

Letters from the Baron of Upper Ossory, and his son Sir Barnaby Fitzpatrick, AD 1571: Carrigan's transcriptions

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Abstract

This article reproduces Rev. William Carrigan's transcriptions of material he titled, '*Letters from the Baron of Upper Ossory, and his son Sir Barnaby Fitzpatrick, AD 1571*'. The letters are three pieces of correspondence from the Baron of Upper Ossory and one from Sir Barnaby to Sir William Fitzwilliam, Lord Justice of Ireland (1571-1575), and mainly relate to the baron's various complaints — that he had lost castles and houses, lands and associated incomes, and goods, had been variously mistreated and was in exile, and that Sir Barnaby was culpable. The letters demonstrate the severe rift that had developed between the baron and his eldest legitimate son but also provide peripheral facts concerning the baron's broader relationships, places of abode, and the timing of some of his life events.

Introduction

The renowned Ossory historian, Rev. William Carrigan (1860-1924), known for his epic four-volume '*The History and Antiquities of Diocese of Ossory*' (1905), is the most important scholar concerning the Fitzpatrick barons of Upper Ossory; this still, even as we approach the centenary of his death. Carrigan's Fitzpatrick narratives suffer some notable gaps, inconsistencies, and errors, which are becoming increasingly apparent as 'new' records come to light (Fitzpatrick & Fitzpatrick, 2020; Fitzpatrick, 2020a; Fitzpatrick 2020b; Fitzpatrick, 2021a; Fitzpatrick, 2021b; Fitzpatrick & Fitzpatrick, 2021; Fitzpatrick *et al.*, 2022); but perhaps some records had become known to Carrigan in the years between the publication of '*The History*' and his death, and he was ready to make revisions.

In any case, the material Carrigan collected for his magnum opus was far more than could be contained in '*The History*', which '*if utilised to its full extent it would have filled 12 volumes*'. Hence, Carrigan had planned a fifth supplementary volume to add to '*the original four*', but this did not come about, and neither did the proposal to publish Carrigan's collection in '*Archivium Hibernicum*' (Phelan, 1976). Not lost, however, his notes are now '*The Carrigan Manuscripts*', and comprise 167 volumes, handwritten primarily in small note books, which are housed at the Archives of St. Kieran's College, Kilkenny (Whelan, 1990).

The Carrigan Manuscripts are a trove of information for those with interest in the Fitzpatrick barons of Ossory, and this publication of '*Letters from the Baron of Upper Ossory, and his son Sir Barnaby Fitzpatrick, AD 1571: Carrigan's transcriptions*' marks the beginning of series that affords greater access to material that can only be viewed at St Kieran's or on microfiche the National Library of Ireland.

Carrigan did make passing reference to the letters in '*The History*', which indicates he likely did not view the letters in person:

'In 1571 there was a violent quarrel between the Baron and Sir Barnaby, the particulars of which may be gathered from their letters to the Lord Deputy Sir William Fitzwilliam,

published by Sir John Gilbert in his *Facsimiles of National Manuscripts*' (Carrigan, 1905; Volume 1, p.81 — refer Gilbert & Sullivan, 1874).

And it was clearly Carrigan's intention to include facsimiles of the letters and his complete transcriptions as an appendix in either a revised edition of *The History* or the fifth supplement, since at the beginning of his notebook transcriptions, he writes, 'Appendix IX'. *Letters from the Baron of Upper Ossory, and his son Sir Barnaby Fitzpatrick, AD 1571. Bodleian Library, Oxford. For facsimile letters, see Plates XI and XII*'. They are presented here in a slightly modified, less archaic form.

Some of Carrigan's notebooks.



The first page of Carrigan's transcription of the letters.

Appendix 17
 Letters from the Baron of Upper Ossory, and
 his son Sir Barnaby Fitzpatrick, AD 1571
 Bodleian Library, Oxford
 For facsimiles of letters, See Plates XI and XII.

The Baron of Upper Ossory to Sir William Fitz-
 William, Lord Justice of Ireland.
 Right honorable and my singular good Lord,
 my humble ~~and~~ dutie remembered: It may
 please your honour to be advertised, that my
 sonne Sir Barnabee Fitz-Patrick, hath so
 unreasonnably and ungodly used me
 and my wyf heretofore, by imprisoning^g us,
 taking away my goods and cattell, and vsur-
 ping ~~and~~ perceyving to his own use~~ing~~
 my rents, seignories, and duties, by playne
 force and violence, contrarie to my ~~wife~~ wyll
 and pleasure, and also by taking of my
 castelles of Popprath and Cowdkyll and
 expulsing me, my servants, and tenants,
 out of the same, and placing therein men of

Courtesy of the Archives of St Kieran's College.

