

IRELAND
IN THE SEVENTEENTH CENTURY

OR

THE IRISH MASSACRES OF 1641-2,

THEIR CAUSES AND RESULTS.

Illustrated by Extracts from the unpublished State Papers, the unpublished MSS in the Bodleian Library, Lambeth Library, and the Library of the Royal Dublin Society relating to the Plantations of 1610-39; a Selection from the unpublished Depositions relating to the Massacres, with facsimiles; and the Reports of Trials in the High Court of Justice in 1652-4, from the unpublished MSS in Trinity College, Dublin.

BY

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WITH A PREFACE BY J. A. FROUDE, M.A.

VOLUME II.

'Our ancestors were guilty of abominable and atrocious crimes, to which the present generation, thank God, looks back with all the horror and indignation they deserve.' (Historical Address to the Irish Catholics by Rev. C. O'CONNOR, D.D.)

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This transcription is not very tight, but illuminates the physical examination for my research performed in 2009. T. Allen Quinn

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HIGH COURT OF JUSTICE.

6 September 1654

Trial of Edmund O'Reilly, priest and Vicar-General, and of Edmund Duffe Birne, for the murder at the Black Castle of Wicklow, 29th December, 1642.

Evidence.

Luke Birne

That before the battle of (illegible) Hill, he was at dinner with **Edmund Birne** {illegible). That O'Reilly advised him {witness) to kill all the English about him. That witness saying that Joyce was a person of honor, O'Reilly replied, ' I know more than you.' Edmund Duffe told witness he had a hand in that murder. O'Reilly charged witness with high treason for corresponding with the English, and got him thereupon to be questioned and committed, and that the said O'Reilly excommunicated him for favoring the English.

Hugh M'Laughlin Birne. (It was) reported that **Edmund Duffe Birne** and others were principals actors in that murder.

Hugh M'Laughlin Birne, further examined, (swore he) heard that **Edmund Duffe Birne,** etc., (were) actors in that murder. Heard that O'Reilly continued at **Ashpole's** house at Wicklow until the night of that day, and that some of the murderers were in his company before the action. He believed that O'Reilly had a hand in the murder for the reasons aforesaid.

Peter Wickham, Sheriff (present in court, swears) that he, being then high sheriff of Wicklow, and at Ashpole's house at Wicklow, did see Edmund O'Reilly (there).

That he, this examinee, ordered the impanelling a jury for inquiring of that murder; that (on his) saying **they (the warders of the Black Castle) were murdered**, O'Reilly said, 'What great hurt was there if those churls were burnt accidentally?' Witness was told by the inhabitants of Wicklow, that **Edmund O'Reilly** did lie at **Ashpole's** house aforesaid all the night that the murders were committed, and that Edward Birne, foreman of the said jury, Saying it was murder, he was put out and another put in his place. That Edmund O'Reilly, being one of the commissioners for the county, refused to deliver the Castle of Wicklow to the English, for it would be, he said, {illegible) to the

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country to keep it. Heard that O'Reilly was present when **Edward Birne** was removed from the jury as aforesaid, that the said Birne said so to the examinee, and (it was) so reported commonly.

' **Edward Birne**, present (in court, swears) that he was Jury Foreman, that being of the opinion that it was murder, he was sent for by **Edmund O'Reilly**, one of the **commissioners for the county of Wicklow**, and demanded why he thought it murder, and he gave his cause of knowledge therein, and he was, by the said **O'Reilly** and the rest of the commissioners, put out of the jury. That this inquiry was two or three days after the murder, and that another foreman was put in his place. (It was) reported that **Edmund Duffe Birne** did that murder. (It was) reported that **O'Reilly** was an adviser in that murder, and an (illegible) of it before the fact.

Edward Birne's further examination. That he was by **Edmund O'Reilly** and the rest of the commissioners, of whom he (**O'Reilly**) was **chief**, put off the jury, for the reasons aforesaid, and committed by them for twenty-four hours, and being released that he, with **Peter Wickham**, desired **Edmund O'Reilly** and (illegible) to permit the persons murdered, to be buried, offering twenty shillings for each of them; they (**O'Reilly** and the commissioners with him) refused, in that they (the murdered men) were heretics, (to bury them) in the church or churchyard, and that O'Reilly ordered examinee's imprisonment aforesaid.

