

# The Penal Laws in Ireland – Hedge Schools and the Spread of English

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## Abstract

This paper explores the emergence of the Hedge schools in Ireland in response to the penal laws imposed on 18<sup>th</sup> century Ireland. In particular, the 1695 Education Act and its role in fostering an underground schooling system which effectively schooled the Catholic majority for over a hundred years is examined. The penal laws predated an enormous demographic shift within the country due to the transference of land from Catholics to Protestants through the Cromwellian plantations. The impact of the penal laws on the education of Catholics is examined and the spread of English in 18<sup>th</sup> century Ireland is discussed.

*Keywords: Penal laws, Hedge Schools, Plantations, Protestant, Catholic*

## Introduction

Ireland appears in the inner circle of Kachru's three circle model of World Englishes (Kachru, 1985), the inner circle of course is deemed the circle in which norms are created. This is an interesting prospective when viewed through the historical lens of how Ireland came to be included in this inner circle. The official languages of Ireland are of course, Gaelic (also known as Irish) and English which makes it all the more intriguing as to why Ireland should appear in the inner circle of Kachru's model. Of course, the geographical location of Ireland, just 10 nautical miles west of Britain, has played a major role in the shift to English for the Irish nation. However, for almost 5 centuries, the linguistic nature of the island indicated that English as a language would have been deemed an EFL in educational terms today. Prior to the arrival of the English, the Danes appeared, but they essentially mixed with the natives. From the 12<sup>th</sup> century, the arrival of the Anglo-Normans and their settlements largely remained on the East coast in an area termed the Pale, these Anglo-Normans largely intermarried with the native Irish and adopted the ways of the Irish,

becoming in time *more Irish than the Irish themselves*. (Crystal, 2002) The implications of the Anglo-Norman choice to adopt rather than to replace local customs and language meant that the spread of English remained negligible for almost 5 centuries. Regarding the question of what percentage of the population would have been Gaelic speakers, the evidence suggests that the number would have been very substantial. In fact, the Anglo-Normans themselves would have been proficient Irish speakers also. And Ireland's linguistic trajectory may have remained on this path had it not been for those acts unfolding in neighbouring England and mainland Europe. Mainly, Henry VIII declaring himself the King of Ireland in 1542 by the Crown Act 1542. The Reformation was underway in Europe and Henry VII, displeased with the Pope's refusal to annul his marriage to Catherine of Aragon, duly renounced papal authority and established the Anglican church with the King as the supreme head. At this point it can be noted that the identities of the British protestant and that of the Irish catholic altered significantly. Of course, this was to have far reaching consequences for Roman Catholic Ireland.

## Tudor Conquest of Ireland

The Reformation in England changed the religious face of that country and the Tudor-attempted reformation of Ireland tried to eschew Catholicism and promote the Anglican church on the island of Ireland. However, the very fact that the portion of Ireland remaining under English rule was the Pale effectively limited the sphere of Anglican influence. Elizabeth I, the daughter of Henry VIII and Catherine of Aragon, attempted to diminish the Catholic Church's influence and power within the country. It would seem that one of the main reasons for the Reformation failing in Ireland is the number of ministers in attendance during the Elizabethan Reformation attempt of Ireland. (Jeffries, 2016). "For historians struggling to explain why the Reformation failed in Ireland the absence of Protestant preachers, and the employment of many clergy who simply read an extract from the Latin edition of the *Book of Common Prayer* or a gospel in Latin for church services, must surely form a key component of their overall explanation". (Jeffries, 2016, p.163) Lack of preachers taken in tandem with the counter-Reformation of the Catholic church guaranteed that the Reformation would fail in Ireland. The Catholic Church, in contrast, provided numerous priests, selecting, financing and

educating them for the specific purpose of administering to the people.

