

The Transplantation to Connaught

IT is not my purpose to deal here with the great transplantation in its social or political aspects; still less to inquire how far those under whose authority it was carried out were justified on the principles of morality or expediency. My object is to show by an examination of existing evidence what were the intentions of the English government from time to time, and how far the intentions originally entertained were carried out in practice. There appears to me to be still something to be done in this direction, even after the appearance of Prendergast's 'Cromwellian Settlement of Ireland,' as that writer, who was the first to make use of the store of materials in the Irish Record Office, was not unnaturally somewhat too prone to dwell on the misfortunes of his countrymen to care to investigate very closely the varying intentions and efforts of their conquerors. The main question at issue is whether the transplantation was national or partial. It was this question which divided Gookin and Lawrence in 1655, and which has divided writers nearer to our own time. Of course it is only in a modified sense that even Prendergast writes—as he frequently does—of the Irish nation being transplanted, as his own pages furnish the best evidence that considerable numbers remained east of the Shannon. Yet it is of some interest to know, if it can be known even approximately, what number of Irishmen, other than landed proprietors with their families, were forcibly sent into Connaught and Clare.

In 1652, the greater part of Ireland having been subdued, the country was governed by four parliamentary commissioners, Ludlow, Jones, Corbett, and Weaver, none of whom were men of first-rate or perhaps even of second-rate ability. Their principal task at the moment was to free themselves of the soldiers by whom they had been opposed, and in the end, according to Petty's calculation, 40,000 persons, of whom no less than 34,000 were armed men, were at their own request transported beyond sea, where the greater number of the men took service in continental armies. In this way the peace of despair was secured for at least a generation. Early in the year these commissioners proposed to divide certain lands—*forfeited* for what was known among Englishmen as rebellion—among the Adventurers who, in the early part of the civil war, had

subscribed money for the reconquest of Ireland upon the security of such lands, and to give other lands in lieu of arrears to the soldiers then in garrison.¹ From the brevity of their reference to this latter portion of their task it is evident that the commissioners had as yet no idea of its magnitude. On 6 April parliament received from a committee representing the Adventurers a petition asking among other things that their allotments might be contiguous to one another, and implying, though not directly stating, that the agricultural labourers needed for their cultivation were to be brought from England,² a plan, which, if carried out, would necessitate the removal of at least the greater part of the native population from the soil occupied by the Adventurers. On 20 April parliament referred the consideration of this petition to the council of state, directing it to 'prepare something for the judgment of the parliament for the settling of the affairs of Ireland,' to 'give way for the transporting out of Ireland into foreign parts such of the Irish as they shall think fit for the advantage of the commonwealth,' and to take care 'that, in the qualifications, they do make provision touching the transporting of persons from one part of the nation to another, as shall be most for the benefit and advantage of this commonwealth, and report their opinion to the house.'³ The idea of qualifications, that is to say, of classifying Irish delinquents under several heads, so that different penalties might be meted out to them, according to the degrees of their misconduct, was thoroughly familiar to Englishmen, as it had been adopted in various proposals made to Charles I in the course of the civil war in England.⁴ It had probably been suggested by the

¹ The commissioners to the council of state 8 Jan. 1652, *Calendar of the Duke of Portland's MSS.* (Hist. MSS. Comm.), i. 622. The scheme of planting Ireland ultimately adopted had however been sketched out long before. In 'Reasons delivered by the Adventurers,' in *The State of the Irish Affairs*, published on 2 Jan. 1646 there is a recommendation, p. 20 (B. M. Pressmark E, 814, 7), 'that the Adventurer that brings in ready money have the priority to be satisfied; next, that the soldier may be allowed all or part of his pay and entertainment out of these rebel lands, at least; and next, those protestants of other nations that will adventure and sit down with us on these conditions, and those poor protestants of Ireland, who have been despoiled of their estates there by the rebels, and many thousands lost their lives, their heirs and assigns have not only restitution of what have been thus forcibly taken from them, but satisfaction for such damages also as they have sustained, out of the estates of those rebels by whom they have thus suffered.'

² 'Petition of the Adventurers,' 6 April. *Carte MS.* lxvii. fol. 230. Prendergast (p. 85) quotes this volume as vol. x. His references are frequently as erratic as this, and constitute a great difficulty in the work of testing his conclusions.

³ *C. J.* vii. 123.

⁴ In the propositions of Uxbridge there was a list of qualifications, some of persons and classes excepted from pardon, some to have their estates entirely confiscated, others to forfeit a third, others again to forfeit a tenth. By the propositions of Newcastle some were excepted from pardon, others to forfeit either the whole, or two-thirds, or a half, or a third of their estates according to their qualifications. The Heads of the Proposals excepted from pardon no more than five, and fixed the rates of

Irish military authorities, as, so far as I am aware, the word was first used in the articles granted to O'Dwyer on 23 March 1652.⁵

On 30 April Weaver, one of the commissioners who had recently come over from Dublin to represent the views of that body, informed the parliament that he was instructed to 'hasten the parliament's resolutions concerning the qualifications,' as also to ask that the Adventurers might be engaged to plant such proportions with English within a fixed number of years.⁶ From time to time we hear of progress made in the preparation of the qualifications,⁷ and they were finally embodied in the act passed on 12 August 1652, and usually known as the Act of Settlement.⁸

The first five qualifications set forth in this act comprise the persons excepted from pardon for life and estate, in other words to be put to death with confiscation of their property. Briefly they were as follows: (1) those who before 10 November 1642 'contrived, advised, counselled, promoted, or acted the rebellion, murders, or massacres done or committed in Ireland,' or, up to the same date, 'by bearing arms, or contributing men, arms, horse, plate, money, victual, or other furniture or habiliments of war other than such which they shall make to appear to have been taken from them by mere force and violence, aided, assisted, promoted, acted, prosecuted or abetted, the said rebellion, murders, or massacres:' (2) Jesuits and priests or persons in Roman orders who have 'contrived, advised, counselled, promoted, continued, countenanced, aided, assisted, or abetted . . . the rebellion or war in Ireland, or any of the murders or massacres, robberies, or violence committed against the English or others;' (3) one hundred and five persons mentioned by name; (4) principals and accessories of the killing, since 1 October 1641, of any person not at the time an officer or soldier in the English service; or of the killing of such officers or soldiers if they were not themselves 'publicly entertained and maintained in arms as officer or private soldier under the command and pay of the Irish against the English;' and (5) all in arms who did not lay them down within twenty-eight days after the publication of the act. If there had been nothing to qualify these sweeping condemnations, Gookin's words in 'The Great Case of Transplantation,' a pamphlet published in 1655, of which I shall have more to say presently, are not altogether without foundation.

compositions from a third to a tenth part of their estates, again according to their qualifications.

⁵ Gilbert's *Contemporary Hist. of Affairs in Ireland*, iii. 294.

⁶ Weaver's considerations, *Calendar of the Duke of Portland's MSS. (Hist. MSS. Com.)*, i. 644. It is said in an order of council of 18 May that a list of the names of the Irish to be excepted from pardon had been received 'from the commissioners of parliament in Ireland some time past' (R. O. Interr. I, 67, p. 69).

⁷ C. J. vii. 133; *Report from Committee*, 1 May, *Carte MS.* lxvii. fol. 265.

⁸ Scobell, ii. 197.

The two passages in which Gookin refers to the subject are these :

For the poor commons, the sun never shined—or rather not shined—upon a nation so completely miserable. There are not 100 of them in 10,000 who are not by the 1st and 4th articles of the act of settlement under the penalty of losing life and estate.⁹

The real causes of those later Tories are such as these :—the narrowness and straitness of the parliament's concessions of mercy to that nation in the 1st and 4th article of the act of settlement which doth not declare one in 500 pardonable either for life or estate.¹⁰

The difference between the views of Gookin and those of Prendergast are that while the latter holds that the great majority of Irishmen were liable to be transplanted, the former holds that they were liable to be hanged. With respect to Gookin's charge, it is obvious that his figures are not to be taken literally, as the first extract gives the proportion of those who would escape to the whole Irish population as one per cent., and the second as one-fifth per cent. The percentage, however, must have been far higher. The first article, striking at those who abetted the rebellion—not merely the murders—in its first year would probably affect a very large part of the Irish living in 1641 ; but it would not affect those who were mere boys at the time—that is to say, it would leave untouched all Irishmen under the age of twenty-five or twenty-six in 1652. The fourth article was directed against the Tories—the irregular bands who robbed and murdered without being enlisted in any regularly organised force. It is hardly possible that those excepted from pardon of life and estate can have been less than half the Irish male population, and may very well have been three quarters.

What this view of the case intimates in plain figures it is, of course, impossible to say with accuracy. Petty, however, in his 'Political Anatomy of Ireland,' puts the population in 1652 at 850,000, from which some 160,000 may perhaps be deducted as protestants of British descent. There remain, therefore, 690,000 Roman catholic Irish, of whom about 180,000 must have been males old enough to be responsible for their conduct in 1641. Of these 34,000 escaped by emigration the penalties imposed on them, leaving some 146,000. If, instead of adopting Gookin's exaggerations, we allow that two out of every three of such Irishmen had taken some part in the first resistance, we have about 98,000 liable to suffer death under the first qualification, to whom must be added an incalculable number of Tories who had shed blood, bringing the total at least up to 100,000. Even if, to avoid all possible exaggeration, we reduce the figure of those excepted from pardon under these two qualifications to 80,000, the numbers

⁹ *The Great Case of Transplantation*, p. 13 ; B. M. Pressmark, E, 234, 6.

¹⁰ *Ibid.* pp. 23, 24.

handed over to death are hardly, if at all, to be paralleled in the annals of civilised nations.

