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**Tipperary Historical Journal
2004**

Kilnamanagh and the Frontier: surviving the New English of the early seventeenth century

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Introduction

Many things want reformation . . . but if a Parliament were soon holden, the churches re-edified, a learned ministry planted, more judges sitting in the courts of justice, and the laws roundly executed but for one year . . . this nation would be . . . as willing to be ruled as the people of England – *Sir John Davies, 1604* ¹

[Request] to surrender to his Majesty all his lands . . . to hold [same] by English tenure, and thereby to reduce his country, being all Irish, to civility . . . to have the true use and the execution of the common law which is wanting there – *Petition of Dermot O'Dwyer, chief lord of the country of Kilnemanagh, to Sir Arthur Chichester, lord deputy of Ireland, 1607* ²

In the aftermath of the Elizabethan conquest of Ireland in 1603, Ireland's various frontier lordships came under renewed pressures to reform and submit allegiance to the English crown. Kilnamanagh in west Tipperary was one such frontier. At this time, a growing confidence emerged in the execution of government administration – evident above in the beliefs of contemporary English writer, Sir John Davies. The flight of the Ulster earls of Tyrone and Tyrconnell in 1607, subsequent to their defeat in the Nine Years War, opened the way for the establishment of a comprehensive plantation in the province, while the reinvigoration of the Munster plantation began to attract large numbers of colonists from South-West England. The consolidation, too, of political structures modelled closely on those of England had facilitated for the first time the effectual implementation of English rule throughout the island. Accordingly, leading members of the O'Dwyers of Kilnamanagh – such as the chief quoted above – sought to redefine their political, economic and social organisation in the context of the common law and a stronger government authority. This paper, by focusing specifically on landholding, aims to explore the impact of New English legal and material practices in Kilnamanagh prior to the 1641 rebellion and to examine the manner in which foremost members of the O'Dwyer lordship attempted to adapt themselves to the new order.

Securing Landownership in the Early 1600s

Numerous writers on early modern Ireland have ascribed critical importance to landholding as the fundamental organising principle and dynamic in society.³ Smyth, for example, observes that the 'ownership and control of land was the central fulcrum of economic and political power . . . shaping the location and character of most human activities'.⁴ Furthermore, land was the basis of *localised* power and subsequent to the establishment of centralised crown authority in the later Tudor period, there emerged in the early years of James I's reign an acute necessity to adjust claims to landownership in the context of the common law and English tenurial, inheritance and

doubts over the 'honest disposition' of Dermot O'Dwyer, the chief of Kilnamanagh, and had requested him to send for O'Dwyer to put him 'upon good assurance for [his] future subjection'.¹¹ O'Dwyer, who had so effectively situated himself in the new order at the turn of the century was being impelled to continue to present himself as a willing and progressive subject during the early years of the Stuart administration.

O'Dwyer's recognition of the necessity to reconstitute existing landholding and social structures in Kilnamanagh in the context of accepted 'English' norms induced him to signal his intention to participate in the 'surrender and regrant' agreements, which had become an essential mechanism of reform government in the early Stuart period. This form of 'reducing' the country was not unique to Ireland. As Kiernan notes, a similar process of crown control was evident in contemporary Scotland and elsewhere.¹² The 'Commission for Surrenders' was set up in 1605 for the purpose of extending the operation of the policy,¹³ and in 1607, as quoted at the beginning of this paper, O'Dwyer forwarded a petition to Lord Deputy Chichester requesting the legal, economic and administrative arrangements of the surrender and regrant programme, in order to 'reduce his country' to 'civility'.¹⁴ O'Dwyer's appreciation of the agenda of the new order is indicated by his emphasis of the urgency of having the 'true use' and 'execution of the common law' in his lordship because 'there [was] neither court leet nor court baron nor any fair or market'.¹⁵ Accordingly, he further petitioned the inclusion of the following important components in his regrant:

that he may hold a court leet in and throughout the said country of Kilnemanagh and have the profits and perquisites thereof, together with another court there in the nature of a court baron, and also two yearly fairs upon St. Mark's day (April 25) and St. Bartholomew's day (Aug. 24) respectively, each to continue for two days, and a weekly market in the town of Kilshenan with the profits of the same.¹⁶

O'Dwyer's petition of the above privileges demonstrates simultaneously an informed appreciation of the government agenda of reform and the extent to which he desired to present himself to the Stuart administration as an 'improving' landlord.¹⁷ It reveals, particularly, his knowledge of the essential constituents of the legal and economic framework of the common-law system, which enabled him to adjust progressively to the new order. O'Dwyer's political awareness and competence subsequently brought about the inclusion of all his requests in his surrender and regrant of June 1607; the content of which is examined below.¹⁸

Redefining Landholdings in the Context of the Crown

The initial important consideration of Dermot O'Dwyer's surrender and regrant agreement is that it is seen to have instituted in the lordship of Kilnamanagh the commutation of arbitrary exactions to an annual fixed rent, whereby the Gaelic-Irish redistributive customs of service, therein stated as 'cuttings, cuddye, cesse, presse, cosherie, and bonnagh', and hitherto paid to the 'captains or thanists', were replaced by 'chief rents' payable by the 'several tenants' of the delineated lands.¹⁹ Such a directive to standardise the rents and services within the O'Dwyer lordship reflected the broader design of government to bring about the abolition of the Gaelic-Irish material practices deemed deleterious to authoritative centralised administration and order. The agreement's inclusion of the rights to hold a court leet and baron, and the licence to hold two fairs each year and a weekly market (all of which O'Dwyer had requested) reflected the extent of his desire to meet the legal and economic requirements of the English common-law

system and associated material practices. Evident, too, is the degree to which the Gaelic-Irish traditions of society and economy were being regulated and transformed.

