

The Penal Laws in North Kerry, 1677-1685

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In two articles in previous volumes of this *Journal*,¹ I discussed the enforcement of anti-Catholic legislation in the counties of Limerick and Clare. In each article, it was emphasised that conclusions had to be tentative, due to the amount of historical information that has disappeared with the passage of time. When one turns one's attention to North Kerry, an area practically bordering Limerick and Clare, it is to find that even less information has survived than was the case in the other two counties. Certain factors have contributed to this situation. Among these was the fact that the diocese of Ardfert, which corresponds roughly to North Kerry, was governed not by a bishop but by a Vicar-General, Ambrose Pierce. Bishops, particularly those educated abroad, tended to correspond with the Internuncio in Brussels and with Rome and consequently some of their letters have been preserved in the archives of the Vatican and in other repositories. Fr. Pierce did not number letter-writing to Rome among his many excellent qualities and so we lack a potential mine of information on contemporary affairs in North Kerry. Furthermore, Ardfert, unlike a number of Irish dioceses during the period under review, seems to have been free from any major ecclesiastical dispute. Such controversies, although unfortunate in themselves, frequently provide the historian with valuable information. North Kerry, also, does not seem to have aroused the interest of Ormonde, the Lord Lieutenant, to any great extent and so we find few references to it in that important source of information on the Ireland of Charles II, the *Ormonde MSS*. Nevertheless, a certain amount of information has survived and this enables us to outline the situation in North Kerry during the period under review.

At various times during the 1670s, rumours circulated that the French were planning an invasion of Ireland and some informers claimed that Kerry was to be the landing place. The Earl of Orrery, who lived at Castlemartyr, Co. Cork, described Kerry as "one of the most suspected parts".² Ever watchful for an opportunity to excite and alarm the country,³ Orrery established a network of spies and observers to keep himself fully informed. He detailed one member of the ring, his cousin, Edward Denny, son of Sir Arthur Denny of Tralee, to keep him posted "on any designs against his Majesty's Government which may be brewing in the county".⁴ Incentives were not lacking — Denny and his friends were promised rewards if they should discover anything of value.⁵

In this letter, Orrery also suggested that one of the best ways "to keep the dis-

¹ N. Munster Antiq. J., 12 (1969), 41-52 and 13 (1970), 30-36.

² Letter to Edward Denny, 28 Jan. 1677-8. *Ormonde MSS*, N.S.4 (1906), p.97. *H.M.C. Report 6 and Appendix*, (1877), pp. 731-2.

³ Ormonde to Arran, 7 March 1678. *Ormonde MSS*, N.S.4 (1906), p.129.

⁴ As footnote 2.

⁵ *Ibid.*

contented Irish in the county quiet" might be to demand hostages. This plan, which was ill-advised to say the least, was not carried out and no Kerry men were taken as sureties. While Orrery, an extreme Protestant, may well have believed his own stories, the authorities took them with a grain of salt, due mainly to the efforts of Ormonde, the Lord Lieutenant, and of his sons, the Earls of Ossory and Arran.⁶ It was Ormonde himself who personally showed to the Secretary of State in England

... a copy of a letter from my Lord of Orrery to his friends in Kerry which, together with his double diligence, his wonderful care of the English and fear of the Irish, had made all the English in those parts mad. But I think they begin to come to their wits, observing no appearance of those dangers he fancied.⁷

Orrery's spy ring brought few results and caused little inconvenience to Kerry Catholics. On one of these occasions, Orrery reported to the Assize Judge that a man called Henaghan had informed him about

... two Irish Popish priests who were to land in Kerry out of France, and who came fully instructed from their confederates in Paris, whose persons and papers if I could take would discover much. I had secretly watches in all the parts of Kerry to apprehend them at their landing. Henaghan gave me notice that they would come over habited like gentlemen. The one of them landed last June, and as soon as the ship came into the harbour my men went on board, but the master at last confessed that a gentleman that came over from France a passenger with him would be landed in a creek and not in the port, he saying that creek was much nearer to the place he was going unto than the Ventry was, and therefore the master landed him there the weather being fair and so we missed taking of him. The other priest is not yet landed that I hear of.⁸

