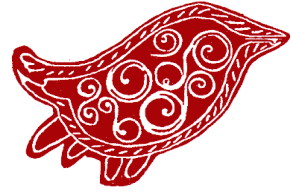


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not far from the Chappell Island, soe situate and of soe strange an herbage that it yeelds 20s. rent per ann. for every acre, which is a prodigious rate in soe poor a country. Near this, on the sea side, there is an abby for Franciscans, built by Dermond O'Sullevan, anno 1460, and not far hence there are iron works newly sett up, which are in a thriveing condition. (2) Dunboy, a large, strong castle, formerly the seat of O'Sullevan Bear, Lord of this country. It was taken after a very obstinate defence and destroyed by Sir George Carew, Lord President of Munster, anno 1602. Not far hence, in the ocean, lyes the island of Durros. ⁽²⁴⁾ It is strong by nature, having but one entrance into it, and it was fortified with an old castle, but, nevertheless, was taken the same time as Dunboy.

(24) Now Dursey Island.

Some Notes on the Irish Judiciary in the reign of Charles II. 1660-1685.

(Continued.)

By FRANCIS ELRINGTON BALL, M.R.I.A., F.R.S.A.I.

BARONS OF THE EXCHEQUER.

SIR RICHARD KENNEDY, Knight and Baronet, 1660-1681.



SIR RICHARD KENNEDY, who was appointed, on the Restoration, senior Baron of the Exchequer, belonged, though himself the son of a legal official, to a family said to be of Irish origin, which had long been identified with the commerce of Dublin. His father, Robert Kennedy, who was elected, in 1643, member for the borough of Kildare, and created, after the Restoration, a baronet, seems to have been a man of large means, and held successively the offices of chief chamberlain and chief remembrancer in the Court of Exchequer.

Richard Kennedy, who was his eldest surviving son, was admitted, on 25 August, 1638, a student of Lincoln's Inn. In due course he came to practise at the Irish bar, and shortly before the final adjournment of Charles I.'s Irish Parliament, in 1647, he was elected member for the

borough of Mullingar. Notwithstanding the fact that he was a royalist, Kennedy pursued the practice of his profession without interruption under the Commonwealth, and in 1652 appeared as one of the counsel for Sir Phelim O'Neill. Towards the Restoration, both Kennedy and his father rendered important services, which received subsequently a reward in places and honours. In addition to his seat in the Exchequer, Kennedy was given the office of attorney of the Court of Wards, and received from the hands of the King the honour of knighthood, while his father was restored to the office of chief remembrancer, of which he had been deprived by the Parliament, and was granted a baronetcy.

As the Court of Wards—a tribunal whose province it was to administer the estates of minors for the benefit of the crown—was abolished in 1662, Kennedy enjoyed his post under it for only a brief period, and the loss of the emoluments, which were not less than £1,000 a year, became a standing grievance. In a petition to the King in 1672 he sets this grievance forth at length, and also complains of a reduction in his salary and perquisites as a judge, and of the inadequate allowance made to him on circuit, which, he mentions, usually lasted seven weeks.

Kennedy lost no opportunity of ingratiating himself with the ruling powers. Two years after the Restoration, we find him entertaining the Duke of Ormond, while the Duke was on his way to Kilkenny, at his father's house in the county Wicklow; and two years later we find him paying a long visit to London, from which he returned with the patent for his father's baronetcy and the grant of manor rights in respect of their property in the county Wicklow, henceforth known as Newtown Mount Kennedy. When, however, the chief justiceship of the Common Pleas became vacant, on the death of Sir James Donellan, he was not so successful in an application which he made for that position, and although he pleaded that he had been promised the reversion, he was passed over in favour of Sir Edward Smyth.

Until nearly the close of his judicial career Kennedy went circuit with much regularity, generally selecting one or other of the Ulster circuits, on which he was active in the suppression of dissent. In the "Carte Papers" there are several reports from him touching the prosecution, at Carrickfergus, of a Quaker called Ralph Sharpley, who, it was alleged, refused to acknowledge the King's authority, and openly defied the judges; and there is also a curious report from him concerning an agreement with a mariner to convey eleven prisoners, then in the gaol of Trim, to Jamaica, where they were to become servants.