Elsewhere in Ireland, in the early seventeenth century, the process of standardised commutation of rents has been associated with the consolidation of English commercialised order and the simultaneous collapse of the Gaelic-Irish landholding superstructure of society. Duffy, for example, attributes the 'commercial forces' of the capitalist early modern economy as crucial in 'bringing about an insidious transformation in social and landholding structures in parts of Ireland'.²⁰ The evidence from the regrant of the O'Dwyers' chief substantiates, moreover, Ohlmeyer's contention that in order to survive and succeed in this 'civilising' English world and to be considered 'worthy subjects', [the Gaelic-Irish chieftains] had no alternative but to exploit the economic advantages of the English system of landlord-tenant relations and of a commercial economy.²¹

A further notable feature of the surrender and regrant of Dermot O'Dwyer was the distinction drawn between holdings held by the chief as his 'demesne' lands and those listed as 'rent' lands elsewhere throughout the barony.²² The lands marked out as subject to rent included the articulation of the rights and services due to other landholders in the lordship. It is seen, for example, that the rights of other leading O'Dwyer landowners were carefully delineated and preserved, whereby those in possession, partly or wholly, of their own lands, were 'freed from the said chief rent for ever'.²³ The rents and services due to the earl of Ormond and 'divers others' in Kilnamanagh were also upheld.²⁴ This points to a substantial level of continuity in the landholding structure of the barony, and illustrates, moreover, the limited capacity of the surrender and regrant policy as a mechanism of reform.²⁵

O'Dwyer's surrender and regrant agreement reveals that, despite a substantial superimposition of 'English' economic and social order in Kilnamanagh, the government administration was also attempting to secure peace by expediently maintaining strong residual elements of the old order.²⁶ In Kilnamanagh, this was clearly a necessary constituent of the regrant process given the complicated delineation of the landholdings, which prevailed to the mid-seventeenth century, as evidenced by the *Civil Survey*.²⁷ As Gillespie notes, County Tipperary in the 1640s had 'a bewildering complexity of different types of tenures operating side by side'.²⁸ Similarly, in County Sligo, in the north-west of the country, numerous landholding arrangements were 'adopted by families living in a society where observance of a uniform land law was only slowly being introduced'.²⁹ It is therefore important, at this juncture, to note that the *legal* redefinition of Gaelic-Irish order in accordance with the common law and associated social norms did not necessarily involve the reconstitution of Gaelic-Irish *tenurial* arrangements and, accordingly, the ensuing complicated landholding superstructure of society needs to be seen in this context. In essence, the convoluted landholding structure of Kilnamanagh was rendered even more intricate by the incomplete manner in which English legal and socio-economic order was introduced, which subsequently contributed to conflicting ideologies and developments in the barony in succeeding decades.

The evidence from the early seventeenth century suggests then that the New English administration sought actively to bring about order in the Gaelic-Irish lordships by an inconsistent adoption of numerous existing material practices. MacCarthy-Morrogh reminds us, for instance, that 'it was not until 1606 that inheritance by tanistry was declared illegal'.³⁰ Even more important was the manner in which the administration upheld the factional nature of the lordships by maintaining the intricate ownership and co-ownership patterns of landholding and associated rights and services due. The prominent government arbiter and author, Sir John Davies, for example, 'dealt a friendly part' in the protection of the earl of Ormond's 'rights and

services due on the cantred of Kilnemanagh', whose landed and other interests therein were subsequently included in the chief's regrant.³¹ The inclusion, too, of a weekly market and two yearly fairs in the regrant can be interpreted as a form of commercialisation in the O'Dwyer lordship that was adapted to reflect the dominance of a pre-existing Gaelic-Irish pastoral economy. In this context, the evidence from Kilnemanagh points to the notion that the early Stuart administration required the most expedient means to ensure order in the Gaelic-Irish lordships and were prepared to achieve this in a piecemeal fashion.

One of the most striking features of early seventeenth-century Ireland is the transitional and inconsistent nature of society emerging from the upheavals of war and New English conquest. Clarke expresses the intricacy of the picture by asserting that 'the lines of division in early Stuart Ireland were less clear and less rigid than an unqualified emphasis upon political and religious alignments might indicate'.³² Bottigheimer develops this point by underlining Ireland's ambiguous nature as a colony in comparison to colonial America:

[i]n the reign of James I Ireland and America were linked in colonial propaganda as fertile areas for investment and adventure; but the proximity of Ireland to England was more balanced by the ambiguity of its frontier, the cloudy and changeable status of its natives, and the numerous impediments created by generations of prior claimants to the land.³³

Bottigheimer's last point is particularly relevant to the frontier, or contact zone, of Kilnemanagh, where such 'impediments' to New English settlement in the early Stuart period did inhibit an effectual implementation of a coherent plantation project.

