

TNA: PRO SP 63/144/70

The answer of Edmund Spenser to the Articles for Undertakers, May/June 1589

Following the final defeat of the Earl of Desmond in 1583, his escheated lands (i.e. those forfeited to the crown as a result of his treason) in Munster were parcelled and distributed to gentlemen 'undertakers' who promised to settle them with English colonists. The commissioners appointed to oversee the division of the estate were charged in mid-May 1589 with a set of Articles to be put to all undertakers, soliciting their immediate responses. For a copy of the Articles to be answered, dated 11 May, see SP 63/144/14, /17-20. The articles may have been circulating before this date in England, as Sir Edward Denny's answer (SP 63/144/10) is dated 10 May (another reply, SP 63/144/24, is dated 12 May); other extant replies include those of Sir William Herbert (SP 63/144/21), Hugh Cuffe (SP 63/144/26), and Sir Walter Raleigh (SP 63/144/27). Spenser's answer appears among a group of undated replies, all of them from undertakers (or undertakers' agents) based in Ireland. The text of the document is in Spenser's characteristic secretary hand, here faded and somewhat rough (some text has been lost in the right margin and, apparently, at the bottom of the page). The endorsement appears to be Spenser's own italic hand, somewhat more formal and rounded than in other examples. The signature at the bottom left of the document is in the familiar cursive, abbreviated form. The word 'null' below the endorsement has been added in a secretary hand; it is consistent with the subscriptions appended to the other replies from the undertakers (many, like Spenser's, read 'null'; some indicate rents and chargeable lands).

Endorsements

Edmund Spenser his aunswere to the comissionne

null.

Text

Edmund Spenser The answere of Edmond Spenser gentleman to the Articles of Instructions given in charge to the Commissioners for examining & inquiring of her Maiesties attainted landes past to the vndertakers

- 1 To the first he sayth that he hath vndertaken the peopling of a Segniory of iiij^m acres allotted vnto him by a Particular from the vndertakers, in which the Castle & landes of Kilcolman & Rossack were appointed vnto him, the which want much of the sayd whole Proporcion of iiij^m acres
- 2 To the second he sayth that he hath not as yett passed his Patent of the sayd landes for that he covenanted with Mr Rheade who had a former particular graunted him of {the} sayd landes, that incase the sayd Mr

Read or any for him came before Whitsontyde last to inhabit the same, that then he should disclame & surrender the Premisses;* & therefore till that tyme expired he was lothe to passe the sayd Patent. But since the expiration of the said tyme being willing to have passed yt, he hath not bene permitted for that Iustice Smithes who is onely now left of the Quorum hath bene euer absent in England. But so soone as he retourneth he will passe the same.

- 3 To the third he sayth that there wanteth of his dew Proporcion m acres as he supposeth at the least
- 4/5/6./ To the iiijth* fite & vith* he knoweth of* chargeable landes and chiefrentes within the compas of his Particular but onely iiij nobles vpon Ballinegarragh & vi or vij d vpon Ballinfahnigh*
- 7/8./ To the vijth & viijth he sayth that as yett he hath not made any division of his landes to his tenantes, for that his patent is not yett passed vnto him, nor his landes established.
- 9/10/11 To the ixth xth* & xjth he sayth that he hath hetherto but vj* housholdes of English people vpon his land, for the former causes.
- 12 To the xijth he sayth that sondry honest persons in Eng{land} have promised to come ouer to inhabit his land so sone as his pat{ent} {...}

Edmund Spenser

Textual Notes

* *after Premises;*] 'w^{ct}' deleted.

† *after iiith*] '&' deleted.

†
* **& vith**] Inserted above the line.

†
* *after of*] 'noe' deleted

†* **and**] 'nor' deleted; 'and' inserted above the line.

* **but only . . . Ballinfahigh**] This line of text inserted in smaller writing, apparently after the next entry was begun. The sense of this addition explains the revisions described in the preceding two notes.

†
* **vijth &**] Inserted above the line.

†
* **xth**] Inserted above the line.

†
* **but vj**] 'not about vij' deleted; 'but vj' inserted above the line.

†
* **Eng{land} . . . pat{ent} {...}**] damage to the manuscript has obscured the right margin and the foot of the text here, obscuring the conclusion of Spenser's answer.

Annotations

The answer . . . vndertakers] See headnote for general context. Spenser's self-styling as a 'gentleman' reflects the landed status he acquired from Grey's gifts and his own canny dealings in Munster.

Segniory] The estates carved out of the Desmond lands were known as siegnories, and varied in size from a few to fifteen thousand acres.

Particular . . . vndertakers] In this sense, not precisely recorded in the *OED*, 'particular' denotes a private rather than a public order, here issued by the council of the undertakers in Munster (but see *OED*, 'Particular', *n.* 1(c)).

Castle & landes . . . Rossack] Kilcolman castle and its lands are situated about two miles northeast of the town of Buttevant in County Cork. The lands of Rossack (modern Rossagh) lie immediately to the southeast of Kilcolman.

passed his Patent] In order officially to establish title to their lands, undertakers were required to secure a patent from the Crown. Although Spenser had been allotted informal possession of the estate by the undertakers by this date, he had not yet applied for his patent.

Mr Rheade] Andrew Reade, a Southampton gentleman; little is known of him. As Ray Heffner argued (1931), it is likely that Reade stayed away from Munster because of Lord Roche's attempts to contest the title of the Kilcolman lands, which he claimed were his, and not part of the escheated Desmond estates. As Clerk of the Council in Munster by this time, Spenser would have been in a

much stronger position to fight a bureaucratic battle against the Old English Lord.

before Whitsontyde last] 22 May 1589.

he should disclame . . . Premisses] Spenser had obviously covenanted with Reade to hold the premises on his behalf until the end of May, probably in order to keep Roche and his tenants out of the contested property; in return Reade apparently gave Spenser the right to declare title in his own right if the situation had not improved sufficiently to Reade's liking. The implication is that Reade and Spenser both assumed that Spenser, with his connections in the local and Dublin governments, would stand a better chance of fending off Roche than Reade.

Iustice Smithes] Jesse or Jessua Smythes, First Justice of Munster and an undertaker, was made a Commissioner of the plantation in the instructions issued to Lord Deputy Perrot in November 1585; see LPL Carew MS 582.

of the Quorum] The small group of judges one of whom was required to be present in order to constitute the Bench (here, of Munster).

chargeable . . . chiefrentes] In the 'Instructions to be annexed to the commission for the inquisition of the state of the tenants and occupiers of the lands and territories escheated to her Majesty by the attainder of the late Earl of Desmond and others', the Privy Council required the commissioners to 'inquire in what sort the escheated lands were chargeable to the Earl of Desmond and to others' (see e.g. LPL Carew MS 606); taxes formerly paid to the Earl of Desmond would, of course, now be due to the Crown instead. Similarly, lands that the Earl had held directly from the Crown, and on which he (ought to have) paid rent directly to the Queen ('chiefrents'), would now be held on the same conditions by the new tenants. The Queen and Privy Council further elaborated on these rents in their instructions for Sir Valentine Browne of 1587: 'The Lord Deputy is to appoint some person to collect the rents due by certain freeholders to the late Earl of Desmond and others. Part of the said rents have been received by some of the Undertakers, who are to accompt for the same. Certain other rents answered to the said Earl upon certain lands called the chargeable lands, and now in arrear, are to be collected'; see LPL Carew MS 646.

Ballinegarragh . . . Ballinfahnigh] Unidentified; presumably these hamlets were associated with chargeable ploughlands.