

1641 DEPOSITIONS

VOLUME IV

Dublin, TCD, MS 809 & TCD, MS 810
Miscellaneous Associated Papers, TCD, MS 840

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SERIES CONTENTS

VOLUME I – ARMAGH, LOUTH & MONAGHAN

ACKNOWLEDGEMENTS

ABBREVIATIONS & GLOSSARY

ABOUT THE 1641 DEPOSITIONS SERIES

INTRODUCTION TO VOLUME I

ARMAGH DEPOSITIONS (TCD, MS 836)

LOUTH DEPOSITIONS (TCD, MS 834)

MONAGHAN DEPOSITIONS (TCD, MS 834)

INDEX OF PERSONS

INDEX OF PLACES

VOLUME II – CAVAN & FERMANAGH

ACKNOWLEDGEMENTS

ABBREVIATIONS & GLOSSARY

ABOUT THE 1641 DEPOSITIONS SERIES

INTRODUCTION TO VOLUME II

CAVAN DEPOSITIONS (TCD, MS 832 & TCD, MS 833)

FERMANAGH DEPOSITIONS (TCD, MS 835)

INDEX OF PERSONS

INDEX OF PLACES

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VOLUME III – ANTRIM, DERRY, DONEGAL, DOWN & TYRONE

ACKNOWLEDGEMENTS

ABBREVIATIONS & GLOSSARY

ABOUT THE 1641 DEPOSITIONS SERIES

INTRODUCTION TO VOLUME III

ANTRIM DEPOSITIONS (TCD, MS 838)

DERRY DEPOSITIONS (TCD, MS 839)

DONEGAL DEPOSITIONS (TCD, MS 839)

DOWN DEPOSITIONS (TCD, MS 837)

TYRONE DEPOSITIONS (TCD, MS 839)

INDEX OF PERSONS

INDEX OF PLACES

VOLUME IV – DUBLIN

ACKNOWLEDGEMENTS

ABBREVIATIONS & GLOSSARY

ABOUT THE 1641 DEPOSITIONS SERIES

INTRODUCTION TO VOLUME IV

DUBLIN DEPOSITIONS (TCD, MS 809 & TCD, MS 810)

MISCELLANEOUS ASSOCIATED PAPERS (TCD, MS 840)

INDEX OF PERSONS

INDEX OF PLACES

VOLUME V – KILDARE & MEATH

ACKNOWLEDGEMENTS

ABBREVIATIONS & GLOSSARY

ABOUT THE 1641 DEPOSITIONS SERIES

INTRODUCTION TO VOLUME V

VOLUME IV

CONTENTS

ACKNOWLEDGEMENTS	XXXV
ABBREVIATIONS & GLOSSARY	XXXVII
ABOUT THE 1641 DEPOSITIONS SERIES	XXXIX
The Dublin Commission	xli
The Waring Copies	xliv
The Bisse Depositions	xlvi
The 1640s' Examinations	xlix
The 1652 Commissioners	1
INTRODUCTION TO VOLUME IV	LII
Co. Dublin (TCD, MS 809 & TCD, MS 810)	liv
Miscellaneous Associated Papers (TCD, MS 840)	lv
EDITORIAL CONVENTIONS	LVII
DUBLIN DEPOSITIONS (TCD, MS 809 & TCD, MS 810)	1
1. Title page, TCD, MS 809.	3
2. Deposition of Henry Jones, n.p., 3 March 1642.	3
3. Deposition of Robert Maxwell, Tynan, Co. Armagh, 22 August 1642.	8
4. Examination of Owen Connally, 22 October 1641.	20
5. Examination of Hugh MacMahon, Conaghy, Co. Monaghan, 23 October 1641.	21
6. Examination of Hugh Maguire, Tirlahode, Co. Cavan, 23 October 1641.	22
7. Abstracts regarding Lord Maguire and Hugh Og MacMahon, n.d.	23
8. Abstract regarding Collagh Brian MacMahon et al., n.d.	25
9. Examination of Lord Maguire, n.p., 26 March 164[2].	26
10. Examination of Shane Rourke, Knockninny, Co. Fermanagh 23 October 1641.	28
11. Examination of Adrian Strong, n.p., 24 October 1641.	29
12. Examination of Edmund Reilly, n.p., 28 October 1641.	29
13. Examination of Charles Kinsella, Dublin, 28 October 1641.	29