These 'impediments' included the high level of political awareness of the existing Gaelic-Irish landowners. The chief of the O'Dwyers, for example, ably requested the various articles and franchises he wished to have included in his surrender and regrant agreement; the negotiation of which involved foremost government officials such as the lord deputy of Ireland, Sir Arthur Chichester, and the influential writer and public commentator, Sir John Davies. O'Dowd cites, too, other examples to illustrate the competency of many Gaelic-Irish lords in their respective negotiations with the crown.³⁴ In this context, she asserts that the surrender and regrant agreements 'should not, therefore, be seen as being arranged between an aggressive and aggrandising state and politically naive native chiefs', and argues conversely that '[m]any native lords were well aware of the implications and welcomed the support which the crown could offer them'.³⁵ Gillespie also points out that chieftains frequently used the surrender and regrant technique to 'reduce the status of their freeholders to tenants' and thereby 'increase the duties received from them'.³⁶ Although Dermot O'Dwyer's surrender and regrant did evidently guarantee the landholding rights of the *major* freeholders within his lordship, it, nevertheless, constituted a clear and comprehensive reassertion of his powerful political and social position in the barony in the context of his tenants and smaller landholders.

The question of how the 'lesser' landed interests in the Gaelic-Irish lordships of contemporary Ireland reacted to the changed political and legal contexts of the early seventeenth century is worth considering briefly at this point as it adds another important layer to the dynamic nature of contemporary Gaelic-Irish society – a dimension often overlooked due to the dearth of evidence. Many smaller landowners throughout the island recognised 'the wisdom of holding their lands from the crown in order to remove themselves from the grip of overlords'.³⁷ This was also an integral constituent of the government programme of reform in the Gaelic-Irish lordships. Treadwell notes, for example, how the contemporary crown counsel to Irish affairs in London, Richard Hadsor, in his 'Discourse' presented to King James I, in 1604, advocated the

extension of the policy of 'surrender and regrant' to break the dependence of Irish landholders on their traditional leaders and to bring them into a direct tenurial relationship with the crown.³⁸

Accordingly, throughout Gaelic Ireland in the early seventeenth century, many smaller landholders, subordinate to their respective chiefs, began to secure legal title to their lands individually with the crown.

In Kilnamanagh, the two foremost lesser landholders, Connor O'Dwyer and John O'Dwyer, were granted their individual lands in the barony directly from King James I in 1609 and 1611 respectively.³⁹ Connor O'Dwyer is seen to have taken advantage of the 'Commission for the Remedy of Defective Titles' and secured his holdings in this context for a specified fine,⁴⁰ while John O'Dwyer's grant also incurred a fine for the specification of his new legal entitlement to properties in relation to the crown.⁴¹ Evident in both grants is the extent again to which other landholders' rights were preserved, such as Dermot O'Dwyer's rents out of the two premises, guaranteed in the context of that previously delineated in his surrender and regrant.⁴² However, in both grants, the landholding rights of others were declared without either a specific delineation of where the respective tracts of separate landholdings overlapped or a clear stipulation concerning the associated privileges involved. This points to the localised and non-standardised nature of the agreed arrangements. Thus, as with the surrender and regrant of Dermot O'Dwyer, further evidence from the grants of his two principal subordinate landowners suggests the emergence of a complicated and localised landholding structure which was in essence a 'hybrid' one – incorporating a framework of the common-law system, whilst simultaneously retaining strong residual elements of the traditional Gaelic-Irish co-ownership pattern. Comparable currents to the hybrid nature of the landed and socio-economic system of Kilnamanagh are evident elsewhere in contemporary Ireland. Gillespie, for example, notes that Counties Antrim and Down in the opening decades of the century were

characterised by the consolidation of landed, political and economic interests as both settler and native adjusted to the political situation created by the English subjugation of Ireland in 1603.⁴³

He proceeds to argue that this 'process of consolidation was initially supported by the central administration in an effort to enforce stability quickly and cheaply'.⁴⁴

Notwithstanding the notable level of contradictory and hybrid social, economic and political arrangements in the O'Dwyer lordship in the early seventeenth century, the expansion of a common-law system of property rights had initiated changes that were to have a considerable impact on the stability of Gaelic-Irish economic and social order. The inclusion of licences 'to hold a court baron' in the grants to Connor and John O'Dwyer is indicative of the expansion of the common-law local court system, which had been extended throughout Ireland in the opening decade of the seventeenth century.⁴⁵ O'Dowd points out that 'the establishment of local courts to which all had access' reflected the government proclamation of 1605, which declared that

all tenants and inhabitants were to be the 'free, natural and immediate subjects of the king' and were no longer to be 'reputed or called natives or natural followers' of any lord or chieftain.⁴⁶

Due to a lack of evidence, it is not possible to assess the extent to which such a proclamation affected the O'Dwyer lordship or, indeed, how it, or the local court system, altered the relationship between the chief and his traditional followers. In addition, there is a manifest absence of records relating to the function and status of the lesser freeholders and sub-tenants within the lordship at this juncture (the primary surviving documentation typically concerning

the land-owning elites). It does become apparent from the evidence emerging in succeeding decades, however, that the traditional power of the landholding classes over their respective patrons fragmented and weakened with the consolidation of English legal and socio-economic order. By 1641, a court baron, for example, appears to be fully functional in Ballintemple parish to the south of Kilnamanagh.⁴⁷

