The Penal Laws in County Clare, 1677-1685

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In an article in the 1969 volume of this journal, I considered the enforcement of anti-Catholic legislation in Limerick between 1670 and 1684. This paper deals with the same topic in relation to the neighbouring county of Clare during the third Vice-royalty of the Duke of Ormonde. This was the period of the so-called Popish Plot, a time of fear and uncertainty for Catholics, not alone in Clare but throughout Ireland and England.

The dominant figure in the history of the Catholic Church in Co. Clare at this time was Dr. John O’Molony, who had been appointed bishop of Killaloe in 1671. This extraordinary man, in the words of Professor Hogan, was “the brains-carrier of a vast movement to liberate Ireland from British domination.” The authorities were aware of his political activities and his name crops up frequently in official correspondence. The bishop himself felt that he was regarded by them as “the leader and principal author” of the conspiracy to bring in the French. For practically two and a half years he was the object of a search by governmental officials, a search which extended throughout Limerick, Clare, and parts of Connacht. Sufficient evidence has fortunately survived to enable us to give a fairly detailed account of this hunt and incidentally to throw some light on the attempts made during the period under review to enforce the law and the difficulties such efforts encountered.

The chase began when Sir Henry Coventry, the Secretary of State, wrote from Whitehall to Ormonde on 14 January 1679:

There is, as is here supposed, in Ireland the Bishop of Killaloe, a man of very good parts and much in the confidence and trust of France; his name is Molony; His Majesty would have your Grace to seize him and his papers.

Ormonde lost little time in informing Orrery, the President of Munster. The latter was one of his most implacable enemies and critics and Ormonde wished to ensure that, in this instance at least, a charge of inactivity could not be levelled against himself. He told Orrery that he had received orders from England to cause one Molony, the titular Bishop of Killaloe, to be apprehended and all the papers that shall be taken. I suppose he conceals himself, since the proclamation for his leaving the kingdom, and that he may be somewhere about Limerick or in the county of Clare where his friends are. Your Lordship may most likely get intelligence of him and cause him to be taken and his papers secured.

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1 NMAJ, 11 (1969), 41-52.
4 Ormonde MSS N. S. 4 (1906), p. 303.
5 26 Jan. 1679. Ibid., p. 310.
Orrery immediately promised to do his utmost to carry out this command although he felt that he was unlikely to be successful "for both his [O'Molony's] friends and kindred have above these ten weeks confidently reported he had in a disguise shipped himself for France in the west." 6

Orrery lost no time in ordering searches to be instigated in the areas where O'Molony might be expected to be found. The Mayor of Limerick, Sir William King, was especially active but he had to admit failure. His letter to Orrery on 21 February 1679 shows the mass of incorrect and contradictory information which governmental officials received, information which if not acted upon left the official in question in danger of being accused of neglecting his duties, and which made the occasional genuine information all the more difficult to detect:

I have laid out several ways after Dr. Molony, but cannot hear anything. There came one lately to my Lord Broghill and me, to tell me that he heard he was about Galway, and that he did not question but I should, if there, find him out. I gave him some money and sent him away. He returned suddenly and told me he was within two miles of this place in disguise, and in a white periwig. I sent one thither that could know him in any disguise, and one in whom I could confide; but he saw no one there like him at all, or in any disguise. I am assured by some merchants here that he is gone beyond seas, for they tell me that he went towards Waterford in order thereto.7

One of Bishop O'Molony's own priests, Fr. Thomas Grypha [Griffey ? Griffin ?], a man who had even been proposed for the see of Killaloe by the National Council in Dublin in 1670,8 assisted the authorities. Bishop O'Molony had appointed him vicar-general but had later found occasion to dismiss him from this office, an action which presumably led Fr. Grypha to aid the search. Sir William King, the Mayor of Limerick, who was in constant touch with the Government, was commanded by the Council to find out from Fr. Grypha the name of his successor as vicar-general.9 The capture of the bishop was to be treated as urgent. Spies remained active and eventually the Council received word that O'Molony had been located:

We have lately received information that one Molony titular Bishop of Killaloe has lately removed out of Clare into Connaught. We require you to impoy fitt persons to apprehend him and to have him sent under a safeguard to this City of Dublin.10

However, after a long search, it was stated that the bishop had gone back to Clare.11

The whole operation was being closely followed in England since O'Molony had been mentioned in the informations of David and Maurice FitzGerald, Murphy, Moyer, and others, and grave concern was felt at the failure to apprehend him. King Charles himself became involved in the case and he instructed Secretary Jenkins to issue strict orders to Ormonde to arrest Dr. O'Molony and Dr. Creagh, bishop of Cork.12 This injunction was not really necessary since the Lord Lieutenant had not

