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Firearms, Legitimacy and Power in Eighteenth-Century Ireland

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Firearms, Legitimacy and Power in Eighteenth-Century Ireland

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Abstract

Controlling access to firearms was one of the few truly successful Anglo-Irish policies of the eighteenth century and a founding tenant of the penal laws. This thesis examines how a concerted effort to remove access to firearms from the majority Catholic population was largely successful after the end of the Williamite war. Changing imperial priorities in the last four decades of the eighteenth century saw a disbarment policy, which had unified the imperial centre and the settlers on the marches dismantled piecemeal. At the same time, a growing awareness of the potential of the Irish Catholic population as recruits eventually overshadowed fears of the threat of the Catholic population gaining training in the use of arms. The resulting melange of 'official' non-enforcement of existing laws and the rise of confessional paramilitaries overlapped with the diffusion of state owned firearms into private ownership in the 1770s and 1780s, which made armed Protestants a threat to order rather than its guarantor. This thesis demonstrates how the gun acted as both a tool of coercive governance and a key component of the ritualized maintenance of a Protestant Ascendancy. Furthermore, it examines the remarkable story of the Catholic resurgence from being the chief domestic threat to the British Empire's domestic stability into a vital component of its fiscal-military state.

I declare that the work presented in this thesis is my own and has not been previously published.

Acknowledgements

This thesis would not have been possible without the support of numerous friends and colleagues. The number of companions who have prevented this project from collapse are innumerable. It is a testimony to the tenacity of both their intellect and capacity to imbibe strong spirits that this work was completed. I would especially like to thank Macdara Dwyer, William Farrell, Spike Sweeting, and Tim Reinke-Williams for having a shared passion for the early modern world and Feiyi Wen for enduring those discussions. In addition, the comments and suggestions of Martyn Powell and John Bew have made this a much stronger work than it would have been otherwise. Finally, I would like to acknowledge the support of my supervisor Ian McBride throughout the duration of this project and its challenges, including a diagnosis of dyslexia, delayed visa applications and navigating the byzantine bureaucracy of higher education.

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Introduction

Ireland provides one of the only examples in the early modern history of Western Europe of an indigenous population being disarmed by a minority settler community. The policy of controlling private ownership of firearms originated from the first arrival of firearms into Ireland in the fifteenth century. This was initially designed to keep firearms from the native Gaels but, after the 1640s, gradually became an issue of confessional rather than ethnic distinction. After the passage of the Popery Laws, the monopoly on firearms by Protestants was sustained as other aspects of penal legislation affecting land tenure and the education were relaxed or reformed in the 1770s. This process of enforced disarming was successfully undertaken over the eighteenth century through the use of a confessionally discriminating law code. In the face of a changing political and international landscape, the British state began dismantling one of the longest enduring and effective policies of these penal laws in order to secure a strategically valuable supply of Catholic manpower for military service in the 1760s. However, the limitation of domestic access to firearms by Catholics continued until 1793 when the restrictions surrounding Catholic ownership of firearms were reformed at the same time that the right for those who qualified to vote was returned. This large-scale re-arming of Catholics for domestic military service followed the creation of a militia in response to the military threat from a resurgent republican France. This was part of a wider trend in legislation in the 1790s where the British government attempted to disarm a disaffected population regardless of confessional identity, whilst at the same time expanding the size of state controlled armed forces.[1]

[1] The number of acts regarding weapons in the 1790s demonstrates this clearly enough. There were 9 Acts regulated or restricting the importation of gunpowder or firearms into Ireland regardless of the confessional identity of those wielding them. The British establishment were far more concerned with political allegiance than faith in the period from 1791-1798. For English dimensions to this pattern, see J.E. Cookson, 'The English Volunteer Movement of the French Wars, 1793–1815: Some Contexts', *The Historical Journal,* Vol. 32 (1989): 867-891.

The delicate equilibrium between the right to bear arms, the maintenance of law and order, and the balance of power between the citizen and the state became increasingly volatile in decades succeeding the Williamite victory of the 1690s and the passage of the Militia Act in 1793. This thesis examines how attempts at the enforcement of a monopoly on the gun by the Irish Protestant population affected relationships between the three main confessional groups of Ireland, as well as helping to define the relationship between the state and its citizens. By analysing the way that access to the gun became a litmus test of legitimacy historians can discuss the much larger issue of governance, state building and confessional violence.

The thesis began after a surprising discovery of how little mention one can find of the gun by Irish historians. There are few studies that demonstrate the *longue durée* of state policy towards the gun. By writing a history of the gun in Ireland, this work fills in the lacuna that scholars working on eighteenth-century Ireland up to this point have had. Despite the continuing discussion on violence and politicization in eighteenth-century Ireland, the creation of the penal laws, and even the rebellion of 1798, the meaning of bearing firearms is made most conspicuous by its absence. The thesis has therefore been structured to use the debates surrounding the right to bear arms as a lens to view the enduring mistrust of Catholics at the level of local elites. Alongside the enforcement of the penal laws, this was a key component of the expansion of state authority across Ireland. Ultimately, domestic Protestant concerns about Catholic power lost ground to the growing need for Catholic soldiers to support the British Empire, but they certainty put up a spirited resistance.

The chapters of this thesis are arranged both chronologically and thematically. Each chapter focuses on a specific area where the gun had an impact on Irish society and each chapter contributes to a larger discussion of how the gun was used as a symbol of both legitimacy and as a means of denying legitimacy to others. The gun was a necessary tool of governance because of the weakness of Britain's claim of legitimate possession to Ireland yet paradoxically

was also a symbol of the state’s legitimacy. The thesis is equally a study of the successful physical removal of firearms from circulation and a study of the failure to remove their symbolic value. Fears of infiltration by those with suspect loyalty coincided with a similarly persistent worry of non-enforcement of existing laws by magistrates. The gun certainly held a kind of power even in its absence. In effect, firearms were tools that could be used for both display *and* for coercion when that display failed. The way the gun was used in Ireland between confessional communities was layered with meaning and never entirely clear-cut. It is that very murkiness of when a gun was used as tool for the display of local political legitimacy, enforced coercion or international statecraft that makes it such an interesting topic.

The gun is intimately tied to a full understanding of the way that power and politics interacted with one another on the fringe of cultural and religious boundaries. The gun facilitated resistance to the British state’s attempt at empire building in Ireland just as much as the mobilization and arming of the Irish population provided a valuable contribution to building an empire abroad. The general breakdown of imperial governance in the late eighteenth-century British Atlantic world emerged partly from the failure of a consistent policy regarding the right to bear arms. It also emerged from the confusion over who could be trusted not only to bear arms for the empire overseas, but also not to use those arms to resist the empire at home. Understanding attempts to control firearms in Ireland requires a realistic assessment of how effective state control of access to firearms was in the eighteenth century. Geographically, the work focuses on the boundaries between where a colony began and ancient regime endured, or the margins where rural traditions of a moral economy encountered the codified statutes of a growing empire.

As with any historical work a discussion on the sources is necessary. Because of a conscious decision to look to the borders between urban and rural localities this work does not include full coverage of urban newspapers and instead looked at reports from court proceedings, local

officials and memoirs. I have also made some controversial decisions on what to research and discuss. The most obvious being the absence of civic republicanism until the last chapter of this work. Readsers will also notice an enduring fascination on the part of the author on the desire of Catholic émigrés to return home after military service despite legal and social discrimination.

I have used the traditional letters and correspondence of the clergy and I also examine the evolving legal code. The bulk of the archival material has come from the British Library and the National Archives at Kew. The Southwell papers and the Blenheim papers were especially useful. I made two overseas research trips to Belfast and Dublin that were funded by the Royal Historical Society, the results of which have also been included in the work. The largest source base for recapturing the gun in Ireland was found in the *Irish Revenue Board and Irish Board of Customs: Minutes*, which provided a fascinating glimpse into everyday life, and from a less exalted social station than the letters between the landed elites. The record series consists of 460 volumes covering the period of 1696 -1830, with substantial gaps in the first 13 volumes. The minutes are complimented by 12 volumes of the CUST 112 record series. CUST 112 covers solicitor reports from the period of 1744 - 47. CUST 1 consist of entry books with an average of 200 folio pages that provide summaries of the incoming correspondences to the revenue board, the date and a summary of the letter contents, as well as instructions to be sent outward to individual officers. The years 1703-1713 remain missing after the bulk of the collection was transferred from the former London Customs House and Museum. This provides the foundation on which my work was built. My use of sermons and pamphlets concentrates heavily on the eighteenth century, and range from memoirs and travel books to policy suggestions, sermons and political polemics.

This work takes the position that eighteenth-century Ireland was an ancien régime society with a settler population superimposed on its northern and eastern flanks. This work follows Ian McBride's argument than Ireland defies the typical taxonomy of governance in early modern Europe, having elements of being a dependent kingdom, composite monarchy, colony and ancien régime .[2] Crucially, no other European kingdom or province was subject to as extensive or sustained a colonization attempt. S.J. Connolly concludes that Ireland in the eighteenth century was a dependent Kingdom.[3] Connolly lays out the post-1689 Irish political landscape as one of English parliamentary authority made manifest after periods of ambiguity in the preceding centuries.[4] The dependency began first with the executive power of the Lord Lieutenant, from which patronage flowed downward through the civil, military and ecclesiastical establishment. Law and order were not as easily dispersed as patronage, however.

It is clear that Ireland was a violent society by English standards, but did not necessarily stand out in comparison to some of its continental European neighbours.[5] It was also experiencing at first-hand the growth and expansion of the state, though this process was uneven enough on the edges for the survival of banditry, which Connolly rightly highlights as a lifestyle requiring the permanent residence outside settled society. The expansion of the rule of law led to a rise in criminality as former traditional activities of life on borders such as cattle raids and factional fighting were resolved in the courts rather than on the field of battle. However, the expansion of that state's authority was not uncontested and was concentrated in the immediate vicinity of military garrisons and the towns. Our most reliable scholars on violence in the period rely

[2] Ian McBride, *Eighteenth Century Ireland: The Isle of Slaves* (Oxford: Oxford University Press, 2009), pp. 168-170.
[3] S. J. Connolly, *Religion, Law and Power: The Making of Protestant Ireland 1660-1760* (Oxford: Oxford University Press, 1992), pp. 218-222.
[4] Connolly, *Religion, Law and Power*, p. 107.
[5] Neal Garnham, 'How Violent Was Eighteenth-Century Ireland?' *Irish Historical Studies*, 30, 119 (May, 1997): 377-392.

heavily on Ulster and the limited surviving records.[6] An area of concern for both the local elites and the wider Protestant population was securing their property and person from both an internal uprising of the domestic Catholic population as well as avoiding conquest from abroad. In such an environment of insecurity, the formulation and maintenance of the penal laws, and especially the provisions on the ownership of firearms are crucial in recovering the creation of a narrative of legitimacy to administer jurisprudence and resolve conflicts. The right to bear arms for the state came to replace the narrative of confessional notions of loyalty. This shifted legitimacy from those who would bear firearms domestically to defend Ireland, to those who would carry their firearms abroad.

As an important area of Irish scholarship, the penal laws remain a divisive topic. J.G. Simms posited a law code created to subjugate the Catholic population.[7] For Charles Ivar McGrath they were ‘the logical, formulated conclusion to an amalgam of Irish Protestant attitudes toward Catholics’.[8] This thesis will reveal an Ireland that enforced the penal laws surrounding firearms to a greater level than previous scholars have attested. It furthermore contributes to an understanding of both the judicial and administrative evolution of a concerted attempt to disarm a majority of the population of Ireland. Doing so was not an easy task. The British state faced specific problems in imposing effective governance in Ireland for half a millennium.

The fragmented principalities and bandit fiefdoms of Gaelic Ireland resisted government from England’s first forays in the fourteenth century, through the various rebellions of the sixteenth and seventeenth centuries and perhaps most importantly serving as a battleground of contested royal succession in the 1690s. Irish soil served as the battleground that would determine the

[6] Garnham, ‘How Violent Was Eighteenth-Century Ireland?’: 377-392.
[7] J. G. Simms, *The treaty of Limerick*, (Dundalk: Published for the Dublin Historical Association by Dundalgan Press, 1961), pp. 1-24; idem, ‘Remembering 1690.’ *Studies: An Irish Quarterly Review,* 63, 251 (Autumn, 1974): 231-242; idem, ‘The Bishops' Banishment Act of 1697 (9 Will. III, c. 1).’ *Irish Historical Studies*, 17, 66 (1970): 185-199.
[8] McGrath, ‘Securing the Protestant Interest’: 46.

issue of English and later British kingship.[9] As Charles I's and James II's contested claims to power demonstrate, even issues of English rule could pivot on debates or policy in the peripheral edge of their dominions. These rebellions were led by Old English Catholics as well as the Gaelic Irish Catholics. England's claim to legitimate possession, as well as its ability to govern Ireland was challenged throughout the early modern period. This challenge was based on confessional affiliation. The conquest of Ireland under Williamite forces and local Protestant auxiliaries secured Ireland for a new monarchical succession in 1691.

This resulted in the effective disarming of the majority of the Catholic rebels. Local Protestant settlers further secured the Protestant Interest by permanently disarming the Catholic population through the passing of a series of statutes generally known as the 'popery laws' beginning in 1695.[10] The body of law affected all aspects of Catholic life, from intermarriage and education to land tenure and the right to participation in civil and religious life. The exclusion of Catholics from learning 'the mysteries of firearms' and other offensive weapons played a crucial part in securing this process.[11] Catholics were legally stripped not only of access to firearms, but also any industry that could be related to the manufacture of them. They were furthermore banned from trades ranging from blacksmithing to fowling. These provisions were strengthened periodically throughout the eighteenth century. Choosing an end date was

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[9] The 1707 Act of Union joined the crowns of Scotland and England together. On 1 January 1801 Ireland was formally added to the Union by the *Acts of Union of 1800*.

[10]Protestant Interest is used in this work specifically in its Irish dimension of securing an Anglican ascendency across politics, wealth and religion. For an alternative understanding of the phrase as a component of an existential struggle of world Protestantism against the threat of Catholicism see Thomas S. Kidd. *The Protestant Interest: New England After Puritanism* (Yale University Press, 2004).

[11] 7 Will. III c.5. This was a process that began in 1693 and was largely completed in the 1720s. 'The mysteries of firearms' refers to gunsmithing and the ability to make gunpowder, quoted from *An Act to Better Secure the Government through Disarming Papist.* The Act was made into a statute after being first implemented in the *Disarming Proclamation* of 31 July 1690. This provided an exemption for those Catholics with licenses to bear arms following the Treaty of Limerick, although in practice this was often ignored during periods of potential invasion. Charles Ivar McGrath's 'Securing the Protestant Interest: The Origins and Purpose of the Penal laws of 1695.' *Irish Historical Studies* Vol. 30, No. 117 (May, 1996): 25-46 provides an overview of that process. For a broad coverage of the proclamations see James Kelly & Mary Ann Lyons eds. *The Proclamations of Ireland, 1660-1820: James II, 1685-91: William and Mary, 1689-1702; Anne, 1702-14* Vol. 2 (Dublin: Irish Historical Manuscript Commission, 2014).

much less obvious. With the outbreak of conflict in the American colonies in 1775 the British government became increasingly committed to a policy using the garrisons of Ireland as they were initially envisioned: a manpower reserve for trouble spots further afield. In 1776 the Attorney General in London responded to the debates surrounding handing out arms to a reinstated Protestant Irish militia with the view that it would arm the very people who had been participating in the agrarian outrages during the 1760s and early 1770s.[12] That the idea of providing firearms to lower class Protestants who had spent the last decade involved in attacks on representatives of the state was deemed a more dangerous proposition than the threat of a Catholic uprising is telling. This was a radically different world from the one imagined by the architects of the penal laws. This transformation of imperial policy was largely the result of the final breakdown of nearly a century of relative consensus over who should have access to the gun in Ireland.

By 1793, Catholics gained the right to bear arms in the same bill that reinstated their right to vote and the passage of the Gunpowder Act effectively banned Protestants from arming themselves outside of state authority without a license. The thesis pivots around three watershed events in Ireland's experience of the eighteenth century: the reduction of the Jacobite threat; the impact of the Seven Years War; and the outbreak of the American Revolution. This also provides the temporal boundaries for the time period covered in this work, which largely concerns itself with the years between 1691 and 1793.

When the British state faced uprisings in Ireland in 1798 and 1803, controlling the gun assumed an even greater priority. The state attempted to coercively disarm the general population in the dragooning of Ulster in 1797, but to achieve this it was forced to rely on an armed loyalist

[12] K.P. Ferguson, 'The Army in Ireland from the Restoration to the Act of Union' (PhD thesis, Trinity College Dublin, 1980).p. 209. Garnham, *The Militia in Eighteenth Century Ireland: in defence of the Protestant interest* (Woodbridge: Boydell, 2012), p. 93.

paramilitary force, largely outside of state control to combat an uprising of Protestant Irishman.[13] In turn the state armed a substantial Catholic militia to suppress a Catholic insurrection supported by French troops in 1798. Such a situation would have been unthinkable just 20 years before. The turning point for this great generational shift came in 1778. In Ireland, a huge number of men armed themselves outside of the authority of the state under the justification that they were defending themselves from both external threat and internal tyranny. While volunteering was a long standing tradition, their rhetoric and plurality of leadership were innovations. The political threat these men represented led to the passage of laws outlawing the practice of Volunteering at the same time that Catholics were allowed to once again legally possess firearms and crucially to participate in elections.

How did the British state arrive at a policy of arming a substantial Catholic militia alongside an anti-Catholic paramilitary group in order to suppress a Catholic insurrection supported by French troops? Part of the answer can be found in looking at what united these diverse factions, namely the firearms they wielded. Since so much of the history of Ireland in the late eighteenth century revolves around the arming and disarming of communities, it is worth asking where all these arms came from and why their dispersal into the population was a noteworthy event. A large portion of those guns were from the state's own arsenals, stamped with the mark of Dublin Castle and the 'GB' of the Crown, and were certainly not intended to be wielded by those who turned them against the government and each other. How could so many state weapons have been dispersed amongst the population at large? Understanding the limits of governance in the eighteenth century presents a partial answer. The loss of control over so many of the British state's own weapons was a glaring example of the weakness of British governance in Ireland,

[13] Nancy Curtis, 'The Magistracy and Counter-revolution in Ulster, 1795-1798' in Jim Smyth ed. *Revolution, Counter-Revolution, and Union: Ireland in the 1790* (Cambridge: Cambridge University Press, 2000), pp. 39-54. She argues that the process was less effective at disarming the population than is commonly held. For a more traditional view, see Marianne Elliott, *Partners in Revolution: The United Irishmen and France* (New Haven: Yale University Press, 1982), pp. 125-30.

and was the result of conflicting policies. The flow of firearms from state stockpiles into private hands was further lubricated by the way in which the gun increasingly became a symbol of legitimacy for the different confessional communities of Ireland over the eighteenth century. It is this aspect that marks Ireland as uniquely suited for a study of the gun during this period.

Legitimacy has been likened by Robert Dahl to a reservoir.[14] The deeper the reserves, the more cooperative the population is towards being governed. The lower the levels, the less freedom of action and opposition a state possesses. It is the view of this thesis that in Ireland, the reservoir of legitimacy reflected a sustained drought.[15] The Crown and Parliament in theory exerted a monopoly on defining legitimate power in Ireland, enshrined in law and enforcing that monopoly through a range of coercive powers. This ranged from fines and transportation out of the polity, to corporal and often public punishments such as whipping and execution. However, in reality the weakness of the state precluded any realistic amount of control on large aspects of day to day life, especially in areas far from the centres of governance, as well as the state's own lack of a desire to do so.

Some issues were of more concern to those governing than others.[16] One area of increasing state concern was that of regulating and controlling violence. Violence ranged from domestic altercations and fistfights to more serious incidents such as armed robbery, banditry and rioting. These were common enough occurrences and affected all levels of society. Violence was of

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[14] Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971), pp. 124–188.

[15] For a different opinion of legitimacy in Ireland, see Neal Garnham's view of Ireland as more violent than England, but on par with wider European norms. This is detailed in his article 'How Violent Was Eighteenth-Century Ireland?': 377-392. S.J. Connolly, *Religion, Law and Power: The Making of Protestant Ireland 1660-1760* argues for Ireland as a typical ancient régime society. He further developed this in 'Jacobites, Whiteboys and Republicans: Varieties of Disaffection in Eighteenth-Century Ireland.' *Eighteenth-Century Ireland / Iris an dá chultúr*, Vol. 18, (2003): 63-79 and *Divided Kingdom: Ireland 1630-1800* (Oxford: Oxford University Press, 2008).

[16] Peter Jupp, *The Governing of Britain 1688-1848* (London: Routledge, 2006), pp. 83-99 examines the interaction of the public and the executive in determining what these issues would be. Following the Glorious Revolution, and the subsequent growth of English power in the British archipelago, Ireland and Britain were dominated by a landed Protestant elite.

especial concern when directed at state officials, either in the form of excise officers and the gentry or the armed forces. The British government faced a number of challenges with limited resources, and had to choose where to exert control. When attempting to govern Ireland this meant maintaining a delicate balance of local concerns with wider objectives in an increasingly diverse empire.[17]

Bills made in Dublin were finalized in Westminster and became the pronouncements and laws that radiated outward across the Irish Sea to the headquarters of governance in Dublin Castle, and from there across the counties of Ireland. From Dublin they travelled west to the isolated and rugged western coastlines of Connaught, Munster and Ulster, north up to the rolling hills of the densely populated and confessionally mixed landscape of Armagh and southward through the restive agrarian fields of Leister and Munster. Information and reports of the effectiveness of these policies in turn travelled back, largely through letters from local elites, concerned gentry, and officials. In this respect Ireland was similar to other areas of the wider British dominions and, as state priorities increasingly focused on raising regiments and revenue to finance warfare and territorial expansion, Ireland become one of the many overseas possessions of a growing empire.[18]

Despite having been linked for centuries to its sister island Britain, life for Irish Protestants in Ireland was very distinct. One of the most important reasons life in Ireland differed from Britain itself was the need for security from a domestic uprising. It was this crucial difference,

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[17] Jupp, *The Governing of Britain 1688-1848*, pp. 2-4. After 1719, The Dependency of Ireland on Great Britain Act allowed Britain to make laws for Ireland if Irish elites did not follow British policy, see 6. Geo. I, c. 5.

[18] John Brewer's *Sinews of Power: War, Money and the English State, 1688-1783* (London: Hutchinson, 1989) provides the model of Britain as a fiscal-military state. McGrath's *The Making of the Eighteenth Century Irish Constitution: Government, Parliament and Revenue, 1692-1714* (Dublin: Four Courts Press, 2000) provides a detailed study of the Irish dimensions of the financing such a state, albeit without referencing Brewer, a point Ian McBride makes in his review. See *The American Historical Review*. Vol. 108, No. 3 (June 2003): 910-911. For the Irish dimensions of regionalism, see Kevin Whelan's 'The Regional Impact of Irish Catholicism 1700-1900' in Smyth and Whelan eds. *Common Ground: Essays on the Historical Geography of Ireland* (Cork, 1988), pp 253-277.

combined with the need for defence (not only from outward forces potentially invading, but also from a majority of the local population) that governed Irish Protestant attitudes towards firearms. This work addresses debates as to the mentality towards arms bearing of Ireland's confessional communities. After the general disarming of the Catholic population local Protestants remained more concerned about the spectre of foreign landings than local uprisings. Anglo-Irish confidence in the disappearance of Catholic Ireland following the passage of the Popery laws turned out to have been over-confidence. The survival of a vibrant Catholic community in the 1700s was the catalyst to renewed attempts to keep the Catholic population disarmed, as well as to integrate them into the fiscal-military state.

A discussion about maintaining a monopoly of the gun naturally becomes a discussion about insecurity. However, the non-Catholic population and the state were not unified in what they feared. For imperial administrators in London, the prospect of foreign troops landing in Ireland was part of larger strategic concerns stretching from the Caribbean sugar islands to the coast of Malabar.[19] In Dublin, by contrast, the Anglo-Irish elite increasingly viewed the maintenance of their monopoly of the ownership and training in the use of firearms as crucial to their security of both their persons and their political ascendency. The arguments for a Protestant monopoly of firearms were muddied by the presence of large numbers of Scots-Irish Presbyterians. Presbyterians existed outside of the established church yet within the uneasy framework of security aimed at thwarting the threat of a Catholic uprising.[20] From the passage in 1705 of 'An Act to further prevent the Growth of Popery' Presbyterians faced restrictions on joining the militia as commissioned officers or forming their own defence associations, and argued that this betrayed their previous service as defenders of Protestant Ireland. In later years the spectre

[19] First in 1713 with territory gained as a result of the Treaty of Utrecht and in 1763 following the Treaty of Paris.

[20] Stuart Daultrey, David Dickinson, and Cormac Ó Gráda provide estimates of population growth and some estimates of confessional affiliation in 'Eighteenth-Century Irish Population: New Perspectives from Old Sources.' *The Journal of Economic History*, Vol.41 (1981): 601-628.

of a rearmed and resurgent Catholicism was deemed a greater threat than the perils of sharing power with Dissenters.[21]

Recovering the Catholic experience in the period is a challenge, but possible. Despite the optimistic pronouncements by local Protestants, the three quarters of the population excluded from owning or wielding firearms were not 'silent' and, as the eighteenth century progressed, were increasingly unwilling to be 'hewers of wood and drawers of water.'[22] The ban on owning arms not only removed a potential means of employment, but also raised the more immediate concerns of defending themselves and their property, or enjoying the liberty accorded to loyal subjects.[23] Irish Anglicans and Presbyterians were not proscribed from owning firearms, but were not entirely trusted by the governing elites to be provided with them either. As we will in the first chapter of this work, all three communities had lost the privilege of serving in an 'Irish' army in the closing years of the seventeenth century and the start of the eighteenth, and instead Ireland's security was to be provided by garrisoned British regiments paid for through Irish taxation.

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[21] Anon, *An impartial relation of the several arguments of Sir Stephen Rice, Sir Theobald Butler, and councilor Malone, at the bar of the House of Commons of Ireland, Feb. 22. and at the bar of the House of Lords, Feb. 28th. 1703 [1704].* Anon, *Against passing the bill then under consideration of the said houses. Intituled an act to prevent the further growth of popery* (Dublin, 1703). The arguments made before the passage of the 1695 Disarming Act are covered in McGrath's 'Securing the Protestant Interest': 25-46.

[22] Richard Cox to Edward Southwell (24 October 1706), British Library (BL), *Add. MS 38.15*4, ff. 86-8. Written when Cox was Lord Chancellor during James Butler's administration. Ian McBride has examined Catholic survival in chapter six of *Eighteenth Century Ireland: The Isle of Slaves*. Louis Cullen, 'Catholics under the Penal laws.' *Eighteenth-Century Ireland/Iris an dá chultúr,* Vol. 1 (1986): 23-26., and S.J. Connolly, *Religion, Law and Power: The Making of Protestant Ireland 1660-1760* (Oxford: Oxford University Press, 1992) gives an overview of the legislation.

[23] Largely following the creation of the Catholic Committee in 1760. For an overview see Connolly ed. *Oxford Companion to Irish History* (Oxford: Oxford University Press, 2008), p. 462. For a definitive look at the Catholic Question, see Thomas Bartlett, *The Rise and Fall of the Irish Nation: The Catholic Question, 1690-183*6 (Dublin: Gill and Macmillan, 1992)

Chapter 1. A Prehistory of the Gun in Ireland

Understanding how fears of security converged with attempts to control the access and ownership of firearms in Ireland in the closing decade of the sixteenth century in such a complex environment opens up wider questions of governance, law, and legitimacy. This chapter defines the parameters of the British state's attempts to control the gun, examines the evolving body of legal proscriptions regarding firearm ownership by Catholics in the specifically Irish body of legislation called the 'popery laws' in the first four decades of the eighteenth century and explores how this process changed over time. The erosion of state control of the firearms in its arsenals would not only have profound implications for Ireland, but for the entire British empire as a largely effective disarming of the population collapsed in the last twenty years of the eighteenth century. Understanding firearms in Ireland before the diffusion of state owned firearms into private hands provides a counterpoint to the subsequent reports of nineteenth-century Ireland as a country awash in weapons.[1] The opening chapter will also give the reader the necessary background knowledge for subsequent discussion that takes place in the chapters that follow.

The primary aim of this chapter is to shown that the military victory of the Anglo-Irish over the Catholic Irish allowed them to disarm the Catholic majority. Furthermore, it seeks to equate the possession of firearms with having legitimacy to participate in politics. I provide an overview of the firearm in Ireland up to the end of the seventeenth century. This is followed by a section on the British Army in Ireland during the eighteenth century, and on tensions that resulted from the presence of a standing army in peacetime. Building on this, the issues surrounding the Treaty of Limerick in 1691, the creation of the Popery Laws beginning in 1695,

[1] Virginia Crossman, 'The Army and Law and Order in Nineteenth Century Ireland' in Thomas Bartlett and Keith Jeffery eds. *A Military History of Ireland* (Cambridge: Cambridge University Press), pp. 358-378. For a discussion directly relating to the issue of private possession of firearms, see the debates surrounding the proposed 1843 Arms Bill. 'IRISH YEOMANRY-ARMS BILL', *House of Commons Hansard,* 29 May 1843, Third Series, Vol. 69, cc 979-981, cc.996-1063.

and general distrust by the Anglo-Irish population towards the rest of the Irish populace is explored. This discussion culminates with an examination of attempts to create a Protestant militia and failures in securing firearms during a period of imperial instability. The experience of serious agrarian unrest in Ireland during the 1760s stoked fears of relying on a plebeian militia, and instead the state was forced to rely on 'a number of stout fellows' to secure the countryside at a time of growing overseas commitments in ways similar to the outbreak of unrest in 1710-1713.[2] These stout fellows were the frontier farmers who had inhabited the uneasy borderland between Catholic and Protestant. These settlers were men whose stoutness made them natural allies to the state, but they were uneasily governed and differed from the plebeian militia in that they armed themselves and typically were independently raised by a local landlord in times of necessity rather than being formed legislatively. Conversely, the need for men to fight overseas changed the balance of power both locally and internationally, much to the chagrin of the stout fellows so long tasked with enforcing the unenforceable.

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To understand how the gun in Ireland was removed from the majority of the population, it is important to examine how it first arrived. In what follows, I layout the increasing importance of the gun in Irish conflict and its role as a marker of legitimate authority. It is arranged chronologically and covers a period from the first recorded instance of a gun in Ireland in the end of the fourteenth century until the codification of the penal laws in the closing years of the seventeenth century. It also provides a general overview of confessional conflicts and early attempts at enforcing a state monopoly of the gun. Ireland's position on the outer western boundaries of Europe and low population density combined with its relative isolation meant the survival of traditional forms of warfare longer than on the continent making a brief coverage

[2] Connolly, 'The Houghers: Agrarian Protest in Early Eighteenth-Century Connacht' in C.H.E. Philin ed., *Nationalism and Popular Protest in Ireland* 2nd edition (Cambridge: Cambridge University Press, 2002), p. 154.

of the history of the gun in Ireland a necessary component of a discussion of its impact on Irish history in later periods.

Firearms reached Northern Europe sometime in the 1300s, and had reached Ireland by the late 1400s.[3] The first recorded use of firearms in Ireland prefigured a pattern that would play itself out throughout the subsequent centuries. In 1487, Godfrey O'Donnell killed a Breifre O'Rourke with what was most likely a primitive cast iron hand cannon.[4] Detailed in the *Annals of the Four Masters*, the text differs on the wording regarding what to call the new weapon. In Gaelic it was described as a 'duchor peleir' or 'durchurdo ghunna'. This first recorded killing with a 'ghunna' was followed in the next year with the first use of heavy ordnance when Gerald Fitzgerald, then Earl of Kildare, used cannons in the taking of Balrath Castle in Co. Westmeath.[5] He also received two of the earliest recorded foreign influx of firearms into Ireland, when six handguns were given as a gift from Germany. This was complemented with the arrival of German mercenary *landsknechte* most likely armed with firearms. A few hundred years later, these early German mercenaries from this earlier period would be directly compared to Hessian troops serving the British state by eighteenth-century Irish commentators.[6]

G.A. Hayes-McCoy has written one of the only comprehensive articles regarding early Irish firearms, published over seventy years ago, and provides an overview of trends that affected

[3] G. A. Hayes-McCoy, 'The First Gun in Ireland.' *An Cosantóir*, No. 34 (1974): 3-7. There is a rather unconvincing argument for a gun being present in 1332 in Randolph Jones, 'The First Gun in Ireland: 1332?' *Irish Sword,* Vol. 102, No. 25 (2007): 361-362.
[4] Hayes-McCoy, 'The Early History of Guns in Ireland.' *Journal of the Galway Archaeological and Historical Society*, Vol. 18, No. 1/2 (1938): 47, quoting the *Annals of the Four Masters.* Sub. Anno. 1487. There is an additional account to be found in *The Annals of Ulster*.
[5] Hayes-McCoy, 'The Early History of Guns in Ireland.' 48.
[6] William Steel Dickson, *A Sermon On The Propriety And Advantages of Acquiring the Knowledge and Use of Arms in Times of Public Danger* , *Preached before the Enchlinville Volunteers* (Belfast, 1779) provides a typical example, focussed on the issue of loyalty based on a pay, rather than ties to the soil. The criticism in the eighteenth century was primarily directed at Hessians and Hanoverians, rather than the literal mercenaries of the fifteenth century.

all the inhabitants of the shifting amorphous territories, kingdoms, and lawless margins that made up early modern Ireland.[7] Hayes-McCoy compares the requirement to provide firearms as a component of the feudal levy as one indicator of the availability of firearms in Ireland as compared to Britain. He aptly demonstrates that Scottish Barons were required to deploy guns as early as 1454, with Anglo-Irish lords not required to do so until 1498.[8] The Earl's Parliament in Dublin in 1498 went on to request 60 firearms and ordnance for the defence of the city.[9] Hayes-McCoy lists the increasing passage of legislation and attempts to control and acquire the new technology, referencing one of the more neglected acts of Poynings' Parliament.[10]

One aspect of a series of pronouncements that is particularly interesting, and not discussed by other Irish historians, was the prohibition of private ownership of any firearms by anyone except the Lord Deputy of Ireland and those given direct licences.[11] Checking the diffusion of firearms into private hands, outside the authority of the state, was an on-going concern for the faltering government of Dublin Castle three hundred years before similar debates took place in the late eighteenth century. The result was the passing of Poynings Act.[12] Poynings' Act served as the first piece of legislation attempting to restrict ownership of firearms in Ireland, and coincided with a resumption of resources devoted towards governing Ireland following a sustained period of instability. This was part of an on-going challenge of governance as the fortunes of the English in Ireland were on the wane in the face of a resurgent Gaelic Ireland during the 1400s.[13] This was to be a very divisive issue over the entire early modern period in

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[7] James O'Neill's 'An Introduction to Firearms in Post-medieval Ireland : 1500-1700' in Audrey J. Horning, ed., *The post-medieval archaeology of Ireland, 1550-1850* (Bray, Co. Wicklow: Wordwell, 2007)), p.467-484 serves as an update of research on Irish firearms in the subsequent fifty years, but is ultimately an addendum to the work of Hayes-McCoy.
[8] Hayes-McCoy, 'The Early History of Guns in Ireland': 48.
[9] Hayes-McCoy, 'The Early History of Guns in Ireland': 49-50.
[10] Poyning's Act made the Irish Parliament subservient to the English Parliament and was further enhanced in a separate Act in 1719. Ireland briefly regained legislative independence from 1782-1801.
[11] Hayes-McCoy, 'The Early History of Guns in Ireland': 48.
[12] Poynings' Act, 1495, 10 Henry VII c. 22.
[13] Stephen G. Ellis, 'The Tudors and the origin of the modern Irish States: a standing army' in Bartlett & Jeffery eds, *A Military History of Ireland*, pp. 116-135.

Ireland. It is interesting to note that the Earl of Kildare was himself subsequently killed with a handgun, illustrating the dangers of such an innovation.[14]

Most combatants were armed with a mixture of martial weapons such as spears, longbows and swords, and largely fought on foot and in small bands. Cavalry was an effective solution to the endemic cattle raiding and feuding taking place along the border between the more settled areas of Anglo-Ireland and the Gaelic interior, but these units were lightly armoured and could only be used seasonally. The gradual adoption of firearms into traditional Gaelic warfare increasingly served to mitigate the advantage of the heavier armoured soldiers of the English crown forces. Despite the virtual monopoly on large calibre artillery by the English forces, smaller firearms served to level the technological edge between native Gaels and the English.[15]

A recurring problem for the English state was the danger of putting large numbers of firearms into the hands of men of suspect loyalty. In response to the likely loss of firearms to allies of dubious loyalty, Henry VIII's ministers in Ireland were restrictive in allowing firearms to be given over to locals, preferring naval bombardment where possible.[16] This can be seen as an early form of gunboat diplomacy. To use a more modern phrase, the policy was also an attempt to prevent 'blowback' from the arming of local groups who might turn those weapons towards their benefactors.[17] In 1534-5, a dependent of the Earl of Kildare turned the King's own firearms against the crown. After the rebellion was crushed it was discovered that the Earl had given 'a part thereof to wilde Irish men, being the King's mortall enemies'.[18] This undermining of a supposed state monopoly of firearms was a continuing theme of the gun in Ireland, as was

[14] Hayes McCoy, 'The Early History of Guns in Ireland': 48.
[15] Ellis 'The Tudors and the origin of the modern Irish States', pp. 119-135, especially comments regarding the use of Gaelic mercenaries in Scotland and France.
[16] Hayes McCoy, 'The Early History of Guns in Ireland': 56-57, the idea being that it was much easier to keep possession of the new technology if it never left the ship.
[17] For a broad overview of the contemporary meaning of the term, see Chalmers Johnson, *Blowback: The costs and consequences of American empire* (New York: Macmillan, 2001).
[18] Hayes-McCoy, 'The Early History of Guns in Ireland': 58.

the greater numbers of firearms entering into the country from abroad. The crown continued to attempt to assert the crown's monopoly of the new technology.

However, to make matters more difficult for the crown's attempts to assert exclusive right to the gun, Gaelic forces had alternatives to using English firearms. The Gaels also had the tactical skill to use firearms effectively; changing battlefield tactics to emphasize the small scale skirmishes and raiding after the former safety of fortified strongholds became obsolete in the face of artillery bombardments. Firearms were utilized by a number of armed groups in Gaelic Ireland, shown through the increase of successful ambushes against crown forces all along the Irish Pale by the 1560s. In Ireland, military units were equipped with arquebuses, matchlocks and other technological innovations as the century progressed. Firearms continued to be taken up by both Gaelic and English forces in larger numbers. By 1596, the Irish were observed to have 'muskets, fowling pieces, calivers, swords, morions, power and shot'.[19] As McCoy rightly highlights, the firearms in Ireland were comparable to those found in Continental Europe. As newer models and technologies were introduced, they were quickly integrated into local Irish arsenals.[20] The seventeenth century would feature massive influxes of Spanish, French and Northern European firearms in return for exports of butter, hides and other goods exchanged through a gauntlet of privateers, pirates and corsairs. By the end of the seventeenth century firearms were also being brought into Ireland by large armies continuing continental conflicts on Irish soil.[21]

Before the fifteenth century firearms were only available in Ireland through importation. By the reign of Elizabeth, there were attempts to establish a domestic arms production industry, culminating with the creation of Dublin Castle as a proofing house and domestic producer of

[19] 'Elizabeth I: volume 187: March 1596', *Calendar of State Papers, Ireland, 1592-1596* (1890), p. 486.
[20] Hayes-McCoy, 'The Early History of Guns in Ireland': 63.
[21] The resilience of Irish arms is explored in Jane H. Ohlmeyer, 'The Wars of Religion, 1603-1660' in Bartlett and Jeffery eds. *A Military History of Ireland*, pp. 182-184. She also addresses Irish participation in the wider conflicts surrounding Thirty Years' War on pp. 160-166.

Crown firearms. Gaelic Ireland, lacking such facilities, relied on firearms acquired through various other means. Some firearms were captured from English units in battle, bought from English soldiers directly on the black market, or kept by soldiers serving as mercenaries for a fixed period and taking their weapons with them. Other options included importation from Scotland or more tenuous trade routes providing imported arms from continental Europe, largely from Spain.[22] There is little evidence of native Gaelic production outside of some scant evidence of Scottish mercenaries moonlighting as blacksmiths and producing inferior copies of obsolete models.[23]

Throughout the sixteenth and seventeenth century, military victories were increasingly determined through siege craft and a reliance on artillery of varying quality. This took place in conjunction with firearms being adapted to traditional patterns of warfare. In this, Ireland was in keeping with changes in warfare happening throughout Western Europe in the early modern period.[24] By the closing years of the sixteenth century, despite a lack of substantial English investment in either soldiers or funding, a larger section of Ireland was being incorporated and governed by the English Crown. Resistance to this advance culminated in a conflict between Gaelic Earls and the England Crown in a conflict known as the Nine Years' War. This revolt required England to commit the largest concentration of its military power in the entire period, well beyond continental commitments in Flanders, and costing an increasingly heavy toll to the English treasury. The result of this investment in lucre and lives was a further erosion of Gaelic autonomy and the establishment of the plantation of Ulster in the beginning of the 1600s. England secured the land with Scottish and English settlers, furthering a process taking

[22] Hayes-McCoy, 'The Early History of Guns in Ireland': 64. McCoy notes an influx of firearms after the wrecking of Spanish ships from the Armada along the Irish coast.
[23] Hayes-McCoy, 'The Early History of Guns in Ireland': 64.
[24] A. Ayton & J.L. Price eds., *The Medieval Military Revolution. State, Society and Military Change in Medieval and Early Modern Europe* (London: I.B.Tauris, 1995) provides a discussion of changes in the military tactics over the period in a European context. See Bartlett and Jeffery eds. *A Military History of Ireland* for particular Irish dimensions of this debate.

place on a more limited scale in the preceding centuries.[25] These settlers would secure the borders as stout fellows maintaining the legitimacy of English rule through strength of arms and persistence, and would be a crucial component of subsequent state building.

This process of seizure and resettlement to offset the cost of conquest to secure it from the native Irish would have implications for the increasingly fluid confessional and ethnic boundaries of Northwest Ireland, compounding the destabilizing effects of the on-going religious Reformation. The defeated leaders of the Gaelic contingents left Ireland in the 'Flight of the Earls' to enlist the support of foreign Catholic powers, taking their guns with them. This also marked a recurring theme in Irish history, as defeated remnants took their soldiers and arms with them to fight again, a pattern repeated in 1641 and 1692.

At the beginning of the seventeenth century Ireland was the stage for a series of destructive and expensive conflicts involving larger and larger groups of armed men clashing on a scale unimaginable a hundred years before. These armed contingents largely following a principle of 'bellum se ipsum alet'[26] and disease and famine followed behind the path of conquest. Ireland served as a battlefield for armies of a size and complexity completely outside the scale of traditional low-intensity conflicts. A chronic problem for all these forces was the difficulty of securing finance, fodder and firepower locally. Maintaining an effective military force required the acquisition of a greater quantity of firearms. Even more importantly, access to firearms and training in modern military warfare increasingly determined issues of political rights and security. Access to gunpowder, ammunition and trained troops meant that the older

[25] Connolly's *Contested Island: Ireland 1460-1630* (Oxford: Oxford University Press, 2007), pp. 291-299 explores the origins and complexities of this process.

[26] 'War feeds itself'. Early modern armies largely foraged for food taken from the civilian population rather than being reliant on formal provisioning. First used by Livy in *Ab Urbe Condita Libri,* XXXIV 9.12.and subsequently practiced by most of the worlds armed forces into the modern era.

tradition of Gaelic warfare was outmoded and outgunned, and supply, either in terms of lucre, weaponry or soldiers, lay at the end of stretched supply lines.[27]

The thirty-seven years of peace that endured from 1603-1640 was followed by a period of nearly continuous conflict and food insecurity. The Irish rebellion in 1641, economic collapse, famine, conquest and sectarian strife led to local populations caught between deposed kings and Interregnum conquistadors. However, even in a time of severe disruption, Catholics and Protestant figures in authority were reluctant to release firearms into the hands of the people.[28] Firearms represented both the authority and the coercive power of the state. Their possession gave the individual a small part of that coercive power. However, being found with arms also negated whatever limited protection civilians had from the ravages of war. The clubbing to death of unarmed Catholic soldiers following the siege of Drogheda emphasized the dangers of picking the losing side. Rumour and exaggeration of war crimes by people from all confessional background formulated fears that would last generations.[29] S.J. Connolly rightly highlights that Cromwell's declaration that the massacre at Drogheda was 'a righteous judgement of god' on what he termed 'barbarous wretches' obfuscates the fact that the majority of the soldiers were of English extraction and formerly under the command of the Munster army of Ichiquin.[30] Less easily explained was the subsequent massacre at Wexford of the entire garrison as well as civilians who took up arms, demonstrating the repercussions for those found

[27] Connolly, *Contested Island*, p. 282, details the perils of a reliance on gunpowder imports, as a large section of Dublin was destroyed in the Dublin Gunpowder disaster of 1597 when a large stockpile of gunpowder exploded following a disagreement with local dockhands.
[28] Robert Armstrong, *Protestant War: The 'British' of Ireland and the Wars of the Three Kingdoms* (Manchester: Manchester University Press, 2005), p. 25.
[29]John Gibney, 'Protestant interests? The 1641 rebellion and state formation in early modern Ireland.' *Historical Research,* Vol. 84, no. 223 (2011): 67-86.
[30] Connolly*, Divided Kingdom: Ireland 1630-1800* (Oxford: Oxford University Press, 2008), p. 98.

possessing firearms in times of conflict, especially irregulars operating outside the nimbus of state authority. Cromwell denied ordering the killing of anyone not found to be carrying arms.[31]

The Cromwellian conquest of Ireland in the 1650s resulted in the first systematic attempt at the disarming of Catholics collectively.[32] However, As Jane Ohlmeyer conclusively demonstrated by examining Oliver Cromwell's willingness to negotiate with the Marquis of Antrim to secure his supply ships, political expediency could take priority over sectarian prejudices.[33] The removal of the gun was a decision as much motivated by a desire to prevent another massacre of Protestants on the imagined scale of 1641 as it was to secure the removal of the Irish nobility, gentry and common people from access to the power and independence that the firearms helped represent. From the Interregnum until the forceful removal of James II from power Ireland was a contested battleground between Catholics, Anglicans and Dissenters in part determined through who would have the right to bear arms. This resulted in situations where the ascendant faction attempted to disarm and depose the 'other' when the opportunity presented itself.

Changes in governing regimes marked changing fortunes for the confessional communities of Ireland. Anglo-Irish adherents of the Church of Ireland confronted a larger population of Irish and old English Catholics seeking to regain lost power and status, as well as an increasingly independent and demographically important Presbyterian population retrenching in Ulster. Catholic fortunes catastrophically declined first during the Wars of the Three Kingdoms in the 1640s, and fell even further during the Interregnum regime's confiscations and enactment of penal legislation against Catholics. Those with the most wealth and status were the most impacted.

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[31] Wilbur Cortez Abbott and Catherine D. Crane eds. *The writings and speeches of Oliver Cromwell* (Harvard: Harvard University Pres, 1937) Vol. ii, pp. 196-205.

[32] Alan Ford & John McCafferty, eds. *The Origins of Sectarianism in Early Modern Ireland* (Cambridge: Cambridge University Press, 2005), pp. 230-233.

[33] Jane Ohlmeyer, Civil war and restoration in the three Stuart kingdoms: the career of Randal MacDonnell, marquis of Antrim 1609-1683 (Cambridge: Cambridge University Press, 1993), pp. 210-239.

Catholics regained some status during Charles II's resumption of Kingship in 1660, and hopes rose even further when his brother James II gained the throne in 1685. This briefly reversed trends from the preceding decades. It is a misfortune that the historian does not have access to primary source materials that reflect this period more clearly. Only a very small handful of Tyrconnel's letters have been found. Copies of Irish letters sent by James and his secretary of state, the earl of Sunderland, can be found in the secretaries' letter books, but only general matters of state. As John Miller observed, 'Sunderland was careful to destroy incriminating material at the Revolution, so much of what survives is routine and innocuous.'[34] The Ormond papers cease to provide material after 1686. Strict control of the press in 1685–8 produce little more than polemics. The type of interactions indicated from the poem below therefore provide a glimpse at day-to-day interactions that would be neglected from a study of only traditional sources.

The impact of these changing circumstances on day to day interactions between people further down the social scale is accessible through an examination of a contemporary verse of Gaelic poetry. The poem shows a self-awareness of the role of firearms in determining or maintaining political status in a time of ambiguity.

> Behold there the Gael in arms every one of them,
>
> They have powder and guns, hold the castles and fortresses;
>
> The Presbyterians, lo have been overthrown,
>
> And the fanatics have left an infernal smell after them
>
> Whither shall John turn? He has now no redcoat on him,

[34] John Miller, 'The Earl of Tyrconnel and James II's Irish Policy, 1685-1688'.' *Historical Journal,* Vol. 20, No. 4 (1977): 803.

Nor 'Who's there' on his lips when standing beside the gate.

'You popish rogue' they won't dare to say to us,

But 'Cromwellian dog' is the watchword we have for him.[35]

As the above so well demonstrates, power relations could change in an instance. The poem is a commentary on the active disarming of Protestant soldiers and officers in the Irish army during the 1680s under Tyrconnel. The right to wield firearms was a crucial component in determining status that must be considered alongside more established rubrics of rank in Irish scholarship, such as land ownership or access to patronage. The display of the right to bear arms or disarming other members of other confessional groups played a key component in the interaction between confessional groups in times of political transition or uncertainty. These interactions often occurred outside of the direction of the authorities of the state.

As the political landscape shifted, some Catholics supported claimants to the throne who they saw as being amicable towards reinstating former privileges and lands, as well as the right to bear arms to secure them. Other Catholics showed more initiative by either converting to Protestantism or by attacking those they saw as the religious enemies of James II directly. The minority Protestant population attempted to secure hard fought rights and privileges through armed service and a martial tradition of opposing Catholic monarchs as well as serving as the first line of defence against uprisings by the local Irish Catholic population. It would take one final conflict to determine who would control the gun in the eighteenth century.

The Williamite war has traditionally been seen outside Ireland as a small part of the wider Nine Years War from 1688-97. In Ireland the conflict was also experienced as a civil war. James II

[35] John C. McErlean, ed, *Duanaire Dáibhid Uí Bhruadair/Poems of David O'Bruadair*, (London, 1910) p. 97, See additional commentary by J.G. Simms in *Jacobite Ireland 1685-91* (London: Routledge & K. Paul, 1969), pp. 34-5.

fled England for France after William III landed in 1688 with a Dutch army in Britain, to claim his right to the throne through his wife Anne. James was encouraged by Louis XIV to take an army to Ireland to regain his throne. He soon set sail to Ireland with six regiments of French, Walloon and German soldiers and a mix of Scotch and English refugees traded for an equivalent amount of Irish troops that would serve the French crown.[36] James landed in 1690 with a large Jacobite force in what he saw as the first part of a larger campaign for England. He was to find a Catholic host high in spirit but short on firearms and training. He reinforced native Catholics already embodying together under the command of the Earl Tyrconnell, Richard Talbolt.

As mentioned earlier, Earl Tyrconnell was a man largely responsible for the disarming of Protestant soldiers and officers in Ireland, and the subsequent dispersal of formerly Protestant owned firearms to a newly created Catholic Militia. This stock of firearms added to those pre-emptively seized in Ireland following Monmouth's rebellion in England.[37] Despite Tyrconnell's best efforts to augment the supply of firearms, his men were described as being equipped with nail studded sticks and obsolescent firearms from a previous generation. This further demonstrates the continued scarcity of domestic firearms available in Ireland and a reliance on foreign imports in the late seventeenth century.[38] Despite their obsolescence militarily, the guns seized from Protestants and wielded by formerly disarmed Catholics were a potent symbol of a chance of political fortunes, whatever they lacked in military utility. The scarcity of serviceable firearms was somewhat eased as French firearms and money poured into Ireland.

[36] John Childs, 'The Williamite War 1689-1691' in *A Military History of Ireland*, p. 189.
[37] Alan J. Guy, 'The Irish Military Establishment' in *A Military History of Ireland*, p. 213.
[38] Childs, 'The Williamite War 1689-1691', p. 190.

The arrival of thousands of English troops led by Schomberg and tasked by William III to secure Ireland for the Glorious Revolution was greeted with enthusiasm from the Protestants besieged in Londonderry. This initial period of enthusiasm for their rescuers was soon muted by the general mismanagement of the encampment and general health of such a large force. The newly raised conscripts died of typhus, dysentery and other illnesses before coming in contact with the enemy.[39] James II's enthusiasm for his Irish campaign in turn faltered as French concerns in fields closer to home resulted in increasingly strained supplies of firearms, food and funding. The conflict dragged on into the winter of 1690, as William III arrived in Ireland with a multi-national cadre of well-equipped and well-supplied soldiers. 36,000 English, German, Dutch, Danish, and French Huguenot troops fought their way south in both set piece battles and the smaller bloody skirmishes, looting, and scouting.

The importance of armed Irish irregulars should not be underestimated in a conflict that was as much a civil war as a war for the throne. After the landing of Schomberg in Belfast on 13 August 1689, all adult Catholic males were ordered to take up arms. They were often confronting a Protestant militia raised from the settler population in areas under Williamite control.[40] These small bloody clashes in the rear areas simmered as the larger forces marched south. The large areas outside of either sides control was contested between Protestant settler auxiliaries and Catholic *rapparrees* in a conflict closer to traditional Irish warfare than the battles and sieges taking place on the front lines.[41] Determining who was an irregular and who was a civilian was a difficult task at the best of times. A lack of obvious weaponry was also not always an indication of passivity.

[39] 5,674 English soldiers would die encamped in a bog near Dundalk, largely through what John Childs describes as a lack of 'common sense and hygiene'. Childs, 'The Williamite War 1689-1691', p. 195.
[40] McBride, *Eighteenth Century Ireland*, p. 175.
[41] In 1691, approximately 15,000 militia men were under arms compared to the 35,000 peak strength of William III's regular army forces. Childs, 'The Williamite War 1689-1691', p. 195-6.

> You may see a hundred of them without arms, who look like the poorest humblest Slaves in the World, and you may search until you are weary to find one Gun: but yet when they have a mind to do mischief, they can be ready in an Hours warning.[42]

The result of these little conflicts may not have been mythologized in Protestant songs and eulogized in Gaelic verse in the years following the conflict alongside the larger battles. The struggle would survive in the tactics employed during agrarian unrest and the survival of banditry that simmered on the borders between confessional communities and between traditional notions of justice and expanding region of law and order in the decades following the end of the war. The experience of a generation of men who had fought against an armed and dangerous population that had appeared to be the 'poorest humblest slaves in the world' but could arm themselves in hours must have left an impression on those framing the subsequent peace.

Catholic forces were defeated in a series of running engagements and sieges at Londonderry, the Boyne, and Aughrim. The conflict decisively demonstrated that the military revolution had arrived in Ireland. Modern well-armed and professional soldiers fought battles that were one component of a larger European war. The professional armies on both sides left Ireland for other flashpoints in the continuing conflict. Following the successful siege of Limerick, 13,000 Catholic soldiers left Ireland to continue to serve the exiled King James. This event, the so called 'flight of the wild geese', marked the end of a century that had begun with a flight of the Irish earls. The irregular Protestant soldiers who remained behind returned to their farms and spinning wheels.

[42] [George Story], *A True and Impartial History of the Most Material Occurrences in the Kingdom of Ireland during the Last Two Years* (London, 1691), pp. 152-153.

Catholics in Ireland had faced a hundred years of conflict, and had consistently been on the losing side. The victorious Anglo-Irish were in a position to take the gun out of Irish politics, or at least from the hands of their confessional rivals. Widespread participation in the conflict would entrench notions that the means to an enduring peace was to disarm the Catholic majority. Throughout the entire period, securing firearms had played a decisive role in the opening period of rebellion. Disarming the old order had served as a visual reminder of political change. In Ireland, the seventeenth century was clearly a period where maintaining a monopoly over access to firearms and other martial weapons from confessional or political rivals was impossible, and this inability to effectively regulate who would control firearms added to an environment where security and social order were uncertain.

For the resultant victors the peace allowed for the securing of two very different objectives, both involving the gun. For the victorious Williamite state it meant the freeing of a large body of armed men for service in the on-going conflict taking place in continental Europe. For the victorious Protestant settlers the high cost of victory reinforced the need to prevent the large Catholic population from ever posing a threat to Protestant power again.[43] The penal laws would remove the ability of Catholics to revolt again through a restriction on land ownership and education, alongside coercive measures to discourage the Catholic faith. Crucially, this legacy of a perpetual peace was to be sustained through a policy of proscribing the majority Catholic population from access to firearms.

Firearms had played an increasing role in the conflict between Gael and settler or Protestant and Catholic throughout the early modern period. This chapter has provided the necessary background to the period of the formation of the 1695 legislation banning the possession of firearms by Catholics. Crucially, is has highlighted the differences between the two dominant

[43] D.W. Miller, *Queen's Rebels: Ulster Loyalism in Historical Perspective* (Dublin: Gill and Macmillan, 1978) remains a classic work on the complexity of the conditional loyalty of Ulster Protestants to the English Crown.

views of the legacy of the victory of William of Orange over James II, which would have implications for both the imperial centre and the Irish people. This is in part because of different views of who should defend Ireland, and from what. Was the lesson to be learned from the Williamite war to be that Ireland's future as a Protestant state was better secured by Presbyterians rallying to the walls of Derry, or by a multinational professional army headed by a monarch who viewed Ireland as one more theatre of a wider war?

The next section will examine how the British Army's place in Irish society shifted during the opening years of the eighteenth century following the end of the Williamite war, and the complexity that the presence of a standing army added to debates about controlling access to firearms to the local population.

ii.