Letter One

The Baron of Upper Ossory to Sir William Fitzwilliam, Lord Justice of Ireland.

Right honourable and my singular good Lord, my humble duty remembered: It may please your honour to be advertised, that my son Sir Bernabee Fitzpatrick, hath so unnaturally and ungodly used me and my wife here before, by imprisoning of us, taking away my goods and cattle, and usurping and perceiving to his own use, my rents, seignories, and duties, by plain, force and violence, contrary to my will and pleasure, and also by taking of my castles of Pyprath¹ and Cowlkyl² and expulging me, my servants, and tenants, out of the same, and placing therein me of his own, as I dare not, for fear of my said cruel, unnatural, and ungodly son his further mischief to be wrought against me, abide in mine own country, to the inheritance whereof I was borne, and which I have enjoyed and defended this three score years past³ and more, till now I was by my said son banished out of the same and driven to fly myself and my wife and few of my servants for succour into the Earl of Ormond's country, where now I remain without rent, land, or living to maintain my poor, aged, and impotent estate, for my said son taketh all my living to himself and suffers nothing to come to me, contrary to the commandments, of God, the duty and obedience he oweth me, his natural father, to the great terror and fear of all parents to bring up and maintain their children as I have done him, and to the utter undoing of me, my poor wife, and such of my poor servants as dare follow me being in the extremity, if speedy remedy ye be not your honour provided for the same. This shall be, therefore, most humbly to beseech your honour, for God's sake and the zeal you bear to justice, to divert your honour's earnest and effectual commandment to the said Sir Bernabee not only to keep Queen's Majesties' peace to me, my wife, and servants, but also to send and suffer all my rents, seignories, duties, customs, and casualties of my said country to be sent unto me wheresoever I am or shall be during my life, and also to restore me to my said castle, and lands and suffer to me to enjoy the same, and all other my living, in as large and ample manner as ever hitherto I had them, since I was Lord of that country, and also to direct your honourable commandment to all the freeholders, gentlemen, and tenants of Upper Ossory to pay, yield, and do all their rents, service, customs, and duties to me during my life, and not to the said Sir Bernabee, and to send the same unto me wheresoever I am or shall be during my life, wherein your honour shall do a godly and just deed and bind me your supplicant daily to pray for your honourable estate in prosperity long to continue. And thus beseeching God to send your honour prosperous success in all your affairs and give your his grace to see to the lamentable estate of me, your poor supplicant, I must humbly take my leave from Kylcowle⁴, the XXIII of April, 1571.

¹ Rathpiper (Ráth an Phiobaraigh), also known as Pipersrath, is in the parish of Rathdowney (Ráth Domhnaigh) and the Barony of Clarmallagh (Clár Maí Locha), Laois, which Carrigan (1905) notes '*most probably took its name from Pipard, Adam de Herford's descendant*'. After the death of Barnaby, the second baron, Rathpiper was granted to Florence, third baron, and by 1601 was in the possession of the Mac Caisín (HMSO, 1885; Fitzpatrick, 2021b).

² Cullahill (Chúchoill), the Mac Giolla Phádraig stronghold built ca. 1425 probably, according to Carrigan (1905), by Finghin Mór; but it was more likely the work of Donnchadh Mór (Fitzpatrick, 2020a).

³ It is likely Carrigan's (1905) assertion that Barnaby ascended to the Lordship of Ossory in 1511 is based on this. Carrigan, however, confused Barnaby with Brian mac Toirealach, who was clan chieftain until at least 1518 (Mac Niocaill, 1992; Fitzpatrick, 2020a; Fitzpatrick 2020b). And in his April 1571 letter Barnaby did not claim to have attained the Lordship of Ossory in 1511, only that it was when he gained his inheritance sixty years earlier; this is consistent with the death of his father, Séan, who disappears from the lease for Rosconnell (Ros Chonaill) in 1511 (Curtis, 1937; Fitzpatrick, 2020b).

