

FAITH AND FATHERLAND OR QUEEN AND COUNTRY? AN  
UNPUBLISHED EXCHANGE BETWEEN O'NEILL AND THE STATE AT  
THE HEIGHT OF THE NINE YEARS WAR

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The four documents published here have been undeservedly neglected. O'Neill's proclamation and two abortive government replies represent a unique debate in the history of sixteenth-century Ireland. The proclamation and the related twenty-two articles show O'Neill to have been a politician advancing a remarkably sophisticated ideology rather than simply a Gaelic warlord. Taken collectively these documents provide a glimpse of the real issues of sovereignty and religion at stake in the Tudor conquest, engendered as they were by a critical moment in its final and most decisive phase, the Nine Years War fought between 1594 and 1603. The objects of O'Neill's propaganda and English counter-propaganda were the anglophone Catholics of Ireland. This group known to historians of the late middle ages as the Anglo-Irish and to early modernists as the Old English were of pivotal importance in Irish politics. In the following introduction I have attempted to situate the documents in their immediate context and to flesh out the main lines of argument developed in them.

On 7 September 1599 the earl of Essex met O'Neill at the ford of Bellaclinthe. A week later he concluded a truce with the Ulster lord and on the 24th he suddenly left his Irish command without royal permission in a vain attempt to bolster his flagging reputation at Court. This was an ignominious end for a governor who had arrived six months before with the largest English army ever seen in Ireland boasting: 'By God, I will beat Tyrone in the field'.<sup>1</sup> The government in Dublin was left on the verge of collapse under Adam Loftus and George Carey as Lords Justice and the army depleted, demoralised and scattered in garrisons under the earl of Ormond as Lord Lieutenant. The Pale, the centre of English power in Ireland, now stood as the only real obstacle to control of the whole island by O'Neill and his confederates. O'Neill decided to go for broke but, lacking the military machine capable of taking walled towns, the Ulsterman had to win over the English-speaking descendants of the Norman colonists by political inducement as much as military threat.

At the end of October O'Neill put off meeting Secretary Fenton who had 'a gracious message' from the Queen in the light of her discussions with Essex about the famous parley at Bellaclinthe. Instead he gave Ormond a fortnight's

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<sup>1</sup> Quoted in S.G. Ellis, *Tudor Ireland: court, community and the conflict of cultures, 1470-1603* (London, 1985), 306-7. Other background information can be found in Wallace T. MacCaffrey, *Elizabeth I: war and politics, 1588-1603* (Princeton, 1992) and in Hiram Morgan, *Tyrone's rebellion: the outbreak of the Nine Years War in Tudor Ireland* (Woodbridge, 1993) and idem, 'Hugh O'Neill and the Nine Years War in Tudor Ireland', *Historical Journal*, xxxvi (1993), 21-37.

notice of his termination of the ceasefire alleging violation on the government side and adopted a far more belligerent stance with the state than hitherto. 'From henceforth, if you write to me, I wish you command your secretary to be more discreet and use the word traitor as seldom as he may. By chiding there is little gotten at my hands, and they that are joined with me fight for the Catholic religion and liberties of our country, the which I protest before God is my whole intention'.<sup>2</sup> In a circular to the lords of Munster in 1596 and in individual letters to Anglo-Irish gentry in 1598 and 1599, O'Neill had already asserted these ideological objectives as his ultimate purpose.<sup>3</sup> In mid-November O'Neill resumed hostilities on the pretext that the original ceasefire which had been brokered personally with Essex was void as its co-guarantor was now under arrest.<sup>4</sup> It was in these circumstances that the famous twenty-two articles which Sir Robert Cecil later glossed as 'Ewtopia' were drawn up. This set of nationalist demands dealt with religion, politics, land and trade. As well as a final negotiating position with the crown, the articles were plainly a political manifesto aimed at the Anglo-Irish gentry and townsmen who would have been major beneficiaries. In fact, the articles, copies of which were picked up by government messengers and spies, were never formally propounded to the state and may never have been communicated in full to the Palesmen.<sup>5</sup> However, a proclamation closely related to the twenty-two articles was circulated, though perhaps no more than a handful in the northern reaches of the Pale.<sup>6</sup> There are two extant copies dated: Dungannon, 15 November 1599 *novo stilo*.<sup>7</sup> One is in the British Library entitled 'The coppie of a sedicious lybell sent by Tyrone to the lords and gentlemen of the Palle in Ireland' and the other is found amongst Archbishop Ussher's papers in Trinity College, Dublin entitled 'Copie of a trayterous writing delyvered throughout Ireland by the Archtraytor, hugh late Earle of Tyrone'.<sup>8</sup> Both documents are similar though unlike the T.C.D. copy reproduced here, the B.L. version is signed at the top and divided into paragraphs.

<sup>2</sup> O'Neill to earl of Ormond, 30 Oct./9 Nov. 1599 (*Cal. S.P. Ire., 1599-1600*, pp. 208-9).

<sup>3</sup> O'Neill *et al* to the Irish of Munster, 6 Jul. 1596 (*Cal. Carew MSS, 1589-1600*, p. 179); O'Neill to James Fitzpiers, 3 Mar. 1598 (*Cal. S.P. Ire., 1598-99*, pp.358-9); O'Neill to the White Knight, 7 Apr. 1599 (*Cal. S.P. Ire., 1599-1600*, p. 8).

<sup>4</sup> O'Neill to Essex, 10 Nov. 1599 (*Ibid*, pp.240-1); William Warren, 'My declaration touching my journey to Tyrone', 13 Nov. 1599 (*Cal. Carew MSS, 1589-1600*, pp.348-9).

<sup>5</sup> 'Articles intended to be stood upon by Tyrone', ?Nov. 1599 (*Cal. S.P. Ire., 1599-1600*, pp. 279-80); Sir William Warren to Sir Robert Cecil, 24 Dec. 1599 (*ibid*, pp. 339-40); 'Intelligences drawn out of several letters, lately written from the North to Sir Geoffrey Fenton', 2 Jan. 1600 (*ibid*, p. 388).

<sup>6</sup> Cyril Falls, the last historian to look at this episode, asserted that O'Neill's twenty-two articles were the substance of his secret discussions with Essex at the ford of Bellaclinthe as subsequently recalled by the latter and that a 'damnable libel' relating to the articles was no longer extant. He was wrong on both counts. Cyril Falls, *Elizabeth's Irish wars* (London, 1950), ch.17.

<sup>7</sup> The Irish confederates used the new Gregorian calendar. As a result Thomas Barnewall was able to obtain one of the proclamations in Dungannon dated 15 November new style on 8 November old style: 'The declaration of Thomas Barnewall, of Robertstown, in the county of Meath', 15 November 1599 (*Cal. S.P. Ire., 1599-1600*, pp. 252-3).

<sup>8</sup> B.L. Add. MS 38, 139, no. 1, part B, ff.10v-11r; T.C.D. MS 578, f.31.

If the twenty-two articles were a carrot to win over the Anglo-Irish, the proclamation was a stick to threaten them. Whereas the articles were designed to appeal to their interests as Irishmen, the proclamation was intended to jolt their consciences as Catholics. O'Neill alleged that the continued obedience of the Anglo-Irish to Elizabeth was only serving to promote heresy. He would relieve them of their goods, lands and positions if they did not join his cause. And in a rhetorical flourish, he turned the ideology of the Tudor conquest on its head by complaining against the policies of the English government which kept the country in a state of ignorance and incivility. At this very time Christopher Nugent, the baron of Delvin, was under the severest military pressure and on the point of submission.<sup>9</sup> If submissions were not forthcoming from such men, O'Neill was threatening here to plant others in their place. Government analysts had already recognised this aspect of O'Neill's policy. Captain Nicholas Dawtrey said that 'for this purpose, he, the rebellious earl, hath both Jesuits and seminaries to employ in all places to stir the base-born of every great house, or other discontented men of any family that are left without living, promising them that, if they can beat the English out of Ireland, that the Pope and his lieutenant, the traitor Tyrone, shall make them great lords'.<sup>10</sup> Basically O'Neill was threatening each noble house in Ireland with internal revolution if it did not adhere to the confederate cause.

Of course O'Neill was offering the Anglo-Irish an alternative. He was promising to do all in his power to extend what privileges and liberties he had won to new adherents. He asserted that his main objective was the establishment of Catholicism throughout Ireland and that he had rejected all the conditions offered to him because it was not on the table. It was in this context that he stated 'I have protested and doe hereby protest if I had gotten to be king in Ireland without the Catholic religion... I would not the same accept'. This is O'Neill's only reference to kingship but it is far too rhetorical to attach any significant meaning to it. It has an equivalent in his contemporary statement to Sir John Harrington that he would not live without freedom of conscience 'though the Queen would give him Ireland'.<sup>11</sup> In fact O'Neill had already given up the idea of a crown, if he ever had such an aspiration, in May 1596 when he and O'Donnell agreed to become vassals of Philip II and requested him to appoint Cardinal Archduke Albert as their prince.<sup>12</sup> O'Neill tried to refute the accusation that his war against the English was for private rather than altruistic reasons. This was well-founded however in that he had clearly adopted the Catholic cause in 1596 two years after the commencement of the war to widen his basis of support at home and abroad.<sup>13</sup> On the other hand, O'Neill was right in claiming that the Queen's commissioners had suppressed news of his religious demands. For

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<sup>9</sup> C. Delvin to the earl of Ormond, 25 Nov. 1599 (*Cal. S.P. Ire., 1599-1600*, pp. 300-1).

<sup>10</sup> Captain N. Dawtrey to Sir Robert Cecil, 6 June 1598 (*Cal. S.P. Ire., 1598-99*, pp. 171-2).

<sup>11</sup> 'Report of a journey into the North of Ireland written to Justice Carey by Harrington', 1599, (Thomas Park (ed.), *Nugae Antiquae* (London, 1804), I, 247-52).

<sup>12</sup> Certificate given by Captain Alonso Cobos to the Irish Catholics, 15 May 1596 (*Cal. S. P. Spain, 1587-1603*, p.169); O'Neill and O'Donnell to Philip II, 16 May 1596 (*ibid*, p. 620); David Burke to Sir Conyers Clifford, 5 May 1597, (*Cal, S.P. Ire., 1596-97*, p. 286).

<sup>13</sup> 'The Earl, O'Donnell and the rest their demands sent to the commissioners', 19 Jan. 1596 (Cambridge University Library MS, Kk 1 15 no. 63 f.134); O'Neill *et al* to the Irish of Munster, 6 Jul. 1596 (*Cal. Carew MSS, 1589-1600*, p. 179).

instance his first article addressed to the earl of Ormond in December 1597 had requested 'that all the inhabitants of Ireland may have free liberty of conscience or at least ways the benefit of her Majesty's positive law, without being cumbered with the law of reason'.<sup>14</sup> Having justified his own position, O'Neill turned on the Anglo-Irish reciting the terms of *Regnans in excelsis*, the Papal bull exhibited against Queen Elizabeth in 1570. This bull of excommunication had deprived her of her kingdom and absolved her subjects from their allegiance and he insisted that Catholics were mistaken if they believed that the Pope had subsequently revoked the sentence against her. In fact English Jesuits had extracted an ambiguous declaration from Pope Gregory in 1580 which was widely interpreted as a suspension and much of the diplomatic activity on O'Neill's behalf in Rome was aimed, albeit unsuccessfully, at obtaining a renewal or confirmation of the excommunication.<sup>15</sup> Furthermore he indicated the effectiveness of a Holy War by giving the recent example of France where Catholic subjects had fought their natural prince - Henry IV - until such times as he was forced to profess Catholicism and reconcile himself to the Holy See. O'Neill concluded his proclamation by challenging the Anglo-Irish in rousing terms to follow his example of putting public utility before private commodity.

O'Neill's proclamation like the twenty-two articles was couched in the ideology of faith and fatherland. This combined the patriotic commonwealth sentiments of the Anglo-Irish reformers dating from the mid-century with the militant brand of Catholicism which had emerged in the 1570s.<sup>16</sup> Such a potent mix had first been given a public airing when James Fitzmaurice returned from the continent in 1579.<sup>17</sup> Prior to the war none of O'Neill's letters had shown any interest in political ideas; rather they were all matter-of-fact day-to-day business. In April 1600 the Protestant bishops, Loftus and Jones, accused the recently-captured Jesuit, Henry Fitzsimmons, of penning the proclamation 'seeing it is thought Tyrone hath about him no person of learning to devise such a writing'. Their only evidence in support of this allegation was a claim that O'Neill had instructed Thomas Barnewall, a visiting Palesman, to deliver the first proclamation to Fitzsimmons but that he handed it over to the State instead.<sup>18</sup> This was obviously an attempt to blacken Fitzsimmons' name by association since Barnewall had already given a declaration to the contrary, namely that in Dungannon he had had to persuade Richard Owen - 'a man very inward with Tyrone' - who had six or seven proclamations for distribution in Dublin and Drogheda to give him a copy.<sup>19</sup> On this basis we can discount Fitzsimmons as the author. An informant of Lord Justice Carey had been shown eighteen articles by Tyrone's secretary 'that they intended hereafter, if occasion served, to prefer to Her Majesty; but

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<sup>14</sup> 'The humble petition of the earl of Tyrone', 23 Dec. 1597 (*Cal. S.P. Ire., 1596-97*, p. 476) endorsed 'The earl of Tyrone's requests - suppressed'.

<sup>15</sup> P. J. Corish, 'The origins of Catholic nationalism', part 8, III, 15-18 in *The History of Irish Catholicism*, ed. P. J. Corish (Dublin, 1967-).

<sup>16</sup> B. Bradshaw, *The Irish constitutional revolution of the sixteenth century* (Cambridge, 1979), especially the final chapter.

<sup>17</sup> Myles V. Ronan, *The Reformation in Ireland under Elizabeth* (London, 1930), pp.613-21.

<sup>18</sup> Loftus and Jones to Whitgift, Archbishop of Canterbury, 7 Apr. 1600 (*Cal. S.P. Ire., 1600*, p.77).

<sup>19</sup> 'The declaration of Thomas Barnewall, of Robertstown, in the county of Meath', 15 Nov. 1599 (*Cal. S.P. Ire., 1599-1600*, p. 253).

because they were not yet perfected, until O'Donnell's next meeting, he could not get a copy of them'.<sup>20</sup> Sir William Warren, who acquired a copy of the full twenty-two articles, claimed that they 'were written and devised by a Scot, who both wrote and devised the libels and proclamations, that were signed above by Tyrone, as if he were Prince of Piedmont'.<sup>21</sup> There were, however, no Scots serving O'Neill in a political capacity and given the uniqueness of the proclamation, we must assume that O'Neill himself had a hand in composing it, the more so because part of it was an exercise in self-justification. Furthermore, he would have had a good grounding in Commonwealth ideas having been brought up in the Pale and having attended parliament. A clear indication of O'Neill's religious stance was his celebration of Easter according to Pope Gregory's new calendar along with other Ulster leaders in 1584 though to retain the good offices of the state he had continued to attend Protestant services when visiting the Lord Deputy in Dublin.<sup>22</sup> No doubt, Henry Hovenden, O'Neill's secretary and foster-brother, would have helped draft the proclamation and seminary priests would have been on hand to offer advice.

When the government in Dublin received O'Neill's proclamation on 17 November, it decided that a further meeting with the 'archtraitor' which had been commissioned by London twelve days earlier was not only dishonourable and fruitless but also offensive to her majesty. Instead they demanded the speedy appointment of a sufficiently enabled deputy to defend the subject and offend the rebel.<sup>23</sup> The beleaguered council was frightened by O'Neill's proclamation. 'This traitorous and villainous libel...', reported Carey, 'is divulged and spread abroad by these Popish priests and Jesuits (whereof this country doth swarm), and do mightily infest and induce this bad nation, being apt to embrace anything that may have any colour (how false soever it be) to maintain their rebellious actions'.<sup>24</sup> The queen's officials were particularly worried about the effects of the so-called libel on the steadfastness and loyalty of the Palesmen, not least, Thomas Jones, the bishop of Meath since 1585, who was at the council meeting which received the proclamation. He requested a copy of the document and for a few days shut himself away from other business 'to devise an answer to that pernicious writing'.<sup>25</sup> Jones's reply entitled 'The answer of a faithful servant to his sovereign Prince to a seditious libel signed by Tyrone' and dated 30 November 1599 exists only in a rough copy in Marsh's Library. The original was amongst Ussher's papers in Trinity College. It was recorded in Bernard's published catalogue of 1690 but was not included in the hand-list of 1742.<sup>26</sup> It is possible

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<sup>20</sup> Sir George Carey to Sir Robert Cecil, 3 Dec. 1599 (Ibid, p.296).

<sup>21</sup> Sir William Warren to Sir Robert Cecil, 24 Dec. 1599 (P.R.O. S.P. 63/206/100). Whoever transcribed this passage for the *Calendar of State Papers, Ireland, 1599-1600*, p.339 made the incredible mistake of turning the elided indefinite article and noun 'ascote' into a surname 'Ascote'.