The remaining qualifications deal only with the exceptions to this sweeping condemnation. The sixth refers to persons not included in the former qualifications, who had held certain high civil or military posts under the Irish government. These were to be banished, their wives and children being allowed to enjoy an equivalent to one-third of their estates, 'assigned in such places in Ireland as the parliament, in order to the more effectual settlement of the peace of this nation, shall think fit to appoint for that purpose.' The seventh and eighth qualifications are of more general importance, as it was on them that the system of transplantation was afterwards founded. By the seventh, persons not comprehended in the former qualifications, that is to say, having stood aloof from the rebellion in its first year, and not having subsequently murdered any one as most of the Tories would be held to have done, were, if they had laid down arms, or would do so within twenty-eight days of the publication of the act in Ireland, and if the commissioners held them capable of mercy, to receive pardon for life, and to receive the value of one-third of their estates wherever parliament might choose to assign it; though, unlike those under the sixth qualification, they would be permitted to remain in Ireland. The same offer, except that the value of their new estates was to be two-thirds of those they had forfeited instead of one-third, was made to 'all and every person of the Popish religion' residing in Ireland between 1 Oct. 1641 and 1 March 1650, not being comprehended in former qualifications, and therefore never having taken arms against parliament like those under the seventh qualification. Their only mode of escape would be to have shown 'constant good affection' to the parliament. Other persons—that is to say, protestants—coming under this eighth qualification would be subject to the loss of a fifth part of their estates, unless they could show that they had manifested their good affections, 'having opportunity to do the same,' constant good affection not being required from them. These latter, however, were not required to exchange the four-fifths of their estates left to them for lands at a distance from their homes.

Before pursuing the subject further one or two observations must be made. (1) Though protestants receive a special treatment under the eighth qualification, they have none under the seventh. If they have taken arms—as was the case with the Ulster Scots—against parliament, they are as liable as Roman catholics to lose two-thirds of their estates and to have the locality of the other third determined by parliament. (2) The incidence of the seventh and eighth qualifications appears at first sight by no means unambiguous. The clause begins with words implying that all persons

bearing arms under certain conditions, or papists, are to be included ; and it is only by taking into account the penalty inflicted—namely, the forfeiture of estates—that we have reason to believe that proprietors or persons having interest in land in some other way, such as leaseholders or mortgagees, alone were aimed at. It may therefore be taken that these two qualifications dealt with landowners only, and had nothing to do with the fortunes of the ‘Irish nation.’

(3) In the whole of the Act there is absolutely no word of transplantation in the sense afterwards given to the term—that is to say, forcible removal of persons from one part of Ireland to another. It might indeed be supposed that if a landowner in Down or Meath was forced to exchange his land for land in Cork or Galway, he would choose to reside, at least for the greater part of the year, in Cork or Galway, as the case might be. He was, however, so far as the act of settlement was concerned, under no compulsion to do so. He might, even if he fixed his residence on his new estate, visit Dublin or any other place in Ireland whenever it took his fancy. He might even reside altogether in Dublin or Belfast, leaving his land to be managed by a son or a bailiff.

If these considerations be accepted, we shall be the better able to understand the real bearing of those offers to husbandmen and artificers, of which so much has been said as revealing a beneficent intention to favour the poor at the expense of the rich. First let us take the preamble to the Act :

Whereas the parliament of England, after the expense of much blood and treasure for suppression of the horrid rebellion in Ireland, have by the good hand of God upon their undertaking brought that affair to such an issue as that a total reducement and settlement of that nation may, with God's blessing, be speedily effected ; to the end therefore that the people of that nation may know that it is not the intention of the parliament to extirpate that whole nation, but that mercy and pardon both as to life and estate may be extended to all husbandmen, ploughmen, labourers, artificers, as is hereafter declared, they submitting themselves to the parliament of England . . . Be it enacted and declared by this present parliament and by the authority of the same that all and every person and persons of the Irish nation comprehended in any of the following qualifications shall be liable unto the penalties and forfeitures therein mentioned and contained, or be made capable of the mercy and pardon extended respectively according as is hereafter expressed and declared.

What is ‘hereafter expressed and declared’ respecting the husbandmen, &c., runs as follows :

That all and every person or persons—having no real estate in Ireland, nor personal estate to the value of 10*l.*—that shall lay down arms, and submit to the power and authority of the parliament by the time limited in the former qualifications, and shall take and subscribe the engagement to be true and faithful to the commonwealth of England as the same is now established, within such time and in such manner as the

commissioners for the parliament and commander-in-chief shall appoint and direct, such persons not being excepted from pardon nor adjudged for banishment by any of the former qualifications, shall be pardoned for life and estate for any act or thing done in prosecution of the war, &c.

The operation of this clause is far more limited than appears upon a hasty perusal. In the first place no one adjudged to death or banishment under the first five qualifications could profit by it at all. In the second place, no one could plead it to excuse himself from personal transplantation, because, as has been seen, there is nothing about personal transplantation in any part of the act. Moreover, as the pardon is granted for things 'done in prosecution of the war,' it can only affect poor men who, if they had been land-owners, would have come under the seventh qualification by bearing arms. All the advantage accruing to him is that he is allowed to keep his money or goods up to the value of 10*l.*, and that he is not liable to be hanged, which latter exemption would have been equally enjoyed by him if, under the same circumstances, he had been the possessor of a large estate in land. It may be that those who drafted the act intended that a man having more than 10*l.* without holding real property should be liable to have it taken from him and exchanged for a fraction of its value in land; but, if this had been the case, we should probably have heard more of so precious a scheme. It is far more probable that parliament wished to announce its generous intention without knowing much of the circumstances of Irish life. It seems but a small matter to have formed the basis of so large a cloud of rhetorical smoke.

On 11 Oct. the commissioners ordered that the act should be proclaimed in every one of the fifteen precincts into which Ireland was then divided, thus laying a foundation for the confiscation which would enable the new settlers to enter into possession of the forfeited estates. Yet it was not likely that so large a transfer of property could be accomplished without coming upon difficulties unforeseen by the framers of the act. Practical experience would be certain to discover that the act would not work at all, unless the former proprietors were personally removed from the neighbourhood of their old estates. The first hint of such a necessity was given on 9 April 1653 by certain commissioners appointed to arrange for the settlement of Ulster. Referring to the leaders of the Ulster Scots,¹¹ they asked for 'the transplanting of such popular men in those parts of whose dutiful and peaceful demeanours' they had

¹¹ The letter itself, written by these persons to the commissioners at Dublin, has not reached us, and the reply in which their proposals are summed up does not mention this point (The commissioners to the commissioners for settling Ulster, 13 April, *Irish R. O.* ^A 50, p. 478), but the later correspondence points to the Ulster Scots as referred to.

'no assurance into some other parts in Ireland,' suggesting portions of the counties of Tipperary, Kilkenny, and Waterford as fit for their reception. The proposal was approved of by the commissioners at Dublin,¹² among whom Fleetwood was now to be reckoned, and on 13 July an order was issued by them for 'the transplantation of some of the Scots out of Ulster' to the counties of Kilkenny and Tipperary.¹³ Evidently the idea of a transplantation to Connaught had not, at that late date, been mooted in Ireland. Before anything had been done to carry out this plan steps had been taken by the English council of state which laid down the conditions under which the Irish commissioners were expected to act.

The documents forwarded from Westminster were four, the first three of which relate to the survey and division of the forfeited lands, and therefore do not concern us here. The fourth, dated 2 July 1653, directs the commissioners

for the better security of all those parts of Ireland which are now intended to be planted with English and protestants; and to the end that all persons in Ireland who have a right to articles or to any favour and mercy held forth by any the qualifications in the act of parliament entitled 'An act for settling of Ireland' may enjoy the benefit intended unto them and every of them respectively by the said act; ¹⁴ it is thought fit and resolved that all and every the persons aforesaid shall, before the first day of May, which shall be in the year 1654, remove and transplant themselves into the province of Connaught and the county of Clare, or one of them, there to inhabit and abide; and shall have set forth unto them and every of them respectively such proportions of land, and for such estates or terms, and under such conditions, reservations and covenants, as shall be answerable in value unto so much of his and their estates as by such articles or qualification respectively he or they were to enjoy, in such place and manner as you, or such as shall be authorised by you, shall appoint and direct.

Transplanted persons were not to return without a pass on pain of death. Persons transplanted are not to live in towns or garrisons, nor shall any 'Popish priest' be tolerated.¹⁵

I would here pause for a moment to ask what light is thrown by these documents on the authorship of the scheme proposed. Can, to put it briefly, the 'settlement' of Ireland be fitly styled 'Cromwellian'? As far as the act of 1652 is concerned, there is no evidence whatever to connect it with Cromwell.¹⁶ We may think

¹² *Irish R. O.* ^A₉₀ 50, p. 478.

¹³ Order by the commissioners, 18 July, *ibid.* ^A₈₄ 44, p. 284. I think it may be taken for granted that the despatches from England to be mentioned next had not yet reached Dublin.

¹⁴ Wrongly punctuated in Scobell.

¹⁵ Scobell, ii. 257.

¹⁶ At one time I thought that such evidence might be adduced. On 24 Aug. 1652 instructions were issued to a new body of commissioners appointed to govern Ireland,

it likely that he would be consulted, and on the other hand we know that in the latter half of 1652 he was by no means master of the council of state. The question of probability is however the less important, as there is the strongest reason—short of actual testimony—for believing that he was at the back of the instructions of 2 July 1653. From 20 April, when the Long Parliament was turned out of doors, till 4 July, when the nominated parliament met, Cromwell held a virtual dictatorship; and though it is unlikely that he would have promulgated these orders if they had met with strong opposition in his council, it is still more unlikely that they would have been promulgated at all without his warm advocacy. Nor is this all that can be said in support of such a conclusion. During his short dictatorship Cromwell had shown himself unwilling in all other matters to anticipate the decision at which the strange body to which he was about to confide the destinies of England might arrive. No other step was taken which could possibly be postponed. In legislating—one can hardly use any other word for these proceedings—for Ireland, there was an almost unseemly haste to lay down the rules under which that country was to be dealt with. The instructions for transplantation were issued on 2 July. Only two days later—on 4 July—Cromwell abdicated his temporary dictatorship in favour of the nominated parliament. The settlement of Ireland about to be carried out was therefore accepted by Cromwell himself, and by him developed from the scheme originating with parliament in 1652. The idea of personal transplantation and the assignation of Connaught and Clare to the transplanters distinctly received his sanction.