The consolidation of English legal and political order gained further momentum in the later years of James I's reign. In 1608, the customs of tanistry and gavelkind, which Beckett notes as 'essential parts of the Gaelic social and political system', were declared by the courts to be 'void in law'.⁴⁸ By the 1620s, there had developed a strong desire of the central administration to 'exercise more control in the localities, mainly [as] a result of administrative reforms in central government'.⁴⁹ In this context, the grants from the king to the leading O'Dwyer landholders in the opening decades of the century were, of course, part of an on-going attempt of government to strengthen and compound its jurisdiction and control over the Gaelic-Irish lordships. By making agreements with landowners such as the O'Dwyers, the crown also built up its revenue in Ireland and consequently became more powerful. All three grants to the O'Dwyers, for example, resulted in the accumulation of rents to the crown, which were secured by the king's commissioners in virtue of the 1605 'Commission of Surrenders' and 1606 'Commission for the Remedy of Defective Titles'.⁵⁰

The consolidation of New English administration in the localities in Tipperary was further demonstrated in the second decade of the seventeenth century by the diminishing power of the earl of Ormond. Thomas Butler, the tenth earl,⁵¹ had died in 1614 and, as a result, the eleventh earl, Walter Butler, petitioned the king for a full regrant of the palatinate privileges of the liberty of Tipperary, which his ancestors had enjoyed since the early fourteenth century.⁵² The king's response reflected the perpetual desires of the New English government in Ireland to rebuke the powers of the earls of Ormond and subsequently take direct and centralised control of the existing administration of the county. With the death of the tenth earl, the lord deputy, Sir Arthur Chichester, expeditiously advised King James I of the liberty's 'offence and grievance [to] most of the inhabitants of that county and of neighbouring counties adjoining'.⁵³ The ensuing court inquiry ordered by the king into the continuation of the authority of the county palatine recommended the termination of all privileges involved, and the liberty was subsequently forfeited in 1620.⁵⁴ The fate of the liberty of Tipperary mirrored the contemporary expansion of the Stuart administration throughout the country, which exerted further pressures on the Gaelic-Irish landholding and associated social systems, which were already in a diminished and disjointed state.⁵⁵

The Land Market Opens

The expansion of a common-law system of property rights had a number of important consequences in relation to the superstructure of early seventeenth-century Irish society. Gillespie stresses that one of the most striking repercussions of the emerging social structure – 'based on grants from the king and leases to tenants rather than on Gaelic social conventions' – was the resulting 'creation of a standard system of landholding throughout the whole island'.⁵⁶ This, he argues, 'played a vitally important part in opening Ireland up to greater trading activity'.⁵⁷ The spread of standardised landholding rights also brought about 'a more careful definition of private property',⁵⁸ safeguarded new-found property rights 'through statute law', and ultimately had the effect of successfully attracting British settlers to Ireland.⁵⁹ Canny points

out that the number of British settlers migrating to Ireland during the first half of the seventeenth century

is likely to have been greater than that of the total movement to North America over the same period, and the number of skilled manufacturing and agricultural workers included was also probably greater in the case of Ireland.⁶⁰

His suggestion that approximately 100,000 British settlers migrated to Ireland during the years 1603-1641 has won general academic favour, and of these he asserts that as many as 70,000 English and Welsh settled in the south and east, particularly during the 1610s and early 1620s.⁶¹ MacCarthy-Morrogh, too, submits that the growth of English settlers in the province of Munster is likely to have risen to 22,000 in the 1630s, many of whom 'provided the personnel which staffed central and local government'.⁶²

Arguably, the most important consequence of the delimiting of property rights in early seventeenth-century Ireland was the opening up of a market in land. A stimulated land market resulted in what Duffy observes as 'the general adoption of individualistic mercenary attitudes to landownership and the gradual infiltration of opportunistic colonial investors'.⁶³ This, he suggests, meant correspondingly that 'the *raison d'être* of the Gaelic territorial organisation was fast disappearing'.⁶⁴ Gillespie, too, points out that various different groups exploited the expanding property market in the opening decades of the seventeenth century.⁶⁵ He outlines, for example, how the rising merchant class of the principal port towns, such as Galway and Dublin, sought increasingly 'to become landowners as part of their ascent on the social scale', and that the Old English gentry also began to secure ownership of large tracts of land throughout Ireland.⁶⁶ Exploiting the new land market also became a central concern of the Gaelic-Irish.

A series of land transactions in west Tipperary prior to 1641 reflect the noted extension of standardised property rights and emerging dynamic land market of the period. Disputes within the O'Dwyer lordship over landownership, and other rights such as church dues, continued throughout the first half of the century.⁶⁷ A succession of government inquisitions from 1617 to 1637 into numerous smaller landowners' rights of title to specific lands throughout the barony exerted further pressures on various members of the O'Dwyers to secure their respective possessions individually.⁶⁸ Disagreements over inheritance rights – subsequent to the death of a landowner – also persisted, which mirrored both the extent of the increasingly fluid land market and the degree of existing complex Gaelic-Irish landholding arrangements.⁶⁹ Furthermore, land purchases, leases and mortgages⁷⁰ became increasingly commonplace as the O'Dwyers and their Gaelic-Irish neighbours adjusted to the emerging commercialised economic structure. Kiernan has pointed out a similar picture for contemporary Gaelic Scotland.⁷¹