<sup>22</sup> Loftus and Wallop to Walsingham, 26 Mar. 1584 (P.R.O. S.P. 63/108/56). Thomas Lee, 'A brief declaration of the government of Ireland...1594' in John Lodge (ed.), *Desiderata Curiosa Hibernica* (Dublin, 1772), I, 111.

<sup>23</sup> Irish Council to Privy Council, 17 Nov. 1599 (*Cal. S.P. Ire., 1599-1600*, 245-51).

<sup>24</sup> Carey to Cecil, 4. Dec. 1599 (*Cal. S.P. Ire., 1599-1600*, 303).

<sup>25</sup> Jones to Cecil, 5 Dec. 1599 (Ibid, 303).

<sup>26</sup> Edward Bernard, *Catalogi librorum manuscriptorum Angliae ac Hibernicae*, Oxford, 1690), item 170. 39.

that Narcissus Marsh had the original on loan for the purposes of making a copy for his archdiocesan library and that the original was lost as a result. Marsh was doubtless interested in the manuscript because it was the work of one of his predecessors and because its rejection of papal authority was still relevant to the concerns of the Protestant ascendancy at the turn of the seventeenth century. Jones's reply was ten times the length of O'Neill's proclamation. As he informed Sir Robert Cecil about its content, 'For matters of fact therein rehearsed, I know I have not erred, and for the points of learning, in regard of the shortness of time, and my forced absence from my study and books at Ardbraccan, I have borrowed some matter and reasons from the Bishop of Winchester, out of his learned book against the Jesuits'.<sup>27</sup>

Jones's reply was directed to the gentry of the Pale. He asked his audience to recall how at the start of hostilities O'Neill had only complained about the activities of certain government officers. How come he was now charging the Queen who had given him the benefit of the doubt for so long with tyranny? O'Neill was revealed as a man of deep dissimulation who was forsaking his ordained place in society by challenging regalian rights. Jones warned the gentry to ignore the blandishments in O'Neill's libel because far from offering them liberation, he was beguiling them into slavery. The bishop then proceeded to refute what he considered to be the main points of O'Neill's proclamation. O'Neill was in the first instance appealing to the Palesmen as his fellow countrymen and fellow Catholics but as Jones pointed out such an appeal hardly tallied with the actual policy on the ground. Far from promoting the prosperity of his countrymen, O'Neill and his confederates were deliberately laying waste their lands. Jones exemplified lordships in the Northern Pale and Midlands which had thus suffered and depicted the Ulster potentate as an unnatural man bent on destroying his native land. Staunch professors of Catholicism had suffered depredations after the same fashion. Resorting to racial slur, the bishop wondered how the Palesmen could even think of placing their fate in the hands of a savage people who had already committed a long list of depravities against them. O'Neill threatened anarchy, not the reformation of the country. And where O'Neill called on the Palesmen not to relieve the Queen's army, Jones insisted that as representative of divinely appointed authority it was the real defender of the liberties of the Pale. This first section, which ended with citation of Old Testament examples of evil men who were at first successful but who at the last felt God's retribution, was in line with traditional Tudor theories of obedience as reflected in the homilies preached at times of rebellion.<sup>28</sup>

Jones pursued the same line in refuting O'Neill's second point that he was fighting for the extirpation of heresy and the establishment of Catholicism. Princes with the sword appointed unto them by God could wage wars of religion but for a subject to bear arms against his natural prince was not justifiable in any religion. God gave princes the sword to establish obedience and there was no biblical sanction for subjects to take the sword against the prince for whatever

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<sup>27</sup> Jones to Cecil, 5 Dec. 1599 (Ibid., p. 304). Ardbraccan, Jones's residence in County Meath, was on the borders threatened by O'Neill.

<sup>28</sup> A. J. Griffiths, *Two books of homilies appointed to be read in churches*, (2 vols., Oxford, 1859), i. 105-117; ii, 550-600.

reason. Indeed Jones emphasised that a major concern of religion was to teach that God and the prince should be obeyed, that the evils of rebellion should be abhorred and that social hierarchy was natural and immutable. The bishop then turned from these general points to wondering why O'Neill had suddenly made liberty of conscience the *sine qua non* of his demands. He questioned the contention that O'Neill had been fighting on religious grounds from the start by citing the various negotiations between the state and the Ulsterman which he either had knowledge of or direct personal involvement in. Certainly O'Neill had only demanded religious liberty at the second round of negotiations and then only for Ulster. Jones was present with Ormond and Fenton in Dundalk when O'Neill demanded liberty of conscience throughout Ireland in the winter of 1597/8. The key question was whether the commissioners had rejected an article offensive to royal prerogative to spare the Queen's wrath as Jones asserted or whether it had been done to prevent the news of the demand leaking out and being broadcast round the country to the further discomfiture of the state. Here Jones was relaying a half-truth because the state had worried ever since the second round of negotiations that O'Neill would proclaim a religious war.<sup>29</sup> Jones also asserted that O'Neill had deliberately raised the religious issue at the end of the 1597/8 talks after it had been dormant since its initial rejection as a stratagem to abort the treaty. The bishop therefore concluded that O'Neill was simply using religion as a pretentious cover in an ambitious drive for sovereignty.

The bulk of Jones's refutation concerned O'Neill's deployment of *Regnans in excelsis*, the papal bull which had in 1570 deposed Elizabeth from her throne, absolved her subjects from their oaths of allegiance and declared her excommunicate.<sup>30</sup> Jones did admit that a pope of Rome, namely Pius V, had passed such a bull but many learned writers of the day had confuted it. Although the sentence was in abeyance, it was not formally cancelled so that Jesuits and seminary priests coming to England and Ireland were in conscience bound to uphold it. Jones dealt first with the Pope's claim to universal sovereignty which afforded him the power to depose kings and princes. Only God, the ordainer of all things, had such power. There were many examples in the Old Testament which reserved this prerogative to God and this was not altered by anything in the New Testament. Jones asserted that God had commanded bishops and other clergy to be obedient to Princes and that St Peter from whom popes claimed to derive their succession had urged subordination to temporal power. The power of the pope and other bishops was spiritual and their only role in the temporal sphere was counsel and persuasion. St John Chrysostom and St Bernard were used as authorities to justify this position. Jones was taking the obvious line here but there is a distinct echo of the divine right of kings theory which had recently been expounded in the higher echelons of the Church of England.<sup>31</sup> He further

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<sup>29</sup> Jones to Burghley, 28 Dec. 1597 (*Cal. S.P. Ire., 1596-97*, p.487). In January 1596 when liberty of conscience was first mooted, Lord Deputy Russell informed Burghley that 'The rebel's first demand touching freedom of religion is a matter so dangerous to be made known here as I thought fit to keep the same secret, even from those of Her Majesty's council here' (*Cal. S.P. Ire., 1592-96*, p.457).

<sup>30</sup> For text and translation of the bull see G. R. Elton, *The Tudor constitution*, (2nd edition, Cambridge 1982), pp. 423-28.

<sup>31</sup> John Guy, 'The queen, the court and the ecclesiastical polity' in John Guy (ed.), *The reign of Elizabeth: court and culture in the last decade* (Cambridge, forthcoming).

adopted the conventional Protestant argument that for a thousand years the church had served and obeyed princes, even pagan and heretical ones. All this changed when Pope Gregory VII challenged the authority of his former master, the emperor Henry IV, and his example had been continued by subsequent bishops of Rome though no Christian prince had ever acknowledged their right to do so. Jones then used the instance of the rebellion of Rudolph of Swabia during the investiture controversy as a parallel with that of the earl of Tyrone. Not only did Pope Gregory attempt to depose and humiliate Henry IV, he also incited the Duke of Swabia against him and trumped him up as Emperor. Succumbing to eventual and inevitable defeat, Rudolph on his death-bed lamented his ungrateful rebellion against his liege lord. The pope and his cohorts had likewise incited Tyrone and promised him a crown after Elizabeth had supported him so bountifully with a pension and had advanced him to an earldom.<sup>32</sup> Tyrone ought to take the case of Rudolph to heart. This story of Rudolph's miserable end was the first of a number of examples which Jones lifted from Heinrich Bullinger's *Refutatio* which the Swiss reformer had composed against the Papal bull at the behest of his English friends in 1571.<sup>33</sup>

The second aspect of the bull maintained by Tyrone's libel was the pope's ability to absolve subjects from their oaths of obedience. For Jones this assertion merely compounded the pope's erroneous claim to universal sovereignty. The precepts of God requiring obedience in subjects were plain; no man had any right to dispense with them; the canons of the Roman church itself forbade their violation. Nor was the wickedness, tyranny or idolatry of a prince any excuse for insubordination. God had prescribed hierarchies of duty, of servant to master, of child to parent and of wife to husband. If inferiors could not discharge themselves on account of the wickedness or heresy of a superior in private circumstances, how could a subject be absolved from obedience to the prince who as father of the country exercised public authority? Papists defended their treachery by the claim that it was justifiable to break evil promises. Jones could not see the oaths of loyalty made to Elizabeth in the same light and then proceeded to show examples of the dreadful consequences of breaking faith with one's prince. He retailed a story which Bullinger had drawn from Platina's *Lives of the popes*. In the fifteenth century Eugenius IV, in accordance with a decree of the Council of Constance that faith was not to be kept with heretics or infidels, encouraged Ladislav, the king of Hungary, to break his oath to Amurathes, the Turkish emperor. The Hungarian king was on the point of victory at the battle of Varna when Amurathes appealed to Christ to punish his followers for their duplicity. As a result Ladislav and 30,000 Christians perished.<sup>34</sup> Thus did God punish liars and perjurers. Jones repeated Bullinger's use of St. Ambrose and St. Augustine on keeping such covenants and reflected on his government's daily experience of the Irish breaking ceasefire agreements.<sup>35</sup> Old and New Testament teaching about keeping faith with infidels surely entailed

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<sup>32</sup> The story circulating in Ireland that the Pope was having a crown made for O'Neill in Rome was a complete fiction.

<sup>33</sup> Henry Bullinger, *A confutation of the pope's bull against Elizabeth*, (translated from the Latin by Arthur Golding, London, 1572), pp.72-5.

<sup>34</sup> *Ibid*, 66-7.

<sup>35</sup> *Ibid*, 68.



all good Christians in England and Ireland staying loyal to Queen Elizabeth. Another example which Jones drew from Bullinger was especially apt. He had related the synod of Toledo held before the Spanish king in the seventh century. There the churchmen adopted a canon which threatened perjurers and rebels with excommunication from the Catholic church and banishment from civil society for violations of their oaths to the prince. The earl of Tyrone and his confederates ought to take note of this Spanish view of sedition. Philip III was clearly using them after the manner of Cæsar who loved treasons but hated traitors and the pope was promoting the same rebellion and perjury with spurious authority.

The third part of the Pope's bull used by Tyrone was his excommunication of Elizabeth for heresy. Jones went back to the original meaning of excommunication. Here he drew examples from Thomas Bilson's *Christian subjection and unchristian rebellion* - the bishop of Winchester's book against the Jesuits referred to in his correspondence with Cecil.<sup>36</sup> Bilson had looked at the views expressed by St Augustine on excommunication during the Donatist heresy. Augustine had considered the use of excommunication as arrogant, pernicious and sacrilegious. Its application to a group invited the danger of schism and even where an individual deserved excommunication it was better to reprehend and reform than ostracise and destroy. Proof of Augustine's warning was plainly evident in the Pope's disastrous dealings with Elizabeth and her subjects. Jones knew that St Paul had advised ostracism as a means of excommunication but this made no sense in the case of princes who required the attendance of subjects on their persons and who as God's anointed deserved honour and obedience. The most objectionable imputation of the Papal excommunication was of course that the Queen and her subjects were heretics maintaining a false doctrine with no basis in scripture. Bullinger had already dealt with this issue. Jones now called on the Papists to disprove that the Anglican religion was not Catholic. It had its grounds in God's book, its articles were those of the true, Catholic and apostolic faith prescribed by the Lord himself, its object was salvation through the blood of Jesus Christ. Bullinger had asserted that the Queen had established no new religion of her own devising but had simply institutionalised that comprised in scripture.<sup>37</sup> Jones's gloss was obvious. The Queen was not a heretic. The Papists who had invented many ceremonies of their own were. Bullinger also came in handy when Jones touched on the disputed term 'Catholic'. The word signified universal and encompassed all the followers of Jesus Christ dispersed over the face of the earth. The churches of Rome, Antioch, Alexandria etc were merely members of the universal body whose head was Jesus Christ. This claim that the English church was one of the members of this universal church was a familiar Anglican nostrum.<sup>38</sup> Thus the Queen was as good a Catholic as the pope. His excommunication was thereby rendered groundless and totally ineffectual. The earl of Tyrone and his partakers were foolish to justify the odious action of

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<sup>36</sup> Thomas Bilson, *The true difference between Christian subjection and unchristian rebellion*, (London, 1586), pp. 368, 377.

<sup>37</sup> Bullinger, *A confutation*, pp. 62-3.

<sup>38</sup> John Guy, 'The Henrician Age' in J.G. Pocock (ed.), *The varieties of British political thought, 1500-1800* (Cambridge, 1993), 38.

rebellion on such a weak foundation as the pope's bull. They should remember that their corporal oaths to the sovereign were recorded in heaven and that their perjury would not escape divine retribution. They should take the opportunity to repent now because no priest, bishop or pope could discharge them from their oaths of loyalty.

There were other slanderous and outrageous statements of Tyrone which Jones felt obliged to answer. Where Tyrone claimed that the Queen was a persecutor of Catholics, Jones alleged that no one suffered for the sake of his conscience. In England Rome-runners returning with the papal bull to stir up the people were convicted by the laws of parliament on political rather than religious grounds. By contrast in Ireland Jones thought that there was far too much indulgence and remissness shown towards such troublemakers! Where Tyrone referred to the example of the French rebelling against Henry IV and forcing him to change his religion, Jones insisted that the end could never justify the means and refused to discuss the issue in depth because the French king was in amity with the Queen. Reminding the Palesmen of their English descent and their steadfast loyalty to the Crown since the conquest, Jones could not believe that they were about to subject themselves and their families to the tyranny of a mere Irish lord. If Tyrone left the royal offers of clemency unanswered and the cries of the native country he had wrecked unheeded, Jones was sure that God who advanced the Queen to the throne would bless her royal arms with strength and fortitude to revenge his disloyalty and rebellion. Thus concluded Jones's refutation of Tyrone's libel. When he showed it to his fellow councillors on 4 December, they were divided on what course to take. The bishop and some of the council wanted it published forthwith but Lord Justice Carey and Secretary Fenton wanted such action postponed and the document forwarded to England for perusal and approval.<sup>39</sup> Fenton believed the refutation of 'a libel so scandalous in the highest degree against our sovereign, and that before it was known what operations it had or could work in the minds of the people, might be to raise conceits and apprehensions in the minds of the unsettled multitude, when they should see an answer proclaimed to a matter that was not as yet published'.<sup>40</sup> Therefore, on the advice of his colleagues, Jones sent the refutation to Sir Robert Cecil 'considering it concerns Her Majesty and her government so nearly as it doth'.<sup>41</sup>

When the authorities in London perused Jones's answer to O'Neill's proclamation, they decided to have another answer composed. This one, which survives in draft form, was far more sophisticated and polemical than Jones's turgid sermon. It was purportedly written by Catholic lords of the Pale. Whilst this is clearly not the case, there is no evidence to suggest who the author actually was. At first sight Christopher Holywood, a Jesuit from the Pale, looks to be a possibility. At this time he was captured entering England through Dover and interviewed by Cecil. He refused the oath of supremacy and was

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<sup>39</sup> Carey to Cecil, 4 December 1599 (*Cal. S.P. Ire., 1599-1600*, p.303); Fenton to Cecil, 7 December 1599 (*Ibid*, p. 308).

<sup>40</sup> Fenton to Cecil, 7 December 1599 (*Ibid*, p. 308).

<sup>41</sup> Jones to Cecil, 5 December 1599 (*Ibid*, p. 303-4).

imprisoned.<sup>42</sup> Not only was he available and competent, he was also regarded as politically reliable. At the start of January, Patrick Plunket, Lord Dunsany, asked Cecil for Holywood to be sent into Ireland to back up the clergymen of the Pale who were disputing the legitimacy of confederate actions with O'Neill's priests.<sup>43</sup> However it is far more likely that a government official, who was familiar with Irish policy and Catholic arguments about obedience to temporal authority, composed the draft. For whoever wrote it had access to state papers, a view of the first answer by Jones and made a fundamental mistake with a lapse in Protestant doctrine. Furthermore it was amended, corrected and added to by Lord Treasurer Buckhurst and Secretary Cecil.

The second answer began with images of man consumed by his own sensuality. Taking their cue from a proverb of King Solomon about the impossibility of squeezing foolishness out of fool, the honest lords extended the metaphor to this case of a traitor pursuing his own iniquitous path and continuing to spew out iniquity rather than listen to the voice of reason. O'Neill's proclamation was just that and the honest lords of the Pale felt the need to present an answer in case silence would be taken for complicity. These lords insisted that they knew the difference between conscience and reason and upbraided the upstart O'Neill for daring to act in the name of Catholicism when his life was an insult to that very religion. The four main points of O'Neill's proclamation were then recited and systematically refuted.