Cromwell, however, was probably too little of a lawyer to be aware that the whole scheme adopted by the Long Parliament was radically changed by the failure of the Irish government to carry out the very drastic measures of the act of settlement. Whether under advice from England or not, the commissioners in Dublin had found it impossible to enforce the wholesale condemnations to death ordered under the first five qualifications of the act. To do them justice, there is no sign of their ever thinking for an instant of sending anything like half of the Irish male population to the gallows. They merely erected a high court of justice, empowering it to condemn to death persons directly concerned in murder. A few hundreds were hanged in accordance with the sentences pronounced by this court, instead of a hundred or eighty thousand. What then

in which the names of Cromwell and Fleetwood, the latter having recently been named commander-in-chief in Ireland, were added (*C. J.* vii. 167). It is so unusual to appoint a non-resident a member of a body that could only act in Ireland, that the inclusion of Cromwell's name seemed evidence of overwhelming political influence. There exists, however, a petition from the officers in Ireland (*Carte MSS.* lxvii. fol. 289) asking parliament to appoint some one of eminent importance to reside in England, there to represent the condition of the officers to parliament.

was to be the fate of the thousands who had been pronounced worthy of death by the law? Were they to be let off scot free, or were they to be transplanted according to the new rule? At all events, when the instructions issuing from Cromwell's council were legalised by the Act for the satisfaction of Adventurers, &c., passed on 26 September, nothing was done to clear up the difficulty. A proviso which I am inclined to attribute to Gookin, one of the six members for Ireland, who to the end opposed the system of wholesale transplantation, attempted to solve the difficulty by conferring on the commissioners power to grant licence to any of the Irish to remain in the three provinces outside Connaught and Clare, but this proviso was rejected by the house, while a clause was adopted directing that

the said forfeited lands within the said province and county except as aforesaid¹⁷ . . . shall be and hereby are reserved and appointed for the habitation of all the Irish nation comprehended in the qualifications mentioned in the act entitled 'An act for settling Ireland;' and for other the ends and uses specified and appointed in the foresaid further instructions from the council of state to the said commissioners,¹⁸ who are to dispose of the same accordingly.'¹⁹

Gookin tells us that this act was accepted in a hurry, very little attention being paid to it in the house. We can well believe it. Taken literally, the clause just cited means that all persons falling under the first six qualifications, as well as under the seventh and eighth, shall be transplanted, if uncondemned. What, we may ask, is the lot reserved for the artificers and husbandmen? As we have seen, the pardon granted them in 1652 did not extend to transplantation, because transplantation had not then been a sentence imposed by the legislature. Did it, or did it not, extend to transplantation now? It depended whether transplantation was to be considered as a penalty, or as a sacrifice to expediency, a point on which experts would be found to differ. If these were included, it was virtually the transplantation of the whole Irish nation, above the age of 25, that was decreed. In any case the law on the subject of transplantation was a mere confused labyrinth, in which the conscientious jurist might easily lose his way, but through which a strong government might take what course it liked, while pleading all the while that the law was on its side.

At Dublin at least the instructions issued on 2 July had not at first been regarded as sweeping the whole or anything like the whole of the Irish population into the net of transplantation. On 1 August the commissioners directed a standing committee—which, counting as its members such men as Lord Broghil, Sir

¹⁷ *I.e.* except lands about Sligo and on the coast.

¹⁸ *I.e.* the instructions of 2 July.

¹⁹ Scobell, ii. 249.

Hardress Walter, colonels Sankey and Lawrence, was hardly likely to be prejudiced in favour of the Irish—to consider the following points :

1. Propagation of the gospel, what fit to be done ?
2. What to be done in regard to the settlement of Ireland. And, if it is necessary to transplant Irish, to consider :
 - i. What is necessary to be done in those counties to which they are to be transplanted ?
 - ii. Whether it be advisable that all Irish papists be removed except those that dwell in those counties and places into which the said removal is to be made, or only out of some counties, as Kerry, Wexford, Waterford, &c., and only the landed and popular men from other places ?
 - iii. The time to be given them.
 - iv. When the transplanting ought to be begun ?
 - [v.] That they consider how encouragement may be given to English who have always been faithful.
 - [vi.] What inducement be offered the Irish to abandon their religion ?
 - [vii.] How priests, &c., may be removed ?
 - [viii.] What relief for widows and orphans, and sufferers of oppression ? ²⁰

These terms of reference are only valuable as showing the state of mind in which the commissioners received the instructions of 2 July. The committee, so far as we know, made no report, but all hesitation must have been brought to an end when they received the act of 26 September, accompanied as it probably was by directions not now forthcoming from the council of state of which Cromwell was a member, though without that predominance which was his before parliament met. The result was the following declaration issued by the commissioners on 14 October : ²¹

IRELAND.

By the commissioners of parliament of the commonwealth of England for the affaires of Ireland.

(1) Whereas by instructions of the council of state of the second day of July last, it is declared : That all persons who have right to articles or to any favour and mercy held forth by any of the qualifications in the act of parliament (entituled, An act for the settling of Ireland), shall, before the first day of May next, remove and transplant themselves into the province of Connaught and county of Clare, there to inhabit and abide ; and whereas, by an act of parliament (entituled, An act for the

²⁰ Appointment of a standing committee, 1 Aug. 1653. References to the committee, *Irish R. O.* A. 44, pp. 364, 365.

²¹ For a copy of this unique example of the printed declaration now preserved in Kilkenny Castle I have to thank Mr. C. Litton Falkiner, who received permission to send it to me from the marquis of Ormonde, in whose possession it is.

speedy and effectual satisfaction of the Adventurers for lands in Ireland, &c.), the said instructions are confirmed, and the forfeited lands in the said province of Connaught and county of Clare (except certain lands about Sligo, set apart for the forces lately disbanded) are thereby reserved and appointed for the habitation of the Irish nation, to be disposed of for the uses and ends specified in the foresaid instructions : and in and by the said recited act, power is given to the said commissioners of parliament, to order and direct the transplanting of the Irish into Connaught and Clare as aforesaid, before their respective claims be determined, and their qualifications distinguished ; and in the mean time to assign them lands there, competent to such stock as each of the said persons shall have to occupy the said lands withal ; and afterwards to determine their respective claims, and to put them into possession of lands accordingly.

(2) It is hereby ordered and declared, that all and every person and persons, who have contrived, advised, promoted, acted or voluntarily aided, assisted and abetted the rebellion, murders or massacres committed in Ireland at any time before the first day of November 1642, and all and every person and persons, who have at any time been in actual arms in the said rebellion (except such persons as are hereafter excepted), and all and every person and persons, who have or claim to have any interest or estate in any lands in Ireland, and (by the said act for settling of Ireland) are to have any proportions of lands set out unto them, for or in respect of such interests or estates, or any part thereof (except such persons as are hereafter excepted), shall and are hereby appointed and required to remove themselves into the said province of Connaught and county of Clare, at or before the first day of May next ensuing according to the tenor of the said instructions ; provided that this declaration shall not extend to the removal of any person who did not adhere unto or join with the rebels, before the fifteenth day of September 1648, and who did at that time, and ever since profess the protestant religion ; nor of any woman who before the second day of December 1650, was married to any English protestant ; provided, that such woman do renounce popery and profess the protestant religion.

(3) And it is hereby further declared, that such of the said persons as are hereby appointed and required to remove themselves as aforesaid, and shall not remove accordingly, or shall be found within the provinces of Leinster, Munster and Ulster, or any of them after the said first day of May, without special licence, or pass granted in that behalf from the said commissioners of parliament, or others by them authorised to grant such licences, are to be reputed as spies and enemies, and are for the same offence to be tried by martial law and suffer death.

(4) And to the end that all persons, who are to remove and transplant themselves as aforesaid, may have competent quantities of lands assigned them, proportionable to their respective stocks, according to the tenor of the said act, and may know to what persons they are to apply themselves in order to their removal, and having of lands set out unto them, whereby they may make timely provision for their respective families in the places to which they remove ; It is hereby ordered and declared, that all and every person and persons, who claim any estate or interest in land in Ireland and are to remove and transplant themselves as aforesaid, shall

and are hereby required to give in, and deliver in writing unto the commissioners of revenue within the precincts respectively in Ireland wherein the said persons respectively inhabit or reside before the twentieth day of December next ensuing a particular of their names and of the names of the persons in their respective families, their tenants and other persons that shall willingly remove with them, and of all other persons for whom by law they are bound to provide with the respective places of their abode from whence they do remove, the age, stature, colour of hair, and other marks of distinction of every of the said respective persons, with the number of cattle, quantity and quality of tillage, and other substance which every respective person or family have, for which they pay contribution in the places from whence they remove; to the end that certificates may be forthwith given them, and lands set out unto them in such manner as herein is set forth and appointed.

(5) And the commissioners of the revenue within every respective precinct in Ireland (except in Connaught and Clare) or any three or more of them, are hereby authorised and required—upon receipt of the said names, and other the particulars aforesaid in writing as aforesaid, and due examination had of the truth of the contents of the same and that contribution is answered and paid for such stock and tillage as shall be contained in such particulars—forthwith to issue out and deliver unto the said persons respectively certificates in writing under their hands and seals, containing the particulars aforesaid, according to what, upon examination as aforesaid, they shall find to be true.

(6) The form and tenor of which certificates are to be as followeth, viz. :—

IRELAND.

By the commissioners of revenue within the precinct of .

WE, the said commissioners, do hereby certify that of
in the county of hath upon the
day of 1658, in pursuance of a declaration of the commissioners
of the parliament of the commonwealth of England for the affairs of
Ireland, bearing date the fourteenth day of October 1658 delivered unto
us in writing a particular containing therein the names of himself, and
such other persons as are to remove with him, with the quantity and
quality of their respective stocks and tillage, the contents whereof are as
followeth, viz. :—

The substance whereof we conceive to be true, in witness whereof we
have hereunto set our hands and seals the day of
1658.

(7) Which said certificates are to be filled up by one or more persons, to be constantly appointed by the said commissioners of revenue in each precinct for that service, in the presence of one or more of the said commissioners, and not by various hands; and the number and quantity of stock and tillage are to be set down in words, not in figures, in the said certificates. And the said commissioners of revenue are to keep original particulars and a book of entry of the said certificates, and to return the said book of entry unto the said commissioners of parliament before the fifth day of January next.

(8) And it is hereby further ordered and declared, that all and every the said person and persons, who claim any estate or interest in lands in Ireland, and are to remove and transplant themselves, as aforesaid, shall and are hereby required to repair to the commissioners of revenue within the precinct of Galway, before the thirtieth day of January next ensuing, and present their respective certificates above-mentioned to the said commissioners of the precinct of Galway, to be by them entered in one or more books to be kept for that use, and endorsed upon each certificate when the same was presented and entered as aforesaid; and the said persons who are to remove as aforesaid shall and may repair unto and take possession of such lands as shall be assigned them respectively to plant and inhabit upon, as they shall receive directions from the said commissioners of revenue in the precinct of Galway.