14. Examination of John Long, n.p., 28 October 1641.	30
15. Examination of Patrick Moore, Clones, Co. Monaghan, 30 October 1641.	31
16. Examination of Donald Rory, n.p., Co. Fermanagh, 30 October 1641.	32
17. Examination of Henry Duffy, Ballyslandy, Co. Meath, 30 October 1641.	33
18. Examination of Edmond Doherty, Lisnagarvey, Co. Down, 1 November 1641.	34
19. Examination of Collagh McCabe, Derrynagh, Co. Westmeath, 1 November 1641.	34
20. Examination of Ardal MacMahon, Rakean, Co. Monaghan, 1 November 1641.	35
21. Examination of Redmond Maguire, Enniskillen, Co. Fermanagh, 1 November 1641.	37
22. Further examination of Redmond Maguire, Enniskillen, Co. Fermanagh, 5 November 1641.	38
23. Examination of Owen Ross MacMahon, Dromany, Co. Monaghan, 1 November 1641.	38
24. Examination of Donagh Caffrey, n.p., 1 November 1641.	39
25. Examination of Art Kavanagh, Clonmullen, Co. Carlow, 1 November 1641.	40
26. Examination of Daniel Maguire, Moy, Co. Fermanagh, 1 November 1641.	41
27. Examination of Patrick McArt MacMahon, Ballinacloch, Co. Monaghan, 1 November 1641.	41
28. Examination of Ross MacMahon, Ballintean, Co. Monaghan, 1 November 1641.	42
29. Examination of Gerald Reilly, Dublin, 1 November 1641.	43
30. Examination of Jane Bingham, Dublin, 1 November 1641.	44
31. Examination of Bartholomew Lemon, Dublin, 1 November 1641.	44
32. Examination of Phelim Toole, Rostyduff, Co. Wicklow, 2 November 1641.	44
33. Examination of Philip MacManus, n.p., 2 November 1641.	45
34. Examination of Turlough MacMahon, Clankelly, Co. Fermanagh, 2 November 1641.	46
35. Examination of Patrick Maguire, n.p., 2 November 1641.	46

36. Examination of Daniel Kavanagh, Clonmullen, Co. Carlow, 2 November 1641.	47
37. Examination of Thomas MacMahon, n.p., 2 November 1641.	48
38. Examination of Turlough McGilleragh, n.p., 2 November 1641.	48
39. Examination of Charles Kinsella, Dublin, 2 November 1641.	49
40. Examination of Brian o Dwyer, Thurles, Co. Tipperary, 2 November 1641.	50
41. Examination of William Moore, Clones, Co. Monaghan, 3 November 1641.	51
42. Examination of Cochonacht Mc Donnell, Clontyferagh, Co. Fermanagh, 3 November 1641.	51
43. Examination of Patrick Maguire, Kilmantane, Co. Fermanagh, 3 November 1641.	52
44. Examination of Hugh Byrne, Moynalty, Co. Meath, [3 November 1641].	52
45. Examination of Brian O'Reilly, Newcastle, Co. Meath, 3 November 1641.	53
46. Examination of Hugh MacMahon, Kilcorran, Co. Monaghan, 3 November 1641.	53
47. Examination of Turlough McScollan, Cloonaveel, Co. Fermanagh, 3 November 1641.	53
48. Examination of Dudley Loftus, n.p., 3 November 1641.	54
49. Examination of Donagh McGilleragh, Ballymagillrowe, Co. Fermanagh, 4 November 1641.	54
50. Examination of Edmond Byrne, Castlemartin, Co. Kildare, 4 November 1641.	55
51. Examination of James Wall, Arddriscine, Co. Carlow, [4 November 1641].	55
52. Examination of Patrick MacCahery, Clowningor, Co. Kildare, 4 November 1641.	56
53. Information of Edward Eastcote, Carryleamley, Co. Cork, 4 November 1641.	57
54. Examination of Robert Butler, Balliquede, Co. Carlow, 4 November 1641.	58
55. Examination of Robert Davies, Jamestown, 4 November 1641.	58
56. Examination of Mullmore O Loney, Arda, Co. Fermanagh, 5 November 1641.	59

