunlarg,¹⁰² a move which promised to re-establish a strong ring of anti-Butler forces around the borders of County Kilkenny. To underline Kildare's new direction and signal the vulnerability of the Butler group, late in 1531 Piers's client Roland Fitzgerald of Burnchurch was chased down and taken prisoner near Earl Garret's manor of Castledermot in County Kildare while travelling to Dublin to attend parliament. When the Parliament ended the two M.P.s for Kilkenny town were seized at Athy on their way home by Moriertagh McOwney, one of Kildare's servants.¹⁰³

Politically Kildare gained very little from this policy. Piers was sufficiently strong to weather the storm, and the increase in Geraldine violence encouraged Cromwell and the new

⁹⁸ *S.P., Henry VIII*, ii, no. 42, pp 120-4

⁹⁹ Canny, *Reformation to Restoration*, p 18; Ciaran Brady, *The Chief Governors: The Rise and Fall of Reform Government in Tudor Ireland, 1536-88* (Cambridge 1995), p. 1.

¹⁰⁰ D.B. Quinn, 'The reemergence of English policy as a major factor in Irish affairs, 1520-34', *N.H.L.*, ii, p. 676

¹⁰¹ McCorryne, *Revolt of Silken Thomas*, pp 48-50.

¹⁰² Quinn, 'Irish Ireland, English Ireland', p. 636.

¹⁰³ *Cal. Carew MSS. 1515-74*, no. 36.

English Lord Deputy of Ireland, Sir William Skeffington, to continue supporting the Butlers. The Act of Absentees introduced by the crown in the 1531 Dublin Parliament was designed to further weaken the Kildare interest, as it revoked the right of the earls of Kildare to hold lands belonging to absentee English lords in south Leinster. Earl Garret's intimidation of pro-Butler M.P.s backfired badly, for the act was passed into law, to Piers Ruadh's immediate benefit.¹⁰⁴ Documents surviving at Berkeley Castle show that by May 1534, on the eve of the Kildare revolt, Thomas, Lord Berkeley granted him a 60-year lease of Carlow and Wexford land that had formerly been possessed by Kildare.¹⁰⁵

Ultimately, his aggressive anti-Butler stance cost Kildare his political career and forced his family into revolt. Towards the end of 1532 Thomas Butler, Piers Ruadh's younger son, was killed near Ballykealy in Upper Ossory by Kildare's ally Dermot MacGiollapadraig, the tanaiste of the MacGiollapadraigs. In the subsequent inquiry Piers was able to show the extent of Kildare's involvement in the murder, thanks mainly to the testimony of Piers's son-in-law, the MacGiollapadraig chief, Brian (Dermot's brother). In September 1533 evidence was heard at Waterford before the mayor of the city and the bishops of Ossory and Lismore, and following Brian MacGiollapadraig's statement and that of Lord James Butler, three Kilkenny gentlemen - Grace of Courtstown, Fitzgerald of Brownesford and Piers Clinton of Graigerawe - added their own comments against Kildare who, it emerged, had been seen near the place where the killing took place and met up with Dermot after it was done. Evidently Earl Garret had procured the murder. The comments of Brian MacGiollapadraig did the most damage. He stated on oath that when told of the killing, Kildare 'rejoiced in the murder, and rebuked [the murderers] ... because they had not done more vengeance'¹⁰⁶ upon Piers's family and supporters. The statements of all the witnesses were duly taken down and despatched to London for the attention of the royal government. Events moved quickly thereafter. Kildare, who had recently been reinstated as lord deputy, found himself deep in disgrace. In response to the Butlers' charges against him he was summoned to court for the fourth and last time, and though he took his time obeying the call, there was no doubt that he was to be held to account for the killing. He himself seems to have expected the worst, for before his departure he fortified his castles with royal ordnance.

In May 1534 Skeffington, Cromwell and Henry VIII formulated a wide-ranging agreement with the earl of Ossory. Piers was permitted to attack those border lords whom Kildare had supported against him, and his influence regarding the selection of government officials was recognised. Clearly a contract of the highest significance, the agreement appears to have signalled a thoroughgoing break with the Fitzgeralds in favour of the Butlers.¹⁰⁷ Given the tense circumstances in Ireland at the time it was a highly provocative step for the crown to take. Within a few weeks Robert Cowley was reporting the 'seditious, predatorial rebellion' of the Kildare family and the destruction of the Pale. It is highly likely that the May agreement with the Butlers was a major contributory factor behind the Fitzgeralds' decision to rise in revolt.

¹⁰⁴ Lennon, *Sixteenth-Century Ireland*, pp 102-3.

¹⁰⁵ Berkeley Castle, Gloucestershire, Berkeley Ch. General 4685-6, available on request through Gloucestershire Record Office.

¹⁰⁶ J.G. Prim & J. Graves, *The History, Architecture & Antiquities of St. Canice's Cathedral* (Dublin 1857), pp 239-41, summarised by Curtis in *C.O.D.*, iv, no. 191. For a full discussion of Brian Fitzpatrick's statement and its significance see my forthcoming paper 'The MacGiollapadraigs (Fitzpatrick's) of Upper Ossory, 1532-1641', in Padraig Lane & William Nolan (eds.), *Laois: History & Society* (Dublin 1998).

¹⁰⁷ *S.P. Henry VIII*, ii, no. 72. Skeffington and Piers Ruadh had earlier discussed the details of the agreement with Cromwell on the Tuesday following Whit Sunday (*ibid.*, no. 71).

In June the Kildare forces swept across large parts of the country, seemingly on the verge of forcing the crown out of Ireland.¹⁰⁸ Apart from Dublin, only Kilkenny, Waterford and the Ormond territories held out for the king.¹⁰⁹ Rebel attacks seem to have concentrated along Kilkenny's northern frontier, for Piers and his countess became concerned about the punishment meted out by neighbours - probably segments of the MacGiollapadraigs - to the Ballybawnmore estate of Richard Archdekin, 'chief of his nation', one of their main military commanders.¹¹⁰ Throughout July the Butlers were able to rally their forces against the Geraldines, attacking them in Carlow and Kildare. John Grace of Courtstown distinguished himself when he invaded the lands of the baron of Offaly, Silken Thomas - Kildare's son and heir - and laid siege to several of his castles and took a large prey of his cattle.¹¹¹ But the boot was on the other foot early in August when Offaly returned to the south-east with a large army. After detaching a force to besiege Kilkenny Castle, he led a combined force around the county where, although they were apparently defeated in a skirmish at Jerpoint by James Butler and John Grace, they still laid waste to much of Piers Ruadh's estate.¹¹² The region about Gowran suffered especially, after which the baron suggested that Piers should support the revolt unless he wanted more of the same.¹¹³ Piers refused but, recognising the Geraldines' superior strength, he agreed to a truce. This enabled him to turn his attention to the defence of Tipperary, which the earl of Desmond was threatening to overrun while he was preoccupied in Kilkenny. Soon Piers and his family were forced to fight on two fronts, for Offaly broke the truce after only a couple of weeks, returning to County Kilkenny shortly before the end of August to inflict a defeat upon the Butlers in a battle near Thomastown.

This marked the high point of the rebel campaign in the shire. They were unable to capitalise on their victory by taking Kilkenny town, which was guarded by a garrison under the command of Lord James Butler, viscount Thurles. Had it been taken, then the Fitzgeralds would probably have controlled all of southern Ireland before royal reinforcements arrived from England to take the fight to them. As it was, their second Kilkenny campaign effectively put the Butlers out of the war, for it took Piers Ruadh a full two months to rebuild his forces. He was finally able to move north to Dublin - now the main object of the struggle - in the middle of November.¹¹⁴

However, limited though it was, the resistance put up by the Butlers and their followers played a key role in wrecking the Fitzgeralds' plans. As Sir John Alen informed Cromwell on St. Stephen's Day, the Pale and the English presence in Ireland would have been lost 'if the earl of Ossory and the castle of Dublin had given over'.¹¹⁵ Following the return of Sir William Skeffington to Ireland in late October with a relief army of over 2,000 men levied in England and Wales, it was becoming clear that the revolt had failed. The renewed availability of the Butler forces from Kilkenny and Tipperary forced Silken Thomas to call a truce with the royal forces before Christmas, in the vain hope that a large Imperial armada would arrive to support the rising in the new year. No foreign reinforcements arrived and the Geraldine insurgents were scattered. The Butlers played a major role in mopping up rebel resistance in the south of the country in 1535-6. Piers Ruadh and his heir, James, took

¹⁰⁸ McCorrstine, *Revolt of Silken Thomas*, pp 63-6.

¹⁰⁹ *S.P. Henry VIII*, ii, no. 73.

¹¹⁰ *C.O.D.*, iv, no. 197.

¹¹¹ Sheffield Grace, *Memorials of the Family of Grace* (2 vols., privately printed, London 1823), i, pp 12-13.

¹¹² *Ibid.*: Ellis, 'Tudor policy and the Kildare ascendancy', p. 261.

¹¹³ The principal sources for the rebel campaign in Kilkenny are *S.P. Henry VIII*, ii, pp 250-1; Richard Stanihurst, 'History of Ireland in the reign of Henry VIII', in L. Miller & E. Power (eds.), *Holinshed's Irish Chronicle* (Dublin, 1979), pp 79-81; R. Butler (ed.), *The Annals of Thady Dowling*, pp 35-6 sub 1534; and the copy of Robert Reyly's account of August 1536 in Lambeth Palace Ms. 602, p. 138.

¹¹⁴ *S.P. Henry VIII*, ii, no. 79.

¹¹⁵ *Ibid.*, no. 82.

part in the siege of Dungarvan Castle, County Waterford, in October 1535, and took the fortress into their safekeeping after it had fallen.¹¹⁶ In January 1536 Piers arbitrated with the chiefs of both the O'Connors and the O'Byrnes to persuade them to surrender on terms to the crown.¹¹⁷ The influence of Piers and Lord James Butler was apparently crucial in bringing the Kavanaghs back into the king's peace. In May 1536 Cahir MacInnyCross Kavanagh, a strong Geraldine, only agreed to lay down his arms if the Butlers would mediate between him and the crown if the terms of the treaty imposed on him by the state proved not to his liking.¹¹⁸ A few weeks later, in July, Gerald Sutton Kavanagh surrendered and allowed his son, Arthur, to be placed in the custody of Lord James Butler in order to guarantee his good behaviour.¹¹⁹

In most histories of early modern Ireland the period following the defeat of the Kildare rebellion is seen as a time of triumph for their factional rivals, the Butlers, and to a large extent it was. As already shown in Chapters One and Two, the later 1530s and early 1540s saw the Butlers gain major new titles, grants and privileges. In particular, Piers Ruadh at last attained his lifetime goal when he was recognised as eighth earl of Ormond by the crown early in 1538, and he and his successor, his son James, the ninth earl, reaped major benefits from the dissolution of the monasteries, receiving enormous tracts of land around Kilkenny, Tipperary and the south. However, the post-1534 scenario was not all roses for the Butler dynasty. To paraphrase a leading authority, the year 1534 deserves its status as a major watershed in Irish history because the fall of the Geraldines let loose a series of new problems between the central government and the native lordships, problems which were impossible to resolve without mutual alienation, even rejection.¹²⁰ For all that the Butler lordship was essentially loyal and pro-English, its relations with the state underwent a series of crises, major and minor, after 1534.

Dublin and the Ormond lordship after 1534

The destruction of the Kildare Fitzgeralds totally transformed the Butlers' relationship with the crown government. At a stroke Piers Ruadh and his family stepped into the Geraldines' place and became the new dominant lineage in Anglo-Irish affairs. They soon discovered the disadvantages of their pre-eminence. The crown's advisers, especially officials of the colonial government in Dublin, were forced to adopt a much more critical attitude towards the Butler lordship than heretofore. Not all royal administrators were convinced that the crown needed them as badly as before. Having withstood the challenge of one overmighty dynasty, many of Henry VIII's officials were wary of creating another. As a result, the Butlers were in danger of becoming victims of their own success. Yet at the same time there was a strong pro-Ormond lobby among royal officialdom on both sides of the Irish Sea which argued that the continuance of Butler hegemony in southern Ireland, along the lines sanctioned in the crown's treaty of May 1534, was still a necessary evil.¹²¹ Relations between Dublin and Kilkenny became ambivalent and uneasy. They would remain like that for most of the sixteenth century.

¹¹⁶ *Cal. Carew MSS. 1515-74*, p.79.

¹¹⁷ *Ibid.* pp 86 and 88-9.

¹¹⁸ *Ibid.* p.93; this agreement, and another of a few months later, are discussed in detail in Donal Moore, 'English action, Irish reaction: The MacMurrough Kavanaghs, 1530-1630' (unpublished M.A. thesis, St. Patrick's College, Maynooth, 1987), pp 43-6.

¹¹⁹ *Cal. Carew MSS. 1515-74*, p.96; N.A.L., Lodge MSS, Articles with Irish chiefs, etc., p.2.

¹²⁰ Brady, *Chief Governors*, p.1.

¹²¹ See *Ibid.* pp 3-4 for a slightly different analysis, which perhaps underestimates the strength of the pro-Butler lobby, especially in London.

It was fortunate for Piers Ruadh and his successors that the colonial administration in Dublin suffered severe financial constraints after 1534. Like all the Tudor monarchs, Henry VIII was unwilling to commit himself to a major spending policy in Ireland; his chief minister, Cromwell, was of a like mind. As a result accommodations with native dynasties was a prerequisite of government.¹²² For many years after the Kildare revolt the cheapest way for Dublin and London to control the south of Ireland, from Waterford to Cork and beyond, was to delegate royal authority to the Butlers and other noble houses. In many respects it was a policy which appealed to the monarchy at Westminster rather more than the crown's direct representatives at Dublin Castle, the lord deputies, who sometimes found their ability to command the Butlers and other nobles greatly weakened as a direct result of the crown's parsimony. It was, for instance, Thomas Cromwell's agent, William Saintloo, and not Lord Deputy Grey, who recommended in March 1537 that Piers Ruadh's younger son, Richard Butler, be granted certain castles in County Wexford so that the Butlers could better counter the might of the MacMurrough Kavanaghs there.¹²³ Henceforth always of English birth, the lord deputies of post-Kildare Ireland struggled to run the colonial government as they would have liked, without fear of the Butlers of Ormond unseating them by appealing directly to London.

The introduction of the Henrician Reformation to Ireland increased the crown's dependence on the Butlers and their supporters. During the 1534 revolt the Kildare rebels had played the religious card against Henry VIII following his breach with Rome, and they had actively sought aid from the Pope and the Holy Roman Emperor, Charles V, representing their struggle as a crusade against a heretic ruler.¹²⁴ Fear of a papalist backlash insured that Henry VIII held the Butlers in high regard, despite having doubts over the extent of their power, for Piers Ruadh had agreed to resist the Pope and uphold the king's supremacy over the church.¹²⁵ Following the Reformation Parliament of 1536/7 Piers's heir, James Butler, Lord Thurles, gained enormous influence with the crown because of his willingness to continue his family's support of religious change. It should be noted that although there was little opposition to the early stages of the Reformation in the Pale and the south of Ireland, King Henry faced a serious challenge to his position in England with the Pilgrimage of Grace in 1536, and in the late 1530s a new rebel confederacy erupted across the north, the midlands and the south of Ireland, known as the Geraldine League, which threatened once again to make political capital out of the king's religious policies.¹²⁶ Viewed in this light the constant cooperation that Henry received from the Ormond lordship was a major boon to Tudor rule in Ireland. Under James Butler's leadership Kilkenny became one of the first areas outside Dublin to go along with the Reformation. Early in 1538, 'as one professed of Christ's religion', James wrote to the king praising the sermons of George Browne, the archbishop of Dublin,¹²⁷ and within a year he had helped to insure that Browne encountered a favourable congregation when he arrived at Kilkenny to preach at St. Canice's Cathedral.

James's religious leanings have attracted considerable attention among historians, and it has generally been accepted that, in Dudley Edwards' words, 'he belonged to the advanced party in the schism'.¹²⁸ This may be an understatement. At one stage he expressed his desire to extirpate the 'detestable abusions of the papistical sect' in Ireland, language

¹²² *Ibid.* p. 15; Ellis, *Tudor Ireland*, pp 132-3.

¹²³ *Cal. Carew MSS. 1515-74*, no. 97. It is interesting to note that in 1535 Piers Ruadh praised William's kinsman, Sir John Saintloo, in a letter to Cromwell: *C.S.P.I. 1509-73*, p. 11.

¹²⁴ McCorristine, *Revolt of Silken Thomas*, pp 67-78; Lennon, *Sixteenth-Century Ireland*, pp 107-8.

¹²⁵ *S.P. Henry VIII*, ii, no. 72.

¹²⁶ Brendan Bradshaw, *The Irish Constitutional Revolution of the Sixteenth Century* (Cambridge 1979), pp 174-80.

¹²⁷ *S.P. Henry VIII*, ii, p. 563

¹²⁸ R. Dudley Edwards, *Church & State in Tudor Ireland* (Dublin 1935), pp 33-5; G.V. Jourdan, *The Reformation in Ireland in the 16th Century* (Dublin 1932), ii, p.209.

which pointed to a genuine disdain for some Roman practises. He was, moreover, on good terms with Hugh Latimer, the Protestant bishop of Worcester, and asked the prelate to send him 'some ... good works', i.e. religious books.¹²⁹ Later in the early 1540s when conservative crypto-Catholics had charge of the English royal court, James continued to plough an anti-papal line in Ireland, reporting opponents of the king's supremacy to the authorities, and in the final period of his life he seems to have moved closer to the proto-Protestant group led by the Dudleys and Seymours.¹³⁰ No matter how Henry VIII felt in the late 1530s about Protestantism and 'the Lutheran heresy', he would surely have been content in the knowledge that Lord James Butler was unlikely to involve himself in continental intrigues with pro-papal states, as the Fitzgeralds of Kildare and Desmond had done.

Increasingly after 1536 James replaced his father as the leader of the Butler interest in Ireland, something which had adverse implications for the king's new Lord Deputy in Dublin, Leonard Grey, viscount Grane. Grey found himself in an impossible position. Having fought alongside the Butlers against the Kildare rebels he feared they would annex control of the government and diminish his status, such was the faith Cromwell and the king placed in them. Against Grey's express wishes, the earldom of Ormond was bestowed on Piers Ruadh. The Cowleys, the Butlers' mouthpieces, were promoted to high office in Chancery and the Irish Council. Thus encouraged, Robert Cowley went to court to advocate a thorough military reduction of the Geraldines all over the country, to be commanded by Piers and James Butler at minimal cost to the crown - a policy which, if adopted, would have greatly subordinated the Lord Deputy's position as head of the royal forces in Ireland. For Grey there was only one way out of the trap: he had to undermine the Butlers before they engulfed him and rendered his office meaningless.¹³¹ The stage was set for the first of many trials of strength between Dublin Castle and the Butlers in post-Kildare Ireland.

Determined to play on King Henry's paranoia, Lord Deputy Grey pointed out that supposed 'true men' like the Butlers of Ormond and Ossory were in fact unreformed military thugs, more gaelicised and less reliable than the refined courtly manners of some of their representatives suggested. He observed that the chief castles and strongholds of these loyalists were manned 'either with men of Irish nation, or else with such as be combined by gossipred or fostering with Irishmen nigh to the borders.'¹³² His warning was not ignored. In the autumn of 1537 four royal commissioners arrived in Ireland to investigate military misrule throughout the king's Irish lordship, and they were mandated to pay special attention to abuses in the Butler territories. In October the commissioners, headed by Sir Anthony St. Leger, travelled to County Kilkenny to hear the 'presentments' of local (entirely urban-based) juries regarding the state of political and economic conditions in the shire. Though the presentments did not really amount to a damning indictment of Butler rule - as Grey would have wanted - they did reveal the widespread resentment felt by many of the county's merchants and traders at the high level of taxation demanded by the Butlers for the maintenance of themselves and their army. The juries of Kilkenny and Irishtown, and a jury of 'the commoners of the county' incorporating spokesmen from the other main towns in the shire - Callan, Thomastown, Inistioge and Knocktopher, though *not* Gowran - all agreed that Piers Ruadh Butler, earl of Ormond and Ossory, Lord James Butler, his son, and most of the principal gentry, imposed coign and livery in every area of the shire, contrary to a statute of

¹²⁹ He also asked Walter Cowley to get him a new book dealing with religious abuses in Rome: *S.P. Henry VIII*, iii, no.235 (pp 34-5).

¹³⁰ Lennon, *Sixteenth-Century Ireland*, p.136; *S.P. Henry VIII*, iii, p. 32; Ormond to Brabazon, 17 April 1544 (P.R.O., S.P. 60/11 39). James's relations with Sir John Dudley, Lord Lisle, in 1546 are dealt with in David Edwards 'Further comments on the strange death of the 9th earl of Ormond', *Butler Soc. Jnl.*, iv, No. 1 (1997), pp 58-63.

¹³¹ Brady, *Chief Governors*, p.17.

¹³² Wilson, *Beginnings*, pp 66 and 70 note 3.

Henry VII. They complained of various instances of extortion and racketeering that had occurred in the county in recent years, since Piers Ruadh had increased his army, and they made it plain to the commissioners that reform was necessary if the Butlers' rule was to continue with the king's blessing, for English law and custom was sorely lacking outside the towns.¹³³

Grey had reason to be pleased with this outcome. However, even before the commissioners returned to England in April 1538 his plans to isolate the Butlers were undone. Unlike the Kildare Fitzgeralds, the Butlers showed themselves adaptable to changing crown demands. In March they declared their willingness to accept political reform of their lordship when Piers Ruadh negotiated an agreement with the royal commissioners. He would, he said, endeavour to 'plant good civility' and promote the use of English law in the regions under his rule, and he would alleviate the 'enormities and abuses' that he, his family and followers had committed in Kilkenny, east Tipperary, north Waterford and mid-west Wexford.¹³⁴

Politically Grey had been out-manoeuvred. Desperate to strike them down, he decided on a radical new approach - henceforth he would drop all pretence of neutrality and confront them head on, hoping that by befriending their enemies and insulting their allies he could root them out of their Kilkenny lair and incite them to rebel. In theory it seemed a viable approach to take; in practice, it quickly became undone, for it entailed the Lord Deputy behaving like an earl of Kildare. The fact that Grey himself was closely related to the Kildare Fitzgeralds gave his new direction an added edge, for befriending anti-Butler forces meant befriending ex-Geraldines and ex-rebels. Undaunted by the criticism of the Irish councillors in Dublin, who were alarmed by this turn of events, he proceeded against the Butlers in 1538 in a lengthy campaign of indirect attacks and outright provocation. In Laois, Grey sided with Kedagh Roe, Rory and Gilpatrick O'More in their dispute with the O'More chief, Rory Caech, despite the fact that they had each adhered to the Geraldine cause during the 1534 revolt, and Rory Caech, a Butler supporter, had been loyal. Intending to cut Kilkenny off from Dublin, Grey had Rory Caech arrested and employed the ex-rebel O'Mores as his midlands agents, using his servant, Edmund Archbold of Maynooth, as an intermediary. They duly set about destroying the estates which Piers Ruadh held of the king in County Kildare (lands which, incidentally, Piers had garrisoned with MacSweeney galloglasses commanded by Alexander fitz Turlough), and also at Tully in County Carlow.¹³⁵ In Ely, Grey sinisterly promised the dying O'Carroll chief that he could expect no favours in Dublin if he continued to align himself with the Butlers, and to encourage the Gaelic leader to change sides he allegedly stated that Piers Ruadh and James Butler were both in prison on suspicion of treason.¹³⁶ When O'Carroll died and was replaced as chief by Fearganany, another former Geraldine, Grey quickly undertook to help the new leader regain land on the Tipperary/Offaly border that the Butlers had previously seized from the O'Carrolls. Within weeks of the agreement O'Carroll forces were harassing Ormond tenants and servants in north Tipperary from Roscrea to Nenagh to Thurles.¹³⁷ He likewise reactivated Cahir MacArt Kavanagh as an anti-Butler agent in north Wexford, and following lengthy negotiations in Munster, he seemed to have won the confidence of James fitz John of

¹³³ Hore & Graves (eds.), *Social State*, pp 97-136.

¹³⁴ *Ibid.*, pp 83-4; Ormond & Ossory to the royal commissioners, 3 March 1538 (P.R.O., S.P. 60/6/16); Same to St. Leger, 12 March 1538 (*Ibid.*, S.P. 60/6/27).

¹³⁵ Lord Walter Fitzgerald, 'Historical notes on the O'Mores', p.24; Indictment of Peter Fitzgerald, Maurice Bacagh Fitzgerald, Edmund Archbold and James Fitzgerald, 13 May 1538 (P.R.O., S.P. 60/6/55); *S.P. Henry VIII*, iii, pp 17-18.

¹³⁶ *Ibid.*, pp 22-3.

¹³⁷ *Ibid.*, pp 27-9, 31 and 44-6.

Desmond, before the latter again recoiled and pitched in with O'Donnell's papalist conspiracy, the Geraldine League, later in the year.

Caught by surprise, the Butlers were forced to spend much of 1538 defending the frontiers of their lordship along a large semi-circular front from New Ross to Limerick: Lord James Butler patrolled the Munster border-zones where Tipperary ran into Desmond country in west Waterford and east Limerick, while in Leinster his brother, Richard, went to Ferns in north Wexford and his father, Earl Piers, was for a time based at Carlow Castle. In the event, the Butlers weathered the storm with relative ease and Grey utterly failed to push them over the top. Apart from a few skirmishes with hostile neighbours reactivated by Grey, there was little open warfare, and at no point were the Butlers ever fooled into challenging Grey directly. Instead they let him proceed around their borders and awaited the attacks against their property and supporters by the Kavanaghs, the O'Mores, the O'Carrolls and the Desmond Fitzgeralds that would invariably happen after he had moved on.

By failing to rise to the bait the dynasty gained the sympathy of many of the Irish Council, New Englishmen such as the Vice-Treasurer, William Brabazon, and the Master of the Rolls, John Allen, who were alienated by what they saw as Grey's unlawful and increasingly high-handed rule. Speaking of Grey's imprisonment of the Butlers' ally, Rory Caech O'More, Brabazon said 'I have never seen like handling', and Archbishop Browne of Dublin, no lover of the Butlers, spoke out against Grey regarding his maintenance of the ex-rebel Fearganany O'Carroll against them.¹³⁸ Accordingly, by the end of 1538 the Butlers and some of the Council joined forces to work for the overthrow of the Deputy. John Alen and the Chief Justice of the King's Bench, Gerald Aylmer, composed a lengthy list of charges against Grey's government, reporting how he had endangered the defence of the Pale by hiring ex-rebel Geraldines and alienating not just the Butlers, but also lords Gormanstown and Delvin.¹³⁹ At first the plot failed to make such progress, for in London Thomas Cromwell moved to protect Grey, and he made sure that the charges against the Deputy were shelved without reaching the eyes of the king.¹⁴⁰ For much of 1539 the anti-Grey conspirators laid low, biding their time, but as soon as Grey and the Butlers had combined successfully against the Geraldine League rebellion, and brought about its collapse, the plotting against the Deputy recommenced.¹⁴¹ Once more Grey found himself dangerously isolated. In February 1540, despite his continued high standing with Cromwell, he was unable to prevent the Irish Council from thumbing its nose at his authority, defending John Alen against him, and among other things accusing Grey of still hankering after the Butlers' reduction.¹⁴² Lord James Butler - since August 1539 ninth earl of Ormond following his father's death - emerged from the shadows during 1540 as one of the chief orchestrators of the attempted coup, and he journeyed to London to back up the charges against Grey with a personal plea to the king's advisers.

The reason for his boldness is not hard to trace, for things were changing fast at the heart of Henry's government. Ever since late 1539 Henry had been having second thoughts about the religious policies and foreign alliances which Cromwell had encouraged him to pursue; the conservative faction led by the duke of Norfolk, Thomas Howard, sprang into action to unseat Cromwell and his supporters, who included Grey. Cromwell's power had been seriously undermined following the collapse of the king's fourth marriage (that he had

¹³⁸ *Ibid.*, pp 18 and 35.

¹³⁹ *Ibid.*, pp 36-43.

¹⁴⁰ For an important new evaluation of the circumstances surrounding Grey's destruction, see Brady, *Chief Governors*, pp 23-5.

¹⁴¹ It has been claimed that Grey and the Butlers were reconciled by the king in 1538 (*ibid.*, p.24), a view that is surely unsustainable: their reconciliation was never meant to be permanent, but was merely an expedient until suitable conditions for a renewal of their conflict re-emerged.

¹⁴² *S.P. Henry VIII*, iii, nos. 263-4.

arranged) to Anne of Cleves, and with Norfolk bringing his own daughter, Catherine Howard, into play as a new temptation for Henry, the great minister suddenly fell. On 10 June Thomas Cromwell was accused of treason in London and arrested. Two days later, following a flood of indictments against his behaviour in Ireland, Grey too was accused, and sent to the Tower. Less than two weeks passed before he was replaced as Lord Deputy by Sir Anthony St. Leger, one of Norfolk's main allies. The fact that St. Leger had previously served in Ireland, and that he had got on well with the Butlers of Ormond - and even helped them outwit Grey in 1538 - is highly significant. St. Leger was the conduit between Grey's Irish opponents and Norfolk, and there is no doubt that he used the complaints of the Butlers and their allies on the Irish Council to have Grey sacked so that he could succeed him as Lord Deputy. A year later, on 28 July 1541 Leonard Grey, viscount Grane, was beheaded, the first of a number of high-ranking victims who would fall foul of the Butlers' conspiratorial talents.

Their participation in the court-based intrigues against Grey was doubly advantageous to the Butlers of Ormond in that, as well as ridding them of a hostile Lord Deputy, it enabled them to forge closer ties with the Howards and the new conservative faction that came to dominate Henry VIII's court in the early 1540s. Though hardly a religious conservative (given his Protestant inclinations), James Butler, ninth earl of Ormond, was nonetheless able to work with the Howards on a strictly political basis. It is not usually noted that St. Leger, the Howards' nominee for the chief governorship, had drawn up a programme of government for Ireland which suited the Butlers well enough. Indeed, Earl James and his younger brother, Richard Butler, must surely have encouraged St. Leger to enact a programme that included the new Deputy (i) leading a government army against some of their border enemies among the Kavanaghs, the O'Carrolls and the O'Connors in the autumn of 1540,¹⁴³ (ii) recognising and empowering Rory Caech O'More, a key border supporter of theirs, as chief of the O'Mores,¹⁴⁴ and (iii) continuing the giveaway of cheap ex-monastic land as a result of the dissolution. The fact that they fell out later should not obscure the fact that, during the early part of his deputyship, St. Leger and the Butlers got on famously.¹⁴⁵ In return for his help the Butlers committed themselves to the task of making Sir Anthony St. Leger's government a success. Accordingly, having defeated the rebel earl of Desmond, James fitz John Fitzgerald, the ninth earl of Ormond opened up negotiations with his erstwhile foe, and persuaded him to submit to the new governor and to enter into a treaty of surrender and regrant with the crown.¹⁴⁶ Desmond's subsequent concord with St. Leger turned out to be a major watershed in the Deputy's career, for Desmond was the first really important convert to his style of government, and his submission allowed St. Leger to parade him around the country as a talisman for his policy of surrender and regrant, which seemed to herald a new era of reconciliation - a 'liberal revolution', even - between the royal administration and the regional lords. With Desmond, a major ex-rebel, by his side, Lord Deputy St. Leger was able to convince many more lords and chieftains to sign up as his supporters, and in 1541 he convened a parliament at Dublin which was responsible for a major political and constitutional watershed, passing a bill with native consent which declared the king of England to be king of Ireland. Henceforth everyone living in Ireland

¹⁴³ Lennon, *Sixteenth-Century Ireland*, pp 152-6. *Cal. Carew MSS, 1515-74*, no. 155.

¹⁴⁴ *Ibid.*, no. 163.

¹⁴⁵ Failing to recognise the good relations that existed between the two parties before late 1541, several historians have incorrectly assumed that one of the main reasons why St. Leger and the Butlers subsequently fell out was because St. Leger somehow had a claim over, or interest in, the earldom of Ormond. This tradition, maintained most recently by Dr Brady and Professor Canny, is a fallacy (Brady, *Chief Governors*, p. 42; Canny, *From Reformation to Restoration*, p. 36). There is not a shred of documentary evidence to show Sir Anthony St. Leger ever advanced a claim to the earldom.

¹⁴⁶ David Edwards, 'Malice Aforethought? The death of the ninth earl of Ormond, 1546', *Butler Soc. Jnl.*, iii, No. 1 (1987), p. 33.

would be a subject of the crown, answerable to the laws and statutes of the kingdom.¹⁴⁷ It is worth noting that James Butler, earl of Ormond, played a prominent role in promoting and disseminating this crucial piece of legislation. In the House of Lords it was he who announced and explained the 'Act for the Kingdom of Ireland' to a group of native Irish lords who were there in attendance as guests of the House, addressing them in Gaelic, their native language, 'greatly to their contentation'.¹⁴⁸ The importance of this gesture in persuading the lords of Gaelic Ireland to go along with St. Leger's programme cannot be ignored, nor can the fact that, apart from Thomas Cusack, Ormond was apparently the only senior member of St. Leger's government who could speak the Irish language. Presumably he was called upon to mediate with the Gaelic lords on other occasions too during 1540-1; if so, then he played a much greater role in advancing the new royal policy of assimilation with the Irish than has generally been accredited to him.

If Ormond indeed had a much bigger influence over the revolutionary changes of the early 1540s, and the onset of the novel attempt to reconcile the Irish to English rule owed as much to him (and others on the Dublin executive) as to Lord Deputy St. Leger, then the subsequent falling out between St. Leger and the Butler dynasty can no longer be attributed to the intransigence of the Butlers. Suffice it to say that James Butler, ninth earl of Ormond, was not a feudal dinosaur offering only cold neutrality towards the Deputy's programme for the political and legal transformation of Anglo-Irish relations: he was instead an active participant in the implementation of the programme, and possibly also in its formulation. When he and his followers began quarrelling with St. Leger late in 1541, it was not because they wished to prevent St. Leger's policies succeeding: rather they wanted to take control of the programme away from the Deputy, in order the better to turn it to their advantage. For the Ormond party, with a secure grip on the mid-south of the country, and well connected in Dublin and London, the 1540s' political reform offered a unique opportunity for personal aggrandisement: moreover, as steadfast supporters of the crown through all the recent upheavals in Ireland, Earl James and his clients reckoned a major share of the spoils of government expansion to be theirs by right. The problem was St. Leger, who (understandably) wanted to be viceroy on his own terms, free of Ormond dominance.

St. Leger had every reason to feel threatened by the Butlers. In 1540 the king had warned him to be wary of their power:¹⁴⁹ by the autumn of 1541 these words seemed prophetic. The Deputy's recent efforts to develop a viceregal party in Dublin had encountered the suspicion of Ormond and his supporters. The first to react was Robert Cowley, who somewhat hastily tabled a series of charges against St. Leger, among other things accusing him of defrauding the crown in the valuation and distribution of ex-monastic land in Ireland. As Ormond, his master, was among those profiting most from St. Leger's financial chicanery, receiving several new grants of undervalued ex-monastic property, Cowley would have done better to have chosen a different line of attack. Ormond remained quiet, and with no support in government circles (everyone of importance was on the take) Cowley was dismissed as a crank by the defrauded king, and he died in disgrace in London.¹⁵⁰ Yet Cowley's downfall did not mean the Deputy was safe. Once the matter of the Dissolution land fraud had died down, the ninth earl began to challenge St. Leger directly. The earl was greatly concerned by St. Leger's choice of friends. In June 1542 he granted

¹⁴⁷ Bradshaw, *Irish Constitutional Revolution*, passim.

¹⁴⁸ *S.P. Henry VIII*, iii, p.304. For the significance of this gesture, see Alan Bliss, 'Language and Literature', in James Lydon (ed.), *The English in Medieval Ireland* (Dublin 1984), p.30.

¹⁴⁹ *L & P Henry VIII*, xvi, 1540-1, p. 23.

¹⁵⁰ Brady's account of Cowley's downfall is the best by far (*Chief Governors*, p.41), far surpassing my own earlier comments on the episode (Edwards, 'Malice Aforethought?', p.34).

royal protection to an ex-Geraldine rebel, James Gernon of Gernonstown.¹⁵¹ At about the same time he decided to promote the earl of Desmond's position in Munster at Ormond's expense, a decision that entailed going back on the terms of the 1534 agreement between the king and the Butlers in which the Butlers had been promised a pre-eminent role in the government of the south. From Ormond's point of view it seemed St. Leger's attempt to create a viceroy's party in Ireland was causing him to pursue a similar path to that of his predecessor, Grey. 'Traitorous' Geraldines were returning to power to help the Deputy keep the loyal Butlers in check (the fact that the core of St. Leger's little group comprised New English officials such as John Parker and Thomas Agard seems to have escaped the earl's notice).¹⁵²

Unfortunately for St. Leger, Earl James was not the only prominent politician to become concerned by the emergence of a viceregal group. For quite different reasons the Lord Chancellor of Ireland, Sir John Alen, was also suspicious of St. Leger's manoeuvres. Alen was one of the most forceful personalities on the Irish Council, and he believed that an essential part of the Deputy's job was to listen to his Council's advice, not to build up a private group of advisers and representatives outside the Council Chamber. Moreover, like several members of the Council, by the early 1540s Alen was sympathetic to Ormond. As St. Leger's challenge to Ormond's position proceeded Alen moved closer to the earl. Continuing until 1546 a crude power struggle ensued for control of the Irish government.

At first glance, Ormond's decision to take on the Lord Deputy after 1542 might seem foolhardy. St. Leger was a more dangerous opponent than Grey had been, not least because (all historians are agreed) St. Leger was no ordinary chief governor, but a trusted confidant of King Henry himself. On closer inspection, however, it seems that Ormond had prepared the ground for his challenge very well. At the same time as entering into an alliance with disaffected members of the Irish Council the earl extended his contacts with the dominant conservative faction at the king's court, befriending Thomas Wriothesley, the English Lord Chancellor, and seeking a better understanding with the main leader of the faction (and St. Leger's chief patron), the duke of Norfolk. Norfolk, significantly, did not reject Ormond's overtures out of hand, but wrote to St. Leger about a proposal Ormond had made to him that might save the king money in the reform of southern Leinster.¹⁵³ One reason why Earl James was able to inveigle his way into the conservatives' ranks was because their grip on power was no longer as tight as it had been in 1540. For one thing, Henry VIII was dissatisfied with Norfolk and the Howards (he executed his fifth wife, Norfolk's daughter, Catherine Howard, in 1542). For another, the king, increasingly sickly, lusted after military glory so that he would be remembered by posterity as a great king. All of this played into Ormond's hands. The king's greatest military commander in Ireland, his help would be needed to give Henry the army he needed for projected invasions of Scotland and France. More sinisterly, because the king's health was so poor, his ministers and courtiers were laying plans to secure their futures after his death. Any successful *coup d'état* would need to secure Ireland, where Ormond was the single most powerful lord, capable of holding the country down till conditions in England stabilised. As a result, by 1543 Earl James found the doors to influence in London opening towards him as his support was courted by King Henry's advisers, conservative and non-conservative alike. With friends in both camps his future looked bright.

¹⁵¹ *Cal. Patent Rolls Ire., Henry VIII-Eliz. I*, pp 71-2; *S.P. Henry VIII*, iii, no. 373.

¹⁵² *Ibid.* nos. 368 and 394; Brady, *Chief Governors*, pp 31-2

¹⁵³ *S.P. Henry VIII*, iii, no. 392. In February 1545 St. Leger tried in vain to convince Wriothesley that he had nothing 'but love' for the earl of Ormond, whom he claimed had wrongfully accused him of seeking his reduction: *Ibid.*, no. 410.

St. Leger responded to Ormond's rising star in the only way that he could: like Grey before, he determined to interfere in the frontiers of the Ormond territories; unlike Grey, he intended to avoid a head-on collision with the earl. It was a shrewd strategy. By burrowing away at the foundations of Ormond power he put the earldom under much greater pressure than Grey had done. He infuriated Ormond by questioning the earl's rights to the prisage on wine imports which his ancestors had held since the time of Edward III - a major source of the earl's revenue - and his rights to palatine jurisdiction in the liberty of Tipperary.¹⁵⁴ Finally, instead of passing it to Ormond, possession of Dungarvan Castle in County Waterford was given to the Deputy's brother, Robert St. Leger. (Earl James subsequently became increasingly anxious about Robert, who also received important posts in Carlow against his wishes, and seemed to be spearheading the Deputy's assault on the eastern and southern hinterland of his lordship).¹⁵⁵

Despite the earl's discomfiture, however, St. Leger eventually over-reached himself. On 26 June 1543, while Earl James was absent in England building up his court lobby, the Deputy and his officers rode south to Kilkenny hoping to cut the ground from under Ormond's feet by collecting charges against his alleged misgovernment of his territories. One of the royal commissioners of 1537, St. Leger now hoped to reveal Earl James as a ruthless oppressor and overmighty tyrant by gathering more evidence of the Butlers' extensive use of coign and livery and other unlawful military exactions. His journey was an abject failure. The ninth earl, it emerged, was not a traditional warlord like his late father. The only complaint of substance that the local community proffered against him was that 'he should take and levy of them against their wills a great sum of money for an aid towards his charges [in] repairing [to the king in London]'. Worse for the Deputy, the local squires and gentry signed their names to a qualified declaration of support for Earl James's overlordship. Far from portraying him as an unreformed thug the bishops of Ossory, Cashel and Waterford, the sovereigns of Kilkenny, Clonmel and Callan, and more than thirty local squires and gentlemen (from the Graces, the Walshes and the Purcells through the Blanchvilles, the Shortals and the Sweetmans) praised him as a champion of reform in the south of Ireland. Contrasting him with his father and previous local lords they noted how James 'diminished their [tax] burden ... after a better sort than any of his predecessors'. Through his influence, they claimed, many local gentlemen and border lords had begun to cut back on the exaction of coign and livery. Ormond was a popular ruler, who protected the weak from the mighty and placed himself in debt in order to serve the king and advance the crown interest. To cap it all, the 'Address' ended with a criticism of St. Leger and his government: things might be made 'more firm and permanent' if the Deputy desisted from criticising Ormond.¹⁵⁶ The Ormond lordship seemed impregnable.

Henry VIII's aggressive foreign policy threatened to ruin St. Leger completely. When the king in 1544 asked for a military levy from Ireland to fight against the Scots and the French, the Deputy discovered that many of his 'friends' among the native nobility were unwilling to denude themselves of soldiers for the benefit of the king of England. The chief of the MacGiollapadraigs, for instance, sent just one soldier from his lands, and this despite being ennobled as first baron of Upper Ossory by St. Leger in 1541 and having an audience with the king in 1543. Desmond performed much better, supplying 120 soldiers for the king's army, but this paled when compared with Ormond's procurements, fitting out the 100 troops demanded of him before sending another 100 to make up for the shortfall in other native levies. To rub it in, he declared his willingness to raise yet another 100 men if

¹⁵⁴ *S.P. Henry VIII*, iii, no. 400.

¹⁵⁵ *Ibid.*, nos. 398-9.

¹⁵⁶ H.M.C., *Ormonde MSS. 1543-1711*, pp 1-3.

required. The earl's value to the crown was further enhanced by the fact he agreed to provide 36 gunners for the army. Guns were very expensive, and no other Irish lord was willing or able to equip soldiers with guns for the king's service. Eventually just 200 men, including the gunners, were called upon, destined to serve in France at the sieges of Montreuil and Boulogne. Commanded by two Tipperary captains (Piers Butler of Grallagh and Edmund Purcell of Templemore) and three Kilkenny petty captains (James fitz Robenet Purcell of Foulkesrath, Patrick Archdekin and Patrick Fitzgerald), they distinguished themselves - so much so that Piers Butler of Grallagh was knighted by the king for his valour, and another member of the force, Piers Walsh, was appointed a royal pensioner.¹⁵⁷ Suffice it to say that through the size of his contribution and the exemplary conduct of his men the earl of Ormond dominated the royal war effort in Ireland and greatly embarrassed his critics. From mid-1544 St. Leger was forced repeatedly to sing Earl James's praises, when otherwise trying to snipe at him, in his letters back to London.

In the wake of the French campaign St. Leger was in danger of losing his grip on power. King Henry had been greatly impressed by Ormond's skills as a military organiser, and late in 1545 he decided to give the earl an opportunity to become one of his principal commanders, asking him to take joint charge of an attack on western Scotland. St. Leger was alarmed. In response he turned to espionage, planting a double agent in Ormond's territories, William Cantwell, whose task it was to provoke Ormond into challenging the Deputy. Cantwell proved a good choice. In October 1545, as Ormond was making his final preparations in Kilkenny for the Scottish expedition, Cantwell forged a letter from an anonymous friend of the earl which warned of a plot against the earl's life: 'Right honourable Lord Earl of Ormond, If you were the man that some men writeth you to be, I would not write this letter for any good in the world; but I doubt not you will prove a true man, and all they in Ireland that do think with craft to cast you away, will prove false.'

Going on, Cantwell's little forgery told of a plot hatched by St. Leger to kill Ormond in Scotland, and to add substance to the charge the document claimed the Lord Deputy's servants were boasting that their master would spend Christmas in Ormond's 'strongest houses'. Leaving it to be discovered in the chamber of Gowran Castle, and another similar note at New Ross, Cantwell succeeded in escalating the tension between Kilkenny and Dublin. Ormond took the threat seriously, and before embarking for Scotland he sent a copy of the Gowran letter to one of his friends on the English Privy Council, the Lord Privy Seal, Lord Russell.¹⁵⁸ When he returned to Ireland from the Isles early in the New Year the controversy continued, so that by Easter 1546 the king was forced to intervene. Both parties were summoned to London where the charges they had presented against each other could be rigorously investigated.

St. Leger's chance to strike down his overmighty foe had arrived at last. By the time he and Ormond reached Whitehall the king's need for Ormond's military leadership had ebbed away as peace negotiations commenced with the French. The royal inquiry soon added to the Deputy's recovery. A number of witnesses were called to testify on St. Leger's relations with Ormond, and on examination it emerged that, encouraged by the *agent provocateur* William Cantwell, two senior Irish government officials, Sir John Alen and Walter Cowley, had plotted to turn the earl of Ormond against the Deputy. Cowley owned up to the charges and St. Leger cleverly manipulated his confession to reveal Alen as liar to the king and his officers. Ormond responded to these revelations in the only way that he could:

¹⁵⁷ T. Blake Butler, 'King Henry VIII's Irish Army List', *Irish Genealogist*, 1, No. 1 (April 1937), 4-7; *L & P Henry VIII*, xxi, Pt. 2, p. 189.

¹⁵⁸ *S.P. Henry VIII*, iii, p. 539; *L & P Henry VIII*, xx, Pt. 1, pp. 545-6; *Ibid*, xxi, Pt. 1, pp. 450-3.

falling to his knees at the royal court he begged the king's forgiveness for heeding the advice of bad councillors. His feud with St. Leger was over and the Deputy emerged much strengthened from the showdown that he had secretly engineered with Cantwell's help. Shortly afterwards - sometime in September - he and the earl entered into formal negotiations in London in which most of the main issues between them were settled more to his satisfaction than the earl's. St. Leger was to be confirmed in the lord deputyship, while Ormond was allowed to retain his palatine status in Tipperary so long as it was deemed 'convenient for the commonwealth'; though the earl lost nothing tangible, St. Leger had won.

Within a few weeks, however, everything was once more up in the air. On 17 October 1546 Earl James and 50 of his servants were invited to a banquet at the Limehouse hosted by Sir John Dudley, Lord Lisle. During the meal the earl and 35 of his men sickened. Eighteen eventually recovered, but the earl was not one of them. On 28 October he died, cut down in his prime by one of the worst instances of accidental food poisoning in the history of sixteenth century London.¹⁵⁹ His sudden death precipitated a crisis at home in Ireland. In Dublin St. Leger had cause to regret the earl's passing. The two men had been reconciled in London - if only for the time being - with Ormond prepared to follow his directions regarding the reformation of Leinster and Munster. With Ormond dead, St. Leger suddenly faced the prospect of having to control the south without a dominant regional representative. Desmond was not an adequate replacement for Ormond, having precious little leverage over the likes of the O'Mores and the Kavanaghs. By late 1546 large parts of the country were in chaos, partly as a result of recent government policy, and partly because the unexpected demise of the ninth earl of Ormond created a power vacuum in the south and east. In the ensuing period the central executive in Dublin lost control of events, as a new proto-Protestant clique headed by St Leger's foes, the Seymours and Dudleys, seized power in London. St. Leger's 'liberal revolution' had collapsed. He was soon recalled from office.

In Kilkenny the news of the ninth earl's death could not have come at a worse time for the county community. The government's recent policy towards the Gaelic Irish of the midlands and southern Leinster had gone terribly wrong, leaving pro-English areas partly surrounded by belligerent forces. In particular the failure of the Dublin administration to mollify the O'Mores of Laois following the death of Rory Caech threw Kilkenny and its neighbours off balance.¹⁶⁰ The prospect that the O'Mores might be crushed by the crown caused not only the now leaderless Butlers, but the Keatings, the MacGiollapadraigs and some of the MacMurrough Kavanaghs, to try to capitalise on the situation and create a new pecking order in the region that was more favourable to their respective interests. For instance, knowing that the O'Mores were divided and otherwise preoccupied, a branch of the northern Kavanaghs - probably the Idrone sept - invaded Idough from the east in an effort to bring the O'Brennans under their sway, and take them away from the Butlers and O'Mores, their usual masters. Up to 100 of the O'Brennans were killed in the ensuing war.¹⁶¹ In response, the ninth earl of Ormond's brother, Richard Butler, pushed deep into the heart of O'More territory in southern Laois around Slievemargy, where he built a castle, and his men struck out in all directions in Laois and Carlow, preying on his rivals and taking hostages.¹⁶² The MacGiollapadraigs, meanwhile, hoped to prevent major Butler penetration of Upper Ossory from the south. By 1548 Lord Upper Ossory, the MacGiollapadraig chief, had had a

¹⁵⁹ Edwards, 'Malice Aforethought?', pp 35-8.

¹⁶⁰ Dean G. White, 'The Reign of Edward VI in Ireland: some political, social and economic aspects', *I.H.S.*, xiv, No. 55 (March 1965), pp 197-211.

¹⁶¹ R. Butler (ed.), *Annals of Thady Dowling*, p. 38.

¹⁶² Colclough & Jones to Bellingham, n.d., 1548 (P.R.O., S.P. 61/1/16); Jones to same, April 1549 (Ibid, S.P. 61/2/35).

new stronghold, Water Castle, built on the bishop of Ossory's land at Durrow, within shooting distance of the Butler's followers who occupied the episcopal house there.¹⁶³

The situation quickly deteriorated. As shown in Chapter One, the renewal of Butler/MacGiollapadraig hostilities soon involved the Graces of Courtstown and the St. Legers of Tullaghanbroge as well, and as a result the north of the county was plunged into a long decline that lasted approximately fifty years. Conditions were equally grim to the east, in the Rower and the Barrow borderlands. By the late 1540s one of the principal northern branches of the Kavanaghs, the *Sliocht Airt Buidhe* sept headed by Cahir MacArte Kavanagh, was at open war with other members of the clan, led by Art Boy Kavanagh, and Kilkenny became embroiled in the struggle because the Butlers sided with Art Boy.¹⁶⁴ Cattle raids proliferated, and as late as 1552 some of the clan continued to cause problems in the Rower at Grangekill, stealing food from the Kilkenny farmers there.¹⁶⁵

The sense of dislocation was further exacerbated by aggressive new initiatives from Dublin. St. Leger's replacement as Lord Deputy, Sir Edward Bellingham - he took up office in May 1548 - was a military man first and foremost, and he intended to secure the Pale and southern Ireland through the creation of a network of royal garrisons at strategic points around the country. To his soldier's mind, the Ormond lordship, at the centre of the 'Second Pale', was too important strategically to be run independently by a major noble dynasty. After six months in office, towards Christmas 1548, he advocated that Kilkenny Castle should be taken away from the Ormond family during the young tenth earl's minority and given to him, the chief governor, as a new viceregal seat.¹⁶⁶ It has already been discussed in Chapter Two how his attempts to get control of the Ormond estate during Earl Thomas's wardship was effectively derailed by the influence brought to bear at Westminster by Ormond's mother, the Dowager Countess Joan. However, this does not mean that Bellingham's plans never posed the Butlers a threat. Although they triumphed over him in the end, the dynasty came close to a head-on collision with the crown over the matter, for in January 1549 Bellingham received a patent from the Privy Council in London granting him the necessary powers to rid the Ormond castles in Kilkenny, Carlow and Tipperary of their Butler-appointed constables.¹⁶⁷ In the event, the patent was never used - it was not even enrolled on the Patent Rolls - but the fact that it was drawn up at all shows that some at least of the royal ministers in England were prepared to go along with undermining the Butlers in Ireland in the interests of state security. Only court intrigue saved the dynasty and their supporters from facing a major challenge from Dublin, and even then the danger remained that continued insensitive handling might still alienate Ireland's most powerful lineage. As Dr. Brady has said of Bellingham's deputyship, 'the perceived need to meet a security crisis threatened in fact to create the [very] conditions in which such an emergency would be permanent.'¹⁶⁸

Ultimately, Bellingham and his successor as chief governor, Sir James Croft, achieved little in the Ormond lordship, and it was perhaps fortunate for the crown that this was so. For by December 1552, when Croft was removed from office, contact between the Dublin administration and the Kilkenny community had plummeted drastically. The sudden weakness of the state destroyed the prospect of further military reforms in the county, so that

¹⁶³ White (ed.), *Ir. Mon & Episc. Deeds*, p. 218.

¹⁶⁴ Moore, 'English action, Irish reaction', pp 59-60.

¹⁶⁵ *Cal. Fiants Ire., Edward VI*, no. 935.

¹⁶⁶ Bellingham to Isham, n.d., cDec. 1548 (P.R.O., S.P. 61/1/140).

¹⁶⁷ Privy Council to Bellingham, 6 January 1549 (Ibid., S.P. 61/2/3).

¹⁶⁸ Ciaran Brady, 'England's defence and Ireland's reform: The dilemma of the Irish viceroys, 1541-1641', in Brendan Bradshaw & John Morrill (eds.), *The British Problem, c1534-1707: State Formation in the Atlantic Archipelago* (London 1996), p.95.

many among the local populace felt abandoned by Dublin. Indeed, since Earl James's death coign and livery had again emerged as a major problem in Kilkenny, imposed more and more frequently by local border lords to support more and more soldiers as border warfare escalated. As the central government struggled to contain the frontiers of the Pale and secure the southern ports from the risk of foreign invasion, it chose to ignore the rapid deterioration of conditions in the Ormond territories. Instead of punishing the local bands of troops, it hoped to recruit them to its own standard, and as a result hundreds of military brigands that should have been prosecuted for their crimes received government pardons.¹⁶⁹ Free rein was given to military racketeering thereafter. Earl James's limited reforms were quickly forgotten as Kilkenny (and Tipperary too) descended into one of the most hazardous periods of its history. During this crisis of law and order coign and livery, the very basis of local private armies, was laid bare as an instrument of oppression and corruption. In the eyes of most onlookers it would never recover its image as a safe basis for self-defence. Eventually, once the 'mid-Tudor crisis' was over, the government would respond to the clamour for its abolition. For the moment, however, coign and livery and those who imposed it would threaten to tear the Ormond territories apart.

The coign and livery problem

Coign and livery could only work effectively when political conditions were relatively stable. In the past the Kilkenny community had agreed to provide food and lodging for soldiers and stabling for horses when the number of soldiers and horses hired for local defence was fixed with their consent. Any attempt by military commanders to suddenly raise the number of troops in response to changing circumstances invariably threw the whole system into disarray. In an instant what was set and established was overthrown, and captains took on extra men despite local disapproval. Indeed, backed up by their new recruits commanders forced the local inhabitants who lived near them to contribute towards the support of their reinforcements. Thus coign and livery became a subject of scandal from the late 1540s onwards. Hitherto a private defence tax negotiable between the head of the Butlers and the local gentry and freeholders, now with the earl of Ormond dead and war erupting all around the shire, it was rapidly transformed into a non-negotiable tax levied by individual military commanders on as many unfortunates as possible.¹⁷⁰

The wave of pardons issued by the government between 1547 and 1552 allow us to identify the geographical nature of the coign and livery crisis.¹⁷¹ Hundreds of soldiers from the northern and eastern borders of the county were given general pardons for their offences, while far less from the midland breadbasket got into trouble: decoded, this suggests that landlords possessing vulnerable borderland estates hired more and more soldiers to protect or extend their lands, and let the soldiers forage far and wide for their maintenance money. It was entirely understandable that they did this. Soldiers were expensive, particularly specialist soldiers such as gunners, costing as much as 4d per day. To adequately feed and equip a force large enough to do battle with the O'Mores, the MacGiollapadraigs or the Kavanaghs was probably well beyond the pockets of most borderlords, whose lands usually generated a low income. To pay for a large garrison of a dozen men at Ballyragget or Gaulskill would cost at least £75 a year, an enormous sum, and given that there were at least twenty castles of considerable strategic significance in the Kilkenny borderlands, the tax necessary to support large garrisons in each would never be acceptable to the majority of the

¹⁶⁹ See note 171 below.

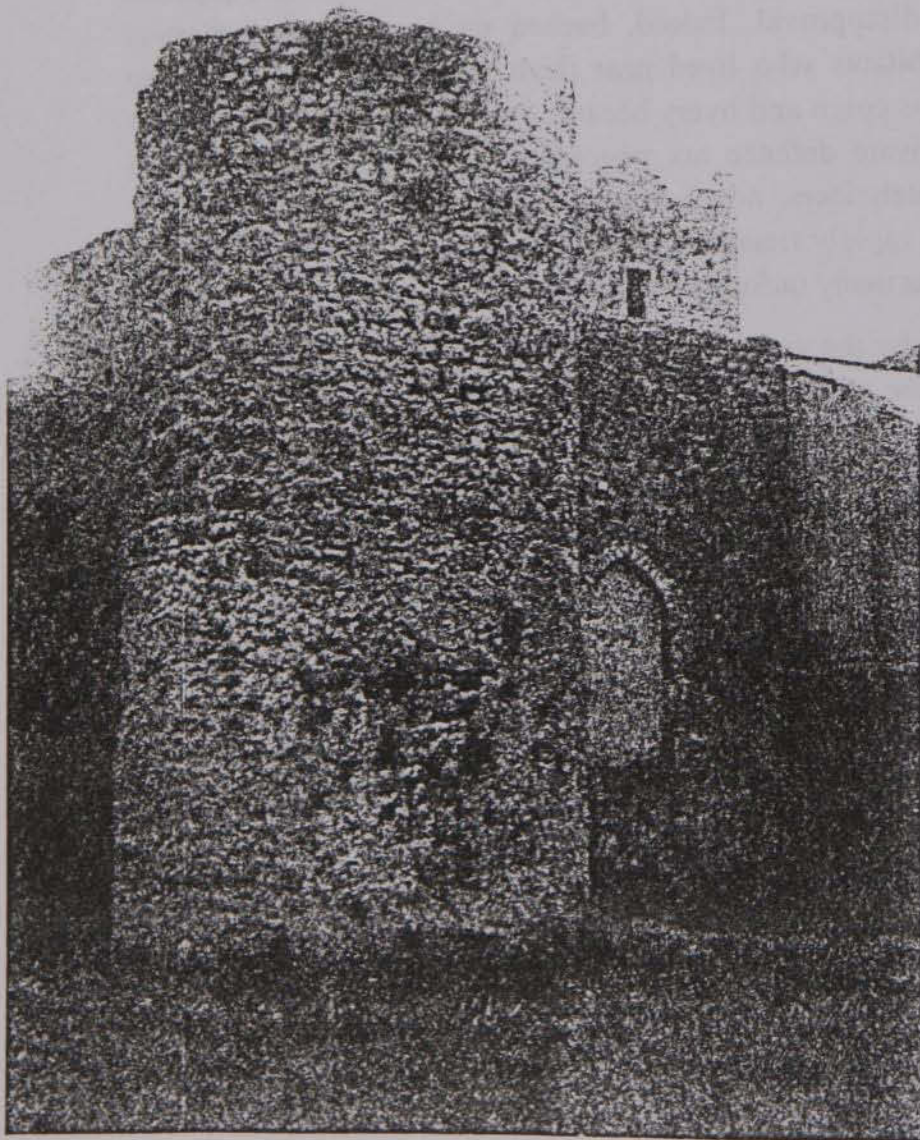
¹⁷⁰ Edwards, 'Butler revolt', pp 235-7.

¹⁷¹ *Cal. Patent Rolls Ire., Henry VIII - Eliz. I*, pp 172-3, 175-6, 179, 182-3, 185-8, 199-201, 236, 241-3, 245-7, 249-50, 272-80, 285, 294-6.

Ballyragget Castle

(Photographs: D. Ed)

During the second half of the sixteenth century the main seat of the Butlers, viscounts Mountgarret, Ballyragget Castle in Fassadinin was one of the most important strongholds in the county. A large garrison of private soldiers resided within the bawn walls, perhaps numbering between 20 and 30 men, guarding the Ballyragget pass between Kilkenny and Laois. Members of the garrison were maintained by the private military tax called *coign and livery*, and periodically they engaged in various acts of outlawry and breaches of the peace, including murder and extortion. By 1613 the Mountgarret family had stopped living here and made Baleen House in the adjoining barony of Galmoy their chief residence.



As the photographs indicate, Ballyragget remains in good condition. Its bawn walls, and all four rounded corner-turrets, are still intact, only the original gateway is gone, presumably to make way for modern farm vehicles. It is one of the best examples in southern Ireland of a tower house as a garrison post. As well as being machicolated, the bawn wall had wall walks for sentries, and gun-holes cut into the wall tally with references in sixteenth century documents to gunners (or arquebusiers) at work here. It is curious that archaeologist and architectural historians have paid no attention to the site.

local population living in the midland bowl. To profit from the growing chaos in southern Leinster by capitalising on the brittle state of affairs elsewhere, the local borderlords had to take recourse to illegitimate means of paying their new recruits. In short, they had to bastardise coign and livery, employing a whole range of illegal and entirely repressive methods that would pay for their forces.

The cheapest option facing military commanders and borderlords such as Richard Butler, viscount Mountgarret, and William Gall of Gallskill was to let the soldiers forage for themselves. A number of commanders chose this option, encouraging their men to boost their earnings through crude protection rackets, intimidation, theft and murder. The soldiers did not need much encouragement, safe in the knowledge that, as servants of the local high and mighty, they would not be prosecuted. The mid-Tudor period became a time of anarchy in the shire. In 1552/3 a woman refugee fleeing the Laois plantation - the wife of Matthew King - was caught on the highway leading into County Kilkenny and 'spoiled of all, [stripped] to her very petticoat' by her assailants, kerne employed by viscount Mountgarret and the baron of Upper Ossory.¹⁷² It is significant that Mrs King's attackers put her four servants to the sword. Despite the high level of incipient violence along the northern and eastern marchlands of the county, murder had been a relatively rare occurrence. As noted earlier, even in the period immediately before 1534 very little blood had been spilled between the Butlers and their then enemies, the Geraldines. The level of bloodshed - murders and 'accidental killings' - that occurred in the mid-Tudor period was quite unprecedented. Among those slain as tensions mounted was the horseman Richard Archdekin, hacked down by a group of kern which included one of the O'Brennans.¹⁷³ It could be said that, as a professional soldier, he was bound to run the risk of a bloody death - but not so the gentry. The killing of one of their number, Thomas Purcell of Derrileigh, must have come as a shock to the county community, indicating that those embroiled in the new upsurge of violence had scant respect for social boundaries.¹⁷⁴

The most serious murder of the period involved one of the county's principal landlords, John Fitzgerald of Burnchurch, who in 1552 was ambushed and killed at Mallardstown, three miles from his home, by a gang of soldier outlaws led by Edmund More O'Clery. Significantly, at the time of his death he was a serving sheriff of the shire, representing an English judicial system which had been revitalised in Kilkenny in recent years. As a government agent put it, the lord of Burnchurch was slain 'only for doing justice'.¹⁷⁵ Evidently some of the local military were not willing to answer for their offences to an officer of a legal code which offered no compromise, but was absolute in its rulings. Indeed, it can be argued that John Fitzgerald's murder was an overtly political act, aimed at preventing the re-emergence of the English common law in County Kilkenny. Irrespective of the wishes of many powerful groups in the shire - the merchants, the midlands gentry, even the earls of Ormond - other sections of local society, chiefly borderers, soldiers and their relatives, dreaded the reapplication of the common law, fearing that it would strip them of their way of life. This became clear in the career of Piers Grace. Grace was one of Fitzgerald's killers, and although hated by many of the local elite, he successfully evaded punishment for his part in the killing and became a bandit.¹⁷⁶ For more than forty years after 1552 he played cat-and-mouse with the county authorities, able to break the law with

¹⁷² Parke (ed.), *Vocacyon of Johan Bale*, p. 415.

¹⁷³ *Cal. Fiants Ire., Edward VI*, no. 454. Archdekin was probably one of a band of soldiers commanded by Robennet Purcell of Foulkesrath who were active in Fassadinin and Idough at this time (*ibid.*, no. 384).

¹⁷⁴ N.A.I., Lodge MSS. Articles with Irish chiefs, etc. p. 42.

¹⁷⁵ Thomas Walsh's report, n.d., 1552 (P.R.O., S.P. 61/4/72).

¹⁷⁶ *Cal. Fiants Ire., Philip & Mary*, no. 162.

impunity because he was sure of the support and sympathy of people who viewed him as a heroic opponent of the law courts.¹⁷⁷

Having let loose their soldiers, the borderlords induced a sudden loss of social control by the local elite. The demand for soldiers was such that armed bands of mercenaries were allowed to multiply at an alarming rate, with dire consequences for law and order. The troops were eager to make the most of the breakdown of authority, and they were not averse to plundering the very landlords who had previously controlled them. Sir John Grace of Courtstown was one of their principal victims. Late in the reign of Edward VI one of his own kinsmen, Adam Grace, joined up with some northern Archdekin renegades to rob Sir John's stud in the Slieveardagh hills.¹⁷⁸ With actions such as this occurring with growing regularity, it seemed that the Butler lordship was coming apart. For possibly the first time in the sixteenth century, Tipperary-based bandits were constantly active in the heart of the county. In 1551 Oliver Grace's estate at Ballylinch in the Kilkenny midlands was robbed by Shane Bane Tobyn MacThomas, a kern from Polcapple who in normal conditions would never have attempted such a deed.¹⁷⁹ A subject of the Ormond liberty, he knew the risks of stealing from someone like Grace, one of the earl's leading servants, but clearly he fancied his chances now that disorder reigned in the earldom.¹⁸⁰ The true nature of what was occurring is perhaps best illustrated by the activities of the Cantwells of Killeen, a Tipperary gang who were found guilty of stealing cattle from a rival gang of rustlers operating along the Kilkenny-Laois border.¹⁸¹

Cattle raids became increasingly widespread. To take another example from 1552, the high water-mark of the troubles. The eastern frontier had become so weak that a gang from County Carlow led by William McFirr O'Byrne were able to raid into the heartland of Kilkenny almost at will. According to official records, O'Byrne had stolen four horses from Oliver Grace's estate in the dead centre of the county at Ballylinch, more than twelve miles from the Carlow border; five cows from Robert Oge Shortal at Clara near Kilkenny town; three cows from Edmund Blanchville at Blanchvillestown beside Gowran, and ten sows from Dermot Bolger along the frontier at Shankill.¹⁸²

The fragmentation of Butler power

It was not a coincidence that the breakdown in law and order occurred during an interregnum in the Ormond lordship. Following Earl James's death in 1546 the Butler dynasty was suddenly without a proper head, as his son Thomas was as yet too young to come home from London to succeed him. Consequently, the dynastic unity that the ninth earl had imposed on the cadet branches of the Butlers was quickly eroded. In County Tipperary the baron of Dunboyne cut loose of Ormond control and began redeveloping an autonomous lordship of his own. Further west, the baron of Cahir allied himself with Desmond again. Large parts of Tipperary were soon overrun. For a time the ninth earl's widow, the Dowager Countess Joan, was recognised by the crown as the co-governor of her late husband's territories along with her brother-in-law viscount Mountgarret. She remained *in situ* up to 1549, but following the death of her second husband Sir Francis Bryan, and faced with a

¹⁷⁷ For some of Grace's post-1552 deeds see Fitzwilliam to Cecil, 22 Oct. 1565 (P.R.O., S.P. 63/15/15); Weston & Fitzwilliam to Cecil, 23 Oct. 1567 (Ibid. S.P. 63/22/24); Morgan to Burghley, 15 April 1580 (Ibid. S.P. 63/72/46).

¹⁷⁸ *Cal. Fiants Ire., Edward VI*, no. 1024.

¹⁷⁹ *C.O.D.*, v, no. 1, p. 13.

¹⁸⁰ For Oliver Grace's close connexions with the ninth and tenth earls, see *ibid.* iv, nos. 264, 317 (2), and *ibid.* v, nos. 47 (1), 59, 80, 101, and 138.

¹⁸¹ *Cal. Fiants Ire., Edward VI*, no. 996.

¹⁸² *Ibid.*, no. 946.

local crisis beyond her control she decided to leave Kilkenny and return to the south-west, where she once more married, taking her cousin Garret Fitzgerald, the heir to the earldom of Desmond, as her third and final husband.

Though he managed to do his duty to his deceased brother by keeping the Ormond estate intact, for a number of years (down to 1553) Richard, first viscount Mountgarret, was an ineffective head of the Butler family. Most of the lands that had been settled on him by his parents, Piers Ruadh and Countess Margaret, were frontier lands in the north of the county at Ballyragget and in the east bordering Wexford. His main concern was to develop a strong base for himself and his children that was independent of the earldom, and from the 1530s onwards, following his return to Ireland from Liege in the Low Countries, where he had lived for a number of years,¹⁸³ he had made Wexford (especially the territory known as the Fassagh Bantry) the main focal point of his interests. Inevitably his heavy involvement in Wexford diverted his attention from events in Kilkenny, something which compounded the spread of lawlessness there.

The early stages of Mountgarret's local leadership coincided with one of the most icy periods in Kilkenny/Dublin relations. Unlike his dead brother, the viscount was a strident Catholic and although he had benefited from Henry VIII's religious policies, receiving a lease of a large ex-monastic estate at Inistioge, he became uncomfortable under Edward VI, when the established religion lurched from a form of Catholicism without the pope to open Protestant heresy. The appearance of John Bale, a zealous Protestant bishop, at Kilkenny in 1552 drove the viscount into a conspiracy with his neighbour, the baron of Upper Ossory, to drive the prelate out. Up till Bale's arrival, of course, Mountgarret and Upper Ossory had been at war. Bale's strident advocacy of radical Protestantism alienated Mountgarret from Edward VI's government, and compelled him to settle his differences with his neighbour. Other factors also pushed the viscount away from the state. The promotion of his main adversary on the Kilkenny/Wexford border, the ex-rebel Cahir MacArt Kavanagh, to the Irish peerage as baron of Ballianne in 1552 outraged Mountgarret, who took it as a deliberate affront to his long record of loyal service. Equally frustrating, the government's continuous support of Cahir made it more difficult for Mountgarret to impose his will over the rest of the Butler dynasty. By 1553 the ties binding the Butler lordship to Dublin and London had been temporarily sundered. Though it is impossible to be certain, Mountgarret may have been behind a rumour that was put about in Kilkenny that, far off in England, the Protestant government had ordered the killing of his nephew, young Earl Thomas. Bishop Bale suspected this was the case. If so, then Mountgarret and the Butlers may have been on the brink of rebellion prior to King Edward's death on 6 July 1553.¹⁸⁴

Queen Mary's accession was announced to joyous celebration in Kilkenny town square on 20 August 1553. All the gentry of the shire were present and there was a great Catholic procession through the streets. Similar festivities took place shortly afterwards at Thomastown. At once Mountgarret and Lord Upper Ossory sent their men out to hunt down Bishop Bale and his servants. On 8 September five of his episcopal tenants, including three Englishmen - Richard Forster, Richard Headley and John Cage - were ambushed and killed in a hayfield by an armed gang of 20 soldiers, who 'leaped out of their lurking bushes, with swords and with darts'. The viscount kept up the pressure, convincing Bale that his life was in danger from 'the furious family of Mountgarret'. A week or so later, in the middle of September, the frightened bishop stole away, fleeing the country never to be seen again, having done the Protestant cause more harm than good, despite all his claims to the contrary.

¹⁸³ *Cal. S.P., Spanish, 1553*, p.412

¹⁸⁴ Steven G. Ellis, 'John Bale, Bishop of Ossory, 1552-3', *Butler Soc. Jnl.*, ii No. 3 (1984), pp.287-91.

After his episcopacy Kilkenny was a more staunchly Catholic place than it had been before his arrival.¹⁸⁵

The reign of Queen Mary witnessed a brief but dramatic improvement in viscount Mountgarret's fortunes. Having got rid of Bale, he left County Kilkenny for London, determined to shore up his position and head off the danger emanating from Dublin by pledging his loyalty to the new queen, who needed friends badly at the start of her reign. He soon demonstrated his value to the Marian government when he joined the queen's army to defend her against rebels from Kent led by the Protestant knight, Sir Thomas Wyatt; after this, his safety and that of his family from the criticisms of the Irish colonial administration was more or less guaranteed.¹⁸⁶ In addition, having gained the royal confidence, he subsequently stole a march on rest of the Butlers by entering the service of Mary's intended husband, the son and heir of the Emperor Charles V, Prince Philip of Spain (the future Philip II).¹⁸⁷ For the first time in his life Mountgarret managed to escape the shadow of the earldom of Ormond and become respected as 'a foremost Irish noble' in his own right, greatly impressing Charles V's ambassador in London, Simon Renard. In March 1554 he was despatched to Spain to ratify the Tudor-Habsburg marriage treaty of that year.¹⁸⁸ In July he was rewarded with a gift of a gold chain worth 200 marks, a present from Prince Philip, and over the next few years, having returned to Ireland he continued to serve the Marian regime faithfully, among other things in 1556/7 helping the Dublin government protect the new English colony in Laois and Offaly by arranging the capture of prominent anti-colonial rebels like Connill Oge O'More.¹⁸⁹ However, despite such steadfast service, the 1554 visit to Spain was destined to be the pinnacle of the viscount's achievements. In England the Spanish marriage fell on barren soil, and by the time of Mary's death in 1558 those who, like Mountgarret, had worked so hard to bring it about had lost their high standing. Following the accession of Mary's Protestant half-sister, Elizabeth I, Lord Mountgarret quickly became one of yesterday's men, and slipped back into his earlier role as a junior Irish nobleman struggling to cling on to a very localised power base in Kilkenny and Wexford.

The speed with which Mountgarret's decline set in is noteworthy, for it suggests he may have been viewed as a dangerous Catholic leader by the new regime in London. No sooner was Queen Elizabeth firmly established on the throne than the viscount began experiencing fresh problems with the government. Thus, although his position seemed safe and secure in the summer of 1559, with the earl of Sussex agreeing to forward his suits for the renewal of certain crown leases,¹⁹⁰ by Easter 1562 the renewals had still not materialised, and despite added testimonials on his behalf by the earls of Clanricard and Thomond, he never in fact received the lands that he wanted from Elizabeth.¹⁹¹ Perhaps the new Protestant queen was unwilling to forgive his earlier rough treatment of Bishop John Bale?

At first glance, Mountgarret's short-lived flirtation with political prominence might suggest that during the mid-1550s the Butler lordship as a whole was re-emerging from the turmoil of Edward's reign. Nothing of the sort occurred. In fact, in a sense Mountgarret's bid

¹⁸⁵ Ibid. Parke (ed.), *Vocacyon of Johan Bale*, pp 415-7.

¹⁸⁶ Mountgarret's role in crushing the Wyatt revolt is normally overlooked: *Cal. S.P., Spanish, 1554* (London 1949), p 86, and Diarmaid MacCulloch (ed.), 'The *Vita Mariae Angliae Reginae* of Robert Wingfield of Brantham', *Camden Miscellany* XVIII (London 1984), p.284

¹⁸⁷ *Cal. S.P., Spanish, 1553* (London 1916), p.412.

¹⁸⁸ Ibid. *1554* (London 1949), p 149.

¹⁸⁹ Mountgarret's involvement in Connill Oge's death was recalled ten years later by Shane O'Neill. Anon (ed.), 'The Complaints of Shane O'Neill', *Ulster Jnl. of Archaeology*, ii (1854), p.222.

¹⁹⁰ *Cal. Carew MSS, 1515-74*, p.283; Instructions for Sussex, c16 July 1559 (P.R.O., S.P. 63/1/56); *Cal. Fiants Ire., Eliz. I*, nos 54, 56 and 64

¹⁹¹ Mountgarret to Elizabeth I, 28 March 1562 (P.R.O., S.P. 63/5/68); Clanricard & Thomond to same, 10 April 1562 (Ibid., S.P. 63/5/74)

for the limelight was symptomatic of the main underlying development in the Kilkenny-Tipperary region - the ongoing fragmentation of Butler power. So long without a resident earl of Ormond, the Butler dynasty was splintering into an increasing number of rival groups. Where once everything had been centralised at Kilkenny Castle, now rival Butler branches vied with each other for control of their respective areas. Indeed, the decline of central control was speeding up as the 1550s progressed, for towards the end of the decade several new players appeared on the stage, three of them younger brothers of 'Black' Thomas, the long-absent tenth earl. Beginning with Sir Edmund Butler of Cloghgrenan circa 1556, followed by Edward Butler and Piers Butler shortly afterwards, the earl's younger brothers burst onto the scene like typical Gaelic warlords, in a rites-of-passage orgy of cattle stealing and violence. Utterly unconcerned by the interests of Mountgarret and Ormond in England, Edmund, Edward and Piers began breaking free of their elders. The extent of their flagrant lawlessness may have been due to the high status of their two noble relatives, i.e. people were afraid to stand up to them for fear of exciting the wrath of the high and mighty. An equally plausible explanation, however, is suggested by the fact that they came of age in mid-to-late 1550s, a time when Kilkenny had experienced more than a decade without a strong Ormond presence. By this time it had become customary for members of the Butler lineage to reject the larger dynastic interest and follow an independent line aimed at self-aggrandisement.¹⁹² It remained to be seen if the long-delayed return from London of the young tenth earl of Ormond in 1554 would have a positive or negative impact in the county. By the time he had acclimatised himself to conditions, the earl must have realised that politically, if not economically, the Ormond inheritance threatened to be of dubious value. In the years to come, if his headship of the dynasty was to have any meaning, he would be forced to take major risks in order to flex his muscles.

Earl Thomas and the beginning of reform, 1556-65

Since going to England in 1544 Earl Thomas had grown apart from his younger brothers and from other representatives of his dynasty. Unlike them, he was not a border warlord. He was instead a thoroughly anglicised courtier, just what his father, the ninth earl, had intended him to be. Having spent a decade in London attending upon three Tudor monarchs - Henry VIII, Edward VI and Mary I - Thomas was more accustomed to the pomp and circumstance of English royal ceremony than the raids and counter-raids that were so typical of Irish frontier life. His brothers' military activities must have seemed alien to one who had participated in the coronation of Edward VI in 1547 and gone on embassy to France a few years later.¹⁹³ At the time of his return to Ireland his friends and associates were young English lords such as Thomas Radcliffe, Lord FitzWalter, the heir to the earldom of Sussex, and Sir John Perrot, the reputed bastard son of Henry VIII. The distance that existed between him and his family was perhaps best revealed at home in Ireland by his cautious response to the restoration of the Fitzgerald earldom of Kildare. In 1556 he became embroiled in a squabble with the eleventh earl of Kildare, Garret Fitzgerald, over the correct order of precedence to be followed at state ceremonies in Ireland, disputing Kildare's right to walk before him; otherwise, however, Thomas kept his distance, preferring whenever possible to seek common cause with Kildare - like him a prominent Irish courtier - in defending the role of the great feudal magnates in the government of the country. (Limited cooperation with Kildare in Leinster had the added benefit of preventing Kildare from drawing too close to the FitzGeralds of Desmond, his great rivals in Munster). His caution contrasted with the

¹⁹² Edwards. 'Butler revolt'. pp 235-7.

¹⁹³ *A.P.C.*, 1547-50, p.85; *Ibid.* 1550-2, p.271.

behaviour of his brothers, as Sir Edmund Butler repeatedly came to blows with the head of the Kildare Fitzgeralds over Shillelagh in Wicklow.¹⁹⁴ Despite Sir Edmund's ambition to carve out a large private fief in the area, Ormond stood back, refusing to sanction further Butler aggression in the area if it meant upsetting his delicate relationship with Kildare. The young tenth earl of Ormond saw the land of his birth through a courtier's eyes: above all, arousing the enmity of Kildare would mean risking the wrath of Earl Garret's supporters at court and even of the monarchy itself, a chance he was not willing to take. The tenth earl of Ormond came home believing the interests of his dynasty were best served by close identification with the monarchy.

Earl Thomas understood the underlying principles of English crown policy. He realised instinctively that noble power could only survive and prosper by adapting to royal authority and embracing it. Even before his return to Ireland he had already twice distinguished himself as a loyal subject of the Tudors. In 1547, barely sixteen years old, he had fought bravely in Edward VI's English army that had invaded Scotland. More recently, early in 1554 he had played a prominent part with his uncle, Mountgarret, in the defence of King Edward's successor, Queen Mary, campaigning outside London against the Wyatt rebels. By acting as he did Ormond not only helped to secure the throne for Mary, thus gaining her lasting gratitude, but equally important for the future of his dynasty, he had already earned himself a reputation as a loyal Irish nobleman 'of outstanding power and lineage'.¹⁹⁵

For more than a decade after his return to Ireland Earl Thomas attempted to bridge the English and Irish worlds as best he could, determined to stay in touch with the royal court from his seat at Kilkenny Castle. At times his eagerness to return to London had to be restrained, as in January 1558, when Queen Mary wrote a sympathetic note urging him to stay at home in Kilkenny and 'perform the part of a nobleman' there while the Lord Deputy, his friend the earl of Sussex, was away at court on government business.¹⁹⁶ His marriage in 1559 to Elizabeth Berkeley was one of the principal court weddings of the year, his bride being the sister of Lord Berkeley of Berkeley Castle in Gloucestershire and a kinswoman of the most powerful magnate in England, Thomas Howard, fourth duke of Norfolk. The wedding had a larger political significance, for having been arranged by Norfolk and Sussex, it marked Earl Thomas's formal entry into the influential Howard/Radcliffe faction of conservative nobles.¹⁹⁷ There is no doubt, however, that he was much more Sussex's friend than Norfolk's, and factional loyalties did not prevent him from having good relations with Norfolk's opponents, chiefly the Secretary of State, Sir William Cecil,¹⁹⁸ and the Master of the Royal Horse, Robert Dudley, who was created earl of Leicester in 1564. It is not usually recognised that Ormond actually maintained routine friendly contact with Leicester before 1566, at one stage even trusting Leicester to present his grievances directly to Elizabeth I.¹⁹⁹ As he grew into his thirties during the 1560s it became increasingly clear that Black Tom of Ormond had already managed to carve out a secure niche for himself at the Tudor court, and together with the earl of Kildare he continued to be highly esteemed by royal officials as a model Irish subject, one who could blend in with 'English majesty'. The accession of Elizabeth I in 1558 greatly improved his position, and gave him the edge over Kildare.²⁰⁰ In

¹⁹⁴ E.g., Memorandum for Ireland, 12 Nov. 1568 (P.R.O., S.P. 63/26/19).

¹⁹⁵ *Cal. S.P., Spanish, 1554*, p.86; MacCulloch (ed.), 'Vita Mariae', p.284.

¹⁹⁶ H.M.C., *Ormonde MSS. 1543-1711* (London 1895), pp 4-5.

¹⁹⁷ John Smyth, *Lives of the Berkeleys* (2 vols., Gloucester 1883), ii, pp 252-5.

¹⁹⁸ E.g., Ormond to Cecil, 11 Jan. 1563 (P.R.O., S.P. 63/8/1).

¹⁹⁹ H.M.C., *Pepys MSS* (London 1911), p. 34; Derek Wilson, *Sweet Robin: A Biography of Robert Dudley, Earl of Leicester, 1533-88* (London 1981), p.99.

²⁰⁰ See Chapter Two above.

August 1559 she did not hesitate to appoint him Lord Treasurer of Ireland, on the recommendation of Lord Deputy Sussex, a development which concerned Kildare only a little but alarmed the earl of Desmond, whose father had held the post previously, and from this date on mounting Ormond-Desmond rivalry was usually characterised by military conflict in the south-west.²⁰¹ To make matters worse for Desmond, the treasurership was just the beginning of a long period of royal favour for his enemy. Following a lengthy sojourn at Elizabeth's court in 1562 the number of grants and commissions that came Ormond's way began to multiply dramatically.²⁰² Desmond hoped that by forcing Earl Thomas into open warfare in Munster he could knock some of the sheen off him and check his advancement; Ormond, however, was reluctant to play Desmond's game and hoped to overcome the Geraldines more by political intrigue at the palaces of Whitehall and Greenwich than by wholesale confrontation on the mirky frontiers of Munster. Though, as many historians have noted, he found it impossible not to be drawn into conflict, it is often overlooked that his inclinations were against the military option.

If he felt far removed from London while residing at Kilkenny Castle, it was largely because of the enormous distance that had emerged between him and his family since he first departed for court in 1544. In the intervening years, while he had become a young English aristocrat, they had turned into battle-hardened Irish border lords. This divergence was not immediately apparent to Ormond's brothers, as one of the first things he did after his homecoming to retain the monarchy's high opinion of him was to join them on a campaign against native rebels who also happened to be their enemies. But once the crown required more of him than simple frontier soldiering, the gulf between him and his young brethren became manifest. Mary reminded him of the need to look not just to military glory, but equally to the 'maintenance of justice, peace and tranquillity'.²⁰³ There must be no private feuds, no harbouring of bandits and brigands, no repression or racketeering, in his territories. His errant siblings must stop carrying on like warlords and conform themselves to English law and custom. Likewise, in 1560 Ormond's friend and patron Lord Deputy Sussex insisted that coign and livery be thoroughly abolished in all Irish lordships, Earl Thomas's included; the Ormond lands could only be brought into line with English conditions through systematic demilitarisation.²⁰⁴ Ormond soon indicated his willingness to comply with the crown's wishes, irrespective of his brothers' interests.

One of the first things that the new earl did was to bring Kilkenny back into the government's tax net. The subsidy, often a problem in Kilkenny/Dublin relations earlier in the century, was no longer a major issue (for the moment at least). In 1559 Earl Thomas's servant, 'Mr. Grace' (Oliver Grace of Legan and Ballylinch) helped the crown officials prepare its assessment,²⁰⁵ and following the 1560 parliament the subsidy was raised without apparent difficulty, with the government aiding its acceptance by agreeing to levy one third of the overall sum on the inhabitants of Upper Ossory. The assessment encountered no local opposition - it was based on a government valuation of the wealth of all the gentry and freeholders of the county who held their lands by knight's service²⁰⁶ - and the tax continued to be paid as late as 1565, when four local gents, Oliver Grace, John Rochford, Edmund

²⁰¹ *Cal. Fiants Ire., Eliz. I.* no. 133.

²⁰² He received at least eight royal grants in the two-year period from Dec. 1562 to Nov. 1564: *Cal. Fiants Ire., Eliz. I.*, nos. 469, 497, 504, 542, 563, 666, 682, 685.

²⁰³ H.M.C., *Ormonde MSS, 1543-1711*, p.4.

²⁰⁴ *Cal. Carew MSS, 1515-74*, no. 227.

²⁰⁵ Valuation of Kilkenny lands, with a note by Cecil, n.d. c1559 (P.R.O., S.P. 63/1/81).

²⁰⁶ Lambeth Palace, Ms. 611, fol. 87.

Fitzgerald and Walter Gall, were appointed collectors of the levy by writ out of the Exchequer.²⁰⁷

Figure 3.3

Lord Deputy Sussex's cess demands in County Kilkenny 1556-9.

	Cash	Labour	Troops	Wheat	Malt	Value/Cost
1556	£38.	-	Unspecified	1,000 pecks	1,000 pecks	£198"8s"0d
1557	-	400 men	-	200 pecks	-	£106"6s"4d
1558	-	-	-	200 pecks	-	£ 16"6s"6d
1559	£38.	-	-	200	-	£ 54"6s"6d
					Total	£375"7s"4d

(Sources: H.M.C., *De L'Isle & Dudley MSS*, i, pp 366 and 373; H.M.C., *Ir. Privy Council Bk.*, pp 22-3, 32, 67 and 73-4).

By itself this would have satisfied Sussex and the Irish Council. Better still, however, the tenth earl showed his eagerness to go along with more far-reaching reforms by also allowing a new military tax known as the cess (i.e. assessment) to be collected in his territories. This was a significant concession. In theory, the cess was designed to gradually undermine the need for private armies (and the coign and livery demands that supported them) by facilitating the emergence of a larger, more active, royal army in the country. Following on the policies of Lords Deputies Bellingham and Croft in Edward VI's time, it was decided circa 1556 that two new government garrisons, Leighlinbridge in Carlow and Fort Protector in Queen's County, should be partly financed by the Kilkenny population. In addition the county community were asked to contribute to the costs of major viceregal military expeditions. Accordingly, between 1556 and 1559 nearly £100 a year was paid over as cess to the government (see Figure 3.3 above). The successful introduction of cess had one major implication, often overlooked by historians: evidently, already by 1556 the young earl of Ormond was prepared to cooperate with the crown's desire to replace private armies and do away with coign and livery. No other explanation seems feasible, for if he allowed private force and coign to remain, the earl's acceptance of cess would mean asking the county community to pay two defence taxes instead of one, something he would have been most unwise to attempt, especially so early in his overlordship. Whether his brothers liked it or not, it would seem that from the very beginning of his career 'Black' Earl Thomas was suspicious of the Butler forces and was inclined towards the erosion of their military power and independence through anglicisation.

Earl Thomas's commitment to military reform was genuine insofar as it was entirely self-interested. By embracing the cess he could eventually replace coign and livery with a new charge of which both he and the government approved - and for a courtier like him,

²⁰⁷ St. Peter's College, Wexford, Hore MSS, Vol 70: Exchequer Memoranda Rolls, 1563-1614, p.30.

crown approval was no minor matter. So long as he remained on good terms with the Tudor monarchy, he knew that in practice he (and men of his own choosing) would be allowed to oversee the collection of the cess. This would pay for a 'shire force' such as operated across England and Wales, ostensibly to the crown's benefit, but in reality to his too, for he would gain a new local army that was much more answerable to his command than was presently the case. In other words, with the monarchy behind him, Ormond intended to use the abandonment of coign and livery and the acceptance of cess to take greater control of the local soldiery for himself. It was a clever analysis of the possibilities of state expansion, a piece of opportunism that could simultaneously enhance the earldom at home in Kilkenny and far off in London. His brothers might be persuaded to accept this new arrangement if they were given commissions as commanders of the local force on the government payroll. As early as 6 May 1558 Ormond showed himself ready to oversee the introduction of musters in County Tipperary.²⁰⁸ Within a year this had spread to Kilkenny when, in May 1559, he and thirteen others - including his brother Sir Edmund and the sovereigns of Kilkenny, Callan and Thomastown - received a combined commission of muster and array, empowering them to assess the inhabitants of the shire 'according to the quantity of their lands and chattels ... and to muster all the inhabitants of every barony or hundred, according the tenor of a proclamation annexed to the commission'.²⁰⁹

The establishment of musters was central to Ormond's plans. In theory, the annual assembly of the serviceable population of the county - all adult males between 16 and 60 - would provide yearly confirmation of his authority inside and outside the county. Significantly, like everyone else, his brothers' men would have to turn out and present themselves for inspection by his representatives. The system was up and running before July 1560, when the Lord Deputy and Council were able to announce that the provincial muster-point for the men of Kilkenny was Lyons Hill in County Kildare, near the Dublin border.²¹⁰

The earl's brothers and kinsmen would have been even more concerned by his support of the re-emergence of the common law in the local judicial system. Though impossible to be certain - too few court records survive - the Kilkenny assize courts had apparently struggled into life in the late 1540s and early 1550s.²¹¹ Earl Thomas did not oppose their continuance. Extant documents among the Ormond papers, and lists of long-lost government records, indicate that shortly after Sussex's appointment as Lord Deputy in 1556 sessions of the peace and pleas of the crown were held regularly in County Kilkenny as part of a twice yearly assize circuit. In January 1557, for instance, the pleas of the crown were held at Thomastown before the Vice-Treasurer, Sir Henry Sidney,²¹² and sessions were apparently held in Kilkenny town every year after 1558.²¹³

The proceedings of these courts ran immediately counter to the interests of the junior Butlers and their retainers. At the 1557 Thomastown pleas, for example, several local soldiers were indicted of various lesser crimes, principally theft, but also of major offences

²⁰⁸ *Eighth Report of the Irish Record Commission* (Dublin 1819), p.519.

²⁰⁹ N.A.I., Lodge MSS, Articles with Irish chiefs, etc., no page number.

²¹⁰ H.M.C., *Ir. Privy Council Bk.*, pp 81-2.

