

TNA: PRO SP 63/82/6*Grey to Walsingham, 6 April 1581*

One of the most interesting things about this letter is the considerable overlap between Grey's points on procedural problems in common law trial process and Irenius's account of Irish law in *A view of the present state of Ireland* (1596); like Grey, Spenser spends considerable time on the 35 challenges afforded to prisoners, and on the means by which those of the Irish nobility accused of treason managed to alienate and convey away their titles in land, in order to avoid the escheats that would disinherit their children. See *A view of the present state of Ireland*, ll. 759-74, 818-74. The text of the letter is in Grey's usual italic hand, including several phrases in the customary code. The letter has been annotated in the left margin throughout, probably by Walsingham, and the code transliterated above the line. The address is in Spenser's characteristic secretary, the later endorsement – probably added during the filing process – in a different hand. An addressee note ('Mr Secretary') appears at the left foot of the first page of the manuscript.

Endorsements

To the Honorable
my very Loving frend
Sir Fraunces Walsingham
Knight Chief Secre-
tarie to her Maiestie

6 Aprill. 1581
From the Lord Gray.

Text

Twoe extremities in
proceedynge agaynst the
prisoners

.1. Alliance between the
prisoners & Iurours.

.35. chalenges.

.2. Fraudulent
conueyghances

Sir, vppon aduyce taken with the choyce of my companions in councell heere & adding vntoo them certayne of her Maiesties learned councell best too bee trusted, wee fynde twoe extremities too ryze in the ordinarie proceeding too tryall of the late endyghted pryzoners heere, too goe on wherin the late letters from my Lords there & her Maiestie directed mee. The one is the generall linck of kinred & alliance. the whoale sheere, whence these tryalls must bee returned, hathe with the parties too bee tryed, & beesydes hardly acquyted of faouore too the cause of theyr offence, what sounde verditt maye bee then hoaped of at sutche Iuries waye yowr sellf; a lawe or custome lykewyze is heere that euerie one is allowed xxxv challendgies, which makes, that if vpryghtnes myght bee looked for, I see not, as the tyme serues, how the number for the gwestes woold bee supplied: The oother is, that admitting theyr casting & condemnation, her Maiesties ryght & benefitt by theyr* goods, landes &

Mr Dillon a man trustie
&c. whome he employeth
therfore in this iorney &
cawse.

A parlament the only
healpe of those
extreamities.

which shall be so heald as
no preiudice of this tyme
shall therby grow to other
seruice.

lettres to hir Maiestie &
my Lords for this
parlament

twoe to be created Barons
A note of the Lords
spirituall & temporall

Request for three to be
Bushops.

Sir William Stanley & Mr
Russell spoyle Feaghes
Contrie

Commendation of Captain
Mackworth & his seruice
against the Omores

possessions, is cleane wyped awaye by deedes of guyft & oother conueyancies, as this beaer Iustice Dillon more particularly shall enfourme yow, whowse aduyce hathe not alyttle auayled in this cause, & for his trust, endeouere & lernyng I haue now made choyce of hym for the followyng of this buzines, lett hym therfore I praye yow haue yowr faorable* hearyng, furtherance & countnance. Well Sir, for these inconueniencies no healp that wee can see but onely a parlament, which if, vppon my sundrie former letters had bee harckened vntoo, the matter ere this tyme had been in good dispatche too her Maiesties greate proffitt, no less honor, & more terror too these & all oother the lyke deseruers; & therefore lett it now bee well considered, & harckned vntoo,* for els the contraries of these wyll assuredly fall owte. Lett not the obiECTION of the vnfitnes of the tyme stagger the assentyng too it, for, God wylllyng, it shall bee* so dealt in as no preiudice too oother seruyce shall growe by it, neyther shall the vnquyetnes any whytt empeatche yowr repayre of the best & dutiefullst sorte* that in former tymes the assemblee hathe moast stode on. I haue also wrytten now abowte this same too her Maiestie, & too my Lords a generall letter from the* table heere, which, if yow shall not thynck amiss, I could wysshe 60* first acquaynted with, that sum choyce of yee myght bee made too, consider of it beecause you arre nott all one mans chyldren.* Remember I praye yow the* callyng of those too bee Lords that in my former I wrytte for: it wyll bee moast requysite for this action the onely weakenes & dowght* restyng in our temporall lordes,* as a note heerencloazed wyll sheowe. Sir Nycholas Mallbie hathe commended vntoo mee* Steeuen Kerroan* bysshop* of Kilmacdoock too bee translated to the Bysshoppriock of Clomfartea* in the cuntrie of Clanriccarde, I praye yow sir gett hym confirmed, & also the oother twoo which by* Mr Fenton I recommended too yow. / Sir Wylliam Standley & Captayne Russell twoo nyghtes past made a roade intoo Coalerannell in hoape too haue* surpryzed Phyagh Mc Hugh, but the fourdes & passes they were too pass were so well kept as they crye roaze beefore they could reatche hys howse, wherby hysself had gotten owte & assembled his force too the number of 200 kerne & xx or 30 horss, yet dyd hee guyue them leaue too burne hys towne & howse called Ballinacore & kyll certayne of hys kerne & churles, withowte the loss or hurtt of any of owres.

