



ROBIN FRAME

# Plantagenet Ireland

TRINITY MEDIEVAL IRELAND SERIES: 5

*Plantagenet Ireland*

*In memory of*  
**James Lydon**  
teacher and friend

# Plantagenet Ireland

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Robin Frame

Trinity Medieval Ireland Series: 5



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## Abbreviations

<i>AC</i>	<i>Annála Connacht: the annals of Connacht (AD 1224–1544)</i> , ed. A.M. Freeman (DIAS, Dublin, 1944)
<i>Account roll, Holy Trinity</i>	<i>Account roll of the priory of the Holy Trinity, Dublin, 1337–1346; with the Middle English moral play 'The pride of life'</i> , ed. James Mills (RSAI, Dublin, 1891)
<i>AClyn</i>	<i>The annals of Ireland by Friar John Clyn</i> , ed. Bernadette Williams (Dublin, 2007)
<i>Admin. Ire.</i>	H.G. Richardson and G.O. Sayles, <i>The administration of Ireland, 1172–1377</i> (IMC, Dublin, 1963)
<i>Affairs Ire.</i>	<i>Documents on the affairs of Ireland before the king's council</i> , ed. G.O. Sayles (IMC, Dublin, 1979)
<i>AFM</i>	<i>Annála ríoghachta Éireann: annals of the kingdom of Ireland by the Four Masters, from the earliest period to the year 1616</i> , ed. John O'Donovan, 7 vols (Dublin, 1851)
<i>AH</i>	<i>Analecta Hibernica, including the report of the Irish Manuscripts Commission</i> (IMC, Dublin, 1930–)
<i>AI</i>	<i>The annals of Inisfallen (MS Rawlinson B. 503)</i> , ed. Seán Mac Airt (DIAS, Dublin, 1951)
<i>ALC</i>	<i>The annals of Loch Cé: a chronicle of Irish affairs from AD 1014 to AD 1590</i> , ed. W.M. Hennessy, 2 vols (RS, London, 1871)
<i>AMisc.</i>	<i>Miscellaneous Irish annals, AD 1114–1437</i> , ed. Séamus Ó hInnse (DIAS, Dublin, 1947)
<i>ANS</i>	<i>Anglo-Norman Studies</i> , formerly <i>Proceedings of the Battle Conference on Anglo-Norman Studies</i> (1979–)
<i>Archiv. Hib.</i>	<i>Archivium Hibernicum</i> (Dublin, 1912–)
<i>AU</i>	<i>Annála Uladh ('Annals of Ulster')</i> , otherwise <i>Annála Senait ('Annals of Senat')</i> : a chronicle of Irish affairs AD 431 to AD 1540, ed. W.M. Hennessy and B. MacCarthy, 4 vols (Dublin, 1887–1901)
<i>BIHR</i>	<i>Bulletin of the Institute of Historical Research</i> . See <i>HR</i> .
<i>Brand, Common law</i>	Paul Brand, <i>The making of the common law</i> (London, 1992)
<i>CChR</i>	<i>Calendar of the charter rolls [...], 1226–1516</i> , 6 vols (PRO, London, 1903–27)
<i>CCR</i>	<i>Calendar of the close rolls [...], 1272–[1509]</i> , 47 vols (PRO, London, 1892–1963)
<i>CDI</i>	<i>Calendar of documents relating to Ireland, 1171–1307</i> , ed. H.S. Sweetman and G.F. Handcock, 5 vols (PRO, London, 1875–86)
<i>CDS</i>	<i>Calendar of documents relating to Scotland</i> , ed. Joseph Bain et al., 5 vols (Edinburgh, 1881–1986)
<i>CFR</i>	<i>Calendar of the fine rolls [...], 1272–1509</i> , 22 vols (PRO, London, 1911–62)
<i>CHI, i</i>	Brendan Smith (ed.), <i>Cambridge history of Ireland</i> , i (Cambridge, 2018)

<i>Chron. Lanercost</i>	<i>Chronicon de Lanercost</i> , ed. Joseph Stevenson (Maitland Club, Edinburgh, 1839)
<i>CIPM</i>	<i>Calendar of inquisitions post mortem and other analogous documents</i> , 16 vols (PRO, London, 1904–74)
<i>CIRCLE</i>	<i>CIRCLE: A calendar of Irish chancery letters, c.1244–1509</i> , ed. Peter Crooks ( <a href="http://www.chancery.tcd.ie">www.chancery.tcd.ie</a> )
<i>CJRI</i>	<i>Calendar of the justiciary rolls of Ireland</i> , ed. James Mills et al., 3 vols (Dublin, 1905–56)
<i>Close R.</i>	Close roll of the Irish chancery
<i>CMCS</i>	<i>Cambridge Medieval Celtic Studies</i> (from number 26 onwards <i>Cambrian Medieval Celtic Studies</i> )
<i>COD</i>	<i>Calendar of Ormond deeds, 1172–1603</i> , ed. E. Curtis, 6 vols (IMC, Dublin, 1932–43)
<i>Colony &amp; frontier</i>	T.B. Barry et al. (eds), <i>Colony and frontier in medieval Ireland: essays presented to J.F. Lydon</i> (London, 1995)
<i>Cork hist.</i>	Patrick O'Flanagan and C.G. Buttner (eds), <i>Cork: history and society</i> (Dublin, 1993)
<i>CP</i>	G.E. Cokayne, <i>The complete peerage of England, Scotland, Ireland, Great Britain and the United Kingdom</i> , ed. Vicary Gibbs et al., 12 vols (London, 1910–59)
<i>CPI</i>	<i>Chartae, privilegia et immunitates</i> (RCI, Dublin, 1889)
<i>CPL</i>	<i>Calendar of entries in the papal registers relating to Great Britain and Ireland: papal letters</i> (London, 1893–)
<i>CPR</i>	<i>Calendar of the patent rolls, 1272–[1509]</i> , 53 vols (PRO, London, 1891–1971)
<i>CR</i>	<i>Close rolls of the reign of Henry III</i> , 14 vols (PRO, London, 1902–38)
<i>Crooks, Government</i>	Peter Crooks, <i>Government, war and society in medieval Ireland: essays by Edmund Curtis, A.J. Otway-Ruthven and James Lydon</i> (Dublin, 2008)
<i>CStM</i>	<i>Chartularies of St Mary's Abbey, Dublin</i> , ed. J.T. Gilbert, 2 vols (RS, London, 1884–6)
<i>CT</i>	<i>Caitréim Thoirdhealbháigh</i> , ed. and tr. S.H. O'Grady, 2 vols (Irish Texts Society, London, 1929)
<i>Curtis, Med. Ire.</i>	Edmund Curtis, <i>A history of medieval Ireland from 1086 to 1513</i> , 2nd ed. (London, 1938)
<i>Curtis, Ric. II in Ire.</i>	Edmund Curtis, <i>Richard II in Ireland, 1394–5, and submissions of the Irish chiefs</i> (Oxford, 1927)
<i>Dal gCais</i>	<i>Dal gCais: the magazine of Clare, its people and culture</i> (1972–)
<i>Davies, British Isles</i>	R.R. Davies (ed.), <i>The British Isles, 1100–1500: comparisons, contrasts and connections</i> (Edinburgh, 1987)
<i>Davies, Conquest</i>	R.R. Davies, <i>Conquest, coexistence and change. Wales, 1063–1415</i> (Oxford, 1987); reissued 1991 as <i>The age of conquest. Wales, 1063–1415</i>
<i>Davies, Discovery</i>	John Davies, <i>A discoverie of the true causes why Ireland was never entirely subdued</i> (London, 1612; reprinted, Shannon, 1969)
<i>Davies, Domination</i>	R.R. Davies, <i>Domination and conquest: the experience of Ireland, Scotland and Wales, 1100–1300</i> (Cambridge, 1990)
<i>Davies, Empire</i>	R.R. Davies, <i>The first English empire: power and identities in the British Isles, 1093–1343</i> (Oxford, 2000)
<i>Davies, Lords &amp; lordship</i>	R.R. Davies (ed. Brendan Smith), <i>Lords and lordship in the British Isles in the late Middle Ages</i> (Oxford, 2009)
<i>Davies, Lordship &amp; society</i>	R.R. Davies, <i>Lordship and society in the March of Wales, 1066–1400</i> (Oxford, 1978)

Decies	<i>Old Waterford Society: Decies</i> (1976–)
Deeds of the Normans	<i>Deeds of the Normans in Ireland: la geste des Engleis in Yrlande</i> , ed. Evelyn Mullally (Dublin, 2002)
DIAS	Dublin Institute for Advanced Studies
DIB	<i>Dictionary of Irish biography</i> , ed. James McGuire and James Quinn, 9 vols (Cambridge, 2009)
Dryburgh & Smith, <i>Handbook</i>	Paul Dryburgh and Brendan Smith (eds), <i>Handbook and select calendar of sources for medieval Ireland in the National Archives of the United Kingdom</i> (Dublin, 2005)
Duffy, <i>Gaelic Ire.</i>	P.J. Duffy et al. (eds), <i>Gaelic Ireland: land, lordship and settlement, c.1250–c.1650</i> (Dublin, 2001)
EHD	<i>English historical documents</i> , ed. D.C. Douglas et al., 12 vols (London, 1953–77)
EHR	<i>The English Historical Review</i> (1886–)
Flanagan, <i>Ir. royal charters</i>	M.T. Flanagan, <i>Irish royal charters: texts and contexts</i> (Oxford, 2005)
Flanagan, <i>Ir. soc.</i>	M.T. Flanagan, <i>Irish society, Anglo-Norman settlers, Angevin kingship: interactions in Ireland in the late twelfth century</i> (Oxford, 1989)
Foedera	Thomas Rymer, <i>Foedera</i> [...], ed. A. Clarke and F. Holbrooke, 4 vols in 7 (RC, London, 1816–69)
Frame, <i>British Isles</i>	Robin Frame, <i>The political development of the British Isles, 1100–1400</i> (rev. ed., Oxford, 1995)
Frame, <i>Colonial Ire.</i>	Robin Frame, <i>Colonial Ireland, 1169–1369</i> (2nd ed., Dublin, 2012)
Frame, <i>Eng. lordship</i>	Robin Frame, <i>English lordship in Ireland, 1318–1361</i> (Oxford, 1982)
Frame, <i>Ire. &amp; Brit.</i>	Robin Frame, <i>Ireland and Britain, 1170–1450</i> (London, 1998)
Gilbert, <i>Viceroy</i>	J.T. Gilbert, <i>A history of the viceroys of Ireland</i> (Dublin, 1865)
Gillingham, <i>The English Expug. Hib.</i>	John Gillingham, <i>The English in the twelfth century: imperialism, national identity and political values</i> (Woodbridge, 2000)
Giraldus, <i>Gwynn studies</i>	<i>Giraldus Cambrensis, expugatio Hibernica: the conquest of Ireland</i> , ed. A.B. Scott and F.X. Martin (RIA, Dublin, 1978)
Hand, <i>Eng. law Hist. Studies</i>	J.A. Watt et al. (eds), <i>Medieval studies presented to Aubrey Gwynn</i> , SJ (Dublin, 1961)
HMDI	G.J. Hand, <i>English law in Ireland, 1290–1324</i> (Cambridge, 1967)
HR	<i>Historical Studies: papers read before the Irish Conference of Historians</i> (1958–) [various editors and imprints; vols XI onwards have thematic titles]
IExP	<i>Historic and municipal documents of Ireland, AD 1172–1320, from the archives of the city of Dublin</i> , ed. J.T. Gilbert (RS, London, 1870)
IHD	<i>Historical Research</i> [formerly <i>Bulletin of the Institute of Historical Research</i> ] (1923–)
IHS	<i>Irish historical documents, 1172–1922</i> , ed. Edmund Curtis and R.B. McDowell (London, 1943)
IMC	<i>Irish Historical Studies</i> (1938–)
Inquisitions & extents	Irish Manuscripts Commission <i>Inquisitions and extents of medieval Ireland</i> , ed. Paul Dryburgh and Brendan Smith, List and Index Society 320 (London, 2007)

*Ir. Jurist* *The Irish Jurist*, n. s. (1966–)

ITS Irish Text Society (London, 1899–)

*J.* *Journal [of the]*

*JBS* *Journal of British Studies* (1961–)

*JCHAS* *Journal of the Cork Historical and Archaeological Society* (1892–)

*JGAHS* *Journal of the Galway Archaeological and Historical Society* (1900–)

*JKAHS* *Journal of the Kerry Archaeological and Historical Society* (1968–)

*JLAHS* *Journal of the County Louth Archaeological and Historical Society* (1904–)

*JMH* *Journal of Medieval History* (1975–)

*JRSAI* *Journal of the Royal Society of Antiquaries of Ireland* (1892–)

*Knights' fees* E. St J. Brooks, *Knights' fees in counties Wexford, Carlow and Kilkenny* (IMC, Dublin, 1950)

*Lordship in med. Ire.* Linda Doran and James Lyttleton (eds), *Lordship in medieval Ireland: image and reality* (Dublin, 2007)

*Lydon, Eng. & Ire.* James Lydon (ed.), *England and Ireland in the later Middle Ages: essays in honour of Jocelyn Otway-Ruthven* (Dublin, 1981)

*Lydon, Eng. in med. Ire.* James Lydon (ed.), *The English in medieval Ireland: proceedings of the first joint meeting of the Royal Irish Academy and the British Academy, 1982* (RIA, Dublin, 1984)

*Lydon, Law & disorder* James Lydon (ed.), *Law and disorder in medieval Ireland: the Irish parliament of 1297* (Dublin, 1997)

*Lydon, Lordship* James Lydon, *The Lordship of Ireland in the Middle Ages* (Dublin, 1972; 2nd ed., Dublin, 2003). All references are to the first, fuller edition.

*MacCotter, Territorial divisions* Paul MacCotter, *Medieval Ireland: territorial, political and economic divisions* (Dublin, 2008)

*Med. Dublin* *Medieval Dublin: Proceedings of the Friends of Medieval Dublin symposium*, ed. Seán Duffy (Dublin, 2000–)

*Med. frontier societies* Robert Bartlett and Angus MacKay (eds), *Medieval frontier societies* (Oxford, 1989)

*Military hist. Ire.* Keith Jeffery and Thomas Bartlett (eds), *A military history of Ireland* (Cambridge, 1996)

*Na buirgéisi* Gearóid Mac Niocaill, *Na buirgéisi, XII–XV aois*, 2 vols (DIAS, Dublin, 1964)

*NAI* National Archives of Ireland [formerly PROI], Dublin

*NHI, ii* Art Cosgrove (ed.), *A new history of Ireland*, ii: *medieval Ireland, 1169–1534* (Oxford, 1987)

*NHI, ix* T.W. Moody et al. (eds), *A new history of Ireland*, ix: *maps, genealogies, lists. A companion to Irish history, part II* (Oxford, 1984)

*Nicholls, Gaelic Ire.* K.W. Nicholls, *Gaelic and Gaelicized Ireland in the Middle Ages* (2nd ed., Dublin, 2003)

*Nicholson, Edward III* Ranald Nicholson, *Edward III and the Scots: the formative stages of a military career, 1327–1335* (Oxford, 1965)

*NLI* National Library of Ireland, Dublin

*NMAJ* *North Munster Antiquarian Journal* (Limerick, 1936–)

*O'Byrne, Irish of Leinster* Emmett O'Byrne, *War, politics and the Irish of Leinster, 1156–1606* (Dublin, 2003)

*ODNB* *Oxford dictionary of national biography: from the earliest times to the year 2000*, ed. H.G.C. Matthew and B.H. Harrison, 61 vols (Oxford, 2004)

Orpen, *Normans* G.H. Orpen, *Ireland under the Normans, 1169–1333*, 4 vols (Oxford, 1911–20; new ed., introd. Seán Duffy, 4 vols in 1, Dublin, 2005)

Otway-Ruthven, *Med. Ire.* A.J. Otway-Ruthven, *A history of medieval Ireland, with an introduction by Kathleen Hughes* (London, 1968; rev. edn., 1980)

*Papal petitions* *Calendar of papal registers: petitions, 1343–1419* (London, 1896)

*Parls & councils* *Parliaments and councils of mediaeval Ireland*, ed. H.G. Richardson and G.O. Sayles (IMC, Dublin, 1947)

Pat. R. Patent roll of the Irish chancery

PBA *Proceedings of the British Academy*

Peritia *Peritia: Journal of the Medieval Academy of Ireland* (1982–)

PKCI *A roll of the proceedings of the king's council in Ireland ... 1392–3*, ed. James Graves (RS, London, 1877)

Plantagenet empire Peter Crooks et al. (eds), *The Plantagenet empire, 1259–1453*, Harlaxton Medieval Studies, 26 (Donington, 2016)

Pont. Hib. *Pontificia Hibernica: medieval papal chancery documents concerning Ireland, 640–1261*, ed. M.P. Sheehy, 2 vols (Dublin, 1962–5)

P&P *Past and Present: a Journal of Scientific History* (1962–)

Princes, prelates & poets Séán Duffy (ed.), *Princes, prelates and poets in medieval Ireland: essays in honour of Katharine Simms* (Dublin, 2013)

PPC *Proceedings and ordinances of the privy council of England*, ed. N.H. Nicolas, 7 vols (London, 1834–7)

PRIA *Proceedings of the Royal Irish Academy* (1836–)

PRO Public Record Office, London [now included within TNA]

PROI Public Record Office of Ireland, Dublin [now NAI]

PROME *The parliament rolls of medieval England*, ed. and trans. Chris Given-Wilson et al., 16 vols (Woodbridge, 2005)

RC Record Commission

RCH *Rotulorum patentium et clausorum cancellariae Hiberniae calendarium, Hen. II–Hen. VII*, ed. Edward Tresham (RCI, Dublin, 1828)

RCI Record Commission of Ireland

Red bk Kildare *The red book of the earls of Kildare*, ed. Gearóid Mac Niocaill (IMC, Dublin, 1964)

Reg. Alen *A calendar of Archbishop Alen's register, c.1172–1534*, ed. Charles McNeill (RSAI, Dublin, 1950)

Reg. Gormanston *Calendar of the Gormanston register*, ed. James Mills and M.J. McEnery (RSAI, Dublin, 1916)

Rep. DKPRI *Report of the deputy keeper of the public records in Ireland* (Dublin, 1869–)

RIA Royal Irish Academy, Dublin

Richardson & Sayles, *Ir. parl.* H.G. Richardson and G.O. Sayles, *The Irish parliament in the Middle Ages* (Philadelphia, 1952)

RLC *Rotuli litterarum clausarum in Turri Londonensi asservati, 1204–24*, ed. T.D. Hardy, 2 vols (RC, London, 1833–4)

RLP *Rotuli litterarum patentium in Turri Londonensi asservati*, ed. T.D. Hardy (RC, London, 1835)

Rot. chart. *Rotuli chartarum in Turri Londonensi asservati, 1199–1216*, ed. T.D. Hardy (RC, London, 1837)

Rot. parl. *Rotuli parliamentorum*, 6 vols (London, 1783)

Rot. Scot. *Rotuli Scotiae*, 2 vols (RC, London, 1814–19)

Royal letters, Hen. III *Royal and other historical letters of the reign of Henry III from the originals in the Public Record Office*, ed. W.W. Shirley, 2 vols (RS, London, 1862–6)

RS	Rolls Series ( <i>Rerum Britannicarum Medii Aevi Scriptores</i> ) (London, 1858–96)
Sayles, 'Legal proceedings'	G.O. Sayles, 'Legal proceedings against the first earl of Desmond', <i>AH</i> , 23 (1966), 3–47
Simms, <i>Kings</i>	Katharine Simms, <i>From kings to warlords: the changing political structure of Gaelic Ireland in the later Middle Ages</i> (Woodbridge, 1987)
Smith, <i>Brit. &amp; Ire.</i>	Brendan Smith (ed.), <i>Britain and Ireland, 900–1300: insular responses to medieval European change</i> (Cambridge, 1999)
Smith, <i>Colonisation</i>	Brendan Smith, <i>Colonisation and conquest in medieval Ireland: the English in Louth, 1170–1330</i> (Cambridge, 1999)
Smith, <i>Crisis &amp; survival</i>	Brendan Smith, <i>Crisis and survival in later medieval Ireland: the English of Louth and their neighbours, 1330–1450</i> (Oxford, 2013)
Smith, <i>Ire. &amp; Eng. world</i>	Brendan Smith (ed.), <i>Ireland and the English world in the Middle Ages: essays in honour of Robin Frame</i> (Basingstoke, 2009)
Stat. <i>John–Hen. V</i>	<i>Statutes, ordinances and acts of the parliament of Ireland, King John to Henry V</i> , ed. H.F. Berry (Dublin, 1907)
Studia Hib.	<i>Studia Hibernica</i> (Dublin, 1961–)
TCD	Trinity College Dublin
TCE	<i>Thirteenth Century England</i> (Woodbridge, 1985–)
TCWAAS	<i>Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society</i>
TDGHAS	<i>Transactions of the Dumfriesshire and Galloway Natural History and Antiquarian Society</i> (1804–)
TNA	The National Archives of the United Kingdom [including former PRO], Kew
Tout, <i>Chapters</i>	T.F. Tout, <i>Chapters in the administrative history of mediaeval England</i> , 6 vols (Manchester, 1920–33)
TRHS	<i>Transactions of the Royal Historical Society</i> (1872–)
VCH	<i>The Victoria history of the counties of England</i> (London, 1900–)
Watt, <i>Church &amp; two nations</i>	J.A. Watt, <i>The church and the two nations in medieval Ireland</i> (Cambridge, 1970)
WHR	<i>The Welsh History Review; Cylchgrawn Hanes Cymru</i> (1960–)
Wicklow hist.	Ken Hannigan and William Nolan (eds), <i>Wicklow: history and society</i> (Dublin, 1994)

## Acknowledgements

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*Jurist*, new ser. 7:1 (1972); chapter 9, *Proceedings of the Royal Irish Academy*, 113, section C (2013); chapter 12, *Studia Hibernica*, 13 (1973); chapter 13, *Peritia: Journal of the Medieval Academy of Ireland*, 10 (1996); chapter 14, T.B. Barry, Robin Frame and Katharine Simms (eds), *Colony and frontier in medieval Ireland: studies presented to J.F. Lydon* (London, Hamledon, 1995); and chapter 15, Roger Stalley (ed.), *Limerick and south-west Ireland: medieval art and architecture: The British Archaeological Association Conference Transactions*, 34 (Leeds, Maney Publishing, 2011).

Robin Frame  
DURHAM

## Introduction

The fifteen essays that form the chapters of this book deal with themes that have preoccupied me for longer than I care to remember. Their earliest traces are detectable in a first-year undergraduate essay on ‘Henry II and the Irish kings’ that James Lydon returned to me in May 1963 with an over-generous mark and words of encouragement that did wonders both for my confidence and for my interest in medieval history. The themes might be summed up as the character of English rule in Ireland, particularly during the thirteenth and fourteenth centuries; and the position of Ireland within the wider political structures of which, from the time of Henry’s Irish expedition of 1171–2, it formed a part. Reading the chapters over, I am aware of an oscillation between two different, though not, I think, contradictory emphases. On the one hand, the Lordship of Ireland was territorially incomplete, politically fragmented and culturally mixed – a far cry from the unitary dominion governed by English law towards which late medieval legislators and administrators aspired. On the other hand, the impact of English government and English law was anything but superficial: as well as affecting the parts of Ireland that the Dublin administration closely controlled, these helped to shape the forms of interaction with the marcher and Gaelic zones that lay beyond.

Ten of the essays have appeared before, in journals, Festschriften or conference proceedings. With two exceptions, these pieces were published between 1995 and 2013, post-dating the preparation of my earlier collection, *Ireland and Britain, 1170–1450* (1998). The exceptions (chapters 6 and 12) go back to the 1970s. I have been persuaded that they are worth exhuming and dusting off. The remaining five essays have not been published before; three of them (chapters 1, 8 and 11) are among the longest in the book, and have been written with it in mind. I have arranged the contents in two parts. The chapters in Part One take a long view of various aspects of Ireland’s relationship to England and the wider Plantagenet scene. Those in Part Two focus primarily on government and society within Ireland during the later medieval period, though they also include comparisons and contrasts between Ireland and other parts of the English crown’s insular dominions. I have chosen the title *Plantagenet Ireland* partly for the practical reason that most other possible titles are already ‘taken’ (some by me). But it seemed an appropriate label for what is primarily a set of studies in politics, government and aristocratic society in ‘English’ Ireland. It may also have the merit of suggesting that the rule of Henry II and his descendants was not a futile interlude on which the ‘Gaelic resurgence’ and the Black Death called time; it was in its way as formative as

the periods sometimes encumbered with other English dynastic labels such as 'Tudor Ireland' or 'Ireland under the Stuarts'.

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The opening chapter, 'Ireland within the Plantagenet orbit', reflects upon the constitutional, political and strategic implications of Ireland's association with the Plantagenet monarchy between the late twelfth and the early fifteenth century. It can be read as an introduction to Part One of the collection and also to the book as a whole. The relationship between Ireland and the wider scene was not static. It changed as the Lordship of Ireland first expanded and then contracted. It also reflected shifts in the scope and organization of the Plantagenet lands, and in the priorities of their rulers. Chapter 2 considers one of the more fundamental features (and perhaps failings) of the medieval Lordship of Ireland: the fact that the leaders of Gaelic lay society were not successfully incorporated into its formal structures. This owed a good deal to the timing and character of the original conquests and settlements, which set Ireland on a different path from Wales and Scotland, lands that also experienced Anglo-Norman intrusion, but beginning many decades earlier. Chapter 3 engages with the colonial aristocracy and its historiography. The centrality of magnates to the development of the Lordship of Ireland throughout its history can hardly be disputed, but for many decades after G.H. Orpen concluded his *Ireland under the Normans* in 1920, they found few friends among historians: their fate was to be presented chiefly as obstructions to the development of an orderly state. The chapter offers some reasons for this academic disapproval, and explores the social and political mechanisms through which aristocratic families maintained and sometimes enlarged their ties with the Plantagenet monarchy and English society.

Chapters 4, 5 and 6 in various ways pick up the theme of English institutions. Chapter 4 discusses the great liberties – privileged jurisdictions that at all periods covered much of the territory of the Lordship – and uses a comparison with marcher lordship in Wales to highlight a paradox: in Ireland a more formally English set of legal and administrative norms coexisted with styles of lordship that were further removed from English patterns than was the case in the Welsh March. The difference arose largely from timing: the development of English law during the century that separated the early aristocratic conquests in the two countries, and the more prominent role of the kings of England in Anglo-Norman conquests in Ireland. Chapter 5 focuses on identity. It argues that the effectiveness of the extension of English administrative and legal systems to Ireland was a necessary precondition of the emergence in the fourteenth century of a distinctive form of colonial Englishness. The chapter adds an Irish voice to

the chorus of dissent among medievalists from the tendency of some political sociologists to underestimate the sophistication and effectiveness of medieval states, and to regard politically significant national identities as an essentially 'modern' phenomenon. Chapter 6 is in some respects a pendant to Chapter 2. It deals with an episode when, for a brief period in the early fourteenth century, it looked as though the legal distinctions between those classed as 'English' and 'Irish' might be set aside. Chapter 7 brings the first part of the book to a close by asking questions about a feature of the period that has aroused retrospective indignation in many historians of Ireland: the failure of most Plantagenet kings to visit their most westerly dominion. It sets their supposed remissness in context, arguing that their absence was not surprising, and that it was counterbalanced by a strong nexus of administrative and other ties between (English) Ireland and the metropolis. Where royal absence did matter was in confirming and aggravating the lack of regular and stable links with leaders of Gaelic society, a theme that leads back to the discussion in Chapter 2 about the hostility, at official level, towards Irish custom that was already well established at the time of the original conquests.

Chapter 8 provides a gateway to Part Two of the book. It reflects on a period traditionally viewed through a darkened lens. While not seeking to question the reality of the territorial shrinkage and other tribulations that afflicted the later medieval Lordship, it suggests that a vocabulary and outlook dominated by 'decline' and its synonyms may fail to capture the residual authority of the Plantagenet kings, and the practical flexibility – amid the binary simplifications of the Statute of Kilkenny and similar legislation – of forms of royal lordship. Some of these themes are picked up in Chapter 9, which celebrates the launching of the Irish chancery rolls database (CIRCLE). It considers government records as a source, suggesting that they require reading with as much awareness of genre and purpose as any other type of testimony. During the later fourteenth and early fifteenth centuries, the period for which most chancery material survives, the rolls provide abundant evidence for Anglo-Irish relations, for the range and character of crown authority within Ireland, and for patterns of interaction with the Gaelic elites. Administrative and legal records were the natural habitat of G.O. Sayles (1901–94), a veritable *magister rotulorum*. Chapter 10 is an appreciation of Sayles, who, with his collaborator H.G. Richardson, in his time did most to explore and exploit the record sources bearing upon Ireland, some of them barely known, others woefully neglected. Sayles was by training and inclination a historian of English law and government; his approach to Ireland reflected these interests, and the embryonic state of the historiography of the Lordship at the period when his work was done meant there was little to counter-balance his 'centralist' outlook.

Chapters 11, 12 and 13 belong together, as studies of the rule of three English governors appointed by Edward III between the 1330s and 1350s.

Anthony Lucy and Thomas Rokeby were northerners, blooded by service in the Anglo-Scottish wars. Their careers offer an opportunity to compare and contrast frontier society and problems of political control in Ireland and the far north of England. Ralph Ufford was closer to the inner circles of the court; his marriage to Maud of Lancaster, widow of William de Burgh, earl of Ulster, meant that he had links with Ireland of a sort that Lucy and Rokeby lacked. These governorships illustrate two key problems presented by the fourteenth-century Lordship. One was the management of magnate society, in a dominion heavily reliant on noble power at regional level. Lavish patronage by English regimes during Edward II's faction-ridden reign had destabilized colonial society. In their attempts to re-assert discipline, particularly over Maurice fitz Thomas, the first earl of Desmond, Lucy and Ufford acted with a degree of abrasiveness that was not necessarily in the crown's long-term interests. These political dramas limited the attention both governors could pay to the second challenge to royal control: the deterioration of security in the Leinster marches, where the growing power of the MacMurroughs, O'Byrnes, O'Mores and others menaced the corridors of communication with the southern counties and cities. Rokeby's time in office was different. It followed Edward III's reconciliation with the Irish earls after the Desmond rebellion of 1345, a process that set the political tone for several generations. His appointment also came at a point when Edward was becoming aware of the security threat to the core areas of the Lordship. Rokeby's rule saw the small beginnings of frequent parliamentary taxation in Ireland for the purposes of defence, and also the first steps in a policy of attempted reconquest in Leinster and Munster. In these respects, his rule foreshadows the decades of English intervention and subsidy that began with the arrival of Edward's son Lionel as king's lieutenant in 1361.

The remaining two chapters (14 and 15) change the perspective by reflecting on royal authority at regional level in Leinster and Munster, the two provinces where Plantagenet rule remained most effective in the later medieval period. Chapter 14 deals with the relations between the crown and the heads of the MacMurrough dynasty, who with increasing frequency asserted their claim to be kings of Leinster, and at times dominated key routes southwards. There was, however, an alternative career path available to MacMurrough leaders: acceptance of government subsidies together with formal recognition, not as kings, but as chiefs of their kindred. This is one illustration among many of the capacity of royal authority to adjust to changing circumstances. While the obstruction of overland communication between the four counties around Dublin and those of south Leinster and Munster never amounted to a blockage, the distancing of these regions from each other remained a characteristic feature of the late medieval Lordship. Chapter 15 surveys Munster history. The preponderance of Dublin-based record evidence, reflecting the outlook of officialdom, tends to contrast the south unfavourably with the closely

administered 'English land' of the future Pale. In fact, Munster illustrates the viability of a looser pattern of lordship, with authority formally or informally devolved to magnates, lesser nobles, higher clergy and civic elites, who (usually) maintained their allegiance to the Plantagenet crown. Such a scenario was not, after all, uncommon in many other parts of the medieval and early modern West. And so, at the end as at the beginning, we encounter the tension that was characteristic of the Lordship of Ireland: between English traditions of – by medieval standards – centralized government and uniformity of custom, and the regional and local imperatives of a politically fragmented and culturally multiple land.

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Most of the republished essays appear more or less unaltered, and reflect the time at which they were written. I have limited my interventions to correcting any factual errors I am aware of and, here and there, drawing attention in a footnote to a more recent publication that has caught my eye. The one major exception to this policy of minimal tinkering is the study of the governorship of Ralph Ufford (chapter 12); it was written nearly fifty years ago, and badly needed the extensive revision it has received here. One other adjustment reflects a welcome feature of the past quarter century: the appearance of new editions of record sources. I would pick out in particular the late Philomena Connolly's calendar of the Issue rolls of the Irish exchequer (*IExP*), Paul Dryburgh and Brendan Smith's calendar of inquisitions *post mortem* and analogous documents (*Inquisitions & extents*), and Peter Crooks' online calendar of Irish chancery letters (CIRCLE). The references have been changed accordingly, though I confess a little sadly, since they now obscure my labours of long ago through unpublished originals and unappetising transcripts. Gaelic names have been standardized, using Irish spelling for first names but the familiar English forms for family names; the Gaelic forms of the latter, as enshrined in *NHI*, ii, are supplied in the index. Many – perhaps most – readers will dip into individual chapters rather than making their way through the entire book. For that reason, I have been less ruthless than I might have been in removing repetitions. The reader who does persist will also notice that the chapters vary in texture and tone, from the detailed and austere to the more discursive and unbuttoned. (I can sense the shade of one of my old mentors at my shoulder, deplored the use of the first-person singular in academic prose.) These differences reflect the purposes and audiences for which individual pieces were written, and I have not tried to retune everything to a single register.



PART ONE

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## Colony and Metropolis



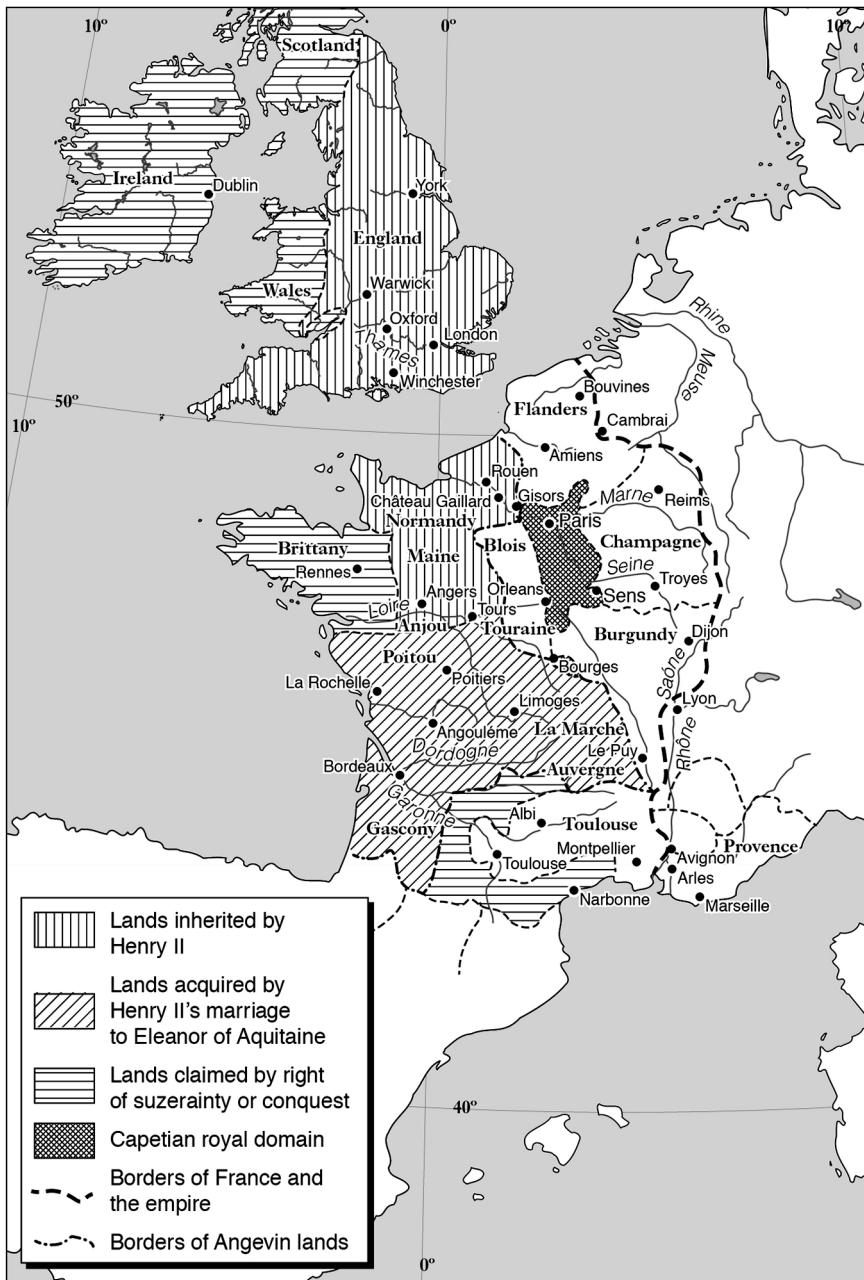
## CHAPTER I

# Ireland within the Plantagenet orbit

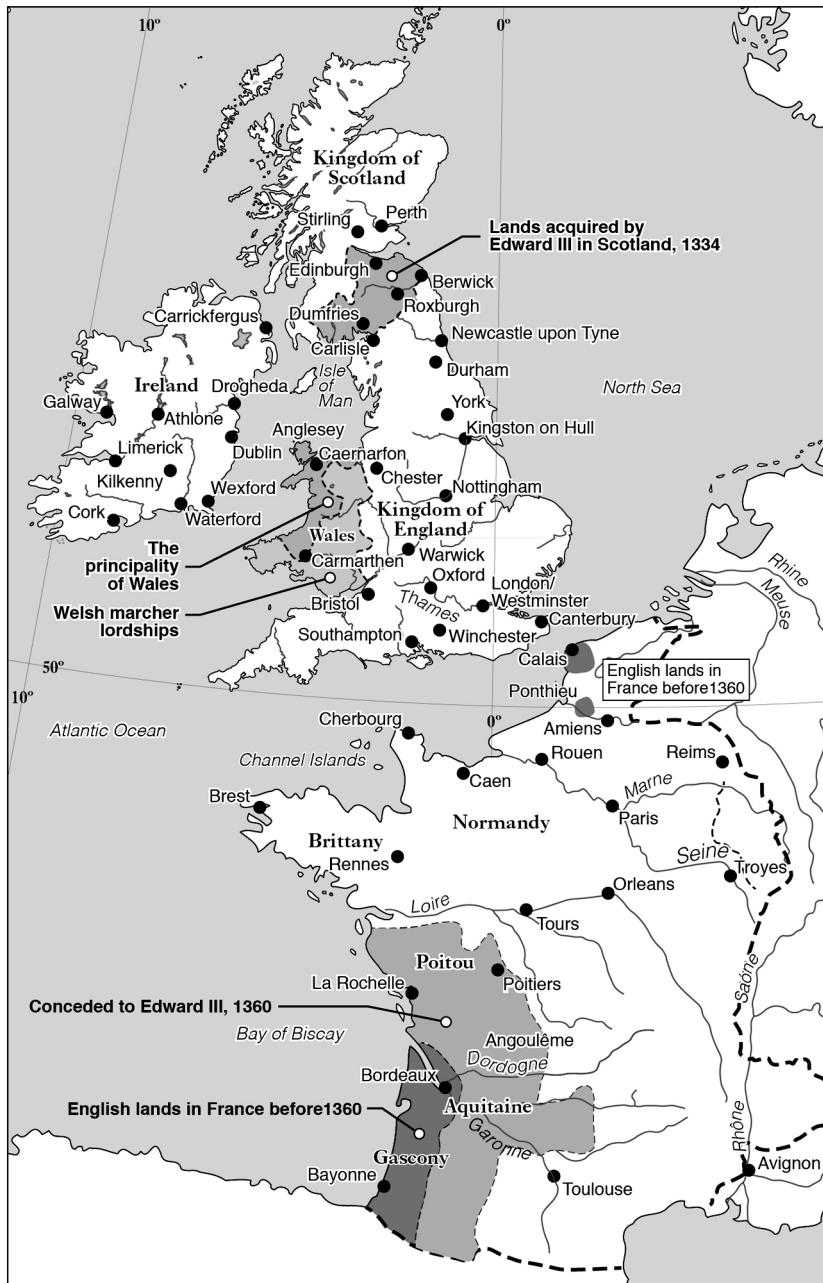
From the moment Henry II asserted his authority over his aristocratic subjects who were making conquests across the Irish Sea, the history of Ireland became inextricably entwined with that of the lands over which he and his successors ruled. During his six-month visit in 1171–2 Henry earmarked the coastal cities with their hinterlands for himself, began awarding grants of lands and privileges, received the submissions of most major Irish kings, and gained acceptance by many leading Irish churchmen. The links between Ireland and the Plantagenet kings altered over time. In part, this was because the extent and character of English control in Ireland changed, passing from expansion to contraction, so that the advantages and problems the Lordship presented varied at different periods. Equally important in shaping the relationship, however, were the composition and dynamics of the royal dominions themselves, and their position on the west European stage. These underwent successive changes, as did the ways in which royal rights were regarded and exercised.

It need hardly be said that the outlook of Plantagenet kings was dynastic, and that it stretched beyond Britain and Ireland. The interests of individual parts of their dominions were always subordinate to their current priorities: the defence, and then the attempted recovery, of continental territories in the late twelfth and early thirteenth centuries; the Welsh and Scottish wars and the protection of Gascony under Edward I; and the continuing conflict with Scotland and the protracted wars with Valois France under Edward III and his descendants. Many English historians of earlier generations were unhappy with wider Plantagenet agendas, seeing them as a distraction from the ‘proper’ royal task of providing good government and prosperity for England. Richard *Cœur de Lion*, crusader and doughty protector of his French possessions against Philip Augustus, was a particular target for criticism.<sup>1</sup> Such views, which now seem anachronistic, have their Irish equivalent. For the historian concerned with the long-term future of Ireland, Plantagenet policy can appear a malign mixture of exploitation and neglect. Somewhere behind this disapproval may lie visions of alternative, more attractive national pasts – at one extreme, an ‘Ireland without the Normans’, at the other an Ireland under rulers who gave priority to Gerald of Wales’s vision

<sup>1</sup> For Richard’s changing reputation and a re-evaluation of his impact on the government of England, see John Gillingham, *Richard I* (New Haven and London, 1999), chs 1 and 15.

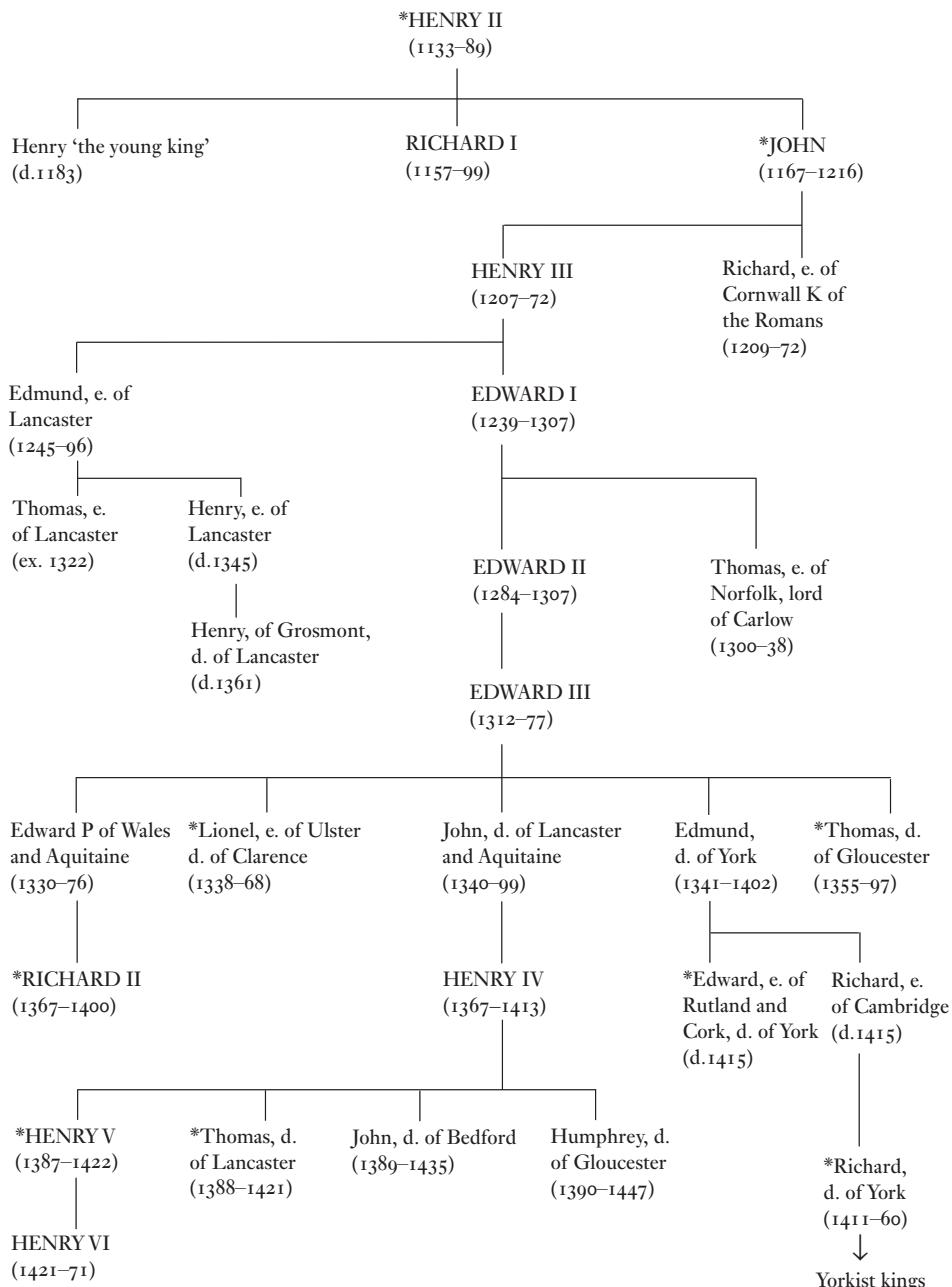


Map 1: The Plantagenet orbit, c.1200



### Map 2: Dominions of the English crown, c.1360

**Table 1.1:** The Plantagenet dynasty\*



\* The table includes agnatic descendants of Henry II mentioned in the book. Kings of England in capitals. An asterisk marks those known to have served in, or visited Ireland. (The young Henry V was there in Richard II's custody in 1399.)

of a full conquest of the island.<sup>2</sup> The impact of Plantagenet rule on Ireland is, of course, an inescapable theme; and it is not unreasonable to judge aspects of that rule harshly. But to turn an account of the period into a retrospective indictment of royal policy and its agents is to head down an interpretative cul-de-sac. It bears comparison with the tradition in which German history was viewed as a ‘failure’, because of the tardy emergence of a unified state. This led to a search for long-dead guilty parties. Germany’s quarrelsome princes, meddling popes, and absent kings with their eyes on distant goals in Italy have their Irish equivalents in unruly magnates, absentee landholders, venal officials and distant rulers whose chief focus was almost always elsewhere.<sup>3</sup>

This chapter is designed to introduce, and place in context, many of the themes that run through the rest of the book.<sup>4</sup> It can be difficult to escape the air of dissatisfaction that has enveloped the historiography of Plantagenet rule in Ireland. Its origins, in some sense, lie within the period itself, in the prophecies of doom and the simplistic legislative remedies that emanated from the Dublin government in the fourteenth and fifteenth centuries. Its presence in historical discourse goes back at least as far as the publication in 1612 of *A discoverie of the true causes why Ireland was never entirely subdued* by Sir John Davies (1569–1626), James I’s attorney-general for Ireland.<sup>5</sup> Davies looked at the medieval Lordship with the eye of a common lawyer, with a belief in English political systems and prescriptions.<sup>6</sup> As I argue in Chapter 8, most of those who wrote general surveys of the Lordship during the twentieth century shared his outlook, if only to the extent of emphasizing central government, whether at Westminster or Dublin, its policies and its shortcomings.<sup>7</sup> The chapters that follow seek to loosen the grip of such perceptions. Recent work on other medieval societies offers encouragement, in that it tends to accept the limitations of central control, casts a sceptical eye on governmental pronouncements, and emphasizes the complex interactions of ‘formal’ and ‘informal’ sources of authority upon which stability depended. In Ireland, stability was precarious; sources of authority were many, culturally varied, sometimes mutually supportive, often not. Too much of interest and importance is obscured if the dominant narrative is the ‘failure’ of English Ireland to become a unitary and uniform dominion.

<sup>2</sup> Giraldus, *Expug. Hib.*, pp. 244–9. For a stimulating revival of the idea that Henry II had indeed seriously contemplated a thorough conquest (whatever that might have looked like in practice) after many decades when historians presented his invasion as defensive and limited, see Colin Veach, ‘Henry II and the ideological foundations of Angevin rule in Ireland’, *IHS*, 42:161 (2018), 1–25. <sup>3</sup> For recent reflections on these matters, see Len Scales, *The shaping of German identity, 1245–1414* (Cambridge, 2012), esp. pp. 65–8. <sup>4</sup> See above, p. 16. <sup>5</sup> Davies, *Discovery*. <sup>6</sup> See the appraisal in R.R. Davies, *Historical perception: Celts and Saxons, an inaugural lecture delivered at the University College of Wales, Aberystwyth, 1978* (Cardiff, 1979), pp. 14–18. <sup>7</sup> See below, pp. 163–70.

## CONSTITUTIONAL QUESTIONS

Ireland's position both on the international stage and in relation to England and the wider Plantagenet scene attained what a later age might describe as constitutional clarity only gradually during the early thirteenth century. Understanding the establishment of the Plantagenet claim to Ireland involves separating contemporary facts (so far as these can be determined) from stories, related above all by Gerald of Wales, that have proved far more potent. Traditionally, the Plantagenet claim to Ireland has been regarded as arising from *Laudabiliter*, the document issued by Pope Adrian IV c.1155 that according to Gerald empowered Henry to enter the country in order to promote ecclesiastical and moral reform. For good measure, Gerald added other justifications of the English title to Ireland, including a fantasy, derived from Geoffrey of Monmouth, about the submission of Irish kings to King Arthur.<sup>8</sup> The balance of modern scholarly opinion is not favourable to Gerald's text and interpretation of *Laudabiliter*.<sup>9</sup> Nor is there any evidence that Henry made use of the document when he eventually went to Ireland in 1171. Yet Gerald's reading of events was accepted in the later Middle Ages, by the opponents as well as the supporters of English rule. The 'Remonstrance', sent by Domnall O'Neill to Pope John XXII in 1317, during the Bruce invasion, was designed to convince the pope that the Irish were justified in switching their allegiance from Edward II to Edward Bruce precisely because the king of England and the settlers in Ireland had failed to observe the terms of *Laudabiliter*.<sup>10</sup> A treatise on English rights over Wales, Ireland and Gascony, written in the time of Edward I, dealt with Ireland primarily in Giraldian terms.<sup>11</sup> The colonists for their part more than once justified their presence in Ireland by reference to the supposed grant by Pope Adrian.<sup>12</sup>

<sup>8</sup> Giraldus, *Expug. Hib.*, pp 144–9. Cf. *Geoffrey of Monmouth: the history of the kings of Britain*, trans. Lewis Thorpe (London, 1966), pp 219, 221–2, 227–8. <sup>9</sup> *Pont. Hib.*, i, no. 4. For translations, see *IHD*, pp 17–18; *EHD*, ii, no. 159. Recent discussions include Michael Haren, 'Laudabiliter: text and context', in M.T. Flanagan and J.A. Green (eds), *Charters and charter scholarship in Britain and Ireland* (London, 2005), pp 140–63; and, more sceptically, A.J. Duggan, 'The power of words: the curious case of *Laudabiliter*', in Brenda Bolton and Christine Meek (eds), *Aspects of power and authority in the Middle Ages* (Turnhout, 2007), pp 251–75. See also Veach, 'Henry II and the ideological foundations', pp 8–9. <sup>10</sup> Walter Bower, *Scotichronicon*, ed. D.E.R. Watt et al., 9 vols (Aberdeen, 1987–97), vi, pp 384–403, at 386–7, 388–91, 398–401; J.R.S. Phillips, 'The Irish remonstrance of 1317: an international perspective', *IHS*, 27:106 (1990), 112–29. <sup>11</sup> J.R.S. Phillips, 'Three thirteenth-century declarations of English rule: over Aquitaine, Ireland and Wales', in Smith, *Ire. & Eng. world*, pp 20–43 at 26–9. <sup>12</sup> See, e.g., the message to Edward II from 'the middling people of Ireland', c.1318, printed in *Affairs Ire.*, no. 136, which was accompanied by a text of *Laudabiliter*; also the message from the Dublin government to the pope c.1331, described by J.A. Watt as a 'counter-remonstrance': Watt, 'Negotiations between Edward II and John XXII concerning Ireland', *IHS*, 10:37 (1956), 1–20 at 18–20. For further discussion, see below, pp 128–30.

If we look for more solid ground, two episodes forty years apart may help to provide it. While in Ireland Henry II summoned a reforming church council at Cashel, Pope Alexander III was made aware of his work, and Alexander's letters to Henry, the Irish bishops and the Irish kings commended Henry's actions and urged the Irish to obey him.<sup>13</sup> But while the papacy undoubtedly sanctioned the Plantagenet presence and reforming role in Ireland, this did not extend to conceding a monopoly of secular power there to Henry and his successors. The papacy continued to accord the royal style to the greater Gaelic rulers into the thirteenth century: the kings of Connacht, Cork and Limerick were notified by Innocent III of the summoning of the Fourth Lateran Council in 1213.<sup>14</sup> Popes were also careful to preserve the tradition of sending separate legatine missions to England and Wales, on the one hand, and to Scotland, Ireland and the Isle of Man on the other.<sup>15</sup> The second event, the significance of which may not have been obvious at the time, was King John's submission in 1213 of England and Ireland to Pope Innocent III, in return for the lifting of the excommunication and interdict that the pope had imposed. This implied the sweeping of earlier ambiguities (as they may seem to us) away. John received England and Ireland, each described as a 'kingdom', back as papal fiefs, in return for an annual payment of 'Peter's Pence' to the Holy See. Though this arrangement rankled with English kings, and was unsuccessfully challenged by Henry III's representatives at the Council of Lyon in 1245,<sup>16</sup> it nevertheless formed the basis of papal support for the Plantagenet title to Ireland. The powerful legates, Pandulf and Guala, had swung in behind King John during the final crisis of his reign, and had given support to the minority government of his boy successor.<sup>17</sup> It was on the events of 1213, rather than on *Laudabiliter*, that the steady support of the papacy for English rule in Ireland rested.<sup>18</sup>

Henry III and his successors claimed the same regalian right over the church in Ireland as they did in England. This involved custody of the temporal revenues of vacant bishoprics, the expectation that cathedral chapters would seek royal approval to proceed to elect new bishops, and that incoming bishops would do fealty to the king before taking possession of their sees.<sup>19</sup> The crown firmly resisted Armagh's claims to exercise these rights over their northern

<sup>13</sup> *Pont. Hib.*, i, nos. 5–7; *IHD*, pp 19–22; and (more satisfactorily) *EHD*, ii, nos. 160–2. See M.T. Flanagan, 'Henry II, the council of Cashel and the Irish bishops', *Peritia*, 10 (1996), 184–211. <sup>14</sup> *Pont. Hib.*, i, no. 77; P.J. Dunning, 'Pope Innocent III and the Irish kings', *J. Ecclesiastical History*, 8:1 (1957), 17–32. For other communications with Cathal Crobderg of Connacht, see *Pont. Hib.*, i, nos. 92 (1216) and 145 (1224). <sup>15</sup> M.T. Flanagan, 'Hiberno-Papal relations in the late twelfth century', *Archiv. Hib.*, 34 (1976–7), 55–70. <sup>16</sup> Phillips, 'Three thirteenth-century declarations', pp 21, 23, 29–31; David Carpenter, *Henry III* (London, 2020), p. 447. <sup>17</sup> J.E. Sayers, *Papal government and England during the pontificate of Honorius III, 1216–1227* (Cambridge, 1984), pp 162–71. <sup>18</sup> Watt, *Church & two nations*, p. 84. <sup>19</sup> Art Cosgrove, 'Irish episcopal temporalities in the thirteenth century', *Archiv. Hib.*, 32 (1974), 63–71; A.F. O'Brien, 'Episcopal elections in Ireland, c.1254–72', *PRIA*, 73C:5 (1973), 129–76; Watt, *Church & two nations*, chs 3 and 8.

suffragans;<sup>20</sup> it slapped down the similar pretensions of David MacCarwell, the combative archbishop of Cashel (1255–89).<sup>21</sup> It also turned a deaf ear to the plausible argument of Richard de Burgh, earl of Ulster, that the remoteness of the northern dioceses meant that their custody would be better handed over to him.<sup>22</sup> These formalities were not, of course, effective over the entire island, but in the later thirteenth century they were observed across perhaps two-thirds of it. Acknowledgement of the crown's rights was aided by the fact that cathedral chapters, or factions within them, might see royal backing as a useful card to play in the interests of candidates they favoured.

From Henry III's time onwards there are close parallels, both in forms of co-operation and in tensions, between church-state relations on either side of the Irish Sea. In the later thirteenth and early fourteenth century king and pope shared the proceeds of papal taxation of the clergy, despite a clash between Boniface VIII (d.1303) and the European monarchies on the subject.<sup>23</sup> Kings and popes often collaborated when it came to filling key bishoprics, but papal provisions to vacant benefices became controversial in Ireland as well as England.<sup>24</sup> There were also more direct and dramatic challenges to the English crown. As the Bruce invasion showed, the clergy were by no means unanimous in support of the Plantagenet monarchy. Elements of the Franciscan order backed Edward Bruce, and Michael MacLoughlin, lector of the Franciscan house at Armagh, who had been rejected for the archbishopric in 1303 (ironically, not by Edward I but by the pope), has been suggested as the likely mastermind behind the 1317 Remonstrance.<sup>25</sup> Moreover, royal influence over the diocesan church contracted as the directly governed Lordship of Ireland itself shrank: for instance, by the later fourteenth century control over the northern bishoprics during vacancies had in practice devolved upon the (English) archbishops of Armagh, who defended it as 'a most ancient custom'.<sup>26</sup> From 1378 the situation

<sup>20</sup> Aubrey Gwynn, 'Nicholas Mac Mael Íosa, archbishop of Armagh, 1272–1303', in John Ryan (ed.), *Féil-sgríbhinn Eóin Mhic Néill* (Dublin, 1940), pp 394–405 at 398–400. For the clearest statement of the crown's view of its rights, explicitly asserting that they were the same in Ireland as in England, see Aubrey Gwynn, 'Documents relating to the medieval diocese of Armagh', *Archiv. Hib.*, 13 (1947), 1–27 at 15. <sup>21</sup> Seymour Phillips, 'David MacCarwell and the proposal to purchase English law, c.1273–c.1280', *Peritia*, 10 (1996), 253–73 at 256–7. <sup>22</sup> *Affairs Ire.*, p. 68 (1310–11). <sup>23</sup> Geoffrey Hand, 'The church in the English Lordship, 1216–1307', in P.J. Corish (ed.), *A history of Irish Catholicism* (Dublin, 1968), fasc. III, pp 29–30; Richardson and Sayles, *Ir. parl.*, pp 54–5, 111. <sup>24</sup> For the extension of English legislation against provisors to Ireland, see *Stat. John–Hen. V*, pp 528–59. There is an overview of the relations between Ireland, the crown and the papacy in John Watt, *The church in medieval Ireland* (2nd ed., Dublin, 1998), ch. 5. <sup>25</sup> Niam Gallagher, 'The Franciscans and the Scottish wars of independence: an Irish perspective', *JMH*, 32:1 (2006), 3–17; J.R.S. Phillips, 'The Remonstrance revisited: England and Ireland in the early fourteenth century', in T.B. Fraser and Keith Jeffery (eds), *Men, women and war: Hist. Studies XVIII* (Dublin, 1993), pp 13–27 at 17–20. <sup>26</sup> J.A. Watt, 'John Colton, justiciar of Ireland (1382) and archbishop of Armagh (1383–1404)', in Lydon, *Eng. & Ire.*, pp 196–213 at 204–6.

was complicated further by the Western Schism, with Gaelic leaders in the north inclining towards obedience to the Avignon papacy, which had the support of the Scots as well as the French.<sup>27</sup> But within the remaining core colony, crown influence over the church survived and churchmen were a vital prop of Plantagenet authority.<sup>28</sup>

Ireland's position on the international scene was thus fairly clear and stable from Henry III's time onwards: it was a lordship – occasionally a 'kingdom' – held by the kings of England in no greater or lesser dependence on the papacy than they held England itself. The Lordship's relationship to England and the wider Plantagenet orbit likewise acquired clear definition only gradually during the early decades of the thirteenth century. This is not surprising, since this period was critical in the development of the English state itself. Henry II had presided over an assemblage of lands in western France and Britain, the product of inheritance, conquests and marriages, his own and those of his predecessors. The organization of this territorial agglomeration, to which Ireland had been added, was inseparable from the Plantagenet dynasty and the conventions that shaped it. As John Le Patourel long ago suggested, a primarily familial structure gave way to a political and administrative one, as most of the continental lands were lost and as the English polity gained closer definition.<sup>29</sup> Describing Ireland as a 'dominion of the English crown' begs questions in the late twelfth century; by the mid-thirteenth that is exactly how it was being described by contemporaries.<sup>30</sup>

Whatever Henry II's intentions were in giving Ireland to John in 1177 and later seeking a crown for him from the pope,<sup>31</sup> John's unexpected accession to the English throne and the headship of the dynasty in 1199 brought about a fundamental shift. It made the link with Ireland tighter, since the Lordship was now run through the king's household and chancery, rather than those of a royal cadet. Even more significant was the collapse of the dynasty's continental position, with the loss of Normandy, Anjou and Maine by 1204, and the disastrous failure at Bouvines in 1214 of John's plans to regain them. The king, his household and his great seal were now based overwhelmingly in England. On top of that, John's desperation for cash increased the thrust of direct royal administration in Ireland as it did in other areas north and west of the already 'much-governed' English lowland zone.<sup>32</sup>

<sup>27</sup> Simon Egan, 'Richard II and the Gaelic world: a reassessment', *JBS*, 57:2 (2018), 221–52 at 240–1, 247. <sup>28</sup> For a survey of diocesan allegiances, see Aubrey Gwynn, 'Ireland and the English nation at the Council of Constance', *PRIA*, 45C:8 (1940), 183–233 at 202–13. See also below, pp 189–92. <sup>29</sup> John le Patourel, 'The Plantagenet dominions', reprinted in his *Feudal empires: Norman and Plantagenet* (London, 1984), ch. 8, pp 301–2. <sup>30</sup> J.F. Lydon, 'Ireland and the English crown, 1171–1541', in Crooks, *Government*, pp 65–78; Peter Crooks, 'The structure of politics in theory and practice, 1210–1541', in *CHI*, i, pp 441–68. <sup>31</sup> For discussion of this question, see below, pp 157–8. <sup>32</sup> The classic account of this phenomenon is J.C. Holt, *The northerners: a study in the reign of King John* (Oxford, 1961); on Ireland, see

As I argue in Chapter 5, John's declaration during his 1210 visit that English law should apply in Ireland was, like the papal grant of 1213, a symbolic moment. It did not inaugurate a process of legal transfer, for that was already under way, partly through royal decree – key actions of the common law had already been made current in Ireland in 1204 – and partly through the migration to Ireland of men who had participated in law and government in England. The version of Magna Carta issued by the minority government in November 1216 was formally transmitted for observance in Ireland in February 1217.<sup>33</sup> And the principle of identity of laws became axiomatic for the government of Henry III.<sup>34</sup> The crystallizing of Ireland's perceived status was apparent in 1254, when Henry included it with Gascony and a bundle of lands and lordships in Wales and England to make up an endowment for his son and heir, the future Edward I at the time of Edward's marriage to Eleanor of Castile. The grant came with the proviso that 'the above-mentioned lands and castles shall never be separated from the crown of England but shall ever remain to the kings of that country'.<sup>35</sup> While Henry soon gave up his original intention of keeping the towns and counties of Dublin and Limerick together with Athlone in his own hands,<sup>36</sup> Edward's position remained limited by his father's reservation to himself of his rights over the church. Edward was also forbidden to alienate crown lands, a restriction that was to cause endless trouble to later lords and earls of Desmond over a grant of Desmond and Decies made under his seal in 1259.<sup>37</sup> Henry, moreover, remained *dominus Hibernie*; Edward bore no territorial titles but was styled simply *primogenitus* (first-born son). This may have been a matter of fashion, for the same style was used by the contemporary French heir; but it was a constant reminder that his authority derived from his father.<sup>38</sup> When Edward as king in 1284 issued the Statute of Wales for his newly conquered principality, the same principle obtained: it became 'annexed and united ... to the crown of [England] as a constituent part of it'.<sup>39</sup> The king might choose to devolve the title and revenues of the principality, but only to his eldest son, or in the event of his death *his* eldest son (as in the case of the future Richard II in 1376), who could not be displaced as heir to the kingdom itself. The concept of inalienable crown dominions remained strong, as witnessed by the furore in 1393–4 caused by suspicions that Richard II or his uncle, John of Gaunt, to whom he had

the recent comments of Colin Veatch, *Lordship in four realms: the Lacy family, 1166–1241* (Manchester, 2014), p. 101, and 'King John and royal control in Ireland: why William de Briouze had to be destroyed', *EHR*, 129:540 (2014), 1051–78 at 1077. 33 *Patent rolls*, 1216–25, p. 31; *CDI* 1171–1251, no. 759. 34 *Stat. John–Hen. V*, pp 20–35, conveniently gathers letters from Henry's government dated 1222, 1226, 1227, 1228, 1233, 1234, 1236, 1238 and 1246 in which the principle is asserted or applied, on several occasions with explicit reference to John's ruling of 1210. See Hand, *Eng. law*, pp 2–3. 35 *CDI* 1252–84, no. 326; *CPR* 1247–58, p. 270 (dated at Bazas, 14 Feb. 1254). 36 *CDI* 1252–84, no. 371; *CPR* 1247–58, p. 314 (dated at St Macaire, 20 July 1254). 37 See below, p. 50. 38 Michael Prestwich, *Edward I* (London, 1988), pp 11–12. 39 *EHD*, iii, p. 422.

granted the duchy of Aquitaine in 1390, might barter away the English claim to full sovereignty in the interests of a settlement with the French.<sup>40</sup>

The only time when these assumptions were apparently set aside was during the first, brief period of Richard II's personal rule, when he appointed his favourite Robert de Vere, earl of Oxford, marquess of Dublin, in the following year upgrading him further as 'duke of Ireland'. Between Easter 1386 and early 1388 the Dublin government operated, uniquely, under the seal of somebody other than the king or his heir apparent.<sup>41</sup> Even so, there were limitations: the grant of December 1385 was for life only, the king's superior lordship was reserved, and Richard did not cease using the normal royal style of 'king of England and France and lord of Ireland'. Richard's character and policies continue to attract conflicting interpretations, which cannot be pursued here. There is a danger of reading history backwards, and attributing to the young king who at the time of the grant was not quite nineteen a coherent scheme of government. But already his authority had a western emphasis, which sprang originally less from design than from his continued possession of his father, the Black Prince's lordships in Wales, Chester and Cornwall. This led to the central paradox of his rule: that a king, who expressed a high view of his monarchical authority, acted – as Edward III never needed to do – like a magnate, developing a territorial power-base on the outskirts of his kingdom. Whatever Richard had in mind for Ireland was aborted when his government collapsed in the face of baronial and more widespread opposition in December 1387. The constitutional position reverted to normal. When Richard duke of York, the senior prince of the blood and likeliest successor to the still-childless Henry VI's throne, governed Ireland in person during 1449–50 it was simply as king's lieutenant after the fashion established since the appointment of Lionel of Antwerp in 1361.<sup>42</sup>

#### EXTRACTIVE LORDSHIP AND THE IMPACT OF ROYAL GOVERNMENT

The integration of Ireland into an England-centred polity was accompanied by a gradual growth in governmental institutions modelled on those of England, and in an expansion of administrative personnel. These features

<sup>40</sup> Different views exist over the possibility that a permanent separation between kingdom and duchy, under Gaunt and his heirs, was contemplated; but there is no doubt of the unease in English as well as Gascon circles about what was afoot. See, e.g., J.J.N. Palmer, *England, France and Christendom, 1377–99* (London, 1977), pp 28–31; Nigel Saul, *Richard II* (London, 1997), pp 210–19. <sup>41</sup> The Dublin government operated in de Vere's name throughout the regnal year June 1386 to June 1387, and to at least 26 Oct. 1387 (CIRCLE, Pat. R. and Close R. 10 Ric. II, *passim*; Pat. R. 11 Ric. II, no. 1). It is not clear when exactly it ended. Richard's regime had collapsed by Dec. 1387, when de Vere fled abroad; he was attainted in Feb. 1388. See Herbert Wood, 'The office of chief governor of Ireland, 1172–1509', *PRIA*, 36C:12 (1923), 206–38 at 230; Otway-Ruthven, *Med. Ire.*, pp 319–20. <sup>42</sup> P.A. Johnson, *Duke*

of the Lordship were explored in depth by historians during the twentieth century, and figure strongly in several of the chapters that follow.<sup>43</sup> However geographically restricted and patchy governmental authority was in practice, the impact of English legal and administrative systems was far from negligible. Medieval lordship was by its nature extractive, often in ways that may strike the modern observer as short-sighted: 'medieval kings made poor accountants'.<sup>44</sup> Forms of profit varied. Gaelic rulers were predatory, expanding at the expense of rivals upon whom they imposed tributes, mostly in cattle; nor were they slow, as northern episcopal registers reveal, to batten upon the wealth of the church.<sup>45</sup> Anglo-Norman aristocrats likewise expected to maximize returns from their Irish lands, which were closely monitored by their ministers and much-travelled representatives.<sup>46</sup> As late as the 1350s, Elizabeth de Burgh, lady of Clare, widowed daughter-in-law of the Red Earl of Ulster, was receiving in Suffolk and London bags of coin gathered by her agents from her estates in every province of Ireland (though returns from Connacht were by then minimal).<sup>47</sup> For thirteenth-century kings too, Ireland was a source of modest profit: worth about £1,000 a year in cash to Henry III during his active years from 1230 to 1257, it produced almost double that sum when squeezed by Edward I for his Welsh, Scottish and continental wars during the period 1278–1305.<sup>48</sup>

It is, of course, misleading to view the exploitative aspects of lordship in isolation from features that may strike the modern mind as more positive. Late medieval Gaelic Ireland saw the emergence of more regular systems of organizing people and resources including, in the west and north, where ports such as Baltimore, Sligo and Donegal flourished, maritime resources.<sup>49</sup> Incoming landholders, in their search for profit, forwarded agricultural enterprise, rural infrastructure, town foundation and commercial development,

*Richard of York, 1411–1460* (Oxford, 1988), ch. 3 at pp 69–70. <sup>43</sup> Richardson and Sayles, *Ir. parl. and Admin. Ire.*; Otway-Ruthven, in Crooks, *Government*, chs 2, 4, 5; Hand, *Eng. law*; Brand, *Common law*, chs 2, 19. Overviews in Otway-Ruthven, *Med. Ire.*, ch. 5; Frame, *Colonial Ire.*, ch. 5; and see below, chs 4, 5 and 9. <sup>44</sup> Nicholas Vincent, 'Angevin Ireland' in *CHI*, i, pp 185–221 at 203. <sup>45</sup> E.g., Nicholls, *Gaelic Ire.*, ch. 2; Katharine Simms, 'The archbishops of Armagh and the O'Neills, 1347–1471', *IHS*, 19:73 (1974), 38–55. <sup>46</sup> See, e.g., Beth Hartland, "'To serve well and faithfully': the agents of aristocratic English lordship in Ireland, c.1245–c.1315", *Medieval Prosopography*, 24 (2003), 195–245 and 'English lords in late thirteenth and early fourteenth century Ireland: Roger Bigod and the de Clare lords of Thomond', *EHR*, 132:496 (2007), 318–48; Margaret Murphy, 'The profits of lordship: Roger Bigod, earl of Norfolk, and the lordship of Carlow, 1270–1306', in *Lordship in med. Ire.*, pp 75–98. <sup>47</sup> Frame, *Eng. lordship*, pp 62–4. <sup>48</sup> See the table appended to J.F. Lydon, 'Edward II and the revenues of Ireland in 1311–12', *IHS*, 14:33 (1964), 39–57 at 54–7. R.C. Stacey, *Politics, policy and finance under Henry III* (Oxford, 1987), pp 206, 208, 210, shows that fluctuating remittances from Ireland amounted to between 1.5% and 6.3% of Henry's disposable income between 1240 and 1245. <sup>49</sup> E.g., Simms, *Kings*, chs 5–9; Colin Breen, 'The maritime cultural landscape in medieval Gaelic Ireland', in Duffy, *Gaelic Ire.*, pp 428–35; Connie Kelleher, 'The Gaelic O'Driscoll lords of Baltimore, Co.

particularly in the east and south. Given the exiguous nature of written sources for the late twelfth and early thirteenth centuries, this 'input' may be more visible to the archaeologist than to the historian: awareness of the archaeological and architectural, as well as the documentary, manifestations of their activities informed G.H. Orpen's much-derided view of the benefits of 'Norman' rule.<sup>50</sup> Likewise, there was more to royal government than the raising of cash; the growth in administrative personnel and structures that enabled the crown to draw revenue from Ireland also forwarded legal developments and the emergence of representative institutions that had a long future.

From the point of view of authorities located in England, both royal and seigneurial, profit became more elusive amid the general economic downturn of the later medieval period, and the re-entry of tribute-warfare into parts of eastern and southern Ireland from which it had been largely excluded.<sup>51</sup> Contemporaries were not wholly deaf to arguments about the condition of the Lordship and the duties of the crown. During the period of enforced reform early in Edward II's reign associated with the Lords Ordainers, Ireland got a sufficient hearing for an acknowledgement of the impact on the Dublin government of the withdrawal of funds, and the need for the financial resources of the Lordship to be devoted first and foremost to its own defence.<sup>52</sup> By the late 1350s, when it was evident that attempts at administrative reform were failing to arrest the slump in Irish revenue, Edward III recognized the need for remedial action. Writing from Sandwich in October 1359, when he was about to embark for his last major personal campaign in France, he apologized for being unable to spare resources for Ireland:

The king is about to cross the sea with his army for furtherance of his French war, and he has taken with him his chiefs, magnates and others in no small numbers from England, and also the money that he could conveniently collect, leaving the realm empty of armed power and destitute of lords, whereby there is no room to send men and money to Ireland at present, although it is said that they are needed there, without great expense, hindrance of his passage, disbandment of his army and desolation of the realm.<sup>53</sup>

This heralded many decades during which the flow of resources was reversed; rather than making payments to the exchequer or royal wardrobe in England, the Dublin government was in receipt of subsidies, normally in the form of military wages agreed between the king and incoming chief governors.<sup>54</sup>

Cork: settlement, economy and conflict in a maritime cultural landscape', in *Lordship in med. Ire.*, pp 130–59. <sup>50</sup> Orpen, *Normans*, ii, ch. 23; iv, ch. 39. <sup>51</sup> See below, pp 172–6 and ch. 14. <sup>52</sup> Lydon, 'Edward II and the revenues of Ireland', 37–49 and the text at 52–3. <sup>53</sup> CCR 1354–60, pp 595–6. <sup>54</sup> See, e.g., Philomena Connolly, 'The financing of

Nevertheless, the underlying aim, which with the condescension of hindsight may seem profoundly unrealistic, was to make Ireland a financial asset once again. In 1366 the chancellor, opening the Westminster parliament in the king's name, praised the activities of the king's elder sons, the Black Prince in Gascony and Lionel of Clarence in Ireland, describing Ireland as a land that 'had been profitable to us ... and in the hope that it might be so again'.<sup>55</sup> The financial arrangements made between Richard II and Robert de Vere when de Vere was elevated as marquess of Dublin involved lavish initial funding; but after two years the marquess was to pay the crown an annual sum of £5,000 – more profit than the Lordship had generated in the heyday of Edward I.<sup>56</sup> Two generations later, when the fourth earl of Ormond was trying to persuade the government of Henry VI, who had just come of age, to mount an expedition to Ireland, he accompanied the traditional moans and groans about the state of the Lordship with a recital of Ireland's assets in fertile lands, good harbours and supposed reserves of precious metals.<sup>57</sup>

Another theme that has become familiar is the emerging role of the English parliament as a hub where petitions from all the king's dominions were heard and answered. This was paralleled by the role of the exchequer at Westminster in auditing accounts from subordinate governmental centres, including Dublin.<sup>58</sup> These developments have been drawn into discussions of Edward I's overbearing 'Lordship of the British Isles',<sup>59</sup> but they also involved a wider scene. The Annals of Connacht, in their obituary of Edward describe him (not quite accurately) as 'king of England, Scotland and Wales, duke of Gascony and lord of Ireland'.<sup>60</sup> During the fourteenth century it is not hard to find examples of royal officials whose careers took in, not just insular administrative hubs such as Westminster, Dublin, Caernarfon, Carmarthen or Berwick-upon-Tweed, but also Bordeaux.<sup>61</sup> But if the interests and ambitions of later medieval kings ranged far beyond Britain and Ireland, the fact remains that

English expeditions to Ireland, 1361–1376', in Lydon, *Eng. & Ire.*, pp 104–21; J.F. Lydon, 'William of Windsor and the Irish parliament', in Crooks, *Government*, pp 90–105; and Elizabeth Matthew, 'The financing of the Lordship of Ireland under Henry V and Henry VI', in A.J. Pollard (ed.), *Property and politics: essays in later medieval English history* (Gloucester, 1984), pp 97–115. <sup>55</sup> PROME, 5, p. 192. <sup>56</sup> CP, x, pp 228–9. <sup>57</sup> *The Libelle of Englyshe polycye*, ed. G.F. Warner (Oxford, 1926), ll. 34–40. For Ormond's career and association with the 'Irish' section of the *Libelle*, see Elizabeth Matthew, 'Butler, James, fourth earl of Ormond', *ODNB*. <sup>58</sup> Le Patourel, 'The Plantagenet dominions', pp 302–3; Gwilym Dodd, 'Petitions from the king's dominions: Wales, Ireland and Gascony, c.1290–1350', in *Plantagenet empire*, pp 187–215; *Admin. Ire.*, pp 42–64. <sup>59</sup> E.g., Davies, *Domination*, pp 127–8 and *Empire*, p. 43. <sup>60</sup> AC, p. 212. The translation (p. 213), unaccountably, turns 'Gascune' into 'Burgundy'. <sup>61</sup> For examples, see below, pp 209–11, 250. I have emphasized the continued significance of Gascony and the continental dimension generally in *British Isles*, ch. 6, and also in 'Kingdoms and dominions at peace and war', in Ralph Griffiths (ed.), *Short Oxford history of the British Isles: the fourteenth and fifteenth centuries* (Oxford, 2003), ch. 5. See the discussion in Andrea C. Ruddick, 'Gascony and the limits of medieval British

their activities were presented as an English enterprise, and were conducted by rulers who spent by far the greater part of their time in southern England. English national sentiment grew in political significance across the thirteenth and fourteenth centuries; the success of kings such as Edward III and Henry V lay in persuading their subjects – as Henry III had failed to do – that continental wars were essential for the defence of the realm. This was made easier by the Franco-Scottish alliance and by French, Castilian and Scottish raids on seaports and shipping.

#### IMPLICATIONS OF THE ANGLICIZING OF THE LORDSHIP

Several chapters in the book emphasize the fact that Ireland was unique among the Plantagenet lands in sharing a legal culture with England.<sup>62</sup> Wales was a country of mixed customs. Gascony had its own assortment of feudal and Roman law. The occupied parts of southern Scotland were run according to Scottish law, which had generic similarities to its English counterpart. The fact that the crown was never moved to keep regular series of records specifically of Irish business no doubt chiefly reflects the lack of a sustained external threat to the English position there, and the absence of personal military campaigns by kings between 1210 and 1394. Nor did the Lordship generate documentary collections on anything like the scale of those assembled regarding Wales and Scotland under Edward I or relating to English claims in France during the late thirteenth and fourteenth centuries.<sup>63</sup> The closest parallels – and they are not very close – came at exceptional moments: the file of correspondence from Ireland at the time of the Bruce invasion, which included reports from John Hotham, the king's emissary to Ireland and written assurances of loyalty from settler lords;<sup>64</sup> and the hamper of submissions and other documents taken back by Richard II in 1395 and enrolled on the Memoranda roll of the English exchequer.<sup>65</sup> But the absence of separate series of 'Irish' rolls may also reflect the fact that, especially before 1315, from a legal and constitutional viewpoint and to some extent from a political one, the Lordship presented itself to the king and council as an outer rim of the English polity, where towns, lay magnates (some of whom had property in England or Wales and were familiar figures at court) and higher clergy held their lands and rights according to English law.

Isles history', in Smith, *Ire. & Eng. world*, pp 68–88. **62** See below, chs 2, 4, 5, and esp. pp 70–1. **63** E.g., *Littere Wallie*, ed. J.G. Edwards (Cardiff, 1940); 'Calendar of Welsh rolls', *Calendar of the various chancery rolls, AD 1277–1326* (London, 1912); *Edward I and the throne of Scotland, 1290–1296*, ed. E.L.G. Stones and G.G. Simpson, 2 vols (Oxford, 1978), ii; G.P. Cuttino, *English diplomatic administration, 1259–1339* (2nd ed., Oxford, 1971). **64** This material was published twice, almost simultaneously, most comprehensively in J.R.S. Phillips, 'Documents on the early stages of the Bruce invasion of Ireland, 1315–16', *PRIA*, 79 C:11 (1979), 247–70; see also *Affairs Ire.*, nos. 92–8, 101–2. **65** Printed in Curtis, *Ric. II*

The transfer of English law and institutions to the Lordship of Ireland influenced its history profoundly. Two effects stand out. Relations between the native and the incoming elites were from the first affected not just by competition for land and lordship, but also by cultural differences. The implantation of English legal systems added a further obstruction to the full absorption of Gaelic leaders into the polity of the Lordship of Ireland. There was no Irish equivalent of the Statute of Wales, in which Edward I sanctioned the continued use of some aspects of Welsh law within his new principality. The contemporary negotiations with Irish clergy, led by David MacCarwell, archbishop of Cashel, were about something far less nuanced: the extension of English law, undiluted, to the Irish. These negotiations failed. A further move to extend English law in 1331 had at best limited and temporary success. So English status remained a bait to be offered on an individual basis to Gaelic lords who co-operated with the authorities.<sup>66</sup> These arrangements rarely achieved stability. Irish leaders tended to drift in and out of the king's peace, and kin headship did not necessarily pass to a successor who would be seen as the grantee's heir in English legal terms. There are signs that branches of the MacCarthy lineage came close to acculturating in the later fourteenth century: using English legal procedures to settle their succession, and on one occasion being entrusted with a commission of the peace.<sup>67</sup> But this was exceptional. Richard II's award of English legal status to Toirdhealbhach O'Connor Donn of Connacht and his kin, like his general attempt to redraw the relationship between the crown and Gaelic leaders, failed to strike deep roots.<sup>68</sup> And the old difficulties were to resurface in the application of the policy of 'surrender and regrant' inaugurated by Henry VIII.

A second effect of the Anglicizing of the institutions of the Lordship was to shape the forms and language of political interaction between colony and metropolis. Attachment of the settler elites to property and status defensible by English law became bound up with a sense of individual and collective rights and liberties. In 1341–2, amid a major crisis between the settler establishment and royal ministers, an assembly at Kilkenny protested against summonses by writs of the English chancery that compelled people to answer in England for felonies and trespasses committed in Ireland, 'which thing is contrary to the common law and right', asking the king to order 'that the law is to be executed on those indicted henceforth in Ireland as has always been done in the past'. Edward III approved the petition, except in cases of treason and those touching the king's person.<sup>69</sup> This convention could be cited by individuals. In 1344 Elias

*in Ire.*, pp 57–147. <sup>66</sup> See below, pp 64–9, and ch. 6. Also, Jocelyn Otway-Ruthven, 'The request of the native Irish for English law, 1277–80', *IHS*, 6:24 (1949), 261–70; Phillips, 'David MacCarwell and the proposal to purchase English law'. <sup>67</sup> See below, pp 197, 221, 323. <sup>68</sup> Jocelyn Otway-Ruthven, 'The background to the arrest of Sir Christopher Preston in 1418', *AH*, 29 (1980), 73–94 at 78–9, 93. <sup>69</sup> *Stat. John–Hen. V*, pp 350–1.

Ashbourne, the disgraced chief justice of the justiciar's court, who had been brought to England, used the defence; and while Edward did not explicitly endorse his case, the fact that Elias was escorted back to Ireland to answer the charges put forward against him implies that it was accepted.<sup>70</sup>

This instance hints at the broader constitutional ideas that were circulating among the settler elites. One of the more notable features of recent scholarship has been a revived emphasis upon the sophistication of political life in the Lordship in the fourteenth and early fifteenth centuries.<sup>71</sup> The crisis of 1341–2, for example, seems an almost classic expression of 'loyal opposition', operating within the conventions of English law and government.<sup>72</sup> The petitioners expressed an impassioned fidelity to the crown (from which their rights and ultimately their security flowed), while condemning the king's ministers in Ireland. They carefully suppressed any suggestion that those ministers were carrying out the king's orders (which at least in part they were); this left the way open for Edward in effect to disown his agents and return favourable answers to most of the petitions. The Dublin annalist's comment that 'Ireland was about to be lost out of the hands of the king of England' reflects the severity of the crisis.<sup>73</sup> But it is difficult to take literally. No other allegiance was available to the English of Ireland; and the spasm of disaffection, followed by the show of royal favour, may have done more to strengthen than to weaken their attachment to the crown.

Equally striking evidence of political awareness and maturity survives from the clashes over taxation during the 1370s between the administration of Sir William Windsor and Irish parliaments. The resistance mounted by representatives of the shires, boroughs and lower clergy showed a grasp of constitutional niceties. They were aware of the obligation to support the crown financially if a case of emergency (*necessitas*) existed. As Gerald Harriss remarked of England, 'where the necessity was undeniable consent was obligatory ... [but] what would happen if just wars became endemic, if the necessity became perpetual?'<sup>74</sup> In Ireland the parliamentary community did not

<sup>70</sup> G.J. Hand, 'English law in Ireland, 1172–1351', *Northern Ireland Legal Quarterly*, 23:4 (1972), 393–422 at 411–12; Robin Frame, 'Profits and perils of an Irish legal career: Sir Elias Ashbourne (d.1356), chief justice and marcher lord', in T.R. Baker (ed.), *Law and society in later medieval England and Ireland: essays in honour of Paul Brand* (Abingdon, 2018), pp 121–44 at 122–3. The complex interaction of royal jurisdiction on either side of the sea is discussed in Hand, *Eng. law*, ch. 7, esp. pp 141–3. <sup>71</sup> On the theme in general, see esp. Peter Crooks, 'Representation and dissent: parliamentarianism and the structure of politics in colonial Ireland', *EHR*, 125:512 (2010), 1–34; and Crooks, 'Structure of politics', pp 452–60. There are some preliminary observations in Robin Frame, 'English political culture in later medieval Ireland', *The History Review*, 13 (UCD, 2002), 1–11. See also below, pp 124–8. <sup>72</sup> Robin Frame, 'English policies and Anglo-Irish attitudes in the crisis of 1341–2', in Frame, *Ire. & Brit.*, pp 113–29; Frame, *Eng. lordship*, pp 242–61. <sup>73</sup> *CStM*, ii, p. 383. <sup>74</sup> G.L. Harriss, *King, parliament and public finance in medieval England to 1369* (Oxford,

dispute that the threats to the Lordship from the Irish constituted an ongoing emergency. But rather than refusing taxation outright, they pleaded that they were too impoverished to pay, and also shifted attention to the funding from England that Windsor had been promised, but that had not come through in full or on time.<sup>75</sup> The climax came in 1375–6, when in the face of parliamentary obduracy, Edward III, or those ruling in his name, lost patience and tried to summon parliamentary representatives from Ireland to appear before the king and council in England. Among the responses in Irish county and borough courts to this unprecedented demand was a – clearly synchronized – denial to those elected of *plena potestas*, full power to bind their constituents to what was agreed in their name.<sup>76</sup> This was accompanied by striking references to the rights of the English of Ireland as ‘the liberties of Ireland’.<sup>77</sup>

By the turn of the fifteenth century evidence mounts of the circulation and deployment in Ireland of political literature, notably the tract *Modus tenendi parliamentum*.<sup>78</sup> The *Modus* figured in a clash in 1418 between Thomas Talbot, the deputy governor, and leading members of the colonial community, who accused him of wrongly suspending a parliamentary sitting. A long scholarly wrangle over the date of composition of the *Modus* and whether its origins lay in England or in Ireland (it almost certainly originated in England during the reign of Edward II) diverted attention from the significance of its appearance in political controversy in Ireland. So too did H.G. Richardson’s abrupt dismissal of its significance in an article published in 1942.<sup>79</sup> It now seems beyond doubt that the tract was highly relevant to the arguments used by the government’s opponents in 1418, and that it was also cited in arguments *against* them by John Talbot, the king’s lieutenant. There are other examples of political acumen. In 1421 James Butler, the fourth (or ‘White’) earl of Ormond was to orchestrate a parliamentary appeal to Henry V to come to Ireland, employing arguments that testify to the historical awareness of the leaders of colonial opinion.<sup>80</sup> In

1975), p. 48. <sup>75</sup> See esp. *Parls & councils*, no. 46, where Windsor recounts proceedings in parliaments summoned in 1375 and the arguments used by the prelates, magnates and commons in denying him adequate financial support for his retinue. <sup>76</sup> Lydon, ‘William of Windsor and the Irish parliament’. <sup>77</sup> M.V. Clarke, ‘William of Windsor in Ireland, 1369–76’, in M.V. Clarke, ed. L.S. Sutherland and May McKisack, *Fourteenth century studies* (Oxford, 1937), pp. 146–241 at 235–6, 238. For an episode in 1382 with constitutional implications, see below, pp. 203–6. <sup>78</sup> In addition to the works mentioned in n. 71, above, see Nicholas Pronay and John Taylor, *Parliamentary texts of the later Middle Ages* (Oxford, 1980), part 3, pp. 117–52; Otway-Ruthven, ‘Background to the arrest of Christopher Preston’; Kathryn Kerby-Fulton and Steven Justice, ‘Reformist intellectual culture in the English and Irish civil service: the *Modus tenendi parliamentum* and its literary relations’, *Traditio*, 53 (1998), 149–202; Peter Crooks, ‘The background to the arrest of the fifth earl of Kildare and Sir Christopher Preston in 1418: a missing membrane’, *AH*, 40 (2007), 3–15. <sup>79</sup> H.G. Richardson, ‘The Preston exemplification of the *Modus tenendi parliamentum*’, *IHS*, 3:10 (1942), 187–92. On Richardson and his views, see below, ch. 10. <sup>80</sup> *Stat. John-Hen. V*, pp. 562–85; *PPC*, ii, pp. 43–52. See Elizabeth Matthew, ‘Henry V and

England, the growth of parliamentary politics is no longer seen as linear; there were peaks and troughs across the periods labelled 'late medieval' and 'early modern'. It seems clear that Ireland shared with England a phase of accelerated development in the decades *c.1370–c.1420*.<sup>81</sup>

#### POLITICAL HORIZONS

Several chapters in this book implicitly question the heavy emphasis in twentieth-century scholarship on administrative connections between Dublin and Westminster.<sup>82</sup> The growth of royal government within Ireland during the thirteenth and early fourteenth centuries did not make Dublin the sole or necessarily even the primary focus of those who enjoyed power and privilege in the Lordship. We might conceptualize crown control and influence as resting on two props: on the one hand, the allegiances of nobles, urban elites and churchmen; on the other, administrative structures. This distinction is of course far too crude: magnates might hold the governorship, as might higher clergy, who into the bargain could serve as chancellors or treasurers. Moreover, local and regional jurisdictions were to some extent in their hands. But the distinction is, nevertheless, useful as a clarifying device. Allegiances, it could be said, came first, from the moment Strongbow acknowledged that he held his Irish acquisitions from Henry II; they also lasted for the duration of the Lordship's history. Administrative control grew across the thirteenth and early fourteenth centuries, but tended to weaken thereafter. The conventions of interaction between the crown and powerful elements in Ireland remained fairly constant; what changed in the late medieval period was the shrinkage of the geographical areas within which they were relevant.

Throughout the history of the Lordship, magnates, royal towns and many lesser freeholders looked outwards and had direct communication with the court and council in England. One reason for this was straightforward. Dublin's powers of patronage were restricted. Even the king's lieutenants of the period after 1361 could not normally make major grants of lands and jurisdictional rights in fee and inheritance or (in the case of towns) in perpetuity. These were a matter for the king, and were made under the great seal of England. This is apparent, for instance, in a record that was mis-identified in the nineteenth century as the first surviving Irish chancery roll, but appears in reality to be mostly an inventory of major grants of royal rights under the English seal,

the proposal for an Irish crusade', in Smith, *Ire. & Eng. world*, pp 161–75. 81 A.L. Brown, 'Parliament, 1377–1422', in J.H. Denton and R.G. Davies (eds), *The English parliament in the Middle Ages* (Manchester, 1981), pp 109–40; and more generally, Gerald Harriss, *Shaping the nation: England 1360–1461* (Oxford, 2005), pp 66–74. 82 See below, pp 85, 89, 152–4, 356–8.

assembled for in-house use, probably by ministers of the Irish exchequer.<sup>83</sup> Other limitations applied at various periods. In the mid-fourteenth century grants of custodies – a common currency of royal patronage – might be restricted to those below a certain annual value; similar prohibitions might apply to ecclesiastical benefices within the king's gift; grants of lands at farm might be limited to fixed terms; governors' authority to issue pardons could be restricted.<sup>84</sup> This gave additional impetus to the natural tendency of powerful people to seek advantage in their ambitions and quarrels by obtaining the backing of the king and council.

Feudal custom also contributed to the outward turn of Irish baronial society. When a tenant-in-chief of the crown came of age, inherited, or entered on property through marriage, he could take an oath of fealty in Ireland, before the governor and council. The expectation was, however, that the more solemn ceremony of homage should be performed to the king in person. Late in 1282, Thomas fitz Maurice of Desmond asked to postpone his journey to England because of Irish risings; early in 1284 Edward I acknowledged that Thomas had now done homage; his lands were released to him and arrangements for his marriage, to Margaret Berkeley, a distant kinswoman of the king, were going ahead.<sup>85</sup> In 1344 we glimpse Edmund Lacy, who had married one of the heiresses of John Bermingham, earl of Louth sailing to England to do homage to Edward III.<sup>86</sup> More important than the conventions regarding homage was the royal right to custody of the lands and heirs of minors who held of the king in chief, and to influence over their marriages and marriages of heiresses. The rules of prerogative wardship, moreover, entitled the king to the custody of all the lands of a tenant-in-chief, even those that were not held directly of the crown. In the March of Wales, the bundle of feudal rights exercised by the king has been seen as a counterpoise to the fabled jurisdictional independence

<sup>83</sup> *RCH*, pp 1–4; CIRCLE, *Antiquissime littere patentes*, and the comments by Peter Crooks (under 'Information links'), in the historical introduction. <sup>84</sup> For an overview, see A.J. Otway-Ruthven, 'The chief governors of medieval Ireland', in Crooks, *Government*, pp 79–89; and for more detail on the distribution of authority between 'Dublin' and 'Westminster' under Edward III, Frame, *Eng. lordship*, pp 106–23. In 1392 Richard II conceded exceptionally wide powers to his uncle, the duke of Gloucester (who in the event did not go to Ireland), but there were still limits on the duke's power to appoint other leading ministers and to collate to benefices above a certain value (Gilbert, *Viceroy*, pp 552–6 at 555). <sup>85</sup> *CDI* 1285–92, no. 360 (misdated 1287); *CDI* 1252–84, nos. 2174, 2175, 2215, 2217. <sup>86</sup> NAI, R.C.8/23, pp 341–3. The subject of homage awaits a full investigation. In 1421, the earl of Ormond complained that his commission as king's lieutenant did not give him permission to take homages in Ireland on the king's behalf, as former lieutenants had been permitted to do (*Stat. John–Hen. V*, pp 582–5). This may well have been the case, but in the final decade of Edward I's reign even quite minor landholders can be shown to have travelled to England for the purpose, though the king was known to grant extensions and even exemptions (for a fee) in cases where the property involved was very small (*CJRI* 1295–1303, pp 148, 246, 302; 1305–7, pp 273, 279, 359).

of marcher lords, which was, in theory at least, much larger than that of their equivalents in Ireland.<sup>87</sup>

These conventions meant that, at least for the greater families normally resident in Ireland, the connection with the king and with English noble society retained a personal aspect. It was not uncommon for youths from Irish magnate families to spend time in the royal household as 'king's yeomen' (young squires). This was the experience of three successive de Burgh heirs under Henry III and Edward I.<sup>88</sup> During the 1320s, the heirs of Thomas fitz John, second earl of Kildare, and Edmund Butler were in Edward II's household.<sup>89</sup> Heirs might form ties with men close to the court. Maurice fitz Maurice, the future second earl of Desmond, was in England during and after his father's period of captivity there in the late 1340s. He married a daughter of Ralph Lord Stafford, recently steward of the king's household, and went on to serve with Stafford in France.<sup>90</sup> Both James Butler the future fourth earl of Ormond (d.1452) and Thomas fitz John, the ill-fated fifth earl of Desmond (d.1420), were wards of Thomas of Lancaster, second son of Henry IV, who twice held the lieutenancy in the early 1400s. This early connection brought them to the attention of Henry V and contributed to their ability to move on a wider stage, in Ormond's case to great effect.<sup>91</sup>

The most stable links of allegiance were with the royal towns. From 1172 onwards privileges flowed from the king (or between 1185 and 1199 the Lord John), which the urban elites wished to defend and expand. Town charters, among which those of Dublin are best preserved, were emblems of the attachment of the chief royal towns to the wider Plantagenet realm.<sup>92</sup> The single most important royal concession was the right to trade without paying tolls across some or all of the zones of Plantagenet power. Those zones changed

<sup>87</sup> Davies, *Lordship & society*, pp 249–50, 283–6, and chs 12 and 13 generally. <sup>88</sup> See below, p. 91; Robin Frame, 'The de Burghs, the earldom of Ulster and the Anglo-Scottish frontier', in David Ditchburn and Séan Duffy (eds), *The Irish-Scottish world in the Middle Ages* (Dublin, forthcoming). <sup>89</sup> Frame, *Eng. lordship*, pp 164–5. Young John fitz Thomas (d.1324), whose father was still living, may, in the charged political atmosphere of the 1320s, have been in some sense a hostage. James Butler, on the other hand, was admitted to his inheritance and sent back to Ireland before he came of age. <sup>90</sup> Robin Frame, 'Rebellion and rehabilitation: the first earl of Desmond and the English scene', in *The Geraldines*, pp 194–222 at 202, 211, 221. <sup>91</sup> Elizabeth Matthew, 'Butler, James, fourth earl of Ormond', *ODNB*; Peter Crooks, 'The ascent and descent of Desmond under Lancaster and York', in *The Geraldines*, pp 223–63 at 229; Crooks, 'James the Usurper of Desmond and the origin of the Talbot–Ormond feud', in *Princes, prelates & poets*, pp 159–84 at 171. <sup>92</sup> For royal charters before 1216, see *Na húirgeáisí*, i, pp 75–87 (Dublin), 158–9 (Cork), 184–5 (Drogheda on the side of Louth), 236–7 (Limerick). In 'King John and the city of Waterford', *Decies*, 26 (1984), 5–12, Eamonn McEneaney argues convincingly that, while the surviving text of John's 1215 charter to Waterford contains blatant anachronisms, it is based on a genuine original. Séan Duffy, 'Town and crown: the kings of England and their city of Dublin', *TCE*, 10 (2005), 95–117 is particularly illuminating.

over time, with the continental territories increasingly restricted to south-western France after the loss of towns such as Rouen – which was a centre for Irish trade even before 1170 – and other northern French ports in 1204, and then La Rochelle in 1224.<sup>93</sup> Later, periods of war with Scotland led, in theory at least, to embargos on trade unless special permission was granted. But the scope nevertheless remained large, with privileged access not just to English and Welsh ports but also to Bordeaux and the Gascon wine trade and to Flanders and the Iberian kingdoms with which the English kings often had good diplomatic relations.<sup>94</sup> Like English ports, those of Ireland were adversely affected by Edward III's manipulation of the wool trade. They also suffered from insecurity on the high seas during the Hundred Years War. But that in turn could amplify contacts with the crown as towns sought financial relief.<sup>95</sup>

Town elites could on occasion present a collective face. In 1285 the mayors and communities of Dublin, Cork, Waterford, Limerick and the two boroughs of Drogheda entered into a bond agreeing to support one another should their liberties be challenged, and that their representatives would meet every three years at Kilkenny.<sup>96</sup> The mayors or chief magistrates of the main towns, together with representative burgesses, became a normal element in parliaments and great councils during the fourteenth century. Their presence at the Kilkenny assembly during the crisis of 1341–2 is revealing. The Dublin annalist lays emphasis on the fact that 'the mayors of the royal cities' were involved in formulating the petitions of complaint that were sent to the king.<sup>97</sup> This is hardly surprising, since the main grievance of the day was the threatened revocation of all grants made since the death of Edward I in 1307; this will have appeared to threaten privileges extended to Dublin, Cork, Waterford and both Drogheda boroughs between 1318 and 1334, some of them reflecting the towns' loyalty during the Bruce invasion.<sup>98</sup> Their representatives will have enthusiastically endorsed the statement in the collective petition where the community of the Lordship pointed to its record of fidelity against the Scots as well as the Irish.<sup>99</sup> But urban leaders by no means always spoke with one voice. In 1375, during the governorship of William Windsor, Galway gained

<sup>93</sup> Vincent, 'Angevin Ireland', p. 190. While toponymic surnames are not a reliable guide to their bearers' immediate origins, the appearance of Norman, Flemish and Breton toponymics among the early enrolments into the Dublin guild merchant is suggestive: *The Dublin guild merchant roll, c.1190–1265*, ed. Philomena Connolly and Geoffrey Martin (Dublin, 1992), pp 1–52, covering the period to 1224–5, includes, e.g., besides Rouen and many instances of 'Le Breton' and 'Le Fleming', Abbeville, Antwerp, Arras, Beauvais, Blois, Boulogne, Coutances, Dieppe, Dinan, Diksmuide, Falaise, Fécamp, Fougères, Nantes, Pont-Audemer, St Omer, St Valery, Soissons and Ypres. <sup>94</sup> See Wendy Childs and Timothy O'Neill. 'Overseas trade', in *NHI*, ii, pp 492–532, and A.F. O'Brien, 'Commercial relations between Aquitaine and Ireland, c.1100–c.1500', in J.-M. Picard (ed.), *Aquitaine and Ireland in the Middle Ages* (Dublin, 1995), pp 31–80 – a study that ranges over a wider geographical area than its title suggests. <sup>95</sup> See below, p. 60. <sup>96</sup> *HMDI*, pp 196–7. <sup>97</sup> *CStM*, ii, pp 383–4. <sup>98</sup> *Na buirgéisí*, i, pp 89–92, 163–72, 178–84, 191–4, 255–6. <sup>99</sup> *Stat. John-Hen. V*, pp 342–5.

a three-year exemption from the rule that visiting merchants must sail to pay customs at Cork, one of the four Irish Staple ports.<sup>100</sup> Two years later, when a new governor, the second earl of Ormond, held sessions at Cork, the privilege was smartly rescinded.<sup>101</sup> This dispute was pursued within Ireland. By contrast, the enormously protracted rivalry between the royal city of Waterford and New Ross, a Marshal foundation, led to repeated lobbying by Waterford of the king and council in England, a campaign in which Waterford constantly flourished its loyal credentials.<sup>102</sup>

If towns had their rivalries, magnate society in Ireland as elsewhere was continually, and sometimes intensely, competitive. In the late twelfth and thirteenth centuries there was a race to acquire land and lordship on the expanding frontiers of colonization; later, competition – at least for lands and rights within the sphere of English law – took place within a smaller arena, essentially the settled zones of Leinster and Munster, though the manpower and wealth deployed by contestants was partly raised outside those frontiers of custom. Among many disputes, we might instance the jockeying for advantage in Limerick and Munster generally between the families of de Burgh, de Briouze and others under King John;<sup>103</sup> the rival de Burgh and Geraldine ambitions in Connacht that had the capacity to destabilize Ireland during the second half of the thirteenth century;<sup>104</sup> or the protracted tussle between the earls of Ormond and Desmond for influence in the south-coast region during the late fourteenth and early fifteenth century.<sup>105</sup> While such conflicts were focused in particular regions of Ireland, for major lords success was expressed not just in practical dominance on the ground, but in recognition by the crown. Throughout western Europe ‘most princes and lords accepted some form of overlordship; they even welcomed it when it offered the prospect of further acquisitions, or when their holdings were scattered or precarious’.<sup>106</sup> Aristocratic competitiveness provided kings with opportunities to influence and manipulate. It was not so much that rulers – except perhaps for John – deliberately fanned the flames of factional conflict, but that they were not slow to exploit rivalries in colonial society when it suited them, though the nature of the evidence can make it difficult to be certain of motives and of the location of the initiative in individual cases.<sup>107</sup>

<sup>100</sup> CIRCLE, Pat. R. 49 Edw. III, no. 106. <sup>101</sup> CIRCLE, Close R. 51 Edw. III, nos. 57–8. <sup>102</sup> See, e.g., the texts printed in *Na buirgéisí*, ii, pp 539–88; Eamonn McEneaney, ‘Waterford and New Ross trade competition c.1300’, *Decies*, 12 (1979), 16–24. For the ‘Waterford roll’ and the city’s dealings with Edward III in the early 1370s, see below, pp 154, and 358. <sup>103</sup> C.A. Empey, ‘The settlement of the county of Limerick’, in Lydon, *Eng. & Ire.*, pp 1–25; Veach, ‘King John and royal control in Ireland’. <sup>104</sup> Orpen, *Normans*, iii, pp 241–4, iv, pp 113–14, 116–19; Brendan Smith, ‘Irish politics, 1220–1245’, *TCE*, 8 (2001), 13–21. <sup>105</sup> See, e.g., Peter Crooks, ‘The “calculus of faction” and Richard II’s duchy of Ireland, c.1382–9’, in Nigel Saul (ed.), *Fourteenth Century England V* (Woodbridge, 2008), 94–115, and ‘The ascent and descent of Desmond’, pp 223–63. <sup>106</sup> John Watts, *The making of polities: Europe 1300–1500* (Cambridge, 2009), p. 95. <sup>107</sup> Peter Crooks, ‘Divide and

Sometimes too – under John, at times under Henry III, and notably during the troubled reign of Edward II – royal power was itself highly factional. At such periods, metropolitan political disputes readily exported themselves to Ireland, as they were to do again during the Wars of the Roses.

The colonial aristocracy constantly changed in composition and in the distribution of its property interests across the shifting areas of Plantagenet dominance; but it never ceased to contain influential families with interests both within and outside Ireland.<sup>108</sup> The Norman dimension of magnate politics mattered greatly at the period when the families of Clare, Marshal, Lacy and Briouze were among those with significant interests in both Ireland and northern France. For instance, during the 1170s Hugh de Lacy I was expanding his landed portfolio in Ireland and Normandy at the same time.<sup>109</sup> But this feature of political life faded after 1204. The survival into the fourteenth century and beyond of the rights of the Norman abbey of St Taurin in the Evreux over the priory of Fore in Co. Westmeath, by virtue of a grant by Hugh I de Lacy of the tithes and churches of Fore, was a reminder of a largely vanished past.<sup>110</sup> Historians of Ireland have been drawn towards evidence of a second parting of the aristocratic ways at a sea-coast, this time between Ireland and Britain.<sup>111</sup> The emphasis on disengagement has been strengthened by premature and sometimes inappropriate use of the term ‘absentee’, which has a pejorative association with traditional views of nineteenth-century landlordism.<sup>112</sup> It was

rule”: factionalism as royal policy in the Lordship of Ireland, 1171–1265’, *Peritia*, 19 (2005), 263–307. Recent work has cast doubt on two well-known examples: the idea that Henry II granted Meath to Hugh de Lacy in order to ‘balance’ the power of Strongbow (Colin Veach, ‘Henry II’s grant of Meath to Hugh de Lacy in 1172: a reassessment’, *Ríocht na Míde*, 18 (2007), 67–94; Veach, *Lordship in four realms*, p. 33); and, perhaps more controversially, the assumption that King John was the instigator of Hugh de Lacy II’s attacks on John de Courcy (Daniel Brown, *Hugh de Lacy, first earl of Ulster: rising and falling in Angevin Ireland* (Woodbridge, 2016), ch. 2). <sup>108</sup> For an attempted overview, see Robin Frame, ‘Aristocracies and the political configuration of the British Isles’, in Frame, *Ire. & Brit.*, pp. 151–69; and for a study emphasizing the ‘transnational’ character of lordship in the period before 1241, Veach, *Lordship in four realms*. The persistence of landholding ties across regnal frontiers and ‘the flexibility and plurality of individual or family identities’ are emphasized in Keith Stringer, ‘Aspects of the Norman diaspora in northern England and southern Scotland’, in Stringer and Andrew Jotischky (eds), *Norman expansion: connections, continuities and contrasts* (Farnham, 2013), pp. 9–47, quotation at 11. <sup>109</sup> Frame, ‘Aristocracies’, p. 143; Veach, *Lordship in four realms*, pp. 37–40. <sup>110</sup> Veach, *Lordship in four realms*, pp. 40, 140; Aubrey Gwynn and R.N. Hadcock, *Medieval religious houses: Ireland* (London, 1970), p. 106. The possession of the barony of Louth and other lands in eastern Ireland in the 1330s by the de Brienne family, counts of Eu in Normandy and constables of France, was not a relic of the Anglo-Norman realm but an inheritance by marriage from Henry III’s half-brother, Geoffrey de Lusignan, whom Henry had endowed in Ireland: *Inquisitions & extents*, no. 193; *CP*, v, pp. 171–4. <sup>111</sup> E.g., my own emphasis on sales of Irish property by non-resident lords in the later fourteenth century (*Eng. lordship*, pp. 59–60, 334). <sup>112</sup> See the comments of Beth Hartland, ‘Absenteeism: the chronology of a concept’, *TCE*, 11 (2007), 215–29; also Frame, *Eng. lordship*, ch. 2.

normal for great lords to hold widely scattered clumps of estates – status being associated with breadth as much as depth of interests – and to favour some rather than others as frequent residences. Nor, in the thirteenth and the early fourteenth centuries, was Ireland specially neglected. William Marshal and his sons spent considerable time there; so too did Walter de Lacy, lord of Meath and Ludlow, and his heirs. The late thirteenth-century successors of the Marshals, whose inheritance underwent greater fragmentation, were less frequent sojourners. But Gilbert de Clare, earl of Gloucester and lord of Kilkenny and Roger Bigod, earl of Norfolk and lord of Carlow, made politically significant visits to Ireland,<sup>113</sup> while William de Vescy, lord of Alnwick and Kildare served a stormy term as chief governor from 1290 to 1294.<sup>114</sup>

Just as not all older links were broken, in every period there were new recruits into the category of transmarine lordship. Whether through marriage or royal grant, major figures associated with the courts and households of Henry III and Edward I acquired Irish interests. Geoffrey de Geneville and Thomas de Clare are among the more notable; both made a major commitment to the Lordship while keeping up and even adding to their interests elsewhere.<sup>115</sup> In the fourteenth and early fifteenth centuries, arrivals were less likely to put down roots outside the four counties around Dublin. But some incomers there were notable, particularly the Prestons of Gormanston from north-west England.<sup>116</sup> Dwarfing such newcomers were the Mortimers of Wigmore, whose acquisition of Irish lordships by three marriages between 1247 and 1368 was simply

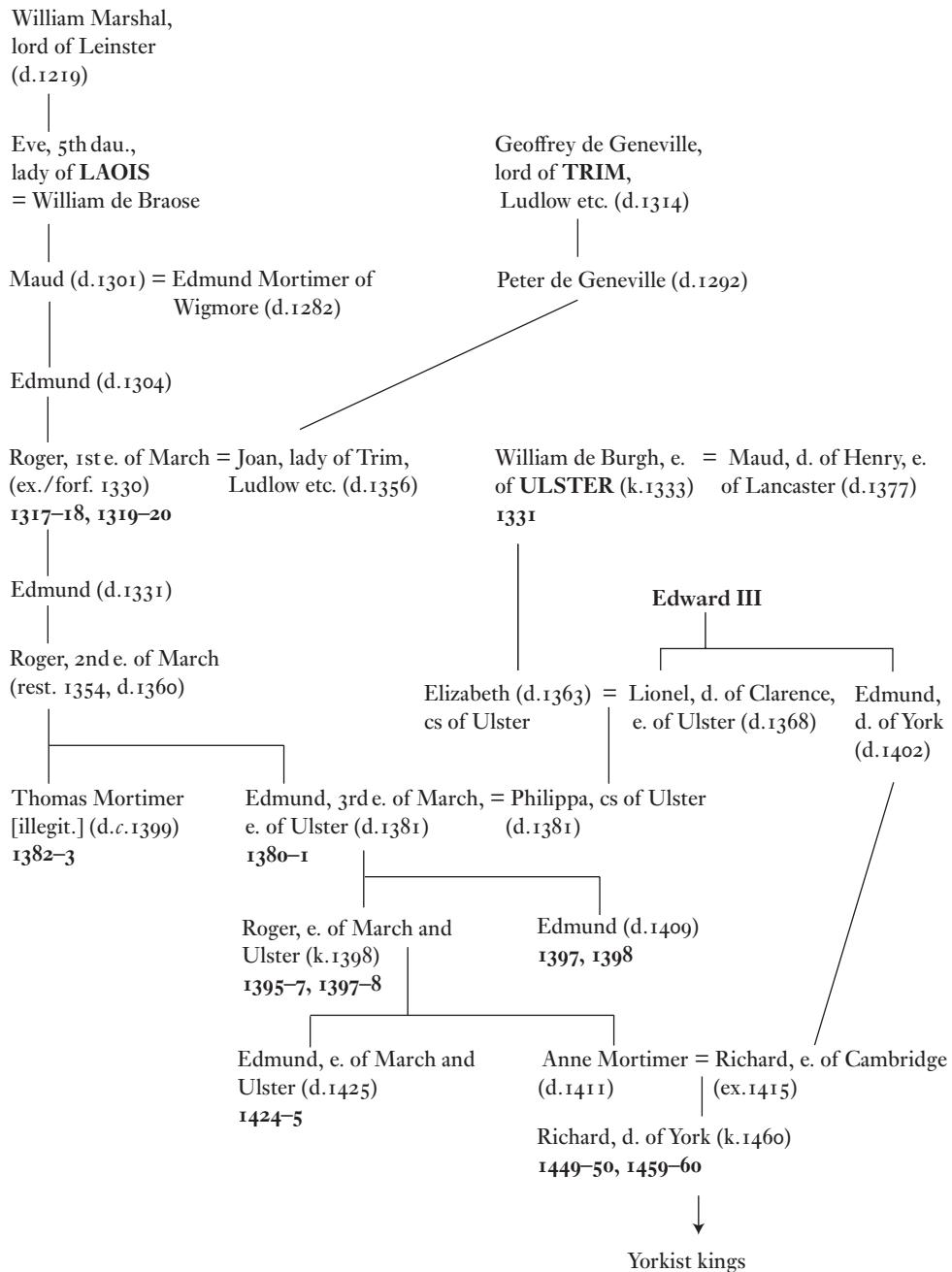
<sup>113</sup> Earl Gilbert's visit in 1294, when he was accompanied by his wife, Joan of Acre, Edward I's daughter, is highlighted in *CStM*, ii, pp 322, 323; the annalist also notes his death in 1295 (p. 325). For this visit, and for Bigod, see Hartland, 'English lords', pp 318–19, 323–4, 339–40, 346–8. Bigod's Irish interests are viewed in the context of his wider possessions in Marc Morris, *The Bigod earls of Norfolk in the thirteenth century* (Woodbridge, 2005), pp 119–24, 132–5, 185–6.

<sup>114</sup> K.J. Stringer, 'Nobility and identity in medieval Britain and Ireland: the de Vescy family, c.1120–1314', in Smith, *Brit. & Ire.*, pp 199–239.

<sup>115</sup> For overviews, see J.R.S. Phillips, 'The Anglo-Norman nobility', in Lydon, *Eng. in med. Ire.*, pp 87–104; Frame, 'King Henry III and Ireland: the shaping of a peripheral lordship', in Frame, *Ire. & Brit.*, pp 46–53. For individual cases, Beth Hartland, 'Vaucoleurs, Ludlow and Trim: Ireland in the career of Geoffrey de Geneville (c.1226–1314)', *IHS*, 32:128 (2001), 457–77; Hartland, 'English lords'; Stringer, 'Nobility and identity', pp 210–11, 232–9; M.S. Hagger, *The fortunes of a Norman family: the de Verduns in England, Ireland and Wales, 1066–1316* (Dublin, 2001). For the range of Thomas de Clare's interests on both sides of the Irish Sea, see Michael Altschul, *A baronial family in medieval England: the Clares, 1217–1314* (Baltimore, 1965), pp 193–4. There is further discussion in ch. 3, below.

<sup>116</sup> For the origin of the Prestons, see *Reg. Gormanston*, pp iv–ix. For the Irish branch of the Darcy family, descended from the justiciar John Darcy's second marriage, to Joan de Burgh, widowed countess of Kildare, Frame, *Eng. lordship*, pp 96–7. The remarkable career of Janico Dartasso, a Navarrese esquire of Richard II's household, who acquired lands and commands in eastern Ireland, is explored in Simon Walker, 'Janico Dartasso: chivalry, nationality and the man-at-arms', *History*, 84:273 (1999), 31–51 [reprinted in Simon Walker, ed. M.J. Braddick, *Political culture in later medieval England* (Manchester, 2006), pp 115–35]. The activities of

Table 1.2: The growth of Mortimer interests in Ireland



Dates in **bold** denote periods of service (in person) as justiciar or king's lieutenant in Ireland.

staggering. And in the first half of the fifteenth century Ireland saw the spread of Talbot family influence, which included the creation of an Irish earldom (of Waterford) for John Talbot, earl of Shrewsbury. Talbot aggrandizement was counterpointed by the success of their great rivals, the Butlers of Ormond, in adding to the landed portfolio they had retained in England since arriving in Ireland in 1185, gains that were capped off by the short-lived English earldom of Wiltshire granted to the future fifth earl (d.1461) in 1449. Given the territorial shrinkage of the effective Lordship, it took only a handful of major transmarine interests to gear Ireland very effectively to wider politics, for better or worse. As Brendan Smith has remarked, the battle of Pilltown (Co. Kilkenny) in 1462, between the Geraldine and Butler factions, deserves to count among the significant engagements of the Wars of the Roses.<sup>117</sup>

Some of the nobles whose interests lay predominantly in Ireland were better placed to attract official backing than others. Success did not depend solely on the possession of English or Welsh estates. Before Richard de Burgh, the Red Earl of Ulster, inherited some English manors from his maternal uncle, Richard FitzJohn (d.1297), the de Burghs, despite their eminence, had no traceable lands in England or Wales. But they had other advantages. William de Burgh (d.1206) arrived in Ireland in 1185 as a favoured member of John's household. His son, Richard (d.1243) benefited massively from the power of his uncle, Hubert de Burgh, the justiciar of England from 1215 to 1232. Hubert's fall brought a hiccup. But another useful link was later formed with the leading curial baron John fitz Geoffrey, who was present in Ireland as governor for most of the period from 1246 to 1253.<sup>118</sup> Walter de Burgh, later earl of Ulster (d.1271) married one of John's daughters. From that point on, in marital terms the sky was the limit, with successive generations marrying into the extended royal family.<sup>119</sup> The Butlers, as we have seen, did have some English property. But they too were notably well connected. The first Theobald Walter (d.1205) was a brother of Hubert Walter, archbishop of Canterbury, justiciar of England (1193–8) and then John's chancellor (1199–1205). Theobald IV (d.1285), like Walter de Burgh, married a daughter of John fitz Geoffrey. His grandson, James Butler, the first earl of Ormond (d.1338), took to wife Eleanor, daughter of Humphrey Bohun earl of Hereford, a grand-daughter of Edward I, drawing him and his descendants into the wide embrace of royal cousinage.<sup>120</sup>

For the de Burghs and Butlers contact with the king and his court came naturally; for others the road to approval was rockier. The Desmond

these families figure strongly in Smith, *Crisis & survival*. <sup>117</sup> 'Late medieval Waterford and the English connection: Waterford and Bristol, ca.1360–1460', *JBS*, 50:3 (2011), 546–65 at 564. <sup>118</sup> *Admin. Ire.*, p. 78. For John's significance, see Frame, 'King Henry III', pp 52–4, and below, pp 96–7. <sup>119</sup> Frame, 'The de Burghs'. <sup>120</sup> For this marriage and its significance, see Frame, *Eng. lordship*, pp 49, 50, 185–6, 283; *ibid.*, 319–22 and Crooks, "Calculus of Faction", bring out the strong 'court' orientation of the second and third earls.

Geraldines, who began as a cadet line of the barons of Naas and lords of Offaly, are perhaps the most obvious instance. In 1280 a jury empanelled at Dublin claimed that, a quarter century earlier, John fitz Thomas (d.1261), the chief accelerator of the family's climb to eminence, had 'crossed over twice or thrice to the Lord Edward' in order to outflank the other co-heirs of Thomas fitz Anthony (d.1229), who had held Desmond and Decies by grant from the crown, and obtain a grant of the lordship for himself.<sup>121</sup> This he had finally achieved in 1259.<sup>122</sup> The story is borne out by evidence of John's presence in England during six of the nine years between 1251 and 1259, that is from before as well as after the grant of Ireland to Edward.<sup>123</sup> The rise in the family fortunes was abruptly halted in 1261, when both John and his son and heir were killed near Kenmare in Co. Kerry, in a campaign against MacCarthy. His grandson, Thomas fitz Maurice, had to re-fight the battle for Desmond and Decies, which were eventually confirmed to him by Edward I, who had professed himself 'deceived' by John fitz Thomas when he was under age, only in 1292.<sup>124</sup> A generation later, it is possible to track in some detail the activities in England of Sir John Coterel, steward to the first earl of Desmond, as he sought to secure a financial deal with Edward III to have the custody and marriage of the young second earl of Ormond. Desmond was initially successful, only to see his work undone by the influence of the dowager countess of Ormond, the king's cousin, and her new husband, the military captain Sir Thomas Dagworth, who was fresh from successes in the king's service in Brittany.<sup>125</sup>

#### OUTWARD WAR AND IRELAND'S STRATEGIC POSITION

Ireland's island character had never led to isolation, rather the reverse. From the late twelfth century onwards, established maritime connections acquired new significance, as the Lordship was drawn into the Plantagenet dynasty's military and diplomatic activities. As discussed in Chapter 3, the world of war was an arena in which the ties of the Lordship's elites to the wider polity were strengthened and on occasion repaired.<sup>126</sup> The early evidence is not entirely clear, but by the time of Edward I feudal service was not expected outside Ireland in respect of land held there.<sup>127</sup> Richard de Burgh, earl of Ulster, was

<sup>121</sup> CDI 1252–84, no. 1474 at p. 279. For Thomas fitz Anthony and the earlier history of the lordship of Desmond and Decies, see Orpen, *Normans*, iii, pp 130–6. <sup>122</sup> CDI 1252–84, no. 629. <sup>123</sup> For details, see Frame, 'King Henry III', pp 37–8. <sup>124</sup> CDI 1285–92, no. 1051. The claim of deception while under age was dubious at best: Edward was twenty at the time of the original grant in 1259. The fresh grant was made in jointure to Thomas and his wife, Margaret Berkeley, 'the king's kinswoman': see Frame, 'Rebellion and rehabilitation', pp 205–6. <sup>125</sup> See below, p. 278; Frame, 'Rebellion and rehabilitation', pp 208–11. <sup>126</sup> Below, pp 57–9, 94–6, 335–8. <sup>127</sup> A.J. Otway-Ruthven, 'Knight service in Ireland', in Crooks, *Government*, pp 155–68 at 158 shows that Hugh Tyrel of Castleknock

the only one of Edward's earls who took pay for service in Scotland in 1296 and 1304.<sup>128</sup> Magnates from Ireland, moreover, could demand high wages for their service, so much so that in 1297 Edward, writing from Ghent during his campaign in Flanders, said that he 'was not at all pleased with the agreements made with them' by his ministers in Ireland. By then, however, John fitz Thomas of Offaly was already overseas and in receipt of the contentious wage-rates.<sup>129</sup> His prompt appearance was not unconnected with his need to regain favour after his disruptive quarrels with William de Vescy and the earl of Ulster. Rehabilitation after misdeeds was a recurrent spur to service. Moreover, those who led contingents from Ireland were well aware that wages were not the only or necessarily the most valuable rewards available. Favours of many sorts came the way of those who crossed the seas. In 1230 Nicholas de Verdun, serving in western France, was rewarded with an annual fair at his town of Dundalk and other grants in Ireland.<sup>130</sup> In 1242 at Bordeaux Richard de Burgh, who was to die in Gascony the following year, was granted fairs at his Tipperary boroughs of Clonmel and Kilfeacle, together with a respite of debts.<sup>131</sup> And it was in Gascony that Richard's son Walter, later earl of Ulster, was knighted by King Henry during his last French campaign in 1253–4.<sup>132</sup>

Though Ireland was the westernmost of the royal dominions, in the thirteenth century it was by no means the least securely held. The occupation of the south-east quadrant and its coasts reshaped power-relations in the Irish Sea Province. Resources of manpower, cash and military supplies were now available for English campaigns in Wales and Scotland. The effect on patterns of interaction between Ireland and Wales was particularly radical. The western approaches to south-west England and south Wales were no longer a security concern, as they intermittently been to English kings since the time of William the Conqueror.<sup>133</sup> Although the Welsh marcher elements in the higher leadership of the advance into Ireland after the initial invasion have sometimes been exaggerated (a fact that would no doubt have delighted Gerald of Wales), many settler families in south Leinster and eastern Munster had associations

was recorded as performing his service in Gascony in 1254, but this seems to be a unique case. It is possible that his service was being set off against service he would otherwise have performed in Ireland that year (A.J. Otway-Ruthven, 'Royal service in Ireland', *ibid.*, 169–76 at 173 and n. 10). 128 Michael Prestwich, *War, politics and finance under Edward I* (London, 1972), pp 71, 74. 129 *Documents illustrating the crisis of 1297–98 in England*, ed. Michael Prestwich (Camden 4th ser. 24, London, 1980), p. 163. In Scotland in 1335 some Meath gentry, together with Domhnall son of Art MacMurrough, received four shillings a day, four times the rate of the ordinary man-at-arms, and were listed as bannerets, well above their normal social station (Nicholson, *Edward III*, p. 255). For Domhnall son of Art, see below, pp 257, 335–8. I am indebted to Dr Andy King for advising me on bannerets. 130 *CR* 1227–31, pp 409–10; *CDI* 1171–1251, nos. 1829–30. 131 *CDI* 1171–1251, nos. 2570–1, 2575. 132 *CR* 1253–4, p. 270. 133 Benjamin Hudson, 'William the Conqueror and Ireland', *IHS*, 29:14 (1994), 145–58; Marjorie Chibnall, *Anglo-Norman England, 1066–1166* (Oxford, 1986), pp 16–18, 47–8; Flanagan, *Ir. soc.*, pp 22, 67–9.

with the south Wales lordships, which were already an ethnically mixed society.<sup>134</sup> In the thirteenth century these arrivals were treated as, in legal terms, English. Military manpower passed in both directions in the service of English kings and nobles. In 1223 William Marshal the younger raised 'a multitude of knights and foot-soldiers' in Ireland for his own purposes, seizing Cardigan and Carmarthen.<sup>135</sup> After his conquest of north Wales, Edward I arranged for the dispatch of almost one hundred Welsh troops for service in Ireland. They crossed from Conwy to Lusk on the north Dublin coast in 1285, and were deployed chiefly at the king's Connacht castles.<sup>136</sup> When the marcher baron, John Charlton, lord of Powys was appointed justiciar in 1337 he was to have 200 Welsh archers, paid by the Irish exchequer, and 143 served with him from October 1337 to June 1338, when he left office.<sup>137</sup> In view of the prominence of Welsh infantry in English armies fighting in Scotland and on the Continent, it is not surprising to find a contingent of Welsh archers serving in the retinue of Lionel of Antwerp in Ireland in 1362–3.<sup>138</sup>

The occupation of the Irish littoral also had an impact on the native Welsh leadership in north Wales. It was no longer possible for rulers in Gwynedd to emulate Gruffudd ap Cynan (d.1137), who had used Dublin as a refuge and a springboard for political recovery.<sup>139</sup> There are hints that English expansion in Ireland and Wales produced a shared sense of oppression that might threaten to become politically significant. In 1282, in a letter already mentioned, Thomas fitz Maurice cited the 'elation' of the Irish at news of the war in Wales as a reason for postponing his homage to Edward I.<sup>140</sup> Séan Duffy has argued persuasively that the disturbances in east Leinster between 1276 and 1282, which came to be led by Muirchertach and Art MacMurrough, owed something to awareness of events on the other side of the Irish Sea.<sup>141</sup> Those events, of course, culminated in the extirpation of the native principality and the encastellation of north Wales, which reduced Welsh military and political options far more drastically than the occupation of eastern Ireland had done. Even so, there are some traces of receptiveness among members of the emerging Welsh official class to overtures from Edward Bruce as 'king of Ireland' in 1316–17; this seems to

<sup>134</sup> See, e.g., I.W. Rowlands, 'The making of the March: aspects of the Norman settlement in Dyfed', *ANS*, 3 (1981), 142–57; Huw Pryce, 'In search of a medieval society: Deheubarth in the writings of Gerald of Wales', *WHR*, 13:3 (1987), 265–81. <sup>135</sup> *Brut y Tymysogyon or the chronicle of the princes: Red Book of Hergest version*, ed. Thomas Jones (2nd ed., Cardiff, 1973), pp. 222–5. <sup>136</sup> *CDI* 1285–92, no. 548. <sup>137</sup> NAI, R.C.8/21, pp. 28–30. <sup>138</sup> Dryburgh and Smith, *Handbook*, p. 322. <sup>139</sup> M.T. Flanagan, 'Historia Gruffudd vab Kenan and the origins of Balrothery, Co. Dublin', *CMCS*, 28 (1994), 71–94. See in general Séan Duffy, 'The 1169 invasion as a turning-point in Irish–Welsh relations', in Smith, *Brit. & Ire.*, pp. 98–113, and on north Wales in the age of Gruffudd and his son, Owain Gwynedd (d.1170), Davies, *Conquest*, ch. 2; and Huw Pryce, 'Owain Gwynedd and Louis VII: the Franco-Welsh diplomacy of the first prince of Wales', *WHR*, 19:1 (1998), 1–28. <sup>140</sup> *CDI* 1285–92, no. 360. <sup>141</sup> 'Irish and Welsh responses to the Plantagenet empire in the time

have been motivated by passing disaffection from Edward II's regime, and in any case nothing concrete came of it.<sup>142</sup> Nearly a century later, the rebellion of Owain Glyn Dŵr elicited no observable response in Gaelic Ireland; it is striking that a propaganda letter composed in Owain's name c.1401–2 was addressed vaguely to the 'lords of the Irish', even though Art Caománoch MacMurrough, who had recently faced down Richard II's troops, was in control of parts of the adjacent Irish coast.<sup>143</sup> Aspirations towards Celtic solidarity were far outweighed in practice by displays of English material power. In 1245 the justiciar, Maurice fitz Gerald of Offaly, led an expedition to Anglesey, on which Fedlimid O'Connor, king of Connacht served; it aided Henry III's campaign against Prince David ap Llywelyn by destroying the Welsh corn-crop.<sup>144</sup> In Henry's time, and more substantially under Edward I, victuals, timber, cash, and occasionally manpower from Ireland contributed significantly to the building and maintenance of castles in north Wales.<sup>145</sup> In 1405 an expeditionary force from Ireland led by the deputy governor Stephen Scrope helped to secure Anglesey for the English crown at a time when Henry IV faced enemies on all sides, and Owain Glyn Dŵr was receiving military assistance from France.<sup>146</sup>

The implications of English expansion in Ireland for Irish–Scottish relations were also highly significant, though the ultimate outcome was less clear-cut. Around 1170, the north of Ireland and the western highlands and islands formed a single, sea-linked world. Much the same might be said of the region in the early fifteenth century. But changes are apparent: Norwegian influence, significant well into the thirteenth century, had all but vanished; the MacDonald Lordship of the Isles had emerged as a sophisticated semi-independent power; and the survival of the monitoring point of Carrickfergus castle together with some coastal enclaves, mostly in Co. Down, were a reminder of a once-vigorous English presence in north-east Ireland.<sup>147</sup>

From John de Courcy's arrival in Ulster in 1177 to the opening of the Anglo-Scottish wars in 1296 the area was caught between the pincers of two advancing monarchies, an advance mediated, especially in its earlier stages, through great

of Edward I, in *Plantagenet empire*, pp 150–68. <sup>142</sup> J.B. Smith, 'Gruffydd Llwyd and the Celtic alliance, 1315–18', *Bulletin of the Board of Celtic Studies*, 26 (1976), 464–78, and for the longer-term context, *idem*, 'Edward II and the allegiance of Wales', *WHR*, 8:2 (1976), 139–71; Séan Duffy, 'The Bruce brothers and the Irish Sea world', *CMCS*, 21 (1991), 55–86 at 76–83. <sup>143</sup> R.R. Davies, *The revolt of Owain Glyn Dŵr* (Oxford, 1995), pp 157–9, 188. <sup>144</sup> *AC*, pp 84–5; a Welsh chronicle describes Henry's force as 'the might of England and Ireland' (*Brut y Tymysogyon*, pp 238–9). This was not the first or last time an attack on Anglesey from Ireland was mooted under Henry III: A.D. Carr, *Medieval Anglesey* (Llangefni, 1982), pp 47–8. <sup>145</sup> James Lydon, 'The years of crisis, 1254–1315', in *NHI*, ii, pp 181–2, 195–7, which sums up his extensive earlier work on the subject. <sup>146</sup> Carr, *Medieval Anglesey*, pp 320–1; Davies, *Owain Glyn Dŵr*, pp 188–9. <sup>147</sup> See, e.g., Alexander Grant, 'Scotland's "Celtic Fringe" in the late Middle Ages: the Macdonald Lords of the Isles and the kingdom of Scotland', in Davies, *British Isles*, pp 118–41; Art Cosgrove, 'Ireland

nobles. To put it like this is not to gloss over the fact that relations between kings and magnates were often stormy, but to challenge a historiographical tradition, strong particularly in Ireland, that has presented crown and nobility as radically opposed forces. Historians of medieval Scotland have long broken away from this perception; kings and nobles are now more likely to be portrayed as collaborating, unbeknownst to themselves, in what has been described as ‘state-building’.<sup>148</sup> Expansion of royal power in south-west Scotland was partly a matter of trying to harness semi-independent established powers such as the lords of Galloway and Carrick, whom King John also courted after 1210 with extensive grants in Ulster.<sup>149</sup> But curial families such as the Stewarts and Bruces also came in through royal grants or marriage.<sup>150</sup> Among historians of Ireland, changes of emphasis and tone are also evident. Images of the magnates who created and sustained Anglo-Norman Ulster have shifted. John de Courcy struck his own coins and impressed contemporary observers as a *princeps*; he also fell foul of John, a fate that was easy to incur. But his conquests in eastern Ulster were not just a feat of remote chivalric derring-do but shrewdly exploited and developed existing links between Ulaid, Cumbria and Man.<sup>151</sup> Their timing – soon after Henry II’s subjection of William the Lion in the Treaty of Falaise (1174), and expansion of English royal influence in both north-west England and southern Scotland – suggests that de Courcy cannot have built his little empire without the knowledge and tacit approval of the king. He served as a royal representative in Ireland during the 1190s, and after his fall was folded back into the royal household, where members of the de Courcy family had long been prominent. Hugh de Lacy, belted as earl of Ulster by King John in 1205, in order, it has been suggested, to place someone of comital status in a zone where great Scottish lords loomed large,<sup>152</sup> also got on the wrong side of John and suffered forfeiture and exile in 1210. While he proved difficult for the unstable minority government of Henry III to manage, after his eventual restoration in 1227 he spent a further fifteen years as a reliable, if somewhat

beyond the Pale, 1399–1460’, in *NHI*, ii, pp 574–6. <sup>148</sup> Alice Taylor, *The shape of the state in medieval Scotland, 1124–1290* (Oxford, 2016); and for later periods, Michael Brown, *The wars of Scotland, 1214–1371* (Edinburgh, 2004), ch. 5; Alexander Grant, *Independence and nationhood: Scotland, 1306–1469* (Edinburgh, 1984), chs 5, 7. <sup>149</sup> See esp. K.J. Stringer, ‘Periphery and core in thirteenth-century Scotland: Alan son of Roland, lord of Galloway and Constable of Scotland’, in Alexander Grant and K.J. Stringer (eds), *Medieval Scotland, crown, lordship and community: essays presented to G.W.S. Barrow* (Edinburgh, 1993), pp 82–113; and for a recent discussion of the Galloway and Carrick grants in Ulster, Brown, *Hugh de Lacy*, pp 139–41, 172–4. <sup>150</sup> G.W.S. Barrow, ‘The earliest Stewarts and their lands’, in Barrow, *The kingdom of the Scots* (London, 1973), pp 337–61, covers their acquisitions from 1136 to 1241; R.M. Blakely, *The Brus family in England and Scotland, 1100–1295* (Woodbridge, 2005), chs 1, 4, 5. <sup>151</sup> Seán Duffy, ‘The first Ulster plantation: John de Courcy and the men of Cumbria’, in *Colony & frontier*, pp 1–27; M.T. Flanagan, ‘John de Courcy, the first Ulster plantation and Irish church men’, in Smith, *Brit. & Ire.*, pp 154–78. <sup>152</sup> Veach, *Lordship in four realms*, pp 118–21.

peripheral, senior magnate.<sup>153</sup> Between them, de Courcy and de Lacy laid the foundations of an English (or Anglo-Scottish) Ulster. Colonial settlement in the north remained patchy, concentrated mostly in coastal lowlands and river valleys. But the patches proved tough, in the hiatus between de Lacy and de Burgh rule tough enough to defeat the Gaelic coalition led by Brian O'Neill at the battle of Down in 1260. The de Burgh earls, for all their established power in Munster and Connacht, also began as outsiders in Ulster, into which they were inserted by the crown, whose agents in important respects they remained.<sup>154</sup> In 1296 a marriage settlement was made, with Edward I's approval, between Richard de Burgh, the Red Earl's sister and James Stewart, when the Stewart, who held Renfrew, Dundonald, Rothesay and other castles in southwest Scotland, had submitted after the apparently crushing defeat of the Scots at Dunbar. The earl endowed James and his wife with lands by the River Roe near Limavady where the earldom of Ulster was still expanding.<sup>155</sup> In retrospect the marriage could be seen as the swansong of a century's advance by court-linked nobles on either side of the North Channel.