²¹¹ There may have been court sessions around the county in 1550 following a commission of oyer and terminer and gaol delivery that was granted to members of the Irish Council. Lord Mountgarret, the sovereign of Kilkenny and Walter Archer (N.A.I., Lodge MSS, Articles with Irish chiefs, etc., p.87); Sir Thomas Howth, Chief Justice of the King's Bench, almost certainly held sessions during his prolonged visit to Kilkenny in late August 1553 (Ellis, 'John Bale', pp 288-90). Another sign that the county court was operative by the end of Henry VIII's reign is the increasing number of royal pardons that were granted to local lawbreakers between c1545 and 1552 (see note 17 above). Pardons had to be produced in a shire court to prevent an indictment proceeding.

²¹² *C.O.D.*, v, no. 67 (= N.L.I., D. 2626). Sidney subsequently received a commission of oyer and terminer on 12 February following (N.A.I., Lodge MSS, Articles with Irish chiefs, etc., p. 91).

²¹³ *Eighth Report of the Irish Record Commission.*, pp 117-21.

such as conspiracy and treason. Thus one Maurice fitz Morish and some obscure border gentlemen were accused of unlawfully assembling their forces at Dammagh - one of Ormond's manors - on 10 October 1556 where they were said to have entered into an alliance (probably with Conill O'More) 'to make war on the English subjects ... within County Kilkenny and elsewhere'. The jurors in the case, Anglo-Irishmen from the shire midlands, stated on oath that in the event of the accused failing to prove their innocence, they would be 'adjudged traitors', attainted of high treason in accordance with a statute of the Irish parliament of 10 Henry VII, and so face the death penalty.²¹⁴ Clearly, should the common law continue to be enforced like this, it would only be a matter of time before the followers of the Butlers faced similar verdicts.

The legal reforms began gathering speed around March 1560 when, following the closure of parliament, the by-now usual winter assize was held in Kilkenny. Ormond's henchman, Oliver Grace, and Grace's grandson, Philip, appeared before the court, to answer charges of having committed theft, arson and accidental manslaughter at Garryhiggin while hunting rebel O'Fogartys. They confessed their guilt and were subsequently pardoned.²¹⁵ Another of those brought before the court was Richard O'Morghoe of Thomastown, who was found guilty of conveying stolen sows across the River Barrow to New Ross. He too was subsequently pardoned by the government. William Grace, however, was not so lucky. Grace was a soldier who had stolen some clothes and household effects at Kilrush, just the sort of behaviour that made soldiers a major social scourge in the shire. On the orders of the court - which may have been presided over by Ormond, who was in residence in Ireland - he was hanged for felony.²¹⁶

Ormond was uncomfortably aware that all of these changes would have seemed meaningless to his critics if he allowed coign and livery, the basis of his brothers' independence and their soldiers' turbulence, to remain in place. Even with musters, cess and an English-style shire force, however, he was still cautious about its abolition. Though his family was an embarrassment, the rapidity with which they could put a force in the field was entirely the product of coign, which (in its bastardised form) enabled troops to be hired almost at will. Moreover, the fact that all through the early 1560s Earl Thomas expected raids into Tipperary by the Desmond Fitzgeralds delayed its abrogation. In 1561 he began to remove coign from his own lands in County Kilkenny, leaving it to his brothers to decide whether to continue its use in the frontier territories under their control. In 1564 his problems with Desmond seemed to have ended, which at last freed Ormond to act. Further distancing himself from his brothers and kinsmen, on 1 July that year he issued a proclamation in the liberty of Tipperary that definitively eliminated the levying of coign and livery 'to God's mercy, the honour of the queen's majesty and the advancement of the commonwealth'. Coign, he argued, was a 'horrible devouring monster' that had outlived its usefulness and caused much unnecessary suffering among his subjects, who had been plunged into 'poverty, misery and calamity ... by the licentious multitudes of Irish rascals' that the levy maintained. His words were a thinly veiled rebuke of the conduct of his kinsmen, in particular the baron of Dunboyne, Edmund Butler, who had been trying to break free of the earldom's control for quite some time. Henceforth, Dunboyne and the rest would again be under Ormond's thumb,

²¹⁴ *C.O.D.*, v, no. 67.

²¹⁵ *Cal. Fiants Ire., Eliz. I*, no. 232. Philip was Oliver's grandson by his son Shane Grace (*Ibid.*, no. 1893).

²¹⁶ *Ibid.*, no. 255. He should not be confused with another William Grace, one of Ormond's servants, who was killed by the O'Carrolls when they raided Templemore in Tipperary in 1565 (Ormond's book against the O'Carrolls, 16 June 1568: P.R.O., S.P. 63/25/7).

with coign and livery banned from all parts “of the Butlers’ lands and possessions ... in any part of the county and liberty”.²¹⁷

In reality, Ormond had little choice in the matter. He had to take the military back into his own hands for fear that the outlying areas of the Butler lordship would achieve autonomy, having been free of a strong earldom for so long. Like Dunboyne in Tipperary, his brother Sir Edmund Butler of Cloghgrenan was in the process of establishing a large power-base of his own in County Carlow, and his actions there increasingly conflicted with Earl Thomas’s interests. By the beginning of Elizabeth I’s reign Sir Edmund had completely annexed the O’Doran territories in Idrone along Kilkenny’s north-eastern frontier, thus culminating a policy initiated by his father, the ninth earl,²¹⁸ but this was not the limit of his ambitions. He began meddling further east in Wicklow, defying Earl Thomas by challenging the Kildare Fitzgeralds in the region.²¹⁹ Of still greater concern to Ormond was his behaviour to the west, in County Kilkenny itself. In particular, by the early 1560s Sir Edmund had made inroads into Idough and the O’Brennans’ country, apparently dominating the Clan Wickelaw sept, able to lead his troops through their lands without encountering opposition. Indeed, a considerable number of the O’Brennans had fallen under his sway, for according to one source up to a quarter of his soldiers were members of the clan²²⁰ This might have suited Earl Thomas if it had led the O’Brennans to recognise his claims over their lands, but nothing of the sort was forthcoming, probably because Sir Edmund’s gains in Idough were made in a private capacity, not on the earldom’s behalf. What better way, then, for Ormond to keep Sir Edmund’s expansionism in check than to call a halt to coign and livery, the basis of his military might?

The abolition of coign and livery in Tipperary should have been mirrored in County Kilkenny shortly afterwards, and so brought Ormond’s reform efforts to completion, but this was not to be. The abolition policy had been greatly facilitated by a negotiated settlement with Desmond in the first half of 1564. The peace did not last, and in November Desmond’s men raided one of Ormond’s richest farms in Tipperary, rounded up hundreds of his cattle and put several of his tenants to the sword. Ormond reacted violently and, vowing swift and bloody vengeance, he rallied his family, sanctioned the continuance of coign in Kilkenny and had it reimposed in Tipperary.²²¹ By February 1565 it was as though he had never attempted reform. Accompanied by three of his brothers, Sir Edmund, James and Edward Butler, he led an army of about 500 men - 100 horsemen, 300 gallowlasses and kerne, and an unspecified number of stragglers²²² - south from Clonmel to encounter his enemy near Affane Cross in County Waterford. In the ensuing battle, the Butlers came out on top, and Desmond became Earl Thomas’s prisoner having been wounded by a shot from Sir Edmund Butler’s pistol.

Traditionally, Irish historians have portrayed the battle of Affane as a major (and entirely positive) turning point in the career of the tenth earl of Ormond, for instead of receiving just punishment for fighting a private war, he managed to win the queen’s favour and emerge as one of her leading courtiers. True, by early 1566 Ormond was firmly

²¹⁷ Edwards, ‘Butler revolt’, pp 237-8; *C.O.D.*, v, no. 102; Ormond’s proclamation, 1 July 1564 (P.R.O., S.P. 63/11/39, enclosure ii).

²¹⁸ Moore, ‘English action, Irish reaction’, pp 62 and 66; for Butler’s purchases in Carlow and Idrone see *C.O.D.*, v, nos. 109-10, 112, 125 and 153.

²¹⁹ H.M.C., *Ir. Privy Council Bk.*, 1556-71, pp 152-3.

²²⁰ Sir Edmund Butler to Lord Justice Arnold, 11 June 1564 (P.R.O., S.P. 63/11/4), and N. Murphy, ‘The O’Brennans and the ancient territory of Hy-Duach’, *Ossory Arch. Soc. Jnl.*, i (1874-9), p. 399, where Cloneen is given as ‘Cloyne’.

²²¹ The renewal of coign in Tipperary is alluded to in Ormond to Cecil, 22 Nov. 1564 (P.R.O., S.P. 63/11/108).

²²² George Butler, ‘The Battle of Affane’, *Irish Sword*, viii (1967/8), pp 33-47, remains the standard account of the confrontation, although his suggestion (p.43) that Ormond may have had anything up to 4,000 men in his army is untenable. As shown above, at their peak in the 1530s the Butlers of Ormond had 800-1,000 soldiers only. The tenth earl’s Affane force would have been smaller still, as both viscount Mountgarret and the baron of Dunboyne were not present with their detachments.

ensconced at Whitehall as Elizabeth I's new favourite,²²³ while Desmond, in contrast, found himself under lock and key in the Tower of London, but as I have argued elsewhere, Ormond's rapid elevation should not obscure the fact that immediately after Affane he was in serious trouble with the royal government. During the summer of 1565 he soon discovered that his involvement in the battle had been a terrible miscalculation, for Elizabeth was furious, and authorised a full-scale official inquiry that was empowered to look into his conduct as much as Desmond's. The fact that Earl Thomas's call to arms had been supported by his brothers suddenly came back to haunt him, putting him on the same level as them, and helping his critics who suspected his hand behind every Butler transgression. For more than six months his fate hung in the balance, until Christmas Eve 1565, when the queen finally made her award. Even then, he did not get off lightly. Though he avoided imprisonment, he was made to sign a recognisance of £20,000 (stg) in which he promised to abide by the terms of the royal decree and keep the peace for evermore with his enemy. Should he, or his family, be seen to break this promise in the future, then he would face bankruptcy.²²⁴

Moreover, the increased prominence that Ormond enjoyed in the queen's circle from 1566 added as much to his political vulnerability as to his strength, for it brought him many new enemies. In essence, his sudden high status at court earned him the jealousy of other, more established figures. His chief opponent, of course, was Robert Dudley, earl of Leicester, who for several years had been Elizabeth's main favourite, and who greatly resented Ormond's intrusion onto what he perceived as his rightful patch near her side. Ormond did not help matters by letting it be known that he was among those who thought, of all her suitors, English and foreign, the queen should marry the archduke of Austria, the half-brother of Philip II.²²⁵ In doing so he invited the hostility not only of Leicester, but of the entire Protestant party at court, a group that ranged from the bishops of the Church of England to lay peers such as the Puritan earl of Bedford, all of whom feared that marriage to the archduke, a leading Catholic prince, would greatly undermine their position.²²⁶ It was no coincidence that one of the first to step forward to criticise Ormond during 1566 was Dr. Thomas Young, the archbishop of York.²²⁷ With adversaries like these his position was precarious, especially as he had recently been disgraced for his recourse to arms at home in Ireland. At a stroke his family's military might had become Ormond's weakest point, and the maintenance of the queen's good opinion the main key to his political survival. If the earl was to survive the scrutiny of so many envious and suspicious onlookers, it followed that he could not afford to be associated with any more acts of violence. Once again he would have to distance himself from his brothers and their soldiers, otherwise their reckless conduct might ruin his chances of becoming one of the greatest figures at the Elizabethan court.

Lord Deputy Sidney

Ormond's concern over the military issue was compounded by the appearance in Ireland of a new chief governor in place of Sussex, Sir Henry Sidney. Sidney was appointed to the lord deputyship in October 1565, following the conclusion of the royal inquiry into the battle of Affane. Worryingly for Ormond, he was already ill-disposed towards the Butler family. Sidney had served in the Irish administration in the late 1550s, first as Vice-

²²³ H.M.C., *Pepys MSS.*, p. 79; *Cal. S.P. Spanish, 1558-67*, pp. 529, 538, 544, 549.

²²⁴ Edwards, 'Butler revolt', pp. 240-2.

²²⁵ *Cal. S.P., Spanish, 1558-67*, p. 529.

²²⁶ Some of the Protestant party's misgivings c1566 are discussed in Norman Jones, *The Birth of the Elizabethan Age: England in the 1560s* (Oxford 1993), chap. 4.

²²⁷ Elizabeth Jenkins, *Elizabeth and Leicester* (London 1961), p. 139.

Treasurer, then as Lord Justice, and during that time he had taken a dim view of conditions inside the Butler territories, which he had seen at first hand. A partisan politician, as early as 1558 he had befriended the earl of Desmond,²²⁸ whom he was naively convinced needed to be protected against Butler aggression. Most recently he had defended Desmond's cause during the Affane inquiry, in case Ormond got the upper hand.²²⁹ It can probably be safely assumed that Sir Henry's intervention was effective and helped to force Earl Thomas into accepting his share of the blame for the battle. Whatever the case, he was undoubtedly the last man that Ormond would have wanted to see installed in high office in Dublin once the inquiry was over.

Even if Sidney had been better inclined towards the Butler dynasty he would have had to tackle the military problem in the Ormond lordship as soon as he arrived in Ireland, for the region was in turmoil. In Kilkenny the local soldiery had continued to run amock after Affane, in spite of the ongoing reactivation of the county courts. In one incident they achieved widespread notoriety all across the south of the country, for it was reported that the Catholic bishop of Ossory, John O'Thonery, had died because of their villainy. Sometime in 1565 he had sold some of his see lands to local gentry, including Ormond's agent, Richard Shee. Shortly after he had been paid for the lands, the sums he had received were stolen from him by brigands. The robbery was apparently a violent one, and the bishop fell ill and died soon afterwards, reputedly of shock.²³⁰ The local armed gangs were as out of control as ever, and though those responsible for the prelate's death were eventually tracked down, brought to trial at Kilkenny, and executed, by the time Sir Henry Sidney set sail for Ireland there was growing agitation around the county for stern steps to be taken against the military as a group. And if Sidney needed further confirmation of the scale of the problem, he got it immediately, for just before his crossing to Ireland one of his own servants was robbed at Liverpool by a follower of the Butlers, the cut-purse Patrick Fyn, a 'lackey late in the earl of Ormond's livery, now out of service', who divested Sidney's man of jewels and gold worth £5. Following his discovery, and in deference to Sidney, the Liverpool authorities had Fyn 'nailed to a post by the ear and ... whipped out of the town naked from the middle upwards'.²³¹

As soon as Sir Henry arrived to take up the reins of government in Dublin, the writing was on the wall for Fyn and his like. In fact, by the middle of 1566 combating the soldiers of Kilkenny and Tipperary had become doubly important to the new Lord Deputy, for he suddenly discovered that it was his only viable tactic against the Ormond and Butler interest. While Sidney had been readying his plans for government, Earl Thomas had been working on Queen Elizabeth, colouring her views on Irish affairs, so that through her he could wreck almost all of Sir Henry's projects one by one. Such was the impact of Ormond's manoeuvring that Sidney soon despaired of the fate of his deputyship. Principally, his plans to reduce the Butler influence in Munster by initiating a lord presidency in the province was killed off by Ormond just as it got going, as the earl cast doubts over the neutrality of Sir Warham St. Leger, the proposed first Lord President, persuading Elizabeth that St. Leger, the son of the former chief governor, Sir Anthony St. Leger, was prejudiced against the Butler family.²³² Apoplectic with frustration, Sidney was powerless to prevent Sir Warham's

²²⁸ On 10 Feb. 1557 Sidney entertained Desmond's father at Kilkee Castle in County Kildare: Irish household accounts, 1556-9 (Kent A.O., De L'Isle & Dudley MSS. U1475 025/1, fol. 77v).

²²⁹ A note of interrogatories, 6 Aug. 1565 (P.R.O., S.P. 63/14/38).

²³⁰ The story of Bishop O'Thonery's death is given briefly in Moran, 'Bishops of Ossory', p. 252, based on a fuller account among the 'Lynch MSS', the whereabouts of which are unknown to me.

²³¹ D.B. Quinn, *The Elizabethan and the Irish* (Ithaca, New York 1966), p. 149.

²³² Cecil to Sidney, 27 March 1566 (P.R.O., S.P. 63/16/67). Dr. Brady has shown that St. Leger was formally withdrawn later in the year. Ciaran Brady, 'Faction and the origins of the Desmond rebellion of 1579', *I.H.S.*, xxii, No. 88 (Sept. 1981), p. 295.

withdrawal. Other equally vexing reversals quickly piled up as the queen warmed to the charms of her new favourite: Lord Deputy Sidney, she ordered, must restore Ormond to land in Tipperary previously awarded to Dunboyne; he must give royal ordnance to Ormond to help him win back land in west Tipperary from the native Burkes and O'Mulryans; he must levy money due to Ormond on the inhabitants of Counties Limerick and Waterford; above all, he must favour Ormond in all his causes, especially against Desmond, or else face the queen's wrath.²³³ It is hardly surprising that, faced with this barrage of unsolicited instructions from London, Sidney balked at the very notion of aiding the tenth earl of Ormond, whose power in his view was already much too extensive. It was therefore as much to save his deputyship and protect his reputation as a strong man of government that Sidney focused his gaze on the military racketeering of the earl's brothers and their followers. Quite simply it was imperative that he embarrass Earl Thomas with the issue before the earl was able to undermine him completely.

In April 1566 Sir Henry travelled south to Kilkenny for the first time since taking up office. In normal circumstances this would have been little more than a reconnaissance mission designed to impress his viceregal authority upon the local community. Sidney went further than that. Determined to throw dirt in Ormond's face, he instigated proceedings against the Butler army in the county court. Aided by Nicholas White of Knocktopher, a former Ormond client who now worked in Dublin, Sir Henry gathered charges of robbery and extortion against Sir Edmund Butler and 88 of his men and prosecuted them forthwith, his charge-sheet including 15 O'Bryns from Carlow and Wicklow, and 12 Purcells and 20 O'Brennans from north Kilkenny. The case was a watershed in Kilkenny history. Never before had the Butlers of Ormond been taken to task in the local courts, and Sidney let it be known that more prosecutions would follow unless they reformed and obeyed the queen's laws. To underline the point, he commissioned James Grace of Kilkenny, a close relative of the Graces of Courtstown, to hand over his stone castle in the town, known as Grace's Castle, to be used as a new county jail; evidently, the shire had not had a proper prison for many years. In return for his cooperation Grace was appointed hereditary constable of the jail.²³⁴

The Lord Deputy's victory was destined to be short-lived.²³⁵ When he tried to move the local indictments onto the next logical step - formal trial and judgement before him in Dublin Castle - he found the way blocked. In June he received a stern warning from Cecil that the queen was displeased and wanted him to drop the case.²³⁶ Still he tried to press on. In July he asked Sir Edmund Butler to appear before him, only for Sir Edmund to point out that this was impossible, as the queen had ordered the charges to be stayed. The following day, 10 July, with no alternative course of action available to him, he offered Sir Edmund and his retainers a full royal pardon for their misdemeanours, which was accepted.²³⁷ A month later, fed up to the back teeth, he sought the comfort of Leicester, his brother-in-law: 'So innocent a mind as I bear ... you may judge whether my severity or lenity [with the Butlers] hath been my greater fault'.²³⁸ It is difficult not to feel sorry for Sidney. Unbeknownst to him, even his Dudley connection was gone, for Leicester and Ormond had recently settled their differences

²³³ This was the unequivocal message of the queen's letter of 6 Jan. 1566 (H.M.C., *De L'Isle & Dudley MSS*, ii, p.2), and of Cecil to Sidney, 18 May 1566 (P.R.O., S.P. 63/17/54). See also queen to same, 8 Jan. 1566 (ibid. S.P. 63/16/6-8); same to same, 31 March 1566 (ibid. S.P. 63/16/70); same to same 14 May 1566 (ibid. S.P. 63/17/49); same to same, 20 May 1566 (ibid. S.P. 63/17/62).

²³⁴ *Cal Patent Rolls Ire., Henry VIII - Eliz. I*, p. 522; *Cal. Fiants Ire., Edward VI*, no. 1238.

²³⁵ Sidney's rather skewed version of what ensued is in H.M.C., *De L'Isle & Dudley MSS*, ii, p.4.

²³⁶ Cecil to Sidney, 16 June 1566 (ibid. S.P. 63/18/19).

²³⁷ *Cal. Fiants Ire., Eliz. I*, no.911.

²³⁸ H.M.C., *De L'Isle & Dudley MSS*, ii, p.4.

in London, with the result that Leicester changed his allegiance, and told Ormond much of what he knew about Sir Henry's plans to damage him.²³⁹

Earl Thomas had once again outwitted Sidney. Evidently objecting to the provocative and rather irregular manner in which Sidney had initiated proceedings against his family - proposing to settle the case outside the confines of the common law, by using his prerogative powers in a specially convened deputy's court - Ormond persuaded Elizabeth to chastise the governor. Unfortunately the letter that the queen wrote to the deputy on the matter has not survived; all we know is that Secretary Cecil saw it, and tried to moderate its harshness by writing separately to Sidney to reassure him that his service in Ireland was worthwhile.²⁴⁰ Something else to which the queen probably alluded was the curious fact that Sidney had accused the Butlers of imposing coign and livery unlawfully, yet he had failed to announce its abolition, as she had authorised him to do, with Ormond's blessing.²⁴¹ Stung by the criticism, Sidney returned to Kilkenny early in August, and immediately issued a government proclamation formally outlawing coign and livery and similar exactions in the county. Thomas Masterson, a Kilkenny government official who hailed from Cheshire,²⁴² was delighted with the announcement. He was not alone. According to his letter, sent to his patron at court, the queen's cousin, Sir Francis Knollys, there was 'universal joy' among the ordinary Kilkenny people that at last the authorities had acted against their oppressors. Unaware of the intricate politicking that lay behind the proclamation, he beseeched Knollys not to let Elizabeth be persuaded by Ormond to restore the levy.²⁴³ Earl Thomas would not have wanted anything of the sort. Thanks to his influence with the queen, he had managed to get his enemy, the Lord Deputy, to do his work for him, abolishing an exaction favoured by his brothers which caused him nothing but discomfort now that he was one of her majesty's special entourage of aristocratic companions.

Eventually Sidney got his revenge, for Black Tom had for once miscalculated in allowing him to spearhead the assault on military abuses inside his territories. As well as outlawing coign, when he went to Kilkenny in August 1566 the Lord Deputy had also outlawed the professional Gaelic poets who wrote verses in praise of the Butlers' feats of arms. In doing this, Sidney knew that this time he was on safe legal ground. An Act of the Irish Parliament of 1541 had ordained that 'no rhymer nor other person whatsoever shall make verses ... to anyone after God on Earth except the king, under penalty of the forfeiture of his goods'.²⁴⁴

Accordingly, all the Irish poets in the vicinity of Kilkenny - there were several - were arrested, divested of their belongings by Sidney's officials, whipped, and ordered to leave the region.²⁴⁵ At the same time, as required by the terms of the pardon of 10 July, he summoned Sir Edmund Butler and all his followers to appear before him for a second time in the Kilkenny shire court, to demonstrate that they were still under bond to keep the peace.²⁴⁶ The fact that at about this time he granted powers of martial law in Kilkenny to relative outsiders such as Captain Nicholas Heron, Captain John Sanky and Thomas Masterson (all New Englishmen) is surely significant; absolute discretionary authority - including power of summary execution - was suddenly no longer the preserve of the Butlers, as it had been since

²³⁹ Edwards, 'Butler revolt', pp 242-3. What follows here is a slight revision of the article's analysis of Sidney's August proclamation (ibid. p.243).

²⁴⁰ Cecil to Sidney, 16 June 1566 (P.R.O., S.P. 63/18/19).

²⁴¹ The queen had authorised the abolition of coign and livery in her letter to the deputy of 14 May 1566 (ibid. S.P. 63/17/49).

²⁴² *Cal. Fiants Ire., Eliz. I*, no. 682.

²⁴³ Masterson to Knollys, 10 Aug. 1566 (P.R.O., S.P. 63/18/78).

²⁴⁴ Hore & Graves (eds.), *Social State*, p. 84.

²⁴⁵ Thomas Churchyard, *Churchyarde his choice* (London 1579), sig. D2v.

²⁴⁶ *Cal. Fiants Ire., Eliz. I*, no. 911.

martial law had first appeared in the county in the 1550s.²⁴⁷ As a deliberate act of provocation, this was serious, especially when it was combined with Sidney's targeting of the Butlers' rhymer. It soon set the Butlers on edge. After the Lord Deputy returned to Dublin, Sir Edmund's forces went on the rampage in the county, and the new sheriff, Thomas Masterson - one of the new martial law commissioners, and the man empowered by Sidney to prosecute the local soldiery - was attacked and forced to leave the shire. As Masterson was later reported to have testified, he had 'his goods stolen, his lands wasted ... [and] hardly escaped with his life'.²⁴⁸

Nor did the Butlers let the matter end here. Plainly aware that the earl of Ormond approved of the abolition of coign and livery - for the earl's agent, Richard Shee, was aiding Sidney²⁴⁹ - Sir Edmund and his supporters broke openly from the earl's authority. At the end of the year, Ormond's hopes of extracting compensation from Desmond over Affane were scuttled when Sir Edmund refused to travel to Dublin to present the evidence that the earl's servants had compiled so meticulously against the Munster Fitzgeralds.²⁵⁰ By behaving thus he gave succour to Sidney, who had no wish to see Desmond further punished by Ormond.²⁵¹ More worrying still for Earl Thomas was his siblings' behaviour in the new year. In January 1567, just as everything was falling into place for Ormond, with Sidney at last deciding to sacrifice Desmond to please the queen, Edward and Piers Butler commenced a new war in Munster. At a stroke Ormond's hopes of compensation collapsed, and his £20,000 bond of 1565 - his very solvency - was placed in jeopardy.

Presented with his best opportunity yet to break Ormond's hold over him, the Lord Deputy made haste for Kilkenny. At last he was able to swipe out at the Butlers without fear of royal obstruction, and he held sessions in the county at the end of January. On his orders, certain 'malefactors' were executed, but the main object of his interest was Piers Butler, Ormond's youngest brother. Sometime late in 1566 Piers had shown his contempt for the English legal system when he organised an attack on the new county jail, Grace's Castle, and as a result of his actions some 'prisoners convicted of felony' were able to effect their escape. Sidney had Piers brought to him and proceeded to humiliate the young nobleman, forcing him, on his knees, to submit to the crown in open court and confess his guilt, before releasing him in a highly contrived demonstration of royal clemency.²⁵² The Deputy acted similarly in Tipperary, hearing indictments against Edward Butler, the baron of Dunboyne and Piers Butler of Grallagh, recording all the charges against them in a journal of his proceedings that he had composed specially for the queen. The journal was easily as important as the events it purported to record, for Sidney was a skilled propagandist, and he made sure that it gave a lasting impression of 'the excessive trains of horsemen and footmen led and kept by the younger brothers of the earl of Ormond, who rather consumed than defended the goods of the poor country'.²⁵³

In writing the journal Sir Henry sought to undercut Ormond, claiming that though conditions in Kilkenny-Tipperary had improved under his rule, they were bound to deteriorate once he left, for Ormond had no-one of 'good reliability' to govern the lordship

²⁴⁷ Ibid. no. 953; for earlier commissions of martial law in County Kilkenny, which were always to Ormond and his family, and to people of the earl's choosing, see Ibid. nos. 56, 64, 182, 469, 682 and 724.

²⁴⁸ Articles of Shee's treason, 1584 (P.R.O., S.P. 63/115/10).

²⁴⁹ *Cal. Fiants Ire. Eliz. I*, no. 1030.

²⁵⁰ Horsey to Cecil, 12 Dec. 1566 (ibid. S.P. 63/19/72). In September Patrick Sherlock had brought evidence against Desmond to Cecil in London: Ormond to Cecil, Sept. 1566 (ibid. S.P. 63/19/17).

²⁵¹ Brady, 'Faction', pp 301-2.

²⁵² James Buckley (ed.), 'A viceregal progress through the south and west of Ireland in 1567', *Waterford & S.E. of Ire. Arch. Soc. Jnl.*, xii (1909), p.66.

²⁵³ Ibid. pp 69-70.

while he was away preening himself in London. Like many of Sidney's words, these latter comments were a fiction, purposely designed to mask the harsh reality of local conditions in the Ormond territories, where the Butlers were proving themselves no longer answerable to Earl Thomas's authority. Ignoring their independence, Sidney advised the queen that the earl of Ormond would have to take power away from them, and replace them as governors of his lordship with more reliable men, i.e. men of his, the Deputy's, choosing. In doing this Sir Henry helped to accelerate the fragmentation of the Butler dynasty and push the earl's brothers further along the road towards revolt, for by the end of the year Ormond had partly complied with his wishes: rather than cede power to Sidney's nominees (people such as John Sanky, recently promoted to the post of Under-Marshal of the Army), the earl began treating viscount Mountgarret and Sir John Grace of Courtstown as his senior representatives in Ireland.²⁵⁴

The tenth earl, it seems, had come to a watershed in his career. By now firmly embedded at Elizabeth's court,²⁵⁵ he was nonetheless concerned that Sidney's version of conditions in Kilkenny and Tipperary had begun gaining the queen's sympathy.²⁵⁶ If his brothers could not be relied upon to drop coign and livery and conform themselves to the crown's wishes, then he would have to distance himself further from them and look to others to act on his behalf. Moreover, now that Sidney had had Desmond imprisoned, Black Tom felt confident that he did not need coign any more, the risk of serious attack from the west seemingly having abated. Hence his decision before the end of 1567 to appoint Mountgarret and Grace to negotiate the full-scale removal of coign and other exactions and levies from all his lands in Ireland with Sidney's agents, Sir Warham St. Leger and Henry Davells. The talks were tense, hinging on the amount of compensation that Ormond should receive in order to put in place an alternative method of local defence, but eventually agreement was reached. By the latter part of 1568 it was public knowledge that coign and livery, the basis of the Butlers' military power, was to be abandoned for once and for all.²⁵⁷

The earl's brothers reacted badly to this development. By the early autumn of 1568 Edward Butler had begun fraternising with the bandit Piers Grace, a man who had regularly attacked Ormond's lands and tenants in the past, and whose arrest and execution the earl had often called for.²⁵⁸ Without seeking the earl's permission, Edward hired a large number of extra troops, perhaps doubling the size of the army, with the intention of suppressing whatever opposition that appeared against himself, Sir Edmund, and Piers across the south. The Ormond lordship became an occupied territory. The Butler threat even extended into Wexford, where Edward paraded an army of 1,400 men before 12 November - 400 galloglasses, 200 horsemen, 200 gunners and 600 kerne - by far the biggest force the family had had during the sixteenth century. Government officials in Dublin were greatly alarmed by this show of force. The archbishop of Armagh, Thomas Lancaster, was convinced that Kilkenny and Tipperary were in a state of insurrection because of Edward Butler's activities: 'what he intends, God knoweth, [but] the example is evil'. The prelate was further alarmed by news that Edward had taken forceful possession of 'at least twelve' of Earl Thomas's castles in the region.²⁵⁹ Lord Deputy Sidney was not so concerned. Having just returned to Ireland after more than a year away, he felt that the Butlers' call to arms had been staged for his benefit, to demonstrate that all of the Ormond country was 'exempted from my

²⁵⁴ Sheffield Grace, *Memorials*, p. 11.

²⁵⁵ Agnes Strickland, *Lives of the Queens of England* (London 1851), iv, p.267; *Cal. S.P., Spanish. 1558-67*, pp 627 and 630.

²⁵⁶ E.g. queen to Sidney, 11 June 1567 (P.R.O., S.P. 63/21/10).

²⁵⁷ As note 254 above.

²⁵⁸ Lords Justice to Edward Butler, 10 Aug. 1568 (P.R.O., S.P. 63/26/4, inclosure ii); Ormond to Sussex, 7 March [? 1563] (B.L., Cotton Ms. Titus B. XII, fol. 153); same to [? same], 25 Feb. [? 1562] (ibid. Cotton Ms., Vespac. F. XII, fol. 1).

²⁵⁹ Lancaster to Cecil, 12 Nov. 1568 (P.R.O., S.P. 63/26/20). Unfortunately, he did not name the castles, 'for lack of time'.

authority'. To his eyes, the Butlers were merely posturing. He would have done better to have taken them more seriously.²⁶⁰

Instead of calling for help, or trying to reach an accommodation, Sir Henry tried to brush the Butlers aside, intending to recommence his drive against them with a new strategy - land forfeiture. For some months now he had been encouraging²⁶¹ an English Protestant adventurer from Devon, Sir Peter Carew, to pursue his claims to an ancient estate in Leinster and Munster that his ancestors, the de Carrewes, had lost to the Irish in the late fourteenth century. A large part of the lands involved were situated right in the heart of Sir Edmund Butler's power-base, in the territory of Idrone, County Carlow, where he had his main seat, at Cloghgrenan Castle. Much of the rest of the territory was held by the MacMurrough Kavanaghs. In order to secure Carew's claim, Sidney took an unusual step, and one which caused the Irish judiciary some unease, deciding to award the lands to him by government decree, rather than permit the Butlers, the Kavanaghs and others to challenge Sir Peter in Chancery or Common Pleas, the appropriate courts for such a case. The decree was issued by the Dublin Council in Sidney's absence on 17 December 1568, formally granting Idrone to Carew by act of state, and it received the Deputy's signature five days later, at Newcastle-Makinegan in County Wicklow. And so it was that Sir Edmund Butler and the Kavanaghs found themselves disinherited with dizzying speed, with neither promise of compensation nor prospect of appeal. Just before Christmas Carew received possession of the whole territory from the sheriff of Carlow.²⁶² Simultaneously, Sidney arrived in Kilkenny for the fourth time in his deputyship, resolved to confront the opposition of the Butlers head on. In a demonstration of unyielding state force, and possibly by power of martial law, he pronounced sentence of execution on 'a great number of Edward Butler's followers'.

During the ensuing months the Butlers sought redress for their plight, but they failed to get anywhere. In London Queen Elizabeth and her ministers were supportive of Carew's land claim, and the question of revoking the abolition of coign and livery was simply not up for discussion. In the opening session of the 1569 Irish parliament, Sir Edmund Butler tried to obstruct the progress of several of the government's bills, including a bill to suppress native Irish captaincies and, it must be assumed, that for the banning of private military taxes such as coign.²⁶³ His objections were ignored. Disillusioned of the efficacy of constitutional opposition, he returned to tried and trusted means when the second session ended in March 1569. The chronicle of Sir Peter Carew's life, by his lawyer John Hooker, mentions that in the spring of 1569, on his way home to Leighlin from Waterford, Carew was attacked at Thomastown by Sir Edmund's forces. If Hooker can be believed - often he cannot - his master was in mortal danger of assassination because of the Butlers' daily conspiracies against him.²⁶⁴ Worse was to follow when the Lord Deputy sent three prominent officials to Kilkenny and Tipperary in April to hold the Easter assizes, as it became manifestly clear that the Butler family had broken with the earl of Ormond and were headed along the path of rebellion. Considering Carew's predicament, it was perhaps as well that Sir Henry did not go south himself.

Sidney's three representatives - the Attorney-General, Luke Dillon, the Chief Remembrancer of the Exchequer, John Thomas, and the Chief Justice of Wexford, Edward Fitzsymon - rode into an area on the brink of revolt. Although things were relatively quiet in

²⁶⁰ H.M.C., *De L'Isle & Dudley MSS.* ii, p. 9.

²⁶¹ Sidney signalled his approval of Carew at least as early as the summer of 1568 (Sidney's remembrances, 27 June 1568: P.R.O., S.P. 63/25/11; same, 1 July 1568: *ibid.*, S.P. 63/25/15).

²⁶² N.A.I., Lodge MSS, Records of the Rolls, Vol. I, pp 163-4; Moore, 'English action, Irish reaction', pp 86-7; James Hughes, 'Sir Edmund Butler of the Dullough', *R.H.A.A.I. Jnl.*, i (1870), pp 267-72.

²⁶³ Victor Treadwell, 'The Irish Parliament of 1569-71', *R.I.A. Proc.*, section C, lxxv, pp 67-9 and 73-4.

²⁶⁴ Hooker's life of Carew is printed at the front of *Cal. Carew MSS, 1515-74*; see esp. pp cii-civ.

Kilkenny - where the sheriff, John Cantwell, was using martial law to keep the peace²⁶⁵ - Tipperary was teeming with unlawful military activity, with the Butlers standing out in defiance against the new anti-captaincy legislation that Sidney had sponsored in parliament. The three men encountered flagrant obstruction almost everywhere they went. In yet another display of force, the Butlers rolled up to meet the commissioners at Carrick-on-Suir accompanied by 40-50 horsemen and 200 kerne. Their subsequent actions made it all too plain that they had no intention of staying within the law. At Annagh-O'Fogarty, while the commissioners looked on in amazement, Edward Butler took his leave and departed to make war on the O'Carrolls; when he returned it was said he had killed two of their best men. At Roscrea, Edward completely ignored the commissioners' request to produce witnesses in his defence. Further afield, the commissioners' investigation into the spoiling of the Dunboyne estate was obstructed by Sir Edmund Butler, who promised that he would give his side of the story before an assembly of the gentlemen and freeholders of Tipperary to be held at Carrick - not only did he fail to show up, but he insured that no such gathering occurred, not bothering to notify Ormond's liberty officials or any of the local families about it. In effect, the Ormond lordship had ruptured. Edmund Power of Mothill, a major Waterford landlord and a kinsman and ally of Ormond, alleged that Piers Butler had tried to ambush him and his followers in a church in Tipperary. More shocking still, the burgesses of Clonmel further charged that Piers had recently raided the town, the capital of the Ormond liberty, rounded up some livestock and killed 'seven or eight honest burgesses' who resisted them. When the Butlers rested at Loughmoe their soldiers 'pilfered and spoiled the poor people' of the village there, a clear message to Purcell of Loughmoe that he better toe the line and not saddle up with Sidney's commissioners, who were horrified by their tactics and had their attempts at mediation brushed aside. All this amounted to much more than crude intimidation. The Ormond lordship was in a state of civil war.²⁶⁶

Based on a report of their experiences by Dillon, Fitzsymon and Thomas, and with more news of disturbances reaching him from the south, Lord Deputy Sidney convened an emergency meeting of the Irish Council at Dublin Castle on 16 June 1569. There was a high turn-out for the meeting, with the earl of Kildare and the baron of Louth present together with the usual senior government officers and just one newcomer of note, Sir Peter Carew. Together they drafted a government proclamation declaring the Butlers as outlaws: 'That Sir Edmund Butler, Edward Butler and Piers Butler, brethren unto the earl of Ormond, should for their disloyalty and disobedience, contemptuously refusing to come in to the Lord Deputy and Council and to answer to justice, ... be from henceforth denounced and published as rebels and traitors unto the queen's most excellent majesty'.

It was a precipitate step typical of Sidney, offering the Butlers no prospect of compromise or negotiation. Yet it was not unjustified. The proclamation was not irrevocable - it was up to the Butlers to 'come in', and the proclamation allowed them 14 days grace before it became fully operative.²⁶⁷ But the Butlers had no intention of submitting to Sidney, Carew and the rest. During June it suddenly emerged why they had dared to go so far. They were not acting alone, but were part of huge countrywide conspiracy against Sidney's government. Traditionally described by historians as an anti-English rebellion, the Butler revolt was anti-English in a deeper, more complex way than usually claimed. The rebels were not just opposed to the English colonial administration. They also intended to overthrow the Ormond lordship in Kilkenny and Tipperary because Earl Thomas had

²⁶⁵ *Cal. Fiants Ire., Eliz. I.* no. 1261

²⁶⁶ Declaration of Dillon, Thomas & Fitzsymon, n.d., c. June 1569 (P.R.O., S.P. 63/28/31). The document is printed in full in Hughes, 'Sir Edmund Butler', pp. 158-64.

²⁶⁷ H.M.C., *Ir. Privy Council Bk. 1556-71*, pp. 228-9.

cooperated so eagerly with the anglicisation process that threatened to destroy the traditional military autonomy of the Butler borderlords. In short, the Butler revolt was an anti-Ormond revolt.

Revolt

For the ordinary people, considerable hardship must have ensued from the Butlers' decision to take up arms. From their standpoint, the Butlers and their allies could hardly have chosen a worse time to go on the rampage across the fertile arable lands of the south and south-east. Cold and stormy weather had meant that the previous year's harvest had been a poor one in many parts of Ireland;²⁶⁸ by Easter 1569 increased local food shortages had turned to famine in the north,²⁶⁹ and there is reason to believe that the food supply was also running low in the Ormond territories in the south. Government agents who journeyed through Kilkenny and Tipperary in April were struck by the 'miserable estate of the country' and the 'poverty of the poor people' which confronted them during their travels.²⁷⁰ On Good Friday the mayor and aldermen of Waterford, moved with pity by the sight of 1,100 hungry and wretched people huddled outside the city walls, ordered that the gates be opened to let them in; they had fled to the city from the surrounding region in hope of relief, and it is likely that some of them came from southern County Kilkenny.²⁷¹ Understandably, the growing fear of famine turned to widespread panic when the Butlers rose in revolt in June. Experienced and normally calm onlookers were worried that many country folk would join in the uprising if the rebels destroyed the summer crops. With trembling phrases they alerted the government to the danger, pointing out that unless emergency food supplies were immediately sent to the main southern ports, the populace at large might embrace treason in a desperate attempt to avoid starvation.²⁷²

When viewed against this background, it is surprising that the Butlers failed to make the ordinary people follow them into revolt. Wherever they went, they burned crops and seized livestock, but in spite of their efforts, the threat of famine and general popular unrest seems to have been averted. Unfortunately, the shortage of extant documentary evidence makes it hard to explain why this was so. For instance, it is not known whether or not the authorities managed to send fresh supplies to the areas affected by the fighting; all that can be said is that it is very doubtful that they did. Emergency food shipments took a notoriously long time to arrange, so much so that the Dublin government was often quite unable to victual its own troops, let alone feed sections of the provincial population.²⁷³ Whatever the case, even if royal agents had succeeded in landing a few cargoes of food along the southern seaboard, the provisions would probably have extended only to those who lived nearby or to those who were able to flee to the ports for sustenance. It is most unlikely that aid could have been sent to the rural inhabitants of inland areas such as Kilkenny, Tipperary, Carlow and northern Wexford. Here it was the lot of the unlucky to lie beyond the reach of government aid throughout the summer of 1569, and for weeks on end they bore the brunt of the rebel onslaught, something which makes their failure to participate in the rebellion all the more noteworthy. Ironically, one of the main reasons why the poor of the Kilkenny area remained loyal may have been because the Butlers did not make them suffer enough.

²⁶⁸ W.M. Hennessy (ed.), *Annals of Loch Ce* (2 vols., London, 1871), ii, sub 1568.

²⁶⁹ H.M.C., *Salisbury MSS*, i, pp 404-5.

²⁷⁰ Hughes, 'Sir Edmund Butler', p. 159.

²⁷¹ White to Cecil, 18 April 1569 (P.R.O., S.P. 63/28/6).

²⁷² Mayor and corporation of Waterford to Cecil, ? July 1569 (ibid, S.P. 63/29/5).

²⁷³ Cyril Falls, *Elizabeth's Irish Wars* (London, 1950), p. 63.

This seems all the more feasible when the ambitious nature of the rising is considered. Having spent months planning their tactics carefully, Sir Edmund and his advisers had concocted a revolt which encompassed the length and breadth of the country. Their principal Leinster allies were the Kavanaghs of Idrone, who shared the Butlers' resentment of Sidney over the Carew land claim. In Munster they could count on the support of the captain of the Desmond army, James Fitzmaurice, who joined them on campaign once he had received assurances that help was imminent from Spain. Finally, the Butlers were also allied to Turlough Luineach O'Neill, who was rapidly emerging as the government's principal enemy in Ulster. All told, in 1569 the Butler brothers were part of the biggest rebel conspiracy to develop against English rule in Ireland since the Kildare revolt of 1534.

But therein lay their problem. In order to honour their commitments to their allies, the Butlers had to take their forces out of Kilkenny and Tipperary to fight elsewhere, principally in Cork and Wicklow. Furthermore, although they chose some of the most powerful overlords in Ireland as their allies, these had little in common with the community of Kilkenny or Tipperary. At first glance, it might be said that Sir Edmund did well to team up with Turlough Luineach O'Neill; from a military point of view the arrangement which they reached seemed very promising. The Butlers were to attack the Pale if Sidney took the government army north, while Turlough was to come down from Ulster if the royal forces went south. Yet Turlough Luineach was mistrusted by the anglophile gentry of the Ormond lordship, so that Sir Edmund found it difficult to persuade them to join his confederacy. If O'Neill proved a barrier to winning the sympathy, Fitzmaurice was even more problematic. One of the principal Kilkenny landlords, William Sweetman of Castle Eve, was disgusted with the Butlers for allying themselves with Fitzmaurice. At the start of the rebellion he had been required by Sidney to apprehend Piers Butler over 'divers heinous complaints exhibited against him'.²⁷⁴ In the course of trying to track Piers down, on 25 July Sweetman travelled to Killough Castle in Tipperary, where he had a heated exchange with Sir Edmund Butler, who boasted to him of the friendship he had with Fitzmaurice. Hoping to sow seeds of doubt in Sir Edmund's mind and so foreshorten the revolt, Sweetman denounced the conspiracy in forthright terms: 'I do marvel what enterprise is this ye have begun: it is the most unreasonable and outrageous that may be, for ye do herein ... distain your lineage, whereof surely you are not rightly sprung, for you are rather a Desmond than a Butler.' Clearly if any of the Butlers' actions confounded their prospects of mobilising the squires and gentry of the Ormond country, it was their link-up with the detested Desmond Fitzgeralds.²⁷⁵

When their campaign reached its climax in July 1569, the Butlers commanded a force of more than 3,000 men, but at least two-thirds of these were not their own followers, belonging instead to their allies from Munster. It can thus be estimated that Sir Edmund and his Leinster partners the Kavanaghs raised less than 1,000 or so soldiers from the area under their sway in Counties Kilkenny, Tipperary, Carlow and Wexford, a considerable force it is true, but hardly the stuff of a popular revolt. Indeed, if the figures are reliable, it is safe to conclude that the only people who openly participated in the rebellion were those whom the Butlers could rely on from the very beginning, namely their own private retainers and those of their closest friends and confidants. From Kilkenny their confederates were Thomas Comerford of Ballymack and some sons of Lord Mountgarret and Walter Butler of Paulstown; from Tipperary they were aided by the MacSweeney galloglasses and Cantwell of Moycarkey, but Purcell of Loughmoe was an unwilling and unreliable follower.²⁷⁶ Their

²⁷⁴ Hughes, 'Sir Edmund Butler', p.175, note 1.

²⁷⁵ Sweetman's information, 27 July 1569 (P.R.O., S.P. 63/29/24).

²⁷⁶ The size of the rebel army is outlined in Sovereign of Kilkenny, Captain Collier and others to Sidney, 21 July 1569 (P.R.O., S.P. 63/29/22).

utter failure to excite more widespread support is of crucial significance, firstly and most obviously because it prepared the ground for their eventual defeat, and secondly because it demonstrates just how much the local community of the Ormond lordship had lost faith in the Butler family.

Sir Edmund and his brothers went to extreme lengths to gain wider sympathy. At the start of their campaign they put it about that their eldest sibling, Earl Thomas, was dead. It was just a ruse, and entirely ineffective. Within weeks, by the start of July, it was confirmed that Ormond was alive and well in London, and furious with his family for committing treason and besmirching his good name. One of Ormond's closest servants, Oliver Grace, sailed to Waterford from England to challenge Sir Edmund and to ask him to obey his brother the earl's orders to lay down his arms, but to no avail. Sir Edmund rode off with his troops, for appearances' sake claiming he did not believe Grace. In order to guarantee there was no counter-insurrection against them in Kilkenny in defence of Ormond and the crown - a real possibility - the Butler brothers commenced their revolt with a trick, disarming the local community by stealing all the weapons that had been collected for a muster of the shire force set for 15 July. It was only because of this that civil war between rebels and loyalists did not ensue in the Kilkenny region in the summer of 1569.²⁷⁷

The rebellion peaked on 16 July when the Butlers laid siege to Kilkenny town. Outside the walls Sir Edmund, Edward and Piers Butler were joined by Fitzmaurice and Donal MacCarthy Mor. Inside, in addition to the townsmen and merchants, there were many of the local gentry, a host of Ormond's officials and servants, and a sizeable number of New English refugees from Munster, including the wife of Sir Warham St. Leger, Fitzmaurice's great enemy. For probably the first time in its history, Kilkenny had to thank royal troops for its survival. Just before the rebels began the siege, a company of soldiers turned up led by Captain William Collier, an accomplished officer who had spent much of the preceding year in command of the isolated government garrison at Newry. As such, he was ideally suited for the task in hand, being a stranger neither to Irish sieges or Scottish mercenaries. Together with the aid of several of Ormond's closest servants and some local dignitaries, including the bishop of Ossory, Edmund Butler of Callan, the dean of Cashel, and Richard Shee, he was able to convince the townspeople to continue in their resistance. After a quick sortie to round up a few sheep which the rebels had not led away, the sovereign, Walter Archer, ordered that the town gates be closed and the walls reinforced with earth. The Butlers must have felt confident that the town would surrender, for they agreed after five days duration to the townsmen's request that they remove themselves a couple of miles away and cease burning the 'suburbs and granges' outside the walls. Collier saw his chance. Seeing that MacCarthy was taking 800 men back to the south-west in search of food, the captain and his soldiers sallied forth from the town and beat off the more adventurous of the besiegers. In less than a week the siege was over.²⁷⁸

In the ensuing fortnight the rebels were reduced to harrying 'the country round about', burning and destroying crops in rich midlands of the shire. Fitzmaurice and MacCarthy Mor departed, and no sooner had they gone than Sir Peter Carew and Captain Humphrey Gilbert arrived in the shire in the vanguard of Sidney's government army. Having news that Sir Edmund Butler had his forces based a few miles north of Kilkenny, Carew set forth and according to his own account, routed the rebels at Kilmocar, killing 200 of them.

²⁷⁷ Edwards, 'Butler revolt', p. 248.

²⁷⁸ Camden, *History*, p. 125; *Statutes at large, Ire.*, p. 370; Sovereign of Kilkenny. Captain Collier and others to Sidney, 21 July 1569 (P.R.O., S.P. 63/29/22).

When the fight was over, every English soldier 'took a gallowglass axe of those who were slain [which they] carried with them [back] into [Kilkenny] town in sign of victory'.²⁷⁹

After the battle of Kilmocar the Butler revolt collapsed in Kilkenny and Tipperary, and the Butlers retreated into Idough and then left the area altogether, drawing away into north Wexford and Wicklow. In most histories of the period it is assumed that the Butler brothers finally agreed to surrender when their eldest brother arrived to parley with them outside Kilkenny Castle on 1 September. As I have shown elsewhere, this is a dangerous assumption to make, for it draws a veil over one of the most significant aspects of the rebellion. From the very start the rebels had striven to destroy Earl Thomas's power. At Callan Piers Butler had attacked Ormond's manor and robbed his treasurer, Fulk Comerford, of nearly £2,000 of the earl's money and plate. Outside Clonmel the rebels seized cattle worth £300 belonging to the wife of Ormond's steward, John Aylward. When William Sweetman had chastised Sir Edmund for betraying his noble brother, Ormond, Sir Edmund had scoffed at him, declaring that Ormond would never be able to control him again if the rebellion went to plan. Time and again during the rising the rebels targeted Ormond's property for destruction. When he returned to Ireland on 14 August they paid him no heed, but carried on in revolt until all hope of O'Neill attacking the Pale disappeared. His messengers were spurned and at the end of August, just days before surrendering to him outside Kilkenny, Sir Edmund, Edward and Piers Butler performed their final exploit, attacking Ormond's manor at Arklow and leaving it waste.²⁸⁰

Conclusion

For Black Tom of Ormond the audit of war was grim indeed. Although he had retained the trust of Elizabeth I - in itself a remarkable achievement - the profile of his dynasty lay in ruins. His brothers had danced on the Butlers' age-old reputation for steadfastness to the English crown. Sir Edmund's comments to William Sweetman that Sidney's administration was bent on the extirpation of the Irish - 'I do it [rebel] to make war against those that banish Ireland and mean conquest' - revealed the gulf that separated him from Earl Thomas.²⁸¹ Evidently, Sir Edmund and his fellows felt more in common with those Ormond termed 'Irish rascals' than with the English governmental system. And yet Sir Edmund's claims could not easily be ignored. Ormond himself had been alarmed by Sidney's penchant for high-handed uncompromising rule, arbitrary government that operated outside the common law and drew heavily on the use (and abuse) of the royal prerogative. Commenting on Sidney's handling of the Carew land claim Ormond castigated 'these rash dealings in matters of land'.²⁸² Of equal concern to him was the prospect of future disaffection. Despite the fact that the rank and file of the Kilkenny local community had stayed loyal, refusing to go along with the rebels, Ormond soon learned that further trouble was almost inevitable. In particular the aggressive behaviour of colonialist adventurers like Carew was threatening to sour the county's relations with the royal authorities. When Carew and Gilbert had arrived in Kilkenny town in July they had squabbled with the local people, accusing them of collusion with the rebels. As long as adventurers such as these continued to receive encouragement from Dublin Ormond would never be able to rest. And so it was that the Butler revolt changed Ormond's career forever. At a stroke, he was forced to turn his back on the prospect of greatness in England. Henceforth he must become an Irish lord and adapt himself to his native land in a manner he had thus far avoided. From 1569 he had to

²⁷⁹ *Cal. Carew MSS. 1515-74*, pp cvi-cvii.

²⁸⁰ Edwards, 'Butler revolt', pp 246-50.

²⁸¹ Sweetman's information, 27 July 1569 (P.R.O., S.P. 63/29/24).

²⁸² Hughes, 'Sir Edmund Butler', pp 172 and 215.

reinvent himself and become in a very real sense a lord of two worlds, Irish and English, at home in both without relinquishing his contact with Elizabeth. It was a tall order.

The Encroachment of Central Government, 1569-1603

Introduction

In the aftermath of the 1569 rebellion, County Kilkenny stood at a turning point in history. With crops destroyed, livestock badly depleted, and many people dead, the population was largely preoccupied with the mundane requirements of recovery and survival, but those with a wary eye on the future could not have felt comfortable with what they saw. The threat of change loomed high on the horizon. It was obvious that the government, in order to insure that the flames of revolt were extinguished, would seek to increase its power in the region, something which left many locals uneasy. Their previous experience of official interference had not been good. Indeed, many were convinced that the rebellion could never have happened without the aggressive prodding which the Butlers had received from the Lord Deputy, Sir Henry Sidney. Confidence in the Dublin executive was thin, and the landlords and merchants of the shire were anxious to retain their freedom from outside control, in case the agents of the state produced another catastrophe. More than ever before, the interests of the Kilkenny populace and the central authorities stood at opposite poles; the stage was set for what would be essentially a struggle over the county's independence.

The future of the Ormond lordship lay right at the heart of the struggle. Although his treasonous brothers had caused much suffering in the shire, most locals remained firmly attached to the personal authority of 'Black' Thomas Butler, tenth earl of Ormond. To a certain extent, they had little choice in the matter. Only the earl could give them the two things they wanted: as head of the Butler dynasty he could persuade the rebels to lay down their arms, and as a high ranking courtier in London he was well placed to safeguard the county's autonomy. The fact that Ormond himself was absolutely committed to achieving both of these objectives brought him far closer to the inhabitants of Kilkenny than he had previously experienced. Clearly, if he handled things skilfully, Earl Thomas stood a very good chance of enjoying a greater level of local predominance than many of his ancestors had done. In other words, if he was equal to the challenge before him, he might benefit greatly from his brothers' revolt.

The situation confronting the earl was enormously complicated. In the first place, although they had flagrantly defied his authority and attacked his servants and supporters, he badly needed to keep his brothers alive. Only through saving them could he retain an independent power-base in Ireland. Should they be attainted and executed, their land would be seized by the government, and Earl Thomas knew only too well that Sidney and his supporters would be quick to advocate that it be granted to persons opposed to his interests. And yet at the same time Ormond could not afford to be seen to treat his three brothers and their military followers leniently; they had committed high treason, after all. Thus the earl would have to take steps to smash his brothers' most ardent supporters, and given the nature

of the rebels' destructive campaign, it was also manifest that coign and livery, the basis of their might, would have to be abolished. Finally, while it would doubtless be difficult to pull off this mixture of reform and repression inside his territories, the earl's problems were not over, for he would also need to attack Lord Deputy Sidney in order to take the heat off local affairs and convince his brothers that he was still on their side.

This then was Ormond's predicament. If he mishandled any of these problems, his lordship in Kilkenny and Tipperary would face a renewed crisis and probably decline. But while the internal challenge of dealing with his family was of crucial importance, the single greatest threat confronting him in September 1569 was the power of the Lord Deputy, Sir Henry Sidney. Unless something was done to head Sidney off, he might again unsettle the Butler family. Hence it is not surprising that Earl Thomas spent the better part of the next eighteen months pulling strings in London to neutralise Sidney in Ireland.

Yet lobbying the court was only part of his strategy: the success of Ormond's challenge to the Deputy also depended on his ability quickly to re-establish order inside his troubled lordship. The Butler rebellion had cost the government dear, necessitating a major increase in military expenditure, and the earl was aware that he would have to bring the disturbances swiftly to an end if he was to win the gratitude of the London Council and call Sidney to account for provoking the rising in the first place. With the balance of power between the two men delicately poised, speed was an essential factor in what was about to unfold. If the troubles lasted longer than anticipated, Ormond would lose face in the eyes of the crown - and the local community - and Sidney's coercive tactics would be vindicated. If on the other hand, the rebellion melted away after his return, the earl would demonstrate that he, not the Lord Deputy, was best qualified to govern his territories efficiently in the queen's interest.

Continuing unrest

Until November 1569 everything went Ormond's way. News of his return was gladly received by the local community, and they lost no time responding to the renewal of his leadership. Many of the principal gentry rode forth to offer him their services, and with their help he soon imposed his will over the region at large. According to a 'Certificate' addressed to the queen on 3 November, the inhabitants of Kilkenny and Tipperary had been enabled through Earl Thomas's endeavours to resume a semblance of normal life. The rural refugees who had fled to the 'walled towns and other places of strength' to escape the depredations of his family went back to their homes in the countryside, wishing to gather up what little corn and hay was left on the land. Those who had been taken prisoner by the Butlers were set free on Ormond's orders 'as complaints came unto him', and some of the goods and cattle which had been stolen by the rebels were identified and restored to their rightful owners. For the moment at least, it seemed 'good order, tranquillity and peace' had returned to south-eastern Ireland.¹ It did not last much longer.

Although the squires and gentry who petitioned the queen in praise of the earl proclaimed enthusiastically that his brothers had 'lived in quiet and dutiful manner since ... coming to him', their confidence in the Butler family was ill-founded. When Sir Edmund, Edward and Piers had surrendered to Ormond on 1 September, they had spoken angrily of Sidney's 'cruel and ill usages' towards them, and with the benefit of hindsight it is possible to discern that they were uneasy at the prospect of having to render their formal submission to the Deputy sometime in the near future. In short, they feared for their lives, but no matter how understandable this was, it did little to assist Ormond in his attempt to save them. He

¹ *C.O.D.*, v, no 157.

needed to show Elizabeth how easily they could be controlled; their subsequent actions cut right across his efforts, and made him look foolish.

The first signs of their intransigence had emerged early in September, when Piers Butler once again feigned illness, taking to his bed to avoid going to meet Sidney at Limerick.² Worse followed a few weeks later. On 16 October Sir Edmund fell into a violent argument with the Deputy over the latter's right to constrain him while he was under protection. Presumably Sidney manufactured the row in order to provoke a rash response from the former rebel leader; if so, it is revealing that it worked smoothly. Ormond was unable to silence Sir Edmund, and could only look on while his brother flung insults at the chief governor in the presence of the Irish Council. Without a doubt, it was not a fitting way for an ex-rebel to behave, and Sir Edmund's outburst created entirely the wrong atmosphere for the furtherance of Ormond's policy of winning sympathy for his brothers in government circles. One bystander who greatly admired the earl was astonished at the conduct of his family, and he quickly formed the opinion that Sir Edmund and Piers Butler did not deserve to be descended from the 'noble house of Ormond', being bad mannered louts and treacherous subjects. As a result, Earl Thomas was unable to oppose the decision of the Lord Deputy and Council to imprison Sir Edmund in Dublin Castle for his obstinacy.³

The earl's embarrassment deepened later in November when Sir Edmund escaped from Dublin Castle, plunging into the moat before making his way to the safety and obscurity of the Wicklow hills, where he received succour from the O'Byrnes.⁴ For the next few months he remained at large in the south near Kilkenny, and if some of the rather garbled reports reaching the ears of the Spanish ambassador in London are reliable, it would seem that early in the New Year Sir Edmund teamed up with Edward and Piers in an effort to re-launch their rebellion. In the event, their initiative amounted to little more than a campaign of 'routing and robbing on the roads'.⁵ They were not able to assemble a suitably large body of troops, and by the end of February 1570 Sir Edmund and Piers at last decided to follow Ormond's advice, and they gave themselves up to the Lord Deputy.⁶

Their eventual receptivity to the earl's messages should not be allowed to hide the principal point to be gleaned from their adventures, namely Ormond's inability to control them. Despite appearances, his influence had *not* been enough to convince them of the wisdom of capitulation; far more compelling in this regard was the decision of their erstwhile allies the Kavanaghs to cast themselves on Sidney's mercy earlier in January.⁷ Worst of all from Ormond's standpoint was the behaviour of Edward Butler. Rather than throw in the towel, he fled to Munster to rejoin the band of rebels led by James Fitzmaurice Fitzgerald.

The behaviour of Edward especially played straight into the hands of the Deputy. As Sidney stated in a letter to Carew in May 1570, 'Edward Butler will yield to no obedience. I think God hath ordained him for a sacrifice for the rest'. But Sir Henry himself could not order the killing. Because of the queen's sensitivity towards Ormond, he had to be content with her desire that the earl should 'bring in [Edward's] ... head with his own hands'.⁸ In the meantime the governor went ahead with his plans to introduce an act of attainder against all three Butler brothers in the next session of the Irish parliament, due to be held in the autumn.

² Fitzwilliam to Cecil, 12 Sept. 1569 (P.R.O., S.P. 63/29/61).

³ Wise to Cecil, 27 Oct. 1569 (ibid. S.P. 63/29/77).

⁴ Hore (ed.), 'Sidney's Memoir', *Ulster Journal of Archaeology*, v (1857), p.305.

⁵ *Cal. S.P., Spanish, 1568-79*, p.236.

⁶ Submission of Sir Edmund and Piers Butler, 28 Feb. 1570 (P.R.O., S.P. 63/30/27, enclosure i).

⁷ H.M.C., *Ir. Privy Council Bk.*, pp 238-9.

⁸ Sidney to Carew, 28 May 1570 (P.R.O., S.P. 63/30/52).

When the bill eventually appeared it quickly passed through all its stages to take its place on the Irish statute rolls, a mortifying blow to the hitherto untarnished reputation of the Ormond dynasty in Ireland.⁹

Many onlookers must have thought that at last Sir Henry had triumphed completely over his rival Ormond. If so, they reckoned wrong. Like many other events associated with Sidney's regime, the attainder of the Butlers was an artificial achievement which promised much but delivered little.¹⁰ For all his threats and feisty rumblings, the Deputy was utterly unable to punish the Butlers the way he wanted. Thanks to the queen's interference, even the act itself lacked bite. Before giving her approval to its passage, Elizabeth instructed Sidney that he was under no circumstances to proceed with the execution of the Butlers or the forfeiture of their property, provided they admitted their treason and surrendered themselves and their lands to her mercy.¹¹

Hence, although the act besmirched his family's reputation and laid the foundations for future successional problems, the earl of Ormond lost nothing tangible when it was passed by both houses of the Irish parliament. Indeed, with such a dull measure adopted against his brothers, he can be said to have snatched victory from the jaws of defeat. Sidney did not even have the satisfaction of seeing the act included in the first printed book of Irish statutes, which was published in 1572. Ormond objected tartly to its wording, which described in lurid prose the principal events of the 1569 rebellion, and it was omitted from the book as a result.¹² Nor did Ormond's achievements stop here. No more inclined than previously to criticise government policy, he persuaded the queen's advisers in London that Sir Peter Carew's land claims were odious to many people in Ireland, and the tough old adventurer was quietly discouraged from pursuing them any further, forced to make do with his holdings in Idrone.¹³ Finally, in 1574 the earl undid nearly everything which Sidney had achieved when he procured the formal pardon of his brothers from the queen. This allowed them to hold their estates as their own property for the rest of their lives.¹⁴

On balance, therefore, it is fair to conclude that despite all his problems, Black Tom of Ormond had the better of his tussle with Sir Henry Sidney, who was replaced as Lord Deputy in 1571. In a keenly fought contest the earl had retained a firm grasp over affairs, and at times his influence was such that he dwarfed the Dublin executive. True, the attainder of his family remained un-repealed on the statute rolls, but it was clearly understood at the time that it would not stay on record much longer. The fact that it did was not his fault. Parliaments were rarely convened in Tudor Ireland, and they were rarest under Elizabeth. When one was planned for 1578, Ormond was able to have a bill for the restoration of his brothers in blood brought forward for consideration before the London Council;¹⁵ the parliament never sat, however, and as we have seen in Chapter Two, Ormond had to wait until 1603 before ironing out his successional problems. Even so, the length of this delay should not disguise the scale of his achievement. The junior Butlers should have been dead and buried as a political force after 1569. Thanks to him - and only to him - they were still alive. This was no small feat. It is hard to think of another example of a Tudor nobleman who, with royal approval, was able to overcome an act of attainder in order to save the

⁹ *Statutes at large Ire., 1310-1612*, pp 369-73; Treadwell, 'Irish parliament', pp 81-2.

¹⁰ Sidney frequently exaggerated the importance of his policies, and occasionally hired writers to glorify his activities (Brady, 'Government of Ireland', pp 172-8; D.B. Quinn, 'Government printing and the publication of the Irish statutes in the sixteenth century', *R.I.A. Proc.*, xlix, sect. C (1943), pp 55 and 66).

¹¹ Queen to Sidney, 17 May 1570 (O'Laidhin (ed.), *Sidney State Papers*, no. 75).

¹² Ormond to Burghley, 28 June 1572 (P.R.O., S.P. 63/36/50).

¹³ Lord Deputy & Council to Privy Council, 10 June 1573 (ibid, S.P. 63/41/17).

¹⁴ H.M.C., *Ormonde MSS, 1543-1711*, pp 72-3 (1).

¹⁵ Snagg to Walsingham, 10 April 1578 (P.R.O., S.P. 63/60/31).

traitors in his family. Certainly Sidney must have wondered time and again how it had been done.

A large part of the answer lies with Ormond's status as a courtier. The earl had been careful to retain his personal line of contact with the queen, and although the need to tackle the problems in his lordship meant an enforced absence from court, his friends in London lobbied for him while he was away. Thomas Heneage appears to have been particularly helpful in this regard, receiving and keeping copies of some of Ormond's most important bulletins, presumably for circulation among a carefully chosen audience.¹⁶ Partially as a result of this, the misconduct of Ormond's family did nothing to shake the queen's belief in him; on the contrary, it is possible that their unreliability only served to underline just how important Earl Thomas was to the Elizabethan regime.

But his continuing influence at Whitehall is only one of the explanations for his success. The other principal reason why Ormond retained his monarch's trust was his ruthless performance against the rebels in Ireland. As soon as he had set foot on home turf in August 1569 he had begun gathering information on the movements of those who had supported his brothers' treason, and he lost no time in putting the culprits to flight. Thanks to his efforts, the next couple of years were bloody ones in the County Kilkenny area.

Ormond's purge

The figures tell their own story. Between 15 August 1569 and 23 September 1571 no less than 165 of the 'notorious traitors and malefactors of the last rebellion' were either killed or captured on his orders. Even those who surrendered did not live for long, being led away under armed escort to Kilkenny gaol before being publicly executed. It is important to stress that the vast majority of those who died came from the lands under Ormond's control in Kilkenny, Tipperary and Carlow. Although he took his revenge on nearly fifty of the Munster Geraldines, Earl Thomas was primarily concerned to rebuild his power by purging his own territories, and he left no stone unturned in his efforts. For instance, the fact that he lacked a commission of martial law - Sidney had not given him one - did not prevent him from passing the death sentence against the rebels wherever he discovered them hiding; indeed, it was only in September 1571 (after Sidney's departure) that he finally petitioned the government to grant him the proper legal powers which he required. His urgency in carrying out the executions before this date is easily explained, largely due to his constant uncertainty over the behaviour of his brothers. He showed no mercy to their soldiers, and in doing so he helped to ensure that Sir Edmund and the rest had no chance of starting another rebellion.¹⁷

Some of the earliest fighting probably occurred in County Kilkenny, where Ormond was assisted in his endeavours by some of the leading landowners in the shire, most notably Thomas Den, Gerald Blanchville, Walter Gall, and the new sheriff, Oliver Grace. Seven Butler retainers met their end at Cottrellsboley, and there was a pitched battle at the earl's manor house at Dunfert, where thirteen Butler rebels were slain and five fatally wounded, stumbling away 'sore hurt' to die in the countryside nearby. For the earl, the result of the encounter at Dunfert was all the more pleasing as one of those killed was Geoffrey Carragh Purcell, a local swordsman who had achieved considerable notoriety for murdering the

¹⁶ E.g., Ormond to Heneage, 4 July 1570 (ibid, S.P. 63/30/68). The enclosure with this item was ideal for Heneage's purposes, giving as it did a full listing of all the castles in County Clare which Ormond had recently secured for the crown. For evidence of Heneage taking copies of Earl Thomas's correspondence, see H.M.C., *Finch MSS*, i, p.7.

¹⁷ Bod Lib., Oxford, Carte MSS, Vol. 57, fol. 148. The ensuing couple of paragraphs are also based on this source.

former sheriff of the county, John Cantwell of Cantwell's Court.¹⁸ There is no doubt that by hacking Purcell to pieces, the earl and his followers would have gained the approval of every landlord in the area.

Thereafter, the ferocity of his campaign enabled Ormond to push the rump of the rebel forces further and further away from Kilkenny into the western reaches of his lordship, so much so that by July 1570 they had fled to the banks of Lough Derg in northernmost Tipperary, where Edward Butler apparently attempted to rally them. The earl gave them no time to respond, arriving soon afterwards to secure Annagh Castle, the home of the O'Fogertys and the principal stronghold in the area. He steadfastly maintained the hunt for Edward for another seven months, with the result that the most unmanageable of his brothers had no choice but to begin negotiations with the government for his surrender. This occurred early in 1571; over the previous year Ormond had accounted for thirty of Edward's troops, a telling commentary on relations between the two men.¹⁹

With Edward's capitulation the Butler revolt came finally to an end, eighteen months after it had first erupted. But although Ormond's western push into Tipperary had meant that peace had been firmly established in County Kilkenny for many months, political conditions in the shire in the wake of the rising were anything but normal. In plain terms, while the rebels and their sympathisers were well and truly defeated, some of them were still restless, especially the ordinary soldiers. It was they who had borne the brunt of the earl's onslaught, but now that their former leaders, the Butler brothers, had fixed up personal terms with the royal government, they found themselves left out in the cold. In their eyes, the future must have looked very bleak indeed. Already they had been decimated by the brutal efficiency of the tactics employed against them by Earl Thomas and the local squires and gentry; yet there was no promise of a respite. On the contrary, they would have known that Ormond fully intended to continue his campaign against them.

From where the tenth earl stood, those of the local soldiery who had continued to support his brothers after his return to Ireland were a dangerous group, one which must be completely extirpated if his authority was to prevail. This remained the case even *after* Sir Henry Sidney had been replaced as chief governor by one of Ormond's political associates, Sir William Fitzwilliam, in April 1571.²⁰ Suffice it to say that the stamping out of untrustworthy elements inside his lordship was no mere subsidiary to the tenth earl of Ormond's relationship with the Dublin authorities; it was part and parcel of his private agenda, a policy which he would have needed to pursue even without government approval. The fact that he found common cause with the crown in hunting down and executing many of his own former troops shows just how much the basis of Ormond power had altered since his return to Ireland in the 1550s.

The purge was not indiscriminate. Rather, it was aimed at those of the local swordsmen who would neither subordinate themselves to Ormond's officers nor abandon the criminal aspects of their activities. The reasons for their refusal to comply with the earl's wishes are not hard to guess: many of the professional soldiers of the region probably mistrusted him after witnessing his recent treatment of their colleagues. Whatever the case, a concerted effort was made to drive them out of Kilkenny before they regained their courage. In 1573, for example, the earl's new captain, Piers Butler of Butlerswood, took his men to Ballymack, where some of the ex-rebels were holed up. There he killed Shane McOwen

¹⁸ Purcell must have murdered Cantwell shortly after 3 November 1569 (*C.O.D.*, v, no. 157). According to a document written fourteen years later, as many as twenty rebels may have been killed at Dunfert in 1571 (*Cal. Carew MSS, 1573-88*, no. 593).

¹⁹ *Ibid.*, *C.O.D.*, v, no. 167.

²⁰ E.g., see Fitzwilliam to the queen, 29 Sept. 1571 (P.R.O., S.P. 63/34/14).

McHugh, a horseman, and he also captured Moriertagh MacArt Boy, 'a notorious traitor and leader of kern', whom he sent to Lord Deputy Fitzwilliam, who had him executed.²¹ It is interesting that the attack took place at Ballymack, the home of the late Thomas Comerford, one of the principal conspirators of 1569, and the subject of a posthumous act of attainder in 1570.²² In theory, Comerford's estate should have been occupied by a royal grantee, but because of the sleepy-headed inefficiency which often beset the government's management of forfeited rebel property in Ireland, it was not until 1575 that it was finally made the subject of a crown lease.²³ In the meantime, the Ballymack lands had been illicitly occupied by members of the troublesome Comerford family who would not recognise the queen's rights to the property. With the aid of a few soldiers they had maintained their interest there until hounded out by Ormond's men.²⁴

It is impossible to know if the rebel hideout at Ballymack was unusual; it probably was. Later evidence confirms the suspicion that by the mid-1570s Ormond and his supporters had largely succeeded in forcing many of the disloyal soldiers to vacate the county. According to a report drawn up in 1577 by Sir William Gerrard, the Lord Chancellor, small bands of displaced mercenaries were then to be seen wandering through the borderlands of Kilkenny and other shires in southern Leinster. They had been there for some time, and Gerrard suggested that in all there were 'commonly 200 or 300 in a county'. If correct, his comments probably indicate the extent of Ormond's achievements, as well as pointing to the bloated presence of the local military before the purge.²⁵

Having thus dealt a savage blow to many of those who had depended on coign and livery for their livelihoods, Earl Thomas was at last able to proceed with the final stage of his post-1569 political programme by abolishing the exaction entirely. He had taken some tentative steps in this direction in October 1571, when he ordered that in return for an increase in rent, the collection of coign and 'divers other impositions' should cease on his outlying lands at Arklow in Wicklow.²⁶ But even though a more general cancellation was imminent, it was a course which Ormond could not afford to pursue too hastily. The crucial issue was the response of the troops whom he permitted to remain inside his lordship; clearly, their cooperation must be assured before the changes went ahead. Accordingly, Ormond bided his time for another four years. Only then was he truly confident that his purge of the local military had attained its objective: to instil fear and obedience among a normally fearless and disobedient group. The soldiers who survived his assault were ideal for his needs, a core of loyal and pliable swordsmen, his to command and no-one else's. And so it was that in 1575 he was finally able to announce the abolition of coign and livery from the main bulk of his territories in Kilkenny, Tipperary and Carlow.²⁷

From an organisational viewpoint, although the changes which ensued in County Kilkenny were highly significant, they were not very extensive, insofar as they did not directly affect a large number of people. As we have seen in the previous chapter, an English-style county force, revolving round the muster of all able-bodied men, was already in place in the shire. Ormond had no desire to tamper with this, primarily because those who served in it were only part-time soldiers, and offered no threat to order in the area. Rather, he

²¹ *C.S.P.I.*, 1588-92, pp 285-6.

²² *Statutes at large, Ire., 1310-1612*, pp 374-5. The royal warrant for the passage of the bill of attainder against Comerford was given to Lord Keeper Bacon on 2 May 1570 (Glasgow University Library, Ms. Hunter 3, no. 58 (5)).

²³ *Cal. Fiants Ire., Eliz. I*, no. 3012.

²⁴ In addition to the three previous references, see Patrick Sherlock's petition, n.d., circa 1570-5 (P.R.O., S.P. 63/19/39). This item has been incorrectly dated 1566 in *C.S.P.I.*, 1509-73, p. 317.

²⁵ Charles McNeill (ed.), 'Lord Chancellor Gerrard's notes of his report on Ireland', *Anal. Hib.*, no. 2 (1931), p. 115.

²⁶ *C.O.D.*, v, no. 192.

²⁷ R. Butler (ed.), 'The Annals of Thady Dowling', *Irish Archaeological Society* (Dublin, 1849), p. 41.

aimed his reforms at the minority of fighting men, i.e. those who were professional and independent, and hence a potential source of trouble. With coign and livery outlawed, these full-time soldiers were removed from the pay-rolls of the local landlords, and placed more directly under the rule of the earl himself.

Their function changed from being part of a small private gang working exclusively for a local family into something far more acceptable to the Elizabethan establishment. On Ormond's prompting, the kern and horsemen who stayed on in Kilkenny probably adopted a role which was similar to that filled in England by the trained bands; that is to say, they now formed a permanent basis for the shire force.²⁸ To further facilitate this change, in 1575 the earl appointed John Sweetman of Castle Eve as the marshal of the county.²⁹ The choice of title is interesting, suggesting Sweetman was appointed to fill a role normally associated with the provost-marshals in England. If this was so, then he not only assumed command of the county's trained band, maintaining discipline among its troops - in itself a novel development - but he also took full responsibility for the enforcement of martial law and the prosecution of thieves, vagrants and other social outcasts.³⁰

The apparently straitening nature of Sweetman's office seems entirely appropriate. Although in the long term the nullification of coign and livery did reduce the level of hardship experienced by ordinary folk, there is not much doubt that in the short term, its removal increased the suffering of many locals. The period before and after the abolition was one of astonishing repression, and not just for unwanted soldiers or renegades. Commencing in September 1571 and continuing until 1579 the people of Kilkenny lived in a shire which was governed almost constantly by martial law. As such they would have been exposed to rather more than the usual degree of official snooping, and those who inhabited the frontier areas would have been particularly at risk. The powers held by the martial law commissioners were extensive. According to one document, they could override rival jurisdictions, allowed to investigate 'all disorders committed in the county'. As such their appearance was an implicit challenge to the old order, representing an important increase in the actual practical range of state authority. In particular, the commissioners had extraordinary control over life and death, for 'on finding any persons to be felons, rebels, enemies or notorious evil-doers', they were able to arrange their execution, and this without recourse to trial before an open court.³¹

But draconian as this was, the commissions were granted in response to a crisis, and should be read in that light. The earl of Ormond's reforms were threatened with failure unless he succeeded in stabilising the border areas, and he needed special powers to do this. He was therefore fortunate that Sir William Fitzwilliam was in charge of the Irish government at the time. Despite his intense dislike of reform projects, Fitzwilliam was not inclined to object to Ormond's efforts, primarily because they tended towards the greater security of southern Leinster, a subject close to Fitzwilliam's heart. Hence, whenever Ormond asked for a license to prosecute troublemakers, he or his nominees invariably received it after 1571, even though it added greatly to his regional predominance. In stark contrast to Sidney, Fitzwilliam saw nothing wrong with increasing the earl's power. It was a necessary expedient, and anyway the licences could always be revoked if the earl and his men abused them. By sustaining Ormond and his officers, Fitzwilliam hoped to maintain the

²⁸ Boynton, *Elizabethan militia*, pp 90-8.

²⁹ H.M.C., *De L'Isle & Dudley MSS*, ii. p.30.

³⁰ Williams, *Tudor Regime*, pp 202-3.

³¹ See *Cal. Fiants Ire, Eliz. I*, no. 1831 for the quotation; for the rest of the commissions, *ibid*, nos. 2139, 2430, 2461, 2841, 2916, 2918, 2921, 3145 and 3591. Sir William Gerrard's comments on the terrible state of the Leinster poor are worth noting (McNeill (ed.), 'Lord Chancellor Gerrard's notes', p.116).

status quo and insure that Kilkenny and Tipperary remained closely tied to the crown.³² In the main his policy succeeded well enough, so long as it lasted. It certainly worked a lot better than Sidney's approach had done.

Autonomy with consent, 1571-75

Throughout the four years of his deputyship, Sir William Fitzwilliam rarely interfered in the region, and instead of appointing English outsiders to posts in the county administration, he allowed local men to carry out the day-to-day business of government. These were all acceptable to Ormond. Indeed, while Fitzwilliam remained chief governor, the traditional leaders of the county community enjoyed a level of control over the shire and its affairs which they were never to experience again. Through Ormond and the new Deputy they became for the last time the sole agents of the crown in the county, acting as its social partners in the maintenance of order. The list of those who were named as the commissioners for muster and array in 1573 reads like a contemporary who's-who of the County Kilkenny elite, including the two most senior members of the Butler dynasty behind Ormond, namely viscount Mountgarret and Sir Edmund Butler, together with an extensive roll-call of the shire gentry, as the respective heads of the Blanchville, Shortal, Cantwell and Grace families were named as well. Finally, there was also provision made for rich urban-based lawyers like Richard Shee of Kilkenny and Edmund Butler fitz Theobald of Callan, thereby insuring that the rulers of the towns were just as well represented as the lords of the countryside in this short-lived governmental experiment.³³

Fitzwilliam was content to leave well alone, relying on the earl of Ormond to deal with most problems as and when they arose. Initially, the policy paid dividends - for the Deputy as well as for the earl and his supporters. Having gained Ormond as a temporary ally, Fitzwilliam was able to extend his reach into some of the more obscure outlying parts of the country, simply by pressing the earl into service. In particular, he gained access to Earl Thomas's personal network of allies and kinfolk in the south. Even though Black Tom was a court noble, his authority partly determined by the strength of his relationship with the English queen, he was still unavoidably bound up in the web-like world of the native Irish lordships. At the highest level, via his late mother the dowager countess, his late uncle Richard, first viscount Mountgarret (who died in December 1571),³⁴ his cousin Edmund, the second viscount, and his three dead and three surviving brothers, Earl Thomas was related to the earl of Desmond, the earl of Clanricard, viscount Baltinglass, viscount Decies, the baron of Upper Ossory, and Lord Power of Curraghmore, all noblemen like him, most of them loyal to the crown, but some not greatly so.³⁵ Almost as a matter of course, Ormond knew a lot about their affairs, often far more than the government did. Equally enticing for Fitzwilliam, the earl also possessed a string of contacts with the lesser Gaelic lords and chieftains of southern Leinster and Munster. One of his mistresses at about this time was the daughter of an O'More chieftain, a potentially invaluable link now that the O'Mores were again restless in Laois.³⁶ Moreover, not just Ormond, but some of his servants, were very well informed regarding the movements of the minor Gaelic families. Richard Shee, Ormond's seneschal, enjoyed close personal ties with the O'Bryns of Carlow-Wicklow and the Scots-Irish galloglass family, the McDonells of Crostybeg, with both of whom he

³² I must thank Dr Ciaran Brady for improving my understanding of Fitzwilliam.

³³ *Cal. Fiants Ire., Eliz. I.* no. 2345.

³⁴ The viscount took six months to die, having sickened in June: Ormond to Burghley, 21 June 1571 (P.R.O., S.P. 63/32/58).

³⁵ See G.E.C., *Complete Peerage*, sub 'Ormond, earls of' and 'Mountgarret', viscounts of.

³⁶ Lambeth Palace Library, Ms. 626, ff 173v-174r.

fostered his children; the O'More leader, Rory Oge, was described as his 'gossip'.³⁷ Immediately Fitzwilliam put these contacts to use, collecting better quality information on the state of the south than the government was used to, and encouraging Ormond and Shee to put out feelers to the disaffected on the crown's behalf.³⁸

The advantages that accrued to the Dublin executive through this highly personal arrangement were best demonstrated in Laois during the rebellion of Rory Oge O'More. Sir William had noticed that Ormond was fast developing into a skilful military commander, and in the summer of 1572 he earnestly insisted on using the earl and his henchmen instead of the royal army to combat the O'More clan.³⁹ The gamble proved worthwhile. After leading a brief campaign to track Rory down, Earl Thomas had no trouble persuading the rebel leader to submit to the Lord Deputy at New Ross.⁴⁰ Although we can only surmise, it seems very likely that Ormond's mistress and Shee's foster-kin had helped to bring about the cessation of hostilities.

For everyone concerned, it was a satisfactory conclusion to a dangerous revolt. Ormond's status as the queen's most reliable subject in Ireland was greatly boosted, and he could anticipate a fresh batch of royal favours for his efforts. Shee for his part was immediately the recipient of government support, gaining some unusual privileges from the Deputy and Council that enabled him to build a magnificent new mansion in Kilkenny city.⁴¹ And Fitzwilliam's reputation in the corridors of power must have increased considerably. To those who criticised his policy of aristocratic delegation, he could now argue that the ends justified the means: after all, the O'More rebellion had been ended with small cost to the Exchequer, as Ormond had campaigned at his own expense, a noteworthy gesture which was surely calculated to gain the queen's approval.⁴²

Even more significant, of course, the earl's success in Laois and Slievemargy brought substantial short-term relief to many of the County Kilkenny community. Rory Oge and his followers had threatened havoc along the northern border of the shire, and might even have cut off access to Dublin and the Pale had it not been for the earl's timely intervention. The light which the submission of Rory Oge O'More shed on the workings of the Ormond-Fitzwilliam accord seemed to point the way towards a new era of close cooperation between Dublin and the Kilkenny ruling elite.

Fitzwilliam fully appreciated the benefits which his understanding with Ormond might bring in the future, and he went a long way to insure that their relationship was a good one. For example, he often bowed to the earl's request that he be allowed to offer protections to local renegades and outlaws in order to encourage them to stop destabilising the borderlands that they inhabited and lay down their arms; during the early 1570s Fitzwilliam's tolerance of Ormond's use of protections enabled the earl to keep Kilkenny out of the growing inter-ethnic conflict around the Laois-Offaly plantation.⁴³ Furthermore, in 1572 it was largely due to Fitzwilliam's special pleading that the earl's brothers, hitherto 'tied to abide within the county of Kilkenny', were freed by Elizabeth to fight for the crown, an important step

³⁷ Articles of Shee's treasons, n.d., circa March 1585 (P.R.O., S.P. 63/115/10).

³⁸ *C.S.P.I. 1509-73*, pp 446, 460, 466, 471, 477 and 480-1; Elizabeth I to Fitzwilliam, 9 Aug. 1571 (Bod. Lib., Oxford, Carte MSS, Vol. 57, fol. 97); Fitzwilliam to Heneage, 22 Feb., 1572 (Ibid., fol. 335).

³⁹ E.g., see Ormond to Burghley, 5 Aug. 1572 (P.R.O., S.P. 63/37/26).

⁴⁰ O'Hanlon & O'Leary, *History of Queen's County*, p.452; *Cal. Carew MSS, 1575-88*, no. 593.

⁴¹ *Cal. Patent Rolls, Ire., Eliz. I*, pp 460-1.

⁴² Lord Deputy & Council to the queen, 14 Aug. 1572 (P.R.O., S.P. 63/37/35). Ormond also incurred heavy expenses while pursuing Fitzmaurice's forces in Munster. See Fitzwilliam to Heneage, 22 Feb. 1572 (Bod. Lib., Oxford, Carte MSS, Vol. 57, fol. 335).

⁴³ I will deal more fully with the protections issue, and how it affected the earls of Ormond and Kildare, in a forthcoming paper on the massacre of Mullaghmast.

towards their political rehabilitation.⁴⁴ In return, Sir William probably gained access to Ormond's friends at court, and on at least one occasion he even received a large loan of money from the earl, who was obviously eager to nurture the association for his own ends.⁴⁵

But despite appearances, Sir William was never Ormond's creature. Though he was usually glad to indulge the earl's whims, there were limits to what he was prepared to tolerate. With Ormond as with any nobleman whom Fitzwilliam feted, the flirting stopped when the earl's territorial ambitions endangered the well-being of another loyal lord. As things stood, the two men should have remained firm allies, but unfortunately for Fitzwilliam, the head of the Butlers was not just an over-mighty subject, but an aggressive expansionist to boot.

Nowhere was this more evident than along Kilkenny's north-western border. For many years now Ormond had continued to lay claim to the lordship of the MacGiollapadraigs in Upper Ossory, and enjoying as he did the full confidence of the queen, he could not be prevailed upon to drop his ambitions.⁴⁶ Ultimately, it was this issue which, more than any other, drove a wedge between Ormond and the chief governor who up till now had done so much to help him consolidate his grip on the reins of power in the Kilkenny area. In retrospect, it can be seen that the severing of their friendship marked a watershed in relations between the county community and the Dublin government.

At first, Sir William had tried to turn a blind eye to events along the Kilkenny-Upper Ossory frontier - even keeping his distance when in 1571 the aged and impotent baron of Upper Ossory, Brian MacGiollapadraig, was banished from his territories by his son, Sir Barnaby Fitzpatrick, and fled to Ormond's protection in Kilkenny⁴⁷ - and for a while this had made a great deal of sense. It was a long-standing, almost traditional, feud, one with very deep roots, and it could not be presumed that an increase in interference by the central government would reduce the tension which surrounded it. Furthermore, both sides were normally devoted to the crown, a fact which served to confirm the notion that they were best left to their own devices. Yet it also has to be admitted that more personal concerns probably played their part in suggesting to Fitzwilliam that neutrality was the best policy to adopt. Quite simply, for an undistinguished courtier such as he, it was politically dangerous to side with either party, neither of whom could accept the victory of the other, and both of whom were noticeably well connected in England, capable of kicking up a major fuss if he was unduly meddlesome in their affairs.⁴⁸ Thus, so long as hostilities along the narrow front stretching from Urlingford to Durrow stayed within manageable bounds, Fitzwilliam was ready to show a certain amount of latitude towards the offending agents of both Ormond and the head of the MacGiollapadraigs, Sir Barnaby Fitzpatrick, who had long ago seized the rule of Upper Ossory from his father, the first baron. Only when all-out war threatened was Fitzwilliam prepared to step in.

Fitzwilliam was able to remain aloof until May 1573, when the activities of some of the Grace family of north Kilkenny provoked a crisis in the area. In a dramatic turn of events they had ransacked Sir Barnaby's house while he was away, stolen 'a great deal' of his goods and kidnapped his wife and daughter. The incident caused a sensation. Sir Barnaby was justifiably outraged, and while his concern for his woman and child overcame his desire for

⁴⁴ Queen to Fitzwilliam, 24 April 1572 (ibid. Carte MSS. Vol. 57, fol. 476).

⁴⁵ The earl lent him £700 (stg) at this time: Fitzwilliam's bond, 13 March 1572 (ibid. Carte MSS. Vol. 131, fol. 121).

⁴⁶ Ormond's complaint, n.d., circa April 1571-Jan. 1572 (P.R.O., S.P. 63/33/56). The date of the document is simultaneous with Fitzwilliam's period as Lord Justice.

⁴⁷ John Gilbert, *National Manuscripts of Ireland* (London 1884), pp 171-4. For a discussion of Baron Brian's downfall at the hands of Sir Barnaby see my forthcoming paper, 'The MacGiollapadraigs (Fitzpatricks) of Upper Ossory, 1532-1641'.

⁴⁸ See Fitzwilliam to the queen, 27 Feb. 1572 (ibid. S.P. 63/35/23).

instantaneous revenge, it was clear that a fresh spate of military reprisals by the MacGiollapadraigs lay just around the corner.⁴⁹ The Lord Deputy had little choice but to intervene, albeit much against his will. Even now, however, despite the seriousness of the Graces' offence, Fitzwilliam felt it prudent to move cautiously. He could not punish the kidnappers too harshly, partly because to do so would invite the displeasure of the earl of Ormond, but also because he was aware that the Graces had not acted without provocation.

For many years now, like Ormond in miniature, the Anglo-Irish Graces had been attempting to push their landholdings forward to where the shire boundary of Kilkenny encountered the country of the native Irish MacGiollapadraigs. In the process they hoped to reverse the tide of history: during the middle ages the Graces of Courtstown had held an extensive estate in Laois before losing it to the MacGiollapadraigs during the Gaelic resurgence of the fourteenth and fifteenth centuries.⁵⁰

This blow to family pride had agitated the Graces greatly ever since, but so far their efforts to reclaim their land had met with more failure than success. Oliver Grace of Ballylinch, for instance, had acquired a lease of the episcopal manor of Durrow in the early 1550s, intending thereby to secure the northern end of the Ballyragget pass which guarded the principal avenue of access from Laois into Kilkenny.⁵¹ If he thought that this would enable others of his family to cling on to their marchland estates, he was badly mistaken. The MacGiollapadraigs were simply too strong for them. A few years earlier they had built a castle of their own which stood just beyond shooting distance of Durrow,⁵² and in 1554 Oliver's kinsman, Walter Grace of Clonboran, whose land was in Upper Ossory itself, was forced to hand his property over to the earl of Ormond, who was better able to defend it.⁵³ Conditions did not improve for the Grace dynasty thereafter. When Oliver of Ballylinch died in 1571 his relatives were totally incapable of retaining possession of Durrow manor, and once again it was decided that the best thing to do was to grant it to Ormond.⁵⁴

Though it has gone unrecorded, the military menace presented to the Graces by the MacGiollapadraigs along the Kilkenny frontier must have been overwhelming. Men such as Oliver of Ballylinch and Walter of Clonboran were persons of some standing; they were not the sort to vacate their castles without a fight. Given this background, it seems fair to conclude that the abduction of Lady Upper Ossory and her daughter by some of the Grace family in 1573 was in part a reckless act of defence, a frantic bid to get one up on their tormentors. Indeed, by holding the two women as hostages, the Graces may even have hoped to force Sir Barnaby to agree to demands about the ownership of some of their long-lost property.