(9) And it is hereby further declared that such of the said persons who are to remove as aforesaid as shall not take out their respective certificates, and present their said certificates to the said commissioners of revenue for the precinct of Galway, according to the respective times, and in such manner as is hereinbefore limited and appointed, the said persons so neglecting or refusing to take out or present, or cause to be taken out or presented their said certificates as aforesaid shall lose the benefit and favour intended them, of having lands assigned them in satisfaction of any interest or estate they have or pretend to have to any lands in Ireland; and the said commissioners of revenue in the precinct of Galway, or any three or more of them, are hereby authorised and required (upon the producing of such certificates unto them, as is before expressed to be by them entered as aforesaid) to assign and set out by writing under their hands and seals, unto all and every the said respective person and persons (who by the tenor of their respective certificates appear to be landholders in the places from whence they remove) lands within the province of Connaught and county of Clare, of the lands forfeited to the commonwealth there, proportionable in value to the lands they hold or occupy, and for which they pay contribution in the places from whence they remove, and competent to manage and improve their respective stocks; which lands so to be assigned unto as many of the said persons as claim to have any interests or estates in lands in Ireland, is to be held and enjoyed by them respectively from the time they enter and take possession of the same unto the first day of May 1654 and so long after the said first day of May as they shall answer, and pay contribution in the places from whence they remove, without paying any rent or contribution for the same.

(10) And it is hereby further ordered and declared that such of the said persons as are to be transplanted as abovesaid, and claim no estate or interest in lands in Ireland, shall hold and enjoy such lands as shall be assigned them as aforesaid, upon the terms and encouragements herein held forth in reference to assessments and other public taxes, subject nevertheless to such reasonable and moderate rents, for and in respect of such lands payable for the same to the commonwealth, as the said commissioners of revenue, or any three or more of them, shall think just and equitable.

(11) And it is hereby further declared that such of the said persons

as shall remove themselves as aforesaid, shall for their encouragement to live there peaceably, and conformable to the laws and customs of the commonwealth and people of England, have and enjoy the benefit and advantage held forth in and by the said recited act for satisfaction of the Adventurers, for the mitigation and ascertaining of assessments, and other public taxes, from and after the four and twentieth day of June next ensuing, equal with the English and protestants in Ireland; and shall be pardoned all offences by them respectively committed (except murders committed by or upon any person not being in arms at the time of committing the same) and shall be no more molested for the same.

(12) And for the better accommodation of such as shall remove and transplant themselves as aforesaid, it is hereby further ordered and declared that the said commissioners of revenue within the precinct of Galway, or any three or more of them, shall and are hereby empowered and authorised to assign and appoint unto the said persons who are to remove as aforesaid, all or any part of the lands forfeited or belonging to the commonwealth, within the province of Connaught and county of Clare to be by them respectively held and enjoyed as aforesaid (except such lands as are now actually tilled or stocked by the inhabitants, and except such lands as are situate and lying within the county of the city of Galway, and within four statute miles distant of the said city (the same being intended for English and protestants to plant) and also except such of the forfeited lands within the province of Connaught, beginning at the end of one statute mile round the town of Sligo, and so winging upon the sea coast, not above four miles distant from the sea, as shall satisfy the forces now disbanded, who are to be satisfied within the said province) which said forfeited lands so set out, assigned and appointed as aforesaid, unto such of the said persons as are to remove, and to have lands given them according to the respective qualifications in the *Act for settling of Ireland*, under which they fall, in lieu or recompence for their interests, or estates in other lands in Ireland, shall be held and enjoyed by the said persons respectively, according to such estates, and for such terms, and under such conditions as they have or ought to have in any lands in Ireland, according to the tenor and true meaning of the said act of settlement, in case upon trial and adjudication of their respective claims and qualifications so much shall appear to be due unto them; and in case upon trial and final adjudication of their respective claims and qualifications, more lands shall appear to be due unto them than what shall be assigned and set out unto them as aforesaid, the said defects shall be supplied out of other lands belonging to, and in the dispose of the commonwealth, within the said province of Connaught or county of Clare in such places as may be most convenient for every respective person, without prejudice or injury to any other.

(18) Provided always, and it is hereby intended, that every respective proprietor or owner of lands within the province of Connaught and county of Clare shall have due recompence and satisfaction in other lands belonging to the commonwealth, within the said province of Connaught or county of Clare, for the value of what lands shall appear (upon final adjudication of their respective claims) to be due unto them

(according to the tenor of the *Act for settling of Ireland*), and to have been assigned out of their estates, for such persons as are to remove as aforesaid.

(14) And whereas (by a declaration of the said commissioners of parliament, bearing date the twelfth day of September last past, and published in print with the said instructions) power is given to the commanders-in-chief of the forces and the commissioners of revenue within every respective precinct within the provinces of Leinster, Munster and Ulster, or any two or more of them, to grant licences under their hands and seals, unto such persons whose removal they shall judge necessary to be dispensed with for the plowing, sowing, husbanding, reaping, inning and disposing of such crops or corn, which those who are to be removed shall have sown before the first day of May 1654. It is hereby further ordered that such licences and dispensations (upon request to be made) be granted accordingly.

(15) Provided always, and it is hereby declared, that such licences so to be granted shall not extend or be construed to extend to the justifying or warranting of any person of the Irish nation and popish religion to inhabit or reside in any of the garrisons of the commonwealth in Ireland: provided further that no license or dispensation be granted to any person of the Irish nation or popish religion to reside or live in the said provinces of Leinster, Munster, and Ulster, or in any of them, who shall not be at the time of the granting of such licence a member of some family, and for whose good demeanour the master or chief in the said family will not be responsible. And that all the said licences be printed and filled according to instructions set down in a declaration, bearing date at Kilkenny, the twenty-ninth day of April, one thousand six hundred fifty and two. For the issuing out of tickets to such persons who were then in protection.

Dated at Dublin 14 of October 1653.

CHARLES FLEETWOOD.

MILES CORBET.

EDM. LUDLOW.

JO. JONES.

Ordered by the said commissioners that this declaration be forthwith printed and published. Signed by order, &c. Jo. HUGHES.

Dublin: Printed by WILLIAM BLADEN, 1653.

Attention may usefully be directed to the following points:

(1) In the second clause the commissioners solve the difficulty of reconciling the act of satisfaction with the non-execution of part of the act of settlement by transferring almost bodily from the act of settlement that part of the clause which condemns to death not only those who had taken part in the rebellion during the first year, but even those who had taken part in murders and massacres. Legally, no doubt, such persons were still liable to be hanged, but it was possible to hold that this direction of the act of settlement was superseded by the clause in the act of satisfaction quoted above at p. 709. Those who had aided and abetted

the rebellion during its first year are therefore to escape with transplantation. (2) The same clause sentences to transplantation all persons who have been in arms, with inconsiderable exceptions, leaving as a class apart those who claim any interest or estate in lands in Ireland, 'and, by the said Act for settling of Ireland, are to have any proportions of lands set out unto them, for or in respect of such interests or estates, or of any part thereof.' ²²

What was to happen eventually the commissioners probably did not know themselves, but it cannot escape notice that though they hang the fate of transplantation over the heads of three classes of men, the abettors of rebellion in its early stage, the men who had borne arms, and the proprietors of land, when they come to enter into particulars nothing is heard of the first two classes. Only the proprietors of lands are directed what to do in order to secure their new possessions. Their wives and children are of course to follow them, also their tenants, and any one else who willingly chooses to accompany them. If it be asked whether those having 'interest or estate' included tenants, the answer is that the further instructions of 2 July, subsequently legalised by the act of satisfaction, authorised the commissioners to grant lands in Connaught or Clare to persons under the several qualifications

of the like estate of inheritance or freehold or for the like term of years or number of lives to be by them held in lieu or satisfaction of such part of their estate which by such articles or qualifications he or they were to enjoy.

Tenants for lives or terms of years were therefore transplantable as proprietors. Tenants at will were not, unless as having borne arms or having been concerned in the rebellion during the first years. Yet there stood the sentence of transplantation against those who had taken part in the first year's rebellion and against those who had since borne arms without any hint that proprietors alone were affected. Yet if all these were to go, the transplantation would be virtually what it has been called, the removal of the Irish nation. Undoubtedly the Irish so understood it. The lists in the transplanters' certificates for the precinct of Limerick ²³ show three classes of persons, heads of families, who were proprietors, tenants, and servants. The last class can hardly have possessed personal property worth mentioning. The second may in some few cases have been tenants for years on the English system. In

²² It will be seen that there is no reference to any order for personal transplantation as being in the act of settlement.

²³ *Irish Record Office*, A₆₂ 40. I owe my knowledge of these documents to the kindness of Mr. Robert Dunlop, who has lent me his transcripts, and I have supplemented the knowledge thus acquired by a visit to Dublin.

most cases, though their holdings were recognised by Irish custom, they would be regarded by English lawyers as mere tenants-at-will, and could not therefore be spoken of as having an estate in land. Again, a letter written from Munster on 11 Dec. 1653 to a protestant landlord says that he will have few or no tenants this next year by this proclamation of transplantation, which clearly extends to all papists without exception; and another from Dublin of 6 Feb. 1654 shows, if it could be accepted as conveying the intentions of the government, that this rested on a misconception: 'Tis not intended that any should be sent into Connaught but proprietors and soldiers. The rest stay.'²⁴

The government, probably, was far too anxious to clear the land for the new occupants to care to occupy itself overmuch with the removal of unlanded men. For the time being at least, only proprietors of land appear to have been aimed at. On 16 November a very stringent commission was issued to Colonel Lawrence and others to inquire into 'the delinquency,' not of Irishmen in general, but 'of Irish and other proprietors, in order to the distinguishing of their respective qualifications according to the act for settling Ireland.'²⁵ No doubt this does not imply any settled determination to let off permanently such Irishmen as not being landowners had borne arms. Before long commissioners for the investigation of the delinquency were established at Athlone, while another body for assigning lands in Connaught and Clare was established at Loughrea.²⁶ On 6 March 1654, however, we find the parliamentary commissioners directing that

such persons as are to be transplanted and claim no interest in lands may plant themselves on any lands belonging to the commonwealth for their best conveniency, as you shall judge fitting.²⁷

For the present, however, the commissioners had too much to do with getting the proprietors across the Shannon to trouble themselves much with such poorer people. Before March was over, they discovered that it would be impossible to get the transplantation effected, as had been originally proposed, by 1 May 1654. Floods of petitions poured in for exemption from transplantation. Accordingly on 27 March authority was given to the

²⁴ I am not at present at liberty to mention the source of this and a few subsequent extracts from the same collection.

