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agus Staire Phort Láirge

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Jimmy McCrohan who delivered the September lecture of the society in conjunction with the Aylward Gathering, pictured with John Aylward of Waterford.

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The launch of Decies 68 by the Mayor of Waterford, Cllr. Jim Darcy. Front row, left to right: His Worship the Mayor of Waterford, Cllr. Jim Darcy, Mr Fergus Dillon. Back row, left to right: Michael Maher, William Condon, Eddie Synnott, Kevin Hall, Tony Gunning, Erica Fay, Seamus Reale, Béatrice Payet, Cian Manning, Donnchadh Ó Ceallacháin and George Kavanagh.

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Eddie Synnott who typeset the journal and scanned the images once again deserves the gratitude of the society.

I would like to point out to intending contributors that the final deadline for the submission of articles for *Decies 70* (2014) is 1 May 2014. **Articles received after that date will be held over for publication in the following year's journal.**

Dar ndóigh beidh fáilte roimh altanna as Gaeilge nó as Béarla.

For further information on the Waterford Archaeological and Historical Society see our website: <http://www.waterford-history.org/>

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AGM of the Federation of Local History Societies, in Waterford, 2013. Delegates visiting the city's Medieval Museum.



Society members at Johnstown Castle on one of the warmest days of the summer of 2013.

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Bishop Gilbert of Limerick, Suffragan of Canterbury

Dónal O'Connor

ON 19 September 1115, Bernard, chaplain and later chancellor to Queen Matilda, wife of Henry I, King of England, was consecrated bishop of St. Davids, Wales, by Ralph, archbishop of Canterbury. The ceremony took place in Westminster Abbey in the presence of the queen. Among the six suffragans of the Church of Canterbury who took part in the ceremony were, first William of Winchester and finally Gilbert, bishop of Limerick in Ireland (*Gislibertus Lumniensis de Hibernia*).¹

That Bishop Gilbert is listed as a suffragan of Canterbury is most surprising, and is generally regarded as an invention of Eadmer, a monk of Canterbury who was happy to exaggerate the extent of Canterbury's influence.

But Gilbert was also the papal legate for Ireland who had presided at the reforming Synod of Raithbreasail (1111): 'Pope's legate in Ireland at that time (and) was president (*árduachtarán*) of that council'.²

Gilbert's signature on the council documents is followed by that of Cellach, the coarb of Patrick and primate of Ireland. As archbishop of Armagh he was metropolitan of Leath Chuinn (the northern part of Ireland). After Cellach comes the signature of Mael Ísu Ua hAinmire, archbishop of Cashel, and metropolitan of Leath Mogha (the southern part of Ireland), which consisted of eleven suffragan dioceses, one of which is Limerick. And so, Bishop Gilbert was not only papal legate but also a suffragan bishop of Cashel. Hence the surprise to find him listed by Eadmer as a suffragan of Canterbury.

Who was Gilbert?

Nothing is known of Bishop Gilbert's early years: where and when he was born, where he studied for the priesthood, who consecrated him bishop of Limerick. But he had met Archbishop Anselm in Rouen prior to his episcopal consecration and had correspondence with Anselm in which Anselm recalls the meeting and the friendship between them. Unlike Bishop Malchus of Waterford and Bishop Samuel of Dublin both of whom had been consecrated bishop by Anselm (1096) and had made a promise of canonical obedience to Anselm and his successors at Canterbury, Bishop Gilbert had not been consecrated by Anselm and had made no such promise and would not have been regarded as having any canonical bond

1 M. Rule (ed.) *Eadmer, Historia Novorum* (London, Rolls Series, 1884) 42, p. 236.

2 Geoffrey Keating, *Foras Feasa ar Éirinn: the history of Ireland*, ed. David Comyn and P.S. Dineen (4 vols. London, ITS, 1902-14) iii, pp. 298, 299, *Giolla Easpuig easbog Luimnigh Fá Leugáid ón Phápa in Éirinn an tansoin do b'árduachtarán ar an gcomhairle sin*.

with Canterbury prior to 1115. He was also an accomplished canonist and his treatise *De Statu Ecclesiae* set out a blueprint for the organisation of the grades of the hierarchial structure. In the prologue he sends greetings to the bishops and priests of all Ireland indicating that it was in response to their requests that he had written his treatise 'so that those... schismatic orders, by which almost the whole of Ireland is deceived may yield to the one, Catholic Roman office.'³

He writes of the confusion that has arisen in the Irish Church 'through ignorance and presumption' (*per ignorantiam et praesumptionem*).

Ardpatrick and Mungret

Bishop Gilbert, at the Synod of Raithbreasail, set out in great detail the extensive territories of his own diocese – naming fourteen landmarks of its boundaries whereas most other dioceses were designated by only four such markings.

The diocese of Limerick, in Gilbert's plan, now included two great monastic centres, namely Ardpatrick and Mungret, much to the displeasure of their communities who continued their allegiance to Cashel, ignoring Gilbert's authority. In the case of Ardpatrick a special difficulty involved its relationship with Cellach, the coarb of Patrick, because Ardpatrick was the chief church in Munster for the *Paruchia Patricii* based in Armagh, and was formally visited by the coarb of Patrick on occasion.

It was in Ardpatrick that Archbishop Cellach died while on his official visitation there in 1129. Cellach's own personal sentiment would be favourable to the monks, and this must have caused some bad feeling between the primate and the legate. And the legate used the full weight of his authority when he issued a stern warning: 'Whatever shall go against these boundaries goes against the Lord, Peter the Apostle, *St. Patrick and his coarb*, and his Christian Church.'⁴ I have italicised 'St. Patrick and his coarb' because it binds not only Cellach but all his successors.

Mungret

The monastery of Mungret also continued to resent its new subjection to the bishop of Limerick, and in 1152 at the Synod of Kells together with the ancient church of St. Declan, Co. Waterford, claimed episcopal status.

The synod, after naming the eleven suffragans of the Metropolitan of Cashel, records the following note: 'There are, however, two churches under the same archbishop who say they ought to have bishops, whose names are Ardmore and Mungarath.'⁵ This note is recorded not in Keating's list in *Foras Feasa ar Éirinn* but in Montpelier manuscript (MS. 92) which was discovered by E.J. Gwynn in

3 John Fleming, *Gille of Limerick*, (Dublin, 2001), pp. 144, 145.

4 P. Dineen, *Foras Feasa ar Éirinn*, pp. 11, 28.

5 H. J. Lawlor, 'A Fresh Authority for the Synod of Kells, 1152' in *Proceedings of the Royal Irish Academy* 36 (1922), p. 18, *Due autem ecclesie sunt sub eodem archiepiscopo que dicunt se habere debere episcopos quorum nomina sunt haec. Ardimor et Mungarath.*

the library of the school of Medicine at Montpellier, and printed for the first time in 1922 by H. J. Lawlor.⁶

Mungret's request, however, was not granted, but the Church of Mungret nevertheless continued its refusal to accept the authority of the bishop of Limerick and acknowledged only the authority of the archbishop of Cashel. This resistance of the old monastic system to the newly introduced diocesan hierarchy lasted for many decades after Raithbreasail.

One can appreciate that all through his long episcopacy (which ended in his resignation in 1139) Gilbert had to face considerable hostility from prestigious monastic communities all over Ireland, and, in the end may have lost hope in the Irish Church reforming itself, without the guidance of Canterbury. His own decision to become a suffragan of Canterbury, if indeed he made such a decision, would have been possible because of certain defects in the implementation of the Raithbreasail decrees.

Defects in the Irish Church

In spite of the presence of the papal legate and senior Irish bishops at the Synod of Raithbreasail, there were, in the immediate aftermath of the synod, certain serious defects which were not remedied until over forty years later at the Synod of Kells (1152).

One of these defects related to the new metropolitan see of Cashel which had been constituted by Archbishop Cellach of Armagh between 1106 (when Cellach was on an official visitation in Munster) and 1111 (on the eve of the Synod of Raithbreasail). The constitution of a new metropolitan see required papal approval, and no such approval was granted until the visit to Rome of St. Malachy of Armagh in 1139/1140 when Malachy requested and was granted this approval by Pope Innocent II.

On the same occasion Malachy also requested the Palls (*pallia*) for the metropolitan sees of Armagh and Cashel, but the pope, even though showing great kindness to Malachy at a personal level, refused to grant them.

St. Bernard of Clairvaux, in his *Life of Malachy* relates that after Pope Innocent II appointed Malachy papal legate for all Ireland, in place of Bishop Gilbert, the former legate who was in frail health, Malachy petitioned the pope to confirm the constitution of the new metropolitan see (i.e. Cashel) and to be given the palls of both sees (i.e. Armagh and Cashel). And Malachy soon received the approval of the constitution from the pope. The pope then instructed Malachy: 'concerning the palls, however, a more solemn approach is required: Having called together the bishops and clergy and the magnates of the land you must hold a general council (*generale concilium*) and so with the assent and common desire of all (*communi voto universorum*), you shall demand the palls by persons of honest repute and it shall be granted to you.'⁷

6 A. Gwynn, *The Irish Church in the 11th and 12th Centuries*, (Co. Dublin, 1992) footnote 11 (pp. 354, 355).

7 St. Bernard, *Vita*, XVI. 38.

So, the situation relating to the archdiocese of Cashel, between 1111 and 1139, was that it lacked both papal approval and also the pall, and so its constitution was not canonical. As a result Bishop Gilbert of Limerick could regard his suffraganship of Cashel as uncanonical and feel free during his visit to England in 1115, to attach himself to Canterbury as a suffragan. Thus also, Bishop Malchus, during his episcopal ministry in Lismore (c.1121 – 1132), would, as a distinguished theologian trained in the great Benedictine monastery of Winchester hardly have regarded himself as a suffragan of the unapproved metropolitan see of Cashel, but rather as a suffragan of Canterbury.

Furthermore, if Bishop Malchus had, as many scholars have suggested, accepted the archbishopric of Cashel around the time of Raithbreasail, he would have required papal approval for his translation from Waterford, and he would also have been required to seek the pall.

Papal approval was required for the transfer of a bishop to an archiepiscopal see. Thus when Ralph, who had been bishop of Rochester was nominated (on April 21, 1114) to the archbishopric of Canterbury and was installed in Canterbury on 16 May, messengers were sent to Rome to seek confirmation of Ralph's translation and to request the pall, Ralph being too ill to make the journey himself.⁸

Bishop Gilbert, in his *De Statu Ecclesiae*, requires a newly nominated primate or archbishop 'to be ordained by the Apostolic See in Rome, or the pallium ought to be brought to them from the pope in Rome and he ought to be elevated by his co-bishops. This permission is given only if reasons of infirmity or war... should intervene'.⁹

So whether we look to the English church practice or to Gilbert's regulation, the newly-appointed archbishop of Cashel would have been required to seek the *pallium*. And this he never received, and there is no evidence he ever went to Rome to request it. The palls for Armagh and Cashel were delayed until 1152, at the Synod of Kells, when palls were also granted to Tuam and Dublin.

But, to return to the events of 1140, when Malachy, at his audience with Pope Innocent II in 1140 was told 'you must hold a *general council*... and so with the *common wish of all*... the palls will be granted', the implication was that the Synod of Raithbreasail which had divided the country into two metropolitan sees (Armagh and Cashel) had *not* been a general council embracing all Ireland and did not represent 'the common wish of all (*universorum*)' because of the absence of authoritative representatives from Connaught and Leinster.¹⁰

If Raithbreasail had been fully representative of all Ireland there would have been no need for Pope Innocent II to require Malachy to convene another such synod as a prerequisite to granting the palls.

8 Martin Brett, *Oxford Dictionary of National Biography*, Vol. 18, (2004) p. 59.

9 Gilbert, *De Statu Ecclesiae*, lines 81-84, Fleming's translation p. 163.

10 H. J. Lawlor, *St. Bernard's Life of Malachy*, xxxix: 'The annalists describe the Council of Raithbreasail as a national council. It was national, not because it could speak for all Ireland, but because it made laws for all Ireland. The council represented Munster, Ulster and Meath but not Connaught and Leinster.'

Bishop Gilbert, as a canonist, would have been aware of the limitations of Raithbreasail, and as the papal legate who had presided at the synod would have made a report to Rome indicating the limitations which would have prevented the granting of the two palls. But he could have requested the papal approval of the constitution of Cashel as a metropolitan see, and presumably it would have been granted by Pope Paschal, just as it was granted many years later by Pope Innocent II on Malachy's request. It seems, however, that neither the legate nor any one else made the request at that time.

The papal legate must also have been aware of another result of this situation, namely that Archbishop Cellach's primacy was canonically unsound because for an archbishop (like Cellach) to be primate he should have at least one other archbishop subject to him.¹¹

And so, Gilbert, when visiting Westminster in 1115 felt free to become a suffragan of Canterbury rather than continue to be regarded as a suffragan of the unapproved metropolitan of Cashel. And finally, in 1139 when Gilbert resigned his bishopric (and his legateship) he sent his successor Patricius to Canterbury to be consecrated by Archbishop Theobald in 1140. And on that occasion Patricius made the promise of obedience to Canterbury: 'I Patrick, elected to rule the Church of Limerick and about to be consecrated by you, Reverend Father Theobald, by the grace of God archbishop of the Holy Church of Canterbury and of all Britain, promise that I will show the required subjection and canonical obedience in all things to you and to your successor'.¹²

This profession of the bishop-elect of Limerick must have been welcome to Theobald who was in Rome in 1139 for the Second Lateran Council and may well have already received from Bishop Gilbert the request to consecrate Patricius. Theobald at that time was having protracted arguments with Bishop Bernard of St. Davids (Wales) who was claiming the independence of his diocese from Canterbury – the same Bernard at whose consecration back in 1115 Bishop Gilbert had been present as a suffragan of Canterbury. In Theobald's dispute with Bernard, which the pope was invited to resolve, it must have been to Theobald's advantage to show that far-away Limerick was acknowledging the primacy of Canterbury, and that Gilbert's life-long loyalty to Canterbury was continued in his successor Patricius.

M. T. Flanagan even suggests that it would have been in Theobald's interest in 1140 to delay formal papal recognition of the Irish diocesan hierarchy: 'If the Irish Church were to gain papal recognition of its independent diocesan structure by the granting of the palls to the sees of Armagh and Cashel, this would provide a dangerous precedent from Canterbury's stand point for the setting up of an independent diocesan structure for the Welsh Church. Theobald may therefore have urged the pope to postpone granting to Malachy the pallia for Ireland'.¹³

11 Gilbert, *De Statu Ecclesiae*, lines 72, 73: '*Ut plurimum obedient ei sex archiepiscopi, ut minimum unus* (at most six archbishops are subject to him (i.e. a primate) and at least one).

12 M. Richter (ed.), *Canterbury Professions*, (Torquay, 1973), p. 42.

13 M. T. Flanagan, *Irish Society, Anglo-Norman Settlers, Angevin Kingship*, (Oxford, 1989), p. 33.

Conclusion

Gilbert, as papal legate could, if he had wished, have requested and received the papal approval for the constitution of Cashel in the immediate aftermath of the Synod of Raithbreasail. Instead he refrained from doing so for the whole duration of his long life – he died in 1145. One possible reason for his inaction may have been that if the approval were granted, Gilbert's own suffragan relationship to Cashel would have been automatic, thereby preventing Gilbert's preferred option of suffraganship of Canterbury.

The granting of papal approval to Cashel, would also, if it had been granted, have affected Bishop Malchus' status during the years he was bishop in Lismore (c.1120 – 1132). He would then be a suffragan of Cashel, whereas, in the absence of the papal approval, he, like Gilbert, could regard himself as a suffragan of Canterbury.

Gilbert's inactivity regarding the papal approval for Cashel may be seen in the context of his life-long admiration of Canterbury and his contacts with Church and State in England over the years:¹⁴ his meeting with St. Anselm in Rouen and Anselm's own testimony to their shared friendship; then Gilbert's gift of twenty-five pearls – 'a little gift of my poverty and devotion.' (How Gilbert could describe the twenty-five pearls as 'a little gift' – *munusculum* - of my poverty... surely defies analysis). Also Gilbert's episcopal ministry in carrying out various blessings in the Benedictine abbey of St. Albans, at the request of Abbot Richard; his dedication of the church of St. Stephen in the town of St. Albans. Then came the amazing detail of Gilbert's staying in the residence of Queen Matilda of England, and his participation as a 'suffragan of Canterbury' at the consecration of the queen's chaplain, Bernard in Westminster Abbey (1115); finally his successor Patricius being sent to Canterbury to be consecrated Bishop of Limerick and promising obedience to Canterbury, and this in the year 1140. In this context of the special relationship between Gilbert and Canterbury and his low opinion of the Irish Church we may understand his reluctance to seek papal approval for Cashel – an event that would exclude his preferred relationship with Canterbury.

¹⁴ See Dónal O'Connor, 'Did Bishop Malchus of Waterford resign because of the Synod of Raithbreasail?', in *Decies* 68 (2012) pp. 1-16 and 7 -12.

Appendix

Gilbert and Malchus

Only one meeting between Bishop Gilbert, papal legate in Ireland, and Bishop Malchus is recorded in St. Bernard's *Life of St. Malachy*. It took place in 1132 when both prelates met Malachy and persuaded him to obey the obligation imposed on him by Archbishop Cellach of Armagh, shortly before the latter's death in 1129, to be his successor in Armagh. Three years had elapsed since Cellach's death, but Malachy still refused – he feared his life would be in danger because the Clann Sínaich, who 'for almost two hundred years had held the hereditary right to Armagh' opposed him. Another reason for Malachy's refusal was that because he had already been consecrated bishop of Connor it would not be lawful for him to dismiss (*dimittere non liceret*) his other spouse (i.e. Connor).¹⁵

Malachy is using the language of Church law¹⁶ but the two senior bishops, one of whom is an experienced canonist are surprisingly appealing to a higher law, viz. the word of God which they claim has come to them¹⁷ and, because the evils in the Armagh are so great, must prevail. Malachy accepts their command but on condition that when, with God's grace, he brings peace to Armagh, 'it will be lawful (*liceat*) for me to return to my former spouse and friend poverty'.¹⁸

Turning now to the year 1111 when Mael Ísu Ua hAinmire (presumably Malchus, bishop of Waterford) is listed as archbishop of Cashel in the synodal documents of Raithbreasail, some similarities with the events of 1132 become apparent: again we have Gilbert and Malchus together. Malchus was the only Irish bishop available who had experience of living within a metropolitan structure, and had, during his years as a monk in Winchester, witnessed the kind of disputes that could arise between a primate and another metropolitan.¹⁹

Malchus also learned how a suffragan bishop could relate to his metropolitan (e.g. Walkelin's letter to Anselm, concerning 'my monk Malchus'). Malchus would hardly have accepted Cashel, except on condition that after he had introduced the metropolitan system there, and instructed the suffragans of their obligations in what was for them a totally new hierarchic structure, he be permitted to return to his first spouse, viz. the diocese of Waterford.

I suggest that Bishop Gilbert, because of his deep attachment to Canterbury, would never have pressurised Malchus to change his loyalty to Canterbury. Gilbert may have regarded the Irish Church as so badly in need of reform that he permitted Malchus to retain his bishopric of Waterford while acting as archbishop of Cashel, a diocese which as yet had not received papal approval.

15 St. Bernard, *Vita Sti. Malachiae*, X.p. 20.

16 *Liceret... liceat*.

17 *Vita X.21: a Domino sermo egressus est*.

18 *Vita X.21: liceat mihi redire ad priorem sponsam meam et amicam... paupertatem*.

19 Malchus was present at a famous dispute which took place in Winchester in 1093 when Malchus' own bishop Walchelin was interrupted in his address to the assembled bishops by the Thomas, Archbishop of York, who took offence at the see of Canterbury being referred to as 'the metropolitan of all Britain'. (M. Rule (ed.), *Eadmer: Historia Novorum*, (London, Rolls Series. 1884), p. 42.

The papal legate, in the years running up to the Synod of Raithbreasail must have held serious talks with Bishop Samuel of Dublin and Bishop Malchus of Waterford. Both of these bishops had been consecrated by Archbishop Anselm of Canterbury, and had promised canonical obedience to him and his successors. But now they were presented with a new reality, namely the move to set up a unified Irish hierarchy for the whole island of Ireland, under the primacy of Armagh. A compromise may have been proposed where Malchus and Samuel could retain their loyalty to Canterbury during their lifetime, but after that their two dioceses would be fully integrated into the Irish church, and the link with Canterbury would be broken.²⁰ I suggest that Malchus accepted this proposal, whereas Samuel refused: hence the diocese of Dublin is omitted from the list of bishoprics recognised by the Synod of Raithbreasail, whereas the diocese of Waterford is included, although in amalgamation with Lismore, so that one bishop, residing either in Lismore or Waterford could rule the united diocese.

If, at the time of Raithbreasail, Malachy was being pressurised to change his loyalty from Canterbury to Armagh, he would, I believe, have resigned his see in Waterford and possibly returned to his monastery at Winchester.²¹ But this, I believe, did not happen. The papal legate certainly would not have welcomed any diminution of Canterbury's influence in Ireland.

Assuming that Malchus had finished his work in Cashel circa 1113/1114, and returned to his diocese in Waterford, he would have remained bishop of Waterford until about 1119, when, after the death of Bishop Daightig of Lismore,²² Malchus became the sole bishop of Lismore and Waterford, in accordance with the formula used at the Synod of Raithbreasail: *Fairche Leasa Móir nó Phuirtlairge* (the Diocese of Lismore or Waterford).²³

From c.1119 and until his death in 1135 he could have resided in either Lismore or Waterford. The *Annals of Tigernach* and the *Chronicon Scotorum* record his death in 1135: *Mael Issa Hua hAinmire, espoc Poirt Láirge, quievit*. The *Four Masters*, however, are more informative: 'Maelisa Ua hAinmire, bishop of Port-Láirge and chief senior of the Irish, died after the eighty-eight year of his age in Lismore'.²⁴

20 This would explain why Archbishop Cellach of Armagh arrived in Dublin after the death of Samuel in 1121, to claim that diocese for the Irish hierarchy. The pro-Canterbury group in Dublin, however, quickly sent their chosen candidate Gréine to Archbishop Ralph of Canterbury where he was duly consecrated and promised obedience to Canterbury.

21 I have attempted to consider the implications of Malchus' possible resignation: see 'Did Bishop Malchus of Waterford resign?' *Decies* 68, 1-16. But the whole matter was so complicated, especially to explain how he might have returned to serve as bishop in Lismore, that I prefer to abandon the hypothesis altogether.

22 *Annals of Inisfallen*, 1119. Bishop Ua Daightig became bishop of Lismore after the death of Bishop Mac Meic Áeducáin in 1113, the bishop for whom the famous Lismore Crozier was made.

23 P. Dineen, *Foras Feasa ar Éirinn*, Vol. 3 (London 1908), p. 304.

24 John O'Donovan (ed.) *The Annals of the Four Masters*, 1135.

From St. Bernard's *Life of Malachy* it is evident that Malchus' role as bishop in Lismore, as teacher and spiritual leader, contributed greatly to the reform of the Irish Church. He was still bishop of Waterford and subject to Canterbury all during his time in Ireland, and, as far as is known, he is the only bishop of the united dioceses of Lismore and Waterford prior to the unification of 1365.²⁵

After his death Waterford and Lismore went their separate ways: the next bishop of Lismore was Máel Muire Ua Loinsig who died in 1159, but may have resigned in 1151 when he was succeeded by Gilla Críst Ua Connairche, who had been the first abbot of Mellifont, and papal legate for Ireland. Waterford also went its own way; after Malchus the next recorded bishop of Waterford was Toistius. One gets the impression that the cunning hand of Gilbert was at work in the Raithbreasail formula which allowed the ministry of Bishop Malchus to extend beyond the diocese of Waterford into Lismore – the foremost centre of the reform – while still remaining loyal to Waterford and to Canterbury. And Gilbert's pro-Canterbury policy may be the reason for his not requesting papal approval for Cashel as a metropolitan see, thus allowing Malchus to administer Cashel without being guilty of pluralism. The result of this, of course, was that Malchus was not, strictly speaking, entitled to the title of archbishop.²⁶

What influenced Pope Paschal II to appoint the young Bishop Gilbert of Limerick to the important post of papal legate to Ireland at a time when the movement to establish a diocesan hierarchy for all Ireland under the primacy of Armagh was taking place? H. J. Lawlor suggests it was perhaps the influence of Archbishop Anselm.²⁷ Anselm would have considered that the Irish Church still needed the pastoral solicitude of Canterbury, and that the claims of Canterbury to primacy over Ireland – claims expressed by Lanfranc, and which Anselm himself very probably shared²⁸ – were now being directly challenged.

Anselm may have hoped that Gilbert, as papal legate, could prevent or delay the break with Canterbury. And, indeed, Gilbert would seem to have achieved this; even at the end of his long legateship the papal approval of the constitution of the metropolitan see of Cashel had not yet been granted, whereas Malachy, on his only visit to Rome 1139, the year of Gilbert's resigning his legateship, requested and was granted this approval from Pope Innocent II without any hesitation.

One suspects that Gilbert, if he had wished, could have received it much earlier. But Gilbert, I suggest, remained pro-Canterbury to the end.

25 See F. J. Byrne, *A New History of Ireland*, Vol. IX, (Oxford, 1984) pp. 303, 308.

26 See H. J. Lawlor, *St. Bernard, Life of Malachy*, ix.

27 *Ibid*, p. 47.

28 A. Gwynn, *The Irish Church in the 11th and 12th Centuries*, (Co. Dublin, 1992), p. 71.

• *Decies 69* •

Printed propaganda from the Waterford press of Thomas Bourke, 1643-1644

Fergus Brady

As Soldiers with Swords, Pikes and Guns doe fight for the restitution,
and defence of the onely true Religion, so it is meet, and expedient
that the Pen and the Print bestirred themselves for so worthy a cause.

Introduction

The onset of civil wars in the three Stuart kingdoms in the mid seventeenth century resulted in a proliferation of propaganda, facilitated to a large extent by a collapse in censorship mechanisms. In England the London Stationers' Company held the sole right of printing from 1557 until 1695, while in Ireland the royal Print-Master General had a monopoly from 1609.¹ However these monopolies were interrupted in the 1640s. In England the Parliamentarians controlled the London press throughout the civil wars, which they used for propaganda purposes and to engage in dialogue with their Royalist and Irish Confederate adversaries. In Ireland the printing press in Dublin remained under the control of the Protestant-controlled government.² The breakdown of the authority of the Dublin administration after the establishment of Catholic control over most of the island by insurgents in late 1641 and early 1642 enabled the foundation of new printing presses in Waterford and Kilkenny by the Catholic Confederates, and in Cork by Munster Protestants.³ All sides used their presses to publish proclamations, pamphlets and books as part of the propaganda war that accompanied the military operations of the 1640s. Extant sources show that the Confederates issued at least ninety-two books, pamphlets and broadsheets during these years, a figure that was very small in comparison to England, where more than 15,000 religious, social and political commentaries appeared between 1640 and 1661.⁴

1 R.A. Heuston, *Literacy in Early Modern Europe: Culture and Education 1500-1800*, (Harlow, 2002), p. 182.

2 Raymond Gillespie, *Reading Ireland. Print, Reading and Social Change in Early Modern Ireland* (Manchester, 2005), pp 59-60.

3 See W.K. Sessions, *The First Printers in Waterford: Cork and Kilkenny pre-1700* (York, 1990); and also Mary Pollard, *Dublin's Trade in Books, 1550-1800* (Oxford, 1989), p. 4.

4 Heuston, *Literacy in Early Modern Europe*, p. 187. The greater volume of the output of the English presses seems to have been stimulated at the outset by the need to publish news regarding the supposed massacres of Protestants in Ireland, and to express fears that the Irish atrocities might be repeated in England and Wales. Keith Lindley,

The scarcity of Catholic Confederate pamphlets compared to those of their Protestant adversaries should not obscure their value as a means through which insights can be gained into Catholic political thought and into the methods employed by the Confederates to influence public opinion against Parliamentary, Royalist and Covenanter enemies.⁵ Thus fourteen publications from the press of Thomas Bourke in Waterford in 1643 and 1644 deserve attention as they reveal the main political and religious preoccupations of the Confederates as they strove to establish freedom for the Catholic religion in Ireland, while also attempting to assert their continued allegiance to a Protestant monarch, Charles I. The fact that most of these publications came either in relatively short pamphlet form of between eight and eighty pages length, or in the shape of a single-page broadsheet would undoubtedly have helped their dissemination, as the shorter the publication, the cheaper the costs of both production and sale.⁶ These are sources to be used with caution, considering the often extreme nature religious and political views expressed therein. As they provide an indicator into Catholic propagandist methods and arguments, however, these are valuable sources, especially when one considers the relative dearth of extant Confederate records from this decade due to the destruction caused by fires in 1711 and 1922.⁷ It is unfortunate, then, that the Bourke pamphlets have been mainly neglected by major historians of this period in Irish history, such as Jane Ohlmeyer, Donal Cregan, Micheál Ó Siochrú, and Pádraig Lenihan, whose studies have concentrated on social, political and military history rather than the history of printing and propaganda. The principal exception is Raymond Gillespie, who has systematically analysed printing and print culture in early modern Ireland in his excellent recent monograph and in various articles.⁸ Gillespie has not, however, extensively examined the propagandist messages that

⁵ 'The impact of the 1641 rebellion upon England and Wales, 1641-5', *Irish Historical Studies*, vol. XVIII No. 70 (Dublin, September 1972), pp 150-152.

5 The Catholic Confederation was set up in mid-late 1642 to provide organisation for the Catholic war effort against the Royalist, Parliamentary and Covenanter enemies. The main institutional features of the Confederate association were the Supreme Council (the executive) and the General Assembly (the legislature), both of which were based in Kilkenny. The confederation survived until the signing of the Second Ormond Peace in January 1649, after which it dissolved itself. Micheál Ó Siochrú has written a definitive account of Confederate association in his *Confederate Ireland 1642-1649: a constitutional and political analysis* (Dublin, 1999).

6 Printing reduced the number of hours needed to produce a volume and therefore made books more accessible both in terms of numbers and cost. Heuston, *Literacy in Early Modern Europe*, p. 178.

7 Ó Siochrú, *Confederate Ireland*, p. 12.

8 Gillespie, *Reading Ireland*. Also see the following excellent articles by Gillespie: 'Irish Printing in the Early Seventeenth Century', *Irish Economic and Social History*, 15 (Belfast, 1988); 'The Book Trade in Southern Ireland 1590-1640' in Gerard Long (ed.), *Books Beyond the Pale: Aspects of the Provincial Book Trade in Ireland before 1850* (Dublin, 1996); 'Political ideas and their social contexts in seventeenth-century Ireland' in Jane H. Ohlmeyer (ed.), *Political Thought in Seventeenth-Century Ireland, Kingdom or Colony* (Cambridge, 2000).

emerge from these Bourke publications, nor has he attempted to gauge the possible impact that propaganda such as this could have had upon the minds of the Irish population. W.K. Sessions and J.T. Gilbert have also carried out some extremely valuable work in this field, by collecting information on Irish printing in the seventeenth century and publishing some of the Bourke documents respectively.⁹ However, being antiquarians, neither Sessions nor Gilbert systematically probed the contents of these publications with a view to arriving at conclusions about the propaganda battle between the Confederates and their adversaries in the 1640s. With these reflections in mind, a detailed analysis of the propagandist content of the Bourke tracts is called for, with added consideration for Protestant replies to these works.

What of the tracts themselves, and the man who printed them? Perhaps the most verifiable statement that one can make about Thomas Bourke is that not much is known about him. W.K. Sessions has conducted the only detailed investigation of the life of Bourke in his wider account of the origins of printing in Waterford in the early 1640s.¹⁰ A few months after the establishment of Catholic control over Waterford in March 1642 Bourke can be found printing in the city, calling himself 'Printer to the Confederate Catholics of Ireland'.¹¹ Sessions believes that the press used by Bourke had almost certainly been brought to Waterford from the continent.¹² Eight Waterford imprints bearing Bourke's name on the title page survive from 1643, and a further seven from 1644.¹³ After this Bourke's name disappears from all further extant Waterford publications. Practically nothing more is known of Bourke, except that his name mysteriously appeared once more on the title page of a Confederate publication, this time emanating from the press at Kilkenny, in 1648.¹⁴ Where he had been in the intervening

9 W.K. Sessions, *The First Printers in Waterford: Cork and Kilkenny pre-1700*; J.T. Gilbert (ed.), *History of the Irish confederation and the war in Ireland* (7 volumes, Dublin, 1882-1891). Gilbert includes some reprints of Bourke publications in these volumes, including *A Remonstrance of Grievances presented to his most Excellent Majestie, in the behalfe of the Catholicks of Ireland* (1643) in vol. ii, pp 226-242; *A Declaration of the Lords, Gentry and others of Leinster and Munster of their intentions towards English and Scottish Protestant inhabitants within this kingdom* (1644) in vol. iii, pp 205-208; *Lawes and Orders of Warre* (1643) in vol. iii, p. 74; and *Proceedings relative to oath of association* (1644) in vol. iii, p. 212.

10 Sessions, *The First Printers in Waterford: Cork and Kilkenny*, pp 5-13 and pp 192-193. Gilbert makes a fleeting reference to Bourke in the preface to the *History of the Irish Confederation*, vol. iii, p. xi.

11 The first Waterford imprint by Bourke was *An Argument delivered by Patricke Darcy Esquire by the expresse order of the House of Commons in the Parliament of Ireland, 9 Junii, 1641*. This publication has been excluded from my argument due to lack of space, and due to the fact that it was definitely composed before the outbreak of the rebellion of 1641. All other Bourke imprints from the years of 1643 and 1644 have been included in the argument.

12 Sessions, *The First Printers in Waterford: Cork and Kilkenny*, p. 10.

13 *Ibid.*, p. 11.

14 *Ibid.*, p. 192.

period, and what happened to him subsequently, remains unknown. Bourke's one remaining legacy can be said to be those publications that he left behind. These were all printed in the English language in the form of books, pamphlets or broadsheets, and contained proclamations, declarations, political and religious treatises, and editorials on contemporary political events, such as the opening stages of negotiations between the Catholic Confederates and Charles I.

Bourke's publications could potentially have had a significant impact on those people who read them, as the short pamphlet and broadside forms provided an excellent medium for the coherent expression of political views, and encouraged the reader to read and choose sides.¹⁵ But would people in mid seventeenth-century Ireland have been able to read these texts? Establishing accurate figures for literacy in this period is problematic. Adam Fox expresses a belief that levels of literacy were high among the Irish nobility in this period, but that evidence does not exist to assess its diffusion in the lower levels of society.¹⁶ Raymond Gillespie has drawn attention to the development of a 'textual culture' in seventeenth-century Ireland, facilitated by such developments as the emergence of the lease and the spread of government control through the common-law system and printed proclamations. As the acquisition of reading came before writing, many people who could not write could read. On the basis of figures for the ability to sign one's name, Gillespie concludes that a high level of reading ability existed in seventeenth-century Ireland.¹⁷ Thus it seems that levels of literacy were increasing in this period, which can only have culminated in a greater dissemination of the political and religious ideas enshrined in propagandist publications. Literate members of communities could spread these propagandist messages among the illiterate majority of the population, and so textual culture could interact with oral and aural modes of communication. All belligerents in war recognise the importance of formulating a favourable public opinion to assist the war effort, by stressing the justice of the cause and refuting the allegations of the enemy. The Catholic Confederates were no different, as they sought to emphasise their loyalty to the Stuart king, the dangers posed to the Catholic religion, and the compatibility of Catholicism and loyalty. These were all stressed with a view to achieving their aim of full religious and civil liberties for Catholics under the Stuart monarchy.

Thomas Bourke himself recognised the value that printed propaganda could have in the overall Confederate war effort. This emerges strongly in his 'Address'

15 Joad Raymond, *Pamphlets and pamphleteering in early modern Britain* (Cambridge, 2003), p. 208.

16 Some indicator may also be gauged by referring to estimates for English literacy in this period. Adam Fox has quoted figures, based on the ability to sign one's name, that suggest the level of literacy in England should be placed at thirty per cent of men and ten per cent of women in 1600, rising to almost fifty per cent for men and thirty per cent for women by 1700. Adam Fox, *Oral and Literate Culture in England 1500-1700* (Oxford, 2000), p. 89.

17 Raymond Gillespie, 'Political ideas and their social contexts in seventeenth-century Ireland' in Jane H. Ohlmeyer (ed.), *Political thought in seventeenth-century Ireland. Kingdom or Colony* (Cambridge, 2000), p. 112.

to 'the Gentle Reader', which prefaces one of his 1644 publications, *The Inquisition of a Sermon*. Here Bourke extolled the gift of print that the Confederate Catholics had gained, writing that 'now it has pleased God after so long pressures, and afflictions to dispose so of the affaires of the Catholickes of this kingdome necessitated to take armes for their owne just and lawful defence against Puritans, and corrupt ministers of state, that among other blessings, they have also a Print'.¹⁸ Therefore the printer felt able to declare that 'as Soldiers with Swords, Pikes and Guns doe fight for the restitution, and defence of the onely true Religion, so it is meet, and expedient that the Pen and the Print bestirred themselves for so worthy a cause'.¹⁹ Clearly Bourke appreciated the impact that the printed word could have, and so, among the milieu of books, pamphlets and broadsheets published by the various antagonists in the 1640s, those issued by his Waterford press in 1643 and 1644 can be analysed gainfully with a view to the propagandist messages they sought to propagate.

Political propaganda and counter-propaganda

The treaty negotiations between the Catholic Confederates and the king started in the early months of 1643, and continued throughout the rest of that year and also through 1644. During this time Bourke produced five important publications concerning political events, which contained Catholic Remonstrances along with Protestant answers to them, and tracts that narrated the course of the treaty negotiations.²⁰ Various groups claimed collective authorship of these tracts, such as the Supreme Council of the Confederation of Kilkenny, the English Parliament, and

18 Thomas Bourke, preface to Bishop Patrick Comerford's, *The Inquisition of a Sermon preached in the Cathedrall Church of the City of Waterford in February, 1617, etc. By Robert Daborne, Chancellor of the said Cathedrall, etc. Written by the R. F. P. C. of the order of S. Augustin, & Doctor in Divinity* (Waterford, 1644), pp 7-8.

19 *Ibid.*, p. 8.

20 *A Remonstrance of the Right Honourable James Earle of Castlehaven and Lord Audley, concerning his imprisonment in Dublin and escape from thence* (Waterford, 1643); *A Remonstrance of Grievances presented to his most Excellent Majestie, in the behalfe of the Catholicks of Ireland* (Waterford, 1643); *Admonition by the Supreme Council of the Confederat Catholicks of Ireland. To all His Majesties Subjects against a Solemne League and Covenant framed in the Parliament of England. As also against a Declaration of the English Parliament* (Waterford, 1643); *The Propositions of the Roman Catholicks of Ireland. Presented by their commissioners to his Sacred Majestie, in April, M.DC.XLIV. As also the answer for the agents of the Protestants of Ireland, made to the said Propositions; and their Petition and Propositions to his Majesty; with his Majesties answer to the Propositions of the said Roman Cathoicks; And the Answer of James Marquesse of Ormond His Majesties Commissioner for the Treatie... of a Peace in the Kingdome of Ireland, to the said Propositions* (Waterford, 1644); *A Briefe Relation of the most remarkable Feates and Passages of what his most Gracious Majesties Commanders hath done in England against the Rebels and of his severall glorious victories over them, sithence January 1641. till December 1643. And from the first of May 1644, till the fifth of the present July* (Waterford, 1644).

the Irish Protestant agents in the treaty negotiations of April 1644, while others were composed anonymously. Only the Earl of Castlehaven's Remonstrance provides a purely personal viewpoint. The rest of the tracts were printed in short pamphlet form of no more than eighty pages length, and reflected the agreed views of prominent Royalists, Confederates, Parliamentarians or Covenanters. As the treaty negotiations were the first time that Catholics and Protestants had directly negotiated with each other since the outbreak of the rebellion of October 1641, it is not surprising that these pamphlets reveal an outpouring of ill-feeling. The bitterness caused by war, and the fact that both sets of protagonists had to justify their actions and causes to the king and the wider public meant that the war of words took on a fierce intensity. Two issues assumed particular importance in the printed arguments that raged between Catholics and Protestants. Firstly, the contentious issue of what truly happened in the early months of the rising, and more specifically, the question of who was to blame for the outbreak and escalation of hostilities. The issue of loyalty also provided the subject matter for much propaganda and counter-propaganda during these years, as the contending parties accused each other of perpetrating actions that were inconsistent with monarchical government. Both Catholics and Protestants sought to establish a greater claim on loyalty to the king through implicating the other side in rebellion, with a view to securing an eventual settlement that would satisfy the interests of their party.

The debate over the 1641 Rising in the political pamphlets published by Bourke centred around a number of specific allegations made by Catholics against the Protestant-controlled state, which were replied unto by the Irish Protestants.²¹ A central concern of the Catholic party involved the need to justify their rising in arms, which they explained in their Remonstrance of early 1643 by laying emphasis on their requirement to 'take arms for the preservation of our religion, the maintenance of your Majesties rights and prerogatives, the naturall and just rights of our lives and estates, and the liberties of our country'.²² The contents of the pamphlets offered a damning indictment of the activities of the Protestant state in endangering Catholic religion, rights and liberties in the early weeks and months of the rebellion. According to the Catholic pamphlets, the hostile attitudes of the Protestant Lords Justices and their adherents towards them had been revealed in

21 Nicholas Canny has conducted excellent investigations into the events and causes of the 1641 rebellion, and the motivations of the insurgents. See Nicholas Canny, 'What really happened in Ireland in 1641?' in Jane H. Ohlmeyer (ed.), *Ireland from independence to occupation 1641-1660* (Cambridge, 1995) and also Nicholas Canny, 'Religion, politics and the Irish rising of 1641' in Judith Devlin and Ronan Fanning (eds.), *Religion and Rebellion. Historical Studies XX* (Dublin, 1997).

22 *A Remonstrance of grievances* (Waterford, 1643), p. 3. Copies of this Remonstrance exist in Trinity College library, University College Cambridge, Dublin Municipal Library and the National Library. The copy quoted above was reproduced in a collection of pamphlets printed in London for the English Parliament by John White in 1644, entitled *The False and Scandalous Remonstrance of the Inhumane and Bloody Rebels of Ireland*, from which the page numbers given here are quoted. This copy is held in the British Library.

their refusal to allow Catholics access to the king. The Earl of Castlehaven,²³ whose Remonstrance provided an individual testimony of why he came to join the Catholic insurgents, stated that direct contact with the king had become impossible for loyal Catholics in the early months of the rising, as 'all means are deprived us, either by petition, or verball relation, to vindicate ourselves or charge them [the lords justices]'.²⁴ Both Castlehaven and the Catholic Remonstrants built on this allegation by accusing the lords justices of a host of malpractices in the early weeks of the rising, which aimed at pushing loyal Catholics into rebellion. Thus the services of Catholics who offered to defend against the northern insurgents had not been accepted, all Catholics had been disarmed, calls had been made for the raising of an army to conquer all of Ireland, a proclamation of pardon had been published in just two counties, and all freeholders had been exempted from pardon, 'through which every man saw that the estates of Catholicks were aimed at, and their lives next'.²⁵ Castlehaven and the Remonstrants also cited grievances relating to abuses in Parliament and the state, in arguments that echoed those of the

- 23 James Touchet, third earl of Castlehaven, held dual Irish and English titles (he was also Baron Audley). A Catholic nobleman, he began his military career on the continent, returning to England in 1638. He was in Ireland upon the outbreak of the rising on 23 October 1641. He offered his services to help put down the rising, but his treatment at the hands of the Protestant lord justices Sir William Parsons and Sir John Borlase pushed him into joining the ranks of the Catholic insurgents. This occurred after he had been indicted of high treason by the Dublin administration (May 1642), and placed in prison (from whence he escaped). He then served in various posts in the Confederate military command until 1647, when he went into exile in France with Ormond. He returned to Ireland with Ormond in late 1648, and fought for the Irish Royalist coalition until his return to French exile in April 1651. Sean Kelsey, 'Touchet, James, third earl of Castlehaven (bap. 1612, d. 1684)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/27577>, accessed 5 March 2006].
- 24 *A Remonstrance of the Right Honourable James Earle of Castlehaven and Lord Audley, concerning his imprisonment in Dublin and escape from thence* (Waterford, 1643), pp 5-6. Many of the sentiments expressed by Castlehaven in this Remonstrance of 1643 were repeated in his memoirs, compiled in the 1680s. His reasons for joining the rebellion were narrated in much the same way in both sources, the one main difference being that in his later memoirs, he drew on a letter from his brother, Mervin Touchet, as added proof for his story. In both sources, Castlehaven attributed his decision to join the Confederates to his rough treatment at the hands of the lord justices, who refused his offers of assistance against the rebels, and then attainted him of treason and placed him in prison. In both sources Castlehaven stressed that his decision to join the Confederates only came after he received assurances of their loyalty to the king. [Castlehaven, James Touchet, earl of]. *The earl of Castlehaven's review: or his memoirs* (London, 1684), pp 22-33; [Idem.], *A Remonstrance of the Right Honourable James Earle of Castlehaven and Lord Audley, concerning his imprisonment in Dublin and escape from thence* (Waterford, 1643), pp 5-23.
- 25 *Remonstrance of Castlehaven*, p. 8; *Remonstrance of grievances*, pp 9-11.

Catholic participants of the Parliament of 1640-41.²⁶ Catholics had been aggrieved by the fostering of faction in Parliament on the grounds of nation and religion by the lords justices, and through the forced prorogation of Parliament through the votes of absentee peers, an action which they claimed had occurred so that the bills for Catholic relief and the graces could not then be passed.²⁷ The denial of high office in the state to Catholics was also cited as a major grievance, especially considering that the Protestant holders of these offices were men of 'mean condition and quality'.²⁸ The decisive factor, according the Catholics of the Pale, which forced them to side with the insurgents were the atrocities committed on innocent Catholics by government forces in Wicklow and at Santry, by Charles Coote at Clontarf and by William St Leger in Munster.²⁹ References to these grievances enabled Catholic polemicists to describe the alliance of the gentry of the Pale with the northern insurgents as being the result of the harsh and threatening actions of the state in the weeks following the outbreak of the rebellion. Those measures taken by the lords justices and their adherents in late 1641 had revealed a plot to extirpate Catholicism and the Irish nation, which necessitated the recourse to arms.

The systematic refutation of Catholic assertions regarding the outbreak of the 1641 Rising by Protestants showed the importance to the relative parties of establishing a moral high ground for themselves through their respective discourses. While Catholics had tried to shift the blame for the outbreak and spread of rebellion onto the lords justices and their adherents, the Protestant authors of the reply to the Catholic Remonstrance emphasized the barbarity, anti-Protestantism and disloyalty of the Irish as key factors in causing the insurgency. In the introduction to the Protestant answers to the Catholic grievances the authors claimed that the Catholic remonstrance represented only an endeavour to put 'a shew of reason upon their wicked and unnatural acts'.³⁰ Catholic assertions regarding the outbreak

26 Among the grievances articulated by opposition members in this Parliament was the employment of 'sundry persons of mean condition' in office. The government had sought to carefully manage the sitting of this Parliament. In 1640 the King encouraged non-resident peers to absent themselves from Parliament and to send Wentworth their blank proxies, an abuse referred to by Castlehaven and the Catholic Remonstrants in 1643. Jane H. Ohlmeyer, 'The Irish Peers, Political Power and Parliament, 1640-1641' in Jane H. Ohlmeyer and Ciaran Brady (eds.), *British Interventions in Early Modern Ireland* (Cambridge, 2005), p. 163. The government had also attempted various other measures to secure a compliant Parliament, including management of elections and exclusion of opposition MPs. By the time of the second session of Parliament in late October and early November 1640, sizeable numbers of Protestant and Catholic MPs had united in opposition to the lords justices. Bríd McGrath, 'The Irish elections of 1640-1641' in Jane Ohlmeyer and Ciaran Brady (eds.), *British Interventions in Early Modern Ireland* (Cambridge, 2005), pp 186-206.

27 *Remonstrance of grievances*, p. 7.

28 *Remonstrance of Castlehaven*, p. 20; *Remonstrance of grievances*, p. 4.

29 *Remonstrance of grievances*, pp 11-13.

30 'The answers of the Protestants of Ireland to the Catholic remonstrance of 1643', in *The False and Scandalous Remonstrance of the Inhumane and Bloody Rebels of Ireland* (London, 1644), p. 17.

of the rising were each refuted in turn. A statement that Catholics had not been troubled in the exercise of their religion before 1641 met the complaint that freedom of religion had been denied to Catholics, while the charge that access to the king had been blocked was flatly denied.³¹ The accusation that the gentry of the Pale had been provoked into rebellion was countered with the response that commissions of defence had been granted to Catholic lords at the start of the rebellion, but they had joined with the northern rebels nonetheless.³² The Protestant reply to the Remonstrance contained a further assertion that a proclamation of pardon to those who would return to due obedience had been published widely, and that alleged 'atrocities' committed by government forces had not happened- what killings had occurred on the Protestant side had been very small in number, had been provoked by necessity and strategic considerations, and had occurred after many Irish Catholic lords had shown themselves to be in open rebellion.³³ Catholic claims that parliament had been adjourned in order to block the Graces and that the king's dispatch had not been conveyed around the kingdom were also refuted, with Protestants stating that parliament had been prorogued on 27 October 1641 because some members were in rebellion, others imprisoned, and others needed to defend their localities.³⁴

Protestant attempts to disprove the assertions in the Catholic printed pamphlets concerning the 1641 rebellion also contained a number of significant counter-assertions aimed at placing the guilt for rebellion firmly on the Catholic shoulders. The actions of the rebels in late 1641 were cited to show that a general plot to extirpate all Protestantism had existed among all Catholics in Ireland.³⁵ Through this assertion the Protestant authors played upon wider Protestant fears of extinction in a Catholic-dominated Europe, and in particular the fears of the Protestant settlers in Ireland, who were heavily outnumbered by the Catholic natives. The seventeenth century witnessed the apogee of anti-Catholic sentiments among Protestants in the British Isles. Protestant polemicists frequently represented Catholics as a disruptive and immoral force, who threatened political, social, patriarchal and ecclesiastical order.³⁶ Such views found a most coherent expression in Sir John Temple's *Irish Rebellion*, written in the early 1640s and published in

31 *Ibid.*, pp 17-19.

32 *Ibid.*, p. 22.

33 *Ibid.*, pp 69-83.

34 *Ibid.*, pp 53-55 and pp 63-64. It seems that the accusations levelled at the lords justices by the Catholic Remonstrants were justified. Ohlmeyer concurs with the view that arms were denied to Catholic peers upon the outbreak of the rebellion, a development which, combined with the prorogation of Parliament in November 1641 and the excesses of Charles Coote, pushed the gentry of the Pale into alliance with the northern insurgents. Jane H. Ohlmeyer, 'The Irish Peers, Political Power and Parliament, 1640-1641' in Ohlmeyer and Brady (eds.), *British Interventions*, pp 174-176.

35 'The answers of the Protestants of Ireland to the Catholic remonstrance of 1643', in *The False and Scandalous Remonstrance*, pp 31-36.

36 Peter Lake with Michael Questier, *The Antichrist's Lewd Hat: Protestants, Papists and Players in Post-Reformation England* (London, 2002), p. 360.

1646.³⁷ A member of the Irish privy council upon the outbreak of the rebellion of October 1641, Temple based his anti-Catholic assertions on primary sources, and particularly copies of those examinations taken from dispossessed Protestants, known as the 1641 depositions.³⁸ Many of Temple's assertions gained common currency among British and Irish Protestants, particularly his claim that the start of the rebellion had been the product of the 'thoughts and bitter fruits of long-premeditated malicious intentions' of Catholic clergy and lawyers.³⁹ It is interesting to note that the framers of the Protestant answers to the Catholic Remonstrance of 1643 anticipated these influential arguments of Temple's, also stating that Catholic clergy and lawyers had instigated the rebellion, and that a general Irish conspiracy for rebellion had started as early as mid-1641.⁴⁰ Reference could then be made to the guilt and untrustworthiness of Catholics in order to reply to specific Catholic grievances, such as their exclusion from office. Thus the anonymous Protestant authors explained the barring of Catholics from this privilege because, as was 'now clearly manifest ... they are ... the Seeds-men and wombe of all the distempers and miserable sufferings of the now deplorable Commonwealth'.⁴¹ The Protestant authors made use of a discourse of barbarity and savagery throughout in their description of the actions of Irish Catholics in the early months of the rebellion, which had immense propaganda value.⁴² Therefore it could be confidently stated in 1643 that all current miseries had occurred due to the 'unnaturalnesse of unfaithful rebels', who had been the instigators of ten times more killing and destruction than the Protestant party in Ireland.⁴³

37 Sir John Temple, *The Irish Rebellion: or, A history of the beginnings and first progress of the general rebellion ... 1641. Together with the barbarous cruelties and bloody cruelties which ensued thereupon* (London, 1646).

38 Raymond Gillespie, 'Temple's fate: reading *The Irish Rebellion* in late seventeenth-century Ireland' in Ohlmeyer and Brady (eds.), *British Interventions in Early Modern Ireland* (Cambridge, 2005), p. 319. Also see Nicholas Canny, 'What really happened in Ireland in 1641?' in Jane H. Ohlmeyer (ed.), *Ireland from independence to occupation*, pp 25-29.

39 Sir John Temple, *The Irish Rebellion*, pp 147-148. Despite Temple's accusations, no Catholic lawyer actually seems to have taken up arms during the early stages of the 1641 rebellion. Lawyers were very influential in the establishment of the Confederate association in 1642, however, especially in establishing its institutional structures and forms of government. During the 1640s, the lawyers influence was most apparent in the Supreme Council and in their membership of negotiating committees. See Jane H. Ohlmeyer, 'Irish recusant lawyers during the reign of Charles I' in Micheál Ó Siochrú (ed.), *Kingdoms in Crisis. Ireland in the 1640s* (Dublin, 2001), pp 78-81. For a reference to the role of the Catholic clergy in the Confederate association, see below, p. 39.

40 'The answers of the Protestants of Ireland to the Catholic remonstrance of 1643', in *The False and Scandalous Remonstrance*, p. 37, pp 48-49 and pp 65-70.

41 *Ibid.*, pp 25-26.

42 Jane H. Ohlmeyer, 'For God, king or country? Political thought and culture in seventeenth century Ireland' in Jane H. Ohlmeyer (ed.), *Political Thought in Seventeenth-Century Ireland. Kingdom or Colony?* (Cambridge, 2000), p. 16.

43 *The False and Scandalous Remonstrance of the Inhumane and Bloody Rebels of*

Clearly Catholics and Protestants disagreed sharply in their interpretations of what had happened in the early weeks and months of the rising. The differing and often mutually antagonistic interpretations of events by both sides showed a respective willingness to establish the moral superiority of one side over the other. As the wars of the three kingdoms intensified and developed in complexity with the entry of the Scottish Covenanters into the English Civil War on the side of Parliament in September 1643, both Catholics and Protestants recognised the need to lay first claim on loyalty to the king. This became a crucial aspect of the propaganda battle in print after negotiations between the Confederates and the king opened in early 1643. For Catholics, a fundamental part of their effort to justify their rising in arms involved emphasizing their loyalty to the king. Here one can see the impact that the teachings of the Jesuit theologians Bellarmine and Suarez had had on the ranks of the Confederates, as they clearly distinguished between temporal and spiritual authority, and so it followed that it was possible for a Catholic people to give allegiance to a heretical prince.⁴⁴ This explains how the Confederates felt able to declare that they took arms both for the preservation of the Catholic religion and the king's rights and prerogatives, as they did in many of their pamphlets printed at Waterford. They expressed the belief that they had been subject to harsh penalties on account of their religion, in spite of the fact that they had 'held themselves so inviolably tied to the preservation of that monarchy, to whom they owe subjection'.⁴⁵ In a similar vein, in the treaty negotiations with the king, the Confederates were able to claim that since they were loyal, Catholic armies were, and always had been, at the king's service (although this quite obviously involved a distortion of the truth).⁴⁶

The Confederates found a most effective way of proving their loyalty through contrasting their benevolent actions with those of the Scottish Covenanters and the English Parliamentarians ('malignants'), who also fought against the king, and who also claimed to be loyal to him. The Confederate condemnation of the Solemn League and Covenant (September 1643), which established an alliance between Parliamentarians and Covenanters, illustrates this point clearly. This Covenant faced direct Confederate condemnation, it was stated, because it showed 'how far they [the malignants] desire their treason against the monarchy to be spread' by

Ireland, p. 90.

44 Breandan Ó Buachalla, 'James our true king. The ideology of Irish royalism in the seventeenth century' in D. George Boyce, Robert Eccleshall and Vincent Geoghegan (eds.), *Political thought in Ireland since the seventeenth century* (London and New York, 1993), pp 11-13; Ohlmeyer, 'For God, king or country?' in Ohlmeyer (ed.), *Political Thought in Seventeenth-Century Ireland*, pp 22-24; Donal Cregan, 'The Confederate Catholics of Ireland: the personnel of the Confederation, 1642-9', *Irish Historical Studies*, xxix, no. 116 (Nov. 1995), pp 498-499.

45 *The False and Scandalous Remonstrance of the Inhumane and Bloody Rebels of Ireland*, p. 49.

46 'Answers to the demands made by the Lord Lieutenant in the behalfe of His Majestie'. These were printed as an appendix to *The Propositions of the Roman Catholicks of Ireland* (Waterford, 1644), p. 49.

poisoning the minds of other Protestants.⁴⁷ Danger to both the king and to Irish Catholics came from these disloyal ‘malignants’, according to Confederate pamphlets, because they had extensive links to those Protestants who controlled the Irish state. For instance Castlehaven wrote in his remonstrance that Adam Loftus, a member of the Irish privy council, told him gleefully of the success of the Parliament against the king in England. Accordingly Castlehaven declared that he could be no traitor to those of ‘meane birth’ who controlled the Irish state apparatus and who looked at nothing but ‘the extirpating of this nation’ and ‘the destruction of monarchy’.⁴⁸ By this means the Confederates sought to establish a true claim on loyalty to the king as a step towards securing an eventual settlement with the Royalist party. The Confederates realized that the greatest threat to them came from the aggressively anti-Catholic English Parliament, a fact proved by Thomas Bourke’s publication of a purely English Royalist tract in 1644.⁴⁹ Only the victories of the Royalist armies in the early part of the first English civil war were described in this highly partisan pamphlet. Ireland was not met with any mention here, and so the Confederate decision to publish this can be attributed to a desire to spread the message that Irish Catholics sincerely desired the victory of the king in England. The Confederates also probably wished to propagate the idea that both their party and the Royalists were united in loyalty to the king against the disloyal forces of the ‘malignant’ English Parliamentarians and Scottish Covenanters.