After 1699, the largest officially sanctioned owners and users of firearms in Ireland were the soldiers of the British Army.[44] One aspect of this topic which has been almost entirely neglected was how those troops were equipped. The deficiencies that Ireland faced in the production of firearms were partially addressed by making Dublin a centre for firearms production in the British Isles. This is a topic that has been largely neglected by military historians.[45] However, perhaps the most puzzling omission of recent histories of the British archipelago in the eighteenth century is the failure to adequately examine the uniqueness of Ireland as a largely disarmed society garrisoned by a large permanent standing army. The majority of Ireland's population had the distinction of being legally proscribed from both active military service and private arms ownership.[46] The view of this thesis is that this led to reliance

[44] 1688 secured the access of firearms to the citizenry through the Bill of Rights. In Ireland approximately 75 percent of the population were legally disarmed through the Penal Laws. Before 1688 Charles II had used the Militia Act, and James II used both the Militia Act and the Game Act, to disarm Protestant opponents.
[45] Even Bartlett and Jeffery's *A Military History of Ireland* fails to address the role of Irish firearms production.
[46] Stephen Conway, *Britain, Ireland and Continental Europe in the Eighteenth Century: Similarities, Connections, Identities* (Oxford: Oxford University Press, 2011) and Ian McBride's *Eighteenth Century Ireland* show signs of a reversal of this trend.

on the military for law and order to a greater degree than other areas of the British dominions and a reliance on paramilitaries to supplement local magistrates.

Understanding the role of the army in eighteenth-century Ireland has produced a great deal of scholarship in the last forty years. Following an initial revision of the army in Ireland as an embodiment of a 'garrison state', recent work has instead placed Ireland into a broader narrative of military developments taking place throughout the British Isles.

The available scholarship on the British army in Ireland has shifted to an ever more focused look at paramilitaries in the last years of the eighteenth century. Studies on the Volunteers, the Irish Militia, and the Yeomanry largely seek to understand militarization outside of the state, for obvious reasons. Those interested in a broader study of the army in the eighteenth century will find it necessary to consult the unpublished thesis of Kenneth Ferguson or Thomas Bartlett and Keith Jeffery's *A Military History of Ireland*. Both of these works remain standard reading. In both cases, these works relate a generally peaceful and mundane tour of duty.[47] Neal Garnham's 'Military Desertion and Deserters in Eighteenth-Century Ireland' demonstrates endemic corruption at all levels of the Irish establishment. The appalling troop quality and overall experience of military life in Ireland in the middle of the eighteenth century involved alternating between long periods of mind-numbing boredom and actively life-threatening service depending on where and what the soldier was assigned to do.[48] This was a truism of most military service in the period, but a point best not forgotten. Martyn Powell has looked to cases of the mutilation of soldiers by Irish Catholics and the public reaction, or rather lack

[47] Ferguson, 'The Army in Ireland from the Restoration to the Act of Union'. Thomas Bartlett, 'Defence, counter-insurgency and rebellion, 1793-1803' in *A Military History*, pp. 247-93.
[48] Neal Garnham's 'Military Desertion and Deserters in Eighteenth-Century Ireland.' *Eighteenth-Century Ireland / Iris an dá chultúr* , Vol. 20, (2005): 91-103. Garnham's references to Alan J. Guy 'A Whole Army Absolutely Ruined in Ireland: Aspects of the Irish Establishment.' *Annual Report of the National Army Museum* (1978/9), pp. 30-43 provide numerous examples. Policing public executions and guarding Newgate prison were especially hazardous aspects of Irish soldiering.

of one, in more recent work to show that the life as a soldier may have been more eventful that other scholars have acknowledged.[49] S.J. Connolly has stressed that even at the end of the eighteenth century the Irish, regardless of confessional background, were not overtly confrontational towards the Army. This can be seen as an additional clause towards his general assessment of a quiet eighteenth century.[50] My own view on the issue of a quiet eighteenth century is, respectfully, in disagreement with Connolly's position, an argument developed later in this work. My difference of opinion is based on a study of the minutes of the Irish revenue commission for the period of 1691-1765. Based on an extensive study of this source, the documents reveal a less settled and more violent world than the scholarly consensus seems to indicate.[51]

The view of the army by the Anglo-Irish elite as alternatively a bulwark against a Catholic uprising or alternatively as an oppressive instrument of a foreign power has been presented by Martyn Powell as 'too neat'.[52] In the muddled reality of day-to-day life in eighteenth-century Ireland, these two viewpoints should not be seen as diametrically opposed positions. Nor can we chop the eighteenth century into convenient halves; with the garrison featuring as a bulwark against Catholic revolt before 1750 and after 1750 being viewed as an oppressive instrument of imperial rule. Neither can the large population of Catholic Irish be seen as being particularly prone to violent revolt, as S.J. Connolly has stressed in a number of his works over the last thirty years.[53] Others have seen the lack of a violent uprising as being a result of a lack of

[49] M.J. Powell, 'Ireland's Urban Houghers: Moral Economy and Popular Protest in the Late Eighteenth Century' in Michael Brown and Sean Donlan eds., *Boundaries of the State: The Laws and Other Legalities of Ireland* (Farnham: Ashgate, 2011), pp.231-254.
[50] Connolly, 'The Defence of Protestant Ireland, 1660-1760' in *A Military History of Ireland*, p. 245.
[51] As I addressed in the beginning of this work, the Record series consists of 460 volumes covering the period of 1696-1830. The years 1703-1713 remain missing at transfer from the former London Customs House and Museum.
[52] Powell, unpublished paper, 'Mathew Carey and Anti-Military Sentiment in the Volunteers Journal and the Pennsylvania Evening Herald'
[53] Connolly, *Religion, Law and Power* further developed in idem, 'Jacobites, Whiteboys and Republicans: Varieties of Disaffection in Eighteenth-Century Ireland.' *Eighteenth-Century Ireland / Iris an dá chultúr*, Vol. 18, (2003): 63-79 and idem, *Divided Kingdom: Ireland 1630-1800.*

opportunity rather than a passive mentality.[54] All of these appraisals examine the society as a whole over individual relationships. It is the purpose of this work to uncover how individual moments of violence or insubordination could impact on wider Irish society. This was especially true when there were confrontations between representatives of law and order such as the revenue officials and magistrates with the general population. This was also the case in confrontation between local people and the garrisoning army.

The ambiguity of how to view the presence of the British army in Ireland stems from the uncertainty of what it was supposed to be doing there. One topic few of those discussed above engage with is the way firearms contributed to these altercations. This matters because in a society where the population was largely disarmed the gun served as a badge of status, the gun was power, and the gun was legitimacy. Conflicts between local individuals and barracked soldiers were not rare occurrences, and periodic outbreaks of violence by soldiers on civilians and armed civilians on soldiers demonstrated a relationship that was at best uneasy.[55] Attempts to disarm local people could result in large numbers of casualties in these altercations.[56]

That these altercations could escalate can perhaps be attributed to the fact that there was not an 'Irish' army. Unlike Britain, Ireland was garrisoned by outsiders. The Scottish, Welsh and English soldiers would be supported by Irish funds, and the local Protestant population was not to be recruited into the army to maintain local Protestant numbers against the majority Catholic population. In the following section we examine the foreign origins of the largest group of sanctioned wielders of arms in detail, as well as the treaty which settled a lasting peace.

[54] Éamonn Ó Ciardha, *Ireland and the Jacobite Cause, 1685-1766: A Fatal Attachment* (Dublin: Four Courts, 2001).
[55] Powell, 'Ireland's urban houghers'.
[56] An incident described by Ferguson illustrates the potential for escalation. A soldier attempted to take a walking stick from a rural Irishman walking on a road, and when he was refused, returned with a number of soldiers and killed three and wounded dozens for the refusal to yield the property. See K.P. Ferguson, 'The Army in Ireland', pp. 247-93. Riots rarely led to this kind of death toll however, and were more likely to result in broken windows or smashed property.

iii.

The Treaty of Limerick was a messy end to a messy war.[57] The treaty marked the culmination of negotiations to end three years of conflict that had devastated Ireland materially and politically. The following section provides a summary of the legacies of the end of the Williamite war by examining the survival of a Catholic Irish army abroad, a remnant of landed Catholic elites, and the formation of a penal code to secure Protestant Ireland's ascendency through the removal of Catholics from participating in politics, owning large amounts of land, and disarming the defeated Catholic majority. The role of the gun in eighteenth-century Ireland was heavily influenced by the repercussions of the treaty of Limerick.

The treaty itself was a muddled temporary expedient for the nations embroiled in a wider conflict. The dishonouring of the majority of the clauses of the treaty demonstrated this clearly enough. It took the Irish parliament six years to ratify the clauses of the capitulation. In the period between the signing of the treaty in 1691 and its ratification by the Irish parliament in 1697, the civil clauses regarding confessional rights were dropped.[58] The reasons the treaty failed to secure a lasting settlement between confessional communities highlights some of the underlying complexities and paradoxes of a treaty designed to end Ireland as one battleground in a wider struggle then but was not designed to the underlying settlement of a lasting peace for Ireland. The signatories of the treaty sought to return to continental affairs, and many of the soldiers involved (whether under the banner of William of Orange or James II) were on ships to Flanders or marching north from Paris as soon as the ink dried. A brief look at those who signed the document shows the lack of participants of Irish origins. The three main signatories

[57] Even the name is misleading, as it was in actuality a capitulation: Josef L. Althoz, *Selected Documents in Irish History* (Armonk, N.Y.: M.E. Sharpe, 2000), p. 48. Wouter Troost, *William III and the Treaty of Limerick, 1692-1697: A study of his Irish Policy* (PhD thesis, University of Leiden, 1983) provides an overview of the European priorities of William III. Unlike some of his later work, the article does not engage in speculation regarding William III's sexual proclivities or virility.
[58] Althoz, *Selected Documents in Irish History*, p. 48.

of the Treaty of Limerick were Dutch, French and English. This lack of Irish leadership was also reflected in the makeup of the Jacobite military, which only had six Irish officers of high rank.[59] While the war had ended in Ireland, it continued on the continent for an additional six years. As J.G. Simms' large corpus of writing on the topic of the period attests, Ireland was left with several legacies that would have a profound impact on the eighteenth century.[60]

One of the most obvious of these was the rampant insecurity that the survival of an intact army in British red abjectly under the command of James II presented for both local Protestants and for the stability of the Protestant succession. 13,000 British and Irish Jacobite soldiers remained in service to the Stuart King, and thousands of others sought service with other continental Catholic powers.[61] Irish Catholics seeking service overseas with England's enemies were not figments of an overactive Protestant imagination. Revenue officers patrolling the coastlines regularly reported seeing men lurking in their ridings either actively seeking passage overseas or reported seizures of men attempting to do so. The numbers of people seeking service overseas were substantial and a visible reminder that not all threats were local. One Irish revenue official reported that 117 Irishmen had landed from two Dublin ships in France, alongside a report that he had had seized barrels of gunpowder from a ship in Cork he suspected was intended for a foul purpose.[62] Revenue officers also seized the ships that had been

[59] Althoz, *Selected Documents in Irish History*, pp. 48-51. An English pamphlet entitled *The Civil and Military Articles of Limerick. Agreed upon the 3d Day of October, 1691* (London, 1691) reveals the international nature of the audience, with French, Latin and English in presented in parallel columns.
[60] J. G. Simms published extensively on Jacobin Ireland and on the formation of the penal laws. In particular, *The treaty of Limerick*, (Dundalk: Published for the Dublin Historical Association by Dundalgan Press, 1961), pp. 1-24; 'Remembering 1690.' *Studies: An Irish Quarterly Review,* 63, 251 (Autumn, 1974): 231-242; 'The Bishops' Banishment Act of 1697 (9 Will. III, c. 1).' *Irish Historical Studies*, 17, 66 (1970): 185-199. One must be cautious about Simms' underlying thesis of Ireland as a colony since S.J. Connolly's rebuttal. The details of which can be found in Connolly*, Religion, Law and Power*, p. 123.
[61] Harman Murtagh, 'Irish Soldiers abroad 1600-1800' in Bartlett and Jeffery eds. *A Military History of Ireland,* pp. 294-314, and McBride, *Eighteenth Century Ireland*, pp. 159-161, 173-177.
[62] *Revenue Board Minute books of the Irish revenue commissioners* (hereafter *Rev. commrs min bk*.), 4, 10 March, 26 May, 6 July 1714, The National Archives (hereafter TNA) CUST 1/11 ff. 272, 275, 276, 309, 321.

commissioned to bring Irish recruits overseas, some directly commissioned by the Pretender.[63] The Jacobite rebellions of 1715 and 1745, despite being defeated without an uprising in Ireland did see a heavy commitment of Irish establishment regiments in their suppression. Fears of massacres or another rising along the lines of 1641 were kept fresh in the minds of subsequent generations, used to demonstrate the ability of armed Irish Catholics to pose a threat to Protestant Ireland.[64]

The survival of Catholic landowners who submitted to an oath of loyalty at Galway in July of 1691 or at Limerick in October of the same year were largely restricted to three counties in Western Ireland in the province of Connaught. The treaty also had provided guarantees that Catholics would maintain the right to openly practice their faith. Local Protestants were aghast at the prospect of sanctioned Catholic worship, and removed these guarantees when the treaty was ratified. On 26 November 1691, the Bishop Anthony Dopping of Meath condemned the Treaty of Limerick, citing the historical precedent of twenty two general rebellions and forty four local uprisings since the year 1172.[65] Others compared the Irish Catholic population to the bogs that bedevilled travellers in the untamed country side, remarking that they 'are like Boggs, never to be trusted to by going gently over, nor safely but by cutting your way to the bottom.'[66]

One policy that both imperial officials and the local Protestant population could agree on was the need to disarm potential allies of the deposed King James pre-emptively. This was intended to reduce the ability of the majority Irish population from being able to prove military assistance in the event of a French or Jacobite invasion.

[63] *Rev. commrs min bk*., 12 July 1714, TNA CUST 1/11 f. 323, when the 'Anne of Seahabour' documents were found that showed the ship had been commissioned to take men from Ireland to France to serve in the Pretender's army.
[64] T.C. Barnard, 'The uses of 23 October 1641 and Irish Protestant celebrations.' *The English Historical Review,* 106, 539 (1991): 889-920.
[65] Bishop Anthony of Meath, *Sermon preached in Christ Church, 16 Nov. 1691*. Trinity College Dublin, *Dopping Sermons*, 1688/2, Vol. ii, p. 92. I am indebted to Macdara Dwyer for visiting Trinity to verify the reference. I was made aware of the Sermon in McBride's *Eighteenth Century Ireland*, p. 164.
[66] Anon, *The Mantle thrown off, or the Irish-man dissected* (London, 1689), p. 9.

One issue that was less clear to Anglo-Irish elites was what to do regarding the local Protestants who had helped secure the victory. There was an acute awareness on the part of local Protestant communities of the role that the local Church of Ireland and Presbyterian irregulars and militia had played in the conflict. The Protestant auxiliaries had not only been present for the series of iconic battles and sieges, but had also suffered the most from the conflict itself. The Protestant populace began to mark their participation through festivals and holidays of remembrance that highlighted their deliverance from both Popery and despotism.[67] It was a deliverance that was to be maintained through vigilance. The general disarming of the Catholic population had begun as a proclamation by William III in 1690. It was intended to disarm Catholics for the duration of the conflict but was not to be applied to non-combatants and the general population. This became the legal precedent for additional penal laws after 1695. Besides banning the possession of firearms, there were additional measures to prevent access to military grade horses and attempts to limit Catholics from traveling to Europe or returning from abroad. The process by which a temporary wartime measure became an enduring body of legislation is a crucial one in answering our initial question of how the gun served as a symbol of legitimate political rule as well as providing security from both an invasion from outside Ireland or a domestic uprising. For the historian Charles Ivar McGrath, the penal laws represented 'the logical, formulated conclusion to an amalgam of Irish Protestant attitudes toward Catholics'.[68]

One early component of this body of legislation was an act entitled 'An act for the better securing of the government by disarming Papists'. This marked the crucial point where the temporary disarming of the Catholic population was made into a permanent statute and a policy of the state.[69] From 1695 onward, there was increasing clamour for additional penal legislation

[67] Stephen Duane Dean Junior, ''Bursting the Chains' The Bearing of Arms and the Politics of Servitude in Late-Eighteenth Century Irish Sermons' (M.A thesis, Queen Mary, University of London, 2009).
[68] McGrath, 'Securing the Protestant Interest': 46.
[69] 7 Will III c.5 (1695). The problem with the wording of such general disarming of non-Protestants can be seen with the subsequent Bill entitled *For explaining certain general words in a former act entitled an act for the better*

targeting the Catholic population.[70] This initial legislation was further enhanced during the War of Spanish Succession in the early years of the eighteenth century. However, the Franco-Jacobite threat was put on hold in 1713, when France recognised the Protestant succession in Britain following the Treaty of Utrecht. The Anglo-French alliance of 1716-31 alleviated the threat of an invasion of Ireland from imperial concern, at least temporarily.[71] Catholics became less of an existential threat to the Hanoverian regime at the very time that territorial expansion made Ireland's population a pool of potential manpower. Shifting imperial alliances meant Catholics with firearms were not an immediate existential threat to the British state as the threat of invasion lessened. The changing priorities of the British state were not always mirrored in Ireland itself. Catholics gaining access to firearms remained an existential threat to local Protestants and the restrictions on Catholics having possession of firearms were heavily enforced. As the eighteenth century progressed an increasingly multicultural and multi-faith Empire drifted from the shared political compact imagined by the Protestant settlers in Ireland to have been earned through their contribution to the victory over King James. But these were gradual trends taking place over the entirety of the eighteenth century.

One legacy of the treaty of Limerick that was particularly grating for Anglo-Irish elites in the immediate aftermath were the treaty clauses that allowed for a small number of Catholics to wear a sword, keep a brace of pistols, and own a gun for defence of property or hunting.[72] Any Catholic with access to a gun undermined the Protestant monopoly of the right to bear arms.

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securing of the government by disarming Papists, that the same do not extend to certain persons commonly called Quakers. Although not enacted, the bill does point to some discontent regarding who was affected, a point discussed earlier in regards to Presbyterians.

[70] S.J. Connolly takes a different view for penal laws after 1695. For an overview of his argument, see *Religion, Law and Power* pp. 264-78, idem, *Divided Kingdom* pp. 200-1. His argument is that confessional exclusion was done through executive fiat and was only made into statute law by necessity.

[71] McBride, *Eighteenth Century Ireland* p. 185.

[72] The Treaty of Limerick clauses 2, 3 and 7 applied to a small number of officers and elites and were honoured at the same time that the civil clauses regarding the general population were ignored. John T. Gilbert, 'The Treaty of Limerick, 1691' in Gilbert ed. *A Jacobite narrative of the war in Ireland, 1688-1691* (Shannon: Irish University Press, 1971), pp. 298-308.

The penal laws that restricted Catholics from gaining access to firearms were a direct result of the treaty of Limerick, yet the treaty also enabled Catholics who had surrendered during the war to continue to bear arms.

The legislative proscription of firearms from possession by Catholics was further eroded by the presence until the third decade of the eighteenth century of armed Catholic bandits and irregulars in the mountainous interior and in western Ireland where the authority of the state was weakest. Historians differ as to whether these should be seen as a remnant force of Jacobite sympathisers or as the late survival of banditry. S.J. Connolly described the origins of those involved in the unrest as being the 'tough and the desperate'.[73] A contemporary described those 'infesting' south Ulster and southwest Munster as being made up of 'deserters from the army, some rogues who came back from the county from beyond the sea in privateers, with the loose idle fellows of the county.'[74] In terms of being a violation of the sacrosanct principle of a monopoly of firearms by the Protestant population, it did not really matter. To be declared tory, a robber, or a rapparee they had to be 'out in arms'.[75]

Catholics under arms were a threat, regardless of whether it was political affiliation or social maladjustment that motivated them to illegally possess and use firearms. The real threat was that by taking up arms they revealed the weakness of the Protestant powerbase, and just how gossamer the ability of the state to govern in Ireland was in practice if Catholics resisted.[76] In the next section, we examine the creation of an enduring legal framework to disarm Catholics in the aftermath of the Williamite wars.

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[73] Connolly, *Religion, Law and Power*, pp. 198-215 provides an overview of state responses to the problem of bandits and Tories. See also Eric Hobsbawm's 'social bandits' thesis in *Bandits.* New edition (London: Abacus, 2001).

[74] Connolly, *Religion, Law and Power*, p. 198.

[75] Connolly, *Religion, Law and Power*, p. 209.

[76] Connolly remarks on the distinction between bandits permanently resides outside settled society and the criminals leave society for a specific period. Connolly, *Religion, Law and Power*, p. 209.

iv.

This section of the chapter examines the body of legislation designed to prevent Catholics from acquiring firearms, and of the tightening of legislation when those measures and their enforcement were deemed to be being subverted or ignored. Not all of the measures I examine below were made into law, but the sheer volume provides evidence of a feeling of profound insecurity on the part of Protestant Ireland. This persistent fear of an insurrection of the Catholic population, despite notions of the peasantry as being only fit to 'hew wood and draw water' shows the schizophrenic confidence and insecurity that characterised Protestant Ascendancy. As S.J. Connolly has so well explained, Irish Catholics openly displayed Jacobite symbols, exalted in the news of English defeat in battle, and gave assistance to French privateers in coastal areas.[77] This may in part have been based on the experiences of the small scale conflict behind the main lines. The wartime experience of Protestant irregulars of a Catholic populace that appeared to be 'the poorest humblest Slaves in the World' but who had also been capable of hiding arms until those tasked with finding them were 'weary to find one Gun' was a lesson to be remembered, and may serve to explain the pervasive distrust of the Catholic population as being truly disarmed.[78]

Distrust, unlike firearms, fodder, and finance, had never been a scarce commodity in Ireland. Following the securing of the peace after the Williamite war, the successive governments of William III, Queen Anne, and the Hanoverians distrusted the ambitions of the Anglo-Irish elites for a greater degree of self-government. The Anglo-Irish ascendancy distrusted the Catholic-Irish majority and increasingly feared the growing influence of the Irish Presbyterian community. The Anglo-Irish experienced exacerbation at the inability of the English to tell the difference between themselves and the rest of the Irish as the century progressed.

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[77] Connolly, 'The Defence of Protestant Ireland' in *A Military History of Ireland*, pp. 237-8.
[78] [Story], *A true and impartial history*, pp. 152-3.

The permanent garrisoning of Ireland highlighted the fact that Ireland was seen by the government in England as a reserve of soldiers to be used in other theatres. The creation of the Irish establishment, initially of 12,000 soldiers, and later increased to 15,000, represented the largest expenditure of Irish finances during the entire period. Throughout the eighteenth century, local elites were not made to feel particularly well protected when war broke out and local regiments were sent off to other theatres or quartered in centralized locations. Largely because this strategy left large sections of the country unprotected. The wartime experience of Irish Protestants had been in the countryside against Rapparees and Tories rather than set piece battles.

The absence of an armed garrison did not necessarily result in panic, especially at the beginning of the eighteenth century as international attention shifted to continental European theatres and the threat of an invasion lessened. Nor were Anglo-Irish feelings of insecurity isolated from outside events. There was a range of differing opinions as to how much of a threat Irish Catholics represented to Protestant Ireland. As the passage below demonstrates, some Protestant elites felt assured of their Ascendancy following the victory secured in the 1690s. Richard Cox, writing to a member of government described the remaining Catholic population in less than glowing terms and mocked those who for their own purposes overstated the threat:

> Their first & [main] cunning is to represent the Irish as formidable tho[ugh] they really despise them, & know that their youth [and] gentry are destroyed in the rebellion, or gone to France. That those who are left are destitute of horses, arms [and] money, capacity and courage that 5 in 6 of the Irish are poore insignificant slaves.[79]

[79] Richard Cox to Edward Southwell, 24 October 1706. BL, Add. MS 38.154. ff.86-88. For a different opinion of the state of Irish Catholics during the period, historians have Archbishop William King's views, which are presented in Connolly, *Religion, Law and Power*, p. 279.

Cox then estimates a proportion of 'two to one' in regards to the Catholic population's ratio to the Protestants, which would prove to be overly optimistic. But the idea that the remaining Irish were lacking in arms, horses and courage was clear enough. As the century progressed, further legislation was brought forward to secure the Protestant interest. By 1700, 27 per cent of the population were of English or Scottish descent and Catholic ownership of land fell from 90 per cent in 1600 to five per cent by the beginning of the eighteenth century. With the flight of the Earls in 1600 and of the Wild Geese by 1693, the Irish who were left behind in Ireland were effectively reduced to unarmed peasants. But, as Ian McBride has described, Catholic Ireland survived.[80] I remind the reader that it is not the position of this work to see this survival in terms of a Jacobite survival, but rather to explain the threat that local armed Catholicism represented regardless of political affiliation.[81] Catholics did not rise up in rebellion in support of either Jacobite landing in Scotland, a fact that has attracted several explanations from Historians. S.J. Connolly has identified a growing self-awareness of Anglo-Irish strength on the part of Protestant Ireland, and the lack of either the resources or the leadership within the Irish Catholic community to rebel in support of invasions from a Catholic European power.[82] However, one issue Connolly does not fully address within his argument for Anglo-Irish strength was the continuing attempts, even outside moments of crisis, to strengthen the law disarming Catholics.[83]

The reinforcement of penal legislation was an attempt to keep Irish Catholics from ever regaining access to military grade horses, firearms or enough property to be a real threat. The

[80] McBride, *Eighteenth Century Ireland* pp. 215-246.
[81] This is largely as a result of the ambiguity of current scholarship regarding the political motivation of the majority of Irish Catholics. Even Irish soldiers serving abroad could have multiple motives, see Connolly, *Religion, Law and Power,* pp. 238-9, 243-4 for examples. That a Gaelic speaking elite supported a Stuart restoration is less ambiguous, as Maureen Wall's *The Penal laws 1691-1760: Church and State from the Treaty of Limerick to the accession of George III* (W. Tempest; Dundalk, 1967), p. 19 demonstrated over forty years ago.
[82] Connolly, *Religion, Law and Power*, p. 241.
[83] Connolly, *Religion, Law and Power*, p. 291 briefly mentions the failed reform of penal legislation surrounding firearms in 1731 as a part of a larger passage on penal reform.

penal laws can be in part understood as a body of legislation that was intended to serve as a coercive measure to promote conversion. However, the penal laws must primarily be seen, especially in regards to the statutes regarding firearms, as an attempt to ensure that the Catholic population remained powerless. The survival of any armed Catholics was an affront to notions of an Anglo-Irish Ascendancy.

The 98 years between the passages of 'An act for the better securing the government by disarming Papists' in 1695 and the 1793 'Militia Act' that rearmed Catholic Ireland provide a means of understanding how the gun became such a large component of the ascendency identity. The arrival of the Lord Deputy Sir Henry Capel into Ireland in 1695 facilitated the passage of a number of Irish laws. The passage of 'An Act for the better securing the government by disarming Papists' made it a crime for Catholics to possess firearms or keep a military grade horse. William III c. 5 set out the legal framework for the prevention of Catholics from having firearms in their possession, as well as preventing Catholics who would be apprenticed in trades where they could learn how to craft weapons. Magistrates, chief Justices and other authorities of the state would be permitted to search for arms and in the event of being unable to find them, to place the suspect under oath to reveal concealed arms caches. Catholics with licenses from the Treaty of Limerick were except from the legislation.

The first clause is quoted in full below.

> All Papists within this kingdom of Ireland shall before the 1st day of March, 1696, deliver up to some justice of the peace or corporation officer where such papist shall dwell, all their arms and ammunition, notwithstanding any licence for keeping

> the same heretofore granted. And such arms shall be preserved for the use of his Majesty.[84]

The prohibition of firearms ownership that had been intended to affect only Catholics could inadvertently restrict other confessional groups. In 1695, there was a failed attempt to amend the 'disarming Papists' act to remove a clause that by its wording also prevented Quakers from having firearms.[85] The disarming act also required sacrificing privacy and sanctioning a degree of state tyranny. Earlier protests in 1692 had been careful to make sure that the seizure of firearms from Catholics was not used to plunder innocent people. In May of 1692, news of a potential French invasion of Ireland led to the confiscation of arms in Catholic hands. Instructions were given not to 'commit any insolency or violence to any of [the Catholics], nor make use of this service as a colour for plundering or otherwise injuring any of them, that it may not reproach to use that under a specious pretence we break our faith and violate the king's word and honour'[86] These niceties had vanished by 1695 when arguments about the need to be vigilant against the threat armed Catholics had overtaken fears of breaking faith.[87]

Attempts to disarm the Catholic majority took place alongside legislation attempting to prevent profane cursing and swearing. There were also legislative efforts aimed at the suppression of the still active Tories, bandits and rapparrees.[88] Dealing with the insecurity and outrages of bandits and rebels that infested the remote and isolated areas of Ireland was an on-going process

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[84] 7 Will. III c. 5. 'For the better securing of the Kingdom by disarming Papists', The State of Ireland, *The statutes at large, passed in the Parliaments held in Ireland: from the third year of Edward the Second, A.D. 1310, to the first year of George the Third, A.D. 1761 inclusive. With marginal notes, and a compleat index to the whole.* 8 Vol. (Dublin, Boulier Grierson, 1765-69) Vol. 3, p. 260

[85] 'For explaining certain general words in a former act entitled an act for the better securing of the government by disarming Papists, that the same do not extend to certain persons commonly called Quakers.' 1695 session. Record destroyed in 1922.

[86] Lord Justices to Nottingham, 14 May 1692 CSPD 1695, pp. 186-187.

[87] Connolly, *Divided Kingdom*, p. 204.

[88] 7 Will. III c.9 'An Act to better prevent profane cursing and swearing'. Ireland, *The Statutes,* Vol. 3 p. 279. , 7 Will. III c.21 'For the better suppressing of Tories , robbers and rapparees, and for preventing robberies, burglaries and other heinous crimes', Ireland, *The Statute*, Vol. 3 p. 321.

that continued into the eighteenth century. These Tories, bandits and Rapparrees were largely confined to South Ulster, parts of western Connaught and southwest Munster.[89] The pacification of these areas was still underway into the 1720s. Protestant settlers were at the forefront in the extension of law and order to these areas. [90]

Concerns about swearing faded while legislation defining and penalizing robbery and outrages were further amended in 1697 and 1703.[91] The two years between 1695 and 1697 saw five bills regarding property or the conversion of Catholics put forward despite the repeated failure to have them passed into law. These laws were in part an attempt to perpetuate the ascendancy of the Protestant faith in Ireland. In 1704 the passage of 'to prevent the further growth of Popery' brought in new statutes covering land ownership, religion, education and employment. It also marked the inclusion of the Sacramental test that adversely affected Dissenters.[92] Previous efforts in 1697 and 1698 had unsuccessfully put forward, but showed a degree of persistence in passage of the penal laws in the face of substantial Catholic opposition.

A number of bills were put forward to strengthen the 'disarming Papists' act of 1695 during the same period.[93] Despite failing to be ratified into law, Protestants showed dogged persistence in putting them forward. Other laws contained clauses that impacted Catholic assess to firearms. 'An act for the Preservation of game' passed in 1698 contained a clause that 'no papist shall be employed as a fowler for any Protestant or under colour thereof keep fire arms, upon

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[89] Connolly, *Religion, Law and Power*, pp. 198-215.

[90] *Rev. commrs min bk*., 22 Nov 1723, TNA CUST 1/17, f. 68 provides evidence of individual settlers securing roads and passages through the hills on their own initiative, and receiving title to the land as a result of their martial fortitude.

[91] 9 Will. c. 9. 'To supply the defects and for the better execution of an act passed in this present session of parliament entitled an act for the better suppressing of Tories , robbers and rapparees, and for the preventing robberies and burglaries and other heinous crimes' Ireland, *The Statutes*, Vol. 3, p. 396. 2 Anne c. 13. 'For continuing two acts against Tories , robbers and rapparees.' Ireland, *The Statutes*, Vol. 4, p. 144.

[92] Primary sources can be found in *Cal. S.P dom*., 1703-4, as well as at the British Library, in Add. MS 9715 and Add. MS 37,673. J.G. Simms provides an extensive overview of the passage of the controversial law with his article, 'The Making of a Penal Law (2 Anne, c. 6), 1703-4.' *Irish Historical Studies* (1960): 105-118.

[93] 7 Will. III c.5, 'An Act to better securing of the government by disarming Papists' Ireland, *The Statutes* Vol. 3, p. 260.

penalty of seizure of said arms, which will become the property of the informer, even if the arms were in fact the property of some Protestant.'[94]

In 1707 'An act for explaining and amending an act, intituled an act for the better securing of the government by the disarming of Papists' seems to have been seeking to expand the existing legislation.[95] Advocating the expansion of the legal exclusion of Catholics from having firearms also occurred alongside attempts at further confiscations of property. The removal of a landed Catholic gentry was taking place at the same time as the disarming of the Catholic population. In 1715 a bill entitled 'To subject the estates real and personal of the Papists and non-jurors in this kingdom, to make full satisfaction for all losses and damages that Protestants shall suffer in case any insurrection, invasion or rebellion shall be fomented, carried on or sustained by the Papists and non-jurors of this kingdom' was intended to deter any attempt at a rebellion in support of the Jacobites in Scotland through financial penalties.[96] The Protestant militia was also to be subsidised through coercive payments levied onto the general Catholic population. Catholics were to pay double to subsidize the cost of a militia to prevent them from rising in insurrection.[97]

Four attempts were made to strengthen the 'disarming Papists' act by 1739, alongside other penal laws affecting Catholic property rights, intermarriage between confessional groups, conversion and restricting the right to take up certain occupations. The failure to pass additional measures to prevent Catholics from having access to firearms suggest some degree of success by wealthy Catholics in lobbying to prevent further restrictions. In the case of the 1731 bill it

[94] 10 Will.III c. 8, 'For the preservation of the game, and the more easy conviction of such as shall destroy the same.' Ireland, *The Statutes* Vol. 3, p. 487.
[95]'For explaining and amending an act, intituled an act for the better securing the government by disarming of Papists'. 1707 session bill number 2072. Further details destroyed in 1922.
[96] 'To subject the estates real and personal of the Papists and non-jurors in this kingdom, to make full satisfaction for all losses and damages that Protestants shall suffer in case any insurrection, invasion or rebellion shall be fomented, carried on or sustained by the Papists and non-jurors of this kingdom.'1707 session bill number 2078.
[97] 2 Geo I. c. 9. 'To make the Militia of this Kingdom more useful.' Ireland, *The Statutes* Vol. 4, p. 748.

was due in part to successful Catholic lobbying in London. Privy Council notes reveal that Irish Catholics had sent representatives to London to directly make their case against further restrictions. The Privy Council heard the protest of an Earl, a Lord Viscount, and the protest of a further four gentlemen.[98] But such resistance eventually collapsed despite the best efforts of the much-diminished Irish Catholic gentry, and in 1739 the 'disarming Papists' act was further expanded to close additional loopholes.[99] Thirty years of lobbying led to a further strengthening of 'disarming Papists' to penalize Protestants holding arms for Catholics to circumvent the law.[100]

The disarmament of a majority population on a confessional basis by a confessional minority did not have a parallel in Western Europe. The argument could be made that Catholics represented a propertied minority as compared to Protestants. Although this observation would be correct, it would miss the fact that any Catholic with a gun was a threat to Protestant Ascendancy, and not just a Catholic with substantial lands and a serviceable horse. The disarming of Irish Catholics secured the removal of a landed elite from a conquered territory. Other attempts at a systematic disarming of a subject population were always majorities against minorities. In France the Huguenots were a minority compared to the French Catholic population, as were the Moriscos of Spain. The restrictions on Gypsies and Jews having firearms were also cases of the majority disarming a minority community.

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[98] 'Humble petition of Theobald, earl of Carlingford, Thomas, earl of Westmeath, Edward, Lord Viscount Mountgarrett, George Butler, esquire, John Malpas, esquire, Henry Seagrave, esquire, and John Reilly, esquire, in behalf of themselves and the rest of his majesty's Roman Catholic subjects in Ireland, setting forth that a bill hath been lately transmitted.' Privy Council Notes, 1 Feb. 1731[2]. TNA Privy Council (PC) 2/91, pp. 516-517.

[99] Lobbying groups had existed to prevent the expansion of penal legislation affecting other confessional groups in Britain and Ireland.

[100] 13 Geo II c. 6., 'To explain, amend, and make more effectual an act passed in the 7th year of the reign of his late majesty King William III, of glorious memory, entitled, an act for the better securing the government by disarming Papists' *The Statutes* Vol. 6, p. 495.

It is crucial to emphasize the seriousness with which these laws were enforced. Enforcement not only occurred during period of invasion scares, such as when Dublin Castle ordered the seizure of privately held stores of gunpowder and firearms from people suspected of supporting a Stuart claimant to the throne or dubious loyalty, but also in day to day life.[101] Revenue officials and magistrates were tasked with maintaining the Protestant Ascendancy in their daily duties alongside bringing in the revenue and maintaining law and order. Their ability to do so could be compromised by association with Catholics, and they faced constant vigilance by both their superiors and their peers. Mr Ashe, a Gauger of the Althone district was dismissed for 'being marry'd to a papist' as well as violent behaviour at the election of 'parlimeant men' and having 'concealed arms belonging to Sir John Burke, a papist.'[102] Edward Simpson was dismissed for a report that he had uttered 'treasonous words' in October 1717.[103] Another man was dismissed for having made a toast in Irish.[104]

Revenue officers were also responsible for processing the discoveries of Catholic owned properties. They were also called in to search the houses of former Catholic Gentry for contraband.[105] The vigilance of the state was directed toward disenfranchised Jacobite Protestants and non-jurists as well as Catholics. To sustain such a process required vigilance and enforcement. This in turn relied on the willingness of magistrates to enforce them, and whether the local magistrate was of a choleric enough temperament. To encourage enforcement, fiscal rewards were given to informers. Encouragement towards the discovery of Catholics with arms was helped with the provision of a £10 reward to those who brought forward evidence. Crucially, the cost would be secured through a collective fining of Catholics

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[101] Connolly, 'The Defence of Protestant Ireland', p. 238.
[102] *Rev. commrs min bk*, 12 Apr 1717, TNA CUST 1/13, f. 59.
[103] *Rev. commrs min bk*, 25 Oct 1717, TNA CUST 1/13, f. 156
[104] *Rev. commrs min bk*, 13 May 1718, TNA CUST 1/14, book is not paginated.
[105] *Rev. commrs min bk*, 25 June 1717 TNA CUST 1/13, f. 95 reports the searching of the house of the Countess of Castlehaven for silver.

in the wider community.[106] A similar element of collective reprisals was taken against communities suspected of harbouring Tories and Rapparees.

Catholic inhabitants were therefore liable to collective punishment if any Catholic was found to be in possession of a gun. Catholics who volunteered information and turned in hidden firearms faced no penalty. This is a theme more fully explored in the next chapter of this work. The legacy for Catholics with licensed arms from the Treaty of Limerick faded through a conversion to the Church of Ireland to secure land rights, and the gradual death of those named by the Treaty of Limerick. Through a substantial legal framework and a policy of collective enforcement, Protestant Ireland had successfully disarmed the majority of the Catholic population and completed one pillar supporting an enduring Protestant Ascendancy.

The first chapter of this work has chronologically presented the arrival of the gun into Ireland and the increasing importance of the weapon as a delineator of political power and legitimacy. It then gave an overview of the Williamite wars and argued for a less quiet and settled aftermath. The chapter has highlighted the role of disarming Catholics alongside the other restrictions on Catholic life in the codification of the penal laws in the closing years of the seventeenth century. It also introduces a general overview of confessional conflicts and early attempts at enforcing a state monopoly of the gun and provided a theoretical framework for understanding the importance of keeping Catholic Ireland disarmed. In the next chapter, we look at Catholics and the gun in the aftermath of the passage of the penal laws.

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[106] 7 Will. III c. 5. 'An act for the better securing the government, by disarming Papists' *The Statutes* Vol. 3, p. 260

Chapter 2: Catholics and the Gun

In this chapter, we look at some of the sources available for uncovering how firearms fit into the broader narrative of Catholic experience under the penal laws. The case is made that enough evidence exists to offer some significant commentary on the effectiveness of enforcement, and the persistence of Protestant fears of a resurgent and armed Catholic Ireland. I begin the chapter with an overview of current scholarship on penal laws and why the gun must be included in understanding their creation. I then examine the language of the penal laws regarding the bearing of arms as well as subsequent proclamations regarding their enforcement. This is followed by an examination of lists of licensed Catholics in 1703, 1704 and 1713 to uncover the survival of Catholics granted licenses to possess firearms, accompanied with an analysis of their geographic distribution and social rank. These lists are a reminder of the legacy of the Treaty of Limerick on the first decades of the eighteenth century.[1] I then briefly provide examples of Catholics illegally holding arms during the period, and closely examine two specific incidents where Catholics carrying arms caused controversy to the established order.

The penal laws are a favoured topic for Irish historians. The continuing discussion on what life was like for Irish Catholics living under confessionally based penal legislation has produced extensive analysis on the extent of enforcement and its impact on people's lives.[2] When Irish historians do talk about firearms, they usually mean those in the hands of either bandits or soldiers. Tories, Rapparees and smugglers used guns while committing crimes or resisting

[1] Although the treaty of Limerick was signed in 1691and marked the end of the Williamite war, it was not ratified by the Irish Parliament until 1697.

[2] James Kelly, 'The impact of the penal laws' in Dáire Keogh ed., *History of the Catholic diocese of Dublin* (Dublin: Four Courts, 2000) pp. 144-74; Jaqueline Hill, 'Religious toleration and the relaxation of the penal laws: an imperial perspective 1763-1780.' *Archivium Hibernicum,* Vol. 44 (1989): 98-109; Cullen, 'Catholic social classes under the penal laws' in Power and Whelan eds., *Endurance and emergence: Catholics in Ireland in the eighteenth Century* (Dublin, Irish Academic Press, 1990) pp. 57-84; MacCarthy Mór, ''By the help of many lies' or how penal were the penal laws?' *Familia,* Vol. 6 (1990): 57-61; Connolly, 'The Penal laws' in William Alexander Maguire ed. *Kings in conflict: the revolutionary war in Ireland and its aftermath*, *1689-1750* (Belfast: Blackstaff Press, 1990), pp. 157-172.

capture by the authorities. Men involved in military or militia service acted as state-sanctioned bearers of arms. However, our purpose here is to shed some light on the much larger segment of the population who were proscribed the possession of firearms on a confessional basis and did not fall into either of the abovementioned groups of criminals or soldiers.

On one side of the debate, historians like L.M. Cullen and MacCarthy Mór see the penal laws as an intrusive and very real aspect of Catholic life regardless of social station. S.J Connolly presents a different perspective, arguing that the penal laws were designed primarily to act against Catholic landowners rather than Catholics in general, and thus did not have a real impact on the lives of the majority of the Catholic population. Others fall somewhere in between. There is also some work on what the penal laws meant for Protestant Ireland, largely from a theological standpoint.[3] Most recently, a collaborative volume has been published that combines perspectives on both Catholics and Protestants.[4]

It is surprising, then, that discussion of firearms is absent from the existing historiography on the penal laws. This lack of engagement is especially glaring given what the implications of Catholics under arms meant for Protestant Ireland's ability to enforce the other aspects of the legislation. It may be because of what kind of argument one wants to make about Ireland in the eighteenth century, or perhaps due to the larger amounts of surviving sources on other aspects of penal legislation. It may also be what questions people are asking about the Irish past. Records of financial transactions generated by leases appeal to economic historians and those seeking to enter the debate of Ireland as a kingdom or colony. Debates about enforcement of the penal laws have also been stymied by the incineration of a large number of judiciary records as a result of the destruction at the Four Courts in 1922 which could potentially have served as

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[3] James Kelly, 'The Ascendancy and the penal laws' in John R. Bartlett and Stuart D. Kinsella ed., *Two thousand years of Christianity and Ireland: lectures delivered in Christ Church Cathedral Dublin* (Dublin, Columba, 2006), pp. 133-154.

[4] John Bergin et al. eds. 'New Perspectives on the Penal laws.' *Eighteenth-Century Ireland/Iris an Dá Chultúr, Special Issue No.1* (Dublin: Eighteenth-Century Ireland Society, 2011).

statistical evidence towards prosecution of a range of crimes, forcing a reliance on nineteenth -century historians like W.P Burke.

This deficiency of evidence can be in part rectified through the use of the Cust1 record series at the National Archives at Kew. The Record series itself consists of 460 volumes covering the period of 1696-1830, though with substantial gaps in the first 13 volumes. The minutes are complemented by 12 volumes of CUST 112. Cust1 consists of entry books with an average of 200 folio pages that provide summaries of the incoming correspondences to the revenue board, the date the letter was sent and a summary of the letter contents, as well as instructions to be sent outward to individual officers. The years 1703-13 remain missing at transfer from the former London Customs House and Museum. I primarily used the record books from 1691-1765. The documents reveal a less settled and more violent world than the scholarly consensus seems to indicate.[5] Obviously, the Revenue officers' priorities were not to prove or disprove the debates of twenty first century historians; however the source can help recreate day-to-day life unfolding through letters from all corners of the kingdom, as well as giving the perspectives of those who were the front line functionaries of eighteenth-century state-building. This is an underused resource, and given a diligent reading of the materials and a full awareness that the priorities of the authors of the letters was the revenue, the material still provides a window into

[5] E.P. Thompson, 'The Moral Economy of the Crowd in the Eighteenth Century.' *Past and Present*, Vol. 50, (1971): 76-136. E.J. Hobsbawn, 'Distinctions Between Socio-Political and other Forms of Crime.' *Society for the study of Labour History Bulletin*, 25 (Autumn 1972): 5-6.; Douglas Hay, 'Poaching and the game laws on Cannock Chase' in Douglas Hay et al., *Albion's Fatal tree: crime and society in eighteenth century England* (Harmondsworth: Penguin, 1975); P.B. Munsche, *Gentleman and Poachers: The English Game Laws 1671-1831* (Cambridge: Cambridge University Press, 1981) provides a broad background on agrarian crime. See S.J. Connolly's take on the matter in Connolly, 'The Houghers: Agrarian Protest in Early Eighteenth-century Connacht', p. 154. The literature underplays the role of violence in these confrontations and looks towards underlying social and economic factors following traditional patterns of the moral economy. Garnham's view of Ireland as less violent than England, but on par with wider European norms is detailed in Neal Garnham, 'How Violent Was Eighteenth-Century Ireland?' *Irish Historical Studies*, 30, 119 (May, 1997): 377-392.

day-to-day life on a large scale both chronologically and geographically, and has therefore been used throughout this work.[6]

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Protestant Ireland secured a long held objective with the passage into law of an act entitled 'For the better securing of the government by disarming of Papists' (1695).[7] The bill was approved on 26 June, amended a few weeks later, and gained William III's royal assent on 7 September. The objective of disarming the Catholic population was to secure not only the government, but also the security of a rattled settler community. The following section begins with a close reading of 7 William III, as well as related legislation to uncover something of what the legislators envisioned as the intent of the law, and how they amended its stipulations.

The Irish Privy Council with the backing of the resident viceroy secured a legal proscription barring Catholics from having access to firearms or other weapons. The law further banned the possession of military grade horses and went so far as to ban employment in trades that would train a Catholic in the skill to create offensive weapons, such as gunsmithing. Catholics had until March 1696 to 'deliver any arms to a justice of the peace.' Suspects were required under oath to reveal concealed arms. This was 'notwithstanding any license for keeping the same heretofore granted.'[8] The licenses in question were those Catholics granted to individuals named in the Articles of the Treaty of Limerick in 1691. We examine these individuals in depth in the next section. Justices, magistrates, petty officers and majors were empowered to seize the arms to be 'preserved for the use of his Majesty.'[9] These powers of seizure were not

[6] I would like to personally thank Patrick Walsh for suggesting I use the Cust1 series after his own research on the fiscal military state in Ireland in 2012.
[7] 7 Will. III c. 5 (1795) 'An act for the better securing the government, by disarming Papists' Ireland, *The statutes*, Vol. 3, pp. 260-268.
[8] 7 William III c.5 sec. 1. State of Ireland, *The statutes*, Vol. 3, p. 260
[9] 7 William III, c. 5 sec 4 and 5 secured the rights of Catholics covered under the Treaty of Limerick. Ireland, *The statutes*, Vol 3, pp. 264-265.

absolute however, as the second clause specified that searches must take place 'between sunrise and sunset'.[10] Nocturnal searches were allowed to take place in market towns and suburbs.

The penalty outside of seizure of the arms was the levying of a substantial fine. The fine itself varied according to rank. Peers faced a £100 fine for the first offense, in the event of a second offence the individual would 'suffer praemunire'.[11] This was the punishment of suffering the removal from the King's protection of the delinquent, forfeiture of all goods and property, and indefinite imprisonment.[12] In terms of severity, praemunire was a punishment second only to those guilty of treason.[13] It also removed the person from all access to the courts regardless of the offense against him. Those of a lower social station faced a fine of £30 and imprisonment for a year, and like their social betters, also faced praemunire if they were charged a second time.

The importance of the law was clearly demonstrated with the care taken to make sure there were incentives for its enforcement. Informers who turned in Catholics who had guns would split the fine with the state. Attention was given in sections 8 and 9 towards the prevention of Catholics becoming apprentices of those making 'fire-arms, swords, knives, or other weapons'.[14] Enforcement relied in part on a penalty of £20 levied on the Protestant employer, once more to be split between the informer and the government. Section 9 also ended any existing apprenticeships of individuals that refused to take oaths of allegiance and aberrance as well as a declaration against transubstantiation. Failure to do so would result in both the apprentice and the master being prosecuted. Those who were publically known to be Protestants were excluded from this provision. Section 10 through 12 covered the issue of military grade horses. In terms of punishments, horses were considered less of a threat than

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[10] 7 William III c.5 sec 2. Ireland, *The statutes*, Vol. 3, p. 262.
[11] 7 William III c.5 sec 2. Ireland, *The statutes*, Vol. 3, p. 262.
[12] For the full legal implications, see *Blackstone*, Vol. iv, pp. 117-118.
[13] Frank McLynn, *Crime and punishment in eighteenth-century England* (London: Routledge, 1989), p.160.
[14] 7 William III c. 5 sec 8 & 9. Ireland, *The statutes*, Vol. 3, pp. 266-267.

firearms. Rather than outright seizure, a Catholic with a horse worth over £5 could on demand be forced to sell it at a fixed price of £5 and 5 shillings. The impracticality of policing horse-rearing led to the act being amended in 1709 to allow Catholics to keep stallions and stud-mares for breeding. However, the horses were liable to be seized if an invasion or 'intestine war' seemed likely. Furthermore, the horse's owner was responsible for paying six pence per night that the horse was in custody.[15]

A provision to ensure magistrates were active in the enforcement of the law was secured in section 13. The inclusion of such a clause implied that coercive measurers were deemed necessary for the enforcement of a penal law. Magistrates would contended with a fine of £50 for *each* instance that they did not act on information of a Catholic reported to have a gun, once more split between the informer and the government. The magistrate was also barred from serving as a justice of the peace, or continuing as a magistrate. How often this was actually enforced is an issue that has faced some debate. Ireland faced a shortage of willing and able candidates for office in the magistracy. As Neal Garnham has demonstrated, the enforcement of the law often fell on less than ideal individuals, partly as a result of the onerous and dangerous nature of the magistrate's occupation, but also because of a shortage of Protestants of the right social station to fill the office.[16]

There were other representatives of the Irish state that were also enforcing elements of the penal laws. The Revenue minutes record concerns of a range of issues, primarily attempts to secure the revenue and prevent the corruption of its officers. There is also enforcement of the full range of penal laws against Catholics, with one of the first letters reporting a priest in Youghal with vestments being arrested, and Popish books seized after being found hidden in a

[15] 8 Anne c. 3 (1709) 'An Act for explaining…an act to prevent the further growth of popery.' Ireland, *The statutes*, Vol. 4, p. 190.
[16] Garnham, 'How Violent Was Eighteenth-Century Ireland?': 377-392.

cargo hold.[17] The Revenue board was also vigilant in making sure all the officers were qualified as Protestants and were able to provide documentation to prove it.[18] On occasion, letters were sent to the board voicing concerns over Revenue officers' religious leanings, as was the case when Richard Ireland was reported anonymously as having been abusive to others in the community as well as suspicions that he was married to 'a Papist wife who had not conformed in a year and a day, and that Ireland is a new or late convert.'[19]

As mentioned earlier in this work, a Mr Ashe, Gauger of the Althone district, was dismissed for 'being marry'd to a papist, violent in his behaviour at the election of parlimeant men, & had concealed arms belonging to Sir John Burke, a papist.'[20] Other letters reveal discoveries of Catholic owned properties, and raids on the house of former Catholic Gentry to recover smuggled silver in the house of the Countess of Castlehaven, as well as various reports of treasonable oaths or toasts made in Irish.[21] In the carrying out of their duties Revenue officers could be being assaulted. A coast officer named John Halper successfully claimed £12 compensation after 'having his arm broke, his horse killed, his sword and pistols broken and taken away by some unknown Persons in April last as he was in execution of his office, & endeavouring to prevent ye said Shipping of Wool to foreign parts.'[22] Being a Revenue officer was obviously a dangerous profession, whether preventing smuggling or detecting Catholics infiltrating the offices of the state.

At late as 1720 the revenue board received letters asking for clarification as to whether having a 'popish' wife is enough to disqualify being an officer of the revenue. A letter from the

[17] *Rev. commrs min bk*., 30 June 1713, 24 November 1713, TNA CUST 1/11, f. 190; f. 243.
[18] *Rev. commrs min bk*., 16 March 1714, TNA CUST 1/11, f. 276.
[19] *Rev. commrs min bk*., 6 July 1714, TNA CUST 1/11, f.324.
[20] *Rev. commrs min bk*., 12 April 1717, TNA CUST 1/13, f. 59.
[21] *Rev. commrs min bk*., 25 October 1717, TNA CUST 1/13, f. 95, see BL MS 28877 for a copy of a license to keep a case of pistols at her residence.
[22] *Rev. commrs min bk*., 24 July 1717, TNA CUST 1/13, f. 109.

following year reporting on the dismissal of a boatmen for 'having a popish wife' shows that this was in fact enough to remove one from the revenue service.[23] Fears that the revenue was being infiltrated by people of suspect individuals foreshadows a discussion on suspect communities in the fourth chapter of this thesis.

Throughout the first half of the eighteenth century, there were a number of attempts to strengthen the penalties and scope of the proscription of firearms, with failed bills brought forward in 1707 and 1731 as well as fears that enforcement was not taking place.[24] It a letter to the Duke of Newcastle the Lord Primate Hugh Boulter explained that the reason for putting the 1731 bill forward was the vagueness of the original act. He described how a man in Galway had been acquitted at the assizes despite being a known Catholic and clearly having firearms in violation of the act because 'Papists everywhere [argued] that the said act only concerned papists then living, and the arms they had in their possession at the time the act was passed.'[25] Boulter also added that the government needed the power to revoke licenses for arms. He feared that Catholics would prevent the passage by exerting influence on the committee in London. Although the bill failed, attempts at strengthening the act culminated with further proscriptions and suggestions for harsher penalties which were debated over the winter of 1739. Royal assent was given in the spring of 1740, with the passage into law of 13 George II c. 6. It is interesting to note that modifications were specifically directed towards forcing magistrates to 'make yearly searches'[26] for firearms in the possession of Catholics. It should be recognized that this

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[23] *Rev. commrs min bk.*, 4 May 1721, TNA CUST 1/15, f. 94.

[24] The failed bills were entitled: 'For explaining and amending an act, intituled an act for the better securing the government by disarming of Papists' (1707) and 'For rendering more effectual an act entitled an act for the better securing the government, by disarming Papists' (1731).

[25] Anon, Letters written by his Excellency High Boulter, D.D Lord Primate of All Ireland, &c. To several Minister of State in England and some others (Dublin, 1770), p. 56.

[26] 13 Geo II c. 6 section 1., *State of Ireland, An act to explain, amend, and make more effectual an act, passed in the seventh year of the reign of His late Majesty, King William the Third of glorious memory, intituled, An act for the better securing the government by disarming Papists*. (Dublin: George Grierson, printer to the King's most excellent Majesty, 1740), p. 69.

was during wartime and this may have encouraged renewed vigilance. Additional clarifications required that 'Papists deliver up all arms, armour, and ammunition which is in their possession and power'.[27] Another section, demonstrating either optimism or desperation on the part of the drafter, required Catholics to deliver up any firearms that came into their possession to local authorities within fourteen days. The penalty for those not surrendering firearms was increased dramatically. Peers faced a fine of £300, non-peers £50. Following the previous discussed practice of remunerating those willing to provide information, this was to be split between the informer and the government.[28] Although Catholics who voluntarily delivered arms were not penalized, those who were unable or unwilling to pay caused the £10 to be levied from the local Catholic population and then paid directly to the informer. This collective punishment shows that with the possession of firearms, enforcement went beyond selected targeting of individual offenders, and instead involved the entire confessional community.[29] This can be compared to similar laws regarding collective punishment of communities harbouring Tories and Rapparees, as well as the coercive payments taken from Catholics to subsidize the Protestant militia. What this demonstrates is a willingness to directly target the Catholic community as a whole, rather than individual members of that community.