It was of course a desperate step to take. It was bound to incur a hostile reaction from the authorities, being a shocking affront to the established social order. But even so, for a pragmatist such as Sir William Fitzwilliam, the very wildness of the Graces' behaviour posed a teasing problem. If they were pursued with fire and sword by the government, they would probably rebel, and bearing in mind the hatred which many of the Kilkenny gentry bore towards the MacGiollapadraigs, their revolt might receive a lot of support. On the other hand, if they were not penalised at all, they might contemplate even worse actions against Sir

⁴⁹ Fitzpatrick to Sidney, 6 May 1573 (ibid. S.P. 63/40/27); White to Burghley, 10 May 1573 (ibid. S.P. 63/40/31); Fitzwilliam to Burghley, 20 May 1573 (ibid. S.P. 63/40/48).

⁵⁰ St. John Brooks (ed.), *Knight's Fees*, pp 228-9.

⁵¹ *C.O.D.*, v, no. 191.

⁵² It seems to have been erected circa 1548 (White (ed.), *Ir. Mon. & Episc. Deeds*, pp 218-9).

⁵³ *C.O.D.*, v, no. 46.

⁵⁴ Ibid. no. 191. See also *ibid.* vi, Appendix 1, pp 133-4, where a document drawn up twenty years after the event suggests that the Fitzpatricks' assault on the lands of John Grace of Glashare may also have contributed to the tension in the early 1570s.

Barnaby's immediate family, and this would surely lead to open war. With choices such as these, it was not possible to decide on the lesser of two evils, and the Deputy therefore made up his mind to be seen to do something while doing as little as possible.

A few days after receiving news of the 'miserable captivity' of the two ladies, Fitzwilliam travelled down to Kilkenny to inquire into the affair. Rather than cause resentment among Ormond's supporters - though it was their side which had provoked the crisis - he allowed them to sort the matter out among themselves, with the result that Ormond's brother, Edward Butler - who was anxious to demonstrate his usefulness to the state - tracked down the kidnappers and secured the freedom of the two MacGiollapadraig women.⁵⁵

For the moment, it may have seemed that the Deputy had handled the abduction very well, but after a few months it soon emerged that his policy of non-interference had only left existing wounds to fester. By November the Graces and the MacGiollapadraigs were once again at each other's throats, and as Sir Barnaby gained sympathy with his plea for government aid,⁵⁶ the earl of Ormond was finally forced to enter the arena. Furious that nobody in Dublin had lifted a finger against Lord Upper Ossory's heir, he quickly went on the offensive. In a stinging message to his erstwhile friend Fitzwilliam, he accused Sir Barnaby of orchestrating the 'spoiling and burning [of] my country', and he chastised Sir William for doing nothing about it. 'Had you not sufficient proof of Barnaby's falsehood afore you when I myself charged him? Is he not suffered to live lawless, and none of his country to appear at sessions in the country of Kilkenny (*sic*), where he ought to answer?'⁵⁷

Ormond could not understand why the Deputy had failed to act. The marchlands were in turmoil; the MacGiollapadraigs had broken into his castle at Foulkescourt and rescued a prisoner who was committed there for felony; his tenants were being attacked on a daily basis. Plainly, this situation could not be allowed to continue. In the end, when his demand that Sir Barnaby Fitzpatrick be locked away in Dublin Castle fell on deaf ears, his anger worsened, with worrying results for the chief governor.⁵⁸

In the summer of 1574, the earl brought all his influence at Whitehall to bear against the luckless Fitzwilliam, whom he charged with going soft on his enemies. Like Sidney before him, Sir William became the subject of a corrosive whispering campaign at the royal palace. Both Sussex and Heneage penned letters warning him of the advisability of supporting Ormond's cause; the earl, said Sussex, was 'the surest pillar of that state', and just as he had been a good friend to Fitzwilliam in the past, so, it was hinted, he might prove to be a fearsome enemy in the future.⁵⁹ Even Burghley joined in, reminding the Lord Deputy of 'the honourable good service' which Ormond had always performed for the queen in Ireland.⁶⁰ Astonishingly, however, Fitzwilliam did not do as he was bid. Although the MacGiollapadraigs continued to raid Ormond's lands in the north-west of the county,⁶¹ he refused to take direct disciplinary steps against them. His sole concession to the mounting pressure from London was to ask Sir Barnaby to seek out and apprehend those under his rule who had raided the holdings of William O'Brohee, one of Ormond's farmers.⁶² This course of action bore a striking resemblance to the policy which Fitzwilliam had followed when

⁵⁵ Fitzwilliam to Burghley, 20 May 1573 (*ibid.*, S.P. 63/40/48); Fitzwilliam to the queen, 10 Sept. 1573 (*ibid.*, S.P. 63/42/13).

⁵⁶ Fitzwilliam to the Privy Council, 20 Nov. 1573 (*ibid.*, S.P. 63/42, un-numbered letter following no. 84).

⁵⁷ Ormond to Fitzwilliam, 28 Nov. 1573 (Oxford University, Bodleian Library, Carte MSS, Vol. 56, fol. 216).

⁵⁸ Ormond's requests, 18 Nov. 1573 (*ibid.*, fol. 546).

⁵⁹ Both Heneage and Sussex wrote to Fitzwilliam on 22 May 1574 (*ibid.*, ff 398 and 420).

⁶⁰ Burghley to Fitzwilliam, 5 May 1573 (*ibid.*, fol. 364).

⁶¹ Elizabeth I to Fitzwilliam, 18 May 1574 (P.R.O., S.P. 63/46/21).

⁶² Fitzwilliam to Fitzpatrick, 3 July 1574 (*ibid.*, S.P. 63/47/1).

dealing with the Grace kidnappers, and it was just as ineffective. The MacGiollapadraigs continued to wage an economic war against Ormond during 1574, assaulting his tenants, stealing his livestock, burning two of his borderland castles, and finally, before February 1575, temporarily occupying his recently acquired manor at Durrow.⁶³ But to give the Deputy his due, he had other more pressing things on his mind. He was convinced that Ireland lay in imminent danger of invasion from the Continent, and to add to his worries, the O'Neills were restless in Ulster.⁶⁴ Kilkenny's border squabbles seemed unimportant in comparison.

But none of this was Ormond's responsibility, and there seems no reason to doubt that when the idea was mooted in the early months of 1575 to have Fitzwilliam removed from office, the suggestion was enthusiastically supported by the earl and his friends. Ormond, indeed, probably hoped that the lord deputyship would now be offered to Walter Devereux, first earl of Essex, one of his closest companions and someone whom he could expect to handle his affairs with even greater partiality than Fitzwilliam had done. If this was the case, he was to be greatly disappointed. Somewhat surprisingly, the queen selected Sir Henry Sidney for the job, a choice which must have had Ormond wishing he had been less antagonistic towards Fitzwilliam.⁶⁵ For despite their differences, their relationship had basically been a good one. Ormond certainly had profited from it while it lasted: Sir William had indulged him consistently, not least by the way he had granted him a string of commissions for the government of Kilkenny and other areas in the south and south-east. In doing so, Fitzwilliam had set a precedent for the continuous use of martial law, something which originally had seemed altogether gratifying to Ormond and his supporters. Now, however, with Sidney back in the driving seat, the earl and many of the county community had cause to regret this development. In the wrong hands, an instrument of repression such as a commission for martial law was a menacing thing, something which could be used to undermine the Ormond lordship in Kilkenny rather than to bolster it. The earl had every reason to fear for the worst.

Sidney's second assault, 1575-78

Sir Henry Sidney was re-appointed as Lord Deputy of Ireland on 5 August 1575. There is no evidence to show that his attitude towards the Butler dynasty had softened any since his last term of duty. As before, he was inclined to personalise political issues, especially his setbacks, and he had not forgotten the reversals which he had suffered at Ormond's hands. For all the flowery phrases in his letters to the queen, where he spoke of his admiration for 'my very good lord of Ormond', it was clear that Sidney was moved by a deep-seated animosity for the earl and his family, whom he blamed for damaging his prospects. Still smarting from the criticisms which had been directed against him for his part in provoking the 1569 rising, Sir Henry was utterly determined to exact full compensation from the Butlers now that he had been given another chance to do so. As he saw it, they had not been punished adequately for their past crimes; indeed, though he himself had been removed from his post, they had hardly been punished at all. Henceforward, they had better be on their guard, for in 1575 he made up his mind to cut them down to size, and he defied the earl of Ormond to try and stop him. Convinced that the lawlessness of the Butlers was

⁶³ Ormond to Burghley, 16 July 1574 (ibid. S.P. 63/47/16); Elizabeth I to Fitzwilliam, 2 Aug. 1574 (Bod. Lib., Oxford, Carte Mss. Vol. 56, fol. 599); *C.O.D.*, v, nos. 252-3.

⁶⁴ Ellis, *Tudor Ireland*, pp 266-8.

⁶⁵ Ormond's letter on Sir William's behalf after the latter's removal from office would tend to support this hypothesis: Ormond to Burghley, 22 Oct. 1575 (P.R.O., S.P. 63/53/53).

immutable, Sidney began interfering in Kilkenny affairs with renewed gusto. Over the next three years, his persistent meddling would once again raise local tensions to boiling point.

Although Ormond had managed to abolish coign and livery and had successfully chased the most unruly swordsmen from his territories, Sidney claimed that the military abuses of the Butler family still lay at the heart of regional violence. No sooner was he back in Dublin than he began pointing his finger accusingly at Sir Edmund Butler, claiming that together with the Kavanaghs he organised raids into County Wexford, and he also stated that County Kilkenny had become 'the sink and receptacle of innumerable cattle and goods' which had been stolen out of neighbouring areas.⁶⁶ In the aftermath of the 1569 rebellion, it was an astounding assertion to make; on balance it should be treated with the utmost caution.

All three Butler brothers had behaved reasonably well since 1571. Although both Sir Edmund and Edward had had their differences with Archbishop Miler McGrath in Tipperary and with Henry Davells in Carlow, their conduct had exhibited a marked improvement on their past record.⁶⁷ This is hardly surprising. With the promise of a royal pardon dangling before them, they had been keen to demonstrate their usefulness to the crown. They had served with distinction in Leinster, Munster and Connaught, campaigning against a number of groups hostile to the queen, including that led by their ex-comrade in arms, James Fitzmaurice Fitzgerald. Indeed, such was their proficiency in combat that they had had little difficulty earning the praise of several leading figures in the Irish administration. Towards the end of 1573, for example, both Lord Deputy Fitzwilliam and the Master of the Rolls, Nicholas White, had been favourably impressed by Edward Butler's achievements. Apparently he had accounted for the lives of more than 50 rebels whom he had encountered in the field.⁶⁸ Similarly, earlier that year Piers Butler had ordered the arrest and execution, by power of martial law, of 21 outlaws and brigands who were wanted by the government.⁶⁹ It was service such as this which had enabled Ormond to secure their pardon in 1574; had they not behaved so well, the pardon could not have been granted. Viewed in this light, Sidney's allegation that the Butlers and their accomplices were running a robbery business on both sides of the River Barrow is hard to accept.

The impression that they were probably innocent of the charge is strengthened when the atmosphere of dark suspicion which surrounded them is considered. Had the Butlers resumed their old criminal enterprises, they would have run a much greater risk of detection than ever before. Following the events of 1569-71, the central government had mounted a vigilant watch on their activities, and it is safe to assume that any sign that they had returned to their former ways would have been immediately investigated. Given this background, it is remarkable to note that hardly any allegations had been laid against them. Only one group, the MacGiollapadraigs of Upper Ossory, had attempted to prejudice the minds of the authorities, and this at a time when the prevailing climate had been ideal for the dissemination of anti-Butler stories. Moreover, the MacGiollapadraigs' accusations cannot be taken seriously. Instead of presenting a detailed list of charges against Ormond's brothers, they offered the somewhat disingenuous claim that in 1574 Edward Butler had refused to meet Lord Deputy Fitzwilliam in connection with the earl's affairs. Not only was this improbable, it was also palpably untrue: no less an authority than Fitzwilliam himself had said so, in 1575 informing the Privy Council of his satisfaction with Edward's behaviour,

⁶⁶ *Cal. Carew MSS. 1575-88*, no. 33; Sidney to the Privy Council, 15 Dec. 1575 (P.R.O., S.P. 63/54/17).

⁶⁷ Lawrence Marron (ed.), 'Documents from the State Papers concerning Miler McGrath', *Archivium Hibernicum*, xxi (1958), pp 83-6; Davells to Fitzwilliam, 22 Sept. 1572 (P.R.O., S.P. 63/37/59, enclosure vi).

⁶⁸ Fitzwilliam to the Privy Council, 20 Nov. 1573 (ibid., S.P. 63/42, un-numbered item after no. 84); White to Burghley, 12 Dec. 1573 (ibid., S.P. 63/43/14).

⁶⁹ Note of Piers Butler's service, March 1573 (ibid., S.P. 63/39/65).

and pointing out that the rumour sown by Sir Barnaby Fitzpatrick and his friends in England had been the product of spite.⁷⁰ Suffice it to say, therefore, that the Butlers appear to have kept a clean slate since Sidney had last been in Ireland.

However, it did not greatly matter whether the charges against them were true or not. With their old foe Sir Henry Sidney back in Dublin, any declaration against them was a potentially dangerous one. Dropping his own allegations about a criminal joint-venture with the Kavanaghs, Sidney seems to have pounced on the MacGiollapadraig's story concerning Edward Butler. Consequently, the issue continued to take up the time of the government throughout the latter half of 1575 and on into the spring of 1576, and notwithstanding the fact that it eventually dwindled away, its effect as an irritant on the Butlers should not be underestimated.⁷¹ While Fitzwilliam was Lord Deputy, the MacGiollapadraig had flung mud at Edward in the vain hope that it would stick; already under Sidney's new regime, it nearly had. As the Butlers were soon to discover, the MacGiollapadraig was destined to play a central role in Sir Henry's policy towards the Ormond lordship. Where Fitzwilliam had abortively tried to protect the mutually antagonistic interests of both families, Sidney intended to favour one at the other's expense.

There was nothing original about this strategy. During the reign of Henry VIII two successive chief governors, Leonard Grey and Anthony St. Leger, had both shown favour to the ambitions of the Fitzpatricks along the Kilkenny frontier,⁷² and just a few years ago Sidney had also encouraged them. The policy was a simple one, easy to pursue, and inspired by an age-old maxim of government, namely to increase the power of the state by promoting the lesser lords at the expense of the greater ones. And yet he must also have been aware that by adopting this policy he would run a considerable personal risk, for it was never easy to make the mighty accept the advance of their rivals. Ormond was better placed than most to defend his position; yet it was also true that his family could not afford to physically obstruct his rivals' progress. A testing time lay ahead, as Sidney winked at the MacGiollapadraig's aggression.

Within a few months of Sir Henry's arrival in Ireland the Gaelic dynasty recommenced their campaign. Sometime between 9 January and 14 April 1576, Tirlagh MacGiollapadraig recaptured Durrow Castle. Then, in a throwback to the days of coign and livery, he sent some of his men out to forage in the Kilkenny countryside, where they exacted meat from some of Ormond's people. Thereafter, having placed a garrison at Durrow, Tirlagh led a detachment of troops deep into southernmost Fassadinin, where for the second time in three months, they laid siege to the earl's tower house at Kilmocar. Apparently the first attack, which had occurred in January, had been repulsed thanks to a spirited defence by Ormond's new tenant there, Donill MacShane, but on this occasion the MacGiollapadraig forces were better organised, and were able to sweep Donill aside and occupy the fort.

This seizure marked a significant moment in the history of the struggle between the MacGiollapadraig and the Kilkenny community. Heretofore the clan had largely confined their raids to the north-western limits of the county; now, by grabbing Kilmocar, their soldiers had stretched out to encompass much of the north-east as well. Most important of all, they had penetrated about seven miles into the shire heartland, and had established a

⁷⁰ Fitzwilliam to Burghley, 3 Aug. 1575 (*ibid.*, S.P. 63/53/2). Ormond had no doubt that the Fitzpatricks were responsible for the story: Ormond to Burghley, 8 Aug. 1575 (*ibid.*, S.P. 63/53/7).

⁷¹ Fitton to Burghley, 6 Nov. 1575 (*ibid.*, S.P. 63/53/59); Fitton to Burghley, 22 Feb. 1576 (*ibid.*, S.P. 63/55/16). Unfortunately, the document which signals the end of the enquiry into Edward's conduct has survived in undated draft form only: Sidney to Ormond, n.d. circa 1576 (Kent A.O., U1475 015/29).

⁷² See my forthcoming paper 'The MacGiollapadraig (Fitzpatricks) of Upper Ossory, 1532-1641'.

base which stood only eight miles away from the town walls of Kilkenny itself. Not since the Butler revolt had the county been so vulnerable.

Moreover, just as in 1569, the property of Ormond's servants was also targeted for attack. When Tirlagh MacGiollapadraig had closed in on Durrow and Kilmocar, his brother Callough had brought an armed gang to Aghoure, which lay directly across the Nore valley. The estate was owned by Richard Shee, Ormond's official, who in recent months had been busy championing the legal rights of the earl's borderland tenants. He was fortunate to escape lightly. Although Callough's men stole a plough and left a local husbandman for dead, they did no other damage, presumably because they had lost the element of surprise and encountered some stiff resistance. Finally, the MacGiollapadraigs also raided the lands of the Purcell family in the glens of Ballyfoyle, stealing some cattle and whatever movable goods they could find before returning north.⁷³

In retrospect, it had been a brief but daring campaign, which due mainly to superior planning, had laid bare the limitations of Ormond's new defensive arrangements for the county. Quite simply, with coign and livery gone, the number of soldiers immediately available to respond to the MacGiollapadraig threat had not been enough. Add to this the fact that the Butlers were afraid to take up arms without license, and it is plain to see that the local population was now more exposed than ever before to the full range of economic repercussions which were normally associated with warfare during the sixteenth century. Indeed, one of these, dearth, was already manifest in 1576, for the MacGiollapadraigs had timed their attack perfectly to coincide with the growing fear of famine in Kilkenny, where the corn supply was running low. The prospects for the autumn harvest looked grim. A major escalation in violence seemed imminent, and according to one report, the common people were resigned to the prospect of widespread shortages. Evidently they fully expected that the conflict between the northern gentry and the MacGiollapadraigs would close off the roads to Carlow and Maryborough, and disheartened by the knowledge that Dublin was infected with the plague, they gave up any hope of outside supplies.⁷⁴

Nonetheless, the situation was not quite as bleak as it seemed. Despite their anger, Ormond and the rest of the shire landowners were not prepared to respond to the MacGiollapadraigs' challenge in the customary manner. Partly because of local dearth, but mainly because of larger political considerations, the earl and his followers decided on a policy of restraint. It was a sensible choice. By posing as the injured party, the Ormond group gained a major tactical advantage and placed Sidney in a delicate situation, for the Deputy was duty-bound to punish their MacGiollapadraig assailants. Thanks to Ormond's persistence, it soon emerged that he was unwilling to do so.

Beginning in April and continuing until November 1576, Earl Thomas proceeded to force the Deputy out into the open with a steady stream of letters petitioning his assistance against the MacGiollapadraigs. At first, his requests were courteous, but gradually, as nothing was done, Ormond sharpened his quill, adopting the haughty tones of indignant outrage. With growing confidence he accused the Lord Deputy of sneakily conspiring with the baron - Sir Barnaby had succeeded his father as second baron late in 1575 - against him: 'Truly if my lord of Upper Ossory did not presume so much upon your favour, he would not deal in this sort with me'.⁷⁵

⁷³ B.L. Add. Ms. 15,914, fol. 33; H.M.C., *De L'Isle & Dudley MSS.* ii, p. 33. For Aghoure, N.A.I., Ms. 2816, pp. 3-4.

⁷⁴ Ormond to Sidney, 17 April 1576 (N.L.I., Fitzpatrick papers, Ms. 8099 (1)).

⁷⁵ H.M.C., *De L'Isle & Dudley MSS.* ii, p. 38.

Predictably enough, Sidney denied the accusation, and pretended to take umbrage with the earl for suggesting that he, the queen's representative in Ireland, 'should deal one way in appearance and another way in secret'.⁷⁶ But the earl was on firm ground. With impressive speed, the charges against Baron Barnaby piled up one on top of the other: he would not restore the goods which his family had stolen; he harboured outlaws and refused to recognise the sheriff of Kilkenny's writ; he continued to encourage further acts of violence and extortion against Ormond's tenants; he accused Fulk Grace and James Oge Butler of robbing horses in Laois and Offaly, but failed to substantiate the charges; in a 'great rage', he called Richard Shee a liar and cursed in his face when the latter had visited him, a terrible insult to a gentleman; worst of all, he continued to occupy Durrow Castle and showed no sign of giving it back, even after Sidney had finally been compelled to order him to do so.⁷⁷

The last of these accusations was the one which reflected worst upon the chief governor. On 6 August, the return of Durrow into the earl's hands had been formally fixed to take place seven days later, by order of the Deputy and Council. Accordingly, on 13 August Ormond had ridden forth to the castle expecting to receive the keys from the baron's servants, but when they came out to meet him they coolly walked to the end of the bridge over the moat and told him to go away. Evidently Baron Barnaby had reached a new arrangement with Sidney behind Ormond's back, whereby the Deputy agreed to place the matter on hold until such time as the earl had established his proper legal title to the premises. As stalling devices go, it was poorly disguised.⁷⁸

With tensions mounting, in the middle of November a messenger was sent to Sidney from England to advise him to stay on good terms with the earl, for the sake of the realm and his own career.⁷⁹ The warning came too late. Ormond had already decided to spend Christmas at court, where he could pay his respects to Elizabeth and bring his grievances to her attention.⁸⁰ Before leaving, the earl arranged that his cousin Edmund Butler, second viscount Mountgarret, was to be his deputy governor of the 'eight quarters' (or baronies) of County Kilkenny. His choice of Mountgarret is interesting, suggesting that he was reluctant to expose any of his brothers to a position of military authority while Sidney continued as Lord Deputy.⁸¹ His caution was well founded, not only because his family could still not be trusted to remain calm in the face of attack, but also because Sidney was busy preparing to intensify his efforts to sap Ormond's strength.

Leaving the MacGiollapadraigs to occupy Durrow, the next strategy which Sir Henry employed was a novel one, and it signalled a major advance in his challenge to the earl's authority. Hitherto only those who resided in the shire had been eligible for selection as local government officials, something which had consolidated the Ormond interest considerably. Though Sidney had long found this situation hard to tolerate, like Fitzwilliam he had refrained from objecting to the personnel whom the earl employed in the queen's service. By November 1576, however, finding himself on the run with Ormond on his trail, he set out to seize greater control over Kilkenny affairs for himself. Having noted that a commissioner of martial law now held the key post in the county, exercising more power than the sheriff,⁸²

⁷⁶ *Ibid.* pp 38-9.

⁷⁷ *Ibid.* pp 39-40 and 45-8.

⁷⁸ *Ibid.* p.42; Orders of the Lord Deputy & Council at Kilkenny, 6 Aug. 1576 (P.R.O., S.P. 63/56/17).

⁷⁹ Prescott's memorial, 15 Nov. 1576 (P.R.O., S.P. 63/56/48).

⁸⁰ *C.O.D.*, v, no. 288.

⁸¹ Collins (ed.). *Letters & memorials of state of Sir Henry Sidney. et al* (2 vols, London 1746). i, pp 134-5 and 147.

⁸² This is why sheriffs such as Walter Butler of Paulstown had been granted commissions earlier in the decade: it boosted their existing powers. See Appendix 3.

Sidney appointed one of his most reliable servants, Francis Lovell, to the position on 6 November 1576.⁸³

It was a highly provocative step to take. For several years now the commissionership had been monopolised by some of Ormond's closest associates, including Sir Edmund Butler, Walter Gall and Richard Shee, and only two days previously this had seemed set to continue when it had been granted to Viscount Mountgarret in respect of his new role as the earl's deputy. Unfortunately, it is not known whether or not Lovell's patent nullified the one which Mountgarret held; perhaps both were meant to operate simultaneously. Whatever the case, it did not greatly matter, for within 24 hours of Lovell's appointment the entire province of Leinster - Kilkenny included - was placed under the military rule of Captain Henry Harrington, Sidney's nephew.⁸⁴

Thereafter it soon emerged that in addition to being ousted from their accustomed position of dominance inside County Kilkenny, Mountgarret and the rest of Ormond's representatives were also confronted by a loss of power outside the shire. All at once they found themselves surrounded by well placed adversaries. To the north, the Butlers' old foe Francis Cosby, Sidney's brother-in-law, was reactivated as seneschal of the Queen's County, while to the west they faced a new threat in the form of Sir William Drury (another Sidney ally), who had recently been appointed Lord President of Munster.

Taken collectively, Lovell, Harrington, Cosby and Drury were a menacing presence in and around the Kilkenny area, and the appearance in their ranks in November 1577 of a new commissioner, Captain Humphrey Mackworth, served to tighten the stranglehold over local affairs which Sidney had achieved since Ormond's departure.⁸⁵ Not only were they soldiers, capable of hunting down those they identified as enemies, but they were also policemen, energetic intelligence gatherers who would be able to give Sir Henry what he most desired, i.e. fresh ground-level information which might prove damaging to Ormond and the Butlers.

The fruits of their inquiries were rapidly unveiled. In November 1576, Drury entered the liberty of Tipperary to hold court hearings there, something which his presidential office entitled him to do. He managed to persuade some local gentlemen, Edmund Comyn of Kilconnell and Jacob Fleming of Cashel, to come forward and present a series of allegations against the Butler family. Among other things, they showed the court that although the Butlers had been quiet since the late 1560s, they had resumed their old activities over the previous few months. In particular, Comyn and Fleming stated how coign and livery had been reimposed in Tipperary since 30 October by all three Butler brothers and their followers, who included a number of County Kilkenny-based soldiers, such as James Walsh of Garryhody and one 'Robert Walsh, son to McAdam'.⁸⁶ This truly was damning evidence, and its veracity seems indisputable. Edmund Comyn's testimony was especially authoritative, for not only was he a former sheriff of Tipperary, but he was also a tenant on part of the Ormond estate, and would consequently normally rank as one of the earl's clients.⁸⁷ It seems safe to conclude, therefore, that in Tipperary at least, Sidney's assault had achieved its object with remarkable speed, once again driving Sir Edmund, Edward and Piers Butler to distraction, and hammering a wedge between them and some of the gentry and merchants of the western territories of the Ormond lordship.

⁸³ Lovell had been associated with Sir Henry's affairs since the late 1550s at least (Kent A.O., U1475 021, ff 2b, 10a, 12a and 17a; H.M.C., *De L'Isle & Dudley MSS.* i, pp 257 and 387; *Cal. Fiants Ire., Eliz. I*, no. 2918).

⁸⁴ *Ibid.* no. 2921.

⁸⁵ *Ibid.* no. 3145.

⁸⁶ Hore & Graves, *Social state*, pp 238-42. The McAdam Walshes were based in the area around Corbally (*Cal. Fiants Ire., Eliz. I*, no. 2062).

⁸⁷ *C.O.D.*, v, nos. 16, 99, 157 and 225.

In contrast, the investigations made by the Lord Deputy and his agents in Kilkenny in the east were not nearly so successful. In fact, if their work achieved anything at all, it was to bring the Kilkenny county community and the Butlers closer together, for it soon seemed to many onlookers that Sidney's appointees had attempted to manufacture evidence against the dynasty when none could be found legitimately. This suspicion had originally been aroused by the antics of Francis Cosby along the shire's north-western frontier, where he was confronted with the problem of suppressing the latest rebellion of Rory Oge O'More. Acting in his capacity as seneschal of the Queen's County, Cosby impolitely asked that Lord Mountgarret should serve under him against the O'More clan, an insulting suggestion to a social superior. Predictably, the viscount refused, grateful for the opportunity to snub someone whom he clearly despised. In doing so, however, Mountgarret was mindful of the need to maintain the correct political profile, and he volunteered to 'do good service ... under some other', eventually opting to place himself under the command of Henry Harrington.⁸⁸ He did not get the chance to fulfil his promise. In May 1577 Cosby retaliated by having Mountgarret arrested on trumped up charges of aiding and abetting the O'More rising, and he was subsequently imprisoned in Dublin Castle.⁸⁹ Many people were startled by this development, and even the English Secretary of State, Sir Francis Walsingham, seems to have had a sympathetic ear to the viscount's complaint that his committal was the result of a government conspiracy.⁹⁰

Cosby may also have been responsible for the attempt which Sidney made in February 1578 to capitalise on the information that Ferdorrough McEdmund Purcell, one of the captains of the earl's kern and the constable of Ormond's manor at Pottlerath, had stood as foster-father to one of the children of Rory Oge O'More. Deliberately representing the native custom of fosterage as an anti-English practice, the chief governor sat down to portray Purcell in a bad light as one of the rebels' fellow travellers, after which he launched forth on one of his strongest ever denunciations of the inhabitants of the earl of Ormond's country. Painting with large strokes, Sir Henry depicted Kilkenny as a place where might was right, where rebels were welcomed by townsfolk and countryfolk alike, and where the influence of the Butler family ran contrary to English law.⁹¹

The Deputy was playing with fire. Though he did not realise it at first, the situation was getting beyond his control. After he arrived in Kilkenny town, some of the local captains and gentry refused to come and meet him unless they were guaranteed a safe conduct. Sidney felt he should punish them for such surliness. Confident of success, he ordered his forces to apprehend the culprits, who included Ormond's constable at Kilmocar, Donill MacShane, and two leading pro-Ormond landlords, James Shortal of Ballylorcaine and John Rochford of Killary.

Sir Henry was not prepared for the consequences of arresting men such as these. When his troops returned with his prey, the normally compliant gentry of Kilkenny refused to find the prisoners guilty of the charges that he brought against them in the county court. Chaos ensued. Three times a jury was selected to condemn Rochford, Shortal, MacShane and the rest - all of whom openly confessed their guilt - and three times the empanelled juries refused

⁸⁸ MacNeill (ed.), 'Lord Chancellor Gerrard's notes', pp 117-8.

⁸⁹ Collins, *Letters and memorials of state*, i, pp 185-9. This is not to say that nobody from the shire helped the rebels. On or about 10 May 1577 Rory Oge O'More set up camp at 'the Nesker' along the Kilkenny-Laois frontier, where he received succour from a minor border gentleman, William O'Loughlin, and his daughter Ellen, who lived nearby at Clontubbrid in Shortal country (*Cal. Fiants Ire., Eliz. I*, no. 3219).

⁹⁰ H.M.C., *De L'Isle & Dudley MSS*, ii, p.57.

⁹¹ *Cal. Carew MSS. 1575-88*, no. 83.

to do so, on each occasion returning a bill of *ignoramus* to an exasperated chief governor.⁹² The contrast with the pre-1569 period could not have been greater: then Sidney had been able to manipulate local outrage over the crimes of the swordsmen to undermine the power of the Ormond dynasty; now his efforts were producing the opposite effect. Fearful that he was going to provoke another rebellion, the county community were ready to defy his authority and offer their protection to the earl's supporters, even if some of them were self-confessed troublemakers.

The jurors' refusal to co-operate forced Sidney to attack them as well as the prisoners they were meant to punish. As soon as they had thrown his case out of court, he accused them of partiality and made arrangements through the offices of Sir William Drury to have them brought to trial in Dublin.⁹³ The indictment of the members of the jury should be treated with scepticism. When the Lord Chancellor, Sir William Gerrard, had visited the shire six months previously, in July 1577, he had praised it for the Englishness of its legal customs, speaking of 'a better form of justice; better persons of the jury, and a more indifferent [i.e. unbiased] trial' than he had found elsewhere during his travels.⁹⁴ In other words, Sidney's problem with the jurors was entirely due to the coercive nature of his behaviour; if the juries were biased, so was he.

The extent of their resistance was unprecedented, and Sidney wasted no time in getting his revenge. Calling them before him in the court of Castle Chamber on 8 May and 3 July 1578, he imposed a string of fines varying in size from £3 down to 12s 6d on all of them, before moving against the men who had acted as their ringleaders, namely Thomas Cantwell of Cantwell's Court, Thomas Den of Grenan and Robert Forstal of Kilferagh, three of the principal gentlemen in the county and leading supporters of the house of Ormond. These were given a special punishment for stepping out of line, being imprisoned in Dublin Castle 'until further notice'.⁹⁵

By the time this sentence was passed Sidney's days as Lord Deputy were numbered. Hundreds of miles away in Whitehall, Ormond was plotting his destruction. Quietly but persistently pleading his case against the Deputy's policies at court, the tenth earl had once again begun to tear the ground from under his rival's feet. Already a few weeks earlier, in April, he had persuaded the crown to consider preparing a bill for restoring his brothers in blood in time for a proposed new Irish parliament, which was supposed to meet at the end of the year.⁹⁶ Moreover, shortly after the incarceration of Cantwell, Den and Forstal, the Deputy's assault on the earl's power base began to falter. On 29 May he was criticised by the London Privy Council for allowing his troops to live off the country without paying for their food during his last journey to Kilkenny.⁹⁷ Finally, towards the end of June, with his influence in the ascendant, Earl Thomas moved in for the kill, informing his servant Thomas Archer that he was now ready to settle his account with Sidney for once and for all.⁹⁸ He kept

⁹² *Ibid.*, *Ibid.*, 1603-24, no. 184; H.M.C., *Egmont MSS.*, i, p. 10. For the close attachment of Shortal and Rochford to the Ormond cause, see *C.O.D.*, v, no. 157.

⁹³ *Ibid.*

⁹⁴ MacNeill (ed.), 'Lord Chancellor Gerrard's notes', pp 118 and 174-5.

⁹⁵ H.M.C., *Egmont MSS.*, i, p. 10, which overlooks the fact, recorded in the original Castle Chamber Entry Book (B.L., Add. Ms. 47.172, ff 33v-35v), that the Kilkenny city jury were tried separately from the county grand jurors, on 3 July.

⁹⁶ Snagg to Walsingham, 10 April 1578 (P.R.O., S.P. 63/60/31).

⁹⁷ Privy Council to Sidney, 29 May 1578 (*ibid.*, S.P. 63/60/65). The councillors soon realised that they had received exaggerated reports of events in Kilkenny; J. Hogan & N. McNeill O'Farrell (eds.), *The Walsingham Letter-Book, May 1578 - December 1579* (Dublin 1959), p. 2.

⁹⁸ Ormond to Archer, 24 June 1578 (Oxford University, Bodleian Library, Carte MSS, Vol. 1, fol. 24).

the pressure up during the autumn,⁹⁹ with the result that Sir Henry was sacked as Lord Deputy and recalled, leaving Ireland on 12 September 1578, never to return again.¹⁰⁰

Orchestrating Sidney's downfall was undoubtedly one of Ormond's greatest political feats, and historians have rightly noted it as such.¹⁰¹ At a stroke he had demonstrated that his skill as a master of court intrigue had not deserted him, and that, unlike any other Irish lord, his power lay across the sea at the royal palaces of Whitehall or Greenwich as much as it did at home in Kilkenny Castle or Carrick mansion. With the recall of Lord Deputy Sidney, Black Tom of Ormond became arguably the greatest fish in the murky little pond of Anglo-Irish relations. Above all he was now genuinely feared by his fellow politicians. As one leading scholar has put it, after 1578 'only the most rash of administrators dared openly to attack Ormond's status'.¹⁰²

Yet great though his success was, there is reason to believe that the earl's destruction of Sidney brought more than its fair share of negative results. It was in fact a Pyrrhic victory. At once Earl Thomas was again revealed as a dangerous overmighty subject. Increasingly the councillors and bureaucrats in Dublin and London were convinced that, for the good of the state, he must be chopped down to a more manageable size. Sidney for all his failings had been an authoritative figure, well connected in court circles. If Ormond could take him out so easily, it seemed that no-one who favoured the expansion of royal power in Ireland through the aegis of a strong central government would be safe. And so it was that following Sidney's dismissal from office Earl Thomas began experiencing new troubles in his dealings with the ministers of the crown on both sides of the Irish Sea. Covertly more of them plotted and whispered against him while appearing to honour him in public. Subsequently he would not find it so easy to bring about the sacking of an important crown official.

The hanging judge

Unlike previously, Sidney's departure in 1578 did not augur well for Ormond and the local gentry. This time, rather than gain a new chief governor such as Fitzwilliam who was willing to leave their autonomy intact, the County Kilkenny elite found themselves confronted by Sir William Drury - he was sworn in as Lord Justice on 14 September - a man who over the last couple of years had become notorious for his use of capital punishment in Munster, and who had spearheaded Sidney's attack against the Ormond lordship in Tipperary as well as Kilkenny.¹⁰³ Indeed, as it transpired, the friction surrounding Sir Henry's removal guaranteed that Drury was far less willing to seek a compromise with the locals than his predecessor had been. A devout Protestant, Drury soon added the quest for religious conformity to his list of objectives in the county, determined to stamp out the Catholicism of many of its people along with their obstinate independence.

From a strictly political point of view, tackling the religious question in Kilkenny had much to recommend it as a means by which to agitate the earl of Ormond without challenging him directly. Earl Thomas had every reason to dread religion, for in matters of faith he occupied a precarious position in the county. Himself a Protestant, content to uphold the queen as head of the church in place of the pope, the vast majority of his family, servants and subjects were Catholics. The last thing he wanted now that he had got his military problems under control was the eruption of religious tension inside his territories.

⁹⁹ *Cal. State Papers. Rome, 1572-78*, p.546.

¹⁰⁰ Ellis, *Tudor Ireland*, p.9.

¹⁰¹ E.g. Brady, 'Thomas Butler', p.55; Nicholas Canny, *From Reformation to Restoration: Ireland, 1534-1660* (Dublin 1987), pp 96-7; Cyril Falls, *Elizabeth's Irish Wars* (London 1950), pp 121-2.

¹⁰² Brady, 'Thomas Butler', p.55.

¹⁰³ For his behaviour in Munster, see Canny, *Elizabethan conquest*, pp 106-8.

However, thanks to the prompting of Nicholas Walsh, the new Protestant bishop of Ossory, the religious issue came to the fore immediately. In November 1578 Walsh informed Drury of the state of the diocese, which was badly run down. All over the county the parish churches were 'utterly ruined and decayed', and Bishop Walsh could find no-one among his flock who was willing to repair them. Things were particularly displeasing in Kilkenny town, where the episcopal seat lay. All but a mere handful of the burgesses and merchants treated his arrival in St. Canice's Cathedral with scornful disregard, and they made no effort to disguise the fact that they were 'bent on popery'. On Sundays the zealous new prelate rang the bells of the cathedral long and loud, but his efforts were useless, for the townsmen turned a deaf ear to him, and stubbornly refused to bring their families 'to hear the divine service ... as by Her Majesty's injunctions they are bound to do'.¹⁰⁴

The level of commitment to the Catholic church was indeed striking. According to documents preserved in the Vatican Library, the Catholics of County Kilkenny were still without a bishop at this time, as the papacy had yet to nominate a successor to John O'Thonery, who had died thirteen years earlier in 1565.¹⁰⁵ Clearly enough, if Catholicism had held its ground without proper leadership, Bishop Walsh's Protestant mission was going to have its work cut out in making any progress.

Walsh was much better equipped than his predecessor, Christopher Gaffney, to rise to the challenge before him. An accomplished linguist, he could preach to the common folk in Irish or English as occasion demanded, and he took a leading part in attempts to translate the New Testament into the native tongue.¹⁰⁶ But on its own 'the Word' was not enough to insure success, and Walsh was well aware that something would have to be done to weaken the resistance to his episcopacy if he was to have any real hope of achieving general conformity to 'true religion' in the shire. He was therefore fortunate that the chief governorship of the country was occupied by Lord Justice Drury, who was equally determined to stamp his own authority over the area. Acting on the information given to him by the bishop, Sir William decided to take the traditional rulers of Kilkenny city to task for their failure to attend Protestant service, contrary to the terms of the statute 2 Elizabeth.

A royal commission was quickly issued which empowered the bishop to enforce attendance at church. It ordained that those who failed to comply were to be fined, and the money raised thereby was to be put towards the renovation of churches, chapels and chancels in the diocese. To make certain that these orders were taken seriously, Drury saw to it that the chief men of the town entered into bonds worth £40 (stg) each as a guarantee for their future good behaviour. Shock therapy though this was, it brought results, and the governor and his companion, Sir Edward Fitton, were soon able to report that 'since our coming thence [from Kilkenny] we hear from the bishop of the good conformity of some' of the townsmen.¹⁰⁷

The Catholic merchants and tradesmen were not the only ones to feel the cold breeze of government intervention in November 1578. Turning his attention away from religion, Drury set his sights on the frontiers of the shire, where tit-for-tat violence continued to be the order of the day. Things were especially bad in the north, where the recent killing of the rebel chieftain, Rory Oge O'More, had not improved relations between the Butlers and the

¹⁰⁴ *Cal. Carew MSS, 1575-88*, no. 109.

¹⁰⁵ Anon (ed), 'Miscellano Vaticano-Hibernica', *Archivum Hibernicum*, v (1916), p. 180.

¹⁰⁶ Coslett Quinn, 'Nicholas Walsh and his friends: a forgotten chapter in the Irish Reformation', *Butler Soc. Jnl.*, ii, no. 3 (1984), pp 294-8

¹⁰⁷ *Cal. Carew MSS, 1575-88*, no. 109.

MacGiollapadraig.¹⁰⁸ Rather, with Rory dead, the two dynasties at once set about competing for control of his former lordship in southern Laois. The conflict which ensued was bound to be a bitter one, but it was rendered even more acrimonious by the Butlers' opportunistic exploitation of an ill-timed family quarrel which arose between the baron of Upper Ossory and his younger brother, Geoffrey MacGiollapadraig of Ballyowley. Indeed, the Butler's solicitations were so effective that by the time Drury had decided to intervene, Geoffrey had changed sides, choosing to join Ormond's kinsmen in a potentially momentous political alliance in return for their aid against Baron Barnaby.¹⁰⁹

Clearly, from Drury's standpoint, it was the sort of breakthrough which promised nothing but trouble. Because Barnaby had no son, the Butlers' wooing of Geoffrey threatened to provoke a successional war among the MacGiollapadraig clan, something which ran totally against the Lord Justice's interest, as it would almost certainly lead to a dramatic growth in the regional dominance of the house of Ormond. To prevent this, Drury had only one course open to him: he had to induce a reconciliation between Lord Barnaby and Geoffrey MacGiollapadraig before their differences became insurmountable.

A meeting was accordingly set for Kilkenny early in November, which when it occurred did so amid a heavy atmosphere of mutual recrimination between Drury and the Ormond group. Several of Ormond's closest supporters were called before Drury to answer for their actions. John Grace, the brother of Fulk Grace of Roscrea, sensibly submitted to the governor and repented for his 'former life' of skulduggery in the Kilkenny-Tipperary marchlands. Had he not done so, he may well have been outlawed.¹¹⁰ Sir Edmund Butler and Donill MacShane, together with an emerging member of the Ormond family network, Nicholas Shortal of Clara,¹¹¹ were each also required to appear before Drury, who compelled them to enter a joint recognisance of £500 to guarantee the future dutiful conduct of Geoffrey MacGiollapadraig, whom they were sheltering.¹¹² Although he attempted to appear impartial - letting Walter Gall go unpunished for failing to answer his summons and treating the baron of Upper Ossory in much the same fashion as he treated the Butlers¹¹³ - the leaders of the County Kilkenny community were outraged by Drury's meddling in matters of local security. As far as they were concerned, the MacGiollapadraig's difficulty was their opportunity to buttress the north. Now the chance was gone, thanks to his intervention.

Drury's handling of events along the southern frontier with Waterford gave the local gentry even more cause to distrust him. When a complaint had been made to him in October about Shane Brenagh fitz Robert, 'a mean gentleman of the surname of the Walshes' who was responsible for a series of raids into County Waterford, the Lord Justice decided to humiliate him. He refused to accept Shane's submission in Waterford city, 'unless I saw him come with a rope about his neck, which the poor fellow was willing to do'. His abasement over, Shane was then ordered to remain in the custody of Henry Davells, the captain of Dungarvan,¹¹⁴ on pain of forfeiting £500, a massive sum for a small landholder such as he. Even then the governor was not finished with him. A month later, having been brought to

¹⁰⁸ For details of Rory Oge's demise, see Sidney to the Privy Council, 1 July 1578 (P.R.O., S.P. 63/61/29); Fitton to Burghley, 1 July 1578 (ibid. S.P. 63/61/31).

¹⁰⁹ Submission of Geoffrey Fitzpatrick, 7 Nov. 1578 (ibid. S.P. 63/63/17).

¹¹⁰ Submission of John Grace, 7 Nov. 1578 (ibid. S.P. 63/63/16).

¹¹¹ At about this time Nicholas was married to Ormond's ward, Joan Butler, the sister of his eventual successor, Walter of Kilcash. Though Nicholas and Walter fell out in 1584, overall their relationship was a close one (D.B. Quinn (ed.), 'Calendar of the Irish Council Book, 1581-86', *Anal. Hib.*, no. 24 (1967), p. 154; N.A.L. Lodge MSS. Records of the Rolls, Vol. IV, p. 386).

¹¹² Recognizance of Sir Edmund Butler et al. 10 Nov. 1578 (P.R.O., S.P. 63/63/20).

¹¹³ Recognizance of Lord Upper Ossory, 10 Nov. 1578 (ibid. S.P. 63/63/21). Callough Fitzpatrick was imprisoned in Dublin Castle shortly before 20 November 'for hurts lately done' by him (*Cal. Carew MSS. 1575-88*, no. 109).

¹¹⁴ *Cal. Fiants Ire. Eliz. I*, no. 2517.

Kilkenny by the sheriff, the size of Shane's liability was raised to £1,200, and the go-ahead was given for the pursuit of the members of his gang.¹¹⁵

In spite of Shane's guilt, it is likely that some of the local landlords probably sympathised with him. Only a year ago the estate of his brother, Richard Walsh (alias Brenagh) of Ballinacowley, had been ransacked by a group of men armed with swords and clubs;¹¹⁶ to some it may have seemed that Shane was only recovering his losses by robbing in Waterford the sort of things that had been stolen from his brother and he in Kilkenny. Whether this was the case or not, many among the Kilkenny population would surely have been shocked by the fate of one of his erstwhile accomplices, James Walsh, who was ruthlessly hunted down by Drury's guide, Francis Colby. Having caught him, Colby had James summarily executed after convening a kangaroo court, which tried him behind closed doors at a 'private sessions' in Waterford.¹¹⁷ It would not be the last time that the Walshes would fall victim to arbitrary justice, as Shane Brenagh himself would discover in a few years time.

The fact was that the everyday conduct of government policy towards the shire community had become noticeably severe. Already possessing a gruesome reputation for his arbitrary exercise of power while Lord President of Munster, Drury was evidently resolved to frighten the inhabitants of the Ormond lordship into obeying him. Unquestionably, the court hearings in Kilkenny which he presided over in November 1578 were perfectly designed to spread terror all over the area. Easily the harshest which had been seen in the shire since the end of the Butler revolt, the sessions left the town gaol empty, as 36 people were executed. Drury himself appears to have enjoyed the occasion. A week or so later, he and his companion, Fitton, referred to it jokingly in a letter to the Privy Council, claiming that there were 'some good ones' among those whom they sentenced to die, including 'a black Moor and two witches'.¹¹⁸

The Geraldine threat, 1579-83

The next twelve months saw no reduction in the local tension. Though Drury at last left Kilkenny and Ormond alone, it did not matter that he was gone. All eyes turned nervously to events in Munster, where a small band of Spanish and Italian soldiers recruited by James Fitzmaurice Fitzgerald landed at Smerwick on 17 July 1579. Fitzmaurice proceeded to issue a call to arms, and with the aid of an English Catholic clergyman, Dr Nicholas Sander, he hoped to lead a crusade against the spread of Protestantism in the country, telling one of his military followers 'we are Catholic Christians, and they are heretics; justice is with us, and injustice with them'.¹¹⁹ This sort of language greatly alarmed the earl of Ormond. Not only anxious to avoid a new conflict with the Geraldines - which would mean the inevitable destruction of his lands in Tipperary - he was also afraid of the spread of religious extremism, which he knew might lead many of the inhabitants of his lordship to sever their ties with the crown.

Ormond's worries in this regard were exacerbated by his uncertainty over the conduct of his brother, Edward Butler. Several times now Edward had demonstrated an

¹¹⁵ *Cal. Carew MSS, 1575-88*, no. 109; Submission of John Walsh, 10 Oct. 1578 (P.R.O., S.P. 63/63/7).

¹¹⁶ N.A.I. C.P., parcel E, no. 60.

¹¹⁷ *Cal. Carew MSS, 1575-88*, no. 109. Colby was an occasional messenger for Drury (Hogan & McNeill (eds.), *Walsingham Letter Bk.* p.193).

¹¹⁸ *Cal. Carew MSS, 1575-88*, no. 109; Lord W. Fitzgerald, 'Historical notes on the O'Mores', p.40; Edward Ledwich,

'Antiquities of Irishtown 7 Kilkenny', in *Collectanea De Rebus Hibernica* (Dublin 1786), ii, p.389.

¹¹⁹ John O'Donovan, 'The Irish correspondence of James Fitzmaurice of Desmond', *Kilkenny & S.E. of Ire. Arch. Soc. Jnl.*, 2nd series, ii (1858-9), p.363.

uncompromising attachment to the Catholic church which had threatened to undo the earl's achievement in clearing his name after the 1569 revolt. In 1571, just a few months after surrendering to the government, Edward had broken into the house of the archbishop of Cashel, Miler McGrath, and set at liberty two friars who were imprisoned there for preaching against the queen's supremacy in the church.¹²⁰ Like many Catholics, Edward hated Archbishop McGrath, a papal appointee who had secured his position in the Irish church by renouncing the pope and embracing Protestantism. Indeed, on one occasion he had referred to the wily prelate as a 'traitorly devil ... [and] perjured turncoat',¹²¹ and the pair had regularly come to blows in Tipperary. The most recent flare-up between them had occurred in 1578, and thanks to the clumsy intervention of Drury and Fitton in favour of McGrath, little had been done to allay Ormond's growing fears that sooner or later his brother was going to pin his colours to a Catholic conspiracy.¹²²

Certainly, by 1579 Edward would have found it difficult to look dispassionately upon the events which were unfolding across Tipperary's western frontier. Apart from sympathising with the pro-papal stance of his old ally Fitzmaurice, he would have recognised that the abrasive treatment dished out to the earl of Desmond in the autumn bore more than a passing resemblance to the rough handling which he himself had recently received from Sidney and Drury. Indeed, the government's assault on Desmond was probably too much for Edward Butler to bear, especially after Sir Nicholas Malby, the man mainly responsible for pushing Desmond into rebellion, had ordered his troops to destroy the tomb of the former dowager countess of Ormond, Lady Joan Butler, Edward's mother and Desmond's ex-wife, who had been buried at Askeaton in 1565.¹²³ Finally, the fact that he shared a bed with Desmond's sister, who he had married in 1573, may also have played on his loyalties.¹²⁴

Because he was watched by the government and mistrusted by Ormond,¹²⁵ Edward took his time declaring himself for the rebels, but eventually in August 1580 the situation seemed suitable for him to do so, and he headed off to Connaught to join the army of his brother-in-law Desmond with a force of 100 men.¹²⁶ He chose his moment well. Kilkenny was in a state of emergency. The new Lord Justice, Sir William Pelham, had held three consecutive court sessions in recent months, continuing the flood of government executions.¹²⁷ Likewise, Francis Lovell had maintained his unceasing harassment of some of the shire community, especially those from the south between Knocktopher and Waterford.¹²⁸

As a result of all this, attitudes began hardening against the government, and Edward Butler was able to build up a small but significant group of followers who also favoured joining the Munster uprising. Chief amongst these was the prominent landowner John Sweetman of Castle Eve, a respected military commander - the marshal of the shire, as mentioned above - and a pious Catholic.¹²⁹ According to a statement later made by Lovell, Sweetman had become a major anti-government agitator, standing at the centre of a group of local Catholic gentry who secretly sent aid to the Geraldines. Other principal participants

¹²⁰ Marron (ed.), 'Documents concerning Miler McGrath', pp 80-1.

¹²¹ *Ibid.* p. 89.

¹²² *Ibid.* pp 86-7.

¹²³ Desmond to Ormond, 10 Oct. 1579 (P.R.O., S.P. 63/69/50). For Malby's aggression: Ciaran Brady, 'Faction and the origins of the Desmond rebellion of 1579', *I.H.S.*, xxii, no. 88 (1981), p. 311.

¹²⁴ White to Burghley, 12 Oct. 1573 (P.R.O., S.P. 63/42/45).

¹²⁵ In February 1580 the government thought it had patched things up between the earl and Edward, who was described as 'a little wavering' (*Cal. Carew MSS. 1575-88* no. 322).

¹²⁶ Malby to Walsingham, 31 Aug. 1580 (P.R.O., S.P. 63/75/82).

¹²⁷ Ledwich, 'Antiquities', p. 389.

¹²⁸ H.M.C., *Egmont MSS.* i, p. 12.

¹²⁹ For his piety, see Rita Harte, 'Tombstones at Newtown Earley', *Old Kilkenny Review*, 2nd series, iii, no. 4 (1987), pp 411-12.

included Sweetman's brother George, the ever-troublesome Shane Brenagh fitz Robert, one John Grace, and last but not least, the Callan merchant, George Comerford, who probably helped to maintain an open line of communication with the Munster rebels through his trading contacts.¹³⁰ But by far the most active conspirator from Kilkenny to come out in support of the Geraldines was the gentleman James Gall, alias James Gankagh, who joined Desmond's army in Aherlow and 'served with Desmond all the time of his rebellion'.¹³¹

Clearly, the decision of men such as these to join Edward Butler in rebellion presented the earl of Ormond with a dilemma. Having been chosen to lead the queen's army against Desmond's power-base in Kerry, the last thing that Earl Thomas needed was the spread of treason behind his back whenever he left his Kilkenny base to campaign in the west. His problems deepened during the summer of 1580 when, under a papal standard, Viscount Baltinglass and Feagh MacHugh O'Byrne rose in revolt in Leinster. No sooner had they started their campaign than another member of the earl's family, one of Sir Edmund Butler's illegitimate sons, Richard, rode off at the head of a large force to join Feagh and the viscount in Wicklow.¹³² In the ensuing months the O'Dowills of Wicklow, followers of Feagh MacHugh, were discovered mingling with dissident military elements in the north and east of Kilkenny.¹³³

The frontiers of the Ormond lordship were ablaze with insurrection. To the north of Kilkenny, the O'Mores continued to put up a blood-soaked struggle for survival, where the worsening relations between the MacGiollapadraigs and Viscount Mountgarret probably allowed them to regain some of the ground that they had lost since Rory Oge's death.¹³⁴ In Tipperary, the dissident Burkes were joined by Piers Grace,¹³⁵ the well known renegade and long-established Desmondite who hailed from Kilkenny, and finally, in Carlow and Wexford, the Kavanaghs under Donal Spaniagh also took to arms.¹³⁶

There is no doubt that this explosion of rebel activity was orchestrated by the Fitzgeralds of Desmond, who regularly sent messengers to most of the native leaders who bordered the Kilkenny marchlands.¹³⁷ Ormond was greatly relieved that Sir Edmund Butler refused to join them,¹³⁸ but even so his chief fear of having to fight Desmond on more than one front was realised. Now each time that he set forth into Munster at the head of the royal army, a detachment of Desmond's forces was able to move freely behind him, with devastating effect. Indeed, in August 1580 his rebel enemies were so confident of going unmolested that Sir John of Desmond was guided by Moriertagh Roe O'Heffernane and Piers Grace on a daring journey along Kilkenny's northern border, attacking Ormond's brother Piers Butler at Leix Abbey and plundering Maryborough before riding on to team up with Viscount Baltinglass and the O'Byrnes for a raid on the Pale.¹³⁹

Ormond handled the crisis pragmatically. To a certain extent, the spread of treason simplified his position, meaning that for the moment at least, he was on the same side as tough New English government agents like Francis Lovell and Humphrey Mackworth. Utilising his new powers as general of the army in Munster, he lost no time taking them

¹³⁰ *Cal. Patent Rolls, Ire., Eliz. I*, p. 70.

¹³¹ So did his kinsman Redmund Gall: Note of traitors slain, 1 Dec. 1582 - 30 Sept. 1583 (P.R.O., S.P. 63/108/34).

¹³² Malby to Walsingham, 31 Aug. 1580 (P.R.O., S.P. 63/75/82).

¹³³ As note 131 above.

¹³⁴ E.g., *C.S.P.I.*, 1588-92, pp 285-7; *Cal. Carew MSS.*, 1575-88, nos. 334-5 and 351.

¹³⁵ *Ibid.*, no. 373; Morgan to Burghley, 15 April 1580 (P.R.O., S.P. 63/72/46).

¹³⁶ *C.S.P.I.*, 1574-85, pp 219-20.

¹³⁷ O'Hanlon & O'Leary, *Queen's County*, ii, p.461; Hogan & McNeill (eds.), *Walsingham Letter Bk*, p.260.

¹³⁸ Waterhouse to Walsingham, 13 Oct. 1580 (P.R.O., S.P. 63/77/31).

¹³⁹ Lord Walter Fitzgerald, 'The O'Mores', pp 40-1.

under his wing. He immediately asked for Mackworth to join his army in the west,¹⁴⁰ and he left Lovell in County Kilkenny to work alongside his most trusted lieutenant, Piers Butler of Butlerswood, against the rebels and their growing number of helpers who were plotting further trouble in the shire. But before this new and rather delicate arrangement could be put to the test, Ormond had first to insure that the county was not overrun.

This too he dealt with calmly. Despite the risk of annoying the government, he spent most of the summer of 1580 in his own country, using detachments of the royal army to protect his territories in Kilkenny and Tipperary until the immediate danger had passed.¹⁴¹ It was a contentious step to take, and it rapidly produced accusations by a number of New English officials that he selfishly had put his private causes before those of the queen.¹⁴² Nonetheless, although these allegations were true, those who made them failed to realise that Ormond had reason to believe that his lands were about to be destroyed.

In particular, his concern for the safety of his lordship had been greatly magnified by the behaviour of Barnaby Fitzpatrick, second baron of Upper Ossory, who had failed to attack Sir John of Desmond and Piers Grace when they had made off with a large herd of his cattle in the Kilkenny-Laois borderland during August. Baron Barnaby's oversight was hardly surprising. Given the nature of MacGiollapadraig-Butler relations at the time, with no quarter asked and none given, he was not willing to protect the earl's property, even if it was ransacked by rebels. Be that as it may, however, he would have been well advised to have assisted the Butlers, for within days of the raid, Earl Thomas took his first steps towards the final solution of his northern problem by accusing the baron of treason.¹⁴³

Moving swiftly, Ormond supervised the collection of evidence, all of which strongly suggested that Baron Barnaby was not a reliable subject. A series of witnesses testified that among other things, the baron of Upper Ossory had entertained the arch-rebels Desmond and Piers Grace in Coumkill Castle, and that Fitzmaurice's son, travelling under the pseudonym Richard Burke, had also been sheltered by him.¹⁴⁴ Before the year was out, Barnaby found himself deserted by his friends in the government, who were afraid of incurring Ormond's wrath, and he and his wife were imprisoned in Dublin Castle on 14 January 1581.¹⁴⁵ They remained there until the following May, when they both fell ill and were removed to a house in the city. Lady Upper Ossory subsequently recovered, but the new surroundings did the baron no good, and he died early in November, another of Ormond's victims.¹⁴⁶

With Barnaby dead, the earl was able to strike a deal with his younger brother Florence MacGiollapadraig, who succeeded as third baron of Upper Ossory.¹⁴⁷ Although Florence had led attacks against the Butlers in the past, he had no wish to do so anymore, having seen what Ormond was capable of. Determined to avoid his brother's fate, he reached

¹⁴⁰ Hogan & McNeill (eds.), *Walsingham Letter Bk*, pp 226-7.

¹⁴¹ Ormond's movements can easily be followed in the state papers, thanks mainly to the addresses given on his own correspondence: after attacking Desmond in County Kerry in June, he spent his time in Waterford and Kilkenny during July, rode to Limerick early in August, but returned promptly to Kilkenny within a few days and remained there for the rest of the month, before news of the arrival of foreign reinforcements at Smerwick compelled him to go back to Kerry in September (*C.S.P.I.*, 1574-85, pp 229, 236, 241, 243, 246 and 254).

¹⁴² *Cal. Carew MSS*, 1575-88, no. 317; Wallop to Walsingham, 13 Aug. 1580 (P.R.O., S.P. 63/75/34); Waterhouse to Walsingham, 13 Aug. 1580 (ibid, S.P. 63/75/37).

¹⁴³ Ormond to Grey, 28 Aug. 1580 (ibid, S.P. 63/75/73).

¹⁴⁴ Ormond to Walsingham, 28 May 1580 (ibid, S.P. 63/73/30, with enclosure); Examination of Sir James Fitzgerald, 25 Aug. 1580 (ibid, 63/76/25, enclosure i); Offenders indicted by Ormond, 15 Jan. 1581 (ibid, S.P. 63/80/12); *Cal. Carew MSS*, 1575-88, no. 489.

¹⁴⁵ Wallop to Walsingham, 14 Jan. 1581 (P.R.O., S.P. 63/80/5); Ormond to Wilson, 15 Jan. 1581 (ibid, S.P. 63/80/11).

¹⁴⁶ Quinn (ed.), *Cal. Irish Council Book*, 1581-6', p. 117; Grey to Privy Council, 6 Nov. 1581 (P.R.O., S.P. 63/86/51).

¹⁴⁷ He was granted livery of the Upper Ossory estate on 25 Aug. 1582 (*Cal. Fiants Ire.*, *Elizabeth I*, no. 3979).

an accommodation of sorts with the earl and Viscount Mountgarret, and by doing so he guaranteed the future security of Kilkenny's northern frontier.¹⁴⁸

Desmond's supporters soon had cause to rue this development. Freed of the need to beware of the MacGiollapadraig, the earl of Ormond's men began to comb the northern marchland for rebel activity, with considerable effect. Just weeks before Baron Barnaby's death, five of the insurgents who he had allowed to roam unharmed through the hills and woodlands of Upper Ossory were slain by Piers Butler of Butlerswood, Ormond's principal bounty-hunter, who had been inactive for several years now. Piers's head-count increased substantially once Florence MacGiollapadraig succeeded to the barony. Commencing in January 1582 and continuing for two years, Piers ambushed a further fourteen rebel soldiers in the north, spreading his net across a wide tract of territory stretching from the Dullough in Carlow through Knockroe and Dormerstown in Kilkenny into Ikerrin in Tipperary. Almost single-handedly he curbed Piers Grace, killing no less than eight of his followers in the course of the hunt, a striking commentary on the new-found vulnerability of the local outlaws after the mantle of MacGiollapadraig protection had been removed from them.¹⁴⁹ It proved likewise with the O'Mores, who received a terrible mauling after Baron Barnaby's downfall, and one of their most dangerous captains, Murtoagh McLysagh O'More, fell at the hands of Piers Butler's brother, Walter of Meallaghmore, late in 1581.¹⁵⁰ Around the same time Sir Edmund Butler's troublesome bastard son, Richard, was executed at New Ross.¹⁵¹

The rebels in the midlands and south of County Kilkenny fared no better. Deprived of their natural leader, Edward Butler, who Ormond forcibly banished from his territories,¹⁵² the local Desmondites were vigorously pursued by Francis Lovell. Following his appointment as sheriff of the county in 1582, Lovell closed in on one of the most irksome of the Walshes, Shane Brenagh fitz Robert of Rochestown, who, as noted above, had been humbled by Drury a few years earlier. Hauling him before the county court, Lovell attempted to restrict his movements, forcing him to enter a bond to keep the peace which required eight days' notice should Shane wish to travel inside Kilkenny, and twenty days' notice if he intended going anywhere else. To insure that he complied with this arrangement, Lovell had several leading landlords - including Thomas Den of Grenan and Richard Fitzgerald of Burnchurch - agree to keep an eye on his behaviour.¹⁵³

Lovell and his helpers paid particularly close attention to the inhabitants of the Walsh mountains near Thomastown. A number of people from the area were required to enter bonds to keep the peace,¹⁵⁴ John Roe Brenagh of Fiddown was attainted and hanged in Waterford,¹⁵⁵ and the activities of Richard Walsh of Ballinacowley (Shane Brenagh's brother) became the object of close scrutiny when it was discovered that he had enjoyed a relationship with the widow of one of the Munster Geraldines.¹⁵⁶ Lovell also dedicated much of his time to watching the comings and goings of the Sweetman family and their friends from the Callan region. He eventually got his reward, uncovering information which led to

¹⁴⁸ Grey to Privy Council, 6 Nov. 1581 (P.R.O., S.P. 63/86/51).

¹⁴⁹ *C.S.P.I.*, 1588-92, pp 285-7.

¹⁵⁰ *Annals of Kilkenny*, sub 1581 (O'Connor Don MSS, Clonalis House). His name is given incorrectly as Neil McMurtough in a government report: Wallop to Walsingham, 10 Oct. 1581 (P.R.O., S.P. 63/86/20).

¹⁵¹ Lambeth Palace Library, Ms. 626, fol. 125.

¹⁵² Marron (ed.), 'Documents concerning Miler McGrath', pp 89-91.

¹⁵³ N.L.I. Ms. 2181, unpaginated memo of 10 Nov. 1581. Brenagh was pardoned on 6 Feb. 1582 (*Cal. Fiants Ire., Eliz. I*, no. 3806).

¹⁵⁴ *Ibid.* nos. 3807 and 3937.

¹⁵⁵ N.L.I. Ms. 2181, unpaginated inquisition of 9 April 31 Eliz. I.

¹⁵⁶ *Cal. Fiants Ire., Eliz. I*, no. 3870.

the attainder and execution of George Sweetman, but he was unable to prove his charges against George's elder brother, John Sweetman of Castle Eve.¹⁵⁷

In general, very few rebel sympathisers escaped Lovell's clutches. He restlessly ranged across the county prying into the private affairs of the gentry and casting doubt upon their allegiance. Steadily more and more families got sucked into his net - the Shortals, the Datons, the Galls and the O'Brennans - and executions by order of martial law became commonplace. One of his most important victims was Desmond's lieutenant, James Gankagh Gall, who was taken 'in the woods of Rochestown' in December 1583 and led away for a public execution in Kilkenny town. According to one document, between December 1582 and September 1583 Lovell was directly responsible for the deaths of nearly 400 persons in the shire who were suspected of treason, figures which made the closing months of the Desmond revolt one of the bloodiest periods in the county's history in the sixteenth century.¹⁵⁸

By 1583, then, with the Desmond revolt dying away in Munster in the wake of a major campaign led by Ormond against the Geraldines there, all support for the rebels in Kilkenny dried up. Approximately 300 men had managed to defect from the Kilkenny-Tipperary area when the rising was at its height, but Ormond had been able to win them back, using a markedly different policy to Lovell. Instead of hunting them down to kill them, Earl Thomas persuaded them to lay down their arms by offering them his protection and promising to get them royal pardons.¹⁵⁹ Edward Butler, the rebellion's erstwhile champion, had been forced to surrender the previous year, and Ormond left him in disgrace to lick his wounds, having stripped him of everything he possessed, and destroyed his prestige.¹⁶⁰ Again, therefore, as in 1571, the only road open to Edward was to betray his beliefs by siding with the crown against his former allies, and in January 1583 he resumed the tortuous process of crawling back into official favour by killing eight rebel soldiers in the field.¹⁶¹ Edward continued to help Ormond over the next few months, and eventually on 11 November the Geraldine rebellion ended when his brother-in-law, the earl of Desmond, was found hiding in a cabin in the mountains near Tralee by a band of Kerry swordsmen in Ormond's employ. Fearful lest the reward money for capturing Desmond would be claimed by the English constable of the garrison at Castlemaine, they promptly killed the prisoner and beheaded him, much to Ormond's satisfaction and relief.¹⁶²

The war against Desmond had been the biggest test of Earl Thomas's career so far, and now that it was over, he did not spare his critics, those 'malicious fools' among the Dublin government and the army who had cast aspersions about his loyalty and doubted his ability to win. He was entitled to rejoice, and he did so unreservedly: 'So ... is this traitor come to the end I have long looked for, appointed by God to die by the sword to end his rebellion'.¹⁶³ On 21 November, ten days after meeting a bloody death, Desmond's severed head arrived in Kilkenny, where Ormond displayed it for seven days to the townspeople before sending it overseas in a box to the queen in London. As the anonymous annalist of the town quietly put it, 'a great triumph had the earl', for he had won a terrible war which, had

¹⁵⁷ *Cal. Patent Rolls, Ire., Eliz. I*, p. 70.

¹⁵⁸ Note of traitors slain, 1 Dec. 1582 - 30 Sept. 1583 (P.R.O., S.P. 63/108/34). For others who died in the early 1580s, see N.L.I., Ms. 2181, *passim*.

¹⁵⁹ *Cal. State Papers, Spanish, 1580-86*, pp. 89 and 461.

¹⁶⁰ Edward Butler to Ormond, 2 March 1582 (P.R.O., S.P. 63/90/11).

¹⁶¹ Ormond to Burghley, 27 Jan. 1583 (*ibid.*, S.P. 63/99/33). He was eventually pardoned on 17 July 1585 (*Cal. Fiants Ire., Eliz. I*, no. 4754).

¹⁶² A.J. Sheehan, 'The killing of the earl of Desmond, November 1583', *Cork Historical & Archaeological Society Jnl.*, lxxxviii (1983).

¹⁶³ Ormond to Burghley, 15 Nov. 1583 (P.R.O., S.P. 63/105/67).

he failed to do so, would have ruined his credit at court and destroyed the very fabric of his lordship in the county.¹⁶⁴

But as he was soon to discover, the spoils of victory were tainted. Expecting a string of grants and honours from the crown, he reckoned without the opposition of his critics in the Irish administration, who were determined to prevent him expanding any further. In particular his critics feared that having proven his indispensability to the queen through (ironically) a demonstration of traditional Irish military skills, he might be promoted to the chief office in the land, the lord deputyship itself, with adverse consequences for their grip on power.¹⁶⁵ So loudly did they denounce him that the earl was forced to leave the country in 1584, travelling to the royal court in London, where he felt he could best defend himself in person before the queen. It was a difficult step to take. By leaving for court Black Tom absented himself from his lordship at a time when his presence was needed. The government was clearly gearing itself up to wrest greater control of the south. Suffice it to say, the challenge to his authority in Kilkenny and Tipperary had still to run its course. The increase in government activity there was set to continue.

Impairing Ormond's advance: the Shee-Lovell dispute

In fact, the intensification of Ormond's problems with the Dublin executive had begun even before the Desmond war was finished. Although he was well aware that the earl was highly regarded by both Elizabeth and Burghley, the new Lord Justice of Ireland, Sir Henry Wallop, had maintained a steady barrage of criticism, and after a while his comments about Ormond had begun to make their mark. Writing mainly to his friend Walsingham, Wallop repeatedly pointed out that the earl was much too powerful, and with considerable justification he claimed that unless something was done to curb his ambitions, Ormond would soon hold the government in the palm of his hand.¹⁶⁶ Even as Wallop wrote, the earl was able to stall plans for the projected plantation of Munster. The rebel estates that had escheated to the crown in Tipperary were seized by his servants, so that when the royal surveyors arrived to measure the land, the inhabitants refused to cooperate with them for fear of invoking Ormond's anger.¹⁶⁷

Wallop was not the only one to speak out against him. Among the army, a group of New English captains who had fought reluctantly under Ormond's command in Munster - they were clients of Leicester, Sidney and Lord Grey de Wilton - reckoned that he had been far too soft on the rebels, and they had accused him of prolonging the war there in order to safeguard his standing among the natives. Above all, the earl's detractors had united against him to condemn his wide use of protections as a ploy to coax the rebels away from Desmond. Each of them utterly reviled this policy. They could not understand how Earl Thomas had agreed to spare the lives of proven traitors for the sake of a few promises that they would not rebel again. Heatedly arguing that once a traitor, always a traitor, Wallop and the captains seem to have convinced Walsingham and others on the English Privy Council that Ormond had placed the realm in danger by leaving too many ex-Desmondites alive. As a result, the

¹⁶⁴ Ormond to Burghley, 28 Nov. 1583 (ibid. S.P. 63/105/83); Annals of Kilkenny, sub 1583 (O'Connor Don MSS, Clonalis House).

¹⁶⁵ Already in 1582 there had been rumours that he was to become co-governor with Sir James Croft: *Cal. S.P., Spanish, 1580-86*, p. 413.

¹⁶⁶ E.g., Wallop to Walsingham, 7 Feb. 1583 (P.R.O., S.P. 63/99/56); Wallop to Walsingham, 16 April 1583 (ibid. S.P. 63/101/28); Extracts from Wallop's letters to Walsingham, 17 Sept. 1584 (ibid. S.P. 63/111/89).

¹⁶⁷ Wallop and Browne to Walsingham, 4 Dec. 1584 (ibid. S.P. 63/113/16).

next phase of the government's assault on the County Kilkenny community revolved around the protections issue.¹⁶⁸

To a large extent, the increase in outside interference which so irritated him after 1583 was Ormond's own fault. Even his staunchest supporters were stunned by his behaviour at the Kilkenny assizes in August, when he ordered the officers of the court not to proceed with the execution of Piers Grace, 'the old father of treason' whom Ormond had hunted for many years.¹⁶⁹ To leave him locked up in the town gaol was bad enough, but the earl staged a still more flagrant display of leniency at the end of the year, when he brought his influence to bear in Dublin to get Piers an official pardon for his many offences.¹⁷⁰ Truly it was hard to comprehend how Thomas of Ormond, publicly celebrated as *A scourge for rebels* in a pamphlet printed in London,¹⁷¹ had let a traitor and murderer go free so that his reputation as a man of his word would remain untarnished. If this was what granting protections meant, few agreed with using them anymore.

The government's reaction was swift. Recognising the need for a strong man in Kilkenny to secure the county against a fresh upsurge of treasonous activity, it re-selected Francis Lovell as sheriff, the last person whom the soon-to-be-absent Ormond would have wanted. During the final phase of the war in Munster, Lovell had threatened to destroy Earl Thomas's achievements by forcing some of the natives on the Tipperary border back into the arms of the rebels through the severity of his deeds;¹⁷² now it seemed he was being encouraged to ride roughshod over the brittle calm which existed in Kilkenny, just as he had done in Sidney's time.

To make matters worse, despite renewing his prominence at court, there was little that Ormond could do to cancel Lovell's appointment. It transpired that Lovell had some very powerful friends in England, including Lord Grey and Sir Francis Walsingham.¹⁷³ Indeed, Lovell had obtained the post through Walsingham's recommendation, something which Ormond found hard to grasp. In his opinion, Lovell was a loose cannon, 'as bad a man and as vainglorious a fool' as could be found anywhere; to promote him was to court disaster.¹⁷⁴ The earl's misgivings quickly multiplied in the months ahead. Not only was Lovell untouchable as sheriff, but it seemed he might never go away. Again due to his contacts in London, he was assured of a lengthy residence in the county when he was granted a 21-year lease of the estate of the Comerfords of Ballymack, which had fallen into crown hands after 1569.¹⁷⁵ For Ormond, the grant was not a good omen: the Comerfords had been fairly quiet in recent years; awarding their lands to Lovell was a needlessly provocative step. Finally, any remaining hopes that the earl may have had that the local equilibrium could be preserved dissipated early in 1584, when Lovell ordered the execution of 42 people at the Easter assizes in Kilkenny town.¹⁷⁶

What made Lovell especially threatening was his heavy-handed meddling with religion. Indeed there are grounds for suspecting that he was an *agent provocateur*, hired to undermine Ormond by unveiling the Ormond territories as a hive of Catholic dissent. In the

¹⁶⁸ St. Leger to Burghley, 8 May 1583 (ibid, S.P. 63/102/17); *Cal. Carew MSS, 1575-88*, no. 494; Sir John Pope Hennessy, *Sir Walter Raleigh in Ireland* (London 1883), pp 29-30, 59, 95-6 The queen herself was wary of Ormond's use of pardons and protections: B.L. Egerton Ms. 3048, fol. 216v.

¹⁶⁹ White to Burghley, 24 Aug. 1583 (P.R.O., S.P. 63/104/31). See also White to Burghley, 20 April 1580 (ibid, S.P. 63/72/53).

¹⁷⁰ Loftus and Wallop to Ormond, 31 Dec. 1583 (ibid, S.P. 63/106/38). The pardon was formally processed on 16 January 1584 (*Cal. Fiants Ire., Eliz. I*, no. 4286).

¹⁷¹ Thomas Churchyard, *A Scourge for Rebels* (London 1584).

¹⁷² Ormond to Loftus and Wallop, 24 Dec. 1583 (P.R.O., S.P. 63/106/32).

¹⁷³ Lord Grey to Burghley, 21 March 1584 (ibid, S.P. 63/108/33); Ormond to Walsingham, 12 July 1584 (ibid, S.P. 63/111/21).

¹⁷⁴ Ormond to Burghley, 4 June 1584 (ibid, S.P. 63/110/59).

¹⁷⁵ *Cal. Fiants Ire., Eliz. I*, no. 4267.

¹⁷⁶ White to Burghley, 5 April 1584 (P.R.O., S.P. 63/109/10).

summer he accused Richard Shee of being a secret 'maintainer of papistry'.¹⁷⁷ Though there are grounds for believing that Shee was involved in some clandestine activities - based on later evidence - Lovell's allegation that he was a Catholic was not well founded. Shee had been one of the few local gentlemen to embrace Protestantism since the accession of Elizabeth I, and as a result the Church of Ireland archbishop of Dublin, Adam Loftus, immediately spoke out in his defence.¹⁷⁸ The charges were quietly dropped soon afterwards, much to Lovell's embarrassment, but even so the episode was far from over. Indeed, as we shall see below, in the near future Lovell would feel compelled to multiply his efforts to unseat Shee, who had delivered a telling blow to his aspirations by overcoming his charges so easily. In the meantime, Lovell continued his policing of the local Catholics, with some impact. Before the year was out, and at about the same time as unnamed government officials had the Cistercian community at Graiguenamanagh put to death,¹⁷⁹ he had succeeded in tracking down and executing John O'Phelan of Callan, one of the servants of Dr Nicholas Sander, the late papal representative to the rebels in Munster. Ormond was enraged. Because of mounting hostility between England and Catholic Spain, his close association with papists might be used to block his path to greater honours. Already he had seen the lord deputyship pass from his grasp, given to his one-time friend Sir John Perrot. The killing of the Cistercian brothers and Sander's man heralded what the earl most feared, i.e. a recusant-inspired lashback in the Kilkenny area which would strengthen his critics in Dublin.¹⁸⁰

The retaliation was immediate. On 7 November 1584 Francis Lovell was attacked by a band of renegades, who laid waste to his land at Lismacteige near Knocktopher. The raiders encountered no opposition on the way. Lovell's residence in the area was greatly resented by the Catholic gentry. A year previously some of those who had suffered at his hands during the Desmond revolt - principally the Sweetmans, the Walshes and the O'Ryans - had attempted to invalidate his claim to Lismacteige Castle by bringing him to court, manufacturing the story that the person who sold the property to him, David Serment, was not entitled to do so, being illegitimate. Lovell had rubbished the tale without much difficulty, and the estate had been confirmed to him by order of the queen a few months later, but his enemies would not give up without a fight. This was particularly true of the Walshes. The attack on his estate of November 1584 was led by Shane Brenagh fitz Robert, a man who twice before had experienced rough handling from Lovell and his fellow government agents.¹⁸¹ Predictably, Shane paid a heavy price for daring to seek retribution. Called upon to honour a forfeited bond of £300, Shane played for time and refused to pay. He had contacts in Dublin - who they were we do not know - and he fully expected to receive an official pardon for his offences. Sure enough, the pardon was issued in due course, and it was lodged in the office of Peter Dormer, the Clerk of the Crown for County Kilkenny. Despite this, however, Shane was unable to escape the wrath of Francis Lovell. Lovell was not concerned by the pardon and even turned down the chance to buy it from one of Dormer's servants, Nicholas Cleere. He had no need for corruption. The terms of the pardon applied only to crimes committed by Shane in County Kilkenny; it said nothing of crimes in Waterford or Tipperary. Lovell lost no time having Shane arrested and brought to trial in

¹⁷⁷ H.M.C., *Salisbury MSS. 1583-9* (London, 1889), p.44.

¹⁷⁸ Loftus to Burghley, 27 June 1584 (P.R.O., S.P. 63/110/82); Loftus to Walsingham, 27 June 1584 (ibid. S.P. 63/110/83).

¹⁷⁹ R. Dudley Edwards, *Church and State in Tudor Ireland* (Dublin 1935), p.311.

¹⁸⁰ Lovell to Walsingham, 25 Nov. 1584 (P.R.O., S.P. 63/112/86). For more details of O'Phelan's death, see *Articles of Shee's treasons*, n.d., circa March 1585 (ibid. S.P. 63/115/10). Ormond's fears were further exacerbated by the execution at Knocktopher of Cahir O'Ryan of Gurteen on 13 Oct. 1584: N.L.I., Ms. 2181, unpaginated inquisition held at Gowran, 1589.

¹⁸¹ Ibid. *Cal. Patent Rolls Ire., Eliz. I*, pp 68-70 and 81.

County Waterford, where 'by verdict of twelve men' Shane was condemned to die, and he was executed early in 1585.¹⁸²

Lovell was triumphant. As he had told his patron Walsingham, the behaviour of Shane corroborated his contention that the country of the absentee Ormond was still full of 'Robin Hoods', just as his old master Sidney had stated a decade ago.¹⁸³ However, despite this, the events surrounding the demise of one of the most dangerous outlaws of them all, Thomas Grace of the Mill, soon gave the lie to some of Lovell's aspersions. Rather than concentrate solely on ridding the area of its worst lawbreakers, it transpired that Lovell was far more concerned with ruining the career of one of his most dangerous opponents, Ormond's new deputy governor, Richard Shee.

Thomas of the Mill was the son of Piers Grace, and like his father he was a notorious bandit in the Kilkenny-Tipperary region, being described on one occasion as 'the first ringleader ... of villainy and rebellion within man's memory'. His infamy was such that in December 1584 Lovell had been able to assume the high moral ground when he discovered that Thomas had received a protection from the earl of Ormond. Early in the new year, however, Lovell stayed noticeably silent when the earl's servants, organised by Shee, galloped off in pursuit of Grace, who had broken the terms of the protection by resuming his criminal career. In February 1585 he was fatally surprised at Painestown in County Carlow by Piers Butler of Butlerswood, a deed which would normally have been considered worthy of praise and reward. Lovell had other ideas, and he skilfully turned the ambush to his own advantage.

Having consulted Piers Grace, Lovell condemned the killing in forthright terms. Thomas of the Mill, he said, had been shamefully murdered; he had been harmlessly travelling to Dublin under a royal protection to confer with Lord Deputy Perrot when he met his death; the attack was the work of the vilest vigilantes, and he accused Richard Shee of 'heinous treason' for masterminding it. The double standard was clear for all to see: here was Lovell proclaiming the innocence of a known rebel, the sort of man whom he himself had often stated should be afforded no mercy. Nonetheless, despite his hypocrisy, within weeks he got what he was looking for, as Shee was gaoled in Dublin Castle at the beginning of March. He was taken before the chief governor in June and forced to render his submission, and in September he had to enter a bond for £2000 (stg) before being allowed to ride home in disgrace to Kilkenny.¹⁸⁴ Francis Lovell had his revenge.

The fact that Shee was personally disliked by the new Lord Deputy added considerably to his problems with Lovell. Long ago in 1573 Shee had been embroiled in a heated argument with Perrot when the latter was President of Munster, and his spirited defence of Ormond's privileges in Tipperary had caused Perrot to think of him as a 'perilous fellow'.¹⁸⁵ His involvement in the ambush of Thomas of the Mill did nothing to lighten Perrot's dark view of him. As far as Perrot was concerned, the manner of Grace's death 'blemished the authority of the state' and undermined his credit as Lord Deputy. Prompted by Lovell, Perrot made sure that Shee found the going tough while he remained in office. Shee's principal accomplices, Piers of Butlerswood and his brother Thomas Butler, were

¹⁸² The inquisition into his estate is dated 15 May (N.A.I., Lodge MSS, Records of the Rolls, Vol. I, pp 216-7), but he was dead by the beginning of April: Perrot to Walsingham, 2 April 1585 (P.R.O., S.P. 63/116/3). See also Lovell to Walsingham, 3 Dec. 1584 (ibid, S.P. 63/113/8), and N.A.I., C.P., parcel U, no. 78. Apparently Lovell could have had the pardon from Cleere for £10.

¹⁸³ Lovell to Walsingham, 25 Nov. 1584 (ibid, S.P. 63/112/86).

¹⁸⁴ Quinn (ed.), 'Cal. Ir. Council Bk', p.172; *C.S.P.I.*, 1588-92, p.287; Lovell to Walsingham, 22 Feb. 1585 (P.R.O., S.P. 63/114/78); Lovell to Walsingham, 4 March 1585 (ibid, S.P. 63/115/9); Petition of Richard Shee, 25 June 1585 (ibid, S.P. 63/118/19, enclosure i).

¹⁸⁵ Perrot to Burghley, 11 May 1573 (ibid, S.P. 63/40/35).

both likewise incarcerated for a time in Dublin, and it was only with great reluctance that Perrot bowed to Ormond's protests in London and authorised their release in January 1586.¹⁸⁶

Their discharge should have brought matters to a conclusion for the earl and the local landlords. That it did not do so was due entirely to Ormond. Although his intervention on his followers' behalf was fairly successful, securing their freedom, it did not assuage the anxieties of the County Kilkenny gentry about the menace posed by Lovell, for astonishingly, Ormond had co-operated with Lovell even while he prosecuted his servants. Indeed, when Richard Shee was locked up in Dublin during the spring and summer of 1585, the earl - either out of touch at court or, just as likely, in an attempt to reassure Walsingham and others among his critics - had accepted Lovell's services, and thereby dumbfounded his supporters.

Essentially a financial understanding, the earl had gone along with Lovell's suggestion that he instigate legal proceedings to acquire the wardship of Robert, the six-year old son and heir of James Walsh of Ballinacowley. Even though Richard Strange of Dunkitt, the head of a prominent family traditionally tied to the house of Ormond, stated that the wardship rightfully belonged to him, Lovell reckoned that his claim was a fiction. According to his own information, the wardship should have gone to Earl Thomas as the lord of the manor of Knocktopher, and he consequently struck a deal with Ormond whereby they agreed to split the profits evenly between them if he was able to prove the case in Chancery. The earl should have ignored the offer. The Walshes of Ballinacowley were small but relatively dependable gentry who had remained loyal through the troubles of recent years; politically, there was nothing to be gained by encouraging Lovell to interfere in their affairs. Even worse, the manner in which Lovell set about the business was guaranteed to cause resentment: acting now (rather perversely) as Ormond's representative, he elbowed his way onto the Walsh estate in the spring of 1585 and refused to budge, much to the annoyance of Richard Strange. It was probably just as well for Ormond, therefore, that he and Lovell lost the case when it was brought before the Lord Chancellor in May; their partnership, if such it was, was a dangerous one, and it left Ormond with a newly-emerging reputation for rapacity which he subsequently found difficult to shake off.¹⁸⁷

However, once the Walsh wardship was confirmed to Strange, the earl quickly resumed his usual stance in local affairs. His coffers no fuller than before (and his relations with Walsingham on a better footing), he had no reason to continue the flirtation with Lovell, and thereafter he rapidly severed contact with Shee's greatest foe. Lovell for his own part knew better than to make any more overtures to the local overlord. Saddled with paying the costs of the court proceedings, and certain that all hope was gone of gaining the earl's patronage after Shee was freed, he reverted to the tried and trusted tactics of yore, yet again beavering away at the foundations of the Ormond interest in the county. Several senior members of the O'Ryans of Farren-O'Ryan were attainted and executed,¹⁸⁸ and in June 1586 he and his wife, Elizabeth Stafford of Dungarvan, successfully brought an action against Sir Edmund Butler in the court of Exchequer, and they were awarded £200 (Ir) for their trouble.¹⁸⁹

It is interesting to note that Earl Thomas still found it rather difficult to have the troublesome sheriff removed. As well as having powerful protectors in England, Lovell was

¹⁸⁶ *C.S.P.I. 1586-8*, pp 2-3; C. McNeill (ed.), 'The Perrot Papers', *Anal. Hib.*, no. 12 (1943), p. 34.

¹⁸⁷ *Cal Patent Rolls, Ire., Eliz. I*, pp 187-8.

¹⁸⁸ N.L.I. Ms. 2181, unpaginated inquisitions held at Kilkenny and Gowran, 1589.

¹⁸⁹ As Note 187; N.A.I., R.C. 6/1: Exchequer Decrees, 1536-1624, p. 177.

held in high esteem by the Lord Deputy, Sir John Perrot, who now that he headed the government, could no longer afford (for the sake of his own authority) to be a friend to Ormond. Consequently, when the earl had his servants draw up charges against Lovell in 1587, accusing him of abusing his position while sheriff and martial law commissioner in the county, 'executing divers persons ... for his own private gain than upon any just cause, ... [all of whom were] out of the compass of martial law', Perrot refused to move. Instead of penalising Lovell, he saw to it that the investigation into his alleged misdeeds got nowhere through a pretence of administrative incompetence. The entire trial process was thus rendered a farce. Perrot, in order to protect Lovell, demanded that the Kilkenny justices of the peace (all Ormond's men) were to deliver the evidence for their case against Lovell into his hands in Dublin by Monday 24 April 1587; yet his order for the convening of the county court on Saturday 22 April was not sent down to Kilkenny until Thursday 20. Henry Shee, Ormond's secretary and the leader of the anti-Lovell party, was exasperated. He did not have enough time to empanel a jury and summon his witnesses to try the sheriff. In contrast, it transpired that Lovell had been tipped off by Perrot about the investigation, and so he was able to turn up at the court with all his witnesses. With no case to answer, the trial was abandoned, and Lovell was free to carry on his work in the county against Ormond's interest.¹⁹⁰

Lovell would probably have maintained his assault for many more years, but his position in County Kilkenny was destroyed in 1588 when Sir John Perrot was removed as Lord Deputy and replaced by Sir William Fitzwilliam, Ormond's former ally. Although Fitzwilliam had been badly stung by the earl in the past, his approach to government had not altered greatly since the early 1570s, and he still intended to leave Kilkenny and Tipperary in Ormond's hands. Moreover, Fitzwilliam harboured no ill feelings towards Richard Shee. On the contrary, he thought highly of him, and this as much as anything else spelled the end of Lovell's local authority. Within weeks of the new Deputy's appointment, Shee was named as sheriff of Kilkenny in place of his rival, and his observations on the security of southern Leinster were carefully listened to in Dublin.¹⁹¹ To cap it all, Shee was knighted by Fitzwilliam in 1589,¹⁹² an occurrence which, for the moment at least, confined Francis Lovell to a place in the cold.

To conclude, by all appearances it must have seemed that Lovell had failed in his mission to strip the Ormond lordship of much of its power and independence. Yet as events would show, things were not that cut and dried. Lovell may have lost a battle, but he was winning the war, albeit at a heavy price for his employers in Dublin. To better understand his impact, it will be necessary to review the mid-1580s in greater depth, and to look more closely at the general direction of government policy under successive chief governors, especially that pursued by Lovell's principal Irish supporter, Lord Deputy Perrot.

The expansion of the Protestant state

Although Ormond, Shee and most of the county elite managed to weather the storm, the intrusion into local affairs which Lovell had been able to make before Perrot's sacking had had some very important results. Above all, it had produced a dramatic increase in the level of control exercised by the state during the earl's absence, as its tentacles reached out to embrace more and more aspects of everyday life in the county. Gradually, Kilkenny was

¹⁹⁰ *C.S.P.I.*, 1586-88, pp 294-5.

¹⁹¹ According to the Messengers' Book of 1588. Shee was particularly mindful of the movements of Feagh McHugh O'Byrne in Wicklow (B.L. Add. Ms. 5754, fol. 106r).

¹⁹² *C.S.P.I.*, 1592-6, p.200. He was dubbed a knight sometime between 2 Feb. and 2 Nov. 1589 (*Cal. Fiants Ire., Eliz. I*, nos. 5292 and 5368).

moving away from its centuries-old status as a border shire, and the erosion of its autonomy was part of the process. It can only be surmised to what extent things may have turned out differently had Black Tom been present to meet the challenge on the spot.

In financial terms, the crown's growing ability to police outlying areas like Kilkenny could be construed as a threat by the locals, for the extension of the royal writ coincided with a greater effort by officials in the court of Exchequer to collect all outstanding forms of revenue and impose fines and taxes to the hilt.¹⁹³ This development was particularly bothersome because the economic and social status of those whom it affected varied a great deal. For example, those who performed a service for the state by putting in bonds to guarantee the good behaviour of former troublemakers included yeomen and tenant-farmers as well as landlords. But while the latter could usually afford to honour their commitments if a law-breaker broke bail, such was not the case with their social inferiors. Despite this, however, the officers of the Exchequer, bureaucrats by training, were solely interested in revenue collection, and they eagerly seized the opportunities afforded by the growth in the civil arm to gather in any sum that was due, irrespective of the status of those who were liable. In this way, two yeomen from the mid-south of the county, Walter Butler fitz Theobald and John Butler fitz James, were called to account for bonds amounting to £50 (Ir) in 1594, seven years after entering a recognisance on behalf of William Walsh of Meallaghmore, one of their neighbours. Unfortunately for them, there was no hope of the sum going unrealised, as the Exchequer passed the rights of collection onto Robert Collome, a captain in the Irish army who was owed money by the crown.¹⁹⁴ It is not surprising, therefore, that for the remainder of Elizabeth's reign, the number of locals who were willing to stand bail seems to have gradually declined.