ABOUT THE 1641 DEPOSITIONS SERIES

The collection of papers commonly known as the ‘1641 depositions’, more formally as TCD, MS 809–841, was presented to the University of Dublin in 1741 by its Vice Chancellor, John Stearne, bishop of Clogher, to mark the centenary of the 1641 rebellion.¹ The collection was subsequently bound in thirty-one volumes. In the first of these, entitled ‘Depositions concerning the Rebellion in general, more especially of the Persons seized upon the first discovery thereof in October 1641’, the material was arranged to tell the story of the attempt on Dublin Castle. The two most celebrated depositions, those of Henry Jones and Robert Maxwell, were given pride of place and were followed by the statements of Owen Connolly (Owen O’Connally) and Hugh MacMahon and a succession of others suspected of having been involved in the conspiracy. This thematic sequence ended on f. 239v of MS 809. Thereafter, and for the following thirty volumes, the papers were grouped according to the county to which they were thought (not always rightly) to belong, but randomly jumbled together within the county groups.² The principle of county arrangement had already been breached by the thematic selection of items included in the first part of MS 809. This was exacerbated by inconsistency of practice where the county of residence of the deponent differed from that in which the reported events took place, a problem which was in turn aggravated by the tendency of refugees to describe themselves as of their place of refuge. An extra layer of difficulty in allocating material to counties was provided by the fact that many landowners held land in more than one county and many Dubliners owned or leased estates only outside the county. Moreover, while the records collected in the 1640s were arranged by county, those collected in the 1650s were organized according to the event or individual with which they dealt. The combination of the initial lack of clarity in categorizing the material with the later failure to preserve either the alphabetical sequences of the 1640s material or the numerical sequences of the 1650s material and to sort the categorized material before binding it created a state of multiple disorder that has concealed the fact that the collection is an amalgam of four different sets of records, and one sub-set. Each was created by the conduct of separate enquiries into particular aspects of the rebellion, but they shared a later history.

The eponymous core of the collection consists of the records of a ‘commission for the despoiled subject’ which was appointed on 23 December 1641 by the Irish

¹ The depositions are available online, together with transcriptions, at www.1641.tcd.ie. There is a general description of the collection in Aidan Clarke, ‘The 1641 Depositions’, Peter Fox (ed.), *Treasures of the Library, Trinity College Dublin* (Dublin, 1986), pp 111–22.

² A further two volumes were added to the series some years later. TCD, MS 840 is a compilation of documents drawn from Henry Jones’s papers relating to the years 1641–7. Only those pertaining to the ‘commission for the despoiled subject’ have been transcribed. TCD, MS 841 is discussed below, pp xli, xlvi.

government, without reference to its counterpart in England, to register the losses of those who had been despoiled by the rebels. On 19 January 1642, the Commission was instructed to enquire into cases of murder and apostacy also. It set to work on 29 December 1641 and concluded its business on 30 September 1647, by which stage its workload had dwindled and its active membership had been reduced to two. Between September 1645 and January 1646, in the expectation that the treaty then under negotiation between Ormond and the Confederates would provide for the destruction of the Commission's records, its clerk, Thomas Waring, was instructed to make a set of fair copies of the originals, which he later conveyed to England for safekeeping. These form an historically important sub-set of the main archive. In May 1649, Waring, who was then in England, was directed by the council of state to publish the depositions and he subsequently edited the copies for this purpose, which was never achieved. The second component of the collection derives from a commission issued on 5 March 1642 directing the incoming archdeacon of Cloyne, Philip Bisse, and others of his choosing to take similar statements of loss throughout the province of Munster. Bisse, with a dozen or so assistants, collected depositions from late April 1642 until his violent death early in July 1643. In the following year his records were taken to England where they remained hidden and intact until after the execution of King Charles in 1649. When they came to hand, in unclear circumstances, the council of state entrusted them also to Waring to prepare for publication. The third component of the collection is comprised of examinations of an investigative character taken by officers of state, local officials, military commanders and others in the 1640s. Their purpose was intelligence gathering and they were taken from a wide variety of informants, willing and unwilling. The final element in the collection consists of records created by investigations conducted by and on behalf of commissioners appointed in September 1652 to discover and prosecute those responsible for murders and massacres committed during the course of the rebellion. The execution of this task was facilitated by Thomas Waring's copies which were made available to the commissioners, accompanied by elaborate indexes to the alleged perpetrators and their crimes which he had earlier compiled in London. Moreover, the Bisse depositions were returned to Ireland in time to be used in evidence against Lord Muskerry in December 1653.