Kennedy, who succeeded to his father's baronetcy in 1668, occupied a seat on the bench until 1681, when his health gave way, and four years later, in January or February, 1685, his death took place.

Besides his father's house at Newtown Mount Kennedy, Kennedy had a town house in Nicholas Street, and another country house at Ballydowd, near Lucan. By his will, which is dated February, 1680, but was not proved until September, 1701, he bequeathed Ballydowd to his widow, Lady Ann Kennedy, who was a daughter of Christopher Barker, as well as all his goods, plate, hangings, brass and pewter.

He left two sons—Robert, who succeeded to the baronetcy, and William, who was knighted, and was afterwards attainted in the reign of William and Mary; and a daughter, Elizabeth, who married Dr. Edward Jones, successively Bishop of Cloyne and of St. Asaph. On the death of his eldest son, who married a daughter of Ralph Howard, the distinguished physician from whom the Earls of Wicklow are descended, the baronetcy passed to his grandson, Richard, who was killed, in 1710, in a duel with a Mr. Dormer at Woodstock. The latter left by his wife, Catherine, daughter of Sir Francis Blake, an only daughter, who married Sir William Dudley; and on his death the baronetcy became extinct.

[Authorities:—"Carte Papers"; "Lincoln's Inn Admissions"; Parliamentary Returns of Members; Prerogative Wills; Luttrell's "Historical Relation of State Affairs"; "Notes and Queries," 8 s.—iii. 347, 454; iv. 58, 488; vi. 15; Lodge's "Peerage of Ireland," edited by Mervyn Archdall; "Essex Papers," in Camden Series; Prendergast's "Tory War in Ulster"; "Liber Munerum"; "Ailesbury Papers," published by Historical Manuscripts Commission; Gilbert's "History of Dublin"; Funeral Entries in Ulster's Office; "Lismore Papers"; "Calendar of Domestic State Papers."]

THOMAS DONGAN, 1660-1663.

Thomas Dongan, who was appointed junior baron of the Exchequer on the Restoration, had served on the bench during the last years of the reign of Charles I. He was a member of an old Anglo-Irish family, and was the second son of Sir Walter Dongan, of Castletown, who was created a baronet by James I. His father had early destined him for the legal profession, and in his will leaves him an annuity for seven years, on condition that he remained at the inns of court so long and attended to his legal studies.

Having been admitted, on 9 August, 1627, a student of Lincoln's Inn, Dongan was in due course called to the bar, and came to practise in Ireland. During the rebellion of 1641 he had the misfortune to suffer the loss of his estate, and in the troublous times that followed there was little to be made in his profession. In the hope of resuscitating his fallen fortunes, Dongan set out in March, 1644, for Oxford, where Charles I. then held his court, recommended to the King by Ormond as one

who had been constant to the Protestant religion and affectionate to the King's cause; and probably, as the result of his visit, was given a patent, dated 13 May, 1644, for his elevation to the bench as third justice of the Chief Place—a favour from which he can have derived but small profit before the establishment of the Commonwealth. According to Duhigg, who speaks in his "History of the King's Inns" in high terms of Dongan's talents and integrity, as soon as that event took place, Dongan voluntarily resigned his seat on the bench, although offered promotion to the Chief Place in his court, and was reduced to a condition of great poverty before the Restoration; but the fact that Dongan continued to act as a judge for several years after the rule of the Parliament began, disproves part of this statement.

The treatment accorded, on the Restoration, to Dongan in the grant to him, by patent dated 29 Dec., 1660, of the position of junior baron of the Exchequer—the smallest in its emoluments of any of the judgeships—arouses Duhigg's wrath, and he becomes eloquent while dilating on the reward of Dongan's "stern, unbending virtue." Dongan only lived for three years after the Restoration. His death took place on 29 June, 1663, and five days later he was buried in St. John's Church, Dublin.

In his will, which is dated 26 June, 1663, and was proved on 13 July following, he mentions his loving wife and only son, John, also his friend Dr. Lightburne, then Precentor of Christ Church Cathedral. Dongan's nephew, the third baronet, was created Viscount Dongan and Earl of Limerick, and in the grant of the peerage there is a special remainder to Dongan's son, who is supposed to have died before 1715, without issue.