⁴ Deprived of his residences in Upper Ossory, Barnaby had seemingly fled to nearby Kilcooly (Cill Chúile), County Tipperary (Tiobraid Árann), which was the possession of his nephews, Thomas Butler, tenth Earl of Ormond, and Edward Butler (HMSO, 1879; Curtis, 1937). His location in 1571 brings context to the first baron's possible burial place outside Upper Ossory, which surprised Carrigan (1905). Still, it is consistent with his exile at the time of his death. Carrigan attributed the figures carved into the mensa tomb at Fertagh, County Kilkenny, to the first baron's father, Séan Mac Giolla Phádraig (d.1511), and his wife, which makes little sense. However, they are perfectly explicable if the tomb was fashioned not for them but Margaret Butler in the mid-sixteenth century, with the first baron interred later. The Butler-specific engraving on the tomb, i.e., the Tudor roses and the indented shield, is unmistakable, as is the rough quality of wording carved adjacent to the male gisant, by different workers, that would have been made some twenty plus years after Margaret's death.

Your honour's most humbly to command.

Bernabee of Upper Ossory

To the Right Honourable and my singular good Lord, Sir William Fitzwilliam, Knight, Lord Justice of Ireland, give this.

Letter Two

Right honourable and my singular good Lord, my humble duty promised unto your honourable Lordship, advertising the same that I have received your honour's letters dated the XXVII of April by which letters I understand your honour's meaning to be ready to minister to justice according as ye shall find the matters of my complaint to be true. Wherefore I humbly render your Lordship most hearty thanks acknowledging my bond daily to pray for your honourable estate long to continue. And although I have written to your honour the general substance of the unnatural and extreme enmity that I do sustain these XII⁵ years, and specially at this present time, nevertheless while my servant hath been about my matters attending upon your honour, my son, Sir Bernabee, did assault a castle or two of mine in Upper Ossory named Donaghmore⁶ and Grantstown⁷, and entered therein by violence and force of arms, and burned my hall, which was nigh the said castle of Donaghmore, with such a deal of household stuff as I am not able to declare in particular sort at thy present. Yet all this notwithstanding, I am assured that these matters will be in fair and pleasant sort coloured and in such wise turned before your Lordship as though they had been grounded upon good reason and conscience, and for nothing else but because I am not able to travel for my causes, and that by means of my said son's extremity I am not able to bear my own charges in traveling before your honour and the Council for defending of my own right, although my bodily strength otherwise did serve, for I am not suffered this day to reclaim so much of mine own as might sustain myself, my wife, or my poor servants, and besides that, my good Lord, the said Sir Bernabee did hang a poor servant of mine for no manner of cause but only that he served me as by further examination thereupon made may plainly appear unto your honour and moreover the said Sir Bernabee did expulse all my tenants from all such lands of mine as they dwelt in and placed others of his own therein so that I am not only expelled and banished from the inheritance to which I was born, and which I have defended these iiiXX⁸ years but also all my purchased lands and goods are utterly taken from me by the said Sir Bernabee. In consideration whereof, and for as much as I am not able to appear in proper person for declaring of these matters, both for weakness and impotency of my body, and also for that I have not of my own wherewithal to leave my charges, it may therefore please your honour to direct your effectual and earnest commandment to the said Sir Bernabee not only to place my tenants again in their own accustomed dwelling places, which they held of me, but also to keep the Queen's Majesties' peace to me, my wife, and my servants, and also to suffer and permit so much of my own stuff and goods to be brought unto me wheresoever I am or shall be as shall suffice for my daily food and sustenance and for my families also till such time as your honour shall take a final order between us. And in case your honour should in any wise miscredit anything contained in these my letters, I shall most humbly beseech your honour either to send

⁵ Sir Barnaby was appointed '*captain and chief ruler of the country of Upper Ossory*', replacing his father, in 1569 (HMSO, 1879), yet the first baron stated the enmity of his son began ca. 1558. It is likely the first baron was recalling events from 1558 when Sir Barnaby was required to go to the aid of the Lord Deputy '*in suppressing rebels*' (Hamilton, 1860), i.e., the Ó Mórdha (O'More) of Laois, to whom the first baron was aligned via his previous marriages.

⁶ Donaghmore (Domhnach Mór) in the parish of Donaghmore and the Barony of Clarmallagh, Laois. The castle was in a state of ruin in 1657 (Carrigan, 1905).