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9 28 Jan. 1679. Ibid., p. 313.
7 Ibid., p. 328.
10 13 April 1680. Ibid.
11 Ibid.
been inactive in the meantime and the search was in full swing. Sir William King reported to Secretary Gascoigne that in obedience to Ormonde's commands he had sent out from Limerick

... two parties of foot (under the command of two commissioned officers) to the several places mentioned in his Grace's list to make search for the titular Bishop of Killaloe; and they returned hither the last night but could neither find him nor could hear of his being at any of the places, nor at several other places where they made search for him. I will lay out all I can to find him and there is no way to effect it but by setting of him, and that cannot be done without money, which shall not be wanting.\(^{13}\)

This reference to money probably meant that a price was to be placed on the head of the bishop. A year later, Dr. O'Molony claimed that a sum of £150, a large amount for those days,\(^{14}\) had at some stage been placed on his head. His flock, nevertheless, remained loyal, and Ormonde had to admit to Jenkins that his efforts had been unsuccessful:

I have long employed my best endeavour to take Mullony, the titular Bishop of Killaloe, but have hitherto failed, but in searching for him Dr. Creagh [sic], titular Bishop of Cork, was taken near Limerick and is there in custody;...\(^{16}\)

Since no trace of the bishop could be found, inquiries were instituted among those who had given information about the Popish Plot. These were asked to state when they had last seen the bishop so that a plan of his movements might be drawn up.\(^{16}\) This proved to be of little use and Ormonde was beginning to conclude that O'Molony had fled the country. However, the bishop was still in Ireland but in close concealment, as is clear from a letter from the Protestant Bishop of Killaloe, John Roane, to Primate Boyle. (Roane, a year previously, had played a leading part in the capture of Bishop Creagh of Cork.)\(^{17}\) The letter, which is dated 10 March 1681, read:

When I was last in Dublin I had some discourse with my Lord Lieutenant concerning Bishop Moloney, whom his Grace believed was in France, whereas I then was and am still of opinion he is in this kingdom, besides others I have this reason that in the beginning of November last the parish priest of Tullah [Tulla] died and the parishioners chose of themselves one Grady to succeed; where he had scarce continued three weeks, but there came an order from Bishop Moloney under his own hand for the induction of one White. The original order I expect this week to be brought me, so that it is evident he could not be in France.\(^{18}\)

Soon afterwards Bishop Roane got word of the whereabouts of Dr. O'Molony.

... amongst other places he was at the Lady Clare's house near Inish [Ennis], and having notice he was there, I sent a party to inquire for him, but he was gone. The lord [Clare] being at Inish (which was more than I knew) he was displeased and sent me the enclosed

\(^{13}\) Sir William King to Secretary Gascoigne, 21 May 1680. Ormonde MSS N.S. 5 (1908), p. 323.
\(^{14}\) The equivalent of more than £5000 at the present time.
\(^{16}\) Shannon to Council, 25 March 1681, Burke, Irish Priests, pp. 101-2. Lord Shannon was the Earl of Orrery's brother.
\(^{17}\) See Howard, op. cit., p. 45.
\(^{18}\) Ormonde MSS N.S.5 (1908), p. 606.
letter how ill he resented it; I cannot say that the lord himself was at any time in Molony's company ...

I have got me many enemies of the Irish for my enquiries after Bishop Molony so that I was advised by a friend to have a care of myself, which caused me to write to my lord Primate [Boyle] to befriend me for my removal when occasion offered. 19

Lord Clare, although a Protestant, had many Catholic connections, including Bishop O'Molony himself, and was strongly suspected by Ormonde and others of favouring Catholicism. Clare, presumably in an effort to improve his standing, took the side of the bishop's pursuers. O'Molony later claimed that Clare had accused him of being involved in the Popish Plot, and had promised to disclose where he was. 20 Nevertheless, O'Molony sheltered in the house of a poor widow until at length the chase became too hot and he was forced to fly to France. 21 Bishop Roane's investigations led to his hearing of O'Molony's departure and he forwarded the news to Primate Boyle:

... I hear now that Bishop Molony is gone to sea. The priest whom he ordered to be inducted into Tullagh hath left the country, and the priest Grady who was chosen by the people at first is returned to that place. But withal he acquaints me that he hears Bishop Molony hath left an excommunication on him, but as yet no order for it is come to his knowledge, but says he is certain the bishop took shipping lately at Kilrush. I have acquainted him that if any such order whether written or verbal is brought to him that he should give me notice thereof together with the person that brought it, which I expect he will for the priest's mother is my tenant. 22