²⁵ Commission, 16 Nov. 1653, *Irish R. O.* A 44, p. 747.

²⁶ Commission, 23 Jan. 1654, *ibid.* A 45, p. 47.

²⁷ The commissioners to the Loughrea commissioners, 6 March 1654, *ibid.* However, on the same day we find the commissioners answering the query what is to be done with tenants holding leases for five or seven years that 'the tenants are to enjoy their leases, and the persons to whose lots the same shall fall are to receive the rent reserved' (*ibid.* p. 169).

commanders-in-chief and commissioners of revenue in each precinct to give temporary dispensations only till 1 June to persons of advanced age or ill-health, to others who had in any way advanced English interests, and lastly, to such as renounced 'the Popish superstitions.' None of these, however, were to retain their lands to the east of the Shannon, except as tenants of the common-wealth for their temporary relief and support.

1 June arrived, and the work of transplantation was no further advanced. Letters from Dublin, published in *Mercurius Politicus* and quoted by Prendergast,²⁸ testify that it had come to a standstill. On 12 July we hear that 'the transplanting work moves on but slowly; not above six-score from all provinces are yet removed into Connaught.' The statement, however, is far from correct, as it has been shown that by that time 1,623 certificates, covering no less than 44,210 persons, had been presented at Loughrea.²⁹ Yet this was but a fraction of the persons transplantable. Nor does it follow that all who received certificates were actually removed into Connaught or Clare. The declaration of 14 Oct. specified that the proprietors should be accompanied by their tenants and others who were willing to accompany them, and many a man might have put down his name to accompany his landlord at a time when he believed that the whole population was to be transplanted, though he may have thought better of it when he discovered that this was not the case. Indeed, while one volume of entries of certificates, preserved in the Irish Record Office, gives only 51 certificates presented at Loughrea for the precinct of Limerick, another shows that 889 had been taken out in that district before the middle of January 1655. On 24 Aug. we hear that 'the work of transplanting is at a stand,' and it is not till 21 Dec. that we find that 'the transplantation is now far advanced.' Surely there must have been difficulties in the way greater than those occasioned by the mere unsupported resistance of the Irish proprietors. On 2 June, before there was time to learn whether those proprietors had moved off by the prefixed term of 1 June, Fleetwood wrote to Thurloe, suggesting to Cromwell, who had now been Protector for some months, danger from the presence of Irishmen in England, and advising their removal from London. 'The truth,' he adds, 'is, these people are an abominable false, cunning, and perfidious people; and the best of them to be pitied, but not to be trusted.'³⁰ Yet, despite this strong language, not a word is said about any special difficulty with regard to transplantation.

The explanation comes from an unexpected quarter. In some notes taken by Edward Montagu of the debates in the council on

²⁸ P. 126.

²⁹ *Transactions of the R. Irish Academy* (Antiquities), xxiv. 406.

³⁰ Fleetwood to Thurloe, 2 June; Thurloe, ii. 343.

the sending of an expedition to the West Indies, Lambert is found arguing against a policy of adventure on the ground that home difficulties require the undivided attention of the government, and referring to Ireland, he speaks of 'transplantation or non-transplantation' as possible alternatives. These words—or words condensed by the note-taker in this fashion—were spoken on 20 July 1654.³¹ Some kind of policy which could be described as 'non-transplantation' was therefore under discussion in England. If we had access to the despatches sent by the Protector and council to the commissioners, we should be in a position to understand what was the precise meaning of that term. Unfortunately they are no longer in existence, and we are left to deduce from scanty information what was at this time the policy of the protectorate in this matter. A little later we recover firm footing, at least for a moment. The Protector decided upon appointing Fleetwood lord deputy, to govern Ireland in conjunction with a council, some of the members of which were to be sent over from England. 'When our new council goes over, which is said will be suddenly,' writes, on 19 July, one who was likely to be well informed, 'I believe they will give some stop to the transplantation; it being one of their instructions to moderate it as they shall think fit.'³² On 17 Aug. the instructions were issued to the new deputy, binding him to act in everything with the concurrence of his council. From these instructions I now print the clause relating to transplantation in parallel columns with the proviso rejected by the nominated parliament, in order that the identity of the plan of the two documents may be clearly seen:—

Instructions 17 Aug. 1654.

Provided always that our deputy, with the advice aforesaid, may, so far as they shall judge fit and to be for the public service, dispense with the orders and instructions made and given by the late parliament or council of state for the transplantation of the Irish into the province of Connaught or county of Clare, or one of them; and likewise with the penalties and forfeitures set and imposed by the authority aforesaid upon such persons as shall not transplant them-

Proviso 26 Sept. 1659.

Provided always that, if the commander-in-chief and the commissioners of parliament in Ireland shall see it requisite for public use or advantage to the commonwealth to retain any of the Irish in the provinces of Ulster, Leinster, or Munster, the said commander-in-chief and commissioners, or any two of them, may license any such person or persons to abide and remain in any of the said provinces by writing under their hands, and such persons so licensed shall incur

³¹ The notes, which I was allowed to copy by the kind permission of the earl of Sandwich, are at Hinchinbrooke, and will appear under Mr. Firth's editorship in the third volume of the *Clarks Papers*.

³² See p. 717, note 24.

Instructions 17 Aug. 1654—cont.

selves accordingly; and may also by proclamation or otherwise, as they shall think fit, declare and publish the same.³³

Proviso 26 Sept. 1653—cont.

no danger or penalty for abiding and remaining in the said provinces, notwithstanding any act, order, or ordinance to the contrary.³⁴

Both documents are founded on the principle of leaving the law unaltered, but of conferring a wide discretion of the authorities in Ireland to dispense in individual cases. How far this discretion was to reach would no doubt depend partly on the views of the lord deputy and council at Dublin, but still more on the views of the lord Protector and council at Westminster. What the views of the latter were in Aug. 1654 we have no direct evidence to show; but we can at least say that there is strong reason for supposing that it was more or less in accordance with the views of the person, whoever he was, who drew up the proviso rejected in 1653. If the conjecture that that person was Gookin³⁵ be accepted as probable, we have all the more interest in asking what was the policy which Gookin recommended, because there is at least a chance that his policy was, at least for a time, adopted by Cromwell.

That policy was set forth in a pamphlet to which Gookin afterwards laid claim, but published anonymously on 3 Jan. 1655, under the title of 'The great case of transplantation in Ireland discussed; or certain considerations wherein the many great inconveniencies in the transplanting the natives of Ireland generally out of the three provinces of Leinster, Ulster and Munster into the province of Connaught are shown, humbly tendered to every individual member of parliament by a well-wisher to the good of the commonwealth of England.'³⁶ The title itself proclaims a policy—at least a negative one. There is to be no universal transplantation—certainly not of the bulk of the men-at-arms, probably not even of anything like the bulk of proprietors. As to the persons who were to go, Gookin for the most part maintains a judicious silence, presumably because he did not wish to interfere with the prerogative of the government; but he says enough to show that he would be content with sending across the Shannon the great landowners and heads of septs, whose separation from their dependents would break up the organisation of Irish society, and would leave their

³³ Instructions to the lord deputy and council, 17 Aug. 1654, clause 14; *Irish R. O.* A 25, p. 38. A draft with slight differences is printed in Thurloe, ii. 506-9.

³⁴ *C. J.* vii. 324.

³⁵ See *supra*, p. 709. Gookin was an influential person with the Protector. He was a member of the Admiralty Committee, and in the early part of the summer of 1654 was promoting a petition on behalf of the Munster protestants.

³⁶ B. M. Pressmark, E, 234, G. The date is Thomason's.

countrymen more amenable to the influence of the new English settlers. Of his main arguments, two—that the settlers could not cultivate their lands without the aid of the Irish population, and that the Irish population was too numerous to be driven as a whole beyond the Shannon—would appeal strongly to the practical side of the Protector's character; while the third, that the Irish, when isolated from their leaders, would be far more likely to change their religion than if they had accompanied those leaders to Connaught or Clare, was—though we now know it to have been a prediction which no wise man would trust himself to utter—just as certain to appeal to his religious feelings.

'The Great Case of Transplantation' was, as has been seen, published on 8 Jan. 1655, for circulation among the members of the first protectorate parliament. It does not follow that it was not—altogether or in part—written earlier, and there are certainly peculiarities in its composition which point in that direction. In his 'Life of Sir W. Petty,' Lord Edmond Fitzmaurice has pointed out that in a list of Petty's works drawn up by himself appears, under the date of 1654, 'A Discourse against the Transplantation to Connaught.' No work with this title is known to exist.³⁷ I feel little doubt, however, that Lord Edmond is right in thinking that Petty referred not to an independent work, but to part of Gookin's production as his own. His conclusion is that

the published book bears the marks of joint authorship, the opening sentences—an elaborate comparison between the state and the human body—being altogether in Petty's style, as well as the later portions, where the arguments are of exactly the same general character as those in 'The Political Anatomy of Ireland,' ch. iv.³⁸

So far as the latter portion is concerned, the resemblance does not seem to me to be so great as is here assumed. This difference of opinion is however immaterial, as I quite concur in Lord Edmond's view of the early portion.³⁹ Yet there can be no question of collaboration in the ordinary sense. During at least four months before the book appeared before the public, Petty was in Ireland and Gookin in England, so that the two could not, at that time, have put their heads together to produce it. If we ask what were Gookin's movements, the only points of which we are sure are that he resolved to leave England for Ireland on 28 June, and almost certainly did so, and that he must have been back at Westminster by

³⁷ Professor Bury informs me that there is no such book in the library of Trinity College, and Mr. MacIvor comes to the same conclusion as to other libraries in Dublin.

³⁸ *Life of Sir W. Petty*, p. 32, note 8.

³⁹ It is true that Gookin claimed the whole as his own, but, as I learn from Lord Edmond that Petty was nervously anxious not to allow anything to go abroad in his name, I conclude that Gookin would feel himself justified in holding his tongue on the subject of the collaboration.

3 Sept., the day of the opening of the parliament in which he sat for Bandon and Kinsale. Was it unlikely that, having a burning interest in the question of transplantation, he should have come over some days earlier, in time to present the substance of his argument⁴⁰ to Cromwell, and to have contributed somewhat to what looks very much like a compromise, the clause relating to transplantation in the instructions of 27 Aug., issued only a week before parliament met? What, too, is more probable than that Petty gave to Gookin, during this visit to Ireland, the opening pages of an argument which Gookin, either then or after his arrival in England, completed in his own more rhetorical style?