Captayne Mackwoorthe hathe within this moonethe space putt too swoorde & executed very neere a hundrethe of the best of the Omoores, so as the rest of the sept hathe putt in

pledge for* theyr peacyble & good beehauior; this man certaynely dezerues greate estimation not onely for valure but gououernment, enter hym therefore I praye yow into yowr Cataloge of well deseruers. /

The oother garrisoones heere abowtes arr daylie nybbling vp theyr churles & stragglng knaues which beeyng of no greate accounte I lyke not mootche too aduertiss of.

I haue dispatched twoo Ientlemen too Chester & Bristowe for conducting ouer of the 1000. men yow last wrote for the supplies.

The letters by mr Fenton now is the onely woorde that euer I hard thence of all the packetts that I haue sent since my retourne from my last iorneye, I praye yow sir haue vs mynde in dedes there how sieldoome so euer wee bee thought of by letters.

To hasten the dispatch of Mr Dillon : & to fauour him in his priuate businesse.

So crauyng yowr earnest furtherance for the good & speedie dispatche of this bringer & lykewyze that yow wyll affourde hym* yowr good faouere in his owane priuate rezonable buzyness, I take leaue & beeseetche the Allmyghtie euer too keepe direct & prosper yow. Dublin this vjth of Aprill Anno 1581. /

Yowres euer most assured,
Arthur Grey

The warrant* sent ouer abbridgeth his allowance.

Sir at the ending heerof Mr Treasurer came too mee & sheowed a warrant from her Maiestie for my entertaynement browght now by mr Fenton, therin I am allowed but 50 footmen, & agayne but 1500^{li} Irisshe for my diett: Yow knowe sir that I was promyzed as lardge a dyett as euer any heertofore had, I was allso promyzed 100. footmen: Vppon this & hauyng more care of the seruyce then priuate estate, I sowght not* too staye too capitulate but relying mysellf vppon yowr woord & care for mee came as inconsiderately for myne owane beehouff as myght bee; I praye yow therefore Sir see mee bettter dealt with, or els presently wythdrawen, for surely as hauyng that that I accounted of I shall farre cum shortt of sauynge, so in beeyng thus scantled I shall noot saue mysellf in shortt tyme from vtter vndooyng; whytche I trust is not her Maiesties wyll, moutche less your wysshe I knowe: but sir it is no small grieff too mee in the meane, the world beeyng able too testifie with mee & myne* owane conscience how farre from gayne my purpoze is* in this seruyce, that so

small consideration
is had of it as
enforced I am too
craue my due or els
by peace hollding
encurre a

To procure the warrant a draught of which now sent.

harder measure: too
conclude, I praye
yow Sir, eyther
procure mee the
allowance according
too the warrant
drawen by Mr
Waterhowse, as

yowrsellf appoynted,* wherin my diett is no more then the
new establisshement allowethe,* & my bandes of 100 foot. &
50. horss as was promyzed mee at my sending awaye, or els
good Sir, as beefore I sayed, procure mee my leaue, which
shall bee farre wellcoomer vntoo mee then three sutche
entertaynements the appendices considered; & her Hyghnes
pleazure heerin with sutche conuenient speede as yow maye I
beeseetche yow procure mee.