In the early 1560's, it came to the attention of the crown's administration in Dublin the Wolfe's deputy in Leinster, Thady Newman, was directly involved , physically and financially, in shipping priests and aspirant priests, of both Gaelic and English descent, to Catholic Colleges overseas ....Colm Lennnon uncovered a network of schools run by Catholic priests in Dublin city and county from the earliest years of Elizabeth's reign, and he speculated that the first-generation of Jesuits and seminary priests who spear-headed the Counter-Reformation in Dublin had graduated from academies run by priest-teachers. (Jeffries, 2016, p. 165)

Essentially, lack of manpower or devotees to the cause of the sacraments played a major role in causing the Reformation to fail. The Tudors not investing enough in the project, while the Catholic church through wealthy landowners in Ireland, investing heavily in the manpower to deliver the catholic religion to the people. In fact, scholars trained in continental Europe returned to administer mass to the Catholics in Ireland.

## Protestant plantations

Although the attempted Reformation of Ireland had failed, the Tudor conquest for greater control over the island of Ireland led to rebellion by the Irish chieftains. In particular, the Desmond rebellions and ultimate defeat led to the plantation of Munster, the southern province. While the nine-year's war (1593-1603) which ultimately led to the flight of the earls paved the way for the plantation of Ulster and Connaught by the British. Courbagge (1997) cites a table of census estimates which offer some insight into the demographic shifts which were taking place in Ireland at the time. In this table, Pender (1939) provided estimates for the four provinces from the census of 1659 as follows; Irish and by extension, Catholics, approximately accounted for 60% of the population in Northern Ireland as we know it today (the 6 counties), while the remaining 3 counties of Ulster had 76%, the numbers of Catholics in the other provinces were as follows; Leinster (the eastern province) 83%, Munster (the southern province) 90%, Connaught (the western province) 92%. However, estimates provided by an anonymous source in 1732 gave the following figures, 6 counties of Northern Ireland (30%) with the 3 remaining counties of Ulster at 60%, Munster (89%), Leinster (79%) and Connaught (91%). Newenham (1762) cites the following figures from a Dr. Bourke, figures available for 1762 are

as follows; the 6 counties of Northern Ireland were 30%, Munster, Ulster and Connaught were 81%, 69% and 81% respectively. Within the space of 70 years there was a profound shift in the number of Catholics in the four provinces. The most striking shift occurred in Northern Ireland and Ulster – with non-Catholics representing approximately 70% of the population. Leinster also saw a 14% drop in the number of Catholics, while Munster had almost a 10% drop. Connaught, in contrast, remained relatively unchanged. These numbers are indicative of the scale of the plantations in Ulster, in particular, but also highlight the lack of movement in Connaught, presumably due to the poor quality of the land in that region. While these defeats were significant events, it did not end resistance to British rule. In fact, the aftermath of the land confiscations and subsequent plantation bred resentment among the native population. In addition, the discrimination suffered encountered as practicing Catholics bred further resentment. A particular resentment was the obligation to pay tithes to the upkeep of the Church of Ireland, a protestant church, despite being Catholic tenants. (Mac Cuarta, 2018) Furthermore, the Catholic landowners were also unhappy with the fact that the right to vote had been removed. Redmond (2021) provides some insight into the 1643 rebellion when raising the point that the 'Old English' had also participated in the rebellion and that one of the main reasons for their involvement was their religion; Catholicism. Redmond (2021) further states "This is significant as it further underlines how religion and religious divisions were emerging as the chief organising poles of conflict in the 1640's, even as ethnicity continued to play a role". (p. 7) The plantations of Ulster and Munster and subsequent transplantation of Catholics to Connaught (a province traditionally viewed as being an area of poor quality land) instigated by Cromwell further highlighted the religious divide unfolding in the country. The vagaries of the English monarchy continued to influence life in Ireland, the return of a catholic King, James II after his abdication to France and his subsequent appearance in Ireland to attempt to retain the throne of England did cause further uprising, but again this ended in defeat for his followers in Ireland. In particular, the Treaty of Sarsfield or Treaty of Limerick deserves some consideration as it did form a treatise which was of favour to the Catholic population in Ireland. The Treaty of Sarsfield proposed giving Catholics land and equality with their protestant neighbours. While the circumstances of the siege of Limerick were such that the Irish were deemed not under threat of loss, they agreed to the terms offered as they