⁷ Grantstown (Baile an Ghróntaigh) in the parish of Bordaíol (Bordwell) and the Barony of Clarmallagh, Laois. The castle was in the possession of the Barons Upper Ossory until ca. 1621-1653 (Carrigan, 1905).

⁸ That is, three-score.

commissioners to examine this matter, other wise to charge certain learned and indifferent persons if these quarters for hearing and discussing of this matter, as your honour shall think expedient, wherein your honour shall do a charitable and just deed and bind me, your poor supplicant, daily to pray for your honourable estate long to continue. And this I humbly take my leave, beseeching the Almighty God to grant your honour prosperous success in all your affairs and give you the grace to consider my poor and miserable case with sped Kylcowle³ the 2 May 1571.

Your honour's humble friend
Bernabee of Upper Ossory

My very good Lord, it is reason that your honour shall send you commandment to the said Sir Bernabee to restore me unto my castles lands, goods and other possessions as he took from me of late time such time as your honour shall see further examination had in the matter.

Letter Three

Sir Barnaby Fitzpatrick to Fitzwilliam Right Honourable

I have received your letter of the 27 April and the 2 of May, with a copy of a letter of my father to you, whose grievous complaints of me I am sorry and ashamed of, for that either you must think he does so far swerve from the truth, or I so much neglect my duty to God and him. But your honour remembering his second childhood⁹ to become upon him long since, and I proving myself far otherwise than his secretary has painted me forth to you, shall have good and just cause to understand the ground and vote if all this horrible, but untrue, complaints to proceed of the most naughty and malicious creature that is alive, his wife, whose father being old O'Connor¹⁰, what he was your honour knows sufficiently, and her first husband being Patrick O'More¹¹, the first and chief

⁹ In 1566 the first baron was referred to as *'aged and impotent'* (Hamilton, 1860), and from that time Sir Barnaby took progressive steps to wrest power from his father. Also, in 1566, Sir Barnaby became sheriff *'for the countries under the rule of his father, the baron of Upper Ossorie, or of himself'* (HMSO, 1879). In 1568 Sir Barnaby received the commission to execute martial law as *'sheriff of the Queen's county; for Upper Osserie and the Queens county'* (HMSO, 1879), and that same year the Queen ordered the transfer of the first baron's estate to Sir Barnaby Fitzpatrick for him to hold *'in capite'* (Hamilton, 1860). Brian (or Barnaby), the first baron, probably died not too long before 15 December 1575, as referenced in a letter from Sir Henry Sydney, Lord Justice of Ireland and successor to Sir William Fitzwilliam, to the Lords of the Council of England (now the Privy Council of the United Kingdom) — Sydney noted, *'Upper Ossorie is so well governed and defended by the valour and wisdom of the Baron that now is, for the old man, in whom before the cause of the greatest disorder of that country grew, God hath taken (I hope) to his merciful favour'* (Brewer & Bullen, 1868). It appears the first baron was in an advanced state of dementia from at least 1566, and in 1569 he is also described as being *'incapacitated by age and other infirmities'* (HMSO, 1879); his state of mental decay is more consistent with his birth being in the latter quarter of the fourteenth century, than the early fifteenth, i.e., being well-aged beyond his 60s. Carrigan (1905) estimated that at the time of his death, the first baron was *'ninety years of age or upwards'*, basing his estimate on a correlation of various of the baron's life events, namely: (a) his daughter, Katherine, the wife of Robert Grace, was granted *'English liberty'* in 1541 (Morrin, 1861); and, (b) his son, Teige, was *'a distinguished captain'*, when, in 1546, he was imprisoned and put to death *'at the request of his own father'* (O'Donovan, 1856). Hence, Katherine and Teige were born long before Brian's marriage to Margaret Butler and were likely the children of various women of clan Ó Mórdha, of whom Brian had illegally (due to close consanguinity) married three, although the third marriage, to Catherine Ní Mórdha, was subject to Papal absolution in 1493, and the children of the pair were declared legitimate (Fuller, 1998). It is considered the first marriage contract was probably secured when Brian reached the legal age, which was 14 years (Cosgrove, 1985). Hence, allowing one year or two for the *'dissensions, scandals and enmities'* relating to Brian's second and third marriages to settle down, Brian was probably born ca. 1478, making him approximately 97 years when he died.