Protestant replies to the Catholic political pamphlets took up a position that directly opposed the Confederates on the issue of loyalty to the king. Confederate protestations of loyalty were declared to be hollow in Protestant rejoinders, which argued that the actions of the Catholic insurgents in Ireland demonstrated an inherent disloyalty. In the reply to the Catholic propositions presented to the king in May 1644, the Protestant agents in the negotiations argued that Catholic protestations of loyalty were feigned, and that the Confederate request for a free Parliament reflected their desire to obtrude upon royal power and to penalise loyal Protestants.⁵⁰ The Protestant agents represented themselves as taking a firm stand for the true interests of the royal government in Ireland, therefore establishing a greater claim on loyalty to the king.⁵¹ To this end a Confederate proposal such as

47 *Admonition by the Supreme Council of the Confederat Catholicks of Ireland. To all His Majesties Subjects against a Solemne League and Covenant framed in the Parliament of England. As also against a Declaration of the English Parliament* (Waterford, 1643), pp 3-4.

48 *Remonstrance of Castlehaven*, pp 20-21.

49 *A Briefe Relation of the most remarkable Feates and Passages of what his most Gracious Majesties Commanders hath done in England against the Rebels and of his severall glorious victories over them, sithence January 1641, till December 1643. And from the first of May 1644, till the fifth of the present July* (Waterford, 1644).

50 ‘The answers of the agents for the Protestants of Ireland’. These were printed as an appendix to *The Propositions of the Roman Catholicks of Ireland*, pp 18-19.

51 When news broke in February 1644 of the impending arrival of a Confederate delegation at Charles I’s headquarters, the House of Commons in the Dublin Parliament nominated agents to represent the interests of Protestant Ireland at the impending

that for the repeal of all attainders met Protestant opposition on the declared grounds that pardon for Catholics might 'prove very prejudiciall to your Majesties rights and revenues'.⁵² Similarly, Protestants contested the Confederate request for limited terms for chief governors, declaring it to be a 'false and scandalous aspersion upon your Majesties gracious government over Ireland'.⁵³ Throughout their responses Protestants described the Catholic rising as a rebellion raised out of detestation to the royal government, for the rooting out of the Protestant religion, and the dispossession of the kingdom from the king.⁵⁴ This apparent disloyalty stood in clear contrast to the actions of 'loyall and obedient Protestant subjects', who fought for the king's rights in his Irish kingdom.⁵⁵

It can be clearly seen that the propaganda war between Catholics and Protestants took on a great importance in the political pamphlets printed at Waterford by Thomas Bourke, and in the Protestant responses to these publications, all published by the English Parliament in London. A general realisation of the importance of the printed word in the wider context of war and tortuous treaty negotiations seems to be attested to by the fact that both sides printed each other's works in these years in practically unedited form, together with responses and refutations. The reason for this was demonstrated by the anonymous Confederate author of the preface to the lengthy proceedings of the Oxford treaty negotiations and their aftermath in 1643. It was stated here that the Catholics thought it 'necessary to expose those proceedings to publicke view, by putting them to presse, so to cast off those aspersions. that ignorant, or malicious persons endeavour to call upon them'.⁵⁶ Protestants too recognised the importance of the propaganda battle. The Protestant agents at Oxford in April and May 1644 sought to refute the 'scandalous and most false Remonstrance of the Irish rebels', which they declared had been 'printed at Waterford by Thomas Bourke' and dispersed in Ireland, at Oxford, in other parts of England, and in 'forraigne parts'. The purpose of this, the Protestant agents declared, was 'to asperse the late government there, and His

negotiations. The Protestant agents arrived in Oxford on 17 April 1644, and proceeded to vehemently oppose Confederate proposals. Corish states that 'in so far as it was representative', the delegation represented the elements of Irish Protestant opinion that 'had disapproved of the truce, suspected the king for having agreed even to meet the Catholics, and had already shown strong sympathies with Parliament'. Patrick J. Corish, 'The Rising of 1641 and the Catholic Confederacy, 1641-5' in T.W. Moody, F.X. Martin and F.J. Byrne (eds.), *A New History of Ireland, III 1534-1691* (Oxford, 1976), p. 311. Also see Robert Armstrong, *Protestant war: The 'British' of Ireland and the wars of the three kingdoms* (Manchester and New York, 2005), p. 112 and pp 119-121.

52 'The answers of the agents for the Protestants of Ireland'. These were printed as an appendix to *The Propositions of the Roman Catholicks of Ireland*, p. 21.

53 *Ibid.*, p. 26.

54 'The humble petition of divers of your Majesties Protestant subjects in your Kingdome of Ireland', printed as an appendix to *The Propositions of the Roman Catholicks of Ireland*, p. 29.

55 *Ibid.*, pp 30-31.

56 *The Propositions of the Roman Catholicks of Ireland*, p. 8.

Majesties good and faithfull Protestant subjects, and to put a shew of reason upon the barbarous and inhumane cruelties which the said rebels had acted on the Protestants of Ireland unprovoked in a time of full peace'.⁵⁷ Therefore the purpose of printing an account of the Oxford treaty negotiations after the Catholic propositions and Protestant replies was declared to be 'for the manifestation of the truth, and the vindication of the Protestants'.⁵⁸ One can see that a propaganda war in print occurred through responding to other pamphlets and engaging in mutual dialogue. The fact that both sets of protagonists printed each other's works showed that those who sanctioned this printing were eager to show to their readers the true intentions that the opposing side held for them. For example, the Solemn League and Covenant was published by Thomas Bourke to let Catholics know the true intentions which their opponents had for them, and to help galvanise them for the fight against these enemies. In like manner, the publication of the Catholic remonstrance of 1643 in London allowed Protestants a glimpse of the possible consequences of a Confederate victory in Ireland.⁵⁹ The propaganda war conducted in these pamphlets both explains and reflects the stalemate in negotiations between the two sides, and the assertions stated in the pamphlets arose from deep-seated beliefs on both sides. The printing of these allegations would have influenced those in positions of political and military authority, and possibly exercised a significant influence on public opinion. Thus the propaganda and counter-propaganda contained in these pamphlets possibly polarised outlooks even more, contributing to the stalemate between the Confederates and the Protestant party in Ireland.

Proclamations and declarations

In the printed propaganda war with Royalists, Parliamentarians and Covenanters, the Confederates realised the value that proclamations and declarations could have in establishing a superior moral ground for the Catholic party on various issues. As formal orders or intimations issued by a sovereign or another legal authority, made public either by being announced by a herald, or by being posted up in public places, the proclamations and declarations issued by the Catholic printing presses were vital in the attempt to establish the legitimacy of Confederate authority over most of the island. Brevity also enhanced the effectiveness of these types of publications in spreading political messages. Of the five Bourke publications analysed in this section, two were one-sided broadsheets, while the other three were between three and eleven pages length. Proclamations and declarations provided the Confederates with an excellent means of countering Protestant accusations with short propagandist statements. This could be achieved by laying stress upon the compatibility of the exercise of good Confederate government with the

57 'A true narration of all the passages concerning the petition of the Protestants of Ireland', printed in *The False and Scandalous Remonstrance of the Inhumane and Bloody Rebels of Ireland*, p. 109.

58 *Ibid.*, p. 97.

59 *The False and Scandalous Remonstrance of the Inhumane and Bloody Rebels of Ireland* (London, 1644).

maintenance of loyalty to the king, a message that is evident in the five anonymously authored proclamations and declarations dealing with political and military developments, printed by Thomas Bourke in Waterford in 1643 and 1644.⁶⁰

One can only speculate about how far the messages enshrined in proclamations and declarations were diffused amongst the populace. Their dissemination was sometimes dependent on the function of the document, as for instance army proclamations were intended for a mainly (but perhaps not exclusively) military audience.⁶¹ Proclamations and declarations could potentially have been of great importance in spreading political messages for the Confederates, however, as these documents were usually dispersed with a covering letter ordering them to be proclaimed locally.⁶² They were then often read aloud at markets, and afterwards affixed to public prominent positions for passers-by to view. These types of publications could have been of much more importance than more substantial works in spreading polemical messages to the poorer lower strata of society, then, as people did not have to buy them to read or to hear their contents.⁶³ Furthermore, proclamations with direct religious connotations could be read out in churches. Thus proclamations and declarations were of great importance as they fed back into both oral and literate methods of communicating, potentially on a large scale. The *literate* could read and absorb the messages enshrined in the text of the documents, while the illiterate majority could potentially hear the message of the publication at its reading at public gatherings, or through rumour or stories created by a reading of the document by literate members of the community.⁶⁴ A public opinion was created, to which leading Confederates were answerable to a certain degree. The force of popular opinion created by propagandist documents such as these helps to explain the depth of ill-feeling between the Catholic Confederates and their Protestant adversaries in the 1640s, which made the task of negotiating a

60 *A Declaration of the Lords, Gentry and others of Leinster and Munster of their intentions towards English and Scottish Protestant inhabitants within this kingdom and A General Proclamation by the Confederate Catholickes of the Supreme Council against the Covenanters and for arming all Catholickes from 18 to 60* (Waterford, 1644); *A Declaration of the Supreme Council of the Confederate Catholicks of Ireland ratifying a cessation of arms for a year with the Marquis of Ormonde, and against any acts of hostility, & c* (Waterford, 1643); *Lawes and Orders of Warre, M.DC.XLIII. Established for the conduct of the Armie designed for the expedition of Ulster* (Waterford, 1643); *List of Peers and other members of the General Assembly of the Irish Confederates in 1644* (Waterford, 1644); *Proclamation 'By the Supreme Councell of the Confederat Catholicks of Ireland' (Calling upon the inhabitants of Ulster who had gone into other parts to avoid 'the charge of the War' to return thereunto, &c., &c.)* (Waterford, 1644).

61 See *Lawes and Orders of Warre, M.DC.XLIII. Established for the conduct of the Armie designed for the expedition of Ulster* (Waterford, 1643).

62 Gillespie, *Reading Ireland*, p. 106.

63 See Heuston, *Literacy in Early Modern Europe*, pp 196-7.

64 Gillespie, *Reading Ireland*, p. 106; Adam Fox, *Oral and Literate Culture in England 1500-1700*, p. 41 and p. 367.

settlement after the opening of peace talks between the Confederates and Royalists in June 1643 considerably more difficult to achieve.⁶⁵

The central issue evident in the various proclamations and declarations published by Thomas Bourke at Waterford concerned justifications of Catholic loyalty to the Stuarts. As noted above, the need of the various protagonists to establish first claim on loyalty to the king increased in 1643 as the issues dividing Catholics and Protestants became clearer with the signing of a cessation of arms between the Confederates and Royalists in Ireland on 15 September 1643, and the subsequent signing of the Solemn League and Covenant between the Scottish Covenanters and the English Parliament ten days later, on 25 September. This new agreement established a military alliance between the Covenanters and Parliamentarians against the forces of the king, and its arrival in Ulster in December 1643 resulted in the defection of the Protestant forces in this province away from the Royalist anti-Catholic alliance, headed by the marquis of Ormond, to the side of the anti-Royalist alliance in the English civil war.⁶⁶ In the light of these developments, then, the Confederates saw an opportunity to advance a greater claim upon loyalty to the king by contrasting their actions with those of the newly allied Covenanters and Parliamentarians. Perceived Protestant violations of the terms of the cessation provided the Confederates with solid facts on which to base their allegations of disloyalty and untrustworthiness. While the Confederates had sworn to 'forbear to use, exercise, or commit any acts of hostilitie' during the cessation, the Scottish army in Ulster was shown to have committed 'continual depredations, robberies, thefts, burnings, and destruction of all Corne and Inhabitants', in open defiance of the agreement, after having lately taken 'a trayterous Oath of Covenant against his sacred Majesty'.⁶⁷ The anonymous Catholic composers of this text also drew attention to the plans of the Covenanters, who now received their maintenance from 'the Rebels now in arms against His Majesty in England', and who had augmented their 'exorbitant courses' in order to plan an invasion of north-west Ulster in unison with Parliamentarian landings in Leinster and Munster.⁶⁸ Thus all lords, knights and gentlemen between the ages of eighteen to sixty were required to put themselves 'in arms and posture of defence' by the Confederate Supreme Council 'for the safety of the Kingdome, and His Majesties interest therein'.⁶⁹ Through use

65 Patrick J. Corish, 'The Rising of 1641 and the Catholic Confederacy, 1641-5' in Moody, T.W., Martin, F.X. and Byrne, F.J. (eds.), *A New History of Ireland*, III 1534-1691 (Oxford, 1976), p. 308.

66 Ó Siochrú, *Confederate Ireland 1642-1649*, pp 68-69.

67 *A Declaration of the Supreme Council of the Confederate Catholicks of Ireland ratifying a cessation of arms for a year with the Marquis of Ormonde, and against any acts of hostility, & c* (Waterford, 1643), p. 1; *A Declaration of the Lords, Gentry and others of Leinster and Munster of their intentions towards English and Scottish Protestant inhabitants within this kingdom* (Waterford, 1644), p. 5.

68 *A Declaration of the Lords, Gentry and others of Leinster and Munster of their intentions towards English and Scottish Protestant inhabitants within this kingdom*, pp 5-6.

69 *Ibid.*, pp 6-7.

of contrasts between those who adhered to the cessation and those who defied it, the Catholic propagandists succeeded in representing the actions of the Confederates as compatible with loyalty to the king, while those of the Parliamentarians and Covenanters were represented as disloyal, expansionist and barbarous.

Amongst the litany of Confederate allegations cited above, of particular interest is the reference to the Parliamentary practice of throwing overboard those captured on Irish vessels at sea, which Confederates declared to be 'against the Law of Warre and Nations'.⁷⁰ This indicates that a common awareness of the normal moral standards of 'conventional' European warfare existed in Ireland during the mid seventeenth-century. Military codes to regulate the behaviour of troops had been published by the Spanish, Dutch and Swedish armies in the late sixteenth and early seventeenth centuries. Knowledge of their contents spread into the British Isles through the medium of mercenaries returning home from the continental wars, and through the translation of various tracts and accords into English.⁷¹ From late 1642 until summer 1647, the rules of war in Ireland (for the most part) settled into a regular pattern, with the principle of reciprocity governing the actions of the various combatants.⁷² When a large-scale transfer of troops to England to fight for the king followed the signing of the cessation of September 1643, however, Parliamentary propagandists exploited fears in England of an invasion of Irish Catholics. Individual Parliamentary commanders saw fit to take steps to prevent the passage of troops across the Irish Sea.⁷³ An infamous incident occurred in April 1644, when the Parliamentary navy seized a ship carrying soldiers from Ireland to England. They brought the ship back into Milford Haven and there about seventy of the prisoners were tied back to back and thrown overboard by Captain Richard Swanley.⁷⁴ It was this incident, and other incidents similar to this, that the

⁷⁰ *Ibid.*, p. 6.

⁷¹ Micheál Ó Siochrú, 'Atrocity, massacre and the conduct of war in Ireland, 1641-52' (Unpublished article, forthcoming in *Past and Present*), p. 2. Barbara Donegan has argued that norms of conduct in the English Civil War derived from three different sources. Firstly, from standards of religion and morality. Secondly, from the laws of war, which formalised protections along with much else in military conduct, and thirdly, from the articles and ordinances of war, which were the practical disciplinary measures that governed each army. As the Parliamentarians did not regard Irish Catholics as honorable and Christian adversaries, they exempted them from the normal rules of protections in 1644. Thus Irish Protestant soldiers sailing across the Irish Sea were mistakenly thrown overboard, and in October 1644 the English Parliament issued an ordinance that no quarter be given to any Irishman. Barbara Donegan, 'Atrocity, War Crime, and Treason in the English Civil War', *The American Historical Review*, Vol. 99, Issue 4 (October, 1994), pp 1137-1166; see also 'Codes of conduct in the English Civil War', *Past and Present*, no. 118 (February, 1988), pp 74-76; and Micheál Ó Siochrú, 'Atrocity, massacre and the conduct of war in Ireland, 1641-52' (Unpublished article), p. 12.

⁷² Ó Siochrú, 'Atrocity, massacre and the conduct of war in Ireland, 1641-52', p. 10.

⁷³ *Ibid.*, p. 12.

⁷⁴ B.L., *Mercurius Aulicus, Communicating the Intelligence and affaires of the Court,*

anonymous authors of the Catholic declaration seem to have been referring to here. What is also notable about this episode is that those thrown overboard by the Parliamentarians in this instance were not Irish Catholics, but Protestants who had served in Ireland against the Confederates. This fact was recognised by the anonymous Catholic composers of this tract, who noted that Irish soldiers were thrown overboard, even though they were ‘all Protestants, and valiant and usefull servitors against the Confederate Catholickes in this war’.⁷⁵ The Royalist newspaper *Mercurius Aulicus* expressed outrage at this ‘unparalleled murder’.⁷⁶ In this instance the Confederates sought to ally themselves with the undoubtedly loyal Royalists in mutual indignation at the blatant violation of the laws of war by Parliamentarians. At a time of treaty negotiations between the king and the Confederates, Irish Catholic polemicists sought to shift focus onto the common enemy of both parties, the Parliamentarians.

Themes of loyalty and barbarity with relation to the cessation of September 1643 permeate the Catholic proclamations and declarations published by Thomas Bourke, and also the Protestant rejoinders to these. This is very evident in the *Declaration of the Lords-Gentry and others of the Leinster and Munster of their intentions towards English and Scottish Protestant inhabitants* (1644). The Catholic authors of this declaration attempted firstly to combat the general conception held by English and Scottish Protestant inhabitants of Ireland that Catholics ‘have taken Armes, and taken Forces, for the extirpation and banishing of them out of this Kingdome, thereby to acquire to our selves their goods and estates’.⁷⁷ In order to show the benevolent intentions of the Catholic confederation towards Protestants, the authors declared that any moderate and conformable Protestant might enjoy freedom of religion and possession of estates, as long as they took the oath proposed here. In this instance the sentiments of early ordinances of the Confederate General Assembly were repeated, in particular those ordering Catholics to repossess illegally occupied Protestant lands, rents, goods and chattels to their rightful owners.⁷⁸ The oath also contained a familiar pledge to ‘bear true

to the rest of the Kingdome. The eighteenth weeke, ending May 4 1644 (Oxford, 1644), p. 965. I am most indebted to Elaine Murphy for providing me with this information.

75 *A Declaration of the Lords, Gentry and others of Leinster and Munster of their intentions towards English and Scottish Protestant inhabitants within this kingdom*, p. 6.

76 B.L., *Mercurius Aulicus, The eighteenth weeke, ending May 4 1644*, p. 965.

77 *A Declaration of the Lords, Gentry and others of Leinster and Munster of their intentions towards English and Scottish Protestant inhabitants within this kingdom*, p. 3.

78 For instance, Catholics receiving ‘the rents, issues or profits’ of Protestant estates were ordered to ‘immediately restore, upon demand, the said possession to the party or parties so put out, with such reasonable damages as the Council Provincial or Supream shall think fit’. ‘Acts of General Assembly of Confederation, October 1642’ in J.T. Gilbert (ed.), *Irish Confederation*, vol. ii, p. 78. Similarly, the General Assembly ordered that people be appointed ‘to audit and bring to account all such as have collected or received any moneys or Protestant rents, goods or chattels’. ‘Orders by General Assembly of Confederation, 1642’ in Gilbert (ed.), *Irish Confederation*, vol. ii, p. 84.

Faith and Allegiance' to Charles and his heirs, and, less familiarly, an undertaking for Protestants to 'joyne with the said Irish or any other, to recover his estate [and] royall Prerogatives' which had been 'forcibly wrested from him by the Puritanes, in the Houses of Parliament in England'. In this way the oath drew an explicit contrast between the loyalty of the Confederates and the disloyalty of the Parliamentarians, and a loyal alliance between Protestant Royalists and Catholic Confederates was envisaged. Interestingly, the oath also outlined an undertaking 'to maintaine Episopall Jurisdiction, and the lawfullnesse thereof in the Church', and to do nothing to hinder the free exercise of Catholicism in any of the three kingdoms.⁷⁹ In these statements it can be seen that the Confederates realised that the king and the Royalist party were strongly committed to an Anglican and Episopalian church establishment, and so made an effort to reconcile their Catholicism with this fact. In effect, what the Confederates were advocating here was the establishment of an extensive form of religious toleration, which they believed the Puritans of the Parliamentary party opposed. Taken together then, these passages showed an awareness among Confederate ranks of the religious allegations being directed at them, and so they sought to present themselves as loyal and religiously moderate.

The preface to the London reprint of the Confederate *Declaration*, written by Parliamentarians, attempted to confirm the charges that the Catholic authors sought to refute, and to warn Protestants of the dangers of taking the oath proposed by them.⁸⁰ The main issue that the Parliamentary respondents sought to deal with here was 'what effect the first cessation of arms with those bloody Miscreants, the Irish Rebels, hath wrought'.⁸¹ Firstly, the anonymous authors declared that the truce had enabled the sending over of an army to aid 'the Malignants' (i.e. Royalists) against 'the King and Parliament' (Parliamentarians). The Parliamentary propagandists sought to prove to Irish Protestants that the Royalists and Confederates were in a common league against the English Parliament, the true upholder of Protestantism.⁸² Secondly, Parliamentarians

79 *A Declaration of the Lords, Gentry and others of Leinster and Munster of their intentions towards English and Scottish Protestant inhabitants within this kingdom*, p. 5.

80 On the title page of the London reprint the title given to the document is *A Declaration made by the Rebels in Ireland, against the English and Scottish Protestants, Inhabitants within that Kingdome. Also a traitorous Oath and Protestation lately contrived by the Confederate Rebels in a Councell held at Kilkenny, against the Parliament of England, and Protestants of the three Kingdomes AND A generall Proclamation (published by the said Councell) for arming of all Catholickes from 18 to 60 for subduing of all Protestants in the Kingdome of Ireland*. It is also stated that this was re-printed at London by R. Austin for J.T. in 1644.

81 *A Declaration made by the Rebels in Ireland, against the English and Scottish Protestants, Inhabitants within that Kingdome*, p. 2.

82 Propaganda such as this represented part of the attempt of the English Parliament to bring Protestant Ireland to the side of the English Parliament, a process which began with the sending of Parliamentary representatives to sit on the Irish council-board in Dublin, and which was followed by a constant stream of correspondence between Dublin and Westminster. Robert Armstrong, 'Ireland at Westminster: the Long

claimed that the cessation had facilitated the fresh arming of Catholic ‘rebels’ through supplies from Dunkirk, France and the Low Countries. Thirdly, it was stated that the cessation had enabled the ‘rebels’ sufficient scope in which to fortify themselves in their strongholds and to obtain victuals. Finally, the treaty negotiations between the Catholics and the king were referred to in the assertion that Confederates had been given the confidence to make ‘unheard of bold and insolent Propositions to his Majesty for a peace, justifying themselves in their bloody rebellious actions’.⁸³ Taken together, the actions of the Confederates were presented as inherently disloyal, as they had used the cessation in order to strengthen their own military and political positions against the Protestant interest and Parliament through their own actions and with the help of foreign powers (which was a treasonable action in itself). Therefore the Parliamentary propagandists expressed the hope that after the dispersal of this Confederate proclamation, there will be ‘no well-affected Protestant within His Majesties whole Dominions, that will desire ... any other peace with that wicked portion of Babel’s children’.⁸⁴ It is interesting to note here that, following the preface, the original Confederate pamphlet was printed in unedited form by the Parliamentary printer- evidently it was thought that the sentiments expressed therein were enough to influence the minds of Protestant readers against the Catholic Confederates.

Aside from proclamations and declarations that contained overt attempts to refute the allegations of opposing parties, those documents dealing with practical matters of government and military discipline published by Bourke also contained propagandist elements. Various Protestant parties claimed that the Irish Catholic rebels had sought to usurp the rights of the King in Ireland and to re-introduce the old Gaelic political system, which was totally incompatible with good monarchical government. Such allegations recur over and over in Protestant propaganda. That most influential Protestant propagandist, Sir John Temple, asserted that certain Irish rebels sought to ‘have penalties inflicted upon them that spake English’ and to have ‘all the English names of places changed into the old Irish denominations’, while others professed that ‘they would not leave an English man or woman alive in the Kingdom, but that all should be gone, no not so much as an English beast’.⁸⁵ Similarly, it was claimed in another Protestant pamphlet that the Catholic rebellion aimed at ‘the destruction of the Protestant Religion, *the rejecting of the lawes of*

Parliament’s Irish Committees, 1641-1647’ in Chris R. Kyle and Jason Peacey (eds.), *Parliament at Work: Parliamentary Committees, Political Power and Public Access in Early Modern England* (Woodbridge, 2002), pp 81-85.

83 *A Declaration made by the Rebels in Ireland, against the English and Scottish Protestants, Inhabitants within that Kingdome*, p. 2.

84 *Ibid.*

85 Temple, *The Irish Rebellion*, p. 148. Also see Nicholas Canny, ‘What really happened in Ireland in 1641?’ in Ohlmeyer (ed.), *Ireland from independence to occupation*, and Raymond Gillespie, ‘Temple’s fate: reading *The Irish Rebellion* in late seventeenth-century Ireland’ in Ohlmeyer and Brady (eds.), *British Interventions in Early Modern Ireland*.

England (italics mine), and the extirpation of the British inhabitants out of that kingdome'⁸⁶

In their layout, imagery and the language they employed, the various Catholic polemical tracts were very important in the attempt to refute such Protestant allegations, and to propagate the idea that the Confederates were true upholders of good Stuart government in Ireland. A literate form that used symbols and short slogans was likely to reach much larger audiences than longer tracts.⁸⁷ Consequently, use of the royal arms on Confederate publications and frequent statements of the phrase 'God save the King' were particularly important in this regard, as they enabled the Confederates to convey messages about loyalty and the justice of their cause.⁸⁸ Other significant political and religious slogans in Latin are evident on the extant title pages of Bourke imprints. The title page of the Remonstrance of the earl of Castlehaven contains two inscriptions, accompanying a picture of a heart crossed by two arrows. The first one states that 'the noose is worn and we are free' (*Laqueas contritus est & nos liberati sumus*), while the second slogan states that 'your arrows are driven into the hearts of the enemy of the king' (*Sagittae tuae acutae in corda inimi corum Regis*).⁸⁹ The title page to the 1643 publication of the *Lawes and Orders of Warre* bears the image of the Confederate cross, with the message that 'in this sign you will conquer' (*In hoc signi vincu*) written over it.⁹⁰ These images and inscriptions impressed sophisticated religious and political messages upon both adherents and adversaries. For ordinary Catholics, the symbolism brought home to them the justice of the cause and necessity of the Confederate war against Protestant enemies. While not everybody would have been able to understand the inscriptions, the cold and formal nature of the layout of the title pages would undoubtedly have helped propagate the notion that the Confederate war was both organised and aimed towards the achievement of solid political ends. Such imagery showed the wider world that the Confederates had a political ideology that was much more advanced than advocating a return to a semi-anarchical Gaelic

86 'A Declaration of the Lords and Commons assembled in Parliament, 30 September 1643', printed as an appendix to the Admonition by the Supreme Councill of the Confederat Catholicks of Ireland (Waterford, 1643), p. 16.

87 Heuston, *Literacy in Early Modern Europe*, pp 196-197.

88 See Appendix 1, *figs 1 and 2*. For use of the royal arms in a Confederate declaration, see the title page of the *Proclamation 'By the Supreme Councill of the Confederat Catholicks of Ireland' (Calling upon the inhabitants of Ulster who had gone into other parts to avoid 'the charge of the War' to return thereunto, &c., &c.)* (Waterford, 1644). The phrase 'God save the King' is used frequently in Confederate documents. See for instance the title pages of *A Declaration of the Supreme Council of the Confederate Catholicks of Ireland ratifying a cessation of arms for a year with the Marquis of Ormonde, and against any acts of hostility, & c* (Waterford, 1643), and the *Proclamation 'By the Supreme Councill of the Confederat Catholicks of Ireland' (Calling upon the inhabitants of Ulster who had gone into other parts to avoid 'the charge of the War' to return thereunto)*.

89 See Appendix 1, *fig 3*. My thanks to Elaine Murphy for the Latin translations.

90 See Appendix 1, *fig 2*.

polity. The use of the Latin language was also important in this regard, as it proved that leading Confederates had an impressive command of the closest thing to a *lingua franca* in seventeenth-century Europe.

The Confederates also sought to show that the organisation of their military affairs met contemporary standards. Proclamations and declarations dealing with mundane matters of government and warfare contained some propagandist elements. This can be seen in proclamations such as one issued by the Confederate Supreme Council in May 1644 and published by Bourke. This tract encouraged those Ulster creaghts who followed the army of Owen Roe O'Neill into Leinster and Connacht to return to their native province in order to assist the war effort against the traitorous Covenanters, and to ease the burdens they placed upon the inhabitants of the regions adjacent to Ulster.⁹¹ A 1643 publication that outlined the laws of war to Confederate soldiers about to embark on an expedition to Ulster under Castlehaven is also of note here.⁹² The principles that governed warfare in the three kingdoms during this period have been observed above. All sides in the conflict sought to manage the actions of their armies by outlining a codified body of military discipline, and this document shows that the Confederates were no different.⁹³ What is most interesting is that laws of war published by the Confederates in 1643 directly replicated those outlined to the Irish army raised for the service of the king against the Scottish Covenanters in 1641.⁹⁴ The only difference was that whereas the first article of the 1643 edition exhorted Catholic soldiers to frequent the sacraments and to attend mass daily, the 1641 version commanded members of the Royalist army to go to sermons in the morning and in the evening.⁹⁵ Other than this, the Confederates copied the contents of the 1641 edition, which dealt with all aspects of army discipline as diverse as moral obligations and the duties of victuallers, almost word for word. In this way Irish Catholics attempted to present the

91 *Proclamation 'By the Supreme Councell of the Confederat Catholicks of Ireland' (Calling upon the inhabitants of Ulster who had gone into other parts to avoid 'the charge of the War' to return thereunto)*, p. 1.

92 *Lawes and Orders of Warre, M.DC.XLIII. Established for the conduct of the Armie designed for the expedition of Ulster* (Waterford, 1643), pp 1-11.

93 Barbara Donegan, 'Atrocity, War Crime, and Treason in the English Civil War', *The American Historical Review*, Vol. 99, Issue 4 (October, 1994), pp 1137-1166; see also 'Codes of conduct in the English Civil War', *Past and Present*, no. 118 (February, 1988), pp 74-76.

94 See *Lawes and Orders of Warre. Established for the good conduct of the service of Ireland* (Dublin, 1641). This army consisted of approximately 10,000 men, the vast majority of whom were Catholics. Charles I appointed the earl of Ormond as supreme commander of these forces, and the above code of military conduct was issued in his name. The army never actually departed for Scotland, due in large measure to Protestant opposition to a 'Catholic invasion' of a mainly Protestant realm. Pádraig Lenihan, *Confederate Catholics at war, 1641-49* (Cork, 2001), pp 16-18.

95 See *Lawes and Orders of Warre. Established for the good conduct of the service of Ireland* (Dublin, 1641), p. 2; *Lawes and Orders of Warre, M.DC.XLIII. Established for the conduct of the Armie designed for the expedition of Ulster* (Waterford, 1643), p. 3.

discipline of their army in the same light as that of the army raised for the king's service in 1641. This publication also sought to show that Confederate military practices accorded with those of the most advanced European armies of the time. The emphasis on the moral and religious obligations and high standards of military discipline evident in the 1643 *Lawes and Orders of Warre* echoes the content of famous military manuals such as first and second parts of *The Swedish Discipline*.⁹⁶ Taken together, these proclamations and declarations clearly showed that the governmental practices of the Catholic Confederation were far removed from those of a Gaelic polity, and that the warfare that it conducted accorded with contemporary standards. Authority and legality were lent to Confederate actions in the temporal sphere, and important propagandist messages were interwoven even into the most practical of Confederate publications.

The debate over spiritual and temporal allegiances

Since the Protestant Reformation and the Catholic Counter-Reformation, questions concerning the relationship between temporal and spiritual authority formed an important part of European political discourse. The sixteenth and seventeenth centuries saw the apogee of the doctrine of *cuius regio eius religio*, which stressed the need for all loyal subjects to adhere to the established church of the realm and to conform to the religion of their monarch. In an Irish context this issue was a very pressing one, as the Roman Catholic majority professed a religion contrary to their Protestant king. Ireland was the only kingdom in Europe in which the Catholic counter-Reformation succeeded against the wishes of the magistrate.⁹⁷ Thus Irish Catholics in the seventeenth century were suspected of harbouring divided allegiances between king and pope, and were regarded with suspicion by Protestants in England, Scotland and Ireland. Finding means to reconcile religious and civil adherences became vital for Catholics wishing to establish their loyalty to the Stuart monarchs, and thus partake fully in high office and affairs of state. It is not surprising, then, that the debate over spiritual and temporal allegiances formed

96 *The Swedish Discipline: Religious, Civile, and Military* (London reprint, 1632), pp 1-73. Under King Gustavus Adolphus Sweden reached its zenith as a European power, and its army was considered among the foremost in Europe. Much of the personnel of the Swedish army consisted of mercenaries, many of whom came from the British Isles, and particularly Scotland. Many of these men returned home to fight in the civil wars of the mid seventeenth-century, bringing with them knowledge of new developments in military technology, tactics and discipline. For a comprehensive account of the developments in military affairs in this period, see Geoffrey Parker, *The Military Revolution, 1500-1800: military innovation and the rise of the West* (Cambridge, 1996).

97 For a good account of the triumph of the Counter-Reformation in Ireland, see Donal Cregan, 'The Social and Cultural Background of a Counter-Reformation Episcopate, 1618-60' in A. Cosgrove and D. MacCartney (eds.), *Studies in Irish History Presented to R. Dudley Edwards* (Dublin, 1979), pp 85-117. Alan Ford's monograph offers a valuable survey of the religious developments with the Protestant churches as its focus. Alan Ford, *The Protestant Reformation in Ireland, 1590-1641* (Frankfurt, 1987).

much of the subject matter of four of the works published by Thomas Bourke at Waterford in 1644.⁹⁸ The production of the 124-pages long *Alexipharmacum*, written by the Catholic cleric Walter Enos, and the 254-pages long *Inquisition of a Sermon*, composed by the Catholic bishop of Waterford and Lismore Patrick Comerford, demonstrated Bourke's capability to produce books of great length. The two other publications considered here, a play-pamphlet and an account of the taking of the Confederate oath of association, were much shorter, being only three pages and four pages long respectively. What links these publications, then, is not length, but the fact that common themes of spiritual and temporal conflict emerge from their contents. In their arguments one can see the influence that contemporary Counter Reformation ideology had on Confederate writers.

Almost all of the Irish Catholic clergy of the 1640s had been educated abroad in continental seminaries, where they were exposed to the teachings of influential theologians who sought to grapple with the problem of church-state relations, such as the Jesuits Bellarmine and Suarez.⁹⁹ The works of these two men were well known to Europe's intellectual elites through publications such as Suarez's 1612 *De Legibus* and his 1613 *Defensio Fidei*.¹⁰⁰ Martin Becanus' concise writings on the subject of spiritual and temporal power were also extremely popular, in particular his *Compendium manualis controversarium*.¹⁰¹ Bellarmine and Suarez developed a theory of indirect power that clearly distinguished between the respective spheres of spiritual and temporal authority. These teachings made the adherence of Catholics to heretical princes possible, as long as the prince did not pursue policies that endangered the souls of his Catholic subjects.¹⁰² Given the influence of the Catholic clergy in the Confederation, it is not surprising that this strand of counter-Reformation thought pervaded pamphlets published by Thomas Bourke on the subject.¹⁰³ Enos' work was filled with detailed theological debate where he

98 Walter Enos, *Alexipharmacum, or a Sovereign Antidote against a Virulent Cordiall, composed 22 June 1644 by two Druggists* (Waterford, 1644); *Titus, or the Palme of Christian Courage: To be exhibited by the scholars of the Society of Jesus, at Kilkenny* (Waterford, 1644); *Proceedings relative to oath of association of Confederates, &c* (Waterford, 1644); Patrick Comerford, Bishop of Waterford and Lismore, *The Inquisition of a Sermon preached in the Cathedrall Church of the City of Waterford in February, 1617, etc. By Robert Daborne, Chancellor of the said Cathedrall, etc. Written by the R. F. P. C. of the order of S. Augustin, & Doctor in Divinity* (Waterford, 1644).

99 Cregan, 'The Confederate Catholics of Ireland: The Personnel of the Confederation, 1642-9', *IHS*, 29:116 (1995), p. 498.

100 Claire Carroll, *Circe's Cup. Cultural transformations in early modern writing about Ireland* (Cork, 2001), p. 127.

101 Cregan, 'The Social and Cultural Background of a Counter-Reformation Episcopate, 1618-60' in Cosgrove and MacCartney (eds.), *Studies in Irish History*, p. 114.

102 Ó Buachalla, 'James our true king. The ideology of Irish royalism in the seventeenth century', in Boyce, Eccleshall and Geoghegan (eds.), *Political thought in Ireland since the seventeenth century*, pp 11-12.

103 The Catholic clergy played a vital role in Confederate affairs from the outset. The National Synod of the Irish church, held at Kilkenny in May 1642, crucially

revealed his knowledge of counter-Reformation teachings on such topics as the real presence of Christ in the Eucharist, while Comerford showed the lessons he learned during his continental education when he explicitly cited the teachings of Bellarmine and Suarez in his *Inquisition*.¹⁰⁴ Utilisation of the general principles of this teaching enabled Confederate polemicists to counter Protestant allegations that the Catholicism of the Irish people caused an inherent disloyalty to the Stuart king, Charles I.

The difficulties involved in maintaining dual allegiances to the pope and a Protestant king were apparent in the pamphlets published by Bourke. Direct attacks made on Protestantism indicate the influence that militant Counter-Reformation clergy, for whom religious conviction were more important than secular loyalties, had within the confederation. This is most apparent in those passages that sought to argue the case for Catholicism being the true religion, such as in the *Alexipharmacum*, a theological work written by the Catholic cleric Walter Enos in which he sought to refute the anti-Catholic teachings of the Protestant

influenced the formation of the Confederate Association. The clergy proceeded to play an important role in legitimising Confederate government. The influence of the clergy in the Association was clearly shown between 1645 and 1649, as the difficulty of satisfying their demands provided the main obstacle to the conclusion of a peace between Charles I and the Confederates, Tadhg Ó hAnnracháin, 'Rebels and Confederates: the stance of the Irish clergy in the 1640s' in John R. Young (ed.), *Celtic Dimensions of the British Civil Wars* (Edinburgh, 1997), p. 96.

- 104 Enos, *Alexipharmacum*, pp 17-118; Comerford, *The Inquisition of a Sermon*, pp 68-76. Donal Cregan has described Patrick Comerford (1586-1652) as coming from a firmly Old English family background, whose politics involved either refusal to join in Tyrone's rebellion, or neutrality or loyalty to the crown during the Nine Years' War (1594-1603). However such families were staunch in their Catholicism by the end of the sixteenth century, and were in the vanguard in re-organising the Irish church and bringing it into the post-Tridentine era in the early seventeenth century. Comerford received his training on continental Europe, studying philosophy in Bordeaux and Lisbon, and theology in Coimbra. A one-time class fellow of the influential Irish Jesuit Luke Wadding and a cousin of Thomas Walsh, Bishop of Cashel, Comerford became Bishop of Waterford and Lismore upon his return to Ireland. His *Inquisition of a Sermon*, published in 1644, attacked a sermon given by the Protestant minister Robert Daborne in Waterford in 1617. In 1646 Comerford supported the stance of the papal nuncio Rinuccini following his rejection of the first Ormond peace. Donal Cregan, 'The social and cultural background of a counter-Reformation episcopate' in Cosgrove and McCartney (eds.), *Studies in Irish history*, p. 87, p. 100 and p. 113. Robert Daborne started his career as a renowned playwright and actor in England. By 1617 he had left the stage and taken up holy orders, and became chancellor of the Church of Ireland cathedral in Waterford. It was while here that he published his notorious anti-Catholic sermon, in 1617. S.P. Cerasano, 'Daborne, Robert (c. 1580-1628)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/6993>, accessed 5 March 2006]. Very few biographical details are known about Walter Enos, save for what is indicated on the title page of his *Alexipharmacum*. Here Enos is described as a 'Dublinian, Priest and Doctor of Divinitie'. Enos, *Alexipharmacum*, p. 1.

minister John Loghan ('the Apostata'). Enos based his argument for the true nature of the Catholicism on the universal unity afforded by its establishment, on the perpetual succession of priests and prelates from the see of St. Peter, and on 'antiquitie, and a continued propagation from the very time of the Apostles'.¹⁰⁵ By contrast, Enos unfavourably described the establishment of the Protestant doctrine in England in 1562, and in Ireland in 1615, remarking disparagingly that 'so ancient is this new religion'.¹⁰⁶ Likewise, Bishop Patrick Comerford, in his refutation of a sermon by the Protestant minister Robert Daborne, built on Enos' arguments by stressing the antiquity of the Catholic religion, 'which about the yeare 435, was preached and planted on this Iland by S. Patricke'.¹⁰⁷ Through this work Comerford sought to combat the power of the sermon, a highly influential media in an era of mass religious belief. The bishop of Waterford and Lismore drew a clear contrast between Catholicism and 'the Protestant religion, which the state would fayne inforce upon you [and which] is not a hundred yeares olde'.¹⁰⁸ Additionally, he sent out a clear denial to Protestants who refused to accept the antiquity of the Catholic faith, and impressed upon Irishmen the need to hold strong in the religion that had been passed down to them through the generations.

Explicit exhortations to Irishmen to stand firm in the ancient Catholic religion were accompanied by more implicit messages to the same effect. A Jesuit play-pamphlet published by Bourke in 1644, entitled *Titus, or the Palme of Christian Courage*, shows how the Confederates used the medium of drama in order to transmit points of political and religious significance.¹⁰⁹ The early seventeenth century saw a growth in the art of drama in Ireland, both at the level of 'the street' and in newly-founded theatres.¹¹⁰ In the 1640s Catholic propagandists used this burgeoning world of theatre in order to spread political and religious messages that were enshrined in texts to a wider audience, some of whom may have unable to read for themselves.¹¹¹ The play was staged at Kilkenny in 1644, and contained a

105 Enos, *Alexipharmacoon*, p. 18.

106 *Ibid.*, p. 106. Enos seems to be referring to the establishment of articles of worship for the English and Irish Anglican churches here. According to Alan Ford, the Irish articles of 1615 were 'a product of Convocation which met in tandem with the Irish Parliament of 1613-15'. They formalised the brief summary of beliefs, the Twelve Articles of 1566, which had derived from the English 'Eleven articles of religion' of the early part of Elizabeth's reign. Alan Ford, *The Protestant Reformation in Ireland*, p. 194.

107 Comerford, *The Inquisition of a Sermon*, p. 231.

108 *Ibid.*, p. 233.

109 Play-pamphlets offered a textual stage for discussions of recent news, and often flourished at moments of crisis. Raymond, *Pamphlets and pamphleteering in early modern Britain*, p. 219.

110 See Alan J. Fletcher, *Drama, performance, and polity in pre-Cromwellian Ireland* (Cork, 2000); and, for a more general overview, Christopher Morash, *A history of Irish theatre 1601-2000* (Cambridge, 2002).

111 Raymond Gillespie, 'Political ideas and their social contexts in seventeenth-century Ireland' in Ohlmeyer (ed.), *Political thought in seventeenth-century Ireland*, p. 117.

fictional narrative that had direct relevance to the contemporary Irish situation.¹¹² The action, divided into five acts and set in Japan, concerned Titus, a Christian gentleman whom the heretical king of Bongo pressurised to abjure his religion. It is hard to identify a particular contemporary figure that the character of Titus was based on, and so it is probable that he stood for any ordinary Irish Catholic who faced the problem of trying to practice the 'true' religion under a monarch of a different spiritual persuasion. Undoubtedly the fictional king of Bongo represented Charles I, a Protestant king who found it hard to accept that Catholic subjects could offer full allegiance to him. In Act 5 Scene 1 the king of Bongo sent for Titus, and produced the supposed heads of his wife and children before him. In the next scene the king gave a command to kill Titus if he persisted in his religion. However, in Scene 3 of this final act, 'Divine Providence' told Titus of God's care of the elect, and of his impending triumph. At this juncture the king of Bongo, 'amazed at this constancie' dismissed Titus and his family, and granted to them freedom of religion, life and estates. The epilogue referred to the example provided by Titus and his family, as the audience were exhorted 'to imitate their courageous Christian resolution'.¹¹³ The lessons that Irish Catholics could take from the play were manifest. Peace talks between the Confederates and the Protestant king Charles I had started in early 1643, dealing with key Catholic demands such as the establishment of legal toleration for their religion, and the abolition of religious penal legislation. Also, the Solemn League and Covenant had been signed between the English Parliament and the Scottish Covenanters in September 1643, which made clear their common intention to extirpate Catholicism. Therefore the Confederate propagandists sought to impress on their co-religionists the need to stand firm in defence of Catholicism against Protestants, in order to achieve the religious objectives for which they had risen in arms. The play also contained the message that there was a divine sanction for the maintenance of such a religious position.¹¹⁴ This was an era in which a belief in the power of providence was almost universal, particularly at times of crisis such as the 1640s.¹¹⁵ The fact that the play sent out a propagandist message that providence favoured the victory of the Confederates over their oppressive Protestant enemies was of great importance in the attempt to boost the morale of the ordinary Catholics who supported the Confederate war effort.

112 It is not known exactly where the play was staged, but Fletcher guesses that the Market Cross was the most likely place, given that by this time the city had a tradition of using this place as a theatrical venue. Fletcher, *Drama, performance and polity*, p. 195.

113 *Titus, or the Palme of Christian Courage: To be exhibited by the scholars of the Society of Jesus, at Kilkenny* (Waterford, 1644), reprinted in Christopher Morash, *A history of Irish theatre 1601-2000* (Cambridge, 2002), pp 302-303.

114 Raymond Gillespie, 'Political ideas and their social contexts in seventeenth-century Ireland' in Ohlmeyer, Jane H. (ed.), *Political Thought in Seventeenth-Century Ireland. Kingdom or Colony* (Cambridge, 2000), p. 119.

115 For an excellent account on the power of the belief in providences in this era, see Raymond Gillespie, *Devoted people: belief and religion in early modern Ireland* (Manchester, 1997), pp 40-55.

Encouragements to Irishmen to stand firm in the true and ancient Catholic religion formed part of the propaganda effort to present Catholicism as an inherent bulwark of monarchy, in contrast to Protestantism, which tended towards anarchy, petty tyranny, and the overthrow of kings. Confederate propagandists equated the Catholic religion with loyalty in order to turn Protestant allegations to the contrary on their head. In his *Alexipharmacum*, Walter Enos declared that the very faction that have impugned Protestantism (i.e. English Parliamentarians), had taken arms to beat down this religion, and 'erect another, they know not what'.¹¹⁶ Enos impressed upon the reader his belief that these so-called Parliamentarian reformers cared very little for religion, as they aimed for independency, stating also that 'they would all be petty kings, Monarchicall government they would all put downe, and set up Aristocraticall interim'.¹¹⁷ The militant Protestantism espoused by the English Parliament and the Scottish Covenanters was seen to lead to the destruction of established religious and hierarchical structures. Enos and Comerford complemented each other's arguments by both stating that the Catholic church, founded on a strongly hierarchical structure itself, concurred with the monarchical system in a way that a fissiparous and militant Protestantism did not. Hence Bishop Comerford, on the one hand, declared that 'all Roman Catholickes doe acknowledge that respect, reverence, and homage due to civill magistrates, and especially to kings'. On the other hand, Comerford asserted that 'the children of *Belial*, that is to say, the pretended Reformers ... are so injurious to temporall Princes, that they blush not in their pulpit-bables, and in their hell-hacht Bookes to detract, and derogate from the power and authority of Princes'.¹¹⁸

Clearly the Catholic authors of such tracts sought to reconcile Catholicism with monarchical government. Confederate polemicists faced their toughest challenge in seeking to establish a basis whereby Catholics might practice their religion, while also giving allegiance and loyalty to a Protestant monarch. Comerford regarded religious loyalties as being more important, stating that 'if we wil not preferre the body before the soule, Earth before Heaven, temporall before eternall life, wee must preferre the spirituall and Ecclesiasticall power before the temporall'.¹¹⁹ Nevertheless Comerford exhorted his Catholic readers to 'be subject to Caesar in those things, in which is no danger of soule ... If the king, and his counsell keepe themselves within their own bounds, you are bound to obey them'.¹²⁰ Drawing heavily on the teachings of Bellarmine and Suarez, which he cited in the text, Comerford felt able to distinguish between alternative loyalties by clearly distinguishing between respective magisterial and clerical spheres of authority.¹²¹ The position stated by Comerford here formed a key basis of Confederate political thought in the 1640s. In the tortuous negotiations with the king, the Confederates

116 Enos, *Alexipharmacum*, p. 8.

117 *Ibid.*, p. 9.

118 Comerford, *The Inquisition of a Sermon*, p. 113.

119 *Ibid.*, p. 92.

120 *Ibid.*, p. 15.

121 For citation of the teachings of Bellarmine and Suarez, see Comerford, *Inquisition of a Sermon*, pp 68-75.

sought to achieve a settlement where both religious and temporal allegiances could be combined. The essential task faced by those who wrote Catholic tracts, such as those printed by Bourke, was to prove that these alternative allegiances were compatible, for the existence of a legalised Catholic Church under a Protestant monarch was unprecedented in this era. To this end the Confederate Oath of Association implored its takers to both 'bear true faith and allegiance' to Charles I, while also striving to establish 'the free exercise of the Roman Catholick Faith and Religion throughout all this land'.¹²² As in many other polemical Confederate tracts, the authors sought to prove the loyalty of Catholics through uses of contrast between the actions of their own party and the 'many foule practices' promoted by 'the Puritan faction'.¹²³ Accordingly Irish Catholics sought to impress upon the king the essential loyalty that they showed to his person.

Conclusion

What impact did the publications by Thomas Bourke in 1643 and 1644 have? Finding a satisfactory answer to this question is problematic, as it necessitates a consideration of levels of literacy, the distribution of printed works and the processes of oral and aural exchange in Ireland in the mid-seventeenth century, for which accurate data is extremely difficult to find. It is only possible to assess the distribution and readership of such polemical tracts by drawing on rough estimates and fragmented evidence. Possible levels of literacy in Ireland in this period have been noted above.¹²⁴ Based on the ability to sign one's name, Raymond Gillespie has come to the rather vague conclusion that a high level of reading ability existed in seventeenth-century Ireland.¹²⁵ As in other European societies, literacy seems to have been biased in favour of the upper classes, although readership and book ownership generally moved down the social scale over Europe as the century progressed.¹²⁶ In Ireland, the spread of literacy in the seventeenth century must have been curtailed by the fact that while printed works (including all of Bourke's) were produced in the English language, most of the majority Catholic population spoke Irish.¹²⁷ It has been argued by Brian Ó Cuív and Gillespie, however, that the assertion of effective government control over all of Ireland in the early seventeenth

122 'Proceedings relative to oath of association of Confederates, &c (Waterford, 1644)' in J.T. Gilbert (ed.), *Irish Confederation*, vol. iii, p. 213. This oath was administered by the Catholic clergy in parish churches. Tadhg Ó hAnnracháin, 'Conflicting loyalties, conflicted rebels: political and religious allegiance among the Confederate Catholics of Ireland', *English Historical Review*, Vol. CXIX No. 483 (Oxford, 2004), pp 851-852.

123 'Proceedings relative to oath of association of Confederates, &c (Waterford, 1644)' in J.T. Gilbert (ed.), *Irish Confederation*, vol. iii, p. 213

124 See above, p. 9.

125 Gillespie, 'Political ideas and their social contexts in seventeenth-century Ireland' in Ohlmeyer (ed.), *Political Thought*, p. 112.

126 Fox, *Oral and Literate Culture*, p. 89; Heuston, *Literacy in Early Modern Europe*, pp 205-218.

127 Gillespie, *Reading Ireland*, p. 57.

century and plantation policies resulted in an expansion of the English language into the Irish countryside, so that a good deal of bilingualism existed within the Pale and surrounding areas by the 1640s, while some growth of the numbers speaking English occurred in the more Gaelicised provinces of Connacht and Ulster.¹²⁸ It is reasonable, therefore, to assume that at least one person literate in English lived in each community in the 1640s. This could have been of much importance in diffusing the messages enshrined in Bourke's publications, as the literate member of the community could act as the focal point for what Gillespie has referred to as 'micro-societies arranged around the interpretation of texts'.¹²⁹ A prevalent practice of reading texts aloud in a group existed in the seventeenth century, and so the contents of a pamphlet, broadside or book could be transmitted by a literate member of the community to a large group of illiterate people.¹³⁰ If this literate person had command of both the Irish and English languages, then the political and religious messages of the English-language text had the potential to spread even further. Once unleashed from the printed text, such messages could then feed into oral circulation, the primary means of spreading rumour and news.¹³¹ In the 1640s it appears that books were distributed into the Irish provinces, a development probably facilitated by the existence of provincial presses in Waterford, Kilkenny and Cork, and which can only have increased the levels of oral and textual exchange.¹³² The public reading of printed texts could both create and inflame public opinion, as shown in Limerick in 1646, when the proclamation of the first Ormond peace prompted an attack on the herald by a crowd.¹³³

It can be stated with confidence, therefore, that printed works could potentially influence the minds of large groups of people in mid seventeenth-century Ireland. But how effective were those pamphlets printed by Thomas Bourke in 1643 and 1644 in winning over the hearts and minds of Irish Catholics? Again any answer must be conjecture to some extent. Given the content of these printed works, it can be confidently stated that Bourke's publications could have resulted in a greater awareness among Catholics of the issues at stake in the war between the Confederates and their various Protestant adversaries. Bourke's texts revealed all shades of Confederate opinion, ranging from the positively Royalist statements revealed in the *Briefe Relation*, to the aggressive ambitions for the Catholic religion apparent in Walter Enos' *Alexipharmacon*.¹³⁴ Publications such as the

128 Brian Ó Cuív, 'The Irish Language in the Early Modern Period' in T.W. Moody, F.X. Martin and F.J. Byrne (eds.), *A New History of Ireland, III, 1534-1691* (Oxford, 1976), p. 529; Gillespie, *Reading Ireland*, p. 57.

129 Gillespie, 'Political ideas and their social contexts in seventeenth-century Ireland' in Ohlmeyer (ed.), *Political Thought*, p. 113.

130 Heuston, *Literacy in Early Modern Europe*, p. 246.

131 *Ibid.*, p. 248.

132 Gillespie, *Reading Ireland*, pp 64-5.

133 *Ibid.*, p. 122.

134 *A Briefe Relation of the most remarkable Feates and Passages of what his most Gracious Majesties Commanders hath done in England against the Rebels and of his severall glorious victories over them, sithence January 1641, till December 1643. And from the first of May 1644, till the fifth of the present July* (Waterford, 1644); Enos, *Alexipharmacon* (Waterford, 1644).

Inquisition of a Sermon showed the attempts made by the Confederates to reconcile their apparently conflicting spiritual and temporal allegiances, while a recurrent emphasis on the treachery of Parliamentarians and Covenanters across these tracts helped to propagate the notion that Confederate actions were consistent with loyalty to Charles I. Reprints of Protestant pamphlets (in particular those of the Scottish Covenanters and the English Parliamentarians) by Bourke helped Catholics realise the intentions that their enemies had for them, while Parliamentary reprints of Bourke's publications in London exposed the arguments of Irish Catholics to Protestants. Debates over such political developments as the events 1641 rebellion and the cessation of 1643 were to the forefront in these Bourke publications, and helped to both influence minds and reflect the views of the nascent political nation on these issues.

The Bourke tracts, combined with Protestant answers to them, accordingly provide extremely interesting insights into mentalities of the various protagonists in the early stages of war in the 1640s. Although small in number, these publications clearly show the Catholic struggle to resolve what Aidan Clarke has referred to as their 'alternative allegiances' and to influence public opinion, while the Protestant effort to present Catholics as inherently disloyal is also clearly apparent.¹³⁵ The fact that both sides printed each other's pamphlets in unedited form seems to show that the opposing party considered the contents expressed therein as useful propaganda. The sentiments expressed by the opposing party could be used to inflame both Catholic and Protestant prejudices, and foster senses of separate Catholic and Protestant identities, defined with reference to each other.¹³⁶ That Thomas Bourke himself appreciated the potential impact of the publications from his press in Waterford is certain. In his self-written preface to the 1644 *Inquisition*, he urged his readers to make use of this tract 'fraught with such store of good ammunition', as it would enable them 'to encounter with the most insolent, and rebellious Round-Heads, which oppose themselves to God, King, and Country'.¹³⁷

135 Aidan Clarke, 'Alternative Allegiances in Early Modern Ireland', *Journal of Historical Sociology*, 5:3 (1992).

136 For a useful investigation into identity formation in seventeenth-century Ireland, see Joep Leersen, *Meere Irish and Fíor-Ghael: studies in the idea of Irish nationality, its development and literary expression prior to the nineteenth century* (Cork, 1996).

137 Thomas Bourke, preface to Bishop Patrick Comerford's *Inquisition of a Sermon*, p. 8.

BY THE SUPREAME COUNCELL
OF THE CONFEDERATE CATHOLICKS
OF IRELAND.

Howasmuch as after a long and serious debate, a Cessation
of Arms and all acts of hostilitie, to beginne at twelve of
the Clocke the fifteenth day of *September*, thence forth to
continue for one whole yeare, hath bene concluded and
agreed upon with the Lord *Marquis of Ormond*, by the Lord
Viscount *Muskry*, and the rest of our Commissioners: And
wee have approved, ratified, and confirmed, our said Commissioners proceedings
in this behalf. These are therefore to will and require, all those of our party, of what qualiti-
tye or condition soever now remayning, or which hereafter shall come into this
kingdome during the time of this Cessation, presently upon, and after the publication
hereof, to forbear to use, exercise, or commit any acts of hostilitie, eyther by robbing, preying, or spoyling any one
person, or goods, lands, Castles, Townes, Fortifications whatsoever in this kingdome: And also that during the said cessation, they
beare to give or utter any disgracefull or reproachfull words too, or of any comprised
in the said cessation, upon paine and perill which shall fall upon such delinquents
and offenders. Given at *Cashell* the 21. of *September*, 1643.

<i>Mount-garrett,</i>	<i>Hugo Armach.</i>	<i>Thom. Cashell.</i>	<i>Castle-barden Auddy,</i>
<i>Muskry.</i>	<i>Emer dun-Coney.</i>	<i>Daniell O Bryen.</i>	<i>Lucas Dillon.</i>
<i>Ed. Flunket.</i>	<i>R. Belling.</i>	<i>Thom. Fleming.</i>	<i>Gerald Fenell,</i>
<i>Geo. Comyns,</i>	<i>Patr. Darcy.</i>		

God save the King.

Printed in *Waterford* by *Thomas Bowke*, Printer to the Confederate
Catholicks of Ireland. Anno Domini, 1643.