In Kilnamanagh, the fluctuating landholding arrangement became progressively characterised by individualistic concerns and was exploited accordingly by numerous Gaelic-Irish landowners. Dermot O'Dwyer, the chief, for example, appropriated control of lands throughout west Tipperary and elsewhere in the 1620s.⁷² Philip O'Dwyer, who succeeded him as chief in 1629,⁷³ also acquired possession of substantial properties in Kilnamanagh in the 1620s and 1630s by recent mortgage or purchase, and had gained many of his additional properties at the expense of lesser landholders.⁷⁴ Smyth has pointed out a similar trend for Arra, in O'wney and Arra barony in north County Tipperary, where the chief of the O'Briens and his foremost kinsmen were similarly active in land purchases and mortgages, prior to the 1641 rebellion, which resulted in the reduction of landholdings of lesser O'Briens and others.⁷⁵ A more complicated trend, however, in the landholding transfers of 1620s and 1630s is evident for

Kilnamanagh, where it emerges that the other principal landholder of the barony, Anthony O'Dwyer (son to the former chief Dermot), was conversely mortgaging much of his properties and was subsequently in possession of considerably less than he legally owned.

Anthony O'Dwyer was actively mortgaging substantial tracts of land throughout the barony in the decades preceding the 1641 rebellion, which suggests that he may have been experiencing a measure of financial difficulty.⁷⁶ Interestingly, however, he did not mortgage his lands solely to substantial landholders such as Philip O'Dwyer, his chief, but did so also to less prominent O'Dwyers and others throughout the Kilnamanagh lordship and elsewhere, as evidenced by the *Civil Survey*.⁷⁷ The evidence from Kilnamanagh, then, suggests that a considerable number of hitherto smaller and less powerful landholders within the lordship were also consolidating and extending their properties prior to the outbreak of rebellion in 1641. Other minor Gaelic-Irish and Old English property-owners within, and adjacent to, the O'Dwyer lordship had also acquired possession of considerable portions of his properties via the mortgage device.⁷⁸ In addition, many of the smaller landholders of the O'Dwyers were availing of the opportunity to purchase and, more frequently obtain mortgages of, substantial tracts of land in Clanwilliam barony to the south of Kilnamanagh.⁷⁹ A useful example of the process of smaller landholders capitalising on changing circumstances and acquiring possession of lands *individually* (and independently from their chief) was seen in 1621 when a lesser member of the O'Dwyers leased lands from the king subsequent to another O'Dwyer being attainted for high treason.⁸⁰ Crucially, therefore, this suggests that the land market had significantly fragmented vertical alignments of social order within the O'Dwyer lordship. Despite, then, the fact that Gaelic-Irish landownership and associated features such as joint possession of holdings persisted in Kilnamanagh and elsewhere to c.1640, the landholding superstructure had been substantially altered and rendered more individualistic by the extension of property rights modelled on the common-law system of single ownership.

Conclusion

A complicated picture emerges of the landholding structure of Kilnamanagh for the early seventeenth century, the order of which is perhaps best visualised as hybrid. This 'hybridity' mirrored how '[b]oth traditional native and authentic feudal arrangements survived in many places in varying stages of modification', and how the surrender and regrant agreements often served merely to complicate the position further, where the result was 'perhaps more often to put a veneer on Irish arrangements than to replace them'.⁸¹ Most importantly, however, the evidence from Kilnamanagh presented above suggests that this 'hybrid' nature of landholding existing in Ireland by the mid-seventeenth century was distinguished by individualistic concerns. The individualistic agendas of the O'Dwyer landowners reveal the extent to which the Gaelic-Irish freehold system of landownership had been fractured in the pre-1641 period. It indicates, too, how the principle of the 'lordship', as the organising fundamental of society, dominated and administered by the chief and his foremost kinsmen, had rapidly foundered with the consolidation of English legal and socio-economic order. Gaelic Kilnamanagh and indeed Gaelic Ireland had survived for now but at what cost and for how long? Those questions were answered emphatically by the subsequent collapse of the Gaelic chiefs' control over their subordinates throughout west and mid-Tipperary in late 1641 – a system of control that had been insidiously fractured for several decades. With the breakdown of Gaelic and Old English relations with the New English administration in the latter half of 1641, all of west and mid

Tipperary were in arms by December. Spearheaded by Philip O'Dwyer, the last chief of Kilnamanagh, they sacked Cashel on New Year's Eve. The 1641 Rebellion in Tipperary had begun. Within a decade, it had led to the execution, transportation and sweeping loss of property and status of so many O'Dwyer noblemen, and had effectively brought an end to Gaelic Kilnamanagh.