Thomas Sherin (sic). That he was then servant to Edward Birne, former examiner June 3rd, 1645, soon after the fact, and that **Edward Birne** and **Peter Wickham** offered twenty shillings apiece for burying each of the murdered persons, which was offered to **Edmund O'Reilly and others**, but it was not allowed.

Andrew Kenny. He heard that O'Reilly said that Joyce and the rest should not be buried in the church.

Coole Toole, (present in court, swears) that he heard that **Edmund Duffe Birne, etc.,** were actors in the murder at the **Black Castle in Wicklow,** and that **Edmund O'Reilly** used to say that they had little to do that inquired after the murder of churls, meaning the commissioners taking the examinations concerning that business (had little to do), and that the said **O'Reilly** was busy in demolishing the **Castle of Wicklow,** the examinee not hearing of any direction he (O'Reilly) had for so doing.

Coole Toole's further examination. He heard that **Edmund Duffe Birne, etc.,** were actors in that murder ; heard that **Edmund**

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O'Reilly did stand by and see the **Castle of Wicklow** demolished; heard that **Edmund O'Reilly** did find fault with the examinee and others for being inquisitive after the said murder, and that (he said) they ha4 little to do.

Nicholas Pasmek. That he, dwelling at Wicklow, **Edmund O'Reilly,** commanded this examinee and others, about six or seven weeks after, to break down the **Castle of Wicklow,** on pain of hanging; that the said **O'Reilly** used to lodge at **Thomas Ashpole's** house in Wicklow, which **Ashpole** was agent or proctor to the said O'Reilly, and that the said O'Reilly was Governor (of Wicklow) when the inquest was taken concerning the murder, and that Edmund Birne, the foreman of the jury, was soon after committed (to prison) by Edmund O'Reilly, but wherefore this examinee knows not.

Nicholas Pasmek's further examination. That the examinee with others, shortly after the murder, demolished the castle by order of **Father O'Reilly,** and, in the doing thereof, **Hugh McPlielim Birne,** demanding who put them on that work, and they saying Father O'Reilly, he forced them off of this design, but the next ' day O'Reilly, did set them to work again.

Tirlogh McDermot Birne, (present, swears) that he did see the **Castle of Wicklow** on fire, and about a month after (it was) reported that Edmund Duffe Birne, etc., were actors in that murder, that Edward Birne, who had been foreman at the

inquest, was about a week after committed to the castle at Arklow, but for what cause he (witness) knows not.

Loughlin Quin, (present, swears) that about a week after the murder **Cahir Cullen** told this examinee that **Edmund O'Reilly** and **Luke Toole's sons** were the principal men that caused that murder, etc., and that the said **Cullen** and others told him that **O'Reilly** had his share of the arms, ammunition, and goods which were in the castle, and (it was) commonly reported that the said **O'Reilly** caused the castle to be demolished, and caused access on the country for the charge of that work.

Loughlin Quin's further examination. That **Thomas Ashpole**, about a month after the murders, then proctor to the said **O'Reilly**, told the examinee that **Edmund O'Reilly** was in his, the said **Ashpole's** house, that day that the murder was committed, and that **O'Reilly** did then and there promise the said murderers that he would absolve them if they would kill all in the said castle, who did kill accordingly, and that the said persons after told the said

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Ashpole that they would not have done it but by command of the said **O'Reilly**, and that he, the said **O'Reilly** promised them absolution. And the examinee did about a month after see the said **O'Reilly** putting his foot on several places of the wall of the castle, and he did order and direct the pulling the same down, and the examinee was told it by **James MacBrian Birne**, that **Garret Toole** and **Talbot Toole** told him that they would not have committed the said murder and burnt the castle, but that they were set on by **Edmund O'Reilly**, who promised absolution for the same. That **Edmund Duffe Birne**, etc., were also actors (in it). **Phelim McTerlogh Birne**, (present, swears) that the next day after the murder he did overtake **Edmund O'Reilly** and others going towards Wicklow, who being told of the murder by one they met, the said **O'Reilly** seemed to wonder at it. (It was) reported in the country that the said murder was contrived in the house of **Thomas Ashpole**, and that **Edmund O'Reilly** was one in the plot, and paid for the demolishing the **Castle of Wicklow**. Examinee also heard that some of the actors in that murder did after (illegible), of whom **Edmund Duffe Birne** was one. (It was) reported that none durst act such a murder if **Edmund O'Reilly** had not a hand in it, he being so leading (a man) in the country. Examinee heard that **Edmund O'Reilly** was the day of the murder in the town of Wicklow, and that night he went to **Christopher Wolverston's** house, and the next day returned to Wicklow.