There followed a sustained piece of invective against O'Neill's private motivations and public actions with considerable emphasis being put on hypocrisy, impiety and overweening ambition. This section opened with one of the most thorough condemnations of rebellion found anywhere in Tudor discourse. The honest lords then seized upon O'Neill's use of the word 'king' in his proclamation. They claimed that the Ulsterman was now so puffed up with pride and ambition that he had lost control of his judgement and all sense of proportion. The second answer then stated that heathens in their conflict commonly talked of altars and hearths in their propaganda. This was a particularly discerning remark in that early modern patriotism had its origins in ideas passed down from Republican Rome but it was designed in this case to facilitate the allegation that O'Neill was not really a Christian. The idea that O'Neill had been fighting for the Catholic religion from the outset was rejected as absurd as was the idea that he had a commission from the Pope. Furthermore it was claimed that no layman in Ulster had ever been questioned because of his conscience though it was admitted that clergymen, who had allegedly been preaching treason and disobedience, had been. In this section opportunity was also taken to make the unsubstantiated claim that O'Neill had been conniving with the king of Spain since the shipwreck of the Armada. We know that O'Neill aided certain Spanish gentlemen but in this instance the name given to the man through whom he had supposedly communicated was simply made up.

The second answer cited an intercepted letter from James Fitzthomas Fitzgerald, the titular earl of Desmond, to the king of Spain as evidence that this nobleman

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<sup>42</sup> *D.N.B.*, IX, 1110-1.

<sup>43</sup> Dunsany to Cecil, 2 January 1600 (*Cal. S.P. Ire., 1599-1600*, pp.373-5).

living in a civilised part of Ireland was trying to distance himself from the bog-trotting O'Neill. This was a frightful misrepresentation of Fitzgerald's letter which was a virulent personal attack on Queen Elizabeth and her regime in Ireland.<sup>44</sup> Contempt was poured on O'Neill's utterances about conscience and religion - his only interest was naked power and abusing the good intentions of Crown in granting him pardons to seek greater power. There had been misgovernment in the past but the Queen had harkened to his complaints and had promised redress. Not only was he ungrateful to his Prince and benefactress but his rebellion was deliberately destroying the country he claimed to love. How could he declaim against policies keeping the country in ignorance and incivility when the Pale was the upholder of civilised values in Ireland with its many good schools and many of its gentry going to university in England. The second answer had to acknowledge that some Palesmen's sons were now going to university elsewhere (i.e. to Catholic colleges on the continent) but nevertheless poured scorn on the idea that Gaelic Irishmen such as O'Neill were the least bit interested in education. Furthermore it was ridiculous to believe from O'Neill's actions that he was interested in civil government in any way. And if the Palesmen now abandoned their natural and god-given link with the English crown, they would degenerate into a similar state of barbarism. In a passage derived from Jones's answer, the depredations that O'Neill and his foster-brothers had perpetrated upon the loyal Catholic subjects in Counties Louth and Meath were given as examples of O'Neill's love of his country and indulgence of his fellow Catholics. The honest lords requested their fellow Palesmen to seek the protection of God, the Queen and the army. O'Neill only wanted their support because he lacked the real means to win the war. His victories were denigrated as cowardly ambushes by a bunch of criminals. The Palesmen should not entrust their vital interests of religion, defence and priveleges to a low-life such as O'Neill, though Cecil or Buckhurst were careful to strike out a sentence in the original draft claiming that they were in fact well-looked after in every respect by the current regime.

The second answer also sought to refute O'Neill's deployment of the Papal excommunication against Elizabeth. This section was more theoretical employing examples from the Old and New Testaments, the church fathers, church councils and the history of church-state relations. God had instituted excommunication against murderers and thieves, in other words against rebels like O'Neill himself. The Palesmen honoured the Holy Father as Christ's vicar on earth but were reminded that church councils had forbidden excommunications against princes because such sentences were apt to provoke bloodshed and civil strife. David had kept his peace whilst the impious Saul had been king and the Israelites in Egypt had restrained themselves from rebellion against Pharoah. Neither situation was in any way comparable to the happy relationship between the Palesmen and their benevolent Queen. There were the examples of St Paul submitting himself to God's will and St Ambrose and St Augustine counselling submission to temporal authority. Examples were cited from the history of France of national law rejecting and a general council overturning excommunications against kings. Finally Christ's own instruction to the

<sup>44</sup> James Fitzthomas Fitzgerald to Philip II, 3 Mar. 1599 (*Cal. S.P. Ire.*, 1598-99, p.504); 'The examination of Andrew Roche', 30 March 1599 (*HMC Salisbury MSS*, IX, 121-2).

Apostles about rendering unto Cæsar was drawn from St Matthew's gospel as confirmation of this principle.

The ties of allegiance which bound the subject to his prince were indissoluble. The honest Catholic lords of the Pale however unwittingly exposed themselves as fakes when the writer of the second answer asserted that reprobate princes should not be forcibly resisted. This was pure Protestant doctrine as developed by Luther and Melancthon and propagated in English by Tyndale's *Obedience of a christian man* (1528).<sup>45</sup> The writer continued unawares stating that Popes had no power to dispense contrary to the law of nature and that it was up to God to work conversions in the hearts of kings. In any case O'Neill might simply be reusing the bull of Pope Pius against Elizabeth which had been suspended or perhaps using a new one procured by making false representations about the Queen persecuting Catholics. Instead the honest lords of the Pale dwelt on the amount of freedom they had to practise their religion and claimed that the Pope would excommunicate O'Neill once the truth was known. The second answer concluded with a call on Palesmen who had joined the archtraitor to think again. The odiousness of rebellion in general and O'Neill's vices in particular were rehearsed. The hanging of his cousin, Hugh Gavelach MacShane (whom the state wrongly claimed was executed by O'Neill himself) and the mistreatment of his half-brother, Turlough MacHenry, were held up as prime examples. O'Neill was self-evidently a tyrant who could not be trusted. The Queen was a mighty Prince whose forces would eventually overcome O'Neill. Only she could assure the Palesmen of the peaceful enjoyment of their rights and property. The crown promised mercy to any wayward subjects but if they persisted in their rebellion with O'Neill they doomed themselves and their families to the same inevitable destruction.

Despite the composition of two repudiations of O'Neill's seditious libel, the government did not publish either of them. Presumably it was felt that their publication would only repeat O'Neill's libels and spread them further afield. Jones's reply was long-winded and the second composition was patently contrived. The latter moreover came close to recognising that the Palesmen could be practising Catholics and remain loyal - something which the state did not want to admit. Ironically this second answer predicted many of the arguments that the Palesmen were later to use. However, it awaited the return of Christopher Holywood from his internment in England amongst English priests by whom he was clearly influenced to see the deployment of such arguments. Anyhow the government officials in Dublin who feared that O'Neill's propaganda would work an alteration in the hearts and minds of these Catholic recusants need not have worried because the Palesmen remained steadfast in the face of O'Neill's blandishments and threats. The obvious example here is Christopher Nugent, lord of Delvin, whose lands in Westmeath were on the frontline with the confederates. During the Catholic revolt by Viscount Baltinglass in 1580-1, he had been under arrest and his brother William had been in actual rebellion.<sup>46</sup> If O'Neill was going to win over any Anglo-Irish lord, it

<sup>45</sup> Quentin Skinner, *Foundations of Modern Political Thought* (Cambridge, 1978), II, 69-70.

<sup>46</sup> Helen Coburn Walshe, 'The rebellion of William Nugent, 1581' in R.V. Comerford *et al* eds. *Religion, conflict and co-existence: essays presented to Monsignor Patrick J. Corish* (Dublin,

had to be Nugent. Many of Nugent's leading tenants did submit to O'Neill - basically to save their harvest from destruction and spoilation - but the lord himself stood firm.<sup>47</sup>

At the end of November 1599 Delvin sent Thomas Leicester and Matthew Archbold with certain questions to O'Neill in the hope of gaining a respite in order to thresh his corn. The tenor of these questions suggest familiarity with O'Neill's proclamation. Delvin's men were instructed to ask O'Neill why he was attempting to destroy in the English Pale to which he had no claim but which the Nugents and others had held legally from the Queen and her progenitors for 400 years. In reply O'Neill protested that he was not seeking any land in the English Pale but 'rather a reformation of abuses, and to establish the Catholic religion'. Delvin was more vehement in his second instruction to Leicester and Archbold: 'you are to tell him (if he pretend he doth the same for the advancement of the Catholic religion, as commonly he giveth out) that all the inhabitants of the English Pale, for the more part, and specially myself, are Catholics, and were when he was not thought to be one; and many of us, having heard and read more than he did, could never find in Scripture, General Council, by the Fathers or any authentical authority, that subjects ought to carry arms against their anointed Christian Prince, for religion or any other cause, and specially against so gracious a Prince as we have, whose bounty and special favour we have ever found, and he himself most of any. Therefore this gross and inexcusable ignorance is not sufficient for him to seek our destruction, who must regard our duty unto our native and gracious Prince (enjoined thereunto by God's commandment) more than what life or living he can deprive us of'. If O'Neill had any greivances about religion, he should seek redress through the normal channels and to await the Queen's answer like an honest and reasonable subject. 'Which course if he shall deny, let him understand that the world in general must judge that he useth pretence of religion but as a cloak for tyranny, for which he may expect no other reward in this world, or in the world to come, than every other presevering in like purpose have had.' To this expostulation of Catholic loyalism, O'Neill answered 'that the English Palesmen were a kind of Catholics, and said, howbeit the Lord of Delvin taketh upon to be one, and that he endured trouble for the same, when himself was a schismatic, yet he knew that the Lord of Delvin would not hazard the loss of a foot of land, or forego his good meat, drink, and lodging to advance the Catholic Religion; therefore said he would not spare those that would serve, and did maintain others to serve, against him.'<sup>48</sup>

This set-piece exchange was of course presented by Delvin to the Irish Council as a sign of his loyalty. As such it was window-dressing but it nevertheless demonstrates the ideological gap between the confederates and the Palesmen which O'Neill's propaganda was unable to bridge. The problem was that the

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<sup>47</sup> William Warren to Cecil, 3 Dec 1599 (*Cal. S.P. Ire., 1599-1600*, pp.305-7); Richard Weston to Fenton, 6 Dec 1599 (*Ibid*, p.317); Patrick Plunket, Baron Dunsany to Cecil, 2 Jan 1600 (*Ibid*, p.373).

<sup>48</sup>'Instructions for my lieutenant, Thomas Leicester, and my servant, Matthew Archbold, to treat and parley with Tyrone', 25 Nov. 1599 (*Cal S.P. Ire., 1599-1600*, pp.292-3); 'The proceedings of us, the said Thomas and Matthew, with Tyrone', 26 Nov. 1599 (*Ibid*, pp293-4).

Palesmen hated the Gaelic Irish more than they disliked the Protestant *arrivistes* from England. Their ancestors had lost their blood conquering and defending their lands against the Gaelic Irish. They may have learned to speak the Irish language but they valued the purity of their English culture and had ingrained habits of loyalty to the English crown. They considered themselves not only more civilised but also by the same token better Catholics than the Irish. At bottom they considered the Gaelic lords too tyrannical in government to be trusted with the leadership of a civil society. In the 1580s and 1590s the Palesmen had decided to abandon the higher reaches of national politics to concentrate on their religious and landed interests and in future it was only to protect the same interests that they engaged in politics and it was only when these were seriously threatened that they took the initiative. One government adviser writing in 1598 judged the situation correctly: 'Of their defection to the Irish there is no fear, but to remain neutral in this action is their desire'.<sup>49</sup> In this regard the upshot of Delvin's steadfastness presents the enduring paradox. According to the *Annals of the Four Masters*, Delvin submitted to O'Neill when he marched south in early spring of 1600. There is no mention of this in government records and if he did it was no more than temporary involuntary submission to *force majeure*.<sup>50</sup> However at the end of the year unsubstantiated allegations of conspiracy with O'Neill were made against Delvin and the following year these were taken up by Secretary Fenton.<sup>51</sup> In June 1602 Delvin was imprisoned in Dublin Castle. The following month while Delvin lay terminally ill in the castle, the avaritious Fenton wrote to Cecil regretting the fact that the Palesman would die before his alleged treasons could be proved and his lands thereby made available for confiscation.<sup>52</sup>

O'Neill's strident faith and fatherland nationalism not only failed to convince the Palesmen but also it scuppered the last chance for a compromise peace. Essex had been arrested on his return to England for granting too many knighthoods, signing too many money warrants and for leaving his post without permission, not for parleying with O'Neill at Bellaclinthe.<sup>53</sup> The Queen had heeded Essex's opinion on O'Neill and as a result had commissioned Fenton to tell O'Neill that he need not despair of pardon. The advent of the proclamation saw the abandonment of the meeting though what was on offer was more or less the aborted 1596 settlement with O'Neill being allowed to compound underhand for Ulster but with his confederates in the Midlands, Munster and elsewhere having to deal for themselves.<sup>54</sup> The speeches made by Privy Councillors to judges and other notables in London towards the end of November show that conditions for

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<sup>49</sup> Anonymous, 'Paper on the condition of Ireland', 1598 (*Cal. S.P. Ire., 1597-98*, pp.443-5).

<sup>50</sup> *A.F.M.*, VI, 2147.

<sup>51</sup> 'William Udall's memorials concerning Lord Delvin', Dec. 1600 (*Cal. S.P. Ire., 1600-1601*, 117-8); Fenton to Cecil, 8 May 1601 (*Ibid*, 312-3).

<sup>52</sup> 'Memorandum by Fenton on Delvin's case', 5 June 1602 (*Cal.S.P. Ire, 1601-2*, pp.405-6); Carey to Cecil, 9 June 1602 (*Ibid*, pp. 410-1); Fenton to Cecil, 29 July 1602 (*Ibid*, pp.457-8).

<sup>53</sup> Queen to Fenton, 5 Nov. 1599 (*Cal. S.P. Ire, 1599-1600*, pp. 227-9); Robert Cecil, 'A memorial of certain points...', 3 Oct 1599 (*Ibid*, pp.169-70); 'The earl of Essex his answers, 3 Oct. 1599 (*Cal. Carew, 1589-1600*, pp.336-7); 'Memoranda by Essex on the state of Ireland', 5 Oct 1599 (*Cal. S.P. Ire., 1599-1600*, pp.176-7).

<sup>54</sup> Queen to Fenton, 5 Nov. 1599 (*Ibid*, pp. 227-9); Queen to Lords Justice and Irish Council, 5 Nov. 1599 (*Ibid*, pp.229-233).

a settlement were present but that the opportunity was ebbing away. Their purpose was to scotch certain damaging rumours and libels circulating about the conduct of policy in Ireland, mainly it seems that the earl of Essex had not been sufficiently backed. The Privy Councillors reassured the gathering about the extraordinary backing Essex had received and how the earl had himself been the main proponent of policy, though the Lord Keeper and Lord Admiral were now indicating that they regarded the Bellaclinthe meeting as a mistake which dishonoured the Queen.<sup>55</sup> A war weariness was apparent in Secretary Cecil's speech. A fortune had been wasted on Ireland, there was discontent among the soldiery and O'Neill could have Ulster for all he cared. He said it had been foolish for Essex to leave his command in such a peremptory fashion because he would have been given permission to return home in due course in any case. It was plain to Cecil that O'Neill was using Essex's detention as a pretext to elevate his demands to a wholly unacceptable level. Cecil had come to this conclusion even before he had news of the proclamation and the renewal of hostilities. In other words he already knew that the war would have to go on and be fought to a finish.<sup>56</sup>

After another patched-up ceasefire, Fenton along with Ormond finally met O'Neill at Ardee on 1 December. Fenton told the earl how far Essex had dealt with the Queen on his behalf and abstracted part of the Queen's letters at his request.<sup>57</sup> Ormond met O'Neill separately and found him more insolent than ever before proclaiming that religion was the cause of his fight and witnessed Palesmen visiting his camp.<sup>58</sup> The commissioners and the confederate leader agreed a further cessation until 1 January. On the fringes of the same meeting intelligence was picked up about O'Neill's list of nationalist demands.<sup>59</sup> In the light of O'Neill's attitude at this parley, the Irish Council on 3 December decided that he was a desperate case with whom further negotiating would be useless and urged the Queen to take urgent steps to preserve her Irish realm.<sup>60</sup> Four days later Fenton gave his final verdict on the situation in a letter to Cecil. The Secretary of the Irish Council had heard rumours that Essex was about to return to his Irish command. Since he was openly aligned with Cecil, he was against this option on personal grounds.<sup>61</sup> He was also opposed politically: 'For my part, to your Honour I say, if his Lordship come with a purpose to stay Tyrone with ceremonies, or to temporize him on by treaties, I look for no good by that course, for that he is dangerously altered since his Lordship's departure, inasmuch as he hath openly disavowed Her Majesty to be his prince, and laboureth to introduce a foreign government. This is the highest language a traitor can speak, and to one poisoned with this cup, there is no course to smooth him, but to take him down by the sword. His quarrel hitherto hath been for popular grievances, and to remove some country burdens over-heavily charged upon him, as he thought, by some Her Majesty's ministers. But now he

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<sup>55</sup> Speeches in Star Chamber, 28? Nov. 1599 (*Cal. S.P. Dom., 1598-1601*, pp.347-55).