To compound this growing rift between government and governed, the religious policy of the Protestant state was beginning to bite. In 1582 the papacy had at last found a replacement for Bishop John O'Thonery in the shape of Dr Thomas Strong, a thirty-five-year old Waterford man who had resided for a time in Paris and also in Spain, and on 28 March he was named as the new Catholic bishop of Ossory.¹⁹⁵ He was not destined to have much of an impact. Following his consecration in Rome on 5 April, he set out for home, but the growth of Protestant power in Ireland following Desmond's defeat had heightened the dangers of such a journey. After a series of frustrating delays he eventually made it ashore in October 1583, landing somewhere on the southern coast, from whence he travelled to Kilkenny disguised as a gentleman 'in ruffling apparel, with gilt rapier and sword'. He managed to evade the government's spies for a few months, but late in the summer of 1584 fear of impending arrest persuaded him to once again take to the sea and sail to the Continent. He never returned, and died in Spain early in the seventeenth century.¹⁹⁶

His departure would not have seemed so serious if others had remained behind to take his place, but this was not to be. In response to the menace posed by Francis Lovell, Captain Thomas Lee and other Protestant officials, and after the shock of the executions of Sanders' man, John O'Phelan, and the Graiguenamanagh Cistercian community, the Catholic clergy sensibly went into hiding during the later 1580s. One such was Laurence Reneghan, who

¹⁹³ E.g., see the terms of the royal pardon granted to Piers Gall of Gallstown and others on 28 May 1585: *Cal. Fiants Ire., Eliz. I*, no. 4468.

¹⁹⁴ N.A.I. Ferguson MSS, Memoranda Rolls of the Exchequer, Eliz. I, 1586-1603, pp 427-30. The two Butlers were tenants in the Walsh country, living at Daveystown and Kildrummy respectively. All three were the subjects of a pardon on 4 May 1587 (*Cal. Fiants Ire., Eliz. I*, no. 4993).

¹⁹⁵ Anon (ed.), 'Miscellanea Vaticano Hibernica', pp 161 and 175; Moran, 'Bishops of Ossory', p.259.

¹⁹⁶ *Ibid.*, pp 260-1. He died in Compostella on 20 January 1601. In 1589 he was seen there by a Limerick merchant, who reported his whereabouts to the English government: Report of Christopher Arthur, March 1589 (P.R.O., S.P. 63/142/26).

having installed himself in Callan parsonage in June 1584,¹⁹⁷ is known to have made himself scarce twelve months later, leaving one of his debtors behind to declare testily in a Dublin court that 'the said Laurence absenteth himself out of the said County of Kilkenny and ... his dwelling is uncertain'. Indeed, the complainant, Francis Dormer of New Ross, had good reason to be angry, for it seems that Father Reneghan had borrowed £10 (stg) from him just days before disappearing.¹⁹⁸ He did not return to the county until the early years of the next century.¹⁹⁹

The deterioration of conditions governing the practice of the Catholic religion was consolidated by the activities of the Protestant bishop of Ossory, Nicholas Walsh. Confident of the full support of the Dublin executive, he set about building up the finances of his see, which had taken a terrible battering in the mid-Tudor period. As he noted in a petition to the queen, his see only brought in £130 per annum, where it used to produce £360.²⁰⁰ Scouring through the medieval records of the diocese, he began to resurrect the long-dormant claims of the bishops of Ossory to timber supplies and other rights in some outlying woodlands,²⁰¹ and he similarly pressed the corporation of Waterford for an annual payment out of the estate of the dissolved convent at Kilculiheen.²⁰²

Side by side with redeveloping his material base, Bishop Walsh also dedicated much of his time to improving the moral standards of his reluctant flock. Commonly reputed a godly man among the Dublin Protestants, the bishop seems to have castigated his Kilkenny congregation for their unseemly behaviour when they bothered to go to church. Although his authority was ignored in most areas of the county, this was not so in the liberty of Irishtown, that part of Kilkenny which lay under his jurisdiction as bishop. Thus the 1580s witnessed the introduction of a clutch of new bye-laws aimed at reforming the conduct of its erring inhabitants. At a time when food was in short supply, his officers singled out greed for special censure, and large-scale feasting at christening services or at 'the churching of women after childbirth' was prohibited. The bishop's influence also lay behind the outlawing of the manufacture of aquavivae in the town in 1585.²⁰³

Eventually, however, the level of social control to which he aspired proved to be his undoing. Sometime late in 1585 he called James Dullard of Ballyspellane before him in the diocesan court to answer for 'his adultery in keeping a harlot, having put away his wife'. He picked on the wrong man. Dullard was a professional soldier in Ormond's service who had recently been put on a bond to keep the peace by Sheriff Lovell; he was afraid that a full legal enquiry into his affairs would reveal things which 'touched his neck nearer than adultery'. Hence when the Protestant prelate threatened to have him imprisoned, it drove him over the edge. Stealing into the episcopal palace beside St. Canice's, Dullard 'ran the good bishop through [with his dagger], and ... killed two more in the house and hurt two women'. Dullard did not get away with this brutal attack. Shortly after effecting his escape he was overtaken by Donal Spaniagh Kavanagh - a Catholic Irish lord - who killed him and sent his head to Dublin. Alas, too late for Bishop Walsh. Unable to stop the bleeding caused by the stabbings, he died of his wounds on 14 December, apparently the forty-fifth person whom

¹⁹⁷ *C.O.D.*, vi, no. 11.

¹⁹⁸ N.A.I., C.P., parcel H, no. 71. Having got the money from Dormer on 21 June 1585, Reneghan is last recorded as resident in Kilkenny a day later (*C.O.D.*, vi, no. 24).

¹⁹⁹ See Chapter Five below.

²⁰⁰ N.A.I., Ferguson MSS. Reportory to the Memoranda Rolls, Edward VI - Eliz. I, p.186.

²⁰¹ N.A.I., Lodge MSS. Records of the Rolls, Vol. I, p.219.

²⁰² Lawlor (ed.), 'Cal. Liber Ruber', p.189.

²⁰³ Ainsworth (ed.), 'Irishtown Corporation Bk', pp 40 and 45(= Kilkenny Corporation Archives, Ms. CR/F 1, ff.39r-v and 44v).

Dullard 'had murdered with his own hand' during his violent career.²⁰⁴ It is possible that most of his other victims had been killed with Ormond's knowledge: understandably, the earl stayed silent about their relationship.²⁰⁵

Although an extreme case, Dullard's killing of Bishop Walsh was probably indicative of the resentment and hostility that some locals felt towards the growing presence of the state in the daily affairs of the community. To put it another way, the fact that Bishop Walsh was a Protestant magistrate helped to seal his fate: though many people were shocked by his murder, they could probably understand why he was attacked. In the religious sphere, the government's enforcement of existing anti-Catholic law as embodied in the statute 2 Elizabeth was leading an increasing number of people to look upon the queen as head of an alien church, for the statute compelled them to practise their faith furtively. For some like Walter Ley it was too hard to bear. The eldest son and heir of a prominent Kilkenny merchant, Nicholas Ley, he emigrated to Spain, and despite inheriting a large estate on his father's death in November 1585, he chose not to return until 1601 (when he sailed with the Spanish invasion fleet to Kinsale), in the meantime letting the property pass instead to his younger brother.²⁰⁶ His decision to remain in exile throughout the 1580s and '90s is easily explained, for conditions at home were increasingly dangerous for the practice of his religion.

The outbreak of hostilities between England and Spain after 1585 greatly intensified the situation. As the Armada crisis came and went in 1588-9, a wave of Protestant paranoia swept through government circles, and all over Ireland the agents of the reinstated Lord Deputy, Sir William Fitzwilliam, stepped up their surveillance of Catholics, who they feared might offer aid to the Spanish king, Philip II. Henceforward the number of government spies multiplied, and by the early 1590s the administration in Dublin Castle was well informed of the movements of a small group of priests who were roaming around Kilkenny, Tipperary and Waterford in an attempt to minister to their co-religionists. The crown even managed to discover who was sheltering these 'earnest preachers of popery'. For example, John Ley, the sixth son of the aforementioned Nicholas Ley, kept a cleric under his roof in Waterford, and a priest named Patrick O'Hoen lived in Kilkenny with the earl of Ormond's servant, Robert Rothe.²⁰⁷

In a bid to tighten its grip still further, the government considered asking all office-holders to take an oath denouncing the pope's authority at about this time,²⁰⁸ and it was probably because of religion that Sir Richard Shee was chosen as sheriff of Kilkenny by Lord Deputy Fitzwilliam a few months after the Spanish Armada had failed.²⁰⁹ A loyal Protestant, Shee had ordained in his will of 1587 that the inmates of his almshouse in Kilkenny should attend St. Mary's parish church, 'there to hear divine service ... according to the laws and statutes of this realm'.²¹⁰ As a result, he seemed the ideal candidate for what was a delicate job. Not only was he Earl Thomas's leading local representative, endowed with all the authority which such a position implied, but he was also a Protestant, willing to uphold the established church and keep an eye on the Catholics.

²⁰⁴ McNeill (ed.), 'Perrot Papers', pp 35-7; *Cal. Fiants. Ire., Eliz. I*, no. 4385; *C.O.D.*, vi, no. 4; Quinn, 'Nicholas Walsh', p. 296.

²⁰⁵ All the more so as the earl had recently denounced the government for attempting the assassination of rebel Munster lords: Pope Hennessy, *Sir Walter Raleigh*, pp 96-8.

²⁰⁶ W. Carrigan (ed.), 'Old Waterford wills: Alderman Nicholas Ley', *Waterford & S.E. of Ire. Arch. Soc. Jnl.*, ix (1906), pp 210-11; Thomas Stafford, *Pacata Hibernica*, ed. Standish O'Grady (London 1896), ii, p. 67. After the battle of Kinsale, he returned to Spain in 1602.

²⁰⁷ Oxford University, Bodleian Library, Rawlinson MSS. C.98, ff 26r-29v.

²⁰⁸ *C.S.P.I. 1588-92*, p 440.

²⁰⁹ See Appendix 3.

²¹⁰ W.G. Neely, 'Kilkenny City', p 111.

Unluckily for the government, he did not exercise his office honestly. Taking advantage of the extensive powers which had been granted to him - he received two successive commissions for martial law²¹¹ - Shee saw his chance to line his pockets, and he demanded a string of bribes from the Catholic inhabitants of Kilkenny and Tipperary in return for not enforcing the law against them. Predictably, some of his victims reported his extortion to the central authorities, and a full-scale inquiry into his activities was launched in the early 1590s which ultimately spelled the decline of his public career. The crown never appointed him to a major office again, and even his erstwhile friend and protector the earl of Ormond decided to drop him as the governor of his territories: he was removed from the post before October 1591.²¹² It is interesting to note that thereafter during the mid-1590s he was regularly badgered by his old enemy, Francis Lovell, who repeatedly accused him of embezzlement in the Dublin courts, and there seems every reason to suspect that Lovell had helped to orchestrate his downfall.²¹³

Sir Richard's behaviour had caused grave embarrassment for the still absent earl, who characteristically tried to encourage conformity to the Elizabethan religious settlement without antagonising the Catholics under his rule. Shee's corrupt dealings had flown in the face of this policy, which required tolerance and tact. In 1587 Ormond had made sure that Nicholas Walsh's successor as bishop of Ossory, the Englishman John Horsfall, was given a reassuring welcome when he arrived in Kilkenny to take charge of his see;²¹⁴ a few years earlier the earl had likewise welcomed the papal archbishop of Cashel, Dr Dermot O'Hurley, when the latter had arrived in Tipperary, entertaining him at Carrick. Similarly, he allowed his ex-monastic estate at Holy Cross Abbey to remain as a popular Catholic centre of pilgrimage while simultaneously demanding that his tenant of the site find 'a curate [for the church building] to serve the parishioners according to the queen's proceedings, not permitting any service or ceremony contrary to these proceedings', i.e. the curate was to follow the form of service of the Church of Ireland.²¹⁵ As one author has put it, 'religious allegiance lay lightly upon him [Ormond]',²¹⁶ but there was more to it than that. In an age of mounting religious strife, the earl's apparent coolness to religion was no easy thing, for it risked earning him the mistrust of both Catholics and Protestants. To retain his influence in both camps he had to be seen to be indifferent. Only by maintaining a carefully contrived *via media* was he able to defend his clients who were accused of disloyalty because of their stubborn addiction to popery, while at the same time flexing his muscles to curb the government's more aggressive recusant-baiting policies.²¹⁷

Yet, for all his efforts, Black Tom of Ormond could not escape being associated with the gathering religious storm. In the newsletters of the time, he was referred to as 'the heretic earl' by the Catholic hierarchy.²¹⁸ No matter how much he tried to ignore the fact, he was part of a system of government which increasingly excluded Catholics from positions of power and viewed their religion with suspicion. Only those who conformed by recognising Elizabeth as head of the church could rise in the state service, and aside from the earl, there were just two men from Kilkenny who were able to do so, Gerald Comerford of Inchyloghan and Sir Nicholas Walsh of Clonmore. Both accepted the royal supremacy and were handsomely rewarded, Comerford being made the Attorney for the province of

²¹¹ *Cal. Fiants Ire., Eliz. I.* nos. 5292 and 5393.

²¹² *C.S.P.I.* 1588-92, pp. 425-7.

²¹³ N.A.I., Ferguson MSS. Abstracts of Exchequer Orders, 1592-1657, pp. 4-5 and 9.

²¹⁴ H.M.C., *Salisbury MSS.* 1583-9, pp. 264-5.

²¹⁵ White (ed.), *Ir. Mon. & Ep. Deeds*, p. 269.

²¹⁶ William Hayes, 'Dermot O'Hurley's last visit to Tipperary', *Tipperary Historical Jnl* (1992), pp. 163-73, esp. p. 167.

²¹⁷ Ormond's tolerant attitude is discussed in Neely, 'Kilkenny City', pp. 111-12.

²¹⁸ J. Hagan (ed.), 'Miscellanea Vaticano - Hibernica, 1580-1631', *Archivium Hibernicum*, iii (1914), p. 234.

Connaught, and Walsh rising to become Justice of the court of Queen's Bench and a member of the Irish Privy Council.²¹⁹ Their success set them apart from the rest of the shire community, which by the early 1590s was beginning to wince under the impact of the government's programme. Catholics returning from abroad were closely watched by Ormond's agents, and if they were found to have had dealings with the Spaniards or the Jesuits, the earl did not hesitate to order their arrest and interrogation.²²⁰ As a result, his own popularity and that of his associates slipped quite badly. Sir Nicholas Walsh was physically threatened, and thought of leaving Ireland for good 'in respect of his own safety'.²²¹ To some it may have seemed that at last the writing was on the wall for the Ormond lordship in County Kilkenny.

Fragmentation? The composition controversy

Potentially serious divisions were also revealed by the taxation question. For many years now the Kilkenny community had been able to evade the payment of composition, a charge which was levied by the crown in return for looking after the county's defence. Originally proposed as a means by which to replace coign and livery, composition had only been accepted by Ormond and the local gentry in 1578, three years after coign had been abolished in Kilkenny (and two years after composition had been tentatively introduced in Desmond's territories).²²² There were many reasons for this delay in its inception, partly because of the manifest failure of the government's troops to protect the shire from raids by its neighbours, but most importantly, composition was not imposed in Kilkenny until Earl Thomas had received the queen's assurance that his lands would be unaffected by both it and cess.²²³ A crucial concession, its meaning was not fully appreciated by the local inhabitants for several years - the outbreak of the Desmond war in 1579 had ended any chance of its collection - and it was only in 1584 or thereabouts that the Kilkenny gentry came to realise that their lord and master was set to prosper at their expense, unless he was willing to offer them some form of compensation.²²⁴ Having evaded the tax himself, was he prepared to limit the economic impact of its imposition on the local gentry and freeholders?

When Francis Lovell was despatched to the county in the mid-1580s to make arrangements for its collection of the composition money, the local reaction to his work did not augur well for the future of either Kilkenny/Dublin or Kilkenny/Ormond relations. Because the tenth earl owned approximately one-third of all land in the county, so the rest of the shire's landowners awoke to realise that they - holding only two-thirds - would have to foot the tax bill for all the available land (including Ormond's) unless the crown agreed to lower the total figure. The chances of that happening did not seem good: the only way that the Dublin executive would reduce the composition rate on the gentry was if Ormond's exemption was rescinded. Hence it came to pass that the period 1584-94 was characterised by a quagmire of acrimonious exchanges between the landlords of the county, the central authorities and the London-based earl of Ormond.

The bitterness of the dispute was greatly exacerbated by the unevenness of the composition demands. Again the size of the Ormond estate was the core of the problem. In

²¹⁹ *Cal. Fiants Eliz. I*, nos. 4607, 4625, 5096 and 5583.

²²⁰ E.g., *C.S.P.I.*, 1592-6, p.246.

²²¹ Note concerning Justice Walsh, n.d., (P.R.O., S.P. 63/142/41). See also Nicholas Canny, 'Why the Reformation failed in Ireland: une question mal posee', *Jnl. of Ecclesiastical History*, xxx (1979), pp 430-1.

²²² *Cal. Carew MSS.* ii, no. 80 (2).

²²³ Remembrance for the earl of Ormond, 29 May 1578 (P.R.O., S.P. 63/60/66).

²²⁴ Much of what follows is based on *C.O.D.*, v, no. 146: for the introduction of composition in Desmond country, see Brady, 'Faction', pp 296-7.

simple terms, those unfortunate enough to own land where the earl's estate was most predominant would have to pay the heaviest rate. Thus, for example, the gentry who inhabited the midland barony of Shillelogher found the composition charges five times more difficult to meet than their counterparts in south-eastern Ida, and all because parcels of the earl's tax-free patrimony comprised 50% of the former and barely 10% of the latter (see Chart 4.1 below). The obvious lesson to be learned was that henceforward close proximity to Ormond's land was not without its drawbacks, a significant development, considering that for such a long time nearness to the earl's castles had been a source of comfort to many of the gentry, especially those living in outlying border areas.

Chart 4.1: Ormond's exemption from composition in County Kilkenny, c1584-7

<u>Barony</u>	<u>Total size</u> (in ploughlands)	<u>Ormond's freedom</u> (in ploughlands)
Crannagh	6.0	2.60 (40%)
Shillelogher	10.0	5.00 (50%)
Kells	9.0	4.66 (52%)
Knocktopher	6.5	1.25 (19%)
Iverk	10.0	3.50 (40%)
Ida	11.0	1.16 (11%)
Gowran	16.0	4.66 (29%)
Galmoy	6.0	2.33 (39%)
Fassadinin	<u>6.0</u>	<u>1.50 (25%)</u>
	80.5	26.66 (33%)

(Source: *C.O.D.*, v, no. 146).

Moreover, growing resentment of Earl Thomas was given a further boost when it emerged that his exemption promised to bring the lesser landlords of the shire nearer to their run-down fellows in the distant counties of Galway and Clare. In 1585 these too had found their economic status threatened by the local overlords, when the lands of two nobles, the earls of Clanricard and Thomond, were designated free from the composition of Connaught. The comparison seemed strikingly apt by the early 1590s, when it was reported that tenants were evacuating smaller composition-bearing estates to settle on Ormond's land in Kilkenny just as the promise of lower rents on the Clanricard and Thomond lands was drawing tenants away from their respective neighbours in the west. It was self-evident that, like the Connaught composition, the operation of composition in County Kilkenny was promoting the aristocracy at the expense of the gentry, the rich at the expense of the poor, the very opposite, in fact, of what it was supposed to achieve when it was first conceived.²²⁵

The inequality of this situation also served to speed up the process of fragmentation which other government policies had recently generated among the county community. Indeed, a dog-eat-dog attitude soon prevailed inside the shire. For many it seemed that because Ormond was bound to escape the tax, they also had better ensure that they were

²²⁵ Gardiner to Burghley, 13 May 1592 (P.R.O., S.P. 63/164/28); Bernadette Cunningham, 'The Composition of Connaught in the lordships of Clanricard and Thomond, 1577-1641', *J.H.S.*, xxiv, no. 93 (1984), pp 1-14.

liable for as little as possible: if this meant passing the bill onto their neighbours, so be it. Thus the landlords of each barony came to look suspiciously upon the composition rates imposed in other regions of the county. Those who lived in Galmoy became jealous of those who lived in Fassadinin, and so on. As much to annoy other landowners as to aggravate the government, some of the Kilkenny gentry questioned the way in which cess was reckoned. In 1592 the royal commissioners had to listen to criticism that the size of each barony had not been properly established. The extent of 'chargeable land' had been decided through guesswork, 'by view and estimation, and not according to the quantity ... of acres'. Finally, if the crown's composition demands succeeded in turning landlord against landlord, it probably also helped to widen the gulf which traditionally existed between town and countryside, for all the towns of the county were exempt as well. Gowran's freedom had been acquired relatively recently, in 1566, and local opinion seems to have been hostile towards it, as a contemporary document written on the gentry's behalf refers to the privilege as a 'claim' rather than a proven right.

Serious though these internal tensions were, they were not enough to prevent the county community from coming together to present a united front against the Dublin government. Try as it might, the central administration found it impossible to collect composition in Kilkenny during the late 1580s. The replacement of Perrot by Fitzwilliam did nothing to slacken the resolve of the gentry not to pay up. For instance, an order issued by Fitzwilliam in October 1588 demanding payment of composition which had been outstanding since May 1586 went totally unheeded in the shire.²²⁶ Furthermore, a year later, in 1589, the community stepped up their obstructionist campaign when Robert Rothe of Tullaghmaine travelled to London to present their case to the Privy Council. His statement showed how far the sense of alienation from Dublin had spread in Kilkenny. Bitterly ridiculing the tiny royal garrisons at St. Mullins, Leighlinbridge and Maryborough as hopelessly ineffectual, Rothe pointed out that the county had still to look to its own defence. Why, he wondered, should Kilkenny contribute to the composition at all, especially when 'the same was made and set down by those of the Pale for the ease of their own charge'. Waving the localist flag for all it was worth, he departed, and the government had to wait a further three years before the issue was finally settled in 1592.²²⁷

Rothe's role in spearheading the county's opposition to the levy is significant, for he was one of Ormond's principal servants and men of business, fast emerging as a natural successor to Sir Richard Shee. The suspicion that Earl Thomas had encouraged Rothe to assume the leadership of the local agitation is increased by the fact that the deal which allowed the crown to proceed with collection was actually organised by Ormond. More than anyone else the earl had a vested interest in controlling the means by which the composition question would be resolved. The inequalities that his exemption had exposed threatened to create a festering pool of resentment in his territories which, if left unchecked, might lead to a diminution of his authority. Rothe's appearance at the forefront of anti-composition agitation may have been one strategy employed by the earl to reassure the county landlords of his concern for their plight; personal involvement in high-level discussions with the crown was the other. Though never prepared to give up his exemption, Ormond was determined to maintain his profile as the feudal protector of Kilkenny and Tipperary, and he tried to persuade the authorities that an accommodation with the local community was the surest way to avoid confrontation and achieve an equitable solution.

²²⁶ *C.S.P.I.*, 1588-92, p. 62.

²²⁷ *Ibid.*, pp. 187-8.

Accordingly, the gentry entered into negotiations. Almost certainly the threat of government reprisals played its part in bringing them to the table, but in addition they must also have expected to receive substantial concessions as a reward for their cooperation, pinning their hopes on Ormond's influence to get them a better deal. In the event, they were to be sorely disappointed, but Ormond - devious, manipulative Ormond - drew some satisfaction from the talks, not least because he was able to blame the government for failing to reach an adequate compromise with the local delegates. Perversely, not only was the composition making him richer, but having set up the talks to facilitate its collection, it was helping to consolidate his overlordship in the area.

After earlier railing at the government's demand for £168 (stg), a group of fourteen gentlemen headed by Richard Strange of Dunkitt attempted in April 1592 to haggle with the royal commissioners, Sir Robert Gardiner and Roger Wilbraham, over the composition rate. The talks lagged on for months, but Gardiner and Wilbraham were experienced negotiators, and when the talks ended before Christmas they had given away very little, sending the delegation of landlords home to Kilkenny with a revised cess of £160 (stg), a reduction of less than 5%.²²⁸ Nothing was done about Ormond's freedom, so that the inequalities of the composition rates - the root of the problem - remained in place. With the threat of a new war looming in Ulster, the tax was continuing to excite widespread resentment against the government, but not against Ormond. The fragmentation of community ties that the composition had heralded continued, but in such a way that the earl's role as a bridge-builder between local families, landowners and merchants was increased, not decreased.

The local gentry were still determined to pay as little as possible of the tax, and some of them were quite prepared to abuse their powers as government agents in order to intimidate others into footing the bill. In 1593 three leading county landlords, John Grace of Grace's Court, Oliver St. Leger of Tullaghanbroge and Richard Fitzgerald of Burnchurch, were employed as the collectors of the composition money in the county. Rather than place the cost squarely on the shoulders of their own tenants or those of their friends and relatives, they decided to impose the composition on a wider range of people than it was intended for. One of their principal targets was the small market town of Inistioge, and in April they tried to force its inhabitants into making a contribution. In doing so, they rode roughshod over the corporate privileges of the town, which according to its medieval charters, was free from all outside charges and demands apart from the royal subsidy. Understandably, the people of Inistioge were outraged by the collectors' demands and they refused to pay. Urged on by a local husbandman, Edmund Britt, and his wife, Ellen, the townsmen resolved to fight it out in the courts. On 26 July 1593, the justices of assize upheld their case in the local sessions house, only for Grace, St. Leger and Fitzgerald to ignore the judgement. This left the townsmen with no alternative but to bring their persecutors to trial in Dublin, where the case was finally confirmed in their favour by the barons of the Exchequer in 1594.²²⁹

And so it was that the composition finally swung into operation in Kilkenny right on the eve of the Nine Years' War, its capacity for discord clear for all to see. The perceived unfairness of the tax, combined with widespread dislike of the state's religious policies and fear of an expanding central government, meant that the community's relationship with the crown was in a potentially precarious condition. The composition had opened up bitter divisions among those elements of local society that were traditionally least troublesome to the crown. From now on, unless it handled the shire with sensitivity, the government might

²²⁸ *C.S.P.I., 1592-6*, p.41.

²²⁹ Bod. Lib., Oxford, Ms. Talbot b.10/38; N.A.I., Ferguson MSS, Reportory to the Memoranda Rolls, Edward VI - Eliz. I, p.143.

lose its grip over affairs in the area, which, as we have seen, had been increasing relentlessly since the 1570s. This looked all the more possible when it emerged that the renewal of restlessness along the northern and eastern frontiers of the county was directly related to the troubles in Ulster. Plans were afoot to bring the revolt to Kilkenny.

When the Ulster rebellion erupted in 1594, news soon arrived that a few junior members of the Graces were actively involved with Feagh MacHugh O'Byrne in concocting a sister-conspiracy in Leinster.²³⁰ Evidence for the plot is patchy to say the least, but its existence cannot seriously be doubted. In October one of the northern chiefs, O'Rourke, sent a messenger to Feagh in Wicklow; within days Edmund and Gerald Grace turned up in Leix alongside one of O'Wney O'More's sons to burn the lands of one of the local landowners.²³¹ Additionally, by this time the Graces had already made contact with Spain. A few months earlier, in May, James Grace had returned to the shire from England, where by his own admission he had secretly been engaged as an agent of Philip II to work for the Catholic cause. Luckily for the government, he was unable to do much harm in Kilkenny and the surrounding area for he was arrested by Ormond's servants almost as soon as he reared his head,²³² but even so the threat of Spanish involvement in local rebel plots was difficult to dismiss. At that very moment a number of expatriates from the shire were employed in the Spanish army in Europe, among them such figures as Lieutenant Thomas Butler, who was one of Viscount Mountgarret's younger sons, and also Walter Butler, Thomas Seix and one each of the O'Brennans and the St. Legers.²³³ With enough organisation and investment, the Spaniards were capable of creating serious trouble in the Ormond lordship. A small but significant group of sympathisers existed for their use.

Yet the rebellion, when it came, was destined to receive very little support in Kilkenny. The alienation of the locals from Dublin had not gone far enough to persuade them to throw in their lot with the Gaelic chieftains of Ulster and Leinster, people with whom historically they had little in common. No matter how great their distrust of Dublin, the county gentry judged it to be in their best interest to stay loyal to Elizabeth I. Accordingly when the government convened a general hosting at the hill of Tara for the defence of the Pale in 1593, John Grace of Courtstown rode forth, accompanied by several archers on horseback, fully furnished at his own expense.²³⁴ The following year, as the Ulster rebellion was breaking out, the gentry of the shire took part in a loyalist cavalcade at Kilkenny as part of the St. George's Day celebrations.²³⁵

The government responded favourably to this. Shrewdly choosing to leave Kilkenny to its own devices as the threat from Ulster grew, it turned to Earl Thomas to take care of affairs there. He had returned to Ireland in 1593 once more to assume the reins of power in his lordship,²³⁶ and in August 1594 he was named as 'the general and chief leader of the army and forces' residing within the six shires of Kilkenny, Wexford, Carlow, Queen's County, Kildare and Dublin, commissioned to defend the region against the O'Byrnes, the O'Mores and the followers of the old outlaw Piers Grace, who was still alive.²³⁷ It was to be the first of a series of similar appointments whereby the state acknowledged that the earl still

²³⁰ For more on Feagh's role see David Edwards, 'In Tyrone's shadow: Feagh McHugh O'Byrne, forgotten leader of the Nine Years War', in Conor O'Brien (ed) *The Wicklow Firebrand: Feagh McHugh O'Byrne* (forthcoming, Rathdrum 1998).

²³¹ Mynee to Russell, 26 Oct. 1594 (P.R.O., S.P. 63/177/5, inclosure iv).

²³² Ormond to the Privy Council, 21 May 1594 (ibid. S.P. 63/174/58, inclosure i).

²³³ Grainne Henry, *The Irish military community in Spanish Flanders, 1586-1621* (Dublin 1992), pp 147 and 149-50.

²³⁴ Sheffield Grace, *Memorials of the family of Grace* (2 vols., London 1823), i, p.13.

²³⁵ Ledwich, 'Antiquities', p.391.

²³⁶ Cambridge University Library, Ms. Kk.I.15, fol.48.

²³⁷ N.A.I., Lodge MSS, Articles with Irish chiefs, etc., p.101.

dominated the Kilkenny community, and was the one person capable of leading them safely through the trials of war. Its faith in him would waver in the years ahead.

A successional war: the second Butler revolt

In a sense, the government's choice of Ormond only exacerbated some of the tension that existed at the highest levels inside his territories. Once again there was trouble afoot in the Butler family. Because he had failed to produce a legitimate male heir, Black Tom was experiencing increasingly strained relations with his kinsmen, several of whom had a claim to the earldom when he died. The fact that he was an old man - he was sixty-three in 1594 - added to the growing confidence felt by some of the junior Butlers that, by dabbling in treason, they could each force the state to recognise their respective claims in the succession. Their subsequent decision to rebel was pure opportunism. As they saw it, Ormond had monopolised royal favour for far too long, while they had been ignored; maybe they could change things by threatening to bring havoc to his lordship.

By far the most important of their number was Edmund, second viscount Mountgarret, after Ormond the second most senior Butler lord in the country. His reasons for rebelling were deeply personal. According to a speech that he made at the close of the century, he felt he had been badly treated by the earl, especially since the latter's return from court in 1593. Ormond, he wailed, had scorned his standing as a nobleman, constantly choosing to ignore his counsel in favour of that of upstarts like the Rothes and the Shees. The viscount was convinced that he had been frozen out of the local political process. Even when the Justices of Assize came to Kilkenny, he was made to sit like a commoner among people of inferior status, a smarting wound to his pride.²³⁸ Nor was this all. Acutely conscious of his aristocratic credentials, there is no doubt that the viscount's mind was preoccupied with the opportunities presented by the death of Ormond's young son in 1590. Quite apart from being a grandson of the eighth earl, Piers Ruadh, Mountgarret was also descended through his mother from the Butlers of Neigham, a branch of the Ormond dynasty that had possessed a better claim than Earl Piers to the earldom before Piers had crushed them during the reign of Henry VIII.²³⁹ Mountgarret made no attempt to hide his ambitions, and in 1600 the government's agents in County Kilkenny (who by that time included the earl of Thomond) informed the Privy Council that the rebellious viscount 'thinks ... he ought to be earl of Ormond'.²⁴⁰

The question of the succession also greatly agitated Ormond's nephews, James and Piers Butler, the sons of Sir Edmund Butler of Cloghgrenan. Ever since 1589 they had ranked high on the government's list of suspected persons in the south,²⁴¹ for they had made no secret of the fact that they greatly resented the crown's failure to repeal the act of attainder which had been passed against their father in the parliament of 1569-71. Ormond was always nervous of them. Somewhat unfairly, they held him partially responsible for their predicament, for he had tried to have the act overturned in 1578 only to see the proposed new parliament cancelled, and it had also proved impossible to challenge in the 1585-6 Parliament. In September 1596 Piers, the eldest of the two brothers, openly denounced the old earl for not making a greater effort to clear a path for them in the succession, stating that out of malice he did not wish to see them restored in blood.²⁴² The accusation was ludicrous; the last thing Ormond needed with a new war looming on the horizon was more conflict with

²³⁸ *C.S.P.I., 1599-1600*, pp 53-4.

²³⁹ See Chapter Two above.

²⁴⁰ J. Graves, 'The taking of the earl of Ormond, 1600', *Kilkenny & S.E of Ire. Arch. Soc. Jnl.*, iii, part 2 (1860-1), p 403.

²⁴¹ Note of the doubtful men in Ireland, 13 Dec. 1589 (P.R.O., S.P. 63/149/32).

²⁴² *C.S.P.I., 1596-7*, p 101.

members of his family. However, he could not persuade them to secure their place in the succession through loyalty, and he was forced to admit that the only effective way to prevent them rebelling was to capture them and have them hanged immediately.²⁴³

It is difficult to pinpoint how much Mountgarret and the sons of Sir Edmund Butler cooperated during the subsequent course of events. On the one hand, they definitely had an arrangement of some description, for in 1595 or 1596 (the date is uncertain) Piers Butler was married to one of the viscount's daughters, a union which went much against Ormond's will.²⁴⁴ Clearly, then, the Cloghgrenan and Mountgarret branches were determined not to fight *against* each other, but against their common foe, Ormond and the central government. But this did not mean that they were prepared to fight *for* each other either. After all, Mountgarret and the sons of Sir Edmund were each claimants for the earldom; and as such they were dynastic rivals. To cooperate fully would be foolish, for too much help from the one might tip the balance in the others' favour. Little wonder, then, that hardly any evidence survives for Mountgarret and the Cloghgrenan brothers presenting a united front against the state, for neither could afford to. Over the next few years their rivalry greatly weakened their plans, and did as much as anything else to insure their defeat.

In geopolitical terms they each took a different route to rebellion, with Mountgarret taking what might be called the high road, while Sir Edmund's sons took the low one. For the most part, the movements of the latter were largely confined to the east, as Piers and James linked up with the O'Mores in Laois, the Kavanaghs in Carlow and the O'Byrnes in Wicklow. Again, as they had tried to do with Mountgarret, the brothers used a marriage to win them an alliance. In May 1596 it was reported that James Butler was to take to wife one of the sisters of the new O'More leader, Owney MacRory.²⁴⁵ But even so there were signs that the Butlers' association with the Gaelic clans of south Leinster was a brittle one. Understandably, the native Irish found it difficult to trust them, uncomfortably aware that the two brothers might change sides if the government offered to reinstate them at the top of the Ormond succession list by repealing the 1570 act of attainder against their father. To offset the risk of them receiving such an offer, the leader of the O'Byrnes, Feagh MacHugh, required them to demonstrate their dependability as true rebels by doing his bidding before he accepted them as his allies. Only after they had performed the necessary service did Feagh himself go out into the field beside them.²⁴⁶

Owney MacRory treated them likewise. Before agreeing to fight with them he too needed a token of their good faith. In response the two brothers agreed to carry out the murder of 'some special man' in the Laois area. Although they never had the chance to kill anyone of note there - local loyalists made sure they were not caught out-of-doors unprotected²⁴⁷ - they soon passed the test, accompanying Feagh and Owney on a combined assault of Ballinacor, a government stronghold in Wicklow recently seized from the O'Byrnes. Indeed, their acceptance by the chieftains should have been assured when James laid a trap for some of the members of the Ballinacor garrison, hanging six of them after they

²⁴³ Walsh to Russell, 23 Aug. 1596 (P.R.O., S.P. 63/192/31, enclosure i); Ormond to Russell, 11 Sept. 1596 (Ibid. S.P. 63/193/20, enclosure v).

²⁴⁴ Ormond to Burghley, 26 Sept. 1596 (Ibid. S.P. 63/193/37).

²⁴⁵ Masterson to Russell, 25 May 1596 (Ibid. S.P. 63/189/46, enclosure xi).

²⁴⁶ Greame to [Russell], 8 Aug. 1596 (Ibid. S.P. 63/192/7, enclosure ix); Parkins to [Russell], 13 Aug. 1596 (Ibid. S.P. 63/192/11, enclosure ii).

²⁴⁷ Lord Deputy & Council to the Privy Council, 9 Sept. 1596 (Ibid. S.P. 63/193/9); Advertisement out of Queen's County, 31 Aug. 1596 (Ibid. S.P. 63/193/9, enclosure iv).

had been captured by his men.²⁴⁸ Following that the Gaelic alliance seemed safe, and the people of County Kilkenny prepared themselves for a major rebel onslaught out of the east.

It did not materialise. For a variety of reasons, the brothers made unconvincing rebel leaders. First of all, despite their need to retain the confidence of the O'Byrnes and the O'Mores, Piers and James dithered over closing the door on a future reconciliation with the crown. They continued to send messages to Lord Deputy Russell in Dublin, saying that if only they had been treated better, they would never have breached the peace.²⁴⁹ Second, after assisting in the attack on Ballinacor in August, they did nothing more in the field of battle for several months, failing to make the most of the opportunity to cut Kilkenny and the south-east off from Dublin. It was only in November (more than two months later) that they rejoined forces with the O'Byrnes and O'Mores to issue an appeal to the gentry of Laois to rise up in defence of the Catholic religion.²⁵⁰ Even then they moved too late, for winter was closing in and their soldiers began to go home, bringing an end to the campaigning season.²⁵¹ Third, they failed to secure their own forts. Ormond had been able to take the castles of Cloghgrenan and Tullow from their men during September, thereby insuring that much of their time was wasted trying to secure other bases. Fourth, they were not equal to the demands of their own soldiers. When Ormond had grabbed their castles he discovered that several of their chief followers wanted to leave Piers and James, rightly reckoning that they were inept as military commanders and that their conspiracy was doomed to failure.²⁵² In the end the sons of Sir Edmund Butler caused Kilkenny little worry.

The threat posed to the shire by Mountgarret was far greater. Gradually after the outbreak of the troubles in the north of the country in 1594 he moved closer to the Ulster rebels, carefully biding his time before openly declaring himself. He finally decided to act sometime after the summer of 1595 when it was discovered that Hugh O'Neill, earl of Tyrone, had definitely thrown in his lot with O'Donnell and the rest of the native chieftains in a new Catholic crusade against English rule in Ireland. Before O'Neill joined in, Mountgarret had kept a low profile, so much so that Ormond had felt able to delegate the command of some of his companies to the viscount while he himself was too sick to take part in the campaigns against the queen's enemies.²⁵³ In the event Ormond's trust was soon spurned, as Mountgarret revealed his true colours at the beginning of 1596 when he arranged the marriage of his son and heir, Richard Butler, with Margaret O'Neill, the daughter of 'the arch-traitor Tyrone'.²⁵⁴ As a reward for this alliance, Mountgarret was made 'lieutenant to Tyrone of all his forces',²⁵⁵ and over the next few years he invited members of the O'Neill clan and at least one of the Cavan O'Reillys to stay in his castle at Seskin on the Ballyragget road, where they helped to coordinate the southern end of Tyrone's grand strategy.²⁵⁶ Because of Mountgarret's O'Neill alliance, over the next few years County Kilkenny occasionally came quite close to falling into rebel hands.

The danger to the shire should not be overrated. Despite contacts with Tyrone and the O'Byrnes, the overall size of the rebel forces in the Kilkenny area was fairly small

²⁴⁸ Greame to [Russell], 8 Aug. 1596 (Ibid, S.P. 63/192/7, enclosure ix); Parkins to [Russell], 13 Aug., 1596 (Ibid, S.P. 63/192/11, enclosure ii).

²⁴⁹ Examination of Thomas Kavanagh, 16 Sept. 1596 (Ibid, S.P. 63/193/20, enclosure vii); Russell to Burghley, 25 Sept. 1596 (Ibid, S.P. 63/193/32).

²⁵⁰ Feagh MacHugh, Piers & James Butler to the gentlemen of Laois, n.d., circa 8 Nov. 1596 (Ibid, S.P. 63/195/7, enclosure v).

²⁵¹ Russell to the Privy Council, 22 Nov. 1596 (Ibid, S.P. 63/195/25).

²⁵² Ormond to Russell, 23 Sept. 1596 (Ibid, S.P. 63/193/32, enclosure ii).

²⁵³ Ormond to Burghley, 10 June 1595 (P.R.O., S.P. 63/180/26).

²⁵⁴ The marriage took place in the early months of 1596, as a son Edmund - the future fourth viscount - was born before the year was out (Lord Dunboyne, 'Carve's Butler families of 1641', *Butler Soc. Jnl.*, vi (1975-6), p.433).

²⁵⁵ H.M.C., *Kenyon MSS* (London 1897), p.610.

²⁵⁶ *Cal. Fiants Ire., Eliz. I*, no. 6484.

throughout the Nine Years' War, significantly less than the number of men who had been attracted to the Desmond banner in the early 1580s, and a mere fraction of the army that the Butlers had taken into the field in 1569. Indeed, at their peak, the rebels of the 1590s could depend on barely 200 armed men from the shire; normally they had even less. A report drawn up for the government in April 1599 noted with relief that between them, Mountgarret and the rest of the Butlers could only muster 20 horsemen and 130 kerne; even with outside help from the O'Carrolls and 'the strangers' (i.e. the O'Neills) they only received an extra 30 foot soldiers, giving them a total force of 180 when at their strongest.²⁵⁷ Aside from the viscount, there was no-one of prominence among their ranks. A few minor gentlemen enlisted, like Richard Walsh of Ballinacowley, Teige Walsh and John Shortal,²⁵⁸ but for the most part their captains were made up of Mountgarret's sons and brothers, or else his nephews and in-laws, such as Walter Tobyn of Killaghy and Theobald Butler of Neigham.²⁵⁹ The rebellion in Kilkenny was largely a family affair, exciting the involvement of a handful of disaffected Butlers with a greedy eye on the earldom of Ormond.

This point was not lost on the government, and up until October 1597, when he was appointed general of the royal army, Earl Thomas was permitted to deal with the problem in his own way. Clearly, as far as chief governors like Sir William Russell and Lord Burgh were concerned, if Ormond could reduce the level of rebel activity inside his territories by putting his house in order, he should be encouraged to do so; it would allow the state to concentrate its resources more effectively against Tyrone and O'Donnell in Ulster and Feagh McHugh in Wicklow. Hence, after more than a decade of seeing his power eroded by Dublin, Ormond was now given free rein in the mid-south and south-east of Ireland. As it transpired, he did as well against his opponents as Russell did against the O'Byrnes.²⁶⁰

His tactics were unremarkable. Those of his kinsmen who were still reliable he promoted, and as a result Kilkenny and Tipperary were again placed under the rule of a Butler monopoly. One by one, the baron of Dunboyne, Walter Butler of Kilcash, Piers Butler of Butlerswood, and Ormond's 'dearest nephew', James Butler - the eldest son of his troublesome brother Edward²⁶¹ - each rose to take charge of detachments of his forces.

The less dependable members of his house he punished. In October 1596 he organised the arrest of Mountgarret, Mountgarret's son Richard, and Sir Edmund Butler of Cloghgrenan, his intention being to have them all imprisoned in Dublin Castle.²⁶² When the perilous state of the roads prevented their immediate despatch to the capital, the earl insured that they were kept under lock and key, placing them in the custody of the sovereign of Kilkenny, Geoffrey Rothe, until conditions improved.²⁶³ Mountgarret found the experience frightening. He later recalled that when he was eventually taken to Dublin under armed guard in February 1597, he was in fear of his life. He had heard it said that the earl's horsemen were going to kill him along the way.²⁶⁴

The viscount's anxiety was well founded. More than ever before, Earl Thomas was determined to stamp out all trace of treason within his family, and he was quite prepared to kill off his relatives in order to get his way. The subsequent fate of Sir Edmund Butler's sons

²⁵⁷ Northants R.O., Ms. FH 127, ff 3r and 8r.

²⁵⁸ N.A.L., R.C. 9/7. Exchequer inquisitions. County Kilkenny, Henry VIII - William III. pp 126-7; Ibid, Ferguson MSS. Exchequer Memoranda Rolls, Eliz. I. 1586-1603. pp 383-4, Stafford. *Pacata Hibernica*, ii, p.67.

²⁵⁹ T. Blake Butler, 'Seneschals of Tipperary', *Irish Genealogist*, iii, no. 3 (1958), p. 110.

²⁶⁰ I have reassessed Russell's campaign in Wicklow in my forthcoming paper, 'In Tyrone's shadow'.

²⁶¹ See genealogy of Edward Butler in Lambeth Palace MSS 626/635.

²⁶² *C.S.P.I. 1596-7*, p.138.

²⁶³ Rothe spent 24s 6d on candles and torches while they were his prisoners (N.L.L., Ms. 11.048 (2), item (j)) See also Kilkenny Corporation Archives, Ms. CR/J 22

²⁶⁴ *C.S.P.I. 1599-1600*, p. 54. *Cal Carew MSS. 1589-1600*, no. 270.

removed any doubts about the seriousness of his intentions. Having learned through his spies that they intended to disguise themselves in "poor man's weeds" in order to escape into Ulster,²⁶⁵ he set out in pursuit of them. James fitz Edmund was the first to be apprehended, tracked down and killed in March 1597.²⁶⁶ His younger brother Piers did not survive much longer. At the end of May he fell into the earl's clutches along the banks of the Shannon on his way north. He too was shown no mercy, beheaded at Thurles together with one of his accomplices, Walter Butler, Mountgarret's bastard son.²⁶⁷ According to later reports, Piers refused to admit he had done wrong to Ormond. And so, to quote Ormond, he 'died desperately, as he had lived wickedly'.²⁶⁸

With his Cloghgrenan nephews dead, the earl found it easy to isolate and destroy the rump of their followers. Once more, just as in 1569-71, he dispatched the local rebel soldiers with clinical efficiency. On 5 May 1597 he sent the heads of 24 traitors to the Lord Deputy in Dublin; two weeks later, on 19 May, he delivered 12 more, thereby accounting for his enemies at the rate of more than two a day.²⁶⁹ Thereafter, the killing continued intermittently between the autumn of 1597 and June 1598. The most notable fight to occur during this period was at Mountgarret's castle of Ballyragget early in 1598, when Ormond (as general) took a number of captains, including Lawrence Esmond, Henry Folliott and Francis Rush, to help him besiege his would-be successor's fortress. For three days the royal army maintained the attack until they forced their way into the fort, and once the breach was made Ormond ordered that all the survivors - numbering 15 in all - be hanged nearby as an example to the local populace.²⁷⁰ The number of rebel dead was mounting steadily.

By the beginning of 1598 the earl had cause to be satisfied by the recent course of events. Up to this point he had managed to hold onto Kilkenny and its surrounding area without making any special effort. Enough members of his family had stayed loyal to him to render the policing of the northern borderlands a relatively simple task; his seizure of Ballyragget meant that, with few exceptions, the rebels were forced to keep their distance behind a long line of Butler and government forts stretching from Thurles and Templemore in County Tipperary to Rathvilly and Clonmore in County Carlow. He knew full well that so long as he controlled these points the heart of his lordship would be safe.

His self-assurance was borne out by subsequent occurrences. Though 1598 was a dreadful year for the English monarchy in most parts of the country, under Ormond's leadership County Kilkenny remained steadfast in its support of Elizabeth. Once again Kilkenny town, the capital of his lordship, stood out as a bastion of loyalty, receiving refugees from the surrounding counties, and expending considerable sums of corporation money on building up the town defences: for instance, in January 1597 the town ordnance was safely re-housed in a renovated building, in June 1598 the tower near St Francis' Well was rebuilt, and the following July an entirely new tower - costing £3 0s 10d - was built along the town wall. The shire capital was ready to withstand a siege, should one materialise.²⁷¹

The sole cause for alarm was Mountgarret's recapture of Ballyragget before the end of the year; apart from this, the rebels failed to capitalise on the advances made by Tyrone and his followers elsewhere. Even after Tyrone's victory at the Yellow Ford in August 1598,

²⁶⁵ Ormond to Russell, 11 Dec. 1596 (P.R.O., S.P. 63/196/31, inclosure iv).

²⁶⁶ *Cal. Carew MSS, 1589-1600*, no. 270; *C.S.P.I., 1596-7*, p.257.

²⁶⁷ *Ibid.*, pp 294-6.

²⁶⁸ Ormond presented Piers's head to the Lord Deputy early in June (*Ibid.*, pp 309-10).

²⁶⁹ *Cal. Carew MSS, 1589-1600*, no. 270.

²⁷⁰ Wood (ed.), *Perrot's Chronicle*, pp 144-5.

²⁷¹ Kilkenny Corporation Archives. MSS CR/J 23, 28-9.

there was little chance of the rebellion igniting in County Kilkenny. Indeed, barely three weeks after the royal forces in Ulster had been torn to shreds, the earl of Ormond reassured the English officers under his command that some of the extra men that were now needed to defend Dublin and the Pale could be raised from his lands in Kilkenny and Tipperary.²⁷²

His confidence was probably boosted by knowledge of the precarious state of the local rebel alliance, where things were not going well for Mountgarret. In recent months the viscount had sought the assistance of some dissident members of the MacGiollapadraig dynasty, but he found it impossible to trust them. When out camping in the hills to the north-west of Kilkenny with Phelim MacGiollapadraig, he was left in no doubt that he was in dangerous company, as Phelim refused to forgive him for his actions against the MacGiollapadraigs in the past. Looking down from a hill-top on the Butler territories below, Phelim declared that the lands ‘‘were once my ancestors’, and I mean to have them back ... Now is the time that we [the MacGiollapadraigs] shall be righted of the wrongs heretofore done unto us.’’ Without further ado, Mountgarret withdrew from Phelim’s side and sent a messenger to Dublin exploring the possibility of receiving a royal protection in return for promising to keep the peace.²⁷³ It is unlikely that Mountgarret was genuinely interested in ending his rebellion - he had too much to gain if Tyrone won - but nonetheless his discomfort with his southern Gaelic allies did much to reduce the threat that he posed to Kilkenny.

Growing mistrust in rebel ranks also insured that Ormond and the local loyalists had little to fear when the Munster Irish rose in revolt later on in the year. Taking only 700 men with him the earl reinforced all the major towns in the province in October, after which the rebels promptly fell out among themselves and failed to make any further progress against his forces.

Significantly, none of the reinforcements that he used came from his own lands. Determined to protect his lordship now that danger was at hand, he capitalised on his position as general of the royal army to place companies previously stationed in the Pale in some of the principal forts and walled towns in the south. By doing so he went back on his promise (given in August) to make more men from his territories available for the government’s needs. In addition, by using troops from the Pale he was technically guilty of abusing his power. Admittedly, the commission by which he held his command permitted him ‘to do all things which he may reasonably devise for the furtherance of the service’, but there was no way that the queen’s ministers were going to accept the weakening of the army around Dublin as a legitimate advancement of the service.²⁷⁴ Within days of his reinforcing the south eyebrows were being raised over the manner of his conduct; already held partly to blame for the royal losses in Ulster, some of those close to the court began whispering that Ormond would only fight when his own freehold was put at risk.²⁷⁵ They were catty remarks to be sure, an obvious reflection of England’s growing crisis in Ireland, but - as with the Desmond war ten years before - the murmurings did Black Tom no lasting harm. On the contrary, with the benefit of hindsight, some of his detractors were able to see that his prompt response to the Munster uprising in 1598 had probably saved the province (and parts of Leinster too) from falling completely into rebel hands, and this even though his motives for saving it were undeniably selfish.²⁷⁶

²⁷² H.M.C., *Hodgkin MSS* (London 1897), p.35.

²⁷³ Wood (ed.), *Perrot's Chronicle*, pp 150-1.

²⁷⁴ *Cal. Fiants Ire., Eliz. I.* no. 6166.

²⁷⁵ N.E. McClure (ed.), *The letters of John Chamberlain* (2 vols., Philadelphia 1939), i, pp 50-2. They were largely justified.

See *C.S.P.I., 1598-9*, p.290.

²⁷⁶ Anthony J. Sheehan, ‘The overthrow of the Munster plantation, 1598’, *Irish Sword*, xv (1982-3).

At home in Kilkenny he had no need to excuse himself for his actions in Munster. By seeing to it that outside forces were brought in to safeguard the frontiers of his lordship, especially in neighbouring Tipperary, he received widespread local approval.²⁷⁷ Clearly, if Tipperary had been overrun by the rebels, Kilkenny would have been next in the line of assault. Immediately, the bad faith that had so recently marred the earl's relations with sections of the shire elite began to subside. Thanks to the speed of his response to the news from Munster, the danger of attack had been headed off, and County Kilkenny continued to escape the full effects of the war while the counties all around it were becoming battle-zones.

It remained a safe haven throughout most of 1599. In a fresh attempt to safeguard it, Earl Thomas enticed the new Lord Lieutenant, Robert Devereux, second earl of Essex, to bring a detachment of the royal army south during the summer of 1599. This also was a controversial arrangement, and news of it was badly received at court, where the general consensus was that Essex, the queen's greatest nobleman, should have stayed in the Pale until the time was right to campaign against Tyrone in the north. Evidently, as far as Whitehall was concerned, outlying regions such as Kilkenny were of secondary importance; once the Ulster chieftains were defeated, the rising would die away elsewhere. It is interesting to note that, with a couple of notable exceptions, historians have agreed ever since with this London-based attitude; they would have done better to have ignored it, for Essex's ability as a soldier has generally been underestimated.²⁷⁸ Certainly, Essex's movements around Kilkenny made a good deal of sense.

To his soldier's mind, Ormond's suggestion that he spend some time away from Dublin was an attractive one. Why should he waste months waiting for the chance to fight his most dangerous adversary when he could immediately deliver a telling blow to smaller fry elsewhere? In the words of an English onlooker: 'having once beaten or brought in the weaker ones, the stronger would the sooner yield or be the easier subdued.'²⁷⁹ A royal show of force, especially when it was led by a figure as famous as Essex, might well dissuade many waverers from joining the conspiracy. With an army of 4,000 foot and 500 horse, he fully expected to secure Munster and southern Leinster with relatively little effort. As events would show, Essex was not entirely wrong to think that he could. Whatever one makes in retrospect of his wisdom as a politician, there is no doubt that his military presence in the south had the desired effect of temporarily restoring the crown's control in the region. The problem then was not Essex's tactics, but rather the briefness of his stay in the country, which was dramatically cut short in September when he returned to England in order to defend himself against his detractors.²⁸⁰

So long as Essex remained in office, the scale of the rebel activity in Counties Kilkenny, Tipperary and Wexford declined significantly, and Ormond was able to make the most of the respite which his presence afforded. The old earl quickly intercepted Essex at Athy when he started out on his southern journey, and he brought Viscount Mountgarret and the baron of Cahir with him to beg the Lieutenant's pardon for their recent record of treachery. Going through the motions the two guilty noblemen went down 'upon their knees, [and] submitted themselves without condition', but no-one was fooled by their display of

²⁷⁷ As early as 1596 extra forces had been introduced in Kilkenny (H.M.C., *Salisbury MSS. 1596* (London, 1895), p. 543), and at that time it excited no criticism.

²⁷⁸ For his reputation as a daring and accomplished commander, see L.W. Henry, 'Essex as a strategist and military organiser, 1596-7', *English Historical Review*, lxxviii (1953), pp. 363-93, and Williams, *Tudor Regime*, p. 134.

²⁷⁹ Wood (ed.), *Perrot's Chronicle*, p. 162.

²⁸⁰ The best accounts of his lieutenancy are Cyril Falls, *Elizabeth's Irish Wars* (London, 1950), chaps. 16-17, and L.W. Henry, 'The earl of Essex and Ireland 1599', *Bulletin of the Institute of Historical Research*, xxxii (1959), pp. 1-23.

remorse.²⁸¹ As one chronicler noted, their families and followers still remained 'out against the prince', and Essex promptly marched the royal army into Mountgarret's country, determined to secure it for Elizabeth while he had the chance.

His troops were not well received. As soon as they entered the area on 17 May 1599 they were attacked by the viscount's sons and Owney MacRory O'More, and two of their captains were slain in the ensuing skirmish. After a time, however, the rebels were forced to retreat in the face of superior opposition, and the following morning, when it was clear that the battle was over, Essex arranged for a garrison of 100 men to be placed in Ballyragget Castle. As commander he selected Captain Henry Folllott, who had 'behaved himself very valiantly', picking up a wound in the foregoing struggle.²⁸² Later events would show that Folllott was well chosen.

The occupation of Ballyragget was of vital importance locally. Built as it was on raised ground and boasting a well-constructed bawn wall which was very tall and thick, the fort was easily defensible. He who held it possessed arguably the most strategic point in the county, as it dominated the principal route between Kilkenny and Laois. Its seizure by Essex was a major setback for the insurgents, and it helped to determine the outcome of the rebellion in the area. Even when their prospects improved, the rebels were unable to re-take it from Folllott, and their subsequent movements lacked penetration: they were primarily confined to the border fastnesses for the duration of the war.²⁸³ Indeed, after losing Ballyragget they only had one remaining fortress in Kilkenny, at Coulhill in the Rower, a fact which ultimately compelled them to switch their attention to County Wexford, where the situation seemed more promising. More immediately, their expulsion from their principal stronghold in northern Kilkenny persuaded some of them to lay down their arms, at least until things improved. On 20 June 1599, barely a month after Ballyragget was re-garrisoned, two of Mountgarret's brothers surrendered to Essex at Waterford. Many more might have followed suit if he had stayed on as governor.²⁸⁴

However, following his sudden departure on 24 September, the rebels' confidence returned and within a few months they once again flooded into the north of the county, delighted to have the opportunity to undo what Essex and Ormond had achieved. In January 1600 their efforts received a major boost when Tyrone came down out of Ulster to rendezvous with the pretender to the vacant earldom of Desmond, James fitz Thomas Fitzgerald, and other leaders of the southern rebels in Tipperary. His appearance signalled the beginning of a real crisis in Kilkenny. Ormond's efforts to cushion the county were undone. At last it seemed that Mountgarret's plan to overrun the region by bringing in outside help was about to be realised.

In military terms, there was nothing that Earl Thomas or his junior officers could do to halt Tyrone's progress, for he came accompanied by more than 2000 soldiers.²⁸⁵ On the way his men plundered Ormond's land near Roscrea, and eager to display his religious credentials, Tyrone saw to it that a fragment of the true cross 'was brought out to shelter and protect him' when he got to his destination, Holy Cross Abbey in Tipperary, just a few miles from Callan and the western borders of Kilkenny.²⁸⁶ Tyrone stayed at Holy Cross for a few

²⁸¹ H.M.C., *Kemyon MSS.* p. 610. A little earlier, on 24 April, Mountgarret had tried to fool Essex into believing him to be loyal by asking one of Ormond's old foes, Sir Warham St. Leger, to act as his intermediary with the Lieutenant (H.M.C., *Salisbury MSS. 1599* (London 1902), p. 140)

²⁸² *Ibid.* pp 610-11. Wood (ed.), *Perrot's Chronicle*, p. 164; C.L. Falkiner (ed.), 'William Farmer's Chronicle of Ireland, 1594-1613', *English Historical Review*, xxii (1907), p. 112

²⁸³ *C.S.P.I., 1599-1600*, p. 40

²⁸⁴ Falkiner (ed.), 'Farmer's Chronicle', p. 113.

²⁸⁵ McClure (ed.), *Letters of John Chamberlain*, i, pp 86-8

²⁸⁶ Graves, 'The taking of Ormond', p. 388

days, where he was visited by Catholic priests and rebel chieftains from all over the south in full view of Ormond's followers. Black Tom was exasperated by Tyrone's flagrant mockery of his power in the region, but try as he did, he could not bring the arch-traitor to close quarters. Twice in the space of a few weeks Tyrone evaded his grasp, on the first occasion remaining on the western side of the River Suir out of Ormond's reach, on the second sneaking past the earl's camp before he was seen.

It should be stressed that Tyrone tried to escape Ormond, not the other way round. Ormond and his junior kinsmen the baron of Dunboync and Walter Butler of Kilcash had their army out in force, and as a result Tyrone was afraid to get caught by them, especially when he was so far from his base in Ulster. Hence, when he saw his chance to make for home, he dashed for it. According to William Farmer, as soon as Tyrone caught sight of Ormond's camp on the Kilkenny-Tipperary frontier, he and his men 'marched [away] so fast that they travelled in one day about 33 or 34 miles with bag and baggage'.²⁸⁷

Tyrone's flight from the south in the spring of 1600 should have been one of the highlights of Earl Thomas's overlordship in County Kilkenny. Once again it seemed that he had guaranteed the area's safety, and while it is true that he had failed to trap his enemy when the opportunity to do so had presented itself, the local population was probably relieved that a major battle had not ensued so close to the shire. With Tyrone gone, the merchants and gentry of the county could look forward to another period of relative calm.

But their hopes of a quiet life were soon dashed. On Thursday 9 April 1600, at the age of 69, Ormond was asked to attend a parley the next day with the principal rebel leader from Laois, Owey MacRory O'More. The invitation was a hoax. When the earl turned up at the appointed meeting place - Corranduff on the borders of Idough - he was surrounded by O'More's troops, dragged off his horse and led away into captivity. Suddenly Kilkenny was leaderless, its vulnerability exposed for all to see. After six years the war had finally arrived to stay.²⁸⁸

From the rebel point of view, Ormond's seizure promised to be a masterstroke. At once the rising in the south, seemingly dead after Tyrone's departure, came back to life. Not just the O'Mores, but the O'Byrnes, the Kavanaghs and Mountgarret's family all became active again, seemingly ideally poised to make new gains. The government was forced to split its army up, sending a large detachment south despite fears of another assault from the north by Tyrone. The circumstances of the capture also shed doubt on Ormond's competence in Dublin and London. In particular the new Lord Deputy, Lord Mountjoy, could not understand why the earl had allowed himself to go and talk with proven rebels in the company of no more than a handful of his servants and two other high-ranking officers, the earl of Thomond and Sir George Carew. Only after Thomond and Carew had written a detailed account of the incident did Mountjoy accept that Ormond had acted in the interests of the crown, and that the rebels had tricked him, breaking their promise to talk peacefully with him.

There is no doubt that the seizure had been planned long in advance of the meeting. Owey MacRory assembled a large force for the occasion, bringing over 500 men with him 'whereof 300 were bonnaughts [galloglass paid for by a forced levy]', a special hosting for a special task.²⁸⁹ The appearance of James Archer, the Kilkenny-born Jesuit, by Owey's side was also a sign of thoughtful planning. Ormond detested Archer as a traitor and a born

²⁸⁷ Falkiner (ed.), 'Farmer's Chronicle', p. 116. The march must have lasted nearly 14 hours: for pre-industrial and modern march rates, see Ross Hassig, *Mexico & the Spanish Conquest* (London 1994), p. 16.

²⁸⁸ The ensuing paragraphs are based on Graves, 'The taking of Ormond', *passim*.

²⁸⁹ For bonnaughts, see Nicholls, *Gaelic & Gaelicised Ireland*, p. 90.

troublemaker, and so when they met, the Jesuit was able to keep him occupied in hot disputation, thus allowing Owey's men plenty of time to edge closer and closer to their prey.²⁹⁰ By the time Ormond realised what was happening, it was too late. In the ensuing scuffle his longstanding servant, Piers Butler of Butlerswood, was wounded, and one of his attorneys, the Oxford graduate Philip Comerford, was killed.²⁹¹

In the end, however, Ormond's capture brought the rebels little success. Possibly taken aback by the speed of the crown's response they secured none of the major access points along Kilkenny's borders. For example, a few days after the earl's seizure, viscount Mountgarret's sons attempted to regain possession of Ballyragget Castle, surrounding it in the hope of starving its garrison - commanded by Henry Folliott - into submission. The siege was a complete failure. No attempt was made to block the main road leading to the fort from Kilkenny town, so Sir George Carew was able to take 'a strong convoy of horse and foot' with him to clear the rebels away, and the castle was thereby reinforced with 30 men and revictualled with a further six weeks' supply of food. Elsewhere in the county the rebels also lost their chance. Sir George Bouchier, one of Ormond's English relatives, was despatched to the shire in order to take command of the royal forces there, and by 18 April the number of government troops patrolling the countryside had been increased to 400 foot and 85 horse. As we have seen above, the local rebel forces were no match for this.

There is reason to believe that ultimately the manner of Ormond's capture did the rebels more harm than good. The fact that he had gone in good faith to talk with them only to be kidnapped brought him a great deal of sympathy. There was widespread anxiety over his health. Forced by his captors to live in rough conditions, many locals feared he would die, leaving the way clear for Mountgarret or Sir Edmund Butler to claim the earldom. Several of the Catholic clergy residing in the county were especially agitated by his predicament. Ashamed that one of their number, James Archer, had been party to such an underhand trick, priests like Patrick O'Hoen attempted to whip up pressure to have Ormond set free. Despite the fact that Archer intended to try and convert the earl to Catholicism while in captivity, his fellow churchmen denounced him. At one point a papal legate named Doctor McCragh even came forward to declare 'that as the earl was treacherously taken, so it is not lawful [for a Catholic] ... to keep him prisoner'. It did not matter that Ormond was a heretic.

The clergy's concern was not just occasioned by the perceived immorality of the rebels' conduct. Rather, it was crucial for the church that the local Catholic hierarchy denounce the kidnapping, lest the community of Kilkenny and Tipperary turn to Protestantism in outrage. Anger at Archer's and O'More's slyness had galvanised public opinion against them, and there was a spontaneous outpouring of loyalty towards Ormond. Once the earl's whereabouts was known, 'sundry of Kilkenny' sought permission from his captors to go and visit him, bringing him food and drink and other comforts. Indeed, his supporters were so generous that by the beginning of May he was able to sit out his captivity in relative luxury. As the government learned, though cooped up in the woodlands of Laois 'the earl hath his own cook and butler, and sitteth at a table by himself.' He even went to sleep in his own bed, which had been carried up from Kilkenny by his servants.

Not since 1582-3 had the earl been so popular in the shire. His handling of the war had earned him great respect. In particular, the ruthless manner in which he had sanctioned the execution of the treasonous members of the Butler family had scored a high approval rating from the gentry and merchants of the county. As a token of their gratitude, the local elite

²⁹⁰ Archer's career is admirably analysed in Thomas Morrissey, *James Archer of Kilkenny* (Dublin 1979).

²⁹¹ Andrew Clark (ed.), *Register of Oxford University, 1571-1622* (2 pts., Oxford 1887), pt. 2, p.98.

(many of whom he had recently antagonised over the cess and other matters) set out to obtain his freedom.

The principal actors in this unusual turn of events were Sir Richard Shee and Thomas Cantwell. Shee was determined to make up for his past sins by regaining the earl's trust, something which he had not enjoyed for nearly ten years. Accordingly, Sir Richard acted as the chief coordinator in the ensuing negotiations with Ormond's captors. In doing so, he risked being called a traitor by suspicious government officials - among them Lord Deputy Mountjoy - who were afraid that Black Tom would join the rebellion rather than lose his life. But it was Cantwell who took the greatest risk for his master's sake. Unable to persuade Owney O'More of the advantages of releasing the earl, he departed for Ulster in the middle of May in order to bargain for Ormond's freedom with Tyrone.

Fortunately for him, his gamble paid off. Tyrone was anxious to end the business, for he had come to realise that the kidnapping was a tactical mistake: after all, Kilkenny and Tipperary had not capitulated, and the possibility of Ormond being rescued by his followers was increasing all the time. Even worse, Ormond might die while still in O'More's keeping and thus become a martyr for the crown. Better, then, to hand him over graciously and on beneficial terms than have the English claim a victory when he was found and O'More defeated.

The deal that Cantwell subsequently brokered on his return from the north was, in fact, far less beneficial to the rebels' cause than either Tyrone or Owney O'More had intended. Before agreeing to let Ormond go, Owney had concocted a fresh scheme to line his pockets and make the earl look like a traitor by forcing him to sign a treasonable document. What he had in mind was a formal declaration whereby Earl Thomas would undertake to fight alongside the Leinster rebels Morgan MacBrian Kavanagh and Redmund MacFeagh O'Byrne against the crown forces on a future campaign. If Ormond broke his word - which Owney expected him to do - Owney would be paid £3,000 in compensation for granting him his freedom. It was a clever idea, for if Ormond had committed his signature to such a declaration, the rebels' cause would have been boosted (by making it appear as though he had thrown in his lot with them), and his reputation as Ireland's leading loyalist would have been destroyed. But in the event the scheme backfired, for Owney's men made a mess of the declaration and Earl Thomas was able to capitalise on their mistake.

His captors, it transpired, had no-one among their number who understood English, as those of them that could, such as the Jesuit James Archer, had cleared out of Laois by the time Cantwell's negotiations on the earl's behalf were drawing to a close. As a result, as the earl later stated, the drafting of the would-be treasonous declaration fell to someone - possibly a spy - who was secretly well disposed towards him. What was issued, then, was not very treasonous at all, merely stating that 'I, Thomas, earl of Ormond, being captive in the hands of Owney MacRory, and being not to be redeemed otherwise, am compelled to be sworn to take part with the said Owney in his rebellious actions'.

Phrased like this the declaration made it quite clear that Earl Thomas had only signed his name under duress, and he had not agreed to rebel. Even better for Ormond, whoever composed the declaration played a trick on the rebels, insinuating that Morgan Kavanagh and Redmund O'Byrne were actually loyal subjects of the queen, something they were not, viz 'Morgan Mac Brian and Redmund MacFeagh to win my liberty hath promised to join with me [in Owney O'More's revolt].' Incredibly, in a statement originally devised to weaken the crown, Ormond and his secret helper had produced one which could be used instead to weaken the Irish rebellion.

The declaration was dated 12 June 1600. Four days later, after two months in captivity, the earl of Ormond was allowed to go free, his captors apparently not realising the trick he had played on them.

He went back to Kilkenny Castle a hero. All across the royal dominions, and even on the Continent, the news of his release was relayed by crown officials and professional letter writers.²⁹² It was a major event, perceived as a turning point in a war which by now had considerable international significance. Spanish agents were greatly disappointed, recognising that an opportunity to undermine Queen Elizabeth's position and enhance the power of 'the Catholic party' by converting the earl had been lost.²⁹³ Whether he liked it or not, his freedom was seen as a victory for the Protestant establishment as well as the English interest in Ireland.

At home in County Kilkenny his return was welcomed by most of the shire community. His captivity had had a major impact on the local landlords, forcing them to re-examine their attitudes towards a whole range of issues, from the advantages and disadvantages of the connection with England to the destiny of the earldom of Ormond. Peeking out at conditions in the rest of the country, they adopted a conservative loyalist position, preferring to be governed by an English monarch and have Earl Thomas (a courtier) to protect them than risk all under a new political regime dominated by Tyrone and Ormond's enemy Mountgarret. As far as they were concerned, despite its many shortcomings, the Ormond lordship should continue in the county, and the earldom should be occupied by Earl Thomas or, in the event of his death, by someone who would maintain the English connection and preserve the *status quo*.

What ensued when the tenth earl regained his freedom was extraordinary, possibly unparalleled in the history of sixteenth century Ireland. In order to secure his release, 17 of the most important figures in the county voluntarily gave themselves up as hostages to Owney MacRory O'More, among them Sir Richard Shee, Thomas Cantwell, Robert Rothe, Lucas Shee and Ormond's bastard son, Piers Butler of Duiske Abbey. Even William Lovell, Francis Lovell's son and heir, handed himself over, indicating that the Shee-Lovell dispute that had so bedevilled county politics was over at last, and that both the native Shees and the New English Lovells were committed to the continuance of a pro-English Ormond lordship in one form or another. Having encountered the dangers of life without the earl, there was a general consensus among all groups that he was needed. More remarkable still, perhaps, the local community was prepared to pay Owney O'More the £3,000 he had demanded for the earl's release. A list has survived among the state archives of approximately 300 individuals, nearly half of them from County Kilkenny, with the rest from Carlow and Tipperary, who 'engaged in the redemption of the earl of Ormond from captivity'.²⁹⁴ Unfortunately the sum of money that each paid towards Earl Thomas's freedom is not recorded, but the list does make mention of something almost as instructive, namely the domicile and social standing of most of the contributors. From this it emerges just how widespread the support for Ormond was inside his territories. No less than 30 of the squires and gentry of County Kilkenny paid a share of the £3,000 that was due, and donations were also forthcoming from more than eighty yeomen and husbandmen. In geographical terms, financial assistance was equally widespread, money arriving from almost every zone, especially from the northern uplands and the eastern borderlands, i.e. the areas that the earl had tried so hard to pacify and secure ever since assuming the earldom in the 1550s.

²⁹² E.g., H.M.C., *Shrewsbury & Talbot Papers*, ii (London 1971), p.221; *ibid.*, *Salisbury MSS, 1600* (London 1904), p.127.

²⁹³ *ibid.*, pp.242-3.

²⁹⁴ The list can be found at *Cal. Fiants Ire., Eliz. I.* no. 6565.

But perhaps the most interesting aspect of the list is what it reveals about Ormond's standing in the context of inter-ethnic relations and Elizabethan colonialism in southern Leinster. For the minor Gaelic families of County Kilkenny also contributed towards the cost of his release, the O'Hedians, the MacCraghs, the O'Ryans and the O'Bryns joining with such long-established Anglo-Irish Ormondites as the Blanchvilles and the Walshes as avowed supporters of the earl and his cause. Moreover, the O'Kellys, the MacEvoy's and the O'Lawlors, three of the 'seven septs' of Laois who had lost their lands in the Laois-Offaly plantation and had since come to live in Kilkenny, did likewise, helping to pay off the earl's ransom in return for the shelter he had given them since the late 1570s.²⁹⁵ Evidently Earl Thomas was held in high regard by many of the Gaelic Irish, who seemed to have viewed him as the acceptable face of the English government, someone who over the years had tried to temper the severity of some of the crown's policies towards them. In truth, it had always been easy for Ormond to treat the native Irish fairly because he had no large Gaelic lordship threatening him inside his territories: neither the O'Brennans or the O'Ryans had ever been able to oppose him effectively, and the O'Ryans had simply ended up joining him in order to survive.²⁹⁶ But none of this mattered in the excitement surrounding his release in June 1600. He appeared to have the backing of both the Anglo-Irish and the natives, and that was all that counted for his backers in Dublin and London. Despite having spent two months as a prisoner, he was still prized by the queen for his capacity to unite different ethnic and social groups behind the royal banner in Ireland. The crown still needed him badly, even though he was now an old man.

His value to the government insured that he did not have long to recuperate following his release. The war was now reaching its peak, with the Ulster rebels expecting the imminent arrival of help from Spain.²⁹⁷ and in August Earl Thomas was once again out in the field, barely two months after gaining his freedom. Together with Sir Christopher St. Lawrence he led a detachment of the royal troops into Idough in the north-eastern hill country of the shire, the object of the enterprise being to secure the O'Brennans' territory and drive out any of Owney MacRory O'More's forces that were hiding there. The mission was a complete success, and shortly afterwards, with County Kilkenny almost completely rebel-free, the crown was able to ruthlessly stamp out the remaining O'More rebels in Laois and Carlow.²⁹⁸ On 17 August, much to Ormond's satisfaction, Owney MacRory himself was attacked and killed in a border skirmish.²⁹⁹

With Owney's death, the war came to an end as regards Kilkenny and the surrounding Ormond lands. There was no longer an effective military leader to represent the local rebel interest, and the tenth earl had very little difficulty in throwing a blanket of total government control across the county. He and his captains - especially his nephew, Walter Butler of Kilcash, and Lawrence Esmond, a Wexfordman - cordoned off the entire area, and much of Tipperary too.³⁰⁰ Any remaining rebels were routinely hunted down and punished. During the remainder of 1600 a group of the Burkes were ambushed and defeated in County Kilkenny by Walter Butler,³⁰¹ and one of viscount Mountgarret's nephews, Walter Tobyn, was executed in Kilkenny town for treason.³⁰² The final major act of the war came in September

²⁹⁵ I will discuss his treatment of the Laois septs in detail in my forthcoming paper on the massacre of Mullaghmast.

²⁹⁶ See Chapter One above.

²⁹⁷ E.g. Graves, 'Taking of Ormond', p.429.

²⁹⁸ *Cal. Carew MSS. 1589-1600*, no. 442.

²⁹⁹ *A.F.M.*, vi, p.2179, sub anno 1600.

³⁰⁰ H.M.C., *Ormonde MSS. 1572-1660*, pp 2-3.

³⁰¹ Ledwich, 'Antiquities', p. 402.

³⁰² T. Blake Butler, 'Seneschals of Tipperary', *Ir. Genealogist*, iii, no. 3 (1958), p.110.

1602, after more than a year of rebel inactivity, when Richard Walsh of Ballinacowley was killed by government troops acting under Ormond's command.³⁰³

The Ormond successional problems which had done so much to initiate the second Butler revolt in 1596 were also settled (temporarily) at this time. Although Earl Thomas had no legitimate son (and the prospect of siring one passed away with the sudden death of his countess in 1600), as we have seen in Chapter Two, with crown approval he was nonetheless able to arrange for the earldom to pass to his nephew Theobald Butler, the youngest of the Cloghgrenan line who was not tainted by the treason of his brothers. The earl's machinations were greatly assisted by the death of the two senior members of the Butler dynasty who had caused him so much pain, Theobald's father, Sir Edmund of Cloghgrenan, and Edmund, second viscount Mountgarret, both of whom passed away late in 1602.³⁰⁴ With them gone, and Sir Edmund's eldest sons executed, Earl Thomas could proceed with his twin objectives of confirming his successor and restoring the image of the Butlers as a dynasty that was fundamentally loyal to the crown.

The second Butler revolt was over. Although it had tested the tenth earl's authority for six years, it had not posed such a serious threat to his personal authority as the first one had in 1569. It had excited very little support inside Earl Thomas's lordship, and it had only stretched him in October 1598 and January 1600, times when the prospect of outside help materialising from the rebels in Munster or Ulster had loomed largest. If only Ormond had been a younger man, or his successor been better established, he might have been able to enjoy the fruits of his victory. However, already showing signs of ill health in the early 1590s, his ordeal at the hands of his O'More captors, and the death in 1600 of his second wife, Elizabeth Sheffield, began to take their toll, and so it was that just as the war turned its final corner he slipped from the limelight.

Conclusion

If Earl Thomas seemed unassailable in the final years of the Nine Years War, his position as the lord and master of Kilkenny and Tipperary apparently assured, events had begun catching up with him. Though the main bulk of his territories had been an island of peace during the conflict, the eventual defeat of the rebels in 1602/3 left him exposed to an altogether more dangerous threat - the power of the crown. Suddenly, with Tyrone defeated and the whole country subjugated, the Ormond lordship no longer occupied a position of major strategic significance in national affairs. Symbolically, for probably the first time in its history, Kilkenny Castle, the seat of the Butlers, was occupied by a formal royal garrison, and the state had taken on the responsibility (and expense) of protecting it. A new age was dawning, one in which the writ of the Dublin government would be enforceable everywhere. Autonomous noble lordships such as Ormond's were destined soon to become anachronistic and dispensable. As the crown prepared to take over, so religion, an issue he had long avoided, moved to centre-stage, a development that was destined to have a devastating impact on Kilkenny/Dublin relations.

³⁰³ He had been proclaimed a traitor on 24 Sept. 1597 (N.A.L. R.C. 9/7, Exchequer Inquisitions, County Kilkenny, Henry VIII - William III, pp 126-7).

³⁰⁴ Sir Edmund died shortly before 4 Dec. (H.M.C., *Salisbury MSS. 1602* (London 1910), p.507), at almost the same time as Mountgarret, who died on 24 Nov. (G.E.C., *Complete Peerage*, sub 'Mountgarret, viscounts of'). The *D.N.B.* misdates Mountgarret's death to 1605, confusing it with the date of livery of his son and heir, Richard, the third viscount. T.F. Henderson, 'Sir Richard Butler, third viscount Mountgarret (d.1651)', *Dictionary of National Biography*, ed. Sidney Lee (London 1909).

The politics of religion,

1603-28

Introduction

On the surface, the prospects looked good for Kilkenny when the Nine Years War finally drew to a close in 1603. With the spread of peace after the signing of the treaty of Mellifont, the county was no longer a border shire prone to attack by rebels or hostile marcher lords. A new era was dawning. A year earlier, in 1602, Kilkenny's age-old battle with the MacGiollapadraig clan in the north-west was brought to an end when the government finally decided to en-shire Upper Ossory as part of Queen's County.¹ Henceforth, instead of fighting, the MacGiollapadraigs improved their relations with Kilkenny's landowners, entering into a series of marriages with the likes of the Butlers, the Shortals, the Graces and the Comerfords;² in 1616 the fourth baron of Upper Ossory, Teige MacGiollapadraig, was able to name three Kilkennymen as trustees for part of his estate, a concession that would have been unthinkable just a few years earlier.³ Tensions also subsided along the north-eastern frontier. For one thing, the O'Brennans of Idough yielded to the inevitable and accepted the earl of Ormond's protection, a development which had major ramifications in the future, though few realised it at the time. Equally important, in the period immediately following the onset of peace, plans were drawn up to transplant the O'Mores and the rest of the rebellious 'seven septs of Leix' to County Kerry, more than a hundred miles away from the Kilkenny border, and the move was accordingly effected in 1607.⁴ At long last suitable conditions had arrived for the redevelopment of the north of the county.

Prospects also seemed good for Earl Thomas and the Ormond lordship. Though short of money as a result of rebel attacks on his outlying lands, his most profitable estates survived the Nine Years' War intact, and in 1603, with the sole exception of his relations with the townsmen of Gowran, he could look forward to a better future. Certainly, on a personal basis, he was well fixed to receive further royal rewards and consolidate his local standing. He had managed to uphold the crown's interest without jeopardising the county's security, impressing both the government and the shire population with his loyalty and bravery. Indeed, despite his advanced age he had emerged from the conflict as a war hero, the subject of widespread praise. It seemed the death of Elizabeth I mattered little to him, for the new king, James I, promised to continue to hold Ormond in high esteem as an exemplary subject. Moreover, now that the border troubles were over his relations with Dublin were

¹ The decision to shire the territory was enrolled in April 1602, pursuant to the queen's instructions of July 1600 (*Cal. Fiants Ire., Eliz I, no. 6610*).

² John Lodge, *The peerage of Ireland* (Dublin, 1789), sub 'Upper Ossory, barons of'; Lamacraft (ed.), *Funeral Entries*, pp 121-2.

³ Richard Archdekin, Patrick Den and James Bryan (N.A.I., Fitzpatrick papers, D. 19,307); for further inter-connexions see Prim, 'Family of Langton', pp 87-90.

⁴ R. Dunlop, 'The plantation of Leix and Offaly', *English Historical Review*, vi (1891), pp 91-4; W. Fitzgerald, 'The case of Sir Piers Crosby, Baronet (i)', *Kerry Archaeological Magazine*, xvii (1916), p.15; *Cal. Patent Rolls, Ire., James I*, pp 115 and 141.

seemingly all set to improve, for the royal administration - which now governed the whole country as a conquered land - no longer needed to mistrust him or tamper in his territories.

For all parties, however, the benefits of peace were ruined by the thorny issues of the reformation and counter-reformation. With the war over, County Kilkenny was exposed more than ever before to the cold winds of religious tension. Partly because of the papacy's overt support of O'Neill's cause during the war, and also because of a rising wave of anti-papery in England, by 1603 the Dublin administration had hardened its attitude towards its Irish subjects. Increasingly predisposed to equate Catholicism with disloyalty, the government was compelled to look askance at all the inhabitants of the country, even those from areas of proven loyalty such as Kilkenny. With Catholicism similarly assertive the stage was set for a showdown between the crown and the county, irrespective of the earl of Ormond's wishes. The roots of the discord went so deep that the earldom, hitherto an effective (if not always welcome) agency of mediation, was utterly unable to prevent the clash.

The recusancy revolt of 1603⁵

The new forces at work in the county came sharply into focus within three weeks of the accession of James I on 24 March 1603. Egged on by Dr James White, a high ranking Jesuit from Clonmel - a relative of Ormond's secretary, Henry Shee⁶ - the urban elite of Kilkenny decided shortly after 9 April to topple the local Protestant establishment. Without further ado, they allowed White to take control of the town on the pope's behalf, and he quickly assumed absolute power over all spiritual matters there, evidently basing his pronouncements on his authority as vicar-apostolic of Waterford, a position which gave him jurisdiction in Kilkenny while the Catholic diocese of Ossory was without a bishop. He was a young man, energetic, and rather theatrical in his zeal. As one account put it "the said Doctor White ran into the throng of the people with a crucifix in his hand, crying out and saying 'this is the God that you must fight for' with many suchlike seditious speeches".⁷

He earnestly insisted that the townspeople cease celebrating mass in private in the homes of the wealthy. As he saw it, their religion was their guarantee of salvation and should not be practised furtively. Then, gathering his followers about him, he proceeded to cleanse part of the town of the Protestant heresy by officially reconsecrating the parish churches of St. Mary's and St. Patrick's. This done, White was at last able to invite his congregation to attend mass openly in Kilkenny for the first time in many years.

He departed soon afterwards, for he was needed elsewhere, but before he went he seems to have placed Kilkenny's religious affairs in the hands of a local Dominican friar, Brother Edmund Barry, an obscure figure who was destined to excite considerable controversy. Understandably, Brother Barry wished to see his order restored to its former glory in the town: in particular, he wanted to repossess the ancient Dominican abbey of Black Friars', which had been expropriated by the state at the time of the Henrician dissolution. In more recent times it had been turned over to secular use as the principal courthouse in the county, a development which greatly agitated Barry, for in the process the abbey had become a cruelly ironic symbol of growing Protestant power. Clearly Brother Barry could not permit this situation to continue: in his view the fate which had befallen the

⁵ The following account of the 1603 troubles is based primarily on two sources: (1) a detailed letter sent to the Privy Council by the Irish government on 5 May (*C.S.P.I., 1603-6*, pp 32-3), and (2) a letter written to the pope in 1604 by the vicar-apostolic, Dr. White, part of which was published in P. Moran, 'The Bishops of Ossory', *Ossory Arch. Soc.*, ii, pt. 3 (1883), p 262.

⁶ *Ibid.*, p 267.

⁷ C. Litton Falkiner (ed.), 'William Farmer's chronicles of Ireland, 1594-1613', *English Historical Review*, xxii (1907), p.532.

abbey was an insult to God and man. Thus, standing at the head of a large crowd, he burst into the building and flung out the benches and fittings which had been placed there by the authorities, and he held mass in the abbey chapel when the work was done.⁸

The reoccupation of Black Friars' was of crucial significance, for it seems to have triggered an overwhelming response from the townspeople, who doubtless had their own reasons for welcoming the closure of the courthouse. Quite simply, once Brother Barry and his two fellow Dominicans were re-ensconced inside the abbey, they were transformed into subjects of reverence and esteem. Indeed, Barry's personal popularity was such that he was able to dominate life in Kilkenny in April 1603. He became the centre of attention in the town. A multitude flocked to participate in the religious processions which he led through the streets during daytime, and at night some of the common people stood guard outside his sleeping quarters at the abbey. Even the rich merchants and lawyers seem to have bowed to the friar's wishes, dropping their fixation with the maintenance of order to join in this public celebration of the Catholic faith which he had initiated. The sovereign of Kilkenny, Lucas Shee,⁹ and several members of the town council are known to have walked behind him during his processions, carrying a canopy over his head, and they may even have deferred to him on matters of urban government. Fortified by such a broad base of support, Brother Barry's confidence grew, and he determined to formalise his new-found mastery by standing up to the local overlord, the earl of Ormond, who continued to adhere to the Protestant church. Hence, when Earl Thomas arrived to demand an end to the demonstrations, the friar turned on him and rejected his order. The earl was left with little choice but to leave the town.

With similar disturbances breaking out in Thomastown and Dunkitt,¹⁰ Ormond and his closest advisers were justified in fearing that their control over the county was in imminent danger of breaking down. Although people such as Sir Nicholas Walsh of Clonmore and Sir Richard Shee of Upper Court had prospered for many years through service to the Protestant government, they now realised that many people resented the means of their success. Walsh was roughly manhandled at the market cross in Waterford when he attempted to announce the accession of James I as the new Defender of the Faith, and Shee was embarrassed in Kilkenny by the behaviour of his own son and heir, Lucas, when the latter openly connived at the Catholic seizure of power there. Indeed Lucas's support for Brother Edmund Barry seems to have instigated a family crisis in the Shee household. Sir Richard was greatly offended by his son's activities, and sought to reprimand him for his recusant disposition, which was endangering the family fortune by inviting the wrath of the government. But his argument with Lucas only alienated the rest of his children, and they later rejected the old knight's paternal authority and deserted him, leaving him to declare forlornly '[I] find that my children do not wish to live in any household but his [i.e. Lucas's]'.¹¹

Ultimately, however, the person who had most reason to curse the events of 1603 was Ormond himself. Having recently spent several months locked up with the notorious Jesuit, James Archer, the earl desperately needed to avoid further contact with militant counter-reformation Catholicism, if only to head off the groundless but persistent New English rumour that he was in league with the enemies of the crown. The emergence of a recusant

⁸ He was assisted in this by another Dominican, Brother William Raughter.

⁹ Lucas is identified as sovereign for the year 1602/3 in a volume about Kilkenny that was extracted in the eighteenth century from some old municipal records which are no longer extant (N.L.I. Ms. 2531, p.99). The existence of this source was not known to Richard Bagwell, who incorrectly names Luke's father, Sir Richard Shee, as sovereign during the 1603 troubles (Bagwell, *Stuarts*, i. p.3).

¹⁰ A priest named Thomas Woodlock led the disturbances in Thomastown, and in Dunkitt the chapel of the Blessed Virgin Mary was reconsecrated by William Nongle and Peter Strange.

¹¹ Ainsworth & MacLysaght (eds.), 'Power-O'Shee papers', p.231.

coup d'état in Kilkenny, the capital of his lordship, was an alarming development, for it promised to shatter whatever confidence the government still had in the Butler dynasty. Things seemed all the more threatening because Ormond and his immediate heir, Theobald, were the only friends of the Protestant church to be found amongst the entire bloodline of the Butlers. Like Sir Richard Shee, therefore, the earl must have felt that the fortunes of his house were about to be thrown away through his kinsmen's impulsive and shortsighted aggravation of the dreaded religious question. Certainly the activities of Sir Walter Butler, his favourite nephew and the second in line to the earldom, cannot have eased his concern. An irrepressible Papist, Walter had also taken a prominent role in the events in Kilkenny, apparently working side by side with Lucas Shee to ensure that Brother Barry's efforts to re-establish the one and true Catholic faith were successful there.¹²

The earl was left in a difficult position by these events: he had to be seen to be in command of his own territories, and yet he had to demonstrate his control to the local Catholic community as well as to the new Protestant monarch. His response reveals how delicate his predicament was. Even though there was not much he could do without exacerbating the situation further, he had to act quickly, for Lord Deputy Mountjoy was already bringing the royal army south to announce the accession of James I and apply the rod to the king's Papist opponents. Thus, when Ormond rode out of the county on 29 April to meet the Deputy at Leighlin Bridge, he was anxious to realise two objectives which were not entirely compatible. Essentially, these were to play the whole incident down while still ensuring that the ringleaders of the unrest would be disciplined.

To support him, he was joined at Leighlin by several of his most prominent clients, amongst them the two knights, Sir Richard Shee and Sir Nicholas Walsh, along with Gerald Comerford of Inchyholohan, who had recently been appointed Second Justice of the province of Munster.¹³ To the earl's great relief, the counsel offered by Walsh and Comerford carried the day. Acting on their recommendations, Mountjoy was persuaded to accept the humble submission of Kilkenny corporation as it was made to him by the sovereign, Lucas Shee, and four other representatives. More surprisingly, perhaps, the Deputy also agreed to hear the plea for mercy of Brother Barry, who now that he had taken such great strides in directing the town towards Catholicism, was eager to quit while still ahead. The friar proudly confessed his guilt and then, following a formula which was being adopted by many of his co-religionists across the country, he tendered the token excuse that he thought the new king was a Catholic monarch. He was lucky to escape lightly. Despite the transparency of his comments, Mountjoy allowed him to go free on the promise that henceforward he would desist from giving mass in public.