Attempts to control firearms were not limited to drafting penal legislation specifically about firearms. The next section examines other bills that created further barriers towards Catholics getting access to firearms. Briefly mentioned in the last chapter, in 1698, an additional proscription against Catholics under arms was included in a piece of legislation entitled 'An act for the preservation of the Game'. The bill also gives evidence of the strategies that Catholics used that allowed them to maintain possession or access to firearms. Section 4 of the

[27] 13 Geo II c. 6 s. 1, *Ireland, An act for the better securing the government by disarming Papists*, pp. 69-70.
[28] 13 Geo II c. 6 s. 2, *Ireland, An act for the better securing the government by disarming Papists*, p. 79.
[29] 13 Geo II c. 6 s. 13. *Ireland, An act for the better securing the government by disarming Papists*, p. 76.

act specifically prohibited the employment of a Catholic 'as a fowler for any Protestant or under colour thereof keeps fire arms.'[30] The firearms that were seized would be given to the informant 'even if the arms were in fact the property of some Protestant'.[31]

In a little over three years, a law passed to disarm Catholics had been reinterpreted to allow for the disarming of Protestants in their service. Forty years later, the 1739 Disarming Act also addressed suspect Protestants with firearms, adding a clause stipulating that 'any Protestant servant, by the direction or privity of his master, being a Papist, [who] shall carry or keep arms, both master and servant shall be subject to the same penalties inflicted by this act.'[32]

It was increasingly clear that a Protestant right to the gun was not sacrosanct. Who was counted as a Protestant was further reduced in a later clause, with anyone professing the Protestant faith that had educated a child under the age of fourteen 'in the Popish religion' considered to be Catholic under the law regarding firearms. The laws that were intended to disarm Catholic Ireland were increasingly being used to define who was a Protestant. One of the litmus tests for true Protestant status was whether an individual could be trusted with firearms. Despite a large amount of research into the penal laws, Irish historians have not engaged with the prohibition of firearms after 1695. In failing to do so, they have missed an important aspect of how Protestant Ascendancy defined itself.[33] In examining the continual process of reinforcement and subsequent revision to enhance the proscription of firearms, we can understand one of the major policies of the state of Ireland.

[30] 10 Will. II c. 8. Ireland, *The statutes*, Vol. 3, p. 487.
[31] 10 Will. II c. 8. Ireland, *The statutes*, Vol. 3, p. 487.
[32] 13 Geo. II c. 6 section 14. Ireland, An act for the better securing the government by disarming Papists, p. 76
[33] John Bergin *et al.* 'New Perspectives on the Penal Laws' a special issue that is the most up to date coverage of the topic. The survival of religious practice, economic activity and strategies of wealth maintenance between generations are given wide coverage, but the revision of the statutes regarding firearms is a topic notably absent.

Legislators also clearly thought that the Catholic population should facilitate the arming of Protestant Ireland. This was largely by using the majority Catholics as a source of funding for the Protestant militia. 'An Act to Make the Militia in this Kingdom more useful' of 1715 used the past rebellion and majority status of the Catholic inhabitants of Ireland to justify that 'Papists should pay double the sum paid by Protestants for the support of the militia.'[34] Furthermore, sections 11 and 12 of the act required Catholics to provide horses to the militia. Those Catholics who refused to provide the mounts were to be fined £10. Additionally, if the Catholic was found to have hidden arms he would also be liable to a £10 fine. This was to be split between the informer and the militia, and was a separate offense to the earlier laws examined in this chapter. Section 16 required the substitution of a Protestant to serve in the place of a Catholic head of household, meaning he would have to pay a Protestant to take his place in the militia. Catholics were to be further charged 20 shillings for each troop of militia per day, to be divided equally on the catchment area.[35] At the same point that Catholics were being disarmed, they faced collective levies that were used to subsidize the arming of their former Protestant enemies.

For nearly a century Ireland was the site of a concerted effort to keep the majority of the Catholic population disarmed. It was enforced through a complex legal apparatus of incentives for informers, penalties against the entire confessional community, and corrective penalties to encourage magistrates who were unwilling or unable to enforce the law. As the eighteenth century progressed, the laws against Catholics with possession of arms were strengthened, as were penalties for Protestants who gave Catholics firearms. Irish Catholics attempted or were suspected of trying to keep firearms through a variety of means, and some of these were more successful than others. In the next section, I will examine the survival of Catholics in Ireland

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[34] 2 George I c. 9, Ireland, *The statutes*, Vol. 3, p. 338-9.
[35] 2 Geo. I c. 9, Ireland*, the statutes*, Vol. 3, p. 341.

legally allowed to bear firearms, and the threat it posed to conceptions of Protestant Ascendancy.

ii

We have previously introduced the Treaty of Limerick which ended the war in Ireland. An understudied aspect of this treaty, found in the contents of clauses 2, 3 and 7, are the stipulations over gun ownership. These three clauses applied to a small number of officers and elites and allowed them to wear a brace of pistols, a sword and possess a single firelock or rifle. Intriguingly, these three sections were honoured at the same time that the civil clauses regarding the general Catholic population were ignored.[36] As mentioned earlier, laws disarming the Catholic population had specifically exempted those covered under the Articles of the treaty of Limerick. It is the historian's good fortune that lists of those individuals have survived. Surprisingly, this source has not been fully utilized by Irish historians. In the section below, I examine these sources to reconstruct who these people were, where they lived, and what the implications of the toleration of armed Catholics were for Protestant Ireland's conception of itself. The source also provides some understanding of how Irish Catholic elites interacted with the gun. While there has been a substantial amount of work on the 'Wild Geese' who left for service in foreign militaries, little has been written on those that stayed in Ireland.[37] The printed lists provide a valuable tool for uncovering evidence of the survival of an armed Catholic Ireland in the first two decades of the eighteenth century.

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[36] Gilbert, 'The Treaty of Limerick, 1691', pp. 298-308.

[37] For a sampling of more recent work on the Wild Geese, see Eoghan Ó hAnnracháin, 'Some Cork Wild Geese in Luxembourg.' *Journal of the Cork Historical & Archaeological Society*, Vol. 117, (2012): 100-106, idem. 'Some Wild Geese of the west.'*Journal of Galway Archaeological and Historical Society*, Vol. 54 (2002): 1-24; Thomas Bartlett, 'Ormuzd abroad…Ahriman at home' some early historians of the 'Wild Geese' in French Service 1840-1950 in Jane Conroy ed. *Franco-Irish connections: essays, memoirs and poems in honour of Pierre Joannon* (Dublin, Four Courts Press, 2009), pp.15-30; Nathalie Genet-Rouffiac, 'The Wild Geese in France 1688-1715: A French perspective' *in Irish Sword* Vol. 26 (2008) pp. 10-50; Andrea Know, ''Woman of the Wild Geese': Irish Women, exile and identity in Spain, 1750-1775.' *Immigrants & Minorities* Vol. 23 (2005):143-59.

I will first detail the two sources by looking at where those with exceptions from the Treaty of Limerick lived, what rank in society they held, and will then suggest what further work on the list could reveal. It concludes with a brief discussion how the next generation reacted witnessing the withering of legally sanctioned Catholic arms bearing. The lists of Catholics licensed to carry arms are interesting in their own right as a record of a surviving Catholic gentry. Moreover, the careful creation and tracking of Catholics who were allowed to carry firearms in the beginning of the eighteenth century shows it was a priority for the Irish state. One of the reasons for such an interest was the difficulty of identifying which Catholics were allowed arms in a time when establishing exact identity could be difficult, and when magistrates were troubled by the problem of counterfeit licenses.

Potential difficulties in establishing who was actually allowed a license to own firearms were quickly identified. In 1704 a proclamation was issued which listed some of the problems caused by the existence of the licenses. The proclamation declared that 'several persons not qualified by the Laws to carry Arms, have nevertheless in Contempt and Violation of the Laws, [had] taken them to ride and go armed.'[38] Those individuals had also 'wholly falsified and counterfeited licenses'. In another detail of the creativity of Catholics evading some of the provisions of the penal code, others had 'razed and altered licenses duly grated' or 'inserted other Christian names than those which were in the licenses.'[39] Catholics were circumventing the penal laws regarding firearms by a variety of methods, including forgery and counterfeiting.

Magistrates who had to enforce the proscriptions were being presented with false licenses and had no means to check if they were valid. The state response was to recall all existing licenses until the problems could be resolved. New licenses were issued and a published list of all

[38] 'Irish Catholics Licensed to Keep Arms (1704)'*Archivium Hibernicum*, Vol. 4 (1915): 64.
[39] 'Irish Catholics Licensed to Keep Arms (1704)': 64.

Catholics licensed to have firearms was printed to help prevent abuse. The list was updated in 1713.

Figure I.

Catholics Licensed to carry Firearms by Province (1704)

Province	
Leinster	71
Munster	20
Connaught	12
Ulster	3

Figure II.[40]

Geographic Location of Catholic License holders (1704)

Province	County	
Connaught	Gallway	8
	Mayo	3
	Roscommon	1
Leinster	Caterlough	3
	Dublin	31
	Kilare	5
	Kilkenny	5
	King's County	1
	Longford	1
	Lowth	1
	Queen's County	2
	Tipperary	8
	Westmeath	10
	Wexford	4
Munster	Clare	3
	Cork	3
	Limerick	2
	Meath	8
	Waterford	4
Ulster	Donegall	1
	Down	2

[40] Note: spelling are copied exactly from the document. Gallway=Galway, Caterlough=Catherlough, Kilare = Kildare, and Donegall = Donegal.

These documents are invaluable in providing a means of uncovering where Catholics legally sanctioned to keep firearms lived.[41] The lists provide the name of the licensee, the place of residence, and an enumeration of the arms in their possession. The 112 Catholics on the list in 1704 were not evenly distributed throughout Ireland. 71 lived in Leister, twenty in Munster, twelve in Connaught, and only three were to be found in the entirety of Ulster. Nine years later the general distribution was relatively unchanged.

Figure III.

License holders (1713)

Province	County	
Connaught	Galway	7
	Kildare	13
	Roscommon	2
Leinster	Catherlogh	1
	Dublin	25
	Kilkenny	6
	King's County	3
	Longford	1
	Lowth	1
	Meath	9
	Queen's County	2
	Waterford	5
	Westmeath	9
	Wicklow	1
Munster	Cavan	1
	Cork	4
	Kerry	1
	Limerick	4
	Mayo	5
	Tipperary	9
Ulster	Clare	6
	Donegal	1
	Down	2
	Sligo	1

Figure IV.

Catholics licensed to carry arms by province (1713)

Province	
Leinster	72
Munster	20
Connaught	11
Ulster	3

[41] Irish Catholics Licensed to keep arms (1704) and Irish Catholics Licensed to keep arms (1713).

The number of individuals listed had increased to 133, of which the majority continued to live in Leinster, with twenty five of the license holders residing in Dublin itself and eleven living outside Ireland. What this tells us is that Catholics licensed to carry firearms were most likely to live in Leinster or Cork, and that the highest concentration of Catholics legally allowed to possess firearms was in Dublin, which is not in itself unexpected given this would be the most logical location to advocate their position. Ulster was home to only three. What is surprising is where they absent from. Connaught, a stronghold of Catholic land ownership, had only twelve of those licensed to bear arms.[42] Catholics using guns illegally were more likely to be located in the areas where the fewest legally sanctioned Catholics under arms resided, a point discussed later in the chapter.

Given that licenses were granted under a provision of the Treaty of Limerick, it is not surprising to find many individuals of military rank. There were eight Captains, seventeen Colonels, twelve Lieutenant Colonels and five Majors. In terms of titled gentry, the 1704 list contains one Earl, one Lord Baron, two Lords, three Lord Viscounts, and three baronets. By 1713, the list of licenced Catholics with firearms had grown to include a Cornet and a Countess. In all, 42 percent of the 1704 licences had either a title or military rank. In 1713 the percentage had grown to nearly seventy percent. Those with a military rank or title are nearly identical to the 1704 list. Some of the individuals on the list are noted as commonly being known as 'Lord', despite having been stripped of the title. This provides additional evidence of Catholic elites maintaining social distinction after losing the lands associated with it. Surnames show an uneven distribution by family name, with several surnames having a disproportional representation. In the 1704 list there were five Butlers, three Nettlevilles, five Nugents and 3

[42] Kevin Whelan's 'An Underground Gentry' Catholic Middlemen.' *Eighteenth-Century Ireland Eighteenth-Century Ireland / Iris an dá chultúr* , Vol. 10, (1995): 7-68 provides an overview of strategies of maintaining possession of land. The debate surrounding actual Catholic ownership of land is somewhat contentious. An overview of the more recent work can be found in Kelly, 'The impact of the penal laws', pp. 144-174.

Geoghegans. These corresponded to prominent landholders in pre-Williamite Ireland, and match the social standing and military rank already discussed. The 1713 list maintains this pattern.

The list also details what firearms the Catholics actually had. Under the wording of the law, those with licenses to bear arms were granted the right to have a brace of pistols, to wear a sword, and have a rifle for hunting or home security. However, not every individual had all three weapons. In 1704, 110 people had a sword, while only 91 kept a brace of pistols, with 92 of those allowed possessing a hunting rifle. By 1713, of the 133 listed all possessed at least a sword. The number of individuals claiming a brace of pistols rose to 123, with 121 reporting possession of a gun. What this shows is that over time the number of Catholics taking advantage of their right to bear arms increased. This could have been as a means of marking social status.

In summary, the lists demonstrate that of the very small minority of those Catholics in Ireland allowed to wield firearms legally most were likely to be from a small number of elite families, have a military rank or landed title, and live in or around Dublin. Somewhat surprisingly the least likely place to find Catholics with legally licensed firearms corresponded to the locations where the most Catholics were wielding firearms illegally in the smuggler-and-rapparee infested wilds of Connaught or in the Ulster borderlands. A potential line of argument is that Catholics in areas where authority to enforce the law was less muscular were able to openly bear arms regardless of existing statutes. In Dublin, the capacity of the state to enforce its laws was much stronger, and therefore having proper credentials might have been more necessary. Catholics who were armed appearing in such high numbers in Dublin can be reasonably explained by considering why they would be there. Dublin was a focus point where they could lobby for restoration of titles, land or influence, and seek to preserve what rights they had maintained.

The lists themselves were produced to prevent the use of forged documents that Catholics were using to circumvent the law in the early years of the eighteenth century, and it seems to have been an adequate enough solution. Further work could be done with these list to try and map where the property of the men was located, and see where in Dublin the majority of these licensed Catholics lived. Having explored the legacy of legal Catholic firearm ownership, the next section looks at examples of Catholics who possessed firearms illegally.

iii.

In the final section of this chapter, we dissect example cases to see how the legislation we have examined was actually applied. We have discussed the survival of a small number of legally armed Catholics; we next examine those using firearms outside the law, and the problem of enforcement from the 1720s to the 1760s. After we examine a number of incidents, the chapter focuses on two specific cases. The two chosen cases bookend the period of this work. The first takes place in the 1730s and the other in the 1760s. This is to provide some detail on two different generations of Catholic experiences with the gun. The differences in how these incidents were resolved also shows how widely the law could be interpreted, and how the threat of a Catholic with a gun changed between the 1730s and 1770s.

To determine if Catholics had firearms illegally I have used the minutes of the Irish Revenue Commissioners to provide a brief overview of the type of incidents that occurred. They show that Catholics had access to the gun in areas with the weakest amount of governance, a position initially proposed in the section of legal Catholic possession of firearms.

The issue of the authorities' ability to enforce the law against Catholics with firearms was more difficult in areas where officials were seen as outsiders. The attempted shooting of witnesses reporting on Jacobite recruiters, audacious daylight rescues of prisoners from gaols, and the targeting of unpopular magistrates with arson, mutilation and other types of harassment

litter the sources of the period. The gun was intimately involved in these kinds of interactions. The spectacle of violation of the body of the informer or officer of the state could be especially brutal. The minutes of the Irish Revenue commissioners detail numerous incidents that illustrates the danger facing those tasked with enforcing the law in areas with weak state legitimacy.

Sometimes this could be threatening language, as was the case in the spring of 1724 when a Revenue officer was threatened with being shot like a dog by a tobacco smuggler.[43] Six men armed with firelocks threatened another Collector named Jeremiah Symes. They emphasized the danger to his person if he reported on them, tied the man up and left him in an abandoned house.[44] Informers faced repercussions that went beyond verbal threats. In the middle of the summer of 1724, John Carr enclosed an account of a gruesome incident alongside the official memorandum he mailed as a collector in Loughrea, Co. Galway. A letter dated the 22 March reported that about twenty eight people were convicted for privately selling ale. The convictions were all from the information given by a local man, and all those involved were inhabitants of the town of Loughrea. On the night of 17 March, 1723 the man who had so actively informed on his neighbours had 'a fork thrust through his tongue, and half of it cut out.' The man's name was given as William Dunnagon, a local man from Dungree, Galway. His profession was given as a weaver. The Revenue board was very clear that the 'barbarous maiming' should be punished with 'ye utmost rigour.'[45]

When William Dunnagon was rumoured to have given testimony about what had happened, the locals who had administered their own brand of justice returned.[46] A letter sent a few days later from the collector of Loughrea included two sheets of examinations describing how

[43] *Rev. commrs min bk*., 9 April 1724, TNA CUST 1/17, f.136.
[44] *Rev. commrs min bk*., 24 July 1724, TNA CUST 1/18, f. 3.
[45] *Rev. commrs min bk*., May 30 1724, TNA CUST 1/17, f. 154.
[46] *Rev. commrs min bk*., June 27 1724, TNA CUST 1/17, f. 168.

‘unknown persons of ye number of about 12 forcibly took William Dunnagon from his house to a wood near that place’ and ‘cut out his tongue from ye root, putting out his eyes & cut off one of his ears.’ The reason was directly related to ‘discovering and convicting a number of private brewers.’[47] The severely maimed informer’s chances of receiving justice was worsened when two Justices of the Peace explained that despite having warrants enclosed against several of those thought to be involved in the assault and maiming of William Dunnagon ‘the inhabitants of Loughrea are too much inclin’d to favour ye villains & shelter them instead of assisting to take them: that without the assistance of ye military power it wil nt be possible to take or have them conveyed to ye county gaol.’ They further explained both the local revenue collector and the surveyor were being threatened not to pursue the men involved in the crime any further.

Access to firearms for those seeking to threaten government officials seems to have been readily available in the west of Ireland. Richard Tonson, a resident of Skibbereen sent a letter from Hames Beaty describing the response to a seizure of two hundred ankles of brandy from the house of a man named John Murphy. The haul was immediately seized by a ‘great mob with firearms’[48]. Mr. Tonson was forced to admit that it would not be in the power of any officer to do his duty in any part of Connaught unless some method was taken to reduce or disarm them.[49] The inability of the crown to contest western Ireland seems to have persisted until at least the 1760s.

The problems were not just restricted to Connaught however. In the summer of 1736 John McAllen reported on the problems facing lone Protestant officers trying to confront large numbers of Catholics under arms. A large gathering of people from the Tool family were

[47] *Rev. commrs min bk*., June 27 1724, TNA CUST 1/17, f. 168.
[48] *Rev. commrs min bk*., 30 April 1733, TNA CUST 1/25, f. 132.
[49] *Rev. commrs min bk*., 30 April 1733, TNA CUST 1/25, f. 132.

described as acting 'in a tumultuous manner' at the fair at Rathdrum, co. Wicklow. Because they could not find the man who was to give evidence against them in a trial they seized his brother-in-law instead. The men were described as being 'all armed with firearms and other weapons.'[50] McAllen wanted legal clarification on 'proving them Papists and directions to summon such as are capable of proving they were at mass.'[51] He claimed that a local priest named Doyle could do it. An attorney named Mr. White was recommended to provide council to decide if there was sufficient proof to prosecute the 'Papists carrying arms.'[52]

A man named John McAllen who was stationed in Dungarvan, Co. Waterford requested that the revenue officers be provided with small arms and swivel guns to assist in the prevention of frauds as well as to 'supress the violence of the Papists.'[53] He further requested that another official named Mr. Sowton make 'the strictest enquiry concerning Papists carrying arms'[54] and to prosecute them if any were found. This order seems to have been carried out, as a letter the next month elicited surprise from the board. This was not an isolated incident. A man named Stephen Sowton wrote from Dungarvan seeking instructions on how to proceed against another fellow named Mr. Paye. Specifically, he asked whether or not Paye could be prosecuted under the law making it illegal for a Catholic to carry a gun.[55] The board responded that he should follow the general order to enforce all cases of Catholics with guns. He was instructed to prosecute and to apply to the Justices of the Peace to get warrants to search all suspected places for firearms. Further incidents occurred into the 1760s.[56]

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[50] *Rev. commrs min bk.*, 6 August 1736, TNA CUST 1/28, f. 77.
[51] *Rev. commrs min bk.*, 6 August 1736, TNA CUST 1/28, f. 77.
[52] *Rev. commrs min bk.*, 6 August 1736, TNA CUST 1/28, f. 77.
[53] *Rev. commrs min bk.*, 17 November 1736, TNA CUST 1/28, f. 288.
[54] *Rev. commrs min bk.*, 17 November 1736, TNA CUST 1/28, f. 288.
[55] *Rev. commrs min bk.*, 1 December 1736, TNA CUST 1/28, f. 245.
[56] See *Rev. commrs min bk.*, 18 November 1754, CUST 1/55, f. 58; *Rev. commrs min bk.*, 20 April 1760, CUST 1/64, f. 40 for further incidents.

The implication that a substantial section of western Ireland was effectively off limits for officials of the state shows the weakness of enforcement in all of Ireland. However, the officials on the ground saw a direct correlation between armed Catholics and their power to enforce the law. Mr. Tonson's admission that it was not possible for any officer to do his duty in any part of Connaught unless the Catholics were dispersed or disarmed revealed the weakness of the outnumbered Protestants attempting to make inroads outside of Ulster or the garrisoned towns. The response to prosecute anyone found carrying arms despite the difficulty also shows how important monopolising the gun was as a statement of Protestant Ascendancy. In a parallel message, tearing out a man's tongue, removing his eyes and cutting off an ear required some investment of time. The state would have to contend with a population willing to enforce its own bloody code if it was to enforce its edicts effectively, and weigh the cost of prosecution. In the next section, we examine two separate cases in the 1730s and 1760s in more detail to compare the way the Irish state responded to Catholics violating the ban on having firearms.

In the early months of 1736, William Cavendish, the third Duke of Devonshire and the recently appointed Lord Lieutenant Devonshire met with advisory body to discuss a deeply troubling problem. The council sent a memorandum to give advice on an appeal recently sent to the Lord Lieutenant by two Catholic gentlemen. In the letter, they discussed an incident that had occurred the previous year. The series of events demonstrate how the interactions that took place between Catholic gentry and their servants and sanctioned representatives of the state could expand from the local to the national. The account also provides an example of the space where the power of the state was strong enough to enforce the law effectively.

In February of 1735 Arthur Rochfort, a justice of the peace in co. Meath apprehended a 'papist with arms'. The man in question was a noted poacher by the name of Michael Molloy.[57] A local man named Thomas Nugent was described in the letter as 'lately conformed as a covert from popery', though the memorandum was careful to note that his 'wife [was] a papist'.[58] Nugent attempted to have the charges dismissed because Molloy was his servant. He had a convincing case, as when he converted to the established church he gained the right to have firearms in his possession despite his former religious status. However, the law disbarred him from employing Catholics in a capacity that allowed them the use or access to firearms. In a similarity to the O'Leary case thirty years later, it had become an issue of honour. What happened next escalated from a local incident into a case that would involve the highest echelons of Irish society. Arthur Rochfort denied the request, and in response, Thomas Nugent allegedly sent another man in his employ to resolve the issue personally. This man was a Catholic known as Captain Hugh Maguire, who was allegedly armed with a sword and a brace of pistols. This escalation on the part of Nugent was illegal on several levels. For the officials of the state, the most worrying aspect was that a Catholic had challenged a Protestant official engaged in his lawful duty. The officials also stressed that they found that these kinds of incidents were becoming 'very common in these parts' and so not only supported the prosecution of both Thomas Nugent and his servants, but also sent the Solicitor General to attend the proceedings in person. However, by the next assizes, the trial was postponed as the key witness was out of the country. Captain Hugh Maguire had apparently found pressing

[57] Public Record Office of Northern Ireland (P.R.O.N.I.) T/2707/91/8 PT. Letter-book containing copy letters from Lords Justices Boyle, Boulter and Wyndham to the Dukes of Dorset and Devonshire as successive Lords Lieutenant., 23 May 1736 Dublin Castle to The Third Duke of Devonshire, Lord Lieutenant of Ireland. [unpaginated].

[58] 23 May 1736 Dublin Castle to The Third Duke of Devonshire, Lord Lieutenant of Ireland P.R.O.N.I. T/2707/91/8 PT.

business in France, so was unable to attend his own trial. The officials recommended that Hugh Maguire be charged for being a 'papist carrying arms.'[59]

In the intervening months both Thomas Nugent and Captain Hugh Maguire had written letters in support of their case and were attempting to have the charges dismissed. The officials offered several pieces of advice as to how to proceed, and this section of the document has been quoted in full below to give the reader the full tone.

> We take this early occasion to acquaint your Grace, that interpositions to stop the common course of law, have not as far as we have experienced, been agreeable to the gentlemen of this kingdom; who are apt to complain, that such indulgences serve only to animate an interest already too powerful here, and to discourage the Magistrate from putting these Laws into execution upon which the quiet and safety of the Kingdom depend.[60]

The men who were acquainting the incoming Duke of Devonshire were from the highest echelons of the Protestant Ascendancy. Hugh Bolton was an Englishman who had passed over Archbishop King of Dublin to become Primate and therefore held the highest spiritual authority of the Church in Ireland. The second signatory was the Lord Chancellor of Ireland Baron Thomas Wyndham. Three years after this incident he would become the only Irish judge to sentence a peer to be executed. Both these men had reached the pinnacle of power in Ireland, and clearly felt that the non-enforcement of the penal laws against Catholics with firearms would be detrimental to Protestant authority. They were also aware that the relationship between the crown and with local Anglo-Irish elites was in part dependent on understanding the need to support the enforcement of a Protestant monopoly of the gun. This incident and

[59]23 May 1736 Dublin Castle to The Third Duke of Devonshire, Lord Lieutenant of Ireland P.R.O.N.I. T/2707/91/8 PT.
[60]23 May 1736 Dublin Castle to The Third Duke of Devonshire, Lord Lieutenant of Ireland P.R.O.N.I. T/2707/91/8 PT.

others like it provided the necessary pressure towards the tightening of penal laws about firearms in 1739.

The men advising the course of action to the incoming Lord Lieutenant had been in power a long time, and were clearly not willing to endorse an action that would set an example that Catholics could circumvent the penal laws. Thirty years later and the balance of opinion had shifted. Enforcement of the penal laws was a more local concern, but could still cause far reaching consequences. We now look to the case of Art Ó Laoghaire that took place a generation later.

Art Ó Laoghaire has held a certain kind of fascination for Irish historians. It is easy to see why, given the admixture of folk memory, tall tales and martyrdom surrounding the incident well into the nineteenth century and the mysterious circumstances surrounding his death. L.M. Cullen has explored the implications of the Art Ó Laoghaire episode in a number of his works. He began his research in *The Emergence of Modern Ireland*, and in 'Caoineadh Airt Uí Laoghaire: The Contemporary Political Context' and 'The Contemporary and Later Politics of 'Caoineadh Airt Uí Laoire'.[61] Cullen described the episode as being in the aftermath of an 'attempted legal pogrom addressing Whiteboy activity' that had largely died out in the face of the falling popularity of anti-Catholic sentiment among Munster elites.[62]

Into this fractured political landscape arrived a well-dressed and well-armed Catholic officer from the Austrian service named Art Ó Laoghaire. His name is henceforth anglicised as Art O'Leary. Art was characterized by Cullen as 'an assertive young army officer from

[61] Cullen, *The Emergence of Modern Ireland 1600-1900* (London: Batsford Academic, 1981); idem, 'Caoinea'dh Airt Uí Laoghaire: The Contemporary Political Context.' *History Ireland*, 1, 4 (1993): 23-27; idem, 'The Contemporary and Later Politics of 'Caoineadh Airt Uí Laoire.'' *Eighteenth-Century Ireland / Iris an dá chultúr*, Vol. 8 (1993): 7-38.
[62] Cullen, 'Caoinea'dh Airt Uí Laoghaire: The Contemporary Political Context': 23.

overseas.'[63] A contemporary Irish poem was written from the perspective of O'Leary's wife as she lamented his death. The style came from a long tradition of keening poems.[64] It is interesting to note that his widow described him as notable for the dread he caused others: 'When you came home from overseas, people fled the street before you and not for love of you, but from sheer dislike!' The widow further remarked, 'the Saxons used scrape the ground before you and not to show you any favour, but from sheer dread of you'.[65] By all accounts, O' Leary was not a subdued Catholic Irishman. Cullen described the contention caused when O'Leary married into a local family in 1766. He then outlined the building tensions with a local retired magistrate named Abraham Morris.

Morris was the former High Sheriff and came from a long family tradition of serving as magistrates. Morris was affronted by the presence of an upstart Catholic with too much brashness for his liking, and attempted to demand O'Leary's prized horse for £5.5s in the summer of 1771. As described earlier in this work in the section on the formation of the penal law, this was legally permissible, although rarely enforced after the middle of the eighteenth century.

The incident reveals much about what was experienced in day-to-day interactions between Catholics and Protestants. It also demonstrates that enforcement of the law through the legal process or extra-judiciary violence was avoidable if those present were aware of the expected role to play in the performance of day-to-day life. Catholics had power in numbers and there were areas of Ireland where the law was effectively unenforceable. Protestants could pursue laws to the point of harassment towards specific individuals if the individual was deemed worth

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[63] Cullen, 'Caoinea'dh Airt Uí Laoghaire: The Contemporary Political Context': 23.
[64] Rachel Bromwich, 'The Keen for Art O'Leary, its background and place in the tradition of Gaelic Keeing.' *Eigse*, Vol.5 (1945-7) provides an extensive overview.
[65] *The wake-keen for Art O' Laoghaire by Eibhlin Dubh Ni Chonaill, his wife* transcribed in Cullen, Caoinea'dh Airt Uí Laoghaire: The Contemporary Political Context': 23-27 and translated from the Ferriter MS No. 1, p. 298.

the trouble and cost such a prosecution could bring, or if leniency would give encouragement for worse obstinacy. Most of the time, this could be avoided with a degree of feigned subservience on the part of the Catholics, allowing Protestants to maintain an outward show of confidence despite their demographic weakness. Most of all it required that they be willing to perform the appropriate roles, at least in public. Some Protestants felt that they held the right to remind Catholics of their status, and conversely, they occasionally encountered Catholics who were willing to remind them this was not an uncontested position.

Art O' Leary was a military officer in his early twenties who was not of the disposition to acquiesce to Morris's request to purchase his horse. What exactly happened next is unclear. O'Leary's report of events recounts that he was pursued and fired upon by Morris. Art responded by taking the gun into custody so that it could be given to the local magistrate.[66] Morris countered this with his own version of events, saying that O'Leary had seized the gun and taken flight. In the aftermath of the incident, O'Leary faced legal proceedings. One of the most serious charges facing O'Leary was the claim he had seized a gun from the Protestant servant of Morris.

The differences of these two accounts are in the severity of the crime. As Cullen himself notes, O'Leary had already violated a penal statute by having laid his hands on a gun.[67] Acquiring a firearm by force from a Protestant in the presence of a former magistrate was a much more serious affront to notions of Protestant Ascendancy. Morris and assorted local backers, including five clergymen of the established church began legal action in the fall of 1771. Cullen described the subsequent events as being 'on the margins of legality.'[68] Cullen sees this as an abnormality, and goes into depth describing how both parties fell into a legal stalemate.

[66] Cullen, 'Caoinea'dh Airt Uí Laoghaire: The Contemporary Political Context': 24-25.
[67] Cullen, 'Caoinea'dh Airt Uí Laoghaire: The Contemporary Political Context': 24-25.
[68] Cullen, 'Caoinea'dh Airt Uí Laoghaire: The Contemporary Political Context', p. 25.

This uncertainty lasted for two years, until in 1773 the twenty six year old O'Leary was shot and killed in murky circumstances.[69]

As Cullen remarks, folklore preserves a theory that O'Leary had been seeking out Morris to kill him, but instead was shot and killed by soldiers accompanying Morris. The record shows that Morris stood trial, and during the proceedings had three shots fired at his residence.[70] He avoided being shot at his home, and was acquitted of a charge of murder following support from the Shannon political interest and a campaign to raise funds for his defence.

The O'Leary episode can be seen as an example of the type of encounter that could occur when Catholics were unwilling to show deference to lower ranking Protestants or refused to acquiesce to the enforcement of penal statutes. This was especially likely when it involved Catholic men with firearms. Violent confrontation was more likely because Catholics with firearms were already committing a crime that was considered a threat to the Protestant Interest. These incidents could also quickly draw in the surrounding community. Outside of these incidents detailed above there is additional evidence that Catholics were brought to trial and served sentences for having firearms much later into the eighteenth century than previous work has stated.[71] Catholics were charged under the penal law for illegal possession of firearms in Tipperary, Armagh and other counties into the 1770s.[72] Protestant fears of the danger that Catholics with firearms represented could lead to periods of increased harassment. Cullen cites evidence of a renewed focus on enforcement during periods of agrarian unrest. Crucially, Protestant fears were not only against the agrarian protestors themselves, but were also directed towards Catholics arming themselves to defend their property and their communities against

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[69] Cullen, 'The Contemporary and Later Politics of 'Caoineadh Airt Uí Laoire'': 7-38.
[70] Cullen, 'Caoinea'dh Airt Uí Laoghaire: The Contemporary Political Context': 26.
[71] See the case of James Sullivan, detailed in J. Brady, *Catholics and Catholicism in the eighteenth-century press* (Maymouth: Catholic Record Society of Ireland, St. Patrick's College, 1965), p. 149.
[72] Cullen, 'The Contemporary and Later Politics of 'Caoineadh Airt Uí Laoire': 12, as well as *Armagh Assize Books* Vols. 1-2 (Keeper's room), Armagh Public Library.

depredation from the rural rioters.[73] The propertied Catholic Interest who were targeted during these periods of harassment by authorities should be contrasted to the more assertive outsiders from abroad like O'Leary. Young men fresh from overseas service and a military life differed greatly from the 'cautious or wiser locals.'[74] The landed Catholics were survivors, although Cullen does remark on families that decided to either relocate to France or relocate internally if harassment became threatening enough. Beginning with the 1720 execution of a man named Cotter and continuing to the executions in peacetime of Irish brigade recruiters, Cullen offers a litany of martyrs.[75] He further remarks that Munster was not unique in offering such examples.[76] He is careful to explain that both Catholics and Protestants could escalate these confrontations.

O'Leary himself may have intended to participate in a duel and was subsequently ambushed by Morris under false pretences. One issue that I feel Cullen has understated was the wider implications of Catholics with a gun for Protestant perceptions of security and their own status, especially on the margins.

The enforcement of the laws restricting Catholics access to the gun can be seen as one method of reducing Protestant fears about the Catholic majority regaining the arms, horses and leaders that they had lost after 1691. A Catholic with a gun was not just a personal affront, he was a very real threat to the basic foundations of the Protestant Ascendancy because he represented the uncertainty of Ireland before 1691. The two examples we have looked at highlight that this would create further problems for magistrates trying to enforce an already difficult prohibition. Both the O'Leary execution and the incident with Thomas Nugent and his servant Captain

[73] James Donnelly Jnr., 'Irish agrarian rebellion: the Whiteboys of 1769-76. ' *Proceedings of the Royal Irish Academy*, Vol. 85, Section C, no. 12 (1983): 330.
[74] Cullen, 'The Contemporary and Later Politics of 'Caoineadh Airt Uí Laoire' : 15.
[75] Cullen, 'The Contemporary and Later Politics of 'Caoineadh Airt Uí Laoire' : 15-19.
[76] Cullen, 'The Contemporary and Later Politics of 'Caoineadh Airt Uí Laoire' : 19.

Hugh Maguire show that the notion of a subdued Catholic Ireland could break down quickly in personal interactions.

When this did occur, the response by local authorities and elites was either to encourage the enforcement of existing laws or close loopholes Catholics were using to circumvent them. One of the key differences between 1739 and 1773 was the synergy between the British officials sent to Dublin to govern and the local Anglo-Irish settlers in the countryside. In 1739 the leaders of the Ascendancy were adamant about the danger of leniency in cases of Catholics found with arms. By 1773 local elites were struggling to preserve their status against a tide of reform initiated by the English state in part because of the need for Catholic soldiers to fight abroad. These interactions were played out in many ways between individuals, but these two examples clearly show that insolence and a refusal to submit to authority could escalate beyond a single encounter.[77] A brief glance at the surnames and geographic location also shows that the incidents overlap with areas where a minority of licensed Catholic had owned firearms legally. In 1713 Leinster had the highest concentration of Catholics with a right to possess firearms, though that right was to fade with the men themselves. Twenty years later their descendants were in the process of conforming to the established church to preserve landed estates, but were not fully trusted by the state to have done so with sincere motives.

In this period of transition a Protestant magistrate attempting to enforce an existing law was targeted for violence by a Catholic who would have been one of the few licensed to have firearms a generation before. A nominal convert with a Catholic wife and an armed Catholic servant he sent out to settle a score cannot be seen as being the 'cautious or wiser locals'[78] that Cullen found clinging to their estates twenty five years later. O'Leary himself shows clear

[77] Insolence in this case meant a deviation from the scripted encounters and rituals of Protestant superiority in both everyday life and moments of ceremonial occasions of statecraft.
[78] Cullen, 'The Contemporary and Later Politics of 'Caoineadh Airt Uí Laoire':15.

similarities to men like Captain Hugh Maguire. There is more work to be done to try and uncover what happened when the shared language of deference and resentment turning into direct confrontation, but this chapter has laid the groundwork for reappraising the way that Catholics interacted with and around the gun. In time, a more robust understanding of the firearm and confessional relations may help historians understand an understudied part of the penal laws in Ireland. In the next chapter we look at what motivated men like Art O'Leary and Captain Hugh Maguire to leave Ireland and go abroad to acquire a training in the use of arms.

Chapter 3. The Nesting Ground of Wild Geese

'Had I known the reception I was to meet at Cork, I should have sooner attempted any part of the globe but my native country.'[1]

Building on the discussion developed in the previous chapter on Catholics and firearms in eighteenth-century Ireland and the survival of a small remnant of legally armed Catholics, we now look to those who left Ireland to go abroad. These soldiers were a direct contradiction to the monopoly of the gun by Protestant Ireland. The flagrant disregard of state authority through the sustained recruitment of Irish Catholics was a recurring affront to notions of a Protestant victory over Catholic Ireland. The return of Irish Catholics from overseas with military experience and training undermined the principal purpose of the penal law restricting firearms, which was to curtail the ability of a Catholic uprising.

This chapter will examine Protestant reactions to Catholics serving abroad, and also how this persistent fear of the return of armed Catholic Irishmen revealed the inherent weakness of a Protestant monopoly of the gun, in that the ability of Catholics to gain training and firearms from abroad undermined the ability to maintain a perpetual peace. First, I provide a summary of the debates regarding the recruitment of Irishmen for continental service. Secondly, Protestant attitudes towards this recruitment, attempts at legislating the problem, and the issues of enforcement are discussed. This is followed by explaining how the presence of Catholic Irishmen going abroad to wield the gun or those who sought to return affected perceptions of the competency of the magistrates tasked with preventing it. Finally, through an examination of Irishmen who served abroad, the work will conclude with some comment on whom those

[1] Peter Drake, *The memoirs of Capt. Peter Drake. Containing an account of many strange and surprising events, which happened to Him through a Series of Sixty Years, and upwards; and several material anecdotes, regarding King William and Queen Anne's wars with Lewis XIV. of France* (Dublin, 1755), p. 12.

men were, what motivated them to both leave Ireland, and in some cases to return, and their interaction and communication with the community they returned to.

Irishmen seeking military service outside their homeland have been the focus of long standing interest for both historians in the academy, as well as those with antiquarian or genealogical research interests. There are a variety of possible explanations, not only the interest that military related topics seem to generate generally. But for Catholic historians the wild geese have been a topic of interest because they served as counterpoint to a narrative of defeated Catholics in Ascendancy Ireland.[2] One aspect of this scholarship that has been less fully developed are the motivations and experiences of those going abroad who decided to return home. Catholics going abroad and gaining a skill in the use of firearms whilst serving in the army of either the Catholic Kings of Europe or the Stuarts proved to be a recurring thorn in the side of Protestant narratives of a disarmed and defeated Catholic Ireland. This chapter uses the presence of Catholic recruiting officers and returning soldiers to show that Protestant confidence was adversely affected by not only the large number of Irish going overseas, but even more so by the threat that they might return with the intention of contesting the legacy of 1691.

i.

Catholics had a long tradition of seeking opportunity overseas in foreign armies. Irishman of all confessional backgrounds had a long history of serving aboard, and had gained a reputation for ferocity and barbarousness from those who fought both alongside and against them, a

[2] The three examples here give a general range of the types of books available. J.C. O'Callaghan *History of the Irish Brigades in the Service of France from the Revolution in Great Britain and Ireland under James II, to the Revolution in France Under Louis XVI* (Shannon: Irish University Press, 1967) is a well-researched and insightful work. Mark McLaughlin and Chris Warner, *The Wild Geese: The Irish brigades of France and Spain* (London: Osprey, 1980) is directed towards the military hobbyist, whilst Maurice N. Hennessy *The wild geese: The Irish soldier in exile* (Old Greenwich, Conn.: Devin-Adair, 1973) is an example of the type of popular work on the topic.

position shared by many colonial troops.[3] This chapter focuses on the recruitment of Irishmen to replenish the ranks of existing units following the Treaty of Ryswick in 1697. This treaty negotiated the begrudging acceptance of William III's claim to the throne of England by his Catholic opponents. The justification for this approach is predicated on the presence of strong scholarship for the period preceding 1697, and because one of the goals of this chapter is to uncover the interaction of returning veterans, a process which was accelerated after drawdown of regiments following the end of the conflict in 1697.

The collective migration of around 19,000 soldiers along with their families following the Treaty of Limerick to continental Europe had added to an already extensive network of merchants, clergy, diplomats and exiles.[4] Irishmen sought to petition the Jacobite court in Lorraine, attended the Irish colleges spread throughout Europe, and sailed to the thriving trade ports dotted along the Atlantic coast of France and Spain.[5] This 'exiled' Ireland has been increasingly seen as topic worthy of examination, with perhaps the fullest account being Ian McBride's *Eighteenth Century Ireland*.[6]

Éamonn Ó Ciardha, Ian McBride and L.M. Cullen each bring forth different approaches to understanding the Irish abroad. Ó Ciardha details the travails of Irish Jacobites and the continued utility of contacts with the exiled Stuart claimants, which varied in usefulness from healing medals for scrofula to more tangible letters of reference when seeking military commissions in overseas armies.[7] His exhaustive research has clearly demonstrated the high volume of correspondence between Irish Catholic elites and the Stuarts. One of the most

[3] Bartlett and Jeffrey ed., *A Military History of Ireland*, p. 17. For an earlier perspective of Irish soldiers in the seventeenth century see Jane Ohlmeyer, 'Seventeenth-century Ireland and the new British and Atlantic histories.' *American Historical Review*, 104 (1999): 446-462.
[4] John Childes, 'The Williamite War, 1689-1991' in *A Military History of Ireland,* p. 209.
[5] McBride, *Eighteenth Century Ireland*; T. W. Moody and W. E. Vaughan eds., *A New History of Ireland*, *Vol. 4: Eighteenth-Century Ireland 1691-1800* (Oxford University Press; Oxford, 1986).
[6] McBride, *Eighteenth Century Ireland*, pp. 215-246.
[7] Ó Ciardha*, Ireland and the Jacobite Cause*, p.222.

interesting aspects is his identification of a profound sense of longing for a return to the homeland, which Ó Ciardha claims reveals a 'strong sense of exile.'[8] Ian McBride's work has provided a glimpse of the Irish colleges and seminaries established throughout Europe that served as a communication network for Irishmen abroad.[9] The literate and well-travelled priests, nuns and cardinals connected an Irish priesthood that had been forced underground with a thriving Irish clergy abroad.[10] The colleges were located in Spain, France, Italy and various territories of the Holy Roman Empire, and served as natural stop overs for Irish fellow travellers.[11]

Irish Priests attempting to return home faced a precarious reception. However, opposition to this spiritual threat was not unified; nor was the enforcement unproblematic. McBride has identified an uneasy relationship between the central government and local unpaid officials, freelance discovers and priest catchers tasked with enforcing the penal laws against Catholic clergy. Enforcing measures against Catholics taking up firearms abroad seems to have been a much more unifying policy.[12] One crucial difference when comparing men heading abroad to be soldiers with the priests, labourers or merchants was the fact that the Protestant Interest was generally united in agreeing that Catholics with a gun were an immediate threat to the political order. This chapter has therefore dedicated itself to examining Irish soldiers abroad both to maintain the focus of the work and also to contrast with the ambiguous relationship between the state and those tasked with enforcing the penal laws affecting Catholic Priests. This was

[8] Ó Ciardha, *Ireland and the Jacobite Cause*, p.222.
[9] McBride, *Eighteenth Century Ireland*, pp. 218-270.
[10] W.B. Brockliss and Patrick Ferté, 'Irish clerics in France in the seventeenth and eighteenth centuries: a statistical survey.' *Proceedings of the Royal Irish academy*, 87, C (1987): 527-72; idem, 'Prosopography of Irish clerics in the universities of Paris and Toulouse, 1573-1792.' *Archivium Hibernicum*, Vol. 58 (2004): 7-166 provides an overview of specific examples.
[11] McBride, *Eighteenth Century Ireland*, p. 223.
[12] McBride, *Eighteenth Century Ireland*, p. 223.

because Irish soldiers abroad were an immediate threat to security, whereas Irish clergy abroad were a threat of a more spiritual nature.

Estimating the total number of those who served abroad with any accuracy is a herculean task. To attempt to get a rough idea of the scale, a brief survey of recorded instances of Irish soldiers abroad who were killed or wounded shows a substantial need for replacements. In 1605 one Irish regiment in Flanders claimed to have suffered 12,000 casualties in the Spanish service, 'mostly at the point of sword.'[13] By the 1650s over 30,000 left Ireland to serve abroad following the Cromwellian conquest. Estimates of the number of Irishmen who had served abroad by eighteenth-century observers varied widely. In 1729 the Irish Jacobite Sir Charles Wogan estimated that 100,000 Irishman had lost their lives in the service of the French crown.[14] He increased this estimate by another 20,000 when writing three years later in a letter to Swift.[15] Another writer claimed it was as high as 450,000, which the historian Richard Hayes took to mean all who had served since records began, with Hayes then arriving at an estimate of 48,000 total Irish deaths in service of France in the period.[16]

In support of the higher end of the estimates are claims that around a 1,000 men were leaving annually to serve in the army of France alone.[17] Irish soldiers abroad were a part of the shift towards permanent standing armies staffed by new recruits and trained by a core cadre of well-trained veterans. Irish soldiers therefore straddled the line between mercenaries and professionals. Murtagh cites the 30,000 who left under Irish confederate officers in 1650s as an example.[18] He has also discussed the regional variation within Ireland in terms of which

[13] Murtagh 'Irish soldiers abroad, 1600-1800', p.295.
[14] Ciardha, *Ireland and the Jacobite Cause*, p. 32
[15] Ciardha, *Ireland and the Jacobite Cause*, p.32.
[16] Richard Hayes, 'Irish casualties in the French Military Service' *Irish Sword*, Vol. I : 198-201.
[17] Cullen, 'The Irish Diaspora of the seventeenth and eighteenth centuries' in Nicholas Canny ed., *Europeans on the move: studies on European migration, 1500-1800* (Oxford: Clarendon Press, 1994), p. 94.
[18] Murtagh, 'Irish Soldiers Abroad , 1600-1800', p. 296.

armies the men ended up serving with.[19] The precedence of Irish soldiers serving under royalists forces dated from the 1630s. Irish regiments formed the fighting core of the English Army, as well as forming a smaller contingent in the Scottish army in 1644-5.[20]

Regardless of the exact number it was a movement of thousands sustained over generations and one that was deeply engrained into the psyche of Protestant Ireland. L.M. Cullen has reconstructed the ships and networks that would have facilitated illicit travel and commerce of the Irish black economy. Cullen details the complexities of outward migration through an examination of such disparate elements as Irish settlement in the Amazon basin, North America, the West Indies, and Europe. He also details a surprisingly robust Protestant membership in the English East India Company facing off against a similarly dynamic Catholic presence in the French East India Company.[21] One component of this overarching project was Cullen's estimate that around a 1000 men a year were leaving for military service abroad. He also estimated that this migration peaked in the 1730s.[22] Cullen also argues that Irish Protestants mistakenly assumed that all the men marching past their window, including those on their way to work the seasonal fisheries in Newfoundland or help bring in the harvest were actually off to serve the Pretender.[23] During periods where foreign invasion fears were growing or rumours of a Jacobite landings were spreading, suspicions could rise.

In attempting to create a chronology of the importance of Irish soldiers to continental militaries, most historians follow the work of Murtagh, who is careful to note the decline of importance of Irish recruits to continental armies by the second half of the Eighteenth century. In 1739 the death penalty was introduced for any Irish Catholic found to have served in a foreign army. In conjunction with penal legislation regarding the discovery of a Catholic with leases or land,

[19] Murtagh, 'Irish Soldiers Abroad , 1600-1800', pp.294-314.
[20] Murtagh, 'Irish Soldiers Abroad , 1600-1800', pp.305-306.
[21] Cullen, 'The Irish Diaspora in the seventeenth and eighteenth century', pp. 113-149.
[22] Cullen, 'The Irish Diaspora in the seventeenth and eighteenth century', pp. 113-149.
[23] Cullen, 'The Irish Diaspora in the seventeenth and eighteenth century', pp. 113-149.

further laws prevented the return of heirs living overseas or contesting land seizures in the courts. Those already abroad were barred from returning, the argument being that this deprived the local Irish Catholics from being unduly influenced by an influx of experienced veterans who would pass their knowledge of tactics and firearms to their religious brethren.[24] An on-going project at Trinity College Dublin is creating a database of 20,000 Irish Soldiers in the French service that will no doubt be of great utility in forming more accurate estimates once it is completed.[25] Spain looms large in any discussion of the Irish abroad, a fact often overlooked with France more often attracting the attention of the historian. However, a long and enduring community of merchants, soldiers and students thrived in the multicultural trade ports and cities of Iberia.[26] Although the exact number of recruits going abroad remains a contentious issue, there is a consensus that they represented a sustained movement.

Equally importance and much harder to establish is what the motivation of these men to go abroad was. Murtagh finds the motivation for leaving to be due to military defeat in Ireland, as well as the legacy of social and economic penalties of the plantation experience.[27]Scholarship surrounding the motives for Catholics serving abroad has largely focussed upon three overlapping reasons, but there is some disagreement at to the exact admixture. Éamonn Ó Ciardha has identified a much more robust desire to regain lost titles, fortune and prestige among Irish Catholics.[28] Catholics streaming past the windows of Protestants were heading off to serve foreign armies, in part motivated by the desire to regain the money, arms and horses

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[24] To Prohibit the Return into this Kingdom of such of his Majesty's Subjects, as now are, or at any time hereafter shall be, in the service of the French king, 29 George II. c. 5. Ireland, The *statutes*, Vol. 7, p. 277.

[25] http://www.tcd.ie/CISS/mmfrance4.php The project is under the auspices of *The Centre for Irish-Scottish and Comparative Studies* and is ongoing and has catalogued 16,000 of 20,000 individuals in the French service. Sadly, it may be another casualty of the death of the Celtic tiger.

[26] M.B. Villar García, 'Irish migration and exiles in Spain: refugees, soldiers, traders and statesmen', in Thomas O'Connor & Mary Ann Lyons eds., *Irish Communities in Early-Modern Europe* (Dublin, Four Courts Press, 2006), pp. 172-199; S. Fannin, 'The Irish community in eighteenth-century Cádiz' in Thomas O'Connor & Mary Ann Lyons eds., *Irish migrants in Europe after Kinsale, 1602-1820* (Dublin, Four Courts Press, 2003), pp. 135-148.

[27] Murtagh 'Irish soldiers abroad, 1600-1800', p. 294.

[28] Ó Ciardha, *Ireland and the Jacobite Cause*, pp.113-183.

lost a generation before. Herman Murtagh went so far as to remark that Irish regiments abroad 'were in a sense the public manifestation of the Jacobite shadowlife of eighteenth-century Catholic Ireland.'[29] Kevin Whelan's 'Underground Gentry' thesis provides another example of how often Irish Catholics are described in shadowy terms.[30]

One of the more convincing arguments is made by S.J. Connolly. He concludes in *Religion, Law and Power* that a young man from a poor society could be equally motivated by lucre as by a deep hearted loyalty to the house of Stuart, while admitting that others may have sought a chance to enact personal vengeance on Protestants.[31] In terms of the political motivations of the Irish going abroad and of the communities they left behind, Éamonn Ó Ciardha's work provides strong evidence of a long standing and sincere attachment to the Jacobite cause.[32] S.J. Connolly's scathing review of Ó Ciardha's *Ireland and the Jacobite cause* is largely centred on the lack of nuance, citing Ó Ciardha's equating of non-jurors with Jacobites and the lack of new material. Connolly never-the-less admits that 'given the wealth of detail he has assembled, historians have no longer any excuse for failing to build into their assessment the attachment of such a large section of the population to the cause of the exiled Stuarts.'[33]

Perhaps Ó Ciardha's most important point is in regards to motivation. In a response to Connolly's acerbic review, Ó Ciardha highlighted the danger of overstating economic motivation, remarking on the less than absolute confessional barrier to service to the British Army, and the legitimate suspicions by British officials of the loyalty of certain recruits within the highland regiments to demonstrate that political motives could override fiscal rewards, and

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[29] Murtagh 'Irish soldiers abroad, 1600-1800', p. 307.
[30] Whelan, 'An Underground Gentry Catholic Middlemen': 7-68.
[31] Connolly, *Religion, Law and Power*, pp. 238-9, 243-4.
[32] Ó Ciardha, *Ireland and the Jacobite Cause*, 1685-1766.
[33] Connolly, review of *Ireland and the Jacobite Cause, 1685-1766: A Fatal Attachment*, (review no. 293a) URL: http://www.history.ac.uk/reviews/review/293a. Date accessed: 3 July, 2012.

that this affected the choice of which army to serve for a martially minded Irishman.[34] Cullen claimed that motivation was a melange made up of a combination of a desire for dynamism, widespread poverty and persistent persecution.[35] As with so many discussions on the motivations of humanity, the truth of the matter is likely a murky, muddled hodgepodge. A Catholic recruit getting a ship to France was motivated as much by a desire for cash, as a sense of loyalty to a lost cause, and perhaps some took the path with a desire to confront Protestants abroad.

On a more visceral level, the gruesome realities of eighteenth-century warfare meant ample opportunities for hot-blooded men willing to take up the gun, and the risky nature of the occupation meant no lack of openings. By 1701 a third of those who left Ireland following the Treaty of Limerick had been killed or wounded in continental conflicts. Despite such a high mortality, this still made it a less risky venture than the mortality rates for a sailor heading to the West Indies or India in the service of the Royal navy. The remaining 20,000 served in Spanish and French service, as well as under Austrian, Dutch, English and German armies. In some cases, they served all of the above in the same conflicts, alternatively deserting and enlisting as pay, provisions and personal relationships altered with the turning of fortune's wheel.[36] Recruits from Ireland were an important source of new bodies to fill out the regiments decimated by disease, battles and retirement. Overseas opportunities attracted Irish men from all confessional backgrounds. The next section will examine how men were recruited to serve in military units and of the response of the authorities tasked to stop them.

[34] http://www.history.ac.uk/reviews/review/293a.
[35] Cullen, 'The Irish diaspora of the seventeenth and eighteenth centurie', pp. 113-149.
[36] Sidney Burrell ed. *Amiable Renegade, The Memoirs of Captain Peter Drake 1671-1753* (Stanford : Stanford University Press, 1960) provides one of the few surviving accounts of what life was like for the common Irish soldier, and is examined in greater detail later on in this chapter. Drake's blunt honesty of deserting for better pay, living conditions or access to female companionship (as well as natural ability to lie through his teeth) facilitated his ability to serve all sides in a conflict.

ii.

Having addressed the importance of recruits and posited their motivation above, the next section examines the actual recruitment of soldiers from Ireland. Men were recruited for continental service by specialists who were tasked with raising conscripts who used existing kin networks and social networks. The interaction of those overseas and the much maligned 'dastard gentry' who remained at home following defeat in the 1690s is hard to fully reconstruct because of the secretive nature of such communication.[37] It is the position of this thesis that Catholic Ireland should be seen as a kind of nesting ground for the 'wild geese'.[38] Not only a place that Irishmen were recruited from, but also the place they aspired to return to. Overseas service to France, Spain or Austria involved recruitment of men from a variety of backgrounds and dispositions. We will therefore briefly examine the background of the men who were recruited. This section then examines contradictory policies from the imperial centre and the administration at Dublin Castle, as well as the evidence of prosecutions of Catholics attempting to go abroad to determine motivation.

Given the financial outlays required for officers, most of the higher ranking men by necessity came from the descendants of landowning families, a world where soldiering offered one method of escaping the mentalité of a reduced class of middleman and substantial farmers, a concept covered in depth by Kevin Whelan's 'Underground Gentry' thesis.[39] Whelan equates land as politics, but leaves room for the survival of a large landless émigré population involved

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[37] J.M. Flood, *The life of Chevalier Charles Wogan: an Irish soldier of fortune* (Dublin: Talbot Press, 1922), p. 138. Cited by Eoin Kinsella in 'In pursuit of a positive construction: Irish Catholics and the Williamite articles of surrender, 1690–1701.' *Eighteenth-Century Ireland /Iris an dá chultúr,* Vol. 24 (2009) as one example of one of the many derogatory labels applied by those who left to fight. Dr Eoin Kinsella (UCD), *The 'dastard gentry' of Ireland: Aspects of Irish Jacobitism during the 1690s.* The paper given at the Tudor and Stuart Ireland Conference, August 31st - September 1st 2012, University College Dublin. http://castroller.com/podcasts/TudorAndStuart/3531878

[38] The term has been applied to those leaving for service in Europe based on an apocryphal report that on the shipping manifests they were sent over on had them labelled as 'Wild geese'.