were indeed favourable. A short review of land ownership within Ireland at this time can perhaps somewhat explain why the terms of the treaty were deemed acceptable at the time. In the year 1600, 100% of the land was owned by Catholics, by 1641 this number had dropped to 49%, a further drop to 22% by 1688 followed, and by 1703 this number stood at 14%. (Courbagge, 1997) These numbers reflect the 'century of dispossession' and perhaps give some insight into the acceptance of the Sarsfield treaty terms. Had the signees to said treaty known the eventual outcome of this treaty they may not have added their signatures to this document - the treaty was not ratified by the English parliament. Putting aside this conjecture and returning to the extraordinary loss suffered by the land owners, it can be clearly seen that religion had emerged as the defining harbinger of fortune, both good and bad. Good in the sense that Protestants would benefit, bad in the sense that Catholics would suffer. "Religious loyalty was the basis of loss and gain – in land, position and privilege – in a conquest that saw a Protestant ascendancy securely established, with a Catholic majority harbouring an unquenchable resentment, encoded in a historical narrative of victimhood." (O Tuathaigh, 2017, p. 54) The fight for the soul of the country was very clearly defined along religious lines.

## Penal Laws

From 1607, penal laws, fashioned on those penal laws already in existence in England, were introduced into Ireland. Catholics were banned from practising law, bearing arms and practicing their religion. Laws were enacted which encouraged the capture of bishops, priests or Jesuits. Rewards were 100, 30 and 10 pounds respectively. (Parnell, 1808) These amounts would be considered quite substantial at the time. Despite the reassuring rhetoric present in the Treaty of Sarsfield, the English government passed a number of acts which were to adversely impact Catholics in Ireland. These acts, masterpieces of oppression, entitled 'Acts to prevent the further growth of popery' were introduced by Queen Anne. The first anti-popery act was in 1704, followed by a strengthening of it in 1709.

Following the end of the 'War of Two Kings' in 1691, Ireland's ruling Protestant minority sought to maintain their control over the island and

its largely Catholic population. Central to achieving this goal was the need to safeguard their monopoly over the land, as wealth, prestige and political power depended upon access to this within a predominantly agrarian society. (Fitzpatrick, 2020, p. 227)

The thrust of this act was to reduce land ownership among Catholics through direct purchase or leasehold, the length of a lease was not to exceed 31 years. How effective was this Act? The percentage of catholic landowners fell significantly from 14% in 1703 to approximately 5% in 1776. (Simms, 1956) Not only was land ownership targeted but also conversion to Protestantism was promoted by encouraging the elder son to convert and by doing so, the land could be inherited and kept in the family. Otherwise, it could go to the nearest protestant relative or simply be confiscated. However, the intention of this particular act, to encourage conversion to Protestantism can be considered a failure due to the relatively small numbers of conversions over half a century; "Some 1,878 converts to the established church were registered in the court of Chancery in the period 1702-52". (Ulster Historical Foundation) The small number of converts is indeed testament to the depth of feeling towards the Ascendency and the Catholic Church; defiance and allegiance. Furthermore, education was also deemed a legitimate target for the penal laws. In 1695, the Education Act was introduced whereby, it was forbidden for any catholic to keep a school in Ireland, Catholics were also forbidden to send their children abroad to be schooled. The education act was primarily aimed at the Catholic gentry as the Protestant elite were feeling vulnerable at the time. Again, the loss incurred through religious affiliation is not one of inconsequence.

## Education Act 1695

The stated purpose of the penal laws can be ascertained clearly from the following statements, the first is attributed to John Percival, a member of the Dublin House of Commons in 1703, while the second is taken from the official guide for charity organizations as cited by Cahill (1939b, p. 630)

"laws made to discourage and weaken popery and that so many souls are abandoned to utter ignorance, infidelity and barbarity, it is humbly proposed.....to make the whole nation Protestant and English, schools be erected in every parish for the instruction of Irish children in the

English tongue, and the catechism and Religion of the Church of Ireland.”

“That children of the Popish natives.....may be so won by our affectionate endeavours, that the whole nation may become protestant and English.”