Ormond had cause to be pleased with this outcome. The Leighlin submissions had adequately embraced his twin needs, parading his reliability to the chief governor while simultaneously allowing him to pose as the protector of the local community, for he could claim that the representations which he and his supporters had made had prevented a damaging intrusion by Dublin into county affairs. All he needed now was to be seen to deal with the conspirators himself. Here too Mountjoy was co-operative. With the submissions over, the Deputy more or less washed his hands of the affair. The only punitive step which he took in the shire was to quarter his forces on the people of Thomastown, who had also announced their penitence for daring to challenge the established church. This aside, Mountjoy was content to entrust the matter of further retribution to Ormond's judgement. The earl was quick to respond. Within a short while he arranged for Sir Richard Shee's

¹² *C.S.P.I., 1611-14*, p.405.

¹³ *Cal. Fiants Ire., Eliz. I*, no. 6444.

errant son Lucas and a few other townsmen from Kilkenny to enter into bonds to appear before the Irish Council in Dublin, where they were to receive an official dressing down for their conduct. It was a minimal punishment, administered for appearance's sake, and the victims seem to have accepted it gracefully enough.

However, there is reason to believe that the earl's retaliation did not end here. Greatly disturbed by the level of influence which Brother Edmund Barry was able to exercise inside his lordship, either Ormond or his advisers tried to slur the friar's good name by casting aspersions about his parentage. During his meeting with the earl and his supporters, Mountjoy was led to believe that Barry was the illegitimate son of James Fitzmaurice Fitzgerald, the Desmond swordsman who had tried to lead a Catholic crusade against English heretics in Ireland many years previously. The story was probably a fabrication. The Barrys were a well known clerical family in the county who resided mainly in the Callan area, and they had done so for many generations before 1603. Indeed, the most famous member of the line, Thomas Barry, had acted as bishop of Ossory in the early fifteenth century,¹⁴ and others of his name had followed in his footsteps ever since, producing a steady stream of local churchmen of which Brother Edmund seems to have been the most recent example.¹⁵ The allegation that he was a bastard seems even less plausible when the form of his surname is considered: had he been Fitzmaurice's son, he would have been called Edmund Fitz James, Edmund Fitzmaurice or Edmund Fitzgerald, not Edmund Barry. In the final analysis, therefore, it seems fair to conclude that those who invented the story did so in order to heighten the government's concern about him. Obviously the tale cannot have been concocted for local consumption, for the Kilkenny population would have seen through it immediately. The Dublin authorities, however, were not so well informed, and if they could be made to accept that the troublesome Dominican friar was the fruit of the loins of one of the most infamous rebels of the Elizabethan era, they might be persuaded to oppose him with all the means at their disposal. In this way, the wily old earl and his clique of well-placed clients could avoid tackling Barry themselves.

It is easy to understand why they would have desired the cleric's undoing: as one historian has recently observed, Barry had set himself up as a 'virtual dictator' in the earl's principal town and had openly defied his authority.¹⁶ Nevertheless, for all its craftiness, the fiction which the Ormond group transmitted about Brother Edmund's paternity was hardly a strong response to the threat which he posed to their interests. If anything, it betrayed their weakness and desperation when confronted by a popular advocate of popery, for through his success they were forced to recognise that a serious rift had emerged among the ruling elite of the county, and that, like it or not, their command of events was not what it had been.

This uncomfortable fact was brought home to them with added weight during the next couple of months. Regardless of the promises which had been made to Mountjoy at Leighlin, the townspeople of Kilkenny had no intention of hiding their religion away from the watchful gaze of the state, and during the summer they continued to cling openly to the teachings of 'a friar of great note among them', a description which almost definitely refers to Edmund Barry.¹⁷ Moreover, they invited Dr James White back from Waterford to

¹⁴ H.J. Lawlor (ed.), 'Calendar of the Liber Ruber of the Diocese of Ossory', *R.I.A. Proc.*, xxvii, C (1908), p.191.

¹⁵ It is possible the Barrys were quite literally a clerical dynasty, marrying and having children just as many others in the late medieval Irish church did (Nicholls, *Gaelic and gaelicised Ireland*, pp 92-8). Malachy Barry was working as a priest in and around Callan in April 1565 (*C.O.D.*, v, no. 140); Edmund Barry is recorded as chaplain of St. Katherine's chantry, Callan, between 1570 and 1583 (*ibid.*, v, no. 165; 'Deeds deposited by Edward J. French', *Forty-third report of the Deputy Keeper of the Public Records of Ireland* (Dublin 1912), p.14, no. 10); William Barry was a priest at New Ross in 1572 (*C.O.D.*, v, no. 197).

¹⁶ Anthony J. Sheehan, 'The Recusancy Revolt of 1603', *Archivium Hibernicum*, xxxviii (1983), p.3.

¹⁷ *C.S.P.I., 1603-6*, pp 67-8.

celebrate the festival of Corpus Christi, and to add to the splendour of the occasion, Lucas Shee and five of his fellow town councillors authorised the payment out of public funds of at least £5.10s for the pageant, a significant outlay.¹⁸ The money was not wasted. According to Doctor White's own report of events, 'an immense number of Catholics' arrived in Kilkenny from all over Ireland to join in the celebrations, their enthusiasm fired by the prospect of seeing 'the wood of the Holy Cross' which had been brought to the town that day.

The Lord Deputy was infuriated by this show of defiance. He had expected the corporation's officers to clear away all 'relics of popery' from Black Friars' and return it to its proper function as a courthouse; instead, he discovered that the town's rulers had stood by while 'new additions of idolatrous images and many other idle toys' were erected inside the abbey.¹⁹ His patience finally evaporated at the end of the year when the new sovereign of the town, Martin Archer, failed to raise a finger towards the building's restoration as a sessions house. Reacting swiftly, the Deputy had Archer imprisoned for his disobedience, thus introducing for the first time a penal policy which would soon become familiar in the shire. For the moment, the punishment of Archer must have sent a shock wave through the ranks of the urban elite, especially as he is known to have fled the country after his release and died in exile in August 1604.²⁰ Ormond also would have been alarmed by this development, if only for personal reasons. By gaoling Archer the government had laid bare his limited capacity to act as local overlord and protector in this new age of open religious conflict.

The recusancy revolt of 1603 signalled a dramatic beginning to what was to be the principal political feature of the early seventeenth century, namely the battle for the religious conformity of the community of the shire. Throughout this tussle, the Ormond dynasty generally remained powerless in the background, pushed aside by the much larger forces of a centralising state and an expanding international Catholic church; as a result, the affairs of the earldom will receive a little less attention here than was the case in preceding chapters.

The nature of the religious struggle in seventeenth century Kilkenny is more complex than some historians have assumed. The triumph of Catholicism in the county was not inevitable. At the accession of James I it was still far from clear that Protestantism had failed. However, from the outset government attempts to achieve conformity were consistently undermined by the crassly expropriative policies of those responsible for the policy of enforcement. In time it emerged that the secular authorities, increasingly dominated by colonial adventurers, were primarily concerned with the potential for self-enrichment through the seizure of Catholic (and sometimes Protestant) wealth; the Protestant mission suffered accordingly.

The failure of Protestantism

In the years immediately following the recusancy revolt, the crown still confidently anticipated the eventual triumph of Protestantism in the county. Despite the widespread support which the pope and his emissaries had achieved, the signs reaching Dublin Castle were not entirely discouraging. In the first place, there was already a small native Protestant community in Kilkenny which, it was hoped, might form a bedrock for future expansion. As well as including prominent politicians like Sir Richard Shee, Sir Nicholas Walsh and Gerald

¹⁸ Anon (ed.), 'Note of Particulars extracted from the Kilkenny Corporation Records relating to the Miracle Plays as performed there from ... 1580 to 1639', *R.H.A.A.I.*, 4th series, vi. Pt. 2 (1884), p.240.

¹⁹ *C.S.P.I.*, 1603-6, pp 67-8.

²⁰ He died of an unspecified illness which he had contracted while in prison (P. Moran (ed.), *The Analecta of David Rothe, bishop of Ossory* (Dublin 1884), p.387). Despite a number of statements to the contrary, by Moran and more recently by O'Fearghaill, the unfortunate sovereign was not Walter Archer, but his namesake Martin (N.L.I., Ms. 2531, p. 99). Walter had been sovereign in 1590 (*ibid*) and died on 10 May 1606 (*Inquis. Lagania*, Co. Kilkenny, Charles I (8)).

Comerford, those who are known to have conformed to the established church also included members of the Daniel, Bolger, Joyce, Archer, Wale, Barry and Butler families.²¹ Apparently the fruit of the mission which had been carried out in the sixteenth century by Bishops Bale, Gaffney and Walsh and more recently by Bishop John Horsfall, many of these native Protestants were true disciples.²² Among other things, they had decided to educate their sons for a church career, packing them off to Dublin to study for the ministry at Trinity College, or else sending them across the Irish Sea to the universities of Oxford and Cambridge in England.²³

As a result, by the early 1600s the Protestant clergymen of the diocese of Ossory were to a significant degree locally born and bred. In January 1604, for instance, just months after the Catholics had demonstrated their strength so effectively, Bishop Horsfall could count among his principal servants Thomas Wale and Walter Barry, respectively Treasurer and Chancellor of St. Canice's Cathedral.²⁴ Moreover, another eight Kilkenny-born clergymen could be found elsewhere in the diocese, a very substantial number which insured that Ossory possessed one of the most racially integrated Protestant ministries in Ireland. Altogether by the middle of James I's reign, approximately one in three of the Church of Ireland clergymen who were resident in the county had been born there.²⁵

The contact with the local community which these churchmen could bring was clearly of great potential value to the government. For example, Thomas Wale was closely connected with the Catholic Rochfords of Killary; indeed, he held a position of trust and influence within the family, acting as one of the feoffees for their estate in conjunction with the prominent southern landlord, Thomas Den of Grenan.²⁶ Clearly, if Wale demonstrated his dependability as a trustee, he would have been well situated to make Protestantism less threatening to his Catholic associates by literally giving it a friendlier face.

Many of his English-born colleagues held a similar advantage. No less than ten of the English clergymen who were working in the diocese of Ossory in 1615 had been doing so for more than twenty-five years. As such they too had become an established part of county society, and they probably performed the usual functions associated with local men of learning in the early modern period, participating in local transactions, witnessing deeds and the like.²⁷

The strength of the local ties which the English ministers developed should not be under-estimated. Indeed, it is important to note that some of those who were designated as English clergy in the Jacobean period were in fact first or second generation Kilkennymen, being the descendants of earlier Protestant ministers who had come over from England under Elizabeth I. This was the case with the Mainwarings, for instance, who took root in the shire

²¹ T.C.D., Ms. 566, ff 111v-115r.

²² One of the first historians to notice the long-term survival of the Protestant converts was Nicholas Canny; see his article 'Why the Reformation failed in Ireland: Une Question Mal Posee', *Jnl. of Ecclesiastical History*, xxx (1979), pp 429-32. However, if Kilkenny is anything to go by, his assertion that 'few, if any converts' were won over in Elizabeth's reign is open to doubt (*ibid.*, p.432).

²³ E.g., see the educational details given for Barnaby and Simon Bolger, the two Robert Wales, William Daniel and Leonard Shortal in Ford, *Protestant Reformation*, pp 101-2, 103-4 and 123-4.

²⁴ N.L.L. D. 3340.

²⁵ As a rule, native-born clergy were only a feature of the Anglican church in Leinster. The Ossory figure - 10 locals out of 31 ministers - compared very favourably with the ratio achieved by the native clergy in the diocese of Kildare, who only accounted for one-quarter (or 7 out of 28) of those in residence in 1615. My calculations are based on Ford, *Protestant Reformation*, pp 81, 100 and 117-8, note 18. In addition to the ten native clergy named by Dr. Ford as resident in Kilkenny in 1615 it is worth recording that two others, Robert Wale and Abel Walsh, were among those absent at the time (*Cal. Patent Rolls. Ire., James I*, pp 228 and 294).

²⁶ N.A.I., C.P., parcel E, no. 296.

²⁷ E.g., Robert Wale was witness to an arbitration concerning the lands of Howlingstown in August 1630 (Ainsworth & MacLysaght (eds.), 'Power-O'Shee papers', p.238).

after the Reverend Henry Mainwaring became archdeacon of Ossory in late Elizabethan times.²⁸ In December 1608 his son and heir acquired the family seat, a five-story castle with some out-buildings near the former abbey of Black Friars' in Kilkenny town.²⁹ Thereafter the family sought and secured possession of a crown lease of three rectories in the county, and they did so with a mind to passing the livings onto the archdeacon's grandson, Thomas Mainwaring, who it was intended should also pursue a career in the established church.³⁰ Similarly, the offspring of Bishops John Horsfall (d.1610), Richard Deane (d.1613), and Jonas Wheeler (d.1640) all carved out a niche for themselves among the lay community of the shire which soon set them up as part and parcel of the local elite. Hence, in the final analysis, it would seem that, far from viewing residence in the county as a temporary expedient along the road to a successful Irish career, some of the most outstanding immigrant English Protestants looked upon Kilkenny as a good base from which simultaneously to spread the word and build their private fortunes.

This state of affairs was clearly to the crown's advantage, for as a result, the Protestant establishment in the county was a fairly stable one, much less subject to change than its counterpart in the shires of Munster, and hence potentially better placed to nurture a solid long-term relationship with the local community.³¹ And yet this situation had its own attendant dangers. In particular, the remarkable degree of continuity among the diocesan personnel of the late Elizabethan and early Jacobean church offered the prospect of the senior local clergymen all growing old together, thereby forfeiting the youthful dynamism which the Protestant mission needed if it was to succeed. Unless something was done in time, it was possible that the small but solid foundations which the Church of Ireland had laid in Kilkenny might wither away with age.

In order to prevent this occurring, the royal authorities sanctioned a substantial addition to the Kilkenny ministry after 1603. In all, over the next twenty-two years a further 24 clerics were appointed to livings in the diocese, an average of more than one a year.³² Although their appearance produced a slight shift in the ethnic balance of the clergy - only four of the new preachers (less than one in three, the usual ratio) were natives of the shire³³ - the advantages of this rapid increase in clerical numbers far outweighed any disadvantages which it may have produced. In the first place, the steady flow of fresh-faced clergy from England guaranteed that the incessant under-staffing which had so weakened the established church in the county during the sixteenth century was not repeated. Moreover, despite the arrival of so many new faces, Ossory still continued to retain a much higher proportion of home-grown ministers than most Irish dioceses in the early seventeenth century, thus providing further proof of the tenaciousness of the native Protestant community.

In other ways too, the ministry of the diocese of Ossory was quite well looked after. Thanks largely to the active concern of the Dublin executive and the efforts of successive local bishops, means were found to improve the fabric of the parish churches in which the clergy were expected to work. In 1615, for example, out of 113 churches in the shire, 53 were recorded as fit to work in, a reasonably good proportion; by 1622 the number had risen

²⁸ N.A.I. T. 2621. He had earlier served as prebend of Feddert in the diocese of Ferns (Ibid. C.P., parcel K. no. 268).

²⁹ Ibid. Lodge MSS. Wardships, liveries & alienations. Vol. I. p.257. He further consolidated the property in October 1609 when he took a 61-year lease of some adjoining rooms from Kilkenny corporation. Kilkenny Corporation Archives. Ms. CR/1 40.

³⁰ Ainsworth & MacLysaght (eds.). 'Power O'Shee papers', p.238; N.A.I., Lodge MSS. Records of the Rolls. Vol. IV. p.245. See also John Ryland's Library. Ms. 246. fol. 20r.

³¹ Ford, *Protestant Reformation*, p.98.

³² *Cal. Fiants Ire., Eliz. I.* no. 6654, *Cal. Patent Rolls, Ire., James I.* pp 31, 105, 135, 147, 153, 168, 228, 234, 294, 324, 339, 359 and 373; N.A.I., Index to Fiants, James I, pp 73-8, 80-1 and 85.

³³ Edmund Donellan, Robert Wale, Barnaby Bolger and Abel Walsh.

to 62, a significant achievement, especially as Ossory was the only diocese in the country in which the quota of churches in repair had actually grown.³⁴ As we shall see later on, with government aid this trend was set to continue during the reign of Charles I. Whatever its failings elsewhere, the Dublin administration successfully insured that in Kilkenny at least, Protestant clergymen were able to hold service in churches that befitted their status as ministers of the Lord.

In several respects, therefore, the prospects seemed good for the continuation of the Protestant clergy's modest success in County Kilkenny. Mismanagement, however, undercut these advantages. In order to save money, the state failed to increase the remuneration of the ministry, so that many of the ordinary parish clergy may have found themselves in a similar situation to the vicar of Thomastown, George Dodd. Early in the 1600s he was forced to live in a prominent parishioner's home, in 'a loft over the hall', hardly an ideal abode for a respectable minister of the established church.³⁵ Poor pay was compounded by the difficulties the clergy experienced in recovering church buildings, rents and services that had been granted away in the sixteenth century to the tenth earl of Ormond, various government officials and other members of the laity. Shortly after the death of Elizabeth I Bishop Horsfall was able to list 80 livings in the diocese which had been impropriated into lay hands during her reign.³⁶ Although things improved thereafter, not enough was done, so that in 1615 the income of no less than 69 of the 139 rectories which belonged to the church in County Kilkenny were still in lay hands, a crippling statistic.³⁷

Sometimes the beneficiaries of this situation were Protestant laymen from Dublin such as Francis Edgeworth, the Clerk of the Hanaper, who as late as 1616 received a royal grant of the rectory of Dunkitt and all the property belonging to it, including the glebe house and other buildings nearby.³⁸ Like most of his fellow grantees, Edgeworth - a younger brother of the Elizabethan bishop of Down & Connor, Edward Edgeworth³⁹ - did nothing to forward the Protestant mission. On the contrary, he rapidly cashed in his interest, assigning the rectory to a local gentleman, Richard Archdekin, who was subsequently able to enjoy its profits while the Protestant ministers of the diocese looked powerlessly on.⁴⁰ Much the same happened a few years later in July 1628 when the rectory of Stonecarthy passed beyond the grasp of the local clergy and into the hands of Sir Philip Percival of Dublin, another government official who like Edgeworth before him, quickly alienated the holding, glebe house and all, to a native gentleman.⁴¹ Thus was the Protestant church impoverished by its own.

It was left even poorer by the local Catholic elite. During the opening decades of the seventeenth century, many of the county's principal Catholic landlords continued to cling on tenaciously to established church livings, happy in the knowledge that by doing so they were building up their own fortune while undermining that of the state religion. Admittedly, there was little that the state could do to stop them without recourse to an act of parliament; but as we shall see below, up until the mid-1630s, the government was generally far more anxious

³⁴ Ford, *Protestant Reformation*, pp 110-15, esp. p.114.

³⁵ N.A.I., C.P., parcel K, no. 75. Despite these humble beginnings, the Dodds became quite prominent in Thomastown, where they kept a tavern (*Cal. Patent Rolls. Ire., James I*, p.313). Peter Dodd, probably another member of the family, had been presented to the combined vicarages of Kilcoan and Kilbride in 1597 (*Cal. Fiants Ire., Eliz. I*, no. 6165).

³⁶ *C.S.P.I., 1603-6*, p.178.

³⁷ Ford, *Protestant Reformation*, p.88.

³⁸ *Cal. Patent Rolls. Ire., James I*, p.356. Lamacraft (ed.), *Ir. Funeral Entries*, p.101.

³⁹ Harriet J. Butler & Harold Edgeworth Butler, *The Black Book of Edgeworthstown* (Dublin 1929), pp 8-9.

⁴⁰ John Ryland's Library, Manchester, Ms. 246, fol. 14v. Edgeworth's assignee was probably Richard Archdekin (alias McOdo) of Corballymore, County Waterford, whose main estate was not far from Dunkitt (N.A.I., Lodge MSS, Records of the Rolls, Vol. III, p.51).

⁴¹ *Ibid.* Vol. V, p.82.

to avoid summoning a parliament than it was to push its policies forward through legislation. The result was paradoxical, as the local Catholics who had received church livings on long leases in late Elizabethan times were permitted to remain in occupation by an early Stuart government which otherwise wished to crush their capacity to block its religious reforms. Worse still, the political profile of some of the crown's Catholic grantees and sub-grantees must have greatly infuriated the Church of Ireland clergy. In 1622, for instance, Lucas Shee kept two rectories away from them, Lewis Bryan clung on to three, and Nicholas Langton retained one.⁴² Each of these was a well known recusant leader.

Just as serious as the government's failure adequately to remunerate its religious agents was its inability to insure that they remained in the shire. Indeed, both shortcomings were inextricably intertwined, for without decent wages and working conditions, many of the local ministers were understandably reluctant to stay in Kilkenny. The scale of their subsequent exodus was alarming. By 1615 no less than 21% of them had walked out of their posts, making Ossory one of the worst attended Protestant dioceses in the whole country.⁴³

Ultimately, of course, financial and administrative problems like these would not have mattered a great deal if Protestantism had had no appeal whatsoever to large numbers of the local population. The fact that it did has largely been ignored by historians, who have generally assumed that the extent of support for the Recusancy Revolt in 1603 meant not only that the established church was doomed to failure, but also that the new Catholicism of Dr. White the Jesuit and Brother Barry the Dominican was universally popular. This might have proved the case if the tactics employed by the Catholic church had been less controversial.

As things stood in the early 1600s, it still seemed possible that Anglicanism might achieve victory by default, for some of the local recusant gentry found it hard to tolerate the activities of the new Catholic clergy. Piers Butler of Callan, for example, though himself a professed recusant, was outraged by the behaviour of a Jesuit from Tipperary who, he claimed, had told his children not to pray for the health of the king. An Anglo-Irish loyalist at heart, Piers could not abide such confrontational tactics, and he readily gave information to the government about the movements of some of the more prominent priests in the Callan area, including the vicar-apostolic, Dr. James White. As far as Piers was concerned, there was no point in supporting 'the swarm of fathers' who had lately arrived from abroad, as they were determined to break the community's long-standing links with the English monarchy (unless, of course, the crown granted freedom of practice to Catholicism).⁴⁴

Whatever one makes of his decision to act as an informer, it is abundantly clear that Piers was not unusual in the animosity which he bore towards the priests. In July 1606 the principal inhabitants of the small market town of Gowran expressed their dissatisfaction with the counter-reformation clergy in the frankest of terms, complaining that they 'commandeth disobedience to the prince, [and to the] magistrates and governors established by his authority. They preach wars, to destroy by fire and sword all such as are not of their own opinion; [and] they raise up debate, strife, envy and malice in as many as they can sway with their counsel and advice'.

⁴² John Ryland's Library, Manchester. Ms 246. ff 3v, 7r and 11v. The Shees went to court in 1632 to defend their title to the rectories of Galmoy and Glashare (N.A.I., Chancery Decrees, Charles I-Charles II, p.82).

⁴³ Eight out of 39 ministers had left (N.A.I., R.C. 10/7: 1615 Visitation). See also Lambeth Palace Library, Ms. 2013, for conditions in 1622.

⁴⁴ *C.S.P.I. 1606-8*, p.507. It is worth noting that, by 1612, Piers was well known to the Puritan Boyle-Parsons faction (A.B. Grosart (ed.), *Lismore Papers* (1st series, 4 vols., London 1886), i. p.4).

Apparently convinced that 'the church of Rome is of the devil', the people of Gowran were eager to encounter Protestantism, which they saw as offering peace and stability, 'commanding love in a brotherly union one towards another'. Through the agency of Edmund Ryan, the constable of the earl of Ormond's manor there, the townspeople petitioned the Lord Deputy to send them a preacher and schoolmaster who could spread the Anglican doctrine among them all, young and old alike.⁴⁵ It was a remarkable turn of events, and one which aroused considerable interest in government circles, especially as the old earl of Ormond evinced no enthusiasm for the burgesses' request. On the contrary, evidently irate that his servant Ryan had meddled with religious matters, the earl replaced him as his constable forthwith, introducing the Catholic David Archer in his stead.⁴⁶ Perhaps Earl Thomas saw the petition as just another attempt by the people of the town to break free of his authority, this time playing the Protestant card in order to win a new charter from the crown.⁴⁷ Whatever the case, his irritation with Ryan came too late, as Lord Deputy Chichester determined to lend his support to the town as quickly as possible.

Irrespective of Black Tom's desire to maintain the *status quo*, the new minister was duly appointed sixteen months after the burgesses had made their request, in November 1607,⁴⁸ and thereafter Gowran secured the special attention it craved, receiving a new charter as a parliamentary borough in 1608 (thus finally breaking from the earl's control), one of only three Irish towns to gain such a charter since 1586.⁴⁹ On the religious front, it was given a second minister in 1612, and a third in 1622.⁵⁰ In principle, treatment such as this should have encouraged a spate of Protestant conversions, but in the end it failed to do so, due mainly to the government's internal problems.

The dilemma which confronted the state in Gowran revolved around the form of Protestantism which it wished to promote. During the early seventeenth century, the Church of Ireland gradually succumbed to the divisive effects of a peppery theological dispute between Puritan and Arminian elements within it. The effects of the row were profound, and were felt many miles away from Dublin, even in small towns like Gowran, way off the beaten track. One of the principal bones of contention concerned the Protestant attitude to Catholics. Recognising the pope as a temporal ruler and fellow Christian, the Arminians hoped that the crown could reach a political rapprochement with Rome and show greater tolerance to its Catholic subjects. The Puritans, on the other hand, could brook no meddling with popery, which was not 'true religion', and they advocated that every effort be made to reduce the power and influence of the Papists.⁵¹ More than anything else they wanted the Catholic clergymen run out of the country, convinced that the priests were planning the overthrow of English rule in Ireland, a viewpoint which was not as paranoid as has sometimes been claimed, if events in County Kilkenny are anything to go by.

It might seem that the people of Gowran were most receptive to the puritan message, especially when their strong language denouncing the Catholic clergy in 1606 is recalled. Yet this was not the case. Even though they were at one with the puritans in fearing the priests and their schemes, they could not accept the rest of the Puritan doctrinal baggage, which called for the outright repression of Catholicism by any means whatsoever. Militancy

⁴⁵ *C.S.P.I., 1603-6*, pp 545-6.

⁴⁶ Archer was in place by the end of 1607 (N.L.I. Ms. 11.053 (9)). By April 1608 he was feuding with the town elite: Kilkenny Corporation Archives, Ms. CR/K 15.

⁴⁷ For the economic origins of the dispute with Ormond, see Chapter One above.

⁴⁸ *Cal. Patent Rolls, Ire., James I*, p.105.

⁴⁹ T.W. Moody, 'The Irish parliament under Elizabeth and James I', *R.I.A. Proc.*, xlv, section C (1939), p.53; N.A.I. M. 3237; *Ibid.* Lodge MSS, Fairs & Markets, p.86.

⁵⁰ *Ibid.* Index to Fiants, James I, p.76.

⁵¹ Ford, *Protestant Reformation*, chaps. 8-9

was the order of the day. Having fled from the Catholic clerics because they attacked the king as a heretic, the loyal townsmen of Gowran found themselves confronted by Protestants who depicted the pope as the Anti-Christ. Arminianism, therefore, was probably the form of Protestantism which was most in tune with the townsmen's expressed desire for a religion which promised some form of Christian reconciliation and preserved intact the English connection. Unfortunately for them, however, the Arminian cause made little headway in the Irish Protestant church until the 1630s, and even then it was opposed by many of the everyday ministry, most of whom were puritan and fervently anti-Catholic.

Suffice it to say that Arminianism arrived too late. In the meantime, for a period of thirty years after they had first petitioned the government, the community of Gowran were probably exposed to hard-line messengers only. It is most unlikely that any of the town's three new Jacobean ministers, Robert Cooke the Englishman, John Kellie (possibly a Scotsman) or the locally reared Robert Wale, would have swum against the tide of official religious intolerance. This state of affairs was compounded in the 1620s, when the right to present clergy to one of the rectories in Gowran was acquired by Sir William Parsons, a leader of the Irish Puritan party,⁵² who subsequently placed his relative Thomas Parsons in the vacant living.⁵³

When the Arminian faction finally staked out its claim a few years later through the agency of Lord Deputy Wentworth's chaplain, James Croxton,⁵⁴ it had a veritable mountain to climb in the town. Devout Catholics aside, Croxton had to contend with the animosity of his Protestant rival Parsons. From the start the pair failed to co-operate, preaching contrarily, and Croxton was soon reported to the authorities over the form of the service which he dared to follow, preparing his congregation for communion '(they kneeling before the altar), by hearing their confessions'. To Parsons and his fellow Puritans, this was open popery, and Croxton was subsequently censured for his wayward approach by the Irish bishops in convocation.⁵⁵ The end result was fairly predictable. The townspeople remained solidly recusant in their religious outlook, consistently electing Catholic M.P.s to the Irish parliament throughout the early Stuart period. Things might have been different if the Protestant clergy had been less divided and more tolerant.

The strength of Catholicism

Apart from Gowran, the Protestant clergy had little opportunity to make converts anywhere else, something which led the more puritanical of them to believe that the local population was not worthy of God's grace. One who subscribed to this view was Richard Olmstead, who was appointed to the vicarage of Urlingford in the north of the diocese in April 1630.⁵⁶ Taking to his writing desk, he penned a sermon which was later published under the title *Sions teares* where he despaired of the task that lay in front of him, trying to bring 'true religion' to people who were essentially unreligious. He was utterly convinced that the Catholics of Kilkenny, Queen's County, Carlow and elsewhere were led 'by the devil and every base lust', and he did not shy away from pronouncing his judgement from the pulpit, threatening the local congregations with the ultimate punishment. They would all burn in hell, he promised, 'for there are but a few, ... scarce one of a family or ten of a tribe

⁵² N.A.I., Lodge MSS. Records of the Rolls, Vol. V, p.95.

⁵³ T.C.D., Ms. 812, fol. 219.

⁵⁴ Croxton served as Wentworth's representative in the lower house of the Irish convocation in 1634 (H.F. Kearney, *Strafford in Ireland, 1633-41* (Cambridge 1989), p.115).

⁵⁵ Croxton to Laud, 18 April 1638 (P.R.O., S.P. 63/256/84).

⁵⁶ Morrin renders the Irish form of Urlingford - Athinerle - as Aphelerin in his calendar (*Cal. Patent Rolls, Ire., Charles I.*, p. 538). Olmstead was also appointed to the rectory of Killermogh (alias Killermoy), which although it was in the diocese of Ossory, was not in Kilkenny, lying instead across the shire border in Queen's County, as part of the deanery of Aghaboe.

that shall be saved'.⁵⁷ Many of his colleagues agreed with him, and gradually during the early seventeenth century the Protestant establishment seems to have turned away from the local community the more that its mission failed, increasingly advocating the sword rather than the word as the only weapon to bring the Catholics to their knees. Indeed, Leonard Shortal, another locally-reared churchman, went so far as to demand that all sources of Catholic support in the county be physically eliminated as quickly as possible.⁵⁸

Shortal's advice was entirely orthodox. From early in King James's reign crown officials had sought to capitalise on the high level of non-conformity in the area by imposing fines on wealthy Catholics (recusancy fines), sometimes demanding as much as £40 of individual landowners and merchants, as they were empowered to do by the statute 2 Elizabeth. Some even reckoned that the king could make a profit from his rule in Ireland through the remorseless taxation of recusants, while others saw great opportunities for the expropriation of Catholic property. However, in Kilkenny the arbitrary extension of criminal law that occurred at this time failed to produce a windfall of forfeited land. Perhaps because of the continuing influence of tenth earl of Ormond, no forfeitures occurred in the shire before his death in 1614. Even after this, however, the state only gained possession of two major Catholic estates - one belonging to Walter Butler of Paulstown, which was forfeited through attainder in December 1619, and the other to John Bryan of Bawnmore, which was seized for an unrecorded offence sometime before October 1620. Both forfeitures were probably opportunistic, for the offences for which the lands were seized cannot have been serious: within a few years both Butler and Bryan got their lands back, presumably by paying a suitable sum to the government grantees (Lord Esmond and Sir William Parsons respectively).⁵⁹ The most plausible reason why so little Catholic property fell into crown hands after 1614 is that the great majority of the Kilkenny gentry had solid title to their property by English law. Accordingly, until the mid-1630s, the Protestant interest in Kilkenny was not strengthened by widespread seizures of Catholic land.

Right from the start, coercion utterly failed to break the ties binding the Kilkenny populace to Rome. If anything, the more menacing the measures taken by the state, the more it added to the strength of the Catholic church, which seems to have thrived as an illegal organisation. As Bishop Horsfall put it in June 1604, 'the people generally are so misled with superstitious idolatry that they altogether scorn ... [the state's] censures'. Even the sheriff of the county treated the established religion with contempt, bluntly refusing to serve if his duties included levying a tax in its aid. Naturally the bishop hoped that someone else would assume the shrievalty, but nobody came forward, and he was left alone in the episcopal palace certain that 'the Lord's harvest' could not be reaped in his diocese unless stern steps were taken. More than anything else, he wanted the government to do something to stem the tide of priests - 'Romish caterpillars' - who were flooding back into the shire at an alarming rate.⁶⁰

His prayers were soon answered. Following the appointment of Sir Arthur Chichester as the new Lord Deputy in February 1605, the crown immediately took a more aggressive stance against popery. Sometime before the end of the year one of Chichester's servants, Captain Denis O'Daly, was made sheriff of the shire, so that Bishop Horsfall could at last look forward to the collection of church tax.⁶¹ In November one of his absentee ministers,

⁵⁷ Olmstead's words are cited in Alan Ford, 'The Protestant Reformation in Ireland', in C. Brady & R. Gillespie (eds.), *Natives & Newcomers: essays on the making of Irish colonial society, 1534-1641* (Dublin 1986), pp 68-9. See also Marc Caball, 'Providence and exile in early seventeenth century Ireland', *I.H.S.*, xxix, no. 114 (Nov. 1994), pp 182-7.

⁵⁸ Ford, *Protestant Reformation*, p 102.

⁵⁹ *Cal. Patent Rolls, Ire., James I.* pp 453-4; N.A.I., Lodge MSS, Records of the Rolls, Vol. IV, p 346.

⁶⁰ *C.S.P.I. 1603-6*, p 178.

⁶¹ See Appendix 3. O'Daly was made the governor of Fort Chichester in 1610 (*Cal. Patent Rolls, Ire., James I.* p. 168).

the locally-bred Edmund Purcell, was tracked down and ordered back to his parish from Dublin.⁶² Also about this time a decree was issued banning the importation of 'popish books and relics' and granting authority to crown officials to search the houses of convicted recusants for any such paraphernalia.⁶³ Last but by no means least, the problem of the popish priests was dealt with in October, when a proclamation was published ordering them to clear out of the country by 10 December, or risk arrest and severe punishment.⁶⁴

This tough new line achieved nothing. When Bishop Horsfall had complained of conditions in his diocese in 1604, there were then at least thirty 'priests, seminaries and Jesuits' living and working in the county, amongst them Edmund Barry and the new vicar-apostolic of Leighlin, Luke Archer.⁶⁵ Thereafter, the 1605 proclamation notwithstanding, the number of Catholic priests in Kilkenny increased steadily each year. Indeed, by 1613 there were at least forty-eight of them, a figure which compared very favourably with the thirty-one ministers who were available to the Protestant bishop at the time. Already, therefore, the quasi-underground Catholic church had achieved a dynamic rate of expansion against which its Anglican rival struggled to compete. We are fortunate to possess a document which gives us a remarkably detailed picture of the level of infiltration which the priests had realised.⁶⁶

According to the manuscript, which was drawn up by a government spy in 1613, the Catholic clergy had penetrated nearly every area of the shire with strength to spare. Of the towns, only Gowran and Inistioge were as yet unaffected by their return, an interesting fact, implying first that the people of Gowran were still leaning towards the established church, and secondly that the disapproval of the ill-fated heir to the Ormond title, Theobald, Lord Tulleophelim, may have been enough to keep the priests and friars out of Inistioge, where his principal estate lay.

Elsewhere the picture was vastly different. The spiritual needs of the townspeople of Callan were well catered for by two priests, both of whom seem to have been present there on a more or less full-time basis over the previous ten years.⁶⁷ There were also two Catholic clerics in Thomastown, and one in Knocktopher. Most important of all, the determination of the Catholic clergymen to retain a tight grip over the spiritual affairs of Kilkenny city had been accomplished most successfully. On the eve of the 1613 parliament, there were no less than seventeen of them to be found living and working inside the city walls, an extraordinarily high number, which in its own way reflects the continuing strategic importance of Kilkenny in south-eastern Ireland. Indeed, some of the Catholic churchmen who resided there were very important on a regional level, including as they did a newly appointed vicar-apostolic for the diocese of Ossory, a vicar-apostolic for neighbouring Leighlin, a vicar-general, and an abbot for the recently reopened monastery at Duiske. Clearly, as far as the Catholic church was concerned, to dominate Kilkenny city was to dominate much of mid-south-eastern Ireland.

The Kilkenny priests could not have achieved their regional influence without the full support and protection of the city's professional and merchant elite. Quite simply, families

⁶² N.A.I. Index to Fiants, James I. p.124.

⁶³ Charles McNeill (ed.), 'Report on the Rawlinson MSS (Class D) in the Bodleian Library', *Anal. Hib.*, no. 2 (1931), p.76.

⁶⁴ R.R. Steele, *Tudor & Stuart royal proclamations* (2 vols., Oxford, 1910), ii, no. 182.

⁶⁵ *Ibid.* See also Moran, 'Bishops of Ossory', p.254.

⁶⁶ The ensuing couple of pages are based on this item, which was published verbatim in Moran, 'Bishops of Ossory', pp 266-71. The name of one of the 48 clerics, the Jesuit Thomas Murrough (alias 'Thomas Maurey, or Murrie'), is given twice by the spy who compiled it. The spy was unusual in that he was almost certainly a native, and as such he was remarkably well informed of the whereabouts of the priests. Crucially, although an internal Franciscan report of 1613 listed only 27 of the 48 Catholic clergymen which the spy claimed were then present in the county (T.C.D., Ms. 567, ff 32r-35v), the additional names given by the spy can be corroborated.

⁶⁷ James Joyce and Murtagh O'Dowley are both also listed in a document of 1604 (Moran, 'Bishops of Ossory', p.264). Further details of O'Dowley's activities are given below. For Joyce in 1610, see N.L.I., D. 3469.

such as the Rothes, the Shees and the Archers - all closely affiliated to the Ormond Butler clientage network - possessed the sort of power that it took to shape the religious character of the city. Between them they had monopolised town affairs for many generations, and as literal ever-presents on the city council they had a controlling hand over the drafting and implementation of corporation bye-laws. If they had so decided, they might have been able to force the priests to leave the city by rigorously enforcing existing anti-recusant legislation against them.

Fortunately for the priests, however, little had changed since 1603. Despite the disapproval of the Dublin executive, the city's governors were utterly committed to assisting the progress of the Catholic mission by all means at their disposal. Occasionally, this could mean offering financial assistance to some of the clergy: Father Laurence Reneghan, for instance, was granted an annual stipend by the corporation, something which his Protestant counterparts must have found particularly exasperating. But most often of all, the urban elite of Kilkenny demonstrated their pious concern for the faith by offering sanctuary to the priests, either putting them up in their homes temporarily or retaining them on a long term basis as private chaplains. No less than fifteen of the city's seventeen clerics were accommodated in this way, a high ratio by any standard.⁶⁸

It is important to note that the priests were not sheltered exclusively by the wealthiest merchants and lawyers. They were also offered a roof by some of the city's lesser families. For example, a priest by the name of Father Wall stayed in the house of his kinsman, Nicholas Wall, an otherwise obscure figure who was a brazier in the city.⁶⁹ The Jesuit Thomas Brehon's domestic conditions were much the same. Hailing from a small urban family who rarely made an appearance in local records, he resided with his father, John, and his brother, David, in a house overlooking Green's Bridge in the Irishtown of Kilkenny.⁷⁰

But by and large, arrangements like these were unusual. In general, families of such moderate standing did not dare to run the risk of harbouring priests, for they could not afford to pay the price of being caught. Instead, it was left to the civic elite to flout the law as best they could; they rose to the challenge enthusiastically. Ever contemptuous of the government's efforts to enforce conformity, seven of the city's aldermen maintained Catholic pastors.⁷¹ Once again, as had been the case in 1603, Lucas Shee and his family were to the forefront of the recusant community, as his mother, his sister and his cousin Henry Shee⁷² all kept priests in their respective mansions in the city while he himself entertained the Catholic archbishop of Cashel, David O'Kearney, in the main family seat at Upper Court in the northern Kilkenny countryside. With three members of the Rothe family, two of the Archers, and other aldermen such as Nicholas Langton and Richard Ragged all doing likewise, it can confidently be asserted that the Catholic resurgence in the city was primarily an upper-class affair.

This was also true of non-urban areas. Although the priesthood was mainly centred in the towns, several of the local landlords tried to insure that the rural parts of the shire were not neglected. They were quite successful. Altogether, a further twenty-eight clerics were

⁶⁸ It is not recorded with whom Patrick Hoane or William Marab were domiciled inside the city.

⁶⁹ Father Wall may be identical with William Wogall, who was named as a Catholic priest by the Protestant bishop in 1604 (Moran, 'Bishops of Ossory', p.264).

⁷⁰ The priest's father, John Brehon, served as an auditor for the Irishtown corporation in 1601-2, his one and only public office. David Brehon was rather more prominent in later years, acting successively as a cessor of the priesten money and portreeve of Irishtown in the mid-1620s (Ainsworth, 'Irishtown Corporation Bk', pp 48, 70-1 and 76-7). For the whereabouts of the family home, see R.C. Simington (ed.), *Civil Survey for County Waterford, Muskerry & Kilkenny City*, (Dublin 1942), p543.

⁷¹ For a list of Kilkenny's aldermen, see N.L.I. Ms. 2531, p.109.

⁷² Henry was the son of Lucas's great-uncle, Nicholas Shee (N.L.I. Ms. 9011, Lamacraft (ed.), *Jr. Funeral entries*, p.169).

based in the countryside,⁷³ domiciled in the castles and tower houses of some of the squires and gentry, who were anxious to demonstrate that they did not lag behind the times. Thanks to their sponsorship, the priests were able to spread their message into nearly every part of the county. Indeed, according to the 1613 report, the only region which was poorly served by the agents of Rome was the barony of Fassadinin, but this apparent oversight may be due to the lack of familiarity which the author of the manuscript had with Idough, the O'Brennan homeland, which after all was the most inaccessible and under-populated area in the county. Even if the territory was not penetrated by the local priests - which seems rather unlikely given the range of their movements in other places - the people thereabouts could easily have received the sacraments from clerics living under the care of Lord Mountgarret and Edmund Purcell in the nearby castles of Ballyragget and Ballyfoyle.

Turning away from the north-east, the rural Catholics were very well served everywhere else in the shire. There were easily enough priests available to ensure that no-one need travel far in order to hear mass or to have their children christened, a far cry from their experience in late Elizabethan times. Even those who lived near the estates of the Church of Ireland bishop of Ossory had access to a Catholic priest: for instance, the people farming the land of the Protestant episcopal manor of Freshford could travel a couple of miles south to Ballylorcaine where Elinor Shortal maintained two Catholic chaplains; alternatively, they could go a mile eastwards to Upper Court, where the clergy under Lucas Shee's roof would have provided for their needs.

It is important to stress, however, that this was only part of the picture. Despite appearances, the Catholic church still faced some serious obstacles in Kilkenny. Although it is clear that a sufficient number of landlords were willing to help the counter-reformation spread its net all over the county, it can equally be said that many more of them had not yet committed themselves wholeheartedly to the papal cause. In statistical terms, the secret report of 1613 records that the twenty-eight priests who were housed in the countryside were maintained by only twenty-one individuals, barely one-eighth of all the shire's landowners at the time. Obviously, the accuracy of the document is open to question: compiled as it was by a spy, there is a good chance that some of the priests and their harbourers escaped his notice. On balance, though, it is unlikely that many of the recusant safe-houses went undetected, for the government agent in Kilkenny was exceptionally well informed: as we have seen, he was able to keep tabs on the priests whether they were accommodated by leading landlords or by mere urban tradesmen. It is thus safe to assume that the absence from his list of such prominent rural families as the Blanchvilles, the Freneys and the Galls indicates that many members of the county's ruling elite were not yet ready to put themselves at risk for religion's sake.⁷⁴

The fact that so few landlords were prepared to defy the government's ban on priests is striking, and tends to suggest that by 1613 the shire's recusant community was divided over the extent of its opposition to the official line. Primarily a split between town and country, it is fair to say that as a class most of the squires and gentry were suffused with an innate rural conservatism which had them make do with the priests that were maintained by their more adventurous neighbours. To their mind, if Catholicism was illegal so be it, for

⁷³ Three of the priests who resided in Kilkenny City - Thomas Murrugh, Edmund Seix and John Shee - were also put up elsewhere in the shire, at Ballyfoyle, Paulstown and Fertagh respectively.

⁷⁴ To an extent this bears out Professor Canny's recent suggestion that 'the more English an area the more Catholic it became' (Nicholas Canny, 'Irish, Scottish and Welsh responses to centralisation, c. 1530-c. 1630', in Alexander Grant & Keith J. Stringer (eds.), *Uniting the Kingdom? The Making of British History* (London 1995), p.154). Although most rural areas of Kilkenny were highly anglicised, they were still much more Gaelic than the towns and their hinterlands.

there was no point in breaking the law, especially when the clerics seemed hell bent on being caught.

With few exceptions, nearly all of the county's forty-eight priests tried to ridicule the power of the royal administration by openly going about their business all over the county. From their point of view, it was important to do so. Instead of fearing the consequences of discovery, they wilfully invited it, for they recognised that the threat of arrest was useful to their mission, giving them the alluring air of would-be victims of Protestant aggression. Murtagh O'Dowley is a case in point. Having returned to the county from Bordeaux in 1608 he was soon seen boldly striding 'up and down the town of Callan clad in scarlet [robes]'; suffice it to say he would have been hard to miss.⁷⁵ Another who courted martyrdom was the aforementioned Lawrence Reneghan. As the acting 'vicar-general from the pope' after 1609, he might have been forgiven for keeping a low profile in county affairs, but he clearly had other ideas. Not only was he readily available to give 'open mass' in Kilkenny city, where he lived with Thomas Archer,⁷⁶ but he also came out of hiding in 1610 and again in 1611 in order to baptise two of the Langton children.⁷⁷ Indeed, such was his determination to fortify his ties with the local gentry and undermine the advances of the Protestant state that he was prepared to act as a feoffee for the Forstal property at Kilferagh, and this even though it meant he might be called before a court to testify on their behalf.⁷⁸

Personal courage and accessibility were not the only factors which underpinned the success of the priesthood in Kilkenny. Like many well-organised revolutionary groups before and since, they tried to advance their cause by targeting local community leaders. Lucas Shee was one of their earliest disciples, and his importance as a standard-bearer for the counter-reformation was already manifest for all to see. Equally important was viscount Mountgarret. As the second most senior peer in the county, his devotion to the faith was a feather in the church's cap, and his public advocacy of Catholicism soon won him many personal admirers. Indeed, his zeal may be explained by the fact that he needed the church as much as it needed him. As Hugh O'Neill's son-in-law, Mountgarret was looked on suspiciously by both the government and many of the county community, but once O'Neill had fled the country in 1607, he was able to play the religious card in order to win back some of the local prestige he had lost during the Nine Years' War. No longer a rebel, he became a crusader, and earned a good reputation as a shelterer of priests. Altogether, in 1613 he maintained three clergy, including the new vicar-apostolic of Ossory, Dr David Rothe, who lived with him at Baleen House. Moreover, his brother James Butler kept a further two priests, one of whom the government was told 'goeth every year into Spain'. Shee and Mountgarret aside, the Catholic clergy could also rely on the total commitment of four of the county's richest landowners: Edward Butler of Duiske, Walter Walsh of Castlehowell, Robert Grace of Courtstown and the knight who dominated the countryside near Gowran, Sir Richard Butler of Paulstown. Clearly, what the church lacked in quantity, it made up for in quality.

Its influence did not stop here. Gradually after 1603 the Catholic church cemented its grip on the highest ranks of Kilkenny society through a series of dramatic conversions, largely planned and executed by the Jesuits. Recognising that many of the gentry of the shire would not dare to defy the government while the earl of Ormond continued to conform, the priests set out to win the old nobleman and his closest supporters over to Rome. The first to

⁷⁵ *C.S.P.I.* 1606-8, p.507.

⁷⁶ Moran, 'Bishops of Ossory', p.268.

⁷⁷ Prim, 'Family of Langton', p.90.

⁷⁸ N.A.I., Lodge MSS, Wardships, liveries & alienations, Vol. I, p.142.

go was Gerald Comerford, who sent for a priest while he lay on his death bed at Coulnamuck in County Waterford in October or November 1604.⁷⁹

The next on the list was Sir Richard Shee, whom the Jesuits worked on incessantly, eventually getting their reward in 1608 when 'after a long and stormy life' he renounced Protestantism. According to a surviving Jesuit newsletter his conversion to Rome was a major event; certainly, the priests who won him over seem to have exploited their achievement for its propaganda value. It was well known locally that Sir Richard had long been estranged from most of his family over religion and money. Thus, when the news broke that the Jesuits had prepared a public reconciliation in Kilkenny, a large crowd assembled to witness the scene. His son and heir Lucas stood beside him as he finally made amends for some injustices which he had done towards his brothers Elias and Matthew in the past. As the newsletter puts it: 'This reparation he made and repeated ... on the festival of the Nativity of Our Lord, before a magistrate and many of the gentry, all of whom he earnestly besought to imitate the example he had given them'. Although the newsletter presents the Shee conversion story in exaggerated language - the author is boasting to Rome of the achievements of the Irish mission - the details it contains tie in with other known facts. Neither of Sir Richard's brothers had been generously treated in his will of 1603,⁸⁰ and there was a sympathetic magistrate in Kilkenny in 1608, the recusant Sir John Everard.

As the conversion story seems reliable, the description the newsletter contains of the manner of Shee's death a few months must also be accepted. Shee was a controversial figure who had long been disliked for his worldliness. The newsletter tells us that he was 'purified ... by the Divine Mercy' and that he readied himself for the end with a feverish display of charity. The poor did particularly well, being granted 20 barrels of corn, 24 suits of clothes and 5 flocks of sheep. Moreover, he also ordered that spinsters were to receive 160 gold pieces when he died; 800 gold pieces were to be directed towards widows and orphans; and those of his debtors who were unable to repay him were to be remitted the sum of 400 gold pieces. His funeral was a highly charged affair. Many of the mourners resolved to be more generous to the poor in the future, and four bitter enemies, 'whose hostility to each other had formerly led to an appeal to arms, now agreed to compose their differences and make an abiding peace'.⁸¹

Other members of the Ormond group soon embraced Catholicism as well. Though it is not recorded when exactly Sir Nicholas Walsh of Clonmore opened his door to the priests, it had probably occurred by 1612, when according to the Protestant pamphleteer Barnaby Rich, he was 'suspected to be a Papist and a secret friend to assist popery'.⁸² He called for a priest before his death a few years later.⁸³

The final piece in the jigsaw fell into place before 1614 when no less a figure than old Earl Thomas himself gave into the pressure of his nephew Sir Walter Butler to embrace the Catholic religion. He was not a happy convert. Having survived the doctrinal changes of the sixteenth century by playing his cards close to his chest, he was not willing to be used as a Catholic promotion piece as Sir Richard Shee had been. Reports soon reached the government in London of his spiritual discomfort, which he expressed in a characteristically colourful way, admitting priests to his house on one day, and having them 'beaten out of the

⁷⁹ Carrigan, *Ossory*, iv, pp 230-1, gives the date of his death as 4 October, but in his notes he records it as 4 November: see 'Tombs in Callan church and graveyard', no. 16 (St. Kieran's College, Kilkenny, Carrigan MSS, Vol. 19, unpaginated).

⁸⁰ Neither of them had been generously treated by the terms of his will (Ainsworth & MacLysaght (eds.), 'Power-O'Shee papers', pp 228-9).

⁸¹ P.F. Moran (ed.), *Spicilegium Ossoriense*, i, pp 116-17.

⁸² C.L. Falkiner (ed.), 'Barnaby Rich's Description of the State of Ireland, 1612', *R.I.A. Proc.*, xxvi, C (1906), p.131.

⁸³ Moran (ed.), *Rothe's Analecta*, p. 43.

door' on another.⁸⁴ In the end, however, there is reason to suspect that he too died a Catholic, as reports detailing his final days at Carrick survive among the records of the Catholic church, according to which he made his confession and received the last rites from two members of the Society of Jesus, Walter Wale and Barnaby O'Kearney, shortly before his death on 22 November.⁸⁵ There is no evidence to support the suggestion that he died a Protestant.⁸⁶

The conversions served to underline the growing ascendancy of the priests - and especially the Jesuits - in local affairs. Thanks to their efforts, there were now three axes of power at work in the county, i.e. the earldom of Ormond, the Dublin administration and the Catholic church. Moreover, with the death of the Protestant Lord Tulleophelim late in 1613, the Ormond lordship seemed set to fall completely under the sway of the Catholic clergy for some time to come, as the recusant Sir Walter Butler emerged as old Earl Thomas's heir.

Small wonder, then, that Sir Walter's impending accession was greeted with hostility in Dublin. By this time Kilkenny was looming large as a problem for the government. Keenly aware that it had utterly failed to extirpate the popish threat there, the Chichester administration was alarmed to discover that the county had become a national centre of popery over the previous few years. Indeed, the centrality of Kilkenny in Irish Catholicism had been formalised in 1610 with the arrival of a new vicar-apostolic from Rome, Dr David Rothe, a native of the shire.⁸⁷

For seven years Rothe had worked in the Vatican as secretary to the primate of Ireland, Peter Lombard, and when he finally returned home he came as Lombard's personal lieutenant, fully armed with all the authority which such a position implied. Straight away he had taken charge of the church's affairs throughout the country. His influence was accepted by his colleagues without demur. Apart from his posting to the diocese of Ossory he had also been named as the pope's prothonotary and vicar-general of Armagh, far and away the most senior churchman in the land. He did not take long to justify his high standing. By all accounts he was a consummate politician, a natural negotiator and peacemaker, and in 1611 he proved his worth by bringing an end to a heated argument then raging between the archbishop of Cashel, Dr David O'Kearney, and the Kilkenny-based Cistercian abbot, Paul Ragget. More important still, he was also a skilled organiser, and under his guidance the Catholic church in Ireland successfully adopted a new 'tridentine' pattern of pastoral care which henceforth used the diocese and the parish for its joint administrative bases.⁸⁸

Rothe's presence in the county insured that Kilkenny became a particularly bothersome thorn in the government's flesh. Ever since King James's accession the crown had experienced great difficulty in combating the spread of recusancy in Dublin and the Pale. In 1605 Lord Deputy Chichester had hoped that his 'Mandates' policy would succeed in forcing Catholics to attend Anglican service on Sundays, but his initiative had backfired

⁸⁴ H.M.C., *Downshire MSS.* iv, p.378.

⁸⁵ Moran (ed.), *Spicilegium Ossoriense*, ii, p. 43; Moran (ed.), *Rothe's Analecta*, p.44.

⁸⁶ Neely, 'Kilkenny city', pp 174-5, disputes the claim that Earl Thomas died a Catholic because a document in the Church of Ireland archives shows he was buried in St. Canice's Cathedral as a Protestant (Representative Church Body Library, Graves Papers, Ms. 11.2). The funeral, however, had nothing to do with the earl's religion, for it was organised by the heralds and officers of arms - crown representatives who saw to it that the service conformed to the religion of the state. The protestantisation of the funerals of the armorial classes, the lords and gentry, was becoming a matter of considerable controversy in England and Ireland at this time; for further discussion, see Chapter Six below.

⁸⁷ There is some uncertainty concerning the precise date of Rothe's return. Professor Corish states 1609 (P.J. Corish, 'David Rothe, bishop of Ossory', *Butler Soc. Jnl.*, ii, no. 3 (1984), p.317), while both Moran ('Bishops of Ossory', p.265) and O'Fearghaill ('Catholic Church', p.199) give it as 1610.

⁸⁸ Moran, 'Bishops of Ossory', pp 265-6; O'Fearghaill, 'Catholic Church', pp 199-202; P.J. Corish, *The catholic community in the 17th and 18th centuries* (Dublin 1981), pp 20-3.

badly. Quite apart from heightening fears of an incipient rebellion,⁸⁹ the introduction of 'Mandates' seems to have persuaded Chichester's enemies in the Catholic church to reorganise their affairs the better to avoid detection in the future. The priests of the Pale went into hiding, and over the next few years the clerical chain of command shifted inland away from the capital and the east coast. David Rothe's activities in Kilkenny led automatically to the concentration of papal power there after 1610. Far from the reach of Dublin Castle but still near enough to allow easy access to the Pale, Kilkenny was the ideal spot for Rothe to carry out his covert operations as Primate Lombard's agent, supervising and co-ordinating church business so that it could take a greater role in social and political life. His ecclesiastical ascendancy was complete by 1614, when he convened a national synod of all the Irish Catholic bishops in Kilkenny city, a gathering which symbolised the growing spirit of assertiveness that characterised the church under his leadership.⁹⁰

His position among the laity was just as strong, for his family connections were excellent. By Robert Rothe of Tullaghmaine he was related to Sir John Everard of Fethard, the Tipperary knight who as Second Justice of King's Bench and Justice of Ormond's liberty of Tipperary was one of the most prominent Catholic jurists in the land.⁹¹ Elsewhere, his elder brother, the Kilkenny alderman Edward Rothe, was on familiar terms with the Bryans of Bawnmore and the Dormers and Duffes of New Ross; moreover, through marriage to one of the Graces of Kilkenny Edward had become hereditary constable of the county gaol, a potentially vital post considering the government's determination to imprison priests like David.⁹² Indeed, it was probably beside the gaol in Edward's own house that David held the Catholic synod of 1614.⁹³ This lever on the local court system was enhanced by Edward's closeness with the clerk of the crown, John St. Leger - no wonder Dr Rothe was never caught by the Protestant authorities!⁹⁴ Add to these contacts his intimacy with the Butlers and it is easy to surmise how he was able to develop Kilkenny as a nerve-centre for the counter-reformation.

For the government, Rothe's Butler kinship was one of the most alarming things about him. The last thing Chichester needed was an active alliance between an authoritative Papist prelate and the country's leading Anglo-Irish dynasty. Rothe was totally wrapped up in the Butler system. As well as living with viscount Mountgarret, he was very closely connected to other branches of the Butler family tree. His cousin Robert was seneschal of the Ormond estate. Through his grandfather (another Robert Rothe) he was related to the Butlers of Paulstown and - most worrying for the government - to Sir Walter Butler of Kilcash, Ormond's heir.⁹⁵ Indeed, it was probably the knowledge of Dr Rothe's links with Walter that made Chichester decide to block the latter's succession to the earldom when the opportunity arose to do so late in 1614. His association with Rothe, together with his obstructionist conduct in the Irish parliament in 1613, made Walter an insufferable subject in Chichester's eyes. Without doubt he had what it took to become leader of the Catholic opposition, especially with the riches of the Ormond lands looming in front of him. His succession had to be blocked: if it was not, Dr Rothe, Ireland's leading Papist, would remain largely untouchable under his protection.

⁸⁹ John McCavitt, 'Lord Deputy Chichester and the 'Mandates policy' in Ireland, 1605-7', *Recusant History*, xx, no. 3 (1991), pp 320-31.

⁹⁰ Moran, 'Bishops of Ossory', p.271; Canny, 'Irish, Scottish and Welsh responses', p.163.

⁹¹ Burtchaell, 'Family of Rothe', p.510, note 6; Richard H.A.J. Everard, 'The family of Everard', *Irish Genealogist*, vii (1988), pp 334-8.

⁹² Ironically, Edward received an annual fee of £6 13s 4d (stg) from the crown for keeping the gaol (*Cal. Carew MSS, 1603-24*, no. 104).

⁹³ O'Fearghaill, 'Catholic Church', p.200; Moran, 'Bishops of Ossory', p.271.

⁹⁴ Burtchaell, 'Family of Rothe', p.529.

⁹⁵ *Ibid.* pp 515-26.

The impending clash between Walter and the Deputy was a crucial one in the history of the house of Ormond. It was also vital for the county at large, acting as one of the sparks that first set local resentment of Dublin aflame in the early seventeenth century. Unlike some of his ancestors, Walter was a popular figure in Kilkenny, something which made him all the more dangerous to the state. He had the full support of the shire's landlords and merchants when in 1613 he challenged the direction of crown policy in the House of Commons; the local elite shared his concerns, viewing the actions of the Dublin government as an increasingly disturbing factor in their lives. In order to fully appreciate the depth of the hostility that came boiling to the surface in the assembly, it will be necessary to examine the background to the parliament in greater detail. As we shall see, fear of growing government interference helped Rothe promote a more strident Catholic position, and had much to do with the parliamentary showdown.

Mounting conflict

It is important to stress that in 1613 the chances of Kilkenny reaching an accommodation with the crown were not at all good. Despite comments by historians to the contrary, there is no doubt that the local gentry had been subjected to some stern measures over the preceding few years. Just because Kilkenny was not as badly hit by the crown's anti-Catholic programme as certain areas of the Pale or Munster does not mean that it was free from official persecution; far from it.⁹⁶ As already noted, the decision to expel priests from Ireland in 1604 was forwarded in the shire through the efforts of the Protestant bishop. Subsequently, a fresh attempt was made after 1611 to uncover the Catholic clergy in the county, the aforementioned spy's report of 1613 being an obvious by-product of the drive. The priests were not the only targets. The elevation of Kilkenny to city status in 1609 was not approved of by Chichester, who set about curtailing its new powers in the court of Exchequer.⁹⁷ The fact that the county was not directly touched by Chichester's celebrated 'Mandates' initiative of 1605-7⁹⁸ is of little consequence. For one thing, the assault on prominent recusants in neighbouring Tipperary and Waterford left Kilkenny very much on edge, indirectly affecting the county gentry as some of their relatives and friends were among the victims of the policy in those places; for another, something very like 'Mandates' occurred in Kilkenny after January 1612, when local Catholic leaders were left in no doubt that the Deputy intended to strip them of their power. It thus seems fair to suggest that on the eve of parliament in 1613 things were just as difficult for Catholics in County Kilkenny as they were anywhere else.

This impression is confirmed when the high profile assault on popery that is normally associated with Lord Deputy Chichester is left to one side. Long before he led a direct attack on the shire in 1612, Chichester's government had been busy chipping away at the county's autonomy. Bit by bit the distance separating Kilkenny from the machinery of state had been whittled away, and the cushion that the Ormond lordship had provided in the past was quietly removed. Now that it was no longer a border shire cut off from the capital, but just one of 32 counties under Dublin's rule, Kilkenny was left exposed to the realities of life in a newly centralised state. That this reduction of its independence was a bureaucratic one, occurring silently and undemonstrably, was of little comfort to the local population. By the time the Deputy stepped in in 1612, few could have doubted his ability to enforce his will,

⁹⁶ Both Neely, 'Kilkenny City', p. 112, and O'Fearghaill, 'Catholic Church', pp 197-8 claim that the county was relatively unaffected by the state's censures under James I. Indeed, O'Fearghaill reckons that the prospects 'even looked bright' for Kilkenny's recusants circa 1614, a comment which is hard to reconcile with the evidence of repression.

⁹⁷ See Chapter One above.

⁹⁸ See McCavitt, "Lord Deputy Chichester and 'Mandates'".

the preceding ten years had been a period in which the royal writ had acquired enormous authority in the shire, and it had done so steadily, as if by stealth. This creeping advance just as much as Chichester's combativeness was responsible for the eruption of widespread anti-government feeling in 1613.

The transformation that it achieved was remarkable. The growing power of the central courts could no longer be avoided. Much better records were kept than heretofore, and existing state files were thoroughly combed to ensure that the power of the monarch was absolute. For the shire gentry, the improved workings of the court of Exchequer were especially disconcerting, giving the impression that nothing went unnoticed. In 1605-6 John Rochford of Killary was brought to trial in Dublin accused of defrauding the royal coffers of arrears on the subsidy that his forefathers had left unpaid some forty years earlier, in 1563 and 1566.⁹⁹ Similarly, in 1609 the representatives of the late Robert Garvey (a local Protestant) were asked to account for money that he had owed to the crown in 1584.¹⁰⁰

The resurrection of long-gone debts such as these was an unsettling demonstration of the new ambitions and capabilities of the central executive. It is not surprising that the court of Exchequer subsequently became a major irritant in the lives of the county elite. The various forms of revenue which were owed to the government from crown wardships and other dues and taxes were henceforth assiduously collected. For the gentry all hope of evading payment of land-related fees and assessments rapidly evaporated after King James's accession, for the crown, in order to reduce its expenditure, awarded the rights to receive fines to some of its servants rather than pay them a wage out of state funds. As a result, a steady stream of New English officials began pounding on the doors of the county's castles in hungry pursuit of the gentry's unpaid bills, visiting among others Sir Oliver Shortal of Ballylorcaine in 1604, James Freney of Ballready in 1606, and Piers Butler of Annagh in 1610.¹⁰¹

Landlords were not the only ones affected by the increase in royal tax collection prior to 1613. The Jacobean administration was not satisfied with either the size or scope of existing fines, and it did not shrink from introducing some novel forms of tax in order to improve its credit. In 1607 the 'poor inhabitants' of Knocktopher and Inistioge were obliged to pay a fine to the Clerk of the Market, whose task it was to investigate the everyday conduct of commerce in the towns. In 1605 he conducted an inquiry into the quality of aquavitae on sale in the local markets, an unprecedented form of obtrusiveness and, it must have seemed, one which the royal administration might adopt more widely to cover a whole range of products in the future.¹⁰²

Religious fines were enforced and toleration of Catholics denied with similar efficiency before the summoning of parliament in 1613. Chichester did not possess a corpus of anti-recusant laws comparable to those in England, yet with the advice of his Attorney-General, Sir John Davies, he was able to frustrate Irish Catholics with a severe interpretation of the statute 2 Elizabeth. By these means his government came to pry more deeply into the daily affairs of the local ruling class. For instance, it kept an eye on the behaviour of Lady Jacquet Walsh, wife of Sir Nicholas Walsh of Clonmore, who long before her husband's conversion to Catholicism had refused to go to Protestant service with him whenever he was

⁹⁹ N.A.I., Ferguson MSS, Abstracts of Exchequer Orders, 1592-1657, p.23.

¹⁰⁰ Ibid, Equity Exchequer Orders, 1604-18, pp 152-3.

¹⁰¹ Ibid, pp 33 and 207; *Cal. Patent Rolls, Ire., James I*, p.46. For the gathering speed of Exchequer procedure after the accession of James I, see the case of Francis Lovell's patent as given in Margaret C. Griffith (ed.), *Calendar of Inquisitions formerly in the office of the Chief Remembrancer of the Exchequer* (Dublin 1991), p.323.

¹⁰² N.A.I., Ferguson MSS, Equity Exchequer Orders, 1604-18, p.4

in the capital.¹⁰³ Like any prominent recusant in this period, she soon discovered that her movements and those of her servants were being carefully monitored: early in 1606 the mayor of Plymouth arrested a page from Munster who was caught trying to smuggle an Agnus Dei to Lady Walsh having bought it for her from a priest at St. Malo in France.¹⁰⁴ In all likelihood, the picture was defaced, in accordance with a recent government proclamation.¹⁰⁵ Indeed, there was a short spate of iconoclasm in Kilkenny at this time. According to the *Annals* of David Rothe, when the government's appointees went to Knocktopher, Dunmore and Dunfert, they seized all the Papist statues and saints' images that they could find, and had them publicly burnt; it is interesting to note that they dared to do this on the earl of Ormond's property.¹⁰⁶

Another person who fell foul of the state at this time was the Kilkenny citizen Henry Ley, who in 1608 incurred a fine of 40 shillings from the commissioners for ecclesiastical causes.¹⁰⁷ More dramatically, in 1611 a number of local pilgrims were attacked and jeered by Protestant officials when journeying to the Catholic shrine at Monahinch near Roscrea.¹⁰⁸

Chichester's interference with the personnel of local government added to the growing tension. As part of his general policy, the Lord Deputy was determined to establish a reliable group of officials who would lend their support to the Church of Ireland. One of his first steps in this direction was to insure that those presiding over the county assize courts were good Protestants; in consequence, the Catholic legalist Sir John Everard - Dr Rothe's kinsman and a close associate of Sir Walter Butler in Tipperary¹⁰⁹ - was compelled to resign from the Kilkenny assize circuit in 1607. Five years later the same happened to Sir Nicholas Walsh,¹¹⁰ meaning that for probably the first time in Kilkenny's history the county courts had passed under the control of English Protestants, men like Sir John Denham, Sir John Elliott and Peter Palmer who were prepared to prosecute Catholics without hesitation.¹¹¹

Similar changes were introduced lower down the ladder of county government. The commission of the peace was purged of leading recusant gentlemen such as Lucas Shee of Upper Court, Patrick Den of Grenan and Edmund Butler of Paulstown.¹¹² Sometime before June 1608 John St. Leger was removed as the clerk of the crown, replaced by an Englishman from Munster, Randall Clayton.¹¹³ Though Clayton proved unable (or unwilling) to assume his duties, the office remained in Protestant hands thereafter, as he was quickly replaced by William Bradley, another Englishman.¹¹⁴

The government's reluctance to appoint Catholics to the clerkship was understandable. Among other things, it was the clerk's job to keep a careful record of those who were brought to trial for religious offences during the local sessions of the peace. A Papist clerk

¹⁰³ Falkiner (ed.), 'Barnaby Rich's Description', p. 131; St. Kieran's College, Kilkenny, Carrigan MSS, Vol. 21 (unpaginated).

¹⁰⁴ West Devon R.O., Miscellaneous Plymouth Borough Papers, Ms. W/359/39.

¹⁰⁵ MacNeill (ed.), 'Rawlinson MSS', p. 76.

¹⁰⁶ Rothe, *Analecta*, p. 527.

¹⁰⁷ N.A.I., Ferguson MSS, Equity Exchequer Orders, 1604-18, p. 148.

¹⁰⁸ Moran, 'Bishops', p. 277.

¹⁰⁹ Everard was justice of the liberty of Tipperary for much of the time that Walter was seneschal.

¹¹⁰ Colm Kenny, 'The exclusion of Catholics from the legal profession in Ireland, 1537-1829', *I.H.S.*, xxv, no. 100 (1987), p. 339.

¹¹¹ For a list of the judges of the Kilkenny assize at this time, see John McCavitt, 'The lord deputyship of Sir Arthur Chichester, 1605-16' (Ph.D. thesis, Queen's University, Belfast, 1988), pp. 193-214.

¹¹² See the highly selective list of 'Those thought fit to be inserted in the Commission', n.d., circa 1610 (T.C.D., Ms. 672, p. 362).

¹¹³ Loose page entitled 'File 38 - 6 James I' (N.A.I., Index to Fiants, James I), *Ibid.*, Ferguson MSS, Equity Exchequer Orders, 1604-18, p. 184. Following his replacement, John St. Leger continued to find work in the shire as a notary public; see his endorsement of a warrant dated 22 Nov. 1608 (N.L.I., Ms. 11,053 (9)). The St. Leger family had monopolised the clerkship ever since 1582 when Patrick St. Leger of Kilkenny - probably John's father - was appointed to the office (*Cal. Fiants Ire., Eliz. I*, no. 3802), presumably he delegated or bequeathed the post, for there is no record of John's nomination by the crown.

¹¹⁴ *Cal. Patent. Rolls, Ire., James I*, p. 158.

might be tempted to destroy or misplace such records, especially if his friends or kinsmen were among those being tried and penalised. It was probably no coincidence that a few months before St Leger was removed from office, a roll of fines from the Assize Court had been stolen.¹¹⁵

However, Chichester's success in placing Protestants in the post partly misfired. Though he rid himself of unwanted Catholics, the clerkship of the crown slowly ground to a halt in Kilkenny after Clayton's and then Bradley's selection. This was hardly surprising. Neither of his appointees lived in or near the county. Clayton was based in Cork, some 75 miles away, and his difficulty in reaching Kilkenny was probably the reason why he was replaced. Bradley's situation was no better. In 1609 he too lived 75 miles away, in Dublin, and notwithstanding the fact that he was prepared to travel widely around Leinster, by the terms of his patent he was expected to fulfil the functions of clerk of the crown in six other counties in the province - Longford, Louth, Meath, Westmeath, Wicklow and Wexford - as well as in Drogheda town, a tall order by any standard. Small wonder, then, if he gave Kilkenny a wide berth. The beginnings of the Ulster plantation in 1610 probably destroyed any chance of his putting in an appearance in the county, as he was forthwith employed as an agent for Sir John Davies' estate in Tyrone.¹¹⁶ As a result, by the mid-1620s the shire administration was forced to hobble along as best it could without the services of a clerk, as Bradley was never replaced when he failed to show up.¹¹⁷

Local Catholics could take little solace from this. For them, the very fact that the clerkship was *allowed* to dwindle away was a chilling sign of how far Chichester and his successors were prepared to go in order to reduce the numbers of Catholic office-holders in the shire. After 1605 the crown was seemingly determined to pursue a policy of Protestant aggrandisement no matter what its side-effects.

The targeting of the county shrievalty was perhaps the most serious of Chichester's actions. Easily the most important post in shire government, he made control of it one of the linchpins of his regime.¹¹⁸ Following some initial meddling in 1605 (when he chose Denis O'Daly as sheriff), his interference began in earnest in 1609 when he saw to it that Lucas Shee was supplanted as sheriff by Cyprian Horsfall, the son of the Protestant bishop. Horsfall's appointment brought immediate results. Sometime shortly afterwards several members of a jury summoned by him to appear in Kilkenny city were fined for failing to perform their duties properly - they probably refused to sit in judgement of their fellow Catholics - a sure indication that he was getting to grips with the religious question.¹¹⁹ Other Protestants were subsequently appointed to the post over the next ten years, most notably John Butler fitz John, the son of the parson of Callan, a man who came to dominate the office, serving as sheriff of County Kilkenny on four occasions between 1613 and 1621.¹²⁰ As much as anything else, the loss of the shrievalty led to a growing realisation among the Catholic gentry that whatever executive power they had possessed before Chichester's arrival was presently being gnawed away before their very eyes.

¹¹⁵ N.A.I., Ferguson MSS, Abstracts of Exchequer Orders, 1592-1657, p.101.

¹¹⁶ The plantation was not the only thing that took him away from Kilkenny. Between 1611 and 1613 he made two visits to London on Chichester's and Davies' behalf in order to study English parliamentary practices (Moody, 'Irish parliament', p.55).

¹¹⁷ In 1626 royal advisors considered selling the vacant office to the highest bidder in order to raise money for the army (C.S.P.I., 1647-60 & Addenda Charles I, p.81).

¹¹⁸ Unfortunately, Dr McCavitt does not deal with sheriffs in his otherwise excellent survey of Irish legal administration at this time (McCavitt, 'Lord deputyship', chapter 6). A countrywide study of the sheriffs and their work in the early seventeenth century would be valuable.

¹¹⁹ N.A.I., Ferguson MSS, Abstracts of Exchequer Orders, 1592-1657, p.119.

¹²⁰ See Appendix 3. For Butler's relationship to the parson, see N.A.I., Ferguson MSS, Abstracts of Exchequer Orders, 1592-1657, p.125).

To cap it all, when the Lord Deputy finally decided upon open confrontation with the local recusants in 1612, he set about them with the sort of energy he had displayed elsewhere in Ireland a few years before. As with 'Mandates' he made a large urban centre the chief object of his attack, in this case Kilkenny city. Right at the beginning of the year the justices of assize, Sir John Denham and Sir John Elliott, acting as his representatives, initiated the new line when they compelled the mayor of the city, Thomas Archer, to resign his post for failing to take the oath of supremacy, a contentious pledge that recognised the king instead of the pope as head of the church.¹²¹

That Thomas was picked out for examination was highly significant. In recent years Protestantism had begun to intrude into the daily life of his family, even making a convert of one of them, his nephew Walter Archer, who attained considerable notoriety in the shire for conforming to the established church. In fact, there is reason to suspect that Thomas's troublesome nephew may have been the author of the secret file on local priests drawn up for the crown in 1613; not only was he ideally situated to compile it, but he is known to have pried into the affairs of some of the shire's principal recusants a couple of years later.¹²² If he was indeed the spy in question, then it was he who informed the crown that his uncle, the deposed mayor Thomas Archer, was giving relief to Father Lawrence Reneghan.¹²³

The religious issue antagonised the Archer family in other ways too. Leaving Walter aside, at the time of Thomas's ejection from the mayoralty his younger brother David Archer was serving the earl of Ormond as constable of Gowran, the only town in the shire that showed any real willingness to embrace a Protestant doctrine. Though he himself did not lean towards the Church of Ireland, in the course of his work he had to deal first hand with the town's neo-Protestant community, many of whom mistrusted him as the earl's agent, and for a time their hostility may have forced him to keep his Catholic convictions to himself.¹²⁴ Clearly, then, Thomas Archer's removal as mayor in January 1612 came at an awkward time for his family, and guaranteed that henceforth religion would remain a crucial matter among them.

Thomas was not the only office-holder to be deposed by the Lord Deputy's legal envoys. On the same day as his own dismissal both of the city's sheriffs, John Rothe and John Murphy, were likewise forced to step down having failed to accept the supremacy oath. Nor did matters end here. Fourteen months later on 30 March 1613 a second bout of dismissals occurred when Justices Denham and Elliott returned to the city on the assize circuit. Again the incumbent mayor of Kilkenny was made to resign, in this instance Edward Rothe, the keeper of the county gaol and the elder brother of Dr David Rothe, whom the government now knew lived with him whenever he was in the city.¹²⁵ Moreover, James Langton and Patrick Murphy, the two civic sheriffs, were also called upon to step down before the judges departed.

It had been a brief and highly controversial campaign executed confidently by the Dublin administration right on the eve of a new parliament. Presumably Chichester intended it as a warning to local Catholics before elections were held, hoping to intimidate them into electing 'soft' candidates who would cooperate with him on his own terms.¹²⁶ If so, he failed

¹²¹ N.L.I., Ms. 2531, p.100. The next two paragraphs are based on this source.

¹²² *A.P.C., 1613-14*, pp 543-4; *Ibid.* 1619-21, pp 26 and 295.

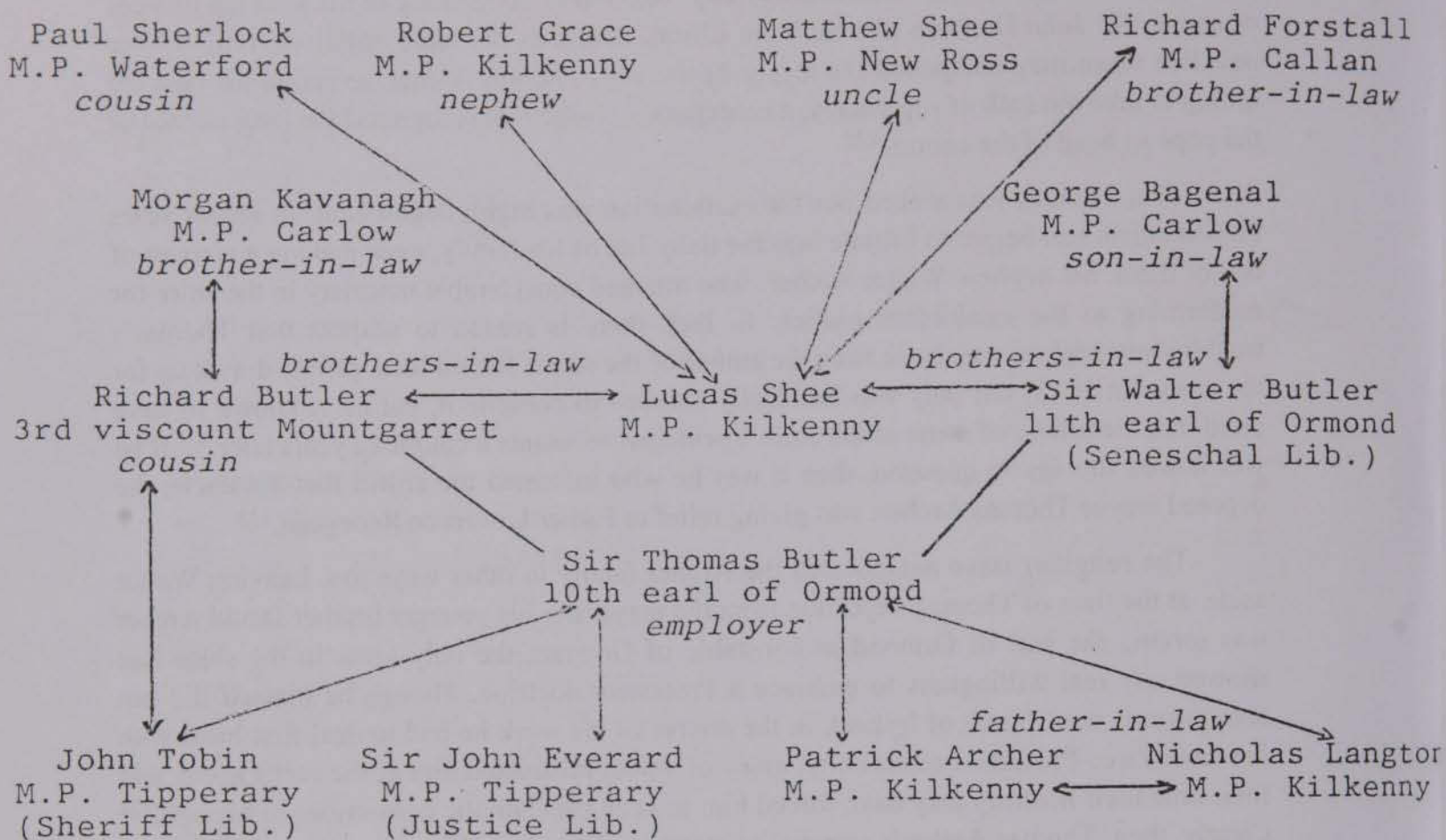
¹²³ Moran, 'Bishops of Ossory', p.268.

¹²⁴ Carrigan, *Ossory*, iii, pp 74-5. For his conflict with the burgesses 1608-11, see N.L.I., Ms. 11,053 (9). In 1610 he was renting part of Gowran demesne and other lands at Butlersgrove from the earl (*Ibid.*, Ms. 2507, ff 36v-37r).

¹²⁵ Moran, 'Bishops of Ossory', p.267; Burtchaell, 'Family of Rothe', p.529.

¹²⁶ Sir John Davies is known to have thought along these lines (Brid McGrath, 'The membership of the Irish House of Commons, 1613-15', unpublished M. Litt. thesis, University of Dublin, 1986), pp 36-7.

The Butler-Shee network in parliament, 1613-15



County Kilkeny M.P.s

County Kilkeny	Lucas Shee
	Robert Grace
Kilkenny City	Patrick Archer
	Nicholas Langton
Callan	William Rothe (d.1613)
	Richard Forstall (replacement)
	Piers Heydon
Thomastown	Robert Porter
	Nicholas Roebuck
Inistioge	William Murphy
	Griffin Murphy
Gowran	John Swayne
	Thomas Stanton

in his objective. The 1613 assembly was destined to become one of the most quarrelsome in Irish parliamentary history, and the Kilkenny members stood right at the centre of the conflict, giving full vent to their resentment of the Lord Deputy and the course that he had followed over the previous decade.

Parliamentary discord, 1613

No sooner were elections held than the full extent of anti-government feeling in the county rose to the surface. All the M.P.s returned by the shire were recusants. This was even the case in Gowran, where concern over the state's harsh treatment of popery had undermined the prospects of Protestant conversions there.¹²⁷ Apparently the tension engendered by Chichester's policies had brought about a rapprochement between the newly created borough and the Catholic clergy whom its townsmen had recently spurned. It is not recorded if David Rothe played a part in negotiating the settlement, but he probably did; whatever the case, in 1613 Gowran gave him cause for satisfaction when it defied Chichester and chose two recusants as its parliamentary spokesmen. Equally fascinating in this regard was the decision of the little market town to go against Chichester on a second count by patching up its differences with its erstwhile overlords. Right throughout the parliament the members for Gowran gave their full support to Sir Walter Butler, Black Tom's heir-apparent, a development which would have been unthinkable three or four years earlier when the town's struggle with the house of Ormond had been at its peak. The consequences of this second settlement were of major significance. With Gowran behind him, Walter (who was one of two members for County Tipperary) was able to form a united Butlerite block in the House of Commons, insuring that County Kilkenny and its neighbours took centre-stage in the opposition to Chichester that was to issue forth during the opening session.

There is no doubt that this had been Walter's intention all along. No sooner had the elections been announced than a number of his most trusted associates had stood for some of the main constituencies across Kilkenny, Tipperary, Carlow, Wexford and Waterford. When the voting ended it soon emerged that Walter had charge of a southern Catholic group that numbered as many as 25 M.P.s. As shown in Chart 5.1 opposite, he and his two brothers-in-law Lucas Shee and viscount Mountgarret stood right at the hub of the combination; while Walter brought his son-in-law and a bevy of traditional Ormond servants with him to the Commons, Mountgarret sent another brother-in-law and a cousin to join him there, and when Lucas turned up, he arrived with an uncle from New Ross, a cousin from Waterford and a nephew and cousin from Kilkenny. Moreover, to compound Lucas's influence, when William Rothe, one of the members for Callan, died during parliament, he was able to get Richard Forstal of Forstalstown, his brother-in-law, elected to Rothe's place before the commencement of the third and final session in 1615.

The Butler-Shee connection was not the only factor that unified the local M.P.s. Other relationships also existed between them. Continuing the theme of kinship, the members for Inistioge, William and Griffin Murphy, were of the same family, and in Kilkenny city the eldest of the two M.P.s, Patrick Archer, was the father-in-law of the other civic representative, Nicholas Langton. Secondly, several of the group were soundly versed in legal matters. John Swayne and Thomas Stanton, the members for Gowran in 1613, had both taken a prominent part in the borough's protracted court-room battle with Earl Thomas between 1608 and 1611. In addition, Patrick Archer of Kilkenny was Ormond's lawyer, and

¹²⁷ Dislike of government soldiers may also have animated the townsmen, who were charged with the maintenance of five horsemen and their commanding officer in January 1613: Kilkenny Corporation Archives, Ms. CR/J 35.

over the years he had confronted the Gowranmen and many others on the earl's behalf.¹²⁸ But easily the most important was Sir John Everard, the former Justice of the King's Bench, a man who despite his public avowal of Catholicism was widely respected by his Protestant opponents for his expert knowledge of the law.¹²⁹ Finally, each and every one of the 1613 group came from prominent Catholic families that had grown used to the exercise of power long before Chichester arrived on the scene. They had, then, a common vested interest in undermining the Deputy's anti-Catholic programme, and in the House of Commons they marshalled their considerable social contacts and legal expertise towards this end.

They were represented by viscount Mountgarret and the barons of Cahir and Dunboyne in the upper house where - crucially - the earl of Ormond could also be counted among their number. Though he sat out the parliament in Carrick Castle, too old and infirm to travel, he was still able to shun the government (which incorrectly counted him as a Protestant) by giving his proxy to a Catholic.¹³⁰

It is not hard to guess why the earl did this. Discounting his growing preference for popery, he was bound to join his kinsmen against the chief governor. In the first place, if Chichester was going to persist in excluding the Butlers from power because of religion, Ormond (as a patriarch) would have to challenge him; there was no other solution, for in the current climate the earl had no hope of changing his family's religion, even if he wanted to. Compounding this problem, the Deputy's attempts to manufacture a self-perpetuating Protestant majority in the Commons through a process of naked election-rigging implied that the Butlers - and many other Anglo-Irish families like them - could never again enjoy the sort of influence that they had had when he was younger. Chichester was attempting the creation of a new ruling class, English in background, Protestant in religion and, with the Ulster plantation forging ahead and a new one beginning in Wexford, increasingly colonialist in its attitude towards Ireland. The earl must have realised that unless things changed fast, his family were going to be excluded from high public office for many years to come. With this in mind, it is not surprising that (apart from viscount Tully, a Protestant), the publication in 1613 of David Rothe's missive calling on all Catholic M.P.s to defend their faith and obstruct the government found willing readers among nearly all the Butler lords, Ormond as well as Walter of Kilcash, Mountgarret, Dunboyne and Cahir.¹³¹ Hence the subsequent behaviour of Walter in the Commons may not have alarmed Ormond as much as might otherwise be expected; it is even possible that it had his seal of approval.

Walter was outraged by the government's attempts to manufacture a Protestant majority, and he quickly assumed a leading role in the protests staged by his fellow Anglo-Irish M.P.s. Indeed, it was he who was chiefly responsible for one of the most notable incidents in Irish parliamentary history, provoking an unseemly pile-up of struggling bodies when he tried to torpedo the election of the official candidate, Sir John Davies, to the prestigious position of Speaker of the House.

Acting on Walter's bidding, the Catholic members seized the opportunity when the government party left the room to install his friend Sir John Everard in the Speaker's chair, crying 'An Everard!' 'An Everard!' as they did so.¹³² Blows and insults were exchanged when Davies' supporters returned, and Walter and several of his colleagues from Connaught

¹²⁸ N.L.L., Ms. 11.053 (9), *passim*; *Ibid.*, D. 3486.

¹²⁹ Everard sometimes roomed next to Patrick Archer in the King's Inns in Dublin; following the elections, they became two of the most active recusant lawyers in parliament (McGrath, 'Membership', pp 51-2).

¹³⁰ Moody, 'Irish parliament', p. 55. By doing so, Earl Thomas once again snubbed viscount Tully, his heir, who would have been the obvious recipient of his proxy were it not for their mutual antipathy.

¹³¹ Moran, 'Bishops of Ossory', p. 272.

¹³² *Cal. Carew MSS. 1603-24*, p. 273.

(including Donogh O'Connor Sligo) held Everard down in the chair while their Protestant adversaries moved to eject him. At one stage in the ensuing scuffle Davies found himself sitting on Everard's lap, but finally the chair was won, only for the entire Catholic membership to withdraw from the House, vowing never to return. It was a scandalous beginning to an unworkable session. Moreover, the battle for the Speaker's chair was not the only contribution which Walter made to the friction. On the same day, he is known to have presented the first of a series of Catholic petitions questioning the legality of the assembly, a motion which preyed greatly on the frayed nerves of the Chichester administration and served to ensure that King James's first Irish parliament would be his last one.¹³³

The government's experience in the House of Lords was not much better. There another of the Butlers, viscount Mountgarret, was one of the principal leaders of the opposition. On the 22 May he and the baron of Louth declared that they and their supporters would not attend the session unless the House of Commons was purged of 'those they termed the ill members', namely the representatives of the new Protestant boroughs who had not been legally elected. The petition was ignored by the Lord Chancellor, who required the viscount and the rest of the recusant lords to attend the upper house to hear a reading of the bill for the recognition of James I as king of Ireland. They refused, and that afternoon, in an atmosphere of mounting crisis, parliament was adjourned for five days.¹³⁴

Mountgarret's actions in the House of Lords left Chichester in no doubt that, with the sole exception of Lord Tully,¹³⁵ the Butlers and their associates were at the centre of a well-hatched conspiracy to embarrass him. A short while later, on 30 May, they pushed him a bit further, attempting to by-pass his authority by demanding that a number of Catholic agents should be sent to London to seek redress directly from the king. Aside from Walter - an ever-present when it came to confrontation - those putting their names to this latest initiative were Thomas Butler, baron of Cahir, Robert Grace of Courtstown, Lucas Shee of Upper Court, Nicholas Langton and Patrick Archer of Kilkenny, Matthew Shee of New Ross and John Swayne of Gowran, all core members of the Butler group.¹³⁶ Moreover, to guarantee that the Deputy could not suppress the motion, a number of Catholic lords, including Mountgarret and Dunboyne, sent a letter to Whitehall in which they derided him for his poor handling of affairs, and threatened to continue their opposition unless their grievances were properly addressed.¹³⁷

Without further ado Chichester saw to it that the Butler group was marked out for vengeance. Immediately his officials compiled a dossier on Walter which overlooked the fact that he had been knighted for his bravery during the Nine Years' War - he had been wounded in the knee fighting against the rebel Burkes in 1599 - and instead drew attention to the prominent role which he had played in Kilkenny during the Recusancy Revolt of 1603.¹³⁸ More ominously as events transpired, in 1614 he engaged Walter Archer to act as his spy within the Ormond territories in Kilkenny and Tipperary, snooping about searching for evidence to suggest that the soon-to-be head of the Butler dynasty had a faulty title to some of his lands. Archer was likewise hired to spy on both Sir John Everard and Ormond's physician, Dr Garret Fennell.¹³⁹

¹³³ Richard H.A.J. Everard, 'The family of Everard, Pt. I', *Irish Genealogist*, vii (1988), pp 338-9. For varying accounts of Walter's role, see *C.S.P.I., 1611-14*, p.405, and H.M.C., *Downshire MSS*, iv (London 1940), p.128.

¹³⁴ *Ibid.*, p. 129.

¹³⁵ Ever the odd one out, Tulleophelim remained with the Protestant nobles and bishops in the House of Lords (Dudley Edwards, 'Chichester Letter-Book', p.99).

¹³⁶ *C.S.P.I., 1611-14*, pp 355-6.

¹³⁷ McCavitt, 'Lord Deputyship', p.372

¹³⁸ *Ibid.*, p. 405.

¹³⁹ *A.P.C., 1613-14*, pp 543-4.

