

**THE SOCIAL STATE OF THE SOUTHERN AND
EASTERN COUNTIES OF IRELAND IN THE
SIXTEENTH CENTURY: BEING THE
PRESENTMENTS OF THE GENTLEMEN,
COMMONALTY AND CITIZENS. MADE IN
THE REIGNS OF HENRY VIII. AND ELIZABETH**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649707133

The Social State of the Southern and Eastern Counties of Ireland in the Sixteenth Century: Being the Presentments of the Gentlemen, Commonalty and Citizens. Made in the Reigns of Henry VIII. and Elizabeth by Herbert J. Hore & James Graves

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

HERBERT J. HORE & JAMES GRAVES

**THE SOCIAL STATE OF THE SOUTHERN AND
EASTERN COUNTIES OF IRELAND IN THE
SIXTEENTH CENTURY: BEING THE
PRESENTMENTS OF THE GENTLEMEN,
COMMONALTY AND CITIZENS. MADE IN
THE REIGNS OF HENRY VIII. AND ELIZABETH**

THE SOCIAL STATE
 OF THE
 SOUTHERN AND EASTERN COUNTIES
 OF IRELAND
 In the Sixteenth Century :

BEING

THE PRESENTMENTS OF THE GENTLEMEN, COMMONALTY,
 AND CITIZENS

OF

CARLOW, CORK, KILKENNY, TIPPERARY, WATERFORD, AND WEXFORD,

MADE IN THE

REIGNS OF HENRY VIII. AND ELIZABETH.

PRINTED FROM THE ORIGINALS IN THE PUBLIC RECORD OFFICE, LONDON.

EDITED BY

THE LATE HERBERT J. HORE, ESQ.,

AND

THE REV. JAMES GRAVES,

A.B., M.R.I.A.

DUBLIN:

PRINTED AT THE UNIVERSITY PRESS,

FOR THE ASSOCIATION.

1870.



INTRODUCTION.

THE lamented death of one of the Editors of this Volume having suspended its progress for some years, it is now at length placed in the hands of the Members of the Association in as complete a state as the surviving Editor's care could accomplish.

Unable to gain access to MR. HORE'S MS. collections, he must claim the indulgence of the reader, if the latter portion of the Work is not so fully annotated as doubtless it would have been had MR. HORE lived to see it through the Press. No pains have been spared, however, to secure the correct rendering of the original documents—documents that, in the very words of the people themselves, give a melancholy but graphic picture of the

social state of those counties of Ireland to which they relate, and which, although outside the Pale, were yet more fully colonized by England than other parts of the Island.

JAMES GRAVES.

INISSAG, STONEYFORD,

December 31, 1869.

THE ANNUARY
OF
THE KILKENNY AND SOUTH-EAST OF IRELAND
ARCHÆOLOGICAL SOCIETY.

THE PRESENTMENTS OF THE JURIES OF THE COUNTIES OF
KILKENNY AND WEXFORD, THE CITY OF KILKENNY, AND
THE TOWNS OF WEXFORD AND ROSS, TO THE COMMIS-
SIONERS FOR ORDERING OR REFORMING THE STATE OF
IRELAND, ANNO 1537.

A GENERAL view of the state of Ireland during the eventful and memorable reign of Henry the Eighth has recently been presented to historians and archæologists by the publication of two quarto volumes of State Papers. Beside the ordinary political correspondence which passed between the governments in Dublin and London, these volumes include several treatises on the social condition of Ireland. A peculiar class of documents, of the same period and character, the originals of which are also preserved in the State Paper Office, were, however, not published in full, being somewhat prolix, so that their contents appear only in summary. They contain many very curious details respecting the Anglo-Irish inhabitants of certain districts outside the Pale, where Gaelic usages had superseded English laws, and where the authority of Government was scarcely ac-

knowledge. As these public records, in which so remarkable a state of society is described, are obviously of much interest in local as well as historical points of view, it is proposed to print them *in extenso* and *seriatim*; and the following sketch of their origin may serve as an introduction to those now selected for publication.