Figure 1: The Declaration of the Supreme Council of the Confederate Catholics of Ireland ratifying a cessation of arms for a year with the Marquis of Ormonde, and against any acts of hostility, &c. (Waterford, 1643). Notice the statement 'God save the king at the foot of the page. To the right of this is a stamp, possibly a royal seal.

Appendix

Bibliography

Published by Thomas Bourke in Waterford, 1643-44

A Briefe Relation of the most remarkable Feates and Passages of what his most Gracious Majesties Commanders hath done in England against the Rebells and of his severall glorious victories over them, sithence January 1641, till December 1643. And from the first of May 1644, till the fifth of the present July (Waterford, 1644). Accessed on Early English Books Online (EEBO).

A Declaration of the Lords, Gentry and others of Leinster and Munster of their intentions towards English and Scottish Protestant inhabitants within this kingdom, and A General Proclamation by the Confederate Catholickes of the Supreme Council against the Covenanters and for arming all Catholickes from 18 to 60 (Waterford, 1644). Accessed on EEBO.

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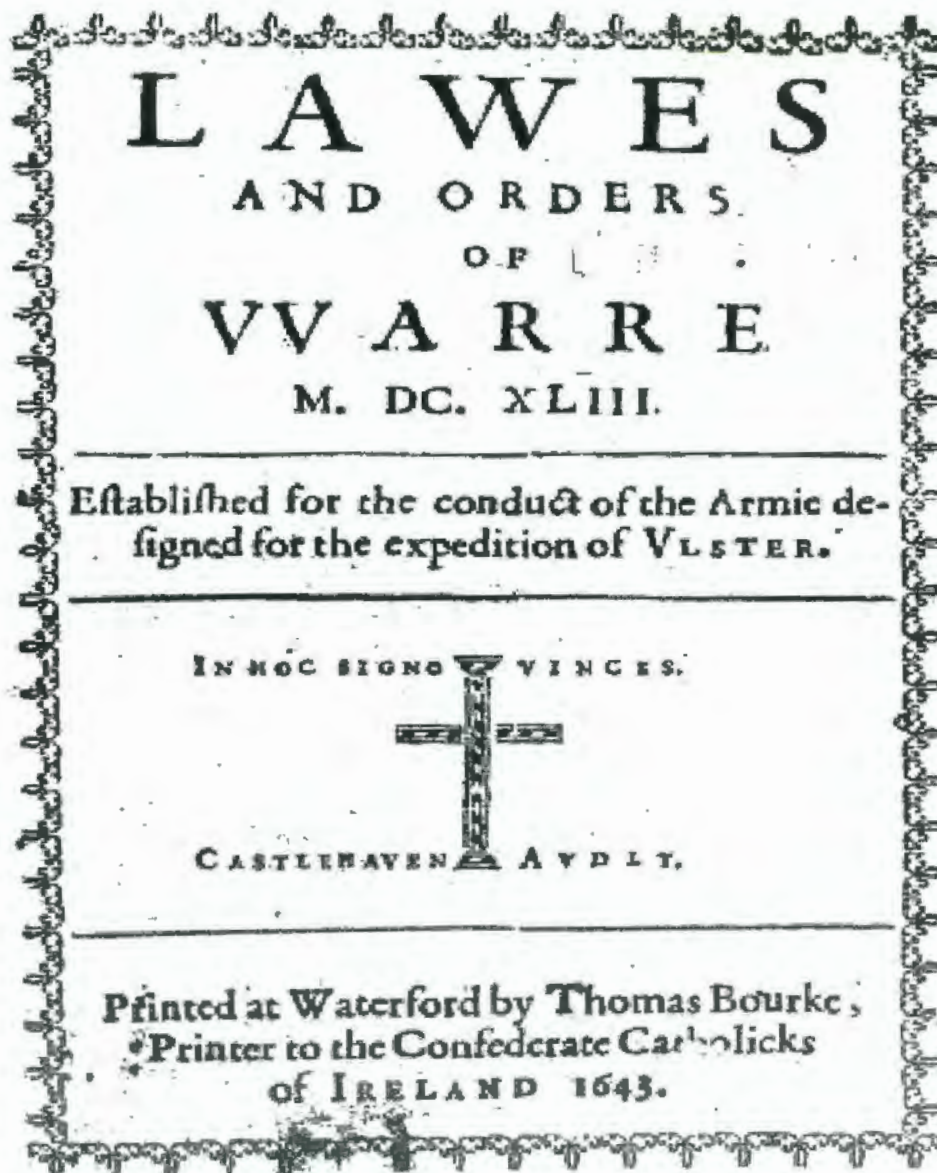


Figure 2: The title page of the *Lawes and orders of Warre* (Waterford, 1643). Notice the image of the Confederate cross in the centre of the page, and the Latin inscription *In hoc signi vincu* ('In this sign you will conquer').

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A ¹⁴
REMONSTRANCE
OF THE
RIGHT HONOURABLE
JAMES EARLE
OF CASTLEHAVEN
and Lord Audley

*Concerning his Imprisonment in Dublin, and
escape from thence.*

Laqueus contritus est & nos liberati sumus.

Reviewed, corrected, and augmented.



Printed at Waterford by Thomas Dourke, 1643.

Figure 3: The title page of *A Remonstrance of the Right Honourable James Earle of Castlehaven and Lord Audley, concerning his imprisonment in Dublin and escape from thence* (Waterford, 1643). The illustration shows a heart pierced by two arrows, and there are two Latin inscriptions. The first states 'Laqueus contritus est & nos liberati sumus' ('The noose is worn and we are free'). The inscription surrounding the illustration carries the message 'Sagittae tuae acutae in corda inimicorum Regis' (Your arrows are driven into the hearts of the enemy of the king').

Mercurius Aulicus, Communicating the Intelligence and affaires of the Court, to the rest of the Kingdome. The eighteenth weeke, ending May 4 1644 (Oxford, 1644).

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Thomas Milles Bishop of Waterford and Lismore

Rachel Finnegan

THIS article starts by considering the reputation of Dr Thomas Milles as a scholar in Oxford prior to his appointment as Bishop of Waterford and Lismore, and then examines aspects of his life and work during his thirty-two-year episcopal career in Waterford.¹ In particular, it explores the bishop's early and continuing allegations about the way in which certain antiquities and institutions in Waterford City were being handled (or mishandled) by Waterford Corporation; the corporation's reaction to such scandalous allegations; and the protracted legal cases that were to follow him throughout the remainder of his career. It also considers his contribution to the repair and rebuilding of diocesan church buildings, some of which have survived.

Bishop Milles was born in Hertfordshire on 19 June 1671 and it is likely that he attended his father's rectory school in the small Berkshire town of Highclere. He matriculated from Wadham College, Oxford, on 12 March, 1688, aged seventeen, and was admitted as a Goodridge Exhibitioner 1691. He obtained a BA on 5 February, 1692, and was ordained a deacon by Bishop Hough, on 6 June, 1694, in Magdalen Chapel, Oxford. Later that year, on 7 December, he was admitted Chaplain of Christ Church, Oxford. The following year, 1695, he was awarded an MA from St. Edmund Hall, Oxford, on 28 May, and was appointed vice-principal of the same college. On 16 March, 1701, he was ordained a priest by the Bishop of Oxford, William Talbot, in Christ Church Cathedral, on 9 May, 1704, obtained a BD from Christ Church, and on 15 July, 1707, gained a DD from Trinity College, Dublin.² There is no record of his having undertaken a Grand Tour of Italy,³ though his critic, the Oxford antiquary, librarian and diarist Thomas Hearne (1678-1735) notes in a diary entry of 14 September, 1705, 'Mr. Milles of Xtchurch tells me he

- 1 For a short biographical account of Thomas Milles, who shall from here onwards be referred to as 'the bishop' or 'Bishop Milles', see G. Le G. Norgate, *Milles, Thomas (1671-1740)*; Julian C. Walton, *Oxford Dictionary of National Biography*, (Oxford University Press, 2004). See also R. Finnegan, *Letters from Abroad: The Grand Tour Correspondence of Richard Pococke & Jeremiahs Milles, Volume 1: Letters from the Continent (1733-34)*, (2011) pp. 30-66. Further references to this edition will be abbreviated to R. Finnegan, *Letters from Abroad. Volume 1/2/3*, as appropriate.
- 2 For the various dates, see R.B. Gardiner, *Registers of Wadham College (1889-1895)*, Vol. 1, 357; J. Foster, *Alumni Oxonienses (1887-92)*, Vol. 3, 1015, and the Ordination Records from *The Clergy of the Church of England Database (CCed)*, under the entries for both Thomas Milles and the bishops who ordained him.
- 3 No entry exists in John Ingamells, *A Dictionary of British and Irish Travellers in Italy, 1701-1800* (Yale University Press, 1997), though this source only begins in 1700 and may well have travelled before that date.

has some design of Travelling into Forreign Countries'.⁴ While no further mention is made of this, so we do not know if this design was ever carried out, his favourite nephew Jeremiah Milles, writing to him from Paris in 1733, notes: 'It is impossible to pretend to give your Ldship any account of this [Benedictine monastery in St. Dennis] it is so large, and I do not in the least doubt but your Ldship has seen it & viewed it with more accuracy, than I could possibly do'.⁵ It is clear from other letters in this collection of Grand Tour correspondence that the Bishop Milles had visited Paris and its environs, since he was personally known to the famous French Benedictine Monk, Bernard de Montfaucon (1655-1741).⁶

Bishop Milles succeeded Humphrey Hodey as Regius Professor of Greek in 1706, an appointment which, among other things, incurred the wrath of his most strenuous critic (or 'special aversion'), the same Thomas Hearne.⁷ In Volume 1 of his memoirs, Hearne devotes much attention to criticising his contemporary at Wadham College, and in particular making scathing comments about his academic and literary career. In a diary entry from July, 1705, Hearne dismisses Bishop Milles' edition on St. Cyril (published in Oxford, 1703) as being largely the work of others, 'So yt [that] he did himself but little to ye Book, myself drawing up the 3 Indexes & assisting him in some Collations, and transcribing the things from the MSSs in ye Publick Library which he was not able to read.'⁸ In the same diary entry, he criticises another of the bishop's works, *Remarks Upon the Occasional Paper Number 8th in Vindication of the Learned Mr. Dodwell*,⁹ which gave rise to a number of responses from other scholars and in turn a 'large Reply' from Bishop Milles, 'never yet printed & I believe never will by himself, he being now asham'd of both these Papers, as having chang'd his opinion'.¹⁰ His doubts on the bishop's staying power (rather than his knowledge of Greek) is noted in the same diary

4 C. E. Doble and D. W. Rannie, *Remarks and Collections of Thomas Hearne. Nine Volumes, covering the Years 1705–1714* (Oxford Historical Society, 1885-98), Vol. 1, p. 44. Henceforth, this source will be abbreviated to Hearne, *op. cit.*, etc.

5 British Library (BL) Add: 15773, Letter 3, Paris. 6/17 September, 1733.

6 Montfaucon was based at the Abbey of Saint-Germain-des-Prés and produced many scholarly works, in particular his fifteen volumes of *L'Antiquité Expliquée et Représentée en Figures* (1719-1724). See R. Finnegan, *Letters from Abroad, Volume 1*, p. 92, where Pococke notes that he 'paid him [Montfaucon] compliments from the Bishop of Waterford'.

7 See Joseph Wells, *Wadham College* (1898) p. 123.

8 Hearne, *op. cit.*, Vol. 1, 13. See also p. 90.

9 Henry Dodwell (1641–1711) was born in Dublin and admitted to Trinity College Dublin in 1756, aged fifteen. He proceeded to MA in 1663 but resigned his fellowship in 1666, not wishing to take holy orders, preferring to serve the church as a lay scholar. He was the author of many learned publications on philology and history (especially church history) and became one of the first leaders of the nonjuring movement. This was a controversial movement in the Anglican Church whereby six bishops and about 400 lower clergy refused to swear an oath of allegiance to William & Mary, and their successors under the Protestant Succession Act of 1689.

10 *Ibid.*, Vol. 1, p. 13.

entry, where he asserts, 'He likewise began an Edition of *Aristophanes*, but having compar'd a comedy or two, he gave it over, being not a man of Resolution to go thro' with anything.'¹¹

Later in the diaries, while enumerating a contemptuous 'Catalogue of Mr. Tho. Milles's works', he states, in item 5, 'The 2 first comedies of *Aristophanes* collated with an old edition [quarto]. Mr. Milles had a design of putting it out, but being of an unsettled temper, & not understanding Greek, he grew weary of it by that time he came to ye 3d Comedie'.¹² In an entry in November of the same year, he attributes Bishop Milles' failure to produce yet another promised publication (*Synesius*) to the fact that 'the worm (wth wch he is possessed) mov'd in his head another way, or else because the Book-sellers were unwilling to have anything more to do wth him.'¹³

The bishop's sermon on 'He that cometh to God must believe that he is', preached at St Marie's in Oxford around 1698 or 99, is similarly derided by Hearne. Not only is Bishop Milles accused of having spoken 'very affectedly' and 'ever after taken for a vain affected person', but he is charged with making a discourse: 'more fit for one yt reads a Lecture for his Degrees in Physick than a Divine, the greatest part of it being about the animal Part of ye Creation, particularly Man, in describing whom he touch'd upon every Part as far as he could in modesty in the same Manner as Dr. Gibson has handled him in his Abridgment of Anatomy, wch Mr. Milles had just read before.'¹⁴

However, Hearne seems to have been mistaken here, since, a year later, Bishop Milles was to publish his work, entitled, *The natural immortality of the soul asserted: and proved from the Scriptures, and first Fathers: in answer to Mr Dodwell's epistolary Discourse, in which he endeavours to prove the Soul to be a principle naturally mortal*.¹⁵ Hearne heard, from a Dr. Hudson, that it was in print and referred to it in his diary entries of 9 April and 4 July, 1706. According to the former account, which occupies a whole page of the diaries, Dr. Hudson had questioned the bishop on whether or not he was the author of this work, and the latter had neither confirmed nor denied it. The manner in which this conversation is recorded is comical and illustrates Hearne's deep hatred of Bishop Milles.¹⁶ Three months later, he 'now acknowledges himself plainly to be Author of ye Book printing at ye Theat. [Theatre] Agt [against] Mr. Dodwell, and has given in a title wth his name Subjoyn'd to be put in ye Catalogue of Books now in ye Theatre Press.'¹⁷ He later refers to the bishop as 'this poor Pretender to Learning',¹⁸ and describes his publication against Dodwell as a 'Rhapsody', containing 'affected Language... false Doctrine, illogical Conclusions, & I know not what'.¹⁹

11 *Ibid.*

12 *Ibid.*, Vol. XII, p. 327.

13 *Ibid.*, Vol. V, p. 100.

14 *Ibid.*, Vol. VII, p. 194.

15 Oxford, 1707.

16 See *Ibid.*, Vol. IX, pp. 221-2.

17 *Ibid.*, Vol. XI, p. 269.

18 *Ibid.*, Vol. XII, p. 314.

19 *Ibid.*, Vol. XII, p. 324.

Hearne is at his most spiteful, however, on the appointment of Thomas Milles ('the Rhapsodist') as Greek Professor in the University of Oxford, on 17 February, 1707. His diary entry for that day reads:

The Court could not have put a greater Affront upon us than pitching up on a Person void of Integrity, Parts or Learning, especially that part of Learning he is to profess, he not understanding the Rudiments of the *Greek Tongue*, as is plain from his Performance against Mr. *Dodwell*. The Arguments made use of to get him this Place we hear were, (1) That he is a Person of great Eminence. (2) That he was sent for to *Christ Church* from another House, because no one in *Christ Church* was so able as he to do the Duty of Chaplain. (3) That he was Deputy to Dr. *Hody*,²⁰ & read *Greek Lectures* to the Admiration and great satisfaction of all the University. Which is all banter, & just as true as the reasons given by him in his Preface why his Book did not appear sooner, *viz.* because he was attendant upon the Earl of *Pembroke's* Son (who was absent all the time he was about it) & because he was taken up with the Business of his Place as Chaplain (which he was so far from being diligent in that the Dean scorns'd him for scandalous Neglect).²¹

In a final note, on an entry from 15 February, 'H. to Dr. T. Smith', Hearne records: 'Prof. Milles will not find one friend in the whole University; he seems not to know the very rudiments of the Greek tongue'.²² Whether or not his Greek was up to scratch, Bishop Milles had certainly made literary and theological enemies in Oxford. However, his colleagues in that University were soon to be relieved of his presence, when, a year later (March 1708) he secured from his patron, Thomas Herbert, 8th Earl of Pembroke,²³ a recommendation to the See of Waterford & Lismore. This honour resulted, in turn, from the Earl's own appointment, the previous year, as Lord Lieutenant of Ireland, when he took Bishop Milles to Ireland as his chaplain. From the church records, it appears that Bishop Milles severed all ecclesiastical links with England and took up full duties (though clearly not full residence) in Waterford.

The bishop's first impressions of Waterford, as described in a letter to his sister Mrs Elizabeth Pococke (dated 8 May, 1708) were favourable. He notes, for example, that on his arrival in the city he was 'received with great ceremony, solemnity & kindness both by the Clergy & People,' and that he had been given 'a kind Welcome' by the mayor and alderman, Sir John Mason.²⁴ However, the hostility he

20 Humphrey Hody (1659-1707), another leader of the non-juror movement, had been Regius Professor of Greek at Oxford since 1698 and it was on his death (in January 1707) that Bishop Milles was appointed to this position.

21 *Ibid.*, Vol. XII, p. 326. This is Henry Herbert, 9th Earl of Pembroke, who matriculated at Christ Church, Oxford, on 14 May, 1705, aged sixteen, 1705, but did not graduate.

22 *Ibid.*, Vol. XII, p. 326.

23 Father of the 9th Earl (see Note 21 above).

24 See R. Finnegan, *Letters from Abroad. Volume 1. Appendix 2.*

attracted in Oxford seems to have followed him to Ireland, as reflected in the correspondence of the period, and reproduced in a number of passages (some more obscure than others) related by the Right Revd Richard Mant, in his celebrated history of the Church of Ireland.²⁵ The first 'obscure allusion' is as follows:

As to Dr. Milles's preferment', observes Archbishop King to Dr. Swift, in a letter of February the 28th, 1708, 'you will not expect from me any account how it relished here. Some say, if General Laureston had been primate, it would not have been so. I did not ask what they meant.

Although the archbishop did not ask the meaning of the remark, he may possibly have understood it. But from the obscurity of his language the allusion at this time seems unintelligible.²⁶

This presumably was in response to Swift's cryptic comment, in a letter to Archbishop King, dated 5 February, 1708, that: 'Your Grace knows long before this, that Dr. Milles is Bishop of Waterford. The court and archbishop of Canterbury were strongly engaged in another person, not much suspected in Ireland, any more than the choice already made was, I believe, either here or there.'²⁷

Mant then relates another of the Archbishop of Dublin's obscure allusions twelve years later: 'Speaking of the same prelate, in a letter of January 7, 1720, to Dr. Charlet, he observed....He is one you sent us, and you must answer for him.'²⁸ Later in his history, Mant gives further evidence of how the 'system of patronage is again noticed [by the Archbishop of Dublin] with severe censure'. In a letter to Edward Southwell (29 December, 1725), he exclaims: 'I told you in my last... that since my lord lieutenant was nominated to the government, about 18,000*l.* annual rent have been given in benefices, employments, and places, to strangers, and not 500*l.* to any in Ireland... The bishops sent us from England follow the same track in many instances. The Bishop of Derry, since his translation to that see, has given about 2000*l.* in benefices to his English friends and relations... The Bishop of

25 *History of the Church of Ireland from the Revolution to the Union of the Churches of England and Ireland, January 1, 1801; with a Catalogue of the Archbishops and Bishops, Continued to November, 1840...* (London, 1840).

26 Mant, *op. cit.*, p. 198. It is interesting to note that Richard Mant (1776-1848) was a descendant of the Milles/Pococke family. In 1702, Dorothea, the sister of Rev. Pococke (Master of King Edward's, and Richard Pococke, the traveller's, father), married Rev. Joseph Bingham, who was appointed Rector of Havant in 1712. Their daughter, Mary, married a Thomas Mant, from Havant, whose fifth son, Richard Mant (1745-1817), was also Master of King Edward's from 1770-1795. His son, in turn, was the prolific church historian Richard Mant (1776-1848), who was appointed Bishop of Down & Connor in 1823, and then Down, Connor & Drumore from 1842 until his death in 1848.

27 T. Sheridan (ed.), *The Works of the Rev. Johnathan Swift, D.D., Dean of St. Patrick's Dublin...* Vol. XX (London, 1808) p. 40.

28 *Ibid.*, p. 198.

Waterford [Milles] has not only given all livings of value in his gift to his brothers and relations, but likewise his vicar-generalship and registry, though none of them reside in the kingdom.²⁹

The archbishop's hostility to Bishop Milles is partially explained further on, when the author asserts of these 'peculiarities in his character and conduct' that, 'If of an unfavourable kind, they were not likely to be extenuated by the circumstance of Bishop Milles's country, the archbishop's predilection being well known in favour of men of Irish birth.'³⁰ Clearly, though a major objection to the bishop was his tendency to promote members of his own family to high clerical positions in his own diocese (which in itself was not an uncommon practice), he also seemed to have lived up to his earlier reputation of 'Impudence', in his dealings with the people of Waterford (see below). In advancing members of his family, he began with his younger brother Isaac (1676/7–1741), whom he appointed Treasurer of the Diocese of Waterford (May, 1714) and Prebendary (or Canon) of Lismore (September, 1716), the latter appointment including the rectory and vicarage of Modeligo. Though an absentee in both positions, preferring to stay in Highclere and run his father's school, Isaac nevertheless retained these presumably lucrative posts until 1727 when he took up a living in Litchfield, Hampshire, which he held for the next fourteen years, until his death. The bishop continued to advance his two nephews (the famous traveller Dr Richard Pococke and his younger cousin Jeremiah Milles) in a similar way, as illustrated in the following catalogue of preferments.

Richard Pococke (1704-65) received his first preferment as Precentor (or Chantor) of Lismore Cathedral, in 1725. By the time he and his cousin Jeremiah Milles embarked on their first Grand Tour in 1733, he had already held this position for eight years, as well as having taken up the following appointments in the Diocese of Waterford and Lismore: Vicar of Donoughmore and Kiltegan (1729-45), Vicar of Cahir (1730-33), Vicar of Outeragh (1730-43), Vicar of Dysert and Kilmoleran, and Rector of Fenoagh (1732-45), Vicar of Mothel, and Vicar of Stradbally (1732); Curate of Grangemockler, and Curate of Lisnakill (1731). Furthermore, while on his first voyage, he was appointed to the more senior office of Vicar General of Waterford and Lismore (1734-45), and during his second trip became Vicar of Tullaghorton (1736).³¹ As far as can be ascertained, he was an absentee from the whole period 1725-45 (partly on his extended travels and partly living in England), though he collected an annual income of £300.

Jeremiah Milles (1714-84) was offered the appointment of Treasurer of Lismore Cathedral while on his travels in Italy (1734), at which point, as is clear from the correspondence concerning this unexpected offer (and his quick

29 *Ibid.*, pp. 444-45.

30 *Ibid.*, p. 560.

31 Dates and details of these appointments are taken from a variety of biographical sources, together with W. Rennison, *Succession List of the Bishops, Cathedral and Parochial Clergy of the Dioceses of Waterford and Lismore, from the Earliest Times, together with some Hitherto Unpublished Records* (Ardmore, 1921).

acceptance of it),³² he had not even decided on a church career.³³ In order to take up this generous offer, Jeremiah had to quickly have himself ordained and it is likely that this was performed by his uncle. He subsequently assumed a number of other appointments in his uncle's diocese: Vicar of Kilrossanty (1736-45), Precentor of Waterford Cathedral (1737 until 12 November, 1744, after which it passed over to his cousin, Dr. Pococke), and Vicar of Reisk (from an unknown date until 1744).³⁴

Since Waterford was the official home for Bishop Milles for the next three decades, as well as being a stepping-stone for the ecclesiastical careers of his two nephews, it may be useful at this point to consider what the city had to offer during his bishoprick. Perhaps the most appropriate near contemporary description of the city, given its particular relevance to this study, is that of his nephew, Richard Pococke. Though having first taken up an office in the diocese in 1725, Pococke includes this city in his four-month circuit of the country in 1752, describing it almost as though discovering it for the first time.³⁵ Having noted that the city 'stands very pleasantly on the river Sure, having the finest Key in Europe, except that of Messina in Sicily & is half a mile long & of a good breadth',³⁶ Pococke outlines its Viking origins and the developments that took place after being 'enlarged by the English', including details of 'the old walls to the Key'. He then goes on to describe its main buildings (church, military and civic), though, as might be expected of an archdeacon (and in common with his accounts of places visited on all his earlier and subsequent travels), he gives prominence to those of ecclesiastical interest.³⁷ Particular emphasis is given to 'the Cathedral called Christ Church dedicated to the Trinity', and two of his uncle's favourite churches (St. Olaf's and St. Patrick's).³⁸ As can be seen from the following quotes, Pococke's accounts of

32 See R. Finnegan, *Letters from Abroad, Volume 1*, pp. 57-8 and 247-9 where the relevant excerpt from his letter to Bishop Milles (Verona, 6/17 June, 1734) is reproduced.

33 Indeed Bishop Milles, who had paid for his nephew's education at Eton and then Oxford, had ten years earlier noted to his sister Mrs Pococke, 'Nothing shall be wanting that is reasonable which I can furnish for his Education. I design him for the Law, if he will take to it, & will not rather desire some other Calling'. See Letter from Bishop Milles to Mrs Pococke, Waterford (9 January, 1724), in the Bishop's Palace, Waterford Museum of Treasures.

34 Rennison, *op. cit.*

35 See J. McVeigh, (ed.), *Richard Pococke's Irish Tours* (Dublin, 1995) 107-9. However, Charles Smith is of course far more detailed and also pre-dates Pococke's tour by six years, the first edition of his book, *The Ancient and Present State of the County and City of Waterford. Containing a Natural, Civil, Ecclesiastical, Historical and Topographical Description thereof* being published in Dublin in 1746.

36 *Ibid.*, p. 107. The magnificence of Waterford's quay is mentioned in many accounts of the city, including Charles Smith's (*Op. cit.*). On this point, Richard Twiss, in his controversial *A Tour of Ireland in 1775* (London, 1776), notes, in his customary disparaging tone, 'He [Smith] probably knew nothing of that of Yarmouth, nor of the magnificent quay of Rotterdam, both of which are much superior to that of Waterford.' (141).

37 He was appointed Archdeacon of Dublin in 1745.

38 Further details of the bishop's improvements to latter two churches are given below.

all three buildings refer to the generosity of both his cousin and his uncle, though interestingly, he neglects to mention his connections with either of these individuals:

[The cathedral] is a plain building consisting of the body, the Quire, two Isles & the parish Church of Trinity behind the Quire. To the North was Rices Chapel & the Chapter house, both now pulled down: In the former was a Curious Monument of Rices now in the parish Church: On the South side is St. Saviours Chapel, now the Bishops Court, & St. Nicholas now the Vestry & Chapter house; There is also a chapel opposite to the Bishop's Court. The Quire has lately been much ornamented if intermixture of Grecian with Gothick Architecture can be call'd an Ornament by a Corinthian Altar piece, which is the gift of Mrs. Susannah Mason & cost £200; - by a very handsom Canopy over the seat of the Mayor & Aldermen, & by the same over the galleries, & the seats of the families of the Bishops & Dignitaries, by making a Gallery to the north for the Soldiers, to the west over the Organ from the Charity boys, - by adorning the Galleries with white marble, to which besides the white marble The Revd. Dr. Jeremiah Milles, Chantor of the Cathedral of Exeter as he was likewise formerly of this Church & treasurer of Lismore, gave the sum of fifty pounds.³⁹

In relation to two other churches in the city, he makes the following observations:

St. Olaves & St. Patricks Church are both paved with black & white marble, adorned with handsom Altar pieces Pulpits & thrones, & all the seats are so disposed, that the people Stand with their faces to the east, the men on one side & the women on the other: These Churches were order'd in this manner & adorned under the care of Dr. Thomas Milles Bishop of Waterford & Lismore; who published a learned edition of St. Cyril of Jerusalem, & writ a Treatise against Dr. Dodwell of the Immortality of the Soul.⁴⁰

Other buildings mentioned by Pococke in his Irish tour of 1752 are a Barracks, on the site of a 'Square Fort' or citadel, 'Whyte Fryars Dominican Convent', the County Court House, the Benedictine Convent of St. John, the Franciscan Convent of the Holy Ghost, the 'Hospital for twenty four Popish widows, founded by the

39 McVeigh, *op. cit.*, 107-8. In relation to his quip about the undesirable mixture of Gothic and Classical ornamentation, Pococke obviously changed his mind in later life, since the alterations he himself made to the cathedral church in Kilkenny, while Bishop of Ossory, are precisely of that mode. See R. Finnegan, 'Bishop Pococke's Improvements to St. Canice's Cathedral, Kilkenny', in *Irish Architectural and Decorative Studies: The Journal of the Irish Georgian Society*, Volume XI (2008) pp. 12-55.

40 McVeigh, *op. cit.*, p. 108.

Walshe's', St. Catharine's Priory for Canons of St. Victor, the Leper Hospital, founded by the Powers, Lords of Tyrone, whose lands were 'now applied to an Infirmary, & £100 a year to ten decayed House keepers', another Infirmary founded by the late Countess of Tyrone, and opposite the Cathedral, 'a very handsom House called the Apartment; for ten clergymens widows, & ... two houses more...all the Benefaction of Bishop Gore.'⁴¹ Further on, he notes,

The City Court house & Exchange, the City jayle & the fish market, are also handsom buildings of hewn Stone, & the Custom house of Brick, with hewn Stone windows. The Charity School founded by Bishop Foy, for 75 boys, is also of Hewn Stone... Mrs Mary Mason also erected a good building of Brick, with Stone window Cases for thirty girls...⁴²

Pococke briefly refers to the unfinished 'Bishops House' (or Palace), described as 'a fine building of hewn Stone'.⁴³ As is well documented, this was begun by Bishop Milles' successor (Bishop Este),⁴⁴ the house occupied by Bishop Milles himself being in approximately the same location, but far smaller.

Having a particular interest in the manufacturing industries (especially the linen trade), Pococke elaborates on the trades and industries in the area, which give an impression of a bustling city and a very active port:

Mr. Wyse's Mills are well worth seeing, in which the preparing of wheat to make flower is performed by Water Wheels; he also has a Smelting house there, a manufacture of pins & several other works - There is also a Dock in the Marsh for repairing of Ships with water pipes laid to it. They have a considerable trade here to Cadiz, sending Butter, Herrings, &c: [] & bring back, fruit, Spanish wines, &c.: [] They send butter to Holland; the Newfoundland Ships come here & take in Pork, Coarse Linen & other provisions. They send work'd Woollen yarn, Raw hides & Tallow to England. The Linen Manufacture is carried on here of late years with great success.⁴⁵

It would appear, from Pococke's description, that there were very few recreational activities of note in Waterford (the Playhouse and Assembly Rooms, for example, not being established until 1783), though Pococke does mention one or two interesting features, as follows: 'a fine walk, planted with double rows of trees... called the Mall; just beyond which at the end of the Key, is a fine Bowling green on the River. Mr. Barkers hanging gardens are very beautiful.'⁴⁶ These features are described at greater length by Charles Smith, especially Alderman Barker's fine residence, which contained, among other elements surprising for a

41 Bishop of Waterford and Lismore from 1666-91.

42 McVeigh, *Op. cit.*, p. 108.

43 *Ibid.*, p. 108.

44 Bishop of Waterford & Lismore from 1740-6.

45 McVeigh, *Op. cit.* p. 108-9.

46 *Ibid.*, 108-9.

city, a deer park, fountains and lakes.⁴⁷ Smith also gives a charming account of the Mall, noting the reciprocal view of this area to the Bishop's Palace, and conceding,

Here the Ladies and Gentlemen assemble on fine evenings, where they have the opportunity of each others conversation. Nothing can be more agreeable than to see this shady walk crowded with the fair sex of the city, taking the air, enjoying the charms of a pleasant evening, and improving their healths; nor need I inform the reader that this city has been long since peculiarly celebrated for the beauties of its female inhabitants.⁴⁸

In such an important position as his, the bishop, as part of his official duties, would have been obliged to receive members of his congregation, church dignitaries and other important visitors at the episcopal house, as well as performing endless rounds of social visits to the large protestant community in the diocese. Pococke's travel correspondence to his mother (both from the Continent and from the East) makes frequent reference to families such as the Alcocks, Masons, Christmases and Butlers, together with other eminent individuals such as doctors, sea-captains and members of the clergy. These references are generally in the context of news he has picked up during his travels, and the fact that he considers this newsworthy suggests that his mother was familiar with the local families, having met them during her visits to Waterford or perhaps having heard of them in correspondence with her brother, Bishop Milles.

However, apart from the specialised theological books he ordered through his nephews on their travels, we have no idea of the bishop's general literary interests (though he had of course been a Professor of Greek), or of his taste in music and art.⁴⁹ Though he published nothing after his arrival in Ireland in 1708 (his two previous books appearing in 1707), it is clear that he never lost his thirst for scholarship, since he refers in a letter to his sister, Mrs Pococke, to his progress with his *magnum opus*, a History of England, which must have involved him in a great deal of painstaking research:

I am come now quite to the Conquest in the Civil History of England.
The Battle of Hastings between the Conqueror & King Harold was
fought on the 14 day of October in the year 1066, wherein King
Harold,
his two Brothers Gyrth & Leofwine, & most of the English baron
nobility
were slain, & an end put to the Monarchy of the English baron Kings.

47 *Op. cit.*, 1949-6.

48 *Ibid.*, 1939-4.

49 One letter from Jeremiah Milles refers to a 'marble' (presumably a statue) which the bishop had ordered from a Mr Quinn in Leghorn, and asked his nephews to enquire about. However, the cousins were told by a Mr Murphey that the marble had gone, the context suggesting that it had been sold to another person, rather than having been dispatched to Waterford. See R. Finnegan, *Letters from Abroad, Volume 1*, 120-21.

I have now onely the State of the church from the year 828 to the abovementioned year 1066 to set forth. But after this I design three Introductory Discourses; one concerning the state of England or rather Britain in the British times before Julius Cesar, the other concerning the state of Britain during the Government of the Romans, & the third concerning the state of Britain during the times of the barons; & this together with fitting of Maps to these three periods will take up some time.”

As a rather sad afterthought, he admits: “This Amusement is the onely satisfaction I have in this wretched country & place.”⁵⁰

It appears, from the Minutes of Waterford Corporation that Bishop Milles proved to be just as unpopular in this city as he had been in Oxford. The Minutes for the first three years of his office (1708-10) surprisingly contain no reference to him, but, in contrast, give many flattering accounts of his deceased predecessor, a Yorkshire man, Bishop Nathaniel Foy (1648-1707), who had made a generous bequest to the city and its inhabitants. So legendary in fact was the latter’s munificence, that the details of his will were recorded in near-contemporary sources such as James Ware (1739) and in those from a century later, such as Samuel Lewis (1837).⁵¹ Certain aspects of this bequest, as we shall see (below), also had an impact on the terms of Bishop Milles’ own will.

50 See Letter from Bishop Milles to Mrs Pococke, Waterford (9 January, 1724) in the Bishop’s Palace, Waterford Museum of Treasures.

51 According to Sir James Ware, Bishop Foy left at his death the sum of £20 to the poor of Waterford, and ‘mentions that he had expended eight hundred pounds on the Improvement of the Episcopal House at *Waterford*; and bequeathed that whatever should be got out of that Sum from his Successor [i.e. Bishop Milles], pursuant to the Act for that purpose made, should go to the Mayor and Corporation of *Waterford*, so to be laid out on good Security, the yearly profits to be applied in putting out Protestant Children of the Inhabitants of *Waterford*, either Boys or Girls, Apprentices.’ He also ‘appointed a School House to be built in that City and an apartment at the End of it for a Schoolmaster, who should be obliged to teach fifty Children of the Inhabitants of *Waterford* Gratis, to read, write, cast accounts and say their Catechism. He appointed a fund for building the said School-house, and to purchase Lands to maintain the School-master, and a Catechist, to explain the Catechism to the Scholars once a Week, i.e. forty pounds a year for the School-master, and ten pounds a year for the Catechist, with an increase of Sallary as also of the Numbers of Scholars, should the fund increase’. *The whole works of Sir James Ware concerning Ireland, revised and improved by Waller Harris* (Dublin, 1764) Vol. 1, 543-4. See also S. Lewis, *Topographical Dictionary of Ireland* (London, 1837) under the entry for Waterford. The Bishop Foy School was originally housed in a handsome stone building in Barronstrand Street, but in 1817 moved to Grantstown House. Later, it was relocated to the former Bishop’s Palace on the Mall, and then expanded across

The subsequent Minutes of Waterford Corporation, however, yield many references to Bishop Milles, most of them damning. The first mention is at a meeting held on 8 June, 1711, when it was ordered that: 'Mr. Mayor & Recorder do ansr his Grace the Lord Arch Bhp Cashell's Letter in relation to the Disputes, between the Bhp of Waterford & Mr. Mayor & this Board & that they Aprise his Grace it is the hearty Desire of this Board that these Differences be Ended by his Ldship giving reasonable satisfaction for the affronts offered.'⁵² The Archbishop of Cashel at the time was Rev. William Palliser (1646–1727). At this stage we are not told the nature of these disputes or affronts, and it is not for two years that the matter is again raised. In the meantime, however, Bishop Milles himself is accused of misconduct. On 26 September, 1712, it is stated that: 'Mr. Recorder having this day informed this Board that the Bishop entertains Papish servts [servants] in his house, & corresponds with Papists to the Disatisfaction of the people concluded by vote... tht the Lords in Justice be acquainted therewith, & that Mr. Recorder do draw up a [letter] to be laid before the Governmt acquainting them that the carriage and behaviour of the Bishop to the Papists is offensive to the Inhabitants, & that he lay the same before the Council next Monday for their approbation.'⁵³

The records fail to divulge the nature of the correspondence which Bishop Milles is accused of conducting with Catholics, nor do we have any details of the 'Papish' servants 'entertained' (or employed) in his house, since there is no further reference to this matter in the Minutes.⁵⁴ The only servant we do know about in his household is Benjamin Robinson, to whom he refers in article 6 of his Will, drawn up on 18 April, 1738: 'To my servant Benjamin Robinson if living with me at the time of my decease I give and bequeath ffifty pounds over and above the wages which may be due to him and I recommend it to him to transplant Himself into England'.⁵⁵ Presumably Robinson had come over with Milles from England on his

the road to the site of the former ESB showrooms (now the House of Waterford Crystal). In 1967 the school closed and the remaining pupils transferred to Newtown School in Waterford.

52 Waterford City Archives, LA1/1A/07. I am grateful to Waterford City Archivist Donal Moore for his kind assistance and for allowing me to quote from the Waterford Corporation records.

53 *Ibid.*, LA1/1A/07.

54 It is possible that the 'entertainment' aspect could be a sexual allusion maliciously suggested by a group or individuals who were unhappy with his appointment as bishop, and his subsequent difficulties with the corporation, and who may also have been suspicious of his unmarried state. No female is linked amorously with his name in the sources, though his old enemy in Oxford, Hearne, did allude to the fact that, among his writings, was 'A Letter to Mrs. *Brace-Girdle*, disswading her from the Play-House, Written in the year 1703, at ye time of the Oxon Act.' See Hearne, *op. cit.*, Vol. XII, 327. Mrs Brace-Girdle (1671-1748) was a famous actress who, in the year of that act, sought protection from Queen Anne against those who wanted the theatres closed. However, it is more likely that this is an allusion to his relative tolerance towards Roman Catholics. See the biographical account in the *DNB* (Oxford, 2004), *op. cit.*

55 National Archives, Will of Bishop Thomas Milles, Catalogue Reference: Prob

appointment as bishop, and remained with him until the latter's death. Again, nothing is known about Bishop Milles' living quarters in Waterford, which had put his predecessor, Bishop Foy, to such expense, though clearly he cannot have been too happy with them or he would not have commissioned William Halfpenny, in 1739, to execute designs for a new building.⁵⁶ Though we have no visual or descriptive record of the original Episcopal House, it is clear from the records that it occupied part of the site of the existing Bishop's Palace (now the magnificently restored Museum of Treasures). While its size cannot have been a factor for Bishop Milles, who had no family, it seems that this was one of the reasons why his immediate successor, Bishop Este (1696-1745) decided to rebuild the house. It is clear from the records of Waterford City Corporation that the moment he was installed in Waterford, Bishop Este began to petition the authorities for additional space.⁵⁷ The meeting of 28 March, 1741, records:

Resolved that in consideration that the Bishop of Waterford & Lismore will rebuild his old Palace in this City and inlarge said building, its hereby agreed upon, and its the free Consent of this Board, that they will take a Surrender from Aldn William Barker, Executor of Aldn Richard Graves late deceased of that piece of ground without Colbeck's Gate under the town Wall which he holds by Lease from this City..... and that ye remainder of that part of said ground without Colbeck's Gate joining the said Bishops Palace this City will demise to said Lord Bishop and his successors Bishops of Waterford & Lismore for the term of nine hundred and ninety nine years at a pepper corn rent in order to make said new Palace more spacious & compleat that thereby the Bishop of Waterford always for the time being may be encouraged to dwell here...⁵⁸

It is obvious from this act of generosity, which involved cancelling and exchanging leases that Waterford Corporation was anxious to please the new bishop, at the same time wishing to ensure that he should not have any excuse for absenteeism; and clearly, this was a direct hit at the late Bishop Milles.

To return to the subject of the complaints about Bishop Milles, at a meeting of Waterford Corporation on 12 May, 1713, it was 'Ordered that the Chambrn [Chamberlain] do pay the Recorder, out of the Revenue the sum of Ten pounds to defend the several suites and Controversies concerned and in carrying on by our

11/117. The full transcript of this will is reproduced in R. Finnegan, *Letters from Abroad, Volume 1*, Appendix 1.

56 Reproduced in J. Harris, *Catalogue of the Drawings Collection of the Royal Institute of British Architects*, G-K (1973), 82-3.

57 It would seem that Este was concerned more with securing the comforts of his home life, than refurbishing churches, as had been the case in his previous position as Bishop of Ossory (1735-40), when he greatly improved the episcopal palace in Kilkenny.

58 Waterford City Archives, LA1/1/A/10, 105 verso.

Bishop against this City'.⁵⁹ Just over a week later, more details are given about the bishop's complaints:

This board being informed that the Bishop of this City hath complained to the Governmt that this board have pulled down the City Walls & filled up the town Ditches & mismanaged the hospital of the Holy Ghost & the Leper house with a Visible Design to destroy the Character of this City, concluded ... that the Recorder do forth with go up to Dublin and oppose and Defend the said Complaints & Suits so commenced by the Bishop at the charge of the Revenue & that he inform this Board from time to time of his proceedings. And whereas the behaviour of the said Lord Bishop towards the magistrates and common Council of this City hath been very scandalous and abusive & hath given offence in several instances, if a prosecution against him be thought advisable, ordered that the Chambers do give the Recorder a letter of Credit to take up what money is necessary to carry on the said prosecution, & defence.⁶⁰

The Holy Ghost Hospital, allegedly being mismanaged by the corporation, was a charitable institution founded by the Walsh family of Waterford and granted a charter by King Henry VIII in 1544. It occupied the site of the Franciscan Friary, founded by Sir Hugh Purcell, in 1240.⁶¹ The Leper Hospital (or St. Stephen's Hospital) was founded in the 12th century and further endowed by King John in the early part of the thirteenth century.⁶² It was located in St. Stephen's Street,

59 Waterford City Archives, LA1/1A/07.

60 Waterford City Archives, LA1/1A/07, Meeting of 22 May, 1713.

61 According to Charles Smith, writing in 1746, 'This hospital consists of two great rooms, one longer than the other; the sides of each room are divided, by boarded partitions, into several closets and beds. At the end of the longest room is a chapel, with an altar, adorned with images and paintings, and enclosed with railings, where the poor have mass celebrated once a week. Twenty four poor widows, of the popish religion, are kept here, who, besides their lodging, do each of them receive two guineas a year, which is paid quarterly; and to a matron, chaplain or overseer, 3.l per annum; 6 l. 13 s. 4 d. to a master, and the rest of the fund, which at present, is 67 l. per annum, goes towards keeping the hospital in repair'. See Smith, *op.cit.*181-3. See also R.H. Ryland, *The history, topography and antiquities of the county and city of Waterford : with an account of the present state of the peasantry of that part of the South of Ireland* (London, 1824), 189-93, for a briefer description of this institute.

62 See Niall J. Byrne, *The Waterford Leper Hospital of St Stephen and the Waterford County and City Infirmary: A history of institutional Medicine in Waterford*, (Waterford, 2011). According to Ryland, *ibid.*, 199-200, 'The king's sons, during the time they remained at Lismore, were so feasted with the fine salmon and cider of that place, that they lived almost entirely on them, which caused eruptions to break out on their bodies, supposed to be the leprosy; of which the king being informed founded the Hospital for persons labouring under leperous complaints, and granted a charter of incorporation by the name of the Master, Brethren, and Sisters of the Leper House of St. Stephen's, in the city of Waterford'.

close to the church of that name (since demolished) and, at the time in question, before being replaced by a more general Infirmary, provided an allowance for 'about 50 poor'.⁶³

A fortnight later, it was recorded that a hearing had taken place before the 'Attorney and Sollicitor [sic] General' concerning these disputes⁶⁴ and that the matter was now to be referred to the Lord Chancellor.⁶⁵ Later that summer, a committee dealing with this matter locally concluded that they should 'consider proper methods to prosecute the Bishop of Waterford for abusing the magistrates and Citizens of this City and for his arbitrary & illegal proceedings at his Court & others in matters, and to defend the ... vexatious suits, memorials & prosecutions by him carried on against the Corporation...'⁶⁶

The committee then presented its case before 'his Grace the Lord Lieut & Council,⁶⁷ the House of Lords and upperhouse of Convocation'.⁶⁸ Nine years later (with no mention in the records having been made during the intervening period),⁶⁹ the Mayor of Waterford attended a hearing in Dublin, for which he was paid the sum of £20 to defray his expenses.⁷⁰ The following January, however, an official report received by the corporation from the government ordered that a full examination of the accounts of the Holy Ghost Hospital (to include details of rents, tenants, acreage, etc.) be conducted by the auditors.⁷¹ The recorder attended the following proceedings in Dublin for the next three months (for which he was paid £50 'for his trouble', together with the £6. 19 shillings already due to him).⁷² and at a meeting held on 1 April, 1724, the matter was referred to as 'the Late dispute with the Bishop'.⁷³

However, clearly this dispute, which had first emerged thirteen years earlier, in 1711, had still not actually been resolved, as it was reported, at a meeting held on 14 September, 1724, that 'the Suite between ye Bishop and ye Master of ye hospital of the Holy Ghost is carried on by ye Bishop with great Rigour', necessitating the appointment of yet another committee of the corporation.⁷⁴ This committee reported on the matter two months later, and found that, on completion of the examination of Alderman Thomas Smith's accounts of the Holy Ghost Hospital, a

63 Smith, *op. cit.*, p. 183. There are some fragmentary remains of the original Leper Hospital.

64 Francis Bernard (1663-1731).

65 Sir Constantine Phipps (1656-1723), who himself was embroiled in a mayoral dispute in Dublin. See Waterford City Archives, LA1/1A/07, Meeting of 6 June, 1713.

66 Waterford City Archives, LA1/1A/07, Meeting of 24 August, 1713.

67 Charles Talbot, 1st Duke of Shrewsbury (1660-1718).

68 Waterford City Archives, LA1/1A/07, Meeting of 12 November, 1713.

69 It is obvious that the establishment was in no hurry to investigate this embarrassing complaint against the bishop.

70 Waterford City Archives, LA1/1A/08, Meeting of 21 April, 1722, p. 61 recto.

71 Waterford City Archives, LA1/1A/08, Meeting of 22 January, 1722/23, p.161-5.

72 See Waterford City Archives, LA1/1A/08, Meeting of 2 May, 1723, p. 165, verso.

73 Waterford City Archives, LA1/1A/08, p. 170, recto.

74 Waterford City Archives, LA1/1A/08, p. 173, recto.

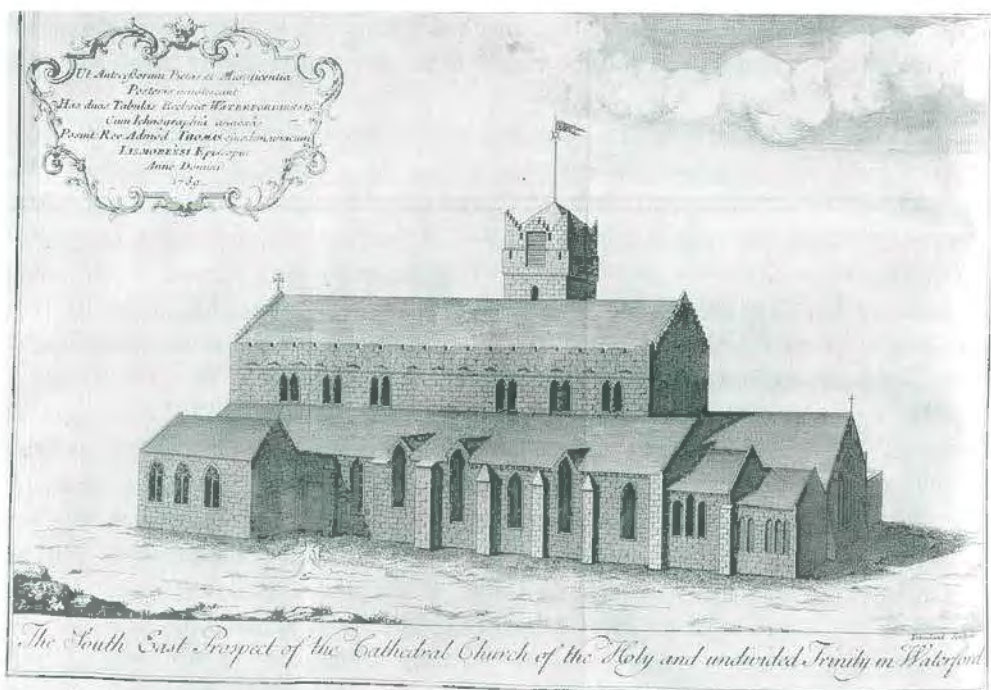


Figure 1: View of the southeast prospect of Waterford cathedral, Ware, 1739.

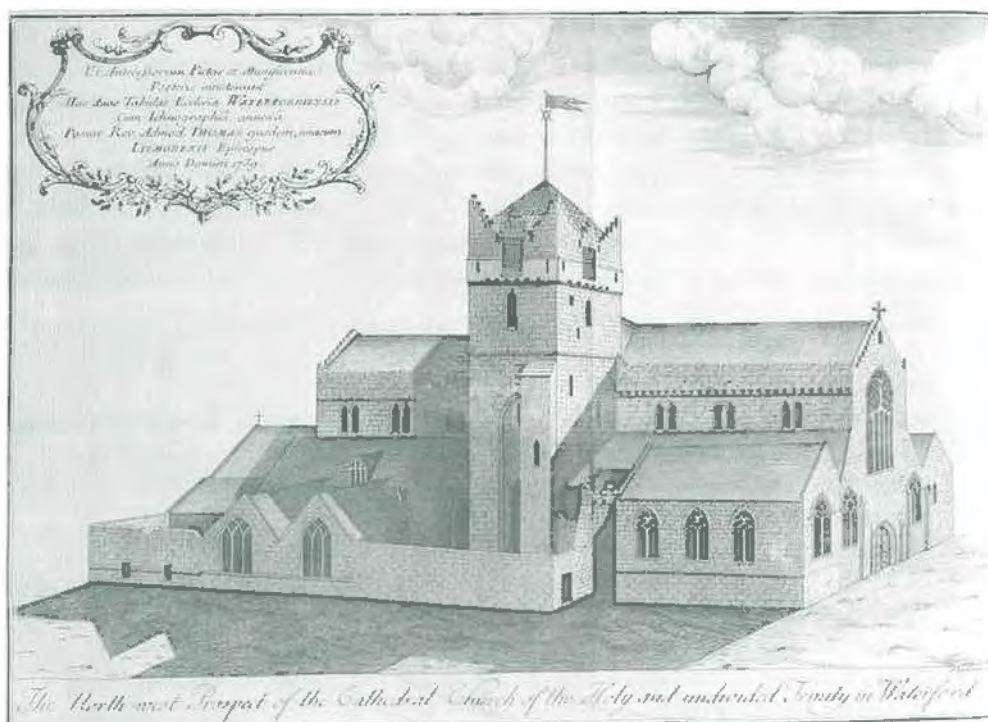


Figure 2: View of the northwest prospect of Waterford cathedral, Ware, 1739,

balance of £54, 12 shillings was due to him. Alderman Smith (who was Master of the Hospital) was to be paid the sum of £70, from the City Council's revenue, partly to reimburse him for the deficit in the hospital fund (to eventually be returned to the board when the hospital was again 'in Cash'), with the additional £15 or so to be used by the Alderman to 'carry on ye Law Suits between ye Bishop & that Hospitall..'⁷⁵

The whole matter was not completely resolved for another eight years (in 1732), by which time it had dragged on for twenty-one years, spanning almost the whole of the bishop's reign in Waterford. We do not know what the exact outcome was, but at the meeting of 29 June, 1732, it was ordered that Mr. Daniel Taylor 'be paid Twenty three pounds out of the Revenue for his trouble & care in managing the Law Suits agt the Bishop, and by his Lordship commenced, agt Aldm Jones & Aldm Smith [by then deceased] about the Hospitalls of ye Lepper House & Holy Ghost'.⁷⁶

The only other references to Bishop Milles in the remainder of the Corporation Minutes relate to the city's agreement to pay him the sum of £400 for essential repairs carried out to the cathedral church roof, in 1734/5.⁷⁷ Though the board met frequently during the year of his decease (1740), when he was sufficiently ill to warrant his nephew Jeremiah Milles' return from abroad, the bishop's death, which took place on 13 May, astonishingly went unrecorded in the Corporation Minutes.

Regrettably, there are few flattering or positive portraits of Bishop Milles in the records, though it is well documented (particularly by him) that he spent a large amount of his own money on restoring churches in the locality. However, even this is questionable, since it appears that he did so on the understanding (stipulated in his Will, see below) that his heirs would have these costs reimbursed.⁷⁸ As we have seen, the Cathedral Church of the Holy Trinity was, at the time of Bishop Milles' tenure, a medieval structure whose interior had recently been adorned by the munificence of his nephew, Jeremiah Milles. Exterior views of the cathedral dating from 1739, as depicted in Ware's *History of Ireland*,⁷⁹ are represented in Figs. 1, and 2 (previous page), and a floor plan from the same publication appears in Fig. 3.

75 Waterford City Archives, LA1/1A/08, Meeting of 16 November, 1724, p. 175 recto & verso.

76 Waterford City Archives, LA1/1A/10, p.27 recto.

77 *Ibid.*, see Minutes of meetings dated 1 June, 1734, 29 June, 1734, 20 February, 1735, 20 May, 1735 and 16 September, 1735.

78 As recorded by Ryland (*op. cit.*, 156), "The same benevolent prelate [Milles], in anticipation of an income left by Bishop Gore, [1630-1] but which did not come into his hands until 1723, had expended £1117: 15: 5, of his own, in repairing and rebuilding churches throughout the diocess". The income used by Bishop Gore was the inappropriate tythes of Cahir, in County Tipperary.

79 *Op. cit.* This book was actually first published in 1739 (the plates dating from this year), though the material relating to the Diocese of Waterford and Lismore does not appear to have been altered in the Harris' subsequent revision.

Shortly before Bishop Milles died (1740), he appears to have commissioned the English architect, William Halfpenny, to compose six exterior drawings of the existing Christ Church Cathedral (and one of the altar-piece). These drawings, which are held in the National Library of Ireland,⁸⁰ are dated 1739 and dedicated to the bishop. Architectural historian Terry Friedman suggests that they were intended as a record before an anticipated major restoration took place.⁸¹ It is clear from a comparison of the illustrations in James Ware's section on Waterford Cathedral, and in particular the elaborate script appearing on the top left hand corner of each, that the bishop had donated copies of these recent drawings for use in this publication. However, it appears that he subsequently abandoned the idea of restoring the cathedral and instead required Halfpenny to execute further drawings, this time designs for a new cathedral. These unexecuted designs, which are in the Royal Institute of British Architects Drawings Collection, are signed 'Wm. Halfpenny 1739' and are reproduced in Plates 6-11 of Friedman's study.⁸² As it happened, though, Bishop Milles did not live to put these plans into practice and for the next three decades the cathedral remained intact. Then, as described with regret by Rennison: 'Unfortunately in 1773 the Dean and Chapter, together with the Corporation of Waterford determined to pull down this venerable building.'⁸³ With difficulty the bishop's consent was obtained [Bishop Richard Chenevix] and the necessary faculty was issued.⁸⁴ It was the local architect John Roberts, who succeeded in securing the commission for this new cathedral. His design was chosen in 1774 (forty-four years after the death of Bishop Milles) and it was not completed until at least twenty years later. Roberts, who also famously designed the Roman Catholic Cathedral in Waterford, was the architect who oversaw the completion of the new Bishop's Palace.

Two churches in the diocese singled out by Bishop Milles as worthy of major restoration (while four others were left in ruins), were St. Olaf's, situated very close to Christ Church Cathedral, and St. Patrick's, located in an elevated position in St. Patrick's Street. Both buildings are extant, the latter still in use as a place of worship. We are fortunate in having near contemporary descriptions of the exterior and interior of both churches, from Richard Pococke and Charles Smith.⁸⁵ The bishop was very proud of his building works and anxious to publicise the fact that he had been responsible for so much work in the diocese. The plaque erected in the pediment above the door of St. Olaf's Church in 1733 (which incidentally would have been invisible to anyone without the aid of a ladder) clearly illustrates this

80 PD 1977 TX.

81 'William Halfpenny's Designs for an "Early Christian" Cathedral', in *Irish Architectural and Decorative Studies: The Journal of the Irish Georgian Society*, Volume I (1998) 12-13 and n. 22.

82 See Friedman *op. cit.*, 20-24.

83 The Dean and Chapter is the formal title of the governing body of a cathedral, consisting of the dean and a varying number of canons or prebendaries.

84 *Op. cit.*, 95.