By contrast, the Deputy bided his time before challenging viscount Mountgarret. Perceived as less of a threat than Walter, the viscount was allowed to act as a go-between to see if he could bring about an end to the recusant withdrawal from parliament. Accordingly, early in September 1613 Mountgarret held talks with one of the more moderate Protestants in Chichester's administration, the Vice-Treasurer Sir Thomas Ridgeway, in his home at Baleen in the north Kilkenny hills. The negotiations lasted more than a week, and although the two men failed to find a solution to the impasse, Ridgeway's reputation among the recusant party was greatly enhanced.¹⁴⁰ Henceforth he was recognised as the Leader of the House of Commons, and when business at last recommenced in 1614 he was treated with considerable respect: indeed, towards the end of the third and final session in 1615 Everard publicly praised him for his commitment.¹⁴¹

This, however, was of no use to Mountgarret. Once his attempt at mediation had failed, he seems to have rejoined the rest of the Butlers in Chichester's bad books. During the second session in August 1614 two of his servants, Robert Walsh and James Bolger, were fined £10 (stg) in the court of Exchequer, a decision which contravened an ancient privilege of the upper house which stipulated that no noblemans' servant could be prosecuted whenever parliament was sitting. Probably initiated as an indirect attack on Mountgarret, the same happened to the earl of Ormond's employees, who were fined at the higher rate of £20 (stg).¹⁴²

With the debacle of the opening session in 1613 behind him, Chichester worked hard to insure that the issues that Walter and his supporters had raised in the Commons rebounded against them. First, he took control of the royal 'inquiry' into illegal elections, and though forced to concede that a few Protestants had been improperly returned from some areas, he partly made up for this by discovering certain shortcomings in Gowran's status as a parliamentary borough. Remarkably, he failed to specify what these were: all that can safely be said about his claim is that the town's charter of 1608, issued at a time when Protestant conversions seemed imminent, made ample provision for elections, and many years later in 1634, when the next Irish parliament was summoned, its position was accepted without demur. Whether his objections were deliberate or not - one suspects they were - the town was made to pay for reverting to Catholicism, for in August 1614, acting on the Deputy's advice, the king declared that it had 'no power by charter or prescription to send burgesses to parliament', and its delegates were sent home forthwith.¹⁴³ Furthermore, by the end of 1613 Chichester had also managed to turn the Butlerites' request for an audience with the king to his advantage. Delaying the summons until James was properly informed of their antics, Walter Butler, Lucas Shee and Nicholas Langton were only called over in January 1614, six months after the first Catholic delegation had left. By this time the prospects of gaining a favourable hearing had evaporated.¹⁴⁴

They certainly got a hostile reception when they arrived. Considering himself God's lieutenant on Earth, James I did not tolerate opposition in any shape or form, and Chichester made sure he knew of the extent of their defiance. Thus, in April, when he finally deigned to see them, he showered Walter and the rest of the Irish M.P.s who were present with his anger, climaxing his rebuke with the famous observation that to his mind they were but 'half-subjects', merely offering their bodies to the crown while giving their souls to the pope in

¹⁴⁰ B.L., Stowe Ms. 755, fol. 1.

¹⁴¹ Moody, 'Irish parliament', pp 64-5.

¹⁴² N.A.I., Ferguson MSS. Abstracts of Exchequer Orders, 1592-1657, pp 200-1.

¹⁴³ *C.S.P.I., 1611-14*, p. 498.

¹⁴⁴ *A.P.C., 1613-14*, pp 332-4.

Rome.¹⁴⁵ The sheer bitterness of the royal speech should have warned Walter of the troubles which lay ahead, for as he quickly discovered to his cost, a divine monarch such as King James did not forgive those who dared to trespass against him.

In conclusion, as Dr McCavitt has shown, the victory which the recusants celebrated in the opening session of parliament was premature to say the least. In the following two sessions they lost their advantage, and were forced to accept the introduction of a permanent Protestant majority in the Commons as a *fait accompli*, thus giving Chichester and his advisors a secure footing from which to carry forward a long-term assault on Catholic power across the country. Just as bad, the manner of their proceedings had alienated the monarch, who in June 1614 authorised the Lord Deputy to step up his attack on recalcitrant Papists. Of these, Walter Butler was destined to pay a higher price than most for his part in the opposition's temporary success.¹⁴⁶

Repression, 1615-19

The accession of Walter as eleventh earl of Ormond in November 1614 marked a significant watershed in the relations between the Dublin government and the county population. Quite simply, any hopes which the local gentry may have harboured for an Ormond-inspired Catholic renaissance in the shire were quickly dashed by those in charge of royal policy. As far as James I and his ministers were concerned, Walter had marked himself out as one of the leading opponents of Protestantism in Ireland, and they were determined to destroy him before his influence grew too widely. His subsequent downfall at the hands of the king's Scottish favourite, Sir Richard Preston, Lord Dingwall, has already been dealt with earlier and need not be recounted here.¹⁴⁷ The dismemberment of Earl Walter's estate and his lengthy imprisonment in London deprived the Kilkenny community of its natural overlord. Even before he was locked up in the Fleet prison in 1619, his troubles had prevented him from spending much time at home. The changes which occurred during his absence were of central importance, amounting to the destruction of the Ormond lordship in Kilkenny. As soon as his back was turned, the Dublin government initiated a concerted campaign to crush all support for Catholicism in the county, and side by side with this campaign the state also laid bare the new-found weakness of the Ormond dynasty.

The reprisals started even before the Irish parliament was dissolved on 24 October 1615. With the subsidy secured early in the summer - a near miracle, according to Vice-Treasurer Ridgeway¹⁴⁸ - the crown no longer needed to court the favour of its Catholic subjects, and still reeling as it was from the recent parliamentary confrontation, it was not in a forgiving mood. As far as Chichester and his administration were concerned, the representatives of both Kilkenny and Tipperary had behaved abominably, and they needed to be taught a lesson they would not forget.

The government's subsequent offensive in the area is noteworthy, not least because it has hitherto been overlooked by historians, who have generally assumed that the Dublin executive had curtailed its anti-recusant activity in 1615 in order to ease the collection of the badly needed and hard-won parliamentary subsidy.¹⁴⁹ This interpretation needs to be substantially revised. In the first place, the harsh treatment which was meted out to Catholics

¹⁴⁵ Aidan Clarke, 'Pacification, plantation and the catholic question, 1603-23', *N.H.L.*, iii (Oxford 1976), pp 215-7.

¹⁴⁶ McCavitt, 'Lord Deputyship', pp 382-93.

¹⁴⁷ See Chapter Two above.

¹⁴⁸ Bagwell, *Stuarts*, i, pp 134-5.

¹⁴⁹ E.g. the notion that the persecution of Catholics recommenced only after the appointment of Sir Oliver St. John as Lord Deputy in 1616 is made by Bagwell, *ibid.* p.150, Clarke, 'Pacification', p.224, and Brendan Fitzpatrick, *Seventeenth Century Ireland: The War of Religions* (Dublin, 1988), p.33.

in Kilkenny in 1615 was not unusual. It is recorded that their counterparts in Dublin, Kildare, Wexford and Carlow were handled likewise,¹⁵⁰ something which in turn suggests that the incumbent chief governor, Sir Arthur Chichester, was more than willing to jeopardise the size of Catholic tax returns in order to punish those who defied the authority of the state religion. In other words, the government of Ireland in 1615 continued to be controlled by a 'missionary Lord Deputy'.¹⁵¹

Chichester's assault on the Kilkenny community recommenced in August, an auspicious moment, as Earl Walter was then fully occupied by Sir Richard Preston's challenge to his inheritance, which was progressing rapidly in England.¹⁵² A royal commission led by the Chief Baron of the Exchequer, Sir William Methwold, and the Chief Justice, Peter Palmer, arrived in Kilkenny to tackle the recusancy problem in the county, and their actions demonstrated just how little the Catholics had achieved in parliament. Although their opposition had prevented the crown from introducing *new* anti-recusant laws, they had not compelled it to surrender the old ones, and the government retained its right to enforce religious uniformity along the lines defined in the statute 2 Elizabeth.¹⁵³ Once again, therefore, as with the 'Mandates' and post-Mandates initiatives of a few years earlier, the Chichester government had the capacity to humble its recusant antagonists through the stringent enforcement of an anti-Catholic law which many Puritans would have considered far too lenient.

Methwold and Palmer were not slow to grasp the opportunities for constraint which the Elizabethan statute presented. A jury of fourteen local gentlemen, including Richard Purcell of Cellarstown and several prominent merchants, was empanelled at Kilkenny on their orders, and the jurors were asked to enforce the law against those of their fellow Catholics and neighbours who had failed to conform to the strictures of the established church. Their consciences pricked, the jurors could not bring themselves to do this, and according to the phraseology of the day, they 'refused to present recusants' for trial. Their punishment proceeded as a matter of course. On 17 November 1615 all fourteen of them were found guilty in the court of Castle Chamber in Dublin, fined the sum of four marks apiece (i.e. £2 13s 4d), and imprisoned during the Lord Deputy's pleasure.¹⁵⁴

Matters worsened in the new year. Like Chichester before him, the new Lord Deputy, Sir Oliver St. John, was determined to exploit the legal vulnerability of Catholics everywhere in order to expropriate their wealth, and in Kilkenny he was especially concerned to undermine the authority of the rulers of the city and those of the smaller towns in the shire, many of whom continued to openly snub the Protestant religion. As had been the case a few years before in 1612-13, the strategy of the new governor in 1616 revolved around the removal from their posts of those urban officers who would not turn their backs on Rome by accepting the oath of supremacy.

St. John made a major impact with this second-hand initiative, pursuing his opponents with much greater ferocity than Chichester had been able to do. Quite simply, St. John's implementation of policy caused chronic disruption to town life. Kilkenny city went through five mayors in less than six months, as Lucas Shee (5 April), John Rothe fitz Piers (28 June),

¹⁵⁰ H.M.C., *Egmont MSS.* i, pp 44-5.

¹⁵¹ This phrase was recently used in McCavitt, "Lord Deputy Chichester and 'Mandates'", p.329.

¹⁵² Ormond was probably absent about this time, vainly attempting to drum up support among English nobles such as the earl of Rutland (H.M.C., *Rutland MSS.* iv (London 1905), p.511).

¹⁵³ Bearing this in mind, it is difficult to accept Dr Fitzpatrick's claim that the legislative programme of the 1613-15 parliament 'was practically harmless as far as the Old English were concerned' (Fitzpatrick, *Seventeenth Century Ireland*, p.32). their failure to remove 2 Elizabeth from the statute rolls paved the way for a good deal of harm in the immediate future.

¹⁵⁴ H.M.C., *Egmont MSS.* i, p.44.

David Rothe (12 July), and finally Clement Ragget (21 August) was each compelled to resign his mayoral position when he refused to comply with the government's mandate to take the oath. To add to the sense of dislocation, even the two sheriffs of the city were expected to solemnly swear to uphold the king as head of the church, and this although they were lesser men, primarily concerned with executing the orders of the mayor and aldermen who effectively defined the religious conditions in the city. Of those elected to the civic shrievalties in 1616, only one, Richard Browne, felt able to cling onto his office by agreeing to take the oath, for three of his colleagues failed to follow his example, and they too were forced to step down, the first going on 5 April, the last sometime in the autumn or early winter, during Michaelmas term.¹⁵⁵

Much the same happened elsewhere. At the end of the year the royal commissioners entered the Irishtown, that part of Kilkenny which lay within the jurisdiction of the Protestant bishop of Ossory, and they did so to the great consternation of the portreeve, William Shee, who fearing he might be put to the oath, did make suit to the lord bishop and the burgesses to dismiss him of that office, to what end God He knoweth'.¹⁵⁶ Riding next to Gowran in the east, the commissioners were able to remove William Nash as sovereign, and in the south they also ousted the sovereign of Thomastown, Patrick Dobbyn, and the portreeve of Inistioge, James Dulan.¹⁵⁷

While all of the urban office-holders who lost their posts were later brought to trial and fined, some were punished more severely than others. Unsurprisingly, those from Kilkenny City were singled out for special treatment. As a recognised recusant ringleader, Lucas Shee was once more called to England, this time to appear in Star Chamber at Westminster, where he was fined 40 marks (£26 13s 4d) and sent to prison for his obstinacy.¹⁵⁸ The fact that he was a close confidant of the eleventh earl of Ormond would not have eased his troubles. Another Ormond associate in the city, John Rothe fitz Piers, did not fare much better. Although he was not summoned overseas, he was sternly dealt with in Dublin, where he was heavily fined, being asked to pay between £50 and £70 on 13 November.¹⁵⁹ Moreover, two months later the new portreeve of Inistioge, James Archdekin, was fined £5 and incarcerated in the Marshalsea prison in Dublin for an unspecified period, adjudged guilty of a felony for assuming the mantle of town governor without taking the oath.¹⁶⁰ Never before had the various urban communities of the shire been subjected to so much harassment.

They were not alone. Having first dealt with the towns, the royal policy-makers immediately turned their attention to the countryside, and in August 1616 they brought all their strength to bear in the area of general county government when their agents came to blows with the grand jury of the shire. A bitter contest ensued. Keenly aware that the government was not inclined towards compromise, and agitated by Ormond's impending destruction at the hands of Buckingham and Preston in London, some of the local squires and

¹⁵⁵ N.L.L. Ms. 2531, pp 100-1. The two sheriffs who were forced out on 5 April 1616, Adam Bryver and William Murphy, had been elected in Michaelmas 1615. Their replacements, Lewis Bryan and Michael Archer, were able to see out what remained of the year until they were replaced at the next annual election in Michaelmas 1616 by Browne and Lewis Brennan. Shortly afterwards, Brennan resigned over the oath, to be replaced by Thomas Shortal.

¹⁵⁶ Ainsworth (ed), 'Irishtown Corporation Book', p 67.

¹⁵⁷ Note of cases in Star Chamber, 1616 (Earl of Rosse MSS, Birr Castle).

¹⁵⁸ *Ibid*

¹⁵⁹ The two sources which record details of his trial give different figures for the size of his fine (B.L. Sloane Ms. 3827, fol.

21v, H.M.C., *Egmont MSS*, i, p.47)

¹⁶⁰ *Ibid*, p.49.

gentry decided that they too would defy the administration of Sir Oliver St. John, who was one of Buckingham's leading associates.¹⁶¹

The tone of the local resistance was set by the head of one of the oldest landowning families in the shire, Sir Oliver Shortal of Ballylorcaine, a middle-aged knight who held his estate in fee from Ormond's manor of Kilkenny.¹⁶² As the sheriff of the county, Shortal held a good deal of political as well as executive authority, being entitled to select the grand jury for the local assize court. A recusant through and through and a proud supporter of the Butler dynasty - he was the son-in-law of viscount Mountgarret¹⁶³ - several of those whom he chose as jurors bore a similar stamp. Like him, gentlemen such as Nicholas Archdekin of Cloghlea and Edmund Dobben of Lisnetane heralded from established Kilkenny families, and their close connections with the beleaguered house of Ormond was a matter of historical record.¹⁶⁴ There is not much doubt that from their standpoint, the challenge to Earl Walter's inheritance was equally as ominous as the government's assault on the Catholic faith. To put it plainly, if the Ormond lordship disappeared their political and economic standing would be threatened, as they would have to continue the struggle for survival without the protection which the earldom had provided for their families in the past. Hence, when they and their fellow grand jurors refused point blank to present their co-religionists for trial before Sir William Methwold and Sir John Elliott, there is reason to suspect that they were rallying around the Catholic earl of Ormond as much as Bishop Rothe and his clergy, who were beginning to feel the pinch of increased government activity at this time.¹⁶⁵

Presumably the jurors expected that their obstructionist tactics would embarrass the St. John administration in much the same way that the behaviour of the local M.P.s had belittled Lord Deputy Chichester in the 1613 parliament. If so, they reckoned wrong. Over the next few years, neither Sir Oliver St. John nor his appointees showed any desire to seek an accommodation with the leaders of the local Catholic population. Instead, the relentless pressure continued, and those who refused to go along with the government's wishes for an 'outward show' of religious conformity were prone to steadily harsher penalties.

The experience of the jurors selected by Sir Oliver Shortal illustrates this well. Although ten of them were imprisoned by order of the court of Castle Chamber in November 1616, the crown saw its chance to discipline each of them according to their deserts, and promptly seized it. The upshot was that six of the former jurors were fined £10 apiece while the remaining four - including Nicholas Archdekin and Edmund Dobben - were all required to pay twice this sum, as their activities at the recent assizes were deemed particularly irksome.¹⁶⁶ It was a verdict which was guaranteed to intimidate all of them, even those who escaped with the smaller fine, implying as it did that the government was now able to differentiate between them, that it was watching them more closely, and most importantly, that it was keeping a more careful note of their behaviour. Unnerving as this undoubtedly was, they were not allowed to dwell on its meaning. In a manner almost perfectly designed to display the arbitrary nature of its power, the agents of the Dublin executive began to

¹⁶¹ The precise relationship of St. John and Buckingham is discussed at length in Vera L. Rutledge, 'Court-Castle faction and the Irish viceroyalty: the appointment of Oliver St. John as Lord Deputy of Ireland in 1616', *I.H.S.*, xxvi, no. 103 (1989), pp 233-49.

¹⁶² *C.O.D.*, iv, no. 361. Sir Oliver was certainly over twenty-one when he conveyed land to Nicholas Langton in June 1604 (N.L.I., D. 3338); he died in August 1630.

¹⁶³ He had married Mountgarret's daughter, Helen Butler (Genealogical Office, Ms. 175, p.107).

¹⁶⁴ There is a useful line of descent for the Archdekins of Cloghlea in Carrigan, *Ossory*, iii, pp 419-20; they were party to a couple of leases of Ormond property in the 1570s (*C.O.D.*, v, nos. 274 and 300). The Dobbys had resided at Lisnetane since 1559 at least (*Ibid.*, no. 89); for their association with the earls of Ormond, see N.L.I., D. 3826.

¹⁶⁵ H.M.C., *Egmont MSS.*, i, p.48. The fact that a Kilkenny priest was captured and imprisoned at this time would have contributed to the jurors' stance (Moran, 'Bishops of Ossory', p.277).

¹⁶⁶ H.M.C., *Egmont MSS.*, i, p.48.

scrutinise the movements of Piers O'Ryan of Stackally, one of the less outspoken of the grand jurors who had only been fined £10 for his misdeeds at the assizes. Before the year was out, he was attainted for an unrecorded offence, and his estate at Stackally was quickly granted to the Auditor General, Sir James Ware.¹⁶⁷

O'Ryan's fate was enough to discourage further acts of head-to-head resistance by the gentry. When the government's agents returned to the county for the Easter assizes in 1617, none of the local landlords or principal merchants were willing to serve as jurors. In the main, their reluctance to come forward signified their understandable fear of being noticed, but there was more to it than that. By stepping back into the shade, they were able to maintain their opposition while covered in the cloak of anonymity which the central authorities had forced them to don. Better still, their withdrawal flung the local administration of justice into confusion. Without them, the grand jury was not very grand, and when the judges arrived in Kilkenny from Dublin, they had to make do with one which was composed of jurors from outside the usual social ranks. For instance, the only member of the civic grand jury to have any prominence at all was Richard Rothe fitz Edward, a busy merchant who was the nephew of the Catholic bishop of Ossory.¹⁶⁸ All the rest were lesser men, minor tradesmen and artisans whose families rarely appeared in local documents.¹⁶⁹

Despite their lowly standing, however, they were just as determined as their social superiors to rebuff the government for its religious policy. Under Rothe's leadership, they too refused to present recusants, thereby necessitating their summons to Dublin, where they were tried, fined and imprisoned.¹⁷⁰ Being of limited means, the punishment stung them greatly, so much so that a few years later, the crown had to cancel the £10 fines which it had imposed on two of them, John Wale and John Hugh, as they were utterly unable to pay, possessing 'neither goods nor lands'. Sadly, this show of leniency came too late for another of their number, John Troy, who seems to have died in prison.¹⁷¹

Fine by fine and sentence by sentence, the government was winning. In economic terms alone, the lesson was not lost on the local population that the crown was ready to penalise rich and poor alike irrespective of their capacity to bear the strain. Gradually, more and more people shied away from confrontation, and a limited degree of outward conformity was achieved, albeit by a process of attrition. The grand jury of the shire was much less obstructive in August 1617 than it had previously dared to be. Of its ten members, only three objected to the crown's ongoing prosecution of Catholics, and this although the head juror was Robert Rothe, the earl of Ormond's seneschal and one of the most influential recusants in the shire. Try though he did, he could not get the jurors to join him in provoking the wrath of the crown.¹⁷²

Much the same occurred early in 1618, when the only people who itched for a showdown with the Protestant state were major landlords such as William Sweetman of Castle Eve and William Drilling of Kilbereghan, men who were well able to afford the cost of the fines which the government usually demanded from its opponents. But even Sweetman

¹⁶⁷ *Cal. Patent Rolls, Ire., James I.*, p.311.

¹⁶⁸ Burtchaell, 'Family of Rothe', pp 529-31. He carried on an occasional trade with Bristol in fish, frieze and rugs (P.R.O., E 190/1133/8, ff 30r and 37r; *ibid.* E 190/1134/3, ff 5r and 14v).

¹⁶⁹ Two of the remaining nine jurors who served with Rothe held minor offices in the Irishtown of Kilkenny: John Money was sessor of the priesten money in 1614, and John Donoghue was auditor of the Irishtown in 1616 and again in 1626-8 (Ainsworth (ed.) 'Irishtown Corp. Bk', pp 63, 67, 73 and 76-7).

¹⁷⁰ H.M.C., *Egmont MSS.*, i, p.51.

¹⁷¹ Troy was described as 'mortuis' in William Marwood's account of Castle Chamber fines dated 10 Feb. 1623; this source also names John Wale as the tenth juror (B.L. Sloane Ms. 3827, fol. 21v). Richard Rothe's fine of £20 was reduced to £10 in Nov. 1617 (N.A.L. Ferguson MSS, Equity Exchequer Orders, 1604-18, p.246).

¹⁷² H.M.C., *Egmont MSS.*, i, p.53.

and Drilling came to rue the day that they had raised their heads in protest. Well aware of their ability to withstand a fine of £10 or £20, the government made an example of them by upping the charge to £100 each, a huge sum which would have been equal to a large part of their annual income.¹⁷³ Unfortunately, it is not recorded how Sweetman reacted, but Drilling was stunned, and rather than pay up, in the end he chose to conform by taking the oath of supremacy.¹⁷⁴ At the end of the year, at the Christmas assizes on 18-19 December, the government commissioners seemed confident that at last the spirit of resistance had been broken. They jubilantly reported to the Lord Deputy that 'the country here is much quieter and calmer than it hath been and the malefactors which formerly did declare themselves in numbers are much pacified by ... [our] proceedings'.¹⁷⁵ Just to be on the safe side, however, the commissioners adjourned the gaol delivery hearings until well into the new year, a harsh decision that forced many indicted offenders to spend the long holiday period in the county gaol awaiting trial. For almost four weeks, till 15 January, the prisoners stayed locked up 'for the greater terror of others'.¹⁷⁶

It is manifest that by 1619, when Earl Walter was gaoled in London for refusing to accept the royal partition of his inheritance, considerable damage had already been done to his power base in County Kilkenny. The better part of his estate had been seized by his adversaries. Simultaneously, control of the urban and rural areas under his rule had been annexed by the state. Members of his immediate circle of friends, clients and servants had likewise been taken to task over their religious affiliations. In effect, his local mastery had been decimated. At first glance, therefore, his incarceration should have marked the end of the government's activities in the shire, but that did not prove to be the case. On the contrary, the interference continued, and not without reason.

Shortly after the earl's confinement in the Fleet prison had been arranged, news reached the authorities that his son and heir, Thomas, Lord Thurles, had been seen riding the length and breadth of the county at the head of a large armed band trying to drum up support for a revolt.¹⁷⁷ It is not known if there was any substance to the story, for the government swooped before the young nobleman had a chance to do anything of substance. Having brought him to Dublin,¹⁷⁸ he was then summoned to London to explain his conduct. He set sail in December, destined never to return, for the ship in which he sailed was caught in a storm and he was drowned before it reached the Welsh coast.¹⁷⁹

Whether he was innocent or guilty of treason mattered little, for the government was determined that the Ormonds and the rest of the county's Catholic elite would never be able to organise an effective insurrection. For the previous few years, the crown had been quietly but steadily pursuing a policy of transferring the reins of power in the shire from Catholics to Protestants: by the time of Earl Walter's imprisonment and Lord Thurles's death, the members of a new ruling group had begun to emerge.

Growing Protestant power

The most prominent of them was Sir Cyprian Horsfall, the son of the English bishop, who ever since the early 1600s had been looking for a chance to stamp his presence over the

¹⁷³ *Ibid.* p.55.

¹⁷⁴ B.L. Sloane Ms. 3827, fol. 21v. As a result, his fine was reduced to a mere 20 shillings (N.A.L. Equity Exchequer Orders, 1618-38, p.11).

¹⁷⁵ Kilkenny Corporation Archives, Ms. CR/K 23a.

¹⁷⁶ *Ibid.* 23b.

¹⁷⁷ *C.S.P.I.* 1615-25, pp 236-7.

¹⁷⁸ Lord Deputy to Thurles, 13 Oct. 1619 (N.L.I. Ms. 11,046 (35)).

¹⁷⁹ *C.S.P.I.* 1615-25, p.270; *A.P.C.* 1619-21, p.103.

region. His big break arrived in 1616, when the turmoil caused by Lord Deputy St. John's oath-swearers in Kilkenny city had prompted the aldermen there to ask him to save them further inconvenience by standing in as their fifth mayor that year.¹⁸⁰ At about the same time he was appointed as the receiver of the royal revenues in the county, thereby performing a function which would surely have been left to the sheriff. Sir Oliver Shortal, had the latter not been a recusant, unwilling to collect recusancy fines.¹⁸¹

In theory, Horsfall should have shared his new-found authority with Henry Mainwaring and Walter Archer, yet this did not occur. Mainwaring's appointment as one of the masters of the court of Chancery guaranteed that he was rarely present in Kilkenny for the remainder of his career.¹⁸² Archer's case was similar though a little more complicated. Highly prized by the crown for having spied on Earl Walter and other recusant spokesmen during the parliament of 1613-15, his career as a government employee had blossomed thereafter, being appointed clerk of the Composition Office and king's counsel-at-law in 1615, and attorney of the Court of Wards in 1622.¹⁸³ But although Archer was pleased to accept these lucrative offices in Dublin, they had not been granted to him because of his legal expertise. Rather, he received the postings because the government felt a need to protect him. Having dared to obstruct the leaders of the Catholic community in County Kilkenny, Archer was hated at home.¹⁸⁴ His legal practice was boycotted in Kilkenny city, and according to a letter written by Lord Deputy St. John in 1619, he was vilified by 'his nearest kinsmen and best friends (*sic*), to his great prejudice ... and danger of his person'.¹⁸⁵ If the government was to continue to avail of his services in Kilkenny, he would have to be used sparingly, when he was most needed. In the years before his death in 1626, he resided mainly in Dublin, only returning to take up government positions in the shire when distrust of the local Catholics was at its height.

And so it was that Sir Cyprian Horsfall was partnered by another English arrival, Henry Staines, an Essexman who first set foot in the county in 1617.¹⁸⁶ It was predetermined that Staines would rise to prominence speedily, for he came as the representative of the shire's would-be new overlord, Sir Richard Preston, earl of Desmond.¹⁸⁷ Straightaway Staines took charge of collecting the revenues from the vast Ormond estate, a controversial task which inevitably thrust him straight into the heart of local politics. Within a year, his reputation was made as the harbinger of a new era when he was named as sheriff of the county, the first in a series of commissions which meant that the shrievalty was briefly monopolised by Protestants until 1622.¹⁸⁸

It seems remarkable that just four men - Horsfall, Staines, and occasionally Mainwaring and Archer - comprised the core of what the crown fully intended as a new political order in the shire. And yet it was just so. With Ormond safely locked up in London, King James's Irish government was confident that it could reduce Kilkenny to 'good conformity and order' for many years to come.

¹⁸⁰ N.L.I. Ms. 2531, p.100.

¹⁸¹ *C.S.P.I. 1615-25*, p.127.

¹⁸² Though Mainwaring attained the post sometime between 1617 and 1623 (Lamacraft (ed.), *Funeral entries*, p.111; Ainsworth & MacLysaght (eds.), 'Power-O'Shee Papers', p.238), he was still considered for a commission in the county circa 1621-2 (T.C.D., Ms. 672, p.362). Ten years later he was made a commissioner for County Carlow: Richard Caulfield (ed.), *The Council Book of the Corporation of Youghal* (London 1878), p.164.

¹⁸³ *Cal. Patent Rolls, Ire., James I*, p.292; B.L., Add. Ms. 4756, fol. 17v.

¹⁸⁴ Working for one of Sir Richard Preston's agents against the Butlers did not help matters (N.L.I., Ms. 11,046 (22),(23),(25) and an un-numbered item dated 6 July 1619 after no.(34)).

¹⁸⁵ *A.P.C., 1619-21*, p.26.

¹⁸⁶ According to a transcript of his funeral entry (St. Kieran's College, Kilkenny, Carrigan MSS, Vol. 21 (unpaginated)).

¹⁸⁷ He replaced John Shee of Kilkenny, who had worked briefly for Preston in 1616 (N.L.I., Ms. 2302, p.47). His accounts as agent begin at Easter 1617 (Ibid., Ms. 2506, ff110v-111v).

¹⁸⁸ See Appendix 3 below.

The fact that the shire's indigenous Protestant community was small and weak was not viewed as an insurmountable problem. This was the era of the 'minor plantations', a time when the Dublin administration clung fervently to the concept that by encouraging Protestant migration from England, Scotland and Wales it could overcome Catholic opposition to cultural and religious change in Ireland. To many in Dublin it still seemed possible that, by direct intervention, the state might act as a social engineer in order to advance the Church of Ireland cause. In other words, if the Protestant population of Kilkenny was thin on the ground and short on resources, the crown should step in to improve its prospects whenever the opportunity arose for it to do so.

By 1620 the government had already taken its first steps along this path. A few years earlier, in 1616, it had made use of its power to grant licenses (for the sale of alcohol) in order to add to the number of Protestants who traded in some of the shire's urban centres. As a result, a handful of New English merchants who had previously been stationed in Limerick and Clare - Francis Hardwick, Robert Chaloner and Richard Keaton - were able to set themselves up as innkeepers in Kilkenny, Gowran and Thomastown.¹⁸⁹ The 1619 seizure of the Ormond patrimony by the earl of Desmond also pointed towards the introduction of outsiders. As the Scottish courtier prepared to take possession of his new Irish estate, the prospect loomed large that more English serving men like Ralph Powfrett, one of Staines's employees, would follow him over and settle in the county.¹⁹⁰ Moreover, Desmond expressed a particular interest in developing the lead mines on his lands, something which indicated an imminent increase in the number of miners in Kilkenny.¹⁹¹ Because of Earl Walter's downfall, the scene seemed set for an influx of Protestants.

Ultimately, however, the anticipated flood of migrants did not materialise. The early 1620s were not a good time to come to Ireland. Appalling weather conditions, characterised mainly by extreme cold, brought an end to the harvest surpluses of more recent years and wreaked havoc on the agricultural sector.¹⁹² Even Desmond failed to turn up. Financial problems delayed his arrival until mid-1624, and when he finally rode through the gates of Kilkenny Castle, the number of minions who accompanied him was probably fairly low.¹⁹³ Indeed, apart from Henry Staines, only two of Desmond's servants made any impression at all in the county during the entire period of his overlordship (1619-28). For a short time his chaplain, Absalom Getking, exercised some authority through his office as dean of Ossory, but his influence was cut short when he died in 1622.¹⁹⁴ The other, Desmond's ensign, Philip Herbert, was almost bound to make a go of local life, for he was a son of Sir Edward Herbert, who lived nearby at Dora in King's County. Philip married a daughter of one 'Arelier of Kilkenny', and appears to have still been resident in the city in 1629.¹⁹⁵

Clearly, therefore, in demographic terms Desmond's brief ascendancy had little impact on Kilkenny. His failure to add to the county's immigrant community did not hinder the gradual formation of a new ruling group. Awkward though it was to get things started, the crown's efforts to develop a local Protestant cabal proved largely successful. In the course of the next few years those whom the government promoted managed to achieve considerable

¹⁸⁹ *Cal. Patent Rolls, Ire., James I.*, pp 302 and 313.

¹⁹⁰ N.L.I., Ms. 2506, fol. 111.

¹⁹¹ Coventry to Cranfield, 30 Aug. 1623 (Kent A.O., Sackville MSS, DN 8875, p.645).

¹⁹² R. Gillespie, 'Harvest crises in early seventeenth-century Ireland', *Ir. Econ. Soc. Hist.*, xi (1984), p.10. For a letter of Sept. 1622 that mentions the 'unseasonableness of the weather and backwardness of the harvest' in Kilkenny, see Kilkenny Corporation Archives, Ms. CR/K 27.

¹⁹³ For his earliest known sojourn in Ireland, see Desmond to De Renzi, 6 Aug. 1624 (Kent A.O., Sackville MSS, uncatalogued Irish papers).

¹⁹⁴ *A.P.C., 1621-3*, pp 341-2. Before his death Getking had taken part in Desmond's campaign against the Ormond interest in the shire, centering his attention on Callan (N.A.I., C.P., parcel U, no. 19).

¹⁹⁵ Lamacraft (ed.), *Ir. Funeral entries*, p.147.

regional influence, mainly by building up their social and economic ties with their co-religionists elsewhere in the south. Sir Cyprian Horsfall had long been adept at this. Ever since 1601 he had enjoyed close links with the English planter community in County Waterford (and probably also with the earl of Cork) through his marriage to Anne Dalton of Knocknamona.¹⁹⁶ In later years he was enticed into the ranks of the English colonists in southern Wicklow, but he never lost touch with the Munster scene; his landed interests in Tipperary saw to that.¹⁹⁷

Henry Staines too was a resilient and adaptable individual, and like Horsfall, he recognised the value of good contacts. Having come to Ireland to work for Desmond, he quickly improved his prospects by introducing himself to the circle of Sir Thomas Cromwell, viscount Lecale, becoming an assignee for the latter's church property in Kilkenny and Kildare.¹⁹⁸ Subsequently he drew the favour of Sir Robert Ridgeway, the future second earl of Londonderry, who was so impressed by his capacity for hard work that he hired him as his estate agent.¹⁹⁹ Best of all, from 1627 onwards he was regularly employed by the earl of Cork, the leader of the Irish Puritans, who availed of his services throughout the 1630s, using him first as his solicitor and later as his secretary.²⁰⁰

Armed with patrons like these, and blessed with a keen instinct for profitable speculation, Staines became a rich man. By 1622, barely five years after arriving in Kilkenny, he had bought up the land of three English planters in Ely O'Carroll, purchases which made him one of the largest landlords in the territory, with a total holding of nearly 1,500 acres.²⁰¹ The rapid expansion of his estate is especially remarkable for the fact that the early 1620s was a time of recession in the Irish economy; indeed, as Desmond's agent, Staines had first-hand knowledge of people's unwillingness to sink their money in the land market at this time.²⁰² The sheer scale of his acquisitions therefore set him apart from the vast majority of his new neighbours, and marked him out as a shrewd financial opportunist. His later involvement in the export of Irish horses from Youghal confirms this impression, showing how far afield his economic interests had spread by the early 1630s.²⁰³

But powerful as Staines and Horsfall both were, perhaps the single most important member of Kilkenny's emerging Protestant clique was Sir Lawrence Esmond, baron of Limbrick. Although he did not reside in the shire, he exercised a strong influence on local affairs from east of the Barrow in County Wexford. A soldier by profession, he served as governor of the royal fort at Duncannon, and as future events would show, he was ready at short notice to lead his troops into Kilkenny whenever the crown deemed it necessary. More immediately, during the 1620s he came to wield a great deal of power in the county through his role as a frontman for Lord and Lady Desmond. A close relative of the Ormonds, he shrewdly lent his support to Lady Elizabeth and her Scottish husband in their battle with Earl Walter, and by 1619 he was named as their feoffee, empowered to negotiate on their behalf

¹⁹⁶ N.A.I., R.C. 6/1, Chancery Decrees, 1536-1624, p.271. An extant copy of the 1603 Chancery bill wrongly names her as Jane Dalton (Yorkshire Arch. Soc., Ms. 514/S); she is confirmed as Anne in a transcript of the will of Roger Dalton, her father (*ibid.*). Her family was closely associated with the earl of Cork and his estate in Waterford (Grosart (ed.), *Lismore Papers*, 1st series, i, pp 14 and 140-1).

¹⁹⁷ Sheffield City Library, WWM Add., Box 1, brown parcel 2, bundle 3, no. 3; N.A.I., Lodge MSS, Wardships, liveries & alienations, Vol. II, p.43.

¹⁹⁸ *Ibid.*, Lodge MSS, Records of the Rolls, Vol. V, p.229.

¹⁹⁹ Nottingham University Library, Ms. Mi.Da. 57/1 (u).

²⁰⁰ Grosart (ed.), *Lismore Papers*, 1st series, ii, pp 232-3, 266, 272, 322, 324 and 337; *Ibid.*, 1st series, iii, pp 33, 35, 40, 44-5, 54, 58, 76, 83, 88, 124, 127, 140, 151, 159, 170, 201 and 207; *Ibid.*, 1st series, iv, pp 168 and 187.

²⁰¹ B.L., Add Ms. 4756, fol. 125r. He was soon a prominent government commissioner in King's County too: Caulfield (ed.), *Council Bk of Youghal*, p.162.

²⁰² For the shortage of money among the landed classes, see Esmond to Cranfield, 23 Nov. 1623 (Kent A.O., Sackville MSS, uncatalogued Irish papers).

²⁰³ Bod Lib., Oxford, Ms. Eng. hist. c. 304, fol. 547.

in Ireland.²⁰⁴ Thus in effect it was Lord Esmond who authorised the movements of Horsfall and Staines. Acting under the umbrella of his protection they were well able to force the Ormond tenants to pay rent to Desmond, and whenever there were problems collecting the money, Esmond would appear on the scene to tidy matters up.²⁰⁵

Most important of all, however, by the early 1620s Esmond's authority was in the ascendant on a national level, so much so that he was probably the most powerful Protestant peer in south-eastern Ireland. His stern treatment of the natives during the Wexford plantation had earned the gratitude of the government, and in time he was appointed a member of the Irish Privy Council for his services. As Dudley Norton said of him in a note to the English Lord Treasurer, there was no-one in Ireland 'that in war and peace hath merited more', and he was glad to count Esmond as a friend.²⁰⁶ The earl of Cork felt likewise. Right throughout the early 1600s he had always found Esmond a willing helper in his affairs, so much so that he was always willing to return Esmond's favours, in 1628 even riding all the way to Sussex from London to deliver greetings from Esmond to his principal English patron, the earl of Arundel.²⁰⁷ Thanks to friends like these, Henry Staines and Sir Cyprian Horsfall were able to use Esmond as a point of contact with the Dublin administration for many years to come.

Repression relaxed, 1619-24

Working with this new local clique, the crown set about eradicating the last remaining pockets of recusant resistance in Kilkenny. Primarily a mopping-up operation, it lasted until 1622, but unlike before it went ahead without provoking a hostile response. The local opposition was in decline, a fact which was hardly surprising, given that David Rothe and other priests had been forced into exile.²⁰⁸ The population had been cowed by their earlier experiences. All they wanted now was to be left alone. In the Irishtown of Kilkenny, for example, the burgesses set the tone for the years ahead, hoping to avoid future trouble with the government by foisting the office of portreeve onto the shoulders of Paul Johnson, a local Protestant of moderate means. Indeed, the anxiety produced by the state's recent intrusion was so great that the town council conceded very generous terms to Johnson, granting him a house and an annuity for the rest of his life 'to enable him to receive and bear that office'.²⁰⁹ The bribe worked, and he subsequently filled the post of deputy-portreeve for three years, from 1616-18. Thereafter two more local Protestants, John Lawless and John Barry, came forward to take his place, 'because none could serve but a conformable man'.²¹⁰ A similar situation prevailed with the mayor's office in Kilkenny city. In the early 1620s, rather than suffer further interference, the citizens elected two Protestants to the post, first choosing Sir Cyprian Horsfall in 1620, followed by the widely-detested Walter Archer in 1621.²¹¹

Across the county, token obedience replaced open agitation, and the government responded in kind by drawing in the reins on its hitherto openly confrontational tactics. Though it continued to treat its Catholic subjects with caution, it confidently expected to encounter less trouble among their ranks. Accordingly, after December 1618 its punitive

²⁰⁴ N.L.I., Ms. 11.044 (78). See also *ibid.* Ms. 13.237 (6).

²⁰⁵ Dongan to Cranfield, 31 Jan. 1627 (Kent A.O., Sackville MSS, uncatalogued Irish papers).

²⁰⁶ Norton to Cranfield, 15 April 1623 (*Ibid.*).

²⁰⁷ Grosart (ed.), *Lismore Papers*. 1st series, ii, p.285. For other instances of their friendship, see *Ibid.*, 1st series, iii, pp 33, 43 and 92.

²⁰⁸ For Rothe's movements between Kilkenny and the continent see esp. William O'Sullivan (ed.), 'Correspondence of David Rothe and James Ussher, 1619-23', *Collectanea Hibernica*, xxxvi-xxxvii (1994/5), p.8.

²⁰⁹ Ainsworth (ed.), 'Irishtown Corp. Bk'. p.67.

²¹⁰ *Ibid.*, pp 68-9.

²¹¹ N.L.I., Ms. 2531, pp 100-1.

actions became more selective. The Kilkenny community in general was unmolested, leaving only the most public recusants to suffer the strain of the government's special policing. Moreover, following Earl Walter's incarceration in 1619, the penalties imposed on those who vainly tried to take up the Catholic banner were less severe than before. This made a good deal of sense. Any fresh display of severity might have been counter-productive. At last it seemed that the crown had the Catholics entirely under its control: there was little point in risking this hard-won achievement through unnecessary antagonism.

Henceforth the manner in which a recusant was treated depended on the circumstances relating to his or her position within the shire community. Essentially, the higher the profile, the greater the chance of harassment by the state; otherwise, the Dublin executive was content to insure that the rank and file of the gentry did not step out of line.

Certainly, someone of the stature of Lady Mountgarret was unaffected by the mellowing of the government's attitude. In May 1619 she was followed by a spy when she sailed to England, and one of her servants was arrested on the grounds that he was a priest travelling in disguise. The charges were never proven, but as far as his captors were concerned he incriminated himself in a number of ways, not least by his physical appearance. An ugly man, he was described as having 'a demon's look and a bald head', thus fuelling the suspicion that even if he was not a priest he was evil in some other way. He subsequently spent four months languishing in Chester jail.²¹² Clearly, then, for the Mountgarrets and their servants little had changed; they were still prey to Protestant suspicion. It did not matter that Lady Mountgarret was the daughter of a highly respected English knight from Buckinghamshire. The fact that she was also the bride of an Irish recusant lord was enough to make her a subject of distrust.²¹³

The experience of Robert Walsh of Ballinacowley was rather different. True, his goods were distrained by Henry Staines and John Butler fitz John of Callan, successive Protestant sheriffs who between them oversaw the collection of almost all of the £20 which he owed to the state as a recusancy fine.²¹⁴ But unlike previous encounters, the trouble ended here. Nothing further was done with him, thereby marking a tangible shift from the practice of the past few years, when he could have expected automatic imprisonment in Dublin for his defiance.

More significant still was the government's treatment of Sir Oliver Shortal, who was re-appointed as sheriff of the county in 1622. A prominent Catholic, his return to office was the best indication the crown could give that it was sincere in seeking a new era of peaceful co-existence. The reasons for this improvement are well established. James I had decided that England's interests were best served by an alliance with Spain, and in order to placate Spanish concerns over the doctrinal differences between the two kingdoms, he agreed to relax the measures against his Catholic subjects all over the British Isles. As a result, in places like Kilkenny it seemed that the religious tensions of the past few years were set to subside. Indeed, some of the local inhabitants would have taken comfort from Shortal's experience when he dared to ignore some of his more distasteful shrieval duties. Rather than suffer a crippling punishment, Sir Oliver escaped lightly when he neglected to complete the proceedings that had been instigated against his fellow recusant Walter Walsh by earlier Protestant sheriffs. Fortunately for both of them, when the case was heard in Castle Chamber

²¹² Chester City R.O., M/L/6/138; *Cal. S.P. Dom., 1619-23*, pp 46 and 76.

²¹³ Her father was Sir William Andrews of Lathbury, one of the justices of the peace for Bucks at this time (*A.P.C., 1616-17* (London, 1927), p 286; W.H. Rylands (ed.), *The visitation of Buckinghamshire, 1634* (Harleian Soc. 1909) pp 3-4).

²¹⁴ Carrigan (ed.), 'Walsh mountain history, no. 6', *Waterford & S.E. of Ire. Arch. Soc. Jnl.*, xvi (1913), p 132.

it was handled as a straightforward case of official corruption, and Shortal was only fined £10 for his deliberate oversight.²¹⁵

The prospect of reform

The ending of the government's programme of suppression should have signalled the beginning of better times in the county. At first it seemed that it had. Early in 1624 there were promising signs that, through the influence of the Spanish embassy, Earl Walter might be released from confinement in London, especially as the king of Spain, Philip IV, had lent his weight to the growing campaign to win him his freedom.²¹⁶ By this time too Dr David Rothe had returned to the shire from France. In the interval, Rothe had been consecrated as bishop of Ossory in Paris, and following his return he took advantage of the government's change of direction to convene another synod of the Catholic clergy at Kilkenny in 1624.²¹⁷

Nevertheless, after a while it emerged that little had changed since the ending of the government's repression. Although Ireland was now governed by a new Lord Deputy with Catholic connections, Sir Henry Cary, viscount Falkland, the Dublin administration over which he presided remained fervently ill-disposed towards the agents of Rome. More to the point, the royal government in London changed its mind about the desirability of an alliance with Spain, and gradually throughout 1624 relations between the two kingdoms moved onto a war footing. The ramifications of this *volte face* were soon felt in Kilkenny. All hope of Earl Walter's impending release died away, and the government's old distrust of the Butler lordship was reactivated. Once again it turned its attention to viscount Mountgarret, whom it feared as a pro-Spanish agent: with his past record in mind it was thought best to summon him to England where his movements could be better observed.²¹⁸

The political security of Kilkenny's Catholics had risen and fallen sharply within a matter of a few months, leaving no-one in any doubt that, for the moment at least, they were mere pawns of English foreign policy. And yet, ironical though it may seem, the preparations for war with Spain had its advantages for the local community. Having decided on a military strike aimed at Cadiz, the government was eager to solicit the financial support of all its subjects, Catholic as well as Protestant, so that the war could be fought quickly and at minimum cost. In consequence, the Dublin administration was once more forced to assume a more sympathetic stance towards the plight of Irish Catholics.

The speed of all these changes was startling: in January 1624 the crown had considered publishing a new proclamation against priests and redeploying the anti-recusancy laws: now in 1625 Lord Deputy Falkland was instructed to relax existing measures. Instead of appearing distrustful towards the Papists he was to open up negotiations with them in order to raise a generous contribution towards the cost of the war. Moreover, in return for securing their financial assistance, he was empowered to hold discussions for the redress of their grievances. For the recusant community, this could only mean one thing: the question of religious toleration was at last on the table, there for the taking if only suitable terms could be worked out with the authorities.²¹⁹

²¹⁵ St. Peter's College, Wexford. Hore MSS. Vol. 71: Exchequer Memoranda Rolls, 1614-66, p.64. B.L., Sloane MS. 3827, fol. 21v.

²¹⁶ See Chapter Two above. At this time Philip IV continued to act like his father Philip III, advocating leniency towards English and Irish Catholics through his ambassadors in London: A.J. Loomie, 'Spanish secret diplomacy at the court of James I', in Malcolm R. Thorp & Arthur J. Slavin (eds.), *Politics, Religion & Diplomacy in early modern Europe* (Kirksville, Missouri 1994), pp 231-44.

²¹⁷ Corish, 'David Rothe', p.318.

²¹⁸ *C.S.P.I.*, 1615-25, p.478.

²¹⁹ Aidan Clarke, 'Selling royal favours, 1624-32', *N.H.L.*, iii, pp 233-4.

Understandably, the religious issue overshadowed the ensuing dialogue between the crown and the community. The colonial administration in Dublin was far from happy over the idea that it reduce the cost of national defence by raising an auxiliary home guard from among the recusants. Irrespective of the policy of the king and his ministers in London, many members of the Irish Council viewed the Papists as only a Protestant colonial minority could, with massive suspicion, and they were loathe to grant them the right to bear arms. There was only one solution: the recusants must be discouraged from enrolling in the proposed new force. Thus the Dublin Council decreed that all of the forces' commanders should take the oath of supremacy, an announcement that was guaranteed to be taken as a sign of bad faith by the Catholics. But clever though it was, the decree backfired badly, merely serving to heighten the tension which surrounded the talks, and the oath itself soon became a major bone of contention. When eventually the Catholics organised a delegation to travel to London to present a list of their grievances to the new monarch, Charles I - he succeeded King James in March 1625 - it stood out as one of their single greatest beefs. Much to the alarm of the Dublin authorities, the delegates had no difficulty demonstrating that the oath was a cornerstone for the institutionalised repression of Catholicism in many parts of Ireland, Kilkenny included.²²⁰

Catholic grievances

There was no shortage of evidence. For many years now it had been the custom in the courts to randomly impose the oath of supremacy on young Catholic landowners when suing for livery of their inheritance. The effect had been unbearable. Unless they agreed to take the oath the owners risked being dispossessed: the only way out was to commit apostasy, something which the most pious could not do. Understandably, the practice was a dismal failure. Rather than force the gentry and squirearchy into accepting the king as head of the church, the oath had forced an increasing number of young Irish landlords to reject the crown's claims to spiritual authority and acknowledge instead the rights of the pope. In Kilkenny at least two landlords are known to have refused the oath, preferring to hazard punishment in this world to divine retribution in the next. Edmund Walsh was one, waiting 11 years before taking advantage of the improvement in the religious climate to sue for livery of his parents' estate at Raheen in 1626. Edmund Butler left it even later. Having succeeded his father as lord of Paulstown in 1619, he only sought livery in 1628, when it was absolutely certain that the oath would not be administered to him. The length of time which men like these waited was a clear indication of the extent to which their attitudes had stiffened towards the Dublin administration since the 1613 parliament, and they formed the backbone of a growing movement determined to use England's wars with Spain and France to exact sweeping concessions from the king through a process of hard bargaining.²²¹

The oath was not the only thing which they wanted to see undone. Equally alarming was the increasing interest that the government was beginning to show in the legal basis of landownership. Over the preceding few years it had become common for royal officials to probe deeper and deeper into the question of land title, requiring squires and gentry to prove that they held their estates by primogeniture directly from the king, and not by conquest. It was not difficult for Kilkenny's landlords to meet the first requirement, as primogeniture was practised almost universally across the county, but the same cannot be said of the second demand. Because Kilkenny had been a border shire for centuries before 1603, many of the local families, especially those from the old marchland regions in the north and east,

²²⁰ For politics at this time, see especially Aidan Clarke, *The Graces, 1625-41* (Dublin 1966), pp 3-16.

²²¹ *Ibid.* p 78; *Inq. Lagania, Com. Kilkenny, Charles I* (1).

possessed all or part of their estates thanks to the military accomplishments of their ancestors. Hitherto the crown had turned a blind eye to this, content in the knowledge that the shire was controlled by Anglo-Irish loyalists. In the early sixteenth century the government had even encouraged the Butlers of Ormond to extend their grip over hostile neighbours by force of arms. Was this policy to be rescinded now, a hundred years later, over religion, and every border gentleman to lose his land because of the pro-English militarism of his ancestors?

The fears engendered by this scenario were matched by the crown's toughening policy towards Gaelic customs of landownership. Following the guidelines laid down by Sir John Davies, the Dublin administration outlawed native inheritance practices, requiring all land held 'after the native manner' to be surrendered to the crown for a regrant. Even in an Anglo-Irish enclave like Kilkenny this posed a threat. According to the finer points of the policy, anyone who bought land from the Gaelic Irish had to seek English legal title for it. This necessitated an inquiry into the history of the plot, and if it was found that its Gaelic proprietors had held it against the crown at any time in the past, then it could be reappropriated into royal hands, notwithstanding the interests of the Anglo-Irish purchaser. Thus it seems that the estates that families like the Walshes, the Blanchvilles and the Archdekins had acquired from the O'Ryans in the east, and the Butlers and the Purcells from the O'Brennans in the north, were wide open to forfeiture by the state.²²²

Against this backdrop, the belief soon developed amongst the local Catholic gentry that an official conspiracy was afoot to rid them of their landed wealth. Government agents, especially those from the Exchequer, excited widespread resentment, their attempts to uncover what they called 'concealed land' demonstrating just how far the powers of the state had multiplied since the end of the Nine Years' War. Above all, the high-handed manner in which they were able to conduct their investigations brought matters to a head by the mid-1620s, when landlords everywhere were clamouring for restrictions against them.

The treatment that had been meted out to the Butlers of Annagh had served as a warning to many. Following the death of the head of the family in 1616 the feodary of Leinster, Nicholas Kenny, had convened a court of inquisition to examine the condition of the Annagh estate. Immediately eyebrows had been raised by the speed of his actions. To the mind of Butler's widow, Kenny had summoned the court far too quickly, not allowing her time to gather her documents together. Despite her protests, however, Kenny had gone ahead with the hearing, with the result that she had been unable to prove her title to part of her widow's portion, land which was automatically declared by Kenny for the crown. Unsavoury as this was, the widow soon discovered that she had no hope of getting her property back. Twice in 1617 she had appealed for redress to the court of Exchequer, but on both occasions her plea had been rejected, the judges refusing to authorise the preparation of a new *inquisition post mortem*, claiming there was nothing wrong with the old one.

Sadly for her, she did not let the matter end there. Outraged by the government's unfairness and determined to lay hold of the full value of her portion come what may, the widow had fallen out with her family and remarried. Under her prompting her new husband, Thomas Fitzharris of Ballyduiske, soon got himself into trouble on her behalf, illegally seizing for her use some of the cattle belonging to her son Walter Butler, who had evidently refused to share the burden of the government's action against her. Within weeks she had cause to regret her husband's indiscretion. In April 1618 Fitzharris was imprisoned in Dublin by order of the Exchequer, and the subsequent inquiry into his affairs led almost inexorably

²²² For the Farren-O'Ryan lands and the O'Brennans' territory, see Chapter One above.

to further impoverishment, as his own lands at Tentine in the Rower were forfeited in 1619, the feodary or the escheator having unearthed an imperfection in his title too.²²³ If any of the county community had needed a warning about the dangers posed by the crown's legal agents, the experience of the widow of Annagh had surely provided it.

It was not the only warning that they received. The latter part of the reign of James I had seen several similar cases in which the security of local land tenure had been successfully challenged by Dublin officials. In 1618 Michael Cowley of Kilkenny, a leading Catholic lawyer who had been excluded from the local commission of the peace under Chichester, had surrendered his land to the crown on the understanding that it would be regranted to him once his title had been confirmed. The regrant was not made. Instead the officials who conducted the investigation invalidated his claims to ownership, and his estate at Radestown was granted to the Chancellor of the Exchequer, Sir Henry Holcroft. By a similar process the Walsh family lost their land at Clonmore and the Purcells their interest in Purcells Rath; here too, Sir Henry Holcroft was the beneficiary.²²⁴

Admittedly, the damage inflicted by these forfeitures was not very great, for in each case the lands were later regained by their original owners, probably through purchase from Holcroft. But repossession was not always the end result. As the temporary new owner, Holcroft was primarily interested in extracting the maximum profit from his title and he would only sell to the highest bidder. In at least one instance, involving the estate of the Graces of Ballylinch, the main bid was not made by those who had been dispossessed; on the contrary, the Graces had been forced to look on as their Ballylinch holding, totalling more than 1,000 acres, was purchased from under their noses by John Bowen of Ballyadams in Queen's County, who as late as 1622 still retained the property as Holcroft's assignee.²²⁵ By 1625, therefore, the Kilkenny gentry could have been forgiven for thinking that the ownership of land had become a lottery controlled by members of the government ruthlessly seeking to profit at their expense.

Conclusion: Reform frustrated, 1628

Understandably, the Catholics of the county were resolved to curtail the government's interference in the land question when Charles I asked for money after 1625. In common with recusants from all over the country they had a vested interest in seeing the powers of the royal officials curtailed. Their expectations were raised in 1627 when the king went to war against France, for he was prepared to consider granting them redress of their grievances in return for men and money. Once again, the outlook looked good, and in fulfilment of his promises, the troops which King Charles subsequently raised from Kilkenny and the surrounding region were placed under the command of three local soldiers, Sir Piers Crosby (a moderate Protestant), Oliver Shortal and John Butler (both Catholics), the latter the younger brother of viscount Mountgarret. Moreover, the king was also true to his word about holding a parliament to pass 'the matters of grace and bounty', or 'the graces', as the longed-for reforms came to be known. The royal writ was quickly despatched, and in the autumn of 1628 elections were called in Kilkenny, the burgesses being asked by the corporation to nominate two M.P.s from a choice of five.²²⁶

But it was all in vain. It is not recorded who was chosen, for no sooner had preparations for a parliament been announced than the assembly was called off. Irrespective

²²³ N.A.I., Equity Exchequer Orders, 1604-18, pp 219, 240 and 255; *Cal. Patent Rolls, Ire., James I*, pp 453-4.

²²⁴ N.A.I., Lodge MSS, Records of the Rolls, Vol. IV, pp 139-40 and 462-4.

²²⁵ John Ryland's Library, Manchester, Ms. 246, fol. 34v.

²²⁶ N.L.I., Ms. 11,048 (7).

of the high hopes of the Irish Catholics, political circumstances in England had changed, and Charles had decided to go back on his word.

The decision to abandon the parliament had far-reaching consequences in Kilkenny. In the first place, King Charles had shattered the illusion harboured by some that he would deal fairly with them in their causes. His accession in 1625 was now seen as just one more in a long line of false dawns in the county's relations with England. So too was his recent marriage to Henrietta Maria, who as a French Catholic had been (and would become again) the symbol of hope for her Irish co-religionists. From a Catholic standpoint, all that had been achieved in 1625-8 was a waste of money and effort. Taxes had been raised and a detachment of local troops under Crosby, Shortal and Butler had fought bravely at the Isle of Rhe,²²⁷ but still 'the graces' had not been passed, and the bulk of Catholic grievances remained unredressed. It is hardly very surprising that by 1628 the Kilkenny community was fast returning to its earlier stance of gritty opposition to the central authorities, refusing among other things to pay for a company of English soldiers stationed in the county under the command of the absentee earl of Desmond.²²⁸

More significantly, the crown's failure to accede to the demand for reform coincided with an important shift in the balance of power within the county. For it was at this crucial juncture that the Ormond lordship began to crumble away, a crucial development without which it is unlikely that Kilkenny could ever have become the centre of a national rebellion, as it was to do in 1641/2.

²²⁷ Lambeth Palace Library, Ms. 250, ff 431v and 433r; see also Clarke, 'Sir Piers Crosby', pp 152-3. For Captain Oliver Shortal of Clara when he was stationed at Waterford and Clonakilty in 1628, see N.A.I., C.P., parcel H, no. 150, and George Bennett, *The History of Bandon* (Cork 1869), p 76.

²²⁸ Desmond's petition to Falkland, 12 July 1628 (N.L.I., Ms. 11.062). The burgesses of Callan failed in their effort to have troops quartered elsewhere, and along with the burgesses of Gowran, Inistioge and Thomastown, they had to station a set number. Kilkenny Corporation Archives, MSS CR/K 29-31.

The collapse of the Ormond lordship, 1619-42

Introduction

The early Stuart period was an ordeal for the County Kilkenny community - and one which led ultimately to rebellion - not just because of the government's unwillingness to grant religious toleration to Catholics, but also because the political traditions of the shire were trampled underfoot by those who held power in Dublin and London. The county's long history of loyalty to the crown and the general Englishness of the local people seemingly meant nothing any more. Structurally, the various points of contact that had long formed the framework for the local elite's relationship with the English monarchy were being worn thin, with the county's landlords and merchants increasingly dissatisfied with their lot: land held of the English king was suddenly the cause of insecurity for the local landlords, and the towns, so often havens of loyalism in the past, were now losing their freedom from outside interference. Worst of all, the key component in Kilkenny/Dublin and Kilkenny/London relations - namely, the Ormond lordship - had been removed from the equation, leaving the shire exposed to more and more interference. Increasingly after 1603, and especially after 1614, the shire found itself devoid of its customary figurehead - the earl of Ormond - who earlier had acted usually as both a buffer and a filter between the local community and the state. With no earl of Ormond to tie things together, mediating with the Lord Deputy in Dublin or with the king and Council in London, the frayed and tattered fabric that attached Catholic Kilkenny to the English Protestant government was destined to fall apart. In 1641/2 it would be rent asunder completely, not least because for many in the county a meaningful overlordship, with a capacity for local participation in the governing process, was nothing more than a distant memory. Having gone without an effective overlord for thirty or forty years, the landlords and merchants of County Kilkenny found that they had little in common with Dublin or London any more.

The shire's emergence in 1641 as a centre of political and religious revolt was a direct consequence of the government's devastating attack on Ormond power after the accession of Walter, the eleventh earl, in 1614. It was not so much that Walter could have altered the course of events, had he been at liberty to try. Rather, having attempted to govern Kilkenny without him from 1614 onwards, the state failed to fully appreciate that, without a figurehead who was acceptable first and foremost to the locals (i.e., a Catholic), the actual procedures of government would invariably become more difficult. The day-to-day business of implementing crown policy reached a watershed in his absence; as demonstrated in the previous chapter, increasingly thereafter policy was enforced upon the shire instead of being accepted by it. This remained the case down to 1641.

Following Walter's imprisonment in 1619, with no earl of Ormond around to act as a mediator, the government had no-one of real standing in the shire to make representations on its behalf or soften the blows of its policies. It badly needed a local 'middle man' to provide a channel of communication between government and governed. Above all, having tried so hard to divest Walter of his rightful inheritance (and succeeded), the state badly needed a substitute to take his place, an alternative to Walter who was respected by the county community. Had it not been for the religious issue, a viable equivalent to Ormond may well have been found; after all, all the government needed to do was to promote some other member of the Butler dynasty into the earl's place, and given such a numerous family line, there were any number of prospective candidates. However, even in the 1630s the government continued to be obsessed by the need to impose religious conformity over all Irish nobles, great and small.¹ Hence it was forced either to seek its new county figurehead from within an exceedingly small pool of 'suitable' Protestants, or else to consider striking a deal with a biddable Catholic. Thanks largely to the efforts of the Catholic prelate, David Rothe, the number of biddable Papists in the region was shrinking fast. As we shall see, no-one whom the government deemed appropriate was equal to the challenge of bringing Kilkenny into line with its requirements - not even Earl Walter when he eventually regained his freedom.

As a direct consequence of this, the ground was laid for the county's rebellion in 1641/2, for in the interval between Walter's incarceration in 1619 and the general crisis of 1641, several senior members of the Butler dynasty, in particular Viscount Mountgarret, had been left out in the cold, openly discarded by the state at the very time their cooperation was needed. The traditional distribution of power within the Butler bloodline, with the house of Ormond pre-eminent, had been destroyed by the government's meddling in the matter of the inheritance. By insisting at a time of mounting sectarian tension that Earl Walter's successor (his grandson James) be a Protestant, the state in effect brought an end to the Ormond lordship in the shire; and with its passing went any chance of a rapprochement with the local Catholic community. Instead of having a genuinely effective overlord in 1641, one who (unlike James Butler) enjoyed the trust of both the crown *and* the community, government policy had managed only to cut Kilkenny adrift, leaving it to follow its own course under the leadership of Mountgarret, Bishop Rothe and other hostile Catholics.

The early Stuart period was therefore a period when the Dublin administration was compelled more and more to govern without hope of consent in County Kilkenny. For a century or more the shire had been accustomed to have someone at its head who (admittedly acting for his own benefit) was determined to reduce the threat of sweeping changes being introduced from outside. Now, with this cushion gone, the Catholics of the shire were left face-to-face with a series of unsolicited government demands, demands which all too frequently appeared to be part of a drive by a new Protestant colonial elite. Small wonder, then, that the county threw in its lot with a militantly Catholic (and staunchly conservative) conspiracy in 1641/2, a time when it seemed that the colonial administration in Dublin was about to collapse.

¹ Thus Lord Deputy Wentworth's emphasis on the potential role of the Court of Wards for creating Protestants of Catholic heirs: Clarke, *Old English*, p.115.

Life under Desmond

Between 1619 and 1628 Richard Preston, earl of Desmond, had the opportunity to become the new overlord of Kilkenny. On the face of it he seemed the perfect man for the job. As a Scottish Protestant and a close confidant of both James I and the duke of Buckingham, his political and religious credentials were impeccable. If he could just establish himself there Kilkenny would surely be safe in his hands. And the process of getting him established need not have proven difficult. His marriage to Lady Elizabeth Butler could easily have been presented in such a light as to make his grab for the Ormond estate seem more principled than it was. He could have claimed (albeit disingenuously) that he was not to blame for ruining Earl Walter after 1614; rather, had he not been defending the rights of his wife, the daughter of Black Tom of Ormond, the late great overlord who had steered the county through the Elizabethan wars and showered the gentry with favours? Was not Walter the architect of his own ruin by refusing so stubbornly to accept Lady Elizabeth's rights? Likewise, the fact that Desmond was Scottish was not necessarily a problem. It could have been argued that, as a courtier, he had the ear of his fellow Scot King James rather as Black Tom had had the trust of Elizabeth I. Perhaps, then, he might prove as successful a local ruler as Earl Thomas had been? Unhappily for both crown and county, Desmond was not willing to fulfil his obvious potential. A creature of the court, he showed little interest in assuming the responsibilities of protection and representation that had been performed by his wife's family for generations. His primary object was to extract money from the Ormond lands to subsidise his lavish lifestyle; little else mattered.

Accordingly, Desmond never enjoyed a good relationship with the people of Kilkenny. He never sought to soothe local grievances, effectively allowing his aggressive seizure of Earl Walter's estate to make him the sworn enemy of everyone associated with the Butler dynasty in the county, a significant number by any estimate. A little sensitivity might have served him well. The wrath of the Butlers presented him with an almost insurmountable obstacle in the years ahead. Even with the backing of Buckingham and the king, it was not until the early-to-mid 1620s that he was able at last to overcome their obstruction and take control of all the Ormond lands, and this only after he had had several of Earl Walter's representatives imprisoned in Dublin.² Nor did these confinements bring Desmond any rest. Immediately other friends of the house of Ormond sprang up to badger him and - by making full use of the Butler family network - they eventually succeeded in undermining his position, turning his time as the local figurehead into a personal nightmare for him, and a political disaster for the state.

Desmond's problems in Kilkenny were not just due to the continuing influence of the Butlers. His own behaviour did nothing to help his cause. By acting as he did, he played straight into the hands of his Butler enemies, making it easy for them to denounce him as a devious and tyrannical intruder. He made no special effort to win the approval of the rest of the county community. Instead of rising above it all, he was greatly angered by the level of popular support that Earl Walter and his family still enjoyed around the shire, and he decided to have as little as possible to do with the local Catholic gentry. Insofar as he could manage it, he employed only outsiders - English and Scottish Protestants - as his servants in the region, and when this proved impracticable he hired quite the wrong sort of insider, men such as his attorney Walter Archer,

² N.L.L. Ms. 11.046 (38) - (41) and (50)

the notorious lawyer,³ and Lewis Bryan, his rent collector,⁴ neither of whom were well chosen to gain him respect in the county.

But more than anything else it was surely Desmond's harsh treatment of the earl of Ormond that destroyed his chances of ever overcoming opposition in County Kilkenny. The local gentry had been shocked by the unscrupulous nature of his initial victory over Ormond in 1618-19; in particular they had been disturbed by his ability to use his influence to deny Ormond access to a proper legal defence. The Catholic clergy under Rothe had capitalised on this, recognising in the humiliation of Earl Walter an opportunity to rally opposition to the state. Right from the start Desmond had revealed himself to the Kilkenny community as the embodiment of an unscrupulous regime. His subsequent handling of Earl Walter gave him an even worse reputation, and strengthened his foes.

By 1624 he was being derided all over the county for his ongoing persecution of Ormond, which was seen to have plumbed new depths. Not content with stripping Walter of all his inheritance and inducing his bankruptcy, Desmond added insult to injury by trying to divest his victim of the title 'earl of Ormond'. Working closely with his patron, Buckingham, Desmond attempted to have the earldom bestowed on a previously unheard-of claimant, a minor gent from Connaught who suddenly announced he was the rightful male heir of Walter's predecessor, Earl Thomas. Only malice for Walter could have persuaded Desmond to support such an unlikely pretender to the Ormond peerage; no other explanation seems feasible. But whatever his motive, his advocacy of the man from the west cost Desmond dear. Before the year was out he faced possibly the biggest crisis of his career, as the Butlers and the Kilkenny gentry capitalised on his mistake to discredit him where he would suffer it most, in London. As a result, the whiff of scandal surrounding Desmond was so strong that Buckingham, his main anchor at court, was compelled to distance himself from him until things calmed down.

The key to Desmond's temporary eclipse was the identity of his mysterious candidate for the Ormond title. Unluckily for him, some of the leaders of the Kilkenny community - first and foremost Viscount Mountgarret and senior Catholic clergy, but also Piers Cantwell,⁵ Robert Walsh and Thomas Merry - had no difficulty discovering who the man was. Mountgarret was well connected in Connaught, and in June he sent agents to the chief of the Mayo O'Kellys and to others in the province 'to find the knave out'. He was supported by the Vicar-Apostolic of Leighlin and one-time Vicar-General of Ossory, Luke Archer.⁶ By July he was able to name the pretender as one Pierce Lennon of Galway, and at once he saw to it that statements to that effect were sworn before a high court judge in London.⁷ Desmond panicked. Frightened that the news that he had sponsored an impostor for the earldom of Ormond might lose him the king's favour, he tried to buy his way out of trouble. Having travelled to Ireland he employed what Mountgarret termed a 'degenerate', or collaborating, member of the Butler dynasty in Tipperary, Earl Walter's cousin Piers Butler of Nodstown,⁸ to offer a bribe of £1,000 to Mountgarret's sister

³ Ibid. (22), (23) and (25), and un-numbered item after (34).

⁴ Lewis was the younger brother of James Bryan of Bawnmore. He lived in Kilkenny City (N.A.I., R.C. 5/5. Co. Kilkenny Deeds and Wills, pp 370-5, Ibid. C.P., parcel K, no. 53). It is worth noting that his brother James was among those gaoled in Dublin in 1623 for refusing to pay certain money over to Desmond's agents, i.e. to Lewis and his colleagues (N.L.I. Ms. 11,046 (50)).

⁵ This Piers was probably the younger brother of John Cantwell of Cantwell's Court (Ibid. D. 3468).

⁶ H.M.C., *Ormonde MSS. 1572-1660*, pp 16-17.

⁷ Mountgarret to Ormond, 19 July 1624 (N.L.I. Ms. 2302, p.231).

⁸ Circa 1613 it had probably been Piers of Nodstown who had informed the government about the number of Catholic priests in Clonmel. Moran, 'Bishops', p.270.

Mary if she would recognise Pierce Lennon as her son. Mary refused. In doing so she almost succeeded in ending Desmond's political career.⁹ The fact he survived should not obscure the damage that had been done to his reputation.

Peers on both sides of the Irish Sea must have been outraged to learn that he had tried to install someone of lowly birth as one of their own, and this at the expense of Earl Walter, a man of undisputed noble lineage. Certainly, Mountgarret's revelation of Lennon's real origins caused considerable embarrassment for Desmond's protector, the duke of Buckingham. Desperate to save face, the duke brought all his influence to bear to have Lennon silenced, and in 1626 he had the Galwayman arrested and imprisoned, hoping that, once out of sight, the impostor (and his sponsors) would be forgotten.¹⁰ But the Butlers would not let it lie, and sometime before 1628 Buckingham felt compelled to apologise over the affair to Earl Walter's heir, James Butler, viscount Thurles, for the 'injuries' he had attempted against the dynasty.¹¹ For his sins in getting the duke embroiled in so distasteful a business, Desmond was despatched to the Palsgrave in Bohemia in 1625, ostensibly on a diplomatic mission, but in reality to get him out of harm's way lest the new monarch, Charles I, be persuaded to punish him for forwarding Lennon's pretensions.¹²

The Scottish earl remained totally unwilling to cooperate with the Kilkenny community in the remaining years of his life. In 1625 a deputation of agents from Kilkenny city went to seek his assistance in a controversy over the rights and privileges of Waterford, which were in dispute with the crown and affected them directly. According to the report of Bishop Rothe - and probably much to Rothe's relief - Desmond showed himself to be no friend of Kilkenny, 'but rather opposite, as all the year before [i.e. 1624-5], while he continued in the country, he opposed against the liberties of Kilkenny, which got him but little credit or goodwill'.¹³ He did not wish to be a beneficent overlord.

The situation worsened considerably when he returned to the shire. As well as encountering resentment from his tenants, whom he brazenly expected to pay his debts for him by charging them a double rent,¹⁴ Desmond was faced with open hostility in Kilkenny city, where the aldermen found the conduct of his servants insufferable. For instance, in July 1626 (during his absence) there had been a bloody set-to involving his Scottish followers and some Englishmen in the city;¹⁵ his return in 1628 did not bring an improvement. On the contrary, matters came to a head when another of his servants was caught in the act of adultery by the commander of the civic watch, John Seix, a prominent Catholic merchant.¹⁶ Satisfied of the man's guilt, Seix 'committed the said adulterer to prison'. He should have ignored the incident. When Desmond heard of his action, he was furious and ordered Seix to be brought to the castle, where he was thrown in the dungeons. Not content with this, a few hours later - 'about eleven o'clock at night' - the meddlesome merchant was dragged out of his cell, forced to drink until he was 'stark drunk', and then placed under armed guard and led on horseback back into the city, a

⁹ Mountgarret to Ormond, 19 July 1624 (N.L.L. Ms. 2302, p.232); Mary Butler's certificate, 6 April 1624 (Ibid. p.197). See also James I to Falkland, 5 Feb. 1624 (T.C.D., Ms. 10.724).

¹⁰ *A.P.C., 1625-6*, p.450; *Ibid. June-Dec. 1626*, p.56).

¹¹ Graves (ed.), 'Anonymous account', p.288.

¹² Brendan Jennings (ed.), *Wadding Papers, 1614-38* (Dublin 1953), p.103.

¹³ H.M.C., *Franciscan MSS* (Dublin 1906), p.82; Jennings (ed.), *Wadding Papers*, p.103.

¹⁴ See Chapter Two above.

¹⁵ Ainsworth (ed.), 'Irishtown Corporation Bk.', p.75.

¹⁶ Seix was still alive in 1643. For the development of his urban estate, see Kilkenny Corporation Archives, MSS CR/1 55-6, 65.

drummer beating time along the way. Finally, when they had reached the house of Richard Rothe, the mayor of Kilkenny, the soldiers 'left the said Seix prostrate upon the street and discharged two great volleys of shot ... to the great terror of His Majesty's subjects'. For all its comic quality, it was a serious incident. The mayor and aldermen were outraged. Not only was Desmond unwilling to help them achieve better relations with the state, but he was also responsible for a royal garrison stationed at the castle the members of which were to be treated as if they were above the law. For some time afterwards Kilkenny's civic officials were wary of doing their duty in the city streets 'for fear [of being] imprisoned and questioned at his honour's will'. Under Desmond's proprietorship, Kilkenny Castle had become a symbol of repression in the county.¹⁷

A poor return: Earl Walter's dilemma, 1628-33

The situation did not greatly improve when Desmond died suddenly in October 1628, for as we have seen in Chapter Two, he bequeathed to his successor a mountain of debts run up during a lengthy career of feckless borrowing. Having spoiled the inheritance, he insured that patronage on the Ormond estate was a thing of the past. It was therefore ironic that his successor should be his erstwhile rival, Walter, eleventh earl of Ormond, the natural overlord of the county. At last released from prison in 1625 on the orders of Charles I, 'Walter of the beads and rosaries' was utterly unable to put his family back on course as the preponderant influence in local affairs. Despite the excitement at news of his freedom,¹⁸ Ormond rule faced an uncertain future in Kilkenny and Tipperary.

It did not take long for this fact to emerge. When he first returned to Kilkenny in 1628,¹⁹ Walter was shocked to find that he, the earl, could no longer bend the sheriff of the shire to his will, and all at once he realised that during his absence executive power in the area had passed into the hands of a small Protestant clique. As the earl of Middlesex's man, Thomas Dongan, put it, on his arrival in the shire Walter 'discovered ... his greatness and power in this eclipsed kingdom ... [was] foiled'.²⁰ Over the next few years he tried to reverse this trend. He did enjoy some initial success. In 1630 he acquired a royal grant of incorporation for the long-deferred Ormond poorhouse in Kilkenny city.²¹ In 1630 and 1631 the county shrievalty was granted to two leading pro-Ormond recusants, namely John Tobyn of Killaghy and Walter Walsh of Castlehowell, a significant concession.²² Further afield, Walter also managed to have the activities of the Court of Wards partially suspended in County Tipperary in 1626.

But these achievements were temporary ones. By the early 1630s the Court of Wards had resumed the full range of its functions in Tipperary; this was entirely to be expected, for its withdrawal had been intended merely to allow Walter enough time after his release in 1625 to produce a number of documents defending his rights over various lands there.²³ The Kilkenny

¹⁷ H.M.C., *Ormonde MSS. 1572-1660*, pp 17-18.

¹⁸ *Ibid.* p.18.

¹⁹ He travelled to Ireland shortly after 22 July 1628, having presented himself before the English Council (*A. P. C., 1628-9*, p.49).

²⁰ Dongan to Middlesex, 21 Oct. 1628 (Kent A.O., Sackville MSS, uncatalogued Irish papers).

²¹ Edward Ledwich, *The Antiquities of Ireland* (Dublin 1804 edn), p.484.

²² See Appendix 3.

²³ This point is overlooked by Aileen McClintock ('The Earls of Ormond and Tipperary's role in the governing of Ireland, 1603-41', *Tipperary Historical Jnl.*, i (1988), p 165), who incorrectly assumes that the Court of Wards was permanently suspended in the former liberty. For the king's reasons for a short-term suspension, see Charles I to Falkland, 25 May 1626 (Northampton R.O., Ormonde (Kilkenny) Papers, Ms. O.K. 437). McClintock is also wrong to claim that the entire ex-liberty was covered by the suspension while it lasted. Only the Ormond lands and those of the Ormond tenants-in-chief were affected; for the Court of Wards

shrievalty was much the same, in 1632 reverting to Protestant hands and remaining so for several years to come.²⁴

Walter's lack of greater success was hardly surprising. First, although King Charles was prepared to review the earl's position, realistically he could not do much for him. To re-establish the country's leading Papist lord in a position of prominence might be dangerous, for an improvement in his fortunes would upset the balance of power in Ireland, which was now largely dominated by a group of Protestant adventurers led by Richard Boyle, earl of Cork, and Sir William Parsons, the Master of the Court of Wards.²⁵ If the king wanted to rule the country as it stood, without disturbing the *status quo* or committing himself to change, he could not afford to alienate this group, who were eager to leave influential recusants like Ormond out in the wilderness.

Walter was not helped in this regard by the gathering strength of the Catholic religion within his territories. All over Ireland the Protestants were alarmed by the evident vitality of popery at this time, and the situation in the Kilkenny region gave them especial cause for concern. The post-1614 Protestant annexation of power there had not had the desired effect of eroding the people's adherence to Rome. Rather, under the guidance of Bishop Rothe, Walter's friend and spiritual adviser, the county had continued as one of the principal centres of Catholicism in the kingdom. Despite a string of government decrees outlawing Roman churchmen, the number of priests and monks remained very high: by 1635 there were nearly 60 of them in the shire, an increase of 25% on the 1613 figure, when they had totalled 48.²⁶ Indeed the period of Walter's confinement had been a good one for some of the regular Catholic clergy, i.e. the monks and friars. With Bishop Rothe's skill as a church administrator, the Franciscans had encountered little opposition from their local rivals, the Jesuits, and in 1626 they had been able to open a convent and a college in the county. Likewise the Dominicans, always strong in Kilkenny city following Edmund Barry's conduct in 1603, could boast a community of eight regulars by 1622.²⁷ A new age of (illegal) monasticism appeared to be dawning.

Against this backdrop Earl Walter must have known that his prospects for gaining favour in Dublin were not at all good. He was much too closely associated with the Papist clergy to survive the hostile gaze of the Puritan faction in the capital. Apart from his friendship with David Rothe, Walter was also on intimate terms with the newly-appointed Franciscan guardian of Kilkenny, Joseph Everard, an eminent theological scholar who was the grandson of his late parliamentary ally from 1613, Sir John Everard (d. 1624).²⁸ Likewise, by the time Walter returned to Ireland, the government was probably aware that for a considerable length of time his estate had provided an important financial lifeline for some important Roman clergymen. Maurice O'Hurley, consecrated as bishop of Emly by David Rothe in a service at Kilkenny in 1623, was a tenant of one of Ormond's many parcels of impropriated church land. So too was the Jesuit Barnaby O'Kearney, who had rented tithes in Tipperary from Walter before they were

proceeding as normal elsewhere in the area. see H.F. Kearney, 'The Court of Wards and Liveries in Ireland, 1622-41', *R.I.A. Proc.*, lvii, section C (1954-6), pp 51-68, nos. 23, 25-6, 41, 56-7, 79, 82, 84, 125, 131, 143, 148-9, 153 and 163.

²⁴ See Appendix 3.

²⁵ McClintock, 'Earls of Ormond', p. 165.

²⁶ J. Hagen (ed.), 'Miscellanea Vaticano-Hibernica', *Archivum Hibernicum*, v (1916), pp 85-9.

²⁷ O'Fearghaill, 'Catholic Church', p. 200.

²⁸ Brendan Jennings (ed.), 'Sint-Truiden Irish Franciscan Documents', *Archivum Hibernicum*, xxiv (1961), pp 155 and 158.

Everard, 'Family of Everard', p. 506. In addition, Walter's wife, the countess, kept a girl named Everard as one of her maidservants (*Cal. S.P. Dom., Addenda, 1580-1625*, p. 680).

resumed into crown hands in 1621. To cap it all, the state was probably informed of Walter's connections with Fr Luke Wadding, the guardian of St Isidore's College in Rome, through his tenant Lawrence Barron, Wadding's brother-in-law, who rented land from him in Clonmel.²⁹

It is therefore easy to see how the earl's hopes of reaching a lasting reconciliation with the Protestant government began to erode rapidly in 1629 when the crown decided to renew its anti-Catholic campaign. As his final political act in Ireland the outgoing Lord Deputy, Viscount Falkland, issued a proclamation on 1 April banning priests and ordering the destruction of all 'popish' places of worship. In consequence, less than a year after Ormond had come home to Kilkenny, a number of chapels or 'mass houses' in the shire were confiscated.³⁰ A short while later one of the county's leading recusant gentlemen, George St.Leger, was summoned to appear in the court of Exchequer to explain why his family had failed to pay for necessary repairs to the Church of Ireland parish church at Tullaghanbroge.³¹

Still worse for Ormond and his followers was the fact that the earl of Cork, a promoter of an aggressive religious policy of conformity, was nominated to replace Falkland as one of two Lords Justices. This effectively put the seal on Walter's fate. At about this time he had begun to explore a new route towards rehabilitation in Dublin by linking himself with Cork's main political rival, Francis Annesley, Lord Mountnorris, the Vice-Treasurer and a moderate Protestant who advocated limited toleration for Catholics.³² Predictably enough, the association with Mountnorris led him straight into conflict with Cork. So too did his relationship with Sir William Power. Power was one of Cork's most outspoken foes, and among other things, he showed Walter 'a page of scandal' from a book of accusations that he had penned against the Puritan leader for distribution at court.³³ As it fell out, the timing of these anti-Cork link-ups was unfortunate to say the least. From 1629, with Cork at the helm of government, Walter began to feel that he would never be free of the threat of hard-line Protestant hostility.

In another way too Cork's appointment closed the door on Walter's future aspirations. As an adventurer Cork had achieved considerable notoriety over the years, amassing a huge personal fortune by exploiting technical flaws in native Gaelic Irish and Anglo-Irish land titles.³⁴ He and men such as Parsons and Sir Charles Coote were keen advocates of a policy of plantation, searching for royal title to Irish land in order to oust the native occupiers from much of their territory and introduce English Protestants in their stead. It was not a policy of which Earl Walter approved, signalling as it did an attempt to reduce the acreage owned by his Catholic co-religionists across the country. But nevertheless, Cork's efforts to bring about a plantation in the baronies of Upper and Lower Ormond in north Tipperary from 1629 onwards³⁵ immediately presented Walter with an unforeseen dilemma, for it was he who held the documents that the government needed to proceed with its plans.

None of the choices available to him over the plantation were pleasant ones. If he failed to hand over the relevant deeds and agree to the plantation he would surely jeopardise his

²⁹ Michaelmas and Easter rents, 1621-2 (N.L.I. Ms. 11.063 (1)); Note of tithe money, 1617 (Ibid. Ms. 11.064 (40)); Jennings (ed.), *Wadding Papers*, pp. 238-9.

³⁰ P. Corish, 'Two seventeenth-century proclamations against the Catholic clergy', *Archivum Hibernicum*, xxxix (1984), pp. 54-5.

³¹ N.A.I., Ferguson MSS, Equity Exchequer Orders, 1618-38, pp. 162 and 172.

³² N.L.I. Ms. 2549, fol. 4v. For further Ormond-Annesley connections see Oxfordshire A.O., Valentia Papers, bundle 33, item 1, and H.M.C., *Ormonde MSS, 1572-1660*, pp. 26-7.

³³ Grosart (ed.), *Lismore Papers*, 1st series, ii, p. 334.

³⁴ Terence Ranger, 'Richard Boyle and the making of an Irish fortune, 1588-1614', *J.H.S.*, x (1957), pp. 257-97.

³⁵ E.g., see Grosart (ed.), *Lismore Papers*, 1st series, iii, pp. 47, 49 and 68.

standing with the monarchy once again, for King Charles was deeply interested in the scheme, as it promised to produce a major boost to his revenues. On the other hand, if Walter agreed to go along with the plan, he knew that he would forfeit his rights over a large and valuable region, excite the enmity of the Gaelic Irish and Anglo-Irish proprietors who lived there,³⁶ and lose the respect of his fellow Catholics all over Ireland. Faced with these alternatives he opted to defy the plantation, a courageous choice considering his previous experience at the government's hands.

Wisely he did not announce his decision immediately. For almost two years he disguised his opposition as indecision, playing for time to see what he could extract in the way of royal concessions before revealing his hand, perhaps hoping that the scheme would fade away when a new chief governor was appointed. There was nothing else to do, and in the short-term he accrued some modest benefits from the strategy. As already noted, it was at this time that recusants were reappointed as sheriffs in Kilkenny. Most important of all, however, in 1629 he managed to induce the reunification of the dismembered Ormond estate when his grandson and heir, James Butler, viscount Thurles, was allowed to marry his first cousin, Desmond's daughter and heiress, Elizabeth Preston. This union, which at last brought an end to the Ormond inheritance crisis,³⁷ marked the limit of Walter's achievements.

Once the wedding was over and the newly-weds were established in Ireland, the crown delayed granting him anything else, realising that he had not yet signalled his compliance with the king's wishes. And when the earl eventually expressed his repugnance of the plantation project late in 1630,³⁸ the crown's willingness to consider his petitions for more favour evaporated instantaneously. Among other things, his requests for a regrant of the liberty of Tipperary fell on deaf ears. As the king indicated to the earl of Cork and Lord Chancellor Loftus, henceforth Walter should receive 'no better measure than ... the rule of ... laws' allowed in his claims to the intended plantation territory. His troubles with the monarchy were set to start all over again. It was no coincidence that the rest of his life was taken up with fresh legal problems relating to his estate.³⁹

To compound his difficulties, the earl - 71 years old in 1630 - was a sick man. His private accounts make frequent mention of payments to his doctors, Garret and Owen Fennell, as well as to several apothecaries for medicine and drugs.⁴⁰ Probably the long years in jail had weakened him. The next event to affect him was the death of his wife the countess of Ormond in June 1631. She had stood loyally by Walter during his imprisonment, moving to London in order to be near him, and there is not much doubt that he took her demise badly. Thereafter he vanishes from the records, hardly appearing at all in 1632, and he followed her to the grave on 24 February 1633. It now fell to his Protestant grandson James Butler, not yet twenty-two years of age, to take charge of Ormond family affairs.

³⁶ For the appearance of Anglo-Irish (and New English) speculators in the territory during the 1620s and '30s, see Matthew Boland, 'The decline of the O'Kennedys of Ormond', *Tipperary Historical Jnl.* (1994), pp 136-7.

³⁷ See Chapter Two above

³⁸ *C.S.P.I. 1625-32*, p. 597. He reiterated his objections in a few weeks later, complaining that he was the first of the English of Ireland to be threatened with plantation, as if he were Irish: Ormond to Dorchester, Jan. 1631 (Bod. Lib., Oxford, Carte MSS, Vol. 30, fol. 259)

³⁹ *Ibid.* 1647-60 & *Addenda Charles I.* p 160. Grosart (ed.), *Lismore Papers*, 1st series, iii, p.30; see also Chapter 2.

⁴⁰ N.L.I. Ms. 2549, ff 3r, 4r-v, 6v, 7r, 9v, 13v, 14r-v, 15v, 16v.

Imperfect Apollo : the illusion of renewal under Earl James

Traditionally, the transfer of power to James, twelfth earl of Ormond, has been treated as a major turning point in the annals of the Butler dynasty. For more than two hundred years his biographers have portrayed him as one of history's victorious heroes. According to all the standard accounts, James singlehandedly rebuilt the fortunes of his house, eventually making the Ormond Butlers the greatest dynasty in Ireland.⁴¹ There is one major problem connected with this interpretation. Contrary to general belief, neither Ormond nor his immediate family achieved greatness until after 1660. Some students of his career have assumed that the aura of glory which surrounded him after the Restoration had somehow always existed; quite the opposite, in fact. For all his latter-day distinctions, Earl James's early career was characterised by an uncomfortable dichotomy which saw him rise to prominence in Dublin but fall into disrepute in Kilkenny. To put it simply, though he was lauded by crown officials in the state capital, at home he performed poorly as a local overlord. In fact, rather like Desmond, he had no desire to be tied down by local expectations. Consequently, his early years as earl of Ormond were characterised by his neglect of his lordship: he neglected to gain the loyalty of the local gentry during the 1630s, to disassociate himself from an unpopular government before 1640, and - ultimately - to maintain control of Kilkenny and Tipperary when events moved towards rebellion in 1641. The rapid spread and virulence of this rebellion, wherein Kilkenny became the very epi-centre of opposition to the regime he personified, hinted rather heavily that his rejection of his traditional local responsibilities as an earl of Ormond had been short-sighted. Suffice it to say the local dimension to his career - the fact that he was a regional overlord by birth (if not by inclination) - has been obscured for too long by historians, who have instead viewed him mainly as a creature of Dublin Castle, a national figure, someone very much at the heart of events. By ignoring conditions in his ancestral power-base in Kilkenny and his experiences there, the frailty of his early political manoeuvring has been underestimated, its essential misconception overlooked.

The most recent exposition of Ormond's early life, by Dr William Kelly, has done much to improve perceptions of the twelfth earl and has shed a great deal of light into many of the darker nooks and crannies of his controversial career. Under Kelly's probing light, James of Ormond emerges as no simple-minded royalist. Rather, he is clearly revealed as a hard-headed political operator, no stranger to craft or dissimulation, a man whose decision to draw close to the royal government rested on the pragmatic calculation that it was probably the surest means for him to better his own position and rescue the fortunes of his house.⁴²

What follows here in large part corroborates this view, but with one crucial difference. Dr Kelly focuses mainly on Ormond's national profile as an agent of the central government, and concludes that the earl soon 'reaped the rewards of collaboration', being able to 'restore his political position and improve the fortunes of his lordship'.⁴³ However, a local study like the present work, concerned as much with the lordship of Ormond as the lord, produces a different conclusion. It has been demonstrated in Chapter Two that though collaboration with the crown

⁴¹ This line of interpretation began with Thomas Carte, *The Life of James, first duke of Ormond* (6 vols., Oxford 1851), and has also been iterated in Lady Burghclere, *Life of James, first duke of Ormond* (2 vols., London 1912), and most recently in J.C. Beckett, *The Cavalier Duke: A life of James Butler, first duke of Ormond* (Belfast 1990).

⁴² William Kelly, 'The early career of James Butler, twelfth earl and first duke of Ormond (1610-88), 1610-43' unpublished Ph. D. thesis, Cambridge University, 1995). Idem, '“Most Illustrious Cavalier” or Unkinde Deserter? James Butler, 1st Duke of Ormond, 1610-88', *History Ireland*, i, No. 2 (Summer 1993), pp 18-22. Idem, 'James Butler, 12th Earl of Ormond, the Irish government and the Bishops' Wars, 1638-40', in John R. Young (ed.), *Celtic Dimensions of the British Civil Wars* (Edinburgh 1997), pp 35-47; Idem, 'Ormond and Strafford, pupil and mentor?', *Butler Soc. Jnl.*, iv, No. 1 (1997), pp 88-102.