On 28 December 1654, when the war was over and the time had come to implement the terms of the Act for Settling Ireland, passed on 12 August 1652, commissioners were appointed to adjudicate the cases of catholic proprietors who claimed to qualify for transplantation to estates in Connacht. The information with which they were provided to assist them in making the appropriate 'discriminations' included both invaluable captured Confederate records and the original Dublin and Munster depositions, together with various indexes and abstracts of their contents. Since these aids included an index to the examinations taken by the high courts of justice which occupies the greater part of MS 841, it is reasonable to infer that the examinations themselves were also made available. These materials were kept separately in alphabetically identified 'books'. When the Athlone commissioners, as they were known, completed their task in September 1656 the books of evidence were returned to Dublin. In due course they were lodged in an office of 'discriminations', in the care

1. TITLE PAGE, TCD, MS 809

[f. ir, 809, blank] [f. iv, blank] [f. iir] Depositions concerning the Rebellion in general, more especially of the Persons seized upon the first discovery thereof in October 1641; 1st Vol; F-2-2; (809) [ff iiv-iiiv, blank]

TCD, MS 809, ff ir-iiiv

2. DEPOSITION OF HENRY JONES¹, N.P.

3 MARCH 1642

[f. 1r, 75] Dublin; <Exw 137> I Henry Jones Doctor in Diuinity in obedience to his maiesties Comission requiring an accompt of the losses of his lofall subjects wherein they suffered by the present Rebellion in Ireland, & requiring an accompt of what traitorous words, proiects or Actions were done, said, or plotted by the actors, or by the Abettors in that rebellion: Doe make and give in this following report of the premises to the best of my knowledge vpon oath: vizt, As for the present Rebellion Howsoever the firste breaking out of this fire into a flame began first on the xxiiijth of October 1641 yet was it smokeing (as may well be conjectured, for many yeres before: God haueing given us many and apparant groundes for the discouery of it, had they bin duly considered on, or duly prosecuted to a discouery, Of which kynd wee fynd theis former following particulars, First that about 3 or 4 yeres since, amongst many bookes brought into the Citty of Limrick from forraine parts, & seized vpon by the reuerend Bishop of that Sea² as prohibited (being therevnto authorized by the state) one had a written addition to the first part which was printed, conteyning a discourse of the friers of the Augustine order, somtimes seated in the towne of Armagh in Vlster: But by reason of the times, and at that present Resident (as that writing imported) in the Citty of Limrick in Mounster, That whylest it flourished at Armaghe, it was protected, & largely provided for by the then Erle of Tirone³ Since whose expulsion out of Ireland, that Convent was alsoe decayed & driven to those distresses it did for the present vndergoe, but that within 3 yeres (This is as I remember, the time limited) Ireland should fynd, he had a sonne inheriteing his fathers virtues Whoe should restore that kingdome to its former liberty, & that Convent to its first lustre or words to that effect, This was related vnto mee by that zealous & learned prelate Doctor Webb, now Bishop of Limrick whoe sawe & read the said passages Purposeing (as his Lordship tould mee) to send that booke to the Lord President of Mounster⁴ to be taken into further consideracion:

¹ The original of this deposition is not in the collection: the number 137 denotes its place in the Waring copy-set for Co. Dublin. A second, undated and somewhat more personal statement, including an account of his experiences and losses, is at TCD, MS 840, ff 32r-v (no. 640 below). A letter to the lord lieutenant, the earl of Leicester, which he drew upon in composing his deposition is at TCD, MS 840, ff 33r-v (no. 641).

² George Webb, 1581-1642, bishop of Limerick, 1634-42 (see *DIB*).

³ Hugh O'Neill, 2nd earl of Tyrone, d. 1616 (see *DIB*).

⁴ Sir William St Leger, c. 1580-1642, lord president of Munster, 1627-42 (see *DIB*).

2 Hereunto was added a second passage about the same time at Limrick aforesaid, Where a popish preist gave out That within 3 yeres there should not be a protestant in Ireland, or words to that purpose, with some other materiall Circumstances which I doe not now remember, yet all soe concurring with the former, (or the first with this) which precede I know not but being about one tyme) That it was thought fitting to be considered of, The said preist being sent to the Lords at Dublin & he committed to the Castle