The above statements clearly define the purpose of the penal laws. The intent was to destroy the Irish identity and bring it into the same religious, cultural and economic system as that of England. Regarding the same religious system, it can be ascertained from the numbers shown in the census of 1652 through 1770 that the number of Catholics did not decrease substantially, the imposition of English as opposed to the Brehon law did have a major impact on social and commercial activity – mainly through solidifying the power base of Protestant Ascendancy. However, the idea of changing culture vis a vis the education of the ‘children of the popish natives’ was an entirely different matter. The Education Act of 1695 was not lacking in any way or form, as it did provide for some serious consequences should the act be flaunted. Cahill (1939b) specifically cites the 1696 Commonwealth Records whereby the object of the penal laws were to ‘prevent Popish schoolmasters to teach Irish youth, training them in superstition and idolatry and the evil customs of the nation; and to bring about that the education of Irish youth be agreeable to the rules and discipline used in free schools of England and Holland.’ (p.632) As such, what exactly did this mean for the Irish youth? Catholics could not open a school, schools could only be opened by Church of Ireland members. A catholic could teach in a school but had to get a license from the protestant bishop while submitting to an oath of allegiance and supremacy, this meant recognizing that the king was the supreme head of the church which, of course, could not be the case for a member of the catholic faith. Any catholic who sent a child abroad to be schooled would forfeit their property. Such laws were not without consequence: for example, a one Charles Grey was sentenced to 3 months in prison and fined 20 pounds as a result of being found guilty of ‘keeping a Popish School’, there is evidence of summons issued at the Clare Assizes of 1715 against those who sent their children to France to be educated. There is also evidence of a warrant issued for Popish schoolmasters in Tralee and long lists of names presented to the Grand Juries of Galway and Limerick in 1711 and 1725 respectively. The sentence for which was automatic conviction and

transportation into penal servitude for life. (Corcoran, 1931) While these examples serve as proof of the retribution awaiting Catholics involved in the education of children, it is perhaps understandable, considering the previously known learned nature of the Irish as a whole, that it did not deter pursuit of learning within the Catholic segment of the population. The Bardic schools had been a tradition among the Irish chieftains and the catholic gentry whereby bards had been hired to teach in their homes. However, circumstances of the 17th century had gradually made it extremely difficult for learning to take place within the catholic community. Not only was it difficult for learning to take place for fear of retribution, but the Protestants also hoped to convert some of these young Catholics through setting up the Protestant Charter Schools. Said schools of course precluded Catholics from being subscribers to this society, however, "the children admitted into the schools are orphans, or the children of Catholic or other poor natives of Ireland, who, from their situation in life, are not likely to educate them as Protestants". (Parnell, 1808, p. 52)

The children who entered these schools were apprenticed at fourteen into Protestant families and if they went on to marry a Protestant, they received some money from the society. The number of children educated in this manner in total is unknown, but "in September 1806, the number of children in the schools were 2130". (Parnell, 1808, p. 52) While in 1730 he number had peaked at 3000. (Ulster Historical Foundation) The Charter school system that had been put in place by the Protestant elites for the education of the young around the country which seems to have started out in a positive fashion was roundly condemned as inadequate and not fit for purpose. John Howard reported to the House of Commons in the 1770's that 'the state of most of the schools which I visited was so deplorable as to disgrace Protestantism and to encourage Popery in Ireland rather than the contrary'. (Ulster Historical Foundation) According to Ferguson (1858), the state of the schools were described as follows;

The Parochial Schools had the monopoly of whatever assistance was going, and attained a position comparatively respectable, as contrasted with the Roman Catholics. In the latter schools, attended by 200,000 children of the poor, the state of instruction was very limited, and the books in use "were calculated to corrupt the mind, to incite to lawless and profligate adventure, to cherish superstition, and to lead to dissension and disloyalty. (p. 4)



This quote, taken from the Fourteenth Report of the Commissioners of Education, published in 1812 is full in its condemnation of the education provided to the Catholics, however, this cannot mask the fact that the penal laws were such to outlaw and disparage any Catholic teachings and also to disparage or ridicule any teachings relative to Irish culture and tradition. In addition, the report goes on to mention that the Roman Catholic schools received little or no funding. However, remarks disparaging of the Irish language and culture within the report itself should not be surprising as the general mood among policymakers at that time can be ascertained when the words of the leaders of the Protestant clergy are taken into consideration, for example, the Protestant Bishop of Cloyne Rev. Woodward wrote in 1750, "It should be the object of the government rather to take measures to bring that language into entire disuse." (Cahill, 1940, p. 598) There is genuine distain among the Protestant clergy for the Irish language and by association, the Irish people.