This world was gradually disrupted after 1296, with the Anglo-Scottish wars (of which the Bruce invasion of Ireland formed an integral part),<sup>156</sup> the retreat of Scottish royal influence in the west after the death of Robert Bruce in 1329, and the murder of the last de Burgh earl of Ulster in 1333. The Lordship of Ireland was heavily involved in contributing supplies, money and manpower to English campaigns in Scotland, especially between 1296 and 1314, and there were periodic calls on its dwindling resources thereafter, with significant expeditionary forces organized by the Dublin government in 1322, 1333 and 1335.<sup>157</sup> Some individuals and groups in Ireland did well out of the wars. They included merchants and royal officials, particularly in Dublin and Drogheda, who were involved in purveyance and the commissariat trade. Even the Bruce invasion of 1315–18 had its beneficiaries, notably lords, such as John fitz

<sup>153</sup> Brown, *Hugh de Lacy*, ch. 6. <sup>154</sup> Frame, 'The de Burghs'. <sup>155</sup> *Documents illustrative of the history of Scotland, 1286–1306*, ed. Joseph Stevenson, 2 vols (Edinburgh, 1870), ii, pp 111–12; Geoffrey Barrow and Ann Royan, 'James fifth Stewart of Scotland, 1260(?)–1309', in K.J. Stringer (ed.), *Essays on the nobility of medieval Scotland* (Edinburgh, 1985), pp 166–94 at 167–8; Frame, 'The de Burghs'. <sup>156</sup> See, e.g., Colm McNamee, *The wars of the Bruces: Scotland, England and Ireland, 1306–1328* (East Linton, 1997); the essays in Séan Duffy (ed.), *Robert the Bruce's Irish wars* (Stroud, 2002); and Robin Frame, 'The Bruces in Ireland, 1315–18', in Frame, *Ire. & Brit.*, pp 71–98. <sup>157</sup> For the Lordship's contribution to English military efforts, see in particular the articles by James Lydon collected in Crooks, *Government*, pp 182–215: 'An Irish army in Scotland, 1296', 'Irish levies in the Scottish wars, 1296–1302' and 'Edward I, Ireland and the war in Scotland, 1303–4'; together with Lydon, 'Edward II and the revenues of Ireland', and 'The Dublin purveyors and the wars in Scotland, 1296–1324', in Gearóid Mac Niocaill and P.F. Wallace (eds), *Keimelia: studies in medieval archaeology and history in memory of Tom Delaney* (Galway, 1988), pp 435–48. For a later expedition, see Ranald Nicholson, 'An Irish expedition to Scotland in 1335', *IHS*, 13:51 (1963), 197–211. There are overviews by Lydon, *NHI*, ii, pp 198–201, and (on the period

Thomas, Edmund Butler and John Bermingham who received comital titles and jurisdictional rights. But the impact on the colonial position in the north of Ireland, where Ulster east of the Bann was occupied by the Scots, was heavily adverse. The assassination of the young William de Burgh seems to have resulted from a coalescence of local disputes, provoked by his abrasive attempt to re-establish his position in the north, with the renewal of the Anglo-Scottish war in 1332–3.<sup>158</sup> The collapse of the earldom was not abrupt. There were attempted re-assertions of crown authority in the 1340s and 1350s.<sup>159</sup> In 1380, Edmund Mortimer, earl of March and Ulster, the king's lieutenant, received the submission of Niall Mór O'Neill and other Gaelic leaders, and seems to have paid a little-noticed visit to Carrickfergus.<sup>160</sup> During the 1390s, the Irish of the north remained nervous of a Mortimer *revanche*, fears that were given substance when Roger Mortimer raided Armagh in 1396.<sup>161</sup>

By the 1420s the world to the north of the lowlands of Meath and Louth had become a critical frontier zone. In 1423, for example, Domnall and Eoghan O'Neill in alliance with Niall Garbh O'Donnell entered Meath and then burned the plain of Uriel.<sup>162</sup> In 1430 Eoghan asserted his authority by distributing *tuarastal* to O'Connor of Offaly and other midland Irish and imposing tribute on Dundalk.<sup>163</sup> The southward reach of leaders from the far north is symbolized by the marriages of Fionnuala, daughter of An Calbhach O'Connor Faly, first with Niall Garbh O'Donnell, and then with Aodh Buidhe O'Neill.<sup>164</sup> Niall Garbh's profile was sufficiently high for him to be taken into captivity in London after his capture by Sir Thomas Stanley in 1434.<sup>165</sup> That the settler lords and communities of Meath and Louth were not overrun reflected both their own residual strength and the rivalries between and within Irish and Scottish Gaelic dynasties, which diluted the threat. At the same time the Scottish kingdom's political tribulations and the existence of a third force in the Lordship of the Isles meant that there was little risk of a French-inspired assault on England's interests by way of Ireland. Paradoxically, too, the consolidation of Gaelic lordships at local and regional level provided figures with whom the crown and its agents, among whom the archbishops of Armagh might be included, could at times usefully engage.<sup>166</sup>

1318–57) in Frame, *Eng. lordship*, pp 131–52. 158 Frame, 'The de Burghs'. 159 See below, pp 280–4, 325–6. 160 *AU*, iii, pp 4–5. Edmund tested writs at Carrickfergus on 16 and 20 July 1380 (CIRCLE, Close R. 4 Ric. II, no. 73; Pat. R. 4 Ric. II, no. 2). He was at Drogheda earlier in the month and may well have made the journey north by sea. 161 Dorothy Johnston, 'Richard II and the submissions of Gaelic Ireland', *IHS*, 22:85 (1980), 1–20 at 17–19, and 'The interim years: Richard II and Ireland, 1395–1399', in Lydon, *Eng. & Ire.*, pp 175–95 at 179–81. 162 *AU*, iii, pp 94–5. 163 *Ibid.*, pp 108–11. 164 Cormac Ó Cléirigh, 'The O'Connor Faly lordship of Offaly, 1395–1513', *PRIA*, 96C (1996), 87–102 at 91. The author's emphasis is, quite properly, on marriages as evidence of An Calbhach's own power and reputation. 165 Katharine Simms, 'Niall Garbh II O'Donnell, king of Tír Conaill, 1422–39', *Donegal Annual*, 12 (1977–9), 7–21 at 18. 166 Katharine Simms, 'The archbishops of

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As well as transforming relationships in the Irish Sea Province, conquests in Ireland gave a political and strategic dimension to existing economic and cultural links with mainland Europe, which were particularly strong in the southern seaports, a matter illustrated in Chapter 15. During the earlier stages of conquest and settlement, northern France was a familiar part of the world inhabited by leaders of the move into Ireland. The French dimension did not end abruptly with John's loss of Normandy in 1204. Walter de Lacy, whom John dispossessed of Meath in 1210, worked his passage back into favour partly by serving the king in Poitou in 1214; and it seemed entirely natural to his exiled brother, Hugh II, the once and future earl of Ulster, to spend most of a decade pursuing an alternative career in the Midi.<sup>167</sup> As we have seen, lords from Ireland led forces in support of Henry III's unsuccessful attempts to recover his continental inheritance or to shore up what was left of it in 1230, 1242 and 1253. The Lordship was also involved in other ways. In 1230, while preparing for his journey to France, Henry acknowledged receipt of 2,000 marks of treasure from Ireland.<sup>168</sup> In 1242 royal galleys and other vessels were summoned from the Irish ports.<sup>169</sup> Ireland was a full participant in Plantagenet continental concerns.

By the opening of the Hundred Years War in 1337, the position had changed. While Ireland was directly and indirectly affected by the intermittent conflict, participation in English campaigns was limited by the contraction of the Lordship and the requirements of its own defence.<sup>170</sup> Contributions from Ireland in cash or supplies were rare and meagre.<sup>171</sup> Individual nobles and knights served overseas from time to time. A dramatic instance is Robert Clinton from Co. Louth who was at the battle of Poitiers in 1356 and shared in the £1,000 ransom of the bishop of Le Mans, whom he had captured. Edward III retained Robert with an annual fee of twenty marks and rewarded him with lands in Ireland.<sup>172</sup> But expeditionary forces from Ireland, organized by the Dublin government, were few and small. Early in the war Edward III sent traditional military summonses to Ireland. After his emollient responses to the petitions of his Irish subjects in 1341–2, he expected service in his planned Breton campaign. On 15 April 1342 he ordered the chancellor and justiciar of Ireland to array 100 men-at-arms and 900 hobelars to serve overseas at his wages.<sup>173</sup> Separate letters went to the earls of Kildare and Desmond (Ormond

Armagh and the O'Neills', and "The king's friend": O'Neill, the crown and the earldom of Ulster', in Lydon, *Eng. & Ire.*, pp 214–36; Watt, 'John Colton', pp 202–4. <sup>167</sup> Veach, *Lordship in four realms*, pp 150–1; Brown, *Hugh de Lacy*, pp 117–39. <sup>168</sup> CDI 1171–1251, nos. 1780–1. <sup>169</sup> CR 1241–3, p. 529. <sup>170</sup> For an overview, see Robin Frame, 'Ireland and the Hundred Years War', in Anne Curry (ed.), *The Hundred Years War: a geographical approach* (forthcoming). <sup>171</sup> See, e.g., below, p. 318. <sup>172</sup> Smith, *Crisis & survival*, pp 33–4. <sup>173</sup> TNA, C.76/15, m. 41.

was a minor) and seven other lords requiring their presence in Brittany or Gascony with set numbers of troops; Desmond with forty men-at-arms and sixty hobelars was expected to provide the biggest retinue.<sup>174</sup> There is nothing to suggest that these forces were actually forthcoming, though Eustace le Poer, who was not among those summoned by name, went overseas.<sup>175</sup> Similar summonses were issued in the spring and summer of 1344.<sup>176</sup> But the planned campaign did not in the end take place, and broad summonses of this sort were rarely attempted thereafter.

Most of the occasional instances of Irish service can be related to particular political circumstances. In 1338 Sir Edmund Albanach de Burgh put himself in deepest jeopardy by having his kinsman and rival Sir Edmund 'son of the earl', the surviving son of the Red Earl of Ulster, drowned in Lough Mask in Mayo.<sup>177</sup> As part of a reconciliation with the crown, Raymond, his brother, headed for France in August 1340, when Edward III ordered ships to be prepared at Harwich for his crossing. Raymond was rewarded with revenues and lands in Ireland, and in 1344 was the only Irish-born knight to appear in the retinue roll of the English justiciar Ralph Ufford.<sup>178</sup> The biggest contingent from Ireland raised during the fourteenth century was that led by Maurice fitz Thomas, earl of Kildare to join the king at the siege of Calais in 1347. This too followed an estrangement from the authorities. The earl had been arrested and forfeited in 1345 at Ralph Ufford's order during his campaign against Desmond, which Kildare had not joined.<sup>179</sup> Sir Fulke de la Freigne of Kilkenny also led a small contingent overseas on this occasion. Fulke had loyally supported Ufford, but was threatened with forfeiture as one of the sureties who had stood bail for Desmond on his release from prison in Dublin in 1333, after an earlier outbreak of hostilities between the earl and the king's ministers; his service earned him the cancellation of his obligations.<sup>180</sup> The military significance of the contribution from Ireland was slight; Kildare and the others arrived very late in the campaign; and though the deaths of three knights are recorded by the Dublin annalist, they were the result of disease rather than enemy action.<sup>181</sup> For Kildare, however, the experience was transformative. He was knighted by the king during the Christmas festivities at Guildford, found a bride who was the daughter of Sir Bartholomew Burghersh, the king's chamberlain, and went on to serve six brief terms as justiciar or deputy justiciar between 1355 and 1376.<sup>182</sup> The link between political troubles and military service continued in the fifteenth century. In 1418 Thomas Butler, prior of Kilmainham, who had fallen foul of the Talbot administration, led a contingent from Ireland to

<sup>174</sup> *Foedera*, ii, 2, p. 1203. <sup>175</sup> TNA, C.76/17, m. 36. <sup>176</sup> *Foedera*, ii, 2, pp 1188, 1190; iii, 1, p. 17. <sup>177</sup> *AC*, pp 280–1. <sup>178</sup> TNA, C.76/15, m. 17; Frame, 'The de Burghs'; below, p. 305. <sup>179</sup> Below, pp 287–9. <sup>180</sup> *CPR* 1348–50, pp 19–20, 23; Frame, *Eng. lordship*, p. 280. <sup>181</sup> *CStM*, ii, p. 390. <sup>182</sup> His rehabilitation is traced in Frame, *Eng. lordship*, pp 281–3.

the siege of Rouen.<sup>183</sup> And in 1443, in the gloomy final phases of the French war, reconciliation between James 'the Usurper' earl of Desmond and the government of Henry VI was signalled by a request from the crown to provide men, supplies and ships for the defence of Guienne.<sup>184</sup> The presence of James Butler, the White Earl of Ormond, in France on several occasions between 1412 and the 1430s may be read differently. It reflected his close association with Henry V and his brothers and his aspirations to forward his position on the other side of the Irish Sea.<sup>185</sup>

From 1360 onwards, Ireland and France may be viewed as in some ways alternative – though unequal – theatres for English armies, with Ireland receiving more attention during intermissions in the French wars. The first major English-funded expedition to Ireland, that of Lionel of Antwerp, followed swiftly on the Treaty of Brétigny (1360), which put a temporary end to hostilities in France. Similarly, Richard II's Irish expedition of 1394–5 was organized amidst a long truce, involvement in the negotiation of which had been the likely reason for the cancellation of the duke of Gloucester's proposed Irish posting in 1392.<sup>186</sup> In between the expeditions of Lionel and Richard lay the contentious governorships of Sir William Windsor. Windsor's time in office coincided with the renewal of the French war, which entered one of its most challenging and expensive phases during the 1370s. Whatever Windsor's faults, his government was sabotaged by the crown's failure to provide him with all the funding he had been promised, which led to the furore over taxation, when he tried to raise unprecedented sums in Ireland.<sup>187</sup> So one effect of the Hundred Years War was to limit and sometimes disrupt the resources the crown could make available for the Lordship. The priorities were on occasion made explicit, as they had been in 1359. In 1375 Windsor referred to a privy seal letter in which Edward III attributed his inability to pay him in full and on time to the 'great outflow of expenditure' that had become necessary since Windsor's return to Ireland because of the French expeditions of the king's son, Edmund, earl of Cambridge and his son-in-law Duke John IV of Brittany.<sup>188</sup> In 1431 it was noted in the English parliament that payments relating to the king's person and for affairs in France should take priority over the funding of Sir Thomas Stanley, the king's lieutenant in Ireland.<sup>189</sup>

Ireland's association with the wider military scene is visible in other ways. The Kilkenny annals of Friar John Clyn (d. 1349) contain as much about the French wars as any regional chronicle in England. Clyn records the initial campaigns in

<sup>183</sup> Art Cosgrove, 'England and Ireland, 1399–1447', in *NHI*, ii, pp 527–8. <sup>184</sup> *PPC*, v, p. 245; Crooks, 'The ascent and descent of Desmond', pp 239–40. <sup>185</sup> Ormond served in France in 1412–13 and 1418–19 with Clarence, again in 1430, and possibly in 1436 with Humphrey of Gloucester (Matthew, *ODNB*). <sup>186</sup> Anthony Tuck, *Richard II and the English nobility* (London, 1973), pp 154–5. <sup>187</sup> Lydon, 'William of Windsor and the Irish parliament'. <sup>188</sup> *Parls & councils*, p. 82. <sup>189</sup> *PPC*, iv, pp 79–80.

the Netherlands and their effect on prices, Edward III's naval victory at Sluys in 1340, his adoption of the title 'king of France' in the same year, the triumphs at Crecy and against France's ally David II of Scotland at Neville's Cross in 1346, the siege of Calais, and the capture of Charles of Blois in Brittany in 1347.<sup>190</sup> His identification with the English cause is unmistakable, not least in the curious anecdote in which he records the shipwreck of two English commanders, whose ships were blown off course as they returned from Brittany. John de Vere, earl of Oxford and his men were deposited in Connacht 'among the Irish who despoiled them of their goods, horses and arms'. Sir Henry Scrope was more fortunate, making landfall in Cork 'among loyal subjects, who did him no harm'.<sup>191</sup> Nor is Clyn's sense of involvement surprising, since Kilkenny lay upstream from the southern ports and was regularly visited by royal ministers, lords with broad horizons, and the agents of English nobles who held land in the area. The experience of the merchants and mariners of the southern ports was also one of engagement, but of a harsher sort. When all allowances have been made for the tendency of petitions to darken the picture, there is no doubt that Waterford and Cork, together with Kinsale, Youghal and other smaller ports were affected by enemy attacks on their shipping and piracy on the high seas.<sup>192</sup> Nor were towns islands of bourgeois independence; magnates and bishops had property and also interests in them – most obviously in the wine trade, with its importance in the social and liturgical calendars. A sense of identity connected with self-conscious loyalism, is apparent in a petition of 1430 from the mayor and community of Waterford telling the English council that they had held the city from the crown since the reign of 'Harry le seconde', and had suffered impoverishment not just through attacks from local enemies but through the piracy of 'Brittownes, Skottes and Spaynardes'.<sup>193</sup>

A message from the Irish parliament to Henry VI in 1435 asked for reassurance that the Lordship, which had suffered alongside the metropolis from insecurity arising from the French and Scottish wars, would, 'evermore be covered both by sea and by land under the same peace and truces ... like as the roiaulme of England is'.<sup>194</sup> These words encapsulate Ireland's continued membership of a wider political structure. By this time, of course, the Lordship had long been on the defensive, and its heartlands had contracted. The king's subjects in the remaining core areas were conscious of their vulnerability and the need for – or at least the advantages of – favour and assistance from England. The wider polity of which they were part was now more defined geographically,

<sup>190</sup> *AClyn*, pp 223, 225, 227, 239, 241, 243. <sup>191</sup> *Ibid.*, p. 237. <sup>192</sup> For examples, see in particular, Brendan Smith, 'Late medieval Waterford'; and more generally A.F. O'Brien, 'The royal boroughs, the seaport towns and royal revenue in medieval Ireland', *JRSAI*, 118 (1988), 13–26; and Childs and O'Neill, 'Overseas trade', in *NHI*, ii, pp 496–7. <sup>193</sup> Dryburgh and Smith, *Handbook*, pp 196–7. <sup>194</sup> William Betham, *Origins and history of the constitution of England, and of the early parliaments of Ireland* (Dublin, 1834), pp 363–4.

and also more emphatically English. The status of the crown's lands beyond the kingdom of England was the subject of scholarly debate.<sup>195</sup> The inhabitants of the Lordship of Ireland – always in its laws and institutions the most 'English' of the outlying territories – might encounter only 'wary acceptance' as non-aliens when they migrated to England in the fifteenth century.<sup>196</sup> Despite such changes and uncertainties, their sense of belonging remained. The Irish Sea still linked two 'English' worlds, though these were very different from their counterparts in the early thirteenth century, when John and Henry III had promoted the extension of English law and English administrative systems to their expanding Lordship of Ireland.

<sup>195</sup> See R.A. Griffiths, 'The English realm and dominions and the king's subjects in the later Middle Ages', in Griffiths, *King and country: England and Wales in the fifteenth century* (London, 1991), pp. 33–53; and for the complexities, e.g., Andrea Ruddick, 'The English "nation" and the Plantagenet "empire" at the Council of Constance', in *Plantagenet empire*, pp. 109–27. <sup>196</sup> J.L. Bolton, 'Irish migration to England in the Middle Ages: the evidence of 1394 and 1440', *IHS*, 32:125 (2000), 1–21 at 21.

## Ireland after 1169: barriers to acculturation on an ‘English’ edge

Viewed from the later Middle Ages, conquest and colonization in Ireland seem to offer two, superficially contradictory, stories. The first is of cultural exchange: the processes labelled – a trifle inelegantly – by Irish historians ‘Gaelicization’ (of the settlers) and ‘Normanization’ or, more recently, ‘Anglicization’ (of the Irish).<sup>1</sup> The other story is about barriers: the ways in which colonial Ireland, whether consciously or not, was cordoned off from the host society, and how this in turn helped to shape the identity of a settler establishment whose leaders by the fourteenth century described themselves as ‘the English of Ireland’. The two stories are not, of course, contradictory; they exist together in a complicated dialogue. The challenge is to capture its nuances. To try to do so is beyond the scope of this short chapter, which is concerned chiefly with the second theme, the obstacles to integration.

Although Ireland had been on the horizons of Norman kings and clergy since the time of William I and Lanfranc,<sup>2</sup> conquest and extensive settlement there began only in 1169. The late start has made Ireland relevant to the recent attempts by historians of England to pin down the character and chronology of the processes by which the heirs of the conquest of 1066 came to identify themselves as English. John Gillingham in particular has used Ireland as a litmus test, pointing out that for contemporary and near-contemporary writers on both sides of the Irish Sea those who crossed over in the late twelfth century were not ‘Normans’ or ‘French’ – still less ‘Anglo-Normans’ or ‘Anglo-French’ – but ‘English’.<sup>3</sup> This shift in nomenclature can unsettle an Irish audience, for whom a ‘Norman’ invasion, followed by an often very protracted ‘Norman period’, is part of the familiar landscape.<sup>4</sup> Yet Gillingham has also shown that the

<sup>1</sup> The classic study of the former, which has traditionally received far more attention from Irish historians, is Nicholls, *Gaelic Ire*. For ‘Anglicization’ among the Irish secular elites, see Freya Verstraten, ‘Naming practices among the Irish secular nobility in the high Middle Ages’, *JMH*, 32:1 (2006), 43–53, and her ‘Images of Gaelic lordship in Ireland, c.1200–c.1400’, in *Lordship in med. Ire.*, pp 47–74. <sup>2</sup> See, e.g., Benjamin Hudson, ‘William the Conqueror and Ireland’, *IHS*, 29:114 (1994), 145–58, and Michael Richter, ‘The first century of Anglo-Irish relations’, *History*, 59:195 (1974), 195–210. <sup>3</sup> See especially Gillingham, *The English*, ch. 9, entitled ‘The English invasion of Ireland’. These matters are exhaustively reviewed in H.M. Thomas, *The English and the Normans: ethnic hostility, assimilation and identity*, 1066–c.1220 (Oxford, 2003). <sup>4</sup> To take just one example, C.A.

'Norman turn' in the vocabulary of Irish historians was itself a comparatively late development, a by-product of the cultural and political concerns of the late eighteenth and the nineteenth centuries.<sup>5</sup> That the usage should have persisted through the twentieth century is understandable. To describe the twelfth-century invaders as 'English' risked seeming to validate republican rhetoric about 'eight hundred years of English oppression'. The label 'English' was specially problematical for scholars from a southern Protestant background, who were acutely sensitive to anything that might appear to cast doubt on their own Irishness; and it is to two historians from that tradition, Goddard Henry Orpen (1852–1932) and Jocelyn Otway-Ruthven (1909–89), that we owe the most substantial accounts of the subject.<sup>6</sup> The titles used by Otway-Ruthven are particularly revealing, for she seems to have avoided the term 'English' even in contexts where it might have seemed natural to use it. She chose, for instance, to write of 'Norman' settlement in Ireland, and of 'the Norman–Irish state'.<sup>7</sup> Some more recent writers have plumped for 'English'.<sup>8</sup> But even today, there remain at least two possible objections to the term. Within Ireland, it still risks being misunderstood.<sup>9</sup> More importantly, if employed without qualification, it may obscure the complexity and richness of the ethnic and cultural inheritance that was transferred across the Irish Sea in the decades around 1200.<sup>10</sup> However, this chapter is primarily concerned with themes – law, governmental institutions and political allegiance – for which, as I have argued elsewhere, 'English' may indeed come closest to the *mot juste*.<sup>11</sup>

Two quotations may serve to indicate the directions in which we are heading. The first is from Robert Bartlett, who described Ireland as having 'the most extreme form of legal discrimination in the colonized peripheries of Europe', and as showing 'a very unusual form of judicial dualism'.<sup>12</sup> The second is a sentence of my own: 'The aristocracy that became English in England and Scottish in Scotland showed a propensity to assume, or retain, an English

Empey, 'The Norman period, 1150–1500', in William Nolan (ed.), *Tipperary: history and society* (Dublin, 1985), pp. 71–91. 5 John Gillingham, 'Normanizing the English invaders of Ireland', in Huw Pryce and John Watts (eds), *Power and identity in the Middle Ages: essays in memory of Rees Davies* (Oxford, 2007), pp. 85–97. 6 Orpen, *Normans*; Otway-Ruthven, *Med. Ire.* For more about the outlook of these two scholars, see below, pp. 166, 168–70, and the references given there. 7 A.J. Otway-Ruthven, 'The character of Norman settlement in Ireland', in Crooks, *Government*, pp. 263–74; Otway-Ruthven, *Med. Ire.*, ch. 5, entitled 'The government of the Norman–Irish state'. 8 E.g., Séan Duffy, *Ireland in the Middle Ages* (Dublin, 1997), ch. 3, entitled 'Adventus Anglorum'; Smith, *Colonisation*, subtitled *The English in Louth, 1170–1330*. 9 Hence, perhaps, the curious title given to a recent edition of the verse chronicle once known as the 'Song of Dermot and the Earl': *The deeds of the Normans in Ireland: la geste des Engleis en Yrlande*, ed. Evelyn Mullally (Dublin, 2002). 10 See esp. now Keith Busby, *French in medieval Ireland, Ireland in medieval French: the paradox of two worlds* (Turnhout, 2017). 11 S.J. Connolly (ed.), *The Oxford companion to Irish history* (2nd ed., Oxford, 2002), under 'Normans'. 12 Robert Bartlett, *The making of Europe: conquest, colonization and cultural change, 950–1350* (London, 1993), p. 214.

identity in Wales and Ireland.<sup>13</sup> That contrast between England and Scotland, on the one hand, and Wales and Ireland, on the other, is of course far too crude. A first step towards refining it might run like this. England (broadly speaking) saw the replacement of an old ruling establishment by a new one. Scotland (ultimately, and again broadly speaking) saw a blending of elites. Similarly, we might begin to contrast Wales and Ireland along the following lines. Much of Wales remained in the hands of an aristocracy firmly rooted in England, for whose members it was, in the words of Rees Davies, 'an annex'.<sup>14</sup> Ireland, on the other hand, saw a process of detachment, though the degree to which the ties between colony and metropolis loosened in the late Middle Ages may have been exaggerated in the past.<sup>15</sup> By 1400 we can begin to speak of an Irish peerage, whereas the concept of a 'Welsh peerage' would make no sense. But those 'Irish' secular peers included none of native Irish origin: for their arrival in parliament we have to wait until the reign of Henry VIII (1509–47). The earls and barons of later medieval Ireland were at the summit of a political establishment that defined itself as 'English'.<sup>16</sup> In Ireland, the new ruling groups neither wholly eliminated, nor wholly absorbed, nor wholly blended with the native secular elite: which is a roundabout way of stating the blindingly obvious fact that Ireland remained a partially conquered country. The point of this chapter is to explore why Ireland developed as it did, and to pose some questions about when and how this ethnically polarized world emerged. It may be best to begin by considering the position in the late thirteenth and early fourteenth centuries, for it is from that vantage-point that the two opening quotations arose.

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In Edward I's day, the official record sources – which are far richer than those for any earlier period – portray a country contoured by the distinction between English and Irish. Three manifestations of this ethnic division stand out.<sup>17</sup> First, the Irish were 'outside the law' in the sense that their lives and limbs were not protected, as those of the English were, by the law of felony, with its ferocious

<sup>13</sup> Robin Frame, 'Conquest and settlement', in Barbara Harvey (ed.), *Short Oxford history of the British Isles: the twelfth and thirteenth centuries, 1066–c.1280* (Oxford, 2001), pp. 31–66 at 64. <sup>14</sup> Davies, *Lords & lordship*, p. 28. <sup>15</sup> See Frame, *Colonial Ire.*, pp. 154–63, and, for a recent reappraisal of the vigour of the wider English state, including Ireland, Peter Crooks, 'State of the union: perspectives on English imperialism in the late Middle Ages', *P&P*, 212 (2011), 3–42. <sup>16</sup> For discussion of this expatriate Englishness, and its ambiguities, see Robin Frame, "Les engleys nées en Irlande": the English political identity in medieval Ireland", in Frame, *Ire. & Brit.*, pp. 131–50, and ch. 5, below. Peter Crooks, "Hobbes", "dogs" and politics in the Ireland of Lionel of Antwerp, c.1361–66', *Haskins Society J.*, 16 (2005), 117–48, is a revealing case-study. <sup>17</sup> For what follows, see generally A.J. Otway-Ruthven, 'The native Irish and English law in medieval Ireland', in Crooks, *Government*, pp. 141–52; Hand, *Eng. law*, ch. 10.

penalties. If an Englishman killed an Irishman, he might find himself having to pay monetary compensation, but even then only to the victim's English lord (if he had an English lord); nothing was owing to the victim's kin or to any Irish superior. This feature of the system has attracted most attention over the centuries because of the moral questions it seemed to pose. For example, in the 1350s Richard fitzRalph, the archbishop of Armagh – a scholar of European stature born in Dundalk – preached sermons in which he lambasted the inhabitants of his home region, warning them that killing Irish people might not be a felony, but was nevertheless a sin in the eyes of God.<sup>18</sup> The second point has attracted less scholarly attention, but it may be more central to the present subject. The Irish, including those who were personally free and might even be affluent, did not hold their lands in fee and inheritance, by titles defensible in the king's courts, or indeed in the courts of the great franchises that covered large parts of eastern and southern Ireland.<sup>19</sup> Their position remained a matter for negotiation with settler lords, or in some cases with the king. The third point follows naturally from the first two. Those classed as Irish did not hold office in central or local government, whether under the crown or under lords of liberties.<sup>20</sup>

This brief survey brings out the force of Bartlett's comment. Wales, with its cultural and organizational dualities, might at first glance seem to have much in common with Ireland. In many ways it did. But the differences are striking. Aspects of Welsh law were accepted and absorbed, not just in the marcher lordships, but even in the royal principality set up in 1284. Welsh tenures were recognized and protected by the courts.<sup>21</sup> Offices were available to Welshmen; indeed office-holding was one of the foundations of the native gentry or

<sup>18</sup> The fullest account of his attitudes is to be found in Aubrey Gwynn, 'The Black Death in Ireland', *Studies: An Irish Quarterly Review*, 24:1 (1935), 25–42. See also Katherine Walsh, *A fourteenth-century scholar and primate: Richard FitzRalph in Oxford, Avignon and Armagh* (Oxford, 1981), pp. 341–2. For a recent discussion of the centrality of the treatment of homicide as a marker of difference between societies, see T.B. Lambert, 'Theft, homicide and crime in late Anglo-Saxon law', *P&P*, 214 (2012), 3–43. <sup>19</sup> Evidence from earlier in the thirteenth century is more ambiguous. For examples of Irishmen holding freely and pleading in royal and seigneurial records, see K.W. Nicholls, 'Anglo-French Ireland and after', *Peritia*, 1 (1982), 370–403 at 374–83. Apart from the upland lordships of the archbishops of Dublin, these seem to have been much more common in western than in eastern Ireland. Moreover, clear examples of tenure by knight-service, as distinct from fee-farms, remain very scarce; for instance, no Irishmen appear in the feodaries of the Leinster lordships: *Knights' fees*; A.J. Otway-Ruthven, 'Knights' fees in Kildare, Leix and Offaly', *JRSAI*, 91 (1961), 163–81. Extents made in 1338 of the Butler lordship of Nenagh in north Tipperary show that members of the O'Kennedy family had owed scutage: *Inquisitions & extents*, no. 278, at p. 167; C.A. Empey, 'The Butler lordship in Ireland, 1185–1515' (PhD, University of Dublin, 1970), p. 101. <sup>20</sup> The appointment of two members of the MacCarthy family to a Cork commission of the peace in 1387 (below, p. 197) is a very rare exception. <sup>21</sup> For references, see below, notes 51–2.

‘squirearchy’, a group that has received much attention from historians studying late medieval Wales, and that has no exact Irish equivalent.<sup>22</sup>

There is a further preliminary question that needs to be addressed. How was the legal and political demarcation line between English and Irish drawn? We are dealing, of course, not with genetic groups, but with legal categories, categories that had powerful cultural connotations. Again, three points stand out. The first is intermarriage. Those at the very top of society seem to have taken Irish brides only in the earliest stages of the intrusion: the marriages of Richard de Clare (Strongbow) to Aífe daughter of Diarmait Mac Murrough, king of Leinster, and of Hugh de Lacy to a daughter of Ruaidrí O’Connor, king of Connacht, did not set a precedent. But if we move a notch or two down the social scale, despite the poverty of the evidence, we encounter members of the new landed class making cross-cultural marriages, though this was probably more common in western than in eastern Ireland. One of the earliest surviving plea rolls of the royal courts in Ireland, dating from 1259–60, reveals three sisters of the Cork lord Cormac MacCarthy married to men named Cosyn, Kaninges and Prendergast.<sup>23</sup> A slightly later case shows that the Munster landowner, Henry Butler, whose properties later passed by marriage to the Moultons of Egremont (Cumberland), had made two successive Irish marriages.<sup>24</sup> Legislation seeking to forbid such marriages, unless licensed by the crown, does not appear until the mid-fourteenth century.<sup>25</sup> Thus ‘English’ status, determined by the male line, could take in persons of mixed descent.

The category ‘English’ was roomy in a second way: it might be better described as ‘not Irish’. It could include Scots – though possibly only English-speaking Scots<sup>26</sup> – and Lombards, such as the descendants of Edward I’s Florentine bankers,<sup>27</sup> just as readily as men named ‘le Fleming’ or ‘le Breton’ who had participated in the original settlements. The case of those from a Welsh background, who were of course many, is particularly intriguing. In 1332 a plea of novel disseisin in Co. Dublin turned on the question whether the defendant was, as he claimed, Welsh (in which case the assize could proceed) or Irish (in which case it could not). The name of the successful litigant was Richard

<sup>22</sup> See the summary in Davies, *Conquest*, pp. 415–18. <sup>23</sup> NAI, R.C. 7/1, pp. 246–7, 263. <sup>24</sup> Ibid., p. 343. <sup>25</sup> The first known proposal for such a measure appears in a petition sent by the leading ministers of the Dublin government to Edward III, encamped before Calais in 1347: *Affairs Ire.*, p. 189. <sup>26</sup> The classic case is that of Henry Scot, who successfully claimed in the court of the justiciar of Ireland at Cork in 1297 to be, not an Irishman, but ‘anglicus, born of Scotland’, and thus able to use English law: *CJRI 1295–1303*, p. 158; G.W.S. Barrow, *The Anglo-Norman era in Scottish history* (Oxford, 1980), pp. 119, 146. <sup>27</sup> Notably the descendants of Cambino Donati, who morphed into the Lombard or ‘Lumbard’ family, major proprietors and office-holders in late medieval Cork and Waterford: M.D. O’Sullivan, *Italian merchant bankers in Ireland in the thirteenth century* (Dublin, 1962), pp. 60–1, 67; H.F. Berry, ‘Sheriffs of the County Cork, Henry III to 1660’, *JRSAI*, 35 (1905), 44–5, 50; K.W. Nicholls, ‘The development of lordship in Co. Cork, 1300–1600’,

son of Robert le Crouther (*crythwr*, that is, 'harpist').<sup>28</sup> As Ralph Griffiths has pointed out, here we have the ultimate irony that Richard was deemed 'English' in Ireland, but might well have been 'Welsh' in Wales.<sup>29</sup> This was not a recent interpretation. The 1259–60 plea roll contains a case that turned on the same question: Welsh or Irish?<sup>30</sup> There seems to be nothing to suggest that the Welsh participants in the conquest and settlement were ever treated as a separate legal category. There is, moreover, evidence of the absorption of at least one high-born Welsh kin who may have been present in Ireland before 1170, the Mac Rery, or Mac Kanan, family of Balrothery in County Dublin. They were cadet members of the house of Gwynedd, though their precise relationship to Gruffudd ap Cynan remains uncertain.<sup>31</sup> Their incorporation into the settler establishment is clear from the fact that from 1277 to 1282 a 'Rory Mac Kanan' served as a baron of the Dublin exchequer: no Irishman would have had the faintest chance of such an office.<sup>32</sup>

The community of those with English law was open in a third way: it also included men of Irish ancestry who had been explicitly admitted to it. Scores of examples of letters patent, granting the recipients English law and privileges, survive from the time of Edward I onwards. These grants await close analysis; but as one might expect, most appear to have been to Irish people who lived within, or in close proximity to, the colonized areas, and who found their upward (or inward) mobility obstructed by their legal disabilities.<sup>33</sup> A classic case is Robert of Bray, a prominent Dublin citizen and provost of the city, who was granted English law in 1291 before becoming mayor of Dublin.<sup>34</sup> But that is not the whole story. To members of the Irish ruling lineages further afield, it might matter greatly that their position lacked legal definition and protection.<sup>35</sup> We have one remarkable testimony to this. In 1320 Richard de Burgh, the earl of Ulster, obtained letters patent granting English laws and customs for Eoghan O'Madden and three close kinsmen.<sup>36</sup> O'Madden was ruler, tributary to the earl, of a portion of south-east Galway.<sup>37</sup> The earl described them – in

in *Cork hist.*, pp 169, 202. <sup>28</sup> See below, ch. 6. <sup>29</sup> R.A. Griffiths, 'The English realm and dominions and the king's subjects in the later Middle Ages', in Griffiths, *King and country: England and Wales in the fifteenth century* (London, 1991), pp 33–53 at 38. <sup>30</sup> NAI, R.C.7/1, pp 307–8. <sup>31</sup> M.T. Flanagan, 'Historia Gruffud vab Kenan and the origins of Balrothery, Co. Dublin', *CMCS*, 28 (1994), 71–94. <sup>32</sup> *Admin. Ire.*, p. 105. <sup>33</sup> Such an analysis is planned by Dr Peter Crooks, who generously made his working list available to me. <sup>34</sup> *HMDI*, p. 541; H.F. Berry, 'Catalogue of the mayors, provosts and bailiffs of Dublin, A.D. 1229 to 1447', in Howard Clarke (ed.), *Dublin: the living city* (Dublin, 1990), pp 153–62 at 158. <sup>35</sup> For the fourteenth-century belief that the 'five bloods' – the provincial dynasties of O'Neill of Ulster, O'Brien of Munster, O'Connor of Connacht, MacMurrough of Leinster and O'Melaghlin of Meath – had been granted the right to use English law by the crown, see below, p. 136, n. 4. <sup>36</sup> *RCH*, p. 28, no. 93; CIRCLE, Pat. R. 13 Edward II, no. 93. <sup>37</sup> *Inquisitions & extents*, no. 264, at p. 152. As well as control of land, de Burgh devolved to O'Madden the profits of the 'hundred court' of his family territory, Síl Anmchadha (bar. Longford, Co. Galway): *ibid.*, p. 153.

the strikingly proprietorial language that magnates used even when referring to Irish provincial kings – as ‘his Irishmen’. Most unusually, there is a reference to this grant in a Gaelic source, which presents it as one of Eoghan’s achievements, to be set alongside his battle-triumphs and his pious exertions. In John O’Donovan’s translation:

The following is an additional part of the remuneration of Eoghan from his chief lords: namely, that Eoghan and his tribes should have equal nobility with them and their heirs, while the particular decision of these English lords had been this on their Gaels: namely, that the Gael should be made ignoble though a landholder, and that it should be said that the Saxon was noble, though without rearing and lands; until Eoghan obtained an abrogation of the decision from the Barons.<sup>38</sup>

The ‘Triumphs of Turlough’, a mid-fourteenth-century Gaelic history of the O’Brien family and their vassal lords, also deplores a topsy-turvy world where those of ancient lineage were despised and rejected, while ‘plebeian’ outsiders were exalted.<sup>39</sup>

When did this divided world, with its binary legal distinctions, come into existence? The old view was that the attitudes and systems visible in the later thirteenth century were present from the start; the more recent, that the classifications and procedures visible in the records of Edward I’s time were a mid-to-late thirteenth-century development.<sup>40</sup> The evidence does suggest that definitions sharpened and barriers rose higher across the thirteenth century. This is supported by the evidence that the Ostmen, descendants of the Norse inhabitants of the southern cities, found it increasingly difficult to maintain the privileged status they claimed to have held since the time of Henry II (1154–89).<sup>41</sup> It would also mirror the trajectory identified by Rees Davies and others in Wales.<sup>42</sup> Even so, the rudiments of the dual system are clearly visible very early in the thirteenth century. We have an unimpeachable grant of English law to an Irishman in 1215: King John instructed his justiciar of Ireland that the grantee was to have *legem et libertatem Anglicanam*, the same formulation that is found in later grants.<sup>43</sup> It is tempting to link this document with what had happened in 1210. According to Roger of Wendover, John, during his Irish expedition in that year, promulgated a charter or ordinance establishing *leges et consuetudines*

<sup>38</sup> *The tribes and customs of Hy-Many*, ed. John O’Donovan (Dublin, 1843), pp 141–2. <sup>39</sup> *CT*, ii, p. 8. <sup>40</sup> Contrast Otway-Ruthven, ‘The native Irish’ (originally published in 1950), p. 144, with Nicholls, ‘Anglo-French Ireland’, pp 374–6. <sup>41</sup> Hand, *Eng. law*, pp 210–12; Ciaran Parker, ‘The Ostmen in post-Norman Waterford’, *Decies*, 49 (1994), 29–37. <sup>42</sup> For the growth of crown jurisdiction in the mid-thirteenth century, see R.R. Davies, ‘Kings, lords and liberties in the March of Wales, 1066–1272’, *TRHS*, 5th ser., 29 (1979), 41–61 at 56–60, and, more generally, Davies, *Conquest*, pp 300–7. <sup>43</sup> *RLP*, p. 155. For fuller discussion of the case and of other evidence in this paragraph, see Frame, ‘Les engleys’,

Anglicanas in Ireland. Modern legal historians have judged this story well founded, but have also stressed that 1210 was only the formalizing of a process that was already well advanced.<sup>44</sup> And there is indeed fairly clear evidence that a grant of English law in similar terms was made in 1208–9 by William Marshal as lord of the regalian liberty of Leinster.<sup>45</sup> Whether it is possible to envisage such grants going back earlier still – not perhaps to the 1170s, but to the late 1180s or the 1190s – is a conundrum I must leave to others.

Whatever the precise chronology, there is the bigger question *why* Ireland acquired the characteristics it did. An answer involves themes that, individually at least, have become very familiar in recent years. The first is the intellectual and cultural context, or public rationale (we might say), of conquest in Ireland. This is visible long before Henry II set foot in the country, when the condition of the Irish church and society was coming to the attention of Canterbury and Rome, and links were being forged between reformist churchmen in Ireland and the outside world. In 1172, after Henry had associated himself with a reforming church council at Cashel, he and others reported his work to Pope Alexander III. Alexander's responses echo a rhetoric that had been batted back and forth between Ireland, England, Rome, and latterly Clairvaux, since the time of Gregory VII and Lanfranc. The Irish were 'that barbarous and uncouth race (*gentem illam barbaram, incultam*) which is ignorant of divine law'; the king and clergy were encouraged to put them straight.<sup>46</sup> Alongside the 'moral' matters, which focused particularly on marriage customs, there were many other features that were being worked up into an adverse image of the Irish and other 'peripheral' peoples. These have been well evoked by Robert Bartlett, Rees Davies, John Gillingham, Matthew Strickland and others: economic backwardness, lack of political centralization, savagery in war.<sup>47</sup> Writing in this tradition, Gerald of Wales in his books on Ireland, as well as offering a foundation narrative that explained exactly when and how the presence of the English there began, endowed that presence with a moral purpose: to re-engineer a barbarous society.

So, Henry II and his successors had no roots in the Irish past: the logic of their presence in Ireland was to break with it. The situation was quite different from that in England, where Duke William saw himself as heir to Edward

pp 134–6. <sup>44</sup> Hand, *Eng. law*, pp 1–3; Brand, *Common law*, ch. 19. For some recent comments, see M.T. Flanagan, 'Defining lordships in Angevin Ireland: William Marshal and the king's justiciar', in Martin Aurell and Frédéric Boutoulle (eds), *Les seigneuries dans l'espace Plantagenêt* (Bordeaux, 2009), pp 41–59. <sup>45</sup> *CJRI 1295–1303*, p. 271. <sup>46</sup> *Pont. Hib.*, i, nos. 5–7; quotation at p. 20. These letters are available in translation in *EHD*, ii, pp 777–80. The literature on this subject is vast. See, for example, Richter, 'First century of Anglo-Irish relations', and Flanagan, *Ir. soc.*, pp 7–55. <sup>47</sup> E.g., Robert Bartlett, *Gerald of Wales, 1146–1223* (Oxford, 1982), Part III; Davies, *Empire*, ch. 5; Gillingham, *The English*, chs 1, 3, 5, 9; Matthew Strickland, *War and chivalry: the conduct and perception of war in England and Normandy, 1066–1217* (Cambridge, 1996), ch. 11.

the Confessor, and where there was through time a reception and reworking of English history. From that English past came, not just legitimacy, but also valuable levers of power and material resources. The position was also different from that in Scotland, where there was genuine regnal continuity, with an ancient, though now distinctly cosmopolitan, dynasty, folding (or shoe-horning) new men in alongside the old, and – on a long view – softening the edges of possible conflict. In Ireland the keynote was discontinuity. It was counterpointed by the existence among the Irish themselves of a highly developed sense of history and identity, which by 1100 was being manipulated by the publicists of ambitious rulers.<sup>48</sup> In that story, the Norse – despite their high degree of assimilation – were cast as perpetual ‘foreigners’: auditioning, one might say, for the role the English were to occupy for centuries.

The second point is a very old one, but perhaps worth reiterating. Again, timing was of the essence. Conquest and colonization in Ireland took place almost exactly between ‘Glanville’ and ‘Bracton’: that is, when English custom was crystallizing in a way that made it consciously exportable. This ensured that interaction of customs was – at least at the formal and official level – far more inhibited than it had been, and would continue to be, in Wales.<sup>49</sup> The contrast comes into sharp focus in the 1270s and 1280s, when Edward I and his advisers were wrestling with the problems (as they saw it) of both Welsh and Irish law. In response to lobbying during 1277–80 from David MacCarwell, the Irish archbishop of Cashel, and his suffragans for a general grant of English law to the Irish, Edward famously declared that ‘the laws which the Irish use are detestable to God and so contrary to all law that they ought not to be deemed laws’.<sup>50</sup> Aspects of Welsh custom were condemned in equally choleric terms, notably by John Pecham, the archbishop of Canterbury. But there were fundamental differences. Edward and his agents made a sustained effort to discover what Welsh law *was*, and to assess it. Those agents included Welsh judges, and the operation involved interaction with Welsh local elites.<sup>51</sup> Nor does the 1284

<sup>48</sup> Donnchadh Ó Corráin, ‘Kingship and nationality in pre-Norman Ireland’, in T.W. Moody (ed.), *Nationality and the pursuit of national independence: Hist. Studies XI* (Belfast, 1978), 1–35, and Brian Ó Cuív, ‘Literary creation and Irish historical tradition’, *PBA*, 49 (1963), 233–62, are in their different ways classic treatments. For the propaganda side, see, e.g., Maire Ní Mhaonaigh, ‘*Cogad Gáedel re Gallaib*: some dating considerations’, *Peritia*, 9 (1995), 354–77. <sup>49</sup> This contrast was emphasized by Otway-Ruthven, ‘The native Irish’, pp. 141–2; her fullest statement on the subject is in ‘Knight service in Ireland’, in Crooks, *Government*, pp. 155–68 at 166–8. The theme is developed in Brock Holden, ‘Feudal frontiers: colonial societies in Wales and Ireland, 1170–1330’, *Studia Hib.*, 33 (2004–5), 61–79. See also ch. 4, below. <sup>50</sup> CDI 1252–84, no. 1408. For the episode, see A.J. Otway-Ruthven, ‘The request of the Irish for English law, 1277–80’, *IHS*, 6:24 (1949), 261–70, and Seymour Phillips, ‘David MacCarwell and the proposal to purchase English law, c.1273–c.1280’, *Peritia*, 10 (1996), 253–73. <sup>51</sup> See, in particular, J.B. Smith, ‘England and Wales: the conflict of laws’, *TCE*, 7 (1999), 189–205, and, more generally, R.R. Davies, ‘Law and national identity in thirteenth-century Wales’, in R.R. Davies et al. (eds), *Welsh society*

Statute of Wales condemn Welsh custom root and branch: Edward ended up – roughly speaking – sifting the oats of Welsh property law from the husks of the abhorrent criminal codes.<sup>52</sup> All this reflects an interaction of customs that went back to 1067, and perhaps earlier, and could not now be erased. In Ireland, the native laws had never been countenanced; there seems to be no evidence that they had been explored or evaluated by the English authorities. So whereas the stance of Welsh leaders was to defend the laws of Wales, the only option in Ireland was to try to buy in to English law, which the cosmopolitan MacCarwell may have regarded as preferable in any case.

Thirdly, there is the political context of expansion into Ireland. From the moment of Henry II's landing, an enduring link was formed between conquest and colonization and the royal court, household and administration. Several examples appear in the second half of the chapter, so one illustration may suffice here. John's ill-starred expedition of 1185 led to the foundation of four major, lasting baronial houses in Ireland. The founders were (in ascending order of durability) Gilbert Pipard, Bertram de Verdun, William de Burgh and Theobald Walter. That gives us three men who served as sheriffs in England (Gilbert, Bertram and Theobald), two who were itinerant justices (Gilbert and Bertram), two who came from East Anglia and carried the cult of St Edmund King and Martyr to Ireland (William and Theobald), one who died at Acre having been on King Richard's crusade (Bertram), one who was a nephew of Ranulf de Glanville and brother of Archbishop Hubert Walter (Theobald), and one who was a brother of the future justiciar of England, Hubert de Burgh (William).<sup>53</sup> Among those introduced to Ireland by the crown or by lords such as these during the period 1172–1240 were many lesser men with English backgrounds, chiefly, though by no means exclusively, from western England. All were by definition experienced 'consumers' – and sometimes purveyors – of English

*and nationhood: historical essays presented to Glanmor Williams* (Cardiff, 1984), pp 51–69.

<sup>52</sup> L.B. Smith, 'The Statute of Wales, 1284', *WHR*, 10:2 (1980), 127–54. <sup>53</sup> A point first stressed by W.L. Warren, 'John in Ireland, 1185', in John Bossy and Peter Jupp (eds), *Essays presented to Michael Roberts* (Belfast, 1976), pp 11–23 at 16–17. The careers of Bertram de Verdun (John's seneschal) and Gilbert Pipard are explored in M.S. Hagger, *The fortunes of a Norman family: the de Verduns in England, Ireland and Wales, 1066–1316* (Dublin, 2001), pp 34–57, 193–5. They figure high, and usually together, in the witness-lists of charters given by John in Ireland: M.T. Flanagan, 'Household favourites: Angevin royal agents in Ireland under Henry II and John', in A.P. Smyth (ed.), *Seanchas: studies in early and medieval Irish archaeology, history and literature in honour of Francis J. Byrne* (Dublin, 2000), pp 357–80 at 377–80. For Theobald Walter, see M.T. Flanagan in *ODNB*; and for William de Burgh, C.A. Empey, *ibid.* William founded the wealthy Augustinian house of St Edmund at Athassel, Co. Tipperary, which served as the de Burgh mausoleum (Michael O'Neill, 'Christ Church cathedral as a blueprint for other Augustinian buildings in Ireland', in John Bradley et al. (eds), *Dublin in the medieval world: studies in honour of Howard B. Clarke* (Dublin, 2009), pp 168–87); and the name 'Edmund' was favoured by the de Burgh (Burke) and Butler families for centuries.

law and government.<sup>54</sup> This was the age of William the Lion and Alexander II of Scotland, when legal ideas and procedures developed in England were finding their way north of the Border. There they were domesticated, becoming part of a legal and governmental system presided over by the king of Scots. The enlargement of these regnal structures, it has been convincingly argued, was a key influence in shaping a shared Scottish identity during the course of the thirteenth century.<sup>55</sup> In Ireland, by contrast, they were the privileged possession of those who remained subjects of the king of England. Thus underlying attitudes, the chronology of legal and governmental development, and the political context all combined to create, at an official level, a presumption against cultural exchange.

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Since there was to be no official acceptance of accommodations with Irish custom, a key question was whether room might be found within the emerging colonial establishment for members of the old secular ruling groups. The second part of the chapter explores the histories of members of four Gaelic dynasties. The first two belong to the lower strata of Irish royalty, and to the inmost core of conquest and settlement. The latter two draw us westwards, to the outer zones of the emerging Lordship of Ireland, where English royal and baronial power met, and challenged, Irish provincial kingship.

By far the best documented instance of successful boundary-crossing concerns the ruling dynasty immediately south of Dublin city. Its leader, Domnall Mac Gillemochlomog, called by Gerald of Wales *Gillemeholmoch*, was married to Derbforgaill, a daughter of his overlord, Diarmait MacMurrough, the king of Leinster. Domnall quickly submitted to Henry II, and is soon found in Strongbow's military circle and as a witness to his charters.<sup>56</sup> Parts of Domnall's territory were surrendered, and went into the making of the swathe of royal demesne manors that emerged in the Vale of Dublin, the area between the city and the hills to the south.<sup>57</sup> Numerous charters survive, recording gifts

<sup>54</sup> See Frame, *British Isles*, pp 85–7. <sup>55</sup> H.L. MacQueen, *Common law and feudal society in medieval Scotland* (Edinburgh, 1993); K.J. Stringer, 'The emergence of a nation state, 1100–1300', in Jenny Wormald (ed.), *Scotland: a history* (Oxford, 2005), pp 39–76; Dauvit Broun, 'A second England? Scotland and the monarchy of Britain in "the first English empire"', in Seán Duffy and Susan Foran (eds), *The English isles: cultural transmission and political conflict in Britain and Ireland, 1100–1500* (Dublin, 2014), pp 84–102. <sup>56</sup> Giraldus, *Expug. Hib.*, pp 94–5; *Crede mihi: the most ancient register book of the archbishop of Dublin*, ed. J.T. Gilbert (Dublin, 1897), no. 45; *Deeds of the Normans*, p. 135, l.3214. <sup>57</sup> There is a useful account of the family in O'Byrne, *Irish of Leinster*, pp 20–4. See also James Mills, 'The Norman settlement in Leinster: the cantreds near Dublin', *JRSAI*, 24 (1894), 160–75 at 160–3; K.W. Nicholls, 'The land of the Leinstermen', *Peritia*, 3 (1984), 535–58 at 537–40; Linzi Simpson,

of the family to religious houses in Dublin. Derbforgaill made, and participated in, several grants. So too did Diarmait, their son. He is referred to as their heir, and indeed – admittedly in a late and dubious text – as *primogenitus*.<sup>58</sup> The term 'heir' is also applied in one case to their grandson, who bore the non-Irish, and resonant, name 'John'.<sup>59</sup> Derbforgaill's prominence is no doubt explained by her exalted birth: she describes herself as 'daughter of MacMurrough'. But the message seems unmistakable: this was a canonical marriage, and an expectation of lineal succession – not an established Irish custom – was being placarded.<sup>60</sup>

The history of the later generations is one of increasingly full assimilation. Diarmait, his son John *filius Dermittii*, and their descendants held their Dublin lands in chief, by knight-service.<sup>61</sup> John married Clarissa daughter of Gilbert fitzGriffin, lord of Knocktopher in Kilkenny, a member of the FitzGerald clan. Their charters have high-status witnesses from the colonial establishment.<sup>62</sup> Around 1233 the wardship of their son, John son of John, was bought by Ralph de Pitchford for 300 marks. Ralph, a landholder in Shropshire and eastern Ireland, served as seneschal to the Pipards in Louth and also as sheriff there. It is probable that John son of John married Pitchford's daughter.<sup>63</sup> In 1282 his son, Ralph son of John, had a year's respite from restraint of knighthood.<sup>64</sup> Shortly afterwards, he stood high in the witness-lists of Dublin charters, where he is indeed described as a knight.<sup>65</sup> It is mildly ironic to find him figuring as a

'Anglo-Norman settlement in Uí Briún Cualann, 1169–1350', in *Wicklow hist.*, pp 191–235; Flanagan, *Ir. royal charters*, pp 274–6. 58 Register of the hospital of S. John the Baptist without the New Gate, Dublin, ed. E St J. Brooks (IMC, Dublin, 1936), nos. 362–3; CStM, i, pp 31–2; ii, pp 13–14. 59 CStM, i, p. 33. 60 The pressure towards regularizing (as the church and English law saw it) marital and inheritance practices is visible, for instance, in grants made in fee-farm in the Wicklow area by the archbishops of Dublin in the mid-thirteenth century, which, particularly in the case of non-English tenants, used the formula 'to him and his heirs *by his wife*': *Reg. Alen*, pp 120–2. 61 Diarmait owed the service of one knight and two otter skins: *Rot. Chart.*, p. 173. Scutage lists later in the century record the quota as one knight and one foot-serjeant: see, e.g., RIA, MS 12 D 10, p. 57. 62 For instance, a charter of John son of Diarmait of c.1219, granting fishing rights on the Liffey to the priory of All Hallows, is witnessed by leading members of colonial society and by 'William my seneschal', but also by two Gaelic Irish dynasts; by contrast, the confirmation charter of his son, John son of John, c.1266–7, has a wholly English witness-list: *Registrum prioratus omnium sanctorum juxta Dublin*, ed. Richard Butler (Dublin, 1845), pp 23–4. See also Séan Duffy, 'Town and crown: the kings of England and their city of Dublin', *TCE*, 10 (2005), 95–117 at 97. Clarissa brought with her claims to property in Co. Carlow, and there is a possibility that the couple had interests in Northamptonshire: *Irish monastic and episcopal deeds, A.D. 1200–1600*, ed. N.B. White (IMC, Dublin, 1936), p. 305; *CR 1227–31*, p. 254. 63 CDI 1171–1251, nos. 2081, 2152, 2247. See Brendan Smith, 'The de Pitchford family in thirteenth-century Ireland', *Studia Hib.*, 27 (1993), 29–43 at 35. 64 CDI 1252–84, no. 2003. The grant is dated at Rhuddlan, which might suggest that Ralph was serving with Edward I in Wales. 65 *Christ Church deeds*, ed. M.J. McEnery and Raymond Refaussé (Dublin, 2001), nos. 125–7. In 1285 he stood second only to Wulfram de Bernevalle, the sheriff of Dublin, in a jury of 12 knights and others (CDI 1252–84, no. 2344).

leader of the south Dublin gentry who were engaged in protecting the lowlands against the raids and predatory pasturing of the Irish of the hills and glens.<sup>66</sup> The career of his son, John son of Ralph, also has its moment of irony: in 1305 he owed Edward I a hefty fine for extorting money from an Irishman described as a *hibernicus et nativus* of the king.<sup>67</sup> (The Irish dependant tenants on the royal demesnes, like the king's villeins in England, enjoyed special protection.) The family's fortunes slumped around this time. John sold lands to Neil le Brun, the king's escheator in Ireland.<sup>68</sup> There is nothing, however, to suggest that his problems arose from his distant Irish ancestry, though his petitions calling attention to the erosion of the family property during the first half of the thirteenth century show that he was conscious of it.<sup>69</sup> The early 1300s saw an intensification of frontier warfare in the Wicklow region; times were tough for all landholders in the area. At least till the 1280s, the story is of survival and adjustment, of – as our jargon would have it – a new 'identity', accompanied by some loss of wealth and status.

The second example takes us to what became Co. Waterford, the other main area of direct crown lordship in the early period, which is less well documented. In 1203 King John issued a charter confirming a grant made by his father of Dunmore and other lands just south of Waterford in return for the service of one knight at the city.<sup>70</sup> The recipient was O'Bric. In the late twelfth century, the O'Brics were a minor kingly dynasty, located in the Decies, in south-west Waterford, near Dungarvan.<sup>71</sup> So here we have that rare thing: unambiguous evidence of the enfeoffment of a member of the local Irish elite in fee and inheritance, on the same terms as the incomers. The evidence for the events that followed is scanty, but there is just enough to sustain a story. By 1214 O'Bric had been dispossessed. His son, who bore the supremely resonant name 'Henry', tried to recover his father's property. King John at first refused, but then relented, and accepted a fine from Henry for his restoration. The corn and cattle on the land were reserved to the current occupant. He – revealingly – was Hugh de Bernevalle, a member of a Norman curial family. Reginald, his brother, who through time succeeded to Hugh's Irish interests, was one of John's household knights.<sup>72</sup> Silence then falls. But there is nothing to suggest that Henry O'Bric was re-established at Dunmore, which later in the thirteenth

<sup>66</sup> CDI 1252–84, p. 285; *IExP*, p. 20. <sup>67</sup> *CJRI* 1305–7, p. 150. <sup>68</sup> *Ibid.*, pp 69, 213–14; NAI, K.B. 1/1, m. 60. <sup>69</sup> *CJRI* 1305–7, p. 66. His father, in a charter to the Dublin abbey of St Thomas, had described himself as 'Radulphus filius Johannis filius Johannis filius Dermicui': *Register of the Abbey of St Thomas, Dublin*, ed. J.T. Gilbert (RS, London, 1889), pp 179–80. <sup>70</sup> *Rot. chart.*, p. 113; CDI 1171–1251, no. 190. <sup>71</sup> For the geography, see MacCotter, *Territorial divisions*, pp 245–9. The O'Bric family figures little in Ciaran Parker's valuable article, 'The internal frontier: the Irish in County Waterford in the later Middle Ages', in *Colony & frontier*, pp 139–54. The evidence concerning them was noted by Edmund Curtis, *Med. Ire.*, pp 102–3, 123. <sup>72</sup> *RLC*, i, pp 168, 219; CDI 1171–1251, nos. 505, 581, 594. For the de Bernevalles, see S.D. Church, *The household knights of King John*

century was held by others.<sup>73</sup> In 1253 an inquisition reveals Cormac O'Bric, holding in the Decies, as the least wealthy among a group of Irishmen with lands at farm. Henry III was unhappy with the level of their rents, and they fade from the tenurial record, as new English grantees were inserted above them.<sup>74</sup> Members of the family were still around, some in the Dungarvan area, in the 1260s.<sup>75</sup> In 1313 two of them received general pardons at the request of Sir John le Poer, baron of Dunhill, the leading Waterford magnate. The pardons had two specified exceptions, 'death of an Englishman and arson' – a neat symbol of the family's failure to cross the barrier that their ancestors had appeared to be traversing a century before.<sup>76</sup>

Several aspects of these cases – of which that of O'Bric may be the more typical – are striking. Before 1170 these areas, especially Dublin, had been the most open and culturally mixed parts of Ireland; indeed, the MacGillamocholmog territory of Uí Dúnchada lay within the orbit of the Hiberno-Norse kingdom of Dublin. Diarmait MacMurrough himself, king of Leinster and overlord of Dublin, portrayed by Gerald of Wales as a barbarian, figures in recent academic discourse as a reformer, a fate neatly expressed by Francis John Byrne, who commented that '[Diarmait's] reputation for brutality reflects his determination to create a modern kingship, and is therefore not in such strong contrast to his friendship with the reforming clergy as at first appears'.<sup>77</sup> Secondly, the process of acculturation was pushed forward through direct interaction with the king of England and his representatives. Marie Therese Flanagan has pointed to the significance of the fact that the MacGillamocholmog family, holding within the area that Henry II reserved for himself, enjoyed an unmediated link with the crown. It may be that members of the Irish secular elite were most likely to be successfully absorbed where royal power was at its most intensive.<sup>78</sup> But even in such areas, acceptance was not straightforward. There were hurdles to be overcome. It required full assimilation to the customs and manners of the English: in names, family structures, social styles and political allegiance. It meant territorial losses and rearrangements, to suit the requirements of the newcomers. And it was likely to be vulnerable, as in the case of O'Bric, to the continued acquisitiveness of those intimately associated with the new dispensation. On the face of it, Gaelic Irish dynasties inhabited a tougher, and certainly less stable, environment than that

(Cambridge, 1999), pp 27, 132–3 and n. 73 Before 1290 it was held in chief by Michael le Fleming (CDI 1285–92, pp 311–12). 74 *Inquisitions & extents*, no. 13; CDI 1252–84, no. 135. For the background, see Parker, 'The internal frontier', pp 140–2. 75 Edmund Curtis, 'Sheriffs' accounts of the honor of Dungarvan, of Tweskard in Ulster and of County Waterford', *PRIA*, 39C:1 (1929), 1–17 at 7. It would be rash to read significance into their names, Walter and Moriardach (Muirchertach), though these do appear to evoke the mixed cultural world they inhabited. 76 *CJRI* 1308–14, p. 300. 77 F.J. Byrne, *Irish kings and high kings* (London, 1973), p. 272: an insight developed in detail in Flanagan, *Ir. soc.*, chs 2–3. 78 Flanagan, *Ir. royal charters*, p. 276.

which existed in the zones of direct royal lordship in Scotland, where the kings of Scots closely managed the interactions of native and incoming landholders.<sup>79</sup>

The position of the greater Irish royal dynasties further afield was also precarious. For at least forty years, 'modernization' (for want of a better term) has been the keynote of scholarly discussions of provincial kingship during the eleventh and twelfth centuries.<sup>80</sup> This has been part of a general, and welcome, trend to stress complexity, change and 'Europeanization' in 'pre-Norman' Ireland: in short, the cynic might say, to show that Gerald of Wales was wrong. Recently, this theme has been taken to a new level of sophistication in Marie Therese Flanagan's studies, of Leinster in particular, which have at last introduced the vocabulary of 'lordship' (rather than the obfuscating 'feudalism' and its ugly sister 'proto-feudalism') to the debates.<sup>81</sup> Several features have been emphasized. One is the development of the Hiberno-Norse coastal towns of the south and east, and their use as residences by Irish kings, who tapped into their wealth, and military and naval resources, together with their overseas contacts. Another is the enhancement of what might be called regnal infrastructure, including fortification, bridge-construction and firmer subordination of sub-kings through tributes and services. On the military side, stress has been placed on the presence of mounted troops and bowmen in armies, and also the possession of fine weaponry, at least by the super-elite.<sup>82</sup> The association of kings with ecclesiastical reform is another familiar theme. New monastic foundations had significant implications for both the reputation and the territorial grip of royal patrons; while the delineation of diocesan boundaries, mapped on to, and might reinforce, regnal units. The changes also had an ideological side. Some have identified signs in Ireland, as in Wales, of royal responsiveness to ideas of canonical marriage, which had implications for dynastic orderliness (as outsiders might see it) and greater predictability of succession.<sup>83</sup> Flanagan locates Strongbow's inheritance of Leinster, through his marriage to MacMurrough's daughter Aífe, who was born, unlike Derbfgaill, of a canonical union, within the context of reform – though it must also reflect King Diarmait's practical dependence on Strongbow's backing.<sup>84</sup> It was these developing kingly lordships, it is argued, rather than a collection of unstable chieftaincies, that faced the English in Ireland. The jury remains out, however, on crucial questions about the extent, depth and stability of the changes that

<sup>79</sup> See, for example, Alexander Grant, 'Lordship and society in twelfth-century Clydesdale', in Pryce and Watts (eds), *Power and identity*, pp 98–124. <sup>80</sup> Fundamental here were Donncha Ó Corráin, *Ireland before the Normans* (Dublin, 1972), ch. 4, and Byrne, *Irish kings*, ch. 12. <sup>81</sup> See especially M.T. Flanagan, 'Strategies of lordship in pre-Norman and post-Norman Leinster', *ANS*, 20 (1998), 107–26. <sup>82</sup> M.T. Flanagan, 'Irish and Anglo-Norman warfare in twelfth-century Ireland', in *Military hist. Ire.*, pp 52–75. <sup>83</sup> See, for example, Huw Pryce, 'Church and society in Wales, 1150–1250: an Irish perspective', in Davies, *British Isles*, pp 27–47 at 33–7, developed further in Pryce, *Native law and the church in medieval Wales* (Oxford, 1993), ch. 4, esp. pp 82–9. <sup>84</sup> Flanagan, *Ir. soc.*, ch. 3.

have been identified. And, of course, the rapid intrusion of outside powers into every Irish province fundamentally changed the prospects both for native rulers and for their dynastic rivals.

The careers of two early thirteenth-century kings, who have figured in recent scholarship as examples of acculturation, expose some of the most important obstacles to successful co-option into the new political world. Donnchad Cairprech O'Brien was king of Thomond (north Munster) from 1210 to 1242. Donnchad was a son and eventual successor of Domnall Mór O'Brien, who had quickly submitted to Henry II after his landing at Waterford in October 1171. He was also heir to a long tradition of Christian kingship. His great-great-uncle, Muirchertach O'Brien, had been the most powerful ruler in Ireland around 1100, lord over Dublin and a player in Irish Sea politics.<sup>85</sup> Muirchertach was associated with church reform; the councils of Cashel (1101) and Rathbreasil (1111), at which a diocesan structure was sketched out, were held under his aegis. Towards the end of Muirchertach's life, however, the O'Brien overlordship collapsed, so that Domnall Mór moved on a smaller stage. But he was still a figure of substance. He successfully resisted early English assaults on Limerick; his use of the title 'king of Limerick', rather than 'king of Thomond', may have been a riposte to these.<sup>86</sup> He was also a notable patron of the Cistercians: during the 1180s, he founded several houses, including Holycross near Cashel, and Kilcooly further east, again perhaps partly in reaction to baronial infiltration of the region.<sup>87</sup> William de Burgh, active in Tipperary and Limerick after 1185, may have married one of Domnall's daughters; he was certainly closely allied with his sons.

In view of this background, it is perhaps not surprising that Donnchad seems to have come closer than any contemporary of equivalent status to assimilation. His career has some striking features. According to one source, King John, during his expedition to Ireland in 1210, knighted Donnchad and granted him Carrigogunnel, a lordship just south-west of Limerick city, in the 'occupied' part of Thomond.<sup>88</sup> If the story is true (it comes from a late set of annals), this was most unusual: it is hard to think of another example of the knighting of a native Irish lord before the 1360s.<sup>89</sup> There is, however, circumstantial evidence that tends to confirm it. Donnchad's imperfectly preserved seal-image portrays him in equestrian style, though wearing a form of crown.<sup>90</sup> His successors, alone among the provincial dynasties, are recorded as owing, not just tributes

<sup>85</sup> His career is outlined in Ó Corráin, *Ireland before the Normans*, pp 142–50. <sup>86</sup> Flanagan, *Ir. royal charters*, pp 132–4. <sup>87</sup> Roger Stalley, *The Cistercian monasteries of Ireland* (London, 1987), p. 14. For discussion of his foundation charters, see Flanagan, *Ir. royal charters*, pp 127–74. <sup>88</sup> *AMisc.*, pp 86–7. The main Munster annalistic source confines itself to recording that John recognized Donnchad as king of Thomond: *AI*, pp 338–9. <sup>89</sup> See below, p. 197. Richard II's knighting of leading Gaelic lords in 1394–5 was viewed as an exceptional event: Curtis, *Ric. II in Ire.*, pp 41–3. <sup>90</sup> Verstraten, 'Images of Gaelic

in cash or cattle, but scutage.<sup>91</sup> His insider status is apparent in other ways. In 1215 King John entertained an offer from him for the wardship of the lands and heir of the Munster baron Thomas fitzMaurice, ancestor of the earls of Desmond.<sup>92</sup> It is most unusual to find an Irish king in the running for such a custody. Donnchad also stands out by his presence as the sole native Irish name in the long roll-call of those in trouble for having supported Richard Marshal, earl of Pembroke and lord of Leinster, against Henry III in 1234.<sup>93</sup>

Yet Donnchad's integration into the English world was never completed. Much of the explanation lies in the simple fact of continuing conquest: the O'Brien kingdom was being destroyed, as the crown and baronage stripped away the areas that had been critical to the earlier expansion and consolidation of lordship.<sup>94</sup> After the death of Domnall Mór in 1194, the city of Limerick had fallen into English hands. King John developed it as a royal centre, not just with an impressive castle dominating the Shannon, but with a mint. Donnchad's reversion to the title 'king of Thomond' tells its own tale.<sup>95</sup> The rich farmland of Limerick and Tipperary had filled up with the sub-tenants of the Butlers, de Burghs and other English magnates; in the late medieval period, Holycross would become a Butler church.<sup>96</sup> Nor did the intrusion stop there. Limerick castle, with its vista down the Shannon, was not the boundary of baronial or royal ambition. The English may never have succeeded in occupying securely the lands across the river. But they made major incursions from the 1190s onwards, disrupting what remained of the contracting O'Brien orbit. These were not just pieces of private enterprise by local settler lords: they were driven from the centre, from the courts and households of John, Henry III and Edward I. The intrusions of the 1250s, for example, were led by figures such as John de Muscegros, a knight of Henry III's household and son of Robert de Muscegros, Queen Eleanor's steward, who had been granted the area around Bunratty (Co. Clare). John served by turns as sheriff of Devon and sheriff of Limerick. Another grantee, to the west of Bunratty, was John fitzGeoffrey, the justiciar of Ireland, son of Geoffrey fitzPeter, earl of Essex, King John's justiciar of England, and himself a senior and multi-faceted *curialis*.<sup>97</sup> All this left Conchobar O'Brien (d.1268), Donnchad's son and successor, stranded: plaintively writing to Henry III about the behaviour of his people in Ireland, and making financial offers he could not afford for the rump of his kingdom, until the temporary weakening of English royal power from 1258 during

lordship', pp 52–3. <sup>91</sup> C.A. Empey, 'The settlement of the kingdom of Limerick', in Lydon, *Eng. & Ire.*, pp 1–25 at 13–15. <sup>92</sup> CDI 1171–1251, no. 673. The offer was made jointly with Thomas fitzAnthony, the king's seneschal of Munster. <sup>93</sup> Ibid., nos. 2168, 2194; *CPR* 1232–47, pp 69, 71. <sup>94</sup> The fullest guide to what follows remains Orpen, *Normans*, ii, ch. 18; iv, ch. 34. See also Empey, 'Settlement of Limerick', and, for some long perspectives, ch. 15 below. <sup>95</sup> Flanagan, *Ir. royal charters*, pp 358–9. <sup>96</sup> Stalley, *Cistercian monasteries*, pp 113–15. <sup>97</sup> Robin Frame, 'King Henry III and Ireland: the shaping of a peripheral lordship', in Frame, *Ire. & Brit.*, pp 31–57 at 47–54.

the period of baronial reform and rebellion provided a respite.<sup>98</sup> In the next generation, the driving force was to be Thomas de Clare, brother of Gilbert de Clare, earl of Gloucester and lord of Kilkenny. Thomas, a crusading companion and intimate of Edward I, was granted Thomond in 1276.<sup>99</sup>

The story of Donnchad O'Brien's older contemporary, Cathal Crobderg O'Connor (d.1224), and those who followed him as kings of Connacht, is equally informative. Cathal was the half-brother and eventual successor in Connacht of Ruaidrí O'Connor, over-king of Ireland in the time of Henry II. Though of mature years when he first attained the kingship in 1189, Cathal was no bone-headed defender of the old ways, as an excerpt from the obituary with which the Connacht chronicle opens in 1224 shows. He was

the king who most blinded, killed and mutilated rebellious and disaffected subjects; the king who best established peace and tranquillity of all the kings of Ireland; the king who built most monasteries and houses for religious communities; ... the king who was most chaste of all the kings of Ireland; the king who kept himself to one consort and practised continence before God from her death till his own ... And it is in the time of this king that tithes were first levied for God in Ireland. This righteous and upright king, this prudent, pious and just champion, died in the robe of a Grey Monk ... in the monastery of Knockmoy, which with the land belonging to it he had himself offered to God and the monks.<sup>100</sup>

Cathal hired foreign troops and granted lands to their leader; he built an imposing Cistercian house at Abbeyknockmoy, where English masons may possibly have been employed; his savagery has been interpreted as a sign that he was expanding the scope of his jurisdiction along English lines; his wife seems to have performed the functions of active queenship.<sup>101</sup> But as in the case of Donnchad O'Brien, the path of acculturation proved stony. In Connacht, as in

<sup>98</sup> See, in particular, Aoife Nic Ghiollamhaith, 'The Uí Bráín and the king of England, 1248–1276', *Dal gCais*, 7 (1984), 94–9, and 'Dynastic warfare and historical writing in north Munster, 1276–1350', *CMCS*, 2 (1981), 73–89. <sup>99</sup> Beth Hartland, 'English lords in late thirteenth- and early fourteenth-century Ireland: Roger Bigod and Thomas de Clare', *EHR*, 122:496 (2007), 318–48 at 326–33. <sup>100</sup> *AC*, pp 2–5. <sup>101</sup> See, in general, Helen Perros, 'Crossing the Shannon frontier: Connacht and the Anglo-Normans, 1170–1224', in *Colony & frontier*, pp 117–38 at 127–38; on Cathal's wife, Simms, *Kings*, pp 71–2; on religious reform, Brendan Smith, 'The frontiers of church reform in the British Isles, 1170–1230', in David Abulafia and Nora Berend (eds), *Medieval frontiers: concepts and practice* (Aldershot, 2002), pp 239–53 at 245–6; and on Abbeyknockmoy, Stalley, *Cistercian monasteries*, pp 41–3, 240. The dilemmas of a later Connacht king are explored in Freya Verstraten, 'Both king and vassal: Feidlim Ua Conchobair of Connacht, 1230–65', *JGAHS*, 55 (2003), 13–37, and some broader perspectives are suggested in Thomas Finan, 'O'Conor "grand strategy" and the Connacht chronicle in the thirteenth century', in T. Finan (ed.), *Medieval Loch Cé: history, archaeology and landscape* (Dublin, 2010), ch. 7.

Thomond, there was destabilizing territorial erosion, which culminated in the later thirteenth century with the building of a royal castle at Roscommon, in the O'Connor dynastic heartland.<sup>102</sup>

The O'Connor case throws another problem into high relief, that of succession. Cathal's main concern in his later years was to have his favoured son, Aedh (*Odo*), recognized as his successor. Aedh was promoted as co-ruler locally. He was also presented as heir in Cathal's diplomatic dealings with both Henry III and Pope Honorius III.<sup>103</sup> Cathal himself had emerged from a long and bloody competition with the son and grandson of his brother, Ruaidrí. His priority was to exclude that rival branch definitively. His plans did not work out. After Cathal's death in 1224, Aedh was quickly undermined by a toxic combination of his own dynastic rivals and the de Burghs. By the 1270s, the eviscerated Connacht kingship was circulating with vertiginous speed among rival dynastic segments. Their strings were often pulled by the de Burghs, the Geraldines, or royal ministers at Dublin. It is particularly significant that the lineage did not narrow for inheritance purposes; it widened, as descendants of two further brothers or half-brothers of Ruaidrí and Cathal O'Connor belatedly muscled in.<sup>104</sup> There is evidence that contemporaries were conscious of the problem presented by the unpredictability of succession. For instance, two charters survive from around 1224, in which Aedh O'Connor and Donnchad O'Brien made perpetual grants of annual payments in silver to Citeaux. They contain almost identical clauses, making the continuation of the payments binding upon their successors, 'whether they may be my sons, or my kinsmen, whether blood relatives, whether known persons, whether strangers'.<sup>105</sup> Segmentary strife was not a new phenomenon. But the presence of the English gave additional options to excluded members of dynasties, who had an enduring sense of entitlement.

The building of lordships at this period involved many things, but close to its heart were the intertwined matters of territorial definition and control, together with lineal – or at least orderly – succession. Twelfth-century Ireland had seen the greater kings gain a firmer grip on territory. That there had been a corresponding shift in succession practices is less clear. After 1170, whatever

<sup>102</sup> The fullest published narrative account of Connacht history in this period remains Orpen, *Normans*, ii, ch. 19; iii, chs 28–30; iv, ch. 35. <sup>103</sup> *Royal letters*, Hen. III, i, pp 223–4; *Pont. Hib.*, i, no. 147. For further comment, see Robin Frame, 'England and Ireland, 1171–1399', in Frame, *Ire. & Brit.*, pp 15–30 at 21–4. <sup>104</sup> For an analysis of one of the intruding branches, see Katharine Simms, 'A lost tribe – the clan Murtagh O'Conors', *JGAHS*, 53 (2001), 1–22, with genealogical table at p. 2. Genealogies are also printed in *NHI*, ix, p. 158, and Frame, *Colonial Ire.*, p. 53. There were seven changes of king between 1274 and 1293, and five between 1315 and 1318: *NHI*, ix, pp 223–4. <sup>105</sup> Flanagan, *Ir. royal charters*, pp 350–1, 358–9 (quotation at p. 359). See also the charter given by the sub-lords of Thomond (*ibid.*, pp 364–5), and the confirmation of Donnchad's charter by his son, Conchobar, between 1251 and 1254 (*ibid.*, pp 370–1).

trends there had been in both respects were rudely interrupted and reversed. Here, too, the contrast with the Scottish royal house is striking: in Scotland the descendants of David I expanded and deepened their administrative capacity and jurisdictional authority; at the same time they ruthlessly suppressed the pretensions of other dynastic branches.<sup>106</sup> In the later Middle Ages, Gaelic Ireland did see consolidation of lordships and more stable successions, but this was at a local rather than provincial level. Provincial kingship had, in practice, all but evaporated, though it remained ideologically significant. Instead, stability is visible in smaller lordship units, as the O'Connor dynasty and others splintered into distinct branches, and shared the scene with former vassals (now in practice of equal status), and with the descendants of English intruders, such as the cadet branches of de Burghs.<sup>107</sup>

This chapter has emphasized the influence of the kings of England on the conquests in Ireland. The English legal and institutional imprint was deep, as was the impact of men from the centre of the Plantagenet polity. But something was missing. Rees Davies, in his final book, insisted on the importance of what he called 'the choreography of personal lordship'.<sup>108</sup> In this respect, the gulf between the colonizing and the native secular elites remained vast. Royal visits to Ireland might be very few, but men towards the top of colonial society were not distant from the king and court.<sup>109</sup> Some had lands on both sides of the sea or, like the de Burghs, kinsmen at the centre of power. Links of landholding, kinship, patronage and service were multiple and densely textured. People continually came and went between the two islands. Great nobles – de Burghs, Butlers, Geraldines, de Verduns – died in the service of Henry III in Poitou and Gascony. Heirs were brought up in Henry's household, and in the households of each of the three Edwards. They might be knighted by the king, and in their turn knight men in Ireland. Some married women from the royal circle, occasionally from the outskirts of the royal kin itself. In all these interactions, native Irish lords were conspicuous by their absence. Apart from some instances of military attendance in Wales and Scotland, there seems to be evidence of only one visit by an Irish king to the court of Henry III or Edward I. It was made by Fedlimid O'Connor in 1240, in an effort to counter the de Burgh take-

<sup>106</sup> A.A.M. Duncan, *Scotland: the making of the kingdom* (Edinburgh, 1975), pp. 193–4, 196–7, and the table at 628–9. Compare also the succession strategies of the thirteenth-century princes of Gwynedd, and their partially successful 'ministerializing' of members of their wider kin: David Stephenson, *The governance of Gwynedd* (Cardiff, 1984), ch. 8; J.B. Smith, 'The succession to Welsh princely inheritance: the evidence reconsidered', in Davies, *British Isles*, pp. 64–81. <sup>107</sup> Nicholls, *Gaelic Ire.*, pp. 22–7, 151–210, and the valuable map, also by Nicholls, in *NHI*, iii, pp. 2–3. There are significant observations on the 'levelling up' of once subordinate dynasties in Aoife Nic Ghiollamhaith, 'Kings and vassals in later medieval Ireland: the Uí Bhriain and the MicConmara in the fourteenth century', in *Colony & frontier*, pp. 201–16. <sup>108</sup> Davies, *Lords & lordship*, p. 198. <sup>109</sup> A surfeit of illustrations of the points that follow may be enjoyed in Frame, 'King Henry III and Ireland'; Frame,

over of Connacht. Matthew Paris mentions the occasion, as does the Connacht annalist, who tells us that Fedlimid ‘received much honour from the king on that visit and returned home in safety, happy and cheerful’.<sup>110</sup> More fool he. The ‘personal lordship’ that might have made full co-option possible for at least some members of the old ruling families was lacking.

The distance of Gaelic ruling families from the English court prompts one other thought. Irish inheritance conventions differed from English, in the absence of primogeniture, and in greater openness to interventions by collateral claimants, sometimes even in the thirteenth century by men whom canon law would stigmatize as illegitimate. But there was another fundamental difference: Irish women – while they might symbolize important political connections (possibly advantaging their sons over half-brothers born to women of lesser status), bring movable wealth to a marriage, and hold lands and revenues within their husbands’ lordships – did not transmit land or office.<sup>111</sup> Strongbow’s succession to Leinster through Aife remained the exception that proved the rule; even it was almost immediately superseded by a more limited grant of lordship there by Henry II, with whom Strongbow had hastened to make his peace. There was thus no shared set of rules for aristocratic inheritance, and no marriage-market in the English sense. This may have had something to do with the stubborn power of Irish written law, though custom in Ireland was, in practice, far from immutable. But it also sprang from the circumstances just described: the absence of a common political centre, to serve as a crucible where the topmost ranks of colonial and native society might have blended, with the king encouraging fusion. Again, the contrast with Scotland is marked. From the perspective of Ireland, ‘native’ lordship in Scotland can look remarkably Anglicized, with lords who were knighted, issued ‘feudal’ land-charters, passed their inheritances on in common-law fashion, participated fully in the political life of the kingdom, and generally found it easier than their Irish counterparts to negotiate cultural frontiers.<sup>112</sup> At a rapid count, five Scottish earldoms, some in the Highlands, together with the lordship of Galloway, passed through females during the thirteenth century. Nor was this simply a process by which well-connected men of Anglo-Norman descent gobbled up native lordships, though in places that may have been part of the story. Cultural traffic passed both ways.

*Eng. lordship*, chs. 1, 6, 8; and below, ch. 3. <sup>110</sup> *AC*, pp 72–3, and see *ibid.*, pp 84–5, for his service in Wales in 1245; Matthew Paris, *Chronica majora*, ed. H.R. Luard, 7 vols (RS, London, 1872–83), iv, pp 57–8. <sup>111</sup> This is a rough-and-ready portrayal of more complex realities: see Katharine Simms, ‘The legal position of Irishwomen in the later Middle Ages’, *Ir. Jurist*, 10:1 (1975), 96–111 at 105–7, and, more generally, Nicholls, *Gaelic Ire.*, pp 64–8, 83–7. <sup>112</sup> See, for example, C.J. Neville, *Native lordship in medieval Scotland: the earldoms of Strathearn and Lennox, c.1140–1365* (Dublin, 2005); K.J. Stringer, ‘Periphery and core in thirteenth-century Scotland: Alan son of Roland, lord of Galloway and constable of Scotland’, in Alexander Grant and K.J. Stringer (eds), *Medieval Scotland: crown, lordship and community. Essays presented to G.W.S. Barrow* (Edinburgh, 1993), pp 82–113.

The inheritance of the earldom of Carrick by the Bruces, for instance, added a Gaelic dimension to a family that had for most of the thirteenth century been distinctly Anglo-Scottish in its orientation.<sup>113</sup> In Ireland, however, especially at the topmost social level, it is the differences, and the rising institutional barriers, between the new and old ruling groups that catch the eye.

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The notion of an 'edge' can be made to suit Ireland very well. Geographically, the country was on an outer margin of the Norman world. Chronologically too, we might think it on (or over) the edge of that world: hence those perennial debates as to whether we are dealing with 'Normans', 'Anglo-Normans', 'Anglo-French' or 'English'. Whatever label we use – and to insist on a single 'correct' answer is surely to pursue an *ignis fatuus* – the incomers encountered an Irish society that might be described as itself on an edge: the brink of 'Europeanization'. It was sufficiently developed to offer incentives to conquest, and also to provide handles to grasp: coastal urban centres, reformist clergy, rulers of some sophistication with whom deals might be done. But it retained features that made it hard to absorb: political fragmentation, a lack of significant inland towns, and also a secular leadership with customs that, without the solvent of a powerful and accessible court, made elite integration difficult. It could also be argued – at the risk of pushing the metaphor a step too far – that by 1200 English custom, in the hands of agents and aristocratic clients of the English crown, had a degree of definition that was tending to seal its edges against seepage by alien practices.

In mundane ways, of course, interaction and cultural exchange were pervasive from the start: after all, according to Roger of Howden, Henry II himself received Irish kings at Dublin at Christmas 1171, in a wattle palace they built for him according to Irish custom.<sup>114</sup> By the fourteenth century, royal officials in Ireland routinely exercised forms of lordship with a distinctly Gaelic tinge over Irish leaders.<sup>115</sup> At the same time, they employed a rhetoric that presented Irish culture as foreign and menacing, and anathematized those whom they perceived to be infected by it. Official pronouncements, such as the Statutes

<sup>113</sup> R.M. Blakely, *The Brus family in England and Scotland, 1100–1295* (Woodbridge, 2005); Séan Duffy, 'The Bruce brothers and the Irish Sea world, 1306–29', *CMCS*, 21 (1991), 55–86 at 70–6; Duffy, 'The Anglo-Norman era in Scotland and Ireland: convergence and divergence', in T.M. Devine and J.F. McMillan (eds), *Celebrating Columba: Irish–Scottish connections, 597–1997* (Edinburgh, 1999), pp. 15–34 at 21–4. <sup>114</sup> Flanagan, *Ir. soc.*, pp. 172, 201–7. <sup>115</sup> A theme explored in Robin Frame, 'English officials and Irish chiefs in the fourteenth century' and 'Military service in the Lordship of Ireland, 1290–1360: institutions and society on the Anglo-Gaelic frontier', in Frame, *Ire. & Brit.*, chs 14–15; see also below, pp. 195–8, 318–19 and 340–1.

of Kilkenny of 1366, naturally reflected assumptions about national identity as they existed at that period. They were also the product of an age when English rule in Ireland was on the defensive literally as well as metaphorically. But the unstable combination of legal and institutional rigidity, on the one hand, and of practical flexibility in matters ranging from military tactics and alliances to language and literary culture, on the other, was much older; it might indeed be seen as the central paradox of medieval 'English' Ireland throughout its history. Its origins are to be found in the character, circumstances and timing of the original conquests and settlements.

## CHAPTER 3

# Historians, aristocrats and Plantagenet Ireland, 1200–1360

Ireland lay on an outer edge of the Plantagenet dominions, beyond Wales, itself a land where royal control depended heavily on marcher lordships, many of them in the hands of leading English aristocratic families. The conquest of Ireland, which remained incomplete, had also been the work of magnates, who sought to displace native rulers in the various provinces. Change was deepest in lowland areas of the east and south; further afield, authority was disputed or shared in shifting local balances. As in Wales, leadership might be provided by second-rank families who ‘battled in the country year in year out’.<sup>1</sup> But the continued interest of their superiors was essential: it provided regional coherence, and helped to knit the dispersed core areas of the Lordship of Ireland together; and – the main theme of this chapter – it was crucial to maintaining Ireland’s ties with the crown. These were not things that could be achieved by scanty bureaucratic systems alone. Of course, magnates competed, clashing violently on occasions; but this itself provided opportunities for manipulation and for the display of regal magnanimity. Quarrels erupted even at the peak of Edward I’s power. But they were most likely to run out of control when kingship itself was infected with faction.<sup>2</sup>

So much might seem obvious: in any extensive medieval polity, the management of outlying regions tended to rest on aristocrats. In Ireland, where even the deeply colonized areas lay close to upland or wooded march districts, this dependence was likely to be heavy. Yet for much of the twentieth century the aristocracy received little attention from historians, whose neglect was sometimes accompanied by a barely veiled hostility. Recent years have seen this begin to change. There have been studies (mostly by scholars based outside Ireland) of aspects of the noble ethos, of individual baronial families and their origins, and of the wider networks in which many ‘Irish’ barons belonged.<sup>3</sup>

<sup>1</sup> Davies, *Conquest*, ch. 4, quotation, p. 86; Smith, *Colonisation*, esp. chs 2, 5, 7, analyses such families in an area where magnate lordship was transient. <sup>2</sup> Peter Crooks, “Divide and rule”: factionalism as royal policy in the lordship of Ireland, 1171–1265’, *Peritia* 19 (2005), 263–307, is a stimulating fresh approach. <sup>3</sup> E.g., Davies, *Domination*, ch. 2; Robert Bartlett, ‘Colonial aristocracies’, in *Med. frontier societies*, pp. 23–47; J.R.S. Phillips, ‘The Anglo-Norman nobility’, in Lydon, *Eng. in med. Ire.*, pp. 87–104; David Crouch, *William Marshal: court, career and chivalry in the Angevin empire 1147–1219* (London, 1990); K.J. Stringer, ‘Nobility and identity in medieval Britain and Ireland: the de Vescy family, c.1120–

The point has also been made that great lords, their comparatively compact lordships, and their systems of kinship and clientage were potential building blocks of a viable dominion, not inherently subversive of it.<sup>4</sup> But older attitudes still lurk in the pages of what remain the standard general histories.<sup>5</sup> In fact the twentieth century opened favourably for the aristocratic conquerors. Centralist prejudices are absent from G.H. Orpen's *Ireland under the Normans 1169–1333*, still the fullest account of the thirteenth century. 'Orpen' is arranged regionally, around the great lordships. The Marshal lords of Leinster, de Lacy lords of Meath, de Burgh lords of Connacht and Ulster, and others, figure strongly. Orpen was at ease with noble culture, which he saw as 'Norman' or French, and as more advanced than its Gaelic counterpart. Like Gerald of Wales, and in common with many southern Irish Unionists of his own time, he harboured at best ambivalent feelings towards the English state and its agents.<sup>6</sup>

Intruding aristocrats were likely to fare less well after the political watershed of 1916–22. The change is visible in Edmund Curtis's *History of mediaeval Ireland, 1086 to 1513*, which served as the standard account for more than forty years. The book reveals the impact of public events as well as historical fashion. Curtis might be said to have become a victim of his gift for encapsulating in vivid phrases views with contemporary resonance: these have proved more memorable than the qualifications that often accompany them.<sup>7</sup> He professed a nationalism that was consciously non-sectarian, and he was sensitive to both the Gaelic and the Anglo-Irish tradition. These attitudes were accompanied by Stubbsian constitutionalism and a belief in that will-o'-the-wisp: strong, but fair, central administration. Ironically, he helped to import into Irish historical discourse characteristically English ideas about an acceptable political order.<sup>8</sup>

1314', in Smith, *Brit. & Ire.*, pp 199–239; M.S. Hagger, *The fortunes of a Norman family: the de Verduns in England, Ireland and Wales, 1066–1316* (Dublin, 2001); Beth Hartland, 'Vaucouleurs, Ludlow and Trim: the role of Ireland in the career of Geoffrey de Geneville (c.1226–1314)', *IHS*, 32:128 (2001), 457–77; Frame, *Eng. lordship*, esp. chs 1, 2; Frame, *British Isles*, ch. 3; Robin Frame, 'King Henry III and Ireland: the shaping of a peripheral lordship', 'Ireland and the Barons' Wars' and 'Aristocracies and the political configuration of the British Isles', in Frame, *Ire. & Brit.*, chs 3, 4, 9; Peter Crooks, 'Factions, feuds and noble power in the lordship of Ireland, c.1356–1496', *IHS*, 35:140 (2007), 425–54; and (since this essay was originally published), Davies, *Lords & lordship*; Colin Veach, *Lordship in four realms: the Lacy family, 1166–1241* (Manchester, 2014) and Daniel Brown, *Hugh de Lacy, first earl of Ulster: rising and falling in Angevin Ireland* (Woodbridge, 2016). 4 Robin Frame, 'Power and society in the lordship of Ireland, 1272–1377', in Frame, *Ire. & Brit.*, ch. 11. 5 E.g., Otway-Ruthven, *Med. Ire.* is not hostile towards nobles but does not discuss them as a group, emphasizing institutions. Lydon, *Lordship* concentrates on the Dublin administration; magnates and 'feudatories' come in for periodic criticism. 6 Seán Duffy, in Orpen, *Normans* (2005), pp xxi–xxiii; Robin Frame, 'The "failure" of the first English conquest of Ireland', in Frame, *Ire. & Brit.*, pp 1–13 at 2–4; below, pp 168–70. 7 For his background and outlook, see T.W. Moody, 'Edmund Curtis (1881–1943)', *Hermathena*, 63 (1944), 69–78; Moody, rev. Robin Frame, *ODNB*; and Peter Crooks, 'The Lecky professors', in Crooks, *Government*, pp 23–53 at 25–36. 8 E.g., a strict application of *Quo warranto* by

Curtis regarded the aristocracy as inimical to good government and to the rule of law, and condemned the crown, at once neglectful and exploitative of Ireland, for failing to provide these benefits, and for allowing unruly magnates too much leeway. Nobles were ‘the great barrier between the Crown and the common folk, English and Irish’.<sup>9</sup> And so King John, who visited Ireland in 1210, became an unlikely hero, casting down barons, reducing franchises, and enlarging the scope of royal government: ‘his visit was a turning-point in the organizing of a state, where all the ills of an unbridled feudalism were running wild’.<sup>10</sup> Nor had Curtis much time for ‘absentees’ (an anachronistic term that linked medieval proprietorship to more recent Irish landlordism): in the fourteenth century, ‘these English claimants drew rents from Ireland, but otherwise might as well not have existed’.<sup>11</sup> However, as regards resident lords his hostility was tempered in two respects: he approved of those whom he saw as bridging Anglo-Norman and Gaelic culture; and he praised those, starting, improbably, with Maurice fitz Thomas, the first earl of Desmond (d.1356), whom he credited with defending Irish constitutional interests against English tyranny or mismanagement.<sup>12</sup>

The few English medievalists who took an interest in Ireland approached it from standpoints very different from those of Curtis, yet at the same time reinforced his negative picture of the aristocracy. H.G. Richardson and G.O. Sayles, who together and separately published a great deal on the Irish parliament and administration, through their very choice of themes suggested that the proper focus of work on Anglo-Irish relations should be the interactions between the governments at Westminster and Dublin.<sup>13</sup> Sayles did, however, produce one study of a magnate, prompted by his discovery in the rolls of the king’s bench of indictments taken in the southern counties of Ireland relating to Curtis’s earl of Desmond.<sup>14</sup> The record of Desmond’s felonies and alleged treasonable conspiracies, mostly elicited from juries during the rule of the

Edward I might have enabled the Lordship to escape ‘its final fate of feudal disintegration’ (Curtis, *Med. Ire.*, p. 169). <sup>9</sup> *Ibid.*, p. 199. Cf. F.M. Powicke’s fear that in the 1220s England might suffer the pathology of ‘a relapse to “spheres of local influence”’ (*The thirteenth century, 1216–1307* (Oxford, 1953), p. 20). A Scottish and an Irish historian have independently suggested that a more devolved power-structure, on the Scottish model, would have suited Ireland better (G.W.S. Barrow, *The kingdom of the Scots* (London, 1973), p. 136; K.W. Nicholls, ‘The development of lordship in Co. Cork, 1300–1600’, in *Cork hist.*, pp 157–211 at 159, 194–6). For further discussion, see below, p. 327. <sup>10</sup> Curtis, *Med. Ire.*, ch. 6, quotation, pp 113–14. <sup>11</sup> *Ibid.*, p. 203. For the slipperiness of the term and the tendency of historians to ante-date and exaggerate disengagement from Ireland, see two studies by Beth Hartland: ‘Reasons for leaving: the effect of conflict on English landholding in late thirteenth-century Leinster’, *JMH*, 32:1 (2006), 18–26; and ‘Absenteeism: the chronology of a concept’, *TCE*, 11 (2007), 215–29. <sup>12</sup> *Med. Ire.*, pp 215–18. <sup>13</sup> Their main joint works were *Ir. parl.* (1952) and *Admin. Ire.* (1963); on Sayles, see ch. 10, below. <sup>14</sup> ‘The rebellious first earl of Desmond’, in *Gwynn studies*, pp 203–29; Sayles, ‘Legal proceedings’. For the Lucy and Ufford episodes, see below, chs 11, 12.

assertive English justiciars Anthony Lucy (1331–2) and Ralph Ufford (1344–6), who each imprisoned the earl, enabled him to expose the notion that he was a leader of Anglo-Irish opinion as wishful thinking. Desmond's fig-leaf of respectability was plucked away. For Sayles, he was a quintessential unruly magnate: 'let us remember that medieval kings in general were always having to cope with subjects like the earl of Desmond'.<sup>15</sup>

The other British historian to interest himself in Ireland was W.L. Warren, the biographer of Henry II and John. Warren produced a sequence of essays re-evaluating the Irish involvement of the Angevins, concentrating on John, as lord of Ireland (1185–99) and as king.<sup>16</sup> He arrived at an interpretation of John which, though more sophisticated than that of Curtis, came to similar conclusions. In 1185, guided by members of his father's circle, John aimed to reinforce royal power by planting king's men in key salients between Anglo-Norman lordships and Gaelic kingdoms.<sup>17</sup> His rapid withdrawal from Ireland saw this 'policy' lapse. But he took it up again twenty years later, when he curtailed the franchises of Leinster and Meath, pulled down the de Lacy's and others, introduced career royal officials, and attracted Gaelic rulers into his service, aiming to curb baronial expansion and to rule impartially over both nations.<sup>18</sup> Warren portrayed John as consciously veering, as circumstances changed, between employing *familiares* (whom he compares to Anglo-Saxon king's thegns) and 'managing Ireland through a feudal structure of great baronies'.<sup>19</sup> If Orpen preferred barons, there is no doubt that, at least in Ireland, Warren preferred king's men.<sup>20</sup> The problem may be that the line between the two was less distinct than his arguments make it appear; also, in a 'new' country where land was in ready supply, it was particularly easily crossed.<sup>21</sup>

<sup>15</sup> 'Rebellious earl', p. 227; comments on Curtis, pp 225–6. <sup>16</sup> 'The interpretation of twelfth-century Irish history', in J.C. Beckett (ed.), *Hist. Studies VIII* (London, 1969), 1–19; 'The historian as "private eye"', in J.G. Barry (ed.), *Hist. Studies IX* (Belfast, 1974), 1–18; 'John in Ireland, 1185', in John Bossy and Peter Jupp (eds), *Essays presented to Michael Roberts* (Belfast, 1976), pp 11–23; 'King John and Ireland', in Lydon, *Eng. & Ire.*, pp 26–42. <sup>17</sup> 'John in Ireland', pp 16–17. Warren had only recently endorsed Gerald of Wales's hostile comments on the expedition, dismissing John's grantees as 'cronies': *Henry II* (London, 1973), pp 204–6. <sup>18</sup> For criticism, especially of the portrayal of John as an ethnically even-handed king, see Seán Duffy, 'King John's expedition to Ireland, 1210: the evidence reconsidered', *IHS*, 30:117 (1996), 1–24, and 'John and Ireland: the origins of England's Irish problem', in S.D. Church (ed.), *King John: new interpretations* (Woodbridge, 1999), pp 221–45; Crooks, "Divide and rule": factionalism as royal policy in the Lordship of Ireland, 1171–1265', *Peritia*, 19 (2005), 263–307 at 269–70 and n. 26; and see below, pp 156–8. <sup>19</sup> 'King John and Ireland', pp 32–3. <sup>20</sup> Contrast his view that Stephen's reign saw 'a different form of government' in England, involving 'a conscious rejection of the trend towards centralization, bureaucracy and government by servants of the state' (*The governance of Norman and Angevin England 1086–1272* (London, 1987), pp 91–5, at 92, 94). Warren seems less happy with this alternative in Ireland, probably because he felt that Gaelic rulers were entitled to royal protection against the barons. <sup>21</sup> As in the case of William de Burgh, discussed below. Cf. M.T. Flanagan, 'Household favourites: Angevin royal

This sketch reveals the tendency of writers on Ireland to deal in categories and antitheses that may be too simplified to bear the explanatory weight placed upon them. The dichotomies include royal as opposed to baronial interests, magnates as opposed to *curiales*, and resident lords as against absentees. They take their place within a broader narrative concerned with the ever more exclusive identification of the settler elites with Ireland, and the Gaelicization of elements among them. This in turn propagates a further set of distinctions and stereotypes, along ethnic lines. In view of the variety of their backgrounds and attachments, no lord or aristocratic family can be presented as typical. But I propose to consider a handful of individual cases – starting with magnates whose interests were concentrated in Ireland, and then turning to those normally classed as outsiders – as a way of posing questions about some of these labels and contrasts. ‘Plantagenet Ireland’ is an unfamiliar term. I have employed it partly to salute Michael Prestwich’s recent volume in the New Oxford History of England,<sup>22</sup> but also to signal the essay’s themes, which draw us towards the courts and households of the Plantagenet kings, and the conventions of lordship and service associated with them. These were at least as important in shaping Anglo-Irish relations as the institutions and routines of royal administration – though to express the matter in this way risks conjuring up another suspect antithesis, for of course these things overlapped.<sup>23</sup>

\* \* \*

By the test of where their lands lay, the de Burghs were unambiguously ‘Irish’ barons. William de Burgh (d.1206), a brother of Hubert de Burgh the future justiciar of England, had come to Ireland in 1185 with John, from whom he received lands in north Munster, followed in 1194 by a speculative grant of Connacht. His son, Richard I de Burgh (d.1243), made the lordship of Connacht a reality. Richard’s son, Walter de Burgh (d.1271), added the earldom of Ulster to this already vast inheritance thanks to a grant by the Lord Edward in 1263. The de Burghs’ links with Gaelic Irish society began early. It is probable that William de Burgh married a daughter of Domnall Mór O’Brien, king of Thomond (d.1194).<sup>24</sup> This alliance prompted Curtis to introduce a favourite theme, racial blending and the Gaelicizing of the settlers: ‘William’s sons by her ... had the blood of Brian Boru in their veins, and were native agents in Ireland under Henry II and John’, in A.P. Smyth (ed.), *Seanchas: studies in early and medieval Irish archaeology, history and literature in honour of Francis J. Byrne* (Dublin, 2000), pp. 357–80. <sup>22</sup> *Plantagenet England 1225–1360* (Oxford, 2005). <sup>23</sup> See, e.g., J.O. Prestwich, ‘The military household of the Norman kings’, *EHR*, 96:378 (1981), 1–35; Michael Prestwich, *War, politics and finance under Edward I* (London, 1972), ch. 2; and for institutionalizing of royal lordship in the thirteenth century, S.L. Waugh, *The lordship of England: royal wardships and marriages in English society and politics, 1217–1327* (Princeton, 1988), esp. pp. 3–14. <sup>24</sup> See C.A. Empey in *ODNB*.

speakers of the Irish language. Already a mixed race was in sight ...'.<sup>25</sup> It is not difficult to find evidence of the de Burghs' acceptability in the Gaelic world. Walter de Burgh, amid his struggles with the O'Connor kings of Connacht, shared a bed with Aedh O'Connor in a ceremonial reconciliation in 1262.<sup>26</sup> His son, Richard, earl of Ulster (d.1326), known as the 'Red Earl' in Irish sources, was the recipient of a bardic elegy.<sup>27</sup> Two fourteenth-century Gaelic histories, *Caithréim Thoirdhealbhaigh* and a tract in praise of the Connacht lord Eoghan O'Madden (d.1347), favour the de Burghs, 'our own Foreigners', as against later incomers: in the first case the de Clare lords of Thomond; in the second, the Scots who invaded Ireland under Edward Bruce in 1315.<sup>28</sup> Such associations with Gaelic society were part of the fabric of regional lordship, especially in the west of Ireland. They undoubtedly involved acculturation: in the words of Katharine Simms, 'bards did not influence their patrons' culture and politics, they reflected them'.<sup>29</sup> But it should be added that it was a function of great lords to transcend regional and indeed national boundaries, and to inhabit more than one cultural world. It may be more appropriate to concentrate, as they did, upon their nobility and the breadth of their associations, than to tie ourselves in knots over their ethnic identity.<sup>30</sup>

Taken at face value, Curtis's comment on William de Burgh's O'Brien marriage lays a false trail. The marriage can be paralleled by those of Strongbow to Aife, daughter of Diarmait MacMurrough of Leinster, of Hugh de Lacy, the first lord of Meath, to a daughter of Ruaidrí O'Connor, and by other first-generation marriages.<sup>31</sup> As in Wales, alliances between incoming

<sup>25</sup> Curtis, *Med. Ire.*, p. 93. <sup>26</sup> *AC*, pp 138–9. <sup>27</sup> A praise-poem to Richard I de Burgh may not be contemporary: Katharine Simms, 'Bards and barons: the Anglo-Irish aristocracy and the native culture', in *Med. frontier societies*, pp 177–97 at 178–80, 183. Curtis calls the Red Earl 'the true type of the Norman of Ireland as history was moulding it, already half-Irish and understanding Irish' (*Med. Ire.*, p. 156), but he made the point that Gaelicization affected cadet branches of families more than the main lines (*ibid.*, p. 208). For a fuller discussion of that point, see Robin Frame, 'The de Burghs, the earldom of Ulster and the Anglo-Scottish frontier', in David Ditchburn and Séan Duffy (eds), *The Irish-Scottish world in the Middle Ages* (Dublin, forthcoming). <sup>28</sup> *CT* contrasts 'that pillar of sense and noble cavalier the earl of Ulster' with 'the black de Clare' and his 'knavish', 'Saxon' followers: ii, pp 17–19, 48, 55, 78. Such remarks fit with the image of a widening gap between older settlers and newcomers, but they must be read with awareness of the factional allegiance of *CT*, in which the de Clares were on the 'wrong' side in segmentary wars (Aoife Nic Ghiollamhaith, 'Dynastic warfare and historical writing in north Munster, 1276–1350', *CMCS*, 2 (1981), 73–89). O'Madden had received patronage from the earl of Ulster: *The tribes and customs of Hy-Many*, ed. J. O'Donovan (Dublin, 1843), pp 133–42, at pp 136 ('our own foreigners'), 139, 141–2. <sup>29</sup> 'Bards and barons', p. 187. <sup>30</sup> Cf. Keith Stringer's fine study of another many-sided lord: 'Periphery and core in thirteenth-century Scotland: Alan son of Roland, lord of Galloway and constable of Scotland', in Alexander Grant and K.J. Stringer (eds), *Medieval Scotland: crown, lordship and community. Essays presented to G.W.S. Barrow* (Edinburgh, 1993), pp 82–113. <sup>31</sup> For such marriages, which as with Aife might lead to the 'Normanizing' of the wife rather than the 'Gaelicizing' of the husband, see Séan

lords and native noblewomen were a feature of the early stages of intrusion.<sup>32</sup> Once lordship had been asserted, the incentives to marry within the English elite were much greater:<sup>33</sup> for instance, the marriage between Rose de Verdun, heiress of extensive lands in eastern Ireland and in England, to Theobald Butler II (d.1230), resulted in their second son, John, inheriting his mother's lands and assuming the Verdun name and identity.<sup>34</sup> Richard I de Burgh reverted to type, by marrying Egidia, a daughter of Walter de Lacy, lord of Meath. The profile of his elder son, Richard II (d.1248), was sufficiently high to attract the notice of Matthew Paris, who commented on 'two noble youths, namely Edmund earl of Lincoln and Richard de Burgh, whom the king had for some years brought up in his palace', and who were married to Provençal women associated with the circle of Queen Eleanor.<sup>35</sup> Richard's successor, his brother Walter, also entered King Henry's household. When he was granted his lands in 1250, Henry reserved his marriage to himself. Walter married Avelina, a daughter of John fitz Geoffrey, a curial magnate who, as we shall see, served as justiciar of Ireland and developed strong connections there. The marriage of Walter's son, the Red Earl, now that his wife's identity has been established, strikes a comparably curial note. Richard, who spent the final years of his minority with Edward I, married Margaret de Guines, a continental relative of Edward's queen, Eleanor of Castile.<sup>36</sup> The story suggested by these marriages is not of an ever-more exclusive association with Ireland, let alone Gaelic Ireland; it is of continuing attachment to the court, and of rising status. As Brendan Smith has pointed out, the social structures of the Plantagenet elite militated against the development of a 'self-contained colonial baronage in Ireland with intimate familial and tenurial ties'.<sup>37</sup> Nor is there any contradiction between the two images of the de Burghs. Just as royal patronage expanded and legitimated their position on the

Duffy, 'The problem of degeneracy', in Lydon, *Law and disorder*, pp 87–106 at 89–93.

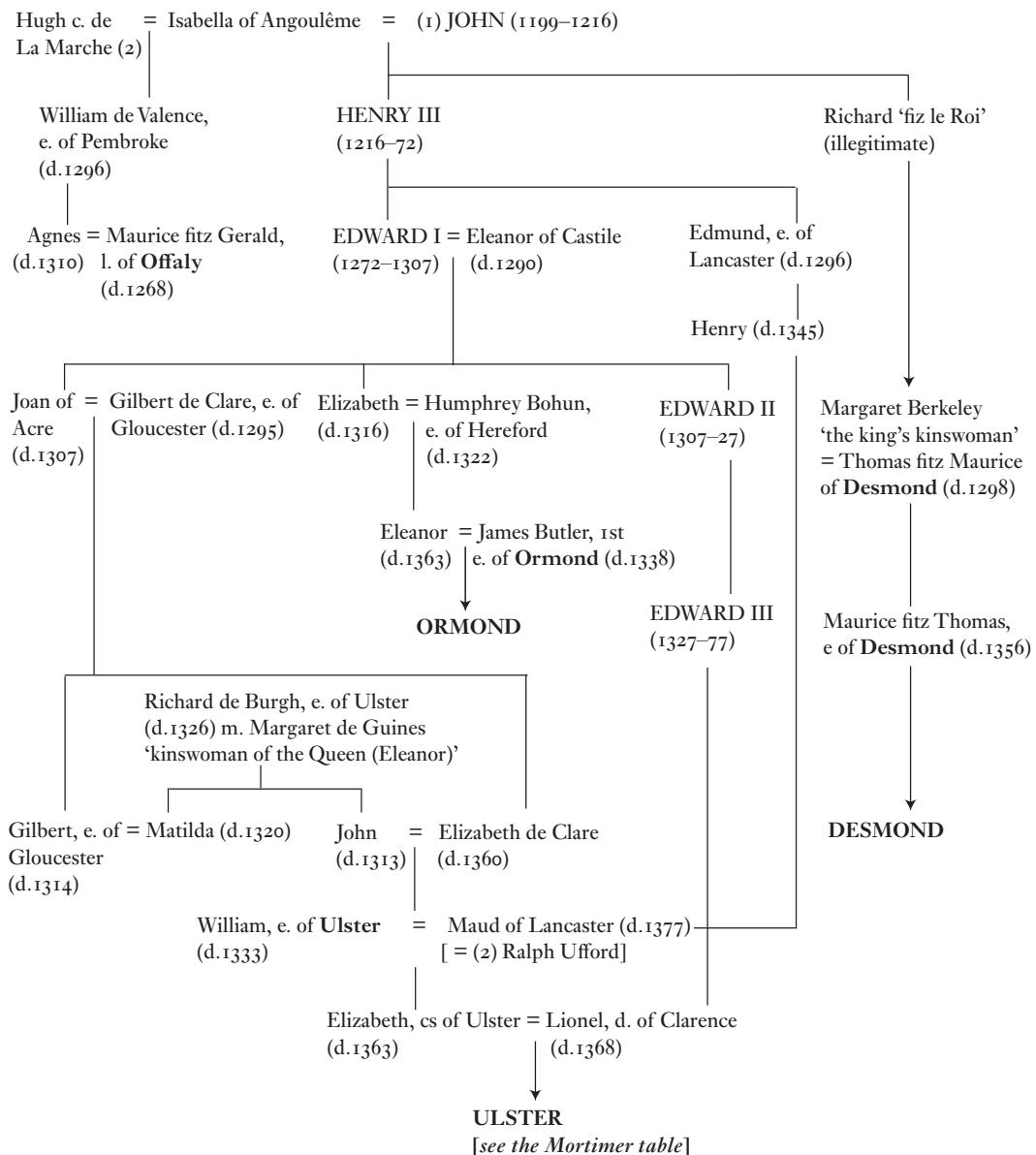
<sup>32</sup> A.J. Roderick, 'Marriage and politics in Wales', *WHR*, 4:1 (1968), 3–20 at 7–8. <sup>33</sup> Under Irish law women did not normally inherit land or lordship, or transmit them to their husbands or descendants, though the case of Strongbow and Aife shows that in favourable conditions this obstacle was not insuperable (Katharine Simms, 'The legal position of Irishwomen in the later Middle Ages', *Ir. Jurist*, 10:1 (1975), 96–111 at 104–10; Flanagan, *Ir. soc.*, ch. 3, esp. pp 91–5).

<sup>34</sup> Hagger, *Fortunes of a Norman family*, p. 72. <sup>35</sup> Matthew Paris, *Chronica majora*, ed. H.R. Luard, 7 vols (RS, London, 1872–83), iv, p. 628. Edmund married Alice, granddaughter of Duke Amadeus of Savoy. Richard's wife, also an Alice, is unidentified, but her similar status is confirmed by her membership of the small group of women with whom Eleanor corresponded (Margaret Howell, *Eleanor of Provence: queenship in thirteenth-century England* (Oxford, 1998), pp 53, 108). She survived to claim her dower in Ireland (CDI 1171–1251, nos. 2978, 3062).

<sup>36</sup> J.C. Parsons, *Eleanor of Castile: queen and society in thirteenth-century England* (New York, 1995), pp 62, 157, 201. The old belief that he married a daughter of Sir John de Burgh of Lanyvalay was queried but not refuted in *CP*, xii, part 2, p. 176. Margaret's identity helps explain the flow of grants to the couple: CDI 1252–84, nos. 1794, 2099, 2100 and 2102.

<sup>37</sup> "I have nothing but through her": women and the conquest of Ireland, 1170–1240', in Christine Meek and Catherine Lawless (eds), *Pawns or players? Studies on medieval and early modern women* (Dublin, 2003), pp 49–58, at 57.

Table 3.1: Some links between the English royal kin and Irish earldom families



Irish side of the sea, so their power within Ireland, some features of it exercised along Gaelic lines, made them invaluable to Henry III and Edward I. The Red Earl's marriage provides a context for the splendid alliances he arranged for his children. John, his son and heir, who predeceased him, married Elizabeth de Clare, daughter of Gilbert earl of Gloucester and, through her mother Joan of Acre, a grand-daughter of Edward I. Their son, Earl William (d.1333), married Matilda, daughter of Henry of Lancaster, a grandson of Henry III. After the Red Earl died, John Clyn, the Franciscan historian writing at Kilkenny, went to the heart of the matter, remarking that 'it was commonly said that he married his daughters nobly, graciously and excellently'. Clyn set forth the husbands' names: Thomas Moulton of Egremont, a Cumbrian baron with lands in Limerick; Earl Gilbert II of Gloucester, lord of Kilkenny; Robert I, king of Scots; and the Irish nobles Thomas fitz John, earl of Kildare, John de Bermingham (created earl of Louth in 1319), and Maurice fitz Thomas (created earl of Desmond in 1329).<sup>38</sup> An alliance with Richard de Burgh must have been attractive to his Irish sons-in-law, not merely because of his unparalleled power within Ireland, but because it brought them close to the heart of Plantagenet society.

The de Burghs' marriages were exceptional, but other families followed a not dissimilar path. The Butlers also arrived in Ireland with John in 1185, in the person of Theobald Walter, brother of the future archbishop of Canterbury. For five generations they made conventional marriages into baronial families.<sup>39</sup> In the sixth generation James Butler, first earl of Ormond, reached a higher plane by marrying Eleanor de Bohun, another grand-daughter of Edward I.<sup>40</sup> However, the case of the Geraldines may be more revealing, since their historical reputation is so different. They were descended from Maurice fitz Gerald (d.1176), one of the early invaders from the Welsh march whose activities in Ireland attracted Henry II's suspicion. Gerald of Wales devotes famous passages to the pushing aside of his marcher kinsmen by *curiales*.<sup>41</sup> This provincial image has been perpetuated by modern historians. Curtis wrote: 'from the first the Geraldines preferred Ireland to England, and sank their roots deep into every part of Leinster and Munster'.<sup>42</sup> Yet, besides their marcher and Welsh connections, the Geraldines had longstanding curial associations, and a tradition of service as constables and stewards.<sup>43</sup> The upward climb of the branches that eventually gained the earldoms of Kildare and Desmond

<sup>38</sup> *AClyn*, pp 184–7; Frame, 'The de Burghs'. <sup>39</sup> Butler wives were, by generation: Matilda d. of William le Vavasour, Rose d. of Nicholas de Verdun, Margery d. of Richard I de Burgh, Joan d. of John fitz Geoffrey, and Blanche de la Roche. <sup>40</sup> For the circumstances, Frame, *Eng. lordship*, pp 185–6. <sup>41</sup> Giraldus, *Expugnatio*, pp 166–73; Robert Bartlett, *Gerald of Wales 1146–1223* (Oxford, 1982), pp 20–5. <sup>42</sup> Curtis, *Med. Ire.*, p. 127. <sup>43</sup> Nicholas Vincent, 'Warin and Henry fitz Gerald, the king's chamberlains: the origins of the FitzGeralds revisited', *ANS*, 21 (1999), 233–60, esp. 233, 248–51; see also now Seán Duffy, 'Gerald of Windsor and the origin of the Geraldines', in *The Geraldines*, pp 21–52.

was marked by royal service and advantageous marriages. Maurice fitz Gerald, lord of Offaly (d.1257), ancestor of the Kildare earls, held the justiciarship of Ireland from 1232 to 1245. His son Maurice fitz Maurice (d.1286) followed him in office in 1272–73, as did the second and fourth earls of Kildare on no fewer than eight occasions between 1320 and 1376. The brides of Maurice fitz Gerald's successors as head of the family included Agnes, daughter of William de Valence, lord of Pembroke and Wexford (d.1296), Henry III's half-brother, and Joan, daughter of Geoffrey de Geneville, lord of Meath and Ludlow (d.1314). The lands of the Desmond Geraldines were further from Dublin, and their connection with government more slender; even so, three successive generations held the justiciarship, in the persons of Thomas fitz Maurice (d.1298), the first earl of Desmond, and Desmond's younger son, the third earl (d.1398). Their ancestor, John fitz Thomas (d.1261), who was no stranger to Henry III's court and may himself have acted as justiciar briefly in 1258,<sup>44</sup> expanded the family property eastwards into Cork and Waterford by marrying a daughter of Thomas fitz Anthony, a leading servant of the king and the Marshals in Ireland. Thomas fitz Maurice consolidated these acquisitions in 1292, when Edward I confirmed them to him and his wife, a daughter of the Gloucestershire baron Thomas Berkeley, in jointure.<sup>45</sup>

The ties of military lordship were also significant. Knight service was not required outside Ireland in return for land held there, presumably in recognition of the burden of military commitments within Ireland.<sup>46</sup> But lords from Ireland served in most campaigns; though their impact upon the war effort might be marginal, their presence was an opportunity for interaction with the king. Henry III's expeditions to Poitou and Brittany in 1229–30 and to Gascony in 1242–3 drew Irish barons overseas. On the second occasion, Richard de Burgh, Gerald fitz Maurice, the justiciar's son and heir, and John fitz Thomas of Desmond were all prominent.<sup>47</sup> When Richard de Burgh died in Gascony his widow was given protection and support, and his son rapidly taken into the household as a king's *valettus*.<sup>48</sup> The younger Richard was knighted by Henry III at Winchester at Whitsun 1248, and appointed to the constableship of Montgomery and the stewardship of Cydewain and Kery.<sup>49</sup> It was in Gascony on the campaign of 1253–4 that Walter de Burgh, his successor, received knighthood.<sup>50</sup> Walter's renewed service to Henry and Edward in 1263

<sup>44</sup> He was ordered to restore temporalities to two newly elected prelates, normally a duty of the king's representative (CDI 1252–84, nos. 587 and 590). For the court dimension of his career, see Frame, 'King Henry III and Ireland', pp 37–8, 53; also above, p. 50. <sup>45</sup> For the Geraldines mentioned above, see the biographies variously by Gearóid mac Niocaill, Brendan Smith and Robin Frame, *ODNB*. <sup>46</sup> A.J. Otway-Ruthven, 'Knight service in Ireland', in Crooks, *Government*, pp 155–68 at 158. <sup>47</sup> CDI 1171–1251, nos. 2570–1, 2575, 2579, 2591, 2593–4, 2631 and 2637–8. *CPR* 1232–47, p. 296, confirms John's presence. <sup>48</sup> In December 1243 robes were granted to her, her son and their companions (CR 1242–7, p. 148). <sup>49</sup> CR 1247–51, pp 50, 124; *CPR* 1247–58, p. 16. <sup>50</sup> CR 1253–4, p. 270.

in the early stages of the Barons' War saw his spectacular advancement to the lordship of Ulster, a grant that extended his theoretical authority over most of the northern half of Ireland, turning him into a species of *Markgraf*, with oversight of the seas between Ireland and Scotland.<sup>51</sup>

For those who had fallen from favour, campaigns were the ideal setting in which offences might be forgiven and forfeitures reversed. This is apparent from the beginning. Strongbow, whose intervention in Ireland in 1170 had alarmed Henry II, confirmed his loyalty by serving in Normandy during the Young King's rebellion in 1173–4, and received in return Wexford town and Wicklow castle, which had been excluded from his original grant of Leinster.<sup>52</sup> Walter de Lacy, whom King John had dispossessed in 1210, eased his path to restoration through service in Poitou in 1214.<sup>53</sup> These were men whose landed interests were not exclusively Irish. But Walter de Burgh and Maurice fitz Gerald, who had been at war with each other in Ireland in 1264, are to be found serving Henry III and Edward in England shortly after the battle of Evesham. Walter was already a familiar face at court. Maurice, who had succeeded his grandfather in 1257, was less known. His marriage to Agnes de Valence was arranged at this time. After his early death, drowned when crossing the Irish Sea in 1268, William de Valence invested in the marriage of Gerald, his son and heir, who also died young, in 1287.<sup>54</sup> Gerald's successor, his father's first cousin John fitz Thomas, provides a more dramatic example of the healing power of military service to the crown. John had used fair means and foul to take over all the lands that had been held by his grandfather, Maurice fitz Gerald the justiciar, trampling alike on co-heirs and widows, and entering into violent confrontations with his overlords, the earl of Ulster and William de Vescy, lord of Kildare, who was serving as justiciar of Ireland. In the early 1290s these disputes threatened the stability of Edward I's rule in Ireland.<sup>55</sup> Their settlement left John fitz Thomas with much ground to make up. It is not surprising that he was one of the most assiduous Irish contributors to Edward's campaigns, serving in Scotland in 1296, in Flanders in 1297, and in Scotland again in 1301, with no fewer than fifty-two men-at-arms and 400 other troops.<sup>56</sup> Without these

<sup>51</sup> Frame, 'Ireland and the Barons' Wars', pp 65–8; and 'The de Burghs'. <sup>52</sup> *Deeds of the Normans*, ll. 2859–2909; Flanagan, *Ir. soc.*, p. 122. <sup>53</sup> *RLP*, pp 112–13; Frame, 'Aristocracies', pp 154–9. <sup>54</sup> Cormac Ó Cléirigh, 'The absentee landlady and the sturdy robbers: Agnes de Valence', in Christine Meek and Katharine Simms (eds), *'The fragility of her sex'? Medieval Irishwomen in their European context* (Dublin, 1996), pp 101–18 at 101–6. <sup>55</sup> Otway-Ruthven, *Med. Ire.*, pp 209–12; Stringer, 'Nobility and identity', pp 210–11, 234–9; Ó Cléirigh, 'Agnes de Valence', pp 107–18; idem, 'The problems of defence: a regional case-study', in Lydon, *Law and disorder*, pp 25–56 at 32–51. <sup>56</sup> J.F. Lydon, 'An Irish army in Scotland, 1296' and 'Irish levies in the Scottish wars, 1296–1302', in Crooks, *Government*, pp 182–99; N.B. Lewis, 'The English forces in Flanders, August–November 1297', in R.W. Hunt et al. (eds), *Studies in medieval history presented to F. M. Powicke* (Oxford, 1948), pp 310–18, at 313 and n. 1.

proofs of loyalty it is unlikely that Edward I would have so readily encouraged his growing domination of Kildare, which the king had acquired from de Vescy, and shired, in 1297. His creation as earl in 1316 and the revival of the liberty of Kildare for his son and successor in 1317 were primarily a response to the Bruce invasion of Ireland.<sup>57</sup> But such an outcome would have been unthinkable had John not recovered good standing at court during the previous two decades.