Notes

1. Cal. S.P. Ire., 1603-1606, p. 161.
2. Hastings MSS, vol. 4, p. 25.
3. See, for example: R. Gillespie, 1993, 'Explorers, Exploiters and Entrepreneurs: Early Modern Ireland and its Context, 1500-1700', in: B.J. Graham and L.J. Proudfoot (eds.), *An Historical Geography of Ireland*, Academic Press, London, pp. 123-157; W.J. Smyth, 1990, 'Territorial, Social and Settlement Hierarchies in Seventeenth-Century Kilkenny', in: W. Nolan and K. Whelan (eds.), *Kilkenny: History and Society*, Geography Publications, Dublin, pp. 127-160; M. O'Dowd, 1986, 'Gaelic Economy and Society', in: C. Brady and R. Gillespie (eds.), *Natives and Newcomers: Essays on the Making of Irish Colonial Society, 1534-1641*, Irish Academic Press, Dublin, pp. 120-147; P.J. Duffy, 1981 'The Territorial Organisation of Gaelic Landownership and its Transformation in County Monaghan, 1591-1640', *Irish Geography*, vol. 14, pp. 1-23; W. Nolan, 1979, *Fassadinin: Land, Settlement and Society in South-East Ireland, 1600-1850*, Geography Publications, Dublin; and K.S. Bottigheimer, 1978, 'Kingdom and Colony: Ireland in the Westward Enterprise 1536-1660', in: K.R. Andrews, N.P. Canny and P.E.H. Hair (eds.), *The Westward Enterprise: English Activities in Ireland, The Atlantic and America, 1480-1650*, Liverpool University Press, Liverpool, pp. 45-64.
4. W.J. Smyth, 1985, 'Property, Patronage and Population – Reconstructing the Human Geography of Mid-Seventeenth Century County Tipperary', in: W. Nolan (ed.), *Tipperary: History and Society*, Geography Publications, Dublin, p. 104.
5. See Cal. S.P. Ire., 1606-1608, pp. 70-71 for the crown lands and tithes in Co. Tipperary in possession of King James I in 1606.
6. N.A.I., Chancery Bills, J, 185, p. 32, and N.L.I., D. 3420 and D. 3427.
7. N.A.I., Chancery Bills, B, 133, p. 18.
8. *Ibid.*
9. B. Cunningham and R. Gillespie, 1990, 'Englishmen in Sixteenth-Century Irish Annals', *Irish Economic and Social History*, XVII, p. 14. Cf. N. Patterson, 1991, 'Gaelic Law and the Tudor Conquest of Ireland: The Social Background of the Sixteenth-Century Recensions of the Pseudo-Historical Prologue to the Senchas Már', *Irish Historical Studies*, vol. 27, no. 107, pp. 193-215.
10. J.H. Ohlmeyer, 1998, 'Civilizing of those Rude Parties': Colonization within Britain and Ireland, 1580-1640s', in: N. Canny (ed.), *The Origins of Empire: British Overseas Enterprise to the Close of the 17th Century*, The Oxford History of the British Empire, vol. 1, Oxford University Press, Oxford, p. 39.
11. Cal. Carew MSS, 1601-1603, p. 385. Prominent O'Dwyers were also successively pardoned in the early years of the century for various offences. For pardons administered in the years 1602-1609, see Fiants Ire., Hen. VIII-Eliz., 1586-1603, nos. 6706-6707; Cal. pat. rolls Ire., Jas. I, pp. 62-63, 87, 95, 149; and N.L.I., D. 3387-3389.
12. See V.G. Kiernan, 1993, 'The British Isles: Celt and Saxon', in M. Teich and R. Porter (eds.), *The National Question in Europe in Historical Context*, Cambridge University Press, Cambridge, pp. 1-34; see esp. pp. 6-9. See also *Idem.*, 1980, *State and Society in Europe, 1550-1660*, Basil Blackwell, Oxford, esp. pp. 134-135.
13. O'Dowd, 'Gaelic Economy and Society', p. 132.
14. Hastings MSS, vol. 4, p. 25. May 27, 1607, is the date of the underwritten order of the lord deputy, the petition itself being undated. Although the content of the petition is clearly of most importance, the initial request does appear to be made at some point in 1607, given that elsewhere the earl of Ormond