Christopher Wolverston, (present, swears) that *the night the Black Castle was burnt*, **Edmund O'Reilly** did lodge in the examinee's house at Newcastle, and having discourse the next day with the said **O'Reilly**, both going towards Wicklow, he, the examinee, did perceive that **O'Reilly** was no way troubled at the news then brought him of the said murder, and that late in the night of the murder the said **O'Reilly** did come from Wicklow to the examinee's house, and it was commonly reported that the said **O'Reilly** had a hand in advising and furthering the said murder, and examinee was told that (when) **O'Reilly** saw a piece of pork (being roasted) at the fire, he said it was like **Joice's breech**, and examinee believeth that the actors would not have done that murder but by countenance of **O'Reilly**, that this was a common report; that the examinee's daughter observing **Edmund O'Reilly** to speak much of **Joice**, she told this examinee she believed he (**O'Reilly**) was troubled with **Joice**.

Mary Wolverston, (present, swears) that it was reported **Christopher Toole** was an actor in the murder at the **Black Castle**,

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and she telling **Edmund O'Reilly** of the murder at Wicklow, he said it was accidental, and she pressing the contrary, he said angrily, 'What have you to do to be so curious as to inquire after such things?' Examinee was told by her daughter-in-law, **Margaret Wolverston**, that, discoursing of the murder, the said **O'Reilly** said * there was more ado about the roasting of a company of churls than about the committal of the good **Lord Herbert** then committed at Dublin.' And her said daughter told her that a piece of pork roasting at the fire and blistered, the said **O'Reilly** said it looked like John Joice's breech. Examinee's said daughter is a nun.

Lewis Davys. That **Father O'Reilly** and others of the clergy did put **Tibhot Toole** on the murder at Wicklow, in which they were actors, which the said Toole told this examinee, he being then a proctor in the county of Wicklow.

Richard Quin, portreeve (present, swears) that **Edmund Duffe Birne**, etc., were said to be actors (in the murder), that he, Birne, went first into the castle with **Joice**, drinking with him until night, and that the next day **Edmund O'Reilly** came to Wicklow, (and it was) reported he said that * it was little hurt that the churl was burnt,' meaning **John Joice**. The examinee was one of the coroner's inquest, and **Thomas Ashpole** told him then of the persons who did the murder, who had been in the said **Ashpole's** house.

Edmond Walsh. That **Edmund Quin, priest**, told this examinee that **Edmund Duffe Birne**, etc., were drinking with **John Joice** in the **Castle of Wicklow**, who made much of them on the day of the murder. That the murderers did frequent the company of **Edmund O'Reilly**, who never questioned them (for it), though he had power in the country, nor were they excommunicated by him or by any others. That **Edmund Duffe Birne** being charged by the examinee with that murder, said he made some of the clergy acquainted with it, but which of them he would not tell.

Dermot McWilliam Toole (first examination). That **Tibbot Toole** told him that **Edmund O'Reilly** did put him (**Tibbot**) on to that murder, the examinee said that **Edmund O'Reilly** was like enough to charge him with it, to which Tibbot said he feared him not, he being in it as deep as any, (for) he did advise him.

Dermot MacWilliam Toole (second examination).

Brian Birne, (present, swears) he heard that **Edmund Duffe Birne**, etc., were drinking in the Castle of Wicklow the day of the murder. (It was reported that Edmund O'Reilly was the chief adviser and procurer of the said murder to be committed (there),

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and of the demolishing of the castle, that no more English garrisons should be there. A warrant (was) signed by **Edmund O'Reilly** and other commissioner[^], he first subscribing for raising the power of the country, if need be, for obedience to that order.

Edmund Duffe Birne (prisoner), his first examination. That two days before the murder he discoursed with **Tibbot Toole** and others at a place called (illegible) concerning that business, and the day of the action he was in the castle.