Soon after the dangerous revolt of the Leinster Geraldines was suppressed, four gentlemen of high quality, Anthony St. Leger, George Paulet, Thomas Moyle (afterwards Knights), and William Berners, Esquires, were sent over from England by Henry VIII. as Commissioners "for the ordre and establishment to be taken and made touching the whole state of our Land of Ireland, for the reduction of the said land to a due civilitie and obedience, and the advancement of the publique weal of the same." The High Commissioners arrived in September, 1537, and proceeded through the counties of Kildare, Carlow, Kilkenny, Tipperary, Waterford, and Wexford, pursuing their object throughout this journey by holding inquiries or inquests relative to the offences committed, the non-observance of the law, and the general grievances of the counties and towns they visited. These investigations mark the extent of the district which was then but partially under the dominion of, or in an intermediate degree of subjection to, the Crown. Thus, while inquiries were unnecessary in the Pale—that narrow territory where, owing to the vicinity of the seat of government and courts of justice, the laws were tolerably obeyed, the reforming Commissioners never ventured into regions so rude as Thomond and Desmond, and far less into the still wilder tracts of Ulster and Connaught. Juries composed of the principal gentry of the shires and of the most respectable merchants in the cities and boroughs represented upon oath the various grievances which both town

and country had to complain of. Accordingly, their "verdicts" contain full evidence of the disorganization of the district which was deemed the Anglo-Irish borders of the Pale; the inhabitants of which—being either surrounded by or intermingled with the denizens of the unsubjugated mountain countries under the rule of Irish chieftains—had become a mixed people, and had long and largely partaken of customs and usages such as the Statute of Kilkenny had forbidden the Englishry to adopt. These presentments therefore portray a state of society similar to that which existed contemporaneously upon the Scottish border, where a fusion of Scotie and Teutonic races had produced a mixed system of clanship and feudalism; and, as these documents are elucidatory of the manners of the time and country, they will assuredly be considered interesting by all who concur in Dr. Johnson's opinion, that the most instructive and valuable portions of history are those which describe the manners of mankind.

In perusing these representations of the social condition of the border counties of Ireland in the middle of the sixteenth century, the reader will, indeed, be frequently reminded of the contemporary state of Scotland, as depicted in the delightful writings of the author of "Waverley," and especially in his admirable *Essay on the Antiquities of the Border*. It must always be borne in mind that the geographical features of Ireland exercised an influence on her history almost equal to that of her national customs. In Great Britain the frontier line between the hostile nations was well defined; but in Ireland the countries of the Gael were intermingled with the domains of the Anglo-Norman; so that those contested territories, known in Britain by the significant name of "debateable," were interspersed throughout the entire island. Owing to this circumstance, an evil

moral state, such as in Scotland was confined to the Highland frontier and the Border, extended throughout Ireland. On comparing the Border laws with the Statute of Kilkenny, many points of close resemblance will be observed. Thus, it was treason and felony to supply Scottishmen with weapons of war; to sell bread or corn to them without license; to pay black-mail or protection money; to let any Scotch offender, taken red-hand, escape; to harbour outlaws and rebels from Scotland; to intermarry with Scottish women; and to hold parleys with the enemy without license from the Lord Warden.

The object of the Commission of 1537 was to restore English law among the Anglo-Irish colonists. Their government and interests had been neglected for many centuries by the great absentee nobility and by the Crown. The tenure by which the colonists held their estates, either under the sovereign or his barons, entitled them, while they on their part performed their feudal services, to protection, and to the due administration of laws which were their birth-right. But as their lands were intermingled with those of the native race, marriages and alliances naturally took place; and the customs and manners of the country began gradually to prevail.

Chief Baron Finglas, who wrote his "Decaie of Ireland" anno 1529, states that the colonies of the south had continued to observe their national laws for a considerable period after their settlement; but he adds:—

"In Kyng Edward III. his dayes, Lionell, duke of Clarence, being the kyng's lieutenant of Irlaund, perceaving not onely the lordes and gentlemen of Mounster, but alsoo in outhr countries, begynning to incline to Irish rule and order, at a parliament holdyn at Kilkenny made certen statuts for the comon-wealth, for the preservation of English order; whych, if they had bene kept, this land had bene obedient to the kyng's lawes hitherto."