[39] Whelan, 'An Underground Gentry' Catholic Middlemen': 7-68.

with those back at home in Ireland. In a floral passage directed to the classically educated, Whelan remarks that the 'shadow-lords of eighteenth-century Ireland retained its demotic force by being rooted, Antaues-like, in the land'[40] Furthermore, by refuting J.G. Simms' estimate of a rate of a five percent Catholic land ownership, Whelan provides a much higher estimate of twenty percent by including collusive discovery, charitable trusts registered in Protestant names, and those covered under the Articles of Limerick. These estates supported extensive kin networks in various employments and featured an overwhelmingly Catholic tenancy at very low rents.[41] This process was ongoing throughout the eighteenth century, and Whelan is keen to emphasize that the respect and support of former followers acted as a 'cushioning of the decline' for former gentry. By maintaining these networks, they replicated their traditional status and leadership roles.[42] One aspect that is surprisingly undeveloped is how military service would have been an important aspect of maintaining the status he discusses.

Service overseas provided a martial career and a chance for substantial gains. The prospect of regaining old estates could also serve as a motivation for those unwilling to eke out a living in Ireland on their former lands. The optimism about an eventual reversal of fortune caused consternation for some members of the Protestant community. In 1691, twelve years before becoming Archbishop of Dublin, the recently appointed Bishop of Derry William King wrote at length on the problem of resentful Catholics.

> …they reckon every estate theirs, that either they or their Ancestors had any time in their possession, no matter how many years ago. And by [their] pretended title and Gentility, they have such an influence on the poor tenants of their own Nation and Religion, who live on these lands, that these tenants look [on] them still,

[40] Whelan, 'An Underground Gentry' Catholic Middlemen': 8.
[41] Whelan, 'An Underground Gentry' Catholic Middlemen': 7-13.
[42] Whelan, 'An Underground Gentry' Catholic Middlemen': 13.

> tho[ugh] out of possession of their estates, A kind of landlord; maintain them after a fashion of idleness, and entertain them in their choshering manner.[43]

Perhaps even more revealing is the closing sentence of the passage. Archbishop King adds 'The Vagabonds reckoned themselves great gentleman, and it would be a great disparagement to them to betake themselves any calling, trade or industry.'[44] Though perhaps not to the liking of Archbishop King, there was one calling they did seem to be willing to take up. Military service in foreign armies was one means of securing money in an honourable way. Murtagh highlights the prevalence of surnames associated with the south and west of Ireland in generations of officers who served in France, Spain and Austria: O'Neills and MacDonnells in Spain, Taffee, Lacy and Browne in Austria and dependant territories.[45] The Shees of Limerick served for three generations in French regiments[46]

However much we can trace these lives, the landed gentry were an important minority. At any one time there were perhaps 500 Irish officers serving in European armies. For every officer leaving a family seat with a letter of recommendation and a coat of arms there were substantial numbers of men from further down the social scale seeking their fortunes abroad. Both in terms of sheer numbers and as a means of capturing the wider Catholic Irish experience, it is the men further down the social ladder that provide the most interesting story to tell, and who this chapter is most concerned with recapturing the experience of.[47] The recruitment for those of the rank and file was in many ways similar to that used by the British military. The process began by sending out recruiting officers and men to enlist civilians into the service. However, recruitment officers looking for Catholic recruits operated illegally. Periods of enhanced

[43] William King, *The State of Protestants of Ireland under King James's Government* (London, 1691), p. 32.
[44] King, *The State of Protestants of Ireland*, p. 32.
[45] Murtagh, 'Irish Soldiers Abroad, 1600-1800', p.311.
[46] Richard Hayes, *Biographical Dictionary of Irishmen in France* (Dublin, 1949).
[47] Colm Ó Conaill, ''Ruddy cheeks and strapping thighs': an analysis of the ordinary soldiers in the ranks of the Irish régime nts of eighteenth-century France.' *The Irish Sword*, Vol. 24 (2005): 411-427.

vigilance occurred alongside a general feeling of insecurity among the Protestant population, as was the case in 1708, 1715, and 1744. Both those tasked with enlisting men and those they recruited faced a much higher chance of prosecution by the governing authorities as the officers tasked with enforcing the will of the state mustered their resources together.

Even the lessening of official vigilance against recruitment was no guarantee of success or safety. The granting of licenses for recruitment in Ireland during periods of Anglo-French rapprochement did little to reduce tensions on the ground between local Protestants and Catholic recruiters. This further demonstrates that local concerns and reactions could be very different from the priorities of the imperial centre. Just how divergent the priorities of the local Irish government and London were is highlighted by the repeated periods when Catholics were embodied into regiments for service of British allies. This situation presaged the schism between the rhetoric of the dangers that Catholics under arms presented for local Protestants, with the utility that Irish Catholic soldiers provided to the British Empire.

Taking in the seriousness with which Catholics under arms were treated by the local Irish Protestants, the presence of Catholic Irishmen who were recruited and equipped with firearms by the British state marching through England would seem a farcical Jacobite plot. Even more ridiculous would be that such a group of men could have proceeded to march through the heartland of England not unopposed, but hardly noticed. This exact scenario played itself out in 1708, revealing that the existential threat of armed Catholics held much less potency in England itself.

The excerpt below is quoted in full to demonstrate that Catholic recruitment was taking place in the first decade of the eighteenth century, and that for the imperial heartland did not represent a real threat to the Glorious revolution, and the greatest casualty was the recruiting officer's financial reserves.

> According to your leave your majesties has graciously been pleased to grant for the raising of 300 soldiers of the Roman Catholic religion in Ireland, the underwritten has raised them effectually, and raised them in several drafts, to be transported out of your majesties Kingdom into that of Great Britain which having been performed without any loss, the said levies with their offices had been marched without the least disorder through Great Britain as far as Hardwick Marentree.[48]

In the spring of 1708, having gotten three hundred armed Catholic Irishman to the outskirts of Oxford, Thomas Kennedy related the difficult and expensive experience. He sent two hundred men down the Thames to Tisbury Fort, and kept the remaining hundred men in provisions out of his own pocket while waiting for a convoy to Holland, and from Holland onward to Antwerp. Clearly in the beginning years of the eighteenth century, there was a possibility for armed Catholic Irishman to serve the British state. However, this was a very rare occurrence until the demands for manpower grew in the 1760s and 1770s.

The threat to Irish Protestants was more pronounced. Three years earlier, when questioned about whether such recruiting was possible, Chancellor Richard Cox wrote to his friend Southwell that 'There is no doubt but able Papists enough [that] may be had, but sure tis of a dangerous consequence to do so.'[49] Obviously not so dangerous as to preclude at least some instances of this recruitment. However, large scale Catholic recruitment did not take place until

[48] Thomas Kennedy, *Memorial to her Majesty*, 4 July 1708. BL Add. MS 61638, f. 88.
[49] Cox to Southwell, 21 February 1705. BL Add. MS 38153, f. 162.

the 1770s, despite the obvious advantages of doing so. For Irish Catholics who were either unable or unwilling to serve the British state but still desiring a career wielding a gun an alternative service was possible.

One of the most dangerous steps in getting overseas was getting passage aboard a ship to be taken to the continent. The Protestant state relied in part on the revenue service to police Ireland's extensive coastline. Revenue officers reported men lurking in their ridings either actively seeking passage overseas or reported the seizures of men attempting to do so by local magistrates. The revenue officers also served as a natural network for intelligence from overseas, as one revenue officer received an account from a shipmaster that he had seen 117 Irishmen landed from two Dublin ships in France, alongside reports of the seizure of barrels of gunpowder from a ship in Cork.[50]

The Revenue was also responsible for preventing ships intending to take Irishmen overseas from rendezvousing with waiting recruits, and on occasion seized ships that were commissioned by the Pretender to bring over recruits.[51] In 1720-1, a renewed fear about the number of Irishmen seeking service overseas occurred alongside worries that they were seeking service with France or the Pretender despite the claim that they were going to serve Spain.[52] An example that illustrated just how proactive Irishmen could be to serve abroad is provided in a letter from 1721 that is detailed in the report of Robert Connor and John Dymond. The letter's contents described 'several persons near Skellicks' who 'had a design to seize a vessel riding thereabouts, in order to transport themselves to Spain.'[53] The men were camping in a

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[50] *Rev. commrs min bk*., 4 March 1714, 10 March 1713, 26 May 1714, 6 July 1714, TNA CUST 1/11, ff. 272, 275-6, 309, 321.

[51] *Rev. commrs min bk*., 12 July 1714, TNA CUST 1/11 f. 323. The 'Anne of Seahabour' was found to be commissioned to take men to serve the Pretender.

[52] *Rev. commrs min bk*., 2 September 1720, 8 October 1720, 10 March 1720, 31 March 1721, TNA CUST 1/15, ff. 18, 30, 80, 123.

[53] *Rev. commrs min bk*., 2 September 1720, TNA CUST 1/15, f. 18.

riverbank, apparently waiting for a passing ship to seize. Despite being forewarned, Robert Connor wrote a letter in October to report that the men had successfully seized a ship off the coast of Co. Kerry to transport them to Spain.[54] Other accounts filtered in of ships lying in creeks and ships seen off the coast picking up men in open boats, and of the successful capture and prosecution of men trying to enlist, often with Revenue officers as witnesses.

We now examine a specific court case to uncover the motivation of some of these men. It also reveals the defences given by those accused of the crime. An intriguing description of a trial against men seized on the suspicion of enlisting in foreign service can be found in the papers of Sir Charles Spencer, 3rd Earl of Sunderland and briefly Lord Lieutenant of Ireland (1714-1717). The collected papers provide a description of an on-going trial in the summer of 1714 of a large party of men accused of entering the Pretender's service. This incident had coincided with Earl Spencer's appointment to the position of Lord Lieutenant. Spencer was faced with attempting to expedite the creaking gears of the of the Irish justice system, which were slow moving at the best of times. Irish judicial functionality had screeched to a complete halt during the controversy of magistrates and judge appointments that had galvanized Irish opinion from 1709-1714. Immediately succeeding that debacle was a growing backlog of court cases. The translation into French of the trial further indicated that the repercussions were already reverberating well outside Ireland itself. Obviously, the intended audience for the trial was further afield than just the Irish Privy Council.[55]

The case itself provides evidence of who was entering into service of the Pretender, and the motivation for doing so. It is important to emphasize that each of the men discussed below were under sentence of death for aiding the designs of the Pretender. Francis Callaghan, John

[54] *Rev. commrs min bk.*, 8 October 1720, TNA CUST 1/15, f. 30.

[55] BL Add. MS. 61645, f. 89. The translation is in a different hand but the contents are an exact translation.

Mullally and John Reyly were thought to be recruiters. John was in particular danger, having already been charged for the same offence in the past.[56] Of the remaining suspects, six of the men were from two families with three men of the surname Dillon and three of the surname Casey. Butler, Byrne, Cassady, Cavanagh, Cormick, Doway, Eustace, Killmons, Hurley Loughlin, and Skilly are a genealogical matrix of Gaelic Irish surnames.[57]

Perhaps the most intriguing detail revealed in the record is that two of the men were not practicing Catholics. Patrick Archbold and Timothy Rogers both specified they were Protestants. In Patrick's case, he testified that he had lately served in the late Queen Anne's service, and been in the army for several years. Timothy Rogers testified that he was a veteran of the Queen's service in Spain, and had wanted to enlist in a local regiment, but they were not requiring men.[58] The presence of Irish Protestant military veterans joining regiments either in the French or Jacobite service raises some interesting questions, as it demonstrates that both Irish Catholics and Irish Protestants denied the ability to gain employment with a gun locally were being recruited together to serve abroad. This would support arguments for Ireland following larger European patterns where the movement of men between armies took place regardless of religious affiliation. Remembering the Catholic Irishmen marching under arms through the English countryside discussed earlier, it may be imagined that on a battlefield in Western Europe, a Protestant Irishman serving under a Catholic King may have fought an Irish Catholic bearing arms in defence of the Protestant succession of the British throne. Despite attempts to legislate a clear cut world of a monopoly of the gun for loyal Protestants, the need for able bodied men for European battlefields outstripped arguments of legitimacy outside Ireland.

[56] BL Add. MS. 61635 (d) f. 85.
[57] BL Add. MS. 61635 (d) f. 85-88.
[58] BL Add. MS. 61635 (d) f. 85

The other men offered different testimony to defend their presence in a port town near waiting ships anchored specifically to offer illicit passage to France. John Hurley swore he was going to see a relation in Lorraine who employed with the guards there, and not enlisting himself. Edward Dillon claimed he would not go into the Pretender's service if he could go to his relatives in France.[59] It must be taken into consideration that these explanations could have been invented to avoid execution or transportation. However, even if they were not being entirely honest, it still provides examples of the reasons men provided when arrested for illegally seeking transport overseas. For those who were suspected of being recruited into the foreign service it provides what they believed were plausible excuses. Some of the accused men professed purely financial or gastronomic motivation. These men claimed they were offered diverse sums of money and were promised meat and drink.

Getting to the coast was no small matter. The men were marched 'in arms towards the sea to be transported in parts beyond the seas.'[60] This was a flagrant disregard for the penal statutes regarding the possession of firearms by Catholics and a clear demonstration of the weakness of state authority in areas of the Irish countryside. The men were given 'clothes, arms and pay'[61] and then dispersed into separate bodies, sent to a place 5 miles from Dublin to a place called Howth hill. From there they were to be ferried onto waiting ships of the coast.[62] In terms of remuneration, they were promised £5 for enlisting, and a wage of 8 or 9 pence a day per man when they got into France.[63] This level of remuneration was comparable to those 'taking the King's shilling' in the British service. In 1714, Thomas Purcell said he had decided to go

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[59] Privy Council to the Lord Lieutenant Sunderland, BL Add. MS. 61635 (d) f. 86-88.
[60] Privy Council to the Lord Lieutenant Sunderland, BL Add. MS. 61635 (d) f. 85.
[61] Privy Council to the Lord Lieutenant Sunderland, BL Add. MS. 61635 (d) f. 85.
[62] Howth Hill is located roughly nine miles north-east of Dublin and at the time was a relatively isolated fishing village and fishing harbour known for smuggling.
[63] This is comparable to the pay received in British régime nts, although actual pay varied greatly according to location and the finances of the country one was serving.

into foreign service because he was reduced to near nakedness by poverty. He claimed he had lost all of his 'wearing clothes and linens.'[64]

Another former soldier named Anthony Dillon took an oath from an officer named John Reilly who had made promises that they would be heading to Lorraine to serve James III. The trip was promised to be a short one, with a swift return under the leadership of the Pretender or the Duke of Benwick.[65] The further boons of being reviewed by the queen Dowager and a gold coin each provided further incentives.[66] As to how many of the promises would have actually been kept is unknown. However, it does help us recover what motivated men from further down the social scale than those leaving Ireland with a letter of introduction or having a relative serving as an officer in a regiment.

To finalize the recruitment, the men were made to swear oaths of secrecy. Evidence was put forward that Callaghan, one of the purported recruiting men, was looked upon as an officer. He was reported to have 'kept a list of those who had signed up, and held some command over the party, sold some of his own clothes to entertain the men.'[67]

Obviously, recruiting in Ireland was a dangerous and expensive task for those sent to seek recruits, especially when getting the men to waiting ships. Most work on recruitment rightly focuses on the southern coast of Ireland. However, it is increasingly clear that even at the centre of state authority in Ireland ships lay in wait to take armed Irishmen to serve in a foreign army. What became of these men is not clear. The papers do not indicate whether the men were granted clemency or if the men were executed.

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[64] TNA SP 63/370/86, 'The examination of Thomas Prucell', 16 May 1714.
[65] TNA SP 63/370/86, 'The examination of Thomas Prucell', 16 May 1714.
[66] Ó Ciardha, *Ireland and the Jacobite Cause*, p. 142.
[67] BL Add. MS. 61645 (d), f. 88.

However, an existing letter to the Earl does indicate that some of the men were to be 'transported to the West Indies, others to be pardoned.'[68] It is unclear how many were sent to the plantations, which given the conditions was a kind of death sentence in and of itself. What can be recovered is how long they were left waiting for any kind of sentence. The gaol was overcrowded with men detained and awaiting trial for attempting to enlist. The passage below details why they faced the deteriorating conditions.

> 20 still in prison on the same account, which should have been tried last term, but the number of malefactors was too great by the stop put to publick justice for a year before, occasioned by the want of sheriffs in the city of Dublin, that it was impossible for the Court to go through so many trials in one term. We further acquaint your excellency that we cannot hope that they will be tryed next term, not only on the account of the great multitude of criminals and the causes depending in the Kings bench, but also for want of a full bench.[69]

Further on in the correspondence the council asked whether the prisoners should continue to be held, which meant a second year held without trial for some of the men, or alternatively, charged on the King's Bench.

A reply was sent two months later, indicating that the Earl of Sunderland recommended they be tried for 'being in the Pretenders service.'[70] The threat of a landing by the Pretender in the following months and the insecurity of having men loyal to an enemy in Ireland led the Lord Lieutenant to send regiments south to secure Ireland from 'either the inhabitants or others, in favour of the Pretender'[71]

[68] BL Add. MS. 61645 (d), f. 109.
[69] Privy Council to the Lord Lieutenant Sunderland, 15 January 1715, BL Add. MS 61645, f. 110.
[70] Privy Council to the Lord Lieutenant Sunderland., 15 March 1715, BL Add. MS 61645, f. 115.
[71] Privy Council to the Lord Lieutenant Sunderland, 30 July 1715, BL Add. MS 61645, f.127.

Despite the risks, Irishmen were willing to take the risk to serve abroad. Death was a real possibility. The historical record indicates that in the case of overseas service clemency was not as common as for lesser crimes. The State Papers record three men executed for enlisting on the 27 of July 1714.[72] A further 36 were found guilty of enlisting in June that same year.[73] Éamonn Ó Ciardha cautiously links at least some of these men to the twenty one men executed in one day in July of 1714.[74]

iii.

Protestant insecurity at the presence of so many Catholic Irishmen seeking training in arms or marching on towards ports with them was pronounced. Existing laws were deemed an insufficient deterrent and this led to a concerted effort to improve the legal apparatus to prosecute such an affront. In this section, we examine failed attempts to improve the quality of men who would serve as magistrates, as well as examine laws passed to combat banditry following the treaty of Limerick. The concurrent attempts at legislating a less violent society went hand in hand with issues of security surrounding Catholics abroad. The lack of an effective magistracy led to a reliance on the military and the revenue to enforce laws in a pattern divergent from that experienced in England itself.

In first 70 years of the eighteenth century there was a sustained attempt to reform the qualifications of the men tasked with enforcing the penal laws. Attempts to legislate against the problem of the recruitment of Catholics and Jacobites for service overseas and dealing with issues of domestic disorder were more successful than attempts at creating a more professional magistracy. The breakdown of law and order was partially

[72] TNA SP 63/370, ff. 63, 370, 44.

[73] TNA SP 63/370 f. 22.

[74] Breandán Ó Buachalla, *Aisling Ghear* (An Clóchomhar: 1996); BL Add. MS 47027, f. 22, cited by Ó Ciardha, *Ireland and the Jacobite Cause,* p.143.

blamed on a shortage of people qualified or able enough to maintain the healthy spread of the capillaries of law and order emanating from Dublin.[75]

The first attempt to regulate minimal qualification outside of being an adherent of the Protestant faith was in 1703. The proposal 'For declaring the qualifications of persons to be put into the commission of the peace, and for being sheriffs' was rejected by the Privy Council. 2 years later, 'Declaring the qualifications of persons to be put into the commission of the peace and for being made sheriffs' was also rejected, though surviving evidence does not indicate on what grounds. The issue of wanting to enforce further requirements was recurrent enough that it warranted the proposal of additional bills. In 1707, 'For the better regulation of justices of the peace' passed the Irish Privy council, and was reviewed in England, but was rejected at this stage. This lack of success seems to have been as a result of lobbying by existing Irish magistrates arguing against minimal qualifications.[76] The bill was rejected because of recommendations in a report by the Solicitor General, in part influenced by evidence sent in by the affected magistrates.[77] The master of the Chancellery bluntly stated that in regards to the bill that it was 'neither necessary nor proper to agree with it.'[78]

This commentary did not deter Irish legislators from attempting the same again. In 1711, 'For qualifying persons to be justices of the peace in this kingdom' was again rejected by Privy Council. 12 years later the 'better qualifying persons to be justices of the peace' was rejected in 1723. A decade later in 1733 'For better qualifying persons to be justices

[75] D.W. Hayton, *Ruling Ireland, 1685-1742: Politics, Politicians and Parties* (Woodbridge: The Boydell Press, 2004) provides a collection of essays addressing the innovations at governance in Ireland during the 1680s and 1690s.
[76] TNA PC 1/2/60 Reports of the English Privy Council: *Report of the Attorney and Solicitor General on several bills transmitted from Ireland*. For a copy of the wording of the Law see George Dodington to [Sunderland], 14 Aug. 1707, BL Add. MS. 61633, f. 190.
[77] TNA PC 2/81, 15 September, 1707, f. 453.
[78] BL Add MS 61638, f. 177.

of the peace' was again tossed out even before reaching the Privy Council. Concerns about religious qualifications were a different matter, and swiftly were dealt with in other bills, as was the case when Catholic converts to Protestantism were barred from being magistrates in separate penal laws.[79]

In 1759 'For the qualification of justices of the peace, and to empower his majesty to appoint justices of the peace in cities and towns which are counties of themselves' and later retitled to the shorter 'Relative to the Justices of the peace' once again languished in the lower house. The insertion of a clause regarding property qualifications for magistrates likely caused the failure of the bill on the grounds it would reduce the pool of those qualified to serve.[80] The persistence on the part of legislators to strengthen the entry requirements was met with equal stamina by the efforts to rejects them on the part of the government at various stages of the Irish legislative process. In 1766 'For fixing a qualification for the office of a justice of the peace in this kingdom' was rejected at the Privy Council stage.

Following a long hiatus during the last thirty years of the eighteenth century, in 1800 'For ascertaining the proper qualifications of sheriffs and for magistrates in the kingdom of Ireland' was about to be ratified into law concurrent with the Act of Union which made law-making by the Irish parliament obsolescent. In total 11 attempts were made throughout the eighteenth century to address perceived deficiencies in the quality of those who could became Irish magistrates. The failure to pass minimal qualifications provides some ammunition to the critique that there was a lack of suitable candidates in comparison to England. The deficiency in the professional magistrates that were

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[79] Maureen Wall, *The Penal laws, 1691-1760: Church and State from the Treaty of Limerick to the Accession of George I* (Dundalk: W. Tempest, 1961), pp. 11-12.
[80] *C.J.I.*, (2nd Series), xi, pp. 478, 482, 501, 508, and 518.

increasingly the norm in England resulted in a further reliance in Ireland upon other means to maintain law and order. Ireland faced another challenge to the maintenance of law and order through the late survival of banditry.

Following the end of the Williamite War, large scale operations to supress remaining armed groups of Catholics took place from 1692-1696. In the year 1700 William Montgomery said that the two types of robbers could be classified based on their primary means of transport. If they were on foot, they were Tories, if they were mounted they were Rapparees.[81] What Connolly describes as a vigorous campaign supported by soldiers had cleared Eastern Ireland of these openly armed groups, which had reportedly been able to assemble in groups of up to thirty to engage in robbery, humiliation and in some cases murder.[82]

Cork and Kerry saw Tory violence in 1702-1704, 1707, and 1711. In the North, Ulster experienced prolonged unrest until the 1720s. Historians provide different narratives as to the motivations for the armed groups that survived the end of the Williamite war in Ireland. Éamonn Ó Ciardha sees the Tories and Rapparees as having a political motivation to the Stuart cause, a position criticised by S.J. Connolly. This positon was founded on earlier arguments he developed in *Religion, Law and Power*.[83] Connolly sees the Tories and Rapparees as being primarily motivated by profit over politics, and cites their attacks on both Catholics and Protestants.[84] Connolly is also careful to place the Irish experience within a narrative of European norms, citing Corsica and southern Italy as other areas where banditry remained a problem outside of the context of conquest and

[81] Rev. George Hill ed, *The Montgomery Manuscript: 1603-1706. Compiled from family papers by W. Montgomery* (Belfast, 1867), p. 357.
[82] Connolly, *Religion, Law and Power*, p. 204.
[83] Ciardha*, Ireland and the Jacobite Cause*, 1685-1766, pp. 93-115, 373.
[84] Connolly, *Religion, Law and Power,* pp. 203-209.

conflict. Iar Connaught and the Armagh plateau are cited alongside the cattle raiding culture of the Scottish Highlands and the smugglers of the Sussex downs.[85] His overall conclusion is that Ireland, although relying on a ramshackle system of law and order and areas where rule of law was not enforced or popularly supported, was not a society held down by force. Connolly is entirely correct, but I think he underplays not only the violence underlying the interaction between the governing state and the wider society when this system of law broke down, but Connolly also leaves unaddressed the issue that what law was enforceable was predicated on a largely disarmed society. When the delicate peace broke down, the Protestant state was reliant on the use of military or paramilitary force to supplement a stillborn magistracy. We now look at the body of legislation attempting to address the problem of armed banditry following the Treaty of Limerick.

Eleven bills adding to or modifying the penalties on Tories and Rapparees took place in the first thirty years after 1691. The initial law was passed in 1695, entitled 'For the better suppressing of Tories, robbers and Rapparees, and for preventing robberies, burglaries and other heinous crimes.'[86] Two years later 'To supply the defects and for the better execution of an act passed in this present session of parliament entitled an act for the better suppressing of Tories, robbers and Rapparees, and for the preventing robberies and burglaries and other heinous crimes' added to the legislation.[87] 1698 saw another attempted amendment of the bill fail, but the law's usefulness was deemed important enough for it to be extended in 1703.[88] Further clauses and attempts to extend the reach of the law took place in 1703, 1705, and 1707. Only one of which, 'For explaining and

[85] Connolly, *Religion, Law and Power,* p. 216-217.
[86] 7 William III c.21 [1695], Ireland, *The statutes*, Vol. 3, p. 321.
[87] 9 William III c.9 [1697], Ireland, *The Statutes*, Vol. 3, p. 396.
[88] 2 Anne c.13 [1703], Ireland, *The Statutes*, Vol. 4, p. 48.

amending two several acts against Tories, robbers and Rapparees' was successful.[89] The resurgence of agrarian unrest in 1711 under the outbreak of the Houghers led to the augmentation of existing laws with the passage of 'For amending two several acts against Tories, robbers and Rapparees in 1713'. The state increasingly relied on the transportation of offenders in the second decade of the eighteenth century. The codification of penalties in 1719 with 'For the better and more effectual apprehending and transporting of felons and others, and for continuing and amending several laws made in this kingdom for suppressing Tories, robbers and Rapparees.' secured transportation as a viable means of exiling offenders.[90] In 1721, the mutual threats presented by Catholics seeking service overseas or wielding firearms through banditry at home were combined into one piece of legislation, entitled 'For amending an act, entitled, for the better and more effectual apprehending and transporting felons and others, and for continuing and amending several laws for suppressing Tories, robbers, and Rapparees , and also to prevent the enlisting of his majesty's subjects to serve as soldiers in foreign service, without his majesty's licence.'[91]

The success of passing laws targeting armed Catholics relied on magistrates enforcing them. When they lacked the ability to operate alone, they called on the assistance of local armed Protestants or the garrisoned soldiers of the British state. The lack of successful bills regulating qualifications and recurring criticisms towards a lack of commitment to enforcement in cases of other crimes makes for a complex environment to gauge Protestant confidence in the ability of laws to be enforced. We now examine specific

[89] 6 Anne c.11 [1707]. Ireland, *The Statutes*, Vol. 4, p. 144. For commentary see George Dodington to [Sunderland], 14 Aug. 1707, BL Add. MS 61633, f. 190.
[90] 6 George I c.12 [1719] Ireland, *The Statutes*, Vol. 4, p. 537.
[91] 8 George I c.9 [1721]. Ireland, *The Statutes*, Vol. 5, p. 46.

examples of how some Protestants viewed the non-enforcement of the laws and the detrimental effect on Protestant security such a state of affairs would create.

A failure to enforce laws made one contemporary commentator remark on a dangerous pattern of Irish rebellions. 'History tells that a great body of Tories in arms went before the body of the Irish appeared in open rebellion, in time a knot of robbers became an army of rebels which would be prevented for the future by this excellent law.'[92] The commentator also described how the law lost legitimacy when people did not properly enforce it or give proper presentments. Even when the law was clearly worded, there was the danger that criminals could appeal to a higher authority to avoid prosecution. We examine one such incident below.

In Kinsdale in the spring of 1708 a Spanish Bishop stepped onto the quay at Cork. Reports started to circulate that he was trying to ordain a priest, and so a local magistrate quickly responded. However, things quickly were reduced to farce when not only could the Spaniard not be found for three days, but was later discovered to have been staying in a known address.[93] Once he was 'captured' he produced a pass written in Spanish, which the beleaguered magistrate could not read. The Bishop, disgraced at his treatment promised to inform Queen Anne directly of his treatment.[94] The magistrate had attempted to enforce the law and now was fearful that he would face royal censure. The lack of effectiveness of law enforcement using existing laws was placed firmly at the door of Lord Chancellor Constantine Phipps. The author went on to state that it was down to 'not being able to find not one proclamation of any kind in that time either in the council books at y[ea] King's Printers.'[95], showing that at least one outspoken member of the

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[92] 20 Sep 1712, Lord Chancellor to Edward Loyde, BL Add MS. 61636 (d), f. 149.
[93] Pepper to ________, spring 1708/9, BL Add MS 61638, f. 105.
[94] BL Add MS 61638, f. 105.
[95] BL Add MS. 61636 (d), f. 151.

Protestant community was optimistic enough to declare that printing and displaying a law would assist in the enforcement of it. To add to the problems of enforcement, neither badly worded laws or a deficiency of skill in romance languages could compare to the more serious problem of corporeal violence, as the incidents listed earlier demonstrate. The revenue officers seem to have been a much more professional and effective means of enforcing law and order in areas where state authority was weakest.

Existing legislation facing Irishmen attempting to serve overseas were chiefly concerned with those serving the Pretender, and were not as concerned with those in service to the shifting alliances with Catholic powers that Britain found itself a part of. The first of these was entitled 'To hinder the reversal of several outlawries and attainders, and to prevent the return of subjects of this kingdom who have gone into the dominions of the French king in Europe.'[96] Attempts were made in 1715 to pass an Act entitled 'To prevent his majesty's subjects listing themselves in foreign service' but this was laid aside as unnecessary.

> There being an act passed in Great Britain in the 12 [sic] year of her late majesty in which Ireland is named. And therefore an exemplification of the said act under the great seal of Great Britain to be transmitted hither will be sufficient.[97]

The fact that it was not being enforced did not seem to warrant a mention. Seven years later and as part of a series of changes to existing laws resulted in an Act entitled 'For amending an act, entitled, for the better and more effectual apprehending and transporting felons and others, and for continuing and amending several laws for suppressing Tories, robbers, and rapparrees, and also to prevent the enlisting of his majesty's subjects to serve

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[96] 9 William c.5, Ireland, The *Statutes*, Vol. 3, p. 358.
[97] TNA PC 2/85, 14 Sept., f. 282, referring to Queen Anne.

as soldiers in foreign service, without his majesty's licence' was successfully passed into law.[98]

In 1738, once again the act was strengthened with the addition of 'For the more effectual preventing the enlisting of his majesty's subjects to serve as soldiers in foreign service without his majesty's licence.'[99] Even fifty years after the first law passed restricting their return those trying to go home were being deemed a great enough threat to bring about a new prohibition entitled 'To prohibit the return into this kingdom of such of his majesty's subjects, as now are, or at any time hereafter shall be, in the service of the French king.'[100]

Not everyone saw Catholics trained in the use of firearms abroad as dangerous enough to warrant so many restrictions on their return. Some Irish Protestants saw the recruitment of the young, ambitious and pugnacious men as a necessary evil, acting as a less bloody form of the Spartan Krypteia.[101] Protestants were not unanimously opposed to this recruitment as it served to remove the potentially dangerous elements among the Gaelic peasantry. The actual destination of the men who chose to enlist likewise was a topic of debate, with several members of the Privy Council in 1715 of the opinion that the recruiting agents were falsely claiming to recruits that they would enter into the service of the Pretender when in actuality they were taking the men into the service of the King of France.[102] This argument should be balanced against a persistent fear of being outnumbered on the ground by a hostile and tenacious people. Writing from Dublin in 1705, the Earl of Warton pontificated on the issue in an address to Irish citizens printed in the *London Gazette*.

[98] 8 George I c.9 18 Jan 1722.
[99] 11 George II c.7 23 Mar 1738.
[100] 29 George II c.5 8 May 1756.
[101] Plutarch, *Life of Lycurgus*, 28, 3–7.
[102] William King to Annesley, 27 April 1714, Trinity College Dublin., MS 2532, f. 271. I would like to personally thank Macdara Dwyer for providing the reference.

> Inequality there is, in respect to the numbers, between the Protestants and Papist in this Kingdom, and of the Melancholy experience you have had of the good nature of these sort of men, you have had, whenever they had had the power to distress and destroy you.[103]

Returning Irishmen trained in arms would be greeted by Catholics who had so recently forced the Protestants to 'with aberrance call to mind satisfaction which to visibly appear'd in the faces, and by the insolent behaviour of the generality of them, when the late attempt was made by the pretender on the North part of Britain.'[104] Richard Cox wrote to a friend in England and remarked that 'the Irish really do expect an invasion, though I believe tis is what their Priests conjole them with, rather than that there is anything to the matter.'[105] In light of the differing options of the threat of recruitment, the next section make some remarks on the motivation for return by examining the experiences of those who came back to Ireland, both legally and illegally after soldiering abroad.

iv.

Major Michael Shauley, Aid-De-Camp to the late Prince of Hesse Darmstadt, returned to Ireland in 1709 after a military career abroad. His case provides some insight into the reason an Irishman would wish to return home. He had served for twenty four years, and claimed to have received thirty six wounds in the King's service.[106] His conversion to the Church of England, along with his family and other Catholic gentleman had been rewarded with £50 and the promise of either military or civil employment. Foreign

[103] *The London Gazette,* 5 May 1709; BL Add MS 61638, f. 115.
[104]16 Aug 1709, Earl of Sunderland to Queen's Council, BL Add MS 61638, f. 116.
[105] Richard Cox to Robert Southwell, 25 September 1705, Add MS 38153, f. 102.
[106] 16 Aug 1707,The Case of Major Michael Shanley, Aid-de-Camp to the late Prince of Hesse Darmstadt., BL Add MS 61638, f. 119.

military service did not disbar an individual from returning to Ireland permanently, as long as they were willing to conform to the established church. In addition, his age and state of health could also have been factors in granting him clemency.

Men like Michael were a minority however. Lord Chancellor Richard Cox wrote to a good friend one chill evening in the fall about the issue of old soldiers seeking to return to their place of birth, but also was careful to state that too many men from abroad would change his view on the matter.

> It may not be of any consequence that a few silly old fellows may be suffered to eat Potatoes & spend their money in their native country but indeed if a number were considerable it might be otherwise but this is no more than the fourth or fifth that had licenses in my time.[107]

In the case of Richard Aylmer, the old man who Cox had speculated wanted to eat potatoes, the dotage was long indeed. Aylmer seems to have lived to be 105. While this example of a methuselah like constitution was not typical of returning soldiers, it does have implications for understanding what constituted living memory. The fluidity of individual lived experience, of these separate experiences of exile and of return, meant that reminders of the defeats of the seventeenth century endured into at least the middle of the eighteenth century. The old men living in the communities who had experienced the life-defining events of a previous generation served as a conduit of past glories and experiences.

A new generation of young men were coming of age and taking the example of their elders. Keane Mahoni and Richard Mac Keadagh Donavan provide two such cases. Both men were found in Ireland carrying firearms when they were apprehended buying goods

[107] Richard Cox to Robert Southwell, 25 September 1705, BL Add MS 38153, f. 102.

from a French privateer. It was further claimed they had had been 'offering French commissions to some persons of the country declaring her Majesty the Queen Anne had no right to the Crown of England'[108] The testimony revealed that the men had 'received eminent men and conveyed them out of the country, where it is thought by some neighbours one of them was the Pretender'[109] A more plausible explanation was the claim that there was an agent who had been operating for four months before being taken out of the country in a French vessel. It was further claimed that this was done with the assistance of local Catholic elites. The account was a written record of John Condone and his brother's testimony to local justices during their trial proceeding. A warning at the end of the letter reveals fear about the porous nature of the coastline when officials of the state failed to act on the information. 'You all will find as strong a French faction as ever was in the nation.'[110]

Sustained contact between Ireland and continental Europe provided opportunities for smuggling and illicit transportation of people and ideas. In the testimony given above, rumour and fact convened together. The evidence that clandestine networks existed is not contested, although the level of knowledge and acceptance of the wider Catholic community must have varied.

Richard Cox was a prominent member of the Irish court. His advice to contemporary policy makers provides some view of the official response towards those attempting to enter service overseas. In his letters to Robert Southwell in the spring of 1704, he explained that when dealing with overseas recruits 'the law ought to take its course unless you have a very good reason to the contrary'.[111] In another letter written that same month,

[108] Copy of a letter from John Condone to William Hull Esq. 1 January 1709/10, BL Add MS 61638, f. 189.
[109] John Condone to William Hull Esq. 1 January 1709/10, BL Add MS 61638, f. 189.
[110] John Condone to William Hull Esq. 1 January 1709/10BL Add MS 61638, f. 189.
[111] Richard Cox to Robert Southwell, 15 April 1704, BL Add MS 38153, f. 4.

Cox explained that granting leniency to a large number of captured men caught on their way to enlisting overseas would set a very dangerous precedence. Referencing the large number of men in the gaols caught for attempting to enlist overseas, Cox was of the opinion that the men should receive the death sentence. Cox wrote ‘As to the Trim prisoners the whole country will mutiny if they are not executed’[112] Cox was careful to defer to the right of the English appointed official to make the final decision, but was clear to emphasize that if the Lord Lieutenant did not want them to proceed with a verdict of execution, they would have to prepare for ‘mutiny’. By the beginning of May, the execution date had been set.

> Our Trim prisoners will be executed 27 May, and I think he best let them go, for the judges of the country are satisfied they are guilty, and when I say country, I mean those who are clamouring for justice, (as they call it) in the execution of these roughs as they say.[113]

Despite repeated recommendations by local Protestants that the men be killed, Richard Cox finally reported that ‘the Prisoners must be transported since he ordered it so’ in reference to the Lord Lieutenant’s final decision. This removed the men from the local gaols, and served a useful purpose in bolstering the imperial presence abroad. It was a pragmatic decision that benefited the Empire as a whole, at the expense of angering local settlers. This exchange of letters gives us not only a reminder of the dangers for those attempting to bear arms overseas, which ranged from punishments such as the transportation to the Caribbean or the American colonies or even execution, it also

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[112] Richard Cox to Robert Southwell., 29 April 1704, B.L Add MS 38153, f. 44.
[113] Richard Cox to Robert Southwell., 4 May 1704, B.L Add MS 38153, f. 50.

demonstrates the difficulties in navigating the law in a way that would prevent local Protestant outrage as well as deter men from going abroad seeking military service.

Our final example looks to an individual account of the experience of being one of the wild geese. By looking to an individual experience, we can hope to recapture what motivated men to go abroad as well as return in a more personal way. The chief source for this section is the autobiography of Peter Drake, described by one commentator as being 'A handsome, garrulous Irish soldier, swordsman, gambler, and small time Casanova'[114] whose lament heralded the beginning of this chapter. 'Had I known the reception I was to meet at Cork, I should have sooner attempted any part of the globe but my native country'.[115] The autobiography of an old rake in his eighty second year was entirely too honest for his family, who attempted to buy and burn all copies of his memoirs on the day of the printing. It is the fortune of the historian trying to recover the experience of being a solider abroad in the eighteenth century that they were not entirely successful.

Although the biography highlights the entirely of his soldiering and gambling career, this work examines his experience on returning to Ireland after serving abroad. He interacted with different elements of society, and used his social capital to travel extensively with very little money. Drake foreshadowed the dangers of returning to a calmer life after a period soldiering and gambling throughout Western Europe, remarking that, 'I soon had reason to reflect that it is not always to a person's advantage to be in good company; and, in a few Months after, that Bad company proves sometimes more advantage, as shall be seen by the sequel of this story.'[116]

[114] Burrell ed. *Amiable Renegade*, p. xi.
[115] Drake, *The memoirs of Capt. Peter Drake*, p. 12.
[116] Drake, *The memoirs of Capt. Peter Drake*, p. 12.

Drake's experience provided an intersection of the several themes discussed in this chapter. Drake had absconded from a French regiment he was serving in and taken a ship to Ireland in 1699 only to be captured when the ship landed in Cork. However, it was not his status of being a soldier that caused suspicion, but rather that he, like his fellow passengers, was a Friar attempting to illegally enter Ireland.[117] Drake was fortunate that he was suspected of being a friar rather than a returning soldier as a fellow passenger named Captain Barrett was sentenced to death for returning from France without the King's permission alongside rumours of being a known Jacobite.

Drake languished in prison, where he fabricated a backstory to convince a local publican's daughter to feed him and bring him ale with the help of a bribed gaol official. Drake eventually had the good fortune to meet a local career criminal recently locked up for cow stealing.[118] The disreputable Arthur Kise 'knew very well (being an old offender) how to evade the punishment due to his crimes.'[119] Kise's wife smuggled in a saw, and the two men soon were free of their chains. They knocked over the guard and fled into the night, Powers avoiding being shot by a musket on his way out of town.

What happened afterwards provides one of the only full surviving accounts of the kind of network of strangers, friends and family throughout Ireland that a man on the run could rely on. Drake fled into the countywide and came to an isolated farm house. 'Arriving at the place, I listened at the door, and hearing them speaking Irish, I knocked.'[120] The woman recognized Drake from his childhood, and woke her husband. After some refreshing milk, Drake was directed to the next village, and provided with a name and a

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[117] 'Friars' here denotes members of any one of a number of Catholic religious organizations. The text is not clear as to which order the men belonged to.
[118] Drake, *The memoirs of Capt. Peter Drake*, p. 19.
[119] Drake, *The memoirs of Capt. Peter Drake*, p. 19.
[120] Drake, *The memoirs of Capt. Peter Drake*, p. 21.

description of the next dwelling he could seek refuge in. At the next house, he was given more milk and potatoes and a straw bed for the night. The following day Drake was given two pence for the ferry and directions to the house of a wealthy local Catholic named Charles Valee.[121] Valee was not at home, but his servants provided clothing and other supplies. Drake then stayed with another poor Irish family and survived off their willingness to give him food and lodging. Drake described how 'the poor people indeed made me very welcome to such course fare as they had, Potatoes and buttermilk.'[122]

Drake relied on past associations and tenuous gentry contacts to travel across Ireland to a region where he had a closer family network. After being taken into the house of a local wealthy family, Drake encountered a room of well-to-do local men and women, one of whom caused him some worry. Drake wrote that he felt 'apprehension on seeing Mr. Remons, [a] Protestant gentleman who had seen me in the Prison some time before.'[123] However, rather than turning him over to the authorities, the Protestant gentleman instead took him into his home for the evening, plied him with food and drink, as well as providing him with shirts, breeches and a waistcoat and a fair bit of money. Afterwards Drake received additional funds from a Parish priest, and was now secure enough to go from being a 'Mumpter at cottages to a guest at the best Inns.'[124]

The rest of Drake's journey saw him being handed from one local family to another and generally being kept in a back cabin or outbuilding of an estate, being given small sums of money and meeting acquaintances either from his military service background or from family connections. He crisscrossed Ireland, going from Cork to Dublin, and from Dublin to Kells. Drake described the lost estates of his ancestors as a type of knowledge that was

[121] Drake, *The memoirs of Capt. Peter Drake*, p. 22.
[122] Drake, *The memoirs of Capt. Peter* Drake, p. 22.
[123] Drake, *The memoirs of Capt. Peter Drake*, p. 25,
[124] Drake, *The memoirs of Capt. Peter Drake*, p. 25. 'Mumper' is an archaic slang term for a genteel beggar.

passed down from generation to generation. He described how his ancestors, were in possession of a plentiful fortune until forfeited in 'the Rebellion of forty-one.'[125]

He eventually made his way to Dublin, where he stayed until he ran out of money. A large part of his savings went to a man named Captain Butler to teach him sword-fighting. After roughly a year spent living off of the charity of others and moving from one household to another, Drake once more returned to the continent, joining a Dutch regiment recruiting in the city.

Drake's experience presents an Ireland that was less divided by faith than would appear through looking at the penal laws alone. Ireland was a place where confessional allegiances existed alongside permeable social borders, and the parlour rooms of country houses were inhabited by people a lot less murky and shrouded than expected. It was also an Ireland that had less than a decade before been torn apart by war. He had escaped from prison in Cork, making his way through a combination of charm, the charity of Gaelic speaking families, and the ability to use networks of friends, associates and Catholic gentry who provided him with both food, clothing, and enough money to live tolerably well. When he had spent his last shilling, he joined a regiment bound for Holland to fight against France, having been in the French service the year before. Drake's encounter with a sympathetic Protestant could have been as a result of personal relationships overriding sectarian divide, or perhaps the Protestant man's political allegiance to the Jacobite cause. Perhaps he just saw a charismatic young man in need of assistance. The fact he spent most of this time clandestinely and was arrested when he stepped off the boat also demonstrates an effective and sustained vigilance against Catholic Irish soldiers who had served abroad from returning.

[125] Drake, *The memoirs of Capt. Peter Drake*, p. 28.

The chapter set out to look at the recruitment of Irishman serving abroad. We have examined Protestant attitudes towards this recruitment, attempts at legislating against the problem when enforcement was difficult and how the return of Irishmen trained in the use of firearms was tied with Protestant fears about the survival of an Irish elite in exile. Most importantly this chapter has recovered who those men were, what motivated them to both leave Ireland, and in some cases to return.

Integrating a fluid and changing legal environment, the ebbs and flows of mobilization, demobilization and retirement, and the shifting priorities and confidence of a minority settlement population with the individual experiences of the men and women who lived amongst these changes and whose lives are the specifics of larger patterns and experiences is a near impossible task. If anything can be taken from the lives examined, it is of the sheer variety of experiences, from old men converting to the Church of England in their dotage, to Protestant men in the company of Catholics caught before they boarded ships for France. It is a story of Irishmen coming laden with the loot of French privateer vessels and commissions from the Stuart court in Lorraine as well as young men cast adrift after the wars of the 1690s living off the charity of those who had stayed behind. In the next chapter we discuss who could be trusted enough to be given firearms.

Chapter 4: Suspect Communities

'The great number of Papists in this kingdom, and the obstinacy with which they adhere to their own religion, occasions our trying what may be done with their children to bring them over to our church.'[1]

This chapter begins with a reflection on failure. By 1730 Primate Boulter - the Englishman at the very heart of British government in Ireland - accepted that attempts to convert Ireland's Catholics had come to nothing, and advocated targeting their children instead. The lack of success in converting the Irish Catholic population since the victory of William of Orange's forces and local auxiliaries three decades before was evident to everyone. This was made all the more clear after the findings of the 1731 inquiry into the state of Popery.[2] As S.J. Connolly has aptly remarked, contemporary observers on both sides of the confessional divide thought the number of Catholic ecclesiastic officials had not only failed to decrease since the penal laws were instituted, but proportionally exceeded the ratio found in strongholds of Catholicism such as Spain and Italy.[3]

The passage of penal laws during the twenty year period between 1695 and 1715 had been, in part, a coercive measure to encourage conversion, as well as secure the Protestant possession of office and property through the disenfranchisement, land confiscation and disarming of the Catholic majority. Landholders who would provide the military and political leadership necessary for a peasant revolt to become a revolution had been removed or driven down to other social groups. The remaining Catholics were effectively 'unarmed slaves' and theoretically would come from the wider social base needed for a truly Protestant Ireland. The

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[1] Lord Primate Boulter to Bishop of London, 6 April 1730, *Letters Written by his excellency High Boulter,* Vol. 2, p. 10. The letter at a later point mentions the success in neighboring Scotland of the education of 'the ignorant and barbarous part of that nation'.
[2] 'Report on the State of Popery in Ireland, 1731: Diocese of Dublin.' *Archivium Hibernicum*, Vol. 4, (1915), pp. 131-177 provides a snapshot of Dublin.
[3] Connolly, *Religion, Law and Power*, p. 151.

penal laws were designed to prevent or mitigate the conditions that would be favourable for any future armed insurrection by the Catholic majority as well as secure Protestant land tenure and political monopoly.

The transient allegiance of individuals of suspect loyalty had been a consistent theme in transfers of power in the preceding 300 years of Irish history. Up to this point in the thesis we have focused on those excluded from the right to bear arms in Ireland following the end of the Williamite war. We also explored what motivated the predominantly Catholic 'Wild Geese' to return to Ireland after serving in foreign armies. We now examine the changing perception of who exactly could be trusted within the community of Protestants to bear arms. The precarious security situation in Ireland, threatened both from external invasion and internal revolt, necessitated the expansion of the circle of legitimacy outward from Protestant elites to a much wider proportion of the Protestant population. Irish elites were forced to concede some legitimate displays of political or coercive power to those tasked with their defence. Poorer Protestants and Presbyterians were granted the privilege to assemble together and bear arms in certain periods, on select days and to have a symbolic place in the preservation of a Protestant victory narrative, a distinct social privilege denied to the Catholic majority.

This chapter explores the persistent worry about how to judge the loyalty of individuals granted partial legitimacy, who remained suspected of harbouring other loyalties. In the first section of this chapter we vivisect the legal corpus of eighteenth-century Ireland to determine who was legally judged to be a Protestant. Understanding how these perceptions were formed requires an examination of the response to changing definitions from two different populations, the newly resurgent Catholic coverts and the Presbyterian communities. The chapter then looks at how Imperial officials who were sent into Ireland attempted to maintain control over an increasingly assertive 'Irish' interest. This Irish interest did not always line up with imperial policy or objectives, even if a dislike of Catholics and Presbyterians was shared nearly

universally on both sides of the Irish Sea. Questions related to whom was to be deemed a Protestant were essentially questions about who could be trusted with state issued firearms and to impartially maintain the legal framework surrounding Protestant Ascendancy through state service.

It is perhaps easiest to understand that the question of who could be trusted to be issued state firearms was dependent on the wider security situation. In times of duress, the boundaries could shift unevenly.[4] These boundaries were especially fluid in relation to those deemed to be of especially suspect loyalty within the social framework of eighteenth-century Ireland. Both Presbyterians and Converts faced similar suspicions towards their motives, and it was made clear to those tasked with securing Ireland's security over the course of the century that former Catholics should be suspected the most. How these communities came under suspicion differed.[5] Converts raised fears of infiltration and were accused of retaining partiality towards their former co-religionists in matters of law and order, whereas Presbyterians raised the hackles of those who saw them as offering conditional loyalty and appeared to be seeking extortionary freedoms when serving as armed retainers of the Episcopalian confessional state. We examine the two suspect communities in turn below.

Irish historians have not been kind to converts, especially after Ireland achieved independence in the twentieth century. Recent work has rectified some of these deficiencies. In their edited collection *Converts and Conversion in Ireland, 1650-1850* Michael Brown, Charles Ivar McGrath and Thomas Power address conversion over a period of nearly 200 years. A special issue of *Eighteenth Century Ireland Society* has also added new perspectives. These two new

[4] Mark Goldie, 'The Unacknowledged Republic: Officeholding in Early Modern England' in T. Harris ed. *The Politics of the Excluded, 1500-1850* (New York and Basingstoke: Palgrave Macmillan, 2001), pp.153-194.
[5] 'Suspect communities' has been used in recent studies to compare the Muslim and Irish experience in Britain in the last thirty years. See Sean Campbell 'Policing the Irish: Whiteness, 'race' and British cultural studies.' *European Journal of Cultural Studies*, 16, 2 (April 2013): 135-154.

volumes build on earlier accounts that tend to be focused on the relative success of Catholics in securing possession of land, inheritance, and positions of influence in the face of the penal code and periodic state sponsored harassment.[6] The question we must ask is how Irish converts influenced confidence or concern about Protestant security. This question is directly linked to the maintenance of a monopoly of the gun. Conversion to the established church initially entailed the legal right to the possession and use of firearms and the ability to participate in civic life in the form of militia service. This was the first step to gaining access to patronage, military pensions and sinecures radiating from the court in London and the administrative centre of Dublin Castle and an important symbolic ceremony of armed Protestantism. This is an aspect of eighteenth-century Irish life that has yet to be fully unearthed by scholars.

Converts were dangerous members of the Protestant community, but also had the potential to be valuable loyal citizens and act as intermediaries between the Catholic and Protestant world. Converts provide the historian with a group that straddled the boundaries of the two major confessional communities. Pursuing the wider theme of this work in trying to shed some light on the chaotic and shifting day-to-day experience of Irish society through a study of the way people interacted with the gun, these gatekeepers between two confessional worlds provide a key to unlocking an opaque period and opening it up to closer scrutiny. Converts' fortunes shifted throughout the eighteenth century. When the Irish state attempted to regulate whether Converts were legally deemed Protestants, they were also effectively regulating whether Converts would be allowed to be sanctioned bearers of the gun, and therefore dwell inside the circle of legitimacy. This conveyed the boons of being allowed to participate in civic life, own land and serve in government office. We now examine how the law regarding Converts shifted

[6] Cullen, 'Catholics under the Penal laws': 2,; Connolly, *Priest and people in pre-famine Ireland*, *1780-1845* (Dublin: Gill and Macmillan, 1982) and Thomas P. Power, 'Converts' in Power and Whelan eds., *Endurance and emergence,* pp. 101-27.

as a means of gauging whether converts could be trusted or were to forever be branded as Nicodemites.

Conversion from the Protestant faith to Catholicism had been attempted to be banned in 1697. The act, entitled 'To prevent Protestants turning Papists, and Converts from being reconciled to the Church of Rome' also wanted to prevent the recusal convert from re-joining Catholicism. In 1703 the Irish lords justices included a bill entitled 'for preventing Protestants from turning Papists and for any estate of Protestants to descend or come to any papist and to prevent Papists from disinheriting Protestants.'[7] The 1704 act 'To prevent the growth of Popery' added the rejected clauses from the earlier act. After 1704 Converts were required to show proof of conformity to the established church. Before this time there was no legal requirement.[8] After the passage of 2 Anne c. 6, a registration of a conversion was required and cost six pence. The inclusion of the sacramental test, though controversial, was approved by England against some very vocal objections.[9] From the earliest years of the eighteenth century, barriers were made to both prevent Converts from having a change of heart, and at the same time placing barriers into the entry of more Catholics into the Protestant fold. We examine the surviving records to assess how many Converts survive in the historical record.

A total of 5,870 names of Converts exist to 1832.[10] Of particular interest is that only 700 enrolled from 1703-1731. Within this 28 year period conversion rates varied. From 1703-09 only 36 individuals survive in the record as having officially converted. The majority of the remaining conversions took place from 1709-1731, with a rise in conversions taking place in the 1720s.

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[7] *Cal. S.P Dom*., 1703-4, *Commons' Jn. Ire*., further discussion in BL Add MS. 9715, BL Add. MS 37673.
[8] 2 Anne c. 6, Ireland, *The statutes*, Vol. 3, p. 12.
[9] Simms, 'The Making of a Penal law': 5-118 explores this in great detail.
[10] Eileen O'Byrne & Anne Chamrey eds., *The Convert Rolls: The calendar of the Convert Rolls 1703-1838 with FR Wallace Clare's annotated List of Converts 1703-78* (Dublin: Irish Manuscripts Commission, 2005), p. xv.

By the middle of the eighteenth century 1,870 names were entered into the convert rolls.[11] The editors of the most recent printed edition of the primary resources for these numbers as part of the Irish Manuscript Commission came to the conclusion that this was evidence that 'Catholics managed to evade the operation of these acts.'[12] Despite these small numbers, converts had a much larger impact on the mentality of those tasked with the governance and security of eighteenth-century Ireland. It is our task to recover what that was. It is likely that there were Converts who have entered into the historical record. We have to rely on the numbers we have.

One potential way to recapture what contemporary views of Converts is to examine how those living in the time attempted to explain why conversion was not taking place. In the ensuing chapter, the way in which converts were viewed is arranged specifically to show how it connects to the wider objectives of this work. Coverts straddle the ambiguous inter-relationship between coercive legitimacy, the right to wield firearms, and the fear of uncertainty over distributing firearms to the wider population. The chapter has briefly revisited the period of the formation of the penal laws in the closing years of the seventeenth century and opening years of the eighteenth. We now trace the discussion of Coverts into the middle years of the eighteenth when the uncertainties as to who was entitled to bear arms were becoming more pronounced. The expansion of the circle of legitimate members of the Protestant community meant also identifying what I have referred to as 'suspect communities'. Once these communities had been clarified, restrictions were codified into additional penal statutes and the active opposition of attempts to appeal existing laws. Despite the broad time period covered, the discussion is limited to how converts were viewed within a larger discussion of the penal laws and in access to participation in the enforcement of a Protestant Ascendancy. Converts

[11] O'Byrne & Chamrey eds., *The Convert Rolls,* p. xv.
[12] O'Byrne & Chamrey eds., *The Convert Rolls,* p. xv.

are compared throughout this work alongside a much larger suspect community in the form of Presbyterians.