Edmund Duffe Birne (prisoner), his second examination. That he, with the rest, were drinking till night at the Castle of Wicklow, and that all being made prisoners, the examinee being above stairs, heard a voice below, and, going down, found **Joice** and the rest murdered, that he asking the rest, who brought him into that action, how they durst enter on it, they answered they were warranted by one of the chiefest men in the country, viz. **Father Edmund O'Reilly**: that afterwards the examinee told **O'Reilly**

that **Lieutenant-General (illegible)** had sent to seize him, examinee, and **O'Reilly** answered, ' You need not fear , I warrant you.' This was in the garden of Balligamey.

Simon Ashpole. That he was clerk and registrar to **Father Edmund O'Reilly** when the murder was (committed) at Wicklow, that he heard **O'Reilly** say he gave 31£ of his own money towards the breaking down of the **Castle of Wicklow**. Examinee heard that some of the murderers came to O'Reilly to be absolved for that fact, and that he did absolve them. That the castle was pulled down about a month after the murder.

Henry Heny, (present, swears) that it was reported that **Edmund Duffe Birne,** etc., was of the actors in the murder at Wicklow Castle. That **Edmund O'Reilly** was in Wicklow that week that the murder was acted. That **O'Reilly** was at the demolishing of the castle the summer after the murder.

Edmund O'Reilly (the prisoner's examination). That **Tibbot Toole** and **Edmund Duffe Birne** coming to him to be absolved for the murder at the Black Castle, he refused it, being forbidden by the Common Law, etc.

Edmund O'Reilly. He demanding time for his defense until the next day, it was granted, notwithstanding that it was not usual, the evidence of the Commonwealth having been opened.

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The Defense ,of Edmund O'Reilly, priest,
September 7th, 1654.

He takes exception to the testimony of **Luke Birne** as being an enemy unto him, the prisoner, who did note that at the beginning of the rebellion he, being at Dublin resident at that time, excommunicated the said Birne for living in adultery, and not for such ends as is (sic) alleged. (In answer) to the second witness, **Hugh MacLaughlin,** as to the prisoner's being at **Ashpole's** house the day of the murder, **Nicholas FitzGerald** (is) produced by the prisoner, (who saith) that he is most certain (that) the day of the murder **Edmund O'Reilly** was then at Ratlhdown, ten miles from Wicklow; that the night before the murder he, **O'Reilly,** came to the house of **Mrs, Wolverston** at Newcastle, the examinee being then in his company and was his attendant at mass. He did hear **Edmund O'Reilly** excommunicate all that were actors in that murder about a month after. (In answer) to **Mr. Wickham's**

examination, (prisoner) denies hearing anything of **Joice's** murder until then, that examination contradicted what was spoken by **Wolverston** of prisoner's being at Wicklow the night of the murder, denies he refused delivering Wicklow Castle to Ormond, saith he was a friend to **Joice** and did him good offices, denies saying 'What matter if the churls were burnt accidentally?' (In answer) to **Edward Birne's** examination, prisoner saith he, Birne, was not committed for that cause (his verdict on the inquest), but that he was charged with sending his servant to Dublin with billets, and that for giving intelligence to the enemy he was committed. Denies that Edward Birne was removed from the jury, (In support of this) **Richard Quin** is produced by prisoner, who having been one of that jury saith he did not see any put out of it, or put in on the putting any out, and **Peter Wickham** (is produced, who says) he was not present at the first inquest.

James Birne, the examinee offered by Mr. Attorney, deposes that he was coroner and appointed a jury of which **Edmund Birne** was foreman, that he, **Edmund**, being of a different judgment from others, was called before **Edmund O'Reilly** and others of the commissioners, and was put out, and another was put in his place being **Walter Birne** or **Richard Quin**,

The prisoner (in rejoinder) alleges that **James Birne** had this information from **Edward Birne**, and he (prisoner) labors to remember it.