This report seems to have been substantially accurate, for soon afterwards O'Molony appeared in France and from there, on 13 June 1681, he sent to Propaganda a summary of his three years' adventures. 23 From this important document we may glean further details both of the pursuit of Bishop O'Molony and of law enforcement in County Clare. The letter stated that

... the malicious enemy, despairing of taking me prisoner after so much diligence spent in vain, was turning his fury against my flock, and against the pastors subject to me, depriving them of the tacit liberty and toleration they enjoyed, imprisoning some of the pastors, driving others into exile, harassing their people and falsely accusing them unless they discovered me. 24

In the absence of corroborative evidence it is difficult to evaluate this statement. Every word may be absolutely true. The search for O'Molony certainly seems to have been intensive, as one would have expected. The flight of the priest appointed to replace Fr. Grady in Tullagh may well have been due to his connection with the bishop. On the other hand it must be emphasised that the Irish hierarchy when communicating with Rome seldom understated their sufferings or the adverse conditions under which they laboured. Furthermore, bearing in mind that Rome frowned on Irish bishops leaving their sees, we must remember that O'Molony in this letter

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20 F. Boyle, op. cit., p. 382.
21 Ibid.
24 Ibid.
is trying to convince Propaganda that his departure from Ireland was necessary for the good of his flock. Since State Papers, the Ormonde Correspondence, and other contemporary sources contain few instances of penal law enforcement in the diocese of Killaloe, and since conditions in neighbouring dioceses were reasonably peaceful, it seems likely that the bishop's statements, while not without a measure of truth, should not be taken too literally.

The Fate of Lord Clare

A number of these references to law enforcement mention Lord Clare. Although a Protestant, he was correctly suspected of Catholic sympathies. Bishop Roane maintained that Clare went to Mass, that his wife and children were Catholics, and that he kept many Catholic servants. As we have mentioned, Bishop O'Molony was one of his close relatives. His mother sheltered the aged Dr. Andrew Lynch, Bishop of Kilfenora. On more than one occasion during the period under review he used his influence to rescue Catholics from the clutches of the law.

As to the first particular concerning the Popish schoolmaster at Inish, (Dr Cargill by name), the Lord Clare spoke to me in August last that I could give way for Cargill to keep school at Inish till May next, and then he would be gone for France. I replied that if his Lordship meant to license him, I should never do that for him, nor any other Papist; then he desired my connivance etc. Captain Purdon told me within these four days . . . that he had committed two Popish schoolmasters and the Lord Clare released or dismissed them . . .

Two days later the same writer, Bishop Roane, declared that Captain Purdon had informed him that of the two 'teachers'

. . . one only was a schoolmaster, and the other was the parish priest of Feacle [Feacle], whose brother was out in torrying, and both of them now discharged, as he thought, by the Lord Clare.

Another incident concerned a Franciscan friar. Clare, apparently in reply to a query, had casually mentioned this cleric. He was sharply reminded of his duty to apprehend such persons. Clare instituted a search but wrote that there was no point in arresting the friar.

I find that the friar Brady is still in this kingdom, I have employed people to apprehend him. But if they take him I know it will not be to much purpose as to any discoveries he will make for he will sooner burn than discover anything which may prejudice the interest of the Roman Catholic religion.

No further details are available regarding the fate of Friar Brady. Incidentally,

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27 Roane to Primate Boyle, 25 April 1681. Ibid., p. 45.
29 Burke erroneously describes Fr. Brady as 'the guardian of Quin.' Fr. Brady's name does not appear in the lists of guardians of the various Franciscan monasteries in Ireland during the period under review. These may be found in the chapter bills published in C. Giblin, O.F.M., (ed.) Liber Lovantensis, Dublin 1906.

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by a strange quirk of fate, it was Lord Clare himself who engaged the attention of the law. His petitions for a sitting of the Parliament in England occasioned the King's severe displeasure and it was decided that he should be immediately prosecuted.\(^{31}\)

**Other Arrests**

An action which the authorities rightly or wrongly regarded as provocative could disrupt the peace of a locality and lead to an outbreak of persecution. An incident in Killrush illustrates this point.

There is one Richard Gillareagh Popish priest of Killrush [sic] who as we are informed did lately take the bouldnes publiquely to celebrate mass near to the Church doore of Killrush and that although he was forbidden the same by one of the Justices of the Peace, yet in contempt of his Majesties authoritie he persisted to celebrate mass there and used unfitting expressions to the said Justice of the Peace. We require you to cause him to be apprehended and committed to safe custody.