There is no indication that either of these priests was captured or indeed that they ever existed. The only definite instance of an arrest concerned a friar, Fr. O'Keeffe, suspected of being implicated in the Popish Plot, who was arrested and imprisoned in 1680. However, Sir Peter Cosby [Crosbie?], claiming a licence from the Privy Council, issued a warrant to "the jails of Co. Kerry" to set the friar at liberty. On learning this the Council issued an order that Cosby be placed under arrest and committed to Dublin Castle.⁹ I have been unable to locate any further definite information concerning either O'Keeffe or Cosby.¹⁰

⁶ King Charles himself went so far as to tell Ossory privately that he knew that Orrery was a rogue. Ossory to Ormonde, 26 Nov. 1678. *Ormonde MSS*, N.S.4 (1906), p.243.

⁷ Ormonde to Arran, 7 March 1678. *Ormonde MSS*, N.S.4 (1906), p.129.

⁸ Orrery to the Judge of Assize, forwarded to Ormonde by Chief Justice Keating on 22 Aug. 1679. *Ormonde MSS*, N.S.5 (1908), p.188.

⁹ Letter to Ormonde, 28 Sept. 1680. Rev. W. P. Burke, *The Irish Priests in the Penal Times* (1660-1760), reprint, Shannon 1968, p.61. I have been unable to locate this letter in the published *Ormonde MSS*.

¹⁰ Fr. O'Keeffe may have been the Constantine O'Keeffe who had been Provincial of the Dominican Order from 1669 to 1674. (D.D.C. Pochin Mould, *The Irish Dominicans*, Dublin 1957, p.234). This man was imprisoned in Cork jail, apparently because he had remained in the country in defiance of the 1678 Proclamation commanding all Regular clergy to leave the country by 20th November. Early in 1679 he sent a petition to the Council alleging that ill-health had prevented him leaving. As a result, the Council ordered Orrery's brother, Lord Shannon, to investigate the matter and to report back to them. (7 March, 1679, Burke, *op.cit.*, p.58).

It seems very likely that 'Cosby' should really be 'Crosbie', the family name of the Barons Brandon and Earls of Glandore. W. M. Brady, the editor of *The McGillicuddy Papers*, London 1867, gives 'Cosby' as a variant for 'Crosbie', *op.cit.*, p.xvi. Some of the family documents, *The Talbot-Crosbie Papers*, are in the National Library of Ireland, but since they have not been sorted they are not available to the public and I have been able to consult only the portion published in M. A. Hickson, *Selections from Old Kerry Records*, 2nd series, London 1874, pp.13-26.

The authorities continued to keep an eye on events in Kerry. On 4 January 1681 a letter was sent to John Blennerhassett¹¹ in Tralee :—

Having received information that one Ambrose Pierce a popish priest now resident in the County Kerry doth exercise popish jurisdiction . . . we hereby require you to have him apprehended.¹²

Ambrose Pierce was Vicar-General of the diocese of Ardfert which at that time had only about fourteen priests.¹³ John Brenan, Archbishop of Cashel, who visited the diocese in 1678, informed the Internuncio at Brussels that Pierce was

. . . a man seventy years of age, a native of the diocese, a person respected and skilful in administration, of singular zeal for the propagation of the Catholic Faith, and esteemed by both clergy and people. Although I have never seen him except on this one occasion, I can say with all sincerity that I have never yet met anyone in the province to be compared with him for zeal and prudence in administration.¹⁴