⁴³ *Ibid.* pp 95-6; Idem, '“Most Illustrious Cavalier”', p.20.

earned Ormond many thousands of pounds, it failed to improve the earl's finances, and James entered the 1640s as heavily in debt as when he had first succeeded to the earldom in 1633. It will be further argued that his political status followed a parallel path. While, as Kelly has shown, his self-serving collaboration with the state restored his position in Dublin and London, it did *not* serve him so well in Kilkenny and the south, where his power plummeted and he tarnished the good name of his family in the eyes of many Butler supporters, in some quarters being seen as the very embodiment of greed and corruption. This is not to suggest that I find Dr Kelly's analysis wanting: quite the contrary. Despite several differences of emphasis between his interpretation and mine (indicated below), the following account is offered mainly as a confirmation of his reading of Ormond's policies, albeit from a different perspective. Hence, where Kelly has demonstrated with exemplary clarity how after 1633, from a position of great weakness, James Butler, twelfth earl of Ormond, managed in less than a decade to earn the trust of Charles I and position himself near the centre of affairs in the three kingdoms, what follows here seeks to unveil the heavy price of this achievement. That he lost control of Kilkenny and Tipperary before 1641 was perhaps as important for the course of Irish and British history, and for the fate of the monarchy, as his emergence in Dublin as a leader of the embattled royalist party. Kelly has revealed how Ormond carved out his chance to be a leading defender of the monarchy when it fell into crisis in the 1640s. The present work infers Ormond and the monarchy might have faced a much weaker challenge, and have overcome it more easily, had he been a less unpopular ruler of his family's territories.⁴⁴

The crux of the twelfth earl's problem as County Kilkenny overlord was that in the 1630s he was unable and unwilling to share whatever success he enjoyed outside the shire. Although his accession soon heralded the earldom's return to royal favour, the subsequent improvement in the political (if not financial) fortunes of the Ormond family did not extend very far in the Ormond territories, for the young earl did not spread his gains among the shire gentry. Rather, the local landlords and merchants were left to look on from the sidelines as he steadily went about building up his contacts in Dublin and London. At court amongst those whom he managed to befriend was Henry Howard, Lord Maltravers, the eldest son and heir of the earl of Arundel, the greatest nobleman in England.⁴⁵ More importantly, in Dublin he entered into a mutually beneficial relationship with Sir Thomas Wentworth, the new Lord Deputy of Ireland.⁴⁶ Thanks mainly to Wentworth's influence James attained high public office in Dublin with astonishing speed. In 1635, when only 24 years old, he was made an Irish Privy Councillor, taking the oath of supremacy in January.⁴⁷ Three years later he was appointed Lieutenant-General of the Horse in the new royal army that Wentworth was busy fashioning in Ireland, and he became its acting supreme commander in 1640.⁴⁸ On a lesser scale, in 1639 Ormond also received royal letters patent as Keeper of the Rolls (*Custos Rotulorum*) in County Kilkenny.⁴⁹ All at once he had regained much of the ground lost by his predecessors. He was a government insider.

⁴⁴ I have dealt at greater length with the differences between Kelly and myself in a paper, 'The poisoned chalice: The Ormond inheritance, the sectarian divide and the emergence of James Butler, 1614-42', in Toby Barnard (ed.), *From Kilkenny to Avignon: The Dukes of Ormond, 1610-1745* (forthcoming 1999).

⁴⁵ H.M.C., *Ormonde MSS, 1572-1660*, pp 26-8.

⁴⁶ Carte, *Ormond*, v, p.201.

⁴⁷ *C.S.P.I., 1633-47*, p.93.

⁴⁸ T.D. Whitaker (ed.), *The Life & Correspondence of Sir George Radcliffe* (London 1810), p.248.

⁴⁹ N.L.L. D. 4122.

This contrasted enormously with the situation experienced by the gentry of the shire, who continued to be excluded from civil office throughout the 1630s, and this despite the fact that the Protestant clique which had hitherto monopolised local government had begun to decline, thanks to a high mortality rate. For example, Henry Mainwaring's only son and heir, Thomas, had unexpectedly died at Trinity College, Dublin, in 1623.⁵⁰ Likewise, Walter Archer had died suddenly in January 1625, necessitating an emergency meeting of the Kilkenny corporation to elect his successor (a Catholic) as mayor.⁵¹ The local Protestant community was not big enough to replace either of these men, and so when two more of their number, Edward Deane and Henry Staines, passed away in the late 1630s,⁵² the state was visibly at a loss for Protestant officials.

The recusants of the county probably expected the twelfth earl of Ormond to draft some of them in to fill the gap. If so, they were soon disillusioned. Instead of nominating some of the local Catholics for office, Earl James was content to go along with the Protestant monopoly, and his Scottish relative Patrick Wemyss was accordingly appointed sheriff of the shire in 1632.⁵³ Wemyss's selection was bound to be unpopular. An uncompromising Protestant, in 1630 he had helped the earl of Cork to undermine the reputation of the moderate Lord Mountnorris, one of the late Earl Walter's few friends in government circles.⁵⁴ The Scot's connection with the head of the Irish Puritans remained visible thereafter, for in 1633 he was asked to further the arrest of Richard Comerford, a local landowner whom Cork wished to prosecute in the Dublin courts.⁵⁵ Clearly, Earl James's patronage of Wemyss was ill-considered to retain the sort of loyalty that his less fortunate grandfather had attracted. The same was true of his close dealings with Lord Esmond of Limbrick (until now the principal Protestant lord in the south-east), and on a more local level, with Sir Cyprian Horsfall of Inishnag and the two sons of the Protestant bishop of Ossory, Oliver and Joseph Wheeler.⁵⁶ Thanks partly to Ormond's cooperation these men continued to keep the Catholics of Kilkenny out of local office after 1633.

Religion quickly became one of James's biggest problems in his relations with the shire gentry. An eager convert to Protestantism, he distanced himself from his Catholic parents and kinsmen and counted Protestants as his principal associates. As he said in later years: 'My father and my mother lived and died Papists, and bred their children so, and only I, by God's merciful providence, was educated in the true Protestant religion, from which I never swerved'.⁵⁷ He ran the gauntlet of local disapproval in the 1630s, for few of Kilkenny's recusants could forgive him for 'betraying' Earl Walter and embracing heretical doctrine. His much-lauded tolerance of his

⁵⁰ Lamacraft (ed.), *Ir. Funeral Entries*, p.111.

⁵¹ N.L.I., Ms. 2531, pp 100-1; *Inq. Lagema*, Co. Kilkenny, Charles I (8). Carrigan incorrectly dated Archer's death as January 1626 (Carrigan, *Ossory*, iii, pp 74-5).

⁵² Deane was dead by August 1638 (Sheffield City Library, Wentworth Irish Deeds, WWM Add., brown parcel 2, bundle 3, no. 18). Staines died on 16 Jan. 1639 T.C.D., Ms. 2512, p.105 and 'Note of Staines's funeral certificate', 8 May 1639 (St. Kieran's College, Kilkenny, Carrigan MSS, Vol. 21, unpaginated).

⁵³ See Appendix 3. It is interesting to note that at the same time as his appointment to the county shrievalty his fellow Protestant, Edward Deane, was made sheriff of Kilkenny city (N.L.I., Ms. 2531, pp 100-1); the corporation probably chose Deane in response to pressure by Lord Justice Cork, who held him in high esteem, and had earlier employed him as one of his servants (Grosart (ed.), *Lismore Papers*, 1st series, iv, p.68).

⁵⁴ N.A.I., M. 2445, p.128.

⁵⁵ *Ibid.*, Ferguson MSS, Equity Exchequer Orders, 1618-38, p.245.

⁵⁶ Some of the minor government agencies held by this group - which also included the dean of Ossory, Edward Warren, and Robert Wale, another locally-bred Protestant - are given in *Ibid.*, pp 218, 292, and *Ibid.*, M. 2448, pp 12 and 38; see Appendix 3 for sheriffs. For Lord Esmond's continuing influence, see Esmond to Wentworth, 26 Oct. 1634 and 8 Aug. 1635 (Sheffield City Library, Strafford Letters, Str. p. 14, no. 190, and Str. p. 15, no. 188).

⁵⁷ For his parents see Brocard M. Mansfield, 'Elizabeth, Lady Thurles (1588-1673)', *Butler Soc. Jnl.*, iii, no 1 (1986-7), pp 42-4.

Catholic relatives and servants should not be allowed to obscure this. His lack of personal bigotry was out of step with developments inside his territories, where Bishop Rothe, despite a lengthy illness, continued to consolidate the power of the Catholic church, and attitudes towards the Protestant authorities hardened at an alarming rate.⁵⁸

Having recently experienced another wave of persecution at the hands of Lord Justice Cork, the local Catholic church was not disposed to compromise. In 1633 the government was horrified to discover the terms of an oath that was being administered by priests to the members of their flock across the country. It stipulated that 'thou shalt live and die in the faith of the Holy Catholic Church, and ... thou shalt defend the pope ... to the uttermost of thy power, *and so receive pardon of all thy sins and be saved*' (my italics).⁵⁹ In County Kilkenny the promise of salvation seems to have worked. New chapels made of mud and straw were erected in the side-streets of Kilkenny city after previous ones made of better fabric had been destroyed by the state in 1629.⁶⁰ More worryingly for the new earl, the gentry of the shire began to obstruct the procedures of the government whenever it threatened to infringe upon their freedom. In 1634, for instance, members of the Blanchville and Shee families refused to pay the requisite fees demanded for funeral certificates by the officers-of-arms in Dublin; they could not accept the new level of bureaucratic control which these remote officials held over them, demanding money to register the passing of their nearest and dearest. Remarkable as it may seem, now there was conflict even in death.⁶¹

Indeed, by the time of Earl James's accession the organisation of funerals had become one of the most potent symbols of the widening gap separating Kilkenny from the royal government. In recent years the crown had increased its supervision of upper-class obsequies, trying to keep the priests at bay by forcing the families of the deceased to follow a restrictive Protestant burial ceremony under the supervision of the Heralds' office. The government seemed to be trying to insure that Catholics were buried as Protestants.⁶² The late Earl Walter's supporters had not gone along with this, and had found different ways to circumvent it. In 1630 Sir Oliver Shortal's family determined that he would be remembered as a good Catholic. A month after his state-controlled burial in the Protestant cathedral at St. Canice's, his widow (and Earl Walter's sister-in-law) accepted an offer by the Franciscan friars to hold a special mass in commemoration of her husband's death in a house specially provided for them in Kilkenny city. The service was no private affair. A surviving account states that it was conducted 'promiscuously' (*sic*), with full public knowledge.⁶³ Nicholas Langton's relatives dealt with the problem differently. After his death at Thomastown the former M.P. was 'buried in his own monument in the great choir of St. John's Abbey' in Kilkenny. It was an ideal site for an illicit Catholic funeral: till May 1639 the property of Kilkenny Corporation,⁶⁴ the ex-monastery was one of the few pieces of consecrated ground in the city that was not controlled by the state. As such a priest could be smuggled in to oversee the ceremony.⁶⁵ Burials thus became an onerous

⁵⁸ Moran (ed.), *Spicilegium Ossoriense*, I, pp 199, 211.

⁵⁹ *C.S.P.I.*, 1633-47, p.8

⁶⁰ O'Fearghaill, 'Catholic Church', p.200

⁶¹ Genealogical Office, Ms. 2, pp 11 and 23

⁶² It was much the same in England. Claire Gittings, *Death, burial and the individual in early modern England* (London 1984).

⁶³ Jennings (ed.), *Wadding Papers*, pp 448-9.

⁶⁴ On 9 May 1639, in consideration of a yearly abatement of £12 in its crown rent, the corporation surrendered St. John's and all its advowsons at Castlecomer, Muckully, Kilmadum, Tibbrid and Clara to the king; Kilkenny Corporation Archives, MSS CR/C 17, CR/J 40, CR/K 45.

⁶⁵ Prim, 'Family of Langton', p.86

test of the faith of the gentry, requiring vigilance, planning and a large measure of guile. Once again, they were equal to the challenge. Rather than weaken their resolve, the government's efforts to curb their activities merely served to strengthen the ties that bound the Catholics of Kilkenny to their church.

In contrast, Earl James strengthened his ties with Protestantism. He was well aware that his religious conviction was one of the main reasons why Lord Deputy Wentworth sought him as an ally after his arrival in Ireland in 1633. As Wentworth told Archbishop Laud (the head of the English church), Ormond was a model Protestant. The state, he reasoned, was lucky that the earl's father had drowned in 1620, thereby affording it the opportunity to seize him as a royal ward. Had he been left to the care of his grandfather Walter, he would almost certainly have become 'as mere Irish and Papist as the best of them [i.e. the Butler family]; whereas now he is a very good Protestant, and consequently will, I am confident, make not only a faithful, but a very affectionate servant to the crown of England'.⁶⁶ His rapid promotion to a place on the Irish Council should be seen in this light alone. When putting him forward, the new chief governor told the king's secretary that Ormond would prove a far more pliable councillor than the man he was meant to replace, Sir Piers Crosby, a Catholic sympathiser who had recently become one of the leaders of the opposition which was beginning to emerge against Wentworth in Ireland.⁶⁷

The Deputy's faith in Ormond as a vanguard of a new Protestant Ireland was well founded.⁶⁸ After 1633 James threw his full weight behind the Church of Ireland, becoming the most publicly committed Protestant among the native nobility. To counter advances recently made in the field of education by the local Catholic church, which had opened several schools in the shire, Ormond became the patron of a rival Protestant school that was established in Kilkenny city in 1634 under the guardianship of its master, John Wytter.⁶⁹ It seems to have been relatively successful, for it was still operating in 1641, by which time two more schoolmasters named Hughes and Lemon (the latter a Scot), had been taken on.⁷⁰ Significantly, the school was paid for out of the earl's impropriated church livings, the same portion of the Ormond estate that his grandfather had occasionally used to support Catholic clergymen in Tipperary and Kilkenny. This helped in no small way to realise the earl's wish to be seen as a friend of the established church, and *ipso facto* as an opponent of popery.

Catholic displeasure with Earl James solidified over his attitude towards the thorny issue of church property. One of the linchpins of Wentworth's programme of government was his intention to enhance the power of the Church of Ireland by bringing about the restoration to the Protestant clergy of many of those church livings which had passed into the hands of the laity during the sixteenth century. In Kilkenny his resolve to follow this through would have been hardened by the knowledge that many of the livings there were held on long leases by the county's recusant landlords. He and the church hierarchy were therefore delighted - and the Catholic gentry correspondingly aggrieved - when in December 1634 Ormond let it be known that he, alone of all the Anglo-Irish landowners of the realm, was willing to bargain with the state over the future of the church lands which he held. Because of this, the crown was able to push on

⁶⁶ Knowler (ed.), *Strafford Letters*, i. p.378.

⁶⁷ *Ibid.* pp 352-3. See also Clarke, 'Sir Piers Crosby', *passim*.

⁶⁸ Kelly, 'Ormond and Strafford', p.89, while accepting the importance to Wentworth of the earl's religious conformity, casts doubt on Ormond's 'potential as a missionary', overlooking some tantalising evidence to the contrary.

⁶⁹ Receipt of money due for the free school of the diocese of Ossory, 23 July 1634 (N.L.I. Ms. 11,064 (7)). Ormond negotiated the costs of the school with Bishop Jonas Wheeler (N.A.L. Graves Papers, M. 594).

⁷⁰ Deposition of Joseph Wheeler and others (T.C.D. Ms. 812, fol. 202v); deposition of James Benn (*ibid.* fol. 213r).

with a policy which was clearly designed as much to weaken the economic might of Catholic landlords as to bolster the finances of the Church of Ireland.⁷¹

Ormond's concession to the Protestant hierarchy came at a crucial moment in Wentworth's deputyship.⁷² Before the summer of 1634 many of the recusants had been willing to maintain a dialogue with Wentworth in the expectation that he would agree to pass the cluster of proposed reforms known as 'the graces' as statute law in the upcoming Irish parliament. Profoundly as it proved for Ormond, the Deputy had no intention of authorising the passage of 'the graces'. Instead, Wentworth cynically dangled the prospect of concessions before the recusants' eyes in order to extract a large sum of money from them; then, late in November, having achieved his goal - parliamentary subsidies amounting to £120,000 - he automatically broke off negotiations, abruptly reversing the promises that he had made earlier. It was a sharp piece of trickery, but it came at a high cost. Inevitably Wentworth was 'esteemed no better than a mountebank' by the Catholics after this, who henceforth set themselves against him and his band of well-placed followers, the latter a group now seen to have young Ormond at its very core.⁷³

Ormond's decision to remain by the Deputy's side after 1634 stands out as something of a watershed in the history of Kilkenny. Rarely, if ever, before had a head of the Butlers allied himself so closely with so detested a figure. Irrespective of the tolerance that the earl showed in private towards his recusant kinsfolk, the county was left with little alternative but to assume that he agreed with the governor's cynical handling of the Catholic question: after all, Ormond had done nothing to signal his opposition, but continued to stick close to Wentworth, ever ready to avail of his patronage. Over the next few years Ormond joined the Lord Deputy as a target of recusant disdain.

Though he had only been their overlord for two years, already the local Catholic population had plenty of reasons for distrusting him. Even on his own estate his behaviour looked suspicious. The series of evictions which he instituted at this time against long-standing Butler clients invariably took on a political countenance, for it seemed to offer further proof that he wanted a new foundation for his lordship, one that was far removed from the traditional feudal protection that his ancestors had doled out.⁷⁴

The earl's perceived involvement in Wentworth's treachery immediately bore bitter fruit. From 1635 onwards County Kilkenny became increasingly difficult to manage. In particular, the parliamentary subsidy, so willingly granted, so ungratefully received, had yet to be collected, and once the government set about gathering it in it encountered widespread reluctance to pay it. To the minds of some of the county's landlords and tenants, if the Lord Deputy was not prepared to honour his promise to grant them 'the graces', they would respond in kind by refusing to carry through their commitment to give him his subsidy. Surviving sources indicate that County Kilkenny was at the forefront of opposition to the charge in Leinster.⁷⁵

The identity of some of the defaulters is instructive.⁷⁶ Although most of them seem to have been large-scale tenants, a few landowners also spurned the subsidy. Chief amongst these

⁷¹ *C.S.P.I.*, 1633-47, p.88.

⁷² Kelly, 'Ormond and Strafford', pp 92-3, is especially valuable on this point, revealing some of the other ways the earl helped Wentworth in Parliament.

⁷³ For Wentworth's double-cross of the Catholic M.P.s, see Clarke, *Old English*, pp 75-89.

⁷⁴ See Chapter 2

⁷⁵ As was Tipperary in Munster, I hope to publish a paper on the collection of the subsidy in the near future.

⁷⁶ For their names, see N.A.I., Ferguson MSS, Equity Exchequer Orders, 1618-38, pp 305, 308, 316 and 343.

was the 1634 M.P. Robert Grace of Courtstown, one of the greatest landlords in the shire. An elderly man by contemporary standards - he was 55 years old in 1635 - he had twice represented the county in parliament, having earlier joined the Butlers and the Shees in their doomed defence of Catholicism in 1613. He had been remarkably quiet in the interval between the two parliaments, actively avoiding further involvement in politics. Probably feeling that there was nothing to be gained by conflict, he had quietly gone about building bridges with the Protestant establishment, becoming friendly with Sir Roger Jones, the Vice-President of Connaught, and negotiating an important local marriage alliance with the Horsfalls of Inishnag. Grace was thus a moderate, and his re-election in 1634 should not have caused the government any concern. The Deputy's behaviour probably changed all this. For the second time in twenty years Grace came face to face with a governor who was utterly unwilling to treat Catholics fairly: compromise with such a man was impossible, and Grace seems to have decided to oppose Wentworth and his agents at the first opportunity. Clearly, if a moderate such as he was ready to repudiate the subsidy, the depth of feeling against the levy must have been enormous.⁷⁷

His case was not unusual. None of the others who defied the subsidy could be described as firebrands either. Men such as Patrick Purcell of Glanmagow or Edward Langton of Kilkenny had no previous record of political activity. The same was true of Charles Greene and Arthur Wright, two of a growing group of English Catholics who had come to Kilkenny in order to practise their faith in an environment where popery was unexceptional.⁷⁸ In common with Robert Grace, men like these probably found the injustice of the subsidy too much to bear. Their feelings of frustration led them to forsake their anonymity, the one thing which hitherto had shielded them from notice. Some of them became determined oppositionists in the process: defaulting on the subsidy was the first step that Greene the Englishman and Purcell the Anglo-Irishman took along the path that led both of them to rise in rebellion in 1641.⁷⁹ As late as February 1638 there were still many defaulters among the burgesses of Kilkenny city.⁸⁰

For Ormond and the central authorities, that people like these had become dissidents marked a serious extension of the political and religious unease that was prevailing in the shire. As if to confirm the sense of rupture, several of the defaulters were tenants of the earl, till now just the sort that could be relied upon to do his bidding, but not anymore.⁸¹ Political conditions were changing fast: certainly too fast for Earl James, who Wentworth mistakenly expected to control events in Kilkenny just as his ancestors had done.

Such high expectations of Ormond were entirely unrealistic, but Wentworth failed to realise it. Sure of his personal standing with the king, he turned his back on the critics of his administration and drew closer to those who supported him, effectively shutting himself off from the political community outside Dublin, in the provinces. Confident where he should have been cautious, he was given misleading reports on the situation in Kilkenny from the likes of Ormond and Esmond, men who for obvious reasons could not afford to tell him that they were beginning

⁷⁷ *C.S.P.I. 1633-47*, p. 64. Sheffield Grace, *Memorials of the family of Grace* (2 vols., London 1823), i. un-paginated genealogical table; N.A.I., Lodge MSS, Records of the Rolls, Vol. V, pp. 474-5; *Ibid.*, Wardships, liveries & alienations, Vol. I, p. 146.

⁷⁸ Perhaps the most interesting example is Henry Norton of Westham in Sussex, who died at Freshford on 31 May 1637 (East Sussex R.O., St. Audries Papers, Ms. SAU 1321).

⁷⁹ T.C.D., Ms. 812, ff. 173r and 181r.

⁸⁰ Kilkenny Corporation Archives, Ms. CR/K 40.

⁸¹ There were four of them named, holding parcels of land at Coolmyne near Knocktopher and at Ballyoskill in Fassadinin. In addition, Edward Langton was also one of his tenants (N.L.I., Ms. 2506, fol. 185r).

to lose their mastery in the area.⁸² Indeed, rather than own up to the breakdown, they made it worse, making sure Wentworth did nothing to appease his opponents by painting him a picture of local tranquillity when things were crumbling before them.

The extent of their deceitfulness was striking. When Wentworth proposed stopping at Kilkenny on his way to Munster in August 1637, Ormond and Esmond cooperated closely in order to avert his eyes from their local troubles, immediately setting about organising a convincing official welcome for him. They left nothing to chance. Among other things, the Corporation of Kilkenny had to submit its own plans for the Lord Deputy's civic reception to both noblemen for their approval; there was to be no repeat of previous occasions when the Catholic aldermen of the city had used a high profile visit to express their distaste for the direction of government policy. To discourage any spontaneous displays of disaffection, Earl James brought a troop of his horse to the city, where they remained for much of the summer. He also persuaded the corporation to allow one of his men, Corporal Birch, an Englishman, to train 200 citizens in basic military drill so that they could be paraded before the Deputy as loyal yeomanry as soon as he arrived. The whole event was clearly stage-managed to resemble an English public reception. So much so, in fact, that Kilkenny was not just meant to appear English, but Protestant as well. Reliable members of the city's Church of Ireland congregation - men such as Edward Daniel, a relative of the archbishop of Tuam - were encouraged to participate in the celebrations. Peter Fitzgerald, a Protestant clergyman, was hired to write some orations specially for the occasion, and James Kyvan, the vicar of Castlecomer, agreed to sing one of his own compositions for the Deputy's enjoyment.

Wentworth, usually so shrewd and sceptical, was delighted by what he saw. It was his first time in Kilkenny, and though he returned for a second visit later that September, he did not stay long enough to form a more realistic impression of the place. For him Kilkenny seemed a safe haven for English culture, true religion and loyalty to the crown, i.e. just what Ormond and Esmond wanted him to think. As he told his wife in a letter penned at Kilkenny Castle, 'I have not seen anything so noble since my coming into this kingdom as is this place'.⁸³ If only he had stayed a little longer! The good behaviour shown throughout his sojourn meant absolutely nothing. As soon as he was gone, conditions returned to normal, with the citizens of Kilkenny embroiled in a row with the commissioners for the subsidy, while the city council resumed a long-running argument with Ormond over the latter's abuse of his military authority.

Indeed, the controversy that raged over Ormond's use of soldiers became so intense that it transformed the Deputy's visit into a public relations disaster. During Wentworth's stay, the earl had expected the city to foot the bill for housing and feeding his horsemen - 64 men and their officers - without any assistance from the other towns in the shire. Unfortunately for the Deputy, it was not the first time Ormond had treated the city in this way. There had been trouble there over royal soldiers as early as 1633,⁸⁴ and in 1636, when opposition to the subsidy had been at its peak, Ormond had sought Wentworth's permission to increase the Kilkenny garrison, plainly hoping that the threat of force would keep the city quiet until things calmed down.⁸⁵ Wentworth

⁸² It is surely no coincidence that the only letters bearing on Kilkenny affairs that survive among Wentworth's papers were written by these men, and (from 1635) by Christopher Wandesford, who was just as unreliable.

⁸³ Patrick Waters (ed.), 'Entries in the Kilkenny Corporation records regarding Wentworth's visit in 1637', *R.S.A.I. Jnl.*, 4th series, vi, pt. 2 (1884), pp 242-9; Margaret Phelan, 'Sir Thomas Wentworth's visit to Kilkenny, August 1637', *Butler Soc. Jnl.*, ii, no. 2 (1982), pp 190-2.

⁸⁴ Kilkenny Corporation Archives, Ms. CR/K 35.

⁸⁵ Knowler (ed.), *Strafford Letters*, ii, p.15.

had been wrong to agree to his request then: now he was equally incorrect to have his eye turned away from the continued use of troops. The locals were already fed up with having to pay for the upkeep of soldiers; the cost of the 'security' for Wentworth's visit in 1637 only made matters worse. The continuance of tension in Kilkenny was guaranteed.⁸⁶

It is plain to see that Wentworth's reliance on Ormond and Esmond rested on dangerous foundations. Their repeated use of soldiers was destined to haunt him, for over the next few years it would play a part in instigating the county's repudiation of his government. The military issue shall be dealt with again further on; for the moment it is enough to say that things need never have deteriorated so far.

Local disenchantment with the *status quo* had now entered a more deeply-rooted, structural phase. Almost every official employed in the shire excited hostility. The sheriff, for instance, was no longer able to impose order as he had once done. By the beginning of 1637 his commands were flagrantly disregarded by gentry and husbandry alike. A little while earlier, on 1 December 1636, his bailiff had been refused admittance to Dunbill Castle by Walter Walsh, its proprietor; it was the first of many comparable acts of obstruction which occurred all over County Kilkenny in the following months. Above all, the sheriff's officers experienced difficulty retaining possession of cattle that they had seized in distraint from recalcitrant farmers who had refused to pay the fines the sheriff demanded of them. On seven separate occasions between January and April 1637 the sheriff's bailiffs were waylaid by those whom they had just dispossessed, and the cattle that they had taken were led back to the farms they had taken them from.⁸⁷

The subsidy commissioners had an equally hard time of it. At Ballycurran in 1637 the collector, William Croke, was beaten up by two of the inhabitants there, and the horse that he had seized towards the payment of the levy was taken off him. Another of the collectors was run aground at Nicholastown by the owner, Adam fitz William, who was irate that he should be forced to pay Wentworth's cursed subsidy. His fury at the workings of the process of distraint, whereby his livestock was seized to pay the subsidy bill, was commonly felt. All around the shire, whether it was at Killary near Kilkenny city or Foulks court in the north-west, Catholic parishioners refused to maintain penfolds designed to contain cattle seized by the authorities from local defaulters.

Religion, of course, played its part in encouraging the growing disrespect for the state. When the petty constable of Freshford parish was jeered and insulted in 1637 by Philip Walsh, the fact that he served the Protestant bishop - the lord of Freshford manor - was probably not far from the mind of his detractor. The same considerations may also have preyed heavily on John Duigin, a Catholic who was arrested at about the same time for abusing and 'scandalising' the jury empanelled at Freshford by the sheriff 'for His Majesty's service'.⁸⁸

Of course, incidents like these, especially when they were motivated by religion, were not at all new to Kilkenny. Most recently, during the reign of James I the crown had frequently faced stubborn opposition to its requirements in the county; indeed, for several years after the 1613 parliament, jury service had been just as highly-charged an issue as ever it was at Freshford

⁸⁶ Kilkenny Corporation Archives, MSS CR/K 39 and 41.

⁸⁷ At Raheen, Cruitt, Courtneboley, Killaghy, Burnchurch, Dirren and Garrinduff respectively (N.L.I., D. 4052).

⁸⁸ *Ibid.* The failure of the parishioners of Rathkieran to keep the churchyard there in a presentable state was also attributable to religious tension.

in 1637. But novelty was not what mattered under Wentworth. Rather, what enabled the renewed tension of the late 1630s to develop into a full-blown crisis was that now the local resentment was no longer confined to the central executive in Dublin. Henceforth anyone who was an English Protestant was also liable to be targeted for abuse, as was anyone too closely associated with the earl of Ormond. Dislike for the establishment had reached new levels. Perhaps this was one of the underlying reasons why Ormond tried in vain to distance himself from some of Wentworth's policies around 1639-40, a development recently noticed by Dr Kelly?⁸⁹

Incidents of inter-ethnic conflict are recorded for Kilkenny at this time, with English people victimised in some parts of the county. Although it did not happen often, the fact that it happened at all in such an anglophile part of the country was astonishing. In June 1638 Samuel Cooke (ironically, a tenant of the recusant leader, Lord Mountgarret), was bullied and threatened by two Catholic gentlemen from across the border in south Tipperary. Clearly hoping to profit from his ignorance of local affairs, they tried to force him to contribute to the composition of Tipperary though he lived in Kilkenny. Cooke was well aware why he had been singled out. As he told the Lord Deputy's court, his attackers were 'desirous to oppress him ... he being an Englishman'.⁹⁰ His experience was not unique. Elsewhere in Kilkenny other Englishmen found themselves trapped in a hostile environment. Neither Edmund Cole nor John Byrd was able to call on any help from the locals when Captain Oliver Shortal descended on them 'in most rebellious manner' in the foothills near Clara in order to repossess himself of some corn that Byrd had taken from his land on Cole's behalf.⁹¹ Likewise, the English-born Church of Ireland cleric, Francis Kettleby, newly arrived in Callan, was compelled to think of himself as a stranger in a foreign land. Though not physically assaulted, like the others he was made to feel powerless and alone when he was confronted by some of the leading Catholics of the town, who between them insured that he received nothing from the tithes that were due to him there.⁹²

This is not to suggest that County Kilkenny was affected by widespread anti-English feeling. Such a conclusion would be hopelessly exaggerated. In each case the treatment meted out to Cooke, Kettleby, Cole and Byrd was in all probability the product of exceptional, localised circumstances, where feelings were allowed to run higher than usual. And there is every reason to suppose that the Protestantism (or suspected Protestantism) of the four men animated their opponents just as much as their English origins. Having said this, however, it is impossible to dismiss the suspicion that anti-English prejudice was beginning to seep into the county. After all, the experience of all four men shows that, in a period of no more than a few months, the hostile treatment of English Protestants had occurred in three different parts of the shire. Hence, although sectarian, quasi-racial malevolence was hardly rife in Kilkenny by 1638, it existed all the same, and it was not confined to a narrow area. As events would later show in 1641, though the great majority of the county's Catholic elite remained essentially anglophile in outlook (if rather nostalgically so), the desire of some to seek vengeance on English Protestant immigrants was an aspect of local political life that was difficult to extinguish entirely.

⁸⁹ Kelly, 'James Butler, 12th Earl of Ormond', pp 42-7. Idem, 'Ormond and Strafford', pp 96-102

⁹⁰ N.A.I., M. 2448, p 241

⁹¹ Ibid, p.12

⁹² Ibid, p 177. It is worth noting that two years earlier, in March 1636, four locals - James Blanchville, John Butler, John Bryan and Peter Walsh - were convicted and imprisoned for the manslaughter of an Englishman named James Swinnerton (*Cal. S.P., Dom., Charles I. 1635-6*, p.330).

Whatever the popular attitude to English-born Protestants, by the late 1630s the principal target of abuse was the twelfth earl of Ormond. He was hated in most parts of the county. Following his behaviour in Parliament, Ormond began having trouble with sections of the local population. After 1635 some of his tenants refused to respect his orders. His estate officials were ignored, insulted, even attacked, when going about his business. In 1637, for example, his principal rent collector, Nicholas Comerford, encountered violent opposition from the earl's sub-tenants at Ballyspellane, Foulkscourt and Comfilla, and when he rode to Aghtubbrid he was assaulted by two of its inhabitants, who beat him badly enough to draw blood.⁹³

Two years later, in January 1640, another of Ormond's men - a soldier named Richard Shee - was subjected to similar treatment a little further afield, across the Barrow in New Ross, County Wexford, where he got into a fight with Richard Delahide, a local wine merchant. Having been shut out of the house where the fight started, the two continued to struggle in the street until the constable and bailiffs 'and a dozen more' of the town turned up to give assistance to Delahide. Without further ado, Shee found himself under arrest, and he was subsequently imprisoned for daring to retaliate against his attackers. It was no ordinary street brawl. Shee's assailants had clearly gone after him because he worked for Ormond: as he later complained to the earl, 'every one of them knew that I have been an old servant of your lordship'.⁹⁴ He had gone to the town on his master's business at a bad time. Since 1638 the twelfth earl had become a very unpopular figure with the New Ross merchants, attempting to reclaim his rights to the prisage charged on the wine imports there, a detrimental development for leading members of the town elite such as the FitzHarris's and Duffes who, like his original assailant Delahide, were heavily involved in the wine trade.⁹⁵ Moreover, by 1640 the earl had also commenced proceedings against other local families such as the Rothes, the Archers and the Comerfords (as well as the FitzHarris's and the Duffes again) for detaining certain properties in the town from him.⁹⁶ It is therefore fascinating to note that on the night that Richard Shee was gaoled, Earl James was in New Ross dealing with some of these matters. Indeed, when Shee threatened to name his aggressors to the earl, they laughed and jeered him, stating that as New Rossmen, they did not care much for Ormond's authority. Shee's imprisonment was an even more obvious slight to the power and standing of his master.⁹⁷

In fact, from this time forth Earl James, the Deputy's main prop, was no longer the real ruler of Kilkenny and the surrounding region. Already by 1635 the balance of power within the county and within the Butler family had shifted away from James and his Protestant associates in favour of his Catholic kinsmen, the most important of whom was his grand-uncle, and Bishop Rothe's friend and protector, Lord Mountgarret. Obviously, this alteration was crucial to the political evolution of the county, signalling the collapse of a long established political system that had linked Kilkenny to events in Dublin and London for centuries, in favour of a new, alternative route.

The rapid erosion of what remained of the house of Ormond's ability positively to shape the political evolution of the county was brought into sharp focus by events in Idough, the O'Brennans' homeland in the far north-east corner of the shire. Because of his special

⁹³ N.L.I., D. 4052.

⁹⁴ Shee to Ormond, 18 Jan. 1640 (Ibid. Ms. 2505, pp 17-18).

⁹⁵ Anthony Traversahy's note of New Ross prise wines, 1638-9 (Ibid. Ms. 11.045 (31)).

⁹⁶ Note of detained lands, 1640 (Ibid. Ms. 11.044 (103)).

⁹⁷ As note 86 above.

relationship with the chief governor, Ormond was able to have the entire area seized for his benefit by the crown, irrespective of the property rights of the landowners there. The forfeiture of Idough brought about a head-to-head confrontation between himself and Mountgarret, whose own interests were threatened by the seizure. Embarrassingly as it would prove for Earl James, it was a confrontation which took people back to the days of Black Tom Butler, the tenth earl, a time when the earldom was relatively untainted by the suspicion of corruption.

The disinheritation of the O'Brennans

The assimilation of the O'Brennans had been one of old Earl Thomas's final achievements as overlord of the shire. For centuries Idough had held out against the odds as an independent Gaelic lordship on the fringes of Butler country, belonging neither to Carlow nor Kilkenny, the two neighbouring Anglo-Irish counties which laid claim to it. But as we have seen in earlier chapters, during the sixteenth century the O'Brennans' territory began to lose much of its autonomy, as the Butlers and their supporters gradually closed in. This process was greatly accelerated after 1603. Suddenly the O'Brennans were forced to accept a much greater degree of Butler control than ever before, for with the English reconquest completed, and the royal administration in Dublin looking to stamp out all manner of Gaelic autonomy,⁹⁸ it was the only way for them to preserve any sort of independence.

Early in 1604 they had begun negotiations with the tenth earl of Ormond, with the chief of the clan, Gilpatrick O'Brennan, seeking the earl's protection to help the clan through this new era of English state expansion.⁹⁹ Within ten years the earl had capitalised even further on the O'Brennans' uncertainty, persuading them to place all of their land in his custody, a major act of self-aggrandisement by any standard, as it made him the nominal overlord of an area in excess of 20,000 acres. In return for this, the earl undertook to make the territory safe from Dublin's interference by having the four different septs of the clan recognised as his tenants, holding land of him after the English manner, by socage tenure.

This historic agreement occurred circa 1613 (before the death of the earl's heir, viscount Tully, in December), and had everything gone according to plan, then the clan would probably have been safe from outside meddling, as the earl had promised.¹⁰⁰ Sadly for the O'Brennans, however, the agreement - which took the form of a treaty of surrender and regrant - became embroiled in the Ormond inheritance crisis that erupted following the demise of Earl Thomas in November 1614. As luck would have it, they had surrendered their territory to the earldom at the worst possible time: their lands were counted as part of the inheritance of the next earl, Walter, and the government decided not to regrant it to him after he succeeded to the title (his predecessor having surrendered it to the crown circa 1613 for what was expected to be a routine royal ratification and regrant). The earldom of Ormond as well as the O'Brennan clan had forfeited the legal ownership of the area. A few years later, on 5 August 1617, the entire territory of Idough was granted to Francis Edgeworth, an Irish government officer who was to hold it on behalf of Sir John Eyres, a Jacobean courtier and one of the Gentlemen of the King's Privy

⁹⁸ For the best study of the threat posed by English law to Gaelic autonomy, see Hans Pawlisch, *Sir John Davies and the conquest of Ireland* (Cambridge 1985).

⁹⁹ Gilpatrick signed his name as a witness to the earl's important deed of 8 January 1604 concerning the manor of Durrow (N.L.I., D. 3340).

¹⁰⁰ James Graves, 'Ancient tribes and territories of Ossory, No. 1', *Kilkenny & S.E. of Ire. Arch. Soc. Jnl.*, 1st series, i (1849-51), pp 240-1; Nolan, *Fassadinin*, pp 30-1.

Chamber.¹⁰¹ Because of the political troubles of the Butlers of Ormond, an obscure court official became the new rightful owner of Idough. The O'Brennans had had a harsh introduction to the vagaries of English property law.

Unfortunately, not a lot is known about how the O'Brennans reacted to this turn of events. A small band led by Donogh McFirr of Aghevicky and his son Teige staged a token protest, but by 1622 they had been effectively silenced by the Protestant sheriff, John Butler, who had them fined for breaking the peace and imprisoned them in the county gaol.¹⁰² Subsequently, another member of the clan, Melaghlin O'Brennan, was found guilty of felony and publicly executed on the orders of the sub-sheriff, Richard Pembroke, after which all resistance faded away.¹⁰³

The fall off in opposition was not surprising. Despite appearances, the O'Brennans had no immediate cause for despair. Though Idough belonged to Eyres from 1617 onwards, it did so only on paper, and by and large over the next seventeen years neither he nor Edgeworth did anything to disturb the locals in their occupancy. Instead of ejecting them and bringing in outsiders to farm the land on his account, Eyres did nothing to press his claim. Instead he allowed his patent to become 'an old sleeping patent',¹⁰⁴ apparently uninterested in developing a large Irish estate. It seems that, like many courtiers who were granted land by the crown, Eyres was primarily interested in turning his patent into ready cash (possibly in order to pay off mounting debts in London?). In time he and Edgeworth set about selling off their rights to Idough, and by 1634 outright ownership of the entire area had passed to two of the principal Protestant noblemen in southern Ireland, Robert Ridgeway, second earl of Londonderry, and James Butler, twelfth earl of Ormond.¹⁰⁵ Now at last the O'Brennans had cause for concern.

Both of the earls were ideally placed to mount a serious challenge to the clan. Admittedly Ormond posed the main threat. Already he possessed a large estate in the area, and through his manor at Kilmocar he held some of the clan in a position of economic dependence as his tenants.¹⁰⁶ More worrying still, his high standing with Lord Deputy Wentworth was bound to present the O'Brennans with some major obstacles.

Londonderry also presented a daunting prospect. Like Ormond, he resided nearby, owning the manor of Galin-Ridgeway in Queen's County, a large part of which ran along the north-eastern border of Idough.¹⁰⁷ It was obviously to his advantage to press on across the Castlecomer Ridge and into the main Gaelic region of County Kilkenny, all the more so as his family had previously been embroiled in a complicated dispute concerning the boundaries of Galin, which criss-crossed rather awkwardly with the lands of the O'Brennans, viscount

¹⁰¹ N.A.I. Lodge MSS. Records of the Rolls, Vol. III, pp 472-3.

¹⁰² Ibid. Ferguson MSS. Abstracts of Exchequer Orders, 1592-1657, p.281.

¹⁰³ Ibid. p.302.

¹⁰⁴ The phrase is used in a memorial of events drawn up in 1640-1 (B.L., Egerton Ms. 80, p.83).

¹⁰⁵ Sheffield City Library. Str.p.17, no. 269. Details of the transactions are scarce. The Ridgeway portion materialised before the death of Thomas, first earl of Londonderry, in 1633; sometime after 1617 he had purchased Sir Hume Pierce's title to one-third of Idough for £700 (stg) (Nottingham University Library, Middleton papers. Ms. Mi.Da.57/1(0); N.A.I., M. 7006 (5)). It is not recorded when Ormond acquired his interest.

¹⁰⁶ N.L.I. Ms. 11,044 (92).

¹⁰⁷ The Idough-Galin border in its sixteenth-century context is described in Lord Walter Fitzgerald, 'The O'Mores', *Kildare Arch. Soc. Jnl.*, vi (1909-11), pp 52 and 83. For Galin under the Ridgeways, see Bedfordshire R.O., Ms. D.D.FN. 871, and Nottingham University Library, Ms. Mi.Da.57/1 (d).

Mountgarret and other Kilkenny landowners.¹⁰⁸ Clearly, by possessing a long stretch of land on either side of the shire border, Londonderry hoped to eradicate the possibility of future trouble.

For the O'Brennans, it was like the sixteenth century all over again. Once more they were sandwiched between two powerful hostile neighbours. The only difference on this occasion was that the Anglo-Irish Butlers were joined by the New English Ridgeways instead of the native Irish O'Mores and Kavanaghs as the chief tormentors of the clan.

Understandably, the O'Brennans were enraged by this renewal of outside interference. Having been duped long ago into surrendering their lands to the crown, they had no faith in the justice of English legal practises. They felt particularly resentful towards Londonderry, and with good cause. In the past he and his father had been quite content to acquire many parcels of land in Idough according to 'ye native [Gaelic] title';¹⁰⁹ now he intended to make use of his English legal title to oust them. Thus, when he and the earl of Ormond sent their agents into Idough to declare their rights to ownership, the clan refused to recognise the validity of the royal letters patent which they held. This was an ill-advised step, and one which soon proved disastrous.

The two earls reported the news of their setback to Dublin, and in May 1634 the government appointed commissioners to enquire into the affair.¹¹⁰ A writ was accordingly issued challenging the clan to appear in Chancery to 'show cause why the king should not be entitled to ye lands'. From that moment on, the writing was on the wall. Despite the fact that Chancery was a court of equity, and as such was able to deal with (alien) Gaelic legal customs, the O'Brennans were in no position to avail of it. By surrendering their lands all those years ago, they had left themselves exposed to English land law, whereby all land was held of the king as feudal overlord. As a result, when the case was heard in Dublin, they could show 'no cause that moved the court to stay the king's entitlement'.¹¹¹ Shortly thereafter, the administrative apparatus of the state swung into action, and within a year another commission, headed by Lord Esmond and including the Master of the Rolls, Christopher Wandesford, was despatched to Kilkenny, its purpose formally to secure Idough for the crown, and by association, for Ormond and Londonderry too.¹¹²

The commissioners executed their orders with the usual efficiency. Among other things, they delineated 'the limits and bounds' of the region with a fair degree of accuracy, and they also insured that a detailed inventory of local landownership was compiled, which listed off the estates of more than thirty proprietors. Most important of all, however, they successfully selected a pliable jury to find for the king when the case was brought before a court of inquisition convened at Kilkenny in May 1635. As a result of this hearing, the O'Brennans were routinely dispossessed in the standard historico-legal jargon of the day. They were described as intruders in Idough, an area which, it was claimed, they had wrongfully seized by force of arms many hundred years previously from the descendants of Richard de Clare, alias Strongbow, and held it unlawfully ever since 'by strong hand'.¹¹³

¹⁰⁸ N.L.I., D. 3516 and 3541; H.M.C., *Ormonde MSS. 1572-1660*, pp 11-12.

¹⁰⁹ Nottingham University Library, Ms. Mi.Da.57/1(o).

¹¹⁰ Nolan, *Fassadinn*, p. 33.

¹¹¹ Anonymous letter to Raylton, n.d. circa 1637 (Sheffield City Library, Str.p 17, no. 269).

¹¹² Ibid. W.J. Smyth (ed.), *Herbert Correspondence* (Dublin 1963), p. 90.

¹¹³ A Victorian nationalist historian once acidly observed that 'the strong hand' may well have been their title 'from before the Birth of Christ' (J.P. Prendergast, *Ireland from the Restoration to the Revolution, 1660-90* (London 1887), p. 129).

The argument was clearly a contrivance, adopted primarily to by-pass discussion of the surrender and regrant arrangement which the crown had reneged on under James I. Indeed, by identifying the O'Brennans as the ancient conquerors of Idough, the government could now finally justify its recent harsh handling of the clan: it could claim that history showed that the royal administration had a retrospective right to do what it had done, as the 1635 forfeiture corrected the wrongs of past centuries and rid the king's lands of warlike trespassers.¹¹⁴ With this far-fetched contention the territory was then found for King Charles, and confirmed to Ormond and Londonderry as his tenants-in-chief.

It has to be said that if the O'Brennans had been the only people affected by this decision, the royal forfeiture of Idough would probably never have become an important event in the history of the county. The clan was small and weak, politically unimportant, and they had always been vulnerable to the predatory instincts of their neighbours. Their erstwhile reliance on the protection of the Butlers of Ormond had been an act born of desperation, for they lacked powerful friends to shelter them from the harsh climate of the early seventeenth century. Even before the ill-fated surrender was made circa 1613, the clan had started to buckle under the pressure. Economically impoverished, they had begun to sell off large tracts of their land to prospectors other than the Ormond and Londonderry families, and they had continued to do so after their surrender and regrant arrangement had gone awry. By 1635 nearly half of their homeland was possessed by others, most of whom were long-established members of the Kilkenny community.

In consequence, apart from the O'Brennans, the principal losers when Idough was forfeited were the Purcells and some of the junior branches of the Butlers, local Anglo-Irish families who had taken out a large stake in the future of the territory. Although some New English such as Sir Cyprian Horsfall and Oliver Wheeler had also acquired land there by purchase from the O'Brennans in recent years, on the whole their possessions in Idough were insignificant. This was not the case with the Anglo-Irish. People such as Patrick Purcell were threatened with ruin by the findings of the 1635 inquisition. Indeed, Patrick appears to have lost all of his estate - circa 1,000 acres - through the judgement.¹¹⁵ The Purcells of Clone lost at least 400 acres at Aghevicky and Croghtenely, lands which they had acquired a few years earlier in a bid to redevelop their interest in the area after surviving the trials of the late sixteenth century.¹¹⁶ Edmund Purcell of Esker also had cause for serious complaint having lost Coolbane which had cost his family dear, as they had recently built a new seat there called 'Castle Wonder'.¹¹⁷

But by far the most important person dispossessed when Idough was declared for the king was Richard Butler, third viscount Mountgarret. Altogether he lost approximately 2,600 acres in the area, land which he and his ancestors had fought hard to get during the previous hundred years. The political implications were serious. The seizure threatened his standing as a local lord, eating into his capacity for patronage. Unless he made amends for the confiscation several of his gentry tenants faced ruin, namely some junior Butlers as well as Honora Purcell and the Englishman James Lowman.¹¹⁸ Little wonder, then, that from this date onwards the

¹¹⁴ *Inq. Lagenia*. Co. Kilkenny, Charles I (64).

¹¹⁵ He was probably descended from the Purcells of Esker.

¹¹⁶ N.A.L. Lodge MSS. Wardships, liveries & alienations. Vol. I, p.254.

¹¹⁷ *Ibid.*, p.255. Edmund's name is given incorrectly as Edward in the published inquisition.

¹¹⁸ *Inq. Lagenia*. Co. Kilkenny, Charles I (64); Schedule of Mountgarret's land in Idough, 1637 (N.L.L. uncatalogued Wandesford papers).

viscount's relationship with the house of Ormond went into rapid decline. Any ties of kinship that had previously held him back from attacking young Earl James's position instantly evaporated. There was no longer anything to bind them together. In addition to turning Protestant and supporting Wentworth, the earl had served notice on Mountgarret's local prominence, greedily seizing the opportunity presented by the O'Brennans' intransigence to expropriate the viscount's land and that of his supporters.

The manner in which the crown seized the territory for Ormond and Londonderry can only have added to the resentment felt by Mountgarret and his fellow Idough landlords. Not only was the royal title a dubious one, but the court proceedings that decided the issue were obviously flawed. Some of the evidence relating to land occupation was simply not dealt with. The fact that the Purcells and Tobyns had a leasehold interest in Londonderry's land at Tortane and Kilballyskehanagh was conveniently overlooked, allowing the earl to terminate their tenancies under pretence of remedying his own title. He subsequently replaced them with Nicholas Comerford of Coolroe, Ormond's principal rent collector.¹¹⁹

The treatment of Mountgarret and his 30-year-old kinsman Richard Butler fitz Piers of Castlecomer was even more irregular. Ever since 1619 the viscount had held his estate in Idough by royal patent,¹²⁰ but this was of little use to him in court, as the agents of the crown failed to acknowledge the crown's grant. It proved likewise with Richard Butler fitz Piers. In 1623 he had been confirmed as heir to his father's estate at Castlecomer, which was held directly of the king in capite.¹²¹ Now twelve years later his English title was ignored, and his entire inheritance awarded to Ormond and Londonderry. Right throughout the county the lesson was clear for the gentry, whether or not they were supporters of Mountgarret: even with title deeds bearing the royal seal of arms, their land was not secure from the clutches of Ormond and the central authorities.

In many other ways the hearing reeked of official corruption, and too often the earl of Ormond was openly connected with it. For example, it was surely no coincidence that Esmond and Wandesford, the principal judges who presided over the case, were friends of the earl. Similarly, the sheriff of the county, Patrick Wemyss of Dunfert, seemed peculiarly suited to enforcing the confiscation, as he was Ormond's cousin and one of the trustees for his estate.¹²² Given these circumstances, few onlookers would have disagreed with Mountgarret when he stated that 'undue and sinister means' had been practised against him in the Kilkenny courtroom.

Intimidation followed. When the viscount persisted in his complaints, the Lord Deputy ordered him to pass his lands under the Commission for Defective Titles, which promptly saddled him with a fine of £300 while confirming the confiscation of all his property in Idough.¹²³ And the government also resorted to military methods in order to get its way. A detachment of royal troops under Lord Esmond's command remained in the north for a couple of weeks after the hearing, occupying Idough to insure compliance with the court's judgement. As

¹¹⁹ Lease to Nicholas Comerford, n.d., circa 1635 (Ibid). Nicholas was a younger son of the former Chief Justice of Munster, Gerald Comerford of Inchyholohan (Carrigan, *Ossory*, iv, p.231)

¹²⁰ N.A.I., Lodge MSS, Records of the Rolls, Vol. IV, pp 281-2.

¹²¹ *Inq. Lagenia*, Co. Kilkenny, James I (37).

¹²² See Appendix 3. For some of Wemyss's activities on Ormond's behalf, see N.L.I., D. 3951-2, 3962, and 3974, and Ibid, Ms. 2486, pp 195 and 201.

¹²³ Clarke, *Old English*, p.109.

Esmond reported to Wentworth, the soldiers did a good job, crushing any hope of effective opposition. With typical efficiency they disarmed 'the native Irish near the mountain [i.e. the Castlecomer ridge]', searching their houses for weapons before demanding free quarter from the heads of the O'Brennan clan.¹²⁴

Eventually in 1640 Wentworth would come to regret this first show of force in Idough; for the moment, however, it seemed that he and his associates were untouchable, above the law. This impression gained currency in the months immediately following the forfeiture as it emerged that between them, Wentworth, Ormond and Londonderry had arranged to pass ownership of the entire territory to one of the judges in the case, Christopher Wandesford. Indeed, it was with his appearance on the scene that the true scale of the government's double dealing came to the surface. Quite simply, there is reason to suspect that, right from the start, Wandesford had been the prime mover of the seizure, using Ormond and Londonderry as decoys to secure the region for himself.

Like any member of the government, Wandesford was in a perfect position to know of any land that was likely to fall into the hands of the crown; in his capacity as a judge of the court of Chancery he was better placed than most in this regard. The impression that he orchestrated the forfeiture for his own gain is strengthened by the fact that in March 1635 - a full two months before the O'Brennan homeland was confiscated - he and Sir George Radcliffe had leased a small ironworks attached to the Idough coalfields from a tenant of the earl of Londonderry.¹²⁵ Considering the mounting native opposition which was then manifest against the earl, it was a risky investment to take, one which Wandesford and his partner would hardly have made unless they knew in advance that the clan were going to be dispossessed. Bearing this in mind, it is fair to conclude that when Wandesford journeyed to Kilkenny on 21 May to preside over the court of inquisition which formally seized Idough for the crown, he was not acting as a neutral party, for he had a personal interest in seeing the O'Brennans removed.¹²⁶

Gradually over the following twelve months he began to make preparations to acquire the territory for himself. Although it was a long way from Dublin, the appearance of such a large estate was a tantalising prospect, too good to be ignored, and Wandesford was sure that Wentworth could convince Ormond and Londonderry to sell it to him once they had received it from the crown. His confidence was justified.

Between 29 April and 14 May 1636 a series of transactions took place whereby the king was able to grant Idough to Sir Charles Coote, a prominent Protestant landowner from King's County, on the understanding that Coote would hold the lands as the assignee of Ormond, Londonderry and others (including Sir Henry Pierce and John Edgeworth).¹²⁷ The territory was then erected into the manor of Castlecomer on 24 May in preparation for a sale to Wandesford. The sale was finally agreed on 5 July, for what was said to be 'a valuable consideration of money'.¹²⁸

It is not recorded precisely how much money changed hands. Thanks to a previously undiscovered document it is now known that the Lord Deputy received £1,000 for his part in

¹²⁴ Sheffield City Library, Str. p. 15, no. 86.

¹²⁵ *Ibid.* appendix, no. 178.

¹²⁶ As Wentworth later noted, Wandesford was 'both judge and party' in the 1635 hearing: Carte, *Ormond*, v, pp 204-5.

¹²⁷ *Ibid.* appendix, no. 183; N.A.I., Lodge MSS, Records of the Rolls, Vol. V, pp 378-9.

¹²⁸ Nolan, *Fassaduin*, p.33.

organising the whole complicated process, a truly massive back-hander; it was immediately concealed in a trust established for his brother, Sir George Wentworth.¹²⁹ Ormond also profited greatly from the O'Brennans' and Mountgarret's loss. When his negotiations with Wandesford finally ended in July 1637, Wandesford agreed to pay him £2,000 for his interest in the territory, a sum immediately devoured by Earl James's financial troubles.¹³⁰ Wandesford's talks with the equally hard-pressed Londonderry also ended at this time - a deal was struck before October 1637 - and although the price of Earl Robert's share is not recorded, it doubtless cost Wandesford a lot.¹³¹ All that now remained for him to do was to make the land pay for his investment.

This gave him problems. When he travelled to Kilkenny to take possession of the territory in June 1636,¹³² he learned that the O'Brennans had formed a 'combination' against him, stubbornly refusing to leave their homeland. He decided against extra force. From his point of view it was preferable to avoid any fresh instances of repression; after all, if the clan were going to be his future tenants and neighbours, he did not want to alienate them any more than was necessary. In a letter to Ormond, he counselled calmness: 'I conceive it fitter ... to break the combination among them in a discretionary way one by one, by winning them to us by fair terms, than foment their obstinacy by any violent course'.¹³³ The problem was the O'Brennans did not think much of the fairness of his terms, which required them to accept his rights of ownership, something they could not do. Faced with this impasse, Wandesford changed his mind about coercion, as he needed to bring the clan to their knees as quickly as possible. The events which followed reopened the thorny issue of government corruption.

To begin with, the court of Chancery played a more prominent role than it should have done. In cases where the king's title was in dispute - as with Idough after May 1635 - Exchequer was the proper court of appeal, as it was responsible for upholding the royal estate and all its rights. It must be presumed, therefore, that by using *his own court* to challenge the O'Brennans, Wandesford, the Master of the Rolls of Chancery, expected to exercise more direct authority over the matter.

In December 1636 a new Chancery writ was issued for the apprehension of all of those who had occupied the land. Shortly thereafter 'sundry of ye natives, about ye number of 25 or 30 persons' were committed to the Marshalsea prison in Dublin, ostensibly to stand trial for their opposition. In the event no trial was held. Instead the clan members were left to sweat it out in jail, occasionally visited by Wandesford and his agents with a promise of freedom if they accepted him as their new lord. Most of them were released over the next few months 'by reason of sickness, others upon their promise to be obedient to ye King's writ', but a handful of them remained defiant, obstinately refusing to become his tenants. As punishment they were left in prison for the best part of a year, finally being summoned in October 1637 to the Lord Deputy's court, presided over by an unsympathetic Wentworth, who (predictably) maintained Wandesford's case against them.¹³⁴

¹²⁹ Sheffield City Library, WWM Add, Wentworth Irish Deeds, Brown Parcel 5, Box 3, Bundle 2, no. 2 (8).

¹³⁰ See Chapter 2 above.

¹³¹ B.L., Harleian Ms. 430, ff 204v-206r. The claim made by Rev. James Graves (Graves, 'Ancient tribes and territories', p.243) that Wandesford spent £20,000 in purchase money seems wildly inaccurate.

¹³² Tallis to Rawdon, 10 June 1636 (P.R.O., S.P. 63/255/129).

¹³³ H.M.C., *Ormonde MSS, 1572-1660*, p.32.

¹³⁴ Sheffield City Library, Str. p.17, no. 269; B.L. Harleian Ms. 430, ff 204v-206r.

During their incarceration, Wandesford took steps to lay hold of Idough by force. Having received the permission of the Irish Privy Council in July 1636 for the future 'settling of a company of foot there if there be cause',¹³⁵ he sent his agents into Idough to seize one-third of the O'Brennans' corn during the autumn. Only one clan member reacted violently to this second armed intrusion, namely the wife of one of the prisoners, Owen O'Brennan of Kiltown. Infuriated by her family's predicament she set upon Mrs Cumberlidge, the wife of the petty constable, provoking an unseemly tussle. She was quickly punished for her outburst. Without delay she was arrested, charged with assault-and-battery and committed to the stocks by the new chief constable of the area, Walter Evers, an English servant of the earl of Ormond who had recently arrived in Kilkenny from County Meath.¹³⁶ Nor did matters end here. A few months later, at the beginning of 1637, yet more force was used to subdue the clan, when a witness stated that some soldiers 'of my lord of Ormond's troop ... came to attack and dispossess the natives there, and I conceive they came by directions out of ye Chancery'.¹³⁷ Another less reliable account dating to a few years later claimed Wentworth was fully mindful of the troops' despatch to the area, and authorised their use. It may or may not be true.¹³⁸

At first glance, the soldiers' appearance seems surprising. Most of the O'Brennan leaders were safely under lock and key in Dublin. Nevertheless, this third use of force was highly significant. By the early months of 1637, Wandesford and Ormond (and possibly Wentworth) had started to realise that the Idough question was far from settled.

The Arundel-Mountgarret alliance

The fresh display of might was occasioned by events in London, where the O'Brennans' expectations had suddenly taken a turn for the better. Remarkable as it may seem, help came in the shape of Thomas Howard, earl of Arundel,¹³⁹ the foremost nobleman in England and Wales. He had a personal motive for his intervention. For some time he had been looking to reclaim the huge Irish estate that his ancestors had held in southern Leinster in medieval times. He was a descendent of Strongbow, and if the inquisition of May 1635 was correct in ascribing Idough as part of the ancient De Clare lordship, he must be its rightful owner.¹⁴⁰ Here then was one of the few people with sufficient power at court to call Wandesford's and Ormond's title to Idough into question. His intercession had instant repercussions for them, for his enmity was something to be avoided, all the more so as he was aided in his quest by Ormond's chief dynastic rival, viscount Mountgarret.

There is reason to believe that Mountgarret was keeping Arundel secretly fed with information concerning the case. However, this can only be surmised, as there is (understandably, perhaps) no written record of the arrangement. Mountgarret's connections with the Howards went back a long way. In 1613 he had tried to negotiate a marriage with them.¹⁴¹ In more recent years his high standing among the recusant community in England had served to keep the door to Arundel Castle open. Indeed, the earl of Arundel himself may have been a Catholic. His daughter-in-law, Lady Maltravers, certainly was, as were two other scions of his

¹³⁵ H.M.C., *Ormonde MSS. 1572-1660*, p.34.

¹³⁶ B.L. Harleian Ms. 430, ff 204v-206r. For Evers, see N.L.I., D. 4023.

¹³⁷ Sheffield City Library, Str. p.17, no. 269.

¹³⁸ 15th article of Strafford's impeachment, 1641, cited in Grosart (ed.), *Lismore Papers* (2nd series, London 1888), iv, p.181.

¹³⁹ Prendergast (*ibid.*, p.130) confuses him with his long dead ancestor and namesake, the 4th duke of Norfolk (ex. 1572)!

¹⁴⁰ N.A.I., M. 7006 (5).

¹⁴¹ B.L., Stowe Ms. 180, fol.32.

dynasty. Sir Robert Howard and Lady Katherine Howard. Both of these were courtiers to King Charles, and their public conversion to popery in the 1630s caused widespread alarm in Protestant government circles. Indeed, to Protestant eyes by this time it seemed that the entire royal court was turning Catholic, as the influence of the queen, Henrietta Maria, encouraged increasing numbers of recusants to come out of hiding.¹⁴² There is not much doubt that Mountgarret had easy access to these through his friends and relatives. In spite of his political isolation from the government in Ireland, the viscount was disconcertingly well connected in England. Three times in the past thirty years he had married Englishwomen - Elizabeth Andrews, Anne Tresham and Margaret Branthwaite - on each occasion expanding his affinity with the Catholic gentry of the English midlands. The marriages of his eldest son and heir, Edmund Roe Butler of Baleen, followed the same path, first marrying a daughter of the second earl of Castlehaven, and then a grand-niece of Henry, fifth Lord Vaux of Harrowden.¹⁴³ For the moment, however, the viscount seems to have chosen to remain in the shadows, waiting to see if Arundel could force the hand of his and the O'Brennans' assailants without him. He did well to bide his time.

As soon as Arundel began to press his claim to Idough in March 1636, he made sure that Ormond, Wandesford, and the rest were well aware of his displeasure, sending agents to tell the locals in Kilkenny that the Howards were 'not well pleased with their friends' in Ireland. This message implicitly referred to Ormond. During his days in England Earl James (when viscount Thurles) had had close links with Arundel's heir, Lord Maltravers; more recently, in 1634 he had seen to it that Maltravers was returned to the Irish House of Commons as M.P. for Callan, a borough in his gift.¹⁴⁴

It was to be the high water mark of their relationship. The Howards were shocked by Ormond's conduct towards them over Idough. In January 1635 he had promised to help Maltravers unearth the ancient Norfolk estate of which Idough was supposedly part,¹⁴⁵ only to sneak off a few months later with the territory confirmed as his own. Had it not been for Wentworth's protection, it is unlikely that the twelfth earl of Ormond would have chosen such a risky path to self-enrichment, even with a tract like Idough as bait. The Howards were perfectly placed to do him harm at court. True, so long as Wentworth remained indispensable to the king, Ormond had nothing to worry about. But should the Deputy fall, trouble would surely ensue from the Howard faction, as Ormond was not big enough to fend for himself against them. Small wonder, then, that from 1636 onwards Ormond's actions seem nervous and uncertain. Idough had turned out to be no routine case of dispossession. It had roused the Howards, and once subjected to their unfriendly stare, cracks began to appear between Earl James and his accomplices.

Lord Esmond in particular found the strain of Howard enmity too hard to bear, for he too had declared himself a supporter of the Howard dynasty in the past. A lesser figure than Ormond, he found himself trapped between two powerful factions, the one headed by Arundel, the other by Wentworth. Realising that his career would be damaged no matter which side he chose, he tried to limit the danger by playing up to both. Esmond told Arundel's agent that when

¹⁴² For Catholics at court, see Knowler (ed.), *Strafford Letters*, ii, pp 73, 128 and 165.

¹⁴³ G.E.C., *Complete Peerage*, sub 'Mountgarret, 3rd and 4th viscounts', but for the correct version of the Tresham marriage agreement see Mary E. Finch, *The Wealth of Five Northamptonshire Families, 1540-1640* (Northants Record Office, 1956), p.80, n 80

¹⁴⁴ H.M.C., *Ormonde MSS. 1572-1660*, p.32, *C.S.P.I., 1633-47*, p.64

¹⁴⁵ *Ibid.* p 29.

Wandesford first acquainted him with the business of Idough, he had sought out his assistance 'as a service to my Lord Marshal [of Arundel], without which he [would not have] ... undertaken anything in it', i.e. he tried to accuse Wandesford of duping him into going against Arundel. When Wandesford tackled Esmond about these comments, Esmond denied ever making them.¹⁴⁶ His denial seems unlikely; he had long been a Howard client, and if this was to continue, he needed to extricate himself from the Idough reverse by passing the blame for it onto someone else's shoulders. As such, it was far easier to paint Wandesford as the chief culprit than it was to blame Wentworth, Ormond or Londonderry.

Throughout the summer of 1636 Ormond and his allies found it difficult to present a united front against their Howard critics. Clearly Esmond had to be punished for his comments about Wandesford, but even after his expulsion from the group,¹⁴⁷ the rest of them failed to pull together against the common enemy. Their main problem seems to have been poor communication, for Ormond apparently neglected to tell Wandesford that he was no longer an intimate of Lord Maltravers. As a result, for months on end the Master of the Rolls continued to hope that Earl James could head off the threat of Howard interference by simply having a friendly *tete-a-tete* with Arundel's heir. Perhaps Ormond did not place any great weight on the decline of his relationship with Maltravers.¹⁴⁸ A far more plausible explanation, however, is the fact that the sale of his share of Idough had not yet been completed, and Ormond did not want to discourage Wandesford from buying it by enlightening him as to the true state of his standing with the Howards.

Wentworth for his own part ploughed a different furrow. Irrespective of his friendship with Wandesford and Ormond, he could not afford to have Arundel uncover the means by which Idough had been seized from its inhabitants;¹⁴⁹ better to negotiate and try and reach a settlement with Arundel and the Howards before it was too late. The talks with Arundel's representatives dragged on for months. In the meantime, the Deputy could do little to reassure Wandesford that Idough was his. Instead he ordered him to do nothing in the area, except 'with the order of the [Council] Board'.¹⁵⁰

In the end, the diverging paths taken by Ormond, Wandesford, and Lord Deputy Wentworth helped the Howards to re-route the attack against them. As Wentworth's talks with Maltravers were floundering in London, the agents of the Howard family had been busy in Kilkenny and the surrounding countryside, and by August 1636 they had discovered enough to scupper any chance of a behind-the-scenes compromise. Wandesford was understandably upset. If Wentworth had not tied his hands in order to facilitate the London talks, he could have chased Arundel's men out of the shire before they had had time to do any lasting damage. As it was, thanks to the Deputy's demand, the agents - Messrs Jones, Kendall and Bretingham respectively - had managed to rekindle the flames of popular defiance in Castlecomer and its environs. According to one of Wandesford's letters, during 1636 the natives of Idough were worked up

¹⁴⁶ Ibid. p.33.

¹⁴⁷ As early as November 1634 Esmond had begun to distance himself from Wentworth over the mysterious death of one of his kinsmen, see Clarke, 'Sir Piers Crosby', pp 144-5.

¹⁴⁸ H.M.C., *Ormonde MSS. 1572-1660*, p.34 gives the last friendly letter between the two lords, dated July 1636.

¹⁴⁹ See note 117 above.

¹⁵⁰ H.M.C., *Ormonde MSS. 1572-1660*, pp 36-7; Knowler (ed.), *Strafford Letters*, ii, pp 14, 29-30, 32-3.

into a state of great excitement by Arundel's agents, made to believe that they need never bow down to his rights of ownership.¹⁵¹

Things deteriorated further. One of Wandesford's few consoling thoughts during the summer of 1636 was that viscount Mountgarret had indicated his willingness to come to terms over Idough, provided he was offered adequate compensation for his losses there.¹⁵² But even this evaporated in October. Having lain silent all year long, Mountgarret suddenly became obstreperous. He refused point blank to have his lands in Idough measured, declaring he would only entertain a surveyor the following spring, some six months off. He made no attempt to disguise his motives for the delay. As he saw it, now that Arundel's men had finished their fact-finding mission, it was time to reveal the government's seizure of Idough for the scandal that it was. Mountgarret, said Wandesford, was moved by a desire that all the world 'should see that he will not submit himself to the justice of the king's title'. The viscount himself was not above intimidation in order to get his point across. Two of his servants were despatched into Idough to dissuade the locals from cooperating with Wandesford's surveyor. Immediately Wandesford had the two men arrested, but his troubles were far from over.¹⁵³

In fact, the legal battle for possession had only just begun. The challenge mounted against Wandesford, Ormond and Londonderry by Arundel and Mountgarret was very well coordinated, clearly calculated to side-step the Irish government at every opportunity. Under no circumstances were Wentworth or his cronies allowed to regain the upper hand in Idough because of any further transgressions by the natives. From now on the O'Brennans treated the law with respect, remaining peaceful in Kilkenny while a team of lawyers paid for, presumably, by Arundel and Mountgarret went to work in their defence, shaking the dust off some medieval documents in Dublin and London. The animated agitation of 1636 gave way to a mood of robust confidence in 1637 and 1638. With two powerful noblemen to protect them, the O'Brennans could finally anticipate the day when their lands would be restored to them. They sneered at the 21-year tenancies offered to them by the Master of the Rolls in 1637.¹⁵⁴ Likewise, the imprisonment of the clan leaders failed to provoke a hasty response; all that Wandesford could complain of afterwards was the violence of the clan's language, and neither he nor Ormond could do much about that.¹⁵⁵ When Wandesford rode to Castlecomer in April 1638 to view his future home, he was exasperated to find that, after three years of struggle, the O'Brennans were still full of fight. He turned to Wentworth for sympathy: 'these obstinate people expect such favours from the other side that they will harken to no reason.' It was all the fault of Arundel and Mountgarret. Although the O'Brennans had yielded up their lands to Wandesford's tenants, Wandesford could not relax, for they firmly believed that their deliverance was imminent.¹⁵⁶

As if this was not enough, Wandesford was even more worried by the case being prepared against him in England. An accomplished legalist, trained at Gray's Inn, he could easily appreciate how his rivals might manipulate the findings of the 1635 court of inquisition to suit their own purposes. It mattered little that the 1635 judgement had been a nonsense, disinheriting the O'Brennans by turning the clock back to the time of Strongbow. All that counted now was the

¹⁵¹ *Ibid.*, pp 14 and 29-30; Wandesford to Radcliffe, 3 Oct. 1636 (Bod. Lib., Oxford, Ms. Add. C. 286, ff 17-18).

¹⁵² H.M.C., *Ormonde MSS. 1572-1660*, p.37.

¹⁵³ *Ibid.*, p.38.

¹⁵⁴ B.L., Harleian Ms. 430, ff 204v-206r.

¹⁵⁵ H.M.C., *Ormonde MSS. 1572-1660*, p.43.

¹⁵⁶ Sheffield City Library, Str., p.18, no. 11.

earl of Arundel's pedigree. As a direct descendant of Strongbow it could realistically be argued that his right to Idough was superior to that of the crown and its immediate beneficiaries, Ormond, Londonderry and ultimately Wandesford. The only definite way to kill the earl's chances was to own up to the irregularity of the court proceedings that had given him the grounds for his hereditary claim; understandably, neither Wandesford nor his associates contemplated taking such a drastic step. To admit such a thing - rigging a trial - would be to commit political suicide. Indeed, if news of how Idough had been confiscated leaked out, the government's opponents would be able to discredit the entire Wentworth administration, with so many of the Deputy's friends having participated in the seizure. When looked at in this light it was hard to see how Arundel and Mountgarret could be stopped.

By 1638 Wandesford had totally committed himself to making Castlecomer his Irish home. It was all very well for Ormond and Londonderry: they had got their money from him for their estates there. The same could even be said of Wentworth. But Wandesford feared losing everything if Arundel and Mountgarret were successful. As well as paying for the land, he had invested heavily in a scheme to develop the area into a centre for industry, buying a license to manufacture iron pots there.¹⁵⁷ All told, Wandesford had probably spent upwards of £8,000 on the estate so far,¹⁵⁸ with little prospect of recouping the money in the near future. His finances were in jeopardy, for he was already heavily in debt.¹⁵⁹ Should he fail against Arundel and Mountgarret, he would be bankrupt, his dream of founding a line of titled nobles shattered forever.¹⁶⁰

Wandesford's only hope of surviving the challenge was to keep the Lord Deputy by his side. But Wentworth was not fully reliable. Alarmed by Arundel's intelligence-gathering, he had continued to keep his distance from events in Idough. At one point he even criticised Wandesford over stories he had been told about the state of the case; Wandesford panicked. At once he sent a messenger to the Deputy's residence to rebut the rumours. The rebuttal was a pack of lies. Fearful lest Wentworth discover the true scale of the opposition to his proprietorship, Wandesford had his agent misinform the Deputy about the activities of the Anglo-Irish gents who had lost out along with the O'Brennans when Idough was forfeited. Brushing the facts aside, Wandesford claimed that the Anglo-Irish of the region had been 'well pleased to accept' his offer of compensation.¹⁶¹

It is not known whether Wentworth believed him or not. It is hard to see how he could have done. By the middle of 1638 it was generally recognised that one of Arundel's principal assistants against Wandesford was Richard Butler of Castlecomer, a local Anglo-Irishman who had suffered heavily in 1635, and may have been briefly imprisoned in Dublin in 1637.¹⁶² Indeed, every time Richard left the country, his movements had to be closely watched by the Irish administration, for he made no secret of the fact that he travelled in a semi-official capacity,

¹⁵⁷ Bod. Lib., Oxford, Ms. Add. C. 286, ff 1, 16-18 and 22.

¹⁵⁸ In addition to £2,000 to Ormond, £1,000 to Wentworth and at least £1,000 to Londonderry, he had spent about £1,000 on the license for pots, £200 for legal costs as his attorney to David Rothe, and about £3,000 on various other expenses, as outlined in an inventory of his debts drawn up in 1640 (Bod. Lib., Oxford, Ms. Add. C. 286, ff 1, 7, 16-18, 22; Yorkshire Arch. Soc., Ms. DD5/38/2, no. 35; H.M.C., *Ormonde MSS. 1572-1660*, pp 42-3).

¹⁵⁹ Yorkshire Arch. Soc., Duke of Leeds Papers, Ms. DD5/38/2, nos. 35-6.

¹⁶⁰ In 1637/8 he proposed a marriage between his son and heir, George Wandesford, and the daughter of the earl of Sunderland (Ibid, Ms. DD5/13/unsorted III); Nottingham University Library, Clifton Papers, Ms. C1 C476).

¹⁶¹ Sheffield City Library, Str. p. 17, no. 269.

¹⁶² Prendergast, *Ireland from the Restoration*, p. 131, and Bod. Lib., Oxford, Ms. Add. C. 186, fol. 22. There is a faulty version of this letter in T.D. Whitaker (ed.), *The life and times of Sir George Radcliffe* (London 1810), pp 246-7.

empowered to act as the representative of the rest of the dispossessed of Idough, Anglo-Irish as well as Gaelic Irish.¹⁶³ Another important figure was Mountgarret's heir, Edmund Butler of Baleen and Ballyragget. By August 1638 he had acquired the lease of a house in High Holborn in London: he probably used this as a base from which to help coordinate the Idough campaign with Arundel.¹⁶⁴ Wandesford's claim that the gentry of northern Kilkenny were pleased to accept him into their fold betrayed just how desperate he had become. Even with his friends, who knew the truth of the matter, he tried to maintain the fiction that his purchase of Castlecomer was all above board.

But salvation was at hand for Wandesford before the end of the year, albeit from an unlikely source. Across the Irish Sea, Charles I was forced to go to war against his Scottish subjects. Initially, from late 1638 till mid-1639, the king had allowed Arundel to take charge of military preparations in England - and accordingly Wentworth had begun to fear for his own position¹⁶⁵ - but the earl had been unable to produce an effective fighting force to face the advancing Scots.¹⁶⁶ Compelled to sign an embarrassing truce, the Treaty of Berwick, Charles turned to Wentworth for help. At once the strains which had begun to weaken the Irish executive (over Idough and many other matters) were swept away. Clearly, if the king was to win the war against Scotland he would need first to secure Ireland, and with this in mind he renewed his favour to certain key members of the Dublin administration. Chief amongst these was Wentworth, who Charles decided should be his principal adviser in the crisis, but Wandesford also benefited directly from the onset of war. When Wentworth left for England in 1639, he was promoted to the chief governorship as one of two Lords Justice, and early in the autumn he was made Chief Justice of the King's Bench.¹⁶⁷ Most significant of all, his title to Idough was confirmed by royal charter on 10 September,¹⁶⁸ as if no doubts had ever existed about it.

The king's grant to Wandesford was a classic example of the unpredictable nature of Caroline politics. A year previously, with the earl of Arundel firmly ensconced at court as one of the king's confidants, it had seemed that Wandesford would eventually be embarrassed by the combined might of the Howards and the Butlers. The many irregularities committed on Wandesford's behalf by the Irish authorities were then all set to be exposed, and as the pressure mounted those involved in the duplicity had begun to fall out with each other. Now that was all water under the bridge. Arundel's quest for ownership had died on its feet as soon as Wentworth moved ahead of him in the monarch's esteem. At once all activity by Arundel, Mountgarret and the O'Brennans ground to a halt; given that their counter-claim was based on court intrigue, there was no longer any point in persevering with it. As Michael Perceval-Maxwell has noted, for the moment at least, King Charles was completely dependent upon Wentworth, ready to grant him whatever he wished.¹⁶⁹ In County Kilkenny the implication was obvious: until such time as the Deputy's star dimmed, Idough was out of reach, no matter how well laid the plans were to regain it.

¹⁶³ For him acting as the natives' agent, see Yorkshire Arch. Soc. Ms. DD5/38/2, no.37.

¹⁶⁴ *Cal. S.P., Dom., Charles I, 1637-8* (London 1869), p.587.

¹⁶⁵ In December 1638 Wentworth asked the king to protect him 'from the slights of my lord Marshall [Arundel]' over the Idough case. Carte, *Ormond*, v, pp 242-3.

¹⁶⁶ Michael Perceval-Maxwell, 'Ulster 1641 in the context of political developments in the Three Kingdoms', in Brian MacCuarta (ed.), *Ulster 1641: Aspects of the Rising* (Belfast 1993), p.95.

¹⁶⁷ McCall, *Family of Wandesford*, p.79.

¹⁶⁸ *Ibid.* pp 278-80.

¹⁶⁹ Perceval-Maxwell, 'Ulster 1641', pp 95-6. Professor Perceval-Maxwell seems to have shifted away from his earlier opinion that in 1640 Wentworth was 'virtually impregnable at court': *Idem*, 'Protestant Faction, the impeachment of Strafford and the origins of the Irish civil war', *Canadian Journal of History*, xvii (1982), p.236.

The effect that this turn of events was to have on Wandesford's behaviour proved fateful for his family. Jubilant now that Arundel and Mountgarret had been checked, in 1639 he threw himself into the task of getting his large Castlecomer estate up and running. At last his tenants began to arrive from England to take up their holdings, and together they and Wandesford set about transforming the area. Among other things, the local mining works were extended and improved and a park of 4,000 acres was stocked with game.¹⁷⁰ But the work was all in vain. By the autumn of 1640 his patron Wentworth - recently made earl of Strafford - was suddenly deep in trouble. In August the Scots had invaded the north of England and defeated the king's forces near Newcastle-upon-Tyne, and Strafford had been blamed for the débâcle. Soon after, his position as the the king's principal minister had come under widespread attack. At once Strafford's problems were Wandesford's problems, and Arundel and Mountgarret were encouraged to recommence their interest in Idough. Under pressure and fearing the consequences of Strafford's downfall, late in November 1640 Wandesford sickened with a fever. According to the testimony of his daughter, for more than a week he lay in bed in his Dublin house (visited by the earl of Ormond and other well-wishers), but his illness failed to lift, and he died on the night of 3 December.¹⁷¹ A time that had commenced so promisingly for his family had turned to calamity. By the beginning of 1641 in her private letters Wandesford's widow, Alice, was cursing her late husband's foolish optimism, for he had spent so much money on the estate since 1639 he had not left her adequate funds to defend it against the claims of their foes; the Wandesfords were bankrupt.¹⁷²

The re-emergence of the Arundel-Mountgarret claim to Idough was facilitated by a dramatic political shift in Irish affairs that resulted from Strafford's eclipse. The Scots' military success in England served as a catalyst for wholesale change in Ireland.¹⁷³ Those elements of opposition, Protestant and Catholic, that Strafford had previously so assiduously played off against each other now combined to form an unprincipled common front against him and his supporters and demand redress of their grievances. In the ensuing crisis some of the principal Catholic gentry of Kilkenny played their part, helping to insure that not only the Wandesfords, but the earl of Ormond too faced an uncertain future.

The crisis of 1640/1

It was not immediately apparent that Strafford's government would collapse. Indeed, at first, early in 1640 it must have seemed that irrespective of the Scottish problem, Ireland through Strafford's management was under strong royal control. In Kilkenny, indeed, the grip of the Strafford regime seemed stronger than ever. Thanks to Ormond's efforts, the parliamentary elections, called in response to the Scottish crisis, had actually gone rather well for the government in the county when they were held there about 24 February.¹⁷⁴ Fewer Catholic M.P.s had been returned than had been the case in 1634, and several 'government men' had been

¹⁷⁰ For the new tenants at Castlecomer, see T.C.D. Ms. 812. ff 190r-196r, 200r-201r, 212r, 216r and 218r.

¹⁷¹ Charles Jackson (ed.), *The Autobiography of Mrs Alice Thornton of East Newton, Co. York* (Surtees Soc., lxii (1875), pp 21-5).

¹⁷² Yorkshire Arch. Soc., Duke Of Leeds Papers, Ms. DD5/38/2, no. 4.

¹⁷³ For a provocative re-evaluation of the British crisis of 1640, see Conrad Russell, *The Fall of the British Monarchies, 1637-42* (Oxford 1991), chap. 3. See also Aidan Clarke, 'The breakdown of authority, 1640-41', *N.H.I.*, iii, pp 270-88.

¹⁷⁴ Prim, 'Family of Rothe', p 633. Caulfield (ed.), *Council Bk of Youghal*, p.197.

elected for the shire through Ormond's patronage, men such as Sir Thomas Wharton and Sir Robert Loftus for Callan and Inistioge, boroughs partly controlled by the earl.¹⁷⁵

Nonetheless, Kilkenny's Catholic members eventually emerged from the shadows in the House of Commons to play a minor but not insignificant part in the parliamentary opposition that unhinged the Strafford regime. As Professor Perceval-Maxwell has shown, the destruction of Strafford in 1640-1 was essentially the work of disaffected Protestant M.P.s,¹⁷⁶ but as and when there was an opportunity for Catholic involvement in the proceedings, the members for Kilkenny participated as best they could. Probably sometime before the opening of the second session in June 1640¹⁷⁷ (although possibly a little later), the county's Catholic representatives began to follow the lead set by the disaffected Protestants, giving their support to a campaign that was designed to destroy the government's authority. The Protestant parliamentary agitation was highly effective. By 24 June Wentworth's deputy, Christopher Wandesford, was at his wit's end as the government began to lose control of the Commons. He complained to a colleague who was in London with Strafford 'for God's sake bring us clear directions about all things',¹⁷⁸ but the administration's position only worsened around the country. In May and June the mayor and corporation of Kilkenny wrote to the Chief Baron of the Exchequer, Sir Edward Bolton, to complain of the new parliamentary subsidy, accusing the government collectors of corrupt mismanagement, and claiming that the merchants of the city were being unfairly treated, overburdened with the levy while crown officials got off lightly.¹⁷⁹ It is interesting to note that for much of this period Ormond was noticeable mainly by his absence from Parliament. Belatedly, he seems to have realised that Strafford's policies were unworkable without the strong hand of state repression, and throughout the summer months he had hoped to prevent himself being too closely associated with them. Not that his presence in Parliament made much difference when he finally returned to Wandesford's side in the autumn.¹⁸⁰ In fact, Ormond's influence over events was negligible whether he stayed at home in Kilkenny Castle or resided in the capital. The attack on Strafford's regime continued apace.

The Catholic members for County Kilkenny played a small (and hitherto unnoticed) part in the proceedings against Strafford and other senior members of the Dublin administration. Walter Walsh of Castlehowell was the first of their number to take a role in events, on 15 June joining a committee to hear the grievances of the inhabitants of County Carlow, just two days before the end of the first session and the commencement of the summer recess.¹⁸¹ It was mainly in the second session, however, that he and his colleagues emerged more clearly as oppositionists. On 12 October 1640 there was a rumpus in the Commons when three gentlemen from County Kilkenny, none of whom were M.P.s - Lawrence Archer, Robert Forstall and William Langton - were ordered to be ejected from the house, having staged a protest there, presumably from the public gallery. As far as the government was concerned, the matter should

¹⁷⁵ Clarke, *Old English*, Appendix B, p.257. Dr. Kelly has claimed that Ormond's election-rigging in 1640 greatly weakened southern Catholic Old English opposition in Parliament (Kelly, 'Ormond and Strafford', pp 93-4). I would counter that though fewer in number the southern Catholics were not necessarily much weaker, and by working with the Protestant opposition they managed quite effectively to contribute to the destabilisation of the Wentworth administration.

¹⁷⁶ This is the crux of the argument advanced in Michael Perceval-Maxwell, *The Outbreak of the Irish Rebellion of 1641* (Dublin 1994).

¹⁷⁷ Clarke, *Old English*, p.129.

¹⁷⁸ Wandesford to Radcliffe, 24 June 1640 (Bod. Lib., Oxford, Ms. Add. C. 286, fol. 29).

¹⁷⁹ Kilkenny Corporation Archives, MSS CR/K 52-3. They were probably objecting to the third phase of the subsidy collection (£75), the first and second collections (£275 and £75) having been completed by March: *C.S.P.I., 1647-60 & Addenda Charles I*, p.231.

¹⁸⁰ His attempt to distance himself is best essayed in Kelly, 'Ormond and Strafford', pp 96-102.

¹⁸¹ *Journals of the Irish House of Commons, 1613-1666* (Dublin 1796), p.147.

have got no further, but thanks to the intervention of their elected representatives the three gentlemen were asked to return to the Commons a fortnight later, so as to present a petition to the house's Committee for the Regulation of Fees. Local grievances were thereby set to receive a hearing.¹⁸² Also in October, four Catholic M.P.s from Kilkenny were appointed to the new expanded committee of 45 members that was to continue to press ahead with the investigation into conditions in Carlow.¹⁸³

The Kilkenny members became slightly bigger thorns in the government's side after November, once the impeachment proceedings against Strafford were under way in England - though again their participation was relatively unimportant in comparison to the actions taken by the Protestant M.P.s. On 15 February 1641 Walter Walsh of Castlehowell helped to broaden the attack on the administration when he took his seat on another committee, one which was instructed to uncover all the abuses in the management of the tobacco monopoly that had occurred since Strafford had come to office. This committee enjoyed extensive powers of inquiry, being able to search for account books and other documents that might help them link Strafford and his servants to alleged acts of fraud, 'and, if occasion be, to break open any chests, trunks, desks, chambers or closets' in the course of the search. Within a week, Walsh and the rest of the committee members had uncovered enough information to be able to identify two of Strafford's minor associates as suspects, Thomas Little the younger and James Peisley, and they proceeded immediately to seize all the money and tobacco in their possession.¹⁸⁴

At about this time a second local M.P., Peter Rothe fitz John (he resided at Rothe House, held trading interests in New Ross, and was a major figure in the local building industry, owning the 'Small Quarries' in Kilkenny's liberties)¹⁸⁵ also became involved in the investigation of Strafford's supporters. One of the M.P.s for Kilkenny city, and like Walter Walsh an associate of viscount Mountgarret - Rothe was the trustee for Mountgarret's manor at Kells¹⁸⁶ - it fell to him to help bring the crisis to its head. On 27 February 1641 Rothe was appointed a member of the Commons' committee that was required to draw up charges against Strafford's agent, Sir George Radcliffe, the Lord Chancellor, Sir Richard Bolton, the bishop of Derry, George Bramhall, and the Chief Justice of the Common Pleas, Sir Gerald Lowther, 'and therein impeach them of high treason'. Three months later, on 18 May, he was still busy with this task, helping to collect more information against Bishop Bramhall and Justice Lowther.¹⁸⁷

A less direct but equally dangerous challenge to the Strafford administration was launched by another County Kilkenny M.P., the frequently overlooked figure of John Fitzgerald, one of two members for Inistioge. Significantly, Fitzgerald was not a native of the shire, but hailed from Innishmore, County Kerry, where he was an important Catholic leader and a major landowner, one of the Knights of Kerry.¹⁸⁸ A kinsman of Mountgarret's via the Castlehavens, Fitzgerald was a late arrival in Parliament, having been elected (through the influence of the viscount in Inistioge, which now equalled that of Earl James in the borough) to replace Sir

¹⁸² *Ibid.* pp 156 and 160.

¹⁸³ *Ibid.* p.157.

¹⁸⁴ *Ibid.* pp 173, 175 and 179.

¹⁸⁵ N.L.I., Ms. 975, p.223; *Inq. Lagema*, Co. Kilkenny, James I (33), N.A.I., Prim MSS, Box I, no. 6.

¹⁸⁶ *Ibid.* Lodge MSS, Wardships, liveries & alienations, Vol. I, p.254.

¹⁸⁷ *Journals of the Irish House of Commons, 1613-1666*, pp 184-5 and 208.

¹⁸⁸ See Mary A. Hickson, *Selections from Old Kerry Records* (1st series, London 1872), p.181, where he is misidentified as 'a friend to the English and Protestant party'. The importance of this case is overlooked in Michael Perceval-Maxwell, *The Outbreak of the Irish Rebellion of 1641* (Dublin 1994), p.315, note 26.

Robert Loftus, who had vacated his seat for the town in November 1640. At the time of his election Fitzgerald had a case pending against him in the court of Castle Chamber in Dublin, concerning a dispute with Lord Kerry & Lixnaw, a government supporter. Evidently much to the government's annoyance, he was elected for Inistioge before sentence could be passed against him, for despite his privilege (as a member of parliament) of immunity from prosecution while Parliament sat, the state authorities decided to go ahead with his punishment anyway, and he was sentenced and imprisoned on 2 December 1640. There was outrage when details of Fitzgerald's treatment reached the House of Commons in February 1641.¹⁸⁹ Just as the house was preparing its Protestation against Strafford's government, it learned of yet another example of his officials' arbitrary abuse of power, and one which in this instance impinged on the constitutional rights of parliament. On 18 February the Commons voted to defy the authorities and uphold Fitzgerald's election,¹⁹⁰ and immediately afterwards it began taking steps to bring those responsible for his unlawful imprisonment to book. Between 20 and 26 February there was a series of meetings held with representatives of the House of Lords, deliberations which culminated on 4 March with the decision of both houses to send details of the case to the English Parliament in London, where it could be used to inflict more damage on Strafford's reputation and undermine the constitutional power of Castle Chamber, a prerogative court which was widely detested.¹⁹¹ Fitzgerald for his own part subsequently enjoyed a prominent position in Commons affairs, sitting on three committees in May, including that which proceeded against Bishop Bramhall and Chief Justice Lowther.¹⁹²

It should be noted that the March 4 resolution in the Fitzgerald case, requiring the mediation of the English Parliament, ran counter to the recommendations of the earl of Ormond. On or about 22 February he had become involved in the case, evidently hoping to kill the scandal surrounding Fitzgerald's treatment by stirring up aristocratic resentment in the House of Lords against the privileges claimed for a member of the Commons.¹⁹³ His efforts were ineffective. Moreover, the March 4 decision was doubly unwelcome to Earl James because the previous day he had tried to head off the despatch to England by asking the Lords to reconsider the case itself.¹⁹⁴ The Lords' refusal to do so, and its preference to work with the Commons rather than against it, indicated clearly that Ormond and the rest of Strafford's men had now lost control of both houses of Parliament in Dublin.