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weaken **Edward Birne's** testimony by denying his having offered money for the burial* as was said, and if false in that, he is not to be believed in other things. Saith, that **Edward Birne** bears malice to him, the prisoner, for adjudging against him in a matrimonial cause, and for living viciously, and that the prisoner therefore had put him out of employment. (In answer) to **Edward Sherrin** (prisoner says) he was servant to **Edward Birne** and (in answer) to **Andrew Kenny** (it is) all but hearsay. (In answer) to **Coole Toole** as to the demolishing of the castle, he saith nothing, as nothing is now in question. He saith much inquiry was made after the murderers whom they (the witnesses against him) well knew, this was the fault he found with them making ado about nothing, not doing therein what should have been done and denies he found fault with **Toole** or any for being inquisitive after the murderers. Saith, as to demolishing of the castle, it was not begun until nine months after the murder, and not altogether until March following. **Richard Quin, again** produced by the prisoner, (saith) that the demolishing of the castle was in October after the murder, which was in the December before; **his cause of knowledge is that he was then portreeve of Wicklow**, and questioning **Thomas Ashpole's**

absence from court he excused himself as being then overseer of the work for pulling down the castle of Wicklow.

In answer to **Laughlin Quin** prisoner saith he is a notable thief, and that for a fact of that kind the examinee caused him to be bound with witches, but after and upon meditation released him, and on that account he, Loughlin, feigns all that he hath saith.

In answer to **Simon Ashpole** prisoner saith that he, Simon, leaving his religion to please the enemy, he speaks against the prisoner being a priest. Denying the giving 8 pounds 1 shilling or any money towards the demolishing of the castle. The prisoner saith that he engaged for **Thomas Ashpole**, who promised to pay for (illegible) the castle.

In answer to **Phelim MacTirlogh Birne** denies the contriving of the murder, and in answer to **Edmund Duffe Birne**, prisoner, saith that he did not speak with those that acted in the murder (illegible), and that if they said they had allowance from him (to commit it), why did not **Edmund Duffe Birne** himself ask him (**O'Reilly**) the question, often seeing him ? He assured them he believed it.

Edmund Duffe Birne having informed against his fellow prisoner, **Father O'Reilly**, and sworn that the murderers had told him, **Edmund Duffe**, that they had the priest's permission to commit the crime, **O'Reilly** asks why did not **Edmund**

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Duffe Birne here saith that he confessed to **Edmund O'Reilly** that he was in the action at the Black Castle but not in the blood there spilt, and that **O'Reilly** absolved him and enjoined him penance by saying some prayers and fasting. **O'Reilly** denies this or that he said ' I'll warrant you you need not fear, or if he said so it was because **Hugh MacPhelim** did never punish any one for crime.

Mr. Attorney General (intervening) offered into further evidence the examination of **Tiegue MacMorrogh Birne** that shortly after the murder **Edmund O'Reilly** did send warrants for demolishing the castle of Wicklow, and of **John MacCaliir Birne** that he heard by common report that the castle was pulled down by direction of **Edmund O'Reilly**.

The prisoner **Edmund O'Reilly's** defense to this is that it was no difficult matter to demolish the walls of that castle next the sea being of clay and stone easily cast

down, and not needing much labour. In answer to **Christopher Wolverston** and his wife denies his coming to Newcastle from Wicklow, but he came from Rathdown to the other side of Newcastle. In answer to Lewis Davis says that what Toole said was false, in answer to **Richard Quin** saith that he, prisoner, did speak those words about churls, etc., that he might gain an opportunity to prosecute the murderers more freely, and in answer to **Edmund Walsh** prisoner denies keeping company with the murderers, and that they might be in the place where he was without that implying his conversing with them. And the prisoner here (further saith) he did excommunicate all the actors in that murder, and that it was a simple (i.e. foolish) question of **Edmund Walsh** to ask, ' Would you do such an action without the advice of the clergy '.

The Lord President (here saith): But such things have been done by the advice of the clergy, as the powder treason and this rebellion, and this war is called (by them) **bellum rcligiosum**.

Edmund Duffe Birne, prisoner, being demanded of that discourse, saith that he had discourse with **Edmund Walsh**, but doth Duffe ascertain from him, whom he often saw, if this was true? arguing that as he did not his evidence is inconsistent and false. There is much in this argument where **Edmund Duffe** says **O'Reilly** spoke those words to encourage him and the rest of the murderers not to fear being punished by their **Lieutenant-General, Hugh MacPhelim Byrne**, for the murder. Whatever you may think of the truth or falsehood of this statement of **Birne's**, the admission, of **Father O'Reilly** that the **Irish Lieutenant-General** never punished murderers is noteworthy for more reasons than one.