<sup>56</sup> Speech by Sir Robert Cecil in star chamber, ?Oct 1599 (S.P.63/205, no.246.)

<sup>57</sup> Fenton to Cecil, 1 Dec 1599 (*Cal.S.P. Ire., 1599-1600*, pp.281-3).

<sup>58</sup> Ormond to Cecil, 4 Dec. 1599 (*Ibid*, pp. 297-300).

<sup>59</sup> Carey to Cecil, 3 Dec 1599 (*Ibid*, p. 296).

<sup>60</sup> Irish Council to Privy Council, 3 Dec. 1599 (*Ibid*, pp.289-92).

<sup>61</sup> Fenton to Cecil, 3 Dec 1599 (*Ibid*, p.297).



aspireth to cantonize the kingdom, or at least to prescribe limits and bounds to Her Majesty, wherein I never read that a rebel went so far, unless he were utterly reprobate. And therefore having banded himself apparently against God and his prince, I hope God, who never forsaketh the protection of kings and kingdoms against the rebellion of their subjects, will now take the quarrel in hand, inasmuch as this traitor hath raised arms against his anointed prince, which is to make war directly against God'.<sup>62</sup> Fenton's worries about Essex's return were unfounded. On 11 December Cecil gave notice that Lord Mountjoy had been selected as chief-governor and that the Lough Foyle expedition had been given the go-ahead even though he found the Queen still 'resolved to expect the success of that hopeless parley with the traitor'. He would obviously not have been surprised as much as the Queen was to be disappointed by the arrival the following day of the Irish Council's dispatch of 3 December detailing the last parley with O'Neill.<sup>63</sup>

Had O'Neill made a disastrous mistake by declaring an ideological war? By doing so, he gave the whiphand to the New English hawks in Dublin such as Fenton, Carey and Jones. Worse still, his ideological demarche helped to destroy Essex's already weak standing at Court whose good offices with the Queen represented the last chance of a negotiated settlement. On the other hand, he was right to go for an all-out Irish victory even though Cecil disparaged his aims as utopian. The problem was that the establishment of an alternative arrangement giving autonomy to Ulster would have been a continuous threat to Tudor policy elsewhere in Ireland and therefore O'Neill could never have trusted the state to leave him alone. In which case the only logical way to secure his position permanently in Ulster was to overthrow the Tudor reform process in its entirety and to liberate the whole island from the English yoke.

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<sup>62</sup> Fenton to Cecil, 7 Dec. 1599 (Ibid, pp.307-8).

<sup>63</sup> Cecil to Carey, 11 Dec 1599 (Ibid, p.314).

Text of T.C.D. MS 578, f.31<sup>64</sup>

Copie of a trayterous writing delyvered throughout Ireland by the Archtraytor, hugh late Earl of Tyrone

Using unhetherto more than ordinary favour towards all my countrymen both for that generally you are by your profession Catholikes and that naturally I am inclined to affect you, I have for these and other considerations abstayned my forces from temptinge to doe you hinderance. And the matter that I did expect that in process of tyme, you would enter in consideration of the lamentable estate of our poore Country most tyrannically oppressed and of your own gentle consciences in mayntayninge, releevinge and helping the Enemies of god and our country infallibly tending to the promocion of heresie. But now seeing that you are so obstinate in that which hetherto you continued, of necessitie I must use severitie against you whome otherwise I most entirlye loved, in reclayminge you by compulsion when my long tollerance and happie victories by gods particular favour doubtless obtayned could worke noe alteracion in your consciences, considering notwithstanding the great calamity and misery whearunto you are most like to fall by persevering in that damnable state in which hetherto you have lived. Having theireof comiseracion, hearby I thought good and convenient to forewarn you requesting every of you to come and ioyne with me against the Enemies of god and our poore country: if the same you doe not, I will use meanes not only to spoyle you of all your goods but according to the utmost of my power shall work what I can to dispossess you of your lands: because you are meanes wheareby warres are mayntayned against the exaltacion of the Catholike faith: contrariwise whosoever you shall be that shall ioyne with me uppon my conscience and as to the contrary I shall answere before god I will imploye myselfe to the utmost of my power in their defence and for the extirpation of heresie, the plantinge of the Catholike Religion, the deliverie of our country of infinite murders, wicked and detestable policies by which this kingdome was hetherto governed, norished in obscuritie and ignorance, mayntained in barbarity and incivility and consequently of infinite evils which weare to lamentable to be rehearsed. And seing these are motives most laudable before any man of consideration and before the Almighty most meritorious which is chiefly to be respected I thought myself in conscience bound seing god has given me some power to use all meanes for the reduccion of this our poore afflicted country into the catholike faith, which can never be brought to any good pass without either your destruccion or helpinge hands, hearby protesting that I neither seeke your lands nor goods neither doe I purpose to plant any in your places if you will adioyne with me, but will extend what priviledges and liberties that heartofore I have had, if it shall stand in my power, giving you to understand uppon my salvacion that chiefly and principally I fight for the catholike faith to be planted throughout all our poore country aswell in Citties as els where as manifestly might appeare by that I reiected all other condicions profered to me

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<sup>64</sup> With the permission of the board of Trinity College Dublin.

this not being granted which essone before by word of mouth, I have protested and doe hearby protest if I had gotten to be king in Ireland without the Catholic Religion which before I have mencioned I would not the same accept: yet some others very Catholikly given to cover their bad Consciences with Cloakes of affected ignorance will not seem to understand my good meaning therein, but to their own corrupt consciences and judgements construe my warres to be for my particularities affirming that I never mencioned any poynts of Religion in any articles of agreement which weare to passe between the Queens governors and me; contrary to my first article of agreement which was to pass between me and the lord of Ormond then generall of the Queenes forces in Irelande, though very craftely the same as I was given to understand long after was suppressed by them but some noe doubt maliciously given are not contented to admitt my warres to be lawful, affirmyng that the same was begun uppon some particular causes which I admitt as a thing impertinent seinge the contynuance theirow as plainly to all men appeareth is for Religion; though it may be from the very beginninge Religion was the Chiefest motive or at least was a principall parte thereof albeit the same then was not manifest because soe good a cause should not be committed to soe doubtfull an entertaynement as my power was then like to afford. And least a catholike cause should receive any disgrace or should [be] scandalized by hereticks, I refrayned my self from givinge others to understand my intention which notwithstanding many Catholikes understandinge doe thinke themselves bound to obey the Queene as their lawfull prince which is denied in respect that she was deprived of all such kingdomes, dominions and possessions which otherwise perhaps should not have been due unto hir and consequently of all subiects in so much as she is left a private person and noe man bound to give hir obedience and beyond this such as weare sworne to be faithfull unto hir weare by his holiness absolved from performance theirow, seinge she is by a declaratory excommunication pronounced hereticke neither is their any revocation of excommunication as some Catholikes most falsly for particular affeccion doe surmise; for the sentence was in the beginninge given for heresie and for contynued heresie, the same was contynued, it is a thing voide of all reason that his holynes should revoke the sentence she perseveringe in heresie, yea dayly in mischief and persecutinge of Catholikes increasinge but it may be theirin was a mitigation mad in favour of Catholikes, by which they might be liecensed in civell matters, precisely to give hir during their inability obedience, but not in any matters tending to the promotion of heresie, whearefore I earnestly besech you all catholikes and good loving cuntrymen as you tender the exaltacion of the Catholike faith and utter extirpation of heresie in this our poore distressed country to consider the lamentable and most miserable state theirow; and now lett us ioyn together to deliver this poore kingdome from that infeccion of heresie with which it is and shall be if god doe not speciallie favour us most miserablie infected takinge example by that most Christian and Catholike country of ffrance whose subiects for the defence of the Catholike faith yea against their most naturall kinge mayntained warres for as long as by their meanes he was constrained to profess the Catholic Religion: duellie submitting hymself to thapostilic sea of Rome to the which doubtles we may bring our country you putting your helping hands with me to the the same: as for myself I protest before god and uppon my salvacion I have been proffered oftentimes such conditions as no man seeking his own private commodity could

refuse, but I seeking the publicke utility of my native country and meanes for your salvacion will prosecute these warres until that generally Religion be planted throughout all Ireland, so I rest praying the allmightie to move your flynted hearts to preferr the commodity and profett of our country before your own private ease: Dungannon, this fifteenth of November 1599.

Mis[si] Oneale.

‘Articles intended to be stood upon by Tyrone’, Nov-Dec 1599.<sup>65</sup>  
*Sir Robert Cecil has endorsed these with the word ‘Ewtopia’*

1. That the Catholic, Apostolic and Roman religion be openly preached and taught throughout all Ireland, as well cities as borough towns, by Bishops, seminary priests, Jesuits and other religious men.
2. That the Church of Ireland be wholly governed by the Pope.
3. That all cathedrals and parish churches, abbeys, and all other religious houses, with all tithes and church lands, now in the hands of the English, be presently restored to the Catholic churchmen.
4. That all Irish priests and religious men, now prisoners in England or Ireland, be presently set at liberty, with all temporal Irishmen, that are troubled for their conscience, and to go where they will without further trouble.
5. That all Irish priests and religious men may freely pass and repass, by sea and land, to and from foreign countries.
6. That no Englishman be a churchman in Ireland.
7. That there be erected an university upon the Crown rents of Ireland, wherein all sciences shall be taught according to the manner of the Catholic Roman Church.
8. That the Governor of Ireland be at least an Earl, and of the Privy Council of England, bearing the name of Viceroy.
9. That the Lord Chancellor, Lord Treasurer, Lord Admiral, the Council of State, the Justices of the laws, Queen’s Attorney, Queen’s Serjeant, and all other officers appertaining to the Council and law of Ireland, be Irishmen.
10. That all principal governments of Ireland, as Connaught, Munster, &c., be governed by Irish noblemen.
11. That the Master of Ordnance, and half the soldiers with their officers resident in Ireland, be Irishmen.
12. That no Irishman’s heirs shall lose their lands for the faults of their ancestors.
13. That no Irishman’s heir under age shall fall in the Queen’s or her successors’ hands, as a ward, but that the living be put to the heir’s profit, and the advancement of his younger brethren, and marriages of his sisters, if he have any.
14. That no children nor any other friends be taken as pledges for the good abearing of their parents, and, if there be any such pledges now in the hands of the English, they must be presently released.
15. That all statutes made against the preferment of Irishmen; as well in their own country as abroad, be presently recalled.
16. That the Queen nor her successors may in no sort press an Irishman to serve against his will.
17. That O’Neill, O’Donnell, and the Earl of Desmond, with all their partakers, may peaceably enjoy all lands and privileges that did appertain to their predecessors 200 years past.
18. That all Irishmen, of what quality they be, may freely travel in foreign countries for their better experience, without making any of the Queen’s officers acquainted withal.
19. That all Irishmen may as freely travel and traffic all merchandises in England as Englishmen, paying the same rights and tributes as the English do.

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<sup>65</sup> Taken from *Cal. S.P. Ire, 1599-1600*, pp.279-80 in which the language has been modernised.

20. That all Irishmen may freely traffic with all merchandises, that shall be thought necessary by the Council of State of Ireland for the profit of their Republic, with foreigners or in foreign countries, and that no Irishman shall be troubled for the passage of priests or other religious men.

21. That all Irishmen that will may learn, and use all occupations and arts whatsoever.

22. That all Irishmen may freely build ships of what burden they will, furnishing the same with artillery and all munition at their pleasure.

Text of Marsh's Library MS Z3 1 19 no.7<sup>66</sup>

++++: omitted from manuscript

\*\*\*\*: manuscript damaged

[: editor's additions

*f.1.* The answer of a faithful servant to his sovereign Prince to a seditious libell signed by Tyrone at Dungannon, the 15th of this November 99, and sent from him to some seditious priests in the Pale to be published by them amongst Her Majesties good and loyall subjects.

Directed to the Lords and Principall gentlemen of the Pale

I find in the Colledge Copy in the Margent written by James Usher Bishop of Armagh these following words:

*Thomae Jones tum Episcopi Midensis postea Dublinensis Archiepiscopi et Regni hiberniæ Cancellarii qui obiit Aprilis die decimo Hora sexta matutina.*

*f.2.* Whosoever looketh back, and daily calleth to his remembrance the beginning and proceedings of this rebellion, of the Earle of Tyrone raised to disturb the peaceable and quiet state of this his native country shall find that the pretence of his actions hitherto hath been grounded upon his particuler discontentments offered unto him by some of her Majesties Deputies and inferior officers which as he hath alledged made him doubtfull of his estate and safety and that all this time past, he hath never touched his sovereign Prince the Queen of England either in honour or in justice, but in these severall treaties which have been holden with him by severall commissioners authorized by Her Highnes, whensoever Her Majestys sacred person was once named or her writings showed unto him, he useth that reverence which belongs to a subject, and oftentimes protested, both his love and inward affections to Her Person acknowledging as he seemed with a thankfull heart the manifold benefit which by her Just and gracious government he had received, which respective carriage of Tyrone together with her Majesties princely and most mercifull nature abhorring the effusion of Christian blood, if her subjects by any other means might be reclaimed to conformity and obedience has indeed been the cause not only that all this time past hath deferred and protracted time to enter into an Royall course either for his extirpation or deserving chastisement, but also when in summer last past royall armies was sent over for that purpose, Her Highness of her wonted clemency was pleased to make some stay of this prosecution and to hearken to some offers delivered from him to the Lieutenant before whom he made very earnest protestations of his repentance for his former actions and of his internall desire to be reconciled to her Majesty, now by this seditious Libbell to which I cannot give a more proper name the scope thereof tending to none other end, but

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<sup>66</sup> With the permission of the governors and guardians of Marsh's Library.

to make her Majesties most gracious government hatefull to her true and loyall subjects of the Pale, and to invite them to Joyn with him in this combination, and uproar against her lawful authoritie, Tyrone doth manifestly discover himself, all this time past to have shewed himself a most cunning and deep dissembler in the world, and now to be a person both in heart corrupted, and altogether transported from all dutifull obedience to his sovereign, against whom it now appeareth, he hath for a long time both entertained and norished such malice and rancor in his rebellious heart, as began even of itself to fester and therefore now it breaketh out in this manner to charge her Majestie with Tyrany a vice by her Highnesse, both in her Princely nature and will of all others most abhorred, whose mercifull government is well known to have been free from any such imputation and spetially towards the person of Tyrone himself, And truly for my part I cannot but greatly wonder, how it cometh now to pass that the Earle of Tyrone having all this time past confessed himself to be a subject, and therefore bound to yield obedience, and having acknowledged in the setting and establishment of her Majestys most royall power over us, the ordinance of God (without the which there is no power on earth) is nowe grown into this hyghth of pride and insolency, forgetting his condition wherein God hath placed him to take unto himself, or rather to usurpe the peculiar priveledge and prerogative which belongeth onely unto Princes to sign above but I duly remember this saying of Solemon, which God in his Justice, without his repentance, I doubt not will also verifie that pride before destruction and a high mind before the fall and having thus farr proceeded by way of preface I will convert my writing to you the noble lords and peers of the kingdom and to you the gentlemen and inhabitants of the Pale, to whom it seemeth this libell is dedicated of purpose to withdraw your hearts and minds from our sovereign Prince and from that allegiance and loyalty, which both by law of nature itself, and by strict commandments of God, you ow unto her sacred majestie. And albeit the former experience of your approved loyalty and fidelity in all former times of danger, doth give unto her Majestie and *f.3.* to this state sufficient assurance of your sound meaning at this time to withstand to the uttermost of your powers and with the adventure of your lives, the incursion of this arch rebell now approaches to the frontiers of the Pale, duly foreseeing the slavery and thraldome, into the which he seeks to bring you, yet least any of you either by ignorance or want of knowledg, might be miscarried with plausible showe of words, of promises and matters of truth which this libell pretendeth, I thought it necessary both in performance of some part of my duty to my Prince, and for a testimony of my love and goodwill to yourselves to frame an answer to this seditious Libell, to the end your hearts may be better prepared and armed to withstand the pernicious entisements and devilish allurements therein contained.

The beginning of this libell containeth a large rehearsall of the long sufferance and toleration Tyrone hath used towards you the inhabitants in the Pale, in regard of your Catholicke profession, and because you are his countrymen and forewarning unto you, that unless you presentlie come to him and join with him in his rebellion, he will employ his whole endeavours to spoil you of your goods, lay wast your lands and to overthrowe your house and families, with an addition of some promise upon his oath, and salvation, to deal well with such as shall become partakers with him in this his rebellious uproar.