Despite their status as fellow Protestants, Presbyterians can be seen as a suspect community within Ascendancy Ireland. Although relative latecomers to Ireland, they left a legacy on the language, landscape and the politics from that point onward.[13] They have generated a large number of surviving textual sources, as well as leaving an enduring mark on the early modern world through outward migration of Presbyterians from Scotland into Ulster, and from Ulster, further outward to the American Colonies and India.[14] The study of Presbyterians in Ireland tends to fit into several broad categories. A.T.Q. Stewart has looked at the obfuscated history of Presbyterians during the Williamite war, perhaps most notably in unveiling that the role of Presbyterians in the siege of Derry was less than clear cut, demonstrating that there were Presbyterians in the army of James II besieging Londonderry as well as on the walls opposing defending it.[15] Ian McBride has provided an analysis of the theological splits taking place in the Presbyterian community itself.[16] Patrick Griffin has succinctly summarized the historiography of Presbyterians in eighteenth-century Ireland as 'mainly attract[ing] church historians interested in theological disputes, social historians charting the rise of the linen industry, and students of the '98 rebellion exploring ways in which a latent Presbyterian radicalism contributed to the formation of the United Irish movement.'[17] However, historians

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[13] See McBride, *The Siege of Derry in Ulster Protestant Mythology* (Dublin: Four Courts Press, 1997) for the enduring impact of this migration in setting the politics of inter-community relations in Northern Ireland.

[14] McBride 'Ulster Presbyterians and the confessional state, c.1688-1733' in David Boyce, Robert Eccleshall, and Vincent Geoghegan, eds., *Political discourse in seventeenth- and eighteenth-century Ireland* (Basingstoke: Palgrave, 2001), pp. 169-192; Barry Vann, *In search of Ulster-Scots land : the birth and geotheological imagings of a transatlantic people, 1603-1703* (Columbia, South Carolina: University of South Carolina, 2008); Andrew R. Holmes, 'Presbyterian religion, historiography, and Ulster Scots identity, c. 1800 to 1914.' *Historical Journal,* 52, 3 (2009): 615-640.

[15] A.T.Q. Stewart, *A Deeper Silence: The Hidden origins of the United Irish Movement* (London: Faber and Faber, 1993).

[16] McBride*, Scripture Politics: Ulster Presbyterians and Irish Radicalism in the Late Eighteenth Century* (Cambridge: Cambridge University Press, 1998).

[17] Patrick Griffin, 'Defining the Limits of Britishness: The 'New' British History and the Meaning of the Revolution Settlement in Ireland for Ulster's Presbyterians.' *Journal of British Studies*, 39, 3 (July, 2000): 263.

interested in Presbyterians during the first half of the eighteenth century find themselves approaching ground less well tilled. This is especially true when asking questions about Protestant confidence and security. What made Presbyterians a 'suspect community' was the fact that in times of uncertainty or insecurity the need to rely on them as armed retainers of the state exposed the weakness of the established church and the Anglo-Irish settlers' in Ireland. The localized settlement of the majority of Presbyterians in the province of Ulster did not end the fear that their motives were to dominate the rest of Ireland. Presbyterians had the paradoxical ability of not only being a threat when they first arrived in large numbers in the 1640s and 1690s, but also weakening Protestant security when they began leaving Ireland in the 1720s. Presbyterians were also willing to engage with their critics through the pen, an option much less available to Catholics.[18] The pamphlet wars were oftentimes targeting the clergy of the established church rather than the government directly. However, in a confessional state, an attack on the established church was an attack on the government. Clergy could use the dangers of Dissenters to prevent the repeal of penal legislation. Four failed bills intended to mitigate penal penalties affecting Dissenters were submitted and subsequently defeated in 1692, 1695, and 1719.[19]

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[18] For the range of places where these were published and the longevity of specific arguments and counter arguments see [James Kirkpatrick] Anon, *An historical essay upon the loyalty of Presbyterians in Great-Britain and Ireland from the Reformation to this present year 1713. ... In three parts. With a prefatory address..* (Belfast, 1713); John MacBride, *A sample of jet-black pr=======tic calumny, in answer to a pamphlet, called, A sample of true-bleu Presbyterian loyalty; or, the Christian loyalty of Presbyterians in Britain and Ireland, in all Changes of Government, since the Reformation, Asserted. More particularly, of the Presbyterians in Ulster, since their first Plantation there: When King James the first came to possess the Crown of England. And a True Discovery of the Real Authors and Causes of the Civil-Wars, Insurrections, and Rebellions in these Nations since. To which is added an apology, for the declaration of the Presbytery of Bangor, July 7th, 1649* (Glasgow, 1713); William Tisdall, *The conduct of the Dissenters of Ireland, with respect both to church and state, in three parts, viz. I. An Historical Account of their Behaviour, from the Year, 1641. till this Present Time. II. An Enumeration of some Particular Facts well Attested, Illustrating and Confirming what is Affirmed of them in the First Part. III. An Enquiry into some Facts Presumptive, and highly Probable, which may prove Dangerous to our Established Constitution. From which The Truth of those Facts urged against them in the Representations of the Lords, and of the Convocation is fully Proved, together with Fresh Informations given in against them. In a second letter to a friend. By the author of Presbyterian-Loyalty* (Dublin, 1712).

[19] See 'Ease of Protestant Dissenters' (1692), 'Exempting Protestant Dissenters from the penalty of certain laws'(1692) 'Ease of Protestant Dissenters' (1695) and 'Qualifications of office holders under act to prevent the further growth of Popery' (1719).

Officials' views of members of suspect communities, whether Protestant Dissenters or Catholic converts, were obviously affected in part by how secure churchmen and gentlemen felt towards the threat posed by the Catholic Irish majority. The rest of this chapter will address the themes introduced above. First, as a means of recapturing a contemporary view of both these communities we begin with the correspondences of Richard Cox. His letters and speeches provide an impression of how these two suspect communities were seen by a member of the Anglican elite and can provoke thoughts on broader questions of who could be seen as loyal and who was not.[20] Secondly we examine the changing perceptions towards the role of converts to the established church and how much Presbyterians in Ireland could be included into the fold in the face of renewed concerns about rising Irish Catholic confidence, fears of invasion from abroad, and a growing fracture between Irish expectations of the need for garrisoning and imperial priorities to send soldiers abroad. The chapter briefly examines legislative approaches to the problem of converts in the legal profession. By controlling who was allowed into the minority community of those sanctioned to bear arms, they were by default maintaining a strict monopoly on legitimate bearers of state and private arms. By defining who could practice the law, they ring-fenced a law code that had to be relied on despite its deficiencies. In controlling how some of those in the Protestant community could bear arms, the churchmen and gentry became gatekeepers of both paternal and coercive legitimacy.

[20] For Cox's view of himself as an Englishman who happened to live in Ireland, see Ian Montgomery's 'An Entire and Coherent History of Ireland: Richard Cox's Hibernia Anglicana.' *The Linen Hall Review,* 12, 1 (Spring, 1995): 9-11.

S.J. Connolly has claimed that Catholics were attempting a counter-revolution against the already ascendant Protestant elite, and that the Protestant gentry's status as an elite was not a recent development. Protestants in Ireland were, even before 1691, the majority holders of property, and thus of power. The failure of a Catholic counter-revolution meant that the 'Williamite victories of 1690-1 were less a triumph of a new order than the re-establishment of one that had already existed for more than thirty years.'[21] Connolly also emphasizes the higher importance of churchmen in Irish governance than in England, and the more opportunities for upward mobility into the higher ranks of the gentry. This contributes to an overall assessment of the Anglo-Irish elites as a powerful and confident power.[22]

Éamonn Ó Cíardha and the late Breandán Ó Buachalla provide evidence for the much longer survival of a credible and resilient Catholic and Jacobite challenge to a Protestant power in Ireland.[23] Others have examined the survival of Catholics regionally and strategies of maintaining land holding through proxies.[24] What is less contentious in this debate is that Protestants reinforced their possession of land and positions in government and the judiciary as well as security through the drafting of a number of penal statutes designed to extirpate Irish Catholics as both a political and military threat, which we have examined earlier in this work.[25] Irish historians, when writing about the penal laws and Protestant perceptions of Catholics in

[21] Connolly, *Religion, Law and Power*, p. 40.
[22] Connolly, *Religion, Law and Power*, pp. 59-64.
[23] For an overview and a regional study of Munster, see David Dickson, 'Jacobitism in Eighteenth Century Ireland.' *Eire/Ireland,* Vol. 39 (2004): 38-99. The survival of local Catholic elites, largely based on Gaelic sources, can be found in Ó Ciardha , *Ireland and the Jacobite Cause 1685-1766* and for the earlier period in Ó Buachalla, *Aisling Ghear* and 'Na Stiobhartaigh agus an tAos Leinn: Cing Seamas' *Proceedings of the Royal Irish Academy*, 83, C (1983): 81-134.
[24] Kevin Whelan, 'An Underground Gentry?': 7-68. For wider perspectives see Power and Whelan eds. *Endurance and emergence*. For earlier perspectives, see Maureen Wall, 'The Rise of a Catholic Middle Class in Eighteenth-Century Ireland.' *Irish Historical Studies,* 11, 42 (1958): 91-115.
[25] Cullen's 'Catholics under the penal laws.': 23-36 and McGrath's 'Securing the Protestant Interest':25-46. Primary source material regarding Protestant fears can be found in BL Add. MS 28940, f. 144; *Cal. S.P. dom*., 1693, pp 364, 418; Cal. SP. dom. 1694-5, pp. 76-7, 94, 117-18, and 154.

the eighteenth century will invariably seek out the papers of Richard Cox. His voluminous correspondences are held in repositories in the UK and Ireland, as well as specialist and private collections.[26] In this section we look to the opinions of those who were considered of suspect loyalty in the correspondence of Richard Cox. This was an individual with a confident assessment of the strength of Protestant Ireland, and gives a differing view of whom was a greater threat to a lasting Protestant Ascendancy.

Richard Cox's family had settled in Munster in the early seventeenth century, and he provides a Protestant perspective on events of his time. Cox himself would rise to the heights of the judiciary as Lord Chief Justice, as well as maintaining a number of elite connections in England. Despite this wide array of materials, one quote in particular is often used to support the portrayal of Anglo-Ireland flush with victory after the 'shipwreck' of Catholic power in the 1690s. A people looming triumphant after the flight of the Catholic landed gentry, churchmen and soldiers, following their defeat.

The letter below was written by Richard Cox to his friend Lord Edward Southwell who was then in Whitehall. It is here truncated in the form that it is most often cited. He writes referring to Presbyterians' cunning inflation of the threat of the native Irish Catholics to the Established Church.

> Their first & [main] cunning is to represent the Irish as formidable tho[ugh] they really despise them, & know that their youth [and] gentry are destroyed in the rebellion, or gone to France. That those who are left are destitute of horses, arms [and] money, capacity and courage that 5 in 6 of the Irish are poore insignificant slaves. [27]

[26] Materials can be found in the British Library manuscripts collection, the National Library of Ireland, and in the collections of Trinity College Dublin.
[27] Cox to Southwell, 24 October 1706, BL Add MS 38154, ff. 86-87.

This is generally used as evidence that Cox, as a prominent and rising beneficiary of post-Williamite Ireland, was clearly aware of the deficiency of those remaining Catholics in Ireland. Likewise, the Presbyterians knew this to be true as well, despite claims of an enduring threat. Even more telling is the next sentence which described the Irish that were left in Ireland as lacking the primary characteristics of being a credible threat; citing deficiencies in finances, military grade horses, and the weapons and training required to win in a sustained conflict. The demographic fact of the severely outnumbered Protestant elite was also mitigated by the wording of the letter.

> Fit for nothing but to hew wood [and] draw water lastly that even their number that is not above 2 to 1, viz 800,000 [Irish] & 400000 British in Ireland, but perhaps I think not so much, for the English [and] especially Scots increase faster in proportion by newcomers, [and] the Irish lessened by converts, which I compute at least 10,000 every year which turn Protestant to get service.[28]

The biblical reference is found in Joshua 9: 23 and compares the ancient Gibeonites to the Irish. Through their labour, they were fit to be only those who would 'hew wood' and 'draw water'. This was combined with a rosy estimate of Irish demographics which provided further security to the outnumbered elites.[29] That the fecund Protestant population's' growth took place alongside the conversion of some of their enemies further eroded the numerical strength of the defeated Catholics. It is clear why this particular letter, out of the voluminous correspondence of Cox is so often cited. Cox's confident assessment was also embraced by

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[28] Cox to Southwell, 24 October 1706, BL Add MS 38154, ff. 86-87.

[29] Joshua 9: 23, ''Now therefor ye art cursed, and there shall none of you be free being bondmen, and hewers of wood, and drawers of water for the house of my god.'' Matthew Poole, *Annotations Upon the Holy Bible Wherein the Sacred Text is Inserted, and Various Readings Annex'd* (Parkhurst, 1700), p. 257; Ralph Venning *Canaans flovvings, or, A second part of milk & honey being another collation of many Christian experiences, sayings, &c. : with an appendix called The heathen improved, or, The Gibeonites hewing of wood, and drawing of water for the sanctuary* (London, 1653).

Jonathan Swift and Henry Maxwell, who produced optimistic estimates of the Protestant population of Ireland in comparison to the Catholic majority.[30]

However, reading the full letter reveals that the intent of the writer is often overlooked by those trotting out the above quotes to bolster an argument for Protestant confidence. Of the three pages of the letter, Catholics feature only in the preamble. The real thrust of the letter is a repudiation of Presbyterian claims of loyalty and military competency during the siege of Derry as a justification for having a part in governing Ireland. This can be read as ascribing to them the attributes given to Catholics in the sections quoted above. Cox is keen to refute them because they are claiming a status that is not their own, committing the sin of vainglory.

In a mixture of tongue in cheek humour and biting political commentary, Cox writes: 'Everyone go[es] to heaven in their own way, but when it comes to governance, tis necessary that the dissenters be saints, but tis not so that they should be magistrates.'[31] Cox also refutes the claims of loyalty to the Protestant Interest at the siege of Derry, based on conversations he had with those who had survived it.[32] He writes that 'of the first six companies raised in Derry upon shutting the gates, 5 captaincies were viz. Norman, Cocker, Jemmet, Tomkins [and] Moncreif, and but 1 viz. Lecky, a [D]issenter.'[33] Cox has thus deprived Presbyterians of the capacity and courage earlier remarked as being so lacking in Catholics. Cox goes on

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[30] Jonathan Swift and Henry Maxwell are cited by Jim Smyth, '''No remedy more proper'': Anglo-Irish unionism before 1707' in Brendan Bradshaw and Peter Roberts eds. *British consciousness and Identity: The making of Britain 1635-1707* (Cambridge: Cambridge University Press, 1998), pp. 304-306. A similar argument that the need for Presbyterians to defend against Catholics was unnecessary can be found in Jonathan Swift, *A letter from a member of the House of Commons in Ireland to a member of the House of Commons in England, concerning the sacramental test* (London, 1709).
[31] Cox to Southwell, ,9 November 1706, BL Add. MS 38154, f. 87.
[32] For a full account of the Siege of Derry see McBride, *The Siege of Derry in Ulster Protestant Mythology*.
[33] Cox to Southwell, 9 November 1706, BL Add. MS 38154 f. 87.

to claim that 'The Irish love me as their least cruel enemy, and some others called me a Papist.'[34]

Taking the letter in full, alongside the wider volume of correspondence, it seems that scholars may be missing the point of the letter by examining only the opening paragraph. Cox is not setting out a manifesto of Protestant superiority over a nation of slaves or bondsman, he is removing the threat of a Catholic uprising to deflect arguments for bolstering Presbyterian participation in the governance of Ireland, whilst at the same time removing a claim of service during the Williamite war by showing the minor role that they played in the siege of Derry gained through the eye witness reports from those who were present.[35] By this trick of transformation, the Presbyterians were not only deprived of the position of being loyal armed retainers crucial to the security of the Anglican confessional state, but also reduced to the outer fringes of legitimacy. They could be trusted to serve as temporary mercenaries, but should not be allowed into the administration of the peace.[36]

This has important implications for understanding the interplay of confidence, conversion and armed loyalty, as well as for the reaction by Anglo-Irish elites towards the passage of additional penal legislation. Cox was willing to allow Presbyterians to practice their faith; however, it was the governance of Ireland that was restricted to those of the established church. Cox described the existing laws as not actually effecting Presbyterians overly harshly.

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[34] Cox to Southwell, 9 November 1706, BL Add. MS 38154 f. 87.

[35] It should be noted that none of the local Protestant veterans of the Siege of Derry ever received any back pay, despite a long running series of legal challenges and appeals to Parliament and the several successive monarchs.

[36] The historical record does not agree with Cox's information. Bishop Nicholson of Derry admitted that most of the Presbyterian 'commonality' were listed in the trained bands, even if less than one in twenty were qualified to be commissioned officers. I would like to thank Ian McBride for bringing the letter to my attention. See Nicolson to Wake, 7 June 1719 in F.G James, 'Derry in the Time of George I: Selections from Bishop Nicholson's letters, 1718-1722.' *Ulster Journal of Archeology*, 3rd ser., 17 (1954): 177.

> I have the favour of [yours] of 31 Oct [and] 2 instant. And first for the Dissenters, you will be surprised when I assure you, that there is no penal law against them in Ireland at all. Except the act of uniformity, which imposes G[o]d [and] Sunday by not coming to church and tho[ugh] designed ag[ainst] Papist, yes the expressions being general may comprehend them, but was never put in execution ag[ainst] them, that ever I heard.[37]

Although Presbyterians may have disagreed, Cox was under the impression that enforcement was restricted towards Catholics in practice, and that 'that they may [go] to heaven from Ireland without any danger of any penal law as by the test act against Popery excluded from government, unless they conform to it.'[38] Richard Cox was clearly not of the disposition to assign Presbyterians to hell for an errant belief, but rather intending to demonstrate that by not taking an oath under the Test act, they were excluding themselves from a place in governing this world, and more specifically, the part of it made up by Ireland. Conforming to the established faith, including the retrospectively ludicrous estimate of 10,000 Catholic converts a year referenced in an earlier letter, was a clear enough act by which to judge loyalty and trustworthiness to the state.

In the case of Catholic Converts, Cox himself took a special pride in his own role as a missionary.[39] Cox's own correspondence shows a number of examples. He used his connections to assist recent converts to access patronage, as was the case of the military officer Florence Carthy. 'There is one Florence Carthy, was a [captain] in D. Donovan's

[37] Cox to Southwell, 9 November 1706, BL Add MS 38154, f. 100.
[38] Cox to Southwell, 9 November 1706, BL Add. MS 38154, f. 100.
[39] These converts were often those closest to him. In a Letter from Richard Cox to Southwell, 4 May 1706, BL Add. MS 38154, f. 29. Cox mentions Arthur Shaen as being both 'a covert and a friend.' It should be noted that Arthur Shaen does not appear in the convert rolls. See O'Byrne & Charnrey eds. *The Convert rolls.*

Reg[iment]. He is a one convert of mine [and] would make a very good captain.'[40] Another letter of a similar tone from the same year also highlights Cox's support of conversion.

'Enclosed is a Petition of [Sir] Arthur Shaen, which pray you promote, that is to get a Reference upon it: He is a Convert [and] our friend, [and] the thing is for publique advantage.'[41] Another instance has Cox remarking on his own views on sincerity. 'I have no regards to shibboleth or siboleth in matters of justice.'[42] Cox closed the letter saying he had a similar respect for the 'sincere convert'. Given the acknowledgement of the dangers of the conversion of insincere coverts who were motivated by the perceived benefit such a condition brought shows that even for someone as confident of the gradual mass conversion of Catholics as Cox saw degrees of sincerity in the act of conversion. For Cox, it was the 'sincere convert' who was to be most respected and given access to patronage, largesse and the opportunity to bear arms in defence of the state. Perhaps the reason for such a focus on motivation was the degree of reliance on formalized oaths.

The longest letter on the topic of the conversion of Catholics to the established church reveals the reason for this faith in the sincerity of the conversion, and of the value of an oath being made.

> You sent me a petition of one Cap[tain] Florence M'Carthy who was one of my converts [and] so sincere a one that being Mortally wounded in a *–illegible-* his friend called for a' priest, but he refused [and] said he was no hypocrite [and] sent for a minister, he brought in a company of Irish just before the surrender of Limerick of which service my Lord Romney was so sen[s]ible that he promise him

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[40] Cox to Southwell, BL Add. MS 38154, f. 124, Florence Carthy does not appear in the converts rolls. See O'Byrne & Charnrey eds. *The Convert rolls.*
[41] Cox to Southwell, 4 May 1706, BL Add. MS 38154, f. 29.
[42] Cox to Southwell, 18 May 1704, BL Add. MS 38153, f. 58.

> a captain's commission in capt[ain] Houek's Reg[iment], but I think it went to the west Indyes: he was also serviceable in a point of intelligence.[43]

The ignominy of false oaths was a great character flaw for Cox, and he respected those who made sincere commitments. His enduring personal friendship with recent converts, many of whom changed sides during the period of uncertainty between the landing of William of Orange into Ireland and the ratification of the Treaty of Limerick was based on individual relationships cultivated during the conflict. However, the greatest danger that conversion represented was that it provided a means of re-entering the patronage of the state for those with less sincere convictions. By conforming to the established church Catholics were granted rights akin to those granted through negotiated surrender at Galway and Limerick. The men who converted were not the vast Catholic peasantry. Instead, conversion provided a means of disposed propertied Catholics to retain or regain their 'horses, arms [and] money.'[44]

Cox was not unaware of the dangers of recusant converts, remarking on it during the reign of James II. In 1688, when writing to Robert Townshend he reported that he and others were aghast at marriages across the confessional divide. Cox wrote that he was 'alarmed to report that Sir John Senior is married to a Papist lady, tho[ough] I hope such a match will not less his integrity yet it will wound his Protestant reputation.'[45]

The issue of integrity of conversion is a recurrent themes of Cox's letters and public speeches. In a speech given as a judge of the court during the Court of Claims in 1699 Cox made a clear comparison with the issue of integrity and the wrath of god when people broke oaths. Cox first began by using the opening words of his letter to 'indicate the

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[43] Cox to Southwell, BL Add. MS 38153, f. 110.
[44] Cox to Southwell, BL Add MS 38154, f. 86.
[45] Richard Cox to Robert Townshend, 19 May 1688, BL Add. MS 38153, f. 3.

honest of the English nation, and the sincerity of the Protestant religion, to assert the King's honour, & rescue faith from violation.'[46] Cox then alludes to the fate of oath breakers from scripture and the history record, noting that Catholics were notorious in the practice. Cox then explains that he would give 'due right [to] an Irish papist when ever [he] comes before me in judicature or elsewhere.'[47] The motivation for this in part was the conviction that this even handedness would 'convert as many of those Papists as have a good understanding'[48] of theology.

Despite the comfort of a vengeful God striking down oath breakers, insincere conversion presented immediate concerns about security, especially as it allowed access to positions of power or security. Cox epitomizes the debates surrounding the changing perception towards how to balance the necessity of recent Converts and Dissenters in the defence of Ireland from external and internal conquest or rebellion with the high cost of granting them legitimacy beyond periods of increased threat.

Unlike Cox, not all Protestants were so bellicose in their view of the strength of Converts' convictions. Cox's argument on Presbyterians effectively disarmed the central arguments put forth to allow them access to positions of power in exchange for military service. The reinforcement of the central role of the Church of Ireland in the iconic siege of Derry, despite not being grounded in historical truth bolstered argument of Episcopalian loyalty. The repeated attempts on the part of members of the Presbyterian community to justify a place in the governance of Ireland was based on the threat of another rebellion and seen as not only iniquitous, but based on falsehood. Cox blunted the perceived threat of a Catholic uprising to remove the momentum of the Presbyterians' most potent argument.

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[46] *The Speeches of one of the Judges in the Court of Claims upon the adjudication of the Gallway men within Article 11. Listed as a Copy of Sir Richard Cox's Speech at the abdication of the men of Gallway* [printed] 1699, in BL Add. MS 38153, ff. 18-22, quoted from f. 18.
[47] BL Add. MS 38153, ff. 18-22.
[48] Cox to Southwell, BL Add. MS 38153, f. 19.

In a generations time this sleight of hand would not be so easy to perform. Protestant confidence began wavering. We examine those fears in the next section by looking at the growing awareness of the enduring disparity in population between Protestants and Catholics.

ii.

Protestant fears about security were tied to two different but equally dangerous scenarios. One was the spectre of insurrection by the Irish Catholic majority, aided by insincere converts or Jacobites corrupting the apparatus of governance and law and order from the inside. This coexisted alongside Protestant fears of the threat of an invasion from abroad from a shifting roster of European enemies. What linked the fear of domestic invasion with foreign landings was the suspicion that a foreign invading force would be spearheaded by armed Irishmen returning home well-armed and with new list of grievances. They would link up with a restive Catholic majority waiting for a chance to rise in rebellion. The fact that such a rebellion did not materialize failed to remove the fear that of another 1641 from influencing contemporary domestic and foreign policy.

These fears were coupled with doubts as to the reliability and likewise the danger of relying on the Presbyterians to secure the Protestant Interest, as well as the cost to be paid in doing so, both fiscally and politically. Providing the Presbyterians with firearms and military rank, or allowing them a place in the shifting narrative of the successful defeat of King James and the Pretender were issues present on the minds of those tasked with securing the growing and far flung British military commitments. In the 1720s this problem was to be exasperated because of the Presbyterian population's mass emigration to New England and the West Indies. This was just one of a number of crucial generational and demographic shifts taking place in the first three decades of the eighteenth century between those who had lived through, and been formed by *Cogadh an Dá Rí* and its aftermath. This new generation, despite being a melange

of confessional backgrounds could said to have been unified together in one respect. A group of young Irishmen were growing to maturity outside of the shared turmoil of rebellion and war that so influenced the generation before.

It is this interaction, between failed expectations of the extirpation of Catholicism envisioned by the creators of the penal laws and the newly resurgent expectations of a new generation of Irishman that provides such fertile material for understanding how the Irish experience changed. S.J. Connolly ends the first chapter of *Religion, Law and Power* entitled ‘A New Ireland’ by proclaiming that ‘For better or worse, the Protestant elite, in town and country alike, would from now on have to live with the Catholic lower classes, as they were or as they might be made’.[49] We opened the chapter with a member of the Irish Protestant elite’s arguments of the strength of the established church in Ireland against both Popery and challenges from Protestant Dissenters. It was about a man who personally converted armed Catholics into stalwart allies. By the 1720s renowned fears of invasion and insurrection led to a period of legislative uncertainty and fears as to the stability of the local Protestant regime and the loyalty of the Irish towards England’s interest. This was in part because of the demographic realities more and more apparent to contemporary observers. It was also influenced by the failure of widespread conversion and the uncertainty of the loyalty of those who did convert. This fear was especially intense in regards to practitioners of law. These three fears are examined in turn below.

Bishop Nicolson’s letters to Archbishop Wake in Canterbury are placed alongside the correspondence of Hugh Boulter to form a valuable source base for attempting to place Protestant confidence of their position vis-à-vis the Catholic majority, predominately Presbyterian Scots in Ulster, and the increasingly independent English settler population. Both

[49] Connolly, *Religion, Law and Power*, p. 32.

of these groups were outsiders, and as such provide an insight to changes taking place. This section uses this correspondence to examine incidents of 'insolence' to establish where Protestant confidence in their own security was wavering, and when suspect communities became increasing topics of discussion. 'Insolence' as a descriptive term of the behaviour of the Catholic and Presbyterian population was intimately related to Anglican elite views of their own security. Defining what constituted an insolent act to someone two hundred and eighty years ago is a daunting task, but one made easier by relying on the words of the people themselves. In letters from the period, descriptions of insolent acts ranged from broader descriptions of the flaunting of religious services taking place before the eyes of the established clergy to more specific descriptions of individual behaviours or obstinacy and direct threats.

For our purposes, the moment that insolence became a credible threat to Protestant Ascendancy was when such incidences involved Converts who would be lax in enforcing the law in prosecuting their former co-religionists for violating the penal laws regarding firearms or seeking service overseas. To put it bluntly, large groups of Irish Catholics in the countryside were a nuisance but not an existential threat given the military garrison securing the countryside and the robust legal architecture of the penal laws. However, the threat of non-enforcement or the presence of compromised magistrates taking place alongside growing overseas military commitments for regular regiments created an alarming opportunity for the re-arming of Catholics. Such night terrors were potent portents of the bloodbaths and horrors of 1641 or the rampant insecurity of 1688.

Obviously conversion was also crucial in preserving Catholic land tenure and the maintenance of estates through Protestant intermediaries or conversions of convenience rather than conscience. This was a persistent bugbear to Protestant thought. Catholic strategies for maintaining land tenure have been superbly addressed in the work of L.M. Cullen and Kevin

Whelan, who find convincing evidence that Catholics maintained possession either through collective family strategies or by acting as intermediaries.[50]

Equally insolent were Presbyterian militia members who could use their temporary status as armed defenders of the state to harass those who they were in theory protecting. These complaints came in the wake of discussion following the invasion fears and insecurity of 1715, sharing a general displeasure at the prospect of Presbyterians becoming officers in the militia and the regular army.[51] This caused an outcry from the clergy of the Church of Ireland that the Presbyterians were becoming 'insolent in the highest degree'.[52] The Archbishop of Armagh observed that if the government allowed Presbyterians to become officers it would 'raise some men's imaginations so high as to make them think that on occasion they might be able to act independently of England.'[53] A full account of the formation of the militia legislation which prefigures our discussion can be found in Neal Garnham's recent work on the militia and is engaged with later on in this work.[54]

One particular incident that occurred a few years before the arrival of Bishop Nicolson provides an example of how firearms, insolence and insecurity could all come together in personal interactions. In 1715 clergy and members of the Church of Ireland brought a case to the county assizes complaining of the behaviour they had been forced to endure from local Dissenters during searches for arms or hidden supporters of the Jacobite pretender.

[50] Cullen, 'Catholics under the penal laws': 23-36; Whelan, 'An Underground Gentry?': 7-68.
[51] James Kelly, ''Disappointing the Boundless Ambitions of France'': Irish Protestants and the Fear of Invasion, 1661-1815.' *Studia Hibernica,* 37 (2011): 27-105.
[52] Synge to Wake, 2 February 1716 in Christ church, Oxford, *Wake Papers*, xii, ff. 16-17.
[53] Archbishop Thomas Lindsay to Archbishop Wake, 27 March 1716 *Ibid.,* xii, f. 355.
[54] Neal Garnham, *The Militia in Eighteenth Century Ireland: in defence of the Protestant interest* (Woodbridge: Boydell, 2012), pp. 14-34.

The pamphlet starts with a list of grievances, stating that:

> [They] have of late suffered great hardships, by having [their] houses searched as disaffected persons, and those arms they kept for [their] necessary defence taken away from them; and in some cases by such who seem not to have any lawful authority so to do; and that the Dissenters, who have always been treated with much tenderness by us, have been very active in carrying on, and chiefly concerned with, these practices.[55]

The proceedings and testimony at the assizes centred on a search for arms by a local Presbyterian schoolteacher and 'about thirty armed men, all Presbyterians'[56] The list of incidents that had been supposedly perpetrated by these local men had caused so much distress that it made 'people terrified from coming to publick prayers and service'.[57] It was the 'the intollerable insolence of Dissenters,' which had 'almost frighten them from owning themselves Churchmen'[58] This was not a display on the part of members of the established church of their power and confidence. That loyal members of the established church could so easily be disarmed by supposed allies was not to be dismissed lightly, especially given the concentration of Presbyterians into the northern part of Ireland.

In another deposition, a member of the established church was asked to get fodder for some horses by one of the Presbyterian militiamen and he subsequently agreed to do so. However, another member of the same group demanded he do so faster, and this caused the man to refuse. The reported reply from the armed and mounted Presbyterian was that 'if he did not go, he

[55] [Edward Budgell], *The Report of the Judges of Assizes for the North-East Circuit of Ulster, upon a Memorial Given to the Lords Justices of Ireland* (Dublin, 1716) pp. 3-4.
[56] The examination of the Reverend John Martin in *The Report of the Judges of the Assizes*, p. 7.
[57] The deposition of the Reverend Mr. Geoffry Fanning of Benvarden in *The Report of the Judges of Assizes* p.5.
[58] The deposition of the Reverend Mr. Geoffry Fanning of Benvarden in *The Report of the Judges of Assizes* p.5.

would make him, for the Day has turned.'[59] Justifications for this search for arms were varied. In some cases the men had sheriffs with them, and in others they claimed they had orders to do so. In one case, seven men without any proof of authority seized the one fowling piece they found, and refused to return it.[60] One of the more esoteric was the claim that the presence of a dead seagull was a secret signal that arms were hidden in the house.[61] Others testified that there were reliable reports of people of suspect loyalties being hidden inside local residences. During the assizes itself, several members of the grand jury expressed surprise that such events could have taken place without them being aware, and attested that in their neighbourhood Dissenters were 'very quiet and peaceful.'[62] Further testimony claimed that other acts of spiteful behaviour had taken place. A servant described how Dissenters had ransacked the carefully folded linen, the men doing the searching alleging that 'they did not know but Pocket-Pistols might be hid in trucks.'[63]

At the end of the trial, it was decided that the Dissenters, as sanctioned members of the militia, had been following orders to secure the firearms of suspect persons. These orders had been issued by the High-Constable to the Justices of the Peace, in reaction to reports that local Anglican clergy had been overheard given traitorous toasts. After some deliberations, the grand jury found the Dissenters to have been acting within their orders, had done so courteously, and given that the area these searches took place in was near the seacoast and bordering Scotland during a time of rebellion, was totally justified. They were also at pains to remark that 'the Established Church in this County and Diocese is a safe, peaceful and flourishing condition.'[64]

[59]The examination of Alexander Mc. Alester, servant to the Reverand Mr John Martin in *The Report of the Judges of the Assizes,* p. 8.
[60] The deposition of the Reverend Mr. Geoffry Fanning of Benvarden in *The Report of the Judges of the Assizes*, p. 5.
[61] The examination of Alexander Mc. Alester, servant to the Reverand Mr John Martin in *The Report of the Judges of the Assizes,* p. 8.
[62] *The Report of the Judges of the Assizes*, p. 13.
[63] *The Report of the Judges of the Assizes*, p. 15.
[64] *The Report of the Judges of the Assizes*, p.15.

The contents of the letters of an outside observer sent to the region do not seem to portray the same confident assessment.

In May of 1718, Bishop Nicholson received orders to begin residence in Londonderry. In a telling description of how 'safe' the countryside was scarcely three years after the trial discussed above, Bishop Nicholson wrote to his ecclesiastical superior to explain that 'the roads thither are, somewhat unaccountable, much infested with several gangs of Rapparees who have lately commited two or three barbarous murders; and their chief ring-leaders are thefore outlaw'd &ct'[65] The Bishop had to be escorted to his new post under escort of ten armed Dragoons to secure his person and the accompanying Dean.[66] This is a stark reminder of the insecurity of Irish roads between the comparative security of its fortified and garrisoned towns that endured into the middle of the eighteenth century.

He also discovered how 'flourishing' the church was in Ulster. Travelling from Dublin and through the drumlins of south Ulster, he described the state of the established church in less than glowing terms. Bishop Nicolson was dismayed to see that 'The churches are wholy demolish'd in many of their parishes'[67] and that the clergy mostly resided in Dublin, leaving 'the conduct of their popish parishioners to priest of their own persuasion'.[68] This was despite persistent attempts to legislate on the problem of clergy arriving from abroad, and supports Connolly's assessment of the large number of priests remaining in Ireland.[69]

In terms of being 'flourishing' it was perhaps the stark poverty of the countryside which surprised the Bishop the most as he exclaimed that he 'never beheld even in Picardy Whespalia, or Scotland such dismal marks of Hunger and want as appeared in the countance

[65] Bishop Nicolson to Archbishop Wake, 17 June 1718, Dublin, Add MS 6116, f. 63.
[66] Nicolson to Archbishop Wake, 17 June 1718, Dublin, Add MS 6116, f. 63.
[67] Nicolson to Archbishop Wake, 17 June 1718, Dublin, Add MS 6116, f. 63.
[68] Nicolson to Archbishop Wake, 17 June 1718, Dublin, Add MS 6116, f. 63.
[69] Marmaduke Coghill to Edward Southwell, sr. 30 November 1725, Dublin p. 29; BL Add. MS 9713, ff. 73-5.

of most of the poor creatures that I met on the road.'[70] He further described how 'these sorry slaves plow the ground to the very top of the mountains' to support a landlord, a wife, and 'commonly ten or twelve bear legged children.'[71] What was the most worrying of all was that 'to complete the misery, these animals are bigoted Papists, and we frequently met them trudging to some ruin'd church or chapel either to mass, a funeral, or a wedding, with a priest in the same Habit with themselves.'[72] The fecundity of the Catholic lower orders despite such abject poverty was worrying in its own right from a demographic perspective. Despite a robust effort on the part of local Protestants to present an idyllic and peaceful land, in the hills and to the west there remained Catholic Irishmen with a dogged determination to survive, and there were 'twelve bear legged children' to every Protestant gentleman tipping his hat to his Presbyterian neighbour.

After arriving in Derry itself, just how outnumbered the established clergy were was made clear. On the first day of August Nicolson gave a warning that it was prudent to give some respect to the Presbyterians who he estimated had 800 families to the 400 conformist and 400 Catholic families in Londonderry.[73] He described how in some parts of Ulster, the ratio was more like 40 to 1. The matter was bluntly addressed when Nicolson explained that if the government were to 'withdraw its protection and the Test-Act; I know or rather every man must know & see what would become of us.'[74] Rather than the stark poverty and armed militancy of south Armagh, Nicolson was struck by how much power would have to be acknowledged to the Presbyterians. Bishop Nicholson lamented that the 'present insolence of our Popish clergy is unspeakable; which shows they are animated by some secret abetters.'[75] In another letter, Bishop Nicholson linked the Catholic clergy directly to encouraging young

[70] Bishop Nicolson to Archbishop Wake, London-Derry, 24 June 1718, BL Add MS 6116, f. 64.
[71] Bishop Nicolson to Archbishop Wake, London-Derry, 24 June 1718, BL Add MS 6116, f. 64.
[72] Bishop Nicolson to Archbishop Wake, London-Derry, 24 June 1718, BL Add MS 6116, f. 64.
[73] Bishop Nicolson to Archbishop Wake, London-Derry, 1 August 1718, BL Add MS 6116, ff. 66.
[74] Bishop Nicolson to Archbishop Wake, London-Derry, 1 August 1718, BL Add MS 6116, ff. 66.
[75] Bishop Nicolson to Archbishop Wake, London-Derry, 1 August 1718, BL Add MS 6116, ff. 131-2.

men to go overseas, writing that a new law against Irish Catholics attempting to serve under arms abroad would hopefully 'curb the bold and traitorous practices of our (numerous) popish adventurers; who are spirited on, & encouraged in their treason by the daily-increasing sholes of Priests and Fryors from abroad.'[76] To make matters worse, Nicolson remarked that 'not only our People but our magistrates seem to desire and love it so.'[77] This reiterated a sentiment he had earlier held in regards to Scotland in 1708.[78]

Taking up arms abroad was seen as the most 'open insolence' of all.[79] The increasing reports of Irish Catholics attempting to join the armies of France and Spain filled the letters of the period. Lord Primate Boulter sent word in the spring of 1724 of reports that 'lusty young fellows are quitting the country, or pretending to go to England for work.'[80] He further remarked that nobody questioned that they were all 'really going into Foreign Service.'[81] The destination of the men was either France or Spain, both frequent enemies of Britain, but the repercussions were much more localized.

Boulter wrote to the Archbishop of Canterbury that 'By the Laws here, it is Capital to list or be listed in any foreign service, without leave of the Crown.'[82] This issue was partially addressed through the successful passage of additional legislation towards suppressing Tories, Rapparees and preventing soldiers from enlisting in the foreign service, a topic addressed more fully in the third chapter of this work.[83] The response to the increasingly concerned tone of these reports was to consider the possibility of handing out state and personal firearms to the local, loyal and Protestant population against both the threat of insurrection by the Catholic majority and a

[76] Bishop Nicholas to Archbishop Wake, Dublin 13 January 1721/2, BL Add MS 6116, f. 104.
[77] Bishop Nicholas to Archbishop Wake, Dublin 6 January 1721/2, BL Add MS 6116, f. 103.
[78] Bishop Nicholas to Archbishop Wake, Dublin 5 August 1708, BL Add MS 6116, f.8-9.
[79] Bishop Nicholas to Archbishop Wake, Dublin 6 January 1721/2, BL Add MS 6116, f. 103.
[80] Boulter to Lord Newcastle, 11 March 1726, in *Letters Written by his excellency High Boulter*, p. 58.
[81] Boulter to Lord Newcastle, 11 March 1726, in *Letters Written by his excellency High Boulter*, p. 58.
[82] Boulter to the Archbishop of Canterbury, 4 May 1726, in *Letters Written by his excellency High Boulter*, p. 57.
[83] The Nesting Ground of Wild Geese, pp. 85-124.

foreign invasion force led by a vanguard of armed Catholic Irishmen with military experience from their service overseas.

The archbishop Hugh Boulter in 1726 gave voice to further fears:

> As accounts from all hands seem to forbode some mischievous designs among the Papists, I am appreciative that before some months are past, it will be necessary of putting the militia in good order, to prevent any surprize, especially since six regiments have been drawn from hence.[84]

The lack of a garrison of regular soldiers necessitated the arming of the population as a militia. This was always a weapon of last resort however, as in the North that would necessitate giving arms to Presbyterians. Lord Primate Boulter was clear to stress that the Irish government would wait until they had a proper representation of the resources available, and what the will of King George I would be.

He wrote much the same in a letter to the Lord Lieutenant of Ireland Lord Carteret a few days later. Interestingly, in the letter to the Lord Lieutenant, Boulter stressed that there were 'likewise accounts from several parts that unusual fasting and devotions are set on foot among the Papists, and very seditious sermons preached among them.'[85] These unusual displays of religious devotion, as well as the increasingly frequent disappearance of lusty fellows led to the instructions to customhouse officers to be more watchful of who was attempting to leave the country.

Protestant fears of insurrection and the dangers of Irishman leaving to join foreign armies were not absolute. After noticing the lack of any action by the Lord Lieutenant despite the concerns

[84] Boulter to Lord Newcastle, 19 May 1726, in *Letters Written by his excellency High Boulter*, p. 57.
[85] Boulter to Lord Lieutenant of Ireland, Carteret 19 May 1726, in *Letters Written by his excellency High Boulter*, p. 60

raised by members of Parliament, Bishop Nicolson suspected that Catholics going abroad were actually intended for 'Spanish service against the Moors'[86] and furthermore, that they were being raised with the permission of the English Monarch. He went even further when describing an additional benefit assuming that the Irish were actually intended to be used against Muslims in North Africa. 'If this be the case, we have reason to wish that whatever the number may be that are already shipped over, they might be doubly increased': those that had left were 'bigoted Papists'.[87] He went on further to conclude that although they might wish to come back to Ireland as invaders, the chances were unlikely.

In 1721, confidence was fluctuating, and not just for members of the Church of Ireland. Nicolson described how 'Our Papists on one hand and Presbyterians on the other, seem chearfully to expect some speedy turn in their favour; whilst the members of the established church look Sullen and discontent.'[88] Scarcely four years later, on a warm summer night and at the epicentre of English power in Ireland men were assembling onto St. Stephen's Green. Several concerned locals sent word to the Lord Mayor of a 'numerous rabble' that were continuing to gather there. The Lord Mayor, the Sheriffs, and a few attendant aldermen and a number of magistrates went to disperse them and were quickly sent running from volleys of stones, bricks and clods of dirt.[89]

The failure of the local representatives of law and order resulted in the sending in of a military detachment of 40 infantry and an additional 40 Soldiers on horseback. The soldiers fired into the crowd, wounding several and thirty were subsequently taken into custody.[90] Boulter suspected that they were not a real threat, but rather that because of the war, 'Papist[s] are better

[86] Bishop Nicolson to Archbishop Wake, Dublin, 20 January 1720/1, BL Add MS 61116, f. 105.
[87] Bishop Nicolson to Archbishop Wake, Dublin, 20 January 1720/1, BL Add MS 6116, f. 105.
[88] Bishop Nicolson to Archbishop Wake, London-Derry, 30 April 1721, BL Add MS 6116, f. 107.
[89] Boulter to Lord Newcastle, 11 June 1726, in *Letters Written by his excellency High Boulter*, p. 84.
[90] Boulter to Lord Newcastle, 11 June 1726, in *Letters Written by his excellency High Boulter*, p. 84.

at heart, and so might come in greater numbers.'[91] Clearly, insolence was influenced by British fortune abroad. The spirits of local Catholics were also perceived to be fluctuating alongside election results, with Boulter writing to Lord Carteret in late June of 1729 ' …that anything which looks like bringing the Tories in power here, must cause the utmost uneasiness in this kingdom, by raising the spirits of the Papists of this country'.[92]

In the following spring, Boulter reported on a discussion that had suggested the recruitment of local men into army detachments. This emergency measure was deemed necessary because of the great difficulty of getting recruits in England or Scotland as a result of heavy recruitment by English regiments. He proposed that they could address this deficiency by relying on the local Irish Protestant population for recruits. This would require being given permission to temporarily be allowed to do so given restrictions intended to preserve the Protestant population's numbers in Ireland. He assured the Duke of Newcastle that they would stipulate that no recruit would be allowed to enlist unless they could prove that they were Protestants with a certificate, and that both their parents were also Protestants. Ulster was described as being full of men who were 'hearty and zealous for his Majesty and family.'[93]

The small number of battalions stationed in Ireland, sufficiently augmented by recruitment of local Irish Protestants, was thought necessary to 'discourage Papists from too hastily listening to the emissaries of Spain, who are no doubt at present very busy amongst them, and given them hopes of some disturbance here.'[94] In a further sign of what quality of persons were going to be needed on such short notice there was also to be a suspension of a minimum height requirement.[95]The combination of men leaving for overseas service, and the prospect of

[91] Boulter to Lord Newcastle, 11 June 1726, in *Letters Written by his excellency High Boulter*, p. 84.
[92] Boulter to Lord Newcastle, 11 June 1726, in *Letters Written by his excellency High Boulter*, p. 84.
[93] Boulter to Lord Newcastle, 11 March 1726/7, in *Letters Written by his excellency High Boulter*, p. 119.
[94] Boulter to Lord Newcastle, 11 March 1726/7, in *Letters Written by his excellency High Boulter*, p. 119.
[95] Boulter to Lord Newcastle, 30 March 1727, in *Letters Written by his excellency High Boulter*, p. 122.

Spanish agents or seditious words by Priest and Friars were especially troubling in an environment where Catholics could be observed by their neighbours to be avidly following news of British defeats or setbacks abroad. However, local Catholics were unarmed and poor. They were not to be feared as long as no foreign Monarch was willing to back them.[96]

It was considered fact that that 'the inhabitants of those places being Papists [sic] will have greater regard to the interest of France and Spain than to that of England and Ireland.'[97] This in and of itself is not especially surprising. What is noteworthy was that even in the centre of English power in Ireland troops had to be called in to disperse an unruly crowd and that a high ranking member of the Church needed to be escorted by ten armed and mounted men to travel from Dublin to Londonderry. The marked confidence of the arguments of men like Cox was eroded by the increasingly visible endurance of Presbyterians lobbying for a more equal share of power and a profoundly enduring Catholic Irish population whose perhaps most insolent act was not only to continue to exist, but to grow.

iii.

Marmaduke Coghill was aging gracefully between bouts of gout as 'one of the pillars of the Irish Protestant establishment'.[98] He had served in parliament for Armagh and Trinity College Dublin from 1692 until his death in 1739. His letter below was written at the peak of his power in 1731, then secure in the sinecure position of chancellor of the Irish exchequer. In the third decade of the eighteenth century, a different threat to Protestant power was increasingly apparent.

[96] Bishop Nicolson to Archbishop Wake, Dublin, 16 December 1720/1, BL Add MS 6116, ff. 121-2.
[97] Marmaduke Coghill to Lord Perceval, 4 May 1731 (copy), p. 114, BL Add. MS 47033, f. 94.
[98] D.W. Hayton ed., *Letters of Marmaduke Coghill 1722-1738* (Dublin: Irish Manuscripts Commission, 2005) p. xi.

> the Scotch of the North are mad for goeing to the West Indies, and really most of them who are gone, which are about 4500, have had no other reason, but the hopes given them of being great men and getting great estates as soon as they land in America.[99]

Presbyterians, excluded by the Test act from participating in local government, and facing a subsistence crisis in the cruel winters and abysmal harvests of the late 1720s were leaving Ireland in droves.[100] Landlords relied on local intermediaries to inform them of the day to day running of their estates, as well as the impact of departing Presbyterians.[101]

To make matters worse as the Dissenters were leaving Ireland as Catholics from abroad were returning. Marmaduke Coghill had suspicions as to what was the cause of all this turmoil, as he explained in a letter to Edward Southwell in the spring of 1728.

> I am sorry to find that every Session of Parliament, some bill or other is constantly brought in to the Prejudice of the Protestant interest of this Kingdom, it looks as if the Policy of England is to keep this a popish country, what else can be the meaning of this bill in favour of Genll. Dillons sons.[102]

More worrying was a bill originating in the English House of Commons enabling the son of an outlawed Irish Jacobite to succeed his cousin as Viscount Dillon, despite serving as a Colonel in the French service, which had a dangerous precedence on wider fears of Presbyterian emigration and Catholic return.[103] In the same letter, Coghill went on to express fears of larger number of people returning from Europe.

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[99]Marmaduke Coghill to Edmund Southwell, Sr, Dublin , 5 November 1728, in Hayton ed. *Letters of Marmaduke Coghill*, p. 57.

[100] For a good introduction to the severity of the famine, and its relative neglect in comparison to the 1740-1 subsistence crisis, see James Kelly, 'Harvests and Hardship: Famine and Scarcity in Ireland in the Late 1720s.' *Studia Hibernica*, no. 26 (1992): 65-105.

[101] Patrick Walsh*, The Making of the Irish Protestant Ascendancy: The Life of William Connolly, 1662-1729 Vol. 7* (London: Boydell & Brewer, 2010), pp. 113-115.

[102] Marmaduke Coghill to Edward Southwell, 11 March 1728/9, BL Add. MS. 21112, ff. 66-9.

[103] *C.J.*, xxi, p. 248.

> ...We can’t but be under uneasiness at these proceedings, especially when we see every day numbers of people comeing hither from France, and some of them commencing law suits on old deeds and morgages, what we can think of our selves when the Protestants are running to America, and the Papists returning from France hither…[104]

At the very point when Protestant demographic strength was perceived to be weakening Catholic elites from abroad were returning with claims on old titles. Boulter’s letter to the Archbishop in Canterbury highlighted the dangers presented to the established church. ‘There are probably in this Kingdom five Papists at least to one Protestant: we have incuments and curates to the number of 800, whilst there are near 3000 popish priest of all sorts here.’[105] He also noted the uselessness of the threat of excommunication in a kingdom where the majority of religious adherents were Dissenters and Papists, and the reluctance and difficulty in getting Dissenters to pay the tithe for the upkeep of the established church.

Perhaps the most telling admission of the demographic problem was revealed in a letter to the Duke of Newcastle in the spring of 1727. Boulter wrote that instead of gaining ground ‘on the Papists, we must lose to them.’ [106] He then declared that the descendants of many of Cromwell’s officers and soldiers had ‘gone off to popery.’[107] Whether this was a historical truth or a manifestation of the fears of conversion to Catholicism is not clear. Boulter referenced the same problem when writing to the Bishop of London in early April 1730. He explained that instead of converting Catholics when they were adults, the established church instead faced the daily loss of parishioners as the ‘meaner people’ converted to ‘Popery’.[108]

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[104] Marmaduke Coghill to Edward Southwell, 11 March 1728/9, BL Add. MS 2112, f. 69.
[105] Boulter to Archbishop of Canterbury, 13 February 1727, in *Letters Written by his excellency High Boulter,* pp. 168-9.
[106] Boulter to Duke of Newcastle, 7 March 1727, in *Letters Written by his excellency High Boulter*, p. 184.
[107] Boulter to Duke of Newcastle, 7 March 1727, in *Letters Written by his excellency High Boulter*, p. 184.
[108] Boulter to Bishop of London, 6 April 1720, in *Letters Written by his excellency High Boulter*, Vol. ii, p 10.

The confidence of men like Cox and Archbishop King of the widespread conversion of the Catholic population to Protestantism was a thing of the past.

Even if successful, a converted Ireland created problems in its own right. One of the things that made converts so dangerous was the fact that they avoided the penalties that their Catholic brethren faced and were taken into the Protestant fold. A gradual erosion of the former enthusiasm for converting the Catholic population was not completely absent by the third decade of the eighteenth century, as Hugh Boulter's proposed solution in the opening of this chapter demonstrates. However the number of adherents to a strategy of widespread conversion was on the decline.[109] In the closing section of this chapter we briefly examine one area where conversion of Catholics was successful, and of the response by those threatened by this conversion by looking at some of the arguments used to pass legislation restricting the rights of converts during this period.

In 1697 a failed bill entitled 'To prevent Protestants turning Papists, and converts from being reconciled to the Church of Rome' did not make it past conception in Ireland. Attempts to prevent Converts from re-joining the Catholic Church were attempted. However, by 1725, a renewed push for penalties and security for the children of Converts resulted in sending the English Privy Council a bill entitled 'For the securing and strengthening the Protestant interest in this kingdom, and to oblige converts to breed their children Protestants, and to prevent the occasional conformity of Papists.' The bill was rejected in England, perhaps in part because of a petition sent from Ireland by Catholics.[110] Another attempt in 1732 to pass

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[109] Numerous failed bills for converting Catholics, instructing them in the English language, and financial incentives.

[110] 'Humble petition of Thomas, lord baron of Caher, Thomas Power Daly, esquire, and John Reilly, esquire, on behalf of themselves and several of his majesty's Roman Catholic subjects in Ireland, praying to be heard by their counsel against three bills [not named, but must be 1823, 2083 and 2877] lately transmitted from Ireland in which are contained several clauses and provisoes whereby the petitioners and others his majesty's subjects will be much aggrieved'; referred to EPC committee. 21 Jan. 1725[6]. *PC* 2/89, pp 141-2.

a bill entitled 'For the better putting in execution the several laws and statutes made in this kingdom for banishing regulars and Papists exercising ecclesiastical jurisdictions and for preventing the growth of Popery and for the more effectual obliging converts and guardians to educate children in the Protestant religion' was also rejected for much the same reason.[111]

The problem with Converts was that while they might be reconciled to the established church, their wives and children were suspected of still practicing the Catholic faith. Even worse, they could petition against legal proscriptions because they were for all intents and purposes Protestants. In the next section, we examine first vigilance in preventing men who had married Catholics or were suspected of being secret Catholics from serving in the revenue service, then look to fears about converts serving in the legal profession.

Vigilance against intermarriage in the revenue service and a careful scrutiny of religious conviction fills the pages of the Revenue minutes. In the spring of 1713, a general order was sent out seeking written confirmation that all officers of the revenue had qualified themselves as Protestants.[112] Outside of the officers' own religious convictions, marriage to a Catholic woman was considered to compromise a man's loyalty. In 1717, John Ashe was dismissed for 'being marry'd to a papist, violent in his behaviour at the election of parlimeant men, & had[sic] concealed arms belonging to John Burke, a Papist.'[113] Obviously, being violent towards political opponents and concealing weapons for a Catholic were factors in his dismissal, but his wife's religion was a key factor in the litany of his crimes. However, it was not clear if being married to a Catholic was enough to get a man dismissed if he had not committed other crimes. In 1718, reports came in that a superior

[110] 'their lordships having heard counsel upon the petition of the Roman Catholics of Ireland against the said bills though proper to order Mr Attorney and Solicitor General who were present to take back the said bills and reconsider them together with the objections they had heard made to them and report their opinion thereupon to this committee'. See 25 Jan. 1731[2]. (P.C. 2/91, p. 571).
[112] *Rev. commrs min bk*., 16 March 1713TNA CUST 1/11, f. 276.
[113] *Rev. commrs min bk*., 12 April 1717, TNA CUST 1/13, f. 59.

tidewait named Christopher Bickford's wife was a 'reputed papist'[114] and requested the legal advice on whether having a papist wife was enough for the disqualification of a revenue officer. Unfortunately, the minutes do not disclose what advice was given. By 1721, it seemed that the legal framework was more absolute, as a boatmen named James Lafferty was dismissed for being married to Catholic woman.[115] Edward Nearny was dismissed after John Carlance said that he had seen him at an outdoor mass at a place called six mile bridge near Kisdale, despite the fact that John had 'passed for a Protestant'.[116] A few months later instructions were sent that Edward Nearly, a boatsmen in Kisdale, should be looked into, 'especially in regards to his religion' as well as that of another local man whose daughter he had married.[117] It was not only a matter of dismissing men of suspect loyalty, it was also the case that men who were especially vigilant in preventing Catholics from infiltrating the state were rewarded for their efforts by appointment to the revenue. In 1722, a man by the name of Maurice Hayes was recommended by Lord Cadogan for reporting 'several Roman Catholicks who has[sic] listed in ye regiments of guards'[118] The revenue was instructed to find a post with a salary of around £30 a year in a section of the service that would fit Maurice's inclination.

Hugh Boulter was much more concerned with the fact that many of those tasked with enforcing the laws and securing the Protestant Interest were Converts. In 1727, he wrote to Lord Lieutenant Carteret to explain why the indemnifying bill was needed. Boulter explained that the bill would require 'some years conversion in Papists before practicing the law'[119] The bill was so specifically worded because 'nothing can be moved about papist or

[114] *Rev. commrs min bk*., 16 May 1718, TNA CUST 1/14, CUST1/14 is not paginated after folio 156.
[115] *Rev. commrs min bk*., 13 May 1721, TNA CUST 1/15, f. 94.
[116] *Rev. commrs min bk*., Fall 1723, TNA CUST 1/17, f. 80.
[117] *Rev. commrs min bk*., 22 November 1723, TNA CUST 1/17, f. 94.
[118] *Rev. commrs min bk*., 25 November 1722, TNA CUST 1/16, f. 160.
[119] Boulter to Lord Lieutenant Cartelet, 20 July 1727, in *Letters Written by his excellency High Boulter*, p. 152.

conversion in either house but what is at last so clogged as to come to nothing'[120]. Writing to the Duke of Newcastle Boulter explained in detail the dominance of the legal profession with converts.