- also writes of 'O'Dwyer's purpose to surrender his lands' for that year; see Cal. S.P. Ire., 1606-1608, p. 195.
15. Hastings MSS, vol. 4, p. 25.
 16. *Ibid.*
 17. For a coherent analysis of the reform agenda of the surrender and regrant agreements in the early Stuart period, see O'Dowd, 'Gaelic Economy and Society', pp. 132-137.
 18. Cal. pat. rolls Ire., Jas. I, pp. 104-105.
 19. *Ibid.*, p. 105. Although there were some rent-style arrangements evident in Kilnamanagh through the course of the late medieval and Tudor periods the surrender and regrant of Dermot O'Dwyer represented the first attempt to comprehensively introduce a rent-based economy in the lordship.
 20. Duffy, *op. cit.*, 'Territorial Organisation of Gaelic Landownership', p. 1.
 21. Ohlmeyer, "Civilizing of those Rude Partes", p. 141.
 22. Cal. pat. rolls Ire., Jas. I, pp. 104-105.
 23. *Ibid.*, p. 105.
 24. *Ibid.*
 25. As O'Dowd notes, however, there is a distinct difficulty in assessing the success of the policy given the 'considerable differences between individual agreements' and subsequent danger of generalising; see O'Dowd, 'Gaelic Economy and Society', p. 132. Accordingly, the evidence from the surrender and regrant of Dermot O'Dwyer is herein presented in the localised context. Nevertheless, individual agreements such as O'Dwyer's inform our understanding of the effectiveness of the policy, and have a particular relevancy since very little attention has been given to the 'fate of many of the families' who made them; see *ibid.*, p. 136.
 26. O'Dowd remarks that 'the government was anxious not to upset the internal power balance of the lordship and so tried to arrange terms to suit local circumstances'; see O'Dowd, 'Gaelic Economy and Society', p. 133.
 27. Civil Survey, Co. Tipperary, vol. 2, pp. 76-108.
 28. R. Gillespie, 1991, *The Transformation of the Irish Economy 1550-1700*, Studies in Irish Economic and Social History 6, The Economic and Social History Society of Ireland, p. 21.
 29. M. O'Dowd, 1983, 'Land Inheritance in Early Modern County Sligo', *Irish Economic and Social History*, X, p. 18.
 30. M. MacCarthy-Morrogh, 1986, *The Munster Plantation: English Migration to Southern Ireland 1583-1641*, Clarendon Press, Oxford, p. 89; see also pp. 71-88 for a coherent analysis of the complexities of property ownership and legal title in Munster in the late sixteenth and early seventeenth centuries.
 31. Cal. S.P. Ire., 1606-1608, p. 195; Cal. pat. rolls Ire., Jas. I, p. 105.
 32. A. Clarke, 1970, 'Ireland and the General Crisis', *Past and Present*, no. xlviii, p. 90.
 33. Bottigheimer, 'Kingdom and Colony: Ireland in the Westward Enterprise', p. 55.
 34. O'Dowd, 'Gaelic Economy and Society', p. 135.
 35. *Ibid.*
 36. Gillespie, *Transformation of the Irish Economy*, p. 10.
 37. O'Dowd, 'Gaelic Economy and Society', p. 134.
 38. V. Treadwell, 1997, 'New Light on Richard Hadsor, I: Richard Hadsor and the Authorship of 'Advertisements for Ireland', 1622/3', *Irish Historical Studies*, vol. 30, no. 119, p. 310. See also J. McLaughlin, 1997, 'New Light on Richard Hadsor, II: Richard Hadsor's 'Discourse' on the Irish State, 1604', *Irish Historical Studies*, vol. 30, no. 119, pp. 337-353 for a useful presentation of the 1604 'Discourse'.
 39. Cal. pat. rolls Ire., Jas. I, pp. 156, 198.
 40. *Ibid.*, p. 156.
 41. *Ibid.*, p. 198. See also Cal. S.P. Ire., 1611-1614, pp. 104-105 for a listing of 'Fines paid upon Grants past upon the Commissions of Defective Titles and Surrenders' from 1607 to 1611, which included those of the two leading landholders in the Kilnamanagh lordship secondary to the chief, viz. Connor and John O'Dwyer.

42. Cal. pat. rolls Ire., Jas. I, pp. 156, 198. Dermot O'Dwyer's landholding privileges were also guaranteed in other grants administered elsewhere during this period. For example, his rights to rents and services of lands within his lordship were safeguarded in a grant to Walter Lawles (of Kilkenny County) of the manor of Kilfeacle in Clanwilliam barony, to the southern edges of Kilnamanagh, in 1608. It is evident again that the parcels of land protected overlapped the lands specified in his surrender and regrant and those of the aforesaid manor; see *ibid.*, pp. 119-120.
43. R. Gillespie, 1983, 'Thesis Abstract. East Ulster in the Early Seventeenth Century: A Colonial Economy and Society (Ph.D. Thesis, University of Dublin, 1982)', *Irish Economic and Social History*, X, p. 92. See also *Idem.*, 1985, *Colonial Ulster: The Settlement of East Ulster 1600-1641*, Cork University Press, Cork.
44. *Ibid.*
45. Cal. pat. rolls Ire., Jas. I, pp. 156, 198.
46. O'Dowd, 'Gaelic Economy and Society', p. 144.
47. Egmont MSS, vol. 1, pt. 1, p. 147.
48. J.C. Beckett, 1981, *The Making of Modern Ireland 1603-1923*, Faber and Faber, London (first pub. 1966), pp. 34-35.
49. Gillespie, 'East Ulster in the Early Seventeenth Century', p. 93.
50. Cal. pat. rolls Ire., Jas. I, pp. 105, 156, 198. See Cal. Carew MSS, 1603-1624, pp. 73-74 for a listing of the rents raised by the king's commissioners from 1605 to 1611 by virtue of the 1605 and 1606 commissions, wherein the revenues accrued from the grants to the three leading Kilnamanagh landholders, viz. Dermot, Connor and John O'Dwyer, are included.
51. The earl of Ormond, who had commissioned Dermot O'Dwyer as sheriff of the liberty of Tipperary for 1599-1600, had continued his close association with the O'Dwyers by appointing another O'Dwyer, Thomas of Ballynemona, sheriff in 1608; see T. Blake Butler, 1960, 'The Sheriffs of the Liberty of the County Tipperary', *Irish Genealogist*, vol. 3, no. 5, p. 159.
52. Cal. S.P. Ire., 1615-1625, p. 3.
53. Cal. S.P. Ire., 1611-1614, p. 526.
54. Cal. S.P. Ire., 1615-1625, pp. 3, 328-329; Blake Butler, 'Sheriffs of the Liberty of County Tipperary', p. 159.
55. Duffy points out, for example, that in County Monaghan in south Ulster, 'the indigenous system seems to have collapsed in the first two decades of the seventeenth century'; see Duffy, 'Territorial Organisation of Gaelic Landownership', p. 19.
56. Gillespie, *Transformation of the Irish Economy*, pp. 21-22.
57. *Ibid.*, p. 23.
58. *Ibid.*
59. *Ibid.*, p. 24.
60. N. Canny, 1985, 'Migration and Opportunity: Britain, Ireland and the New World', *Irish Economic and Social History*, XII, p. 30.
61. *Idem.*, 1994, 'English Migration into and across the Atlantic during the Seventeenth and Eighteenth Centuries', in: *Idem.* (ed.), *Europeans on the Move: Studies on European Migration, 1500-1800*, Clarendon Press, Oxford, p. 62.
62. M. MacCarthy-Morrogh, 1986, 'The English Presence in Early Seventeenth Century Munster', in: Brady and Gillespie (eds.), *Natives and Newcomers*, p. 172.
63. Duffy, 'Territorial Organisation of Gaelic Landownership', p. 19.
64. *Ibid.*
65. Gillespie, *Transformation of the Irish Economy*, p. 21.
66. *Ibid.* In relation to the Old English, Gillespie employs the examples of Counties Roscommon and Sligo to point out that the percentage of Old English landownership in Ireland grew considerably in the period from 1600 to 1641.
67. N.A.I., Chancery Bills, M, 111, p. 17.
68. N.A.I., Record Commission, 4/10. The lists of inquisitions in Tipperary, contained herein, were part of the proceedings of the chancery court of Ireland and included inquiries into the legal entitlement of