My good lords and friends his former dealings towards you may sufficiently forewarn you, what favour hereafter you may expect at his hands, for if either the professor of the same religion, or this regard that you are his countrymen, had heretofore been things esteemed of him, then should we are not grief at this day be as wee are witnesses of utter wast and desolation of whole countries wrought by him and his confederates, looke I beseeche you to the county of Louth wherin dwelleth a nobleman, and a very honorable subject, who besides the former bonds of religion and country hath also had by marriage some aliance with Tyrone, what favor hath he found with Tyrone but the spoil of his goods, the wast of his lands, the killing of his servants, the burning of his villages and towns and in a manner of that whole country by him and confederates. Hath not the lords of Gormanston and Slane, two noble and ancient peers of this Realme and the baronies under them felt the same measure at Tyrones hands, did he not send his force colourably into Crevyrne the lord of Slanes country before the death of the late lord of Slane, a most zealous and worthy subject, pretending that he sent those a force to the then Lord Deputy to serve against Mountagne rebels and desiring only relief for them for one night in their passage, which on the next morning after their kind of entertainment harried that country and carried away the prey thereof (the lord of Slane escaping their hands by a good act), which villany was wrought by Tyrones foster brethren, the ++++++.<sup>67</sup> Look into the Baronies of Morgally, Slane and Kells and instead of good manurance and habitacions, which was wont to be in them, you shall see in a manner nothing but a wilderness, the greatest number of the villages burned, many castles forsaken and left desolate, Again if you consider the present distracted estate of the Baronies of Lyme, Moyfeuregh and Deese, and of the two English counties called the King and Queens county, which hath been in a manner overrun by Tyrones confederates, spetially in times of cessation without regard of promise or faith, have you not just cause to say that this unnatural man, as a most dangerous viper hath in a manner already gnawn out the bowels of his own mother, this native land and thereby hath worthily drawn upon him the curse of God and man. But now in word he makes a kind of show, that he cometh with no other intention viz to do no hurt to any Catholic *sed quid verba audiam in facta videam*<sup>68</sup>, hath his not on the twenty-\*\*\*\* of this instant burned *f.4.* and spoiled some towns and villages of the lord of Killeene, Mr Rochfort and others, against whose profession in religion he can take no just exception, though otherwise I have no doubt of their steadfast love and loyalty to her most excellent majesty. Seeing this hath been the sufferance which Tyrone hath used heretofore and yet doth still continue, as in your wisdoms you may very well conceive his perillous drift, So God give you strength and power to prevent it, for in his threatening I onely see, you may believe him that if his power be not abridged, either by god in his mistrie or the force from our Prince (as I hope in God by them both it shortly be abated) that you may assure yourselves, he will undoubtedly proceed as he beginneth with fire and sword to work your destruction. But in his promises be they never so manie, never so solemn upon oath, salvation or otherwise, yet stand assured he both must and will deceive you, bringing with him savage people to execute his rebellious will, whom only in

<sup>67</sup> Almost certainly the O'Hagans.

<sup>68</sup> 'Why should I listen to his words, let me see his deeds'.

doing of mischief can command but in sparing or doing of good to anie he cannot rule, much less can he procure restitution or satisfaction of harmes that shall be done by them, and how hard a condition it is, to be left to the curtesie of so rude and beastly a people, your own experience may sufficiently teach you. Consider either [what] your eyes have seen or your ears have heard of manifold outrages, rapes, murthers and other inhuman parts (which my pen doth loath and abhor to express in writing) rifely by them committed whersoever they have come.

And where Tyrone doth seeme to lay before [you] the present unspeakable estate of this poore kingdome afflicted with wars and other extremities, which always accompany warrs, the rather to enduce you to take part with him, for reformation thereof, as he only in words pretend. May it please you to call your remembrance the happiness and prosperity of this estate which we enjoyed by peculiar blessings being preserved by her majesty sacred and everie one possessed his owne in peace and until such time as he (unhappy man) became a firebrand to turn all into flame and entered into this rebellious uproar which hath brought upon us these calamities, which now on everyside we suffer and abide. In the which to take his parte as he desired you, not a meanes to reform the state of things as he pretendeth, but rather to breed an utter deformity, confusion and to make an utter havock of all.

And concerning the imputation which Tyrone doth leave upon you for maintaining and relieving of her maiesties forces (whom uniuistly he termeth to be enemies to God and this country) I know you are already persuaded in your conscience that in maintaining the right of your natural prince, and of her lawfull and most just cause together with your own liberties and lives by anie aid comfort or relief which lieth in you, to minister unto her army for this end, against any usurper and again an arch rebell, which seeketh unlawfully to take the Crown from your Princes head, to abolish her upright laws, to overthrow the liberties and to bring yourselves into servitude and bondage, you do not sinne against your conscience, but rather for consience sake, giving to Cæsar that which is due unto him, you performe your part and office both of good Christians before God, and of true and loving subjects before the world, the rather because your kindness and relief in this belief, is extended not to the enemies, but unto such as do come hither for upholding the right of Gods divine ordinance established amongst you, and for your own defence and deliverance from the +++++ thraldom of this Tyrant to adventure your lives (as yourselves do well know) that many of you have already lost their blood in this cause, Wherein albeit it hath pleased almighty God for some respects best known to him in his secret wisdom and contrary to mans expectations to grant a kind of victory *f.5.* to the rebells without honour, of which he +++++ in this his libell, yet let him know and understand this much, that an evill cause hath many times by Gods permission good success, and wicked men doe sometimes prevail against the good as the Philistians did against the Isrealites & against the Jews, but still in the end, their good success hath turned to their utter confusion. Therefore tremble not before the end although Nebuchadnazer be called and was indeed the rod of the lords wrath, and staff of his indignation. Yet when God had chastised his children with his rod, he dealt with the rod as a Father doth, who having

beaten his children, casteth the rod into the fire. And fearfull are the Judgements of almighty God, which in all ages he hath inflicted upon rebels, as the history of the Holy Scripture doth plentifully teach us. Wherefore lett you not be high minded, but stand in awe and fear for those which resist the powers of God ordained to reign upon earth, resist the ordinances of God and those which do resist shall incur judgement or condemnation.

The 2nd part of this seditious libell containeth these words that he beareth armes and is come into the field with his forces to fight for the Catholick Roman religion, the extirpation of heresy, the planting of the Catholick faith, the exaltation thereof (which he holds to be a laud act, and meritorious before God) and hopeth hereby to allure you, because you are somewhat addicted to the same religion, to take his part and to join with him in this his damnable action. But I beseech your lordships and others my good subjects to consider with me a little how plainly Tyrone doth here seek to abuse and deceive you by sophestrie by informing of false consequents out of true and undoubted positions. For it is true indeed and I doe confess that Gods cause is a most just cause \*\*\*\*\* And warrs for religion are very commendable in Princes which have a sword committed unto them from God by the which albeit they cannot merit anything at Gods hands, seing therein they doe but perform their duties to him who hath advanced them to rule and principality, yet God accepted and rewarded their service but that which is conveyed underhand to the consequent & conclusion of this position: viz that therefore he being a subject may lawfully bear armes against his naturall Prince is a thing I cannot read to be allowable in any religion. Therefore I doe flatly deny the consequent and doe affirme that in this cause, the person as well as the cause be respected, let the cause be never so good, if the Person be not authorized by God to draw the sword, it is not just and laudable war but an unjust commotion and rebellious uproar. The sword by Gods divine ordinance is committed to a Prince within his dominions for the punishment of sinne & reward of well doing and subjects have no warrant in the book of God either to take the sword against their naturall Prince, Whoever doth teach you otherwise doth but abuse you, Wherefore as many as stand in awe of Gods judgements, let them beware lest they become partakers with Tyrone in this his so damnable action, detested by God, hatefull in nature and allwaies drawing after it a heavy, a fearfull and an intollerable judgement which in all ages from the beginning hath pursued rebels against their Prince the lords anointed, I shall not need to put you in remembrance how in all ages rebels against their Prince have still coloured their enterprise with authority of religion though their actions \*\*\*\*\* *f.6.* from time to time most irreligious. Behold your native country sett on flame att this present, your brethren slaine and murdered, many good families quite overthrowne by a multitude of savidge rascalls and then judge you what religion there either is or can be in this action. Religion is indeed the holy profession of a Christian whereby men on earth do approach & draw neer unto God in heaven & whereby God communicateth his blessings unto us, it teacheth us to fear God & honor our Prince & forbiddeth us to have any fellowship with such as are seditious or rebellious. Religion teacheth us piety and christian charity, obedience, subjection and reverence to our Prince, it forbiddeth spoyle & roberie, it forbiddeth burning and murder & bloodshed and requireth everie man to live in that vocation wherein the lord hath placed him. Nevertheless you may

perceive how Tiroane doth still insist upon religion & how religion hath now upon the suddaine surprized him, it is to me a wonder & the better to insinuate himself into your hearts he protesteth that from the beginning his quarrell hath beene for religion, that he would not be contented to be a king unlesse he had the Romane religion, that he rejected all other conditions without religion and so would gladly have you thinck of him. My good lords and friends be not you to hasty to give credit to Tyrone in these his affirmations. I have been partly acquainted with the manner of his dealings in the severall treaties which have been holden with him & I can assure you that in his first treaty with the Lord Chancellor, Sir Robert Gardener and Sir Anthony Sentleger, he made no mention at all of religion, in his second treaty with Sir Henry Wallop & Sir Robert Gardener he made a bare demand of religion but was contented not to stand upon it, in his severall treaties with Sir John Norris and Sir Jeffery Fenton, he did not so much insist upon that matter as upon other conditions & as I have been told onely demanded liberty of Religion for Uulster but in his treaties with the Earl of Ormond accompanied with the bishop of Meath & Sir Geffery Fenton his assistants I doe confess he layd downe in writing a demand for freedome of Religion which the lord of Ormond then lord lieutenant rejected & utterly refused either to accept, or to signifie unto England to her Majestie which was not any crafty suppression of that article, as scandelously is affirmed but plaine & honest dealing in the lord lieutenant and his assistants & yet notwithstanding the demand of Tyroanes for religion, lett me be bold to write a truth for I know it. Tyroane without standing upon this article for religion, according to such articles as were presented by her Majesty, under his owne hand of which there was none that concerned religion did agree and conclude with the Earl of Ormond, then lord lieutenant in his second treatie *f.7.* holden with him neere Dundalke both to make his honorable submission according to her Majesties pleasure, to receive his pardon for performance of all things by him agreed unto, for due & more solemne performance whereof a certaine day was prefixed, with Tyroanes owne consentes, if any part of this be denied, his owne handwriting remayneth yet with the lord of Ormond to prove it, though afterwards at the day appointed & agreed upon he shrunk from performance of that which faithfully he had promised by writing under his hand, & then as it is truly said that *facile querit occasiones qui vult recedere ab amico*<sup>69</sup> he begann to demand an answer of his article for religion & of other articles most unreasonable which were formerly rejected whereby it doth appear that Tyroanes rebellion howsoever it is now coloured with an outward pretence of religion was from the beginning attempted for some perticular respects. Religion is but made the pretence, but now ambition & an aspiring mind to soveraigntie appears to be the practice.

The third part of this seditious libell containeth Tyroanes justification of himself & of others his confederates for attempting this rebellion, against the Queenes most excellent majesty, whome now he denyeth to be a lawfull Prince because the Pope hath deprived her of her kingdomes and consequently of her subjects insomuch as she is left as a private person, none bound to obey her and besides such as were sworne to be faithfull unto her are absolved from performance of

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<sup>69</sup> 'He who wants to desert a friend easily looks for opportunities'.

their oathes because her Majesty is by a declaratory excommunication pronounced heretick, that sentence yet remaining in force &c.

For answer I doe confess my good lords and friends that a Pope of Rome named Pius Quintus hath indeed done all these things against our soveraigne Prince which Tyroane heer mentioneth. He hath, so far as lay in him, deposed her from her royall Crowne, absolved her subjects from their obedience and by declaratory pretence denounced her highness excommunicated, the sentence is not cancelled (for that it is thought a shame for the Church of Roome to revoake anything that hath once passed the censure), though wisdom rather would advise men in policie to revoake a thing done unadvisedly, for many learned writers of this age have sithence both envied against and by many substanntiall reasons have confuted that declaratory sentence and all the parts thereof, whose writings are not answered and the sentence lies as it were asleepe at Rome without any mayntenance or confirmation, save only such Jesuits and seminaries as are sent into the two kingdoms of England and Ireland have this as a peculiar instruction delivered unto them, in cases of conscience to uphold the Bull & sentence of Pius Quintus as though it were a matter that hath a ground in *f.8.* conscience wanting otherwise both a foundation & a warrant not only in religion but also in all good learning, wherefore I pray you with your good favours to give me licence first to demand this question how or by what meanes doth the Pope of Roome challenge to himselfe the absolute monarchy over kings and princes of the world, to exalt them to princes polities and againe to depose them at his will and pleasure. This is a perticular thing belonging unto God who is the ordeiner of all power, wysdom & strength are his, he changeth times & seasons, he taketh away kings & setteth up kings, he looseth the Coller of kings, he leadeth away Princes as a prey and overthroweth the mighty, he pulleth downe the myghty from their seate & exalteth the humble. This I might enlarge with many examples {Marginalia: Dan 2V, 20 21, Job 1:2, Luc 7} whereby it may appeare that it is a peculiar prerogative reserved to God himself to depose Princes.

And least it may be said that in the new testament this Prerogative is altered, I pray you remember this precept of our saviour Christs where he saith give unto Cæsars the things which are Cæsars {Marginalia: 5 Math 22} but the sword and scepter are Cæsars by right, this therefore is a precept both to Peter and to his successors (as the Popes profess themselves to be) & to all christians in generall to suffer Cæsars to enjoy his owne.

A reverend father saith that temperall Princes which doe possess the kingdomes of the earth doe not need to fear that their Crownes shall be taken from them, for sure they hold their authority imediately from God, no man can displace correct or punish them but God himself. Another fathers upon these words in the 50th psalm to thee alone I have synned & saith that is to say I am onely subject unto thee as my judge for I am lord over all others. Their own gloss upon these words saith to thee onely have I sinned because the king is above all men & cann onely be punished by God. Also a great Doctor in the church putteth this gloss upon the same words, to thee alone &c that is to thee alone as the judge & to him that is able & of power to punish me, for otherwise he had sinned against Urias but because he was a king he had no superior judge that could punish him

save God alone. Another father in like manner saith that David did aske forgiveness at Gods hands, that was not bound to mans law, for he was a king, he was bound to no lawes, for kinges being free by the power of Empire are not called to punishment by any lawes, therefore he did not sin to man to whom he was not subject. Again the spiritt of god expressly commandeth all men even Prelates, Popes and all others to be subject & obedient unto Princes in these words *his-ia* therefore every bishop must be subject, now subjection and rule are things quite contrary, therefore if Byshops must be subject then may they not challenge either rule or power over them or depose them at their pleasure. St Peter from whom all Popes doe seem to derive their succession, exorted all men to submitt themselves to all manner ordinance of man for the lords sake whether it be unto the king as unto the superior or unto governors under him.

*f.9.* Thirdly I do alledge and as I take it upon a sufficient ground that the power and authority and jurisdiction of the Byshopp of Roome & of all the Byshoppes in the world is a thing meare spiritual & cannot extend itself unto Temporall laws, goods or kingdomes, therefore both against reason & against all lawfull authority doth the Pope intermeddle with the deposing of Princes. Such as are called to the service of God in his church have a kind of regiment indeed but it is distinct from the temporall power & state & the regiment of theirs is by councill advice & perswasion not by terror or compulsion, it reacheth not unto the goods or lands of any private man, to take away from a man his goods or his lands much less doth it extend to take away Sword & Scepter from a Prince.

Chrysostome distinguishing the Royall power of the Princes from the ministry of the Gospell saith that the ministerie is a sanction ordained by God to teach without weapons but it is no power to give or take away kingdomes, neither to make lawes for politicke government.

And in another place, he saith, to a king are comitted the bodies of men, to the Priest their soules, the king pardoneth Corporall offences, the Priests by the authority of keies doth remitt the Guiltiness of sinn, the king compelleth the Priest, exorteth the one with force, the other with advice.

Bernard saith that rule & dominion are things forbidden to the Apostles & if they shall enlarge rule and dominion they shall be counted in the number of those of whom it is sayd *ipsi regnaverint sed non per me.*<sup>70</sup>

Fourthly in this point I take to be a thing both materiall & necessary for you to know that neither the Apostles of our saviour Christ did ever challenge to themselves anie power or authority to depose Princes but submitted both their bodies and lives to the power which God had established upon earth nor yet the Church of Christ during the time and space of one thousand years after Christ did ever challenge this authority to depose a Prince or ever did make any decree or constitution that Prelates might depose Princes but contrariwise the Church of God endured haereticall Princes, Paganns & persecutors which were honoured, served & obeyed many hundred yeares to the Glory of the triall of her faith untill

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<sup>70</sup> 'They may have ruled but not through me'.

Gregory the seventh of that name Byshop of Roome more then a thousand years after Christ only by a usurpation & pride & a kind of fury after he had first weakened the Emperours power by many factions raised against him, begann to give the onsett to depose Henry the fourth of that name Emperour of Roome, to whome he had sworne fealty and allegiance, before whose time neither church nor Councill nor Preest nor pastor ever offered that wrong either to Christian or Heathen Prince & sorry I am to read that in the declining age of the world the Byshops of Roome which have succeded him have followed his example in challenging this authority without ground or warrant out of the booke of God which all Christian Princes to this daye have never acknowledged nor *f.10.* obeyed.

