The Earl of Thomond's dispute with the Lord of Kerry and the fate of the Bunratty Library 1639-41

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The course of the dispute concerning Lord Kerry's executorship of the will of the fifth earl of Thomond is related with particular reference to the Bunratty Library and the contents of the castle. Evidence is presented to suggest that the books were brought to Kerry's house at Ardfert where they were destroyed when it was burned in 1642.

A close family relationship existed between the O'Briens of Bunratty and the Fitzmaurices of Lixnaw in north Kerry in the early seventeenth century. Patrick Fitzmaurice, nineteenth Lord Kerry and Barnaby O'Brien, sixth Earl of Thomond, were first cousins. Honora O'Brien, Fitzmaurice's mother, was a sister of Donough, fourth Earl of Thomond.1 Patrick Fitzmaurice had been brought to England as a young boy, for the good behaviour of his father Thomas, and was raised as a Protestant.2 By his will, dated 28 November 1617, the fourth earl of Thomond, who had also been raised as a Protestant in England, bequeathed one hundred pounds sterling on his young nephew.3 Patrick succeeded to the title of Lord Baron of Kerry and Lixnaw in 1630.

On the death of Henry O'Brien, fifth Earl of Thomond in April 1639, the earldom passed to his brother Barnaby, who became the sixth earl. Evidently relations between the two brothers had not been good. Having no son to succeed, Henry heaped as much debt as he could upon the estate, mainly by way of mortgage, to the benefit of his five daughters and their titled husbands. It was only after these great debts were paid that Barnaby could hope to gain from his inheritance. To further complicate matters, Henry had appointed Patrick, Lord Kerry, sole executor of his will. Under Kerry's supervision a detailed inventory of the contents of Bunratty castle and farm was completed in July 1639.4

In October a letter from Kerry at Lixnaw to Richard Southwell, one of the inventory takers, gives us our first indication that all was not well. Kerry regrets that he ever took on the executorship and he is sorry that he removed as much as a book or deal board from Bunratty. He advises that the claret wine in the castle should be sold and turned into money, as it would not keep.5 Our next encounter with Kerry is in Dublin in February of 1640 where he informs the new earl that he has paid out £400 on his brother's funeral expenses. He further informs him of the prices the Dublin goldsmiths were paying for silver plate and that should the earl wish to sell the household silver at Bunratty a tidy profit could be made.6

Lord Kerry subsequently communicated his unhappiness as executor with the earl of Thomond. He claimed that he had spent a year in sorting out the business of the estate and seven months of that in Dublin. He had not spent three months of the year at home but 'jaunting up and down' about the earl's business. He wanted £500 for his expenses incurred as executor and a further £200 - one hundred for

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1 Sir Bernard Burke, Peerage and Baronetage of Great Britain and Ireland (London 1921), entry under Landsdowne.
2 [Thomas Stafford], Pacata Hibernia, a history of the wars in Ireland during the reign of Queen Elizabeth... (London 1633), Standish O'Grady ed. (third edition Dublin 1896), I, pp 144-6.
5 Petworth House Archives (henceforth PHA) C/6, Lord Kerry to Richard Southwell, 21 October 1639.
6 PHA C/6, Lord Kerry to Earl of Thomond, 26 February 1639/40.
a legacy bequeathed to the Bishop of Limerick and another hundred pounds which the late earl had bequeathed to him. We unfortunately do not have the earl of Thomond’s response to these requests but clearly O’Brien was displeased with Fitzmaurice’s handling of the estate; and rumours began to circulate of valuables and goods missing and of a considerable shortfall in the money chest at Bunratty. Kerry complained bitterly that O’Brien had broken their confidences and as a result Kerry was now the subject of much ‘table and tavern talk’. No one could know what precisely was the situation at Bunratty because all the papers, letters, bills and bonds were locked securely in the study.

The earl of Thomond may have had possession of the castle but Lord Kerry held the keys of the study and so he was the only person who had access to the money chest and the financial records of the estate.

Sir Daniel O’Brien of Carrigaholt, brother of the fourth earl of Thomond and thus uncle of the two men, was called on to arbitrate in the dispute. Sir Daniel was an old man and was clearly not in possession of the full facts of the case. In his document of arbitration, dated 28 August 1640, he pleads with his nephews to be reconciled. He awards Lord Kerry £50 for his trouble in the executorship, along with whatever sums were due to him, and in return Kerry was to provide all documents and papers in his possession relative to the Thomond estate. Further Earl Barnaby was to have any fourteen books of his choice of the books taken from Bunratty by Lord Kerry. A chest of vials (medicine bottles) also taken from Bunratty was to be returned. It was unlikely that the outcome of the arbitration would suit either man. According to the inventory of July 1639, there were 200 books in the library of Bunratty, none of which could be accounted for in August of 1640.