¹⁰ The first baron's marriage to Elizabeth, the daughter of Bernard O'Connor, was probably in 1551 since in that year she was granted *'English liberty'* (Morrin, 1861; HMSO, 1877). Bernard O'Connor Faly, i.e., Brian mac Cathaoir Ó Conchobhair Failghe, *'chief of his nation'*, made submission to the Crown in 1538 but rebelled thereafter (Brewer & Bullen, 1867; McGuire & Quinn, 2009).

¹¹ Along with Bernard O'Connor, Patrick O'More was a key figure in the Midland Rebellion of 1547. Defeated by the forces of Lord Justice Sir Edward Bellingham, the pair were arrested in 1548; although pardoned in 1549, Patrick died in prison in England in 1550 (Bryson, 2013).

rebel of Laois, and she his greatest, or rather only counsellor, and the very link of combining both the father and the husband together against the Prince¹² in their open rebellion and war. And now what fruit there is like to grow of a branch of such a stock or what good is she like to work in her latter days that spent her first years in practising and procuring all mischief against the good and true subjects, and in raising and maintaining rebellion and wars against the Prince¹² and our sovereign Lord, I refer to your own good judgement, but now for if I shall not be tedious to you I will answer as brief as I may the forged complaints of me, which I would rather have done face to face, than in this sort by writing, where his secretary and counsellor had informed that I have imprisoned my father and his wife, and have taken away all their goods and cattle and that I have taken to my own use all the rents, duties, and seignories, and have also taken and suppressed his castles, putting away his men and tenants, and putting in of my own, to my own use.

As touching the first point, your Lordship shall understand that, in this late Rebellion of the Butlers¹³, the governor and ruler of my father, I mean his wife, was confederate and assured to the Rebels, and the Rebels were, in such sort as she kept six of the best and strongest castles in the country all the wartime, that I nor none that take my part could receive any succour or defence by them, for so the word was commanded, that if I came, or any of mine, they should shot at us, if the Rebels came they should in no ways do them any harm so that the enemies received no let or hinderance by them all the wartime, which was no small hurt and weakening to me and all those that served the Queen's Majesty with me. Whereupon when I saw opportunity and weighing the likeness of the time, I took her until I got the castles into my hands, both for the service of the Queen and defence of myself, always reserving the rents, duties, commodities, and seignories to my father, and never displacing one of his tenants out of them, but only keeping my ward in the castles. This the whole country can and will testify to you, and as for imprisoning of my father, it is but her most malicious device and forging

And as for the second, that I have taken away all his rents, duties and seignories, your Lordship shall have all his sergeants, rent assessors, and officers to depose that I never had a penny of all these things, but that they have delivered all to his own hands as even they have been wont, and if there be any part undelivered it is in their own hands, which as far as I can learn is at the most but a quarter rents'.

And for the spoiling of their goods and cattle, it is most untrue, and no such thing or any such matter.

And where it is advertised, that I have driven both him and her out of the country, you shall understand the truth to be far otherwise, and it to be this, that of late it fell out there was a woman accused to me of witchcraft, for enlarging of prisoners, and she being examined did disclose a whole pack of witches, and they being apprehended and examined did confess that their chief witch a woman of my mother-in-law's, and they were all set out to do me harm and to destroy me, but their devilness having more power over the shabbiest beast I rode on than over me (whom God only did preserve) did destroy two of my houses, one after another, but myself felt nothing of their devil's practice. This being open proved before the whole country, and the matter appearing dispersing from my mother herself, she fled the country, being accused by her own cousins, and went to county of Kilkenny and has enticed my father with her, whom I have besought and so have all the freeholders of the country to come home, and have undertaken to maintain him more honourably than ever he was but she whose desire is, and has been ever more, rather to maintain the Connors¹⁴ and the Queen's enemies (who are now daily maintained by her meat and drink and other

¹² A reference to Edward VI of England, whose minority reign began the same year as 1547 Rebellion.

¹³ The Butler Revolt of 1569 finds excellent coverage in Edwards (1993).