Nowe if Princes may not be deposed from their kingdomes as is sufficiently proved then must we of necessity be driven to confess that the enterprize and attempt by civill war to displace them & to seek by force to remove them from that Government wherein God hath settled them is a most wicked & unlawfull act, yea it is a rebellion against God & his ordinance if a Juditicall course of proceeding against kings & Princes for their correction be not left to man because the lord preserveth his prerogative onely to himself, then how great is their offence and sinn which under pretence of religion doe raise & stir up rebellion, turne patience into violence, words into weapons, fidelity into perjury, subjection into sedition.

And if in nature itselfe it be a monstrous thing for children to chastize or correct their fathers or for servants to thrust their masters out of doores, to displace or punish their mistress, what a barbarous and detestable act it is for a subject to take upon him to chastize correct or depose his Prince.

In this behalfe I call to remembrance an historie of good record of one Rodolph Duck of Swevia a sworne subject to the Emperor Henry the fourth and one advanced and intirely loved by the said Emperor, the example as I take it may very well be applied to the present occasion offered unto us by this rebellion of Tyroane against her Majestie, the storie is this: Gregory the 7th of that name Byshop of Roome conceiving an inward displeasure & hart burning against Henry the 4th for mainteining the liberties and prerogatives of the Empire against the proper authority and jurisdiction, stirred up against him divers factions to weaken his authority and at length summoned him to Roome, ther to appeare before him, the Emperor obeyed the summons, came to Rome in humble manner, making many protestations of his sorow conceived and grief of mind that the Pope was offended with him and desired most earnestly to be reconciled. The Pope would not vouchsafe to accept his submission or permit him to have access to his presence, but first proscribed him, denounced him excommunicate, deposed him from the Empire, absolved his subjects from their obedience & incited Rodolphe Ducke of Swevia to falsify his faith & to rebell against his master. And the better to encourage Rodolph in that damnable action of rebellion, he sent unto him a double crowne of gould with this poeme or inscription in it as Historiographers doe report the Rock that is Christ gave Roome unto Peter and the Pope giveth a crowne unto thee and as others doe write, the Rocke that is Christ gave this unto Peter & Peter gives this Dyademe

or Crowne to Rodolph. The Duck Rudolph albeit he was loth to abuse his master from whom he had received many benefitts and great honors yet by the perswasion of the Pope understanding that the Emperor was excommunicated out of the Church, he tooke upon him the name of Emperor. Henry the 4th notwithstanding all this wear the Crowne which God by his providence had given unto him & being justly discontented that his subjects should deal thus treacherously with him, *f.11.* he sought his opportunity to be revenged, diverse conflicts & battells were fought betweene the Emperor & Rudolph untill at length in the fourth battell Henry the fourth wonn the field. Rodolph the Traytor & rebell against his master was both discomfited and vanquished & his right hand was cutt off upon which wound he died. Being upon his death bed his right hand being brought to him when he was ready to yield up the Ghost he beganne then too late to bewaile his owne perjurie treason & rebellion against his master & the treacherie of the Pope who had sett him aworke and in the presence of the nobles & Byshoppes that were of his side he burst forth into these words sighing this is the right hand with the which I did sweare fidelity to my lord, this is against me an apparant testimony of my violated faith by your entisements & of your most wicked treacherie, of the which you must one day render account unto God, their needs no application of this Historie but such as in a few words may be contrived whether it be Pope, Bishopp or Jesuit which hath drawne Tyroane into this action of rebellion against his soveraigne Prince to whome he hath sworne to performe his loyalty & true allegiance though peradventure they have either sent him or promised him a Crowne to persist in this wicked enterprise yet let him still remember the miserable and dolefull end of Rodolph and stand assured that following his example the like example will fall upon him for his perjury & rebellion against his mistress against his soveraigne Prince who has been every way as kind as gracious & as bountifull a Prince to the Earl of Tyroane as ever that Henry the fourth was unto Rudolph. The world doth know it & his owne conscience will witness with me that I wrote a truth, how hath his state been still upholden by Queen Elizabeth by whome so soone as he came to mans estate he was enabled to live in honor by Princely pension of 1000 marks *per annum* & by whome of her exceeding bounty & free gift he was advanced to the Earldome of Tyroane & to all the lands and possessions which nowe he holdeth, the same being formerly invested in her Majestys royall Crowne and dignity by act of parliament. O thou most wretched & unthankfull creature for so great grace, honor and benefitts to returne so unkind & so undeserved a requittall.

The second part of this declaratorie sentence pronounced by Pope Pius against our gracious Prince & mentioned by Tyroane in this his libell by way of Justification of his rebellion doth consist in the said Popes dispensation or rather absolution of her highnesses subjects from their oaths of obedience & loyalty wherein I see that one gross Error doth still draw on another. Concerning which I beseech your lordships and others my good friends to consider yourselves but this one thing might have invited mans dispence with the ordinance and commandment of God, doth God command & shall men forbidd or doth God proscribe *f.12.* to us a duty & that upon paine of damnation and can man absolve us from the same. Comon sense and reason doth teach us that Gods ordinance & his commandments are not to be controled by man & in their owne canons it is thus written no man shall enterprize upon Gods ordinance seing they be the



ordinance & commandment of Gods subjects are to obey their princes, they cannot either by mann be dispensed with or absolved from the performance of that dutie, the precepts of God requiring obedience in subjects are many, plane & generall, therefore they cannot be overthrown but by an expresse release which is not to be performed but in Gods booke & let no man seek an evasion by reason of the qualities whatsoever of this or that perticuler Prince for God doth expressly command us to obey even wicked Princes, yea though they be tyrants & idolaters, of such many Princes there were that raigned when these precepts were given.

No kind of Duty that is prescribed by God can be disposed withall, servants owe a duty to their master from which they cannot be discharged, children to their parents from which they cannot be absolved & wives to their husbands which they are tyed to perform though the masters, parents or husbands be hereticks or wicked men, much less can subjects be absolved from their bounden duties of obedience to their Prince. These before named are but Domesticall duties but obedience is commanded to all and the Prince hath far greater power over the subject then any man can have over his sonn or servant, for the Prince hath power over the goods, over the lands, bodye & life of his subject which no private man can challenge. And Princes are called the fathers of the cuntry to whome we are more nearly bound then to the fathers of our flesh, how then can subjects be delivered from their Prince unto whom saith St Paul they must be subject for conscience sake, heerby then I trust it doth evidently appear that no Bishopp, Pope or Prelate whatsoever can absolve subjects from their oaths of Loyalty, obedience and fidelity to their Prince. And where our adversaries in defence of their treachery & underdealing are accustomed to alleadge this sentence out of a Father, viz in evill or wicked promises, breake or violate their faith, I answere that the oath of allegiance, loyaltie & fidelitie, which the subjects of these two kingdomes doe give to Queene Elizabeth is not to be reckoned amongst evill promises or amongst rash or inconsiderable vowes but amongst those promises and oathes which God commandeth & doth approve. Therefore these oathes are absolutely to be performed and whosoever doth violate his oath of this nature, he doth provoake against himself Gods judgement and indignation. I confess that the Courte of Constance upon this faithless principle that faith is not to be kept with hereticks or infidels, did absolve *f.13.* Ladislaus king of Hungarie & Polonie to break the league & oath which he had sworne to Amurathes the great Turck. Iulianus Casarinus the Legate of Eugenius the fourth of that name, byshopp of Rome made a long and an eloquent oration to this effect before Ladislaus and his nobles perswading them to break and violate the peace made & faith by them given unto the Turck & to make a league with the Pope whom he calleth Christs vicar upon earth by whose perswasions, the said league indeed was broaken. The king of Hungary as it is recorded contrary to his league upon the suddain made war against the Turcke expecting no such matter.

The matter came to a dangerous conflict at Varna, Amurathes being somewhat discomfited in the Battell, pulled out of his Bosome the booke wherein the league was written & which Ladislaus had taken his oath to perform & lifted up his eyes to heaven he said as followeth:

These O Christ are the covenants which thy Christians made with me & which they did bind themselves unto me by thy name to performe, now they have broaken and violated their faith given to me in thy name & so have treacherously denied their oathes, now therefore O Christ if thou be a God as they say thou art, then we are in some doubt of it, receiving both thine injury and mine & makeing it known to those that doe not as yet confess they name what punishments & judgements thou wilt inflict upon such as violate and break the faith. The Turck had scarcely made an end of his prayer but presently the Christians began to fly & were made a prey to the Turcks, the king himself and most of nobles were slayne. Platina in the life of Eugenius the fourth affirmeth that above thirtie thousand Christians were killed in that Battell & he imputeth the cause of that bad accident to Pope Eugenius. Now the writer of the Historie doth very well noate and observe how fast and good our God is in revengeing the breach of faith in Christians & how little pleasing unto God was the faithless decree of the Councill of Constance the Catholick faith & religion teacheth us precisely to keep our faith & oath both to the good & to the bad, both to the faithfull & to the unfaithfull, for God in his lawe doth forbid us to lye, to committ perjurie or to violate our faith, in truth he is no better a lyer which in craft and subtely promiseth a thing which in his heart he doth not meane to performe, for to lye is noe other thing as Augustine well observeth but for a man to goe against his owne mind and against his owne conscience & this manner of lieing is a fowle offence, a heyneous and detestable perjury of which David speaketh sayeing thou O God shall destroy them that speake lyes. Ambrose & St. Augustine doe affirme the faith and covenants *f.14.* made with enemies and infidels are things truely to be performed & kept. I doe the longer insist upon the point because I find by dayly experience by breaking their faith, words & promises given to us, although againe from us they expect & stand precisely in urging the performance of everye worde that passeth from any man of account amongst us which performance at our hands as they do justly look for & we are unworthy to live after the breach & violation of our faith. So I wish they would heereby leave to aunswere us againe with that sincerity of dealing which best besemeth Christians. The prophet Jeremy teacheth Gods people duely to keepe their faith & truth to Nebucadnezer though he was a heathen Prince & an infidell to serve him & obey him & prey for his Wellfare and Ezechiell speaking of the teachery of Zedechia against Nebuchadnezer saith he hath despised the oath & broaken the Covenant though he had given his hand because he hath done all these things, he shall not escape. Therefore thus saith the Lord as I live I will surely bring my oath that he hath despised & my covenant that he hath broaken upon his owne head. The same was the doctrine of the Apostles, St Peter teacheth us to keep true faith even to cruell masters & evell rulers by our well doeing to stop the mouthes of Backbiters. The same that Paul doth teach, now if the faithfull are bound to keepe true faith even with Infidells, how much more are all good & true Christians of these two kingdomes in conscience bound to keepe their faith and their oath of fidelitie and loyalty to our gracious & sacred Prince, Queen Elizabeth.

Humane learning hath such a notable consent and agreement with divinity in this one poynt, I will aledge unto you one onely example of auncient record very well

concurring in my opinion both with the state of this cause and with the present state of things in this kingdome. In Toledo a Principal city in Spaine there was a sinod held before Sesinadus king of Spaine as some writers testifie about the year of our lord 630 and as other affirme in the year 681, concerning the oath of subjects given to their Prince. Some doe terme that sinod the fourth council held at Toledo. In that council in the 74 cannon of the same you shall read the words following in substance truly translated. Many nations as we heare by report are so fraughted with treason & trechery as they doe regard faith & loyalty which by their oathes they promised to their king but with their mouthes onely they use to make profession of an oath of fidelity while treason lurketh hyd in their hearts. *f.15.* For they swear unto their king & violate their oathes never fearing the volume of Gods Justice wherein is denounced a heavy and fearfull curse to fall upon those which sweare falsly by the name of God. What hope can such men have against their enemies, what other nation can give credit unto them, what league will keepe with strangers which violate their faith given to their owne king. Is any man so furious or so raging mad which with his own hand will cutt of his owne head. These men little regarding their owne state or safety turn against themselves & against their kings who are their heads, their owne strength and power & where God saith touch not my anointed & David saith who shall lay his hands upon the lords anointed & be innocent, these men neither regard perjury or murther of their kings. Promises of faithfull dealing are given unto enemies in war & duely kept and faith be observed in war much more ought it to be kept in peace in other covenants. For it is sacraledge amongst the heathen themselves to brake the word of their king seing thereby an offence is committed not onely against the king but also against God himself to whose name the promise is made and this is the cause that Gods wrath from above hath fallen upon many kingdomes, for the onely breach of faith wherefore we ought to take heed by the example of other nations lest the same punishments do fall upon us for if God speares not the Angells which by there disobedience fall from heaven how much more cause have [we] to feare lest for our fidelity in like manner we perish and if we be desirous to avoid the wrath of God & to be partakers of his mercy, then let us serve and feare God & duely keepe to our king and Prince the faith and loyalty which we have given & promised unto them. Let their be in none of us as in some other nations anie infidelity lurking or treacherous meaning of a faithless mind, no perjury or underhand working of anie conspiracie & if this admonition will not pervale to reforme our minds, then heare this our sentence whosoever amongst us by any combination or practise shall violate his oath thus given to the king or shall attempt to kill the king or to deprive him of his kingdome or by wicked perswations shall presume to aspire to the kingdome, let him be accursed in the sight of god & his angells and let him for ever be made an alianate from the Catholick Church which by his perjurie, he hath profaned & forever lett him be banished from the companie & societie *f.16* of all true Christians withall such as are pertakers with him in his impietie for it is meet & right that they all doe feale one & the same punishment which together have committed so heynous an offence. This canon I have of purpose so largely recited partly to the end the Earle of Tyroane & his confederates may plainly see what account indeed the king of Spaine by the auncient Canons & constitutions of his owne Country doth make of seditious persons of their sort which stir up rebellion against their Prince though in policy he may use them to serve their

turn. Is it not all one as Cæsar used to say of treasons, that he loved treasons but hated traytors, he loved treasons to serve his turne but abhorred traytors as monsters in a civill body that would be ready to use the same practise against himselfe, as also to the end he and they may see how horrible an offence and sin it is accounted by that most Catholick king of Spayne & his people as the Earl of Tyroane doth thincke them to be for subjects to violate their faith promises & oathes of loyaltie & fidelitie once given to one another or to their Prince or to attempt a rebellion against their Prince & sovereigne. Wherefore lett us heare the Pope with his colourable & pretended absolutions devised for no other end but to cover & colour treason, rebellions & perjuries of subjects against their Princes which God detesteth & will most severely punish.

The third branch of this declaratorie sentence denounced against our sovereigne Prince and by Tyroane alledged for justification of his rebellion doth concern the said Pope his excommunication of hir highness which part though it come last in order, yet it is made the ground & foundation of both the rest. Concerning which excommunication & manner thereof I will be bold to encounter the Pope with the authority of a far more auntient reverend & learned Byshop & father in the church who in his booke against Parmainance doth affirme such excommunications are denounced when a number are so lincked together that strife may follow *inanes perniciosas et sacrileges*.<sup>71</sup> His words are these if contagion of sin have invaded a multitude the merciful correction from God himself is necessary. For then the attempt to excommunicate is pernicious & sacrilegious because it growes to be both wicked and arrogant and more troubles the good that are weake then the evill that are careles. Againe saith Augustine, in the streightness of this question I will say nothing but that which the soundness of the Church observeth, that when any of our Brethren I meane Christians within the Church is deprehended in any such fault that he deserveth excommunication, let that be done where there is no danger of any schisme and with such love as the example commandeth *f.17*. Sayeing esteeme him not as an enemy but rebuke him as a brother, for you are not to root up but to amend. Again he saith it cannot be a healthfull reprovng by many but when he that is reproved hath no number to take his part. Mark I beseech you & consider the words of this repenting & learned father, he that calleth excommunication, a proude pernicious & sacriledigious attempt. Where any number is lincked together a scisme may follow, what doe you thincke would he have sayd in these dayes of the doeings of the Pope which excommunicates Princes & whole Realmes whereupon not onely dangerous scismes but also most rascally persecutions both easily may and commonly do arise. Againe the end of excommunication & the meanes which St Paul hath prescribed to be used therein, they cannot reach & extend to the person of a Prince, for this is the end of true excommunication prescribed by St Paul that men should absteine from the company of the person excommunicated that he may be ashamed but subjects cannot fly from the company of their Prince whom they must attend & serve and whose person & precepts they obey and how should the subjects make their Prince ashamed whome by Gods law they must honor & obey and by whom they must be punished if they offend the Church of God, duely considering this never

<sup>71</sup> 'empty, pernicious and sacrilegious'. *Recte 'inania sunt, & perniciosas, atque sacrilegas'*, Augustine, *Contra epistolam Parmeniani*, bk.3, ch.2. Written AD 400.

urged subjects to dishonour or to disobey their Prince but to honor them, reverence them & to obey them. Therefore against this excommunication denounced against our gracious Prince by the Pope Pius Quintus I take these Just exceptions and against the same doe infer this conclusion borrowed out of their own canons *neminem gravare potest iniqua sententia*<sup>72</sup> and Augustine saith each judgement lighteth upon him that judgeth rashly.