## Hedge Schools: The Spread of English

In the early 18<sup>th</sup> century, in response to the implementation of the penal laws and the continued persecution of Catholics in an attempt to Anglicize them, the concept of the 'Hedge School' came into effect. Dowling (1968) describes the Hedge school as follows;

Because the law forbade the schoolmaster to teach he was compelled to give instruction secretly; because householder was penalized for harbouring the schoolmaster; he had perforce to teach, and that only when the weather permitted, out of doors. He therefore selected in some remote spot, the sunny side of a hedge or bank, which effectively hid him and his pupils from the eye of the chance passer-by and there sat upon a stone as he taught his little school, while his scholars lay stretched on the green sward around him. ...In winter the schoolmaster moved from place to place, living upon the hospitality of the people earning a little by perhaps turning his hand to farm work, or, when he dared, by teaching the children of his host. (p. 35)

As can be seen from Dowling's description the school itself would take place, not necessarily in a hedge but anywhere which was safe from prying eyes. In fact, Cahill (1939a) cites the words of a certain Arthur Young in

1776; “they might as well be termed ditch schools, for I have seen many a ditch full of scholars” (p. 22) While the term hedge or ditch does conjure up dismal conditions, it was borne out of necessity. In fact, Atkinson (1879) as cited by Cahill (1939a), compares the life of the itinerant schoolteacher to that of a ‘wanted man’ or one who must ‘go on the run’ at an instant. Of course, this was similar to the priest, however the priest could not abandon his altar so readily. The standard of education in the Hedge schools was not wanting nor was it inferior to that of the Protestant Ascendancy. Cahill (1939a) introduces eye-witness accounts of a Dr. Smith who wrote in 1756 of the standard of learning. He refers to the classical scholars of peasant background who understand both Latin and Greek but did not understand English. Latin was freely spoken in the hills of Kerry. Not only did peasants who worked in local areas learn the classical languages, but many of the scholars found themselves spirited away to the Irish continental colleges to undergo training for the priesthood. Cahill (1939a) also gives testimony of former pupils of the Hedge schools. A one Charles O’Connor of County Sligo who attended 4 Hedge schools between 1714 and 1728 spoke of reading Ovid, a Latin poet. In addition, he mentions that Irish was the medium of instruction. Another speaks of learning Greek, Latin, English and Irish, while it is not clear as to the medium of instruction.

The Hedge school forged in adversity to religious persecution thrived under extremely difficult circumstances; the teacher under pain of arrest or deportation, the host under the same threat. Yet, the standards aspired towards in the schools were high according to independent eye-witness accounts of scholarly interaction with the poor in rural Ireland. Not only does this contrast with the damning reports on the Charter schools mentioned in the previous section, but the sheer number of schools also stands in stark contrast to the number of schools mentioned in reports on the charter schools: Lyons (2016) states that there were over 9000 schools throughout the country teaching over 400,000 pupils. Although the classics are mentioned as being learned by former pupils of the Hedge schools, English as a subject is not mentioned in the early half of the 18<sup>th</sup> Century. In fact, from the eye-witness accounts, it seems to be quite evident that there was little knowledge among the poor with regard to the English language.