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To turn to John fitz Geoffrey, the father-in-law of Walter de Burgh, is to shift the perspective away from those normally considered 'Irish barons' to a man who seems to epitomize the *curialis*. John was a son of Geoffrey fitz Peter, earl of Essex, justiciar of England under King John. By the time of his appointment as justiciar of Ireland in 1245 he had a long record of service to Henry III as household steward, justice of the Forest, emissary to the papal curia, stopgap governor of Gascony, and more besides.<sup>58</sup> He was close to Queen Eleanor and her Savoyard kinsmen, and a leading member of the emerging circle of her son, the future Edward I. Alongside all this, he was a major landholder, a 'baron of the first rank'.<sup>59</sup> When Lusignan influence finally alienated him from the court, he ended his life in 1258 as a leader of the opposition, among, as David Carpenter has put it, 'native *curiales* and magnates (the two were often one and the same)'.<sup>60</sup>

John fitz Geoffrey held the justiciarship for eleven years, and was in Ireland for most of that time. He already had a slight association with the country through lands belonging to his wife Isabel, widow of Gilbert de Lacy (d.1230) and daughter of Matilda Marshal, countess of Norfolk.<sup>61</sup> He was clearly keen to enlarge his Irish interests. As well as marrying a daughter to Walter de Burgh, he paid 3000 marks for the marriage of Theobald Butler IV (d.1285), who eventually married Joan, another of his daughters.<sup>62</sup> In 1253 he received the cantred of Islands, a large zone of potential lordship, equipped with the franchise of return of writs, to the west of the river Fergus in modern Co. Clare, an area Henry III was opening up to English grantees.<sup>63</sup> There was a strong possibility that the FitzJohn family would be 'barons of Ireland' as well

<sup>57</sup> A.J. Otway-Ruthven, 'The medieval county of Kildare', *IHS*, 11: 43 (1959), 181–99 at 197–8; J.R.S. Phillips, 'The mission of John de Hothum to Ireland, 1315–16', in Lydon, *Eng. & Ire.*, pp. 62–85, at 74–5. <sup>58</sup> Frame, 'King Henry III and Ireland', p. 52; David Carpenter, *ODNB*. <sup>59</sup> R.C. Stacey, *Politics, policy, and finance under Henry III, 1216–1245* (Oxford, 1987), p. 140. <sup>60</sup> David Carpenter, *The reign of Henry III* (London, 1996), p. 82. <sup>61</sup> *CDI 1171–1251*, no. 2121; Orpen, *Normans*, iii, p. 230. <sup>62</sup> *CDI 1171–1251*, nos. 3100–1 and 3103; *CDI 1252–84*, nos. 244, 249 and 689. <sup>63</sup> *CDI 1252–84*, nos. 289, 392–3 and 410. The cantred seems to have lain to the south and west of the later Co. Clare barony of Islands: MacCotter, *Territorial divisions*, pp. 194–5, 260.

as English barons. But, like so many dynastic strategies, John fitz Geoffrey's ambitions were overtaken by events. John FitzJohn, his elder son (d.1275), became a leading Montfortian, and in the turmoil of the 1260s any focus on Ireland slipped. With the death of his younger son Richard in 1297, the family became extinct in the male line, and the inheritance was dispersed among Richard's four sisters and their heirs. Even so, the connections that John fitz Geoffrey had woven between England and Ireland were not wholly severed. The Butlers and de Burghs were among the co-heirs, and inherited valuable assets in England. Among these windfalls, the Butlers acquired Aylesbury (Bucks) and Shere (Surrey), which became their favourite English residences; and the de Burghs, who, despite their ties to Henry III and Edward I, had held no traceable English property during the thirteenth century, gained North Fanbridge (Essex) and Whaddon (Bucks).<sup>64</sup>

John fitz Geoffrey had brought with him to Ireland his nephew, Richard de la Rochelle, another household knight, with lands in Essex and elsewhere in southern England. De la Rochelle acted as his deputy before becoming justiciar in his own right during the 1260s. He too showed no reluctance to acquire Irish interests. In 1253 he obtained extensive lands in the cantreds of Uí Maine and Tir Maine within the King's Cantreds, a large area west of the Shannon that Henry had rented to the king of Connacht but was now using to reward those around him.<sup>65</sup> Richard de la Rochelle established an effective centre of lordship at Aughrim in eastern Galway. Early in 1270 he seems to have spent time there before setting out on the Lord Edward's crusade. At least two of his English circle, John de Ardern and John de Fyfide, were associated with him in both ventures.<sup>66</sup> De Fyfide continued to acquire Connacht property into the 1280s;<sup>67</sup> and his heirs were in at least nominal possession until 1309, when they disposed of the lands to Edmund Butler.<sup>68</sup> The de la Rochelles themselves had already sold out to the Butlers, probably in the 1290s. But it must be remembered that this was a time when conditions in Connacht were particularly disturbed; indeed, despite his vastly greater Irish power-base, Edmund Butler struggled to maintain the lordship, and in 1305 obtained a permanent exemption from rents from the king.<sup>69</sup>

In the late thirteenth and early fourteenth centuries newcomers could still be accepted without difficulty into the Irish aristocratic world. As Beth Hartland has shown, much depended on the degree of their commitment and, as the fate of the de la Rochelle holdings suggests, the location and value of the interests

<sup>64</sup> *Inquisitions & extents*, no. 103. The rent from Islands was shared between all the co-heirs, in England and Ireland. <sup>65</sup> CDI 1252–84, nos. 223–4 and 226; COD 1172–1350, no. 123. <sup>66</sup> COD 1172–1350, nos. 147, 154 (Rochelle charter given at Aughrim 20 May 1270, witnessed by Fyfide); S.D. Lloyd, *English society and the crusade 1216–1307* (Oxford, 1988), appendix 4, p. 262ff. <sup>67</sup> COD 1172–1350, nos. 245–7, 249–51 and 261. <sup>68</sup> Ibid., nos. 437–8. <sup>69</sup> Ibid., nos. 258–60 (misdated), 364–5; C.A. Empey, 'The Butler lordship', *J. Butler Society*, 1 (1967–71), 174–87 at 174.

they acquired. Some grantees, such as Otto de Grandson and his heirs, took their profits from a distance; others, like Geoffrey de Geneville, put down roots, while also remaining active outside Ireland.<sup>70</sup> The case of Thomas de Clare, to whom Edward I granted the lordship of Thomond, is worth a second look. As we have seen, he was vilified in retrospect as a Saxon outsider by the partisan author of *Caithreim Thoirdhealbhaigh*. This probably lies behind Curtis's comment that his intrusion 'found no favour with the existing lords'.<sup>71</sup> The claim is wide of the mark. Some of de Clare's most valuable acquisitions, including the port of Youghal and barony of Inchiquin in Cork, came not from royal largess, but through his marriage to Juliana, one of the daughters and heiresses of the Geraldine baron Maurice fitz Maurice, with whom he was very closely allied.<sup>72</sup> The 'Irish' de Clares came to an end after two generations, but only because Richard de Clare was killed in Thomond in 1318, leaving a young son, who died in 1321 while under age. The position in Thomond was certainly insecure, but there was no reason why other interests of the de Clares in Cork and Limerick should not have endured: Youghal and Inchiquin were to be furiously contested between the earl of Desmond and the Clare co-heirs in England.<sup>73</sup>

A less familiar incoming family, the de Rochfords, serves to confirm the point. Guy de Rochford sought refuge with Henry III during the Gascon expedition of 1242–3, and like other Poitevins became dependent on royal patronage.<sup>74</sup> His son Maurice was with him in England, and in 1252 obtained the marriage of one of the heiresses of the Irish baron Gerald de Prendergast.<sup>75</sup> He seems to have paid a quick visit to Ireland early in the next year, before joining the king in Gascony, where Henry knighted him and granted him a market and fair at his demesne centre of Tobernea in Limerick.<sup>76</sup> Maurice de Rochford died in 1258, but his son, also Maurice, went on to have a distinguished career, stretching to 1333. He brought two hundred troops from Ireland to Scotland in 1296, was deputy justiciar of Ireland in 1302, served Aymer de Valence, earl of Pembroke, as seneschal of Wexford, and in 1316 was commended for his resistance to the Scots in Ireland. At the same period he was still pursuing a claim to lands in

<sup>70</sup> Beth Hartland, 'English landholding in Ireland', *TCE*, 10 (2005), 119–29, and 'The household knights of Edward I in Ireland', *HR*, 77:196 (2004), 161–77, esp. 162–6.

<sup>71</sup> Curtis, *Med. Ire.*, p. 179. <sup>72</sup> Michael Prestwich, 'Royal patronage under Edward I', *TCE*, 1 (1986), 41–52 at 46; A.F. O'Brien, 'The settlement of Imokilly and the formation and descent of the manor of Inchiquin, Co. Cork', *JCHAS*, 87:245 (1982), 21–6; Beth Hartland, 'English lords in late thirteenth and early fourteenth century Ireland: Roger Bigod and Thomas de Clare', *EHR*, 121:496 (2007), 318–48 at 340–5. <sup>73</sup> A.F. O'Brien, 'The territorial ambitions of Maurice fitz Thomas, first earl of Desmond, with particular reference to the barony and manor of Inchiquin, Co. Cork', *PRIA*, 82C:3 (1982), 59–88; Frame, *Eng. lordship*, pp. 73–4, 169–70, 172–3, 178–9, 187–8, 229–30, 272–3. See also below, pp. 253, 277–8. <sup>74</sup> H.W. Ridgeway, 'Foreign favourites and Henry III's problems of patronage, 1247–1258', *EHR*, 89:412 (1989), 590–610 at 595–6. <sup>75</sup> *CDI* 1252–84, nos. 15, 17, 20, 58, 59, 80 and 84. <sup>76</sup> *CR* 1253–4, p. 199; *CDI* 1252–84, nos. 116 and 852 (misdated 1268).

Poitou.<sup>77</sup> The de Rochfords, who symbolize the links between distant parts of the Plantagenet dominions, held extensively in Limerick, Cork and Wexford until they died out in the direct male line around 1371.<sup>78</sup> They seem to have been absorbed readily enough into the baronial society of southern Ireland.

As is apparent from the history of the de la Rochelles and the de Clares, by the fourteenth century economic and defensive problems were contributing to a shrinkage in the areas of Ireland amenable to English forms of rule. When the marriage of Edward III's son Lionel of Antwerp to Elizabeth de Burgh brought the enormous de Burgh inheritance to the royal family, Lionel and his Mortimer descendants had little direct impact in Ulster and Connacht. Within the reduced geographical field, however, the Plantagenet court and household, together with aristocratic networking, retained their importance. This is abundantly clear from the career of a final example, John Darcy of Knayth (d.1347), who served as justiciar for much of the period 1324–36, before rising to become steward of the household in 1337 and king's chamberlain in 1340. From 1340 to 1344 he also held an unprecedented life appointment as justiciar of Ireland, where his associate John Morice acted as his deputy.<sup>79</sup> Darcy was crucial to Edward III's relations with the Irish comital families. In 1329 he married Joan de Burgh, widow of the second earl of Kildare and sister of the countess of Desmond, and for much of the 1330s had custody of the Kildare lands during his stepson's minority.<sup>80</sup> In 1333 he presided over a parliament at Dublin where the earl of Desmond was released from the custody in which he had been placed by Darcy's predecessor, in return for sureties that Darcy had negotiated with virtually the entire Irish baronial establishment.<sup>81</sup> In 1335 Desmond contributed 651 troops, including no fewer than 180 men-at-arms, to the expedition that Darcy led to western Scotland.<sup>82</sup>

In the last years of his life, though no longer in Ireland, Darcy was central to the restoration of Edward III's relations with the Irish earls after the renewed conflict between the Dublin government and Desmond in 1345. In 1346 he gained custody of the Butler inheritance, which had been a subject of contention with Desmond. The young second earl of Ormond married Elizabeth, Darcy's daughter with the countess of Kildare.<sup>83</sup> He also forwarded the rehabilitation of the earl of Kildare, who had been imprisoned out of suspicion of complicity

<sup>77</sup> Lydon, 'An Irish army in Scotland', in Crooks, *Government*, p. 188; J.R.S. Phillips, *Aymer de Valence, earl of Pembroke, 1307–1324* (Oxford, 1972), p. 292; *Admin. Ire.*, p. 83; *Affairs Ire.*, nos. 101–2; Phillips, 'Anglo-Norman nobility', in Lydon, *Eng. in med. Ire.*, p. 95 and n. 3. <sup>78</sup> *The pipe roll of Clayme*, ed. Paul MacCotter and Kenneth Nicholls (Midleton, 1996), pp. 205–6; *Knights' fees*, pp. 139–41. <sup>79</sup> For Darcy's Irish career, see R.H.R. Mortimer, 'Lordship and patronage: John Darcy and the Dublin administration, 1324–47' (M.Phil., University of Durham, 1990); Frame, *Eng. lordship*, chs. 4–8. <sup>80</sup> He also acquired substantial lands in eastern Ireland on his own account (Mortimer, 'Lordship and patronage', pp. 56–7, 66–7, 84). <sup>81</sup> *Parls & councils*, no. 12; Frame, *Eng. lordship*, pp. 142–8, 219–20. <sup>82</sup> Nicholson, *Edward III*, p. 255. <sup>83</sup> *CFR 1337–47*, pp. 465–6; *CCR 1346–9*, pp. 193–4.

with Desmond. Kildare's release in 1346 was negotiated by John Morice, who had returned to Ireland as acting justiciar. Then, in the only significant expedition from Ireland to the Continent between 1297 and 1418, the earl led a force to join Edward III before Calais. This was quickly followed, shortly after Darcy's death, by his knighting by the king at Christmas 1347, and his marriage to Elizabeth, daughter of Bartholomew Burghersh, who had just succeeded Darcy as king's chamberlain.<sup>84</sup> This marriage finds a close parallel in that of Maurice fitz Maurice, the earl of Desmond's son and heir, to Beatrice, daughter of Ralph lord Stafford, who had followed Darcy as steward of the household in 1341. Burghersh had acquired lands in eastern Ireland through his wife, an heiress of the de Verduns;<sup>85</sup> Stafford likewise held a share of the lordship of Kilkenny in right of his wife. He took Maurice overseas with him in 1355, acted as guarantor when he was admitted to his inheritance in 1356 while under age, and leased his Kilkenny interests to the couple.<sup>86</sup> Whether or not Edward III had a 'policy' towards the earls, there is no doubt that he responded to difficulties in Ireland by encouraging new ties between Irish nobles and *curiales*, who themselves, as it happened, had footholds in Ireland.

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Contemporaries do not trouble us with reflections on the ways in which the aristocratic families of 'English' Ireland were linked to the wider society that centred on the Plantagenet court. These connections rested on well-understood, even archetypal, conventions relating to loyalty and disloyalty, service and reward, marriage and inheritance, disfavour and rehabilitation. When men did explain their actions, it can be hard to spot their motives amid the stereotyped phrases required in formulaic documents aimed at particular audiences. But it was certainly assumed that marriages could encourage solidarities among aristocratic groups, and reinforce the attachment of Ireland to the crown. In 1290 Simon, a younger son of Geoffrey de Geneville, wished to marry the daughter of a Meath baronial family to whom he was related within the prohibited degrees. Geoffrey's petition to the pope on his behalf rehearsed the official rationale of the *adventus Anglorum*, stressing that Henry II had gone to Ireland to re-establish the obedience of the country and its licentious inhabitants to the holy see. Part of the strategy adopted by English kings was to plant in Ireland 'worthy men of a different nation (*probos viros nationis alterius*)',

<sup>84</sup> Frame, *Eng. lordship*, pp. 281–3; idem, 'Rebellion and rehabilitation: the first earl of Desmond and the English scene', *The Geraldines*, pp. 194–222 at 220–1. <sup>85</sup> A.J. Otway-Ruthven, 'The partition of the de Verdon lands in Ireland in 1332', *PRIA*, 66C:5 (1968), 401–55 at 401, 417, 421–37. <sup>86</sup> *CFR* 1356–8, p. 22; K.A. Waters, 'The earls of Desmond in the fourteenth century' (PhD, University of Durham, 2004), pp. 90, 100, 102–3, 178–9; Frame, *Eng. lordship*, pp. 290, 297.

among them Geoffrey himself, who had gained extensive lands through marriage ‘to a certain noble lady of those parts’. Their duty was to preserve peace on the island and to sustain its obedience to the church; to do so, these incoming stalwarts needed kinsmen and friends, who could be found only through marriage with the aristocracy of the country (*cum magnatibus eiusdem provincie*).<sup>87</sup> In 1341 Edward III presented the betrothal of Elizabeth de Burgh to Lionel of Antwerp as designed, at the request of the ‘prelates, nobles and people of Ireland … to foster the devotion and fidelity of the people of [Ireland] to our royal house’, a remark that adumbrates the strategy by which the king used members of his family to articulate what seemed in his middle years to be an expanding Plantagenet empire.<sup>88</sup> When, just occasionally, we hear less public voices, they carry a compatible message. In 1327 the Irish council of Elizabeth de Clare, mother of Earl William of Ulster, gave advice about her son’s interests. His uncle, Edmund de Burgh needed careful handling: ‘it would be good to send for him to come to England to receive knighthood with his lord, and there we could get what we want from him, for he is more readily influenced for good when he is among good men than any others of his lineage over there; … and if he could be married in England it would do much for him’.<sup>89</sup>

The workings of Plantagenet government and lordship pushed men outwards into distant provinces, through service and marriage. Equally, Irish magnates were pulled inwards, towards the court. Members of the two groups, never wholly distinct, constantly mixed. The instinctive priorities of Irish historians have led them to highlight themes such as the crystallizing of a separate Anglo-Irish baronage and political community, the opening of a gap between residents and absentees, and the extent to which that gap might be cultural as well as political. There is little danger that such matters will lose their hold on the historical imagination. But they should not obscure the influences that worked in a contrary direction: the attractions of royal patronage; the persistence in families down the generations of habits of association with the court; the periodic need to recover favour with the king; the unpredictable devolution of property;<sup>90</sup> and the presence in Ireland of figures of political substance, frequently from a household background. Increasing rootedness in Ireland is one side of the story; it needs to be accompanied by awareness of the enduring ways in which connections with a wider scene were maintained and refreshed.

<sup>87</sup> *Vetera monumenta Hibernorum et Scotorum historiam illustrantia*, ed. Augustine Theiner (Rome, 1864), no. 331. <sup>88</sup> *Foedera*, II, ii, p. 1159; W.M. Ormrod, ‘Edward III and his family’, *JBS*, 26:4 (1987), 398–422. <sup>89</sup> *Affairs Ire.*, no. 155, at p. 128. <sup>90</sup> The rise of entails and other forms of settlement in Ireland as in England in the fourteenth century may have reduced the unpredictability, but the subject awaits full exploration. Sales of lands by absentees also altered established patterns, but these mostly took place after 1360. See Frame, *Eng. lordship*, pp 22–4, 59–60; and below, pp 221–2.

## CHAPTER 4

# Lordship and liberties in Ireland and Wales, *c. 1170–c. 1360*

The primary subject of this chapter is lordship and liberties in Ireland, or, to be more precise, lordships on a county or provincial scale in the hands of lay magnates.<sup>1</sup> Wales figures in the title for two reasons: the close parallels and equally marked differences between the two countries; and the existence of Rees Davies' magisterial studies of the March of Wales, which offer so much by way of comparison, contrast and conceptual challenge.<sup>2</sup> For Ireland there is as yet nothing remotely similar. Most discussions of this period have been couched primarily in legal and constitutional terms.<sup>3</sup> A similar emphasis is apparent in what attempts there have been to consider Wales and Ireland together – an activity that began as early as the reign of Edward I, when a memorandum, almost certainly written for Geoffrey de Geneville, lord of Ludlow and Trim, reflected on the right of lords of liberties to have dealings with Welsh and Irish leaders who were against the king's peace.<sup>4</sup> These institutional themes are important, and discussion of them is by no means exhausted. I propose to look at some of them again before turning to other topics: thus the chapter moves from liberties to 'lordship', a capacious term that Davies made his own.<sup>5</sup>

<sup>1</sup> The chapter largely ignores the franchises held by their sub-tenants, together with ecclesiastical and urban liberties; and it touches only lightly on the earldom of Ulster, which was remote from the main centres of royal power in Ireland and formed part of the distinctive maritime orbit that also included Argyll and the Western Isles, Galloway, Cumbria and Man. <sup>2</sup> Davies, *Lordship & society*, and Davies, *Conquest*, chs 4, 10. For an excellent overview, see now Keith Stringer, 'States, liberties and communities in medieval Britain and Ireland (c.1100–1400)', in Michael Prestwich (ed.), *Liberties and identities in the medieval British Isles* (Woodbridge, 2008), pp 5–35. <sup>3</sup> E.g., A.J. Otway-Ruthven, 'Anglo-Irish shire government in the thirteenth century', in Crooks, *Government*, pp 1–28 at 5–8, and 'The medieval county of Kildare', *IHS*, 11:43 (1959), 181–99; Hand, *Eng. law*, ch. 6. Adrian Empey's important doctoral thesis on the Butler lordship, which from 1328 included the liberty of Tipperary, remains unpublished: C.A. Empey, 'The Butler lordship in Ireland, 1185–1515' (PhD, University of Dublin, 1970); but see his 'The Norman period, 1185–1500', in William Nolan and T.G. McGrath (eds), *Tipperary: history and society* (Dublin, 1985), pp 71–91; and his entries on 'liberties' and 'palatinates' in S.J. Connolly (ed.), *The Oxford companion to Irish history* (new ed., Oxford, 2002). <sup>4</sup> *Reg. Gormanston*, pp 9, 181. See Davies, *Lordship & society*, p. 220, and the references in n. 7, below. <sup>5</sup> For restatements of its value, see Rees Davies, 'The medieval state: the tyranny of a concept?', *J. Historical Sociology*, 16:2 (2003), 280–300, and Davies, *Lords & lordship*.

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Wales and Ireland had much in common. Both had undergone piecemeal occupations, led by aristocrats. The incompleteness of the conquests meant that lordships were zones of protracted interplay – by no means wholly hostile – between Anglo-French and Celtic society. In both countries, lordships were often large and often compact.<sup>6</sup> In both, lords exercised wide powers of jurisdiction. In both, such powers gained closer definition during the thirteenth century through interaction with the crown and its agents. There was also considerable overlap in personnel: de Clare, Marshal, de Lacy, Bigod, de Valence, de Geneville and Mortimer, for instance, at various times held large, enfranchised lordships in Wales and Ireland.

Some of the differences come into focus when we consider the chronologies of conquest. The timing of the original incursions, separated by the century 1070–1170, meant that they occurred in contrasting political and legal environments. Lordships in Wales, we might say, took shape during ‘the first century of English feudalism’, whereas those in Ireland were formed during the second.<sup>7</sup> From this springs a paradox: the authority of lords in Ireland, despite their greater distance from England, was more hedged about by royal restrictions than was the case in Wales. Nor were the limitations merely a matter of legal theories and empty words. For most of the thirteenth century the English position in eastern and southern Ireland was more stable than it could be in Wales in the age of the two Llywelyns. During the 1220s William Marshal II used Leinster and its manpower in his efforts to restore his position in south Wales.<sup>8</sup> Later, Henry III and Edward I could rely upon the Dublin government to assemble and transport men, money, timber and foodstuffs for their Welsh and Scottish campaigns.<sup>9</sup> After 1282, however, the relative positions slowly changed. The English conquest of north Wales stabilized the marches. In Ireland, on the other hand, deteriorating security in the settled heartlands, together with the economic catastrophes of the fourteenth century, saw a reversion towards pastoralism, extended kinship, localized tribute-warfare, and ‘lordship over men’.<sup>10</sup>

6 For these features, see Robin Frame, ‘Power and society in the lordship of Ireland, 1272–1377’, in Frame, *Ire. and Brit.*, pp. 191–220 at 192–205. 7 See A.J. Otway-Ruthven, ‘The constitutional position of the great lordships of south Wales’, *TRHS*, 5th ser. 8 (1958), 1–20 at 1, 13–14; and R.R. Davies, ‘The law of the March’, *WHR*, 5:1 (1970), 1–30 at 27–8. On feudal society in Ireland, see Brendan Smith, ‘Tenure and locality in north Leinster in the early thirteenth century’, in *Colony & frontier*, pp. 29–40. 8 *Brut y Tymysogyon, or the chronicle of the princes, Red Book of Hergest version*, ed. Thomas Jones (Cardiff, 1955), pp. 222–5; J.E. Lloyd, *A history of Wales from the earliest times to the Edwardian conquest*, 2 vols (London, 1911), i, p. 661. See *The acts of Welsh rulers, 1120–1283*, ed. Huw Pryce with Charles Insley (Cardiff, 2005), no. 246, for support from Ireland in 1220. 9 For an overview, see J.F. Lydon, ‘The years of crisis’, in *NHI*, ii, pp. 195–7. 10 Davies, *Lordship & society*, ch. 6, ‘Lordship of men and of land’, esp. 130–1.

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Any discussion of liberties, in the sense of immunities from royal jurisdiction claimed by lords, raises the question of their origins, or imagined origins. Writing in 1979, Rees Davies challenged aspects of the classic argument put forward by J.G. Edwards,<sup>11</sup> that the Welsh marchers inherited their special powers from their local *antecessores*, the Welsh kings, and that this was the basis of later marcher claims to regal authority, which included control of war and peace and the right to one-third of booty taken in war. Davies suggested that the early marcher lordships are better viewed as military captaincies than as constitutional entities, and that they had much in common with the castleries of Norman England, and even more with contemporary lordships in France. Their distinctiveness, and the definition of their powers as specially exalted, came about later, as they managed to escape being pulverized by the advance of royal law and administration in late twelfth- and thirteenth-century England. Lords confirmed their immunity from routine royal jurisdiction. At the same time, they borrowed the new procedures appearing in the king's courts;<sup>12</sup> indeed, in the March, these were imported with a freedom unknown in the greatest English franchises.<sup>13</sup> The burgeoning royal records from King John's time onwards make such developments more visible; and the documentary habit itself, of course, promoted clarification.<sup>14</sup> If this approach seems to 'normalize' the early history of the March, Davies did not permit us to forget its distinctive features. Claims by the marchers to unimpeded regal jurisdiction might be qualified in practice in the time of Henry III and Edward I, but the fact remained that each lordship was discrete and had its own mixture of law. There was considerable absorption of Welsh people and Welsh customs. Even after 1284 the marcher courts preserved profitable features of Welsh law that were defunct in the Principality of Wales and not always attractive to the Welsh themselves. It followed that a multitude of offices in the March were available to Welshmen.<sup>15</sup> Marcher liberties, one might say, covered most things a marcher lord might wish to do.

Behind the law of the March as it came to be understood during the thirteenth century lay more than one hundred years of relatively unfettered development. In Ireland, by contrast, English lordships were of very recent formation when John came to the throne, leaving us with just one generation of scantily

<sup>11</sup> 'The Normans and the Welsh March', *PBA*, 42 (1956), 155–77. <sup>12</sup> 'Kings, lords and liberties in the March of Wales, 1066–1272', *TRHS*, 5th ser. 29 (1979), 41–61. Cf. Helen Cam, 'The evolution of the medieval English franchise', in her *Law-finders and law-makers in medieval England* (London, 1962), pp. 22–43. <sup>13</sup> Cf., e.g., Jean Scammell, 'The origins and limitations of the liberty of Durham', *EHR*, 81:320 (1966), 449–73. <sup>14</sup> See e.g. Davies, *Domination*, pp. 94–6. <sup>15</sup> Davies, *Lordship & society*, chs 7, 11; Davies, 'The twilight of Welsh law, 1284–1536', *History*, 51:143 (1966), 143–64; Davies, 'The survival of the bloodfeud in medieval Wales', *History*, 54:182 (1969), 338–57.

documented history to speculate about. Several historians have touched upon the question of the relationship of these lordships to the Irish past, particularly as regards their geographical boundaries.<sup>16</sup> But it is normally assumed that the powers – or at least the formal powers – of lords in the thirteenth century owed little or nothing to those exercised by their native predecessors. Meath is the only great liberty with a surviving charter from Henry II.<sup>17</sup> Henry confirmed that Hugh de Lacy, who had gone with him to Ireland in 1171, was to hold Meath of him for the service of fifty knights. Two phrases hint at the character of Hugh's authority. Henry airily conceded Meath with 'all liberties and free customs that I have or am entitled to have there'. Whatever this meant, it was hardly designed to restrict Hugh's lordship. As yet there was no established group of royal officials to meddle, and indeed de Lacy himself was left to act as Henry's constable at Dublin. The second phrase granted Meath 'as fully as Murchad O'Melaghlin, or anybody else before or after him held it'. (Murchad, who had died in 1153, was the last effective native ruler of Meath.) This clause may indeed seem to invite us to regard Murchad as Hugh's legal *antecessor*. But such a reading of Henry's intentions is implausible. The English position in Ireland, unlike that of William the Conqueror in England, was not based on inheritance. Also, the O'Melaghlin kingship had been a fragile affair, constantly intruded into and dismembered by other dynasties.<sup>18</sup> The clause may have been no more than a licence for de Lacy to occupy an extensive geographical space, which he went on to define by force of arms.<sup>19</sup> There is, however, another possibility, to which I shall return: that the clause was intended to convey to Hugh the authority O'Melaghlin was believed to have held over the Irish.<sup>20</sup>

At first glance, the case for continuity in Leinster seems stronger. Leinster came into the possession of Strongbow (Richard fitz Gilbert de Clare), who had allied with Diarmait MacMurrough, its king, married his daughter, campaigned alongside him in 1170–1, and gained acceptance by some of the Irish as his heir.<sup>21</sup> There was also more to inherit: Marie Therese Flanagan has mapped Diarmait's known residences, his patronage of reformed religious houses, the sub-kings in whose affairs he interfered, and the location of the grants he made to the English knights who served him.<sup>22</sup> But Strongbow's career as his father-in-law's successor was brief. Only three months after Diarmait's death in May

<sup>16</sup> E.g. M.T. Flanagan, 'Strategies of lordship in pre-Norman and post-Norman Leinster', *ANS*, 20 (1998), 107–26; Helen Walton [Perros], 'The English in Connacht, 1171–1333' (PhD, University of Dublin, 1980), pp. 83–105. The subject is now comprehensively explored in MacCotter, *Territorial divisions*. <sup>17</sup> *Reg. Gormanston*, p. 177. <sup>18</sup> F.J. Byrne, 'The trembling sod: Ireland in 1169', in *NHI*, ii, pp. 1–42 at 19–21; Donncha Ó Corráin, *Ireland before the Normans* (Dublin, 1972), pp. 158–71. <sup>19</sup> As argued in Frame, *British Isles*, pp. 69–70. <sup>20</sup> Otway-Ruthven, *Med. Ire.*, p. 181. For a recent discussion, see Colin Veach, *Lordship in four realms: the Lacy family, 1166–1241* (Manchester, 2014), pp. 245–8. <sup>21</sup> Flanagan, *Ir. soc.*, chs 3, 4. <sup>22</sup> Flanagan, 'Strategies of lordship', 107–26, map at 108.

1171, he went to England or Wales and submitted his gains to Henry II. His status was thereby transformed. In Ireland he emerged with a huge lordship, but one held from the king for the heavy service of one hundred knights. Moreover, Leinster was territorially mutilated. Henry appropriated the towns of Dublin and (for a time) Wexford with their hinterlands, areas that had been vital to Diarmait's projection of his power within Ireland and beyond. It seems unlikely, therefore, that Henry granted Leinster to Strongbow 'as Diarmait MacMurrough held it'.

In portraying the new provincial lords of Ireland as firmly under the authority of the Plantagenet kings, I do not intend to play down the importance of action on the ground, directed by the lords themselves. Hugh de Lacy's task was to seize, organize and settle a large strategic area. This meant removing or subjecting Irish leaders, subduing and exploiting the rural population, together with castle-building and the parcelling out of territory to members of his circle and the religious houses he favoured.<sup>23</sup> It is true that a similar balance (or tension) between royal patronage and occasional intervention, on the one hand, and local war and diplomacy, on the other, had been characteristic of Wales under the Norman kings.<sup>24</sup> There were, however, differences between the situations in the two countries. One was the existence in Ireland of grants imposing specific levels of knight service and making royal lordship explicit.<sup>25</sup> Another was the rapidity with which Henry II asserted his authority over the process of conquest, and the extent to which the royal stake in Ireland grew, particularly after the Council of Oxford (1177) and John's visit as lord of Ireland in 1185. John's agents showed themselves capable not just of exploiting Leinster and Meath during, and after, the minorities of the heirs of Strongbow and de Lacy, but of making extensive new enfeoffments in Leinster. William Marshal and Walter de Lacy seem to have made good their successions only through the backing of King Richard.<sup>26</sup>

In Ireland, as in Wales, memories of a distant past survived. In 1366 a jury empanelled to report on the circumstances of the forfeiture of the earl of Kildare's liberty in 1345 recalled 'Diarmait MacMurrough, once king of all Leinster', who had been succeeded by Strongbow, the Marshals and (in Kildare) the de Vescys.<sup>27</sup> But there was no implication that the earl's title had rested on anything other than royal charters recreating the liberty in 1316–17. Nor was conquest a promising alternative basis for franchisal claims. In Wales

<sup>23</sup> Robert Bartlett, 'Colonial aristocracies of the High Middle Ages', in *Med. frontier societies*, pp. 23–47 at 31–41. <sup>24</sup> R.R. Davies, 'King Henry I and Wales', in Henry Mayr-Harting and R.I. Moore (eds), *Studies in medieval history presented to R.H.C. Davies* (London, 1985), pp. 132–47. <sup>25</sup> A.J. Otway-Ruthven, 'Knight service in Ireland', in Crooks, *Government*, pp. 155–68 at 155–7, 166–8; J.C. Holt, 'The introduction of knight service in England', *ANS*, 6 (1983), 89–106 at 105–6. <sup>26</sup> Flanagan, *Ir. soc.*, pp. 133–5, 281–3. <sup>27</sup> TNA, C.47/10/22, no. 17; partly published in *Affairs Ire.*, p. 219.

Gilbert de Clare, earl of Gloucester, might assert that he held his lordship of Glamorgan and Morgannwg 'by his own conquest and that of his ancestors';<sup>28</sup> such bombastic statements were not part of the stock-in-trade of magnates in Ireland. When in 1298 the prior of St Patrick's at Down claimed to have held extensive liberties from 'the time of the conquest of Ireland without interruption', by the grant of 'John de Courcy, *conquestor Ultonie*', he played straight into the hands of John of Bridgwater, pleading for Edward I. Bridgwater portrayed de Courcy as having arrogantly claimed to hold Ulster 'free from the jurisdiction of the lord king and outside his allegiance', a stance that led King John 'to take all Ulster to himself and have his will with it'. The prior's claim, too, was mere insolence, based on the fact that Down was remote from Dublin. The court reduced his franchises sharply.<sup>29</sup> In general, lords in Ireland were more circumspect, defending their rights in the same terms as critics attacked them: by minute, sometimes creative, interpretation of their charters – an art of which Geoffrey de Geneville, who held the Trim half of Meath from 1252 to 1307, was a master.<sup>30</sup>

John's reign highlights the contrast between Wales and Ireland. Magna Carta of 1215 (clause 56) famously decreed that disputes over lands in the March of Wales should be settled by the law of the March, confirming the growing acceptance of that law as a known body of custom, applying within a distinct region.<sup>31</sup> Yet it was John, during his visit to Ireland in 1210, who had articulated the quite different principle that English law (*leges Anglicanas*), and not some variant custom, should apply there – a ruling that recognized and reinforced a legal migration that was already well advanced;<sup>32</sup> and the 1216 reissue of Magna Carta was duly sent for observance in Ireland.<sup>33</sup> The implications for lordship

<sup>28</sup> 'De suo et antecessorum suorum conquestu': *The Welsh assize roll, 1277–1284*, ed. J.C. Davies (Cardiff, 1940), p. 33. <sup>29</sup> Gearóid Mac Niocaill, 'Cartae Dunenses XII–XIII céad', *Seanchas Ardmhacha*, 5:2 (1970), 418–28 at 425–6. Cf. the curtailment by Edward I of liberties in Munster, which seem, in any case, to have involved criminal jurisdiction rather than the land pleas that were the real mark of high franchisal jurisdiction in England: K.W. Nicholls, 'The development of lordship in County Cork, 1300–1600', in *Cork hist.*, pp 157–211 at 159–60. There is an important discussion in Nicholls, 'Anglo-French Ireland and after', *Peritia*, 1 (1982), 370–403 at 376–7. <sup>30</sup> Hand, *Eng. law*, pp 123–31; Beth Hartland, 'Vaucoleurs, Ludlow and Trim: the role of Ireland in the career of Geoffrey de Geneville (c.1226–1314)', *IHS*, 32:128 (2001), 457–77 at 469–71. See also the disputes over William de Vescy's alleged abuse of his franchisal rights in Kildare: *Rotuli parliamentorum hactenus inediti*, ed. H.G. Richardson and G.O. Sayles (Camden Soc., 3rd ser, 51, London, 1935), pp 30–45; K.J. Stringer, 'Nobility and identity in thirteenth-century Britain and Ireland: the de Vescy family, c.1120–1314', in Smith, *Brit. & Ire.*, pp 199–239 at 232–9. <sup>31</sup> For the importance of John's reign and the earlier thirteenth century in general in these respects, see Davies, *Lordship & society*, pp 282–8; Kevin Mann, 'The March of Wales: a question of terminology', *WHR*, 18:1 (1996), 1–13; B.W. Holden, 'The making of the Middle March of Wales, 1066–1250', *WHR*, 20:2 (2000), 207–26. <sup>32</sup> Hand, *Eng. law*, pp 1–3; Paul Brand, 'Ireland and the early literature of the common law', in Brand, *Common law*, pp 445–63 at 445–6. <sup>33</sup> *Stat. John-Hen. V*, pp 5–19.

and liberties of the transplanting of English law were already apparent in fresh royal charters for Leinster and Meath issued in 1208 for William Marshal and Walter de Lacy, who had been in dispute with John's justiciar of Ireland. The king made a concession over the operation of prerogative wardship. But the charters reserved pleas of the crown, defined in the Marshal case (though, oddly, not in that of de Lacy) as arson, rape, forstal and treasure-trove, together with appeals of felony. They made it clear that the royal writ of right should run. They confirmed that anybody who alleged default of justice in the liberty court could appeal to the king's court. And they reserved to the crown the 'crosses', that is all church lands existing at the time of the charters, together with dignities belonging to them.<sup>34</sup> Similar restrictions were, in due course, made explicit in relation to Ulster, when it was granted to Walter de Burgh in 1263.<sup>35</sup> A map of the later liberty of Kildare reveals the importance of the reservation of the crosses: perhaps one quarter of well-settled eastern Kildare consisted of church lands.<sup>36</sup> This was a far cry from Glamorgan, where the thirteenth-century earls of Gloucester asserted their authority over the lands of Margam and Neath abbeys, and, along with neighbouring lords, until 1290 had some success in claiming regalian right over the bishopric of Llandaff itself.<sup>37</sup>

When, in the 1290s, records of the Irish courts begin to survive in quantity, they confirm that the king's ministers kept a close eye on crown rights, were adept at digging legal pits for lords and their officials, and were not slow to take liberties into the king's hand.<sup>38</sup> In Wales, of course, royal officials operating from Carmarthen created difficulties for marcher lords – for instance, by claiming that suit was owed at the king's court there from Gower or by lesser marchers such as the lords of Haverford, whom the earls of Pembroke claimed as their

<sup>34</sup> *Rot. chart.*, pp 176, 178. For more recent comment, emphasizing John's concession over wardship, see M.T. Flanagan, 'Defining lordships in Angevin Ireland: William Marshal and the king's justiciar', in Martin Aurell and Frédéric Boutoulle (eds), *Les seigneuries dans l'espace Plantagenêt (c.1150–c.1250)* (Paris, 2009), 41–59 at 52–4. The successor lordship of Trim in Meath, uniquely in Ireland, established a right to jurisdiction over the four pleas (Hand, *Eng. law*, p. 124). The fact that the de Briouze title to Gower, unusually among Welsh lordships, rested on a charter (of 1203) contributed to its vulnerability in the time of Edward I (J.B. Smith, 'The lordship of Gower and Kilvey in the Middle Ages', in T.B. Pugh (ed.), *Glamorgan county history*, iii. *The Middle Ages* (Cardiff, 1971), pp 218–43 at 241–3). <sup>35</sup> BL, Add. MS 4790, fo. 104d; rubric in Robin Frame, 'A register of lost deeds relating to the earldom of Ulster, c.1230–1376', in *Princes, prelates and poets*, pp 85–106 at 91. The first surviving charter, to Hugh de Lacy II in 1205, had imposed (light) military service and reserved royal rights over bishoprics, but was otherwise couched in general words (*Rot. chart.*, p. 151). See now Daniel Brown, *Hugh de Lacy, first earl of Ulster: rising and falling in Angevin Ireland* (Woodbridge, 2016), pp 25–6. <sup>36</sup> Otway-Ruthven, 'Medieval county of Kildare', facing p. 196. <sup>37</sup> Michael Altschul, *A baronial family in medieval England: the Clares, 1217–1314* (Baltimore, 1965), pp 273–5; Margaret Howell, 'Regalian right in Wales and the March: the relation of theory to practice', *WHR*, 7:3 (1975), 269–88. <sup>38</sup> For expressions of generalized ministerial hostility to franchises, see Frame, *Eng. lordship*, pp 119–20, 234; also below pp 182–3.

sub-tenants.<sup>39</sup> But in Ireland royal demands were different in quality. The pre-eminence of English law and the emergence of an increasingly professional legal and financial establishment at Dublin gave them a continuous, systematic character that placed the holders of franchises on the defensive. The sheriff of Dublin, armed with the writ *non omittas*, intervened in liberties where lords or their ministers were thought to have disregarded earlier royal orders.<sup>40</sup> Disputes frequently turned on whether felonies were committed, or property held, within the liberty or within the crosses – islands of royal jurisdiction, for which in the fourteenth century sheriffs were separately appointed.<sup>41</sup> At least as significant as this wrangling was the fact that liberties in Ireland were subject to taxation alongside the counties and boroughs, and were represented in parliaments and great councils.<sup>42</sup> In Wales, by contrast, the grant of a fifteenth to Edward I in 1291 was an exceptional and controversial matter, with which the earl of Gloucester pleaded with his people to co-operate ‘out of reverence for him and for love of us’.<sup>43</sup>

Nor are we wholly dependent on the – possibly treacherous – records of central government for this impression of the effectiveness of royal power. Accounts of the ministers of Joan de Valence in Wexford and Elizabeth de Clare in Kilkenny show the flow of fees and *douceurs* to Dublin ministers, often explicitly for the defence of their liberties.<sup>44</sup> The record of the earl of Ormond’s liberty court of Tipperary in 1359 confirms that, even at a comparatively late date and in an area distant from Dublin, the jurisdictional authority of a magnate was not wholly autonomous.<sup>45</sup> It shows the common law in action, with cases of novel disseisin, mort d’ancestor, dower, account and trespass proceeding. General pardons issued by the earl very properly excluded the four reserved crown pleas. Royal letters of protection, certifying that a litigant could not attend because he was on the king’s service, were enrolled. The records of several cases were summoned into the chancery of Ireland. Nor did Irish customs figure in the liberty court. The earl’s officers bore English names. Those who brought cases belonged to settler families – though, of course, an English patrilineal pedigree and legal identity were compatible with more than a touch of social and cultural Hibernicization. There was no equivalent of fees held *per Waleschariam*, nor did the court proceed by hybrid customs or empanel mixed juries. In general, Gaelic people figure only as they might in the records of the royal courts in Ireland: standing accused of misdeeds; escaping

<sup>39</sup> E.g., *Calendar of Ancient Petitions relating to Wales*, ed. William Rees (Cardiff, 1975), pp 344–8, 366; Davies, *Lordship & society*, pp 29–30; J.R.S. Phillips, *Aymer de Valence, earl of Pembroke, 1307–1324* (Oxford, 1972), pp 250–2. <sup>40</sup> E.g., *CJRI* 1295–1303, pp 85, 106, 112, 124, 140, 149, 242, 250, 266, 269, 308. <sup>41</sup> E.g., *ibid.*, pp 66, 354–5; *CJRI* 1305–7, pp 328–9. <sup>42</sup> E.g., *Stat. John-Hen. V*, pp 232–7 (1300); TNA, E.101/241/10 (1346). <sup>43</sup> *Littere Wallie*, ed. J.G. Edwards (Cardiff, 1940), p. 181. <sup>44</sup> *Affairs Ire.*, no. 64; TNA, S.C.6/1239/14, 26. <sup>45</sup> NLI, D. 1025; partly calendared in *COD* 1350–1413, no. 47. Though it should be pointed out that Ormond was himself justiciar of Ireland, 1359–60.

from the custody of the lord's officers; or paying to have the lord's peace. The world of the liberty of Tipperary, viewed through this lens, presents itself as a thoroughly English one.

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So far, the discussion, by stressing English law and constitutional proprieties, threatens to pen lords of Irish liberties in a very cramped corner indeed. It would be easy to press the argument further – for instance, by considering the impact of royal rights of wardship and marriage, which in Ireland as in Wales, were a practical counterweight to unfettered aristocratic power.<sup>46</sup> But to do so would be misleading. English rule may, to some extent, have been shaped by what historians once described as the Angevin 'leap forward' in royal law and administration. But from the beginning, the exercise of lordship in Ireland – just as in Wales – involved interactions with native leaders. Lords had to assert their authority in a culturally diverse and structurally varied society: even in the south and east, their orbits included – alongside what rapidly became well-settled, Anglicized lowlands such as east Meath, south Wexford or south Kilkenny – hybrid and largely Gaelic zones where magnate authority waxed and waned according to local political circumstances, and was exercised, when it was exercised at all, through punitive raids, tributes and hostage-taking. The character of lordship in 'English' Ireland was profoundly influenced by such practicalities.

Whatever Henry II may have had in mind when granting Meath to Hugh de Lacy to hold as it had once been held by O'Melaghlin, the form of words symbolizes the fact that Hugh – as well as building castles, settling vassals and endowing religious houses – engaged with native leaders. A widower with several sons, he tried to secure and extend his position to the west by marrying a daughter of Ruaidrí O'Connor, king of Connacht. William de Lacy, a son of that union, was to move through several cultural environments, seeking to establish a lordship on Meath's north-western frontiers, marrying a daughter of Llywelyn the Great, yet serving as a member of Henry III's military household.<sup>47</sup> Gaelic annals show that Hugh de Lacy received tributes from the Irish and was constantly involved in war and diplomacy with them.<sup>48</sup> Such practical necessities generated customs. A century later, in the time of Geoffrey de Geneville, who married one of his great-granddaughters, knightly

<sup>46</sup> Davies, *Lordship & society*, ch. 2; and see above, pp 42–3. <sup>47</sup> Robin Frame, 'King Henry III and Ireland: the shaping of a peripheral lordship', in Frame, *Ire. & Brit.*, pp 31–57 at 37; Seán Duffy, 'The problem of degeneracy', in Lydon, *Law and disorder*, pp 87–100 at 91. See now Colin Veach and Freya Verstraten-Veach, 'William Gorm de Lacy: "chiefest champion in these parts of Europe"', in *Princes, prelates and poets*, pp 63–84. <sup>48</sup> ALC, i, pp 171, 173.

jurors recorded the accepted rules in Trim for sharing between the lord and those serving him in border war captured horses and other beasts, and for the treatment of prisoners.<sup>49</sup> Extents from the 1330s show Irish leaders from Meath's western and northern fringes, some of them described as occupying areas 'within the woods', owing military services, together with renders in cattle, linen cloths and squirrel pelts.<sup>50</sup> These were almost certainly impositions going back to the high point of de Lacy lordship.

Similarly in Leinster, the verse chronicle best known as *The song of Dermot and the earl* shows Strongbow engaged in expeditions alongside Irish allies. He held 'all the hostages of Leinster according to the ancient custom'. He appointed one of Diarmait MacMurrough's relatives as king of Uí Chennselaig (what remained of the MacMurrough core kingdom, now centred in north Wexford), and entrusted 'the pleas of Leinster' to another.<sup>51</sup> The meaning of this last statement is obscure; but it suggests a continuing role in unsettled areas for Irish leaders, who are all but invisible in the charters, and wholly absent from the feodaries drawn up at the time of the partition of Leinster in 1247. The contemporary evidence from south Wales is more plentiful and reveals interactions of a type that must have been common in Ireland, too. We see the Marshals and de Clares taking stronger action against the dynasty of Morgan of Caerleon and the descendants of the Lord Rhys of Deheubarth than sometimes suited the government of Henry III.<sup>52</sup> On the other hand, royal agents at Carmarthen could cite with approval the policy followed by William Marshal II, 'who controlled the Welsh at his will; he gave two baronies of his own land ... to a certain Welshman, Cynan ap Hywel, in order to hold down the Welsh by him; and so he did'.<sup>53</sup> The approach of the lords of Leinster to local Gaelic leaders was, no doubt, similarly hard-headed. William Marshal I has earned a reputation for hostility to native Irish churchmen, but he favoured a branch of the O'Toole dynasty with a grant of English legal status.<sup>54</sup> In 1279 Roger Bigod, earl of Norfolk, a Marshal co-heir, visited his lordship of Carlow. At the justiciar's request, he conciliated Muirchertach and Art Mac Murrough, leaders of a recent uprising, with gifts of money, wine and furs. He also reported to Edward I that he had been told, possibly to his surprise, that these Gaelic aristocrats were his kinsmen.<sup>55</sup>

<sup>49</sup> *Reg. Gormanston*, p. 182. <sup>50</sup> A.J. Otway-Ruthven, 'The partition of the de Verdon lands in Ireland in 1332', *PRIA*, 66C:5 (1968), 401–55 at 406, 412–13, 422–3, 427, 428, 430, 433, 435. <sup>51</sup> *Deeds of the Normans*, ll. 2185–8, 3218–21. For the MacMurroughs, see ch. 14, below. <sup>52</sup> E.g., *Annales monastici*, ed. H.R. Luard, 5 vols (RS, London, 1864–9), i, pp 36, 37 (Margam annals); pp 70, 90–1, 92, 124–5 (Tewkesbury annals); *RLC*, i, pp 564–5; *RLC*, ii, p. 17; *Patent rolls*, 1232–47, pp 24, 26, 153, 160. <sup>53</sup> *Calendar of Ancient Correspondence concerning Wales*, ed. J.G. Edwards (Cardiff, 1935), p. 48; Latin text in *Royal letters, Hen. III*, i, pp 426–7. <sup>54</sup> *CJRI* 1295–1303, p.271; John Watt, *The church in medieval Ireland* (2nd ed., Dublin, 1998), pp 100–2. <sup>55</sup> Robin Frame, 'The justiciar and the murder of the Mac Murroughs in 1282', in Frame, *Ire. & Brit.*, pp 241–7.

It is only from the mid-fourteenth century that we have a critical mass of documents that seek to define such cross-cultural aspects of lordship. Their survival reflects the general growth of seigneurial record-keeping in the later medieval period, but it also reveals the crystallization of mixed customs in frontier zones where the initiative was no longer with the English. In 1358, for instance, the earl of Ormond made an agreement in indentured form with Edmund O'Kennedy of north Tipperary.<sup>56</sup> The earl, who had brought Edmund to England in honourable captivity, released him in return for a large payment. Edmund was to surrender six sons and two nephews as hostages for his good behaviour. He was to be allowed to occupy up to fifteen carucates of land, in return for rent. He promised military service, free within his own marches but at the earl's wages beyond them, when he would supply up to forty horsemen and 120 foot. He would discipline his own people; if they trespassed on the earl's territory, he would deliver them up for punishment or pay compensation to the earl and the English who had been injured. He would keep his idlemen (well-born but landless retainers) off the backs of the earl's tenants. The earl, in return, would concede to him the goods of any Englishman who trespassed against him. He was also granted the right to appeal to the earl's seneschal, and in the last resort to Ormond himself. In Tipperary two forms of jurisdiction – one defined by English law and feudal tenures; the other by military dominance, mutually understood conventions and *ad hoc* agreements – were intended to merge at the top, in the person of the earl. The O'Kennedy indenture envisages attendance at the earl's courts, and the 1359 roll lists fines imposed on O'Kennedy and other Irish for non-appearance. Presumably the court, as well as operating the legal system of the liberty, could serve as a forum where disputes were resolved, petitions heard, and Irish leaders held to account for the behaviour of their men. This mirrors the court of the justiciar of Ireland, where, among the endless records of assizes and pleas of the crown, are sprinkled occasional submissions and undertakings by Irish leaders.<sup>57</sup>

Despite Meath's greater proximity to Dublin, it, too, reveals a rich variety of styles of lordship. This is apparent in the account of Thomas Badby, keeper of the liberty of Trim in 1360–1, when it was in the king's hand.<sup>58</sup> Formal franchisal structures are reflected in payments to the seneschal, the chancellor and the chamberlains of the exchequer at Trim, together with *narratores* pleading in the liberty court, one of whom was associated with the seneschal in holding pleas of the crown. Military lordship is visible in a payment to the seneschal for leading 200 horsemen to Mullingar and elsewhere while 'treating for the peace' with the Tyrells and the Pettits, Herbert de la Mare and Robert

<sup>56</sup> *COD 1350–1413*, no. 46. For discussion of this and similar documents, see J.A. Watt, 'Gaelic polity and cultural identity', in *NHI*, ii, pp 314–57 at 325–9. <sup>57</sup> E.g., *CJRI 1295–1303*, p. 61; NLI, Genealogical Office MS 191, p. 58 and MS 192, pp 53–5. <sup>58</sup> TNA, E.101/244/3.

Tuyt – an episode that provides a glimpse of a world of extended settler kins, among whom the lord's interests had to be negotiated. Herbert and Geoffrey de la Mare were, in turn, paid for capturing Edmund O'Farrell, 'felon and enemy', whom they sent to Trim castle as a hostage for his brother Seán and the entire O'Farrell kin. The hostile, stereotyped wording suggests a sharper distinction between English and Gaelic lineages than actually existed in most practical respects: a generation later, local annals reveal these and other kins from Meath and its fringes engaged in feuds, parleys, alliances and the building of tower-houses.<sup>59</sup> The account also includes payments for defence against those who are portrayed as outside enemies, the O'Connors and other 'malefactors of Carbury and Offaly', against whom a band of kern under a Gaelic Irish leader was hired to protect Trim. Within the orbit of the lordship, boundaries between jurisdiction and arbitration, between 'internal' and 'external', between rule and diplomacy, were (and are) not easy to draw.

These and similar documents are a reminder of the shrewdness of Rees Davies' remark that the powers of lordship 'could be personal, territorial, jurisdictional, or any combination thereof'.<sup>60</sup> A bond entered into in parliament at Dublin in 1324 by seventeen 'earls, barons, and other great men of lineage' neatly encapsulates the point. The leaders promised that they would

take and cause to be taken, the felons, robbers and thieves of their own family and surname, and their adherents ... in march districts, and all other notorious felons and evildoers who shall be found and received in their lordships in land of peace, at their own costs ... and those who are thus taken, they shall bring or cause to be brought to the courts of our lord the king, to be amenable to justice; saving the reasonable position of lords of franchises.<sup>61</sup>

Magnate authority is here portrayed in a mixture of modes, involving kinship, clientage and territory. Franchises might or might not come into the picture; where they did, they gave lordship an additional edge and extra profitability. The bond also reveals the willingness in practice of ministers of the crown, so often encountered as sticklers for the niceties of the common law, to recognize, harness, and indeed strengthen useful lines of authority, of whatever type. This flexibility extended to relations with marcher kin-groups and Gaelic lords. Governors of Ireland consciously used general pardons as a means of keeping lines of contact open with settler families whose involvement in the rough and tumble of the marches placed them outside the range of common law.<sup>62</sup> From the mid-fourteenth century there was increasing employment of the term

<sup>59</sup> *AMisc.*, pp 142–85. <sup>60</sup> R.R. Davies, 'Lordship or colony?', in Lydon, *Eng. in med. Ire.*, pp 142–60 at 147. <sup>61</sup> *Stat. John–Hen. V*, pp 306–9. <sup>62</sup> See below, pp 317–18.

*capitaneus nacionis sue* ('head of his kin') in royal and seigneurial documents that sought to impose defined obligations on Gaelic and 'Gaelicized' leaders.<sup>63</sup>

Davies also wrote of 'concentric circles of lordship [which] – extending, as it were, in unequal and imperfect ripples according to the pattern of authority – were never perfectly linked'.<sup>64</sup> One of the more insistent themes in the history of lordship in later medieval Ireland is the quest by nominally superior authorities to identify subordinates on whom they could fix responsibility. In Ireland, whether Gaelic or English, imagined hierarchies were two a penny; workable hierarchies were harder to identify and sustain. Writing of later medieval Irish law, Gearóid Mac Niocaill pointed to the 'balkanized' state of the Gaelic polity and the absence of a 'pyramid of lordship'.<sup>65</sup> On the English side, legislation of the Irish parliament complained about the problem presented by the escapes of felons between counties and liberties.<sup>66</sup> Agreements made by magnates and by the king's representatives with Gaelic lords sought, as in the O'Kennedy indenture, to resolve the difficulties anticipated when either party tried to make the arrangements stick among their own people. The archbishops of Armagh struggled to protect their interests amid the kaleidoscopic politics of the northern lordships by dignifying this or that *regulus* or *capitaneus* as the recognized 'secular arm'.<sup>67</sup> The jurisdictions of lords of liberties were defined in common-law terms and are thus clearly visible in the records. But they were just one among many mechanisms through which lordship was expressed and asserted, and not necessarily the most important. Over most of late medieval Ireland there was a decreasing amount of royal government for the proverbial 'well-endowed communist' to be immune from.

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Discussing Ireland and Wales together resembles searching for footholds on constantly shifting ground. These pages have offered no more than random snapshots of a few details of two crowded scenes, which sometimes seem to pass each other heading in opposite directions. (Ireland in the fourteenth century can seem reminiscent of Wales before 1282.) Wales saw interaction between peoples and customs under the authority of lords, into the internal

<sup>63</sup> See, from the Irish perspective, Simms, *Kings*, pp 37–8; from that of the crown, Robin Frame, 'English officials and Irish chiefs in the fourteenth century', in Frame, *Ire. & Brit.*, pp 249–77 at 270–5; also, below, pp 192–6, 340–1. <sup>64</sup> 'Lordship or colony?', p. 149. <sup>65</sup> 'Aspects of Irish law in the thirteenth century', in G.A. Hayes-McCoy (ed.), *Hist. Studies X* (Galway, 1976), pp 25–42 at 39–40. For further development of these points, see Robin Frame, 'Contexts, divisions and unities: perspectives from the later Middle Ages', in *CHI*, i, pp 523–50 at 526–30, 545–8. <sup>66</sup> *Stat. John–Hen. V*, pp 288–9, 326–7, 380–3, 450–3. <sup>67</sup> Katharine Simms, 'The archbishops of Armagh and the O'Neills, 1347–1471', *IHS*, 19:173 (1974), 38–55.

workings of whose lordships the crown probed only occasionally. Lordship in the March in consequence had a protean quality, which, on the whole, survived the challenges of thirteenth-century kings, and even the changes in other parts of Wales inaugurated by Edward I's conquests. Those changes came at a time when English legal culture was sufficiently sophisticated to discriminate between 'acceptable' and 'unacceptable' aspects of Welsh custom, and to harness serviceable features of the native principality – which had itself, of course, already absorbed influences from the outside world.<sup>68</sup> Such well-established interactions meant that the societies of the Edwardian principality and the March were far from incompatible. In Ireland, by contrast, the barriers appear more stark. Lordships there were forming just as English common law and royal jurisdiction were becoming more pervasive and defined; moreover the early intervention of the crown served to inhibit ready interchange of customs. The impression of inflexibility is not wholly misleading when we consider the extensive parts of eastern and southern Ireland where, in the thirteenth century, crown government was effective (or at least intrusive). But it is far from the whole story. From the start, power flowed along additional channels, which were not officially recognized. That these become more obvious to us in the fourteenth century is only in part explained by the survival of a wider range of sources. The retreat of settlement, and of the English systems associated with it, meant that lords – including in practice, the representatives of the crown, for all their fulminations against Gaelic influences and marcher customs – had to show even greater political and cultural versatility.

68 See esp. L.B. Smith, 'The Statute of Wales, 1284', *WHR*, 10:2 (1980), 127–54.

## CHAPTER 5

# Exporting state and nation: being English in medieval Ireland

England was, by medieval standards, an unusually coherent and centralized kingdom, particularly between the late twelfth and fourteenth centuries, the period with which this chapter is concerned. It is not surprising, therefore, that the influence of the crown over the outer edges of the polity should be proportionately strong. This strength is visible in Ireland, to which English law and government were extended between the reigns of Henry II and Edward I. The extension was not of course effective across the entire island, but nor was it restricted to the area around Dublin: the Pale was a concept that appeared only in the early Tudor period.<sup>1</sup> Over much of the east and south, military and political domination was accompanied, on the coasts and in the river valleys, by significant colonization from Britain. This was the soil in which institutions – which from the time of King John were explicitly described as English – took root. By the middle of the fourteenth century, when the phase of confident expansion had ceased, the settler elites constantly stressed their loyalty to the crown and their Englishness. These qualities had become synonymous.<sup>2</sup>

My subject is the inter-relationship between the extension of the English state and settler identity: between, in other words, ‘power’ and ‘nation’. I shall argue that the latter is comprehensible only if due weight is given to the former. I shall also suggest that there are sufficient resemblances between the medieval Anglo-Irish relationship and later examples of the interplay between colonies and homelands to make conversations between medievalists and modernists worthwhile.<sup>3</sup> Ireland, indeed, displays some features that would enable a

<sup>1</sup> S.G. Ellis, *Ireland under the Tudors 1447–1603* (Harlow, 1998), pp. 70–5. For maps that try to delineate the extent of government control at various periods, see David Ditchburn et al. (eds), *Atlas of medieval Europe* (2nd ed., London, 1997), pp. 210–12, and *NHI*, ix, p. 42. <sup>2</sup> On the identity of the ‘English of Ireland’, see J.F. Lydon, ‘The middle nation’, in Lydon, *Eng. in med. Ire.*, pp. 1–26; Lydon, ‘Nation and race in medieval Ireland’, in Simon Forde et al. (eds), *Concepts of national identity in the Middle Ages* (Leeds, 1995), pp. 103–24; Robin Frame, “Les engleys nées en Irlande”: the English political identity in medieval Ireland”, in Frame, *Ire. & Brit.*, pp. 131–50; and, for a literary approach, Thorlac Turville-Petre, *England the nation: language, literature and national identity, 1290–1340* (Oxford, 1996), pp. 155–80. The subject is set in a wider context in R.R. Davies, ‘The peoples of Britain and Ireland, I. Identities’, *TRHS*, 6th ser. 4 (1994), 1–20, and ‘III. Laws and customs’, *TRHS*, 6th ser. 6 (1996), 1–23. <sup>3</sup> The case for seeing the development of states and nations as a

classifying mind to assign it, approximately, to Anthony Smith's category of colonial or 'providential frontier' nationalisms – though perhaps without the 'nationalism'.<sup>4</sup> Alternatively, it could be described as a regnal lordship – the king of England was *dominus Hibernie* – which produced its own variety of Englishness. Such conversations have been slow to develop. Two reasons for this merit a brief mention. The first is the telescoped treatment the period receives in general histories of Ireland, where the English presence tends to be viewed through the spectacles of late medieval contraction and Tudor and Stuart reconquest and plantation. The dominant images are of the shrunken Pale and of a settler population that was 'turning Irish'. These caricatures and elisions of time have left their mark on the few taxonomists of nations and nationalism who have noticed the topic.<sup>5</sup> (The Lordship of Ireland lasted from 1171 to 1541, the same length of time that separates Thomas Cromwell from Mr Gladstone or the end from the beginning of Roman Britain: it seems perverse to regard its first 150 years as an overture to preordained decay.) The second obstacle is terminological: the habit in Ireland of labelling the period from 1170 to as late as the fifteenth century 'Norman', 'Anglo-Norman', or 'Anglo-French' – anything, in fact, save 'English'.<sup>6</sup> John Gillingham has recently insisted that the appropriate term is indeed 'English', and this usage is making headway among younger Irish medievalists.<sup>7</sup> Arguments over the point during the twelfth century at which 'Normans' in England became 'English' need not concern us. There is some consensus that the needle was settling on the 'English' side of the meter by the 1170s and 1180s; even on a recent cautious reading, it was firmly fixed there by around 1220.<sup>8</sup> Such a chronology fits with the signs that the Irish enterprise was viewed as English by those who wrote about it in the late twelfth century, and by those in official circles who sought to shape it in the early thirteenth.

continuum across the 'medieval'/'modern' watershed is well made by K.J. Stringer, 'Social and political communities in European history: some reflections on recent studies', in Claus Bjørn et al. (eds), *Nations, nationalism and patriotism in the European past* (Copenhagen, 1994), pp 9–34; and by Lesley Johnson, 'Imagining communities: medieval and modern', in Forde et al. (eds), *Concepts of national identity*, pp 1–19. 4 A.D. Smith, *Nationalism and modernism: a critical survey of recent theories of nations and nationalism* (London, 1998), pp 193–5. 5 E.g. Adrian Hastings, *The construction of nationhood: ethnicity, religion and nationalism* (Cambridge, 1997), pp 71–2, 85–6, 92–3; John Hutchinson, *The dynamics of cultural nationalism: the Gaelic Revival and the creation of the Irish nation state* (London, 1987), pp 50–2. 6 For example, one of the few Irish scholars to use the term 'state' in an Irish medieval context writes of 'the Norman-Irish state' (Otway-Ruthven, *Med. Ire.*, ch. 5). 7 Gillingham's articles, published during the 1990s, are collected in his *The English*, chs 1, 3, 6, 9 (see esp. pp 150–7). Cf. Smith, *Colonisation* (subtitled *The English in Louth*), and Seán Duffy, *Ireland in the Middle Ages* (Dublin, 1997), where chapter 3 is entitled 'Adventus Anglorum'. 8 Ian Short, 'Tam Angli quam Franci: self-definition in Anglo-Norman England', *ANS*, 18 (1995), 152–75; H.M. Thomas, *The English and the Normans: ethnic hostility, assimilation and identity, 1066–c.1220* (Oxford, 2003), esp. ch. 6.

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To begin with the self-consciousness. When King John visited Ireland in 1210, he issued a charter and held a council decreeing that English law should apply there.<sup>9</sup> His reign also saw the first surviving letters patent granting 'English law and privileges' (*legem et libertatem Anglicanam*) to individual native Irishmen.<sup>10</sup> Then in 1216 Magna Carta was transmitted for observance in Ireland. This began the habit of sending new English legislation over for proclamation. Between 1222 and 1246 the government of Henry III responded to requests for clarification of specific legal points by calling to mind the council of 1210 and ruling that law in the Lordship of Ireland should be identical to the law of England.<sup>11</sup>

By the late thirteenth century, parliaments attended by the lay and ecclesiastical magnates, and sometimes by knights of the shire and/or burgesses of the main towns, met frequently. Their legislation contains just about everything that might appear on the check-list of the political theorist seeking to define a state.<sup>12</sup> In 1297, for instance, there was an extension of the county system that formed the network of crown government; an ordinance about clearing and maintaining the king's highways; a ruling that all the king's subjects should have military equipment proportionate to their wealth, along the lines of the English Assize of Arms of 1181 and the 1285 Statute of Winchester; there is a territorial sense, embodied in the phrase 'the land of peace'; and a positively Weberian insistence that 'one peace and one war' should apply throughout the country, with all military activity on the marches controlled by sheriffs and other royal agents.<sup>13</sup> In 1299–1300 Irish parliaments agreed taxation for the Anglo–Scottish war, and published ordinances outlawing the substandard continental coins that were circulating in the king's insular dominions.<sup>14</sup>

The question at once arises of how far any of this was effective. Brendan Smith recently described the enactments of 1297 as 'less a practical programme than a declaration of identity through law', a comment singled out as perceptive by more than one reviewer.<sup>15</sup> There has been a small scholarly industry devoted to pointing out the limitations of royal government in Ireland. Writing in 1977,

<sup>9</sup> See Hand, *Eng. law*, ch. 1; and esp. Paul Brand, 'Ireland and the literature of the early Common Law', in Brand, *Common law*, pp 445–63 at 445–50. <sup>10</sup> Frame, "Les engleys", p. 136. <sup>11</sup> *Stat. John–Hen V*, pp 20, 20–1, 21, 22, 23–4, 24–5, 30, 31–2, 35. <sup>12</sup> On the structure of later medieval states see Bernard Guenée, *States and rulers in later medieval Europe* (Oxford, 1985), esp. pp 91–208. <sup>13</sup> *Stat. John–Hen V*, pp 194–212. There is a new edition and translation by Philomena Connolly, 'The enactments of the 1297 parliament', in Lydon, *Law & disorder*, pp 148–61. <sup>14</sup> *Stat. John–Hen V*, pp 212–14, 220–6, 228–36. <sup>15</sup> 'Keeping the peace', in Lydon, *Law & disorder*, pp 57–65 at 65. See *WHR*, 19:2 (1998), 346 (R.R. Davies); *EHR*, 114:457 (1999), 690–1 (Robin Frame); and *Speculum*, 75:2 (2000), 495–6 (D.M. Kornriegel and R.C. Stacey).

I myself – inconveniently for present purposes – described the country as ‘less a lordship than a patchwork of lordships’, and English law and government there as ‘a thinnish coating over a very un-English set of political facts’.<sup>16</sup> Rees Davies, as usual finding the *mot juste*, has stated that it was one thing to export English institutions, quite another to reproduce a ‘political texture’.<sup>17</sup> Comments such as these were partly a reaction against a rather abstract style of institutional history that was influential in Ireland in the middle of the twentieth century. Nobody would argue that the crown had a monopoly of legitimate authority in Ireland; indeed, Davies has recently selected it as a prime example of the ‘federal’ character of power in a pre-modern polity.<sup>18</sup> But, for all the necessary reservations, it remains striking that English systems rooted themselves as firmly as they did. There is plenty of evidence that the state in Ireland was more than an empty shell.

Let us use the obvious measures of jurisdiction and revenue.<sup>19</sup> Around 1300 the shire system stretched from the Ulster borders to Cork and even Kerry. Across this large territory, sheriffs were appointed; judges moved around, hearing criminal and civil pleas; cases flowed to the central courts at Dublin. All this could work only through the involvement of substantial numbers of people at local level – sub-sheriffs, bailiffs of various sorts, jurors, pledges; the panoply of English ‘self-government at the king’s command’.<sup>20</sup> Admittedly, the governed region contained extensive regalian liberties, which were part of the underpinning of aristocratic power. But these, unlike the Welsh marcher lordships, were subject to English law; their seneschals accounted at the Dublin exchequer for the profits of pleas reserved to the crown; their lords, even those with strong court connections, had to struggle to ward off intrusions and sequestrations by royal officials.<sup>21</sup>

Like the English ‘law state’, the Plantagenet ‘tax-empire’ was vigorous in Ireland at the same period.<sup>22</sup> Financial records reveal the collection of money

<sup>16</sup> Robin Frame, ‘Power and society in the lordship of Ireland, 1272–1377’, in Frame *Ire. & Brit.*, pp. 191–220 at 191, 193. <sup>17</sup> ‘The English state and the Celtic peoples’, *J. Historical Sociology*, 6:1 (1993), 1–14 at 13. <sup>18</sup> Rees Davies, ‘The medieval state: the tyranny of a concept?’, *J. Historical Sociology*, 16:2 (2003), 280–300, at 289–90. Cf. Michael Mann, *States, war and capitalism: studies in political sociology* (Oxford, 1988), p. 23. <sup>19</sup> For the paragraphs that follow, see esp. Richardson & Sayles, *Ir. parl. and Admin. Ire.*; Hand, *Eng. law*; Brand, *Common law*, chs 2, 12, 13, 19, 20; A.J. Otway-Ruthven, ‘Anglo-Irish shire government in the thirteenth century’, in Crooks, *Government*, pp. 121–40; and Gerard McGrath, ‘The shiring of Ireland’, in Lydon, *Law & disorder*, pp. 107–24. Otway-Ruthven, *Med. Ire.*, ch. 5 and Frame, *Colonial Ire.*, ch. 5 provide overviews. For the wider context, see Frame, *British Isles*, ch. 4, and Davies, *Empire*, chs 4, 6. <sup>20</sup> Cf. A.B. White, *Self-government at the king’s command* (Minneapolis, 1933). <sup>21</sup> Hand, *Eng. law*, pp. 113–34; Frame, *Eng. lordship*, pp. 119–20, 234, 285; Beth Hartland, ‘Vaucoleurs, Ludlow and Trim: the role of Ireland in the career of Geoffrey de Geneville (c.1226–1314)’, *IHS*, 32:128 (2001), 457–77 at 469–71; above, ch. 4. <sup>22</sup> W.M. Ormrod, ‘The English state and the Plantagenet empire, 1259–1360: a fiscal perspective’, in J.R. Maddicott and D.M. Palliser (eds), *The medieval state*:

from lands and custodies, farms of cities, profits of justice, and taxation. They show the exercise of regalian right, which gave the crown income from vacant bishoprics.<sup>23</sup> The wool tax was extended to Ireland, with a customs organization garnering significant profit from the southern and east coast ports. Edward I's credit systems operated in Ireland, with Italian bankers playing a prominent part in the exploitation of the Lordship.<sup>24</sup> At their peak, the revenues of Ireland were not dissimilar in scale from those of the contemporary Scottish kingdom.<sup>25</sup> Throughout the thirteenth century, Ireland was used by the crown for military recruitment and supplies. From the mid-1290s, when the Anglo-Scottish wars began, the energies of government were directed to purveying grain, pork, saltfish, beer and other foodstuffs for armies and garrisons in south-west Scotland. Contributions came not just from the hinterlands of Dublin and Drogheda, but from scores of small towns and royally approved markets upstream from Wexford, Waterford, Cork and Limerick. The capacity of Edwardian government to mobilize and to extract was apparent in Ireland just as in England.<sup>26</sup> It has been argued that the intensity of the demands of the 1290s and early 1300s, coming at a time of poor harvests, harmed the economy. In Ireland, as in England, we encounter the paradox that government was sufficiently effective to damage its own resource-base.

As all this shows, Ireland was firmly attached to the English metropolis. The links included those of administrative routine, such as exchequer audits and judicial appeals and reviews which reached the king's bench, council and parliament. These involved not only comings and goings by officials and messengers, but also the movements of petitioners and agents, as those with interests in Ireland sought to put one over on each other by lobbying in England. This orbit of patronage extended further than the sphere of regular government. Like any new territory, Ireland was initially an asset to the crown; royal grants created ties and habits that endured for generations. Beyond the core settlement areas in the south and east, royal government gave way to aristocratic supremacies. But the perception of aristocratic freedom of action has to be balanced by an appreciation of the continuing ties – through military service, reward and marriage – to the royal court and English aristocracy.

essays presented to James Campbell (London, 2000), pp 197–215 at 198–9. <sup>23</sup> Art Cosgrove, 'Irish episcopal temporalities in the thirteenth century', *Archiv. Hib.*, 32 (1974), 63–71; John Watt, *The church in medieval Ireland* (2nd ed., Dublin, 1998), ch. 4; and see above, pp 29–30. <sup>24</sup> Timothy O'Neill, *Merchants and mariners in medieval Ireland* (Blackrock, 1987), pp 58–65; M.D. O'Sullivan, *Italian merchant bankers in Ireland in the thirteenth century* (Dublin, 1962), ch. 5. <sup>25</sup> H.G. Richardson and G.O. Sayles, 'Irish revenue, 1278–1384', *PRIA*, 62C:4 (1962), 87–100. Cf. A.A.M. Duncan, *Scotland: the making of the kingdom* (Edinburgh, 1975), pp 596–9. <sup>26</sup> This is the subject of a series of studies by J.F. Lydon, which he conveniently summarises in 'The years of crisis, 1254–1315', *NHI*, ii, pp 179–204 at 195–204. Cf. J.R. Maddicott, *The English peasantry and the demands of the crown, 1294–1341* (*P&P*, Supplement 1, 1975).

Even in northern and western Ireland, those who began as royal agents did not wholly slip the metropolitan reins and disappear into local society.<sup>27</sup> We are encountering a version of the ‘administrative maps’ and – stretching wider – the ‘political highways’ that mark out Benedict Anderson’s ‘imagined communities’ of colonial America.<sup>28</sup>

Across the fourteenth century, the reach and effectiveness of English institutions in Ireland was reduced, by economic and demographic catastrophe, and by the inward collapse of settled frontiers as the predatory pasturing and tribute-warfare that characterized Gaelic and marcher society expanded.<sup>29</sup> The clearest symptom of the change is that by the 1360s and 1370s the dominion that had contributed so much to Edward I’s wars was being shored up by armies and cash from England.<sup>30</sup> The adverse shift supplies the context for the anxieties about loyalty and identity to which I shall turn shortly. But it is important to retain a sense of the residual strength of English systems during the period when Dublin’s control in Ireland receded.

This may be illustrated by three episodes.<sup>31</sup> In 1355 eleven southern and eastern counties responded almost instantly to an order to elect their sheriffs. Each sheriff was to have twenty-four electors, who were also his sureties. We have the names; they reveal the involvement of substantial numbers of gentry families in local government. For instance, tiny, beleaguered Carlow produced twenty-nine sureties from twenty-two families. Remote Kerry contented itself with the required twenty-four; they came from at least fifteen families, including, at the extreme edge of this institutional world, Nicholas and William Fereter from the Dingle peninsula, thrust out into the Atlantic.<sup>32</sup> In 1358,

<sup>27</sup> Frame, *Eng. lordship*, pp 46–51, and 130–339; and see above, pp 41–3. <sup>28</sup> Benedict Anderson, *Imagined communities: reflections on the origins and spread of nationalism* (London and New York, 1991), pp 47–65. Cf. John Breuilly’s distinction, in modern colonial states, between an ‘administrative model’ and a system based on alliances and diplomacy (*Nationalism and the state* (Manchester, 1982), pp 186–94). Both existed, in an overlapping way, in Ireland. See R.R. Davies, ‘Lordship or colony?’, in Lydon, *Eng. in med. Ire.*, pp 142–60. The theme is developed by H.B. Clarke, ‘Decolonization and the dynamics of urban decline in Ireland, 1300–1500’, in T.R. Slater (ed.), *Late-medieval urban decline* (Aldershot, 2000), pp 157–92. <sup>29</sup> See Robin Frame, ‘War and peace in the medieval lordship of Ireland’, in Frame, *Ire. & Brit.*, pp 220–39, for the conventions of the ‘land of peace’ and the ‘land of war’. While the contrasts between English and Gaelic rural society were not so wide as to be classifiable as ‘agricultural versus pastoral’, they were *perceived* as being wider than they were (e.g. Robert Bartlett, *Gerald of Wales 1146–1223* (Oxford, 1982), ch. 6; John Gillingham, ‘The beginnings of English imperialism’, in Gillingham, *The English*, pp 3–19). To that extent medieval Ireland fits John Armstrong’s model of an interface between sedentary and nomad or transhumance societies (*Nations before nationalism* (Chapel Hill, 1982), pp 41–3, 70–1). See Katharine Simms, ‘Nomadry in medieval Ireland: the origins of the creaght or *caoraigneacht*’, *Peritia*, 5 (1986), 379–91, for nomadic bands and herds in the late medieval north of Ireland. <sup>30</sup> See P.M. Connolly, ‘The financing of English expeditions to Ireland, 1361–76’, in Lydon, *Eng. & Ire.*, pp 104–21. <sup>31</sup> For fuller development of the points that follow, see below, pp 176–81. <sup>32</sup> CIRCLE, Pat. R. 29 Edw.

over the same area, county courts were assembled to make grants and appoint assessors and collectors of subsidies to support local defences. We have the names of many scores of those involved.<sup>33</sup> This can be read as a sign of crisis and the partial fragmentation of the 'tax-state'; but it is also evidence of continued interaction between centre and localities, and an example of mobilization and participation. Finally, as late as 1420–1 representatives of nine counties, together with towns, liberties and dioceses, attended parliaments at Dublin; taxation was agreed; dozens of assessors and hundreds of collectors were appointed. The arrangements were carefully modulated to use the collecting units most appropriate to the individual districts.<sup>34</sup> Moreover, aristocratic, urban and commercial connections still tied Ireland very closely to England. This is apparent in the Lordship's sensitivity to English politics, most dramatically during the Wars of the Roses, at the conclusion of which Dublin and Cork served as bases for the Yorkist pretenders Lambert Simnel and Perkin Warbeck. State power in Ireland was less effective than it had been, but still effective enough to demand responses, arouse hopes, spread contentiousness, and shape the terms of political debate.

Medievalists are often irritated by what they regard as dismissive travesties perpetrated by modernists writing about medieval polities. There is a danger that they will respond by making inflated claims for the power and organization of the kingdoms and provinces that they now freely refer to as 'states'.<sup>35</sup> Ireland – with its distance from the metropolis, its multiple frontiers, its regional political dynamics, its extended noble kins and large retinues – may seem improbable ground for centralized power and a widespread sense of subjecthood. Yet even in Ireland, the English state bulked large. Participation was, of course, mainly for the elite; but the elite was not a shallow one. English systems depended on the services of men of affairs, in counties and liberties, in their subdivisions (the cantreds and baronies), in towns, in the dioceses and smaller units through which ecclesiastical taxation was arranged. Arguably, too, frontier conditions threw more, not less, governmental responsibility on to local societies. The gentry community of Louth, for example, seems to have gained in solidarity and self-awareness as the county's borders contracted; and its members maintained close contacts with the Dublin government and with England.<sup>36</sup> For the population at large, involvement chiefly meant being mulcted and mobilized. Yet, as in England,<sup>37</sup> their awareness of wider issues should not

III, nos. 71–2, 77–8; CIRCLE, *Close R.* 29 Edw. III, nos. 147–8. <sup>33</sup> CIRCLE, *Close R.* 32 Edw. III, no. 61; CIRCLE, *Pat. R.* 32 Edw. III, nos. 1, 2, 3, 11, 16, 17, 39, 40, 61, 64–5, 71–2, 102–3, 127. <sup>34</sup> *Parls & councils*, pp 131–91. <sup>35</sup> See the comments of Davies, 'The medieval state', 280–1. <sup>36</sup> Smith, *Colonisation*, pp 6, 7; Smith, *Crisis & survival, passim*; Paul Brand, 'The early history of the legal profession of the lordship of Ireland, 1250–1350', in Brand, *Common law*, pp 21–56 at 37–40. <sup>37</sup> See e.g. David Carpenter, 'English peasants in politics, 1258–67', *P&P*, 136 (1992), 3–42; J.R. Maddicott, 'Magna Carta and the local community, 1215–59', *P&P*, 102 (1984), 25–65.

be underestimated. In Ireland there was the special experience of belonging to threatened communities, which were protected as well as oppressed by representatives of royal authority. Englishness may have been chiefly embodied in the dominant 'horizontal layers' of aristocracy and gentry, leading townsmen and clergy (elements, incidentally, which were not 'segregated' but overlapped and interacted with one another). But a governmental system, which in the heartlands of the Lordship was not without 'penetrativeness', 'pervasiveness' and 'infrastructural power', helped in some degree to 'co-opt' those below.<sup>38</sup>

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How, then, did the settlers perceive and present themselves? John Gillingham's arguments for a swift emergence of a re-modelled Englishness among the Normans does not mean that the subject is foreclosed, in the sense that those who went on to conquer and settle in Ireland were already 'English'. For individuals, families and groups identity was still complex and fluid. Hugh Thomas has recently argued that in the late twelfth century people of mixed ancestry might choose to emphasize either their Norman or their English roots; increasingly more of them more often took the latter option.<sup>39</sup> Intervention and settlement in Ireland had begun in 1169–70 with incursions by mercenary leaders and troops from south Wales. The assertion of control by Henry II in 1171 ensured the participation of a far wider range of beneficiaries, mostly from the western side of England but including men from East Anglia and the Home Counties. Nevertheless, across southern Ireland a significant proportion of the settlers did come from the northern side of the Bristol Channel. Twelfth-century Dyfed was a multi-ethnic, polyglot society. Robert Bartlett's study of its most famous luminary, Gerald of Wales, has brought out just how slippery national labels were in that little world, inhabited by English, 'French', Flemish, and Welsh.<sup>40</sup> These complexities transferred themselves to south Leinster and Munster. This gives added point to the thirteenth-century experience of English law and institutions. In Ireland, as elsewhere in medieval Europe, law corralled the newcomers together, in this case as 'English'.<sup>41</sup> And since English law and government were a daily reality, they gave firmness to what was to remain a fundamental division: between the settlers, who were legally privileged, and the native population, who were not. Increasingly, the

<sup>38</sup> I borrow the terminology of Ernest Gellner (*Nations and nationalism* (Oxford, 1983), pp 8–11) and Michael Mann (*States, war and capitalism*, pp 1–32). <sup>39</sup> Thomas, *The English and the Normans*, pp 71–3; also John Gillingham, 'The English invasion of Ireland', in Gillingham, *The English*, pp 145–60 at 151–2, 153–4. <sup>40</sup> Bartlett, *Gerald of Wales*, ch. 1; I.W. Rowlands, 'The character of Norman settlement in Dyfed', *ANS*, 3 (1981), 142–57. <sup>41</sup> For general discussion, see P.J. Geary, *The myth of nations. The medieval origins of Europe* (Princeton, 2003), pp 126–7, 154, 155. See above, pp 64–72.

Irish could join the club only through explicit, written licences of the sort I mentioned earlier. The boundaries of privilege were defined as 'English', and were closely guarded. Individual grants of English status ensured the co-option of some upwardly mobile Irish into the English system.<sup>42</sup> But they were a small minority. This did not mean that everything was structured around a notionally ethnic divide: those defined as Irish could prosper at manorial level, and to an extent in towns, as chaplains, or as military captains. But their exclusion from official life was almost total. Ireland lacked anything comparable to the Welsh *uchelmyr*, a native ministerial class that developed into a squirearchy with a stake in the system. The failure to co-opt the Irish elites has since the time of Sir John Davies in the reign of James I been regarded as a fatal weakness of English Ireland.<sup>43</sup> Equally, the ability of English systems to function for so long despite excluding the Irish testifies to the strength of the core settlement areas.

The tendency to draw boundaries and to describe them in a national vocabulary is apparent also in the church. There was collaboration between the English and reform-minded Irish clergy; but as early as 1217 proposals were made by the authorities in Ireland that the crown should, for security reasons, countenance only non-Irish bishops.<sup>44</sup> In the 1220s the Cistercian order was riven by factions, which were described in national terms when Stephen Lexington, later abbot of Clairvaux, conducted a visitation of the order's houses in Ireland.<sup>45</sup> He condemned what he saw as the disorder and backwardness of the native Irish establishments, recommending the removal of unsatisfactory Irish heads of houses, and their replacement by men of 'the other language and people' – a delicacy of phrasing that may suggest an uneasy awareness that he himself was English.<sup>46</sup> Distinctions were never as rigidly applied in the church as they were in the state. The papacy opposed discrimination between peoples; the king was usually less enthusiastic than the English establishment in Ireland about implementing draconian proposals; church courts did not make the ethnic distinctions that disfigured royal justice in Ireland. Even so, churchmen were to the fore in formulating xenophobic propaganda against one or other nation. It is hardly necessary to point out that we do not have to await the Reformation to find religious fissures with national resonances.

So, legal and institutional demarcations, expressed in national terms, were established during the period when the Lordship of Ireland was taking shape and expanding; an age of condescension and confidence verging upon

<sup>42</sup> See Hand, *Eng. law*, ch. 10. Cf. A.V. Murray, 'Ethnic identity in the crusader states: the Frankish race and the settlement of Outremer', in Forde et al. (eds), *Concepts of national identity*, pp. 59–73 at 62–4, and Anderson, *Imagined communities*, p. 145, for the filtered absorption of native individuals into other colonial elites. <sup>43</sup> Davies, *Discovery*, pp. 100–32; Hand, *Eng. law*, p. 215. <sup>44</sup> Watt, *Church & two nations*, pp. 71–4. For an overview, see Brendan Smith, 'The frontiers of church reform in the British Isles, 1170–1230', in David Abulafia and Nora Berend (eds), *Medieval frontiers: concepts and practices* (Aldershot, 2002), pp. 239–53. <sup>45</sup> Watt, *Church & two nations*, ch. 4. <sup>46</sup> Stephen of Lexington, *letters from*

triumphalism. During the fourteenth century the tone changes; we hear shrill voices insisting that they, the king's loyal subjects in Ireland, are 'true English', every bit as English as the 'English born in England', and entitled (in the modern weasel words) to 'parity of esteem' with them. These concerns and terminology appear in legislation, especially in the 1366 Statutes of Kilkenny, and also in the Latin annals kept in Dublin.<sup>47</sup> The statutes sought to organize the defence of the Lordship, both militarily and against cultural contamination by the Irish; at the same time they played up the shared allegiance, the shared culture, and the common privileges of the English on either side of the Irish Sea. Such statements raise two questions. Historians often suggest, if only through their choice of metaphors, that the passage of time naturally produced a distancing from England and an increased identification with Ireland.<sup>48</sup> Clearly, it was more complicated than that, both because of the variety of settler environments and experiences, and because specific circumstances might actually reinforce ties with the metropolis. Secondly, being 'English' in the time of King Edward III was not the same as being 'English' in that of King John.

It is not difficult to understand why it was in the fourteenth century, six generations after the arrival of the English in Ireland, that public stress on their Englishness appeared and intensified. There was a sense of increased threat from the Irish, creating a mentality of encirclement in the eroded heartlands. From the start, medieval English Ireland was well supplied with a sense of 'the other'; that aspect of identity now acquired an extra meaning through frontier interactions that were perceived as menacing. Vulnerability in turn produced a heightened sense of dependency on England. Far from lessening, interaction with the homeland intensified. It also posed new problems. In fourteenth-century England political loyalty was conventionally expressed in national terms. Wars against Scots and French from the 1290s led the crown to play the xenophobic card when seeking military service and taxation.<sup>49</sup> Given this equation of Englishness with loyalty, it is hardly surprising that king's subjects in Ireland, anxious to proclaim their fidelity, get protection, and claim their rewards should do so in words that stressed their English credentials.

Parading of English identity thus took place in particular contexts. It occurred when help was wanted from England. It happened even more when help arrived, for assistance took the form of English governors with their households and retinues, who were competitors with the locals for office and patronage. Declarations of loyalty and claims to Englishness were not the product of leisured musings; they were rhetorical strategies, adopted by political groups.<sup>50</sup> But that is not a reason for dismissing them. It is significant

*Ireland 1228–1229*, ed. and trans. Barry O'Dwyer (Kalamazoo, 1982), nos. 28, 69, 75.

<sup>47</sup> *Stat. John–Hen V*, pp 430–69, at 436–7, also pp 417–18 (1357); *CStM*, ii, pp 383, 395.

<sup>48</sup> E.g., Lydon, 'Middle nation', p. 11; Turville-Petre, *England the nation*, p. 169. <sup>49</sup> See e.g. John Barnie, *War in medieval society: social values and the Hundred Years War, 1337–99* (London, 1974). <sup>50</sup> On these disputes, see Frame, *Eng. lordship*, chs 7–9; and more recently,

that the vocabulary of nation came naturally. Moreover, historians of England have attributed importance to similar elite tensions in the middle of the twelfth century between political factions described by chroniclers in terms that (arguably) distinguish between 'Normans of England' and 'Normans of Normandy'; and in the thirteenth between 'native-born' aristocrats and 'foreign' courtiers.<sup>51</sup> There is also much to suggest that the sense of identity expressed at the level of high politics reflected the self-perceptions of local communities, which within Ireland portrayed themselves as islands of English loyalty surrounded by Irish enemies. Nor were such communities always on the defensive. In the 1350s Archbishop Richard FitzRalph of Armagh felt obliged to remind his compatriots in Dundalk and Drogheda that killing native Irish people might not be a felony in English law, but was nevertheless a sin in the eyes of God.<sup>52</sup>

This period saw constant dialogue between the elites of the Lordship and the crown. Much of this took place in parliaments and great councils, a feature typical of late medieval polities.<sup>53</sup> Messengers were publicly chosen and briefed; on occasion taxes were raised to fund embassies to England.<sup>54</sup> An establishment, which had a strong sense of ownership of its English privileges, waved them in the face of kings and their representatives. In 1341 nobles, knights and city mayors met in an assembly at Kilkenny to denounce a royal revocation of lands and liberties; they brandished Magna Carta at Edward III.<sup>55</sup> In the 1370s there were heavy demands for taxation in Ireland as well as England. Resistance in Ireland provoked an unprecedented summons of Irish representatives to appear in England before the king's council. County and borough courts in Ireland elected knights and burgesses with gritted teeth but denied them the power to consent to taxation. In an interesting shift of vocabulary, not just Co. Dublin but also more distant Tipperary stated that this summons was contrary to 'the liberties of Ireland'.<sup>56</sup> In 1418 an aristocratic faction headed by the earl

Peter Crooks, "Hobbes", "Dogs" and politics in the Ireland of Lionel of Antwerp, c.1361–6', *Haskins Society J.*, 16 (2005), 117–48. <sup>51</sup> John Gillingham, 'Henry of Huntingdon and the twelfth-century revival of the English nation', in Gillingham, *The English*, pp 123–44 at 129–40; M.T. Clanchy, *England and its rulers 1066–1272: foreign lordship and national identity* (London, 1983), esp. pp 241–62. <sup>52</sup> Katherine Walsh, *A fourteenth-century scholar and primate: Richard Fitz Ralph at Oxford, Avignon and Armagh* (Oxford, 1981), pp 341–8. <sup>53</sup> Guenée, *States and rulers*, pp 172–85; Susan Reynolds, *Kingdoms and communities in western Europe 900–1300* (Oxford, 1984), pp 308–19; Frame, *British Isles*, ch. 8. Cf. Breuilly, *Nationalism and the state*, p. 359, where dialogue between king and community is presented as a 'first step towards nationalism'. <sup>54</sup> *Parls & councils*, nos. 15, 16, 53; *Stat. John–Hen V*, pp 484–6, 562–85; CIRCLE, Close R. 33 Edw. III, nos. 45–7. Committees visiting the king have been described by a historian of the seventeenth century as a 'supplementary institution' (Michael Perceval-Maxwell, 'Ireland and the monarchy in the early Stuart multiple kingdom', *Historical J.*, 34:2 (1991), 279–95 at 286). It was a very old one. <sup>55</sup> Frame, *Eng. lordship*, pp 242–61. For Magna Carta, see *Stat. John–Hen V*, pp 344–5; also below, pp 251–2. <sup>56</sup> M.V. Clarke, 'William of Windsor in Ireland, 1369–76', in Clarke, *Fourteenth century studies* (Oxford,

of Kildare and Sir Christopher Preston was in dispute with the governor of Ireland, Thomas Talbot.<sup>57</sup> Talbot was accused of highhandedly suspending a parliamentary session because of a security scare. An attempt was made to continue the meeting in his absence, whereupon he arrested Kildare and Preston and charged them with treason. Two texts were found in Preston's possession: the coronation oath, which emphasized the king's obligation to respect the law, and the political tract *Modus tenendi parliamentum*. The *Modus*, which originated in England, perhaps with the opposition to Edward II and certainly by the middle of the fourteenth century, was an attempt to define the rights and procedures of parliament in the face of rulers who stressed the royal prerogative. By the 1380s it was known in Ireland, where there is indeed more evidence of its influence on politics than survives in England. It was being used in 1418 as a guide to the supposed parliamentary proprieties that Talbot was disregarding: the opposition allegedly said that 'it would have been less serious to let the Irish ravage than to interrupt parliament'.<sup>58</sup>

Such episodes allow us to eavesdrop briefly on the aristocracy, greater gentry and urban patriciates of eastern and south-coast Ireland. When we do, we hear things reminiscent of other times and places. Clearly, we are not in Massachusetts in the 1770s, or among the Irish Commons on College Green in 1782; yet it would be wrong to dismiss these manifestations as a primitive prefiguring of ideas that deserve serious attention only when they appear in more modern dress. They belong to a period when gentry and parliamentary politics in England were prominent and sophisticated.<sup>59</sup> The Preston family had property in Lancashire as well as Ireland, and Christopher Preston's father, Sir Robert Preston, had been chief justice of the Dublin Bench and keeper of the great seal of Ireland.<sup>60</sup> England had implanted in Ireland not just institutions, but a political vocabulary. Medieval precedents were to figure in later arguments

1937), pp 146–241 at 236, 238. See J.F. Lydon, 'William of Windsor and the Irish parliament', in Crooks, *Government*, pp 90–105. This is an early example of 'slippage' between what might be described as 'the liberties of the king's [English] subjects in Ireland' and 'the liberties of Ireland'; it echoes the Dublin annalist's reference in 1361 to the 'people of Ireland' [i.e., the English] making war against 'the Irish' (*CStM*, ii, p. 395). <sup>57</sup> See Otway-Ruthven, *Med. Ire.*, pp 353–6, and 'The background to the arrest of Sir Christopher Preston in 1418', *AH*, 29 (1980), 73–94 (discussed and augmented by Peter Crooks, 'The background to the arrest of the fifth earl of Kildare and Sir Christopher Preston in 1418: a missing membrane', *AH*, 40 (2007), 3–15); Nicholas Pronay and John Taylor, *Parliamentary texts of the later Middle Ages* (Oxford, 1980), pp 117–52. <sup>58</sup> Otway-Ruthven, 'The arrest of Sir Christopher Preston', pp 79–80. For an important re-evaluation of the *Modus*, which lays emphasis on its influence in Ireland, see Kathryn Kerby-Fulton and Steven Justice, 'Reformist intellectual culture in the English and Irish civil service: the *Modus tenendi parliamentum* and its literary relations', *Traditio*, 53 (1998), 149–202. <sup>59</sup> E.g., G.L. Harriss, 'Political society and the growth of government in late medieval England', *P&P*, 138 (1993), 28–57. <sup>60</sup> *Reg. Gormanston*, pp ix–xi. Christopher, who went to England in 1375 when he was still under age (CIRCLE, Pat. R. 49 Edw. III, no. 144), may well have had some legal training.

about the rights of the Irish parliament and political community. For what it is worth, the past that was then imagined and manipulated was far from wholly fictional.<sup>61</sup>

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This legal and institutional inheritance was one strand in the settlers' sense of their own past. Other strands deserve attention, either because they seem to contribute towards a coherent story, or – perhaps even more – because they do not, and thereby serve as a reminder of the danger of reducing complex and often inconsistent notions to a simplified model. Medieval English Ireland is not rich in surviving literary remains or in discursive political statements. The settlers knew who they were; they had arrived from an identifiable kingdom in the light of documentary day; there was no need for an equivalent of the chronicles that strained to give a shared Frankish identity to the people of varied origins who ended up as the ruling class in the crusader states.<sup>62</sup> Gerald of Wales was by far the most important source of ideas. His *Topography of Ireland* and *Conquest of Ireland* circulated widely in Ireland, where they were to be translated into English and Irish in the fifteenth century. In the early sixteenth century, copies of 'Cambrensis' in Latin, English and Irish were in the library of the earls of Kildare.<sup>63</sup> Moreover Gerald shaped other writings. His work underlies what is said about Ireland in one of the two most popular English histories, the *Polychronicon* of Ranulf Higden, a copy of which the Kildares also owned.<sup>64</sup> The so-called 'Dublin' annals, of Dominican provenance, deal with the later twelfth century largely by cutting and pasting Gerald.<sup>65</sup> He was also used by the compilers of the fifteenth-century Gaelic annals known as 'MacCarthy's Book'.<sup>66</sup>

Gerald explained how and why the English came to be in Ireland, justifying their presence in terms of remoter and more recent history.<sup>67</sup> The first drew on the fantasies of Geoffrey of Monmouth, who claimed that King Gurguntius of Britain had originally permitted the Irish to settle in Ireland, and that Irish

<sup>61</sup> See e.g. Colin Kidd, *British identities before nationalism: ethnicity and nationhood in the Atlantic world 1600–1800* (Cambridge, 1999), esp. pp 146–81. <sup>62</sup> Murray, 'Ethnic identity', pp 59–73. <sup>63</sup> *Crown surveys of lands 1540–1 with the Kildare rental begun in 1518*, ed. Gearóid Mac Niocaill (IMC, Dublin, 1992), pp 312–14, 355–6; Donough Bryan, *Gerald fitz Gerald, the Great Earl of Kildare 1456–1513* (Dublin, 1933), pp 268–70. See now Aisling Byrne, 'The earls of Kildare and their books at the end of the Middle Ages', *The Library: Transactions of the Bibliographical Society*, 14:2 (2013), 129–53. <sup>64</sup> *Polychronicon Ranulphi Higden*, ed. Churchill Babington and J.R. Lumby, 9 vols (RS, London, 1865–86), i, pp 328–82. Cf. *Crown surveys*, pp 314, 356. <sup>65</sup> *CStM*, ii, pp 267–76. For an analysis of the annals, see Bernadette Williams, 'The Dominican annals of Dublin', *Medieval Dublin II* (2001), pp 142–68. <sup>66</sup> *AMisc.*, pp x, 46–7, 50–1. <sup>67</sup> Giraldus, *Expug. Hib.*, pp 148–9; *Gerald of Wales, the history and topography of Ireland*, ed. and trans. J.J. O'Meara (London, 1982), pp

kings had attended King Arthur's court. The recent material cited events within Gerald's own time: the submission of the Irish kings to Henry II without a shot being fired, and the alleged grant of the island to Henry by the papacy. Gerald preserves a (dubious) text of Pope Adrian IV's letter *Laudabiliter* (1155), which authorized the king to enter Ireland to forward moral reform; he was also aware of endorsements by Pope Alexander III in 1172.<sup>68</sup>

By the fourteenth century all this was common currency. When the Scots invaded Ireland in 1315, their Irish supporters approached the papacy to try to get it to rescind the grant of 1155; they argued, in the document now known as the 'Remonstrance of the Irish Princes', that the English had acted not as benevolent reformers but as oppressors.<sup>69</sup> Counter-petitions, to the pope and the king, from Dublin circles drew very different conclusions from the same evidence. In 1317 Edward II was sent a copy of *Laudabiliter* to remind him of his rights in Ireland, together with a contrary reading of the past.<sup>70</sup> St Patrick had brought Christianity to Ireland; the Irish lapsed from it and fell into internecine wars; because of this, Henry II had come with papal blessing, with troops and with *lawyers* to sort the country out and spread civilization. If there was a problem now, it was because judges had become soft on crime, failing to enforce the death penalty that the English law of felony demanded. These ideas continued to be repeated and elaborated. In 1420 the Dublin scholar James Young produced an English version of the pseudo-Aristotelian handbook on governance, the *Secreta Secretorum*, for the fourth earl of Ormond, who had just become governor of Ireland. He quoted Gerald's justifications of the English title to the island, adding extra points to back up the case. Chief among these were the fresh submissions made by Gaelic lords to Richard II in 1395.<sup>71</sup> Young's work was re-packaged in a memorandum sent in 1421 to Henry V, to raise his consciousness of Ireland and persuade him to intervene there, now that he seemed to have won the war in France.<sup>72</sup>

We have been reminded that it is one thing to trace views of the past among a narrow group of politicians and propagandists, and quite another to show that they were widely held and reflected upon.<sup>73</sup> But there are signs additional to the scholarly dissemination of Giraldian material that Gerald's account of

99–100. <sup>68</sup> *Expug. Hib.*, pp 142–7. <sup>69</sup> Walter Bower, *Scotichronicon*, ed. D.E.R. Watt et al., 9 vols (Edinburgh, 1987–97), vi, pp 384–403; J.R.S. Phillips, 'The Irish Remonstrance: an international perspective', *IHS*, 27:106 (1990), 112–29. <sup>70</sup> *Affairs Ire.*, pp 99–100 (TNA, S.C. 8/177/8820). The text of *Laudabiliter* survives as TNA, S.C. 8/177/8818. See also J.A. Watt, 'Negotiations between Edward II and John XXII concerning Ireland', *IHS*, 10:37 (1956), 1–20 at 18–20. <sup>71</sup> *Three prose versions of the Secreta Secretorum*, ed. Richard Steele (Early English Text Society, extra ser. 74, London, 1898), pp 183–6. <sup>72</sup> *PPC*, ii, pp 51–2. The context has now been explored in Elizabeth Matthew, 'Henry V and the proposal for an Irish crusade', in Smith, *Ire. & Eng. world*, pp 161–75. <sup>73</sup> Johnson, 'Imagining communities', pp 13–14; L.E. Scales, 'Identifying "France" and "Germany": medieval nation-making in some recent publications', *Bulletin of International Medieval Research*, 6

the origins of the English position in Ireland was familiar. In 1346 a jury of knights and freemen at Tralee in Kerry accused their outlawed lord, the earl of Desmond, of treason. The jury claimed that Desmond had approached the pope requesting that he remove Edward III and appoint Desmond in his place, as papal vicar in Ireland. The earl was said to have alleged ‘that our lord the king of England did not have the right to hold the land of Ireland because he had not maintained that land according to the laws of the land, in the manner that Pope Adrian required, but rather he had in various ways changed and annulled those laws and customs’.<sup>74</sup> There is a hint of muddle here that may suggest a living tradition: Adrian had charged Henry II to replace immoral Irish laws with ones consonant with Christian standards. Desmond’s words (assuming he said any such thing) betray, not an attachment to ancient Gaelic law, but resentment at the failure of Edward’s representatives to observe the English customs Henry’s successors had established. Desmond had in 1331 suffered arrest and forfeiture by royal ministers; in 1341 he had been associated with the constitutional opposition in Ireland; he was to be forfeited again in 1345. His appeals to the king over the heads of royal officials in Ireland make much of his loss of his legal rights through ministerial envy and malice.<sup>75</sup>

As a founding story, that related by Gerald could hardly be bettered. The English presence in Ireland had a clear historical validation. It was a new, divinely approved, stage in the history of the island, with a Christian moral purpose, to discipline and educate a people presented as barbarous. This past barely connected with Irish historical traditions; it represented a fresh start. It appears a foreshortened affair, beginning only in the events of the later twelfth century. But this was not really so, for it could be viewed against two longer pasts, which were distinct but complementary. On the one hand, the history of the English in Ireland could be conceived as a branch of the longer stream of English history. This sense of time and place is visible in the Latin annals compiled within the Lordship. These begin variously with the Creation, the birth of Christ, or the death of the emperor Claudius ‘who had conquered Britain’. From there the route to the twelfth century leads primarily through the history of England, its kings, and its churchmen (Augustine, Bede and Dunstan, Lanfranc and Anselm).<sup>76</sup> Too much should not be made of this, since it arose from the re-copying of English annals, some of which had reached Ireland through ecclesiastical contacts well before 1169. Nevertheless, it is clear that annalists working in Ireland found it natural to splice such material to their accounts of the subsequent history of the English in Ireland.<sup>77</sup>

(2000), 23–46 at 23–4, 35–6. <sup>74</sup> Sayles, ‘Legal proceedings’, 20, 43–4. <sup>75</sup> *Affairs Ire.*, p. 203; Robin Frame, ‘Rebellion and rehabilitation: the first earl of Desmond and the English scene’, in *The Geraldines*, pp. 194–222 at 213–14. <sup>76</sup> *AClym*, pp. 1–7; *CStM*, ii, pp. 241–80; Robin Flower, ‘Manuscripts of Irish interest in the British Museum’, *AH* 2 (1931), 330–1; *The Annals of Multyfarnham: Roscommon and Connacht provenance*, ed. Bernadette Williams (Dublin, 2012), pp. 98–137. <sup>77</sup> The materials included Henry of Huntingdon (*CStM*, ii,

The other past, symbolized by references to Patrick, was that of early Irish Christianity. It is often seen as representing identification by the settlers with their new homeland, visible for example in Arnold le Poer's alleged defence of Ireland in the 1320s as 'an island of saints' against accusations of heresy levelled by Richard Ledrede, the English Franciscan bishop of Ossory. But it has other meanings, and it was certainly not – or not necessarily – associated with 'buying in' to Gaelic culture: indeed Arnold is portrayed as appealing in the same breath to *Magna Carta*.<sup>78</sup> In the twelfth century, the British Isles were free from hagiographical barriers; cults of Irish saints, notably Patrick and Brigid, were perfectly acceptable in England.<sup>79</sup> No reader of the twelfth-century *Life of Patrick* by Jocelin of Furness, which was dedicated to the Ulster conquistador John de Courcy as well as to northern Irish bishops, could avoid the message that Patrick the Briton's career belonged to Britain and Europe as well as to Ireland.<sup>80</sup> In Ireland, English-born bureaucrat prelates happily promoted native saints associated with the reputation and rights of their dioceses. Henry of London, archbishop of Dublin (1213–28), whose earlier career lay in the mundane business of King John's administration, and who was hostile to the promotion of native Irish clergy, provided material for the canonization of his Irish predecessor, Laurence (Lorcán) O'Toole (d.1180).<sup>81</sup> Around 1320 the synodal legislation of his successor Alexander Bicknor, a king's clerk and former treasurer of Ireland who was involved in the seamy English politics of Edward II's reign, ordered the strict observance of the feast of Patrick, together with those of Brigid and the other saints of the Leinster dioceses.<sup>82</sup> Rather like the Protestant 'new English' of the seventeenth century, who were to claim to be the heirs of the church of Patrick and Columba, the medieval settlers could see themselves as the true custodians of a Christian Irish past that had disappeared for several centuries into a tunnel of native disorganization and immorality.

Perspectives such as these – emphasizing religious reform, the English title to Ireland, and English law – can be fitted together neatly. However, the most cursory glance at the Statutes of Kilkenny exposes a complication. The people whose views I have been tracing defined themselves not just in relation to England and over against the Gaelic Irish, but also in contrast to

pp 243–63) and a Lincoln source. On the process of transmission and the importance of the Cistercian network, see Williams, 'Dominican annals of Dublin', pp 142–51, and *Annals of Multyfarnham*, pp 45–53. The references to Irish history in these annals concentrate on religious reform and Ireland's links with England and the Continent, themes compatible with the Giraldian view. <sup>78</sup> *A contemporary narrative of the proceedings against Dame Alice Kyteler*, ed. Thomas Wright (Camden Soc., old ser. 24, 1843), p. 17. Cf. Lydon, 'Nation and race', pp 10–12. <sup>79</sup> Robert Bartlett, 'Cults of Irish, Scottish and Welsh saints in twelfth-century England', in Smith, *Brit. & Ire.*, pp 67–86. <sup>80</sup> E.g. John Colgan, *Trias Thaumaturga* (Louvain, 1647; repr., with introduction by Padraig Ó Riain, Dublin, 1997), pp 65–70, 86, 101–2. <sup>81</sup> Richard Sharpe, *Medieval Irish saints' lives: an introduction to Vitae Sanctorum Hiberniae* (Oxford, 1991), p. 28. <sup>82</sup> Aubrey Gwynn, 'Provincial and diocesan decrees of the diocese of Dublin during the Anglo-Norman period', *Archiv. Hib.*,

‘degenerate’ compatriots, who were pilloried as politically unreliable because of their supposed contamination by Gaelic alliances, customs and culture. Lords and kins in that category could dine from very different historical menus. By the fifteenth century some were commissioning bardic poetry and historical compendia that drew heavily on Irish traditions, interlaced with romance motifs.<sup>83</sup> In such productions the ‘Franks’ (not the ‘English’ – but, equally, not the ‘Normans’) could snobbishly claim their place as the last of the noble ruling groups who engaged in the successive ‘takings of Ireland’ by incomers. Such a perspective made sense in the context of regional lordship beyond the zones of direct government, a world in which settler dynasties competed with their Gaelic neighbours in conditions where English institutions were barely relevant. Their sense of the past emphasized ownership justified by the sword and ancestral nobility.<sup>84</sup>

This perspective may be illustrated from bardic poems by Tadhg Ó hUiginn addressed to Walter Burke (d.1440) and his brother Edmund (d.1458), successive heads of the Clanwilliam (Mayo) branch of the de Burgh family.<sup>85</sup> Addressing Walter, the poet stresses his bodily perfection. He was chosen by God to rule. The rivers of Ireland, which had been stopped up, gushed forth again at his birth, when his special qualities were recognized by the learned classes. He was a worthy heir to the kingship of Ireland. Edmund’s poem has similar motifs; he is a Foreigner, but ‘there is a mingling of all the blood of the Gaoidhil [Gaels] in [his] blushing face’. In structure and tone, and to some extent in content, these are hardly distinguishable from poems written for lords regarded as Gaelic rather than foreign. But not entirely. Edmund is urged to reconquer the whole de Burgh heritage, described as more than half of Ireland. The poet states explicitly that the law of the English king is no longer enforced; might is now the only right. Even so, he refers to the charter of Clanwilliam, adding words which suggest that this was no mere figure of speech: ‘in their charter is half of Éire – it should be often read – read to them their private documents’. This is followed by an encomium of the first William de Burgh, who came, from Norfolk and the circle of Rannulf Glanville, to Ireland with the future King John in 1185. William is reworked in late medieval Gaelic style: he becomes, ludicrously, ‘William Conquer, friend of poets’. But it is admitted that he had received extensive grants from the English king. Moreover, the conceit of being worthy of the high kingship is transmuted into an entitlement to be governor of Ireland under the crown, an office held by several de Burghs between 1228 and 1331.<sup>86</sup>

11 (1944), 32–117 at 82–3. 83 Katharine Simms, ‘Bards and barons: the Anglo-Irish aristocracy and the native culture’, in *Med. frontier societies*, pp 177–97 at 190–1; James Carney, ‘Literature in Irish, 1169–1534’, in *NHI*, ii, pp 688–707 at 692–3. 84 Robert Bartlett, *The making of Europe: conquest, colonization and cultural change 950–1350* (London, 1993), pp 90–6. 85 *Aithdiogluim Dána: bardic poems from the Yellow Book of Lecan*, ed. Lambert McKenna (ITS, Dublin, 1940), ii, pp 87–93 (poems 36, 37). 86 These are

So, of course, there was not a homogeneous 'English' people in Ireland, with a single sense of its past. Christopher Preston and Edmund Burke inhabited spheres that touched only lightly; they were at the extreme ends of a continuum of aristocratic attitudes. Christopher and his kind would have been appalled by Edmund's Gaelic verses. Edmund, on the other hand, would have found no difficulty in endorsing the past as presented by Gerald. The two men shared a lowest common denominator: consciousness that they were not Gaelic Irish, and a sense of proprietorship that rested not just on the sword, but on English royal documents, sanctioning acquisition. Contemporaries were aware of the discordances. Around 1370, the third earl of Desmond penned a Gaelic poem addressed to his ally MacCarthy, in which he spoke of the contradictory pulls of loyalty to his local friends and the expectations of the court of the 'king of the Saxons'. In this context and idiom, he presented the former as overriding.<sup>87</sup> But it is rash to assume that bardic products disclose the secrets of men's hearts whereas petitions and legal proceedings are stereotyped and unrevealing: both dealt in mandarin formulas, and both were aimed at specific audiences.<sup>88</sup>

These examples from the summit of settler society give the merest hint of what must have been a vast range of attitudes and attachments, affected by social standing, education, proximity to – or distance from – Dublin or Waterford or England, inter-marriage (or not) with Gaelic families, the passage of time, the challenge of events, and a multitude of other variables. Given the nature of the sources, it is easy to build harmoniously proportioned castles in the air and call them 'identities', and all too difficult to be confident of even beginning to understand what individual contemporaries thought and felt. Lesley Johnson has commented that stories about the past were not expressions, let alone determinants, of identity, but 'a forum for ideas'.<sup>89</sup> Colin Kidd, writing about early modern Ireland, has revealed the eclectic way in which men seized upon the various (often contradictory) traditions available to them in order to construct the arguments they required.<sup>90</sup> Nevertheless, it may be possible to locate some firm ground. The power of the English state in the later Middle Ages is visible in its capacity to export laws and institutions, and to some extent a political culture, to a dominion beyond its shores. This served to sharpen the distinctions between settler and native. It also became part of the stock-in-trade of a settler elite that developed a strong proprietorial interest in its (English) rights and institutions, which it defended against agents of the metropolis. In the bewildering spectrum of attachments and outlooks, this regnalism stands

typical of the modifications made by Gaelic poets addressing lords of settler ancestry: Simms, 'Bards and barons', pp 187, 192. 87 Gearóid Mac Niocaill, 'Duanaire Ghearáid Íarla', *Studia Hib.*, 3 (1963), 7–59 at 17–19. 88 Cf. Katharine Simms, 'Bardic poetry as a historical source', in Tom Dunne (ed.), *The writer as witness: Hist. Studies XVI* (Cork, 1987), pp 58–75. 89 'Etymologies, genealogies and nationalities (again)', in Forde et al. (eds), *Concepts of national identity*, pp 132–3. 90 *British identities before nationalism*, esp. pp 147–8.

out in sharply defined and comparatively stable colours. Not so long ago, historians might have thought of it as a constitutional tradition; nowadays it is more likely to be labelled an ingredient of what we call an 'identity'. Either way, it was to prove – if I may combine the jargons of horticulture and political sociology – a hardy perennial.

## CHAPTER 6

# The immediate effect and interpretation of the 1331 ordinance *Una et eadem lex*: some new evidence

Among the ordinances transmitted to Ireland by an English writ of 3 March 1331 and enrolled in the Irish exchequer in the following November was one declaring ‘that there shall be one law for both Irish and English, except for the servitude of betaghs towards their lords, in the same way as is accustomed in England in respect of villeins’.<sup>1</sup> A study by Bryan Murphy found little if any sign that this somewhat vaguely worded enactment took effect in the long term: individual letters patent granting English law and liberty continued to be petitioned for by Irish people, and granted; and the fragmentary printed evidence suggests that the old rules continued to be applied.<sup>2</sup> The only direct testimony that the ordinance had any influence even in the short term comes from a reference by Sir William Betham, the nineteenth-century antiquary and Ulster King of Arms, to a case in which it was successfully pleaded.<sup>3</sup> The potential importance of the ordinance makes any information about its subsequent history of great interest. The assize of *novel disseisin*, printed below from a calendar of the roll of common pleas of the Dublin bench for Hilary 1333, besides confirming that the enactment did not pass into immediate oblivion, goes just a little way towards clarifying its implications.

Robert son of Richard le Crouther brought the assize against four English tenants, alleging that they had disseised him of his free tenement in Co. Dublin. After challenging Richard’s description of the lands in question, two of the defendants retorted that anyway he was *hibernicus* (that is, legally Irish); that he was not of the Five Bloods;<sup>4</sup> that they would not have been bound to answer

<sup>1</sup> *Stat. John-Hen. V*, pp 324–8 at 324–5. The Latin text reads: ‘quod una et eadem lex fiat tam Hibernicis quam Anglicis, excepta servitudo betagiorum penes dominos suos eodem modo quo usitatum est in Anglia de villanis’. For the *biatach* (*betagius*) and betagh tenure, see Gearóid Mac Niocaill, ‘The origins of the betagh’, *Ir. Jurist*, 1:2 (1966), 292–8. <sup>2</sup> ‘The status of the native Irish after 1331’, *Ir. Jurist*, 2:1 (1967), 116–28. For the position before 1331, see Hand, *Eng. law*, ch. 10. <sup>3</sup> William Betham, *Early parliaments of Ireland* (Dublin, 1830), p. 292. The plea roll cited by Betham was destroyed in 1922, and his comments caused qualms because he describes the roll as belonging to ‘4 Edward III’, whereas the ordinances were not sent to Ireland until the fifth year of the reign. For the identification of the record as belonging to 4–5 Edward III, see G.J. Hand, ‘English law in Ireland, 1172–1351’, *Northern Ireland Legal Quarterly*, 23:4 (1972), 393–422 at 416–17. <sup>4</sup> For the evidence that the ‘five bloods’ – the provincial dynasties of O’Neill of Ulster, O’Brien of Munster, O’Connor of

him in court ‘before the statute’ (*ante statutum*); and that even now he must show he gained his free tenement ‘after the statute’ (*post statutum*), or lose his case.<sup>5</sup> Regrettably – for our purposes though not for his own – Richard responded that he was not Irish but Welsh, and therefore qualified to plead, and judgment was given in his favour on that point without the question of the ordinance being put to the test.<sup>6</sup> Despite this, some important conclusions may be drawn from the case.

The enactment of 1331 was clearly well known in Irish legal circles. It was regarded as likely to be applied, and had to be taken account of by those against whose interests it would tell. Indeed, the case suggests that a new form of the ‘exception of Irishry’, refined to take account of the ordinance, had already been developed. The defendants also appear to take it for granted that the effect of the ordinance would be to enfranchise an Irishman, who was personally free and not of betagh status, automatically; there is no hint that personal letters patent were still required, or that any formal process had to be gone through by the individual.<sup>7</sup> However, the case does bring one significant limitation to our notice. At least in the defendants’ view, the ordinance would not have retrospective effect in the matter of freeholds: there was no question of free tenements being made of lands already occupied by the newly enfranchised Irishman. It is, of course, impossible to be certain that this view of the ordinance was shared by the courts themselves, but it seems overwhelmingly likely that it was. Individual letters patent, which the ordinance was presumably meant to replace, were interpreted in this way, and could contain clauses such as ‘[he] may acquire for himself and his heirs in perpetuum lands, tenements, rents and services’.<sup>8</sup> Moreover, it is hard to see how a more generous interpretation would

Connacht, MacMurrough of Leinster and O’Melaghlin of Meath – had been granted the right to use English law by the crown, see Ottway-Ruthven, ‘The native Irish and English law in medieval Ireland’, in Crooks, *Government*, pp 144–5; Hand, *Eng. law*, pp 205–6. The origins of this belief are obscure. In the seventeenth century, the privilege was attributed to a grant made by Henry III in 1218–19, but there is no corroboration of this. There seems to be no thirteenth-century testimony that members of these dynasties explicitly claimed the right, or were more favourably treated by the courts than other leading families, such as the MacCarthy rulers of Desmond, who were not included within it. 5 In the context, the ‘statute’ can hardly be other than the 1331 ordinance. In Betham’s case the Irishman concerned says that the king *statuit in parlamento suo ...*, a turn of phrase that would hardly be used of some lost enactment in an Irish parliament. 6 For the text and translation, see below, document A, pp 139–41. 7 When the incoming justiciar, John Darcy, proposed admitting the Irish to English law in 1328, his recommendation was that they should have it without the necessity of purchasing individual charters (J.F. Baldwin, *The king’s council in England during the Middle Ages* (Oxford, 1913), p. 474). Personal freedom, in the sense of not being tied to the soil or subject to labour services, being able to hold land for rent, and having access to one’s lord’s court, was enjoyed by many Irish people (K.W. Nicholls, ‘Anglo-French Ireland and after’, *Peritia*, 1 (1982), 370–403 at 374–7). But this was not the same as being a ‘free tenant’, with full protection of the land law, including the Henrician assizes of *novel disseisin* and *mort d’ancestor*, and the capacity to bring cases in the royal courts even against one’s feudal superiors. 8 E.g. Davies, *Discovery*, p. 107.

have been workable. Land and its resources were above all what was in dispute in later medieval Ireland, and intractable problems would have been raised concerning rights of occupation and ownership: something that was to become evident at a high political level when Richard II took oaths of liege homage from Irish chiefs and was faced by an insoluble welter of claims to lands and rights.

The records of the courts for 1333 also throw light on another important matter. One of the oddest features of the ordinance as it has come down to us is that, taken at face value, it appears to extend English law to all Irish, apart from betaghs, without distinction or limitation. Common sense suggests that this cannot have been the intention of its authors.<sup>9</sup> We can easily understand how it could be applied without difficulty to Irish people, already in practice assimilated, who lived among the English tenants in a relatively untroubled area such as north Co. Dublin. At the other extreme, to the Irishman in Tír Conaill or Thomond it can have had little relevance. But what of the multitude of Irish who fell into neither category, living intermittently in contact with the English authorities, sometimes at peace and sometimes not? It is of interest that, in the case referred to by Betham, it is stated that the king had commanded 'that answer at common law shall be given to all Irish who are at the king's peace', thus making explicit the distinction we might expect to find between 'faithful' and disobedient Irish. By a fortunate chance documents survive that show clearly the line that was drawn between the two sorts of Irish. When Thomas de Burgh, the justiciar's lieutenant, went on eyre in the south in the late summer of 1333, he was approached by Domnall MacCarthy of Carbery and by Diarmait O'Dwyer. Domnall petitioned that he and his followers might have English law and the king's protection, and that those who wished to complain about him should do so in the king's courts, rather than resorting to force of arms.<sup>10</sup> In return, he would undertake to accept the king's justice and be attendant in all things. He was then admitted to take an oath to behave well towards the king, his heirs and ministers, and to keep the peace. Diarmait asked for pardon of all trespasses against the king's peace, and for 'permission to use and enjoy throughout all Ireland in all courts all the liberties that the English use in Ireland'. De Burgh granted his request. Diarmait then took an oath to keep the peace and to accept justice in the king's court, and, as an overt sign of his new condition, 'had the hair of his *culán* cut, in order to have English law'.<sup>11</sup>

In Betham's case (from Justiciary roll 4-5 Edward III, in NAI, M. 2542), the court decided that a contract entered into by an Englishman with an Irishman before the parliament in which the 1331 ordinance was enacted would none the less have to be honoured by the former. But landholding was a different, and altogether weightier, matter. For the non-retrospective character of grants of English status by letters patent, see Murphy, 'Status of the native Irish', pp 124-5. <sup>9</sup> Although it cannot be doubted that the ordinances were 'based on local information' (Otway-Ruthven, *Med. Ire.*, p. 248), at least one other, decreeing that fines from the Irish should be taken in money rather than in cattle, might be thought to reveal an uncertain grasp of the realities of life in Ireland. <sup>10</sup> Below, document B, pp 141-2. <sup>11</sup> *Parls*

These procedures plainly owe nothing at all to the ordinance: they are the old ones, though here involving men of unusual political importance. They deliver individual petitions and receive individual grants; and it is striking that in Diarmait's case the grant is said to have been made 'of grace'. Their position is quite different from that of the integrated Irishman, living on shire ground, who could claim the protection of the law as of right. The Irish inhabitants of the marches and beyond who lived under their own leaders would not have English law unless they and their superiors were at peace. And since admission to the peace was a formal process, involving submission and the giving of various assurances, the government would retain control in the matter; nor was it open to the Irishman who perceived some temporary advantage in having the protection of English law, merely to claim or demand it.<sup>12</sup> Even so, it is tempting to speculate that the mere existence of the 1331 ordinance, by – at least for a time – changing the legal climate, played a part in encouraging these Irish leaders to ask for English law, and the government to contemplate granting it to them.<sup>13</sup>

The implications of the ordinance, though far-reaching, were therefore less dramatic than might appear on the surface. Its immediate effect, at least in theory, was to remove the trouble, uncertainty and expense that the obtaining of an individual grant entailed. The person of Irish birth who lived in an area where English law was dominant was now entitled to the full protection of the criminal law; just as important, he could hold a free tenement – if he could obtain one – without special licence; and having gained such land, his seisin could be defended by the standard remedies the common law provided. And

*¶* *councils*, p. 17. As early as 1297 the *culán* was regarded as creating a presumption that its wearer was, for legal purposes, Irish (*Stat. John-Hen. V*, pp 210–11). For the suggestion that the *culán* was not, as often assumed, the normal haircut of Irish males but an elite warrior hairstyle, see Katharine Simms, 'Gaelic warfare in the Middle Ages', in *Military hist. Ire.*, pp 99–115 at 101. 12 For terms of Irish submissions, see Robin Frame, 'English officials and Irish chiefs in the fourteenth century', in Frame, *Ire. & Brit.*, pp 249–77 at 259–62. Typically, the Irish leader, as well as giving hostages and undertaking to pay a fine, would agree to keep the peace and control his own men. The implications of a grant of English law to an Irish lord remain to be worked out. Presumably, unlike an Irish individual in the land of peace, he would not (indeed could not) become culturally English. He would gain the protection of the courts for himself and his followers (these petitions suggest that this was the main motive for such applications), but within his own territory and in relations with his people he would continue as before. He would thus, in effect, be on a par with the Anglo-Irish 'chief of his lineage', who was responsible for his own people and could use the courts, but who by no means lived according to English custom (*Stat. John-Hen. V*, pp 264–7, 306–7, 312–13; Robin Frame, 'Power and society in the lordship of Ireland, 1272–1377', in *Ire. & Brit.*, pp 191–220 at 205–7). 13 Curtis associated these grants with the ordinance, though in a somewhat undefined way (*Med. Ire.*, pp 205–6). Certainly, neither before nor after 1331 were grants to men of this high status common. The well-known grant to Eoghan O'Madden of Uí Maine in 1320 was brokered by the earl of Ulster, to whom Eoghan had remained loyal during the Bruce invasion (*ibid.*, pp 196–7; and see above, pp 67–8).

we can say that, in the year or two following the enactment, it was having some impact in the courts. To what extent and for how long it continued to do so remains obscure. As early as August 1334 the English chancery provided two Irishmen with individual grants of the old sort.<sup>14</sup> Two cases from the late 1350s suggest that by then (and possibly much earlier) the ministers of the Dublin government had gone back to regarding a freehold claimed by or through an Irishman as worthless.<sup>15</sup> Outside the land of peace the ordinance can have had only spasmodic relevance to the realities of existence. The Irish who wished to come within the law would have to be formally admitted by the government. Conditions were such that few Irish lords were likely to remain consistently within the peace: a year after his admission to English law, Domnall MacCarthy was at war, and a royal expedition had been launched against him.<sup>16</sup>

## DOCUMENTS

### A<sup>17</sup>

Dublin'

Assisa venit recognitura si Alicia Ffubeley, Hugo filius Ricardi Tyrel, Nicholaus filius Bertrami Abbot' et Johannes filius Nicholai Abbot injuste disseisiverunt Ricardum filium Roberti le Crouther<sup>18</sup> de libero tenemento suo in Mestailleston', unde queritur quod disseisiverunt eum de uno messuagio et quatuordecim acris terre in eadem ville. Et predicta Alicia per Nicholaum Abbot' tanquam ballivum suum et predictus Hugo per predictum Nicholaum tanquam ballivum suum veniunt et nichil dicunt quare assisa versus eos capi<sup>19</sup> non debeat; eo versus eos capiatur assisa. Et predicti Nicholaus et Johannes veniunt et dicunt quod tenement posita in visu non sunt nisi unum messuagium sex acra terre, una acra prati et una acra more. Et predictus Nicholaus ut tenens

<sup>14</sup> *CPR* 1334–8, p. 3. <sup>15</sup> CIRCLE, Close R. 32 Edw. III, no. 82 (*RCH*, p. 70 no. 77); CIRCLE, Pat. R 32 Edw. III, no. 124 (*RCH*, p. 75 no. 108). The latter case is discussed in Murphy, 'Status of the native Irish', p. 124; its date is 1358, not 1368. <sup>16</sup> CIRCLE, Close R. 8 Edw. III, nos. 21, 93, 119. Whether he could use English law again when re-admitted to the peace, or whether a fresh grant would be necessary, is unclear. <sup>17</sup> Common Pleas, Hilary 6 Edward III: NAI, R.C.8/17, pp 150–2. This document, printed in 1972 by permission of the Deputy Keeper of the Public Records of Ireland, is taken from the Record Commission Calendar of Memoranda Rolls, which also contains some plea rolls (Margaret Griffith, 'The Irish Record Commission, 1810–30', *IHS*, 7:25 (1950), 17–38 at 23, 33–4). The quality of the calendar leaves much to be desired (J.F. Lydon, 'Survey of the Memoranda rolls of the Irish exchequer, 1294–1509', *AH*, 23 (1966), 51–134 at 68–9). I am indebted to the late Professor Geoffrey Hand for reading my transcript and suggesting emendations. <sup>18</sup> MS has 'Croucher'. The reading 'Crouther', suggested by Ralph Griffiths, would stand for the Welsh *crythwr* (harpist). See above, pp 66–7. <sup>19</sup> MS appears to have an abbreviation sign over the 'p' of *capi*.

de predicta acra more dicit quod predictus Ricardus est Hibernicus et non de libere sanguine de quinque sanguinibus et inhabilis responderi ante statutum; et predictus Johannes ut tenens de predictis messuagio, sex acris terre et una acra prati dicit similiter quod predictus Ricardus est Hibernicus etc., et petunt judicium si assisa inter eos esse debeat nisi ostendat titulum quomodo liberum tenementum ei accrexit post statutum. Et predictus Ricardus dicit quod avus suus natus fuit in Wallia, et quod ipse est Walensis et de genere Walensium et sic est liber et non Hibernicus. Et predicti Nicholaus et Johannes dicunt quod predictus Ricardus est Hibernicus et non Walensis. Ideo capiatur jurata que remanet captura usque in crastino Animarum pro defectus juratorum. Postea partes veniunt hic et jurata que dicit super sacramentum suum quod predictus Ricardus Walensis est et non Hibernicus, et quod predictus Ricardus pacifice seisitus fuit de predictis tenementis quousque predicti Alicia et Nicholaus ipsum inde disseisiverunt. [Et juratores] requisiti<sup>20</sup> si predicti Hugo et Johannes ipsum disseisiverunt necne, dicunt quod non. Requisiti si disseisina facta fuit vi et armis necne, dicunt quod sic. Requisiti [etiam] de dampnis, dicunt quinquaginta solidi. Ideo consideratum est quod predictus Ricardus recuperet seisinam de predictis tenementis versus predictos Aliciam, Nicholaum et Johannem per visum recognitorum assise predice cum dampnis suis taxatis per predictam assisam ad quinquaginta solidos. Et predictus Ricardus in misericordia pro falso clamore. Et predicti Alicia et Nicholaus capiantur etc. Postea predictus Nicholaus venit hic et fecit finem Regi per xl denarios.

Dampna L solidi. Clericis dimidium marce.