But heere it is objected & sayed that sentence was denounced for Heresie, therefore it erreth in the forme, the matter is just. I answeare and say that this is a most injurious slander both of our gracious sovereigne and of us her subjects which embrace the same religion to terme us Haereticks for they only are tearmed haereticks which do upholde & mainteine a false doctrine, contrary to the Holy Scriptures of the Old and New testament or doe not beleeve aright the Articles of the Christian faith but they whose religion is grounded upon the written word of God & which faith & beleife doth consent and agree with the faith of the apostles are not haereticks but true Catholicks. Now *f.18.* consider I beseech you the confession of faith that our sacred Prince and we her subjects doe holde, have not all the parts and points of our religion apparent grounds in the booke of God & doe we [not] profess the same articles of the true auntient Catholick Apostolike faith worshipping as he hath prescribed in his word, seeking for salvation onely in the meritts & bloodshed of Jesus Christ. Are we not children of one father beleiving the same bible, assureing ourselves in the same Gospell, are we not all baptized into one true faith in Jesus Christ, why then are we called haereticks without cause or reason, disprove our religion that it is not Catholick, our faith not to be apostolicall & then tearm us what you please but this is not yet done neither can it be done so long as the world doth stand. Therefore against this wrongfull and unjust slaunde both our Prince & we her subjects doe make this open protestation that we hold and embrace that auntient true & Catholick religion which God himselfe in his word hath prescribed which the profitts and Apostles & Jesus Christ himselfe preached and taught and which many thousand martyres in sundry ages from the beginning of the world have confirmed and sealed with their blood. Tertullian saith it is not newnes of opinion but truth that convinceth Haeresies. And againe we are neither to devise anything of ourselves. Tertullian saith, we are not to make choise of that which others have of their owne head invented, we have for example the apostles of Christ which of themselves devised no doctrine but truely and faithfully preached unto the nations the faith and doctrine which they received from Christ. Seing then our gracious Prince in her kingdomes hath established no new faith of her owne devising but onely hath by her authority published the faith that is comprized in the writeings of the profitts and Apostles, she cannot justly be deemed a haeretick. Seing the Papists in the Church of Rome doe propound unto us many superstitions & ceremonies & manie new forms of worshipping God of their owne devising which have no warrant in Gods booke, let them bewarned least justly this title be layd upon them.

We strive amongst us for this word Catholick as though their were some spetiall holynes in the word. The Church of God is called Catholicke that is universall

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<sup>72</sup> 'An unfair judgement cannot harm anyone'.

because it is not contained in onely one place but is disposed over the face of the earth & because besides it there is no other true Church, the true Catholick church is but one body, one head Jesus Christ in whom alone *f. 19* is salvation & so by a consequent without this true Church there is no salvation. Therefore the Church of Rome, of Antioch, of Alexandria or any other place is not the Catholick Church. These are but members of that universall bodye, if indeed and in truth they be in the body under the head Christ, joined in one faith, religion & doctrine with the universall Church. So the Catholick Church representeth the Church of the auncient patriaches before Christs coming and our Church since his comeinge, all the saints and faithfull people of God in all places, ages and times past present and to come all which are one Catholick bodie under one Catholick head Jesus Christ. So then the Catholicke faith and Catholick Doctrine which is found in the Catholick Church is that which ascribeth all mens salvation onely to Jesus Christ the head of his church which dependeth upon his word and directeth all to him & those are true Catholicks which wheresover they be or in what time so ever do growe in his owne body under one head Jesus Christ holding the same faith, the same doctrine, ascribing wholly upon his word. Seing then our most gracious Queene is free from this vicious and slanderous imputation of haeresie abiding still in the Catholic faith & religion, what have we to say of this denounced curse & excommunication of the Pope against here but as Solomon long since hath taught us that as the sparrow & swallow by flyeing doe escape, so the curse that is causeless, it shall not come the rather because we may perceive by the spetiall blessing & grace of Almighty God powred upon her highness in her rule & government, that according to his word & promise he hath turned those curses so long since denounced into sweat & comfortable blessings. Now then at the length the Earle of Tyroane & his confederates in this rebellious uproar may plainly perceive and see if God in his Justice hath not blinded their eyes & hardened their hearts, how weak a ground & foundation they have for the attempt of this there rebellion forbidden by God himselfe, odious in nature and abhorred amongst all nations, none other surely but the unadvised and unwarrantable act of a late Byshop of Rome who together with some of his predecessors in this last declining age of the world for the advancement of an unlawfull monarchie sought by them over Christian kings and Princes have troubled and tormented the peaceable state of all Christendome by stirring up children against their Parents & subjects against their Princes, to work such a confusion as it is most lamentable to see and behold: Remember now at length O Earle and the rest that as often as you *f.20.* have taken your corporall oathes to your soveraigne Prince to serve her, to obey her and to be true to her, so many times these oathes are recorded in heaven and that the Lord which calleth all things in heaven and earth never did nor never will suffer perjurie to escape unpunished. Consider now att the length if there be any parte of grace yet left that an oath both by the laws of God and man doth bind the conscience to performance thereof and nether Preist or Byshop nor Pope can absolve you from it. God Almighty give you his grace inwardly in your souls and consciences to consider of these things and in time by repentance to returne to your most gracious Prince in conformitie & obedience required of subjects or otherwise if you persist in your obstinacy and rebellion, then O Lord, our God as thou are a just God & the upholder of the powers by thee ordeined, so we thy humble servants appeal unto thy wonted judgements which in after ages thou hast

inflicted upon rebels, to be powred upon these men which have lift up their hands against thine owne ordinance and which allready in the pride of their hearts do beginn to say we are those that ought to rule who is lord over us.

I had allmost slipped one slanderous accusation layd upon her Majesty by the Earle of Tyroane to witt that her hyghness doth perseveare in the persecution of Catholicks, true it is that malice doth still shewe itselfe to be impudent, for what persecution is this he writeth of. In England is there any either putt to death or anie way tormented for his conscience & in Ireland what is there done that may give any cause of Just offence. True it is that in England, such runnagates as go to Roome without licence and having there conversed amongst her majesties mortall enemies doe returne againe into that kingdome poysoned & infected with a seditious humour to mainteine the Bull of Pius Quintus which thing they doe precisely undertake & thereby indeavour to prevail & stir up her maiesties subjects into rebellion mainteining the validity of that pernicious sentence, are by a positive law & act of Parliament upon due conviction of this capitall offence executed & put to death for treason & not for religion. In Ireland God knoweth there be too many which use bad & seditious offices betweene theyre *f.21.* Prince & her subjects and too much sufferance and remiss dealing I must confess hath done no good in this countrie & therefore for my part I wish with all my heart with the blessed Apostle St. Paul *Utinam auferantur qui vos perturbant*<sup>73</sup> & thus I will English this sentence as many as doe use seditious offices or doe endeavour to incite and stir up any of you her maiesties subjects to be pertakers of his most wicked rebellion, God in his Justice either amend or reform them or otherwise in his Justice end them.

The fourth and last part of this seditious libele, is published by the Earle of Tyrone & contayneth a repetition of his request to you the Inhabitants of the Pale, to join with him in this his action, as he protesteth his owne firme resolutions to continue therein, I know it shall be needless for me to use any kinde of diswasions unto you (my loving good lords and friends in this cause), in regard of the assurance I doe conceive of your fidelity, and loyalty, being natives and naturall borne subjects under your gracious Prince, and most of you being auncient English men descended from the best, and in auncient families, both of honor and worship in England, whose houses have continued firme and stedfast to the Crowne now many hundred yeares even since the conquest of whom it is not now in reason to be conceaved that either you will forgett your selves, and your duties in this time of neede or will disparage your families, by yeilding to the subjection of a meere Irish lord whose crueltie or rather treachery over such as they governe, is well knowne unto you to be unsufferable and that death itself is much to be preferred before it.

And where Tyrone doth lay before you an example of the inhabitants of the kingdome of ffrance rebelling against their king. I will answer him in one word in this manner. That in divinity this is an approved principle and axioma *non est facias malum, ut veniat bonum*,<sup>74</sup> to you my good lords and friends, I say that

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<sup>73</sup> 'May those who are troubling you, be removed from you'.

<sup>74</sup> 'It is not possible to do evil in order that good may come from it'.

*Vivitis vos, non exemplis sed legibus,*<sup>75</sup> and in the imitation of examples, this must alwayes be the first caution *ne imitentur vitia,*<sup>76</sup> much more I might write considering this matter but loath I am, to deal either with the Estate of Princes or people that are in league and unities with my mistress the Queens most excellent majestie.

And concerning the Earle of Tyrone his itterated protestation to persist in his rebellion &c. It were a thing farr more meet to refrayne himself betymes, then to persevere in evill &c.

f.22. To fall and offend is a thing properly to the frailty of mans weake nature, but to persevere in so haineous an offence and syn, as rebellion is, in spurning wilfully against God, and his divine ordinance is the part of a Divill and if neither the commandments of God can induce him, to the conformity which best beseemes a Christian, nor his judgements in all ages inflicted upon rebells can terrifie him from his detestable course into the which he is entered and wherein he doth yet continue, if her Majesties Princely nature and most mercifull dispensation in seeking of him as one that is gonn astray, cannot move his hardened hart to returne by his unfeined submission, to seek her nor yet the plaints and groneings of his native countrey under the burthen of the Callamities which already he hath brought upon itt, and for which he hath worthily drawne upon his head the curse of all good men, cannot incline him to give over this detestable enterprize. Let him stande assured that Almighty God who hath advanced her highness to rule and Principallitie, and now soe many yeares hath preserved her from all combinations, both att home and abroad, will maintaine and upholde the rights of her cause, and will I doubt not bless her royall arms with strength and corage to take revenge of his disloyaltie and rebellion.

And soe be it, Good Lord, say I for the truthes sake and for thy Christsake, Amen.

November Ult. 1599.

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<sup>75</sup> 'You live not by examples but by laws'.

<sup>76</sup> 'Let them not imitate vices'.



‘Ireland: A draft for an answer to Tyrone’s libel, written by the honest Catholic lords of the Pale’<sup>77</sup>

*With alterations by Sir Robert Cecil and Lord Buckhurst. The words in italics, except those in Latin, indicate the words in Sir Robert Cecil’s handwriting.*

It was set down for a rule by him that had the spirit of wisdom (when he described the impossibility to do good upon such as are given over to their sensualities) that, if a fool be brayed in a mortar (like wheat with a pestle), yet will his foolishness never depart from him. And experience teacheth the same to all that have to do with obdurate traitors, that no replies can stay their slanders; for, as it is a fool’s pastime to utter his folly, so is it a traitor’s food to breathe out his iniquity.

This therefore is the only end of this declaration following, to make it plain to the world, that where Tyrone hath lately published a libel, in the nature of a proclamation to all the noblemen and others of the Pale, howsoever the State disdaineth to vouchsafe it any answer, yet that such of us, as have true feeling of religion and of our own honour, cannot endure the least suspicion, which might be gathered from our deep silence, after such a summons. That we do distinguish between conscience and treason, and despise<sup>78</sup> that an upstart kern (so untimely adopted into the rank of honour, by Her Majesty’s goodness, from the son of a blacksmith) should presume to intermeddle with us of the ancient nobility, or dare to speak of Catholic religion, when his life and conversation is such a scandal to the profession. With the privity, therefore, and in the name of many other Her Majesty’s noble and well-affected subjects, I will first rip up his false arguments, and confute them, and next (by declaration of our affections) assure all those that are of our blood and kindred (though now seduced), that all his conceits shall be frustrated for any interest that either he hath or can have in us, who are contrariwise resolved to despise his brags and persuasions, and to detest his purposes and practices till our life’s end.

1. And now to the points of the libel. He straineth himself with oaths and subtleties, to make us believe that he took arms in hand, not for his private cause, but only for the Catholic faith; swearing by his salvation that he hath had conditions often times offered him, which might well satisfy any man’s private pretences, and affirming his regard of the Catholic faith to be so great, that he would not accept the kingdom upon any other condition (though at the first stirring he did not declare so much, for that he was not ready enough to make his party good).

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<sup>77</sup> Taken from *Cal. S.P. Ire., 1600-1601*, pp.127-136 in which the spelling has been modernised. Title as endorsed by Cecil.

<sup>78</sup> The first part of this sentence stood originally thus: ‘That we do so distinguish between conscience and treason as not to despise in that’ &c. The words ‘so,’ ‘as not to,’ and ‘it,’ have been struck out, apparently by Sir Robert Cecil, who inserted ‘and not,’ above ‘as not to.’ Then he has underlined ‘and’ and put ‘or’ above it. Clearly, the first ‘not’ of the sentence should have been struck out with the word ‘so’ and the ‘not’ inserted by Sir Robert should be deleted also. Then the sense agrees with the remainder of this document.

2. He professeth also pity of his country oppressed and afflicted with murders, detestable policies, governed and nourished in obscurity and ignorance, maintained in barbarity and incivility.

3. He also professeth an extraordinary favour towards us, of the nobility and gentry of the Pale, because we are Catholics and countrymen, in regard whereof he hath hitherto spared us, expecting we should better inform our consciences of our duty towards the Catholic faith and the good of our country, and seeking to be the better regarded himself for his long tolerance and victories.

4. In sum he urgeth us to join with him, promising to exalt the Catholic faith, to defend us, our goods, and our lands, and to enlarge our privileges and liberties; otherwise, seeing God hath given him some power, he thinketh himself bound in conscience (for the good of religion and country) to destroy us and dispose of our possessions. And lest we should be stayed from yielding to his solicitation, by our sworn obedience to our natural Prince and Sovereign, he warrenteth us by the Pope's deprivatory and absolutory excommunication.

*This being the effect of all his libel, it remaineth to apply it to our present purpose. We have daily examples that teach us that men once blinded with ambitious ends, swelling daily in their malice, even till they be ready to burst, and fearing themselves to become hateful to God and man, do often seek some comfort by allowing others to be partners in their miseries. In this kind it fareth now with Tyrone, who (transported with that humour) would fain play the King, if he could tell how, and being vexed with the worm of an evil conscience (and fearing his conclusion shall be confusion) doth hunt up and down for society in his calamities.*

5. It is known to all men that have any understanding, that nothing can be more impious and odious than rebellion, as resisting the ordinance of God, who in His divine wisdom and provident choice placeth Princes, commanding them to be obeyed and prayed for. By rebellion public peace (the most wished-for state of all commonwealths) is disturbed. Many innocents be seduced and brought to the slaughter; violence is used everywhere against wives, children, friends, goods and lives; it affordeth no liberty, no security, nor rest; defaceth all ornaments of industry and life, bringeth all evils that can be imagined to the society of men; therefore of all offenders, rebels are most detestable. All which being duly considered, we are greatly bound to him for his summons to join with him, when thereby in effect he condemneth us to be both senseless and reprobates.

6. We believe it easily that he had no private cause, as he writeth, to move him to rebellion, for he was by infinite benefits bound to all subjection; but his foolish<sup>79</sup> pride of heart hath transported him, or some dream<sup>80</sup> that he was a king hath enchanted his judgement. For if you observe that he protesteth, if he might not

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<sup>79</sup> Lord Buckhurst has underlined this word, and written above it 'intolerable'.

<sup>80</sup> Lord Buckhurst has inserted 'rather' before 'some' and before 'dream' had interpolated 'devilish' but that word he has struck out, and for 'devilish dream' has written 'ridiculous ambitions'.

have freedom of conscience, that he would not be a king. It appeareth then<sup>81</sup> that he hath been so tickled with that vain hope, as he hath already been meditating the conditions whereupon (with little entreaty) he would<sup>82</sup> take a kingdom. As for the vanity of his promise to protect us and enlarge our privileges, with such other like fancies, it is common among the heathens in all their conflicts (never so wicked) to have in their mouths *pro aris et focis*<sup>83</sup>, and lately himself used oftentimes in his speeches the religion of the gods and the defence of liberty, whereas in very deed he meant to confound all policy and civility.

For *his* protestation that he stirred for the Catholic faith from the beginning, though then he did not declare it, in respect he was not instructed sufficiently to pursue the cause, it is both absurd and untrue. For at the time of his practice in [15]88 with De Vergas, a Spaniard (whom he conveyed into *Spain by way of* Scotland, and by him offered his service to the King of Spain), being a Commander in one of the Spanish ships that were wrecked in Ireland, what cause had they given him to mistrust molestation for religion, when it is notorious to the world that in all Ulster no temporal man was ever so much as questioned with for his conscience,<sup>84</sup> though happily some of spiritual profession who have passed all bounds of modesty, and inveighed against the person of the Prince, or professed to persuade<sup>85</sup> the people from obedience, not contenting themselves with execution of their function for the inward comfort of men's souls, have been laid for or apprehended. And yet no man hath suffered that hath harboured any such person, but put the case that he was affected to his Catholic faith (whereof he hath small understanding). What is he more than another man, that we his betters should fight under his rebellious standard against so merciful a sovereign [*here Lord Buckhurst has interpolated the following words: under whose reign and the reign and rule of her progenitors, we and our ancestors have lived so many hundred years, and have enjoyed our goods, lands, lives and liberties under the safe and gracious protection and defence of that royal and renowned Crown of England*]. If every man might do so, as soon as he is transported with some private opinion in matter of faith, what religion, what order, what commonwealth, could stand?