Yet, however widely the door of mercy might be thrown open by the concession of the power of dispensation, the government at Dublin had no intention of changing the general principles laid down in the two acts of 1652 and 1653. On 30 November the lord deputy and council issued yet another declaration, of which I have been unable to discover a copy, though the nature of its contents may be sufficiently learnt from their recital in the declaration subsequently issued on 27 Feb. 1655.

Whereas by an order of 30 November last it is declared that all persons in Ireland who, having right to articles or to any favour or mercy held forth by the qualifications in the act of parliament, entitled 'An Act for the Settling of Ireland,' are proprietors of lands in Ireland; or at any time since 21 October 1641 have been in arms against the commonwealth of England; or before 21 October 1642 have acted, aided, or assisted the late bloody rebellion in Ireland, and are declared to be persons that ought to transplant themselves, their wives, children, and families into Connaught and county of Clare, do transplant themselves into Connaught and Clare accordingly, at or before the first day of March next ensuing, and that such as wilfully refuse or neglect so to do should incur the penalties declared in and by several acts, orders, instructions, and declarations in that behalf, more particularly in that of 30 November above mentioned.⁴¹

It was undoubtedly to the declaration of 30 November referred to above that Gookin pointed as a sentence of universal transplantation. It was taken as beyond recall by many at least of the Irishmen sentenced to transplantation, and, as has been already seen,⁴²

* The book cannot have been completed at so early a date exactly as it was printed, as we find in it a statement that 'there are laws made and orders gone forth for their going universally into Connaught by March next,' and these orders, as will be seen, were only given in Dublin on 30 November. These words, however, may very well have been added when the pamphlet was sent to the press. There appear to have been, as Lord Edmond Fitzmaurice has suggested, two issues of the work, both published in London, as the one in the Museum library is said to be 'printed for I. C. 1655,' whereas Professor Bury informs me that a second copy in Trinity College library bears the full name of the publisher as 'Clark.'

⁴¹ Declarations of the lord deputy and council, 27 Feb. 1655, B. M. Pressmark 806, i. 14, no. 12.

⁴² *Supra*, p. 718.

three weeks later a letter-writer from Dublin was able to announce that 'the transplantation is now far advanced.' It is true that all mention of tenants has disappeared from the list of proscribed persons, the tenants for years being doubtless included amongst proprietors. Yet if the tenants-at-will—or customary tenants—were excluded from one category they were liable to fall under another, either that of the men in arms or that of the first supporters of the rebellion. How fully Gookin was justified in this assertion is best seen from the evidence of delinquency given before the commissioners sitting at Athlone to receive it. Though only the volume containing the evidence relating to persons living in the precinct of Athlone has reached us,⁴³ the information contained in it is quite sufficient for our purpose. Selecting the first twenty and the last twenty of the cases, we obtain the following results: Of these forty persons eleven were either dead or had gone beyond sea, and four only had taken the English side. There remain twenty-five, of which eighteen would have been liable to be hanged by the Act of Settlement, and seven only would have escaped with the forfeiture of property. By the declaration of 14 October 1658 the whole of the twenty-five would be liable to transplantation. It was doubtless the feeling that the government had in the main decided against him, though they were prepared to take particular cases into consideration, which led Gookin to appeal to members of parliament by publishing his book in January. He must have known that there was in Ireland a strong military party which favoured such a universal transplantation—a party to which Fleetwood's weakness of character made him subservient. What those ideas were will best be shown by a petition presented by soldiers and others about the middle of March 1655.⁴⁴ It was however in existence as early as 6 February,⁴⁵ and may very well have been in circulation several weeks earlier still.

To the right honourable the lord deputy and council, the humble petition of the officers within the precincts of Dublin, Carlow, Wexford, and Kilkenny, in the behalf of themselves, their soldiers, and other faithful protestants in those parts

Sheweth

That we having with much seriousness and sadness of heart observed those numberless evils and inconveniences that have and do attend us by the Irish living among us, as well by reason of those many treacheries, murders, and other abominations that have been practised and committed by them, which might be large in relating the deep sense thereof; as also the consideration of these following particulars hath pressed our spirits

⁴³ *Irish Record Office*, A, $\frac{82}{82}$ 80.

⁴⁴ The newspaper in which it appears (*Mercurius Politicus*, p. 5236, B. M. Pressmark, E, 831, 7) contains a letter from Dublin dated 17 March.

⁴⁵ This is shown by its mention in a letter which will be found *infra*, p. 726.

to supplicate your honours to take into your serious thoughts the putting in execution the orders of the late council of state bearing date 2 [July]⁴⁶ 1653, and confirmed by the then parliament 27 September following, concerning the removing of all the Irish into Connaught, excepting males of 14 years of age and females of 12; for we humbly conceive that the proclamation for transplanting only the proprietors and such as have been in arms will neither answer the end of safety, nor what else is aimed at thereby, because many under those qualifications will never be known to us, there being few or none that are thirty years of age but have had a hand in the murdering or robbing of the English, and it's to be feared many known to us will be kept by the favour or countenance of some, and that out of respect to particular engagements or present advantages, upon which account most of those that will be left will be as bad as the worst that are gone, and will still be running out into rebellion, relieving of such as are or shall be abroad; by which means we shall never be freed from murders, thefts, &c. But to the end that all the afore-mentioned evils, with many more, may be removed, and this poor nation settled in peace, and we therefore disburdened of what the Lord hath laid on our spirits as a great weight, we have taken the boldness in all submissiveness to contribute our mites, by presenting to your honours these following reasons to incite you to so good a work, and shall beg the Lord to incline your hearts to endeavour the speedy effecting thereof.

1. The first reason that we shall humbly offer to your honours' consideration for the transplanting of the Irish, as aforesaid, is to prevent those of natural principles⁴⁷ their becoming one with those Irish as well in affinity as idolatry, as many thousands did who came over in Queen Elizabeth's time, many of which have had a deep hand in all the late murders and massacres: and shall we join in affinity with the people of these abominations? Would not the Lord be angry with us till he consume us, having said The land which ye go to possess is an unclean land, because of the filthiness of the people that dwell therein. Ye shall not therefore give your sons to their daughters, nor take their daughters to your sons, as it is, Ezra ix. 11, 12, 14. Nay, ye shall surely root them out before you, lest they cause you to forsake the Lord your God: Deut. vii. 2, 3, 4, 16, 18, as indeed they did by means of the said people, as it is, Judges iii. 5-8, which caused the Lord to be angry with them and to destroy 24,000 of them for committing of corporal and spiritual fornication at Peor, Num. xxv. 1, 2, 8, 9, 18, to vex and smite them; therefore, saith the Lord in verse 17,⁴⁸ because they have vexed with their wives; and is it not just with God to vex us with these people by making them thorns in our sides, and in some few years to permit our own soldiers to join with the natives to destroy us, when they have learned their ways and manners as to profession and practices of those filthy vices that reign among them; as swearing, drunkenness, dissembling and deceiving, for which the land mourns?

2. The second reason is grounded on the law of nature which teacheth self-preservation, which we can in no ways expect, so long as they live within our bowels; it being consistent to their principles to

⁴⁶ Misprinted 'June.'

⁴⁷ *I.e.* 'Uncorrupted principles.'

⁴⁸ 'For they have vexed you with their wives,' verse 18.

destroy the enemies of their holy faith—as they call us—for which they expect a celestial reward, and likewise they hold it lawful to make war against heretics—which they conclude us to be—since, say they, such a war tends to the defence and amplification of faith, and to the recovery of the lands whereof they have been robbed, and ⁴⁹ Christ has been worshipped; and then our own experience, as also history, doth evidence that little or no stress they put upon any plighted faith, as Campion ⁵⁰ relates, who mentions their violating of leagues, and that by blood when they have been joined in surest amity.

3. Thereby honest men will be encouraged to come and live among us in regard that the other three provinces will be clear of Tories, when there is none left to harbour, relieve, or abet them, which now they dare not do, lest they be robbed and destroyed, as lately has been sadly experienced, and the officers and soldiers of the army will also be induced to send into England for friends to improve what the Lord by his providence shall allot them; which, as the case stands, they dare not do, lest they should be accessory to the ruin of those they might so send for.

4. That malice or exasperation of spirit may be prevented that will arise in them against us when they see us enjoy their estates; the sense of which may put them upon contriving all ways possible to destroy us or ours.

5. Your honours will thereby evidence your detestation and disowning of their bloody and abominable practices; as also free the English in this nation from those judgments that may otherwise fall on them not much unsuitable to that of the Israelites being freed from the plagues of Egypt being in Goshen, as in Exod. xxvi.

6. You may thereby free many from being murdered by those whose relations were killed by their means as instruments in the hand of the Lord; they being a people of such inveterate malice as to continue and labour to revenge themselves twenty or thirty years after an injury received—which they cannot do when separated—neither can they take such advantages to surprise your garrisons, or engage your soldiers in every design against us, as they can by living among us.

(7)⁵¹ Thereby you will obstruct their taking with them or making use of those arms and ammunition they have concealed in rocks and mountains, which is judged a very considerable quantity, and that on good grounds; and they will also be deprived of getting arms from our party, as it's to be feared they do daily by the carelessness of some and malignity of others.

(8) You will thereby take away those temptations which many will or may be overcome by, as in reference to gifts, rewards, and other advantages; as also in usurping and exercising of dominion over them in ways of oppression, which may force them to endeavour freedom from such yokes by wicked means.

* 'Where' seems to have been omitted.

⁴⁹ 'Covenant and indent with them never so warily, never so precisely, yet they have been found faithless and perjured. Where they are joined in colour of surest amity, there they intended to kill.' Campion's *History of Ireland*, p. 17, published by Sir J. Ware 1633.

⁵¹ This and the following paragraphs are wrongly numbered in the printed text as 8, 9, 10.

(9) You will thereby enlarge the liberties of the poor English who are confined within walls and garrisons, to their great impoverishment, in regard that they are fain to house and barn their cattle, and to make use of barren land, while the Irish enjoy the benefit of the best land, orchards, and gardens in the country, and keep their cattle abroad, yea, even in the woods both day and night, where they can and do conceal their cattle, which the English cannot do; who by that means will be liable to bear a greater proportion of contribution than the Irish.

All which arguments and reasons, not being willing to trouble your honours with more, we humbly leave to your most serious consideration, desiring the Lord to direct and guide you therein, and what else may tend to the honour of God, [and] comfort of this poor nation; which is and shall be the prayers of your honours' most faithful servants.