[Authorities:—"Carte Papers"; "Lincoln's Inn Admissions"; Funeral Entry; Prerogative Will; Cokayne's "Complete Peerage"; Duhigg's "History of the King's Inns"; Depositions of 1641 in Trinity College Library; "Calendar of Clarendon Papers."]

JOHN POVEY, 1663-1673.

See under Chief Justices of the Chief Place.

HENRY HEN, 1673-1680.

See under Chief Barons of the Exchequer.

SIR STANDISH HARTSTONGE, Bart., 1680-1685.

Sir Standish Hartstonge was the eldest son of Francis Hartstonge, of Catton, in Norfolk, and was grandson of Sir Thomas Standish, from

whom he inherited considerable property in the county Clare. He went to the bar late in life, and must have been of mature years when admitted, on 1 December, 1657, a student of the Inner Temple. After the Restoration he secured a seat in the Irish Parliament as member for the borough of Limerick, and was appointed second justice of the Provincial Court of Munster, attorney-general of the Regality of Tipperary, and recorder of Limerick—positions which he held until his elevation to the bench as junior baron of the Exchequer. To that position he was appointed by patent dated 21 February, 1680, on Henry Hen's promotion to the chief seat in that court.

He showed great ability in dealing with questions affecting the revenue, and received high praise from Lord Arran for his knowledge of the business of the court; but it was probably more to his position as a man of estate than to any services which he had rendered as a judge, that his creation, in 1683, as a baronet was due. On the accession of James II. he was re-appointed to his seat in the Exchequer, but in the following year he was removed at the same time as Sir Richard Reynell and Robert Johnson, although in his case also Lord Clarendon represented the good reputation which Hartstonge had earned even with those who were politically opposed to him. After the revolution, Hartstonge was reinstated by patent dated 3 November, 1690, and continued to go circuit until 1695. He then appears to have retired, and to have gone to live near Hereford.

Hartstonge was three times married. His first wife was Elizabeth, daughter of Francis Jermy, of Gunton, in Norfolk, who died on 5 July, 1663, and was buried in St. Mary's Church, Limerick; his second wife, Anne, third daughter of Sir Thomas Bramhall, who died in 1682; and his third wife, Johanna, daughter of Sir Rowland Gwynn. By his first wife Hartstonge had eleven children, of whom seven were alive in 1677. His eldest son, Francis, married a Miss Betteridge, and died before his father, leaving two sons, Standish and Arthur. His second son, John, who was in holy orders, became successively Bishop of Ossory and Derry, and died in 1719. His third son, Standish, was recorder of Kilkenny, and died in 1704. And by his third wife he had a son, Gwynn, who entered in 1701 as a student of Balliol College, Oxford, and of the Middle Temple, and died in 1710. His eldest daughter, Alice, married, in 1671, Anthony Maude, M.P.; and another daughter, Jane, married, in 1679, Arthur Browlow. Hartstonge's grandson, Sir Standish Hartstonge, the second baronet, survived until 1751, when he was succeeded by his son, Sir Henry Hartstonge, whose performances in the House of Commons seem to have rivalled those of Sir

Boyle Roche. Sir Henry died in 1796, without issue, and his property passed to his niece, Mary, wife of Edmund, Earl of Limerick.

[Authorities:—"Carte Papers"; Prerogative Wills; Parliamentary Return of Members; "Inner Temple Admissions"; "Liber Munerum"; "History of Kilkenny Cathedral," by Rev. James Graves and G. A. Prim; "Journal of the Kilkenny Archæological Society"; "Correspondence of Henry Earl of Clarendon," edited by S. W. Singer; Foster's "Alumni Oxonienses"; Funeral Entries in Ulster's Office.']

WILLIAM WORTH, 1681-1685.

William Worth was the eldest son of the Right Rev. Edward Worth, Bishop of Killaloe, and owed his elevation to the bench to the influence of the episcopal Lord Chancellor, Michael Boyle.