[f. 1v] 3 The third did agree with the twoe former, and fell out about the same time in the County of Meath in Leinster Where one Walter Nugent of Rathaspick in the said County eldest sonn to Walter Nugent Esquire (a man of great fortunes) vpbraiding an Irish protestant, whoe was parrish Clarke of Rathaspick aforesaid) with his Religion, & both speakeing Latine, the said Nugent vttered theis words. *Infra tres annos venient tempus & potentia in Hibernia quando tu longe (Likely meaning, diu) pendebis in cruce propter diabolicam vestram religionem;*⁵ The party to which this was spoken, fearing the power of the man durst not speake of it, only in private, yet being called vpon & examined Juridically vpon his oath, he deposed theis wordes & being demanded whether the words were in Hiberniam or in Hibernia, The first importing an Invasion, the other an insurrection at home, he deposed the later, (having tyme given him to consider of it) Theis Examinacions were sent to Sir George Radcliff,⁶ Nugent was sent for & Committed to the Castle, & remained in long durance but afterwards dismissed &c

4 Hereunto was added a fowrth, about the same time nere the Naas about 12 miles from Dublin, Where a papist preist (newly arrived out of fflaunders, did make his addresse to the then lord Deputy,⁷ & informed his lordship of an intercourse of letters betweene the Erle of Tirone⁸ with others in fflaunders, and the Popish Primate of Armaghe, Rely,⁹ concerning an invasion within a short time intended vpon Ireland, The said preiste offering, (soe his person might be secured) to direct such as should be therevnto appointed to the place where the said Letters lay in the Custodie of the said Relye, Rely was therevpon sent for, together with the popish Vicar generall of Armaghe (as I remember it; Both were Comitted to the Castle of *Dublin*, but soone after released, & the Informer dismissed with x li. and a suite of Clothes, or some such Reward [f. 2r. 76] Hereunto may be further added, (yet not soe plaine as the former) That about the same time the Lord Baron of Dunsany¹⁰ did ride disguised through *all* Munster, pretending to satisfy his curiosity in the knowledg of places & persons, Hee not being discouered vntill his returne att the Birr, Where having offered himself to be bound for one in his Company, he writt himself in his owne stile, Being loath to leave vnder his hand a testimony of his disguised person and assumed name

To discend nowe from the antecedents of this treason to the falleing in therevpon, and lastly to the Consequents, & what thereby hath bin intended, (supposing it to

⁵ Roughly: 'In less than three years there will come a time and a power when you will hang for a long while on the gallows for your devilish religion.'

⁶ Sir George Radcliffe, 1593–1657, chief legal adviser to Lord Deputy Wentworth (see *DIB*).

⁷ Thomas, Viscount Wentworth, 1st earl of Strafford, 1598–1641 (see *DIB*).

⁸ John O'Neill, 3rd earl of Tyrone, d. 1641.

⁹ Hugh O'Reilly (Aodh Ó Raghallaigh), c. 1581–1653, catholic archbishop of Armagh, 1628–53 (see *DIB*).

¹⁰ Patrick Plunket, 9th Baron Dunsany, 1595–1668 (see *DIB*).

succeed) & that it attained the desired effect, which by them was not doubted of And first for the entrance thereinto: Howsoever that the ground worke were long since laid, yet would they not have it soe to seeme, But newe occasion must be fownd as the sole cawse of their breaking out, This being intended for satisfieing the mindes of such of their owne as have not hitherto been acquainted with the depth and mistery of this iniquitie, that they might *not* stand amazed at the suddennes of the vndertakeing, or stand off from Joineing with them in the worst part of their designes, it beinge an apparant Rebellion, The fittest meanes for this must have beene by casting aspersions on the present gouerment, which (if longer tollerated) would prove extreemely dangerous not only to their religion but their lives & posterity: For effecting whereof reports were cast out, That in the Parliament of England, the cutting off of all the papists in Ireland, of what degree soever, was concluded vpon, The execution of that Resolution being comitted to the Counsell in Ireland: The Lords (said they) had laide downe a day for this work, being the xxijth day of November then next following & now last past or thereabouts, ffor the better more secure, & more secrett manageing of this pretended plott Such of the popish nobility & gentrie of both howses as appeared in Parliament at Dublin should be secured, & for the drawing together the rest (amongst other pretences) this alledged to be one, That his [f. 2v] maiesties rents were purposely omytted, & not called vpon in Ester terme with that earnestnes as fomerly, and that such as made default should be sommoned to appeare at Michelmas tearme at Dublin, and there surprised; Such of them as were then in the Cuntrie (wanting their heads, being easily cutt off:) They say that this pretended plott was (I know not how) discouered to them: Soe that for the safety of their lives & profession they were enforced to stand vpon their guard, & to counterworke that daie of the xxijth of November, laid for their distruction by their declareing themselves in Armes on the xxijth of October (a moneth before) The serious part of this discourse was related to mee, by a frier intimate in their Counsell, & by a preist (a popish Vicar generall), thereby to give mee satisfaccion, and to iustify their proseedings; Which names I doe for the present forbear, in respect of his maiesties service: By others alsoe I was enformed, That this plott was mainly intended in that Session of Parliament next after the Erle of Straffords beheading, & the manner concluded vpon in the popish private meetings, which were then observed to be frequent, & by some suspected might proue dangerous; And that for discouery of what proportion of Armes & Amunition our store of Dublin afforded (Itt being by some suspected that most was carried before to Carickfergus, One of the popish faction in the howses of Commons putt one of the protestant members to move & enforme That some of the Erle of Straffords men had cast out some threatening wordes against the parliament in reuenge of his Lord which could not be conceaved to end in lesse then a blowing vp of the whole howses of Paliament, the store lying vnder them, Wherevpon a Commi{ttee} of both howses (many of them prime papists) were appointed to make search in odd Corners, Amongst theis, the Lord Maguire¹¹ was one, whoe was observed, without occasion, to be liberall in disposing of mony to some of the officers of the store in a way more then was ordinary for his Lordship: The last Session of Parliament being