Long as it is, this petition is worthy of consideration from beginning to end. There is a naïveté about the surprise of the writers at the retentive memory of the Irishmen whose fathers or brothers had been killed by Englishmen, and at the hardships of the poor English who were not allowed to have the best pasture for their cattle, which can only have come straight from their hearts. The very scripture quotations are no mere pious ejaculations, but spring from an assurance that there is a strict analogy between the Irish and the equally loathsome Midianites. And after all, given the situation, there was something to be said for their view as a mere appreciation of facts. The future was to prove that Gookin's conception of a dependent Irish population gladly drinking in the milk of protestantism from their new landlords was no more than a dream. The military despots were more logical in arguing that, if it were taken for granted that English settlers were to own the greater part of Ireland, it would be better for the two races to be kept as far apart as possible.

On the other hand there were Irishmen in London who seem to have been employed by their compatriots to plead against transplantation altogether, and it was easy to represent Gookin as in league with them. A letter from Dublin of 6 February—not at all unlikely to have been written by Colonel Lawrence, who afterwards conducted a more formal attack on 'The Great Case of Transplantation'—runs as follows:—

The Irish are much troubled to hear of the dissolution of the late parliament, in whom they had great hopes; but, blessed be God, their hopes are prevented. There is a letter privately carrying on for maintaining agents,⁵² of which I presume the gentleman that lately wrote 'The Case of Transplantation'—thereby abusing rulers—is to have a considerable share. The Irish are much given that way,⁵³ the sweetness of which makes some of those that have lived long enough among them so much desire their company; but assure yourself that if they were in Connaught,

⁵² *I.e.* a letter is sent about asking for money to maintain agents.

⁵³ *I.e.* to enrich themselves by taking money given for public objects.

Ireland would be a very good land, and soon all planted. There was lately a barbarous murder committed by the Tories near Carlow, which hath occasioned a joint petition to the lord deputy and council from the officers, soldiers and English protestants in several precincts, earnestly desiring that all Irish may forthwith be sent to Connaught.⁵⁴

A letter written the very next day by Fleetwood himself to Thurloe tells much the same tale, though in somewhat more moderate terms.

That design which was carrying on in England,⁵⁵ I have reason to believe the same was in Ireland among the Irish, and those who have been of that party. They are still carrying on something which I cannot yet fully make out; but the chief headpieces have their private councils in Dublin, and they have their agents in England. The names of the chief are Sir Edward FitzHarris, Mr. John Halyn, Sir Robert Talbot, Mr. Seagrave, Mr. John Grace, and one Power. These correspond with those here at Dublin, who have their emissaries to disperse into that country on all occasions what they think convenient to carry on their designs. It were well an eye were had on those persons in London, especially Mr. Seagrave and Grace, who are men of parts and interest, and so is Sir Robert Talbot. This inclosed was from some of their chief here which was sent into the county of Longford, where one of the scout-master-general's agents lives, and brought him this letter. We are endeavouring to search what we can find out in this business, and hope the Lord will discover and blast all their designs, and that the forces will be diligent in their respective places. The Irish are very high, but much troubled at dissolution of parliament. I did not long since receive a letter from my brother Cromwell,⁵⁶ that one Colonel Treswell was in the late plot,⁵⁷ who hath kept very private here, but—I hearing where he was—is now secured. There is a very strange scandalous book, entitled 'Arguments against Transplantation,'⁵⁸ that is now come forth, which doth very falsely and unworthily asperse those that did and now do serve the state here. The person who is said to write this will, I doubt, as much deceive your expectation in England, as he hath been disingenuous to us here; who have been ready on all occasions to show respect to him; but those who know him better than I do have, before this time, bespoken what manner of spirit he was of; which I in too much charity did hope had been otherwise. It will be a great discouragement to the state servants, if such may be allowed their liberty to traduce them.⁵⁹

The same ground was taken up by Colonel Lawrence, whose reply to Gookin, drawn up in Ireland some time before, was published in London on 9 March under the title of 'The Interest of England in the Irish Transplantation.'⁶⁰ Lawrence stepped

⁵⁴ *Mercurius Politicus*, p. 5136, B. M. Pressmark, E, 828, 7. For the petition see *supra*, pp. 723-6.

⁵⁵ Probably the cavalier plot against the Protector in 1659, as there would be hardly time to have heard in Ireland of the new conspiracy which culminated in Penruddock's rising.

⁵⁶ Henry Cromwell.

⁵⁷ See note 55.

⁵⁸ This must be Gookin's book, though the title given to it shows that Fleetwood was no more familiar with it than he professes to have been with the author.

⁵⁹ Thurloe, iii. 189.

⁶⁰ B.M. Pressmark, E, 829, 17.

forth as the defender of the authorities at Dublin, arguing that the declaration of 14 October 1653 extended 'only to proprietors and men in arms,' and explaining further that those in authority in Ireland had confined the sentence of transplantation 'to proprietors of lands and persons who had been in actual rebellion,' or—to use their own words—'that had contrived, advised, promoted, acted, or voluntarily aided, assisted, or abetted the rebellion, murders, massacres, &c., or have been in actual arms in the said rebellion.'⁶¹

The proprietors required to transplant, he added, could not be more than a twentieth part of the people of Ireland, and as to the persons that had been in arms, though there be too many of them yet in Ireland, yet much the greater part of them are transported into foreign nations, so that though it be hard to determine the number of these two sorts of persons, yet any man that knows the state of Ireland must acknowledge they are probably so inconsiderable that they will not be missed or discerned as to their numbers in the counties from whence they remove, further than one friend may want another; and for such of their friends, tenants, and servants—not within the rules—who will voluntarily go with them, the using force to stay the latter would be much more hard than the removing the former, so that as to the numbers—doubtless if any at all—it is not rational to think of less than these two sorts of persons will amount to.⁶²

Lawrence's assertion that a limited transplantation alone was contemplated is of the greater weight, not only from his close connexion with the deputy and council, but also because he takes care to show that his own feelings were against the admission of Irishmen into English settlements. He would have those settlements to be placed apart, allowing at the utmost a proportion of but one Irishman to every five Englishmen.⁶³

Gookin, in his reply, 'The Author and Case of Transplanting vindicated,'⁶⁴ published on 12 May, insists strongly on the barbarity of the act of settlement, and argues that, if the law had not been executed by the authorities, they would be within their rights in carrying it out to the letter at some future time. Comparing the language of the two champions we are brought within measurable distance of the conclusion of the whole matter. If the authorities had chosen to put in action an inquisitorial search into the names of all Irishmen then living who had borne arms at any time since October 1641 or had promoted the rising during the first year—if, in short, they had acted on the evidence collected by the Athlone commissioners—they might have transplanted, not indeed the whole of the Irish nation, but a sufficiently large number to form a basis for the complaints of writers given to exaggeration. If, however, they did not take this trouble—and there is

⁶¹ B. M. Pressmark, E, 829, 17, p. 7.

⁶² *Ibid.* p. 17. Some words giving an estimate of the numbers transplantable appear to have dropped out after 'less than.'

⁶³ *Ibid.* pp. 15, 16.

⁶⁴ B.M. Pressmark, E, 838, 7.

nothing in the correspondence which has come down to us to lead us to suppose that, except in special cases, they ever did take such trouble—then we may take the word of Colonel Lawrence the more readily as he would have been well pleased to see a larger transplantation carried out, that the numbers of those who were forcibly transplanted, not being landed proprietors, were ‘probably so inconsiderable that they will not be missed or discerned as to their numbers in the counties from whence they remove.’

It was, in truth, impossible that it should have been otherwise. The reluctance of the mass of Irishmen to remove, together with the recrudescence of toryism amongst the more active spirits, made the problem insoluble on the basis of a wholesale transplantation.⁶⁵ Moreover, as soon as the new proprietors entered upon the possession of their lands, the need of labour was so great that they would never have tolerated the removal of those upon whose help they relied for the cultivation of their new estates, and no government in Dublin could afford to disregard their wishes. A parallel may be drawn between the Cromwellian settlement of Ireland and James’s settlement of Ulster. In both cases the English authorities wished to clear the Irish off the land set apart for the new settlers. In both cases the attempt signally failed.

Whatever may have been said in later declarations, there are two pieces of evidence which may be quoted as showing that they were not generally enforced against landless men. In the first place we have a circular letter directed on 2 Sept. 1656 to the commanders-in-chief of every county in Ireland, directing them to secure in such places as he shall judge best the bodies of such Irish or others as are heads of septs or otherwise considerable and leading men formerly in arms or likely to act and contrive this design against the peace and welfare of this commonwealth.⁶⁶

If heads of septs and leading men who had been in arms were thought to be still untransplanted in the autumn of 1656, and that not in one county but in all, how many less important persons who had once been under arms must have been scattered over the country! In the second place we have the evidence of Prendergast himself.

There is an anecdote [he says] told by an English monk of the order of the Friars Minors, who must have dwelt, disguised probably (a not uncommon incident) as a soldier or servant, in the household of colonel Ingoldsby, governor of Limerick, that explains the reason why the common people were to be allowed to stay, and the gentry required to transplant. He heard the question asked of a great protestant statesman (*magnus hereticus consiliarius*) who gave three reasons for it: First, he said, they

⁶⁵ Mr. James Mills, the deputy keeper of the Irish records, showed me a roll of the hearth-money payments in 1669 for the county of Wicklow, in which the great majority of names were Irish. Yet this was a county specially destined for English occupation.

⁶⁶ Order to Colonel Nelson and others, 2 Sept. 1656; *Irish R. O.* A, 10, p. 167.

are useful to the English as earth-tillers and herdsmen; secondly, deprived of their priests and gentry, and living among the English, it is hoped they will become protestants; and thirdly, the gentry without their aid must work for themselves and their families, and so in time turn into common peasants or die if they don't.⁶⁷

The last reason especially is inconsistent with the transplantation of any considerable number of landless men in arms.

Various special points still remain for consideration.

1. *The Kilkenny submittees*.—These were persons who, having accepted the Kilkenny articles on 12 May 1652,⁶⁸ or subsequently, elected to remain in Ireland, instead of emigrating with a view to take service in foreign armies. They were guaranteed their personal property they had with them. By the sixth article

as to the real estates of any comprehended in these articles, they shall have equal benefit with others in the like qualification with themselves in any offers shall be hereafter held out by the parliament of the commonwealth of England.