[Translation]. Dublin. The assize comes to determine whether Alice Ffubeley, Hugh son of Richard Tyrel, Nicholas son of Bertram Abbot and John son of Nicholas Abbot unjustly disseised Richard son of Robert le Crouther of his free tenement in Mestailleston', the complaint being that they disseised him of one messuage and fourteen acres of land in that vill. Alice, through Nicholas Abbot her attorney, and Hugh, through the aforesaid Nicholas, his attorney, appear and show no reason why the assize should not proceed against them. Nicholas and John appear and say that the tenement mentioned in court amounts only to one messuage, six acres of land, one acre of meadow and one acre of marsh. Nicholas, as tenant of the acre of marsh, says that Richard is an Irishman (*hibernicus*), not of free blood of the Five Bloods, and not qualified to be answered in court before the statute. John, as tenant of the messuage, six acres of land and one acre of meadow also says that Richard is an Irishman etc; and they seek judgment whether the assize between them ought to proceed unless he [Richard] shows a title by which he acquired the free tenement after the statute. Richard says that his grandfather was born in Wales and that he

<sup>20</sup> MS runs straight on: *diss', requis'*.

himself is Welsh, and of Welsh stock, and thus is free and not Irish. Nicholas and John repeat that Richard is an Irishman not a Welshman. Therefore it is to be put to a jury, but postponed to the morrow of All Saints because of a shortage of jurors. Afterwards the parties appear in court, as does the jury, which states on oath that Richard is a Welshman and not an Irishman; and that Richard was in peaceful possession of the said tenements until Alice and Nicholas disseised him of them. Asked whether Hugh and John did or did not disseise him, [the jurors] answer that they did not. Asked whether the dispossession was or was not by force of arms (*vi et armis*), they say that it was. Asked about damages, they reply, fifty shillings. Therefore it is adjudged that Richard should recover his seisin of the said tenements from Alice, Nicholas and John by view of the jurors of the assize, with damages taxed by the assize at fifty shillings. Richard in mercy for a false claim, and Alice and Nicholas to be arrested. Afterwards Nicholas appeared in court and made fine with the King for forty pence.

Damages fifty shillings; half a mark (6s. 8d.) for the clerks.

B<sup>21</sup>

... quod primo die Septembris anno ut supra Donenaldus O Carbragh' McCarthy deliberavit ... curia [*recte* 'coram?'] prefato locum tenenti quamdam petitionem in hec verba: 'ffait aremembrer ... O Carbragh' McCarthy ensemblement ove tut son Iraght prie a vos sire ... a la Court' qils puissant de cesti jour en avaunt ester a la ley des engleis en touz ... dreit a tot le leal pople le Roi et resteynaunt [*recte* 'resceyvaunt?'] dreit en meisme la manere solom ... en le Court le Roi et ke de cest heure en avaunt il soit reste ... en la save protexion' ... qe nul home ne courge sur luy par poer mes si nul home se voile pleindre ... ou sur nul des soens se pleyne a la Court le Roi. Et illoqeos le dit Donenald serra respovant [*recte* 'responaunt?'] et dreit attendaunt en totes choses'. Et super hoc predictus Donenaldus in plena Curia juramentum prestitit corporale quod ipse bene se geret erga Regem heredes et ministros suos, et quod ipse et sui bonam pacem erga fideles Regis decetero tenebunt.

[Translation] ... that on 1 September in the above year [1333] Domnall O Carbragh MacCarthy delivered a petition before the aforesaid lieutenant in these words: 'Be it recorded that ... O Carbragh MacCarthy, with all his following, pray you, Sire, and the court, that from this day forth they may have the law of the English in all [things]; doing right to all the King's faithful people, and in the same manner receiving right [...] in the King's court; and that from this time forth he may remain in the safe protection [...], so that no-one shall

<sup>21</sup> Justiciary Roll 7 Edward III: NAI, R.C.8/18, pp 59–60. The original roll was presumably damaged, and the calendared version is clearly inadequate; but the general sense is clear, and I print it as it stands.

proceed against him by force; but rather, if any man wish to plead against [...] or any of his people, he shall do so in the King's court, where the said Domnall shall give answer and receive justice in all things'. And thereupon, the aforesaid Domnall in open court took a corporal oath that he would behave himself well towards the King, his heirs and his ministers; and that he and his followers would in future maintain good peace towards the King's faithful people.

## Kingship at a distance: did the absence of the Plantagenet kings from Ireland matter?

The aim of this chapter is merely to pencil some queries and suggestions in the margins of a topic that crops up in many writings on thirteenth- and fourteenth-century Ireland: the implications of absentee kingship.<sup>1</sup> No king of England visited Ireland between John in 1210 and Richard II in 1394. Why did the kings of England – whose second title was ‘lord of Ireland’ – so rarely include Ireland in their itineraries? What shaped those itineraries? Was the king’s absence from Ireland surprising? Was it even (as some have felt) blameworthy? What did it mean for the character of rule in Ireland? Was the effect of royal absence on the Lordship of Ireland as disastrous as sometimes argued? And – to be counterfactual – what difference might more frequent royal visits have made?

Rumours of, and plans for, royal visits to Ireland were more numerous than actual arrivals. Seymour Phillips has recently re-examined the story that Edward II survived his supposed murder at Berkeley Castle in 1327, and instead escaped to the Continent through Ireland, a tale some have sought to revive. He has systematically and convincingly (it seems to me) demolished their case.<sup>2</sup> However, there is no doubt that in the previous year Edward had given thought to using Ireland as a retreat when he fled towards south Wales and the Bristol Channel as his regime collapsed. There is evidence to suggest that the Dublin government (which continued to operate in his name until May 1327, four months after his deposition) had been in touch on his behalf with Robert Bruce, his inveterate enemy.<sup>3</sup> That was one of several occasions when a Plantagenet king ‘almost’ came to Ireland. Such ‘nearly’ moments may have something to teach us. My concern will be chiefly with the century between two of the better documented ones: Henry III’s preparations for an Irish expedition in 1233, and Edward III’s more developed plan to go to Ireland in 1332. Finally,

<sup>1</sup> The chapter is based on a paper given at University College Dublin on 4 December 2015, at a symposium in honour of Professor J.R.S. Phillips. <sup>2</sup> Seymour Phillips, “Edward II” in Italy: English and Welsh political exiles and fugitives in continental Europe, 1322–1364’, *TCE*, 10 (2005), 208–26, and *Edward II* (London, 2010), pp. 577–600. The rumours are taken seriously, but examined and dismissed in W.M. Ormrod, *Edward III* (London, 2011), pp. 84–7, 122–4. The contrary argument has been put, with considerable ingenuity, by Ian Mortimer: see, e.g., ‘The death of Edward II in Berkeley castle’, *EHR*, 120:489 (2005), 1175–1214. <sup>3</sup> Frame, *Eng. lordship*, pp. 138–40; Phillips, *Edward II*, pp. 510–12.

I shall lengthen the perspective to glance at John and Richard II, kings who did cross the Irish Sea. These two rulers, despite some attempts to rehabilitate them, are generally reckoned among the most disastrous kings of medieval England. In twentieth-century Ireland they attracted a more favourable press. We might ask whether this was for any better reason than the understandable tendency among historians based in Ireland to look kindly upon rulers who at least paid their western lordship the elementary courtesy of visiting it.

The lack of a royal presence, and the general tenor of crown policy, have frequently been denounced. Goddard Henry Orpen pointed a finger of blame at Edward III: 'who can say how the history of Ireland might have been changed had Edward devoted his restless energy, not to barren victories on the moors of Scotland and in the plains of France, but to giving good government to Ireland and fulfilling the promise of the thirteenth century'.<sup>4</sup> James Lydon was particularly vehement on the subject, though his main target was Edward I. Lydon's early research was concerned with the Irish contribution to the wars of Plantagenet monarchs. His view was that royal over-exploitation of Ireland for men, money and supplies during the thirteenth century gravely weakened the Lordship. For Lydon, Edward I was a particular bugbear. There were two reasons for this. First, exploitation of the resources of Ireland peaked during his reign.<sup>5</sup> But more than that, Edward had been granted Ireland, along with Gascony and lands in England and Wales, by his father as early as 1254, so that his relationship with Ireland began at the age of fifteen and lasted for fifty-three years. Yet he never set foot in the country or showed any serious disposition to do so. This can be contrasted with his record in Gascony, where he was in 1254–5, and where, as king, he spent almost a year in 1273–4 and three-and-a-half continuous years between 1286 and 1289. Thus, for Lydon, over-exploitation was combined with culpable neglect.<sup>6</sup> Reviewing Lydon's first book, *The lordship of Ireland in the Middle Ages* (1972), Geoffrey Hand endorsed his analysis of the bad effects of English policy but questioned what he called 'the distinct air of reproof that Professor Lydon carries at times towards English governments'. Hand thought this owed more to hindsight than to contemporary perceptions.<sup>7</sup>

Lydon was far from alone. Michael Dolley, writing on monetary policy, denounced thirteenth-century English kings, and especially Edward I, for

<sup>4</sup> *Normans*, iv, p. 244. <sup>5</sup> This topic recurs in many of Lydon's writings, but see in particular: for the outflow of treasure, at its peak during the 1280s and 1290s, the table in J.F. Lydon, 'Edward II and the revenues of Ireland in 1311–12', *IHS*, 14:53 (1964), 39–57 at 56–7; for supplies, 'The Dublin purveyors and the wars in Scotland, 1296–1324', in Gearóid Mac Niocaill and P.F. Wallace (eds), *Keimelia: studies in medieval archaeology and history in honour of Tom Delaney* (Galway, 1988), pp. 435–48; and for the recruitment of troops, 'An Irish army in Scotland, 1296', 'Irish levies in the Scottish wars, 1296–1302', and 'Edward I, Ireland and the war in Scotland, 1303–4', reprinted in Crooks, *Government*, chs 10–12. <sup>6</sup> See, e.g., Lydon, *Lordship*, ch. 6 ('Edwardian Ireland: the beginning of decline'), esp. p. 120; Lydon, 'The years of crisis, 1254–1307', in *NHI*, ii, pp. 179–204. <sup>7</sup> *Studia Hib.*, 10 (1973), 179–80.

having 'carried off from Ireland virtually the whole of her silver reserves, a piece of spoliation which recalls the systematic deforestation of the seventeenth century'.<sup>8</sup> Nor was the 'air of reproof' limited to writers who identified as Irish. Those formidable historians of English law and government, H.G. Richardson and G.O. Sayles, ended the introduction to their 1963 volume *The administration of Ireland, 1172–1377* with these wonderfully scolding words:

The overweening ambition of Edward I was the primary cause of the decline from the promise of the thirteenth century; and Edward I had for successors like-minded kings in Edward III and Henry V. The cadre of administration was there nor were good intentions wanting; but men and money were lacking, wasted in the follies of the Scottish and French wars. The lord of Ireland failed to discharge the responsibilities of lordship.<sup>9</sup>

This comment is not without its ironies. Richardson and Sayles were notoriously hostile to William Stubbs' version of the English Middle Ages.<sup>10</sup> But here they could almost be Stubbs. In his *Constitutional history of England*, Stubbs denounced Edward III as a 'warrior' rather than a 'statesman', writing that: 'like Richard I, he valued England primarily as a source of supplies'.<sup>11</sup> Historians of England have spent the last half-century and more restoring Edward III to the pinnacle he occupied before the Victorian moralists got to work.<sup>12</sup> Is there a danger of measuring medieval rulers not just with hindsight, but by yardsticks they and those around them would scarcely recognize?

What determined rulers' movements? No longer, given the stage administrations had reached, the need to feed themselves and their households: the ability to tap Ireland for money, military supplies and manpower from afar is just one proof of that.<sup>13</sup> Nor, given the elaboration of government and the centripetal effect of crown patronage, was there normally a need to display themselves regionally in order to ensure continued recognition and obedience. The English monarchy of the thirteenth and fourteenth centuries was a far cry from the tenth-century German kings who 'by their journeys ... gave to the

8 'Anglo-Irish monetary policies, 1172–1637', in J.C. Beckett (ed.), *Hist. Studies VII* (Belfast, 1969), 45–64 at 51. 9 *Admin. Ire.*, pp 68–9. Sayles expressed similar sentiments in an evaluation of Richard II, contrasting his policy of peace with France and his fuller engagement with his insular dominions, with the wasteful outward aggression of Edward I, Edward III and Henry V: 'King Richard II of England: a fresh look', in G.O. Sayles, *Scripta diversa* (London, 1981), pp 277–83 at 280–2. 10 'William Stubbs, the man and the historian', in *The governance of mediaeval England from the Conquest to Magna Carta* (Edinburgh, 1963), pp 1–21. On Sayles, see further below, ch. 10. 11 William Stubbs, *Constitutional history of England*, 3 vols (Oxford, 1896–7), ii, pp 393–4. 12 The process of rehabilitation began with the Belfast-born May McKisack's article, 'Edward III and the historians', *History*, 45:153 (1960), 1–15. Ormrod, *Edward III* perhaps marks its culmination. 13 For the transition in England and France, see C.W. Hollister and J.W. Baldwin, 'The rise of administrative kingship: Henry I and Philip Augustus', *American Historical Review*, 83:4 (1978), 867–905.

*Reich* the best cohesion possible';<sup>14</sup> further still from the Gaelic kings and nobles whose circuits of their vassals for billeting and food-renders were an essential prop of authority in a society short of coin.<sup>15</sup> Richard II's hectic movements around his kingdom have been interpreted as a sign, not of strength, but of the insecurity of a ruler who 'lived in England as though he were in enemy country'.<sup>16</sup>

At times when there was no emergency, English royal itineraries were governed by the routines of the liturgical, ceremonial, political-judicial and hunting year. Kings moved between their palaces, churches and hunting-lodges, preponderantly in southern England.<sup>17</sup> There was no expectation that they should spread their time evenly across England itself, still less that they should display themselves in their outlying dominions: for that we have to wait till 1821–2, when George IV descended heavily upon Dublin, Hanover and Edinburgh, marking the beginning of 'modern' patterns of royal visitation. Edward III, despite his focus on France and several expeditions to the near Continent, never in his fifty-year reign set foot in his duchy of Gascony;<sup>18</sup> nor indeed, did any king between 1289 and the loss of the duchy in 1453. There were royal surrogates, notably the Black Prince as prince of Aquitaine in the 1360s. But this was paralleled by the presence of the prince's next surviving brother, Lionel of Antwerp, in Ireland as king's lieutenant. In 1366 their activities were spoken of together in the chancellor's formal address to the English parliament.<sup>19</sup> So it is not obvious that Ireland was particularly 'neglected'; indeed, other close members of the royal kin, notably Roger Mortimer earl of March and Ulster (d.1398), Richard II's cousin and possible heir presumptive, and Thomas of Lancaster, the second son of Henry IV (d.1421), who had no inherited Irish interests, occupied the lieutenancy in subsequent decades. And if we still judge medieval kings remiss, their successors were if anything more so. The Reformation in Ireland, the erection of the Lordship into a kingdom, the age of plantations,<sup>20</sup> all passed without a ruler setting foot in the country –

<sup>14</sup> K.J. Leyser, 'Ottonian government', *EHR*, 96:381 (1981), 721–53 at 746–8 with quotation at 747. <sup>15</sup> Katharine Simms, 'Guesting and feasting in Gaelic Ireland', *JRSAI*, 108 (1978), 67–100; C.M. O'Sullivan, *Hospitality in medieval Ireland, 900–1500* (Dublin, 2004), ch. 4. <sup>16</sup> J.B. Gillingham, 'Crisis or continuity? The structure of royal authority in England, 1369–1422', in Reinhard Schneider (ed.), *Das Spätmittelalterliche Königtum im Europäischen Vergleich* (Sigmaringen, 1987), pp 59–80 at 65. This sceptical view of Richard's movements around England is not of course universally shared: see e.g. Nigel Saul, *Richard II* (London, 1997), pp 171–2, 337–9, and, for the king's itinerary, 468–74; M.J. Bennett, 'Richard II and the wider realm', in Anthony Goodman and J.L. Gillespie (eds), *Richard II: the art of kingship* (Oxford, 1999), pp 187–204 at 188–9, 192–3, 200. <sup>17</sup> See, e.g., the map showing Henry III's favoured residences – all in or south of the Thames valley and east of Salisbury and Devizes – in David Carpenter, *Henry III* (London, 2020), at p. xvii. <sup>18</sup> For his itinerary, see Ormrod, *Edward III*, pp 609–31. <sup>19</sup> PROME, v, p. 192. See W.M. Ormrod, 'Edward III and his family', *JBS*, 26:4 (1987), 398–422. <sup>20</sup> See the comments of S.G. Ellis, 'Integration, identities and frontiers in the British Isles: a European perspective',

until of course 1690, when European power politics briefly shifted to Irish soil, depositing two rival kings of England in Ireland at the same time.

What did draw rulers out of their geographical comfort-zone? Two things: threat or challenge, on the one hand, and incentive or opportunity, on the other. That distinction is, of course, false: these perceptions might co-exist and interact. But it may serve as a way of arranging some thoughts. Turning first to threat and challenge, only twice between 1210 and 1394 did preparations for an expedition to Ireland reach the point where military summonses were issued, shipping and supplies organized, and the whole paraphernalia of mobilization launched. The first was in 1233, when Henry III set naval assembly points for Ireland, first at Ilfracombe in Devon and then at Milford Haven, on the other side of the Bristol Channel, and issued a feudal summons for a muster at Gloucester on 15 August, before the expedition was abruptly cancelled later that month.<sup>21</sup> The second was almost exactly a century later. In 1331, the young Edward III, who had seized power through a successful coup against Roger Mortimer, declared his intention of going to Ireland the following year. This time, preparations were more sustained and elaborate on both sides of the Irish Sea; something very substantial was planned. Eventually, after various delays, this venture too was called off in September 1332, when the king opted instead to back Edward Balliol's claim to the Scottish kingship and so reopen the war with the Bruce regime in Scotland.<sup>22</sup>

These episodes have similarities, in that both arose from Ireland's involvement in baronial politics. The 1233 project was a response to Richard de Burgh's recalcitrance after the fall of his uncle, Hubert de Burgh, the justiciar of England and his own removal from the governorship of Ireland. The years of Hubert's dominance had helped to forward his nephew's ambitions in Connacht. Henry became increasingly irate at Richard's failure to hand over royal and other castles to Maurice fitz Gerald, the new justiciar.<sup>23</sup> The cancellation of the muster for Ireland coincided almost exactly with the issuing of a safe-conduct for Richard, who had thought better of his resistance, to come to the king.<sup>24</sup> Henry's preparations were then diverted to south Wales to counter Richard Marshal, the earl of Pembroke and lord of Leinster, in a crisis that worked itself out in south-west England, Wales and eventually south-east Ireland, where the Marshal was fatally wounded in 1234.<sup>25</sup> In 1331–2 the

in Harald Gustafsson and Hanne Sanders (eds), *Vid Gränsen: integration och identitet I det förnationella Norden* (Lund, 2006), pp. 19–45 at 24–6. 21 *CR* 1231–4, pp. 247–8, 254, 251, 256, 316, 317, 318–19. 22 For the successive announcements in parliaments, see *PROME*, 4, p. 156 no. 4, p. 168 no. 10, p. 173 no. 1, p. 174 no. 3, p. 182 no. 1. Details in Frame, *Eng. lordship*, pp. 197–202. 23 For the full texts of Henry's angry letters of January and May, see *Royal letters, Hen. III*, i, nos. 337–8, 342. For the importance of Connacht at this period, see Brendan Smith, 'Irish politics, 1220–1245', *TCE*, 8 (2001), 13–21. 24 *CDI* 1171–1251, no. 2056. 25 Nicholas Vincent, *Peter des Roches: an alien in English politics, 1205–1238* (Cambridge, 1996), pp. 374–5, 385.

promptings were more complex, but the focus on Ireland arose chiefly from unease at the extent of Mortimer aggrandizement and influence there, reflected in lavish grants of liberties, lands and titles to resident nobles, headed by James Butler and Maurice fitz Thomas, who were each given an earldom by the illegitimate Mortimer regime.<sup>26</sup> Worries about a threat from Gaelic leaders were wholly absent in 1233, and not uppermost in 1331–2. For the settled perception that the Lordship was about to be overwhelmed by an Irish recovery, we have to wait until the 1350s.<sup>27</sup> Before that, we are looking at specific junctures when ‘metropolitan’ politics crossed the Irish Sea – just as they had done in 1210, when John conducted his whirlwind campaign against the Irish interests of certain baronial opponents.<sup>28</sup>

To state the obvious, apart from some fears around 1209–12 about the designs of Philip Augustus who was ‘fishing in the unsettled waters of the western British Isles’,<sup>29</sup> and the infinitely more serious Scottish incursions of the 1310s (which the heartlands of the Lordship of Ireland weathered at least as well as the northernmost counties of England), Plantagenet interests were not under threat in Ireland, as they were in Poitou, Gascony and Wales under Henry III. Nor was there any equivalent of the challenge that drew the three Edwards repeatedly to the north of England, and on occasion deep into Scotland, during the fifty years from 1296: a challenge that led to periodic reorientations of government, with parliaments repeatedly meeting in the north, and for a time during the 1330s the entire central administration decamping to York.<sup>30</sup> However misguided, we may think with the wisdom of distant hindsight, Ireland in these contexts appeared, not as part of the problem but as part of the solution. Gascony was a crucible of European power politics, involving the kingdoms of France, England and Castile as well as numerous lesser rulers. It is small wonder that resources from Ireland as well as England were mobilized in its defence. The conquest of eastern Ireland had revolutionized power relations in the Irish Sea.<sup>31</sup> Welsh leaders were deprived of the traditional option of refuge and recruitment in Ireland. The activities of Llywelyn the Great and his descendants may have caused occasional sympathetic ripples in Gaelic Ireland,<sup>32</sup> but the main role of Ireland was as a source of supplies, money and sometimes troops for the suppression of Welsh resistance and for the castle-building of Henry III and Edward I. And while we may well question the wisdom of Edward I’s approach

<sup>26</sup> Frame, *Eng. lordship*, pp 182–95. <sup>27</sup> See below, pp 314–15. <sup>28</sup> For recent appraisals, see Colin Veach, ‘King John and royal control in Ireland: why William de Briouze had to be destroyed’, *EHR*, 129:540 (2014), 1051–78; and Daniel Brown, *Hugh de Lacy, first earl of Ulster: rising and falling in Angevin Ireland* (Woodbridge, 2017), pp 87–92, 109–14. <sup>29</sup> Brock Holden, *Lords of the central marches: English aristocracy and frontier society, 1087–1265* (Oxford, 2008), pp 182–3. <sup>30</sup> W.M. Ormrod, ‘Competing capitals? York and London in the fourteenth century’, in Sarah Rees Jones et al. (eds), *Courts and regions in medieval Europe* (York, 2000), pp 75–98. <sup>31</sup> See above, pp 50–6. <sup>32</sup> Seán Duffy, ‘Irish and Welsh responses to the Plantagenet empire in the reign of Edward I’, in *Plantagenet empire*, pp 150–68.

to Scotland, likewise geography and communications meant that the Irish coast from Drogheda north formed a continuum with north-west England as a frontier zone; Edward and his successors could scarcely do other than mobilize eastern and southern Ireland against the Scots.<sup>33</sup>

If we switch our attention from ‘threat’ to ‘incentive’, I would suggest that the most relevant period to consider is not the reign of Edward I but the years of Henry III’s personal rule between 1234 and 1258. No royal visit took place, but there was recurrent talk of one. In Ireland, this was a time of apparent opportunity, which saw the last significant territorial extensions of the Lordship, save perhaps for the Red Earl of Ulster’s advances in Derry and Inishowen around 1300, which proved short-lived: the completion of the ‘conquest’ of Connacht; a significant forward movement in west Munster; and Geraldine expansion in the north-west. An unusual documentary survival from 1234 provides a glimpse of the outlook of a royal advisor.<sup>34</sup> It briefs a messenger heading to court just after the king’s supporters in Ireland had defeated Richard Marshal and his allies:

This is to be said to the lord king. My lord advises and urges you to come to Ireland, for now you may be enriched in Ireland with more and better profit than ever you or your father have had. So, he loyally begs that you come to Ireland quickly, and do not omit to come; anybody who gives you contrary advice is not to be regarded as your friend or faithful man.

There follow comments on the cheapness of grain in Ireland; the wealth of the Marshal lands now in the king’s hand; the advisability of speaking flatteringly to messengers from the barons who have supported the king in Ireland, but of conceding nothing until the king comes over; the desirability of having a royal castle in every cantred of Connacht, even if Connacht is restored to Richard de Burgh, who has opposed the Marshal. Then it is back to basics: ‘tell Earl Richard the king’s brother [Richard of Cornwall], that he should come to Ireland with the lord king. And if the king does not wish to come, he should certainly still come, for he can have castles and lands in abundance’.

Henry of course did not come, nor did his brother, though Richard did later profit from a half-share in the proceeds of the recoinage of 1251–4, which were probably considerable.<sup>35</sup> In 1257 he was to find bigger fish to fry when he took on the German kingship with the title ‘king of the Romans’, a project now viewed as less futile than has traditionally been assumed.<sup>36</sup> Meanwhile,

<sup>33</sup> The interconnections are a main theme of Colm McNamee, *The wars of the Bruce: Scotland, England and Ireland, 1306–1328* (East Linton, 1997); and also, from a different perspective, of Séan Duffy, ‘The Bruce brothers and the Irish Sea world, 1306–29’, *CMCS*, 21 (1991), 55–86. <sup>34</sup> *Affairs Ire.*, no. 3. <sup>35</sup> *CDI* 1171–1251, nos. 2887–8, 2926, 3129; Michael Dolley, *Medieval Anglo-Irish coins* (London, 1972), pp 8–10. <sup>36</sup> B.K.U. Weiler, *Henry III and the Staufer empire, 1216–1272* (Woodbridge, 2006), pp 172–97; Len Scales,

there was no landholding revolution in Ireland. The Marshals were quickly restored in Leinster, and the de Burgh position in Connacht was confirmed, with explicit reference to Richard de Burgh's service against the Marshal.<sup>37</sup> But rumours and plans relating to a royal visit continued. In February 1236, writing to the emperor Frederick II, Henry mentioned pressing business concerning Wales and Scotland but added that in due course his intention was 'to go to our land of Ireland, where we have never been'.<sup>38</sup> Then in September 1240, after a lengthy sojourn in England by Maurice fitz Gerald,<sup>39</sup> Henry announced his intention to go to Ireland after Easter 1241 and, characteristically, ordered the celebration of the feasts of Thomas Becket and Edward the Confessor in Dublin castle, the feeding of the poor at royal expense, and the re-decoration of the king's chamber in the castle.<sup>40</sup> A crisis in Poitou supervened, leading to an expedition to south-west France in 1242–3, on which several barons of Ireland accompanied him, Richard de Burgh and Gerald, the son and heir of Maurice fitz Gerald dying during or just after the campaign.<sup>41</sup> But the Irish project remained in Henry's mind. Writing from Bordeaux in April 1243, he ordered the construction of a new hall in Dublin castle before his visit, to be modelled on the hall at Canterbury, with a dais decorated with images of the king and queen.<sup>42</sup> In January 1244 the work was to be interrupted but protected from the weather, because of the urgent need for funds in Gascony.<sup>43</sup> But in June orders were issued for the completion of the hall, while instructions to stock the royal forest of Glencree south of Dublin by shipping does and bucks from Chester to Dalkey may confirm that the excursion to Ireland was again on the agenda.<sup>44</sup> There the matter rested. The pressure of other business on Henry at this time was intense, with urgent problems on several fronts between 1241 and 1245. The unsuccessful Poitou campaign of 1242–3 was followed by preparations for war with Alexander II of Scotland in 1244 (though this emergency soon passed), and a major campaign against Dafydd ap Llywelyn in north Wales in 1245. Maurice fitz Gerald was again in England early in 1244, when the Scottish crisis was brewing; and Maurice, together with Fedlimid O'Connor the king of Connacht, played a part in attacks on Anglesey the following year.<sup>45</sup>

'The empire in translation: English perspectives on *imperium* and emperors', in *Plantagenet empire*, pp 49–71 at 66–8. <sup>37</sup> See Smith, 'Irish politics', p. 19. <sup>38</sup> *Royal letters, Hen. III*, ii, no. 419. This recital may have been designed partly to display Henry's status as ruler over several lands and peoples, which was also stressed by English chroniclers at the time of his sister's marriage to Frederick in the previous year (Robin Frame, 'England and Ireland, 1171–1399', in Frame, *Ire. & Brit.*, pp 15–30 at 24). <sup>39</sup> *CDI 1171–1251*, nos. 2482, 2489, 2491; *CR 1237–42*, pp 194, 197, 200. <sup>40</sup> *CR 1237–42*, pp 225, 227. <sup>41</sup> See above, pp 94–5. <sup>42</sup> *CR 1242–7*, p. 123. For the probable location of the hall, see Tadhg O'Keeffe, 'Dublin Castle's donjon in context', in John Bradley et al. (eds), *Dublin in the medieval world: studies in honour of Howard B. Clarke* (Dublin, 2009), pp 277–94 at 282. <sup>43</sup> *CR 1242–7*, p. 152. <sup>44</sup> *CDI 1171–1251*, nos. 2671, 2692. <sup>45</sup> For the overlapping crises, and their financial implications, see R.C. Stacey, *Politics, policy and finance under Henry III, 1216–1245* (Oxford, 1987), chs 5 and 6, esp. pp 182–200, 244–6.

The possibility of a royal visit next arose in the mid-1250s. In February 1254, while at Bazas, Henry III granted Ireland, together with Gascony, the Channel Islands, and lands in England and Wales, to form an apanage for Edward, his eldest son, whose marriage to Eleanor, daughter of Alfonso X of Castile, was being arranged.<sup>46</sup> Edward reached Gascony in June, the marriage took place in October, and he remained in his new duchy for more than a year.<sup>47</sup> In August 1255 Henry wrote from York to Edward revealing his expectation that – so long as the truce with France held and a seneschal of Gascony was installed – his son would sail for Ireland, over-winter there, and then come to Henry in England at Easter 1256.<sup>48</sup> Edward himself referred to the Irish visit, as a possibility rather than a settled plan.<sup>49</sup> It seems still to have been on the cards in August 1256.<sup>50</sup> But by that point, another priority was appearing, in the form of serious incursions by Llywelyn ap Gruffudd into his lands and those of the marchers in Wales, which drew Edward, and then Henry into a protracted and not markedly successful military campaign in 1257. The chance survival of Irish exchequer records shows the extent to which Ireland was involved in supplying cash, foodstuffs, timber and manpower on this occasion.<sup>51</sup>

From an Irish perspective the period 1234–58 can certainly be read as a story of missed opportunities on the crown's part; and it is tempting to imagine alternative scenarios.<sup>52</sup> What actually transpired reflects, in one sense, Ireland's marginal position in relation to the Plantagenet lands as a whole. But it also testifies to the comparative strength of the English position there. Nor, despite the non-appearance of Henry and Edward, should we underestimate the role of the king and court in Ireland at this period. Members of Henry's family and household not only benefited from the expansion of the Lordship; they helped to drive it. Especially from 1245, when the curial baron John fitz Geoffrey was appointed justiciar, men from the inner circle received grants in developing areas. Attention has focused on Henry's misguided plan to endow his half-brother, Geoffrey de Lusignan, in part of the Five Cantreds, the area in modern Co. Roscommon held of the crown by the king of Connacht.<sup>53</sup> But there were other, less ill-conceived grants, such as that of lands in Thomond to the curial Muscegros family, who proved active there in the 1250s.<sup>54</sup> Moreover, marriages, some facilitated by the king, meant that the multiple heiresses of the Marshals and Lacy's had husbands either from the top level of English society,

<sup>46</sup> *CDI* 1252–84, no. 326. <sup>47</sup> F.M. Powicke, *King Henry III and the Lord Edward* (Oxford, 1947), pp. 231–3. <sup>48</sup> *CR* 1254–6, pp. 219–20. (The version of this letter in *CDI* 1252–84, no. 461 is incomplete and inaccurate, referring to a truce with the king of 'Scotland' instead of France.) <sup>49</sup> *CDI* 1252–84, no. 465. <sup>50</sup> *Ibid.*, no. 518. <sup>51</sup> J.F. Lydon, 'Three exchequer documents from the reign of Henry the Third', *PRIA*, 65C:1 (1966), 1–27 at 15–18, 20–7. For Edward's position in these years and the crisis in Wales, see Michael Prestwich, *Edward I* (London, 1988), pp. 9–23. <sup>52</sup> Smith, 'Irish politics', p. 21. <sup>53</sup> Orpen, *Normans*, iii, pp. 233–4. <sup>54</sup> Robin Frame, 'King Henry III and Ireland: the shaping of a peripheral lordship', in Frame, *Ire. & Brit.*, pp. 31–57 at 49–57.

or from Henry's continental circle. Leading examples in the second category were Geoffrey de Geneville (a most useful recruit to the colonial establishment) at Trim, and William de Valence, another of Henry's Lusignan half-brothers, in Wexford.<sup>55</sup>

This period of 'intermittent intent' petered out with the collapse of Henry's regime in 1258 and the ensuing decade of reform and rebellion associated with Simon de Montfort. Then in 1270 Edward departed on crusade, and did not return until 1274, nearly two years after his father's death. Our perception of Ireland in 1274 may not be that of the king and those around him. We think of it as at best part-conquered, a work in progress. But from the crown's point of view, it probably appeared differently. In 1263 Edward and Henry had revived the earldom of Ulster in favour of Walter de Burgh. Territorially, the earldom in practice amounted to a collection of mostly coastal districts in the modern counties of Down, Antrim and Londonderry, but it carried with it a much wider overlordship, theoretically (and potentially) embracing the entire province. With that grant, in terms of legal titles to major zones held of the crown, Ireland was just about fully occupied. Edward I had limited scope for major grants. His most famous one – the award of Thomond to his close associate, Thomas de Clare – involved the surrender of grants Henry III had made to the Muscugros family.<sup>56</sup> The other notable grant, of Clonmel and other lands in south Tipperary, to Otto de Grandson, was also a re-grant, for these were properties that Walter de Burgh had surrendered in return for his enrichment in Ulster.<sup>57</sup> In short, if Ireland seemed to present rich pickings in 1234, by 1274 the crop had been harvested. That sort of crude 'incentive' did not reappear until the later fourteenth century, when undefended lands might be defined as forfeit, and so available to be awarded to others.<sup>58</sup>

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I propose to end by musing on three questions. First, should we see absentee monarchy exercised from across the sea as 'external', or, as a historian of the English state has recently termed it, 'disembodied and impersonal',<sup>59</sup> in a way that kingship within England itself was not? I think this underestimates the

<sup>55</sup> Beth Hartland, 'Vaucoleurs, Ludlow and Trim: Ireland in the career of Geoffrey de Geneville (c.1226–1314)', *IHS*, 32:128 (2001), 457–77; J.R.S. Phillips, 'The Anglo-Norman nobility', in Lydon, *Eng. in med. Ire.*, pp 87–104 at 95–6; and see above, pp 90–4. <sup>56</sup> Beth Hartland, 'English lords in late thirteenth and early fourteenth century Ireland: Roger Bigod and the de Clare lords of Thomond', *EHR*, 122:496 (2007), 318–48. <sup>57</sup> *CDI 1252–84*, no. 1847 (grant in fee made in 1281; the original grant, for life, made during the 1260s does not survive). <sup>58</sup> This policy began to be implemented in the 1350s. See below, pp 321–3. <sup>59</sup> David Green, 'The Statute of Kilkenny (1366): legislation and the state', *J. Historical Sociology*, 27:2 (2014), 236–62 at 244.

multiplicity of personal contacts, and the levers of control and influence available from a distance. It was not merely bureaucratic structures that allowed Ireland to be managed and its resources harnessed. Anybody who works in detail on the thirteenth and fourteenth centuries will quickly become aware of the multiple networks that linked the Lordship to power-centres and patrons in England, among which the royal court and household were the most important. Between the 1240s and the 1340s government was often in the hands of men with a household background, such as John fitz Geoffrey, Robert Ufford, John Wogan, John Darcy, Ralph Ufford and Almaric St Amand. Great lords with lands in Britain and Ireland might also hold the governorship: restricting ourselves to the reigns of Edward I and Edward II, the names Geoffrey de Geneville, William de Vescy, Theobald de Verdun and Roger Mortimer stand out. Heads of the leading families of the Lordship, including the de Burghs, Butlers and Geraldines, had sometimes spent part of their adolescence as 'yeomen' (young squires) in the king's household; their marriages in some cases linked them with noble families close to the king and court.<sup>60</sup> Magnate administrations – of the Marshals, Lacy's, Clares, Genevilles, Bigods, Verduns, Mortimers and others – also spanned the Irish Sea, their personnel sometimes in practice overlapping with that of royal government, though this was frowned upon in theory.<sup>61</sup> Local nobles, urban elites and the communities of royal demesne lordships in south Dublin assiduously lobbied in England; the hundreds of surviving petitions are only a fraction of the those that underlay the thousands of grants of lands, privileges, custodies, pardons and other favours that flowed across the Irish Sea.<sup>62</sup> High ecclesiastical appointments over much of Ireland were controlled, or at least monitored, by the crown. One gets a sense of all this in 1346–7, when Edward III was encamped before Calais: he can be seen receiving messengers and visitors from Ireland, both 'official' and 'unofficial', and dealing with Irish business in some detail.<sup>63</sup> The apt characterization is not 'impersonal' but familiar and on occasions even 'intimate'. I am reminded of Brendan Smith's observation in his recent book on Louth: that in addition to being close to

<sup>60</sup> Robin Frame, 'The de Burghs, the earldom of Ulster and the Anglo-Scottish frontier', in David Ditchburn and Séan Duffy (eds), *The Irish-Scottish world in the Middle Ages* (Dublin, forthcoming); idem, *Eng. lordship*, pp 49–50, 164–5; idem, 'Rebellion and rehabilitation: the first earl of Desmond and the English scene', in *The Geraldines*, pp 194–222 at 220–1; and see further, above, pp 42–3, 90–4. <sup>61</sup> Frame, *Eng. lordship*, pp 62–72; Beth Hartland, "To serve well and faithfully": the agents of aristocratic English lordship in Leinster, *ca. 1272–ca. 1315*, *Medieval Prosopography*, 24 (2003), 195–245. <sup>62</sup> See Philomena Connolly, 'Irish material in the class of Ancient Petitions (S.C.8) in the Public Record Office, London', *AH*, 34 (1987), 1–107, which lists and briefly calendars more than 500. Connolly, 'Irish material in the class of Chancery Warrants series I (C.81) in the Public Record Office, London', *AH*, 36 (1995), 135–61, adds a further 56. See Gwilym Dodd, 'Petitions from the king's dominions: Wales, Ireland and Gascony, c.1290–1350', in *Plantagenet empire*, pp 187–215. <sup>63</sup> Frame, *Eng. lordship*, pp 285–6, 332, and 'Rebellion and rehabilitation', p. 210.

Dublin, 'the county also enjoyed a level of contact with the English crown and those who wielded power around it that stood comparison with that enjoyed by many of the shires of southern England'.<sup>64</sup>

The practical interweaving of kingdom and Lordship was accompanied by the ubiquitous presence in English Ireland of emblems of crown authority – a subject that has only recently been opened up.<sup>65</sup> Written government was pervasive; it involved charters and letters of many sorts, authenticated with one or other of the royal seals; most people of any consequence were familiar with seals that bore images and devices of the sovereign, and many will have possessed title deeds and other grants of privilege and favour validated by such seals. In 1382, when the Mortimer lordships of Ulster and Meath were in the king's hand, Richard II ordered silver seal matrices to be created, with the royal arms on one side and the king enthroned with a sceptre in his right hand on the other.<sup>66</sup> The Lordship was part of the sterling area; the common currency was a regal coinage, occasionally struck in Ireland during the thirteenth century, but mostly struck in England, in both cases bearing the sovereign's image and legend. The royal arms were a particularly potent symbol of authority, which could be regarded as embodying the royal presence.<sup>67</sup> A backhanded testament to their significance is afforded by a summary extract from the record of a case heard in Dublin in 1343. Edward III's recently adopted arms, quartering the *fleur de lys* following his assumption of the title 'king of France', had been erected in the city of Dublin. An unnamed citizen was convicted of pulling them down again by night. The surviving evidence provides neither context nor motive, but the incident does confirm the symbolic significance of the royal arms.<sup>68</sup> More normal, we may suspect, was Waterford's placarding of emblems of its loyalty, including an image of the elderly Edward III, mounted, with his arms, including those of France, prominently displayed on his shield.<sup>69</sup> In an Irish context such emblems were not a substitute for an absent royal authority; they were, rather, a confirmation of allegiance expressed in innumerable more mundane ways.<sup>70</sup>

But to portray the core Lordship as no more distant politically than some parts of England is, of course, to miss out other parts of the picture.<sup>71</sup> The

<sup>64</sup> Smith, *Crisis & survival*, p. 21. <sup>65</sup> See Rachel Moss, 'Substantiating sovereignties: regal insignia in Ireland, c.1370–1420', in *Plantagenet empire*, pp. 216–31 at 216–22. <sup>66</sup> CIRCLE, Close R. 5 Ric. II, no. 41; Close R. 9 Ric. II, no. 65. <sup>67</sup> See Laurent Hablot, 'Ubi armæ ibi princeps: medieval emblematics and the real presence of the prince', in Frédérique Lachaud and Michael Penman (eds), *Absentee authority across medieval Europe* (Woodbridge, 2017), pp. 37–55. <sup>68</sup> Cambridge University Library, MS 3104, fo. 31. <sup>69</sup> The image is reproduced on the jacket of this book. <sup>70</sup> A point made in the editorial introduction to Lachaud and Penman, *Absentee authority*, pp. 8–9. Contrast, e.g., the importance of royal and imperial images and other forms of 'communicating power' in Germany, a kingdom with little direct crown administration (Len Scales, *The shaping of German identity: authority and crisis, 1245–1414* (Cambridge, 2012), pp. 125–51). <sup>71</sup> For a recent appraisal, see Gwilym

character of the link with Ireland differed in crucial ways, apart from the obvious fact that the sea-crossing, while it could be swift, could also be subject to long and unpredictable delays. Irish ministers and magnates were occasionally present at English parliaments and great councils, as in the Westminster parliament of Hilary 1348, where the justiciar, Walter Bermingham, and the treasurer of Ireland were added to the panel appointed to hear and try petitions, when those relating to Ireland were being dealt with.<sup>72</sup> The earl of Ormond and other Irish ministers were probably in attendance at the time of the parliament held in January–February 1361, when Lionel of Antwerp's expedition to Ireland, for which the earl had lobbied, was being arranged.<sup>73</sup> But lords resident in Ireland were not normally in receipt of parliamentary summonses. And, of course, Irish counties, liberties and boroughs did not send representatives to English parliaments, any more than representatives of the Irish clergy attended Convocation at Canterbury or York. An attempt by Edward III's ministers to summon representative clergy, burgesses and knights of the shire from Ireland to Westminster in 1376, in order to extract grants of taxation, met stubborn obstruction.<sup>74</sup> After Edward I's time, cases from Ireland did not flow in any quantity to the King's Bench. The jurisdictional distinctness – let us avoid the more charged word 'separateness' – of Ireland was well understood, and indeed exploited by members of the settler establishment when it suited them.<sup>75</sup> Closeness and the identity of law were accompanied by awareness of difference and by the existence of characteristic 'colonial' agendas. Even so, we should not exaggerate the 'externality' of royal power to English Ireland at this period.

Secondly, what might the impact of more frequent royal visits have been? From the point of view of the colonial world, possibly as much disruptive as beneficial: rather like the parachuting of a powerful judicial commission into a region with its own hierarchies and solidarities. From the 1340s the intrusion of English governors with retinues hungry for rewards produced factional disputes, sometimes dressed up in the high-flown language of national sub-groups.<sup>76</sup> We might also reflect for a moment upon a comparatively neglected aspect of Richard II's visits to Ireland: the grants he made in Leinster and Munster to those who accompanied him. The most dramatic was the erection of Cork into a palatine earldom for his first-cousin Edward, later second duke

Dodd, 'Law, legislation, and consent in the Plantagenet empire: Wales and Ireland, 1272–1461', *JBS*, 56:2 (2017), 225–49 esp. 236–49. <sup>72</sup> *PROME*, 4, p. 412 no. 3. <sup>73</sup> Frame, *Eng. lordship*, pp. 321–2. Parliament rolls do not survive for the years 1357–61. <sup>74</sup> J.F. Lydon, 'William of Windsor and the Irish parliament', in Crooks, *Government*, pp. 90–105 at 100–5; see further, above, pp. 39–40, 126–8. <sup>75</sup> See, e.g., Robin Frame, 'Profits and perils of an Irish legal career: Sir Elias Ashbourne (d.1356), chief justice and marcher lord', in T.R. Baker (ed.), *Law and society in later medieval England and Ireland: essays in honour of Paul Brand* (Abingdon, 2018), pp. 121–44 at 122–3 and 133. <sup>76</sup> Frame, *Eng. lordship*, pp. 246–7, and below, pp. 273–5; Peter Crooks, 'Hobbes', 'dogs' and politics in the Ireland of Lionel of Antwerp, c.1361–6', *Haskins Society J.*, 16 (2005), 117–48.

of York, who was to die at Agincourt.<sup>77</sup> This side of Richard's activity may have been under-emphasized because it was swiftly outrun by events. Had such grants had time to bed down, the result could well have been destabilizing, in similar manner to Richard's promotion to dukedoms of members of his circle, whom, according to Thomas Walsingham, 'the vulgar derided by calling them not dukes but the diminutive "duketti"'.<sup>78</sup>

Thirdly, why have John and Richard II, two of medieval England's more unsuccessful kings, recommended themselves to some writers on Ireland? In John's case, there is more than one possible answer. His visit in 1210, and indeed his reign in general, saw an extension of English systems of law and government in Ireland. In the words of Edmund Curtis, 'this remarkable king was the first effective foreign ruler of Ireland, and in so far as the lordship of Ireland remained a real state, bound up with the fortunes and institutions of England, he may well be called its founder'.<sup>79</sup> We might wish to alter the wording of this statement, but it is hard to deny its broad accuracy. What it omits, of course, is the wider political context of John's rule. He came to Ireland not as a king intent on building institutions but as one pursuing his enemies and in search of security, control and *cash*. To be fair, Curtis was perfectly aware of this.

But the chief reason that John and Richard's visits have appealed to Irish historians is the fact that their presence resulted in direct interactions with Gaelic leaders. In both cases, this has led to some fanciful interpretations. The idea, associated particularly with W.L. Warren,<sup>80</sup> that John sought to construct a balanced polity, with room for both Irish and Anglo-Norman elites, has been demolished by Seán Duffy.<sup>81</sup> As in his dealings with the Welsh, John's need for support in Ireland wherever it could be found led to eclectic, impermanent alliances: 'John had no desire to be Ireland's *ard rí*, but he had few qualms about

<sup>77</sup> The grant does not appear to have survived, but Edward used the title, and in 1399 Co. Cork was said to have been granted away from the crown with 'the liberties of an earl palatine' (PKCI, p. 266). When Sir John Beaumont was given extensive lands centred in north Wexford, the grant came with the franchise of return of writs and the right to hold pleas of the crown. The grant was not to include lands belonging to the earl of Ormond, if there were any (CIRCLE, Pat. R. 18 Ric. II, no. 53). A letter to the king from Gerald O'Byrne speaks of grants that had been made within his territory to Richard's uncle, the duke of Gloucester and to the king's chamberlain, William Scrope (Curtis, *Ric. II in Ire.*, pp. 141–2). For resentment of Richard's grants, see the comments of Brendan Smith, 'Late medieval Ireland and the English connection: Waterford and Bristol, ca. 1360–1460', *JBS*, 50:3 (2011), 546–65 at 555–6. <sup>78</sup> *The St Albans chronicle: the 'Chronica Maiora' of Thomas Walsingham*, II: 1394–1422, ed. and trans. John Taylor et al. (Oxford, 2011), pp. 102–3. <sup>79</sup> *Med. Ire.* (2nd ed.), p. 117. <sup>80</sup> 'King John and Ireland', in Lydon, *Eng. & Ire.*, pp. 1–26, largely followed by F.X. Martin, 'John, lord of Ireland, 1185–1216', in *NHI*, ii, pp. 127–55 and esp. 142–3. <sup>81</sup> Seán Duffy, 'King John's expedition to Ireland, 1210: the evidence reconsidered', *IHS*, 30:117 (1996), 1–24; and 'John and Ireland: the origins of England's Irish problem', in S.D. Church (ed.), *King John: new interpretations* (Woodbridge, 1999), pp. 221–45.

manipulating the Irish kings for his own ends'.<sup>82</sup> Richard II was a more complex figure, whose policies and abilities have been much disputed. The novelty of his exalted view of kingship and of the language in which it was expressed have been questioned.<sup>83</sup> What seems indisputable is the assertive practical expression of his kingly status, especially in his later years. Irish historians have tended to concentrate on his acceptance of Gaelic lords as his liege subjects, and the promises of justice he made in response to their complaints. Their treatment of Richard and the Irish has been generally sympathetic, leaving the colonial aristocracy (who not unreasonably expected his visit to lead to the recovery of lands and rights they had lost in recent decades) as the villains of the piece.<sup>84</sup> But, as Nigel Saul has pointed out, Richard's approach, though 'conciliatory', was also characteristically 'authoritarian'; the grovelling phrases adopted by Irish leaders in their carefully crafted letters to the king show that their clerical advisors were well aware of what was expected of them.<sup>85</sup> As Simon Walker put it, for Richard 'obedience came first, and the Irish 'of all his subjects in the British Isles ... were the most conspicuously disobedient to his authority'.<sup>86</sup>

While rose-tinted views of John and Richard may be rejected, there is nevertheless something important here. Legal and institutional distinctions between Gaelic and Anglo-Norman lords were apparent from very early in the Lordship's history; the wall between them thickened during the thirteenth century. The king in person was best placed to step outside these rules and conventions. An attractive alternative model is that of the Scottish kings, whose courts provided a focus for elites of varied origin, and who developed a legal system that catered for landholding and succession across their culturally complex kingdom. It is tempting to wonder whether a less absent monarch, who from time to time held court in Ireland, might have contributed to knitting the two ruling groups of Ireland together.<sup>87</sup>

I suspect it is this that has led some historians to muse on an intriguing might-have-been: what if John, a youngest son, had not become king of England and duke of Normandy in 1199, but had instead established a 'cadet' kingship in Ireland? Might this have been more responsive to local conditions and traditions? As F.X. Martin put it, 'for Henry [II] and John the lordship of Ireland was intended to be a separate entity, embracing settlers and Gaelic Irish'.<sup>88</sup> There is more than a little wishful thinking here. Even if we credit John with greater cultural sensitivity than he possessed, long before 1199 he had significant interests elsewhere in the Plantagenet dominions, as did leading

<sup>82</sup> Brown, *Hugh de Lacy*, p. 111. <sup>83</sup> See esp. Gwilym Dodd, 'Kingship, parliament and the court: the emergence of "high style" in petitions to the English crown, c.1350–1405', *EHR*, 129:538 (2014), 515–48. <sup>84</sup> E.g. Dorothy Johnston, 'Richard II and the submissions of Gaelic Ireland', *IHS*, 22:85 (1980), pp. 1–20. <sup>85</sup> *Richard II*, pp. 284–5. <sup>86</sup> 'Richard II's views on kingship', in M.J. Braddick (ed.), *Political culture in later medieval England: essays by Simon Walker* (Manchester, 2006), pp. 139–53 at 142. <sup>87</sup> For this argument, see above, pp. 81–3. <sup>88</sup> Martin, *NHI*, ii, p. 128.

colonizing families – not just the Marshals and Lacy's, but also several of those whom John himself introduced in or after 1185, such as the de Verduns, Pipards and Theobald Walter, ancestor of the Butlers. Moreover, the fortunes of his Irish coastal cities were bound up with privileged access to trading ports elsewhere in the Plantagenet territories in Britain and on the Continent.<sup>89</sup> Ireland was not readily detachable. And, King Richard, had he lived, would not have lost Normandy and Anjou as rapidly and comprehensively as John was to do. The Plantagenet stage would have remained vast, and the possible futures of family members within it hard to guess.<sup>90</sup>

So royal absence did matter, though for the upper ranks of society within the colonial heartlands the king was less distant than we might suppose, and his style of rule personal as well as bureaucratic. From Gaelic society, however, he was truly 'distant'. More frequent royal visits would have provided individual Irish leaders with opportunities that were normally lacking. Whether they would have shifted underlying realities in the 'Scottish' direction seems doubtful. The success of the Scottish monarchy rested on the fact that it combined the recruitment of Anglo-French families with the preservation and cultivation of its roots in the native past, roots visible not least in its inauguration ceremonies at Scone.<sup>91</sup> The Plantagenet kings lacked equivalent roots in Ireland; and the cultural climate in which their stake in Ireland was established in the late twelfth and early thirteenth centuries afforded no encouragement to invent them. If the Wigmore chronicle is to be believed, Roger Mortimer met his death in the Leinster marches in 1398 wearing Irish dress. It has been argued that such a garb was less a sign of susceptibility to Gaelic culture than a gesture

<sup>89</sup> John Gillingham, 'Bureaucracy, the English state and the crisis of the Angevin empire, 1199–1205', in Peter Crooks and T.H. Parsons (eds), *Empires and bureaucracy in world history: from late antiquity to the twentieth century* (Cambridge, 2016), pp 197–220 at 217–19. <sup>90</sup> It is true, as Nicholas Vincent has recently pointed out, that John's apanage – which included, besides Ireland, Bristol and extensive lands in south Wales, south-west England and western Normandy – had a geographic and maritime logic, which also fits with his concern with the Irish ports of Waterford, Cork and Limerick ('Angevin Ireland', in *CHI*, i, pp 196–7; see also Veach, 'King John and royal control in Ireland', p. 1059). But Plantagenet successions and dynastic arrangements favoured the principle that the core lands (Anjou, Normandy and England) should be kept together, and that cadet branches endowed elsewhere should remain subordinate to the senior line of the family (John Le Patourel, 'Angevin successions and the Angevin empire', in his *Feudal empires, Norman and Plantagenet* (London, 1984), ch. 9; John Gillingham, *The Angevin Empire* (2nd ed., London, 2001), pp 119–22). This was certainly the view of Richard I: when John rebelled in 1193–4, Ireland stood forfeited along with his lands in Britain and Normandy (Flanagan, *Ir. soc.*, pp 275–86). Had Richard lived longer or left direct heirs, it is hard to imagine two Plantagenet powers amicably sharing the family's insular dominions, especially along lines that might have threatened the integrity of the kingdom of England itself. <sup>91</sup> A.A.M. Duncan, *Scotland: the making of the kingdom* (Edinburgh, 1975), pp 554–6, for the well-attested inauguration of Alexander III in 1249; more generally, Alice Taylor, *The shape of the state in medieval Scotland, 1124–1290* (Oxford, 2016).

aimed at propitiating Irish allies.<sup>92</sup> In any case, there is no sign that Richard II was tempted in that direction. His knighting of Irish lords (which led Niall Óg O'Neill to describe himself, sycophantically, in a letter to the king, as 'knight by your creation')<sup>93</sup> and, according to Froissart, his attempts to have them schooled in courtly manners, would suggest very different priorities.<sup>94</sup> Richard made the rules: it was up to his newly minted Irish liege subjects to play by them. So far as the Gaelic world was concerned, the Plantagenet kings – whether absent or present – were profoundly 'external'.

<sup>92</sup> Brendan Smith, 'Dressing the part in the Plantagenet empire: the death of Roger Mortimer, earl of March and Ulster, in 1398', in *Plantagenet empire*, pp 232–47 at 237–45.

<sup>93</sup> Curtis, *Ric. II in Ire.*, p. 136: 'vester humillimus N. O Neyll de vestra creacione miles'.

<sup>94</sup> Froissart, *Chronicles*, ed. and trans. Geoffrey Brereton (Harmondsworth, 1968), pp 411–16.



PART TWO

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## Government, Power and Society



## CHAPTER 8

# Devolution or decomposition? Interactions of government and society in an age of ‘decline’

English lordship in Ireland encountered severe difficulties during the fourteenth century, some reflecting socio-economic changes common to much of western Europe, others particular to the Lordship. To argue the contrary would invite the fate reserved for the thief caught red-handed with the proceeds of his crime, who under English law was liable to summary execution since it was considered absurd to deny a manifest fact.<sup>1</sup> There is nevertheless a danger that the lens of ‘decline’, through which the period has so often been viewed, can become, like ‘the waning of the Middle Ages’, ‘a mesmeric concept’,<sup>2</sup> determining not just the imagery and vocabulary we employ, but the questions we put to the evidence. The Lordship of Ireland had always been a complex, multi-centred polity. In the later medieval period, the complexities – cultural as well as political and military – increased; and the discomfort of officialdom is all too apparent in the gloomy rhetoric and simplistic nostrums of fourteenth-century legislation. But if we keep our eyes on the practical ways in which royal government adapted to adverse conditions, the picture becomes less irredeemably bleak. The Lordship emerges, undoubtedly in retreat, but less as a collapsing structure dependent on life-support from England, than as a fragmented dominion, where government developed ways – some of them inventive – of engaging with regional and local societies.

### PERCEPTIONS AND REALITIES OF DECLINE

The historiography of the later medieval Lordship is saturated with ‘decline’ and its synonyms. Recessional metaphors recur. Both G.H. Orpen and A.J.

<sup>1</sup> I addressed some of the questions raised in this chapter from rather different perspectives in ‘English political culture in later medieval Ireland’, *The History Review*, 13 (UCD, 2002), 1–11; *Colonial Ire.*, ‘Postscript’, pp 154–63; and ‘Contexts, divisions and unities: perspectives from the later Middle Ages’, in *CHI*, i, ch. 19. For two wide-ranging essays on the character of society and government in the later medieval Lordship, which counter the traditional wholly negative view of the period, see Peter Crooks, ‘Factions, feuds and noble power in the lordship of Ireland, c.1356–1496’, *IHS*, 35:140 (2006), 425–54; and Brendan Smith, ‘Before reform and revival: English government in late medieval Ireland’, in Christopher Maginn and Gerald Power (eds), *Frontiers, states and identities in early modern Ireland and beyond: essays in honour of Steven G. Ellis* (Dublin, 2016), pp 21–35. <sup>2</sup> Cf. J.R. Lander, *Conflict and*

Otway-Ruthven entitled chapters of their histories 'The ebbing tide', Orpen applying the phrase to the years 1318–33, between the Bruce invasion and the murder of the last de Burgh earl of Ulster; Otway-Ruthven reserving it for 1333–49, between the earl's murder and the arrival of the Black Death.<sup>3</sup> There are also more radical differences over chronology. For Otway-Ruthven, the years 1245–1315 represented 'the colony at its peak'.<sup>4</sup> James Lydon, by contrast, designated the period 1254–1307, when Edward I ruled the Lordship first as his father's heir and later as king, as 'the beginnings of decline', and entitled his chapter on the fourteenth century 'the problem of decline'.<sup>5</sup> His perception arose primarily from his work on what he regarded as the disastrous effects of English policies towards Ireland, particularly under Edward I, who over-exploited the resources of the Lordship for his wars elsewhere.<sup>6</sup> A note of caution is needed here. Royal actions could undoubtedly affect the economy and society; in Ireland their impact will have fallen disproportionately on the colonial heartlands in the south-east, since these were where the king's writ most effectively ran. But given the limitations of medieval government, they are likely to have been a contributory influence upon the Lordship's fortunes rather than a root cause of its troubles.

From a wider perspective, Lydon's chronology has the merit of mapping fairly neatly on to the curve of expansion and contraction familiar to historians of conquest, settlement and the west European economy. Here too oceanic metaphors have found favour. The Anglo-Normans entered Ireland during what Rees Davies described as 'the second tidal wave of Anglo-Saxon or English colonization' within the British Isles,<sup>7</sup> a tide that reached Ireland towards the end of a more general European expansion of population, settlement, town-foundation, trade and the money-supply. By contrast, during the later Middle Ages expansion faltered, natural disasters accumulated, and their effects were exacerbated by major west European wars. 'The second tidal wave', in Davies' view, gave way during the first half of the fourteenth century to 'the ebb tide of the English empire'.<sup>8</sup> Not all the markers of recession appear simultaneously. It has been suggested that expansion of settlement and town-foundation pattered out from around 1260, that the disruption caused by major wars became

*stability in fifteenth-century England* (London, 1961), ch. 1, 'The dark glass of the fifteenth century'; quotation p. 1. 3 Orpen, *Normans*, iv, ch. 38; Otway-Ruthven, *Med. Ire.*, ch. 8.

4 *Med. Ire.*, ch. 6. The metaphors persist: e.g., Beth Hartland, 'The height of English power: 1250–1320', in *CHI*, i, ch. 8: but this is not quite the same thing as the zenith of the colony itself. 5 Lydon, *Lordship* (1972), chs 6, 8; (2003 ed.), chs 5, 6. 6 See above, p. 144.

7 Davies, *Domination*, p. 12. The concept is discussed by John Gillingham, 'A second tidal wave? The historiography of English colonization in Ireland, Scotland and Wales in the twelfth and thirteenth centuries', in J.M. Piskorski (ed.), *Historiographical approaches to the medieval colonization of east-central Europe* (New York, 2002), pp. 303–27. 8 Davies, *Empire*, ch. 7, applies this headline to the years 1304–43. For a less gloomy view of the late medieval English orbit, see Peter Crooks, 'State of the union: perspectives on English imperialism

visible from around 1300, that the impact of plague intensified during the later fourteenth century, and that shortages of specie, evident periodically from 1300 onwards, became acute towards the century's end.<sup>9</sup> These underlying trends undoubtedly affected the operations of royal government within Ireland. To take just one example, retreat of cultivation and the accompanying reversion to pastoralism reduced the ability of crown officials to extract revenue from local societies: in England, too, areas where pastoral farming and dispersed settlement were dominant make a poor showing in taxation records.<sup>10</sup>

Any attempt to assess the interactions of government and society must take account of the marked change in the quantity and character of the available evidence that occurred between c.1280 and c.1310. It has been said of England that if 'the twelfth century had been a great period of making documents, the thirteenth was the century of keeping them'.<sup>11</sup> The vicissitudes of documentary survival in Ireland mean that much that was once kept was later lost, so that it is only towards the end of the thirteenth century that a critical mass of governmental record material begins to survive. By the time of the Bruce invasion (1315–18), a comparative wealth of exchequer, judicial and chancery documents have become available, though because of the catastrophic fire at the Public Record Office of Ireland in the Four Courts in 1922, more has come down to us in the form of transcripts and calendars (published and unpublished) than in the original.<sup>12</sup> This represents a giant leap in record evidence; and it is evidence of Dublin provenance, foregrounding the routines and the views of the king's ministers. It deserves to be set beside the 'jump' in surviving enrolments of royal records around 1200, when the chancery began to keep copies of the more significant outgoing documents under the Great Seal. That sudden expansion – which, as G.H. Orpen noted, changed

in the late Middle Ages', *P&P*, 212 (2011), 3–43. <sup>9</sup> There is a lucid discussion of these matters, which resists the temptation to over-simplify, in Richard Britnell, *Britain and Ireland, 1050–1530: economy and society* (Oxford, 2004), ch. 4. See also the probing, and refreshingly downbeat, study by B.M.S. Campbell, 'Benchmarking medieval economic development: England, Wales, Scotland and Ireland, c.1290', *Economic History Review*, 61:4 (2008), 896–945. <sup>10</sup> Harold Fox, 'Taxation and settlement in medieval Devon', *TCE*, 10 (2005), 167–85. <sup>11</sup> M.T. Clanchy, *From memory to written record: England, 1066–1307* (London, 1979), p. 49. <sup>12</sup> For an overview, see Philomena Connolly, *Medieval record sources*, Maynooth Research Guides for Irish Local History, 4 (Dublin, 2002), pp 9–37. The late 1270s mark the start of the long sequence of exchequer Receipt and Issue rolls submitted for audit at Westminster; the latter are available in *IExP*. From the same decade onwards, we have the more frequent survival of exchequer Pipe rolls; these had been briefly calendared down to the mid-1340s before their loss in 1922. From the 1290s onwards, there is the patchy survival of exchequer Memoranda rolls (J.F. Lydon, 'Survey of the Memoranda rolls of the Irish exchequer, 1294–1509', *AH*, 23 (1966), 51–134), and also of rolls of the justiciar's court and the court of common pleas at Dublin (Hand, *Eng. law*, pp 226–9). From the early 1300s these are joined by Patent and Close rolls of the Irish chancery (Peter Crooks, 'Reconstructing the past: the case of the medieval Irish chancery rolls', in N.M. Dawson and F.M. Larkin (eds), *Lawyers, the law and history: Irish Legal History Society discourses and*

the nature of the sources available for historians of Ireland too<sup>13</sup> – has posed problems of historical interpretation, notably of the reign of King John. In the mid-twentieth century John, once viewed through the generally hostile eyes of chroniclers, could be praised as an assiduous administrator.<sup>14</sup> Or, conversely, the emphasis might fall on his use and misuse of a penetrating and exploitative governmental system, now visible in detail.<sup>15</sup> Historians have been conscious of the pitfalls of interpreting this new richness of material, asking, for instance, whether John's government differed much from that of his less well documented father and brother.<sup>16</sup> In Ireland, the surge in record evidence a century later may be thought to pose equally difficult problems of perspective and interpretation.<sup>17</sup>

These new documentary riches may help to explain the contrasting labels applied to the age of Edward I by Otway-Ruthven and Lydon. Otway-Ruthven was first and foremost a historian of governmental institutions; as late as 1967, she could present this as still the primary concern of historians of the medieval Lordship.<sup>18</sup> For her, the records provided evidence of an expansion of government, producing in particular a closer mesh of counties, as former great liberties, such as Kildare, Carlow and the de Verdun half of Meath were extinguished, and sheriffs were appointed for the church lands ('crosses') within surviving liberties such as Ulster, Trim, Wexford and Kilkenny.<sup>19</sup> Yet the newly abundant official archives could be read very differently: they exposed, as day-to-day records will, the limitations and weaknesses of government, together with the human frailties of those in office. Lydon scanned the records with an acute eye for examples of crime, disorder, official malpractice, and the

*papers, 2006–2011* (Dublin, 2013), pp 281–309; see also below, ch. 9. <sup>13</sup> Orpen, *Normans*, ii, p. 161: 'we have now reached the time when, with the beginning of John's reign, our regular records commence, in a stream thin at first, but gradually increasing in volume'. <sup>14</sup> E.g., D.M. Stenton, 'King John and the courts of justice', reprinted in her *English justice between the Norman conquest and Magna Carta* (London, 1965), pp 88–114. <sup>15</sup> The classic work in this respect was J.E.A. Jolliffe, *Angevin kingship*, 2nd ed. (London, 1963); see also J.C. Holt, *The northerners: a study in the reign of King John* (Oxford, 1961). <sup>16</sup> For a recent discussion of these questions, see John Gillingham, 'Bureaucracy, the English state and the crisis of the Angevin empire, 1199–1205', in Peter Crooks and T.H. Parsons (eds), *Empires and bureaucracy in world history, from late antiquity to the twentieth century* (Cambridge, 2016), pp 197–220. <sup>17</sup> See, e.g., the comments in K.W. Nicholls, 'Anglo-French Ireland and after', *Peritia*, 1 (1982), 370–403 at 374, and Adrian Empey, 'Irish clergy in the high and late Middle Ages', in T.G. Barnard and W.G. Neely (eds), *The clergy of the church of Ireland, 1000–2000* (Dublin, 2006), pp 6–43 at 10–14. Peter Crooks has pointed to the effect on perceptions of the thinning of this same record evidence in the fifteenth century together with the greater survival of less formal correspondence, petitions and council memoranda ('Factions, feuds and noble power', p. 435). <sup>18</sup> 'Thirty years' work in Irish history: medieval Ireland (1169–1485)', *IHS*, 15:60 (1967), 359–65 at 359–60. <sup>19</sup> Otway-Ruthven, *Med. Ire.*, ch 5, 'The government of the Norman-Irish state', esp. pp 173–87; 'Anglo-Irish shire government in the thirteenth century', in Crooks, *Government*, pp 121–40; 'The medieval county of

failure of the exchequer to gather in debts owing to the crown. Such evidence should not be dismissed. But assessing it is no simple matter. Judicial records by their very nature teem with evidence of criminality. In Ireland, as in England, investigations of exchequer or judicial corruption might be politically motivated and tainted by in-house rivalries.<sup>20</sup> In a world where a reputable Kent monastery could record its preparations for the visitation of the general eyre, which amounted in modern eyes to a campaign of bribery, through wining, dining and offering *douceurs*,<sup>21</sup> we should be wary of rushing to anachronistic moralizing judgements. Tolerance of high levels of indebtedness, with the debts of leading magnates being collected, if at all, by easy instalments was part of the common change of royal patronage.<sup>22</sup>

There is a crucial distinction to be made, between the 'peak' of systems of crown government within Ireland and the zenith of the Lordship in a broader sense. The former may indeed have been reached in the time of Edward I, just when it attains maximum visibility to the historian. Identifying the latter is less easy. It is true to say that spasmodic thrusts in the late thirteenth century by the Red Earl of Ulster, the Clares and the Desmond Geraldines left the Gaelic polity in the north, west and south-west of Ireland splintered and weakened; and also that these advances were accompanied by castle-building and attempts at further colonization.<sup>23</sup> But such enterprises mostly proved transient, and as Kenneth Nicholls has argued were outweighed by colonial retreat in the Lordship's established heartlands. There the zenith had been reached earlier, perhaps as early as c.1240, when the lordships of Leinster and Meath were still intact, the energies of many knightly families from Leinster and Munster were profitably absorbed in the de Burgh conquest of Connacht, and castle-building and manorial organization was proceeding in regions – notably in the midlands – where colonial control soon began to loosen.<sup>24</sup> The survival of seigneurial

Kildare', *IHS*, 11:43 (1959), 181–99. <sup>20</sup> Philomena Connolly, 'The proceedings against John de Burnham, treasurer of Ireland, 1344–9', in *Colony & frontier*, pp 57–74; Robin Frame, 'Profits and perils of an Irish legal career: Sir Elias Ashbourne (d.1356), chief justice and marcher lord', in T.R. Baker (ed.), *Law and society in later medieval England and Ireland: essays in honour of Paul Brand* (Abingdon, 2018), pp 121–44. Cf. Paul Brand, 'Edward I and the judges: the "state trials" of 1289–93', in Brand, *Common law*, pp 103–12, and N.M. Fryde, 'Edward III's removal of his ministers and judges, 1340–1', *BIHR*, 48:118 (1975), 149–61. <sup>21</sup> F.J. Pegues, 'A monastic society at law in the Kent eyre of 1313–1314', *EHR*, 87:344 (1972), 548–64. For comments on similar, though more fragmentary, evidence in Ireland, see Empey, 'Irish clergy in the high and late Middle Ages', pp 21–2: 'what looks to us like bribery, to contemporaries looked like wise and provident management'. <sup>22</sup> Frame, *Eng. lordship*, p. 244; and 'Rebellion and rehabilitation: the first earl of Desmond and the English scene', in *The Geraldines*, pp 194–222 at 217–18. <sup>23</sup> Katharine Simms, 'Relations with the Irish', in Lydon, *Law and disorder*, pp 66–86; Robin Frame, 'The de Burghs, the earldom of Ulster and the Anglo-Scottish frontier', in David Ditchburn and Séan Duffy (eds), *The Irish-Scottish world in the Middle Ages* (Dublin, forthcoming). <sup>24</sup> Nicholls, 'Anglo-French Ireland', pp 372–4, and idem, 'The land of the Leinstermen', *Peritia*, 3

documentation from the late thirteenth century, particularly the estate accounts of the Bigod earls of Norfolk in south Leinster, presents a similar problem of perspective to that posed by the royal records. These accounts afford the first detailed evidence of farming practice and the search for agricultural profit.<sup>25</sup> But rural entrepreneurship was of long standing. This is visible in the unique surviving Pipe roll from John's reign, which provides details both of the royal manors of south Dublin and of the de Lacy's forfeited lordships of Meath and Ulster; we glimpse, not just vast wealth in cattle, but agrarian enterprise in full swing.<sup>26</sup> Likewise, in Munster and south Leinster Theobald Walter between 1185 and his death in 1206 had organized and parcelled out an enormous estate.<sup>27</sup> To some extent, what the copious record evidence from the late thirteenth and early fourteenth centuries reveals is the Dublin government plugging holes, some created by the partitions of Leinster and Meath and by the renewed vigour of Irish leadership in Wicklow, Offaly and Laois;<sup>28</sup> others dug by Edward I himself, in his eagerness to take lands and rights into his own hands. The expansion of the number of sheriffdoms in 1297 represented an administrative reshuffling within an already contracting area rather than an expansion of the colony itself.<sup>29</sup>

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The authors of the four scholarly general histories of the Lordship published between 1911 and 1972 were markedly individual in background and outlook.<sup>30</sup> But they had in common the fact that when they wrote – or rather, when their

(1984), 535–58 at 541–2; and for an example, George Cunningham, *The Anglo-Norman advance into the south-west midlands of Ireland* (Roscrea, 1987). 25 Margaret Murphy, 'The profits of lordship: Roger Bigod, earl of Norfolk, and the lordship of Carlow, 1270–1306', in *Lordship in med. Ire.*, pp 75–98; and more generally, Kevin Down, 'Colonial society and economy in the high Middle Ages', *NHI*, ii, ch. 15 at pp 459–61; Margaret Murphy, 'The economy', *CHI*, i, ch. 14, esp. pp 392–4. 26 'The Irish Pipe roll of 14 John', ed. Oliver Davies and D.B. Quinn, *Ulster J. Archaeology*, 3rd ser. 4, supplement (1941), pp 7–74 esp. 30–47, 50–68; Frame, *Colonial Ire.*, p. 96; Down, 'Colonial society', p. 444; Murphy, 'The economy', 390–1. This source deserves closer analysis than it has yet received. 27 C.A. Empey, 'Conquest and settlement: patterns of Anglo-Norman settlement in north Munster and south Leinster', *Irish Economic and Social History*, 13 (1986), 5–31 esp. 9–17. 28 E.g., Cormac Ó Cléirigh, 'The problem of defence: a regional case-study', in Lydon, *Law and disorder*, pp 25–56; O'Byrne, *Irish of Leinster*, ch. 4. 29 Gerard McGrath, 'The shiring of Ireland and the 1297 parliament', in Lydon, *Law and disorder*, pp 107–24 at 123–4. 30 Orpen, *Normans* (1911–20); Curtis, *Med. Ire.* (1923, 1938); Otway-Ruthven, *Med. Ire.* (1968); Lydon, *Lordship* (1972). On Curtis, Otway-Ruthven and Lydon, see Peter Crooks, 'The Lecky professors', in Crooks, *Government*, pp 23–62; on Orpen and Otway-Ruthven, Robin Frame, 'The "failure" of the first English conquest of Ireland', in Frame, *Ire. & Brit.*, pp 2–7; on Orpen, Séan Duffy, 'Historical revisit: Goddard Henry Orpen, *Ireland under the Normans, 1169–1333* (1911–20)', *IHS*, 32:126 (2000), 246–59 (reprinted as the introduction

views were formed – it was normal to regard the state as the necessary and proper guarantor of stability and order. Historians of pre-1170 Ireland had lamented the failure of a unitary kingship to emerge, identifying moments when they believed this desirable phenomenon was in the offing, only to be confounded by dynastic in-fighting, exacerbated by the malign interventions of outsiders, Viking or Anglo-Norman. Likewise, students of the English Lordship regretted the inability of central authority to maintain and expand the control it appeared to have achieved around 1300, and looked for explanations, and even for guilty parties. This was a very old perspective. The Elizabethan Lord Chancellor, William Gerrard, preparing a report for the English council in 1577–8, explored the medieval records then remaining in Dublin. He was impressed by the reach and profitability of the Dublin government during the thirteenth and early fourteenth centuries, when it contributed to the king's revenues and armies, but dismayed by the evidence of disorder, local warfare and need for subsidization from England by 1360, leading him to analyse 'how the estate became thus tattered'.<sup>31</sup> His academic successors tended to identify the chief enemies of promise as those who directed English policy (a view James Lydon shared with Orpen and Curtis) and also magnates addicted to the peculiarly aristocratic vice of 'self-interest'.<sup>32</sup> Orpen offered the most intellectually coherent expression of the negative reading of the later medieval period. Familiar with the works of nineteenth-century political economists, he viewed society as progressing through recognizable stages: from the 'tribal', through the 'feudal', to the desired culmination of 'civil society', marked by a strong state capable of maintaining order and protecting individual rights. For him, later medieval Ireland saw social evolution go into reverse, as a 'feudal' society, hovering on the brink of progressing to the next stage, instead reverted to 'tribalism'. The virtues he had seen in the feudal ethic, and in some members of the twelfth- and thirteenth-century nobility, were lost in this atavistic regression.<sup>33</sup> Curtis and Lydon were less inclined to theorize, but both had a tendency to present aristocratic power as inimical to order and good government.<sup>34</sup> While Orpen's notion of a reversion to 'tribalism' did not gain purchase with later writers, its negative connotations found a potent surrogate in the concept of 'bastard feudalism', which could give a disapproving air to presentations of the sophisticated and flexible written contracts of service

to the one-volume version of *Normans* (Dublin, 2005)); and Robin Frame, 'Orpen's *Ireland under the Normans* at one hundred: standing the test of time?', in Seán Duffy and Peter Crooks (eds), *Invasion 1169: essays commemorating the 850th anniversary of the Anglo-Norman invasion of Ireland* (Dublin, forthcoming); on Curtis, James Lydon, 'Historical revisit: Edmund Curtis, *A history of medieval Ireland* (1923, 1938)', *IHS*, 31:124 (1999), 535–48; and more generally, Smith, 'Before reform and revival', pp 21–3. <sup>31</sup> Charles McNeill, 'Lord Chancellor Gerrard's notes of his report on Ireland', *AH*, 2 (1931), 93–291 at 119–21; quotation 121. <sup>32</sup> Crooks, 'Factions, feuds and noble power', 433–4 and n. 51. <sup>33</sup> Frame, 'Orpen's *Ireland under the Normans*'. <sup>34</sup> See above, pp 86–7.

between lords and men that were characteristic of late medieval English Ireland.<sup>35</sup> Otway-Ruthven may have evinced no hostility towards the aristocracy, whose settlement strategies, sub-infeudation and judicial rights she did much to illuminate;<sup>36</sup> but, as we have seen, her choice of subject-matter, sources and vocabulary confirm that the institutions of government were her chief concern.

The effect of this perspective was, perhaps inadvertently, to present the troubles of the fourteenth century as though they reflected the dissolution of an embryonic centralized state. As Rees Davies was fond of pointing out, this approach was encouraged by the rhetoric of the governmental sources themselves, which ‘present a view of power and society as seen through royal spectacles’,<sup>37</sup> and deal in ‘theoretical aspirations and legislative bluster’.<sup>38</sup> A similar point has been made by Brendan Smith, who has described the peace-keeping regulations of 1297 as ‘less a practical programme than a declaration of identity through law’;<sup>39</sup> while David Green has argued that the Statute of Kilkenny (1366) needs to be read, not only in the light of the conditions in Ireland to which its blunderbuss remedies were to be applied, but also in awareness of the assumptions and aspirations of English government in the later fourteenth century.<sup>40</sup> These matters are now sufficiently familiar to need no further illustration. But one point might be added. Legislation and other, more routine, governmental documents of the fourteenth century are replete with binary simplifications, which have tended to shape historical discourse. Among the more familiar are ‘rebel’ as against ‘loyal’, ‘land of peace’ as against ‘land of war’ or ‘march’, ‘English born in Ireland’ as against ‘English born in England’, and indeed ‘war’ as against ‘peace’, and even ‘English’ as against ‘Irish’. Anybody who attempts to use such polarities to structure an analysis of real historical situations will quickly be aware of their inadequacy as guides to what was a far more nuanced world. And while study of programmatic phrases in search of the ‘mentalities’ they seem to encapsulate can be illuminating, we should remember that contemporaries were well aware of their limitations, and were able to think and act outside such boxes. Correspondence between Thomas Rokeby, the notably hard-headed governor of the 1350s, and the English council makes that abundantly clear.<sup>41</sup>

<sup>35</sup> E.g., Lydon, *Lordship*, pp 123–4, in relation to the very early written contract of 1289 between John fitz Thomas and Peter Bermingham (*Red bk Kildare*, no. 11). For a wide-ranging discussion of these matters, see Crooks, ‘Factions, feuds and noble power’, 431–42. <sup>36</sup> E.g., ‘The character of Norman settlement in Ireland’, in Crooks, *Government*, pp 263–74; ‘Knight service in Ireland’, *ibid.*, pp 155–68; ‘The medieval Irish town’, ed. Peter Crooks, *Medieval Dublin X* (2010), 299–311; ‘Knights’ fees in Kildare, Leix and Offaly’, *JRSAI*, 91 (1961), 163–81; ‘The partition of the de Verdon lands in Ireland in 1332’, *PRIA*, 66C:5 (1968), 401–55. <sup>37</sup> Davies, *Lords & lordship*, pp 2–3. <sup>38</sup> R.R. Davies, ‘Frontier arrangements in fragmented societies: Ireland and Wales’, in *Med. frontier societies*, pp 77–100 at 85. <sup>39</sup> Brendan Smith, ‘Keeping the peace’, in Lydon, *Law and disorder*, pp 57–65 at 65. <sup>40</sup> David Green, ‘The Statute of Kilkenny (1366): legislation and the state’, *J. Historical Sociology*, 27:2 (2014), 236–62. <sup>41</sup> Below, pp 317–18.

If the image of a disintegrating centralized structure is a misleading starting point for evaluating the Lordship of Ireland in the later Middle Ages, recent approaches to the question of state power in medieval Europe are more helpful. These begin from a different premise, accepting that even the most coherent kingdoms were 'federate' in character, with power shared in complex balances between kings, lay and ecclesiastical magnates, and local communities of many sorts, including – particularly in the more commercially developed areas such as northern Italy and Flanders – urban oligarchies. England is normally ranked among the most centralized states – and also as illustrating the truism that the most centralized polities were not necessarily the most stable. But that picture is too monochrome: the rulers even of the proverbially 'much governed' England south of the Trent negotiated their authority through local communities and jurisdictions, and through engaging with influential 'informal networks'. Moreover, the wider orbit of the English crown included, besides Ireland, other regions marked by *morcellement* and noble power: the Welsh marches, the duchy of Guienne beyond the immediate hinterlands of Bordeaux and Bayonne, and increasingly during the age of Anglo-Scottish wars, the far north of England itself.<sup>42</sup>

It has been said of Wales that its natural political condition was one of fragmentation, imposed as much as anything by its physical geography.<sup>43</sup> Ireland, while it lacked the dramatic separation between north and south, east and west created by the Cambrian massif, was also inhospitable to central authority. There was a stark contrast between the enduring ideas of unity – whether rooted in the Gaelic historical tradition or in English notions of royal sovereignty and legal uniformity – and the broken and fluid lines of practical lordship.<sup>44</sup> Any aspiring central authority was faced by difficulties of terrain, and of eliciting obedience, or at least recognition, from regional and local powers. Royal rule differed from area to area, ranging from direct administration of varying intensities (with fairly regular holding of courts and raising of revenue), through a range of types and levels of devolution, to looser overlordship, which was at best spasmodic in its expression. Success lay in adapting to changing realities of power, and in developing means of ensuring some responsiveness or

<sup>42</sup> E.g., Rees Davies, 'The medieval state: the tyranny of a concept', *J. Historical Sociology*, 16:2 (2003), 280–300; K.J. Stringer, 'States, liberties and communities in medieval Britain and Ireland (c.1100–c.1400)', in Michael Prestwich (ed.), *Liberties and identities in the medieval British Isles* (Woodbridge, 2008), pp. 5–36; and more generally, John Watts, *The making of polities: Europe, 1300–1500* (Cambridge, 2009), chs 1–3. The collaboration of kings and great lords in 'state-building' has become a favourite theme of historians of medieval Scotland: e.g., Alice Taylor, *The shape of the state in medieval Scotland, 1124–1296* (Oxford, 2016) and the classic work on the later medieval period Alexander Grant, *Independence and nationhood: Scotland, 1306–1469* (Edinburgh, 1984), chs. 5–7. For comparisons between Ireland and the north of England, see below, chs 11 and 13. <sup>43</sup> Davies, *Conquest*, pp. 8–15. The word 'natural' appears on p. 15. <sup>44</sup> Further discussion in Frame, 'Contexts,

at least recognition. The language of the royal records obscures this by speaking in simplified terms of law and disorder, peace and war.

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While our starting point should not be an image of a centralizing structure in process of decomposition, there is no doubt that direct, regular government from Dublin contracted markedly across the fourteenth century. Its retreat needs more detailed analysis than it has yet received, but it is possible to sketch an outline, which may not be too misleading. A useful benchmark is a rare documentary survivor: the *jornalia* (day-by-day) account of the expenditure of John Sandford, archbishop of Dublin, governor of Ireland in 1288–90. This enables us to follow his itinerary in unusual detail.<sup>45</sup> Two of his journeys bring out significant features of the subsequent contraction. Between 18 September and 10 October 1288, he made remarkably swift progress around routes that were to remain critical for the attachment of south Leinster and Munster to Dublin and its hinterland, the two main cores of the regularly governed Lordship. He passed from Carlow and Leighlin to Carrick-on-Suir (Co. Kilkenny) and thence to Dungarvan and Waterford (21 September). Three days later he was at Cork. Leaving there on 27 September, he rode north through Buttevant to Limerick (1 October). His return journey brought him by way of Clonmel and Carrick-on-Suir, to re-visit Waterford (9 October) and then New Ross (10 October).<sup>46</sup> This journey remained a staple of governmental itineration. But by the 1350s the routes around Carlow and Leighlin – vital for access to and from Kilkenny and the southern counties – were becoming dangerous because of the expansion of the power of Gaelic lords on both sides of the river Barrow. It was this that lay behind the decision taken in the time of Lionel of Antwerp to shift the exchequer and common bench to Carlow, a misguided move that resulted in royal officials from the four counties around Dublin as well as those in Munster seeking exemptions from making their accounts at the exchequer.<sup>47</sup>

Sandford's second journey, between 14 June and 17 August 1290, involved a wider sweep. Starting out from Drogheda, he traversed Meath by Kells and Mullingar, crossing the Shannon to the royal castles of Random and Roscommon. Leaving Roscommon on 26 June, he visited the Galway centres of Dunmore, Tuam, Athenry and Loughrea. Re-crossing the Shannon on 10 July, he visited Terryglass, Nenagh, Thurles, Cashel and Athassel (Co. Tipperary)

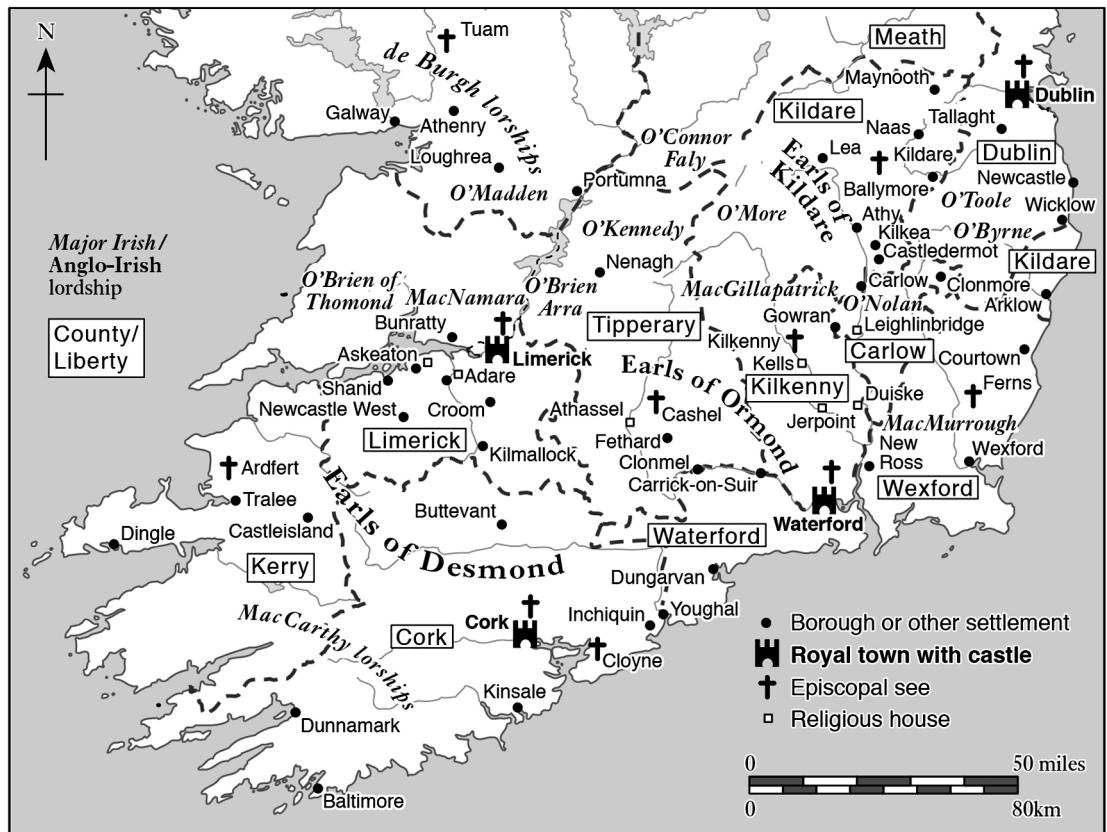
divisions and unities', pp 523–30. 45 CDI 1285–92, no. 559 (pp 265–77). 46 Ibid., pp 266–7. 47 Frame, *Eng. lordship*, pp 77–87, provides further details and fuller references; see also below, p. 339. On the move to Carlow, see Philomena Connolly, 'The head and comfort of Leinster': Carlow as the administrative capital of Ireland, 1361–94', in Thomas McGrath (ed.), *Carlow: history and society* (Dublin, 2008), pp 307–29. Linda Doran, 'Lords of the river valleys: economic and military lordship in the Carlow corridor, c.1200–1350', in *Lordship in med. Ire.*, pp 99–129, offers an archaeologist's view, with useful maps at 127–9.

and Knockainy (Co. Limerick), arriving at the city of Limerick on 26 July. From there he moved south through Kilmallock to Cork, where he stayed from 1 to 6 August, before making his way eastwards through Youghal, Stradbally, Waterford and New Ross, reaching Ferns on 17 August.<sup>48</sup> The itinerary records that at Dunmore he stayed with Sir Peter Bermingham, at Loughrea he dined with the earl of Ulster and was housed by James Keting, at Terryglass he dined with Robert fitz David [de Burgh], and at Nenagh with Theobald Butler. These and other stopping-points, together with his visits to episcopal centres, symbolize the close relationship between royal, noble and ecclesiastical lordship. A similar range of activity is apparent in the movements of the justiciar's court in the time of John Wogan, who was in office for most of the period 1295–1312: Wogan held sessions at Ardee in northern Louth, at Roscommon, and at Ardfert in Kerry, the only point, as Geoffrey Hand commented, where his eyre touched the Atlantic coast.<sup>49</sup> Neither Sandford nor Wogan intervened in Ulster, which was a great liberty in the hands of Richard de Burgh, the Red Earl, then in his pomp. During the fourteenth century, even when in the king's hands, the earldom tended to be managed separately, with rare interventions from Dublin and minimal contributions to the exchequer.<sup>50</sup>

Sandford's journey through Connacht and north Munster took in areas that, while never wholly closed to royal authority, ceased to be part of the normal sweep of administration. The only known visitation of Connacht after the Bruce invasion took place during the governorship of Walter Bermingham, who in September–October 1347 held courts at Galway, Athenry, Loughrea and Shrue.<sup>51</sup> Whereas in 1290 Nenagh was still a favoured residence of the Butlers, by the mid-fourteenth century it had become a vulnerable frontier post.<sup>52</sup> And

<sup>48</sup> *CDI 1285–92*, pp. 274–6; mapped in Davies, *Empire*, p. 85. <sup>49</sup> Hand, *Eng. law*, p. 34. For the movements of the court from 1295 to 1307, see *CJRI 1305–7*, pp. vii–xiv; for 1308–12, Philomena Connolly, 'Pleas held before the chief governors of Ireland, 1308–76', *Ir. Jurist*, 18:1 (1983), 101–31 at 103–5. The identity of the governor could shape the court's movements, as is apparent from the probing sessions in Munster, including repeated visits to Co. Kerry, during the brief deputyship of Thomas fitz Maurice, lord of Desmond, in 1295 (*CJRI 1295–1303*, pp. 1–77; 1305–7, p. vii).

<sup>50</sup> While the earldom was by no means closed to royal ministers, there were problems of overland access. The ministers of Elizabeth de Burgh, lady of Clare, who sometimes came and went directly by sea from England to the Co. Down coast, paid local officials, lords and mercenary captains for escort as they moved to and between her lordships in Antrim and Derry (Frame, 'The de Burghs'). <sup>51</sup> Connolly, 'Pleas before the chief governors', p. 124; the session at Galway is recorded in NLI, Genealogical Office MS 192, p. 28. For the routeways and the de Burgh centres in the region, see Patrick Holland, 'The Anglo-Normans in Co. Galway: the process of colonization', *JGAHS*, 41 (1987–8), 73–89 at 76–9. While the Tethmoy Berminghams as well as their Athenry kinsmen had Connacht interests, this unusual intervention may reflect the fact that the de Burgh inheritance was in the custody of Queen Philippa, whose receivers in Connacht also worked for the lady of Clare, who held Shrue and other Galway and Mayo properties in jointure (TNA, S.C.6/1239/30). <sup>52</sup> C.A. Empey, 'The Butler lordship', *J. Butler Society*, 1 (1967–71), 174–87 at 174–5.



Map 3: Southern Ireland in the later fourteenth century

of course there was no earl of Ulster to play host at castles such as Portumna or Loughrea – the latter once a prime de Burgh centre where in 1305–6 the Red Earl had proposed to establish a lavish chantry chapel.<sup>53</sup> The crossing of the Shannon between north Tipperary and Co. Galway had become notoriously insecure. In April 1330 John Morice, the escheator of Ireland, journeying back from Connacht, had lost men, horses, silver vessels, bedding and other goods in an attack by Brian Bán O'Brien in north Tipperary.<sup>54</sup> A similar fate, at the hands of the Irish of Ormond, was suffered by John Knaresborough, Elizabeth Clare's receiver, returning from Connacht in 1360.<sup>55</sup> In 1353–4 we glimpse John making payments to the men of Tadhg and Edmund O'Kennedy to see him safely from Thurles to 'the house of O'Madden', whose men conducted him to Loughrea. Within Co. Galway he seems to have been escorted by the archbishop of Tuam.<sup>56</sup>

Summonses of the knight service of Ireland confirm the territorial shrinkage. While services were mostly taken in the form of scutage, they were linked to projected campaigns and took their names from the intended muster points of royal armies. Between 1252 and 1315, there were services relating to Ulster, Connacht, various midland locations and west Munster. After 1318, these regions disappeared from summonses, which were concentrated in Leinster and east Munster. During the fifteenth century assembly-points were further restricted – almost entirely to the four counties around Dublin, and with a new emphasis on a perceived threat from the north to the lowlands of Louth and Meath.<sup>57</sup> No part of the country apart from the far north-west was closed to a determined governor backed by a sizeable military retinue. This is evident from Ralph Ufford's penetration of Ulster where he visited Carrickfergus and Antrim, after an initial ambush by MacCartan in the Moiry Pass near Newry in the spring of 1345, and from the punitive judicial sessions he held at Castle Island in Kerry in the following autumn, in the wake of his defeat of the Desmond rebellion.<sup>58</sup> But these were exceptional moments.

The revenue collected by the Dublin government, another gauge of administrative reach, fell sharply between the time of Edward I and that of Edward III and Richard II, from an average of approximately £5,000–6,000 a year before 1315, to £2,000–2,500 a year thereafter.<sup>59</sup> The exchequer receipt rolls remain unpublished and under-used, and the sources of revenue await full analysis. Two caveats need to be borne in mind. First, the figures are evidence of the government's collecting power; they cannot be taken as a barometer of

<sup>53</sup> *CJRI* 1305–7, pp. 141–2; *CPR* 1301–7, p. 430. <sup>54</sup> TNA, C.47/10/19, no. 21. <sup>55</sup> TNA, S.C.6/1239/29. <sup>56</sup> TNA, S.C.6/1239/31. <sup>57</sup> Summonses of the knight service are listed in A.J. Otway-Ruthven, 'Royal service in Ireland', in Crooks, *Government*, pp. 169–76 at 173–6; and mapped in Robin Frame, 'The defence of the English lordship, 1250–1450', in *Military hist. Ire.*, pp. 76–98 at 79, 81. <sup>58</sup> Below, pp. 280–4, 289–90. <sup>59</sup> H.G. Richardson and G.O. Sayles, 'Irish revenue, 1278–1384', *PRIA*, 62C:4 (1962), 87–100 at 93–4, 99–100; S.G. Ellis, 'Ioncam na hÉireann, 1384–1534', *Studia Hib.*, 22–3 (1982–3), 39–49 at 42–3, 49.

the prosperity of the Lordship of Ireland in general. Surges in revenue when governors were active in Munster suggest considerable reservoirs of wealth in the southern counties that were not consistently and directly tapped by the exchequer.<sup>60</sup> Secondly, the Irish receipt rolls were simpler than their English counterparts, in that they record only cash income; revenues ‘assigned’ to be spent locally do not normally show up in them.<sup>61</sup> As we shall see, much of the crown’s nominal resource-base was ‘devolved’ in this way.

#### DUBLIN AND THE REGIONS: FORMS OF ENGAGEMENT

By 1300 there was a network of counties and county-sized liberties south and east of a notional line running from Dundalk to Limerick, Tralee and Cork. The fourteenth-century records suggest that county government was much more than a bureaucrat’s fantasy; but at the same time they show that counties were far from uniform in political, social and cultural texture; all were also of course incomplete, in the sense that they had fringes or enclaves (sometimes both) where the terrain ensured that Gaelic or marcher custom predominated. Nor was the picture stable: in Carlow, for instance, the ‘fringe’ by the 1350s was threatening to engulf the heartland. With some welcome exceptions – notably the searchlight directed on Louth by Brendan Smith – we remain sadly under-informed about the county elites and their relations with central government.<sup>62</sup> Ireland still lacks reliable lists of sheriffs, the sort of elementary tool that English historians have been able to take for granted for more than a century. Nor has there been a thorough study of local fiscal activity, which might be considered one of the defining characteristics of governance in the later medieval Lordship. Nevertheless, the themes of office-holding and fiscal activity may serve as windows that enable some provisional observations on patterns of interaction between centre and localities.

At county level, and below in the baronies or cantreds, manpower was needed – from sheriffs, seneschals and serjeants and their various underlings to coroners, keepers or justices of the peace, and other judicial commissioners, together, periodically, with assessors and collectors of taxation. Fourteenth-century and early fifteenth-century sources contain the names of thousands of local office-holders, revealing hundreds of families engaged in Irish adaptations

<sup>60</sup> For examples, see Frame, *Eng. lordship*, p. 84, and Philomena Connolly, ‘The financing of English expeditions to Ireland, 1361–1376’, in Lydon, *Eng. & Ire.*, pp 104–21 at 109; for more general comment, see Murphy, ‘The economy’, pp 408–9. <sup>61</sup> Connolly, ‘Proceedings against John de Burnham’, pp 68–9. <sup>62</sup> The most notable published exceptions are Brendan Smith’s analyses of Louth society: ‘A county community in early fourteenth-century Ireland’, *EHR*, 108:428 (1993), 561–88; *Colonisation; Crisis & survival*, which contains lists of sheriffs and keepers and justices of the peace (pp 15–17). See also Robin Frame, ‘Commissions of the peace in Ireland, 1302–1361’, *AH*, 35 (1992), 1–43.

of the 'self-government at the king's command' which has been seen as one of the distinguishing features of local administration in England.<sup>63</sup> They immediately reveal that the local worlds even within the more closely governed zones were diverse. For instance, we have a record of the election of sheriffs in much of Leinster and Munster in 1355, when the first earl of Desmond was governor. In each county twenty-four 'electors' were required from among the wealthier inhabitants; they acted as guarantors for the good behaviour of one of their number, whom they chose for the office. The aim was not to please the localities but rather to make leading members of the community responsible for the conduct of the sheriff, and perhaps also for debts he owed to the crown. For that reason, in England the election of sheriffs was an unpopular measure, which did not take root.<sup>64</sup> In 1355, fourteen Irish counties were ordered to make elections.<sup>65</sup> Eleven did so very rapidly. Tiny, eroded Carlow elected Henry Traheme, with twenty-nine electors from twenty-two families.<sup>66</sup> In Limerick Thomas Daundon was chosen, with twenty-nine electors from twenty-three families.<sup>67</sup> Perhaps because of Desmond's influence, an election even took place in distant Kerry, where the county (which consisted only of the crosslands lying outside the earl's liberty) chose William Stakepoll, who had twenty-four sureties from at least fifteen families. His pledges included Nicholas and William Ferriter, from whose castle beyond Dingle the Blaskets are visible on a clear day.<sup>68</sup> The crosslands of Kilkenny also recorded a full complement of sureties, from twenty families.<sup>69</sup> Some counties produced fewer electors: Cork recorded twelve only, though they included powerful men such as Sir William son of David Barry, Sir Robert fitz Maurice and Sir John Carew.<sup>70</sup> And Wexford, where the structure of baronies seems in places to have been superseded by zones of lordship, managed only ten.<sup>71</sup> Waterford produced its two dozen, but these included at least seven members of the locally powerful le Poer family.<sup>72</sup> This unusual shaft of evidence hints at the varied power-structures in different areas, ranging from approximations of English-style gentry communities in the four counties around Dublin, to patchier worlds of lineages and lordships further afield.

It could be argued that administrative records such as these present misleading images of what were in reality cattle-raiding lordlings and their

<sup>63</sup> A.B. White, *Self-government at the king's command* (Minneapolis, 1933). <sup>64</sup> See the discussion in Nigel Saul, *Knights and esquires: the Gloucestershire gentry in the fourteenth century* (Oxford, 1982), pp 107–19 esp. 116–19; and more generally, W.M. Ormrod, *The reign of Edward III: crown and political society in England, 1327–1377* (London, 1990), pp 155–7. <sup>65</sup> NLI, MS 2, fo. 258; CIRCLE, Close R. 29 Edw. III, nos. 147–8. <sup>66</sup> CIRCLE, Pat. R. 29 Edw. III, nos. 71–2. <sup>67</sup> Ibid., nos. 73–4. <sup>68</sup> Ibid., nos. 77–8. <sup>69</sup> Ibid., nos. 90–1. <sup>70</sup> Ibid., nos. 65–8. Legislation of 1361 spoke of sheriffs being elected by 'the most worthy (mientz vauiez) of each county, that is to say by twelve or twenty-four' (*Stat. John–Henry V*, pp 422–3); it is possible that similar flexibility was permitted in 1355. <sup>71</sup> CIRCLE, Pat. R. 29 Edw. III, nos. 69–70. <sup>72</sup> Ibid., nos. 79–80.

Gaelicized kinsmen, whose true character is to be found, rather, in annalistic references to their military and criminal activities or (by the fifteenth century) in bardic poems celebrating their cattle-rustling skills.<sup>73</sup> But we should not be too quick to dismiss the testimony of the record evidence. As J.C. Holt remarked of the elites of the north of England, 'the trail these men left through the [royal records] did not represent a trivial part of their lives'.<sup>74</sup> County and lesser courts met every few weeks; sheriffs, their associates and subordinates performed significant functions. In the borderlands, families might seem to drift out of the official administrative scene. In 1382 the Daltons and Dillons of western Meath figured in commissions of the peace for the barony of Loughsewdy.<sup>75</sup> Thereafter their names disappear from such Meath commissions as survive, while fragmentary midland annals for 1392–1407 contain much about their cattle raids, castle-building, segmentary quarrels, employment of galloglasses, and disputes and alliances with neighbouring Irish kins.<sup>76</sup> This might suggest complete absorption into the Gaelic world, except that members of both families continue to turn up holding office, including the constableship of Athlone castle, and participating in 'English' landed society; traces of the two dimensions continued for generations.<sup>77</sup> This may serve as a warning against painting pictures of local societies based on a single genre of source material – the problem being that for many regions only one type of source may survive. Participation in English political systems was not incompatible with a high degree of cultural Gaelicization.<sup>78</sup>

Given the power of great lords in later medieval Ireland, it might be objected that office-holders were not semi-independent 'gentry', but the relatives, tenants, and dependants of magnates, who were themselves in varying degrees Gaelicized. There is no doubt some truth in that. But it is certainly too simple to regard the Lordship of Ireland as (in my own sweeping phrase) merely a 'patchwork of lordships'.<sup>79</sup> In many counties, such as Dublin or Wexford, there was no single dominant aristocratic interest. Louth was controlled by a consortium of powerful gentry families, who had slain John Bermingham, the only earl of Louth, in 1329.<sup>80</sup> Meath was divided between a royal county

<sup>73</sup> *Poems on marcher lords*, ed. Anne O'Sullivan and Patrick Ó Riain (ITS 53, London, 1987), contains verses addressed to members of the Cantwell, Purcell, Hacket and Butler families, names that crop up among the sheriffs and sureties of 1355. <sup>74</sup> Holt, *The northerners*, p. 18. <sup>75</sup> Frame, 'Commissions of the peace', no. 146; cf. no. 138 (1346). <sup>76</sup> *AMisc.*, pp. 143–85. <sup>77</sup> E.g., *IExP*, pp. 569, 583; CIRCLE, Pat. R. 12 Ric. II, no. 166; Close R. 18 Ric. II, no. 13; Pat. R. 3 Hen. IV, no. 11; Pat. R. 4 Hen. IV, no. 65; Pat. R. 1 Hen. VI, nos. 23, 119; Close R. 2 Hen. VI, no. 11; Sparky Booker, *Cultural exchange and identity in late medieval Ireland: the English and Irish of the four obedient shires* (Cambridge, 2018), pp. 153–4, 193–4, 253. <sup>78</sup> Christopher Maginn, 'English marcher lineages in south Dublin in the late Middle Ages', *IHS*, 34:134 (2004), 113–36 esp. 125, 135–6. <sup>79</sup> Robin Frame, 'Power and society in the lordship of Ireland, 1272–1377', in Frame, *Ire. & Brit.*, pp. 191–220 at 191. <sup>80</sup> J.F. Lydon, 'The Braganstown massacre, 1329', *JLAHS*, 19:1 (1977), 5–16;

and the Mortimer liberty of Trim, and contained extensive church lands. Even where powerful lords did exist, the picture was complicated by periods of minority or forfeiture that affected the earldoms of Kildare, Ormond, and Desmond. Continuity might lie as much with second-rank families, such as the de la Freignes of Kilkenny, who acted as seneschals, sheriffs and peace commissioners.<sup>81</sup> Moreover, among the class of office-holders there was a scattering of men with wider horizons: in Meath the Flemings of Slane, with lands in Devon; in Louth and Meath Janico Dartasso, once an esquire in Richard II's household, who had a continuing career beyond Ireland; in Kildare the Wellesleys, with Somerset interests and a record of military service in France, and the Wogans who had links with Pembroke and a role in central government; in Carlow the Carews, with property in Pembroke and Berkshire, and a history of service in the royal household; in Limerick members of the Mautravers and Clifford families, who were not invariably absentees.<sup>82</sup> Members of all these families served on commissions of the peace.<sup>83</sup> Such men were, of course, the exceptions; but their existence helps to counter any impression that only magnates mattered, or that we are dealing with wholly introverted societies.

Individual counties and liberties lacked territorial completeness. Carlow was a narrow corridor, squeezed between upland and wooded areas of Gaelic complexion. Louth was a coastal enclave, threatened from south Armagh and Monaghan, as O'Neill and later O'Donnell power grew with the help of Scottish allies. Kildare gradually petered out west of Kildare town and Athy. There was a similar contrast between southern and northern Kilkenny and Tipperary. In Dublin, county routines gave way to military commands south of Saggart, Tallaght, and Dundrum. In some places – such as western Meath – the areas participating in the English system amounted to little more than a scattering of islands, figuratively and sometimes literally. Yet the patchiness of county organization, allied to the complexity of frontiers and raiding, may have added to, rather than detracted from, the importance of counties and their subdivisions as arenas of activity. Disturbed border zones made leadership, solidarity, and funding crucial, though these desirable things were, needless to say, often in short supply.

There is a great deal of little-explored evidence of local fiscal activity, reflecting the military emergencies typical of the fragmented borderlands of

Smith, *Colonisation*, pp 113–21; Frame, *Eng. lordship*, pp 32–3, 190–1. 81 Bernadette Williams, introduction to *AClyn*, pp 74–85. 82 For these families, see, e.g., Robin Frame, 'King Henry III and Ireland: the shaping of a peripheral lordship', in Frame, *Ire. & Brit.*, pp 31–57 at 41 (Mautravers), 43 (Wellesley), 45 and n. 92 (Fleming); Frame, *Eng. lordship*, pp 54n, 265–6 (Carew and Mautravers), 60 (Clifford), 18–19, 58–9 and Hand, *Eng. law*, pp 37–8 (Wogan); Simon Walker, 'Janico Dartasso: chivalry, nationality and the man-at-arms', *History*, 74:273 (1999), 31–51. 83 Frame, 'Commissions of the peace', nos. 61, 70–1, 75–6, 79, 81 (Wogan); 61, 65, 66, 70–1, 73, 75–6, 78, 81 (Wellesley); 100 (Mautravers); 103–4 (Clifford); 121, 138, 140, 144, 147, 148, 151, 153–5, 158, 162, 165, 168 (Fleming); 124, 126–7,

the later medieval Lordship. Local taxation can be traced far back into the thirteenth century.<sup>84</sup> In 1299 elaborate arrangements were made before John Wogan, the justiciar, and leading counsellors, headed by the earl of Ulster, in assemblies at Trim in Meath and Naas and Moone in Kildare in order to arrange financial support for John fitz Thomas and Peter Bermingham in their campaigns against the midland Irish.<sup>85</sup> In 1358 Sir Almaric St Amand, the governor of Ireland, traversed Leinster and Munster, assembling county courts and getting taxes to support his military retinue or to maintain local defences.<sup>86</sup> In Cork, Limerick, Waterford, Kilkenny, Kildare, and Dublin dozens of assessors and scores of collectors were appointed, the assessors being drawn from the same type of men who had been involved in choosing sheriffs three years earlier. Events in Kildare show that this was urgent, practical business. The county court met in August and agreed a tax for the war with O'More, but the collection of the money was suspended when (we are told) peace was made by the joint agreement of the neighbouring communities of Kildare and Carlow.<sup>87</sup> However, later in the year another subsidy became necessary, and this did proceed. The levy involved thirty-three collectors, from thirty-one families, across the county's sixteen baronies.<sup>88</sup> In the early fifteenth century special commissions might give a named panel authority to convoke local assemblies and raise taxation on their own initiative.<sup>89</sup>

The record of three subsidies levied in parliaments and a great council in 1420–1 is particularly revealing because of its geographical range. It shows the attendance of county, liberty, borough, and diocesan representatives from twelve counties from Louth to Wexford, Cork and Limerick.<sup>90</sup> Possibly the southern attendance was augmented because the fourth earl of Ormond (the White Earl) was governor. The documents contain the names of many scores of assessors and several hundred collectors. Though on these occasions taxation was negotiated centrally, the arrangements were complex, with individual grants of varying amounts and types by counties, liberties, crosslands, towns, and dioceses. Assessment and collection were adapted to local conditions, with the units of assessment varying from region to region. In Meath and Louth the baronies were used; the westernmost baronies of Meath, however, less populous and secure, were grouped as a single unit, with Herbert de la Mare,

155–6, 162 (Dartasso). <sup>84</sup> Richardson and Sayles, *Ir. parl.*, p. 51. <sup>85</sup> *CJRI* 1295–1303, pp. 296–7. <sup>86</sup> The events are outlined in A.J. Otway-Ruthven, 'Ireland in the 1350s: Sir Thomas de Rokeby and his successors', *JRSAI*, 97 (1967), 47–59 at 55–7; see also Richardson and Sayles, *Ir. parl.*, pp. 115–16. <sup>87</sup> CIRCLE, Pat. R. 32 Edw. III, nos. 102–3; Close R. 32 Edw. III, no. 61. See Robin Frame, 'Military service in the Lordship of Ireland, 1290–1360: institutions and society on the Anglo-Gaelic frontier', in Frame, *Ire. & Brit.*, 279–99 at 288. <sup>88</sup> CIRCLE, Pat. R. 32 Edw. III, nos. 64–5. <sup>89</sup> E.g., NAI, Lodge MSS 17, p. 216; CIRCLE, Pat. R. 3 Hen. IV, no. 252 (Louth 1402); NLI, MS 4, fo. 136–136d; CIRCLE, Pat. R. 5 Hen. IV, no. 84 (Dublin 1403). <sup>90</sup> *Parls & councils*, pp. 131–85; the following references use the numbering applied to the indentures and related documents by the editors.

from a robust lineage, named first among the collectors.<sup>91</sup> Moving south to Carlow and Wexford, both eroded by the expansion of Gaelic lordship, the system of baronies seems no longer to be complete. Wexford contributed as a unit, together with its main towns of Wexford and New Ross.<sup>92</sup> Carlow, with the diocese of Leighlin, employed as assessment units, alongside the three baronies of Forth, Obargy and Ofelmyth, the lands of Theobald Butler and the lordship of the abbey of Baltinglass.<sup>93</sup> In Kilkenny, there are references to cantreds, towns, and ecclesiastical and secular lordships, such as those of the abbot of Jerpoint and of the Daton family; even the betags of the earl of Ormond formed a unit for fiscal purposes.<sup>94</sup> In Tipperary, collection was focused on the boroughs rather than the cantreds.<sup>95</sup> The evidence for Cork is less clear, but it looks as though the units envisaged there were the major lordships, such as those of the Barrys, Roches, and Cogans, confirming the picture left by the shrieval election of 1355.<sup>96</sup>

The personnel, too, show revealing variations. In Meath the assessors were mainly of knightly rank, and the collectors had English names and came mostly from well-known gentry families.<sup>97</sup> The pattern in Louth, Kildare and Dublin was similar, with exclusively English names figuring among both assessors and collectors, except in the Kildare baronies of Ikeathy and Carbury.<sup>98</sup> In Carlow, Kilkenny and Tipperary, however, ethnic distinctions were less clear-cut. The assessors were almost all 'English', though some, such as 'Shane Rewagh Stapiltoun', had Gaelicized names or nicknames. Among the collectors, however, Gaelic family names appear, together with hybrids such as 'Gilboy Iakissoun'. The evidence of taxation suggests that, while the county system was geographically patchy, in some respects it was intensely 'real'. Fiscal arrangements were inseparable from the essential business of defence, which was by its nature local and regional. Records of taxation also reflect the complexity of the links between the crown and a fragmented, frontier world of considerable cultural and organizational diversity.

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The discontinuous character of even the heartland areas of the Lordship, the shrinkage of territorial control and the needs of defence made devolution of authority unavoidable. The concept of 'devolution' should not conjure

<sup>91</sup> *Ibid.*, nos. 5, 26, 67. Geoffrey son of Herbert de la Mare, who was accidentally killed at Rathwire in 1401, is described as 'an excellent man, very active and very able, who never allowed an injustice from a neighbour to pass unavenged' (*AMisc.*, pp 162–3). <sup>92</sup> *Parls & councils*, nos. 11, 29, 36, 42, 47. <sup>93</sup> *Ibid.*, nos. 14, 32, 57. See MacCotter, *Territorial divisions*, pp 127–31. <sup>94</sup> *Parls & councils*, nos. 3, 40, 59. <sup>95</sup> *Ibid.*, nos. 22, 25, 51, 60. <sup>96</sup> *Ibid.*, no. 45. <sup>97</sup> *Ibid.*, nos. 10, 53. <sup>98</sup> *Ibid.*, nos. 15, 19 (where the editors failed to notice that the 'missing' schedule of Kildare collectors was in fact attached to no. 18, headed 'clergy of

up an image of central government doling power out to regional and local representatives. It was more a case of giving recognition, and sometimes resources, to existing powers, in the hope of maintaining and perhaps strengthening Dublin's influence in the regions. If it did not achieve this, it at least offered ministers the consolation of bringing an appearance of order to the tumultuous surrounding scene by getting formal recognition of crown authority and giving a vestige of shape to political relationships.

At first glance, great liberties or franchises in the hands of aristocratic families may seem the most obvious starting-point for reflections on devolution, for that was how by the time of Edward I English law saw them: as rights flowing from the crown, held conditionally.<sup>99</sup> Dublin ministers, under pressure to explain and reverse the decline in royal revenues, often expressed hostility towards liberty jurisdictions. In 1346, in the wake of the seizure of Kildare and Kerry into the king's hand, they counselled Edward III against their restoration: 'for only when franchises and chief serjeanties are abolished is the king lord of his own; otherwise not at all'.<sup>100</sup> And a report to England after the fall of Richard II in 1399, which tried to account for the meagreness of the Irish revenue, listed the great liberties one by one, with the refrain *et le Roy ad rien* – 'and the king receives nothing'.<sup>101</sup> The king's attitude was more ambivalent; and recent writers are much less inclined than their predecessors to represent the interests of the crown and lords of liberties as antithetical.<sup>102</sup> Yet it would be a mistake to regard liberties as part of a considered royal scheme of devolution. Four were created during the turbulent reign of Edward II and minority of Edward III: Kildare (1317), Louth (1319), Tipperary (1328) and Kerry (1329). Their creation was politically motivated and almost random. They went hand-in-hand with the creation of earldoms, possibly because the landed value of Irish earldoms appeared small compared to their English counterparts.<sup>103</sup> The revival of the liberty of Kildare accompanied the advancement of John fitz Thomas of Offaly (d.1316) and his son Thomas fitz John (d.1328) to comital status amid the crisis of the Bruce invasion. The erection of Louth into a liberty in 1319 was part of the endowment of John Bermingham, leader of the army that defeated and killed Edward Bruce at Faughart in the previous year, as earl of Louth. Since the Berminghams had little previous connection with the county, the choice of Louth may have been for no better reason than that the site of the battle lay within the county borders. The creation of the liberties of Tipperary (1328) and Kerry (1329) for James Butler and Maurice fitz Thomas, as part of the endowment of their new earldoms of Ormond and Desmond, was symptomatic

Armagh'), 24, 26, 37, 49, 60. <sup>99</sup> See above, ch. 4. <sup>100</sup> J.F. Baldwin, *The king's council in England during the Middle Ages* (Oxford, 1913), p. 485: 'qar tant come les franchises et les chief seriantises sont abatuz si est le Roi seignur del son et autrement nemye'. <sup>101</sup> PKI, p. 266. <sup>102</sup> Stringer, 'States, liberties and communities'; Smith, 'Before reform and revival', p. 27. <sup>103</sup> J.R.S. Phillips, 'The mission of John de Hothum to Ireland, 1315–1316',

of the heady politics of Edward III's minority. Adrian Empey has commented that the enfranchisement of Tipperary involved the central government in losing next to nothing by way of revenue, 'on the contrary, it rid itself of a burden which it was no longer able to bear'.<sup>104</sup> But he has pointed out that the motivation of the grant was part of an attempt by the insecure Mortimer regime 'to win friends and influence people'.<sup>105</sup> These grants may have created a climate in which it was easier for Roger Mortimer to award himself franchisal rights across all Meath and Louth during the months before his career ended on the scaffold in November 1330.<sup>106</sup> Richard II, too, can hardly be said to have had the long-term governmental structure of the Lordship uppermost in his mind when he erected Cork into a palatinate for his cousin Edward, son of the duke of York, who accompanied him to Ireland; the grant may have reflected the influence of the third earl of Ormond, who was eager to place an obstruction in the path of his Desmond competitor.<sup>107</sup> Nor were liberties the prime foundations on which Irish fourteenth-century aristocratic supremacies were built. They are better seen as a useful complement to authority constructed on multiple props, including control of land, manpower and cattle.<sup>108</sup> In 1345 the liberty of Kildare was seized into the king's hands and (uncharacteristically under Edward III), not returned. This remained a grievance for the earls of Kildare, but on a long view it did little to inhibit the growth of their regional power. Similarly, the fact that the earls of Ormond had liberty rights in Tipperary but not in Kilkenny, hardly reduced their domination of the latter county, though they continued to observe the legal distinctions between the two.<sup>109</sup>

Devolution of other sorts was at least as significant. The essential condition for it was a political change that occurred in the mid-fourteenth century. After the Desmond rebellion of 1345, Edward III engaged in a conscious rapprochement with the Irish comital families. Walter Bermingham, nephew of the first and last earl of Louth, was already in favour, having been drawn into the king's service after his father, William Bermingham's execution in 1332. The 'rebellious' first earl of Desmond was fully restored between 1348 and 1351. The fourth earl of Kildare may not have recovered his franchise, but he was well treated in other respects after serving the king at Calais in 1347. Both he and Maurice fitz Maurice, the Desmond heir, were married into English families close to court. Maurice and James Butler, the second earl of Ormond, like Kildare, served Edward III in France.<sup>110</sup> Whereas no Irish earl or other

in Lydon, *Eng. & Ire.*, pp 62–85 at 74–5. <sup>104</sup> C.A. Empey, 'The Butler lordship in Ireland, 1185–1515' (PhD, University of Dublin, 1970), p. 142. <sup>105</sup> Empey, 'The Butler lordship', *J. Butler Society*, 1 (1967–71), p. 177. For the political context, see Frame, *Eng. lordship*, pp 185–9. <sup>106</sup> Frame, *Eng. lordship*, pp 191–2. <sup>107</sup> Peter Crooks, 'Factionalism and noble power in English Ireland, c.1361–1423' (PhD, University of Dublin, 2007), pp 217–18. <sup>108</sup> See above, pp 112–14. <sup>109</sup> Empey, 'Butler lordship', p. 181; Frame, *Eng. lordship*, pp 47, 153; C.A. Empey and Katharine Simms, 'The ordinances of the White Earl and the problem of coign in the later Middle Ages', *PRIA*, 75C:8 (1975), 161–87 at 171–2. <sup>110</sup> Frame, *Eng.*

major lord had occupied the governorship even as deputy between 1331 and 1346, this pattern changed sharply, with Walter Bermingham, Kildare, Ormond and both the first and the third earl of Desmond serving, in some cases more than once, between 1346 and 1369.<sup>111</sup>

As well as being entrusted with the governorship, during the second half of the fourteenth century the leading magnates were increasingly in receipt of geographically widespread judicial commissions that at their most extreme amounted to the wholesale devolution of governmental powers. Relations between the comital families were of course anything but smooth, with disputes between Ormond and Desmond over spheres of influence in Cork and Waterford flaring up repeatedly and at times interacting with court politics. As Peter Crooks has shown, judicial commissions might be a weapon in such aristocratic quarrels.<sup>112</sup> But they were also a recognition of where power was located and the impossibility of ruling southern Ireland against the grain of aristocratic authority. In 1358 the earl of Ormond was granted a commission of the peace covering the entire province of Munster. This was essentially a military command, giving him authority to supervise all keepers of the peace, conduct negotiations with, and organize resistance to, both Irish and English who were creating disturbances; it might be compared to the wardenships of the marches in northern England.<sup>113</sup> Later commissions went much further. In 1382, for example, in the aftermath of the death of Edmund Mortimer, the king's lieutenant, at Cork, Gerald fitz Maurice, earl of Desmond had been promised 200 marks to proceed against O'Brien and subdue him with 'a prudent treaty'. This was accompanied by a commission of *oyer et terminer* to the earl, Walter Coterell and others covering Limerick, Cork and Kerry.<sup>114</sup> In 1400, when there was no active earl of Desmond, the earl of Kildare (who had substantial lordships in Co. Limerick) and others got commissions as keepers and supervisors of the peace, and also as justices of assize, *oyer et terminer* and gaol delivery throughout Cork, Limerick, Kerry and their crosslands.<sup>115</sup> Whatever the factional backdrop to such commissions, they show the government aiming to harness powerful provincial figures and to encourage the identification of their interests with those of the crown.

Various forms of devolution were also employed in the harder task of maintaining footholds of crown influence amid the political cross-currents in

*lordship*, pp 278–94; Frame, 'Rebellion and rehabilitation', pp 219–22. <sup>111</sup> *Admin. Ire.*, pp 88–90; *NHI*, ix, pp 473–4. <sup>112</sup> Peter Crooks, 'The "calculus of faction" and Richard II's duchy of Ireland, c.1382–9', in Nigel Saul (ed.), *Fourteenth Century England V* (Woodbridge, 2008), 94–115; and for the settlement of the dispute in 1420, Peter Crooks, 'James the Usurper of Desmond and the origins of the Talbot–Ormond feud', in *Princes, prelates and poets*, pp 159–84 at 173–8. <sup>113</sup> NLI, MS 3, fo. 36; CIRCLE, Pat. R. 32 Edw. III, no. 41. <sup>114</sup> CIRCLE, Pat. R. 5 Ric. II, nos. 189–90. Later in the year receivers were appointed for the fines levied in the sessions held either by this panel or by another, also headed by Desmond (CIRCLE, Close R. 5 Ric. II, no. 168). <sup>115</sup> NAI, Lodge MSS 17, pp 213–14;

Connacht.<sup>116</sup> In 1375 Stephen Vale, bishop of Limerick and recently treasurer of Ireland, Thomas Barrett, bishop of Elphin, John Lombard, a Cork magnate and official, and James Vale were given a wide-ranging judicial and supervisory commission, which empowered them to negotiate with rebels, receive them into the king's peace and protection, notifying the chancery of the terms and conditions, so that charters could be issued in the correct form of words.<sup>117</sup> Ten years later a commission appointed Thomas Ocasy seneschal and receiver of Galway (which was in the king's hand because of the minority of Roger Mortimer, earl of March and Ulster), and of all the king's lordships in Connacht, with authority to hold courts, appoint other officers and to collect revenues.<sup>118</sup> The favouring of Galway as a focus of crown influence reached its climax in 1396, during Mortimer's lieutenancy, when it received its first royal charter, granting it the same liberties as Drogheda.<sup>119</sup> A more radical tactic was to try to harness one or other of the two rival de Burgh branches, the lower (northern) and upper (southern) Mac Williams. In 1388 letters were issued to Sir Thomas de Burgh, son of Edmund *Albanach* (d.1375), head of the senior (Mayo) branch, appointing him the governor's deputy in Connacht. His powers included conducting negotiations with enemies and rebels, summoning councils and convocations of Connacht notables both clergy and laity (perhaps with a view to taxation), overseeing all royal ministers, and hearing and determining felonies. For this he was to have an annual stipend of £40 from the revenues of Connacht.<sup>120</sup> Walter Bermingham of Athenry was associated with Thomas in a further commission to hear and determine seditions and other felonies and to enquire into the king's feudal rights.<sup>121</sup> By the time of Richard II's visit in 1394–5, Sir William de Burgh of Clanrickard, the southern Mac William, who was allied with the O'Connor Donn faction, had the edge; he and Walter Bermingham were knighted by the king before his departure. Thomas and the de Burghs of Mayo, who were allied with O'Connor Ruadh and O'Donnell, appear to have been frozen out.<sup>122</sup> Government, as so often on the outskirts of medieval polities, was shading off into diplomacy.

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CIRCLE, Pat. R. 1 Hen. IV, no. 147. <sup>116</sup> Nicholls, *Gaelic Ire.*, pp 172–6 provides a clear outline, while Simon Egan, 'Richard II and the wider Gaelic world: a reassessment', *JBS*, 57:2 (2018), 221–52 esp. 234–6, is a detailed study of alignments. <sup>117</sup> CIRCLE, Pat. R. 49 Edw. III, no. 284. <sup>118</sup> CIRCLE, Pat. R. 9 Ric. II, no. 11. At the same period Thomas held the constableship of Athlone (*ibid.*, no. 21). <sup>119</sup> *Na buirgéisí*, i, pp 225–8. See generally, M.D. O'Sullivan, *Old Galway* (Cambridge, 1942), pp 36–42. In 1375 Galway had been granted a three-year exemption from paying customs at the Staple port of Cork, but this had been withdrawn in 1377 (CIRCLE, Pat. R. 49 Edw. III, no. 106; Close R. 51 Edw. III, nos. 57–8). <sup>120</sup> CIRCLE, Pat. R. 12 Ric. II, no. 217. <sup>121</sup> *Ibid.*, no. 220. <sup>122</sup> Curtis, *Ric. II in Ire.*, pp 99–100; Egan, 'Richard II and the Gaelic world', 244–5. However, as Curtis

Devolution also embraced the towns, both the major royal seaports and the smaller walled boroughs, which were part of the nexus of crown influence. While there were undoubtedly tensions at times between magnates and urban elites, they were not, as sometimes portrayed in the past, opposed forces, one 'feudal', the other 'bourgeois'. Town and county elites overlapped, as Brendan Smith has shown in relation to Drogheda and Dundalk and their Louth and Meath hinterlands;<sup>123</sup> the same was true in the south, in the cases of Waterford and Cork.<sup>124</sup> Urban complaints against the activities of lords in their vicinities survive in petitions, notably in the case of Waterford and the le Poers. But occasionally the curtain is drawn back to reveal commonalties of interest. In the summer of 1336, we learn quite incidentally, the first earl of Desmond, who had just celebrated the baptism of his son and heir at Newcastle, Co. Limerick, took an oath to uphold the liberties of the cities of Cork and Limerick.<sup>125</sup> And in 1382 the mayor and bailiffs of Waterford praised Nicholas le Poer of Kilmeadan for keeping his kinsmen under control.<sup>126</sup>

Thanks in particular to the work of the late A.F. O'Brien on the southern seaports, we have a clear picture both of the problems facing the larger urban communities and the responses of government.<sup>127</sup> From early in the fourteenth century the incoming mayors of Cork and Waterford were permitted to take their oaths of office before the outgoing mayors rather than having to negotiate the hazardous routes to Dublin; they were also allowed to render their accounts at the exchequer through attorneys rather than in person.<sup>128</sup> The king's cities were also increasingly given rebates on the collective rents or farms due to the crown, and were permitted to retain customs revenues for local use. For instance, in 1386 Waterford, portraying itself as beset by attacks both by local Irish and English and also by the king's 'alien' enemies on the high seas, was granted the entire customs revenue for twenty-four years in order to maintain and repair its walls and other fortifications.<sup>129</sup> Such grants may appear to have

points out (pp 227–8), *AFM* (iv, pp 732–3) record that Thomas submitted to the king 'and received great honour, and lordship, and chieftainship over the English of Connacht'. The other Gaelic annals are of little help: there is a lacuna in *AC* / *ALC* between 1393 and 1398; *AU* provides no details of events during Richard's visit; and *AMisc.* does not mention submissions by 'English' lineage-heads. While Thomas does not appear in the documentary collections edited by Curtis, not all submissions are recorded there (see, e.g., Aubrey Gwynn, 'Richard II and the chieftains of Thomond', *NMAJ*, 7 (1956), 1–8). So the *AFM* entry cannot be conclusively rejected. At his death in 1401, Thomas was described as 'lord of the Galls of Connacht and of a good part of its Gaels' (*AC*, pp 378–9). <sup>123</sup> Smith, *Crisis and survival*, ch. 6, esp. pp 177–9. <sup>124</sup> Gearóid Mac Niocaill, 'Socio-economic problems of the late medieval Irish town', in David Harkness and Mary O'Dowd (eds), *The town in Ireland: Hist. Studies XIII* (Belfast, 1981), 7–21 at 13–15. <sup>125</sup> *Inquisitions & extents*, no. 324. <sup>126</sup> CIRCLE, Pat. R. 5 Ric. II, no. 67. <sup>127</sup> See, e.g., A.F. O'Brien, 'The royal boroughs, the seaport towns and royal revenue in medieval Ireland', *JRSAI*, 118 (1988), 13–26, and 'Irish exchequer records of the payments of the fee farm of the city of Cork in the later Middle Ages', *AH*, 37 (1998), 141–89. <sup>128</sup> *Na buirgéisí*, i, pp 164, 168–9, 255–6, 258–9. <sup>129</sup> *CPI*,

eroded the revenues of the Dublin government, as royal ministers faced with explaining their failure to make Ireland profitable to the crown were given to pointing out;<sup>130</sup> but much of the revenue may have been uncollectable by the central government. Other privileges included exemptions from county commissions of the peace, leaving those military and judicial functions to be performed by urban officials: such exemptions had by the early fifteenth century been granted to Dublin, Drogheda, Limerick, Waterford and New Ross.<sup>131</sup> In return, urban communities could be a useful source of military support. When campaigning in Munster in 1352–3 Thomas Rokeby received financing from Cork to support 160 troops for six months.<sup>132</sup> In 1354, when in difficulties in an expedition against O'Byrne in Wicklow, he sent to Dublin for assistance; John Serjeant, the mayor, responded by coming to the rescue with a contingent of archers.<sup>133</sup>

Smaller towns, many of which had an increasingly marginal existence,<sup>134</sup> were also frequently given control of certain customs revenues, at least in theory to help towards building or repairing walls and bridges. In 1350 Dundalk received a grant of this type from Thomas Rokeby.<sup>135</sup> A cluster of grants, authorized by Sir William Windsor in 1375, to Kilkenny, Newtown Jerpoint and Thomastown (Co. Kilkenny), New Ross (Co. Wexford), Fethard (Co. Tipperary), Youghal (Co. Cork) and Kilmallock (Co. Limerick), suggests a conscious strategy.<sup>136</sup> Later grants included Ardee, Co. Louth (1380, extended for a further ten years in 1390), which was growing in importance as a frontier bastion.<sup>137</sup> Ardee, like other significant inland towns and smaller seaports in the east, such as Trim and Dundalk, had a continuous and modestly prosperous history throughout the late medieval and early modern periods.<sup>138</sup> Further south, Adrian Empey has argued cogently for the continuity of 'English' communities in southern Kilkenny and Tipperary through what he has dubbed the 'tunnel period' (in terms of local sources) of the later fourteenth and fifteenth centuries into the sixteenth and early seventeenth centuries; the survival of the small and

p. 82; CIRCLE, Pat. R. 9 Ric. II, no. 244. <sup>130</sup> In 1399 a report to England commented that 'the coket and custom and the fee farm of Waterford is given for twenty years to the mayor and bailiffs of Waterford to enclose the town, but little is done' (PKCI, pp 266–7). <sup>131</sup> *Na buirgéisí*, i, pp 100, 207–8, 244–5, 269–70, 317. <sup>132</sup> See below, p. 321. <sup>133</sup> NLI, MS 2, fos. 134–134d (CIRCLE, Close R. 29 Edw. III, no. 99); *IExP*, p. 461. Serjeant was re-elected twice and held the mayoralty from 1353 to 1356 (NHI, ix, p. 550). <sup>134</sup> See especially, H.B. Clarke, 'Decolonization and the dynamics of urban decline in Ireland, 1300–1550', in T.R. Slater (ed.), *Late-medieval urban decline* (Aldershot, 2000), pp 157–92 at 168–80. <sup>135</sup> NLI, Genealogical Office MS 192, p. 73. <sup>136</sup> CIRCLE, Pat. R. 49 Edw. III, nos. 13, 52, 59, 129, 257, 258, 259; full texts in CPI, pp 67–71. <sup>137</sup> CIRCLE, Pat. R. 13 Ric. II, no. 216. <sup>138</sup> John Bradley, 'Ardee: an archaeological study', *JLAHS*, 20:4 (1984), 267–96; Paul Gosling, *From Dún Delca to Dundalk: the topography and archaeology of a medieval frontier town, c.1187–1700* (*LAHS*, 1993); Smith, *Crisis & survival*, ch. 6; John Bradley, 'The medieval towns of Co. Meath', *Ríocht na Midhe*, 8 (1988–9), 30–49 at 41–4; Michael Potterton, *Medieval Trim: history and archaeology* (Dublin, 2005), chs 2–5.

vulnerable baronial town of Gowran, Co. Kilkenny, is a striking example.<sup>139</sup> Further afield, the almost undocumented walled port-town of Dingle, Co. Kerry, also preserved its identity and functioned as an administrative centre of the Desmond lordship through the fifteenth century.<sup>140</sup>

Incidents often presented as part of a narrative of colonial collapse can be read differently, as examples of towns managing their own affairs and raising and apportioning resources for various purposes. A jury at Clonmel in 1332 reported that its community and that of Tipperary levied sums of sixty marks and forty marks respectively to have the earl of Desmond's protection (in 1339 Desmond was to buy the lordship of Clonmel, Kilsheelan and Kilfeacle from the absentee Grandson family).<sup>141</sup> In 1392 the sovereign and community of Kilkenny paid a fee to the earl of Ormond together with a levy to support his Irish troops, referred to as 'bondys' (*buannadha*).<sup>142</sup> In 1378 Castledermot, Co. Kildare, taxed itself to pay protection money to Art MacMurrough.<sup>143</sup> In the north of England the organization of local subsidies to buy off the Scots has been interpreted as evidence, not just of the collapse of government authority but also of the capacity of local communities and their leaders to organize their own protection.<sup>144</sup> In late fourteenth-century Ireland concessions by the struggling central authorities helped communities to weather the economic and security storms that beset them; at the same time, they helped to keep alive links between towns and the crown, from which their privileges had flowed. In the case of the larger seaports this is graphically shown in the illuminated Waterford charter roll of c.1372, with its representations of kings and justiciars, and in their continued involvement in the trade and politics of the wider Plantagenet scene.<sup>145</sup>

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<sup>139</sup> C.A. Empey, 'The Anglo-Norman community in Tipperary and Kilkenny in the Middle Ages: change and continuity', in Gearóid Mac Niocaill and Patrick Wallace (eds), *Keimelia: studies in medieval archaeology and history in memory of Tom Delaney* (Galway, 1988), pp 449–67 at 460–7; *Gowran, Co. Kilkenny, 1190–1610: custom and conflict in a baronial town*, Maynooth Studies in Local History, 119 (Dublin, 2015). <sup>140</sup> John Bradley, 'The medieval towns of Kerry', *NMAJ*, 28 (1986), 28–39; Paul MacCotter, 'Lordship and colony in Anglo-Norman Kerry', *JKAHS*, 2nd ser. 4 (2004), 39–85 at 58–9 and n. 96. <sup>141</sup> Sayles, 'Legal proceedings', p. 7. For the purchase, allegedly for 1,100 marks, see *AClyn*, p. 227; Frame, *Eng. lordship*, p. 59. <sup>142</sup> *Liber primus Kilkenniensis*, ed. Charles McNeill (Dublin, 1931), pp 49–50. A parallel ordinance declared that those wishing to lodge Irish soldiery in their house overnight should pay the sovereign and community of the town half a mark (p. 44). <sup>143</sup> *PKCI*, no. 114. <sup>144</sup> Jean Scammell, 'Robert I and the north of England', *EHR*, 73:288 (1958), 385–403; Colm McNamee, *The wars of the Bruce: Scotland, England and Ireland, 1306–1328* (East Linton, 1997), pp 131–40. <sup>145</sup> See in particular Brendan Smith, 'Late medieval Ireland and the English connection: Waterford and Bristol, ca.1360–1460', *JBS*, 50:3 (2011), 546–65 at 562–5; also, Robin Frame, 'Ireland and the Hundred Years War', in Anne Curry (ed.), *The Hundred Years War: a geographical approach* (forthcoming).