- fifteen lesser O'Dwyer landowners, dating chiefly to the 1620s and 1630s. Unfortunately, these records (and others relating to elsewhere) are largely, as Sheehan observes, 'mere lists of names and dates, with no details at all of the cases'; see A.J. Sheehan, 1983, 'Official Reaction to Native Land Claims in the Plantation of Munster', *Irish Historical Studies*, vol. 23, no. 92, p. 318.
69. See N.A.I., Chancery Bills, AA, 54, pp. 12-13 for the settlement of a discord between members of the O'Dwyers and others regarding lands in Kilnamanagh in 1619 following the death of one Edmond Walsh.
 70. The Gaelic-Irish custom of mortgaging constituted a practice of land acquisition whereby the mortgagee, for a sum of money, took possession of a tract of land legally owned by the mortgagor until the payment was repaid. It frequently amounted to a means of cheaply purchasing land due either to the subsequent attainment or indebtedness of those mortgaging. For useful comment on the convention of mortgaging, see: MacCarthy-Morrogh, *The Munster Plantation*, pp. 80-81; N. Canny, 1986, 'Protestants, Planters and Apartheid in Early Modern Ireland', *Irish Historical Studies*, vol. 25, no 98, p. 112; and O'Dowd, 'Gaelic Economy and Society', p. 127.
 71. Kiernan, *State and Society in Europe*, p. 135.
 72. See, for example, Cal. pat. rolls Ire., Jas. I, p. 583, wherein O'Dwyer's efforts to secure the mortgage of lands in Counties Tipperary and Limerick in 1624 are recorded. His son, Anthony O'Dwyer, was later conveyed the feoffment of lands in County Waterford in 1633, which again illustrates the involvement of individual members of the O'Dwyers in an expanded land market; see 'Mansfield Papers', intro. J.F. Ainsworth and E. MacLysaght, 1958, *Analecta Hibernica*, 20, pp. 93-94.
 73. N.L.I., MFIC Pos. 8302.
 74. Civil Survey, Co. Tipperary, vol. 2, pp. 77, 79, 81, 83, 86, 95, 97. O'Dwyer was also a lessee of the Anglican archbishop of Cashel of hierarchy church lands in Oughterleague parish in 1640; see *ibid.*, p. 359.
 75. Smyth, 'Property, Patronage and Population', p. 117.
 76. He had mortgaged lands to his chief in Castletown and Clonoulty parishes by 1640; see Civil Survey, Co. Tipperary, vol. 2, pp. 77, 97.
 77. Civil Survey, Co. Tipperary, vol. 2, pp. 79, 96-98, 102.
 78. *Ibid.*, pp. 81, 96-98, 107.
 79. *Ibid.*, pp. 9, 47-49, 51-52.
 80. Lease of lands from King James I in Clonoulty parish by Philip O'Dwyer of Ballyhyde, 1621: Cal. pat. rolls Ire., Jas. I, p. 503.
 81. A. Clarke, 1976, 'The Irish Economy, 1600-1660', in: T.W. Moody, F.X. Martin and F.J. Byrne (eds.), *A New History of Ireland III: Early Modern Ireland 1534-1691*, Clarendon Press, Oxford, pp. 170-171. Evident in Kilnamanagh, therefore, is an ineluctable degree of the antithesis of 'continuity and change', which despite being a long-established concept should, nevertheless, as Mitson argues, 'not be relegated to a cliché'; see A. Mitson, 1993, 'The Significance of Kinship Networks in the Seventeenth Century: South-West Nottinghamshire', in: C. Phythian-Adams (ed.), *Societies, Cultures and Kinship, 1580-1850 – Cultural Provinces and English Local History*, Leicester University Press, London, p. 70.