¹⁴ That is, the O'Connor Faly

supportation) than to do my poor father and good, and rather to set on and egg rebels and malefactors to do me harm and this poor country, than to procure any good to either us, does with all her policy, and with all her subtlety, keep away and withhold him that is becoming as a child⁹, both from his country, his children, his followers, and his own desire. This is the truth in short my Lord and that I will justify before you, and I beseech you to procure by your letters my father to come home and to receive the offer of me and his country that his last days may be as honourable as they have been hitherto, for my Lord he does no good where he is but much hurt, and no marvel when such a feud does govern, and I humbly beseech you that both she and I may be before you for the proof of the things I do charge her withal. And this hoping you will not conceive the of that my false and shameless accusers shall say, I have made this small declaration in my own excuse, being ready to declare a great deal more when I shall be called before you. And so I wish you prosperous and good success in all your doings, from Castletown¹⁵ the 4 May 1571.

Your honour's always to command

B Fitzpatrick

My duty premised onto your honour (having received your honour's letter with the copy of the complaint of my Lord my father, and for answer your honour shall understand: first to the assault of a castle of my said father, named Donaghmore⁶, I made no such assault. But a base brother¹⁶ of mine being thrust with a sword and maimed in his hand by one that kept the said castle, and, seeking to revenge his grief, went by might into the said hall or house, and the ward of the castle, knowing them to be within the said house, came out upon them and began to consider as they were feign with much ado to go to the castle again, and fearing lest they should take any succour there to keep upon them the said ward did set the said house afire, and then my said brother was feign to go away out of the house, and I being in the borders there, hearing of the same burning, thought it was done by Edward Butler¹⁷ (who then, and as yet is at war with me and my country) and knowing of the said burning went present to rescue the ward, and they being smoked within the same house did surrender the castle into my hands and saved their lives, and confessed to me that they were commanded if I or any of mine did repair towards the said castle, that they should shoot at us, and to forbear the Butlers and all other strangers, and that the said castle was neither a succour and aid for my enemies than a pleasure or help to me and my country, I have though good therefore to place my own men there for the Queen's Majesty's service and defence of the country, and as to the other castle alleged in the said complaint my said father's own men and ward remains there unremoved without any loss or damage, and where also his Lordship alleged that he can have nothing of the furniture of himself or his men out of the country, the gentlemen and freeholders of the same knowing him to be so counselled and led by the corrupt and evil counsel of his wife, who is not well able without their aid and funderance to nourish or keep such other traitorous kind as does follow her train and also maintains such traitors and offenders as daily do rob and spoil upon the country. But leads him in all places she can to make exclamation upon them, and me, and therefore the said gentlemen utterly refused to send any furniture to them out of the country, and my said father and his wife coming to the country they will serve them will all necessities and other furniture

¹⁵ Among the several townlands called Castletown (Baile Chaisleáin) in Laois Sir Barnaby probably wrote his letter from the stronghold at Castletown-Offerlane, which was destroyed in 1600 by Teige Fitzpatrick, later fourth Baron of Upper Ossory, upon the advancement of Lord Deputy Christopher Blount (Brewer & Bullen 1869; Carrigan, 1905).

¹⁶ Among those half-brothers who Sir Barnaby would not have considered illegitimate were those to Elizabeth O'Connor, who, in any case, would only have been young men in 1569. Instead, the '*base brother*' may have been Teige or Ceallach, both of Upperwoods, whose mother is unknown (Carrigan, 1905). In addition, the first baron had other sons as yet unaccounted for; probably among those based on the patronymics of the baron's grandsons were David and Edmond (Fitzpatrick, 2021).

¹⁷ That is, Sir Edmund Butler of Cloghgrenan who was at the forefront of the 1569 Rebellion against his brother Thomas, the tenth Earl of Ormond (Edwards, 1993).

as ever hitherto they were accustomed to as the same is their act by my consent and not mine. And as to the hanging of the man alleged, knowing him to be an offender and an ill disposed person, after the robbing of one of my men in the highway, of the value of a mark in money, and other goods a little before the same, and upon complaint thereof made to me for executing of justice, I could no less than cause him to be apprehended and for his offences to see him punished according his deserts. And where your honour did will me to see justice ministered and granted me a commission to execute the martial law dated the day your honour did receive the sword, until the receipt thereof not to spare to do justice as though I had the same, which commission I have not rescinded yet. Therefore it may please your honour to send me the same by the next that comes hither; assuring your honour that I would not charge my conscience in such sort as to put any man to death without just cause; beseeching your honour not to credit any such report of me and where my said father alleged that, weakness and impotence, he is not able to travel, his wife by whom he is led, and doer of all, is well able to travel, and if it shall please your honour to appoint by her and me to appear there before your honour and the Council or before indifferent commissioners, so as they shall not be of the County of Kilkenny, I will at all times in a readiness to make aware and prove all the complaints false and my answers true, as knows God, who sends your honour long honourable life with increase of much honour. From Colkill¹, 14 May 1571.