Textual Notes

* **theyr]** The 'e' in this word has been inserted above the line.

† *after fauorable]* '&' deleted.

†
* *after harckned vntoo]* 'y^e contr' deleted.

†
* *after shall bee]* 'no' deleted.

†
* *after sorte]* '&' deleted.

†
* *after from the]* 'tak' deleted.

†
* **60]** Queen Elizabeth.

†
* **choyce of...mans chyldren]** Much of this passage, from '60' onwards, is in cipher ('choyce of yee myght', 'consider of it because you arre', 'all one mans children'), all of which is transliterated above the line.

†
* *after praye yow the]* 'adua' deleted.

†
* **dowght]** The 'w' in this word has been inserted above the line.

†
* **in our..lordes]** In cipher, transliterated above the line.

†
* *after vntoo mee]* 'one' deleted.

†
* *after Steuen Kerroan]* 'for the' inserted above the line, and subsequently deleted.

†
* **bysshop]** 'p^rck' deleted at the end of this word.

†
* **too bee . . . Clomfartea]** Inserted above the line.

†
* **by]** Inserted above the line.

†
* *after too haue]* 'tak' deleted.

†
* **Marginal note warrant]** The 'w' at the head of this word is somewhat blotted; it is not clear whether the annotator corrected a letter, rewrote the 'w', or merely blotted the opening of the word.

†
* *after pledge for]* 'y^e' deleted.

†
* **affourde hym]** Inserted above the line.

†
* **not]** Inserted above the line.

†
* **myne]** Original 'myght' altered to 'myne', with 'ne' inserted above the line and 'ght' deleted.

* **is]** Inserted above the line.

†

* **after appoynted]** 'or els' deleted.

†

* **allowethe,]** Inserted above the line.

Annotations

the choyce of my companions ... to be trusted] To Walsingham Grey could admit – even advertise – his care in managing the factional nature of the Irish Privy Council. It is curious that he makes a distinction between his 'companions' and the members of the Irish council; Grey seems to have relied – at least to some degree – for policy advice on his own gentlemen servitors.

two extremities] An 'extremity' is literally a 'severity' of some kind; Grey is pointing out that the legal proceedings against the conspirators are threatened by two problems inherent to the customary mode of legal process itself.

the late letters] No minutes or drafts of these letters appear to have survived.

generall linck of kinred & alliance] Blood and marriage bonds.

sheere, whence these tryalls must bee retourned] Under English common law (which ran in Ireland after the Irish parliament acknowledged him king of the country in 1540), felony trials had to take place in ('be returned to') the defendant's home county or district, with a jury comprising local peers.

hardly acqyted of faouere too the cause of theyr offence] Grey suggests that, if the whole shire were tried for their sympathy to the conspirators' rebellion, they would be acquitted, if at all, with great difficulty.

xxxv challengies] It was a custom of the common law of England to allow defendants 35 'peremptory challenges' in the selection of jurors; nearly three full panels of proposed jurors could thus be eliminated by the defendant in advance of the trial, making it difficult for the court, which was drawing from a limited population of potential jurors, to choose men who would not be biased.

casting & condemnation] Prosecution and sentencing.

ryght & benefitt by theyr goods, landes & possessions] Felons (including traitors) upon conviction forfeited ('escheated') their estates and possessions to the crown.

deedes of guyft & oother conueyancies] In order to avoid the disinheriting of their children or collateral descendants, defendants thus sought legal means ('deeds of gift' and other 'conveyances', or property transactions) to give or sell their estates or possessions as quickly as possible, upon the fact or even the likelihood of an appeal of felony or treason.