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not remembering the particulars, and that he did never personally speak with any of the clergy in that business, but he was told by **Tibbot Toole**, etc., that they had spoken with the clergy, denies that he was excommunicated by **O'Reilly**.

Edmund O'Reilly, prisoner, says that the excommunication was spoken at mass, and he produced for witness **Allison Browne**, who saith that she was present in Wicklow, when **Edmund O'Reilly** spoke publicly against the murderers at Wicklow, and said that he would go to Kilkenny to get them (illegible).

Richard Quin being told by the said Alison that he was then present and heard what she hath declared, he saith he remembers it not.

Cahir Toole saith he did never hear of any such excommunication.

A letter from Kilkenny, without date, was offered by **Edmund O'Reilly** to the Court and read, (it saith) he did excommunicate those that burnt the Castle of Wicklow. This (was writ) with another ink and I think with another hand. In answer to **Dermot O'Toole** prisoner saith if **Tibbot Toole** said so, it is false (illegible). In answer to (illegible) **Birne** it is but by report and that private.

John Birne and **Hugh Birne** said in court that they did not hear of any excommunication.

Sir Robert Talbot, present, swears that on the Treaty for Peace, he being one of the Commissioners for it, **Edmund O'Reilly** did write to them that if a course were not taken for punishing the murder at Wicklow, God would not prosper them. Also at Kilkenny **Edmund O'Reilly** did solicit proceedings in it (illegible), who gave commissions for inquiry of it.

Captain John Bellew's letter was offered by **Edmund O'Reilly** in court, dated 12th June, 1652, mentioning that **O'Reilly** was the great prosecutor (of the parties) in that murder.

Nicholas FitzGerald, produced by the prisoner, (swears) that the prisoner did solicit **Nicholas Plunket** the lawyer to prosecute (for) that murder.

Tirlogh Reilly (swears) that prisoner did write by the examinant. to **Mr. Belling** concerning that murder (illegible), which letter he delivered the same year the murder was committed. Examinant. heard from others that the murderers were excommunicated and that prisoner was beneficial to the English, and not a murderer of them.

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Mu. Pemberton swears concerning Mr. Walworth, a minister preserved (by prisoner), also that he preserved a trumpeter, Simon Bellew, George Green, William Willings, and other English about (illegible), he preserved an Englishman at Arklow, in anno 1641 he preserved a boy, anno 1645 he preserved some in a frigate that was cast on the coast of Wicklow, an (illegible) surgeon coming from Dublin, a (illegible) coming from Dublin, **Christopher FitzWilliams** and a boat at (illegible) belonging to (illegible) some cars of a company going to Wicklow, a cow taken from one, (he

also) preserved **Mr. Cornwall**, a minister, **Henry White**, a minister at Arklow, another old minister and **Mr. Conway**, a minister, and **Mr. Robert Conway**. He (prisoner) was courteous to Lieut.-Colonel (illegible), lent him his sword and gained him the best respite he could. **Lieutenant Mason** had respite by his (prisoner's) means. On **Captain Hewetson** being wounded, and after he died would have buried him. He preserved one that would have been otherwise hanged at (illegible), he brought to Dublin from Trim **Mr. Robert Lett's** children, he preserved two soldiers of the name of (illegible).

Edmund Duefe Birne's defense (is) that he was of that party but not in the murder.

Tjrlough MacDermot Birne. This now offered by **Mr. Attorney**: That **Edward Birne**, the foreman of the jury, found it murder. But afterwards it was found chance medley, and so delivered in writing to the coroner.

Verdicts.

Edmund Reilly, a priest . . . Guilty.

Edmund Duff Birne . . . Guilty. (1)

(1) **Birne's** fate is uncertain, eventually **O'Reilly** received a pardon and lived until 1669 a Criminal of the Faith, Humanity and to all those that perished at the **Black Castle of Wicklow**.

Of Note:

Richard Quin journeyed to Essex after his attainder to lobby for reprieve.

Loughlin Quin married **Juane Brian** at **St. Michans Roman Catholic Church** in Dublin on 13 October 1654 and died in Dublin a poor man who is buried in the church yard at **St. Aoudoen's Roman Catholic Church** January 16, 1683.

Edmund Quin, Priest remained in Ireland near **Athlone** with family there.