Your honour's humble to command,

B Fitzpatrick

To the Right Honourable Sir William Fitzwilliam, Lord Justice of Ireland, deliver this.

Letter Four

Right honourable and my singular good Lord my humble duty remembered and where I have written several complaints unto your honour of my son Sir Bernabee, I humbly render most hearty thanks, unto your honour for your courteous and gentle answer written upon my said complaints whereby I understand your honour is of no less mind than to see justice ministered in my cause as for as much as your honour did not certify me what manner of answer Sir Bernabee have made unto your honour upon the extremity that he shows unto me daily, I have thought good at this time for less troubling your honour, to omit the renewing and further declaring of the same till such time as I may understand his answer first, and as for my part, I have no more to do but only to persevere in my first complaint exhibited unto your honour offering myself to the trail and proof of the same, if in case the said Sir Bernabee should deny anything that I have written here before unto your honour, assuring your honour that there is no greater extremity nor wrong and injury that I sustain at this present hour, for I have not so much of my own at my commandment as might suffice to bear my charges as far as your honour for declaring of my griefs and miserable estate, by reason that all my houses and castles are entered by plain force and violence by the said Sir Bernabee, and [he] has also usurped and perceived all and singular my goods and lands, to his own use, and as I have written here before unto your honour, the said Sir Bernabee did burn my house of Donaghmore⁶ and entered the castle of the same place by force of arms, and hanged also a poor servant of mine, without any manner of cause, which doings I trust your honour will consider in such sort as shall fit with justice, I humbly therefore beseech and pray your honour for the love of Almighty God, and the seal you bear for justice, not only to restore me unto the possession of all and singular my castles, houses, lands, and goods, moveable and unmoveable, but also to bind the said Sir Bernabee by a recognisance to keep the Queen's Majesty's peace unto me, my wife, and all my servants; or if in case this wrong should be denied by the said Sir Bernabee, either in part or in the whole, I shall then, in most humble sort beseech your honour to appoint Commissioners for hearing and discussing of

the matter, whereas I may completely have my neighbours and such as shall be of sufficient good credit to testify and bear witness in the matter. As for those that be of the country of Upper Ossory, I will admit none of them to bear witness in anything that shall touch me, for I understand them, and every of them, to be at the said Sir Bernabee's commandment, whereas they do not only consent of his unnatural dealing with me, but also do provoke and entice him thereunto, and that more in that they serve him in winning of my castles by force and violence and burning of my houses, which (I think) is a thing scarce allowed by the Queen's Majesty's laws. Thus I most humbly take my leave, wishing unto your honour prosperous success in all your affairs, and give the grace to see unto me your poor supplicant's lamentable estate from Loghuna¹⁸ the 20 May 1571

Your Lordship's humble to command

Bernabee Upper Ossory

Post Scripta:

Although I am in such miserable case, and in such extremity driven to beg my bread off my friends, I assure your honour the last messenger that I sent your honour dares not his life to repair the second time unto your Lordship, for fear of the said Sir Bernabee. As for any other of my servants that would travail in my matters, they are in like case. So that for fear of the evil tyranny daily exercised by the said Sir Bernabee, I have none left me to travail in my cause. So that, by much ado, I could persuade the said last messenger for to carry my letters unto your honour. I beseech your honour to restore me unto the possession of my goods and castle, which were of late taken by the said Sir Bernabee, and to restore my wife and her young children¹⁹ to their own lands and goods, which the said Sir Bernabee forcibly has taken, and placed therein men of his own. So that I, my wife, and my said children, and such of my servant as dare follow me, have naught whereby while at this present house without your honour do find some speedy remedy for us. I beseech your honour to dispatch my poor messenger with speed.

Your Lordship's humble to command

Bernabee Upper Ossory

To the Right Honourable and my singular good Lord, Sir William Fitzwilliam, Knight, Lord Justice of Ireland, give this with speed.

¹⁸ This difficult to interpret placename could be any number of townlands in Tipperary or Kilkenny.

¹⁹ That the first baron and Elizabeth O'Connor had '*young children*' in 1571 adds further to the list of the unaccounted for descendants of the first baron.

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