And in case any other popish priest doe publiquely celebrate mass there, or that those of the popish religion do assemble in any great numbers within the said Countie we require you to disperse them.\(^{32}\)

No further information is available regarding the fate of Fr. Gillareagh. A namesake of his was among those who suffered through the stories of informers. On 10 June 1681, James, John, and Edward Leo swore that James, Richard, and John Gillareagh and others living in Clondagad and elsewhere in Co. Clare were conspiring to raise arms against the king.\(^{33}\) It seems likely that these unfortunate people were imprisoned. Within a year the three informers had been convicted of horse-stealing and hanged. In their dying speeches they admitted the falsity of their previous accusations, thus repairing some of the harm they had done.\(^{94}\) The Gillareaghs and the others may have been among

... the great number of gentlemen and others of inferior degree, who have lain in close confinement at Cork, Limerick and Ennis, some since the last assizes and others since this time was twelve months on suspicion of their being guilty of the late horrid Popish plot. The Grand Juries have found bills against some of them this time was twelve months and against others the last Assizes, but they have not been brought to trial by reason that the King's evidence did not appear ... it will be unreasonably hard to keep such a number of his Majesty's subjects in close restraint after two Assizes, because the evidence for the King will not appear, though under recognizance so to do, so possibly it will be prudent to expect bail from them.\(^{55}\)

A month later these prisoners were released.

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Before reaching any conclusions about the enforcement of anti-Catholic legislation

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\(^{31}\) See Ormonde MSS N.S.7 (1913), pp. 174, 181, 288. Clare was an enemy of Ormonde (who, incidentally, didn't think very much of him as a person) and a supporter of the Country Party in England. Further information about his activities may be found in H.M.C. Report and Appendix (1879), pp. 743, 744, 816, 820, 824.

\(^{32}\) Council to the Sheriff of Clare, 4 May 1681. Burke, Irish Priests, p. 70.

\(^{33}\) Cal. S. P. Dom., 1882, p. 197.

\(^{34}\) Ibid.

\(^{35}\) Ormonde MSS N.S.6 (1911), p. 328.
in Co. Clare between 1677 and 1685, it is necessary to re-iterate two points made previously in connection with law enforcement in Limerick.\(^{36}\) Firstly, the material available to the historian is limited; we do not know how much has disappeared with the passage of time. The Penal Code, as Burke has pointed out,\(^ {37}\) formed part of the ordinary law of the country; consequently we can study its operation adequately only in the records of the inferior courts and these are no longer available. Generally speaking, there is less information available for the area west of the Shannon than for the remainder of the country. Secondly, it is necessary to underline the fact that any study of law enforcement must investigate the extent to which legislation was not enforced as well as the degree to which it was. This normally proves difficult—law officers seldom publicise their shortcomings in carrying out their duties. It is evident, therefore, that any conclusions arrived at must be regarded as tentative.

**Conclusions**

Conditions in Clare, therefore, do not seem to have differed substantially from those that prevailed in Limerick during the period under review. Our conclusion regarding law enforcement in both counties is similar—the Penal Laws were not strictly applied. One is sometimes forced to base a statement of this nature on negative evidence alone; fortunately, some positive evidence, although this may be biased, regarding the situation in County Clare has survived. In March 1681, Lord Clare stated that:

> ... the Papists having taken an opinion (how unjust soever 'tis) that they are favourd [sic], and that what orders and proclamations are issued out to subvert popery are but matters of form not to be executed, as the world hath seen hitherto; [my italics] and as if the magistrates were likewise of their opinion; for who will be forward to punish those they think are favourd, or who will leave a party he believe will govern.\(^ {38}\)

Reference has already been made to Dr. O'Molony's statement that, while the search for him was in full swing, his people were being deprived of *the tacit liberty and toleration they enjoyed.*\(^ {39}\)

While few Catholics in Clare were actively persecuted, we must not forget that all were the victims of bitter discrimination. They were, at best, second-class citizens, debarred from public office, and conscious that any concessions that they enjoyed could be revoked at the whim of the authorities. The distress and mental anguish which these strains and stresses must have caused them is obvious. But, all in all, contemporary Catholics felt themselves reasonably well treated. When negotiating the Treaty of Limerick, the 'Irish Inhabitants in . . . the Counties of Clare,'\(^ {40}\) etc. . . . sought\(^ {41}\) that they should 'enjoy such Privileges in the Exercise of their Religion ... as they did enjoy in the Reign of King Charles the II.'\(^ {42}\)

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38 "The humble petition of the Lord Viscount Clare . . . to his Grace [Ormonde], the Justices of the Peace and Grand Jury of the Co. of Clare at the Grand Assizes, held March 1, 1680-1 at Ennis." *H.M.C. Report 7 and Appendix* (1879), p. 744. Clare may well have been deliberately exaggerating the situation for his own advantage and to embarrass his enemy, Ormonde.