In 1389 the crown had attempted to extend its influence in Connacht by empowering William Ó Cormacáin, the archbishop of Tuam, to enquire into the activities of all the king's ministers there, from justices and sheriffs downwards.<sup>146</sup> The appointment of bishops and archbishops to judicial and supervisory panels draws attention to another form of devolution: to churchmen, who in a multitude of ways – some too mundane to have attracted much scholarly notice – formed part of the web of government influence. Some medieval kingdoms and principalities were given added coherence by a neat match between their secular and ecclesiastical organization. In England, despite past tensions between Canterbury and York, the rights of the crown were equally effective within both provinces, and bishops from the entire country attended parliament. While the Scottish church lacked an archbishop, it was recognized as a 'special daughter' by the papacy, and its integrity was symbolized by meetings of church councils in which all the kingdom's dioceses participated.<sup>147</sup> Such unity was lacking in Ireland, where the ethno-cultural divisions, of which so much has been made, were compounded by a festering dispute over primacy between Armagh and Dublin, which meant that the archbishops of Armagh did not attend parliaments and councils in person, and general councils of the Irish church did not take place. The discomfort of the authorities at Dublin's lack of unchallenged pre-eminence is apparent in 1350, when John of St Paul, the archbishop of Dublin was chancellor of Ireland. A message from Irish ministers to the king and council tried to blacken the name of Richard FitzRalph, the scholarly archbishop of Armagh, by claiming his 'lineage is for the most part Irish and barely one person in ten of his diocese and province is in the king's allegiance'. They went on to laud Dublin as 'the principal and chief city of Ireland where the royal seat of the king has been specifically assigned from ancient times, as in the most noble and solemn city, where the courts of the king are held and his treasure kept'.<sup>148</sup> Had crown authority been effective throughout the country, ways would have been found of bringing the upper structures of the church into line with such a political reality. Consciousness of this difficulty is apparent in an attempt, in the aftermath of the Bruce invasion, to persuade the papacy to reduce the twenty-six Irish sees to a mere ten, and to locate the survivors in royal centres. It was proposed, for instance, that 'to the bishopric of Elphin should be united the bishopric of Killala, its neighbour; and the see should be transferred to Roscommon, where there is a noble royal castle, so that it may become a city'. But the papal response was half-hearted, and the political muscle to carry such radical ideas through was absent.<sup>149</sup> Political fragmentation was not counteracted by ecclesiastical coherence.

<sup>146</sup> CIRCLE, Pat. R. 13 Ric. II, no. 181. <sup>147</sup> D.E.R. Watt, 'The provincial council of the Scottish church, 1215–1472', in Alexander Grant and K.J. Stringer (eds), *Medieval Scotland: crown, lordship and community. Essays presented to G.W.S. Barrow* (Edinburgh, 1994), pp 140–55. <sup>148</sup> *Affairs Ire.*, p. 194. <sup>149</sup> J.A. Watt, 'Negotiations between Edward II and

Despite this, the higher clergy played significant political roles. Their involvement in parliaments and councils might be helpful in transmitting decisions back to their dioceses and contributing towards enforcement, as happened in the case of many statutes and ordinances, including the Statute of Kilkenny (1366), when eight archbishops and bishops were present at the Kilkenny parliament.<sup>150</sup> The decrees of a Lenten council held by Archbishop Thomas Minot of Dublin in 1367 reveal the sensitivity of churchmen to lay interference with ecclesiastical rights and property. But on the matter of peace and war there could be a clear identification of the church's interests with those of the crown: clergy ministering among the 'pure Irish' (*meros hibernicos*) were to 'compel by ecclesiastical censures the superior lords of the Irish, who are rising to war against the peace of the church and of the lord king, to desist from war, or else withdraw from their company';<sup>151</sup> and much more in the same vein. Some well-known episodes reveal more even-handed approaches, as when Fitz Ralph fulminated against killing or robbing the Gaelic Irish under the cover of march law, and criticized his compatriots in Drogheda and Dundalk for excluding them from craft guilds.<sup>152</sup> His successors were active in diplomacy with the Gaelic lords of Ulster, as Katharine Simms has shown; and while their chief aim was to protect the interests and property of the church, their activities could have the effect of extending crown influence northwards.<sup>153</sup> The Armagh registers permit a uniquely detailed view of their role, which was probably not unique. For instance, the part played by John Colton, archbishop of Armagh, as an intermediary between the O'Neill leaders and other northern Irish and Richard II was paralleled by the activities among the Connacht Irish and English by Muircheartach O'Kelly, archbishop of Tuam.<sup>154</sup>

Such dramatic political moments were of course few and far between, but there were innumerable practical linkages between royal and ecclesiastical power at regional and local level. In 1337 Alexander Bicknor, archbishop of Dublin, was appointed to go to Mullingar 'to explain certain arduous matters on the king's behalf to the bishop of Meath and other magnates and faithful men of Co. Meath, and to enquire of malefactors and disturbers of the peace and their abettors in that county, and to determine how peace in the county

John XXII concerning Ireland', *IHS*, 10:37 (1956), 1–20, quotation p. 17. <sup>150</sup> *Stat. John-Hen. V*, pp 274–7, 290–1, 466–9. <sup>151</sup> Aubrey Gwynn, 'Provincial and diocesan decrees of the diocese of Dublin during the Anglo-Norman period', *Archiv. Hib.*, 11 (1944), 31–117, at 100. See Watt, *Church & two nations*, pp 203–6. <sup>152</sup> Katherine Walsh, *A fourteenth-century scholar and primate: Richard FitzRalph in Oxford, Avignon and Armagh* (Oxford, 1981), pp 340–7. <sup>153</sup> Katharine Simms, 'The archbishops of Armagh and the O'Neills, 1347–1471', *IHS*, 19:73 (1974), 38–55; 'The concordat between Primate John Mey and Henry O'Neill (1455)', *Archiv. Hib.*, 34 (1976–7), 71–82; 'The "king's friend": O'Neill, the crown and the earldom of Ulster', in Lydon, *Eng. & Ire.*, pp 214–36. <sup>154</sup> J.A. Watt, 'John Colton, justiciar of Ireland (1382) and archbishop of Armagh (1383–1404)', in Lydon, *Eng. & Ire.*, pp 196–213 at 202–4; Curtis, *Ric. II in Ire.*, pp 39, 127–8.

may be better kept'.<sup>155</sup> This mission took him outside his diocese and province. It was more normal for bishops to receive instructions that applied to their own areas. In 1358, Thomas le Reve, the new bishop of Lismore had

power and special licence to treat for the good of the peace with all English and Irish who have been indicted or outlawed for any manner of offence, or who in other ways are outside the king's allegiance, and to bring them within that peace to the best of his power, and to do everything else that shall be necessary for the maintenance of the peace; so long as such negotiations are not to the prejudice of the king or his faithful people.<sup>156</sup>

The issuing of ad hoc commissions of this sort was accompanied by the developing practice of including higher clergy within the county panels of keepers and justices of the peace, often with a supervisory role. Peace commissioners had extensive powers: of array and muster, military command and authority to negotiate, backed up by the ability to amerce defaulters.<sup>157</sup> The evidence is patchy, but there are examples of episcopal keepers or justices in the dioceses of Dublin, Ferns, Kildare, Ossory, Cashel, Cloyne, Killaloe, Limerick, Waterford-Lismore (united in 1363), Meath, Armagh and Down.<sup>158</sup> Several of the bishops involved were of Irish descent, including Tomás Ó Cormacáin of Killaloe (1355–82) and Dionysius O'Dea of Ossory (1421–6). In addition to bishops (and occasionally archdeacons), commissions also drew in the heads of religious houses, including the abbots of St Mary's (Dublin), Dunbrody, Jerpoint and Mellifont, and the priors of Christ Church (Dublin), Athassel, Kells in Ossory, Tristernagh, Mullingar, Louth and St Patrick's, Down.<sup>159</sup>

Churchmen also played a significant part in the control of devolved royal revenues. The grants of taxation in 1420–1 were in many cases accompanied by the provision that the sums collected should be audited locally, usually before ecclesiastics, rather than at the exchequer.<sup>160</sup> Similarly, the concession of local auditing was frequently granted by commissions of the peace in relation to the fines and amercements the sessions of the keepers and justices were expected to generate. In 1382 the Kilkenny keepers were to account before the bishop of Ossory and the prior of Kells,<sup>161</sup> and in 1387 those in Wexford before the bishop of Ferns and the abbot of Dunbrody.<sup>162</sup> And when towns were permitted

<sup>155</sup> NLI, MS 2, fo. 95; CIRCLE, Pat. R 11 Edw. III, no. 5. <sup>156</sup> CIRCLE, Pat. R. 32 Edw. III, no. 62. <sup>157</sup> Frame, 'Commissions of the peace', and 'The judicial powers of the medieval Irish keepers of the peace', in Frame, *Ire. & Brit.*, pp 301–17. <sup>158</sup> Frame, 'Commissions of the peace', nos. 14, 47, 49–51, 79, 93, 100, 105, 126, 130, 134–6, 159, 162, 168, 170, 175–6, 178, 180–1, 184, 197, 200, 204, 210–11, 213. <sup>159</sup> Ibid., nos. 47, 49–52, 93, 118–19, 126–7, 130, 134, 147, 180–1, 184, 192, 203, 213. I have not included the heads and other brethren of Hospitaller houses. <sup>160</sup> E.g., *Parls & councils*, pp 131–85, nos. 6, 8, 14–16, 28–31, 36–8, 45–7, 49, 51, 53, 56, 57, 59, 60. <sup>161</sup> NAI, Lodge MS 17, pp 147–8; CIRCLE Pat. R. 5 Ric. II, no. 205. <sup>162</sup> CIRCLE, Pat. R. 10 Ric. II, no. 247.

to retain customs revenues to support the building of walls and other defences, local ecclesiastics were often empowered to hear their accounts; when the privilege was extended to New Ross in 1375, accounts were to be rendered before the same bishop and abbot 'as is customary', even though the exchequer was then at Carlow, not Dublin.<sup>163</sup>

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In the fourteenth century, government in Ireland had a different texture, and posed different challenges, from government in most of England; but the forms of devolution sketched above were within the normal boundaries of English law and political practice. Attempting to maintain crown influence, however, also involved stretching beyond or – as Brendan Smith has recently put it – 'bending' accepted conventions.<sup>164</sup> It need hardly be said that the rules laid down in colonial legislation of the period – forbidding contact with Irish who were outside the king's peace, outlawing recourse to the mutual reprisals of the law of the march, and so forth – in no way restricted the actions of royal ministers themselves, who were also free to dispense others from their constraints in particular cases. Around 1381, for instance, after Art MacMurrough, then ostensibly within the king's peace, had stolen horses worth £20 from Prior Roger of the Hospitaller house of Killerig, Co. Carlow, Edmund Mortimer, the king's lieutenant, sanctioned a reprisal in which the prior seized sixty cattle from Art 'according to the custom of the marches of that land'. The government later ordered that thirty cattle should be returned, but in doing so provided for the payment of 100 shillings compensation to Prior Roger for his loss.<sup>165</sup>

Two inter-related features of the later medieval Lordship – both familiar as a result of the scholarship of the past forty or fifty years, but still badly in need of further investigation – show government reaching beyond its normal comfort zone. One was the strategy of legitimating and trying to harness the heads of the extended settler lineages whose appearance was among the aspects of the later medieval period that nurtured Orpen's notion of a recrudescence of 'tribalism'. Various explanations have been offered for their emergence: intermarriage and other interactions with the Irish; the propensity of settler families from a Welsh background to develop and maintain extended kinship structures; the influence of a frontier environment in zones of dispersed settlement, on an analogy with the 'surnames' of the Anglo-Scottish borders.<sup>166</sup> It is probably a mistake to

<sup>163</sup> CPI, pp 67–8; CIRCLE, Pat. R. 49 Edw. III, no. 59. <sup>164</sup> 'Before reform and revival', p. 34. <sup>165</sup> CIRCLE, Close R. 6 Ric. II, no. 9. <sup>166</sup> See, e.g., Nicholls, *Gaelic Ire.*, pp 8–13; Frame, 'Power and society in the lordship of Ireland, 1272–1377', in *Ire. & Brit.*, pp 206–8, and *Eng. lordship*, pp 27–38. There is still a shortage of detailed work on individual areas and lineages, but see Ciaran Parker, 'Paterfamilias and *parentela*: the le Poer lineage in fourteenth-century Waterford', *PRIA*, 95C:2 (1995), 93–117, and Christopher Maginn,

seek a single explanation. Lineages varied greatly in character and scale, from the ramification and segmentation of great aristocratic families such as the de Burghs (who had nothing Welsh about them) and the Geraldines,<sup>167</sup> to more localized kins such as the Lawlesses, Harolds and Archbolds of Wicklow or the Roches of The Rower in Kilkenny and the Tobins (St Aubyns) of Compsey in Tipperary, who occupied smaller territories, often with an upland or wooded character. Such lineages were a source of military manpower. In 1306 John Wogan entered into a contract with Henry Roche, lord of The Rower, to serve him exclusively both as justiciar and in a personal capacity, in peace and war, to bring troops to Wogan whenever summoned, and to receive arms from him as a knight should Wogan require this. If Wogan survived Henry, Henry's heir, assuming he was of age, was to assume his obligations.<sup>168</sup> Examples of contingents led on campaigns by the heads or members of such lineages are frequent. For instance, during the 1350s Nicholas le Poer of Kilmeadan and Richard St Aubyn of Compsey served with around one hundred men each on several royal expeditions in south Leinster and Munster. Their contingents will probably have contained a core of kin-members together with other retainers.<sup>169</sup> Some cadets of the greater aristocratic lineages in the south and south-west led semi-professional bands of soldiery, and were capable of putting very large numbers in the field. William son of Andrew Bermingham supplied between 450 and 500 troops on two campaigns of the 1350s, while Walter Carragh Bermingham, a captain of kerns, led forces varying from eighty to 180 foot at the same period.<sup>170</sup> Such lineages might be pilloried by officials as disruptive. In the winter of 1344–5, Fulke de la Freigne, the seneschal of Kilkenny, is credited by Friar John Clyn, who had firm ideas about public order, with expelling the Tobins from the whole district of Compsey 'so that there was not a house left there in which they could dwell'.<sup>171</sup> Re-entry and rebuilding, one must presume, were not long delayed.

The idea that aristocrats should take responsibility for the conduct of their followers was not in itself unusual: in the 1380s John of Gaunt insisted, in

'English marcher lineages in south Dublin in the late Middle Ages', *IHS*, 34:134 (2004), 113–36. Booker, *Cultural exchange*, pp. 191–6, is a valuable survey, though focused on a later period than that considered here. <sup>167</sup> Paul MacCotter, 'The dynastic ramification of the Geraldines', in *The Geraldines*, pp. 170–93. As early as 1327 the de Burgh cadet branches were referred to by the collective 'les Bourkeyns' by agents of Elizabeth Clare, mother of William de Burgh, the 'Brown Earl' of Ulster (*Affairs Ire.*, p. 126). <sup>168</sup> Michael Jones and Simon Walker (eds), 'Private indentures for life service in peace and war, 1278–1476', *Camden Miscellany* 32 (Camden 5th ser. 3, London, 1994), pp. 5–190 at 44–6. <sup>169</sup> NAI, R.C. 8/26, pp. 657–75; R.C. 8/27, pp. 146–70. In 1310 Walter St Aubyn led twenty men of his own name and thirty-nine others with English surnames (Frame, 'Power and society', p. 208). The distinction made between a 'lineage society' and a 'retinue society' in Parker, 'Paterfamilias and parentela', p. 116, may be too clear-cut. <sup>170</sup> NAI, R.C. 8/24, pp. 456–64; R.C. 8/26, pp. 657–73; R.C. 8/27, pp. 146–70, 265–8, 388–93. <sup>171</sup> *AClyn*, p. 231.

the face of parliamentary criticism of livery and maintenance, that it was his job and nobody else's to discipline his retainers.<sup>172</sup> But in Ireland the crown's attitude towards kins and their headship developed distinctive features during the fourteenth century. In 1310 'chiefs of great lineage' were to punish members of their lineages; if they lacked the power to do so, the justiciar with the help of other magnates would intervene.<sup>173</sup> In 1324 seventeen leading lords from the three earls of Ulster, Kildare and Louth downwards swore an oath in parliament to discipline their retainers. Apparently through an oversight, no penalty was laid down for neglect of this duty; this was corrected in 1325 when fines were to be imposed on those who failed to comply.<sup>174</sup> The arrangements took fuller form in 1351. Lords were to punish their own lineages, adherents and retainers; those guilty of trespass or felony were to be imprisoned until they were brought to court. If lords failed in this, they might themselves be detained until malefactors were delivered to justice.<sup>175</sup> The Statute of Kilkenny of 1366 repeated the enactment, but added that lords who did not comply might be compelled to compensate those aggrieved by the actions of their kinsmen and followers.<sup>176</sup>

The effectiveness of attempts to make lineage-heads carry out their obligations remains to be thoroughly explored, and it is tempting to be sceptical. But there is enough evidence to show that the legislation was not dead in the water. In 1375 Henry Peverell, a Bristol merchant, complained of a robbery by Maurice son of John fitz Nicholas of Kerry and others of his kindred. The governor, Sir William Windsor, reminded John fitz Nicholas, lord of Kerry of the statute made in 1366 'that each chieftain of English birth should punish those of his lineage, affinity and retinue', and ordered him to do so, imprisoning the offenders until they satisfied Henry either by returning his goods or compensating him for their value.<sup>177</sup> In 1390, after complaints from the king's subjects in the vicinity of Waterford, Nicholas le Poer of Kilmeadan and Thomas and John, his sons, were instructed to punish offending members of the le Poer lineage.<sup>178</sup> The government made frequent use of a sanction that was characteristic of the exercise of power in the Lordship: the holding of hostages. For instance, in the mid-1320s hostages of the Harolds were held in Dublin castle; Walter Bermingham's Connacht eyre of 1347 saw him collect hostages from English lineages there; and in 1382 Kilkenny castle housed hostages of the Tobins.<sup>179</sup> That the system sometimes worked is apparent from two episodes relating to the le Poers of Waterford. In 1372 Nicholas le Poer obtained the release of John son of William le Poer, who had been gaoled for not knowing

<sup>172</sup> R.L. Storey, 'Liveries and commissions of the peace, 1388–90', in F.R.H. Du Boulay and C.M. Barron (eds), *The reign of Richard II: essays in honour of May McKisack* (London, 1971), pp. 131–52 at 146. <sup>173</sup> *Stat. John-Hen. V*, pp. 264–7. <sup>174</sup> *Ibid.*, pp. 306–9, 312–13. <sup>175</sup> *Ibid.*, pp. 378–9. <sup>176</sup> *Ibid.*, pp. 448–51. <sup>177</sup> CIRCLE, Pat. R. 49 Edw. III, no. 168. <sup>178</sup> CIRCLE, Pat. R. 13 Ric. II, no. 227. <sup>179</sup> *IExP*, pp. 311, 316, 321; NLI,

the English language, upon undertaking that he would ensure that John learned it – another instance of the Kilkenny legislation being enforced in practice.<sup>180</sup> In 1382 Nicholas was pardoned all offences under both Edward III and Richard II when the mayor and bailiffs of Waterford testified that he 'had taken many malefactors of his kindred and delivered them to the king's court, who were tried and convicted'.<sup>181</sup> It is possible that the system was most effective in cases where a kin-head found royal backing a useful supplement to his own authority when dealing with unruly followers. The ministerial view, particularly that of career officials trained in England, remained hostile. In 1399 a report to the new government of Henry IV spoke of 'the English lineages ... who like to be called gentlemen of blood and idlemen, whereas they are actually great robbers'.<sup>182</sup> During the 1350s Sir Thomas Rokey had had to fight hard against the chancellor, John of St Paul's opposition to the award of pardons to marchers who had transgressed the law, pardons that Rokey regarded as politically necessary.<sup>183</sup> A similar point was made in the petition of 1360, influenced by the second earl of Ormond, that helped to pave the way for Lionel of Antwerp's expedition the following year: as well as depriving the government of the income from the fines such pardons raised, their withdrawal risked pushing marcher kins into the fuller embrace of the 'Irish enemies'.<sup>184</sup>

Alongside – or, more accurately, overlapping with – these relationships were the conventions of engagement that had developed with Gaelic leaders. In view of the cultural profile of some 'English' lineages, treating the two groups separately may seem to perpetuate a distinction without a difference: in 1382 we hear of a certain 'Moriertagh, brehon and counsellor of Richard Óg Tobyn and other enemies of the king in Leinster and Munster'.<sup>185</sup> But the self-image of the lineages as 'English' persisted despite their acculturation.<sup>186</sup> Moreover, the authorities perceived them differently from the Irish, as the debate over pardons shows. The distinction appears graphically in the treatment of certain 'English rebels' in the submissions to Richard II, when Adam son of Richard Tobin and others appeared prostrating themselves with nooses around their necks, an abasement the Irish were spared.<sup>187</sup>

Part of the familiar round of government was the attempted manipulation of segmentary tensions within Irish dynasties, offering support to leaders who seemed prepared to co-operate. In Leinster, justiciars came close to filling the

Genealogical Office MS 192, p. 28; CIRCLE, Close R. 5 Ric. II, no. 61. <sup>180</sup> Cambridge University Library, MS 3104, fo. 24. <sup>181</sup> CIRCLE, Pat. R. 5 Ric. II, no. 67. <sup>182</sup> PKCI, pp 264–5 ('les naciouns Engleis ... voillent ester appellez gentillemen de sank et idelmen, la ou ils sont fortz larons'). <sup>183</sup> See below, pp 317–18, 326. <sup>184</sup> *Parls & councils*, pp 20–1. <sup>185</sup> CIRCLE, Close R. 5 Ric. II, no. 167. <sup>186</sup> Katharine Simms, 'Bards and barons: the Anglo-Irish aristocracy and the native culture', in *Med. frontier societies*, pp 177–97 at 181–2. Booker, *Cultural exchange*, pp 249–58, brings out the growing importance in the late Middle Ages of the (agnatic) bloodline as a determinant of this durable identity. <sup>187</sup> Curtis, *Ric. II in Ire.*, pp 71–2, 73–4 (translated at 161–3).

role of regional overlord: receiving submissions, exacting hostages and cattle-fines, and distributing stipends and other rewards reminiscent of the Irish *tuarastal*.<sup>188</sup> The concept of the officially recognized Irish kin head, who might be formally designated or accepted by the crown as 'chief of his lineage' (*capitaneus nacionis sue*), had developed by the 1350s, re-defining the relationship between the crown and Irish leaders. The recent trend to take seriously the 'imperial' orbit of late Plantagenet kingship opens up the possibility of comparisons with the role of 'native' elites in relation to other regimes – from the Roman absorption of Frankish or Gothic leaders, to the British 'co-option' of Indian or Malay princes, or Sudanese chiefs. Such parallels at least provoke thought, and are not entirely far-fetched. But the dominant narrative throughout the medieval and early modern periods is of the difficulties that attended attempts to draw in and absorb Irish leaders.<sup>189</sup> On the one hand lay the rigidities of English law and cultural expectations; on the other, the reluctance of Gaelic leaders to detach themselves from the language, customs and kinship ties of their own society.

Despite this, in the military sphere close – though often temporary – links were established with individual Gaelic leaders. Muiris MacMurrough appears to have been present at a council at New Ross in 1313, when defensive posts were allocated at key points in Carlow and Wexford, while he himself undertook to attack his O'Byrne enemies, against whom the campaign was aimed. During the 1350s Aodh O'Toole, lord of Imaal in Wicklow, was recognized as keeper of the marches from Tallaght to Windgates (near Powerscourt).<sup>190</sup> In 1355 the new O'More chief secured the release of two members of his kin from Dublin castle, claiming that they had been placed there by Ruaidhrí, his late brother and predecessor, an ally of the government, because he had nowhere sufficiently secure in his own *patria* where he could keep them.<sup>191</sup> In 1382, in a curious reversal of expected roles, an Irish leader, crudely barbarized as 'Obreen Mole' in the official records, made more than one journey into Connacht on the government's behalf to try to bring Richard Óg de Burgh of Clanrickard and others to the king's peace.<sup>192</sup> The barbarized name conceals Toirdhealbhach Maol O'Brien, recently the government's preferred, but unsuccessful, candidate for the O'Brien chiefship in opposition to his nephew, Brian. A piteous petition for support from Toirdhealbhach had been received and accepted in the Irish

<sup>188</sup> See Robin Frame, 'English officials and Irish chiefs in the fourteenth century', and 'Military service', in Frame, *Ire. & Brit.*, pp 249–99. For the Irish context, see Simms, *Kings*, pp 37–8, where the practice is interpreted as an extension by the authorities of the obligations imposed on 'English' lineage-heads, rather than a development within Gaelic society. <sup>189</sup> See above, pp 72–83; and for a revealing case-study from the Tudor period, David Edwards, 'Collaboration without Anglicisation: the McGiollapadraig lordship and Tudor reform', in Duffy, *Gaelic Ire.*, pp 77–97. <sup>190</sup> For these examples, see Frame, 'English officials', pp 268, 274. <sup>191</sup> NLI, Genealogical Office MS 191, p. 112. <sup>192</sup> CIRCLE, Close R. 5 Ric. II, no. 146.

parliament in 1378.<sup>193</sup> His plight is a reminder that an Irish ally uprooted from his own world was of limited long-term use to the crown.

On occasion, the crossing of political and cultural boundaries could go further. In the early 1360s Seán O'Byrne of Wicklow and Tadhg his son, together with Tadhg O'Toole, were knighted, possibly by the earl of Ormond or Lionel of Antwerp: the first known examples of the dubbing of Irish leaders since King John (probably) knighted Donnchad Cairprech O'Brien in 1210.<sup>194</sup> Another even more exceptional move was the inclusion of two MacCarthy leaders in a commission of the peace in 1387, an appointment that suggests that they had received formal grants of English legal status.<sup>195</sup> The government's response to a rare catastrophe in 1370 also shows a measure of flexibility. In 1370 O'Brien and MacNamara captured Gerald fitz Maurice, earl of Desmond and others, and occupied Limerick; the city was briefly in the custody of Síoda MacNamara, until the citizens 'treacherously' killed him.<sup>196</sup> After the dust had settled, an agreement was reached at Adare, Co. Limerick, between Sir William Windsor and Seán MacNamara. Most of the terms were standard fare. MacNamara accepted that he had transgressed, surrendered two sons as hostages and promised to deliver 1,000 fat cattle as reparations. He would keep the peace, restrain his people, make amends for any future trespasses within fixed periods, and allow the citizens of Limerick access to his woods for the timber needed to reconstruct the damaged walls and quays of the city, and also peaceful access to weirs on the Shannon that had been granted them by the king. He would accept arbitration of disputes over territory with Richard Óg de Burgh. However, the submission also contained a provision that if Seán or his men trespassed against any English, he would respond and give satisfaction 'according to the usage and custom of Thomond, which usage is called "contra Koynconhogs"'.<sup>197</sup> This refers to the Irish custom of *cin comfocuis*, a form of kin responsibility; it had been mentioned in the earliest surviving legislation of an Irish parliament (1278), as something that would apply if the head of a Gaelic lineage, within the king's peace, proved incapable of punishing an offender.<sup>198</sup>

<sup>193</sup> *Parls & councils*, p. 96. <sup>194</sup> *IExP*, p. 523; O'Byrne, *Irish of Leinster*, pp. 250, 253. When Domhnall son of Art MacMurrough led a small contingent on the Irish expedition to serve Edward III in Scotland in 1335, he was listed as a banneret (Nicholson, *Edward III*, p. 255). There is no evidence that Domhnall was ever knighted, and it seems probable that the classification simply reflected his high pay rate of four shillings a day. <sup>195</sup> CIRCLE, Pat. R. 10 Ric. II, nos. 270–1; NLI, MS 4, fos. 30–30d. I am indebted to Kenneth Nicholls for first drawing my attention to this commission. It was not included in *RCH*, and escaped my notice when I was compiling 'Commissions of the peace'. Those involved seem to have been Tadhg son of Diarmait of Muskerry, who died in 1387, and Cormac son of Donnchadh of Duhallow (*NHI*, ix, pp. 155, 156). <sup>196</sup> *CStM*, ii, p. 397; *AU*, ii, pp. 540–1; *AFM*, iii, pp. 648–9. For the background, see Sheelagh Harbison, 'William of Windsor and the wars of Thomond', *JRSAI*, 119 (1989), 98–112. <sup>197</sup> The text is printed *ibid.*, pp. 109–10. The clause runs: 'juxta ritum et consuetudinem parcium Tothomonie qui ritus dicitur et cognominatur contra Koynconhogs'. <sup>198</sup> Printed in Richardson and Sayles, *Ir. parl.*,

But the implicit recognition of the existence of a body of regional custom is exceptional in official documents.

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This chapter has not set out to question the reality and depth of the problems faced by those who tried to govern the fourteenth-century Lordship. Evidence of contraction – of territory, of revenue, of the zones of English law – is plain in the record; moreover, the perception of retreat and crisis is omnipresent in the words of contemporaries and cannot be wished away, however much allowance we make for the tendency of choruses of doom to reach a crescendo when it came to petitioning for financial assistance from Dublin or from the king and council in England.<sup>199</sup> But problems led to adjustments, which have their own validity and interest; understanding is not helped if these are viewed solely as a deterioration from some earlier, and supposedly better, dispensation. As Rees Davies observed, 'countries in which the units of political power and governance are multiple and which lack a central, stable, unchallenged supervisory source of jurisdiction and power have their own internal complex frontiers and have to devise their own working solutions for dealing with the problems raised by such frontiers'.<sup>200</sup>

Picking out some of the relationships between government and the regions and localities, as this chapter has done, has involved artificially separating phenomena that belong together. For instance, towns were vital as repositories for hostages. In 1345 hostages taken from O'Brien and MacNamara were delivered to the mayor of Limerick, before being moved on to Cork, while hostages of MacMurrough, in custody at New Ross, were shifted to Dublin.<sup>201</sup> The hostages taken during Walter Bermingham's eyre in southern Connacht in 1347 were lodged with the mayor of Galway.<sup>202</sup> In 1382 the mayor of Cork was ordered to provide horses to convey Barrett hostages as far as Youghal, en route to Waterford.<sup>203</sup> Nor, to take a second example, can a *cordon sanitaire* be placed around the clerical estate. In colonial as in Gaelic areas, higher clergy were often recruited from local families: the fourteenth- and early fifteenth-century diocese of Ferns, for example, elected bishops from within the cathedral chapter with the familiar Wexford gentry names of Esmonde, Dene and Whittey.<sup>204</sup> The same period saw the headship of religious houses, such as Kells in Ossory, tend to fall into local hands, whether of second-rank families or of cadets of magnate

p. 292; discussion in Hand, *Eng. law*, pp. 193, 203; and Gearóid Mac Niocaill, 'The interaction of laws', in Lydon, *Eng. in med. Ire.*, pp. 105–17 at 110. <sup>199</sup> On petitions and their tropes, see below, pp. 206–8. <sup>200</sup> Davies, 'Frontier arrangements', p. 80. <sup>201</sup> NLI, Genealogical Office MS 191, p. 307. <sup>202</sup> Ibid., MS 192, p. 28. <sup>203</sup> CIRCLE, Close R. 5 Ric. II, no. 88. <sup>204</sup> *NHI*, ix, p. 312; *Knights' fees*, pp. 43–51, 113–15, 126; Billy Colfer,

lineages.<sup>205</sup> The government's interactions with individual regions and localities cannot be understood without detailed study of the distribution of power and influence within those areas. Across much of the Lordship of Ireland, such investigations – using all the considerable source material that is becoming more readily available – remain to be made.

*Arrogant trespass: Anglo-Norman Wexford, 1169–1400* (Enniscorthy, 2002, rpr. Dublin, 2019), pp 81, 94 (for the Esmondes). <sup>205</sup> C.A. Empey, 'The sacred and the secular: the Augustinian priory of Kells in Ossory, 1193–1541', *IHS*, 24:94 (1984), 131–51 at 145–9.

## Rediscovering medieval Ireland: Irish chancery rolls and the historian

The public launching in May 2012 of the first product of a major historical undertaking – the recovery and reassembling, so far as is possible, of the lost records of the medieval Irish chancery – coincided with a melancholy anniversary.<sup>1</sup> Exactly ninety years before, the Public Record Office of Ireland, in the Four Courts, was under occupation by anti-Treaty forces; it was destroyed on 30 June 1922.<sup>2</sup> Apart from some charred fragments, the only medieval rolls to escape the fire-storm were three or four that had recently been in use, and so were in the search room rather than the record store, together with two others that had escaped from official custody in the past, and were repurchased in 1968. None of the survivors were chancery rolls. Chancery rolls were, in modern parlance, in-house copies of documents issued under the great seal of Ireland.<sup>3</sup> The chancellor, who had custody of the royal seal, was second only to the governor of Ireland in the Dublin administrative hierarchy. The chancery was the mainspring of written government. It kept two main sets of annual records, the Patent and the Close rolls. The former contained official appointments, grants, pardons and notifications of one sort or another (fig. 9.1). The latter contained letters addressed to individuals, groups or communities. Typically, they recorded instructions and reprimands. Many were sent to the crown's local officers, such as sheriffs of the counties, or to officials in other branches of central government, such as the treasurer and barons of the exchequer, or the escheator, who dealt with lands and revenues coming into the king's hands through forfeiture or vacancy. But it is important to remember that the material on the rolls did not reflect merely the impulses of officialdom. Many documents were responses to petitions. Others appear because people wished to have their

<sup>1</sup> This essay is a revised version of a public lecture given at Trinity College Dublin on 10 May 2012 to mark the launching of CIRCLE, 'Calendar of Irish Chancery Letters, c.1244–1509' ([www.tcd.ie/chancery](http://www.tcd.ie/chancery)). <sup>2</sup> For what follows, see Philomena Connolly, *Medieval record sources*, Maynooth Research Guides for Irish Local History, 4 (Dublin, 2002), pp 9–18; and the full description of the project and its context in Peter Crooks, 'Reconstructing the past: the case of the medieval Irish chancery rolls', in N.M. Dawson and F.M. Larkin (eds), *Lawyers, the law and history: Irish Legal History Society discourses and papers, 2006–2011* (Dublin, 2013), pp 181–209. I am indebted to Peter Crooks for helpful comments on a draft of the present text. <sup>3</sup> A.J. Otway-Ruthven, 'The medieval Irish chancery', in Crooks, *Government, pp 106–20; Admin. Ire.*, pp 14–21.



9.1 Letters patent of Richard II in favour of William son of Richard Fitz William, 23 May 1398 (National Archives of Ireland, 2011/1/88). Copyright of the National Archives of Ireland. This image appears by permission of the director of the National Archives.

property-transactions formally recorded. In short, the lost rolls contained a vast amount of varied historical information.

The catastrophe of 1922 was by no means the first to strike Irish archives. For instance, a fire in 1304 had destroyed many earlier chancery records that had been stored in the Cistercian abbey of St Mary's, Dublin, which lay north of the River Liffey, not far from the site of the later Four Courts. That mishap was recorded on a Close roll. An electroplate image of the entry made in the late nineteenth century affords a rare glimpse of a membrane of a chancery roll.<sup>4</sup> In 1922, the earliest surviving roll dated from 1302–3, the latest in the

<sup>4</sup> *Facsimiles of the national manuscripts of Ireland*, ed. J.T. Gilbert, 4 vols (Dublin, 1874–84), iii, p. 3. The image is reproduced in Crooks, 'Reconstructing the past: the case of the medieval Irish chancery rolls', in N.M. Dawson and F.M. Larkin (eds), *Lawyers, the law*

'medieval' sequence from 1505–6. Reckoning two rolls per year, the survival rate was around twenty-five per cent. That figure is, however, far too optimistic, for many of the rolls that remained were incomplete, even fragmentary. On the other hand, coverage was not evenly spread. Between 1355 and 1435, the crude survival rate rises to about forty per cent, and many of the rolls from that period were substantial. For all the losses, these survival rates are actually quite high. We must not fall into the trap of measuring Ireland against the quite remarkable continuity of state record-keeping and preservation in England. Medievalists in many north European countries would be envious of what is available to historians of later medieval Ireland: our problem has been (as H.G. Richardson and G.O. Sayles were fond of pointing out),<sup>5</sup> not so much lack of records as neglect, or superficial use, by historians of what remains.

So, despite the high attrition rate before 1922, the losses in that year were truly calamitous. But they are not wholly irreparable. More than a century before their destruction, the surviving medieval records were surveyed and catalogued under the auspices of the Irish Record Commission. The commissioners gave the chancery rolls priority. Many nineteenth-century record publications were superb, and progressed at a rate at which we can only marvel. Alas, this was not true of the calendared edition of the Irish chancery rolls, which finally appeared in 1828 under the name of its final editor, Edward Tresham.<sup>6</sup> There is no disguising the weaknesses of the work, which were more the fault of Tresham's predecessors than of Tresham himself. Some rolls, or parts of rolls, were misdated or otherwise misidentified. The calendaring frequently went too far: chopping out, not just repetitious formal verbiage, but significant parts of the texts. Also, from the point of view of many modern users, there is the awkward fact that the publication was not just in Latin, but in 'record type', a font designed to reproduce the scribal abbreviations of the originals. 'Tresham' is weak. It is not user-friendly. But it is at least a starting-point.

It is, however, possible to improve on 'Tresham'. Alternative, often fuller, texts can be harvested from other sources. These fall into three main categories. First of all, some published works prepared before 1922 preserve full versions of chancery letters.<sup>7</sup> Secondly, because of the cross-communication between the branches of medieval government, chancery letters frequently turn up in other record series, notably the exchequer Memoranda rolls. These rolls, which record much miscellaneous exchequer business, often relating to the accounts of royal ministers, had a section headed 'writs of England and of the chancery

and history: Irish Legal History Society discourses and papers, 2006–2011 (Dublin, 2013), plate 24. 5 H.G. Richardson and G.O. Sayles, 'Irish revenue, 1278–1384', *PRIA*, 62C:4 (1962), 87–100 at 99; G.O. Sayles, 'The rebellious first earl of Desmond', in *Gwynn studies*, pp. 203–29 at 203. 6 *RCH*. Their publication had been ordered at a meeting in the office of Chief Secretary Peel in 1816 (*RCH*, p. x). 7 Prime examples are the belatedly published Record Commission volume *Chartae, privilegia et immunitates ... 1171–1395* (Dublin, 1889), which assembled many full texts, chiefly relating to towns, and *Stat. John–Hen. V*, which

of Ireland', where orders issued under the English and Irish seals were entered. Two original Memoranda rolls survive, and we have extensive unpublished calendars of many others.<sup>8</sup> Thirdly, there is a considerable richness of transcripts and extracts made by historians, antiquarians, heralds and other genealogists between the sixteenth century and 1922. Modern archival projects often piggy-back on the enthusiasm and resources of those interested in family history. Similarly, we should be grateful for the snobbery and acquisitiveness that drove early delving into records on behalf of people eager to find proof of gentle birth, or to establish claims to property. The earlier material, furthermore, includes letters from chancery rolls that had been lost before the Record Commission began its work in 1810. Pride of place among those who excerpted, and thus unwittingly preserved, chancery material must go to Walter Harris, author of the earliest scholarly history of Dublin (1766), nineteen volumes of whose transcripts and notes survive in the National Library of Ireland.<sup>9</sup>

There is, in short, the possibility of reconstructing (in part at least) a lost archive, and also of making it available in a form that the inaugurator of the project in 1978, Professor Jocelyn Otway-Ruthven – a redoubtable exponent of the card-index – could hardly have dreamed of: a searchable database. CIRCLE provides an English calendar of all surviving chancery letters, including the material not available to Tresham and his colleagues. The calendar draws on the fullest and best text of each letter, and provides a guide to the location of all known versions. As well as providing users with the short-cut of serviceable summaries of chancery letters, CIRCLE points the serious scholar towards the many full Latin texts that happen to survive, whether in print or in manuscript.

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Late medieval records are notoriously formulaic and repetitious; it is all too easy to use them with the mind in neutral. But their interpretation is anything but straightforward. One, admittedly unusual, entry from the Patent roll of 5 Richard II (1381–2) may serve to illustrate the point. This text – which has received attention from several scholars since it was published in full in 1947 – has the added advantage of showing that administrative records are not *always* deadly dull.<sup>10</sup> It takes us to Cork in January 1382. On the previous St Stephen's

printed several sets of enactments preserved in chancery enrolments. 8 J.F. Lydon, 'Survey of the Memoranda rolls of the Irish exchequer, 1294–1509', *AH*, 23 (1966), 51–134 at 55–7. 9 NLI, MSS 1–19; the medieval chancery material is concentrated in MSS 1–4. See Charles McNeill, 'Harris: *Collectanea de Rebus Hibernicis*', *AH*, 6 (1934), 248–450. 10 *Parls & councils*, no. 66, pp 115–20; CIRCLE, Pat. R. 5 Ric. II, no. 39. For comment, see Otway-Ruthven, *Med. Ire*, pp 315–16; Art Cosgrove, *Late medieval Ireland, 1369–1541* (Dublin, 1981), pp 10–12; J.A. Watt, 'The Anglo-Irish colony under strain, 1327–99', in *NHI*, ii, pp 363–4 (where Richard Wye, bishop of Cloyne, is confused with Gerald Barry, bishop

Day, 26 December, Edmund Mortimer, earl of March and Ulster, the governor of Ireland, had died unexpectedly. His entourage and paid troops, commanded by his half-brother, Sir Thomas Mortimer, had left the scene and begun to drift north towards the Mortimer lands in Leinster and Meath. These events left the ministers who had been travelling with the governor – John Colton, the chancellor, and John Keppock, the chief justice of the governor's court – in a quandary. They hastily summoned the notables of Cork and Limerick, headed by the earls of Ormond and Desmond, to an emergency council meeting. Government could not continue in the absence of a royal representative to exercise authority in the king's name. The two earls refused office, claiming that they could not be spared from defending their own marches. Richard Wye, the bishop of Cloyne, who was clearly acting as spokesman for Thomas Mortimer, rose up and said that anyway what was needed was not an Irish earl but 'a vigorous knight born in the kingdom of England'. We are told that everybody present acquiesced in this. The bishop then revealed Sir Thomas Mortimer's terms for taking office. By this time, the treasurer, Alexander Balscot, bishop of Ossory, had arrived. He reported, as treasurers do, that the cupboard was bare. The local representatives of Cork and Limerick squealed that they could not be expected to provide bridging funds. The debate shifted back to appointing a new governor. The earls were asked again, and again refused point-blank. The chancellor and treasurer were asked, but proceeded to outdo each other in pleading their ailments and inadequacies. Finally, the chancellor, John Colton, was frogmarched into office, but managed to get conditions written into the record: notably that once parliament met, he should be allowed to give up the job.

What is to be made of all this? At first glance, the narrative has peculiar features. In the fifteenth century, control of the Dublin government was something the Irish nobles competed for. Was the state of Ireland in 1382 so much worse that nobody wanted to take it on? And why the apparent general agreement on an English-born appointee? Since the 1340s, there had been recurrent grumbles about government by 'the English born in England', who were accused of sidelining the locals and not really understanding Ireland.<sup>11</sup> It does not require deep insight to see that the whole pantomime vividly recorded here has sub-texts, and that one of those was cash. For the past twenty years, wars and government in Ireland had been heavily, though intermittently, subsidized by the English taxpayer. Edmund Mortimer, for instance, had received a good financial package – 20,000 marks (£13,666 13s. 4d.) over three years – on taking office in 1379,<sup>12</sup> and this at a time when the revenues reaching

of Cork). The fullest and most probing assessment is in Peter Crooks, 'Factionalism and noble power in English Ireland, c.1361–1423' (PhD, University of Dublin, 2007), chs 5, 6. <sup>11</sup> These labels, and their ambiguities, are explored in Frame, *Eng. lordship*, chs 7–9, and Peter Crooks, "Hobbes", "dogs" and politics in the Ireland of Lionel of Antwerp, c.1361–6', *Haskins Society J.*, 16 (2005), 117–48. <sup>12</sup> His indenture is printed in Dorothy Johnston, 'Chief governors and treasurers of Ireland in the reign of Richard II', in *Colony & frontier*,

the Irish exchequer averaged only some £2,000 a year.<sup>13</sup> Those present at the Cork assembly well knew that a local emergency governor would have no ready access to English funds, a difficulty that Ormond himself had made much of when justiciar as recently as 1377–9.<sup>14</sup>

A further point that comes through strongly in the document is the presence of constitutional ideas and assumptions, especially to do with representation and consent. Their potency is apparent in the way they were used automatically in arguments and excuses. The knights and burgesses of Cork and Limerick were aware that they might be required to agree to taxation. They felt that this should be a matter for ‘the whole of the land, assembled at the same time’: in other words, for a parliament. Colton too saw parliament as the definitive occasion: there, alternative arrangements might be made for funding and government, and he could lay his burden down. English medievalists have long since pinpointed the late fourteenth and early fifteenth centuries as a golden age of parliamentary politics, and have taken delight in showing that some supposed novelties of the early seventeenth century were not so novel after all.<sup>15</sup> There are strong indications that political ideas in Ireland were equally sophisticated.<sup>16</sup> This is not surprising: apart from anything else, we should not underestimate the weight, wide experience and exalted connections of those who conferred at Cork in 1382. The earls of Ormond and Desmond were senior figures, who had between them governed for seven of the previous twenty-two years. James Butler, second earl of Ormond (1331–82), was a great-grandson of Edward I; he had served his kinsman Edward III in Scotland and France. Gerald fitz Maurice, third earl of Desmond (c.1340–98), is best known as the poet-earl, composer of verses in Middle Irish. But he owed his position to Edward III’s rapid decision after his eldest brother’s death in 1358 to pass over a mentally handicapped middle brother in his favour.<sup>17</sup> John Colton, the dean of St Patrick’s, was a university man, former head of Gonville Hall at Cambridge; he became archbishop of Armagh in 1383, and was to play an important part in negotiating between Richard II and Niall Mór and Niall Óg O’Neill and other northern Irish leaders in 1394–5.<sup>18</sup> Sir Thomas Mortimer was to head the

pp 97–115 at 113–15. See generally, P.M. Connolly, ‘The financing of English expeditions to Ireland, 1361–76’, in Lydon, *Eng. & Ire.*, pp 104–21. 13 Richardson and Sayles, ‘Irish revenue’, p. 100. 14 *Parls & councils*, no. 60; Otway-Ruthven, *Med. Ire.*, pp 309–13. 15 See, e.g., D.H. Pennington, ‘A seventeenth-century perspective’, in R.G. Davies and J.H. Denton (eds), *The English parliament in the Middle Ages* (Manchester, 1981), pp 184–200; G.L. Harriss, ‘Political society and the growth of government in late medieval England’, *P&P*, 138 (1993), 28–57 at 38–9, 57. 16 Peter Crooks, ‘Representation and dissent: “parliamentarianism” and the structure of politics in colonial Ireland, c.1370–1420’, *EHR*, 125:512 (2010), 1–34. See above, pp 38–41. 17 Frame, *Eng. lordship*, chs 8, 9, esp. pp 280, 297–8; Robin Frame, ‘James Butler, second earl of Ormond’, *ODNB*; Gearóid Mac Niocaill, ‘Gerald fitz Maurice, third earl of Desmond’, *ODNB*. 18 J.A. Watt, ‘John Colton, justiciar of Ireland (1382) and archbishop of Armagh (1383–1404)’, in Lydon, *Eng. & Ire.*, pp 196–213.

‘consortium’ that ran the enormous complex of Mortimer estates in England, Wales and Ireland profitably during his nephew’s twelve-year minority.<sup>19</sup> He exemplifies a type prominent in Irish history from the late twelfth century to the seventeenth, but not thought about in a joined-up way because of academic demarcation-lines: that of soldier–administrator–entrepreneur. A much bigger topic that cries out for fresh treatment, in a long perspective, is the history of the Irish parliament itself: a project which, it is sincerely to be hoped, will not relegate the highly creative medieval phase to ‘pre-history’.<sup>20</sup>

My comments on this text from 1382 hardly amount to subtle analysis. But they do illustrate the point that government records demand just as careful handling as other, perhaps more engaging, types of written source. There was a tendency in the mid-twentieth century to privilege record evidence at the expense of material classed as ‘annalistic’ or ‘literary’. We have come a long way since then. Chronicles, including the scanty Latin annals of the Lordship of Ireland, are being re-edited and re-evaluated.<sup>21</sup> The conventions of Gaelic Irish histories and bardic poetry are better understood, so that the literal-minded can if they wish sift them more confidently for historical information.<sup>22</sup> Beside sources such as these, late medieval administrative records are bulky and unglamorous; it is easy to take them for granted. In fact, they deserve the same critical attention to contexts, forms and phrases as any other type of written evidence.

One aspect of this brings us back to the point I made earlier: that many documents issued by government were prompted by petitions. Petitions asked for displays of royal favour, the *gratia* or ‘grace’ that lubricated the entire political system. Recent work on parliamentary petitions in England has shown that they were carefully – indeed professionally – crafted to fit the expectations and idioms of the royal government they were addressing. They are full of standard motifs and stereotyped phrases.<sup>23</sup> Exactly the same tactics applied when concocting petitions to the papal curia: these demanded knowledge both

<sup>19</sup> G.A. Holmes, *Estates of the higher nobility in fourteenth-century England* (Cambridge, 1957), pp 60, 77; Davies, *Lords & lordship*, pp 38, 130, 185. The profitability of his administration is stressed by R.R. Davies, ‘Roger (VII) Mortimer, fourth earl of March’, *ODNB*. <sup>20</sup> A long view of parliament was attempted – not very successfully for the medieval period – in Brian Farrell (ed.), *The Irish parliamentary tradition* (Dublin, 1973). The essays in Art Cosgrove and J.I. McGuire (eds), *Parliament and community: Hist. Studies XIV* (Belfast, 1983), are more valuable. Lydon, *Law and disorder*, contains good discussions of topics arising from the legislation of 1297, but its treatment of parliament itself is dated. <sup>21</sup> Bernadette Williams is putting our understanding on a much firmer footing: *AClyn; The Annals of Multyfarnham: Roscommon and Connacht provenance* (Dublin, 2012); ‘The “Kilkenny Chronicle”, in *Colony & frontier*, pp 75–95; and ‘The Dominican annals of Dublin’, *Medieval Dublin II* (2001), 142–68. <sup>22</sup> Recent work, her own and that of others, is well summarized in Katharine Simms, *Medieval Gaelic sources*, Maynooth Research Guides for Irish Local History, 14 (Dublin, 2009). <sup>23</sup> See Gwilym Dodd, *Justice and grace: private petitioning and the English parliament in the late Middle Ages* (Oxford, 2007), esp. ch. 9.

of canon law and of the diplomatic formulas of the papal chancery.<sup>24</sup> In both cases, if the petitioner was successful, the resulting grant would play back the wording of the petition: to express it crudely, petitioners put in what they hoped to get out. None of this should come as a surprise to modern academics, trained by their administrative minders to 'showcase' their research to best advantage, with government or other funding in mind. Thus coached, in Britain at least, scholars who might once have reached for the biblical or classical lexicon, have descended to describing their learned books and articles as 'measurable outputs'.

This point has obvious relevance to something that overhangs late medieval Irish history: what might be called the 'condition of Ireland question'. The chancery rolls, in common with all the surviving official records, are full of doom and gloom. Documents seem to sing from a limited hymn-sheet; the choruses soon become very familiar. We encountered one standard motif in 1382, when the earls excused themselves from government service because of the need to defend their own areas. Variations on this theme appear in the excuses made by men trying to escape fines imposed for failing to attend parliament,<sup>25</sup> and by sheriffs and others who pleaded that their failure to appear to make their accounts at the exchequer was justified either by the 'dangers of the way' or by reference to the entreaties of local worthies that it was their duty to stay in their counties because of military emergencies.<sup>26</sup> Other familiar motifs include requests for hand-outs or rebates of rent because houses and crops have been burnt, and/or livestock rustled, by the Irish; and petitions for rewards because of physical injuries or the loss of horses and/or family members in a skirmish or an ambush.<sup>27</sup> Collective petitions from communities also rang the changes on a series of familiar lamentations. In 1392 the 'poor tenants' of Colmanstown, on the royal manor of Newcastle Lyons near Dublin, referred both to enemy attacks, which had left the area burnt and many dead, and to further deaths in an outbreak of plague.<sup>28</sup> In 1355 the city of Cork petitioned in parliament about its inability to pay its collective farm, citing a veritable Pandora's Box of woes: a recent fire, the impact of plague, losses at sea, and the expense of contributing

<sup>24</sup> A point that has been made in relation both to the 1317 'Remonstrance' of the Irish to Pope John XXII and to the 1320 Declaration of Arbroath: James Muldoon, 'The remonstrance of the Irish princes and the canon law tradition of the just war', *American J. Legal History*, 22 (1978), 309–25; Sarah Tebbit, 'Papal pronouncements on legitimate lordship and the formulation of nationhood in early fourteenth-century Scottish writings', *JMH*, 40:1 (2014), 44–62. <sup>25</sup> *Parls & councils*, nos. 1, 5, 6, 11, 39, 40. <sup>26</sup> NAI, R.C. 8/25, pp 245–9; R.C. 8/29, pp 292–7. <sup>27</sup> *PKCI* is rich in petitions and responses of this sort, which are in Anglo-Norman French, still the normal language for such texts. See, e.g., nos. 2, 4, 6, 7, 9, 22, 119, 160, and note the very similar wording of 2, 9 and 22. The Patent roll for the year (16 Richard II), which would have contained the formal enrolments, in Latin, of the council's responses, does not survive, but numerous Latin warrants for enrolment ('fiants') are scattered through *PKCI*; they are calendared as CIRCLE, Pat. R. 16 Ric. II, nos. 8–53. <sup>28</sup> *PKCI*, no. 119.

to the justiciar's campaigns against the Irish.<sup>29</sup> Again, ecclesiastical records provide parallels. What, for example, are we to make of all those petitions to permit marriages between high-born persons related within the prohibited degrees on the grounds that the marriage would assuage enmities and promote peace between the families involved?<sup>30</sup>

I am not suggesting for a moment that we should dismiss such evidence, still less harden our hearts in the face of human suffering in the past. Other sources confirm that the times were indeed bleak. But we need a better understanding of the conventions, or 'codes', that operate within such texts if we are to evaluate what they tell us. The point has been well made in a comment on English parliamentary petitions: 'between fact and fiction ... lay an extensive hinterland in which the petitioner's case could be embellished or exaggerated in order to catch the Crown's attention, but which did not risk compromising the petitioner's position if his/her circumstances became the subject of a more detailed or thorough enquiry'.<sup>31</sup> There is, too, a wider issue – obvious perhaps, but nevertheless worth stating. Because the records are by their nature formulaic and legalistic, the voices that reach us do so in a restricted range of registers. We have no unbuttoned letters, no records of 'table talk' to help us interpret what they say. Even chronicle material from within English Ireland is scarce, patchy and usually laconic. But we must not therefore fall into the trap of patronizing people of this period by assuming they were simpler, or more guileless, than later generations who appear to reveal more of themselves in writing.

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How can this newly accessible richness of material be used? The questions it might open up and help to answer are, needless to say, legion. Despite the very real advances of recent decades, late medieval Ireland remains under-investigated; as I have suggested elsewhere, the development of government and society within the English Lordship during the century *c.*1350–*c.*1450, has been particularly neglected.<sup>32</sup> This has led to the perpetuation of old textbook simplifications, and has made it difficult for Ireland to find the place it ought to have in the wider history of European political societies in the later medieval period. There is space only for a handful of examples. The acronym of the

<sup>29</sup> NLI, MS 2, fos. 249–249v; CIRCLE, Close R. 29 Edw. III, no. 130. <sup>30</sup> E.g., CPL 1305–42, p. 547; *Papal petitions*, i, pp 15, 79. In the case of the betrothal of Earl William of Ulster to Maud of Lancaster in 1327, the cliché was extended to cover peace between 'the English' and 'the Irish' (*Vetera monumenta Hibernorum et Scotorum historiam illustrantia*, ed. Augustine Theiner (Rome, 1864), p. 236). <sup>31</sup> Dodd, *Justice and grace*, p. 297. <sup>32</sup> 'English political culture in later medieval Ireland', *The History Review*, 13 (University College Dublin, 2002), 1–11. Since this was written, Smith, *Crisis & survival* has markedly advanced our understanding. Peter Crooks' forthcoming book on political society and culture in the

project itself – CIRCLE – may serve to introduce some possibilities, inasmuch as the term suggests orbits, spheres of action and interaction, whether geographical, political or cultural. I propose to glance at three of these, with the help of examples from the rolls. Most of the examples have been chosen, not because they are unusual, but precisely because they are humdrum.

The first ‘circle’ is the wider geo-political sphere, to which Ireland belonged. By 1350, the Angevin empire of Henry II’s time was long gone, as was the brief phase when Edward I appeared to lord it over all the nations of the British Isles. Even so, the kings of England still ruled over a large and shifting assemblage of territories. These might once have been labelled ‘the Plantagenet dominions’; recently, the term ‘empire’, whether ‘English’ or still ‘Plantagenet’, has come into vogue.<sup>33</sup> However we choose to describe it, this complex polity had numerous subordinate administrative centres. Dublin was one of the oldest. Alongside it can be placed Bordeaux, together with, at various periods, Caernarfon, Carmarthen, Berwick-upon-Tweed (for the administration of southern Scotland), Calais, and for more than a generation in the early fifteenth century, Rouen, the capital of Henry V’s recaptured Normandy.

There are many ways in which Ireland’s membership of this political structure can be illustrated. One is through the personnel of the chancery, which – like that of the exchequer<sup>34</sup> – has yet to be explored in detail. The careers of the chancellors themselves are revealing. A few, such as the long-serving Roger Outlaw (1322–31, 1332–7, 1338–40), Prior of the Hospitallers in Ireland, were of Irish origin. But many had English backgrounds, while some had careers that ranged across the ‘empire’ and beyond. Adam Limber, or Limburgh, was chancellor of Ireland during a politically-charged eighteen months in 1331–2. By training, Adam was a king’s clerk who worked in the exchequer and wardrobe. In 1322–4 he had served as constable of Bordeaux, that is, chief administrative officer in Gascony. In 1328–9, back in England, he was keeper of the privy seal to the young Edward III. Then in the 1340s, during the critical

Lordship of Ireland will enhance it further. <sup>33</sup> This wider English sphere and Ireland’s place within it have received considerable attention in recent years. See, e.g., Frame, *British Isles*, and Davies, *Empire*. On the late medieval phase, see, e.g., Robin Frame, ‘Overlordship and reaction, c.1200–c.1450’, in Frame, *Ire. & Brit.*, pp. 171–90; David Green, ‘Lordship and principality: colonial policy in Ireland and Aquitaine in the 1360s’, *JBS*, 47:1 (2008), 3–29; Andrea Ruddick, ‘Gascony and the limits of medieval British Isles history’, in Smith, *Ire. & Eng. world*, pp. 68–88; Peter Crooks, ‘State of the union: perspectives on English imperialism in the late Middle Ages’, *P&P*, 212 (2011), 3–42; and, most recently, *Plantagenet empire*. <sup>34</sup> Many exchequer officials had careers at Westminster and/or in the ‘devolved’ administrations such as Caernarfon or Berwick: Frame, *Eng. lordship*, pp. 92–3; Philomena Connolly, ‘The proceedings against John de Burnham, treasurer of Ireland, 1343–49’, in *Colony & frontier*, pp. 57–74. The judiciary has fared better at the hands of historians: see in particular Paul Brand, ‘The birth and early development of a colonial judiciary: the judges of the lordship of Ireland, 1210–1377’, in W.N. Osborough (ed.), *Explorations in law and history: Irish Legal History Society discourses, 1988–1994* (Dublin, 1995), pp. 1–48.



9.2 Early fifteenth-century drawing of the Irish exchequer, from the Red Book of the Exchequer, destroyed in 1922. From J.T. Gilbert (ed.), *Facsimiles of the national manuscripts of Ireland*, 4 vols (Dublin, 1874–7), iii, plate 37.

early stages of the Hundred Years War, we find him back in post at Bordeaux.<sup>35</sup> John of St Pol, archbishop of Dublin (1349–62) and chancellor (1350–6), was a very senior English chancery clerk and political survivor, who had frequently

<sup>35</sup> Tout, *Chapters*, iii, p. 26; iv, p. 74; vi, pp. 68–9. For the context of his career in Ireland,

served as one of the keepers of the Great Seal between 1334 and 1349; he was sent to Ireland with a reforming brief.<sup>36</sup> Robert Wikeford, another archbishop (1376–90) and chancellor (1377–8, 1384–5), was a doctor of civil and canon law, who had a notable academic and diplomatic career, which took him to Paris and Rome, and also to service in Richard II's chancery. He spent the years 1373–5 as constable of Bordeaux, before coming to Ireland.<sup>37</sup> Thomas Cranley, another English archbishop (1397–1417) and chancellor (1398–9, 1401–6, 1413–14), did not share Wikeford's English chancery background, but had if anything superior academic credentials and wider diplomatic experience.<sup>38</sup>

The chancery rolls themselves and the bureaucratic traditions that produced them are a rather different badge of membership. Unsurprisingly, we have no image of the chancery, which was essentially a small household that travelled the country, or as much of the country as governors reached. But we do have an early fifteenth-century drawing of the exchequer, copied before its destruction in 1922 (fig. 9.2). Lying on the chequered cloth, is a satchel labelled *baga cum rotulis*: 'a bag with rolls in it'. Rolls (or scrolls) were of course an ancient form of manuscript, in no way peculiar to England. But the persistence in keeping records in the form of rolls was characteristically English; indeed, such was the power of bureaucratic conservatism that the English Patent rolls continued to be kept – though much shrunken and wholly formal in content – until 1952–3. Already in the late medieval period, most contemporary administrations kept their records, not as rolls but as registers (books), which were more readily searchable.<sup>39</sup> The multi-centred character of the wider English realm contributed to the amassing of rolls, as the emerging governmental capital at Westminster kept in touch with the mobile royal court on the one hand, and with the various 'devolved' administrative centres on the other. The result was a veritable mountain of accumulated parchment: for instance, copies of the Dublin exchequer accounts ended up at Westminster for auditing purposes, adding to the silt of documentation (a fact for which Irish medievalists should be eternally grateful).<sup>40</sup>

Whether all this information facilitated or obstructed rule is a moot point. The Anglo-Scottish disputes of the 1290s exposed the difficulties Edward

see Frame, *Eng. lordship*, pp 91, 202–19; and below, p. 250. For the rank of 'king's clerk', a title borne by men who were often of some substance in their own right, G.P. Cuttino, 'King's clerks and the community of the realm', *Speculum*, 29:2 (1954), 395–409. 36 Bertie Wilkinson, *The chancery under Edward III* (Manchester, 1929), pp 155–7; Frame, *Eng. lordship*, pp 113–14, 295, 305–8. 37 Wilkinson, *Chancery under Edward III*, pp 173–4, 208. See the biographies by D.B. Johnston, *ODNB* and Ronan MacKay, *DIB*. 38 D.B. Johnston, *ODNB*. 39 Susan Reynolds, 'How different was England?', in *TCE*, 7 (1999), 1–16 at 15–16; more generally, M.T. Clanchy, *From memory to written record: England, 1066–1307* (London, 1979), ch. 5. 40 *Admin. Ire.*, pp 48–64; Dryburgh & Smith, *Handbook*. The disbursement side of the exchequer accounts is now conveniently available in *IExP*. Incomplete versions of the exchequer receipt rolls to 1306–7 are in *CDI*, ii–v, covering

I had in extracting the material he needed from his own records, so that he famously resorted to calling in chronicles from the English abbeys to support his case.<sup>41</sup> In the early fourteenth century, much effort was expended in creating finding-aids and identifying and assembling relevant documents to support the English diplomatic war against France.<sup>42</sup> In our own day, we are all too familiar with governments and other organizations, seduced by the ease of modern communication, dragging everything to the centre, and then proving quite incapable of managing it. The later medieval English super-state provides a slow-motion example of the same thing. That state had its own rhythms and logic, which deserve to be taken seriously by historians examining its component parts.

Then there is the content of the rolls. They are full of information about every aspect of relations with the outer scene – political, administrative, tenurial, ecclesiastical, and of course commercial – down to something as mundane as the comings and goings of individuals between Ireland and England. To take some fairly routine examples at random, we glimpse William Hougate crossing to England as an official messenger in 1344 and being compensated for a horse lost on the journey;<sup>43</sup> a yeoman of the first earl of Desmond crossing to deliver horses and other items to Edward III in 1355;<sup>44</sup> Christopher Preston, son of the chief justice of the Dublin bench, heading to England in 1375 while still under age, possibly to study at the Inns of Court;<sup>45</sup> and William Coke, vicar of Donore in Co. Meath, in 1421 setting out for Oxford for two years, to further his education.<sup>46</sup> The ‘English empire’ may have been a small affair compared to the ‘Spanish system’ of the early modern period, upon which so much ink has been expended; nevertheless, the character and speed of communications – and the whole business of networking and decision-making – deserve fuller study. Winds and tides made travel unpredictable. But it was not necessarily slow; in favourable conditions it may have been easier to get from Waterford or Youghal to Bristol and from there on to Windsor or Westminster, than to make the journey to court and exchequer from Carlisle or Newcastle-upon-Tyne.<sup>47</sup>

One aspect of the structural connection is the presence on the Irish chancery rolls of documents, not under the Irish seal but under the great seal of England or the king’s privy seal. Two examples take us back once more to the dramatic days at Cork in the aftermath of Edmund Mortimer’s death on 26 December

1252–1307. Those after 1307 remain unpublished and little used. <sup>41</sup> E.L.G. Stones and G.G. Simpson, *Edward I and the throne of Scotland, 1290–1296*, 2 vols (Oxford, 1978), ii, pp 137–62. <sup>42</sup> Clanchy, *From memory to written record*, pp 123–5; G.P. Cuttino, *English diplomatic administration, 1259–1339* (Oxford, 1940), chs 2, 4. <sup>43</sup> RCH, p. 44, no. 30; CIRCLE, Close R. 18 Edw. III, no. 30. <sup>44</sup> RCH, p. 64, no. 143; CIRCLE, Close R. 29 Edw. III, no. 144. <sup>45</sup> RCH, p. 93, no. 143; CIRCLE, Pat. R. 49 Edw. III, no. 144. <sup>46</sup> RCH, p. 217, no. 1; CIRCLE, Pat. R. 9 Hen. V, no. 1. <sup>47</sup> Official communications and their speed are discussed in Frame, *Eng. lordship*, pp 114–19. For interactions between SE Ireland and SW England, see Brendan Smith, ‘Late medieval Ireland and the English connection:

1381. Within less than a month, the news had been received, absorbed, and had produced action in England, in the form of the appointment of Edmund's seven-year-old son as king's lieutenant.<sup>48</sup> This shows, not madness, but method. Young Roger's late mother, Philippa countess of March and Ulster, was a grand-daughter of Edward III and Queen Philippa. Roger's semi-royal status signalled the crown's commitment to Ireland, while the understanding was that Sir Thomas Mortimer would in practice act as governor. Two months later, on 29 March, a further writ was dispatched from England. It shows, not just metropolitan awareness of what was going on in this overseas territory, but the intention to steer events in some detail.<sup>49</sup> Instructions were given under the privy seal for the summoning of a parliament. It was made clear that the assembly was to grant taxation, and the link with wider royal policy was made explicit in a reference to the king's 'financial burdens' and the French wars. This was followed by an instruction to report back, through publicly accredited messengers, showing that a form of institutionalized communication between Ireland and England, that historians of the seventeenth century remark upon,<sup>50</sup> was absolutely normal more than two centuries earlier.<sup>51</sup>

Documents under the Irish seal can themselves reveal the wider orbits of authority within which government in Ireland operated. In ecclesiastical matters, these of course extended beyond England. In 1374, Sir William Windsor, the governor of Ireland, acting under authority of patents from England, released to the new archbishop of Cashel, Philip Torrington, the temporalities of his see, which had been in crown custody during the vacancy.<sup>52</sup> The text reveals, first of all, that Philip had been provided to Cashel by the pope, and, secondly, that he had done fealty to the king, renouncing anything in his papal letters of appointment that might threaten the crown's customary rights over the church. In between the church in Ireland and the universal sphere of Christendom, presided over by the pope, lay the English state, deploying its filter. Only after the king signalled his approval to the governor of Ireland – who was strictly forbidden from exercising this particularly sensitive feature of the royal prerogative – could the new archbishop take possession of his diocese and the temporal resources belonging to it.

This episode reflects the underlying constitutional assumption that – whatever the practical complications and limitations – crown authority existed, undiluted, in Ireland just as in England. In the late medieval period, statutes were the ultimate manifestation of regal power. In 1413, for instance, we find Henry IV, with a single application of his seal, transmitting fifty years' worth of

Waterford and Bristol, *ca. 1360–1460*', *JBS*, 50:3 (2011), 546–65. <sup>48</sup> *RCH*, p. 112, no. 87; CIRCLE, Pat. R. 5 Ric. II, no. 87. <sup>49</sup> *RCH*, p. 112, no. 128; CIRCLE, Pat. R. 5 Ric. II, no. 128. <sup>50</sup> See, e.g., Michael Perceval-Maxwell, 'Ireland and the monarchy in the early Stuart multiple kingdom', *The Historical J.*, 34:2 (1991), 279–95 at 286. <sup>51</sup> For examples, see *Parls & councils*, nos. 15 (1359), 16 (1360), 52 (1378); *Stat. John–Hen. V*, pp. 484–7 (CIRCLE, Close R. 9 Ric. II, no. 19), pp. 562–85 (CIRCLE, Pat. R. 9 Hen. V, no. 116). <sup>52</sup> NLI, MS 3,

English legislation on papal provisions to Ireland.<sup>53</sup> English law – the common law and legal system – is perhaps the single most obvious thread of continuity connecting modern Ireland, north and south, back to the later medieval period. As I shall suggest in the final section of this paper, we are still remarkably under-informed about legal and jurisdictional developments, and their socio-political implications, in late medieval ‘English’ Ireland.

Moving to my second ‘circle’, the chancery rolls, when combined with other record sources, open up important questions about the range and texture of crown government within Ireland itself. They offer particularly exciting possibilities during the phase when the chancery material is at its richest, from the 1350s to the 1430s – a period when, incidentally, its availability can partly compensate for the reduction in surviving records of the royal courts and the exchequer, which the historian of the first half of the fourteenth century is able to exploit. This was, of course, a critical phase in the history of the Lordship of Ireland, running from the morrow of the Black Death, across the promulgation of the Ordinances (1351) and Statutes of Kilkenny (1366), through Richard II’s visits to Ireland in the 1390s, and beyond, into the period of the Talbot–Ormond feud. We know, or think we know, the story: it is one of decomposition, when English rule in Ireland shrank both geographically and culturally, to the point where the settler establishment was fond of predicting its total collapse (which of course never came). That image may be broadly accurate, but there is much we have still to learn, about the forms and reach of crown authority, and how these changed.

One starting-point might be through the distinction made by the late Rees Davies between ‘colony’ and ‘lordship’, a formulation that has been put to fruitful use by others.<sup>54</sup> By ‘colony’ Davies meant a geographical ‘core’, which had seen considerable settlement from Britain: roughly the four counties around Dublin, together with the southern towns and their hinterlands along the coasts and in the river valleys of south Leinster and east Munster. There, English law and institutions had depth; direct crown government along English lines was possible. By ‘lordship’ Davies meant a much wider area where crown influence was felt, though it might be mediated in various ways, most obviously through the higher nobility. In other words, he pointed us towards what might be described as tighter and looser forms of political organization. It is important, I believe, to take the looser forms of lordship seriously, and not to regard them merely as symptoms of a failure to reduce all Ireland to the condition of ‘colony’ or ‘core’. This distinction is helpful as a starting point. But like all useful ideas of a binary sort, it over-simplifies. ‘Colony’ and ‘lordship’ blur at the edges.

fo. 160; CIRCLE, Close R. 48 Edw. III, no. 62. <sup>53</sup> *Stat. John–Hen. V*, pp 528–59; CIRCLE, Pat. R. 13 Hen. IV, no. 127. <sup>54</sup> R.R. Davies, ‘Lordship or colony?’, in Lydon, *Eng. in med. Ire.*, pp 142–60. For an application of the concept, see H.B. Clarke, ‘Decolonization and the dynamics of urban decline in Ireland, 1300–1550’, in T.R. Slater (ed.), *Towns in decline*,

The boundaries between them shift over time. It might be better to think in terms of more complex, and constantly changing, modulations of authority.

The chancery rolls are crammed with evidence of the operations of government in the 'four shires' around Dublin. There, a close eye was kept on crown rights and resources. In 1424, to take just one example, a judicial commission for Co. Kildare, composed of William Tynbegh, the treasurer of Ireland, James Cornewalshe, chief baron of the exchequer, and Christopher Barnewall, king's serjeant-at-law, and a future chief justice of the king's bench, was assigned to investigate everything from trespasses to treason, and from infringements of the statutes of Kilkenny and of Provisors to intrusions into castles and lands in the king's hand.<sup>55</sup> The impression of omnipresent government is confirmed by contemporary complaints about the activities of commissions of *oyer et terminer*.<sup>56</sup> It is supported, too, by the record of regular appointment of commissions of the peace, populated by numerous gentry, for Dublin, Kildare and Louth, and the individual baronies in Meath. This contrasts with the less frequent appointment of such commissions further afield, and the tendency for those to be magnate-dominated.<sup>57</sup> The late fourteenth and early fifteenth centuries remain under-investigated; but it is clear from Brendan Smith's pioneering studies of Co. Louth that they saw just as close interaction between central government and the neighbouring localities and their elites as did earlier and later periods.<sup>58</sup>

To move further afield, to Kilkenny, is to enter an area poised between 'colony' and 'lordship', but perhaps, at least in the centre and south of the county in the fourteenth century, belonging more to the former than the latter.<sup>59</sup> A document from 1358 reveals in operation there what has been dubbed the English 'tax state'.<sup>60</sup> The community of the county, presumably meeting in the county court, undertook to pay the wages of a force of twelve men-at-arms, sixty hobelars and 200 foot-soldiers to support the military efforts of Sir Almaric St Amand, the justiciar of Ireland, against the Leinster Irish. The document also records the arrangements for collection of the subsidy. The chancery rolls are full of examples – still not brought together and fully analysed – of grants of

*A.D. 100–1500* (Aldershot, 2000), pp 157–92. <sup>55</sup> *RCH*, p. 232, no. 40; CIRCLE, Pat. R. 2 Hen. VI, no. 45. <sup>56</sup> E.g., *PPC*, ii, pp 43–6. See Robin Frame, 'The judicial powers of the medieval Irish keepers of the peace', in Frame, *Ire. & Brit.*, pp 301–17 at 316. <sup>57</sup> Robin Frame, 'Commissions of the peace in Ireland, 1302–1461', *AH*, 35 (1992), 1–43. <sup>58</sup> Smith, *Crisis & survival*. Cf. Smith, *Colonisation*, esp. chs 5, 6; S.G. Ellis, *Reform and revival: English government in Ireland, 1470–1534* (Woodbridge, 1986), esp. chs 3, 4, 7. <sup>59</sup> The social and governmental contrasts within the county have been explored in several studies by Adrian Empey: e.g., C.A. Empey, 'The Anglo-Norman community in Tipperary and Kilkenny in the Middle Ages: change and continuity', in Gearóid Mac Niocaill and Patrick Wallace (eds), *Keimelia: studies in medieval archaeology and history in honour of Tom Delaney* (Galway, 1988), pp 449–67 at 457–9. <sup>60</sup> NLI, MS 3, fo. 50; CIRCLE, Pat. R. 32 Edw. III, no. 71. See W.M. Ormrod, 'The English state and the Plantagenet empire, 1259–1360: a fiscal perspective', in J.R. Maddicott and D.M. Palliser (eds), *The medieval state: essays*

taxation at local level.<sup>61</sup> Such levies have tended to figure in the historiography in discussions of the slowness of parliamentary control of taxation to emerge in Ireland, a context that can inadvertently impart a negative slant to the interpretation.<sup>62</sup> The view that centralization is a necessary precondition of political and institutional maturity may be an unduly English one. In France, for instance, fiscal arrangements were more about the engagement of the monarchy with regional estates, reflecting the size and the composite past of the kingdom. In Ireland, on a smaller scale, local levies for localized military emergencies made sense.<sup>63</sup> The Kilkenny example brings out the interactions between English systems and Irish conditions. There is an emphasis on consent at county level, even if this may have been mostly a matter of lip-service on the part of the authorities. The collection itself was in the hands of local worthies, in harmony with the tradition of 'self-government at the king's command', which has been seen as characteristic of English local administration. On the other hand, the process of assessment and collection took place within the cantreds: the pre-1170 districts, which the English rebranded, sometimes re-arranged, and harnessed for their own purposes.<sup>64</sup> And finally, while the troops paid for by the grant were to serve with the justiciar, it is made clear that they would form part of the contingent led by the earl of Ormond, the most important regional noble. These were arrangements that drew upon long-standing traditions, both English and Irish, involved the participation of the local lesser nobility, and accommodated the realities of magnate power. As I have suggested elsewhere,<sup>65</sup> long experience of the processes of consent, assessment and collection at local level may help to explain why, when governors did begin to try to squeeze serious money out of parliaments in the 1370s, they encountered such skilled and sophisticated opposition. There is a big subject here, awaiting full investigation.

Another aspect of interactions in what might be described as the governmental middle distance is illustrated by the crown's dealings with the le Poers or Powers of Co. Waterford (and elsewhere), one of the extended aristocratic lineages or 'clans' of Anglo-Norman origin whose development is traceable in the later medieval sources.<sup>66</sup> In 1382 the government favoured a leading member

*presented to James Campbell* (London, 2000), pp 197–214. <sup>61</sup> See Richardson and Sayles, *Ir. parl.*, pp 113–18, for a brief analysis of the local grants of this period. <sup>62</sup> E.g., M.V. Clarke, 'William of Windsor in Ireland, 1369–76', in Clarke, *Fourteenth century studies* (Oxford, 1937), pp 146–241 at 161–8; J.F. Lydon, 'William of Windsor and the Irish parliament', in Crooks, *Government*, pp 90–105 at 94 ('local particularism'); Richardson and Sayles, *Ir. parl.*, pp 113–18, 158 ('Irish particularism'), 238–43. <sup>63</sup> For fuller discussion, see Robin Frame, 'Military service in the lordship of Ireland, 1290–1360: institutions and society on the Anglo-Gaelic frontier', in Frame, *Ire. & Brit.*, pp 279–99 at 287–90. <sup>64</sup> See MacCotter, *Territorial divisions*; the development of the Kilkenny cantreds is reconstructed at pp 179–84. <sup>65</sup> 'English political culture', 5–6, 7–8. <sup>66</sup> Nicholls, *Gaelic Ire.*, pp 8–13, 195–6; Robin Frame, 'Power and society in the lordship of Ireland, 1272–1377', in Frame,

of the family, Nicholas Power of Kilmeadan, with a general pardon, pardons being everywhere in Europe one of the key currencies of royal patronage.<sup>67</sup> It might be thought that the growth of clans was antithetical to crown authority. But the terms of the grant to Nicholas suggest a more complex interpretation. The pardon was justified on the grounds that he, as kin-head, 'had taken many malefactors of his kindred and delivered them over to the king's court'. This is an intriguing example of a mutually supportive link between systems of state justice and the patriarchal authority of clan-heads, or, to express it in another way, between 'formal' and 'informal' networks of power and influence. Modern writers on other late medieval societies are less likely than their predecessors to depict the latter as illegitimate or as necessarily undermining the former.<sup>68</sup> The pardon, moreover, is said to have been issued at the request of the city of Waterford: Waterford, which often appears in the records as deeply hostile to the Powers. The chancery rolls are brimful of instances of the complex relations between local societies and central government; each episode needs to be set in context and assessed in detail if its significance is to emerge.

Despite the geographical contraction of direct crown authority, there continue to be many entries in the rolls that draw us much further afield than the four eastern counties and south Leinster. The CIRCLE version of the Patent roll for 1401–2, for instance, contains 257 letters in all; of these, around twenty concern Munster and a further twenty Ulster.<sup>69</sup> Connacht appears much more rarely, but – to take just one example – in 1434 we find Sir Walter de Burgh, the chief of the Burkes of Lower Clanwilliam, being appointed collector of the customs at Galway.<sup>70</sup> Walter was a Gaelicized lord; his day-to-day actions lay far beyond the area of crown control. It may be tempting to dismiss the appointment as merely symbolic, even cosmetic, in effect regularizing profits that Walter might well have siphoned off in any case. This is possibly so, but my incautious phrase 'merely [sic] symbolic' may sound a warning note. Historians of the early Middle Ages, poring over much scantier evidence to assess the influence of an Anglo-Saxon or Carolingian king on outer parts of

*Ire. & Brit.*, pp 191–220 at 206–8; Christopher Maginn, 'English marcher lineages in south Dublin in the late Middle Ages', *IHS*, 34:134 (2004), 113–36. There is useful discussion of the Powers in Ciaran Parker, 'Paterfamilias and *parentela*: the le Poer lineage in fourteenth-century Waterford', *PRIA*, 95C:2 (1995), 93–117; significant corrections of detail may be found through the index of *The pipe roll of Cloyne*, ed. Paul MacCotter and Kenneth Nicholls (Midleton, 1996). <sup>67</sup> *RCH*, p. 111, no. 67; CIRCLE, Pat. R. 5 Ric. II, no. 67. See, e.g., Helen Lacey, *The royal pardon: access to mercy in fourteenth-century England* (Woodbridge, 2009), and the more general comment in John Watts, *The making of polities: Europe, 1300–1500* (Cambridge, 2009), p. 90. <sup>68</sup> E.g., Davies, *Lords & lordship*, ch. 8; Watts, *The making of polities*, pp 153–7, 244–54. <sup>69</sup> *RCH*, pp 160–6; CIRCLE, Pat. R. 3 Hen. IV. It must be remembered that the distribution of entries reflected current circumstances. In 1401–2, the crown was still dealing with the aftermath of the death in 1398 of Roger Mortimer, earl of March and Ulster, who left an infant heir. Likewise, if an earl of Ormond or Desmond was governor, more Munster business was likely to show up in the rolls. <sup>70</sup> *RCH*, p. 256,

the areas they claimed to rule, would make much of evidence of this sort. In later medieval Europe, too, the relations between political centres and localities involved constant negotiation; the concession of offices and revenues to regional magnates might do more to strengthen than to weaken crown authority. Studies of political episodes in fourteenth- and early fifteenth-century Ireland suggest that it is unwise to discount the centripetal effects of political rivalries at least in eastern and southern Ireland, and the curial instincts of earldom families.<sup>71</sup> Connacht was, of course, on the outer rim of crown authority. There royal lordship might be expressed in occasional acts of patronage, and might indeed to our eyes resemble a form of diplomacy rather than 'government'. But that was not untypical of other extensive polities – whether earlier, contemporary, or later – where styles and degrees of authority were markedly uneven across the territories the regime claimed to rule. There is room here, not just for more research, but also for some re-conceptualizing of what English lordship *meant* in later medieval Ireland.

My third 'circle' is not so much geographical as social: the arena of interplay between the 'two cultures' of later medieval Ireland. The chancery rolls are full of references to Gaelic Irishmen and women, both those within the 'colony' and those belonging to the world of 'lordship' beyond it. The frequent hostility with which the Irish are portrayed, along with the crude handling of Gaelic names by chancery clerks, may not appeal to those whose normal habitat is the Irish-language material. But just as students of the colonial world need to draw upon sources other than the records in Latin and French that are saturated in the assumptions of that world, so too it is essential to see Gaelic Ireland through all available lenses. Since these are governmental records of English lordship, they often have a paradoxical quality, illustrating at one and the same time the existence of social and legal barriers, and the ease and frequency with which these were crossed.

Let me begin with the barriers. In 1358 a grant of English legal status was made to three Irish brothers, Reginald, John and Adam, sons of Stephen Leynagh, and their descendants. They were henceforth to 'be of free status and condition, and free and quit of all Irish servitude', and were to 'be answered as Englishmen in any courts in Ireland'. Equally important, they could now hold property freely, under the full protection of English common law.<sup>72</sup> One of the best-known features of the medieval lordship of Ireland is the way in which the legal system drew a sharp distinction between those classed as 'English' (who had access to the king's courts) and those deemed 'Irish' (who in most

no. 1; CIRCLE, Pat. R. 13 Hen. VI, no. 1. <sup>71</sup> This is an underlying theme of Frame, *Eng. lordship*. See also Peter Crooks, 'The "calculus of faction" and Richard II's duchy of Ireland, c.1382–9', in Nigel Saul (ed.), *Fourteenth Century England V* (Woodbridge, 2008), 94–115; Katharine Simms, 'The Ulster revolt of 1404 – an anti-Lancastrian dimension?' and Elizabeth Matthew, 'Henry V and the proposal for an Irish crusade', both in Smith, *Ire. & Eng. world*, pp 141–60, 161–75. <sup>72</sup> NLI, MS 3, fo. 33; CIRCLE, Pat. R. 32 Edw. III, no. 43.

respects did not).<sup>73</sup> But from at least as early as 1215, Irish people with money or influential patrons could petition the crown for a formal grant of English status. Many such grants are scattered across the chancery rolls. Many more can be added from English records, for until 1319 they could be obtained only from the king in England. One of the odder gaps in the literature is our failure so far to gather these grants together, and subject them to methodical scrutiny.<sup>74</sup> What were the geographical and social backgrounds of the successful petitioners? Can we identify their motives? Are there signs of change over time? Were most petitioners – like Robert of Bray, an Irish merchant who was a provost of Dublin city in 1289–90, received a grant of English law from Edward I in 1291, and then went on to serve as mayor of Dublin from 1292 to 1294 – already upwardly mobile, but in need of a final lick of legal polish?<sup>75</sup> The anglicized, or at least biblical, given names of the Leynagh father and brothers may suggest that this was so in their case too.<sup>76</sup>

These legal distinctions were long established. During the fourteenth century, other hurdles were erected, notably by the Statute of Kilkenny. In 1375, Anne, the widow of David Roche, lord of Fermoy, no doubt in response to her petition, received a licence, authorized at Limerick by the governor, Sir William Windsor, and council, in effect to take into her household her young grandson, Cormac MacCarthy. Cormac's parents were Anne's daughter, Katherine and her husband, Diarmait MacCarthy.<sup>77</sup> The Statute of Kilkenny had sought to create a political and cultural cordon, forbidding those classified as English to enter into marriages or other alliances with the Irish, or to engage in cross-cultural fostering of children, without official sanction. We have yet to assemble and systematically assess the evidence – some of which lies in the chancery rolls – for the enforcement of this and other regulations. How far did legislation descend from the clouds of theoretical aspiration to the *terra firma* of actual social intercourse? The Roche example, like so many, can be spun two ways. On the one hand, it suggests that, even in Co. Cork, a family of note might find it advisable to seek a dispensation, at least when the court of an assertive governor appeared in Munster. On the other hand, of course, it discloses a set of cross-cultural relationships that were already well established. Indeed, the real question may be how far they should be described as 'cross-cultural' at all. There are difficult interpretative balances to be struck. For example, how much

<sup>73</sup> The classic studies are A.J. Otway-Ruthven, 'The native Irish and English law in medieval Ireland', in Crooks, *Government*, pp. 141–52; and Hand, *Eng. law*, ch. 10. See above, chs 3 and 6. <sup>74</sup> Peter Crooks has this task in hand, and has generously given me access to his working list. There is some useful statistical matter in Bryan Murphy, 'The status of the native Irish after 1331', *Ir. Jurist*, 2:1 (1967), 116–28. <sup>75</sup> HMDI, p. 541; H.F. Berry, 'Catalogue of the mayors, provosts and bailiffs of Dublin, A.D. 1229 to 1447', in H.B. Clarke (ed.), *Medieval Dublin: the living city* (Dublin, 1990), pp. 153–62 at 158. <sup>76</sup> For the name 'Leynath' ('Leinsterman'), see Séan Duffy, 'The problem of degeneracy', in Lydon, *Law and disorder*, pp. 87–106 at 102. <sup>77</sup> NLI, MS 3, fos. 214–214v; CIRCLE, Pat. R. 49 Edw.

weight should be given, on the one hand, to readily observable phenomena such as intermarriage, shared language and shared customs? And how much, on the other, to less tangible matters such as the persistence of consciousness within families of their divergent origins and distinctive lines of (agnatic) descent?

As well as providing evidence of barriers – whether solid, readily permeable, or little more than legal fictions – the chancery rolls are also packed with evidence of well-established patterns of association between the crown and members of the Gaelic Irish nobility, patterns that stopped short of fully assimilating Irish lords into the English world.<sup>78</sup> The most visible of these had developed within the military sphere. This is scarcely surprising. Much of the manpower employed in the original Anglo-Norman conquests had been Irish, since every region was penetrated in alliance with native lords or their dynastic rivals.<sup>79</sup> Over time, such alliances and interactions produced accepted routines and expectations. These amounted to a form of lordship that was no less real for existing outside conventional English mechanisms: it might be seen as a distinctively Irish contribution to the spectrum of ‘informal networks’ that helped to structure late medieval political societies. Such lordship involved the payment and acceptance of fees from the king’s treasury in return for promises to keep the peace and provide military service. The entitlement (as they saw it) of the leaders of the MacMurroughs, initially to forty marks, and later to eighty marks annually, is only the best known of such arrangements. It can be traced in the chancery and exchequer records from the early fourteenth into the fifteenth century.<sup>80</sup> By the mid-fourteenth century such relationships were developing extra dimensions. An Irish leader in good standing might be formally recognized by the crown, not as a ‘king’, but as ‘chief of his lineage’ (*sue nacione capitaneus*). This involved the acceptance of obligations similar to those placed on heads of ‘English’ clans, the most central of which was that of disciplining his own followers. There also developed use of the unadorned surname as a sanctioned chiefly title. The first recorded example of this seems to date from 1359, when the chancery rolls refer to a subsidy granted for the war against Art MacMurrough (d.1361–2), who, ‘having lately been placed in authority by the king as “MacMurrough”, has now become a traitor’.<sup>81</sup> There

III, no. 272. <sup>78</sup> For what follows, see, e.g., Robin Frame, ‘English officials and Irish chiefs in the fourteenth century’, in Frame, *Ire. & Brit.*, pp 249–77, and ch. 14, below. From an Irish perspective, Simms, *Kings*, pp 36–9, is fundamental. The quantity of valuable evidence for studies of this sort that can be found even in the *RCH* version of the chancery rolls is apparent from the footnote references in O’Byrne, *Irish of Leinster*, chs 5–7. <sup>79</sup> This is a main theme of M.T. Flanagan, ‘Irish and Anglo-Norman warfare in twelfth-century Ireland’, in *Military hist. Ire.*, pp 52–75. See also Simms, *Kings*, ch. 8, and Robin Frame, ‘War and peace in the medieval lordship of Ireland’, in Frame, *Ire. & Brit.*, pp 221–39. <sup>80</sup> On the early period, see below, pp 340–1; for a fifteenth-century example, *RCH*, p. 233, no. 7; CIRCLE, Close R. 2 Hen. VI, no. 7. <sup>81</sup> *RCH*, p. 77, no. 29; CIRCLE, Close R. 33 Edw. III, no. 36. For an instance from 1367, see Simms, *Kings*, p. 38.

is a touch of irony in the fact that the ‘ancient Irish’ titles, some of which were sanctioned by the Free State government after 1922, had emerged through interactions between the elites of a changing Gaelic society and the Plantagenet crown.

That theme – of influences passing from the colonial to the Gaelic world, rather than merely vice versa – has, of course, become familiar, largely thanks to the pioneering work of Gearóid Mac Niocaill.<sup>82</sup> A final example from the chancery rolls may serve to illustrate it, and also to suggest further questions that urgently need proper investigation. In addition, it provides a prime example of a significant text that was not included in the Tresham calendar of chancery rolls because the record in question (the Patent roll for 39 Edward III) had vanished long before 1810. In 1365, Domhnall MacCarthy Mór, in the court of the king’s lieutenant, Lionel of Antwerp, a son of Edward III – then the most powerful sovereign in Europe – employed one of the more popular devices of late medieval English property law to entail his lordships in Cork, Kerry and Limerick upon an ordered sequence of thirteen male relatives, beginning with four sons.<sup>83</sup> As well as providing intriguing evidence of acculturation, this text draws attention to the under-exploited evidence contained in the chancery rolls for the history, not just of families but of family *structures*. The royal and seigneurial records of fourteenth- and fifteenth-century Ireland are packed with examples of land-settlements, more usually of course from within colonial society. Landowners made them (as MacCarthy does here) by a fictional grant of property to trusted associates, often clergy, who then granted the property back on the desired terms. Frequently in England, and almost always in Ireland, those terms were designed to ensure continuity in the male line, by circumventing the common law custom by which, in the absence of sons, daughters would divide the inheritance between them, cutting out more distant male kin.<sup>84</sup> The land law of the late Middle Ages is a familiar subject among historians of England, and also those of Scotland, who treasure their ‘tailzies’ (entails).<sup>85</sup> It has been too little studied in Ireland. These are not mere dry-as-

<sup>82</sup> E.g., ‘Aspects of Irish law in the late thirteenth century’, in G.A. Hayes-McCoy (ed.), *Hist. Studies X* (Galway, 1976), 25–42; and ‘The interaction of laws’, in Lydon, *Eng. in med. Ire.*, pp 105–17. The theme of ‘Anglicization’ has been pursued more recently by Freya Verstraten: ‘Naming practices among the Irish secular nobility in the high Middle Ages’, *JMH*, 32:1 (2006), 43–53; ‘Images of Gaelic lordship in Ireland, c.1200–c.1400’, in *Lordship in med. Ire.*, pp 47–71. And see now, Sparky Booker, *Cultural exchange and identity in late medieval Ireland: the English and Irish of the four obedient shires* (Cambridge, 2018). <sup>83</sup> CIRCLE, Pat. R. 39 Edw. III, no. 10, where the surviving texts, in manuscripts at Armagh and Oxford, are cited. For comment and context, see Nicholls, *Gaelic Ire.*, pp 188–9. <sup>84</sup> See generally, K.B. McFarlane, *The nobility of later medieval England* (Oxford, 1973), pp 271–4; Davies, *Lords & lordship*, pp 145–8. Some Irish examples are discussed in Frame, *Eng. lordship*, pp 22–4. <sup>85</sup> Alexander Grant, ‘Extinction of direct male lines among Scottish noble families in the fourteenth and fifteenth centuries’, in K.J. Stringer (ed.), *Essays on the nobility of medieval Scotland* (Edinburgh, 1985), pp 210–31, and Grant,

dust technicalities. Conveyancing of land in this fashion might be seen as an area of convergence between English law and Irish inheritance customs, which were firmly agnatic. Moreover, family structures among the upper classes, especially in a lineage society such as Ireland, were political structures; they had profound implications for the stability – or otherwise – of local and even regional lordship.

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This chapter has touched upon a small number of themes among the many that might be illuminated through the chancery (and other) records that survive from later medieval Ireland. Government records, of course, present the world through particular eyes; immersion in the rolls can lead the unwary historian to absorb the ‘centralist’ outlook of royal ministers and come to share their attitudes and neuroses. This in turn can reinforce the negative image of the later medieval period that has a particularly tenacious grip on the historiography of the Lordship of Ireland. The challenge is to use the records – one of the richest sources to have come down to us – not just intensively, but imaginatively, with awareness of the frequent need to read between their lines. This is not an argument for replacing the ‘doom and gloom’ view of the period with an equally simplistic (and possibly less convincing) Panglossian alternative. But there is undoubtedly a need for more nuanced interpretations. Above all, perhaps, we need to approach Ireland with a fuller understanding of how other late medieval political societies were structured: even England nowadays appears less centralized and uniform than it once did.<sup>86</sup> Among the matters to be explored afresh are the complex interactions between local, regional and (would-be) central authority, and the subtle linkages between differing – but not necessarily incompatible – types of solidarities and styles of lordship.<sup>87</sup> For this and other much-needed work, the online ‘Calendar of Irish Chancery Letters, c.1244–1509’ is an invaluable starting-point.

*Independence and nationhood: Scotland, 1306–1469* (Edinburgh, 1984), pp 127–30. Many entails on male heirs appear in *The acts of David II, king of Scots, 1329–1371: regesta regum Scottorum*, vi, ed. Bruce Webster (Edinburgh, 1982); nos. 39, 51, 54, 64, 77, 103 are examples from the 1340s alone. For the legal side, see H.L. MacQueen, *Common law and feudal society in medieval Scotland* (Edinburgh, 1993), esp. pp 111, 180–1. 86 See, e.g., Keith Stringer, ‘States, liberties and communities in medieval Britain and Ireland, c.1100–1400’, in Michael Prestwich (ed.), *Liberties and identities in the medieval British Isles* (Woodbridge, 2008), pp 5–36; and for a pan-European view, Watts, *The making of polities*. 87 For comments on this, see Davies, ‘Lordship or colony?’, and above, ch. 8.

## G.O. Sayles and the ‘institutional turn’ in the historiography of the Lordship of Ireland

The contribution of G.O. Sayles, with and without H.G. Richardson, to the study of English government in medieval Ireland was, and remains, fundamental.<sup>1</sup> Around 1962, when I first became aware of them, Richardson and Sayles dominated an underpopulated scholarly landscape. Sayles’ archival researches were pioneering, and on an almost industrial scale; those who have followed are (forgive the cliché) dwarves standing on the shoulders of a giant. As for the Irish parliament, the appearance in 1997 of a collection of essays commemorating the Dublin parliament of 1297 showed, a little embarrassingly, that their work, together with that of their sparring-partner, J.G. Edwards (1891–1976), still held the field: news of more recent developments in parliamentary history, associated not least with the work of John Maddicott, had been slow to cross the Irish Sea.<sup>2</sup> In the 1920s and 1930s, when Richardson and Sayles began to publish, Irish medieval historiography was similarly behind the (English) times. Thanks to Edmund Curtis and Maude Clarke, it had been lightly brushed by Stubbs. The appearance of Richardson and Sayles represented the irruption into this Oxford arcadia of F.W. Maitland and T.F. Tout. And irruption it was. Their first paper, on the Irish parliaments of Edward I, was received by the Royal Irish Academy on 12 November 1928 and published early the following year. The sense of new brooms comes across in the very first paragraph, which denounces the treatment of parliamentary history by the senior scholars, G.H. Orpen and Edmund Curtis, the more popularizing Stephen Gwynn (all three then still living), and the rising star, Maude Violet Clarke. Their acerbic tone is caught in a footnote reference to Clarke: ‘the latest writer on early Irish parliaments admirably summarizes the now traditional view, but unfortunately adopts it’.<sup>3</sup> Towards the end of this chapter I shall suggest that Sayles’ approach

<sup>1</sup> This chapter is an expansion of a talk given at a symposium on G.O. Sayles at the University of Aberdeen in 2005. For a detailed account of Sayles’ career, see Paul Brand, ‘George Osborne Sayles, 1901–1994’, *PBA*, 90 (1996), 441–63. <sup>2</sup> Lydon, *Law and disorder*. See the review by D.M. Korngiebel and R.C. Stacey in *Speculum*, 75:2 (2000), 495–6. E.g., the influential collection of essays by Maddicott and others, R.G. Davies and J.H. Denton (eds), *The English parliament in the Middle Ages* (Manchester, 1981), does not receive a mention in *Law and disorder*. See now, J.R. Maddicott, *The origins of the English parliament, 924–1327* (Oxford, 2010). <sup>3</sup> ‘The Irish parliaments of Edward I’, *PRIA*, 38C:6 (1928–9), 128–47 at 128 and n. 4. The paper is described as having been ‘read’ on 12 November; this

may have had some not entirely happy side-effects. But my main intention is to explain just how much is owed to him in Ireland. So, let that be said plainly at the start.

I met Sayles only once, at a dinner party given by Jocelyn Otway-Ruthven some fifty-five years ago. I was very young, and he looked to my eyes distinctly old; indeed, he made a joke about being mistaken for his own children's grandfather. Helen Cam was present on the same occasion. To her, I suppose, Sayles was a mere stripling. His notorious assault on the reputation of William Stubbs, a development of his inaugural address as Burnett-Fletcher Professor of History and Archaeology at Aberdeen in 1953, had recently appeared in print.<sup>4</sup> It surprised us – accustomed as we were to his forcefulness on the page – to see him abashed when Miss Cam, who had defended Stubbs in a well-known paper in 1948, roundly upbraided him for referring to Stubbs as 'Bishop Stubbs'.<sup>5</sup> Apparently thinking that the episcopal handle was intended to cast doubt on Stubbs' scholarly credentials, she insisted that 'he was *Professor* Stubbs when he published his historical works'. After this meeting Sayles was helpful, indeed kind, to me on several occasions. My mentors encouraged me to write to him for advice in the early stages of my doctoral research; his response was immediate, full and helpful; it also addressed me as an equal, which I was very far from being.<sup>6</sup> Much later, when a fall on the Sussex ice had temporarily immobilized him, I was touched by the gratitude he showed when I helped him to date some documents.<sup>7</sup>

To undergraduates in History (or more strictly 'Modern History and Political Science') at Trinity College Dublin, Richardson and Sayles were colossi – inescapable and rather forbidding. Trinity had compulsory courses in English medieval history and in English medieval constitutional history; they loomed over both. Also, probably uniquely, the syllabus contained a good deal about medieval (Anglo-)Ireland. The bibliography for this last subject was quite desperately thin; books worth serious study could be counted on the fingers of one hand. Richardson and Sayles' *The Irish parliament in the Middle Ages* was one of them; it was shortly followed up by *The administration of Ireland, 1172–1377*, belatedly published in 1963. (It might almost be said that Richardson and Sayles' writings on medieval Ireland bulked larger in the historiography of that

does not imply oral delivery by the author(s) but rather that it was formally mentioned as 'received' at an RIA meeting. I am indebted to Professor Howard Clarke for guidance on this point. 4 'William Stubbs: the man and the historian', in H.G. Richardson and G.O. Sayles, *The governance of mediaeval England from the Conquest to Magna Carta* (Edinburgh, 1963), ch. 1. The 1953 text, 'The changed concept of history: Stubbs and Renan', appears, with an extensive additional note, in G.O. Sayles, *Scripta diversa* (London, 1981), pp 133–49. 5 'Stubbs seventy years after', repr. in H.M. Cam, *Law-finders and law-makers in medieval England* (London, 1962), pp 188–211. The paper includes the remark that 'the historian Stubbs transcends the bishop as he transcends the old Whig' (p. 210). 6 G.O.S. to R.F.F., 11 June 1967. 7 G.O.S. to R.F.F., 30 March 1979.

subject than they did in their own extensive oeuvre: Sayles devoted only a single short paragraph to Ireland in his intermittently affectionate British Academy memoir of Richardson.)<sup>8</sup> Even as a callow junior freshman, I wondered where Mr Richardson ended and Professor Sayles – such courtesies were insisted upon by those who taught us – began. The old TCD Library catalogue added to the mystery, for while some of Richardson works were entered (correctly) under 'Richardson, Henry Gerald', others were attributed to 'Richardson, Harold Giles'. Possibly the presence of this doppelgänger disturbed us less than might be thought: for had we not in our very first term at Trinity, under the shadow of the Cuban missile crisis, wrestled manfully with T.F. O'Rahilly and his 'Two Patricks'?

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Despite the considerable number of titles to which only Sayles' name was attached, it was 'Richardson and Sayles' who made the most substantial contributions to medieval Irish history. But before considering those, let me focus briefly upon Sayles' solo publications, a task made easier by his collected essays, *Scripta diversa*, which appeared in 1981. Sayles made no bones about it, proclaiming that most of the articles in that volume were 'in the nature of *trouvaille*', the product of chance discoveries in the archives.<sup>9</sup> This is best exemplified by his piece on 'Grattan's parliament' of 1782, where a manuscript discovered in the Huntington Library tempted him beyond his normal chronological limits.<sup>10</sup> It is difficult to over-estimate the importance in an Irish context of Sayles' thirst for archival research. He played a significant part in at least three respects.

Sayles' publications include a short piece on Ulster history, written no doubt because he was professor at Belfast. Characteristically, he used it to publicize the Armagh registers as a neglected source for northern Irish history.<sup>11</sup> (It still seemed neglected to a leading Irish medievalist writing more than thirty years later.)<sup>12</sup> Already in 1950 an article on the actions of the Great Earl of Kildare in the 1490s had arisen from a document he had found while sifting the registers for material relevant to parliamentary history.<sup>13</sup> Ever practical, he had gained permission to transport the registers one-by-one to the Public Record Office

<sup>8</sup> 'Henry Gerald Richardson, 1884–1974', *PBA*, 61 (1975), 497–521 at 513. <sup>9</sup> *Scripta diversa* reprints all his Irish pieces save for his edition of the inquisitions into the activities of the first earl of Desmond (n. 21, below). <sup>10</sup> 'Contemporary sketches of the members of the Irish parliament in 1782', *PRIA*, 56C:3 (1953–4), 227–86 (*Scripta diversa*, pp. 151–211). <sup>11</sup> 'Medieval Ulster', in *Belfast in its regional setting* (Belfast, British Association Handbook, 1952), pp. 98–103. <sup>12</sup> Art Cosgrove, 'The Armagh registers: an under-explored source for later medieval Ireland', *Peritia*, 6–7 (1987–8), 307–20. <sup>13</sup> 'The vindication of the earl of Kildare from treason, 1496', *IHS*, 8:25 (1950), 39–47. *Parls & councils* (1947), which

at Chancery Lane for microfilming.<sup>14</sup> He also supervised the doctoral work of W.G.H. Quigley and E.F.D. Roberts, who were later to excel in different fields. This eventually resulted in the first, full scholarly edition of any register, that of Archbishop John Mey.<sup>15</sup> The series has continued under the auspices of the Irish Manuscripts Commission.<sup>16</sup> The registers are now better known, and have been extensively used, not just by ecclesiastical historians, but also in Katharine Simms' ground-breaking work on Gaelic society.<sup>17</sup> Their possibilities for the study of regional lordship and Anglo-Irish society in north Leinster have also, at last, begun to be fully exploited, by Brendan Smith and Sparky Booker, among others.<sup>18</sup>

Then there was, of course, the Public Record Office. A Durham eminence once told me that one of the greater crimes of the English historical establishment had been to leave Sayles, probably the most indefatigable records-historian since Tout, to spend almost his whole career in Glasgow, Belfast and Aberdeen – as physically remote as it was possible to be in the United Kingdom from Chancery Lane.<sup>19</sup> Somehow, though, this seems hardly to have mattered. His lengthy paper on the fourteenth-century wranglings over the parsonage of Stabannan in Co. Meath mined the Chancery Miscellanea.<sup>20</sup> His 1961 and 1966 pieces on the first earl of Desmond were based on inquisitions he unearthed in the rolls of the king's bench.<sup>21</sup> His 1979 volume, *Documents on*

he edited with H.G. Richardson, contains a series of royal writs of summons and related documents drawn from the first surviving register, that of Archbishop Milo Sweteman (nos. 17–20, 22–7, 32, 41).<sup>14</sup> He reflected wryly, though with some satisfaction, on the labours involved in this process in *Scripta diversa*, p. 128.<sup>15</sup> *The register of John Mey, archbishop of Armagh, 1443–1456* (HMSO, Belfast, 1972). Sir George Quigley (d.2013) became a leading Northern Ireland civil servant, then a businessman, and played a significant part in the implementation of the 'peace process'. Denis Roberts (d.1990) was successively librarian of TCD and of the National Library of Scotland. *The register of John Swayne, archbishop of Armagh and primate of Ireland, 1418–1439*, ed. D.A. Chart (Belfast, 1935) is a scholarly calendar rather than a full edition.<sup>16</sup> *The register of Milo Sweteman, archbishop of Armagh, 1361–1380*, ed. Brendan Smith (Dublin, 1996); *Registrum Octaviani. The register of Octavian de Palatio, archbishop of Armagh, 1478–1513*, ed. M.A. Sughi, 2 vols (Dublin, 1999); *The register of Nicholas Fleming, archbishop of Armagh, 1404–1416*, ed. Brendan Smith (Dublin, 2003).<sup>17</sup> E.g., Katharine Simms, 'The archbishops of Armagh and the O'Neills, 1347–1471', *IHS*, 19:73 (1974), 38–55, and 'The legal position of Irishwomen in the later Middle Ages', *Ir. Jurist*, 10:1 (1975), 96–111; J.A. Watt, 'Ecclesia inter anglicos et inter Hibernicos: confrontation and coexistence in the medieval diocese and province of Armagh', in Lydon, *Eng. in med. Ire.*, pp 46–64.<sup>18</sup> Smith, *Crisis & survival*; Sparky Booker, *Cultural exchange and identity in late medieval Ireland: the English and Irish of the four obedient shires* (Cambridge, 2018).<sup>19</sup> In the early 1930s he had rejected an approach to apply for a chair at the University of Cairo; as Paul Brand comments, 'Cairo was too far both from his family and from Chancery Lane' ('George Osborne Sayles', p. 444).<sup>20</sup> 'Ecclesiastical process and the parsonage of Stabannan, 1351', *PRIA*, 55C:1 (1952), 1–23. Years later, Sayles published many of the documents on which the article had been based: *Affairs Ire.*, no. 298, pp 282–304.<sup>21</sup> 'The legal proceedings against the first earl of Desmond', *AH*, 23 (1966), 3–47.

*the affairs of Ireland before the king's council*, exploited many sources, but above all PRO material such as the Parliamentary and Council Proceedings, Ancient Correspondence and Ancient Petitions.<sup>22</sup> That book, together with the earlier *Parliaments and councils*, which he had edited with Richardson in 1947, made a wealth of new material available. Between them, the two volumes dramatically increased readily accessible knowledge of the century and more after 1306–7, where H.S. Sweetman's five-volume *Calendar of documents relating to Ireland* had stopped, back in 1886.

Perhaps most revealing of all is Sayles' exploitation of the Public Record Office of Ireland, housed at the Four Courts in Dublin. Writing to Jocelyn Otway-Ruthven in 1966, he reminisced about his first visit to the PROI in 1929.<sup>23</sup> He returned with Richardson around 1930. They stayed in the Gresham Hotel (how this luxury was funded, he does not reveal) in the recently renamed O'Connell Street, from where they made forays along the Quays to the sadly diminished PROI. An article of 1956 revising the history of the siege of Carrickfergus in 1315–16, during the Bruce wars, published a text from a surviving manuscript calendar of an Irish plea roll.<sup>24</sup> Other PROI documents dominated the early pages of *Parliaments and councils*.<sup>25</sup> That volume also exploited the little-used transcripts of letters from the Irish chancery rolls made by Walter Harris in the eighteenth century, housed in the National Library of Ireland.<sup>26</sup> The PROI had, of course, been destroyed in a conflagration at the Four Courts in 1922.<sup>27</sup> Before 1922, the hundreds of surviving rolls of the medieval Irish chancery, exchequer and benches had been used primarily by genealogists and local antiquarians. The greatest historian of that age was Goddard Henry Orpen. His ground-breaking *Ireland under the Normans*, which appeared in four volumes between 1911 and 1920, can seem, in its regional emphasis and ease with aristocratic networks, more 'modern' than Richardson and Sayles. But Orpen was an independent scholar, who worked essentially

<sup>22</sup> This collection had a tortuous history. Not only did it appear more than a year later than the date on its title page, it was originally intended as the second volume of *Parls & councils*, and was based largely on transcripts of documents made decades earlier. Some of these resurfaced only when Sayles, as literary executor, was sorting Richardson's papers after his death in 1974 (G.O.S. to R.F.F., 14 March 1975). <sup>23</sup> G.O.S. to A.J.O-R., 3 May 1966. I am indebted to Peter Crooks for providing me with a copy of this letter. <sup>24</sup> 'The siege of Carrickfergus, 1315–16', *IHS*, 10:37 (1956), 94–100. The document also got a mention in his talk on the Bruce invasion in the Radio Eireann series of Thomas Davis Lectures on 'The Irish at war' in 1955–6. The text was published, without undue precipitousness, in G.A. Hayes-McCoy (ed.), *The Irish at war* (Cork, 1964), pp 23–34. <sup>25</sup> *Parls & councils*, nos. 1–4, 8, 9, 11–13, 15, 33, 39, 40, 44, 47, 55, 61, 64. <sup>26</sup> *Ibid.*, nos. 14, 29–31, 35–7, 43, 48, 50, 66. See Charles McNeill, 'Harris: *Collectanea de rebus Hibernicis*', *AH*, 6 (1934), 248–450 at 252–351. <sup>27</sup> For the details and significance of the catastrophe, see Peter Crooks, 'Reconstructing the past: the case of the medieval Irish chancery rolls', in N.M. Dawson and F.M. Larkin (eds), *Lawyers, the law and history: Irish Legal History Society discourses and papers, 2006–2011* (Dublin, 2013), pp 281–309.

from his library at Monksgrange, near Enniscorthy in Co. Wexford, a house and estate that his wife had inherited from her father. His achievement was to distil the information in the printed sources, which were flooding from the presses during his lifetime. He made little use of the archives.<sup>28</sup> After 1922, while Edmund Curtis made some use of the surviving Record Commission calendars and was clearly eager to recover stray surviving transcripts,<sup>29</sup> the story was on the whole one of sad neglect. James Lydon frequently reminisced about his first visit to the PROI in the early 1950s, when he was told by the custodians that there was next to nothing of interest to medievalists there. Sayles had already proved this to be nonsense by exploiting the surviving original rolls (admittedly few) and the extensive unpublished calendars and transcripts made by early nineteenth-century Record Commission clerks and early twentieth-century officers of the PROI, which had survived the catastrophic fire.<sup>30</sup>

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The 'Irish' works jointly published by Richardson and Sayles are dominated by the two major books, on the Irish parliament (1952) and on the administration (1963).<sup>31</sup> Their other joint publications, of which the most notable was *Parliaments and councils*, were either preparatory to, or by-products of, those two deeply researched volumes.<sup>32</sup> *The Irish parliament* stands alone, in its combination of chronological scope (roughly 1200–1500) and the range of archival evidence it deploys. The book is full of information, often new information, about the political history of the period. But that was not its main

<sup>28</sup> Robin Frame, 'Orpen's *Ireland under the Normans* at one hundred: standing the test of time?', in Séan Duffy and Peter Crooks (eds), *Invasion 1169: essays commemorating the 850th anniversary of the Anglo-Norman invasion of Ireland* (Dublin, forthcoming); Philip Bull, *Monksgrange: portrait of an Irish house and family, 1769–1969* (Dublin, 2019), ch. 6, esp. pp 171–8. <sup>29</sup> The footnotes to Curtis, *Med. Ire.*, chs 11 and 12 (covering 1327–66) contain numerous references to 'Exch. Mem', that is the calendars of Memoranda rolls now NAI, R.C.8., and also to the chancery transcripts by Walter Harris in the NLI. In introducing his 'Sheriff's accounts for Tipperary, 1275–6', *PRIA*, 42C:5 (1934), 65–85, a translation of a transcript from a pipe roll made by an officer of the PROI in 1907 for a local historian, Curtis remarked that 'in view of the unhappy destruction of original materials of this character it seems advisable that such survivals should be published' (p. 65). <sup>30</sup> For a sense of what remained, see J.F. Lydon, 'Survey of the Memoranda rolls of the Irish exchequer, 1294–1509', *AH*, 23 (1966), 49–134; Hand, *Eng. law*, pp 226–9, 241–3, 247–8; and Philomena Connolly, *Medieval record sources*, Maynooth Guides for Irish Local History, 4 (Dublin, 2002), esp. pp 14–29. <sup>31</sup> The second edition of *Ir. parl.* (1964) is essentially a reprint, with some minor corrections. The lengthy introduction to *Admin. Ire.* was reprinted in *AH*, 29 (1980), preserving the original pagination. <sup>32</sup> 'The Irish parliaments of Edward I; 'Irish revenue, 1278–1384', *PRIA*, 62C:4 (1962), 87–100; *Parliament in medieval Ireland* (Dublin Historical Association pamphlet, Dundalk, 1964). To which should be added H.G. Richardson, 'The Irish parliament rolls of the fifteenth century', *EHR*, 58:232 (1943), 448–61.

purpose. It was designed, as its sponsoring by the *Commission internationale pour l'Histoire des Assemblées d'États* symbolizes, as a contribution to the history of parliaments more than to the history of Ireland. There is nothing wrong with that, but it may help to explain why students and historians of Ireland sometimes find themselves at cross purposes with it. It was also, of course, part of a wider intellectual project, centred on the history of the English parliament; and it is hardly surprising that it did not deviate far from Richardson and Sayles' firm views on the latter subject.<sup>33</sup> Theirs is 'the king's parliament of Ireland'. It grows out of the king's council. It serves his local purposes, above all judicial and administrative, though occasionally also fiscal. *The Irish parliament* vastly enlarged the understanding of these institutional matters, and also the hitherto under-exploited record sources that bore upon them. There is a good deal of debunking in the book, though it is gently, even silently, accomplished. Sayles – and possibly Richardson too – felt valued in Ireland; and they were usually more considerate of the feelings of historians there than they were of those of their scholarly rivals in England.<sup>34</sup> Out went rubbish about baronies by writ, generated by nineteenth-century peerage cases. Out went Edmund Curtis' belief in the 'representative', 'anti-feudal', 'middle-class' characteristics of early Irish parliaments, together with his 'model parliament' of 1297 and his 'patriot' parliament of 1341.<sup>35</sup> Out, more questionably, went much of Maude Clarke's work on taxation and consent, together with her belief in the political significance of the tract *Modus tenendi parliamentum*, about which Richardson had been scathing – too scathing – back in 1942, in an article described by Peter Crooks as 'savage, almost nihilistic'.<sup>36</sup>

<sup>33</sup> Their long-mooted full-scale history of the medieval English parliament never appeared, mainly owing to Richardson's perfectionism and habit of moving from one enthusiasm to another; as Sayles put it, 'he was never tolerant of delays except of his own making and there was a constant danger that a new interest, a new path of investigation, would divert his attention and he would never get back on the old road again' ('Henry Gerald Richardson', p. 509). Sayles eventually summed up their views in *The king's parliament of England* (London, 1975) and other works published after Richardson's death. <sup>34</sup> Richardson's articles, 'English institutions in medieval Ireland', *IHS*, 1:4 (1939), 382–92 (in effect a review of the 1938 edition of Curtis, *Med. Ire.*) and 'Agenda for Irish history, I: Norman Ireland', *IHS*, 4:15 (1944), 254–8, point to the weaknesses in the treatment of institutional history by Orpen and Curtis, but do not adopt the severe tone often present in his reviews – notoriously so in his treatment of Maude Clarke's *Medieval representation and consent* (London, 1936), a book published a year after her tragically early death from cancer (*History*, 22:85 (1937), 66–9). <sup>35</sup> See Curtis, *Med. Ire.* (1923 ed.), pp 189–92; (1938 ed.), pp 173–5, 207, 215–16. <sup>36</sup> H.G. Richardson, 'The Preston exemplification of the *Modus tenendi parliamentum*', *IHS*, 3:10 (1942), 187–92. This article dwells, perhaps excessively, on Clarke's misunderstanding of the significance of the process of exemplification. See Peter Crooks, 'The background to the arrest of the fifth earl of Kildare and Sir Christopher Preston in 1418: a missing membrane', *AH*, 40 (2007), 3–15 at 9. More than half a century ago, I had the youthful impertinence to write 'so far, so good, but [Richardson] anxious to deny the "Modus" any significance then seems to go too far': "Home Rule" and "Unionism"

What I miss in the book is much sense of parliaments and great councils as a political and social focus in a very un-centralized land; as venues where great provincial lords and the elites of the south-eastern counties and towns interacted; as occasions where the quarrels of magnates and ministers might be pursued and perhaps reconciled; as places where 'the English of Ireland' expressed and tried to exploit a sense of collective identity. Plenty of evidence bearing on these matters is contained in the book, but they are not much emphasized. It is still worth going back to Maude Clarke, dated as many of her views undoubtedly are, not least because she was prepared to give weight, not just to the records but to the occasional comments of chroniclers, who viewed parliament as a political forum; and because she was less dismissive than Richardson and Sayles of the evidence that by the later fourteenth century parliaments and great councils mattered to a wider public than the handful of royal officials and leading nobles.<sup>37</sup> Recent work suggests strongly that the *Modus*, though now generally accepted to have originated in England in Edward II's reign, played a significant part in political and constitutional arguments in Ireland during the late fourteenth and early fifteenth centuries, something Richardson and Sayles were at pains to deny.<sup>38</sup>

*The administration of Ireland* is a companion to the study of Irish medieval government rather than a monograph, and therefore less contentious. It has a trenchant introduction to the various branches of the administration, invaluable succession lists of officials, listings of the Irish financial records surviving in the PRO (now TNA), from which ministerial periods of office can be determined, and a useful appendix of documents. Corrections have been suggested by Paul Brand and others,<sup>39</sup> but it remains an essential reference tool. It shares with

in medieval Ireland', *Clio: a TCD and UCD History Magazine*, i (1965), 7–10 at 9. For the history of Richardson and Sayles' projected edition of the *Modus*, which never came to fruition, see Sayles, 'Henry Gerald Richardson', p. 510, and Brand, 'George Osborne Sayles', p. 450. Eventually in 1981, Sayles set out the case for their argument that the *Modus* originated in the reign of Richard II and not that of Edward II, and in Ireland rather than England ('Modus tenendi parliamentum: Irish or English?', in Lydon, *Eng. & Ire.*, pp 122–52). As Brand (p. 461) comments, 'historians have found the arguments interesting but few have been convinced by them'. See, e.g., Michael Prestwich, 'Parliament and the community of the realm in fourteenth-century England', in Art Cosgrove and J.I. McGuire (eds), *Parliament and community: Hist. Studies XIV* (Belfast, 1983), 5–24 at 12–13. <sup>37</sup> See esp. 'Irish parliaments in the reign of Edward II' (1926) and 'William of Windsor in Ireland, 1369–76' (1932), both reprinted in M.V. Clarke, *Fourteenth century studies*, ed. L.S. Sutherland and May McKisack (Oxford, 1937), pp 1–35, 146–241. <sup>38</sup> Kathryn Kerby-Fulton and Steven Justice, 'Reformist intellectual culture in the English and Irish civil service: the *Modus tenendi parliamentum* and its literary relations', *Traditio*, 53 (1998), 149–202; Peter Crooks, 'Representation and dissent: "parliamentarianism" and the structure of politics in colonial Ireland, c.1370–1420', *EHR*, 125:512 (2010), 1–34 at 1–2 and 30–4. <sup>39</sup> See, e.g., Paul Brand, 'The birth and early development of a colonial judiciary: the judges of the lordship of Ireland, 1210–1377', in W.N. Osborough (ed.), *Explorations in law and history: Irish Legal History Society discourses, 1988–94* (Dublin, 1995), pp 1–48, and also the lists of chief

*The Irish parliament* what nowadays seems an odd quirk, as John Gillingham and others have urged upon us the English identity of those who conquered and settled in late twelfth- and early thirteenth-century Ireland.<sup>40</sup> *The Irish parliament* had ended with a paragraph hailing the debt Ireland and England owed to 'French speech and French thought'. Its ringing final sentence is: 'Parliament bears an Irish name in Dublin now; let it not be forgotten whence came the essential handiwork. *Gesta Dei per Francos*'.<sup>41</sup> *The administration of Ireland* insists that those who settled in Ireland were 'French as Frenchmen could be', and toys with the idea that the book's proper title should have been 'The French administration of Ireland'.<sup>42</sup> In handling personal names, even in the fourteenth century, it solemnly uses 'de' if a man's toponymic surname derived from France and 'of' if it derived from England – a far cry from *The Oxford dictionary of national biography* which decreed that both 'de' and 'of' should be banished from 1300 onwards. No doubt there were scholarly views at play here, going back among other things to the work of Richardson – who was an admirer of French culture and education – on thirteenth-century parliamentary history, which stressed the common roots of English parliaments and French *parlements*.<sup>43</sup> But there may have been something else at work: a feeling on Sayles' part that Irish readers would be less hostile to their 'foreign' institutional inheritance if its French (or European) credentials were stressed, rather than its English ones. He was certainly conscious of the pitfalls. He told me how, long ago, he and Richardson had received the proofs of their very first publication on Ireland from a Dublin printer. They had made the innocuous suggestion that some native Irish may have found it advantageous to acquire English legal status. Against this remark an unknown hand had written 'need he go out of his way to insult us'. 'Them were fighting words', commented Sayles.<sup>44</sup>

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How should we sum up G.O. Sayles' legacy in Ireland? Some elements of it are straightforward. Sayles helped to build the foundations of a professional approach to the history of medieval Anglo-Ireland, exploring neglected record

governors, chancellors and serjeants-at-law, in *NHI*, ix, pp 469–74, 500–3, 521–2. <sup>40</sup> E.g., Gillingham, *The English*, chs 1, 3 and 9. It should be remembered that, for Gillingham, English elite identity incorporated Francophone culture (*ibid.*, pp 6–7). <sup>41</sup> *Ir. parl.*, p. 281. <sup>42</sup> *Admin. Ire.*, p. 5. <sup>43</sup> 'The origins of parliament', *TRHS*, 4th ser. 11 (1928), 137–49. Richardson's daughter, Helen Suggett, won the Royal Historical Society's Alexander Prize in 1945 for an essay entitled 'The use of French in England in the later Middle Ages', *TRHS*, 4th ser. 28 (1946), 61–83. Both essays were selected for inclusion in R.W. Southern (ed.), *Essays in medieval history* (London, 1968), a volume issued to celebrate the centenary of the Royal Historical Society. <sup>44</sup> G.O.S. to R.F.F., 14 March 1975.

sources, making them known, providing an example of how they could and should be used. He and Richardson, together with Jocelyn Otway-Ruthven and Aubrey Gwynn, were the most prominent medievalist faces of the *aggorniamento* associated with the foundation in 1938 by T.W. Moody and R. Dudley Edwards of *Irish Historical Studies*, to which Richardson was an early contributor of articles and reviews.<sup>45</sup> Sayles seems quickly to have become part of the Belfast establishment, taking a leading role, for instance, in organizing the official history of Northern Ireland's participation in the Second World War.<sup>46</sup> He received recognition in Dublin too, serving from 1949 on the Irish Manuscripts Commission, which was to bring out so much of their Irish work. By a curious serendipity, the Commission had been founded in 1928, around the time of their inaugural published contribution to Irish history. And the first issue of *Analecta Hibernica* included a listing by James Hogan, who was to become secretary of the new body and its driving force, of the Irish material in the PRO series Chancery Miscellanea, one of the sources that Richardson and Sayles exploited.<sup>47</sup> Sayles, while professor at Belfast, was elected a Member of the Royal Irish Academy in 1952, a distinction for which Richardson was not eligible, since he was not resident in Ireland. Sayles also received an honorary Litt.D. from TCD in 1965, an honour that was also offered to Richardson who, by then over eighty and notoriously unclubbable, did not take it up.<sup>48</sup> Between them, these two scholars, one English, the other the son of an English father and a Scottish mother, made it less easy for students of the medieval Lordship of Ireland, who remained few, to operate in a technically slipshod, cherry-picking way.

Sayles left Ireland in 1953. He founded no school. From the 1960s onwards, historical fashion moved away from institutional and administrative studies. Nothing, for instance, came of James Lydon's dream of producing an Irish equivalent of those three daunting collaborative volumes, *The English government at work, 1327–1336*.<sup>49</sup> But Sayles and Richardson provided foundations for almost everything that has followed: most directly, I suppose, in the cases of Geoffrey Hand and Paul Brand on English law in Ireland,<sup>50</sup> and Lydon on fiscal

<sup>45</sup> To the articles already mentioned above (nn. 34, 36) should be added 'Magna Carta Hibernie' and 'Norman Ireland in 1212', both in *IHS*, 3:10 (1942), 31–3, 144–58. <sup>46</sup> See Brand, 'George Osborne Sayles', pp. 452–4. <sup>47</sup> James Hogan, 'Miscellanea of the Chancery, London', *AH*, 1 (1930), 179–218, listing material in PRO, C.47, bundles 10 and 87. The documents in PRO, C.47/87 have since been reclassified as TNA, Chancery Files, C.260. For Hogan's centrality to the Commission's work, see David Edwards, 'Salvaging history: Hogan and the Irish Manuscripts Commission', in Donnchadh Ó Corráin (ed.), *James Hogan: revolutionary, historian and political scientist* (Dublin, 2001), pp. 116–32. <sup>48</sup> Unusually, the proposal to honour them was prompted, in part, by undergraduates taking Jocelyn Otway-Ruthven's third-year option on the comparative history of medieval European parliaments (a course for which, alas, I did not plump). <sup>49</sup> Ed. J.F. Willard et al. for the Medieval Academy of America, 3 vols (Cambridge, MA, 1940–50). <sup>50</sup> E.g., Hand, *Eng. law*; Brand, *Common law*, chs 2, 12, 13, 19, 20.

and parliamentary matters.<sup>51</sup> And the work was carried on in another sense by Philomena Connolly, whose efforts, cruelly cut short by her early death in 2002, ensured that Irish medievalists remained aware of the riches of what has now become The National Archives at Kew.<sup>52</sup> She also published important material that had languished for decades in her own institution, the PROI / National Archives of Ireland.<sup>53</sup> The baton has since been taken up by others, notably Brendan Smith and Paul Dryburgh,<sup>54</sup> and Peter Crooks.<sup>55</sup> Now, with the announcement of government funding for the project 'Beyond 2022', which aims to recover and digitize as much as possible of what was lost in the Four Courts fire, wherever and in whatever form it survives, the material whose use Sayles pioneered will become accessible in a fashion he and Richardson could not have imagined.