85 McVeigh, *op. cit.*, 108, already quoted above, and Smith, *op. cit.*, 180-81.

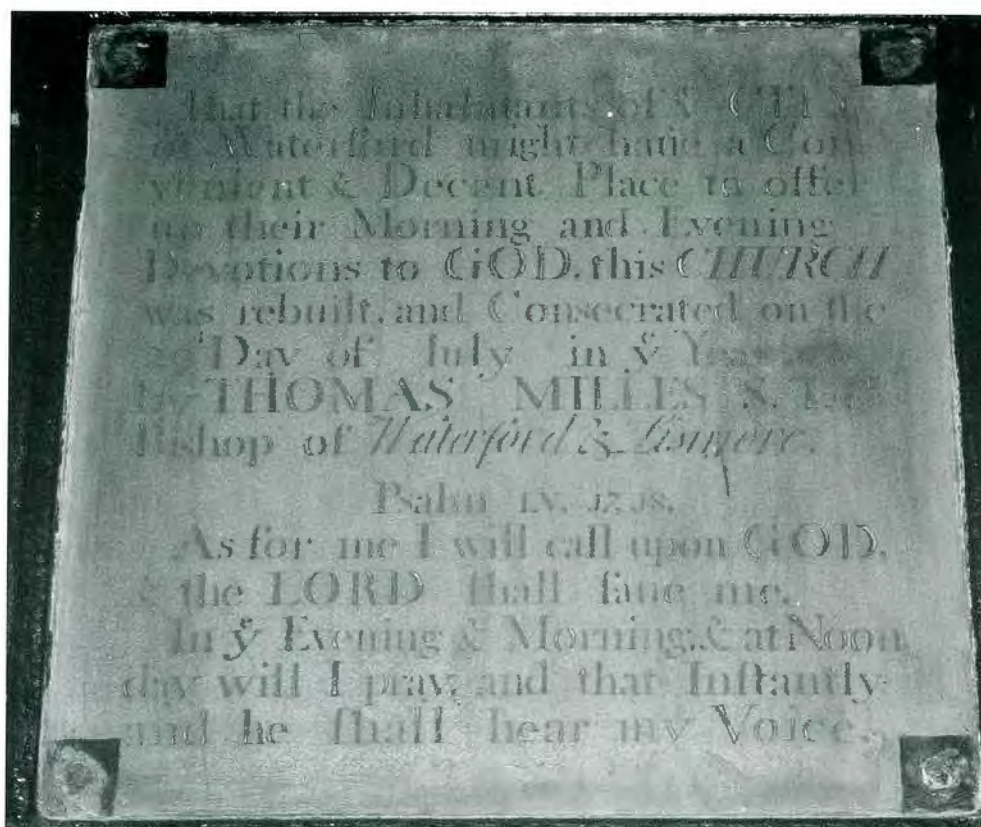


Figure 4: Plaque inside the doorway of St Olaf's Church, Waterford.

Photograph David Kane.

pride, particularly in the last line, “ACCEPI LATERITIAM, RELIQUI MARMORIAM”. In imitation of the Emperor Augustus, it asserts that he found the city of bricks and left it in marble.⁸⁶ It is not known how much of the bishop's own income was spent on rebuilding this particular church (though Ryland asserts that it was almost entirely rebuilt at his own expense), but the city of Waterford, in 1730, contributed the sum of 10 guineas towards its repair.⁸⁷ The bishop seems to have had a particular fondness for this church, which, as recorded on a brass plaque still to be seen inside the entrance, he restored, ‘That the inhabitants of the city of Waterford might have a convenient and decent place to offer up their morning and evening devotions to God’. An image of this is reproduced in Fig. 4. As we have already seen from Pococke's account, this church, along with St. Patrick's, was paved with black & white marble, adorned with ‘handsom Altar

86 TEMPLUM HOC STO. OLAVO REGI AC MARTYRI DICATUM, REAEDIFICAVIT A.D. MDCCXXXIII THOMAS MILLES, S.T.P. EPISCOPUS WATERFORD. QUI ETIAM CURAVIT UT ECCLESIAE STI. PATRICII WATERFORD, DRUMCANON, KILOTARAN, RATHRONAN, ARDFINANE, & KINSALBEG, REIFICERENTUR. ACCEPI LATERITIAM, RELIQUI MARMORIAM.

87 Ryland, *op. cit.*, 155. See Waterford City Archives, Council Minutes, LA1/1/A/10, p. 12 recto.

pieces Pulpits & thrones ...[and] order'd in this manner & adorned under the care of Dr. Thomas Milles Bishop of Waterford & Lismore...'⁸⁸ Charles Smith corroborates this view, noting, of St. Olaf's,

The building is quite plain on the outside, except a handsome door case, over which is a pediment. The inside is very neat, the floor being paved with black and white marble; that of the chancel is handsomely inlaid with inlaid wood in several geometrical figures. The altar-piece consists of four fluted pillars of the corinthian order, two on each side of the east window; over which is a handsome carved frieze and cornice. The bishop's throne and pulpit are of oak, and the carving of both well executed... The seats of the window are of black marble, as are also the steps leading up to the chancel.⁸⁹

Some of the fittings of St. Olaf's were also admired in the nineteenth century, for example by Ryland, in 1824, who notes, 'The pulpit and bishop's throne are of very fine black oak, chastely and handsomely carved'.⁹⁰ Sadly, many of these fittings were removed in the 1970s, when the building was used as a store for building materials during renovations to the neighbouring cathedral. However, it is possible, from an un-dated early photograph in a recent article, to see how the interior originally looked when all fittings were in place.⁹¹ While the throne was apparently in such bad repair that it fell to pieces, the pulpit was relocated to its present position in Lismore Cathedral. The corinthian altar-piece mentioned by Smith (above) is extant (see Fig. 5) though the organ loft (not mentioned in any of the sources, but described to the present author by a former member of the congregation) was similarly dismantled. As can be seen in Fig. 6, two of the columns have been re-positioned as an embellishment to the door. Though still owned by the Church of Ireland, St. Olaf's is now hired out for community activities and events.

The design of St. Olaf's is also attributed to the architect William Halfpenny, and was consecrated on 29 July, 1734, though originally founded by the Vikings in the eleventh century. The date of the union of this parish to Trinity (the parish containing the cathedral) has not been ascertained, but it is thought that it was added to the deanery of Waterford at the time of the Reformation.⁹² The rector of this parish was, from 1604, the Dean of Waterford, so at the time of its restoration in 1734, the rector was Dean Hugh Bolton, with whom Bishop Milles was allegedly on bad terms. According to his biographer, the bishop furnished and appropriated this building to his own use, and to escape the bullying of the dean.⁹³ Apart from

88 McVeigh, *op. cit.*, 108.

89 *Op. cit.*, 180.

90 Ryland, *op. cit.*, 155.

91 See Fig. 4, Julian Walton, 'Conscience and Commerce in Georgian Waterford', in *Irish Arts Review*, Autumn (September – November, 2011) 104. See also the photograph by Karl Bakker, Irish Architectural Archive (Ref. 38,68Y4), where the pews have already been removed.

92 See Rennison, *op. cit.*, 98.

93 *DNB, op. cit.*



Figure 5: View of St Olaf's Church, Waterford, showing the decorative frieze and cornice of the east window. Photograph David Kane



Figure 6: View of St Olaf's Church, Waterford, showing the upper part of the embellishment to the door. Photograph David Kane

the elaborate Italianate doorway, there is little of interest in the exterior of this plain building, though it has been described as a ‘gem of Georgian architecture’.⁹⁴

St. Patrick’s Church (depicted in Figs 7-8) is now in use as St. Patrick’s United Methodist-Presbyterian Church. The black and white marble tiles noted in the eighteenth-century sources, together with the layout of the pews and other decorative features, are still extant and are well preserved. The altar-piece is very similar to that of St. Olaf’s, with four large corinthian columns, two each side of the south window, over which is the same type of frieze and cornice. However, the ‘painted Glory of *Vander-Egan’s*, well performed’, noted in Smith’s account,⁹⁵ is no longer there, and its whereabouts is not known. Sadly, too, over time the original stone mullions of the south window have collapsed, but other Georgian features of the exterior, including the carved stone door-case, with its date stone of 1727, and the arched window surrounds, are still in good repair. There are the remains of two stone plaques on the exterior of the building, one of which may originally have commemorated the bishop’s contribution to the restoration of this church. While one plaque has completely disappeared, leaving only the stone surround, the other is so weathered that the letters are no longer visible. At the same time, it is possible, that one of these may have held the ‘handsome gilt dial’ noted in Smith’s brief account of this ‘plain’ and ‘well lighted building’.⁹⁶

It should also be noted that the bishop had the responsibility of Lismore, with its cathedral (dedicated to St Carthage) and its four rural deaneries, Ardmore, Kilbarneaden, Kilshellane and Ardfinnan. There is no evidence for the presence of a bishop’s palace in Lismore during this period, though accommodation must have been provided for the bishop on his visits to Lismore, which is over fifty miles from Waterford. This is likely to have been at either of the two mansion houses listed by Smith, attached to the deanery and the archdeaconry.⁹⁷ We know that the bishop paid an annual Episcopal visitation to Lismore, and that an arrangement existed, until Disestablishment, whereby the Dean of Lismore exercised for eleven months of the year ordinary ecclesiastical discipline in the associated parishes, but was prevented by the bishop from exercising this ‘peculiar jurisdiction’ for a month before his visit.⁹⁸

94 C. B. Warren, ‘Notes on the Church Plate of Waterford Diocese’, in *The Journal of the Royal Society of Antiquaries of Ireland*, Vol. 97, No. 2 (1967) 119.

95 Smith, *op. cit.* p. 181. This Dutch artist, whose real name was William Van der Hagen, settled in Ireland in 1722. He had strong ties in the Waterford area, receiving commissions from the Earl of Tyrone (Lord Waterford) at Curraghmore House, the Christmas family at Whitfield House and Waterford Corporation, who paid him £20 in 1736 to paint a large view of the city. See *An Exhibition of 18th, 19th and 20th Century Irish Paintings*, Gorry Gallery Catalogue (March, 2005) 7. Presumably it was Bishop Milles himself who commissioned Van der Hagen to paint the ‘Glory’ for St. Patrick’s Church, which may give us some indication of his artistic taste.

96 Smith, *op. cit.*, p. 181.

97 *Ibid.*, p. 42.

98 See Rennison, *Op. cit.*, p. 51.



Figure 7: View of the United Methodist Presbyterian Church, Waterford, showing a section of the decorative frieze and cornice of the south window.

Photograph David Kane



Figure 8: View of the United Methodist Presbyterian Church, Waterford, showing part of the black and white tiling.

Photograph David Kane

When Richard Pococke and Jeremiah Milles set out on their first Grand Tour (1733), Bishop Milles was over sixty years of age and still unmarried. We know from the Milles/Pococke correspondence that he was very close to his sister, Elizabeth Pococke, who was a constant source of comfort to him, and, as discussed above, the sources show that wherever possible he appointed his younger brothers and nephews to prominent positions in his diocese. We do not know if this tendency was the cause or the result of his unhappiness, but what can be said of him is that possibly his most generous and worthy act was in providing an excellent education for his nephew Jeremiah Milles. Why the latter felt compelled to write to his uncle every few days from his two Grand Tours (1733-34 and 1736-37) is understandable. Since the bishop was paying for his travels, the young man felt obliged to keep him informed of his movements, and it was also an opportunity to prove to him that he was a serious traveller and scholar, and worthy of becoming his heir. At the same time, from the tone and contents of several letters, he seems to have had a genuine affection and respect for his uncle, and on hearing news of a deterioration in his relative's health, hurried back to Waterford at the beginning of September, 1737. This proved to be a wise decision and one in which his aunt, Mrs Pococke had connived.⁹⁹

Bishop Milles died of 'the gravel' (gallstones) on 13 May, 1740, a complaint from which he had been suffering for at least the previous three years. According to an obituary, 'being open'd there was found in his Bladder a Stone of above 7 Ounces.'¹⁰⁰ His final days must have been very sad and lonely, since it appears that his favourite nephew and heir, Jeremiah Milles, was at the time travelling from London to Holyhead,¹⁰¹ and of course his other nephew, Richard Pococke, was still on his foreign travels, having taken the opportunity while abroad to undertake a voyage of the Eastern Mediterranean. He received the 'melancholy news' of the bishop's death while in Greece, four months after the event, and informed his mother in a short note that he was turning back immediately.¹⁰² However, he was not in that much of a hurry and arrived in Dover eleven months later, on 29 August, 1741, and took up residence in Ireland for the first time, in 1745, when appointed Archdeacon of Dublin.

Biographical accounts of Bishop Milles state that he was buried in Christ Church Cathedral, Waterford.¹⁰³ However, his Will ordered and desired that '[his] Body may be conveyed to High Clare [Highclere] near Newbury in Hampshire to be interred in the Chancell of the Parish Church there as near as conveniently may be to the Bodys of [his] ffather and Mother swiftly but with as little ffuneral Pomp as possihle and over [his] Grave to be layd a Marble Stone with the following

99 See R. Finnegan, *Letters from Abroad. Volume 2 (Letters from the Continent, 1736-37)* (2012), pp. 204-5.

100 *The Gentleman's Magazine*, Vol. X (1740) p. 262.

101 See R. Finnegan, *Letters from Abroad. Volume 1*, pp. 34-5.

102 See Letter 45, *Salonica* (19/30 September, 1740), reproduced in R. Finnegan, *Letters from Abroad. Volume 3*, 278.

103 Such as the *DNB*, *op. cit.* and the records of the Royal Society, of which he had been a member since 1671.

Inscription upon it: *subtus jacet Thomas Milles S.J.P. Waterfordiensis & Lismorensis in Hibernia Episcopus...*¹⁰⁴ Since the City Council of Waterford had been on such bad terms with him for most of his tenure as bishop, and even failed to acknowledge his decease in any of their records; and given that there is no plaque to his memory in the present cathedral in Waterford (while a handsome monument to his immediate predecessor, Bishop Foy, takes pride of place in the western corner of the building),¹⁰⁵ it is probably safe to say that his executor, Jeremiah Milles, carried out his funeral arrangements according to his wishes, and that he was indeed buried in St Michael's Church, Highclere.¹⁰⁶ One or other of his nephews (probably Jeremiah) is also likely to have been responsible for commissioning the celebrated French sculptor Louis François Roubiliac (1702-62) to execute the hanging funerary monument depicted in Fig. 9, and it would be nice to think that the figure described by Pevsner as 'a white genius extinguishing a torch' represents the grieving nephew!¹⁰⁷ The closed book in the foreground is entitled 'Cyrilli Opera', the bishop's publication of 1703 so derided by Thomas Hearne (above).

The bishop's will was proved in London on 10 March, 1741, on behalf of the Perogative Court of Canterbury, in the presence of Jeremiah Milles.¹⁰⁸ It appears from this document, that he was determined to be litigious even after his decease, particularly in relation to matters regarding diocesan property. As we have already seen, on first being translated to the bishopric, in 1708, he had been obliged to pay to the executors of his immediate predecessor, Bishop Foy, the sum of £566 13s 4d. This sum represented two-thirds of the amount (£800) actually spent by Bishop Foy on repairs carried out on the Episcopal House in Waterford. In clause 7 of his own Will, Bishop Milles insists that the sum of £266 13s 4d (representing the balance of that figure) be:

repayed to my Executors Auditors or Assignd by my Solicitor... [and] paid into the hands of the Corporation of the City of Waterford in trust that the yearly Interest thereof shall be paid half yearly to a new Clergyman who shall be nominated appointed and Licensed by the

104 Bishop's Will, *op. cit.*

105 Even allowing for the fact that the medieval building was later replaced with a modern one.

106 It appears that though this church was relocated in 1869-70 from its original position near Highclere Estate, the memorials were transferred to its new location. A source from the church has confirmed to the author of this article that the 'slah' in question is in the corridor to the vestry and that he walks over it!

107 See Niklaus Pevsner & David Lloyd, *The Buildings of England: Hampshire and the Isle of Wight* (Penguin 1967, Reprinted 1973) 288. Pevsner further describes the piece as, 'Not one of Roubiliac's masterpieces' *Ibid.*, 288.

108 Up until 1857, this court had jurisdiction to grant probate or administration where the diocesan courts were unable to administer the case because the deceased had left an estate above a set value in each of two or more dioceses. Clearly, this indicates that the Bishop had assets in England as well as in Ireland. A transcript of the Will can be found in R. Finnegan, *Letters from Abroad*, Volume 1, Appendix.

Bishop of Waterford and Lismore for the time being to read Prayers and to preach the Morning and afternoon Lecture on Sundays in St Olaves Church within the City of Waterford. And if should so happen that the said Lecture should drop or that the Lecturer should not be nominated appointed and Licensed by the said Bishop for the time being I do in this Case give and bequeath the yearly Interest of the said five hundred and sixty six pounds thirteen shillings and ffour pence to be payd half yearly as [?] aforesaid by the said Corporation to the Minister who shall officiate in reading of Prayers and preaching etc in the parish Church of St Patrick within the City of Waterford. And if the City of Waterford should refuse to Accept the above sum on the Conditions before specified I shall give and bequeath the said sum of five hundred and sixty six pounds thirteen shillings and ffour pence unto my Nephew the Reverend Richard Pockocke Doctor of Laws.

However, the city did accept these conditions, which means Dr. Pockocke, was not the beneficiary of this sum.

In clause 8 of his Will, Bishop Milles notes that he has to date spent the sum of £1,170 15s 5d, 'in rebuilding repairing finishing and Ornaminting Seven Parish Churches within the Diocese of Waterford and Lismore namely the Parish Churches of St Patrick and St Olave within the City of Waterford, the Parish Churches of Drumcannon, Killoteran, Ardfinnan, Rathronan and Kinsalebeg within the Diocese of Waterford and Lismore.' This sum was in excess of what he had received from the rectorial tythes of the Parish of Cahir, over which there seems to have been some skulduggery on the part of Sir John Mason, Mayor of Waterford for the year 1696. In his will, the bishop bequeaths the above mentioned sum (£1,170, 15s 5d) 'or whatever shall appear to be due out of the said Rectorial tythes of Cahir over and above what I have [scribed?] to [his] Dearly beloved Nephew the Reverend Richard Pockocke Doctor of Laws and to [his] Dearly beloved Niece Elizabeth Pockocke Sister of the said Richard Pockocke to be divided equally between them.' It is not clear when this was carried out, but presumably Pockocke and his sister eventually received this bequest.

A further difficulty is raised in clause 9 of the bishop's Will, concerning the lease of a quarter of his garden in Lady Lane, Waterford. Here, he forbids his heir to 'sell alienate or otherwise to dispose of the said ffourth part of said Garden let as aforesaid and...also Expresly and straitly charge[s] him and them not to renew the said Lease on any terms whatsoever.' This 'Garden' is likely to have been a plot, rather than a garden in the modern sense of the word, and it is possible that there had been some move from the city to interfere with this lease, thus explaining the bishop's determination to leave it as it was.

Interestingly, and providing a more personal aspect to his Will, Bishop Milles, in clause 10, states his wishes regarding his *magnum opus* which, as mentioned above, he regarded as his 'onely satisfaction...in this wretched country & place':

As for the History of England which I have drawn up as far as the Reign of King Stephen¹⁰⁹ with the Greatest Care ffidelity and Exactness and if God grants me health and Life may sometime hereafter and of which I have two Copys one writ all with mine own hand in which are diverse [Margins?] and Interlineations the other transcribed by several hands and corrected tho but imperfectly by me My Will is that it if be thought proper in time to come to print and publish it that it be printed according to the Copy of my own hand writing and adding the Subjects of the Paragraphs which are to be found in the Margin of the Transcript of this my History but are not in the Original.

This manuscript does not appear to have been part of the bequest made by Jeremiah Milles to the British Museum on his own death, and regrettably there is no trace of the history, either published or unpublished. Ironically, this state of affairs brings to full circle the bishop's scholarly reputation - so derided in Oxford in the early 1700s and so neglected throughout his thirty-two years in Ireland.



Figure 9: Wall Monument at St. Michael's Church, Highclere, in memory of Bishop Milles.

Photograph courtesy of Mike Searle

109 King Stephen, grandson of William the Conqueror, ruled England from 1135-54.

How east met west: a typological explanation for Dromana Gatelodge

Trisha Ryan

The gatelodge at Dromana bridge is the only example of a Hindu-Gothic building in Ireland. Although this structure is unique to the Irish landscape it is still possible to trace the origins of this design and explain how this structure came to be (Figure 1). This paper will examine the structural stylings of the gatelodge and explain exactly how this unique structure was inspired by the orient and came to be the entrance into the estate of the Villiers Stuarts at Dromana.

The Hindu-Gothic structure at the end of the bridge over the Finnisk River was one of three entrances into the estate at Dromana; the remaining two were a gatelodges at Curraroche and the entrance way into the village of Villierstown. The estate of Dromana was inherited by Henry Villiers Stuart when he came of age in 1824. Henry Villiers Stuart is most famous as a Waterford MP who was elected in 1826 and was renowned for his support of Catholic Emancipation and Daniel O'Connell despite being a Protestant (O'Sullivan and McCarthy 2000, 161). In 1826 Villiers-Stuart married an Austrian, Pauline Ott and a temporary structure in perishable material was constructed in a Hindu-Gothic style as a welcome home present for the couple when they returned from their honeymoon. The permanent structure that is seen today was designed by architect Martin Day and built in 1849 to replace the temporary structure (O'Brien and Guinness 1992, 184; Murphy 2010, 53).

Gatelodges in Ireland played an important role in the day-to-day running of large estates. Many estates in Ireland were outlined by walls and punctuated by lodges as entrances into the estate which was seen all around Ireland in the 19th century (Burtchell 1993, 552). This is also seen at Dromana; the eastern boundary was marked by a wall and the western boundary was marked by the Blackwater River. These lodges were inhabited by gate-keepers who resided in the lodges and controlled access in and out of the estate (Howley 1993, 70). However, there were also places where the owners could fully express their taste and display their wealth and therefore many gatelodges exhibited extravagant and exotic entrances to impress the visitor. They created an important first impression for the visitor and often awakened a sense of wonder, awe and excitement with a different atmosphere created depending on the style used (Howley 1993, 72; Cowman and Brady 1995, 256). In Ireland, the majority of country houses had gatelodges varying from classical to revived styles and included different features comprising of towers, temples and triumphal arches with the Gothic style proving quite popular, being used up until 1932 (De Breffny and Ffolliott 1975, 205, Craig 1982, 319). Today, the gatelodge at Dromana bridge remains one of the most exotic and unusual in Ireland.



Figure 1: Dromana bridge with Hindu-Gothic gate lodge.

The gatelodge at Dromana, Cappoquin, Co. Waterford

There are three typical gatelodge layouts in Ireland; the uninhabited archway or gate, the independent and inhabited lodge and the inhabited entrance gateway, which is the style that the lodge at Dromana falls into (Howley 1993, 71). Inhabited gatelodges were needed when the lodge was located some distance from the house itself. This can be seen at Dromana as the lodge is located approximately 3 kilometres from Dromana House and its distance from the house required someone to reside in the lodge (Mowl 1984, 470). It is difficult to define a 'typical' gatelodge in Ireland but it goes without saying that the exotic flair at Dromana is definitely unique. The gatelodge at Dromana is a single storey structure with intensive use of symmetry in all areas of the structure. The symmetry of the construction is two-fold being a feature of Hindu architecture but also of Irish gatelodges (Craig 1982, 319).

The gatelodge at Dromana is an example of a 'twin lodge' or flanked lodges in which the family would eat on one side and the other side would be a common-place for rest and sleep (Mowl 1984, 471). It consists of a single celled room on either side of the archway, east and west, with the road passing between them underneath the arch. The archway is wide enough to allow a carriageway to pass through, which is a feature of Gothic style gatelodges in Ireland. The ceilings in each of the rooms are vaulted and constructed in red-brick and the roof of the exterior is flat. The interior of the lodges is the only place where symmetry is not rigorously maintained. The east room is thought to have been a kitchen (Figure 3). The fire place is narrow and may have been the remains of a chimney that was part of a stove. Today the floor is concrete but when it was inhabited in the early to mid-1900s there was a wooden floor that had a trapped door with a ladder leading down to a storage area. On the east wall there is a large rectangular window, however this is completely covered up and there is no evidence for the window on the outside eastern wall. In the western room (Figure 2), which was the sleeping quarters for the family, the fireplace is much larger and the only windows present are four ogee headed windows, two on the north and south walls. All the windows and fireplaces openings are lined with red brick. The walls of the interior are constructed out of rubble stone and does not follow regular pattern like the construction of the walls on the exterior. Two doors, symmetrically placed are located along the arch wall at the flanking lodges (Figure 4). In both cases, one door is false and was constructed to maintain symmetry. A fire place is located behind each false door. Because one door is false, it is evident that maintaining symmetry was very important to the architectural design of the gatelodge which can also be seen in the windows (*Buildings of Ireland*).

Today, the lodge is surrounded by a pathway which used to have a railing, as evidence in the photo, and would have been the access way for pedestrians, especially in later times when the bridge began to go into disrepair and was primarily used as a foot bridge (*Buildings of Ireland*). The railing ran along the bridge and continued around both sides of the lodge and extended south of the lodge at either side of the road. Evidence for the railing can be seen by the remains of metal



Figure 2: Interior of the west lodge.



Figure 3: Interior of east lodge.

holders at the very edges of the path around both lodges and at the corners; brackets to hold up a gate can be seen at the eastern and western walls of the lodge. This created a narrow path for only one person to pass through each time. The remains of brackets to hold up a gate are also present at the central arch.

One of the main features of the structure is the central archway and is one of the most striking features of Gothic architecture in the structure. The point in the arch allows for the construction of a vaulted archway through the arch; another key feature of Gothic architecture (Deuchler, 1989, 6). Another feature of Gothic architecture in the arch is the use of stringcourse. The stringcourse is present on the north and south facing walls of the structure and continues as far as the spring in the arch but not through the archway. The use of an archway was common in Ireland and the archway at Dromana is an example of a triumphal arch; a tradition which has been long established since Roman times as an entrance way into cities to create civic pride and the feeling of a ceremony (Howley 1993, 71-72). The combination of the arch and the lodge is an example of a triumphal archway cum-lodge and is highly significant as it creates a real sense of arrival into an important and prestigious area than just a lodge on its own (Craig 1982, 319). This entrance combined with the use of an exotic and unusual architectural Hindu styling was all part of creating a picturesque view of the landscape but also to demonstrate wealth and prestige (Howley 1993, 77). Other examples of an archway cum-lodge can be seen at Bantry Co. Cork, Rafarnham Lodge, Dublin and Bishops Gate at Downhill, Co. Donegal; with many of these demonstrating Classical and Gothic details (Howley 1993, 88). As the space is very narrow within the arch only one vehicle is allowed to pass though at a time today. Unfortunately, today, much of the plaster has collapsed and as a resulted the underlying red brick has been exposed.

Another good example of Gothic architecture can be seen on the design on the parapets that hides the flat roofs of the lodges (Figure 5). The design follows a trefoil design typical of Gothic architecture. This takes a basic geometric pattern, in this case a leaf-like shape, and is repeated two more times in a triangular design. Multifoils appear in Gothic architecture usually in a pattern of four called quatrefoil which can be seen as the main part of the parapet but this time a circular motif is used (Deauchler 1989, 8). This is a quatrefoil-detailed filigree parapet and is thought to have been inspired from contemporary Georgian Gothic ecclesiastical architecture (Murphy 2010, 53). The panels in the window follow a similar design to that of the parapet, it is not strictly a Gothic style but the design manages to incorporate both a Gothic and Hindu feel. The original windows followed a very similar style to the ones that are present today but were pained with glass. These were replaced with iron fittings as part of the restoration between 1967 and 1969.

The most striking feature of the Hindu design is seen in the dome. This is a copper clad ogee-shaped onion dome placed over the central point of the archway behind the parapet with the road passing directly beneath it (Howley 1993, 90). The dome is not as elaborate or well-built as the domes seen in India and is evident that it was copied from somewhere else because of the weakness in its design (Conner 1979, 154-155). It appears to be constructed from eight individual copper



Figure 4: Interior of archway, demonstrating vaulted ceiling through the archway and symmetrical ogee headed doorways.

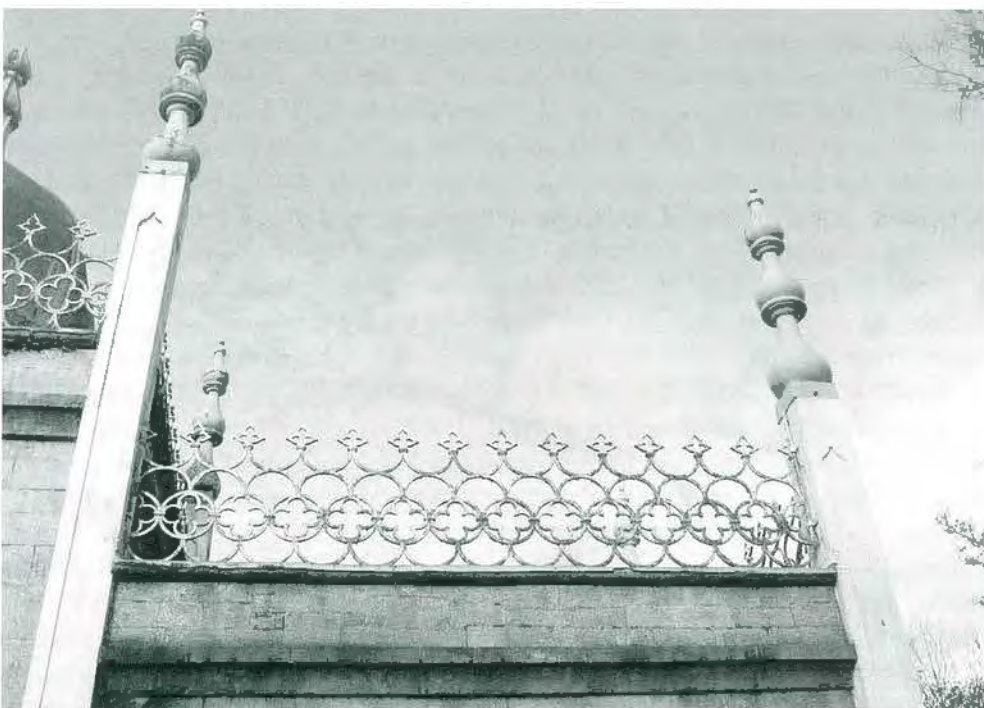


Figure 5: Parapet, east lodge south facing.

panels made up of three horizontal panels and one triangular panel, fastened together and instead of curving outwards to create a more circular and smooth finish they appear to curve inwards. The triangular panels meet together and narrow before topping the dome with a two-part minaret similar to the minarets on top of the corner posts and piers. It doesn't have a smooth finish which is suggested by Day's elevation drawing of the gatelodge of 1849 (Figure 8). The dome sits on top of an octagonal stone structure which is most likely the same height as the parapet as the parapet discretely hides the stone structure so it appears that the dome is coming out through the top of the parapet. The dome today is green and as it is made of copper and it is likely that when it was first constructed it maintained its copper colour for a number of years, however; the change of the colour is not documented. The style of the dome developed from the Chhatri Islamic and Rajasthani architecture which is usually a kiosk dome resting on four pillars. Later these were often supported on square or octagonal structures instead of pillars (Miller 2001, 86; 90). The use of domes was not uncommon in lodges in England and Ireland and an ogee-domed style can be seen in England at Campden House (Mowl 1984, 469).

The top of the onion dome is finished with a minaret in a Hindu style. There are eight minarets used on the construction and are placed at the top of corner features. These are placed on top of decorative posts. The posts and piers are rendered panelled and are finished at the top with decorative finals in an ogee headed style



Figure 6: South facing window.

and is a good example of how the Hindu and Gothic features merge and complement each other. The ogee headed style is also seen in the windows, doorway and the archway (Figure 6). When we examine the doorways of the flanking lodges the Hindu feature is easily seen and it almost is replicating the shape at the top of the onion dome. The ogee headed style that is used is the best example of how Hindu and Gothic features were easily combined and also demonstrates how the two different styles complement each other.

When examining the structure as a whole it can be easily seen how the practical use of a building was combined with its aesthetic value (Craig 1982, 319). The extension of the structure into a bridge allows the visitor to view the structure as a whole from afar and again, really adds to sense of the arrival into a grand estate (Howley

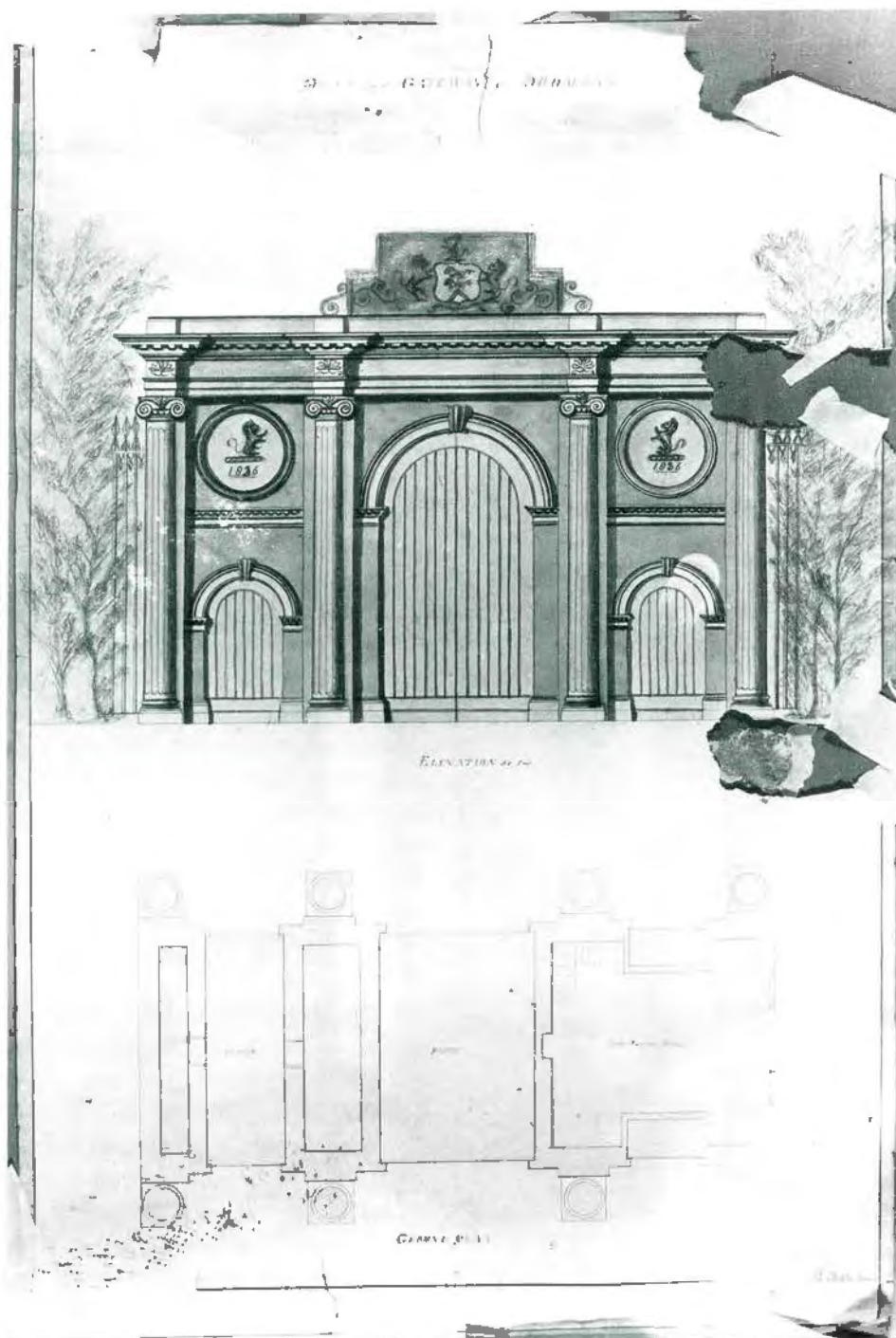


Figure 7: Plan and elevation c. 1826.

Sourced from the Architectural Archives, Merrion Square, Dublin 2.

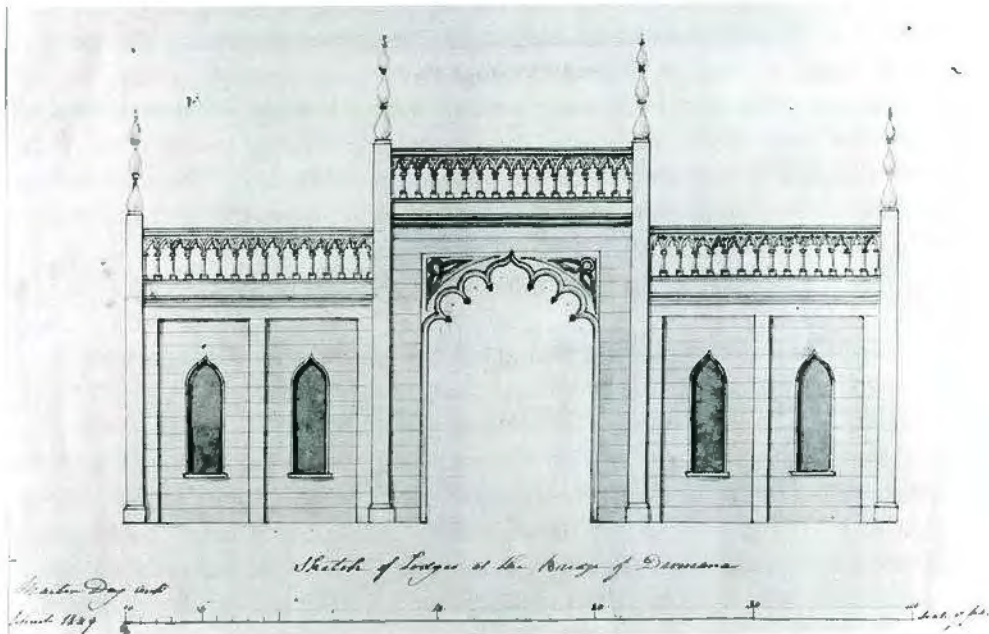


Figure 8: Unused elevation by Martin Day c. 1849.

Sourced from the Architectural Archives, Merrion Square, Dublin 2.

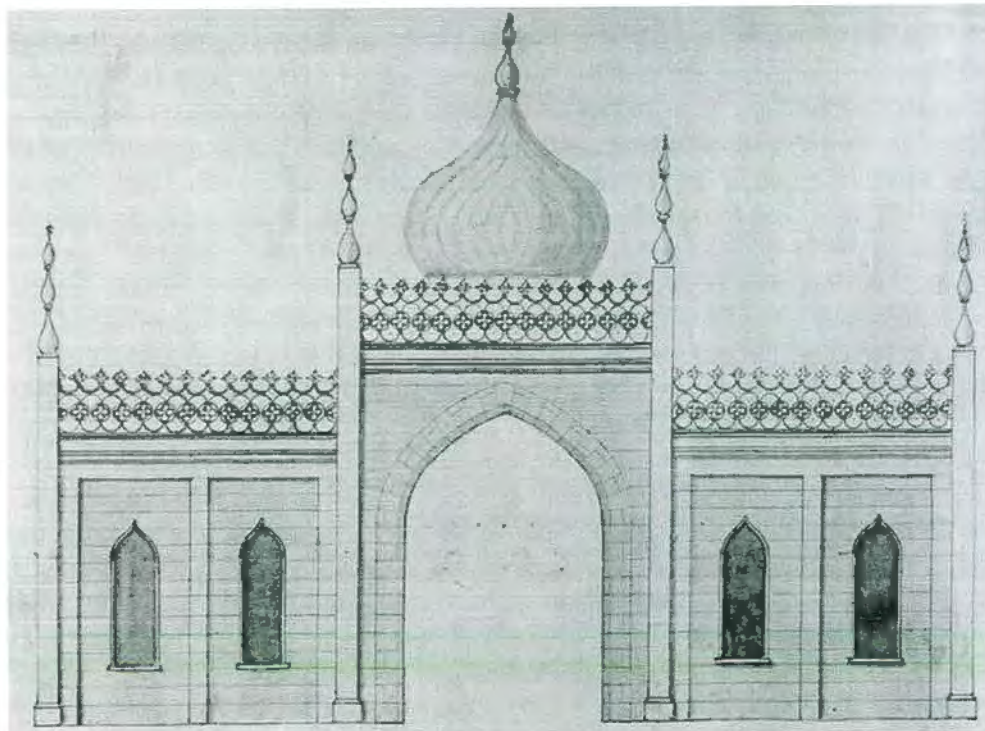


Figure 9: Original elevation by Martin Day.

Sourced from the Architectural Archives, Merrion Square, Dublin 2.

1993, 183; 192). Because the lodge has the same design on both sides, the visitor is reminded of the splendour of the lodge when they leave the estate. The location of the gatelodge and bridge over the Finnisk River is an example of the Villiers-Stuart tradition of locating significant buildings near a riverine location to enhance a picturesque view of the landscape; the first example being the location of the house on the cliff face of the Blackwater (Proudfoot 1992, 532). The most important feature of the architectural stylings is how the Gothic and Hindu features were so easily combined to create such a unique structure.

Plans

The first evidence of construction of a gatelodge at Dromana is in the style of an archway and two flanking lodges that come from a plan and elevation drawn by Martin Day c.1826 (Figure 9). The drawing is signed by Martin Day who was undertaking various work on Dromana estate at the time and completed work on Dromana House in 1822 (Griffith and Robinson, 1989, 140). He was born in Gallagher, Co. Wexford and was active from around 1822 up until 1849 or later (*Dictionary of Irish Architects*). There is no official date on this drawing but is thought to have been done in 1826 or shortly before, suggested by the plaques that appear on the two flanking lodges. This may suggest that it was intended to be built in 1826 so the drawing most likely comes earlier, perhaps while he was undertaking his work on Dromana House in 1822. This drawing shows a Classical gateway and it is thought that it was never built (Murphy 2011, 53).

The plan shows a gateway with flanking lodges on either side with an archway dividing them under which the road would pass and is a really good example of a triumphal arch of the Roman Empire with the idea of the archway being maintained in the permanent 1849 structure (Howley 1989, 77). It is unclear whether this was the original plan for the gatelodge located at the present Hindu-Gothic lodge or considered for a different entrance, however, as there are many features present in this plan that have been used for the Hindu-Gothic lodge one can presume it was an early design. Two more drawings were produced by Day for the construction of a Hindu-Gothic gatelodge; one of these unused (Figure 8) and the other the plan for the structure that is seen today (Figure 9). Both are dated to 1849 and signed by Day, however, they are only elevations. The orientation of the building is not noted so it is unclear what side is being looked at; however, one can presume that it is relevant to the north and south facing wall as the structure today is the same on both sides today. The elevation of the east and west side is not included. The first elevation is unexecuted but similar elements can be seen between that and what stands today. In both drawings two ogee windows are placed on the front of the building with no detailing on the panels of the window. Both elevations have string course above the windows on the flanking lodges and above the arch. Corner posts topped with minarets are also present on the edges of the flanking lodges and piers are placed between the lodges and the archway. The material used for construction is not noted on either drawing.

There are three main differences between the two drawings. The first, and most obvious one, is the exclusion of the onion dome on the first drawing. It is the use

of the onion dome that gives the gatelodge its strong oriental feel, immediately allowing one to think of the Taj Mahal in India. It also makes the structure look more dominant in the landscape, adding a real sense of status, wealth and wonder for the traveller. An interesting aspect is that the drawing portrays a smooth finish to the onion dome which is not seen today and suggests that the style was adopted from elsewhere, with the constructors unsure how to create a smooth finish. The second obvious feature is the difference between the arch styles. The present structure uses a Gothic pointed arch whereas the other drawing adapts a Moorish, horseshoe arch style which suggests a strong oriental feel. As a result, the unused drawing adapts a Moorish style more so than a Hindu style (O'Brien and Guinness 1993, 184). The final alteration can be seen in the decoration of the parapets. In the unused drawing a Moorish style is used for the design of the parapets. The top of the parapet is parallel to the top of the structure and is connected to it by small, narrow columns. There is a pointed arch style used to connect between the two columns which are then overlaid by a flat piece so that the only gap is the pointed arch between the two columns.

Reasons for construction

It has already been well established that the gatelodge was constructed in such an oriental and unusual manner to demonstrate the wealth and prestige of the estate of Dromana, however it also had a number of practical reasons, specifically the construction of the bridge. Although the exact date of the construction of the bridge has not been found, there was a bridge by 1833 as is seen on the first edition Ordnance Survey maps. The construction of the bridge allowed for better access in and out of the estate. Firstly, this allowed for the cultivation of woodland south of the bridge, resulting in increased income for the estate (Proudfoot 1992 532-533). Secondly, and more importantly, it gave greater access to the town of Cappoquin. Before the construction of the bridge, the main route to Cappoquin was in the east at the Curraroche entrance which was an extra three miles to the traveller (O'Brien and Guinness 1993, 184). Cappoquin was an important market town between Lismore and Dungarvan and was navigable by boat from Youghal which demonstrates that easy access to the town was important. The town throughout the 19th century was open to all modes of transportation and was seen as a means to contact the outside world. Coaches were travelling to Dublin, Waterford and Cork and the Blackwater River was used for river navigation (O'Sullivan and McCarthy 2000, 222). The expansion of the Great Southern Railroad to Waterford in 1846 furthered highlights the necessity of ease of access to Cappoquin (Heron 1999, 44).

The most commonly thought reason for the construction of the Hindu-Gothic gatelodge at Dromana was to replace a temporary structure that was built in 1826. Henry Villiers-Stuart married Pauline Ott in 1826, an Austrian Catholic Woman (O'Brien and Guinness 1993, 184). An archway is reported to have been built, possibly in wood and papier maché, as a wedding present to the newly-weds on the return from their honeymoon. The couple were said to have been so overwhelmed and enchanted by it that they decided to rebuild it in more durable materials as a

gatelodge (Breffny and Ffolliott 1975, 190-191). Another source suggests that it was constructed with lathe and plaster (O'Brien and Guinness 1993, 184) and it is also reported to have been made with timber and canvas (Morley 1993, 90). The best conclusion is that it was made by all these materials! (Murphy 2010, 53) Either way, the materials described would not stand the test of time, so a permanent structure needed to be built to maintain the lavish structure. It is difficult to know what the temporary structure looked like as there does not appear to be any records or plans of it. The most important part of this story is that the couple honeymooned in Brighton; and saw King George IV's Royal Pavilion famous for its extensive use of oriental architecture, Chinese and Hindu inspired.

The Royal Pavilion at Brighton

In the late 18th century, Brighton became a popular tourist spot in England following the publications of Dr. Richard Russell whose book announced the curability of sea water. Brighton became a place for the upper class to holiday and this included the future king of England; King George IV. Here, he purchased a small house that would later grow into the Royal Pavilion (Grouard 1979, 24). The pavilion had several architects and was first constructed by Henry Holland as the Marine Pavilion in 1787, which would be altered significantly (Morley 1984, 32). The changing of the Marine Pavilion into the Royal Pavilion began in the early years of the 1800s with the redecoration of some of the main rooms into a Chinese style (Grouard 1979, 26). William Porden was the first architect to put plans forward which were based on a Chinese design for the reconstruction of the outside of the Pavilion, but it is thought before his plans were completed, the prince's taste changed as a result of his discovery of the Indian style. From this, Porden built a stable and riding school for the prince based on Indian architecture (Nicholson 1968, 285). The use of an Indian style slowly began to emerge between 1803 and 1808 when a riding school and stables were constructed (Grouard 1979, 26). Architect John Nash was hired by the prince regent between 1815 and 1823 to work on the pavilion and to complete it in an 'eastern' style to match the previously built stable block by William Porden (Tyack). John Nash also designed a few buildings in Ireland including the unique Swiss Cottage in Co. Tipperary (Morley 1993, 82).

The construction of such buildings in an eastern style was the result of an Oriental 'craze' at the beginning of the 1800s; people were becoming fascinated by China and India, and the Brighton Pavilion is just one example. This was mainly a result of the increase of travelling to Europe and beyond which exposed people to other cultures and civilisations which produced a fascination of the remote and the exotic. This was re-produced in architecture, art and literature (Girouard 1979, 27). The adoption of the oriental style first emerged through the paintings and wood carvings of William Hodges, who published his works in *Select Views in India* between 1785 and 1788, and Thomas and William Daniell's publication of *Oriental Survey* between 1795 and 1808. In conjunction with this, there was an increase in interest in Indian culture as a result of growing British power in India

(Conner 1979, 113-117). Nash based his designs on the palaces of the maharajas of Delhi which he would have seen in the publications of the Daniells and Hodges (Saudan and Saudan-Skira 1988, 135). However, the use of the Indian and Oriental style did not take off in a huge way in England and died out quite quickly (Nicholson 1968, 283). The only example outside England is at Dromana and in a sense it was 'Irish-ified' (Heron 1999, 2).

At the same time the style of architecture in England was beginning to change which saw the second phase of Neo-Classicism emerging from 1790s onwards. As a result there was a move towards more picturesque context to create more imaginative and romantic buildings and Nash was one of the leaders of this emerging style (Mansbridge 1991, 14). One wonders why King George picked the Indian style for the exterior of his holiday retreat. It seems that, through the purpose of elimination of Gothic, Grecian, Moorish, Turkish, Chinese and Egyptian, Indian was the best option to assimilate it into the existing structure (Morley 1984, 53). Nash himself was interested in various styles including Gothic, Tudor Chinese and Hindu, and was thus aware of the various features of each (Mansbridge 1991, 14). It is interesting in Brighton, that both Hindu and Chinese inspired features do occur in England because in general, the English people were reluctant to adopt styles from foreign countries (Saudan and Saudan-Skira 1988, 160).

The adoption of such styles was adapted freely by the architects. Architects were allowed to play around with the styles available because there were no specialists in England that would notice the difference but it also allowed architectures to fill in the gap and to create their own fantasy (Nicholson 1968, 287). In fact, some Indian and Gothic features are quite similar. Repton; a potential architect for the Pavilion, noticed this and he felt that Gothic, Indian and Grecian styles could be easily integrated with each other (Morley 1984, 55). This can be seen at windows and doors at Dromana as well. There was never intent to make an exact replica of Oriental buildings and it was the more so the idea of using the oriental style that was important (Saudan and Saudan-Skira 1988, 135). This can be particularly seen at Brighton where elements of Chinese and Indian style are mixed in with Nash's own ideas (Grauard 1979, 28). As a result, it can be said that the inspiration for the architectural styling of the gatelodge was a direct response from the couple to their excitement of the King's extravagant palace (Breffny and Ffolliott 1975, 190).

Comparison between Dromana and Brighton

When the pavilion in Brighton and the Dromana gatelodge are looked at side by side a number of parallels can be seen with both having Hindu and Gothic features. At the pavilion the Hindu aspect can be seen with the presences of domes, pillars, minarets and porticos and the Gothic features come through with the use of battlements, ogee flying buttresses, battlemented turrets and the use of diaper pattern on the screen (Morley 1984, 71). One of the dominant features used at both the pavilion and the lodge is the presence of the onion dome. The dome created by Nash at the pavilion was a deliberate refinement of what he would have seen from

the drawings in Thomas and Williams Daniels *Views of the Oriental Scenery* (Nicholson 1968, 287). The use of copper for the onion dome comes from its use in Brighton and was used to compliment the use of Bath stone on the construction of the pavilion. The use of copper in the architectural detailing is seen as sacrosanct to the reign of King George IV. Copper was first used on the pagoda roofs and was extended to other parts of the pavilion, including the North Gate (Morley, 1984, 73-74). This is really important because Day clearly adapted Nash's adaptation of Indian architecture in deciding to use and maintain copper for the dome at Dromana as well as adopting Nash's version of a Hindu dome.

The most important comparison between Brighton and Dromana is the North Gate. It is generally thought that the gatelodge is based on this free-standing gateway at the pavilion (O'Brien and Guinness 1993, 184). The North Gate, also a lodge, was built to enclose the grounds. The North Gate takes on a Moghul style and was not completed until 1832 (Conner 1979, 112). However a number of issues present itself when looking at the North Gate. The North Gate was not constructed until after the death of the King and was built by a different architect; Joseph Good on the request of William IV following the death of King George IV. It is thought that Good based his construction on an early design by Nash (Mansbridge 1991, 203). As a result, the original people in the construction of the Royal Pavilion were no longer influential in its design. In comparing the two structures a number of parallels present themselves. A copper dome is used at the centre over the arch way, both have flanking lodges, minarets are used in both cases and extend at roughly the same points and the function is very similar with both of them being used as entry points. It is also possible that it is from the North Gate at Brighton that Day adopted the unused horse style arch which is seen on the unused elevation drawing for a gatelodge in Dromana in 1849. However, the construction of this lodge is later than the marriage of Henry Villiers-Stuart and Pauline Ott. It is therefore going to be suggested here that following their honeymoon a temporary structure was constructed in a Hindu-Gothic style but when the time came to build a permanent structure the couple or Martin Day, the architect, revisited Brighton and may have used the now constructed North Gate as a template for the construction of the permanent Hindu-Gothic gatelodge for Dromana, and thus the couple were initially inspired by their first visit to Brighton, so much so, that they wish to reconsider the design when building the permanent structure. Therefore, it is possible to retrace the architectural stylings at Dromana, to the Royal Pavilion in Brighton which was directly inspired by travellers to the Far East and explain the origin of this unique structure on the Irish landscape.

The gatelodge at the present day

Disappointingly, the construction of the 'permanent' structure does not guarantee its existence on the landscape. Throughout the 1900s the lodge went into decline. This was mainly due to lack of finances among the Villiers Stuarts which also saw them demolishing a greater part of Dromana House in 1966. At this stage the lodge was empty and was in a dangerous condition. Repairs needed to be made to the

windows, the roof was leaking and ivy had overgrown the structure in many places (O'Byrne 2008, 37). The lodge itself stands on the side of the river that was taken over by the forestry commission and it went into serious disrepair under their hands (Breefny and Ffolliott 1975, 191). From 1964 onwards, the Georgian Society began making efforts for its repair and the first funds were raised at a fashion show in Leixlip Castle in May of 1964 (O'Byrne 2008, 37) (Figure 10 and 11). Dan O'Neil Flanagan, a Waterford architect, offered his services for free to repair the structure. He was helped by a local construction worker from Cappoquin, John Costin who raised funds in the locality (O'Byrne 2008, 37). The survival of the building to the present day would not have been possible if it was not for the campaign and restoration work of the Georgian Society in the 1960s (O'Byrne 2008, 221). However, this has not ensured the protection of the structure and vandalism continues to this day. Further repairs were made in 1990 by Waterford County Council (Murphy 2010, 53).

Conclusion

By looking at the discussion presented it would appear that a gatelodge or gateway was on the minds of the Villiers Stuarts in the early 1820s but that a permanent gatelodge was not built until 1849. It is difficult to know for certain the conditions of a lodge type structure in a Hindu-Gothic style in the 1820s. The historical 6' map from 1833 to 1844 shows a 'lodge' in the location of the present day gatelodge and a bridge crossing over the Finnisk River. The 25' map from 1887-1913 shows a lodge this time called 'Cappoquin Gatelodge' and the bridge is referred to as a wooden bridge. This would suggest that a lodge of some sort did exist to control access to the estate before the construction of the permanent Hindu-Gothic archway but it is unknown to what extent did this lodge adapt the style of the original Classic gateway planned by Day or the latter Hindu-Gothic lodge. Another issue discussed is how the gatelodge is most likely based on the North Gate at the Royal Pavilion, although it was not constructed until 1832 (Conner 1979, 112). From this, it would suggest that the Hindu-Gothic style was not fully executed until 1849 when a more permanent structure was needed but was first inspired by the newly-weds first visit to Brighton in 1826. It is likely that they revisited Brighton with Day's original drawing in mind and took elements from the Pavilion and the North Gate when they decided to build a permanent structure to replace what had previously existed. As the only example of a Hindu-Gothic structure in Ireland the Dromana Gatelodge is truly a unique structure on the Irish landscape and today remains 'One of the strangest gate lodges in Ireland' (Howley 1993, 90).



*Figure 10: Condition of bridge before restoration by the Georgian Society 1966-1967.
Sourced from the Architectural Archives, Merrion Square, Dublin 2.*



*Figure 11: Condition of bridge following restoration of the Georgian Society 1966-1967.
Sourced from the Architectural Archives, Merrion Square, Dublin 2.*

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Ardkeen House

Pat Grogan

OLD houses have had an enduring appeal to many not only either on account of their location or the beauty of their surroundings and their appearance, but principally on account of the people who have occupied them over the centuries. Ardkeen House is no exception and is linked with the lives and fortunes of at least three names, Malcomson, Fanning and de Bromhead.

Situated on a slight eminence and facing south, Ardkeen House was set among mature trees and parkland and bounded by the Dunmore Road, and the circle of Maypark Lane. It had originally been built for John Malcomson, (1804-1881), around 1865. John's wife was Rebecca Pim (1814-1884), and there were no children of the marriage. The progenitor of the Malcomsons was Andrew, a Presbyterian and a skilled linen weaver from Scotland, who settled in Lurgan around 1700. Joseph, one of his sons, married Rachel Greer, of the Society of Friends. Joseph remained a Presbyterian, but his eleven children were reared as Quakers. Joseph died in 1774, and his son David, age nine, came south to Clonmel to join his older brother John to work for cousins, the Grubb family of Anner Mills, who were also Quakers. David was employed by Sarah Grubb 'to aid her in the administration of her late husband's estates'. This was valuable experience for the future entrepreneur. He became agent to John Bagwell of Marfield corn mill, and through Bagwell's influence, was made a freeman of Clonmel.¹

By the time he was thirty years old in 1795, when he married Mary Fennell of Cahir Abbey, David Malcomson owned a corn mill on Suir Island, Clonmel. Mary brought him on her marriage a dowry of £1,500 and a portion of the estate of Crohane near Cahir. Between 1800 and 1828 David's milling business prospered by the addition of mills and stores at Clonmel—his brother John bought a mill on Suir Island for him at a cost of €3,000 in 1809, and David acquired one at Carrick-on-Suir, and another at Pouldrew near Portlaw in 1824 where he dug a canal of a half-mile from the Suir into the mill for 20 ton lighters to load. The Portlaw to Kilmeaden road passes over this canal at the skew bridge today—the mill was demolished in 1954, but the mansion remains. In the year 1828 alone, of 344,844cwts² of flour exported from Waterford port, one quarter, or 82,140cwts, came from Malcomson Mills.³

In 1825, at the age of sixty, David built the cotton mills at Portlaw, including a canal linking the Clodiagh River with the Suir, a fleet of 40 ton barges built in the workshops at the plant, and a model village to house his workers. Power was

1 Notes on Malcomson family [NLI MS 8146], cited in M. Ahern, *The Quakers of Co. Tipperary*, (2009), p. 296.

2 The hundredweight (cwt), is the equivalent of 112 lb (8 stone), which is equal to 50.802345kg.

3 P. Solar, 'Agricultural Trade Port of Waterford', in Nolan & Power (eds.), *Waterford History & Society*, (Geography Publications, 1992), p. 511.



Figure 1: John Malcomson 1804-1881.