## The Irish Language and The Hedge School

As previously mentioned, the lack of English in the Hedge school or teaching through the medium of English is something of note. Cahill (1940) refers to the large number of Irish poets in the last quarter of the 18<sup>th</sup> century who would have undertaken some teaching work at the time and such poets would presumably have taught in Irish. In fact, Cahill refers to the words of Rev. Charles O'Connor who wrote "The little English spoken in them was rude and barbarous" (p. 608). This perhaps lends some weight to the fact that many teachers themselves did not know English and this of course, begs the question, how could they teach English if they themselves did not know it? It can be deduced that the language of instruction would therefore be Irish. Otway (1827) relates an interaction which provides some insight into the state of spoken English and by extension, literacy in English in the country among the rural people of Ireland. Taking shelter in a peasant's hut, Otway and a companion proceeded to strike up a conversation in English, however, the man did not seem to understand what was being said after some initial questions in English about God. However, Otway's companion, who spoke enough Irish proceeded to question the man in Irish and he responded effusively. The incident suggests that rudimentary English was available but generally that Irish was the language spoken among the rural classes. "Like most of his countrymen in the South, his mind was groping in foreign parts when conversing in English; and he only seemed to think in Irish." (p. 345)

The question of the English language and how widespread was it in the 18<sup>th</sup> Century is one which seemed to garner different answers. But what is of interest and relevant to this point in question is the fact that "In most of the county histories written in the nineteenth century, the language question is scarcely referred to. The authors seem to assume that the only language spoken or known in the country was English." (Cahill, 1940, p. 610) This assumption probably masked a number of relevant points; many of the authors of said reports spoke little or no Irish, giving them little insight into the true linguistic abilities of the people they came into contact with, it also masked or maybe did not, a sense of superiority on the part of the Ascendancy, it may also have been fanciful on their part that the English language was the only language that the people needed to or should know. Indeed, estimates were revised in the 1820's to the point

that it was said the majority of the five and a half million Catholics were predominantly Irish speakers. The remaining 1.5 million protestants were naturally English speakers. (Cahill, 1940, p. 615) Further analysis of numbers available lead to the conclusion that Irish was the language of at least half the population in 1829. Therefore, looking retrospectively at the point of introduction of the penal laws it can probably be assumed that for the most part the spread of English had not taken place during the penal law years as was the intention of the Protestant Ascendency. Therefore, it can also probably be assumed that the teaching of English during the penal law years in the Hedge schools was not as widespread as some observers had suggested. There seems to have been a general dismissal within official reports of the number of Hedge schools in operation around the country, a general disdain for the standards within these schools, and an overinflated sense of the true numbers of English speakers.

## Conclusion

Ireland is a nation that is automatically given status as one of those countries which appears in the inner circle of Kachru's model. Little thought is probably given to how the country found itself there in the company of America, Canada, Great Britain and of course, Australia. And while many may be somewhat familiar with the history of Ireland through the Tudor Reformation and subsequent plantations of large parts of Ireland, the role of the underground school system which grew in defiance of the religious persecution of the nation and the stated purpose of proselytization of the nation to Godly ways is perhaps lesser known. The Catholic landed gentry did lose control of their lands, they also lost the right to educate their sons in foreign lands and the peasant class found themselves being educated in the Hedge School, not only a place where they learned the 3 R's but also a place where the classics, Latin and Greek were taught, And taught to such an extent that there are many first-hand accounts of travellers at that time encountering the peasants or tenant farmers who interacted with them not through the medium of English, but rather through Latin. Many of the travellers expressed surprise at the level of education or learning that these people had and many reflected on the fact that the standard of education was probably much higher than not only that of the peasant class in their own country (not to be confused with the fact that they were under the impression that they were in their *own*

country), England, but it was also taught that the standards of the Hedge schools were higher than those of the schools for the Protestant Ascendency. Therefore, it can probably be assumed that the classical languages would have been more widely taught than English, the language of the Protestant Ascendency, the elite of Ireland at the time. The itinerant teachers would have had some classical training and with many of them not English speakers it would seem quite reasonable to assume that the medium of instruction would have been Irish or Gaelic. The teacher and the priest in defiance of the severe penalties associated with the penal laws continued to follow their respective creeds. While the penal laws were introduced from the late 1600's with an intent of purpose - proselytization and the Anglicization of the country - and progressively worsened in the next century it is a monumental testament to the fortitude of the Irish people that the stated goals of said penal laws were not attained during their existence. Certainly, the fact that English was needed for commercial activities and the law did encourage a knowledge of the language, however, regarding the stated purposes of the penal laws, it can be assumed that they failed.

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