Iustice Dillon] Robert Dillon, second justice of the Common Pleas (Ireland); see biographies.

inconueniencies] I.e. the 'extremities' rehearsed above, touching the difficulty of securing a fair trial, and of ensuring that the Queen benefit from the prisoners' escheated lands and goods.

sundrie former letters] See for example Grey to the Earl of Leicester, SP 63/81/25; other letters advocating a Parliament have not, it seems, survived.

stagger] Delay or impede.

the vnquyettnes] The stir or trouble caused by the Pale rebellion.

empeatche yowr repayre of the best & dutiefullst sorte] Frustrate the assembling of loyal subjects (in the Parliament, when summoned).

wrytten now ... too her Maiestie] It seems that this letter has not survived.

too my Lords ... table heere] Grey advertises to Walsingham that., with the rest of the Irish Council, he has written separately to the Privy Council on the same matters; this letter does not appear to have survived, but the extant extract dated 2 April (SP 63/82/1) – though it only includes material on Turlough Luineach O'Neill – may have come from this lost original.

sum choyce of yee] Some subset of the Privy Council, only, should be consulted on the present matter.

you arre nott all one mans chyldren] A dark phrase, apparently meaning that Walsingham cannot count on the 'brotherhood' (or common purpose) of the whole of the Council, some of whom might well be affected to the rebel Irish lords.

a note heerencloazed] This note has apparently been lost; but Grey seems to suggest that the Parliament will only go the government's way if it can 'stack' the upper house with new-created lords favourable to its cause.

Steeuen Kerroan] Bishop of Kilmacduagh.

Kilmacdoock] Kilmacduagh, a diocese founded around the monastery of St Colman Macduagh, is located about 35km southeast of Galway.

Clomfartea in the cuntrie of Clanriccarde] Clonfert is located about 60km due east of Galway.

Sir Wylliam Standley] I.e. Stanley; see biographies.

Captayne Russell] William Russell, who would eventually become Lord Deputy in 1595, at this point commanded one of the Pale garrisons under Grey.

Coalerannell] Unidentified; it must have been close to Glenmalure, where Feagh's fortress of Ballinecor was located.

Phyagh Mc Hugh] On Feagh McHugh O'Byrne, see biographies.

they crye roaze] I.e. the cry (or alarm) was raised upon the detection of the attacking English force.

hys towne & howse called Ballinacore] Ballinecor was situated at the opening to Glenmalure; Feagh McHugh would go on to re-edify it and live there securely for another decade or more.

kerne] See glossary.

Captain Mackworthe] Captain Humphrey Mackworth; see biographies.

Omoores] One of the two powerful Irish septs in Leix.

putt in pledge for theyr peacyble & good behaiior] It was standard practice for the government to require the heads of rebel Irish families to 'put in pledges', or surrender hostages, to guarantee their 'good behaviour'.

yowr Cataloge of well deseruers] Walsingham's House of Fame.

daylie nybbling vp theyr churles & stragglng knaues] Grey paralitically passes over the small fry captured or killed by the Pale garrisons.

letters by mr Fenton] No record of these letters survives. Fenton had been sent to England by the Irish Council on 23 December, bearing news of the imprisonment of the Earl of Kildare and the Baron of Delvin (SP 63/79/26; Grey had been calling for his return since at least 19 January 1581 (SP 63/80/15).

Mr Threasurer] Sir Henry Wallop; see biographies.

too capitulate] To draw up a formal schedule (under headings) of his 'entertainment' (the number of footmen and horsemen allowed him) and his 'diet' (his personal allowance for expenditure).

yowr woord & care for mee] Grey's appeal to Walsingham's brotherly love is typical of his private letters during these years, and helps to indicate the degree to which government policy and practice were dependent upon personal relations.

scantled] Scanted.

procure mee the allowance ... as yowrsellf appoynted] Grey seems to have enclosed a draft warrant for his entertainment and diet, prepared by Edward Waterhouse, and here reminds Walsingham that it conforms exactly to Walsingham's own original direction upon Grey's first sailing for Ireland.

new establisshement] Grey seems here to refer to new orders laid down by the Queen and Privy Council for the Lord Deputy's living in Ireland.

the appendices considered] Given what will befall afterwards – i.e. the painfulness of the service – though Grey may also be alluding to the royal displeasure he knows will follow upon his due remuneration; Elizabeth was famous for her petulant parsimony.