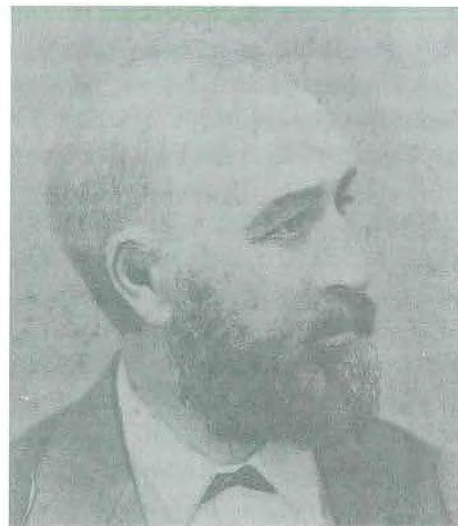


Figure 2: John Henry Fanning.



Figure 3: Henry Oliver de Bromhead.



Figure 4: Catherine M J Fanning de Bromhead.

provided by three large water wheels operated by a weir and sluice on the river Clodiagh, supplemented by steam power using coal from Wales and later with coal from his own mine in Germany's Ruhr Valley. By then, David had brought his three eldest sons into the firm, Joseph [b.1798], Joshua [b.1801], and John [b.1804], retiring in 1837, and dying in 1844 at seventy-nine years of age. He left capital for his three younger sons, Robert, William and Thomas to strike out separately in business.⁴ Joseph, his eldest, and most astute of the family, became head of the partnership of Malcomson Brothers, who by this date, in addition to corn and cotton mills, had controlling interests in shipping lines (Waterford Steamship Co., Cork Steamship Co., and shareholdings in P & O Line), railways, fisheries, peat works and coal mines in Germany's Ruhr Valley. In 1856 there was a workforce of 1,648 at Portlaw alone and a further 150 girls in a spinning factory at Clonmel.⁵ Joshua remained in Clonmel in charge of the milling industry, while John was the shipping agent for the company in Waterford.

The Waterford Steamship Co. expanded in 1843 when the Neptune Iron foundry was opened, initially to carry out repairs to their fleet of ships but by 1847 shipbuilding began with the launch of the *SS Neptune*, a paddle steamer. Between 1847 and 1882, about forty steamships were built from 80 ft to 318 ft in length, from 80 tons to 4,000 tons deadweight. The shipyard and foundry was at Park Road on the site between Canada Street and the present Waterpark School. The slipway from which the ships were launched is still to be seen. In 1858 during the construction of the four-mast screw steamer *Cuba*, the bow of the ship hung across the Park Road due to the volume of orders at the yard.⁶

Neptune House, demolished in the late 1990s and the former home and shop of the Murphy Sisters of Park Road, and fronting on the old shipyard, was the home of John Hom, Superintendent of the Neptune Yards, who was brought to Waterford from the Clyde in Glasgow in 1849 by the Malcomsons, at a salary of €20 per month, due to his expertise in iron shipbuilding. He was succeeded by his son Andrew in 1870, and who is listed as residing in Gortmore House, Summerville Avenue in 1909.⁷

A turning point in the Malcomson history occurred in 1856 with the death of the senior partner Joseph at the age of fifty-eight. His brother William became the head of the firm, and forthwith, Joseph's widow Charlotte [*nee* Pim], who had a legal marriage agreement, and with 3 sons to cater for, withdrew Joseph's capital, worth €750,000, convinced that William was not the man to lead the business. Indeed, in 1866, John Malcomson, of Ardkeen House, one of the original partners and shipping logistics manager, followed suit and withdrew his substantial share of €750,000 from the firm. It appears that John agreed with Joseph's wife's opinion of William and rescued his money before it was squandered.⁸

⁴ Bill Irish, *Shipbuilding in Waterford*, (2001), p. 131.

⁵ Returns of factory inspectors, as cited in T. Hunt, 'The Portlaw cotton plant, 1835-1904', in *Decies* 56 (2000), p. 140.

⁶ Bill Irish, *Shipbuilding in Waterford 1820-1882*, (2001), p. 156.

⁷ Thom's *Directory of Waterford 1909*.

⁸ Bill Irish, *Shipbuilding in Waterford*, (2001), p. 142.



Figure 5: John Henry de Bromhead.



Figure 6: Ardkeen House 1910.

Despite this, between 1861 and 1866, the Malcomsons commissioned the building of a number of grand houses, 'Elva' at Ardkeen near Waterford, by John, 'Minella' in Clonmel by Robert, 'Woodlock' and 'Clodiagh' at Portlaw by George and Fred, [sons of Joseph], 'Milford', Portlaw, by William, and 'Villa Marina', Dunmore East, by David, [Joseph's eldest son], who died in 1867 when his only son Joseph was seven years old. Joseph later married Anne King of Mount Pleasant House, Waterford, but also died very young, and his mother had the Fisherman's Hall in Dunmore built in his memory. Some of the Malcomson houses were similar in style and size, described as 'elaborately plain with lurking indications of luxury' and were designed by John Skipton Mulvaney, a nationally acclaimed architect who also designed the Broadstone and Athlone Railway Stations.⁹

This heavy expenditure was incurred despite a shortage of raw cotton from America caused by the Civil War, as the Army and Navy of the Union had blockaded the Confederate southern ports. This alone would not have ruined the brothers: production at Portlaw continuing with a reduction in staff numbers. Joseph's aunt Rachel [*nee* Pim] withdrew £10,000, but William, as head of the business, was expending huge sums of money on impractical schemes at home and abroad. Another blow to the company was the bankruptcy of the Malcomson bankers, the firm of Overend & Gurney of London, with debts of 13 million pounds sterling, of which at least 2 million was Malcomson money. In 1867 the late Joseph's son David died of 'intemperance' at the age of thirty-seven. His widow proceeded through the courts to have her husband's considerable share of £198,000 withdrawn from the business and these calamitous events forced Malcomson Bros. into bankruptcy in 1877.¹⁰

The last order, for the steam yacht *Maritana* was completed in 1882. She was 77 ft long and weighed 56 tons and won a prize for elegance at Cowes Regatta in 1884. Her owner was Thomas St Leger Atkins of Waterford. Neptune Ironworks came under the control of Limerick Steamship Co. and in 1883 there were just thirty-two persons working there from a peak of 300 to 400 in the 1860s. Limerick Steam Ship Co. survived in the ownership of the Morley family—one of them had married a daughter of William Malcomson of Portlaw—until 1968, when it was merged with Palgrave Murphy of Dublin to form Hibernian Transport Co. Due to a bank strike in 1970 this company was liquidated, and went into the *Guinness Book of Records* as the longest liquidation—which finally took place twenty-five years later in 1995, when a descendant of the Malcomsons, Mr. Terry Crosbie, inherited a final dividend which paid for his daughter's wedding reception at the Haven Hotel—formerly 'Villa Marina' the summer home of David Malcomson.¹¹

The magnificent houses belonging to the Malcomsons followed the fate of the family's declining fortunes and were sold in the following years. Ardkeen House and lands were bought by the Gallwey family of Woodlands (descendants of the

9 *Ibid.*, p. 136.

10 *Ibid.*, p. 174.

11 Information courtesy of Mr Terry Crosbie.



Figure 7: Ardkeen House 1937.



Figure 8: Gatelodge Ardkeen 2013.

Powers of Faithlegge and Ballinakill) and leased to Henry Oliver de Bromhead on his marriage around 1900. Born in 1871, he was of English stock, a solicitor and was listed as a justice of the peace for County Waterford in 1909.¹² He married Catherine Mary Josephine Fanning, daughter of John Henry Fanning of Viewmount House. Fanning was a relation of James Fanning whose family were originally from Rochestown, Mullinavat and described as comfortable farmers. James was born and educated in Waterford about 1730, in early life went to Spain, set up in Cadiz as a general merchant until 1763, when having realized about £4,000 he retired home to Waterford.¹³

He married the widow of Redmond Grace, heir of Richard Butler of Luffany, and came into possession of considerable estates in the Barony of Iverk. However, under the provisions of the Penal Laws, forbidding Catholics to own estates, a man named Windis challenged Fanning in the Court of Chancery in 1770 for the property, so the Fannings, to defeat Windis, disposed of the property and retired with their two children to France in 1775, where he obtained letters of naturalization on 12th December 1788, under the title of Sir Jacques de Fanning.¹⁴ He fled the French Revolution to England in 1791, his estate in France was confiscated and although he returned to Paris in 1802 and sought the return of his property he died in comparative poverty there in 1806, having failed in getting any redress. His wife and two remaining children had died in England during the Revolution.¹⁵

However, he made a will in 1804 leaving one third of his French possessions, which were in dispute: 'to the poor of Waterford, confined to natives of Waterford or who may have been living seven years in the city and who though indigent and helpless by old age or infirmity should be considered of a class who from their respectability would decline to enter the Union workhouse'.¹⁶ Fanning's will had no effect until 1820 when £1,500 per annum was received, but in 1822 Sir John Newport began proceedings in the French courts to recover the legacy. Newport was a member of the banking family resident in Waterford from the early 1700s. He was MP for the city 1802-1832, mayor in 1818 and died at Waterford in 1843 aged eighty-seven.

Legal arguments dragged on until 1841 when the bequest of James Fanning, amounting to £31,514.10.0 was awarded to the Board of Charitable Donations and Bequests.¹⁷ The old House of Industry at the Glen was rebuilt, renamed the James Fanning Charitable Institution and opened its doors in the spring of 1844 to thirty-four men and forty-eight women. The Fanning family, through the Iverk ancestors, came into possession of the lands of Farranshoneen, on the Dunmore road,

12 Thom's *Waterford Directory*, 1909.

13 Anna Wigham, 'Early Years of the Fanning Institution', in *Decies* 14 (1980), p. 49-50, citing *Report of Fanning Institution*, (Harvey & Co. Waterford, 1853).

14 Richard Lahert, 'Some Charitable Institutions Old Waterford', in *Decies* 29 (1985), p. 26.

15 Edmund Downey, *Illustrated Guide to Waterford*, (1919), p. 86.

16 *Egan's Waterford Guide*, (1894), p. 394.

17 Anna Wigham, 'Early Years of the Fanning Institution', in *Decies* 14 (1980), p. 49-50, citing *Report of Fanning Institution*, (Harvey & Co. Waterford, 1853).



Figure 9: Ardkeen House 1988.



Figure 10: Demolition of Ardkeen House, 18 April 1988.

Waterford, where still stands their home, Viewmount House. They also inherited through marriage, the well-known business of Henry Downes & Co, Wine and Spirit Merchants of Thomas Street, founded in 1797. The firm's former bonded warehouse can be seen at the junction of Thomas and Barker streets. *Downes No. 9*, a twelve year old blend of Irish whiskeys is still on the market and prized by connoisseurs among whiskey drinkers.

Henry Oliver de Bromhead JP of Ardkeen House became head of Henry Downes & Co., and was a well-known horseman. A silver cup won by him at the old Tramore Racecourse around 1900, is still in the family's possession. He died at the age of fifty-seven in 1928 and was succeeded by his son John H. During and after the Second World War, the annual Ardkeen Gymkhana on the parkland, was a notable social event of Waterford. John H de Bromhead served as an officer of the Local Defence Force in Waterford during the Emergency, 1939-1945.

In 1948 the estate of Ardkeen was bought by the Minister of Health, Dr Noel Browne, as part of his campaign against the scourge of tuberculosis which had been rampant in Ireland for generations. Soon the lovely grounds were covered with a network of roads connecting the chalet-type treatment units, with the old house serving as offices. The de Bromhead family moved to Knockeen, Butlerstown, where John H's son Harry still farms and continues the family's successful tradition in horse-breeding and racing, together with his son Henry. Harry's brother John ran the business of Henry Downes & Co., which celebrated 200 years in existence in 1997. John de Bromhead died a comparatively young man about ten years ago and is succeeded there by his son John. The de Bromhead name is considerably older—Harry de Bromhead has traced his lineage back to the twelfth century.

Unlike the de Bromheads however, Ardkeen House has not survived. After many accretions and mutations over the years as an administration centre for the Waterford Regional Hospital, the old house was demolished in the last decade of the second millenium, and some fragments of the Palladian-style entrance pillars were to be seen on the riverbank at the foot of Maypark Lane, where the rubble was dumped as infill. However, the old gate lodge, built in the same style, survives. Other former Malcomson houses are still in existence: 'Villa Marina' is now the Haven Hotel in Dunmore; 'Minella' is the Minella Hotel in Clonmel, 'Melview' Clonmel, is a nursing home, and 'Woodlock' was the well-known retirement home in Portlaw run by an order of nursing nuns up to very recently. Viewmount House, once the home of the Fannings, and later the Waterford offices of McInerney builders, and the future of which was in doubt, has happily received a new lease of life with its conversion to apartments.

In the bar of Henry Downes & Co. of Thomas St. Waterford, hang portraits of John H Fanning and his daughter Catherine Mary Josephine Fanning de Bromhead (on horseback) of Ardkeen House and formerly of Viewmount House. On the marriage of her son John H, Mrs. de Bromhead moved to Belmont House, Ballinakill, overlooking the River Suir and Little Island and died there in 1963 at the age of 89.¹⁸

18 Information courtesy of the late John de Bromhead.

Acknowledgements.

Fanning and de Bromhead photographs courtesy of Mr. Harry de Bromhead, Knockeen, and Mr. & Mrs. John and Rachel de Bromhead, of Henry Downes & Co., Thomas Street,

Ardkeen House photographs courtesy of Mr Harry de Bromhead.

John Malcomson photograph courtesy of Waterford Museum of Treasures, Bishop's Palace, and Mr. Terry Crosbie.

Photo captions courtesy of Mr. Vincent Byrne.

John Horn 1814-1895

Bill Irish

John Horn was born 21st December 1814 at Glenchapel Quay near Dumfries. Apprenticed to Robert Napier's marine engineering business *circa* 1826, by 1832 he had become foreman aged only eighteen. Robert Napier was one of the greatest marine engineers and shipbuilders of the era. In the late 1830s Horn entered into a partnership with the forerunners of Randolph Elliot and Co. of Glasgow. However this must not have worked out, as he returned to Napier and worked on the *Vanguard* Napier's first iron-hulled ship launched in 1843. Horn was involved there in prototype engines and the further development of compound engines.

In 1849 John Horn was recruited by the Malcolmsons to manage Neptune shipyard in Waterford. He arrived in the city on 14 September and his salary was £20 a month. The Neptune shipyard was established in 1843 and was located between Canada Street and Scotch Quay.

Horn fully understood and practiced Isambard Kingdom Brunel's construction techniques while at the same time adding his own innovations. He initiated a very ambitious and aggressive programme of shipbuilding at Neptune making a mark at home and abroad. Under his leadership the largest ships in Ireland were built at Waterford and were renowned for the strength of their hulls. One of the Neptune ships for example the *SS Avoca* was the first steamship to force the ice at Odessa.¹

Under John Horn's enlightenment leadership the Neptune shipyard built over forty steam ships and employed over 1,000 workers. The Russian government had made overtures to Joseph Malcomson to operate a service between England and St. Petersburg, and he agreed by founding the St. Petersburg Steam Ship Company with the *SS Neptune* making the inaugural journey arriving at St. Petersburg to a huge welcome. Czar Nicholas 1 came to greet her in his state barge, forts and warships fired salutes of honour, and the czar granted her freedom from ports dues for life. Under John Horn during the 1850s Neptune initiated a phase of constructing larger vessels outclassing and improving on their achievements to date. The mid-1850s to the late 1860s was their golden age as they built several transatlantic passenger liners, many of them the largest ships built in Ireland at that time.² Horn's fourteen forges were used to make the riveting process.

SS Leda completed in 1854 at a cost of £9,505 'was built to accommodate passengers, was well ventilated and divided into six compartments (possibly watertight), a connection being formed with each to the engine room – an early innovation of John Horn's.'³ Certainly his watertight compartments were a feature of the *SS Cuba* launched on 25th September 1858. Cement on the 'inside bottom of the

1 See, <http://www.askaboutireland.ie/>

2 Bill Irish, *Shipbuilding in Waterford 1820-1882: A historical, technical and pictorial study*, (Wordwell, 2001), xix, p. 131.

3 *Ibid.*, p. 154.



Figure 1: John Horn, 1814-95.



Figure 2: SS Neptune 1853.

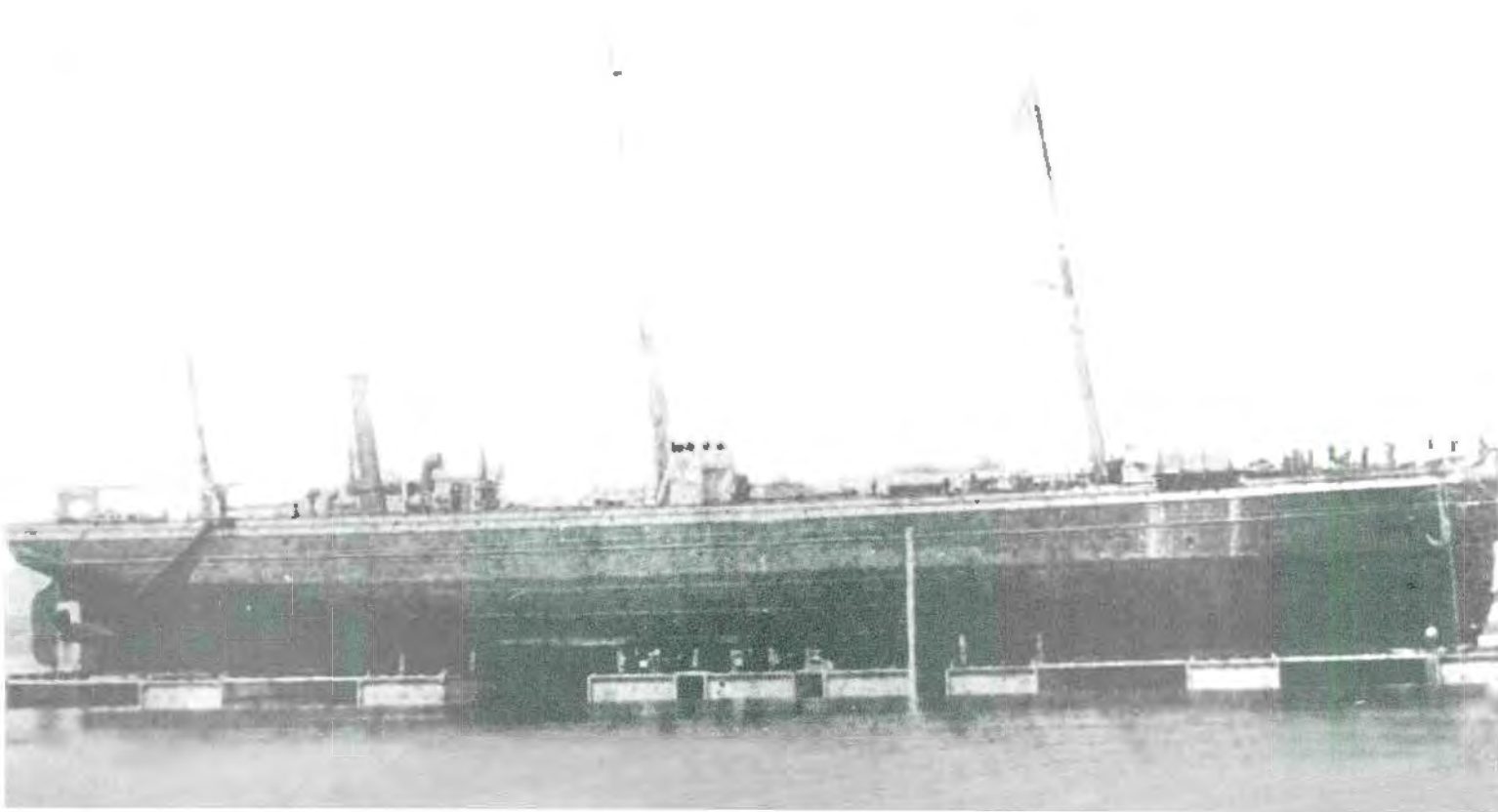


Figure 3: SS Odessa during overhaul.

hull to prevent rusting and deterioration'. This innovation was at least one year ahead of Harland and Wolff of Belfast, who claimed to be the first to introduce the plastering of cement onto the inner plating.⁴ John Horn introduced this feature before many yards in the UK and he was following in the footsteps of the master of all iron ship designers, the great Isambard Brunel.

Before the *SS Cuba* was launched, Brunel had laid down the keel of his last great ship, the *Great Eastern*, and had further improved its safety by fitting it with a cellular double bottom, making it into a complete and watertight double hull.⁵ In 1856 the building of *SS Abeona* (later *Odessa*) by John Horn, discarded the bowsprit and figurehead and introduced the straight bow and again this was several years ahead of Harland and Wolff.

In the period 1867-8 John Horn was designing ships for Malcomsons to be built elsewhere, as Neptune had not the capacity to cope with all their needs.

Brunel's technical innovations and his adoption of screw propulsion were not lost on the major iron shipbuilders of the day, among them John Horn of Neptune, who borrowed Brunel's construction methods for the *SS Avoca* (built in 1861), the *SS Cella* (built in 1862), the *SS Iowa* (built in 1863), the *SS Cordova* (built in 1864), the *SS William Penn* (built in 1865), and the *SS Indiana* (built in 1867).⁶

By the 1870s the fortunes of the Malcolmsen family were in decline. In 1870 Andrew Horn was manager of the shipyard which by now was building steam yachts and other craft. Over time the workforce was reduced and by 1882 when the shipyard finally closed the workforce numbered just thirty-two.

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Grave Inscriptions

The Abbey, Kilculliheen, Ferrybank, Waterford:

In fond memory of James, eldest son of John and Isabella Horn, who was drowned while bathing in Tramore Bay 23rd June 1859 aged 18 years.

Waterford Chronicle 25 June 1859, 'a very dismal event took place on Thursday afternoon in Tramore. Mr. James Horne, son of the superintendent of the Neptune Iron Works and himself in the same employment, went to bathe in Tramore near Rhinesthark and was unfortunately drowned.'

4 *Ibid.*

5 *Ibid.*

6 *Ibid.*, p. 154-156.

The Abbey, Kilculliheen, Ferrybank, Waterford:

In loving memory of Emily, wife of Andrew Horn of Park Road
Waterford who was called to her eternal home Friday June 13th 1879
aged 33 years.



Figure 4: SS Odessa at sea c. 1865.

Hanged on Ballybricken Hill: Capital Punishment in Waterford in the Nineteenth Century

Pat McCarthy

THE grim high walls of the jail dominated Ballybricken Hill for over 100 years. It was there that those condemned to die for their crimes took their last steps before being launched into eternity in that most appalling nineteenth-century spectacle – the public execution. The National Archives of Ireland contains a large ledger with the grim title ‘The Death Book’.¹ In it is a list of hangings in Ireland between 1852 and 1932. When combined with the reports of the Inspectors General² on the state of the prisons in Ireland it is possible to compile a list of those executed in this country between 1835 and 1932. Between 1835 and 1900 some 237 people were hanged in Ireland, mostly for murder (including conspiracy to murder and aiding and abetting murder) although executions also took place for attempted murder, shooting at a person and rape. There were 164 executions in the twenty-six counties in the twentieth century. Twelve men and one woman were hanged under British civil jurisdiction between 1900 and 1911. Fifteen men were executed by firing squad after the 1916 rebellion and a further 102 were executed during the War of Independence (1919-1921) and the Civil War (1922-1923), ninety-one shot and eleven hanged. Thirty-five people, including one woman, were executed for murder between the end of the Civil War and the last hanging in Mountjoy, that of Michael Manning on the 20 April 1954.

Of these executions fifteen took place either outside or inside the prison on Ballybricken Hill. The first was carried out on 14 March 1835 and the last on 10 April 1900. This is the story of these fifteen men and of the crimes with which they were charged. One was a blatant miscarriage of justice but the crimes of the others give us an insight into capital crime and the administration of justice in Waterford in the nineteenth century. Were these men hung for patriotism or for passion, for love of country or for the few small acres of the family holding?

Capital Crime in Ireland in the Nineteenth Century³

By 1827 the death sentence could be applied in Irish courts for over 400 offences ranging from larceny of more than 5 shillings or burglary to murder or treason. That year a total of 346 persons were sentenced to death including twenty-two for murder. Twelve of those convicted for murder were executed but only twenty-five

1 National Archives of Ireland, The Death Book, GPB/CN/5.

2 *Report of the inspectors general on the general state of the prisons of Ireland, 1835*, (HC, 1836), 114, xxxvi, 440.

3 W. E. Vaughan: *Murder Trials in Ireland 1836-1914* (Dublin, 2009), p. 1-21.

of the other 324. In 1829 Parliament repealed many of the Irish Capital Statutes of the previous century, the first of a series of such acts which by 1835 restricted capital punishment to murder and high treason. In the first half of the century 'murder' was deemed to include conspiracy to kill or an attempt to kill. However a verdict of manslaughter was allowed for in cases of justifiable killing or killing without malice aforethought. The accused would still be charged with murder but the jury now had the option of a manslaughter verdict, punishable by penal servitude or transportation. The Offences against the Person Act of 1829 also made the death sentence mandatory for murder and prescribed how and when the death sentence was to be carried out. The sentence was to be executed on 'the next day but one after that on which the sentence shall be passed'. The execution would now be carried out at the county or city jail but was still to be a public spectacle. A temporary gallows would be erected outside the prison walls. For Waterford city and county this meant that all executions would now take place on Ballybricken Hill. Before this prisoners were often executed at the place where the crime was committed. In 1798 both Francis Hearn and Edmund Power were condemned to death by court martial, their crime – administering the oath of the United Irishmen Hearn was hanged just outside the city but Power was taken to Dungarvan where he had committed the crime. He would have made that final journey in a cart, bound and sitting on his coffin. He was hanged in the old market place in Dungarvan. There was one further change in the law. The bodies of those executed would now be buried within the prison walls rather than having them handed over for dissection by apprentice surgeons. As well as the changes in the crimes for which the death sentence was considered a fitting punishment and in the administration of the sentence, records for the years after 1835 are better and more available – hence 1835 is the starting point for this essay.

'Daniel Savage' (Edmund Pine) – Hanged 14 March 1835⁴

By any standards this was an appalling miscarriage of justice, one that aroused widespread comment locally and nationally. The words of the *Spectator*, an influential weekly journal published in London, best summaries what happened:

At the last assizes of Waterford, a man, supposed to be Daniel Savage, was tried and found guilty for the murder of his wife, about eight years ago. After his sentence and until the moment of his execution, he frequently, and in the most solemn manner, declared his innocence of the charge.' It now appears, from a statement published in the *Waterford Chronicle*, that the unfortunate man was guiltless of this crime, and that, though he had been mistaken for Savage, his real name was Edmund Pine. He had been constantly subject to falling fits, which in a great degree deranged the faculties of his mind and rendered him a miserable object. During the trial, three witnesses, who were brought forward for the prosecution, declared themselves

4 *Waterford Mail*, 15 March 1835; *Waterford Chronicle*, 15 March 1835; *The Spectator*, (London), 31 March 1835.

unable to identify the accused when confronted with him in the dock. The witness who swore to his identity was a brother of the murdered woman; and he observed that there was a mark or cut upon the cheek of the murderer and that there was a similar one on the cheek of the prisoner.

Previous to his execution he was shaved and no such mark could be discovered. One of the strongest facts in the statement of the *Waterford Chronicle* is the circumstances that the sister of the actual murderer (Savage), having obtained permission to visit her supposed brother, proceeded to the condemned cell but immediately on seeing him, she turned away, exclaiming 'this man is not my brother'. No blame is attached to the jury who pronounced their verdict on the evidence before them. The most striking feature of the case against the prisoner was that, on being first arrested, he acknowledged his name to be Savage, but this is explained by stating that he returned an affirmative to every interrogatory put to him. The fits to which he was subject had in fact reduced him to the state of a simpleton or idiot.

The forty-eight hour rule, 'the gallop to the gallows' played its part in the hanging of Edmund Pine. With communications being slow and unreliable, there was not enough time for an appeal to the Lord Lieutenant, the only recourse open to the condemned. The day after the trial a number of witnesses came forward swearing that the condemned was actually Edmund Pine, a wandering labour and a native of Kilmichael County Cork, who had come to Waterford in search of work. But there was no provision in law to allow a stay of execution in the light of this new evidence. A year later the law was amended by the Executions for Murder Act (1836). This did not prescribe a fixed interval between sentence and execution but empowered the judge, at his absolute discretion, to allow sufficient time for further enquiry or for an appeal for clemency. In practice the time allowed was usually two or three weeks. At least the appalling injustice done to poor Edmund Pine had yielded some good.

Patrick Flanagan, Thomas Flanagan – Hanged 4 March 1836⁵

It is not clear if Patrick and Thomas Flanagan were related but they were hanged together on Ballybricken Hill on 4 March 1836, Patrick for the murder of his wife and Thomas for the murder of Mary Mallowney, an unmarried woman from Killowen, Gaultier. Mary Mallowney was returning from a funeral at Islandkane on 21 January 1836 when she was assaulted and killed by Thomas Flanagan. He then tried to hide the body with the help of two friends, Timothy McCarthy and John Tobin. The body was found the next day and a few days later the three men were arrested. Flanagan was charged with the assault and murder of Mary Mallowney while the other two were charged with concealing the body. The three were tried at the Spring Assizes in Waterford on 25 February and were found

5 *Waterford Mail*, 5 March 1836; *Waterford Chronicle*, 5 March 1836.

guilty. Flanagan was sentenced to death while McCarthy and Tobin were sentenced to seven years penal servitude. Saturday 4 March was a very wet day but despite the weather, a large crowd, estimated at more than 5,000 people assembled on Ballybricken Hill. A strong force of police, backed up by soldiers from the 11th Regiment, stationed in the city, surrounded the scaffold. Thomas Flanagan was the first to mount the scaffold where he said a few words in Irish, 'the purport of which it is understood to be that whatever else he might have done to her, he did not kill her but he acknowledged that he deserved the death he was about to meet'. Patrick Flanagan was then placed on the drop but he did not say anything. After a last blessing from the priests in attendance, the ropes were adjusted, the black caps drawn down over their faces and the trap was sprung. Patrick Flanagan seemed not to struggle but Thomas the younger man, struggled for a few minutes, before he too hung limply. After about fifteen minutes the bodies were cut down.

James Morrissey, Patrick Kiely – Hanged 19 March 1836⁶

On Sunday, 11 October 1835, John Quinlan, a Catholic landlord, was riding home to Whitechurch from Dungarvan when he was stopped by two masked men one of whom put a pistol to his stomach. When the trigger was pulled the pistol misfired and Quinlan spurred his horse and escaped but not before he was hit on the arm by a stone thrown by the other man. Quinlan suspected that one of his tenants, James Morrissey, who was under notice of eviction, might be involved. Later that evening Quinlan and a number of constables raided Morrissey's house where he found Morrissey, Morrissey's wife and another of his tenants named Patrick Kiely. An intensive search of the house yielded nothing until Police Sergeant Cole searched Mrs. Morrissey and found a loaded pistol concealed in her clothing. Both men were arrested and sent for trial to the assizes in Waterford in February 1836. There Quinlan's evidence and the discovery of a pistol were enough. Without a moment's hesitation the jury found both men guilty and they were sentenced to death. The executions took place three weeks later. Again a huge crowd assembled, this time estimated at more than 8,000 people and again police and military were present to keep order. Both of the condemned were attended by priests and by 'young men of Mr. Rice establishment' (the Christian Brothers monastery of Mount Sion in Barrack Street). Kiely was first to ascend the scaffold and he spoke briefly to the crowd in Irish, admitting his guilt. When Morrissey took his place on the scaffold, one of the priests, Fr. Dooley, stepped forward and said that Morrissey had asked him to speak on his behalf since he, Morrissey, had a speech impediment. Fr. Dooley said that Morrissey admitted his guilt and the justness of his sentence. Fr. Dooley then, it seems, took advantage of the presence of such a large crowd and preached on the evils of drinking, bad company and gambling. Meanwhile Kiely and Morrissey just stood on the trap door. At last Fr. Dooley

⁶ *Waterford Mail*, 2 March 1836, 23 March 1836; Maurice Kiely and William Nolan, 'Politics, Land and Rural Conflict in County Waterford, 1830-1845', in William Nolan and Thomas P. Power (eds.), *Waterford History and Society* (Dublin, 1992), p. 482.

finished speaking and when he stepped to one side, the two men were launched into eternity. Death for both must have been instantaneous for there are no reports of any struggle. When the bodies were cut down twenty minutes later they were handed over to friends who had brought coffins. Maybe because their crime was attempted murder rather than murder itself they were not buried within the prison walls.

William Murnane – Hanged 4 August 1838⁷

On 24 June 1838 the body of a young man was found on the sloblands of the Blackwater Estuary near Piltown. James Whelan of Clashmore identified the body as that of his brother Michael. Medical evidence at the inquest was that death had been caused by two blows to the head from a sharp instrument, probably a hatchet. Michael had been apprenticed to a local carpenter named William Murnane. It had been known that there was bad blood between them and that Michael had told his mother that he was in fear of his life. On 23 June Murnane and Whelan had been working together on the house of a Mrs. Condon near Clashmore. A row started between them. Apparently Murnane was afraid of being charged with the illegal cutting of timber which could carry a prison sentence of three years. Whelan refused to testify that he had given Murnane permission to cut timber on his mother's plot of land. The row obviously escalated. The pair was seen to leave the Condon house but Michael did not return home that evening. The next day Mrs. Whelan and her family, friends and neighbours began searching for Michael and within hours they made the grim discovery of the body. No wonder that suspicion immediately fell on William Murnane who was arrested in Dungarvan on 4 July. A search of his house found a blood-stained hatchet. On 18 July Murnane faced the court in Waterford. He claimed that he had used the hatchet to kill a sheep but no trace of any dead sheep could be found nor could he offer a satisfactory account of his movements on the evening of 23 June. After a mere five-minute deliberation, the jury found him guilty and he was sentenced to death. He was hanged on Ballybricken Hill on 4 August amid all the usual ritual.

Denis Croneen – hanged 30 March 1839

Patrick Guiry - hanged 1 August 1839⁸

By all accounts John O'Keeffe of Mountain Castle, Modeligo was a bad landlord, indeed one of the worst of the kind. A Catholic, of humble origin himself, he had acquired an estate of several hundred acres. His method was simple – rackrent existing tenants and use the money to buy more land. Tenants who could not meet

7 *Waterford Mail*, 21 July, 8 August 1838.

8 *Waterford Mail*, 11 April, 16 May, 26 May 1838, 13 July 1839; *Waterford Chronicle*, 21 July, 3 August 1839; Maurice Kiely and William Nolan, 'Politics, Land and Rural Conflict in County Waterford, 1830-1845', in William Nolan and Thomas P. Power (eds.), *Waterford History and Society*, p. 483; *Evidence taken before the commissioners appointed to enquire into the occupation of land in Ireland*, (1845), 'Devon Commission', p. 448.

his demands were evicted while any tenant that improved his holding by drainage or other work had his rent increased. Meanwhile he restored and extended Mountain Castle House as his own residence. Age did not diminish his greed and even though he was over eighty years old at the time, in 1838 he bought additional land at Ballykerin from Arthur Kiely of Ballysagartmore. At the same time he served eviction notice on the Tobins of Lyrattin for non-payment of rent. But this time it seemed that his two pronged strategy had gone too far. Either his existing or his prospective tenants decided that enough was enough.

On 9 April 1838 O'Keeffe survived an assassination attempt. As he rode home a shot was fired at him but it passed harmlessly through his coat. O'Keeffe swore a statement identifying Martin Kelly of Ballyhane as his assailant. Kelly was arrested, lodged in the county jail in Waterford and returned for trial to the summer assizes in July. O'Keeffe however did not live to see Kelly in court. On 13 May he received the contents of a blunderbuss as he rode to mass in Modeligo. The injured man was carried to his home where he lingered for ten days before dying. The trial of Martin Kelly took place on 19 July. The main evidence against him was O'Keeffe's statement. Defence counsel tried to discredit the statement claiming that O'Keeffe an aged man had poor eyesight and had identified at least two men for a crime that only one could have committed. Some alibi evidence for Kelly was also produced. All of this was disregarded and the jury found Kelly guilty after a few minutes' deliberation. It is possible that the efforts of the defence counsel had some effect on the judge for Kelly was sentenced to transportation for life rather than to death.

At the same assizes Denis Croneen and Patrick Guiry were returned for trial on the charge of murdering John O'Keeffe while Thomas Walsh and John Croneen were charged with conspiracy to murder O'Keeffe. Denis Croneen had been arrested at the fair in Middleton on 7 July. During the course of his examination by Mr. Longan, a local magistrate, it was suggested to Croneen that if he made a full statement that it would be recommended to Dublin Castle that he be treated as an approver. Essentially he was being promised his life if he became a state witness. Croneen then made a full statement but he was not treated as an approver. His trial went ahead on 5 March 1839. The only evidence presented was his statement. The trial took just forty-five minutes, the jury deliberated for two minutes and the inevitable verdict of guilty was returned. The execution was carried out on 30 March.

Patrick Guiry had been arrested on 27 June 1838 and held in the county jail at Ballybricken until his trial for conspiracy to murder O'Keeffe which took place on 11 July 1839. Apart from Croneen's confession the prosecution produced a range of witnesses who swore that they had heard or seen him with Croneen in the days before the fatal attack. Some of them claimed that they had heard Guiry and Croneen planning the attack. The defence poured scorn on these witnesses, especially the two principal ones, Ellen Sullivan and Richard Wall. In his summing up the presiding judge, Baron Foster, told the jury that even if they threw overboard the testimony of Sullivan and Wall, there was still sufficient evidence to convict

Guiry. These words sealed his fate. After deliberating for just ten minutes, the jury found him guilty and he was sentenced to death, the execution to be carried out on 1 August. On that day Guiry spoke to the crowd from the scaffold and warned them 'of the evils that had led him to that end'. According to the *Waterford Mail*, before being led to the scaffold he had admitted to firing two shots and to the justice of his sentence.

John Moore – Hanged 19 August 1840⁹

Edward Cashin, a twenty-five-year old man who worked as a clerk in Clonmel returned to his native Lismore on 31 May 1839 with a purse of ten sovereigns which he got from his employer. When his body was found on 6 June on its back in the canal robbery and murder were immediately suspected. Suspicion turned on those with whom he had been socialising in Lismore on 31 May. One of those, John Moore, had been seen going down the lane towards the canal with Cashin, both staggering as if under the influence. The following day Moore was seen in a public house flush with money and then he left the town. Nine months later Moore was arrested at Brompton Barracks, Chelsea where he had enlisted in the army of the East India Company. Brought back as a prisoner to Waterford he stood trial for the murder of Edward Cashin on 20 July 1840. Although his defence challenged the identification on the grounds that it was a very dark night, the jury found him guilty after an absence of forty minutes. When the death sentence was pronounced, he replied: 'An angel could not be more innocent of that crime than I am'. Despite his protestations he was hanged on 19 August.

Michael Murphy – Hanged 15 April 1845¹⁰

On Friday 6 December 1844 the body of Margaret McKeown (also known as Margaret Murphy) was found on the road between Tramore and Annestown. The poor woman, who was in an advanced state of pregnancy, had been battered to death with a stone. She had been due to marry Michael Murphy and he was arrested a few days later. Both had been working as farm servants on adjoining holdings in Aglish, Co Kilkenny and were due to be married before Lent, 1845. Michael Murphy was charged with murder on 11 December and his trial set for the Spring Assizes in Waterford.

The trial took place on 4 March. The prosecution produced many witnesses who testified that Michael and Margaret knew each other and that they were seen together in Tramore on 6 December. The key witness for the State was Mary Power, a young child, described by newspapers as a 'very young child' who swore that she had seen Michael and Margaret pass her house on the road to Annestown and that some hours later she had seen Michael return alone. She claimed that she had recognised him even though it was dark. The Chief Justice of Ireland, Baron Pennefather, was the presiding judge and in his summing up to the jury he told them that there was not proof throughout the evidence to sustain a charge of

⁹ *Waterford Mail*, 22 August 1840.

¹⁰ *Waterford Mail*, 5 March 1845, 16 April 1845.

murder on the prisoner. The jury withdrew and after just thirty minutes returned a verdict of guilty to the obvious surprise of the judge. Execution was set for 15 April.

In the following days and weeks Michael's friends and neighbours raised a petition to the Lord Lieutenant to have the sentence commuted to imprisonment. On 14 April the memorial was rejected on the grounds that Murphy had acknowledged his guilt and the execution went ahead as scheduled. The statement issued on behalf of the Lord Lieutenant is the only reference to Michael Murphy confessing that he had murdered Margaret. The sentence was carried out on 15 April 1845.

Edmund Christopher – Hanged 10 August 1850¹¹

On 23 August 1849 a number of bailiffs, including Michael Hogan, left Dungarvan to seize cattle belonging to a man named Condon. About twenty-five or thirty men armed with pitchforks and sticks had gathered at Condon's farm to prevent the seizure. Faced with such determined opposition the bailiffs turned and fled, pursued by the crowd. In the words of one of the bailiffs at the trial, 'I and my comrades ran off leaving deceased (Michael Hogan) behind, he being an old man and not able to run'. Hogan, abandoned by his colleagues, was surrounded by the crowd and struck a number of times by sticks and pitchforks. After a few minutes he collapsed and died. A number of arrests followed and a year later Edmund Christopher was tried at the assizes in Waterford for the murder of Michael Hogan, bailiff.

The trial took place on Tuesday 16 July with the Chief Justice, Baron Pennefather presiding. The key prosecution witness was a man named Edmund Dwyer who had been a member of the crowd that had gathered to prevent the seizure of the cattle. According to Dwyer, Edmund Christopher had struck the deceased on the head with a pitchfork and had turned to him and said in Irish 'the job was done'. The contemporary newspaper accounts agree that on cross examination Dwyer contradicted himself on every aspect of his testimony. Despite this it took the jury just thirty minutes to find Christopher guilty and the inevitable death sentence followed.

The execution took place on Saturday, 10 August before a 'vast crowd assembled on Ballybricken Hill'. Fearful of trouble, the authorities surrounded the scaffold with a strong body of police backed up by troops from the 17th Lancers and the 55th Infantry Regiment. The condemned man walked firmly from the jail to the scaffold, climbed the stairs and prayed for about fifteen minutes. He then addressed the crowd, strongly protesting his innocence, before the trap was sprung and he fell to his death at 12.45 pm.

Bernard Hackett and Thomas Noonan – Hanged 15 April 1853¹²

Richard Hackett, a tenant farmer, and Thomas Noonan, his farm labourer, were hanged together for the murder of Mr. O'Callaghan-Ryan of Clonmel, Hackett's

11 *Waterford Mail*, 17 July, 14 August 1850.

12 *Waterford Mail*, 5 March, 16 April 1853; *Waterford News*, 27 March 1903.

landlord. Hackett, who was alleged to be £200 in arrears, was due to surrender his lease on 10 September 1852. A week beforehand, 3 September, O'Callaghan-Ryan attended a coursing meeting. That evening as he rode home to Clonmel he was shot and killed at Whitefort. A police constable who was patrolling nearby heard the shot and rushed to the scene. He found O'Callaghan-Ryan lying dead near a lime kiln with all the signs of a violent struggle. A few days later Hackett and Noonan were arrested, conveyed to Clonmel prison and held in separate cells. After about a week Hackett asked to see a magistrate and the governor sent for the Earl of Donoughmore. When the trial of Hackett and Noonan opened at Waterford on 2 March 1853, the evidence of Donoughmore was vital. According to him Hackett swore that the other man (Noonan) had fired the fatal shot and had then struck O'Callaghan-Ryan repeatedly with a large stone. Hackett gave a lot of detail which Isaac Strahan, the prison governor, carefully wrote down and when he was finished, Hackett signed the statement. The prisoners were subsequently transferred to Waterford County jail and brought to trial at the Spring Assizes in March 1853. The evidence of Donoughmore and the statement were crucial to the prosecution case. On examination by the prosecution, Donoughmore said he believed Hackett had made the statement to exculpate himself. After a very short absence, the jury found both men guilty and they were sentenced to death. After the sentence was passed Noonan turned to Hackett and said 'God forgive you Richard Hackett'. Hackett in a statement said that he had been unable to pay the rent of £3 an acre and had offered O'Callaghan-Ryan £2 an acre. This was refused but Hackett had heard that the £2 an acre had been accepted by O'Callaghan-Ryan from a new tenant who would occupy the holding after Hackett was evicted. He also told his wife on her last visit to him that the evidence of Donoughmore was all lies.

The execution took place at 12 o'clock on Friday, 14 April. The men were attended by Fr Flynn, Parish Priest of Ballybricken, and two curates. Noonan was the first to emerge from the prison and to climb the gallows steps. His face was covered with the usual cap and as he reached the top of the steps he turned and was heard to say 'Hackett, are you coming?' 'I am' said Hackett, who was close behind him. 'Only for you I would not be here' said Noonan, his last words before both men were launched into eternity. For Noonan death seems to have been instantaneous but for Hackett it was an ordeal that lasted several minutes. As he struggled and swayed at the end of the rope, the cap over his face slipped, showing his contorted and tortured face to the huge crowd. Many in the crowd screamed while others fainted. At last all movement ceased. The bodies were cut down after an hour for interment within the prison walls.

Thomas Walsh – Hanged 14 April 1864¹³

On Shrove Tuesday 1863, young Patrick Hennessy of Ballymacarberry, married Bridget Walsh, a local girl, aged 18. Patrick lived alone with his grandfather and

¹³ *Munster Express*, 19 March, 16 April 1864; W.E. Vaughan: *Murder Trials in Ireland 1836-1914*, p. 331.

was expected to inherit the small holding. As part of the marriage settlement, Bridget's parents came to live in the Connolly house with the newly-weds. For a few months things seemed to have been alright, Patrick helped his grandfather to farm the few acres and also did labouring work on other farms. Bridget's father, Thomas, plied his trade as a carpenter while Bridget and her mother, Margaret, did the housework. Domestic bliss did not last long. In June Margaret, tired of the continual squabbling, left the house and did not return. On 28 September, Patrick left to do a few days work on a farm near Clonmel. The following morning Bridget prepared breakfast for the two men and then went to get water from the well. When she returned she saw her father standing in the kitchen, holding a blood-stained hatchet while Connolly's body lay on the floor, covered in blood from a deep wound to his head. When she asked her father what had happened, he replied: 'he deserved it long ago and if you say a word of this to anyone, I will kill you too'. With the help of his terrified daughter, Walsh dragged the body to the turf shed where he dismembered it. He buried some of it in the potato garden and other parts, including the head, in nearby Moonacurragh Bog.

When Patrick returned from his few days work he was told that his grandfather had left. He did not believe this and with the help of some friends he began to search the neighbourhood. After a few days he found the head and some other body parts. Thomas Walsh and Bridget Hennessy were arrested on suspicion and brought to Waterford prison. There they were kept in solitary confinement, allowed no contact with each other or with other prisoners. After a few days Bridget confessed and she became the chief witness for the prosecution. The trial of Thomas Walsh took place on 15 March 1864 and he was convicted and sentenced to death on the evidence of his daughter. On hearing his sentence Walsh replied to the judge 'I had no more a hand in his death than you'.

The execution took place on Thursday 14 April before a crowd estimated at about 3,000 people. Walsh, described as old and rather feeble, walked to the gallows accompanied by two priests, Fr Dunphy and Fr Walsh. As he mounted the scaffold, Walsh was heard to say to the Governor, Mr. Triphook, 'Do not let me die hard'. Since the previous execution in 1853 a new county and city jail had been built on the Ballybricken site and the gallows was apparently incorporated into the gatehouse. Contemporary newspaper accounts describe the gallows and the execution as follows:

Facing Ballybricken is seen the dreadful trap, the felon's doom. When not in use, there seems nothing about this trap, constructed as it is on the new principle, to appal the beholder, but when called into requisition to perform its fearful office its whole appearance is changed, and then it is seen in all its hideousness. This morning an open space faced the hill of Ballybricken, save just in the centre, across which, but projected from the wall, ran a piece of sheet iron, a portion of the machinery, sufficient to allow the head of the culprit to be seen by the spectators below, and inside which he falls, and is then fully exposed.

In the aperture noted stands the trap, made to fall down in the centre at a given signal. Governing this trap is a machine which runs out on wheels on a metal track, immediately behind the trap on which the culprit awaits his doom. In the centre of this machine there is a flat perpendicular bar; near the top of this bar there is an eyelet hole, receiving a small iron key which, while in, keeps the trap secure, and everything in its place. When this key is removed, the culprit being on the trap, the halves fly open, and his doom is sealed.

At ten minutes past eight the wretched man reached the scaffold, and then came a fearful scene to witness. The executioner took the rope, suspended from above, and set so as to give a fall of eight feet, in addition to the height of the culprit, about 5 feet 1 or 2 inches, making the entire drop somewhere between 13 and 14 feet, and placed the noose around the culprit's neck, confining the end of the white cap or mask tightly within its grasp. To the front of the drop the unfortunate man walked without aid, and on the trap awaited his doom, the priests, one at either side of the door, recited the litany for a happy death. When the white cap was seen by the assembled people below, a moan of horror was emitted from them, and many a fervent prayer was recited for that soul so soon to appear before the judgement seat of God. The executioner then drew the small pin, or key, from the eyelet hole in the bar, so as to give the drop, but owing to some defect, the trap held firm, its wretched occupant exposed to the gaze of the people, the rope swaying in front of him. The scene was horrifying – some people near the scaffold fainted. The Governor, with most commendable foresight in case of accident, had a sledge at hand and this implement was now put into requisition. The executioner took it, and applied it with force to break down the trap, but it wasn't until the third blow was given that it parted and the unfortunate man was hurled into eternity. The fall was so great that life was extinct almost immediately, and save a twitching of the lower limbs inevitable from strangulation, the unfortunate man didn't appear to suffer much. Having been left hanging for thirty five minutes, the body was raised to the scaffold by means of the windlass and drawn in. Dr. W. Carroll examined the body and pronounced life extinct.

One newspaper described Walsh standing on the trap, beating his breast, trembling and saying pious ejaculations in Irish for three or four minutes until the bolt gave way. As per the sentence his body was interred within the prison walls in an unmarked grave. Bridget was tried for murder at the same hearing but she was discharged as an 'approver' by the direction of the judge, Baron Deasy. Her turning State's evidence not only saved her life but also avoided a prison sentence. Before his execution Thomas Walsh had said that he forgave his daughter.

Patrick Dunphy – Hanged 10 April 1900¹⁴

Shortly before 2.00 p.m. on Tuesday 19 December 1899 a boy collapsed in agony on Parnell Street. He clutched his stomach while calling 'Dada, Dada'. He was rushed to the nearby infirmary but was pronounced dead at 2.15 p.m. A nurse recognised him as John Dunphy, the eleven-year old son of an elderly labourer, Patrick Dunphy, who lived on the Yellow Road. Initial sympathy for Patrick Dunphy soon turned to suspicion when people remembered that another son, nine-year old Eddie, had died in similar circumstances on 19 September. An initial diagnosis of death from an epileptic fit changed to death from strychnine poisoning. On 23 December Patrick Dunphy was arrested and charged with murder. Over the next few weeks a series of damning facts emerged. Both boys had been insured. Their father had been paid £10 on the death of Eddie and had been due to receive a similar amount for the death of John. Two chemists said that Dunphy had purchased strychnine from them, saying that it was to poison rats in his house. When the case came to trial on 10 March 1910 Dunphy pleaded not guilty but offered no witnesses or defence. The prosecution offered a series of witnesses. One of his daughters, Mary said that there had been no trace of rats in the house. Mary Cooney, a publican of Parade Quay testified that on 19 December she had sold Dunphy a glass of lemonade for the boy. The lemonade was necessary to hide the bitter taste of strychnine. Medical evidence also confirmed that the cause of death was strychnine and the traces of the poison were found in the organs of the boy.

After retiring for only four minutes, the jury returned with a verdict of guilty and Dunphy was sentenced to die on 10 April. Many believed that he would be spared execution in view of his age, he was seventy-four and the fact that Queen Victoria would be visiting Ireland at that time. But there was to be no reprieve. It was announced that the Irish Executive considered the crime was so atrocious that the Lord Lieutenant had declined to exercise his prerogative of mercy.

On 10 April a large crowd, estimated at 600 to 1,000 assembled outside Ballybricken jail. According to a statement by the governor to the inquest, Dunphy slept fairly well but ate no breakfast. After attending Mass he said farewell to his children, asked them to pray for him and then walked firmly to the gallows. At eight o'clock the trap was sprung and according to medical evidence death was instantaneous. He made no confession as to his guilt or otherwise. At the same time the customary black flag was hoisted over Ballybricken jail for the last time. Dunphy's body was interred within the precincts of the jail. The crowd which had shown no sympathy for Dunphy slowly dispersed.

Murder in Waterford in the Nineteenth Century

Between 1835 and 1900 fifteen men were executed in Waterford for murder or attempted murder. This does not mean that there were only fifteen cases of murder in the city and county over a period of sixty-five years. That would be an

¹⁴ *Munster Express*, 10 March, 17 March, 11 April 1900; *Irish Independent*, 8 March, 9 March, 10 March, 11 April 1900.

extraordinary low rate. A parliamentary return of 1846¹⁵ lists the murders committed in Ireland between March 1842 and March 1846. It includes the following for Waterford:

Date of Crime	Victim	Status	Barony
13.05.1842	Thomas Foley	Labourer	Decies without Drum
16.09.1843	Bridget Flynn	Indigent	Upperthird
23.11.1843	Mary Dunphy	Tailor's Wife	City
07.01.1844	John Kinsella	Labourer	Gaultier
20.05.1844	Edmond Filan	Labourer	Decies without Drum
14.09.1844	Bartholomew Curran	Labourer	Decies without Drum
06.12.1844	Margaret Murphy	Poor Woman	Middlethird
25.01.1845	William Martin	Labourer	Decies without Drum
01.1845	Edmond Power	Sadlier	City
02.1845	Andrew Kirwan	Labourer	Upperthird
04.04.1845	Innocent Mullany	Labourer	Middlethird
07.1845	Mr. B. Riely	Farmer	Decies without Drum
27.09.1845	John Dunn	Labourer	Upperthird
13.11.1845	Denis Holohan	Labourer	Decies without Drum
27.12.1845	David Power	Farmer	Gaultier
19.01.1846	James Connell	Farmer	Coshmore
19.01.1846	Thomas Power	Labourer	Coshmore
10.02.1846	Johanna Linane	Poor Woman	Decies without Drum

This return, compiled by the Irish constabulary, lists eighteen murders in Waterford over the four years 1842-46. Yet in only one case, that of the murder of Margaret Murphy, was the supreme penalty paid. A number of reasons contribute to the difference in the figures. First there was the detection rate. Even in the 1840s the most important person in any murder investigation was the local Residential Magistrate (RM) rather than the constabulary. The knowledge and investigative skills of the RMs were often sadly lacking. However as the century progressed, the constabulary became more and more central to any investigation and the detection rate in murder cases rose to more than 90%. In addition there was a tendency for juries to bring in verdicts of homicide or guilty but insane. Early on the morning of Wednesday, 2 February 1877, Michael Roche, a labourer of Coxtown, Dunmore East, cut his wife's throat with a razor.¹⁶ He then tried to cut his own throat, all in

15 *A return of all murders committed in Ireland since the 1st Day of January 1842*, (HC, 1846), (220), xxxv, 293.

16 *Waterford News*, 4 February 1887.

front of his four children, the eldest of whom, Ellen, was sixteen. The children were the main witnesses at his trial for the murder of Margaret, his wife. He was found guilty but insane and was sentenced to be detained in the Central Mental Hospital at the pleasure of the Lord Lieutenant, i.e. indefinitely. When Mrs. Hannah Roche from Costelloe's Lane, Waterford, killed her husband, Michael, in 1892 by striking him with an oil lamp, the verdict was manslaughter and the sentence five years' penal servitude.¹⁷ A third factor was the willingness of the Lord Lieutenant to commute the death sentence to penal servitude for life, often in response to a memorial or petition from the friends, neighbours and relatives of the deceased. In the five years 1841-45, in the whole country sixty-eight people were sentenced to death for murder but only twenty-four were actually executed, about one-third.¹⁸ This trend continued for the rest of the nineteenth century. The use of capital punishment in Ireland declined dramatically as the nineteenth century progressed. Waterford reflected this trend. Between 1835 and 1840, eight men were executed in Waterford, two in 1840s; three in the 1850s, one in 1864 and none between 1864 and 1900.

If we look at the fifteen men who were executed in Waterford and their crimes, do they tell us anything about crime and society in Waterford in the nineteenth century? Admittedly it is a very small sample, made even smaller by the exclusion of the case of 'Daniel Savage', a gross miscarriage of justice. Of the other fourteen cases, half involved land and the threat of eviction. Desperate men trying desperately to hang on to their few acres would at times resolve to desperate measures.¹⁹ The law responded firmly. The same jury that sent James Morrissey and Patrick Reilly to the gallows for attempted murder tried three other murder cases: Jeremiah Hearne and Nancy Hearne were accused of killing Matthew Scanlan at the fair at Cappoquin, Jeremiah Hearne was found guilty of manslaughter, his wife Nancy acquitted; Andrew Rooney was found guilty of the manslaughter of Patrick French and the same verdict of manslaughter was returned for John O'Neill who was charged with killing his brother James. To the jury, all men of property themselves, attempting to kill a landlord was much more serious than actually killing another labourer or a relative. Social order and the primacy of property had to be upheld at all costs.

The emphasis on maintaining social cohesion and protecting property reflected the composition of juries. The first step in the trial process was for the county grand jury to decide if there was sufficient evidence for a prosecution. The grand jury also had the responsibility for the finances of the county. It was chosen by the county sheriff from among the landed gentry of the county. The trial jury itself was selected from a list called the jurors book. According to an 1833 act, jurors had to be aged between twenty-one and sixty and be possessed of property with both

17 *Waterford News*, 3 December, 10 December 1892.

18 W.E. Vaughan: *Murder Trials in Ireland 1836-1914*, pp. 21-32, pp. 375-79.

19 Maurice Kiely and William Nolan, 'Politics, Land and Rural Conflict in County Waterford, 1830-1845', in William Nolan and Thomas P. Power (eds.), *Waterford History and Society*, pp. 459-90.

security of tenure and a minimum value. In practice this meant that only men of significant property would sit on the jury. They would have had little or no understanding of the lives of labourers, of their struggle for existence and why they might be driven to killing. Professor William Vaughan summed up the situation when he remarked 'few of those hanged were socially distinguished'. What is remarkable from the newspaper reports is how little time they spent on their deliberations, ten minutes or less to decide a life was not uncommon!

Of the other seven cases there appears to have been some particularly gruesome element present that led to the death sentence being imposed rather than penal servitude: Patrick Dunphy – premeditated poisoning of his own children, Thomas Walsh dismembering the body of Thomas Connolly; Michael Murphy – the fact that the victim was nearly full term in pregnancy. Otherwise the tendency was to resort to a lesser verdict of manslaughter or guilty but insane.