> The practice of law, from the top, is at present mostly in the hands of new converts, who give no further security to this account than a certificate of their having received the sacrament in the Church of England or Ireland which several of them who were Papists at London obtained on the road hither, and demanded to be admitted barrister in virtue of it, at their arrival: and several of them have popish wives and mass said in their houses, and breed up their children Papists.[121]

Nominal converts attempting to avoid the penal laws were seen as a 'growing evil'.[122] The solution was to require the convert to prove the sincerity of their convictions by making a declaration against popery and waiting five years before being allowed to work as a barrister or sheriff. Furthermore, any child under the convert's care who was under the age of fourteen would have to be raised as a Protestant. If any of these were violated, the convert would 'incur the penalties and disabilities to which those relapsing from the Protestant religion to popery are liable.'[123]

What does this show us about converts? It may be that perhaps that the reason Converts were 'suspect communities' is because of what they represented. We return to the enigmatic statement made by S.J. Connolly; 'For better or worse, the Protestant elite, in town and country alike, would from now on have to live with the Catholic lower classes, as they were

[120] Boulter to Lord Lieutenant Cartelet, 20 July 1727, in *Letters Written by his excellency High Boulter*, p. 152.
[121] Boulter to Duke of Newcastle, 7 March 1727, in *Letters Written by his excellency High Boulter,* p. 182.
[122] Boulter to Duke of Newcastle, 7 March 1727, in *Letters Written by his excellency High Boulter,* p. 182.
[123] Boulter to Duke of Newcastle, 7 March 1727, in *Letters Written by his excellency High Boulter,* p. 182.

or as they might be made.'[124] The Catholic lower classes were not converting, and the historical record seems to indicate that in terms of marriages, it was Protestants who were marrying into Catholic families. The conversions that did take place were not the poor, but rather families of a high enough station to threaten the Protestant elite. The eroding demographics of the broader population base that supported the Protestant elite in Ireland was more and more apparent. In the army and the revenue service, loyalty had to be constantly reassessed to prevent infiltration of men of suspect loyalty. Attempts to remake them had failed.

This chapter has attempted to recapture shifting views on two different suspect communities. We examined the changing perceptions towards the role of Converts and Presbyterians in Ireland and of the shifting triumvirate of expectation, fear and reliance that Protestant elites felt towards both Converts and Presbyterians. 'Insolence' was used to highlight moments when the illusion of the power and confidence of Protestant elites broke down. Thirty armed Presbyterians ransacking a clergyman's linen chest in Ulster were not signs of a confident ascendancy, nor was the extreme vigilance towards the loyalties of those men checking the incoming ships for weapons, seditious writing and priests. The fact that so many men of suspect loyalty were able to find employment itself demonstrates the problem of finding enough Protestants to defend the state from the other. Deciding who was loyal was especially important when handing out arms. The acquisition of enough firearms to arm Protestant Ireland is a topic taken up in the next chapter.

[124] Connolly, *Religion, Law and Power*, p. 32.

Chapter 5. Arming Ireland: Confessional and Conditional Loyalty

In the previous chapter I examined the complexities surrounding fears about who could be trusted to be loyal enough to be armed by the state during periods of heightened insecurity. As the eighteenth century progressed the British empire's enemies were proliferated. Previously this discussion has concentrated on Protestant responses to the phantasm of invasion or fears of a local uprising. The lack of an uprising in Ireland during the landings in Scotland during 1715 or in 1745 did not banish Protestant fears.[1] Recurrent rumours of French or Spanish backed Jacobite invasions in 1717, 1719, 1721-2, 1743-44 reignited nightmares and made for sleepless nights for the less bucolic members of the Protestant minority.[2] In the late 1750s Britain became entangled in another war with its recurrent enemy France. Ireland faced the greatest call on its resources- both fiscal and military- as one participant within the wider struggle between the Hanoverian Dynasty in Britain against the Bourbons of France and Spain.

The conflict was expensive in lives and treasure in the core British dominions and colonial territories further afield. The Treaty of Paris would result in the acquisition of substantial new territories for the growing British Empire at the cost of incurring a massive debt. Perhaps most crucially for our purposes, securing Ireland meant a discussion of who would or should have the gun. With new territories came a growing reliance on the Irish establishment to secure these gains with contributions. Britain's increasingly ravenous appetite for manpower steadily

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[1] Kelly, '''Disappointing the Boundless Ambitions of France'': 27-105, with emphasis on 57-59. Kelly's work demonstrates the prominence of the French as the main of enemies in the Irish imagination.

[2] Comparison can be made to similar fears in Britain itself. In Ireland's case the danger of an uprising by the Irish Catholics shared the stage with the concerns of an invasion by hostile powers. This is a point that Linda Colley does not address in the otherwise excellent 'Britishness and Otherness: An Argument.' *Journal of British Studies*, 31, 4 (October, 1992): 309-329. Although the argument can be made that an invasion from the North replaced the fear of a domestic uprising. For a broad overview of the issue of conquest and legitimate rule, see Patrick Kelly, 'Conquest versus Consent as the Basis of the English Title to Ireland in William Molyneux's Case of Ireland' in Ciaran Brady and Jane Ohlmeyer eds. *British Interventions in Early Modern Ireland* (Cambridge, 2005), pp. 334–356.

eroded the already crumbling cornerstone of the founding myth of the Protestant ascendancy. Namely: the absolute monopoly of the right to bear arms by a Protestant minority over a Catholic majority.

As this work has repeatedly argued, Protestant power in Ireland was maintained in part on the maintenance a monopolization of the right to wield the gun that had been secured through victory on the battlefield. Despite the presence of small numbers of armed Catholics in British armed forces, there was persistence vigilance against what was seen as an existential challenge to Protestant power in Ireland. The monopoly of the right to bear arms was increasingly untenable in the face of arguments to allow Catholic recruitment into the armed forces. This does not mean that it was absolutely abandoned in the face of changing times.

A phrase Charles Ivar McGrath used when describing the supposed demise of Catholic land ownership in eighteenth-century Ireland can be equally used to describe the health of the foundation myth of Protestant Ireland. The maintenance of the Protestant monopoly of the gun was akin to Catholic land ownership in that 'the slow death was indeed very, very slow, and possibly misdiagnosed.'[3] In this chapter, we will examine the surprisingly robust health of Protestant efforts to maintain their monopoly on firearms despite repeated attempts to legislate catholic recruitment to the armed forces. Afterwards, I examine the outbreak of sustained rural unrest in two different geographic communities and the impact that this had on Protestant attempts to maintain both a monopoly on the gun as well as arguments for a reform of the penal laws in a time of increasing security obligations abroad.

The chapter begins with a brief look at Ireland in comparison to other parts of the British dominions in the middle of the eighteenth century and continues with a discussion about population. This is followed by an interpretation of Charles Ivar McGrath's recent work in

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[3] McGrath, *Ireland and Empire*, p. 33.

Ireland and Empire dealing with the background to changes in recruitment and garrisoning in the 1750s and 1760s and of Ireland's active role as a participant of empire through fiscal and military contributions. Of particular use is his discussion regarding changes in imperial policy throughout the empire that made Ireland the successful model to be imposed on other British possessions. The decision to maintain a standing army of 10,000 in the American colonies after the 1763 Treaty of Paris raised a great furore in the colonies.[4] However, this must be put in perspective. This establishment of 10,000 men stood at this level until 1764, slowly decreasing to 7,500 by 1770.[5] Estimated to cost £225,000 a year, the actually cost ballooned to an average of £384,000 a year. Although the expectation was that the colonies would pay for their own defence after the first year, the total customs intake for the entire thirteen colonies by the excise commission was a mere £1,800.[6]

The garrison in North America was still lower than the 12,000 men being paid for on the Irish establishment, a figure later increased under the tutelage of Lord Lieutenant Townshend through an additional augmentation to a total of 15,256.[7] Ireland also increasingly beckoned as a source for recruits to meet these ballooning requirements. Unlike the growing discord against the dangers of standing armies, Neal Garnham summarizes Irish Protestant views on the standing army as being one of an expensive but necessary deterrent to a Catholic uprising alongside Irish political writings arguing for the establishment of the Militia.[8] Robert Molesworth's *An Account of Denmark as it was in the Year 1692* provides a criticism of the dangers to government from standing armies. However, as Garnham highlights, he did not seem so deterred as to avoid taking residency and an active interest in Ireland, the place in the

[4] F.V. Mills, 'Bishops and Other Ecclesiastical Issues, to 1776' in Jack P. Greene, and Jack Richon Pole, eds. *A companion to the American Revolution*. (Oxford, Blackwell, 2000), pp. 179-181.
[5] Mills, 'Bishops and Other Ecclesiastical Issues', p. 179.
[6] Mills, 'Bishops and Other Ecclesiastical Issues', p. 179.
[7] Bartlett, 'The Augmentation of the Army in Ireland 1767-1769.' *English Historical Review,* 96, 380 (1981): 540-559, 540.
[8] Garnham, *The Militia in Eighteenth Century Ireland*, pp. 70-72.

British kingdom where the largest standing army was to be found. Although pamphlets such as John Trenchard's *History of Standing Armies* and John Toland's *The Militia Reformed* were printed in Ireland and written by Irish-born authors, Garnham persuasively argues that the pamphlets may have been destined for export, and if one goes by time spent in Ireland, the Irishness of the authors is found wanting.[9] He cites the only two pamphlets produced in the 1740s to discuss standing armies, both of which advocated putting firearms into the hands of Irish Protestants, but had little to say on the dangers of a standing army.[10]

At the very time demands for soldiers were growing military recruiters faced an increasingly tepid enthusiasm by the Protestant inhabitants of Ulster towards enlisting in Britain's armed forces for service abroad. This need for men meant that from 1756, the formerly suspect Dissenters were able to legally hold commissions in the Militia and gained a small political standing by being involved with the commissions of the Militia array.[11] A careful scrutiny of the increasingly strained correspondence between William Pitt and the Duke of Bedford is undertaken to gauge imperial concerns about security, manpower and Irish enthusiasm for Imperial projects. Manuscript collections from several sources will augment these particular letters to give a broader view. The correspondence reveals a conflicting desire to recruit Catholics into the armed forces of the Empire for service abroad while still distrusting them at home, and the need to defend not only the strategic but the fiscal security of Ireland without relying on a standing military force to defend it. This coincided with the dispersal of a large number of firearms into regional centres, a reversal of a policy of centralized stockpiles in Dublin, and crucially was a catalyst for the long period of failure to control arms in Ireland.

[9] Garnham, *The Militia in Eighteenth Century Ireland*, pp. 70-72.
[10] Garnham, *The Militia in Eighteenth Century Ireland*, p. 71. Referencing the anonymous pamphlets *Hints Concerning the Present State of Ireland, Humbly Submitted to the Consideration of the Publick* (Dublin, 1745) and *The Necessity of a Well Disciplined Militia in Ireland; Shewn in a Few Short Questions Proposed to the Protestants of that Kingdom* (Dublin, 1746).
[11] McGrath, *Ireland and Empire,* p. 33, pp. 118-119.

Recent scholarship has looked to the acquiescence of Hanoverian viceroys towards a policy of allowing Catholics to serve in the armed forces of Great Britain and Ireland. This work has also demonstrated the apparent willingness of Irish Catholics to pay revenue taxes without the kind of tax revolts or protests that were seen across the Irish Sea in Britain itself throughout the eighteenth century. We can perhaps understand some of the strange co-habitations of loyalty between the different confessional communities in Ireland increasingly apparent in the middle of the eighteenth century. The claim could be made that it is often not seen as either a confessional state or a fiscal military state. Ian McBride concludes that none of the four typical assessments, dependent kingdom, composite monarchy, colony or ancien régime , are mutually exclusive. He rightly notes that no other European kingdom or province was subject to as extensive or sustained a colonization, citing the atlanticist approach of Nicholas Canny, but finds the parallels at times 'obscures as much as it illuminates' by making simple polarities between Irish resistance and English colonialism.[12] S.J. Connolly concludes that Ireland in the eighteenth century was a dependent Kingdom.[13] Despite acknowledging Jonathan Swift's eloquence, Connolly saw claims of Ireland as an autonomous Kingdom as a meaningless archaism. Connolly lays out the post 1689 Irish political landscape as one of English parliamentary authority made manifest after periods of ambiguity in the preceding centuries.[14] The dependency began first with the executive power of the Lord Lieutenant, and patronage flowed downward through the civil, military and ecclesiastical establishment. Following a series of setbacks in the first three decades of the eighteenth century, most notably the Wood's Half pence crisis, Irish Protestant elites maintained their status in the governing apparatus, especially in the case of judges and the excise office.

[12] McBride, *Eighteen Century Ireland*, pp. 168-170.
[13] Connolly, *Divided Kingdom: Ireland 1630-1800*, pp. 218-222.
[14] Connolly, *Religion, Law and Power*, p. 107.

Connolly therefore argues that Ireland was effectively a dependent Kingdom. He is less forgiving of arguments that Ireland was a colony akin to Jamaica or Virginia. He dissects the arguments of the colonial argument, based on a litmus test of racial difference, geographical distance, and the ability to directly project military power. He concedes his argument of opportunities and a world view influenced on the metropolis as being firmly centred on English norms as largely affecting the 25 percent of the population that was Protestant.[15] For the remaining 75 percent, we are left with the statement that instances of 'quiet assimilation or co-existence' of Irish Catholics in the wider empire was hidden. Often cited sources of Catholics facing distrust was a result of the nature of the sources, made up of court records and other records of individuals breaking the laws.[16] However, for our purposes the question that is not addressed sufficiently in these characterizations is who could be relied upon to defend the state from outward invasion or internal revolt.

It is because of this question of loyalty that I have used access to firearms to determine legitimacy. I attempt to demonstrate that the right to bear arms for the state came to replace the narrative of confessional notions of loyalty in this period. In the aftermath of the Seven years' war the growth of agrarian unrest led by illegal gangs such as the predominantly Catholic White boys and the Protestant Hearts of Oak are used to explore how the divided narrative of firearms ownership resulted in a world turned upside down. In the 1760s Catholics were being armed by the Protestant state for service abroad, and local forces of law and order faced turmoil when tasked with disarming Protestant subjects who had so recently been granted the status of being fully sanctioned bearers of arms. Questions also began to be asked about how to prosecute the

[15] David Dickson, *Old World Colony: Cork and South Munster, 1630-1830*. (Madison, Wisconsin: University of Wisconsin Press, 2005), John Gibney's 'Early Modern Ireland: A British Atlantic Colony?' *History Compass* 6, 1 (2008): 172-182 give an eclectic overview of the colonial argument. Karen Lysaght's 'Living in a nation, a state or a place? The Protestant gentry of County Cork.' *National Identities,* 11, 1 (2009): 59-71 provides an overview of how Irish Protestants viewed where they lived.
[16] Connolly, *Religion, Law and Power*, pp. 112.

combinations of cottiers and manufactures if the traditional methods of gentry defusing the situation or the use of exemplary punishment and the courts resulted in failure.

In summary, the objectives of the chapter are to show that a fracturing of the political and social controls on violence at the local and national level were already present forty years before Vinegar Hill or Wexford. Firearms were the locus of power for the competing narratives of legitimacy, loyalty and legacy. The dispersal of caches of weapons served as a fulcrum to tear theoretical differences between confessional communities wide open, and exacerbated long standing grievances. A common thread of this entire work has been to shed some light on why the bearing of arms was so important to the identity of Irish people from all confessional backgrounds. The survival of a vestige of the former Catholic elite after the Williamite war as legal bearers of arms, widespread networks facilitating predominantly Catholic soldiering in Europe in the face of prescriptions on service at home, and the theatrics of Protestant armed volunteer associations all serve as evidence of the gun's importance towards identity.[17]

Charles Tilly has influenced the approach to understanding the increase in violence after the 1750s in Ireland. In the 1970's Tilly had a view on violence that refuted the notion of collective violence as being a causally coherent domain. However, he did find that most collective violence was a by-product of negotiations that were not intrinsically violent. In the last decade, Tilly has come to find that there are far fewer causal mechanisms and processes recurrent in all collective violence, ranging from brawls to opportunism, now labelled by Tilly as 'scattered attacks and broken negotiation'.[18] The monopolization of legitimacy through restrictive laws on the ownership and the use of firearms must be seen as one of these fulcrums. In the 1760s these competing cultures of the gun that had been simmering beneath the veneer of everyday

[17]James Kelly & Martyn Powell eds., *Clubs and Societies in Eighteenth Century Ireland* for loyalist armed associations predating the Volunteers.
[18] Charles Tilly, ed. *The politics of collective violence* (Cambridge: Cambridge University Press, 2003.), p. xi.

life reached a boiling point precisely because there were more people allowed to bear arms, more arms to bear, and increasing resistance to the polite fictions that had served to secure relatively peaceful if resentful co-existence between Ireland's confessional communities.[19]

i.

We begin with a brief look at Ireland and its changing status in the British imperial portfolio. Ireland in the eighteenth century served a similar utility to Great Britain as Sicily offered Spain in the sixteenth. It provided a place to garrison an experienced cadre of men in a relatively safe environment until needed, as well as to provide a place for new recruits to be trained in the art of soldiering. It also served as a font of patronage to secure loyalty.[20] Ireland also served a means to have a standing army without it having to do the standing in England.

Ireland also fiscally contributed a substantial part of the upkeep of the army within Ireland, a topic increasingly being taken up by those interested in the ever burgeoning studies of Britain as a fiscal military state, the neologism coined by John Brewer.[21] Stationing a large body of men in barracks during peacetime and parcelled out into smaller detachments was not without its pitfalls, or any surety that they would not vanish into the countryside if an unhealthy or unpopular location like the West Indies was to be their next port of call.

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[19] The work of Charles Tilly has influenced my own approach. See Tilly, 'Contentious Repertoires in Great Britain, 1758-1834.' *Social Science History,* 17, 2 (1993): 253-280. Charles Tilly, 'Social movements and (all sorts of) other political interactions–local, national, and international–including identities.' *Theory and society* 27, 4 (1998): 453-480 provides an overview of how to approach the problem of a social movement with other types of groups. Charles Tilly's 'Terror, terrorism, terrorists.' *Sociological Theory*, 22, 1 (2004): 5-13 gives an overview of how to approach specific instances of violence.

[20] For an overview of Spanish recruitment and the role of Italy as a place to train recruits see Geoffrey Parker, *The Army of Flanders and the Spanish road, 1567-1659: the logistics of Spanish victory and defeat in the Low Countries' Wars* 2nd edition (Cambridge: Cambridge University Press, 2004), pp. 1-26. Primary source material relating to Spanish Military innovations can be found in the exemplary Fernando Gonzalez de Leon's ''Doctors of the Military Discipline': Technical Expertise and the Paradigm of the Spanish Soldier in the Early Modern Period.' *The Sixteenth Century Journal* , 27, 1 (Spring, 1996): 61-85.

[21] John Brewer, *The Sinews of Power: War, Money, and the English State, 1688-1783* (London: Hutchinson, 1989). The concept itself has a long gestation. Christopher Sorrs introduction provides a genealogy of the concept in his introduction *The Fiscal-Military State in Eighteenth-Century Europe, essays in honour of P.G.M. Dickson* (Farnham, Surrey: Ashgate, 2009) pp. 1-22.

Outside of the dangers of outright desertion were persistent reports of drunkenness, corruption and intermittent conflict with the locals.[22] Neal Garnham has rightly reiterated that these concerns were not limited to Ireland, and that desertion rates and unprofessional conduct were endemic to early modern armies and was to be found later in the century in the armies formed by the *levée en masse* of the French Republic. Crucially, Ireland was more than a garrison outside the Home Counties; it served as a largely untapped source of manpower. The relative size of this resource, the reluctance to utilize it, and the pressures to do so are explored below.

Ireland had somewhere in the range of 3,000,000 inhabitants by 1760.[23] Estimating exactly when the population entered a period of sustained upward growth has been revised from the tentative date of 1780 proposed 70 years ago by Kenneth Connel. As a result of the scholarship of L.M. Cullen and the triumvirate of David Dickson, Cormac Ó Gráda and Stuart Daultrey the date has been revised thirty years backwards to 1750.[24] This substantial population growth occurred despite suffering two severe periods of famine in the 1700s and a number of smaller subsistence crises. James Kelly's pronouncement that the early eighteenth century was the most famine prone five decades in Irish history has garnered further support since he first made the claim in the early 1990s.[25] The subsistence crisis in 1725 and 1726, and famine conditions

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[22] Garnham, 'Military Desertion and Deserters in Eighteenth-Century Ireland': 91-103 and Guy, 'A whole Army absolutely ruined in Ireland', pp. 30-34.

[23] Stuart Daultrey et al., 'Eighteenth-Century Irish Population: New Perspectives from Old Sources.': 601-628 provides a broader discussion of how the population numbers were estimated and has held up well in the intervening years.

[24] Cullen, 'Problems in the interpretation and Revision of Eighteen Century Irish Economic History.' *Transactions of the Royal Historical Society*, First Series, 17 (1966): 11-13 and *The Emergence of Modern Ireland 1600-1900*. The scholarship of these three men is beyond the scale of a footnote, but their arguments can be found in Daultrey et al. 'Eighteenth-Century Irish Population: New Perspectives from Old Sources': 601-628.

[25] Kelly, 'Harvests and Hardship': 65-105. For an account of a less severe crisis and the government response at the end of the period see Kelly, 'Scarcity and Poor Relief in Eighteenth-Century Ireland: The Subsistence Crisis of 1782-4.'*Irish Historical Studies* , 28, 109 (May, 1992): 38-62. For a scientific approach, see S. Engler, F. Mauelshagen, J. Werner, and J. Luterbacher. 'The Irish famine of 1740–1741: famine vulnerability and climate migration.' *Climate of the Past,* 9, 3 (2013): 1161-1179.

in 1727, 1728 and early 1729 and the more severe food crisis of 1740-1 may have precipitated the death of 20 percent of the population.[26]

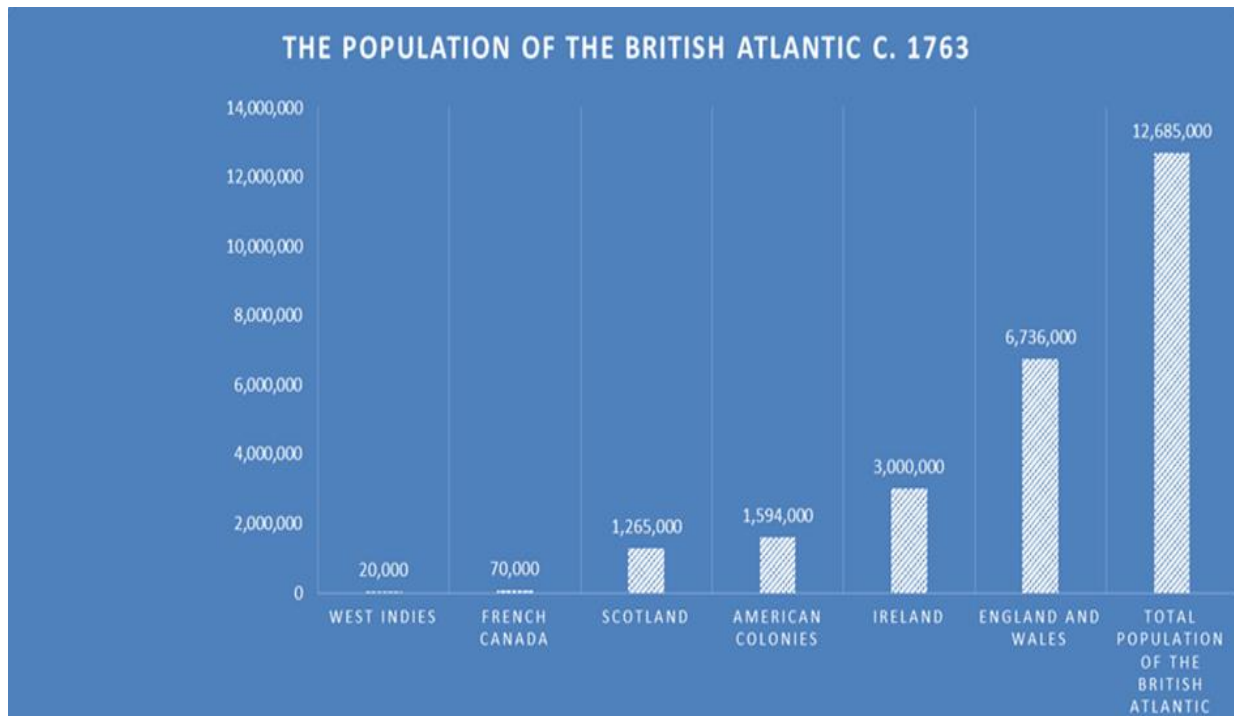
This demographic crisis occurred during, and perhaps precipitated, a sustained period of out-migration. The mass migration of more than 100,000 Ulster Scots to the eastern American seaboard during the period also adversely affected population growth.[27] This number may be an underestimate, and even if an underestimate provides evidence that one in fifteen of the inhabitants of the thirteen colonies were Scots-Irish migrants from Ulster. The migrations of these men and women had coincided with periods of food scarcity or economic dearth in Ireland and Scotland.

Despite all of these anti-Malthusian factors, Ireland remained home to a burgeoning number of inhabitants. To put that number in comparison, the following section will consider Ireland's population with the other major areas in the British Atlantic Empire below. I have devoted space to this to clarify what I consider to be a lack of perspective on the importance of Ireland in terms of the entire British empire's population in the middle of the eighteenth century.

These population estimates exclude the indigenous Amerindian population for the American Colonies and Quebec. Jamaica's population was much higher than that listed below, but the estimate presented below excludes slaves and the Maroon population. I have excluded those populations because of the lack of widespread recruiting of either population into the British empire's military during the eighteenth century. My estimates of total population on recruitment also exclude the roughly 10 percent of the armed forces made up of foreign nationals, largely from small German political entities such as Hesse-Kassel. Hesse-Kassel

[26] Kelly, 'Harvest and Hardship': 101.
[27] Patrick Griffin, *The People with No Name: Ireland's Ulster Scots, America's Scots Irish, and the Creation of a British Atlantic World, 1689-1764* (Princeton: Princeton Press, 2012), pp.1-10.

landgraves served the British government alongside other German regiments and the soldiers raised in the Electorate of Hanover.



Scotland had an estimated 1,265,000 by 1755. The entire population of the thirteen colonies in 1760 was approximately 1,594,000. England and Wales together amounted to 6,736,000 in 1760. By 1763, a further 70,000 French settlers were added to this total, with the acquisition of Quebec representing less than one percent increase in population. Ireland was a juggernaut with approximately 3,000,000 people in an area smaller than the colony of Pennsylvania.[28]

[28] I have relied on Stuart Daultrey, David Dickson and Cormac Ó Gráda 'Eighteenth-Century Irish Population: New Perspectives from Old Sources' in *The Journal of Economic History*: 601-628. David Allan, *Scotland in the eighteenth century: union and Enlightenment* (Addison-Wesley Longman, 2002) pp. 82-83 triangulates contemporary attempts at the population of Scotland with a scientific approach, such as Alexander Webster's 1755 survey alongside modern estimates. Although there are a plethora of studies for England and Wales, they are rarely compared to the other areas of the British domain in its entirety. Wrigley, Edward Anthony, Roger S. Schofield *The population history of England 1541-1871* (Cambridge: Cambridge University Press, 1989) and Roger S. Schofield's, 'Through a glass darkly: The Population History of England as an experiment in History,' in Schofield and Wrigley*, Population and Economy: Population and History from the Traditional to the Modern World* (Cambridge, 1986), pp. 11-34 are also very useful. I have used Chris Cook and Philip Broadhead's estimates who provide a wider discussion on population growth in *The Routledge Companion to Early Modern Europe, 1453–1763* (Routledge: 2012) p. 184. For the estimates of the white population of Jamaica, see Matthew Parker, Matthew Parker, *The Sugar Barons: family, corruption, empire and war* (London: Hutchinson, 2011) p. 292. The general mortality of the white population was an enduring problem for securing

Ireland represented roughly a third of the population available to the British state by the middle of the eighteenth century. Furthermore, the population was thought to be robust and healthier than that of England, if height is any measure.[29] Ireland thus provided a largely untapped resource in terms of potential soldiers. Based on proscriptions on recruitment into the rank and file of both Catholics and Protestants the majority of it was unavailable. The recruitment of Protestants was also proscribed but this was less strictly enforced in times of need, despite criticisms that this further exacerbated the demographics of Ireland towards Catholics. One crucial argument for banning the recruitment of Catholics was to prevent them from gaining knowledge in the use of firearms and military training, a topic examined in depth in a previous chapter of this work. Outside of the concerns regarding Catholics with the knowledge of how to use firearms was a growing fear that Catholics could be used to enslave or disarm Protestants, recalling older Whig fears of a tyrannical government and of standing armies, and Tyrconnel's disarming of Protestants in the lead up to the Williamite war. The fact that resistance to Catholic recruitment was so strong in Ireland is not surprising. The fact that it was so successfully resisted is, especially given the numbers of men needed in a century of sustained war.

Charles Ivar McGrath's recent book on *Ireland and Empire* provides a strong argument that Ireland was not a testing ground for colonial or military innovation, but rather an active and enthusiastic participant in empire building.[30] McGrath bolsters this thesis by focusing on two of the crucial aspects of the rising fiscal-military state, a neologism first coined by John Brewer

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the Caribbean islands. By the 1770s, the entire white population of the British Caribbean was only 50,000. This total includes the garrisoning troops. Quebec had a total population of 70,000 at the time of the 1760 conquest. The historian has a wealth of baptism records in Quebec it provides one of the most accurate source bases for gathering population data. Michael R, Haines and Richard H. Steckel, eds. *A population history of North America*. (Cambridge, Cambridge University Press, 2000) pp. 104-106 uses the parish records from the Catholic Church. In the British American colonies, population growth among the white population had increased from 250,000 in 1700 to 1.7 million in 1770. I have relied on Henry A Gemery, 'The White population of the Colonial United States 1607-1790' which can be found in Michael R. Haines and Richard H. Stechel, eds., *A Population History of North America*, (Cambridge: Cambridge University press, 2000) pp. 143-190.

[29] McBride, *Eighteenth Century Ireland* p. 109.

[30] McGrath, *Ireland and Empire, 1692-1770*.

in *The Sinews of Power* but a concept with a much longer genealogy.[31] Historians have looked into the changing nature and cost of conflict long before the late 1980s, as the work of Tilly and others clearly demonstrates.[32] Much like the battered but still pervasively accepted idea of a military revolution, the fiscal-military state endures and has entered into the accepted canon of European state formation.[33] Patrick Walsh and others have continued to expand our understanding of the Irish Revenue and the growth of the fiscal state within Ireland. Issues of what to do with the Catholic population also proved to be an issue that led to vastly different Protestant opinion, a point explored in the broader British Atlantic context by Stephen Conway and others.[34] This is an area where work continues to be done, especially in understanding regional contribution to empire building, from the gun makers of Birmingham's influence on the slave trade to the importance of saltpetre manufacturing.[35]

Ireland would face the greatest call on its resources in generations during the Seven Years' war, and would in parts be found wanting. In a struggle between two very different concepts of loyalty local settlers with an adherence to a confessional state faced the pressures of the rising demands of a fiscal-military state's need for manpower and money. Ireland in the 1750s and 1760s was approaching a period of crisis when fundamental questions of loyalty, service and expectation would be decided largely on the needs for security, both internal and external. In the next section of this chapter, we examine why.

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[31] Brewer, *The Sinews of Power*.
[32] Tilly ed., *The Formation of National States in Western Europe* (Princeton: Princeton University Press, 1975), pp. 164–220; idem. 'War Making and State Making as organised crime' in P.B. Evans et al., *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985), pp. 169–91.
[33] Storrs, *The fiscal-military state in eighteenth-century Europe*.
[34] Conway, 'War, Imperial Expansion and Religious Developments in Mid-Eighteenth-Century Britain and Ireland.' *War History*, 11, 2 (2004),: 125 – 147; and briefly discussed by Michael Snape in *Redcoat and Religion: The forgotten history of the British Soldier from the Age of Marlborough to the Eve of the First World War* (London: Routledge, 2005).

ii.

In 1754, a brushfire war on the edge of the Atlantic Colonies was spreading up the St. Lawrence Valley and across the Appalachian mountains. Commercial companies with a writ for plunder and profit were conspiring under separate flags and marshalling resources to determine who would dominate the Indian subcontinent in the Third Carnatic War. In 1756, Minorca fell to French troops fighting an Irish Protestant commanding the British garrison and a British Admiral was executed for the disaster. Obligations to protect the territorial integrity of Hanover required further commitments of soldiers to secure the Electorate. As 1757's bloody spring sped forward the ruling elites received reports of running battles with no clear victor and Hanover overrun. Prussian advances were offset by a series of protracted stalemates in the Caribbean. The simmering conflict on the bleeding wild edge of the American colonies led to the collapse of two successive British governments. By the end of the year, the news that Berlin itself had been overrun and ransomed for 200,000 thalers added to the woes. As the war dragged on the cost in lives and promissory notes kept growing. Most ominously by 1759 reports began to arrive in Britain and Ireland of French troops being massed along the river Loire and rumours of invasions. By the middle of the summer months hundreds of troop transports and 100,000 soldiers were being concentrated at a huge cost of 30,000,000 Livres. To put that level of expenditure in perspective, the entire French naval department's yearly budget for that year was 57,000,000 Livres.[36] Although later in the year Pitt would refer to 1759 as England's *annus mirabilis* in the early months of the year Fortuna offered so such assurances for the future.[37] Even miracles came at a high cost as Britain's national debt would rise from £74,600,000 to £132,600,000.

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[36] Jonathan Dull, *The French Navy and the Seven Years' War* (Lincoln, Neb.: University of Nebraska Press, 2007), p. 159.
[37] Nigel Aston, 'The View from St James's Palace in 1759: A Court Perspective on the Annus Mirabilis.' in *The Culture of the Seven Years' War: Empire, Identity, and the Arts in the Eighteenth-Century Atlantic World* (2014): 191.

Britain and Ireland were emptying of soldiers sent to bolster the Electorate of Hanover in a marked break from the previous administration's policy of a focus on French colonies supported by naval strategy. Britain was already spending twenty percent of the funds for the Army on subsiding the pay of foreign troops, in addition to direct cash subsidies of allied governments.[38] The conquest of Quebec in 1760 and the securing of the Atlantic colonies also drew additional resources from Britain and Ireland. Less than 10,000 soldiers remained in England and Scotland to repel the anticipated invasion. As John Brewer emphasized, this was a substantial drawdown from the 39,000 men in south Britain in the period of 1756-7. This included 20 battalions of German mercenaries.[39]

In London plans were being formulated, and decisions discussed that would require more men and more money. Ireland's potential for providing troops was obvious, and the affection of Ulster for the Protestant cause relied upon to recruit the necessary numbers. As the following section of this chapter will reveal, that hope was soon dashed when facing an uncomfortable reality.[40] As Protestant Ireland's willingness to serve decreased, the incentive to recruit from the Catholic population grew.

Ireland's military establishment was in theory capped at 12,000 men. In times of acute manpower shortages, such as 1716-17, 1745-7, and 1757-63, the restrictions on the recruitment of Irish Protestants could be relaxed or ignored. The reason this process was only done in times of duress came from fear of infiltration by people of suspect loyalty. If Irish Protestants were allowed into military units, it became a near impossibility to prevent Irish Catholics from joining because of the difficulty of distinguishing someone's confessional allegiance. In the

[38] Brewer, *The Sinews of Power*, pp. 32-33.
[39] Brewer, *The Sinews of Power*, pp. 47-48.
[40] Eoin F. Magennis 'A 'Presbyterian insurrection'? Reconsidering the Hearts of Oak disturbances of July 1763.' in *Irish Historical Studies* (1998): pp. 165-187 shows that there were veterans from the conflict who were active in the Hearts of Oak disturbances, indicating that there was still some recruitment taking place, even if it failed to match the level expected by Pitt.

drawdown following the outbreak of peace, Irish soldiers were removed from the ranks and replaced by men recruited from Scotland or England.[41] From 1757 the number of men on the Irish establishment rose from 17,000 to a peak after 1761 of 24,000 in 1761, of which 8,000 were to see service overseas.[42] This increase was done with a degree of subterfuge on the part of the British government as to overall numbers being supported, as the Irish establishment was funded through additional loans.[43]The men to fill those new levies were harder to come by.

The Duke of Bedford, then serving as Lord Lieutenant of Ireland, began a series of correspondences with William Pitt to express his reservations about new orders being issued removing further regiments from Ireland at the same time as calls to raise more were being issued. He saw this as having a direct impact on the overall security of Protestant Ireland based on the large number of Catholics in the towns of Munster and Connaught., and perhaps more so in terms of maintaining internal peace and security[44] Even worse, the regiments being sent out of Ireland for service abroad were made up of Scotch and English recruits, whilst the ones being left in Ireland were being raised locally, and many suspected that they were full of Catholics.

Bedford admitted that the Irish were excellent soldiers in foreign countries, but were not to be depended on in their own, a view he put into practice when in advocating the recruitment of Catholics for service in the Navy. Bedford also described a threat that loomed much larger on his mind than that posed by the unarmed multitude of Catholics. He explained that in Ireland a much more dangerous type of Catholic existed. He estimated that 'there are above 16,000 Papists in Ireland who have the Knowledge of arms by having it in the Foreign Service.' Given

[41] Ferguson, 'The Army in Ireland from the Restoration to the Act of Union', pp. 42-3.
[42] Guy, 'The Irish Military Establishment'.
[43] Charles Yorke to King George III, 27 December 1763, TNA SP 63/420/26.
[44] Duke of Bedford to William Pitt, BL Add MS. 24138, ff. 28-9.

the level of overseas service by Catholics from Ireland in preceding years, this estimate could very well have been credible. Even if an overestimate, there would have been a population of military veterans in residence who could have quickly passed on their experience to others in the community.'[45]

From Pitt's perspective, Ireland was once more at risk of becoming 'a scene of massacre and bloodshed.'[46] More bad news was to follow. Recruitment in Ulster was going very slowly, and the local nobility were not helping. The southern ports of Ireland were nearly empty of Protestant troops, and the Duke of Bedford was even more worried about the danger to the revenue if Cork were to fall, emphasizing that this was more than just a strategic concern.[47] He then laid out what the likely invasion targets would be, and explained that in most cases, the Catholics would assist in the landings. His concern of the linked dangers of the military security of Ireland and the fiscal security of Ireland were further linked in a letter at the end of November.

> The regiments of Horse in Ireland can be spared as it is basically useless. However, Dragoons and light Calvary are fittest, as well in time of peace as war, by their [illegible], aiding the Officers of the revenue, and assisting the civil magistrates in the execution of the laws, in most parts, cannot be done without a military force, and no less fit to harass the enemy.[48]

William Pitt's response was less parochial. He needed soldiers, and he expected to get them. 'The deficiency of 1666 men to complete the infantry to the present establishment is a matter of some disappointment.'[49] Pitt pointedly expressed chagrin at the fact that the burghers from

[45] Duke of Bedford to William Pitt, BL Add MS. 24138, ff. 28-9.
[46] Duke of Bedford to William Pitt, BL Add MS. 24138, ff. 28-9.
[47] Duke of Bedford to Pitt, Dublin Castle, October 19 1759, BL Add. MS 24138, ff. 33-5.
[48] Duke of Bedford to Pitt, 30 November 1759, BL Add. MS 24138, f. 36.
[49] William Pitt to Duke of Bedford, 2 November 1759, BL Add. MS 24137, f. 37.

the city of London had at their own expense raised more men that the entirety of Ireland. Pitt was careful to re-emphasize that he was not doubting the sincerity of Irish Protestants, 'but its total inefficacy in a conjuction like the present, and with incredulity and supineness [illegible], after so frequent warnings of danger, give just grounds for wonder and concern.'[50]

William Pitt was not happy. His letter to the Duke of Bedford expressed his frustration at the complaints coming out of Ireland of the emptying of regiments and the effect of its own security by suggesting they not rely on rescue from across the Irish Sea. Pitt wrote:

> Ireland, if it will but exert its resources, but its wealth, and by the number and courage of its Protestant subjects, will be able to expel and defeat, Propio Morte, any attempts of the enemy-imprudent, and for their own sake, in such a critical juncture, to sit still til a descent is made upon them unprepared, trusting to reinforcements from Gr. Britain, where troops may be no less wanted for their own defence.[51]

Pitt went on to encourage the Irish Protestants to follow the example of England, where 18,000 men had armed themselves to defend the kingdom, headed by the 'gentlemen of the best families and Properties in the Kingdom.'[52] Pitt also emphasized once again his trust in Irish Protestants' enthusiasm for the armed forces.[53] Ireland had only recently rescinded an order in 1745 on the recruitment of Irish Protestant into the lower ranks:

> it is expected, from the known zeal of the Protestants in Ireland, that many thousand men, before this time, have been put to arms for the defense of their country.- The King will

[50] William Pitt to Duke of Bedford, 2 November 1759, BL Add. MS 24137, f. 37.
[51] William Pitt to Duke of Bedford, 2 November 1759, BL Add. MS 24138, f. 38.
[52] William Pitt to Duke of Bedford, 2 November 1759, BL Add. MS 24138, f. 38.
[53] Thomas Bartlett, *Ireland: A History*, pp. 170-171.

be impatient to know what further steps have been made, in consequences of the Loyalty and Spirit supposed by Parliament towards raising additional forces, &c.[54]

One month later, and in response to troubling accounts of riots in Dublin that had been precipitated by rumours of an impending act of union between England and Ireland, came a decision of great importance to subsequent Irish history. William Pitt began dispersing arms. Acting, on the King George II's orders, Pitt ordered the arming of Irish Protestants with firearms from the State's stockpile in Dublin Castle. Pitt stressed that 'in the precarious & shaken state of Ireland, his grace is desired to arm as great a number of Protestant subjects as, in conjunction with the King's forces, shall [be] adequate for the preservation of the King's peace, and to quell any attempt from without.'[55]

Why they were being armed, and in what order is revealing. The Protestants were being armed first to secure the domestic peace, and only secondly, to stymy foreign invasion. The threat to Irish security was not to be found internally with the collapse of the Jacobite threat and British defeat of French naval power in 1759 and 1760. These armed paramilitaries would go on to perform a similar role to that of the military garrisons they were supplementing. In Ireland, armed soldiers were used in capacities beyond security from foreign enemies.[56] The fiscal and military arms of the British Leviathan were intertwined in a very literal way, with the officers of the revenue and the magistrates requiring a military force to carry out their duties in large swathes of the Irish countryside.[57] With the concentration of soldiers into large military encampments in central Ireland or the sending of regiments overseas, other armed individuals would have to found. 1759 presents the

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[54] William Pitt to Duke of Bedford, 21 November 1759, BL Add. MS 24138, f. 38.
[55] William Pitt to Duke of Bedford, Whitehall, 20 December 1759, BL Add. MS 24138, f. 39.
[56] Kathleen S. Murphy, 'Judge, Jury, Magistrate and Soldier: Rethinking Law and Authority in Late Eighteenth-Century Ireland.' in *The American Journal of Legal History* (2000): pp. 231-256.
[57] See Garnham, *Militia in Eighteenth Century Ireland*, for a broader perspective on the comparison of militia and the regular army.

historian with a surprising change of policy when compared to earlier periods where the firearms were not dispersed, even during periods of sustained unrest.[58]

The machinery of the state began to work almost immediately. The Duke of Bedford, following the instructions from Whitehall 'ordered out 1400 stands of arms, out of stores, for the county of Down, and 1200 for that of Armagh, the strength of the Protestants in the North lying in those two counties.'[59] Further requests were coming in from Kerry, and some of the landed gentry were dispersing their own caches of arms, as was the case with a 1000 stands of arms in the possession of Lord Lanesborough.[60] The Protestants of the town of Bandon in Cork had also been provided with firearms. Further applications for guns were coming into Dublin from the Protestant inhabitants of Waterford and Munster. The lack of any mechanism in place for getting them back would be a much harder task.

At a time when Protestants were showing a reluctance to join the Military but an enthusiasm at the prospect of gaining access to firearms locally, another approach was being taken towards the much larger Catholic population. Concurrent to the dispersal of state guns into private hands was the beginning of the first large scale recruitment of Catholics in living memory that had begun because of the need for recruits. Marine officers in the end of 1758 had been 'permitted to recruit in Munster and Connaught, with Directions, not to be overnice about their religion.'[61] This proposal, by Bedford, was pursued because it would prevent men who were not able to join the infantry because of their religion a means to bear arms, and prevent them from 'seeking their bread abroad in the service of our enemies.'[62] In a

[58] S.J. Connolly, *Religion, Law and Power*, p. 47 references the lack of firearms anywhere outside Dublin during the 1711-4 Houghers outbreaks.
[59] Duke of Bedford to Pitt, Dublin Castle, 25 December 1759, BL Add. MS 24138, f. 40.
[60] Duke of Bedford to Pitt, Dublin Castle, 25 December 1759, BL Add. MS. 24138, f. 40.
[61] BL Add. MS 24137, f.4.
[62] BL Add. MS 24137, f. 4.

stark contrast to recruitment efforts in Ulster, Major Mason was able to raise around 1200 men in Munster and Connaught by the end of 1759.

William Pitt's frustration that the city of London was able to raise more men in three months than the entire Province of Ulster had in a year occurred at the same time as the successful recruitment in western Ireland of Catholics showing a potential solution.[63] One correspondent was confident enough to state that 'if the religion of the men being out of the case, thinks a body of 2000 may be raised by the end of May.'[64] By 1760, one of the primary pillars on which Protestant security was based was being badly shaken. Thomas Bartlett has persuasively looked to this period as the beginning of a courtship between the British State and the Irish Catholic population. Despite a penal code that in theory would have made the possibility of Catholic service in the armed forces illegal, larger objectives meant a further schism between local Protestant ideas of security and interest with those at the imperial level. Bartlett also emphasized the willingness to offer Catholic relief if Catholic men would be willing to wield the gun for the empire.[65] The failure of Protestants to show an appropriate zeal for bearing arms abroad would have implications of who would be wielding them closer to home.

In 1761, the Catholic Lord Trimleston offered to provide to recruit six regiments for service in either Hanover or Portugal. This 'offer' was in Bartlett's view conceived and enacted by the crown, using a Catholic lord as a proxy. The proposal was put forward to the Irish Parliament, and promptly rejected.[66] The idea of arming Catholics and having them being led by an Irish Catholic Lord was a step too far in 1760. By 1771, the need for the use of

[63] William Pitt to James Cadwell, November 1759, BL Add. MS 24137, f. 43.
[64] 4 January 1760, BL Add. MS 24137, f. 4.
[65] Bartlett, *Ireland, A History*, p. 172
[66] Bartlett, *Ireland, A History*, 172.

local proxies were done with, and the large scale recruitment of Irish Catholics for service abroad was made standard policy by the state despite vocal Irish Protestant opposition.

By 1763, the war was winding down, and with it the threat of a French invasion of Ireland. The Treaty of Paris resulted in the securing of Canada and additional territories at the price of a massive debt and the need for a much larger military establishment to secure the peace. The awareness of the untapped reserves of men that Catholic Ireland offered and the dispersal of firearms into local hands were to have much wider implications. With the fracturing of Protestant opinion came questions of loyalty and obligation. Questions of who should be trusted to wield the gun and for what reasons gained a new immediacy as peace was fitfully settled. It was in this relative peace abroad that discord of a new sort appeared. The Irish Military establishment after 1763 rotated out the best men and officers and was understrength, and for the remaining years of the 1760s fluctuated from between 6,000-7,000 men.[67] All the guns sent out to the countryside still remained. It would not be long before they would once again appear. As overseas commitments increased, the agrarian unrest which had slumbered since the end of the Houghers outbreak in 1711-3 returned.

iii.

In 1759, Edward Willes wrote to the strongly anti-Catholic Earl of Warrick on what he described as 'the greatest evil within Ireland'. Willes emphasized that it was 'a disobedience and resistance to the laws.'[68] He clarified that he meant resistance quite literally. 'I do not mean breaches of particular law's, as theft etc. But a resistance with armed force of the civil process and the magistrates. And the taking or keeping of possessions by armed force.'[69] A little over

[67] 'Account of the numbers of non-commissioned officers and men in Ireland, 1763-7', TNA SP 63/420/139.
[68] Edward Willes to the Earl of Warrick ,Cork, 28 March 1759, BL Add. MS 29252, f. 7.
[69] Edward Willes to the Earl of Warrick, Cork, 28 March 1759, BL Add. MS 29252, f. 7.

three years later, and he and other critics of law and order in Ireland would have more specific examples to look towards.

In 1761 the *Buachaillí Bána* emerged on the Tipperary side of the Knockmealdown Mountains.[70] In English parlance those involved were called White-boys, and eventually gave their name to a century of agrarian secret societies in the form of Whiteboyism. The movement has attracted the attention of a number of scholars of Irish history. I will briefly summarize the positions that scholars have taken, and outline afterwards what I consider to be a neglected area within the research on this area. I then discuss specific incidents, and legislation that was passed to attempt to deal with the new problem. Finally, I end with some observations written in the margins of a book by the soon to be Lord Lieutenant, George Townshend on a tour of Ireland to assess the fortifications and defensibility of areas likely to be invaded. His observations further add to our understanding of the rifts between the bearing of arms in Ireland and the bearing of arms outside Ireland for the Empire, adding more weight to my central argument that we need to consider these two different types of loyalty separately.

Buachaillí Bána activities ranged from the release of prisoners from gaols, attacking garrisons, releasing apprentices, maiming cattle and perhaps the common activity, the removal of fences and walls of those who attempted enclosures. To encourage compliance with their activities they used oaths, threatening letters and ritualized punishments, claiming authority from a mythical fairy Queen. The *Buachaillí Bána* gained their moniker from the white shirts worn both to conceal their identities and for the banners they marched under; as one local describing how they 'assembled in the night with their shirts over their clothes, which caused them to be called whiteboys.'[71]

[70] Kevin Haddick-Flynn. *Orangeism: The making of a tradition*. (Dublin: Wolfhound Press, 1999.) p. 110.
[71] *Gentleman's Magazine and Historical Chronical*, xxxii (April 1762), p.182.

In the spring of 1762, they forcefully levelled fences of two wealthy Catholic farmers and opposed tithes on staple potatoes and turf that provided the broad base of Irish subsistence for the cottiers and small farmers. The group had first appeared in Co. Tipperary, and the unrest spread to Cos. Limerick, Waterford, and Cork. At the furthest extent of the outrages, Whiteboyism made inroads into Co. Kilkenny by 1765.[72] It seems their victims were the members of the 'underground gentry' of the nascent Catholic landowning class, as well as towns with garrisons of substantial populations of Protestants.

Agrarian unrest has attracted substantial interest since the publication of Maureen Wall's 'The White boys' led the vanguard on the studies of Irish agrarian secret societies.[73] Wall made the claim that the agrarian societies in Ireland prevented the kind of wide scale clearances experienced by Scotland in the late eighteenth and early nineteenth centuries.[74] S.J. Connolly's 'Varieties of disaffection in eighteenth-century Ireland' takes a longer view and sees the Whiteboys as one of a number of disaffected groups that had to be untangled from those with Jacobite or Republican sympathies, and should be seen as primarily conservative in objectives and goals. Vincent Morley's 'The Continuity of disaffection in eighteenth-century Ireland' was in part a response to this approach and has cautioned against an overreliance on English language sources in pursuit of new British history that ignores Gaelic poetry and particularly Irish dimensions. More recently there have been studies with a narrower focus, such as Thomas P. Powers 'Publishing and Sectarian Tensions in South Munster in 1760s', which looks towards print culture in Cork to unveil the relationship between the reprinting of Irish historical works and unrest.[75]

[72] *Lloyd's Evening Post* (London), August 28, 1765 - August 30, 1765.
[73] Maureen Wall, 'The White-boys' in T.D Williams ed., *Secret Societies in Ireland* (Dublin: Gill & Macmillan, 1973), pp. 13-19.
[74] Wall, 'The White-boys', p. 24.
[75] Connolly, 'Jacobites, Whiteboys and republicans '.

My own contribution to this body of work is to place additional emphasis upon what I consider to be something overlooked in the process. The body of surviving accounts and materials is large enough to allow for the addressing of Hanoverian loyalty alongside discontent towards at the local confessional level. A question asked throughout this work is why these historians all too often mention the gun only in passing in the discussion of these groups, rather than considering what being armed in Ireland meant for the wider legitimacy of society. It is hoped this section can shed some light on this neglected aspect of agrarian unrest in Ireland.

The Whiteboys were comparatively well-equipped with firearms in a society where owning a firearm was proscribed from the majority of the population, and that they were also able to procure ammunition and powder to fire these guns on a regular basis demonstrates some ability. They also sought out horses and used horses as stand-ins for local authorities. To me this suggest a ritualized flouting of the penal laws, a calculated theatre of embarrassment and ridicule towards local elites. It was a behaviour of calculated insolence flouting the existence of a Protestant Ascendancy.

However, it was the British military that was the best armed group on the island in terms of access to military equipment. The 200 soldiers garrisoned at Carrickfergus to guard 100 French of war were largely made up of new recruits in 1760. They were quickly forced to offer terms because of a lack of ammunition after the landing of French troops under the privateer François Thurot forced them to retreat into a local crumbling castle.[76] Despite having a sufficient number of firearms, the shortage of lead shot and gunpowder to actually be able to face a siege caused the capitulation.[77] The French troops managed to successfully capture the garrison with minimal losses and held the town to ransom for five days before escaping fast approaching

[76] Marcus Beresford, 'Francois and the French attack at Carrickfergus, 1759-60' in *Irish Sword*, x (1971-2), pp. 255-74.
[77] Neal Garnham, *The Militia in Eighteenth-Century Ireland*, pp. 60-62.

local militia and the appearance of British naval assets offshore. The French taskforce was defeated in a brief naval battle on the leeward side of the Isle of Man after a week of causing chaos in the one area deemed least likely to see a French landing by most Irish military strategists, who assumed that it was a feint to make Cork more vulnerable to a large invasion. In an environment where there were panicked reports of French troops in the north other dangers to peace were occurring in the south.

Neal Garnham's superb account of the service of the Protestant militia demonstrates that they were assembled into service to defend Belfast despite being underequipped and lacking in training. His work provides a more favourable accounting of their performance than many other historians' assessments. As Garnham notes, J.A. Froude saw the failure of the militia to prevent the French landing as showing that 'Protestantism had spent its force in Ireland'.[78] Stephen Conway remarks on the poorly equipped state of the Irish Protestant Militia, a claim supported by Alan Guy.[79] However, perhaps the most revealing evidence of the level of skill in the Protestant levies was to be found in local accounts of their performance in contemporary newspapers. Of the 42 volunteers who headed to defend Belfast from Broughshane, nine were described as armed with 'scythes fixed on poles.[80] Garnham also describes the incompetence of two men, one who managed to have his weapon stolen from a local inn, and another who left his firearm in Lord Donegall's office.[81] However, perhaps the best example of the danger of arms in untrained hands is the case of one unfortunate Lurgan militiaman from Lurgan, who died from a wound received from mishandling his musket.[82] However, the presence of the militia did influence French attempts to scout the road leading to Belfast. Having given an

[78] Garnham *The Militia in Eighteenth-Century Ireland*., quoting J.A Froude, The English in Ireland in the Eighteenth Century. 5 vols (London, 1901 ed), ii., p. 471.
[79] Alan Guy, 'The Irish Military Establishment in Ireland, 1690-1750' in *A Military Establishment of Ireland*, Thomas Bartlett and Keith Jeffery (Cambridge, 1996), p. 216.
[80] Garnham, *The Militia in Eighteenth-Century Ireland*, p. 61, quoting the *B.N.L*, 28 March 1760.
[81] Garnham, *The Militia in Eighteenth-Century Ireland*, p. 61, quoting the *B.N.L*, 28 March 1760.
[82] Garnham, The Militia in Eighteenth-Century Ireland, p. 61 quoting *B.N.L*, 11, 28 Mar. 1760.

overview of the performance of Irish Protestant Militia in the North during an armed incursion, we now turn to the unrest taking place in southern Ireland.

In March of 1762 in a striking degree of showmanship and obstinacy, several columns of Whiteboys paraded at night into Coppoquin, Co Waterford. The town was host to a garrison of light horse at a local barracks. The Whiteboys drew up past the green near the barracks, fired several shots, and marched past the sentry with their piper playing the Jacobite song 'the lad with the white cockade.'[83] Later in the month another group of several hundred Whiteboys lit a large bonfire outside of Youghal, Co Cork. They then discharged their guns before threatening to pull down houses suspected of being built on public wasteland.[84] The Whiteboys were not only bearing firearms, which was in and of itself illegal under the penal laws, they were also performing a more severe affront to Protestant privilege. The Whiteboys engaged in direct armed confrontations with dragoons and local magistrates.[85] The largest reported group was 600 men, who were described as being well armed and having a military bearing. Protestant anxiety in nearby areas such as Waterford was pronounced.[86] However, other commentators further away from the spreading violence dismissed it as 'an insurrection of some cottagers in a few counties in Munster.'[87] In a more scathing summary, a wealthy Catholic from Tipperary commented that 'when the dawn of day peeped upon them and their actions these heroes skulked and dwindled into swineherds or cowboys… the scum and rabble of three or four baronies.'[88]

[83] James S. Donnelly Jr. 'The Whiteboy Movement, 1761-5.' *Irish Historical Studies*, 21, 81 (March, 1978): 20-54.
[84] *Gentleman's Magazine and Historical Chronicle*., xxxxii (April, 1762), p.182.
[85] W. P. Burke, *History of Clonmel* (Waterford, 1907), p. 368.
[86] James Kelly. *Sir Richard Musgrave, 1746-1818: ultra-Protestant ideologue*. (Four Courts Press, 2009.) p. 28.
[87] James S. Donnelly Junior, 'The Whiteboy Movement, 1761-5' in *Irish Historical Studies*, p. 38.
[88] Viscount Taaffe, *Observation on affairs in Ireland from the settlement in 1761 to the present time* (Dublin, 1767), p. 19.