The trajectory of Ormond's career was no longer upward. The storm encircling Strafford left him dangerously exposed and he had great difficulty finding a safe haven to ride it out. His position was made worse by the untimely reappearance of an old problem, the controversy in Kilkenny over his involvement in the Wandesford acquisition of Idough. In December 1640, as Strafford lay imprisoned in the Tower of London, the Idough case had suddenly re-emerged to Ormond's detriment in London, discussed at a meeting of the Privy Council at the very time when his nomination to the vacant Irish lord deputyship (on Strafford's recommendation) was due for consideration. Thanks to objections raised, it was said, by the earl of Arundel, who had

¹⁸⁹ On 4 Feb. a special Committee had been appointed to investigate the case in the House of Lords. *Journal of the Irish House of Lords, 1634-98* (Dublin 1779), p. 146.

¹⁹⁰ *Ibid.* p. 153. The Commons' decision triggered a full debate in the Lords the next day (*Ibid.* p. 154).

¹⁹¹ *Journals of Ir. Commons, 1613-66*, pp. 177-8, 179, 184 and 194-6.

¹⁹² *Ibid.* pp. 203-4.

¹⁹³ *Journal of Ir. Lords, 1634-98*, pp. 158 and 165.

¹⁹⁴ *Ibid.* p. 174.

'not got Idough off his stomach', Earl James failed to become Lord Deputy.¹⁹⁵ It was a warning of what was to come. With Strafford battling to save himself from impeachment, Arundel's influence on the Privy Council was again growing, and early in the new year he took his chance to resurrect his claim to the territory.¹⁹⁶ Accordingly, recent Kilkenny history, replete with details of the unlawful collusion that had been effected by Ormond and Strafford on Wandesford's behalf, was set to be debated on both sides of the Irish Sea by Strafford's (and Ormond's) political enemies.

As Lord High Steward of England, it was Arundel's responsibility to preside over the impeachment proceedings against Strafford in the English 'Long' Parliament. As such he was in a position to allow Strafford's part in the seizure of Idough to figure prominently - perhaps too prominently - in the proceedings. Hence what began life on or about 22 February 1641 as 'scandalous petitions' against the chief governor of Ireland¹⁹⁷ had within weeks metamorphosed into a series of articles incorporated into the formal charges against him, including the following: 'that in time of profound peace he did, in a warlike and hostile manner, bring the king's troops and forcibly take possession of the whole estate of the said Brennans.' It was also alleged that the Irish troops under Ormond's command had violently expelled Richard Butler - Arundel's Irish emissary - from his property at Castlecomer.¹⁹⁸

Strafford answered the charges regarding Idough on 12 April 1641, and to be fair to him, he presented a well reasoned if superficial refutation, arguing that his accusers would be better served to ignore the events in Idough if they wanted to bring him down 'since it was really done by order of Chancery, and he had no more to do with it than any man who ... [heard] thereof.'¹⁹⁹ However, though his answer was cleverly evasive on several points, it was obvious he was lying. Among other things, he claimed that after Wandesford brought in English tenants the O'Brennans had revolted and gone about 'burning houses, committing burglaries, murders and other grievous outrages',²⁰⁰ which was palpably untrue. By the time English tenants began to arrive in Idough (in 1638/9), the O'Brennan clan had adopted an attitude of self-confident placidity. In the end, Strafford made his defence against this and other charges in vain, for the impeachment proceedings were replaced by a bill of attainder, which passed the House of Lords on May 7, under the terms of which Strafford was pronounced guilty and sentenced to death. Afterwards, on 9 May, the king conferred with his Privy Council regarding Strafford's fate, and according to historians' best estimations, it is likely that a majority of the Council advised him to sign the bill.²⁰¹ Strafford was executed three days later.

With Strafford gone, the way was clear for Arundel and his Kilkenny advisers to turn their attention to the Parliament at Dublin, where they hoped completely to overturn the royal seizure of Idough and inflict more damage on the remainder of Strafford's group, in particular the family of his late deceased friend Christopher Wandesford, who now that Strafford was dead, would find it difficult to defend their interest at such a high political level (especially as Wandesford had left them bankrupt).

¹⁹⁵ Carte, *Ormond*, v, p.245.

¹⁹⁶ For the growing influence enjoyed by Arundel at Privy Council meetings in January-February 1641, see Russell, *Fall of the British Monarchies*, p. 244, esp. note 35.

¹⁹⁷ C.H. Firth (ed.), 'Letters of William Wandesford to Sir Rowland Wandesford', *English Historical Review*, ix (1894), p.552.

¹⁹⁸ Grosart (ed.), *Lismore Papers* (2nd series, London 1888), iv, p.181.

¹⁹⁹ John Rushworth, *Historical Collections II*, April 1641 - December 1642 (London 1708 edn), p.3.

²⁰⁰ As notes 157 and 161 above.

²⁰¹ Russell, *Fall of the British Monarchies*, p.299, note 107.

Arundel, Mountgarret and Richard Butler were determined to have the Wandesford family run out of Castlecomer as quickly as possible. But to do so with the full force of law they needed the Irish Parliament to remain open, and given the current state of affairs in Dublin and London, with the king and his principal ministers increasingly discredited and under siege, the closure of the Irish assembly was a distinct possibility. In response to mounting political uncertainty they decided to adopt a deliberately evasive and slightly dishonest attack on the Wandesfords' ownership, evidently in the belief that this was the only way to achieve a quick and favourable result.

Quite a lot is known about their activities in the Irish Parliament because a legal memorandum that was drawn up for Arundel has survived among the papers of Richard Boyle, earl of Cork, who for financial as well as political reasons had an interest in seeing Strafford's supporters laid low, and may well have encouraged Arundel, Mountgarret and Richard Butler in their proceedings.²⁰² Arundel's charges against Wandesford were a clever mixture of truth and invention. It was undoubtedly true that in June 1635 Wentworth had been told by Charles I to make over a grant to Arundel of such lands as had anciently belonged to his ancestors in Leinster. Likewise, it was at least believable that Wandesford's attention had been drawn to Idough only because of this. But it was a complete misrepresentation to state that Wandesford and Wandesford alone - was the one to have the O'Brennans 'by force expelled' from Idough; as noted above, Ormond and Lord Esmond bore the main visible responsibility for the use of force in the territory. Most interesting of all, however, the earl of Arundel and his advisers had no intention of trying to prove Idough had been part of the ancient Norfolk estate in Leinster; to attempt a proper legal proof of title would probably take too long. Instead, all that mattered in this regard was that the O'Brennans themselves had publicly acknowledged Arundel's 'ancient title' and submitted to it.

It is noteworthy that Christopher Wandesford's brother, William, was not unduly concerned by Arundel's plan to bring the Idough case before the Irish Parliament. He felt that the threat posed to the estate could easily be run to ground through the influence of Irish Privy Councillors such as the earl of Ormond and Lord Chancellor Bolton, men who, he noted, had a special interest in the case, and would want to prevent the details of how they had organised the seizure of the territory from coming before both Houses.²⁰³ He was naive to think this, especially in late August 1641. By that time there was in fact very little that these pro-Wandesford Councillors could do to prevent the Idough case coming before the Irish Parliament. For one thing, because of Arundel's understanding with viscount Mountgarret, he would always be able to have a bill about the territory introduced in the House of Lords if entry through the Commons was blocked: Mountgarret was one of the leaders of the Catholic party in the upper house, and could probably muster the support of the three other Catholic Butler lords, viscount Ikerrin and the barons of Cahir and Dunboyne, as well as that of Munster nobles such as Lord Roche of Fermoy.²⁰⁴ For another, it was far from certain that a majority of the Irish Council would have agreed to block a bill about Idough; as William Wandesford himself acknowledged, some of the

²⁰² B.L., Egerton Ms. 80, pp. 83-4. Though undated, the document clearly pertains to the summer of 1641. It suggests how Cork was able to curtail his hostility to Strafford before that time, by letting Arundel take the lead. For the obscurity of Cork's role in the proceedings against the Deputy, see Patrick Little, 'The Earl of Cork and the fall of the Earl of Strafford, 1638-41', *Historical Jnl.*, xxxix, No. 3 (1996), pp. 619-35; Perceval-Maxwell, 'Protestant faction', pp. 245-6 and 254; Idem, 'Ulster 1641', p. 98.

²⁰³ William Wandesford to Osborne, 29 Aug. 1641 (Yorkshire Arch. Soc., Duke of Leeds Papers, Ms. DD5/38/2, no. 37).

²⁰⁴ On 15 March 1640 Viscount Roche had sent his parliamentary proxy to Mountgarret (*C.S.P.I., 1633-41*, p. 238). Mountgarret may also have held the proxy of Lord Courcy of Kinsale; unfortunately the reference to this is unclear (*Journal Ir. Lords, 1634-98*, p. 115).

other Councillors, most notably Viscount Ranelagh (a supporter of the earl of Cork), had nothing to lose and a lot to gain if further scandal attached itself to Ormond, Bolton and the Wandesford family.²⁰⁵

As things stood going into September 1641 the remnants of Strafford's Irish clique could anticipate a further erosion of their position because of Arundel, Mountgarret and the O'Brennans. By 5 September William Wandesford had been informed that they had indeed bypassed the Irish Council and were getting ready to have the matter brought before the Parliament, possibly as a private member's bill. William wrote to Sir Edward Osborne, the Vice-President of the North in England, a close relative: 'Now I begin to suspect ... they may presume upon some advantage to themselves'.²⁰⁶ By 24 September the prospects for the Wandesfords and their friends surviving a proper discussion of their ownership of Idough in the Dublin Parliament had deteriorated so much that William was forced to ask Osborne to get the king to 'countermand' the case's transfer from the English Parliament, where it had figured in the impeachment of Strafford, and have it returned to London. There, he hoped, the English Privy Council might be relied upon to settle it in his family's favour.²⁰⁷

In the event, the Wandesfords escaped losing Idough only because of the Ulster revolt of October 1641. The revolt quickly put paid to all manner of parliamentary business, as the central executive lost control of events and the Catholic members withdrew from the Commons and the last vestiges of Dublin's authority wilted away. Even though the O'Brennans had begun to resume possession of their former homeland in the late summer, taking 'rescues' and making 'forcible entries' there,²⁰⁸ the Wandesfords still held the legal title to the territory, as no parliamentary legislation was ever realised to overthrow it. (As such, they would eventually be able to regain Castlecomer in the early 1650s under the Cromwellian regime).

For the earl of Ormond, the news from Ulster was also something of a mixed blessing. Throughout the sessions in Parliament he had found himself the target of criticism, largely because of his closeness to Strafford, on one occasion being told he should pay back what had been misappropriated on his behalf while Strafford was alive.²⁰⁹ Indeed, he was widely acknowledged as Strafford's Anglo-Irish protégé, an impression that was confirmed after Strafford's execution in May, when it emerged that Strafford (having failed to get him the lord deputyship) had asked the king to make Ormond a Knight of the Garter in his place after his death.²¹⁰ But while his alliance with the ill-fated governor brought him to the king's attention and left the door open for future advancement in the service of the crown, it was a millstone around his neck in Ireland, where Ormond experienced at first hand the rapid decline of the Strafford administration, and in the eyes of many he was tarred irredeemably with Strafford's brush.

Finally, for viscount Mountgarret, the outbreak of the Ulster revolt and the rapid deterioration of conditions in the Pale and elsewhere can only have induced mixed feelings. On the negative side, the Ulster conspiracy killed his chances of dispossessing the Wandesfords with Arundel's help and striking a blow against his kinsman the earl of Ormond in Parliament, not least because in the wake of the Ulster uprising Arundel withdrew from any involvement in Irish

²⁰⁵ As note 184 above

²⁰⁶ William Wandesford to Osborne, 5 Sept. 1641 (Yorkshire Arch. Soc., Duke of Leeds Papers, Ms. DD5/38/2, no. 42).

²⁰⁷ Same to same, 24 Sept. 1641 (Ibid. no. 36).

²⁰⁸ Firth (ed.), 'Letters of William Wandesford', p. 553.

²⁰⁹ *C.S.P.I., 1647-60 & Addenda Charles I.* p. 256.

²¹⁰ Knowler (ed.), *Strafford Letters*, ii, p. 418.

affairs. More positively, however, by encouraging Arundel to bring the Idough case to such an advanced stage, Mountgarret had helped to discredit Ormond and other leading members of the Irish administration. Moreover, the coming of war in Ulster presented him with an opportunity: as conditions worsened he realised he did not need Arundel to inflict further harm on Ormond and the Dublin executive; instead he could flex his muscles as a leading Catholic lord in Ireland. Over the next six months, Mountgarret would reach the peak of his career, as he set about orchestrating a Catholic seizure of power in the south. In doing so he effectively supplanted Ormond as the most influential nobleman in Kilkenny, Tipperary and much of the surrounding area.

Rebellion and the end of Ormond power

Viscount Mountgarret was left with little choice when he took command of a Catholic uprising in County Kilkenny in the closing weeks of 1641. For as long as he could remember, he had been excluded from the centre of power by the Dublin administration because of his religious beliefs. Even in October 1641, as the rebel Ulster army swept south towards the capital and large parts of the country began to waver, this was still the case. Again he was deemed untrustworthy of holding provincial office despite (or because of) his association with the earl of Arundel. It was sometime in early-to-mid-November before he and other Catholic figures were granted commissions of muster and array to raise local forces for the defence of the crown.²¹¹ Moreover, it was abundantly clear that the commissions were only given to them begrudgingly by the government, 'lest they should complain they were not confided in'.²¹²

By ignoring Mountgarret in late 1641 the central authorities made a major mistake, for apart from him, there was no-one of genuine stature in Kilkenny capable of securing the shire for the crown. Certainly the twelfth earl of Ormond could not have done so. Quite apart from being highly unpopular in the county, Ormond was unable to take charge of events there because, just at the very time that the crisis reached its peak, he was absent. On 28 October he had been advised by Sir John Temple to leave Kilkenny Castle for Dublin as quickly as possible;²¹³ eventually he responded to the summons, arriving in the capital by 11 November at the latest.²¹⁴

Crucially as things turned out, Ormond did not go to Dublin on his own: acting on Temple's advice of 28 October (and in response to more recent government entreaties as well) he brought his troop of horse with him.²¹⁵ Because of this, there was no government cavalry force in County Kilkenny when the local recusants finally lurched into revolt at the end of November. Whatever forces there were were foot-based, relatively immobile, tied to particular spots, and small in number. A company of 20 musketeers under Captain John Farrell was based at Castlecomer,²¹⁶ and in Callan there were a further 30 musketeers and 40 pikemen.²¹⁷ These, together with a small number of footmen in Kilkenny city, seem to have comprised the entire government force in the shire. It is hardly surprising, then, that the rebels encountered little opposition when they eventually rose up under Mountgarret's leadership.

²¹¹ The power to raise forces was granted shortly before 10 November 1641 (Clarke, *Old English*, p.168).

²¹² Rushworth, *Historical Collections II*, p.169.

²¹³ Temple to Ormond, 28 Oct. 1641 (Bod. Lib., Oxford, Carte MSS. Vol. 2, p.2).

²¹⁴ Lords Justice & Council to Ormond, 11 Nov. 1641 (Ibid. p.18). He may have made it to Dublin a few days earlier: Leicester to Ormond, 7 Nov. 1641 (Ibid. p.9).

²¹⁵ As note 201 above, see also Lords Justice & Council to Ormond, 2 Nov. 1641 (Ibid. p.7).

²¹⁶ T.C.D., Ms. 812, ff 190r-192r.

²¹⁷ Sovereign & burgesses of Callan to Ormond, 18 Nov. 1641 (Bod. Lib., Oxford, Carte MSS. Vol. 2, p.32).

Though poorly armed, the Catholic army that Mountgarret took into the field was at least as big as anything that his Butler ancestors had commanded in the previous century. Most of the Butler lineage rose up with him, showing just how much he (and not the earl of Ormond) was recognised as the dynasty's real figurehead. Among the senior officers serving under him were Walter Butler of Paulstown, Pierce Butler of Old Mountain (Barrowmount), Richard Butler of Castlecomer, and Thomas Butler of Aghtubbrid.²¹⁸ In 1642 these would be joined by two other important members of the dynasty: first, a Catholic son of Sir Richard Butler of Knocktopher (Sir Richard was a crypto-Protestant who stayed loyal to Ormond, and had been on bad terms with Mountgarret since 1639);²¹⁹ second, and even more significant, the earl of Ormond's own brother, Richard Butler of Kilcash, a Catholic who greatly resented Earl James's rejection of his parents' religion, and teamed up with Mountgarret's army sometime before the end of January 1642.²²⁰ For political as much as military reasons, Richard was given the post of General in the rebel army, taking command of southern Tipperary.²²¹

In addition to these, it was hoped that Mountgarret's brother, Colonel John Butler, a professional soldier with considerable experience of the religious wars in Europe, would return to Ireland to take charge of a regiment of horse in Kilkenny.²²² In the event, however, he did not turn up, being arrested at Holyhead by order of the English Parliament while on his way home with other Catholic officers in January 1642.²²³ His failure to appear was important in the long term, for although the rebels got by very well without him in late 1641, the absence of such an experienced officer eventually took effect, compounding the army's chronic shortage of guns and gunpowder,²²⁴ and it helps to explain why the Catholic forces met with such limited success outside Kilkenny in 1642/3.

Mountgarret's army was not just a Butler monopoly. Many of the leading squires and gentlemen of County Kilkenny also enlisted as senior officers. By 1642 the Provost-Marshal of the army was one of the most respected landlords in the shire, Thomas Cantwell of Cantwell's Court.²²⁵ The local head of the Purcells, Philip Purcell of Ballyfoyle, was a captain,²²⁶ as was John Bryan of Bawnmore.²²⁷ Richard Comerford of Ballyburr,²²⁸ and the acting head of the Blanchvilles, Garret Blanchville of Blanchvillestown (his father, Sir Edmund, was reputedly a madman by this date).²²⁹ Elsewhere in the ranks, junior commands also went to John and Edward

²¹⁸ T.C.D., Ms. 812, ff 166r-168v.

²¹⁹ Unfortunately the name of his Catholic rebel son is unrecorded (T.C.D., Ms. 812, fol. 166r). In 1639 Sir Richard had fallen out with Mountgarret when his other son had killed the viscount's daughter in a marital conflict and subsequently fled abroad. See Examinations before Christopher Brooke, 13 June 1639 (N.A.I., Paulet (Fitzpatrick) Papers, M. 3173).

²²⁰ Fenton to Cork, 1 Feb. 1642 (B.L., Egerton Ms. 80, pp 85-6). Richard seems to have been a close friend of Mountgarret's son and heir, Edmund Butler of Baleen (H.M.C., *Ormonde MSS. 1572-1660*, p.31).

²²¹ Grosart (ed.), *Lismore Papers* (2nd series, 1887-8), v, pp 33-4 and 56-7.

²²² J.T. Gilbert (ed.), *A Contemporary History of Affairs in Ireland, 1641-52* (Dublin 1879), i, pt. 1, p.41.

²²³ Rushworth, *Historical Collections*, II, pp 259-61; Mayor of Beaumaris to Mayor of Chester, 8 Jan. 1642 (Chester City R.O., Ms. ML/6/179); John Griffith to same, 14 Jan. 1642 (Cheshire County R.O., Cowper (Crewe) Papers, Ms. DCC 14/6). Having been detained for more than a week at Chester gaol, Butler was subsequently despatched under armed guard across England to London. 'delivered from sheriff to sheriff'. I have been unable to trace his whereabouts after March 1642 (Order of the Lords in Parliament, 25 Jan. 1642 (Ibid. Conover (Cowper) Papers, Ms. DCC 47/19)).

²²⁴ For the Confederates' munitions problem see Pdraig Lenihan, 'Celtic Warfare in the 1640s', in Young (ed.), *Celtic Dimension*, pp 120-1.

²²⁵ T.C.D., Ms. 812, fol. 169v.

²²⁶ Philip's two sons served with him (Ibid. fol. 181r).

²²⁷ Ibid. fol. 166r.

²²⁸ Ibid. fol. 169v.

²²⁹ Ibid. fol. 166r. See also Carrigan, *Ossory*, iii, p.415.

O'Brennan (both captains) and John MacWilliam O'Brennan (a lieutenant), Edmund Purcell of Esker and Robert Oge Shortal.²³⁰

Two things need to be said regarding the make-up of this large rebel army. It contained members of all the traditional pro-Ormond families of Kilkenny, suggesting just how little support remained for the earldom around the county. And the Idough dispossession had clearly boosted recruitment to the army's ranks, making it a genuinely inter-ethnic cross-county affair. Fighting side by side with the Gaelic O'Brennans of the north were the Anglo-Irish Stranges of the south, and there were even some local English Catholics among its ranks as well, most notably Charles Greene, who served as the Master of Stores, but also George Derrett of Smithstown and 'James Carlton of Idough, late servant to Richard Harrison', the Wandesfords' park-keeper at Castlecomer.²³¹

The rebel campaign in the county was a short one, lasting about three weeks in all places except Castlecomer (where by far the longest struggle occurred, from 'All hallows ... to Shrovetide following' according to one witness, i.e. about 18 weeks).²³² In comparison to what had happened in parts of Ulster in October, it was remarkably unbloody.²³³ Late in November part of Mountgarret's army - said to be very large, comprising many of the junior Butlers, the Purcells, and most of the O'Brennans - marched to Castlecomer and began to lay siege to the small garrison there. Such fighting as occurred was minimal, involving only a few skirmishes before the siege ended towards the beginning of April 1642 and the garrison was given the choice of remaining disarmed in Kilkenny or being escorted from the county to rejoin the government forces at Ballylinan in Queen's County.²³⁴

It is important to point out that the garrison at Castlecomer was not massacred. Later on in the seventeenth century, during a period of renewed anti-Catholic prejudice, it was widely asserted by Protestant propagandists that Mountgarret and his men had authorised a terrible slaughter of English Protestants in 1641 in revenge for past wrongs. The antiquarian John Rushworth went so far as to suggest that Mountgarret 'proved rather more violent against the Protestants than the ...[Ulster] rebels' had done.²³⁵ Nothing could be further from the truth. None of the depositions that were made in Dublin by the local 'distressed Protestants' who had escaped from the county make mention of any massacre. Indeed, many of the deponents who made their escape actually came from Castlecomer itself: indicating that whatever killing did occur, there were plenty of survivors.²³⁶ One deponent, Peter Pynchory of Glanmagow in Castlecomer parish, stated only that he was dispossessed of his lands by the viscount's men in November 1641, and that afterwards he made his way unmolested to Kilkenny city.²³⁷ Another, the vicar of

²³⁰ T.C.D., Ms. 812, ff 167r-v, 181v and 183r.

²³¹ *Ibid.* ff 169v, 170r and 173r.

²³² Graves, 'Ancient tribes and territories', p.244.

²³³ For an excellent analysis of the number of Protestants killed in Armagh, see Hilary Simms, 'Violence in County Armagh, 1641', in MacCuarta (ed.), *Ulster 1641*, pp 123-38.

²³⁴ Graves, 'Ancient tribes and territories', p.244.

²³⁵ Rushworth, *Historical Collections II*, p.169. His views were reiterated by other Protestant writers, e.g., Richard Cox, *Hibernia Anglicana* (London 1689), p.73; Ledwich, *Antiquities*, p.465.

²³⁶ E.g., see the depositions of William Parkinson, John Watkinson, John Davis, Mary Corne, George Hilton, and Richard Harrison, made between February 1642 and September 1643, all of whom were former tenants of the Wandesfords at Castlecomer (T.C.D., Ms. 812, ff 190r-220v).

²³⁷ *Ibid.* ff 200r-201r.

Kilmocahill, Rev. John Moore, stated that far from harming him, Mountgarret saw to it that he was given a safe conduct out of the area.²³⁸

The rebellion that Mountgarret took charge of was both Anglo-Irish and loyalist. Many of those who rallied to his banner viewed themselves as loyal subjects of the king. What they were rebelling against was not the monarch, but rather the corrupt officials of his government in Dublin, men who had penalised Catholicism and undermined local land titles, an approach that (as the rebels saw it) did the king a disservice and insulted the religion of his queen, Henrietta Maria.²³⁹ Unlike in Armagh and other parts of Ulster, for the rebellion to succeed in a place like County Kilkenny it was vital that the local English be treated carefully. Mountgarret, with his close ties to Arundel and to the Catholic community of the English midlands, and with some support from locally settled English Catholics, made sure that any persecution of English Protestants that took place in the shire was repudiated and stamped out. Here and there some ugly incidents did occur. At Gowran, for instance, Edmund Ryan, the earl of Ormond's constable - the same man who had asked for a Protestant minister to be sent to the town in 1606 - was prevented from giving aid to English Protestants by a local Catholic landlord, Leonard Blanchville.²⁴⁰ At Muccully in 'Purcell's country' Pierce Den and William and Edmund Archdekin probably behaved in a similar fashion, being later accused of 'robbery and cruelty' by an English Protestant who escaped their clutches.²⁴¹ Nonetheless, there is no doubt that Lord Mountgarret, the rebels' commanding officer, took a very dim view of acts like this which were inspired by crude sectarianism. According to Nicholas Plunkett, a Catholic who arrived in Kilkenny from the Pale in 1642, the viscount 'with his own hands killed one of the Irish that attempted to plunder ... the English' in the county.²⁴² When out campaigning on the Cork-Limerick border in March 1642 Edmund Butler of Baleen, Mountgarret's son, stated that he and his fellow officers 'did infinitely abhor and interdict the killing [of] any English, but such as did resist them'.²⁴³ Evidently, English Protestants were to be disarmed and disempowered; they were not to be put to the sword.

The key episode that set the tone for the local revolt, and guaranteed its success, was the defection of Kilkenny city on 18 December. Here there is reason to suspect that even before Mountgarret formed his army at the end of November, the civic elite had for some time been gearing themselves up for a Catholic *coup d'état*. Late in October Alderman Thomas Ley, a Protestant who had been reared as a ward of Henry Staines,²⁴⁴ decided to stand down as the new portreeve of Irishtown. It is not hard to trace the reason for this. The new Protestant bishop of Ossory, Griffith Williams, had left the city in a hurry immediately after news of the Ulster revolt had reached him,²⁴⁵ and the dean of Ossory, Edward Warren, seems to have followed soon

²³⁸ Ibid. ff 197r-199r.

²³⁹ For some new insights into the political views of the Kilkenny rebels, see Micheal O Siuchru, 'The Confederation of Kilkenny', *History Ireland*, ii, no. 2 (Summer 1994), pp 51-6.

²⁴⁰ Deposition of Edward Bishop, 16 Aug. 1643 (T.C.D., Ms. 812, fol. 217v).

²⁴¹ Ibid. fol. 170r and 217r.

²⁴² J.T. Gilbert (ed.), 'Nicholas Plunkett's account of the war and rebellion in Ireland since the year 1641', H.M.C., *Second Report* (London 1874), p. 231.

²⁴³ Herbert W. Gillman (ed.), 'The Rise and Progress in Munster of the Rebellion, 1642', *Cork Historical & Archaeological Soc.*, 2nd series, I, no. 12 (Dec. 1895), pp 15-16.

²⁴⁴ N.A.L. Lodge MSS, Wardships, liveries & alienations, Vol. I, pp 33 and 99.

²⁴⁵ He had only arrived recently and preached just one sermon in St. Canice's; see F.R. Bolton, 'Griffith Williams, Bishop of Ossory (1641-72)', *Butler Soc. Jn.*, ii, no. 3 (1984), p. 325.

after.²⁴⁶ Without their backing, Ley (as a Protestant) would have found it impossible to govern the town, especially as the supporters of the Catholic bishop, David Rothe, were eager to install their own man in St Canice's Cathedral now that the authority of the Dublin administration was collapsing. Accordingly, on 6 October Bishop Rothe's kinsman Oliver Rothe was sworn in as the portreeve in Ley's stead.²⁴⁷ The way had been cleared for a Catholic takeover in the city. Protestant sources later recalled that sometime shortly afterwards 300 male citizens were armed and formed into a militia, supposedly for Kilkenny's defence.²⁴⁸

Bishop Rothe may have been central to what happened in the city. A friend of Mountgarret's since childhood, he would have had little difficulty persuading the aldermen to side with the viscount in his revolt against the government officials in Dublin who had represented the king so badly. Like the aldermen, the bishop was concerned to maintain a close association with the English monarchy, seeing loyalty to the crown as the best way to win religious toleration for Catholicism in Ireland.²⁴⁹ In the event, irrespective of the bishop's feelings about the justification for revolt, people would have suspected his connivance anyway, as the person who actually opened the city gates to Mountgarret's army was the bishop's grandnephew, Richard Murphy, the city sheriff.²⁵⁰ The peaceful nature of the coup might also suggest Rothe's influence.

Once again, it is important to stress that there was no massacre of Protestants. There was no need of one, for Mountgarret and his army marched into the city unopposed on 18 December without a shot being fired. A few Protestants were robbed in the ensuing excitement. One of these was the tailor William Lucas, who was attacked and robbed of all he possessed by a small gang of citizens that included his neighbour, the broguemaker Patrick O'Fillan.²⁵¹ Another victim of this short spate of robberies was the English shoemaker James Benn. According to his testimony, when the viscount entered the city some intruders saw their chance to break into his shop. Benn and his family were not harmed. Greed, not sectarianism, animated his assailants, who made off with his stock of leather and some 'household stuff'. He was not raided again. However, as he later recalled, it was a few weeks before he felt safe. Sometime in mid-to-late December 1641 a motion was made at a civic assembly that all Protestants resident in the city should be killed. Unfortunately, Benn did not record who instigated the motion, but he did note that it was quashed, having been opposed by Lord Mountgarret, his son and heir Edmund Butler of Baleen, Philip Purcell of Ballyfoyle, and a leading alderman, Richard Lawless.²⁵² Thanks to their intervention, Benn, Lucas and many other Protestants were able to live on in Kilkenny city after 1641, at least until conditions were such that it was safe for them to leave.

As late as the summer of 1643 there were still some Protestants remaining in the city. Historians have generally supposed that they had all been evacuated in the spring of 1642,

²⁴⁶ Warren found refuge in Haverfordwest as vicar of St. Mary's (Francis Green & T.W. Barker, 'Pembrokeshire Parsons', *Transactions of the Historical Society of West Wales*, ii (1911-12), p.193).

²⁴⁷ In addition, it was ordered that Ley should be fined for contempt for resigning the post (Kilkenny Corporation Archives, Irishtown Corporation Book, 1538-1661, fol. 110r).

²⁴⁸ Cox, *Hibernia Anglicana*, p.73. Orders for the civic watch survive in the Tholsel, dated 27 November 1641: Kilkenny Corporation Archives, Ms. CR/K.57. For further details of its organisation during 1642 see J.G.A. Prim, 'Documents concerned with the Kilkenny City Militia during the 17th and 18th Centuries', *Kilkenny & S.E. of I. Arch. Soc. Jnl.*, 1st series, iii (1854/5), pp 235-6.

²⁴⁹ Patrick J. Corish, 'David Rothe, Bishop of Ossory, 1618-50', *Butler Soc. Jnl.*, ii, no.3 (1984), pp 320-1.

²⁵⁰ Richard was married to Ellice Rothe, the daughter of the bishop's nephew Richard Rothe fitz Edward. For the opening of the gates, see Deposition of Peter Pynchory, 16 April 1642 (T.C.D., Ms. 812, ff 200r-201r).

²⁵¹ Deposition of William Lucas, 16 June 1643 (Ibid. fol. 220).

²⁵² Deposition of James Benn, 3 July 1643 (Ibid. ff 213r-214v).

escorted south by Mountgarret and Colonel Pierce Butler to Waterford harbour, whence on 31 March they took passage with the countess of Ormond to Dublin.²⁵³ However, those who went to Waterford in 1642 chose to do so. They had not been made to leave Kilkenny. Rather, Mountgarret had offered them the opportunity to go, probably because he could not absolutely guarantee their safety if they remained. Despite this, not everyone left. Many believed that Mountgarret would be able to protect them. Their faith in him was rewarded, and it was only while the truce of 1643 was being negotiated, and the country made safer for travel, that they finally left Kilkenny for Dublin.²⁵⁴ Clearly, then, it was not the fault of viscount Mountgarret or his officers that those Protestants who had chosen to leave Kilkenny in March 1642 had had to endure miserable conditions outside the walls of Waterford. Like the others, they could have remained in Kilkenny a good deal longer without suffering any harm.

Overall, it would be fair to say that, in comparison to events elsewhere, local English Protestants got off fairly lightly in County Kilkenny in 1641/2. The same could not be said of the earl of Ormond and his supporters. One of the principal objectives of the rebellion was the extirpation of the Ormond interest in the shire. As soon as the revolt began the insurgents made the Ormond estate a chief target for attack. It was imperative for the success of the rebellion that the estate be secured, and at Market Castle, Dunmore and Kilderry some skirmishes or battles seem to have taken place with the supporters (or sub-tenants) of Earl James's English Protestant tenants-in-chief, William Alfrey, Oliver Wheeler and Sir John Temple respectively. In each case the occupants were driven away and the property was ransacked.²⁵⁵ It should be noted that, in stark contrast to earlier uprisings that had threatened his ancestors in Elizabethan times, none of the twelfth earl's local gentlemen-tenants lifted a finger in defence of his land; quite the opposite, in fact. The rebellion had their support, and some of them, such as the Bryans of Bawnmore and the Butlers of Barrowmount and Aghtubbrid, were prominent rebel leaders, and may even have led the attack on the earl's estate. The last vestiges of the Ormond lordship were crumbling away.

The earl's authority had collapsed completely. His rental for Easter 1642, a hitherto neglected source, demonstrates all too clearly that only a handful of his tenants (the traditional bedrock of the lordship) continued to recognise his rights as overlord by paying rent to his wife, the countess, at Kilkenny Castle before she embarked for Dublin from Waterford in March.²⁵⁶ This is not very surprising. As we have seen above, long before November 1641 Earl James had burned his bridges with the County Kilkenny community. What is remarkable, however, given the generally uncritical treatment the earl has received from historians, is the level of animosity that continued to be directed against him after his family and followers had been driven out of the area. On 15 November 1642, just a year after the outbreak of the County Kilkenny revolt, a local gentleman named John Purcell was captured by Sir Maurice Eustace, one of Ormond's supporters in the Pale. On examination he revealed just how great the level of ill-feeling had become between Ormond and others of the Butler dynasty, stating that Mountgarret and the rest 'do all extremely inveigh against ... Ormond for separating himself from them.' Indeed, so great

²⁵³ National Maritime Museum, Greenwich, Ms. And. 44, fol. 3r.

²⁵⁴ Depositions of John Bishop, Mary Corne, James Benn, William Dandie, George Hilton, Edward Bishop, Richard Harrison, John Keavan and William Lucas (T.C.D., Ms. 812, ff 211r-220v).

²⁵⁵ For details of the attack on Sir John Temple's leasehold, see Deposition of Edward Lyons, 19 and 22 March 1642 (T.C.D., Ms. 812, ff 20-3). The extent of rebel action on the Ormond lands is indicated in Earl James's rental for Easter 1642 (N.L.I., Ms. 2506, ff 185r-188r).

²⁵⁶ The tenants who paid her rent before she sailed from Waterford were James Comerford, Richard Comerford, Joseph Wheeler (who paid in corn), Oliver Wheeler, Sir Edward Butler of Duiske, 'Mr St. Leger', and Richard Tobin. Sir Richard Butler of Knocktopher paid her in Dublin at Easter (Ibid).

was their hatred for Earl James that Purcell reckoned he would need a very strong bodyguard for his protection should he choose to venture south from Dublin. Apparently 'many hundreds' of the rebels in Kilkenny had taken an oath to kill the earl the next time that they encountered him in the field.²⁵⁷

It was not an idle threat. Earlier in the year Ormond had delivered a telling blow to the local rebels, taking command of a detachment of the government army and marching to Knockaterife in County Kildare where he easily defeated the Kilkenny forces led by viscount Mountgarret, killing 600-700 of them, and in the process revealing Mountgarret's shortcomings as a soldier.²⁵⁸ The battle marked the absolute end of the Ormond lordship in County Kilkenny, making it plain for all to see that Ormond was at war with his own flesh and blood. It was a grim showdown, with no love lost between the earl and his kin, and the English onlookers under Ormond's command were astonished (and impressed) by the level of his own malevolence towards Mountgarret and the rest of his Butler relatives. In particular, Ormond had declared his intention to kill his own brother, Richard Butler of Kilcash, who had dared to enter the battlefield against him, and throughout the day Ormond 'had made diligent enquiry after him as after a traitor',²⁵⁹ determined to make him pay with his life for participating in the overthrow of the earldom. Although Richard evaded his grasp, Ormond did get some revenge on the Butler dynasty when the severed head of the baron of Dunboyne's brother was brought in by government troops after the battle.²⁶⁰ Clearly the rebels' subsequent vow to kill Ormond was not without its own grisly precedent.

The conflict between the shire rebels and the Dublin government continued to manifest itself as an internal Butler vendetta even after October 1642, when Mountgarret convened the General Assembly of 'the Confederate Catholics of Ireland'²⁶¹ in Kilkenny, and thereby transformed the city into a Catholic capital and rival centre of government to Dublin, where Ormond had charge of military affairs. A little earlier a document addressed to Ormond that was signed by Mountgarret, Ikerrin, Dunboyne, Edmund Butler of Baleen and Pierce Butler of Barrowmount (as well as by several other Catholic leaders from Kilkenny and the Pale), spoke eloquently of how far the rift between the earl and the rebels had gone. The rebels freely acknowledged 'how little cause ... we have to expect any favours of your lordship', and made it plain that they only wrote to Ormond because he was so highly esteemed by Charles I and might be willing, for honour's sake, to pass on their petition to the monarch in England. Despite such a meagre request, they still felt the need to urge Ormond to do as they asked. The simple dispatch of a petition, they argued, was something which the earl could not 'in justice deny' or refuse to do, if only out of duty to the king. Evidently, though both espoused similar objectives, claiming to act for the defence of 'his sacred majesty' the king, there was barely any room for dialogue between them.²⁶²

²⁵⁷ H.M.C., *Ormonde MSS. 1543-1700*, p.53.

²⁵⁸ The author of the well known Catholic tract, the *Aphorismical Discovery*, was incredulous regarding Mountgarret's military failings, and even suggested that the viscount had deliberately orchestrated the defeat so that Ormond, his kinsman, would be able to dominate and manipulate the rebels in Kilkenny: Gilbert (ed.), *Contemporary History*, i, pt.1, pp 29-30.

²⁵⁹ H.M.C., *Ormonde MSS.* ii (London 1899), p.7.

²⁶⁰ *Ibid.* p.6.

²⁶¹ This is the correct contemporary name for what historians have since called the 'Confederation of Kilkenny': J.C. Beckett, 'The Confederation of Kilkenny Reviewed', in *Idem. Confrontations: Studies in Irish History* (Belfast 1972), p.48.

²⁶² James Hogan (ed.), *Letters & Papers relating to the Irish Rebellion, 1642-6* (Dublin 1936), pp 96-7.

This animosity and mistrust continued long after the Catholic Confederacy was established in Kilkenny. For example, in December 1642 a detachment of Ormond's army broke off from an attack on New Ross to lay waste to Mountgarret's estate in County Wexford;²⁶³ there seems to have been little strategic value to the raid, other than to strike a blow at Mountgarret's wealth and standing.²⁶⁴ Moreover, the ill-feeling remained on display even after a truce had been agreed between Ormond and the Confederate Catholics in September 1643. Sitting in his chamber at Dublin Castle, Ormond (by now a marquis) dashed off a letter to Dr Garret Fennell, his erstwhile physician who was still a trusted servant. The letter was brief, containing a mere five sentences, but despite this it provides a revealing insight into Ormond's predicament. In the frankest of terms he explained his reasons for not having contacted Fennell sooner. It would have been dangerous, he said, to have written directly 'in this open way', without using a code; dangerous, that is, to Fennell, for the marquis fully realised that the Kilkenny and Tipperary population had turned against him, and were liable to harm anyone who continued to be associated with him. Even now, barely two weeks after finalising the truce with Mountgarret and the Confederate leaders, Ormond could not afford to risk exposing Fennell as his secret agent in the Catholic assembly. The general public in Kilkenny remained hostile to him, mistrusting the terms of the ceasefire that he had made with their superiors. Fortunately for Fennell, Ormond was sensible enough to order the bearer to deliver it to him in private, 'to avoid the prejudice these [lines] may do you'.²⁶⁵

Conclusion.

Ormond's brief little letter to Garret Fennell provides an appropriate end-point to this study. It not only demonstrates just how unpopular Ormond was in the Kilkenny region, but it also challenges some long-cherished scholarly opinions concerning the nature of the Catholic Confederacy that had emerged inside his former lordship. Some historians have assumed that the marquis of Ormond was still very much an active force in Kilkenny after the establishment of the Confederacy there in October 1642. He was not. Fennell was his only supporter among the local Catholic leaders before 1646 (when the curious Franciscan father, Peter Walsh, appeared on the scene).²⁶⁶ and as we have seen Fennell, for fear of his life, had to keep his loyalty to his master hidden from view.²⁶⁷ The vast majority of the Confederates had no time for Ormond or the style of government that he represented. Indeed, the determination to distance themselves from him and the rest of the disgraced Dublin executive was one of the main reasons why in 1642 the County Kilkenny community had supported Mountgarret's suggestion to summon a Catholic crypto-parliament in Kilkenny city.²⁶⁸

The Confederacy was not in Ormond's pocket. To maintain, as several scholars have since done, that he exerted much influence over its leaders before 1645 is not merely teleological, but largely groundless. Just because he split the Confederacy after 1645 does not

²⁶³ This should not be confused with Ormond's subsequent assault on New Ross, which occurred on 18 March 1643; see C.P. Meehan, *The Confederation of Kilkenny* (revised edn., Dublin 1905), Appendix, pp293-7 for an account of that battle.

²⁶⁴ John Roche to Mountgarret, 21 Dec. 1642 (N.A.I., Paulet (Fitzpatrick) Papers, M.3179).

²⁶⁵ Brocard M. Mansfield, 'The Marquis of Ormonde to Dr Fennell', *Butler Soc. Jnl.*, ii, No. 4 (1985), p.391.

²⁶⁶ James Brennan, 'Peter Walsh and the Confederation of Kilkenny', *Old Kilkenny Review*, iv, No. 2 (1990), pp 760-6.

²⁶⁷ Especially as his cover had nearly been blown in 1642 when one of his letters to the President of Munster, Sir William St. Leger - written in cipher - had been intercepted by Mountgarret's people. Although he managed to explain the letter away, ever since then he had been viewed with suspicion by some of the Confederate leaders in Kilkenny: Gilbert, *Contemporary History*, i, p.40, and H.M.C., *Egmont MSS*, i, pp 166-7.

²⁶⁸ The earl of Cork scoffed at Mountgarret's constitutionalist pretensions, in 1642 recording 'My Lo: Mountgarret (as he calls it) is holding a Parliament at Kilkenny' (B.L., Egerton Ms. 80, p.99).

mean that he had been bound to do so: nothing of the sort. The decision of some Catholics to side with him and against the papal legate, Cardinal Rinnuccini, had rather more to do with the latter's failings as a consensus politician than Ormond's ability to convince the rebels that he could serve them better. Nor was there a large group of covert pro-Ormond sympathisers active among the Confederate leadership. This notion owes its origins to the *Aphorismicall Discovery*, a pro-Rinnuccini tract written after the final collapse of the Confederacy, a bitter highly partisan account that saw Ormond's hand everywhere that the cardinal's policies failed, and sought to slur Mountgarret and others as mere creatures of Ormond because they had opposed the cardinal for reasons of their own.²⁶⁹ And for his own part, of course, Ormond is known to have found the task of negotiating with the Kilkenny Catholics distasteful.²⁷⁰

Had the junior Butlers and the rest of the County Kilkenny elite felt able to trust James Butler, twelfth earl and marquis of Ormond - and he them - the history of the 1640s, not just in Ireland, but all over Britain, might have turned out very differently. For one thing, the ceasefire of September 1643 would not have taken so long to negotiate as it did - almost eight months - and had it been tied up quicker, then Charles I might have found himself in a much stronger position in the early stages of the English Civil War. Likewise, had the Confederates of Kilkenny been able to accommodate themselves with Ormond shortly after the 1643 ceasefire, then the royalist cause might well have triumphed. As Professor Beckett commented many years ago, a junction of forces between Ormond in Dublin and the Confederate Catholics in Kilkenny sometime in 1644 'might have changed the whole course of the war' that was raging across Britain.²⁷¹ However, although Beckett was right to point this out, he was wrong to assume that such a junction was then a serious possibility. Even in 1644 (and later still) the Catholics of Kilkenny could not lie down with their former overlord. In this lay the seeds of their final destruction.

²⁶⁹ It is reprinted in Gilbert, *Contemporary History*, i, pp 39-40.

²⁷⁰ Scott Wheeler, 'Four Armies in Ireland', in Jane Ohlmeyer (ed.), *Ireland from Independence to Occupation* (Cambridge 1995), p. 48. See also John Lowe, 'Charles I and the Confederation of Kilkenny, 1643-9', *I.H.S.*, xiv (March 1964), pp 1-19.

²⁷¹ Beckett, 'Confederation of Kilkenny Reviewed', p. 62.

Conclusion

It is important to place the fall of the Ormond lordship after 1614 in its proper perspective. When in 1631 Walter, eleventh earl of Ormond, made his most famous remark, objecting to the government's plans to proceed with the confiscation and plantation of part of his inheritance in north Tipperary, on the grounds that he was the first of the 'Old English' to be treated as if he were Irish,¹ he was being deliberately disingenuous. Nearly seventy years previously, during the 1560s (while Walter was a child), his fellow Old English the Cheevers of Maston had been confronted by the threat of state-sanctioned confiscation of their land on the grounds that they lacked proper English legal title to it. So too had Walter's uncle, Sir Edmund Butler of Cloghgrenan, who as seen in Chapter 3, had gone out into revolt in 1569 rather than lose part of Idrone, County Carlow, to an opportunistic, and highly arbitrary, government forfeiture.² Since then several other prominent Anglo-Irish, or 'Old English', families had had lands confiscated by the state: for instance, following the accession of James I in 1603 the Nugents of Delvin had lost possession of land in County Longford, and an official attempt had also been made to dispossess the Fitzgeralds of the Decies of their estate in County Waterford.³ Earl Walter, then, was most definitely *not* the first 'Old English' lord to be confronted by an English central administration determined to deprive him of land as if he were 'mere Irish', denying him title to it at English law.

Yet there was something in his aspersion all the same: finally, after a hundred years of crown support in which the earldom of Ormond had gone from strength to strength, it had been suddenly reduced to the level of any other Irish lordship. Its special status as a satellite of the English crown had ended, and its palatine liberty in Tipperary, the last aristocratic liberty in Ireland, had gone, abolished in 1621. Once very wealthy, the earldom had fallen massively into debt due to crown interference in its affairs. The fact that part of its territory was scheduled for plantation set the seal on its demotion into the ranks of the 'mere Irishry'. Like many lordships before it, and in spite of its long record of loyalty to the crown, the earldom of Ormond had been humbled by the English reconquest of Ireland. The apparent improvement of the political status of the earldom after Walter's death was only a mirage. Debts continued to pile up. Part of the price required by the state of his grandson and successor, Earl James, for renewing its support to him was his full cooperation in the north Tipperary plantation scheme.⁴ That James eventually acquiesced in the government's

¹ Ormond to Dorchester, Jan. 1631 (Bod. Lib., Oxford, Carte MSS, Vol. 30, fol. 259). His comments have become a common feature of various academic studies of the early seventeenth century, e.g. Aidan Clarke, 'Selling Royal Favours, 1624-32', *N.H.L.*, iii (Oxford 1976), p. 242; Conrad Russell, *The Causes of the English Civil War* (Oxford 1990), p. 55; William Kelly, 'Ormond and Strafford, pupil and mentor?', *Butler Soc. Jnl.*, iv, No. 1 (1997), p. 90.

² Nicholas Canny, *The Elizabethan conquest of Ireland: a pattern established, 1565-76* (Hassocks 1976), chap. 4, remains the most important statement on the English confiscation/plantation schemes during this period.

³ Raymond Gillespie, 'A Question of Survival: The O'Farrells and Longford in the seventeenth century', in Raymond Gillespie & Gerard Moran (eds.), *Longford: Essays in County History* (Dublin 1991), pp. 15-16. Summary discourse of the Decies, 1612 (Lambeth Palace Library, Ms. 610, ff. 87r-88v). In County Cork between c1590 and 1618 the Barrys Oge of Rincorran struggled to secure their title to their shrivelling estate against the intrusive activities of local English administrators. Kenneth Nicholls, 'The Development of Lordship in County Cork, 1300-1600', in Patrick O'Flanagan & Cornelius G. Buttimer (eds.), *Cork: History & Society* (Dublin 1993), pp. 184-5.

⁴ Attorney General to Ormond, 11 Sept. 1633 (Bod. Lib., Oxford, Carte MSS, Vol. 30, fol. 266).

demands⁵ amply testified to the fact that the era of Ormond autonomy in Kilkenny and Tipperary was finished. Following the initial government assault on the earldom in 1614 it had become increasingly important that the earls avoid further confrontation with the state. The Ormond lordship had been subjugated.

It is truly remarkable that the lordship had avoided capitulation and retained its independence for as long as it did. At times in the hundred-year period following the establishment of a new line of earls by Piers Ruadh Butler in 1515 the Ormond country around Kilkenny had enjoyed a charmed existence. The earls' political abilities, and their close ties to the monarchy, had enabled them to protect their territory from a multitude of dangers. Under the boy-king Edward VI the plans of the Irish administration to profit from the wardship of the tenth earl, hoping to seize Kilkenny Castle as a viceregal residence and establish royal garrisons in the Butlers' outlying fortresses, had been diverted fairly easily in London, where the family had influence. In the reign of Elizabeth I Kilkenny had not experienced the full horrors of martial law (and its attendant government execution squads) until 1582-3, something that had set it apart from its nearest neighbours in the south, as thousands of people were summarily put to death across Wexford, Carlow, Kildare, Queen's County, King's County, Limerick and Cork during the 1550s, '60s and '70s.⁶ During the Nine Years War that brought the sixteenth century conflict to a close Kilkenny and east Tipperary had seemed like a haven of peace and plenty in a land ravaged by war and famine. The local population may even have increased, as refugees from other less well defended regions poured in seeking sanctuary.

Across the country the power and prestige of the earls had grown accordingly, reaching its peak under Thomas, the tenth earl, who had dominated affairs in Elizabethan Ireland at a time when many other Irish lords were weakened by the strain of government expansion and some had collapsed. In stark contrast to developments within other Irish lordships, it had not been until the beginning of the seventeenth century that the earls of Ormond had lost control of local government personnel in Kilkenny, finally seeing their gentry clients displaced by outsiders imposed by Dublin. Thus, in a period of enormous political and social dislocation, the Ormond lordship had for a long time been characterised by continuity and stability, especially in its heartland, in the Nore river valley and the midland basin of County Kilkenny. But the disruption, when it came, came swiftly.

The dramatic decline of the earldom after 1614, and especially its collapse after 1633, points up one of the great under-explored themes of early seventeenth century Irish history - the continuing vitality of feudalism. Far from being some crumbling anachronism inherited from the middle ages, the principles of feudalism were deeply embedded in the Kilkenny community. Successive earls of Ormond had placed great store by the network of feudal relations that tied most sections of society to their leadership, and once the twelfth earl, James Butler, rejected the system in his search for immediate financial gain, he was himself rejected by local society. His reliance on the central power of the government left him more like Achilles than Apollo, unsteady on his feet as he turned away from the traditional responsibilities of lordship. Feudalism had more to do with social bonding and patterns of conduct than simple economics. Discontent with the new earl produced a

⁵ While still Viscount Thurles, James had supported Earl Walter's objections to the plantation scheme (John P. Prendergast, 'The projected plantation of Ormond by King Charles I', *Kilkenny Hist. & Arch. Soc. Jnl.*, I (1849-51), p.401), and as Kelly has shown, James did not finally consent to it until 1637 (Kelly, 'Ormond and Strafford', pp 94-5)

⁶ For the importance of martial law, long neglected, see David Edwards, 'Beyond Reform: Martial Law and the Tudor reconquest of Ireland', *History Ireland*, V, No. 1 (Summer 1997).

refashioning of the Butler lordship after 1633, with the local community transferring its allegiance to Earl James's grand-uncle, Richard, Viscount Mountgarret, who despite his difficulties with the colonial government in Dublin, was well connected in England, and was more willing than James to seek redress of local grievances - by outright opposition to the state, if necessary.

And so it was that Ormond rule in Kilkenny and east Tipperary collapsed under what some historians have depicted as a pragmatic modernising earl - James Butler, twelfth earl of Ormond, who, on succeeding to the title, is considered to have recognised the new circumstances of post-conquest Ireland and renegotiated the political place of his earldom in the country with the new chief governor, his ally Sir Thomas Wentworth. It is interesting that in cultivating his relationship with Wentworth, for a time Ormond displayed what Dr Kelly has dubbed an almost feudal sense of obligation towards his friend and patron.⁷ If only he had been as mindful of his own obligations at home in Kilkenny he could have served his own interests more effectively. Had he shown a little less enthusiasm for Wentworth's pursuit of 'thorough' state power, he might have helped to avert the crisis that erupted in 1641 by keeping Kilkenny and east Tipperary neutral and under his control. The Ormond lordship had always enjoyed a strategic significance in Irish politics; invariably, whoever governed Kilkenny had national influence. By modernising as he did, throwing his territories open to the divisive policies of the central government, Ormond's pragmatism was short-sighted. In the longer term it cost him dearly. Whatever his financial gains during the 1630s, he entered the 1640s still enormously in debt, and following the outbreak of full-scale civil war his finances were more precarious than ever before, as his rental income shrivelled up and his lands were seized by the Confederate Catholics.⁸ His ability to extricate himself (and the monarchy he represented) from the political maze of 1640s Ireland was severely hampered by the memory of his behaviour under Wentworth. Having supported the governor's double-cross of the Catholic M.P.s in the 1634 Parliament, and gone on to profit from the dispossession of Mountgarret, the O'Brennans and many others in Idough in 1635-6, he inevitably presented himself to his Catholic neighbours and kindred as an unprincipled turncoat. His subsequent use of coercion in Kilkenny, his eviction of tenants, and his cooperation with the north Tipperary plantation scheme increased the opprobrium directed against him, so much so that his capacity to serve the crown was severely limited. To paraphrase John Lowe, at a time of monumental mistrust between Irish Catholics and the Stuart regime, Ormond was a singularly unsuitable agent of the king.⁹ His reputation as the 'Unkinde Deserter' of the Catholic Anglo-Irish had already been born, and he found it impossible to shake off.¹⁰ Had the Cromwellian Republic that replaced Charles I not collapsed in the late 1650s Ormond would never have attained greatness. That he did so eventually was due more to accident than design.

The twelfth earl's loss of authority in County Kilkenny before 1642 points up one of the most important aspects of political life in Tudor and early Stuart Ireland - outside the

⁷ Kelly, 'Ormond and Strafford', p.96.

⁸ Raymond Gillespie, 'The Irish Economy at War, 1641-52', in Jane Ohlmeyer (ed.), *Ireland from Independence to Occupation* (Cambridge 1995), pp 178-9. In a recent conference paper Patrick Little indicated that Ormond's penurious state left him open to parliamentary bribes while serving as the king's representative in the 1640s: Patrick Little, 'The Marquess of Ormond and the English Parliament in the 1640s', given at the conference, 'From Kilkenny to Avignon: The Dukes of Ormonde, 1610-1745' at Kilkenny Castle, 21-23 March 1997.

⁹ John Lowe, 'Charles I and the Confederation of Kilkenny', *Irish Historical Studies*, xiv, No. 53 (March 1964), p.10.

¹⁰ Nicholas French, *The Unkinde Deserter of Loyall Men and True Frinds* (Louvain 1676); Toby Barnard, 'Irish images of Cromwell', in R.C. Richardson (ed.), *Images of Oliver Cromwell* (Manchester 1990), p.183.

walls of Dublin Castle, in the provinces, power was aristocratic, and as such it was personal. The personality of lords was crucial to the success or failure of lordship. For more than a century after 1515 successive earls of Ormond had attempted to impress their authority upon the local gentry on a one-to-one basis, like little monarchs holding court at the castles of Kilkenny and Carrick, where allies and supporters were honoured and erring members of the local elite privately censured.

The eighth earl, Piers Ruadh, a traditional gaelicised warlord, had sought to impress local landowners and merchants with his military prowess, suggesting he alone should have their support, as only he could guarantee them protection. Like other warlords, he was prepared to use intimidation to secure compliance, but even so he was careful not to push the Kilkenny gentry too hard, and among other things he made the inhabitants of neighbouring Wexford take the strain of supplying his troops rather than risk alienating the Kilkenny elite with excessive military taxes. Lordship was about giving as well as taking, and the more a lord was able to give, the greater his power and influence. Piers offered the gentry the chance to profit through military expansion.

His son and grandson respectively, the ninth and tenth earls, built extensively on the foundations he bequeathed them, allowing the local elite to participate in their affairs and share in their prosperity. It was entirely in the earls' own interests to honour the principles of good lordship. By retaining the loyalty of Kilkenny and the mid-south they were able to secure the favour of successive Tudor monarchs, who recognised that a strong Ormond lordship might help reduce English security costs in Ireland - in turn the ninth and tenth earls saw to it that their leading servants in Kilkenny and Tipperary had access to the monarchy in London.

Lineage mattered enormously, but successful lordship demanded other qualities - certainly, to rule Kilkenny and east Tipperary effectively it was not enough to be head of the Butlers. As some senior Butlers discovered for themselves during the later sixteenth century, obedience was not automatic. The local gentry and merchants stayed loyal to the tenth earl, 'Black' Thomas, because he responded to the popular demand for protection - protection from the excesses committed by his own brethren and some of the soldiers in the Butler army, and protection from the officers of the state who, from the 1560s onwards, showed an increasing disinclination to tolerate local autonomy. At times Earl Thomas's defence of local interests was risky, especially when it meant trying to block royal policy-makers in Dublin, but because of his high standing with Elizabeth I he was usually sure of his ability to prevail against even the most senior government officials. His efforts on behalf of the Kilkenny gentry proved worthwhile. As a rule, the county elite were willing to forgive his occasional aberrations, and they gave him steadfast support against the Butler rebels of 1569 and 1596-7, and in 1600 they raised a large ransom to buy his freedom from captivity, and twelve of the local gentry gave themselves up as hostages as a guarantee that the money would be collected, surely one of the most remarkable episodes in the history of Elizabethan Ireland.

The tenth earl's successor, Earl Walter, was also popular in the county, as following the establishment of the Stuart monarchy under James VI and I, he too tried to defend the old order against government aggression. As far as we can tell, his zeal in the Catholic cause did not alarm the local community of Kilkenny; it did, of course, alarm the state authorities, but his subsequent problems with the crown, his disinheritance, imprisonment and impoverishment, did not destroy his capacity for leadership. When he returned to Kilkenny in 1628 he was enthusiastically accepted as overlord by the local inhabitants. Mounting debts and poverty

did not prevent him exercising authority, and when he held discussions with government officials in the final years of his life he argued his case from a position of strength, not weakness - hence his defiance of the north Tipperary plantation project. The Ormond lordship, for all its financial difficulties, was still operative, because the incumbent earl continued to enjoy local support.

Ultimately, the failure of Walter's grandson, Earl James, to exercise personal influence as overlord exposes the unworkability of his so-called pragmatic alliance with Lord Deputy Wentworth and his support for Wentworth's pursuit of 'thorough' state power. In early seventeenth century Ireland more government did not mean better government, for state policies followed a strong sectarian colonialist direction. The Catholic Anglo-Irish community to which James belonged by birth had been increasingly excluded from central and local government since the early 1600s: Wentworth's alliance with him did not reverse the trend towards the anglicisation and protestantisation of power, for the young earl was a Protestant, and following his compact with Wentworth, Kilkenny's Catholics remained cut off from Dublin and London, their hopes for a restoration of their former privileges undone. And yet their participation was necessary for the successful expansion of state control, if only because the crown lacked suitable English Protestants to represent it in local government in the mid-south. The men who dominated the county administration in Kilkenny in the 1620s and '30s -Patrick Wemyss, Henry Staines, Oliver Wheeler, Sir Cyprian Horsfall - were all newcomers to the area, colonial adventurers with few connections in county society. Confined to their hands, the enforcement of government seemed intrusive, an imposition by outsiders, whereas in the past its impact had been moderated and acclimatised through traditional gentry involvement. 'Thorough' government along the lines envisaged by Wentworth, brooking no devolution and riding roughshod over established regional interests, was only possible so long as Wentworth held the reins of power. Had Wentworth not been expendable, perhaps James Butler, twelfth earl of Ormond, would have continued to prosper in spite of his mounting disrepute inside his ancestral territories. But like so many chief governors before him, Wentworth was expendable. His sudden fall in 1640-1 laid bare the rashness of Earl James's cooperation with policies designed to replace regional power with undiluted central power, for Kilkenny and its hinterland, a region of the country ostensibly under his sway, rose in revolt against him and the policies he embodied, bringing the Ormond lordship to a sudden and violent end.

Appendix

Lords, squires and gentry: the principal
landowners in County Kilkenny
in 1640

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Appendix 1

Lords, squires and gentry: the principal landowners in County Kilkenny in 1640

(Total acreage of the county: 263,000 acres. All acreages according to 1654 Plantation measure)

<i>Magnates</i>	<i>Acres</i>	<i>Manors</i>	<i>Castles</i>
The Earl and Countess of Ormond ¹	66,760	15	25
 <i>Lesser Lords</i>			
Christopher Wandesford of Castlecomer ²	21,620	1	1
Richard Butler, 3rd Viscount Mountgarret	17,440	6	3
Robert Walsh of Castlehowell	11,020	5	4
John Grace of Courtstown	9,840	1	3
Sir Edward Butler of Duiske	9,310	1	2
 <i>Squires</i>			
The Bishop of Ossory	5,700	7	4
Thomas Shortal of Ballylorcaine	5,380	3	3
Henry Archer of Muccully	5,250	2	3
Robert Rothe of Tullaghmaine	4,620	2	4
Robert Shee of Upper Court	4,300	1	5
John Cantwell of Cantwell's Court	3,590	5	3
Oliver Wheeler of Kilkeasy	3,480	1	2
Sir Walter Butler of Paulstown	3,240	1	2
Thomas Den of Grenan	3,210	2	2
Peter Strange of Dunkitt	3,140	1	2
Philip Purcell of Ballyfoyle	3,040	2	3
Sir Edmund Blanchville of Blanchvillestown ³	2,950	1	2
Richard Strange of Drumdowney	2,930	1	2
John Bryan of Bawnmore	2,840	2	2
The O'Ryans of Farren O'Ryan	2,800	0	5

Gentry

Thomas Walsh of Listerlin	2,390	1	2
David Butler of Kirrehill	2,320	1	1
Edmund Daton of Kilmodally	2,260	1	1
Thomas Freney of Ballyready	2,080	1	1
Peter Shortal of Kilbleine	1,920	1	3
John O'Dea-Fitzgerald of Gurteens	1,870	1	2
Edmund Fitzgerald of Brownesford	1,770	1	2
Oliver Shortal of Upper Clara	1,690	3	3
William Gall of Gallskill	1,670	1	2
Sir Cyprian Horsfall of Inishnag	1,620	1	2
Pierce Butler of Callan	1,610	1	2
John Comerford of Ballybur	1,550	1	2
Redmund Archdekin of Cloghlea	1,540	1	1
Robert Forstall of Kilferagh	1,530	1	1
Michael Cowley of Radestown	1,460	1	2
George St. Leger of Tullaghanbroge	1,400	1	1
David Rothe of Kilkenny	1,340	(unclear)	
William Comerford of Inchyhologhan	1,300	1	2
James Kelly of Gowran	1,300	0	2
Pierce Butler of Barrowmount	1,210	1	1
William Sweetman of Castle Eve	1,210	1	3
Richard Barron Fitzgerald of Burnchurch	1,200	1	2
David Grant of Corluddy	1,150	1	2
Gerald Grace of Legan & Ballylinch	1,140	1	2
John Leonard of Flemingstown	1,130	(unclear)	
John Archdekin of Rahinrothe	1,110	2	2
Pierce Walsh of Grangeowney	1,100	1	1
Edmund Howling of Dirrenahinch	1,070	1	2
David Tobyn of Cahirlesky	1,070	1	1
Foulk Den of Fiddown	1,050	1	2
William Walton of Walton's Grove	1,050	1	1
Col. Richard Butler of Butlerswood	1,040	1	1
Pierce Archdekin of Kilmurry	1,030	1	1
Richard Butler of Castlecomer	1,030	1	1
Philip Walsh of Knockmugline	1,000	(unclear)	
John Grace of Garryhiggin	980	1	1
Pierce Butler of Annagh	930	1	1
William Drilling of Kilberegane	900	1	1
Nicholas Aylward of Aylwardstown	870	0	1
Richard Butler of Kilcash, Co. Tipperary	850	(unclear)	
Sir Nicholas White of Leixlip, Co. Kildare	850	1	2
Robert Shortal of Tubbrid	810	1	1
Nicholas Purcell of Ballsallagh	760	0	1
John Walsh of Ballyconnaght	750	(unclear)	
Edmund Grant of Poleraine	720	0	1
James Tobyn of Killaghy, Co. Tipperary	720	0	1
James Sweetman of Hodsgrove	700	0	3
Garret Blanchville of Kilmidimoge	640	1	1
Walter Archer of Corbettstown	630	1	1
James Butler of Danginspiddoge	630	1	1

Richard Grant of Rathkieran	620	0	1
Marcus Knaresborough of Kilkenny	620	0	1
James Forstall of Forstallstown	590	0	1
Peter Forstall of Kilmacnogue	590	0	1
John Rochford of Killary	590	1	1
John Aylward of Kilculiheen	580	(unclear)	
Sir Richard Butler of Knocktopher	580	1	3
James Comerford of Ballymack	580	1	2
Edmund Grace of Kilrindowney	570	1	1
Richard Lawless of Talbot's Inch	570	1	1
Peter Shee of Kilkenny	570	0	1
Philip Purcell of Foulkesrath	550	0	1
William Walsh of Ballinrea	550	0	1
James Walsh of Corbehy	540	0	1
Thomas Grant of Ballinabooley	510	0	1
Edmund Purcell of Esker	500	0	1

Notes:

¹ According to the Cromwellian Survey Book of Distribution (N.L.I., Ms. 975) the earl and countess held only 59,420 acres in the county in 1641. This figure cannot be accepted. The Ormond lands in the barony of Kells, amounting to approximately 3,140 acres (1641 measure) were almost entirely omitted by the Cromwellian surveyors. Moreover, an account made circa 1667 for the duke of Ormond by Thomas Elliott, the Deputy-Surveyor of Ireland (N.L.I., Ms. 2560), draws attention to a further 1,930 acres which overlooked in the Survey Book of Distribution. It is interesting to note that these lands were included in the Civil Survey, the original of which was available to Elliott, and their subsequent omission from the Book of Distribution is an indication of the shoddy quality of the transcriptions made by the Book's compilers. Furthermore, there is reason to believe that an additional 1,780 acres or so (situated respectively at Rathlogan, Rosbercon, Ballytarsney, Doornane, Polroane, Kells, Cottrellsgrove and Cloghasty) were likewise in Ormond hands in 1641; not only do some of them appear in the Ormond rental for 1642 (N.L.I., Ms. 2506, fol. 187v), but the others were part of the estate in 1618 (*Cal. Patent Rolls Ire., James I*, pp 455-9), and thereafter there is no record of their transfer out of the dynasty's hands. Finally, the estate of 490 acres at Kilderry apportioned to Sir John Temple in the Survey Book of Distribution was in fact held by Sir John on lease from the earl (N.L.I., Ms. 2506, fol. 187v).

² The Survey Book of Distribution is hopelessly inaccurate about the Wandesford estate, omitting most of the townlands and half of the acreage which had been confirmed to Christopher Wandesford by royal grant in 1639. For the full listing see McCall, *Family of Wandesford*, Appendix.

³ Because Sir Edmund was declared a 'lunatic' by the authorities, the estate was effectively controlled for many years before his death by his eldest son and heir, Gerald Blanchville (Carrigan, *Ossory*, iii, p.415).

Appendix 2

The Demography of the Kilkenny elite:

A sample taken of the generation of landlords and
merchants who died before 1640

Extracted from extant Funeral Entries and Inquisitions Post Mortem

Note: those marked * = New English

Date of father's death	Name of deceased	Children			Non-survivors (if known)	Age of heir/ heiress
		Total	Male	Female		
1594	G. Blanchville	9	6	3	4	9
1602	Viscount Mountgarret	13	7	6	1	over 21
c1616	J. Rochford	13	7	6	-	14
1621	D. Fitzgerald	8	5	3	-	30
1622	L. Shee	8	2	6	-	over 21
1626	W. Archer	6	5	1	-	over 21
1627	W. Lawless	5	3	2	-	over 21
1628	J. Bryan	9	5	4	-	over 21
1629	E. Daton	10	6	4	-	c30
1630	P. Butler	6	4	2	1	minor
1632	N. Langton	11	8	3	1	43
1632	Idem (2nd marriage)	14	4	10	5	26
1632	W. Purcell	8	3	5	-	21
1633	J. Shee	3	1	2	-	over 21
c1634	P. Den	16	12	4	-	over 21
1635	R. Cowley	6	5	1	-	over 21
1635	V. Knatchbull*	4	3	1	-	-
1635	J. Shortal	7	5	2	-	28
1635	J. Walsh	0	0	0	-	-
1635	Idem (2nd marriage)	5	3	2	1	28
1636	E. Butler	13	5	8	-	20
1636	R. Purcell	10	5	5	-	40
1636	J. Walsh	8	5	3	-	-
1637	R. Comerford	14	3	11	6	c47
1637	O. Grace	6	4	2	-	minor
1637	P. Walsh	7	4	3	3	minor
1638	F. Crispe*	7	1	6	-	-
1638	T. Merry	2	1	1	-	minor
1638	H. Shee	4	2	2	-	9
1639	R. Pembroke*	4	1	3	2	over 21
1639	H. Staines*	1	0	1	-	over 21
1640	W. Best	0	0	0	-	-
		<u>237</u>	<u>125</u>	<u>112</u>	<u>24</u>	

Results:

1. Average number of children (a) per marriage (all cases): 7.4
(b) per Anglo-Irish marriage: 8.0
(c) per New English marriage: 3.0
2. Infertility: Percentage of barren marriages: 6%
3. Infant mortality
Children pre-deceasing their fathers - (a) minimum (whole sample): 10%
(b) maximum (omitting unknowns): 29%
4. Sex ratio: Percentage of Male children born: 53%
Percentage of Female children: 47%
5. Successional problems
Succession by a minor: (a) minimum (entire sample): 25%
(b) maximum (excluding unknown cases): 30%

Appendix 3

Sheriffs of County Kilkenny, 1515-1642¹

1514-15	Sir Piers Butler of Pottlerath ²
1515	Sir John Grace of Courtstown ³
1516	Sir Piers Butler of Pottlerath, nominal earl of Ormond ⁴
1518	Roland Fitzgerald of Burnchurch ⁵
1523	Roland Fitzgerald of Burnchurch ⁶
1524	Roland Fitzgerald of Burnchurch ⁷
1525	Fulk Den of Grenan ⁸
1526	Fulk Den of Grenan
1527	Fulk Den of Grenan
1528	Fulk Den of Grenan
1531	Fulk Den of Grenan ⁹
1532	Oliver Grace of Courtstown ¹⁰
1535	Roland Fitzgerald of Burnchurch ¹¹
1542	Roland Fitzgerald of Burnchurch ¹²
1543	James Sweetman of Castle Eve ¹³
1544	Patrick Purcell of Ballyfoyle ¹⁴
1549	James Comerford of Ballymack ¹⁵
1551-2	John Fitzgerald of Burnchurch, killed in office ¹⁶
1555	James Comerford of Ballymack ¹⁷
1558	James Comerford of Ballymack ¹⁸

¹ In the following list of sheriffs I have attempted to corroborate, extend and (where necessary) revise the work of the antiquarian and genealogist, G.D. Burtchaell who, in his book *Members of Parliament for the County and City of Kilkenny* (Dublin 1888) gave an extensive but sometimes inaccurate shrieval register (Ibid, Appendix VII, pp 249-50). Although he made use of some of the official archives that were subsequently lost in the 1922 fire in the Dublin Public Record Office, Burtchaell did not always read the material carefully. It is fortunate that quite a lot of transcripts by other scholars have survived to facilitate a proper check of his findings.

² Burtchaell, *Members*, p.249.

³ Sheffield Grace, *Memorials of the Family of Grace* (2 vols., London 1823), i, unpaginated pedigree.

⁴ N.A.I., Ferguson MSS, Exchequer Memoranda Rolls, Henry VIII, p.38.

⁵ Ibid, p.53.

⁶ Ibid, p.67.

⁷ Ibid.

⁸ Ibid, p.113. Although Burtchaell claims that Den was sheriff for the entire period 1526-32 (Burtchaell, *Members*, p.249), it is very likely that he speculated for the period 1529-30. No shrieval list survives among the Exchequer proffers for those years. All that can safely be said is that the 1530 incumbent was the same as that for 1529; sadly, his name is not recorded (N.A.I., Ferguson MSS, Exchequer Memoranda Rolls, Henry VIII, p.136).

⁹ Ibid, p.152.

¹⁰ Burtchaell, *Members*, p.249.

¹¹ *Cal. Patent Rolls Ire., Henry VIII-Eliz. I*, p.15. Burtchaell names him as sheriff in 1536, but this may only refer to the end of the 1535-6 shrieval year.

¹² *C.O.D.*, iv, no. 281.

¹³ Ibid, no. 307; N.A.I., Ferguson MSS, Exchequer Memoranda Rolls, Henry VIII, p.222.

¹⁴ Ibid, p.284.

¹⁵ *Cal. Fiants Ire., Edward VI*, nos. 248, 504; *Cal. Patent Rolls Ire., Henry VIII-Eliz. I*, p.206; *C.O.D.*, v, no. 14 (1).

¹⁶ *Cal. Fiants Ire., Philip & Mary*, no. 162; Walsh's report of Ireland, n.d., 1552 (P.R.O., S.P. 61/4/72).

¹⁷ *C.O.D.*, v, no. 54.

¹⁸ Burtchaell, *Members*, pp 249-50.

1559	James Comerford of Ballymack, killed in office ¹⁹
1560	Lewis Bryan of Bawnmore ²⁰
1562	Patrick Sherlock of Burnchurch ²¹
1564	William Sweetman of Castle Eve ²²
1565	Gerald Blanchville of Blanchvillestown ²³
1566	James Butler, baron of Dunboyne ²⁴
1567	Thomas Masterson of Kilkenny ²⁵
1568	Patrick Sherlock ²⁶
1569	John Cantwell of Cantwell's Court, killed in office ²⁷
1570	Oliver Grace of Ballylinch ²⁸
1571	Patrick Sherlock ²⁹
1572	Walter Gall of Gallstown ³⁰
1573	Walter Gall of Gallstown ³¹
1574	Walter Butler of Paulstown ³²
1575	Thomas Den of Grenan ³³
1576	Patrick Sherlock of St. Katherine's, Waterford ³⁴
1577	Richard Fitzgerald of Burnchurch ³⁵
1578	Patrick Sherlock of St. Katherine's, Waterford ³⁶
1579	Walter Walsh of Castlehowell ³⁷
1582	Francis Lovellof Dublin ³⁸
1584	Francis Lovell of Lismacteige ³⁹
1585	Thomas Cantwell of Cantwell's Court ⁴⁰

¹⁹ Comerford was appointed on 24 January (*Cal. Patent Rolls Ire., Henry VIII-Eliz. I*, p.416), and was named on subsequent commissions of martial law and muster and array during March, April and May (N.A.I. Lodge MSS, Articles with Irish chiefs, etc., p.94). He was still serving on 17 August (*Cal. Fiants Ire., Eliz. I*, no. 128).

²⁰ N.A.I. Ferguson MSS, Exchequer Memoranda Rolls, Eliz. I, p.85. Burtchaell dated his office to 1561, but the reference in Ferguson clearly refers to 1560-1.

²¹ Sherlock was appointed on 27 January anno 3 Eliz. I, i.e. 1562 (*Ibid.*), and was pardoned with some of his posse, including 'the captain of the sheriff's kerne'. Gerald Archdekin of Bawnballymore (alias Bawnballinlogh), on 25 February following (*Cal. Fiants Ire., Eliz. I*, no. 406).

²² Named as a martial law commissioner on 14 July (H.M.C., *Ir. Privy Council Bk., 1556-71*, p.138).

²³ Carrigan, *Ossory*, iii, pp 414-5.

²⁴ 'Sheriff for the time being', circa 1566. Unfortunately the date on the fiant was damaged (*Cal. Fiants Ire., Eliz. I*, no. 953).

²⁵ Appointed sheriff after 7 Oct. 1567 and before 20 Oct., when he was granted a martial law commission (*Ibid.*, nos. 1185, 1196).

²⁶ Burtchaell, *Members*, pp 249-50.

²⁷ Sheriff Cantwell received a commission for martial law on 10 Feb. 1569 (*Cal. Fiants Ire., Eliz. I*, no. 1261). He was still exercising his office on 3 Nov., but was killed by rebels shortly afterwards (pp 190-1 above, and *C.O.D.*, v, no. 157). Burtchaell named him as sheriff for 1568, but this probably refers to the old style year, beginning in March.

²⁸ Burtchaell, pp 249-50, where Grace is entered incorrectly for 1571.

²⁹ *C.O.D.*, v, no. 185.

³⁰ He had been appointed in October (Sir Edmund Butler to Shee and Gall, 20 Oct. 1572, P.R.O., S.P. 63/38/24, inclosure i).

³¹ He was still sheriff on 26 June 1574, but was replaced before 26 October. His sub-sheriff was Patrick St. Leger of Kilkenny, a clerk (*Cal. Fiants Ire., Eliz. I*, nos. 2417, 2486).

³² *Ibid.*, no. 2700.

³³ N.A.I., Ferguson MSS, Reportory to Memoranda Rolls, Edward VI - Elizabeth I, p.176.

³⁴ He had a commission for martial law on on 19 Nov. 1576 (*Cal. Fiants Ire., Eliz. I*, no. 2937).

³⁵ He is named as 'late sheriff' of the county in a document dated 9 Feb. 1580 (*Cal. Carew MSS, 1575-88*, no. 297), but it seems logical that he filled the office in 1577-8.

³⁶ He was acting sheriff of Kilkenny when he brought Shane Brenagh before Lord Justice Drury at Waterford on 10 Oct. 1578 (Brenagh's submission, 10 Oct. 1578 (P.R.O., S.P. 63/63/7); *Cal. Carew MSS, 1575-88*, no. 109). Burtchaell names Richard Butler as sheriff, but I can find no evidence to corroborate this.

³⁷ Walsh was picked by Lord Justice Pelham on 25 Nov. 1579 (*Ibid.*, no. 178). He was granted a commission of martial law on 1 May 1580 (*Cal. Fiants Ire., Eliz. I*, no. 3636).

³⁸ Lovell was sworn as sheriff on 1 Dec. 1582, and served until 30 Sept. 1583: List of traitors slain, circa March 1584 (P.R.O., S.P. 63/108/34). His sub-sheriff was Patrick Shortal of Ballyvonte (*Cal. Fiants Ire., Eliz. I*, no. 3960).

³⁹ Ormond to Burghley, 8 Jan. 1584: P.R.O., S.P. 63/107/13.

⁴⁰ Cantwell received a commission of martial law on 30 Jan. 1585 (*Cal. Fiants Ire., Eliz. I*, no. 4601).

1586	Walter Walsh of Castlehowell ⁴¹
1587	Francis Lovell of Lismacteige ⁴²
1588	Richard Shee of Kilkenny ⁴³
1589	Piers Butler of Duiske ⁴⁴
1590	John Grace of Grace's Court ⁴⁵
1591	John Sweetman of Castle Eve ⁴⁶
1592	Richard Fitzgerald of Burnchurch ⁴⁷
1594	Thomas Cantwell of Cantwell's Court ⁴⁸
1595	Piers Butler of Duiske ⁴⁹
1596	Richard Butler of Paulstown ⁵⁰
1602	Oliver Grace ⁵¹
1604	Richard Fitzgerald of Burnchurch ⁵²
1605	Captain Denis Daly ⁵³
1608	Lucas Shee of Upper Court ⁵⁴
1609	Cyprian Horsfall of Kilkenny ⁵⁵
1610	Edmund Walsh of Castlehowell ⁵⁶
1613	John Butler fitz John of Callan ⁵⁷
1614	Thomas Daniel of Kilkenny ⁵⁸
1615	Sir Oliver Shortal of Ballylorcaine ⁵⁹
1616	Clement Daniel of Kilkenny ⁶⁰
1617	Walter Gall of Gallstown ⁶¹
1618	Henry Staines of Dublin ⁶²

⁴¹ Ibid. no.4993.

⁴² He received a commission for martial law on 14 Jan. (Ibid. nos. 4955, 5060).

⁴³ Shee became a martial law commissioner on 2 Feb. 1589 (Ibid. no. 5292).

⁴⁴ Burtchaell, *Members*, pp 249-50.

⁴⁵ Note of Irish petitions, 18 Dec. 1591 (P.R.O., S.P. 63/161/39); Petition of John Grace, June 1593 (Ibid. S.P. 63/170/25). He was responsible for the execution of Art and Dermot McMurtogh Kavanagh of Garryhill before 12 May 1591: Kenneth Nicholls, 'The Kavanaghs, 1400-1700', *Irish Genealogist*, vi, No. 2 (1981), p.195.

⁴⁶ Burtchaell, *Members*, pp 249-50, dates his office to 1592, but 1591-2 seems more plausible.

⁴⁷ Bod. Lib., Oxford, Ms. Talbot b.10/38: according to this, a memorandum of Exchequer proceedings in 1595, Fitzgerald filled the shrievalty on 1 April 1593.

⁴⁸ Burtchaell, *Members*, pp 249-50.

⁴⁹ *C.O.D.*, vi, no. 99 (2).

⁵⁰ *Cal. Carew MSS. 1589-1600*, no. 260 (v).

⁵¹ Burtchaell, *Members*, pp 249-50.

⁵² N.L.I., Ms. 4147.

⁵³ N.A.I., Ferguson MSS, Equity Exchequer Orders, 1604-18, p. 31.

⁵⁴ Ibid, pp 190 and 197.

⁵⁵ Recorded as the 'late sheriff' when he appeared in Exchequer circa 1611 (Ibid. Ferguson MSS, Abstracts of Exchequer Orders, 1592-1657, p.129). If Burtchaell is correct in giving Edmund Walsh as sheriff for 1610, then 1609-10 is the latest that Horsfall can have held the post.

⁵⁶ Burtchaell, *Members*, pp 249-50. He was the second son of Walter Walsh, the former sheriff, who was then approximately 70 years old.

⁵⁷ N.A.I., Ferguson MSS, Abstracts of Exchequer Orders, 1592-1657, pp 152, 156 and 160.

⁵⁸ Ibid, p.194.

⁵⁹ Burtchaell, *Members*, pp 249-50, who dates his shrievalty to 1616 rather than 1615-16.

⁶⁰ Confusion abounds over his name. Although Burtchaell renders it as Baggott (Burtchaell, *Members*, p.250), there is reason to suspect that he meant Clement Ragget, who could not have been sheriff of the county as he was one of the five mayors of Kilkenny city in 1616 (N.L.I., Ms. 2531, pp 100-1). Another source, a copy of an Exchequer document which was lost in the 1922 fire, names the sheriff as 'Clement Dayell', which surely stands for Daniel (W. Carrigan, 'Walsh Mountain History', *Waterford & S.E. of Ire. Arch. Soc. Jnl.* xvi (1913), p.132). Perhaps crucially, the Daniels were a local Protestant family.

⁶¹ Ibid.

⁶² Ibid. See also N.A.I., Ferguson MSS, Abstracts of Exchequer Orders, 1592-1657, p.241.

1619	John Butler fitz John of Callan ⁶³
1620	John Butler fitz John of Callan ⁶⁴
1621	John Butler fitz John of Callan ⁶⁵
1622	Sir Oliver Shortal of Ballylorcaine ⁶⁶
1623	Thomas Shortal of Rathardmore ⁶⁷
1624	Oliver Shortal of Highrath ⁶⁸
1630	John Tobyn of Killaghy ⁶⁹
1631	Walter Walsh fitz Robert of Castlehowell ⁷⁰
1632	Patrick Wemyss of Dunfert ⁷¹
1633	Joseph Wheeler of Stonecarthy ⁷²
1634	Patrick Wemyss of Dunfert ⁷³
1636	Patrick Wemyss of Dunfert ⁷⁴
1640	Sir Edward Butler of Duiske ⁷⁵
1641	Sir Cyprian Horsfall of Inishnag ⁷⁶

⁶³ Ibid. pp 250 and 263; John Ryland's Library, Manchester. Ms. 246, fol. 41r; and Cambridgeshire (Huntingdon) R.O., Ms. DDM 70/31, where it is recorded that Butler was still expected to present his shrieval accounts on 28 July 1622.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ N.A.I., Ferguson MSS, Abstracts of Exchequer Orders, 1592-1657, p.268. The sub-sheriff was Richard Pembroke of Kilkenny (Ibid, p.302), whom Burtchaell wrongly identified as sheriff. The bailiff of the shire while Sir Oliver held the shrievalty was Henry Edwards (St. Peter's College, Wexford, Hore MSS; Exchequer Memoranda Rolls, 1614-66, p.64). My thanks to Brian Donovan for this latter reference.

⁶⁷ N.A.I., Ferguson MSS, Abstracts of Exchequer Orders, 1592-1657, p.314.

⁶⁸ W. Carrigan, 'Walsh Mountain History', *Waterford & S.E. of Ire. Arch. Soc. Jnl.*, xvi (1913), p.132.

⁶⁹ N.A.I., Ferguson MSS, Equity Exchequer Orders, 1618-38, p.90. Ferguson later incorrectly refers to him as Edward Tobyn (Ibid, p.277).

⁷⁰ Ibid.

⁷¹ Wemyss served as sheriff from 1 Sept. 1632 to 29 Sept. 1633 (N.L.I., D. 3687, 3928); see also Kilkenny Corporation Archives, Ms. CR/F 1: Irishtown Corporation Book, 1538-1661, fol. 10r.

⁷² Burtchaell, *Members*, p.250, who names him as sheriff for 1634 rather than 1633-4.

⁷³ Wemyss was reappointed sheriff by royal commission on 7 July 1634 (N.L.I., D. 3941), and again on 23 Dec. 1634 (Ibid, D. 3978).

⁷⁴ Although difficult to read, Wemyss appears to be named sheriff in the preamble to the sheriff's court roll for 19 April-4 July 1637 (Ibid, D. 4052). The same source also records that Piers Grace and William McTeige were two of his bailiffs.

⁷⁵ Burtchaell, *Members*, p.250.

⁷⁶ Ibid.

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Abstract

A prominent social and economic historian once remarked that the history of late medieval and early modern Ireland suffered from premature generalisation, with an interpretative framework established long before many of the basic facts about Irish social and economic conditions during the sixteenth and seventeenth centuries had been gathered for analysis. The same could also be said of political history. Despite the belated appearance of a number of regional and local studies covering different parts of the country, the political history of sixteenth and seventeenth century Ireland continues to be written as a story of English officials and Irish rebels. Although Ireland at the beginning of the sixteenth century, far from being a unitary territory, was a patchwork of autonomous and semi-autonomous aristocratic lordships, until recently only those lordships that rebelled against the re-emergence of English royal power under Henry VIII (1509-47) and his successors have received much attention from historians. As yet relatively little is known about those other lordships that collaborated with the crown (and even less about those that endeavoured to stay neutral). This failure to achieve a properly rounded interpretation of developments in the sixteenth century has in turn corroded understanding of seventeenth century events. Above all, the jarring impact of the English reconquest on Irish society is not fully appreciated. Once the Nine Years War ended with the signing of the Treaty of Mellifont in March 1603, English royal power in Ireland was absolute. For many years beforehand English commentators had often complained that Ireland was ungovernable because it was too unlike England. Now under James I (1603-25) official intolerance of Irish deviance was extended beyond the mere punishment of rebellion and dissent. It was decided that Ireland was to become more like England. Of particular importance, the autonomous nature of the Irish lordships was to be extinguished. The ostensible reason for the emergence of this policy was that most of the native Irish and Anglo-Irish lords were Catholics, and hence a potential threat to the religious programme of the Protestant monarchy. Of equal weight, however, was the lords' very autonomy. The government found it unacceptable that the Irish nobility could continue to behave like feudal overlords in the provinces, dominating regional society; instead of viewing the lords as a point of contact between the crown and its subjects, the government saw them as a barrier to the greater centralisation of state control. Hence even those lords who had served the crown loyally in the recent conflict and facilitated the English reconquest of Ireland were to be cut down to size now that the opportunity existed to do so. In the new Ireland of the early seventeenth century, Catholic loyalists found themselves discarded, as expendable to the crown as its former enemies. The history of the loyalist lords is just as important as that of the rebel lords in determining the radical transformation of Irish politics and society effected by the English crown between circa 1513 and 1641.

A study of the Butlers, earls of Ormond, reveals the vulnerability of loyalist lords. Arguably the greatest collaborators of all, for almost a hundred years after 1515 the eighth, ninth, and tenth earls increased their power in County Kilkenny and across the south of Ireland by working closely with the crown. They regularly campaigned against the crown's enemies, helping in no small way to bring about the defeat of the Kildare rebels in 1534-5, the Geraldine league in 1539-40, the Desmond rebels in 1582-83, and the Leinster and Munster rebels in the Nine Years War. At certain key times they acted as vanguards for the expansion of royal power - for instance, after 1536 the eighth earl, Piers Ruadh Butler, and his heir-apparent, Lord James Butler, actively supported the royal supremacy over the Irish church while, more specifically, in 1540-1 the aforesaid James Butler, as ninth earl, encouraged the earl of Desmond to recommence contact with the Dublin administration, and

during the 1550s his son the tenth earl, 'Black' Thomas Butler, agreed to the reintroduction of the English legal system (and English taxes) in Kilkenny. Perhaps most remarkably of all, given that the earls' power, like that of all Irish lords, rested largely on their private military strength, throughout the 1560s and '70s the tenth earl advanced one of the crown's most pressing policies by curtailing the independence of the Butler army that was at least nominally under his command, making it more answerable to the government. It is true that in return for all this service the earls were allowed to drink deep of the well of royal favour. Each of the earls enjoyed high public office; each had a near-permanent place on the Irish Council in Dublin; and each amassed an enormous amount of wealth and land through royal patronage - in County Kilkenny alone, by 1600 one acre in three belonged to the earldom. Nonetheless, following the completion of the English reconquest and the accession of James I, the earls found themselves suddenly cut adrift from royal favour, and after 1614 the eleventh earl, Walter Butler, a highly public Catholic, had most of his vast inheritance seized by the crown, and spent a large part of the 1620s in poverty and in prison. He had been wounded fighting against rebels in Munster in 1600, but because he was a recusant with enormous influence in Ireland, he was ruthlessly cut down by the Jacobean authorities, and was even denied his constitutional right to legal defence. Although he was eventually set free and returned to Kilkenny in 1628, the earldom was never as powerful again. In order to combat a mountain of accumulated debts and fines, after 1633 his grandson and successor, the Protestant twelfth earl (and future duke of Ormond), James Butler, entered into an alliance with the chief governor of Ireland, Thomas Wentworth, which helped considerably to consolidate the exclusion of southern Irish Catholics from power. In doing so he turned against the rest of the Butler dynasty and the community into which he had been born, the Catholic lords and gentry of Kilkenny and the surrounding area. By the 1630s the earldom of Ormond no longer existed as a feudal lordship and Kilkenny Castle had become a symbol of a bygone age. State power had replaced aristocratic regional power.

However, a study of the Ormond lordship in County Kilkenny, focusing on the community that made up the lordship as much as the lords that ruled it, also reveals the unworkability of unmediated royal authority in the early seventeenth century. While the power of the earls had been at its peak during the sixteenth century, the Kilkenny county community had shared in the benefits of royal favour. Through the generous feudal patronage of the earls, the Kilkenny gentry had become accustomed to political and economic privileges; above all they had become accustomed to easy access to power and influence. When the earldom was reduced after 1614, the crown did not offer the gentry the prospect of an enhanced role in local affairs (as had been offered, earlier, to the gentry in England). There was to be no 'rise of the gentry' in County Kilkenny. Rather, because they too were Catholics, the government viewed the Kilkenny landlords and merchants with much the same distaste as it had the undiminished pre-1614 earldom of Ormond. In 1641-2 the Kilkenny gentry, led by senior members of the Butler dynasty such as Viscount Mountgarret and Richard Butler of Kilcash (Earl James's younger brother), turned against the state and helped to bring about the overthrow of royal power in Ireland. In doing so, they also overthrew the earldom of Ormond and took possession of the Ormond lands. They desired a return to the old feudal world, where they had had a place in the scheme of things. Without the mediating role of a great lord to soften its demands, increased centralised power, with its attendant introduction of New English colonialist adventurers, seemed tyrannical. For cooperating so unreservedly in the promotion of outsiders to positions of power and influence in the shire, the Kilkenny community accused Earl James of treachery and desertion, and after centuries of loyalty to the crown they prepared for war against the new monarchical state that he represented.