Infanticide was defined as murder in law and infanticide was not uncommon in Ireland in the 19th century. Between 1866 and 1870, Irish crime records contain a total of 252 cases of infanticide. However when a charge was proffered, it was usually the charge of concealing a birth. To prove a charge of murder the prosecution would have to establish that the baby was born alive and had been subsequently killed. An indictment of 'concealing a birth' was much easier to prove, all that had to be established was that the woman had been pregnant and visual evidence was readily accepted. A parliamentary return for crime committed in Ireland for the eighteen months ending the 11th March 1862 listed ten cases of infanticide in Waterford for that period.²⁰ In only three cases were charges brought, in each case the charge was of concealing the birth and all three were acquitted. In the other seven cases the identity of the mother of the dead infant could not be established.

The hangman

Hangmen are not identifiable before the 1870s. The executioner of Thomas Walsh was described in the papers as

a man of medium height, clad in a convict suit of grey, the trousers much patched on the left leg, his face and head enveloped in a black crepe mask, making it difficult to distinguish his features. As well as could be made out, he seemed a man verging on forty years of age, and was said to be an expert in his dreadful office.²¹

He was not named. In May 1853, a few weeks after the execution of Hackett and Noonan, the *Waterford News* recorded with grim satisfaction 'the wretched man who recently executed Hackett and Noonan in this city, died in Clonmel on Tuesday 26th April, of delirium tremens'. Again no name was given. From the 1870s it became usual to use the official English hangman for executions in Ireland, starting with William Calcraft. He was in office in England from 1829-74

²⁰ *Return by counties of offences committed in Ireland 1860-1862*, (HC, 1862), (196), xl, 105.

²¹ *Waterford News*, 16 April 1853.

and in that period carried out about 450 executions these including the Manchester Martyrs. It was another English hangman, William Marwood who was brought over to hang the Invincibles in 1883. Thomas Henry Scott had a short career (1892-95) as official hangman in England.²² On 17 December 1895 he hanged Elizah Winstanley at Walton Prison. Leaving the jail immediately he got into a cab with a prostitute, Miss Winifred Webb. The following day he complained to the police that he had been robbed. The prostitute was arrested. She claimed that Scott was so drunk he immediately fell asleep and that she took the money because she was entitled to be paid for her time. She was found guilty but the Home Office believing her story about Scott being drunk, concluded that he had been drunk while performing the execution and immediately sacked him. Somehow or other the Irish Office was not informed of his dismissal and he continued to carry out executions in Ireland for another six years. It was not until 1901 that the Irish authorities became aware of his dismissal and the reason for it and they too terminated his appointment. It was Thomas Henry Scott who hanged Patrick Dunphy. His fee was probably the standard £10.

Postscript

On Wednesday 4 April 1951 a workman, Donal O'Connor, digging the foundations for the new Social Welfare offices on the site of the old jail made a gruesome discovery. He unearthed a skull, some bones and pieces of clothing, shoes and wood. Word spread and a crowd quickly gathered. Mr. John Fitzgerald of Ballybricken who had served as a warder from 1910 until the jail closed in 1939 was adamant that the grave was adjacent to the hanging house where Patrick Dunphy had been executed fifty one years previously. The following Saturday just an undertaker, a gravedigger and a priest were present when the skull and bones were interred in a child's coffin in an unmarked grave in St. Otteran's cemetery, Ballinaneesagh.²³ According to the cemetery register the burial was in unknown ground. Were that skull and few bones the last traces of the men who were hanged on Ballybricken Hill?

22 www.capitalpunishmentuk.org/hangmen

23 *Waterford News*, 13 April 1951.

Lieutenant Ernest James Vernon Thornton RN 1890-1912: A Waterford-born submariner

Anthony Kinsella

The leading news article in the *The Times* of February 3, 1912 had the headline ‘Submarine Disaster’, the first paragraph of which read

It is with deep regret we have to record that Submarine A3, with 14 officers and men on board, was sunk about noon yesterday while engaged with other submarines in instructional exercises off the Isle of Wight.

The vessel, when submerged, came into collision with the torpedo gunboat *Hazard*, [a] seagoing depot for submarines, and sank immediately and there is little doubt that her officers and crew have all perished, as the vessel must be completely flooded. The wreck was found last evening, but too late to begin the work of salvage, which was postponed until this morning.

Lieutenant Ernest James Vernon Thornton RN, second in command of *Submarine A3*, was born in the family home, *The Grange*, 32 John’s Hill, Waterford City on St Patrick’s Day, 1890. His father, Ernest Isaac Thornton, was a solicitor, aged twenty-six, and his mother, Augusta Sophia Cotter Thornton née Butler, who was English, was aged twenty-one when they were married in Holy Trinity Church, Weston-super-Mare. In the parish register the bride’s father is given as James Bagshaw Butler, Captain RN. The death on April 19, 1893 of Thornton’s mother was followed by the death, in July, of his infant brother Bertie, who was aged five months, while his younger sister Maud Agnes died, at the age of eight in September 1899.

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Superintendent Registrar's District <u>Waterford</u>		Registrar's District <u>Waterford 101.</u>							
BIRTHS Registered in the District of <u>Waterford 101.</u> in the Union of <u>Waterford</u> in the County of <u>Waterford</u>									
No. (1)	Date and Place of Birth (2)	Name (if any) (3)	Sex (4)	Name and Surname and Dwelling-house of Father (5)	Name and Surname and Dwelling-house of Mother (6)	Rank or Profession, Signature, Qualification, and Residence of Registrar (7)	Age in Registered (8)	Signature of Registrar (9)	Signature of Registrar (10)
1890	March 23 Waterford St. Patrick's	Ernest James Thornton	M	Ernest Isaac Thornton John's Hill Waterford	Augusta Sophia Cotter Butler Waterford	Ernest Isaac Thornton Solicitor Waterford	1890	Ernest Isaac Thornton Solicitor Waterford	Ernest Isaac Thornton Solicitor Waterford

Figure 1: Ernest Thornton's birth certificate.

Following the death of his parents, Ernest was cared for by his maternal grandfather in England. He was formally educated at Cheltenham College attending there between January 1901 and December 1904. The college, which is located in Cheltenham near Gloucester was founded in July 1841. An Anglican foundation, it was known at that time for its classical, military and sporting traditions. His original school registration form, which usually gave the previous school(s) attended, states that 'he has never been at School but has been under the tuition of Miss Lewis, resident governess.'

While there is no information relating to Miss Lewis or to household where she was resident governess it is reasonable to assume that it was at his maternal grandfather's residence. Miss Lewis obviously did a good job, as Ernest was often top of his class. In the Easter 1901 examinations he was awarded the form prize coming first out of ten, a feat that he repeated in the next five end-of-term examinations. He continued in the junior college until December 1903 when he won an examination prize. Transferring to the senior college he was in the military and modern class. In his final college examination in December 1904 he won another examination prize coming first out of sixteen students having been fifth out of seventeen and second out of seventeen in the previous Easter and Summer examinations, respectively. There is no evidence that he was particularly good at sport at Cheltenham College, which he left in December 1904 to take up a Royal Navy cadetship having been successful in the open competitive cadetship examination, which was run by the Civil Service Commissioners.

The Civil Service Commission regulations required that

Each candidate must be in good health, and free from any physical defect of body, impediment of speech, defect of sight or hearing and also from any predisposition to constitutional or hereditary diseases of any kind, and in all respects [to be] well developed and active in proportion to his age.

Before taking the educational examination each candidate was required to undergo a physical examination and failure would automatically render him ineligible for a cadetship. He also had to supply a birth certificate, not a baptismal certificate, a certificate of good conduct from the master(s) of the school(s) at which he had been educated during the previous two years or, if educated at home, from his tutor or the clergyman of the parish in which he resided, and documentary proof of continued good health.

He was tenth in the order of merit out of forty-five successful candidates with whom he competed. An annual fee of £70 was paid to the Admiralty during a cadet's period of training and pocket money was provided by a cadet's parent or guardian. Ernest Thornton served his Royal Navy cadetship aboard *HMS Britannia* between 15 January 1905 and 15 May 1906. *Britannia* and *HMS Hindoostan* were at anchor in the River Dart near Dartmouth and the two ships were connected by a walkway. The junior cadets were housed aboard *Hindoostan*, the seniors being housed aboard *Britannia*. Nearby there was a floating pontoon which carried boilers and generators for the electrical supply that had been installed in the late 1880s.

A late-nineteenth century work noted that,

As soon as a boy joins *Britannia* he is made to realise that ... [being in uniform] ... he has one foot in the service and is no longer ... a ... schoolboy. He is quickly inducted into the meaning of the word discipline and is imbued with ... knowledge of what is implied by being 'on' and 'off' duty...

According to a former cadet,

Everything that we possessed (including [our] boots) went into a vast chest, which had a wash basin etc. and a private till [or safe] in which we locked our treasures. We slept in hammocks, which was great fun, although they were difficult to get into at first, but they were most comfortable, except in hot weather when they got too warm for comfort. ... We all had servants, one to every three or four boys, and they had to lash up and stow away the hammocks in the morning and get them out at night, as well as looking after our clothes, laundry, [the] cleaning [of our] boots etc.

In 1899 another former cadet wrote

... a comfortable mess it was and jolly well we were fed. Breakfast – porridge, large omelets and buttered eggs followed by great plates of ham or tongue – [and] tea, cocoa or coffee. Dinner was on the same lavish scale – second helpings, puddings, cheese and fruit while servants kept passing along with big bathroom jugs of drink – cider, beer or ginger beer was on offer. Tea consisted of cold meats in abundance, jams of all sorts and three times a week Devonshire cream in large bowls and without limit. To ensure that those who had no cash to spend at the canteen ... were not allowed to faint with hunger during the afternoon there was a free issue of ship's bun. On turning out in the early morning before drill there was a good issue of cocoa and ship's biscuit at 7 o'clock ... Coming from a school where feeding was poor and insufficient and the cooking bad I found the *Britannia* a paradise of plenty.

The cadet's day began with the bugle call 'cadets turn out' at 6.30 every morning except on Sunday. At 7 o'clock, following the 'fall in' bugle call, the cadets mustered on deck for inspection and divided into a group who studied mathematics, a second group who studied scripture, history or French and a third group who went rowing or sailing. At 8 o'clock the 'disperse' bugle call was sounded and the cadets went to breakfast. 'Assembly' was sounded at 8.50 and the cadets mustered in the chapel on the deck of *Hindoostan*. The chaplain read prayers and the cadets are inspected before dispersing for training. Physical training involving drill, fencing practice and gymnastics took place ashore with instructors from the Army Physical Training School at Aldershot.

The student records of Thornton's cadet group have been lost. His service record however notes that during his time in training his general conduct, ability and professional knowledge were 'very good' and that he was of temperate habits.

Ernest Thornton served on the following ships between 1907 and 1912;

<i>HMS Suffolk</i>	15 May 1906 to 12 October 1907	Battle Cruiser
<i>HMS Irresistible</i>	13 October 1907 to 2 October 1908	Battleship
<i>HMS Hindustan</i>	2 October 1908 to 13 September 1909	Battleship
<i>HMS Indomitable</i>	11 January 1911 to 14 August 1911	Battle Cruiser
<i>HMS Arrogant</i>	15 August 1911 to 2 February 1912	Submarine Depot Ship

HMS Suffolk and *HMS Irresistible* were attached to the Mediterranean Fleet. Thornton was promoted to Sub-Lieutenant on 30 July 1909 when serving on *Hindustan*. His service record notes 'N officer in Hindustan 1909', the letter 'N' standing for Navigation indicating that he had been trained in navigation between June and December 1906 and had become an assistant navigation officer in 1908. He then spent a period between September 1909 and December 1910 taking courses and tests for promotion and was attached on a temporary basis to *HMS Leander*, a depot ship for torpedo boat destroyers in 1904.

According to his service record he was assessed as 'zealous', 'cool headed', 'good at games', 'very able', 'intelligent' and 'promising' by the senior officers with whom he served and that, in June 1910, he was granted thirty days sick leave to recover from a motorcycle accident.

An undated note on his service record reads; 'October 1910: Applied for submarines. Informed noted but he will probably not be selected immediately on conclusion of Part 2.' Part 2 refers to the series of courses that he was taking at that time.

Ernest Thornton was attached to *HMS Arrogant* following completion of the course. He stayed with *Arrogant* until 2 February 1912 when he began service on *Submarine A3*.

The keel of *His Majesty's Submarine Torpedo Boat Number 1* or as it was more commonly known, *Holland 1*, was laid down at the Barrow in Furness shipyard of Vickers Maxim on 4 February 1901. In order to keep her construction secret she was assembled in a building called the 'Yacht Shed', and the parts that were being fabricated in the general yard were marked for 'Pontoon No 1'. She was launched on 2 October 1901 and dived for the first time, in an enclosed basin, on 20 March 1902. Sea trials began in April and in September she sailed to Portsmouth with another Holland boat and along with *HMS Hazard* the world's first submarine depot ship, to make up the First Submarine Flotilla of the Royal Navy. The first five submarines that were built in Great Britain were called Holland boats after the Irish-American submarine pioneer John Philip Holland. They were designed by the American Electric Boat Company and constructed under the supervision of that company's staff.

Initially there was little enthusiasm for service on submarines by officers or ratings. In 1903 an allowance called 'hard lying money' was authorized and officers

in command of submarines were awarded 'command pay' which effectively doubled their salary. The gross daily pay of a lieutenant with four years seniority was 9s. 9d. more than the pay of a similar officer serving on a destroyer while, when he had eight years seniority, the differential was 4s. 6d. In the case of ratings the corresponding gross pay differential was approximately 2 shillings for all ranks. There was a rigorous selection procedure and an initial period of intense training for all personnel. The working environment was considerably less formal than elsewhere in the Royal Navy and informality between officers and the lower deck was tolerated.

One of the dangers for the crew was leaking fuel. White mice were carried aboard to warn of leaks as they squeaked when exposed to petrol fumes and they were entered on the payroll as part of the crew. Another danger was burns from the battery acid. The early treatment involved immersing the affected man in seawater. As the men were allowed go home after 4 pm senior married men were attracted to the submarine service and the additional pay allowed both officers and men buy motor bikes and or to marry. For an officer service aboard submarines became counted as experience in a sea going fleet for promotion. By 1910 officers and men serving in submarines increasingly regarded themselves as belonging to the Submarine Service, a distinct branch of the Royal Navy.

Thirteen A-class submarines were built by Vickers at Barrow-in-Furness between 1902 and 1905. Based on a modified Holland class design they were approximately 100 feet long and displaced about 200 tons when submerged. All were propelled underwater by battery-powered electric motors and on the surface by petrol engines. They had two 18-inch torpedo tubes and were equipped with four torpedoes. Their maximum speed when surfaced was 10.5 knots with a range of 360 nautical miles and was 7 knots when submerged with a range of 20 nautical miles. The minimum crew complement was two officers and nine ratings. Thornton served aboard *A3* which had been laid down on 6 November 1902, was launched on 9 March 1903 and commissioned on 13 July 1904.

On February 2, 1912 *HMS Hazard*, a Dryad class torpedo gunboat, which had been converted into the world's first submarine depot ship in 1901 was engaged in exercises near the Nab Lightship at the eastern entrance to the Solent. About noon she was struck on the starboard side by an unseen object and air was observed bubbling to the surface. *A3* had made contact while passing underneath *Hazard* and sank immediately. The crew of twelve and two additional officers who were aboard as part of their training were drowned. She was located at 7.00 pm in more than 7 fathoms of water. The cruiser *HMS Liverpool*, two tugs and two salvage lighters, equipped to raise submarines, stood by until first light but were unable to start raising *A3* because of adverse weather conditions. Due to continued adverse weather conditions *A3* was finally raised on March 11 and brought to a dry dock in Portsmouth where, on the following day, she was pumped out and the bodies were removed.

The funeral of three of the officers and the ten ratings took place on March 13 and they were buried with full naval honours.

The inquest into the sinking of *A3* commenced on the same day and evidence was given that

There was a hole between 6ft and 8ft long and over a foot wide in the widest part of the upper part of the hull 2ft before the conning tower... A large volume of water would at once pour into the submarine.

After hearing further evidence the inquest jury concluded that 'it was an accidental occurrence with no blame attaching to anyone.'

A metal plaque on the plinth of Thornton's grave in Clayhall Royal Naval Cemetery, Gosport reads,

In loving memory of Ernest James Vernon Thornton Lieutenant Royal Navy of Waterford, Ireland. Lost on submarine *A3* off the Isle of Wight 2nd February 1912 in his 22nd year

He and his shipmates are also commemorated on a large memorial situated adjacent to their graves and there is a brass plaque to his memory in Christ Church Cathedral, Waterford.

Subsequently *A3* was sunk when used as a gunnery target near Portland Bill on 12 May 1912 and *Hazard* was sunk following a collision with *SS Western Australia* on 28 January 1918 in the English Channel.



Figure 2: Ernest Thornton's grave, Clayhall Royal Naval Cemetery, Gosport.

(Author's photograph)

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• *Decies 69* •

‘The Heart of the Matter’: An Analysis of the Most Significantly Influential Factor in the Creation and Configuration of Redmondism in Waterford City from 1891 to 1918

Alice McDermott

Last year marked the centenary of the reading of the third Home Rule Bill¹ in the British House of Commons on 11 April 1912. This fateful event, essentially, inevitable political delaying tactics notwithstanding given the nature and extent of the opposing aspirations and exacerbated sensitivities of all involved, heralded what, at that point in time, should have been a relatively short lead-in period prior to the actual granting of a limited form of Home Rule to Ireland² had not the outbreak of the Great War in 1914 led to the postponement of the enablement for the duration of the conflict.

John Redmond, MP for Waterford since 1891 and leader of the re-united Irish Parliamentary Party³ for twelve years past at the time of the introduction of the final bill in the Home Rule trilogy of same, hailed the event unfolding in the Commons on that April day in 1912 as ‘a great historic occasion’ and labelled the general Home Rule principle ‘the foundation of the [British] Empire today...the bond... the only bond ...of union’.⁴

Responding to a question from Edward Carson during the course of the debate which followed the introduction of the bill, Redmond placed on account, with a direct quote he had, he said, recently come across from the man himself, Charles Stewart Parnell’s long held political and ideological position regarding the attainment of Home Rule for Ireland, and superseded the citation with a very public proclamation of his own purchase of an exactly similar disposition regarding the parliamentary concept:

- 1 For a transcript of the entire proceedings, see *Settlement of an Old Controversy: An Extract from the House of Commons on 11 April 1912*, circulated at the Centenary Anniversary celebration of same at City Hall, Waterford, 11 April 2012.
- 2 For further details, see Nicholas Mansergh, ‘John Redmond’ in *Nationalism and Independence* (Cork University Press, 1997), pp. 27-28.
- 3 Formerly the Home Rule Party. For an account of John Redmond’s accession to the leadership, see F.S.L Lyons, ‘Home Rule Revived’ in *Ireland Since the Famine* (Fontana Press, 1985), pp. 260-262.
- 4 From *Settlement of an Old Controversy, Op. Cit.*

Home Rule would be the introduction of a system which would remove the rankling sting of suppressed but not extinct enmity. Give back to Ireland her nationality, her individual existence, and soothe thereby the wounded pride that goes for so much in history, and that often turns the scale in the destinies of nations as well as of individuals. Such a system as that... would teach Ireland to regard imperial affairs with interest, as being the concerns no longer of a master and oppressor, but of a dear colleague and sister, whose honour and dishonour would be alike hers, whose downfall could never be her profit, and to whom she would be bound by ties sacred because voluntarily assumed. It would be a system that would *de facto* though not *de jure* be an intimately closer union than England has yet brought about by six centuries of coercion, or than she could bring about by six centuries more of the same method.⁵

Having read his predecessor's words into the record of the House, John Redmond, sitting on the pews of the Commons debating the exact same political precept on this auspicious occasion, decades after Parnell's much earlier declaration in support of Home Rule, concluded, as noted, by affirming his own 'echo' position:

We on these benches stand precisely where Parnell stood. We want peace with this country... [Britain]. We are willing, as Parnell was willing, to accept a subordinate Parliament created by Statute of this Imperial Legislature, as a final settlement of Ireland's claims.⁶

In acknowledgement of the significant event, last year, that was the hundredth anniversary of the reading of the third Home Rule Bill at Westminster, and, incidentally, the hundred and twenty first of his initial selection for what afterwards became his permanent Home Rule seat in Waterford until his death almost thirty years later, it is Redmond's political character and, in particular, his self-government vision that is, in part, the focus of the current article. There is, after all, a noteworthy 'local' reason, quite apart from the obvious, for just such an assessment in this, the year after the bill's centenary celebration and the hundred and twenty first jubilee of his original securing of the post of parliamentary representative for the city. That residential factor is the attendant, because profoundly interconnected, cynosure of same.

Because John Redmond's concept of dominion status within the British Empire, the very core of his Home Rule position, was a discernment that he not only shared absolutely with a substantial proportion of the people of Waterford but which, in fact, formed the very heart of the remarkable political phenomenon known as Redmondism that emerged at the start of his command of the city in 1891 and continued to play out there right up until his death in 1918 and, indeed, beyond.

5 *Ibid.*

6 *Ibid.* For a detailed analysis of John Redmond's support of Parnell's Home Rule position, see Dermot Melcady, *Redmond: The Parnellite*, (Cork University Press, 2008).

according to some, at least, of the many strands of local public opinion existing in the city, not only in the immediate and recent aftermath of his passing but subsequently, and for a long time after, in truth, right up to the present day. And, crucial to that discussion, of course, is an analysis of the complexion and substance of the particular back-ground factors that, fatefully, differentiated John Redmond's and the city of Waterford's particular hopes pertaining to, and potentially realised by, impending internal self-rule for Ireland from, arguably, those of the entirety of the rest of the country for most of the duration of his reign as MP for the locality and, certainly, up until the 1916 Rising and its aftermath catapulted the Irish political framework in a very different direction. This is because it was, as has previously been remarked, those same circumstantial elements that largely defined the exact same self-government outlooks of both Redmond and the region that deviated so significantly from elsewhere in what was to become, within thirty years of his first election as the city's MP, the twenty-six counties of the Irish Free State.

Having explored the singular 'meeting of minds', on the issue of Home Rule, that occurred instantaneously at the first interface between the man and the location that was, perhaps, it could be suggested, in the context of their fairly unique and yet commonly held Home Rule ideology referred to immediately above, almost 'pre-destined' to become his local community for the remaining twenty-seven years of his life, the article concludes with an assessment of the nature and function of Redmondism as it initially expressed and evolved thereafter under the stewardship of John Redmond.

The depth and intensity with which Redmond the elder⁷ was literally adored by numerous strands of the local community in Waterford city and the attendant emergence of Redmondism as an expression of that adoration is, at this point in time, a matter of historical fact. That such estimation was conferred on him from the very beginning of his association with the city is, undoubtedly, as will be illustrated, an important aspect of that documented actuality.

The deep significance, however, of the instant rapport between this notably shy, aloof, stern, rather formal man⁸ and a considerable proportion of the citizens of Waterford city, in terms of what it reveals about the essence and outlook of both, has yet to be the subject of any historical observation and debate.

With that in mind, the relevant facets of John Redmond's complex political ideology as it pertained, especially, to Home Rule for Ireland, and his general background which, taken in tandem, made him the unlikely inspiration, many would say,⁹ for the birth of the political ideology that was Redmondism in the municipality of Waterford and its immediate hinterland are worthy of consideration. The second part of the match that lit the Redmondite flame in the city is, likewise, as has

7 To distinguish between him and, firstly, his son, William, who held the seat after his death, and, secondly, his daughter-in-law, Bridget, who held the seat after the death of her husband.

8 For further information, see Alice Mc Dermott, 'Bridget Redmond: The Keeper of the Redmondite Flame in Waterford' in *Decies* (2010), p. 88.

9 *Ibid.*

been earlier noted, fundamental to the deliberation, namely, the essence of the resident source, in other words, the origin and disposition of the various local factors that were gathering momentum for centuries, literally, prior to his election as MP and appear to have had a denoting and positive influence both on his initial securing of the seat and on the subsequent emergence of the absolutely unique Redmond creed in Waterford. Because, as has also been observed, it was from the union of aspiration and purpose of both the man and the metropolis that Redmondism was firstly conceived and subsequently fostered and developed as a distinct dogma in the district.

John Redmond was initially elected as MP for Waterford city in a bye-election in December 1891.¹⁰ There had been a furious battle for the seat between himself and Michael Davitt, accounts of which filled copious columns of the various local newspapers at the time. Redmond won the seat convincingly in the end and, according to those same newspaper articles, Davitt was consequently 'rejected with vehemence' by a substantial majority of the city's electorate!¹¹

The decisiveness of Redmond's first election victory in the region raises two interesting questions, the answers to which form the core of any proper understanding or appreciation of the nature, substance, sub-textual context, and extent of the instant and mutual endearment that existed between the man and the city and the character, scope, and significance of the doctrinal phenomenon known as Redmondism that resulted instantaneously and ebulliently, almost like some sort of chemical reaction, from that initial joint engagement. Both inquiries, therefore, fundamentally shape the nub of the article.

Firstly, why did John Redmond, a relative unknown from the perspective of the city's inhabitants because he was, of course, a non-native of Waterford,¹² win the seat, at the expense, significantly, of Michael Davitt, the ex-Fenian, fiery Land-Leaguer, and appreciably more high-profile candidate?¹³

Secondly, why was it that Waterford city elected Redmond senior so definitively¹⁴ on a pro-Parnellite ticket¹⁵ at a time when the pro-Parnellites were in a distinct minority within the Home Rule Party and the Home Rule Party nationally was, conversely in the context of the Waterford city election result, divided and weakened by internal wrangling on the 'Parnell issue'?¹⁶

10 For further details, see 'Mr. Redmond Returned', *Waterford News*, 2 January 1892.

11 See, for example, 'After the Election', the *Munster Express*, 2 January 1892.

12 Not only that, he was from Wexford, a 'rival' county. For an account of his political career prior to coming to Waterford, see Redmond-Howard, L. G., *John Redmond: The Man and the Demand*, (Hurst and Blackett Ltd., 1910), pp. 1-20.

13 For further details, see Lyons, F.S.L., *Op. Cit.*, pp. 163-7, 170-1.

14 The result of the valid poll was: Davitt, 1,229 votes, Redmond, 1,775 votes. Redmond therefore defeated Davitt with a significant 542-vote differential. For details of same, see *Waterford News*, 2 January 1892.

15 For an account of Redmond's pro-Parnellite stance, see Patrick C. Power, *History of Waterford City and County*, (Mercier Press, 1990), pp. 324-5.

16 For an account of same, see Frank Callanan, *The Parnell Split 1890-91*, (Cork University Press, 1992). See also, F.S.L. Lyons, *Op. Cit.*, pp.198-201, and Donal

The answers to both questions, as has been briefly alluded to earlier, appear to have their roots deeply buried in, firstly, because it was centuries longer in the making, the region's Dominion Status disposition, profoundly influenced by its long-term 'back-story', in other words, the history of the city from the time of its Anglo-Norman conquest up until the arrival of John Redmond seeking an election base there in 1891 and, secondly, and deeply entwined and inter-connected with the former, and nourished and enriched upon, and following, their initial mutual engagement, Redmond's own Home Rule standpoint because, despite having evolved over vastly different time-frames and, indeed, circumstances, one was a mirror-image of the other. And, as a really interesting result of the exactly replicated self-government 'positions' of both John Redmond and the citizens of Waterford who elected him, 'answers' plural almost become one single response because of the strength and significance of their double-image inspiration, nature, and effect.

Consider the following, by way of further explanation.

Waterford became a 'city-state' following the conquest of the city by the Anglo Normans in 1170, over seven centuries prior to Redmond's political embarkation.¹⁷

Deeply symbolically, given the Dominion Status positions of both John Redmond and Waterford city half a millennium later, fundamental to the brace of questions just asked, and although not, in any sense, a typical generic long term response to invasion by the, usually, 'put-upon' invaded, the municipality's inhabitants actually became, within three hundred years of its initial conquest by the Normans, firmly established loyal citizens of the English crown.¹⁸

Perplexing and all as this might appear, in the first instance, to historians and other interested parties, given the nature of their original 'entanglement', their actual reason for adopting a position of such unshakeable fealty to the royal institution that had, essentially, conquered them three centuries previously, was not only understandable, from their perspective, upon further, deeper consideration, but also, perhaps, inevitable, given a fairly unique combination of local circumstances.

Because, in constitution and essence, the people of Waterford were, predominantly, orthodox Catholics and so, too, were the English crown's agents of conquest, the Normans. From the outset, and despite the hostile, conquering motivations that occasioned the arrival of the Normans in the region, and the initial equally unwelcoming response of the local inhabitants to same, the shared religious affiliations of the 'oppressors' and the 'oppressed' were to be important factors in helping to shape at least one significant feature of the future political landscape of Waterford city and its environs.

McCartney, (Ed.), *Parnell: The Politics of Power*, (Wolfhound Press, 1991), pp. 16-18.

17 See William Nolan, William Thomas Power, (eds.), *Waterford: History and Society*, (Geography Publications, 1992), pp. 111-112.

18 See Patrick C. Power, *Op. Cit.*, pp. 44-45.

The church in the rest of Ireland, on the other hand, possibly inarguably in very significant need of same from the twelfth century onwards, was undergoing early restoration and reform and, consequently, substantial change, in its efforts to remodel itself on the Church in the rest of mainland Europe. Unwilling to succumb to the new national trend, and perhaps, as was recently noted, laying one of the first of some easily identifiable non-typical¹⁹ foundation stones against which some, at least, of the city's mediaeval, early-modern, and, as has previously been noted with regard to its Home Rule stance, later-modern history can be mapped, the citizens of Waterford actually subsequently viewed the Norman invaders, albeit some 300 years after the initial conquest, as their saviours from any potential, externally-enforced, changes to the religious orthodoxy to which they were deeply committed and which they very fundamentally valued and championed.²⁰

This atypical and, it must again be noted, later response, in global terms, by the majority of its inhabitants to the earlier Norman 'invasion' of Waterford was to set the tone for the city's steadfast and widespread positive attitude to the British Empire, as it emerged and evolved as a monolith, over the next four centuries, and to its continued majority 'sense' of the desirability of preserving its own dominion status within same right up until the 1890s and, indeed, beyond.

Forty-five years after the first arrival of the Normans through its gates, the city of Waterford was granted a Royal Charter by the English King, John.²¹ Its citizens welcomed the conferring of the status by the English monarch, not least because it gave the municipality essential freedom from central government and effective control over its own internal affairs, in effect, a form of localised home rule!

The city's 'royal' status was, undoubtedly, both a positive and, indeed, significant contributing factor in its increased economic prosperity throughout the remainder of the mediaeval era and, very likely, beyond.²² The link, initially forcibly established in 1170, that within a three hundred year time-frame totally metamorphosed, in the minds of a substantial proportion of its inhabitants, into a fond and enduring interconnection between 'Britain', later 'Empire', and 'rescue' and 'salvation' thus laid its first tentative roots with the addition of prosperity to the practical and, of course, ideological charm bracelet that already contained the orthodox Catholic talisman.

Waterford city was thereby formatively secured as a loyal outpost of Britain long before the much larger neighbouring landmass conceived of the political entity that was to ultimately emerge in the guise of one of the most dominant Empires of modern times. The south-east of Ireland metropolis continued to occupy, and, indeed, enjoy this 'faithful frontier' position for most of the remainder of the later emerging British Empire's period of existence.

19 In a wider Irish context.

20 For further details, see Patrick C. Power, *Op. Cit.*, pp. 19, 44-45.

21 The charter was granted in 1215. For further information, see Julian Walton, *The Royal Charters of Waterford*, (Waterford Corporation, 1992), pp. 15-19.

22 For a further exploration of this, see William Nolan, and Thomas Power (eds.), *Waterford: History and Society* (Dublin, 1992), pp. 147-168.

For a further seven centuries after King John's granting of its Royal Charter, the only occasions when Waterford city fell out of royal favour, and, from the municipality's perspective, when Empire loyalties wavered, were when, interestingly, given the foundation upon which those allegiances were first built, differences in religious affiliations inevitably, perhaps, resulted from the Reformation of the early modern era as it played out in, and to, unique English circumstances.

The most serious of such instances was when Cromwell made a vicious and sustained attempt, beginning in 1649, to turn Waterford city into a Protestant enclave. His efforts systematically failed and the region's loyalty to the crown continued unabated, for economic reasons certainly, but also because of the enduring nature there of a strong devotion to the English monarchy, and to a firm belief in the rightfulness of Waterford's place in the British Imperium, by then, a small few would argue, almost five hundred years firmly established, the majority, two, the occasional strain or test notwithstanding.²³

Faith to the British sovereign and a sense of belonging within the protection of Britain's political framework, as it expanded, ultimately, into its powerful, wealthy, and vast nineteenth-century Empire status, size, and shape, continued to be the aspiration of the majority of Waterford city's inhabitants right up until the foundation of the Irish Free State in 1922. The metropolis had, for example, largely resisted the fairly widespread appeal, elsewhere in Ireland throughout the nineteenth century, of revolutionary nationalism as expressed by movements like the Young Irelanders and Fenians, supporting instead constitutional nationalism as voiced through early home rule aspirations like those of O'Connellite popular politics and, of course, later Parnellism.²⁴

With due consideration to all of that, by the time John Redmond first won his Home Rule seat in Waterford, the municipality carried the distinction of having served a period of more than seven hundred year duration as a faithful²⁵ bastion of both the British monarchy and Empire. As has been argued previously, with very few exceptions²⁶, the city had a positive experience of 'external rule' and of Imperium throughout the substantial time-frame just documented. Understandably, therefore, it was this perception of constructive involvement with Britain, explicitly, that was directly responsible for Waterford's whole-hearted support of Home Rule all through the fifty-year period between 1870-1918 in particular as, crucially, a means of carefully protecting and preserving the country's critical outer-link with the neighbouring country and its shared political frame-work.

It can also be justifiably claimed that the metropolis's notion of Home Rule as a 'preserver' rather than a 'destroyer' of political links and affiliations with the

23 For a comprehensive treatment of that loyalty in the medieval period, see Eamonn McEaney (ed.), *A History of Waterford and its Mayors from the 12th to the 20th Century* (Waterford Corporation, 1995).

24 *Ibid.*, pp. 191-7, 201-6.

25 Expert opinions differ on when, exactly, Waterford city pledged its loyalty to the English crown.

26 For a fuller account of the period, see Patrick Power., *Op. Cit.*, pp. 19-89.

British Empire was, to all appearances, contrary to the expectations and aspirations of the vast majority of Home Rule supporters elsewhere in Ireland who tended to view the future political designation as a richly welcomed first step in a permanent decoupling of the country from same.²⁷

From a 'local' versus 'national' history perspective, it is deeply significant that it was these two particular aspects of Waterford city's Home Rule 'ideal', in other words, its ultimate or long term political intent and the solo nature of same within the Home Rule 'family' in Ireland generally, that made the location such a perfect cradle for John Redmond and his parallel vision of dominion status, and for the initial expression and later and on-going advancement of Redmondism, from 1891 onwards.

This was because it was these exact same Home Rule facets that shaped and influenced Redmond's own personal and constitutional aspirations regarding Ireland's future specified and limited self-determination within the British Empire.

From their joint perspectives ultimately, had they been able to foresee, the tragedy for Redmond and for Waterford was that, as the years passed and significant related, and other, national and global events unfolded throughout his tenure as MP for the city, while the man and the metropolis became more and more bonded by their shared Home Rule vision, the increasing total isolation of the focus of same for both meant that what they so desperately cherished and pursued was, of course, slipping further and further from their mutual grasps.

In December 1891, however, none of that had yet come to pass. Instead, the city with a very precise Home Rule vision had just elected John Redmond, the man with a mirror-image conception of same, to represent its interests in parliament in Westminster.

And what, specifically, of John Redmond's character, background, and past experiences forged his constitutional political aspirations for Ireland in 1891 and, indeed, for the remainder of his life? And much more significantly, in the context of the current article, what was it that made them echo, for, of course, the region's were much longer infused, Waterford city's own hopes for the fulfilment of a future dominion status 'ideal' within the British Empire?

In a national context, John Redmond is an historical figure about whom relatively less is written and said than one might expect, perhaps, given the extent to which he influenced, shaped and even dominated Irish constitutional nationalism during the last decade of the nineteenth century and the first eighteen years of the twentieth.²⁸

27 See, for example, Paul Bew, *Ideology and the Irish Question: Ulster Unionism and Irish Nationalism 1912-1916*, (Oxford, 1994), pp. 118-152.

28 For a selection of same, see, chronologically, Howard, L.G. Redmond., *John Redmond: The Man and the Demand*, (London, 1910); Stephen Gwynn, *John Redmond's Last Years*, (London, 1919); Rev. Robert O'Loughran, *Redmond's Vindication*, (Dublin, 1919); Denis Gwynn, *The Life of John Redmond*, (London, 1932); Paul Bew, *John Redmond*, (Dublin, 1996); Dermot Meleady, *Op. Cit.*

To date, even more significantly from a local history perspective, his extraordinary suitability for his role as Home Rule MP for the region, and his impact, too, on the people of Waterford city whom he represented in parliament at Westminster for a period of twenty-seven years, remains largely unexplored.

That he had a profound consequence on politics, and, indeed, society in the municipality during the period 1891-1918 is inarguable. It is, for example, immediately apparent upon even the most cursory perusal of local newspaper accounts of the time, where the general picture painted throughout his time there is of a city enjoying a kind of 'golden age' of harmony and relative prosperity under the wise, sensitive, benevolent stewardship of its adopted hero, the Right Honourable John Redmond.²⁹

The memory of his former presence, and of his influence, is no less apparent, kept alive as it is in the rich body of folklore concerning him and his family, in particular, his son and daughter-in-law, William and Bridget, both of whom were, in turn, keepers of the Redmond flame in Waterford, that still abounds in the city.³⁰

And yet, as earlier noted, the origin, nature, and strength of the extraordinary relationship that existed between John Redmond and the city of Waterford is only here and now being formally considered, analysed, and documented.

The 'credentials' offered by certain circumstances inherent in Redmond's family background, with particular reference, perhaps, to the origins of his ancestry in Ireland, and to his forefathers' various refusals to abandon Catholicism at pertinent times during the previous centuries,³¹ despite fierce political, economic, and social pressures to do so while, at the same time, remaining steadfast in their support of the rapidly developing British Empire, together with his own temperament and, of course, particular Home Rule vision which dovetailed so precisely with the region's own, were certainly sufficient to strongly and resolutely instantly endear him to the majority of the electorate in Waterford city upon the first and subsequent early fateful meetings in 1891-2 of both parties in the new alignment that appeared, at that juncture, to be so full of future, on-going potential for each.

As previously referred to, it was those same testimonials that went so far, in fact, as to inspire the creation and development of a new local political ideology that became known as Redmondism, and that was entirely independent of party and national politics, as an expression of the shared and utterly untypical Home Rule sentiment cherished by both the man and what became his local community following the bye-election of 1891.

29 See, for example, 'Our City Member in New York', *Munster Express*, 18 June 1892; 'Return of Our member: Unparalleled Enthusiasm', *Waterford News*, 2 July 1892; 'Mr. John Redmond's Visit: Magnificent Demonstration in Honour of Our City Member', *Waterford News*, 26 January 1895; 'Magnificent Meeting at Ballybricken: 15,000 People Present', *Waterford News*, 2 July 1896; and 'Mr. Redmond Interviewed', *Munster Express*, 6 May 1916.

30 For some Redmond family folklore, see Alice Mc Dermott, *The Redmond Years in Waterford*, unpublished transcripts of interviews with a selection of Redmond supporters collected in the early 1990s and stored in the University of Limerick's library.

31 For further details, see Dermot Meleady, *Op.Cit.*, pp. 6-19. See also Stephen Gwynn, *Op.Cit.*, pp. 4-6.

The first of John Redmond's ancestors to forge an Irish connection was Raymund le Gros who was part of an Anglo-Norman advance guard that landed in Wexford in 1170, prior to the Anglo-Norman invasion of Ireland. Having played his part in the invasion, he was subsequently granted lands at Hook Head in the county.

Redmond's forbearers were, therefore, among the first of the Anglo-Norman families to arrive and ultimately settle in the country.³² This, by an interesting 'quirk' of fate was to function as a very well received second endorsement of the man in Waterford city, already happily established, as previously noted, upon the earlier one, namely, his Home Rule position that so snugly fitted with the region's own.

In fact, had John Redmond contested a Home Rule seat anywhere else in the Ireland of the 1890s,³³ he may have had to work impossibly hard to reconcile perceived irreconcilable differences in the minds of the electorate between the nature of his family background in Ireland and his own claim of being a 'nationalist'.³⁴

Significantly, there were no such perceived differences in the minds of the Waterford city electorate, however. This was hardly surprising, in light of the location's ultimate regard, albeit three hundred years in the making, for the descendants of the original Anglo-Norman invaders. This fact, indeed, is crucial to any real understanding of the genesis of the very special relationship between John Redmond and the city that he came to represent. In fact, it might well have been the case that his resounding defeat of Michael Davitt in the 1891 bye-election was largely the result of the metropolis's electorate equating 'Anglo-Norman', in the persona of John Redmond, with a further salvation or deliverance, perhaps, this time, from 'Irish Ireland', given his dominion status disposition, and with economic prosperity, so scarce and so desperately needed over the previous forty-two years since the ending of the Great Famine, especially considering that these were two of the chief legacies to the region of its original 'conquest' by the Old English.

Acknowledging the fact that a hundred and twenty two years have now elapsed since Redmond Senior was first elected MP, the point can not be unequivocally proven. It is not without a large amount of foundation, however, considering the shared histories, identities, and bonds of both the man and his supporters in the municipality, mutual attachments that not only never wavered but, in fact, grew stronger, in the years between 1891 and 1918.

The third factor in the complex mix of, amongst other things, personality, family back-ground, and political ideology that 'made-up' John Redmond and, of course, in the context of the current argument, functioned as 'commendation' when it came to his extra-ordinary popularity in Waterford city throughout his tenure as

32 For more information on the family's arrival in Wexford, see Howard, L.G. Redmond, *Op. Cit.*, pp. 2-3.

33 Particularly those parts inhabited, in the main, by exponents of D.P. Moran's Irish Ireland philosophy. For further details of same, see F.S.L Lyons, *Op. Cit.*, pp. 230-33, 238-41.

34 See Howard, L.G. Redmond, *Op. Cit.*, pp. 10-11.

MP there, was the staunch and unwavering conservative Catholicism of his ancestors over a very considerable time-frame, which, again, echoed the religious sentiments of the majority of its citizens at the time of the Norman invasion and, indeed, as has been previously noted, subsequently. Additionally binding, of course, because of their duplicating iteration, and, indeed, re-iteration, was the steadfast nature of both party's specific ecclesiastical loyalties.

The background to the link, on the part of his family, was, in essence, based on the fact that Redmond's antecedents, as noted, and like a significant proportion of the citizens of the aforementioned region, managed, over the centuries, the difficult, and, sometimes, seemingly impossible, 'juggling act' of remaining Catholic while simultaneously continuing to be faithful supporters of the constantly unfolding British Empire.³⁵

On the Home Rule question, the article has already noted that John Redmond's vision of Dominion Status within the British Empire was not, in essence, in any way similar to that of the majority of his party colleagues and MPs. Because, while many of them, Parnell earlier included, had an Imperium attitude largely influenced by Irish America, Redmond's was, in contrast, similar to, though not necessarily entirely influenced by,³⁶ the Irish in Australia whose Home Rule aspirations for Ireland were entirely devoid of hostility to the British Empire.³⁷ In fact, his Dominion Status ideal was not only totally devoid of antipathy to Empire, it was positively enthusiastic in its admiration for same and absolutely convinced of the benefits to Ireland of Dominion Status within its framework.

Redmond made his Home Rule position very clear from the very beginning of his membership of the Home Rule party, long before he became MP for Waterford city. For example, in 1882 he was part of an official Home Rule delegation sent to Australia in an attempt to rally support for its cause amongst the large Irish population resident there.³⁸ In the course of one of his speeches during the visit, he was asked what he, personally, meant by the term 'Home Rule'.

He replied:

What do I mean by Home Rule? I mean by Home Rule the restoration to Ireland of representative government, and I define representative government to mean government in accordance with the constitutionally expressed will of a majority of the people, and carried out by a ministry constitutionally responsible to those whom they govern. In other words, I mean that the internal affairs of Ireland shall be regulated by an Irish parliament - that all Imperial affairs, and all that relates to the colonies, foreign states, and common interests of the Empire, shall continue to be regulated by the Imperial Parliament as at present constituted. The idea at the bottom of this proposal is the desirability

35 See Patrick C. Power. *Op. Cit.*, pp. 324-5.

36 His Home Rule position was more the result of family background and of Irish Australian influences encountered personally and through marriage.

37 See Stephen Gwynn, *Dictionary of National Biography*, (London, 1927), p. 448.

38 *Ibid.*, pp. 2-3.

of finding some middle course between separation on the one hand and over-centralisation of government on the other.³⁹

Having thus definitively put on record his personal and political opinion, that Home Rule was an absolute end in itself and not a first step towards Ireland's total separation from Britain and Empire, John Redmond, for the rest of his life, remained steadfast in his allegiance to what he fondly referred to as 'the (British) Empire which is the heritage of us all'.⁴⁰

In a little more detail, this, then, was his strongly held and fixed position on Ireland's continuing and rightful place within the neighbouring monolith. Interestingly, from both a personal and political perspective, and, perhaps, strongly echoing the very nature, the heart, of their mutual engagement, Redmond 'worked the press' regarding the mirror-image nature of his and Waterford city's shared attitude to Empire and to the benefits for the location, and the country generally, of dominion status within same from the very beginning of his public representation there.

For example, when asked by a staff reporter for the *Munster Express* immediately after the announcement of the 1891 bye-election result if he was 'perfectly satisfied' with his decisive victory, he replied: 'Perfectly. After I had been four hours in the city, it became quite clear to me that the popular sentiment was absolutely on my side.'⁴¹

Quite apart from the previously stated obvious reasons, including that of his very successful efforts at mobilising political sentiment through the popular press in a manner, perhaps, not seen since the days of O'Connellite 'commercial' politics approximately fifty years earlier, when the 'Liberator' had worked same into a powerful political force, as, indeed, this man was also destined to do, Redmond's response is also interesting in that it highlights the transparency, as well as the potency, of the mutual rapport between the man and what had just then become his South Eastern 'home base'.

That the rapport commented on by him, based on shared Home Rule objectives, and its subsequent deployment around and about the city, was instant, mutual, and intense has also, some twenty years ago, been shared with the writer of the current article by a member of the Nationalist Women, a group formed by John Redmond's supporters in Waterford later on in his political career. Although she was not born until 1910, she recalled, in an unpublished, taped interview with the aforementioned, how her parents, both deeply committed Redmondites, described the first time that John Redmond travelled to Waterford to canvass for votes in the 1891 bye-election there:

'He was met at the Railway-Station by a band and all went to Ballybricken for a meeting...It was packed...My parents always told us that if a plane fell from the

39 Denis Gwynn, *Op. Cit.*, p. 52.

40 John Redmond quoted in Patrick C. Power, *Op. Cit.*, p. 225.

41 From 'The Waterford Election: Interview with Mr. Redmond', *Munster Express*, 2 January 1892.

heavens that night at John Redmond's meeting, it would fall on someone, so wide and deep was the crowd...⁴²

John Redmond's national profile, as has previously been mentioned, has been the subject of a considerable amount of analysis and debate, by contemporaries, outside commentators, and historians alike throughout his political career and, indeed, the (almost) hundred years since his death. Many of these treatments tend towards the conclusion that the man was politically weak and 'unremarkable' and personally lacking in charisma, as is evidenced by the following descriptions of him taken from a wide variety of sources:

'Mr. Redmond...hook-nosed, spineless, and suave... The great jellyfish of Westminster, the invertebrate leader with the cold, mindless face [who] let slip the one great chance of winning freedom. Without firing a shot or sending a man to the gallows, he might have had it, but refrained, from delicacy of feeling.'⁴³

'John Redmond impressed me as abler, more intellectual than his brother, but infinitely less loveable...The truth is that there was a good deal of selfishness in John Redmond...He had no idea of his own. But he had an admirable knack of expressing the idea that was put in his head and he impressed English men as a very wise man.'⁴⁴

'Redmond showed himself at some critical moments lacking in political resource. He was content to stand "precisely where Parnell stood". But a quarter of a century had passed and it had brought many changes...There is...evidence that Redmond...during (his) long sojourn at Westminster had become dangerously detached from his own people.'⁴⁵

'Shy, aloof, formal, and ponderous, able to appeal to reason but not to instinct or emotion, an English-style country squire devoted to shooting and fishing, he was in many ways a most unrepresentative Irishman...Redmond lived in a narrow and rarefied world, moderate, balanced, and reasonable. Both his principles and his limitations prevented him from understanding, let alone exploiting, those whose aims and methods differed radically from his own. [He is] one of the great losers in Irish history.'⁴⁶

In direct contrast to his mediocre and lack-lustre national profile, however, John Redmond was, quite simply, as earlier intimated, accorded 'hero status' by his supporters in Waterford city. He was, literally, adored by his followers there, details of which have been discussed in previous contexts by the current author, amongst others.⁴⁷

42 Upon request, and with the permission of her family, further details of the interview are available from the author.

43 Frank O'Connor, *The Big fellow*, (Dublin, 1991), pp. 16-17.

44 Mrs. William O'Brien, *Reminiscences of John and Willie Redmond*, (London, 1905), pp. 1, 9, 19.

45 Nicholas Mansergh, 'John Redmond', in Conor Cruise O'Brien, (ed.), *The Shaping of Modern Ireland*, (London, 1960), p. 48.

46 M. Laffan, 'John Redmond and Home Rule', in Ciaran Brady, (ed.), *Worsted in the Game: Losers in Irish History*, (Dublin, 1989), pp. 133, 141.

47 See, for example, footnote 8 above.

The absolute disparity in the two sets of perceptions of the same man can only be explained by making allowances with the following observations. For John Redmond, from the start of his tenure as MP there, the history and other shared characteristics, including its majority political outlook, of his adopted home base in the city, struck a strong reciprocal cord deeply felt within and, subsequently, remarkably responded to. And, for his supporters in Waterford city, they were, again, from the outset, and, in turn, tuned into, attracted, and inspired by the range of 'echo' similarities in Redmond's own personal, family, and political circumstances. The explosive result of this was a local and mutual instant 'big bang' effect, which, essentially, seemed to light a series of sparks and then 'bring out' and further nourish qualities, responses, and behaviours in John Redmond while in Waterford that were never inspired, fostered, or ignited elsewhere. He was, from then until his death in 1918, almost always impassioned, engaging, prolific, confident, and relaxed, while conducting himself in public upon his local platform. It was as if his supporters in the region fundamentally discovered, awakened, and constantly re-ignited, in John Redmond, and he, through them the luminary qualities necessary to lead the charge towards their mutually cherished future destiny as a Home Rule colony within the British Empire! And he, in turn, rose to the challenge by becoming 'more' in Waterford city, than, at least some would have it, he ever did outside of its orbit.

And that blossoming of John Redmond in Waterford city, and of the region under his stewardship, based on their extraordinary sense of kinship as previously outlined, was what lay at the heart of Redmondism as a personal and political union between the man and his chosen local community from 1891 onwards. Because, contrary to the suggestions of those who dismiss the phenomenon as, simply, subsequent to the 'Uncrowned King's' death, Parnellism without the presence of Parnell, Redmondism was much more, it was local, it was powerful, it was focused, and it was unique, built as it was around a man and a metropolis with a common purpose that was not, in any sense, nationally shared within what was soon to become the twenty six county Irish Free State.

The Historical Work of Matthew Butler: An introduction

Julian Walton

COUNTY Waterford has been well served in the past by its local historians – Smith, Ryland, Egan and Canon Power, to name but the leaders. The most prolific, but perhaps the least well known to subsequent generations, was Matthew Butler (1874-1964). He is remembered as the author of several articles in our local archaeological journal and of a history of the barony of Gaultier; it is often forgotten for at least thirty years he produced an apparently inexhaustible stream of articles for the *Waterford News*.

He was born at Ballygarron in Kilmaclean parish on 14 January 1874, the son of Thomas Butler and his wife Ellen, née Tobin. His father was an illiterate labourer, who signed the birth certificate with an X and got his son's birth date wrong. He was baptised on the following day in Carbally Church. As a boy he attended Summerville National School, Carbally. In those days a gifted boy might stay on beyond the school leaving age as what was called a 'monitor', earning his keep by teaching the younger pupils. This appears to have been the sum of his formal education.

In early adulthood he moved to Dublin. He appears in the 1901 census living as a boarder at No. 48 Strandville Avenue, North Dock. His occupation is described as schoolteacher. Five years later he married Mary Gore, whose father's occupation is described in the 1911 census as 'gentleman'. The couple were living with her family at No. 8 Richmond Street North in Mountjoy Ward. The household included not only Mr and Mrs Gore and Matthew and Mary Butler but also her three brothers and one sister. Two of the brothers are described as commercial travellers and Matthew as a commercial clerk (the third brother was an 'overseer'). Mary and her sister were both schoolteachers.¹ The Butlers did not stay long at 8 Richmond Street. When his history of Gaultier was published two years later he gave his address as 19 Belvedere Place. In later years he lived at 23 Mannix Road.

Butler was an enthusiastic supporter of the GAA and the Gaelic League. He also had a lifelong absorption with Irish history, and in particular that of his native county. 1912 seems to have been a key year for him. In that year he was elected a member of the Royal Society of Antiquaries of Ireland.² In 1912 there also

1 Admittedly, Matthew's place of birth is given as Dublin, but the whole entry is messy – his religion is given as RR instead of RC and there are insertions and corrections. I am in no doubt that this is our Matthew – the age given is correct and there was no other Matthew Butler living in Dublin.

2 The title page of *Gaultier* has the initials MRJA written after his name but this must be an error on the publisher's part – he was never a member of the Royal Irish Academy, though he did use its library in his researches.

appeared the *Parochial History of Waterford and Lismore*, anonymous but generally reckoned to be the work of Canon Power; I have Matthew Butler's copy, liberally adorned with additions relating to clerical biographies.

In that year too he began his contributions to the *Journal of the Waterford and South-East of Ireland Archaeological Society*. Using original materials in the Public Record Office at the Four Courts and the State Paper Office in Dublin Castle, he compiled an impressive account of the idealistic attempt to found the city of New Geneva near Passage East and its subsequent life as the infamous Geneva Barracks. When we take into account the additional material he cites in his book on Gaultier, and the sources unearthed by Hubert Butler in Geneva itself, we have the foundation for a history of this largely forgotten enterprise of the late eighteenth century.

He also wrote in the 1915 journal on William Crotty. Again using original sources such as newspaper references and government proclamations, while discounting unfounded local legends, he proved that Crotty – a folk hero 'on his keeping' until his capture and execution in 1742 – was not in fact a highwayman at all but (in modern terms) a burglar.

He also contributed to the 1915 journal notes on old Waterford newspapers, the city's sugar refinery, the recantation of Butler of Kilcash, and Captain Doyle's survey of the Waterford coast in 1735. Obviously, his historical appetite already ranged far and wide.

It now looked as though Butler's work would find a distinguished and lasting place in the pages of our local antiquarian journal. But in that same year everything changed. Bishop Sheehan died and the journal he had founded died with him. Canon Power departed to take up the post of Professor of Archaeology at UCC. The Great War sapped everybody's energies and financial resources. Matthew Butler's attention also moved to a different quarter: from 1916 on he devoted his labours to the republican movement.

An attempt was made to revive the journal in 1920 with Butler as editor, but only one issue was published before the journal folded again – perhaps because the editor was 'on the run'. For this lapse Canon Power never forgave him; 'That man let me down very badly,' he would growl.³

This did not stop him from researching and writing. The *Journal* had published a series of instalments containing copious extracts from the Depositions of Murders and Robberies held in Trinity College. Now available online, these records were difficult of access until recently owing largely to the execrable handwriting of the clerks who wrote at speed to record what the deponents said. And they had a lot to say of their sufferings at the hands of the nefarious Irish Catholics in the rebellion of 1641. The depositions proved an excellent propaganda weapon for the English Parliament in stirring up hatred against the Irish, and were a major influence on Oliver Cromwell. But were they genuine? Fitzpatrick, who edited the Waterford selection, delighted in picking holes in them. And in 1918 Butler wrote for the Catholic Truth Society *The alleged massacre by the Irish Catholics in 1641*.

3 Ex. Inf. Lt. Col. H.D. Gallwey.

The outbreak of the Troubles must, however, have hampered his work – it's not easy to clock in and out of the National Library if you're on the run. During the War of Independence he was arrested by the British authorities. He opposed the Treaty of 1921 and found a kindred spirit in Edmund Downey, editor-proprietor of the *Waterford News*, whose opposition to the Treaty was so vehement that the newspaper's premises were wrecked by Free State supporters in 1922. When stability returned their collaboration was to be a fruitful one. Both men supported Fianna Fáil, and when Dev's party came to power in 1932 the *News* published Butler's pamphlet *Eamon de Valera, a biographical sketch*. Many years later, in 1944, he published the booklet *Fifty golden years: history of the Gaelic League in Waterford*.

For the rest of Butler's working life an apparently unquenchable stream of articles relating to Waterford history poured from his pen into the pages of the *News*. He published no books other than those I have mentioned, other than the important *Waterford: an illustrated guide to city & county, with special Tramore and Dunmore sections* (1942, reissued 1946, 1952, 1953, 1954).

I have little more to record of his personal life. So far as I know he remained a commercial traveller. He was Secretary of the Irish Industrial Federation. In 1932 he was appointed a member of a two-man committee to examine the needs of the Gaeltacht areas. He was still alive when my own researches began in the mid-fifties, but very old and I was discouraged from approaching him for advice. He died on 27 May 1964 aged ninety and is buried in Glasnevin.

Now for a look at his major published work, *A history of the barony of Gaultier*, published by Downey & Co. (who else?) in 1913. It's a small book with a green hard-back cover, containing 217 pages, an index, and a very inadequate map. Today, copies on the second-hand market are as rare as hens' teeth, and even in these recessionary times might well cost €300.

In the Introduction, Butler sets out his stall. It deserves careful reading. Irish people, he says, are taught nothing of the history of their own country. But ordinary country people are intensely interested in their own area; therefore he writes 'for the men and women, boys and girls of my native barony'. I doubt in fact whether the men and women, let alone the boys and girls, would have found the book easy reading. Nor is this book a history of the barony, as Butler is the first to admit. Its great merit is that it sets out an impressive quantity of facts and records on the history of Gaultier. A hundred years on, vast quantities of fresh information have become available; but other records that he used have been destroyed, or have simply disappeared, or are still difficult of access. This is the great merit of his book.