¹¹ Conor Maguire, 2nd Baron Maguire of Enniskillen, 1616–45 (see *DIB*).

proroged, & the time drawing nere for putting their designe in execution, There was a greate meeting appointed of the heads of the Romishe Clergie & other lay men of their faction, said to be att the Abbey of Multifarnam [f. 3r, 77] in the County of Westmeath Where a Convent of ffranciscan friers, being openly and peaceably possessed of the monastery (, the daie of their meeteing being alsoe on their St Francis day,) about the begining of October last, but the time & place I cannott confidently affirme, yet wheresoeuer, their seuerall opinions, & discussions are as followe, like as I have received *them* from a frier a franciscan & present there, being a guardian of that order, Therevpon a man, and many others there agitated, And the question was what course should be taken with the English, and all others that were fownd in the whole kingdome to be protestants

The Councill was therein devided; Some were for their banishment, without attempting on their lives: For this was given the Kinge of Spaines expellinge out of Granado & other parts of his Dominions the Mores, to the number of many hundreds of thowsands, All of them being dismissed with their lives, wives & children, with some part of their goods, if not the most parte, That this his way of proseedng redownded much to the honor of Spaine: Whereas the slaughters of many Innocents would have laid an everlasting blemish of cruelty on that state, That the vsage of the English, their neighbours, & to whome many there present owed (if noe more) yet their education, would gaine much to the cawse both in England & other parts; That their goods & estats seized vpon would be sufficient, without medleing with their persons; That if the contrary course were taken, and their blood spilt, besides the curse it would drawe from heaven vpon their cawse, it might withall incense & provoake the neighbour Kingdome of England on the takeing of a more severe Revenge on them and theires, even to extirpation (if it had the { } hand); On the other side was vrged a Con{trar}y proceeding to the vtter cutting off them and theires, & to instance of the dismissed Moores, Itt was answered That that was the sole Act of the king & Queene of Spaine contrary to the advise of their Counsell, Which howsoever it might gaine that prince a name of mercie: yet therein the event shewed him to be most vnmercifull, not only to his owne but to all Chrissendome besides: That this was evident in the greate and excessive charge, that Spaine hath bin since that time putt vnto, by theis Moores, and their posterity to this day, All Chrissendome alsoe hath and doth still groane vnder th{e} miseries it doth suffer, by the piracie of Algiers, Sally & the like Denne of theeves: That all this [f. 3v] might haue bin prevented in one howre by a generall massacre, applying that it was noe lesse dangerous to expell the English, that theis robbed & banished men might againe returne with their swords in their hands, Whoe (by their hard vsage in spoileing, might be exasperated, & by the hope of recouering their former estates, would be animated farr more then strangers that would bee sent against them, being neither in their persons greeved, nor Iniured in their estats; That therefore a generall Massacre were the saffest, and readiest way, for {+} freeing the Kingdome of any such feares: In which diuersity of opinion, howsoever the first prevailed with some, for which the ffranciscans (saith this guardian) did stand, yet others, inclineing to the second, Some againe leaneing to a middle way neither to dimisse nor kill; And according to this doe we finde the event, & course of their proseedings In some places