He pretendeth now that he is bound in conscience, now he hath *gotten* power. First, how forms he his conscience, *and* what is his power now? Had he, at his first practice with foreign Princes, a commission from the Pope to rebel in the right of Catholics? Doth not he know in his conscience how few there are that adhere to him but for fear of that power, to which he had never attained without the support which he had from Her Majesty at the beginning, even after she had justly his life and person in her hands?

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<sup>81</sup> Sir Robert Cecil has struck out 'then' and written above it 'therein'.

<sup>82</sup> Sir Robert Cecil has struck out the words 'he would' and has inserted in their place the word 'to'.

<sup>83</sup> 'for altars and hearths'

<sup>84</sup> Lord Buckhurst has underlined the words 'his conscience' and written above them 'matter of religion'.

<sup>85</sup> Lord Buckhurst has underlined this word, and has written above it 'withdraw'.

Hath it not appeared that the titular Earl of Desmond (with whom he pretendeth so great rule and friendship) could not contain himself in summer last, when he wrote to the King of Spain, from using these words, which divers of us have seen in his letters and instructions (both being intercepted by the Earl of Ormonde), that he desired the King to send succour to himself? That was a nobleman, lived in a country full of towns and good habitations fit for gentlemen and civil persons to dwell in, hoping His Majesty did not value him with O'Neill [*Lord Buckhurst here inserts: as he termed him*], in whose country there was nothing but bogs and woods, void of all pleasure or order, himself base in birth, barbarous in education, and one whose name of power and authority he much disdained.

Behold here how one of his own pack despiseth his base usurpation. Is it not then a madness, that he can dream to be a judge over us, being a stranger within our gates? If a man might form a conscience that he is bound to do what he is able, how will he deny then but the thief, *being* of greater strength than the true man, is bound also in conscience to rob and kill? Fie of these absurd discourses! Fie on his ingratitude beyond all proportion! And for his power, whereof he doth boast, he knoweth that it is contemptible in respect of that against which he striveth. And whereas to confirm the pretence of religion, he writeth that conditions to satisfy his private have been oftentimes offered him, the more he doth shew *thereby* that just vengeance is his due, when without necessity (after *pardon sued for and granted*<sup>86</sup>) he playeth *canis ad vomitem*<sup>87</sup>. And for the conditions which he might have had (howsoever we must reverently leave such things to the secret of State), yet know we, and have seen with our eyes, his own submission under his own hand, to convince him that there was no exception in it for religion.

For the pity he professeth to his country, it is vain and gross dissimulation; for the greatest evils thereof proceed from his rebellion. What he meaneth by speaking against detestable policies, afflicting our country by education in ignorance and incivility, is strange to our understanding, for we know full well that most of our rank (both of nobility and gentry) are brought up in the Universities of England, and more (if they went thither) might find as good education as they may have elsewhere. There is also no want of good schools within the Pale, neither can it be likely that the mere Irish (of which number he is one) can become on a sudden so greedy of better education.

What liking can he have of civil government, against which he is professed, and an exhorter of others to leave it? What is more common than mutual robberies, murders, [*Lord Buckhurst has here inserted: rapes*], extinguishing of families, burning of houses, and all kind of bloody licentiousness and cruelty? Great therefore is our obligation to God, that in good time hath delivered us from our intestine calamities to a better course of government, wherein we live. Neither could we by former examples ever have hope (if we were so vain to desire to be left to ourselves) *but that*, by continual scorn in each to give place to other, we should be quickly lapped into greater miseries and more barbarous estate than any other wild and savage nation. Therefore, if he truly loved his country, he

<sup>86</sup> Sir Robert Cecil has put these words in place of 'grace both offered and accepted'.

<sup>87</sup> 'a dog to its vomit'.

would never follow rebellion, to serve his own particular vanity, but rather acknowledge his infirmities every way, and return to our society, and implore the mercy of our gracious Sovereign, which must be the way to cover his own shame, and to eschew that scorn which will be made of him in the end, when his body shall be thrown to the beasts of the field.

Where he looks for thanks for extraordinary favour, expecting now our better resolution in regard of his long tolerance and victories, we take proof of this his profession by the notorious cruelties he hath offered where he hath had advantage.

Look into the county of Louth, where a nobleman dwells that is in religion Catholic, and in some alliance with him. What hath he had but burning of his towns and country? How have the Lords of Gormanston and Slane (two ancient and noble peers of this realm) and the baronies under them felt the same measure? Did not he, when he pretended to be a good subject, under pretence of sending forces unto the Lord Deputy against the mountain rebels, send into Crevoke, the Lord of Slane's country, spoil and waste his lands, and endanger that nobleman's life? Was not the villainy wrought by the O'Hagans, his foster brethren? Look into the baronies of Kells, the Deesy, and others, what hath he left *there* but the marks of a viper, that gnaweth out the bowels of his own country? [*Lord Buckhurst has inserted here: The letter lately from Sir Arthur Savage doth express other spoils of his upon the good subjects.*]

We therefore impute our good estates (next after God) to the protection of our most gracious Sovereign and our own arms, disdaining his worst, and protesting that we are assured in our consciences that his rebellion is to be detested [*Lord Buckhurst has inserted here: and by God's just vengeance and the sword of our Sovereign will be in the end duly chastised.*] As for his toleration from further mischief, we know it proceeds for lack of means, and not for want of evil will, wherewith his heart is so infested. And for his victories (as he terms them) they are of no more regard than robberies of vagabonds in corners [*Lord Buckhurst has changed the last clause to read: than the robberies of thieves and vagabonds lurking in the woods and bogs and places of strength, privily watching to do their mischief*] upon sudden advantages. *We do little weigh therefore* his promises and threatenings of his power which, were it as great as he would have it, or that we had cause or minds to use it (both which are far from us), yet would we not be so base minded as to esteem of his help for religion, defence or privileges, [*the following words have been struck out: but we do acknowledge ourselves to be well provided for in all respects for the present Government*]. And though it cannot be denied but all great Princes (which must use the hands and eyes of their ministers) have some that often tread away, all not being made of one mould, yet neither he [n]or any body else deny, but as soon as his complaints and others (divers years past) were brought to Her Majesty's ears, she did carefully and royally give commission for all injuries to be examined and redressed; from the benefit whereof his rebellion (who never meant to be satiated with reason) hath utterly deprived all them that were interested, having by his own practices brought the whole kingdom into [*Lord Buckhurst inserts: misery and*] confusion.

Concerning the warrant offered us to rebel by the Pope's excommunication, he thereby goes forward to argue after his blind manner, *and pleads warrants especially* against himself, for all rebels be excommunicated by God and man. God himself reproveth excommunication by these words, *Si videbis furem, &c.*,<sup>88</sup> and, as we have heard, there are solemn denunciations (in the holy consistory at Rome) of excommunication against assassives (*sic; Sir Robert Cecil has written 'nats' above the last syllable of the word, striking out the last three letters*) and such like. Who does not then see that rebellion is an eminent perilous iniquity, containing in itself all assassinations, thefts [*Lord Buckhurst has inserted here: 'ravishings'*], and other mischiefs.

But now to come indeed to that which might (if anything could) persuade *us* to take part in his actions, who do profess to live and die Catholics, and are resolved, as we are, to esteem and reverence his Holiness as God's vicar upon earth, it shall not be amiss to say somewhat what we conceive of this sentence, wherewith he doth most strengthen his persuasions.

First, if we go no further than the truth itself, we shall find it written that David, *being* heir apparent to the kingdom of Israel (after the decease of Saul, whom God himself had cast off, as a person fallen from all piety with a hardened heart), *and yet* did hold him in so great reverence, *propter solam unctionis sanctitatem*<sup>89</sup>, as he would not hold the town of Cerla against him for his own defence, because he thought he should therein offend both temporal and divine majesty.

The ancient Councils (especially that of Trent) treating of the use of excommunication, have always excepted Princes (as not in violent manner to be dealt withal), because all such attempts cause bloodshed and calamity, which are to be avoided by those that profess the service of the God of life and peace, to whose power all such cases are reserved.

Do we not find that Moses and Aaron (who groaned under the burthens and baskets of Egypt), and thirsted in their souls for the Land of Promise, which afforded milk and honey, with a world of pleasures and delights, forbare to rebel, though they knew their strength to be so great, that might have made Egypt tremble. And yet must we, that serve a merciful and Christian Prince, that never suffered under our Sovereign's government either misery or bondage, combine ourselves with Tyrone? No. Were it true that we were made martyrs for our consciences (whereof, God be praised, we enjoy freedom), yet would we follow the example of Paul, when he was objected to wild beasts, did call for no succour, but when he saw the *vision*<sup>90</sup> of strong spirits *ready* to assist him, did rather cry out, *Cur non potius patimini?*<sup>91</sup> No, no; remember that Sampson himself was taxed by the tribe of Judah for dispersing fire in the corn of the Philistines, who were God's enemies; and therefore may we well blame Tyrone

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<sup>88</sup> 'If you see a thief, etc'

<sup>89</sup> 'because of reverence to unction in itself'.

<sup>90</sup> Sir Robert Cecil has substituted this word for 'courage'.

<sup>91</sup> 'Why do you not rather suffer?'

for burning and destroying our whole country and habitations, that are good subjects.

But we are now quite out of our element, being poor divines, and therefore leave those points to those that be doctors in their profession, to whom though it becometh us to leave points of doctrine, yet can we not profess to be ignorant in the rules of good Christianity and perfect loyalty; and therefore as we remember the words of St Ambrose, that *arma Christianorum sunt preces et lachrimæ*<sup>92</sup>, so do we also remember the precepts of St Augustine, who writeth that although all Christians ought to distinguish *Dominum æternum a temporali*<sup>93</sup>, yet *propter Dominum æternum domino temporali sunt subditi*<sup>94</sup>. We will therefore now remember some examples in our own readings extant in the story of France, where it shall well appear how subjects have carried themselves in cases of excommunications. Benedictus the thirteenth did excommunicate Charles the ninth, and Martin the first renewed the same. Against which it was publicly decreed that to withdraw from the Pope was not to forsake the church, but to obey St. Paul, where he saith, *Seducite vos ab omni fratre qui inordinate se gerit*<sup>95</sup>; and it was also by public edict made treason to prefer any of the Pope's bulls before the decrees of that State. Julius the Second excommunicated Louis the Twelfth (and together with the King of Navarre, for keeping friendship with him), in remedy whereof, a General Council being called at Tyrol, it was declared that all persons, ecclesiastical and temporal, were bound by oath to obey none but their King. It seemeth therefore hard unto us (seeing there can be no exception made unto this State, but in interpretations of Scripture and human traditions), why this severe excommunication should be either offered or obeyed, seeing it is well known that Christ Himself never offered to excommunicate or depose Princes, neither did He put the Apostles (either by word or example) in such authority, but rather to obey Princes and to follow peace, patience, and humility, *reddendo Cæsari quæ Cæsaris sunt*<sup>96</sup>.

Herein if you shall think whosoever you be from whom we dissent, that because we hold the attempt to withdraw subjects from their sworn obedience expressly contrary to the doctrine of Christ, who commandeth His Apostles *obedire præpositis vestris etiam discotis [sic]*<sup>97</sup>, that we are not true Catholics, or if it shall be thought that we do not pour out tears for the conversion of our Sovereign's heart in matter of faith, because we do not dissolve the bonds of our civil obedience, being our natural Prince (indeed with so many virtues, justice and clemency), *especially* when we see *in manifesta fide Scripturarum*<sup>98</sup> that even reprobate Princes may not *be forcibly resisted*, you shall *therein* do us open wrong, and to many a zealous and prudent Catholic, in not judging us as you

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<sup>92</sup> 'Entreaties and tears are the arms of Christ'.

<sup>93</sup> 'their eternal lord from their temporal lord'.

<sup>94</sup> 'They are subject to their temporal lord because of their eternal lord'.

<sup>95</sup> 'Separate yourselves out from every brother who conducts himself lawlessly'.

<sup>96</sup> 'By rendering unto Cæsar the things which are Cæsar's.'

<sup>97</sup> 'Obey those who are set in authority over you even those who are ostracised.' This citation is not in the bible, either it is a misquotation of Heb. 13 17 *Oboedite præpositis vestris, et subiacete eis* 'Obey your superiors and be subject unto them' or it is derived from a different source entirely.

<sup>98</sup> 'in the clear evidence of the scriptures'.

would be judged. For we do not affirm it confidently, that even learned Papists themselves do teach that Popes cannot dispense in the ten commandments, nor in matter of the law of nature. What can then be a more evident taking the name of God in vain, than a dispensation to break the oath of obedience? Or what is more contrary to the law of natural justice, then violently to take from Princes their due, which is their subjects' allegiance, and only because they dissent in matters of positive constitution, wherein we have so many examples that God hath wrought into the hearts of many great Kings the *powerful* effects of conversion

Surely, surely, we can hardly think that those Bulls which he pretendeth (if any he have) are other than some remnant of the first, which were once suspended; or, if they be newly published, certainly we, that do reverence so much his holy ordinances, do verily believe it hath merely proceeded from some odious and false representation of some notorious persecutions to be here used by Her Majesty for matter of religion; by which means, with importunity, they have extorted from His Holiness these Bulls of excommunication against the person of Her Majesty, whereby out of zeal and passion to multiply the number of Catholic souls, he hath been induced to renew this sentence again. A matter very likely if you do read this pamphlet hereto annexed [*Sir Robert Cecil has written in the margin: that shall be annexed*], wherein they have not been ashamed to give out notorious lies of victories and triumphs, only because they would engage his Holiness in assisting his *unnatural rebellion*.

But we do hope by that time it shall appear with what liberty we live, to whom so little severity is used, as none of us all that have our consciences reserved, need either dissemble that profession, or go a mile from his house for exercise of our religion. And *when it shall appear* how much his Holiness hath been abused by this unworthy creature, we doubt not but it shall be found just in his gracious eyes by pronouncement of his heavy sentence against him, to deprive him of all human *society*, and to leave him to the course, which God hath declared against all such as are held in the sense of reprobates.

And now to come to you our good brethren, whereof some are seduced and enchanted with this rebel's *practices*, you plainly know in your consciences that his enterprise is treason, worse than theft, murder, or adultery, odious to God, pernicious to us all, and all that come of us.

Therefore consider in your consciences, between God and you, if it can be honourable for you to persist, to join with such a reprobate, upon whatsoever colourable words or pretences, in any action of so manifest malice, *and* to your own destruction.

For of Tyrone, you plainly know him to be a man for his own crimes proclaimed and prescribed; in his own life, insolent, cruel and loathsome; enemy to all virtue and civility; defiled with all sensualities, impieties, and barbarism (as in his own petty government you may daily behold), where he strangled with his own hands at one time his own cousin-german, Hugh Gavelocke, and at another time tortured his own natural brother, Tirlough McHenry. And many of you being better than he (when he was at the best), how can you suffer him to affect to



reign like a king, and tyrannize over you? Certain it is that his power cannot be able long to defend himself, and therefore when he falls, it is consequent that all his followers must perish with him; and while he standeth, the conscience of his own evil cause (as you may see many ways) *will fill* him with such mistrust of you, as his ambition *will dispose* him still to suppress you, and his greediness *will make him rob and* spoil you, where you do all know that our Sovereign is a mighty Prince, of no less power and renown than the best of her ancestors, that her forces daily growing cannot fail, and that it is impossible that Tyrone should long defend himself from justice

You know our Sovereign to be by nature of a gracious disposition, desiring nothing more than to yield her subjects the fruit of just and godly government, under whom upon your good usage you might have been assured peaceably with honour to enjoy your titles, possessions and rights. She is able to defend you from all foreign enemies, both at home and abroad. Then, if this rebellion shall continue, our country is like to be in extreme calamity, and though it shall at last be freed, yet if it be defined with arms, the misery is equal. It is therefore like to be in your own hands, to remedy or increase this present evil, for by forsaking a detestable rebel you make him impotent further to hurt, and yourselves may be sure to receive mercy, preservation, and increase of honour by your return; where, by persisting with Tyrone, you must needs perish with him, and leave a vile memory of yourselves, as having been part cause of those evils which draw with them all misery to yourselves, your wives, your children, and your families, and of your natural love to your particulars.

Take this answer, therefore, and admonition, we beseech you, as a fruit of charity, which we owe you as Christians. Follow these lights which we hold before you (as lanterns for your footsteps). Be not carried away with his illusions, nor do not tax us for coldness in the Catholic religion, because we do not symbolize (*sic*) with you in your treasons; for as the last is odious to our nature, so in the first we do hope that God's grace shall never forsake us so *far* as *that* we will not live and die in that profession.

Posted by *HIRAM MORGAN IRCHSS SENIOR RESEARCH FELLOW,*  
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