Matthew Butler makes the point – and how right he is – that to write the history of a county is a task of monumental proportions; the ideal area for the local historian is the barony. He intended his work to be a model for others to follow: 'What I have done for Gaultier may be done equally as well for every barony in Ireland,' he remarks. He acknowledges its shortcomings – a man has to earn his bread, repositories have limited opening hours, and there are masses of documents in private hands that may be inaccessible or unknown.

He was particularly fortunate in that a number of records that were virtually unusable to the non-expert had been recently made available in summarised form and in English. These included:

- * Sweetman's calendar of documents relating to Ireland in the [English] Public Record Office, a series which unfortunately petered out after the year 1310;
- * The medieval Irish Pipe Rolls, published serially in the annual reports of the Public Record Office;
- * The Irish Patent and Close Rolls, published in various formats from the reign of John through to 1633;
- * The Fiants of the Tudor period, also published in the reports of the PRO;
- * The State Papers relating to Ireland in the English PRO, beginning with the reign of Henry VIII and published in many volumes down to 1670.

Butler made extensive use of the Public Record Office at the Four Courts, particularly working on records of the Cromwellian period. Some of these have since been published – the Civil Survey, the Down Survey, the Subsidy Rolls in particular. Others were not, but thanks to Butler we have the Gaultier entries from the 1642 Outlawries and the Transplantation Certificates. He also made use of the 1821 census. We can hardly blame him for not having transcribed more from the old PRO; had he known that it would be destroyed with virtually all its contents nine years later, he would no doubt have spent more time there.

His book lacks a table of contents, so here is a summary:

- * There are chapters on pre-Norman Gaultier and on the Norman invasion (which of course came through Passage East);
- * A long chapter covers the period from Henry to Cromwell, giving in chronological order all the records on Gaultier he could muster;
- * Several chapters cover the plantations of the Cromwellian period and the later settlement arranged under Charles II;
- * A long chapter modestly entitled 'Places and Placenames' comprises a gazetteer of the barony containing an invaluable miscellany of facts
- * The final chapter covers the theme of education in the barony, a particular interest of the author.

To sum up, Butler's *Gaultier* is by no means a complete history of the barony, as the author is the first to admit. Nor is it free from errors of fact or interpretation. Much of what he records has been superseded by later study. In its time, however, it was a unique contribution to Irish local history, and it assembled an impressive amount of information, much of which would be hard if not impossible to track down today.

The best, however, was yet to come. Undeterred by the destruction of the Record Office, Matthew Butler continued his work, publishing in the pages of the

Waterford News a vast number of articles dealing with many and varied aspects of local history. To my knowledge, no one has yet listed them, and it's time somebody did. Some years ago I took as a sample the years 1953, '54 and '55 and found that - together with much else - he had written:

In the series 'A Ramble in Gaultier':

- * 33 instalments on Dunmore East National School;
- * 10 on the 17th-18th century Deyos family of south Kilkenny;
- * 6 on the New Geneva settlement;
- * 18 on the townland of Carricksaggart;
- * 6 on the poetry of Elizabeth Owen of Cheekpoint (1822);
- * 10 on the townland of Ballygunnermore.

And in the series 'A Ramble in Waterford':

- * 10 instalments on Keily's Brewery;
- * 5 on the 19th-century merchant Edward Walsh;
- * 4 on Strangman's Brewery;
- * 5 on the firm of James Mosley & Sons;
- * 7 on the townland of Bishopshall in south Kilkenny.

He was fortunate in being allowed access to the archives of the Wyse family of the Manor of St John's, who still lived in the area, and he used them to compile in 1943 an extremely thorough history of the family, from the Norman invasion down to his own time. When the series reached episode number 150 he comments gruffly that he would have liked to continue with other branches of the family, but the series had gone on for long enough. More's the pity!

During the 1930s an account-book of the Carew family was presented to the [new] PRO, and Butler used it to present a history of the Carews – mainly the Castle Boro and Woodstown House branch rather than that of Ballinamona – which also ran into many episodes.

I have failed completely to discern any pattern in Matthew Butler's interests. Some gentry families are covered, as are some strong farmers, some merchants, some townlands; others are ignored. Why, for instance, should he have been interested in the Finucanes of Ballyscanlon or the Deyoses of Melville? In addition to his fascination with families and townlands, he also researched on inns, schools, and the police, among other general topics.

Where did he work? Obviously, he still used the Public Record Office, where every effort was being made to find substitutes for the terrible losses of 1922, particularly regarding wills. Also the Royal Irish Academy, which holds the papers of John O'Donovan, who transcribed many volumes of inquisitions post mortem for the seventeenth and eighteenth centuries.

The National Library must have been his main target: its opening hours were deliberately extended through weekday evenings and Saturdays to facilitate working people such as he. In addition to having a copyright entitlement to all books

published in the state, it holds an enormous collection of newspapers through which Butler trawled happily over decades. One day these will all be online; until that time we must all be grateful to Butler for marshalling these vast resources to his bidding.

He was also one of the first local historians to make extensive use of the Registry of Deeds in Henrietta Street. This vast resource comprises memorials of thousands of deeds, bound into hundreds of huge volumes in the order in which they were registered. There are indexes of grantors (but not grantees) and place-names. Even today the vastness of this archive, the obscurantism of the legal terminology, the inadequacy of the indexes, and the sheer weight of the volumes, deter many researchers. Butler was a pioneer in their use, ably reducing lengthy documents with phrases such as 'The party of the fifth part shall be called the party of the fifth part' to a few concise sentences.

Towards the end of his life, Matthew Butler put his working papers in order and presented them to the National Library of Ireland. They are available on microfilm at Waterford Central Library. Topics were arranged in alphabetical order, from Acteson to Wyse (he did not have enough information to complete the alphabet with a file on the eighteenth-century Palatine merchant Harman Zurhorst!), each entry (including its source) cut out and pasted into a series of school copy-books. There are no fewer than ninety-two of these little books, bound by the National Library into eleven huge volumes and numbered MSS 9495 to 9505. They provide the raw materials for Butler's articles, and are to my mind every bit as valuable to today's researcher as his published work.

The principal files (ten or more pages) carry the headings Abbeyside, Ardagh, Barker, Barron, Bolton, Carew, Carrick-on-Suir, Christmas, Dalton, Deaths, Dennis, Dobbyn, Dungarvan, Dunmore East, FitzGerald of the Island, Gaultier, Harper, Hurling, Ivie, Lee, Lettings & sales, Lyon, Mackesy, Marriages, Merchants, Morris, Names, Newport, [New] Geneva, Paul, Penrose, Pope, Power (especially of Clashmore and Knockaderry), Price, Roberts, Schools, Stephens of Dromina, Tramore, the Union, Rice, Waterford (many subheadings, especially newspapers), Wyse. Vols 88-91 comprise biographies of priests.

In addition to the notebooks, the National Library has two of his scrapbooks containing copies of some of his articles published between 1932 and 1943 (NLI ILB 94141 and 94142); these too are available on microfilm in our City Library.

The National Library also holds a box of unsorted material associated with Matthew Butler. My guess is that these were the papers found in his house at his death and presented to the library.

To mark the centenary of the publication of Matthew Butler's *Gaultier*, the Gaultier Historical Society is reprinting extracts from his work in weekly instalments in the *Waterford News and Star*. And we give below a list of the contents of his unpublished material in the National Library.

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John Hearne and the Making of the 1937 Constitution

Eugene Broderick

Introduction

The Constitution of Ireland, which came into effect in 1937, is a document of enormous significance. It determines, among other things, the country's system of government, the functions of the president, the fundamental rights enjoyed by citizens and the provision of justice. Quite simply, it impacts on the lives of all people living in the state. The process of the drafting of this document is a neglected area of historic research, but recent scholarship has shed light on it and identified the key role played by a number of civil servants.¹ Pre-eminent among these was Waterford born John Hearne. According to Professor Dermot Keogh, who has pioneered research on the history of the constitution, he was, 'unquestionably', the 'central figure' in the process;² and in the opinion of Gerard Hogan, a distinguished constitutional scholar, 'the supremely gifted John Hearne was the principal drafter'.³ Contemporary comments inform these assessments. A memorandum prepared by Patrick Kennedy, assistant secretary to the government, on 30 December 1938, records that 'the preparation of the original draft was done mainly by Mr John Hearne, BL, legal adviser to the Department of External Affairs, in consultation with the parliamentary draftsman, Mr Arthur Matheson, BL, under the personal supervision of the president [of the Executive Council, Eamon De Valera]'.⁴ The supreme tribute was paid to Hearne by de Valera. In a copy of the constitution presented to him by the president on Constitution Day, 29 December 1937, the day the constitution came into operation, de Valera wrote the following dedication: 'To Mr John Hearne....architect in chief and draftsman of this constitution, as a souvenir of the successful issue of his work and in testimony of the fundamental part he

- 1 Relatively little has been written on the drafting process. Dermot Keogh's, 'The Irish Constitutional Revolution: An Analysis of the Making of the Constitution', in Frank Litton (ed.), *The Constitution of Ireland, 1937-1987* (Dublin, 1988), pp. 4-84 is the pioneering work. Keogh, together with Dermot McCarthy, produced *The Making of the Irish Constitution* (Cork, 2007). Gerard Hogan's, *The Origins of the Irish Constitution 1928-1941* (Dublin, 2012) is a magisterial study and the definitive work to date. See also Hogan's, 'De Valera, the Constitution and the Historians', *Irish Jurist*, 41, 2005, pp. 293-320; and Hogan's, 'The Constitution Review Committee of 1934', in Fionan O'Muircheartaigh (ed.), *Ireland in the Coming Times: Essays to Celebrate TK Whitaker's 80th Year* (Dublin, 1997), pp. 342-69. The definitive account of the drafting process remains to be written.
- 2 Dermot Keogh, *The Vatican, the Bishops and Irish Politics 1919-39* (Cambridge, 1986), p. 208.
- 3 Hogan, 'De Valera, the Constitution and the Historians', p. 319.
- 4 Quoted in Keogh, 'Irish Constitutional Revolution', p. 9.

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took in framing this, the first free constitution of the Irish people'.⁵ However, Professor J.J. Lee has observed that much remains to be uncovered about the role of Hearne in the drafting of this document.⁶ This article seeks to increase our knowledge of the part he played and assess the contribution of John Hearne to the making of the constitution of the modern Irish state.

John Hearne: early life and career

John Joseph Hearne was born in Waterford City on 4 December 1893, the child of Richard Hearne and Alice Mary Hearne (nee Power). He was the fourth son and the sixth of seven children.⁷ The family resided at 8 William Street. Richard Hearne was one of the owners of Hearne and Cahill, boot manufacturers, with a factory located at 15 Broad Street.⁸ Patrick Egan described this manufacturing enterprise in his directory of Waterford City, published in 1893. It employed upwards of ninety hands and the products were distributed all over the south of Ireland. Egan wrote about Hearne and Cahill in enthusiastic terms:

If Waterford had many industrial resources such as this, it might look forward to the day when it would be able to recover all the native industries which have been filched from the country during ages of misdealing, through inimical laws and other grooves, by which the lifeblood of the Irish nation has well nigh been exhausted.⁹

Richard Hearne was a prominent citizen in the city and served as mayor on two occasions between 1901 and 1903.¹⁰

John Hearne attended Waterpark College, run by the Irish Christian Brothers, which was located near his home. He entered University College, Dublin, where he received BA and LLB degrees. These were years which witnessed the rise of Sinn Féin and the political mood of the college reflected this. Hearne, however, continued to support the Irish Party. This was not entirely surprising, given the fact that its leader, until his death in March 1918, was John Redmond, who represented Waterford City in the Westminster Parliament. With James Dillon, a future Fine Gael leader, he found himself an increasingly lonely defender of a political order that was rapidly vanishing. The pair became known as 'the last frontiersmen of the Irish Party'.¹¹ He spent some years in St Patrick's College, Maynooth, training for

5 National Library of Ireland, Ms., 23,508.

6 J.J. Lee, *Ireland 1912-1985: Politics and Society* (Cambridge, 1989), p. 202. A recent interview given by Gerard Hogan, and published in the *Law Society Gazette*, gives a valuable insight into Hearne's role in the construction of the Constitution of 1937. See 'On the Origin of the Species,' *Law Society Gazette*, October 2012, pp. 24-27.

7 James McGuire and James Quinn (eds.), *Dictionary of Irish Biography* (Cambridge, 2009), p. 582.

8 P.M. Egan, *History, Guide and Directory of County and City of Waterford* (Kilkenny, 1893), p. 360.

9 Egan, *History*, p. 445.

10 Eamonn McEaney, *A History of Waterford and its Mayors from the 12th to the 20th Century* (Waterford, 1995), p. 234.

11 Maurice Manning, *James Dillon: A Biography* (Dublin, 1999), p. 27.

the priesthood before leaving to study for the bar at King's Inns. In 1919 he was called to the bar.

In 1922, with the outbreak of civil war, Hearne joined the Free State Army. He was appointed command legal officer of the Western Command with the rank of commandant on 12 October, in circumstances described by Calton Younger:

Sean McEoin had recently been promoted to major-general and appointed G.O.C. of the Western Command, an appointment he accepted reluctantly. He was a man of action and didn't want to be tied down by administrative work. He would accept the command, he told Michael Collins, only if he were given a legal officer and a quartermaster. Collins quickly produced John Hearne, who afterwards reached ambassadorial rank. Hearne was rushed down to O'Callaghan's, the military outfitters, where he exchanged his natty lawyer's dress for an army uniform. He emerged with a Sam Browne belt that creaked its newness and a small holster. Having been issued with a large revolver, he took his place in McEoin's car to travel to Athlone. As they set off, Hearne suddenly realised that McEoin had no escort and asked rather anxiously where it was. McEoin laughed. 'Haven't I got you?' he said and, pointing to the revolver added, 'and that'.¹²

Hearne remained in the army until 19 November 1923, when he resigned his commission.¹³

Hearne entered the civil service in that year as assistant parliamentary draftsman in the Office of the Attorney General, a position which gave him the expertise later used to draft the constitution.¹⁴ In 1929 he became legal adviser to the Department of External Affairs, in which position he served until 1939. He was an adviser to the Irish delegation at the Imperial Conference in London in 1926. He also attended the 1930 conference, and brought to both occasions what has been described by one scholar as 'a voluminous knowledge of British constitutional history'.¹⁵ Hearne's position in the Department of External Affairs meant that he was involved in the work of the Free State delegation to the League of Nations, being one of the core members during the 1930s.¹⁶ A substitute delegate in 1931 and 1932, he was a delegate for the four years from 1934 to 1938.¹⁷ He was cool-

12 Calton Younger, *Ireland's Civil War* (London, 1968), pp. 271-2. I am grateful to Mr John Bowen, a relative of John Hearne, for bringing this reference to my attention.

13 Military Archives, Abstract of service SDR/1235, Commandant John Joseph Hearne. His letter of resignation was accepted by the judge advocate general, Major General MacDavitt, who wrote on an accompanying note: 'I do so with regret as this officer has been in every way satisfactory'.

14 Brian P. Kennedy, 'John Hearne and the Irish Constitution (1937)', *Eire-Ireland*, Summer 1989, p. 123.

15 D.W. Harkness, *The Restless Dominion: The Irish Free State and the British Commonwealth of Nations 1921-31* (London, 1969), p. 147.

16 Michael Kennedy, *Ireland and the League of Nations 1919-1946* (Dublin, 1996), p. 223.

17 Kennedy, *League of Nations*, pp. 268-70.

headed and had excellent diplomatic judgement.¹⁸ Ireland was elected to the Council of the League in 1930. This was a significant achievement for a young state seeking to assert an independent role in international affairs, and not merely as a dominion of the British Commonwealth. The following year Hearne made it clear how the Free State saw its role in the League of Nations: 'The Irish Free State had made it perfectly clear, both before and at the time of its election to the council, that it did not seek election on the grounds that it had associations with other states'.¹⁹ When Fianna Fáil won the 1932 general election, Eamon de Valera found himself president of the Council of the League. On his first appearance in Geneva in September 1932, he delivered a very hard-hitting speech concerning the perception that the League was ineffectual.²⁰ The text may have been prepared in draft by Hearne.²¹

De Valera dismantles the treaty

Eamon de Valera was determined to dismantle the Anglo-Irish Treaty of 1921, by which the twenty six southern counties became a dominion of the British Empire. Such a policy would require a series of amendments to the 1922 Free State Constitution, which made the treaty an integral part of Irish municipal law. De Valera's fundamental objection to the 1921 agreement and the associated constitution was rooted in his conviction that the treaty represented a denial of the basic principle of the sovereignty of the Irish people, having been imposed under the threat of immediate and terrible war. As a consequence, the Free State Constitution contained numerous provisions abhorrent to republicans, including an oath of allegiance to the English monarch, a right of appeal to the privy council and the appointment of a representative of the monarch in the person of a governor general. With his election as president of the Executive Council of the Irish Free State on 9 March 1932, De Valera began his assault on the treaty. Recognising the central role Anglo-Irish relations would play during the term of his government, he decided to retain for himself the External Affairs portfolio. It soon became clear that De Valera was intent on a revolutionary departure from the dominion settlement.²² His ultimate aim was the recognition of Ireland as a republic, some form of association with the Commonwealth and the acceptance of the king as head of that association.²³ This was his policy of external association, proposed during the treaty negotiations and contained in 'document no. 2' during the treaty debates in 1921-2.²⁴ Not more than a few days in office, De Valera introduced a bill to abolish the oath of allegiance, grounding his argument on the basis of popular

18 Dermot Keogh, *Ireland and Europe 1919-1948* (Dublin, 1988), p. 26.

19 Quoted in Kennedy, *League of Nations*, p. 149.

20 See Maurice Moynihan (ed.), *Speeches and Statements by Eamon de Valera 1917-1973* (Dublin, 1980), pp. 219-23 for the text of the speech he delivered.

21 Keogh, *Ireland and Europe*, p. 40.

22 Nicholas Mansergh, *The Unresolved Question: The Anglo-Irish Settlement and its Undoing 1912-72* (London, 1991), p. 282.

23 F.S.L. Lyons, *Ireland Since the Famine* (Glasgow, 1973), p. 512.

24 Lee, *Ireland 1912-1985*, pp. 47-55.

sovereignty.²⁵ The following year saw powers of the governor general reduced²⁶ and the right of appeal to the privy council removed.²⁷ De Valera proposed the abolition of the Senate in 1934. In 1935 the Irish Nationality and Citizenship Act and the Aliens Act were enacted for the purpose of defining Irish nationality and an alien as anyone who was not a citizen of the Free State.²⁸

John Hearne, as legal adviser at the Department External Affairs, played a key role in de Valera's Anglo-Irish policy.²⁹ From the very beginning of their professional association, the president was willing to listen to and act on his advice.³⁰ According to Professor Keogh, Hearne was perhaps the person with whom de Valera had closest contact during his early years in office.³¹ As external affairs minister, he needed and valued Hearne's expert knowledge. Frederick Boland, who later served as secretary of the Department of External Affairs, described the legal adviser as a formidable authority on constitutional law and the practice of the British Commonwealth.³² He was singled out by de Valera to draw up a number of bills, including those to abolish the oath and define Irish nationality.³³ One of the most important civil servants during De Valera's years in government, Maurice Moynihan, who served as secretary to the Government, has described how Hearne approached his duties in relation to these bills:

When Hearne provided drafts.... he included his conclusions regarding the constitutional implications of their introduction. He was pointing to the need for a new constitution if these bills were introduced.³⁴

Constitution review committee, 1934

In May 1934 de Valera established a committee to examine certain aspects of the Free State Constitution. This decision had its origins in concerns relating to article 50. As originally conceived, this provided for amendments to the constitution by

25 Lyons, *Ireland Since the Famine*, p. 512. For De Valera's speech to the Dáil on the second reading of the bill, on 27 April 1932, see Moynihan, *Speeches and Statements by Eamon de Valera*, pp. 196-202. For an account of his campaign against the oath see Jim Maher, *The Oath is Dead and Gone* (Dublin, 2011).

26 The Constitution (Amendment No. 20) Act 1933 transferred from the governor general to the Executive Council functions in relation to the appropriation of money. The Constitution (Amendment No. 21) Act 1933 removed his power to withhold the royal assent to bills passed by the Oireachtas.

27 Constitution (Amendment No. 22) Act 1933.

28 Lyons, *Ireland Since the Famine*, p. 517.

29 Michael Kennedy and Joseph Morrison Skelly, 'The Study of Irish Foreign Policy from Independence to Internationalism', in Michael Kennedy and Joseph Morrison Skelly (eds.), *Irish Foreign Policy 1919-1966: From Independence to Internationalism* (Dublin, 2000), p. 22.

30 Deirdre McMahon, *Republicans and Imperialists: Anglo-Irish Relations in the 1930s* (London, 1984), p. 27.

31 Opinion cited in Emma Cunningham, *Irish Canadian Diplomatic Relations* (Unpublished PhD thesis, UCC, 2001), p. 19.

32 Cunningham, *Irish Canadian Relations*, p. 19.

33 Kennedy, 'John Hearne and the Irish Constitution', p. 123.

34 Kennedy, 'John Hearne and the Irish Constitution', p. 123.

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the Oireachtas for a period of eight years from the date of its coming into operation, i.e. 6 December 1922. After the expiration of this transitional period, due in December 1930, future amendments would be subjected to referendum. However, in May 1929 the Executive Council secured the passage of the Constitution (Amendment No. 16) Act which extended this period by a further eight years. Thus the constitution could continue to be amended by ordinary legislation enacted by the Oireachtas. This amendment had radical implications, as constitutional provisions guaranteeing the fundamental personal and democratic rights enjoyed by citizens could potentially be diluted or removed altogether, at the discretion of parliament. Realisation of this fact prompted Fine Gael deputies to table an amendment on 17 May 1934, during a Dáil debate on the Fianna Fáil government's proposals to abolish the Senate.³⁵ Motivated by concerns that de Valera was intent on establishing himself as a dictator by means of a unicameral legislature, the opposition amendment sought to ensure that in the event of such abolition that certain provisions of the constitution could no longer be amended by ordinary legislation, unless a general election had intervened in the meantime.³⁶ The provisions specified in the motion protected personal and democratic rights.³⁷ De Valera rejected the proposed amendment, but in the course of his speech explained his attitude to fundamental constitutional rights:

This [1922] constitution was framed originally under exceptional circumstances. There were certain articles in the constitution which were forced upon the people of the country. There are certain articles which represent democratic ideals... These articles ought, with all possible speed to be examined, and be made as lasting as it is possible for anything to be made lasting, in a constitutional way...³⁸

To facilitate such an examination, a committee was established by de Valera on 24 May 1934.

Under its terms of reference, the committee was charged with the task of examining the constitution 'with a view to ascertaining what articles should be regarded as fundamental, on the grounds that they safeguard democratic rights'. It was also to recommend steps to secure that the articles so identified should not be capable of alteration by ordinary legislation. The persons appointed to serve were: Stephen Roche, secretary of the Department of Justice; Michael McDunphy, assistant secretary in the Department of the President; Philip O'Donoghue, an assistant in the

35 Fianna Fáil was hostile to the Senate because it had delayed legislation, in particular the bill to abolish the oath of allegiance.

36 Hogan, 'Constitution Review Committee of 1934', p. 346.

37 For the text of the amendment see Hogan, *Irish Constitution*, p. 60. This publication contains extensive archival material pertinent to the constitution drawn from the National Archives (NAI) and the papers of Eamon de Valera, deposited in the University College Dublin Archives (UCDA). For the benefit of readers, the reference to the archival source will also be given. The relevant document in this case is NAI, DT S2979, Memorandum by Michael McDunphy, Department of the President, 12 June 1934.

38 Quoted in Hogan, 'Constitution Review Committee of 1934', pp. 346-7.

Office of the Attorney General; and John Hearne.³⁹ All of them had legal training and expertise. The committee met on ten occasions, from 28 May to 3 July, when it produced its report.⁴⁰ At its second meeting, on 29 May, the members examined the constitution article by article and 'agreed that the report of the committee should take the form of a new constitution'.⁴¹ However, de Valera made it clear to the committee that 'what he really wanted was not a new constitution, but a selection within the framework of the present constitution of those articles which should be regarded as fundamental'.⁴² This is significant as it indicates that de Valera had not yet decided to introduce a new constitution.

The report which the committee produced consisted of an introduction and eight appendices.⁴³ Appendix A identified the articles regarded as fundamental. They included those relating to personal rights viz. the liberty of the person (article 6); the inviolability of citizens' dwellings (article 7); freedom of conscience and religious practice (article 8); and the right of free expression of opinion (article 9). Other articles related to what may be described as the operation of democracy, including parliamentary privilege (article 19) and the referendum process (article 50). The articles pertaining to the judiciary (articles 64-69) were also deemed fundamental, including the process of judicial review vested in the High Court. In regard to certain articles, the committee members did propose some alterations with a view to improving them. One of the more radical was the consideration given to the possible establishment of a constitutional court with the power of deciding the validity of laws. No agreement was reached on this matter.

The 1934 report on the 1922 constitution was a significant step in the process which led to the 1937 constitution. The report paved the way for the transition between the two documents.⁴⁴ It did this by identifying the elements of the constitution necessary for the maintenance of democracy and the rights of citizens,⁴⁵ and these were to be incorporated in the later version. Secondly, members of the committee were determined to protect the constitutional rights of citizens by preserving judicial review, and even to reinforce such review by giving consideration to the establishment of a separate constitutional court. This determination was carried through into the 1937 constitution and informed the work of its drafters. Finally, the report heralded the key role to be played by civil servants in constitution making. According to Hogan, the members of the 1934 committee must have had a

39 NAI, DT S2979, Memorandum by Michael McDunphy, Department of the President, 24 May 1934; Hogan, *Irish Constitution*, p. 48.

40 Keogh and McCarthy, *Making of the Irish Constitution*, p. 71. For minutes of all meetings, see Hogan, *Irish Constitution*, pp. 48-73.

41 NAI, DT S2979, Minutes of the second meeting of the Constitution Committee, 29 May 1934; Hogan, *Irish Constitution*, p. 49.

42 NAI, DT S2979, Memorandum by Michael McDunphy, Department of the President, 31 May 1934; Hogan, *Irish Constitution*, pp. 54-5.

43 NAI, DT S2979, Report of the Constitution Committee, 3 July 1934; Hogan, *Irish Constitution*, pp. 74-100.

44 Hogan, *Irish Constitution*, p. 47.

45 Keogh and McCarthy, *Making of the Irish Constitution*, p. 73.

very sophisticated understanding of the dynamics of constitutional law.⁴⁶ Three of the four committee members were to be involved in the drafting of the new constitution (Roche was excepted), and the central figure, John Hearne, was to be heavily influenced by his work on the 1934 committee.

Draft constitution, 1935

No action was taken on the 1934 report. De Valera and his government were preoccupied with the Economic War⁴⁷ and the threat presented by the Blueshirts,⁴⁸ among other matters. Another significant political consideration in determining the response was the fact that the desirability of identifying and protecting fundamental articles of the constitution had been suggested by the deputies from the opposition Fine Gael party. De Valera was not going to give his opponents any credibility by appearing to respond to their concerns. In any case, he had other plans for the constitution when he again turned his attention to it in April 1935.

On 30 April and 2 May de Valera had meetings with John Hearne. A record of these conversations has been preserved in a document which has come to be known as the 'squared paper draft'.⁴⁹ This was written in de Valera's own handwriting on thirteen pages of a mathematics copybook. It may be a contemporaneous record of the conversations between the two men. The handwriting is often untidy, even illegible; words are abbreviated and sentences incomplete, evidence of the writer writing in great haste during what appears to have been, at times, a prolific exchange of ideas. De Valera gave a broad overview of his thinking regarding the kind of constitutional changes he favoured, and instructed his legal adviser with respect to 'draft heads' of a constitution. Ireland was to be described as a 'sovereign, independent, democratic state'.⁵⁰ Fundamental to the president's ideas was that in 'Éire the ultimate government power shall rest with the people, who shall be the ultimate court for deciding all national and political questions'. Moreover, 'from the people under God all governmental authority, legislative, executive and judicial shall be derived'.⁵¹ The 'draft' stated that the constitution 'shall be changed or amended only by a referendum'.⁵² Consideration was given to a preamble and a rough version was composed.⁵³

46 Hogan, *Irish Constitution*, p. 42.

47 See Cormac O Grada, *Ireland: A New Economic History 1780-1939* (Oxford, 1995), pp. 411-6.

48 For a history of the Blueshirts and their struggle with de Valera and Fianna Fáil, see Maurice Manning, *The Blueshirts* (Dublin, 1971) and Mike Cronin, *The Blueshirts and Irish Politics* (Dublin, 1997).

49 UCDA, P150/2370; Hogan, *Irish Constitution*, pp. 159-171.

50 UCDA, P150/2370, p. 1; Hogan, *Irish Constitution*, p. 159. The words 'sovereign', 'independent' and 'democratic' are abbreviated as 'sov', 'indep', and 'democ' respectively.

51 UCDA, P150/2370, p. 2; Hogan, *Irish Constitution*, p. 160. The words 'legislative' and 'executive' are abbreviated as 'legisl' and 'exe' respectively.

52 UCDA, P150/2370, p. 3; Hogan, *Irish Constitution*, p. 161. The word 'referendum' is underlined.

53 UCDA, P150/2370, p. 8; Hogan, *Irish Constitution*, p. 166.

In the course of their conversations, Hearne also imparted his ideas to de Valera. It is possible to discern his contributions at the meetings. The 'squared paper draft' made references to a 'constitutional court'⁵⁴ and 'organic laws'⁵⁵ i.e., laws which the Oireachtas would be empowered to make to give effect to basic constitutional principles. The areas requiring such laws were enumerated and included: the election of the president; arrangements for plebiscites; and the laws to set up the judiciary.⁵⁶ As Hogan points out, concepts such as a constitutional court and organic laws were known only to constitutional lawyers such as Hearne.⁵⁷ The 'draft', furthermore, referred to the German president.⁵⁸ Hearne was familiar with the Constitution of the Weimar Republic⁵⁹ and was to model the Irish presidency established in the 1937 constitution on the German one.

Unlike the 'squared paper draft', the instructions given to Hearne were recorded by him, in a clear and precise manner, in an explanatory memorandum written two weeks after the meetings with de Valera.⁶⁰ In general, 'the instructions of the president were to prepare a draft of the heads of a new constitution'. Significantly, the draft, 'in particular', was 'to contain certain basic articles guaranteeing fundamental human rights'. These articles were to be placed 'in a specially protected position', i.e., to render them unalterable save by the people themselves or by an elaborate constitutional process'. The draft heads were also to provide for the establishment of the office of President of Saorstát Éireann, the holder of which would fulfil all functions now exercised by the king and governor general in internal affairs'. Finally, Hearne was to provide for 'the retention of the king as a constitutional officer in the domain of international relations'.

Hearne completed the draft heads by 17 May and submitted them to the president. It was composed of a preamble and fifty-three articles,⁶¹ arranged as follows:

- Article 1: Nature of the state;
- Article 2: Citizenship;
- Article 3: Language;
- Articles 4-14: President;
- Articles 15-30: Oireachtas;
- Articles 31-33: Council of ministers [Government];
- Articles 34-35: Judicial power;
- Articles 36-37: Auditor and Comptroller General;

54 UCDA, P150/2370, p. 5; Hogan, *Irish Constitution*, p. 163.

55 UCDA, P10/2370, pp. 7, 9, 10, 13; Hogan, *Irish Constitution*, pp. 165, 167, 168, 171.

56 UCDA, P150/2370, p. 7; Hogan, *Irish Constitution*, p. 165.

57 Hogan, *Irish Constitution*, p. 152.

58 UCDA, P150/2370, p.5; Hogan, *Irish Constitution*, p. 163.

59 For evidence of this see NAI, DT S2979, Appendices D and E, Report of the Constitution Committee, 3 July 1934.

60 UCDA, P150/2370, Explanatory Memorandum for Preliminary Draft of Heads of a Constitution for Saorstát Éireann, 17 May 1935; Hogan, *Irish Constitution*, pp. 186-7.

61 UCDA, P150/2370, Preliminary Drafts of Heads of a Constitution for Saorstát Éireann, 17 May 1935; Hogan, *Irish Constitution*, pp. 172-85.

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Articles 38-42: Fundamental rights;
Articles 43-45: Trial of criminal offences;
Article 46: Emergency powers;
Article 47: War and defence;
Articles 48-49: Treaty making;
Article 50: Amendment of constitution;
Articles 51-53: Technical sections.

Hearne's draft contained a number of notable features. First, many of the articles carried over ones in the 1922 constitution, and this fact serves to emphasise the importance of Hearne's involvement in the 1934 constitution review committee. Of special note is that the articles relating to fundamental rights replicated almost verbatim the same ones in the Free State Constitution. Second, there was no reference to the crown and provisions were made for the election of a president. A citizen had to have reached the age of thirty-five years to be eligible for election, and the term of office was for seven years. The president was to be supreme commander of the defence forces, and would appoint the prime minister, on the nomination of the Dáil, and all judges. The president was to have a role in international relations, including the appointment of the diplomatic representatives of the Irish Free State, and the negotiation and conclusion of treaties. All powers of the president were to be exercised on the advice of the government. Third, the draft provided for a referendum to change the articles relating to fundamental rights. (Other provisions could be changed by the Oireachtas.) Finally, the draft contained a preamble, written in an elegant and direct style:

In the name of Almighty God, We, the Sovereign Irish People through our elected representatives assembled in this Dail Eireann sitting as a Constituent Assembly, in order to declare and confirm our constitutional rights and liberties, consolidate our national life, establish and maintain domestic peace on a basis of freedom, equality and justice, ensure harmonious relations with neighbouring peoples, and promote the ultimate unity of Ireland do hereby, as of undoubted right, ordain and enact this Constitution.

Two other features of Hearne's draft are deserving of particular attention. As noted in the previous paragraph, in accordance with de Valera's instructions, attention was paid to guaranteeing fundamental human rights. However, in regard to this matter, Hearne included a stand-alone article which stated: 'All citizens of Saorstát Eireann are equal before the law'. It was based on the equality provisions of the Weimar Constitution and the fourteenth amendment of the United States Constitution, which guarantees the equal protection of laws for all citizens.⁶² The article was a testimony to Hearne's determination that the constitution contain provisions dedicated to the protection of the rights of all Irish citizens. This was a 'conscious innovation'⁶³ on his part and intended by him to be 'progressive and

62 Hogan, *Irish Constitution*, p. 155.

63 Hogan, *Irish Constitution*, p. 155.

egalitarian'.⁶⁴ Secondly, the draft heads were 'conspicuously secular in tone',⁶⁵ and did not contain the more overly Catholic features of the later 1937 document.

An essentially democratic and liberal document, Hearne's draft of 1935 is an important landmark in the history of the making of the 1937 constitution. It is also a document of considerable merit in its own right. A former chief justice, Ronan Keane, has paid it the following tribute: 'If radical new constitution-framing becomes unavoidable, we could do worse than adopt as our template the spare and elegant draft produced all those years ago by an unknown civil servant, John Hearne'.⁶⁶ The fact that Hearne produced such a document single-handedly in such a short time is a tribute to his skill and imagination in the complex area of constitution making.

When Hearne presented de Valera with the draft heads, what exactly were the president's intentions regarding the constitution at that point? In his accompanying explanatory memorandum Hearne wrote that the heads were 'an attempt to write down the president's instructions and insert them into the text of the existing constitution rather than an effort to construct, at this stage, a completely new constitution'. This approach he described as 'a preliminary method' and had been adopted for the following reasons:

The task to be undertaken appears to be to effect a far-reaching constitutional reform within the framework, as far as possible, of the existing state rather than to establish a new state within a constitutional system fundamentally different from that now obtaining. The method adopted has, it is thought, the advantage of showing the precise extent to which the changes contemplated will modify the constitution of 1922.⁶⁷

In a memorandum to the secretary of the government, Sean Moynihan, dated 18 May, Hearne explained that the draft 'would form a suitable basis for a general discussion with the president at this stage on the scope of the project as a whole'.⁶⁸ These memoranda suggest that de Valera had not definitely decided on what course of action to adopt in respect of constitutional change. It would appear that he had not as yet concluded that there was a need for a completely new constitution. While de Valera had radical changes to the existing constitution in mind, these did not necessarily entail, at this juncture, repeal of the existing Free State Constitution of 1922.

However, nearly two weeks after receiving the draft heads, de Valera declared in the Dáil, on 29 May:

64 Hogan, *Irish Constitution*, p. 155.

65 Ronan Keane, *Irish Times*, 15 September 2012.

66 *Irish Times*, 15 September 2012.

67 UCDA, P150/2370, Explanatory Memorandum for Preliminary Draft of Heads of a Constitution for Saorstát Éireann, 17 May 1935; Hogan, *Irish Constitution*, pp. 186-7.

68 UCDA, P150/2370, John Hearne to Sean Moynihan, 18 May 1935; Hogan, *Irish Constitution*, p. 172.

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It is true that we are operating a constitution which has not been wholly ours. I hope before our term expires that we will be able to bring in a constitution which, so far as internal affairs at any rate are concerned, will be absolutely ours.⁶⁹

A month or so later, speaking at Ennis, he told his listeners that ‘before the present government left office they would have an Irish constitution from top to bottom’.⁷⁰ These sentiments would appear to suggest that he had resolved on a completely new constitution. However, it is not possible to be absolutely certain of this. De Valera could still have been considering accommodating significant constitutional change within the framework of the existing constitution, though the reference to ‘a constitution from top to bottom’ would indicate an inclination towards a new one. There is one fact beyond doubt – he had determined on radical constitutional reform. What remained to be definitely decided was the form this would take. Whatever course of action de Valera was to decide to embark upon – radical change accommodated within the framework of the existing constitution or an entirely new one – John Hearne and his 1935 draft heads would be at the heart of the project.

Progress interrupted

From the summer of 1935 to early summer 1936 de Valera did not advance his constitutional project. On-going economic difficulties and concerns over activities by the Irish Republican Army demanded the attention of the president and his government.⁷¹ On a personal level, de Valera was devastated by the death, in a riding accident, of his son, Brian, in February, 1936. On a policy level, he was probably still considering his preferred course of constitutional action. There were some discussions with Hearne in October 1935 about ‘the particular problem... of excluding the king from the internal constitution of the state, while at the same time continuing (with some modifications) the existing practice in the sphere of international relations’. The legal adviser submitted a number of draft articles for de Valera’s consideration that addressed a matter which, in effect, had its basis in de Valera’s concept of external association.⁷² In December Hearne turned his attention to the issue of the mechanism employed in various countries to determine the constitutional validity of laws, including provision for a constitutional court.⁷³

69 Quoted in Keogh and McCarthy, *Making of the Irish Constitution*, p. 76.

70 Quoted in Hogan, *Irish Constitution*, p. 152, footnote 1.

71 For a discussion of the increasingly fraught relationship between the IRA and Fianna Fáil, see Dermot Keogh, *Twentieth-Century Ireland: Nation and State* (Dublin, 1994), pp. 77-81.

72 UCDA, P150/2370, Memorandum from John Hearne to Eamon de Valera, 22 October 1935; Hogan, *Irish Constitution*, pp. 187-9.

73 UCDA, P150/2370, Memorandum from John Hearne to Sean Murphy, assistant secretary, Department of External Affairs, 10 December 1935; Hogan, *Irish Constitution*, pp. 189-91.

A new constitution

There is no archival material which records a precise date on which the decision was taken to write a new constitution.⁷⁴ Evidently, de Valera believed he had almost reached the limit of reasonable amendment of the 1922 constitution.⁷⁵ The progressive dismantling of the treaty had left it in a decidedly threadbare condition⁷⁶ and it could no longer be regarded as a fit document to serve as the state's basic law. More fundamentally, no matter how republican it was made, it could not escape its origins in English law.⁷⁷ During a Dáil debate on 28 May 1936, de Valera stated that the Executive Council hoped to present a new constitution in the autumn.⁷⁸ On 8 June it gave formal notice to King Edward VIII of its intention in that regard:

The government of Saorstát Éireann, in pursuance of their policy of establishing conditions for permanent peace and harmony amongst the Irish people and providing a more secure basis for friendship and cooperation with the people of Great Britain, intend, at the beginning of the autumn session of parliament, to introduce a bill for the purpose of setting up a new constitution. This constitution will deal with the internal affairs of Saorstát Éireann, leaving unaffected the constitutional usages relating to external affairs. Amongst the provisions of the new constitution will be the creation of the office of President of Ireland and the abolition of the office of governor general.⁷⁹

Senate commission

It was noted earlier that de Valera proposed the abolition of Seanad Éireann in 1934. During its existence the Senate used its power to delay legislation eleven times, eight of these being after 1932, when Fianna Fáil came to power.⁸⁰ Accordingly, the upper house was regarded by de Valera and his supporters as a hindrance to the realisation of the government's objectives. In particular, there was resentment and hostility because the bills to remove the oath and abolish the Senate were delayed. However, during the final Dáil debate on abolition in May 1936, de Valera made an interesting, if not surprising comment:

There is general agreement, perhaps more general agreement on this than on any other political issue in the country, that the Seanad as at present constituted should go, and I am asking the Dáil here to pass the final sentence and to send it off. I say to those who are not

74 Keogh and McCarthy, *Making of the Irish Constitution*, p. 64.

75 Earl of Longford and Thomas O'Neill, *Eamon de Valera* (London, 1974), p. 289.

76 Lyons, *Ireland Since the Famine*, p. 536.

77 Longford and O'Neill, *Eamon de Valera*, p. 290.

78 Moynihan, *Speeches and Statements by Eamon de Valera*, p. 270.

79 Quoted in Keogh and McCarthy, *Making of the Irish Constitution*, p. 78.

80 Thomas Garvin, *The Irish Senate* (Dublin, 1969), p. 3. The Senate could delay a bill for up to eighteen months.

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convinced that the country would be better served by a single legislative chamber than by two, that the door is not definitely closed.⁸¹

His apparent willingness to consider the restoration of a second parliamentary chamber in the context of a new constitution (which had been referred to in the debate) reflected 'the considerable support bicameralism had in ecclesiastical, academic, commercial and opposition circles'.⁸² De Valera's appreciation of this fact resulted in the establishment by the Executive Council on 9 June 1936 of a commission

to consider and make recommendations as to what should be the function and powers of the Second Chamber of the Legislature in the event of its being decided to make provision in the constitution for such Second Chamber and, further, to consider and make recommendations as to how in that event such Chamber should be constituted
.....⁸³

There were twenty three persons nominated to serve on the commission, including John Hearne.⁸⁴

The commission met on twenty-seven occasions,⁸⁵ completing its deliberations on 30 September 1936. Three reports were submitted for the consideration of the Executive Council, a majority and two minority ones. The majority report, an amalgam agreed on by close and by no means unanimous votes,⁸⁶ was signed by nine members, including Hearne, and was 'clearly hugely influential, as most of its recommendations form the basis for the Seanad created by the constitution of 1937'.⁸⁷ Among those recommendations was the provision that no bill could be enacted into law until it had been sent to the second chamber for consideration.⁸⁸ A bill could be initiated in the second house of parliament, with the exception of a money bill.⁸⁹ Ministers should have the right to attend and be heard in the second house.⁹⁰ It was recommended that the removal of judges and the auditor-general require a resolution of the two houses of the Oireachtas.⁹¹ Regarding the method of

81 Moynihan, *Speeches and Statements by Eamon de Valera*, p. 269.

82 Garvin, *Irish Senate*, p. 14.

83 *Report of the Commission on the Second House of the Oireachtas* (Dublin, 1936), paragraph, 1.

84 *Report of the Commission on the Second House of the Oireachtas*, p. 4.

85 *Report of the Commission on the Second House of the Oireachtas*, paragraph 2.

86 Garvin, *Irish Senate*, p. 15.

87 Hogan, *Irish Constitution*, p. 197.

88 *Report of the Commission on the Second House of the Oireachtas*, paragraph 6, iii. The relevant section in the constitution of 1937 is article 20, 1.

89 *Report of the Commission on the Second House of the Oireachtas*, paragraph 8. The relevant section in the constitution of 1937 is article 20, 2,1.

90 *Report of the Commission on the Second House of the Oireachtas*, paragraph 15. The relevant section in the constitution of 1937 is article 28,8.

91 *Report of the Commission on the Second House of the Oireachtas*, paragraph 10. The relevant sections in the constitution of 1937 are articles 35,4,1 and 33,5,1 respectively.

selecting members to serve in the second chamber, the majority report recommended that one third be nominated by the president of the Executive Council.⁹² This suggestion that a portion of members be nominated by the head of government was to be accepted.⁹³ It was proposed that the remaining members be elected from panels representing the national language and culture, the arts, agriculture and fisheries, industry and commerce, finance, health and social welfare, foreign affairs, education, law, labour and public administration.⁹⁴ A panel system was to be adopted for the new Senate,⁹⁵ though it was to be constituted along vocational lines, as recommended in one of the minority reports.⁹⁶

John Hearne entered two reservations in respect of recommendations in the majority report. He dissented from a proposal that members of the second house be elected by an electoral college consisting of every person who had been a candidate at the immediately preceding general election for Dáil Éireann.⁹⁷ In his opinion the only 'practicable method' of election was by the Dáil on the system of proportional representation.⁹⁸ The subsequent method of election devised for the Senate established in 1937 gave the Dáil, incoming and outgoing, a significant role. It is not suggested that Hearne's reservation was responsible for this; however, his view was more consonant with the preferred political solution than that of other commission members. His second reservation related to a recommendation in the report that persons nominated to the second house and those nominated for election should have a competent knowledge of Irish.⁹⁹ Hearne, together with eight other members, expressed that they were 'strongly of the opinion that it is due to the dignity of the national language that effective provisions should be made at the outset to ensure and maintain the gradual predominance of Irish as the language of the second house'.¹⁰⁰ Such sentiments were consistent with the Gaelic ideals of the Irish Free State. Language revival existed in the realm of *Idealpolitik*, and few were brave enough to set a boundary to the linguistic march of the nation.¹⁰¹ This reservation, however sincerely expressed, is another example of the rhetoric and gesture which, it was hoped, would presage advance to a universally, if not exclusively, Irish speaking state.¹⁰²

92 *Report of the Commission on the Second House of the Oireachtas*, paragraph 21.

93 See article 18.3. Under the terms of the 1937 constitution, the Taoiseach nominates eleven of the sixty members.

94 *Report of the Commission on the Second House of the Oireachtas*, paragraph 25.

95 See article 18, 7, 1.

96 *Report of the Commission on the Second House of the Oireachtas*, Report by D.A. Binchy, Sir John Keane, E. Lynch, F. MacDermot, J. Moynihan, A. O'Rahilly, M. Tierney, R. Wilson, pp. 26-34.

97 *Report of the Commission on the Second House of the Oireachtas*, paragraph 24.

98 *Report of the Commission on the Second House of the Oireachtas*, 'Reservation by Mr Heame', p. 16.

99 *Report of the Commission on the Second House of the Oireachtas*, paragraph 18.

100 *Report of the Commission on the Second House of the Oireachtas*, 'Reservation to Paragraph 18', p. 13.

101 Vincent Comerford, *Ireland* (London, 2003), p. 145.

102 Comerford, *Ireland*, p. 145.

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John Hearne's membership of the Second House of the Oireachtas Commission is significant for a number of reasons. First, it confirms the regard de Valera had for his professional competence and expertise, and the extent to which he reposed confidence in his department's legal adviser when it came to constitutional matters. Second, such membership allowed Hearne personally to make a substantial contribution to an important constitutional issue. Third, and perhaps most importantly, his membership meant that Hearne had been centrally involved in all of de Valera's initiatives as they related to the constitution of the Irish State which predated the one of 1937. He was involved in the drafting of constitutional amendments; he was a member of the 1934 constitution committee and the 1936 Second House Commission; and he drafted heads of a constitution in 1935. All these experiences gave him an unrivalled knowledge of Irish constitutional affairs and served as an unparalleled preparation for the task of drafting a new constitution.

Drafting begins, August 1936

The drafting of a new constitution began in August and the burden of the task was borne by John Hearne. Throughout the time he liaised with de Valera. In approaching this onerous undertaking he used his 1935 draft heads as a framework and this remained the basic model for what he produced. However, there is a marked absence of documentation when it comes to this phase of the making of a new constitution. While there are many drafts available for examination by scholars (though some are, unfortunately, undated), documents and memoranda explaining the course of the drafting, the reasons for many decisions, and by whom they were taken, are simply not there.¹⁰³ In particular, Hearne kept no papers from this period.¹⁰⁴

By 20 August Hearne had drawn up an outline plan of the new constitution.¹⁰⁵ A month later, draft articles were ready for consideration by the government.¹⁰⁶ These included ones relating to the state, the president, parliament and the government. An examination of them reveals the extent to which the constitutional project had progressed and developed. Regarding the president, for example, there was a reference to a council of state, impeachment for misbehaviour, and a presidential commission to act in the event of the president's incapacity or absence from the country. There were articles pertaining to a second House of the Oireachtas, though there was no decision on how its members were to be selected. A substantial summary of the proposed draft constitution was prepared in early November.¹⁰⁷ This indicates that the document was far advanced and it had, by then, received the approval of two important bodies – the Executive Council and the Fianna Fáil national executive.¹⁰⁸

103 Hogan, *Irish Constitution*, p. 271.

104 Kennedy, 'John Hearne and the Irish Constitution', p. 126.

105 UCDA, P150/2370, 20 August 1936; Hogan, *Irish Constitution*, pp. 280-5.

106 UCDA, P150/2374; Hogan, *Irish Constitution*, pp. 286-97.

107 UCDA, P152/2375; Hogan, *Irish Constitution*, pp. 298-301.

108 Keogh and McCarthy, *Making of the Irish Constitution*, p. 83.

Drafting interrupted – the abdication of Edward VIII

Progress on the new constitution was interrupted by the abdication of King Edward VIII on 10 December 1936. Aware of events in England,¹⁰⁹ de Valera summoned the Dáil to meet the next day to give consideration to two items of proposed legislation. The first was a constitutional amendment to remove all references to the crown from the Free State Constitution.¹¹⁰ The second item was the Executive Authority (External Relations) Bill, to allow the English monarch to act on behalf of the Irish State, on the advice of the Executive Council, for the purposes of appointing diplomatic representatives and concluding international agreements.

The abdication crisis forced de Valera to rearrange his preferred diplomatic and constitutional timetable. He had intended to address the issue of future relations with Britain and the Commonwealth after, and not before, the enactment of the new constitution. However, in the words of Nicholas Mansergh, ‘convenience and logic had been minor casualties of royal impetuosity’.¹¹¹ De Valera’s approach to the abdication was decided upon within the context of his intentions to draft a new constitution for the Irish state and to clarify its relationship with the Commonwealth.¹¹² The principles contained in the External Relations Act had been under discussion by de Valera and Hearne since 1935, in the aftermath of the draft constitutional heads drawn up in that year. The terms of the External Relations Act had already been suggested by the legal adviser in September 1936, when he had formulated the terms of a draft Foreign Relations Bill.¹¹³ This legislation was clearly proposed in the context of the adoption of a new constitution. This bill envisaged that the king act on behalf of the Irish State in foreign relations, on the advice of the Executive Council, and this was the substance of the External Relations Act a few months later.

Drafting continues, December 1936-March 1937

With the fallout of the abdication crisis out of the way, Hearne turned his attention once again to the drafting of the constitution. A complete draft was ready by late 1936.¹¹⁴ The proposed articles were arranged under the following headings:

- Part I: The State (articles 1-6);
- Part II: The President (articles 7-8);
- Part III: The National Parliament (articles 9-11);
- Part IV: The Government (article 12);
- Part V: The Council of State (articles 13-16);
- Part VI: The Courts (articles 17-23);

109 NAI, DFA S57, ‘King Edward Crisis’, 7 December 1936; Keogh and McCarthy, *Making of the Irish Constitution*, Appendix, 6 pp. 402-12.

110 Constitution (Amendment No. 27) Act, 1936.

111 Mansergh, *Unresolved Question*, p. 293.

112 Keogh and McCarthy, *Making of the Irish Constitution*, p. 90.

113 UCDA, P150/2370, 6 September 1936; Hogan, *Irish Constitution*, pp. 261-2.

114 UCDA, P150/2385; Keogh and McCarthy, *Making of the Irish Constitution*, Appendix 5, pp. 352-401.

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- Part VII: The Comptroller and Auditor General (article 24);
- Part VIII: Amendment of the Constitution – the Referendum (articles 25-31);
- Part IX: Constitutional Guarantees (articles 32-38);
- Part X: Economic Life (articles 39-43);
- Part XI: Power to Suspend Certain Constitutional Provisions (article 44);
- Part XII: General (articles 45-49);
- Part XIII: Transitory Provisions [Blank].¹¹⁵

Thus within four months Hearne had advanced the process of making a new constitution by a very significant extent.

An aspect of this draft was the presence of articles relating to the family and private property. Such articles had not featured in Hearne's 1935 heads or his outline of the proposed constitution, written in August 1936. However, reference was made to them in the summary of the constitution's main provisions prepared in November of the same year. Moreover, the draft contained a very detailed article on education which had not been prefigured in any of Hearne's earlier constitutional documents. The appearance of these articles was to presage the involvement of powerful Catholic forces in the drafting process.

The articles gave expression to Catholic social and moral teaching. In the one on the family, the state guaranteed its protection as the basis of social discipline and harmony. A valid marriage could not be dissolved and the practice and advocacy of contraception were prohibited.¹¹⁶ The right to the ownership of private property was affirmed.¹¹⁷ In relation to education, the relevant draft article guaranteed the right to free elementary education and required the compulsory teaching of religion to all students under eighteen years of age.¹¹⁸

One of the sources for these ideas was the Jesuit Order.¹¹⁹ In September 1936 Fr Edward Cahill SJ, a noted Catholic social activist,¹²⁰ wrote to de Valera and enclosed a memorandum for his attention containing proposals for the new constitution.¹²¹ In proposing his ideas, Cahill emphasised that the government had an

115 Hogan, *Irish Constitution*, p. 274.

116 Keogh and McCarthy, *Making of the Irish Constitution*, pp. 389-90.

117 Keogh and McCarthy, *Making of the Irish Constitution*, p. 391.

118 Keogh and McCarthy, *Making of the Irish Constitution*, p. 393.

119 For an account of the Jesuits' involvement in the drafting of the 1937 constitution, see Dermot Keogh, 'The Jesuits and the 1937 Constitution', in Bryan Fanning (ed.), *An Irish Century: Studies 1912-2012* (Dublin, 2012), pp. 119-32. This article was originally published in *Studies*, vol. 78, no. 309 (spring, 1989), pp. 82-95. See also Keogh and McCarthy, *Making of the Irish Constitution*, pp. 94-105.

120 Edward Cahill, 1868-1934; a member of the Society of Jesus, was one of the founders of the Catholic social movement in Ireland in the early twentieth century. This movement sought the reconstruction of the country's society and economy according to the principles of Catholic social teaching.

121 UCDA, P150/2393, Fr Edward Cahill to Eamon de Valera, 'Suggestions for Drafting a New Constitution', 4 September 1936; Hogan, *Irish Constitution*, pp. 228-38.

opportunity to give Ireland a genuinely Christian fundamental law.¹²² De Valera replied, inviting Cahill to put his ideas in the form of draft articles.¹²³ This invitation resulted in the formation of a committee, composed of five Jesuit priests, including Cahill, to advise on the constitution. It met for the first time on 24 September.¹²⁴ A report was completed on 18 October.¹²⁵ The Jesuits presented de Valera with the drafts of six articles concerning religion, marriage, the family, education, private property and liberty of speech.

The Jesuit involvement in the drafting was quietly influential. They set the context and topics for discussion.¹²⁶ The Catholic social principles informing the submission became part of the 1937 constitution and there is an interesting correlation between this submission and what eventually became articles 40-45.¹²⁷ Significantly, the Jesuit document was concerned with matters the 1922 constitution, and more importantly the 1935 draft heads, did not address.

Another source of Catholic ideas was a member of the Holy Ghost Order, head master of Blackrock and a future archbishop of Dublin, Fr John Charles McQuaid. He was friendly with the de Valera family, and was a real source of comfort when Brian de Valera was killed in a riding accident in February 1936. McQuaid became actively involved in the drafting process from November 1936 onwards.¹²⁸ Like Edward Cahill and his Jesuit confreres, he wanted to ensure that the new constitution would reflect what he regarded as the essentially Catholic character of the Irish nation. He outlined his ideas in a document entitled 'Directive Principles'. For him a constitution was 'an enactment guided and delimited by the teachings of Catholic philosophy and theology'. It enshrined and set forth 'what ought to be our Christian endeavour in social policy'. The purpose of the proposed constitution should be 'to endeavour to create those circumstances of temporal life which shall realize the Christian ideal of society' and re-establish 'in the family circle and throughout the whole range of society, the doctrines and practices of the Christian religion'.¹²⁹

122 Hogan, *Irish Constitution*, p. 229.

123 Jesuit Archives, J55/64, Eamon de Valera to Fr Edward Cahill, 19 September 1936; Hogan, *Irish Constitution*, p. 239.

124 Jesuit Archives, J55/65/1, Minutes of Jesuit Constitution Committee, 24 September 1936; Hogan, *Irish Constitution*, p. 240.

125 For the minutes of all meetings and text of the final report, see Keogh and McCarthy, *Making of the Irish Constitution*, Appendix 7, pp. 413-43.

126 Keogh, 'Jesuits and the 1937 Constitution', p. 130.

127 Keogh, 'Jesuits and the 1937 Constitution', p. 128. The relevant articles in the 1937 constitution were concerned with the following: 40: Personal Rights; 41 The Family; 42: Education; 43: Private Property; 44: Religion; 45: Directive Principles of Social Policy.

128 Keogh and McCarthy, *Making of the Irish Constitution*, p. 107.

129 Clara Cullen and Margaret O hOgartaigh (eds), *His Grace is Displeased: Selected Correspondence of John Charles McQuaid* (Dublin, 2012), p. 10.

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De Valera received frequent correspondence from McQuaid, especially from February to April 1937.¹³⁰ The letters contained ideas, documents and references on nearly every aspect of the constitution.¹³¹ Sometimes McQuaid wrote twice on the one day.¹³² The probable methodology of drafting that was adopted in response to his involvement was as follows:

McQuaid assembled the relevant excerpts from the papal encyclicals which were passed on; de Valera, John Hearne and Arthur Matheson [see below] used some of his ideas to guide them in the drafting process. On a private and informal basis, de Valera returned the draft articles to McQuaid, who annotated them and in some cases redrafted them.¹³³

The Holy Ghost priest's influence was particularly significant in those articles relating to the family, religion, education, private property and the directive principles of social policy.