For individuals closer to where the outrages were taking place things were more visceral. The spectacle of ritualized violence reached its peak in the auto-da-fé of a white gelding horse owned by a local magistrate named James Grove of Ballyhimock.[89] The Whiteboys put the horse on trial, and the poor animal was found guilty. The horse was then tortured and was subsequently shot during a formal execution for its crimes. It seems clear that the deliberate mockery of the proscriptions of the penal laws was taking place. The demand for horses to be provided by the inhabitants, the deliberate killing of a horse of a local magistrate as a kind of scapegoat, and the descent in large bodies into towns throughout southern Ireland was a clear affront to claims of ascendancy, especially in the period of 1761-2. Obviously, traditional economic grievances were a large issue, but the flouting of penal legislation cannot be ignored as an element of this unrest.

The state's response was equally dramatic. Executions were public and used in areas of strong sympathy for the Whiteboys. In 1763 two Whiteboys were executed in the village of Borrisoleigh rather than in the normal location of Clomel because of the village's reputation as being a known place of meetings.[90] The local newspapers estimated 14,000 men marching together in the Irish countryside, a number that is not far removed from the estimated 18,000 who had gained a familiarity with firearms from overseas service.[91] In terms of overall objectives, it seems that intimidating those who infringed on local ideas seemed to be paramount. The issue of tithes and land fits wider patterns of similar protest occurring throughout the eighteenth century, the details of which have been presented in depth by those interested in the economic motivations of this unrest.[92]

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[89] *Faulkner's Dublin Journal* 12-15, 19-22 June 1762. See also *Gentleman's Magazine and Historical Chronicle, xxxi*, (June 1762.) p. 370.
[90] Donnelly Jr. 'The Whiteboy Movement, 1761-5': 26.
[91] *Faulkner's Dublin Journal*, 6-10 April, 1762.
[92]See Maurice Beames, *Peasants and power: The whiteboy movement and their control in pre-famine Ireland* (Brighton, 1983) and Donnelly Jr. 'The Whiteboy Movement, 1761-5': 31-34. For a broad overview, Maria

The destruction of pleasure grounds and ornate gardens was both intimidation and a statement of the proper use of arable ground. What is noteworthy and in my view neglected is the concurrent calculated flouting of the penal laws and the use of ridicule to enforce the message. The Whiteboys attempts at intimidation were very local, and because of the low social standing of the groups who were targeted, the official response was initially to view the attacks as an 'insurrection of some of the cottagers of a few counties of Munster.'[93]

Despite attempts to implicate wealthier Catholics, the movement seems to have been largely made up of people from the bottom of a society of orders, and with one exception did not have clerical support. Five priests were presented to grand juries in 1762 as being 'unregistered', and although they were not convicted this could well have been an example of local Protestants using the law to remind local Catholics of the possibility of legalized harrasment.[94] Higher ranking members of the Catholic hierarchy urged a local priest that 'if any levellers should appear in his parish he should exert himself as much as possible to supress them.'[95]There was also the trial and execution of Friar Sheehy. In a demonstration of the long memory of the inhabitants of the area, his executioner was stoned to death by a mob in Philipstown in 1770.[96]

However, despite a military bearing and fears by the authorities, the use of firearms by the southern protestors was primarily a symbolic flouting of the existing order and the penal laws surrounding the bearing of arms. The weapons of choice were the sickle or the stone, alongside mock proclamations and threats of dismemberment. Unrest sputtered along into the middle of the 1760s, despite a series of executions and the passage of new legislation to combat the

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Luddy's 'Whiteboy Support in Co. Tipperary: 1761-1789.' *Tipperary Historical Journal* (1989): pp. 66-79 gives a specific look at one county.

[93] Viscount Taath, *Observations on the affairs in Ireland from the settlement in 1691 to the present time* (Dublin, 1767), p. 19.

[94] Maria Luddy 'Whiteboy Support in Co. Tipperary: 1761-1789.' *Tipperary Historical Journal:*67.

[95] *Faulkner Dublin Journal*, 4-8 May, 12-15, 22-26 June, 1762.

[96] Maria Luddy 'Whiteboy Support in Co. Tipperary: 1761-1789.' *Tipperary Historical Journal:* 67, citing *The Rebellion Papers*, 620/19/3-4 (National Archives of Ireland).

movements. In 1762, a military sweep of the affected regions resulted in large numbers of arrests. These acts of protests and violence in the 1760s have increasingly been discussed beyond a simple dichotomy of confessional violence. In part, this is because the confessional identity of the membership of these groups has been notoriously hard to establish with any certainty. As Martyn Powell rightly cautions, historians need to be 'wary of applying religious labels' to protest groups, and he reiterates the point with the reminder that 'there were Catholic Peep of Day Boys, just as there were Protestant White boys.'[97] In was in the northern part of Ireland, in Ulster and parts of Connaught that a different tradition of armed unrest was emerging. Despite the distinctions noted by Arthur Young in his *Tour of Ireland* on the differences between the Whiteboy 'catholic labourers' and the 'manufacturing Protestants' that made up the Oakboys and Steelboys movements of the North, by the time reports reached Britain the boundaries between the two were bled together. However, in the north the protest groups were largely made up of Protestants, and these men were legally allowed to bear firearms. They also seem to have been more willing to get into direct confrontation with the state. It seemed that those who could be deemed to be 'suspect communities' was growing.

Letters reached London later in the month of the spread of disturbances. In late September of 1764 *The London Evening Post* described a direct armed confrontation between 200 'White boys' and a company of Dragoons in Dungannon, Co. Tyrone. The 'Whiteboys' had been attempting to extort money from the local Mayor. The paper described how a local Justice, Knox, attempted to read the riot act, but was forced to stop because otherwise 'he would have been murdered.'[98] The dragoons managed to get the 'Whiteboys' to flee the area, with an estimated eighteen casualties and twenty five prisoners taken. Though the article does not

[97] Martyn Powell, 'Popular Disturbances in Late Eighteenth-Century Ireland: The Origins of the Peep of Day Boys.' *Irish Historical Studies*, Vol. 34, (2005): 249-265, quoted from 265.
[98] *London Evening Post* September 25, 1764 - September 27, 1764.

explicitly state whether the 'Whiteboys' were armed, the casualties seem to suggest, that they were given the fear expressed by the Justice Knox for his life.[99]

In at least these cases, outright confrontation seemed to be more likely with armed Protestants than bodies of armed Catholics in the South. A few weeks later reports arrived that another incident had taken place in Dungannon. The paper reported that 'diverse acts of violence committed by straggeling party of White boys, at Dunganner(sic) in the County of Tyrone.'[100] The group of around 40 had stolen several head of livestock from a local Farmer by the name of Hatten. Once reports of this theft reached the surrounding community, Justice Knox and some neighbouring justices rounded up a posse of local men. After getting sufficient numbers to feel confident, they chased down the cattle rustlers and seized ten of the forty without any reported deaths. This administration of local justice in the face of obstinacy seems to suggest a breakdown of law and order in two very different areas of Ireland. However, to outside observers on the British Isles, these separate groups might as well have been the same. This would have implications for attempts to deal with the unrest from an imperial perspective.

The 'whiteboys' in both the incidents referenced above were in fact Oakboys. The Oakboys had formed in 1763 in Co. Armagh, and spread to Co. Tyrone, Derry, Fermanagh and Monaghan. Both the Whiteboys of Munster and Connaught and the Oakboys of Ulster have been seen by scholars as part of a wider European tradition of protesters engaged in expressing 'moral economy' grievances involving rents and prevention of evictions.[101] While the incidents in the south can be seen in part to be a symbolic flouting of the penal laws, the incidents in the north require a different approach. Taking into account the comment of Edward

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[99]Isaac Kimber and Edward Kimber. *The London magazine, or, Gentleman's monthly intelligencer.* Vol. 31. (R. Baldwin, 1762) p. 320.

[100] *Lloyd's Evening Post*, December 10, 1764 - December 12, 1764.

[101] Samuel Clark and James S. Donnelly, Jr eds., *Irish peasants: violence and political unrest, 1780-1914* (Manchester: Manchester University Press, 1983), pp. 145-147; for an engaging look at the Oakboys see Eoin F. Magennis, 'A 'Presbyterian Insurrection'? Reconsidering the Hearts of Oak Disturbances of July 1763.' *Irish Historical Studies*, 31, 122 (1998): 165-187.

Wiles in the 1750's, a contempt for law and order seemed to be endemic to Ireland generally. What I hope can be taken from these two different outbreaks of unrest is that the expression of this contempt took the form of a specific type of insolent behaviour that was formulated on a different basis depending on the region of Ireland and the religious affiliation of those involved. In the south, the protest seem to have been of a more traditional European moral economy performance of role reversals and mock trials or humiliation.

The northern unrest appeared to lack this element, and was more in keeping with journeyman associations and combinations of a more urban setting. There was one incident in the south where a combination of weavers on strike were forcefully put down through the deployment of troops.[102] The Government response to the unrest in Munster was to dispatch Dragoons previously tasked with enforcing the revenue in hunting illegal distillers and smugglers in Dublin and Down. The men were recruited largely in Ulster and were under the command of the Earl of Drogeda.[103] They were reinforced by Sir James Caldwell's light horse, who had worked with revenue officers to seize stills and prevent smuggling in Co. Donegal.[104] James S. Donnelly Jr. has looked to their effectiveness in pacification as being the result of assistance from local magistrates. These men would have assisting these regiments in identifying local men. The two regiments had also gained experience in searching for and apprehending smugglers and distillers mentioned above.[105]

Word of their arrival seems to have preceded them. The troops sent into Munster found it empty of men of military age, and in Clogheen discovered that 'the houses of many [were] locked up or inhabited by women and old men only.'[106] In the end over 500 men were arrested and sent to gaols, and commentators differed on whether this was to be seen as a French plot or instead

[102] *Faulkner's Dublin Journal*, 17-21 of January, 1764.
[103] Magennis, 'A 'Presbyterian Insurrection'?': 44.
[104] *Belfast Newsletter*, 26 August. 1760. I would like to thank Dr. Benjamin Bankhurst for this reference.
[105] Donnelly Jr. 'The Whiteboy Movement, 1761-5.': 44.
[106] *Faulkner's Dublin Journal*, April 10-13, 1762; Calendar of the Home Office Papers, p. 175.

just local people with regional grievances. The view from the imperial centre seemed to have been conservative. The Whiteboys were not initially seen as being disaffected to the government. Richard Aston, the English chief Justice of the Court of Common appeals consistently saw the unrest as not being in any way as a result of 'a disaffection to his majesty, his government, or the laws in general.'[107] However, in a statement stressed by the historian Donnelly in his own analysis of the situation, an intervention by any foreign power would have changed everything. Intriguingly, the missing element in the invasion of a foreign power was not the presence of an outside princely power, nor is the religion of the interlopers seen as having any real influence.

> I believe, indeed, that if the Bey of Algiers had landed with any forces and a stand of arms at such a time, people in such a temper of mind would have readily induced to join him, or a prince of any religion, either for the sake of revenge, redress, or exchange of state, rather than continue in their conceived wretchedness.[108]

The reason that the unrest in the south of Ireland in the 1760s was not directly threatening to the state was that it was not armed with enough firearms to be a threat to the empire at the imperial level. However, they were armed well enough to intimidate a local magistrate or to march past a local garrison. The violation of the penal laws was a threat to the confessional order of society, but not a threat to the British Empire. The state's response was varied by location. In the aftermath of the unrest few of those taken into the courts were executed. Not all escaped the noose however. In Limerick, a Revenue officer by the name of John Banyard and an accomplice were executed under a charge of houghing cattle.[109] The citizens of Cork witnessed the executions of men in Whiteboy regalia in regional market towns spread a

[107] Richard Aston to William G. Hamilton, 24 June 1762, in Burke; *Correspondences*, i. 37-41.
[108] Richard Aston to William G. Hamilton, 24 June 1762, in Burke; *Correspondences*, i. 37-41.
[109] *Faulkner's Dublin Journal*, June 22-26, 1762.

message of repercussions to more isolated areas.[110] In Waterford, seven men swung from the gallows, five of whom were sentenced under a treason statute from Edward III. In total, twelve men were executed and twenty others faced burned hands, fines and imprisonment.[111] The Whiteboys had, through the administering of oaths and intimidation ensured to some degree a lack of targeted prosecutions. The effectiveness of the state response is debatable. Thomas Powers saw an overzealous Protestant interest to freely using the noose to redraw changing social boundaries of political and fiscal power.[112] David Dickson concluded that the reputation for agrarian crime could perhaps account for the dispersal of economic power down the social hierarchy, labelling Tipperary a 'cockpit of conflict and change.'[113]

In the later 1760s, and after the withdrawal of troops from the affected areas saw an upsurge in unrest, new methods were discussed. In 1765, in the face of a more localized outbreak of unrest, the rate of executions increased in certain areas, and fell in others. This largely reflected on how effective the local courts were in the previous round of arrests, and the disposition of the local magistrates, as well as how much evidence could be gathered. Testimony was extremely hard to find in a society where collaboration was discouraged. An example of a less lethal but effective way to punish individuals working with authorities happened in Cahir, Co Tipperary, when local Whiteboys took a man who had threatened to inform on some local whiskey makers for distilling illegally, and carried him a mile on a bier, leaving him overnight in the centre of town.[114]

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[110] Donnelly Jr. 'The Whiteboy Movement, 1761-5.': 47.
[111] Donnelly Jr. 'The Whiteboy Movement, 1761-5.': 48.
[112] Tipperary has a long tradition of attracting detailed studies, from Thomas P. Power, *Land, Politics and Society in Eighteenth-Century Tipperary* (New York: Clarendon Press of Oxford University Press. 1993) to the earlier work of Michael Beames, James O'Shea and Bruce Elliot. Powers work is a study of the propertied classes and a expansive look at the northern and southern divide in land tenure and ownership. His conclusion is that the Protestants in Tipperary took state sanctioned sectarianism too far with the execution of a priest and Catholic gentlemen, thereby weakening sectarianism in the region is less clear cut.
[113] David Dickson, 'Land, Politics, and Society in Eighteenth-Century Tipperary by Thomas P. Power' *Irish Economic and Social History*: Vol 21, (1994): pp. 126-128.
[114] W.E.H Lecky, *A History of Ireland in the Eighteenth Century* (Chicago, 1752), p. 124.

This leaves us with the question of whether an influx of firearms from abroad from one of England's enemies would have provided the catalyst to a wide spread uprising for redress. It was the gun, or the lack of it, that seems to have been the reason the unrest was controllable, at least in the minds of the English legal authority tasked with resolving it. There was a lack of access to firearms for those engaged in specific levelling activities and in mixed crowds involved in prison rescues. Those engaged in direct confrontation with local soldiers or magistrates seem to have been better armed and more disciplined that the mixed crowds of men, women and children involved in the gaol breaks or prisoner rescues. Those making a show of force or flouting the penal laws did so by requisitioning horses, brandishing firearms and mimicking official broadsheets and proclamations. The argument could be made that this restraint in the use of arms was a careful husbanding of ammunition and gunpowder. Firearms were certainly used in a very visual way when their access could be secured and it seems to have been the case that firearms were used in direct confrontation in activities that less resemble the levelling and prison rescues that were common throughout the eighteenth century.

From the vantage point of 1767 an anonymous author retrospectively examined the causes of the riots and outrages in Munster and came to his own conclusions as to the causes. The pamphlet itself presents a summary of the prevailing suspicions at the time and a caricature of those involved on both sides of the confessional divide. The author lays out the heightened suspicions to be found in war time, when many Protestants voiced the opinion that their Catholic neighbours 'were ripe for rebellion, and, if the opportunity offered, would massacre us in our beds'.[115] These Protestants are then portrayed as being 'such enthusiastic supporters of the glorious revolution, as to have no other manner of expressing their loyalty but by bumpers, of their religion but by railing at popery'.[116] The writer goes on to explain that

[115] ___________, 'A Candid enquiry into the Causes and Motives of the Late Riots in Munster' *Ireland in the Age of Revolutions* Vol. i., p. 90.
[116] 'A Candid enquiry into the Causes and Motives of the Late Riots in Munster', p. 90.

political loyalty was flexible and changing. All nations rebel, and the author concedes to Ireland's violent past. However, the author then expresses the opinion that unrest was economic in motivation, rather than political, and that the real cause was the lack of effective magistrates responding.

His assessment seems to be born out by the evidence assembled by later researchers. The reliance of armed military forces to engage in governance would be increasingly less tenable with manpower requirements overseas especially if magistrates were unwilling or unable to enforce law and order without military support in communities where they were actively opposed or having their horses killed outside their doors. In the late 1760s and early 1770s Ireland's standing army was being transferred across the Atlantic to garrison and supress growing dissatisfaction with British rule and governance in the thirteen colonies.

The military units that were most effective in supressing unrest seemed to have been the light horse and dragoons that had already been used to assist the revenue. This policy would be less effective with fewer troops in Ireland that could be called on. With Protestants in the northern part of Ireland also resisting what few inroads of law and order had taken place the resources of the army would be further strained. The question would remain as to what to do if the threat from an external invasion necessitated arming the people. Of even greater relevance would be how to disarm the population.

iv.

S.J. Connolly has warned about the dangers of overemphasizing rhetorical flourishes about fairy queens and loyalty towards the Hanoverian government or for arguing for the survival of Jacobite sympathies among a very small minority of Gaelic commentators. He alerts the reader that to overemphasize specific phrases or imagery is to 'confuse the barnacles for the boat.'[117]

[117] Connolly, ''Jacobites, Whiteboys and republicans': 74.

What he means through his own poetic simile is to emphasize the endurance of a traditional ancien régime society of orders, one that was extremely pragmatic in its interaction with one another and one that has to be separated from its folklore or idealized world preserved in song and poetry.[118] I would ask that we do also not confuse the bushels with the bullets when trying to understand the way the gun, or the lack of it, affected Irish society. Connolly has also reinforced the uncomfortable notion to many Irish historians that the threat from Catholic Ireland was real and not the result of Protestant paranoia. One issue that I hope I have addressed is who they were a threat to, and how that shifted by the 1760s.

Catholics were rehabilitated and armed by a growing empire with a chronic need for manpower, and willing to offer emancipation from the legacies of a confessional state. Local opposition would become more fragmented as recourse to the courts and to the law failed in the late 1760s and 1780s. A reliance on the military, or increasingly on a paramilitary for day-to-day governance, revenue collection and policing would have as profound an impact on Ireland as an enduring and largely Catholic participation in fighting the empire's wars. A monopoly on the gun locally endured as the right to bear it abroad weakened. None of the agrarian outrages taking place within Ireland seem to have reduced a call for Catholic recruitment for service abroad, and recruitment of Catholics in southern Ireland would increase until it had become a standard practice for units shipping overseas. A divided Protestant Interest in a fractioning confessional state would have to confront a change of priorities and a fading of one of the legacies of their victory in the Williamite wars. In the next chapter we examine the state of law and order in Ireland and the dispersal of state firearms from a centralized state armoury into private hands in a climate of increasing violence.

[118] Connolly, 'Jacobites, Whiteboys and republicans': 74.

Chapter 6. Protestant Ascendency redefined.

The British state was increasingly making its presence felt in the isolated areas of Ireland through the construction of barracks, an increasing number of customs officials, and the expansion of the mechanisms of law and order outward from the garrisoned towns into Connaught and the mountains. In a process that began at the end of the seventeenth century and continued unabated into the eighteenth, Ireland was drawn tighter into the imperial fold. This process was embodied in the form of the magistrates and courts. State formation was confronted on the borders of civility by a population engaged in popular protest and paramilitary activity across both sides of the confessional divide.

From the sixteenth century, Gaelic legal codes were discountenanced and former titles had to be proved to be recognized by common law. Furthermore, the English method of ordering political boundaries, in the form of county divisions, sheriffs, and justices of the peace and the assizes were established alongside a permanent armed presence. Michael Braddick has assessed these forms of dispute resolution as being 'more effective and more durable than force of arms.'[119] However, after 1641, the Irish were 'no longer regarded as barbarians to be reformed but as perfidious Catholic reprobates, potential agents of foreign subversion, to be controlled.'[120]

Remarking on the isolated nature and reputation of some areas of Ireland for 'lawlessness' by outside observers visiting from abroad had become something of a tradition. Travel writers and missionaries, soldiers and officials presented Ireland as a rugged and uncivilized place, an image that endured throughout the eighteenth century.[121] However, the expanse of civility

[119] Michael J. Braddick, *State formation in early modern England, c. 1550-1700.* (Cambridge: Cambridge University Press, 2000), p. 388.
[120] Braddick, *State formation in early modern England*, p. 390.
[121] For the variety of definitions of what could be deemed 'lawlessness' see James Kelly, *That damn'd thing called honour: duelling in Ireland, 1570-1860* (Cork: Cork University Press, 1995); Cullen 'The Smuggling Trade in Ireland in the Eighteenth Century.' *Proceedings of the Royal Irish Academy. Section C: Archaeology, Celtic*

should not necessarily be seen as a policy centrally directed by the British state, but rather a 'broader process, involving mutualities of interest between dominant groups and crown authority, both within England and other parts of Britain and Ireland.'[122] Frictions occurred when a large segment of the population were excluded from privilege and patronage or chose to use an alternative system of resolution for conflict or securing patronage. The right to bear arms was one of the most important of those privileges. As this work has stressed throughout, debates about who was entitled to the privilege of wielding firearms were complicated by anxieties about who could be trusted not only to bear arms, but also who might use them without turning them on those they were meant to be protecting.

Unlike the pacification of the Highlands, a violent process in part made possible through the restriction of a long enduring tradition of bearing arms, Ireland presented different challenges and a very different population dynamic. 'An act for the more effectual securing the peace of the highlands in Scotland' in 1716, and, 'An act for the more effectual disarming the highlands in that part of Great Britain called Scotland; and for the better securing the peace and quiet of that part of the kingdom' in 1725 were directed at the Highlands of Scotland and were limited to a specific minority of the population. As Jeremy Black bluntly summarized, the Highlands were to be pacified, 'First by killings, rapes and systematic devastation, and secondly by a determined attempt to alter the political, social and strategic structure of the Highlands.'[123] This second objective was accomplished through road building, the construction of forts, and the passage of cultural laws restricting the usage of the Gaelic language and the donning of cultural dress.

Studies, History, Linguistics, Literature, Vol. 67 (1968/1969): 149-175; James Kelly 'The Abduction of Women of Fortune in Eighteenth-Century Ireland.' *Eighteenth-Century Ireland / Iris an dá chultúr,* Vol. 9, (1994): 7-43. The enduring nature of this stereotype is explored in W. H. A. Williams, *The Eternal Paddy: Irish Identity and the British Press, 1798-1882* (Wisconsin: Wisconsin: University of Wisconsin Press, 2004).

[122] Braddick, *State Formation in Early Modern England*, p. 367.

[123] Jeremy Black, *The Politics of Britain, 1688-1800* (Manchester: Manchester University Press, 1993) p. 36.

Settler concerns about security were increasingly at odds with the British Empire's need for manpower, as the heavy recruitment in the Highlands after 1745 made clear. Military calculations and rotation schedules were calculated on the scale of a wide-ranging Empire, rather than local concerns. Yet Irish magistrates increasingly faced calls for professionalism alongside a broader remit of responsibilities as the number of troops they could call on for assistance were sent to overseas service. In areas where law and order had broken down, enforcement could be undertaken by local landowners. In such conditions, men like Charles Coote could rise to the occasion. In a country teetering at times into 'lawlessness' private men could respond by sending out 'privately by night a number of stout fellows, well-armed, under a brave leader', as had been the case during the Houghers outbreak in the earlier part of the century.[124]

Armed men on the frontier were the edge of the sword of Protestant Ascendancy. Rather than the grand houses and stately gardens that spring to mind when the term is invoked, this was instead a group of rough and bellicose men on the edge of the frontier who had settled and established the society of orders in regions outside of the remit of the magistrates. In Ireland, British elites worked out a 'politics of difference and subordination' where land was secured through settlement of English or Scottish settlers.[125] In areas on the margins, it would be those same people who secured it through force of arms.

A reliance on independently armed men became increasingly common in Ireland as the overall number of troops in garrisons available for use in law enforcement fell, whether for dealing with agrarian unrest or assisting the officers of the revenue. Of course, this also avoided the sometimes-strained relationship between local authorities and military units. The financial and

[124] Connolly, 'The Houghers: agrarian protest in early eighteenth-century Connacht', p. 154.
[125] Jane Burbank, and Frederick Cooper. *Empires in World History: power and the politics of difference.* (Princeton : Princeton University Press, 2010) pp. 177-178.

military obligations of the British state after the end of the Seven Years' were increasing in the 1760s. Local communities would have to find 'stout fellows' to keep the peace when the troops of the Irish establishment were not available. In Ireland, law enforcement relied on the presence of armed men, whether in British crimson or undyed linen. Security in Ireland rested, in part, on the relationship between militias and professional soldiers, as well as armed civilians. Sir James Caldwell's 'Enniskillen Light Horse' were sent from 1760-3 to assist the revenue and uniformed units like the Prussian Hussars. Caldwell had equipped them at his own expense and given the rank of a captain-commandant. Rather than being sent to European service however, they instead spent the time traversing the rough country in Connacht and Munster, 100 miles at a time. In this duty, they confronted large mobs of upwards of a hundred people and burned and spilt huge quantities of whisky and ale.[126]

> The common people of this Country are naturally fond of times of Confusion because they have an Opportunity of indulging in some favourite appetites such as Thieving and Cruelty; and if were not that the stand in Awe of a Sett of Folks in my Neighbourhood We should have some Instances of both, but we use so little Ceremony with 'em that they do not have any Disputes [where] We are concerned.[127]

As Padraig Higgins and others have observed, armed groups in Ireland overlapped between militia, ad-hoc volunteer associations, and local notables organizing independent companies or local Protestant gentry who led armed groups of their tenants. All of these groups had a mixture of vertical and horizontal bonds.[128] One thing that all these shared in common was the ability to bear arms as a means of asserting legitimacy in a society where that right was restricted to a

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[126] Alan J. Guy, 'The Irish Military establishment, 1660-1776' *in Thomas Bartlett and Keith Jeffery eds. A Military History of Ireland,* (Cambridge: Cambridge University Press, 1996), p. 220.
[127] *A Proposal for increasing his Majesty's Revenue in Ireland, with the [Revenue] Commisioners' Attestation of the Service of the Inniskillen Light Horse, 1763* quoted from Alan J. Guy, 'The Irish Military establishment, 1660-1776' in *A Military History of Ireland*, p. 220.
[128] Padhraig Higgins, *A Nation of politicians: gender, patriotism, and political culture in late eighteenth-century Ireland* (Madison Wisconsin: University of Wisconsin Press, 2010).

minority. These various armed groups could be used to put wider population 'in awe' in areas where governance occasionally required treating the local Catholic population with 'little ceremony.' To put the reliance in Ireland on armed men to enforce a code of laws into context, it would be worth briefly discussing how law and order was evolving in England.

The work of E.P. Thompson, P.B. Muncshe and Douglas Hay shows that concerns of security and the demands for a professionalized magistracy in Ireland had similarities with events elsewhere in the British Isles. In Britain, the intensifying presence of the state occasionally faced resistance. Examples of opposition to the expansion of law and order are present in accounts of the popular responses to the more consistent enforcement of game laws, changing uses of the commons and the standardization of weights and measures such as the contentious introduction of the Winchester Bushel. The 1737 riots of footmen at the Drury Lane theatre, the periodic outbreak of Jacobite sympathy and religious disturbances coincided with tax riots, election riots, and the Wilkite riots of 1760s, which were in part responses to state intrusion and an increasingly more homogenous idea of civil behaviour.[129] The late E.P Thompson's work on traditional rights and privileges of the lower orders as an erosion of a moral economy provides a format for understanding the social underpinnings of violence. W.E.H. Lecky provides an earlier foundation on the failures of law and order to be established in Ireland, and in some cases examples of material that has since been lost.[130] I have discussed research on the British Army's role in eighteenth-century Ireland previously in this work, and will not go into

[129] Adrian Randall, *Riotous Assemblies: Popular Protest in Hanoverian England* (Oxford: Oxford University Press, 2006), pp. 44-90, 155-178; Adrian Randall and Andrew Charlesworth eds., *Markets, Market Culture and Popular protest in Eighteenth- Century Britain and Ireland* (Liverpool: Liverpool University Press, 1996); Thompson, 'The Moral Economy of the English Crowd in the Eighteenth Century'.
[130] Thompson, 'The Moral Economy of the crowd in the Eighteenth Century'; Hobsbawn, 'Distinctions between socio-political and other forms of crime', pp. 5-6; Hay, 'Poaching and the game laws on Cannock Chase'; W.E.B. Lecky, *A History of Ireland in the Eighteenth Century* (London, 1913); Munsche, *Gentleman and Poachers*.

great detail about the role of the garrison in securing the countryside in the earlier part of the century.[131]

In Ireland, it was the confessional divide where four fifths of the population were Catholics that makes the kingdom a unique case in understanding British Imperial expansion. The local Protestant community, split as it was between Presbytery and Episcopacy, created unique challenges to maintaining Protestant privilege against the majority Catholic population.[132] Although Scotland also faced such problems, it was not to the same scale or as long enduring. Protestants were also not a minority in Scotland. More than anything else, the gun had long been an arbiter of legitimacy in an increasingly confused social, confessional and imperial setting, a means of seeking some stability of one's rank or station in a changing world. The observation given above about antagonisms in Ireland will come as no surprise to a student of its history. Scholars agrees there were tensions, though they disagree as to how much was present, or whether it was endemic or chronic. It is not the intention of this work to claim that the only way Catholic Ireland was governed was through the presence of an armed and antagonistic Protestant population. However, the restriction on bearing arms did have a role in vividly establishing the relative social standing of the wielders vis-à-vis the general population. Wielding a gun was a right reserved for Protestants regardless of rank or wealth. Assembling in the militia or volunteering together and marching through the countryside sent a message that the privilege of bearing arms was the sole right of free Protestants after 1688. This created situations where the gun itself became a shorthand for legitimacy. Many of the themes discussed in this work would collide together in the 1770s and 1780s. Calls for a reform of the penal laws were directly correlated with expectations of Catholics to support the British military either through manpower or money. Old tensions about the real intention of suspect

[131] See page 28-29 of this work.
[132] An overview of population changes in Ireland can be found in Daultrey et al., 'Eighteenth-Century Irish Population': 601-628.

communities would reignite when external threats made the prospect of invasion once again a reality. The gun also facilitated the maintenance of law and order, and provided a coercive encouragement to cooperating with the state. In the 1770s and 1780s the gun would be diffused into a polygot of armed associations and groups as the standing army meant to defend Ireland sent its regiments to North America and began recruiting the very people it was meant to protect the population from.

This chapter looks to the lives of two men, the Viceroy George Townshend and the first Earl of Bellamont, Charles Coote. These two very different Protestants are used to illustrate the different experiences of bearing arms for the empire, alongside their own views on who should wield the gun in Ireland. Following an examination of each of these men, the chapter engages with the debates surrounding the augmentation of the Irish establishment and the related debates of the role of the Militia in Ireland. The chapter ends with an account of the duel between Townshend and Coote in 1773. The duel serves as an apt motif of one of the final echoes of the peace of 1691. As I addressed in earlier chapters of this work, the legacy of the victory of William of Orange over James II had implications for both the imperial centre and the Protestant settlers. This was in part because of a different view of who should defend Ireland, and from what. Ireland after 1763 was primarily seen as a recruiting area and a place of sectarian bloodshed out of place in a more enlightened age where racial or political differences determined who to exclude. In the Williamite war, the British state's victory had freed the resources in Ireland for other theatres and other conflicts. For the Protestant settlers who had fought a dirtier war, it allowed for the creation of penal laws and the disarming of the Catholic majority. Nearly one hundred years later it was becoming increasingly apparent that the standing army was to have to include Irish Catholics, and the bribe to be offered was a reform of the penal laws. For men like Coote, this was an aberration of all that had been secured.

i.

The haustorial roots of the British state had penetrated into Ireland in a persistent and much more visible way by 1765. Road expansion, the desire for general 'improvement', and the creation of an ordered and English landscape filled the lives of the gentry.[133] The call for the expansion of the civil state was matched in Ireland with the desire to expand the number of soldiers being sent for garrison duty in the American colonies and the Mediterranean. This desire for an expansion of Ireland's military contribution was met with opposition in the Irish Parliament. After 1763, Irish establishment regiments were 280 officers and men, compared to England's 500.[134] However, full strength regiments were sent to garrison the American colonies.

The expansion of the Irish military establishment brought with it two different areas of concern. The first was financial, given the cost of supporting extra soldiers to be paid for by Ireland. The second was whether the troops would be constantly stationed in Ireland.[135] Even in wartime this could be a difficult task. The previous Lord Lieutenant, Lord Halifax, had explained that the members of the Irish Parliament 'have always been adverse to an increase of expense and an augmentation of the army', suggesting to the secretary of state that he should manufacture an invasion scare to convince them of the necessity.[136] A discussion of fears about security inevitably became a discussion about who would be bearing arms in Ireland. Was it to be a Protestant nation in arms in the form of a militia or a standing army? From the imperial

[133] Toby Barnard. *Making the grand figure: lives and possessions in Ireland, 1641-1770* (Yale: Yale University Press, 2004).
[134] Bartlett, 'The Augmentation of the Army in Ireland 1767-1769': 540-559.
[135] Bartlett, 'The Augmentation of the Army in Ireland 1767-1769':553.
[136] Bartlett, 'The Augmentation of the Army in Ireland 1767-1769':552, quoting Calendar of Home Office Papers, 1760-1766, p. 82: Halifax to Egrement, 29 Nov. 1761.

perspective, the security of the empire was better served by sending roughly half the standing army in Ireland abroad, and keeping the remainder understaffed. For the Protestants in the countryside, fears about security meant their concern was to keep their monopoly of the gun secure and to be ready to embody together in the face of either a domestic uprising or foreign invasion. But the gun in Ireland was involved in clashes that were much more personal. This chapter uses duel between Townshend and Coote in 1773 as a means of introducing a discussion of the breakdown between imperial versus local thoughts about the role of the gun in Ireland, much like its predecessor looked to Art O'Leary.

Similar exchanges took place across the Atlantic seaboard of English North America. The early stages of the American Revolution were presaged by an attempt by the British state to disarm the colonial militias. In 1768, following an increase in the amount of British troops in the city, Town officials encouraged private citizens to arm themselves as a deterrent against tyranny. In 1770 during the trial following the Boston Massacre, the right of to be armed was upheld. Five years later British officials were banning the importation of gunpowder, and ordering all the citizens of Boston to turn in their firearms.[137] Beginning in 1775, the direct confiscation of the arms of the entire population of Boston took place, netting a total of 1,778 muskets, 634 pistols, 973 bayonets and 38 blunderbusses.[138] Such events could not help but have been noticed on the other side of the Atlantic.

In Ireland, the disagreement was a breakdown between settler ascendancy and imperial viceroyalty, of the requirements of a victorious empire's need for a standing army, and the recalcitrant settler community fears of a faltering guardianship of the legacy of a glorious revolution. This smouldering difference of opinion about the role of the gun in Ireland has been

[137] Stephen P. Halbrook, *That Every Man Be Armed: The Evolution of a Constitutional Right* (Albuquerque: University of New Mexico Press, c1984), p. 92.
[138] Halbrook, *That Every Man Be Armed*., 60-63.

somewhat unnoticed because it occurred alongside the blazing light of the disagreement across the Atlantic between a recalcitrant settler community and the British government about who should wield the gun in the colonies' defence. In 1773, a duel took place that marked the breakdown between two different communities and two very different men. The duel provided contemporaries with the embodiment of the British eighteenth-century imperial functionary in the form of the veteran soldier Marquis Townshend. The other duellist was a young and the rakish upstart named Charles Coote, the newly minted Earl of Bellomont. In the following section, the lives of these two men will be compared, as well as how the experiences of two very different lives shaped the duel they would fight. This single event represents wider disagreements and simmering tensions in Ireland between empire and settler, over who would have the gun, and to what purpose. It also makes for a look at personal confrontation and its influence on events, much like the personal animosities made manifest in the earlier coverage of Art O'Leary.

Perhaps the best embodiment of the type of man who spearheaded the expansion of the British state in the eighteenth century was the first Marquess George Townshend. Townshend first came into the world under the benevolence of King George I, who had helped sponsor his baptism, and was educated at Eton College and St John's College, Cambridge, where received a classical education. Townshend had served on both side of the Atlantic in military service, as well as having served in political office in England. During his extensive travels he penned caricatures of both personal rivals and the aboriginal people he encountered. Townshend first entered into military service in 1741.[139] Townshend fought against the Jacobites at Culloden in 1746 and was at the battle of Lauffeld in 1747 where he saw combat in Flanders against the French Army. In 1747 he became a Member of Parliament unopposed for Norfolk. Outside

[139] Powell, 'Townshend, George, first Marquess Townshend (1724–1807)', *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004).

Ireland he never achieved a high political office, although this may reflect personal preference over stymied ambition. His vocal distrust of standing armies coincided with him being identified with the Whig interest despite his later role in Ireland[140] Despite earlier arguments against a standing army Townshend was crucially involved in the expansion of the Irish army the provisioning of the Irish militia.[141] He would also agitate for an enquiry into the loss of Minorca, a matter briefly discussed in the previous chapter. Townshend saw further service in Quebec during the Seven Years' War. In North America, Townshend led the left wing of the British forces on the Plains of Abraham outside the walls of Quebec City. Following some fortuitous battlefield deaths, Townshend rose to overall command, eventually overseeing the surrender of Quebec in 1759. He also served tours of duty in Germany and Portugal in the early 1760s. In the middle of August of 1767 Townshend assumed command over an increasingly fractured and unruly political situation in Ireland.

Scholarship on Townshend has been led by Thomas Bartlett, who has revealed that many of the radical reforms on the way the viceroyship was run were implemented not because of any imperial objectives but rather from Townshend himself. Bartlett began his academic work on Townshend during his PhD thesis at Queen's University, Belfast in 1976, and added a contribution in an edited volume three years later.[142] Martyn Powell has also added contributions towards our understanding of the Townshend viceroyalty and the Irish crowd.[143] The majority of this scholarship is rightly directed towards understanding Townshend's

[140] Lewis Bernstein Namier, and John Brooke, eds. *The House of Commons 1754-1790* (London: Published for the History of Parliament Trust by Secker & Warburg, 1985). pp. 550-551 for Townshend's support for the English Militia.
[141] Powell, 'Townshend, George, first Marquess Townshend (1724–1807)'.
[142] Bartlett, 'The Townshend Viceroyalty, 1767–72' (Ph.D. thesis, Queen's University Belfast, 1976); idem, 'The Townshend viceroyalty, 1767–72' in T. Bartlett and D. W. Hayton eds. *Penal era and golden age: essays in Irish history, 1690–1800*, (Belfast: Ulster Historical Foundation, 1979), pp. 88–112.
[143] Powell, 'Managing the Dublin populace: the importance of public opinion in Anglo-Irish politics, 1750–1772.' *Irish Studies Review*, 16 (1996): 8–13.

political legacy and his impact on the debates towards an Anglo-Irish Union and in Martyn Powell's view of the relationship between constituents and their political representatives.[144]

One aspect that has been neglected by this scholarship on Townshend's residence in Ireland was his tour of the island before taking office. His unguarded thoughts and observations provide some insight into the way Ireland was viewed by the man tasked to govern it. The Ireland that Townshend encountered was transformed from a generation before. These changes were rapid and caused differing reactions among the Irish populace.[145] The introduction is written in a clear legible hand and begins with a testimony in the first days of August in 1765. Townshend notes that the purpose is to 'give a general, tho,' imperfect idea, of such things, as do naturally strike the Eye of a Military stranger in passing once over a considerable extent of Country in a short space of time.'[146] He then presents the general format the volume would take, divided into topographical description of the land, major rivers, and the nature of the roads. Additionally, the location and summary of towns, harbours and the state of repair of military buildings are also given.

Townsend's main concerns were the locations of 'citadels or places for arms, if circumstances should make it hereafter necessary, to establish such works in this part of the country.'[147] He was an experienced military veteran, and was surprised at the state of the defences that he encountered. He also rated the potential for the movement of men and materials, especially of cavalry. As has been noted, cavalry played a prominent role in the collection of the revenue

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[144] Powell, 'Townshend, George, first Marquess Townshend (1724–1807)'.
[145] Neal Garnham, 'Riot Acts, Popular Protest, and Protestant Mentalities in Eighteenth-Century Ireland.' *The Historical Journal*, 49, 02 (2006): 403-423. Garnham places the decline of the Ascendancy's self-assurance in the last quarter of the eighteenth-century, eventually leading to the Riot Act of 1788. My own opinion is that the decline in confidence took place at a gradual pace from the onset of Catholic recruitment during in the 1750s.
[146] BL Add. MS. 50007, the series of hand bound volumes is entitled *General Description of the South Part of Ireland*, and subdivided into three volumes differentiated by the letters A, B, C. henceforth, volume is indicated by letter and folio number.
[147] BL Add. MS. 50007, A. f. 2.

and the imposition of law and order on isolated areas or to deal with agrarian unrest. As Townshend toured the country providing a description of the seacoasts and of the state of the countryside he also noted the inhabitants. His description of Limerick was perceptive about both the landscape and the people. He also had an eye for agricultural pursuits. He complimented the local people who had 'with prodigious labour and pains cleared the immense stones, collecting them in heaps' and it was 'there they plant their potatoes.'[148] Roscommon appeared to Townshend to be 'bleak, rugged and uncultivated.' However, it is Townshend's observations on roads that are of particular interest.

> There is no country whatever, where there are more, or in general better roads than in Ireland, the gravel or other material for making them so, are found in plenty, and excepting the bogs intervene, are near at hand. They appear likewise to be judicially enough constructed and substantially made but what contribute greatly to their lasting, is the little repair that is upon them, being entirely free of heavy carriages, those that are chiefly made being only smaller carrs or sledges, drawn by one or two horses at most.[149]

Townshend goes on to mention the availability of crossroads to connect neighbouring communities, despite the isolating nature of the bogs. However, he specifically excluded parts of Kerry and Clare. The fact that the Viceroy of Ireland toured the country extensively demonstrates his difference in approach, as others in the role sometimes governed from the bank of the Thames after a brief period in Ireland. Townshend was the first to permanently reside in Ireland and the only to take such an extensive tour of the regions outside Dublin. His opinion as both a military figure and a first-hand witness gives the historian an accurate assessment of the condition of Ireland's defensive works. Townshend found the condition of defences in Ireland wanting. An army fortress in Waterford had old rotten boards which were

[148] BL Add. MS. 50007, A. ff. 9-10.
[149] BL Add. MS. 50007, A. ff. 17-18.

used as makeshift drawbridges because of a collapsed bridge. This matches reports made of leaking roofs, pigs, and collapses walls in residential barracks in reports made on the condition of barracks from earlier in the period.[150]

Townshend's assessment was brutally honest when he assessed the state of the defences of Ireland. [151] If the badly maintained strongpoints were besieged, the chances of resistance for long enough for military units from other areas of the Empire to respond were low. This was not only due to the fortifications own indefensibility, but also the surrounding hostile population.

Townshend remarks:

> besides, a greater part of the inhabitants, instead of being such whose services we could in any way be depended upon, for their assistance in time of Danger, might from the[i]r despondency, and the prevailing of the Roman Catholick religion among them, be supposed favourers of their natural enemies and invaders of these Kingdoms.[152]

Townshend assessed that actually attempting to build proper defences would be too expensive, and seeking to delay an invader would be the most realistic position. These conclusions are not very surprising and in line with traditional military thinking on the defensibility of Ireland, well grounded in previous experience during the 1640s and 1690s. Townshend's jotted down notes in the backside of a notebook gives us some insight into his private thoughts. The observations are written haphazardly, jotted down in moments of reflections and undated. They contain his thoughts on topography, military positions, and other items of interest. I suspect it is from the period of the tour as it contains thoughts that appear in a more formal form in 'General

[150] BL Add. MS. 50007, A. f. 20
[151] BL Add. MS. 50007, A. f. 20. For other accounts of the perilous condition of the barracks in Ireland, see *The Secret History and Memoirs of the Barracks of Ireland.* (London. 1747); Edward McParland 'The Office of the Surveyor General in Ireland in the Eighteenth Century.' *Architectural History,* Vol. 38 (1995): 91-101.
[152] BL Add. MS. 50007, A. ff. 22-23.

Description of the South Part of Ireland'. The unguarded observations reveal a different perspective on Irish security than scholarship on Townshend has revealed. The observations are scattered throughout the notebook. To capture the nature of the source some of these fragments are quoted in full in the following passages.

George Townshend's notes begin by listing first impressions. Ireland is a land where one could find 'farms to great expanse, - number of inland forts fear bombardment or famine – disproportion of Catholics and Protestants'.[153] After such a succinct summary, he suggests that in the event of a Catholic uprising that earthen depots could be constructed that would not only 'retard the enemies progress' but more importantly 'provide a refuge to Protestants who would otherwise be obliged to fly to the metropolis leaving their families and effects to the mercies of an enemy.' If there is any doubt that Townshend feared a massacre, his subsequent note that a series of local fortifications was the solution removes it. 'If it had been the case in 1641, many Protestants would have been saved' demonstrates that he thought there would be blood spilled.[154] This seems to indicate his concerns were grounded in popular accounts of past massacres.

His proposed solution was to legislate for a wide spread construction of earthen ramparts which 'could become good for depots refuge for Protestants & their effects, a tolerable place for defence for either Protestant gentlemen with their Tenants'. In Townshend's view, Ulster was well protected, but in the southern part of Ireland, where 'Protestants of the south' were outnumbered by '15 or 16 Roman Catholics [they] had no refuge unless they fled to where the army was camped or to the Capitol.'[155] Townshend suggested that military officers at Cork and Kerry should be given orders 'to gain intelligence on the popish interest and smugglers

[153] BL Add. MS. 50007 C.
[154] BL Add. MS 50007 C, f. 5
[155] BL Add. MS. 50007 C, ff. 6-7.

who had contacts with France and Spain.'[156] Townshend was of the opinion that Ireland was effectively impossible to defend, and that the outnumbered settler community and armed tenants would mount a delaying resistance until a counter invasion could be mounted from Britain. The inability of the British army to defend the country and Townshend's vocal support for militias combined to form two separate policies. One involved the recruitment of a military force for use outside Ireland, and the creation of a settler force of Protestant property owners and tenants specifically tasked to delay either an outside invader or a domestic uprising from the native Irish Catholic majority. The Protestant population would need to be armed and further militarized or it faced the prospect of massacre from the native inhabitants. In the next section we explore the means by which that population would be armed, through the expansion and arming of the Irish militia.

ii.

Military priorities in the late 1760s shifted from a wartime footing to the inevitable drawdown following the peace. In Ireland, crucially, the overall responsibilities of the military were expanding at the same time that the number of troops on the establishment was reaching critically low levels. Given the limited numbers of men available, several proposals were set forth as to how to most efficiently use these armed men to further the interest of the empire. I will also discuss the differing ideas of what the purpose of the militia and the British garrison was to be in peacetime. I outline some of the proposals, and explain how these mirrored wider imperial priorities. The reliance on coercive legitimacy through the use of the gun in day-to-day governance became more entrenched at the same time that the reliance on privately armed individuals also allowed for the gun be used to reaffirm the status of Irish Protestants as sanctioned armbearers necessary for securing Ireland and the rule of law.

[156] BL Add. MS. 50007 C, f. 15.

To understand why the militia in Ireland was seen as being useful for state-building on the cheap requires a brief overview of the history of the militia in eighteenth-century Ireland. Debates as to how often the militia was embodied before the 1760s have spilled more ink than would be expected given the lack of surviving documentation from the period.[157] Alan Guy believes the evidence supports arrays in 1719, 1739-40, 1745 and 1756, a position supported by S.J. Connolly and Sir Henry McAnally.[158] David Miller suggest is that there were a total of four arrays in 1719, 1727, 1745, and 1756. Other historians suggest even fewer arrays. Stephen Conway finds convincing evidence of just two arrays in 1745 and 1756, David Dickson suggesting three arrays, in 1719, 1745, and 1756.[159] In the three large-scale arrays of the militia before the Seven Years' War, the number of men involved was somewhere in the range of 40,000 to 45,000 Protestants in 1719 and 1745, with the men primarily living in Munster and Ulster. The returns of 1756/7 claimed that 148,767 were embodied, but this must be seen as largely a head count of eligible Protestants rather than a total number of men mustering as a military force.[160] These numbers are in line with upper estimates of the membership of the Volunteers in the 1770s and early 1780s. Neal Garnham's position is that the evidence is stronger for the 1719 array, less so for the 1729 array and relatively strong for 1740, and 1745.[161] He also convincingly demonstrates that the 1756 array was largely 'an administration exercise'[162]

These arrays were largely in response to foreign threats of invasion, landings in the North of Britain, or in reaction to supposed Jacobite plots. As will be seen in the following section, the

[157] Neal Garnham provides an overview of existing sources in *The Militia in Eighteenth Century Ireland*, pp. 35-60.
[158] Guy, 'The Irish Military Establishment, 1660-1776', p.216. For support for his position see Connolly, *Religion, Law and Power*, pp. 201-202; Sir Henry McAnally, 'The Militia Array of 1756 in Ireland.' *Irish Sword*, 1, 2 (1950): 94-104.
[159] Conway, *War, State, and Society in Mid-Eighteenth Britain and Ireland* (Oxford: Oxford University Press, 2006), p. 80; David Dickson, *New Foundations: Ireland 1660-1800* (Dublin: Irish Academic Press, 2000).
[160] The Scepticism of the total number of men actually mustering originated in the nineteenth century based on the work of McAnally, 'The Militia array of 1756 in Ireland'.
[161] Garnham, *The Militia in Eighteenth Century Ireland*, pp. 36-40.
[162] Garnham, *The Militia in Eighteenth Century Ireland*, p. 41.

use of militia for routine law-and-order responsibilities was a relatively new development. This was a development that took place alongside the increased use of military force in revenue collection and supressing agrarian protestors, as well as a reaction to falling troop levels and the way those troops were distributed in Ireland. The gun is incredibly important in understanding the role of the militia in Ireland. For the state, men coming together and forming associations were not a danger and provided additional security in times of invasion. However, providing firearms to the general population was seen as a dangerous step.

From the inception of the militia in Ireland in 1719 to the dissolution of the founding legislation in 1776, the debates concerning a militia were less about men of a military bearing associating together, but rather the dangers of arming them. In England, the opposition was more about the issue of a militia service creating political instability.[163] Fifty years later a debate over the militia was also taking place. To effectively support law enforcement and revenue collection access to firearms instead of uniforms or drum kits was essential. Garnham seems to give credence to the idea that the militia was effective in reminding the Catholic majority of its place, quoting Chief Baron Willes' statement that 'a tolerable good militia', made stalwart with some regular troops, would allow Protestants to 'overpower the Papists.'[164] He suggest that the presence of a few hundred militia could help explain the lack of a rising in Ireland in 1745. Garnham description of the militia as a group of farcical coats of arms, a relative lack of access to weaponry, and a preoccupation with toasts did not reduce their potential to be armed by the state. The low level of military competence and a military campaign whose highlight seems to have been visits to the theatre does not create a picture of dread to the state.[165] In the 1760s the

[163] Eliga H. Gould. 'To Strengthen the King's Hands: Dynastic Legitimacy, Militia Reform and Ideas of National Unity in England 1745–1760.' *The Historical Journal,* 34, 02 (1991): 329-348. For the supposed benefits of defeminizing the English male, see Matthew McCormack. 'The new militia: war, politics and gender in 1750s Britain.' *Gender & History,* 19, 3 (2007): 483-500. The lack of subversive politicization in the English militia is summarized in the arguments in John E. Cookson, 'Service without Politics? Army, Militia and Volunteers in Britain during the American and French Revolutionary Wars.' *War in History,* 10, 4 (2003): 381-397.
[164] Garnham, *The Militia in Eighteenth Century Ireland*, p. 43.
[165] Garnham, *The Militia in Eighteenth Century Ireland*, p.42.

militia changed and became a more active and more formidable force. The case can be made that there must be a distinction between the adequacy of Ireland's defence and the way the militia behaved in its day-to-day social interaction with the Catholic population. To create a militia capable of effectively countering a domestic uprising or a foreign invasion meant arming the men who would serve in it. The dispersal of firearms from government stockpiles meant the theoretical right to wield firearms by Irish Protestants would become asserted at the same time as debates about removing the formal probation over the Catholic population bearing arms of their own.

In the opening months of 1765, the Whiteboy outrages had burned themselves out in southern counties of Ireland, and as Townshend toured the south and western coast a different series of outrages in the North had been dealt with through from the cooperation of regular army units and the embodied private individuals and local 'stout fellows.' Ulster was host to the airing of grievances that stemmed in part from the creation and maintenance of the road network that so impressed Townshend. In the North of Ireland, a group called the 'Oakboys' came together not only to protest county cess and mandatory labour, but also to engage in some light looting and bad behaviour. Like the Whiteboys of the south, the Oakboys also had an issue with tithes.[166]

These protesters presented a problem to the authorities that differed from the largely Catholic Whiteboys. They were primarily Protestant. Outside of the issue of confronting co-religionists was the reported audacious manner in with which the Oakboys operated. As Neal Garnham rightly emphasises, what marks the Oakboys as distinct was their confidence. The Oakboys embodied in daylight, and were more than willing to confront armed troops. James Donnelly and Eoin Maggennis both cite reports of the protestors responding to troops by entering into

[166] For an account of the Oakboys see Magennis, 'A 'Presbyterian Insurrection'? : 165-187. See also Neal Garnham, *The Militia in Eighteenth-Century Ireland*, pp.74-75.

martial formations.[167] Garnham reported that they had ‘equipped themselves with drums, colours, and other military trappings’.[168] Despite an apparent abundance of military training and the necessary accessories, they were lacking in one of the most important accessories. The Oakboys do not seem to have been particularly well armed. However, they did seem to be actively seeking to arm themselves. In a country where firearms in private hands were scarce, state-produced firearms were the primary source for groups looking to arm themselves.

Whether the Oakboys intended to actually raid state arsenals cannot be discovered in the historical record, but rumours of this intent abounded. A series of letters reported the claim the Oakboys intended to arm themselves by taking the militia weapons stored in caches throughout Ulster, which bears similarity to the reports of seizures of militia arms in Lexington and Concord in the opening salvo of the American Revolution a decade later.[169] The Oakboys were defeated with a combination of regular military units and privately armed individuals. Garnham cites twenty Protesters being killed in a series of skirmishes. Direct confrontation dispersed the crowds of the men involved, at least temporarily.[170] The twenty men killed during the confrontations was comparable to the Whiteboy executions between 1763 and 1765. The crucial difference between the two was that the Whiteboys were executed after due process through the legal system whereas the Oakboys were killed in direct confrontations.

Neal Garnham has used the suppression of the Oakboys to highlight the role of the Irish Militia.

In my view, this is somewhat problematic from the perspective of defining who should be considered to be a sanctioned member of the militia but could be used to understand a wider

[167] James Donnolly, ‘Hearts of Oak, Hearts of Steel.’ *Studia Hibernica*, xxxi, (1981): 7-22; Magennis, ‘A Presbyterian insurrection’? :168-87.
[168] Garnham, *The Militia in Eighteenth Century Ireland*, p 74.
[169] James Gledstone to James Stewert, 8 July 1763; _____, Co Armagh, to _____, 19 July 1763; Charles Coote to Archbishop Stone, 22 July 1763, Coote, Belturbet to James Stewert, 28 July 1763. All letters found at P.R.O.N.I, Wilmot Papers, T/3019/4652/4660/4671.
[170] Garnham, *The Militia in Eighteenth Century Ireland*, p. 74.

concept of the militia as being a Protestant under arms. Garnham mentions a Co. Londonderry proprietor who supplemented his estate's security with 'militiamen' from his own estate alongside two companies of regular troops in the area. In Donegal, the militia served as a barrier to Oakboys calling in relatives from further afield.[171] These armed retainers could be seen as privately armed men under an almost feudal arraignment.[172] Lacking uniforms and directly under the personal authority of their proprietor these men were more akin to personal levies than patriotically motivated citizens. These rural levies contrasted with the more recognizable citizen militia of armed burghers that placed mounted guard in towns, a group who Garnham has tended to emphasize in detail. This is in part a reflection of the surviving records. However, at what point does a tenant with a blunderbuss become a militiaman?

Protestant Irishmen wielding firearms became legitimate through embodying together even if this took place outside of the traditional civic structure more traditionally examined when discussing militias. The tenant with a blunderbuss was exercising a right guaranteed by the 1688 Bill of Rights and won through the service of his ancestors alongside William III. That wielding a gun could transfer its own legitimacy had implications for diffusing governance and law enforcement into a much more localized and visceral process. The historical precedence of using militia as a replacement for regular army had taken place sporadically throughout the eighteenth century. However, before the 1760s this was limited to wartime. By the 1760s, the British Empire increasingly relied on the Irish establishment to provide troops to garrison newly won territories.[173] In terms of law and order, the militia were used in conjunction with regular troops rather than undertaking operations independently.[174] If the militia were to replace the garrison role of the army, for that they would need to be armed. Unlike in England, arming

[171] Edward Carey to Lord's Justices, 19 July 1761, P.R.O.N.I., T/30194652; Garnham, *The Militia in Eighteenth Century Ireland*, quoting F.D.J., 6-9 Aug. 1763.
[172] Garnham, *The Militia in Eighteenth Century Ireland*, p. 74.
[173] Garnham, *The Militia in Eighteenth Century Ireland*, p. 43.
[174] In 1747, after a supposed escape of Spanish Prisoners of war, the Militia secured Kisdale when the regular army conducted the search for them.

the Protestant population in Ireland was innately political. These questions faced Townshend as he considered augmentation of the number of men on the Irish establishment. We now return to Ireland's newest Lord Lieutenant as he assumed his political office.