An additional article runs as follows:—

We do promise faithfully and really to mediate with the parliament to the utmost endeavour concerning the real estates in the article mentioned, that they may enjoy such moderate parcels of their estates as may make their lives comfortable among us, or for the comfortable maintenance of the families of such of them as shall go beyond the seas, and in the meantime, if any part of their said estates be at the present not disposed of to any other *in custodiam*, they shall be put into possession thereof, and continue therein until the pleasure of parliament be known.

'The case of these men,' writes Prendergast,⁶⁹ 'had some features of peculiar hardship. The officers of the parliament army engaged to really and truly mediate for them with the parliament that they might enjoy such moderate parts of their estates as should make the lives of those who should not retire in voluntary banishment to Spain, but *live among the English*, comfortable, and undertook that in the meantime they should enjoy such part of their estates as had not been disposed of.'

The words in italics alter the whole sense of the engagement. The real offer was to mediate with parliament that they might enjoy 'such moderate parcels of their estates as' might '*make their lives comfortable among us*,' that is to say, as the context shows, in Ireland, and not in France or Spain. In May 1652 there could be no idea of promising that these men should not be transplanted, because parliament had not yet adopted the system of transplantation. It is unnecessary to argue that parliament was not bound

⁶⁷ Prendergast, p. 98.

⁶⁸ Gilbert's *Cont. Hist. of Affairs in Ireland*, iii. 94-99. ⁶⁹ Prendergast, p. 114.

by the offer, because parliament literally carried it into execution. Moreover, Prendergast tells us that 'these Kilkenny submittees were the lords and gentlemen of the Pale, the Barnwalls, the Nettervilles, Bellews, Plunkets, and others.' Of landless submittees he has nothing to say, and their case, therefore, if there were many such, cannot be treated apart from the general one of men in arms.

2. *Landless men in arms*.—There can be no doubt that, so far as the orders of the Irish government are concerned, the policy of the order of 30 Nov. 1654 was adhered to. On 7 June 1655 they say

that, whereas information hath been given that . . . divers persons liable to transplantation into Connaught and Clare have been licensed to stay in the said precinct [of Limerick], upon consideration had thereof, it is hereby declared, that no person or persons of the Popish religion that are transplantable by virtue of former declarations, that is to say, no proprietor of lands, nor such as have been in arms during the rebellion or acted or aided the same at any time at or before the 21 Oct. 1642, were intended thereby to be permitted to be dispensed withal from being transplanted into Connaught and Clare, . . . and it is further ordered that the governor of Limerick do take special care of putting this and all former orders concerning any proceedings to be had against such persons as were transplantable into Connaught and Clare, and neglected or refused so to do, and that they do from time to time as often as they shall judge fitting give order for search to be made after all such offenders.⁷⁰

The like order was sent to Kerry and Cork, but apparently not to any others of the fifteen precincts. On 14 July this order was sharpened by an answer to certain queries of the protestants of Limerick:

1. Touching such Irish as were upon watch and ward at or near Limerick during the siege there. It is hereby declared that such are understood to be persons in arms, and consequently liable to transplant in Connaught and Clare.

* 2. Concerning such Irish as were forced or pressed thither they are likewise understood to have been persons in arms, and thereby liable to transplant as aforesaid.

3. Concerning *podres* and *garsons*, they are likewise understood to be transplantable persons, and are to conform to the rule accordingly.⁷¹

5. And finally concerning trained bands, auxiliaries, and persons at rendezvous, the answer referred to a committee is that they ought to be accounted men in arms. We do agree with the said report, and accordingly order such persons as fall under any of the said considerations to transplant.⁷²

⁷⁰ Order of the deputy and council, 7 June 1655, *Irish Record Office*, A 5, p. 173.

⁷¹ The omitted clause orders that mortgagers, mortgagees, and the eldest sons of such Irish, though not in arms, are to be counted as proprietors.

⁷² *Answer to the Protestants of Limerick*, 14 July 1654; *ibid.* p. 195.

No doubt this was sweeping enough, but it should be noted that it is given out, not in a general order but in special directions addressed to Limerick. To place all port-towns and other commercial centres in the possession of an exclusively protestant population was the most cherished aim of the English government, and it does not follow that measures carried out in Limerick or Cork were carried out elsewhere.

3. *Persons sentenced under the Mallow proceedings.*—The special proceedings at Mallow against the Irish inhabitants of the port towns of Munster, who save upon compulsion had ranged themselves on the parliamentary side, throw no light on the question which has been here discussed. Whether these men were fairly treated or not, they fell under the eighth qualification—that is to say, they were charged as papist proprietors, not as men in arms. The only point at issue was whether they had shown constant good affection, and the court justly or unjustly sentenced them to transplantation for not having shown it. The only evidence adduced against Toomey of Kinsale, whose case was selected as a test one, was that of Robert Southwell, who swore

that in the year after Inchiquin revolted (*i.e.* from the parliamentary party), contribution was collected by the magistrate and paid to his receivers; that distresses were taken on everybody; that none durst refuse payment of contribution to Inchiquin, and none did refuse; that the assessment continued from his revolt till the town declared for the parliament.⁷³

Unless, as is unlikely, further evidence was produced which has not been recorded, Toomey and his fellow-townsmen were sentenced merely because there was no one to bear witness to any act of resistance on their part. These men, however, were subsequently granted lands in county Cork, though not within two miles of any walled town or port.⁷⁴ The last words explain their being dealt with in accordance with the extreme rigour of the law. If their habitations had not been in seaport or trading towns, they would probably have remained unmolested. It is also to be observed that not only the charge against them, and the requirement that they should have shown constant good affection, but also the judgment that they should hold two-thirds of the value of their estate in lands elsewhere, is sufficient proof that they were removed as 'papist' proprietors—not as men who had borne arms.

4. *Effect of the Savoy Massacre.*—There can, indeed, be little doubt that in May 1655, when the news of the Savoy massacre arrived, there was an increased bitterness in the feeling of the government at Dublin and of protestants generally against the Irish. In a

⁷³ Mallow Proceedings, *Irish R. O.* A. 39, p. 4.

⁷⁴ Prendergast, pp. 169-76.

letter written on 23 May, Fleetwood, after expressing a hope that the Protector will be able to shelter the persecuted Vaudois, turns to his own Irish difficulties.

As to what you write concerning our transplantation here, I am glad to understand you have so good a sense of it; for certainly it is a work of very great public advantage, and that wherein the Lord will appear in owning of it, though it hath been strangely obstructed and discouraged by the discountenance it hath received in England. There is, no doubt, as bad if not a worse spirit in these people than in those of Savoy. We are on in the gradual transplantation, though the hopes the people have from England of a dispensation makes them keep off, and will not transplant so readily as otherwise they would if their thoughts were free from expectations out of England. If his highness and the council would but write a letter to encourage us in the prosecution of that work, it would be of singular use. However, I hope the Lord will give me a heart to labour under all difficulties for the accomplishment of so great and good a work, till I am commanded the contrary.⁷⁵

It must be acknowledged that there is much here that is enigmatical to us, as we do not know how far the 'dispensation' referred to was expected to reach. Yet, though Lord Edmond Fitzmaurice seems to have gone too far in regarding this as the crisis of transplantation, a crisis which arose when the order of 30 Nov. 1654 was issued, there can be little doubt that the Protector had again been listening to those who urged some amount of 'dispensation' to transplanters, and that this had revealed itself to Fleetwood not in any direct orders on the subject, but in that absence of communication of which he complained. As appears from the following extract from a letter written in Dublin on 23 May, there was a strong belief in Fleetwood's surroundings that there was a close connexion between the Savoy massacres and the enforcement of transplantation.

The officers of the army here are very sensible of that horrid cruelty in the massacre of the poor protestants in the duke of Savoy's dominions; they intend to make application to his highness about it. It was less strange to us when we heard that the insatiable Irish had a hand in that blood. If our transplantation go not on, they may chance to give us the dregs of that cup to drink as the kindness of their neighbourhood. The Lord grant our own iniquity may not be an occasion of delivering us or our children into the hand of so cruel an adversary!

Yet, after all, was there anything more than a temporary check? Did not Gookin's policy for good or for evil prevail in the end? If any faith is to be placed in the arguments I have adduced, or if any credit is to be placed in Prendergast's *magnus hereticus consiliarius*, it was the policy of a transplantation limited or approximately limited to proprietors that was ultimately

⁷⁵ Fleetwood to Thurloe, 23 May; Thurloe, iii. 468.

adopted. We may still fairly talk of the Cromwellian settlement of Ireland because it was Cromwell's sword and Cromwell's power which gave it life. The form which it ultimately took was that recommended by Gookin and not that recommended in the officers' petition.⁷⁶ And it may perhaps be reckoned to some extent for good in Cromwell himself that in carrying out what could not be otherwise than a tyrannical policy he listened so readily to the voice of moderation.

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⁷⁶ There is evidence of Cromwell's feelings towards Gookin in a letter written by him to Fleetwood and his council on 19 June 1655. *Irish R. O.* ^A 26. From this it appears that on 23 June 1654—that is to say, a few days before Gookin left England (see p. 721)—he had ordered a grant of lands in fee farm to be made out to him in the barony of Barrymore, in County Cork, in consideration of his 'sufferings by plunder, sequestration, and imprisonment for his constant adhering, his expenses in those public employments whereunto he hath been immediately called us, for which he hath yet received no proportional compensation, as also his building a house new from the ground on part of the said lands, and the settlement of his stock and family there, where he desires for the future to retire himself, from whence he cannot' (as he alleges and we believe) remove without much damage and inconvenience.' It is easy to understand why Fleetwood had taken no steps to carry out this order. Now, as a close to the controversy with Lawrence, the Protector orders obedience, and it can hardly be doubted that, however unwillingly, Fleetwood did what he was bidden to do. So far as this evidence goes it strengthens the supposition that there was a conflict of opinion on the subject of transplantation between Fleetwood and the Protector, and shows that the invitation to the former to return to England, dated only three days later than the letter in which he was directed to satisfy Gookin, may have been due to differences on this subject as well as to the causes to which it is usually assigned. At all events Fleetwood was unrepentant in the matter of transplantation, as appears by the force order of July 14 (B. M. Pressmark 806, i. 14, No. 24), directing that all officers and soldiers neglecting to make strict search for transplanted persons shall be punished by a court martial for neglect of duty. It will be observed that the answer to the Limerick protestants (*supra*, p. 731) was given on the same day, and the two together may perhaps be taken as Fleetwood's last fling of disappointment.