My second comment is more ambivalent. Sayles was a master of the records of English central government. His approach to these was anything but reverential: he was not one of those who are inclined to believe something to be true just because it is in the official record. But I think it is fair to say that he could hardly help but see the world through the eyes of government and its agents, millions of whose words he had read and transcribed. He tended to dismiss chroniclers as purveyors of 'monastic gossip'.<sup>56</sup> The strengths and weaknesses of his approach are visible in his 1961 piece on 'the rebellious first earl of Desmond' (d.1356) which was largely based on the inquisitions against the earl that he had discovered in the PRO.<sup>57</sup> These enabled him to expose the wishful thinking involved in Curtis' depiction of Desmond as leader of a constitutional opposition.<sup>58</sup> He was also – and I think rightly – sceptical of the

<sup>51</sup> While Lydon's doctoral research was supervised by J.G. Edwards, with whom Richardson and Sayles did not always see eye-to-eye, his work also reveals their influence: e.g., 'William of Windsor and the Irish parliament', in Crooks, *Government*, pp 90–105, and 'Parliament and the community of Ireland', in Lydon, *Law & disorder*, pp 125–38.

<sup>52</sup> As well as editing a calendar of the Issue rolls of the Irish exchequer and related documents (which had formed the basis of the lists of government officials in *Admin. Ire.*) in the 700-page volume *Irish exchequer payments (IE&P)* in 1998, she provided lists and brief calendars of the Irish material in the TNA series Chancery Files (C.260), Ancient Petitions (S.C.8), Chancery Warrants (C.81) and some exchequer Memoranda rolls (E.368 and E.159) in *AH*, 31 (1984), 34 (1987) and 36 (1995). Shortly before her death, she and Brendan Smith had inaugurated an ESRC-funded project to survey the medieval Irish material in TNA in its entirety.

<sup>53</sup> E.g., 'Pleas held before the chief governors of Ireland, 1308–76', *Irish Jurist*, 18:1 (1983), 101–31; *Statute rolls of the Irish parliament, Richard III–Henry VIII* (IMC, Dublin, 2002).

<sup>54</sup> Two substantial volumes have appeared under their joint editorship: Dryburgh & Smith, *Handbook* (2005); and *Inquisitions & extents* (2007).

<sup>55</sup> 'A calendar of Irish chancery letters, c.1244–1509' (CIRCLE). See ch. 9, above.

<sup>56</sup> The phrase occurs in his letter to Jocelyn Otway-Ruthven, cited in n. 23, above. The unreliability of chroniclers and the more trustworthy testimony of the official records was one of Sayles' favourite themes. See, e.g., 'King Richard II of England: a fresh look', in *Scripta diversa*, pp 277–83, and 'Richard II in 1381 and 1399', *ibid.*, 291–300.

<sup>57</sup> 'The rebellious first earl of Desmond', in *Gwynn studies*, pp 203–29.

<sup>58</sup> Curtis, *Med. Ire.*, pp 215–17.

more lurid charges laid by jurors, that Desmond had conspired to make himself king of Ireland. For Sayles, the earl was a more commonplace phenomenon: the quintessential unruly magnate, who troubled kings everywhere, and who periodically made 'good government' impossible.<sup>59</sup> He can sound as impatient of Desmond as were the king's ministers at Dublin. I was going to describe Sayles as 'pre-McFarlane', but 'non-McFarlane' would be more accurate, for they were almost exact contemporaries. Sayles would certainly have been included in the category of historians of England whom McFarlane famously labelled 'King's Friends'.<sup>60</sup> The article does not ask the sort of questions that might have been uppermost in McFarlane's mind, had he been given to thinking about Ireland. It tells us nothing about Desmond's family, not even that his mother was a Berkeley of Berkeley castle; little about the realities of power in south-west Ireland; not much about his network of retainers and well-wishers; almost nothing about his land claims, and their denial by ministers (who were not politically neutral), even though it was these claims that lay behind many of his more violent actions, which otherwise seem whimsical.<sup>61</sup> Ireland was a politically regionalized country, where effective influence was willy-nilly about harnessing aristocratic power; the view through the prism of central government records can be misleading.

Inadvertently, the priorities and approaches of Richardson and Sayles may have helped to dig even deeper the gulf between historians of 'English Ireland' and those of 'Gaelic Ireland'. Their interests lay in the most 'English' (or 'French') features of the Lordship of Ireland. Inasmuch as historians of later medieval Gaelic Ireland existed, they saw the world through the Irish-language sources. 'Two nations, two histories', it might be said.<sup>62</sup> One solution – still only patchily realized – is through the study of regions, regional lordships and lineages, using all sources of possible relevance. But to say this is not to criticize Sayles. He himself was fond of pointing out that medieval Irish history suffered not from a shortage of sources but from a shortage of competent historians willing to use them.<sup>63</sup> If there was a fault, it lay with the slowness of historians to explore other themes and to provide alternative perspectives. Sayles and Richardson produced advanced studies of some aspects of Ireland's later medieval past, at a time when the subject as a whole was at a rudimentary stage. Now that the historiography is more developed and varied, it is easy to rush to adverse judgments of 'Richardson and Sayles'. We should resist that temptation, and remember both the circumstances in which their pioneering work was done, and also its underlying purposes.

<sup>59</sup> 'The rebellious first earl', pp 203, 225–7. <sup>60</sup> K.B. McFarlane, *The nobility of later medieval England* (Oxford, 1973), p. 2. McFarlane was born in 1903, just two years after Sayles. <sup>61</sup> For a different reading of Desmond, see Robin Frame, 'Rebellion and rehabilitation: the first earl of Desmond and the English scene', in *The Geraldines*, pp 194–222. <sup>62</sup> A question probed in J.A. Watt's thoughtful chapter, 'Approaches to the history of fourteenth-century Ireland', *NHI*, ii, pp 393–13. <sup>63</sup> E.g., *Admin. Ire.*, pp 6–7; 'Irish revenue', p. 99; 'The rebellious first earl', p. 203.

## Two Plantagenet borderlands: Anthony Lucy in Cumbria and Ireland

Brief as it was (1331–2), Anthony Lucy's governorship of Ireland brings into a single focus two frontier zones of the Plantagenet state. It offers an opportunity to compare political societies separated (and linked) by a relatively narrow stretch of water, as well as to explore some of their interconnections. The affinities between Cumbria and English Ireland were particularly prominent during the period of the Anglo-Scottish wars, not least because the Scots involved themselves in both areas at the same time, and political society on each side of the Irish Sea was disturbed by the political volatility of Edward II's reign and its aftermath. Moreover, the years of crisis temporarily altered the normal patterns of English government. The exchequer and other courts periodically migrated to York. Kings and their households were more frequently north of the Trent, and thus incidentally closer to Ireland as well as to Scotland and north Wales.<sup>1</sup> There were, of course, fundamental differences between the two frontier regions. In northern England there was a well-understood, though far from impermeable, border line, which separated societies that had much – including a language – in common.<sup>2</sup> This is in marked contrast to the 'highly extended and loosely connected' frontiers of Ireland, which were as much cultural as military and political.<sup>3</sup> Nevertheless, there are sufficient similarities between these two peripheries of the English state at this period – notably in the problems they presented to the crown – to make it profitable to consider them together.

Anthony Lucy was prominent in dramatic political events on both sides of the sea. Those in Ireland included the arrest, forfeiture and imprisonment of Maurice fitz Thomas earl of Desmond, amid accusations that he had plotted, in 1326–7 and again more recently, to become king of Ireland; the judicial

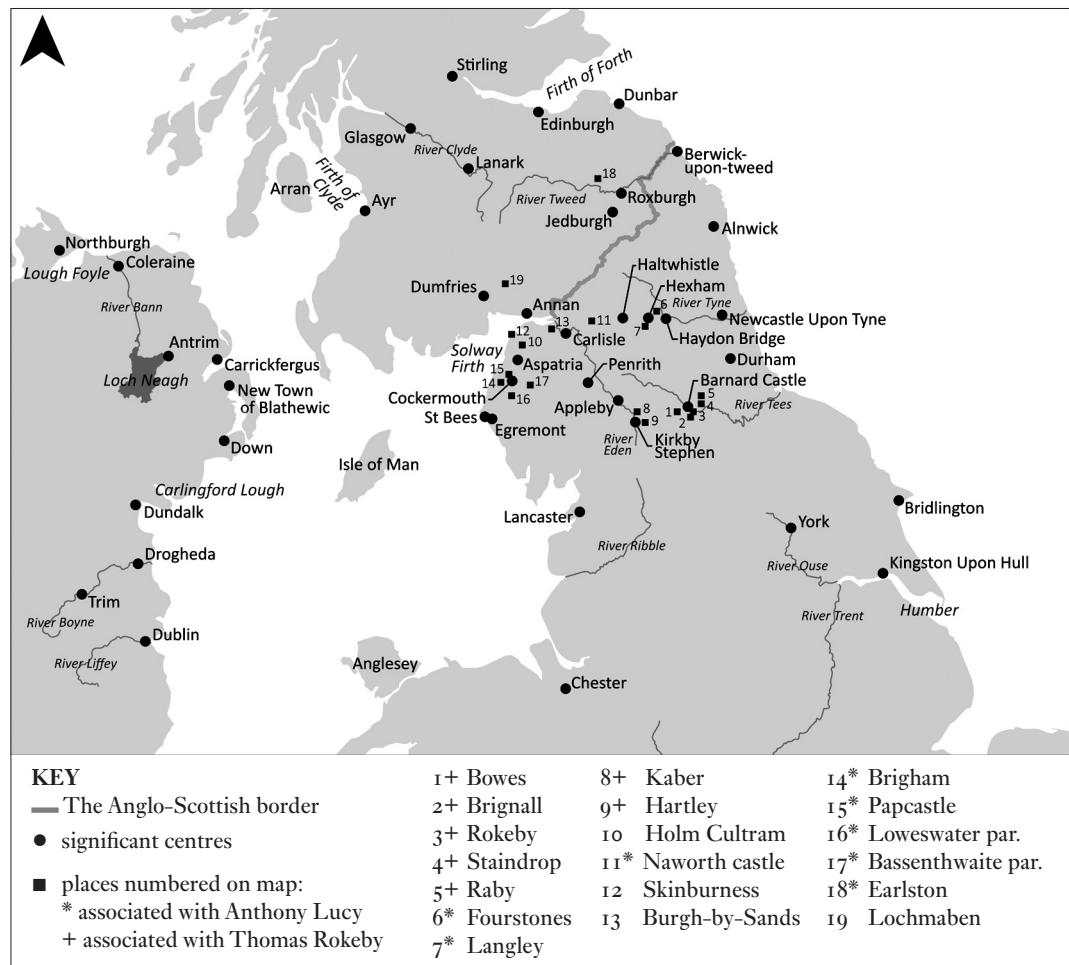
<sup>1</sup> W.M. Ormrod, 'Competing capitals: York and London in the fourteenth century', in Sarah Rees Jones et al. (eds), *Courts and regions in medieval Europe* (York, 2000), pp 75–98 at 90–1. <sup>2</sup> The classic exposition of the origins and chronology of the border remains G.W.S. Barrow, 'The Anglo-Scottish border', in Barrow, *The kingdom of the Scots* (London, 1973), pp 139–61. <sup>3</sup> Quotation from W.J. Smyth, 'The making of Ireland: agendas and perspectives in cultural geography', in B.J. Graham and L.J. Proudfoot (eds), *An historical geography of Ireland* (London, 1993), pp 399–438 at 414. P.J. Duffy, 'The nature of the medieval frontier in Ireland', *Studia Hib.*, 22/23 (1982–3), 21–38, usefully unpicks various connotations of the term, which has passed, sometimes rather glibly, into the common discourse of Irish

execution of Desmond's ally Sir William Bermingham, after an alleged escape attempt from prison in Dublin castle; and the death of Sir Walter de Burgh in the fortress of Northburgh on the Inishowen peninsula, where he had been incarcerated by his kinsman, William de Burgh, the young earl of Ulster, who during 1331 operated alongside Lucy with the title 'king's lieutenant'. I discussed these events many years ago, arguing that the wilder conspiracy stories told by juries empanelled by Lucy in the wake of Desmond's arrest should be taken with a large pinch of salt.<sup>4</sup> For present purposes, the truth or falsehood of the accusations is mostly beside the point, and I intend to touch on the question only lightly. Lucy had come to Ireland after long experience in war and politics in northern England. In 1323, on Edward II's orders, he had arrested and presided over the abrupt and gruesome execution for treason of Andrew Harclay, the recently created earl of Carlisle, who had entered into an unlicensed treaty with Robert Bruce. This event was sufficiently spectacular to catch the eye of the Kilkenny annalist, Friar John Clyn, though Clyn does not mention Lucy by name.<sup>5</sup> The task of upholding royal authority in Ireland, another militarized society undergoing a phase of baronial turbulence, was one for which Lucy was well prepared by experience.

#### CUMBRIA AND IRELAND

Cumbria and eastern Ireland shared some key characteristics. The far northwest of England was the last part of the country to be shired, a process that took place between the second half of the reign of Henry II and the reign of John – exactly when English legal and administrative systems were, with increasing self-consciousness, being transplanted to Ireland. In both areas, baronial power was formally more constrained than in the Welsh marches, which had developed at an earlier, less regulated, period. This meant that there was tension – more marked in Ireland than in Cumbria, at least before the Anglo-Scottish wars – between formal institutional structures and the exercise of practical power.<sup>6</sup> In more basic respects, too, Cumbria and eastern Ireland were similar worlds. Ireland's central lowlands, stretching inland from the coast between Dublin and Drogheda, were more extensive than the fertile hinterland of Carlisle and the Eden valley, and probably more suitable for the growing of wheat. But both regions contained high mountain ranges and deep valleys, in places close to the

medievalists. <sup>4</sup> Frame, *Eng. lordship*, pp 179–82, 196–218. <sup>5</sup> AClyn, p. 175. <sup>6</sup> J.C. Holt, *The northerners: a study in the reign of King John* (Oxford, 1961), ch. 11 esp. pp 199–202; Henry Summerson, *Medieval Carlisle: the city and the Borders from the late eleventh to the mid-sixteenth century*, 2 vols (CWAAS extra ser. 25, 1993), pp 82, 90–8. On Cumbrian baronial franchises and their limits, see K.J. Stringer, 'Law, governance and jurisdiction', in Stringer and A.J.L. Winchester (eds), *Northern England and southern Scotland in the central Middle Ages* (Woodbridge, 2017), pp 87–136 at 114–29; and for Ireland and Wales, above,



Map 4: North-east Ireland, northern England and southern Scotland, c.1330

sea, and the transition between lowland and upland was often abrupt. Both had extensive zones where stock-raising was preponderant.<sup>7</sup> These features meant that warfare, and indeed gentry crime, had particular styles, with an emphasis on small fortifications, lightly armed horsemen, mobility and the seizure of livestock. On both sides of the sea, there had been serious incursions by the

ch. 4. <sup>7</sup> For Cumbria, see A.J.L. Winchester, *Landscape and society in medieval Cumbria* (Edinburgh, 1987). For useful maps and overviews of the physical geography of Ireland, which was notable for the distribution of mountains around its peripheries, see E. Estyn Evans, *The personality of Ireland: habitat, heritage and history* (Cambridge, 1973), pp 20–4; and H.B. Clarke, 'Decolonization and the dynamics of urban decline in Ireland, 1300–1550', in T.R. Slater (ed.), *Late-medieval urban decline* (Aldershot, 2000), 157–92 at 158–61. The

Scots. Cumbria had endured repeated Scottish raids since 1311; Carlisle and the wealth of the adjacent lowland communities were obvious targets, and Westmorland served as a gateway to north Yorkshire and Durham. In Ireland, the Scottish invasion of 1315–18 saw Edward Bruce (in 1317 accompanied by King Robert) penetrate from a base established in Ulster into Leinster and Munster, threatening Dublin and even Limerick.<sup>8</sup> Though Edward Bruce was defeated and killed in 1318, Robert continued to probe north-east Ireland as well as northern England, as a way of maintaining pressure on English regimes. In 1315 the Scots had threatened Carlisle and Carrickfergus at the same moment.<sup>9</sup> In 1327, amid the crisis of Edward II's deposition, Robert Bruce landed in Ulster while his armies were again active in the northern counties of England.<sup>10</sup>

Links between Cumbria and eastern Ireland, within the wider maritime sphere involving north Wales, the Isle of Man, Galloway and the lands around the narrow waters of the North Channel, were age-old. The interactions have been described by a geographer as 'powerful but oscillating':<sup>11</sup> constantly present but changing shape and significance as the political and cultural forces around the coasts altered. They have been particularly closely investigated from pre-history, through the early Christian period, to the Viking age.<sup>12</sup> Séan Duffy and Marie Therese Flanagan have explored them in the twelfth century, showing how John de Courcy's conquests in Ulster rested in part on deploying manpower from north-west England, and on exploiting and adding to existing associations with churchmen and religious houses from Chester north to Carlisle and Galloway. Beneficiaries included Holmcultram (Cistercian) and St Bees (Benedictine) near the Cumberland coast, together with the Benedictine cathedral priory of St Mary at Carlisle.<sup>13</sup> These ties remained significant in the thirteenth century, though by then aristocratic empire-builders such as Alan of Galloway (d.1234) and Hugh de Lacy, earl of Ulster (d.1242), were having

agricultural productivity of north Leinster is discussed in Margaret Murphy and Michael Potterton, *The Dublin region in the Middle Ages: settlement, land-use and economy* (Dublin, 2010), ch. 9, esp. pp 303–17. 8 Colm McNamee, *The wars of the Bruce: Scotland, England and Ireland, 1306–1328* (East Linton, 1997), chs 3–5. 9 *Ibid.*, pp 170–1. 10 Ranald Nicholson, 'A sequel to Edward Bruce's invasion of Ireland', *Scottish Historical Review*, 42:1 (1963), 30–40; Frame, *Eng. lordship*, pp 138–41; McNamee, *Wars of the Bruce*, pp 242–5. 11 Smyth, 'The making of Ireland', p. 400. 12 The historiography of this topic is vast, but see, e.g., for various themes and periods, J.P. Mallory, *The origins of the Irish* (London, 2013), pp 51–62; Máire Herbert, *Iona, Kells and Derry: the history and hagiography of the monastic familia of Columba* (Oxford, 1988; rpr Dublin 2021); Séan Duffy, 'Irishmen and Islesmen in the kingdoms of Dublin and Man', *Ériu*, 43 (1992), 93–133; Clare Downham, 'England and the Irish Sea zone in the eleventh century', *ANS*, 26 (2004), 55–73; and B.T. Hudson, *Irish Sea studies, 900–1200* (Dublin, 2006). 13 Séan Duffy, 'The first Ulster plantation: John de Courcy and the men of Cumbria', in *Colony & frontier*, pp 1–27; M.T. Flanagan, 'John de Courcy, the first Ulster plantation and Irish church men', in Smith, *Brit. & Ire.*, pp 154–78. For the cultural context, see also Robert Bartlett, 'Cults of Irish, Scottish and Welsh saints

to reckon with the greater reach and authority of the English and Scottish monarchies.<sup>14</sup>

Ireland was familiar to the Cumbrian landed and mercantile elites. Trade was well established; Carlisle and its hinterland had close links with Dublin, Drogheda and the Ulster coast.<sup>15</sup> For instance, Holmcultram received a licence from Richard de Burgh, the Red Earl of Ulster, for its men to land in the earldom to purchase corn and other goods;<sup>16</sup> the abbey also preserved the texts of royal licences to trade with Ireland, which were a necessary legal safeguard in time of war.<sup>17</sup> Carlisle itself, the castle-town and diocesan centre developed by William Rufus and Henry I, which had been disputed between the English and Scottish kings during the twelfth century, was firmly in English hands after 1217. From 1296, while never occupied by the Scots, it was again in the front line, and the seaways between eastern Ireland and Cumbria assumed a new significance. Carlisle and the nearby port of Skinburness on the Solway became deeply involved in the commissariat trade, serving as bases for the receipt of foodstuffs and other military supplies purveyed by the Dublin government on the orders of Edward I and Edward II. In 1298, for instance, the bishop of Carlisle, as keeper of the castle, acknowledged the arrival of three cargoes of grain delivered by ships from Drogheda.<sup>18</sup> The Solway basin also saw the transit of troops from Ireland. Although the Irish expeditionary armies of 1296, 1301–2 and 1303–4 spent only short periods in northern England and southern Scotland,<sup>19</sup> individual companies, with a preponderance of hobelars (light cavalry or ‘mounted infantry’), served for longer periods and became a familiar feature of the northern English counties. John ‘le Irish’, an ambitious and unruly Anglo-Irish commander who became attached to Edward II’s

in twelfth-century England’, *ibid.*, pp 67–86. <sup>14</sup> See, e.g., K.J. Stringer, ‘Periphery and core in thirteenth-century Scotland: Alan son of Roland, lord of Galloway and constable of Scotland’, in Alexander Grant and K.J. Stringer (eds), *Medieval Scotland: crown, lordship and community. Essays presented to G.W.S. Barrow* (Edinburgh, 1993), pp 82–113; Daniel Brown, *Hugh de Lacy, first earl of Ulster: rising and falling in Angevin Ireland* (Woodbridge, 2016); and, from a different perspective, R.A. McDonald, *The kingdom of the Isles: Scotland’s western seaboard, c.1100–c.1336*, 2nd edn (Edinburgh, 2008), chs 3–5. <sup>15</sup> Summerson, *Medieval Carlisle*, i, pp 74–6, 134–40, and the recent comments in David Ditchburn, ‘Towns and trade’, in Stringer and Winchester, *Northern England and southern Scotland*, pp 299–326 esp. 321–2. <sup>16</sup> *Register and records of Holm Cultrum*, ed. Francis Grainger and W.G. Collingwood (CWAAS, record ser. 7, Kendal, 1929), p. 95. The editors misdated the document and managed to confuse Richard de Burgh (d.1326) with Richard de Clare, i.e. Strongbow (d.1176). <sup>17</sup> *Ibid.*, pp 138–9. <sup>18</sup> *The register of John de Halton, bishop of Carlisle, 1292–1324*, ed. W.N. Thompson (Canterbury and York Soc., London, 1913), pp 110–11. See James Lydon, ‘The Dublin purveyors and the wars in Scotland, 1296–1324’, in Gearóid Mac Niocaill and P.F. Wallace (eds), *Keimelia: studies in medieval archaeology and history in memory of Tom Delaney* (Galway, 1988), pp 435–48, and more generally, J.F. Lydon, ‘The years of crisis, 1254–1315’, in *NHI*, ii, pp 179–204 at 199, 202. <sup>19</sup> J.F. Lydon, ‘An Irish army in Scotland, 1296’, ‘Irish levies in the Scottish wars, 1296–1302’ and ‘Edward I, Ireland and the war in Scotland, 1303–4’, in Crooks, *Government*, chs 10–12.

increasingly thuggish military household, is the best-known of their leaders, not least for his abduction in 1315 of Maud, the widow of Sir Robert Clifford, the hereditary sheriff of Westmorland, who had been killed at Bannockburn.<sup>20</sup>

While there was no substantial overlap between the lay landholding elites of Cumbria and Ireland, in the 1320s two significant links existed. Anthony Lucy's cousins and neighbours, the Moultons of Egremont, held estates in Limerick and (nominally) in Connacht, as a result of the successive marriages of Thomas Moulton (d.1287) to Edmunda or Esmoine, the heiress of Sir John Butler, and of his son, also Thomas Moulton (d.1322), to Eleanor, the eldest daughter of Richard de Burgh, earl of Ulster, a wedding solemnized at Ipswich in the presence of Edward I in 1297.<sup>21</sup> The Lucy–Moulton connection remained close. In 1323 Anthony Lucy had custody of the castle and honour of Egremont, because of the minority of John Moulton, Thomas's heir.<sup>22</sup> And in the early years of Edward III, John Moulton and Thomas Lucy, Anthony's son and heir, were both serving as young squires in the king's household.<sup>23</sup> Around 1329, Thomas Lucy married Margaret Moulton, one of John's sisters; upon John's death without issue in 1334, Thomas inherited a share of the Moulton lands in Ireland.<sup>24</sup>

The second connection involved the Clifford family. Maud Clifford, who married as her second husband Robert Welle (d.1320), was a sister of Richard Clare, lord of Thomond (d.1318), who had extensive lands in Limerick, Cork and Kerry. With the death of Thomas, Richard's only son, in 1321, the Clare lordships in Ireland devolved on Maud (d.1327) and her elder sister Margaret (d.1333). Margaret's husband, Bartholomew Badlesmere, had in 1315 rescued Maud from Barnard Castle, where John le Irish had held her captive. Although Margaret had no Cumbrian connection, Bartholomew, who served as steward

<sup>20</sup> Andy King, 'Jack le Irish and the abduction of Lady Clifford, November 1315: the heiress and the Irishman', *Northern History*, 38:2 (2001), 187–95; and on the wider context, King, 'Bandits, robbers and *schavaldours*: war and disorder in Northumberland in the reign of Edward II', *TCE*, 9 (2003), 115–29 at 119–23. On hobelars, see J.F. Lydon, 'The hobelar: an Irish contribution to medieval warfare', in Crooks, *Government*, ch. 9; Michael Prestwich, *Armies and warfare in the Middle Ages: the English experience* (London, 1996), p. 52.

<sup>21</sup> K.W. Nicholls, 'The Butlers of Aherlow and Owles', *J. Butler Society*, 2 (1969), 123–8; Robin Frame, 'The de Burghs, the earldom of Ulster and the Anglo-Scottish frontier', in David Ditchburn and Séan Duffy (eds), *The Irish–Scottish world in the Middle Ages* (Dublin, forthcoming).

<sup>22</sup> *CFR* 1319–27, p. 212.

<sup>23</sup> *Cal. Memoranda roll*, 1326–7, nos. 2270–1.

<sup>24</sup> This explains the presence of a copy of the detailed partition of the Moulton lands in Limerick in the Lucy cartulary: Cockermouth Castle, Cumbria, 'Lucy Cartulary', D/Lec/299a, nos. 114–17 (I am indebted to Professor Keith Stringer for facilitating my access to the Historical Manuscript Commission's transcript of this source); *CCR* 1337–9, pp 468–96. Because Walter Bermingham (d.1350) married another of the three Moulton sisters, a copy also appears in the Gormanston Register (*Reg. Gormanston*, pp 111–16). In 1359 Thomas Lucy leased his Irish lands for ten years to William Bochardby, who undertook to pay £22 at Cockermouth for the first year, rising to £23 in the second ('Lucy cartulary', no. 113).

of Edward II's household between 1318 and 1321, for a time held custody of the Clifford castles in Westmorland and Yorkshire, before his life ended abruptly in 1322 when he supported Thomas of Lancaster. Giles Badlesmere (d.1338), their son, like Thomas Lucy and John Moulton, was a squire in the young Edward III's household.<sup>25</sup> While Anthony Lucy did not himself have Irish property,<sup>26</sup> he moved in circles where others did; he may well have been aware of the tensions between the earl of Desmond and the Badlesmeres over the Clare lands in Cork before he was faced with them in Ireland.

#### THE EARLY CAREER OF ANTHONY LUCY

Edmund Curtis described Anthony Lucy as 'a mere knight', implying a social gulf between the justiciar and the Anglo-Irish magnates whom he confronted.<sup>27</sup> This is misleading. By ancestry and (eventually) by wealth Lucy was one of the leading barons of north-west England. Patrilineally, the Lucys belonged to the Moulton family, branches of which held the Cumberland baronies of Egremont and Gilsland. His grandfather, Alan de Moulton, a younger son, had married Alice de Lucy (d.1288).<sup>28</sup> Alice was descended from William fitz Duncan, son of Duncan II, king of Scots, who held extensive lands in northern England and gained more through his marriage to Alice de Rumilly, an heiress of Rannulf Meschin.<sup>29</sup> The descendants of Alan de Moulton took the Lucy name. Anthony Lucy inherited the family estates after the death of his childless elder brother, Thomas, in 1308. His main holdings at that point were Aspatria together with other lands in Cumberland that represented half the lordship of Allerdale below (that is, to the north of) the River Derwent. He also held property, including Langley, Haydon Bridge and Fourstones, in the vicinity of Hexham and Haltwhistle in Tynedale (Northumberland). He thus had considerable interests close to the Scottish borders.<sup>30</sup> Together with his Moulton cousins,

<sup>25</sup> *Cal. Memoranda roll, 1326–7*, no. 2271. <sup>26</sup> The belief that he did so (Henry Summerson, 'Lucy, Anthony, first lord Lucy', *ODNB*) arose from the misidentification in *CPR 1292–1301*, p. 651, of 'Molcorkyn' (Mockerkin, near Cockermouth), where he held lands, as an Irish place-name. <sup>27</sup> *Med. Ire.*, p. 209. Orpen more accurately described him as 'a Cumberland baron' (*Normans*, iv, p. 234). <sup>28</sup> See the genealogy in *CP*, ix, at p. 398, under 'Multon'; and the detailed history of the Lucy–Moulton families in Alexander Grant, 'The St Bees lord and lady and their lineage', in K.J. Stringer (ed.), *North-west England from the Romans to the Tudors: essays in memory of John Macnair Todd* (CWAAS, extra ser. 41, Kendal, 2014), 171–200 at 172–81. <sup>29</sup> See J.A. Green, *The aristocracy of Norman England* (Cambridge, 1997), pp. 366, 379; I.J. Sanders, *English baronies* (Oxford, 1960), pp. 134–5. The main divisions of north-west England are outlined in G.W.S. Barrow, 'The pattern of lordship and feudal settlement in Cumbria', *JMH*, 1:2 (1975), 117–38 with maps at 122–4. <sup>30</sup> *CIPM*, 4, no. 322; *CIPM*, 5, no. 146. Upper Allerdale, south of the Derwent, was normally known as Copeland, with its main castle at Egremont. The Tynedale properties, or 'barony of Langley', came through his mother, Isabella daughter of Adam of Boltby, and were sometimes referred

he also inherited claims to additional lordships, including Cockermouth, once possessed by his twelfth-century ancestors.<sup>31</sup> The rewards that followed his arrest of Andrew Harclay early in 1323 fulfilled his territorial ambitions. He received a grant in fee and inheritance of the castle and lordship of Cockermouth. The market town of Cockermouth was, by Cumbrian standards, populous and in good times prosperous, the castle one of the keys to the control of the coastal lowlands.<sup>32</sup> Lucy's grant came, moreover, with 'royal liberties' including return of writs, which enhanced his status and his revenues.<sup>33</sup> At the same time, he was granted the nearby castle and manor of Papcastle. These grants in effect reintegrated the lordship of all (lower) Allerdale, making him the predominant landholder in west-central Cumberland, with lands and rights stretching from the lakes of Bassenthwaite, Loweswater and Crummockwater to the sea. This put him at least on a level with William Bermingham, and not far below that of his chief opponent in Ireland, Maurice fitz Thomas, who had received his earldom of Desmond and the associated liberty of Kerry only in 1329, during the ascendancy of the disreputable Mortimer regime.

In personality, Lucy remains as elusive as most fourteenth-century figures. Annalistic comments are favourable but do not get beyond familiar stereotypes: at the time of his capture of Harclay, Trokelowe describes him as 'Anthony Lucy, a certain famous knight',<sup>34</sup> while to the Bridlington chronicler, he was 'a banneret, vigorous in arms'.<sup>35</sup> There are occasional testimonies to the regard in which he was held locally, though we cannot be sure that these were entirely disinterested. In 1315, in a document complaining about the behaviour of Andrew Harclay and his brother John, he is referred to as offering advice as one of 'the best men of the country'.<sup>36</sup> At the other end of his career, in 1339, when he was warden of the northern marches, the 'lieges of Cumberland' petitioned to have him excused attendance at parliament, 'as there was no other magnate in those parts to whom the people of the country might attach themselves so completely nor so willingly be in his company for good or ill, according to the

to as 'the barony of Boltby' (e.g., *Feudal aids, 1284–1431*, iv, p. 55). 31 Cockermouth had been held in dower by Isabel de Forz (d.1293), the widow of William de Forz, count of Aumale (d.1260), whose ancestors had inherited a share in the fitz Duncan lands. For Isabel and the Forz descent, see *CP*, i, pp 353–6. Lucy and the Moultons had long pursued these claims in court (e.g., *PROME*, iv, p. 67). 32 A.J.L. Winchester, 'Medieval Cockermouth', *TCWAAS*, 86 (1986), 109–28. See also the comments in Ditchburn, 'Towns and trade', esp. p. 312. 33 *CChR 1300–26*, p. 452; 'Lucy cartulary', nos. 1, 2. Keith Stringer has recently described Cumberland and Westmorland as 'honeycombed with liberties': *The kings of Scots, the liberty of Penrith, and the making of Britain (1237–1296)* (CWAAS, Tract ser. 28, Kendal, 2019, p. 21). 34 *Johannis de Trokelowe et Henrici de Blaneford chronica et annales*, ed. H.T. Riley (RS, London, 1886), p. 127. 35 *Chronicles of the reigns of Edward I and Edward II*, ed. William Stubbs, 2 vols (RS, London, 1882–3), ii, pp 83–4. 36 *CDS*, iii, no. 675. For the date of this document, wrongly assigned by Bain to 1319, see Iain Hall, 'The lords and lordships of the west march: Cumberland and Westmorland from *circa* 1250 to *circa* 1350' (PhD, University of Durham, 1986), pp 306–10.

chances of war'.<sup>37</sup> On the whole, though, we must infer his character from his actions.

Lucy's early career may seem to exemplify a conventional mixture of military, administrative and political service, recognizable in the biographies of many contemporary members of the northern landed elite. But, as more than one scholar has commented, he was a notable survivor, who steered his way through the incessant military and political crises of the years 1307–30 remarkably deftly, making gains that proved more solid than most. He was also capable of swift and decisive action, a trait he shared with the young Edward III. His military-administrative role was multi-faceted. As well as serving as sheriff of Cumberland and keeper of Carlisle three times (1318–19, 1323, 1338–40), he had custody of the castle and its demesnes between 1323 and 1328, when it was handled separately from the county.<sup>38</sup> These offices meant that he was familiar with the routines of revenue-raising, victualling, the administration of justice, and the lines of accountability to the exchequer and the king and council. The management of other important centres also came his way: the town and liberty of Hexham, the royal castle of Wark in Tynedale, the Clifford castle of Appleby in Westmorland, the manor of Penrith in Cumberland, which until 1296 had been held by the kings of Scots.<sup>39</sup> More relevant, perhaps, as preparation for his service in Ireland was his responsibility for two of the small castles, or 'peles', that were proliferating in the disturbed conditions obtaining in the far north of England since 1296 and particularly since the beginning of Robert Bruce's raids in 1311. In 1323 he was keeper of Naworth peel, near Lanercost priory, for which he received supplies from the keeper of stores at Newcastle-upon-Tyne.<sup>40</sup> In 1316 he had undertaken to garrison Staward peel, near Hexham, more than eight hundred feet above sea-level, with fifteen men-at-arms and forty hobelars. A decade later, Thomas Fetherstonhalgh was struggling to complete the building; he referred to the difficulty of carrying stone and timber to this isolated upland location and was instigating repairs under Lucy's supervision.<sup>41</sup>

Lucy was no armchair soldier. After Bannockburn he was captured by the Scots and was one of those ransomed in exchange for the return to Scotland of Elizabeth de Burgh, Robert I's imprisoned wife.<sup>42</sup> In 1333, upon the reopening of the war, he was seriously wounded, in the foot, eye and knee, on a (successful) foray into Galloway.<sup>43</sup> His military service began before the death of Edward I,

<sup>37</sup> *Northern petitions, illustrative of life in Berwick, Cumbria and Durham in the fourteenth century*, ed. C.M. Fraser (Surtees Soc. 194, 1981), no. 111; J.R. Maddicott, 'The county community and the making of public opinion in fourteenth-century England', *TRHS*, 5th ser. 28 (1978), 27–43 at 41. <sup>38</sup> *CFR* 1319–27, pp. 232, 285 (his fee was 200 marks a year in 1323, falling to £100 in 1324); *CFR* 1327–37, pp. 93, 110. <sup>39</sup> *CFR* 1307–19, p. 264; *CFR* 1319–27, pp. 193, 196; *CDS*, iii, no. 1025. <sup>40</sup> *CDS*, iii, no. 830. <sup>41</sup> *Ancient petitions relating to Northumberland*, ed. C.M. Fraser (Surtees Soc. 176, 1966), no. 21; *Northern petitions*, pp. 276–7. <sup>42</sup> *Chron. Lanercost*, pp. 228–9, 229–30. <sup>43</sup> *Ibid.*, pp. 272–3; Andy King, "According to the custom used in the French and Scottish wars": prisoners and

and by 1309 he was among those guarding the marches of Carlisle.<sup>44</sup> In the run-up to Bannockburn in 1314, he was in the contingent led by Humphrey Bohun, earl of Hereford; soon he was himself seeking protections (against legal proceedings in their absence) for men serving with him.<sup>45</sup> During the famine-ridden winter of 1315–16 he was encouraged by a grant allowing him to retain, not just all the plunder he could seize, together with any profit he could take from the king's lands and those of John Comyn in Tynedale, but also – remarkably – any prisoners he captured: if the king wished to have a prisoner, he would pay Lucy one hundred marks.<sup>46</sup> Lucy's retinues contained large contingents of hobelars, as did those of his associates such as Sir Hugh Lowther.<sup>47</sup> It is possible that some of this manpower was of Irish origin, but more probable that it reflected the levying and organization of light cavalry, and the adoption of the term 'hobelar', within northern England itself. Open, and often rough, country suited fleet, adaptable horses and lightly armed riders. Before Bannockburn, he had already begun to receive commissions as a warden of the marches, a role he was to occupy over several decades.<sup>48</sup> Such commissions gave the power to array the population for defence, together with the right to distrain and otherwise punish the disobedient.<sup>49</sup>

The frontier between England and Scotland had been clear in theory since the Treaty of York in 1237. But it was less so in practical terms. This was certainly the case in the west, where the border cut through the old kingdom of Cumbria or Strathclyde and the Solway was no barrier to raids and alliances. In some ways it is misleading to regard Robert Bruce as 'external' to Cumbria. Not only was he on occasion there in person, as in 1322 when he raided southwards as far as Furness, but as lord of Annandale, with major castles at Annan and Lochmaben, he was part of the regional scene. It was at Lochmaben in 1323 that Andrew Harclay met him and agreed terms. The war gradually led to a rupturing of the fabric of 'cross-border' landholding; but there were many loose ends, not least in Tynedale and Penrith, where proprietors had until 1296 held lands of the kings of Scots, who were in turn tenants-in-chief of the English crown. From early in his career Lucy was familiar with this world of rumour, shifting allegiances, and uncertainties over the status of individuals. For instance, in 1321 it was recorded that Sir Ingram Umfraville had not

casualties on the Scottish marches in the fourteenth century', *JMH*, 28:3 (2002), 263–90 at 268. <sup>44</sup> *CDS*, v, no. 2606; *Rot. Scot.*, i, p. 76. <sup>45</sup> E.g., *CDS*, v, nos. 2964, 3126, 3127, 3137, 3190. <sup>46</sup> *CDS*, iii, no. 460. <sup>47</sup> E.g. Lucy led 73 hobelars and Lowther 25 at the siege of Berwick in 1319; Andrew Harclay had 360 (*CDS*, iii, no. 668). For discussion, see McNamee, *Wars of the Bruce*, pp 153–7. In 1339 Cumberland and Westmorland together provided 64 men-at-arms and 1,200 hobelars, serving under Lucy's command (*CDS*, v, no. 780). <sup>48</sup> E.g., *CPR 1307–13*, pp 590–1; *Rot. Scot.*, i, pp 162, 166. <sup>49</sup> See in general, C.J. Neville, *Violence, custom and law: the Anglo-Scottish border lands in the later Middle Ages* (Edinburgh, 1998), chs 1, 2, with comments on Lucy's role at pp 21–3; and 'Arbitration and Anglo-Scottish border law in the later Middle Ages', in Michael Prestwich (ed.),

after all abandoned his English allegiance during a period of imprisonment in Scotland; accordingly, Lucy was ordered to render Ingram the services he owed him.<sup>50</sup> Wardenship of the marches was often combined with a diplomatic role. Lucy gained experience of negotiating with Scots who wished to enter the English king's allegiance. This activity was to peak later in his career, when Edward Balliol ceded much of English-speaking southern Scotland, from Edinburgh and Berwick westwards to Roxburgh, Annan and Dumfries, to Edward III. Drawing Scots into formal acceptance of Edward III's allegiance became central to English policy.<sup>51</sup> But already in 1315 Lucy had been granted power to receive 'lesser Scots' into the king's peace, and in the following year he was part of a wider commission to receive Scottish adherents into the peace.<sup>52</sup> That this was an organized and closely monitored business is evident from an order sent to him in 1326, as conservator of the 1323 truce, to provide a list of all Englishmen discovered in Cumberland to have adhered to the Scots to whom he had granted peace; this he did, after which they were awarded pardons.<sup>53</sup> Recognition of the significance of the part he played is suggested by the response of the king and council to a petition from two other lords for a similar commission to his: this was granted, but with the proviso that Lucy's authority should not be impaired.<sup>54</sup>

Lucy was heavily involved in regional politics. At first glance, his career may seem to have been little affected by the political upheavals of the 1310s and 1320s: he served Edward II both before and after the rise of the Despensers; he continued in favour during the years of Mortimer supremacy, and perhaps even more so after Mortimer's fall. But there were underlying tensions. During his early years, the long-established Lucy family was outpaced by the rapid rise of Andrew Harclay (Hartley), who amassed offices and property in Cumberland and Westmorland and capped these off with the earldom of Carlisle, awarded to him for playing a leading part in the defeat of Thomas of Lancaster at Boroughbridge in 1322. His sudden elevation might be compared to that of John Bermingham, whose defeat of Edward Bruce near Dundalk had brought him the earldom of Louth in 1319; the difference was that Harclay already had a territorial stake in Cumbria whereas Bermingham had little prior connection with Louth. Competition between Harclay and Lucy is evident in 1318–19.<sup>55</sup> In June 1318 Lucy displaced Harclay as sheriff of Cumberland and custodian

*Liberties and identities in the medieval British Isles* (Woodbridge, 2008), pp 37–55. <sup>50</sup> CDS, iii, no. 721. <sup>51</sup> M.H. Brown, 'Scoti anglicati: Scots in the Plantagenet allegiance during the fourteenth century', in Andy King and M.A. Penman (eds), *England and Scotland in the fourteenth century: new perspectives* (Woodbridge, 2007), pp 94–115 at 104–10; Nicholson, *Edward III*, pp 160–2. <sup>52</sup> Rot. Scot., i, pp 152, 162. <sup>53</sup> CDS, iii, no. 885; Neville, *Violence, custom and law*, p. 23. <sup>54</sup> Northern petitions, no. 107. <sup>55</sup> The Lucy–Harclay rivalry has been examined in detail by several scholars. There are analyses in Summerson, *Medieval Carlisle*, i, pp 230–56, and Hall, 'The lords and lordships of the west march', ch. 8. It is presented in dramatic terms in Natalie Fryde, *The tyranny and fall of Edward II, 1321–1326*

of Carlisle and was given the keeping of Cockermouth, only for these offices to be restored to Harclay in April 1319.<sup>56</sup> Enmity flared into the open in 1322, when Harclay, on the pretext that Lucy had sided with Thomas of Lancaster and the Scots, briefly seized Lucy's lands.<sup>57</sup> These allegations have generally been judged groundless and malicious, though it is not impossible that Lucy, like many, did briefly hedge his bets.

Unsurprisingly, it was to Lucy that Edward II and his supporters turned when news reached them of Harclay's treasonable agreement with Robert Bruce in January 1323. While Harclay had received commissions to treat with dissident Scots, he certainly did not have power to conclude a formal treaty with the Scottish king. Moreover, he had gone far beyond his authority by trying to compel individuals and communities in Cumbria and Northumberland to observe the terms that he had agreed.<sup>58</sup> Lucy acted swiftly on the instructions he had received. He also seems to have dissimulated, appearing to co-operate with Harclay, and then taking him unawares when he was transacting business in Carlisle castle in the absence of most of his retainers. Lucy was accompanied by other leading Cumbrian knights, notably Sir Hugh Moresby and Sir Hugh Lowther, who had actually served in Harclay's retinue. Harclay's fate was pre-determined: convicted of treason, he was sentenced by royal judges. The sentence was carried out under Lucy's supervision in grisly ceremonies that involved not just hanging, drawing and quartering but, before that, the trashing of Harclay's reputation through the public removal of the symbols of his knighthood and comital status.<sup>59</sup> For Lucy, as we have seen, and also for those who were with him at Carlisle in February 1323 rewards quickly followed.<sup>60</sup>

#### FROM CUMBRIA TO IRELAND

It was thus an aristocrat of ancient lineage, an experienced soldier, and a tough political operator pushing fifty years of age, who was sent to Ireland in 1331. The removal of Lucy from his familiar environment and his dispatch to Ireland need to be set in context. One part of the picture is the cessation of the Anglo-Scottish conflict after the Treaty of Edinburgh (1328), which was followed

(Cambridge, 1979), pp 156–8. <sup>56</sup> *CFR 1307–19*, pp 264, 369–70, 386, 395–6. <sup>57</sup> See, e.g., Summerson, *ODNB*; J.R. Maddicott, *Thomas of Lancaster: a study in the reign of Edward II, 1307–22* (Oxford, 1970), pp 299–300. <sup>58</sup> For this episode, and the several surviving versions of the treaty, see *The acts of Robert I: regesta regum Scottorum*, v, ed. A.A.M. Duncan (Edinburgh, 1988), no. 215 and pp 480–5; E.L.G. Stones (ed.), *Anglo-Scottish relations, 1174–1328* (Oxford, 1965), no. 39; Michael Penman, *Robert the Bruce, king of the Scots* (London, 2014), pp 238–43. <sup>59</sup> Matthew Strickland, “All brought to nought and thy state undone”: treason, disinvestiture and the disgracing of arms under Edward II, in Peter Coss and Christopher Tyerman (eds), *Scholars, nobles and gentlemen: essays in honour of Maurice Keen* (Woodbridge, 2009), pp 279–304 at 279–80, 286–7, 295–6. <sup>60</sup> See *Chron. Lanercost*, p. 251.

by the death of Robert I in 1329 and the succession of the child, David II. This meant that Lucy was available. The other context is the acute problems Ireland presented to the new English regime. The rapidity with which the young king and his advisers turned to the Lordship, and the unusual priority they gave to it in 1331–2, can bear re-emphasizing.<sup>61</sup> Roger Mortimer was arrested at Nottingham castle on 19 October 1330; parliament was summoned to Westminster for 26 November; after a trial before the lords in parliament, to which Anthony Lucy was summoned and at which he was probably present, Mortimer was executed at Tyburn on 29 November. The accusations against him included two charges relating to Ireland. One was that he had enriched himself there as well as in England and Wales by having the king ‘give to him, his children and his allies castles, towns, manors and franchises … to the diminishment of his crown’. The second accusation clearly related to his sanctioning of easy charters of pardon for those who had murdered John Bermingham, earl of Louth, and many of his followers near Braganstown in Co. Louth in 1329.<sup>62</sup> By early February 1331 Lucy’s appointment to the justiciarship had been decided upon; and by early March a set of reforming ordinances relating to the government of Ireland had been drawn up. By this stage the king was already contemplating making an expedition to Ireland the first military project of his independent reign, a venture to which the papacy gave a guarded blessing in July 1331.

Several influences may have shaped Edward’s actions. The ongoing disturbances among the Irish, especially in Leinster, were one: Edward’s contacts with John XXII, and the ordinances of March 1331, provide evidence of thought about the need to accommodate the Gaelic population within the structures of the Lordship.<sup>63</sup> But the most immediate and urgent trigger of English actions was the extent and depth of Mortimer’s links with Ireland. He had dispensed favours to powerful magnate interests, forwarding the creation of the earldom of Ormond for James Butler in 1328 and the earldom of Desmond for Maurice fitz Thomas in 1329, and equipping the new earls with palatine jurisdiction in Tipperary and Kerry respectively. This open-handedness with the king’s rights had not ended the intermittently violent competition between various aristocratic factions that had flared across southern Ireland, particularly since the disintegration of Edward II’s regime in 1326–7. On top of this, during the final months of his life Roger had greatly augmented his own Irish lands and privileges, most notably through acquiring liberty rights across all Meath and

<sup>61</sup> Frame, *Eng. lordship*, pp 196–202. The prominence of Ireland in the king’s agenda in 1331–2 is stressed in W.M. Ormrod, *Edward III* (London, 2011), pp 150–1. <sup>62</sup> PROME, iv, pp 104–5; see Frame, *Eng. lordship*, p. 191. For the swift movement of events in England, Ormrod, *Edward III*, pp 90–3; on Bermingham’s murder, see J.F. Lydon, ‘The Braganstown massacre, 1329’, *JLAHS*, 19:1 (1977), 5–16 and Smith, *Colonisation*, pp 114–18. <sup>63</sup> Frame, *Eng. lordship*, pp 197–9.

Louth after John Bermingham's murder, together with a grant in perpetuity of custody of the king's castle of Athlone.<sup>64</sup>

There was a further likely influence on the thinking of the king and his advisers. Edward had a close tie to his kinsman and contemporary, William de Burgh, earl of Ulster. William's mother, Elizabeth, lady of Clare, a first-cousin of Edward II, was close to court, while the earl's marriage in 1328 to Maud, daughter of Earl Henry of Lancaster – whose support had been crucial to the success of Edward's coup in 1330 – had further strengthened the young earl's links to the extended royal family. During the summer before Mortimer's fall, Roger Outlaw, the deputy justiciar of Ireland, led a campaign to Munster, chiefly aimed at countering Brian Bán O'Brien. Brian was the representative of Clann Briain Ruad, the branch of the dynasty once supported by the Clare lords of Thomond, and since then backed by Maurice fitz Thomas, who had held custody of the Clare lordships. Excluded from the O'Brien heartlands by the rival segment, now led by Muirchertach son of Toirrdelbach Mór (d.1343), Brian sought to build a power-base on the fringes of Thomond. He posed a persistent threat to Bunratty, the nearby city of Limerick, and the extensive lordships of north Limerick and Tipperary.<sup>65</sup> The earl of Ulster accompanied Outlaw on the expedition, for which the knight service of Ireland had been summoned to Athassel, the dynastic centre of the de Burghs in Tipperary, where the Red Earl had been interred in 1326.<sup>66</sup> The campaign disintegrated amid quarrels between the earls of Ulster and Desmond; these seem to have arisen from Desmond's continued dealings with Brian, and from attacks made by Walter de Burgh of Connacht on Desmond's lands.<sup>67</sup> Both earls were remanded by Outlaw into the custody of the marshal of the army. Desmond escaped and remained alienated from the authorities. Earl William was released and departed for England, where the new regime threw its weight behind him. He was designated 'king's lieutenant' in Ireland. This title, which gave its holder additional status and special responsibility for peace and war, had rarely been awarded in the past; it had most recently been held by Mortimer himself in 1317–18, during the crisis of the Bruce invasion, but had not been continued when Mortimer returned as governor in 1319–20.<sup>68</sup>

The choice of Anthony Lucy for the justiciarship at this point was an imaginative move. Governors sent from England had normally been either

<sup>64</sup> *Ibid.*, pp. 185–92. Grants to Mortimer under the English seal in June 1330 reached the Irish exchequer where they were enrolled (NAI, R.C. 8/15, pp. 597–600); for a time, the fee for the keeping of Athlone was paid to him (*IExP*, p. 333). <sup>65</sup> K.A. Waters, 'The earls of Desmond and the Irish of south-western Munster', *JMH*, 32:1 (2006), 54–68 at 55, 62–5.

<sup>66</sup> *43rd rep. DKPRI*, pp. 43–4. <sup>67</sup> *CStM*, ii, pp. 373–4; *AClyn*, p. 199. For Desmond's parleys with Brian, who had attacked Athassel and Tipperary in 1329 (*AClyn*, p. 195), see Robin Frame, 'Rebellion and rehabilitation: the first earl of Desmond and the English scene', in *The Geraldines*, pp. 194–222 at 212–13. <sup>68</sup> The first use of the title was in 1308, when it was granted to Richard de Burgh, earl of Ulster, but instantly transferred (probably with

magnates with lands in Ireland, such as William de Vescy or Mortimer himself, or members of the king's military household, such as Robert Ufford or John Wogan. Lucy fits into neither category; his appointment can only have rested on his military and administrative experience on another frontier, together with his record of political loyalty and service. The identity of Lucy's colleagues and retainers on his Irish mission reinforce these points. While governors from England were often accompanied by military and administrative personnel with some of whom they had links of kinship, tenure or service, Lucy's entourage went beyond this. It contained a large segment of the Cumbrian gentry, men who would not have been spared for Ireland had the Scottish war been continuing. The Cumbrian backgrounds of many who received legal protections upon preparing to leave England with Lucy have been commented upon more than once.<sup>69</sup> In some cases – notably Sir John Derwentwater and Adam Bassenthwaite – their names scream their origins.<sup>70</sup> Though some held lands of Lucy or were later granted lands or rents by him, tenurial ties were complex and multiple; his entourage should not necessarily be regarded as composed of dependants: it was more a matter of men, some of substance, used to working together, since 1323 often under Lucy's leadership. Two examples, both of whom had been with him at the taking of Harclay, may serve to illustrate this. Sir Hugh Lowther had been appointed sheriff of Westmorland late in 1322; in 1323 he was rewarded with a grant of Harclay's manor of Hartley in Westmorland until the king provided him with property to a value of £40 a year for life. In 1324–5 he served as sheriff of Cumberland.<sup>71</sup> Sir Hugh Moresby ('Moriceby') received a temporary grant of Harclay forfeits at Culgaith in Cumberland, and a promise of a grant of twenty librates in fee.<sup>72</sup> He held Braithwait in Loweswater parish of Lucy, and had received a grant of an island in Crummockwater from him in 1323.<sup>73</sup> He was to become sheriff of Cumberland in 1341, handing over to Thomas Lucy in 1345.<sup>74</sup>

the earl's agreement) to Piers Gaveston, when Edward II decided to mitigate Gaveston's exile by posting him to Ireland (Frame, 'The de Burghs'; *Admin. Ire.*, pp 83–5). <sup>69</sup> Frame, *Eng. lordship*, pp 202–3; Grant, 'The St Bees lord and lady', pp 182–3. <sup>70</sup> Derwentwater held the manor of Talentire of the honour of Cockermouth (*CIPM*, vi, no. 81). Adam was a relative (most probably a son) of Alexander Bassenthwaite, the collector of a tribute for payment to Robert Bruce (Colm McNamee, 'Buying off Robert Bruce: an account of monies paid to the Scots by Cumberland communities in 1313–14', *TCWAAS*, 92 (1992), 77–89 at 82, 88). He was still serving with Lucy in 1335 (*CDS*, v, no. 3472). <sup>71</sup> *CFR* 1319–27, pp 215, 192–3, 339, 342. Hugh was said to be 30 or more when he succeeded his father, also Hugh, in 1310 (*CIPM*, vi, no. 14). <sup>72</sup> *CFR*, 1319–27, p. 216. <sup>73</sup> 'Lucy cartulary', nos. 47, 224, 227. <sup>74</sup> The absence of surviving Irish chancery rolls during Lucy's governorship hampers any attempt to trace the activities and possible rewards of his followers in Ireland. But the exchequer material is considerable and shows little or no evidence of grants of custodies or offices to those who went to Ireland with him, or even any acquisitions on Lucy's own account. Alexander Fetherstonhalgh, a king's squire from the area of Lucy's Tynedale lands, was granted the constanship of Limerick castle in Feb. 1331, and that of Dublin castle (if it was vacant) in March (*CPR* 1330–4, pp 83, 85), but to no effect. The only instance of favour

The Cumbrian connection also affected the highest posts in the Dublin administration. There were exceptions. Adam Limburgh, who was appointed chancellor of Ireland, was a man of wider experience; his service in Ireland was sandwiched between two spells as constable – that is, chief minister – at Bordeaux.<sup>75</sup> He exemplifies the emergence of what might be described as an embryonic ‘imperial’ civil service.<sup>76</sup> Robert Scarborough, appointed chief justice of the Dublin bench, was a professional lawyer who had been a judge in the Channel Islands, and who was to have a long career on both sides of the Irish Sea.<sup>77</sup> But three other politically significant offices were given to men who had close associations with Lucy.<sup>78</sup> Thomas de Burgh (d.1338), appointed treasurer of Ireland, was a king’s clerk with a Cumbrian background. During the 1320s he had been escheator north of the Trent. Thomas held property in Cumberland, including the church of Brigham near Cockermouth, where he founded a chantry. The witness lists of several surviving deeds show his association with Lucy and his knightly circle.<sup>79</sup> While Adam Limburgh made his way separately to Ireland, Thomas sailed from Cumberland with Lucy.<sup>80</sup> He stayed on in Ireland after Lucy’s withdrawal, acting as deputy justiciar for three short terms between December 1332 and January 1335;<sup>81</sup> he then returned to England and until his death served alongside Lucy as chancellor and chamberlain of Berwick.<sup>82</sup> The other two Cumbrian appointees to major office were Sir Peter Tilliol and John Skelton, who held the posts of first and second justice of the justiciar’s bench from 8 June 1331 to 1 May 1332. Tilliol, lord of Scaleby and Kirklevington in Westmorland,<sup>83</sup> was probably Lucy’s

to his associates that I have noticed was a charter dated 12 Oct. 1332 conferring market rights on Athneasy, Co. Limerick, which belonged to John Moulton (*Reg. Gormanston*, p. 116). This contrasts with the behaviour of Ralph Ufford and other governors towards their followers (below, pp 273–5). 75 Tout, *Chapters*, vi, pp 51, 68, 69. Numerous petitions relating to his service in Gascony were answered (mostly favourably) in the parliament that met in Nov. 1330: *PROME*, iv, pp 128–9, 137–42, 147. 76 On ‘imperial service’, see Peter Crooks, ‘State of the union: perspectives on English imperialism in the late Middle Ages’, *P&P*, 212 (2011), 3–42 at 25–7; and ‘Before Humpty Dumpty: the first English empire and the brittleness of bureaucracy’, in Peter Crooks and T.J. Parsons (eds), *Empires and bureaucracy in world history, from late Antiquity to the twentieth century* (Cambridge, 2016), pp 250–87 at 276–8. 77 Paul Brand, ‘The birth and early development of a colonial judiciary: the judges of the lordship of Ireland, 1210–1377’, in W.N. Osborough (ed.), *Explorations in law and history: Irish Legal History Society discourses, 1988–1994* (Dublin, 1995), pp 1–48 at 31, 34, 40–1, 45n; Frame, *Eng. lordship*, 70, 94, 200. 78 Frame, *Eng. lordship*, pp 202–3; Grant, ‘The St Bees lord and lady’, p. 182. 79 *CCR* 1313–18, p. 598 (deed of 1318 relating to Brigham, witnessed by Anthony Lucy, Andrew Harclay, Hugh and Robert Lowther and John Skelton); ‘Lucy cartulary’, nos. 154–5 (deeds concerning the chantry at Brigham, with John Derwentwater and Hugh Moresby among the witnesses). There is no evidence of a connection between Thomas de Burgh and the Irish de Burgh family; his name may well have come from Burgh-by-Sands in Cumberland. 80 *Foedera*, II, ii, p. 818; *CCR* 1330–3, pp 291, 305. 81 *Admin. Ire.*, pp 85–6. 82 *Rot. Scot.*, i, p. 384. 83 *CIPM*, vi, no. 279, shows that Peter was 22 or more in 1320, when he succeeded his father, Robert Tilliol.

brother-in-law.<sup>84</sup> He had a long career in government and defence in the north-west, serving as sheriff of Cumberland in 1327, and after Balliol's cession of southern Scotland to Edward III in 1334, as sheriff of Dumfries.<sup>85</sup> Skelton was less prominent, but had also been active in local government in Cumberland.<sup>86</sup> Their appointment, presumably by letters under the Irish seal that no longer survive, was in one sense unremarkable: the Irish judiciary was not yet the preserve solely of professionally-trained lawyers. But the domination of the justiciar's court by Lucy and two members of the northern English gentry, neither with any known Irish connections, seems unparalleled.<sup>87</sup> The king in effect switched key personnel from one frontier to another.

#### CONFRONTATIONS: LUCY AND THE IRISH MAGNATES

Most of Lucy's time in Ireland was devoted to dealing – forcefully – with magnate unrest; his forcefulness may indeed have played some part in briefly exacerbating it. Despite more recent work, the shadow of Edmund Curtis still threatens to obscure our understanding of events in 1331–2.<sup>88</sup> In one of the less happy passages in an often perceptive book, Curtis presented the revocation of grants in Ireland made during the years 1327–30, which was ordered by Edward III in March 1331, and enforced by Lucy, as somehow tyrannical. In reality, it was (as Curtis's own words reveal) simply the extension to Ireland of measures taken in England to undo the actions of the Mortimer regime, which were regarded as a usurpation of royal power. Curtis, furthermore, connected this with what he believed to be the failure of Edward III to confirm Magna Carta in Ireland. While it is true that we have no explicit confirmation of the Great Charter by Edward before the Kilkenny ordinances of 1351,<sup>89</sup> that is simply because those ordinances are the first legislative acts of an Irish parliament or great council to survive from the reign. The Charter was part of the legal inheritance that England and the Lordship of Ireland shared. Its currency in

<sup>84</sup> Summerson, *ODNB*. <sup>85</sup> Bruce Webster, 'The English occupation of Dumfriesshire in the fourteenth century', *TDGHAS*, 3rd ser. 35 (1956–7), 64–80 at 70–1. <sup>86</sup> In 1324 he had had been appointed, with Alexander Bassenthwaite, to levy scutages and assess weights and measures in the county (*CFR 1319–27*, pp 282, 1316). He died in 1336, and had held lands in chief of the crown (*CFR 1327–37*, p. 471; *CFR 1337–47*, p. 352). <sup>87</sup> Brand, 'Colonial judiciary', pp 19–20, 35, 47–8. Adam Bowes and John Grantchester (an old Ireland hand) had been appointed to the justiciar's bench under the English seal in February 1331, but their appointments did not take effect (*Admin. Ire.*, p. 169 n. 5). In view of the close communication between Lucy and the king and council (below, pp 261–2) it must be presumed that the appointments of Tilliol and Skelton had at least tacit approval in England. It is possible that they were stop-gaps, for in the Westminster parliament of Sept. 1331 it was agreed that the king should appoint 'men learned in the law from his kingdom to be judges in Ireland', and that they should go there without excuse, unless they had adequate reason (*PROME*, iv, p. 156, no. 6). <sup>88</sup> Curtis, *Med. Ire.*, pp 205–9. <sup>89</sup> *Stat. John–Hen. V*, pp 376–7.

Ireland was taken for granted. Edward's own words and actions demonstrate this. In 1332 Lucy recorded that the king had ordered, citing Magna Carta, that common pleas in Ireland as in England should be held in a fixed place.<sup>90</sup> And in 1342, in response to a petition from Ireland, Edward was to command that the amercements imposed on marchers should be 'reasonable' and 'assessed according to the form of the Great Charter'.<sup>91</sup>

Lucy's eighteen months in Ireland saw ceaseless activity. To begin with at least, he was undoubtedly implementing measures directed from England. The Memoranda roll of the Irish exchequer for Michaelmas term 1331 tells part of the story. The resumption order was enrolled immediately after the March 1331 ordinances. There follow in quick succession orders reflecting the activity of Thomas de Burgh and other ministers in putting it into effect: the cancellation of an annual fee of £10 granted to the earl of Ormond on the farm of Waterford and the withdrawal of a rebate of 200 marks a year on the rent the earl of Desmond owed for the lordship of Dungarvan.<sup>92</sup> There was also of course the seizure of Mortimer's lands and property, including any records relating to him that remained in Trim castle.<sup>93</sup> (The fact that in January 1331 Thomas de Burgh and Peter Tilliol had been ordered to survey the lands of Mortimer and other contrarians in Cumberland and Westmorland neatly encapsulates the single political agenda on either side of the Irish Sea.)<sup>94</sup> All sheriffs were notified that any grants that had permitted those in debt to the crown to pay by instalments were voided, except for those issued under the authority of the present treasurer, Thomas de Burgh.<sup>95</sup> There are also signs of over-enthusiasm, in the removal from Nicholas Verdun of a grant that he had in fact received from Edward III after Mortimer's fall, and also in what appears to be foot-dragging in obeying orders from England protecting the interests of Mortimer's widow, Joan, the grand-daughter of Geoffrey de Geneville, who was lady of Trim in her own right.<sup>96</sup>

For Lucy himself, the priority was to suppress magnate disturbances in the south; this made a confrontation with Desmond and his supporters unavoidable.<sup>97</sup> The justiciar, accompanied by senior ministers and by the earl of Ulster, spent the period from 27 July to 7 October 1331 in south Leinster and Munster, with a substantial retinue.<sup>98</sup> His movements had been prompted by the failure of Desmond and other lords to attend the parliament that had been summoned to Dublin for 1 July. Desmond had already stayed away from a parliament summoned by Roger Outlaw in January, having apparently been in bad standing with the authorities since the Athassel campaign of July 1330. The Dublin session was prorogued to Kilkenny on 1 August. Contact was established

<sup>90</sup> CIRCLE, Close R. 6 Edw. III, no. 3. <sup>91</sup> *Stat. John-Hen. V*, pp 360–1. <sup>92</sup> NAI, R.C.8/16, pp 4–12. <sup>93</sup> *Ibid.*, pp 22, 54–5, 58. <sup>94</sup> *CFR 1327–37*, p. 218. <sup>95</sup> NAI, R.C.8/16, pp 125–6. <sup>96</sup> Frame, *Eng. lordship*, pp 205–6. <sup>97</sup> For what follows, see *ibid.*, pp 207–11. <sup>98</sup> NAI, R.C.8/16, pp 300–6. The earl did not take wages of war, but his

with Desmond around 4 August; he submitted, and conditional pardons were issued to him and certain of his allies. Rapidly, however, Lucy changed course; he arrested the earl in Limerick on 16 August and in early October brought him back to Dublin for imprisonment in the castle. Desmond's lands and lordships stood forfeited. This was drastic action by the normal standards of the crown's handling of Irish magnates. Justification was provided by a jury of the city of Limerick on 20 August, which claimed among much else, that Desmond had plotted to kill Lucy and other ministers, together with the citizens of Limerick themselves. This jury, together with juries empanelled at Cork on 2 September and Waterford on 27 September, provided copious evidence of the misdeeds of Desmond and his associates going back to the early 1320s; there was much emphasis on Desmond's links with Brian Bán and other Irish and English trouble-makers; in many cases Desmond's offence was alleged to have taken the form of instigating the actions of others or receiving them after their crimes.<sup>99</sup> He is presented as a fomenter of disturbances, but it is likely that the behaviour of his associates, notably Brian, was not fully under his control. Desmond's supposed regal ambitions were cited, but at this stage only in general terms.<sup>100</sup>

We can only guess about the degree of planning in Lucy's actions. There must, presumably, have been discussions with the king and council before he left for Ireland. It is not impossible, remembering his deceptive behaviour leading up to the arrest of Harclay, that he had deliberately out-foxed Desmond. What we do know for certain is that another of the inquisitions held in the late summer of 1331 arose from a decision taken in England. At Cork on 31 August, a jury condemned the earl's claim to the overlordship of Youghal and Inchiquin, former Clare lands now held by Margaret Badlesmere. This Desmond had recently acquired from Thomas Carew, the successor of Robert fitz Stephen, the original grantee of the eastern half of the kingdom of Cork. Desmond's overlordship had been recognized by Margaret in 1329, when he had promised in return to defend her possession of this lucrative part of her inheritance. He does not seem to have carried out his part of the bargain. His position was vulnerable to the argument that, since the Carews held in chief of the crown, Thomas Carew's grant was void without a royal licence. The jury, however, went much further by stating that the Carew title itself, hitherto unchallenged, was invalid since Robert fitz Stephen had been illegitimate and childless, and so could not have legal heirs. This was not an ingenious invention on the part of the jurors: they were merely confirming the statement in the writ from England, dated in February 1331, which had ordered the inquisition to be taken in the first place. Probably there had been creative thinking, perhaps on the part of Margaret Badlesmere's legal advisers, when the deal with Desmond turned sour, and that she had gained the support of the king and council.<sup>101</sup>

presence is confirmed by a payment to him of £20 10s. 8d. for provisions. <sup>99</sup> Sayles, 'Legal proceedings', pp 7–11, 16–18. <sup>100</sup> *Ibid.*, p. 8. <sup>101</sup> A.F. O'Brien, 'The territorial ambitions

Desmond's capture was soon followed by further arrests, by or on behalf of the earl of Ulster. In September, Henry Mandeville, once seneschal of Ulster, was seized by Simon fitz Richard, one of the judges of the Dublin bench, and lodged in Dublin castle. Then in November the earl, perhaps emboldened by his position as king's lieutenant, arrested his leading Connacht kinsmen, Walter son of Sir William Liath Burgh and his brothers; Walter died in his custody the following year, having been lodged in Northburgh castle in Inishowen.<sup>102</sup> Back in 1327, in a report to William's mother, Elizabeth Clare, on her own and her son's property, her council in Ireland had stated that the goods of the Red Earl of Ulster, who had died the previous year, were in the hands of others – in Munster and Connacht those of the de Burgh cadets; in Ulster of Richard and Henry Mandeville.<sup>103</sup> The old earl had accepted that his hugely extensive lordships in Ireland could be managed only through various forms of devolution; and he had, on the whole, managed his kinsmen and leading tenants successfully.<sup>104</sup> His grandson's approach was more inflammatory.

Lucy spent the period from 8 October 1331 to 16 January 1332 in Meath and Uriel, no doubt dealing with the aftermath of the murder of the earl of Louth in 1329 and Mortimer's forfeiture: we know, for instance, that the exchequer was making efforts to recover the earl's goods from those who had detained them.<sup>105</sup> Then between 20 January and 2 May he was again in Munster.<sup>106</sup> At Clonmel in February, he arrested William Bermingham and his son Walter. William had married Joan, the widow of Richard Clare, lord of Thomond, who was entitled to extensive dower lands scattered across the Clare inheritance, including in the manor of Inchiquin.<sup>107</sup> She was also almost certainly the earl of Desmond's sister.<sup>108</sup> It was at this point, not in the immediate aftermath of Desmond's arrest, that the more dramatic and specific 'kingship' allegations began to surface. A jury of Tipperary knights and gentry, empanelled at Clonmel on 17 February, spoke of a conspiracy at the time of magnate disturbances in 1326–7 in which the earls of Kildare and Louth, William Bermingham and other leading lords agreed to rebel and elect and crown Maurice as king in Ireland.<sup>109</sup>

of Maurice fitz Thomas, first earl of Desmond, with particular reference to the barony and manor of Inchiquin, Co. Cork', *PRIA*, 82C:3 (1982), 59–88 at 60–5, 86–7; Orpen, *Normans*, iii, pp. 147–53, iv, 236–7; and for the incapacity of bastards to transmit property to any but heirs of their body, John Hudson, *Oxford history of the laws of England*, ii, 871–1216 (Oxford, 2012), pp 784–5. See also Frame, *Eng. lordship*, pp 187–8, 211–12. My account, like Orpen's, was written without awareness of the contents of the Feb. 1331 writ from England, which the late Alf O'Brien brought to light. <sup>102</sup> *CStM*, ii, p. 376. <sup>103</sup> *Affairs Ire.*, no. 155 at p. 127. <sup>104</sup> Frame, 'The de Burghs'. <sup>105</sup> NAI, R.C.8/16, p. 41. Mortimer had – scandalously – permitted those who had assassinated Bermingham to retain his movable goods (Frame, *Eng. lordship*, p. 191). <sup>106</sup> 43rd rep. *DKPRI*, pp 53–4. <sup>107</sup> *Inquisitions & extents*, nos. 197, 198, 202 (where she is wrongly described as widow of Thomas son of Richard Clare), 204, 206, 209, 212–14, 216–19, 291–2. <sup>108</sup> In a petition of 1320, Thomas, Richard Clare's short-lived son, described Maurice fitz Thomas as his 'uncle' (*Rot. Parl.*, i, p. 385). <sup>109</sup> Sayles, 'Legal proceedings', pp 5–7 at 6.

It is hard to dissent from the view of Jocelyn Otway-Ruthven that 'it is really impossible to believe this story as it stands'.<sup>110</sup> Maurice was not yet an earl, nor was he the most senior of the magnates: why would the others agree to have him as their king? Lucy moved on to Limerick, where on 23 March a jury of twenty-four men of the city (including eight of those empanelled the previous year) reported a more recent, but undated, conspiracy, in which Desmond, William Bermingham and Walter de Burgh, with the support of Brian Bán O'Brien and MacNamara (a particular bugbear within the walls of Limerick), are said to have agreed to share the provinces of Ireland out between them, leaving Ulster aside for Henry Mandeville who was absent from their discussions, and to take Desmond as their king.<sup>111</sup> This charge, too, seems implausible: the sceptic might regard it as an attempt by an urban jury, hostile to oppressive aristocratic power and even more hostile to nearby Gaelic lords, to curry favour with the authorities by linking together the four, somewhat disparate magnates who had been arrested between August 1331 and February 1332.

G.O. Sayles, who had his reservations about the more lurid accusations against Desmond, suggested that what the jurors reported in relation to 1326–7 smacked of 'the brave boasting of a convivial night'.<sup>112</sup> That seems too dismissive. It is more likely that the 'kingship' stories reflected the circulation of bardic material, aimed primarily at enhancing Desmond's status among his Irish clients and allies. There is a strong hint of this in the statement that Desmond '*had told the Irish* that they were destined to chase all the English out of the land of Ireland'.<sup>113</sup> The emphasis on the provinces, or historic five 'Fifths', of Ireland might be thought to point in the same direction. It is striking that the alleged plan of partition involved the geographically curious idea that Desmond would have Meath as well as Munster: the point may be that this would give him possession of the symbolic centre of Tara, with which the Gaelic literary tradition made much play. Like the Mortimer earls of March in late fourteenth-century Wales, Desmond moved in more than one cultural environment and had more than one public persona.<sup>114</sup> As Katharine Simms has remarked of a later period, there is no suggestion 'that the earls identified their interests with those of the wild Irish, but rather that they found them useful tools in maintaining their personal supremacy'.<sup>115</sup> A similar point arises

<sup>110</sup> Otway-Ruthven, *Med. Ire.*, p. 249; and see the more detailed critique in Frame, *Eng. lordship*, pp. 179–82. <sup>111</sup> Sayles, 'Legal proceedings', pp. 12–16. <sup>112</sup> G.O. Sayles, 'The rebellious first earl of Desmond', in *Gwynn studies*, pp. 203–29 at 206. <sup>113</sup> Sayles, 'Legal proceedings', pp. 12–13. <sup>114</sup> Frame, 'Rebellion and rehabilitation', pp. 199–200; Katharine Simms, 'The Geraldines and Gaelic culture', in *The Geraldines*, pp. 264–77. Cf. R.R. Davies, *The revolt of Owain Glyndŵr* (Oxford, 1995), pp. 178–9, and more generally, Davies, *Empire*, pp. 181–2. See too Brendan Smith's discussion of the story that the fourth earl of March disported himself in Irish garb: 'Dressing the part in the Plantagenet empire: the death of Roger Mortimer, earl of March and Ulster in 1398', in *Plantagenet empire*, pp. 232–47. <sup>115</sup> 'Bards and barons: the Anglo-Irish aristocracy and the native culture', in *Med. frontier*

in regard to Walter de Burgh. In 1309–10 Walter's father, Sir William *Liath*, had intervened in O'Connor politics and occupied the dynastic heartlands in Co. Roscommon. William had been deputy justiciar of Ireland in 1308–9; and there is no doubt that his actions had been sanctioned both by the earl of Ulster, who held the constablership of the king's castles of Athlone, Roscommon and Randon, and by the Dublin government.<sup>116</sup> In 1330 the Annals of Connacht report what appears to be an attempt by Walter to recover his father's position, but apparently against the will of Earl William: the annalist interprets his aim in Irish terms, as being 'to seize the kingship of Connacht for himself'.

It is noticeable that neither of the two main Latin chronicles, associated respectively with Dublin and Kilkenny, while they record the arrests and other striking events of the period, give any hint of the more dramatic charges levelled by the Munster juries. The Pembridge annals might be suspected of bias in favour of Desmond and Bermingham, but the same does not apply to the Kilkenny annals of John Clyn. The silence suggests that the authorities did not choose to publicize the charges. Nor, of course, did they bring Desmond or William Bermingham to trial on them. Lucy's treatment of Bermingham is intriguing. His execution on 11 July 1332 was on the grounds of felony, in the form of attempting to escape, with the help of supporters and of sorcery, from Dublin castle. He was duly hanged, but without suffering the humiliations and bodily tortures associated with treason that had been inflicted on Andrew Harclay.<sup>117</sup> Either Lucy and his advisers suspected that some of the accusations by the Munster juries would not withstand scrutiny; or they lacked the authority to proceed with such drastic measures without explicit direction from the king. Even so, Lucy's actions in 1331–2 were exceedingly radical in Irish terms; for a parallel it may be necessary to go back to King John's assault on his aristocratic enemies in Ireland in 1210.

#### WAR IN LEINSTER

The pressure of high politics meant that during Lucy's first year in office the unrest in Leinster was not countered by direct military intervention. Both east and west of the river Barrow, sporadic raiding, aimed at the livestock and crops of the lowland zones, had been endemic at least since the 1270s. Its impact was usually mitigated by divisions between and within the leading Irish lineages, so that a combination of small expeditions, local defensive measures and

*societies*, pp. 177–97 at 188. <sup>116</sup> *AC*, pp. 218–23; Orpen, *Normans*, iv, pp. 121–4. Orpen's conjecture that William's actions had official approval is borne out by the fact that he owed, and even paid, rent for Sil Muiredaigh to the Dublin exchequer at this period (TNA, E.101/235/22; NAI, EX.1/1, m. 43d). <sup>117</sup> Philomena Connolly, 'An attempted escape from Dublin castle: the trial of William and Walter de Bermingham, 1332', *IHS*, 29:113

government diplomacy were sufficient to keep violence contained at a lowish level. But there were periods when ambitious Irish leaders found conditions conducive to more organized attacks on the manors and castles south of Dublin. Such surges have been attributed to many causes: adverse climatic conditions; weaknesses in colonial leadership, often connected to aristocratic disputes that ran out of control at times of political turmoil in England; external stimuli (from Welsh contacts in the years 1276–82 to the Scottish presence in southern Ireland in 1316–17); and shifts in segmentary balances within the Gaelic zones, which are hard to track because of the absence of Irish annals covering the south-east.<sup>118</sup> The 1320s saw such a surge, as several influences came together. The crop failures of 1315–17 were followed by cattle-murrains. Extents of the huge archiepiscopal manors south of Dublin made in 1326 provide evidence of the retreat of cultivation and seigneurial control in the upland zones.<sup>119</sup> Particularly from 1326 onwards, as we have seen, magnate feuds constantly disturbed southern Ireland. In these conditions, in 1328 Domhnall son of Art Mac Murrough gained sufficient support to present himself as king of Leinster. Although his regal pretensions were quickly snuffed out (with Domhnall indeed frequently taking the king's shilling during the next decade, and serving in Scotland in 1335), the Irish polity remained volatile, with segments of the leading lineages in modern counties Dublin, Wicklow, Carlow and Laois constantly at war. During 1329 John Darcy of Knayth, the justiciar, led several short expeditions into Wicklow and the midlands.<sup>120</sup> At the end of the year, James Butler, earl of Ormond, was active against O'Nolan,<sup>121</sup> and early in 1330, the newly minted earl of Desmond provided a short-lived earnest of his good intentions by bringing a force from Munster, which included Brian Bán O'Brien, into south Leinster, where he campaigned for a month against O'Byrne, O'Nolan and O'More.<sup>122</sup>

During 1331 disasters mounted, with the loss of Arklow castle on 21 April, the seizure of Ferns in August, and attacks on Tallaght and Freignestown (Co. Wicklow).<sup>123</sup> The prior of the Dublin Dominicans, Friar Richard

(1994), pp 100–8, prints the record of the case. <sup>118</sup> For a narrative of events and comments on their causes, see O'Byrne, *Irish of Leinster*, chs 3, 4; the segmentary complexities of the Irish lineages are apparent in the genealogical appendix at pp 247–60. The role of the Dublin government is analysed in Robin Frame, 'English officials and Irish chiefs in the fourteenth century', in Frame, *Ire. & Brit.*, pp 249–77. See also M.C. Lyons, 'Weather, famine, pestilence and plague in Ireland, 900–1500', in E.M. Crawford (ed.), *Famine: the Irish experience* (Edinburgh, 1989), pp 31–74 at 40–44; Séan Duffy, 'Irish and Welsh responses to the Plantagenet empire in the reign of Edward I', in *Plantagenet empire*, pp 150–68; Robin Frame, 'The Bruces in Ireland, 1315–18' in Frame, *Ire. & Brit.*, pp 71–98 at 84–6. <sup>119</sup> *Reg. Alen*, pp 180–2 (Tallaght), 183–4 (Rathcoole), 189–92 (Ballymore Eustace), 194–6 (Shankill). By contrast, the manor of Swords, to the north of the city, appears untroubled (pp 176–8). <sup>120</sup> NLI, MS 761, pp 10–12, summarized in *43rd rep. DKPRI*, pp 28–9; NAI, R.C. 8/15, pp 473–7. <sup>121</sup> *AClyn*, p. 197. <sup>122</sup> *CStM*, ii, pp 371, 372. Desmond received £120 from the exchequer (*IExP*, p. 335). <sup>123</sup> *CStM*, ii, pp 374–6.

McCormegan (Ó Cormacáin), made several journeys into the uplands to negotiate, primarily with the O'Toole leaders of Imaal, who lay closest to the city of Dublin.<sup>124</sup> Then in 1332, after Archbishop Bicknor had obtained papal letters of excommunication against the Irish, Richard returned to the area to pronounce the papal sentence, to little effect.<sup>125</sup> There must, however, have been other negotiations with more useful results, for hostages were received both from Domhnall son of Art Mac Murrough and from Gerailt son of Dúnlraig O'Byrne, a nephew of Murchadh, the elderly head of the O'Byrne lineage, who often acted independently. Payment of Mac Murrough's fee, 'which he ought annually to receive from the king for good service given to the king', was resumed before Lucy intervened militarily. But the general position remained precarious.<sup>126</sup>

In May 1332 Lucy was finally able to take action. The Leinster campaign of that summer was carefully planned and ambitious by Dublin standards. It focused on the recapture and repair of two key castles, Arklow on the Wicklow coast, and Clonmore in its hinterland. During June, Lucy led a large army into the uplands on the borders of modern counties Wicklow, Carlow and Wexford. At the same time defensive wards were organized to the rear of the campaigning area, at Tallaght and Ballymore Eustace, transitional zones between upland and lowland. The forces deployed at Tallaght were supported by a tax of two shillings on the ploughland in Co. Dublin. The apportionment of this levy was well considered, with exemptions for three groups: those serving in Lucy's army, those actively defending Tallaght, and lands in the march.<sup>127</sup> At Ballymore, William fitz Eustace commanded a force of forty hobelars and 100 foot at the government's expense during the crucial fortnight in June.<sup>128</sup>

The first stage of the campaign was focused on Clonmore castle, at the northernmost tip of Co. Carlow. It involved a paid force far larger than was normal in armies of the period: at its peak it reached a total of over 1,500 men.<sup>129</sup> More than one third of the manpower was supplied by Laoiseach O'More, commanding the largest recorded Irish contingent of the period. His presence may reflect the establishment of a direct relationship with the crown, now that the extensive, but dilapidated, Mortimer lordship of Dunamase in Laois had been forfeited, and the earl of Kildare was under age. That there was fighting during the campaign is confirmed by loss of horses by men serving in the royal army, and by Lucy's order to the clerk of wages to pay rewards 'for the heads of Irishmen cut off'.<sup>130</sup> In deciding to concentrate on these two castles, Lucy chose wisely. They were situated in the area where the O'Byrne and Mac Murrough orbits met; and although the two lineages were as often as not enemies rather

<sup>124</sup> *IExP*, pp 337, 339. <sup>125</sup> Ibid., p. 347. For Friar Richard, see Colman Ó Clabaigh, *The friars in Ireland, 1224–1540* (Dublin, 2012), p. 32. <sup>126</sup> NAI, R.C. 8/16, pp 26–7. <sup>127</sup> Ibid., pp 377–8. <sup>128</sup> NAI, R.C. 8/17, pp 375–6; *IExP*, pp 347, 353. <sup>129</sup> NLI, MS 761, p. 35; 43rd rep. *DKPRI*, pp 54–5. <sup>130</sup> 43rd rep. *DKPRI*, p. 55.

than allies, Clonmore and Arklow were important obstacles to the emergence of broad coalitions. His building work at Clonmore is one of the more striking examples that have led archaeologists to modify the long-held belief, associated with H.G. Leask, that the century from c.1320 saw very little castle-building in Ireland.<sup>131</sup> The castle, which had been held by the Wogans of the Butlers,<sup>132</sup> was located at an ancient ecclesiastical site dedicated to St Maedoc. It had a particular strategic importance, lying close to the route that led from the valley of the Slaney eastwards towards the coast at Arklow.<sup>133</sup> Arklow, which was recaptured with a smaller force during August, had been a major centre of Butler lordship and, like Wicklow, had the advantage that it could be supplied from the sea.<sup>134</sup>

Clonmore was retained in the king's hand throughout the 1330s and 1340s. In 1332–3 the constable's annual fee was an enormous £100, suggesting the castle's importance.<sup>135</sup> From 1333 this fell to £50, and it was placed in the hands of Sir Thomas Wogan, its erstwhile owner, who was presumably judged best able to maintain it as constable for the crown.<sup>136</sup> Arklow too remained in government control until 1335, when it was returned to the earl of Ormond, only to come back into the king's hand from 1338 to 1346, while the second earl was under age. Its constables were usually also paid a large fee, of eighty marks a year.<sup>137</sup> While it would be misleading to suggest that Lucy's actions transformed security in east Leinster – small-scale expeditions were frequently mounted by governors during the following decade and a half – they inaugurated a period of more effective government action. His castle-building was emulated by John Darcy in 1337, when he repaired another strategic point, at Ballyteny (Powerscourt), which was garrisoned throughout the 1340s.<sup>138</sup> The long-established royal castle at Newcastle McKynegan (Newcastle, Co. Wicklow) was maintained. And further south, the government paid the fee of a constable at Ferns, the old centre of Mac Murrough power, which was in the king's hands owing to

<sup>131</sup> See in particular Tadhg O'Keeffe, 'Rathnageeragh and Ballyloo: a study of stone castles of probable 14th to early 15th century date in county Carlow', *JRSAI*, 117 (1987), 28–49; and for Clonmore, Tom McNeill, *Castles in Ireland: feudal power in a Gaelic world* (London, 1997), pp. 116–20. <sup>132</sup> *Red bk. Ormond*, p. 2. <sup>133</sup> A.P. Smyth *Celtic Leinster: towards an historical geography of early Irish civilization, A.D. 500–1600* (Blackrock, 1982), p. 28 and maps at 153 and 157; Richard Sharpe, *Medieval Irish saints' lives: an introduction to Vita Sanctorum Hiberniae* (Oxford, 1991), pp. 355–6; O'Byrne, *Irish of Leinster*, p. 93. <sup>134</sup> E.g., in Oct. 1329, John Darcy had ordered the treasury to pay compensation to four men for the loss at sea of supplies for his army at Wicklow (NAI, R.C.8/15, p. 545). <sup>135</sup> *IExP*, p. 356. <sup>136</sup> *Ibid.*, pp. 356, 368, 373, 377, 383, 395, 403, 412, 419, 425, 431. <sup>137</sup> *Ibid.*, pp. 350, 357, 363, 368, 373, 376, 390, 395, 402, 412, 419. At one point, the position was competed for between the royal judge Sir Elias Ashbourne, who held lands in the Dublin and Wicklow marches, and members of the local Lawless family (Robin Frame, 'Profits and perils of judicial office in Ireland: Sir Elias Ashbourne, chief justice and marcher lord', in T.R. Baker (ed.), *Law and society in later medieval England and Ireland* (Abingdon, 2018), pp. 121–44 at 131–2). <sup>138</sup> *IExP*, pp. 390, 402–3, 416, 419, 425.

the minority of Laurence Hastings, earl of Pembroke.<sup>139</sup> There seems to have been no further dramatic loss of control until the 1350s, when the impact of plague coincided with the re-emergence of strong MacMurrough leadership, influential on both sides of the river Barrow.<sup>140</sup>

#### WAR IN SCOTLAND AND LUCY'S RETURN TO NORTHERN ENGLAND

Lucy was recalled to England in September 1332, and left Ireland never to return on 3 December, having spent his last weeks in office on campaign towards Thomond against Brian Bán, after the Irish had recaptured Bunratty.<sup>141</sup> The Dublin annalist's remark that he was 'deposed from office', a view in harmony with his disapprobation of Lucy's treatment of the magnates and in particular his execution of Sir William Bermingham, should not lead us to suppose that the king regarded his governorship as a failure.<sup>142</sup> His actions had been closely monitored and to some extent steered by the king and council. This might seem to be contradicted by the fact that Edward had summoned old-guard advisers from Ireland, such as Archbishop Bicknor and Roger Outlaw, prior of the Hospitallers at Kilmainham, to consultations in England, and in August had ordered Lucy to stop any further execution of the law against magnates, empowering Outlaw to receive malleable rebels into the king's peace. But these olive-branches were part of the preparation for Edward's own departure for Ireland, which at that point still seemed imminent. Lucy had applied hard discipline; the king planned to arrive in an atmosphere of goodwill and conciliation.<sup>143</sup>

In reality, the return of Lucy and his Cumbrian associates to northern England was a necessary consequence of Edward III's decision to renew the war in Scotland, ostensibly in support of Edward Balliol's bid for the Scottish kingship, from which his father had been ejected in 1296. The war also rapidly affected the king's handling of Ireland, speeding the release of Desmond in May 1333, immediately before a projected expedition to Scotland, which in the event was disrupted by the murder of the earl of Ulster. Desmond and Walter son of William Bermingham, who was also gradually rehabilitated, brought large contingents to the Irish army that sailed to south-west Scotland in 1335.<sup>144</sup> Lucy's career continued to flourish. He served again as sheriff of Cumberland, acted as warden of the marches, and led forays into Scotland, in 1336 alongside the king's brother, John earl of Cornwall. In 1337 he went to

<sup>139</sup> *Ibid.*, pp. 395, 403, 419, 425. <sup>140</sup> See below, pp. 339–41. <sup>141</sup> *43rd rep. DKPRI*, p. 56. <sup>142</sup> *CStM*, ii, p. 377 ('ab officio deponitur et ad Angliam reddit'). <sup>143</sup> Frame, *Eng. lordship*, pp. 200–1. <sup>144</sup> Nicholson, *Edward III*, p. 255; Frame, *Eng. lordship*, pp. 143–8, 218–24. Henry Mandeville was also rehabilitated and contact was established with Edmund Albanach de Burgh, Walter de Burgh's brother and successor.

the relief of Edinburgh with Edward Balliol himself. From 1335 to 1337 he was constable of Berwick and justiciar of Lothian, presiding over the administration of a substantial part of the territory Balliol had ceded to Edward III, with oversight of castles including Edinburgh, Roxburgh, Hermitage, Jedburgh and Lochmaben.<sup>145</sup> Writing to the chancellor in July 1336, he said that he had been appointed 'king's lieutenant', responsible for arraying troops in Scotland, Northumberland, Cumberland and Westmorland. A greater responsibility can scarcely be imagined.<sup>146</sup> At this point, when the tide of war and politics was flowing in England and Balliol's favour, he was a prime beneficiary. Edward III granted him in fee Earlston in Berwickshire and other lands forfeited by the earl of Dunbar,<sup>147</sup> while Balliol awarded him forfeits in the Lanark area to the annual value of an impressive 600 marks.<sup>148</sup> Long before Lucy's death in 1343 the tide had turned, and such gains proved illusory. But together with his role in 1340 and 1343 as an auditor of parliamentary petitions from the king's outlying dominions, including Ireland, they testify to the high position he had attained, and maintained – one that was already being shared by his son, Sir Thomas Lucy.<sup>149</sup>

#### TWO BORDERLANDS COMPARED

There are many parallels between the Cumbrian and Irish outskirts of the Plantagenet realm at this period. As we have seen, the problems at the heart of English government readily metastasised, spreading instability into both regions. In both, too, there was a problem of defence against the Scots – though in Ireland the victory of John Bermingham at Faughart in 1318 was more effective than anything achieved in England during Edward II's reign. Nor should either the far north of England or Ireland be regarded as remote from the centre of the polity. From 1321 onwards Anthony Lucy regularly attended parliaments and great councils, including the crucial meeting at Bishopthorpe in 1323 where a long truce with the Scots was hammered out.<sup>150</sup> He was also frequently in touch with the king and his ministers, reporting on conditions in the north: the letters and petitions that survive must be a tiny fraction of

<sup>145</sup> *Rot. Scot.*, i, pp. 384, 398, 426. <sup>146</sup> *CDS*, v, no. 758. <sup>147</sup> *CDS*, iii, pp. 323, 325.

<sup>148</sup> 'Lucy cartulary', no. 123 (dated at Perth, 2 Dec. 1336); R.C. Reid, 'Edward de Balliol', *TDGHAS*, 3rd ser. 35 (1956–7), 38–63 at 62–3. Amanda Beam has suggested that this may have been intended as a sop to Lucy, who had been displaced as keeper of Berwick by Richard Talbot, an associate of Balliol; but the grant pre-dated his supersession, which took place in Dec. 1337, by a year (A.G. Beam, *The Balliol dynasty, 1210–1364* (Edinburgh, 2008), p. 248; cf. *Rot. Scot.*, i, p. 517). <sup>149</sup> *PROME*, iv, p. 269, no. 21; p. 330, no. 5. For Thomas, see Grant, 'The St Bees lord and lady', pp. 181–2. <sup>150</sup> J.C. Davies, *The baronial opposition to Edward II* (Cambridge, 1918), pp. 584–5. Other leading Cumbrians including Hugh Lowther and Ranulf Dacre were also present.

those actually sent.<sup>151</sup> There is also ample evidence of frequent messengers and messages from Lucy in Ireland, where the pulse of communication appears to have been more rapid than normal during his governorship. There were visits to England by Alexander Fetherstonhalgh, a member of his military retinue, and Herbert Gresseby, a clerk; by high-ranking ministers of the Dublin government, such as the judges Thomas Dent, John Grantchester and Robert Scarborough; by Master John of St Albans; and by 'Robert', described as Lucy's own messenger.<sup>152</sup> We also hear of chancery clerks writing with 'news of the state of Ireland to the king and council in England on many occasions'.<sup>153</sup>

Sufficient has been said already to show that the careers of magnates and leading gentry in Cumbria were shaped by royal favour and disfavour during a time of political stress. It should not be imagined that lords from Ireland were much more detached from the metropolitan scene. The case of William de Burgh, earl of Ulster, needs no further demonstration. James Butler, earl of Ormond, had lands at Aylesbury (Bucks.), Shere (Surrey) and elsewhere in England. As a young man, he had been in Edward II's household during the Despenser years. He married Eleanor Bohun, a grand-daughter of Edward I. He was elevated to his earldom at the Shrewsbury parliament of 1328 alongside the king's brother, John of Eltham, who became earl of Cornwall, and Roger Mortimer himself, the new earl of March.<sup>154</sup> Maurice fitz Thomas, earl of Desmond, was less well connected; but his mother was Margaret Berkeley of Berkeley castle, where Edward II met his end. Maurice and his wife were probably in England in 1325; he was certainly there in the summer of 1329 when he received his earldom and other privileges.<sup>155</sup> During 1331 William Bermingham served as seneschal of Carlow for Edward III's uncle, Thomas Brotherton, earl of Norfolk.<sup>156</sup> Henry Mandeville had acquired English lands through his marriage to Elizabeth, daughter of Alan fitz Warin; the couple were in England during 1330.<sup>157</sup>

Conditions in Cumbria at this point, like Ireland over a much longer period, favoured extensive, militarized aristocratic power.<sup>158</sup> In both areas that power could run out of control. Beside Andrew Harclay's gross abuse of royal permission to treat with the Scots, we might set the earl of Desmond's repeated insistence that his dealings with Brian Bán and other Irish, even if not explicitly sanctioned, were hallowed by custom and aimed at the preservation of the king's peace. Behind that claim lay a tradition by which marcher lords in Ireland, as in Wales, regarded themselves as local arbiters of peace and war.<sup>159</sup> In

<sup>151</sup> CDS, iii, no. 924 (1327); CDS, v, nos. 687 (1323), 758 (1336). <sup>152</sup> *IExP*, pp 346, 347, 352, 353, 354. <sup>153</sup> Ibid., pp 346, 352. <sup>154</sup> Frame, *Eng. lordship*, pp 49, 164–5, 185–6. <sup>155</sup> Ibid., pp 188–9; Frame, 'Rebellion and rehabilitation', pp 205–6. <sup>156</sup> NAI, R.C.8/16, pp 2, 64. The earl appointed a replacement seneschal for all his Irish lands on 20 March 1332, shortly after Bermingham's arrest (ibid., pp 197–8). <sup>157</sup> Frame, *Eng. lordship*, pp 213–14. <sup>158</sup> See the comments of Grant, 'The St Bees lord and lady', pp 182–3. <sup>159</sup> Robin Frame, 'War and peace in the medieval lordship of Ireland', in Frame, *Ire. &*

great matters and in small, voices from Cumbria and Ireland can seem to echo one another. In 1322 the canons of Bridlington feared retribution for having unavoidably had dealings with Scottish raiders, and received absolution from the archbishop of York.<sup>160</sup> A little earlier, St Mary's abbey, Dublin had required a pardon for treating with 'Irish felons' for the return of goods stolen from their granges in south county Dublin.<sup>161</sup> In 1356–7 the abbot of the Cistercian house of Duiske (Graiguenamanagh) in the Barrow valley made fine for receiving and entertaining Irish robbers. A pardon under the English seal acknowledged his difficulties, describing the abbey as 'situated on the frontier of the king's Irish enemies'.<sup>162</sup> Likewise, the explanation provided by the community of Cumberland for Lucy's inability to attend parliament in 1339 because of conditions on the frontier finds parallels in the many examples of absences from Irish parliaments and councils, and failures of sheriffs, seneschals, and mayors and bailiffs to make their proffers at the Dublin exchequer, excused because of disturbances on the marches or the dangers of the way.<sup>163</sup> Some of these resemblances were, of course, characteristic of almost any war zone.

At a more general level, both societies might be seen as experiencing a sense of abandonment, or 'alienation'.<sup>164</sup> In a well-known passage, the author of *Vita Edwardi secundi* related that in 1322 Andrew Harclay came to the king at Bristol, to complain that the north lay open to the Scots, and to urge Edward to assert his leadership there. Edward replied that the northerners themselves must provide defence, for his priority was to defeat his domestic enemies.<sup>165</sup> The story may be apocryphal, but it captures the spirit in which Harclay entered into his unauthorized dealings with Robert I. Similar dissatisfaction with Edward's handling of northern affairs is apparent in more guarded comments by the Bridlington annalist.<sup>166</sup> Nor is Bridlington the only writer to temper criticism of Harclay's dealings with Bruce with references to his earlier record of good service against the Scots.<sup>167</sup> The sense in the north of being cast adrift by the crown may seem to foreshadow the appeals from Irish parliaments and great councils for aid from England: in October 1359 Edward

*Brit.*, pp 221–39 at 235–8. <sup>160</sup> *Chronicles of the reigns of Edward I and Edward II*, ii, pp 80–1. <sup>161</sup> *CStM*, i, p. 275. <sup>162</sup> C.M. Butler and J.H. Bernard, 'The charters of the abbey of Duiske', *PRIA*, 35C:1 (1918), 1–188 at 135–6; *CPR* 1354–8, p. 644. <sup>163</sup> Examples are legion. See, e.g., *Parls & councils*, nos. 5, 6, 11 (remission of fines for absences from parliament, 1327 and 1332); *Na buirgeisí*, pp 255–6 (mayors of Waterford need not come to Dublin to take their oaths because of the dangers of the way); NAI, R.C.8/26, pp 636–9 (past seneschals of Kilkenny pardoned amercements for failing to proffer at the exchequer because of specific Irish attacks in 1340, 1349 and 1350). <sup>164</sup> For this concept, see A.J. Macdonald, *Border bloodshed: Scotland, England and France at war, 1369–1403* (East Linton, 2000), pp 201–14. <sup>165</sup> *Vita Edwardi secundi: the life of Edward II*, ed. W.R. Childs (Oxford, 2005), pp 204–5 and n. 424. <sup>166</sup> *Chronicles of the reigns of Edward I and Edward II*, ii, pp 80–1. <sup>167</sup> *Ibid.*, pp 83–4; *Chron. Lanercost*, p. 251; *Sir Thomas Grey of Heton: Scalacronica, 1272–1363*, ed. Andy King (Surtees Soc. 209, Woodbridge, 2005), pp 86–9.

III, writing from Sandwich, when he was about to embark on his last major campaign in France, was to apologise for his inability to spare men or money for Ireland.<sup>168</sup> But here the differences between the Cumbrian and Irish frontiers are apparent. Andy King has argued that there was no settled 'marcher' identity in northern England; men normally saw themselves as English or Scots, and the northern shires of England were fully part of the realm, being represented in parliament and subject to the normal operations of royal justice.<sup>169</sup> But there was undoubtedly a distinctively northern elite outlook, shaped by wartime conditions. Edward III accepted that taxation levied north of the Trent should be expended on the defence of the north, and that, after 1337, northern lords should normally be excused from military service on the Continent. Northern assemblies, headed by leading nobles, met frequently at the king's order. They did not legislate or grant subsidies, but they did arrange the terms of military indentures with northern lords and the disbursement of the earmarked funds.<sup>170</sup> The effectiveness of these systems, and the existence of a measure of solidarity among the ecclesiastical and lay leaders of the north, is apparent in the campaign that led to the triumph over the Scots at Neville's Cross in 1346 during the king's absence abroad.<sup>171</sup> Even so, there is a gulf between transient expressions of political 'northern-ness' and the repeated declarations of identity by 'the English of Ireland' formulated in the institutional setting of Irish parliaments and great councils from the 1340s onwards.

There were still more fundamental differences between the northern frontier and the multiple frontiers of Ireland. In the north of England there was a border line that, however porous, was stable and clearly understood. When Edward III received the southernmost Scottish counties from Edward Balliol, this acquisition was not incorporated into England; it continued to be governed by Scottish law, though under English-appointed officials such as Peter Tilliol and Anthony Lucy himself. This was not difficult, at least in theory, for the English and Scottish administrative and legal systems, though differing in texture and in detail, were generically similar. In the north, periods of peace and truce, though far from perfectly observed, differed sharply from periods of

<sup>168</sup> *CCR* 1354–60, pp 595–6. The chancellor of Ireland had carried to court a message from the Hilary 1359 parliament at Kilkenny (*Parls & councils*, no. 15); a more dramatic appeal was sent in 1360 from a great council, also at Kilkenny (*ibid.*, no. 16). <sup>169</sup> Andy King, 'Englishmen, Scots and marchers: national and local identities in Thomas Gray's *Scalacronica*', *Northern History*, 36:2 (2000), 217–31; King, 'Best of enemies: were the fourteenth-century marches a "frontier society"?' in King and Penman (eds), *England and Scotland in the fourteenth century*, pp 116–35. <sup>170</sup> G.L. Harriss, *King, parliament and public finance in medieval England to 1369* (Oxford, 1975), pp 348–54. <sup>171</sup> Michael Prestwich, 'The English at the battle of Neville's Cross', in David Rollason and Michael Prestwich (eds), *The battle of Neville's Cross, 1346* (Stamford, 1998), pp 1–14 at 3–4; James Campbell, 'England, Scotland and the Hundred Years War in the fourteenth century', in John Hale et al. (eds), *Europe in the late Middle Ages* (London, 1965), pp 184–216 at 192–3; Ormrod,

open war: it was, after all, the outbreak of peace in 1328 that allowed Lucy and his knightly companions to be transferred to Ireland. Moreover, the frontier line lay between societies that were predominantly Anglophone, and where the gentry classes shared the same chivalric ethos. There were periodic raids into Gaelic-speaking western Galloway and even Carrick, but English control never made much headway west of Dumfries.<sup>172</sup>

This well-established northern frontier was very different from the discontinuous borderlands of Ireland which enclosed a constantly changing kaleidoscope of regional and local zones of domination and cultural interaction. These, while affected by periodic interventions from Dublin, had their own dynamics; 'war' and 'peace' were, in practice, relative terms. Irish frontier, or 'transitional', zones also had features that were not – or not yet – so strongly developed in the early fourteenth-century north.<sup>173</sup> Around 1330, the aggrandizement and entrenchment of the Percies and Nevilles was in its early stages; while the extended cattle-reiving kins, or 'surnames', of the uplands, often regarded (with some exaggeration) as characteristic of the borders, were a feature primarily of the late medieval and early Tudor period.<sup>174</sup> These developments, together with the emergence of the Pale in Ireland, draw the two borderlands more readily into a single focus at that period, as studies by Steven Ellis have shown.<sup>175</sup> Already in early fourteenth-century Ireland, in Munster and Connacht, and the march zones of Leinster and Meath, lordship had acquired a strongly patriarchal dimension; this is apparent in the government's attempts to work through kinship structures by imposing on heads of aristocratic kins the duty of disciplining their lineages and handing offenders over to royal justice.<sup>176</sup> In the south and west of Ireland, the Geraldines and de Burghs had ramified prolifically; their junior branches, often associated with particular castles and lordships, were primarily Irish-speaking.<sup>177</sup> Alongside these distinguishing

*Edward III*, pp. 283–5. <sup>172</sup> Anthony Lucy and the earl of Cornwall raided Carrick in 1336 (*Chron. Lanercost*, p. 287). In 1345 Thomas Lucy participated in a seaborne assault on the former Balliol stronghold of Heston Island, off the Kirkcudbrightshire coast (R.D. Oram, 'Bruce, Balliol and the lordship of Galloway: south-west Scotland and the wars of independence', *TDGHAS*, 3rd ser. 67 (1992), 29–47 at 44–5). <sup>173</sup> Anthony Tuck, 'The emergence of a northern nobility, 1250–1400', *Northern History*, 22 (1986), pp. 1–17. Michael Brown, *Disunited kingdoms: peoples and politics in the British Isles, 1280–1460* (Harlow, 2013), ch. 7, 'Borderlands: lords and regions', is an excellent survey of the subject. <sup>174</sup> For a critique of traditional, somewhat romanticized views of border society, see Macdonald, *Border bloodshed*, ch. 6. <sup>175</sup> E.g., *Tudor frontiers and noble power: the making of the British state* (Oxford, 1995); *Defending English ground: war and peace in Meath and Northumberland, 1460–1542* (Oxford, 2005); and the explicit comparison 'Defending English ground: the Tudor frontiers in history and historiography', in S.G. Ellis and Raingard Esser (eds), *Frontiers and the writing of history, 1500–1800* (Hannover, 2006), pp. 73–93. <sup>176</sup> E.g., *Stat. John–Hen. V*, pp. 264–7 (1310), 307–9 (1324); Robin Frame, 'Power and society in the lordship of Ireland, 1272–1377', in Frame, *Ire. & Brit.*, pp. 191–220 at 205–7. See also above, pp. 192–5. <sup>177</sup> Paul MacCotter, 'The dynastic ramifications of the Geraldines', in *The Geraldines*, pp. 170–93;

characteristics lay, of course, the reliance of magnates on the manpower and support of Gaelic lords who were their neighbours and sometimes their clients. This had been so from the early days of the conquests; in the fourteenth century the relationships become increasingly visible, both in written agreements and bonds, and also in the literary evidence. Lordship in Ireland was woven from variegated political and cultural strands; its fabric was readily ruptured but far more difficult to repair.

These differences flowed over into matters of political management. In north-west England there were competing aristocratic families whose rivalries could be manipulated by the crown through a mixture of favour and disciplinary action. The Lucys, Cliffords, Dacres and others were available to step into the shoes of an Andrew Harclay, just as Harclay's own dominance in Westmorland had rested partly on the temporary eclipse suffered by the Cliffords through the violent deaths of successive family heads in 1314 and 1322. The resident magnates of Ireland were no less competitive; from the first, kings had exploited their rivalries as a way of exercising influence.<sup>178</sup> By the fourteenth century, while that tactic still had its uses, aristocratic lordship was deeply embedded in the regions and localities. Sharp discipline, such as that applied to Desmond in 1331 and again in 1345, was almost of necessity followed by reconciliation. Otherwise, the risk was disintegration of established hierarchies and decay of crown influence, as had happened in Ulster and Connacht after the murder of Earl William in 1333. One mundane indicator of the problems the removal of a major lord presented for royal authority lies in the exchequer records. After August 1331, Desmond's lands, rights, offices and movable goods were placed in the hands of local custodians, of whom the most notable was Maurice fitz Nicholas, lord of Kerry, who in 1339 was to perish in Desmond's prison, having been 'put upon the diet', because of alleged rebellion against the king and the earl, and attacks on Desmond's MacCarthy Mór allies.<sup>179</sup> Maurice fitz Nicholas for a time had custody of the forfeited liberty of Kerry, the chief serjeanties of Cork and Kerry, and Desmond's lands in Kerry, Cork and Limerick. There is no trace of income from these or other Desmond possessions in the Receipt roll of the Dublin exchequer during the year after his forfeiture.<sup>180</sup> The Memoranda roll for the same period shows the exchequer fruitlessly pursuing Maurice and the other custodians to make their proffers.<sup>181</sup> Eventually a special commission was empowered to enquire into the whereabouts of the earl's goods and the revenues of his estates, and to chase up those who held them by the morrow

Frame, 'The de Burghs'. <sup>178</sup> Peter Crooks, "Divide and rule": factionalism as royal policy in the Lordship of Ireland, 1171–1265', *Peritia*, 19 (2005), 263–307. <sup>179</sup> *CStM*, ii, 382; K.W. Nicholls, 'The Fitzmaurices of Kerry', *JKAHS*, 3 (1970), 23–42 at 33; Waters, 'The earls of Desmond and the Irish', pp. 57–61. <sup>180</sup> TNA, E.101/239/23 (Michaelmas 1331 to Trinity 1332). <sup>181</sup> NAI, R.C.8/16, pp. 237–8, 240–1, 244, 270, 274–6, 284–5, 467, 469. Other custodians included Robert Barry (Cork and Kerry), Andrew Gerard and Walter Devenish (Waterford), Thomas fitz Gilbert (Glanworth, Limerick), and Domnall

of Michaelmas 1332.<sup>182</sup> No obvious result is apparent; ironically, the first trace of profit reaching the exchequer was in June and July 1333, when the earl – who had been released in May under heavy sureties – paid instalments of a fine he owed in Co. Limerick.<sup>183</sup> A similar story followed Desmond's forfeiture and imprisonment in England from 1346. Edward III's decision to release and restore him was shaped by several considerations, but among them was the lack of the expected profit from his lands.<sup>184</sup>

In fourteenth-century England, during disturbed periods such as the reigns of Edward II and Richard II, the higher nobility became acquainted, like Andrew Harclay, not just with the gallows and the block, but with the excruciating additional tortures associated with the law of treason. Lesser men in Ireland, such as Desmond's knights who held Castle Island against crown forces in 1345, and native Irish leaders who accepted formal recognition as lineage-heads from the crown but were then judged to have rebelled, might be subject to drawing at the horse's tail, and sometimes to quartering. But Anglo-Irish earls and other major magnates were not: William Bermingham's execution was most unusual, and was not in any case the outcome of a treason trial.<sup>185</sup> During his long reign, of course, Edward III was not given to executing his relatives or noble companions in arms; nor were they in the habit of betraying him. But in Ireland there was a level of aristocratic turbulence during the 1330s and 1340s that went beyond anything experienced in England. The rigour of his ministers, notably Anthony Lucy and Ralph Ufford, played some part in stoking the fires. But they did not proceed to extreme measures, most probably because they lacked the king's authority to do so. The signs are that Edward and his advisors were aware that uprooting Irish comital houses risked destroying the delicate, transcultural ties of regional lordship upon which Plantagenet influence in much of Ireland depended.

son of Domnall MacCarthy of Carbery (Dunnamark, west Cork). <sup>182</sup> *Ibid.*, pp 381–2, 417–18. The commissioners were also to pursue William Bermingham's lands and goods in Munster. <sup>183</sup> TNA, E.101/239/28. <sup>184</sup> Frame, *Eng. lordship*, pp 284, 288. <sup>185</sup> Frame, 'Rebellion and rehabilitation', pp 201–2; Áine Foley, 'High-status execution in fourteenth-century Ireland', in James Bothwell and Gwilym Dodd (eds), *Fourteenth Century England IX* (2016), pp 131–47; and see below, pp 284–5, 289, 341.

## The justiciarship of Ralph Ufford: warfare and politics in fourteenth-century Ireland

Sir Ralph Ufford, with his consort, the countess of Ulster, arrived as chief justiciar of Ireland. Upon his arrival, calm weather suddenly gave way to gales, abundant showers and stormy downpours, which lasted till the end of his life. None of his predecessors in times gone by was his equal, alas. For this justiciar during his period in office was an enemy of the people of the land, a robber of the goods of clerk and lay, rich and poor, and, under a show of rectitude, a defrauder of many. Not respecting the rights of the church, not upholding the law of the kingdom, inflicting injustices upon the local people, showing justice to few or none, and, with few exceptions, wholly rejecting the local inhabitants – he did and attempted these and other things, led by the counsel of his wife.

Such, in the view of the ‘Dublin’ annalist, was Ralph Ufford.<sup>1</sup> Most modern historians have followed Sir John Davies in regarding the chronicler’s outburst as unintended evidence in the justiciar’s favour:

... Sir Raphe Ufford ... a man of courage and severity ... proceeded every way so roundly and severely, as the Nobility which were wont to suffer no controulment, did much distast him; and the Commons ... spake ill of this governor, as of a rigorous and cruel man, though in troth hee were a singular good Iusticer; and, if he had not dyed in the second yeare of his government, was the likeliest person of that Age, to have reformed and reduced the degenerate English Colonies, to their natural obedience of the crown of England.<sup>2</sup>

Certainly, it is a measure of Ufford’s impact (though not perhaps of his success) that when he died in April 1346, the earl of Kildare and other lords were in prison and the earl of Desmond was a fugitive among the Irish of the southwest. This chapter attempts, through a study of the record evidence, to explore

<sup>1</sup> *CStM*, ii, p. 385. For comments on the annalist’s attitude, see A.J. Otway-Ruthven, ‘The chief governors of medieval Ireland’, in Crooks, *Government*, pp 79–89 at 87; and Bernadette Williams, ‘The Dominican annals of Dublin’, *Medieval Dublin II* (2001), pp 142–68 at 164–5.

<sup>2</sup> Davies, *Discovery*, pp 203–5.

several questions. What was the nature of Ufford's rule? Why did he come into such violent collision with certain of the resident magnates? Why was the Dublin annalist – normally a pedestrian reporter – moved to employ such strong colours? What can his period in office reveal about political relationships and problems of governmental authority in the fourteenth-century Lordship of Ireland?

#### THE CHARACTER OF UFFORD'S RULE

Between Anthony Lucy's departure in 1332 and 1341, a period when Edward III became embroiled in war in Scotland and France, the government of Ireland seems to have had little direction or impetus.<sup>3</sup> In 1341 the king had tried to impose far-reaching reforms, aimed primarily at reversing the marked decline in the revenue, which had sunk to less than £1,500 a year.<sup>4</sup> But it had been made clear, in humiliating fashion, that the Dublin government did not have the authority necessary to enforce the king's will. The reforms were allowed to drop, and in 1342 Edward, intent on organizing an expedition to Brittany, had accepted the majority of a long list of complaints made against his ministers in an Irish parliament. The next two years saw renewed outbreaks of disorder in southern Ireland, where Desmond, who had been released from prison in 1333, once more came into conflict with the Dublin authorities over his claims to land and lordship.<sup>5</sup> Conditions in Ireland seemed to require firm action; and although the continental war absorbed the king's attention, it also meant that Edward was concerned both to prevent disorder in any part of his dominions from getting out of hand, and to extract all possible profit from them.

The new justiciar was undoubtedly the king's man. A younger brother of Robert Ufford, earl of Suffolk, one of six new earls created by the king in 1337 on the eve of the French war,<sup>6</sup> he was probably in his late thirties at the time of his appointment. The brothers were grandsons of Robert Ufford, a household knight of Edward I, who had held the justiciarship with some distinction from 1268 to 1270 and again from 1276 to 1281. Like many junior members of aristocratic families, Ralph Ufford had seized the opportunity war presented to make his way in the world. He had become one of the knights of Edward's

<sup>3</sup> Otway-Ruthven, *Med. Ire.*, pp. 250–60; Frame, *Eng. lordship*, chs 6 and 7. <sup>4</sup> H.G. Richardson and G.O. Sayles, 'Irish revenue, 1278–1384', *PRIA*, 62C:4 (1962), 87–100 at 100. This had a serious effect on many aspects of government: for instance, the bishop of Hereford, *custos* of Ireland between 1338 and 1340, had been reduced to paying for campaigns out of his own purse (TNA, C.47/10/19, no. 19). <sup>5</sup> Frame, *Eng. lordship*, chs 5–7; A.F. O'Brien, 'The territorial ambitions of Maurice fitz Thomas, first earl of Desmond, with particular reference to the barony and manor of Inchiquin, Co. Cork', *PRIA*, 82C:3 (1982), 59–88; Robin Frame, 'Rebellion and rehabilitation: the first earl of Desmond and the English scene', in *The Geraldines*, pp. 194–222. <sup>6</sup> See K.B. McFarlane, *The nobility of later medieval*

military household, serving in France on several occasions from 1338. The king must have gained a favourable impression, for in 1342, at the time of the Brittany campaign, Ufford had assumed the rank of banneret at his command, so joining the household elite, and had been granted an annual income of £200 to enable him to maintain this status.<sup>7</sup> By June 1343, a brilliant marriage had brought him into the inner circle of the court.<sup>8</sup> His wife, Maud of Lancaster, widow of William de Burgh, earl of Ulster, murdered in 1333, was the king's kinswoman. Her brother, Henry, earl of Derby, later first duke of Lancaster, was, after their father's death in 1345, the richest lord in England, and, like Ralph's own eldest brother, a trusted military commander; he was leading a successful overland expedition to Aquitaine while Ralph was in Ireland.<sup>9</sup> Nevertheless, the justiciar was hardly established as a landed magnate in his own right, and Ireland must have seemed to him not an end but a stepping-stone.<sup>10</sup> For it was with the king that his future would lie.

Since the murder of Earl William, young Elizabeth de Burgh and (a little later) her mother had been given annual allowances by the king.<sup>11</sup> This in part reflected their membership of the wider royal kin; it also sprang from the fact that Elizabeth, as sole heir to the de Burghs and also prospectively sole successor to her grandmother, Elizabeth de Burgh, lady of Clare (d.1360), a major landholder in England and Wales as well as Ireland, was perhaps the most desirable heiress in the king's gift.<sup>12</sup> In 1342, when she was ten years old, she was betrothed to the four-year-old Lionel, Edward III's second surviving son. Ufford's military record, together with his marriage to Countess Maud, made

*England* (Oxford, 1973), pp 158–60. <sup>7</sup> His career is outlined in Robin Frame, 'Ufford, Sir Ralph', *ODNB*. See also Andrew Ayton, *Knights and warhorses: military service and the English aristocracy under Edward III* (Woodbridge, 1994), p. 263. <sup>8</sup> On 20 June 1343, about to go overseas, Countess Maud received a protection to last until Easter 1344 as 'Matilda wife of Ralph Ufford' (TNA, C.76/18, m. 3). Her destination was the papal curia at Avignon, where she was by 31 Aug., when she pledged various gifts in return for absolution from a vow to make the pilgrimage to Santiago de Compostela (*CPL: Papal petitions*, i, p. 74). She, Ralph and some of her associates received privileges from Pope Clement at the same period (*ibid.*, p. 69; *CPL 1342–62*, pp 112, 137). See Robin Frame, 'Matilda [Maud] of Lancaster, countess of Ulster', *ODNB*. <sup>9</sup> The influence of the earls of Derby and Suffolk can be seen from the number of grants and pardons at their request enrolled in, e.g., *CPR 1343–5*. For Henry, see Kenneth Fowler, *The king's lieutenant: Henry of Grosmont, first duke of Lancaster* (London, 1969), and N.A. Gribit, *Henry of Lancaster's expedition to Aquitaine, 1345–46: military service and professionalism in the Hundred Years War* (Woodbridge, 2016). <sup>10</sup> At his death Ufford seems to have held four small manors in Dorset (one of them of his wife's mother-in-law, Elizabeth de Burgh, lady of Clare) and a messuage and two carucates in Berkshire (*CIPM*, viii, no. 629). <sup>11</sup> These settled down as 150 marks and 100 marks per annum respectively. From 1334 payments of these and other sums appear frequently on the Issue rolls of the English exchequer: e.g., TNA, E.403/272, m. 17 (1334); E.403/276, m. 6; E.403/280, mm. 11, 20; E.403/292, m. 1; E.403/297, mm. 1, 2; E.403/306, mm. 6, 16, 18, 19; E.403/307, mm. 3, 21 (1340). <sup>12</sup> For Elizabeth, her family and circle, see J.C. Ward, *English noblewomen in the later Middle Ages* (London, 1992), esp. ch. 5.

him an obvious choice for the justiciarship of Ireland; indeed, he might be viewed as a precursor of Lionel of Clarence and the Mortimer earls of March and Ulster. A man with interests in Ireland would be more likely to prove assiduous and might also bring some badly needed extra weight to his office. It did mean, however, that Ralph brought with him an inheritance of old scores, dating from the faction fight that had led to the death of his wife's first husband. It seems, too, that Maud's – possibly quite conventional – outward expression of her own rank and dignity aroused resentment. When she departed Ireland after her husband's death, the Dublin annalist remarked scathingly on the fact

that one who had gloriously entered the gates of the city of Dublin, with regal pomp and a great company of paid soldiers, should, after only a brief spell of playing the queen in the island of Ireland, slip away furtively with her retainers through the postern gate of the castle of that city in order to avoid the jeers of the crowd, who were angry at her inability to pay the debts she had contracted.<sup>13</sup>

Given her semi-royal birth and Ufford's own relative landlessness, it was perhaps inevitable that he would be accused of acting under her influence.

The justiciar's appointment passed the great seal on 10 February 1344. There is nothing remarkable in its terms,<sup>14</sup> though he was promised the substantial sum of 1,000 marks to cover the costs of his journey. Half the money was paid by the English exchequer on 8 May; the other half was to come from the Irish revenues, and was received by Ufford between July and September.<sup>15</sup> But at about the same time the king ordered all Irish ministers past and present to remain in the Lordship pending the arrival of a commission of inquiry into their conduct.<sup>16</sup> A month later all payments from the exchequer were ordered to cease until Ufford himself arrived, and assignments already made on the revenue were not to take effect.<sup>17</sup> Edward obviously intended that the Irish administration should come under close scrutiny, though he seems to have learnt from recent experience that provocative statements of general principles were best avoided.

Although the Irish chancellor and treasurer remained unchanged at the time of Ufford's appointment, a virtually clean sweep was made of the second rank of officialdom. Hugh de Burgh, once wardrobe clerk to the lady of Clare, had served as treasurer of Ireland, on Countess Maud's recommendation, from 1339 to 1343; he returned to the Lordship as chief baron of the exchequer.<sup>18</sup> Robert Scarborough, who had served in the Dublin exchequer and bench in 1332–4

<sup>13</sup> *CStM*, ii, p. 388. <sup>14</sup> *CPR* 1343–5, pp 197, 263, 268; *CCR* 1343–6, pp 320–1. See Otway-Ruthven, *Med. Ire.*, pp 260–1. <sup>15</sup> TNA, E.403/333, m. 3; *CCR* 1343–6, p. 301; *IExP*, p. 413.

<sup>16</sup> *CCR* 1343–6, p. 341. <sup>17</sup> *Ibid.*, p. 291. <sup>18</sup> *CPR* 1343–5, p. 205. For his career, see Frame, *Eng. lordship*, pp 69–70; *Admin. Ire.*, pp 95, 102, 109–12, 127 n. 2.

and whom the king had regarded highly enough to retain in the English king's bench when his posting to Ireland had been mooted in 1337, was sent back as chief justice of the justiciar's bench.<sup>19</sup> Thomas Dent, who had been king's pleader and had served in both Irish benches in the 1330s, came back, after a six-year gap, as chief justice of the bench at Dublin.<sup>20</sup> Robert Embleton, who had 'long experience in the chancery of England', was reappointed as chancellor of the exchequer, an office he had left in 1341.<sup>21</sup> There were also two men new to Ireland. John Reedness was made second justice of the justiciar's bench and was to remain in the Lordship in various judicial offices until 1358.<sup>22</sup> Finally, Godfrey Folejambe, after an abortive appointment as a baron of the exchequer, took office in the justiciar's bench as second justice.<sup>23</sup> Godfrey appears to have been in the confidence of the new justiciar, for he carried a report back to England and was also entrusted with raising troops there.<sup>24</sup> Ufford thus had about him officials who had not served in the Dublin administration in the immediate past, and who would have little reason to cover up the misdeeds of their predecessors. The materials for a fresh start were there.

Although the justiciar's reputation as an extortioner might suggest efficiency, there is little evidence to show his approach to the routine of administration. However, two sequences of events suggest the tightness of his grip. Elias Ashbourne, an old servant of the crown who had recently been chief justice of the justiciar's bench, was already subject to serious accusations before Ufford's arrival. Ufford's treatment of him, however, was particularly harsh. By 23 November 1344 his goods and chattels were being seized into the king's hand,<sup>25</sup> and he appears to have been kept in prison throughout Ufford's term of office. He was released shortly after the justiciar's death, when the chancellor, treasurer, escheator and chief baron of the exchequer all pleaded in his favour, and was compensated for his 'long detention in prison'.<sup>26</sup> It is tempting to conclude that Ralph's removal permitted the senior members of his own administration to breathe more freely. John Balscot, formerly a chamberlain of the exchequer, and as recently as 1342 deputy treasurer, also

<sup>19</sup> *CPR 1343–5*, p. 327; *Admin. Ire.*, pp 108 n. 3, 158, 160 n. 3, 169–70. <sup>20</sup> *CPR 1343–5*, p. 316; *Admin. Ire.*, pp 158, 160–2, 170 n. 4, 176–7. <sup>21</sup> *CPR 1343–5*, p. 254. He subsequently became deputy treasurer, treasurer, and a baron of the exchequer: *Admin. Ire.*, pp 102, 112, 116–17, 178 n. 2. <sup>22</sup> *CPR 1343–5*, p. 316; *Admin. Ire.*, pp 160, 171–2. <sup>23</sup> *CPR 1343–5*, pp 206, 307. He was chief justice from 1352 to 1354 (*Admin. Ire.*, pp 111 n. 4, 170–1), and went on to have a long career in the service of Queen Philippa and John of Gaunt, whose chief steward of lands he became (Simon Walker, *The Lancastrian affinity, 1361–1399* (Oxford, 1990), pp 29–30, 85n, 286). <sup>24</sup> NAI, R.C.8/24, pp 37–8. He was almost certainly the 'Godefridus Folyngham' to whom the prior of Holy Trinity gave half a mark and a pair of gloves for his help in obtaining a writ at Drogeda in 1345 (*Account roll, Holy Trinity*, p. 95). <sup>25</sup> CIRCLE, Close R 18 Edw. III, no. 206. See Robin Frame, 'Profits and perils of an Irish legal career: Sir Elias Ashbourne (d.1356), chief justice and marcher lord', in T.R. Baker (ed.), *Law and society in later medieval England and Ireland: essays in honour of Paul Brand* (London, 2018), pp 121–44. <sup>26</sup> CIRCLE, Pat. R 20 Edw. III, no. 178; 54th Rep.

came under attack. On 20 October 1344 an order was issued for his arrest and the seizure of his lands and goods.<sup>27</sup> It is not until January 1347 that an explanation emerges.<sup>28</sup> In return for an annual payment John had had custody of the weirs on the Shannon at Limerick. Hugh de Burgh, when treasurer, had examined the exchequer records to discover the extent that he was bound to pay, but had found no record of one. He therefore had the weirs extended again, and John had made payment. Ufford, having the rolls scrutinized in his own presence, had noticed that the grant of the weirs predated the extent (which should technically have come first); immediately he had the grant annulled and John delivered to the marshal's custody until he made a further account. The justiciar clearly took an interest in the details of administration – and rightly so, for it was on these that the profitability of his government would partly depend.

By mid-November 1344 the signs are that major investigations were being carried out. The king had heard of grants made in Ireland 'which would not have been made if the king had had true information as to the facts', and he ordered that the Irish government should send details and valuations of all projected grants to Westminster.<sup>29</sup> At the same time Ufford was authorized to re-extend all lands that had been granted without a proper extent or on the basis of valuations made 'by favour and fraud', and to make sure that the full sums were paid for them. The treasurer and barons for their part were to examine all grants made since 1330, the year in which Edward had assumed full control of his inheritance.<sup>30</sup> These orders were presumably a response to Ufford's initial findings: he had by this time been in Ireland for four months, and on 24 October had sent a written report to the king in the hands of two messengers who were charged with other, no doubt more controversial, matters to relate by word of mouth.<sup>31</sup> A strong light was being directed on shady corners.

The king's seriousness of purpose is revealed in another measure that must be considered if Ufford's activity in Ireland and the opposition it aroused are to be understood: the justiciar was provided with a substantial retinue of English troops. He was to have forty knights and other men-at-arms and 200 archers, mounted and foot. Described by the Dublin annalist as 'a large, paid force',<sup>32</sup> this was by far the most impressive body of men to come to Ireland since the Bruce invasion. Although the number of archers gradually declined as men died or went home without being replaced, the men-at-arms in receipt of fees were kept up to full strength, probably from a larger pool that had come to Ireland with Ufford; even at the end of his active rule he still had a minimum of 126 men with him.<sup>33</sup> Militarily, this was no mean force. Paid armies in Ireland

DKPRI, p. 60. <sup>27</sup> CIRCLE, Close R. 18 Edw. III, nos. 188, 197–8; *Admin. Ire.*, pp 102–3, 121–2. <sup>28</sup> CIRCLE, Pat. R. 20 Edw. III, no. 13; NAI, R.C.8/23, pp 399–402. <sup>29</sup> CPR 1343–5, p. 417. <sup>30</sup> CCR 1343–6, p. 478. <sup>31</sup> *Affairs Ire.*, no. 202. <sup>32</sup> CStM, ii, p. 388: 'magna constipata militia'. <sup>33</sup> The numbers in the retinue are set out in Table 12.2, below, pp 301–2, where their fluctuations may be followed. In 1337 John Charlton had 200 Welsh foot (CCR 1337–9, pp 169–70; NAI, R.C.8/21, pp 30–1). In 1331 Anthony Lucy was to have

rarely rose much above 1,000 men,<sup>34</sup> and since government involved incessant, small-scale military expeditions, English troops, with their close attachment to the justiciar and dependence for employment on the continuance of his rule, provided a reliable nucleus around which a larger army could grow. They must also have given their commander the ability to face the great lords on something approaching equal terms, and welcome freedom of action, in that he could patrol outlying areas without continually resorting to the full machinery of war.

But Ralph's retinue meant much more than that. His knights and esquires were a trusted group to whom tasks of all sorts could be delegated. Commanders of this period normally raised their troops themselves and obtained royal letters of 'protection' (that is, against legal actions during their absence from England) for named individuals.<sup>35</sup> For instance, although Ufford's licence to retain troops was issued only on 24 April 1344, he must have already been engaging men-at-arms, for protections began to be enrolled almost at once.<sup>36</sup> Some at least of these men had associations with Ralph and his family apart from their service in Ireland. For instance, the earl of Suffolk appointed one of them as his attorney in Ireland,<sup>37</sup> and after Ufford's death Countess Maud named two others among her own executors.<sup>38</sup> In Ireland, we find them acting as commissioners to levy debts,<sup>39</sup> royal seneschals,<sup>40</sup> castellans,<sup>41</sup> messengers,<sup>42</sup> commissioners to seize the goods and chattels of the unfortunate John Balscot,<sup>43</sup> and to arrest one of Desmond's allies and sell his goods.<sup>44</sup> They could be used for important military commands (keeper of the Moiry pass), and for extremely delicate political operations (the arrest of the earl of Kildare).<sup>45</sup> In return Ralph was

eighty archers and in 1338 Thomas Charlton 200 foot, but it is not clear whether these forces actually arrived (*CPR* 1330–4, p. 135; *CPR* 1338–40, pp 355–6). The wages of such troops were charged on the Irish revenue; financial subvention from England was a feature of the later fourteenth century. On the number of men-at-arms, see Ayton, *Knights and warhorses*, pp 116–17. <sup>34</sup> For typical figures, see Robin Frame, 'Military service in the Lordship of Ireland, 1290–1360: institutions and society on the Anglo-Gaelic frontier', in Frame, *Ire. & Brit.*, pp 279–99 at 291. <sup>35</sup> A.L. Brown, 'The authorization of letters under the great seal', *BIHR*, 37:96 (1964), 125–56 at 130–1; and the full discussion in Ayton, *Knights and warhorses*, pp 157–63. For the knights and men-at-arms in the retinue, and details of their loss of horses, see the document printed in translation, below, pp 305–8. <sup>36</sup> *CPR* 1343–5, pp 227, 244–5, 255, 257, 259–60, 301, 310. <sup>37</sup> *Ibid.*, p. 308 (William Burton). <sup>38</sup> *CPR* 1345–8 (Nicholas Gernon and Reginald Perpount). Nicholas was still in her service in England in 1369, when he was permitted to receive the revenues of his Irish lands (*CPR* 1367–70, p. 219); in 1382 he was living in retirement at her Franciscan foundation at Bruisyard, Suffolk (Smith, *Crisis & survival*, pp 35–6). Reginald went on to have a long career in the service of her daughter, Elizabeth de Burgh, countess of Ulster. <sup>39</sup> NAI, R.C.8/23, pp 61, 69–70, 323 (William Burton, Simon Stanford and John Troy, paymaster of the troops). <sup>40</sup> CIRCLE, Close R. 18 Edward III, nos. 195, 203 (Robert Baret and Reginald Nerford as seneschals of Connacht). <sup>41</sup> *54th Rep. DKPRI*, p. 31 (William Burton as constable of Cashel). <sup>42</sup> *Affairs Ire.*, no. 202 (Robert Warde with Godfrey Folejambe). <sup>43</sup> *54th Rep. DKPRI*, pp 23, 25 (Walter Nerford on the security of Reginald Nerford and Robert Ryther). <sup>44</sup> NAI, R.C.8/23, p. 592 (Simon Stanford, William Burton and John Troy). <sup>45</sup> For these episodes,

not slow to reward them with lands, custodies and revenues in Ireland. Walter Nerford was given the custody of three Meath manors.<sup>46</sup> John Daumartyn was promised, and received, the first escheat worth £20 that came into the king's hand.<sup>47</sup> Nicholas Gernon obtained a grant of £46 13s. 4d. on the revenues of Drogheda.<sup>48</sup> William Burton had the lands in Co. Kildare forfeited by Eustace le Poer in the rebellion of 1345.<sup>49</sup> Andrew Guildford was granted not only lands in the Ards that had belonged to Walter Mandeville, but also a meadow in Co. Waterford that had belonged to the earl of Desmond himself.<sup>50</sup> These men were being inserted into the social and political world of the Lordship. They provided Ufford with at least the makings of an independent political as well as military power-base.