It is highly unlikely that any proceedings were taken against Fr. Pierce on the charge of exercising papal jurisdiction. Firstly, he was a Vicar-General and as such would not have been appointed directly by Rome and so could not be regarded as possessing papal jurisdiction.¹⁵ Vicars-Apostolic, and of course higher ranks, alone could be arraigned on this charge.¹⁶ Fr. Pierce had, indeed, been proposed by his clergy as their bishop, but Rome did not feel that it was expedient to make an appointment.¹⁷ Secondly, he was at this time over seventy years old and advanced age sometimes served as a protection against imprisonment.¹⁸ He died around 1687 and is buried in the chancel of the old Cistercian Abbey of Abbeydorney.¹⁹

Conclusions

From the incomplete evidence at our disposal it would seem that, despite the activities of informers and scaremongers, North Kerry Catholics seem to have suffered

¹¹ For some information on this man see Hickson, *op. cit.*, pp.6-7 ; Edward MacLysaght (ed.), *Calendar of the Orrery Papers*, Dublin 1941, pp.260 and 334.

¹² Burke, *op. cit.*, p.98.

¹³ Rev. P. Power (ed.), *A Bishop of the Penal Times*, Cork 1932, p.66.

¹⁴ Letter dated 5 Oct. 1678. *Ormonde MSS*, N.S. 4 (1906).

¹⁵ There is some doubt as to whether Pierce was a Vicar-General or a Vicar-Apostolic. The distinction between the terms *vicarius generalis* and *vicarius apostolicus* was not always very clear in the seventeenth century. Burke, *op. cit.*, p.98, describes Pierce as a Vicar-Apostolic. However, the *Handbook of British Chronology*, p.394, does not include him among the Vicars-Apostolic of Ardfert. It seems extremely likely that he was in fact a Vicar-General, since both he and Cornelius Daly of Aghadoe are described as such by their Archbishop, John Brenan, in 1678 (Power, *op. cit.*, p.66). Less than four years later, Dr. Brenan wrote to Rome supporting a proposal for the appointment of Dr. Daly as Vicar-Apostolic, which implies that Brenan did not use his terms loosely (Power, *op. cit.*, p.73).

¹⁶ In this context see Rev. L. P. Murray, "One of Blessed Oliver's Lieutenants" in *Blessed Oliver Plunket Historical Studies*, Dublin 1937, pp.99-113.

¹⁷ Archbishop John Brenan to the Internuncio at Brussels, 5 Oct. 1678 (Power, *op. cit.*, p.67). Local pride played a part in this proposal. The Vicar-General of Aghadoe, Dr. Daly, had during the previous year been proposed as Vicar-Apostolic of Ardfert and Aghadoe. (W. M. Brady, *The Episcopal Succession in England, Scotland, and Ireland, 1400-1875*, vol. II, Rome 1876, p.60). No action was taken on this proposal.

¹⁸ See Burke, *op. cit.*, p. 65. Power, *op. cit.*, p.71.

¹⁹ Power, *op. cit.*, pp.67-68. "The Post-Reformation Bishops of Kerry", in *Kerry Archaeological Magazine*, vol. IV, no. 20 (April 1918), 268.

little. The area, with the possible exception of Tralee and district, does not seem to have had a particularly large Protestant population. According to Orrery there was no place in all Kerry "tenable and of consequence" except Ross.²⁰ Governmental officials, generally speaking, were not anxious to involve themselves in North Kerry affairs. This tendency is illustrated by a letter from Circuit Court Chief Justice Keating to Ormonde. In this letter, written at a time when Orrery's stories of plots and French landings in Kerry were rampant, he mentions the difficulty of getting jurors in the country, "so that I fear we shall with great difficulty (if at all) get into Kerry".²¹ We conclude, therefore, that during the period under review the Penal Laws did not seriously affect the Catholics of North Kerry.

²⁰ Letter to Ormonde, 29 Nov. 1678. *H.M.C. Report 6 and Appendix* (1877), p.733. J. King, *History of County Kerry*, vol. III, Tralee 1910, p.245.

²¹ Chief Justice Keating to Ormonde, 22 Aug. 1679. *Ormonde MSS*, N.S.5 (1908), p.188.