ten shillings. No wolf after 30th September until 10th January to be accounted a young wolf. 29 June. *Ib.* ff. 255-7.

397. Declaration touching the sale of beer and drunkenness.

All Acts to be enforced, viz. 5 and 6 Edward VI ; 4 James ; and 3 Charles. 29 June. *Ib.* ff. 263-5.

398. The Commissioners for settling Ulster to the Commissioners of Parliament.

" In obedience to your order of reference of the 22nd inst. to us and others directed for receiving and debating such papers and proposals as should be offered concerning the Scots, or by the Scottish agents, concerning the intended transplantation of the Scots out of Ulster, and in order to the settling and securing of that province, and for reporting the same to your Honours, with our opinions thereupon, upon consideration had of the whole matter, we humbly offer the proceedings and our sense therein as followeth :—

" That the necessity of the work of transplantation appearing, we confined ourselves to the debate of the manner how it was to be effected, particularly with respect had to the places whither, the time when, the persons who, and the conditions on which those persons were to be removed. The agents for the counties Antrim and Down being called before us, and we having heard what was by them offered concerning every of those particulars.

" I. For the place whither they were to be transplanted. The said agents, excepting to the County of Waterford as over-remote, and in general to the places mentioned in the former proposals as over limited, desiring rather to be therein left at large and to their own choice, upon debate it was concluded :— (1) That of the counties formerly proposed the County of Waterford should be excluded in favour to the transplanted ; in further favour to them, at the request of the said agents, reserving to any of the Scottish merchants of the transplanted, who should desire it, liberty to reside in and trade in the City of Waterford. (2) That such of those who are to be transplanted and provided for on the account of the Commonwealth according to the former proposals, shall be disposed of in the counties

of Kilkenny and Tipperary according to the said proposals. (3) That all others who are not to be provided for by the Commonwealth as aforesaid, and to be transplanted, should be left to their liberty for taking land from any proprietor in the respective counties of the Province of Leinster, respect being had to their numbers in every of the said counties.

"II. For the time when to be transplanted. It being insisted upon by the agents that it should be deferred until the next year, the season of the year for such a work being now, as they said, elapsed; and it being debated and considered that the giving them the time desired was to give opportunity and time for their designs in the interim, as occasion should be offered, and that therein they might have the opportunity for disappointing the intended security of the Province of Ulster, consisting probably in their removal, and that, if what was to be herein done were not speedily effected, the season of the year would be altogether elapsed as to their accommodations, it was therefore concluded:—(1) That the 15th August next shall be the time limited for the removal of the persons in Ulster thereunto nominated; (2) That the families of those persons so removed as aforesaid, shall also remove out of Ulster to the places appointed them in Kilkenny and Tipperary, or to the places chosen by them in Leinster as aforesaid by the 1st of November next following.

"III. As to the persons who should be removed. The said agents offered the names and petitions of several whom they conceived not fit to be removed, which being taken into consideration it was resolved that the names in the list last sent, by the Commissioners for settling of Ulster, should stand for the present, and that the persons mentioned in the papers delivered by the said agents of Down and Antrim, together with the petitions mentioned should be referred to Col. Venables, and to such as he shall think fit to consult withal, who are to consider what was to be done according to the rules to be given them in it. This is to be expressed in a letter to Col. Venables, to that purpose. Also on the reading of the Lord of Claneboy's [1]

[1] James Hamilton, 2nd Lord Claneboy and 1st Earl of Clanbrassil had, like the Scots settlers in Ulster generally, incurred the penalty of forfeiture and transplantation by having after the Peace of 1648[-9] joined his forces with the Irish against the Parliament (*cf.* Lowry, *Hamilton MSS.*, p. 97, note). But his defection was of short duration, and having almost immediately afterwards sub-

petition concerning his not removing, it was resolved that nothing therein appeared for altering that formerly ordered for his removal out of Ulster.

"IV. As to the conditions on which those persons were to be removed. It was resolved that those concessions in the printed paper of 23rd May 1653 should be insisted upon as to the matter, yet leaving to the said agents the liberty of offering in writing what they further desired in pursuance of the former, who thereupon tendered their following proposals:—

"1. We desire that, instead of exchanging our estates with any in this country, we may have liberty to dispose of them to well-affected English in the north, and may have the freedom to choose lands here, where we can bargain with greatest advantage.

"Concerning which it was resolved:—(1) The first head in this proposal is granted, provided that the persons to whom the lands in Ulster shall be so disposed, and the conditions on which the aforesaid land shall be so disposed, be such as shall be approved by the Commissioners of the Commonwealth, or whom they shall appoint; (2) The next head in this proposal concerning liberty for making choice of the lands in Leinster, was formerly granted.

"2. We humbly desire two years' freedom from contribution, from May next, being the soonest we can enter into this country husbandry. Concerning this resolved, that it be offered to the Commissioners of the Commonwealth that two years' freedom from contribution be given beginning from May last past.

"3. We desire freedom from subscriptions and oaths for ourselves and ministers.

"To this is answered, that it is not our practice to force engagements upon any contrary to their consciences.

"4. That our wives and families may enjoy half our houses till May next, with liberty to dispose of corn and fodder for the wintering of our cattle.

"For this we refer ourselves to that before related concerning the time of removal.

"5. That we may have liberty to assign our debts warrant-

mitted, he was included in the articles accorded Protestant Delinquents and allowed to compound for his estates. See Documents in *Cal. State Papers*, Irel., 1647-1660, p. 597.

ably to some who have taken the Engagement, that they may be recovered for our enablement to plant in this country.

"In this they are referred to the practice in England in such cases.

"6. We desire that we may have the use of this year's fallows and dunged lands we have in the north, paying by the acre for them at the rate of the rest of the land. This granted.

"7. That our horses shall not be taken from us. This granted.

"8. That those of our number resolved to drive trade by land or sea may have all the freedom and immunities other free subjects have. This granted.

"9. That we be provided in arms for our necessary defence in the places we come to, and that the protectors, bordering upon our plantations, may make up what goods shall be taken from us by robbers or stealth.

"For this, they shall be allowed their arms, and the same care shall be taken of them as of the Protestant English.

"10. That after November next no quartering of soldiers be upon our families.

"For this they shall be in the same condition with other English and Protestants.

"11. We are likewise required by our Instructions to desire that so many tenants and tradesmen, whom we can persuade to come along with us may have the benefit of the conditions granted to ourselves, and our servants be compelled to come along with us. This granted.

"All which the before mentioned, being the substance of our debates with the said agents in this thing, and our sense in it, we humbly offer it to your Honours, with this our further opinion on the whole matter. That such of those who are to be transplanted as aforesaid, who shall refuse to remove contrary to orders therein given, shall be declared Delinquents and be proceeded against accordingly to the securing of their persons and sequestering and confiscating their estates. (Signed) Wm. Allen, Ric. Lawrence, Hen. Jones, Ph. Carteret." 30 June. MSS. T.C.D. F. 3, 18.

399. Ordered that the overseers of precincts [1] be authorised to treat with merchants for transporting vagrants into some English plantation in America, where the said persons may

[1] Cols. Herbert and Markham.