By September of 1640, Lord Kerry could not postpone the return of the study keys any further. In a letter to an intermediary, Mr Daniel Bourke, he set out the conditions on which the keys were to be handed over to the earl of Thomond. Sir Daniel O’Brien and two others were to be present in the study as witnesses while the money was being counted out. According to Lord Kerry there would be a shortfall of £628, which Bourke was to make good from the £700 belonging to Kerry in Bourke’s possession. He was to get two documents from the earl: one a full account of all ‘the deal boards, coach and coach horses that Thomond or any of his servants charge me with’ and secondly a legal discharge under seal of all the goods and valuables that were inventoried and left in Bunratty. Lord Kerry promised that Sir Edward Fitzharris would return the coach and its harness for six horses. Only after meeting these conditions were the study keys to be given to the earl of Thomond. The detailed description of the keys that Kerry provides gives us some idea of the contents of the study:

The three small keys in the little old purse (are one or two of them) for those boxes that have the jewels in them... And the other key[s] tied with the wirepins are all for the money chest, save that which has a label on it. The three big keys tied together are [for] the three doors of the study, and the other four tied together are, two of them I think, for the ware-linen trunk, that is double and hath two locks. But that trunk was opened and removed to Dublin without my permission or direction. Two other keys there be tied to them but I remember not to what they belong.

If the study had three large locked doors we begin to understand why Earl Barnaby could not gain entry to it. Only after O’Brien gained entry was he able to discover what money and valuables were missing. These he set out in a schedule sent to Lord Kerry on 26 September 1640. Included in the

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7 PHA C/6, Lord Kerry to Earl of Thomond, 20 April 1640.
8 PHA C/6, Lord Kerry to Richard Southwell, 9 May 1640.
9 PHA C/6, Sir Daniel O’Brien to Lord Kerry, 28 August 1640.
10 PHA C/6, Lord Kerry to Daniel Bourke, 7 September 1640.
missing items were £1,158, ‘which was left in the chest in the closet’, another £500 received by Kerry from Mortagh Moriarity, the earl’s collector, along with several jeweled and diamond rings. He also included the books taken out of the library, ‘which cannot be certainly nominated by reason his lordship had the catalogue of them’.  

Kerry responded that the charges were unfair. The inventory would show that there was £1,153 6s.3d. in the money chest and not £1,158 as claimed by O’Brien. Regarding the other items, he could be justly charged with the deal boards, horses, a coach and harness, but not with books. ‘For the books I will with your other papers return all the catalogue’s I ever had of them, with a list of the number I disposed [of] and all the remain that I found there are there’.  

From this response it would appear that Kerry had not taken the whole but only part of the library, some of the books he had given to others, while the remainder he intended to return. Nowhere unfortunately are the books described or their titles or authors mentioned.

A fuller account of the money and goods taken away by Lord Kerry was subsequently drawn up (see Appendix 1). The charge that Kerry had taken £1,658 in ready money from the estate is again repeated: although Kerry, according to his own letters, had accounted fully for the money. He was further accused of disposing of three coach horses and two saddlebags worth £90. The 820 deal and spruce boards taken away by him were valued at £41. The books removed from the library were estimated to be worth £200, although with the catalogue missing, the number of books could not be ascertained with certainty. In the Bunratty inventory drawn up in 1639 the castle’s 200 books were marked down at a shilling a volume, giving the library a total value of £10. The fact that just one year later O’Brien was claiming the missing books were worth £200 leads one to suspect that his claims of losses were exaggerated.

Kerry for his part continued to demand £500 for his expenses as estate executor and refused to return any of the outstanding items until the money was paid. A letter from Mr Casey of Dublin in December informed the earl that ‘after much ado and long debating’ his Lordship ‘will not yield to reason unless he have £500’. The matter was to be brought before the Lord Justices and until then O’Brien would have to be patient.  