It is not surprising, therefore, that the justiciar's followers – the more substantial of whom will have had their own households and dependants – aroused jealousy. But there was a further reason for resentment. The possession of a substantial retinue, not to mention a wife who kept a splendid court, meant that Ufford had a large number of mouths to feed. This led to heavy use of his rights of purveyance, one of the most unpopular aspects of fourteenth-century government in both England and Ireland.<sup>51</sup> There is evidence of frequent commissions of purveyance touring the Irish shires and boroughs, and in these too his own men took part.<sup>52</sup> A payment made by the seneschal of the prior of Holy Trinity takes us momentarily behind the screen of the official record: 'in cloth bought and given to the purveyors of the chief justiciar of Ireland that they may be more favourable to us; to make hose of it for them, 2s. 8d.'.<sup>53</sup> This, as well as the fact that he was well-disposed towards the earl of Desmond, may help to explain the hostility of the Dublin annalist towards Ufford, and the accusation that the justiciar was 'a plunderer of the goods of clerk and lay, rich and poor'.<sup>54</sup> Nevertheless, the advantages of such a force must have far outweighed the odium it incurred.

Despite his close association with his Englishmen, Ufford by no means erected a barrier against the English of Ireland. His own knights included Raymond de Burgh, a brother of Sir Edmund Albanach who had served

see below, pp 281–2, 287–9. <sup>46</sup> CIRCLE Close R. 18 Edw. III, no. 193. <sup>47</sup> *CPR 1343–5*, p. 269; CIRCLE Close R. 18 Edw. III, nos. 180–1. <sup>48</sup> NAI, R.C.8/23, pp 11–12; *CPR 1343–5*, p. 546. <sup>49</sup> NLI, Genealogical Office MS 191, p. 312; TNA, C.47/10/20, no. 11. He also had a custody in Limerick (NAI, R.C.8/23, p. 562). <sup>50</sup> *Admin. Ire.*, p. 254. The date of the second grant is given as 25 Jan. 1345, i.e., some months before Desmond's fall. Since 25 January was the first day of Edward III's regnal year, it seems likely the true date was 25 Jan. 1346. <sup>51</sup> See, e.g., B.P. Wolffe, *The royal demesne in English history* (London, 1971), pp 48–9; Michael Prestwich, *War, politics and finance under Edward I* (London, 1972), pp 128–36; Lydon, *Lordship*, pp 135–7. <sup>52</sup> NAI, R.C.8/23, pp 43–6, 390–2, 460–1, 568–9 (Simon Stanford). <sup>53</sup> *Account roll, Holy Trinity*, p. 92 (probably early 1345). <sup>54</sup> *CStM*, ii, p. 385. See also the accusation (pp 388–9) about unpaid debts. Commissions of purveyance seem normally to have excluded churchmen and church lands (e.g., NLI, MS 3, fo. 37: 'bonis virorum ecclesiasticorum et feodis ecclesie duntaxat exceptis'), which may have

Edward III in France.<sup>55</sup> And of course the paid armies he raised contained large contingents led by settler and Gaelic lords. The Dublin annalist accuses him of 'with a few exceptions, utterly mistrusting the local inhabitants'.<sup>56</sup> But there were some very significant exceptions. Ufford retained Walter Bermingham and Fulke de la Freigne 'of the king's secret council', to serve the king in peace and war, awarding each of them an annual fee of £40.<sup>57</sup> Walter, who was one of the half-dozen most important men in the Lordship, had redeemed himself after his father's forfeiture and execution in 1331–2 by good service to the crown. Edward III had restored his lands only in 1337; having worked his passage back into favour he was unlikely to risk a further forfeiture. He proved reliable and was himself to be appointed justiciar in 1346.<sup>58</sup> Although Fulke de la Freigne was a lesser figure, he had a particular political importance at this time. Since the earl of Ormond was a minor, Fulke, who was seneschal of Kilkenny, was the most influential lord in the Kilkenny–Tipperary region.<sup>59</sup> His support was crucial if the spread of Desmond power were to be resisted. Fulke and his kinsman Oliver contributed heavily to the government's military strength in 1344 and 1345.<sup>60</sup> Attachment to Ufford ensured advantages. As early as 7 October 1344 Walter found the escheator's hand being removed from lands of his wife's that he had entered without licence after her death;<sup>61</sup> later he too was to receive property forfeited by Eustace le Poer.<sup>62</sup> Fulke for his part obtained custody of the lucrative prise of wines at Waterford.<sup>63</sup>

#### MUNSTER AND LEINSTER IN 1344

The justiciar landed at Dublin on 13 July 1344.<sup>64</sup> Two days later his retinue had disembarked and been taken into the pay of the Dublin government. Ralph seems to have surveyed affairs and decided his priorities with remarkable speed, for eight days later he and his men were already moving southwards. The intervening period had included, as we might expect, consultation with the Irish council.<sup>65</sup> The justiciar will certainly have been briefed before

increased the indignation felt. <sup>55</sup> For Raymond, see Robin Frame, 'The de Burghs, the earldom of Ulster and the Anglo-Scottish frontier', in David Ditchburn and Seán Duffy (eds), *The Irish-Scottish world in the Middle Ages* (Dublin, forthcoming). <sup>56</sup> *CStM*, ii, p. 385 ('indigenis, paucis duntaxat exceptis, totaliter diffidens'). <sup>57</sup> They seem to have been retained as early as the Michaelmas term of 1344 (Richardson & Sayles, *Ir. parl.*, pp. 30–1 and n. 63). <sup>58</sup> *CPR* 1343–5, pp. 17–18. He was to pay a goshawk annually, in addition to the accustomed services, in recognition of the king's generosity in rehabilitating him. See Frame, *Eng. lordship*, pp. 220–2. <sup>59</sup> On Fulke and the Freigne family, see Bernadette Williams in *AClyn*, pp. 74–85. <sup>60</sup> For their military contribution and all further details of Ufford's paid armies, see Table 12.3, below, pp. 302–4. <sup>61</sup> CIRCLE, Close R. 18 Edw. III, no. 178. <sup>62</sup> *CPR* 1345–8, pp. 261–2. <sup>63</sup> NAI, R.C.8/23, pp. 322–3. <sup>64</sup> *AClyn*, p. 231. Ufford's itinerary can be followed in Table 12.1, below, pp. 296–300. <sup>65</sup> *Affairs Ire.*, no. 202 (letter

leaving England,<sup>66</sup> but communications were inevitably slow and in a land of kaleidoscopic political alliances there was no substitute for the advice of the men on the spot. Ufford must at once have been made aware of the military problem that had occupied so much of his predecessors' time and resources, for on 18 July he ordered the sheriffs and seneschals of the Leinster counties to ensure that supplies did not get through to the insurgent Irish, and also restated the principle that there should be one peace and one war throughout Ireland – an aspiration that in practice meant that adjacent communities should help one another.<sup>67</sup> Military action in Leinster was, however, postponed until his return journey.

In his letter to the king Ralph spoke of the 'insufferable outrages' that had drawn him to Co. Cork. August was spent in the southern counties. There the justiciar took inquisitions into the earl of Desmond's recent activities, and also replaced the sheriff of Cork for undue indulgence to one of his own kinsmen.<sup>68</sup> Local administration too was to come under close surveillance. Juries at Cork and Clonmel told of armed disputes between Desmond and his followers and other southern lords – Ufford's 'outrageous riots of the English who would not be obedient to the court'.<sup>69</sup> At Youghal a tale emerged that directly affected the king's interests. It concerned a prolonged dispute, the earlier stages of which must have been familiar to the justiciar. Since the death of Richard Clare at Disert O'Dea in 1318, and the passing of the inheritance in 1321 to Richard's absentee sisters and their representatives, Desmond had been trying to assert his authority in the resulting partial power-vacuum. In Limerick, he had inherited the Clare alliance with the Clann Briain Ruad branch of the O'Brien dynasty, in the person of Brian Bán O'Brien, who had his own ambitions to fulfil in and beyond Thomond.<sup>70</sup> In Cork, he had claimed lordship over the prosperous town of Youghal and barony of Inchiquin, which Edward III regarded as being held by the Badlesmere co-heirs of the Clares directly of the crown. The earl's claims had suffered a setback in the early 1330s, but at some point between 1338 and 1340 he had obtained a judgment from Thomas Charlton, the keeper of Ireland, that Youghal and Inchiquin were held of Desmond and not of the king in chief.<sup>71</sup> Edward had reacted by having the lands recovered and extended by

from Ralph to the king, 24 Oct. 1344). <sup>66</sup> In 1337 John Charlton had been ordered 'to make himself ready without delay to come to the king ... and to receive information upon the state of that land' (*CCR* 1337–9, p. 140). <sup>67</sup> *Stat. John–Hen. V*, pp 364–5. <sup>68</sup> CIRCLE, Close R. 18 Edw. III, nos. 166–9. <sup>69</sup> Sayles, 'Legal proceedings', pp 28–9, 32–4, 36–8. <sup>70</sup> Immediately after Disert O'Dea, Maurice fitz Thomas and Brian had together invaded Thomond (*AI*, p. 429). Their association is apparent throughout Sayles, 'Legal proceedings'; for its earlier phases, see above, pp 248, 253, 255. <sup>71</sup> *CCR* 1341–3, pp 636–7. The dispute is exhaustively treated in O'Brien, 'Territorial ambitions'; see also Frame, *Eng. lordship*, pp 187–8, 211–12, 229–30, 272–3, and two other articles by A.F. O'Brien: 'The settlement of Imokilly and the formation and descent of the manor of Inchiquin, Co. Cork', *JCHAS*, 87:245 (1982), 21–6, and 'Medieval Youghal: the development of an Irish seaport trading

the escheator in 1343.<sup>72</sup> Ufford was now told that, a mere week later, Desmond had unceremoniously ejected the royal ministers and re-inserted his own officials. The flouting of the Dublin government's authority could hardly have been more contemptuous.<sup>73</sup> Ufford reversed the process yet again, appointing a royal seneschal of Youghal and Inchiquin on 21 November 1344,<sup>74</sup> but beyond that seems to have been content for the moment merely to gather information: there is no sign of direct action against Desmond, nor indeed of any resistance on his part. Ralph, if told the king the truth, was under the impression that order had been restored.

King Edward, who had by now a long acquaintance with the earl and his habits, seems to have intended, not that Ufford should rush into a conflict with him, but that he should be given an opportunity to co-operate with the government, within a stricter framework of discipline. When in good standing, Desmond was a source of strength. His removal was more likely to result in a political void (such as had already appeared in Ulster and indeed in Thomond) than an increase in crown authority. The earl had been custodian of the vacant Ormond lands, a position he had lost when their keeping had been transferred to Eleanor Bohun, the widowed countess of Ormond, in 1343.<sup>75</sup> He was eager to recover this grant. Edward seems to have contemplated its restoration, for throughout 1344 he was bargaining with Desmond over the price he should pay for the lands and for the marriage of the young Butler heir. John Coterel, the earl's steward, made more than one visit to court to forward the business. In April an offer of £1,000 was received from Desmond, but the grant was held back. Eventually, on 1 September 1344, it passed the great seal, in return for a promise to pay 2,300 marks.<sup>76</sup> Edward plainly wanted as much as cash as he could get, but possibly also saw the earl's power and self-interest as the best hope of preserving the neighbouring inheritance intact through the hazards of a minority. In Ireland, however, Ufford now took a fateful step. On 18 October, he removed the custodianship of Nenagh and the Tipperary lordships from Desmond, restoring it to the widowed countess of Ormond and her new husband, Sir Thomas Dagworth, a noted English commander in the French wars.<sup>77</sup> This act undid Desmond's months of diplomacy, during which, he later claimed (and Edward accepted), money had actually been dispatched to England.<sup>78</sup> Thus, although Ufford and Desmond had not come to blows, the justiciar had swiftly checked the earl's ambitions in two areas. Ralph might be

town, c.1200 to c.1500', *Peritia*, 5 (1986), 346–78. 72 *Inquisitions & extents*, nos. 288–9.

73 Sayles, 'Legal proceedings', pp 29–32, 34–6. 74 CIRCLE, Close R. 18 Edw. III, no. 202.

75 *CFR* 1337–47, p. 341. Desmond had made a payment of £50 into the exchequer on 17 April 1342 (TNA, E.101/241/7).

76 *CFR* 1337–47, pp 404–5. There are fuller details of these transactions in Frame, *Eng. lordship*, pp 271–2. See also Frame, 'Rebellion and rehabilitation', pp 208–9, 215–16.

77 CIRCLE, Close R. 18 Edw. III, no. 189. For Dagworth, see Michael Jones, 'Sir Thomas Dagworth et la guerre civile en Bretagne au xiv siècle: quelques documents inédits', *Annales de Bretagne*, 87 (1980), 621–39.

78 *CPR*

said to have stated his terms; it remained to be seen whether Desmond would acquiesce or resist.

In the second half of September the justiciar was able to turn his attention to the Irish of east Leinster. There is nothing to illuminate the immediate background to his campaign, but it was part of the response to continual unrest, stretching back to the time of the justiciar's grandfather, who had mounted a major campaign in Wicklow in 1277. More recently, almost every year since 1324 had seen military action by the Dublin government.<sup>79</sup> Ufford himself presented the situation in very simple terms, telling the king of the 'war of the Irish ... who do all the evil they can to weaken the English that they may drive them from the land'.<sup>80</sup> The opponents he had in mind were MacMurrough, O'Byrne and O'Nolan.<sup>81</sup> By 20 September Fulke and Oliver de la Freigne had joined him, adding 443 troops to his retinue of 237.<sup>82</sup> The fighting probably took place between then and 2 October, when their forces went out of pay. As so often, the course of the campaign is almost entirely obscure, though the loss of fourteen horses by the justiciar's men-at-arms alone may indicate some stiff engagements. Other than that, all we know is that the ravaging of Uí Cennselaigh and the burning of the corn of the Irish (which would recently have been harvested) forced them to the peace. As usual, hostages were taken in an attempt to make the submissions stick.<sup>83</sup>

Subsequent events provide the best commentary on the justiciar's actions. MacMurrough was to come to Munster with a large force in order to serve the king in 1345. Moreover, apart from some defensive measures in Wicklow immediately after the campaign,<sup>84</sup> no major military action was necessary in the Leinster mountains during the remainder of Ufford's term of office, and indeed for the rest of the 1340s. From a government standpoint, this quiescence was important. The distance of Dublin from the southern counties, and the vulnerability of the Barrow route to the south (which Ufford or a member of his administration may have been the first to diagnose as a strategic problem),<sup>85</sup> made Leinster an unavoidable military priority. The relative order he had helped to create there enabled him to spend long periods in Ulster and Munster without continual backward glances.

<sup>79</sup> 1354-8, p. 412; Frame, 'Rebellion and rehabilitation', p. 209. <sup>79</sup> For outlines, see Otway-Ruthven, *Med. Ire.*, pp. 242-58 and O'Byrne, *Irish of Leinster*, pp. 92-6. <sup>80</sup> *Affairs Ire.*, no. 202. <sup>81</sup> NAI, R.C.8/23, pp. 80-90, 443; CIRCLE, Close R. 18 Edw. III, no. 191; *54th Rep. DKPRI*, p. 60. <sup>82</sup> They are said to have been with him in the Kilkenny area; but they were in pay when he was at Ferns on 24 Sept. <sup>83</sup> *AClyn*, p. 231. There were three MacMurrough hostages in custody at New Ross in Jan. 1346 (NLI, Genealogical Office MS 191, p. 307). <sup>84</sup> Marchers were to stay upon the defence of their lands from 16 Oct. (CIRCLE, Close R. 18 Edw. III, nos. 94-5), and there was an extra force at Newcastle McKynegan in Nov. and Dec. <sup>85</sup> Late in 1345 the king gave the justiciar authority to move the exchequer and common bench away from Dublin, which was 'situated in a more remote part of that land' and difficult for local ministers and lords of liberties to reach, with a consequent diminution of the revenues (*CCR 1343-6*, p. 672). This foreshadowed the (unsuccessful)

## INTERVENTION IN ULSTER

Ufford's intervention in Ulster early in 1345 is the most obscure part of his activity. Since the normal times the earldom was a great liberty, and Dublin's authority had not been securely established there after 1333, northern affairs generally leave little trace in the government records. The Irish annals are thin during the mid-1340s and make no reference to the justiciar's activities. Almost no Irish chancery letters survive for the regnal year 19 Edward III (25 January 1345–24 January 1346). The few glimpses we are permitted of Ufford's measures in Ulster are difficult to interpret because the scanty evidence does not fit into a secure background; much must be conjecture.

That Ralph should move north once circumstances permitted was to be expected. Countess Maud was entitled to a dower of one third of Earl William, her late husband's inheritance for life.<sup>86</sup> This excluded substantial (and profitable) lands held in jointure since 1309 by William's mother, Elizabeth de Burgh, lady of Clare. After William's murder in 1333, the Dublin government had proved incapable of securing Maud her rights, and she had been badgering the king for compensation. Edward had agreed to grant her lands in England to half the value of the lands beyond her reach in Ireland. Meanwhile she was given some financial compensation, including the forfeited revenues of alien (French) priories. As he was preparing to depart for Ireland, Ufford took the precaution of having these arrangements confirmed.<sup>87</sup> An extent of Maud's dower in Ulster, made in 1342, reveals the underlying problem. Her mother-in-law was in possession of some of the best bits of the inheritance, notably the still-prosperous lordships around Bushmills, Portrush and Coleraine on the north Antrim and Derry coasts. Maud's share, apart from the valuable lordship of Newtownards, was distinctly challenging: the revenues of Carlingford, Co. Louth and Greencastle, Co. Down were much decayed; Northburgh, on the Inishowen peninsula, was effectively beyond reach; and the cattle-rents and military services of the Irish, which she was also allotted, were likely to be spasmodically forthcoming, at best.<sup>88</sup> But there was certainly more to Ufford's concern with Ulster than a desire to recover his wife's income. In 1342 the child Lionel of Antwerp, the king's second surviving son, had been married to Maud's daughter, Elizabeth de Burgh, the Ulster heiress. Edward will have intended that their Irish inheritance should be more than a parchment one. The strategic importance of Ulster had been brought home to the king early in his reign; and since the renewal of the Anglo-Scottish war in 1333 the English

movement of the courts to Carlow under Lionel of Clarence. See below, p. 339. <sup>86</sup> For her dower, which included de Burgh properties in Meath, Leinster, Munster and Connacht as well as in Ulster, see *CCR 1333–7*, pp. 248–50 (26 Aug. 1334). <sup>87</sup> *CPR 1343–5*, p. 246. <sup>88</sup> TNA, C.47/10/20/14. This document is badly damaged and in places illegible.

government had shown a marked concern for Carrickfergus castle.<sup>89</sup> Just before he left England, Ufford had received from Edward a licence ‘to place a certain number of men, commonly called in that land “le bonaught”, in the county of Ulster for the defence and peace of those parts, as used to be done in the time of the late earls of Ulster’.<sup>90</sup> Royal policy and family interests were intertwined.

The final weeks of 1344 and the first of 1345 were spent at Drogheda, dealing with routine business largely concerning Meath and Louth.<sup>91</sup> Ufford’s preoccupation with Ulster is suggested by an appointment to the custody of the county of the New Town of Blathewic (Newtownards) on 28 November,<sup>92</sup> and more strikingly by an inquisition taken at Drogheda on 6 December.<sup>93</sup> This harked back to the Bruce invasion more than a quarter of a century before; the jurors indicted members of leading Ulster settler families, including John, Henry and Richard Mandeville, William Savage, Henry and William Logan and John Bisset of attacking towns and villages in Louth in company with the Scots. This may be a chance survivor of routine inquiries; but the timing and the persons indicted make it tempting to speculate that ammunition was being collected for possible use against disaffected elements in the north.<sup>94</sup> Ufford’s actions in Munster, and against the earl of Kildare, show that he was well aware of the value of the legal dossier when dealing with political opponents. Whatever his intentions, the men of Ulster will not have contemplated his arrival with equanimity.

At some time between 18 February and 6 March the justiciar advanced to Carlingford. On 27 February his retinue had been joined by John Clinton, recently sheriff of Louth,<sup>95</sup> with twenty-four men-at-arms and twelve hobelars and by an unidentified Irish captain of kern with at least one hundred followers.

<sup>89</sup> Ranald Nicholson, ‘A sequel to Edward Bruce’s invasion of Ireland’, *Scottish Historical Review*, 42 (1963), 30–40; Frame, *Eng. lordship*, pp 138–52; *CCR 1333–7*, pp 216–17; *CCR 1337–9*, p. 365; *CPR 1334–8*, pp 547–8; *CPR 1338–40*, pp 52–3. <sup>90</sup> *CPR 1343–5*, p. 239. See Edmund Curtis, ‘The “bonnacht” of Ulster’, *Hermathena*, 21 (1931), 87–105; Simms, *Kings*, pp 138–9. <sup>91</sup> CIRCLE, Close R. 18 Edw. III, nos. 204–5, 211. He was also at Trim in mid-Jan. This seems the most likely period for his visit to Loughsewdy and possibly Roscommon, and his retention of O’Molloy, mentioned only in the document translated below, pp 306, 308. <sup>92</sup> CIRCLE, Close R. 18 Edw. III, no. 208. <sup>93</sup> TNA, C.260/60/9 (formerly PRO, C.47/87/2, no. 9a). <sup>94</sup> It is not possible to provide a precise context for this accusation. During the Bruce invasion Co. Louth was troubled both by the Scots and their allies and by troops serving against them, including forces under Sir Thomas Mandeville, the seneschal of Ulster (Brendan Smith, ‘The Bruce invasion and County Louth, 1315–18’, *JLAHS*, 22:1 (1989), 7–16; Smith, *Colonisation*, pp 152–3). The period saw fluctuating allegiances and differences within as well as between Ulster families. Bissets and Logans were accused of siding with the Scots in 1315 (J.R.S. Phillips, ‘Documents on the early stages of the Bruce invasion’, *PRIA*, 79C:11 (1979), 247–70 at 257–8; *Affairs Ire.*, no. 94), but early in 1316 Edward Bruce is said to have tried and hanged members of the Logan family (*CStM*, ii, p. 349). <sup>95</sup> Smith, *Crisis & survival*, p. 15, shows that he served in 1339–41; then there is a gap in our information until the 1345–6 exchequer year. It is possible that Clinton was still sheriff in Feb. 1345.

At this point disaster struck. To enter Ulster, Ufford had to traverse the Moiry Pass in south Down. The area was dominated by MacCartan, who had posed a problem to the government's representatives in the 1330s.<sup>96</sup> Thomas MacCartan inflicted a heavy defeat on Ufford's forces, who lost twenty-nine war horses, seven sumpter horses, several carts and wagons, and £100 in harness and cash in the pass.<sup>97</sup> Ralph recovered himself almost immediately, summoning the county levies of Louth and with their help forcing his way through into the earldom. He also displayed foresight. Aware of the dangers of his return journey and of the need to ensure royal officers safe passage in the future, he had the pass cleared and repaired.<sup>98</sup> MacCartan's likely return to his patrimony was also provided against. Andrew Guildford, one of Ufford's men-at-arms, was left behind as 'guardian of the land', with the encouragement of a price that had been put on MacCartan's head. When Thomas did come back, Andrew captured him in a stiff fight, in which he claimed to have lost thirty men and £100 in horses and armour.<sup>99</sup> According to Andrew's account, MacCartan was then put to death 'by judgment of the land'.

With Ufford's entry into Ulster virtual silence descends. He was at Carrickfergus on 20 March and at Antrim on 1 April. Presumably he should be imagined holding courts in the main centres of the earldom, together with the seneschal of Ulster whom we know to have joined him, hearing pleas, making extents, enquiring into the king's rights and those of Countess Maud. Only one trace of this activity appears to have survived. On 14 June, just about the time when news of his measures in Ulster would have reached England, the king found it necessary to restore the lady of Clare to lands and rights in Ulster and elsewhere in Ireland that had been seized by the Irish escheator. These had been granted to her and her late husband John de Burgh in jointure by her father-in-law, the Red Earl, at the time of their marriage. According to her own story, they had been taken on the pretext that they were held of the king in chief, and that she and John had entered them without a royal licence. The king pardoned the fine that she had been compelled to make for this alleged trespass.<sup>100</sup> That the seizure was Ufford's doing is confirmed by the fact that such a fine was made

<sup>96</sup> *IExP*, pp. 371, 378, 379; NLI, MS 2, fo. 79 (CIRCLE, Close R. 9 Edw. III, no. 35).

<sup>97</sup> See below, pp. 307–8, which confirms the account in *CStM*, ii, p. 385. <sup>98</sup> *AClyn*, p. 231. <sup>99</sup> *Rot. Parl.*, ii, pp. 211–12; *CPR* 1348–50, p. 55. In 1353 agents of Elizabeth Clare paid 'the men of William Makgengus, keeper of the pass of Indulian, for safe-conduct to the castle of Rath (Dundrum)', which might suggest that the area was now under the control of Magennis rather than MacCartan: TNA, S.C.6/1239/32; T.E. McNeill, *Anglo-Norman Ulster: the history and archaeology of an Irish barony, 1177–1400* (Edinburgh, 1980), p. 141 and n. 79.

<sup>100</sup> *CPR* 1343–5, p. 481. Roger Darcy, the escheator, accompanied Ralph to Ulster (*IExP*, p. 416). This was not the last challenge to Elizabeth's position; in 1352 transcripts of the deeds made in 1309 by which the Red Earl of Ulster settled extensive lands in jointure on John and Elizabeth were sent to England (TNA, C.47/10/22, no. 10; Robin Frame, 'A register of lost deeds relating to the earldom of Ulster, c.1230–1376', in *Princes, prelates and poets*,

before him at some time between January and June 1345.<sup>101</sup> Although there had been tension at times between the two widows,<sup>102</sup> it is unlikely that he had launched a wilful attack on Elizabeth, of whom he held lands in Dorset. Apart from anything else, the fine was for as little as £2, and his own knight, William Burton stood security for her. More probably there was uncertainty because the earldom had been in the king's hand for so long. But it is not the first time we have seen a trace of over-zealousness in Ralph's attempts to serve the king's interests.<sup>103</sup>

The annals say only that Ufford 'deposed Henry O'Neill, king of Ulster, from the kingship, substituting Aodh O'Neill in his place, and thus returned with praise and in triumph'.<sup>104</sup> The new relationship with Aodh seems to have been secured by a hostage, for 'Congyr', son of Aodh, was in custody in Dublin in 1346–7.<sup>105</sup> Why this change was made we are not told. Since only two horses were lost by members of the retinue within Ulster itself, it seems that there was little fighting; probably Ufford's forces and his recent success over MacCartan encouraged submission rather than resistance. The replacement of Henry by Aodh meant that Ufford had switched the government's support from Clann Aodha Buidhe to the senior line of the O'Neills. This was a reversion to the position in the Red Earl's day: Aodh was the son of Domnall whom Earl Richard had had to accept, and who had later allied himself with Edward Bruce. Orpen considered the break with Clann Aodha Buidhe 'ill-advised', as it no doubt was in the longer term.<sup>106</sup> But it is most likely that Ufford saw Henry as the more immediate threat to south Antrim and north Down, the main heartland of the earldom. An alliance with Aodh, whose power lay mostly west of the Bann, may have appeared to make sense. That Henry had become over-powerful is suggested by an event in 1338. In response to representations from Ulster, the king allowed him 'a certain waste land', provided the Dublin government agreed, until the heir of the Brown Earl came of age. The motive of the grant was said to be that it would tend 'to the safety and quiet of the English

85–106 at 96–7, 104–5). <sup>101</sup> *54th Rep. DKPRI*, 54, p. 24. <sup>102</sup> Ward, *English noblewomen*, p. 39. <sup>103</sup> In 1973 (*Studia Hib.*, 13, p. 23 n. 97), I argued that a surviving inventory of plate, furnishings, books, spices and other items with a covering letter saying that the writer was waiting for a wind to bring him to his lady (*Dowdall deeds*, ed. Charles McNeill and A.J. Otway-Ruthven (IMC, Dublin, 1960) no. 119) referred to Maud. The reference to a bedspread with the arms of England, Gloucester and Dammory, and waiting for 'the king's grant to regain what is yours' makes it more likely that the intended recipient was Elizabeth. The editors dated the document c.1334, probably because of the recent death of her son, the earl of Ulster. But references to Richard Newent (sheriff of Ulster in 1344), John Gernon, and Sir Robert Savage, the (admittedly perpetual) seneschal of Ulster would be compatible with 1344–5. Elizabeth seems not to have visited Ireland, where she had well-stocked and well-furnished properties, between the death of Theobald Verdon, her second husband, in 1316 and her own death in 1360, regularly appointing attorneys in the Lordship until 1359. <sup>104</sup> *AClyn*, p. 231. <sup>105</sup> NAI, R.C.8/24, pp. 240–1. <sup>106</sup> 'The earldom of Ulster', *JRSAI*, 45 (1915), 123–42 at 136. For longer perspectives, see Nicholls, *Gaelic*

and other lieges of those parts'.<sup>107</sup> It looks as though Henry was dictating terms. Since Ufford no doubt saw himself as restoring legality and giving the administration of the earldom renewed bite, part of his task would be to free it from dependence on Henry. The trouble was that the success of this move, as of that against MacCartan, depended on the persistence of governmental effort in the north. Predictably, this was not forthcoming.

#### THE DESMOND REBELLION AND ITS AFTERMATH

While Ufford was occupied in Ulster it was becoming clear that Desmond was not going to accept his measures meekly. On 22 February he had attempted to hold a 'conventicle' of the great lords at Callan. Ralph had forbidden them to attend and they had obeyed him.<sup>108</sup> The justiciar had then gone confidently on with his business. From Desmond's point of view this was ominous: in 1341-2 the settler community had banded together and demonstrated the government's ineffectiveness; things were clearly very different now.

The justiciar had returned to Dublin by late April. Between March and June events show that the political temperature was rising. Desmond was ordered by the exchequer to account in person on 11 April for the proceeds of the Ormond custody.<sup>109</sup> Then at some point during this period he was compelled to take an oath of fidelity before the justiciar and a council consisting of the chancellor, deputy treasurer and the four justices of either bench (all of whom had accompanied Ufford to Ireland). After Desmond, oaths were exacted from Walter Bermingham, Thomas Wogan, Fulke de la Freigne, Walter Lenfaunt, and John and William Wellesley, possibly in the role of the earl's sureties.<sup>110</sup> This suggests an atmosphere of suspicion, in which Ufford felt it necessary to bind men to their duty. Significantly, he also had enrolled the list of Desmond's mainpernors, the men who had stood as his pledges after his release from prison in 1333.<sup>111</sup> Again, the justiciar was preparing his legal weapons. About the same time, we hear of a – far from unusual – outbreak of disorder among the le Poers, who dominated Waterford. According to Clyn the culprits were 'hanged, drawn and divided into quarters'.<sup>112</sup> Such a judgment must have been given before Ufford or one of his justices, and it is the first indication that lords in Ireland

*Ire.*, pp 152-4 and Smith, *Crisis & survival*, p. 32. <sup>107</sup> CCR 1337-9, p. 329. <sup>108</sup> AClyn, p. 231. <sup>109</sup> NAI, R.C.8/23, p. 320. <sup>110</sup> NLI, Genealogical Office MS 191, p. 290. These notes from the Justiciary rolls were made by Sir William Betham primarily for genealogical purposes and are more concerned with the names that appear than with the tenor of the texts. In this case, the names of the councillors confirm that it is not a re-enrolment of an oath taken on some earlier occasion. <sup>111</sup> Ibid., p. 289. The original list (which included Fulke, Walter Lenfaunt and John) is printed in *Parls & councils*, p. 13. <sup>112</sup> AClyn, p. 233. He does not date this, but it is included between events 'around Easter' and 24 June. A hostage of the family was delivered to the king (NLI, Genealogical Office MS 191, p. 293).

were to feel the full rigour of the law, which had hardened against rebellion since the thirteenth century.<sup>113</sup> The Dublin government had normally little option but to tolerate a high level of noble and gentry crime. If such outbreaks were to be treated formally as rebellion and their perpetrators to suffer the ultimate penalties of the law of treason, even the greatest lords would not be safe. Ufford perhaps intended to set an example, but in doing so he was taking a risk. By sweeping the comfortable ambiguities of marcher politics aside, he was forcing men to stand up and be counted. There were those who would consider that they had already burnt their boats and that the only available stance was that of open opposition. The earl of Desmond himself may have felt that he had little to lose.

During June Desmond took the final steps into flagrant rebellion. On 7 June he failed to attend parliament at Dublin.<sup>114</sup> A fortnight later he and his men were attacking Thurles and Nenagh and ravaging Ely and Ormond. This confirms that one of his motives was anger at the removal of the hard-won Ormond custody and marriage.<sup>115</sup> By 26 June the justiciar was moving to war against him, without, according to the Dublin annalist, gaining the assent of the 'greatest of the land'.<sup>116</sup> War was now probably unavoidable. Ufford's actions, which at no point seem to have stepped outside the law, had nevertheless helped to force the earl into a corner.

Was the outbreak of war merely the result of a straightforward attempt by the justiciar to assert the king's authority, and the grievances his measures provoked? Here the surviving evidence fails us: as so often at this period, the behaviour of the protagonists retains a core of inscrutability. But at least two questions need to be considered, even though confident answers cannot be provided. There had been a long history of disputes between the de Burghs and the Geraldines in Munster as well as Connacht. Most recently, the late earl of Ulster and Desmond had come to blows, with de Burgh supporting the justiciar, Anthony Lucy against Desmond.<sup>117</sup> Having married the earl's widow, Ufford might be seen as a representative of the de Burgh interest; indeed cadet de Burghs were prominent in the army that he raised against Desmond. Desmond therefore had added reason to be wary of him from the first, whether or not such suspicion was justified. The other question concerns Desmond's own ambitions. Some fifteen years earlier he had been accused of plotting with other magnates of Ireland to obtain the kingship of Ireland for himself. In August 1346, four months after Ufford's death, a jury at Tralee

<sup>113</sup> See J.G. Bellamy, *The law of treason in England in the later Middle Ages* (Cambridge, 1970), chs 1–4; Claire Valente, *The theory and practice of revolt in medieval England* (Aldershot, 2003), ch. 2. <sup>114</sup> *CStM*, ii, p. 385. <sup>115</sup> *AClyn*, p. 233; Sayles, 'Legal proceedings', pp 24–5; *COD 1350–1413*, pp 226–7 (misdated). The 'Annals of Nenagh', ed. D.F. Gleeson, *AH*, 12 (1943), 155–64 at 160, show that Thomas Butler had recovered Nenagh from him in 1344. <sup>116</sup> *CStM*, ii, pp 385–6. <sup>117</sup> Orpen, *Normans*, iv, pp 234–8, 242; Frame, *Eng. lordship*, pp 193–4, 203–5, 208; and see above, pp 248, 252, 254.

was to tell Walter Bermingham of a second such plot, allegedly hatched in the first half of 1344. Desmond is said to have opened negotiations not only with Gaelic supporters, but also with the kings of France and Scotland, and to have made representations to the pope about the king of England's failure to abide by the terms of *Laudabiliter*. Historians have found no way of verifying these charges and have regarded them with varying degrees of scepticism; I have set out elsewhere the case for rejecting them, as – at least in part – malicious concoctions, designed to justify actions already taken by the authorities, who had arrested and imprisoned Desmond in 1331 and put him to flight in 1345.<sup>118</sup> It is worth re-emphasizing that the events of 1345 can be explained by specific land-claims, actions and grudges, and that if Desmond did toy with grandiose and unrealistic schemes these were the product of the frustration of his other, more mundane, ambitions. There is no hint of the charges later made at Tralee in the inquisitions taken by Ufford in this summer of 1345. But the jurors again and again indicted Desmond and his followers of wishing to 'conquer the land of the lord king from the lord king', to 'attract to themselves the lordship of the lord king', and to 'draw to the said earl the lordship of the whole land of Ireland'.<sup>119</sup> This was certainly the implication in official eyes of what Desmond and his men were now doing, as they forcibly resisted the king's representative who was flying the king's banner.

The justiciar seems to have planned his itinerary in advance: provisions were to be gathered for him at Naas by 27 June, Carlow by 28 June, Jerpoint by 29 June and Waterford by 2 July.<sup>120</sup> The local officers in the southern counties were to collect all sums owing to the king for payment to the clerk of military wages, John Troy.<sup>121</sup> Such arrangements could of course only be conjectural, and in the event Ufford's itinerary went awry. On 2 July he was in Tipperary (no doubt to check the wasting of the Butler inheritance), and there he was attacked by some of Desmond's English and Irish retainers, who are said then to have joined the earl at Kingswood in Waterford.<sup>122</sup> Throughout the early part of the campaign at least, Desmond was to keep himself well out of harm's way. At this point Ufford seems to have realized that he would need all the forces he could find. His retinue now provided 114 men, but apart from that he had only fifty-four troops in pay. Immediately after the setback, leaders and followers began to join him, swelling the army to 1,014 men by 7 July. On 14 July a proclamation was issued commanding all men, whatever their status, to follow the king's banner.

<sup>118</sup> Frame, *Eng. lordship*, pp 180–2, 211–14, 267–72. <sup>119</sup> Sayles, 'Legal proceedings', pp 24, 25, 27, 28, 39, 40, 41. For further comment on the significance of the phraseology, which was presumably shaped by the judges and the clerks who recorded the proceedings, see Frame, 'Rebellion and rehabilitation', p. 216. <sup>120</sup> NAI, R.C.8/23, pp 43–6. For instance, Kildare was to provide eight crannocks of oats, six sheep and two pigs, with thirty horses and thirty sacks to transport them. Waterford was to supply, obviously towards a longer stay, forty crannocks of wheat, 100 of oats, six cows, twenty pigs and sixty sheep. <sup>121</sup> Ibid., pp 52–4.

<sup>122</sup> See Sayles, 'The rebellious first earl of Desmond', in *Gwynn studies*, p. 221.

In practice this meant the calling out of the shire levies of the southern counties, who would be expected to serve in defence of their own areas. The levies were to join the justiciar at Cashel, which he had reached by 9 July.<sup>123</sup> A proclamation of the royal service was also made, with its assembly point at Moddeshill, near Cashel.<sup>124</sup> We cannot estimate the response to either of these summonses, for such forces were unpaid and therefore tend to leave little trace in the records. But the royal army must have been larger, and probably considerably larger, than the paymaster's accounts suggest. Ufford had now mobilized all the military resources of the Lordship.

Between 9 and 11 July the justiciar was taking inquisitions at Cashel and Fethard into recent events.<sup>125</sup> Throughout the war, jury statements leave an impression of mindless aggression and destruction by Desmond and his supporters. We should, however, remember that the earl's forces too had to be fed; the repeated stories of the seizure of cattle, sheep and pigs are in their way the equivalent of Ufford's purveyances. At this time Desmond was still just to the south of the royal army, at Clonmel and Kilsheelan (his own properties), or at Carrick-on-Suir and Kingswood.<sup>126</sup> But by the end of July and the beginning of August it must have been obvious that he could not afford to stand and fight. He moved westwards: we find him near Buttevant on 6 August and in the Ardagh area on 11 August.<sup>127</sup> Meanwhile Ufford occupied Clonmel (by 21 July) and then Buttevant (by 27 August). At each stage further indictments were gathered concerning the earl and his associates. Desmond had clearly over-reached himself: he was being driven back on Limerick and Kerry, and the weight of evidence against him was now such that he could not contemplate a tactical submission.

During this period occurred the most mysterious event of Ufford's rule: the arrest and imprisonment of the earl of Kildare. The Dublin annalist tells a story that, if true, reveals a perhaps unexpected streak of subtlety in Ralph's character. According to his account, Ufford entrusted the task of arresting the earl to Sir William Burton, one of his more prominent English knights. Burton was given two writs. One ordered Kildare, under pain of forfeiture, to come to the justiciar, bringing troops to serve the king; the second commanded Burton to take the earl and hold him. William accomplished his task by persuading Kildare to attend a council in Dublin, and then arresting him in the exchequer

<sup>123</sup> Sayles, 'Legal proceedings', p. 26. For the general obligation to arms, see Frame, 'Military service', pp 285–7, and 'The judicial powers of the medieval Irish keepers of the peace', in Frame, *Ire. & Brit.*, pp 301–17 at 302–7. A rare surviving summons of the local levies, from 1372, is printed in *Parls & councils*, p. 50. <sup>124</sup> A.J. Otway-Ruthven, 'Royal service in Ireland', in Crooks, *Government*, pp 169–76 at 175. Although feudal service was mostly discharged by a money payment (scutage), personal service was by no means extinct in Ireland, where of course campaigns were near at hand (A.J. Otway-Ruthven, 'Knight service in Ireland', *ibid.*, pp 155–68 at 157–8; Frame, 'Military service', pp 282–5).

<sup>125</sup> Sayles, 'Legal proceedings', pp 23–5. <sup>126</sup> *Ibid.*, pp 23, 25–7. <sup>127</sup> *Ibid.*, pp 38–43.

in the presence of the other councillors. The earl, we are informed, was enticed to Dublin on the promise of obtaining from the council indemnification against leaving his own lands open to attack by the Irish.<sup>128</sup> The annalist's loathing of the justiciar might lead us to suspect his testimony, were it not for the fact that part of his story is confirmed by the record evidence. William Burton was indeed given at least the second of these writs, for, no doubt to protect himself, he had it enrolled in the Memoranda roll of the exchequer. Dated at Glenogra in Co. Limerick in August, it ordered him to capture Kildare, who was said to be indicted of various felonies (which of the lords was not?) and to be 'roving and running about' doing all the damage he could. William was to detain him until the king ordered otherwise. He also had enrolled the indenture recording that he had handed Kildare over to Roger Darcy, the constable of Dublin castle, for safe-keeping.<sup>129</sup>

Why had Ralph taken this extreme action? There is nothing in his surviving inquisitions against Desmond to implicate Kildare, who was a young man just setting out on what was to be a long career. A possible explanation is that his recent behaviour had given Ralph motive and opportunity for taking action against him. Kildare is conspicuously absent from the list of magnates who joined the royal army against Desmond, even though, once the feudal and general levy had been proclaimed, he had a duty to come to the justiciar's aid.<sup>130</sup> The justiciar may also have been aware that Desmond had been planning to marry Kildare to one of his own daughters.<sup>131</sup> (In the event, after the political storms of 1345–6 abated, Kildare was to marry in England, to Elizabeth, daughter of Sir Bartholomew Burghersh, Edward III's chamberlain.) The

<sup>128</sup> *CStM*, ii, p. 386. <sup>129</sup> NAI, R.C.8/23, pp 109–10. The text of this document is incomplete and may have been blundered by the Irish Record Commission clerk responsible for the calendar. But it is worth giving in full: 'Willelmus de Burton miles protulit in curia hic litteras et petiit eas irrotulari in forma que sequitur: Edwardus &c fideli suo Willelmo de Burton salutem. Quia Mauricius filius Thome comes Kyldar', qui de diversis felonii nobis factis in terra nostra Hibernie est indictatus et in partibus terre illius vagat et discurrit mala que poterit nobis et fidelibus nostris ibidem perpetrando, assignavimus [vobis] prefatum Comitem ubicumque inventus fuerit arestandum et ipsum salvo custodiri faciendum quousque aliud de eo duxerimus demandandum. Et ideo vobis mandamus [...] comitem ubicumque [...] fuerit &c. Teste [...] Augusti anno regni nostri 19<sup>o</sup> apud Glennogr'. Et super hoc eodem die venit hic Willelmus et protulit in curia hic partem cuiusdam indenture inter ipsum et Rogerum Darcy constabularium Dublin' et petiit eam irrotulari in forma que sequitur: Ceste indenture temoigne [...] jour de Septembre l'an du regne le Roy Edward tiercz [...] mons' Roger Darcy Conestable del Chastel de Dyvelyn ad rescu de la William de Burton le corps de Morice le fiz Thomas Comit' [recte Count] de Kyld' arrestatum par le dit Mouns' [William] par comaundement nostre seignur le Roy par ses lettres patentes enseles de soun seal Dyrlaunde a sauve garder deynz le Chastel de Dyvelyn. En tesmoignaunce &c'. <sup>130</sup> Kildare had already begun to levy the scutage from his own feudal tenants (*COD 1172–1350*, p. 360). <sup>131</sup> A papal dispensation for the marriage had been issued in October 1344, on the petition of the archbishop of Cashel and five of his suffragans (*CPL 1342–62*, pp 164–5; *Papal petitions*, i, p. 79).

annalist leaves the impression that the writ summoning him to serve was merely a cunning ruse to draw him away from the safety of his own Leinster lordships; but it is possible that Ralph had ordered William Burton to deliver a writ requesting his help, and given him authority to make the arrest if the earl did not respond satisfactorily. We may suspect that Kildare was one of 'the greatest of the land' whose agreement Ufford had not obtained before setting out on campaign. Now, by disobeying the king, he had put himself in the wrong. Ralph may have feared that his failure to co-operate might give way to open resistance, should the royal forces become embroiled in a lengthy conflict in the southwest.<sup>132</sup>

The remainder of the campaign is well known: the capture of Askeaton in late September and of Desmond's inner stronghold of Castle Island in late October. There Eustace le Poer, who had long since forfeited, William Grant and John Coterel, the earl's seneschal, made their last stand:

and Ralph Ufford, justiciar of the lord king in Ireland ... followed them to the said castle and requested entry into it in the name of the lord king, and that the said Eustace and William should give themselves up to the king's peace. Eustace and William refused to do so, and so the justiciar besieged the castle with the royal army and approached the castle in his own person with the king's banner displayed, to expel them as felons of the king. And Eustace and William seditiously and against their allegiance rose up against the banner and attacked the justiciar and held the castle against the king and his justiciar until the justiciar took the castle by force on behalf of the lord king.

At once the rebellious knights were convicted of sedition by a jury of the neighbourhood, drawn to the gallows at the horse's tail, and hanged.<sup>133</sup> The unfortunate Coterel fared worse: he was drawn, hanged, decapitated, his intestines burnt, and quartered. The quarters were sent to various parts of the province 'as a reminder of his tyranny ... as an example to others'.<sup>134</sup>

How had the justiciar achieved this notable victory? He had mustered against Desmond a paid army of no fewer than 2,140 men. Support for the king was widespread, not least in the south, where Desmond had many enemies within his own orbit. The army contained large contingents of Irish: O'More of Laois (with 208 men), MacMurrough (at least 88), Diarmait O'Brien, the rival

<sup>132</sup> An air of mystery continued to surround Kildare's arrest. When ordered to explain it late in 1346, Walter Bermingham, the justiciar, could report only that the relevant indictments could not be found in the Justiciary rolls, and that Ufford had kept them confidential, wishing to inform the king about them in person: 'quequidem vero indictamenta penes ipsum Radulphum secrete residebant eo quod ipse prefatum dominum Regem de eisdem personaliter certiorari proposuit' (TNA, C.260/58, no. 92; Frame, *Eng. lordship*, pp 275–7).

<sup>133</sup> *Reg. Gormanston*, pp 188–9; TNA, C.47/10/20, no. 9. <sup>134</sup> *AClyn*, p. 235.

of Brian Bán (130) and MacNamara (242). Among the English of the south and west came four de Burghs with a total of 576 followers, Thomas Butler (110) and David Caunteton (14). The value of the formal link with Walter Bermingham and Fulke de la Freigne also appears, for between them they contributed 389 men.<sup>135</sup> We hear of Robert Barry and Philip Prendergast taking 'the side of the king and the justiciar against their kinsfolk', and being killed for their pains,<sup>136</sup> and of a fleet being organized to bring the levies of Cork and Waterford to the royal army.<sup>137</sup> No doubt some of this support was forthcoming because men began to realize that Ufford was going to win (O'Brien and MacNamara in particular joined the royal forces very late); but that in itself is a tribute to his determination and stamina: he had made the king's cause appear attractive, and potentially profitable.

At the same time, a less attractive side of Ralph Ufford emerges. The men who had risked standing as Desmond's sureties upon his release from prison in 1333, pledging their lands, goods and bodies to produce him within two months of being ordered by the king to do so, were required to honour their obligation. Obviously, this was beyond them. Nevertheless, several of them – John Wellesley, Walter and John Lenfaunt, and Fulke de la Freigne himself – joined the army, in their own words 'to follow the earl as a rebel against the king with all their might until the business was ended'. Despite this, they forfeited everything and found themselves in heavy mercy. It was 1348 before pardons were forthcoming.<sup>138</sup> Ufford no doubt needed to use every weapon available to him in the emergency, but it was a somewhat remorseless application of the letter of the law.

Although the fall of Castle Island marked the end of the earl of Desmond's challenge to crown authority (Ufford was back in Dublin by 28 November at latest), Desmond himself had not been captured. Nor was Ralph's treatment of his allies an encouragement to him to submit to the royal grace. In December a ward was still necessary in Tipperary against the Irish, and a commission to treat with Diarmait MacCarthy, one of Desmond's supporters, was issued as late as 4 February 1346.<sup>139</sup> Nevertheless, by this time Ufford had already taken a series of steps towards reasserting the king's authority and restoring order in the counties that Desmond had dominated or disturbed. There were few important families, Anglo-Irish or Irish, that did not find themselves affected.

The surviving records are fragmentary but, taken together with Clyn's statements, they reveal far-reaching and heavy-handed measures. Those who had failed to answer Ufford's general summons to arms found themselves in trouble. This was no mere gesture: the names of more than 650 tenants in

<sup>135</sup> The size of the army fluctuated, as can be seen from Tables, 12.2 and 12.3, below; my calculations are based on 1 October, when it was close to full strength. <sup>136</sup> *AClyn*, p. 233; Sayles, 'Legal proceedings', pp. 21, 45. <sup>137</sup> NLI, Genealogical Office MS 191, p. 311. <sup>138</sup> *CSiM*, ii, pp. 387–8; *CPR* 1348–50, pp. 19–20, 129. <sup>139</sup> NLI, MS 2, fo. 164; CIRCLE,

counties Wexford, Tipperary, Limerick and Kerry were individually enrolled, and no doubt there were men of Waterford and Cork whose names have not come down to us.<sup>140</sup> More important, the record evidence fully bears out Clyn's statement that the justiciar 'compelled the leading persons of the kin and lordship of the earl to surrender hostages to guarantee their fidelity and obedience to the king'.<sup>141</sup> Hostages were exacted from, among the Anglo-Irish, members of the families of Prendergast, le Poer, Roche, de Burgh, Hussey, Cantelowe, Lengleys, Tintagel, Cadogan, Fany, de Valle and Daundon; and from, among the Irish, O'Kennedy, O'Connor of Kerry, O'Dwyer, O'Donovan, MacNamara, O'Brien (presumably Diarmait) and Brian Bán O'Brien. Such was the scale of the operation that there seems to have been a problem as to their custody, and they were delivered to various keepers: the sheriff of Limerick, Thomas Bentham, William Thwaites (the marshal of the army), the bishop of Limerick, the mayors and bailiffs of Limerick and Cork, Walter Bermingham and Fulke de la Freigne.<sup>142</sup> Clyn goes on to say that 'many paid heavy sums to obtain the king's peace and to have charters to retain their lives and lands'.<sup>143</sup> A gap in the surviving exchequer receipt rolls between May 1343 and Michaelmas 1346 means that the extent of the financial penalties can only be guessed at. However, the effects of Ralph's measures were still being felt at the end of 1346 and beginning of 1347. At that time many payments were made for charters of peace by individuals and groups of individuals in Waterford, Cork, Limerick and Kerry. Those involved included Poers, Purcells, Tintagels, Barrys, Cogans, Daundons and de Valles. Often the payments were small and from men of little obvious political importance, but this in itself is significant: the justiciar's measures were biting deep, and it was not merely a matter of punishing a few ring-leaders. At the same period the community of Ardagh paid for a charter, and contributions of £61 and £31 were made by the community of Desmond's liberty of Kerry towards extricating itself from the royal mercy.<sup>144</sup> Ufford had been both stringent and thorough.

The final five months of the justiciar's rule are in many ways an anti-climax. He had traversed most of the Lordship save for Connacht, fighting Irish and Anglo-Irish, making kings and breaking great lords. From November 1345 until his death on 9 April 1346 he remained mostly at Dublin and Kilmainham. For a time the established pattern of his political activity continued: proceedings were taken against the imprisoned earl of Kildare and the liberty of Kildare extinguished.<sup>145</sup> If the Dublin annalist may be believed, his earlier exactions

Pat. R. 20 Edw. III, no. 8. <sup>140</sup> NLI, Genealogical Office MS 191, pp 295–305, 309–11. The numbers were: Wexford 123, Limerick 227, Tipperary 187, Kerry 127. Some of those in Kerry had Gaelic surnames; all those from the other counties were Anglo-Irish. <sup>141</sup> *AClyn*, p. 233. My translation differs significantly from that given at p. 232. <sup>142</sup> NLI, Genealogical Office MS 191, pp 194, 305–7. The lists are almost certainly not complete: on p. 294 Betham adds 'most of the nobles of Ireland give hostages for their fidelity'. <sup>143</sup> *AClyn*, p. 233 (again, my translation). <sup>144</sup> TNA, E.101/241/14. <sup>145</sup> The case was heard before Ufford

from laymen were now followed by attacks on the clergy, while grants of forfeited lands that he himself had made were annulled.<sup>146</sup> But it is impossible to substantiate or explain these accusations. Gradually, however, the atmosphere changed. News that Ufford was ill and likely to die had reached the king before 10 April, which suggests, as does his long stay with the Hospitallers at Kilmainham, that he was ailing for a considerable period before his death.<sup>147</sup> On 23 January his forty men-at-arms had fallen to twenty-seven, and half of the remaining seventy mounted archers had been paid off. By 7 March the retinue as a whole had dropped to fifty-six men. Over the same period a large number of pardons were issued.<sup>148</sup> There is no sign that Ufford made any gesture towards his leading political opponents, one of whom, Maurice fitz Philip, died in prison the day before his own death,<sup>149</sup> but at least his life ended on a note of mercy towards some lesser men.

Shortly after Ufford's death Countess Maud left Ireland for the second time as a widow. The Dublin annalist describes her departure with a quite revolting glee; yet even he does not completely succeed in disguising the tragic nature of the scene.<sup>150</sup> She slipped out of Dublin in mourning, together with those that remained of Ralph's followers, their protection and purpose at an end. They left behind them a jeering crowd, and the inevitable unpaid debts. With Maud went her husband's remains, her new-born daughter and, it was believed, her treasure. After her arrival back in England she set about establishing a chantry to provide daily prayers for Ralph's soul.<sup>151</sup> Within a year she entered religion, living on until 1377 when she was buried beside him.<sup>152</sup> The task of clearing up his affairs in Ireland she left to two men closely associated with his administration, Godfrey Folejambe and John Troy.<sup>153</sup>

at Naas on 5 December 1345 (TNA, C.260/58, no. 92); see generally A.J. Otway-Ruthven, 'The medieval county of Kildare', *IHS*, 11:43 (1959), 181–99. While it may have been part of the political attack on Kildare, the seizure took place against a long history of hostility to great liberties on the part of royal ministers in Ireland, which was to some extent shared by the king, who ordered general *quo warranto* enquiries shortly after Ufford's appointment and again just before his death (*CCR* 1343–6, p. 454; *CCR* 1346–9, p. 55; Frame, *Eng. lordship*, pp. 119–20, 234). Even after Kildare recovered Edward III's favour, the king resisted his petitions for the restoration of the liberty. <sup>146</sup> *CStM*, ii, p. 387. <sup>147</sup> Gilbert, *Viceroy*, p. 541 (authority to John Morice to travel to Ireland and assume the justiciarship in the event of Ufford's death). <sup>148</sup> CIRCLE, Pat. R. 20 Edw. III, nos. 4, 12, 15, 18, 19, 22, 50, 51, 53–7. <sup>149</sup> *AClyn*, p. 237. <sup>150</sup> *CStM*, ii, pp. 388–9. <sup>151</sup> *CPR* 1345–8, p. 130. <sup>152</sup> For the later history of Maud and her daughter with Ufford, see *CP*, x, pp. 226–7; *CP*, xii, part 2, p. 179; and Robin Frame in *ODNB*. Presumably the child, the sole offspring of the marriage, was the one with whom she is said to have been pregnant in Nov. 1345 (*CStM*, ii, p. 387). <sup>153</sup> *CPR* 1345–8, p. 96. Maud, as Ralph's executrix, appointed them her attorneys in Ireland. Ufford's fee of £200 a year was given to Queen Philippa, who also received custody of the de Burgh lands until her son, Lionel, came of age (*ibid.*, pp. 74, 87, 94).

## RALPH UFFORD AND HIS LEGACY

Despite the unevenness and formality of the evidence from which we must work, Ralph Ufford emerges as a substantial and consistent figure. A contemporary ministerial opinion claimed that he had proceeded against Desmond 'through the law and chivalrously by the strong hand'.<sup>154</sup> These were the keynotes of his career in Ireland. Throughout his justiciarship he was a forceful military leader, with the ability to overcome setbacks: it is ironic that the disaffected Anglo-Irish assembly of 1341 had complained of governors 'who know nothing of war'.<sup>155</sup> At the same time Ufford faced the great lords with the full demands of the law, and administrators too found him a vigilant master. The Dublin annalist claimed he 'gave justice to few or none'; from a different perspective, he might be said to have given too much 'justice' too energetically. The annalist provides our sole piece of sustained comment. His unalloyed hostility may reflect sympathy for the earl of Desmond, which is discernible elsewhere in the annals;<sup>156</sup> it may also have arisen from the fact that the Dublin area will have suffered most from the burden of supporting Ufford's troops and the entourage of Countess Maud. There is no trace of criticism in the account of events given by John Clyn, who wrote at Kilkenny, within the Ormond orbit, into which Desmond forcibly intruded in 1345. Nor is the Dublin annalist's portrayal of Uffordavouring his English retainers and spurning those born in Ireland the whole truth. He was prepared to discipline as well as reward his own, as when he deprived Walter Nerford the custody of three Meath manors for failing to pay the extent;<sup>157</sup> and, as we have seen, he received support from a large number of *indigeni*, both English and Gaelic.

On the face of it, Ufford could claim some notable achievements. He demonstrated that, under an able justiciar with his own band of followers, the Dublin government could defeat any likely combination of opponents and could make the king's authority felt in the far north and in the south-west. Perhaps the best measure of his success is the revenue, which increased markedly during his term of office, rising from £1,950 during the sixteen months from May 1343 to September 1344, to £2,508 during the twelve months from September 1344, and to £3,225 during the following twelve months.<sup>158</sup> In the words of Richardson and Sayles, 'it can hardly be doubted that the recovery was due to the energetic administration of the justiciar, Ralph of Ufford'.<sup>159</sup> The unfortunate absence of receipt rolls makes an analysis of the sources of the increase impossible. There

<sup>154</sup> *Affairs Ire.*, no. 209, at p. 185; also printed in Sayles, 'Rebellious earl', p. 233, n. 128.

<sup>155</sup> *CStM*, ii, p. 384. In *Calendar of the Carew MSS.*, ed. J.S. Brewer and W. Bullen, 6 vols (London, 1867-73), v: *Book of Howth*, p. 212, this and other complaints are mistakenly said to have been made against Ufford himself. <sup>156</sup> E.g. *CStM*, ii, pp 382, 383, 392. <sup>157</sup> NAI, R.C.8/23, pp 567-8. <sup>158</sup> TNA, E.372/189, m. 47; E.372/191, m. 42. <sup>159</sup> 'Irish revenue', p. 97. For similar surges during the governorships of Thomas Rokeby and Lionel of

are, of course, special circumstances to take into consideration: the forfeitures of Kildare and of Desmond and his associates, and the financial penalties imposed on the gentry of the southern counties and those who failed to follow the king's banner; but these can hardly have had much effect before the end of 1345. It is likely that Ufford's inquiries into the administration had ensured the king a sounder return on his lands and offices. Apart from this, there are signs of intensive activity to recover debts owing to the crown in the shires and boroughs: throughout Ralph's term of office commissioners toured the Lordship, with instructions to pay the sums they collected to the treasurer, the paymaster of the army, or to the justiciar himself.<sup>160</sup> It also seems that sheriffs and seneschals were held to strict account.<sup>161</sup> These were commonplace measures but may have been more than normally effective given the forceful character of Ufford's government as a whole. And even if much of the improvement was owed to individual circumstances and one-off levies, this in itself serves to highlight the intimate connection between the government's political and military impact and its collecting power. Extension of the administration's control brought an increase in the revenue; this in its turn enabled the exchequer to disburse no less than £3,576 to the paymaster of Ufford's armies.<sup>162</sup> It seems that the self-perpetuating cycle of declining authority and shrinking financial returns was not inevitable. In the light of the underlying social and cultural changes in fourteenth-century Ireland, this may appear a superficial conclusion. But even in these matters, we should not underestimate the extent to which the government held its fate in its own hands. For instance, the spread of brehon and march law was, at least in part, a response to lack of protection: reprisals, 'love-days' and recourse to arbitrators were essentially a form of self-help. By making royal justice available and, more important, convincing men that the king was capable of enforcing the decisions of his courts, Ufford was going at least some way towards retarding the erosion of common law.

Had the justiciar been an English king trying to establish his authority, his sense of the realities of power could hardly have been faulted. He took a firm grip on the administration, dealt sharply with a great lord who levied open war, and used royal patronage adroitly to gather supporters. In Irish conditions, however, a reassertion of authority such as Ufford produced was likely to be as short-lived as it was spectacular. For one thing, in an age when, despite the elaboration of bureaucracy, government was still highly personal, the fact that Ireland was ruled by deputies, who at this period rarely held office for more than two or three years at a time, was an obstacle to the steady growth of royal power. Equally important, the need for defence in every part of the Lordship rendered

Clarence, see above, pp 175–6. <sup>160</sup> NAI, R.C.8/23, pp 47–50, 52–4, 58–60, 61, 69–70, 213, 323. <sup>161</sup> *Ibid.*, pp 175–8 shows amercements being imposed on Connacht, Waterford and Cork for failure to account, and the ministers of the city of Limerick being committed to the marshal's custody because of their debts. <sup>162</sup> *IExP*, p. 416.

control from the centre impossible and made strong local power-centres a necessity. To medieval administrators Ireland seemed a very large country.<sup>163</sup> Ufford, therefore, left the king not (as might be supposed) a beginning on which he could straightforwardly build but rather a number of urgent and difficult decisions. A period of uncertainty after his death immediately led to an outbreak of disorder,<sup>164</sup> and though a new governor might pick up some of the threads of policy, to some extent he would have to begin again, moving along other lines and perhaps relying on different allies. Walter Bermingham held courts in Kerry itself, and dozens of royal keepers of the peace were appointed in the southern counties.<sup>165</sup> Nevertheless, before long the king was being urged, in the interests of order, to come to a decision about Desmond, and it was revealed that the government could not control or raise profit from his lands: the inheritance was at risk of going the way of those of the earls of Ulster and the Munster Clares.<sup>166</sup> Soon Desmond, like Kildare, was released, to spend his final years in comparative respectability, and indeed in government service.<sup>167</sup> The pattern was to become familiar over the next two centuries.

It was in such a context that government had to be made to work. Politics, little as justiciars may have liked the fact, was the art of managing men of Desmond's sort; for there was no alternative. Sayles's portrait of the earl as a man of exuberant self-interest, who put himself at the head of a widespread connection and had a brisk way with those who opposed him, is convincing; but it risks leading us to represent the complicated politics of later medieval Ireland as a straight struggle between law and disorder – an attitude all too tempting when the historian must work largely from government records. Great lords, it should not be forgotten, had their problems too. Desmond lived in conditions where self-preservation and the need to protect and provide for those Anglo-Irish and Irish who looked to him compelled him to act in a way that any conventional royal servant was bound to find distasteful. In their calmer moments, Dublin ministers were well aware of this. In 1351 the king's council in Ireland stressed that the Lordship was 'continually in a state of war'; even the well-disposed among the lords constantly broke the law because of the conditions; if pardons were denied them, they would have little option but to join the king's enemies.<sup>168</sup> Desmond had given the authorities much provocation, and by June 1345 Ufford had no choice but to muster an army against him. But the justiciar had played his part in stoking the conflict. It seems unlikely that Desmond would have risked open rebellion except under pressure: he had avoided it in 1331–2, and

<sup>163</sup> 'Si large terre': *Parls & councils*, p. 20. <sup>164</sup> *Affairs Ire.*, no. 208. <sup>165</sup> Sayles, 'Legal proceedings', pp 20–2, 43–6; Robin Frame, 'Commissions of the peace in Ireland, 1302–1461', *AH*, 35 (1992), 8, 9, 14, 18–19, 31, 32. <sup>166</sup> J.F. Baldwin, *The king's council in England during the Middle Ages* (Oxford, 1913), pp 484–5. <sup>167</sup> For the stages and circumstances of Desmond's release and recovery of royal favour, see Frame, *Eng. lordship*, pp 284–93. <sup>168</sup> NAI, R.C.8/25, pp 230–4. For fuller discussion of this matter, see below, pp 317–18.

after the lords ignored his 'conventicle' of February 1345 he must have known that the cards were stacked against him. Once the crisis broke, the justiciar's gift for energetic action carried him triumphantly through; but by then the damage had been done.

To some extent the political turmoil of 1345 reflects a generic problem associated with rule through deputies, whose task it was to uphold royal rights but who lacked the discretionary power, and perhaps the confidence, to perform the acts of generosity and grace that were equally necessary to political stability. We cannot say whether it would have been possible to maintain a working relationship with Desmond without sacrificing too much of the royal authority: there is little sign on Ufford's part of a willingness to try. Reasserting crown control over Youghal and Inchiquin, as previous governors, including Anthony Lucy, had done, was all in the line of duty. But rescinding the Ormond custody that Desmond had just expensively acquired from Edward III himself was an incendiary action. Determining where the crown's best interests lay in Ireland was an exceedingly complex business, for order and law were not always mutually compatible. Ralph Ufford had many of the qualities necessary for a successful justiciarship, but it is difficult to avoid the conclusion that he lacked the political sensitivity that a peculiarly demanding office required.

## APPENDICES

TABLE 12.1: THE JUSTICIAR'S ITINERARY

The itinerary is based upon four main sources: (1) the Irish chancery rolls (CIRCLE numbering), mostly the Close roll for 18 Edward III (CR18) and the Patent roll for 20 Edward III (PR20), together with stray entries from Patent roll 18 Edward III (PR18) and Close rolls 19 and 20 Edward III (CR19 and CR20); (2) the Irish exchequer Memoranda roll for 19–20 Edward III, calendared in NAI, R.C.8/23 (MR); (3) Sayles, 'Legal proceedings' (Sayles); and (4) a list of sessions of the justiciar's court drawn up by James Mills from the Justiciary rolls before the destruction of the Irish Public Record Office in 1922 and printed by Philomena Connolly as 'Pleas held before the chief governors of Ireland, 1308–76', *Ir. Jurist*, 18:1 (1983), 101–31 at 121–2 (JR). There are some anomalies, which suggest that sessions of the court may occasionally have been held by the judges without the justiciar's presence (see *ibid.*, 102–3).

### 1344

<i>July</i>	13	Dublin	<i>AClyn</i> , p. 231; CR 18, no. 94.
	15	Dublin	CR 18, no. 196
	18	Dublin	CR 18, no. 155
<i>August</i>	2	Cork	Sayles, p. 32
	4	Youghal	CR 18, no. 163

TABLE 12.1: THE JUSTICIAR'S ITINERARY (*continued*)1344 *August (continued)*

	9	Cork	Sayles, p. 38
	13	Cork	CR 18, no. 165
	17	Cork	Sayles, p. 36
	18	Cork	CR 18, no. 167
	20	Cork	CR 18, no. 175
	22	Cork	CR 18, no. 170
	25	Cork	JR
	28	Cork	CR 18, no. 89
<i>September</i>	2	Clonmel	Sayles, pp 28-9
	6	Waterford	JR
	10	Waterford	CR 18, no. 176
	24	Ferns	CR 18, no. 182
<i>October</i>	7	Tullow	CR 18, no. 178
	13	Dublin	CR 18, no. 180
	18	Dublin	CR 18, nos. 183, 189
	19	Dublin	MR, p. 350
	20	Dublin	CR 18, no. 100
	24	Dublin	MR, p. 393
	25	Dublin	MR, p. 352
	26	Dublin	MR, p. 351
<i>November</i>	2	Dublin	MR, p. 347
	4	Dublin	CR 18, no. 191
	5	Dublin	CR 18, no. 107
	7	Dublin	CR 18, no. 192
	8	Dublin	CR 18, no. 194
	9	Dublin	MR, p. 353
	14	Dublin	MR, p. 367
	19	Drogheda	CR 18, no. 195
	20	Drogheda	CR 18, no. 198
	21	Drogheda	MR, p. 368
	22	Drogheda	CR 18, nos. 197, 203, 205
	23	Drogheda	CR 18, no. 204
	25	Drogheda	CR 18, no. 193
	28	Drogheda	CR 18, no. 208
	29	Drogheda	JR
<i>December</i>	6	Drogheda	TNA, C.260/60, no. 9; JR; CR 18, nos. 199, 207, 209

## 1345

<i>January</i>	9	Trim	PR 18, no. 9
	17	Trim	JR
	18	Drogheda	JR
	20	Drogheda/Trim	JR

TABLE 12.1: THE JUSTICIAR'S ITINERARY (*continued*)1345 *January* (*continued*)

	27	Drogheda	JR
	28	Drogheda	JR; MR, p. 209
	30	Drogheda	MR, pp 8–9; CR 19, no. 1
	31	Drogheda	JR; MR, pp 322–3
<i>February</i>	1	Drogheda	JR
	3	Drogheda	JR
	4	Drogheda	JR
	7	Drogheda	JR
	9	Drogheda	JR
	10	Drogheda	JR
	16	Drogheda	MR, pp 213, 330
	18	Drogheda	MR, pp 206, 327; CR 19, no. 4
	19	Drogheda	JR
	28	Drogheda	JR
<i>March</i>	6	Carlingford	MR, p. 326
	20	Carrickfergus	MR, p. 166
<i>April</i>	1	Antrim	MR, p. 165
	11	Drogheda	JR
	18	Drogheda	JR
	24	Dublin	JR
	25	Dublin	JR
	27	Dublin	JR
<i>May</i>	6	Dublin	JR
	11	Dublin	JR
	29	Dublin	JR
	30	Dublin	JR
<i>June</i>	2	Dublin	JR
	3	Dublin	MR, p. 455
	6	Dublin	JR
	7	Dublin	CStM, ii, p. 385
	16	Dublin	JR
	18	Dublin	MR, p. 443; CR 19, no. 13
	20	Dublin	CR 19, no. 16
	22	Dublin	MR, p. 448
	25	Dublin/Carlow <sup>169</sup>	JR
	28	Carlow	JR
<i>July</i>	1	Waterford	JR
	2	'Kilhimegan' / 'Ballybothy' <sup>170</sup>	Sayles, p. 26
	4	Waterford	JR

<sup>169</sup> Ufford cannot have been in both places on the same day; possibly the judges of his court completed hearings at Dublin after he had left for Carlow. <sup>170</sup> These places are unidentified, but must lie in Co. Waterford or S. Tipperary, where the military action was

TABLE 12.1: THE JUSTICIAR'S ITINERARY (*continued*)1345 July (*continued*)

	7	Waterford	JR
	8	Waterford	JR
	9	Cashel	Sayles, p. 24
	11	Fethard/Cashel	Sayles, p. 23; JR
	14	Cashel	JR
	21	Clonmel	JR; Sayles, p. 25
	25	Clonmel	JR
	26	Clonmel	JR
	27	Clonmel	JR
	29	Clonmel	Sayles, p. 27; JR
August	1	Clonmel	JR
	3	Kilmallock	JR
	8	Kilmallock	JR
	9	Kilmallock	JR
	27	Buttevant	Sayles, p. 38
	29	Buttevant	Sayles, p. 41
	30	Cork	JR
September	15	Limerick	JR
	30	Askeaton	<i>AClyn</i> , p. 235
October	13	Castle Island	JR
	18	Castle Island	JR
	21	Castle Island	<i>AClyn</i> , p. 235
	22	Castle Island	<i>AClyn</i> , p. 235
	24	Castle Island	<i>Reg. Gormanston</i> , p. 188
	27	Kilmallock	JR
	30	Kilmallock	MR, p. 446; CR 19, no. 21
	31	Kilmallock	JR
November	3	Kilmallock	JR
	12	Tipperary	JR
	18	Clonmel/Dublin <sup>171</sup>	JR
	24	Kilmalham	CR 19, no. 22
	28	Dublin	MR, p. 451; JR; CR 19, no. 23
	30	Dublin	MR, p. 468; JR; CR 19, nos. 24–5
December	2	Dublin	MR, p. 470; CR 19, no. 26
	5	Naas	TNA, C.260/66, no. 36; JR
	7	Naas	JR
	10	Naas	JR
	12	Dublin	JR
	13	Naas	CR 19, no. 30
	15	Naas	JR

taking place. 'Kilhimegan' may be Ballyhimikin, near Clonmel. <sup>171</sup> Ufford cannot have been in two places so far apart on the same day. Possibly judges were left behind to complete hearings at Clonmel, or there may simply have been an error in transcription.

TABLE 12.1: THE JUSTICIAR'S ITINERARY (*continued*)1345 December (*continued*)

16	Naas	JR
18	Kilmainham	MR, p. 452; CR 19, no. 27
19	Dublin	JR
20	Dublin	CR 19, no. 28
21	Dublin	MR, p. 553

## 1346

January	9	Naas	JR
	12	Naas	MR, p. 195; JR
	13	Naas	CR 19, no. 30
	19	Kildare	MR, p. 541
	22	Dublin	PR 20, no. 13
	23	Kilmainham	MR, p. 543; CR 19, no. 32
	26	Kilmainham	PR 20, no. 2
	28	Kilmainham/Dublin	PR 20, nos. 3, 16; CR 20, nos. 1-3
	29	Dublin/Kilmainham	PR 20, no. 4; MR, p. 193
	30	Kilmainham	PR 20, nos. 11, 14
February	1	Dublin/Kilmainham	PR 20, no. 6; MR, pp 196, 550
	3	Kilmainham	CR 20, no. 7
	4	Dublin/Kilmainham	PR 20, nos. 8, 9, 12, 15
	6	Kilmainham	CR 20, no. 8
	9	Naas	JR
	10	Kilmainham	PR 20, no. 51
	12	Dublin	MR, p. 198
	13	Dublin	PR 20, no. 69
	4	Dublin	PR 20, no. 32
	5	Kilmainham	PR 20, nos. 18, 50
March	8	Kilmainham	PR 20, no. 49
	10	Kilmainham	MR, pp 564-5
	11	Kilmainham	PR 20, nos. 19, 20
	20	Clonmel <sup>172</sup>	JR
	23	Kilmainham	MR, p. 584
	27	Kilmainham	MR, p. 592
	28	Kilmainham	PR 20, nos. 52, 53
	31	Kilmainham	PR 20, nos. 54-7
	1	Kilmainham	PR 20, no. 17
	2	Kilkenny <sup>173</sup>	JR
April	3	Dublin/Kilmainham <sup>174</sup>	PR 20, no. 22
	9	Kilmainham	AClyn, p. 237

<sup>172</sup> In view of Ufford's prolonged illness, it seems improbable that he undertook a rapid round trip to Clonmel at this point. Assuming the session has not been mis-dated, it was most likely held before the judges of his court. <sup>173</sup> Ufford, even disregarding his mortal illness, cannot have travelled to Kilkenny from Dublin in one day. Either the session at Kilkenny was held in his absence, or 'Kilkenny' is a mis-transcription of 'Kilmainham'. <sup>174</sup> CIRCLE has Dublin; *RCH*, p. 49 no. 45 has Kilmainham.

TABLE 12.2: THE JUSTICIAR'S RETINUE

Compiled from Memoranda roll 19-20 Edw. III – NAI, RC 8/23, pp 496–533 and 586–8

<i>Dates of Service</i>	<i>Men-at-Arms</i>	<i>Mounted Archers</i>	<i>Foot Archers</i>	<i>Cost £ s. d.</i>
15 to 17 July 1344	40	103	100	13. 13. 0.
18 to 22 July	40	126	81	23. 17. 6.
23 July to 15 August	40	126	77	113. 16. 0.
16 to 21 [MS 25] August	40	122	79	28. 3. 0.
22 to 28 August	40	120	79	32. 12. 2.
29 August to 6 September	40	121	79	42. 18. 0.
7 to 11 September	40	119	79	23. 4. 2.
12 to 25 September	40	120	77 [MS 17]	64. 19. 8.
26 [MS 27] to 29 September	40	121	77	18. 12. 8.
30 September to 2 October	40	128	77	14. 6. 6.
3 to 14 October	40	118	77	55. 6. 0.
15 to 21 October	40	111	9	27. 9. 6.
22 October	40	106	9	3. 16. 10.
23 October	40	101	9	3. 15. 2.
24 to 25 October	40	108	13	7. 16. 4.
26 to 28 October	40	103	13	11. 9. 6.
29 October to 6 November	40	101	12	34. 1. 0.
7 to 23 November	40	103	12	64. 17. 8.
24 November to 1 December	40	92	12	29. 1. 4.
2 to 4 December	40	84	12	10. 10. 0.
5 to 25 December	40	79	8	71. 1. 0.
26 December to 13 January 1345	40	82	8	65. 4. 8.
14 January to 12 February	40	90	8	107. 0. 0.
13 to 22 February	40	94	26	37. 16. 8.
23 February to 11 March	40	90	24	62. 18. 0.
12 to 20 March	40	94	20	33. 12. 0.
21 to 30 March	40	104	28	39. 13. 4.
31 March to 10 May	40	106	28	164. 0. 0.
11 May to 6 June	40	63	15	85. 14. 6.
7 to 26 June	40	49	15	58. 16. 8.

TABLE 12.2: THE JUSTICIAR'S RETINUE (*continued*)

Dates of Service	Men-at-Arms	Mounted Archers	Foot Archers	Cost £ s. d.
27 June to 16 July	40	52	22	61. 0. 0.
17 to 24 July	40	61	24	25. 14. 8.
25 July to 21 August	40	73	14	93. 6. 8.
22 August to 18 September	40	62	12	87. 14. 8.
19 to 26 [MS 16] September	40	65	10	25. 6. 8.
27 September to 20 October	40	64	1	76. 0. 0.
21 October to 3 December	40	72	14	145. 18. 8.
4 to 10 December	36	60	2	19. 14. 4.
11 December to 22 January 1346	40	70	2	136. 17. 8.
23 January to 6 March	27	36	6	86. 0. 0.
7 March to 9 April	17	33	6	49. 6. 0.

TABLE 12.3: TROOPS EMPLOYED DURING UFFORD'S JUSTICIARSHIP

Compiled from Memoranda roll 19-20 Edw. III – NAI, RC 8/23, pp 496–533 and 586–8

Leader and Area of Service	Men-at-Arms	Hobelars	Foot	Joined Army	Left Army	Wages £ s. d.
Oliver de la Freigne, 'in the parts of Kilkenny'	18	56	12	13/9/1344	2/10/1344	47. 0. 0.
Fulke de la Freigne (same place)	31	110	216	20/9/1344	2/10/1344	67. 12. 0.
John Butler 'at Newcastle Mc Kynegan to keep ward there'	0	0	42	9/11/1344	10/12/1344	5. 16. 0.
John Clinton 'in the parts of Ulster'	24	12	0	27/2/1345	30/4/1345	88. 4. 0.
McCuly Hibernicus (same place)	0	0	100 (?)	27/2/1345	26/3/1345	12. 0. 0.
Fulke de la Freigne 'in Munster and Kerry' (all the following in the same place, except where noted)	57	159	240	7/7/1345	23/7/1345	110. 0. 0.

TABLE 12.3: TROOPS EMPLOYED DURING UFFORD'S JUSTICIARSHIP  
(continued)

<i>Leader and Area of Service</i>	<i>Men-at-Arms</i>	<i>Hobelars</i>	<i>Foot</i>	<i>Joined Army</i>	<i>Left Army</i>	<i>Wages £ s. d.</i>
Fulke de la Freigne	13	37	127	18/9/1345	27/10/1345	71. 16. 8.
Fulke de la Freigne	16	42	83	6/11/1345	15/11/1345	18. 9. 2.
Fulke de la Freigne	6	12	0	16/11/1345	18/11/1345	1. 10. 0.
Oliver de la Freigne	2	3	0	7/7/1345	4/9/1345	9. 0. 0.
Oliver de la Freigne	6	22	49	18/9/1345	3/10/1345	13. 18. 8.
Oliver de la Freigne	4	14	47	4/10/1345	27/10/1345	15. 6. 0.
Oliver de la Freigne	9	10	0	6/11/1345	15/11/1345	6. 3. 4.
Oliver de la Freigne	3	3	0	16/11/1345	18/11/1345	0. 12. 0.
O'More of Laois	6	178	100	7/7/1345	24/7/1345	66. 6. 0.
O'More of Laois	4	44	160	18/9/1345	27/10/1345	64. 0. 0.
Walter Bermingham	27	29	0	28/6/1345	3/8/1345	40. 1. 8.
Walter Bermingham	11	57	0	4/8/1345	26/8/1345	34. 10. 0.
Walter Bermingham	14	43	155	16/9/1345	27/10/1345	86. 12. 6.
Walter Bermingham 'keeping ward in Tipperary against the Irish'	(?)	32	0	19/11/1345	24/12/1345	30. 0. 0.
John Wellesley	5	6	0	30/6/1345	23/7/1345	8. 0. 0.
John Wellesley	3	2	0	24/7/1345	24/8/1345	5. 17. 4.
John Wellesley	5	6	0	18/9/1345	27/10/1345	14. 0. 0.
Thomas Butler	6	20	84	18/6/1345	27/10/1345	39. 6. 8.
MacMurrough (here part of the membrane may have been missing)	3	5 (?)	80	6/7/1345	(?)	28. 4. 0.
Richard de la Sale	1	5	0	26/6/1345	26/8/1345	7. 2. 4.
Richard de la Sale	1	3	0	26/8/1345	24/9/1345	2. 2. 6.
Raymond de Burgh	0	25	0	9/8/1345	5/9/1345	8. 15. 0.
Walter Lenfaunt	6	5	0	18/9/1345	2/10/1345	5. 15. 0.
Walter Lenfaunt	6	5	20	3/10/1345	31/10/1345	13. 10. 8.
Walter Lenfaunt	2	0	0	1/11/1345	20/11/1345	2. 0. 0.
Richard de Burgh	3	136	0	11/8/1345	24/8/1345	7. 8. 0.
Richard de Burgh	6	72	0	27/9/1345	3/10/1345	10. 10. 0.
Richard de Burgh	5	69	0	4/10/1345	27/10/1345	32. 4. 0.
Edmund de Burgh	4	149	126	28/9/1345	26/10/1345	100. 5. 10.

TABLE 12.3: TROOPS EMPLOYED DURING UFFORD'S JUSTICIARSHIP  
(continued)

<i>Leader and Area of Service</i>	<i>Men-at-Arms</i>	<i>Hobelars</i>	<i>Foot</i>	<i>Joined Army</i>	<i>Left Army</i>	<i>Wages £ s. d.</i>
Meiler son of Richard de Burgh	4	28	139	26/9/1345	27/10/1345	41. 2. 3.
Edmund son of Henry de Burgh	0	22	26	26/7/1345	27/10/1345	15. 13. 6.
Diarmait O'Brien	0	50	80	1/10/1345	26/10/1345	30. 6. 8.
MacNamara	1	77	164	1/10/1345	26/10/1345	52. 8. 8.
William Bermingham	4	55	143	9/8/1345	17/8/1345	13. 7. 0.
William Bermingham	5	24	0	28/9/1345	26/10/1345	18. 12. 2.
William Sudbury	1	4*	17*	6/9/1345	25/9/1345	5. 3. 4.
William Sudbury	1	4*	16*	26/9/1345	29/10/1345	8. 10. 0.
William Sudbury	1	12*	0	30/10/1345	24/11/1345	6. 10. 0.
David Caunteton	1	13	0	16/9/1345	31/10/1345	12. 5. 4.
Thomas Dolfin	1	5	0	25/9/1345	18/10/1345	3. 4. 0.
Thomas Bentham	1	2	0	24/8/1345	26/9/1345	2. 11. 0.
Thomas Bentham	1	1	0	27/9/1345	20/11/1345	1. 10. 0.
William Burton	1	1	2	28/6/1345	15/9/1345	6. 0. 0.
Robert Tanny (king's serjeant)	—	—	—	15/7/1344	22/7/1344	0. 8. 0.
Robert Tanny	—	—	—	23/7/1344	10/12/1344	8. 0. 0.
Robert Tanny	—	—	—	27/6/1345	22/11/1345	14. 18. 0.
Robert Tanny	—	—	—	23/11/1345	22/1/1346	3. 1. 0.
John Troy (paymaster)	—	—	—	15/7/1344	26/6/1345	34. 14. 0.
John Troy	—	—	—	27/6/1345	22/1/46	[?]
John Troy	—	—	—	23/1/1346	9/4/1346	7. 14. 0.

\*Sudbury's troops are described as archers, mounted and foot

## DOCUMENT

Translated from TNA, C.260/57, no. 58 (formerly catalogued as C.47/87, no. 2)<sup>175</sup>

The fees of knights and squires whom Ralph Ufford, former justiciar of Ireland, retained with him in his company in Ireland while Ralph was our justiciar there, together with other necessary minor expenditures incurred by him, are as follows:

Sir Reginald le fitz Herbert, for his fee for one year	£26 13s. 4d.
Sir Adam de Ayshurst for a half year	£10
Sir Adam Percevall for one year	£20
Sir Thomas Danyel for three-quarters of a year	£13 6s. 8d.
Sir Simon Dosvill for one year	£20
Sir Walter de Nerford for two years	£26 13s. 4d.
Sir Reginald de Nerford for two years	£26 13s. 4d.
Sir Richard de Belheus for one year	£13 6s. 8d.
Sir Robert de Ryther for one year	£20
Sir Edmund Thoneyre for one year and a half	£20
Sir John de Havertyng for one year	£13 6s. 8d.
Sir Gilbert de Stanford for one year	£10
Sir William de Burton for one year	£20
Sir John de Carreus for one year and a half	£40
Sir Nicholas Gernon for two years	£26 13s. 4d.
Sir Raymond de Burgo for one year	£20
Sir Thomas Herford for one year	£20
Sir Thomas Hemenhall for two years	£20
William Braytoft for one year	£6 13s. 4d.
John de Ryther for two years	£10
Robert Ward for two years	£13 6s. 8d.
Thomas Warmeston for two years	£10
John de Gislyngham for a half year	50s.
Laurence Stretlee for two years	£6 13s. 4d.
Nicholas Bonde for two years	£6 13s. 4d.
William Rokell for one year	100s.
Robert Geddyng for one year	100s.
Roger Lakyngeth for two years	£10
Thomas Crounþorp for two years	£10
John Bradefeld for two years	£6 13s. 4d.
Adam de Laxfeld for two years	£13 6s. 8d.
Thomas de Burton for one year and a half	£7 10s.
John Langeton for one year	66s. 8d.
Walter Upthall for two years	£10

John Brun for two years	£6 13s. 4d.
Edward de Wodeham for one year and a half	£7 10s.
Reginald Perpount for two years	£10
Oliver Wakefare for two years	£10
Robert Baret for one year and a half	£10
John Baret for two years	£10
Oliver Baret for three-quarters of a year	60s.
Simon de Stanford for two years	£6 13s. 4d.
Andrew de Gildeford for two years	£10
Thomas de Loughton for one year	60s.
John Comyn for two years	£6 13s. 4d.
Robert de Batteford for two years	£6 13s. 4d.
Roger de Penwortham for two years	£6 13s. 4d.
William Cleter for one year and a half	100s.
Robert Ward Lyndeseye for two years	£10
William de Thweyt for one year	100s.
Edmund Hakluyt for one year	100s.
John Banaster for two years	£6 13s. 4d.
William Wynyngton for one year	60s.
Thomas Freysoll for one year	60s.
Peter Okebirne for one year	100s.
John Dexon for two years	£10
John Spendelove for two years	£10
Thomas Chelreye for one year	66s. 8d.
John Castelton for a half year	66s. 8d.
Robert Castelton for a half year	50s.
Richard Konebell [?] for a half year	50s.
William de Herpyngham for a half year	50s.
William Rokell for a half year	40s.
John Bar ... eg for a half year	40s.
Peter Breton for a half year	60s.
Simon de Grosham for two years	100s.
Peter de Bolneye for two years	100s.
Henry le Alemand for a half year	66s. 8d.

Item: he spent £48 on bows, cross-bows, arrows, bolts and bridles bought in England

Losses of horses, harness and other things which Ralph Ufford [former justiciar] of Ireland, sustained in those parts while Ralph was justiciar there, as follows:

Bayard [a bay] Leyston at Loughsewdy	£50
Bauseyn [a piebald] Lancaster against MacMurrough	£40
Morel [dark brown] Ufford against O'Byrne	£30
Bayard Derby against O'Byrne	£20

Morel St Thomas in the pass of Emerdulian	£20
Grysell [a grey] Mareschall in the same place	£20
Grysell Toneyre in the same place	£20
Lyard [a dapple grey] Lyston against MacMurrough	£10
Lyard Burgh in the same place	£10
Lyard Ponur in the same place	100s.
Seven pack-horses in the same pass	£40
Eighteen cart-horses in the same pass and in Kerry	£40
Sir Reginald fitz Herbert lost one horse in the said pass	£20
Sir John Mautravers one horse against MacMurrough	£20
Sir Adam Percevall three horses in the said pass	£20
Sir Thomas Danyel two horses in Munster and Leinster	£20
Sir Simon Dosevill one horse in the said pass	£20
Sir Reginald de Nerford one horse in Kerry	£10
Sir Richard de Bellehus one horse in the said pass	£10
Sir Robert de Ryther one horse against MacMurrough	£20
Sir Edmund Thoneyre two horses in the same place	£10
Sir John de Haveryngge two horses, against MacMurrough and in the said pass	£20
Sir Gilbert Stanford one horse in the said pass	£6 13s. 4d.
Sir John de Carreu two horses in the same place	£10
Sir Nicholas Gernon two horses, there and against MacMurrough	£10
Sir Thomas Herford one horse in Kerry	£6 13s. 4d.
Sir Thomas Hemenhall two horses against MacMurrough	£10
Sir John de Troye one horse in the aforesaid pass	100s.
Robert Ward two horses against MacMurrough and in Ulster	£10
William Braytoft one horse in the said pass	100s.
Thomas Warmeston one horse in Ulster	£6 13s. 4d.
Laurence Stretlee one horse in the said pass	66s. 8d.
Nicholas Bond two horses in the said pass	100s.
William Rokell two horses in the said pass	£6 13s. 4d.
Robert Geddyng one horse in the same place	40s.
Roger Lakyngeth two horses in the same place	60s.
John Bradefeld one horse in the same place	30s.
Thomas Burton two horses in the same place	20s.
John Langeton two horses in the same place	53s. 4d.
Walter Upthall one horse in the same place	30s.
Edward Wodeham one horse in the same place	£6 13s. 4d.
Reginald Perpount one horse in the same place	100s.
Oliver Walkefare two horses in the same place	£6 13s. 4d.
John Baret one horse in the same place	100s.
Simon de Stanford two horses in Munster	100s.
Robert Bateford one horse in the said pass	60s.
Roger Penwortham one horse in the same place	100s.

Edmund Hakelut one horse in Kerry	100s.
Edmund Billokby one horse in the same place	53 <i>s.</i> 4 <i>d.</i>
William Wynton one horse in the said pass	40 <i>s.</i>
John Banaster one horse in the same place	40 <i>s.</i>

Item, the said justiciar lost coined money and harness to the value of £100 in the aforesaid pass of Emerdullian

Item, the said justiciar paid John Howynson £20 for the capture of Sir Maurice fitz Philip

Item, the said justiciar paid £40 to victual the castle of Roscommon for two years

Item, the said justiciar paid O'Molloy, an Irish king, 40*s.* for his help in Westmeath against other Irish

## Thomas Rokeby, sheriff of Yorkshire, justiciar of Ireland

Sir Thomas Rokeby is familiar to historians of fourteenth-century Ireland as a durable justiciar (1349–55, 1356–7) who governed the increasingly intractable Lordship during the years following the Black Death. His activities in Ireland were concisely described more than fifty years ago by Jocelyn Otway-Ruthven.<sup>1</sup> Since then, there has been some investigation of his dealings with the Irish of Leinster and of his attempts to reform the Dublin government.<sup>2</sup> Less interest has been shown in his earlier life.<sup>3</sup> Rokeby came to Ireland after long service as sheriff of Yorkshire (1335–7, 1342–9), and as keeper of the castles of Stirling and Edinburgh (1336–42) during the English occupation of southern Scotland. He had won renown as a young man in 1327 when he was knighted in the field and rewarded by Edward III for locating the Scottish army in Weardale during the king's first, abortive, military campaign, an event celebrated or noted by several chroniclers.<sup>4</sup> His reputation was confirmed in 1346 when he was one of the commanders of the English army that defeated the Scots at Neville's Cross; indeed it was he who was entrusted with escorting the captured David II from York to the Tower of London, to begin his eleven-year captivity.<sup>5</sup> His good reputation with the chroniclers continued during his time in Ireland. In 1356 the Dublin annalist remarks: 'Sir Thomas Rokeby was reappointed as justiciar of Ireland. He fought the Irish well and paid well for his victuals, saying "I prefer to eat and drink only from wooden vessels, and to spend gold

<sup>1</sup> 'Ireland in the 1350s: Sir Thomas de Rokeby and his successors', *JRSAI*, 97 (1967), 47–59; Otway-Ruthven, *Med. Ire.*, pp. 277–82. I am indebted to the late Dr Philomena Connolly and to Professor Michael Prestwich for their help with several points in this chapter. <sup>2</sup> Robin Frame, 'English officials and Irish chiefs in the fourteenth century', in Frame, *Ire. & Brit.*, pp. 249–77 at 270–6, and Frame, *Eng. lordship*, pp. 301–9; O'Byrne, *Irish of Leinster*, pp. 99–101. <sup>3</sup> There are brief outlines of his career by Robin Frame, *ODNB*, and by Ronan MacKay, *DIB*. <sup>4</sup> Nicholson, *Edward III*, pp. 26–41 at 31; *Foedera*, ii, 2, p. 717; *Sir Thomas Grey of Heton: Scalacronica, 1272–1363*, ed. Andy King (Surtees Soc. 209, 2005), pp. 98–9; *Chronique de Jean le Bel*, ed. Jules Viard and Eugène Déprez, i (Paris, 1904), pp. 61–4. <sup>5</sup> Robin Frame, 'Thomas Rokeby, sheriff of Yorkshire, the custodian of David II', in David Rollason and Michael Prestwich (eds), *The battle of Neville's Cross, 1346* (Stamford, 1998), pp. 50–6. There is an encomium of Rokeby in *Chron. Lanercost*, p. 351; see also *Chronicon monasterii de Melsa*, ed. E.A. Bond, 3 vols (RS, London, 1866–8), iii, p. 61; *The Anonymalle chronicle, 1333–1381*, ed. V.H. Galbraith (Manchester, 1927), pp. 25–7.

and silver on supplies, clothing and soldiers' wages".<sup>6</sup> This is a rare tribute from a source that tends to denounce English governors for unpaid debts or for their attacks on the Anglo-Irish elites.

The career of Thomas Rokeby is of interest as an example of the opportunities afforded to able men by royal service in a war zone: it was not a small matter that somebody who began as an inconsequential north Yorkshire squire should end up commanding the obedience of Irish earls and presiding over parliaments as the king's representative. His rule also seems to mark a shift in English attitudes to Ireland, anticipating in some respects the phase of – ultimately profitless – military intervention that began with the arrival of Lionel of Antwerp in 1361 and peaked with the expeditions of Richard II in the 1390s. That change may come into clearer focus if Rokeby's Irish career is viewed against the background of his service in the north of England. Also, the problems of government later medieval Ireland presented may be illuminated through comparison and contrast with another frontier of the Plantagenet state.

\* \* \*

The date of Thomas Rokeby's birth is unknown, but it is unlikely to have been later than 1300 since he was active by 1321,<sup>7</sup> and in 1336 his nephew and eventual heir, Thomas son of Robert Rokeby, was already serving alongside him.<sup>8</sup> He was a son, though not necessarily the eldest, of Alexander Rokeby, who in 1286–7 held Rokeby and Mortham in the wapentake of Gilling at the northernmost point of the north riding of Yorkshire. These properties, which had been in the possession of the Rokeby family at least since the time of King John, lay at the confluence of the Greta and the Tees, close to Egglestone abbey and Barnard Castle.<sup>9</sup> In 1348 Thomas was to grant a church to the abbot and convent of Egglestone in compensation for the damage done by the troops he was mustering for Neville's Cross.<sup>10</sup> Rokeby and Mortham formed part of the honor of Richmond, which for most of the period 1136–1342 was held by the family of the dukes of Brittany. Thomas Rokeby's first appearance in the record relates to an incident said to have occurred at the time of the midsummer parliament at Westminster in 1321, when he and others attacked John of Brittany's castle of Bowes during the quarrel between Edward II and Thomas of Lancaster.

<sup>6</sup> *CStM*, ii, pp 392–3. Contrast the overt or implicit hostility to Roger Mortimer, Anthony Lucy, John Charlton, John Morice and Ralph Ufford, *ibid.*, pp 358–9, 377, 381, 384, 385, 388–9. <sup>7</sup> *CPR 1321–4*, p. 157. <sup>8</sup> *CDS*, iii, p. 367 and no. 1236. <sup>9</sup> *VCH, Yorkshire North Riding*, i, pp 109–12. That he was a son of Alexander is confirmed by *Yorkshire fines, 1327–47*, ed. W.P. Baildon (Yorkshire Archaeological Society 42, 1910), pp 1–2. See map 4, p. 237 above. <sup>10</sup> *CPR 1345–8*, p. 452.

This episode suggests that Rokeby may already have been associated with the rising powers in the north, represented by Henry Percy and Ralph Neville, who were aligned with Lancaster.<sup>11</sup> Although the age when the Percies and Nevilles bestrode the national stage lay two generations in the future, the regional dominance on which their power was based was consolidated in the early fourteenth century, in the context of the Anglo-Scottish wars.<sup>12</sup> Rokeby seems to have been a member of Henry Percy's circle in 1327.<sup>13</sup> In 1331, in what appears to have been his only continental excursion, he was among Percy's suite on a diplomatic mission to France.<sup>14</sup> His link with the Nevilles may have been more one of neighbourhood and friendship than of service. In 1343 he witnessed a grant by Ralph Neville to the church of Staindrop near the Neville castle of Raby, just across the Tees from Rokeby and Mortham.<sup>15</sup> In 1344 he witnessed a deed by which Ralph settled lands in jointure on his son and daughter-in-law, John Neville and Matilda Percy.<sup>16</sup> After his death we learn that he had granted Ralph Neville the reversion of a Westmorland manor, one of his gains from the king.<sup>17</sup> As Percy's mission to France suggests, connections with these northern nobles did not immure a rising man in the political backwoods; indeed from 1330 to 1336 Ralph Neville combined his regional role with that of steward of Edward III's household. These associations provide a context for Rokeby's military links with Percy and Neville, which emerge strongly in the years before Neville's Cross, when they served together as arrayers of troops, searchers for spies, and on other commissions.<sup>18</sup> They may also have helped to advance his standing with the king, though that was something Thomas took in hand himself in 1327. From 1335 until his death he was almost continuously in royal service, and during the 1340s and 1350s he approached Edward III directly and confidently on numerous matters.

Rokeby was not by origin a wealthy man: at worst a virtually landless younger son, at best a minor north Yorkshire landholder, possibly not worth the £40 a year that was the normal qualification for the status and obligations of knighthood. He seems to have owed almost everything to the patronage of the king, which he earned through steady service as well as by particular military feats. His advancement – to simplify a complicated story – came in four main stages. For his exploit in 1327 he received an income of £100 a year; in 1331 this was realized in the form of a lump sum of £253 together with a scattering

<sup>11</sup> For the events of the period and the position of Percy and Neville, see J.R. Maddicott, *Thomas of Lancaster, 1307–1322* (Oxford, 1970), pp. 263, 269, 274, 279–89, 302; and J.R.S. Phillips, *Aymer de Valence, earl of Pembroke, 1307–1324* (Oxford, 1972), pp. 209–10, 226–7. <sup>12</sup> J.A. Tuck, 'The emergence of a northern nobility, 1250–1400', *Northern History*, 22 (1986), 1–17; H.S. Offler, ed. A.J. Piper and A.I. Doyle, 'Murder on Framwellgate bridge', *North of the Tees* (Aldershot, 1996), ch. 14. <sup>13</sup> *Cal. Memoranda roll, 1326–7*, no. 1165. <sup>14</sup> *CPR 1330–4*, p. 42. <sup>15</sup> *Catalogue of ancient deeds*, i (London, 1890), no. A260. <sup>16</sup> *The Percy cartulary*, ed. M.T. Martin (Surtees Soc. 117, 1909), p. 193. <sup>17</sup> *CPR 1358–61*, p. 366. <sup>18</sup> E.g., *Rot. Scot.*, i, pp. 664–5, 669–70, 670, 671; *CPR 1340–3*, p. 592.

of lands and reversions mostly in Yorkshire, Westmorland and Cumberland. These included Kaber near Kirkby Stephen in Westmorland, some twenty miles across the fells from Rokeby and Mortham.<sup>19</sup> His new-found affluence seems to have enabled him to consolidate his position locally: he bought additional property at Mortham for 100 marks, and invested the same amount in the purchase of the nearby manor of Brignall.<sup>20</sup> Further gains came in 1337–8, as rewards for his service in southern Scotland. He was given another £60 a year, in the form of a hereditary grant of Gilling and two other north Yorkshire wapentakes, together with forty marks from Langbaugh in Cleveland.<sup>21</sup> He also received Hartley, close to Kaber, so consolidating another clump of property.<sup>22</sup> In 1346 his service at Neville's Cross saw him instantly advanced to the status of banneret, with the appropriate endowment of 200 marks a year. This income was to be received from the revenues of Yorkshire until it could be translated into lands, possibly in Scotland – not a ridiculous notion on the morrow of the victory when the English seemed poised once again to overrun the lowlands.<sup>23</sup> Finally, his time in Ireland brought him lands there, despite ordinances that forbade royal ministers to acquire property during their terms of office. In 1356 jurors declared that his various acquisitions, which had been resumed into the king's hand, were not prejudicial to the crown; and at his death in 1357, he held Lucan and Celbridge, together with other property in Dublin and Kildare, and lands in Tipperary and in Cork.<sup>24</sup>

It is not possible to put an accurate value on what Rokeby held towards the end of his career, but it was infinitely more than he set out with. His wealth made him an established member of the north Yorkshire gentry enabling him to grant incomes to members of his own circle,<sup>25</sup> and to sponsor ordinands in the diocese of Durham.<sup>26</sup> His Irish holdings seem to have been sufficiently significant to encourage his nephew to try to recover them by serving in Ireland

<sup>19</sup> *CPR* 1330–4, p. 224; *CCR* 1330–3, p. 416. This replaced a slightly different grant made shortly before (*CPR* 1330–4, p. 214; *CCR* 1330–3, p. 402). Until 1331 he had received £100 annually from the exchequer (Nicholson, *Edward III*, p. 31n.). <sup>20</sup> *Yorkshire fines*, 1327–47, i, pp. 50–1; *Yorkshire deeds*, ii, ed. W. Brown (Yorkshire Archaeological Soc. 50, 1914), p. 49; *VCH, Yorkshire North Riding*, i, pp. 49–50. Although he had a grant of free warren at Brignall as well as Mortham in 1335, and licence to impark his wood at Brignall in 1344 (*CChR* 1327–41, p. 351; *CPR* 1343–5, p. 341), the Rokebys' title was challenged over many decades by the Scropes (*CPR* 1364–7, p. 200; *CCR* 1364–8, p. 192; *CPR* 1377–81, p. 94). <sup>21</sup> *CPR* 1334–8, p. 472; *CPR* 1338–40, p. 61. The history of his possession of the wapentakes is complex, but he held the Langbaugh rent until his death (*CPR* 1340–3, p. 576; *CPR* 1345–8, pp. 253, 254; *CCR* 1346–9, p. 337; *CPR* 1354–8, p. 420; *CIPM*, x, no. 377). <sup>22</sup> *CPR* 1338–40, p. 57. <sup>23</sup> *CPR* 1345–8, p. 478; *CCR* 1346–9, p. 134; *CCR* 1349–54, pp. 121, 261, 419. <sup>24</sup> *Inquisitions & extents*, nos. 311–18. For his Cork properties, see below, pp. 322–3. <sup>25</sup> He granted Thomas Alberton, who served him as military paymaster in Ireland, 20 marks a year, and John Neuton 6 marks (*CIPM*, x, no. 377; *CPR* 1354–8, pp. 441, 577; *CPR* 1358–61, p. 62). <sup>26</sup> *Registrum palatinum Dunelmense*, ed. T.D. Hardy, 4 vols (RS, London, 1873–8), iii, pp. 122, 170.

again during the 1370s with William of Windsor and the earl of Ormond.<sup>27</sup> Rokeby's solvency may have provided a cushion against the king's tardiness in discharging the mountain of debt he had incurred at Stirling and Edinburgh.<sup>28</sup> Despite constant lobbying, more than £1,300 was still owing to him when he was appointed to Ireland. Like other upwardly mobile laymen, he was familiar with the drawbacks as well as the rewards of service to the crown.

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Edward III's decision in 1349 to pluck Rokeby from his normal habitat and send him to Ireland requires an explanation. Since the mid-thirteenth century many justiciars had indeed been appointees from England rather than members of the colonial aristocracy and episcopate. These English governors are not easy to categorize, but broadly speaking they fall into two groups: substantial knights of the king's military household, who sometimes had an Irish connection; and magnates with estates in Britain and Ireland.<sup>29</sup> As a relatively poor northerner, without a background of household service or an existing link with Ireland, Rokeby was an unusual choice. One earlier justiciar appointed by Edward III, the Cumbrian Anthony Lucy (1331–2), might seem at first sight to offer a parallel case. But Lucy was a baronial figure of distinguished ancestry.<sup>30</sup> He had made his political mark in 1323 by arresting Andrew Harclay, earl of Carlisle, who had negotiated with Robert Bruce without Edward II's permission. His appointment was connected with Edward III's attempt, after he escaped from Roger Mortimer's tutelage in 1330, to take a grip on the Lordship, where Mortimer had bought the support of important magnates through lavish favours, including the creation of the earldoms of Ormond and Desmond and the associated liberties of Tipperary and Kerry. Lucy made short shrift of the Mortimer legacy by revocations, arrests and executions. These draconian

<sup>27</sup> *CPR* 1367–70, pp 184, 448; *CPR* 1370–4, pp 82, 92, 339; *CPR* 1374–7, p. 336. <sup>28</sup> TNA, E.403/347, m. 22 shows the payment of £300 to him by the English exchequer in 1349; in 1352 he was to have a further 200 marks in Ireland, which he duly received (*CCR* 1349–54, p. 419; TNA, E.403/360, m. 23; *IExP*, p. 449). In 1354 he was still lobbying for full payment (*Affairs Ire.*, p. 207). <sup>29</sup> For lists see *Admin. Ire.*, pp 78–88; *NHI*, ix, pp 471–3; and for comment, Beth Hartland, 'The household knights of Edward I in Ireland', *HR*, 77:196 (2006), 161–77 at 161–3. Into the first category fall Robert Ufford (1276–81), William d'Odingseles (1294–5), John Wogan (1295 x 1312), who also had a close link with William de Valence, lord of Pembroke and Wexford, Edward I's uncle (Hand, *Eng. law*, pp 21–2), Ralph Gorges (appointed 1321), John Darcy (1324 x 1344), Ralph Ufford (1344–6) and Almaric St Amand (1357–9). Into the second category fall Geoffrey de Geneville, lord of Trim (1273–6), William de Vescy, lord of Kildare (1290–4), Theobald de Verdun, lord of Kells (1314–15), and Roger Mortimer, lord of Trim (1317 x 1320), though both Geneville and de Vescy had also been knights of the household. <sup>30</sup> See above, ch. 11.

measures had poisoned Edward's relations with important families. A further violent confrontation had taken place in 1345 between the Dublin government and members of the Anglo-Irish aristocracy; it had left both Geraldine earls in custody, Desmond with his English cousins at Berkeley castle, and Kildare in Dublin.

The background to Rokeby's appointment could not have been more different. It came at the point when the king had finally sorted out his relations with the magnates. The rapprochement was symbolized by the marriages of Kildare and Ormond, and of the earl of Desmond's heir, to daughters of English lords who had recently served as stewards or chamberlains of the royal household.<sup>31</sup> Rokeby was thus being dispatched when there was a real possibility that Ireland might be ruled in the manner Edward normally preferred – with, not against, the grain of aristocratic power, just as the north of England was currently managed. Indeed a justiciar of Rokeby's restricted social status was likely to succeed only in such conditions.

His appointment may also make us wonder whether the king saw Ireland as a military zone in some respects similar to the north of England. There are hints that this was so. Justiciars were always given a salary sufficient to maintain a military household of twenty men-at-arms. When Rokeby contracted for service in July 1349 this was augmented with a further twenty men-at-arms and forty mounted archers for his first quarter in office.<sup>32</sup> Such supplements were not new; indeed two recent governors, John Charlton (1337) and Ralph Ufford (1344), had been better provided for.<sup>33</sup> But they had been men of higher standing, serving in conditions of political instability. The arrangements for Rokeby were more closely geared to war itself. His contract remarked that 'the land of Ireland is not in good plight or good peace'; and unusually precise provisions were made for his military support after the first quarter, relating it directly to the incidence of campaigns. Ireland appears to have been viewed as having defensive needs that required an experienced border soldier with military provision akin to that in other contemporary theatres of war. It is true that the provision was meagre: at Edinburgh and Stirling in 1340 Rokeby had been assigned 100 men-at-arms and 120 archers in peacetime, rising to 140 and

<sup>31</sup> Frame, *Eng. lordship*, pp. 279–94. <sup>32</sup> CCR 1349–54, p. 92; Otway-Ruthven, 'Ireland in the 1350s', p. 47; Andrew Ayton, *Knights and warhorses: military service and the English nobility under Edward III* (Woodbridge, 1994), p. 116 n. 169. The indenture wrongly describes the traditional provision as 20 men-at-arms and 20 mounted archers; unusually, it states that they are to be reviewed by the treasurer of Ireland once or twice a quarter. After the first quarter Rokeby was to be allowed 20 or 30 men-at-arms and 40 or 50 archers, but only for particular emergencies; however, in Nov. 1350 the king sanctioned the continuous retention of 10 men-at-arms and 20 archers (CCR 1349–54, p. 258). The wages for the extra retinue and payments for horses lost are recorded in TNA, E.101/242/1. <sup>33</sup> Charlton had 200 Welsh archers, Ufford 40 men-at-arms and 200 archers, and Walter Bermingham (1346–9) 10 men-at-arms and 20 archers (Frame, *Eng. lordship*, pp. 237, 265–6, 279; above, Table 12.2

160 respectively should war break out.<sup>34</sup> But the circumstances were different: in Scotland he was part of an occupying force, holding castles amid hostile country; in Ireland his retinue would merely form the core of larger armies recruited primarily from a substantial settler population.

At this stage the king had not yet concluded that warfare in Ireland needed to be supported from English resources; once Rokeby landed in the country, it was assumed that his retinue and any armies he raised would be funded by the Dublin government. Indeed, it is clear that Edward III, who had been intent on reforming the Irish administration since the later 1330s, entertained hopes that Ireland could be made to yield a surplus, as it had done throughout the thirteenth century. That Rokeby was very conscious of this is apparent from the communications that passed between Dublin and Westminster, and indeed from the alacrity with which soon after his arrival he arrested the incumbent treasurer, Robert Embleton.<sup>35</sup> Such expectations, and the (understandable) failure of governors throughout the later fourteenth century to turn the financial position of the Lordship around in the face of plague and the Irish military recovery, have been the subject of several studies; the topic may perhaps be taken for granted as part of the background to Rokeby's actions.<sup>36</sup> Obviously, a dominion where political friction was minimized and a military recovery initiated was more likely to generate revenue, and to export a proportion of that revenue to the metropolis. In both the political and the military spheres, it is possible to detect fresh emphases in Rokeby's approach, and in some cases to see parallels, which may not have been lost on him, with his earlier experience on the Anglo-Scottish borders.

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As a result of Edward III's rapprochement with the Geraldine magnates, a justiciar was able for the first time in a generation to rule in a climate of harmony with, and between, the majority of the Anglo-Irish aristocracy. In the south there were for much of the 1350s three adult resident earls. Their attachment to the court was repeatedly reaffirmed by displays of royal favour, suggesting that Edward was anxious to preserve the good feelings he had created.<sup>37</sup> This

at pp 301–2). <sup>34</sup> *Rot. parl.*, ii, p. 115. In 1347 Rokeby was serving in Scotland with 20 men-at-arms and 20 mounted archers (*Rot. Scot.*, i, p. 692). <sup>35</sup> Frame, *Eng. lordship*, pp 232–60, 301–9; Philomena Connolly, 'The proceedings against John de Burnham, treasurer of Ireland, 1343–9', in *Colony & frontier*, pp 57–74 at 62–4. <sup>36</sup> E.g., Connolly, 'Proceedings against Burnham' and 'The financing of English expeditions to Ireland, 1361–76', in Lydon, *Eng. & Ire.*, pp 104–21; Sheelagh Harbison, 'William of Windsor, the court party and the administration of Ireland', *ibid.*, pp 153–74; J.F. Lydon, 'William of Windsor and the Irish parliament', in Crooks, *Government*, pp 90–105. <sup>37</sup> Frame, *Eng. lordship*, pp 296–301. For the expedition of Kildare's business by the king, see *CPR* 1350–4, pp 494, 495; *CCR* 1349–54,

meant that Rokeby was operating in a world that must have been instantly recognizable to him: where he held an official position but had to manage men who far outstripped him in wealth and social standing. The importance of their support is clear. The earl of Ormond brought large contingents from his lordships to Rokeby's campaigns in Wicklow in 1350, 1353 and 1354.<sup>38</sup> The earl of Kildare does not appear in receipt of military wages, but this may be because he served in his own region at his own expense; certainly he was diplomatically active among the Gaelic and Gaelicized lineages of west Leinster at this period.<sup>39</sup> When Rokeby was briefly out of office in 1355–6, and Ormond was serving in Scotland, the governorship was held by Kildare, then by Desmond, and then after Desmond's death by Kildare once more. This was the first time the Geraldines had been entrusted with the justiciarship since 1328.

It was no doubt this underlying harmony, together with Rokeby's seniority and military reputation, that gave him the confidence to apply the whip when necessary. In 1355, writing in the king's name, he aimed a broadside at the earl of Kildare, who had been sluggish in obeying an order to attend to the defence of the marches of the county:

although you were aware of these invasions, destructions and perils, and were often enjoined on our behalf ... to defend the marches, so far you have bothered neither to stay in the marches nor to send men there – you who are more strongly obligated than others because of the honour of an earl and the lordships, castles, lands and tenements granted by our ancestor to your ancestor .... And since neither the destruction, nor our exhortations and those of our council, nor the obligations of gratitude or allegiance have prevailed with you ... we will mince words no longer.

Kildare was given a final order to appear with a precise number of troops on a set day under threat of forfeiture 'of your body and of all the lands and lordships you hold in that county by royal concession'.<sup>40</sup> Conceivably this tirade was influenced by some diplomatic formulary, but it may carry the authentic voice of the experienced commander and royal servant, well used to upbraiding the northern lords he had so often assessed and arrayed for war.

pp 305–6; *CFR* 1347–56, pp 142–3, 277. 38 18 men-at-arms, 60 hobelars and 60 foot in 1350 (*IExP*, pp 435, 442; NAI, R.C.8/25, pp 363–4); nine men-at-arms, 71 hobelars and 130 foot in 1353 (NAI, R.C.8/26, pp 349–53); 11 men-at-arms, 114 hobelars and 193 foot in 1354 (NAI, R.C.8/27, p. 150). In 1356 he raised 'a huge number of armed men, hobelars, archers and foot' while Rokeby was out of office (*IExP*, p. 472). 39 *Red bk Kildare*, nos. 165, 166, 168. 40 NLI, MS 2, fo. 250; CIRCLE, Close R. 29 Edw. III, no. 41. An irate letter was also written to Thomas Wogan (NLI, MS 2, fo. 260; CIRCLE, Close R. 29 Edw. III, no. 117). In 1357 Edward III, probably at Rokeby's request, addressed admonitory letters on military matters to Ormond and Sir William London (*CCR* 1354–60, pp 344–5).

These close links at the top were matched by a conscious effort on Rokeby's part to engage with the rougher elements of settler society. When he was appointed he received, for one year only, permission to pardon homicides and trespasses and to authorize charters receiving men into the king's peace.<sup>41</sup> This power no doubt seemed similar to that which he had exercised as keeper of Stirling, to receive into peace and fealty those who wished to come in, and to grant pardons.<sup>42</sup> It was a natural product of war, and the accompanying need to retain and multiply allegiances.<sup>43</sup> We know his mind on the matter. At the end of the year, possibly through an oversight, his authority was not renewed; the chancellor – John of St Paul, archbishop of Dublin, who had spent his earlier career as an English chancery official – refused to continue to seal charters of peace. At a meeting of the Irish council Rokeby demanded and got support for his view that power to pardon was inherent in his office and did not require explicit permission. He justified his position by saying

because the land of Ireland is in perpetual war, the nobles and others dwelling in the marches, who daily suffer the burdens of this war, defending with armed might the lands and persons of the king's faithful people and fighting the enemies to the best of their power, are often obliged to commit felonies and trespasses because of the wars, and if they are now denied charters it is truly to be feared that they will side with the king's enemies, rumours of such alliances having already begun ...; and because the fines that are accustomed to be received for such charters, which are reckoned to be one of the foremost profits of the land, will be wholly lost; moreover, if the present justiciar is more tightly constrained and has less authority than other justiciars have had, the [native] Irish people, who are often easily swayed, will turn disobedient.

The members of the council agreed to indemnify the chancellor, 'considering these most serious dangers, the needs of the land and its warlike condition, and the fickleness of an unconquered people' (*indomiti populi levitate*).<sup>44</sup> It would be too simple to present this as a straight conflict between English legal proprieties and cruder – or more subtle – Irish realities; but some such tension was present, and the realities weighed more heavily with Thomas Rokeby. The practical implications of his approach are visible in the receipt rolls of the Irish

<sup>41</sup> *CPR 1348–50*, p. 359. <sup>42</sup> *Rot. Scot.*, i, p. 531. <sup>43</sup> Cf. similar powers given to Henry of Lancaster in Gascony in 1345 (Kenneth Fowler, *The king's lieutenant: Henry of Grosmont first duke of Lancaster, 1310–1361* (London, 1969), p. 231). <sup>44</sup> NAI, R.C.8/25, pp 230–4. The importance of the governor's power to pardon was stressed again, with similar arguments, by the earl of Ormond in 1360 (*Parls & councils*, p. 21). The Irish had been characterized as 'leves' in a statute of 1297 (*Stat. John–Hen. V*, p. 206). For the commonplace that fickleness or light-headedness was a mark of primitive peoples, see R.R. Davies, 'Buchedd a moes y Cymry', *WHR*, 12:2 (1984), 155–79 at 178.

exchequer, which contain many payments for charters of peace. For instance, the roll for 1353–4 contains seventy-three, spread across ten of the twelve counties and liberties that lay within Dublin's effective orbit, each payment often involving several family members.<sup>45</sup> Those involved were not low-grade criminals, but marcher gentry – precisely the sort of people Rokeby had referred to in his declaration before the council.

The same approach is visible in the justiciar's dealings with leaders of the 'untamed people' itself. He began his term with an armed progress throughout the south and east, clashing with Irish chiefs and 'disobedient English' in nine counties between January and September 1350. Some two-thirds of the exchequer's paltry income of £2,243 were expended on this journey, the biggest items being £897 for army wages and £356 for Rokeby's retinue, including the horses its members lost on campaign.<sup>46</sup> But during the next eighteen months military expenditure shrank to about one-third of the revenue, even if we include the expense of sending eleven ships from Ireland to join the king's fleet at Portsmouth.<sup>47</sup> One explanation of the change is that during 1350 and 1351 Rokeby entered into agreements with Gaelic lords in the south-east, paying them retaining fees for the promise of military service. Like charters of pardon to marchers, such retainers were not new; but the sudden appearance of payments to leading members of several major lineages suggests a considered strategy.<sup>48</sup> This is confirmed by two pieces of evidence. We have the well-known record of Rokeby presiding during 1350 at the elections of three Wicklow kin-heads, of the Archbold, Harold and O'Byrne families. This appears to be the first known example of a justiciar playing a direct part in chief-making in Leinster, and it prefigured a situation where formal approval by the crown became important to Gaelic leaders, including successive MacMurrough leaders.<sup>49</sup> We also have Rokeby's response in 1354 when the English exchequer, auditing the accounts of the Irish treasurer, challenged the payment of fees to unknown Irishmen. He explained that the fees had been authorized in consultation with the magnates and marchers of Ireland in order to promote peace and avoid even greater costs.<sup>50</sup> Again the impression is of a governor eager to engage with the realities of power as they seemed to him, and to do so as economically as possible.

<sup>45</sup> TNA, E.101/243/1. Cf. E.101/241/20, 242/12, 242/13; CIRCLE, Pat. R. 26 Edw. III, nos. 1–18, 31–8; Pat. R. 29 Edw. III, nos. 44–52, 112–22. Pardons to men of this sort were not new, but my impression is that earlier clusters were related to specific circumstances, such as the aftermath of Desmond's 1345 rising. Walter Bermingham issued them in profusion in Munster during 1347 but they tended to dry up in 1348–9 (TNA, E.101/241/14, 241/17). <sup>46</sup> TNA, E.101/242/3. <sup>47</sup> *IExP*, p. 442. Details of seven ships and their complements are in NAI, R.C.8/25, pp 285–9. <sup>48</sup> *IExP*, p. 444. Those involved were MacMurrough, O'More, O'Byrne, O'Toole and O'Molloy. Payments to the first four continued into 1353 (*Ibid.*, pp 448, 449, 455). See Frame, 'English officials', pp 270–2. <sup>49</sup> Edmund Curtis, 'The clan system among English settlers in Ireland', in Crooks, *Government*, pp 297–301; Frame, 'English officials', pp 270–6; Simms, *Kings*, pp 36–8. <sup>50</sup> *Affairs Ire.*, pp 207–8.

Working closely with outsiders was not a new experience for Rokeby. At Edinburgh and Stirling he had participated in the final phase of what has been described as a Vichy regime in southern Scotland, reliant on collaborators stigmatized as ‘*Scoti anglicati*’.<sup>51</sup> Around 1341 he reported to Edward III delicate conversations he had held with the earl of Moray.<sup>52</sup> The garrisons he commanded contained large numbers of Scots; occasional names, such as ‘Walter MacGlanyok’, suggest that not all were English-speaking lowlanders.<sup>53</sup> Two of the Leinster lords with whom he formed connections might well qualify as ‘*Hibernici anglicati*’: Ruaidhrí O’More of Laois who provided large military contingents and to whom, in an unusual gesture, he granted formal custody of a Kildare manor;<sup>54</sup> and Aodh O’Toole who served reliably from 1350 to 1355 and was described as ‘keeper of the parts of the marches in Dublin and Kildare’.<sup>55</sup>

A broader feature of Rokeby’s handling of Ireland is also of interest. Early in 1350 he and his colleagues sent a set of requests to the king and council in England. They asked for permission to summon a parliament to arrange for the defence of the land and for profit for the king; for letters to be sent to the magnates and commons of Ireland commanding Rokeby and other ministers to them; and for Edward to thank the magnates and commons publicly in parliament for their loyalty and their work in defending the Lordship.<sup>56</sup> This suggests a strong awareness of the importance of winning hearts and minds, if only to open purses. There had been relatively few parliamentary meetings in Ireland since Edward III seized power in 1330.<sup>57</sup> The only substantial legislation since 1320 had taken the form of the king’s responses to a set of bilious petitions sent him by a disaffected assembly in 1342.<sup>58</sup> The only known general subsidy for the defence of Ireland had been granted in 1346 in the aftermath of Desmond’s rebellion.<sup>59</sup> Rokeby, however, held a parliament at Kilkenny during 1350, where he obtained taxation from both laity and clergy; further parliamentary subsidies were forthcoming in 1353 and 1357.<sup>60</sup> Meanwhile in October 1351 he held two great councils, at Dublin and Kilkenny, where the most comprehensive set of defence and administrative ordinances since 1297 was promulgated, in response, it was said, ‘to the grievous complaints of the commons’.<sup>61</sup> These events heralded an age of more frequent formal interaction between government and community.

<sup>51</sup> Bruce Webster, ‘Scotland without a king, 1329–1341’, in Alexander Grant and K.J. Stringer (eds), *Medieval Scotland: crown, lordship and community. Essays presented to G.W.S. Barrow* (Edinburgh, 1993), pp 223–38 at 227, 231; M.H. Brown, ‘*Scoti anglicati*: Scots in Plantagenet service during the fourteenth century’, in Andy King and Michael Penman (eds), *England and Scotland in the fourteenth century: new perspectives* (Woodbridge, 2007), pp 94–115. <sup>52</sup> CDS, v, no. 795. <sup>53</sup> CDS, iii, nos. 1241, 1323. <sup>54</sup> NAI, R.C.8/26, pp 349–53, 472–4. <sup>55</sup> NLI, MS 2, fo. 261: CIRCLE, Close R. 29 Edw. III, no. 128; *IExP*, p. 455. <sup>56</sup> *Affairs Ire.*, pp 191–2, 193. <sup>57</sup> Richardson & Sayles, *Ir. parl.*, pp 337–9. <sup>58</sup> *Stat. John-Hen. V*, pp 332–63. <sup>59</sup> Frame, *Eng. lordship*, pp 83–4. <sup>60</sup> *Ibid.*, pp 315–17. <sup>61</sup> *Stat. John-Hen. V*, pp 374–97.

In this respect too, it is possible to compare the two phases of Rokeby's career. During the Anglo-Scottish wars assemblies met in the northern counties to co-ordinate defence, to arrange the financial terms under which northern lords would serve, and to receive messages from king and parliament. Although they did not legislate or grant subsidies, they formed a political focus for the region, and to an extent controlled the apportionment of taxation levied north of the Trent.<sup>62</sup> As sheriff of Yorkshire, Rokeby was familiar with all this; as a military commander he had been dependent upon it. His involvement had gone further. In 1344 he was on a commission appointed to attend a convocation of the clergy at York and lay the king's business before it; he was also charged to treat with the northern magnates about their wages for service against the Scots.<sup>63</sup> In 1346 he was among those ordered to assemble the magnates of the whole region from Nottingham and Derby northwards to agree measures for the safe-keeping of the border.<sup>64</sup> There were of course major differences between Ireland and the north, some of which will be touched upon towards the end of this chapter. But for the king and for Rokeby the handling of Ireland involved familiar responses: above all the providing of leadership, through favour and discipline, to a provincial aristocracy and gentry, and the management, through English institutions, of vulnerable communities.

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When Rokeby and his senior colleagues sent their recommendations to England in 1350, they included the following:

it seems good to arrange to conquer from the enemy some area occupied by them and to settle it with English people; and this could with God's help be achieved without much expense, to the king's great profit. For the practice up to now has amounted simply to spending all the revenues of the land on war without conquest or profit; through which far too many lands and centres have been lost, occupied and destroyed, despite all the war and defence that has been attempted along existing lines.<sup>65</sup>

This diagnosis may, as I have argued elsewhere,<sup>66</sup> fail to appreciate the idioms of Irish warfare, in which success might be measured by submissions, hostages

<sup>62</sup> M.R. Powicke, *Military obligation in medieval England* (Oxford, 1962), pp 240–1; James Campbell, 'England, Scotland and the Hundred Years War in the fourteenth century', in J.R. Hale et al. (eds), *Europe in the late Middle Ages* (London, 1965), pp 184–216 at 192–3.

<sup>63</sup> *CPR* 1343–5, p. 297; *Rot. Scot.*, i, p. 651. <sup>64</sup> *Rot. Scot.*, i, p. 670. <sup>65</sup> *Affairs Ire.*, p. 193. <sup>66</sup> 'Military service in the Lordship of Ireland, 1290–1360: institutions and society on the Anglo-Gaelic frontier', in Frame, *Ire. & Brit.*, pp 279–99 at 297–9; 'The defence of the English lordship, 1250–1450', in *Military hist. Ire.*, pp 76–98 at 85–6.

and tributes rather than the occupation of territory. Nor was the notion of re-colonization – if it was meant literally – exactly promising on the morrow of the Black Death. But it is easy to understand the frustration of new ministers at the apparent inconclusiveness of so much military activity in Ireland. Two campaigns conducted by Rokeby seem to reflect the opinions expressed in 1350 and to have involved a shift of emphasis compared to the recent past.

The first took place in the vicinity of Cork during the winter of 1352–3. Rokeby had visited Cork more than once before this, forwarding the interests of the establishments of both the city and the county. In 1350 the sheriff had been excused his account at the exchequer because of war in the area, and Rokeby recorded how the local bishops had explained the difficulties to him while he was at Youghal.<sup>67</sup> Upon the death of the bishop of Cloyne in 1351, he had written to the king urging the importance of replacing him with an Englishman.<sup>68</sup> His favoured candidate, William Bromley, the treasurer of Ireland, lost out to the papally-provided John Whitecot. But Rokeby's influence is almost certainly apparent in Edward's grant to the new bishop of authority to treat with rebels and issue pardons.<sup>69</sup> Around the same time the king had allowed the mayor and citizens of Cork a rebate of the farm of the city after they portrayed themselves as beset by plague, Irish raids and a catastrophic fire.<sup>70</sup> In January 1352, again at Cork, Rokeby took an inquisition that confirmed this tale of woe, adding details about attacks on Cork merchants by Spanish pirates as they sailed for Flanders.<sup>71</sup> In March he travelled from Cork to England, leaving the bishop of Limerick as his deputy; the campaign began in September, soon after his return. He spent the entire period from September 1352 to September 1353 in the southern counties.<sup>72</sup> It seems probable that his strategy, which had radical aspects, had been discussed at court.

The campaign was organized in collaboration with those who mattered locally, especially John Lombard, a descendant of an Italian banking family that had served Edward I in Ireland, who during the 1350s was by turns mayor of Cork and sheriff of the county.<sup>73</sup> Dealing with urban officials was nothing new to Rokeby. As sheriff of Yorkshire he had negotiated with the elites of Kingston-upon-Hull whose wealth was vital for the defence of the north. At Edinburgh and Stirling he had relied on supplies from Newcastle, Hull and other east-coast ports.<sup>74</sup> He persuaded Cork to pay the wages of 160 troops for six months,<sup>75</sup> and to grant a tax for the rebuilding of a local castle.<sup>76</sup> In accordance with at least

<sup>67</sup> NAI, R.C.8/25, pp 245–9. The sheriff was also excused his proffer at Easter 1352 on Rokeby's order (NAI, R.C.8/26, pp 602–3). <sup>68</sup> TNA, S.C.1/38/129. <sup>69</sup> *CCR* 1350–4, pp 137, 141. <sup>70</sup> *Ibid.*, pp 117–18. <sup>71</sup> TNA, C.47/10/22, no. 2. Further remissions were granted in 1354 (*CCR* 1354–60, p. 76; *CCR* 1354–8, p. 87). <sup>72</sup> Otway-Ruthven, 'Ireland in the 1350s', 49–50. <sup>73</sup> K.W. Nicholls, 'The development of lordship in County Cork, 1300–1600', *Cork history*, pp 157–211 at 169; H.F. Berry, 'Sheriffs of the county Cork, Henry III to 1660', *JRSAI*, 35 (1905), 39–52 at 45. <sup>74</sup> E.g., *Rot. Scot.*, i, pp 544, 568, 582, 583, 601–2; *CCR* 1337–9, p. 373; *CCR* 1341–3, pp 186, 648. <sup>75</sup> NAI, R.C.8/27, pp 27–9. <sup>76</sup> TNA,

part of the proposal of 1350, a serious attempt was made to recover territory in the valleys of the river Lee and its tributaries in the immediate hinterland of Cork. This involved sweeping aside the legal titles of some current landholders and the re-granting of land to new tenants. According to inquisitions taken in the 1360s, Rokeby gave proprietors forty days to appear to defend their lands, and then proclaimed them forfeit.<sup>77</sup> This was an unusually forceful application of two established principles: that frontier lands were held on condition that they were adequately defended, and that land defined as 'waste' reverted to the crown. The powers given to Rokeby on his appointment had included the right to seize lands wasted by war and to lease them at pleasure or for a term of years.<sup>78</sup> And in his recommendations of 1350 he had asked for, and achieved, the renewal of earlier legislation allowing the Dublin government to sequestrate the revenues of lands belonging to English absentees if after a period of warning they did not provide defence.<sup>79</sup> His actions in Cork went some way beyond this: the losers were apparently resident Cork families, particularly the Cogans who had been plagued by minorities and succession problems; and he re-granted lands in fee rather than merely leasing them.