The future Lord Lieutenant faced issues of maintaining law and order as well as defending against a military invasion. In drafting policy, he and others had access to Lord Hertford's *Scheme of Barracks for Calvary*.[175] The plan detailed local conditions and travel times, as well as the ruinous state of the current facilities, additionally, the scheme proposed emphasized the importance of the Calvary units in assisting the Revenue.[176] The deficiency of the army in Ireland was also discussed. The chief concerns were the inability of troops to maintain the peace, or even to maintain their own discipline. This was in part attributed to the dispersed nature of the soldiers, who were reportedly 'at least 20 miles from headquarters.'[177] In some cases, units were 45 miles away from their commanding officers. Intriguingly, the report emphasises that the posts were needed specifically to help the magistrates enforce the law, as well as to prevent widespread smuggling. There was also the issue of the distance between detachments and their officers from headquarters.[178] The troops needed to be dispersed to be able to assist the magistrates and revenue officers, but conversely, this made them less effective to oppose a landing by a hostile military power. Giving the Militia these responsibilities would allow for the military to be used for deterring external threats, and conversely mean that the militia would primarily be used to keep the Catholic population subjugated and deter agrarian unrest.

The report also explains that the location of armed men was as much a logistical question as it was one of utility. In terms of logistics, gunpowder for all of the detachments was stockpiling

[175] BL Add. MS. 50007 B. f. 1.
[176] BL Add. MS. 50007 B, ff. 4-5.
[177] BL Add. MS. 50007 B, f. 6.
[178] BL Add. MS. 50007 B, ff. 7-8.

at Charlemont and Carrickfergus.[179] Killough had nine companies largely to facilitate rotation to England, rather than out of any tactical advantage. A separate plan by a Mr Mason was also presented, which suggested the financing of building of a barracks for a specialized detachment to catch deserters, highlighting another pressing issue in maintaining troop numbers.[180] In the face of a diminishing number of regular units, the idea of using the militia became increasing attractive.

The English militia was seen as a natural example, and Townshend was instrumental in the drafting of the English militia legislation. However, 'the main alternation is that all officers shall be given to the Crown.'[181] During wartime, rather than rely on local yeoman, the regular militia members would be led by crown-appointed officials. Furthermore, the purpose of the militia was explicitly for military defence rather than the local support of law and order, assistance with the revenue, or to protect the estates of landowners. They would be encamped together under regular army officers and military discipline. Responding to questions about the cost, the proposed plan stipulated that a small cadre of militia would be raised so that the scheme could be 'corrected upon the grounds of experience and to be fit the more exactly to this country against a time of insurrection, invasion or war.'[182] This plan would have essentially created an 'Irish' regular army similar to the garrison system used earlier in the century.

Townshend proposed raising officers, 2000 citizens from the cities of Dublin, Cork, Limerick and Waterford, and double the number from the province of Ulster. The result would be approximately 10,600 Irish Protestant 'men under arms in Ireland.'[183] This was not a new idea, as a similar attempt on a smaller scale had been proposed by Charles I to raise 11,000 men 'of

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[179] Note that the deficiency in such a centralized system was made evident during the landing of Thurgot when the gunpowder stockpiles were seized in part because the ammunition was stored centrally in a different location.
[180] BL Add. MS. 50007 B, ff. 9-10.
[181] BL Add. MS. 50007 B, f. 23.
[182] BL Add. MS. 50007 B, f. 23.
[183] BL Add. MS. 50007 B, f. 23.

British birth' to oppose a potential Spanish landing in Ireland without incurring the cost of raising regular troops.[184]

This discussion was largely focused on finding suitable men. It was not, as had often been the case previously, about finding firearms. Townshend had the unique position of not worrying about finding suitable armaments. Townshend noted in the report that 'the arms are already provided' at cost of £25,318.[185] The firearms had periodically being purchased and then stored up in Irish arsenals over the course of the previous century but had never been widely distributed. By the late 1760s, thousands of military grade firearms were stockpiled and intended to be given to a small and tightly-controlled cadre of loyal crown-appointed men. In times of necessity the arms would be distributed under controlled circumstances. Despite the best of intentions, this was not to be how the guns would be dispersed. In the next section, the story of how the Irish state acquired a large stockpile of military firearms is detailed. It also reveals the reluctance of the British government to hand the weapons out. By the 1770s, Ireland would be on a precipice of a large population instilled with a narrative of their right to bear arms and a large number of firearms dispersed throughout the country.

iii.

For over 350 years, Ireland's experience with private gun ownership had been one of scarcity, in part because of a dearth of trust by the state when faced with dispersing military grade firearms into private hands. The evidence of both the scarcity of arms and the lack of trust from the state is found in the history of militia musters in Ireland. The number of men who could be mustered for military service was also consistently overestimated. Even more worryingly, even those could be found faced being underequipped. In 1691, William Perry estimated that the Protestant population in Ireland could muster 24,000 men.[186] However, there was no provision

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[184] Irish Council to English Privy Council, 20 Nov 1625, *Calendar of State Papers of Ireland*, 1625-32, p.4.
[185] Calendar of State Papers of Ireland, 1625-32, p.4.
[186] William Petty, *The Political Anatomy of Ireland* (London, 1691), p.42.

to arm so many. Equipment purchases varied, and at times municipalities privately equipped small local forces. This was the case with Waterford, whose townspeople outfitted the military equipment for 100 men, and in Kinsale, which outlaid £120 for militia arms.[187]

A change in government changed who should have legitimate access to firearms. James II ordered that militia arms distributed at the time of Popish Plot were seized and given out to largely Catholic regime loyalists. The estimated 15000 Protestants who saw service during the Williamite war did so outside a formal militia structure. At the end of the conflict, these ad-hoc units dispersed with the crisis that brought them forth, although their experiences would affect how the wider Catholic population was viewed in the aftermath of the conflict.[188] Attempts at reviving the militia faced the question of who should be armed. The issue of trusting Presbyterians with arms was theoretical if there were no firearms to provide them with. During the muster of 1715, firearms were so scarce that in the case of Westmeath, there were no weapons available to arm the militia. The Lords Justice produced voluminous correspondence seeking any available arms and ammunition to defend Dublin in the same year.[189]

The scarcity of firearms to arm the militia with competed with fears about arming the population. In the case of the 1756 array, although some obsolete firearms were given out, careful instructions were given not to distribute ammunition or powder.[190] Neal Garnham has rightly seen a lack of enthusiasm towards arming the Irish militia with state firearms as a policy having originated in England. In the opening chapter of this work, we examined the long history

[187] Garnham, *The Militia in Eighteenth Century Ireland,* p. 10.
[188] Garnham*, The Militia in Eighteenth Century Ireland*, pp. 11-12.
[189] Cited by Garnham in *The Militia in Eighteenth Century Ireland*, p. 25, Report of commissioners of array for Country Westmeath, 8 Sept. 1715, National Archives of Ireland; Calendar of miscellaneous letters and papers since 1760; Lord Justices, to Lord Lieutenants, 25 Aug. 1715, 25 Sept. 1715, and Archbishop King to Lord Lieut., 7 Oct. 1715, TNA SP/63/373/62, 90, ff.148-149.
[190] *B.N.L.*, 23 Mar. 1756. The Master of Ordnance states that only old firearms were to be distributed and without the means to allow them to be used. Conway to Devonshire, 11 July 1756 P.R.O.N.I, *Chatworth papers*, T/3158/1281/416/26.

of fears of guns ending up in disloyal hands. Garnham states that 'Arming the Irish population, even if it was restricted to the small conforming Protestant minority, was a risk some English Minsters were not prepared to take.'[191] Despite English misgivings, Protestants who travelled to Ireland were convinced that Irish Protestants faced a repeat of 1641.

Garnham provides an overview of scholars arguing for Protestant insecurity, quoting David Hayton's work on fears of Jacobite recovery and James McGuire's position that Protestants were largely concerned with their flimsy claim to newly gained estates.[192] Garnham then quotes Ivar McGrath, Roy Foster, Robert Eccleshall, Thomas Doyle, and finally Eamon O Ciardha and David Szechi.[193] Having shown the wall of supporters for the notion of the anxious and fearful Protestant elite, Garnham remarks that their assertions 'might well be true'. Garnham, responding to the scholarship on an enduring Protestant fear of the Catholic majority and securing their own titles to newly gained land, rightly highlights the more mundane but persistent worries of securing the finances of the Irish state and protecting the Irish constitution. In those categories the conforming Protestant minority are described as being confident. In summary, Ireland in the eighteenth century faced the perennial problem of elites everywhere. Those at the higher echelons of society feared the implications of arming those below their station either socially or religiously, and also actively obstructing efforts of those above them politically to decide the issue for them. However, not arming them placed their own property and lives at risk. The militia formed one mechanism of arming the population but in a manner that allowed for some oversight.

[191] Garnham, *The Militia in Eighteenth Century Ireland*, p. 32.
[192] Garnham, *The Militia in Eighteenth Century Ireland,* p.33, quoting David Hayton, *Ruling Ireland*, pp.44-5; J.L. McGuire, 'The Irish Parliament of 1692' in T. Bartlett and D. W. Hayton eds. *Penal era and golden age*, p. 17.
[193] McGrath, 'English ministers, Irish Politicians and the making of a parliamentary settlement in Ireland, 1692-5.' *England Historical Review*, 199, 482 (June 2004): 271; Roy Foster, *Modern Ireland 1600-1972*, p. 176; Eccleshall, 'The political ideas of Anglican Ireland in the 1690s' in D. George Boyce et al eds, *Political Discourses in Seventeenth and Eighteenth-Century Ireland*, pp.62-80.

In December 1735 a committee in the House of Lords was formed to report on the condition of the militia and subsequently failed to do so, although it did emphasise the need to provide arms. Four years later the Irish House of Commons had determined that 20,000 firelocks should be purchased. The bill further stipulated that 5,000 of them should be constructed and manufactured in Ireland. Funding such a large purchase caused some disagreement, with one faction suggesting a poll tax and another a loan at four percent interest. In the end, £35,262.10 was allotted.[194] Passing funding bills and actually acquiring firearms were very different matters. After discovering that the Royal armouries had no spare weapons, it was decided to order 10,000 from Liege.

> As we observed that we cannot have any more Arms from England, but may be supplied from Liege, and we are sensible to the Protestants of Ireland stand in great need of Arms for their security, we therefore apprehend that it may be advisable to purchase ten thousand firelocks and bayonets from Liege.[195]

The logistics of finding firearms shows how international the business of acquiring firearms had become. Issues of quality control were also important. Further on in the correspondence, the authors made clear that sending someone over to verify quality was worth the cost.

> Against the time they will be ready, we think it may no[t] be amiss to send over from Hence a person properly qualified to view them and see them proved and to assist in the forwarding of them hither.[196]

Furthermore, the Privy Council was adamant as to the need to expedite the process; largely it seems from the remonstrations of the militia members themselves. 'The impatience that many express for want of these arms make us very desirious [sic] that they may be provided as soon

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[194] *C.J.I.* (4th series), iii, pp. 303, 345-6.
[195] Lord Justices to Lord Lieutenant, 22 October 1740. P.R.O.N.I., Wilmot Papers, T/3109/256.
[196] Lord Justices to Lord Lieutenant, 22 October 1740. P.R.O.N.I., Wilmot Papers, T/3109/256.

as conveniently may be'. They would be disappointed as a year later, none of the promised weapons had arrived.

In 1742, it was decided to try and acquire arms from the Hanoverian domains, despite a higher cost than the previously agreed suppliers.[197] The Commons looked into the affair and discovered that only 5,000 had been brought from England alongside 3,700 inferior quality firearms from various European sources. Even worse, the guns were 'so carelessly or knavishly made, that the men dared not fire them in common review, lest they should burst in their hands.'[198] In 1745, £70,000 was allotted to fortify Cork Harbour and to purchase 30,000 firearms and 10,000 broadswords. Perhaps reflecting the experience of the previous attempt to purchase guns abroad, the majority were to be acquired domestically from Birmingham. Unlike the debacle of the previous attempt, this seems to have been largely successful. The capacity to fulfil such a large order demonstrated the capacity of the Birmingham gunsmiths who were increasingly crucial to the slave trade. The letter reveals that the gunsmiths had 'bespoke at Birmingham twenty five thousand firelocks and bayonets, and likewise ten thousand broadswords for the use of the Militia of Ireland'.[199] It seems these were delivered successfully, and placed into storage. I suspect another 5,000 were sourced locally.

An enquiry in 1753 showed that £85,000 had been spent since the spring of 1735 to acquire militia arms.[200] The rising clamour of drums of war put issues of economy away from the debates of the House of Commons. Neal Garnham hints that the reminder 'by a Virginian clergyman'[201] of the dangers of 'priest, friars, and hungry Gallic slaves' may have prompted

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[197] Lord Lieutenant to Robert Wilmot, 24 March 1740; Lord Justices to Lord Lieutenant, 22 Oct. 1740; Lord Duncannon to Wilmot, 31 October 1741. See also 'Account of what firelocks can be spared from the arsenals of His Majesty's German domains' 18 February 1742. P.R.O.N.I., Wilmot Papers T/3109/237/ff. 256, 335, 364.
[198] John Brooks ed., *Horace Walpole*, *Memoirs of King George II*, Vol.2 (New Haven: Yale University Press, 1985), pp. 49-50.
[199] Henry William to ________, 7th July 1746, P.R.O.N.I., Wilmot Papers, T3019/776.
[200] *C.J.I,* (4th Series), v. pp. 359, 362, 364, 380.
[201] Garnham, *The Militia in Eighteenth Century Ireland*, p.54.

additional caution.[202] The changing fortunes of Britain in the Seven Years' War prompted further debate. It was the actual landing of a small number of French soldiers at Carrickfergus that prompted further action by the governing authorities. In the aftermath of the privateer Thurot holding parts of Northern Ulster to ransom, a report on the total amount of firearms in government storage was produced. The results aptly illustrate the success at acquiring firearms, and also the limited amount that were distributed. The Irish state had distributed 7,000 firelocks, while 30,000 remained in storage.[203]

A survey of all ordnance in Ireland provides a definite tally as to the amount of military arms available, at least by 1760. The record also provides precise levels of ammunition, powder, and other equipment available. Military equipment was divided for the defence of Ireland. Of particular interest is the division of stores into three categories of usable, repairable, and broken beyond use. These records show the production of approximately 22,000 militia arms and bayonets, as well as large stores of ammunition and gunpowder that were distributed to garrison towns. However, the vast majority of this equipment was stored in Dublin Castle. 1,200 of those militia arms were sent to Charlemont, where they would repeatedly change hands before the close of the century.[204] These firearms were not of a single type, but were military grade firearms. Assessing the shelf life of a firearm is no easy task. The regular army itself faced issues in attempting to keep firearms in working order. However, a key difference of the militia arms is that they were effectively pristine, kept in storage rather than dispersed.

In 1775 Lieutenant-Colonel John Deacon wrote a letter detailing the variation in types of firearms between units and regiments about to be sent to the colonies. Some of his men were being armed with the 1756 land service musket, the 1768/69 'short land musket' or some

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[202] Samuel Davies, Religion and Patriotism the Constituents of a Good Soldier (Belfast, 1756), p.9.
[203] *C.J.I.*, (2nd Series), xi, pp. 871, 878, 877.
[204] *A list of war stores in the principal towns and forts of Ireland, 1790*. National Library of Ireland (NLI) MS. 3490. The description is misleading as the contents relate to a survey c. 1760.

strange patchwork of the two. The maintenance of firearms left room for improvement. In a period from 1771 to 1775 the 62nd Regiment was garrisoned in Dublin in a perfect case study in firearms atrophy. Out of a stock of 390 muskets issued in 1771, only 39 were maintained in full working order, with 311 described as in a bad condition, and 40 lost or broken. In another testimony to the dangers of garrison service on the fighting capacity of the eighteenth-century infantryman, it was also observed that the some functionality was lost due to frequent polishing, perhaps saying something about the priorities of the commanding officer.[205] The firearms for the militia would have been a melange of weapons from nearly a hundred years of funding bills and orders. Such a disparate collection of arms was also hard to track once they were issued. Assessing private firearm ownership is a harder task. Beginning around 1745 James Abercorn began sending letters requesting an account of firearms of his tenants in Ulster.

Interestingly, he also gave directions on how to deal with his tenants' misgivings about being asked about their firearms:

> I would willingly have you go round the manors of Magevelin and Donelong (freeholds included) and take an account of the number of firearms, distinguishing the condition they are in. In any are backward in producing them, you are to assume them the enquiry is made only with a view of their own security.[206]

He further instructed McClintock to go 'round the manors of Cloghohall and 'Derigoon (freeholds included) and enquire what number of firearms there are, and what condition they

[205] TNA WO 27/33-34, WO 12/6317.
[206] James, Earl of Abercorn to Mr. McClintock, 19 September 1745, P.R.O.N.I., Abercorn Papers, D623/a/12/22-23

are in.'[207], once more telling him to answer objections to being registered with an appeal to collective security. By October, Abercorn had received the report and instructed his agent to tell them to form some provision for a defence of the property.[208] Clearly there was some degree of private arms ownership, at least in Ulster. These would not have been large calibre weapons suitable to military use but rather fowling pieces, blunderbusses and hunting guns. When tenants were given militia arms, there was an awareness of the danger that they would take the guns with them if they emigrated, a situation highlighted during fears of a diminishing Protestant presence in the first half of the eighteenth century.

This clearly demonstrates that fears of giving men arms must be considered against the need of men to bear arms in times of threats to security both internal and external. While Garnham and others are correct to see political motivation in the militia issue, I think another point has been missed. It is the position of this work that these fears were to be found throughout the social and religious boundaries of Ireland. S.J. Connolly has made the claim that the militia was in part an 'expression of perfect vertical bonds.'[209] D.W. Miller and Stephen Conway likewise find the militia as a means of binding the body of Protestants to their traditional leaders.[210] I think the fear of others becoming armed can also be seen as a type of bond shared by all the communities of Ireland. English Ministers feared arming the Protestant minority. The Protestant minority feared arming the Presbyterians. The Protestants feared arming the Catholics. Landed Catholics and Protestants feared both each other gaining more land or political power while at the same time harbouring suspicions that their tenants or the growing numbers of cottiers and *spailpín* might gain access to firearms. These were fears that only grew after 1750. The works mentioned above highlight some of these fears, but none have attempted

[207] 20 September 1745, P.R.O.N.I., Abercorn Papers, D623/a/12/22- 23, 24.
[208] 26 October 1745, P.R.O.N.I., Abercorn Papers, D623/a/12/22- 23, 27.
[209] Connolly, *Religion, Law and Power*, p. 136.
[210] David W. Miller, 'Non-Professional Soldiery, c. 1600-1800' in Bartlett and Jeffery eds. *A Military History of Ireland*, ,pp. 329-330; Conway, *War, State and Society*, p. 80.

to show them as they evolved in relation to one another. With the exception of Garnham's work, they also have a good deal to say about fears of armed men, but little to say on how these men intended to become armed, or what to do when men took the initiative to arm themselves outside of the mandate of a militia or as an auxiliary component of the British state.

iv.

Charles Coote, the recently elected Member of Parliament for County Cavan stands out as the type of individual who could operate outside the careful planning of men like Townshend.[211] James Kelly describes the man as an unstable man, whose 'vile temper and poor judgement had got him into numerous scrapes.' Charles Coote had inherited 10,000 acres and the county seat of Cootehill. In 1763 Coote acted as a magistrate for Co. Monaghan. He serves as a prime example of how a single individual's actions could influence wider perceptions of the gun, and in my view best exemplifies the very different character of a landowner with his own armed retainers from a civic militia designed to replace a garrisoning force. To expand on this point, I will examine Coote's campaign against the Oakboys in the 1760s and subsequent duel with Townshend in 1773.

Coote left a pamphlet detailing his campaign, likely as an attempt to gain support during his charge for a murder during it. I think given the character of the man, it could also have been published out of sheer vanity. *A Genuine Account of Charles Coote, Esq. in Pusuing and Defeating the Oakboys in the Counties of Monaghan, Cavan, and Fermanagh* begins with a brief summary of the formation of the Oakboys. It describes a large gathering on 14 July 1763 at the border between Counties Monaghan and Tyrone. The Oakboys were encamped together, with an estimated 10,000 in attendance. This number, like many estimates of crowd sizes from the eighteenth century, is likely exaggerated. All accounts agree the movement was popular

[211] Kelly, 'The Duel in Irish History.' *History Ireland*, 2, 1 (Spring, 1994): 26-30.

enough to gain large crowds, and numerous reports seem to indicate their numbers in the thousands rather than hundreds.[212] In any case, two columns began marching towards Aughnecloy and Clogher, whilst the largest moved towards Monaghan. The Oakboys made local officials and wealthier citizens swear oaths, and infiltrated towns under the pretence of purchasing cloth.[213] By Saturday, the former soldier Charles Mayne met with Thomas Dawson, the deputy governor, to form a plan of action. They both determined that they would not 'submit to any indignity or insult from such a rabble.'[214] Dawson then informed his tenants who he suspected of harbouring sympathy for the Oakboys not to meet with anyone 'if they had any regards for the Lives and Property of them and their families.' This outright threat towards his tenants was followed with an appeal for military assistance from Dublin.

At this point Charles Coote had returned to his lands, and reported to the men that a regiment of Blue Horse had departed from Dublin. In addition, Coote armed and provided mounts to fourteen of his tenants to oppose the '10,000' Hearts of Oak or to 'die in the attempt.'[215] Coote and his newly minted 'light horse' encountered 'hundreds' of men wearing Oak sprigs in their hair.[216] The posse remonstrated with the inhabitants of Ballibay to remove the branches from their hair, and proceeded to Castle Blayney in the early afternoon. In a description which reveals the nature of the crowds being confronted, 'every creature, Man, Woman, and Child, Had Oak Boughs up, and also on their doors.'[217] Tensions mounted as some of the bolder members of the crowd began insulting the servants attending Coote.

The 'light horse' retreated to an inn for several glasses of wine. Coote and Edward Mayne took their swords and headed outside in the pouring rain. Charles Coote was confronted by

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[212] See Donnolly's work on Oak Boys for estimates.
[213] [Rev. Samuel Bayly] *A Genuine Account of Charles Coote, Esq. in Pusuing and Defeating the Oakboys in the Counties of Monaghan, Cavan, and Fermanagh* (Dublin, 1763).
[214] Bayly, *A Genuine Account of Charles Coote*, p. 4.
[215] Bayly, *A Genuine Account of Charles Coote*, p. 5.
[216] Bayly, *A Genuine Account of Charles Coote*, p. 6.
[217] Bayly, *A Genuine Account of Charles Coote*, p. 6.

twenty Oakboys and their commander, a man called McDonald. After being told he would have to remove his hat and be less insolent, the fracas began. In the confusing melee that followed, punches quickly escalated to volleys of shot from doorways and windows. Coote was hit several times but the noise alerted the remainder of his men drinking in the tavern, who also began firing from the windows and doors.[218] The sounds of fighting quickly drew the local garrison from the Castle. The end result was several dead Oakboys, several wounded tenants, sporadic fighting, and an attempted rescue of prisoners.

The Oakboys retreated after more troops arrived the following morning. Coote and his tenants, along with some regular soldiers proceeded to Monaghan, where the inhabitants were not only wearing Oak Sprigs in their hair, but had 'Arms of different Kinds'. Further reinforcement came trickling in, as did reports that the Oakboys intended to seize '1000 stands of arms.'[219] Coote also seems to have been disarming communities, seizing 40 pistols and firelocks from Belturbet.[220] Coote and his personal troops acted in conjunction with a small number regular mounted troops to pacify the surrounding area, eventually heading towards the area of Redhill. Coote, his tenants and nine soldiers pursued and captured large numbers of Oakboys, finally pursuing the remainder into a bog. In a rather cinematic ending to the whole affair, the captain of the 'rebels' rode until he was within 30 yards distance, raised his carbine, and plunged into the ranks swinging his gun like a club. He was quickly shot, stabbed, and bludgeoned but managed to survive the encounter. In the affray seven Oakboys were killed, and the large number of prisoners taken slipped away during the fighting. Charles Coote's actions in leading 'stout fellows' against the Oakboys resulted in him gaining a Knighthood. Though Coote eventually stood trial for murder, he was cleared of the charge. Private service such as this led

[218] Bayly, *A Genuine Account of Charles Coote*, pp. 7-8.
[219] Bayly, *A Genuine Account of Charles Coote*, p. 11.
[220] Bayly, *A Genuine Account of Charles Coote*, p. 12.

to its own rewards. In Armagh, the governor Charlemont received the title of an Earl for his part in opposing the Oakboys.

Coote's opponents seem to have been largely Protestants. He pursed an active policy of disarming his co-religionists, and relied in part on the support of a small number of regular army units to do so. The military bearing, standards and drums that the Oakboys were able to display shows evidence of either demobilized veterans or skills gained from earlier militia musters. Coote's 'light horse' were provided with arms and horses by Coote himself, and seem to have been relatively effective is confronting the protesters. In comparison to the way that the Whiteboys were dealt with, it seems that the confrontations were briefer and bloodier in the North, and much less theatrical.

Townshend's main responsibility when operating as Lord Lieutenant was to secure the augmentation of Ireland's standing army from the 12,000 set down in 1699 to a more robust 15,000 during his tenure from 1767-1772.[221] He confronted two of Ireland's leading political figures to achieve this. John Ponsonby and Earl of Shannon effectively delayed the passage of the augmentation bill and even more seriously of a money bill in 1769. Townshend's response was to change the Irish political dynamic by centralizing patronage and power through the direct management by a resident English lord Lieutenant. The response in Ireland was increasingly using the language of the patriotic and armed citizen soldier confronting a tyrannical and foreign power. Sides were being drawn, and positions were argued through an increasing number of pamphlets written with the language of confrontation.[222]

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[221] The most in depth look on this can be found in Bartlett, 'The augmentation of the army in Ireland 1767': 540-59.

[222] [William Jackson] *A Letter to the Right Honourable J[Oh]N P[Onsonb]l, Speaker of the House of Commons in Ireland* (Dublin, 1767); Charles Bingham, *An Essay on the Use and Necessity of Establishing a Militia in Ireland, some Hints towards that plan for that Purpose, by a Country Gentleman* (Dublin 1767); *Hibernia to Her Favourite Sons; A Letter on a very interesting and important occasion, the Increase of the Military establishment in This Kingdom* (Dublin, 1768); *Considerations of the Present State of the Military Establishment of This Kinddom, Addressed to the Knights, Citizens, and Burgesses of Ireland, in Parliament Assembled* (Dublin, 1768).

These works were explicit in claiming that the militia was of 'the utmost service to the liberty and the constitution'.[223] One of the most forceful contemporary critics to an expansion of a standing army was Charles Lucas. Charles Lucas's hostility to standing armies was compatible with his stringent espousal of fundamental Whig principles. This issue did not preoccupy him during the controversy that made his name in Dublin in 1749-50, but his feelings were later forcefully expressed during the debate over the augmentation of the army in 1768. Lucas assiduously linked his long-term goal for term-length parliaments with this contemporary controversy as he insisted that 'standing parliaments and standing armies have ever proved the most dangerous enemies to civil liberty.'[224]

Neal Garnham argues these debates were largely a political issue, with little thought given to the capacity to actual serve as a defensive force.[225] Geography and demographics seem to have had a good deal of influence on the issue of army augmentation versus militia reform. In Munster, this seems to have been because of the lack of enough Protestants willing to form a militia and the need for a heavier armed presence of soldiers.[226] The political controversy increased in the 1768 election, with claims that a standing army was 'as likely to enslave, as to defend you'[227] Not everyone was convinced, and instead argued that Ireland's defence would rely on a regular army made up of English Protestants.[228]

One of the most effective criticisms of raising a permanent and armed militia was that it would further inflame the 'restless, turbulent, busy spirit' of the Presbyterians, alongside the perils of Jacobites or Jesuits gaining access to arms and training through improper vetting of religious

[223] Garnham, *The Militia in Eighteenth Century Ireland*, p. 81, quoting *F.J,* 10 January 1767.
[224] Charles Lucas *An Address to the Right Honourable The Lord Mayor, The Worshipful The Board of Aldermen, The Sheriffs, Commons, Citizens, and Free on the Intended Augmentation of the Military Force* (Dublin, 1768).
[225] Garnham, *The Militia in Eighteenth Century Ireland*, p.81.
[226] James Brown to Ross Mahon, 7 May 1768, NAI, Mahon papers, MS 47,892/1.
[227] Garnham, *The Militia in Eighteenth Century Ireland*, p. 81, quoting F.J., 17 May 1768.
[228] 'A Country Gentleman' *Some Impartial Observations on the Proposed Augmentation* (Dublin, 1768) Garnham argues that the pamphlet was proofread by Lord Townshend's Secretary before publication, see Garnham, *The Militia in Eighteenth Century Ireland*, p.83.

principles.[229] The end result was the return of whig principles and a very different idea of who would or should have the gun in Ireland. A further outbreak of agrarian troubles by the 'Steelboys' in Ulster prompted the James Caldwell to decry the idea of arming Presbyterians into a militia, that would put guns into the hands of men who were prone to turning them on their betters. In the South, Protestants were so thin on the ground as to make the idea of arming them moot, even as the Whiteboys regrouped once more in the south from 1769-1776.[230]

As Townshend and the military establishment attempted to determine the most efficient way to increase the Irish military establishment from 12,000 to 15,000 men, private individuals saw opportunities to gain access to patronage and prestige through private action whilst others saw fearful portents of declining influence. The debates of the late 1760s and 1770s would determine whether the path Ireland should pursue would be one that led to an augmented standing army, or rather a robust militia to not only protect from external threats but from tyranny from the imperial centre. Coote was to confront a very different situation a few years later, during his interaction with Townshend. The militia issue which had gripped the political debates provides some of the background for discussions as to who should have the gun.

v.

In the closing scene of this work, the symbolic castration of the Irish landed elite took place politically - by the flow of patronage and power to an English Viceroy- and literally in the case of Townshend's duel with Coote in 1773. Townshend had made many enemies over the course of his term as Lord Lieutenant, and speculation at the time suggested that Sir Edward Newenham, George Rochfort and the Earl of Belverdere each sought to face Townshend on the duelling field. It was Charles Coote's demand that he receive an apology for using a low

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[229] D.M., 7 and 9 September 1769.

[230] A Freeholder, [Sir James Caldwell] *An Address to the House of Commons of Ireland* (Dublin 1771); Donnelly, 'Irish agrarian rebellion': 239-331.

ranking *Aide de Camp* to inform him he would not be seen by Townshend that led to bloodshed.[231] As noted earlier, Coote was no stranger to violence. He was also a man who took slights very seriously. Townshend refused to offer 'a submissive apology'.[232] Townshend was also no stranger to violence of a personal nature, having been prevented from finishing a duel with Lord Albemarle in 1759, and provoking Charles Lucas in 1769.[233] It is fitting that the duel that took place would be resolved in Marylebone fields in London.

Armed with a sword and pistol, Townshend fired a shot which hit Coote in the groin, which ended the affair as Coote was carried from the field in a chair. A member of the Protestant Ascendancy had challenged an official of the empire over an incident during an official post and in the ensuing conflict been effectively emasculated. Ready access to firearms made an issue of respect one of life and death. Coote had been in a similar altercation outside a tavern in 1763. The pre-existing tensions between the people of Ireland, whether based on social status, confessional affiliation or political rivalry would continue to be exacerbated by the reliance on firearms to resolve the issue. Throughout the eighteenth century controlling or restricting access to firearms had been relatively successful. However, internal divides over who could be trusted, the very real need for a military defence, and mutable positions from the imperial centre made debates about who could be trusted with a gun a divisive topic. It was in this chaotic environment that news from across the Atlantic of a growing rebellion made war once more a pressing concern for the empire. In 1778, France and Spain both entered into an existential conflict with the British Empire. In the following conclusion, the themes of this work and the impact of firearms on three major events is discussed.

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[231] Kelly, *That Damned Thing Called Honour*, p. 109.
[232] 'Account of the duel between Marquis Townshend and the Earl of Bellamont' in *Biography, literary, and political anecdotes*, iii, 291-302.
[233] Walpole to Montagu, 4 November 1760 in Lewis et al., eds *Horace Walpole's Correspondence*, Vol.4, (New Haven: Yale University Press, 1939), pp.318-319; Boyle-Washington to Shannon, November 1760, P.R.O.N.I., Shannon papers, D2707/A1/10/21.

Conclusion: The gun in Ireland after 1778

In the final section of this thesis I layout the two major findings of this thesis about the gun in Ireland. Firstly, I gave a summary of the dispersal of firearms into private hands from 1778 to 1781 and provide a brief overview of the Volunteers. I then discuss Catholic relief of the penal laws from 1772 to 1793. Catholic relief and the Volunteers are both well served by researchers and it is not my intension to supplement the work done on these topics, but rather highlight the way the themes discussed in this thesis influenced subsequent events in the closing years of the eighteenth century. Finally, I summarize the work thus far.

i

When France formally entered the Revolutionary War only 8,500 soldiers remained in Ireland out of a peak strength of 15,325 in 1775.[234] These soldiers were placed into large encampments, leaving much of the country bereft of troops. The defence of substantial sections of Ireland was left to a recently formed movement of armed citizens called the Volunteers, who quickly amassed a force of 40,000 men equipped with firearms, artillery and patriotism.[235] Already armed and increasingly politicized, they extorted a series of political concessions from London. After 1782 they slowly withered after the conflict that birthed them ended; they were finally outlawed in 1793 with the passing of the Gunpowder Act and Convention Act, concurrent with

[234] For an overview of the Volunteers, see Higgins, *A Nation of Politicians* along with James Kelly's 'A secret return of the volunteers of Ireland in 1784.' *Irish Historical Studies*, Vol. 26 (1988-9): 268-269 and Miller, 'Non-Professional Soldiery' in. *A Military History of Ireland*, pp. 315-340, 345-347.

[235] Estimates on the Volunteers vary widely among Irish historians. 83,000 were reported in the *Morning Herald and Daily Advertiser*, 18 April 1782 (London). Two years later, a secret government report estimated only 19,000 participants, of which 30 percent were Catholic, Kelly, 'A secret return of the volunteers of Ireland in 1784': 269. The most commonly cited statistics stem from a limited range of manuscript sources. NLI, MS 743 provides the figure of 88,827 men in Volunteer companies, with a few areas of Ireland not reported. S.J. Connolly provides a progression of 15,000 in 1779 to over 60,000 in the middle of the 1780s in *Divided Kingdom: Ireland 1630-1800*, p. 403. James Kelly's commentary in 'A Secret Return of the Volunteer's in 1784' helpfully suggest that even if the estimates are fifty percent less than claimed by contemporaries, there were still 20,000-50,000 men under arms outside of governmental control. A full breakdown of the records can be found reprinted in *The History of The Volunteers* (Dublin, 1846), pp. 220-222. Recent work on the Volunteers such as Padhraig Higgins, *A Nation of Politicians,* p. 4, tends to accept the higher estimates of approximately 80,000.

the formation of a state-controlled Militia and Yeomanry.[236] Radical members in Belfast went on to form the United Irishman, harnessing the energies of the Catholic majority to political reform. The British state countered by raising a large Catholic militia led by Anglo-Irish officers.

The summary above is a representative aggregate of most research that Irish historians have produced on the Volunteers.[237] The one question which has been neglected, and surprisingly so, was how the population was able to arm themselves so effectively in such a short period of time. This thesis has been an answer to this question. In the late eighteenth century, Ireland went from being host to the largest population in the British archipelago disbarred from both active military service and private arms ownership, to being a centre of both military recruitment and armed groups outside the authority of the state. If we can understand how the gun was used in Ireland, we can address the broader issues of where Ireland fits into the wider crisis the British Crown faced in governing a fragmenting empire in the late eighteenth century.

The late eighteenth century was a crisis of legitimacy throughout the Atlantic world. This work engaged with the issue of legitimacy generally, but especially in regards to the state's response to challenges to its authority. The government lacked the resources to deal with many of these problems, and as 'The Gun in Eighteenth Century Ireland' demonstrates, firearms were intimately involved in the interactions between soldiers, magistrates, excise officers, crowds, smugglers and bystanders in a myriad of ways. Coupled with a changing way of life, increased demands for integration into an enduring fiscal-military state, and the demands of war with a

[236] The Militia Bill and the Catholic Relief Bill of 1793, respectfully.
[237] Allen Blackstock, *Double traitors?: The Belfast Volunteers and Yeomen, 1778-1828* (Belfast: Belfast Society in association with the Ulster Historical Foundation, 2000); Padhraig Higgins, *A Nation of Politicians*; Miller, 'Non-professional soldiery'; Breándán Mac Suibhne, 'Whiskey, Potatoes and Paddies, Volunteering and the Construction of the Irish Nation in Northwest Ulster, 1778-1782' in Peter Jupp and Eion Magennis eds. *Crowds in Ireland c.1720-1920* (London: Palgrave Macmillan, 2000) are all works that have only passing references to the guns themselves, even those works largely presented as material history, such as Higgins.

reinvigorated France, old faction and symbols and a new interpretation of the citizenship and identity were taking place.

There has been a substantial amount of research on the Volunteers. The question that has not been asked by people researching the Volunteers is what the impact of so many weapons into a largely disarmed population was. Breandan Mac Suibhne's 'Whiskey, Potatoes and Paddies, Volunteering and the Construction of the Irish Nation in Northwest Ulster', as well as Padhraig Higgins' *A Nation of Politicians* examine the increasingly threatened Ascendancy's response to the Volunteers. Mac Suibhne also examines the construction of an Irish identity through symbolic forms of toasting, and the use of drinking glasses. Higgins broadens the traditional focus to examine the participation of women in the free trade debates, their role in supporting Volunteering, and the importance of concepts of manliness.[238]

David Miller's article on 'non-professional soldiery' provides an invaluable resource in the history of levies and militias preceding the Volunteers, as well as providing an in-depth look at the typical responsibilities and roles of the regiments in maintaining public order.[239] J. E. Cookson's *The British Armed Nation, 1793-1815* gives a wider view of British forces in the region, as well as the scale of Irish Catholic recruitment into the British armed forces. Ian McBride wrote that the act of Volunteering armed the people of Ulster not only with military training, but also their own political discourse.[240] There were 49,460 men in independent corps by September 1779.[241] The movement's political influence declined after 1782, in part because of a disagreement over whether Catholics should be allowed to join the Volunteers as well as issues of trade with England. In 1783, Parliament refused to respond to 'proposals at the point

[238] Higgins, *A Nation of Politicians*, pp. 82-106, 178-202.
[239] Miller, 'Non-Professional Soldiery' in *A Military History of Ireland*, pp. 315-340, 345-347.
[240] Rogers, *A Sermon to the Lisnavein Volunteers*, p. 10.
[241] *The Morning Chronicle and Advertiser*, London. Sept 21st, 1779, extract of a letter from Dublin.

of a bayonet.'[242] In 1784, a secret Dublin Castle census revealed the numbers of Volunteers to be in decline. It estimated there were perhaps 19,000 men still actively involved, of which 30 percent were Catholics.[243] To put these numbers in comparison, at the height of the American War, 60,000 armed men were involved in fighting in North America.[244]

Volunteer companies were not homogenous. The London-Derry Independent Volunteers were made up of young well to do gentleman, and the Derry Fulsiliers were largely weavers.[245] In Dublin and Belfast the Volunteers were armed associations of tradesman, craftsmen, and townsmen, whilst the country gentry and their tenants followed earlier traditions.[246] In the strongholds of Volunteering in Belfast and Cork, Volunteering emphasised the playing of martial tunes and crisp uniforms, as well as a clear demonstration of martial spirit. As the movement expanded, oaths and methods of mustering were adapted and evolved.

As the secret return indicated, some Volunteers companies allowed Catholics members to join, whilst others forbade their participation. Some charters dictated that in the event of a battle, the decision of whether to fight was to be by acclamation.[247] In Rathfriland, the core principles were resistance to threats to the rule of law, whether from internal or external agencies. Other companies had a greater emphasis on strict laws of behaviour and the need to defend religious and civil liberty. The more traditionally minded companies emphasised the loyalty to the Hanoverian Monarch and Protestant military victories. The Lisnavein Company was founded on the twin pillars of support of the Protestant king, and the prevention of popish corruption. The entry of France and Spain, declared to be the 'limbs of the Anti-Christ's kingdom' into the

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[242] Allen Blackstock, *Double Traitors*, p. 6.
[243] Kelly, 'A secret return of the volunteers of Ireland in 1784' : 268-9.
[244] M.L. Brown, *Firearms in Colonial America: The impact of History and Technology 1492-1792* (Washington D.C: Smithsonian Institution Press, 1980), pp.7, 307.
[245] Mac Suibhne, 'Whiskey, Potatoes, and Paddies', pp. 54-55.
[246] Fredrick Jebb and Robert Johnson, *Thoughts on the Discontents of the People Last Year, Respecting the Sugar Duties* (Dublin, 1781), pp. 31-37.
[247] McBride, *Scripture Politics*, p. 127.

War against the American colonies reignited old grievances. Political participation, the wearing of a uniform, and the bearing of arms was reinforced in political sermons, where the Volunteers were regaled with the message that 'no nation can continue free'[248] without an army of the people. Ireland was to be 'bound by her legislator', that is, her citizens in arms, and 'the old maxim of the Saxon constitution.'[249]

As this thesis demonstrated, Dublin Castle had attempted to keep centralized control over a large number of firearms from 1695 onward. In 1779, the dispersal of state firearms into the countyside created a situation where a society that had been marked by the exclusion of the majority of the population from owning arms or participating in the military found itself in possession of a large number of small arms. These 'Irish' guns were stamped with the proof mark of Dublin Castle, and represented the largest dispersal of domestically produced firearms in Irish history.[250] The impact of so many firearms into the possession of the general population was a testimony of the inability of the state to control firearms after the 1760s. By the summer of 1778, more than 40,000 Irishmen had gained access to a large amount of military grade firearms as well as 144 pieces of field artillery. By 1782, the number of Volunteers had doubled. In England, a similar proposal to arm British Volunteers looked directly to the Irish experience. The *New Daily Advertiser* proclaiming, 'It was through the tube of this firelock that Ireland received the electrical shock of freedom.'[251]

As early as 1779, men were questioning the need for gaudy uniforms, with some remarking that when all a Volunteer really required was a working musket.[252] This need for firearms is

[248] Francis Dobbs, *Thoughts on the Volunteers* (Dublin, 1781), pp. 6-7.
[249] Francis Dobbs, *Thoughts on the Volunteers* (Dublin, 1781), p.8.
[250] Dublin Castle was one of two proofing houses in the British Isles, the other being the Tower of London. A large number of firearms were produced in the second half of the eighteenth century for both the British Army and the Irish Militia.
[251] *Gazetteer and New Daily Advertiser* (London), Monday, July 1, 1782.
[252] *Gazetteer and New Daily Advertiser* (London), Monday, July 1, 1782

attested by muster rolls from the period. In one report, out of a total of 3,925 men, only 666 did not have access arms.[253] These guns were acquired from local government arsenals.[254]

What was the impact of the gun entering into private hands? This thesis has in part been an account of a relatively successful policy to keep a population disarmed. In doing so, the gun became a harbinger of political legitimacy to those who wielded them. The gun was also a dangerous and expensive piece of equipment, and one that required training to use effectively. Misuse of the gun by enthusiastic participants could end in disaster. In 1780 Volunteer companies celebrated with several volleys of a *fue-de-joie* on New Year's Eve, 1779. From Armagh and Maghbrasalt, and as far south as Cork, local Volunteers celebrated by firing volleys in conjunction with local garrisons. The volleys were generally over a bonfire, and accompanied with a variety of toasts and alcoholic punches as hundreds of Volunteers in uniform, and under arms, participated alongside the regular army.[255] On 4 January Simeon Blakey accidently shot himself in the head in the process of cleaning his firelock. On 14 January 1780 an army unit accompanied a local excise official in Roscommon into a 'lawless part of the County' where they encountered a large crowd. The detachment reported being fired upon with guns several times, pelted with stones, and were forced to retreat two miles. The encounter left one man killed, two revenue horses shot, and the saddle and bags of the excise man's symbol of office burned. The writer of the article was shocked that 'in a county which can at present boast of a superb civilization' there could exist such an armed banditti.[256] On 29 January 1780, a member of the Volunteer company of Mullingar lent a fowling piece to a friend to take to his home. The gun was taken to a local exercise and the man accidently shot Mr. John Gibbs in the head, leaving a grieving widow and six children. On 31 January 1780, a party of soldiers

[253] Henry Joy, *Historical Collections relative to the Town of Belfast: from the earliest period to the Union with Great Britain* (Belfast : George Berwick, 1817), p. 145.
[254] Joy, *Historical Collections Relative to Belfast*, p. 145.
[255] *B.N.L.*, Dec 31st, 1779- Jan 4th 1780.
[256] *B.N.L.*, Jan. 11th – Jan.18th, 1780.

and a company of Volunteers hauled cannons to a house occupied by squatters. After a running gun battle, including the torching of the outside of the house and the firing of artillery, the occupants surrendered.[257]

Irish Volunteers were not only given access to firearms, they were using them to support the revenue officers, as well as working alongside professional military units to enforce law and order. The reliance upon the coercive power of armed men to deal with eviction and the inherent dangers of handling firearms led to both personal tragedy, and marked change in the way communities interacted. The wide spread participation of Volunteering gave a number of men military training as well as access to guns for the first time. The Volunteers were the embodiment of a nation in arms and a legacy of the narrative of citizen soldiers. The issue of arming Catholics would prove to be divisive enough to become a focal point of unrest in the 1780s in part because it was still illegal for Catholics to bear arms. This included the disarming of Catholics by lower class Protestants enforcing the penal laws outside of any legal or state backing.

William Blacker was one of the founding members of the Orange Order. In his memoirs he recalled that the firearms procured during the first 'orange boy' meeting in 1795 were relics. Some of the Protestants came with 'long barrelled Queen Annes' rusted and in no condition for use for their intended purpose.'[258] They were facing a rapidly changing world and reacted to it by swearing an oath to resist the change on a rusted gun that was nearly a century old. The monopoly of the gun by Protestants was a powerful symbol. However, the status of Protestants as the only sanctioned bearer of arms was not to last.

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[257] *B.N.L*, Feb. 4th- Jan. 8th , 1781.

[258] Cecil Kilpatrick ed., *The formation of the Orange Order, 1795-1798: the edited papers of Colonel William Blacker and Colonel Robert H. Wallace* (Belfast: Education Committee of the Grand Orange Lodge of Ireland, 1994), pp. 27-28.

ii.

Catholic relief was a slow process and one that was directly correlated with the willingness to support the British military. The first reforms were about land tenure. In 1772, the passage of two pieces of legislation extended Catholic leases of bog land from 31 to 61 years.[259] In 1774, two additional laws allowed for the swearing of allegiance to the Monarch regardless of confessional affiliation.[260] In 1778 Catholics gained the right to leases of 999 years, although they were still denied freeholds.[261] The pace of reform accelerated and in 1782 Catholics were legally allowed to buy land.[262] Crucially, the two laws that were not repealed during this period of reform are indicative of the penal laws' central purpose. An attempt to repeal the law banning the intermarriage of Protestants and Catholics failed in the 1770s. This relates to the discussion about the fear over the infiltration of people of suspect loyalty addressed in chapter four. It would take another decade, and the intervention of George III, to allow for intermarriage. By 1792, Catholics would be able to practice law and to marry Protestants.[263] An aspect of the penal laws that resisted reform the longest was the restrictions on Catholics owning firearms. It was not until 1829 that Catholics were allowed to sit in Parliament and local corporations. In summary, the four aspects of the penal laws that resisted reform the longest related to intermarriage, the right to bear arms and vote, and the right to sit in Parliament. Discussion now turns to the importance of the 1793 Relief Act to understanding the role of the gun alongside another important piece of legislation, the Gunpowder Act. 33 Geo III c. 2 'An Act

[259] 'For the reclaiming of unprofitable bogs, 11& 12 Geo. III, c. 31.' (1772).
[260] 'An Act to enable his Majesty's subjects of whatever persuasion to testify their allegiance to him.' 13 & 14 Geo. III, c. 35. (1774).
[261] 'An Act for the relief of his Majesty's subjects of this kingdom professing the popish religion.' 17 & 18 Geo. III, c. 49. (1778).
[262] 'An Act for the further Relief of His Majesty's Subjects of this Kingdom professing the Popish Religion.' 21 & 22 Geo. III, c. 24 (1782) and 'An Act to allow Persons professing the Popish Religion to teach School in this Kingdom and for regulating the Education of Papists and also repeal Parts of certain Laws relative to the Guardianship of their Children.' 21 & 22 Geo. III, c. 62 (1782).
[263] 'An Act to remove certain Restraints and Disabilities therein mentioned to which his Majesty's Subjects professing the Popish Religion are now subject.' 32 Geo. III c. 21 (1792) repealed 9 Will III c.3, 7 Geo II c. 5, and 1 Geo II c.7.

to prevent the Importation of Arms Gunpowder and Ammunition into this Kingdom; and the removing and keeping of Gunpowder arms and ammunition without license'. A radical law, it effectively made any form of Volunteering illegal, and heavily regulated the use of firearms by Irish people regardless of confessional allegiance. It forbid the clandestine importation of firearms, and made it illegal to possess firearms without a license. Any arms found on ships were to be seized and held for use by the state with the owner of the ship to be fined £500 pounds. No single individual was to be in possession of more than four pounds of gunpowder and producers of firearms or gunpowder were to be required to obtain licenses.[264] The Protestant population of Ireland was effectively banned from the private ownership of firearms without a license, a tyranny previously only reserved for Catholics as a legacy of the Treaty of Limerick. In effect, Protestants who independently took up arms had become a suspect community.

John Lord Baron Fitzgibbon, Lord High Chancellor of Ireland delivered an impassioned rejection of further relief of Catholics, which looked to 1641 and 1689 as pivotal moments.[265] He reflected on the condition of the Irish in 1691: 'They were an English colony settled in Ireland at the Revolution, which had been reduced by a sword to a sullen and refectory allegiance'.[266] This tranquility that Ireland had benefitted from in the preceding hundred years was directly because of the penal laws. For him, political restriction was necessary for the tranquility even more than keeping the Catholic population unarmed and subjugated. 'I do not mean stripping them of offensive weapons, if perpetual tranquility was the objective, it was essential to disarm them of all political power.'[267] Keeping Catholics disarmed and politically

[264] Edith Mary and Johnstn-Liik, *The History of the Irish Parliament, the Statutes vol I.,* (Belfast: Ulster Historical Foundation, 2002), p. 525.
[265] John Fitzgibbon, *The speech of the Right Honourable John Lord Baron Fitzgibbon, Lord High Chancellor of Ireland, delivered in the House of Peers on the second reading of the bill for the relief of His Majesty's Roman Catholic subjects, March 13, 1793*(Dublin: T.T. Faulkner 1793).
[266] Fitzgibbon, *The speech of the Right Honourable John Lord Baron Fitzgibbon*, p. 10.
[267] Fitzgibbon, *The speech of the Right Honourable John Lord Baron Fitzgibbon* p. 11.

powerless were both connected. The Earl explained he had been told on good authority that in 1745 the Catholics were waiting only for a signal to rise.[268] By giving Catholics access to the offices of government, he sardonically declared they would also gain the right to place Bishops in the Irish Parliment and put a Catholic Prince on the throne. Despite his impassioned efforts, the measure was successful.

At the same time, the passage of 'An Act for the Relief of His Majesty's Popish or Roman Catholick Subjects of Ireland' in 1793 effectively allowed for Catholics to serve in the army and militia and privately own firearms.[269] The act put Catholics on the same voting terms as Protestants if they took an oath of allegiance, made civil and military offices open to Catholics, and allowed for wealthy Catholics with over £100 a year or a personal estate of £1000 to own firearms.[270] In a society where from 1695 onwards, the right to bear the gun had been a Protestant privilege, this was the beginning of a period of uncertainty. The Protestant population was witnessing the dismantling of an institution and the Catholic population began to reassert its political power. Despite a remarkably successful attempt to disarm a large segment of the population, attempts to arm a Protestant militia led to the release of thousands of firearms to the Volunteers.

The Gunpowder Act neutered Protestants ability to assemble under arms outside the authority of the state, and the final Relief Act of 1793 gave Catholics both political power and the means to own arms. In the end, the priorities of the British state were better served through the allegiance of the Catholic population and a willingness to fund and serve the state than in preserving the rights of the Protestant settler community. However, the reliance on coercive power to enforce law and order and the weakness of Irish state institutions would mean that the

[268] Fitzgibbon, *The speech of the Right Honourable John Lord Baron Fitzgibbon*, p. 12.
[269] 33 Geo III c. 21.
[270] Mary and Liik , *The History of the Irish Parliament*, p.525.

final decade of the eighteenth century, and the early years of the nineteenth, would be marked with unrest, aborted rebellions and increasingly violent sectarian organizations. By 1793, it was radical Protestants who it could be said were of ‘sullen and refectory allegiance’.

iii

This thesis has argued that the victorious Protestant population of Ireland was able to successfully use the penal laws, a discriminatory law code, to disarm the Catholic population. It has shown that by the middle of the eighteenth century the British state was increasingly willing to dismantling the penal laws in order to secure a strategically valuable supply of manpower, despite local Protestant opposition. The delicate balance between the right to bear arms, the maintenance of law and order, and the balance of power between the citizen and the state became increasingly volatile between the post Williamite victory of the 1690s and the increasing hostile diplomatic situation Britain faced in the 1760s and 1770s. The possession of firearms deeply affected the relationship between the state and its citizens, in part because of the increasing use of coercive military power to enforce law and order in Ireland. The monopoly of the right to bear arms intersected with everyday life, such as the invasive searching of a linen closet by Presbyterians in Ulster in the 1720s, or a disgruntled magistrate challenging a foppish youth from abroad in the 1770s. As I expressed in the opening of this work, the gun was somewhat paradoxically a symbol of legitimacy that was as often as a means of display, as a tool of coercion.

Catholics and the Gun provided a detailed account of the formulation of the penal laws in the 1690s, which are crucial in understanding the gun in Ireland. The chapter also examined the existence of a surviving legacy of Catholics allowed to bear arms into the early decades of the 1720s. The chapter also briefly discussed how Catholics subverted the penal laws regarding firearms, and the subsequent reforms of the laws to prevent this practice in the first three decades of the eighteenth century.

'*The Nesting Ground for Wild Geese',* dealt with: the recruitment of Irishmen for continental service, Protestant attitudes towards this recruitment, examines attempts at legislating on the problem, and assesses the degree of enforcement against enlistment for overseas service. It then revealed how the return of Irishmen trained in the use of firearms from overseas contributed to lobbying for more strict enforcement of existing legal statutes prohibiting the return of armed Catholics from abroad. It also provided an analysis of contemporary critiques on the competency of the magistrates tasked with preserving the Protestant monopoly of the gun.

Suspect Communities engages with the changing perception of who exactly could be relied upon in the event of a foreign invasion or domestic uprising. Building on discussions begun in the previous chapters, this section compares the two groups deemed most suspect within the community of Protestants: the Dissenting population, and the small number of Catholic converts. Despite the failure of widespread conversion, the presence of former Catholics - whose real loyalty remained suspect - was a recurring bugbear. The chapter also served as the transition point exploring where Ireland was transformed from a confessional state into the junior partner of a growing fiscal-military empire.

Arming Ireland: Confessional and Conditional Loyalty covered Ireland's experience in the Seven Years' War and the changing priorities of the wider empire. This period led to the resumption of the recruitment of Catholics for service in the British military and coincided with the rise of a sustained and endemic period of agrarian unrest. This chapter focused on the fractures caused by a schism between confessional and military loyalty addressed in the preceding chapter, and discusses how firearms were increasingly being used as a tool both to assert the legitimacy of the Protestant community and conversely to overtly demonstrate the weakness of the state response to the use of arms in attacks on magistrates and officials.

Protestant Ascendency Redefined examines the Lord Lieutenancy of Townshend, the impact of the outbreak of revolution in America and the demise of the lower echelons of the Protestant ascendancy from the commanders of armed settlers on the forefront of state building into a ghostly remnant of an earlier time. The 1770s were a decade where for the first time a large number of firearms were released into private possession and Irish Catholics become the mainstay of British recruitment in Ireland. These two events marked a radical departure from the previous eighty years of policies and the meeting point of two major themes of this thesis, namely legitimacy and power. The viceroyalty of Lord Townshend was used to mark the beginning of the *Le Morte D'Ascendancy* as armed Protestant settlers who had successfully argued for their rank as victors over the defeated Irish Catholic population be supplanted by the appetite of the imperial centre for recruits regardless of confessional allegiance.

Ireland in the 1770s must be understood as the transformative period when a large number of firearms were released into private possession and Catholic military service became a mainstay of imperial power. This thesis has revealed an Ireland that enforced the penal laws to a greater level than previous scholars have attested. It has contributed to an understanding of the evolution of judicial and administrative attempts to disarm the Catholic population of Ireland and the circumstances of their rearmament. It has also provided a glimpse into how everyday life was impacted by the gun. It is hoped that it will contribute to a better understanding of the eighteenth century in Ireland and help give other scholars the tools to continue the study of the gun in Ireland into the early nineteenth century.

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