When eventually the Lord Justices gave their judgement, they ruled in favour of the earl of Thomond. But Lord Kerry continued to prevaricate and refused to yield. Sir Daniel O’Brien was again called on to act as mediator. In a letter, dated 11 September 1641, Sir Daniel conceded that Kerry had properly delivered the money to those who had been appointed to receive it but nevertheless he desired his nephew ‘to comply in all points with the Lords Justices order and to send your man with the keys hither with directions to deliver the moneys that is here, with the jewels, dealboards and books’.  

Kerry refused to comply and in our last communication from him, dated 9 November 1641, he states defiantly that ‘though I weigh the boards and books not as straw, I will not part withall in such a way as they are sought’ and threatens to wait on Thomond to seek ‘noble satisfaction’. Ominously the letter concludes ‘my employment now is about the base treasonable plots that I know you have order about ere this come unto you’.  

The disturbances associated with the 1641 uprising had already begun in Clare and north Kerry. Lord Kerry, influenced by his rearing as a ward of court in England, declared his allegiance for the English interest. He was, however, unable to withstand the Irish of north Kerry at his newly built castle of Ardfert. In February of 1642 he had to quit Ardfert and made his way to Cork from where he took the boat to England. He remained in England for the rest of his life.  

11 PHA C/6, Earl of Thomond to Lord Kerry, 26 September 1640.
12 Ibid.
13 PHA C/6, Mr Casey to Earl of Thomond, 17 December 1640.
14 PHA C/6, Sir Daniel O’Brien to Lord Kerry, 12 September 1641.
15 PHA C/6, Lord Kerry to Sir Daniel O’Brien, 9 November 1641.
16 See Thomas F. O’Sullivan, Romantic Hidden Kerry (Tralee 1931), pp 72-3, quoting Smith’s, History of Kerry, p. 301.
because the prolonged war in Ireland left him so impoverished that he was not in a position to make restitution. He died at St Giles in the Fields, London in 1660.

The Fitzmaurice's castles of Listowel and Lixnaw had previously been destroyed by Sir Charles Wilmot in 1600 during the Nine Years War. In 1637 Lord Kerry was building his new residence at Ardfert for his wife and several children. We may speculate that the 820 boards he took from Bunratty were used in the construction of the new dwelling. It can also be suggested that the books and other valuables were brought to Ardfert. The castle, however, was consigned to the flames by the Irish confederate forces under Patrick Lawlor, shortly after it was abandoned by Kerry in 164218 and it may be assumed that the boards and more particularly the books of the Bunratty library perished too in that conflagration.

Note on Sources
This short paper is based largely on a bundle of letters and other documents preserved at Petworth House, West Sussex, labeled PHA C/6. The collection was put together with the intent of taking legal proceedings. The papers were almost certainly among the documents removed from Bunratty by Barnaby O'Brien, Earl of Thomond, when he gave over the castle to a force of English Parliamentarians in 1646 and went to live in England. My thanks to Alison McCann of the West Sussex Record Office for providing me with copies.

17 Jeremiah King, King's History of County Kerry (Tralee 1910-12) p. 214.
18 J. Anthony Gaughan, Listowel and its Vicinity (Cork 1973) p. 82.
Appendix 1

A particular of the goods and money which my Lord of Kerry took away from the Personal Estate:

That was found by him in the chest at Bunratty and taken by him into his charge: £1,158
That he received or commanded from the receiver Mortho Moriarty: £500
In ready money [total]: £1,658
Three coach geldings disposed of by his Lordship is esteemed worth: £60
More two saddle bags worth: £30
820 of deal boards at £5 per hundred: £41

Besides some spruce boards of 30 and 32 foot long.

The books taken away by his Lordship esteemed to be worth £200 but cannot be expressly charged by reason his Lordship hath the catalogue which he found of them at Bunratty, whereof restitution in specie is now demanded according to the catalogue.

His Lordship to be enjoined upon his honour and according to inventory to make full restitution of all the jewels and rings which were found and taken by his Lordship into his custody at Bunratty. And so likewise of all the writings, bonds, bills, accounts etc. that his Lordship (or any other in his behalf) hath or taken away from Bunratty.

More a chest of vials, which was ordered by Sir Daniell O’Bryen, to be delivered to the now Earl as belonging to the Personal Estate.

This [is] as much as I for the present can charge my Lord of Kerry with, but if there be any more, I hope his Lordship will upon his honour make discovery thereof to your Lordship.

[Endorsed:] Charge of what the Lord of Kerry detains from the Earl of Thomond

[No date but circa October 1640]