Towards completion of a first draft

Hearne continued to work on the drafting and redrafting of articles. By February and March, the parliamentary draftsman, Arthur Matheson, also worked on the draft constitution, having been asked by de Valera to see if 'any provision could be shortened by leaving the subject matter to be dealt with by ordinary legislation'.¹³⁴ On 10 March a preliminary complete official draft was privately circulated to a small number of key personnel.¹³⁵ Two days later the government approved the 'general procedure' regarding the enactment of the proposed new constitution, which included its submission to a plebiscite to be held at the same time as a general election'.¹³⁶ The first printed official draft was circulated to the various government departments and senior state officials on 16 March, with an invitation to respond with comments and observations by the end of the month.¹³⁷

130 For an account of McQuaid's involvement in the drafting of the Constitution, see Keogh and McCarthy, *Making of the Irish Constitution*, pp. 106-22; and John Cooney, *John Charles McQuaid: Ruler of Catholic Ireland* (Dublin, 1999), pp. 94-103.

131 See Culleu and O hOgartaigh, *His Grace is Displeased*, pp. 9-27.

132 For example, see UCDA, P150/2395; Hogan, *Irish Constitution*, pp. 307-8.

133 Keogh and McCarthy, *Making of the Irish Constitution*, p. 109.

134 UCDA, P150/2397, Memoranda from Arthur Matheson to Eamon de Valera, 1, 2, 4 March 1937; Hogan, *Irish Constitution*, pp. 313-7.

135 NAI, DT S9715A; see www.irishconstitution.ie for the text of this draft. It is not clear to whom this draft was circulated, but it is reasonable to conjecture that it was only to de Valera's most trusted advisers.

136 NAI, DT S9710; Hogan, *Irish Constitution*, p. 325.

137 NAI, DT S9715A; see www.irishconstitution.ie for the text of this draft.

Towards completion of a final draft, March – May 1937

While significant changes took place at all stages throughout the drafting process, by the end of March the overall structure of the constitution had taken shape.¹³⁸ De Valera decided to appoint a drafting committee, even if, in Gerard Hogan's words, 'Hearne had done much of the actual drafting up to that point'.¹³⁹ The members were: Maurice Moynihan, secretary to the Executive Council; Michael McDunphy, assistant secretary to the Executive Council; Philip O'Donoghue, legal assistant at the Office of the Attorney General and John Hearne.¹⁴⁰ (It may be remembered that all of them, except Moynihan, served on the 1934 constitution review committee.) A committee was necessary to deal with the volume of documentation which ensued as a result of the invitation to those in receipt of the first draft to make observations. Some responses were especially long and detailed, such as those of J.J. McElligott, secretary of the Department of Finance¹⁴¹; Stephen Roche, secretary of the Department of Justice¹⁴²; and Michael McDunphy.¹⁴³ There were also on-going submissions from McQuaid. The month of April was to be a time of great activity in relation to the constitution. The drafting committee was, according to an official memorandum, 'in constant touch with the president'. The members met and revised the text 'without a break, up to the end of April, some of the sittings lasting until midnight and later'.¹⁴⁴

In his response, J.J. McElligott was particularly animated by the draft of article 43 on private property.¹⁴⁵ This dealt not only with property rights, but also included a number of additional sections which, he believed, imposed obligations on the state that 'might recoil like a boomerang on the government of some future day in circumstances not anticipated by the originators'.¹⁴⁶ The proposed article declared that the state 'shall strive to promote the economic welfare of the whole people by providing, as best it can, opportunities for work';¹⁴⁷ and that 'the control of credit shall not endanger the common good'.¹⁴⁸ He argued that provisions such as those 'will not be helpful to ministers in the future but will provide a breeding ground

138 Hogan, *Irish Constitution*, p. 359.

139 Hogan, *Irish Constitution*, p. 359, note 93.

140 NAI, DT S9715B, Memorandum by Michael McDunphy, Department of the President, 1 April 1937; Hogan, *Irish Constitution*, p. 445.

141 NAI, DT S9715B, Memorandum from James J. McElligott to Maurice Moynihan, 22 March 1937; Hogan, *Irish Constitution*, pp. 386-405.

142 NAI, DT S9715B, Memorandum from Stephen Roche to P.J. Rutledge, 22 March 1937; Hogan, *Irish Constitution*, pp. 375-81.

143 NAI, DT S9715B, Memorandum from Michael McDunphy, 23 March 1937; Hogan, *Irish Constitution*, pp. 405-20.

144 Memorandum by Paddy Kennedy, assistant secretary to the Executive Council, 30 December 1938, quoted in Keogh and McCarthy, *Making of the Irish Constitution*, p. 150.

145 This is article 41 in the draft constitution.

146 Hogan, *Irish Constitution*, p. 327.

147 Article 41,5.

148 Article 41,6,2.

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for discontent, and so create instability and insecurity'.¹⁴⁹ Roche, for his part, expressed concern about the potential for judicial activism which the constitution would afford.¹⁵⁰

Responding to the concerns, the first revise of the draft constitution, circulated on 1 April, contained none of the articles relating to personal rights, the family, education and private property.¹⁵¹ The second revise, made available on 10 April, restored the articles on personal rights, the family and education, but the one dealing with property was still omitted.¹⁵²

Hearne corresponded in early April with Charles Bewley, Irish minister in Berlin, regarding the implications of similar sections in the Weimar Constitution. Bewley replied on 5 April, stating that these provisions were not juridically enforceable, but were expressions of hope that 'the legislature would act in a certain way'.¹⁵³ De Valera decided that it would be necessary to distinguish between fundamental rights that could be justiciable in the courts, and certain economic and social rights that were not justiciable. Accordingly, some of the sections and ideas contained in the draft article on property rights were assigned to a new one, entitled 'Directive Principles of Social Policy'. The third revise, circulated on 24 April, saw the inclusion of an amended article on private property and a new one on the 'Directive Principles of Social Policy'. These principles were intended for 'the general guidance of the Oireachtas' and were not 'cognisable by any court under any provision of this constitution'.¹⁵⁴ The fourth revision and final text of the draft constitution was ready on 26 April.¹⁵⁵

If the article on property presented difficulties, the one relating to religion proved even more problematical.¹⁵⁶ De Valera's official biographers have written that he was to admit that the religious provisions gave him more anxiety than anything else in the constitution.¹⁵⁷ He informed the Church of Ireland archbishop of Dublin, Dr John Gregg that he had neglected to pay much attention to it because he felt it was relatively easy to compose.¹⁵⁸ It may be remembered that a limited number of complete drafts was privately circulated on 10 March. These contained an article on religion,¹⁵⁹ section three of which stated:

149 Hogan, *Irish Constitution*, p. 327.

150 Hogan, *Irish Constitution*, p. 332.

151 NAI, DT S9746; see www.irishconstitution.ie for the text of the first revise.

152 NAI, DT S10159; see www.irishconstitution.ie for the text of the second revise.

153 Hogan, *Irish Constitution*, p. 329, note 11.

154 Articles 42 and 44, respectively, in the third revise. NAI, DT S10160; see www.irish-constitution.ie for the text of the third revise.

155 NAI, DT S10160; see www.irishconstitution.ie for the text of the fourth revise.

156 For a detailed treatment of the issues involved see Keogh, 'Irish Constitutional Revolution', pp. 19-61; and Keogh and McCarthy, *Making of the Irish Constitution*, pp. 150-73. Dermot Keogh has pioneered research on this complex issue.

157 Longford and O'Neill, *Eamon de Valera*, p. 297.

158 Keogh, 'Irish Constitutional Revolution', p. 24.

159 Article 42 in the draft.

The state acknowledges that the true religion is that established by our Divine Lord Jesus Christ Himself, which he committed to His Church to protect and propagate, as the Guardian and Interpreter of true morality. It acknowledges, moreover, that the Church of Christ is the Catholic Church.

It was very confessional in tone, and informed by a strident expression of ultramontane Catholicism's doctrine that the Church of Rome alone taught all that was necessary for salvation. The article provoked a negative reaction among some of those who had received a copy. It appears that de Valera was told that it was offensive to the Protestant community of the state and would constitute a barrier to the unification of the country, as its sentiments would inflame Protestant opinion in Northern Ireland. It became apparent to de Valera that the article would have to be replaced. It was not included in the first complete draft issued on 16 March, nor in the two subsequent revises. An incomplete version appeared in the third revise and it was not until the fourth revise was issued on 26 April that a complete article was made available.

Much of the month of April was spent in seeking an article acceptable to Catholic and Protestant opinion. Only a brief summary of events is required to be given here.¹⁶⁰ Secret and intense negotiations ensued involving the leaders of the various churches. The most difficult meetings were those between de Valera and Catholic churchmen, who were seeking the retention of the one true church formula. The president was very concerned that the controversy had the potential to seriously damage, if not irremediably subvert, his constitutional ambitions. He wished to avoid becoming embroiled in a public conflict with Catholic Church leaders during the plebiscite, into which the leadership of the Protestant Churches could be drawn. Having arrived at a compromise wording, he sent the secretary of the Department of External Affairs, Joseph Walshe, to the Vatican to secure papal approval. Pope Pius XI was unhappy with the wording, as it was not in full accord with the Catholic Church's teachings on the true church, but he agreed to preserve a public silence on the issue. This satisfied de Valera and the relevant sections were included in the article on religion in the constitution:

The State recognises the special position of the Holy Catholic Apostolic and Roman Church as the guardian of the Faith professed by the great majority of the citizens.¹⁶¹

The State also recognises the Church of Ireland, the Presbyterian Church in Ireland, the Methodist Church in Ireland, the Religious Society of Friends in Ireland, as well as the Jewish Congregations and the other religious denominations existing in Ireland at the date of the coming into operation of this constitution.¹⁶²

160 This account is based on Keogh and McCarthy, *The Making of the Irish Constitution*, pp. 150-73.

161 Article 44, 2 of the constitution of 1937.

162 Article 44, 3 of the constitution of 1937.

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De Valera conducted this exercise for an acceptable constitutional formula on religion independent of the drafting committee as a body.¹⁶³ At a meeting between the papal nuncio and one of de Valera's ministers, Sean T. O'Kelly, to discuss a possible version of the article, the prelate was informed that 'the lawyers have not yet seen the draft, and may want some changes in the phrasing....but the substance will be unchanged'.¹⁶⁴ However, it is possible, even likely, that de Valera consulted with individual members of the committee. The opinions of John Hearne, a former clerical student, with an interest in theology and philosophy, nurtured during his years at Maynooth,¹⁶⁵ and a trusted confidant, may have been sought. When Joseph Walshe was sent to the Vatican, he was furnished with a document by de Valera in preparation for his meeting with Catholic Church officials. This document gave Walshe guidelines for his talks,¹⁶⁶ one of the most crucial in relation to the constitution, as failure had the potential to open a Pandora's Box of recrimination between the government and the churches, Catholic and Protestant. Keogh believes that it is probable that the guidelines were drafted by either Hearne or Maurice Moynihan, or both.¹⁶⁷

Constitution enacted

The draft constitution was available in shops on 1 May 1937. De Valera had broadcast to the nation the evening before explaining its contents, and exhorting people to support it.¹⁶⁸ The Dáil began debating it, with the second reading on 11 May. The committee stage commenced on 1 June, and it was passed on 14 June. The plebiscite was held on 1 July, the same day as the general election. It was approved by 685,105 votes (50.89%) to 526,945 (39.14%). There was an unusually high number of spoiled votes – 134,157 (9.97%).¹⁶⁹ The constitution came into operation on 29 December 1937.

Aspects of the 1937 constitution and an assessment of Hearne's contribution

The constitution of 1937 was intended by de Valera to complete the process of achieving independence for the twenty-six county Irish state. It repudiated the link between the state's basic law and the treaty settlement.¹⁷⁰ Sovereignty was to be vested in the people and the principle of popular sovereignty was fundamental in

163 Keogh, 'Irish Constitutional Revolution', p. 27.

164 UCDA, P150/2419, 'Copies of documents taken by Sean T. O'Kelly to the Nuncio, 11 April 1937'; Hogan, *Irish Constitution*, pp. 462-4.

165 Kennedy, 'John Hearne and the Irish Constitution', p. 125.

166 UCDA, P150/2419, Memorandum by Eamon de Valera: 'Pro Memoria': Guidelines for Joseph P. Walshe for his discussions with the Vatican, 16 April 1937; Hogan, *Irish Constitution*, pp. 484-6.

167 Keogh and McCarthy, *Making of the Irish Constitution*, p. 242, note 58.

168 NAI, DT S9868, Transcript of radio broadcast by Eamon de Valera, 30 April 1937; Hogan, *Irish Constitution*, pp. 534-8.

169 See Keogh and McCarthy, *Making of the Irish Constitution 1937*, pp. 208-9, for full results of the plebiscite.

170 Bill Kissane, *New Beginnings: Constitutionalism and Democracy in Modern Ireland* (Dublin, 2011), p. 60.

the new constitutional dispensation. Under this dispensation, the constitution was to be the popular expression of the will of a free Irish people, drawn up by their representatives and endorsed by the people in a plebiscite. Having worked closely with de Valera, Hearne understood his policy and aspirations. In a speech he drafted for the president in June 1937, he wrote:

Let us not hesitate, therefore, to assert in the forefront of our constitution the principle that the sovereignty of the Irish people over this whole island of ours is absolute and indefeasible. So long as our country is kept divided by the forces outside itself and outside its control, be the time long or be it short, that declaration will contain the main politics of every Irishman worth the name.¹⁷¹

With this clear sense of what de Valera wanted, Hearne, with his 'consummate drafting skills',¹⁷² translated the president's complex, and often abstract ideas, into the precise language of constitutional law. Indeed, one of Hearne's closest colleagues, Philip O'Donoghue, 'greatly admired his ability to draft difficult legal concepts and constitutional relationships'.¹⁷³ The constitution, of which he was the principal drafter, is evidence of these skills, and reflected

legal thinking and influences drawn from a variety of sources, including the Weimar Constitution (1919), the Polish Constitution (1921), the Austrian Constitution (1934), the Portuguese Constitution (1933) and Papal Encyclicals, as well, of course, as constitutional law and theory drawn from the US and British traditions.¹⁷⁴

Aspects of this constitution and Hearne's contribution to its making will now be assessed.

(I) 1937 constitution: continuity and innovation

In approaching the monumental task before him, it has been noted earlier that Hearne used his 1935 draft heads as his model. The result is that many sections of the 1922 constitution, which had a significant influence on this draft, were transposed into the 1937 one. In fact,

A very large part of our present constitution is, in fact, the 1922 constitution, with the language in many cases unchanged....The extent to which this is true has, however, been partially obscured by the manner in which the content of the constitution has been reordered as between the 1922 and 1937 versions.¹⁷⁵

This transposition related, in particular, to articles concerned with the institutions of the state, such as the Oireachtas and the courts. This is not surprising: the

171 NAI, DT S9905, 'The Constitution and National Life': Memorandum prepared by John Hearne, dated 12 June 1937.

172 Hogan, *Irish Constitution*, p. 279.

173 Keogh and McCarthy, *Making of the Irish Constitution*, p. 68. The opinion of O'Donoghue's son, Fr Patrick O'Donoghue, is quoted.

174 Hogan, *Irish Constitution*, p. 279.

175 Garret Fitzgerald, 'The Irish Constitution in its Historical Context', in Tim Murphy

1937 constitution did not herald a constitutional revolution, nor was it so intended. It did not make sense, therefore, to discard any elements of the earlier constitution which were regarded as satisfactory. As de Valera told the Dail on 11 May 1937: 'I was anxious... that the things that we were satisfied with should remain; that we should not change simply for change's sake'.¹⁷⁶ And it has been noted by Brian Walsh, a former judge of the Supreme Court, that 'because of the care with which these matters are dealt with in the constitution, there has been very little litigation concerning them'.¹⁷⁷

However, the newly created office of President of Ireland was a very significant innovation. There was no precedent for it in the 1922 document. Hearne's draft heads were to be the basis of the new articles, as is evident in the following table:

Articles in the draft heads of a constitution, 1935 relating to the Office of President	Articles in the 1937 constitution based on the draft heads
Article 4 To be elected by the people To be at least 35 years old To serve term of seven years To be eligible for re-election May not be a member of the Oireachtas	Article 12, 2, 1 Article 12, 4, 1 Article 12, 3, 1 Article 13, 3, 2 Article 12, 6, 1
Article 5 An oath to be taken by president	Article 12, 8
Article 6 President to be supreme commander of defence forces All commissions to be from president	Article 13, 4 Article 13, 5, 2
Article 8 Right of pardon, remit/commute sentences	Article 13, 6
Article 9 To appoint prime minister and ministers	Article 13, 11, 2
Article 10 Summon/dissolve Oireachtas	Article 13, 2, 1
Article 11 President to assent to and sign bills	Article 13, 3, 1
Article 13 Salary to be determined by law	Article 11, 2
Article 14 Powers exercisable upon the advice of the government	Article 13, 11

and Patrick Twomey (eds.), *Ireland's Evolving Constitution, 1937-97: Collected Essays* (Oxford, 1998), p. 32.

176 Quoted in James Casey, 'Changing the Constitution: Amendment and Judicial Review', in Brian Farrell (ed.), *De Valera's Constitution and Ours* (Dublin, 1998), p. 152.

177 Brian Walsh, 'The Constitution: A View from the Bench', in Farrell, *De Valera's Constitution and Ours*, p. 197.

Hearne gave constitutional expression to de Valera's decision that there be a president, finding his inspiration, as was noted earlier, in the Weimar Constitution. 'The office and functions of the president, which had to be devised from scratch in 1937, exhibit so many secondary resemblances to the office and functions of the President of the Weimar Republic under the constitution of 1919 that a direct importation must be suspected'.¹⁷⁸ For example, the German President had a seven year term and was supreme commander of the armed forces. A German citizen had to be at least thirty-five years of age to be eligible for the office.¹⁷⁹

(II) 1937 constitution: religious article

A constitution is shaped by the historical context in which it is written. Accordingly, it was inevitable that the Irish one of 1937 reflected the strongly Catholic character of the state, with the overwhelming majority of the population – ninety-five per cent – belonging to the Catholic Church. Moreover, Catholicism provided a focus of unity which helped define the young state's sense of identity. The two decades after the treaty were ones of profound disappointment for many. The glorious hopes and expectations of the struggle for independence lay in tatters. There were deep political divisions in the aftermath of the civil war; the country was partitioned; and the economy stagnant. In the face of political and social disillusionment, Catholicism remained to bind together a riven nation.¹⁸⁰ The 1922 constitution had made no reference to the Catholic Church – the fact that the one of 1937 did reflected the new and additional importance of religion in the Irish sense of national identity.¹⁸¹

Those associated with the drafting of the new constitution were not immune to the prevailing climate of Catholic religiosity. As noted earlier, articles 41-45 were strongly influenced by that church's social and moral teachings, and it is here that the constitution takes on a pronounced Catholic flavour.¹⁸² A member of the drafting committee, Maurice Moynihan, commented that 'it was unavoidable that a generation built on idealism, devoted to its church and led by a devout Catholic should reflect the predominant ethos'.¹⁸³ In the absence of available evidence, it is only possible to speculate on Hearne's attitude. He was a devout Catholic and daily communicant¹⁸⁴ and may well have contributed to the influence of Catholic teachings in the constitution.

178 Gerard Hogan and Gerry White, *J.M. Kelly: The Irish Constitution* (Third edition, Dublin, 1994), p. 97.

179 Hogan and Whyte, *Irish Constitution*, p. 98. For more information on the influence of the Weimar Constitution on the Irish Constitution, see 'On the Origin of the Species', an interview with Gerard Hogan, *Law Society Gazette*, October 2012, pp. 25-6.

180 Fanning, *Independent Ireland* (Dublin, 1983), p. 59.

181 Brian Walker, *A Political History of the Two Irelands: From Partition to Peace* (Basingstoke, 2012), p. 17.

182 Lyons, *Ireland Since the Famine*, p. 545.

183 Kennedy, *John Hearne and the Irish Constitution*, p. 125.

184 Kennedy, *John Hearne and the Irish Constitution*, p. 125.

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However, unlike McQuaid and Cahill, Hearne did not regard the essential purpose of the constitution as being the creation of a Catholic state. While the document could, and would certainly include elements of the teachings of that church, it was also concerned with guaranteeing and vindicating the rights of citizens. Hence, there was a difference of emphasis which undoubtedly made Hearne's task more difficult, at the very least, as he sought to reconcile what was, at times, a conflict of vision and purpose in relation to aspects of the new constitution. Notwithstanding his influence, McQuaid could not divert de Valera's team of civil servants from writing a constitution consistent with personal rights and freedoms.¹⁸⁵

An insight into the tensions caused for Hearne by the involvement of McQuaid, in particular, in the drafting of the constitution is provided in correspondence between Professor Dermot Keogh and the son of one of Hearne's colleagues, Philip O'Donoghue. Keogh's correspondent referred to the fact that they (Hearne and O'Donoghue) were to witness the inclusion of other forces in the drafting process and they were, much to their deep regret, unable to control or contain this development.¹⁸⁶ McQuaid's involvement was especially extensive and intensive, and Hearne would not have welcomed the material that began to cascade onto his desk, through de Valera, from that source.¹⁸⁷ Keogh's acerbic comment that 'one is tempted to speculate that he may have developed, as a consequence, a lifelong aversion to certain papal encyclicals', may be apposite.¹⁸⁸

In the matter of the controversial one true church formula, again it is not possible, in the absence of more complete information, to characterise Hearne's attitude with certainty. In any event, he was not centrally involved in this aspect of the constitution. In the case of de Valera, the original wording accorded with the teachings of the Catholic Church and in that sense satisfied the president's position as a devout Catholic and private citizen.¹⁸⁹ While it might have satisfied his personal beliefs, it was not tenable in the context of his constitutional project. Hearne's position may have been similar – as a devout Catholic and former clerical student, his private beliefs were likely to have been consonant with those of the church of which he was a member, but these beliefs had to be compromised to accommodate the exigencies of constitution making. Furthermore, as the principal drafter of a constitution which sought to protect personal and democratic liberties, he would have endorsed those provisions of the article which guaranteed freedom of conscience and free profession of religion.¹⁹⁰ These guarantees accorded with the relevant article in his draft constitution of 1935.¹⁹¹ With the removal of the special

185 Kissane, *New Beginnings*, p. 67.

186 Keogh and McCarthy, *Making of the Irish Constitution*, p. 86.

187 Keogh and McCarthy, *Making of the Irish Constitution*, p. 107.

188 Dermot Keogh, 'Church, State and Society', Farrell . *De Valera's Constitution and Ours*, p. 121, note 19.

189 Keogh, *The Vatican, the Bishops and Irish Politics*, p. 211.

190 Article 44, 2, 1.

191 UCDA, P150/2370, Preliminary Draft Heads of a Constitution for Saorstát Éireann, 17 May 1937, Article 39; Hogan, *Irish Constitution*, p. 181.

recognition of the Catholic Church in 1972, the liberal character of the remainder of the article is apparent. Therefore, it may be suggested that Hearne would have been satisfied with the general thrust and intentions of the religious article, as it represented ‘an astute and not ignoble formulation of the principle of religious liberty in a predominantly Catholic country’.¹⁹²

Hearne had another perspective on the special recognition accorded to the Catholic Church in the article on religion – that of a constitutional lawyer with a knowledge of similar provisions in the constitutions of other countries. It was a fact that there was an established religion in some European states. This was the situation, for example, in England and in the Kingdoms of Norway, Sweden and Denmark, where there were Protestant state churches and a requirement that the monarch be a member of that church. In England, moreover, the monarch was obliged to take an oath to maintain the supremacy of Protestantism, as King George VI did at his coronation on 12 May 1937. The Norwegian Constitution denied toleration to Catholic priests belonging to the Society of Jesus.¹⁹³ The Catholic Church was accorded a special position in the Polish Constitution, in an article similar to the one in the Irish Constitution.¹⁹⁴

By comparison with other countries, the religious aspect as regards recognition of the Catholic Church in the 1937 constitution was ‘rather low key’,¹⁹⁵ and made no stipulation that officer holders had to be Roman Catholics. The article was purely descriptive in formulation. Nor were there any concerns voiced, at the time, by the leaders of the minority churches about the recognition accorded the Catholic Church. The Church of Ireland archbishop of Dublin, Dr John Gregg, was satisfied with the section.¹⁹⁶ Having been shown draft copies, the president of the Methodist Church in Ireland, informed de Valera that ‘we find nothing either in substance or wording of the section submitted to which we could fairly take exception’.¹⁹⁷ Likewise, the Presbyterian Church, in its consultations with the president, expressed no reservations.¹⁹⁸ When the articles relating to religion and fundamental rights are considered, it is reasonable to suggest that Hearne saw them as representing a blend of liberal democracy and Catholic social teaching, while avoiding ‘an affirmation of Catholic identity which would cause outright offence to the spectrum of Irish Christianity’.¹⁹⁹

192 Lee, *Ireland 1912-1985*, p. 203.

193 Hogan, ‘De Valera, the Constitution and the Historians’, p. 298.

194 Hogan, ‘De Valera, the Constitution and the Historians’, p. 299.

195 Thomas Bartlett, *Ireland: A History* (Cambridge, 2010), p. 448.

196 Keogh, *The Vatican, the Bishops and Irish Politics*, p. 213.

197 UCDA P150/2419, William Henry Massey to Eamon de Valera, 15 April 1937; Hogan, *Irish Constitution*, pp. 479-80.

198 UCDA, P150/2419, Memorandum by Eamon de Valera: Negotiations with the Churches, 16 April 1937; Hogan, *Irish Constitution*, pp. 482-3.

199 Alvin Jackson, *Ireland, 1798-1998: War, Peace and Beyond* (Oxford, 2010), p. 293.

(III) 1937 constitution: fundamental and personal rights and judicial review

In comparison to the 1922 constitution, a striking new element of the 1937 constitution was a much more elaborate statement of fundamental rights.²⁰⁰ A biographer of de Valera, T.P. O'Neill, has written that he gave Hearne two 'major orders': 'The draft was: a) to contain certain basic articles guaranteeing fundamental human rights; b) to place the said articles in a specially protected position, i.e., to render them unalterable save by the people themselves or by an elaborate constitutional process'.²⁰¹ Unquestionably, a most significant aspect of the constitution was the regard given to the protection of the rights of the individual citizen and which found expression in the five articles entitled 'Fundamental Rights', articles 40-45. Article 40 is by far the most important, guaranteeing equality before the law; protection of life, person, good name and property; personal liberty; the inviolability of the dwelling and the rights of free speech, assembly and association.

The guarantee of equality before the law is contained in a stand-alone clause, Article 40, 1. The idea for such a stand-alone equality guarantee originated with Hearne. As was noted earlier, his 1935 draft heads contained such a clause and it appeared, in amended form, in the first official draft of the constitution circulated on 16 March 1937, and was retained in the final draft.²⁰² Inspired by the fourteenth amendment of the US Constitution and article 109 of the Weimar one²⁰³ its inclusion reflected Hearne's 'broadly egalitarian and liberal outlook'.²⁰⁴

There is much evidence that Hearne gave serious thought as to the best means of vindicating the rights of citizens. He considered the establishment of a constitutional court, an idea that was 'then practically unknown in the English speaking world'.²⁰⁵ In December 1935 he drew up a memorandum regarding such a court in various countries.²⁰⁶ In an outline plan of the proposed new constitution, drawn up by him in August 1936, he included provisions for a constitutional court.²⁰⁷ The idea was dropped when drafting began, and it was decided that constitutional issues were to be decided by the Supreme Court.²⁰⁸ The ultimate protection afforded by the constitution to the rights of citizens, however, is that the relevant articles may only be changed by referendum.

201 Kennedy, 'John Hearne and the Irish Constitution', p. 125.

202 The final draft read as follows: All citizens shall, as human persons, be held equal before the law. This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function. The changes in the article are briefly considered by Hogan, *Irish Constitution*, pp. 528-9.

203 Hogan, *Irish Constitution*, p. 527.

204 Hogan, *Irish Constitution*, p. 527.

205 Hogan, *Irish Constitution*, p. 152.

206 UCDA, P150/2370, Memorandum from John Hearne to Sean Murphy, 10 December 1935; Hogan, *Irish Constitution*, pp. 189-91.

207 UCDA, P150/2370, 'Plan of Fundamental Constitutional Law', 20 August 1936; Hogan, *Irish Constitution*, pp. 280-5. Article 31 relates to the constitutional court.

208 NAI, DT S9868, Memorandum from John Hearne to Eamon de Valera, 3 April 1937; Hogan, *Irish Constitution*, p. 446.

The concerns of Stephen Roche, secretary of the Department of Justice, that there were provisions in the proposed constitution which would result in judicial activism have already been noted. His concerns were shared by J.J. McElligott.²⁰⁹ Both disliked the notion of judicial review, and indeed the whole notion of including an extensive section on fundamental rights. Notwithstanding his reservations, Roche came to realise

... that the drafting committee was so determined to enshrine the system of judicial review of legislation coupled with fundamental rights guarantees that further resistance was futile. It will be seen, therefore, from the general departmental reaction that key departments – Finance and Justice- realised at an early stage the potential importance of the fundamental rights provisions in general and of judicial review of legislation in particular. The Department of Justice had, through Roche, argued strongly against the entire project. If, therefore, de Valera had not intended to give such a prominent role to the courts in relation to these matters, it cannot be said that he had not received adequate advance warning about the direction that the draft constitution might have been taking.²¹⁰

Thus, De Valera clearly and unequivocally provided for judicial review in the constitution,²¹¹ and was supported, in his view, by Hearne and his colleagues on the drafting committee. The president had the intellectual self-confidence to see beyond the standard civil service attitude and worked with civil servants who shared his opinion.²¹² Thus judicial review was enshrined as fundamental to the protection of citizens' rights.

The significance of the provisions relating to fundamental rights and judicial review was not appreciated until the 1960s, when it was recognised that the constitution implicitly protected an indefinite range of citizens' rights over and above those specifically enumerated in various articles.²¹³ Since then Irish courts have been particularly effective in protecting and extending the rights of citizens versus the rights of the state.²¹⁴ In relation to Article 40, 1 (Hearne's stand-alone provision), the Supreme Court has stated that 'the forms of discrimination which are... proscribed by article 40, 1 are not particularised: manifestly, they would extend to classifications based on sex, race, language, religious or political opinions'.²¹⁵ Many laws have been found to be unconstitutional as contrary to this article. These include: a series of common law rules which favoured husbands as against wives; a provision in the Adoption Act, 1974 which inhibited widowers (but not widows)

209 Hogan, *Irish Constitution*, p. 326.

210 Hogan, *Irish Constitution*, pp. 334-5.

211 Casey, 'Changing the Constitution: Amendment and Judicial Review', p. 156.

212 Kissane, *New Beginnings*, p. 70.

213 Kelly, 'Fundamental Rights and the Constitution', pp. 167-8.

214 Alan J. Ward, *The Irish Constitutional Tradition: Responsible Government and Modern Ireland, 1782-1992* (Washington, 1994), p. 8.

215 Quoted in Hogan, *Irish Constitution*, p. 529.

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from adopting: electoral legislation discriminating against the socially disadvantaged; and campaign finance legislation and practices which favoured the Government in referendum campaigns.²¹⁶ Justice Brian Walsh has written that

... the courts see the constitution as a contemporary fundamental law that speaks in the present tense. As a document it speaks from 1937, but as law it speaks from today... It will not be interpreted on the basis of having a static meaning determined fifty years ago, but that it lays down governing principles that can cope with present problems.²¹⁷

The constitution, therefore, is by judicial review able to discern and protect unspecified rights.

What clearly concerned Hearne and the other civil servants involved in the drafting process was that a citizen's fundamental rights were enshrined and protected by the new constitution.²¹⁸ These rights were guaranteed in various articles, adopted by plebiscite, secured by the requirement that constitutional change would only be by referendum and could be vindicated by judicial review. That the constitution was influenced by Catholic teaching was unremarkable in the context of the Ireland of the 1930s. But what is remarkable was the extent to which the document also reflected secular values of liberal democracy and respect for individual rights. The most important article in terms of such rights, article 40, is 'very much in the liberal, almost one might say the egalitarian tradition'.²¹⁹ Thus, Hearne and his colleagues ensured that very significant provisions in the constitution were based on universal principles of respect for a citizen's rights.

1937 constitution: a wider context

The new Irish constitution was drafted and adopted at a time when democracy was under threat in many European states and totalitarianism on the rise. In 1937 Hearne acknowledged the conflict between two opposing systems of government:

This constitution is presented for the approval of the Dail and the country at a juncture in human affairs which has no parallel in the annals of mankind. The world is in the throes of a conflict of political philosophies which has divided it into two academies and bids fair to divide it into two camps.²²⁰

In the context of the spread of totalitarian government, an aspect of the constitution was the recognition accorded to the Jewish congregations in Ireland. This was a unique feature, the only constitutional provision in the world, then or since, to give such express recognition. And this was done 'at a time in history when the

216 Hogan, *Irish Constitution*, pp. 529-30.

217 Walsh, 'The Constitution: A View from the Bench', p. 195.

218 Keogh and McCarthy, *Making of the Irish Constitution*, p. 121.

219 Lyons, *Ireland Since the Famine*, p. 545.

220 NAI, DT S9905, 'The Constitution and National Life': Memorandum prepared by John Hearne, dated 12 June 1937.

greatest agony of that people had already begun in Europe'.²²¹ It was certainly appreciated by the representatives of Dublin's Jewish community, as was made clear in a letter to de Valera:

They note with the greatest satisfaction and due appreciation that the 'Jewish congregations' are included in the clause giving equal recognition to the religious bodies in Eire: and they respectfully tender congratulations on the production of such a fair and just document.²²²

The inclusion of this clause did not, of course, signify an end to anti-Semitism in Ireland, or a more generous policy towards Jewish immigration, especially during the war years.²²³ Nevertheless, it was of significance in a Europe which was to witness the Holocaust a few years later. Thus at a time when democratic government was being denied to so many of Europe's citizens, the Irish people adopted, in a free plebiscite, a constitution founded on principles of democracy, fundamental rights and popular sovereignty. It was one of the finer moments in the state's history.

1937 constitution: summary characterisation of Hearne's role

The constitution of 1937 was, and is, de Valera's constitution. While he did not write it himself, he was the initiator of the process which culminated in its enactment and it represented very much a personal statement of his philosophy.²²⁴ He had the clarity of vision to sketch out his constitutional design and he controlled every detail of its making.²²⁵ In the selection of his drafting team he again demonstrated his determination to retain control of the project. He ensured that Hearne and the other civil servants did not work under any other minister.²²⁶ Moreover, he effectively excluded his ministers from the process and only consulted them when he decided to do so.

To realise his ambitions, de Valera selected civil servants who had proved individually their competence and capability.²²⁷ The most important, as this essay shows, was John Hearne. In the dedication he wrote on the copy of the constitution he gave his legal adviser, and quoted in the first paragraph of this essay, de Valera gave a valuable and concise summary of his assessment of Hearne's role in its production. The president described it as 'fundamental', referring, in particular, to his contribution as its 'draftsman'. It is true that Hearne wrote most of the document.

221 Brian Walsh, quoted in 'De Valera, the Constitution and the Historians', p. 297, note 16.

222 NAI, DT S9856, Rabbinate Committee of the Dublin Jewish Community to Eamon de Valera, 4 May 1937; Hogan, *Irish constitution*, p. 547.

223 For a consideration of this point, see Dermot Keogh, *Jews in Twentieth-Century Ireland: Refugees, Anti-Semitism and the Holocaust* (Cork, 1998).

224 Keogh, 'Constitutional Revolution', p. 66.

225 Ronan Fanning, 'Mr de Valera Drafts a Constitution', in Farrell, *De Valera's Constitution and Ours*, p. 36.

226 Fanning, 'Mr de Valera Drafts a Constitution', p. 39.

227 Keogh, 'Church, State and Society', p. 107.

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When Fianna Fáil veteran, C.S. Andrews, recorded that he heard de Valera say 'that it was entirely the work of John Hearn [sic]... and that his own contribution amounted only to dotting the 'i's' and crossing the 't's',²²⁸ the former head of government was, almost certainly, referring to Hearne's drafting skills, and their pivotal importance in the production of the new constitution. He was also the key figure in the drafting committee set up in 1937.²²⁹ When de Valera wrote that he was the 'architect in chief', he was making reference to Hearne's understanding of his ideas and vision for the new constitution and the skills with which he put legal and constitutional construction on them. He was also responsible for most of the innovations in the constitution, for example the details of the presidency and article 40, 1. Such was his understanding of the document, that even when he departed in 1939 for Canada as Ireland's high commissioner, Hearne was still consulted a year later, on de Valera's instructions, on amendments which were under consideration:

In view of your very special knowledge of the constitution the Taoiseach feels that final preparation of amending measures should not be undertaken before you have had time to re-examine the substance of the constitution in light of present world trends, recent political developments at home, and your personal experience of Canadian constitutional matters.²³⁰

The drafting team was made up of the best civil servants of their generation²³¹ and 'were representative of a very broad political culture'.²³² After Hearne, Maurice Moynihan, secretary to the Executive Council, was probably the most important member. According to Dermot Keogh, this pair 'must be remembered among the figures who have most influenced the political and administrative culture of the state', helping 'to shape the constitution in a way which neither McQuaid nor Cahill could have done'.²³³ Moynihan described his colleague as 'lively, vivacious and very articulate... highly intelligent and widely read'.²³⁴ He has left an essentially accurate, but not necessarily complete description of the working relationship between de Valera and Hearne:

The constitution was de Valera's. He conceived it. Hearne did the drafting and dotted the 'i's' and crossed the 't's'. De Valera was the main architect who inspired, dictated and supervised at every stage. He was more his amanuensis than his architect. De Valera gave oral instructions to Hearne and these were put into legal language. Hearne knew Dev's line of thinking and he interpreted it into draft form. It is

228 C.S. Andrews, *Man of No Property* (Dublin, 1982), p. 233.

229 Hogan, *Irish Constitution*, p. 698.

230 NAI, DFA 247/21, Telegram from the Department of External Affairs to John Hearne, 4 September 1940; Hogan, *Irish Constitution*, p. 756.

231 Keogh, 'Constitutional Revolution', p. 26.

232 Keogh and McCarthy, *Making of the Irish Constitution*, p. 207.

233 Keogh, 'Constitutional Revolution', p. 66.

234 Quoted in Kennedy, 'John Hearne and the Irish Constitution', p. 127.

important not to over-estimate or under-estimate either de Valera or Hearne. They were a team in creating the constitution.²³⁵

The description of Hearne, however, as an amanuensis significantly belies his role in the making of the constitutions and, indeed, jars with the general tenor of the description. It was an ill-considered choice of word.

Conclusion

In the autumn of 1937 Hearne was made a senior counsel in recognition of his work on the constitution and in 1939 he was called to the inner bar. In that same year he was appointed Ireland's first high commissioner to Canada, a position he held until 1949. From 1950-60 he served as ambassador to the United States. Retiring from the diplomatic service in 1960, he returned to the parliamentary draftsman's office for a brief period in November 1960, remaining there for one year. Hearne died on 29 March 1969, aged seventy-six years.²³⁶ President Eamon de Valera attended his funeral mass and burial.²³⁷

John Hearne was one of the most distinguished civil servants in the history of the Irish state, who has left an enduring legacy to later generations. He played a fundamental role in the making of the 1937 constitution. His consummate skills and expertise facilitated the realisation of de Valera's vision and the production of a document which enshrines principles of democracy and personal liberty. As a lawyer, he had a profound understanding and sense of what a constitution and laws mean in the life of a free people, writing in 1937 words that had meaning then, and still have meaning now, largely because they were written by a man who exemplified the best qualities of professional dedication and commitment in the service of the citizens of the Irish state:

During a long period of our history, the whole of our national effort has been a struggle to secure for our people the right to make their own laws. It was inspired by the purpose of a people possessing an ancient civilization and the consciousness of a great future, that their national laws should not only be made by themselves, but should be made to foster and reflect the social and political order of a distinct Irish commonwealth. A nation's laws are as much part of its national life as are its language, its literature, its arts and its particular outlook upon the great public questions of the age.²³⁸

235 Quoted in Kennedy, 'John Hearne and the Irish Constitution', p. 122.

236 This brief account of Hearne's later career is based on McGuire and Quinn (eds.), *Dictionary of Irish Biography*, p. 583 and *Irish Times*, 31 March 1969.

237 *Irish Press*, 1 April 1969.

238 NAI, DT S9905, 'The Constitution and National Life': Memorandum prepared by John Hearne, dated 12 June 1937.

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Paddy Kenneally

(1923-2012)



Paddy Kenneally was born in Clogheen, Co. Tipperary in 1923. His working career began in Shanbally Castle during World War II (or the Emergency, as it was known in Ireland), and following periods in Thurles and Nenagh, in his native Tipperary, he moved to Waterford city in the 1950s. He secured employment in the Paper Mills, where he remained until its closure. Such was Paddy's knowledge and competence that following the closure of the factory in Waterford, he was asked to travel to Pakistan to oversee the installation of the plant and machinery there. Paddy declined the offer and saw out the remainder of his working career with Kromberg and Schubert.

He also had a distinguished 'career' with the Old Waterford Society, now Waterford Archaeological and Historical Society – serving as chairman, vice-chairman, PRO and committee member. His service to the society was immense and irrespective of what position he held, he was always sure-footed and one to be relied on for direction, assurance or advice. In 1998, when I was asked by the committee to put my name forward for the position of chairman, I agreed on the basis that Paddy would seek the position of vice-chairman. As a relatively new member to the society I knew I could rely on Paddy to steer me in the right direction and point out when I was going astray – he didn't let me down. When the going got tough and I was under pressure Paddy was the one whom I relied on most for support and advice.

His service to the society was not restricted to an administrative role. He was a keen historian himself, and had a deep interest in the subject. One of the gifts which was presented at his Requiem Mass was the presentation which he made to the society on Shanbally House, near Clogheen. He frequently asked questions at lectures and outings organised by the society – in fact I don't think I attended a lecture where he didn't ask a question. On a number of occasions we travelled together to society events and the discussion usually consisted of ways the society could be improved and how the 'historical message' could be delivered to a wider audience, in particular to the younger generation.

Outside St. John's church, after his Requiem Mass, I spoke to a past officer of the society who said that, as far as he was concerned, Paddy was the society's Number One and I couldn't agree more. Physically Paddy wasn't a huge man, but his contribution to the society was colossal. Despite the fact that he was of a gentle, compassionate and kind nature he wasn't afraid to express his views in a forceful, but respectful, manner and invariably his views were taken on board and decisions based on his sound advice.

Paddy wasn't on the committee for ego purposes - he served for the betterment of the society. He decided to retire in 2008, from the committee of the society

when many, including myself, felt that he still had something to offer. Others might have chosen to stay on and see out his days – that wasn't Paddy – he had made up his mind and he wasn't for changing. He obviously felt that his usefulness to the society had ended and he was prepared to hand on the mantle to others. As a mark of appreciation for his contribution to the society, Paddy was made an honorary member – something which the society has bestowed on rare occasions, and in Paddy's case richly and fully deserved.

Even though we parted company on the committee of the society, we always exchanged Christmas cards and on a rare occasion telephoned each other. As well as our common interest in history, we both shared an interest in politics and it was a pleasure to talk to him on any subject. A life-long member of Fianna Fáil, I do know that very senior members of the party contacted him for advice – on one occasion the party leader contacted him by telephone. His wife Ester answered the telephone and when Paddy was finished talking, Ester asked him not to tell anybody, suggesting that he would not be believed. So it would appear that his advice was sought after by people far more important than myself. When Ms Mary Hanafin, as Minister for Education launched *Decies 62* (2006), Paddy was in his element. He spoke to the Minister as he would to anybody else and it became obvious after a very short time that they had both met before on many occasions, as they spoke about each others families and engaged in 'chit-chat' like two good friends. I was also grateful of Paddy's presence that night as he got me out of a very tight situation. The Minister questioned me on a certain topic, and Paddy realising that I might be in a spot of bother – probably before I realised it myself – rattled off the answer and spared me the blushes.

Paddy's service to the community was not restricted to the society. He was involved with Cork Road Residents Association, Waterford Gardening Club, Waterford City VEC, Waterford Harbour Board and served, as Councillor, on Waterford Corporation during the 1970s. He was a devout Roman Catholic and served as a Minister of the Eucharist, in St. John's church. One of the teachings of the Catholic faith is to use your talents and Paddy certainly ticked that box. He also ticked the boxes of kindness, humanity, generosity and honesty. All the officers, committee members and society members who knew Paddy will miss him greatly and his passing brought us all great sadness.

To his family, relatives and many friends sincere sympathy on their sad and great loss - *Ní bheidh a leithéad ann arís.*

Eddie Synnott

CONSTITUTION OF THE WATERFORD ARCHAEOLOGICAL AND HISTORICAL SOCIETY

1. **Name:**
The Society shall be called - "The Waterford Archaeological and Historical Society" (formerly The Old Waterford Society).
2. **Objects:**
The objects of the Society shall be:
 - (a) to encourage interest in history and archaeology in general but with particular reference to Waterford and adjoining Counties;
 - (b) to promote research into same;
 - (c) to arrange for the further informing of members of the Society by way of lectures on appropriate subjects and visits to places of historical and archaeological association;
 - (d) to issue a periodical publication; and
 - (e) to engage in such other activities as the Committee may consider desirable.
3. **Membership:**
The Society shall be composed of all persons who are members at the date of the adoption of these Rules together with those who may subsequently be admitted to membership by the Committee. Honorary Members may be elected at any Annual General Meeting.
4. **Government:**
The Society shall be governed by a Committee, consisting of a Chairman, Vice-chairman, Hon. Secretary, Hon. Treasurer, Hon. Editor and Hon. Press Officer together with not less than six nor more than eight other members, one of whom may be elected as Hon. Outings Organiser. In addition to those members elected as provided above each officer, on relinquishing office, shall become an ex-officio member of the Committee and shall remain such for one year.
5. **Election of Officers and Committee:**
The election of the Officers and Committee of the Society shall take place each year at the Annual General Meeting. The Chairman, Vice-Chairman, Hon. Secretary, Hon. Treasurer, Hon. Editor and Hon. Press Officer shall first be elected individually and in that order, following which the additional members shall be elected beginning with the Hon. Outings Organiser. In the event of there being more than one nomination for any office or more nominations for the Committee than there are vacancies, as provided by these Rules, then the election shall be carried out by secret ballot.

No member of the Society who is absent from the General Meeting shall be eligible for nomination as a prospective member of the Committee unless he or she shall have previously intimated in writing to the Honorary Secretary his or her willingness to accept nomination.

The Committee shall have the power to co-opt additional members. Such co-options shall be effective only up to the date of the next ensuing Annual General Meeting.

A Chairman who has held office for three consecutive years shall not be eligible to seek re-election as chairman or vice-chairman until a period of two years have elapsed after his relinquishing office. For the purpose of this Rule the word "year" shall mean the period elapsing between successive Annual General Meetings.

6. ***Provision for Trustees:***

If it should become desirable at any time to register the Society with the Registrar of Friendly Societies, or to appoint Trustees, such registration and such appointment may be authorised at the Annual General Meeting or at a Special General Meeting called for that purpose. Such Trustees as may be appointed shall be ex-officio members of the Committee.

7. ***Duties of the Chairman:***

The primary duty of the Chairman shall be to preside at all Committee and other meetings of the Society. It shall also be *his* duty to represent the Society at any gatherings where representation shall appear to be desirable.

8. ***Duties of the Honorary Secretary:***

The Honorary Secretary shall:

(a) record the minutes of Committee meetings and of the Annual General Meeting of the Society;

(b) maintain files of the correspondence relating to the Society;

(c) arrange for such meetings, lectures and outings as the Committee shall direct, and notify members accordingly;

(d) arrange for notice of Annual General Meeting of the Society to be sent to all members; and

(e) submit a report to the Annual General Meeting on the activities of the Society since the date of the last such Meeting.

9. ***Duties of Honorary Treasurer:***

The Honorary Treasurer shall:

(a) receive and disburse monies on behalf of the Society, as directed by the Committee, and shall keep accounts of all receipts and expenditure, together with supporting vouchers;

- (b) prepare an annual statement of accounts recording the financial transactions of the Society up to and including the 31st December of each year, which statement shall, as soon as may be after said date be submitted to the Society's Auditors for certification;
- (c) present the audited statement of accounts to the next Annual General Meeting; and
- (d) maintain an up-to-date list of subscribing members.

10. **Annual General Meeting:**

The Annual General Meeting shall be held, not later than the 30th April, at such venue, on such date and at such time as the Committee shall decide. Each member shall be given at least seven days notice of the date, time and place of the Annual General Meeting.

The quorum for an Annual General Meeting shall be fifteen members.

11. **Special General Meeting:**

A Special General Meeting of the Society shall be convened if:

(a) any fifteen members of the Society request the Honorary Secretary in writing to do so, stating at the time of such request the reason why they wish to have the meeting convened; or

(b) it shall appear to the Committee to be expedient that such a meeting should be convened.

In convening a Special General Meeting, the Honorary Secretary shall give at least seven days notice to each member of the Society, stating in such notice the intended date, time and place at which such meeting is to be held and the purpose of same.

The quorum for a Special General Meeting shall be fifteen members.

12. **Quorum for Committee Meetings:**

The quorum for a Committee Meeting shall be five members.

13. **Annual Subscription:**

The annual subscription shall be such amount as shall be decided from year to year at the Annual General Meeting or at a Special General Meeting held for the purpose of fixing the amount to become due as from the first day of January next following the date of such meeting. The subscription year shall coincide with the calendar year. Any member, other than a new member who has not paid his or her subscription before the 31st December in any year shall be deemed to have resigned.

Subscriptions of new members accepted between 1st September and 31st December shall be deemed to be in respect of the ensuing year and shall be at the amount applicable to that year.

14. ***Rules not to be altered:***

These Rules shall not be altered except by resolution passed by a single majority of those present at an Annual General Meeting or a Special General Meeting.

15. ***Rules to be printed:***

The Rules of the Society shall be printed and re-printed as often as may be necessary. A supply of copies shall be held by the Honorary Secretary who shall make them available to all applicants subject to a charge based on the cost of producing them. Each new member shall be provided with a free copy of the Rules.

16. ***Earlier Rules repealed:***

These Rules supercede all previous Rules or Constitution of the Society.

The adoption of these Rules was resolved at the AGM of the Society, held on March 23rd 1979, such resolution having been proposed, seconded and passed by a majority of the members present.

WATERFORD ARCHAEOLOGICAL AND HISTORICAL SOCIETY
MEMBERSHIP 2013

(Up to September 30th 2013)

Abbeyside Reference Archives, Parish Office, Abbeyside, Dungarvan, Co.
Waterford.

Allen Public County Library, P.O. Box 2270, 900 Library Plaza, Fort Wayne, IN
46801-2270, USA.

Arthur, Rev. R., Cappoquin, Co. Waterford.

Aylward, Mr J., Wander Inn, Johnstown, Waterford.

Birney, Ms A., Amberhill, Kilmeaden, Co. Waterford.

Brazil, Mrs C., 'Killard', John's Hill, Waterford.

Brazil, Mr D., 'Killard', John's Hill, Waterford.

Breen, Ms M., Lower Newtown, Waterford.

Brennan, Mr J., 25 Daisy Terrace, Waterford.

Brennan, Ms V., Gregaridda, Dunmore East, co Waterford.

Broderick, Dr. E., 1 Pheasant Walk, Collins Avenue, Waterford.

Brophy, Mr A., Bushe Lodge, Catherine Street, Waterford.

Burtchaell, Mr Jack, Giles Quay, Slieverue, via Waterford.

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Byrne, Mrs S., 'Auburn', John's Hill, Waterford.

Cahill, Mr D., 17 Oakley Drive, Earls court, Waterford.

Cahill, Ms D., Reisc, Grange Lawn, Waterford.

Cahill, Ms. L., 17 Oakley Drive, Earls court, Waterford.

Carroll, Ms M., Newrath Road, Waterford.

Carroll, Mr P., Greenmount House, Croke, Passage East, Co. Waterford.

Caulfield, Mr S., Robinstown, Glenmore, Co. Kilkenny.

Caulfield, Mr T., Killure Cross, Monamintra, Co Waterford.

Clogher, Ms C. Whitfield South, Butlerstown, Co. Waterford.

Clogher, Mr L. Whitfield South, Butlerstown, Co. Waterford.

Coady, Mr M., 29 Clairin, Carrick-on-Suir, Co. Tipperary.

Collopy, Mr M., 75 Doyle Street, Waterford.

Condon, Mr S., 52 The Moorings, Ballinakill, Waterford.

Connolly, Ms T., 51 Mount Sion Avenue, Waterford.

Cooke, Mr D. W., 5486 Wellington Drive, Trappe, Maryland, 21673-8911, USA.

Cowman, Mr D. Knockane, Annestown, Co. Waterford.

Croke, Prof. David, 89 Monkstown Avenue, Monkstown, Co. Dublin.

Crotty, Mr G., 9 Pine Road, Woodlands, Portlaw, Co. Waterford.

Crowe, Mr W., 13 Bromley Avenue, Ardkeen Village, Waterford.

Crowley, Mrs M., Fernhill, Ballyvooney, Stradbally, Co. Waterford.

Curham, Mrs W., 19 The Folly, Ballytruckle, Waterford.

Curtis, Mr D., PO Box 390, Eden, New South Wales 2551, Australia.
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Cusack, Mr. L., Granville Hotel, Waterford.

Deegan, Mr P., 2 Fairfield Park, Belvedere Manor, Waterford.
Delahunty, Mrs M., Rocksprings, Newtown, Waterford.
De La Poer Beresford, Mr M., Straffan Lodge, Straffan, Co. Kildare.
Devlin, Dr P., 14 South Parade, Waterford.
Dillon, Mr F., 'Trespan', The Folly, Waterford.
Doorley, Mr S., 1 Glenthomas, Dunmore Road, Waterford.
Downey, Mr M., 19 Newtown Road, Waterford.
Doyle, Mr I., Head of Conservation, The Heritage Council, Church Lane,
Kilkenny.
Doyle, Mr N., 21 Glendown Grove, Templeogue, Dublin 6.
Dunne, Mrs B., Faithlegge, Co. Waterford.

Eogan, Mr J., 12 Barley Grove, Ballinakill Downs, Waterford.

Farrell, Mr I., 'Summerville House', Newtown, Waterford.
Falconer, Mr R., 6 The Folly, Waterford.
Fay, Miss E., 3 St Margaret's Avenue, Waterford.
Fay, Mr G., 43 Pinewood Drive, Hillview, Waterford.
Fenton, Mr C., Portnahully, Carigeen, via Waterford.
Fielding, Ms C., The Granary, Felin Hen Farm, Felin Hen Road, Bangor, Gwynedd
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Fitzgerald, Mr M., 38 Lee Ct., Kill Devil Hills, NC, 27948, USA.
Fraher, Mr W., 10 Ringnasilloge Ave., Dungarvan, Co. Waterford.
Freyne-Kearney, Mrs O., Savagetown, Kill, Co. Waterford.

Gahan, Mr M., Ballinamona, Slieverue, via Waterford.
Gallagher, Mr L., 42 Dunluce Road, Clontarf, Dublin 3.
Gallagher, Mr M., 54 The Moorings, Ballinakill, Waterford.
Gaule, Mr Barry, 31 Ferndale, Waterford.
Goff, Mr J., Marfield, Newtown, Waterford.
Goff, Ms R., Marfield, Newtown, Waterford.
Gordon, Mr J. P., 12 The Burgery, Dungarvan, Co. Waterford.
Gorwill, Mrs C., 81 Seaforth Road, Kingston, Ontario, K7M 1E1, Canada.
Gossip, Mr J., Ballinlaw, Slieverue, Co. Kilkenny.
Gossip, Mrs P., 'Garden Cottage', Ballinakill, Waterford.
Griffin, Mr D., 38 Sweetbriar Terrace, Lower Newtown.
Griffin, Mr P., Dooneen, Kilmeaden, Co. Waterford.
Grogan, Mrs A., The Laurels, Botherduff, Clonmel, Co. Tipperary.
Grogan, Mr A. G., Thomastown House, Duleek, Co. Meath.

- Grogan, Mr P., 41 Summerville Avenue, Waterford.
 Grogan, Mrs V., 41 Summerville Avenue, Waterford.
 Gunning, Mr A., 7 Ballinakill Vale, Ballinakill Park, Waterford.
- Hall, Mr K.P., 'Cruhall', 58 Viewmount Park, Waterford
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 Healey, Mr P., 31 Lismore Park, Waterford.
 Hearne, Ms B., 4 Magenta Close, Grange Manor, Waterford.
 Hearne, Dr J. M., 3 Ballinakill Vale, Ballinakill Park, Waterford.
 Hearne, Mr J., Fairview, Priest's Road, Tramore, Co. Waterford.
 Hearne, Ms M., Fairview, Priest's Road, Tramore, Co. Waterford.
 Heenan, Ms P., 'San Michel', Newtown Park, Waterford.
 Hegarty, Mr J. J., Salem, Newtown-Geneva, Passage East, Co. Waterford.
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 Hodge, Mr D., Ballynare, Kilcloone, Co. Meath.
 Holland, Mr P., Killeigh, Clonmel Road, Cahir, Co. Tipperary.
 Hopkins, Miss S., Lower Newtown, Waterford.
 Howard, Ms S.T., 10 Tuar na Greinne, Ardn Graoi, Tramore, Co. Waterford.
 Hunt, Mr M., Ballythomas, Rathgormac, Carrick-on-Suir, Co Tipperary.
- Irish, Mr B., Sporthouse Road, Knockeen, Waterford.
- Jackman, Mr F., 1 Wasdale Park, Terenure, Dublin 6.
 Jephson, Mr K., Prospect, Dunmore Road, Waterford
 Johnston, Mrs E., 210 Lismore Park, Waterford.
 Johnston, Mrs J., 'Cul le Gréin', Newtown, Waterford.
- Kane, Mrs R., 'Spring Hill', Halfwayhouse, Waterford.
 Kavanagh, Mr G., 'Sion Hill House', Ferrybank, Waterford.
 Keane, Mr J., 4 Bowfield, Gracedieu, Waterford.
 Keane, Mr J., 'Sonas', Fahafeelagh, Kilmacthomas, Co. Waterford.
 Kennedy, Ms I., 'Kincora', Dunmore East, Co. Waterford.
 Kennedy, Ms S., 4 Brookwood Grove, Artane, Dublin 5.
 Kilkenny County Library, 6 John's Quay, Kilkenny.
 Kimber, Mr D., 39 Faiche an Ghraig'in, Portlirge.
- Lambert, Mr N., Glenpipe, Mullinavat, Co. Kilkenny.
 Leamy, Mr P., 11 Oakley Drive, Earls Court, Waterford.
 Long, Mr C., 226 Viewmount Park, Waterford.
 Lowe, Mrs A., 22 Coxtown East, Dunmore East, Co Waterford.
 Lowe, Mr P., 31 South Parade, Waterford.
 Lowe, Mr R., 22 Coxtown East, Dunmore East, Co. Waterford.

- Maher, Mr J., 76 Williamstown Park, Waterford.
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