He was admitted, on 21 March, 1665, a student of the Inner Temple, and having come to practise at the Irish bar, obtained the position of recorder of Cork, and in 1678 the rank of King's Counsel. On Sir Richard Kennedy's resignation, he was raised to the bench by patent dated 15 September, 1681, as junior baron of the Exchequer. He was re-appointed on the accession of James II., and remained, like Judge Lyndon, on the bench until the spring of 1689, when he went circuit for the last time. During Lord Clarendon's viceroyalty, Lord Tyrconnell made a violent attack on Worth, whom he accused of being a persecutor of Roman Catholics and a favourer of fanatics, but the charges were not pressed. In the troublous times that followed Worth's conduct, which was much influenced by Lord Clarendon, was tortuous. In January, 1689, he was in London with Lord Clarendon earnestly desirous of an interview with King William, and much dissatisfied because the King did not see him for some days; a few weeks later he was back in Ireland going the north-east circuit; then in April he reappeared in London with dreadful stories from Ireland; and later on in the year, after another visit to London, he was staying with Lord Clarendon, who was then believed to be in correspondence with the Jacobite party.

Needless to say, such a line of conduct resulted in his being passed over by King William when making his appointments to the Irish judicial bench, and the remainder of his life Worth passed in retirement in his house in Aungier Street, Dublin, and in his country house, Old Bawn, near Tallaght. His death took place on 23 December, 1721, in the 76th year of his age, and he was buried a few days later in a vault in St. Patrick's Cathedral, which he had purchased many years before his death.

He was three times married—first to Alicia, daughter and co-heir of John Barnett, of Youhasford, in Suffolk; secondly, to Mabella, fourth

daughter of Sir Henry Tynte, of Ballycrenane, in the county Cork, who died in Aungier Street, on 8 December, 1686; and thirdly, to Lucy, widow of Sir Richard Bulkeley, through whom he became possessed of Old Bawn. In his will, which is dated 20 October, 1719, he mentions his son, James Worth, who took the name of Tynte, and became a Privy Councillor, and his daughter, Dorothy. He had a number of other children, who died young.

[Authorities:—"Carte Papers"; Funeral Entry in Ulster's Office; "Irish Builder" for 1894, pp. 208, 222; "Liber Munerum"; "Inner Temple Admissions"; "Correspondence of Henry Earl of Clarendon," edited by S. W. Singer; Mason's "History of St. Patrick's Cathedral"; Prerogative Will.]

Quarterly Notes.

The Collection of Irish Music as noted by George Petrie, LL.D., R.H.A. Edited from the Original Manuscripts by Charles Villiers Stanford. London: Boosey and Co., 1902. The first part of this long-promised body of Irish folk-music, containing exactly five hundred different airs, has just been issued. It is put forth in a rather unattractive manner: no introduction, beyond a few short uncritical observations over the initials "A. P. G.," or even a study of native music, which one naturally looks forward to in a collection like the present, is given. The quality of the editing is scarcely as pleasing as that displayed by Petrie himself in the volume of Irish music edited by him and published in his lifetime. The airs were noted in different parts of Ireland, and from different people and sources, in the course of some fifty years, but nowhere in the volume is it stated where the original manuscripts are preserved. When complete, it promises to be the largest and most valuable publication of its kind as far as Ireland is concerned. The publishers have copyrighted the edition, a proceeding in which it is very questionable they were justified, and after which we may be prepared to hear of a similar *right* (?) being obtained for collections of folk-lore and folk-song—the unrestricted heritage of mankind.

Books, Tracts, etc., Printed in Dublin in the 17th Century. List compiled by E. R. McC. Dix. Part III.—1651-1675. Dublin: O'Donoghue and Co., 1902. Price, 2s. 6d. The titles and other particulars of close on three hundred works are recorded in this part. The different items are for the most part of a religious and political nature—a fact which betokens the intense spiritual and temporal anxiety and concern that existed in that unsettled period. In 1652, William Perkins produced a book, which, apart from its subject matter, has a present day interest for many people. It is entitled, "The Christian Doctrine, or the Foundation of Christian Religion into Six Principles. Translated into Irish by Godfrey Daniel. And also Brief and Plain Rules for the reading of the Irish Tongue." Books on other subjects are occasionally very curious: for instance, those by Michael Harward, Philomath, viz., "A