The text of one of the grants survives. At Cork on 1 February 1353 Rokeby entrusted in fee and inheritance to John Lombard the keeping of the castle of 'Gynes' (Cloghroe near Blarney) with thirty carucates of land which 'have been so long occupied by McDermot and other Irish enemies and rebels ... that the English have not been able to take any emolument thereof'. John was to defend the castle at his own expense, but with military assistance from the free tenants of the more secure cantreds of Olethan and McKill to the east of Cork city. The terms were light: for the first two years a midsummer rose, and thereafter forty shillings annually. In confirming the grant Edward III noted that 'the castle which Thomas caused to be built for the defence of those parts could not otherwise be kept without great expense'.<sup>80</sup> We know that other grants were made at this time, for instance to the bishop of Cork.<sup>81</sup> Intriguingly, it was claimed in 1365 by Walter Cogan that Thomas Rokeby had twice imprisoned him and 'subjected him to such duress' that he granted Rokeby himself, first for life and then in fee, his manor of 'Moreton'. The jury accepted Cogan's story, though the king's serjeants-at-law had claimed that the grant was freely made.<sup>82</sup> The truth of the matter cannot be recovered. But it seems probable that

E.101/243/1. <sup>77</sup> NAI, R.C.8/29, pp 705–49. See Otway-Ruthven, 'Ireland in the 1350s', 50–1; and esp. Nicholls, 'Development of lordship', pp 168–72. There is useful information, but also some error, in W.F.T. Butler, *Gleanings from Irish history* (London, 1925), ch. 1, esp. pp 111, 127. <sup>78</sup> CPR 1348–50, p. 359. <sup>79</sup> *Affairs Ire.*, p. 192; CCR 1349–54, p. 195. <sup>80</sup> CPR 1354–8, pp 370–1, 407. The castle took its name from the Gynes family who had been sub-tenants of the Cogans (*CJRI* 1295–1303, pp 138, 160). <sup>81</sup> NAI, R.C.8/29, pp 716–39. <sup>82</sup> NAI, R.C.8/29, pp 686–99. An earlier inquisition, held before Nicholas de Courcy, escheator in Co. Cork, in 1356, had testified that Walter's grant was not to the king's damage, because 'Morton' was in the marches and worth no more than 10 marks a

the grant was part of the general drive to re-establish English power in the area, rather than simple extortion.

This was a highly interventionist military policy, designed to rebuild – literally in the case of the castle at Cloghroe – the colony at regional level. It was carried out largely through harnessing and rewarding particular Cork interests, something that was possible because Rokeby had spent sufficient time there to form connections and create confidence. But the detailed reconstruction must be set in the context of a broader strategy. The ‘McDermot’ whom the justiciar expelled from the lands he was re-granting was Diarmait MacCarthy of Duhallow, head of a cadet branch of the former royal dynasty of Desmond, which had been expanding southwards. Against Diarmait he mobilized other Irish, including his bitterest enemies, members of the other branches of the MacCarthys three of whom served Rokeby with a total of 180 foot.<sup>83</sup> There was nothing remarkable in this; the manipulation of segmentary tensions had been fundamental to English power in Ireland since the twelfth century. However, a surviving grant, also dated at Cork on 1 February 1353, shows that Rokeby’s thinking went further. It confirmed to Cormac MacCarthy (the head of the senior branch of the dynasty) and his heirs Macroom and other lands in Muskerry as a reward for service and an inducement to further service against McDermot. Like Lombard’s grant, this was on light terms: twenty shillings or a falcon, together with an Irish cloak and a lance, to be delivered annually to the sheriff of Cork. Unlike it, but in common with most grants to Gaelic lords, it was explicitly stated to be conditional on good behaviour by Cormac and his followers. But it strikes a flexible note: in the event of trespasses by his men, Cormac was to be allowed four months grace to make amends to the sheriff or the keepers of the peace in Cork before he forfeited.<sup>84</sup> Once more the impression is of a justiciar concerned to draw in those that mattered, whatever their national origin, and to institute arrangements that took some note of practicalities.

When Rokeby left office in 1355 the mayor and citizens of Cork wrote to Edward III asking to have him back. Their letter argues that he would do the job better, and also – because of his experience and contacts – more cheaply,

year (*Inquisitions & extents*, no. 313). Nicholls, ‘Development of lordship’, p. 171, identifies Moreton with the cantred of Muscrimmitine, which would imply that the grant gave Rokeby lordship over much of the region that was being re-occupied. <sup>83</sup> NAI, R.C.8/26, pp 666–72. ‘Donald McCarthy’ brought 11, ‘Donald Cormok McCarthy’, 59, and ‘Cormoc Ffynne Carbragh’ 120. ‘Donald Cormok’ may have been Domhnall Óg, the eldest son of Cormac MacCarthy of Desmond, while ‘Cormok Ffynne’ was possibly Cormac Fionn, an uncle of Domhnall of Carbery (NHI, ix, pp 155, 157). The other Irish who served were MacBrien of Aherlow, O’Hehir and O’Kennedy. For the extensive Irish participation in recent Munster campaigns, see Table 12.3, above, pp 302–4; and NAI, R.C.8/24, p. 462 (1348), when ‘Cormac McCarthy Ocarbragh’ and ‘McCarthy Ocarbragh’ served Walter Bermingham with 6 hobelars and 136 foot. <sup>84</sup> NLI, MS 761, pp 210–11; Nicholls, ‘Development of

than anybody else: 'with great prudence he recalled discordant elements and rebels to unity and concord; to consolidate his work he built various castles in the marches; by his industry he earned repute and love from friends and from enemies'.<sup>85</sup> In view of the benefits powerful men in Cork had recently received from him, this was scarcely a 'disinterested tribute'.<sup>86</sup> Nevertheless it encapsulates key aspects of his approach, including an emphasis upon fortification which seems in harmony with his proposals for reoccupation of territory.

The second campaign was organized in Wicklow just before Rokeby left office for a year in August 1355.<sup>87</sup> The relationships he had established with Gaelic lords in 1350–1 had mostly collapsed by 1353, when he led a punitive expedition against O'Byrne. A second major expedition into Wicklow in 1354 had required rescuing by the citizens of Dublin. In response to this situation more elaborate measures were decided upon in the spring of 1355. Campaigns in the region had often involved distributing troops in garrisons, known as 'wards', at strategic points where the crops and herds of the lowlands were menaced by the raids and predatory pasturing of the Gaelic cattle-barons of the glens.<sup>88</sup> (The landscape must have been reminiscent of the dales and fells of Rokeby's own estates around the north Pennines.) Rokeby took this strategy much further. As well as seeking to galvanize the lords and communities of Dublin and Kildare into providing a ring of wards,<sup>89</sup> he set up administrative arrangements to sustain additional defences paid for directly by the government. For more than two years payments were made for a total of thirteen 'castles, fortalices and wards in the march of Leinster in Co. Dublin'. The purchase of stone, lime, lead and iron confirms that construction work was going on.<sup>90</sup> There was also a significant increase in other expenditure on castles in Leinster. Between April 1355 and November 1356, more than a quarter of the total income of the exchequer was devoted to these purposes.<sup>91</sup>

lordship', p. 169. <sup>85</sup> TNA, S.C.1/38/26. <sup>86</sup> Otway-Ruthven, 'Ireland in the 1350s', 53. <sup>87</sup> For what follows, see *ibid.*, 51–2; Frame, 'English officials', pp. 272–4; O'Byrne, *Irish of Leinster*, pp. 100–1. <sup>88</sup> The strategies and social context of these Leinster wars are discussed in Frame, 'English officials', pp. 249–70, and J.F. Lydon, 'Medieval Wicklow: "a land of war"', in *Wicklow hist.*, pp. 51–89. The maps in A.P. Smyth, *Celtic Leinster: towards an historical geography of early Irish civilization, A.D. 500–1600* (Dublin, 1982), 141–3, 150–3, are useful. <sup>89</sup> Orders relating to this operation were issued from 7 May 1355: CIRCLE, Pat. R. 29 Edw. III, nos. 29–31, 34, 62, 132–3; Close R. 29 Edw. III, no. 109. It was the subject of a council meeting for which the bishop of Kildare was summoned to Naas for 19 May (*Parls & councils*, pp. 17–18). It forms the background against which Rokeby rebuked the earl of Kildare. <sup>90</sup> NAI, R.C.8/27, pp. 185–95, 343–51, 385–6. The places referred to are Ballycorus, Ballyteny (Powerscourt), Bray, Carrickmines, 'Glynnoure' (?*Glanmore*), Jamestown, Killiney, Kilmartin, Killoughter, Newcastle McKynegan, Saggart, Tallaght and Wicklow. See the map in Frame, *Colonial Ire.*, p. 140. The archaeological aspect is discussed in Linzi Simpson, 'Anglo-Norman settlement in Uí Briúin Cualann, 1169–1350', in *Wicklow hist.*, pp. 191–235 at 219–22. <sup>91</sup> *IExP*, pp. 466–77. Clonmore, Arklow and Ballyteny had

Such measures, together with Rokeby's activities in Cork, serve to reinforce the conclusion of modern archaeologists that H.G. Leask's view that there was a virtual cessation of castle-building in Ireland during much of the fourteenth century is misleading.<sup>92</sup> Terry Barry has argued that there was a more complex transition from the smaller castles of the late thirteenth and early fourteenth centuries to the tower-houses usually associated with the fifteenth and sixteenth centuries. Towers were certainly being built before 1400; and the distinction made in the records between castles (*castra*) and 'fortalices' (*fortalicia*) may lend support to Barry's suggestion that the term *fortalicium* may have connoted a tower.<sup>93</sup> Rokeby's activities also provide a possible context for the curious story of a debate about castle-building between Sir Robert Savage, the seneschal of Ulster, and his son Henry, which the Dublin annalist places in 1352. Robert was building fortifications. Henry dismissed his efforts, preferring – disastrously in the opinion of the annalist – to rely solely on his strong men: a 'castle of bones' rather than a 'castle of stones'.<sup>94</sup> Rokeby did not intervene in Ulster which lies, frustratingly, beyond the horizon of the records of the Dublin government. But lack of evidence should not be mistaken for evidence of neglect. What remained of the earldom was at this period managed by the crown independently of Dublin. Elizabeth de Burgh, the Ulster heiress, was already married to the king's son, Lionel. During their minority Edward III gave the custody to Queen Philippa. Her keeper of Ulster, William Nessfield, seems to have crossed to Ireland with Rokeby in 1349.<sup>95</sup> In 1351 several lords in Ulster and Connacht received pardons from the king.<sup>96</sup> From 1353 Philippa's interests were looked after by her steward and receiver of Ulster, Sir John Gatesden and John Glanville; on Gatesden's petition Robert Savage was excused his account at the Dublin exchequer because of military demands in the north of Ireland.<sup>97</sup> It seems possible that the annalist's anecdote preserves the memory of an

been restored by Anthony Lucy and John Darcy during the 1330s (see above, pp 258–60). <sup>92</sup> H.G. Leask, *Irish castles* (Dundalk, 1951), chs 8, 9. Cf. two studies by Tadhg O'Keeffe, 'Rathnageeragh and Ballyloo: a study of stone castles of probably 14th to early 15th century date in county Carlow', *JRSAI*, 117 (1987), 28–49, and 'Medieval frontiers and fortifications: the Pale and its evolution', in F.H.A. Aalen and Kevin Whelan (eds), *Dublin city and county: from prehistory to present* (Dublin, 1992), pp 57–77. <sup>93</sup> 'The last frontier: defence and settlement in late medieval Ireland', in *Colony & frontier*, pp 217–28 at 223, 224. <sup>94</sup> *CSiM*, ii, pp 391–2; Katharine Simms, 'Warfare in the medieval Gaelic lordships', *The Irish Sword*, 12:47 (1975), 98–108 at 107. <sup>95</sup> *CPR* 1348–50, pp 402, 407. <sup>96</sup> *CPR* 1350–4, p. 148. <sup>97</sup> *Ibid.*, pp 442, 443; NAI, R.C.8/26, pp 632–4; Frame, *Eng. lordship*, pp 323–4. It would be wrong to assume that eastern Ulster was beyond royal influence or wholly 'waste'. The ministers of Elizabeth Clare, grandmother of Elizabeth de Burgh, were able at this period to garner a significant income from her lordships in north Antrim–Derry and at Antrim itself, and to carry a surplus to England; their accounts contain payments to Robert Savage, to Walter Gernon, a judge of the liberty court, and to the sheriffs of Antrim and Coleraine, confirming that administration still functioned (TNA, S.C.6/1239/32, 33; TE. McNeill, *Anglo-Norman Ulster: the history and archaeology of an Irish barony*, 1177–1400

attempt at defence and consolidation equivalent to that made by the justiciar in southern Ireland. The outlook is encapsulated in the appointment of Sir Robert Beverley, an English knight serving with Rokeby, to the constablership of Newcastle McKynegan on the Wicklow coast, which was accompanied by the grant, rent-free, of two carucates of adjacent royal demesne said to be waste.<sup>98</sup>

Thomas Rokeby had arrived in Ireland from a northern England which was itself becoming heavily encastellated. The outbreak of the Anglo-Scottish wars had led to the fortification of previously undefended halls. The construction of licensed towers seems to have gathered momentum during the decades of comparative respite from Scottish raids after the victory at Neville's Cross.<sup>99</sup> It may be fanciful to see a direct link between these developments and Rokeby's activities in Ireland. But it was not unnatural for a man with his background to think in terms, not merely of eliciting recognition of the king's lordship by repeated counter-raids, but of stabilizing frontiers through fortification.

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Rokeby's justiciarship seems to signal two changes of emphasis in the English approach to Ireland, one tending towards realism, the other perhaps misguided. The first was a greater preparedness – at least in comparison to the recent past – to engage with and try to harness those who actually held power there. It is visible in the king's attitude to the higher nobility, and in Rokeby's handling of the marcher lineages, of city elites, of the community of the Lordship in a parliamentary setting, and to some extent also of Gaelic chiefs. It was not straightforward, for it might require willingness to dispense men pretty freely from the normal operations of the law, to cut through existing titles to land, and to form ties of a practical sort with those whom the formulaic royal records usually stigmatized as 'enemies'. Little of this was new, but the combination of flexible relationships gives the 1350s a distinctive flavour. It heralds an age when the more successful governors (who were, unlike Rokeby, noble and even royal lieutenants) used their wealth and status to form personal networks which compensated for the increasing frailty of routine government. This approach had its drawbacks. Since terms of office were short, it could create instability and faction. Moreover, the sense of bureaucratic propriety survived sufficiently, at least in the fourteenth century, to be an irritant. For instance, a series of restraining orders from England suggests that the chancellor may have fought a rear-guard action against Rokeby's open-handedness with general pardons.<sup>100</sup>

(Edinburgh, 1980), pp. 136–47; Frame, *Eng. lordship*, pp. 63–4). 98 *CPR 1354–8*, p. 187.

99 Philip Dixon, 'From hall to tower: the change in seigneurial houses on the Anglo-Scottish border after c.1250', *TCE*, 4 (1992), 86–107; Richard Lomas, *North-east England in the Middle Ages* (Edinburgh, 1992), pp. 70–2. 100 In March 1351 he was instructed to award

And while Edward III might butter nobles up, he could never wholly disregard the automatic hostility of judges and exchequer officials in Dublin towards liberty jurisdictions – even though these made a great deal of sense in Irish conditions.<sup>101</sup> Kenneth Nicholls has perceptively suggested that Ireland seemed intractable partly because the centralizing and uniformist instincts of the English governmental tradition could not contemplate the devolved, legally-hybrid polity that worked in Scotland.<sup>102</sup> In the later Middle Ages there was a partial shift in the ‘Scottish’ direction, but sufficient only to create tension between the two approaches. Probably the tension was impossible to resolve because Ireland, unlike Scotland, did not have a resident king.

In the wisdom of hindsight, Rokeby’s military activities represent a more unambiguous blind alley. The diplomatic system he established in Leinster in 1350–1 began to disintegrate during his absence in Munster in 1352–3. By the 1360s his Cork campaign of 1352–3 had left nothing behind it save a welter of conflicting claims to land. Cormac MacCarthy and his heirs seem to have delivered not one falcon, cloak or lance during the ensuing eighteen years.<sup>103</sup> The fortification programme in Leinster did nothing except in the shortest term to prevent the erosion of control in marginal areas. Even such limited and localized undertakings consumed alarming proportions of the tiny Irish revenue. Yet the crown, besieged by petitions for help from Irish parliaments and councils, was to remain for two generations wedded to a policy of military intervention, which from 1361 came to be funded largely by the English taxpayer. This had little ultimate impact, beyond confirming the truism that maintaining even a few hundred elite troops on a permanent war footing was very costly in relation to the resources of any medieval state. The climax came with Richard II’s expedition of 1394–5; allegiances were easily collected in while the king was present and expectations were raised in all quarters, but afterwards the balance of authority remained much as it had been before. When the phase of interventions petered out under the Lancastrians, the results are revealing. Direct royal government confined itself mostly to the broad hinterland of Dublin. The south became more clearly than before a world of semi-autonomous lordships and port towns, but still linked to England through its elites, as its participation in the politics

pardons only with the advice of the chancellor and treasurer (*CCR* 1349–54, pp 292–3). His power to pardon was renewed in 1354 and 1356 (*CPR* 1354–8, pp 17, 427–8). But at the end of 1356 the king revoked two pardons he had granted to ‘notorious felons’ (*ibid.*, p. 480), and in March 1357 the chancellor and treasurer were to be consulted about all pardons since some had been awarded ‘too easily’ (*CCR* 1354–60, pp 349–50). <sup>101</sup> Frame, *Eng. lordship*, pp 119–20. Although the king frequently restored liberties seized by ministers in Ireland, to their chagrin, he set his face against the restoration of the liberty of Kildare (*ibid.*, pp 47, 283). <sup>102</sup> ‘Development of lordship’, pp 159, 194, 196 (though he may underestimate the flexibility shown by Edward III after 1346). <sup>103</sup> *Ibid.*, pp 169–72; A.F. O’Brien, ‘Politics, economy and society: the development of Cork and the Irish south-coast region, c.1170–1583’, in *Cork hist.*, pp 83–153 at 112–13.

of Henry VII's reign would graphically show. In retrospect it is possible to think that the later fourteenth century had seen an expensive mis-definition of the problems and possibilities Ireland presented.<sup>104</sup>

This chapter has pointed to many comparisons between the northern and the Irish frontiers of the mid-fourteenth-century English state. But it is the contrasts that catch the eye. They are more prominent than was to be the case by the later fifteenth century, when the north was dominated by a handful of great nobles and direct royal power in Ireland had contracted to a single centre around Dublin, which could be run cheaply and effectively by the earls of Kildare, whose web of influence extended into other parts of the island. In the time of Thomas Rokeby the differences are striking. In the north there was a clear frontier line; behind it lay a society of magnates and gentry whose allegiance was normally certain, together with a structure of law and government, run by men of Rokeby's stamp, that gave coherence and regularity to the management of county and urban government and the resourcing of defence. Only in the catastrophic reign of Edward II did allegiances waver and administration crack.<sup>105</sup> Ireland also possessed an English legal and institutional framework, fleshed out by magnates, by town and ecclesiastical elites, and by lowland gentry communities. But the Lordship was much less manageable – bigger, more fragmented, and broken by a multitude of unstable frontiers that were as much cultural as military.<sup>106</sup> Despite the rhetoric of official documents, governors faced no steadily identifiable enemy; alliances criss-crossed the supposed ethnic divide, which was not a reliable denominator of friend or foe. Moreover, unlike the north of England, Ireland was marked by bewildering discrepancies between legal titles to land and its actual occupation, discrepancies that were widening as the fourteenth-century pestilences and Gaelic pressure on the margins of the colony encouraged a reversion to pastoralism. It was, in short, a land increasingly inhospitable to the routine operation of English law and government, where frontiers were difficult for central authority to identify let alone confirm in stone. Thomas Rokeby spent his last weeks, in the spring of 1357, organizing yet another inconclusive campaign in Wicklow. Before his death on St George's Day at Kilkea castle, within sight of the 3,000-foot peak of Lugnaquillia, it is possible that he reflected upon the greater straightforwardness of frontier life back home.<sup>107</sup>

<sup>104</sup> See below, ch. 15. <sup>105</sup> On the collapse of control under Edward II, see Jean Scammell, 'Robert I and the north of England', *EHR*, 73:288 (1958), 385–403, and Colm McNamee, *The wars of the Bruce: Scotland, England and Ireland, 1306–1328* (East Linton, 1997), chs 3, 4. On the degree to which normal patterns of law and government survived, C.J. Neville, 'Keeping the peace on the northern marches in the later middle ages', *EHR*, 109:430 (1994), 1–25. <sup>106</sup> The multi-centred character of the Lordship of Ireland is emphasized in Robin Frame, 'Power and society in the lordship of Ireland, 1272–1377', in Frame, *Ire. & Brit.*, pp. 191–220. For a fuller comparison of Ireland and northern England at a slightly earlier period, see above, ch. 11. <sup>107</sup> *CStM*, ii, p. 393.

## Two kings in Leinster: the crown and the MacMurroughs in the fourteenth century

In 1166 Diarmait MacMurrough, king of Leinster and heir to the wider ambitions of his great-grandfather, Diarmait mac Mael na mBó, fled to the court of Henry II in search of help to restore his fortunes. For his dynasty the visit had swift and drastic consequences. Within a few months of his death in 1171, Leinster was in the hands of his Anglo-Norman son-in-law, Richard de Clare (Strongbow), while the rich coastal zones of Dublin and Wexford, which he had dominated, were royal demesne of Henry himself. Diarmait's lineage sank into virtual oblivion. His surviving son, the illegitimate Domhnall Caomhánach, was killed in 1175 after serving Strongbow. With the death in 1193 of his nephew, Muircheartach, who had retained a minor royal status in the patrimony of Uí Cheinsealaigh in north Wexford, the MacMurroughs dropped below the horizons of the annals and charters.<sup>1</sup> In view of later events there is no reason to doubt that members of the kin continued to occupy parts of their former lands under Strongbow's heirs, the Marshals, who, with their baronial sub-tenants, were filling the river valleys of south Leinster not just with castles, abbeys, mills and bridges, but with peasants and traders from Britain.<sup>2</sup> The utter silence of the early thirteenth-century records suggests that the MacMurroughs gave the Marshals less trouble than they and the Clares faced from another demoted royal house, that of Morgan of Caerleon, which bordered their lordships in Gwent and Glamorgan.<sup>3</sup>

Two centuries later things seem to have come full circle. In 1394 Richard II went to Ireland partly because of the sense of crisis the revival of the

<sup>1</sup> On Domhnall and Muircheartach, see Giraldus, *Expug. Hib.*, p. 294 n. 32, p. 326 n. 264, p. 330 n. 290. Strongbow is said to have recognized the latter as king in the MacMurrough patrimonial lands: *Deeds of the Normans*, ll. 2180–6. For an important reinterpretation of events within the MacMurrough lineage, see Flanagan, *Ir. soc.*, ch. 3. Since this chapter first appeared, our knowledge of the Gaelic lineages of Leinster has been expanded by O'Byrne, *Irish of Leinster*, chs 1–6, and the genealogical appendices at pp. 245–64. <sup>2</sup> Strongbow's alleged grant of 'the pleas of Leinster' to Domhnall (*Deeds of the Normans*, ll. 2187–8) has led to the belief that Domhnall's descendants had an official role under Strongbow's heirs; this is possible, but their position is obscure: Robin Frame, 'The justiciar and the murder of the MacMurroughs in 1282', in Frame, *Ire. & Brit.*, pp. 241–7 at 242, n. 11; Flanagan, *Ir. soc.*, p. 110. <sup>3</sup> 'Annales de Margam' in *Annales monastici*, ed. H.R. Luard, 6 vols (RS, London,

MacMurroughs had instilled in his Irish ministers and subjects. The descendants of the kings who had once met amicably in Aquitaine faced each other in the woods and glens of Leinster. The initial confrontation was brief; Art MacMurrough Caomhánach, the self-styled king of Leinster, was soon Richard's prisoner in Dublin. But despite his inferiority in wealth and power, over the next few years Art proved that in his own setting a Leinster king was no pushover; as Edmund Curtis remarked, his success in resisting Richard's forces on his second Irish expedition in 1399 helped to create the conditions that allowed Henry Bolingbroke to seize the initiative in England.<sup>4</sup>

The renewed use by the MacMurroughs of the title 'king of Leinster' (*rí Laighean*) was regarded as an affront by the crown, to be condemned in terms reminiscent of those applied by Edward III to his chief enemies, the Valois kings of France. In 1354 Art's grandfather, Muircheartach, was denounced for 'calling himself king or prince of Leinster'.<sup>5</sup> In 1370 Art's uncle was described as 'Irish enemy of the lord king, by name Gerald Kavanagh, but called by the Irish "king of Leinster"'.<sup>6</sup> In the time of Henry II, English kings had been happy to have kings in Wales and Ireland under them; that this enhanced their status is suggested by the fact that it was the Welsh themselves who abandoned the diminished title 'king' (*brenin*) in favour of the less tarnished title 'prince' (*tywysog*).<sup>7</sup> But during the thirteenth century, as royal status became more closely defined and guarded, the English monarchy grew intolerant of lesser royal dynasties within its sphere. In the fourteenth, while the crown still occasionally used terms such as 'king of the Irish' or 'Irish kinglets', it did so almost contemptuously, and only to describe lesser figures who presented no threat.<sup>8</sup> The assumption of royal status by the descendants of the former rulers of Leinster, the province where the main centres of English authority in Ireland lay, was unacceptable. Art's claim so startled a lord in Richard's retinue that he reported the legend on a seal he claimed had been captured: 'Sigillum Arthurii Macmurch Dei gratia rex Lagenie'.<sup>9</sup> Art's vaulting regal ambition was also

1864–9), i, pp. 36–7; Davies, *Conquest*, pp. 275, 277–9. 4 Curtis, *Med. Ire.*, p. 277. 5 'Se regem sive principem Lagenie dicens' (TNA, E 101/243/6; Charles McNeill, 'Lord Chancellor Gerrard's notes of his report on Ireland', *AH*, 2 (1931), 93–291 at 246). 6 A payment was made 'racione occisionis cuiusdem hibernici inimici domini regis vocati Gerard Kevenaghe et per hibernicos vocati "rex de Leynester"' (*Parls & councils*, p. 45). 7 On Wales, see David Crouch, *The image of aristocracy in Britain, 1000–1300* (London, 1992), pp. 85–94. On Ireland, Simms, *Kings*, pp. 36–40; Robin Frame, 'England and Ireland, 1171–1399', in Frame, *Ire. & Brit.*, pp. 15–30 at 20–4; and more generally, Frame, *British Isles*, ch. 5. 8 A payment c.1345 to O'Molloy, a Meath lord, describes him as *rex hibernicorum*: TNA, C.260/57, no. 28; in the 1360s Tomás O'Flynn and 'Bernard' (Brian) O'Neill were called *reguli hibernici*: TNA, E.101/28/21, fo. 10v. A Kildare document of 1350 refers to 'Maurice' Sionnach of Fartullagh as *rex*, a title not conceded to the more powerful O'Connors of Offaly or O'Mores of Laois: *Red bk Kildare*, no. 168. 9 Edmund Curtis, 'Unpublished letters from Richard II in Ireland, 1394–5', *PRIA*, 37C:14 (1927), 276–303 at 280–1, 286. This seems to be the only evidence that the MacMurroughs used the *Dei gratia* formula. Art

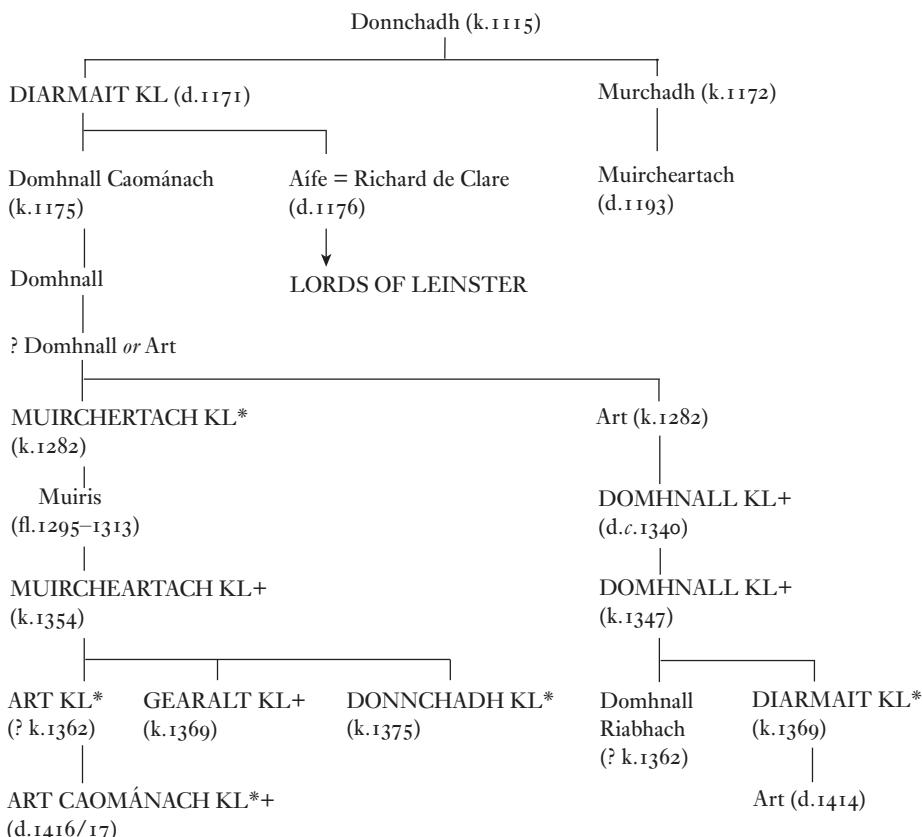
stressed by Jean Creton, who described the 1399 expedition in his verse account of Richard's deposition.<sup>10</sup>

So much is well known. But we are some way from understanding the springs of the MacMurrough recovery, the stages through which it passed, or the character of the relationship – more subtle than mere hostility – that developed between English authority and the revived Gaelic overlordship. The evidence through which these matters must be approached is in some ways frustrating. Little survives to take us directly within the native Irish world. Not one MacMurrough letter or deed remains from Richard's time or the century before. The Irish annals, which form a guide to the dynastic politics and warfare of Ulster and Connacht, and to some extent of Munster and Meath, contain virtually no south Leinster entries until the 1350s, and few thereafter. The Gaelic genealogies are neither detailed nor wholly trustworthy. We see the MacMurroughs and their neighbours mostly through the eyes of Dublin; it can be difficult even to identify the dozens of members of the kin who crop up in the records, their names crudely latinized. In compensation, the record evidence is much fuller than for other parts of the country. Though it mainly reveals the actions and outlook of the king's ministers, it sheds some light on those with whom they dealt: in Leinster relations with the crown were not a negligible aspect of the lives of Gaelic lords.

\* \* \*

did not employ it in his donor inscription on the shrine of the Book of Moling in 1402 (R.F. Foster, *Oxford illustrated history of Ireland* (Oxford, 1989), p. 92). Seals from 1475 style a later head of the kin simply *rex Lagenie*. Perhaps the 1394 reporter exaggerated; it is hard to accept Curtis's view that Art sealed agreements with Richard II, a ruler notoriously touchy about his royal dignity, with such a seal. On *Dei gratia*, see P.S. Lewis, *Later medieval France: the polity* (London, 1968), pp. 188–9. Michael Bennett's argument that Richard viewed himself as having an 'imperial' authority over lesser rulers in his orbit is broadly persuasive, but there is no sign that it entailed the recognition of the status of Gaelic lords as kingly; regal titles seem to have been carefully avoided, not just by Richard's secretariats but also by the Irish leaders in their dealings with him (M.J. Bennett, 'Richard II and the wider realm', in Anthony Goodman and James Gillespie (eds), *Richard II: the art of kingship* (Oxford, 1999), pp. 187–204). <sup>10</sup> 'Translation of a French metrical history of the deposition of King Richard II', ed. John Webb, *Archaeologia*, 20 (1824), 296, 298, 302, where Creton has Art claim to be 'excellent king and lord of great Ireland', 'king of Ireland', and 'lord and king of Ireland'. Froissart is also vague but had no doubt that Art was a king: *Chronicles*, trans. Geoffrey Brereton (Harmondsworth, 1968), pp. 411–16. That there was bombast in Art's circle is confirmed by the bardic poem translated by Lambert McKenna as 'To Art Mac Murchadha Caomhánach', *Irish Monthly*, 66 (1928), 98–101. See Katharine Simms, 'Bardic poetry as a historical source', in Tom Dunne (ed.), *The writer as witness: Hist. Studies XVI* (Cork, 1987), pp. 58–75 at 65–6.

Table 14.1: The MacMurroughs\*



KEY: KL\* styled 'king of Leinster' in Irish annals;

KL+ claimed to be king of Leinster according to government records or Anglo-Irish annals.

\* This table is based on *NHI*, ix, p. 149. It has been modified in the light of annals and records; the genealogies in *The Book of Leacan: Leabhar Mór Mhic Fhir Bhisigh Leacain*, ed. Kathleen Mulchrone (IMC, Dublin, 1937), fo. 93, col. a, and *The Book of Ballymote*, ed. Robert Atkinson (RIA, Dublin, 1887), p. 138, col. c; and O'Byrne, *Irish of Leinster*.

The absence of references to the MacMurroughs during the first three quarters of the thirteenth century makes the events of the 1270s more striking.<sup>11</sup> In 1275 the government, disturbed by raids from the Irish of Wicklow, took into custody Muircheartach MacMurrough, who was probably a great-grandson of Domhnall Caománach. Art, his brother, responded by defeating a royal army in

<sup>11</sup> On what follows, see Robin Frame, 'Murder of the MacMurroughs', pp. 241-7; Orpen, *Normans*, iv, pp. 8-18.

Glenmalure in 1276. These events caused alarm in England, and it took the best efforts of two men from Edward I's inner circle, Robert Ufford and Thomas de Clare, to suppress the rising in the following year. Even after that, the brothers were seen as a problem; it was not solved until 1282 when they were murdered at Arklow, almost certainly on the orders of Stephen Fulbourne, the justiciar. We do not know whether Muircheartach had claimed to be king of Leinster, but the Gaelic annalists style him so, speaking of a *ri Laighean* for the first time since the twelfth century.<sup>12</sup>

In view of the earlier quiescence of the lineage, this challenge to the authorities demands an explanation. It is true that records of the Irish exchequer and of the lordship of Carlow, which provide most of our information about the events of 1275–82, survive only from this point, and may create a false impression. But the brothers also make a mark in the Anglo-Irish annals and the records of the English chancery which, like the Gaelic annals, tell us nothing of their immediate forebears.<sup>13</sup> Their emergence has to be set in the context of a loss of colonizing impetus from the mid-thirteenth century, which saw retreat in the wooded and boggy areas of midland and south-east Ireland, where a manorial framework had earlier been sketched out. This reversal has been linked with climatic events and with improvements in Irish military organization.<sup>14</sup> It should also be associated with a crisis of lordship. In 1247 Leinster underwent a complicated partition among the heirs of the Marshals.<sup>15</sup> The faltering of seigneurial control was exacerbated from the late 1250s by a lapse in royal leadership during the period of baronial reform and rebellion in England, which was followed in the early 1270s by the absence of Edward and many of his circle on crusade. Especially during the long justiciarship of John fitz Geoffrey (1245–56), the court had paid considerable attention to Ireland, where a number of men of note were acquiring interests. That focus now slipped; and the turmoil in England opened the way to factional struggles in Ireland, in which the Leinster Geraldines were prominent.<sup>16</sup> The chronology of the MacMurrough rising suggests that Muircheartach and Art were not prime movers, but came to the fore towards the end of a prolonged period of unrest.

<sup>12</sup> *AC*, p. 172; *AI*, pp. 380–2; *AU*, ii, p. 362. Muircheartach (d.1193) was merely 'king of Uí Cheinnsealaigh': *ALC*, i, p. 186; *AU*, ii, p. 220. <sup>13</sup> *CStM*, ii, p. 318; *AClyn*, pp. 150–1; *CDI* 1252–84, nos. 1716, 1873. <sup>14</sup> Kenneth Nicholls, 'Anglo-French Ireland and after', *Peritia*, 1 (1982), 370–403 at 372–3; J.F. Lydon, 'A land of war' in *NHI*, ii, pp. 240–74 at 256–60; M.C. Lyons, 'Weather, famine, pestilence and plague in Ireland, 900–1500', in E.M. Crawford (ed.), *Famine: the Irish experience* (Edinburgh, 1989), pp. 31–74 at 40–4. Seán Duffy has recently suggested that, in addition, the unrest may have been stimulated by the resistance to Edward I in Wales between 1276 and 1282 ('Irish and Welsh responses to the Plantagenet empire in the reign of Edward I', in *Plantagenet empire*, pp. 150–68. See above, p. 52). <sup>15</sup> It may be significant that the earliest annalistic references to disturbances in Leinster date from 1248–50: *AC*, p. 96; *CStM*, ii, p. 315. <sup>16</sup> Robin Frame, 'Ireland and the Barons' Wars' and 'King Henry III and Ireland: the shaping of a peripheral lordship',

Whatever the reasons for the outbreak, the distribution of power in Leinster seems at this time to have undergone a shift that was never reversed. During the first half of the fourteenth century the Dublin government was rarely free from the need to fight and negotiate with local Gaelic lords, activities that absorbed a large proportion of its dwindling revenues.<sup>17</sup> It would, however, be misleading to suggest that for the MacMurroughs themselves the 1270s marked the first step on a ladder of recovery that led steadily upwards over the ensuing decades. They were not always in the forefront of those the crown saw as enemies, and their appearance as overlords is rare. We hear nothing of them for twelve years after 1282, and they are conspicuous by their absence from the disturbances in Leinster that accompanied the southern campaigns of the Bruce in 1316 and 1317.<sup>18</sup> The Gaelic world ministers faced was politically fragmented; they tended to deal separately with various leaders and groups, among whom the O'Byrnes were often most troublesome. There was no reason why the O'Byrnes and the O'Tooles, who from the Wicklow hills menaced the coastal lowlands between Bray and Arklow and the manors of south Dublin and east Kildare, should need or welcome MacMurrough lordship. Both were descended from the Uí Dhúnlainge, who had held the kingship of Leinster before the Uí Cheinnsealaigh; in 1395 Feidhlim O'Toole was to claim that he was directly subject to Richard II, and protest about attacks from Uí Cheinnsealaigh.<sup>19</sup> Before the Anglo-Norman settlement, the political heartlands of the Uí Dhúnlainge and the Uí Cheinnsealaigh had been distinct; in normal conditions they seem to have remained so at this period. And unlike the Wicklow habitat to which the O'Byrnes and O'Tooles had been confined, the *patria* of the MacMurroughs contained sufficient fertile land to leave scope for co-existence between native and newcomer.<sup>20</sup>

Among the many variables that affected the political and military orientation of the MacMurroughs at this period, two stand out. The first was the strength of the Dublin government which might, as in the 1260s and 1270s, reflect political events in the wider Plantagenet realm. The second is more elusive. The internal dynamics of the Gaelic lordships largely escape us; the fitful illumination cast by external sources makes it hard to tell whether the leaders with whom the crown dealt were confederate chiefs, kin-heads who shared power with other kin-heads, or figures shut out of power by rivals. The MacMurroughs were certainly not immune from segmentary strife. In 1347 the Dublin annals and

in Frame, *Ire. & Brit.*, pp. 31–57 at 46–57, 59–69. <sup>17</sup> For background to the next few paragraphs, see Robin Frame, 'English officials and Irish chiefs in the fourteenth century', *ibid.*, pp. 249–77. <sup>18</sup> Robin Frame, 'The Bruce in Ireland, 1315–18', *ibid.*, pp. 71–98 at 84–5. <sup>19</sup> Curtis, *Ric. II in Ire.*, pp. 125–6. <sup>20</sup> A.P. Smyth, *Celtic Leinster: towards an historical geography of early Irish civilization, A.D. 500–1600* (Dublin, 1982), pp. 14–16; Flanagan, *Ir. soc.*, pp. 105–6; William Colfer, 'Anglo-Norman settlement in County Wexford', in Kevin Whelan (ed.), *Wexford: history and society* (Dublin, 1987), pp. 65–101, esp. p. 93.

Clyn report the murder of Domhnall MacMurrough by his kinsmen, Clyn noting sententiously that the killing 'brought peace at that time; the peaceful people had quiet, and culture flourished'.<sup>21</sup> It is likely that this was one incident in a long joust between the descendants of the brothers slain in 1282. From 1357 to 1369 the segments may have shared power. But in the late 1370s Art Caomhánach, of Muircheartach's line, outpaced Art son of Diarmait, of the line of Art; he also put at least one other kinsman to death.<sup>22</sup> Successful leadership in Leinster depended upon favourable conditions both within the dynasty and in the outside world.

Despite the spasmodic nature of their political recovery, there are signs that the government viewed the MacMurroughs differently from other Leinster lineages, and that patterns of interaction with the crown familiar in the time of Art Caomhánach were laid down much earlier. The MacMurroughs always had at least the potential for overlordship. When in 1295, after the first known outbreak of trouble since 1282, Muiris son of Muircheartach came to the peace, he submitted for the O'Byrnes as well as his own people, and was given responsibility for disciplining the O'Byrnes and the O'Tooles in the event of further trouble.<sup>23</sup> Although the O'Byrnes were often a greater threat to the government, there is no hint that submissions by their leaders were seen as having force beyond their own lineage.<sup>24</sup> The status of the MacMurroughs also seems to be reflected in the intimacy that could arise between them and royal ministers. From 1311 to 1314 Muiris served in war against the O'Byrnes, capturing some of them and handing them over to Dublin; took part in the planning as well as the execution of military strategy; received an annual fee of forty marks from the exchequer; and had custody of the manor of Courtown on the Wexford coast.<sup>25</sup> The hiring of one Irish leader in war against others was commonplace. But the number and closeness of the ties, like the size and regularity of the fee, are unusual. The MacMurroughs were acquiring the habit of see-sawing between hostile demonstrations and remunerative co-operation; it can be hard to decide whether they were skilful manipulators, or whether their behaviour amounted to little more than frantic tacking before changeable political winds.

The alternative postures are graphically shown by the career of Domhnall son of Art, who came to prominence more than forty years after his father's murder.<sup>26</sup> In 1328 the Dublin annalist described his attempt to revive the Leinster kingship:

<sup>21</sup> *CStM*, ii, p. 390; *AClyn*, pp. 244–5 (under 1348). See the genealogy: table 14.1, p. 332. <sup>22</sup> *AU*, iii, p. 5. <sup>23</sup> *CJRI 1295–1303*, p. 61. <sup>24</sup> E.g., NLI, Genealogical Office MS 191, p. 58. <sup>25</sup> See Frame, 'English officials', p. 268, for further details. A Raymond MacMurrough intermittently paid rent to the crown for Courtown between 1307 and 1340; the grant probably redirected his rent to Muiris (TNA, E.101/235/5, 19, 22, 25; E.240/3, 7, 15; Nicholls, *Gaelic Ire.*, p. 202). <sup>26</sup> That he was indeed a son of the Art killed

Before Lent the Irish of Leinster gathered themselves together at one time and made a certain king, to wit, Donald son of Art Macmurch. When he had been made king he proposed to raise his banner two leagues from Dublin and then to travel through all the territories of Ireland. God, seeing his pride and malice, allowed him to fall into the hands of Sir Henry Traherne, who brought him to Leixlip, received a payment of £100 for him, and took him to Dublin and placed him in the castle there to await the judgment of the lord king's council as to what should be done with him.<sup>27</sup>

Despite a possible hint of irony in this account, Domhnall was taken seriously. The exchequer paid £110 to Henry and to Walter de Valle, who was also involved in the capture, describing Domhnall as 'Irish enemy and felon of the king who was lately chosen by the Irish of the parts of Leinster to be their king and chief'. Roger Outlaw, the keeper of Ireland, had to travel to Co. Carlow to bargain for his delivery into official custody.<sup>28</sup>

In the absence of Gaelic sources, we are left to speculate about the precipitants of Domhnall's actions. Like the events of the 1270s, they coincided with a political crisis in the Lordship, linked with metropolitan events. The collapse of Edward II's regime in 1326–7 had provoked factional struggles among the magnates of southern Ireland. The hiatus in legitimate authority may even have made regal claims easier to contemplate: at the same period there was loose talk about the real or imagined kingly ambitions of the future earl of Desmond and other lords.<sup>29</sup> But it is also likely that Domhnall was trying to assert his leadership within the MacMurrough lineage. Five years earlier, Henry Traherne had captured and handed over to Dublin 'Donal son of Morwyth Neth Macmurwyth', who despite his obscurity seems to have been a figure of substance.<sup>30</sup> Gaining promotion as *rí Laighean* may have done no harm to the dynastic standing of Domhnall son of Art.

in 1282, as the genealogies have it, is made more probable by a reference to him as early as 1302, when he was accused of rustling cattle in Kilkenny and taking them to Carlow: *CJRI 1295–1303*, p. 394. <sup>27</sup> *CStM*, ii, pp 365–6. This episode is unmentioned in the Irish annals, which do not notice Domhnall's career. Katharine Simms (*Kings*, p. 16) links it with other self-conscious revivals of Irish kingly practices in the fourteenth century. <sup>28</sup> *IExP*, pp 334–5. <sup>29</sup> Frame, *Eng. lordship*, pp 138–40, 174–82; G.O. Sayles, 'The rebellious first earl of Desmond', in *Gwynn studies*, pp 203–29. <sup>30</sup> CIRCLE, Close R. 18 Edw. II, no. 5; *IExP*, p. 295; O'Byrne, *Irish of Leinster*, pp 89, 247. Sons of this elusive Domhnall were in official custody both before and after his capture (NLI, Genealogical Office MS 190, p. 177; *IExP*, pp 311, 316). Henry Traherne had been appointed seneschal of Carlow by the earl of Norfolk in 1320 (NAI, EX 1/2, m. 40). There were two expeditions against the MacMurroughs in 1324, for the first of which the knight service of Ireland was summoned to Tullow in Carlow (CIRCLE, Close R. 18 Edw. II, nos. 81 and 104; *IExP*, pp 298, 302). Domhnall son of Art may have come to power around this time.

The Dublin annalist tells of Domhnall son of Art's escape from prison in the first days of 1331.<sup>31</sup> His break for freedom took place amid a general rising by the Leinster Irish, which saw among other things the capture of Arklow and Ferns, and may have amounted to the most serious challenge to Dublin's authority in south-east Ireland since the 1270s.<sup>32</sup> The outbreak occurred between the fall in October 1330 of the Mortimer government, which had drawn important Anglo-Irish lords within its patronage nexus, and the arrival of Edward III's first effective justiciar, Anthony Lucy, in June 1331.<sup>33</sup> Domhnall's position at this time is unknown. But if he took part in the disturbances, he was shortly to find a new role.

Lucy's priority was to restore discipline among the lords who had enjoyed Mortimer's favour; the recovery of the military initiative in Leinster had to wait until the summer of 1332, when he recovered Arklow castle and also rebuilt the castle at Clonmore in the extreme north east of Carlow, where the spheres of the MacMurroughs and O'Byrnes met.<sup>34</sup> The reassertion of Dublin's power altered the conditions within which Domhnall operated. Lucy and his successor, John Darcy, tied the former *rí Laighean*, who may have been politically weakened by his spell in captivity, into a relationship reminiscent of that entered into by Muiris twenty years earlier.<sup>35</sup> Already in the winter of 1331–2, Domhnall was in receipt of an annual exchequer fee 'for his good service to be done to the king'. The fee was still being paid a year later when, described as 'formerly king's enemy and rebel who had since come within the king's peace', he had livery of a robe. During 1334 he served against the O'Tooles and O'Byrnes, capturing a leader of the latter and surrendering him to the justiciar. Then in the summer of 1335 he brought a contingent of hobelars to the expedition Darcy and the earls of Ormond and Desmond led to western Scotland. He was fitted into the English military hierarchy at the level of a banneret, the rank accorded to Darcy himself and members of the settler gentry of eastern Ireland.<sup>36</sup> On his return his fee was doubled to eighty marks, the first mention of the sum Art Caomhánach was later to regard as his by right. Probably at this period Domhnall also, like Muiris, held lands in Courtown.<sup>37</sup>

Throughout all this we can only speculate about Domhnall's position within his lineage and region. It would be rash to assume that favours from the English

<sup>31</sup> *CStM*, ii, p. 372. <sup>32</sup> *Ibid.*, pp 374, 376. Dublin obtained an excommunication from the pope, which was pronounced in Wicklow to small effect: *ibid.*, pp 376–7; *IExP*, p. 347. See also J.A. Watt, 'Negotiations between Edward II and John XXII concerning Ireland', *IHS*, 10:37 (1956), 1–20 at 14–15. For the events of 1331–2, see also above, pp 256–60. <sup>33</sup> Frame, *Eng. lordship*, pp 185–205. <sup>34</sup> *CStM*, ii, p. 377; *AClyn*, p. 209; *43rd Rep. DKPRI*, pp 54–5. <sup>35</sup> For what follows, see Frame, 'English officials', p. 270. <sup>36</sup> TNA, E.101/19/16; Ranald Nicholson, 'An Irish expedition to Scotland in 1335', *IHS*, 13:51 (1963), 197–211 at 211. <sup>37</sup> There is no evidence of when he was allotted these lands. The Irish exchequer tried to collect arrears from him in 1345 (by when he was almost certainly dead), and from him or his heirs and executors in 1348: NAI, R.C. 8/23, pp 494–5; RC 8/24, pp 414, 519, 659.

involved his detachment from his own society; had they done so, he would have been of little use to Dublin. To claim the kingship of Leinster was to enhance one's status by evoking memories of the past. But it may well have struck fellow Gaelic lords as more of a threat than a matter for celebration. Equally, at a period when the government, however ineffective it might sometimes seem, was well able to punish individual Irish leaders, it was likely to invite retaliation. This message was again forced home at the end of Domhnall's career. In the late 1330s he appears in opposition, and there were several small expeditions against the MacMurroughs between 1338 and 1342.<sup>38</sup> The arrival in 1344 of the powerful justiciar, Ralph Ufford, led to a lesson sharper than any since 1332. In the late summer Ufford and his English retinue, aided by troops raised in Kilkenny, invaded Uí Cheinnsealaigh and destroyed the grain harvest; in 1345 the forces of the MacMurroughs were meekly serving the crown against the earl of Desmond in Munster and Kerry.<sup>39</sup> It is possible that Ufford's abrupt intrusion precipitated the dynastic turbulence reported by the Anglo-Irish annalists in 1347, strife that heralded the passing of leadership out of the hands of the descendants of Art.

If pretensions to provincial kingship could prove a poisoned cup, collaboration with Dublin might offer advantages. Some were concrete: exchequer fees; military wages, perhaps for service against neighbours who were anyway one's enemies; the opportunity to draw revenues without disturbance; reduced hostility from local officials and gentry; and, perhaps not least, easier access to the commercial network (Ufford had prefaced his attack on the Leinster Irish with a trade embargo).<sup>40</sup> Silver mattered. Nor should we assume that reputations were made only in opposition. The favour of the crown, which was being denied to rivals, could improve a lord's standing. The impact of Domhnall son of Art's service in Scotland in 1335 is not recorded. But direct contact with Henry III and service in Wales in 1245 had not diminished Feidhlim O'Connor in the eyes of the Connacht annalist.<sup>41</sup> The court historian of the O'Maddens positively basked in the favour shown them by the earl of Ulster, celebrating the grant of English legal status that the earl obtained for Eoghan O'Madden in 1320.<sup>42</sup>

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<sup>38</sup> NAI, RC 8/22, pp 113–19, 292–3, 314–15; *47th Rep. DKPRI*, p. 64. Domhnall was involved in some of these disturbances (NAI, RC 8/21, p. 240), though at one point he received a payment for 'good service' (*IExP*, p. 398); either he or, more probably, his son, also Domhnall, was rewarded for help against the O'Byrnes in 1342: NAI, RC 8/22, pp 189, 228–9. <sup>39</sup> See Table 12:3, above, p. 303. <sup>40</sup> *Stat. John–Hen V*, pp 364–5. <sup>41</sup> *AC*, pp 72, 84. <sup>42</sup> *The tribes and customs of Hy-Many*, ed. John O'Donovan (Dublin, 1843), pp 141–2; CIRCLE, Pat. R. 13 Edw. II, no. 93. See above, pp 67–8.

The unstable equilibrium that typified the years 1282–1347 was followed by a second shift in favour of the MacMurroughs. The 1350s saw, from the crown's viewpoint, a further deterioration of security in Leinster, which seems to have been produced by the disproportionate impact of the Black Death upon the towns and nucleated settlements of the seaboard and river valleys.<sup>43</sup> The route from Dublin to the south had long been insecure, particularly around Carlow and Leighlin. This vulnerability grew, leading Lionel of Antwerp to decide in 1361 to refortify Carlow and make it the seat of the exchequer and common bench.<sup>44</sup> The Leighlin area was of special importance because there the north-south route along the Barrow reached the pass of Gowran, which gave access south-westwards to Ossory and north Munster.<sup>45</sup> The power of the MacMurroughs was growing again in a region that had once been crucial to their dominance over Leinster. Nothing shows the changed conditions better than the fact that, for the first time since the consolidation of the Anglo-Norman lordship of Leinster, an effective alliance developed across the Barrow between the MacMurroughs and the O'Mores of Laois. In 1358 an agent of the crown was treating with both lineages at Athy,<sup>46</sup> and in 1359 the earl of Ormond, as justiciar, won a victory in open battle in Laois against a force led by the elder Art Caomhánach.<sup>47</sup> We seem to be seeing a tussle for regional influence between Ormond and MacMurrough. The battle was accompanied by the distribution of government troops in defensive positions at Leighlin, at several points in the nearby woods and at Gowran.<sup>48</sup> In response to the alliance of MacMurrough and O'More, the earl, whose ancestors lay buried in the church at Gowran,<sup>49</sup> mobilized a renegade O'More, as well as members of the O'Nolan and MacGillapatrick lineages as leaders of contingents.<sup>50</sup> Ormond was to be instrumental in arranging Lionel's expedition:<sup>51</sup> it is likely that he had a hand in the promotion of Carlow.

<sup>43</sup> A.J. Otway-Ruthven, 'Ireland in the 1350s: Sir Thomas de Rokeby and his successors', *JRSAI*, 97 (1967), 47–59; T.B. Barry, '"The people of the country ... dwell scattered": the pattern of rural settlement in Ireland in the later Middle Ages', in John Bradley (ed.), *Settlement and society in medieval Ireland: studies presented to Francis Xavier Martin OSA* (Kilkenny, 1988), pp. 345–60; Lyons, 'Weather', p. 45. <sup>44</sup> Otway-Ruthven, *Med. Ire.*, pp. 286–7; Philomena Connolly, '"The head and comfort of Leinster": Carlow as the administrative capital of Ireland', in Thomas McGrath (ed.), *Carlow: history and society* (Dublin, 2008), pp. 307–29. <sup>45</sup> Smyth, *Celtic Leinster*, p. 11. Payments were made to local men for making defences and guarding roads, and the Carmelites of Leighlin were compensated for their losses when the Irish 'broke the bridge to hinder the passage of the king's faithful people' (NLI, MS 3, fo. 13; CIRCLE, Close R. 32 Edw. III, nos. 93 and 128; CIRCLE, Close R. 33 Edw. III, no. 62; *IExP*, pp. 507, 532). <sup>46</sup> *IExP*, p. 498; NAI, RC 8/27, pp. 400–4. <sup>47</sup> There are several references to the encounter 'in patria de Leys' in the issue rolls of the Irish exchequer: *IExP*, pp. 500, 501, 505. <sup>48</sup> *Ibid.*, pp. 499, 506. <sup>49</sup> *AClyn*, pp. 175, 223; *CStM*, ii, p. 361. <sup>50</sup> NLI, MS 761, pp. 202–3; CIRCLE, Close R. 33 Edw. III, no. 70; *IExP*, p. 506. <sup>51</sup> Frame, *Eng. lordship*, pp. 319–25.

Whereas earlier in the century there were spells when there was no discernible pressure from the MacMurroughs, and we are not certain even who their leaders were, from the 1350s they are always visible in the records and the succession is easier to trace. The government was by no means a passive spectator of events; its ability to retaliate remained considerable, which is understandable since from 1361 to 1376 it was revived by injections of troops and money from England.<sup>52</sup> But the fact that six MacMurrough leaders were killed directly or indirectly by Dublin between 1354 and 1375 must also reflect the threat they now presented. Muircheartach was imprisoned and executed by the justiciar, Thomas Rokeby, in 1354.<sup>53</sup> Art, the father of Art Caomhánach, with his kinsman and probable *tanáiste*, Domhnall Riabhach, were arrested by Lionel in 1361 and lodged at Trim, where they died, or were killed, in 1362.<sup>54</sup> Diarmait Láimhdhearg and his kinsman, Gearalt, who was probably also his designated successor, were brutally disposed of by the lieutenant, Sir William Windsor, in 1369.<sup>55</sup> And in 1375 Donnchadh, Gearalt's brother, was killed by Geoffrey de Valle, the sheriff of Carlow, who claimed that this was the result not of a chance encounter but of scouting and watches.<sup>56</sup> All these events are noted in the Irish annals, which, in contrast to their earlier silence, from 1354 contain a fair number of entries referring to all the main Leinster dynasties.<sup>57</sup> Their enlarged horizons may reflect the weakening of the physical and cultural barriers that English settlement had placed in between the Irish zones of Leinster, and also between Leinster and the rest of Gaelic Ireland.

It was in these circumstances that the government adopted what seems to have been a new policy, of formally recognizing Irish lords, and promoting them as 'chief of [his] nation' or as – for example – 'MacMurrough' or 'O'Brien of Thomond'.<sup>58</sup> The aim was to favour reputable dynastic heads, upon whom responsibilities could be fixed and with whom orderly relations could be established. The problem was that such arrangements could not guarantee co-operation. Indeed for Irish lords they might serve as a stepping-stone to power wider than the crown was prepared to tolerate. The Muircheartach executed in 1354 had spent the previous three years in receipt of an exchequer fee, and had served not only against the O'Nolans and the O'Byrnes of the Duffry but probably also against the MacCarthys in Cork. Having advanced on the inside track, he suddenly assumed the leadership of a rising in the

<sup>52</sup> Philomena Connolly, 'The financing of English expeditions to Ireland, 1361–1376', in Lydon, *Eng. & Ire.*, pp. 104–21. <sup>53</sup> *AC*, p. 310; *AU*, ii, p. 498. <sup>54</sup> *AC*, p. 336; *AU*, ii, p. 512; *IExP*, p. 513; *Admin. Ire.*, p. 264. <sup>55</sup> *AC*, p. 336; *AU*, ii, p. 536; *AFM*, iii, pp. 644, 646. Windsor is almost certainly the 'Black Knight' to whom the Irish annals attribute these deeds. The Dublin annals describe him as 'a knight vigorous and bold' (*CStM*, ii, p. 397). <sup>56</sup> *AC*, p. 344; *AU*, ii, p. 554; *AFM*, iv, p. 660; *Parls & councils*, pp. 99, 124–5. <sup>57</sup> E.g., *AC*, pp. 316, 332, 338, 340, 346, 348, 354, 358, 360, 364, 370, 372; *AU*, ii, pp. 544, 556, 560, 562, iii, pp. 2, 12, 14, 20; *AFM*, iv, pp. 672, 674, 682, 690, 730, 732, 736, 740, 744, 758, 760, 762; *AMisc.*, pp. 154, 156. <sup>58</sup> See Simms, *Kings*, pp. 36–8; Frame, 'English officials', pp. 771–2, 775.

next year and took the royal style.<sup>59</sup> A similar progression is visible in other cases. The elder Art Caomhánach served against the O'Byrnes and O'Tooles in 1357, when, upon surrendering the fee claimed by his predecessors, he was 'created MacMurrough'.<sup>60</sup> By May 1358 he was said to be in rebellion;<sup>61</sup> and in April 1359 he was denounced as 'Art Kavanagh who, having once been promoted as "MacMurrough" by the king, has now become a traitor'.<sup>62</sup> Diarmait Láimhdhearg first appears serving the king against Muircheartach in 1354;<sup>63</sup> a decade later, he, Gearalt and Donnchadh were all receiving fees from Lionel;<sup>64</sup> in 1367 Diarmait followed Art in achieving formal promotion as 'MacMurrough'.<sup>65</sup> As we have seen, all three were to die at the hands of ministers in the years that followed.

The use of the term 'traitor' (*proditor*) to describe Art is significant. In 1354 Muircheartach was said to have set himself up as prince or king despite the peace he had entered into with the justiciar; and the Irish annals say that he was 'drawn by the Galls'.<sup>66</sup> The same words are used of the execution of Diarmait Láimhdhearg in 1369.<sup>67</sup> The fuller the recognition of Irish lords by the crown, the greater the risk of extreme penalties should they be seen as defaulting on their duties. The treatment meted out to successive leaders of the MacMurroughs was the penalty for their more defined relationship with Dublin.

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It was in this climate of widening opportunities, awkward choices and large risks that Art Caomhánach, whose father and uncles had died at the hands of the English, made his way. To some extent he had luck on his side. After the withdrawal of William Windsor in 1376, Dublin was left with minimal resources and uncertain leadership.<sup>68</sup> Art was able to exploit this to demand payments and recognition. His behaviour may also have been designed to steal a march on his kinsman, Art son of Diarmait. Early in 1377 the latter, called 'chief of his

<sup>59</sup> *IExP*, pp 443–4, 455; Charles McNeill, 'Lord Chancellor Gerrard's notes of his report on Ireland', *AH*, 2 (1931), 234; NAI, RC 8/26, p. 660. He may have been the 'Moriertagh MacMurghuth' who had served against the O'Byrnes as early as 1342: NLI, MS 761, pp 110–11; *53rd Rep. DKPRI*, pp 44–5. <sup>60</sup> TNA, E 101/244/1 (*IExP*, p. 484); Frame, 'English officials', p. 775. <sup>61</sup> NLI, MS 3, fo. 11; CIRCLE, Close R. 32 Edw. III, no. 34. <sup>62</sup> Taxes were granted 'contra Art Kevenagh, qui per Regem nuper in McMurch profectus, nunc proditor devenit': *RCH*, p. 77, nos. 29–30 (CIRCLE, Close R. 33 Edw. III, nos. 36, 37). <sup>63</sup> NAI, RC 8/27, p. 159. <sup>64</sup> *IExP*, p. 517. <sup>65</sup> Simms, *Kings*, p. 38. <sup>66</sup> *AC*, p. 310; *AU*, ii, p. 498. <sup>67</sup> *AC*, p. 336; *AU*, ii, p. 536. <sup>68</sup> Otway-Ruthven, *Med. Ire.*, pp 309–26. The Irish revenue averaged £2,000 a year 1376–1384, and less than £2,500 during the years from 1384 to 1393 for which evidence survives (H.G. Richardson and G.O. Sayles, 'Irish revenue, 1278–1384', *PRIA*, 62C:4 (1962), 87–100 at 100; S.G. Ellis, 'Ioncam na hÉireann, 1384–1534',

nation', was retained for a year at a fee of forty marks, in return for disciplining his followers and fighting all other Irish, an arrangement that was renewed in 1378.<sup>69</sup> Meanwhile Art Caomhánach, 'who claimed that he was chief of the Irish of Leinster', was said to be raiding the counties of Wexford, Kilkenny, Carlow and Kildare, and claiming eighty marks, a demand that was met, first in part, and then in full after he was received to the peace in January 1378.<sup>70</sup> By April 1378 he appears to have brought within his coalition Art son of Diarmait (who thereafter drops out of sight), and was 'claiming to be king of Leinster'.<sup>71</sup> The opportunity to exploit government weakness recurred in later years. In 1392, after the cancellation of the planned Irish expedition of the duke of Gloucester, the earl of Ormond took on the justiciarship with a reluctance that was not feigned; among the troublesome agenda he discussed with the bishop of Meath was a parley arranged with Art.<sup>72</sup>

By the time Richard arrived, Art was a fixed point on the political scene. Richard's approach worked to his advantage in a very simple way: unlike his grandfather's lieutenants, he did not kill or imprison the 'king of Leinster'; instead, after his initial submission in October 1394, Art was set free while Richard pondered his policy towards the Gaelic lords as a whole.<sup>73</sup> That policy was to involve accepting them as liege subjects in return for bonds of obedience and agreements to give up land they had illegally occupied. Richard's plans for Leinster, agreed early in 1395, of course came to little.<sup>74</sup> Art was also the beneficiary of the king's hasty withdrawal from Ireland in July 1399.<sup>75</sup> As a result, he maintained his position against all-comers until his death in 1416. By then he had exercised an effective overlordship for longer than any of his forebears since King Diarmait himself.

Art's power was both intensive and widely spread. In 1379 not only was he entrusted with keeping the roads between Carlow and Kilkenny, discussions with him took place at Moone and Baltinglass in Kildare, well to the north of the areas his recent predecessors had dominated.<sup>76</sup> During the 1380s we repeatedly glimpse him being awarded his fee of eighty marks. Although the government tended to dress this up as a concession following his acceptance into the peace, or a reward for services against other Irish, it is likely that it was receiving offers it could not refuse.<sup>77</sup> While references to attacks upon him by the English show

*Studia Hib.*, 22–3 (1982–3), 39–49 at 49). <sup>69</sup> CIRCLE, Close R. 51 Edw. III, nos. 2, 27, 30; Close R. 1 Ric. II, no. 35. Otway-Ruthven, *Med. Ire.*, pp 309–13, does not clearly distinguish the two Arts. <sup>70</sup> CIRCLE, Close R. 51 Edw. III, nos. 31, 32; Close R. 1 Ric. II, nos. 38, 39; *Reports of the commissioners respecting the public records of Ireland* (London, 1815–25), ii, p. 78. <sup>71</sup> CIRCLE, Close R. 1 Ric. II, nos. 92, 104. <sup>72</sup> PKCI, pp xvi–xvii. <sup>73</sup> Curtis, 'Unpublished letters', pp 284–5; *AMisc.*, p. 152. <sup>74</sup> Curtis, *Ric. II in Ire.*, pp 75–85. This has often been discussed. See especially, Dorothy Johnston, 'Richard II and the submissions of Gaelic Ireland', *IHS*, 22:85 (1980), 1–20. <sup>75</sup> Dorothy Johnston, 'Richard II's departure from Ireland, July 1399', *EHR*, 98:389 (1983), 785–805 at 804–5. <sup>76</sup> CIRCLE, Close R. 3 Ric. II, nos. 7, 11, 12. See Smyth, *Celtic Leinster*, p. 106. <sup>77</sup> CIRCLE, Close R. 5 Ric. II,

that he did not have an unchallenged mastery, it is significant that these are mostly preserved because he was successfully demanding compensation for the injuries he believed had been done him: in 1378 he extracted £40 for the killing of Donnchadh MacMurrough three years before;<sup>78</sup> in 1384 he had £10 for attacks on his tenants during a parley;<sup>79</sup> in 1389 the community of Co. Carlow was charged ten marks as part payment for having killed some of his men.<sup>80</sup> Alongside such exactions were demands for the protection money later known as 'black rent'. In 1392 the town of Castledermot had agreed to pay him eighty-four marks;<sup>81</sup> in 1403 New Ross was said to give him ten marks a year for its defence.<sup>82</sup> It is impossible to estimate the resources that came his way through his dealings with Dublin and with local communities: the evidence allows only odd glimpses of what was clearly an organized system of predatory lordship. But it is not fanciful to imagine that several hundred pounds may have flowed to him in a good year – a significant sum in a land that was short of coin, and where the government's annual income was in the region of £2,000.

If the insistent character of Art's demands within Wexford, Carlow and south Kildare is plain, so is his capacity to move widely and to exert influence beyond that region. During his career he employed forces from Laois, Ossory and further afield. Among those with him on his expeditions were members of the O'Brien (1378), O'Carroll (1378 and 1392), MacGillapatrick and O'Dunn lineages (1399), and 'a great many of the retained kerns of Munster' under Tadhg O'Meagher (1402).<sup>83</sup> His victory over the 'Foreigners of Ossory' in 1386,<sup>84</sup> like the marriage of his daughter Sadhbh, to MacGillapatrick,<sup>85</sup> confirms that for the first time since the collapse of King Diarmait's overlordship in 1166 the power of the Uí Cheinnsealaigh was flowing strongly through the pass of Gowran. Such evidence provides a context for the striking claim of the Irish council shortly after Richard II left the country in 1399: 'MacMurrough is at open war, and is now gone to Desmond to help the earl of Desmond to destroy the earl of Ormond, if they can; and then to return with all the troops he can raise in Munster to destroy the land'.<sup>86</sup>

It is not easy to assess the nature of Art's lordship. Richard's visits to Ireland generated a type of evidence that does not exist for the time of his predecessors. Some of it needs careful handling. Froissart and Creton, for instance, share with the more scholarly and informed Gerald of Wales a weakness to be found in most commentators on societies regarded as exotic or primitive: the tendency to highlight points of divergence. Creton in particular, who calls Art

no. 52 (1382); CIRCLE, Pat. R. 10 Ric. II, no. 48 (1386); McNeill, 'Lord Chancellor Gerrard's report', p. 203 (1383), p. 204 (1388). <sup>78</sup> *Parls & councils*, no. 56. <sup>79</sup> CIRCLE, Close R. 8 Ric. II, no. 24. <sup>80</sup> CIRCLE, Pat. R. 13 Ric. II, no. 177. <sup>81</sup> *PKCI*, no. 114. <sup>82</sup> CIRCLE, Pat. R. 4 Hen. IV, no. 197. <sup>83</sup> *COD 1350-1413*, p. 159; CIRCLE, Close R. 1 Ric. II, no. 104; *PKCI*, no. 5; *AC*, pp. 370, 380. <sup>84</sup> *AU*, iii, p. 16. <sup>85</sup> *AC*, p. 410. Gormlaith Caomhánach was married to O'Connor of Offaly: *AMisc.*, p. 156. <sup>86</sup> *PKCI*, p. 262.

'very stern and savage', and says of his followers 'wilder people I never saw', needs to be taken with a pinch of salt.<sup>87</sup> The illuminated image of the bearded Art, clad in his Irish cloak, riding without stirrups from the depths of a wooded glen to meet the troops of the earl of Gloucester, arrayed in heavy mail on level ground, may depict a real episode accurately enough.<sup>88</sup> It is nevertheless a stereotype: warfare in Ireland, even as conducted by the government, took place with Irish troops on both sides; the equipment and tactics reflected the prolonged interaction of settler and native.<sup>89</sup>

To say this is not to question Art's roots in Gaelic society. Obits in the annals confirm that the MacMurroughs had their Irish poets and jurists.<sup>90</sup> It is also noticeable that, while biblical and Anglo-Norman names crop up in the lineage,<sup>91</sup> it seems to have been less susceptible than some of its neighbours to changing fashions in naming. The O'Nolans, for instance, bore names such as William, Henry, Roger, Philip, Richard and Jordan;<sup>92</sup> while successive O'Kennedys were named Edmund and James after their patrons, the Butlers of Ormond.<sup>93</sup> The MacMurroughs, on the other hand, continued to use names associated with their twelfth-century ancestors: Diarmait, Muircheartach, Domhnall and Murchadh. This suggests an awareness of that past and also their relative freedom from magnate overlordship. Art's attitude to the kingship of Leinster is nowhere spelled out. The Irish annals often, though not invariably, accord him the royal style. But it is striking that Richard seems to have felt no need to insist that he abandoned it. It may have been less something to flaunt in the face of the English, than a means of self-promotion in the hidden society of the Leinster Irish.<sup>94</sup>

Art had, however, as Dorothy Johnston has perceptively pointed out, another face.<sup>95</sup> We constantly meet him knocking on Dublin's door, seeking admission to what he saw as his rights within the English world. This appears most consistently in the matter of his fee. Eighty marks was a useful sum, but even in

<sup>87</sup> 'A French metrical history', pp. 298–9, 305–6. On Creton, see Johnston, 'Richard II's departure', 787–90. <sup>88</sup> 'A French metrical history', facing p. 40. It has often been reproduced; it appears in colour on the cover of Art Cosgrove, *Late medieval Ireland, 1370–1541* (Dublin, 1981). <sup>89</sup> Katharine Simms, 'Warfare in the medieval Gaelic lordships', *The Irish Sword*, 12:47 (1975), 98–108; Robin Frame, 'War and peace in the medieval lordship of Ireland', in Frame, *Ire. & Brit.*, pp. 221–39. <sup>90</sup> *AC*, pp. 374, 390; *AU*, iii, p. 54. <sup>91</sup> E.g., Luke and 'Janak' or John óg (*IExP*, pp. 311, 316); Raymond (above, n. 25); or Art Caomhánach's own brother, Tomás Carrach (Curtis, *Ric. II in Ire.*, pp. 82, 104–5); *AMisc.*, p. 168. <sup>92</sup> E.g., in 1320 Henry son of John O'Nolan gave his son, Roger, as a hostage (NLI, Genealogical Office, MS 190, p. 177). <sup>93</sup> *COD 1350–1413*, no. 46; *AC*, p. 370. <sup>94</sup> *AU*, iii, pp. 4, 16, 72; *AC*, pp. 370, 380, 432; *AFM*, iv, pp. 730, 824. At other times he was merely 'Mac Murchadha' or 'Art Mac Murchadha': *AU*, iii, pp. 66, 72; *AC*, p. 392; *AFM*, iv, pp. 784, 796, 814. It may be significant that the annals that describe his dealings with Richard II deny him a royal title at those points: *AFM*, iv, pp. 732, 738; *AMisc.*, p. 152. Unlike Diarmait Láimhdearg and Donnchadh, he does not seem to have attracted the appellation 'overking of Leinster' (*airdrí Laighean*): cf. *AU*, ii, pp. 536, 554; *AC*, p. 336. <sup>95</sup> Johnston, 'Richard

Ireland hardly big money. The fee's importance lay in the fact that it was a long-standing custom, and the accepted token of recognition by the crown; access to it may have become one of the marks that confirmed a MacMurrough leader's standing with his own people. Art's marriage c.1390 to Elizabeth Calf, heiress of the barony of Norragh in south Kildare, had an obvious strategic importance, providing an additional line of entry to an area into which his influence was anyway expanding.<sup>96</sup> But it made him a petitioner in a further sense, since the Statutes of Kilkenny had subjected mixed marriages to official licensing; in southern Ireland the government was able, when it really mattered, to make life uncomfortable for those who breached them.<sup>97</sup> Art's case was sufficiently important to be brought to English attention as early as 1391.<sup>98</sup>

The perspective of the records leads us to see Art as a problem for the government and the Anglo-Irish communities of Leinster; it is easy to forget that he too had his difficulties, of which the chief was to keep the delicate balance that allowed him at one and the same time to maintain himself as *ri Laighean* and to achieve recognition from the crown. The military action and search for tribute that the first demanded was always liable to obstruct the second. The weakness of Dublin, and no doubt his own skills, allowed the tension between the two programmes to be masked more effectively than they had been in the time of his recent predecessors. The arrival of Richard exposed their incompatibility. In 1394–5 the king faced Art with a stark choice: to revert to the position held by the MacMurroughs under the Marshals, with the bonus of his fee, Norragh, and the promise of lands in other parts of Ireland; or, as it must have seemed, destruction.<sup>99</sup> In the event the submission of Gaelic lords across Ireland meant that there was no chance of diverting the energies of the Leinster warriors elsewhere. Then the gradual withdrawal of Richard's attention and resources meant that the issue was not forced.<sup>100</sup> When the king returned in 1399, Art seems to have been aware of the danger that faced him; he

II and the submissions of Gaelic Ireland', 14–17. <sup>96</sup> See Edmund Curtis, 'The barons of Norragh, Co. Kildare, 1171–1660', *JRSAI*, 65 (1935), 84–101 at 88–91. <sup>97</sup> In 1399 he is said 'to have assured his wife that he would never be at peace if he did not obtain restitution of her lands' (*PKCI*, p. 262). Fragmentary transcripts of court rolls of Richard's reign show the government monitoring cross-national marriages, concubinage and fosterage: Cambridge University Library, MS 3104, fos. 31, 32. <sup>98</sup> *CPR* 1388–92, p. 191; CIRCLE, Pat. R. 15 Ric. II, no. 27 (grant of Norragh to John Drayton). Soon afterwards arrangements were made for the revenues to be collected by royal commissioners and paid to Elizabeth (*PKCI*, no. 189). Richard restored them to Art in January 1395 (CIRCLE, Pat. R. 1 Hen. IV, no. 43). After his renewed forfeiture, they were granted in May 1399 to the duke of Surrey (*CPR* 1396–9, p. 572). <sup>99</sup> It has been convincingly shown that Richard's settlement did not, as Curtis and others assumed, propose the total removal of the Irish lords from Leinster (Johnston, 'Richard II and the submissions of Gaelic Ireland', p. 15). <sup>100</sup> The stages by which Richard's control in Leinster weakened in the later 1390s are traced in Dorothy Johnston, 'The interim years: Richard II and Ireland, 1395–1399', in Lydon, *Eng. & Ire.*, pp 175–95 at 175–9.

stubbornly used the terrain of Wicklow to frustrate the royal army. From that time to his death, the old pattern of raids and negotiations resumed.<sup>101</sup> He went on moving in two worlds, acting as a Gaelic warlord while keeping links with Dublin, the Anglo-Irish communities of south Leinster and even on occasion directly with the English court, as in 1415 when the abbot of Duiske served as his proctor in dealings with Henry V.<sup>102</sup>

His success in handling such apparent ambiguities calls to mind Alfred Smyth's observation that the landscape of Leinster could support two very different societies: that of the coastal lowlands and the river valleys, with its walled towns and nucleated villages; and the forests, bogs and mountain slopes that sustained the more pastoral Gaelic society, dominated by those he terms 'lords of the wilderness'. Their world, securely centred in areas which for the English were peripheral or inaccessible, showed a constant recuperative power.<sup>103</sup> What happened in the late thirteenth and fourteenth centuries was an odd reversal: the Irish heartlands, rather than the colonial settlements, now formed the cores from which lordship expanded. This line of thought, while valuable, can be taken too far. It exaggerates the separateness of the two societies.<sup>104</sup> The MacMurroughs had never been ejected from the fertile areas of north Wexford; in the valley of the Slaney or in Courtown Art Caomhánach was, we must presume, a lord who drew rents and services from agricultural communities much as lords of English descent did further south. He had lordship over men of English as well as Irish blood.<sup>105</sup> In February 1395, as Richard's abortive settlement of Leinster was planned, his reeves, without any sense of incongruity, took oaths of obedience to their new master, Thomas Mowbray, earl marshal and lord of Carlow.<sup>106</sup>

Art's lordship, moreover, was anchored not only in the Gaelic past but also in old habits of interaction with the colonial society, from which he drew a significant portion of his wealth, and indeed some of his legitimacy. The records portray him as a piratical outsider whose aim was, in the words of a petition from the earl of Ormond, 'to destroy ... Leinster and make a general conquest on the lieges of our lord the king there'.<sup>107</sup> The communities that suffered his exactions claimed to be on the point of ruin. So no doubt it seemed, and with some reason. In southern Ireland the period saw depopulation in former settled areas, a retreat of cultivation in favour of pastoralism, expansion of the zones of marcher custom and a concomitant weakening of central power. But, as Adrian Empey's work on Kilkenny and Tipperary has shown, however hostile the

<sup>101</sup> *AC*, pp 380, 392; *AU*, iii, pp 66, 72; *AFM*, iv, pp 796, 814; *The annals of Thady Dowling*, ed. Richard Butler (Dublin, 1849), p. 26. <sup>102</sup> *CPR 1413–16*, p. 328. <sup>103</sup> *Celtic Leinster*, pp 107–17. <sup>104</sup> K.W. Nicholls argues that it underestimates the extent of English settlement in the thirteenth century and the incorporation of the Irish into the manorial structure: 'The land of the Leinstermen', *Peritia*, 3 (1984), 535–58 at 540–2. <sup>105</sup> Curtis, *Ric. II in Ire.*, p. 79. <sup>106</sup> *Ibid.*, pp 64–5. <sup>107</sup> *COD 1350–1413*, no. 237 at pp 159, 161 (1379).

environment, English communities and institutions proved durable at local level in the late Middle Ages.<sup>108</sup> If we strip the official evidence for Art Caomhánach's activities of their alarmist phrases, something besides disintegration and collapse is visible. In 1392, when the men of Castledermot had agreed to pay him eighty-four marks, they assessed this sum among themselves and one of their number stood as a pledge for its payment.<sup>109</sup> Their action differed little from that of Kilkenny, when at the same period it taxed itself in order to pay the troops of its protector, the earl of Ormond.<sup>110</sup> Communal habits were alive and well. More than that, Castledermot felt the need to gain the consent of the Dublin government to its actions. Similarly in 1409, the government authorized the seneschal of Wexford, the sovereigns of the towns of New Ross and Wexford, and four heads of gentry families to inquire into the arrears of a sum of eighty marks that the county had granted to Art 'by common assent', on the settlement of actions and claims between them.<sup>111</sup> Whether or not he knew it, Art was working through English institutions, not destroying them; local communities for their part, sometimes at the nod of central government, were diverting to him funds that at other times they might have surrendered to Dublin or to absentee lords. Their reward was not just protection, it might also be profit: in 1403 New Ross had obtained permission to trade with the surrounding Irish even in time of war.<sup>112</sup> Just as Art couched some of his ambitions in English terms, so he depended on the prosperity and institutional coherence of communities whose petitions cast him as their arch-tormentor. James Lydon was right when, in 1973, he wrote of 'a new equilibrium'.<sup>113</sup>

In the late twelfth century the MacMurroughs had sunk to a subordinate role. When they re-emerged, their fate was to be presented as raiders and savages. But amidst the odium and bloodshed recorded by government sources and by Gaelic annals, workable forms of interaction emerged. The rhetoric does of course articulate real feelings: on the Gaelic side, the perception of the English of Ireland as 'foreigners' and – among the adherents of the MacMurroughs – a regard for the traditions of the kingship of Leinster; on the English, the perception of the Irish as enemies and rebels. But it was on a middle ground, less fettered by such categories, that powerful men protected their interests and pursued their ambitions. Dublin itself caught Irish leaders in a web of practical lordship, spun over and beyond the increasingly fragmented

<sup>108</sup> C.A. Empey, 'The Anglo-Norman community in Tipperary and Kilkenny: change and continuity', in Gearóid Mac Niocaill and Patrick Wallace (eds), *Keimelia: studies in medieval archaeology and history in memory of Tom Delaney* (Galway, 1988), pp 449–67 at 457–64. Cf. Brendan Smith, 'A county community in early fourteenth-century Ireland: the case of Louth', *EHR*, 108:428 (1993), 561–88 at 587–8. <sup>109</sup> PKCI, no. 114. <sup>110</sup> *Liber primus Kilkenniensis*, ed. Charles McNeill (Dublin, 1931), pp 49, 50. <sup>111</sup> CIRCLE, Pat. R. 10 Hen. IV, no. 176. <sup>112</sup> CIRCLE, Pat. R. 4 Hen. IV, no. 197. <sup>113</sup> *Ireland in the later Middle Ages* (Dublin, 1973), p. 143.

scheme of English law and government it was trying to manage.<sup>114</sup> So too, Art Caomhánach and others operated, not just in the idiom of Gaelic culture and politics, but within a network of ties with settler lords, local communities and central authority itself. By the late fourteenth century such dealings had acquired their well-understood conventions. The slant of the sources does not make it easy to reconstruct this broad middle ground. But it was there that a *rí Laighean* and the subjects of the English crown could accommodate to one another, and even prosper.

<sup>114</sup> I have developed this argument in 'Military service in the Lordship of Ireland, 1290–1360: institutions and society on the Anglo-Gaelic frontier', in Frame, *Ire. & Brit.*, pp 279–99. On the 'transitional' or 'hybrid' zone, see P.J. Duffy, 'The nature of the medieval frontier in Ireland', *Studia Hib.*, 22–3 (1982–3), 21–38.

## Lordship beyond the Pale: Munster in the later Middle Ages

When, a year or so ahead, the invitation arrived asking me to give the paper on which this chapter is based, I was honoured, but also alarmed.<sup>1</sup> I have no credentials as an archaeologist or an art historian: my record is as a documents-bound student of politics, government and society, working on what might be described as the 'Anglo-' side of medieval Ireland. Nor can I claim a close association with Munster. My first quarter-century was spent on the east coast of Ireland, in Belfast and Dublin. Since then, I have dwelt for some forty years on the eastern side of the neighbouring island, in Durham, where I have at least acquired some experience of introducing medieval Ireland to English audiences. Equipped with that rather doubtful qualification, I propose to stick to my home ground, which is the period of – to borrow a phrase that Séan Duffy has applied to medieval Ulster – 'the first Munster plantation' and its aftermath: an era perhaps less familiar than what went before and came after.<sup>2</sup> Most of my examples date from *c.1250–c.1450*. You may perceive some method in the selection. It emphasizes links with England. It favours north Munster, and Limerick in particular. And it nods in passing to several of the sites to be visited over the next three days. But first, a swift tour of some of the features of the earlier and later periods.

Munster in the eleventh and twelfth centuries has a high historical and archaeological profile.<sup>3</sup> The period saw the flowering of the Hiberno-Norse port-towns of Waterford, Cork and Limerick. Munster was the power-base of

<sup>1</sup> This chapter is based on a paper given at the British Archaeological Association annual conference which took place at the University of Limerick in June–July 2008. Its aim was to provide introductory historical background. <sup>2</sup> Cf. Séan Duffy, 'The first Ulster plantation: John de Courcy and the men of Cumbria', in *Colony & frontier*, pp 1–27. On Anglo-Norman settlement in north Munster, see, e.g., C.A. Empey, 'The settlement of the kingdom of Limerick', in Lydon, *Eng. & Ire.*, pp 1–25; and Mark Keegan, 'The archaeology of manorial settlement in west county Limerick', in James Lyttelton and Tadhg Ó'Keeffe (eds), *The manor in medieval and early modern Ireland* (Dublin, 2005), pp 17–39. For the broader context and links with south-west Britain, see Robin Frame, 'Conquest and settlement', in Barbara Harvey (ed.), *Short Oxford history of the British Isles: the twelfth and thirteenth centuries* (Oxford 2001), pp 31–66 at 39–42, 52–3. The relationship of settlement to earlier spatial units is now illuminated by MacCotter, *Territorial divisions*. <sup>3</sup> See, e.g., the essays in Damian Bracken and Dagmar Ó Riain-Raedel (eds), *Ireland and Europe in the twelfth century*:

royal dynasties, who fed upon this growing wealth and projected themselves far beyond south-west Ireland: the O'Brien kings of Thomond, descended from Brian Borúma (Boru), who were associated with Limerick, and their MacCarthy rivals, the kings of Desmond, who were linked with Cork. The best-known political figure of the period is probably Muirchertach O'Brien (d. 1119). Muirchertach followed his father Toirrdelbach (d. 1086) in extending his power into Leinster, exercising lordship over Dublin, and becoming a player in the politics of the Irish Sea. He provided a refuge for opponents of Henry I, and attracted the notice of William of Malmesbury.<sup>4</sup> His court was a centre of literary patronage, of a propagandist sort. And of course he associated himself with church reform, symbolized by the councils of Cashel (1101) and Rathbreasil (1111). Muirchertach sought to strengthen his authority by giving the Rock of Cashel to the church, though ironically it was a MacCarthy rival a generation later who sponsored the construction of Cormac's Chapel there. That building, however its significance is read,<sup>5</sup> symbolizes the openness of Munster to external influences. The modern historical and archaeological literature is peppered with references to English and continental centres: Worcester, Canterbury, Clairvaux, Rome, Regensburg. Munster's high profile continues across the political watershed of 1169–71 partly thanks to Gerald of Wales. Gerald came to Ireland in 1183 and 1185, on the second occasion in the entourage of the future King John. He visited his de Barry and Fitzgerald relations who were establishing themselves in the south, acquired a familiarity with Munster geography, and picked up stories of Munster kings, saints and marvels. This is reflected in both his major Irish works.<sup>6</sup>

At the other chronological extreme, there is likewise no shortage of themes that give Munster prominence in the writings of British as well as Irish scholars. The province figured strongly in the final phases of the Wars of the Roses.<sup>7</sup> For instance, in 1491 Perkin Warbeck, otherwise known as King Richard IV, landed at Cork with the support of Margaret of Burgundy and other continental powers. Helped by the Fitzgerald earl of Desmond, he remained for several years a threat to the Tudor regime. Waterford, by contrast, steadfastly adhered to Henry VII. It was the rebellions of an Elizabethan earl of Desmond that paved the way for the Munster plantation, which began in the 1580s. This enterprise drew in another famous commentator on Ireland, Edmund Spenser,

*reform and renewal* (Dublin, 2006). <sup>4</sup> William of Malmesbury, *Gesta Regum Anglorum*, ed. R.A.B. Mynors et al. (Oxford 1998), i, pp 738–9. <sup>5</sup> Compare, e.g., Roger Stalley, 'Design and function: the construction and decoration of Cormac's Chapel at Cashel', in *Ireland and Europe*, pp 162–75, and Tadhg O'Keeffe, 'Wheels of words, networks of knowledge: romanesque scholarship and Cormac's Chapel', *ibid.*, pp 257–69. <sup>6</sup> Gerald of Wales, *The history and topography of Ireland*, trans. J.J. O'Meara (London, 1982), pp 25, 36–7, 60, 62–3, 72–3, 80, 89, 115–16, 122; Giraldus, *Expug. Hib.*, esp. pp 148–53, 184–9. See Robert Bartlett, *Gerald of Wales, 1146–1223* (Oxford, 1982), chs. 4, 6, 7. <sup>7</sup> S.G. Ellis, *Ireland in the age of the Tudors, 1447–1603: English expansion and the end of Gaelic rule* (Harlow 1998), pp 83–92.

who acquired an estate in Cork; though in some ways Spenser's *View of the present state of Ireland*, with its ruthless proposals for the reformation of Irish society through martial law, is a cruder piece than Gerald's ethnographic writings of four centuries earlier.<sup>8</sup> By the time of James I, when the plantation took firm root, there was an intensification of the long-established links between Munster and south-west England. And both regions were associated with colonial enterprise in North America.<sup>9</sup>

These bits of potted history suggest two basic things to bear in mind as we contemplate Munster in the intervening period. First, like all the Irish provinces, it is a collection of sub-regions. Alongside its dramatic tourist landscapes, it has, especially in Tipperary and Limerick, excellent farming country.<sup>10</sup> This was attractive to incomers as much in the twelfth and thirteenth centuries as in the seventeenth. Secondly, Munster has a very long coastline. To the west, the lordship exercised by the O'Sullivan, O'Driscoll and other families in the late medieval period had a strongly maritime character.<sup>11</sup> Further east lay the 'English' towns, situated at river-mouths, that looked towards south-west Britain and western France: not just Waterford and Cork, but also lordship centres such as Dungarvan, Youghal and Kinsale.<sup>12</sup> The province contained considerable wealth; and, as so often in its history, it was turned outwards as much as towards the rest of Ireland.

One episode may illustrate that last point, and at the same time introduce some of the families and themes I shall go on to mention.<sup>13</sup> It occurred in April 1317, just up-river from Limerick, and involved a remarkable concentration of major players from the reign of Edward II. A Scottish army was encamped, headed not just by Edward Bruce, who had invaded Ulster in 1315, but his brother, King Robert I himself. The Bruces had hoped that Dublin would capitulate to them. When it did not, they moved south and west, wasting

<sup>8</sup> *A view of the present state of Ireland* by Edmund Spenser, ed. W.L. Renwick (Oxford, 1970). In Davies, *Empire*, ch. 5, Rees Davies compares medieval and early modern commentators on Ireland (including Spenser), not always to the advantage of the latter. <sup>9</sup> Michael MacCarthy-Morrogh, *The Munster plantation: English migration to southern Ireland, 1583–1641* (Oxford, 1986), pp 199–200, 214–15, 279–84. <sup>10</sup> T.W. Freeman, *Pre-famine Ireland: a study in historical geography* (Manchester, 1957), pp 211–24. For a useful map, A.R. Orme, *The world's landscapes 4: Ireland* (London, 1970), p. 2. It is reproduced and discussed in H.B. Clarke, 'Decolonization and the dynamics of colonial decline in Ireland, 1300–1550', in T.R. Slater (ed.), *Late-medieval urban decline* (Aldershot 2000), pp 157–92 at 157–71. <sup>11</sup> Colin Breen, 'The maritime cultural landscape of medieval Gaelic Ireland', in Duffy, *Gaelic Ire*, pp 418–35. <sup>12</sup> Studies by A.F. O'Brien are particularly useful: 'Politics, economy and society: the development of Cork and the Irish south-coast region, c.1170–c.1650', in *Cork hist.*, pp 83–154; 'Medieval Youghal: the development of an Irish seaport trading town, c.1200–c.1500', *Peritia*, 5 (1986), 246–78; 'The development and evolution of the medieval borough and port of Dungarvan, County Waterford, c.1200 to c.1530', *JCHAS*, 92:251 (1987), 85–94. <sup>13</sup> See Robin Frame, 'The Bruces in Ireland, 1315–18' and 'The campaign against the Scots in Munster, 1317', in Frame, *Ire. & Brit.*, pp 71–112.

Kildare, Kilkenny and Tipperary. Their plan seems to have been to link up with the O'Briens at the Shannon and engineer the collapse of English morale in Munster. Had that happened, who knows? Dublin might have followed, and a second Bruce kingdom emerged in Ireland. The Scots might have moved on to Wales, where they had been diplomatically active. But they were opposed by powerful Munster interests. Edmund Butler, governor of Ireland, father of the first earl of Ormond, rallied the south against them. Richard de Clare, lord of Thomond (first cousin of the earl of Gloucester, the most famous casualty of Bannockburn) helped obstruct them by making a deal with the more powerful branch of the divided O'Briens. Maurice fitz Thomas, the future first earl of Desmond, sat hard upon the Irish of west Cork and Kerry. This regional resistance was stiffened by the landing of Roger Mortimer, whom Edward II had appointed as his lieutenant of Ireland, at Youghal. As Mortimer moved north, the Scots retreated to Ulster. The possibility of a radical change in the political shape of Britain and Ireland was prevented almost exactly where we sit today.

During my time in England, I have noticed that there are two features of English rule in medieval Ireland that tend to be familiar to educated, but non-specialist audiences: the Pale, and the Statutes of Kilkenny (1366). It occurred to me that these might serve as a means of giving some shape to my thoughts. Paradoxically, they may be useful as starting-points precisely because the images they summon up are in some ways so misleading.

When dealing with the later Middle Ages, outline histories of Ireland may nod towards the southern cities, but they often leave the impression that English rule was limited to the Pale, the eastern enclave made up of parts of the four counties around Dublin. So it is worth stressing that the term 'Pale' first appears as late as 1488; it properly belongs only to the very last phase of the medieval Lordship of Ireland.<sup>14</sup> Admittedly the notion of shrinkage to a small, vulnerable area around Dublin was older.<sup>15</sup> It appears from around 1400 in the doom-laden reports that royal officials sent to England. A letter on the state of Ireland, written around 1428 from the eastern counties, probably to Duke Humphrey of Gloucester, declares, 'in good faith the English ground that is obeying to the king's law in this land as I suppose is not so much of quantity as is one shire in England'.<sup>16</sup> The gloomy rhetoric finds its most famous expression in the *Libelle of English Policy*, the English political tract of around 1436:

That wild Irish so much of ground have gotten  
There upon us, for likeliness may be

<sup>14</sup> The belief that the term dates from 1447 arose from a sixteenth-century (mis)translation of a document of that year: E.A.E. Matthew, 'The governing of the Lancastrian Lordship of Ireland in the time of James Butler, fourth earl of Ormond, c.1420–1452' (PhD, University of Durham, 1994), pp 397–8. <sup>15</sup> Art Cosgrove, 'The emergence of the Pale, 1399–1447', *NHI*, ii, pp 533–56. <sup>16</sup> *The register of John Swayne, archbishop of Armagh and primate of Ireland*,

Like as England to shires two or three  
 Of this our land is made comparable ...  
 That our ground there is a little corner  
 To all Ireland in true comparison.<sup>17</sup>

There are two points to remember about these lines. First, like so many reports and petitions, they are propagandist, peddling alarmist images in order to persuade the king to pardon debts or to pump money or troops into Ireland. Secondly, the Irish references in the *Libelle* are thought to have been supplied by the fourth earl of Ormond, the leading Irish noble of the day.<sup>18</sup> This is ironic. Ormond lorded it over much of south Leinster and east Munster, far beyond the area of the (future) Pale. He was several times governor under Henry V and Henry VI, and his military and diplomatic arm stretched into every Irish province. We face a problem of perspective, connected with the predominance of documents from Dublin. Royal ministers depicted the remoter scene as at best unruly, at worst anarchic; perhaps instinctively, they equated English Ireland with the regions amenable to government along the lines (somewhat idealized) of southern and midland England. But if we define royal rule more broadly, as I believe we should, Munster was as much part of the king's lordship of Ireland as the Pale.<sup>19</sup> After all, it contained the heartlands of two of the three late medieval earldoms, Ormond and Desmond. The third earl, Kildare, also had Munster estates, including the rich dynastic centre of Adare (Limerick). Munster boasted three major royal ports (Waterford, Cork and Limerick) to the Pale's two (Dublin and Drogheda). Waterford, not Dublin, was the gateway used by English rulers on their rare visits to Ireland: by Henry II in 1171, by John in 1185 and 1210, by Richard II in 1394 and 1399. We have to wait till 1821 to find a king alighting in the Dublin area, when George IV came genially ashore at Howth, waving his blue and gold travelling cap.<sup>20</sup>

Kings from John to Edward III would have been amazed by the idea that their effective Irish lordship was confined to the Dublin area. The appearance of this perception owed much to the military recovery by the Irish of Wicklow and the midlands, which peaked in the later fourteenth century. Overland routes between Dublin and the south became dangerous, with key points in south Kildare and Carlow requiring expensive garrisons.<sup>21</sup> The result was a Dublin region that enjoyed close administration by exchequer officials and royal judges;

<sup>17</sup> 1418–1439, ed. D.A. Chart (Belfast, 1935), pp. 107–8. <sup>17</sup> *The libelle of English polycye*, ed. G.F. Warner (Oxford, 1925), ll. 721–4, 727–8. <sup>18</sup> For Ormond's association with the *Libelle*, see Matthew, 'Lancastrian Lordship', pp. 263–71. <sup>19</sup> Rees Davies's distinction between 'lordship' and 'colony' is useful here ('Lordship or colony?', in Lydon, *Eng. in med. Ire.*, pp. 142–60), so long as we remember that there was considerable English and Welsh settlement in parts of Munster. <sup>20</sup> F.E. Ball, *A history of County Dublin*, 6 vols (Dublin, 1902–20), v, pp. 149–50. <sup>21</sup> Robin Frame, 'English officials and Irish chiefs in the fourteenth century', in Frame, *Ire. & Brit.*, 249–77; O'Byrne, *Irish of Leinster*, chs 4–8; and see above, p. 172 and

and a southern zone that operated on an increasingly devolved basis. This was not to the taste of royal ministers, but their lamentations are not good evidence that Munster was a mess. Nor did reduced influence from Dublin mean that those who had power in the south were out of touch with, or heedless of, royal authority. Indeed, the impossibility of controlling communications with the English court was a perpetual frustration to the king's representatives in Ireland.<sup>22</sup> Perhaps the most dramatic example of this occurred in 1346, when the outlawed first earl of Desmond, to the consternation of ministers at Dublin, sailed directly from Youghal to England to make his case to Edward III, who eventually restored him.<sup>23</sup>

One difference between Munster and eastern Ireland was the absence of major landed interests that bridged the Irish Sea from the British side. There was no equivalent of the Marshal lords of Leinster or of the de Lacs and their Mortimer successors in Meath. But Munster, at least in the thirteenth and earlier fourteenth centuries, was not without English notables. The most prominent example is the de Clares, Thomas (d.1287) and his son Richard. Thomas de Clare was a brother of Earl Gilbert the Red of Gloucester and an intimate of Edward I, who gave him extensive rights in Thomond, a grant that meant in effect as much of the area across the Shannon from Limerick as he could subdue.<sup>24</sup> The de Clares are associated with the castles of Bunratty and Quin,<sup>25</sup> and also, less happily, with Dysert O'Dea, where in 1318 Richard was slain by his Irish enemies, who are said by a Dublin annalist to have 'hacked him into little pieces out of hatred'.<sup>26</sup> The Gaelic history, 'The Triumphs of Turlough', composed around 1350, gives a deliciously hostile view of the rise and fall of the family. It ends with Richard's widow and household abandoning Bunratty: 'they betake them to their fast galleys and shove off on Shannon, taking with them the choicest of the town's wealth and valuable effects, and having at all points set it on fire. From which time to this, never a one of their breed has come back to look after it'.<sup>27</sup> In a literal sense this may be true; although Bunratty castle was garrisoned by the crown on and off until the 1350s, the departure of the de Clares symbolized the fact that Limerick would be a frontier town, not – as thirteenth-century monarchs had intended – a bridge between flourishing English lordships on either side of the Shannon.<sup>28</sup> But it is

ch. 14. <sup>22</sup> Frame, *Eng. lordship*, pp 122–3. <sup>23</sup> *CStM*, ii, p. 389; Frame, *Eng. lordship*, pp 283–93. <sup>24</sup> Michael Altschul, *A baronial family in medieval England: the Clares 1217–1314* (Baltimore, 1965), pp 187–97; Beth Hartland, 'English lords in late thirteenth and early fourteenth century Ireland: Roger Bigod and Thomas de Clare', *EHR*, 121:496 (2007), 318–48 at 326–33, 339–48. <sup>25</sup> John Bradley, 'The medieval borough of Bunratty', *NMAJ*, 30 (1988), 19–25; Brian Hodkinson, 'Was Quin castle completed?', *ibid.*, 44 (2004), 52–8. <sup>26</sup> *CStM*, ii, 358; Katharine Simms, 'The battle of Dysert O'Dea and the Gaelic resurgence in Thomond', *Dal gCais*, 5 (1979), 59–66. <sup>27</sup> *CT*, ii, 129–30. <sup>28</sup> Colin Veach, 'King John and royal control in Ireland: why William de Briouze had to be destroyed', *EHR*, 129:540 (2014), 1051–78 at 1054–61; Robin Frame, 'King Henry III and Ireland: the shaping of a

also misleading, for the de Clares held more securely elsewhere in Munster: in the city of Limerick, in the county (for example at Askeaton, before the castle passed to the Desmonds), and in Cork, where they were lords of Youghal and Inchiquin.<sup>29</sup> Some of these other interests were maintained by their heirs for longer than we might think. After the death of Richard de Clare's young son in 1321, the de Clare lands were inherited by Richard's sisters, who had married into the Badlesmere and Clifford families.<sup>30</sup> In the 1370s and 1380s Sir Thomas Clifford was sheriff of Limerick, headed the county peace commission, acted as a receiver of subsidies, represented Co. Limerick in Irish parliaments, and served as escheator of Ireland.<sup>31</sup> He was sufficiently prominent in the Limerick area to be satirised by a Gaelic poet employed by a Munster lord whom he had offended. The poem lampoons 'the loutish Thomas Clifford' for his physical defects, which included 'a bumpy forehead in a small face, the sure signs of an idiot'.<sup>32</sup>

A visitor to the Limerick area in the 1350s might have encountered members of the Mautravers family – nephews of the John Mautravers implicated in the end of Edward II – in residence at Rathkeale, which was held of Askeaton;<sup>33</sup> and agents of Elizabeth de Burgh, lady of Clare, gathering the rents of her Tipperary and Limerick manors before departing for London or Suffolk.<sup>34</sup> Among other English families who held Limerick or Tipperary property in the earlier fourteenth century were the baronial Moultons of Egremont (Cumberland), also de Clare tenants of Askeaton,<sup>35</sup> and the Marshes (de Mariscos) of Somerset.<sup>36</sup> I mention such cases, not to suggest that north Munster was full of second homes of English nobles and gentry (it was not), but to warn us against the assumption that this region was, from an English perspective, the back of beyond.

Far more significant were the magnates who were rooted in southern Ireland. Munster contained many small or medium-sized lordships in the hands of lineages such as Barry, Roche, Power (*le Poer*), Caunton and Purcell, together with cadet branches of the 'earldom' families, who had migrated to Ireland in the late twelfth century from England or south Wales.<sup>37</sup> But the wider political peripheral lordship', in Frame, *Ire. & Brit.*, pp 31–57 at 49–50. 29 *Inquisitions & extents*, nos. 60–6 and 195–219. 30 Frame, *Eng. lordship*, pp 56–7. Extents of the Badlesmere purparty survive: *Inquisitions & extents*, nos. 288–9, 291–2. There are none for the Clifford purparty, though we know that Robert Clifford (d.1344) held in chief in Knockainy and Corcomohide (Limerick): CIRCLE, Close R. 18 Edw. III, no. 180. 31 CIRCLE, Close R. 48 Edw. III, no. 158; Pat. R. 49 Edw. III, no. 266; Close R., 51 Edw. III, no. 72; Pat. R. 8 Ric. II, no. 93; Close R. 9 Ric. II, no. 73; Robin Frame, 'Commissions of the peace in Ireland, 1302–1461', *AH*, 35 (1992), 3–43 at 20. 32 Ann Dooley, 'Námha agus Cara Dar gCeird: a Dán Leathaoire', *Celtica*, 18 (1986), 125–49 at 138, 145. I am indebted to Dr Peter Crooks for drawing this poem to my attention. 33 *Inquisitions & extents*, nos. 210, 213, 219, 331; Frame, *Eng. lordship*, pp 61–2, 68, 266. 34 Frame, *Eng. lordship*, pp 62–7 (table at 64). 35 *Inquisitions & extents*, nos. 217, 219. 36 E. St J. Brooks, 'The family of Marisco (part II)', *JRSAI*, 61 (1931), 89–112; pedigree in part III, *ibid.*, 62 (1932), 73–4. 37 For a survey,

orientation of Munster depended crucially upon their superiors, the Butlers, earls of Ormond from 1328, and the Geraldines, earls of Desmond from 1329. Their reputation is at best mixed. Historians of the lordship of Ireland, heavily reliant on the records of royal government, have traditionally been great believers in central control.<sup>38</sup> They have echoed the sentiments of Richard Wye, the English bishop of Cloyne. In 1380, celebrating mass for the soul of Philippa of Clarence in the chapel of Dublin castle in the presence of her widower, Edmund Mortimer, the lieutenant of Ireland, he uttered these scandalous words: 'Eternal God, there are two in Munster who destroy us and our goods, namely the earl of Ormond and the earl of Desmond with their followers – whom in the end the Lord will destroy, through our Lord Jesus Christ, amen'.<sup>39</sup> But it is difficult to see how Munster – far from court and distant from Dublin – could have been managed *except* through powerful nobles. This was usually the view of English kings who, as in the case of Edward III and the earl of Desmond, were inclined to turn a deaf ear to the bleatings of their ministers at Dublin.

In Munster, Ormond and Desmond were granted Tipperary and Kerry respectively as great franchises. But the earls' centres of political gravity were not neatly eastern and western. Their lands were widely distributed, and their orbits overlapped, notably in Waterford and east Cork. This made for rivalries that could turn nasty; but they were normally containable, and in fact offered a means of manipulation to the crown. The geographical extent of their interests also meant that second-rank lords were caught up in the earls' webs of clientship and alliance. Dublin officials might deprecate what they saw in Munster, but in some ways patterns of lordship there were fairly stable; indeed, in Ireland as in Scotland, noble careers and noble lives may well have been longer on average than in turbulent late medieval England.<sup>40</sup> Much turned, therefore, on the success or otherwise of royal management of the earls.

From the king's point of view the Butlers were normally part of the solution rather than the problem. They were descended from Theobald Walter, brother of Archbishop Hubert Walter of Canterbury. Alongside their Irish lordships,

see Nicholls, *Gaelic Ire.*, pp 191–200; and for detailed analysis of one area, *idem*, 'The development of lordship in County Cork, 1300–1600', in *Cork hist.*, pp 157–211. The many Geraldine cadet lines in Munster are now surveyed in Paul MacCotter, 'The dynastic ramification of the Geraldines', in *The Geraldines*, pp 170–93 at 181–93. <sup>38</sup> For comments on this tendency, see above, pp 85–8, 169–70; also, Peter Crooks, 'Factions, feuds and noble power in the lordship of Ireland, c.1356–1496', *IHS*, 35:140 (2007), 425–54. <sup>39</sup> *COD* 1350–1413, no. 245. The context is most fully explored in Peter Crooks, 'Factions and noble power in English Ireland, c.1361–1423' (PhD, University of Dublin, 2007), pp 127–62. <sup>40</sup> The careers of the 4th and 5th earls of Kildare spanned 1342–1432, and those of the 2nd, 3rd and 4th earls of Ormond 1347–1452, with a brief minority after 1405. The 1st, 3rd and 7th earls of Desmond each ruled for over forty years between 1314 and 1463. Cf. Alexander Grant, *Independence and nationhood: Scotland 1306–1469* (London, 1984), pp 127–30.

which included property near Dublin, they had lands in England, which they were keen to augment. Additions in the early fourteenth century included interests in Aylesbury (Bucks) and Shere (Surrey) which provided them with residences close to court. Mostly they married Englishwomen, the first earl hitting the jackpot with Eleanor Bohun, a grand-daughter of Edward I.<sup>41</sup>

The earls of Desmond by contrast have a reputation for rebelliousness.<sup>42</sup> They had nothing in England, indeed almost nothing outside Munster. There was an important marriage alliance with the Berkeleys of Gloucestershire in the 1280s, but in general they found wives within Ireland. Their cultural milieu was more Gaelic: Gerald, the third earl, famously composed verses in Irish.<sup>43</sup> Yet their occasional unruliness had less to do with rejection of royal authority than with a sense of exclusion: their rivals tended to be better connected both in Dublin and at court. The more effective English kings sought to overcome this. Maurice, the second earl, spent part of his youth with Edward III, who took him to France, and facilitated his marriage into the curial Stafford family, who had inherited interests in Kilkenny. When Maurice died childless, the king set aside his brother Nicholas, who was simple-minded, and eased the succession of Gerald the Poet, the next brother in line. Gerald served him without obvious difficulty as governor of Ireland in the 1360s.<sup>44</sup> Likewise, Henry V, having drawn Thomas, the dispossessed fifth earl, to his service in France and tried to restore him, after his death in 1420 accepted the succession of James, the uncle who had ousted him. James survived until 1463; for Co. Limerick his rule – partly thanks to a long truce with the earl of Ormond – appears to have been a time of stability and prosperity.<sup>45</sup>

In one important respect, the history of the royal cities mirrors that of the higher nobility: both enjoyed enlargement of their franchises. Before 1300 the cities already had mayors and the right to discharge their dues to the crown through fixed fee-farms. Thereafter they piled up new jurisdictional exemptions and financial rebates.<sup>46</sup> Some privileges related directly to the separation of Munster from Dublin: in 1331, ‘because of the distance and perils of the way’, new mayors of Waterford were allowed to take their oaths before the outgoing mayor rather than at Dublin.<sup>47</sup> This echoed a privilege already granted

<sup>41</sup> Frame, *Eng. lordship*, pp 30–1, 48–9; Matthew, ‘Lancastrian Lordship’, pp 10–11. See also the biographies of the various earls in *ODNB* and *DIB*. <sup>42</sup> G.O. Sayles, ‘The rebellious first earl of Desmond’, in *Gwynn studies*, pp 203–29. <sup>43</sup> Gearóid Mac Niocail, ‘Duanaire Ghearáid Íarla’, *Studia Hib.*, 3 (1963), 7–59. <sup>44</sup> Frame, *Eng. lordship*, pp 290, 297–8, and ‘Rebellion and rehabilitation: the first earl of Desmond and the English scene’, in *The Geraldines*, pp 194–222; Peter Crooks, ‘The ascent and descent of Desmond under Lancaster and York’, *ibid.*, pp 223–63. <sup>45</sup> C.J. Donnelly, ‘Tower houses and late medieval secular settlement in County Limerick’, in Duffy, *Gaelic Ire.*, pp 315–28 at 327–8. <sup>46</sup> A.F. O’Brien, ‘The royal boroughs, the seaport towns and royal revenues in medieval Ireland’, *JRSAI*, 118 (1988), 13–26; *idem*, ‘The development of the privileges, liberties and immunities of medieval Cork and the growth of an urban autonomy, c.1189–1500’, *JCHAS*, 90:249 (1985), 46–64. See also above, pp 186–8. <sup>47</sup> *Na buirgéisí*, i, pp 255–6.

to Cork,<sup>48</sup> and may be placed alongside other orders, for instance relaxing the requirement for civic officials to make regular proffers at the Dublin exchequer. Such privileges can be viewed negatively, as part of a process of governmental dislocation within Ireland. But they involved frequent negotiation with the crown, and confirmed the position of the cities within the Plantagenet orbit – an orbit, it should be remembered, that for long periods, helpfully for trading purposes, included large parts of northern and western France.<sup>49</sup>

The relationship of Munster and England, and of town and crown, may be illustrated through two vignettes. In 1373 Waterford was pursuing its decades-old commercial rivalry with New Ross, which lay just up-stream.<sup>50</sup> The city gathered together charters and royal edicts, covering a century and a half, and created a roll of evidences for transmission to England. This elaborate petition included images of the city itself, of the four Irish mayors in status order (making the point that Waterford was second only to Dublin), of the kings whose charters had privileged and protected the city, and even of those governors of Ireland who had issued helpful orders since the time of King John.<sup>51</sup> This lobbying was masterminded by the current mayor, William Lombard, who constantly went back and forth across the sea. William was descended from Cambino Donati, one of the Italian bankers who had managed the Irish customs revenues for Edward I. Subsequent generations of Cambino's family rose high in urban and county government in both Waterford and Cork.<sup>52</sup>

The other example is perhaps more striking, for it involves the more distant city of Limerick. John Banbury (alias John Toky) of Limerick (d.1404) was a member of a merchant family that first appears in Ireland in the thirteenth century.<sup>53</sup> He held the plummiest piece of local patronage available to the crown: custody of the fish weirs on the Shannon. In the 1370s and 1380s he exported cloths and hides to the Continent, moving between Ireland and Bristol. But then his career changed emphasis, and he climbed the Bristol hierarchy: during the 1390s he served as bailiff, sheriff, MP for Bristol, mayor of the city and

<sup>48</sup> Ibid., p. 164. <sup>49</sup> Wendy Childs and Timothy O'Neill, 'Overseas trade', in *NHI*, ii, pp 492–534 at 496–8; A.F. O'Brien, 'Commercial relations between Aquitaine and Ireland, c.1000–c.1550', in J.-M. Picard (ed.), *Aquitaine and Ireland in the Middle Ages* (Dublin, 1994), pp 31–80. <sup>50</sup> Eamonn McEneaney, 'Mayors and merchants in medieval Waterford City, 1169–1495', in William Nolan and T.P. Power (eds), *Waterford: history and society* (Dublin, 1992), pp 147–75, at 154–7. <sup>51</sup> Eamonn McEneaney, 'The art of diplomacy: Waterford's fourteenth-century charter roll', *Irish Arts*, 21:i (Spring 2004), 90–5. <sup>52</sup> H.F. Berry, 'Sheriffs of the County Cork: Henry III to 1660', *JRSAI*, 35 (1905), 39–52 at 42, 44–5, 50; *The pipe roll of Cloyne*, ed. Paul MacCotter and K.W. Nicholls (Middleton, 1996), p. 210. <sup>53</sup> For what follows, see W.R. Childs, 'Irish merchants and seamen in late medieval England', *IHS*, 32:125 (2000), 22–43 at 34–5. While Banbury was also known as 'John Toky', the adoption of the name 'Banbury' was not, as suggested here, occasioned by his move to England. He was known as 'Banbury' in Ireland in the 1370s (CIRCLE, Pat. R. 49 Edw. III, no. 160). Men of that name occur in Ireland, some in an urban setting, from the early thirteenth century (*The Dublin guild merchant roll c.1190–1265*, ed. Philomena Connolly and

mayor of the Staple.<sup>54</sup> Yet his Bristol will shows that he was far from shaking the dust of Limerick from his feet: he left property there to his wife, and made bequests to city churches. His career can stand as a symbol of the abundant interactions between Munster and south-west England, the vast majority undocumented.

If the image of the early Tudor Pale, so often casually projected back in time by historians, is a treacherous guide to medieval realities, so too are the Statutes of Kilkenny.<sup>55</sup> This legislation portrayed the English population in Ireland as suffering, not just physical attacks from the Irish, but cultural subversion. Gathering together and expanding earlier enactments, it forbade alliances, marriages and fostering of children, except with official sanction. It insisted that the English speak only English among themselves. It sought to exclude Irish poets and musicians. It outlawed Irish forms of dispute-settlement. It inveighed against the billeting of troops and other exactions associated with Irish styles of lordship. The Statutes of Kilkenny were regularly confirmed, and joined Magna Carta as an emblem of identity and liberty for the English elites in Ireland.<sup>56</sup> The rhetoric of such legislation, like that of ministerial pronouncements, sought to link effective royal lordship with a programme of cultural purity that was scarcely realizable.

It would be tempting to claim that the Kilkenny legislation was wholly irrelevant in Munster, but that would be to go too far. In 1371 in Co. Waterford, John son of William le Poer was committed to gaol because he could not speak English: 'he made fine in 40 pence of silver ... for his release by pledge of Nicholas le Poer [his head of lineage], who undertook on John's behalf that he would devote himself to learning to speak English'.<sup>57</sup> In 1388 Richard II, 'noting the continuing good service that Gerald son of Maurice, earl of Desmond performs for him in Munster, has granted that he may send James his son to be fostered with Conor O'Brien of Thomond, Irishman'.<sup>58</sup> Conchobhair O'Brien was the brother of the current O'Brien leader. James we have already encountered: a younger son, he was to emerge as *de facto* earl of Desmond in 1411 and, on balance, to prove an agent of stability in south-west Ireland. Even amongst the Munster nobility, in certain circumstances cultural differences labelled in 'national' terms could matter sufficiently to require official acts of dispensation. Not surprisingly, awareness of national distinctions is specially

Geoffrey Martin (Dublin, 1992), pp 14, 16, 58; *CJRI 1295–1303*, pp 136, 149–50). <sup>54</sup> For his Bristol career, see C.D. Liddy, *War, politics and finance in late medieval English towns: Bristol, York and the crown 1350–1400* (Woodbridge, 2005), p. 220; and more generally, Brendan Smith, 'Late medieval Ireland and the English connection: Waterford and Bristol, ca.1360–1460', *JBS*, 50:1 (2011), 546–65. <sup>55</sup> *Stat. John–Hen. V*, pp 430–69. <sup>56</sup> Robin Frame, 'Les Engleys nées en Irlande: the English political identity in medieval Ireland', in Frame, *Ire. & Brit.*, pp 131–50; also ch. 5, above. For a wider context, see David Green, 'The Statute of Kilkenny (1366): legislation and the state', *J. Historical Sociology*, 27:2 (2014), 236–62. <sup>57</sup> Cambridge, University Library, Add. MS 3104, fo. 37. <sup>58</sup> CIRCLE, Pat. R. 12 Ric. II, no. 88.

apparent in the towns. Limerick's charter of 1412 from Henry IV included the following extension of its liberties:

that no man being by blood and birth Irish – understanding the term 'Irish' (*hibernicus*) as it is accustomed to be understood in the land of Ireland – may serve as mayor or occupy any other office within the city; nor may anybody within the city take or maintain a man or child of Irish blood and birth (as defined above) as an apprentice, under the penalty of losing his freedom in the city.<sup>59</sup>

This clause is fascinating not least in confirming other evidence that by 1400 the English of Ireland were uneasily aware that the legal distinctions that mattered so much in Ireland were likely to be lost on the English of England, who were inclined to label everybody who came from Ireland 'Irish'.<sup>60</sup> But of course all these examples can be read two ways: as evidence either of the persistence of boundaries and identities, or of the extent to which these were in practice being crossed. Perhaps the most marked feature of Munster was its cultural hybridity; and this, despite the assumptions of the Kilkenny legislation, might be regarded as its strength.

Take the case of James Butler, the fourth earl of Ormond, who died in 1452 after nearly fifty years as earl.<sup>61</sup> It would be easy to cherry-pick evidence in order to create an image of Ormond as, in essence, an English noble whose main interests just happened to lie in Ireland. In his youth he had been retained by Henry IV's son, Thomas of Lancaster, duke of Clarence, then lieutenant of Ireland. There followed decades of service to the crown, in Ireland, England and France. When Ormond was himself appointed lieutenant for the first time, in 1420, he commissioned the Dublin scholar James Yonge to produce a version, in English, of the *Secreta Secretorum*, a pseudo-Aristotelian 'Mirror for Princes'. Yonge lost no opportunity of presenting the Irish as Ormond's natural foes:

therefore noble and gracious lord consider your Irish enemies and their ancestors: not one of them was true to you or to your father, except when you were stronger than they. You know yourself that Art MacMurrough was no longer true nor kept the peace ... for all the great oaths that he swore.<sup>62</sup>

At this time Ormond was hoping that Henry V, now that he seemed to have won the wars in France, would shift his attention to Ireland. He lobbied the king's brothers, the royal council, and the earl of March for a royal visit, buttressing

<sup>59</sup> *Na buirgéisí*, i, 245–6. <sup>60</sup> Art Cosgrove, 'England and Ireland, 1399–1447', in *NHI*, ii, pp. 525–32 at 527–30; J.L. Bolton, 'Irish migration to England in the Middle Ages: the orders of 1394 and 1440', *IHS*, 32:125 (2000), 1–21. <sup>61</sup> His life is outlined by Elizabeth Matthew, 'Butler, James, fourth earl of Ormond', *ODNB*. <sup>62</sup> *Three prose versions of the Secreta Secretorum*, ed. Richard Steele (Early English Text Society, extra ser. 74, London,

his appeals by stressing the strength of the crown's title to Ireland. Using Yonge's researches, he reminded Henry of the submissions of the Irish leaders to Richard II, of the grants by twelfth-century popes to Henry II, and of the tributes paid by Irish leaders to King Arthur.<sup>63</sup> The Butlers were patrons of Holycross abbey in Tipperary, which they enriched during the fifteenth century. In this light it seems wholly appropriate to find in the chancel the royal arms of England given pride of place, alongside those of Ormond and Desmond.<sup>64</sup>

And yet if we look at Ormond's lordship at regional level the picture becomes less culturally monochrome. Around 1447 he issued ordinances for the government of Tipperary. Nobody was to be allowed to 'spend' the county or demand food and lodging except with his leave. Only his kern (footsoldiers) or those of his appointed deputies could demand coign – that is, the billeting and hospitality that amounted to taxation, and was loathed by the 'English' communities in the river valleys of Leinster and Munster.<sup>65</sup> His lordship, in other words, exploited precisely the sort of 'Irish' exactions that had been condemned at Kilkenny. These were normal in the smaller lordships of Munster. In 1402 John Barry and Patrick Caunton made a special concession to the bishop of Cloyne, that his lands and tenants would be exempted from – in rough translation – 'levies for troops, billeting, escort or protection money, and tolls on travellers'.<sup>66</sup> There can be no doubt that lordship in Munster was in these and other respects, though not perhaps in every respect, hibernicized.

Moreover, Ormond himself, like all magnates in Ireland, was tied to Gaelic society by a complicated weave of friendships and enmities. This is apparent from politically charged bardic poetry. One poet lamented Ormond's absences from Ireland, on the grounds that only he could keep the English of Ireland in order, and build bridges with Gaelic Irish leaders:

The earl is become a stranger in Éire, being absent every year; he has  
made Fódla [Ireland] almost forget him; he now requires someone to  
reintroduce him ...

His hosting into France brought him fame ...

I shall not cease to reproach James Butler until he resolve, when leaving  
Éire for a time, to leave her in charge of her native princes ...

To leave over Éire men of her own noble races, men whom thou shalt have  
proclaimed as princes around the assembly-hills.<sup>67</sup>

1898), p. 166. For Yonge, see T.P. Dolan, *ODNB*. 63 *PPC*, ii, pp 50–2. For this episode, see Elizabeth Matthew, 'Henry V and the proposal for an Irish crusade', in Smith, *Ire. & Eng. world*, pp 161–75. 64 Roger Stalley, *The Cistercian monasteries of Ireland* (London and New Haven, 1987), pp 200–2. 65 C.A. Empey and Katharine Simms, 'The ordinances of the White Earl and the problem of coign in the late Middle Ages', *PRIA*, 75C:8 (1975), 161–87, at 186. 66 *Pipe roll of Cloyne*, pp 122–5; *Materials for the history of the Franciscan province of Ireland 1230–1450*, ed. E.B. Fitzmaurice and A.G. Little (Manchester, 1920), p. 171. On late medieval Gaelic lordship, see Nicholls, *Gaelic Ire.*, ch. 2. 67 *Aithdioghlum*

Similar tropes had appeared a century earlier in relation to the young earl of Desmond who had spent time at Edward III's court. This both impressed and saddened the poet, Gofraídh Fíonn Ó Dálaigh:

Since the day that the son of FitzThomas, of the tall figure, departed, we  
 look not westwards, but our eyes are turned to the east after him.  
 Until I see Sir Maurice's sail above a ship, I watch the company of every  
 vessel from the bosom of every cliff.  
 Strange that I should rage against the king of England, of the gallant  
 hosts, because he keeps with him the bright joyous one in mirth and  
 revelry.  
 With his fosterer, the king of England – a mighty expedition – he goes to  
 France, the beautiful land of swans, of feasts, and of dark wine.<sup>68</sup>

It is not helpful to try to categorize magnates such as these as 'English' or 'Irish'; they were skilled at inhabiting more than one cultural environment and at reconciling what at first sight may appear contradictory political demands. Nor – as the romance influences on late medieval Gaelic poetry may themselves suggest – were those environments sealed off from one another.

My focus has been on the English of Munster. It hardly needs to be said that cultural influences did not flow only in one direction. As Katharine Simms has shown, Gaelic kings and lords in general were not slow to borrow techniques and styles from the outside world, a process that – above all perhaps in Munster – began before the Anglo-Norman invasion.<sup>69</sup> Gearóid Mac Niocaill suggested that Toirrdelbach O'Brien (d.1306) – the Turlough of the 'Triumphs' – was influenced by English common law concepts in extending criminal liability from the individual and his kin to territorial communities.<sup>70</sup> The tombs and seals of O'Brien and MacCarthy rulers have been used as evidence by Freya Verstraten-Veach in her study of the changing vocabulary and iconography of Gaelic kingship and lordship, as Irish rulers accommodated themselves to changing circumstances from the thirteenth century onwards.<sup>71</sup> But it is with two Munster prelates of Irish origin that I shall leave you. They lived at opposite ends of our period. Both suggest the dangers of facile stereotyping along national lines. Early in the thirteenth century, a new constitution was introduced to Limerick cathedral. Its author was not one of the first Anglo-Norman bishops, but their Irish predecessor, Bishop Donnchad O'Brien (d.c.1207), who, in the words of his charter, remodelled the cathedral chapter

Dána, ed. Lambert McKenna, 2 vols (ITS 40, Dublin, 1940), ii, no. 36, stanzas 1, 21–2, 26. On such poetry, see Katharine Simms, 'Bards and barons: the Anglo-Irish aristocracy and the native culture', in *Med. frontier societies*, pp 177–97. 68 Osborne Bergin, *Irish bardic poetry*, ed. David Greene and Fergus Kelly (Dublin, 1970), no. 17, stanzas 6–8, 12. 69 Simms, *Kings*. 70 'The interaction of laws', in Lydon, *Eng. in med. Ire.*, pp 105–17 at 109. 71 'Images of Gaelic lordship in Ireland, c.1200–c.1400', in *Lordship in med. Ire.*,

'bearing in mind the English model' (*anglicanam considerantes consuetudinem*).<sup>72</sup> Two centuries later, in 1421, the archbishop of Cashel, Richard O'Hedian (1406–40), was denounced by his suffragan of Waterford and Lismore for his allegedly rabid anti-English prejudices. Yet the archbishop owned a copy of the English parliamentary tract, the *Modus tenendi parliamentum*, a document that seems to have had more impact on the practical politics of the Lordship of Ireland, in which he participated, than on those of England itself.<sup>73</sup>

I am conscious of a checklist of matters, some gloomy, that I have not mentioned: plague, urban decline, the spread of pastoralism and with it of cattle-raiding, the secularizing of religious houses.<sup>74</sup> Even so, I do not think that we should start from the assumption that later medieval Munster was a particularly impoverished or unstable society. When fourteenth-century governors of Ireland did spend time there, the Irish revenues surged.<sup>75</sup> Two of them – Sir Thomas Rokeby in the 1350s and Sir William Windsor in the 1370s – were keen enough to acquire southern estates.<sup>76</sup> Such straws in the wind accord with comments by recent scholars working on various aspects of late medieval and early modern Munster history. Tom McNeill has commented that the record of castle-building suggests that the southern lordships may have been in a better state than the Pale.<sup>77</sup> A.F. O'Brien and Howard Clarke have commented on the fact that, when trade picked up from the later fifteenth century, the port towns were well placed to channel the characteristic products of their 'gaelicized' hinterlands.<sup>78</sup> The Old English elite proved resilient during the upheavals of the late sixteenth and early seventeenth centuries; its continued vigour is apparent, for instance, in the amount of land its members still held in Munster in 1641, and in the prominence of surnames characteristic of the twelfth- and thirteenth-century settlers in the records of the poll tax of 1660.<sup>79</sup> Perhaps late medieval Munster benefited from the fact that its 'mixed'

pp 47–74. <sup>72</sup> *The Black Book of Limerick*, ed. James MacCaffrey (Dublin, 1907), pp 115–7; G.J. Hand, 'The medieval chapter of St Mary's cathedral, Limerick', in *Gwynn studies*, pp 74–89 at 75–6. See Katharine Simms, 'Frontiers in the Irish church: regional and cultural', in *Colony & frontier*, pp 177–200. <sup>73</sup> Nicholas Pronay and John Taylor, *Parliamentary texts of the later Middle Ages* (Oxford, 1980), pp 120–2, 205; and, for the episode in 1421, see Otway-Ruthven, *Med. Ire.*, p. 360. See also above, pp 126–7. <sup>74</sup> See, e.g., Clarke, 'Decolonization'; C.A. Empey, 'The sacred and the secular: the Augustinian priory of Kells in Ossory, 1193–1541', *IHS*, 24:94 (1984), 131–51; Maria Kelly, *A history of the Black Death in Ireland* (Stroud, 2001). <sup>75</sup> Frame, *Eng. lordship*, pp 83–5; Philomena Connolly, 'The financing of English expeditions to Ireland, 1361–76', in Lydon, *Eng. & Ire.*, pp 104–21 at 109. <sup>76</sup> Above, pp 322–3; *Inquisitions & extents*, nos. 313–14; *COD 1350–1413*, no. 125; *COD 1413–1509*, nos. 3, 26–7. <sup>77</sup> *Castles in Ireland: feudal power in a Gaelic world* (London, 1997), pp 224–6. <sup>78</sup> O'Brien, 'Royal boroughs', 25–6; Clarke, 'Decolonization', 173–7. <sup>79</sup> MacCarthy-Morrogh, *Munster plantation*, p. 273; Aidan Clarke, *The Old English in Ireland, 1625–1642* (London, 1966), pp 236–7; W.J. Smyth, 'The making of Ireland: agenda and perspectives in cultural geography', in *An historical geography of Ireland*, ed. B.J. Graham and L.J. Proudfoot (London, 1993), pp 399–438, at 416–20.

character was attended by less friction than in the closely monitored region around Dublin. For all Munster's idiosyncratic features, its relations with the crown – primarily expressed through the allegiances of towns and great nobles – had much in common with those of other outlying provinces of late medieval realms. The problems originated elsewhere: in the dynastic instability of late fifteenth-century England, and then in the altered religious and political expectations of the sixteenth century. As so often, it was the English, or perhaps more accurately the outside world, that changed the rules of what had been a perfectly viable game.

# Index

Irish surnames are indexed in their English forms, with the Gaelic form, as given in *NHI*, ii, in brackets. Members of the Plantagenet royal house are indexed under their Christian names. Men bearing English noble titles are indexed under their surnames, with the exception of the Geraldine (later FitzGerald) dynasty, who are grouped under 'Geraldines' ('of Desmond', 'of Offaly'). Married women are normally indexed under their surnames before marriage. A family name such as de Burgh is indexed under B. Places outside Ireland, mentioned in passing, are not indexed, nor are places mentioned only in footnotes or tables. Persons named only in footnotes are indexed selectively. Men who held the chief governorship, whether as justiciar, king's lieutenant or a deputy, are marked **G**. The names of historians writing after c.1870 are italicized.

The following abbreviations are used:

abp(c)	archbishop(ric)	dau.	daughter
bar.	barony	dk	duke
bp(c)	bishop(ric)	e.	earl
Co.	county	k.	killed
cs	countess	s.	son
d.	died	w.	wife

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